

dorset
C O U N C I L

UNCONFIRMED

Minutes

Council Meeting

28 June 2021

it's in the making

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Council Meeting Minutes 28 June 2021

Meeting Opened: 6:00 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 – Corporate Services: John Marik, Director – Works & Infrastructure: Dwaine Griffin, Director – Community & Development: Rohan Willis

Apologies: Nil

Item 83/21 Confirmation of Ordinary Council Meeting Minutes – 17 May 2021
Ref: DOC/21/5363

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 17 May 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 Powell | **SECONDED:** Cr Chilcott

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 17 May 2021 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

Item 84/21 **Confirmation of Agenda**

DECISION

MOVED: Cr Stein | SECONDED: Cr Hughes

That Council confirm the Agenda and order of business for the 28 June 2021 Council Meeting.

CARRIED UNANIMOUSLY

Item 85/21 **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 86/21 **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 Lade

That the Management Team Briefing Report be received and noted.

CARRIED UNANIMOUSLY

Item 87/21 **Council Workshops Held Since Last Council Meeting**

1 June | Briefing Workshop

Item 88/21 **Councillor Applications for Leave of Absence**

Nil

The following questions were taken on notice at the 17 May 2021 Council Meeting:

Karl Willrath, Scottsdale

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?

Response from General Manager, Tim Watson:

The request is voluminous and the allocation of staff resources cannot be justified.

Lawrence Archer, Bridport

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?

Response from Director – Corporate Services, John Marik:

Before answering the question the previous answer pertaining to the 2019/20 net cost to Council requires further elaboration. What was not explained was that a further \$223,000 in State Government reimbursements had not been claimed in 2019/20 but was subsequently claimed in 2020/21. The adjusted net cost to Council for 2019/20 is therefore \$689,000. This represents an increase of \$368,000 over the previous financial year.

The following questions were received on notice:

Karl Willrath, Scottsdale | 25 May 2021

On what date did Mayor Howard take possession of the Mayoral car and thus stop using the per kilometre reimbursement method?

Response from General Manager, Tim Watson:

At the September 2019 Council Meeting, Council resolved to provide the Mayoral role with a fully maintained motor vehicle in accordance with Council's operational plant and vehicles use Policy. The motor vehicle was supplied to the Mayor on 29 October 2019.

Why does the Dorset Council have security cameras in main street Scottsdale, in the public areas of the Council officers, and in other areas around the Dorset Shire, but still do not have a camera on the Council meetings so people can see what our Councillors do/do not get up to?

Response from Mayor Greg Howard:

Cameras placed around the community are for the identification of perpetrators of vandalism and unsocial behaviour. They have proved very effective and have resulted in the successful prosecution of many of those involved.

Apart from a small number of exceptions, persons attending Council meetings usually behave in a courteous and responsible manner and pose reasonable questions which we do our best to answer. Thus cameras are not required at meetings, plus the cost of erecting cameras at all of the nine venues across Dorset where we hold meetings would be quite prohibitive and not a wise spend of public money. Any such cameras would only be likely to catch out the very poor behaviour exhibited by the aforementioned exceptions.

Karl Willrath, Scottsdale | 8 June 2021

As the current municipal logo appears to be fit for purpose, what is the reason that no formal IP protection has not been taken out? Section 336 of the Local Government Act 1993 only offers very limited protection.

Response from Mayor Greg Howard:

There is no need.

Karl Willrath, Scottsdale | 10 June 2021

How many Dorset Council video surveillance cameras are in the Shire that cover streets, buildings, public toilets etc.?

Response from Director – Works and Infrastructure, Dwaine Griffin:

44.

Have GM Watson and all other office staff that are authorised to gain access to the Dorset CCT footage, had recent National Police checks?

Response from Mayor Greg Howard:

No.

Mary Schramm, Ringarooma:

In regards to questions received from the public and Councillors relating to financials and projects undertaken and not being able to answer them on the night, is the Council upgrading its accounting and record keeping systems in such a way that in the future it will be possible to readily match expenditure and outcomes with the many and various activities of Council?

Response from Mayor Greg Howard:

The vast majority of questions get answered immediately at the Council Meeting or sometimes we take them on notice if the information is not readily known. These are then answered and provided to the member of the public or Councillor unless a question is identified as being unreasonable to expend significant staff resources.

Karl Willrath, Scottsdale:

It appears that you and GM Watson are a little too close and go out of your way to cover each other, is that correct?

Response from Mayor Greg Howard:

No.

Lawrence Archer, Bridport:

Prior to you being provided with a Council vehicle, how often did you lodge claims for travel expenses?

Response from Mayor Greg Howard:

Roughly 1-2 months, but without checking I can't be sure.

Dorset Council has a Youth Policy and a Consultation Policy. What consultation was undertaken with the youth/skaters in relation to the design and location of the new skate park proposed for Bridport?

Response from Director – Works & Infrastructure, Dwaine Griffin:

The designer conducted consultation online and in person with the youth in Bridport.

So where could I get details of that consultation?

Question Taken on Notice

Council has advertised, just last week, for tenders for construction of the new skate park in Bridport. It is proper process to advertise tenders before Council approve the budget to fund the development?

Response from General Manager, Tim Watson:

I wouldn't say it's inappropriate. If Council decides tonight to not include that as part of the Budget Estimates then it would be removed. We've workshopped the item, we've got funding for the project so there is no reason to believe that it won't be approved tonight. I don't have a problem with the process.

Mayor Howard, I am advised that you are appealing a decision of the Local Government Code of Conduct Panel. When will that appeal be heard?

Response from Mayor Greg Howard:

I can't tell you because it has been adjourned subject to an intervention from the Attorney-General.

Is this a deliberate strategy of yours to delay the tabling of the Code of Conduct decision?

Response from Mayor Greg Howard:

No, it was a dumb decision on behalf of the Panel. The legislation offers the right of appeal, which I have exercised.

Paul Arnison, Bridport:

I would just like to know what is Council's doing about parking in Bridport? With new businesses starting up there is no parking for people on long weekends, public holidays and the Christmas period – it seems to be a big problem in Bridport. Better signage would also help visitors to town to direct them to parking areas.

Response from Mayor Greg Howard:

Council did a parking study in, don't quote me, but it was either 2018 or 2019. That study revealed that 40% of available parking spots were unused on most days, so Council has not progressed the matter further. Now you can't probably build enough infrastructure to cater for that high peak period as it is just impractical as it would sit vacant for most of the time. I agree that there is a requirement for more parking around the central shopping zone, with that parking study looking at the top side of the Village Green underneath the road and down around the Hall itself for further parking. Council also don't own any land around that area to develop into parking, and would require consultation and permission from Crown Land for this to occur. We will take on board that signage could be better utilised for visitors to Bridport.

Karl Willrath, Scottsdale:

Just clarifying one point raised in a previous question tonight regarding a code of conduct complaint that was appealed. Did you say that the Attorney-General, as in Elise Archer, intervened into a code of conduct complaint?

Response from Mayor Greg Howard:

She has requested to be involved in the appeal process.

Sarah Powell, Bridport:

Just on the parking in Bridport – how quickly will this be looked at? A business has been approved for building within the next 5 weeks and up and running by summer, will there be any extra parking available by then?

Response from Mayor Greg Howard:

As previously answered, Council need to speak with Crown Land regarding any potential parking development as Council don't own the land.

Item 90/21

Deputations

Nil

Item 91/21

Councillor Question Time

The following question was taken on notice at the 17 May 2021 Council Meeting:

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?

Response from Director – Community & Development, Rohan Willis:

The approximate six-week adjournment period was agreed to by both Council and the appellant to allow both parties opportunity to gather further information relating to the remaining ground of appeal, which is to be decided at a Tribunal hearing in late June. This appeal ground relates to water quality management; noting that a previous, additional appeal ground pursued by the appellant was dismissed by the Tribunal. Council remains optimistic that the Tribunal will similarly determine the remaining appeal ground pursued by the appellant to be inapplicable to the Rail Trail application; however this will unfortunately not be established until the Tribunal hearing has been held. In the event that the Tribunal, at the hearing, decided the appellant's appeal ground to be an applicable consideration, Council would need to be equipped with information, to the Tribunal's satisfaction, demonstrating water quality would be adequately managed by the project. This information is therefore being sourced by Council and will be presented at the hearing. The final cost of

sourcing this information will be determined in due course, as will the total cost of the appeal.

Further, it should be noted that since 2013, the Rail Trail development application is the only development application to go before a Tribunal hearing. Although a handful of other applications have been appealed, these have all been resolved via agreement prior to proceeding to a hearing.

Councillor Wendy McLennan:

Carrying on with the theme of parking. There is a problem with cars and caravans in Bridport because they are new to town and they park their van wherever it's convenient, but the trouble is it blocks off all the on street parking. If Pitt and Sherry did the report, what time of year did it occur as it would depend on what time of day, when they did it, etc. Since COVID, we haven't had the grey nomads leaving like normal and the town is really buzzing.

Response from Mayor Greg Howard:

The report was conducted over a significant period of time, it wasn't done in a few hours in one day. Secondly, it was done pre COVID so it would be the normal Bridport not the COVID affected Bridport.

Further Response from Director – Community & Development, Rohan Willis:

That report was conducted in December to target the peak period of visitation.

Councillor Leonie Stein:

On the parking matter, is it possible to consider extending the CWA carpark? Take it deeper all the way down to the walking track on the foreshore.

Response from Mayor Greg Howard:

This is of course one of the options we can look at, however, as with all the other options, Crown Land has to give consent.

Councillor Wendy McLennan:

Has there been any progress with Old Pier Beach and the sand erosion?

Response from Director – Works & Infrastructure, Dwaine Griffin:

No

It has also been brought to my attention that there is a substantial sum of money in the Hub which is in the donation tin for the trails. I just wondered if that is money that goes to Blue Derby or does it come to Council?

Response from General Manager, Tim Watson

It comes to Council as donations towards trail maintenance.

There is a few thousand dollars in there apparently, could this be collected?

Question Taken on Notice

Item 92/21 Notices of Motion by Councillors

Nil

Item 93/21 **2021 Update – Strategic Plan 2019 - 2028** Reporting Officer: General Manager, Tim Watson Ref: DOC/21/6893 | 2021 Update: DOC/20/11710

Purpose

This purpose of this report is for Council to receive and adopt the 2021 update of the Dorset Council Strategic Plan 2019 – 2028.

Recommendation

That Dorset Council adopt the 2021 update of the Dorset Council Strategic Plan 2019 – 2028.

DECISION

MOVED: Cr Stein | SECONDED: Cr Jessup

That Dorset Council adopt the 2021 update of the Dorset Council Strategic Plan 2019 – 2028.

Voting For the Motion: Mayor Howard, Deputy Mayor Jessup, Crs Stein, Nichols, McLennan, Lade, Hughes, Chilcott

Voting Against the Motion: Cr Powell

CARRIED

Item 94/21 **Long Term Financial Plan 2021 - 2030** Reporting Officer: General Manager, Tim Watson Ref: DOC/21/6905 | Plan: DOC/21/4679[v3]

Purpose

The purpose of this agenda item is to adopt the Long Term Financial Plan for 2021 - 2030.

Recommendation

That pursuant to Section 70, 70E and 70F of the *Local Government Act 1993*, Dorset Council approves and adopts the Long Term Financial Plan for 2021 - 2030.

DECISION

MOVED: Cr Chilcott | SECONDED: Cr Hughes

That pursuant to Section 70, 70E and 70F of the *Local Government Act 1993*, Dorset Council approves and adopts the Long Term Financial Plan for 2021 - 2030.

CARRIED UNANIMOUSLY

Item 95/21

2021/22 Annual Plan

Reporting Officer: Director – Corporate Services, John Marik
Ref: DOC/21/6891 | 2021/22 Plan: DOC/21/4933

Purpose

The purpose of this agenda item is to adopt an Annual Plan for the 2021/22 financial year.

Recommendation

That Council adopt the attached 2021/22 Annual Plan.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Nichols

That Council adopt the attached 2021/22 Annual Plan.

CARRIED UNANIMOUSLY

Item 96/21

Rates and Charges Policy Review

Reporting Officer: Director – Corporate Services, John Marik
Ref: DOC/21/6902 | Reviewed Policy: DOC/21/5798

Purpose

The purpose of this report is to review the Rates and Charges Policy.

Recommendation

That Council adopt the attached revised Policy No. 42 – Rates and Charges.

DECISION

MOVED: Cr McLennan | SECONDED: Cr Nichols

That Council adopt the attached revised Policy No. 42 – Rates and Charges.

CARRIED UNANIMOUSLY

*Voting Requirement under the Act | Absolute Majority

Recommendation*

That Council make and levy rates and charges for the period 01 July 2021 to 30 June 2022 in accordance with the resolution, which follows:

DECISION

MOVED: Cr Nichols | SECONDED: Cr Jessup

That Council make and levy rates and charges for the period 01 July 2021 to 30 June 2022 in accordance with the resolution, which follows:

1. GENERAL RATE

1.1 That pursuant to section 90 of the *Local Government Act 1993* (the **Act**), Council makes the following general rate on all rateable land (excluding land which is exempt pursuant to the operation of section 87 of the Act) within the municipal area of Dorset for the period commencing 1 July 2021 and ending 30 June 2022:

(a) **7.5913 cents in the dollar** on the assessed annual value of the land.

1.2 That pursuant to section 90(4) of the Act, Council sets a minimum amount payable in respect of the general rate specified in clause 1.1 of this resolution in the amount of **\$298**.

2. SERVICE RATES AND SERVICE CHARGES

2.1 That pursuant to sections 93, 93A, 94 and 95 of the Act, Council makes the following service rates and service charges on all rateable land in the municipal area of Dorset (including land which is otherwise exempt from rates pursuant to section 87 of the Act but excluding land owned by the Crown to which the Council does not supply the relevant services) for the period commencing on 1 July 2021 and ending on 30 June 2022, namely:

(a) A service charge in the amount of **\$102** for waste management services on all rateable land for the operational costs of Council's waste transfer stations (being a waste management facility), cartage of waste, removal of town waste and rehabilitation of Council's former tip sites.

(b) Pursuant to sections 94(3) and 107 of the Act, Council declares by absolute majority that the service charge for waste management services specified in clause 2.1(a) of this resolution is varied as follows:

i. for all land in the locality of Derby which is used or predominantly used for commercial purposes, the service charge is varied from the amount of \$102 to the amount of **\$1,000**.

(c) Service charges for waste management in respect of all land to which Council supplies waste management services comprising the supply of a kerb-side

garbage collection service and/or the supply of a kerb-side recycling collection service, as follows:

- i. **\$271** for a large (i.e. 240 litre) mobile garbage bin;
- ii. **\$137** for a medium (i.e. 120 litre) mobile garbage bin;
- iii. **\$116** for a small (i.e. 80 litre) mobile garbage bin; and
- iv. **\$130** where Council supplies a recycling collection service.

2.2 If any land to which any of the waste management service charges in paragraphs 2.1(a), (b) or (c) is applicable is the subject of separate rights of occupation, which are separately valued in the valuation list prepared under the *Valuation of Land Act 2001*, then the charges apply to each separate right of occupation.

2.3 Pursuant to section 93A of the Act, Council makes the following service rate in respect of the fire service contributions it must collect under the *Fire Service Act 1979* for the rateable parcels of land within the municipal area of Dorset:

- (a) for land within the Bridport and Scottsdale Volunteer Brigade Rating District, a service rate of **0.4012 cents in the dollar** of assessed annual value; and
- (b) for land within the General Land Rating District a service rate of **0.3737 cents in the dollar** of assessed annual value.

Pursuant to section 93(3) of the Act, Council sets a minimum amount of **\$42** payable for the service rate in respect of the fire service contributions it must collect under the *Fire Service Act 1979*.

3. SEPARATE LAND

That for the purposes of these resolutions the rates and charges shall separately apply to each parcel of land which is shown as being separately valued in the valuation list prepared under the *Valuation of Land Act 2001*.

4. INSTALMENT PAYMENTS

That pursuant to section 124 of the Act, Council determined that ratepayers:-

- (a) may pay the rates and charges by one payment, in which case the due date for that payment is 30 September 2021; and
- (b) may pay rates and charges by four (4) equal instalments, in which case Council determines that the dates by which the instalments are to be paid are as follows:
 - i. the first instalment on or before 30 September 2021; and
 - ii. the second instalment on or before 30 November 2021; and
 - iii. the third instalment on or before 31 January 2022; and
 - iv. the fourth instalment on or before 31 March 2022.

5. DEFAULT INTEREST ON LATE PAYMENT

Pursuant to section 128(1)(b) of the Act, if any rate or instalment is not paid in full within 14 days of the date it falls due, then there is payable a daily interest charge equal to the prescribed percentage calculated in accordance with section 128(2) of the Act in respect of the unpaid rate or instalment for the period during which the relevant amount remains unpaid.

6. ADJUSTED VALUES

That for the purpose of each of these resolutions, any reference to assessed annual value includes a reference to that value as adjusted pursuant to section 89 of the Act.

7. TERMS USED

Words and expressions used both in these resolutions and in the Act or the *Fire Service Act 1979* have in these resolutions the same respective meanings as they have in those statutes.

CARRIED UNANIMOUSLY

Item 98/21

2021/22 Budget Estimates

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/21/6904 | 2021/22 Budget Estimates: DOC/21/4995 & DOC/21/5643

Purpose

The purpose of this agenda item is to adopt the Budget Estimates for the 2021/22 financial year.

***Voting Requirement under the Act | Absolute Majority**

Recommendation*

That pursuant to Section 82 of the *Local Government Act 1993*, Council approves and adopts the 2021/22 Budget Estimates.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Stein

That pursuant to Section 82 of the *Local Government Act 1993*, Council approves and adopts the 2021/22 Budget Estimates.

CARRIED UNANIMOUSLY

Item 99/21

2021/22 Fees and Charges

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/21/6901 | 2021/22 Schedule: DOC/21/7207

Purpose

The purpose of this report is to review the Fees and Charges Schedule for 2021/22.

Recommendation

That Council adopt the attached Fees and Charges Schedule for 2021/22.

DECISION

MOVED: Cr Hughes | SECONDED: Cr Chilcott

That Council adopt the attached Fees and Charges Schedule for 2021/22.

CARRIED UNANIMOUSLY

Item 100/21

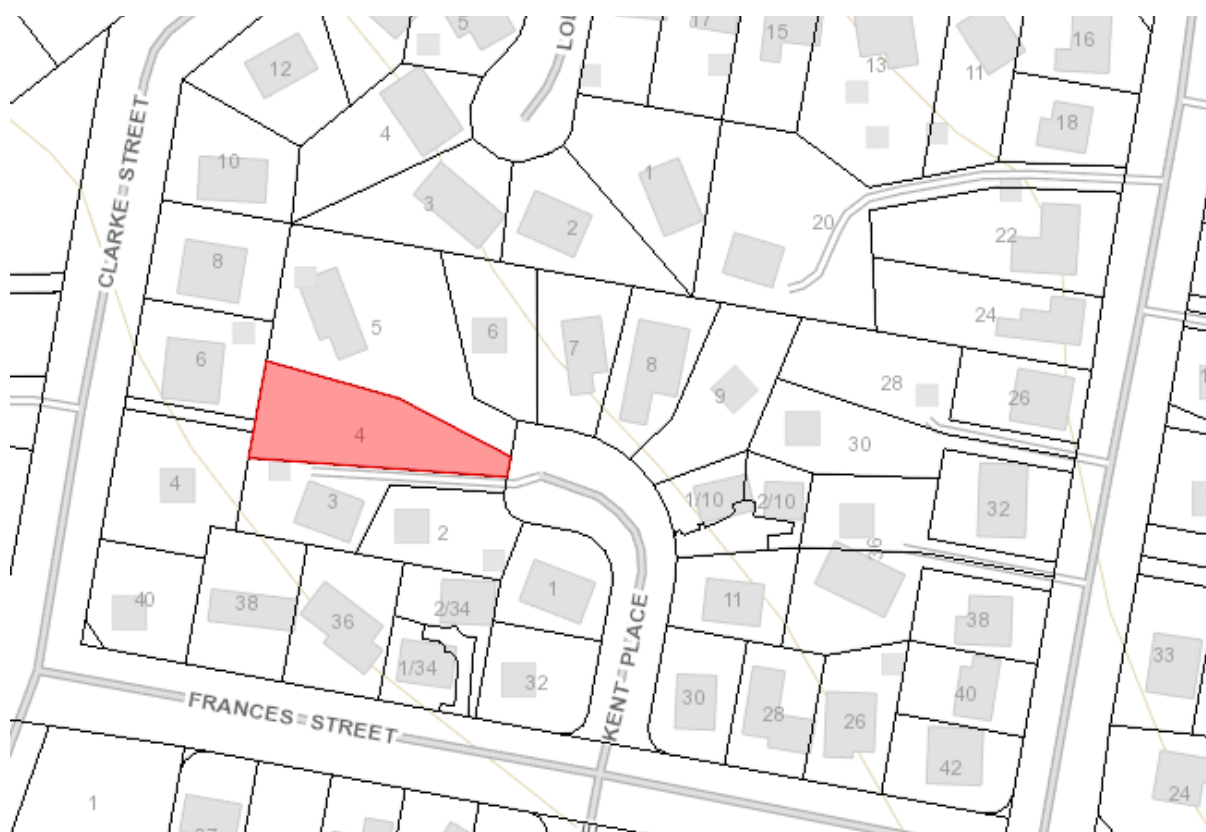
Sale of Council Owned Vacant Land | 4 Kent Place BRIDPORT

Reporting Officer: General Manager, Tim Watson

Ref: DOC/21/7156

Purpose

The purpose of this report is for Council to formally resolve its intention to sell a vacant parcel of public land at 4 Kent Place, Bridport



PID Number	Cert of Title	Street Number	Street Name	Town
7818112	24429/22	4	Kent Place	Bridport

Recommendation

That Council resolves to sell 4 Kent Place, Bridport (CT 24429/22) in compliance with Section 178 of the *Local Government Act 1993*, and remove the notation on the folio plan "set apart for public recreation space".

DECISION

MOVED: Cr Nichols | SECONDED: Cr Lade

That Council resolves to sell 4 Kent Place, Bridport (CT 24429/22) in compliance with Section 178 of the *Local Government Act 1993*, and remove the notation on the folio plan "*set apart for public recreation space*".

CARRIED UNANIMOUSLY

Time Meeting Closed: 7:09pm

Minutes Confirmed: 19 July 2021

Minute No: 101/21



Mayor