



Council Meeting Agenda

17th September 2024

Hamilton Council Chambers

Notice of Meeting of Council – Tuesday 17th September 2024

To Councillors,

In accordance with the Local Government (Meeting Procedures) Regulations 2015, Notice is hereby given, that an Ordinary Meeting of Central Highlands Council is scheduled to be held in the Council Chamber, **Hamilton** on **Tuesday 17th September 2024**, commencing at **9.00am** with the business of the meeting to be in accordance with the following agenda paper.

In accordance with the Local Government (Meeting Procedures) Regulations 2015 Part 2, Division 1, a notice of the meeting was published on the Council website on 1 August 2024.

General Manager's Certification

PURSUANT to Section 65 (1) of the Local Government Act 1993, I hereby certify, with respect to the advice, information and/or recommendation provided for the guidance of Council in this Agenda, that:

- A. such advice, information and/or recommendation has been given by a person who has the qualifications or experience necessary to give such advice; and
- B. where any advice is given by a person who does not have the required qualifications or experience, that person has obtained and taken into account the advice from an appropriately qualified or experienced person.

Section 65(2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice.

Dated at Hamilton this **12th** day of **September 2024**.



Stephen Mackey
Acting General Manager

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The meeting commenced at ____ a.m.

AUDIO RECORDING DISCLAIMER

As per *Regulation 33 (2) (a) of the Local Government (Meeting Procedures) Regulations 2015*, audio recordings of meetings will be made available to Councillors, staff and members of the wider community including Government Agencies at no charge and will be made available on Council's website as soon as practicable after each Council Meeting. Unlike Parliament, Council meetings are not subject to parliamentary privilege, and both Council and the individual may be liable for comments that may be regarded as offensive, derogatory and/or defamatory.

The Mayor advises the meeting and members of the public that Council Meetings, not including Closed Sessions, are audio recorded and published on Council's Website in accordance with Council's Policy 2017-50.

The Mayor also advises, that members of the public are not permitted to make audio recordings of Council Meetings without prior approval being granted.

ACKNOWLEDGEMENT OF COUNTRY

I acknowledge and pay respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of this land on which we gather today and acknowledge and pay respect to Elders, past, present and emerging.

CONDUCT OF COUNCIL MEETING

Central Highlands Council takes safety seriously. We have a duty to ensure that we provide a safe workplace for our Employees, Councillors, Contractors and members of the public while present at Council's workplaces.

These premises form part of the Council's workplace, and it is expected that everyone who attends Council meetings will behave in a polite and respectful manner. People should refrain from using offensive or derogatory language or comments and not be aggressive, threatening or speak in a hostile manner.

1. PRESENT

1.1 IN ATTENDANCE

1.2 APOLOGIES

2. MINUTES

2.1 CONFIRMATION OF DRAFT ORDINARY COUNCIL MEETING MINUTES – 20 AUGUST 2024

RECOMMENDATION 01/09.2024/C

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Ordinary Meeting of Council held on Tuesday 20 August 2024 be confirmed.

PURPOSE

The purpose of the report is to confirm the Council Minutes of the previous month. Copies of the minutes has been previously circulated to Councillors prior to the meeting.

3. DECLARATION OF PECUNIARY INTEREST AND CONFLICT OF INTEREST BY COUNCILLORS AND STAFF

3.1 DECLARATIONS OF PECUNIARY INTEREST

PURPOSE

In accordance with Regulation 8 (7) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairperson requests Councillors to indicate whether they or a close associate have or are likely to have a pecuniary interest (any pecuniary or pecuniary detriment) or conflict of interest in any Item of the Agenda.

3.2 DECLARATIONS OF CONFLICT OF INTEREST

PURPOSE

Under the **Model Code of Conduct** made by Order of the Minister responsible for Local Government the following will apply to a Councillor –

PART 2 – Conflict of Interest that are not Pecuniary.

(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.

4. NOTIFICATION OF COUNCIL WORKSHOP(S) HELD

RECOMMENDATION 02/09.2024/C

Moved: Cr

Seconded: Cr

THAT the Council notes the following Council Workshop conducted by Council since its last ordinary Council meeting.

<i>Date</i>	<i>Attendance</i>	<i>Purpose</i>
10/09/2024	<p>Present: Mayor L Triffitt; Deputy Mayor J Allwright; Cr A Archer; Cr A Bailey; Cr R Cassidy; Cr J Hall; Cr J Honner; Cr D Meacheam and Cr Y Miller.</p> <p>Mr Stephen Mackey (Acting General Manager), Mr Graham Rogers (Manager Development & Environmental Services), Mr Paul West (Independent Advisor) and Mrs Katrina Brazendale (Executive Assistant).</p> <p>Apologies: Nil</p>	<p><i>Paul West</i></p> <ul style="list-style-type: none"> • <i>Mediation</i> • <i>Workplace Culture, Health & Safety</i> • <i>Respectful Relationships Policy</i> • <i>Statement of Expectations</i> <p><i>Hydro</i></p> <ul style="list-style-type: none"> • <i>Tarraleah Redevelopment update</i> <p><i>Telstra</i></p> <ul style="list-style-type: none"> • <i>Pelham Tower update</i>

PURPOSE

The purpose of the report is to note the Council Workshop(s).

4.1 FUTURE WORKSHOP(S)

PURPOSE

The purpose of the report is for Councillors to note the Council Workshop date(s).

The proposed next Council Workshop will be held on the following date(s).

- TBC

5. MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

PURPOSE

Under Regulation 15 (1) of the *Local Government (Meeting Procedures) Regulations 2015* states that at a meeting, a council by absolute majority, or a council committee by simple majority, may close a part of the meeting to the public for a reason specified in sub-regulation (2).

As per *Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015*, this motion requires an absolute majority.

RECOMMENDATION 03/07.2024/C

Moved: Cr

Seconded: Cr

THAT pursuant to Regulation 15 (1) of the *Local Government (Meeting Procedures) Regulations 2015*, Council, confirms by an absolute majority that the matters listed below be considered in Closed Meeting.

Item Number	Matter	Outcome
2.1	<i>Confirmation of the Minutes - Closed Session of the Ordinary Meeting of Council held on 20 August 2024.</i>	<i>Regulation 15 (2)(G) of the Local Government (Meeting Procedures) Regulations 2015 – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential.</i>
4.1	<i>Rates Exemption Request</i>	<i>Regulation 15 (4)(a)(b) of the Local Government (Meeting Procedures) Regulations 2015 – legal action taken by or involving council; or possible future legal action that may be taken or may involve the Council).</i>
4.2	<i>Resealing Tender</i>	<i>Regulation 15 (2)(d) of the Local Government (Meeting Procedures) Regulations 2015 – contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal</i>
4.3	<i>Stabilization Tender</i>	<i>Regulation 15 (2)(d) of the Local Government (Meeting Procedures) Regulations 2015 – contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal</i>
4.4	<i>Notice of Motion</i>	<i>Regulation 15 (2)(g) of the Local Government (Meeting Procedures) Regulations 2015 – information of a personal and confidential nature or information provided to the council on the condition it is kept confidential</i>

6. CLOSURE OF THE MEETING TO THE PUBLIC

RECOMMENDATION 04/07.2024/C

Moved: Cr

Seconded: Cr

THAT pursuant to Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015, Council, by an absolute majority, close the meeting to the public to consider the following matters in Closed Session:

Item Number	Matter	Outcome
2.1	Confirmation of the Minutes - Closed Session of the Ordinary Meeting of Council held on 20 August 2024.	Regulation 15 (2)(g) of the Local Government (Meeting Procedures) Regulations 2015 – information of a personal and confidential nature or information provided to Council on the condition it is kept confidential.
4.1	Rates Exemption Request	Regulation 15 (4)(a)(b) of the Local Government (Meeting Procedures) Regulations 2015 – legal action taken by or involving council; or possible future legal action that may be taken or may involve the Council).
4.2	Resealing Tender	Regulation 15 (2)(d) of the Local Government (Meeting Procedures) Regulations 2015 – contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal
4.3	Stabilization Tender	Regulation 15 (2)(d) of the Local Government (Meeting Procedures) Regulations 2015 – contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal
4.4	Notice of Motion	Regulation 15 (2)(g) of the Local Government (Meeting Procedures) Regulations 2015 – information of a personal and confidential nature or information provided to the council on the condition it is kept confidential

PURPOSE

Under Regulation 15 (1) of the *Local Government (Meeting Procedures) Regulations 2015* states that at a meeting, a council by absolute majority, or a council committee by simple majority, may close a part of the meeting to the public for a reason specified in sub-regulation (2).

As per *Regulation 15 (1) of the Local Government (Meeting Procedures) Regulations 2015*, this motion requires an absolute majority.

MEETING CLOSED to the public at ____ am.

7. RE-OPEN MEETING TO THE PUBLIC

The meeting re-opened to the public at ____am. The Mayor again advises, to the meeting and members of the public that Council Meetings, not including Closed Sessions, are audio recorded and published on Council's Website.

Members of the public are not permitted to make audio recordings of Council Meetings without prior approval being granted.

8. PUBLIC RELEASE ANNOUNCEMENT(S)

The Chairperson announced that pursuant to Regulation 15(8)(9) of the Local Government (Meeting Procedures) Regulations 2015 and having considered privacy and confidential issues, the Council authorised the release to the public of the following discussions, decisions, reports or documents relating to the closed meeting:

Item Number	Matter	Decision
2.1	<i>Confirmation of the Minutes - Closed Session of the Ordinary Meeting of Council held on 20 August 2024.</i>	
4.1	<i>Rates Exemption Request</i>	
4.2	<i>Resealing Tender</i>	
4.3	<i>Stabilization Tender</i>	
4.4	<i>Notice of Motion</i>	

9. PUBLIC QUESTION TIME

In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, the Council conducts a Public Question Time Forum to enable members of the public to ask question on Council related matters.

A period of 15 minutes, if required, will be set aside at the beginning of each Ordinary Council Meeting to conduct Public Question Time. If a response to a question cannot be provided at the meeting a written response will be provided as soon as practicable.

A member of the public may give written notice to the General Manager, 7 days before a meeting of a question to be put to the Meeting.

The Chairman may invite any member of the public present at a meeting to ask questions, without notice, relating to activities of the Council, subject to the provisions of Clause 2 below.

1. Once Question Time commences the Chairman will determine the order in which questions are heard.
2. Questions may relate to any business of the Council capable of being discussed in the open portion of the meeting, and which is not listed as an item for consideration on the Agenda for the Council Meeting.
3. Members of the public proposing a question are required to be present at the Council Meeting at which their question is to be read. Where a person submits a question for Public Question Time but fails to attend the meeting, the question will be treated as general correspondence and a written response will be provided at the earliest opportunity.
4. A person asking a question, when called upon by the Chairman is requested to:
 - Stand,
 - State their name and address,
 - Read out their question.
5. The Chairman retains the right to accept or decline questions and to determine if the question is to be answered at the meeting by the appropriate Councillor or employee or written down and taken on notice. The decision to take the question on notice may also be taken by the Councillor or employee to whom the question is directed. Questions taken on notice will be answered at a later meeting.
6. The Chairman may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, insulting, improper or relates to any matter which would normally be discussed in the closed portion of the meeting as defined in the *Local Government (Meeting Procedures) Regulations 2015*.
7. Public Question Time forum will be limited to a maximum of 15 minutes in duration and will be declared closed following the expiration of the allocated time period, or where all valid questions have been dealt with, whichever is the sooner.
8. Each question is to be asked by the proponent who will be allowed a maximum of three minutes in which to put the question.
9. The Chairman will **not allow** any discussion or debate on either the question or the response.
10. Where a person proposes more than one question at any one forum, and there are a number of persons wishing to lodge questions, the Chairman may take the questions in such order so as to hear as many members of the public as practical during the time allocated.

- 11. The minutes of the Council Meeting will contain a summary of each question asked by members of the public and the response given.
- 12. Public Statements (as opposed to questions) **will not** be accepted for the reason that statements could be considered a form of participation.

Pertaining to any Planning Authority agenda item within this agenda, Council will do so in accordance with Council's Policy 2017-49.

Both the Public Question Time Procedure above and Council's Policy 2017-49 'Public Comment on Planning Agenda Items' will be available for the public to view at the meeting.

10. PETITIONS / DEPUTATIONS / PRESENTATIONS

10.1 PETITIONS

Nil

10.2 DEPUTATIONS

Nil

10.3 PRESENTATIONS

Nil

11. NOTICE OF MOTIONS

PURPOSE

Under Regulation 16 of the Local Government (Meeting Procedures) Regulations 2015 relating to Motions on Notice. It states the following:

- (5) *A Councillor may give to the general manager, at least 7 days before a meeting, give written notice of a motion, together with supporting information and reasons, to be included on the agenda of that meeting.*

Nil

12. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME

The Chairperson is to advise the meeting if the Council (or a Council Committee) intends to act at a meeting as a Planning Authority under the *Land Use Planning and Approvals Act 1993*.

The General Manager is to ensure that the reasons for a decision by the Council (or a Council Committee) acting as a Planning Authority are recorded in the minutes.

Any alternative decision the Council may make to a recommendation appearing on the Agenda requires a full statement of reasons in order to maintain the integrity of the planning approval process and to comply with the requirements of the *Judicial Review Act 2000*.

Nil

13. MONTHLY MAYORAL AND ELECTED MEMBERS ACTIVITY

RECOMMENDATION 05/09.2024/C

Moved: Cr

Seconded: Cr

THAT the Council notes the Mayoral and Elected Members Activities.

PURPOSE

This report aims to provide an overview of the Mayor and Elected Member's monthly activities.

BACKGROUND

The Mayor and Elected members can provide an activity report each month summarising any civic events they attend.

DISCUSSION

The Mayor and Elected Members represent the council at public and civic events and are the political interface between other bodies, governments, and the Council. In accordance with the Local Government Act 1993, the Mayor is designated as the spokesperson for the Council as well as a representative for the Council on regional organisations and at intergovernmental forums at regional, state, and federal levels. Reports below are provided outside the general functions of a Councillor, whereby Councillors meet with ratepayers and attend workshops.

15 August 2024 to 11 September 2024**Mayor Loueen Triffitt**

20 August 2024	Ordinary Council Meeting, Bothwell
20 August 2024	Town Structure Plan Project Steering Group Meeting, Bothwell
21 August 2024	Telemeeting TFS
26 August 2024	ABC Interview
1 September 2024	Telemeeting with the Premier of Tasmania, Telemeeting with Guy Barnett MP, Telemeeting with Derwent Valley Council Mayor
2 September 2024	Flood Meeting at Ouse, Telemeeting with Jane Howlett MP
3 September 2024	Telemeeting with Felix Ellis MP and onsite meeting at Ouse
4/5 September 2024	LGAT Conference, Hobart
7 September 2024	Bothwell Football Club Trophy Presentation, Bothwell
10 September 2024	Council Workshop, Bothwell

- Business of Council x **10**
- Ratepayer and community members – communications **9**
- Elected Members - communications **9**
- Council Management communications **10**

Deputy Mayor J Allwright

20 August 2024	Ordinary Council Meeting, Bothwell
20 August 2024	Town Structure Plan Project Steering Group Meeting
10 September 2024	Council Workshop, Bothwell

Cr A Archer

20 August 2024	Ordinary Council Meeting, Bothwell
20 August 2024	Town Structure Plan Project Steering Group Meeting
10 September 2024	Council Workshop, Bothwell

Cr A Bailey

20 August 2024	Ordinary Council Meeting, Bothwell
20 August 2024	Town Structure Plan Project Steering Group Meeting
10 September 2024	Council Workshop, Bothwell

Cr R Cassidy

20 August 2024	Ordinary Council Meeting, Bothwell
20 August 2024	Town Structure Plan Project Steering Group Meeting
10 September 2024	Council Workshop, Bothwell

Cr J Hall

18 August 2024	Vietnam Veterans Day Commemorative Service (New Norfolk)
20 August 2024	Ordinary Council Meeting, Bothwell
20 August 2024	Town Structure Plan Project Steering Group Meeting
10 September 2024	Council Workshop, Bothwell

Cr J Honner

20 August 2024	Ordinary Council Meeting, Bothwell
20 August 2024	Town Structure Plan Project Steering Group Meeting
10 September 2024	Council Workshop, Bothwell

Cr D Meacheam

20 August 2024	Ordinary Council Meeting, Bothwell
20 August 2024	Town Structure Plan Project Steering Group Meeting
10 September 2024	Council Workshop, Bothwell

Cr Y Miller

20 August 2024	Ordinary Council Meeting, Bothwell
20 August 2024	Town Structure Plan Project Steering Group Meeting
10 September 2024	Council Workshop, Bothwell

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY WELL-BEING)

Build capacity to enhance community spirit and sense of wellbeing

- 1.1 Continue to upgrade existing public open spaces and sporting facilities and encourage community use
- 1.2 Advocate for improved health, education, transport and other government and non-government services within the Central Highlands
- 1.3 Continue to strengthen partnerships with all tiers of government
- 1.4 Support and encourage social and community events within the Central Highlands
- 1.5 Provide support to community organisations and groups
- 1.6 Foster and develop an inclusive and engaged community with a strong sense of ownership of its area
- 1.7 Foster and support youth activities in the Central Highlands

14.1 HEALTH AND WELLBEING PLAN 2020-2025 – MONTHLY PROGRESS REPORT

Due to Staff Leave a report has not been provided this month.

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE AND FACILITIES

Manage Council’s physical assets in an efficient and effective manner	
2.1	Develop and implement a 10 year Asset Management Plan for all classes of assets
2.2	Continue to lobby at regional and state levels to improve transport and infrastructure
2.3	Seek external funding to assist with upgrading of existing infrastructure and funding of new infrastructure and facilities
2.4	Ensure that the standard of existing assets and services are maintained in a cost effective manner

15.1 WORKS & SERVICES MONTHLY REPORT – AUGUST 2024

RECOMMENDATION 06/09.2024/C

Moved: Cr

Seconded: Cr

THAT the Works & Services monthly report for August 2024 be received.

REPORT BY

Jason Branch, Works & Services Manager

BACKGROUND

The following activities were performed during **August 2024** by Works & Services –

Grading & Sheeting	Rotherwood Road, Tor Hill Road, Meadsfield Road
Maintenance Grading	Weasel Plains Road
Potholing / shouldering	Laycock Drive, Dennistoun Road, Gully Road, Bridge Road, Old Mans Head, Tunbridge Teir
Spraying:	
Culverts / Drainage:	Jones River Road, Dawson Road, Dennistoun Road
Occupational Health and safety	<ul style="list-style-type: none"> • Monthly Toolbox Meetings • Day to day JSA and daily prestart check lists completed. • Monthly workplace inspections completed. • Playground inspections
Bridges:	Repair flood damage on Clarence River Bridge 14 Mile Road
Refuse / recycling sites:	Cover Hamilton Tip twice weekly
Other:	Remove land slip Strickland Road and Victoria Valley Road Remove 14 fallen trees on 14 Mile Road Remove fallen trees Ellendale Road Remove fallen tree Waddamana Road Remove fallen tree Belchers Road

	<p>Remove fallen trees Browns Marsh Road Remove fallen trees Victoria Valley Road Remove fallen tress Strickland Road Repair damaged road and culverts Bashan Road after flood Repair flood damage on Bridge Pine Teir Repair signs Hollow Tree Road and Ellendale Road Replace sign Reynolds Neck Road Repair Green Valley Road after flood damage Repair Waddamana Road after flood damage Clean storm water pits Bothwell township Repair leaking hose Bothwell caravan park Repair broken tap Ouse Park Repair broken storm water connection Ouse Clean town drains Wayatinah Repair wash out tip road</p>
Slashing:	<p>Rose Hill Road Hollow Tree Road</p>
Municipal Town Maintenance:	<ul style="list-style-type: none"> • Collection of town rubbish twice weekly • Maintenance of parks, cemetery, recreation ground and Caravan Park. • Cleaning of public toilets, gutters, drains and footpaths. • Collection of rubbish twice weekly • Cleaning of toilets and public facilities • General maintenance • Mowing of towns and parks • Town Drainage
Buildings:	
Plant:	<p>PM705 Mack truck new rear shocks PM821 Komatsu grader new door window PM794 JCB backhoe hose repair PM676 Kobelco excavator hose repairs PM817 Toyota Hilux service Repairs to small plant PM687 Western Star service PM848 Ford Ranger serviced</p>
Private Works:	<p>Kevin Towns gravel delivery Greg Ramsey gravel delivery Brett speed concrete mix and water delivery D and L Cawthorn water delivery R and P Hill gravel delivery S Clay water delivery G Ramsey black max pipe</p>
Casuals	<ul style="list-style-type: none"> • Toilets, rubbish and Hobart • Hamilton general duties
Program for next 4 weeks	<p>Continue repair flood damage on Municipal Roads Re-sheeting Municipal Roads Repair flood damage to road and bridge at Gowen Brea Repairs to defects Hollow Tree Road and Dennistoun Road Potholes Municipal Roads Upgrades to Softfall areas Queens Park and Hamilton Park Repair squashed storm water pipe Ellendale Road</p>

15.2 OSTERLEY CHURCH AND CEMETERY

RECOMMENDATION 07/09.2024/C

Moved: Cr

Seconded: Cr

THAT Council advise the Local Government Division that they accept the tracked changes made to the Cemetery Management guidelines St James the Lees Cemetery Osterley 79 Church Road, Osterley 7140.

REPORT BY

Stephen Mackey, Acting General Manager

ATTACHMENTS

[Tracked version of the Management Guidelines](#)

BACKGROUND

The following motion was put and carried at the Council Meeting on the 6th December 2022.

***THAT** if the Committee purchased The Osterley Church and Cemetery, Council would then maintain the Church and Cemetery with Council becoming the Cemetery Manager.*

This motion was passed 7/2

In September There was an Email from the Acting General Manager responding to an email from Justine McGuinness regarding funding received to date.

The response was that \$25, 805 GST inc. were sent out and \$23230 has been received to date. Hence \$2,575 is still outstanding.

Council is currently reviewing the draft contract which was only provided on Thursday 21 September 2023.

It would appear that an amended contract for sale was signed on the 6th November 2023

On the 1 July 2024 the following email was forwarded by the Acting General Manager Adam Wilson to Justin McGuinness "Council has been working with the Department of Premier and Cabinet regarding the Cemetery Management Process, once this is approved by DPAC the Council will purchase the property as per the contract signed with the vendor.

Currently the vendor is maintaining the property until the titles are transferred to Council

On the 22nd August 2024 an email was received from Dr Katrena Stephenson stating as follows:

The Local Government Division need a certified copy of Adam's Police Check

- There is a tracked updated version of the Management Guidelines which the Local Government Division are happy with but needs to a reviewed at Council's end particularly could you please confirm you are happy that any revenue is allocated to maintenance (this is the simplest approach) as opposed to being treated as general revenue.

Also required is a copy of the burial application form (if there isn't one for Osterley, can you send me the Bothwell one). If there is a reservation form for Bothwell, could you also send that,

These need to be done before the assessment can be completed and approval given.

Andrew has strongly suggested that Council develop a policy rather than just publishing the Management Guidelines. This would need to be approved by Council but does not affect the approval/sale process timelines.

Katrena has offered to develop a policy that could combine Bothwell and Osterley into one policy document. It makes it easier for council to make changes later. There is no real time imperative for this.

I have reviewed the changes proposed for the Cemetery Management guidelines St James the Lees Cemetery Osterley, 79 Church Road, Osterley 7140 and suggest that in the most part they are emending typo error or formatting.

In response to Dr Katrena's email, I advised that as worded in the Management Guidelines Council will apply to revenue received will be allocated to maintenance.

I also forwarded a certified copy of Adam Wilsons Police Check.

15.3 ENVIRONMENTAL PROTECTION AUTHORITY – 23/24 AUDIT OF ANNUAL PRODUCTION (LEVEL 1 AND LEVEL 2 EXTRACTIVE AND PROCESSING ACTIVITIES)

RECOMMENDATION 08/09.2024/C

Moved: Cr

Seconded: Cr

THAT Council discuss and note the report.

REPORT BY

Stephen Mackey, Acting General Manager

BACKGROUND

In developing the inaugural Regulatory Strategy for 2024-2026 (Regulatory Strategy EPA Tasmania), the EPA identified this as one of four requiring a focus over the next few years. We determined that in the first instance a better understanding of the magnitude of the issue is fundamental on a consistent, informed, and contemporary approach to preventing and responding to unauthorised production and processing increases at quarries which extract and/or process.

Accordingly, the EPA has undertaken a desktop audit of 26 level 1 and 16 level 2 extractive and processing activities (EMPCAS A Schedule 2 type: 5A, 5B, 6A2) randomly selected and representing a nominal 10 percent of both level 1 and level 2 activities state-wide. The audit assessed permitted annual production quantities against quarterly production returns for the period 2020-2023 provided to the EPA by Mineral Resources Tasmania.

The audit found just over 80 percent (21) of audited level 1 quarries were compliant, and almost 20 percent (5) were non-compliant with their production and processing limits. Of the level 2 activities, nearly 88 percent (14) were compliant while 12 percent (2) were non-compliant. These results show the overall level of compliance for the audited activities is encouraging but that there remains room for improvement among the remainder.

Every operator of a quarry included in the audit will receive a letter advising the outcome the findings for each activity covered by the audit will be reviewed to guide potential mitigation measures by the operator. The EPA will determine an appropriate regulatory response to operators of non-compliant activities. This can range from facilitating greater awareness of regulatory limits, to formal warnings, to fines, to investigation, with a view to court prosecutions, depending on the circumstances.

Should non-compliance be found regarding a level 1 activity within your municipality you will be notified in the event there may be planning matters for council to consider.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – FINANCIAL SUSTAINABILITY)

Manage Council's finances and assets to ensure long term viability and sustainability of Council

- 3.1 Manage finances and assets in a transparent way to allow the maximisation of resources to provide efficient and consistent delivery of services
- 3.2 Review annually, Councils Long Term Financial Management Plan and Council's Long Term Asset Management Plan
- 3.3 Where efficiency gains can be identified, resource share services with other local government councils
- 3.4 Endeavour to, and continue to lobby for, an increase in the level of grant income
- 3.5 Encourage development to expand Council's rate base
- 3.6 Identify revenue streams that could complement/substitute for existing resources
- 3.7 Develop and maintain sound risk management processes

16.1 MONTHLY FINANCE REPORT TO 31 AUGUST 2024

RECOMMENDATION 09/09.2024/C

Moved: Cr

Seconded: Cr

THAT the Monthly Finance Report to 31 August 2024 be received.

REPORT BY

Zeeshan Tauqeer, Accountant

BACKGROUND

The following Finance reports are tabled for period ending **31 August 2024**

	BUDGET	ACTUAL TO	ACTUAL TO	% OF BUDGET	BALANCE OF
	2024/2025	31-Aug-23	31-Aug-24	SPENT	BUDGET
CORPORATE AND FINANCIAL SERVICES					
ADMIN HAMILTON	\$1,870,264	\$306,855	\$306,855	16.41%	\$1,563,409
ELECTED MEMBERS EXPENDITURE(AMEH)	\$256,040	\$34,499	\$34,499	13.47%	\$221,541
MEDICAL CENTRES(MED)	\$127,141	\$6,709	\$6,709	5.28%	\$120,432
STREET LIGHTING(STLIGHT)	\$34,357	\$6,416	\$6,416	18.67%	\$27,941
ONCOSTS	(\$498,049)	\$197,255	\$197,255	-39.61%	(\$695,304)
COMMUNITY & ECONOMIC DEVELOPMENT & RELATIONS(CDR+EDEV)	\$440,791	\$52,656	\$52,656	11.95%	\$388,135
TOTAL CORPORATE & FINANCIAL SERVICES	\$2,230,544	\$604,390	\$604,389	27.10%	\$1,626,155
DEVELOPMENT AND ENVIRONMENTAL SERVICES					
ADMIN BOTHWELL	\$321,446	\$60,895	\$60,895	18.94%	\$260,551
ENVIRON HEALTH SERVICES (EHS)	\$33,455	\$4,444	\$4,444	13.28%	\$29,011
ANIMAL CONTROL(AC)	\$11,375	\$1,093	\$1,093	9.61%	\$10,282
PLUMBING/BUILDING CONTROL (BPC)	\$182,083	\$18,802	\$18,802	10.33%	\$163,281
SWIMMING POOLS (POOL)	\$30,241	\$2,688	\$2,688	8.89%	\$27,553
DEVELOPMENT CONTROL (DEV)	\$351,850	\$42,282	\$42,282	12.02%	\$309,568
WASTE SERVICES	\$928,956	\$104,815	\$104,815	11.28%	\$824,141
ENVIRONMENT PROTECTION (EP)	\$41,357	\$0	\$0	0.00%	\$41,357
TOTAL DEVELOPMENT & ENVIRONMENTAL SERVICES	\$1,900,763	\$235,019	\$235,020	12.36%	\$1,665,743
WORKS AND SERVICES					
PUBLIC CONVENIENCES (PC)	\$287,145	\$21,951	\$21,951	7.64%	\$265,194
CEMETERY (CEM)	\$16,732	\$0	\$0	0.00%	\$16,732
HALLS (HALL)	\$69,722	\$36,218	\$36,218	51.95%	\$33,504
PARKS AND GARDENS(PG)	\$97,057	\$12,723	\$12,723	13.11%	\$84,334
REC. & RESERVES(Rec+Tennis)	\$119,900	\$12,937	\$12,937	10.79%	\$106,963
TOWN MOWING/TREES/STREETSCAPES(MOW)	\$193,285	\$1,258	\$1,258	0.65%	\$192,027
HOUSING (HOU)	\$116,424	\$53,506	\$53,506	45.96%	\$62,918
CAMPING GROUNDS (CPARK)	\$18,884	\$695	\$695	3.68%	\$18,189
LIBRARY (LIB)	\$2,346	\$1,687	\$1,687	71.90%	\$659
ROAD MAINTENANCE (ROAD)	\$1,056,382	\$34,420	\$34,420	3.26%	\$1,021,962
FOOTPATHS/KERBS/GUTTERS (FKG)	\$13,813	\$111	\$111	0.80%	\$13,702
BRIDGE MAINTENANCE (BRI)	\$23,026	\$0	\$0	0.00%	\$23,026
PRIVATE WORKS (PW)	\$50,743	\$0	\$0	0.00%	\$50,743
SUPER. & I/D OVERHEADS (SUPER)	\$812,468	\$297,836	\$297,836	36.66%	\$514,632
QUARRY/GRAVEL (QUARRY)	(\$181,998)	\$75,955	\$75,955	-41.73%	(\$257,953)
NATURAL RESOURCE MANAGEMENT(NRM)	\$128,847	\$25,000	\$25,000	19.40%	\$103,847
SES (SES)	\$2,000	\$0	\$0	0.00%	\$2,000
PLANT MTCE & OPERATING COSTS (PLANT)	(\$116,000)	\$146,820	\$146,820	-126.57%	(\$262,820)
DRAINAGE (DRAIN)	\$42,124	\$658	\$658	1.56%	\$41,466
OTHER COMMUNITY AMENITIES (OCA)	\$40,559	\$8,105	\$8,105	19.98%	\$32,454
WASTE COLLECTION & ASSOC SERVICES (WAS)	\$0	\$184	\$184	#DIV/0!	(\$184)
TOTAL WORKS & SERVICES	\$2,793,459	\$730,064	\$730,063	26.13%	\$2,063,396
DEPARTMENT TOTALS OPERATING EXPENSES					
Corporate Services	\$2,230,544	\$604,390	\$604,389	27.10%	\$1,626,155
Dev. & Environmental Services	\$1,900,763	\$235,019	\$235,020	12.36%	\$1,665,743
Works & Services	\$2,793,459	\$730,064	\$730,063	26.13%	\$2,063,396
Total All Operating	\$6,924,766	\$1,569,473	\$1,569,472	22.66%	\$5,355,294

Rates Reconciliation as at 31 AUG 2024

	<u>2023</u>	<u>2024</u>
Rates in Debit 31st August	\$135,606.82	\$196,877.36
Rates in Credit 31st August	-\$171,244.88	-\$145,341.00
Balance 31st of August	-\$35,638.06	\$51,536.36
Rates Raised	\$4,469,589.38	\$4,716,976.66
Penalties Raised	\$0.00	\$0.00
Supplementaries/Debit Adjustments	\$5,045.81	\$8,235.53
Total Raised	\$4,474,635.19	\$4,725,212.19
Less:		
Receipts to Date	\$1,862,844.67	\$1,907,910.91
Pensioner Rate Remissions	\$116,719.22	\$126,625.53
Remissions/Supplementary Credits	\$116,719.22	\$7,541.86
Balance	\$2,342,714.02	\$2,734,670.25

Bank Reconciliation as at 31 AUG 2024

	2023	2024
Balance Brought Forward	\$9,512,558.74	\$6,715,058.11
Receipts for month	\$1,433,086.47	\$1,472,652.18
Expenditure for month	\$887,630.27	\$1,086,529.10
	<hr/>	<hr/>
Balance	\$10,058,014.94	\$7,101,181.19
	<hr/> <hr/>	<hr/> <hr/>
Represented By:		
Balance Commonwealth Bank	\$2,953,394.98	\$1,943,702.31
Balance Westpac Bank	\$748,359.03	\$378,341.14
Investments	\$6,355,710.93	\$4,778,587.74
Petty Cash & Floats	\$550.00	\$550.00
	<hr/>	<hr/>
	\$10,058,014.94	\$7,101,181.19
Plus Unbanked Money	\$0.00	
	<hr/>	<hr/>
	\$10,058,014.94	\$7,101,181.19
Less Unpresented Cheques	\$0.00	\$0.00
Unreceipted amounts on bank statements	\$0.00	
	<hr/>	<hr/>
	\$10,058,014.94	\$7,101,181.19
	<hr/> <hr/>	<hr/> <hr/>

BANK ACCOUNT BALANCES AS AT 31 AUG 2024

No.	Bank Accounts	Investment Period	Current Interest Rate %	Due Date	BALANCE	
					2023	2024
11100 Cash at Bank and on Hand						
11105	Bank 01 - Commonwealth - General Trading Account				2,953,394.98	1,943,702.31
11106	Bank 02 - Westpac - Direct Deposit Account				748,359.03	378,341.14
11110	Petty Cash				350.00	350.00
11115	Floats				200.00	200.00
11199	TOTAL CASH AT BANK AND ON HAND				3,702,304.01	2,322,593.45
11200 Investments						
11207	Bank 6	30 days	4.13	4/09/2023	1,065,538.58	0.00
11207	Bank 5	90 days	4.85	26/09/2023	3,031,386.00	0.00
11115	Bank 04	60 days	4.54%	28/10/2024	2,650,021.06	2,181,413.26
11110	Tascorp	92days	4.80%	27/09/2024	80,346.47	84,217.27
11115	Bank 16	32days	4.34%	16/09/2024	2,178,439.88	2,512,957.21
11299	TOTAL INVESTMENTS				4,908,807.41	4,778,587.74
TOTAL BANK ACCOUNTS AND CASH ON HAND					9,316,681.43	7,101,181.19

Comprehensive Income Statement

31/08/2024

Recurrent Income	Budget 2023-2024	Actual to date prior year	Actual to Date	Budget 2024-2025	Variation from YTD Budget %	Comments
Rates Charges	\$4,469,863	\$1,047,809	\$802,739	\$4,682,233	(83)%	
User Fees	\$355,450	\$48,696	\$48,696	\$494,250	(7)%	
Grants - Operating	\$124,860	\$535	\$535	\$30,000	(15)%	
Other Revenue	\$453,200	\$824,864	\$824,864	\$704,366	100%	
Grants received in Advance	\$3,291,586		\$2,918,101	\$3,206,515		FAGs received Jun 2023 for 2023/24
Total Revenues	\$8,694,959	\$1,921,904	\$4,594,935	\$9,117,364	34%	
Expenditure						
Employee Benefits	\$2,553,663	\$542,528	\$542,528	\$2,584,261	4%	
Materials and Services	\$2,012,016	\$226,022	\$226,022	\$2,447,768	(7)%	
Other Expenses	\$1,715,852	\$718,627	\$718,627	\$1,892,738	21%	
Depreciation and Amortisation	\$2,260,000	\$0	\$0	\$2,327,800	(17)%	
Total Expenditure	\$8,541,531	1,487,177	1,487,176	9,252,567	(1)%	
Operating Surplus(Deficit)	(139,593)	434,727	3,107,759	(135,204)		
Capital Grants & Other	\$2,407,078	\$2,031	\$2,031	\$2,424,996		
Surplus(Deficit)	2,241,741	436,758	3,109,790	2,289,792		
Capital Expenditure	\$8,107,503	\$658,959	\$2,868,410	\$5,022,085		

16.2 REQUEST FOR RATES REMISSION – APSLEY CEMETERY

RECOMMENDATION 10/09.2024/C

Moved: Cr

Seconded: Cr

THAT Council remit the general rates of \$583.36 for the cemetery 316 Lower Marshes Road, Apsley (PID 5011016).

REPORT BY

Stephen Mackey, Acting General Manager

BACKGROUND

Council has received a letter from Susan Webb requesting a remission of the general rate for the Apsley cemetery.

Last year the Central Highlands Council were kind enough to provide a remission of the rates non the Cemetery located at 316 Lower Marshes Road, Apsley. The situation in relation to the cemetery has not changed we independently maintain both the church building and the cemetery site.

Members of the public always have access to the site, and through the retention of the operational cemetery, local members of the community can be buried near family members.

We would like to seek Council's consideration of rate relief for the cemetery.

16.3 REQUEST FOR RATES REMISSION – WELLINGTON SKI AND OUTDOOR CLUB

RECOMMENDATION 11/09.2024/C

Moved: Cr

Seconded: Cr

THAT Council remit the general rate of \$501.18 for the Wellington Ski and Outdoor Club (PID 5475494).

REPORT BY

Sharee Nichols, Finance Officer

BACKGROUND

An email request has been received for consideration by Council of a remission for the property which contains 2 huts, Joe Slatter Hut and Gingerbread Hut, and are on leased land (Property ID 5475494).

The Wellington Ski and Outdoor Club Inc. is a family based, not for profit club, the club asks Council to revoke the rates notices for the following reasons:

1. The two huts are used by the general public as shelter huts during all seasons;
2. There are no roads or other services provided by the Council to the area;

- 3. The Club is a family-based club and not a commercially run organisation; and
- 4. Their members volunteer their time and funds to assist with the maintenance of these facilities used by the general public.

The two huts are in effect a community asset and provide basic and emergency shelter for visitors to Mt Rufus.

16.4 DEVELOPMENT & ENVIRONMENTAL SERVICES

RECOMMENDATION 12/09.2024/C

Moved: Cr **Seconded:** Cr

THAT the Development & Environmental Services Report be received.

REPORTS BY

Graham Rogers, Manager DES

PLANNING PERMITS ISSUED UNDER DELEGATION

The following planning permits have been issued under delegation during the past month.

NO PERMIT REQUIRED

DA NO.	APPLICANT	LOCATION	PROPOSAL
2024/48	S Shanmugam	177 Ellendale Road, Westerway	Dam Construction Work

DISCRETIONARY

DA NO.	APPLICANT	LOCATION	PROPOSAL
2024/49	Catalyst Design & Drafting (Peter Brown)	2591 Interlaken Road, Interlaken	Additions and Visitor Accommodation (3 Cabins)

ANIMAL CONTROL

Total Number of Dogs Registered in 2023/2024 Financial Year – 998

Total Number of Kennel Licences Issued for 2023/2024 Financial Year – 29

2024/2025 Dog Registration Renewal have been issued and are due by 31 July 2024.

Statistics as of 10 September 2024	
Number of Dogs Impounded during last month	0
Number of Dogs Currently Registered	873
Number of Dogs Pending Re-Registration	74
Number of Kennel Licence Renewals	32

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – NATURAL ENVIRONMENT)

Encourage responsible management of the natural resources and assets in the Central Highlands.

- 4.1 Continue to fund and support the Derwent Catchment Project
- 4.2 Continue with existing waste minimisation and recycling opportunities
- 4.3 Promote the reduce, reuse, recycle, recover message
- 4.4 Continue the program of weed reduction in the Central Highlands
- 4.5 Ensure the Central Highlands Emergency Management Plan is reviewed regularly to enable preparedness for natural events and emergencies
- 4.6 Strive to provide a clean and healthy environment
- 4.7 Support and assist practical programs that address existing environmental problems and improve the environment

17.1 DERWENT CATCHMENT PROJECT

RECOMMENDATION 13/09.2024/C

Moved: Cr

Seconded:Cr

THAT the Derwent Catchment Project Annual Report for 2023/2024 be received.

REPORT BY

Josie Kelman – CEO Derwent Catchment Project

ATTACHMENTS

[Derwent Catchment Annual Report 2023/2024](#)

BACKGROUND

The 2023/2024 Annual Report for the Derwent Catchment Project has been provided for Council and the public to view.

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ECONOMIC DEVELOPMENT)

Encourage economic viability within the municipality

- 5.1 Encourage expansion in the business sector and opening of new market opportunities
- 5.2 Support the implementation of the Southern Highlands Irrigation Scheme
- 5.3 Continue with the Highlands Tasmania and Bushfest branding
- 5.4 Encourage the establishment of alternative industries to support job creation and increase permanent residents
- 5.5 Promote our area's tourism opportunities, destinations and events
- 5.6 Support existing businesses to continue to grow and prosper
- 5.7 Develop partnerships with State Government, industry and regional bodies to promote economic and employment opportunities
- 5.8 Work with the community to further develop tourism in the area

Nil

19. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GOVERNANCE AND LEADERSHIP)

Provide governance and leadership in an open, transparent, accountable and responsible manner in the best interests of our community

- 6.1 Ensure Council fulfils its legislative and governance responsibilities and its decision making is supported by sustainable policies and procedures
- 6.2 Ensure that Council members have the resources and skills development opportunities to effectively fulfil their responsibilities
- 6.3 Ensure appropriate management of risk associated with Council's operations and activities
- 6.4 Provide a supportive culture that promotes the well-being of staff and encourages staff development and continuous learning
- 6.5 Provide advocacy on behalf of the community and actively engage government and other organisations in the pursuit of community priorities
- 6.6 Consider Council's strategic direction in relation to resource sharing with neighbouring councils and opportunities for mutual benefit
- 6.7 Support and encourage community participation and engagement
- 6.8 Ensure that customers receive quality responses that are prompt, accurate and fair
- 6.9 Council decision making will be always made in open council except where legislative or legal requirements determine otherwise.

19.1 RELATED PARTY DECLARATIONS – QUARTERLY UPDATE

REPORT BY

Katrina Brazendale, Executive Assistant

BACKGROUND

As part of Council's legislative requirements under the AASB 124 Related Party Disclosures, local governments must disclose related party relationships, transactions and outstanding balances, including commitments, in the annual financial statements.

All Councillors and Senior Managers must declare any close family member or any entities that they control or jointly control, which have any transactions between them and Council; whether it is monetary or not, needs to be identified and disclosed.

These declarations are completed an annual basis but from time to time, circumstances may change throughout any one year and therefore, a new updated declaration must be completed.

FOR ACTIONING (if required)

19.2 INSTRUMENT OF DELEGATIONS – COUNCIL TO GENERAL MANAGER

RECOMMENDATION 14/09.2024/C

Moved: Cr

Seconded:Cr

That Council:

1. Pursuant to the powers of section 22 of the *Local Government Act 1993*, delegates the exercise and performance of all the functions and powers as listed in the attached table (except those specifically relating to the *Land Use Planning and Approvals Act 1993* and *Land Use Planning and Approvals Regulations 2014*) to the General Manager, or a person acting/appointed in that capacity, on the following conditions:
 - i) each delegation is subject to the conditions or restrictions (if any) referred to in the table to this delegation;
 - ii) each delegation is subject to such policies, policy guidelines and directions as the Council may determine from time to time; and
 - iii) each delegation is subject to the provision of any Act.
2. The General Manager is authorised pursuant to Section 64 of the *Local Government Act 1993* to further delegate such powers and functions to employees of the Council as considered appropriate.

RECOMMENDATION 15/09.2024/C

Moved: Cr

Seconded:Cr

THAT the Council acting in its role as the Planning Authority:

1. Pursuant to section 6 of the *Land Use Planning and Approvals Act 1993*, delegates the exercise and performance of the functions and powers in the attached table specifically relating to the *Land Use Planning and Approvals Act 1993* and *Land Use Planning and Approvals Regulations 2014* to the General Manager, or a person acting/appointed in that capacity, on the following conditions:
 - i) each delegation is subject to the conditions or restrictions (if any) referred to in the table to this delegation.
 - ii) each delegation is subject to such policies, policy guidelines and directions as the Council may determine from time to time approve.
2. The General Manager is authorised pursuant to Section 64 of the *Local Government Act 1993* to further delegate such powers and functions to employees of the Council as considered appropriate.

RECOMMENDATION 16/09.2024/C**Moved:** Cr**Seconded:**Cr

THAT the Council authorises the Mayor to sign the 'Instrument of Delegations' and affix the Common Seal of the Council thereto.

REPORT BY

Paul West, Independent Advisor

ATTACHMENTS**Instrument of Delegations - General Manager****BACKGROUND**

The purpose of this report is to assist the Council in considering a new Instrument of Delegations (Attachment) from the Council to the General Manager (or a person acting in the role).

Councils have certain duties which they must perform, and certain powers which they may exercise, under the *Local Government Act 1993* (the Act) and other numerous pieces of legislation.

Delegations enhance the decision-making processes and allow for those routine matters to be dealt with efficiently and effectively.

It is good practice for the Council to regularly review its Instrument of Delegations. It appears that the Council last reviewed its delegations in January 2017.

The Instrument of Delegations provided considers legislative changes which have occurred since 2017.

Section 22 of the *Local Government Act 1993* provides:

22. Delegation by council

- (1) *Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than—*
 - (a) *this power of delegation, unless authorized by the council; and*
 - (b) *the powers referred to in subsection (3).*
- (2) *A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:*
 - (a) *the collection of rates and charges under Part 9;*
 - (ab) *the postponement of rates and charges;*
 - (b) *the remission or rebate of rates and charges;*
 - (ba) *the writing off of any debts owed to the council;*
 - (c) *the making of grants or the provision of benefits.*
- (3) *A council must not delegate any of its powers relating to the following:*
 - (a) *the borrowing of money or other financial accommodation;*
 - (b) *the determination of the categories of expenses payable to councillors and any member of any committee;*
 - (c) *the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;*
 - (d) *the revision of the budget or financial estimates of the council;*

- (e) *the revision of the strategic plan and the annual plan of the council;*
 - (f) *the appointment of the general manager;*
 - (fa) *the sale, donation, exchange or other disposal of land or public land;*
 - (fb) *the decision to exercise any power under section 21(1);*
 - (g) *the making of by-laws;*
 - (h) *the making of rates and charges under Part 9;*
 - (i) *any other prescribed power.*
- (4) *The general manager is to –*
- (a) *keep a register of any delegation; and*
 - (b) *make the register available for inspection at a public office.*

The updated delegations are based on the format and information developed by Simmons Wolfhagen lawyers for the Local Government Association of Tasmania (LGAT). LGAT regularly provides updated information to councils on changes required to the delegations as a result of legislative changes/amendments.

Section 64 of the Act provides that the General Manager can further delegate such powers and functions to an employee of the Council.

64. Delegation by general manager

- (1) *The general manager, in writing, may delegate to an employee of the council –*
- (a) *any functions or powers under this or any other Act, other than this power of delegation; and*
 - (b) *any functions or powers delegated by the council which the council authorised the general manager to delegate.*
- (2) *The general manager is to –*
- (a) *keep a register of any delegation; and*
 - (b) *make the register available for inspection at a public office of the council.*

A review of the sub-delegations to employees will be progressed following the adoption by Council of the Instrument of Delegations.

DISCUSSION

Providing comprehensive delegations to the General Manager enables the Council to deliver its functions and powers as summarised below:

- Delegations ensure more efficient management of Council business, reducing administrative procedures and timeframes and enabling more timely and direct engagement.
- Delegations enable more efficient and adaptive operation of the Council and allows for greater consistency in day-to-day decision making.
- Matters subject to delegation are generally technical in nature, rather than political or strategic.
- Delegations do not take away the powers of the Council – they permit the General Manager, and by extension staff, to manage the day-to-day operations of the Council, enabling the Council itself to focus on strategic and policy development and higher-level decision making.

Good governance in the local government sector relies on a strong relationship between the Council and the General Manager. Having delegations in place promotes trust and improves efficiency and reliability.

This process allowed under the *Local Government Act 1993* requires Council to delegate directly to the General Manager, who then has the authority (unless specified otherwise) to sub-delegate where appropriate.

CONCLUSION

It is important for the efficient delivery of services to the community that the Council provides the General Manager with appropriate delegations, allowing for timely and efficient decision-making.

In advice from Simmons Wolfhagen Lawyers (provided through the LGAT), it states:

'... in relation to the distinction between a delegation by the Council acting as the planning authority and a Council exercising its general power of delegation under the Local Government Act 1993. It was noted that it is appropriate that any function or power given to the Council acting as the planning authority should be delegated separately to the Council's functions and powers as a consequence of Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015.

We agree that it is appropriate to adopt that approach. We have included a comment in the Delegations Register confirming that a delegation by a Council acting as the planning authority pursuant to s.6 of LUPAA should be a separate resolution to the delegation process by the Council under section 22 of the Local Government Act 1993 and recorded in the minutes accordingly.

As a result of the above advice, three separate motions are recommended in relation to this report:

1. Council approves the Instrument of Delegations under section 22 of the *Local Government Act 1993*.
2. The Planning Authority under section 6 of the *Land Use Planning and Approvals Act 1993* issue updated land use planning delegations.
3. Council authorises the Mayor to sign and seal the 'Instrument of Delegations' as approved.

It is recommended that all delegations made in accordance with section 22 of *the Local Government Act 1993* and as listed in the Schedule of Delegations - Council to the General Manager – September 2024 (a copy being appended to and forming part of the minutes) be approved.

19.3 RESPECTFUL RELATIONSHIPS POLICY

RECOMMENDATION 17/09.2024/C

Moved: Cr

Seconded: Cr

THAT Council:

- (a) adopts the Respectful Relationships Policy with immediate effect and commits to ensuring the intent of the Policy is upheld by all parties within Council.
- (b) provide a copy of the Respectful Relationships Policy to the Acting Director of Local Government for information and to demonstrate the Council is committed to addressing the concerns outlined in his letter dated 18 June 2024.

REPORT BY

Paul West, Independent Advisor

ATTACHMENTS**Respectful Relationships Policy**

On 18 June 2024, the Acting Director of Local Government, wrote to the Council recommending several actions be taken to address identified acute areas of concern.

One of the actions suggested in the Acting Director's letter was there would be benefit in Council implementing a Respectful Relationship Policy.

A draft Respectful Relationships Policy was provided to the Council Workshop on 10 September 2024.

DISCUSSION

The Respectful Relationships Policy has been prepared to establish clear guidelines and expectations among councillors, between councillors and the General Manager and between the Mayor and General Manager. It also addresses the requesting of information by councillors from staff and the boundaries which are to apply.

The Policy:

- establish a framework by which councillors can effectively access the information they need to perform their role,
- promote positive and respectful interactions between councillors and staff, and
- advises where concerns can be directed if there is a breakdown in the relationship between councillors and staff.

It is important that Council has effective working relationships in place that recognise the importance of differing contributions both councillors and staff bring to their respective roles.

The primary aim of the Respectful Relationships Policy is to ensure there is a positive working relationship between the councillors, and between councillors and staff at all times. The Policy provides direction on interactions between councillors, and between councillors and staff, allowing everyone to undertake their respective roles professionally, ethically, and respectfully.

Under this new Policy the Council is committed to ensuring there is a supportive culture at Central Highlands that is inclusive of everyone, free from bullying, discrimination, and harassment.

CONCLUSION

A well-functioning Council will only be achieved when there is a good working relationship between the councillors, and between councillors and staff. Having goodwill, a clear understanding of respective roles, clear communication protocols, and a good understanding of legislative requirements is imperative.

The Respectful Relationships Policy is recommended to Council for adoption.

19.4 STATEMENT OF EXPECTATIONS

RECOMMENDATION 18/09.2024/C

Moved: Cr

Seconded: Cr

That Council:

- (a) approve the Statement of Expectations and commits to ensuring the intent of the document is upheld by all parties within Council.
- (b) refer the Statement of Expectations to the Acting Director of Local Government for review and to demonstrate the Council is committed to addressing the concerns outlined in his letter dated 18 June 2024.
- (c) agree that each Councillor be requested to sign the Statement of Expectations document as a demonstration of their individual commitment to its intent.

REPORT BY

Paul West, Independent Advisor

ATTACHMENTS

Statement of Expectations

On 18 June 2024, the Acting Director of Local Government, wrote to the Council recommending several actions be taken to address identified acute areas of concern.

One of the actions proposed was that a Statement of Expectations be developed to govern the relationship between:

1. Councillors and the General Manager
2. the Mayor and the General Manager
3. the Mayor, Deputy Mayor, and Councillors

The proposed Statement of Expectations supports the Respectful Relationships Policy also proposed for adoption by the Council.

A draft Statement of Expectations was provided to the Council Workshop on 10 September 2024.

DISCUSSION

The draft Statement of Expectations (attached) outlines expected behaviours under five (5) headings:

1. Mayor and General Manager
 - Meetings between Mayor and General Manager
 - Provision of information between the Mayor and General Manager
 - Absences by the General Manager
 - Appointment of Acting General Manager
 - Agenda and draft minutes
 - Conduct of Council and Council Committee Meetings
 - Media Releases and responses to media requests
 - Support for ceremonial and representational roles of the Mayor
 - Disagreement procedure

2. Mayor and Councillors
 - Commitment to sharing information
 - Commitment to good conduct at Council meetings
 - Commitment to leading meetings with skill and impartiality
3. Between Councillors
 - Commitment to treat officer's advice with respect
 - Commitment to engage in Council meetings
 - Commitment to adhering to Council's Customer Service Charter
 - Commitment not to influence Council employees
4. General Manager and Councillors
 - Commitment to support good decision making by Councillors
5. Good governance across Council
 - Maintain high ethical standards
 - Understanding individual roles and the role of others
 - Building good relationships
 - Effective strategic planning and monitoring of performance
 - Robust risk management
 - Fair and transparent decision-making
 - Legislative compliance
 - Continuous improvement
 - Good governance and land use planning
 - Governance practices unique to the Mayor

At the Workshop there were some minor changes made to the document in relation to the clauses under heading 1 - Mayor and General Manager:

- Appointment of Acting General Manager – now provides that any appointment made under s.61(B)(2) is limited to a period no longer than the next available Council meeting at which time the full Council can consider the appointment of an Acting General Manager.
- Disagreement procedure – altered the third dot point to remove a reference for referral to the Office of Local Government for advice to now reflect if agreement cannot be reached, it is then open to the parties to seek remedies under the dispute resolution clauses included in the employment contract, noting this this recourse is a last resort.

CONCLUSION

The purpose of the Statement of Expectations is to formalise the commitment by the Mayor, General Manager, and councillors to a shared mutual responsibility for ensuring appropriate working relationships and good governance operate within the Central Highlands Council.

In addition, the Mayor, General Manager and Councillors accept that good governance relies on ethical and accountable behaviours in addition to statutory compliance.

It is recommended that each Councillor sign the Statement of Expectations document as a demonstration of their individual commitment to its intent.

19.5 REPORT BY INDEPENDENT ADVISOR

RECOMMENDATION 19/09.2024/C

Moved: Cr

Seconded: Cr

THAT Council receive and note the Independent Advisor's report.

REPORT BY

Paul West, Independent Advisor

BACKGROUND

The Council at a Special Meeting on 30 July 2024 unanimously determined to appoint Paul West of River Road Consulting Pty Ltd as Independent Advisor in accordance with agreed Terms of Reference.

As part of the role the Independent Advisor is to provide a monthly progress report to the Council (included on the meeting agenda).

REPORT

To: Central Highlands Council

From: Independent Advisor – Paul West

Date: 11 September 2024

Introduction

The Acting Director Local Government recommended to Council that an Independent Advisor be engaged to assist the Council in addressing operational matters within the Central Highlands Council.

The Terms of Reference agreed by Council included the requirement the Independent Advisor provide a monthly progress report to the Council for inclusion on the meeting agenda.

The agreed term commenced on 1 August 2024 until 31 October 2024. This is the second report provided to the Council by the Independent Advisor.

Summary

This report updates the Council on activities undertaken in accordance with the approved Terms of Reference.

This report is structured in line with the Terms of Reference.

Respectful Relationships Policy

The Respectful Relationships Policy is to establish clear guidelines and expectations for interactions among councillors, between councillors and the General Manager, and between the Mayor and the General Manager.

- A draft of a Respectful Relationships Policy presented to a Council Workshop on 10 September 2024.
- The draft policy was prepared using information which included the 'Model Councillor and Staff Interaction Policy' developed by the NSW Office of Local Government and the NRE Tasmania 'Workplace Behaviours Policy'.

- The Respectful Relationships Policy establishes clear guidelines and expectations among councillors, between councillors and the General Manager and between the Mayor and General Manager. It also details matters relating to requests for information by councillors from staff and the boundaries which apply.
- Prepared the Council meeting report to accompany the Respectful Relationships Policy.

Improving Communication

There is a requirement to address communication concerns and implementing improved communication processes within the Council. Proposed that a mediator be engaged to address the breakdown in communication within the Council.

- Prior to engaging a mediator it was determined in consultation with the Acting General Manager that with Council considering the Respectful Relationships Policy and Statement of Expectations that the concerns relating to the breakdown of communication might be addressed through these processes.
- Council at its Workshop on 10 September were provided with a list of the issues raised with the Independent Advisor relating to the 'breakdown in communication' and accepted that with the current work being progressed these concerns can potentially be resolved.
- The engagement of an external mediator has been deferred pending further discussion.

Statement of Expectations

Council to prepare and adopt a 'Statement of Expectations' which is to be reviewed and agreed to by the Acting Director Local Government.

- A draft of a Statement of Expectations presented to Councillors at a Workshop on 10 September 2024.
- The draft Statement of Expectations was prepared using similar documents previously in place at Glamorgan Spring Bay Council and Glenorchy City Council. with some modifications to make it relevant for the Central Highlands. The overall substance and intent are the same as the aforementioned documents as the issues are of a similar nature.
- Prepared the Council meeting report to accompany the Statement of Expectations.

Workplace Culture, Health, and Safety

An independent review of workplace culture, health and safety is to be arranged with the aim of ensuring the Council is meeting its obligations under the *Work Health and Safety Act 2012* and associated Regulations with respect to the management of psychosocial risks.

- There has been recent media coverage relating to the management of psychosocial risks in local government more generally. This aspect will be considered as part of the review.
- Commenced the process to review of the workplace culture, health, and safety.
- A review of existing workplace, health and safety policies to be undertaken with the intention to prepare updated policies which are contemporary for local government and specifically address the management of psychosocial risks.

Governance

Assistance to be provided to ensure good governance practices and procedures are in place at Central Highlands including reviewing the agenda preparation and reporting requirements, reviewing meeting procedures and processes, and supporting effective and transparent decision making.

- Assisted in ensuring the Performance Improvement Direction was included on the Council meeting agenda and subsequently uploaded to the Council's website in accordance with the Minister for Local Government's direction.
- Assisted the Mayor and Deputy Mayor in finalising the appointment of Stephen Mackey as the Acting General Manager.
- Identified that the Instrument of Delegations to the General Manager had not been updated since January 2017.
- An Instrument of Delegations based on contemporary local government procedures prepared.
- The draft 'Instrument of Delegations' from Council to the General Manager provided to the Council Workshop for discussion.
- Prepared a report for inclusion on the September 2024 Council meeting agenda.

Council Meeting processes

The Independent Advisor is to attend the August, September, and October 2024 Council meetings.

- As an outcome of attendance, the Council has requested that advice/suggestions for improving the conduct of future meeting processes be provided.
- Compliance with the *Local Government (Meeting Procedures) Regulations 2015* and the *Local Government Act 1993* is also to be considered.
- Attended the Council meeting on 21 August 2024.
- Attended a Workshop on 10 September where a number of matters identified at the 21 August Council meeting was discussed, with suggestions on how meeting procedures may be improved.
- The Acting General Manager is also proactively addressing meeting procedures with the Council.

Assistance and Advice

Support and assistance to be provided to the General Manager (or a person acting in the role).

- Numerous discussions with the Acting General Manager.
- General advice and support provided as required.

Reporting

The Terms of Reference requires that a monthly progress report is to be provided to the Council and included on the meeting agenda.

- Reports provided to the 21 August and 17 September 2024 meetings.
- The Independent Advisor is also to provide regular updates/progress reports to the Director of Local Government.

Other

- Various other discussions relevant to the role.

20. SUPPLEMENTARY AGENDA ITEMS

RECOMMENDATION 20/09.2024/C

Moved: Cr

Seconded: Cr

THAT the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the Local Government (Meeting Procedures) Regulations 2015.

In accordance with the requirements of Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council by absolute majority may decide to deal with a matter that is not on the agenda if, where the General Manager has reported either:

- a) The reason it was not possible to include the matter on the agenda;
- b) That the matter is urgent; or
- c) That advice of a qualified person has been obtained and taken into account in providing advice to Council under Section 65 of the *Local Government Act 1993*.

21. CLOSURE

Mayor Triffitt thanked everyone for their contribution and declared the meeting closed at _____ am/pm.