



dorset
C O U N C I L

Minutes

Council Meeting

18 July 2022

it's in the making

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Council Meeting Minutes 18 July 2022

Meeting Opened: 6:01 pm

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

Tim Watson: General Manager (via phone), Dwaine Griffin: Director – Works & Infrastructure, Lauren Tolputt: Acting Director – Corporate Services, Allison Saunders: Senior Accountant, Malcolm Beattie: Management Accountant

Apologies: John Marik: Director – Corporate Services, Rohan Willis: Director – Community & Development

Item 101/22 Confirmation of Ordinary Council Meeting Minutes – 27 June 2022
Ref: DOC/22/5416

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 27 June 2022 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 held on 27 June 2022 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

Item 102/22 **Confirmation of Agenda**

DECISION

MOVED: Cr Hughes | SECONDED: Cr Chilcott

That Council confirm the Agenda and order of business for the 18 July 2022 Council Meeting.

CARRIED UNANIMOUSLY

Item 103/22 **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 104/22 **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.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Stein

That the Management Team Briefing Report be received and noted.

CARRIED UNANIMOUSLY

Item 105/22 **Council Workshops Held Since Last Council Meeting**

5 July | Briefing Workshop

Item 106/22 **Councillor Applications for Leave of Absence**

Nil

The following question was taken on notice at the 27 June Council Meeting:

Mick Burrows, Scottsdale

In relating to the planning application before Council tonight, the overshadowing of the swimming pool, does health and safety come into the assessment of planning applications?

Response from Director – Community & Development, Rohan Willis:

There are no standards in Council's planning scheme that require assessment of health and safety concerns associated with overshadowing of a swimming pool.

The following questions were received on notice from a member of the public:

Karl Willrath, Scottsdale | 5 July 2022

Were the recently cut down trees in Alfred St, removed to allow an unobstructed view for proposed town cameras in that area?

Response from Mayor Greg Howard:

No.

Could Mayor Howard and/or GM Watson please explain to the community, why the Hon Tania Rattray, was given authority to read out content from correspondence in the LegCo on 1/6/22 that describes the state gov bureaucracy as "unaccountable vindictive and incompetent"?

Response from Mayor Greg Howard:

No authority was required from Council.

The following questions were received without notice from members of the public:

Vincent Teichmann, Pioneer

Is there a Council policy to encourage businesses to cater for mountain bikers in the municipality? If so when was this policy decided on?

Response from Mayor Greg Howard:

We don't have a policy as such, but we have a policy on business encouragement in general, but it's not a written policy.

So there is no formal policy in place?

Response from Mayor Greg Howard:

No.

Seems that Dorset Council is very supportive of the mountain biking industry in Dorset, is that a fair comment?

Response from Mayor Greg Howard

Yes.

Given that I am trying to run a business that caters for the mountain bikes in Dorset I'm just wondering why my business has not been treated the same as other businesses?

Response from Mayor Greg Howard

Your application is operational and was dealt with by the General Manager and he has provided reasons why the application wasn't supported. It was explained to you at the previous Council Meeting where you asked questions regarding the matter.

I have received an email from the General Manager and I feel it has elements that are beyond the scope of his role. I wanted to draw the attention to the Councillors as I'm not sure where I take this matter further as the last email I received advised that no further correspondence would be undertaken on this matter?

Response from Mayor Greg Howard

I'm happy for you to provide me with the email in question and I will review.

Ian Farley, Scottsdale

In relation to waste management, is Council considering moving into some form of FOGO?

Response from Mayor Greg Howard

Yes, we had considered it, but given the cost of purchasing a FOGO truck and the cost that would be incurred by residents to go down that track, at this stage we have abandoned that proposal. Given the other inflationary pressures that residents are under at the moment as we don't think it's appropriate at this time.

Item 108/22

Deputations

Nil

Councillor Mervyn Chilcott:

What is the current status of the new Derby Depot?

Response from General Manager, Tim Watson:

Our expectation is that the final hurdles that are in the hands of Crown Land and Mineral Resources Tasmania (MRT) should be cleared in the next few weeks. They have given Council an undertaking that they will have met their requirements by 31 July 2022.

Do we have a starting date on the Sideling works?

Response from Mayor Greg Howard:

No, all the State Government have told Council is that contractors will be commencing in spring sometime.

Derby Recreation Ground, who owns that at the moment?

Response from Mayor Greg Howard:

So it is owned by Crown Land, and currently under lease (as far as Council understand) to the Derby Community Development Association (DCDA), sub-let to the Archery Club - if that is still in operation and grazed by Derek Hayes's cows.

Will that ever be bought in as accommodation for cars in regards to the bike trails in the future?

Response from General Manager, Tim Watson:

No, it's just not necessary.

Nil

Purpose

The purpose of this agenda item is to present Council and the community with the final results of the 2021/22 Annual Plan.

Recommendation

That the attached 2021/22 Annual Plan - June Final Report be received and noted.

DECISION

MOVED: Cr Nichols | SECONDED: Cr Chilcott

That the attached 2021/22 Annual Plan - June Final Report be received and noted.

CARRIED UNANIMOUSLY

Item 112/22

2022/23 Annual Plan

Reporting Officer: Acting Director – Corporate Services, Lauren Tolputt
Ref: DOC/22/6785 | 2022/23 Plan: DOC/22/5648

Purpose

The purpose of this agenda item is to adopt an Annual Plan for the 2022/23 financial year.

Recommendation

That Council adopt the attached 2022/23 Annual Plan.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Hughes

That Council adopt the attached 2022/23 Annual Plan.

CARRIED UNANIMOUSLY

Item 113/22

Remission of Varied Waste Management Charge

Reporting Officer: General Manager, Tim Watson
Ref: DOC/22/7785

Purpose

The purpose of this agenda item is for Council to amend the policy position that was adopted at the June 2019 Council Meeting, whereby Council provided a rate remission to business owners and short-term accommodation providers in Derby that made a financial contribution to the mountain bike trails. The rate remission was applied against the varied waste management charge levied on commercial businesses and accommodation providers.

Recommendation

1. That Council's policy position on the varied waste management charge be amended so that a rate remission will be applied to applicable properties as follows:
 - a. Properties in Derby that are considered commercial but are not used for retail, hospitality or short term accommodation purposes – 100% remission;

commercial properties in other townships that are not providing short-term accommodation – 100% rate remission;

- b. Booking commissions, annual sponsorship contributions, website contributions or any other financial contribution paid by businesses and short-term accommodation providers towards the trails, will be offset against the waste management service charge variation via a rate remission, to a maximum of \$2,900.
2. That the General Manager be provided with the delegated authority to provide rate remissions -
 - a. in relation to short-term accommodation providers or commercial properties in Derby that have obtained a supplementary valuation since the last municipal revaluation. The rate remission may be applied to ensure that these properties be charged the same cents in the dollar as commercial properties in the rest of the municipality;
 - b. to commercial properties in Derby engaging in retail, hospitality or other mountain bike related services, excluding accommodation, so that the varied waste management charge does not exceed \$2,000 before remissions in Part 1(b) are applied.

DECISION

MOVED: Cr Nichols | SECONDED: Cr Stein

1. That Council's policy position on the varied waste management charge be amended so that a rate remission will be applied to applicable properties as follows:
 - a. Properties in Derby that are considered commercial but are not used for retail, hospitality or short term accommodation purposes – 100% remission; commercial properties in other townships that are not providing short-term accommodation – 100% rate remission;
 - b. Booking commissions, annual sponsorship contributions, website contributions or any other financial contribution paid by businesses and short-term accommodation providers towards the trails, will be offset against the waste management service charge variation via a rate remission, to a maximum of \$2,900.
2. That the General Manager be provided with the delegated authority to provide rate remissions -
 - a. in relation to short-term accommodation providers or commercial properties in Derby that have obtained a supplementary valuation since the last municipal revaluation. The rate remission may be applied to ensure that these properties be charged the same cents in the dollar as commercial properties in the rest of the municipality;
 - b. to commercial properties in Derby engaging in retail, hospitality or other mountain bike related services, excluding accommodation, so that the varied

waste management charge does not exceed \$2,000 before remissions in Part 1(b) are applied.

CARRIED UNANIMOUSLY

Item 114/22

2022/23 Rates Resolution

Reporting Officer: Acting Director – Corporate Services, Lauren Tolputt

Ref: DOC/22/7918

* Voting requirement under the Act | Absolute Majority

Recommendation*

That Council make and levy rates and charges for the period 01 July 2022 to 30 June 2023 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 2022 to 30 June 2023 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 for the period commencing 1 July 2022 and ending 30 June 2023, namely a rate of **5.243153 cents in the dollar** on the assessed annual value of the land.

1.2 That pursuant to section 107 of the Act, Council declares by absolute majority that for all land in the locality of Derby which is used or predominantly used for commercial purposes, the General Rate is varied by increasing it from 5.243153 cents in the dollar to **10.486306 cents in the dollar** on the assessed annual value of the land.

1.3 That pursuant to section 90(4) of the Act, Council sets a minimum amount payable in respect of the General Rate (including as varied pursuant to paragraph 1.2 of these resolutions) of **\$320**.

2. SERVICE RATES AND SERVICE CHARGES

2.1 That pursuant to sections 93, 93A and 94 of the Act, Council makes the following service rates and service charges on all rateable land in the municipal area (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 1 July 2022 and ending on 30 June 2023, namely:

- (a) A service charge of **\$120** 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 is varied as follows:

- i. for all land in the localities of Derby, Branxholm and Winnaleah which is used or predominantly used for commercial purposes, the service charge is varied from the amount of \$120 to the amount of **\$3,020**.
- ii. For all land in the locality of Bridport which is used or predominately used for commercial purposes and is within either the General Residential Zone, Low Density Residential Zone or Rural Living Zone under the *Dorset Interim Planning Scheme 2013*, the service charge is varied from the amount of \$120 to the amount of **\$1,920**.
- iii. For all land in the locality of Tomahawk which is used or predominately used for commercial purposes, the service charge is varied from the amount of \$120 to the amount of **\$1,920**.
- iv. For all land in the locality of Scottsdale which is used or predominantly used for commercial purposes and located within any planning zone specified in the *Dorset Interim Planning Scheme 2013*, save and except for land located within the General Business Zone or Light Industrial Zone, the service charge is varied from the amount of \$120 to the amount of **\$1,920**.

(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. **\$290** for a large (i.e. 240 litre) mobile garbage bin;
- ii. **\$149** for a medium (i.e. 120 litre) mobile garbage bin;
- iii. **\$127** for a small (i.e. 80 litre) mobile garbage bin; and
- iv. **\$142** 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 **0.2966 cents in the dollar** of assessed annual value; and
- (b) for land within the General Land Rating District a service rate of **0.2591 cents in the dollar** of assessed annual value.

Pursuant to section 93(3) of the Act, Council sets a minimum amount of **\$44** 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 2022; 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 2022; and
 - ii. the second instalment on or before 30 November 2022; and
 - iii. the third instalment on or before 31 January 2023; and
 - iv. the fourth instalment on or before 31 March 2023.

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 115/22

2022/23 Budget Estimates

Reporting Officer: Senior Accountant, Allison Saunders and Management Accountant, Malcolm Beattie

Ref: DOC/22/6661 | Operational: DOC/22/3008 | Capital: DOC/22/3363

Purpose

The purpose of this agenda item is to adopt the Budget Estimates for the 2022/23 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 2022/23 Budget Estimates.

DECISION

MOVED: Cr Chilcott | SECONDED: Cr Jessup

That pursuant to Section 82 of the *Local Government Act 1993*, Council approves and adopts the 2022/23 Budget Estimates.

CARRIED UNANIMOUSLY

Item 116/22

Major Project Declaration Eligibility | North East Wind

Reporting Officer: General Manager, Tim Watson

Ref: DOC/22/7997 | Correspondence from Minister: DOC/22/7998

Purpose

The purpose of this report is that Council resolves to advise the Minister for Planning, by notice in writing, that Council considers the Minister ought to be of the opinion that the proposed North East Wind project is eligible to be declared a Major Project under relevant provisions of Part 4, Division 2A of the *Land Use Planning and Approvals Act 1993*.

Recommendation

That Council resolves to advise the Minister for Planning, by notice in writing, that Council considers the Minister ought to be of the opinion that the proposed North East Wind project is eligible to be declared a Major Project under relevant provisions of Part 4, Division 2A of the *Land Use Planning and Approvals Act 1993*.

DECISION

MOVED: Cr Nichols | SECONDED: Cr Jessup

That Council resolves to advise the Minister for Planning, by notice in writing, that Council considers the Minister ought to be of the opinion that the proposed North East Wind project is eligible to be declared a Major Project under relevant provisions of Part 4, Division 2A of the *Land Use Planning and Approvals Act 1993*.

CARRIED UNANIMOUSLY

Time Meeting Closed: 6:56 pm

Minutes Confirmed: 15 August 2022

Minute No. 117/22

A handwritten signature in black ink, appearing to be 'SJA', followed by a horizontal line and a final flourish.

Mayor