



dorset
C O U N C I L

Minutes

Council Meeting

22 January 2024

Council Chambers

it's in the making

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Council Meeting Minutes 22 January 2024

Meeting Opened: 6:00 pm

Present: Commissioner Andrew Wardlaw

General Manager: John Marik, Director – Infrastructure: Michael Buckley, Finance Manager: Allison Saunders, Administration Manager: Lauren Tolputt, Executive Assistant: Sarah Forsyth

Apologies: Assistant General Manager / Director – Community & Development: Rohan Willis

Acknowledgement of Country

Dorset Council acknowledges the deep history and culture of the First People who were the traditional owners of the lands and waterways where we live and work. We acknowledge the clans-people who lived here for over a thousand generations on the Country where Scottsdale is built and throughout the area we know as the north east region.

Dorset Council acknowledge the present-day Aboriginal custodians and the inclusive contribution they make to the social, cultural and economic essence of the municipality.

Item 1/24 **Confirmation of Ordinary Council Meeting Minutes – 18 December 2023**
Ref: DOC/23/15724

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 18 December 2023 finds them to be a true record and recommends that they be taken as read and signed as a correct record.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 18 December 2023 having been circulated to the Commissioner, be confirmed as a true record.

CARRIED: COMMISSIONER

The Chair to advise if there are any questions in relation to the Closed Session Minutes that would require them to be discussed in Closed Session.

Item 2/24 **Confirmation of Council Meeting Closed Session Minutes 18 December 2023**
Ref: DOC/22/15725 & DOC/23/15726

The Chair reported that he had viewed the minutes of the Ordinary Meeting Closed Session held on Monday 18, December 2023, finds them to be a true record and recommends that they be taken as read and signed as a correct record.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the Minutes of Proceedings of the Dorset Council Meeting Closed Session held on 18 December 2023, having been circulated to the Commissioner, be confirmed as a true record.

CARRIED: COMMISSIONER

Item 3/24 **Confirmation of Agenda**

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council confirm the Agenda and order of business for the 22 January 2024 Council Meeting.

CARRIED: COMMISSIONER

Item 4/24 **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

Nil

Item 5/24 **Commissioner Communications**

Commissioner Wardlaw's Calendar | 14 December 2023 – 17 January 2024

December 2023

- 14 Meeting with Assistant General Manager, Branxholm
- 18 Scottsdale High School Year 9/10 Presentation Assembly, Scottsdale
- 18 Meeting with North Eastern Advertiser Editor, Council Chambers
- 18 December Council Meeting, Council Chambers
- 19 Meeting with ratepayer, Bridport

- 19 Winnaleah District High School Presentation Evening, Winnaleah
- 20 North Eastern Advertiser Christmas Celebration with General Manager, Mechanics Hall, Scottsdale
- 20 Council Christmas Barbecue, Northeast Park

January 2024

- 9 Meeting with ratepayer, Council Chambers
- 15 Weekly meeting with Management Team, Council Chambers
- 15 Meeting with ratepayer with General Manager, Council Chambers
- 16 Scottsdale Aquatic Centre visit with General Manager, Scottsdale
- 16 Special Briefing Workshop – Dealing with Unreasonable Customer Conduct Policy community consultation review, Council Chambers
- 16 Meeting with ratepayer, Council Chambers
- 17 Meeting with ratepayer with Director – Infrastructure, Legerwood
- 17 Meeting with ratepayer, Ringarooma
- 17 Dorset Australia Day award recipients’ discussion, Council Chambers

Item 6/24 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.

Recommendation

That Council: Commissioner Wardlaw

1. receive and note the community updates on rural road lighting and the speed reduction on streets within the Northbourne Park retirement village precinct;
2. note the Dorset Council submission on the Managing Conflicts of Interest of Councillors Framework; and
3. receive and note the Management Team Briefing Report.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council:

1. receive and note the community updates on rural road lighting and the speed reduction on streets within the Northbourne Park retirement village precinct;
2. note the Dorset Council submission on the Managing Conflicts of Interest of Councillors Framework; and
3. receive and note the Management Team Briefing Report.

CARRIED: COMMISSIONER

16 January | Special Briefing Workshop

- Draft Policy 60 – Dealing with Unreasonable Customer Conduct | Community Consultation Discussion

Item 8/24**Applications for Leave of Absence**

Nil

Item 9/24**Public Question Time**

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

Karl Willrath, Scottsdale | 12 January 2024

The Dark triad personality has been recorded in public office which includes psychopathy. As Councillors will quite often attend suicide support groups and learn some of the contributing risk factors i.e. social isolation, being devalued in the eyes of their peers etc. What safeguards have been put in place so the Unreasonable Customer Conduct policy will not or cannot be used with malicious intent and was the office of the Chief psychiatrist consulted in regards to this policy?

Comment, links and points of lobby

[*Psychopathy screening for public leadership*](#)

[*The Relationship among Psychopathy, Emotional Intelligence, and Professional Success in Finance*](#)

[*"Corporate Psychopaths" in Public Agencies?*](#)

Psychopathy in the clinical and Hollywood sense should not be confused. Owing to their nature, I suspect the incidence of psychopathy is higher in local gov relative to state and fed. The trait of fearlessness can be tested and is hard to fake. I would argue that psychopathy should be screened out of elected officials where possible but depending on the specific situation would recommend them as political advisers.

Response from Administration Manager, Lauren Tolputt:

In addition to reducing the risk of psychosocial or physical injuries occurring through exposure to unreasonable customer conduct, other key reasons for the development of the proposed Policy 60 – Dealing with Unreasonable Customer Conduct are:

- To ensure transparency in Council's intended management of unreasonable customer conduct; and
- To ensure that in responding to unreasonable customer conduct, Council adopts a fair and consistent approach that does not unreasonably modify or restrict a customer's access to Council's services and premises.

Council sought submissions from the public in relation to the policy and as a result of that feedback, additional safeguards have been incorporated into the policy which describe how Council will prevent its misuse or overuse. The policy is largely based on a model policy released

by the NSW Ombudsman (which is nearly identical to a model policy currently under development by the Office of Local Government in Tasmania) which would have undergone extensive consultation by the NSW Ombudsman. While the invitation to make submissions on Council's draft policy was not restricted, the Office of the Chief Psychiatrist was not specifically consulted.

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

Jeff Jennings, Bridport

The following questions relate to the Planning Scheme and the assessment process that took place in allowing the building of visitor accommodation at 101 Main Street, Bridport.

This is in no way a criticism of any person in the Council or the developer, but an attempt to reveal the inadequacies in a system that allowed this development to proceed.

Under the LUPA Act 1993, a development proposal should "provide for fair and sustainable use of land".

Also under LUPA, the process should "ensure that the effects of the environment are considered and provide for explicit consideration of social and economic effects when decisions are made".

- 1. What definition of "fair" was used in assessing the impact of building a 9m high building less than 2m from a residential property, for example, did the Council or developer enter into any discussion with neighbours with regard to their concerns before the development application was made?*
- 2. What explicit considerations were given to the social and economic impact this building would have on neighbouring properties? For example, was consideration given to the effect this development might have on neighbours mental well-being, privacy and the value of their properties?*
- 3. If the answer to these questions is in the negative, will the Dorset Council include performance criteria in its planning schemes to ensure these problems do not occur again?*

The application failed to meet the acceptable solution 6.8m height in A2, but because of the lack of adequate performance criteria, the development was considered acceptable.

ALL QUESTIONS TAKEN ON NOTICE

Edwina Powell, Springfield

With consideration of the development of the railway station precinct, I would like to know why that hasn't been considered for development rather than the rail trail itself?

There was initially plans for the development of an RV park, developing that up as a good parking area, would have addressed the issues of vandalism of that building and returning to your question Commissioner, my understanding is that the railway station it belongs to the state government and that Dorset Council is the management authority. So the building doesn't belong to us, but we are the managers of that whole area.

I would want to know also why every time there is an update on the planning, that Rotary are considered to be the lead role to develop that area?

I believe it's our role to develop that area and I think it's unfair to leave it to the Rotary. As generous as their offer has been to do work in the area, I think we are the ones that need to take responsibility of ensuring the protection of that building and to prevent the constant deterioration of it.

Response from Commissioner, Andrew Wardlaw:

I hadn't thought about the building until tonight in relation to that, and I don't profess to understand the Rail Corridor Act and I am sure if Rohan was here, I'd have a better understanding. I'm not sure that the building would come under the same banner as a rail corridor or not, it might be somewhat outside the corridor, but we will take that on notice. I'm sure that the General Manager will, in the question we've taken of notice, explore that avenue and just work out whether that is considered part of it or not.

Response from General Manager, John Marik:

So it's not an either or between the rail trail and that rail corridor where the building is, we're looking at both, and Rotary have put their hand up and are passionate about the building. As far as that surrounding land, and this includes the whole recreation ground precinct, we're looking at a sporting precinct study that we're going to do through the Northern Tasmania Development Corporation to come up with a plan for all sporting precincts, but one of the key focus areas is that Scottsdale Recreation Ground and that includes what the rail corridor will look like.

Some of the concepts that we are looking at for that rail corridor area surrounding that railway building is additional parking for the pool, we've been in discussions that there might be some RV parking in that area. If you remember, we went out for consultation in regards to the Northeast Park bike park and I'd say the majority of the feedback received said that was the wrong spot. So what we've done is stage one is a kids skills park which we're looking to locate at Anzac Park and stage two - the bike park jumps track - we're thinking is probably in that rail corridor area as well, along with some parking, etc. So there are various concepts Council are looking at, but nothing's finalised. It's just initial discussions, and then Council will go out to the community with some of these concepts.

Item 10/24 Deputations

Nil

Item 11/24 Commissioner Question Time

The following questions were received on notice from the Commissioner:

Commissioner Andrew Wardlaw | 8 January 2024

Preamble

On 7 November 2023 the Dorset Coastal Working Group expressed serious concern about an "oversize" caravan being given priority status on the foreshore. This issue was also raised at the Bridport Lions Club on the 7 November 2023. It is my understanding that the improvements relate to Site 86.

Subsequent to my enquiry's it was advised that the improvements had been approved in accordance with Policy No 56 - Bridport Seaside Caravan Park - Annual Site Policy.

In an email to the Dorset Coastal Group on 14 November 2023 I advised the following in relation to Site 86:

'Oversized' Caravan on Foreshore: The 'oversized' caravan on the foreshore, located at Site 86, has been an annual site for several years. Until now, it has only been utilised for placing a caravan.

The Council's Bridport Seaside Caravan Park Annual Site Policy (No.56) is in effect and was last reviewed in March 2021. For detailed information, please refer to the policy on the Council's website: <https://www.dorset.tas.gov.au/policies>.

In recent weeks since the site improvements have been fully established, I have received further complaints regarding the conversion of Site 86.

Anecdotally I was advised by a long-term seasonal park user that it had been agreed with the community that sites immediately adjacent to the foreshore track will be preserved for reasonable occupation and not allocated as an annual site. A Bridport resident also suggests "It is generally considered preferable that the vaguely semi-permanent installations are garnered in the 'back rows' and the front row nearest the water is used for the visiting campers that is short term."

These views do not appear to be reflected in Policy No 56 - Bridport Seaside Caravan Park - Annual Site Policy.

Questions

1. What's is the understanding of Council regarding the preservation of sites for only reasonable use adjacent to the foreshore walking track?

Response from Administration Manager, Lauren Tolputt:

Council has no formal position encouraging the preservation of sites adjacent to the foreshore walking track for seasonal use. Per Council's annual plan, Policy 56: Bridport Seaside Caravan Park – Annual Sites is due to be reviewed by 30 June 2024 and any proposed changes to the site structure will be considered during that review. There will be opportunity for stakeholders of the Park (patrons, annual site holders, community members and other users) to engage in that policy review process.

2. How many annual sites are currently allotted adjacent to the foreshore walking track?

Response from Administration Manager, Lauren Tolputt:

Site 86 is the only site directly adjacent to the foreshore walking track.

3. How long has Site 86 been an annual site?

Response from Administration Manager, Lauren Tolputt:

Site 86 has been an annual site since 2015.

4. When were the improvements on Site 86 approved and is the final development in accordance with Policy No 56 - Bridport Seaside Caravan Park - Annual Site Policy?

Response from Administration Manager, Lauren Tolputt:

The temporary structures were approved in December 2023 and those developments are compliant with the guidelines.

The following questions were received without notice from the Commissioner:

In relation to this, I note that we did push back the review of the policy to the last quarter of the 2023/24 Annual Plan. A follow up question through the General Manager to the Administration Manager, when do you see that consultation period opening with the community in relation to the policy? That consultation will most likely allow for the conversation with the community and address some of the issues that I'm raising.

Response from Administration Manager, Lauren Tolputt:

So we anticipate going out for consultation sooner rather than later, with the policy due for review by the end of the fourth quarter. We want to allow ample time to explore some of these issues that are being raised. I would anticipate by the end of February we would be looking at being out for consultation with the community.

A question that has just come to mind is probably for the General Manager. Is that policy, in its interaction with the lease with the Crown, would that have to be considered as well?

Response from General Manager, John Marik:

Yes it would. Officer will have to have a look at what clauses, etc. interact with the policy. We need to make sure that our policy aligns with the requirements of the lease.

Is that lease far away from being executed?

Response from General Manager, John Marik:

It's an upcoming Council Workshop item for discussion.

Item 12/24 Notices of Motion by the Commissioner

Nil

Item 13/24 Bridport Seaside Caravan Park Quarterly Report – Period Ended 31 December 2023

Reporting Officer: Finance Manager, Allison Saunders
Ref: DOC/24/573

Purpose

The purpose of this agenda item is to present a quarterly update to Council on the Bridport Seaside Caravan Park following the implementation of the temporary operating model approved in the August 2023 Council Meeting (Item 129/23).

Recommendation

That Council receive the Bridport Seaside Caravan Park Quarterly Report for the period ended 31 December 2023.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council receive the Bridport Seaside Caravan Park Quarterly Report for the period ended 31 December 2023.

CARRIED: COMMISSIONER

Item 14/24

New Policy No. 60 – Dealing with Unreasonable Customer Conduct

Reporting Officer: Administration Manager, Lauren Tolputt

Ref: DOC/24/508 | Policy No. 60: DOC/23/13650

Purpose

The purpose of this agenda item is to adopt the proposed Policy No. 60 – Dealing with Unreasonable Customer Conduct (the Policy).

Recommendation

That Council:

1. adopt proposed Policy No. 60 – Dealing with Unreasonable Customer Conduct;
 2. when the Office of Local Government’s model framework is finalised and published, a report will be provided to Council comparing the model policy to Council’s policy and recommending a review of Council’s policy if required; and
 3. update the related document section of the Customer Service Charter (Policy No. 18) to include reference to new Policy No. 60.
-

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council:

1. adopt proposed Policy No. 60 – Dealing with Unreasonable Customer Conduct;
2. when the Office of Local Government’s model framework is finalised and published, a report will be provided to Council comparing the model policy to Council’s policy and recommending a review of Council’s policy if required; and
3. update the related document section of the Customer Service Charter (Policy No. 18) to include reference to new Policy No. 60.

CARRIED: COMMISSIONER

Item 15/24

Local Government Association of Tasmania | Year in Review

Reporting Officer: General Manager, John Marik

Ref: DOC/24/322 | LGAT Year in Review: DOC/24/325

Purpose

The purpose of this agenda item is to receive and note the Local Government Association of Tasmania’s Year in Review for 2023 report.

Recommendation

That Council:

1. receive and note the Local Government Association of Tasmania's Year in Review for 2023; and
2. acknowledge the Local Government Association of Tasmania for their support and efforts on behalf of the sector during 2023.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council:

1. receive and note the Local Government Association of Tasmania's Year in Review for 2023; and
2. acknowledge the Local Government Association of Tasmania for their support and efforts on behalf of the sector during 2023.

CARRIED: COMMISSIONER

Item 16/24

2023/24 Annual Plan | December Quarterly Report

Reporting Officer: General Manager, John Marik

Ref: DOC/24/457 | December Report: DOC/23/12705

Purpose

The purpose of this agenda item is to update Council and the community on progress of the 2023/24 Annual Plan as at 31 December 2023.

Recommendation

That Council receive and note the attached 2023/24 Annual Plan - December Quarterly Report.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council receive and note the attached 2023/24 Annual Plan - December Quarterly Report.

CARRIED: COMMISSIONER

Item 17/24

Appointment of Municipal Coordinator Presentation

Appointment Ref: DOC/23/15195

The Commissioner, Mr Andrew Wardlaw presented Director – Infrastructure, Mr Michael Buckley with his Certificate, appointing him as Municipal Coordinator for Dorset for a three year period, as endorsed by Minister for Police, Fire and Emergency Management, Hon. Felix Ellis, dated 4 December 2023.

Time Meeting Closed: 6:45 pm

Minutes Confirmed: 19 February 2024

Minute No. 18/24



Commissioner