



dorset
C O U N C I L

Minutes

Council Meeting

16 November 2020

it's in the making

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Council Meeting Minutes 16 November 2020

Meeting Opened: 6:00pm

Present: Crs Greg Howard (Mayor), Dale Jessup (Deputy Mayor), Wendy McLennan, Mervyn Chilcott, Edwina Powell, Jan Hughes, Murray Lade, Jerrod Nichols, Leonie Stein

General Manager: Tim Watson, Director – Corporate Services: John Marik, Director – Community & Development: Rohan Willis, Town Planner: Thomas Wagenknecht

Apologies: Director – Works & Infrastructure: Dwaine Griffin

Item 168/20 Confirmation of Ordinary Council Meeting Minutes – 19 October 2020
Ref: DOC/20/11665

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 19 October 2020, finds them to be a true record and recommends that they be taken as read and signed as a correct record.

Decision

MOVED: Cr Nichols | **SECONDED:** Cr Chilcott

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 19 October 2020 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

The Chair to ask Councillors if there are any questions they wish to ask in relation to the Closed Session Minutes that would require them to be discussed in Closed Session

Item 169/20 Confirmation of Ordinary Council Meeting Closed Session Minutes – 19 October 2020
Ref: DOC/20/11668

The Chair reported that he had viewed the minutes of the Ordinary Meeting Closed Session held on Monday, 19 October 2020, finds them to be a true record and recommends that they be taken as read and signed as a correct record.

Decision

MOVED: Cr Stein | SECONDED: Cr Hughes

That the Minutes of Proceedings of the Dorset Council Ordinary Closed Session Meeting held on 19 October 2020 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

Item 170/20 Confirmation of Agenda

Decision

MOVED: Cr Jessup | SECONDED: Cr Chilcott

That Council confirm the Agenda and order of business for the 16 November 2020 Council Meeting.

CARRIED UNANIMOUSLY

Item 171/20 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 Lade Item 179 (Pecuniary)

Item 172/20 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 Stein | SECONDED: Cr Lade

That the Management Team Briefing Report be received and noted.

CARRIED UNANIMOUSLY

Item 173/20 Council Workshops Held Since Last Council Meeting

3 November | Council Briefing Workshop

Item 174/20 Councillor Applications for Leave of Absence

Nil

Item 175/20 Public Question Time

The following questions have been received on notice:

Ross Watson, Scottsdale – 27 October 2020

- 1. What is the total waste management costs incurred by the Dorset Council in the financial years 30 June 2018, 2019 and 2020 respectively?*
- 2. Confirm that the Waste Management Contractual Commitments disclosed at Note 42 of the 2017 Annual Report for the 2018 year are included in the total of the costs incurred in the 2018 year.*
- 3. In respect of the 2020 year, details of costs making up the total in respect of waste management cost (other than those subject to confidentiality agreements).*
- 4. If the information requested at points 1, 2 and 3 is considered commercial in confidence, how such a decision can be made in respect of each respective years particularly the 2020 year when the Council provided the majority of the services via its own resources.*

Response from Director – Corporate Services, John Marik:

The current waste strategy was first presented to Councillors in March 2018 with periodic updates made to Council and the community of progress. This series of questions is voluminous and duplicates previous information supplied.

Lawrence Archer, Bridport – 30 October 2020

For what specific projects did Council borrow the most recent 3.2 Million dollars and what are the individual costs of those projects.

Response from Mayor Greg Howard:

In the Agenda Item 145/20 from the September meeting, it is very clearly articulated that the loan was for the funding of the Scottsdale Swimming Pool. I am not sure which part of that you cannot comprehend. The cost of the pool has been on the public record for some time now as being in the vicinity of \$7 million. I suggest in future you read the agendas before asking questions for which answers have been already provided.

Karl Willrath, Scottsdale – 7 October 2020

In Mayor Howard's opinion piece (N-E Advertiser 2/9/20) by way of "explanation" for GM Tim Watson's mishandling of the new Council depot at Derby, Howard stated it was because Tim was suffering from an acute medical condition, namely a mental health issue.

Under the circumstances, it would be fair and reasonable to ask:

- 1. What is Mr Watson's diagnoses and prognoses?*
- 2. Did the Mayor receive written permission from Mr Watson to divulge his mental health issues to the community?*
- 3. Was advice taken from Mr Watson's mental health professional in relation to disclosing personal health information to the community?*

Response from Mayor Greg Howard:

The personal circumstances of staff and Councillors are not appropriate subjects for Public Question Time. For this reason I am not allowing these questions.

Does Dorset Council have trainee office staff and are they state gov subsidised?

Response from Mayor Greg Howard:

Yes.

Lawrence Archer, Bridport

In response to a question at a previous meeting, you answered that there was no mezzanine floor in the new Derby Depot building. Have you confirmed the correctness of that with the General Manager?

Response from Mayor Greg Howard:

Yes

Through you Mr Mayor to the General Manager. Did you authorise the building and has any construction started, or did any construction start on a mezzanine floor in the Depot building?

Response from General Manager, Tim Watson:

No I did not authorise the construction of a mezzanine floor and no, construction of a mezzanine floor has not occurred.

The Council has recently conducted the performance review of the General Manager. What, if any, decisions were made following that review?

Response from Mayor Greg Howard:

The performance review of the General Manager is part of his contract negotiations and they are not for public information, they are private.

I'm asking what decisions were made following that review?

Response from Mayor Greg Howard:

As per the previous answer, it is all private and confidential as it was conducted in Closed Session of Council.

So, even if the Council may have made a decision, it isn't for public knowledge?

Response from Mayor Greg Howard:

That is correct.

Item 176/20 Deputations

*Maggie Wilson – Item 179 | Planning Application – Visitor Accommodation (2 Units)
(Deputation attached to minutes | Ref: DOC/20/12659)*

Item 177/20 Councillor Question Time

Councillor Leonie Stein:

I was asked over the weekend regarding the Marine and Safety Tasmania (MAST) Foreshore Study and when the study was done and what the results were. It was put to me that some residents believe that Council is holding onto that report without publishing it, so can I ask where the report is and what is the status?

Response from Mayor Greg Howard:

Firstly, it isn't a Council report it is a MAST report, therefore Council would not be entitled to release that to the public, even if it was ready for release. Secondly, it was provided to the stakeholders and the members of the Committee in a draft form for comment. It is my understanding that there has been some disagreement on the recommendations by some stakeholders, with feedback forwarded to MAST for their consideration and it currently is still with them.

Councillor Mervyn Chilcott:

The design for Charles Street, Bridport for boat parking, has that been completed yet?

Response from Mayor Greg Howard:

The design is still under discussion with the completion a long way away yet.

Is there a possibility that the plan might be next to the Pier beach and leave Charles Street for the residents that are up there?

Response from Mayor Greg Howard:

Until we get a design anything is possible. It is not something that has been considered. Charles Street has quite a bit of space to accommodate additional parking spaces and still leave room for pedestrians and residents.

Just out of Scottsdale there are a couple of signs that have been erected – Northern Forage trail – what are they all about?

Response from Executive Assistant, Sarah Forsyth:

I believe that this road trip was mentioned in the Visit Northern Tasmania presentation at a previous Council Workshop. They were supposed to be launched prior to COVID-19, however are just being advertised now – with a feature in the Examiner Newspaper last Friday.

Deputy Mayor Dale Jessup:

I've got a question regarding public question time, and questions received on notice from Karl Willrath which the Mayor has deemed inappropriate – which I totally agree with. My question is, if we receive questions from members of the public are we required to put them in the agenda.

Response from Mayor Greg Howard:

Yes, and the reasons for refusal.

Item 178/20 Notices of Motion by Councillors

Councillor Edwina Powell

That an Acknowledgement of Country be made at the beginning of Dorset Council Meetings.

This Notice of Motion will be presented at the 21 December 2020 Council Meeting.

Cr Lade declared a Pecuniary Interest in Item 179 and left the Meeting prior to discussion (6:17pm)

***Councillors were reminded that they are acting as a Planning Authority for Item 179/20*

Item 179/20 Planning Application – Visitor Accommodation (2 Units) | 11 Richard Street BRIDPORT and Richard Street BRIDPORT (Council Road Reserve)
Reporting Officer: Town Planner, Thomas Wagenknecht
Ref: DOC/20/12515 | PLA/2020/100

Purpose

The purpose of this report is for Council to consider a proposal for the construction of two visitor accommodation units at 11 Richard Street, Bridport. Vehicle access would be available

to the site from Joseph Street Bridport and Richard Street (Council maintained roads). Works to the Richard Street vehicle access would be required as part of the proposal.

Recommendation

It is recommended that the proposal for the construction of two (2) visitor accommodation units at the subject land, be approved subject to the following conditions:

Decision

MOVED: Cr Nichols | SECONDED: Cr Jessup

It is recommended that the proposal for the construction of two (2) visitor accommodation units at the subject land, be approved subject to the following conditions:

1. Basis of Approval

The use and development is approved and must be undertaken in accordance with the Endorsed Documents, except where specified otherwise in this permit and documents lodged with this application (PLA/2020/100). Any substantial variation from this application will require the further planning consent of the Council.

2. TasWater

The development must be in accordance with the conditions provided within the Submission to Planning Authority Notice issued by TasWater dated 5 October 2020 (Reference No. TWDA 2020/01515-DC, copy attached to this permit).

3. Construction of Crossover – Richard Street

Prior to the commencement of the approved use of Unit 1, vehicle access to the subject land from the road verge of Richard Street must be designed and constructed with an impervious all weather seal, to the satisfaction of Council's Town Planner.

4. Construction of Vehicle Parking and Internal Access

Prior to the commencement of the approved use, and to the satisfaction of Council's Town Planner, areas set aside for the parking of vehicles, together with the aisles and access lanes, must be provided with an impervious all weather seal that is:

- a) constructed, drained and maintained; and
- b) marked or provided with clear physical means to delineate vehicle parking spaces.

NOTE: For the purpose of this permit “**the person responsible**”, depending on the context, means:

- a) The person who has and takes the benefit of this permit for the undertaking of the use or development authorised pursuant to it;
- b) The person or persons who undertake development or use pursuant to this permit; and
- c) Servants, agents and contractors, in each case of such persons.

ADVISORY NOTES

(i) Permission in Writing

Any reference to the need for Council approval of a matter or thing prescribed under the conditions pertinent to this permit requires such approval to be given in writing.

(ii) Objections to Proposal

This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.

(iii) Appeal Provisions

Attention is directed to sections 61 and 62 of the *Land Use Planning and Approvals Act 1993* (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

- a) A planning appeal may be instituted by lodging a notice of appeal with the Clerk of the Resource Management and Planning Appeal Tribunal.
- b) A planning appeal may be instituted within 14 days of the date the planning authority serves notice of the decision on the applicant.

(iv) Permit Commencement

This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing.

(v) Period of Approval

Pursuant to Section 53(5) the *Land Use Planning and Approvals Act 1993*, this approval will lapse after a period of two (2) years from:

- a) the date on which the permit is granted; or
- b) if an appeal has been instituted against the planning authority's decision to grant the permit, the date of the determination or abandonment of the appeal,

if the use or development is not substantially commenced within that period.

(vi) Strata Title Approval

This proposal may be Strata Titled. Prior to the creation of any strata title, a strata plan must be submitted to Council for approval. As part of any approval it will be important to ensure that public, communal, and private areas such as driveways, site services, and any waste collection points are clearly delineated.

(vi) Other Approvals

This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:

- a) Works in a Council Road Reserve Approval (Richard Street)
- b) Building approval
- c) Plumbing approval

CARRIED

Councillor Lade returned to the Meeting (6:25pm)

Item 180/20

Community Consultation and Communications Policy Review

Reporting Officer: General Manager: Tim Watson

Ref: DOC/20/12421 | Policy: 16/2557

Purpose

The purpose of this agenda item is to review Policy 39 – Community Consultation and Communications.

Recommendation

That Council adopt the reviewed and unchanged Policy 39 – Community Consultation and Communications.

MOVED: Cr Hughes | SECONDED: Cr Jessup

That Council adopt the reviewed and unchanged Policy 39 – Community Consultation and Communications.

Procedural Motion

Decision

MOVED: Cr McLennan | SECONDED: Cr Powell

That the Item be deferred until the Local Government Act review is complete.

Voting For the Procedural Motion: Crs McLennan, Powell, Hughes, Lade, Nichols, Stein

Voting Against the Procedural Motion: Mayor Howard, Deputy Mayor Jessup, Cr Chilcott

CARRIED

Item 181/20

Scottsdale Irrigation Scheme Update

Reporting Officer: General Manager: Tim Watson

Ref: DOC/20/12420

Purpose

The purpose of this agenda item is to provide an update on Council’s financial commitment to the Scottsdale Irrigation Scheme (the Scheme).

Recommendation

That Council receive and note the update on Council’s financial commitment to the Scottsdale Irrigation Scheme.

Decision

MOVED: Cr Jessup | SECONDED: Cr Chilcott

That Council receive and note the update on Council’s financial commitment to the Scottsdale Irrigation Scheme.

CARRIED UNANIMOUSLY

Item 182/20

Budget Variation 3 of 2020/21 – North East Axeman’s Association 2021 Woodchopping Event

Reporting Officer: General Manager: Tim Watson

Ref: DOC/20/12452

Purpose

The purpose of this agenda item is to seek a variation to the Budget Estimates for 2020/21.

Recommendation

That Council approve a variation to the 2020/21 Budget Estimates of \$3,000 as a contribution to the 2021 Eric Reece Memorial Tasmanian Government Thousands Woodchopping Event being hosted by the North East Axeman’s Association.

Decision

MOVED: Cr McLennan | SECONDED: Cr Nichols

That Council approve a variation to the 2020/21 Budget Estimates of \$3,000 as a contribution to the 2021 Eric Reece Memorial Tasmanian Government Thousands Woodchopping Event being hosted by the North East Axeman’s Association.

CARRIED UNANIMOUSLY

Item 183/20

2020/21 Annual Plan Variation

Reporting Officer: Director – Corporate Services: John Marik

Ref: DOC/20/12542 | Annual Plan September Quarter Update: DOC/20/8254

Purpose

The purpose of this agenda item is to vary the 2020/21 Annual Plan.

Recommendation

That Council defer Item 1 “Commence annual review of Strategic Plan” to the June 2021 quarter.

Decision

MOVED: Cr Hughes | SECONDED: Cr Stein

That Council defer Item 1 “Commence annual review of Strategic Plan” to the June 2021 quarter.

CARRIED UNANIMOUSLY

Time Meeting Closed: 6:42pm

Minutes Confirmed: 21 December 2020

Minute No: 184/20

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Mayor