



*dorset*  
C O U N C I L

# Ordinary Minutes

Council Meeting

17 February 2020

*it's in the making*

## Contents

Item 16/20	Confirmation of Ordinary Council Meeting Minutes – 20 January 2020 .....	3
	Decision.....	3
Item 17/20	Confirmation of Agenda .....	3
	Decision.....	3
Item 18/20	Declaration of an Interest of a Councillor or Close Associate.....	4
Item 19/20	Management Team Briefing Report .....	4
	Decision.....	4
Item 20/20	Council Workshops Held Since Last Council Meeting .....	4
Item 21/20	Councillor Applications for Leave of Absence .....	4
Item 22/20	Public Question Time .....	4
Item 23/20	Deputations .....	10
Item 24/20	Councillor Question Time.....	10
Item 25/20	Notices of Motion by Councillors .....	12
Item 26/20	Corporate Credit Card Policy Review.....	12
	Decision.....	12
Item 27/20	Planning Application – Residential and Retail Complex (Multiple Dwellings x 2 and Retail Outlets x 2) - 69 Main Street DERBY .....	12
	Decision.....	13
Time Meeting Closed:	6.58 pm.....	16



## Council Meeting Minutes 17 February 2020

---

**Meeting Opened:** 6.00pm

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

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

**Apologies:** Cr Leonie Stein

**Item 16/20** Confirmation of Ordinary Council Meeting Minutes – 20 January 2020  
Ref: DOC/20/584

---

*The Chair reported that he had viewed the minutes of the meeting of the Ordinary Meeting held on Monday, 20 January 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 Chilcott | **SECONDED:** Cr Powell

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 20 January 2020 having been circulated to all Councillors, be confirmed as a true record.

Carried Unanimously

**Item 17/20** Confirmation of Agenda

---

### Decision

**MOVED:** Cr Jessup | **SECONDED:** Cr Hughes

That Council confirm the Agenda and order of business for the 17 February 2020 Council Meeting.

Carried Unanimously

---

**Item 18/20 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 Howard Item 26/20

---

**Item 19/20 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 McLennan | SECONDED: Cr Lade

That the Management Team Briefing Report be received and noted.

Carried Unanimously

---

**Item 20/20 Council Workshops Held Since Last Council Meeting**

---

4 February 2020 | Council Briefing Workshop

---

**Item 21/20 Councillor Applications for Leave of Absence**

---

Nil

---

**Item 22/20 Public Question Time**

---

The following questions were received on notice on 10 February 2020:

**Mr Karl Willrath:**

*In response to a question I asked at the 16<sup>th</sup> September 2019 meeting re Code of Conduct for council staff, Mayor Howard stated*

*"No, however we will be pushing for a Code of Conduct for the very small percentage of residents who continue to harass and bully our staff and Councillors."*

1. *Can you please give the constituents of the Dorset Shire an update of the council workshop, that was presumably held in regards to introducing a Code of Conduct for residents?*

**Response from Mayor Greg Howard:**

Council Briefing Workshop discussions are confidential.

2. *As placing a Code of Conduct on residents would take state government legislation, could you please table all correspondence, to and from, the Minister of local gov, the Hon Mark Shelton?*

**Response from Mayor Greg Howard:**

There has been no formal correspondence with the Minister.

*A Code of Conduct hearing had to be unexpectedly adjourned on the 27 November 2019 because Mayor Howard was driving his motor vehicle.*

1. *Is the Mayor concerned of, or is aware of, any formal action being taken against you for this behaviour that was considered inappropriate by the Conduct Panel?*

**Response from Mayor Greg Howard:**

The Panel is entitled to their opinion but have no punitive powers in this space.

*At the 20<sup>th</sup> Jan meeting, there were two Code of Conduct determinations reports in relation to Mayor Howard, that were tabled. One of the Panel's comments stated*

*"The Council's Policy #41 (Public Question Time and Deputations) should be updated to include that part of the meeting that enables Councillor Question Time and to cover the situation where a councillor asks a question on behalf of a constituent."*

1. *As the local gov act is silent on the topic of a Councillor asking anonymous questions on behalf of a constituent, to prevent any future angst and expense, is the advice from the Conduct Panel going to be adhered to?*

**Response from Mayor Greg Howard:**

The Panel has no power to direct Council Policy. Their advice was ill informed and showed a complete lack of understanding of the aim of Public Question Time. Council's position has been to provide Councillors the opportunity to raise issues in Councillor Question Time.

2. *At the 20<sup>th</sup> Jan meeting, when these two reports were tabled, you elected not to leave the Chair. Do you think this decision was correct?*

**Response from Mayor Greg Howard:**

Yes

3. *As no discussion was entered into by any of the Councillors, does the Mayor agree that by not leaving the Chair discussion was stifled?*

**Response from Mayor Greg Howard:**

No

\*\*\*\*\*

**Patsy Cameron:**

*Is the Mayor aware that the Aboriginal and Dual Naming Policy 2019 has been released and requires Council to have an input into the process of naming Country?*

**Response from Mayor Greg Howard:**

Council are aware, however, we have not discussed the matter in detail.

*Is there a way that I could assist Council in informing Council more about the Policy and also to advise Council about naming of Country that I am involved with?*

**Response from Mayor Greg Howard:**

After Council have had a discussion, we would welcome your advice and assistance.

**Vincent Teichmann:**

*Has Council been monitoring the bacterial counts or other indicators of septic discharge in the Ringarooma River at Derby since the whole mountain biking boom has taken off? And what is being done to ensure older septic systems are up to the standards required, especially of those properties that are now being used as visitor accommodation, to prevent run off and contamination of our waterways?*

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

The Ringarooma River is not a designated recreational water use area so Council is not required to test it for bacteria. This may be a requirement for Crown Land Services but not for Council.

In relation to private property, Council ensures when approving visitor accommodation that there is a waste water system that will accommodate the number of occupants using the site via a plumbing permit. Council have a level of responsibility to ensure that permits are complied with and that systems are not failing. In terms of ongoing monitoring of existing wastewater systems for dwellings that were constructed prior to current standards, Council monitor and act as required.

**Further Response from General Manager, Tim Watson:**

Council have written to TasWater suggesting that Derby needs to be made a priority in terms of waste water. Council have received a response from TasWater and will be discussing this further at the next Council Briefing Workshop.

*Did Council receive an insurance payout for the Old Station Road Bridge when it was damaged/demolished many years ago? If so, why has the bridge not been replaced? Is this something Council is intending to do, and if so, when?*

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

I don't believe that Council received an insurance payout for the damaged bridge. It does precede my time on Council, but I understand there was a long debate about the bridge at the time and Council chose not to replace it.

*Does Council have responsibility for the maintenance and improvement to the Cascade Dam Road up to the Black Stump trail head? If so, how is Council ensuring that the road is coping with the traffic usage?*

**Response from Mayor Greg Howard:**

Part of the road is Council and part of it is Crown Land. We understand there are issues and we have done substantial remedial works. We've had discussions with the State Government about getting a grant to potentially split the traffic between Lower Cascade Road and the current Cascade Road, both of which would be made one way. We're still in negotiations as to what they might be prepared to do.

*What section of the road is Council's responsibility?*

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

The extent of Council's responsibility is from the intersection with Main Street to approximately the Trail View House accommodation on Cascade Dam Road. Regardless of the ownership/maintenance responsibility, Council has been upgrading the whole section of road to Black Stump due to the usage of the road.

*Why isn't Council taking a leadership role in redeveloping the current Derby Depot to ensure it will optimally serve the needs of visitors and residents alike?*

**Response from Mayor Greg Howard:**

We've taken the opportunity to involve the town in the redevelopment of the site by forming the Derby Community Trust. Council think that gives the town more of an opportunity to become involved as well as provide a reasonable outcome.

*Doesn't it seem risky to put such a large project into the hands of unpaid volunteers, instead of experienced, paid staff when you think about the potential of this to affect the growth and reputation of Derby in the long term?*

**Response from Mayor Greg Howard:**

Council will have a position on the board of the Community Trust. Council have discussed this over the past few months and are comfortable with the model put forward.

**Judy Barnes:**

*The entrance coming out of the Gladstone tip and also coming out of Edward Street has started to become quite dangerous with the increased traffic and you can't see until you're nearly in the middle of the road. Could Council install some sort of reflector mirrors so you can see the traffic that's coming?*

**Question Taken on Notice**

**Comment from Mayor Greg Howard:**

I encourage you to use our customer service request system for issues like that so it can be looked at by Council within a specific timeframe and you don't have to wait until a specific meeting such as this to report it.

*Regarding the recent town water works, are any of the Councillors aware that a lot of the leftover pipes and things have been dumped in a gully down past the tip?*

**Response from Mayor Greg Howard:**

That certainly shouldn't happen. We'll take this on board and have a look at and will certainly be having a chat to TasWater if that's the case.

*Our town has many more caravans visiting all geared up with bikes and riders but there are no facilities. People ask where they can put rubbish and some days it's overflowing. I think our area needs a good tidy up and thought considered to accommodate camping.*

**Response from Director – Works & Infrastructure, Dwaine Griffin:**

The wheelie bins with stainless surrounds will be installed early next month so the small green bins will be gone.

**Response from Mayor Greg Howard:**

Gladstone is not a designated camping area, at most we would make it a designated RV site the same as Ringarooma, Winnaleah and Branxholm.

**Vincent Teichmann:**

*Does Council have an idea on how much the Scottsdale Swimming Pool is leaking and how much that is costing per year?*

**Question Taken on Notice**

*Regarding the redevelopment have you actually costed how much it would be to heat an indoor pool and if so, could you tell us what those costings were based on?*

**Response from Mayor Greg Howard:**

The pool is in need of constant maintenance and well and truly past its 60-year-old use by date. I don't have figures off the top of my head but based on the most recently built 25m indoor pool at Circular Head, we understand the Council is losing between \$1-1.4 million a year.

*On that score the gymnasium next door, if there was actually a structure built over the new pool, you could put solar panels on both and I'm sure you'd generate a fairly large amount of power?*

**Response from Mayor Greg Howard:**

That's not the only cost. You've got to have personnel to run the pool and considering the amount of use we get for a municipality the size of Dorset which has less than 7,000 people, you cannot justify it.

**Jenny Bellinger:**

*Thank you for your assistance with the water issue at Pioneer, but could we get a meeting organised with TasWater at Pioneer?*

**Response from Mayor Greg Howard:**

You will have to contact TasWater directly to arrange this, unless you want Council to be in attendance.

*If Council could, please that would be great.*

**Response from Mayor Greg Howard:**

Council will contact TasWater to make arrangements.

*Has there been any thought to tunnels under the road at Derby as a form of road crossing?*

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

No on the sheer expense along. The road is not that busy, people have their views on it, but it isn't a busy road.

**Deb Groves:**

*Have you got any future plans for footpaths in Gladstone?*

**Response from Mayor Greg Howard:**

We have a five-year footpath plan, which we are three years into. Without having it in front of me, I'm not sure what's in the plan for Gladstone. We will review that plan again in order of urgency before it expires across the municipality.

*I live down the bottom end of town and we don't have footpaths just grass and nature strips and since TasWater replaced all the mains, clay has been brought to the surface and I drive a school bus and this area will be muddy with winter approaching.*

**Response from Director – Works & Infrastructure, Dwaine Griffin:**

If TasWater has not rehabilitated that area back to the condition it was in prior to works, you are quite welcome to give them a call – they will come back and repair it.

---

**Item 23/20**

**Deputations**

Nil

---

**Item 24/20**

**Councillor Question Time**

**Councillor Edwina Powell:**

*Why didn't the shop owners in Victoria Street get consulted with regards to the new bus stop? They've lost four valuable car parking spots in one of the busiest streets in Scottsdale and they have witnessed near misses and accidents and are being constantly asked "where are the public toilets?" Why were they not consulted for their opinion?*

**Response from Mayor Greg Howard:**

We spoke with the Assistant Manager at Woolworths, which are the main affected business and they had no issue with it. It really doesn't affect too many of the others as they have car spots down the back and out the front of their businesses. It was chosen due to the low speed that traffic is travelling at and that it had to meet disability requirements. We looked at other sites within the town and none of those met disability requirements nor where they preferred by the Department of State Growth or the bus operators. This is the only area we could find that everyone agreed to and met criteria required by all parties.

*Is there a process of consultation when you're having these sorts of changes? The last time there was some change to where the bus was parked there was quite a furore; the two ladies from Dekara Jane Boutique and JoDonny's are pretty upset about it.*

**Response from Mayor Greg Howard:**

I did have some discussions with them, but it was after the decision was made. Even though there's four spots less, there's usually plenty of parking in that street and

available cars spots in the Woolworths carpark, which is not restricted to Woolworths customers.

**Councillor Mervyn Chilcott:**

*With regard to the bus stop, won't there be chaos when Victoria Street is under reconstruction?*

**Response from Mayor Greg Howard:**

That is definitely something that needs to be factored in when undertaking the reconstruction/design of Victoria Street.

**Councillor Wendy McLennan:**

*Still on that topic, the public toilet situation, are there any other options?*

**Response from Mayor Greg Howard:**

We are aware that we need some public toilets in Victoria Street and most of our efforts so far have been thwarted by various landowners preferring not to sell or lease Council a small section of land to build public toilets on. We're continuing down that track to find someone who is prepared to sell a portion of their land because there's no doubting the need.

**Note from Councillor Jan Hughes:**

Cr McLennan for your information, the toilets at the Cellarbrations Bottle Shop are public toilets and cleaned by Council, so you can tell people that.

**Councillor Edwina Powell:**

*Given that close to 70% of residents surveyed supported the concept of preserving heritage rail, can Council assure rate payers that in the development of the bike track, as new managers of the corridor, that rails and sleepers will be preserved?*

**Response from Mayor Greg Howard:**

What you're talking about is a survey done by the heritage rail people, I know many people who were surveyed two or three times. The model for the rail trail is predicated on removal of the rails and sleepers, and we will proceed on that basis.

**Councillor Mervyn Chilcott:**

*Is there a timeline on that development?*

**Response from Mayor Greg Howard:**

No, the funding ceases on 30 June 2020. Council are currently in negotiations with the Federal Government about how that funding could be replaced from a different source

---

**Item 25/20**                      **Notices of Motion by Councillors**

---

Nil

*Cr Howard declared an interest in Item 26/20 but stated it was immaterial and did not leave the room*

---

**Item 26/20**                      **Corporate Credit Card Policy Review**  
Reporting Officer: Director – Corporate Services, John Marik  
Ref: DOC/20/1283 | Policy: DOC/20/1282

---

**Purpose**

The purpose of this agenda report is to review Council’s Policy No. 17: Corporate Credit Card.

**Recommendation**

That Council adopt the reviewed Policy No 17: Corporate Credit Card.

---

**Decision**

**MOVED: Cr Jessup | SECONDED: Cr Powell**

**That Council adopt the reviewed Policy No 17: Corporate Credit Card.**

**Carried Unanimously**

*\*\*\*Councillors were reminded that they are acting as a Planning Authority for Item 27/20*

---

**Item 27/20**                      **Planning Application – Residential and Retail Complex (Multiple Dwellings x 2 and Retail Outlets x 2) - 69 Main Street DERBY**  
Reporting Officer: Town Planner, Thomas Wagenknecht  
Ref: DOC/20/1516 | PLA/2020/6

---

**Purpose**

The purpose of this report is for Council to consider a proposal for a residential and retail complex (two multiple dwellings and two retail outlets) at 69 Main Street, Derby. On-site car parking provision would be provided to the rear (east) of the proposed building complex and would be accessed via a shared right of carriageway network extending from Christopher Street and across multiple parcels of public (Council owned) and private land tenure.

## Recommendation

It is recommended that the proposal for the construction of a residential and retail complex (multiple dwellings x2 and retail outlets x2) at 69 Main Street DERBY, Main Street DERBY (road reserve), and reliant on an existing Right of Way easement through 67 Main Street DERBY, 65 Main Street DERBY, 3 Christopher Street DERBY, and Christopher Street DERBY (C/T 247979/1 and C/T 160305/1), be approved subject to the following conditions:

---

## Decision

**MOVED: Cr McLennan | SECONDED: Cr Nichols**

It is recommended that the proposal for the construction of a residential and retail complex (multiple dwellings x2 and retail outlets x2) at 69 Main Street DERBY, Main Street DERBY (road reserve), and reliant on an existing Right of Way easement through 67 Main Street DERBY, 65 Main Street DERBY, 3 Christopher Street DERBY, and Christopher Street DERBY (C/T 247979/1 and C/T 160305/1), 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 No. 2020/6). 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 20 January 2020 (Reference No. TWDA 2020/00052-DC, copy attached to this permit).

### **3. Stormwater Management**

Stormwater discharged from the impervious areas (including vehicle areas, paving and building roofed areas) of the development must be drained and directed to Council's stormwater network, or otherwise dispersed, in a manner that would not cause an environmental nuisance, to the satisfaction of the Council's Town Planner.

### **4. Privacy Management**

Prior to the commencement of the approved retail outlet use of 'Tenancy 1', window WG.08 must be fixed with obscure glazing with a uniform transparency of no more than 25% transparency.

### **5. Construction of Crossover (Christopher Street DERBY – Dorset Council Road Reserve)**

- a) Prior to the commencement of the approved residential use:
  - i. vehicle access to the subject land from Christopher Street must be designed and constructed to an all-weather standard and provide for safe and simultaneous ingress and egress of vehicles between the road verge and the property boundary; and

- ii. one MR-GS-1 guide sign ('local traffic only' signage) must be installed within the Christopher Street road reserve, at the southbound approach of the vehicle entry access point to the right of carriageway being relied upon for the use.
- b) All works in the Christopher Street road reserve described in (a) must be undertaken by, or under the supervision of, a tradesman/contractor who is registered with the Council as a "Registered Contractor" or a person who is otherwise approved by the Council's Director - Works and Infrastructure to undertake the works.
- c) All costs associated with the crossover and signage required in (a) and (b) above will be at cost to the person responsible.

## 6. Construction of Internal Vehicle Access and Car Parking

Prior to the commencement of the approved residential 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, be:

- a) constructed, drained and maintained as necessary to minimise:
  - i. the formation of potholes and depressions according to the nature of the subgrade and vehicles which will use the areas; and
  - ii. the emission of dust or the discharge of uncontrolled drainage; and
- b) marked or provided with clear physical means to delineate vehicle parking spaces.

## 7. Business Hours – Retail and Hire Use

Without the prior approval of Council's Town Planner, operation of the approved retail and hire use, including the loading and unloading of commercial vehicles associated with the use, must be confined to:

- 7.00 am to 7.00 pm Monday to Friday; and
- 8.00 am to 6.00 pm Saturday and Sunday.

**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 planning appeal may be instituted by lodging a notice of appeal with the Clerk of the Resource Management and Planning Appeal Tribunal.
- 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.

*(vii) 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) Building approval
- (b) Plumbing approval
- (c) Works in a Council Road Reservation approval (Dorset Council)
- (d) Works in a Department of State Growth Road Reserve (DSG)

*(viii) Landscaping*

It is noted that the applicant has advised Council of the intent to plant landscaping within the 69 Main Street to further integrate the proposal into the existing character of the area. This approach is also supported by Council as a means to provide additional softening to the built form of the proposal as an ongoing iterative design approach. When landscaping for tall buildings it is suggested that a combination of low, medium, and high plants are considered such as the 'pinnacle' lilly pilly, callistemon, and pencil pine.

Further landscaping, hedging, and screening plant ideas can be found at <http://www.screenhedgeplants.com.au>

**Carried Unanimously**

Time Meeting Closed: 6.58 pm

Minutes Confirmed: 16 March 2020

Minute No: 28/20

.....

Mayor