



dorset
C O U N C I L

Minutes

Council Meeting

21 February 2022

it's in the making

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Council Meeting Minutes 21 February 2022

Meeting Opened: 6:06 pm

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

General Manager: Tim Watson, Director – Community & Development – Rohan Willis, Director – Corporate Services: John Marik, Town Planner: Thomas Wagenknecht

Apologies: Director – Works & Infrastructure: Dwaine Griffin

Item 13/22 Confirmation of Ordinary Council Meeting Minutes – 17 January 2022
Ref: DOC/22/499

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

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 17 January 2022 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

Item 14/22 Confirmation of Agenda

Recommendation

That Council confirm the Agenda and order of business for the 21 February 2022 Council Meeting.

The General Manager requested that the following late agenda items be admitted to the 21 February 2022 Council Meeting Agenda.

22A/22 (Open Session) and 31/22 (Closed Session) – Sale of Council Owned Land | 54 Ringarooma Road SCOTTSDALE

The sale of Council owned land is because confidential discussions were still in train with TasNetworks representatives and were not concluded prior to the public release of the Agenda Paper. The reason for the urgency is the desire of TasNetworks to complete the transaction within a very tight timeframe.

32/22 (Closed Session) – Sale – 2 Alfred Street SCOTTSDALE ‘Scott Centre’

The sale of 2 Alfred Street, Scottsdale ‘Scott Centre’ was conducted by public auction on Wednesday 16 February 2022 and was passed in. A further resolution of Council is therefore required to proceed to sell the property by way of private treaty and as the outcome of the auction result was unknown it was not possible to include it in the Agenda Papers which were finalised by noon of the same day which is the standard practice for preparing Council Agendas.

Due to these late agenda items (31/22 and 32/22) relating to disposal of Council land and containing commercially sensitive information which would disadvantage Council if that information is made public, these items are requested to be discussed in Closed Session in accordance with Regulation 15(2)(f) of the Local Government (Meeting Procedures) Regulations 2015.

Amended Recommendation

That Council confirm the Agenda with the addition of late open session agenda item 22A/22 and closed session agenda items 31/22 and 32/22, and subsequent items 30/22 and 33/22 (to move in and out of Closed Session) and order of business for the 21 February 2022 Council Meeting.*

*Voting Requirement | Absolute Majority

Decision

MOVED: Cr Stein | SECONDED: Cr Hughes

That Council confirm the Agenda with the addition of late open session agenda item 22A/22 and closed session agenda items 31/22 and 32/22, and subsequent items 30/22 and 33/22 (to move in and out of Closed Session) and order of business for the 21 February 2022 Council Meeting.

CARRIED UNANIMOUSLY

Item 15/22 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

Cr Jessup Item 22A
Cr Jessup Item 24
Cr Jessup Item 31
Cr Hughes Item 24 (immaterial)

Item 16/22 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.

Recommendation

That the Management Team Briefing Report be received and noted.

Decision

MOVED: Cr Chilcott | SECONDED: Cr Stein

That the Management Team Briefing Report be received and noted.

CARRIED UNANIMOUSLY

Item 17/22 Council Workshops Held Since Last Council Meeting

1 February | Briefing Workshop

- Urban Stormwater Asset Management Plan Review
- Waste Strategy Next Steps
- COVID Restrictions
- Northeast Park Donation
- Council Event Funding Review
- Briefing Reports and Question Time
 - Mayor's Report & Correspondence
 - Management Team Updates

21 February | Special Briefing Workshop

- Special Committee of Council | Bridport Seaside Caravan Park - Scope

Item 18/22 Councillor Applications for Leave of Absence

Nil

Item 19/22 Public Question Time

Nil

Item 20/22 Deputations

Nil

Item 21/22 Councillor Question Time

Councillor Dale Jessup:

With planning applications, visitor accommodation are not subject to the normal height restrictions under the Planning Scheme. What would stop an applicant for applying for a visitor accommodation use and then having the building built outside of the normal building height restrictions or requirements and then applying for a change of use back to a domestic dwelling?

Response from Director – Community & Development, Rohan Willis:

The way that Council Officers interpret the provisions of the Scheme at this stage is to give credence and likelihood to that scenario arising and hence we look at the applications, as far as we reasonably can, with an eye towards them needing to meet the building footprint requirements and have that as a consideration for a decision that we ultimately make. You will have seen that in Thomas’s assessment of the application to be discussed tonight, that there is consideration of residential amenity and the impacts of the building footprint upon residences. Thomas, can you elaborate on any of those things within the standards – it is use standards that are relied upon when considering them, but there are some aspects of residential amenity and we use that to have some sort of teeth to sink our teeth into in terms of the impacts of overshadowing and privacy. It is hard to anticipate and we haven’t encountered any decisions from the Tribunal at this stage that have given consideration to this scenario, so we are probably waiting for some case law to come forward to give us some guidance. Officers just use the best judgement that we can and that is to try and have a fair decision that gives some sort of consideration to those things, including assessment against residential standards.

Response from Town Planner, Thomas Wagenknecht:

The main factors assessed under the use standards are overshadowing, overlooking/privacy and from there you are then looking at the scale of the use in a lot of senses, but overshadowing and overlooking and to some certain extent the separation of the buildings is a way we can help assist. Certainly Officers try to have conversations with developers up front who are looking at doing visitor

accommodation and point them towards the residential development standards and go, aim towards that.

Comment by Mayor Greg Howard:

This is not the only situation this can occur. You could have a property owner who apply for a second house on a property, because its worker accommodation or visitor accommodation and then they could have it built and then apply to change the use again.

Councillor Wendy McLennan:

Visitor accommodation in Bridport – the Airbnb principle was that it was people that owned the houses, lived in the houses and then they leased the houses out. Now there are houses in Bridport which are accommodating up to 9 people, there is no resident there and these 10 people are doing their usual parties, etc. with no controls on them such as in a hotel or similar, and then when neighbours ring up the person and say “there is a lot of noise coming from the house...” they say well you go and fix it and they are in Launceston renting this house out. I believe this has come up at the Local Government Association regarding the same issue in St Helens?

Response from Mayor Greg Howard

Only the density of Airbnbs in a certain area has been brought up at the Local Government Association of Tasmania. My understanding is that you could always have a change of use and elect to rent the property out as an Airbnb and you didn't have to be a resident. You could rent up to 4 rooms and still be a resident, or you could rent the entire house.

Should Local Government be charging people who have Airbnb properties the going rate that people have to pay on say a hotel or similar?

Response from Mayor Greg Howard

If you've read the motions that are to be discussed at the upcoming March General Meeting of the Local Government Association of Tasmania, one of the motions is to introduce a variable rate where you can charge visitor accommodation a separate rate. I would think that motion would be something that our Council would strongly support.

Councillor Leonie Stein:

If someone is going to build a new development and that they have intentions of that being accommodation but it is where there is a body corporate. Who has the most power? If Council have approved a building to be available for accommodation, and then a body corporate says that no accommodation is allowed in that subdivision, which one wins?

Response from General Manager, Tim Watson:

The planning permit issued by Council gives the developer the right to do it. Then you have to enact that permit with the permission of the land owner, which in this scenario has a body corporate who determines the rules of those units that are involved in that body corporate. The body corporate as it is a civil matter.

Response from Director – Community & Development, Rohan Willis:

The body corporate would have to have something in place that categorically says that no building can be built or used for visitor accommodation purposes.

Councillor Greg Howard:

Is there a requirement for a body corporate to give consent to lodge a planning application?

Response from Director – Community & Development, Rohan Willis:

For planning no. For building applications where the common property is relied upon for whatever reason, then they would have to provide consent to lodge.

Councillor Edwina Powell:

The Scottsdale Railway Station – what kind of maintenance do Council do on the building?

Response from General Manager, Tim Watson:

Council don't do any maintenance on the building.

Response from Director – Community & Development, Rohan Willis:

Under the Act, Council are the corridor manager for some prescribed uses, like a footpath or for horses riding, etc. There isn't anything explicit about use or maintenance of buildings on Crown Land within this area, so that would continue to be maintained by the Crown.

Councillor Mervyn Chilcott:

Who would be responsible for minimising the amount of dust stirred up when trucks go down into the railway yard to turn around?

Response from Director – Community & Development, Rohan Willis:

That would be Crown again. Whatever licence agreement is in place for use or arrangement is in place with Crown for the use of that driveway, that would be an arrangement between the user of that driveway and the Crown.

So where would you go to lodge a complaint on that?

Response from Director – Community & Development, Rohan Willis:

Crown Land Services.

Item 22/22 **Notices of Motion by Councillors**

Nil

Item 23/22 **Community Disrupters Update**
Reporting Officer: General Manager, Tim Watson
Ref: DOC/22/1587

Purpose

The purpose of this agenda item is to give an update on two community disrupters as first reported at the 20 December 2021 Council Meeting.

Recommendation

That Council receive and note the update.

Decision

MOVED: Cr Jessup | SECONDED: Cr Stein

That Council receive and note the update.

Voting For the Motion: Crs Howard, Jessup, Stein, Nichols, McLennan, Hughes and Cr Chilcott

Voting Against the Motion: Cr Powell

CARRIED

Mayor advised the Meeting that Item 22A had been overlooked, therefore discussed the Item out of sequence.

The Mayor also noted that Cr Jessup declared an interest in Item 22A and left the Meeting prior to discussion (6:49 pm)

Item 22A/22 **Late Agenda Item | Sale of Council Owned Land | 54 Ringarooma Road SCOTTSDALE**
Reporting Officer: General Manager, Tim Watson
Ref: DOC/22/1841

Purpose

The purpose of this report is for Council to formally resolve to sell to TasNetworks approximately 10,000m² of Council owned public land at 54 Ringarooma Road, Scottsdale.

Recommendation

That Council resolve to sell to TasNetworks approximately 10,000m² of the parcel of Council owned land located at 54 Ringarooma Road, Scottsdale (CT 197948/1) as shown in Figure 1 below.*

*Voting Requirement | Absolute Majority

Decision

MOVED: Cr McLennan | SECONDED: Cr Powell

That Council resolve to sell to TasNetworks approximately 10,000m² of the parcel of Council owned land located at 54 Ringarooma Road, Scottsdale (CT 197948/1) as shown in Figure 1 below.



Figure 1: Indicative plan of proposed 10,000m² portion of 54 Ringarooma Road, Scottsdale to be sold

CARRIED

Cr Jessup declared an interest in Item 24 and remained absent from the Meeting

Cr Hughes declared an interest in Item 24, however stated it is immaterial and remained in the Meeting.

****Councillors were reminded that they are acting as a Planning Authority for Item 24/22*

Purpose

The purpose of this report is for Council to consider a proposal for the use and development of one visitor accommodation unit at Unit 6, 4 Bridview Place Bridport. Vehicle access to the unit would be provided from Bridview Place (Council maintained) via a private road (common property of Strata Corporation No. 161796) and an existing Right of Way over F/R 10517/3.

Recommendation

It is recommended that the proposal for the use and development of Visitor Accommodation (1 Unit) at the subject land, be approved subject to the following conditions:

Decision

MOVED: Cr Nichols | SECONDED: Cr Chilcott

It is recommended that the proposal for the use and development of Visitor Accommodation (1 Unit) 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/2021/219). 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 4 December 2021 (Reference No. TWDA 2021/02051-DC, copy attached to this permit).

3. Stormwater Management

Prior to the commencement of the approved use, stormwater discharged from the impervious areas (including vehicle areas, paving and building roofed areas) of the development must be drained and directed to Council's stormwater network to the satisfaction of the Council's Town Planner.

4. Privacy Management

Prior to the commencement of the approved use, fixed privacy screens, with a uniform transparency of no more than 25%, must be erected along the edge of decks with a finished floor level greater than one metre above natural ground level, as depicted within the endorsed plans.

5. Construction of Vehicle Parking and Internal Access

- (a) Prior to the commencement of the approved use, 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:
- a. formed to an adequate level as necessary to prevent the formation of potholes and depressions according to the nature of the subgrade and vehicles which will use the areas;
 - b. treated so as to prevent any loss of amenity by the emission of dust or the discharge of uncontrolled drainage;
 - c. marked or provided with clear physical means to delineate vehicle parking spaces; and
 - d. designed so that the internal vehicle access has:
 - i. a maximum slope of 1 in 4 (25%); and
 - ii. grade transitions within the internal aisles and access lanes must be designed to ensure that vehicles will not scrape their undersides when negotiating them, in accordance with 2.5.3 (d) and (e) of *AS/NZS 2890.1:2004*.
- (b) Areas set aside for the parking of vehicles, together with the aisles and access lanes, must be maintained in a continuously useable condition as outlined in (a) above.

6. Use Limitation –Vehicle Parking

Unless otherwise approved in writing by the Town Planner:

- (a) no more than two vehicles are permitted to be parked upon the internal driveway / vehicle parking area of F/R 161796/6;
- (b) all vehicle parking incidental to the approved use must be parked entirely within the bounds of F/R 161796/6.

NOTE: For the purpose of this permit “**the person responsible**”, depending on the context, means:

- a) The person who has and takes the benefit of this permit for the undertaking of the use or development authorised pursuant to it;
- b) The person or persons who undertake development or use pursuant to this permit; and
- c) Servants, agents and contractors, in each case of such persons.

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) TasNetworks Advice

TasNetworks advised on 6 December 2021 that:

‘Based on the information provided, the development is not likely to adversely affect TasNetworks’ operations.

It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.’

(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 to the Meeting (7:16 pm)

Item 25/22

Formation of Special Committee of Council | Bridport Seaside Caravan Park

Reporting Officer: General Manager, Tim Watson
Ref: DOC/22/1589

Purpose

The purpose of this agenda item is to establish a Special Committee of Council, made up of Councillors and community members for the specific purpose of managing the Bridport Seaside Caravan Park (the Park).

Recommendation

1. That pursuant to Section 24 of the *Local Government Act 1993*, Council establish a Special Committee for the purpose of the management of the Bridport Seaside

Caravan Park in accordance with a scope and membership to be subsequently approved by a decision of Council.*

2. That Council appoint 3 Councillors to the Committee.

*Voting Requirement | Absolute Majority

Decision

MOVED: Cr Stein | SECONDED: Cr Nichols

1. That pursuant to Section 24 of the *Local Government Act 1993*, Council establish a Special Committee for the purpose of the management of the Bridport Seaside Caravan Park in accordance with a scope and membership to be subsequently approved by a decision of Council.
2. That Council appoint 3 Councillors to the Committee.

CARRIED UNANIMOUSLY

Item 26/22

CT 159544/1 Emily Street BRIDPORT 'Ezzy Park' | Transfer to the Crown

Reporting Officer: General Manager, Tim Watson

Ref: DOC/22/1588

Purpose

The purpose of this agenda item is for Council to resolve to transfer CT 159544/1 Emily Street, Bridport – known as 'Ezzy Park' to the Crown for the purpose of developing an emergency services hub in Bridport.

Recommendation

That Council resolve to transfer CT 159544/1 Emily Street, Bridport – known as 'Ezzy Park' to the Crown for the specific purpose of developing an emergency services hub in Bridport. This resolution is on the basis that CT 159544/1 cannot be used by any other State agency other than Tasmania Fire Service and Ambulance Tasmania without the written consent of Dorset Council.*

*Voting Requirement | Absolute Majority

Decision

MOVED: Cr Hughes | SECONDED: Cr McLennan

That Council resolve to transfer CT 159544/1 Emily Street, Bridport – known as 'Ezzy Park' to the Crown for the specific purpose of developing an emergency services hub in Bridport. This resolution is on the basis that CT 159544/1 cannot be used by any other State agency other than Tasmania Fire Service and Ambulance Tasmania without the written consent of Dorset Council.

CARRIED UNANIMOUSLY

Item 27/22

Budget Variation 2021/22 – New Waste Truck

Reporting Officer: Director – Corporate Services, John Marik
Ref: DOC/22/1146

Purpose

The purpose of this agenda item is to seek a budget variation to the Budget Estimates for 2021/22 for a new waste truck.

Recommendation

That Council approve a variation to the 2021/22 Budget Estimates of \$500,000 for the purchase of a new waste truck.

Decision

MOVED: Cr Nichols | SECONDED: Cr Jessup

That Council approve a variation to the 2021/22 Budget Estimates of \$500,000 for the purchase of a new waste truck.

CARRIED UNANIMOUSLY

Item 28/22

Quarterly Financial Report – Period Ended 31 December 2021

Reporting Officer: Director – Corporate Services, John Marik
Ref: DOC/22/1340

Purpose

The purpose of this agenda item is to present to Councillors and the community the financial performance for the 6 months ended 31 December 2021.

Recommendation

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

Decision

MOVED: Cr Hughes | SECONDED: Cr Jessup

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

CARRIED UNANIMOUSLY

Item 29/22

Urban Stormwater Asset Management Plan 2023-2032

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/22/1129 | Plan: DOC/21/14502

Purpose

The purpose of this agenda item is to table the Urban Stormwater Asset Management Plan 2023 - 2032 (Stormwater AMP) to Councillors for adoption.

Recommendation

That Council adopt the attached Urban Stormwater Asset Management Plan 2023 - 2032.

Decision

MOVED: Cr Chilcott | SECONDED: Cr Nichols

That Council adopt the attached Urban Stormwater Asset Management Plan 2023 - 2032.

CARRIED UNANIMOUSLY

Item 30/22

Late Agenda Item | Closure of Meeting to the Public

Decision

MOVED: Cr Hughes | SECONDED: Cr Stein

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: 7:57 pm

CARRIED UNANIMOUSLY

Meeting Adjourned: 7:57 pm

Reason: Short break

Meeting Resumed: 8:01 pm

LATE AGENDA ITEMS | CLOSED SESSION ITEMS

The following matters were 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 31/22 Sale of Council Land | 54 Ringarooma Road SCOTTSDALE

Item 32/22 Sale – 2 Alfred Street SCOTTSDALE ‘Scott Centre’

The reports on these matters were 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 respective reports relates to:

- Proposals for Council to dispose of land

Time Meeting Closed: 8:25 pm

Minutes Confirmed: 21 March 2022

Minute No: 34/22



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Mayor