

*dorset*  
C O U N C I L

# Minutes

Council Meeting

18 October 2021

*it's in the making*

## Contents

Item 163/21	Confirmation of Ordinary Council Meeting Minutes – 20 September 2021 .....	3
	DECISION .....	3
Item 164/21	Confirmation of Ordinary Council Meeting Closed Session Minutes – 20 September 2021.....	4
	DECISION .....	4
Item 165/21	Confirmation of Agenda .....	4
	DECISION .....	4
Item 166/21	Declaration of an Interest of a Councillor or Close Associate.....	4
Item 167/21	Management Team Briefing Report .....	4
	DECISION .....	5
Item 168/21	Council Workshops Held Since Last Council Meeting .....	5
Item 169/21	Councillor Applications for Leave of Absence .....	5
Item 170/21	Public Question Time .....	5
Item 171/21	Deputations .....	6
Item 172/21	Councillor Question Time .....	7
Item 173/21	Notices of Motion by Councillors .....	7
Item 174/21	2021/22 Annual Plan – September Quarterly Report .....	8
	Recommendation .....	8
	DECISION .....	8
Item 175/21	Dorset Building Asset Management Plan 2021-2031.....	8
	DECISION .....	8
Item 176/21	Amendment 1/2021 – Dorset Interim Planning Scheme 2013 – Emily Street, Bridport (Ezzy Park).....	9
	DECISION .....	10
Item 177/21	State and Federal Grant Funding.....	10
	DECISION .....	10
Item 178/21	Closure of Meeting to the Public.....	11
	DECISION .....	11
	CLOSED SESSION AGENDA ITEM.....	11
Item 179/21	General Manager’s Annual Performance Review .....	11
Time Meeting Closed:	7.01 pm.....	11



## Council Meeting Minutes 18 October 2021

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**Meeting Opened:** 6:00 pm

**Present:** Crs Greg Howard (Mayor), Dale Jessup (Deputy Mayor), Leonie Stein, Murray Lade, Wendy McLennan, Edwina Powell, Jerrod Nichols  
*(arrived at 6:04 pm)*

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

**Apologies:** Crs Jan Hughes, Mervyn Chilcott

*The Mayor advised that Cr Jerrod Nichols would be joining the Meeting late.*

**Item 163/21** Confirmation of Ordinary Council Meeting Minutes – 20 September 2021

Ref: DOC/21/12628

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*The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 20 September 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 McLennan

**That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 20 September 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 164/21                      Confirmation of Ordinary Council Meeting Closed Session Minutes – 20  
September 2021  
Ref: DOC/21/12630

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*The Chair reported that he had viewed the minutes of the Ordinary Meeting Closed Session held on Monday, 20 September 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 Closed Session held on 20 September 2021 having been circulated to all Councillors, be confirmed as a true record.

CARRIED

Item 165/21                      Confirmation of Agenda

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**DECISION**

MOVED: Cr Jessup | SECONDED: Cr Lade

That Council confirm the Agenda and order of business for the 18 October 2021 Council Meeting.

CARRIED

Item 166/21                      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**

Nil

Item 167/21                      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 Stein | SECONDED: Cr Jessup

That the Management Team Briefing Report be received and noted.

CARRIED

*Councillor Nichols joined the Meeting at this time (6:04 pm)*

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### Item 168/21 Council Workshops Held Since Last Council Meeting

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5 October | Briefing Workshop

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### Item 169/21 Councillor Applications for Leave of Absence

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Nil

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### Item 170/21 Public Question Time

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The following questions were received on notice:

**Karl Willrath, Scottsdale | 28 September 2021**

*During the recent Budget Estimates, it was brought up that Dorset Council have not yet lodged their draft local provision schedules with the commission, and only one other Council has failed to do so. What is the reason Dorset has not lodged, and when is management expected to do so?*

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

I am not sure if it is a lack of attention or comprehension on your part but all of the information you seek was provided at the September Council Meeting at which you were an attendee. The information was provided either in the Agenda or in the report given to the meeting by Mr Thomas Wagenknecht and Mr Rohan Willis. Also in the report it was explained that by using Council staff to prepare the Local Provisions Schedule, Council have saved the community between \$80,000 and \$100,000, and while this took a little longer I am sure the savings were worth the wait. Dorset has not been disadvantaged in any way by being one of the last Councils to submit our Schedule.

In order to source the information you seek, I suggest you refer to the September Meeting Agenda and listen to the recording of the meeting.

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**Karl Willrath, Scottsdale | 7 October 2021**

*When members of the public do a Right to information request (RTI) with the Council, why is it that staff do not explain to the applicant, that even if Council do not grant the application fee when requested, an applicant can dispute the fee via the Ombudsman under the Ombudsman Act 1978?*

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

Legal advice received by Council supports Council's previous answer whereby the *Right to Information Act 2009* 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 (RTI) Officer, make the decision on whether an application fee should be waived.

The Ombudsman indeed has powers under the *Ombudsman Act 1978, Section 12 (4)* whereby "The power of the Ombudsman to investigate an administrative action includes power to investigate all the circumstances surrounding that action." I will quote the Ombudsman's office recent letter which stated "[s]hould an applicant wish to dispute a fee waiver decision, the matter is investigated by the Ombudsman, under the *Ombudsman Act 1978*. This is an entirely different piece of legislation, which is administered by a separate team of investigators. This is an issue that we very rarely see." The Ombudsman's office clearly stated they very rarely see this situation where a person utilises the *Ombudsman Act 1978* to investigate a RTI fee waiver totalling \$41.25. Also note that *Ombudsman Act 1978 Section 21 (1)(a & b)* "The Ombudsman may refuse to entertain a complaint, or, having commenced to investigate a matter raised in a complaint, may refuse to continue the investigation, if he is of the opinion that the matter raised in the complaint is trivial or that the complaint is frivolous or vexatious or is not made in good faith". I won't pass judgement as to where a RTI application fee dispute sits in the Ombudsman's Office pending cases. I note Council's solicitor also stated another alternative outside of the *Ombudsman Act 1978* is to go to the Supreme Court to get your \$41.25 fee back from Council. It is clearly not Council's role, or even appropriate, to be giving legal advice on RTI fee disputes."

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The following question was received without notice from a member of the public present:

**Ian Farley, Scottsdale:**

There has been on again off again report about the Enduro World Series being cancelled, then back on, then off. I am just wondering if there has been an update due to the COVID double vaccination and 80% threshold, etc.?

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

Definitely off for 2022, but definitely on for 2023.

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**Item 171/21**

**Deputations**

Nil

**Councillor Murray Lade:**

I've had a couple of people ask me about the walking track through the Bridport Seaside Caravan Park. The track has clay gravel on it and with the recent rain it has made it quite slippery in places. Is there anything that Council can do about this?

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

I will take that feedback on board and have it looked at.

**Councillor Edwina Powell:**

How have the Derby trails held up with the recent wet weather events?

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

I went and inspected the trails on Friday afternoon and they were very wet, with a lot of water coming down the hills after 95 millimetres of rain in less than 24 hours. This is after a rain event the previous week which dropped around 40 millimetres of rain in approximately 2 hours. I inspected them yesterday, and most of today and the trails are in an extremely good condition. There have been a few springs that have popped up but they will disappear.

**Councillor Leonie Stein:**

This has been raised to me by a couple of people in the community. They are curious to know what it actually costs Council for all the continuous questioning and everything else from our two regular attendees to most of our Council Meetings. How much of Council resources, staff time and financial costs for legal advice is being spent?

**Response from Mayor Greg Howard:**

We can certainly do some investigation and costings and I think the figure might astound you and others.

Nil

Item 174/21

**2021/22 Annual Plan – September Quarterly Report**

Reporting Officer: Director – Corporate Service: John Marik

Ref: DOC/21/13533 | September Quarterly Report: DOC/21/13534

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**Purpose**

The purpose of this agenda item is to update Council and the community on progress of the 2021/22 Annual Plan as at 30 September 2021.

**Recommendation**

That the attached Annual Plan 2021/22 September Quarterly Report be received and noted.

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**DECISION**

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

**That the attached Annual Plan 2021/22 September Quarterly Report be received and noted.**

**CARRIED UNANIMOUSLY**

Item 175/21

**Dorset Building Asset Management Plan 2021-2031**

Reporting Officer: Director – Corporate Services: John Marik

Ref: DOC/21/13561 | Building Asset Management Plan: DOC/21/11176

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**Purpose**

The purpose of this agenda item is to table the Building Asset Management Plan 2021 - 2031 (Building AMP) to Councillors for adoption.

**Recommendation**

That Council adopt the attached Building Asset Management Plan 2021 - 2031.

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**DECISION**

**MOVED: Cr Nichols | SECONDED: Cr Lade**

**That Council adopt the attached Building Asset Management Plan 2021 - 2031.**

**CARRIED UNANIMOUSLY**



\*\*\* Councillors are reminded that they are acting as a Planning Authority for Item 176

Item 176/21

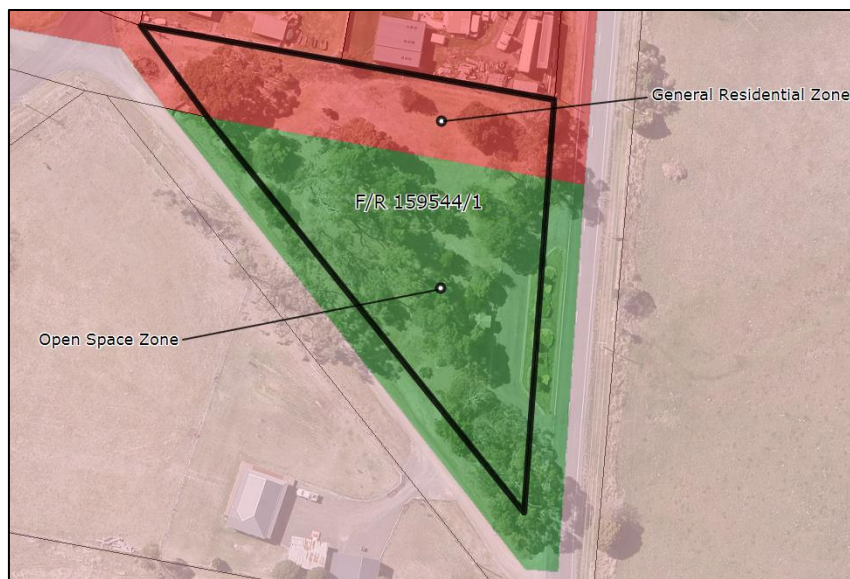
**Amendment 1/2021 – Dorset Interim Planning Scheme 2013 – Emily Street, Bridport (Ezzy Park)**

Reporting Officer: Director – Community & Development: Rohan Willis

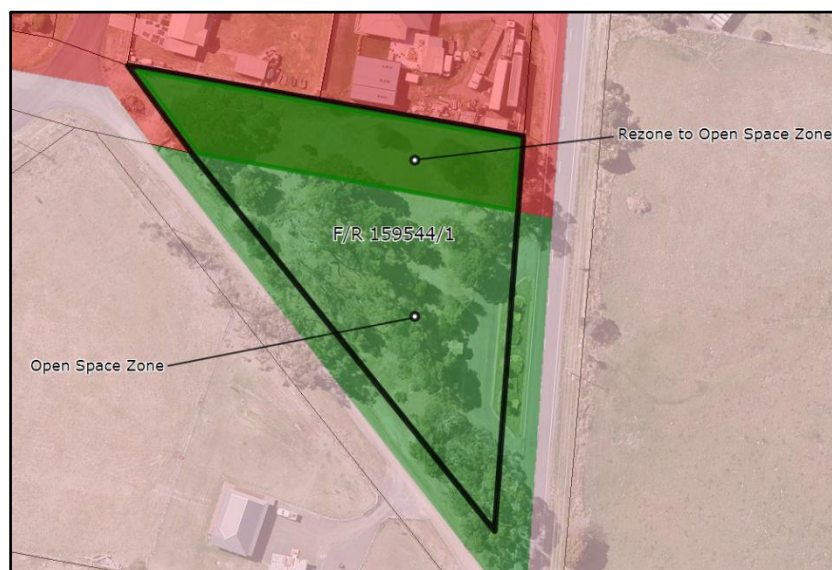
Ref: DOC/21/13591 | Planning Scheme Amendment Report: DOC/21/13592

**Purpose**

The purpose of this report is for Council to initiate amendment to the Dorset Interim Planning Scheme 2013 (DIPS) to partially rezone land at Emily Street, Bridport (Certificate of Title 159544/1) from General Residential Zone to Open Space Zone.



**Figure 1** – Current zoning configuration of the subject land (adapted from [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)). © State of Tasmania



**Figure 2** – Proposed zoning of subject land (adapted from [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)). © State of Tasmania

## Recommendation

Pursuant to Section 34(1)(b) of the former provisions of the *Land Use Planning and Approvals Act 1993*, the following amendment to the Dorset Interim Planning Scheme 2013 is initiated and, in accordance with Section 35, is initiated and certified as being in accordance with Sections 20(1), 30(O), 32(1) and 33(2B) of the Act:

- a) Rezone all land identified as General Residential Zone upon Certificate of Title 159544/1 to Open Space Zone.

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## DECISION

**MOVED: Cr McLennan | SECONDED: Cr Jessup**

Pursuant to Section 34(1)(b) of the former provisions of the *Land Use Planning and Approvals Act 1993*, the following amendment to the Dorset Interim Planning Scheme 2013 is initiated and, in accordance with Section 35, is initiated and certified as being in accordance with Sections 20(1), 30(O), 32(1) and 33(2B) of the Act:

- a) Rezone all land identified as General Residential Zone upon Certificate of Title 159544/1 to Open Space Zone.

**CARRIED UNANIMOUSLY**

**Item 177/21**

### **State and Federal Grant Funding**

Reporting Officer: General Manager: Tim Watson

Ref: DOC/21/8427

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## **Purpose**

The purpose of this report is to provide Council and the community with an overview of the State and Federal grant funding Council has been able to secure over the past 18 months.

## **Recommendation**

That Council receive and note the report on State and Federal Grant funding received since January 2020.

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## DECISION

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

That Council receive and note the report on State and Federal Grant funding received since January 2020.

**CARRIED UNANIMOUSLY**

**DECISION**

MOVED: Cr Stein | SECONDED: Cr Lade

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: 6:40 pm

CARRIED UNANIMOUSLY

Meeting Adjourned: 6:40 pm

Reason: For tea break with members of the public

Meeting Resumed: 6:52 pm

**CLOSED SESSION AGENDA ITEM**

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The following matter was 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 179/21 General Manager's Annual Performance Review**

The report on this matter was 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 report relates to:

- Personnel matters

Time Meeting Closed: 6:59 pm

Minutes Confirmed: 15 November 2021

Minute No: 181/21

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**Mayor**