



dorset
C O U N C I L

Ordinary Minutes

Council Meeting

21 August 2023

it's in the making

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Council Meeting Minutes 21 August 2023

Meeting Opened: 6:00 pm

Introduction and welcome from Commissioner Andrew Wardlaw

Present: Commissioner Andrew Wardlaw

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

Apologies: Nil

Item 113/23 Confirmation of Ordinary Council Meeting Minutes – 17 July 2023
Ref: DOC/23/7612

The Assistant General Manager has advised (as Acting General Manager for that Meeting) that the minutes of the 17 July 2023 Ordinary Council Meeting are in compliance with Regulation 32 of the Local Government (Meeting Procedures) Regulations 2015, namely that the minutes of the meeting accurately record the matters specified under Regulation 32.

I thus move that the minutes of the 17 July 2023 Ordinary Council Meeting be confirmed under the certification that the Assistant General Manager has provided.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 17 July 2023 having been circulated to the Commissioner, be confirmed as a true record.

CARRIED: COMMISSIONER

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council confirm the Agenda and order of business for the 21 August 2023 Council Meeting.

CARRIED: COMMISSIONER

Item 115/23**Declaration of an Interest of the Commissioner or Close Associate**

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Commissioner is requested to indicate whether he has, or is likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Commissioner Wardlaw Item 124

Commissioner Wardlaw read the following statement relating to this declared interest:

I have a conflict of interest in regard to Item 124/23 in that it relates to my appointment and remuneration. I have assessed that it is not a pecuniary interest as it is exempt under Section 52 (1)(d) of the Local Government Act 1993.

Item 116/23**Commissioner Communications****Commissioner Wardlaw's Calendar – 2 August – 15 August 2023**

- 3 Meeting with Dorset Council General Manager, Scottsdale
- 3 Commissioner introduction to Council indoor and outdoor staff, Scottsdale
- 4 Officiated Citizenship Ceremony for Mr Robert Taylor, Scottsdale
- 7 Meeting with Editor of the North Eastern Advertiser, Scottsdale
- 7 Meeting with Health Consumer Tasmania representatives, Scottsdale
- 7 Attendance at North East Tasmania Chamber of Commerce meeting, Scottsdale
- 8 Site visits and briefing with Assistant General Manager / Director – Community and Development, Scottsdale and Bridport
- 9 Project Briefing Meeting: Department of State Growth – Bridport Main Road Freight and Safety Improvements community consultation, online
- 9 Local Government Reform overview and discussion with General Manager, Scottsdale
- 9 Annual Plan / Priority Projects overview and discussion with General Manager, Scottsdale
- 9 Meeting with ratepayers / residents, Gladstone
- 9 Attendance at Future-Links Meeting, Gladstone
- 10 Briefing on current development applications and associated planning scheme training with Director – Community and Development and Regulatory Services Manager, Scottsdale
- 13 Attendance at the art exhibition 'Nature Works' opening event, Scottsdale
- 14 Weekly meeting with Council management team regarding August Council Meeting format and agenda, insurance update and community feedback, Scottsdale

- 14 Presentation at the North-East Community Catchment Hearing, Future of Local Government Review with the General Manager, Scottsdale
- 15 Meeting with ratepayers, Bridport
- 15 Meeting with ratepayer, Scottsdale
- 15 Proposed community garden meeting with community stakeholders, Scottsdale

Item 117/23 Management Team Briefing Report

The purpose of this agenda item is to provide the Commissioner and the community with a briefing on matters of interest dealt with during the past month by Council’s Management Team.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the Management Team Briefing Report be received and noted.

CARRIED: COMMISSIONER

Item 118/23 Council Workshops Held Since Last Council Meeting

1 August | Briefing Workshop

Item 119/23 Applications for Leave of Absence

Nil

Item 120/23 Public Question Time

The following questions were received **on notice** from members of the public:

Louise Brooker, Bridport | 13 July 2023

Is it possible for Council to present information about Development Applications in The Advertiser at the same time as it is announced in The Examiner, thus giving Community members’ sufficient time to respond?

Response from Assistant General Manager, Rohan Willis:

For those planning applications that require public advertising, Council has a statutory obligation to advertise such applications within a daily newspaper circulating generally in the area relevant to the application. The Examiner qualifies as such newspaper; however the North Eastern Advertiser does not. In addition to this, Council provides an online platform from its website (go to <https://www.dorset.tas.gov.au/online-development-application-enquiry>) whereby plans and other documentation for currently advertised applications can be viewed and accessed electronically.

Planning applications that require public advertising incur additional charges to those applications that do not. Amongst other matters, these charges provide for cost recovery of advertisement fees. Presenting information within the North Eastern Advertiser about development applications that are otherwise being advertised in The Examiner would necessarily incur an additional cost; a cost that would have to be absorbed by proponents. Depending upon the amount of content contained in the advert, additional cost estimates could range from approximately \$260 to \$375.

Increasing application costs for advertisement charges in the North Eastern Advertiser is surplus to the requirements of Tasmania's statutory planning process and is not an approach Council is actively considering at this time.

Karl Willrath, Scottsdale | 9 August 2023

Will the commissioner insure (sic) that all council meetings be streamed via video so community members have a better chance to see and hear what is actually going on at council?

Response from Commissioner Andrew Wardlaw:

The format for Council meetings will not change in the short term. Members of the public are welcome to attend, and a recording of the meeting will be made available to the public, as soon as practicable, after the Meeting via Council's website and social media.

Can the commissioner rule out charges, criminal or other, will not be laid against any current or former Dorset staff and/or Councillors over issues of non-compliance and/or other matters that may have happened due to poor governance?

Response from Commissioner Andrew Wardlaw:

The Commissioner is appointed to administer the affairs of the Council for the duration of the Board of Inquiry. The Minister for Local Government has established a Board of Inquiry to investigate the Dorset Council. The Board is to submit a report on its findings and recommendations to the Minister for Local Government. As Commissioner I will address any issues observed to ensure good governance, however historical matters subject to the Terms of Reference of the Board of Inquiry will be investigated by them.

Will the commissioner immediately implement a code of conduct for all council staff as per the recommendations set in the Smithies report carried out by the Integrity Commission and tabled in state Parliament Feb 2023?

Response from Commissioner Andrew Wardlaw:

Please see below response provided by General Manager, John Marik:

Dorset Council is a member of the Local Government Association of Tasmania (LGAT). Part of LGAT's services to member councils includes providing legislatively compliant policy templates. Dorset Council has a suite of current adopted policies that are publically available on Council's website and are regularly reviewed. Council also have a suite of internal operational policies including operational Policy 15 – Employee Conduct. The Employee Conduct Policy includes general principles in relation to acting with honesty and integrity, acting with professionalism, acting in accordance with the law and policies and procedures of council, declaring and avoiding conflicts of interest, respecting privacy and misuse of council information, corporate and personal responsibility. This operational policy was last reviewed by Council Officers in September 2022, and the policy was renamed to Employee Conduct so as to remove confusion with the Dorset Council Councillor Code of Conduct. The Employee Conduct Policy creates a clear code of conduct for council employees. Council Officers review policies when legislative requirements change or every 5 years, as required.

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

Kahlia Simmons, Scottsdale

When will the footpath on the corner of Victoria and King Street be fixed?

QUESTION TAKEN ON NOTICE

Jeff Jennings, Bridport

Could the Council inform residents of Westwood Street when the seven sets of potholes are going to be fixed?

Response from Commissioner Andrew Wardlaw:

I've been in contact with a ratepayer in relation to a pothole in Main Street and inquired about the maintenance planned and Westwood Street was also raised at the same time. The infrastructure team are waiting until improved weather conditions to conduct patching on a number of roads, including Main Street and Westwood Street.

Further Response from General Manager, John Marik:

We certainly discussed those areas in our management meeting this morning and are looking at solutions available as there are significant costs associated with these repairs as they aren't just a simple fill. Council Officers have noted and are investigating.

Is there a timeframe for when the road issue will be permanently fixed? As patching in the past hasn't worked, it needs major works.

Response from General Manager, John Marik:

Correct, it is a more material cost with major works. I don't have a timeframe at this stage, but it is being investigated and Council will keep you updated on the status.

Linette Simpson, Pioneer

Why after all these years does Pioneer not have a footpath? Scottsdale and Bridport have footpaths, why don't we?

Response from General Manager, John Marik:

Council are certainly going through our road and footpath plans, especially with the footpath plan as we are reaching the end of those that were identified. Council will then undertake assessments and inspections of footpaths required for the next five years. I have noted your statement and will include as part of that process.

Mervyn Chilcott, Scottsdale

In regards to the railway building (Scottsdale), does the Council have control of the railway corridor at the moment?

Response from Assistant General Manager, Rohan Willis:

Council is the corridor manager of the railway corridor.

So they can go ahead with the refurbishment of the railway station?

Response from Assistant General Manager, Rohan Willis:

Yes. As advised earlier in the meeting (during Management Briefing Report), Rotary Scottsdale are moving forward with the refurbishment of the building, with Council supporting them in whatever capacity they require during that time.

In regard to the community garden, has anything been decided about a location yet?

Response from Commissioner Andrew Wardlaw:

As you know you attended a site meeting with other stakeholders to discuss potential sites. Council are still in discussions with the proponents regarding a suitable location, with some other areas identified which are being investigated. Once the outcome of those investigations are known, Council will liaise with Heath Consumers Tasmania.

Vincent Teichmann, Pioneer

My first question is directed to you John. Given that it has now been about nine months since I first approached you for a simple letter of support on behalf of my business, which I am told I need, to apply for a nature based tourism licence from the Tasmanian Parks and Wildlife Service in order to operate an uplift shuttle bus service for mountain bikers in Dorset. Given that you emailed me on 3 March this year that you should be in a position to make a decision shortly post your meeting with Parks. Given that you told me at the meeting in March this year that you've had that meeting with Parks. Why do you feel it is reasonable to keep delaying a decision on this very important matter to me? It is fairly trivial a letter of support.

Response from General Manager, John Marik:

This is a holistic matter, it is not just about you, it is a matter of licencing and letters of support for Derby as a whole. From my perspective, I have made it really clear that there are too many operators and that Cascade Dam Road has safety issues. I've went back through and read your email received today and note that, yes, this has been going since October 2022. I've had to meet with Parks for a second time - on 2 August - because they certainly don't have a playbook as to when they start and stop giving licences. They've asked Council to gain independent advice from a traffic management expert to look at Cascade Dam Road from a road safety perspective. What I see that will allow us to do, it will assist in a policy position for not only yourself, but issuing letters of authority for any Derby operations in the future.

Does the Local Government Act Section 62(1)(g) & (i) not state that the General Manager of Council is to carry out such functions as the Council through the Mayor or in this case, you as Commissioner directs the General Manager to do?

Response from Commissioner Andrew Wardlaw:

As long as the powers are there and be a lawful direction under the Act. The context of the word 'direct' has to be looked at overall in the *Local Government Act*, as there are certain things the General Manager has the right to do just as the Councillors and Mayor do.

Jenny Bellinger, Pioneer

With what's happening with Council at the moment (relating to the Board of Inquiry), to have submissions in by 8 September I feel that we need to know what was in the 600 pages that came to Council and their response? Is there any way that can be released?

Response from Commissioner Andrew Wardlaw:

As I stated at the start of the meeting, the Board of Inquiry is a process that I am not part of. That question should be directed to the Board of Inquiry and there would be contact details on the ad that was in the paper. We are not in the position to be able to release that report, being that it is the Director of Local Government's report that has been submitted to the Board of Inquiry.

Can someone give us an update on the water allocation that we bought with the Scottsdale Irrigation Scheme and where that's at?

QUESTION TAKEN ON NOTICE

As you are new to us and we are new to you, there have already been meetings up and over the Billycock already this year, could either the September or October meeting be held at a town over the Billycock?

Response from Executive Assistant, Sarah Forsyth:

The October Meeting is scheduled to be held at Ringarooma.

Vincent Teichmann, Pioneer

Who is responsible for preparing the Dorset Council Minutes and ensuring the accuracy? Is this considered information that is presented to Council by the General Manager in the same way that other information, submissions, etc. are prepared? So in other words, does the General Manager sign off on its accuracy?

Response from Commissioner Andrew Wardlaw:

The responsibility of the General Manager is to prepare the agenda and prepare the minutes for the Council. I guess the accuracy of the minutes for the Council are confirmed by the Council at the next meeting. That's why earlier tonight I got assurance of the accuracy of the minutes from the previous meeting from the Assistant General Manager that they were a true and accurate reflection as I wasn't present.

So not the General Manager? As there is a duty on the General Manager to ensure any information presented to the Council is accurate, so there is actually a duty on him as well as on Councillors.

Response from Commissioner Andrew Wardlaw:

In relation to the professional advice that is provided in the agenda, he signs a statement at the front of the agenda which notes the accuracy of the agenda.

In Schedule 1 on page 17 of the agenda, it mentions that you are immune from any personal liability in accordance with Section 341 of the Act. Is there a similar provision for other Councillors and Council staff that they are immune from prosecution for personal liability?

QUESTION TAKEN ON NOTICE

Jacki Moore, Gladstone

With the resheeting of the roads, we were told last year that Cape Portland Road, which is desperately needed, was going to be done, but I can't see it listed anywhere?

QUESTION TAKEN ON NOTICE

Item 121/23 Deputations

Mr Stuart Bryce – Chairman of the North East Resident Farmers
North East Rail Trail Proposal (Ref: DOC/23/10177)
Attached to the Minutes

Item 122/23 Commissioner Question Time

The following questions were received **without notice** from the Commissioner:

Nil

Item 123/23 Notices of Motion by the Commissioner

Nil

Commissioner Wardlaw declared an interest in Item 124, however advised that his interest is exempt under the Local Government Act 1993 (see Item 115)

Item 124/23 **Appointment of Commissioner for the Dorset Council and Budget Variation** Reporting Officer: General Manager, John Marik Ref: DOC/23/9792 | Appointment: DOC/23/9464

Purpose

The purpose of this report is to receive and note the appointment of the Commissioner for the Dorset Council and approve a variation to the 2023/24 Budget Estimates of \$47,800 for the required remuneration.

Recommendation

That Council

1. Receive and note the Instrument of Appointment 'Dorset Council Commissioner' issued by the Governor of Tasmania, Her Excellency Barbara Baker AC dated 2 August 2023.
 2. That a variation to the 2023/24 Budget Estimates of \$47,800 be approved.
-

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council

1. Receive and note the Instrument of Appointment 'Dorset Council Commissioner' issued by the Governor of Tasmania, Her Excellency Barbara Baker AC dated 2 August 2023.
2. That a variation to the 2023/24 Budget Estimates of \$47,800 be approved.

CARRIED: COMMISSIONER

Item 125/23

Audit Panel Chairperson Appointment

Reporting Officer: Finance Manager, Allison Saunders

Ref: DOC/23/9836 | Charter: DOC/23/945

Purpose

The purpose of this agenda item is to appoint an independent Audit Panel Chairperson.

Recommendation

That Council appoint Mr Ian Wright as Chairperson of the Dorset Council Audit Panel for a further two year term, expiring 17 November 2025.

Amended Recommendation

That Council

1. Appoint Mr Ian Wright as Chairperson of the Dorset Council Audit Panel for a further two year term, expiring 17 November 2025.
 2. Review the composition and tenure of the Audit Panel with the view of adding one or two additional independent members.
 3. Request the General Manager to consult with the Audit Panel as part of this review.
 4. Receive a report on this review by the November 2023 meeting.
-

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council

1. Appoint Mr Ian Wright as Chairperson of the Dorset Council Audit Panel for a further two year term, expiring 17 November 2025.
2. Review the composition and tenure of the Audit Panel with the view of adding one or two additional independent members.
3. Request the General Manager to consult with the Audit Panel as part of this review.
4. Receive a report on this review by the November 2023 meeting.

CARRIED: COMMISSIONER

Item 126/23**Variation to 2023/24 Annual Plan**

Reporting Officer: General Manager, John Marik

Ref: DOC/23/9837 | Plan: DOC/23/4894

Purpose

The purpose of this agenda item is to vary the 2023/24 Annual Plan.

Recommendation

That Council defer Activity 18 “Risk Management Framework and Policy” to the June 2024 quarter.

Amended Recommendation

That Council

1. Defer Activity 18 “Risk Management Framework and Policy” to the June 2024 quarter.
 2. The General Manager present the current Risk Management Framework and Policy at the next Workshop.
-

DECISION**MOVED / SECONDED: Commissioner Wardlaw**

That Council

1. Defer Activity 18 “Risk Management Framework and Policy” to the June 2024 quarter.
2. The General Manager present the current Risk Management Framework and Policy at the next Workshop.

CARRIED: COMMISSIONER**Item 127/23****Review of Policy No. 2 - Payment of Councillor Expenses and Provision of Facilities**

Reporting Officer: Finance Manager, Allison Saunders

Ref: DOC/23/9720 | Reviewed Policy: DOC/23/8938

Purpose

The purpose of this report is to review the Payment of Councillor Expenses and Provision of Facilities Policy.

Recommendation

That Council adopt the attached revised Policy No. 2 - Payment of Councillor Expenses and Provision of Facilities.

DECISION**MOVED / SECONDED: Commissioner Wardlaw**

That Council adopt the attached revised Policy No. 2 - Payment of Councillor Expenses and Provision of Facilities.

CARRIED: COMMISSIONER

Purpose

The purpose of this report is to table Council’s draft Priority Projects Plan 2023-2025 for the Dorset municipality for endorsement by Council for community consultation.

Recommendation

That Council endorse the draft Priorities Projects Plan 2023-2025 for a community consultation period of 28 days.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council endorse the draft Priorities Projects Plan 2023-2025 for a community consultation period of 28 days.

CARRIED: COMMISSIONER

Purpose

The purpose of this agenda item is to provide an update on the current and proposed operating model for the Bridport Seaside Caravan Park and to approve a variation to the 2023/24 Budget Estimates of \$125,000 to implement a hybrid operating model for the 2023/24 financial year.

Recommendation

That Council

1. Note the update on the proposed operating model for the Bridport Seaside Caravan Park.
2. Agree to formalise the new hybrid operating model for the 2023/24 financial year.
3. Approve a variation to the 2023/24 Budget Estimates of \$125,000 to commence implementation of the hybrid operating model.

Amended Recommendation

That Council

1. Note the update on the proposed operating model for the Bridport Seaside Caravan Park.
 2. Agree to formalise the new hybrid operating model for the 2023/24 financial year.
 3. Approve a variation to the 2023/24 Budget Estimates of \$125,000 to commence implementation of the hybrid operating model.
 4. A quarterly report be provided in January 2024, April 2024 and July 2024.
-

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council

1. Note the update on the proposed operating model for the Bridport Seaside Caravan Park.
2. Agree to formalise the new hybrid operating model for the 2023/24 financial year.
3. Approve a variation to the 2023/24 Budget Estimates of \$125,000 to commence implementation of the hybrid operating model.
4. A quarterly report be provided in January 2024, April 2024 and July 2024.

CARRIED: COMMISSIONER

Item 130/23 Closure of Meeting to the Public

DECISION

MOVED / SECONDED: Commissioner Wardlaw

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: 7:08 pm

CARRIED: COMMISSIONER

Meeting Adjourned: 7:08 pm

Reason: *Tea break with the public*

Meeting Resumed: 7:22 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 131/23 Director of Local Government Investigation / Board of Inquiry Update and Receipt of Final Investigation Report and Attachments

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:

- Overview and update of the Local Government Investigation including the Board of Inquiry and acknowledgement of receipt of the Final Investigation Report and Attachments from the Director of Local Government

Time Meeting Closed: 7:31 pm

Minutes Confirmed: 18 September 2023

Minute No: 133/23

A handwritten signature in black ink, appearing to be 'Wardlaw', written in a cursive style.

Commissioner Wardlaw

DEPUTATION
REGARDING DORSET COUNCIL'S MISMANAGEMENT OF THE RAIL TRAIL PROPOSAL

BY

STUART BRYCE
CHAIRMAN OF NORTH EAST RESIDENTS AND FARMERS Inc.
21 August 2023 Council Meeting

Significant issues

- Frequent abuse in the media by the Mayor referring to members of the train lobby as “delusional”
- The GM telling a landowner that the rail trail would cross his land “whether he liked it or not”
- The Mayor deliberately misstating the annual maintenance costs of the bike trails at a Council meeting.
- Development applications submitted by Dorset referring to the corridors as “Recreational” to avoid scrutiny by the EPA.
- Dorset failing to conduct a “Community engagement strategy” as stated in the grant application to NSRF dated 28 November 2014.
- Failing to include in both development applications waste management, privacy screening and safety fencing.
- Deliberately excluding from public scrutiny maintenance costs.
- Failure to correctly protect bordering properties from contaminants arising from 120 years of rail use.
- Failure to respond to petitions presented to Council.
- Ignoring the results of three surveys in 2017 all supporting the retention of the railway.
- The accuracy of the General Manager’s roll of voters.
- The Mayor accusing the train lobby of “rigging” the phone survey.

Background

I am a retired RAAF Wing Commander. I am a gold medal graduate of Navy Staff College, I have a Bachelor of Science degree and a graduate certificate of Management Studies. I was both a service member and acting senior member of the Veterans’ Review Board from 1991 to 2015. I have been the Chairman of the North East Residents and Farmers since its initial formation in June 2015.

Stuart Bryce
Chairman
North East Residents and Farmers Inc.

Ref: DOC/23/10177