

dorset
C O U N C I L

Minutes

Council Meeting

16 August 2021

it's in the making

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Council Meeting Minutes 16 August 2021

Meeting Opened: 6:01 pm

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

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

Apologies: Nil

Item 118/21 Confirmation of Ordinary Council Meeting Minutes – 19 July 2021
Ref: DOC/21/8913

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 19 July 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 Lade | **SECONDED:** Cr Stein

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 19 July 2021 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

Item 119/21 Confirmation of Agenda

DECISION

MOVED: Cr Jessup | SECONDED: Cr Hughes

**That Council confirm the Agenda and order of business for the 16 August 2021 Council Meeting.
CARRIED UNANIMOUSLY**

Item 120/21 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

Cr Howard Item 131 (immaterial)

Item 121/21 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 122/21 Council Workshops Held Since Last Council Meeting

3 August | Briefing Workshop

Item 123/21 Councillor Applications for Leave of Absence

Nil

The following question was received on notice:

Karl Willrath, Scottsdale | 3 August 2021

Why does the Dorset Council put the good people of the Shire through the process of applying to the ombudsman's office to retrieve their \$41.25 application fee for an RTI, when the RTI is clearly in the public interest thus the waver is applicable?

NOTE: RTI references Right to Information

Response from Director – Corporate Services, John Marik:

The *Right to Information Act 2009* (the Act) does not provide the Ombudsman with jurisdiction to review a refusal to waive an application fee. Council as a Public Authority, and therefore a Delegated Officer which in this case is the Right to Information Officer, make the decision on whether an application fee should be waived. Therefore there is no process of applying to the Ombudsman's Office to retrieve an application fee.

In regards to your statement referencing this application being clearly in the public interest, the Act stipulates that the applicant must show how he or she intends to use the information and why it is of general public interest or benefit. In regards to this application you have not demonstrated how or why this application is of public interest.

Karl Willrath, Scottsdale

Mayor Howard - you appear to preside over a group of Councillors that are somewhat inert and perhaps overly proud examples of the Dunning-Kruger effect. Is it possible for you to make a decision to have the Council meetings at one location instead of wondering around the countryside like a mobile booze bus?

Response from Mayor Greg Howard:

The reason we hold Council Meetings in different locations around the municipality is to give all residents the opportunity to attend a Council Meeting and the ability to ask questions, and we are comfortable with this decision.

Additional Response from Deputy Mayor Dale Jessup:

Council get more members of the public attend meetings outside of Scottsdale.

Has the Council lodged a submission on the Local Government Code of Conduct review and if so who was the author of that submission?

Response from Mayor Greg Howard:

Yes, Council have and I wrote the initial submission which was discussed by Councillors at a Briefing Workshop and incorporated changes suggested by Councillors.

How many councillors have read and declared their support for that submission?

Response from Mayor Greg Howard:

All Councillors agreed that that would be the submission submitted and it was distributed to all Councillors for their information.

In regard to the free lease of land and buildings at 57 Main Street, Derby, along with a Council contribution of \$65,000 to the Blue Derby Foundation, would it not be more equitable for Council to sell or lease the land by open tender so that the whole community would benefit rather than benefiting a few select employers? There are many businesses in and around Derby finding it difficult to attract and accommodate employees so that if the recommendation at Item 130/21 is passed, can Council give an assurance that the accommodation will be allocated impartially?

Response from Mayor Greg Howard:

That's the intention and it would be up to the Blue Derby Foundation.

I believe that the Rail Trail DA RMPAT hearing was today. Could the Dorset Council have found a more expensive legal representative than Shaun McElwaine SC?

Response from Mayor Greg Howard:

I'm sure there would be more expensive legal representatives around, however, when you employ professionals for such a hearing, you want the best and that (in Council's opinion) is Mr McElwaine.

Item 125/21 Deputations

Grant Kearney on behalf of the Blue Derby Foundation – Item 130 | Lease of Building - Derby
(Deputation attached to Minutes | Ref: DOC/21/10489)

Item 126/21 Councillor Question Time

Councillor Leonie Stein:

I would like to know why residents of Bridport can't reserve a plot at the Bridport Cemetery? I am fully across the drainage issues, single depth, etc., but it still doesn't make sense why in the 10 cemeteries that we manage/maintain in the municipality, Bridport is the only one we don't allow reservations.

Response from Mayor Greg Howard:

Part of the reason is that the soil in the cemetery is so unstable that Council staff would be working on fresh soil when digging graves, so if you have plots reserved all over the cemetery, there is a fair chance that the sides of the graves would collapse.

Response from Director – Works & Infrastructure, Dwaine Griffin:

If Council start moving down rows and the rows are half empty of have reservations, we are unable to get machines in to dig those plots. For example, if Mr Smith passes then Mrs Smith can reserve a spot beside but it is very difficult and risky to drive machinery over existing plots with the soil type. There is approximately 100 years of land there in relation to capacity for burials, so there is no need to be reserving plots for the fear of missing out.

Can we take this to a Workshop for further discussion?

Response from Mayor Greg Howard:

Let's review the guidelines and discuss further at a Workshop.

Deputy Mayor Dale Jessup:

Could Councillors and the public be provided with an update on the Scottsdale Swimming Pool reconstruction, including the expected opening date?

Response from General Manager, Tim Watson:

We are still on track to open in November, but I can't guarantee that. The contractors are in the final stages of tiling the main 25m pool, with that being completed in the next couple of weeks. The issue that has held up the project, other than COVID, is the wet weather. The contractors have been trying to pour the concrete concourse for the past 6-8 weeks and it keeps raining.

Councillor Jan Hughes:

Can we have an update on the concept of the Northeast Park Mountain Bike jumps as I know we as a Council have spoken about it, however, I am not so sure that there has been much information given out to the general public?

Response from General Manager, Tim Watson:

Project Officer, Bridget Waterhouse did consultation with kids that ride their bikes around the town and their parents and we've got feedback from that that Council will use to prepare a design, which will be prepared by World Trail.

Nil

Item 128/21**Derby Depot Lease**

Reporting Officer: General Manager, Tim Watson

Ref: DOC/21/10158

Purpose

The purpose of this agenda item is for Council to resolve to agree upon an area of land for the purpose of entering into a lease for the new Derby Depot and agree to provide a financial consideration to the lessee of the adjoining mining lease.

Recommendation

That Council resolves to the enter into a lease for the area of land identified in the below diagram and unreservedly accepts the boundaries of the proposed lease area (total area contained within yellow and blue outlined areas), and approves a budget variation to provide \$30,000 to the lessee in consideration of the lessee consenting to surrendering approximately 170sqm of area as identified in the below diagram.

DECISION

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

That Council resolves to the enter into a lease for the area of land identified in the below diagram and unreservedly accepts the boundaries of the proposed lease area (total area contained within yellow and blue outlined areas), and approves a budget variation to provide \$30,000 to the lessee in consideration of the lessee consenting to surrendering approximately 170sqm of area as identified in the below diagram.



Yellow – unallocated Crown land measuring 3,450 m²

Blue – land subject to a mining lease measuring 170 m²

Grey shaded area – the depot shed

The proposed lease area is the combination of the yellow and blue outlined area

CARRIED UNANIMOUSLY

Item 129/21

Notice of Intention to Sell Public Land Outcomes | 4 Kent Place BRIDPORT

Reporting Officer: General Manager, Tim Watson

Ref: DOC/21/10135

Purpose

The purpose of this agenda item is for Council to consider community representations in response to Council's notice of intention to sell 4 Kent Place, Bridport.

Recommendation

That Council does not proceed with the sale of 4 Kent Place, Bridport (CT 24429/22).

DECISION

MOVED: Cr Stein | SECONDED: Cr Hughes

That Council does not proceed with the sale of 4 Kent Place, Bridport (CT 24429/22).

CARRIED UNANIMOUSLY

Item 130/21

Lease of Building | 57 Main Street DERBY – Blue Derby Foundation and Budget Variation

Reporting Officer: General Manager, Tim Watson

Ref: DOC/21/10137

Purpose

The purpose of this agenda item is for Council to lease the building located at 57 Main Street, Derby to the Blue Derby Foundation for the purpose of providing communal accommodation primarily for employees of Derby based businesses, and for Council to make a budget variation to contribute \$65,000 to the refurbishment costs of the building.

Recommendation

That Council:

1. enter into a lease with the Blue Derby Foundation for the building and associated land at 57 Main Street, Derby (see indicative area shaded below) on a peppercorn rent basis, for an initial term of 5 years plus options to extend, for the purpose of communal accommodation associated with Derby businesses or other initiatives related to the trails; and
 2. approve a variation to the 2021/22 Budget Estimates of \$65,000 as a contribution to the refurbishment and fitout of the building at 57 Main Street, Derby.
-

DECISION

MOVED: Cr McLennan | SECONDED: Cr Nichols

That Council:

1. enter into a lease with the Blue Derby Foundation for the building and associated land at 57 Main Street, Derby (see indicative area shaded below) on a peppercorn rent basis, for an initial term of 5 years plus options to extend, for the purpose of communal accommodation associated with Derby businesses or other initiatives related to the trails; and
2. approve a variation to the 2021/22 Budget Estimates of \$65,000 as a contribution to the refurbishment and fitout of the building at 57 Main Street, Derby.



CARRIED UNANIMOUSLY

Cr Howard declared an interest in Item 131, however stated it was immaterial and did not leave the Meeting.

Item 131/21

Donation and Sale of Council Land | 14 Hawkes Place SCOTTSDALE

Reporting Officer: Director – Community & Development, Rohan Willis

Ref: DOC/21/10248

Purpose

The purpose of this agenda report is for Council to formally resolve its intention to (i) donate approximately 5000 m² and (ii) sell approximately 2800 m² of Council land at 14 Hawkes Place, Scottsdale (CT 178444/2).

**Voting Requirement under the Act | Absolute Majority*

Recommendation

That Council resolve an intent:

1. to:
 - a. donate the area generally illustrated as Lot 1, per Diagram 1 below, to Centacare Evolve Housing, subject to no more or less than ten (10) social housing dwellings being constructed upon the area, and
 - b. sell the area generally illustrated as Lot 2, per Diagram 1 below, to Hussock's Pty Ltd,

in accord with the provisions of Section 178 of the *Local Government Act 1993**; and

2. as an interim measure, to:
 - a. enter into a 99 year lease agreement with Centacare Evolve Housing for the area generally illustrated as Lot 1, per Diagram 1 below;
 - b. enter into a lease agreement of not less than 12 months in duration with Hussock's Pty Ltd for the area generally illustrated as Lot 2, per Diagram 1 below;
 - c. rescind lease agreements with Centacare Evolve Housing and Hussock's Pty Ltd once respective titles for applicable areas are available and a transfer for each can be respectively affected.

*Voting Requirement under the Act | Absolute Majority

DECISION

MOVED: Cr Stein | SECONDED: Cr Jessup

That Council resolve an intent:

1. to:
 - a. donate the area generally illustrated as Lot 1, per Diagram 1 below, to Centacare Evolve Housing, subject to no more or less than ten (10) social housing dwellings being constructed upon the area, and
 - b. sell the area generally illustrated as Lot 2, per Diagram 1 below, to Hussock's Pty Ltd,in accord with the provisions of Section 178 of the *Local Government Act 1993**; and
2. as an interim measure, to:
 - a. enter into a 99 year lease agreement with Centacare Evolve Housing for the area generally illustrated as Lot 1, per Diagram 1 below;
 - b. enter into a lease agreement of not less than 12 months in duration with Hussock's Pty Ltd for the area generally illustrated as Lot 2, per Diagram 1 below;
 - c. rescind lease agreements with Centacare Evolve Housing and Hussock's Pty Ltd once respective titles for applicable areas are available and a transfer for each can be respectively affected.

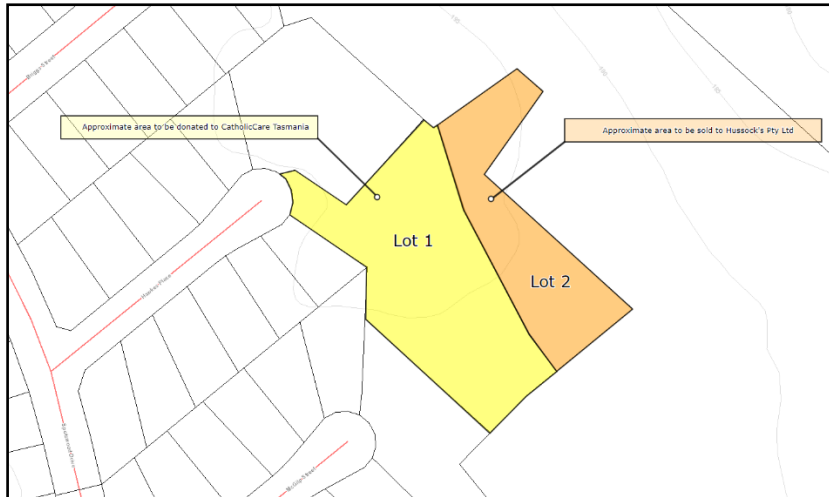


Diagram 1

CARRIED UNANIMOUSLY

Item 132/21 Closure of Meeting to the Public

DECISION

MOVED: Cr Nichols | **SECONDED:** Cr Hughes

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: 7:02 pm

CARRIED UNANIMOUSLY

Meeting Adjourned: 7:02 pm

Reason: For tea break with members of the public

Meeting Resumed: 7:16 pm

CLOSED SESSION AGENDA ITEMS

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 133/21 Contract 2020/21-07 | Bridport Seaside Caravan Park Contractor Agreement

Item 134/21 Contract 2021/22-04 | Public Waste Collection Service

Item 135/21 Contract 2021/22-05 | Replacement Motor Grader 504

Item 136/21 Contract 2021/22-01 | Bituminous Sealing of Roads

The reports on these matters were 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 respective reports relates to:

- Contracts and tenders for the supply of goods and services

Time Meeting Closed: 7:44 pm

Minutes Confirmed: 20 September 2021

Minute No: 138/21



.....
Mayor



The Blue Derby Foundation

Deputation to Dorset Council

Subject: Blue Derby Staff Hostel

16th August 2021

Issue:

At any given time, it is highly unlikely that there will be any rental property available for people being offered employment in Derby or surrounds. This market failure is an immediate barrier to the sustainable development of Blue Derby and the Dorset region more broadly.

A lack of suitable accommodation for staff not only makes it extremely difficult for local employers to recruit staff but has also proven to be a deterrent to further investment in the area. In recent months, this has been highlighted in recruiting attempts for retail outlets, shuttle operators, accommodation providers, hospitality businesses and trail maintenance.

Proposal:

The community based Blue Derby Foundation is a registered charity and with 70 members representing residents, businesses, property owners and staff within Derby and surrounds. Among its early initiatives, the Foundation seeks to lease the unused Council-owned DMR shed at the rear of 57 Main Street and convert it into affordable hostel-style accommodation for at least 8 people.

The proposal will:

- support the further economic and social development of Derby and surrounds
- generate ongoing annual net revenues of some \$25,000, and
- provide valuable infrastructure to support future Blue Derby initiatives

The Blue Derby Staff Hostel represents an important milestone for the Foundation as a tangible example of how it can mobilise local resources in a partnership with Dorset Council for the benefit of the region.

The Foundation has:

- Prepared draft plans for the refurbishment along with quantity specifications for budget controls
- Developed a fundraising campaign for \$65,000 on the basis of matching support from Council, and has already secured
- Two cash commitments of \$10,000 each, along with donations of materials and voluntary trade expertise and labour

The Foundation will be able to accelerate its fundraising campaign once a formal lease agreement is in place; it will provide donors and sponsors with further confidence that the project can be completed within the current financial year.

Grant Kearney
Chair