



dorset
C O U N C I L

Minutes

Council Meeting

19 April 2021

it's in the making

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Council Meeting Minutes 19 April 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

Acting General Manager/Director – Works & Infrastructure: Dwaine Griffin, Director – Corporate Services: John Marik, Director – Community & Development: Rohan Willis, Town Planner: Thomas Wagenknecht

Apologies: General Manager: Tim Watson

Item 46/21 Confirmation of Ordinary Council Meeting Minutes – 15 March 2021
Ref: DOC/21/2628

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 15 March 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 Chilcott | **SECONDED:** Cr Powell

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 15 March 2021 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

Item 47/21 Confirmation of Agenda

DECISION

MOVED: Cr Hughes | SECONDED: Cr Stein

That Council confirm the Agenda and order of business for the 19 April 2021 Council Meeting.

CARRIED UNANIMOUSLY

Item 48/21 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 57

Cr Jessup Item 61

Item 49/21 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 Jessup | SECONDED: Cr Stein

That the Management Team Briefing Report be received and noted.

CARRIED UNANIMOUSLY

Item 50/21 Council Workshops Held Since Last Council Meeting

7 April | Briefing Workshop

Item 51/21 Councillor Applications for Leave of Absence

Nil

The following question was taken on notice at the 15 March 2021 Annual General Meeting:

Lawrence Archer, Bridport:

On page 23 of the Annual Report, under Tenders and Contracts, can you explain the last entry regarding the Bridport Caravan Park?

Response from General Manager, Tim Watson:

The entry relates to the awarding of the tender for the management of the Bridport Seaside Caravan Park commencing 1 November 2020.

The following question was taken on notice at the 15 March 2021 Ordinary Meeting:

Lawrence Archer, Bridport:

What is the total cost to Council of the new Derby depot building including the access road, wash down bay, wastewater system, security fencing and the water supply pipeline?

Response from Acting General Manager, Dwaine Griffin:

\$418,811.

The following question was received on notice:

Lawrence Archer, Bridport | 8 April 2021

What is the breakdown of the \$913,000 net cost to Council of the Aminya operations in the last financial year as mentioned on page 50 of the 2019/20 annual report.

Response from Director – Corporate Services, John Marik:

The breakdown of the \$913,000 (rounded to the nearest \$'000 on page 50 of the 2019/20 Annual Report) is as per the following:

State Government Reimbursement	(\$132,266)
Management Fees	\$1,037,300
Legal fees	\$7,547
Total	\$912,581

Mary Schramm, Ringarooma

I would like to state that the section of Carisbrook Lane that has recently undergone works is fantastic. Is there a timeframe for when the next section will be upgraded?

Response from Mayor Greg Howard:

The next stage of the road reconstruction will commence in the 2021/22 financial year.

The roadside work that has been conducted from West Maurice Road to the Ringarooma township - there is some sediment washing into the table drains and so are there any plans to revegetate the banks to help stabilise the soil?

Response from Director – Works & Infrastructure, Dwaine Griffin:

A bit of wash is normal on new road projects and that will stabilise and Council will allow natural regrowth to take its course.

Item 53/21 Deputations

Nil

Item 54/21 Councillor Question Time

The following questions were taken on notice at the 15 March 2021 Ordinary Meeting:

Councillor Wendy McLennan:

For the good of Bridport tourists and locals, something has to be done about the loss of sand from Old Pier Beach. The Council put in access steps so that the public can get onto the beach. The beach is no longer there and the rocks are creating tripping hazards. The difference between Old Pier Beach and the other beaches is that the sand comes back.

The three things that have made it worse:

- 1. The sand bags – moved the shoreline further towards the sea. Every time we have a high tide the water hits the bags and drags the sand out.*
- 2. The stormwater drain – the amount of water runoff has increased and it scours the sand away. The improvement of the stormwater drains and the increase in buildings has meant that there is a lot more run off.*
- 3. Rock Wall – in previous years the rock wall that protects the boat ramp was extended out to the old pier piles. When that was removed because it was affecting the original boat ramp, it allowed the sand to go past. The groin is not as long as it used to be.*

Every time we have high tides or storms with heavy rain, the combination of these removes the sand. I am aware that this is a cyclic feature but the loss of sand is greater now because of those three factors.

Are we going to stand by after doing all the work in the boat launching ramp, the car park and Bentley Street and the toilets, drinking fountains and showers that have attracted people to the area just to let this continue?

I believe that we need to take action with TasWater (re the sand bags). The stormwater drain – Jeff Jennings has been suggesting that this has needed to be moved for a while. The response was that it was being considered and then when the Bentley Street contract was let it was stated that it was too late to move it.

In 1980, the Council moved the stormwater drain on Croquet Lawn Beach so that it didn't go down the middle of the beach. This has proven that it has stopped the erosion of the sand.

Can Council call a meeting of the organisations responsible and together work out a solution to the problem?

Response from Director – Works & Infrastructure, Dwaine Griffin:

While the issues raised are not new, Council Officers will further investigate to determine if solutions are possible. It should be noted that the issues are problematic due to changes in the sand flow that resulted from the stabilisation of the sand dunes which occurred two decades ago.

Councillor Leonie Stein:

With increased tourist numbers in Bridport can we look into a suitable location for a second dump point as I don't believe the one in the Caravan Park is sufficient for the volume of people coming through?

Response from Director – Works & Infrastructure, Dwaine Griffin:

Council will investigate the matter.

Councillor Edwina Powell:

The sound in this room (Scottsdale Library) is excellent. You can speak here and you can hear right at the back of the room. I have hearing aids and I can hear everything very clearly. When we are back in the Council Chambers or at Halls around the municipality, it is impossible to hear people who either ask questions or Officers who offer advice or directions – it is very difficult to hear them. There are times when you (Mayor) or the General Manager speak and it isn't clear and a lot of that discussion is lost. Could we get a simple mic for use in these rooms?

Response from Executive Assistant, Sarah Forsyth:

Council Officers are investigating options available.

Councillor Wendy McLennan:

Thank you Dwaine for the response to my question from the last Council Meeting. Is there anything Council can do to find a solution or have someone qualified look at this issue, knowing that the land in question is not owned by Council, but Crown Land and MAST?

Response from Mayor Greg Howard:

Council can write to both entities and express concerns raised in your previous question.

Councillor Edwina Powell:

My question taken on notice at the last meeting relating to sound equipment for Council Meetings, what are the options that Officers are investigating?

Response from Executive Assistant, Sarah Forsyth:

Council's Information Technology Officer is currently looking at potential options and speaking with other Councils to ascertain the best purchase for Council.

Further Response from Mayor Greg Howard:

Officers also need to take into account the various locations that Council hold meetings to ensure that the equipment purchased will be adequate in all settings.

Councillor Jan Hughes:

Just a few questions to ask the status of a number of previously discussed items:

- 1. Have Council heard anything from Kim Seagram regarding the Creative Cities Bid?*
- 2. Have Council heard anything further about the Regional Collaboration document that we endorsed at a previous Council Meeting?*
- 3. Have we received any indication of the status of the rezoning request for Ezzy Park, Bridport that was endorsed at the February Council Meeting?*
- 4. How did the public forums relating to the Local Provisions Schedule (LPS) go?*

Responses from Mayor Greg Howard (to question 1 and 2):

- No further contact or information has been received in relation to this presentation.
- Yes, the General Manager and I have received an invitation to attend a forum in Launceston on 28 April 2021.

Response from Director – Community & Development, Rohan Willis (to question 3):

Council have received a response stating that due to the impending state election and the Government being in caretaker mode, that no decision upon the urgent amendment for rezoning of Ezzy Park will be considered until post-election.

Response from Town Planner, Thomas Wagenknecht *(to question 4):*

Council held public drop in sessions at Scottsdale (4 attendees), Bridport (10), Derby (1) and Gladstone (5) with beneficial feedback received from those attendees. Council have now opened up a public submission period for anyone to comment on the LPS for a four week period, commencing from last Friday.

Councillor Mervyn Chilcott:

In relation to the public question received regarding the Derby Depot cost and figure provided, is the build within budget?

Response from Director – Works & Infrastructure, Dwaine Griffin:

Yes, Council are under budget.

What is the status of the Derby Depot, have we heard anything further?

Response from Mayor Greg Howard:

No change, with Council still waiting on a response from the Crown-Solicitor.

Deputy Mayor Dale Jessup:

Do we have any update on the progress of the appeals relating to the rail trail development approval?

Response from Director – Community & Development, Rohan Willis:

Council, through its solicitor, is pursuing that the grounds of appeal lodged by the appellant be dismissed on jurisdictional grounds. We are awaiting the verdict of the Tribunal upon the matter. If successful, the appeal will be dismissed by the Tribunal.

Item 55/21 Notices of Motion by Councillors

Nil

Item 56/21 Annual Plan 2020/21 – March Quarterly Report
Reporting Officer: Director – Corporate Services, John Marik
Ref: DOC/21/3354 | March Quarterly Report: DOC/21/905

Purpose

The purpose of this agenda item is to update Council and the community on progress of the Annual Plan 2020/21 as at 31 March 2021.

Recommendation

1. That the attached Annual Plan 2020/21 March Quarterly Report be received and noted.
2. That Council defer the following items from point 3 of the Annual Plan 2020/21 to the 2021/22 financial year:
 - i. review and update Building Asset Management Plan; and
 - ii. review and update for Stormwater Asset Management Plan; and
 - iii. review and update the Asset Management Strategy.

DECISION

MOVED: Cr Nichols | SECONDED: Cr Chilcott

1. That the attached Annual Plan 2020/21 March Quarterly Report be received and noted.
2. That Council defer the following items from point 3 of the Annual Plan 2020/21 to the 2021/22 financial year:
 - i. review and update Building Asset Management Plan; and
 - ii. review and update for Stormwater Asset Management Plan; and
 - iii. review and update the Asset Management Strategy.

CARRIED UNANIMOUSLY

Cr Howard declared an interest in Item 57, vacated the Chair and left the Meeting prior to discussion (6:22 pm)

Deputy Mayor Jessup took the Chair (6:22 pm)

Item 57/21

Writing off Debts Policy

Reporting Officer: Director – Corporate Services, John Marik
Ref: DOC/21/3337 | Policy: DOC/21/852

Purpose

To introduce a policy that will guide the appropriate write-off of non-rates debts.

Recommendation

That Council adopt Policy 58 – Writing off Debts.

DECISION

MOVED: Cr Hughes | SECONDED: Cr Stein

That Council adopt Policy 58 – Writing off Debts.

CARRIED

Deputy Mayor Jessup vacated the Chair (6:25 pm)

Cr Howard returned the Meeting (6:25 pm)

Item 58/21

Customer Service Charter Update

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/21/3363 | Charter: DOC/18/557

Purpose

The purpose of this agenda item is to update the Dorset Council Customer Service Charter.

Recommendation

That Council adopt the attached updated Policy No. 18 - Customer Service Charter.

DECISION

MOVED: Cr Jessup | SECONDED: Cr McLennan

That Council adopt the attached updated Policy No. 18 - Customer Service Charter.

CARRIED UNANIMOUSLY

Item 59/21

Public Interest Disclosures Procedures Review

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/21/3359 | Procedures: DOC/20/14125

Purpose

The purpose of this agenda item is to review the *Public Interest Disclosures Act 2002* Dorset Council Procedures.

Recommendation

That Council adopt the attached reviewed model *Public Interest Disclosure Act 2002* Dorset Council Procedures, dated 26 March 2021.

DECISION

MOVED: Cr Nichols | SECONDED: Cr Chilcott

That Council adopt the attached reviewed model *Public Interest Disclosure Act 2002* Dorset Council Procedures, dated 26 March 2021.

CARRIED UNANIMOUSLY

Item 60/21

Public Question Time and Deputations Policy Amendment

Reporting Officer: Director – Community & Development, Rohan Willis
Ref: DOC/21/3357 | Policy: DOC/21/3138

Purpose

The purpose of this report is to amend Policy No. 41 - Public Question Time and Deputations.

Recommendation

That Council adopt the attached amended Policy No. 41 – Public Question Time and Deputations.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Hughes

That Council adopt the attached amended Policy No. 41 – Public Question Time and Deputations.

CARRIED UNANIMOUSLY

****Councillors were reminded that they are acting as a Planning Authority for Item 61/21 and Item 62/21*

Item 61/21

Planning Application – Visitor Accommodation and Single Dwelling with Relaxation of Building Envelope and Private Open Space Standards | 11 Elvie Court BRIDPORT

Reporting Officer: Town Planner, Thomas Wagenknecht
Ref: DOC/21/3484 | PLA/2021/13

Purpose

The purpose of this report is for Council to consider a proposal for the construction of one visitor accommodation unit and one single dwelling at 11 Elvie Court Bridport. Vehicle access would be available to the site from an existing crossover onto Elvie Court (Council maintained road).

Cr Jessup declared an interest in Item 61 midway through the item (prior to the recommendation being moved/seconded), and immediately left the Meeting (6:40 pm)

Recommendation

It is recommended that the proposal for the construction of one (1) visitor accommodation unit and one (1) single dwelling at the subject land, be approved subject to the following conditions:

DECISION

MOVED: Cr Stein | SECONDED: Cr Nichols

It is recommended that the proposal for the construction of one (1) visitor accommodation unit and one (1) single dwelling at the subject land, 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/2021/13). 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 9 February 2021 (Reference No. TWDA 2021/00147-DC, copy attached to this permit).

3. *Construction of Vehicle Parking and Internal Access*

Prior to the commencement of the approved uses, and to the satisfaction of Council's Town Planner, areas set aside for the parking of vehicles, together with the aisles and access lanes, must be provided with an impervious all weather seal that is:

- a) constructed, drained and maintained; and
- b) marked or provided with clear physical means to delineate vehicle parking spaces.

4. *Privacy Management – Visitor Accommodation*

Prior to the commencement of the approved visitor accommodation use, and completed to the satisfaction of Council's Town Planner:

- a) the window to the living room on the upper floor that faces south-east must be fixed with obscure glazing with a uniform transparency of no more than 25% transparency; and
- b) a privacy screen, with a uniform transparency of no more than 25% and a minimum height of 1.7 metres, must be erected along the deck's south-eastern face, as detailed within the submitted plans.

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.

(vi) 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) TasWater Works Approval

CARRIED

Cr Jessup returned the Meeting (6:43 pm)

Purpose

The purpose of this report is for Council to consider a proposal for a change of use of the existing building at 24 Main Street Ringarooma to visitor accommodation. Vehicle access and the existing car parking space would be available to the site from an existing crossover onto Charles Street (Council maintained road).

Recommendation

It is recommended that the proposal for the change of use of the existing building at 24 Main Street Ringarooma to visitor accommodation, be approved subject to the following conditions:

DECISION

MOVED: Cr Hughes | SECONDED: Cr Lade

It is recommended that the proposal for the change of use of the existing building at 24 Main Street Ringarooma to visitor accommodation, 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/2021/23). Any substantial variation from this application will require the further planning consent of the Council.

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:

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(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.

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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.

(vi) 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

CARRIED UNANIMOUSLY

Item 63/21 Closure of Meeting to the Public

DECISION

MOVED: Cr Stein | SECONDED: Cr Chilcott

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: 6:46 pm

CARRIED UNANIMOUSLY

Meeting Adjourned: 6:46 pm

Reason: For tea break with members of the public

Meeting Resumed: 7:02 pm

CLOSED SESSION AGENDA ITEMS

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 64/21 Public Lighting Contract Delegation Authority

The report on this matters was listed in the Closed Session 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:

- Contracts and tenders for the supply of goods and services

Time Meeting Closed: 7:15 pm

Minutes Confirmed: 17 May 2021

Minute No: 66/21

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Mayor