



dorset
C O U N C I L

Minutes

Council Meeting

27 June 2022

it's in the making

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Council Meeting Minutes 27 June 2022

Meeting Opened: 6:00 pm

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

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

Apologies: Councillor Jan Hughes, General Manager: Tim Watson

Item 85/22 **Confirmation of Ordinary Council Meeting Minutes – 16 May 2022**
Ref: DOC/22/5416

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 16 May 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 Lade

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 16 May 2022 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

Item 86/22 **Confirmation of Agenda**

DECISION

MOVED: Cr Powell | SECONDED: Cr Chilcott

That Council confirm the Agenda and order of business for the 27 June 2022 Council Meeting.

CARRIED UNANIMOUSLY

Item 87/22 **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 88/22 **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 89/22 **Council Workshops Held Since Last Council Meeting**

7 June | Briefing Workshop

21 June | Special Briefing Workshop

Item 90/22 **Councillor Applications for Leave of Absence**

Nil

The following question was received on notice from a member of the public:

Mary Schramm, Ringarooma | 3 June 2022

The steep banks that were necessarily cut away for the improvements to Ringarooma Road (West Maurice Rd to Fairview Ave) were left bare, with the assumption that revegetation would take place in the course of nature. This has unfortunately not happened. The banks are eroding with each heavy rain episode. I therefore request active steps be taken to stabilise these banks, by the most suitable available method.

Response from Mayor Greg Howard:

Natural revegetation will take some time to establish. Council will continue to monitor any erosion and intervene if deemed necessary. I have inspected the site and a large percentage of the batters have revegetated, and of those sections that still look reasonably bare, they contain a high percentage of stone and given that basalt soils are in the low erodibility class, there is very limited erosion pretty much all of which has been caught by the rock table drains. It is my view that it is not necessary to take any action at this point in time.

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

Kerrie Burrows, Bridport

We put in an objection to the shed that is being built beside our place, due to issues of shadowing and we believe it's going to cause a bit of a health issue to our area down there as well because it's so wet. My question is you advertise these things, and signs go up, etc. and we are offered the chance to put in an objection, why are we given a chance to object to something if it's just going to be ignored anyway?

Response from Mayor Greg Howard:

The planners still have to abide by the requirements of the planning scheme. The planning scheme, you either have acceptable solutions or performance criteria and it comes down to their decision as to what sort of impact it's going to have. Some of the issues in particular that were raised are outside of the requirements of the planning scheme, so were by law not allowed to be addressed. It is a legal requirement for Council to notify adjoining owners of their right to object to a use/development if it is a discretionary use.

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

It's not that your positions have been ignored, just that Council is going to be considering that very shortly. Importantly, whatever decision made by Council tonight, you have a right of appeal by lodging that representation.

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?

QUESTION TAKEN ON NOTICE (in accordance with Policy 41)

Item 92/22 Deputations

Nil

Item 93/22 Councillor Question Time

Councillor Edwina Powell:

Why have the trees been removed in Alfred Street, Scottsdale?

Response from Mayor Greg Howard:

We've had multiple complaints from staff at the Visitor Information Centre about them dropping leaves and people slipping on the leaves when the footpaths are wet. If I had my way, there are a number of other trees around especially down the main street which would be removed and replaced with evergreen trees.

Do we have a policy about streetscapes? Have we got a plan other than improving our footpath itself, the red bricks and engage the community with consultation?

Response from Acting General Manager, Rohan Willis:

No, we don't have a specific policy.

Response from Mayor Greg Howard:

The community have engaged me a lot this week and I've copped a heap of flak about those trees in King Street. About how untidy they are and how desolate and cold the street looks in middle of winter. We don't have a policy on that, but we'll certainly take a look at it.

Councillor Mervyn Chilcott:

There is a couple of signs from last year's rodeo still up around the area, are they Council signs or private signs that should be taken down?

Response from Mayor Greg Howard:

They are private signs, but I don't know who we'd have to contact to get them removed, as they've been up for a while.

Councillor Edwina Powell:

Could we as a Council consider a policy on containers because containers are often used as sheds, or workshops, or possibly can be redeveloped into temporary accommodation, and it would be a good idea if we could have a policy with a few rules and regulations?

Response from Director – Community & Development, Rohan Willis:

There are all these rules and regulations that already relate to these things, our circumstances are not unique. To try and introduce something that could potentially conflict with these regulations, you'd have to potentially change the planning scheme to overrule that. These controls are already in place and they do control sensible placement of these structures.

Councillor Dale Jessup:

Just following on from Councillor Powell's question, would I be right that if we were talking about a 'tiny house' they would still need to go through a development application process.

Response from Director – Community & Development, Rohan Willis:

Correct, as with any application it would be assessed against development standards.

Councillor Mervyn Chilcott:

With the development application we are going to consider tonight, is there any capacity within Council for reconciliation between parties on that?

Response from Director – Community & Development, Rohan Willis:

That is provided through virtue of going to the appeal proceedings, where they can reach mediation if, as a consequence of a decision tonight, representors chose to appeal Council's decision or whatever the case may be, mediation is resolved through the tribunal proceedings.

In the recent 12 months we've had three members of the public suspended from coming to Council. Is this a new idea that's just come in to relieve stress on the management or has there been others over the years that have been suspended?

Response from Mayor Greg Howard:

The General Manager suspended those on the bases of the impact of on the health and safety of Councillors and staff, not just staff at meetings, but staff in the front office and other areas. He's used the provisions of the Workplace Health and Safety Act, which he is quite entitled to do. I have no knowledge of others over the years, certainly these three have been much more aggressive, I don't remember any in my time at Council, but there could have been before that.

Are those suspensions for an indefinite period?

Response from Mayor Greg Howard:

One is indefinite, two are 12 months.

Councillor Wendy McLennan:

I'm concerned about the foreshore trees that are down and also the amount of weeds that are growing in there, the blackberry's and the mirror bush. Is there anyway that Council or Parks and Wildlife or someone can start to seriously look at it?

Response from Director – Works & Infrastructure, Dwaine Griffin:

Council are currently in talks with Crown Land at the moment to find a solution.

Item 94/22 Notices of Motion by Councillors

Nil

****Councillors were reminded that they are acting as a Planning Authority for Item 95/22*

Item 95/22 Planning Application – Demolition and Construction of a Shed with Relaxation of Building Envelope Standards | 52 Walter Street BRIDPORT
Reporting Officer: Town Planner, Thomas Wagenknecht
Ref: DOC/22/6903 | PLA/2022/54

Purpose

The purpose of this report is for Council to consider a proposal for the demolition and construction of a shed with relaxation of building envelope standards at 52 Walter Street, Bridport.

Recommendation

It is recommended that the proposal for the demolition and construction of a shed with relaxation of building envelope standards at 52 Walter Street, Bridport be approved subject to the following conditions:

DECISION

MOVED: Cr Nichols | SECONDED: Cr Jessup

It is recommended that the proposal for the demolition and construction of a shed with relaxation of building envelope standards at 52 Walter Street, Bridport 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/2022/54). Any substantial variation from this application will require the further planning consent of the Council.

2. Amended Plans

Prior to the commencement of any works, and to the satisfaction of Council's Town Planner, amended plans must be submitted for approval by Council's Town Planner.

When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions by a suitably qualified person and must correctly notate the shed with a maximum building height above existing natural ground level of no more than 5.4 metres at its south-eastern corner.

3. TasWater

The development must be in accordance with the conditions provided within the Submission to Planning Authority Notice issued by TasWater dated 4 May 2022 (Reference No. TWDA 2022/00603-DC, copy attached to this permit).

4. Stormwater Management

Stormwater discharged from the impervious areas (including vehicle areas, paving and building roofed areas) of the development must be directed to Council's stormwater network in a manner that would not cause an environmental nuisance, to the satisfaction of the Council's Town Planner.

5. Construction of Vehicle Parking and Internal Access

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; and
- (b) constructed, drained and maintained in a continuously useable condition.

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 and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT).

(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 Resource and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT).

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 and Planning Stream of the Tasmanian Civil and Administrative Tribunal (TASCAT) 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 27 April 2022 that:

'Based on the information provided, the development is not likely to adversely affect TasNetwork's operations.

It is recommended that the customer contract TasNetworks on 1300 137 008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.'

(vii) 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:

- i. Building approval
- ii. Plumbing approval
- iii. TasWater Works Approval

Voting for the Motion: Crs Stein, Nichols, Lade, Chilcott, Jessup and Howard

Voting Against the Motion: Cr Powell

Abstained from the Vote: Cr McLennan

CARRIED

Item 96/22

2022/23 Fees and Charges

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/22/6642 | 2022/23 Fees and Charges Schedule: DOC/22/6953

Purpose

The purpose of this agenda report is to table Council's Fees and Charges Schedule for 2022/23.

Recommendation

That Council adopt the attached Fees and Charges Schedule for 2022/23.

Proposed Amendment

MOVED: Cr Jessup | SECONDED: Cr McLennan

That the Fees and Charges for powered sites during the peak season at the Bridport Seaside Caravan Park be amended from \$47 per night (2021/22) to \$50 per night (2022/23), and the off peak rate for powered sites be amended from \$42 per night (2021/22) to \$45 per night (2022/23).

CARRIED UNANIMOUSLY

The amendment was then added to the original Motion and voted on

DECISION

MOVED: Cr Nichols | SECONDED: Cr Chilcott

1. That Council adopt the attached Fees and Charges Schedule for 2022/23.
2. That the Fees and Charges for powered sites during the peak season at the Bridport Seaside Caravan Park be amended from \$47 per night (2021/22) to \$50 per night (2022/23), and the off peak rate for powered sites be amended from \$42 per night (2021/22) to \$45 per night (2022/23).

CARRIED UNANIMOUSLY

Item 97/22

Asset Management Strategy Review

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/22/6745 | Reviewed Strategy: DOC/22/2810

Purpose

The purpose of this agenda item is to review the Asset Management Strategy.

Recommendation

That Council adopt the attached revised Asset Management Strategy.

DECISION

MOVED: Cr McLennan | SECONDED: Cr Lade

That Council adopt the attached revised Asset Management Strategy.

CARRIED UNANIMOUSLY

Item 98/22

Asset Management Policy Review

Reporting Officer: Director – Corporate Services, John Marik
Ref: DOC/22/6730 | Reviewed Policy: DOC/22/4000

Purpose

The purpose of this agenda item is to review the Asset Management Policy.

Recommendation

That Council adopt the attached revised Policy No. 33 – Asset Management.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Stein

That Council adopt the attached revised Policy No. 33 – Asset Management.

CARRIED UNANIMOUSLY

Item 99/22

Risk Management Policy Review

Reporting Officer: Director – Corporate Services, John Marik
Ref: DOC/22/6720 | Reviewed Policy: DOC/22/5192

Purpose

The purpose of this report is to review the Risk Management Policy.

Recommendation

That Council adopt the attached revised Policy No.9 - Risk Management.

DECISION

MOVED: Cr McLennan | SECONDED: Cr Chilcott

That Council adopt the attached revised Policy No.9 - Risk Management.

CARRIED UNANIMOUSLY

Item 100/22

Road Policy Review

Reporting Officer: Director – Works & Infrastructure, Dwaine Griffin
Ref: DOC/22/6937 | Reviewed Policy: DOC/22/6197

Purpose

The purpose of this agenda item is to review Council’s Road Policy.

Recommendation

That Council adopt the attached revised Policy No. 40 – Road.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Nichols

That Council adopt the attached revised Policy No. 40 – Road.

CARRIED UNANIMOUSLY

Time Meeting Closed: 7:15 pm

Minutes Confirmed: 18 July 2022

Minute No: 101/22



Mayor