

*dorset*  
C O U N C I L

# Ordinary Agenda

Council Meeting – Pioneer Hall

20 February 2023

*it's in the making*

## Qualified Persons Advice

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The *Local Government Act 1993*, Section 65, provides (in part) as follows: -

- A general manager must ensure that any advice, information or recommendation given to the Council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the Council and a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the Council with the general managers certification.

I therefore certify that with respect to all advice, information or recommendation provided to the Council in or with this agenda:

- a. the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- b. where any advice is directly given by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

## Notification of Council Meeting

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**NOTICE** is given that the next Ordinary Meeting of the Dorset Council will be held on Monday, 20 February 2023 at the **Pioneer Hall, Racecourse Road, Pioneer** commencing at 6:00 pm.

*Prior to the Council Meeting, an informal 'meet and greet' session will be held commencing at 5:30 pm for any members of the public to come and chat with Councillors and Council's Management Team - there is no need to register for this.*

Members of the public are invited to attend in person, however, due to recommended physical distancing guidelines, the number of persons able to attend is limited. Any member of the public who wishes to attend the meeting **must** register their details with Executive Assistant, Sarah Forsyth by **1:00 pm Monday 20 February 2023** via email [gm@dorset.tas.gov.au](mailto:gm@dorset.tas.gov.au) or by calling 03 6352 6500. A recording of the Council Meeting, except for any part held in Closed Session, will be made available to the public as soon as practicable after the Meeting via Council's website and social media.



**JOHN MARIK**  
General Manager

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## Council Meeting Agenda 20 February 2023

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Meeting Opened:

Present:

Apologies:

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

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*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.*

### Recommendation

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.

*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

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*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.*

### Recommendation

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.

### Recommendation

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

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

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.

### Correspondence from Director of Local Government

As requested by the Director of Local Government, Mr Mathew Healey, correspondence dated 19 January 2023 circulated to Tasmanian Councils relating to good governance and the Code of Conduct, is provided in the agenda attachments for information.

### Approved Applications

	Approved January	Approved 2023 YTD	Approved 2022 YTD
Planning	12	12	17
Building	10	10	3
Plumbing	7	7	3

See attachments for detailed information about applications approved in January 2023.

Complete 2022/23

Completed in January 2023

PROJECT	PROJECT PHASE
<b>BRIDGES</b>	
Bridge 1507 Garibaldi Road - timber superstructure renewal	Sourcing materials
Bridge 1512 Barnett Road – re-deck	
Bridge 1540 West Maurice Road – re-deck	Planning
<b>Bridge 1620 Cuckoo Road – re-deck</b>	<b>Completed</b>
Bridge 1515 Maurice Road - upgrade to concrete	Tender Awarded
Bridge 1617 Duncraggen Road - upgrade to concrete	Tender Awarded
<b>ROADS - RESHEETING</b>	
Shanty Road, North Scottsdale	Commenced
<b>Scott Street, Scottsdale</b>	<b>Complete</b>
Duncraggen Road, Jetsonville	
Upper Brid Road, West Scottsdale	Commenced
Lisle Road, Nabowla	Commenced
Knights Road, Nabowla	
Cuckoo Road, Scottsdale	Commenced
Banca Road, Winnaleah	Commenced
<b>ROADS - RESEALS</b>	
Telita Road	Tender Awarded
<b>Gladstone Road</b>	<b>Completed</b>
<b>North Scottsdale Road</b>	<b>Completed</b>
<b>Gillespies Road</b>	<b>Completed</b>
Main Road, Pioneer	Preparation Commenced
Charles Street, Pioneer	Preparation Commenced
Moore Street, Pioneer	Preparation Commenced
Alfred Street, Pioneer	Preparation Commenced
<b>FOOTPATHS</b>	
<b>Main Street, Bridport - from top of roundabout to South Street (Asphalt) (carried forward)</b>	<b>Completed</b>
Port Hills extension	
<b>STORMWATER</b>	
Main Street, Bridport - upgrade existing 525 pipeline to 900 and install new side entry pits	Design
Union Street, Scottsdale - upgrade existing pipeline lower end of Union Street	
Bentley Street, Bridport - upgrade existing 525 pipeline to 900	Design
Bridport - stormwater pit replacements in Walter Street and South Street (carried forward)	Design
Urban Stormwater Management Plans (carried forward)	Commenced

<b>ROADS - OTHER</b>	
Carisbrook Lane - complete works McDougalls Road intersection	Awaiting property owner commitment
Carisbrook Lane - underpass contribution	Awaiting property owner commitment
Golconda Road - straighten road alignment and upgrade culvert Lone Star Creek	Commenced
Cascade Dam Road safety improvements including new stormwater pipeline	Commenced
Victoria Street, Scottsdale - upgrade	Commenced
CWA Carpark Bridport - extend existing carpark	Planning
Main Street, Derby - extend existing kerb, footpath and stormwater	Planning
Old Waterhouse Road - safety improvements and upgrade	Grant Deed Pending
Golconda Road - widening design (carried forward)	Commenced
Golconda Road (Stage 4) - from Chainage 1,600 to Gillespies Road (carried forward)	Commenced
<b>Albert Street, Bridport - replace kerb between Main Street and Thomas Street, west side (carried forward)</b>	<b>Complete</b>
Cairns Close, Tomahawk - repair seal (carried forward)	Commenced
<b>LAND IMPROVEMENTS</b>	
Redevelopment of old Derby depot site and trail head (including car park and amenities block)	Commenced
Redevelopment of old Derby depot site and trail head (including car park and amenities block) (carried forward)	Commenced
<b>Derby Park - play equipment replacement</b>	<b>Completed</b>
<b>Scottsdale Sports Stadium - carpark reseal</b>	<b>Completed</b>
Ellesmere and Bridport Cemetery - seating and memorial wall upgrades	Planning
Scottsdale Waste Transfer Station - compacted gravel sheeting in yard (steel area)	
Rail Trail (carried forward)	Awaiting approvals
Main Street, Bridport - replace children's crossing poles	Planning
Bridport Seaside Caravan Park - bollards around fire hydrants	Commenced
Northeast Park - MTB Trails (carried forward)	Planning
<b>Green Flow Trail Derby (carried forward)</b>	<b>Completed</b>
Blue Derby Mountain Bike Trails - Enduro World Series 2023	Commenced
Bridport Football Club Ball Retrieval Safety Net (carried forward)	BFC responsible for project - Planning
<b>Bridport Netball Courts - Lighting Upgrade (carried forward)</b>	<b>Complete</b>
Gladstone Pump Track (carried forward)	Title Transferred
<b>Derby EV Fast Charging Station (carried forward)</b>	<b>Completed</b>

<b>BUILDINGS</b>	
Scottsdale Sports Stadium - floor recoat	Planning – April
Sideling toilets - extra solar panels for cameras	Planning
Council Chambers - power upgrade stage 2	Commenced
Bridport Pavilion toilets - tile floors and repaint walls	Planning
Derby Park toilets – re-grout showers and handrail on verandah	Planning
<b>Gladstone Hall - new vertical blinds</b>	<b>Completed</b>
Scottsdale Visitor Information Centre - replace windows	
<b>Alfred Street, Scottsdale toilets - replace cisterns</b>	<b>Completed</b>
Replacement of security key system	Planning
Scottsdale Depot storage	Commenced
<b>Derby Hall - 10 collapsible tables</b>	<b>Completed</b>
Scottsdale Railway Station Restoration	Rotary Project
Australian Mountain Bike Museum (Derby)	Grant Unsuccessful
Bridport Seaside Caravan Park - Goftons Beach amenities - shower timers	Planning
Scottsdale and Bridport Depots - upgrade to security alarm panels	
New Derby Depot (carried forward)	Commenced
Gladstone Hall - new septic tank (carried forward)	
Branxholm Town Hall - new sink and hot water service	Planning
<b>Bridport Seaside Caravan Park - 2 washing machines and 2 dryers</b>	<b>Completed</b>
Building Renovations (Proposed Workers Accommodation) - 71 Main St Derby (carried forward)	Blue Derby Foundation Project
Bridport Football Club viewing deck (carried forward)	BFC responsible for delivering project
Amenities Upgrade Bridport Football/Cricket Clubrooms (carried forward)	Commenced

## Recommendation

That the Management Team Briefing Report be received and noted.

**7 February | Briefing Workshop**

- Briefing Reports and Question Time
  - Mayor’s Report & Correspondence
  - Management Team Updates
- Draft Strategic Plan 2023-2032
- 2023/24 Budget Estimates Timeline
- Audit Panel Charter Review
- Blue Derby Operations Transfer Committee Draft Memorandum of Understanding
- Bridport Seaside Caravan Park Special Committee of Council
- Model Code of Conduct Review

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:

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Item 24/23                      Deputations

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Item 25/23                      Councillor Question Time

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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.

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The following questions were received without notice from Councillors:

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Item 26/23                      Notices of Motion by Councillors

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## 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.

## Background

The Dorset Council Year to Date Financial Report for period ended 31 December 2022 provides information on income and expenditure budget variations and the status of current capital projects.

## Planning, Environment & Statutory Requirements

*Local Government Act 1993* - Sections 82(4) and (5) enable Council to vary the budget during the course of the year.

## Financial & Asset Management Implications

Please refer to the notes in regards to the variances between the actual and budget estimates below.

## Officer's Comments

For the 6 months ended 31 December 2022 Council recorded an adjusted underlying surplus of \$587,000 compared to a budget of \$354,000 (\$233,000 above budget).

The improved adjusted underlying surplus is a result of operating income (including gain on disposal of assets) being \$164,000 above budget and operating expenses (excluding flood related expenditure) being \$69,000 below budget. An increase in income received from operating grants and contributions, interest and other income had the most material impact on results. Income received from rates and user charges continue to be below budget and employee costs and depreciation expense are slightly above budget for this period which have also impacted the results reported. These variances are discussed in detail within the report.

Additional factors that are likely to impact results for the remainder of the 2022/23 financial year include:

- Interest rates are expected to continue to rise which will increase returns received on Council's cash investments, positively impacting results. Interest rates on Council's current borrowings are fixed and therefore not impacted by these movements.
- Employees costs will likely be above budget this year due to a number of employee movements that were unbudgeted in the 2022/23 financial year.
- Inflation remains high, with the national Consumer Price Index (CPI) for twelve months to December 2022 increasing to 7.8% (Hobart 7.7%). This will continue to impact Council as the cost of materials and services increase accordingly.
- Depreciation will be higher than budgeted for in the 2022/23 year as assets were indexed at levels well above the national CPI at 30 June 2022. Council officers liaised with the Tasmanian Audit Office during the budgeting process and were advised that indexing may not be necessary, thus the

budget figures originally presented did not reflect the higher level of indexation that was required. Inflation increased rapidly towards the end of the 2022 financial year which materially impacted Council's asset values and current replacement costs.

- The municipality was seriously impacted by the October 2022 flooding event and additional expenditure (both capital and operational) is required to repair the damage sustained to Council assets. Where clearly identifiable, additional operating costs associated with significant natural disasters can be excluded from recurrent expenditure, as per guidance received from the Tasmanian Audit Office. Consequently, \$110,000 in operating expenditure incurred in relation to this event has been added back to the adjusted underlying result for the period. Council expect to receive up to 75% of this expenditure back through the Tasmanian Relief and Recovery Arrangements (TRRA) provided by the Tasmanian State Government.

# Statement of Comprehensive Income

For the period ended

31 December 2022

	Note	Current Financial Year				Prior Financial Year	
		YTD Budget \$'000	YTD Actual \$'000	Budget Variance \$'000	Budget Variance %	YTD Actual \$'000	YTD Variance %
<b>Operating Income</b>							
Rates and charges	7	4,615	4,524	(91)	(2.0%)	4,106	10.2%
Statutory fees		97	101	4	4.1%	97	4.1%
User charges	8	595	491	(104)	(17.5%)	521	(5.8%)
Grants and contributions	1	2,299	2,376	77	3.3%	2,320	2.4%
Interest	2	40	114	74	185.0%	37	208.1%
Other income	3	132	272	140	106.1%	228	19.3%
Investment income from Water Corporation		116	97	(19)	(16.4%)	97	0.0%
<b>Total Operating Income</b>		<b>7,894</b>	<b>7,975</b>	<b>81</b>	<b>1.0%</b>	<b>7,406</b>	<b>7.7%</b>
<b>Capital Income</b>							
Capital grants and contributions	4	1,375	1,817	442	32.1%	862	110.8%
Gain/(loss) on disposal of assets	5	-	83	83	100.0%	(119)	169.7%
<b>Total Capital Income</b>		<b>1,375</b>	<b>1,900</b>	<b>525</b>	<b>38.2%</b>	<b>743</b>	<b>155.7%</b>
<b>Total Income</b>		<b>9,269</b>	<b>9,875</b>	<b>606</b>	<b>6.5%</b>	<b>8,149</b>	<b>21.2%</b>
<b>Expenses</b>							
Employee costs	9	2,535	2,697	162	6.4%	2,237	20.6%
Materials and services	6	1,742	1,570	(172)	(9.9%)	1,529	2.7%
Finance costs		38	40	2	5.3%	84	(52.4%)
Other expenses		925	893	(32)	(3.5%)	849	5.2%
Depreciation and amortisation	10	2,300	2,381	81	3.5%	2,302	3.4%
<b>Total Expenses</b>		<b>7,540</b>	<b>7,581</b>	<b>41</b>	<b>0.5%</b>	<b>7,001</b>	<b>8.3%</b>
<b>Net result for the period</b>		<b>1,729</b>	<b>2,294</b>	<b>565</b>	<b>32.7%</b>	<b>1,148</b>	<b>99.8%</b>
<i>Less:</i> Capital grants and contributions		(1,375)	(1,817)	(442)	(32.1%)	(862)	(110.8%)
<i>Add:</i> Loss on disposal (Unscheduled)		-	-	-	0.0%	132	(100.0%)
<i>Add:</i> Flood related operational expenditure		-	110	110	100.0%	-	100.0%
<b>Adjusted underlying result for the period</b>		<b>354</b>	<b>587</b>	<b>233</b>	<b>65.8%</b>	<b>418</b>	<b>40.4%</b>
<i>Less:</i> Adjustment for prepayment of FA grants		(1,421)	(1,421)	-	0.0%	(568)	(150.2%)
<i>Less:</i> Roads to Recovery funding		(376)	(376)	-	0.0%	(376)	0.0%
<b>Statutory underlying result for the period</b>		<b>(1,443)</b>	<b>(1,210)</b>	<b>233</b>	<b>16.1%</b>	<b>(526)</b>	<b>(130.0%)</b>

## Notes on significant variances

### Favourable Variances

#### 1. Grants and Contributions (Operating) | \$77,000

	Current Financial Year				Prior Financial Year	
	YTD Budget	YTD Actual	Budget Variance	Budget Variance	YTD Actual	YTD Variance
	\$'000	\$'000	\$'000	%	\$'000	%
FA Grants – General*	817	863	46	5.6%	758	13.9%
FA Grants – Roads & Bridges*	1,078	1,091	13	1.2%	1,016	7.4%
Roads to Recovery**	376	376	-	0.0%	376	0.0%
Aminya Redevelopment Project	-	-	-	0.0%	144	(100.0%)
Australia Day Event – 2023	-	16	16	100.0%	-	100.0%
Contributions received	27	30	3	11.1%	25	20.0%
Donations	1	-	(1)	(100.0%)	1	(100.0%)
<b>Total operating grants and contributions</b>	<b>2,299</b>	<b>2,376</b>	<b>77</b>	<b>3.3%</b>	<b>2,320</b>	<b>2.4%</b>

Operating grants and contributions are \$77,000 above budget (up 3.3%) as a result an increase in the amount received from the Financial Assistance Grants (FA Grants) program and additional funding received to support Council's 2023 Australia Day events.

FA grants are expected to be \$120,000 above budget by year end due to a revised estimate provided by the State Grants Commissions in August 2022. This revised estimate takes into consideration the latest population estimates for the municipality and the actual CPI movement for the March 2022 quarter which were unknown when initial budget estimates were presented.

In comparison to the same period last financial year, operating grants and contributions have increased by \$56,000 (up 2.4%).

\* Council have reported FA grants on an accruals basis and have included the prepayment received last financial year in the budget estimates and actuals presented. Council's statutory reports recognise FA grants on a cash basis so the prepayment has been backed out of the adjusted underlying result in the Statement of Comprehensive Income to show the statutory result for the period. Prior year figures have also been adjusted for comparability.

\*\* Council have reported Roads to Recovery under operating grant income as previously it was deemed to be recurrent in nature. This funding is now primarily used to assist Council fund capital infrastructure works and will be recognised in capital income in budgets and financial reports in future. As a result, this amount has been backed out of the adjusted underlying result shown in the Statement of Comprehensive Income. Prior year figures have also been adjusted for comparability.

## 2. Interest | \$74,000

	Current Financial Year				Prior Financial Year	
	YTD Budget	YTD Actual	Budget Variance	Budget Variance	YTD Actual	YTD Variance
	\$'000	\$'000	\$'000	%	\$'000	%
Interest income	30	103	73	243.3%	28	267.9%
Interest on overdue rates	10	11	1	10.0%	9	22.2%
<b>Total interest</b>	<b>40</b>	<b>114</b>	<b>74</b>	<b>185.0%</b>	<b>37</b>	<b>208.1%</b>

Interest income is \$74,000 above budget (up 185.0%) due to an increase in interest received from cash investments as a result of increasing interest rates.

In comparison to the same period last financial year, interest income has increase by \$77,000 (up 208.1%).

## 3. Other income | \$140,000

	Current Financial Year				Prior Financial Year	
	YTD Budget	YTD Actual	Budget Variance	Budget Variance	YTD Actual	YTD Variance
	\$'000	\$'000	\$'000	%	\$'000	%
Reimbursements	61	196	135	221.3%	157	24.8%
Private works	5	3	(2)	(40.0%)	16	(81.3%)
Tourism income	15	14	(1)	(6.7%)	8	75.0%
Other income	51	59	8	15.7%	47	25.5%
<b>Total other income</b>	<b>132</b>	<b>272</b>	<b>140</b>	<b>106.1%</b>	<b>228</b>	<b>19.3%</b>

Other income is \$140,000 above budget (up 106.1%) as a result of an increase in income received from insurance reimbursements and trainee/apprentice incentive payments that were not included in budget estimates for the 2022/23 financial year. Other income also includes accommodation payments received from the Derby Accommodation Booking Platform that have been returned to operators during the period. The corresponding expense for these operator returns has been reported under other expenses (see breakdown of other expenses for further information).

In comparison to the same period last financial year, other income has increased by \$44,000 (up 19.3%).

#### 4. Capital grants and contributions | \$442,000

	Current Financial Year				Prior Financial Year	
	YTD Budget	YTD Actual	Budget Variance	Budget Variance	YTD Actual	YTD Variance
	\$'000	\$'000	\$'000	%	\$'000	%
Scottsdale Aquatic Centre redevelopment	-	-	-	0.0%	345	(100.0%)
Bridport Back Road Upgrade	-	-	-	0.0%	185	(100.0%)
Bridport Skate Park Upgrade	-	-	-	0.0%	16	(100.0%)
Derby MTB Trail – Hazy Days	80	80	-	0.0%	10	700.0%
Derby Park Playground	50	50	-	0.0%	-	100.0%
Bridge 1502 – Banks Road over Main Creek	-	14	14	100.0%	141	(90.1%)
Victoria Street Redevelopment	671	671	-	0.0%	-	100.0%
Cascade Dam Road Safety Improvements	163	163	-	0.0%	-	100.0%
Carisbrook Lane Redevelopment	-	352	352	100.0%	-	100.0%
Bridport CWA Carpark	1	1	-	0.0%	-	100.0%
Golconda Road – Stage 4	-	156	156	100.0%	120	30.0%
Derby Trail Head Redevelopment	291	291	-	0.0%	40	627.5%
Derby Accommodation Booking Platform	-	7	7	100.0%	5	40.0%
Australian Mountain Bike Museum	110	-	(110)	(100.0%)	-	0.0%
Levelling the Playing Field	9	9	-	0.0%	-	100.0%
Electric Vehicle Charger – Derby	-	23	23	100.0%	-	100.0%
<b>Total capital grants and contributions</b>	<b>1,375</b>	<b>1,817</b>	<b>442</b>	<b>32.1%</b>	<b>862</b>	<b>110.8%</b>

Capital grants and contributions are \$442,000 above budget (up 32.1%) as a result of receiving final grant instalments for stage 1 & 2 of the Carisbrook Lane (Legerwood) upgrade and the Bridge 1502 replacement (Banks Road), which were not included in budget estimates for the 2022/23 financial year. Council also budgeted to receive \$220,000 in capital funding to construct a Mountain Bike Museum in Derby however, this grant application was unsuccessful and these funds will not be received.

Capital grants and contributions (budgets and actuals) are reported based on the percentage of work complete for each project during the period, for e.g. if 50% of a project is complete, 50% of the grant funding is recognised as income within the report. Importantly, the figures reported do not represent a decrease in the amount of funding expected to be received for a particular project unless otherwise specifically stated.

In comparison to the same period last financial year, capital grants and contributions have increased by \$955,000 (up 110.8%).

## 5. Gain/(loss) on disposal of assets | \$83,000

	Current Financial Year				Prior Financial Year	
	YTD Budget	YTD Actual	Budget Variance	Budget Variance	YTD Actual	YTD Variance
	\$'000	\$'000	\$'000	%	\$'000	%
Proceeds of sale	-	493	493	100.0%	97	408.2%
<i>Written down value of assets disposed:</i>						
Plant, machinery and equipment	-	(128)	(128)	(100.0%)	(84)	(52.4%)
Infrastructure assets	-	-	-	0.0%	(132)	100.0%
Land	-	(167)	(167)	(100.0%)	-	(100.0%)
Buildings	-	(115)	(115)	(100.0%)	-	(100.0%)
<b>Total net gain/(loss) on disposal of assets</b>	<b>-</b>	<b>83</b>	<b>83</b>	<b>100.0%</b>	<b>(119)</b>	<b>169.7%</b>

Gain/(loss) on disposal of assets is \$83,000 above budget (up 100.0%) as a result of the disposal of several Council assets which were not included in budget estimates for the 2022/23 financial year.

Notable disposals include:

- Building and Land at 2 Alfred Street, Scottsdale (the Scott Centre)
- 35ML of water irrigation rights from the Scottsdale Irrigation Scheme
- Sale of various plant items i.e. vehicles, mower.

In comparison to the same period last year, gain/(loss) on disposal of assets has increased by \$202,000 (up 169.7%).

Please note the disposal of infrastructure assets in the prior financial year relates to the unscheduled replacement of Bridge 1502 (Banks Road) due to Council successfully obtaining grant funding for this project. As a result, this disposal was added back to the adjusted underlying result.

## 6. Materials and services | (\$172,000)

	Current Financial Year				Prior Financial Year	
	YTD Budget	YTD Actual	Budget Variance	Budget Variance	YTD Actual	YTD Variance
	\$'000	\$'000	\$'000	%	\$'000	%
Materials	270	228	(42)	(15.6%)	162	40.7%
Utilities	249	213	(36)	(14.5%)	191	11.5%
Plant, machinery and equipment	247	264	17	6.9%	171	54.3%
Office administration	29	38	9	31.0%	36	5.6%
Contracts	754	640	(114)	(15.1%)	765	(16.3%)
Professional services	79	71	(8)	(10.1%)	81	(12.3%)
Management contracts	114	116	2	1.8%	123	(5.7%)
<b>Total materials and services</b>	<b>1,742</b>	<b>1,570</b>	<b>(172)</b>	<b>(9.9%)</b>	<b>1,529</b>	<b>1.6%</b>

Materials and services are \$172,000 (down 9.9%) below budget as a result of the timing of payments for contracts and materials required for additional maintenance projects still to be completed in the 2022/23 financial year, including:

- Building/roof maintenance at the Branxholm Recreation ground;
- Listers Lane and Bridport walking track maintenance;
- Maintenance works at the Branxholm swimming pool; and
- Additional maintenance at Scottsdale and Bridport Recreation Grounds.

In comparison to the same period last financial year, materials and services have increased by \$41,000 (up 1.6%).

## Unfavourable Variances

### 7. Rates and charges | (\$91,000)

	Current Financial Year				Prior Financial Year	
	YTD Budget	YTD Actual	Budget Variance	Budget Variance	YTD Actual	YTD Variance
	\$'000	\$'000	\$'000	%	\$'000	%
General rate	3,449	3,384	(65)	(1.9%)	3,189	6.1%
Waste management	982	956	(26)	(2.6%)	743	28.7%
Fire service levy	184	184	-	0.0%	174	5.7%
<b>Total rates and charges</b>	<b>4,615</b>	<b>4,524</b>	<b>(91)</b>	<b>(2.0%)</b>	<b>4,106</b>	<b>10.2%</b>

Rates and charges are \$91,000 below budget (down 2.0%).

Income received from general rates is \$65,000 below budget as a result of the application of differential rate remissions and supplementary valuations yet to be received. Unbudgeted rate remissions are expected to total \$57,000 for the full financial year. Income received from supplementary valuations to date totals \$26,000 (annual budget: \$100,000). The receipt of this income is dependent on receiving valuation updates from the Office of the Valuer-General as they occur.

Income received from waste management is \$26,000 below budget due to remissions applied for the varied waste management charge as a result of Council's decision to reduce the amount payable in Winnaleah and Branxholm to \$1,920 per eligible property, reduce the amount payable to the standard waste management charge (\$120) for ratepayers who supply evidence that their properties are not used for commercial purposes and reduce the amount payable to one charge per property for those that are tenured and have separate valuations for separate dwellings on a single property. Council expect remissions for the varied waste management charge to total \$282,000 for the full financial year, of which \$48,000 is unbudgeted.

In comparison to the same period last financial year, rates and charges have increased by \$418,000 (up 10.2%).

## 8. User charges | (\$104,000)

	Current Financial Year				Prior Financial Year	
	YTD Budget	YTD Actual	Budget Variance	Budget Variance	YTD Actual	YTD Variance
	\$'000	\$'000	\$'000	%	\$'000	%
Caravan and camping fees	348	337	(11)	(3.2%)	310	8.7%
Rental and lease income	23	32	9	39.1%	23	39.1%
Building services	58	53	(5)	(8.6%)	65	(18.5%)
Cemetery fees	17	15	(2)	(11.8%)	11	36.4%
Waste disposal fees	24	16	(8)	(33.3%)	18	(11.1%)
Aquatic centre fees	3	6	3	100.0%	-	100.0%
Other user charges	122	32	(90)	(73.8%)	94	(66.0%)
<b>Total user charges</b>	<b>595</b>	<b>491</b>	<b>(104)</b>	<b>(17.5%)</b>	<b>521</b>	<b>(5.8%)</b>

User charges are \$104,000 below budget (down 17.5%) as a result of a decrease in income received from Blue Derby sponsorships and accommodation commissions. Although these income streams are not expected to meet budget expectation this financial year, the accommodation booking platform is a great initiative for Derby and surrounding areas which will continue to support the Blue Derby brand into the future.

Positively, it is pleasing to note that Council commenced a Learn to Swim program at the Scottsdale Aquatic Centre during the period which is an extremely beneficial community service that has exceeded initial budget expectations.

In comparison to same period last financial year, user charges have decreased by \$30,000 (down 5.8%).

## 9. Employee costs | \$162,000

	Current Financial Year				Prior Financial Year	
	YTD Budget	YTD Actual	Budget Variance	Budget Variance	YTD Actual	YTD Variance
	\$'000	\$'000	\$'000	%	\$'000	%
Wages and salaries	2,829	2,799	(30)	(1.1%)	2,496	12.1%
Superannuation	294	299	5	1.7%	276	8.3%
Payroll tax	135	160	25	18.5%	110	45.5%
Workers compensation	48	158	110	229.2%	71	122.5%
Fringe benefits tax	17	16	(1)	(5.9%)	14	14.3%
Less: amounts capitalised	(788)	(735)	53	6.7%	(730)	0.7%
<b>Total employee costs</b>	<b>2,535</b>	<b>2,697</b>	<b>162</b>	<b>6.4%</b>	<b>2,237</b>	<b>20.6%</b>

Employee costs are \$162,000 above budget (up 6.4%) as a result of an increase in workers compensation expenditure (which includes insurance and salary payments) and lower capitalisation of employee costs during the period. There have also been a number of employee movements that are unbudgeted in the 2022/23 financial year and these are expected to impact the results reported for the remainder of the financial year.

In comparison to the same period last financial year, employee cost have increased by \$460,000 (up 20.6%).

## 10. Depreciation | \$81,000

	Current Financial Year				Prior Financial Year	
	YTD Budget	YTD Actual	Budget Variance	Budget Variance	YTD Actual	YTD Variance
	\$'000	\$'000	\$'000	%	\$'000	%
Roads	1,171	1,210	39	3.3%	1,188	1.8%
Bridges	240	262	22	9.2%	247	6.1%
Plant, machinery and equipment	292	299	7	2.4%	355	(15.8%)
Buildings	188	192	4	2.1%	184	4.3%
Stormwater	145	110	(35)	(24.1%)	100	10.0%
Land improvements	195	240	45	23.1%	164	46.3%
Computer and technology	67	62	(5)	(7.5%)	59	5.1%
Fixtures, fittings and furniture	2	6	4	200.0%	5	20.0%
<b>Total depreciation</b>	<b>2,300</b>	<b>2,381</b>	<b>81</b>	<b>3.5%</b>	<b>2,302</b>	<b>3.4%</b>

Depreciation is \$81,000 above budget (up 3.5%) as a result the indexation of assets at 30 June 2022 at level that were higher than expected when budget estimates were presented.

In comparison to the same period last financial year, depreciation has increased by \$79,000 (up 3.4%).

## Breakdown of Other Expenses

For the period ending

31 December 2022

Other expenses	Note	Current Financial Year				Prior Financial Year	
		YTD Budget \$'000	YTD Actual \$'000	Budget Variance \$'000	Budget Variance %	YTD Actual \$'000	YTD Variance %
State levies, licences and taxes		259	242	(17)	(6.6%)	219	10.5%
Insurance		95	94	(1)	(1.1%)	80	17.5%
Councillors' allowances		89	86	(3)	(3.4%)	83	3.6%
IT/Communications		105	102	(4)	(2.9%)	98	4.1%
Subscriptions and memberships		49	50	1	2.0%	45	11.1%
Professional development		19	13	(6)	(31.6%)	14	(7.1%)
Community grants and donations	1	68	55	(13)	(19.1%)	58	(5.2%)
Advertising and marketing	2	24	43	19	79.2%	32	34.4%
External audit fees	3	33	20	(13)	(39.4%)	24	(16.7%)
Bank fees and postage		27	27	-	0.0%	26	3.8%
Lease payments		16	12	(4)	(25.0%)	10	20.0%
Derby accommodation operator returns	4	-	12	12	100.0%	-	100.0%
Other expenses		140	137	(3)	(2.1%)	160	(14.4%)
<b>Total other expenses</b>		<b>925</b>	<b>893</b>	<b>(32)</b>	<b>(3.5%)</b>	<b>849</b>	<b>4.1%</b>

### Notes on significant variances

#### 1. Community grants and donations

Community grants and donations are \$13,000 below budget (down 19.1%) as a result of the timing of payments made under Council's Community Grants Program and does not reflect a decrease in the actual amount to be paid for the full year.

#### 2. Advertising and marketing

Advertising and marketing expenditure is \$19,000 above budget (up 79.2%) as a result of an increase in external marketing costs.

#### 3. External audit fees

External audit fees are \$13,000 below budget (down 39.4%) as a result of the timing of payments required for the 2022/23 financial audit program.

#### 4. Derby accommodation operator returns

Derby accommodation operator returns are \$12,000 above budget (up 100.0%) as this is unbudgeted expenditure relating to the payment of accommodation income back to operators listed on the Derby Accommodation Booking Platform. This expenditure should be offset against the corresponding income recorded under other income, creating a nil impact on Council's underlying result for the period.

## Capital Works Summary

For the period ending

31 December 2022

	Actual Year to Date \$'000	Revised Budget \$'000	Variance \$'000	Budget Utilised %
Bridges	50	1,014	963	4.9%
Roads	1,921	5,080	3,159	37.8%
Footpaths	20	85	65	23.4%
Stormwater	26	475	449	5.4%
Buildings	295	983	688	30.0%
Land Improvements	675	2,976	2,300	22.7%
Plant	267	1,250	983	21.4%
IT	124	273	149	45.6%
<b>Total Capital Works</b>	<b>3,378</b>	<b>12,135</b>	<b>8,757</b>	<b>28.3%</b>

The infrastructure team has continued to perform strongly this quarter with 28.3% of the capital budget utilised for the 6 months ended 31 December 2022.

In October 2022, the municipality was impacted by severe flooding which caused extensive damage to some of Council's assets, including the Blue Derby Mountain Bike Trails and various road and bridge infrastructure. During this period, it has been necessary for Council officers to prioritise works required to repair these assets, which has delayed the completion of other budgeted capital works. Positively, works completed on the Blue Derby Mountain Bike Trails has seen the opening of new green flow trail, Hazy Days and the re-opening of popular trail Air-Ya-Garn (now upper and lower).

During the period, capital works also continued on the redevelopment of Victoria Street, Scottsdale as well as Golconda Road (Stage 4), Golconda and Cascade Dam Road, Derby. Further building and land improvements works were also completed on the Derby Trail Head Redevelopment project including the completion of the new amenities block, and new play equipment was installed in Derby Park. Council officers also finalised the IT upgrade of Content Manager (CM), which is Council's internal document management system.

### Recommendation

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

## Purpose

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

## Background

On 10 February 2014 Local Government (Audit Panels) Order 2014 came into effect which specified requirements for the establishment of an audit panel for Councils under Section 85 of the *Local Government Act 1993*. At the Council Meeting held on 20 April 2015, Council adopted the Audit Panel Charter and circulated it to Panel members.

As listed in the Charter, Council is required to review this document after every Council election. The Audit Panel reviewed the Charter at their 31 January 2023 meeting and subsequently the Charter was presented to Councillors at the 7 February 2023 Council Workshop for discussion.

## Planning, Environment & Statutory Requirements

Section 85 of the *Local Government Act 1993*, *Local Government (Audit Panels) Order 2014* and the *Local Government (Audit Panels) Amendment Order 2015*.

## Risk Management

Non-compliance with Section 85 of the *Local Government Act 1993*, the *Local Government (Audit Panels) Order 2014* and the *Local Government (Audit Panels) Amendment Order 2015*.

## Financial & Asset Management Implications

N/A

## Community Considerations

N/A

## Officer's Comments

An Audit Panel is a committee responsible for the provision of independent assurance and advice in areas of Council's financial reporting, internal controls, risk management, compliance and internal and external audit functions. Its role is to provide advice and recommendations on these areas to Council within the scope of its Charter.

The Audit Panel Charter was reviewed with regard to the Local Government Association's (LGAT's) model Audit Panel Charter. Recommended changes based on this review include:

- 1. Introduction** - include reference to the *Local Government (Audit Panels) Amendment Order 2015*.

2. **Composition and tenure** – include the following paragraphs:

*“A person who is an employee, or the General Manager, or the Mayor of council is not eligible for appointment as a member of the panel. A person who is an employee or councillor of another municipal council is not eligible for appointment as a member”.*

*“The Council will appoint an independent member as the chairperson of the panel who must demonstrate experience in the key areas identified within the charter.”*

3. **Functions** – include additional function of *“any other activities within the panel’s remit, as determined by the panel.”*

4. **Key areas** – include additional key areas of systems of internal controls and risk management frameworks.

5. **Interests** – update first sentence to state that Audit Panel members must declare to the chairperson **any real, potential or perceived** pecuniary or non-pecuniary interest and include the following paragraph:

*“The Audit Panel member with the interest must also notify the General Manager of the Council, in writing, of the interest within seven days of declaring the interest”.*

6. **Remuneration** - update remuneration to \$1,150 taking into account CPI increases since last review.

## Recommendation

That Council adopt the attached revised Audit Panel Charter.

## Purpose

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

## Background

Following the introduction of the *Local Government (Model Code of Conduct) Order 2016* (the Order), Council adopted its original Councillors Code of Conduct in April 2016, using the model code of conduct as provided by the Minister in Schedule 1 of the Order.

Section 28T(7) of the *Local Government Act 1993* (the Act) requires Council to review its Code of Conduct within three months after an ordinary election, with the last review occurring in April 2019, post the 2018 Local Government election.

Council reviewed the Dorset Council Councillors Model Code of Conduct at the 7 February Briefing Workshop, with no changes recommended.

## Planning, Environment & Statutory Requirements

*Local Government Act 1993* and *Local Government (Model Code of Conduct) Order 2016*.

## Risk Management

N/A

## Financial & Asset Management Implications

N/A

## Community Considerations

The General Manager is to make a copy of the Councillor Code of Conduct available for public inspection free of charge at the Council office and on the Council's website.

## Officer's Comments

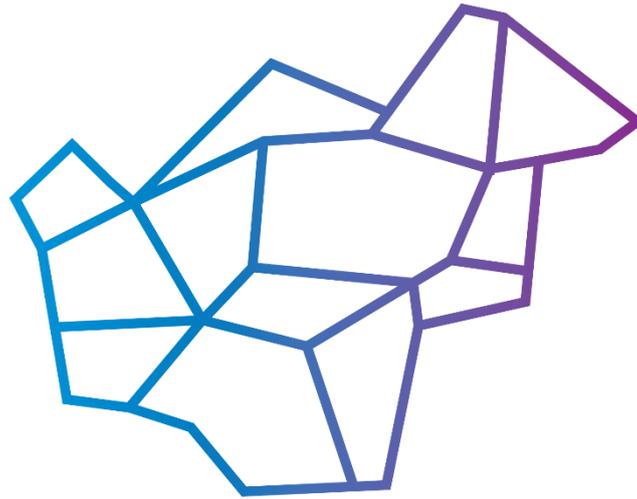
Council is required to adopt a Code of Conduct under the provisions of the Act. Due to the Local Government Code of Conduct Framework Review being undertaken by the State Government, no variations to the model code provided are recommended at this time.

A copy of the reviewed Councillors Code of Conduct – February 2023 can be found in the agenda attachments.

## Recommendation

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

**Time Meeting Closed:**



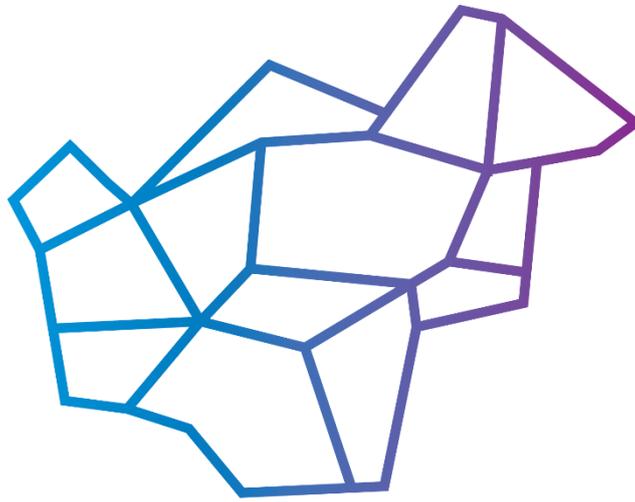
*dorset*  
C O U N C I L

# Ordinary Council Meeting

## Agenda Attachments

20 February 2023

*it's in the making*



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C O U N C I L

**UNCONFIRMED**

**Minutes**

**Council Meeting**

**16 January 2023**

*it's in the making*

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## Council Meeting Minutes 16 January 2023

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**Meeting Opened:** 6:00 pm

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

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

**Apologies:** Cr Beth Donoghue, Director – Works & Infrastructure: Dwaine Griffin

**Item 1/23** **Confirmation of Ordinary Council Meeting Minutes – 19 December 2022**  
Ref: DOC/22/15099

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*The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 19 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 Chilcott | **SECONDED:** Cr Coxen

**That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 19 December 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 2/23** **Confirmation of Ordinary Council Meeting Closed Session Minutes - 19 December 2022**  
Ref: DOC/22/15100

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*The Chair reported that he had viewed the minutes of the Ordinary Meeting Closed Session held on Monday, 19 December 2022, finds them to a true record and recommends that they be taken as read and signed as a correct record.*

## DECISION

MOVED: Cr Simmons | SECONDED: Cr Stein

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

CARRIED UNANIMOUSLY

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### Item 3/23 Confirmation of Agenda

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## DECISION

MOVED: Cr Nichols | SECONDED: Cr Jessup

That Council confirm the Agenda and order of business for the 16 January 2023 Council Meeting.

CARRIED UNANIMOUSLY

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### Item 4/23 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

Nil

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### Item 5/23 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 Jessup | SECONDED: Cr Stein

That the Management Team Briefing Report be received and noted.

CARRIED UNANIMOUSLY

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### Item 6/23 Council Workshops Held Since Last Council Meeting

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Nil

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### Item 7/23 Councillor Applications for Leave of Absence

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Nil

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

**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?*

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

Council Officers will conduct a review of the Blue Derby shuttle operations utilising the Blue Derby Foundation from an advisory basis. The current model will be reviewed and a proposed new operating model will be discussed at a future Council Workshop.

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

**Karl Willrath | 5 January 2023**

*In the Examiner 27/10/22 page 6, Mayor Howard is quoted as saying in relation to the recent local gov election “the vitriolic nature of this year’s election had impacted voter perceptions, and called for the state government to amend political advertising laws”. Has the Mayor contacted the Minister for local gov, the Hon. Nic Street or any other Minister and cited examples of vitriolic advertising from Dorset candidates in the 2022 election?*

**Response from Mayor Greg Howard:**

No.

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

Nil

**Item 9/23**

**Deputations**

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Nil

**Item 10/23**

**Councillor Question Time**

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**Councillor Dale Jessup:**

*Now this issue has been raised at this table several times before, but I’ve had a couple of different people talk to me about the issue with the confusion over the speed hump in Main Street, Bridport. There is confusion between pedestrians and vehicles as to what is a speed hump and what is a pedestrian crossing access, with pedestrians often stopping, then cars stop waving the pedestrians across with then pedestrians unsure whether they should walk, resulting in utter confusion. We’ve raised this matter a number of times without outcomes, however, there are serious concerns that a major incident could occur due to this*

*confusion. Is there anything further we can do before we get to the point that we've had a fatality or similar and then we decide to do something?*

**Response from Mayor Greg Howard:**

In fairness we've done a fair bit in the past. Council have written to the Transport Commissioner about turning it into a pedestrian crossing, which he said no. This included a site visit during a busy summer day and Council can't do this without their permission.

*Can we write to Minister Ferguson outlining all the concerns raised here tonight and from the public?*

**Response from Mayor Greg Howard:**

Yes, Council can write to the Minister.

*In relation to Vincent Teichmann's question in public question time from the December Council Meeting. I was disappointed with the answer to that question, as it doesn't really answer his query, can you give an update?*

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

There is a broader piece here, I think we could only find two letters of support (for businesses in Derby) but we obviously have many more than that. I'm not saying the other letters of support aren't there I'm just saying there needs to be a broader review of the whole framework around shuttle operators. As part of the Blue Derby operations transfer to the Blue Derby Foundation, with a draft Memorandum of Understanding being reviewed, one of the activities is that the Foundation act as an advisory board for that framework. I am meeting with Mr Teichmann next week to discuss this further.

**Councillor Leonie Stein:**

*I know this isn't our issue, but a lot of people are raising the issue of the depletion of sand on Bridport beaches. A lot of questions are being asked about what Council can do. I'd like to ask members of Parks to meet with the community as a forum basis because there is just more than just the sand that is relevant to Parks to answer questions on. Could we write a letter to get them down?*

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

The Bridport Foreshore Master Plan work is going on in relation to that, and there have been studies undertaken in relation to coastal modelling. We are aware there is a draft in the final stages of being prepared. Any resolution around the sand management issue should be guided by science and this is what this report will do. Maybe there is some benefit of seeing what comes out of that report, then we can go to Parks with some evidence-based information.

*In relation to the riding of scooters and bikes on the footpath of the shop side in particular, in Main Street, Bridport. About 3 weeks ago, a gentleman in his eighties was seriously hurt – broken ribs, stitches to his head, knees and jaw. A lot of these are now motorised and they are flying up and down the footpath. I've asked the local paper to write a story on it hoping that parents will read it and filter down to the young people to be responsible. How can Council address this issue?*

**Response from Mayor Greg Howard:**

We will arrange another meeting with Tasmania Police to clarify the rules around this issue, including signage, restrictions, etc.

*After speaking with the Bridport Town Maintenance crew on New Year's Day, the actual clean up in Bridport was pretty good – they were very impressed with the small amount of litter around the town. However, the amount of broken glass, especially down in the Playground and beaches, which was basically where most of their time was spent trying to pick up glass shards. Is there any way that we can bring forward a By-Law that Bridport becomes, or Derby or wherever the problem is, that we have a no glass policy for New Year's Eve and Australia Day celebrations?*

**Response from Mayor Greg Howard:**

We would have to investigate the legalities of this, but happy to look into and discuss further at a future Workshop.

**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?*

**TAKEN ON NOTICE**

**Councillor Anna Coxen:**

*Regarding the lifeguards at the Aquatic Centre, I've had multiple complaints and comments and I've also witnessed myself what's happening over there. The lifeguards standing in groups chatting, not actively patrolling in addition to the sheer volume of people that are there, there are lots of minor incidents occurring. It's making the atmosphere not as enjoyable as it should be for our community. Can this be addressed?*

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

I am aware, I've received complaints on this matter and I have a meeting with the facility manager tomorrow to discuss.

*Westwood Street, Bridport there are potholes all over it. Regardless of where that is being repaired on two occasions, I've had reported to me that there has been a Dorset vehicle turn up with a shovel and no signage and fill in the potholes. There are no advanced warning signs on the street to indicate that work is being undertaken. I just want to know the process is for that work and also that street condition is a nightmare, what are we doing about it in regards to maintenance?*

**Response from Mayor Greg Howard:**

It's cracked up because of the wet season we've had, it's held up for a lot of years, and now it's cracked and it's not the only street in the municipality that has done so. It will get repaired in due course. They did a drain along a section on the topside of Westwood Street to try and catch and divert some of that water to stop that occurring.

**Councillor Kahlia Simmons:**

*Regarding Northeast Park, how long are you allowed to stay there and who polices it? I believe its two weeks?*

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

Correct, maximum fourteen day stay. Council’s Infrastructure team police the occupancy of the Park when required.

**Councillor Dale Jessup:**

*The East Diddleum Road, with all the increase in traffic using this route with the Sideling being closed, is that a Council maintained road?*

**Response from Mayor Greg Howard:**

No, it is a Sustainable Timber Tasmania maintained road,

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**Item 11/23                      Notices of Motion by Councillors**

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Nil

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**Item 12/23                      2022/23 Annual Plan – December Quarterly Update**  
Reporting Officer: General Manager, John Marik  
Ref: DOC/22/15160 | December Quarterly Update: DOC/22/14049

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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 31 December 2022.

**Recommendation**

That the attached 2022/23 Annual Plan - December Quarterly Update be received and noted.

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**DECISION**

**MOVED: Cr Chilcott | SECONDED: Cr Simmons**

**That the attached 2022/23 Annual Plan - December Quarterly Update be received and noted.**

**CARRIED UNANIMOUSLY**

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**Item 13/23                      Closure of Meeting to the Public**

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**DECISION**

**MOVED: Cr Nichols | 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: 6:58 pm

CARRIED UNANIMOUSLY

Meeting Adjourned: 6:58 pm

Reason: For tea break with members of the public

Meeting Resumed: 7:09 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 14/23 Sale of Council Owned Land | 54 Ringarooma Road SCOTTSDALE

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:

- Proposal for Council to dispose of land

Time Meeting Closed: 7:30 pm

Minutes Confirmed: 20 February 2023

Minute No:

.....

Mayor

## DORSET COUNCIL

### Planning Approvals – January 2023

DEV-2022/167	Design to Live 41 Marilyn DR BRIDPORT	Lodged 06/12/2022 Multiple Dwelling (2 Units) with relaxation of building envelope and scenic management standards Value of Works - \$1,000,000	Determined APPD on 11/01/2023
DEV-2022/171	Mrs J A Gillespie 171 Davies RD SCOTTSDALE	Lodged 07/12/2022 Dwelling Addition and New Farm Shed with relaxation of Irrigation Districts and boundary setback standards Value of Works - \$20,000	Determined APPD on 05/01/2023
DEV-2022/172	Room 11 Architects 85 Main ST BRIDPORT	Lodged 07/12/2022 Facade Additions and Alteration with relaxation of boundary setback standards Value of Works - \$200,000	Determined APPD on 06/01/2023
DEV-2022/173	BVZ Designs 125A Westwood ST BRIDPORT	Lodged 07/12/2022 Dwelling with relaxation of building envelope standards Value of Works - \$700,000	Determined APPD on 05/01/2023
DEV-2022/174	Chris Triebe & Associates Town Planning Services Ltd 124 Richard ST BRIDPORT	Lodged 07/12/2022 Visitor Accommodation (1 Unit)	Determined APPD on 06/01/2023

SUB-2022/1280	PDA Surveyors 51 Marilyn DR BRIDPORT	Lodged 14/12/2022	Subdivision (1 Lot into 2 Lots) Determined APPD on 12/01/2023
DEV-2022/180	Mr B J Butler 1643 Bridport RD BRIDPORT	Lodged 21/12/2022	Demolition of Old Garage and New Garage Replacement Value of Works - \$50,000 Determined APPD on 12/01/2023
SUB-2022/1281	Woolcott Surveys Pty Ltd Sandy Points RD BRIDPORT 386 Sandy Points RD BRIDPORT	Lodged 19/12/2022	Minor Boundary Adjustment (2 Lots) Determined APPD on 11/01/2023
DEV-2023/1	Mr K M Morgan 5 Walter ST BRIDPORT	Lodged 04/01/2023	Demolition and Construction of Garage Value of Works - \$40,000 Determined APPD on 09/01/2023
DEV-2023/11	Ms S J Miller 77 Main ST DERBY	Lodged 24/01/2023	Change of Use (Mobile Consulting Room) and associated signage Determined APPD on 27/01/2023

## DORSET COUNCIL

### Building Approvals – JANUARY 2023

OTH-2022/142	Mr M O Ofei 3 Moore ST PIONEER	Lodged 12/12/2022 Value of Works - \$140,000	Visitor Accommodation Unit (Transportable) Determined APPR on 17/01/2023
OTH-2022/147	Mr P G Wicks Ms A C Wicks 87 Richard ST BRIDPORT	Lodged 13/12/2022 Value of Works - \$35,000	Dwelling Addition Determined APPR on 20/01/2023
OTH-2022/148	Mr L Forsyth 3A Ethel ST SCOTTSDALE	Lodged 15/12/2022 Value of Works - \$400,000	New Dwelling Determined APPR on 24/01/2023
OTH-2022/149	Mr D Underhill 35 Main ST BRIDPORT	Lodged 15/12/2022 Value of Works - \$19,000	Deck Extension Determined APPR on 19/01/2023
OTH-2022/150	Wilkin Design and Drafting Pty Ltd 57 Chaffey ST GLADSTONE	Lodged 15/12/2022 Value of Works - \$100,000	Fire Station - Building Additions Determined APPR on 19/01/2023
OTH-2023/1	Mr K M Morgan 5 Walter ST BRIDPORT	Lodged 09/01/2023 Value of Works - \$40,000	Demolition & New Garage Determined APPR on 19/01/2023

OTH-2023/3	Mr P R Gofton Mrs J A Gofton 14A Richard ST BRIDPORT	Lodged 10/01/2023 Value of Works - \$340,000	New Dwelling Determined APPR on 20/01/2023
OTH-2023/5	Mr G G McCallum 35917 Tasman HWY SPRINGFIELD	Lodged 11/01/2023 Value of Works - \$5,000	Relocation of Farm Shed Determined APPR on 27/01/2023
OTH-2023/8	Engineering Plus (Tas) Pty Ltd 48 Arthur ST SCOTTSDALE	Lodged 13/01/2023 Value of Works - \$47,000	Demolition & New Shed Determined APPR on 20/01/2023
OTH-2023/9	Mr T J Hall 200 Ponderosa RD WATERHOUSE	Lodged 13/01/2023 Value of Works - \$85,000	New Farm Shed Determined APPR on 20/01/2023
BLD-2022/28	Mr J R Cassidy 25 William ST SCOTTSDALE	Lodged 20/01/2023 Value of Works - \$30,000	New Carport Determined APPR on 20/01/2023
OTH-2023/12	Mrs T Pickersgill Rose ST SCOTTSDALE	Lodged 19/01/2023 Value of Works - \$10,000	2 x Undercover Areas Determined APPR on 19/01/2023

## DORSET COUNCIL

### Plumbing Approvals – January 2023

SP-2022/142	Mr M O Ofei 3 Moore ST PIONEER	Lodged 12/12/2022 Value of Works - \$140,000	Visitor Accommodation Unit (Transportable) Determined APPR on 17/01/2023
SP-2022/143	Mr G A Elmer 29 Main RD PIONEER	Lodged 12/12/2022 Value of Works - \$15,000	Septic Tank/Absorption Drains Determined APPR on 09/01/2023
SP-2022/144	Mr T Thiele 5-7 Stoke ST BRANXHOLM	Lodged 12/12/2022 Value of Works - \$15,000	Installation of Grease Trap Determined APPR on 16/01/2023
OTH-2022/148	Mr L Forsyth 3A Ethel ST SCOTTSDALE	Lodged 15/12/2022 Value of Works - \$400,000	New Dwelling Determined APPR on 24/01/2023
OTH-2022/150	Wilkin Design and Drafting Pty Ltd 57 Chaffey ST GLADSTONE	Lodged 15/12/2022 Value of Works - \$100,000	Fire Station - Building Additions Determined APPR on 19/01/2023
OTH-2023/3	Mr P R Gofton Mrs J A Gofton 14A Richard ST BRIDPORT	Lodged 10/01/2023 Value of Works - \$340,000	New Dwelling Determined APPR on 20/01/2023

OTH-2023/13

Mrs K M Nichols

47 King ST SCOTTSDALE

Lodged 19/01/2023

New Shower & Toilet

Value of Works - \$10,000

Determined APPR on 24/01/2023

## Department of Premier and Cabinet

Executive Building 15 Murray Street HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Ph: 1300 135 513 Fax: (03) 6233 5685  
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Councillor Greg Howard  
Mayor  
Dorset Council  
PO Box 21  
SCOTTSDALE TAS 7260  
Email: [dorset@dorset.tas.gov.au](mailto:dorset@dorset.tas.gov.au)

Dear Mayor

Happy New Year. I trust that 2023 will be a productive and rewarding year for yourself, your fellow councillors/aldemen and for your Council.

As Director of Local Government, I have a statutory responsibility to promote good governance in local government. A key priority for the Office of Local Government in 2023 is to continue to support a positive culture across the sector. This includes striking an appropriate balance between supporting councillors and aldermen to perform their duties well and responding to concerns about behaviour that is impacting negatively on the sector.

Councillors are leaders in their local communities. The Model Code of Conduct adopted by all Councils provides that a councillor must treat all people fairly, must not cause any reasonable person offence or embarrassment, and must not bully or harass any person. A councillor must also listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.

Meeting the standard of behaviour prescribed in the Code is not optional. Section 28U of the *Local Government Act 1993* (the Act) provides that, in performing the functions and exercising the powers of his or her office with a council, a councillor is to comply with the provisions of the council's code of conduct.

A significant majority of councillors work within the boundaries of the Code of Conduct and act in the best interests of the council and the community. Unfortunately, however, there have been several examples since the 2022 Local Government elections of behaviour that falls short of the standards set in the Code of Conduct and is impacting negatively on the operation of Councils. This has included:

### I. Outbursts of aggression

Councillors must not use anger or aggression when seeking to make or respond to an issue in debate (during or outside of Council meetings). This includes raising their voice aggressively or throwing or dropping meeting papers or other items in an aggressive manner.

Behaviour can be considered aggressive even when not specifically directed towards an individual. Aggressive behaviour can also include, for example, capitalisation of text in emails and online posts.

## 2. Acts of intimidation

Councillors must not threaten others with adverse action when debating matters within or outside of Council meetings. Councillors should never use fear of reprisal as a tool to persuade others towards a particular position or view.

## 3. Bullying and harassment

Councillors must not engage repeatedly and forcefully with others in a way that could be considered bullying and harassment, either verbally, in emails or online. This includes frequent exchanges that involve low levels of aggression or intimidation.

## 4. Accusations of impropriety

Councillors must not accuse others of impropriety without pursuing their claims through appropriate formal channels.

Councillors must also avoid unreasonably inferring or attaching intent or meaning to the actions of others for the purposes of damaging their reputation or lessening the value of their contribution to a discussion or debate.

## 5. Disruptive behaviour

Councillors must allow others to speak freely and succinctly without interjection or interruption.

Acting respectfully does not mean always agreeing with others. Indeed, robust debate and inquiry is in the interest of democracy and the communities we serve. I encourage all councillors to hold both fellow councillors and the general manager to account for performing their functions well but reinforce that this must be done constructively and respectfully.

Page 36 of the Good Governance Guide for Local Government outlines the importance of building effective relationships. It encourages all councillors to treat others with respect, to clearly understand their role and the role of others and to follow communication protocols. A copy of the Guide is available on the Department of Premier and Cabinet's website and can be accessed here: [Good-Governance-Guide-4-August-2022](#). A new online module focussed on building respectful relationships is also being developed as part of the new Learning and Development Framework and will be available in February 2023.

Consistent with the recently agreed reforms to the Code of Conduct Framework for Local Government, it is expected that issues associated with behaviour are addressed locally wherever possible. This may include using local dispute resolution processes or, for example, using meeting procedures to address disruptive or unruly behaviour. Regulation 40 of the *Local Government (Meeting Procedures) Regulations 2015* authorises the chairperson to suspend a councillor for all or part of a meeting if a councillor:

- (a) makes a personal reflection about another councillor or an employee of the council and refuses to apologise; or
- (b) interjects repeatedly; or
- (c) disrupts the meeting and disobeys a call to order by the chairperson.

The Code of Conduct process is available to address concerns about negative behaviour that cannot be resolved locally. Any person, elected or otherwise, can lodge a Code of Conduct complaint. A Bill is currently before Parliament to make agreed changes to the code of conduct process to ensure that it can effectively respond to concerns as they arise.

As Director of Local Government, I have a statutory responsibility to use the tools available in the Act to support the efficient and effective operation of local government. I am committed to using these tools to address any ongoing behaviour that cannot be managed through local action. This may include lodging Code of Conduct complaints against offending councillors or alderman. It may also involve recommending to the Minister that a Performance Improvement Direction is issued under Part 12B of the Act. I do not expect to use these tools frequently but will intervene where I consider that negative behaviour is seriously undermining the ability of the Council to function effectively.

It would be greatly appreciated if you could circulate this letter to all councillors/aldermen in your Council for their information and consideration and table a copy of the letter at your next Council meeting.

Kind regards

A handwritten signature in black ink, appearing to read 'Mathew Healey', with a large, stylized flourish at the end.

Mathew Healey

**Director**

19 January 2023

CC: Mr John Marik, General Manager



## Audit Panel Charter

The Dorset Council (the Council) has established the [Audit Panel](#) in compliance with Division 4 of the *Local Government Act 1993* (the Act), the Local Government (Audit Panels) Order 2014 (the Audit Panels Order) [and the Local Government \(Audit Panels\) Amendment Order 2015](#).

This charter sets out the panel's objectives, authority, composition, tenure, functions, reporting and administrative arrangements.

### Objective

The objective of the [Audit Panel](#) is to review the council's performance under section 85A of the Act and report to the council its conclusions and recommendations.

### Authority

The Council authorises the [Audit Panel](#), within its responsibilities, to:

- obtain any information it requires from any employee or external party (subject to any legal obligation to protect information);
- discuss any matters with the Tasmanian Audit Office, or other external parties (subject to confidentiality considerations);
- request the attendance of any employee, including members of the Council, at [Audit Panel](#) meetings; and
- obtain legal or other professional advice, as considered necessary to meet its responsibilities, subject to prior approval of the Mayor or General Manager.

### Composition and tenure

The [Audit Panel](#) comprises two councillors and an independent member, appointed by the [Council](#). [A person who is an employee, or the General Manager, or the Mayor of Council is not eligible for appointment as a member of the panel. A person who is an employee or councillor of another municipal council is not eligible for appointment as a member of the panel. The Council will appoint an independent member as the chairperson of the panel who must demonstrate experience in the key areas identified within the charter. The Council will appoint an independent member as the chairperson of the panel.](#) ~~Audit Panel~~ members are appointed for a period of two years. ~~Audit panel~~ members may be re-appointed at the approval of the Council.

Council may appoint an alternative member Councillor to attend meetings of the Audit Panel when a member Councillor is unable to attend. The alternative member Councillor may only

attend Audit Panel meetings in the capacity of alternative member when and if a member Councillor is unable to attend.

## Functions

To comply with the Audit Panels Order, when reviewing the Council's performance the [Audit Panel](#) is to consider:

- the Council's financial system, financial governance arrangements and financial management;
- whether the annual financial statements of the Council accurately represent the state of affairs of the council;
- whether and how the strategic plan, annual plan, long-term financial management plan and long-term strategic asset management plans of the Council are integrated and the processes by which, and assumptions under which, those plans were prepared;
- the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position;
- whether the Council is complying with the provisions of the Act and any other relevant legislation; ~~and~~
- whether the Council has taken any action in relation to previous recommendations provided by the audit panel to the Council and, if it has so taken action, what that action was and its effectiveness; and-
- any other activities within the panel's remit, as determined by the panel.

## Key areas

In fulfilling its functions, the audit panel should consider the following key areas:

- corporate governance;
- systems of internal controls;
- risk management frameworks;
- human resource management, including policies, procedures and enterprise agreements;
- information and communications technology governance;
- management and governance of the use of data, information and knowledge; and
- internal and external reporting requirements.

## Responsibilities of panel members

Members of the [Audit Panel](#) are expected to understand and observe the legal requirements of the Act and the [Audit Panels Order](#). Members are also expected to:

- act in the best interests of the council;
- apply sound analytical skills, objectivity and judgment;
- express opinions constructively and openly;
- raise issues that relate to the [Audit Panel](#)'s functions and pursue independent lines of enquiry [within the Panel's deliberations and meetings](#); and
- contribute the time required to review the papers provided.

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## Reporting

The [Audit Panel](#) is to provide a copy of its meeting minutes to the Council as soon as practicable after each [Audit Panel](#) meeting. If the [Audit Panel](#) has conducted a review under section 85A of the Act, the [Audit Panel](#) must provide a written report of its conclusions and recommendations to the Council as soon as practicable after the review is completed.

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## Administrative arrangements

### Meetings

- The [Audit panel](#) will meet at least four times per year.
- The [Audit Panel](#) is to regulate its own proceedings in accordance with this charter.
- The [Chairperson](#) may determine that a meeting is to be held in private.
- The General Manager and ~~Director – Corporate Services~~ [Finance Manager](#), or their delegates, are to attend [Audit Panel](#) meetings unless the [Chairperson](#) determines a meeting is to be held in private.
- The [Audit Panel](#) may invite any councillor and/or employee of the Council and/or representative of the Tasmanian Audit Office to attend meetings of the [Audit Panel](#).

### Quorum

A quorum of an [Audit Panel](#) meeting is three members, including an independent member.

## Work plan

The ~~A~~udit ~~P~~anel is to develop an annual work plan that includes, but is not limited to, a schedule of meetings and the known objectives for each meeting.

The forward meeting schedule should include the dates, location, and proposed agenda items for each meeting.

## Secretariat

The Council, in consultation with the ~~A~~udit ~~P~~anel, will appoint a person to provide secretariat support to the audit panel. The secretariat will:

- ensure the agenda for each meeting is approved by the chairperson;
- ensure the agenda and supporting papers are circulated at least one week prior to the meeting; and
- ensure the minutes of the meetings are prepared and submitted to the Council as soon as practicable after each meeting.

## Interests

Audit ~~P~~anel members must declare to the chairperson any real, potential or perceived pecuniary or non-pecuniary interests that may affect them carrying out their functions. The Audit Panel member with the interest must also notify the General Manager of the Council, in writing, of the interest within seven days of declaring the interest.

~~Independent members are to consider past employment, consultancy arrangements and related party issues in making these declarations.~~

~~Details of any pecuniary or non-pecuniary interests declared by members will be appropriately minuted.~~

~~Independent members are to consider past employment, consultancy arrangements and related party issues in making these declarations.~~

At the beginning of each audit panel meeting, members are required to declare any potential or actual pecuniary or non-pecuniary interest that may apply to specific matters on the meeting agenda. Where required by the chairperson, the member will be excused from the meeting or from the audit panel's consideration of the relevant agenda item(s).

Details of potential or actual pecuniary or non-pecuniary interests declared by members will be appropriately reported in the minutes of the meeting and any relevant written reports.~~minuted.~~

### Induction

The Council will provide new [Audit Panel](#) members with relevant information and briefings on their appointment to assist them to meet their [Audit Panel](#) responsibilities.

### Remuneration

The [Chairperson](#) of the [Audit Panel](#) shall be paid a quarterly fee of ~~\$1,000-150~~ to prepare for and attend the quarterly Panel meetings. There is also a provision for a cents per kilometre reimbursement as per the Tasmanian State Service Award rate.

### Review of Charter

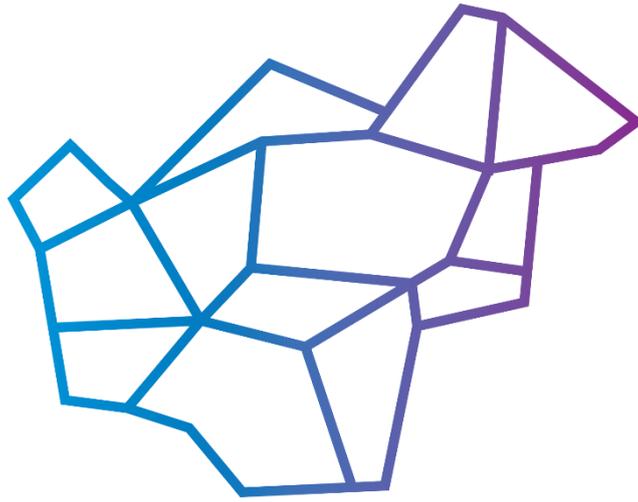
The Council will review this charter after every Council election [and submit its recommended charter to the Council for approval.](#)

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Mayor | Greg Howard

Date: ~~16 July 2019~~

Approved	Corporate Services Manager	20 April 2015	Minute 58/15
Reviewed	Director – Corporate Services & Audit Panel	15 July 2019	Minute 119/19
<a href="#">Reviewed</a>	<a href="#">Finance Manager &amp; Audit Panel</a>		



*dorset*  
C O U N C I L

## COUNCILLOR CODE OF CONDUCT

2023

Document Ref: DOC/23/1579  
Adopted: 20 February 2023  
Minute: XX/23

*it's in the making*

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# Model Code of Conduct

## **PART 1 - Decision making**

1. A councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority.
2. A councillor must make decisions free from personal bias or prejudgement.
3. In making decisions, a councillor must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware.
4. A councillor must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.

## **PART 2 - Conflict of interests that are not pecuniary**

1. When carrying out his or her public duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
2. A councillor must act openly and honestly in the public interest.
3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the Council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –
  - a. declare the conflict of interest and the nature of the interest before discussion on the matter begins; and
  - b. act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
7. This Part does not apply in relation to a pecuniary interest.

### **PART 3 - Use of Office**

1. The actions of a councillor must not bring the Council or the office of councillor into disrepute.
2. A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.
3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.

### **PART 4 - Use of resources**

1. A councillor must use Council resources appropriately in the course of his or her public duties.
2. A councillor must not use Council resources for private purposes except as provided by Council policies and procedures.
3. A councillor must not allow the misuse of Council resources by any other person or body.

### **PART 5 - Use of information**

1. A councillor must only access or use Council information needed to perform his or her role and not for personal reasons or non-official purposes.
2. A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

### **PART 6 - Gifts and benefits**

1. A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation.
2. A councillor must avoid situations in which a reasonable person would consider that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.

## **PART 7 - Relationships with community, councillors and Council employees**

1. A councillor –
  - (a) must treat all persons fairly; and
  - (b) must not cause any reasonable person offence or embarrassment; and
  - (c) must not bully or harass any person.
2. A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.
3. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
4. A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

## **PART 8 - Representation**

1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.
2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.
3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.
4. A councillor must clearly indicate when he or she is putting forward his or her personal views.
5. A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.
6. A councillor must show respect when expressing personal views publicly.
7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

## **PART 9 - Variation of Code of Conduct**

1. Any variation of this model code of conduct is to be in accordance with section 28T of the Act.

# Local Government Code of Conduct Complaint Form

## Instructions for Use

This form is for making a complaint under your council's Local Government Code of Conduct.

This form has been provided to ensure that you include all the information required under the *Local Government Act 1993* in your complaint. You will need to complete all the sections in this form.

To make a valid complaint, you will need to:

- Complete this form or otherwise put your complaint in writing as described below;
- Provide a statutory declaration, signed by each person making the complaint, verifying the accuracy of the information contained in the complaint. The approved Statutory Declaration form, and requirements for completing it, are available at [www.dpac.tas.gov.au/divisions/local\\_government/local\\_government\\_code\\_of\\_conduct/making\\_a\\_code\\_of\\_conduct\\_complaint](http://www.dpac.tas.gov.au/divisions/local_government/local_government_code_of_conduct/making_a_code_of_conduct_complaint)
- Lodge the complaint and statutory declaration with the general manager of your council within six months of the councillor or councillors committing the alleged breach; and
- Pay the fee for lodging a complaint to the relevant council.

You do not have to use this form. If you choose not to use this form, your complaint will need to:

- Be in writing;
- State your name and address and the name and address of any other complainants;
- State the name of each councillor you are making the complaint against;
- State which provision/s of the relevant code of conduct each councillor has allegedly breached;
- Detail the behavior of each councillor that you allege breached the Code;
- Details what efforts you have made to resolve the complaint with the relevant councillor;
- Be accompanied by a statutory declaration, and the required fee, and be lodged with the general manager of your council, as outlined above.

**CONTACT DETAILS (of person making the complaint)**

Name:	Telephone (mobile):
Address (Residential):	Telephone (work):
Address (Postal):	Telephone (home):
Email address:	Preferred mode of contact:

**SUMMARY OF COMPLAINT**

Name of Councillor who you believe has breached the Code of Conduct:	
Provisions of the Code of Conduct that you believe have been breached:	
Date(s) of incident(s):	
Location(s) of incident(s):	

**DETAILS OF THE COMPLAINT (FURTHER INFORMATION MAY BE ATTACHED)**

**WITNESSES (INCLUDE ANYONE WITH KNOWLEDGE OF WHAT HAPPENED)**

**HAVE YOU PREVIOUSLY MADE A CODE OF CONDUCT COMPLAINT ABOUT THIS MATTER?**

YES  NO

If yes, when did you make the complaint?

**HAVE YOU MADE ANY EFFORTS TO RESOLVE THE COMPLAINT WITH THE RESPONDENT COUNCILLOR?**

***(NOTE: THIS SECTION IS COMPULSORY. FAILURE TO ADEQUATELY COMPLETE IT MAY RESULT IN THE COMPLAINT BEING RETURNED TO YOU)***

YES

Briefly describe the efforts that you have made (NOTE: YOU MUST COMPLETE THIS SECTION):

NO

Include a brief statement explaining why you have not made any efforts to resolve the issue with the respondent councillor:

**DESIRED OUTCOME OF COMPLAINT**

Please explain what you would like to happen as a result of lodging this complaint:

**PLEASE SIGN AND DATE**

**SIGNATURE:**

**Date:**

Version: 28 July 2022