



dorset
C O U N C I L

Minutes

Council Meeting

15 November 2021

it's in the making

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Council Meeting Minutes 15 November 2021

Meeting Opened: 6:00 pm

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

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

Apologies: Cr Murray Lade

Item 181/21 Confirmation of Ordinary Council Meeting Minutes – 18 October 2021
Ref: DOC/21/14027

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 18 October 2021, 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 Powell

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 18 October 2021 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 182/21 Confirmation of Ordinary Council Meeting Closed Session Minutes – 18 October 2021
Ref: DOC/21/14030

The Chair reported that he had viewed the minutes of the Ordinary Meeting Closed Session held on Monday, 18 October 2021, 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 | SECONDED: Cr Nichols

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting Closed Session held on 18 October 2021 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

Item 183/21 Confirmation of Agenda

DECISION

MOVED: Cr Hughes | SECONDED: Cr Chilcott

That Council confirm the Agenda and order of business for the 15 November 2021 Council Meeting.

CARRIED UNANIMOUSLY

Item 184/21 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

Nil

Item 185/21 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 Chilcott

That the Management Team Briefing Report be received and noted.

CARRIED UNANIMOUSLY

Item 186/21 Council Workshops Held Since Last Council Meeting

2 November | Briefing Workshop

Item 187/21 Councillor Applications for Leave of Absence

Nil

Item 188/21 Public Question Time

The following question was received on notice:

Karl Willrath, Scottsdale | 25 October 2021

In the interest of increasing efficiency and public confidence, owing to skill, experience and knowledge of appropriate procedures, will Dorset Council consider employing a state gov public servant as a director?

Response from General Manager, Tim Watson:

Council employees are selected on merit and ability. As General Manager it is my preference that executive level positions are filled by individuals with previous private sector experience. The public sector is a very different culture to that of Dorset Council and not necessarily a good fit.

Further Response from Mayor Greg Howard:

I don't think you can fit efficiency, public confidence and the state public service in the same sentence. The reason Dorset Council has been so successful over recent years is because we have managed the Council as a business devoid of the bureaucratic nonsense we regularly get from State and Federal government departments. We will be completely ignoring your suggestion.

The following questions were received without notice from members of the public present:

Lawrence Archer, Bridport:

Regarding the proposed camping fees at Derby - as it has now become feasible to seek voluntary fees from Derby campers, why can't the same system apply to the riders using the trails at Derby?

Response from Mayor Greg Howard:

Because it is not manageable as there are so many entry points to the trails.

In regard to the camping at Derby – will the full cost of servicing the camping area such as maintaining the amenities block, be deducted before attributing the surplus to the maintenance of the bike trails?

Response from General Manager, Tim Watson:

No. The intent is any revenue that Council raise from this honesty camping system will go back into the trails, because that is over and above what we collect now.

If the Council considers that the profits from the Derby camping ground be applied to the maintenance of the bike trails rather than general revenue, will the profits from the Bridport Caravan Park camping site be applied to the upgrade of the Bridport Foreshore trail in a similar manner?

Response from General Manager, Tim Watson:

The modest surplus that we generate from the caravan park funds the investment into the infrastructure in the caravan park.

Ian Farley, Scottsdale:

At the last meeting a question was raised on the cost and time wasted due to questions during public question time. Has that investigation finished and do we have a figure?

Response from Mayor Greg Howard:

No. It is a larger investigation than was first thought, so it is still underway with the aim to bring the figure and details to the December Meeting.

Geoff Anyon, Bridport:

Mr Mayor, I do have a bit of preamble, so I hope you will bear with me on this one – with it coming from a passion for Bridport and for the fact that what we read in the North Eastern Advertiser and other things, to me creates a negative situation out of the Meetings and the operations of Council.

Is it not a possibility that the process of public access to Council Meetings as, in the case of Dorset Council, where the Mayor and General Manager are continually subjected to personal attacks is going to inevitably have a serious impact on the functionality of Council, and not only involve the Mayor and General Manager but be inclusive of Councillors, Management and staff. I would particularly like to draw attention to a selection of projects that have been undertaken over the last 5 years where I have been involved with, with the Audit Panel and other matters, which have substantially benefitted the community. To name a few: the rescue of Aminya, the investment in the Scottsdale Irrigation Scheme, mountain bike trails at Derby, Scottsdale Swimming Pool, impending works to the Sideling, substantial commitment to capital works budget and many more.

My first question is, can the General Manager provide an update on where we are at with Aminya?

Response from General Manager, Tim Watson:

Good news on Aminya. Myself and the Mayor attended the AGM of May Shaw 2-3 weeks ago and are pleased to report that May Shaw reported a cash operating surplus of \$1.1 million - so a very strong financial position. When you consider that less the debt repayments and interest repayments to Council are approximately \$275,000, plus a modest capital budget of approximately \$50,000 per annum, they are generating a cash surplus of about \$750,000 a year. What that tells us is that the \$2 million loan that Council's made to May Shaw to underwrite the rescue of aged care in the north east is looking pretty secure.

What is the current position in relation to the Scottsdale Irrigation Scheme and Council's investment?

Response from Mayor Greg Howard:

The Irrigation Scheme opened last year for those people who wished to take part and it wasn't compulsory as the hydro station at Springfield wasn't completed, therefore, the full Scheme hadn't been commissioned. Only about 25% of the water was used last year. The power station is very close to being commissioned so it will be compulsory to take your allocation. Council's original investment, where we bought 1250mL, is down to 630 mL and once the Scheme opens fully and we get a dry year – which is clearly not going to be this year – I am confident that Council will be able to sell its residual investment.

This question is a little emotional for me as it saddens me to see the continued personal attacks on the General Manager given the sounds financial position the Council enjoys due to his input into so many projects have been undertaken on his watch. I make a point that no-one is perfect, we all make genuine mistakes but importantly, the community need to see a measurable performance outcome that is consistent with community expectations and in my opinion, we have that with the current GM.

Is the Council going to have an active involvement in the current review that has just been announced in regard to Local Government?

Response from Mayor Greg Howard:

There are a couple of reviews happening at the moment. One is the review into Local Government reform where the recommendations of the PESRAC report have already been canned because the Labor Party and the Greens refused to get on board. They have replaced that with an 18 month review which will be managed by the Office of Local Government at the end of which they will make some recommendations. We clearly don't know what they are going to be, there will be plenty of chance for consultation with the public and with Councils on the way through. At the end of that, how they implement those recommendations are unknown.

There is a second enquiry going on around the safety of Councillors and staff in terms of members of the public attacking them. We have had a number of Councillors across the State resign because of comments that have appeared not just at a

Meeting but on social media and the like. The Workplace Health & Safety Act decrees that everyone is entitled to a safe workplace, for Councillors, this is their workplace at a Council Meeting. We are pretty lucky, we have a good community – with the vast majority of the community are really good to deal with, we just have a small percentage that we have issues with. Some Councils have actually banned some people from attending meetings. We've had examples where we probably could have done that, but we haven't to this point in time.

I imagine they'll be some serious recommendations come out of that certainly about how the code of conduct operates and the opportunity for Councillors to reply to some of the malicious comments that are being made.

Diane Cornish, Bridport:

How will Council, in the future, help us stop pop-up food vans and businesses from coming into our town and setting up on private land during the busiest time of the year, not on a 12 month basis? I don't have a problem with any business setting up in our community if they are on the same playground but I take great offence when we work and spend all our time through the good and bad times here in this town, employing local people.

Response from Mayor Greg Howard:

Basically, Council can't do anything about the issue. The proposal that a fair few people are here tonight about is the piece of land on the corner of Bentley and Main Street, Bridport, which is in the urban mixed use zone. Food services is a permitted use in that zone and therefore it is NPR – No Permit Required, so the proponents didn't require a planning permit to be able to progress. Strictly speaking, there is no requirements for any car parking whatsoever nor are there any requirements for toilet facilities, however, the proponents have said that they will provide 10 car spaces and there will be toilet facilities there. The only requirements are that trailers be registered, that they have to have food licences and they can only operate between the hours of 6 and 10, and if car spaces are constructed, they must comply with Council requirements.

As a former business within the town, who owned the butchers shop for 10 years, I can understand exactly what you are talking about and it is a difficult winter if you don't have a big summer. I think most businesses within the town would appreciate that and you are probably right, this will take some of the cream off the summer, but in terms of what Council can do is still nothing. You would have to change the state planning laws, it is not something that Council can change within our own planning scheme. We base our planning scheme on a series of state and regional laws and we have to abide by them.

I would also like to know how they will manage the parking during the peak period? As driving along Bentley Street today there is no parking restrictions, so it would make a very narrow thoroughfare if there was parking on both sides of the street.

Response from Mayor Greg Howard:

Council intend to extend the carpark at the CWA for an additional 23 spaces with the aim to include in the capital budget in 2022/23 financial year.

Allan Barnett, Bridport:

Do you know how many new shops have been built in Bridport over the past 20 years?

Response from Mayor Greg Howard:

No.

Item 189/21 Deputations

Nil

Item 190/21 Councillor Question Time

Councillor Wendy McLennan:

We had a look at the Swimming Pool prior to the last Workshop and I think it is absolutely fabulous, however, is it possible to have barrier behind the seating area as a wind break, as the wind comes from that direction it makes the pool very unpleasant?

Response from General Manager, Tim Watson:

The intention at this stage, because of the beautiful view over the Golf Course, we don't want to screen that as it adds to the overall amenity of the facility. So at this point in time there is no intent to put up a wind break. Officers of course can review this into the future.

About these food vans, I just wondered if Council knew about it why I wasn't told - as a Councillor - about it?

Response from Mayor Greg Howard:

As you well know, a lot of the Development Applications (DAs) that are received by Council go to the staff first and the only DAs that are advertised and/or come to the Councillors for a decision are those that are discretionary. In this instance, the application not only wasn't discretionary, but it didn't even need a permit, so it doesn't come to the Councillors. There are dozens of those that go through each month that we don't know about except that we get a report each month of what was approved.

Councillor Leonie Stein:

As we know there certainly is a parking issue in Bridport, one we will address by extending the CWA carpark by a certain degree, but at the top IGA opposite an entrance into the proposed food truck park – that’s probably the busiest and most dangerous section of the Bridport Main Street. I think with the additional parking that the food park is going to attract, it is going to make it extremely precarious in that area during opening hours. Is there any way that we, as a Council, can be responsible and put time constraints on the parking along the entire Main Street?

QUESTION TAKEN ON NOTICE

Councillor Mervyn Chilcott:

Will the proposed food truck park have entrances off both Main Street and Bentley Street?

Response from Mayor Greg Howard:

Yes.

Will the food vans that are there - being that they are on private property - be subject to health regulations?

Response from Mayor Greg Howard:

Yes, they have to have a licence the same as any food outlet, along with being subject to inspections.

Councillor Edwina Powell:

Has the signage stating that there is a Council carpark below the church, accessed off Bentley Street, been installed yet?

Response from Director – Works & Infrastructure, Dwaine Griffin:

If it hasn’t been installed, it has definitely been ordered.

Item 191/21

Notices of Motion by Councillors

Nil

Item 192/21

Quarterly Financial Report – 30 September 2021

Reporting Officer: Director – Corporate Service: John Marik
Ref: DOC/21/15188

Purpose

The purpose of this agenda item is to present to Councillors and the community the financial performance for the 3 months ended 30 September 2021.

Recommendation

That Council receive the Financial Report for the period ended 30 September 2021.

DECISION

MOVED: Cr Chilcott | SECONDED: Cr Stein

That Council receive the Financial Report for the period ended 30 September 2021.

CARRIED UNANIMOUSLY

Item 193/21

Schedule of Council Meeting Dates 2022

Reporting Officer: Executive Assistant, Sarah Forsyth
Ref: DOC/21/14990 | 2022 Schedule of Meetings: DOC/21/13842

Purpose

The purpose of this agenda item is for Council to adopt a schedule of dates for Ordinary Council Meetings and Council Briefing Workshops in 2022.

Recommendation

That the following Schedule of Council Meeting Dates for 2022 be adopted:

DECISION

MOVED: Cr Hughes | SECONDED: Cr Stein

That the following Schedule of Council Meeting Dates for 2022 be adopted:

Ordinary Council Meetings to be held on the third Monday of each month at 6:00 pm (with the exception of April and June), at Scottsdale, except where an alternative location is specified.

Monday 17 January	Monday 18 July
Monday 21 February (Pioneer)	Monday 15 August
Monday 21 March (Derby)	Monday 19 September
<u>Tuesday</u> 26 April	Monday 17 October
Monday 16 May	Monday 21 November (Bridport)
Monday 27 June	Monday 19 December

Council Briefing Workshops to be held on the first Tuesday of each month at 3:30 pm (with the exception of January), at the Council Chambers, Scottsdale.

Nil for January

Tuesday 1 February

Tuesday 1 March

Tuesday 5 April

Tuesday 3 May

Tuesday 7 June

Tuesday 5 July

Tuesday 2 August

Tuesday 6 September

Tuesday 4 October

Tuesday 1 November

Tuesday 6 December

CARRIED UNANIMOUSLY

Item 194/21

Bridport Seaside Caravan Park

Reporting Officer: General Manager, Tim Watson

Ref: DOC/21/15128

Purpose

The purpose of this agenda item is for Council to receive and note a report on the investment in infrastructure at the Bridport Seaside Caravan Park and surrounds in recent years.

Recommendation

That the report on the Bridport Seaside Caravan Park be received and noted.

DECISION

MOVED: Cr Nichols | SECONDED: Cr Stein

That the report on the Bridport Seaside Caravan Park be received and noted.

CARRIED UNANIMOUSLY

Item 195/21

Derby Park Camping Fees

Reporting Officer: General Manager: Tim Watson

Ref: DOC/21/15129

Purpose

The purpose of this agenda item is to consider a recommendation to charge camping fees at Derby Park. The proposal is that the collection of camping fees would be self-regulated via an honesty system and the net proceeds would be reinvested into the maintenance of the Blue Derby Mountain Bike Trails.

Recommendation

That Council:

1. include a \$20 per night per site camping fee for Derby Park in the 2021/22 Fees and Charges Schedule, and
2. approve a variation to the 2021/22 Budget Estimates of \$10,000 to purchase and install a ticket machine and signage.

DECISION

MOVED: Cr Stein | SECONDED: Cr Nichols

That Council:

1. include a \$20 per night per site camping fee for Derby Park in the 2021/22 Fees and Charges Schedule, and
2. approve a variation to the 2021/22 Budget Estimates of \$10,000 to purchase and install a ticket machine and signage.

CARRIED UNANIMOUSLY

Item 196/21

Sale - 2 Alfred Street Scottsdale 'Scott Centre'

Reporting Officer: General Manager: Tim Watson

Ref: DOC/21/15131

Purpose

The purpose of this agenda item is for Council to resolve to sell 2 Alfred Street, Scottsdale (CT 166708/1).

Recommendation

That Council sell 2 Alfred Street, Scottsdale (CT 166708/1) by way of auction subject to a boundary adjustment consistent with the indicative site plan below.

MOVED: Cr Jessup | SECONDED: Cr Nichols

That Council sell 2 Alfred Street, Scottsdale (CT 166708/1) by way of auction subject to a boundary adjustment consistent with the indicative site plan below.

Procedural Motion

MOVED: Cr McLennan | SECONDED: Cr Chilcott

That the item be deferred for further community consultation.

Voting for the Procedural Motion: Crs McLennan, Powell, Chilcott, Hughes

Voting Against the Procedural Motion: Crs Howard, Jessup, Stein, Nichols

PROCEDURAL MOTION LOST

DECISION

MOVED: Cr Jessup | **SECONDED:** Cr Nichols

That Council sell 2 Alfred Street, Scottsdale (CT 166708/1) by way of auction subject to a boundary adjustment consistent with the indicative site plan below.



Site Plan

Voting for the Motion: Crs Jessup, Stein, Hughes, Nichols, Howard

Voting Against the Motion: Crs Powell, Chilcott, McLennan

CARRIED

Time Meeting Closed: 7:16 pm

Minutes Confirmed: 20 December 2021

Minute No: 197/21

A handwritten signature in black ink, appearing to be 'SJA', written over a dotted line.

Mayor