



*dorset*  
C O U N C I L

# Minutes

## Council Meeting

17 May 2021

*it's in the making*

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## Council Meeting Minutes 17 May 2021

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**Meeting Opened:** 6:00 pm

**Present:** Crs Greg Howard (Mayor), Dale Jessup (Deputy Mayor), Leonie Stein, Wendy McLennan, Murray Lade, Jan Hughes, Edwina Powell, Mervyn Chilcott, Jerrod Nichols (*arrived at 6:21 pm*)

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

**Apologies:** Nil

**Item 66/21** Confirmation of Ordinary Council Meeting Minutes – 19 April 2021  
Ref: DOC/21/3808

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*The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 19 April 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 Hughes

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

**CARRIED**

*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 67/21 Confirmation of Ordinary Council Meeting Closed Session Minutes – 19 April 2021  
Ref: DOC/21/3811

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*The Chair reported that he had viewed the minutes of the Ordinary Meeting Closed Session held on Monday, 19 April 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 Closed Session held on 19 April 2021 having been circulated to all Councillors, be confirmed as a true record.

CARRIED

Item 68/21 Confirmation of Agenda

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**DECISION**

MOVED: Cr Jessup | SECONDED: Cr Hughes

That Council confirm the Agenda and order of business for the 17 May 2021 Council Meeting.

CARRIED

Item 69/21 Declaration of an Interest of a Councillor or Close Associate

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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 Hughes      Item 79

Item 70/21 Management Team Briefing Report

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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.

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## DECISION

MOVED: Cr Powell | SECONDED: Cr Chilcott

That the Management Team Briefing Report be received and noted.

CARRIED

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### Item 71/21 Council Workshops Held Since Last Council Meeting

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4 May | Briefing Workshop

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### Item 72/21 Councillor Applications for Leave of Absence

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Nil

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### Item 73/21 Public Question Time

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The following questions were received on notice:

**Karl Willrath, Scottsdale | 27 April 2021**

*How many Kilometres does the Mayoral car have on the odometer, when is it due to be traded in, what is the expected value as traded and has the car sustained any damage above acceptable wear and tear?*

**Response from Mayor Greg Howard:**

Approximately 44,000km. Normally vehicles are disposed of at around 2 years of age or at 90,000km but this can vary. In the absence of my crystal ball I am unable to determine a trade in value for the vehicle which may apply at some time in the future. The vehicle has sustained no damage whatsoever.

*Is the replacement Mayoral car going to be of a value that will actually reflect the modest size of Dorset?*

**Response from Mayor Greg Howard:**

At over 3,200 sq/km, I would hardly consider Dorset to be of modest size. If vehicles purchased by Councils are based on the size of the municipality, then the Hobart City Council Lord Mayor (City of Hobart municipal area 77.9 sq/km) would be riding a bike. All vehicles purchased by Council have been selected on the basis of being fit for purpose, price and reliability. All future purchases will be based on the same criteria.

*Is Dorset council currently in active talks with surrounding councils, namely Flinders, Break O'Day or George Town in regards to amalgamation?*

**Response from Mayor Greg Howard:**

No.

*When is Gm Watson going to have his employment terminated with Dorset due to his gross mishandling of the new council depot at Derby?*

**Response from Mayor Greg Howard:**

There is absolutely no intention that the scenario you describe will be considered.

\*\*\*\*\*

**Lawrence Archer, Bridport | 9 May 2021**

*In relation to the answer provided at Item 52/21 pertaining to the breakdown of the net cost to Council of the Aminya operation:*

- *What services were provided to the Dorset Council in respect of Management Fees of \$1,037,300,*
- *Over what period were these services provided, and*
- *Why was the Dorset Council liable for the quantum of management fees reported in the 2019/20 year?*

**Response from Director – Corporate Services. John Marik:**

- The services relate to the operation of the Aminya and May Shaw Aged Care facilities.
- 2019/20.
- The State Government agreed to fund up to a set amount of the operating losses with Council to fund the balance. This commitment was based on prior year operational losses. The operating losses in 2019/20 were significantly larger than the prior year losses which resulted in Council covering a greater proportion of the operating losses in 2019/20.

*Since the 2016 financial year various amounts have been reported as having been paid in respect of the operation of Aminya either via a community organisation or direct to May Shaw. This is reflected as being in accordance with Note 10.4 of the financial statement notes in the Annual Report:*

- *Why does the Management Fee as per above not form part of the amount due for repayment from May Shaw,*
- *What is the total amount paid under the agreement with May Shaw,*
- *What is the amount of grants received from the State Government in relation to the costs incurred under the May Shaw agreement, and*
- *What, if any, is the amount that will be repayable by May Shaw under the agreement entered into by the Dorset Council.*

### **Response from Director – Corporate Services, John Marik:**

- From the outset it was agreed that May Shaw would not have financial exposure to the operating losses. Subsequent to this agreement, Council managed to negotiate that May Shaw would reimburse Council for a portion of the operating losses. The amount agreed with May Shaw is approximately \$365,000 and will be repayable to Council over 10 years.
  - The total amount reimbursed to May Shaw is \$3.4 million. The total cost to Council since the aged care rescue package was implemented by Council, the State Government and May Shaw is approximately \$1.5 million.
  - The State Government has contributed \$1.9 million towards the operational losses.
  - Approximately \$365,000.
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### **The following questions were received from the floor without notice:**

#### **Karl Willrath, Scottsdale**

*Apart from the new Council depot at Derby, how many structures has GM Watson been building in the Dorset Shire without appropriate approvals?*

#### **Response from Mayor Greg Howard:**

None.

**\*\***Mr Willrath asked a second question of the Meeting which was refused by the Chairperson under Section 31(5)(a) of the *Local Government (Meeting Procedures) Regulations 2015*. The Chair advised Mr Willrath that the reason - as required under Section 31(6) of the *Local Government (Meeting Procedures) Regulations 2015* - the question was refused to be accepted was that it was inappropriate.

*In the three financial years before GM Watson recommended Mayor Howard be supplied with a fully funded vehicle, how many kilometres did Mayor Howard claim for in each given year?*

### **QUESTION TAKEN ON NOTICE**

#### **Lawrence Archer, Bridport**

*There is a private business operating a sauna on the Briseis Hole in Derby. Is there any formal agreement with the Council and the owner and what does the Council receive from that business in the way of revenue?*

**Response from Mayor Greg Howard:**

The agreement is between the owner and Crown Land.

**Ian Farley, Scottsdale**

*I am just reading that the Blue Derby new Enduro World Series mountain bike trails (on page 7) is showing cancelled. Is that in relation to COVID and have they cancelled the event. If so, have they looked to reschedule?*

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

No. Council were budgeting to construct new trails for the event, however, it was decided that they are not needed.

*So the event is still going ahead?*

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

Absolutely, subject to borders being open.

**Lawrence Archer, Bridport**

*I refer to the attachments in relation to Dorset's Emergency Management Plan. Is the map shown on page 9 the proper map for the Dorset area?*

**Response from Mayor Greg Howard:**

No it's not.

*Previous questions have revealed that the Aminya operating costs increased significantly in 2019/20 financial year to more than \$1 million. What was the increase over the previous financial year?*

**QUESTION TAKEN ON NOTICE**

*Have the elected members been provided with a report giving a satisfactory explanation of those increased losses?*

**Response from Mayor Greg Howard:**

Yes, Councillors have been kept up-to-date with no Councillor querying what has previously been explained. It is of my understanding that everyone is happy with it.

**Item 74/21**

**Deputations**

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Nil



**Councillor Wendy McLennan:**

*Following the inspection by Councillors of the Old Pier Beach, Officers were going to investigate what actions we could take. Has anything been done in that regard?*

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

No progress to date.

*With information that is provided to the North Eastern Advertiser, could you explain the process of providing this information? In particular the article that was recently published on the Rail Trail.*

**Response from Mayor Greg Howard:**

I have a weekly meeting with the Editor of the Advertiser regarding upcoming stories. In relation to the Rail Trail, the Director – Community & Development and I have been in regular contact on the status of the applications and this information has been filtered through to the paper for community information.

**Councillor Edwina Powell:**

*So why is it that Council reports to the North Eastern Advertiser before it reports to Councillors? Now you've explained that you have a weekly meeting but I was surprised to read in reasonable detail the outcome of the scheduled appeal hearing on the matter of the Rail Trail development. Since knowing about the six week adjournment to allow Dorset Council to seek expert advice at this late stage on the matters raised, how much are these expert opinions costing Council. It was stated at the last Council Meeting that the Solicitor was pursuing grounds of appeal to be dismissed on judicial grounds and questioning the authority of the Tribunal to hear the appeal and it was explained that there would be a hope that it would be dismissed on that basis. How much is this costing Council and what is the estimated cost of this appeal?*

**QUESTION TAKEN ON NOTICE****Councillor Leonie Stein:**

*At our Workshop we discussed issues with dogs. A couple of Saturday's ago at a Bridport Football Club game that I was attending, I took photos of the amount of dogs that had come into the ground with owners while the games were being played. I have photos of 10 dogs and I believe that there were others down were I couldn't see them. At 3 different occasions dog went onto the ground during play, of which the owners had to run onto the ground to get the dog off. If a dog was to cause a player to fall over a break their leg or similar, who is responsible for that? Is it the dog owner, is it Council or is it the Football Club for not stopping them from entering the ground?*

**Response from Mayor Greg Howard:**

*The Football Club leases the ground for that particular day, and they have insurance through JLT that would cover any incidents that may occur. It would be up to the Football Club (or whomever is leasing the facility) to ensure that dogs are not permitted on game days.*

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**Item 76/21                      Notices of Motion by Councillors**

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Nil

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**Item 77/21                      Quarterly Financial Report – Period Ended 31 March 2021**

Reporting Officer: Director – Corporate Services, John Marik  
Ref: DOC/21/4989

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**Purpose**

The purpose of this agenda item is to present to Councillors and the community the financial performance for the 9 months ended 31 March 2021.

**Recommendation**

That Council receive the Financial Report for the period ended 31 March 2021.

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**DECISION**

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

**That Council receive the Financial Report for the period ended 31 March 2021.**

**CARRIED**

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**Item 78/21                      Animal Management Fees 2021/22**

Reporting Officer: Director – Community & Development, Rohan Willis  
Ref: DOC/21/4927

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**Purpose**

The purpose of this report is for Council to review Animal Management Fees for the 2021/22 financial year.

**Recommendation**

That Council adopt the Schedule of Fees payable for animal management for the 2021/22 financial year as tabled:

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*Councillor Nichols joined the Meeting (6:21 pm) during debate of Item 78*

## DECISION

MOVED: Cr Stein | SECONDED: Cr Lade

That Council adopt the Schedule of Fees payable for animal management for the 2021/22 financial year as tabled:

<b>SCHEDULE OF FEES – Animal Control</b>	<b>Proposed 2021/22 Fees</b>
<b>Dog Registration – Annual</b>	
Non-Desexed Dog	\$56
Desexed, Working, Purebred or Greyhound	\$28
Pensioner-Owned Dog	\$21
Declared Dangerous Dog	\$420
<b>Dog Registration – Lifetime</b>	
Non-Desexed Dog	\$136
Desexed, Working, Purebred or Greyhound	\$79
Pensioner-Owned Dog	\$53
Guide Dog	Nil
Guard Dog	\$420
<b>Dog Licence Fees</b>	
New Dog Licence – 3 to 5 Dogs	\$97
New Dog Licence – More than 5 Dogs	\$118
Existing Dog Licence – Renewal	\$37
<b>Dog Fees – Other</b>	
Maintenance Charge – Daily	\$30
Nuisance	\$33
Replacement Tag	\$5
1 <sup>st</sup> Seizure of any Dog	\$64
2 <sup>nd</sup> Seizure of any Dog	\$86
Subsequent Seizures (per seizure)	\$160
Delivery Charge (Dog returned to Owner)	\$86
<b>Cat Management</b>	
Relocation Device (Trap) Hire Deposit	\$75

**CARRIED UNANIMOUSLY**

Councillor Hughes declared an interest in Item 79, however, did not leave the Meeting

## Item 79/21

### Food Business Registration Fees 2021/22

Reporting Officer: Director – Community & Development, Rohan Willis  
Ref: DOC/21/4930

#### Purpose

The purpose of this report is for Council to review Food Business Registration Fees for the 2021/22 financial year.

#### Recommendation

That Council adopt the Schedule of Fees payable for food business registrations for the 2021/22 financial year as tabled:

#### DECISION

**MOVED: Cr Chilcott | SECONDED: Cr Powell**

That Council adopt the Schedule of Fees payable for food business registrations for the 2021/22 financial year as tabled:

SCHEDULE OF FEES	Proposed 2021/22 Fees
<b>Food Business Registration – Non-Mobile Premises:</b>	
New Food Business (Annual Registration)	Nil
Renewal of existing Food Business (Annual Registration)	Nil
Temporary Registration (Single Event - Permanent Resident of Dorset)	Nil
<b>Food Business Registration – Mobile Premises (Permanent Resident of Dorset):</b>	
New Food Business (Annual Registration)	Nil
Renewal of existing Food Business (Annual Registration)	Nil
Temporary Registration (Single Event)	Nil
<b>Food Business Registration – Mobile Premises (Non-Permanent Resident of Dorset):</b>	
New Food Business (Annual Registration)	\$137
Renewal of existing Food Business (Annual Registration)	\$137
Temporary Registration (Single Event)	\$30

<b>Food Business Registration – charitable cause:</b>	
Community Organisation or Charitable Event Applicants	Nil
<b>Food Business Registration – Other:</b>	
Food Business Inspection	\$79

**CARRIED UNANIMOUSLY**

**Item 80/21**

**Delegations – *Land Use Planning and Approvals Act 1993***

Reporting Officer: Director – Community & Development, Rohan Willis

Ref: DOC/21/4987

### Purpose

The purpose of this agenda item is to amend specific delegations provided under Section 6 of the *Land Use Planning and Approvals Act 1993*.

### Recommendation

1. That Council:
  - a. revoke the previous powers and functions under Section 57(6) and (7) delegated to the General Manager and Director Community and Development 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 under Section 57(6) and (7) to the General Manager and Director - Community and Development, with conditions and restrictions as shown:

### DECISION

**MOVED: Cr Nichols | SECONDED: Cr Stein**

1. That Council:
  - a. revoke the previous powers and functions under Section 57(6) and (7) delegated to the General Manager and Director Community and Development 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 under Section 57(6) and (7) to the General Manager and Director - Community and Development, with conditions and restrictions as shown:

Provision	Function or Power	Conditions or Restrictions
S.57(6) & (7)	Authority to grant a permit and serve notice	If: 1. there will be a failure to determine an application for a permit under

		<p>s.57 before the expiration period referred to in either s.57(6)(b)(i) or (ii); or</p> <p>2. the recommendation of the Director Community and Development is to grant a permit for an application, 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>a) only a single representation has been received for the application; or</p> <p>b) two or more representations have been received for the application and the representations fail to address standards or requirements of the planning scheme applicable to the assessment of the application; or</p> <p>c) no representations from residents or landowners of Dorset municipality have been received that object to the application.</p>
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**Voting for the Motion:** Mayor Howard, Deputy Mayor Jessup, Crs Nichols, Stein, Hughes, Lade

**Voting Against the Motion:** Crs McLennan, Powell

**Abstained from the Vote:** Cr Chilcott

**CARRIED**

**Item 81/21                      Review of Youth Policy**  
 Reporting Officer: Director – Community & Development, Rohan Willis  
 Ref: DOC/21/5007 | Reviewed Policy: DOC/21/4311

**Purpose**

The purpose of this report is to adopt a revised Policy No.27 Youth Policy.

## Recommendation

That Council adopt revised Policy No.27 Youth Policy, as provided in the Agenda Attachments.

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## DECISION

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

That Council adopt revised Policy No.27 Youth Policy, as provided in the Agenda Attachments.

*Councillor Hughes left the Meeting (7:01 pm) during debate of Item 81 and was absent for the vote.*

**CARRIED**

## Item 82/21

### 2021 Dorset Municipal Emergency Management Plan

Reporting Officer: General Manager, Tim Watson

Ref: DOC/21/4937 | Plan: DOC/21/4946

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## Purpose

The purpose of this item is for Council to formally adopt the 2021 Dorset Municipal Emergency Management Plan Issue 8.

## Recommendation

That Council adopt the attached 2021 Dorset Municipal Emergency Management Plan Issue 8.

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*Councillor Hughes returned to the Meeting during debate of Item 82 (7:07 pm)*

## DECISION

**MOVED: Cr Stein | SECONDED: Cr Nichols**

That Council adopt the attached 2021 Dorset Municipal Emergency Management Plan Issue 8.

**CARRIED UNANIMOUSLY**

**Time Meeting Closed:** 7:09 pm

Minutes Confirmed: 28 June 2021

Minute No: 83/21

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

Mayor