



*dorset*  
C O U N C I L

# Minutes

Council Meeting

17 October 2022

*it's in the making*

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## Council Meeting Minutes 17 October 2022

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**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

Acting General Manager/Director – Corporate Services: John Marik,  
Director – Works & Infrastructure: Dwaine Griffin

**Apologies:** General Manager: Tim Watson, Director – Community & Development: Rohan Willis

**Item 154/22** Confirmation of Ordinary Council Meeting Minutes – 19 September 2022  
Ref: DOC/22/10925

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*The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 19 September 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 Chilcott

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 19 September 2022 having been circulated to all Councillors, be confirmed as a true record.

**CARRIED UNANIMOUSLY**

*The Chair to ask Councillors if there are any questions they wish to ask in relation to the Closed Session Minutes that would require them to be discussed in Closed Session.*

**Item 155/22**                      **Confirmation of Ordinary Council Meeting Closed Session Minutes 19 September 2022**  
Ref: DOC/22/10927 & Councillors Only Addendum: DOC/22/10928

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*The Chair reported that he had viewed the minutes of the Ordinary Meeting Closed Session held on Monday 19 September 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 Hughes | SECONDED: Cr Powell**

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting Closed Session held on 19 September 2022 having been circulated to all Councillors, be confirmed as a true record.

**CARRIED UNANIMOUSLY**

**Item 156/22**                      **Confirmation of Agenda**

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**DECISION**

**MOVED: Cr Jessup | SECONDED: Cr Nichols**

That Council confirm the Agenda and order of business for the 17 October 2022 Council Meeting.

**CARRIED UNANIMOUSLY**

**Item 157/22**                      **Declaration of an Interest of a Councillor or Close Associate**

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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 Greg Howard                      Item 170 (conflict)

Cr Jan Hughes                        Item 166 (immaterial)

**Item 158/22**                      **Management Team Briefing Report**

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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 Stein | SECONDED: Cr Hughes

That the Management Team Briefing Report be received and noted.

CARRIED UNANIMOUSLY

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### Item 159/22 Council Workshops Held Since Last Council Meeting

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4 October | Briefing Workshop

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### Item 160/22 Councillor Applications for Leave of Absence

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Nil

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### Item 161/22 Public Question Time

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

**Lawrence Archer, Bridport | 5 October 2022**

*At Council's July meeting a rating motion was passed which imposed "A service charge for waste management services on all rateable land for the operational costs of waste transfer stations (being a waste management facility), cartage of waste, removal of town waste and rehabilitation of Councils former tip sites.*

*Is it legal for the Council to use the funds raised from that waste levy for any purpose other than that specified in the motion, i.e. waste management?*

**Response from Acting General Manager, John Marik:**

It is legal for Council to make a service charge in respect of waste management. The revenue from the service charge goes into Council's consolidated revenue which funds all Council operations, including waste management operations.

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

**Mary Zegveld, Golconda**

*In relation to the Rail Trail, who will be responsible/accountable for any contamination of my property from toxic run-off from the railway line if the ballast is crushed? I am referring to the statement of evidence by Rod Cooper, who is an Environmental Scientist. Are you aware of the consequences if my cattle eat or drink contaminated grass or water? It goes into their system, into the meat and when it is time for them to be sent off to slaughter, the meat is graded and tested for quality and if there is a problem with the meat, then they are rejected.*

**Response from Mayor Greg Howard:**

Mr Cooper's report was part of the evidence presented to the planning appeals tribunal and was rejected that there was any likelihood of run-off likely to occur to neighbouring properties. Most of the toxins you refer to are deep in the rail formation, in the embers at a level below which we are likely to crush. The tribunal basically stated in their rejection of the appeals against the Scottsdale end of the Rail Trail, that it was highly unlikely that anything would occur. Rail Trails have been built around the world and there have been no such incidences of contamination to waterways of neighbouring properties or to cattle whatsoever.

*In regards to the tunnel, I own property over the tunnel and nothing has been said to me as to whether the actual tunnel will be in use by the public. The sign on the tunnel says no access currently. Are people and bikes and horses going to be allowed to trample all over my property to get to the other side of the tunnel?*

**Response from Mayor Greg Howard:**

The tunnel is part of the development application. It will be used – all the riders will be going through the tunnel, with nobody entering or trespassing on your property.

**Ian Farley, Scottsdale**

*I am asking the following question on behalf of Gayle Scott, Derby.*

*At the Dorset Council meeting held on 19 September, Mayor Greg Howard gave misleading and false information. He stated there were only two hotels open in Derby before the introduction of the mountain bike industry. He claimed the General Store and the garage were both closed and Derby was heading the same way as Pioneer. In actual fact, there were a variety of numerous businesses open and operating. Starting from the top of the Main Street, the General Store was running as a café, selling takeaway food and basic grocery items. Next door was "Berries" café, and then along from that, there was a working Arts and Crafts shop where locals would create their craft objects and sell them. Next door was an alternative therapies shop including a local artist selling hand crafter wooden bowls and sculptures. Next door to that was an Art Café which sold local artwork and operated as a café. Down the street there was a second-hand bookshop and café and next door to that was the garage which has been open for a few decades by a local who still owns it, but leases it to be run as a garage. It has never been closed in the thirty years that I have lived in Derby. Heading down the street, there was a doctor's clinic open for appointments for a few hours every night from 5pm. The Police Station is along from there and has been operating in Derby for over 130 years. On the opposite side of the street, there was a community park which held the annual Derby River Derby for over forty years and even for a few years after the introduction of mountain bikes. The Dorset Hotel was open (as the Mayor claimed) then there was the "Bankhouse" which sold arts and crafts, antique wares and tourist souvenirs. Next to that is the museum which has been open since 2009. The Derby Post Office has been operating for over 130 years as has the Federal Tavern. The Tin Centre was built by Government grants received by Dorset Council and opened in 2008. Council leased it as a café and Tin Mining Interpretation Centre for over 10 years. There were also five short-stay*

accommodation premises established. Can the Mayor retract the misleading information given at your last meeting?

**Response from Mayor Greg Howard:**

I did state that there was only two hotels open in Derby and that statement was correct.

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**Item 162/22                      Deputations**

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Nil

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**Item 163/22                      Councillor Question Time**

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The following question was taken on notice at the 19 September 2022 Council Meeting:

**Councillor Leonie Stein:**

*Now that we have the Jarvis Link in Bridport being heavily used, for the majority of the population it's awesome but for some who come into town with ill intent they can enter and leave without being caught on any surveillance cameras. Is it possible to put one either at the top of the Main and Maxwell Streets intersection or actually on Jarvis Link T-section? I have spoken to the local policeman in regards to this and he said they would be in support of us having a camera out there because we have them throughout the Main Street, on the bridge but now with the second access into township they can move around the township without being spotted.*

**Response from Director – Works and Infrastructure, Dwaine Griffin:**

Council will commence sourcing quotes for supply of a security camera to be installed at the corner of Maxwell and Main Streets, Bridport for inclusion in the 2023/24 budget estimates.

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**Councillor Wendy McLennan:**

*Why are we constructing a twelve car sealed carpark and a bus park at the Lilydale Falls Reserve and toilets in another municipality when we have an area in Scottsdale that we need to upgrade? We should be spending the \$1.47 million grant on infrastructure within our municipality, in particular Scottsdale, which has multiple businesses for sale and is going downhill.*

**Response from Mayor Greg Howard:**

Firstly, I will reject your assessment that Scottsdale is going downhill, it is far from that. In terms of why are we constructing infrastructure in other municipalities. The Launceston end of the Rail Trail is vital as a starting point so that the rest of the Trail becomes viable. In terms of the carpark, that may or may not get built. If you have

read the agenda for the upcoming City of Launceston Council Meeting that is up for consultation between Dorset Council and the members of the Lilydale area. It was City of Launceston Council who said we had to build a carpark, we were comfortable with the existing carpark or were prepared to extend or reconfigure the existing carpark as we thought there was an appropriate number of spaces available, given that a lot of Rail Trail riders don't leave a vehicle in a carpark, they via go via a shuttle bus get dropped off and travel to the next destination.

*When did the discussions take place with the Lilydale community?*

**Response from Mayor Greg Howard:**

I had personal discussions as they rang me around 6-8 weeks ago.

*Are you aware there is a recommendation on the Launceston City Council Meeting agenda for 20 October saying that Council asks the Dorset Council to undertake community consultation directly with the Lilydale community?*

**Response from Mayor Greg Howard:**

Yes. Council representatives will be in attendance at this scheduled Council Meeting.

*What consultation was conducted with property owners along the line?*

**Response from Mayor Greg Howard:**

Consultation was conducted with property owners during the original application.

*How much have we paid in legal fees for the appeal?*

**QUESTION TAKEN ON NOTICE**

*So who is going to be responsible for people that are going to be affected by the contamination on the line?*

**Response from Mayor Greg Howard:**

No one will be affected.

*So if Launceston City Council approves the application and someone appeals the decision, who is going to pay for that? Is that Dorset Council or Launceston City Council?*

**Response from Mayor Greg Howard:**

If representors against the current development application appeals the decision of the Launceston City Council, assuming that it is approved, they will be appealing against the Launceston City Council, not against Dorset.

**Councillor Edwina Powell:**

*Again this Council Meeting is being held in the Chambers, which is a pretty cramped space overall. We are still restricting numbers attending the Meetings and we are severely restricted in this building here because of COVID. When are we going to lift those restrictions as other organisations have done?*

**Response from Mayor Greg Howard:**

It is not because of COVID, it is for the practicality of the room. Most meetings that we hold here, and tonight would be one of the larger public galleries we've had. Most of the meetings over the past four years there have been perhaps one or two extra people than our regular attendees. We can't justify paying hire fees for a different location, such as the Library when this occurs.

*How many members of the public can we have in this room?*

**Response from Executive Assistant, Sarah Forsyth:**

Ten.

*What is the waste management fee charged for commercial businesses?*

**Response from Acting General Manager, John Marik:**

Some of them through remissions were reduced to \$2,000.

*Talking about Derby, who owns the tap and donate machines located in businesses around town and how does that money get transferred to Dorset Council accounts?*

**Response from Acting General Manager, John Marik:**

The donations go directly to the Blue Derby Foundation. We will take the ownership question on notice.

**Councillor Dale Jessup:**

*The Scottsdale taxi service recently closed for business. I have had concerns raised by residents regarding the affect this will have on residents who don't have their own transport, especially getting to appointments. I know we have had some discussions with community house about using the vehicle that they have available, but it is not as flexible as a taxi would be. Do we have any update on that, or is there anything that Council can do to alleviate that situation?*

**Response from Mayor Greg Howard:**

We can't do anything to alleviate it. Those plates would be available to another operator who may wish to provide this service. Will take your question on board and attempt to contact the previous owner of the service and find out why, and see if

there is an opportunity for someone to purchase the plates and re-establish the service.

**Councillor Leonie Stein:**

*Is the process of the crushing of ballast on the proposed Rail Trail the same that has occurred on the existing Rail Trail from Scottsdale to the Billycock?*

**Response from Mayor Greg Howard:**

Yes.

*How long has the existing Rail Trail been in place?*

**Response from Mayor Greg Howard:**

Approximately 2012.

*Has there been any evidence from any land owner in that time that has come forward that has had any concerns about contamination of any property, produce, waterways, etc. at this point?*

**Response from Mayor Greg Howard:**

No.

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**Item 164/22                      Notices of Motion by Councillors**

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**Councillor Edwina Powell | 19 September 2022 Council Meeting**

*Councillor Powell advised intent to foreshadow the motion regarding the Rates Resolution passed at the 18 July Council Meeting, in particular the varied waste management charges, to be discussed at the 17 October 2022 Council Meeting.*

*Councillor Powell withdrew this intent on 4 October 2022.*

*Mayor Howard vacated the Chair for Item 165 (6:41pm)*

*Deputy Mayor Jessup took the Chair for Item 165*

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**Item 165/22                      Notice of Motion | Councillor Greg Howard – Blue Derby Operations**  
Ref: DOC/22/11756 | Notice of Motion: DOC/22/11747

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**Purpose**

The purpose of this agenda item is to consider a notice of motion proposed by Councillor Greg Howard.

### Recommendation – Cr Howard

That Dorset Council commence negotiations with the Blue Derby Foundation with a view to transfer the operations of the Blue Derby Trails to the Foundation or a similar representative group of Derby businesses.

Transfer would occur on the following basis:

1. A delegation from the Dorset Council consisting of the Mayor, Deputy Mayor, General Manager and one other Councillor will conduct the negotiations.
2. That Dorset Council shall have a representative on the Board of any such organisation or group.
3. Any agreement shall contain a reversionary clause in the event of unsatisfactory performance by the organisation or group.
4. Transfer would include all income streams of the Trails, including the new booking platform, camping fees, maintenance subsidies, sponsorship camping fees and merchandise sales.
5. Transfer would include costs associated with trail maintenance and marketing and promotion.

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*\*\*Councillor Nichols left the room (6:58 pm) during discussion*

### DECISION

**MOVED: Cr Howard | SECONDED: Cr Chilcott**

**That Dorset Council commence negotiations with the Blue Derby Foundation with a view to transfer the operations of the Blue Derby Trails to the Foundation or a similar representative group of Derby businesses.**

Transfer would occur on the following basis:

1. A delegation from the Dorset Council consisting of the Mayor, Deputy Mayor, General Manager and one other Councillor will conduct the negotiations.
2. That Dorset Council shall have a representative on the Board of any such organisation or group.
3. Any agreement shall contain a reversionary clause in the event of unsatisfactory performance by the organisation or group.
4. Transfer would include all income streams of the Trails, including the new booking platform, camping fees, maintenance subsidies, sponsorship camping fees and merchandise sales.
5. Transfer would include costs associated with trail maintenance and marketing and promotion.

**CARRIED**

Mayor Howard took the Chair (7:02 pm)

Councillor Hughes declared an interest in Item 166, however stated it was immaterial and did not leave the Meeting.

**Item 166/22                      Remission of Varied Waste Management Charge**

Reporting Officer: Acting General Manager, John Marik  
Ref: DOC/22/11787

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**Purpose**

The purpose of this agenda item is to amend the delegation provided to the General Manager at the July 2022 Council Meeting in relation to remissions of the varied waste management charge.

**Recommendation**

1. That Council's policy position be amended to provide the General Manager with the delegation for the 2022/23 rating year to provide any remission of the varied waste management charge; and
2. That Council provide the General Manager with the delegation for the 2022/23 rating year to make a decision in respect of any objections to the varied waste management charge received from a ratepayer pursuant to section 109 of the *Local Government Act 1993*.

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*\*\*Councillor Nichols rejoined the Meeting mid discussion (7:03 pm)*

*Proposed Amendment*

**MOVED: Cr Powell | SECONDED: Cr McLennan**

3. That a clear set of criteria be established for the variation of charges for short-term accommodation businesses in respect of any objections, as approved by Council.
4. That the waste management charges for identified commercial short-term accommodation businesses be the same for each town, with variation from \$120 up to \$1,020 only.

**Voting for the Amendment:**                      Crs Powell, McLennan

**Voting Against the Amendment:**              Crs Howard, Jessup, Chilcott, Hughes, Lade, Nichols, Stein

**AMENDMENT LOST**

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## DECISION

MOVED: Cr Nichols | SECONDED: Cr Jessup

1. That Council's policy position be amended to provide the General Manager with the delegation for the 2022/23 rating year to provide any remission of the varied waste management charge; and
2. That Council provide the General Manager with the delegation for the 2022/23 rating year to make a decision in respect of any objections to the varied waste management charge received from a ratepayer pursuant to section 109 of the *Local Government Act 1993*.

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

Abstained from Voting: Crs Powell, McLennan

**CARRIED**

Item 167/22

**Annual Plan 2022/23 | September Quarterly Report**

Reporting Officer: Acting General Manager, John Marik

Ref: DOC/22/11747 | Quarterly Report: DOC/22/8169

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### **Purpose**

The purpose of this agenda item is to update Council and the community on progress of the 2022/23 Annual Plan as at 30 September 2022.

### **Recommendation**

1. That Council defer Activity No. 4 (Hold the inaugural DerbyFEST MTB Festival) and include the activity within Council's 2023/24 Annual Plan.
  2. That the attached Annual Plan 2022/23 September Quarterly Report be received and noted.
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## DECISION

MOVED: Cr Chilcott | SECONDED: Cr Hughes

1. That Council defer Activity No. 4 (Hold the inaugural DerbyFEST MTB Festival) and include the activity within Council's 2023/24 Annual Plan.
2. That the attached Annual Plan 2022/23 September Quarterly Report be received and noted.

**CARRIED UNANIMOUSLY**

Item 168/22                      Outgoing Council Acknowledgement

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That the service of the 2018 - 2022 Council be acknowledged and that those Councillors who wish to, be invited to address the meeting.

*Councillors - that wished to - addressed the Meeting and public gallery.*

Item 169/22                      Closure of Meeting to the Public

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**DECISION**

MOVED: Cr Jessup | 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: 7:46 pm

CARRIED UNANIMOUSLY

Meeting Adjourned:                      7:46 pm

*Reason:*                                      For tea break with members of the public

Meeting Resumed:                        7:57 pm

## **CLOSED SESSION AGENDA ITEM**

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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 170/22    General Manager Update**

The report on this matter was 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 report relates to:

- Personnel matters

Time Meeting Closed: 9:37 pm

Minutes Confirmed: 21 November 2022

Minute No: 179/22

A handwritten signature in black ink, appearing to be 'SJA', followed by a long horizontal line extending to the right.

Mayor