



dorset
C O U N C I L

Minutes

Council Meeting

22 July 2024

COUNCIL CHAMBERS

it's in the making

Ordinary Meeting of Council

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Council Meeting Minutes 22 July 2024

Meeting Opened: 6:00 pm

Present: Commissioner Andrew Wardlaw

General Manager: John Marik, Director – Infrastructure: Michael Buckley, Acting Director
– Corporate Services: Lauren Tolputt, Executive Assistant: Sarah Forsyth

Apologies: Assistant General Manager / Director – Community and 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.

PROCEDURAL ITEMS

Item 132/24 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

Commissioner Wardlaw **Item 137** (perceived conflict due to a previous transaction with a member of the public who asked questions (Burnie City Council – former General Manager))

Item 133/24 Confirmation of Ordinary Council Meeting Minutes – 24 June 2024

Ref: DOC/24/6399

The Chair reported that he had viewed the minutes of the Ordinary Meeting held on Monday, 24 June 2024 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 24 June 2024 having been circulated to the Commissioner, be confirmed as a true record.

CARRIED

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.

– Nil

Item 134/24 Confirmation of Council Meeting Closed Session Minutes – 24 June 2024

Ref: DOC/24/6399

The Chair reported that he had viewed the minutes of the Ordinary Meeting Closed Session held on Monday, 24 June 2024 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 24 June 2024 having been circulated to the Commissioner, be confirmed as a true record.

CARRIED

Item 135/24

Confirmation of Special Meeting of Council Minutes – 2 July 2024

Ref: DOC/24/6399

The Chair reported that he had viewed the minutes of the Special Meeting held on Tuesday, 2 July 2024 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 Special Meeting held on 2 July 2024 having been circulated to the Commissioner, be confirmed as a true record.

CARRIED

Item 136/24

Confirmation of Agenda

DECISION

MOVED / SECONDED: Commissioner Wardlaw

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

CARRIED

The Commissioner acknowledged the Director – Infrastructure, Mr Michael Buckley who will be leaving Council this week, and thanked him for his support and assistance during his time with Dorset.

The following questions have been **received on notice**:

Mr Karl Willrath, Scottsdale | 12 July 2024

1. *Owing to the somewhat interesting power structure of Dorset with their “private sector model”, will the Commissioner admit that the Minister/Director for local government did not give you enough psychological/scientific support especially in view of the number of errors you have made inadvertently or have been led into?*

Response from Commissioner Andrew Wardlaw:

As the Commissioner of Dorset, I have not sought any psychological or scientific support from the Minister or Director of Local Government, nor do I consider that it was necessary to do so. All decisions have been made under the authority provided in the instrument of appointment, and with the best interests of the Dorset community in mind.

It is important to note that I am unaware of any significant errors that have been made that have not been promptly addressed and corrected. The processes and decisions undertaken have always aimed to reflect the best outcomes for Dorset, supported by careful consideration and expert advice where needed.

2. *John Marik was directly appointed general manager without the position being openly put out for competition by a group of councillors that successfully took Dorset into the largest board of inquiry of any council in Tasmania’s history. Legislation now exists to prevent such direct appointments.*

Is the position going to be advertised so Mr Marik can compete on the open market when the time comes for a renewal of contract, especially in view that this current appointment may not have been by unanimous vote to begin with?

Response from Commissioner Andrew Wardlaw:

A response was provided to a similar question from Mr Willrath in November 2023 when it was stated:

“On December 6, 2022, the Council made a decision to appoint Mr John Marik as the General Manager. The appointment process strictly followed the pertinent legal and procedural requirements, thereby establishing a legally binding contract for Mr Marik in his current position.

The current suspension of councillors does not retrospectively affect the legitimacy of Mr Marik's appointment. His contract remains legally binding, and he is not obliged to resign or submit a new application for his current position.”

The Contract of Employment includes a reappointment clause and Council will make decisions regarding any reappointment when the time comes.

Council is aware that the Board of Inquiry investigated this matter, and the Council will respond to any direction provided by the Minister as a result of the Inquiry.

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

Jason Sarich (Secretary of the North East Cricket Association and President of the Bridport Cricket Club)

In relation to Item 143/24 on tonight's Council Agenda, that being the draft Northern Tasmania Sports Facility Plan - Dorset Council Addendum. Are you aware that:

- *on page 10 it states both Scottsdale and Bridport Cricket Clubs are currently in recess;*
- *on page 11 it states the Ringarooma Cricket Club is in recess;*
- *on page 14 it states cricket is only just active in Bridport but the pitch is an inconvenience to the maintenance;*
- *on page 17 it states there is no active cricket clubs in the Dorset region;*
- *on page 17 and 26-27 its recommendations are for the wicket at Bridport to be removed and centralised any future cricket at Scottsdale; and*
- *on page 8 in the aged population graphs not all ages are covered. We have two of the three age groups being where most players fall into.*

The North East Cricket Association currently is alive and well has 3 junior teams, Scottsdale, Bridport and Ringarooma utilising all 3 grounds with 3 home games on each ground over 9 game roster with over 40 participants. Also has a senior roster with 3 teams over 7 rounds, with games played at Scottsdale and Bridport with over 40 players. The NECA are an affiliated competition with Cricket Tasmania which receives annual funding for both junior and senior cricket.

My question is how was this information collected as it seems to be inaccurate and how is the document able to be used being so inaccurate?

Response from Commissioner Andrew Wardlaw:

Thank you very much for your question, Jason. I would appreciate if you were able to table those facts that you've read out.

It is a draft document, hence why it's going out for public consultation, so if there's any issues in the Report, and I'm sure that there are other sports that could have issues, we will take that on board. So, there will be an opportunity to provide formal communication on that, and we will no doubt get people to contact you in relation to the information you provided tonight. So, by no way is it complete and doesn't mean we can't pick up the issues that you're talking about.

Further Response from General Manager, John Marik:

So, the consultant that Council and the Northern Tasmania Development Corporation (NTDC) were working with received a list of clubs. For some reason the list that Council received stated that you were in recess. So, what we'll do is we will contact you and we can talk to you about that. But as far as stating the rest of the document is inaccurate, it's based on discussions with all the other clubs and associations. So, really, that's the point of consultation to make sure that we haven't missed anything and that there aren't inaccuracies within the Report. So, you'll get a chance to have your say and that Report can be updated.

I've spoken to all other clubs in the North East Cricket Association, and I have also spoken to the Scottsdale Football Club and to Cricket Tasmania. None of them were asked any questions relating to this Report, is that correct?

QUESTION TAKEN ON NOTICE

Jeff Jennings, Bridport

1. *My question Mr Commissioner is with the reference to Item 142/24. What formal public consultation will take place for the Rail Trail project? For example, with the pier project in Bridport, MAST and the consultants ran 3 public forums where the public has plenty of opportunities to ask questions and be given information. I'm wondering if it is that the same procedure that the Council could adopt for this equally important project?*
2. *My second question. I'm an e-bike rider and a bushwalker and I have ridden the rail trails in the northeast and I have walked the trail between Lilydale and the Tunnel and Dennison Gorge. The question is, on what criteria was used in calculating the number of people who are going to use the trail according to that study? Was it based on comparison with another rail trail and other part of Australia, in a similar geographical location, or what it seems to have been done is it's been calculated on a percentage factor from assumption of population figures, not actual people who are bike riders. So, the question is how were those figures arrived at? They seem quite high to me.*

Response from Commissioner Andrew Wardlaw:

At this point in time in relation to the consultation, and I will ask the General Manager to provide any additional information. We have prepared a detailed information pack and question and answers document that will allow the community to understand what's inside the revised documents. But obviously we're having a very open opportunity for people to comment on any aspects of the Report and the Business Case that that's been put out there and what their concerns might be so it could be considered in a future meeting. So, at this point in time, there's no intention I don't think to do any Q&A type sessions you refer to in relation to what was done by MAST and the pier group.

Response from General Manager, John Marik:

So, this Business Case, it wasn't conducted by Council, it was undertaken by TRC Tourism and they are highly respected in this field. Their methodology has gone through various inquiries in Victoria, with Victoria having the most rail trails nationally and a lot of those inquiries have said this should be the best practise across Australia for rail trails. So, it's based on utilising information and data from other rail trails across Australia and then making inferences as to what they believe the amount of visitation and the amount of spend would be for Tasmania. I made the point of wanting to release both the prospectus and the Business Case this time, so it's clear on what a potential decision might be made upon. What the community needs to consider is whether the Business Case is 100% right, 75% right or 50% right, it's still positive. So, then the community has to think, okay, if you do want or you don't want to do this project, what are the other projects that can deliver anywhere near this return?

It's just that if I'm having to pay an extra 15% of my rates for the next few years. I'm concerned about how the Council is going to spend its money.

Response from Commissioner Andrew Wardlaw:

I guess there is an issue here in relation to what the Reports highlighted, that is, a shortfall of funding and by no means would the Report tonight commit Council to that funding. We need to identify what that is and whether there is a contribution from the Dorset ratepayers. That's a long way away from that decision being made at the moment. So, this is not committing the Council to that shortfall in any way. It's just going out, with an obligation made at one of the inquiries that we would do further consultation, and it's sharing information that we've got and then working

with the community going forward to another point about what it looks like. And then how do you fund any shortfall if you can't attract any other additional funding from other tiers of government.

Wendy McLennan, Bridport

The first one is there's rumours going around that there's going to be possible charges put onto the community halls for user groups., is this correct?

Response from Commissioner Andrew Wardlaw:

In relation to that question, there was no change to the fees and charge schedule in relation to charges. So, there was some discussion around that as part of the budget process, but there was nothing introduced in relation to the budget that was adopted last month.

Now, the second question I have is in relation to this Report (Rail Trail). Is the Dorset Council going to look at any other value proposition? As for an increase as huge as what it is from \$1.4m to \$5m, it's a huge increase. and what better use can be made of that money and putting it into recreation? Who's pushing this Rail Trail, where's it coming from, because it's certainly not coming from the Dorset public because 70% of them didn't even want it.

Response from Commissioner Andrew Wardlaw:

In relation to the question, as I inferenced before, at this point in time, there's \$1.47m provided from the Commonwealth government to the project and there's a funding shortfall of \$2.8m. There is a planning approval for the project, it's a live project and it went through the parliamentary inquiries, so we are still assessing that project. Obviously, if there's a view about that, we would welcome any contribution from the public, whether positive or negative, to the Business Case to share as part of this next 28 days. I have heard both positive and negative views in my time here, so I dispute that there is only negative views, there is some positive views around the community as well. Council want both those views to make some decisions and go and see whether we can find further funds. Of course, if the decisions is for the project go ahead, and the project is from Scottsdale to Lilydale Falls, there's a shortfall for \$2.8m. If that falls on the Dorset ratepayers, then there's some serious questions that will be asked about whether that's affordable. We've got a project that's live, that's been through some processes, we've got support in some corners, we've got some opposition at the corners and we're going to the next gateway to look at the project.

Paul Cabalzar¹

I've been involved in the rail project for 9 ½ years, contributing over \$2.5m and have 3 trains at Karoola and we've been trying to get the rail reinstated to support Scottsdale, etc. I came tonight to see what Council had to say about the project and ask how some aspects of this project are going to be undertaken, including the removal of the rail infrastructure?

¹ Commissioner Andrew Wardlaw declared a perceived conflict interest, due to a previous transaction with Mr Paul Cabalzar (sale of two trains to Mr Cabalzar) with the Burnie City Council, when the Commissioner was General Manager.

Response from Commissioner Andrew Wardlaw:

Council have a project from Scottsdale to Lilydale Falls - that's the project that has been approved. There's no proposal before Council at the moment for a railway corridor, and my understanding is with the two inquiries that were undertaken, that this is the position that was reached. The Council has been working on getting the approval from the Dorset Council and then the City of Launceston for a rail trail project. I've got no knowledge about what happened with the current rail trail apart from its there. Council have obligations in relation to being the appointed Corridor Manager, and we've got legislation under the Rail Corridor Act that we must comply with in relation to the rail trail from here to Lilydale Falls, which includes how we deal with sleepers, etc. In relation to your views about the Report, happy to take a submission if you believe that any aspects of the Business Case are not factual within the 28 day consultation period.

Further Response from General Manager, John Marik:

Just one additional point that. That \$2.8m shortfall of the capital component of the project excludes any assumption that the Minister will allow Council to sell any of the infrastructure for whatever scrap metal or sleepers and the like. Ultimately Council have had assessments done by consultants for the bridges, we've had assessments throughout the corridor and we're comfortable with the business case. Compared to the one previously prepared which was too light on, we feel this one's quite fair.

Can I ask whether the consultants were Pitt and Sherry?

Response from Director – Infrastructure, Michael Buckley:

No. Council engaged directly with AusSpan, who is the state representative for structural engineers. We wanted to do a physical assessment of the bridges and major culverts because the information previously was assumed.

Wendy McLennan, Bridport

Is there anything happening with public toilets in Victoria Street?

Response from Commissioner Andrew Wardlaw:

It's a question that that I've asked during my time here and I know it's something that's been actively looked at and looking for opportunities. Council continue to express interest with property owners in the area trying to find a location for them. So, they're not budgeted for however, they are on the agenda.

Further Response from General Manager, John Marik:

It's on our priority projects list for Council. We have re-instigated all those conversations that were had before with the different landowners and we still don't have land anywhere to put it.

Why are we putting toilets in at Lilydale Falls? We haven't got toilets in Scottsdale.

Response from Commissioner Andrew Wardlaw:

Council must comply with the permit conditions we've got for the project.

Further Response from General Manager, John Marik:

As part of the conditions of the development application in the City of Launceston, there is a condition for additional parking, not for toilets.

Item 138/24 Deputations

Nil

Item 139/24 Commissioner Question Time

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

I have one question which is topical this week. In relation to the IT outage that happened on Friday, was the Council operations affected in any way by what happened over the last two or three days?

Response from General Manager, John Marik:

We don't think we've been impacted at all. Our EFTPOS was working, our banking, all our websites, so we haven't been impacted or at least not that we know of.

The other question really is something that we dealt with it in closed session at the last meeting and that was the lease for the Bridport Foreshore / Caravan Park. Are we far away from getting a formal execution and what information will be shared with the public when we do execute?

Response from General Manager, John Marik:

That land there on the foreshore is part of Parks and Wildlife, so we currently have various leases and licences there on the foreshore. The lease is for the caravan park component, and we are looking at a licence all the way up to the shipping / industrial wharf area. We're looking at an agreement across all that area, with the current lease / licence expiring in October 2024. Officers are advanced in discussions with Parks representatives. We're at the stage where we've got in principle support of what Parks have proposed. Council have advised of a few minor issues that Officers have gone back to Parks with, however we're very close to finalising.

Once final agreement is reached, then I will review what we can be disclosed, due to a clause in the lease / licence that states various things are subject to privacy, intellectual property, confidentiality, etc. Officers will disclose what we can based on that agreement when the time comes.

Item 140/24 Applications for Leave of Absence

Nil

Item 141/24 Notices of Motion by the Commissioner

Nil

ITEMS FOR DECISION

Item 142/24 **North East Rail Trail – Stage 3 (Scottsdale to Lilydale Falls)**
Reporting Officer: General Manager, John Marik
Ref: DOC/24/8906 | Prospectus: DOC/24/7547 | Revised Business Case: DOC/24/7548

Purpose

The purpose of this item is for Council to review the draft updated Business Case and determine next steps in the project.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council:

1. receive and note the North East Rail Trail Revised Business Case (copy provided at the Agenda Attachments);
2. resolve to receive written submissions from the community regarding the North East Rail Trail Revised Business Case for a 28-day period, commencing Wednesday 24 July 2024;
3. resolve to support the pursuit of further funding opportunities that will support the Rail Trail project;
4. resolve to provide communications to adjoining landowners and project stakeholders; and
5. resolve to work with City of Launceston throughout the consultation period to inform next steps.

CARRIED

Item 143/24 **Draft Northern Tasmania Sports Facility Plan | Dorset Council Addendum**
Reporting Officer: General Manager, John Marik
Ref: DOC/24/8896 | Addendum: DOC/24/8795

Purpose

The purpose of this agenda item is to receive the Draft Northern Tasmania Sports Facility Plan - Dorset Council Addendum, and authorise further community consultation.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council:

- 1. receive the Draft Northern Sports Facility Plan - Dorset Council Addendum;**
- 2. resolve to provide communications to project stakeholders and undertake a 28-day community consultation period commencing Wednesday, 24 July 2024;**

CARRIED

**Note the feedback provided by the North East Cricket Association and representative Clubs relating to cricket in Dorset provided during Item 137 – Public Question Time.*

Item 144/24 2024/25 Capital Budget Variations – Excavator (and Attachments) and Authority Altitude Upgrade

Reporting Officer: Acting Director – Corporate Services, Lauren Tolputt
Ref: DOC/24/9360

Purpose

The purpose of this agenda item is to approve two variations to the 2024/25 Capital Expenditure budget being \$54,000 for the purchase of an excavator and attachments required for Blue Derby mountain bike trail maintenance and \$23,000 for preparation work required for the Authority Altitude software upgrade.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

- 1. That, by absolute majority, Council approve a variation to the 2024/25 Capital Expenditure Budget of \$54,000 for the purchase of an excavator and attachments for Blue Derby mountain bike trail maintenance.**
- 2. That, by absolute majority, Council approve a variation to the 2024/25 Capital Expenditure Budget of an additional \$23,000 for preparation work required for the Authority Altitude software upgrade.**

CARRIED

Item 145/24 2023/24 Annual Plan – June Final Report

Reporting Officer: General Manager, John Marik
Ref: DOC/24/7846 | June Final Report: DOC/24/4787

Purpose

The purpose of this agenda item is to present Council and the community with the results of the 2023/24 Annual Plan.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That the attached 2023/24 Annual Plan - June Final Report be received and noted.

CARRIED

Item 146/24

Emergency Management Appointments

Reporting Officer: General Manager, John Marik
Ref: DOC/24/9273

Purpose

The purpose of this agenda item is for Council to nominate persons for the position of Municipal Emergency Management Coordinator and Deputy Municipal Emergency Management Coordinator.

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council make the following appointments for a term of 3 years:

- Dorset Municipal Emergency Management Coordinator – John Marik
- Deputy Municipal Emergency Management Coordinator – Robert Masterman

CARRIED

Item 147/24

Review of Policy No.26 – Tree Management

Reporting Officer: Director – Infrastructure, Michael Buckley
Ref: DOC/24/9462 | Reviewed Policy: DOC/24/8844

Purpose

The purpose of this agenda item is to provide Council with an updated Tree Management Policy (the Policy).

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council adopt the attached revised Policy No. 26 - Tree Management.

CARRIED

ITEMS FOR NOTING

Item 148/24 Council Workshops Held Since Last Council Meeting

9 July | Briefing Workshop

Item 149/24 Commissioner Communications

Commissioner Wardlaw's Calendar | 20 June 2024 – 17 July 2024

June 2024

- 20 ABC radio interview
- 24 Weekly catch up with Management Team, Council Chambers
- 24 Site visit to 65 Main Street, Derby – planning application with Lily Hayes, Derby
- 24 June Council Meeting, Council Chambers
- 25 On site meeting with Bridport Innovations and Director – Infrastructure, Bridport Cemetery
- 25 On site meeting with Bridport Pier Group and Management Group, Croquet Lawn Beach, Bridport
- 25 Meeting with City of Launceston Mayor and Acting CEO with General Manager and Assistant General Manager regarding the Rail Trail, Launceston
- 26 Meeting with Tim Arkcoll from Rapid Relief Team, Council Chambers
- 26 Rural Health Optimisation Plan Meeting with General Manager, Council Chambers
- 27 TasWater General Meeting, Launceston
- 27 National Timber Councils Association Annual General Meeting, via zoom

July 2024

- 1 Weekly catch up with Management Team, Council Chambers
- 1 North East Tasmania Chamber of Commerce Meeting, Dorset Community House
- 2 Meeting with Mandy McKay, Director of Facilities – May Shaw with General Manager, Council Chambers
- 2 Special Meeting of Council, Council Chambers
- 4 Memorandum of Understanding signing with General Manager and Gladstone Future-Links, Gladstone
- 5 Meeting with the General Manager, Council Chambers
- 5 25th Symposium of Australian Gastronomy Welcome Reception, Design Tasmania, Launceston
- 9 July Briefing Workshop, Council Chambers
- 10 Dulverton Regional Organics Facility Opening, Latrobe
- 15 Weekly catch up with Management Team, Council Chambers
- 17 Meeting with ratepayer, Bridport

Purpose

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

DECISION

MOVED / SECONDED: Commissioner Wardlaw

That Council:

1. receive and note the community update on the National Timber Councils Association; and
 - a. appoint the Mayor / Commissioner as its representative on the National Timber Councils Association; and
 - b. delegate the Mayor / Commissioner the power to appoint an alternate delegate;
2. acknowledge and note the announcement of \$2,580,000 in grant funding for Golconda Road as part of Tranche 7 of the Heavy Vehicle Safety and Productivity Program;
3. acknowledge community feedback in relation to proposed operating hour changes to Dorset Waste Transfer Stations, and implement the proposed hours commencing Monday, 29 July 2024;
4. receive and note the Management Team Briefing Report.

CARRIED

	Scottsdale		Branxholm		Gladstone	
	Current	Proposed	Current	Proposed	Current	Proposed
Monday	10am - 2pm	9am - 4pm	Closed	Closed	9am - 3pm	9am - 4pm
Tuesday	Closed	Closed	Closed	Closed	Closed	Closed
Wednesday	9am - 5pm	9am - 4pm	9am - 5pm	9am - 4pm	1pm - 5pm	9am - 1pm
Thursday	Closed	Closed	Closed	Closed	Closed	Closed
Friday	9am - 5pm	9am - 4pm	Closed	Closed	Closed	Closed
Saturday	9am - 5pm	9am - 4pm	9am - 5pm	9am - 4pm	9am - 4pm	9am - 4pm
Sunday	9am - 5pm	9am - 4pm	1pm - 5pm	10am - 4pm	10am - 5pm	10am - 4pm

Time Meeting Closed: 7:24 pm

Minutes Confirmed: 19 August 2024

Minute No: 156/24

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by several loops and a final flourish.

Commissioner