



dorset
C O U N C I L

Minutes

Council Meeting – Pioneer Hall

20 February 2023

it's in the making

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Council Meeting Minutes 20 February 2023

Meeting Opened: 6:01 pm

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

General Manager: John Marik, Director – Community & Development/Assistant General Manager: Rohan Willis, Finance Manager: Allison Saunders

Apologies: Nil

Item 16/23 Confirmation of Ordinary Council Meeting Minutes – 16 January 2023
Ref: DOC/23/434

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 16 January 2023 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 16 January 2023 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 17/23 Confirmation of Ordinary Council Meeting Closed Session Minutes – 16 January 2023
Ref: DOC/23/437

The Chair reported that he had viewed the minutes of the Ordinary Meeting Closed Session held on Monday, 16 January 2023, finds them to a true record and recommends that they be taken as read and signed as a correct record.

DECISION

MOVED: Cr Powell | SECONDED: Cr Simmons

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting Closed Session held on 16 January 2023 having been circulated to all Councillors, be confirmed as a true record.

CARRIED UNANIMOUSLY

Item 18/23 Confirmation of Agenda

DECISION

MOVED: Cr Jessup | SECONDED: Cr Coxen

That Council confirm the Agenda and order of business for the 20 February 2023 Council Meeting.

CARRIED UNANIMOUSLY

Item 19/23 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 20/23 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 Stein | SECONDED: Cr Jessup

That the Management Team Briefing Report be received and noted.

CARRIED UNANIMOUSLY

Item 21/23 Council Workshops Held Since Last Council Meeting

7 February | Briefing Workshop

Item 22/23 Councillor Applications for Leave of Absence

Nil

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

Karl Willrath | 9 February 2023

- (1) I recently received a cheque in the mail dated 25/1/23 for the amount of \$82.50 purportedly from the Dorset Council. If this cheque is from Council, why does it have the old Dorset logo on it which was made redundant several years ago?*
- (2) Should the people of Dorset be concerned that the only hands-on experience as a public servant the current general manager has is from working for the Dorset Council under the stewardship of the former general manager, Tim Watson?*
- (3) With the departure of GM Watson, is Dorset still going to unashamedly emulate the private sector to be distinctive amongst its peers?*

Response from General Manager, John Marik:

1. Council have old branded cheque stock that Council would prefer to utilise rather than dispose of this stock and purchase new, rebranded cheques. The reason Council still has old branded stock on hand is that most transactions utilise electronic funds transfer and cheques are rarely used.

Responses from Mayor Greg Howard:

2. Mr Marik's lack of public service experience and abundance of private sector experience contributed significantly to his status as the ideal candidate for the General Managers position.
 3. Absolutely.
-

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

Gayle Scott, Derby

In August and September last year, the Cascade Dam Road was widened to accommodate the large increase in mountain bike traffic including shuttle buses and trailers. It had \$400,000 worth of road works spent on it. Now the road is in a far worse condition and extremely dangerous for all traffic especially mountain bikes. The bitumen is covering only half the road and being quickly chipped and eroded away and potholes forming from the constant flow of traffic. The Enduro World Series of mountain bike championships is being held in Derby in April. Previously, races have been held on this road with high numbers of vehicles and bike traffic.

- 1. Will the Dorset Council consider resealing the original bitumen and sealing the road to the width it now is, to avoid accidents which have already occurred as a result of the roads current condition?*
- 2. Are you going to remove the 'Narrow Road' sign at the start of Cascade Dam Road now that the road has been widened? The sign discourages private shuttles yet thousands of private shuttles have used the road since the introduction of mountain bikes in Derby.*

Response from Mayor Greg Howard:

There isn't a representative from our Infrastructure team here, however, I can answer part of your questions. There haven't been any World Series races held on Cascade Dam Road itself. Secondly, the

\$400,000 Council spent was our contribution towards the road upgrade. At the time Council decided to undertake these works, the State Government through the former Premier, Peter Gutwein, had agreed that either the State Government or through Sustainable Timbers would also contribute \$400,000 to allow the next stage of works being updated. This hasn't occurred as the funding hasn't been approved or received. Council did follow up this contribution at the recent meeting had with State Cabinet in Scottsdale with no details forthcoming.

The narrow road sign is appropriate as it gives an indication to traffic that it still is a narrow road and you still need to take care on it. I agree that there are still further improvements needed to the road including a barrier fence on the bottom side to mitigate the risk if someone was to go off the road into the gully. That will be considered by Council in the upcoming budget deliberations in consultation with the State Government.

Jenny Bellinger, Winnaleah

In relation to the collection of monies in Derby, there has been an automated process with the Blue Derby Foundation for maintenance of the trails. On speaking with Grant Kearney twice, he has told me that they do not intend to maintain the trails. So I am wondering why they are collecting money for the maintenance of the trails. Who collects the donations for Blue Derby and who owns Blue Derby?

Response from Mayor Greg Howard:

Dorset Council own the trademark Blue Derby and the trails. The process to transfer some of the assets and the income streams and the maintenance requirements to the Blue Derby Foundation have not been completed yet. Council are working with the Foundation on an agreement on how this will happen. Council still control the trails, undertake the maintenance and collect all the money.

In relation to the Little Blue Lake, could Council think about locating toilets there? It is advertised as much as the Lavender Farm and has visitors from all over the world, but has no facilities for people to use.

Response from Mayor Greg Howard:

The Little Blue Lake is located on Parks land, so it is beyond Council's control. You could get in contact with Parks and Wildlife (Crown Land) to discuss this further.

Lin Simpson, Pioneer

Is the road that goes up around to the water lakes a private or public road?

QUESTION TAKEN ON NOTICE

Could Council consider some more footpaths in Pioneer? We do have young mothers within our town and a footpath is far more appropriate for families to be using rather than on the road.

Response from Mayor Greg Howard:

Footpaths are usually determined on where people are transiting to and from in reasonable numbers, so I am unsure whether that work has been completed for Pioneer. When Council undertook the footpath program approximately five years ago, I am unsure whether Pioneer had footpaths identified as priority three. Council have nearly completed all footpaths identified in the

priority one and two categories, with the footpath plan to be reviewed again, with your request to be included in that review.

All the TasWater contractors who are in town completing the water upgrades have been fantastic and they are doing a great job and Andrew who was here in charge of the project, was sadly moved on due to the fact that he was trying to help residents push for a cement tank not a plastic tank, due to fire risk. I have not seen the person who has replaced Andrew as the project lead. Would it be possible for Council to assist and help us liaise with TasWater to get this cement tank, as it is very important?

Response from Mayor Greg Howard:

TasWater have obviously considered fire danger and risk as part of the project and a cement tank is certainly not listed in the \$5 million budget. In terms of comparing a fire in Tasmania to a fire in Victoria is a bit like chalk and cheese because of the added heat and low humidity that occurred in those major fires in Victoria. TasWater have inspected the tanks and Council did talk to them about whether or not a cement tank was required. TasWater inspected the plastic tanks that are there and said that they were very comfortable with them. Other than that, Council have no influence over the project, however Council can approach TasWater again on behalf of residents to what the process is going forward.

Vincent Teichmann, Pioneer

Firstly, thank you to Council for their support of the water infrastructure upgrade that is currently underway, it is really good to see that going ahead.

To the General Manager, John Marik - have you decided yet to provide me with a letter of support following our meeting back in January as I haven't heard back from you?

Response from General Manager, John Marik:

As we discussed I wanted to listen to your points and I am meeting with the Blue Derby Foundation next week to get their input and then a decision will be made.

Would you the Mayor please detail the reason for which you have denied me a letter of support in relation to a question asked last month, where you said that everyone was aware of the reasons including myself, however I actually not aware of it?

Response from Mayor Greg Howard:

Councillors have an email outlining those reasons so we won't be discussing that in the public forum, due to it being private correspondence.

Is this the email from the previous General Manager?

Response from Mayor Greg Howard:

Yes.

I am also still waiting on an answer to my question relating to how many letters of support have been issued to the other operators, and how many have been denied?

Response from General Manager, John Marik:

I did verbally reply in the last Meeting, however Council Officers can only find two in our records management system.

At the last Council Meeting, you have made the statement that 'we' would not be issuing me with a letter of support, which includes you. You have also stated at previous meetings and every time I have asked for one from you, that it is the General Manager's decision. So who is the 'we' you were referring to at the last Meeting?

Response from Mayor Greg Howard:

The 'we' is Dorset Council, and in this case as it is an operational matter, is given by the General Manager.

Further Response from General Manager, John Marik:

You are focussing on the past decision. I want to look at it from all angles – I've spoken to you, I will be speaking with the Blue Derby Foundation as I want to look at what the framework may be for Derby to ensure that we don't have so many operators, that we make all businesses unviable. I want to undertake a holistic review and then I will get back to you, which I have made pretty clear to you.

Jodie Terry, Springfield

I have a school bus contract for the far North East, so I travel from Gladstone to Icena and then back down to Rushy Lagoon. So I travel on Cape Portland Road which the majority being unsealed. I usually lodge a service request for grading, etc. The condition is not great at the moment, with the surface corrugated. I was wondering when I might expect to have that request looked at and graded? Is it possible that we have it inspected prior to school commencing each year?

Response from Mayor Greg Howard:

So roads get graded on a rotational basis when the grader is in the area. Council would be unlikely to bring a grader all the way from Scottsdale to Rushy to grade a single road. In the next rotation whenever the grader is in the area, the road will be graded. The issue you raised with me the other night regarding the lack of material is something Council will review during the budget process.

There is a grader at North Ansons Road at the moment, would Council be able to make use of that grader, contracted by the Department of State Growth, for Cape Portland Road?

Response from Mayor Greg Howard:

Generally the Department of State Growth don't cooperate like that.

Denis Kane, Winnaleah

My question is in relation to the cameras on the Blue Derby trails. Has any thought been put into the idea of putting cameras on trails which already have a high propensity of accidents of riders and for young and inexperienced riders therefore do something out of their capabilities because they are trying to show off in front of the cameras?

Response from Mayor Greg Howard:

As you are probably aware via the stories through the paper, Dorset Council had no role in installing the cameras at all. The fact is that there is a contract that the previous General Manager and another Director signed with Sustainable Timbers and Council have those cameras installed. Council have now withdrawn our permission but the decision with Sustainable Timbers is still in limbo. Council gets no income from the cameras, that is a private organisation which we currently pursuing for a resolution.

So do they stay forever, or will they be gone when the next contract gets resigned?

Response from Mayor Greg Howard:

Hopefully there won't be another contract.

What is the term of the current contract?

Response from Mayor Greg Howard:

Three years, however Council's side has already been cancelled, and the other is at risk. I don't disagree with everything you have said, however currently beyond the control of Council.

Is Council going to keep stats on crashes, injuries, ambulances and helicopters flown in because of these cameras?

Response from Mayor Greg Howard:

No. In general, the Derby trails are pretty safe compared to some of the trails around Tasmania. In every adventure sport, people often get their capability and their ambition mixed up – it is not up to a Council to try and control people's behaviours.

In Rotorua in New Zealand, the first sign you see states – ride within your control. Could something similar be on every sign in Derby?

Response from Mayor Greg Howard:

As you well know, the trails are rated depending on the degree of difficulty. It is up to the riders to decide which of those trails they are capable of, not Council. We provide the product they need to take responsibility for their own actions.

Fiona Williams, Pioneer

My question is in relation to the playground. I had a brief discussion with Councillor Coxen prior to the Meeting, not just about the Pioneer playground, but all playgrounds around the municipality. Could the location and safety of the playground in Pioneer be reviewed? It is located on a T junction with a heavily used road, including those recreational users of the Pioneer Lake.

Response from Mayor Greg Howard:

Council generally upgrades facilities based on usage and requests from community members. Pioneer, like many towns, Council don't actually own significant amounts of land, with the only parcel of land being here where the Hall and playground are currently located. So there isn't an alternative option for us to relocate any of the Council owned facilities. In relation to upgrades to

the current playground, you could apply to Council through the community grants program for funding for specific works.

Louise Whibley, Winnaleah

I recently participated in a round table conversation with Health Consumers Tasmania, and noted that there is no disabled access to the Winnaleah Hall/War Memorial to gain access to the building?

Response from Mayor Greg Howard:

Council have a few Halls in the same boat, one being the Branxholm Hall. Council will include this in our budget deliberations.

Vincent Teichmann, Pioneer

In relation to the other letters of support provided to other operators, how is it possible for them to obtain a licence that I am trying to obtain from the State Government without a letter of support when I am told I need one? Where are they getting their letters of support or how are they by-passing the process?

Response from Mayor Greg Howard:

I suggest that you speak with Crown, Parks or Sustainable Timbers Tasmania with those questions, as final approval doesn't sit with Council, so I have no knowledge.

Item 24/23

Deputations

Nil

Item 25/23

Councillor Question Time

The following question was **taken on notice** at the 16 January 2023 Council Meeting:

Councillor Jerrod Nichols:

Has there been any major increase in the price that is charged to the Education Department for the use of the Pool for carnival days, or has that maintained a similar price for the last few years?

Response from Finance Manager, Allison Saunders:

Council currently have a licence agreement in place with the Department of Education for the swimming and water safety program (signed September 2022). The current fee is \$3.60 per student which will be increased annually by the greater of 3% or CPI for the December quarter before each increase. The charges for Scottsdale and Bridport Primary total \$5,360.40 (incl. GST) this year.

The North East Primary School Sports Association (NEPSSA) were also invoiced for pool hire for the North East combined schools swimming carnival, based on the fees and charges schedules - \$800 (GST inclusive). NEPSSA used to have a licence for use of the Scottsdale Recreation Ground, however, after failed attempts to renegotiate a licence, Council stopped pursuing the progression of a new licence and will now charge the appropriate rate as per the fees and charges schedule. Council also invoiced them for any facility use since the licence expired in February 2021.

Scottsdale High School have a licence agreement for use of the Scottsdale Recreation ground (including the Scottsdale Aquatic Centre) which is increased annually by CPI in the December quarter before the increase. They have just been invoiced \$8,104.64 (incl. GST) for the 2023 year.

The following questions were received without notice from Councillors:

Councillor Mervyn Chilcott:

Following on from the public question asked about the TasWater tank. Currently when properties are split up they are required to put in a tank that is not a plastic tank and yet they are installing plastic tanks here at Pioneer in a potentially fire risk area. Why is that?

Response from Director – Community & Development, Rohan Willis:

I am unsure Councillor Chilcott if that is correct. I understand that plastic tanks are still acceptable they just need to be approved by an accredited bushfire hazard practitioner and they may the call on what type of tank is required to be installed for subdivisions.

Councillor Anna Coxen:

I just have a follow up question in relation to the answer given to Councillor Nichols question on notice from the last Council Meeting. It seems that the local schools are being charged for using the pool, but we are allowing visitors to the area to use the pool for free. Can we review the fees and charges at an upcoming Workshop?

Response from General Manager, John Marik:

All fees and charges are reviewed thoroughly during the upcoming process.

Councillor Beth Donoghue:

To Mr Marik through you Mr Mayor. I would like to know whether operational risk management plans exist for Council operated facilities based on the questions raised in public question time by Mr Kane?

Response from General Manager, John Marik:

Yes we do.

Are they publicly available?

Response from General Manager, John Marik:

They are operational plans that are retained on our document management system. However, we can review our plans for our major facilities, including the Blue Derby Trails, Aquatic Centre, etc.

Councillor Anna Coxen:

At our last Meeting, the General Manager advised that a broader review around shuttle operators was required. This isn't specifically about Mr Teichmann, but more around the Memorandum of Understanding (MOU) that is being drafted at the moment for the transfer of operations to the Blue Derby Foundation. I would like to know what considerations are in place to ensure that there is impartiality in the independent

review of potential new businesses to Derby that may be in direct competition with existing businesses, noting that to be a member of the Foundation you must own/operate a local business or be a property owner?

Response from Mayor Greg Howard:

I can answer part of your question. Things like new shops, new pubs or new liquor licences, etc. will not be controlled by the Dorset Council apart from potentially a planning permit. Council would not be able to refuse a permit on the basis that it may compete with another business in the town.

Further Response from General Manager, John Marik:

As you are aware, Council have halted the progress of the MOU and Deed of Transfer to get further legal advice after discussions with Councillors at the February Briefing Workshop. This will be discussed again in March with Councillors with your comments noted for review.

Item 26/23 Notices of Motion by Councillors

Nil

Item 27/23 Quarterly Financial Report – Period Ended 31 December 2022
Reporting Officer: Finance Manager, Allison Saunders
Ref: DOC/23/1660

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 2022.

Recommendation

That Council receive the Financial Report for the period ended 31 December 2022.

DECISION

MOVED: Cr Nichols | SECONDED: Cr Donoghue

That Council receive the Financial Report for the period ended 31 December 2022.

CARRIED UNANIMOUSLY

Item 28/23 Audit Panel Charter Review
Reporting Officer: Finance Manager, Allison Saunders
Ref: DOC/23/1648 | Reviewed Charter: DOC/23/945

Purpose

The purpose of this agenda item is to adopt the revised Audit Panel Charter.

Recommendation

That Council adopt the attached revised Audit Panel Charter.

DECISION

MOVED: Cr Nichols | SECONDED: Cr Chilcott

That Council adopt the attached revised Audit Panel Charter.

CARRIED UNANIMOUSLY

Item 29/23

Model Councillors Code of Conduct Review

Reporting Officer: General Manager, John Marik

Ref: DOC/23/1577 | Reviewed Code of Conduct: DOC/23/1579

Purpose

The purpose of this agenda item is to adopt the reviewed Dorset Council Model Code of Conduct – February 2023.

Recommendation

That Council adopt the attached reviewed Dorset Council Councillor Code of Conduct – February 2023, without variation.

DECISION

MOVED: Cr Jessup | SECONDED: Cr Coxen

That Council adopt the attached reviewed Dorset Council Councillor Code of Conduct – February 2023, without variation.

CARRIED UNANIMOUSLY

Time Meeting Closed: 7:11pm

Minutes Confirmed: 20 March 2023

Minute No: 30/23



Mayor