



dorset
C O U N C I L

Minutes

Council Meeting

19 December 2022

it's in the making

Agenda Contents

Item 206/22	Confirmation of Ordinary Council Meeting Minutes – 21 November 2022 _____	3
	DECISION	3
Item 207/22	Confirmation of Special Council Meeting Minutes – 6 December 2022 _____	3
	DECISION	4
Item 208/22	Confirmation of Special Council Meeting Closed Session Minutes 6 December 2022 _____	4
	DECISION	4
Item 209/22	Confirmation of Agenda _____	4
	DECISION	4
Item 210/22	Declaration of an Interest of a Councillor or Close Associate _____	4
Item 211/22	Management Team Briefing Report _____	5
	DECISION	5
Item 212/22	Council Workshops Held Since Last Council Meeting _____	5
Item 213/22	Councillor Applications for Leave of Absence _____	5
Item 214/22	Public Question Time _____	5
Item 215/22	Deputations _____	6
Item 216/22	Councillor Question Time _____	6
Item 217/22	Notices of Motion by Councillors _____	7
Item 218/22	Related Party Disclosure Policy Review _____	7
	DECISION	7
Item 219/22	Gifts and Benefits Policy and Guidelines Review _____	8
	DECISION	8
Item 220/22	Public Liability Insurance for Community Groups Policy Review _____	8
	DECISION	8
Item 221/22	Planning Application - Visitor Accommodation (3 Units) with Relaxation of Building Height and Boundary Setback Standards 101 Main Street BRIDPORT and Main Street Road Reserve _____	9
	DECISION	9
Item 222/22	2022/23 Annual Plan Variations _____	11
	DECISION	11
Item 223/22	Closure of Meeting to the Public _____	11
	DECISION	11
	CLOSED SESSION AGENDA ITEM _____	12
	Time Meeting Closed: 7:16 pm _____	12



Council Meeting Minutes 19 December 2022

Meeting Opened: 6:01pm

Present: Crs Greg Howard (Mayor), Dale Jessup (Deputy Mayor), Beth Donoghue, Edwina Powell, Mervyn Chilcott, Anna Coxen, Leonie Stein*, Kahlia Simmons*

General Manager: John Marik, Director – Community & Development: Rohan Willis, Director – Works & Infrastructure: Dwaine Griffin, Finance Manager: Allison Saunders, Town Planning Supervisor: Thomas Wagenknecht

Apologies: Cr Jerrod Nichols

** arrived after the Council Meeting commenced.*

Item 206/22 Confirmation of Ordinary Council Meeting Minutes – 21 November 2022
Ref: DOC/22/13517

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 21 November 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 Coxen

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 21 November 2022 having been circulated to all Councillors, be confirmed as a true record.

CARRIED

Item 207/22 Confirmation of Special Council Meeting Minutes – 6 December 2022
Ref: DOC/22/14233

The Chair reported that he had viewed the minutes of the Special Meeting held on Tuesday, 6 December 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 Powell | SECONDED: Cr Jessup

That the Minutes of Proceedings of the Dorset Council Special Meeting held on 6 December 2022 having been circulated to all Councillors, be confirmed as a true record.

CARRIED

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 208/22 Confirmation of Special Council Meeting Closed Session Minutes 6 December 2022

Ref: Councillors Only: DOC/22/14236

The Chair reported that he had viewed the minutes of the Special Meeting Councillors Only Closed Session held on Tuesday 6 December 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 Jessup | SECONDED: Cr Chilcott

That the Minutes of Proceedings of the Dorset Council Special Meeting Councillors Only Closed Session held on 6 December 2022 having been circulated to all Councillors, be confirmed as a true record.

CARRIED

Item 209/22 Confirmation of Agenda

DECISION

MOVED: Cr Donoghue | SECONDED: Cr Jessup

That Council confirm the Agenda and order of business for the 19 December 2022 Council Meeting.

CARRIED

Item 210/22 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 211/22 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 Donoghue

That the Management Team Briefing Report be received and noted.

CARRIED

Item 212/22 Council Workshops Held Since Last Council Meeting

6 December | Briefing Workshop

Item 213/22 Councillor Applications for Leave of Absence

Cr Donoghue – apology for the 16 January 2023 Ordinary Council Meeting.

Item 214/22 Public Question Time

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

Karl Willrath | 1 December 2022

According to the Director of local gov, at least 20 councils voluntary adopted caretaker conventions leading up to the recent council elections.

- 1. Did Dorset speak with other councils to gauge the popularity of caretaker mode before councillors voted not to participate?*
- 2. Is Dorset going to lobby against mandatory caretaker mode being written into legislation?*

Response from Mayor Greg Howard:

1. Firstly, we didn't vote on the issue, it was addressed at a workshop. I had informal discussions with a couple of Mayors and whether or not it was popular amongst councils would have no bearing on our discussions.
2. Yes we will probably lobby against the proposal being introduced in legislation because it is absolute nonsense.

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

Vincent Teichmann, Pioneer:

How many and which shuttle operators and other businesses has Dorset Council provided with letters of support to operate in Dorset and how many applications for letters of support from shuttle operators has Dorset Council refused or not provided?

QUESTION TAKEN ON NOTICE

Why when it says on Dorset Council's website, and I quote "we believe Councils should...implement practical initiatives to stimulate and create an investment friendly environment...support business investment...". Why does Council not support my business and my investment?

Response from Mayor Greg Howard:

I think the reasons were already explained to you, and our views on that have not changed.

Does Dorset Council not risk of being in breach of the Australian Competition and Consumer Act 2010 when it fails to provide fair and free access to the marketplace, thereby obstructing competition and consumer choice which is what the Australian Consumer laws are designed to provide?

Response from Mayor Greg Howard:

Not at all. So anywhere you need a permit to operate you are at the mercy of either support for a permit or permit to operate from the controlling body. If Council are in breach then pretty much Crown Land and Sustainable Timber Tasmania (STT) would be in breach and every other organisation that requires a permit to operate a business on their land would be in breach. The answer would be no.

Ian Farley, Scottsdale:

In relation to the charging of public amenities such as the showers at Derby. Has Council considered using a token system rather than using coins?

Cr Stein and Cr Simmons joined the Meeting (6:10 pm)

Response from Mayor Greg Howard:

Council recognise the issue that you've just raised. Council are not looking at a token system but a tap and go system which would provide the same benefits. There are a few glitches that are currently being worked through at the moment, but as soon as they have been addressed this new system will be implemented.

Item 215/22 Deputations

Nil

Item 216/22 Councillor Question Time

Councillor Beth Donoghue:

I've been asked when will Coplestone Street - near Bicanic's Joinery - be kerbed and footpaths installed as there is a new development going in which will generate more traffic and pedestrian flow?

Response from Director – Works and Infrastructure, Dwaine Griffin:

It is not included in the 2022/23 budget and not identified in the next five year plan, but that can change if there is development in an area. We can certainly assess this if required and when the application is received.

Councillor Edwina Powell:

Currently the access to the Tomahawk boat ramp is causing some issues that when the tides in, I believe, is a risk. Who is responsible for the ramp at Tomahawk?

Response from Director – Works and Infrastructure, Dwaine Griffin:

The Tomahawk boat ramp is on Crown Land. Council do not have a lease or licence over that area in particular, so Council do not have any involvement with that boat ramp.

In relation to the boat ramp at Trent Water, Bridport, apparently it is deteriorating or there are some problems, who is responsible for the ramp at Bridport?

Response from Director – Works and Infrastructure, Dwaine Griffin:

As far as I am aware, Council own and maintain the pontoons attached to the side of the boat ramp. The ownership and maintenance of the actual ramp itself is still in discussion with Crown Land as Council's licence does not include this section of land.

Councillor Anna Coxen:

In relation to Mr Teichmann's public questions. As I don't know the background and what the previous General Manager's reasons were for the declining, are you able to give us an update either here or in a different forum?

Response from Mayor Greg Howard:

I will take that on notice and provide new Councillors with background information that re-elected Councillors have previously received.

Item 217/22 Notices of Motion by Councillors

Nil

Item 218/22 Related Party Disclosure Policy Review
Reporting Officer: Finance Manager, Allison Saunders
Ref: DOC/22/14725 | Reviewed Policy: DOC/22/13991

Purpose

The purpose of this agenda item is to review the Related Party Disclosures Policy.

Recommendation

That Council adopt the attached revised Policy No 52 – Related Party Disclosures.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Donoghue

That Council adopt the attached revised Policy No 52 – Related Party Disclosures.

CARRIED UNANIMOUSLY

Item 219/22

Gifts and Benefits Policy and Guidelines Review

Reporting Officer: Finance Manager, Allison Saunders

Ref: DOC/22/14723 | Reviewed Policy: DOC/22/13989 | Reviewed Guidelines: DOC/22/13990

Purpose

The purpose of this agenda item is to review the Gifts and Benefits Policy.

Recommendation

That Council adopt the attached revised Policy No 50 – Gifts and Benefits and Guidelines.

DECISION

MOVED: Cr Chilcott | SECONDED: Cr Stein

That Council adopt the attached revised Policy No 50 – Gifts and Benefits and Guidelines.

CARRIED UNANIMOUSLY

Item 220/22

Public Liability Insurance for Community Groups Policy Review

Reporting Officer: General Manager, John Marik

Ref: DOC/22/ 13971 | Reviewed Policy: DOC/22/13962

Purpose

The purpose of this agenda item is to review Policy 20 – Public Liability Insurance for Community Groups (the Policy).

Recommendation

That Council adopt the attached revised and renamed Policy 20 – Public Liability Insurance for Users of Council Facilities.

DECISION

MOVED: Cr Stein | SECONDED: Cr Jessup

That Council adopt the attached revised and renamed Policy 20 – Public Liability Insurance for Users of Council Facilities.

CARRIED UNANIMOUSLY

**** Councillors were reminded that they are acting as a Planning Authority for Item 221*

Purpose

The purpose of this report is for Council to determine a planning application submitted by S. Group for the use and development of three visitor accommodation units at 101 Main Street Bridport, inclusive of widening of the existing crossover within the Main Street road reserve.

Recommendation

It is recommended that the proposal for the use and development of Visitor Accommodation (Three Units) with relaxation of building height and boundary setback standards at the subject land, be approved subject to the following conditions:

DECISION

MOVED: Cr Stein | SECONDED: Cr Jessup

It is recommended that the proposal for the use and development of Visitor Accommodation (Three Units) with relaxation of building height and boundary setback standards 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/2022/149). 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 8 November 2022 (Reference No. TWDA 2022/01779-DC, copy attached to this permit).

3. *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 reticulated stormwater network in a manner that would not cause an environmental nuisance, to the satisfaction of the Council's Town Planner.

4. *Construction of Crossover – Main Street Bridport*

- a) Prior to the commencement of the approved use, vehicle access to the subject land from Main Street must be designed and constructed with a minimum width of 4.5 metres in accordance with the Endorsed Documents, from the road verge to the property boundary, to the satisfaction of Council's Town Planner.
- b) Prior to the commencement of any works identified in (a), the person responsible must be issued with the appropriate works in a road reserve approval by the Council.

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 designed and constructed to be:

- a) provided with an impervious all weather seal of adequate thickness as necessary to prevent the formation of potholes and depressions according to the nature of the subgrade and vehicles which use the areas;
- b) constructed, drained and maintained in a continuously useable condition; and
- c) marked or provided with clear physical means to delineate vehicle parking spaces.

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 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 4 November 2022 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.'

(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:

- (a) Building approval
- (b) Plumbing approval
- (c) TasWater Works Approval
- (d) Works in a Council Road Reserve Approval

CARRIED UNANIMOUSLY

Item 222/22

2022/23 Annual Plan Variations

Reporting Officer: General Manager, John Marik

Ref: DOC/22/14755 | Revised 2022/23 Annual Plan: DOC/22/14049

Purpose

The purpose of this report is to propose variation to Council's 2022/23 Annual Plan by including new activities and actions.

Recommendation

That Council adopt the attached revised 2022/23 Annual Plan with the following variations:

- Activity 2 has the addition of a Green Waste Strategy to be delivered in the 30 June 2023 quarter.
- Activity 21 – Blue Derby Operation Transfer Delegation Committee is a new item proposed for inclusion in the 2022/23 Annual Plan.
- Activity 22 – October 2022 Flood Event is a new item proposed for inclusion in the 2022/23 Annual Plan.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Donoghue

That Council adopt the attached revised 2022/23 Annual Plan with the following variations:

- Activity 2 has the addition of a Green Waste Strategy to be delivered in the 30 June 2023 quarter.
- Activity 21 – Blue Derby Operation Transfer Delegation Committee is a new item proposed for inclusion in the 2022/23 Annual Plan.
- Activity 22 – October 2022 Flood Event is a new item proposed for inclusion in the 2022/23 Annual Plan.

CARRIED UNANIMOUSLY

Item 223/22

Closure of Meeting to the Public

DECISION

MOVED: Cr Stein | SECONDED: Cr Powell

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: 6:48 pm

CARRIED UNANIMOUSLY

Meeting Adjourned: 6:48 pm

Reason: For tea break with members of the public

Meeting Resumed: 7:00 pm

CLOSED SESSION AGENDA ITEM

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 224/22 Contract 2022/23-02 | Replacement of Bridge 1515 Maurice Road and Bridge 1617 Duncraggen Road

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:

- Contracts and tenders for the supply of good and services

Time Meeting Closed: 7:16 pm

Minutes Confirmed: 16 January 2023

Minute No: 1/23



Mayor