



**NORTHERN
MIDLANDS
COUNCIL**

AGENDA

ANNUAL GENERAL MEETING

MONDAY, 9 DECEMBER 2024

Des Jennings
GENERAL MANAGER



QUALIFIED PERSONS ADVICE

The *Local Government Act 1993* Section 65 provides as follows:

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
 - (a) the general manager certifies, in writing –
 - (i) that such advice was obtained; and
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee;
 - and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

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

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

LIVESTREAMING AND RECORDING OF COUNCIL MEETINGS

Ordinary and Special Council Meetings held in Council's Chambers at 13 Smith Street, Longford will be audio live streamed and recorded and made on the internet via Council's website www.nmc.tas.gov.au.

The recording will be uploaded to Council's website as soon as possible and no later than four business days after the Council meeting (not including the day of the meeting). A link to the streaming service and recording of meetings will be made available on Council's website for ease of access.

Closed Council Meetings will not be live streamed or recorded.

A copy of the recording of the meeting will be placed on Council's website as soon as practicable after the meeting, the Closed Council session of the meeting will be redacted.

Regulation 33(4) provides that "a Council may determine any other procedures relating to the audio recording of meetings it considers appropriate".

In addition to the Live Streaming Policy, Council is to audio record meetings to assist Council officers in the preparation of minutes of proceedings.

The provision for audio recording of Council meetings in this policy:

- only applies to formal Council meetings (ordinary meetings, special meetings and Annual General meetings);
- does not apply to closed sessions of Council;
- does not apply to Committees of Council;
- the recording will not replace written minutes and a transcript of the recording will not be prepared by Council;
- the recording may be used by Council staff to assist with the preparation of the minutes;
- the minutes of a meeting, once confirmed by Council, prevail over the audio recording of the meeting;

A member of the public may only use an audio recorder, or any other recording and/or transmitting device, to record the proceedings of a meeting of Council with the written permission of the General Manager for the express purpose proposed. The Northern Midlands Council reserves the right to revoke such permission at any time.

Unless expressly stated otherwise, Northern Midlands Council claims copyright ownership of the content of recordings of Council meetings ("the Recordings").

The Recordings may not be uploaded, displayed, transcribed and/or reproduced without the written permission of the General Manager for the express purpose proposed.

The Northern Midlands Council reserves the right to revoke such permission at any time. Apart from uses permitted under the *Copyright Act 1968*, all other rights are reserved.

Requests for authorisations, including authorisations for the use of recordings, should be directed to the General Manager, 13 Smith Street, Longford TAS 7301.


Des Jennings
GENERAL MANAGER



GUIDELINES FOR COUNCIL MEETINGS

EXPECTATIONS OF COUNCILLOR CONDUCT

- The *Code of Conduct for Elected Members Policy* sets out the standards of behaviour expected of Councillors with respect to all aspects of their role, including the following:
 - Councillors acknowledge the importance of high standards of behaviour in maintaining good governance and therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Policy;
 - Councillors are to be respectful in their conduct, communication and relationships with members of the community, fellow Councillors and Council employees in a way which builds trust and confidence in Council;
 - Councillors' actions must not bring the Council or the office of a Councillor into disrepute;
 - Councillors must treat all persons fairly, must not cause any reasonable person offence or embarrassment, and must not bully or harass any person;
 - Councillors must listen to, and respect, the views of other Councillors in Council meetings, and endeavor to ensure that issues, not personalities, are the focus of debate;
 - Councillors must show respect when expressing personal views publicly and the personal conduct of a Councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council;
- Pursuant to section 28(3)(a) of the *Local Government Act 1993*, Councillors must not direct or attempt to direct an employee of the council in relation to the discharge of the employee's duties;
- Pursuant to section 40 of the *Local Government Act 1993*, the chairperson may suspend a councillor from part or all of the meeting if the councillor makes a personal reflection about another councillor or an employee of the council and refuses to apologise; or interjects repeatedly; or disrupts the meeting and disobeys a call to order by the chairperson.

MEETING CONDUCT

- People attending Council Meetings are expected to behave in an appropriate manner.
 - The following is not acceptable:
 - Offensive or inappropriate behaviour;
 - Personal insults; and
 - Verbal abuse.
 - Pursuant to section 41 of the *Local Government Act 1993*, it is an offence if a member of the public hinders or disrupts a council meeting.
 - In the case of any inappropriate outburst or derogatory behaviour, an apology from the offending party or parties will be requested. Anyone at the meeting, if they feel offended in any way by any such behaviour specified above, should immediately bring the behaviour to the notice of the Chairperson by the way of a Point of Order.
 - The Chairperson has the right to evict from a meeting any person who is not behaving to an appropriate standard.
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NOTICE IS HEREBY GIVEN THAT THE ANNUAL GENERAL MEETING OF THE NORTHERN MIDLANDS COUNCIL WILL BE HELD ON 9 DECEMBER 2024 AT 5.00PM AT THE COUNCIL CHAMBERS, 13 SMITH STREET, LONGFORD.


DES JENNINGS
GENERAL MANAGER
4 DECEMBER 2024

1 ATTENDANCE

PRESENT

In Attendance:

APOLOGIES



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3 ACKNOWLEDGEMENT OF COUNTRY

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

4 WELCOME AND INTRODUCTION

A welcome and opening address by Mayor Knowles.



5 DECLARATIONS INTEREST

In accordance with

- part 5 of the *Local Government Act 1993*,
 - in particular, section 48(2) of the *Local Government Act 1993*;
- regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*;
- schedule 1, part 2 of the *Local Government (Code of Conduct) Order 2024*; and
- Council's adopted Code of Conduct for Elected Members;

the Mayor requests Councillors and staff to indicate whether they have, or are likely to have, an interest in any item on the Agenda.



6 PROCEDURAL

6.1 CONFIRMATION OF MINUTES

6.1.1 Confirmation Of Minutes: Annual General Meeting

RECOMMENDATION

That the Minutes of the Annual General Meeting of the Northern Midlands Council held at the Council Chambers, Longford on Monday, 11 December 2023, be confirmed as a true record of proceedings.

6.2 PUBLIC SUBMISSIONS: ANNUAL REPORT

The Annual Report for the 2023/2024 financial year was circulated by the General Manager.

The notice of the Annual General Meeting together with the Annual Report was advertised in the Examiner Newspaper on Saturday, 23 November 2024 and Wednesday, 27 November 2024. The community were invited to submit comments on the Annual Report for discussion at the Annual General Meeting.

No submissions were received.



6.3 QUESTIONS

6.3.1 Question On Notice

6.3.1.1 Mr Jason Horton - Expenditure

The following questions on notice were received from Mr Jason Horton, Devon Hills for this Meeting:

1. On page 99 of the Annual report there is a note that says that the Council has settled with the Airport Corporations their challenge regarding payment of rates has costed council \$705,000. What was the total cost of this action against the Airport Corporation to the Northern Midlands Council?
2. The Northern Midlands Council is reported in the media to have expended a large amounts of money on legal costs. In the annual report there is no amount highlighted. What was the final amount of legal expenditure by the Northern Midlands Council in 2023/24?

The following responses have been provided:

1. *The total cost of action against the Airport Corporation from 2019 to 2024 was \$1,133,017 excluding GST.*
2. *The total amount of legal expenditure in 2023/24 was \$1,155,602 excluding GST.
The total amount of legal expenditure in 2023/24 excluding Airport legal costs was \$368,117 excluding GST.*

6.3.1.2 Mr Russell McKenzie - Expenditure and South Esk River

The following questions on notice were received from Mr Russell McKenzie, Perth for this Meeting:

1. In what [way] will the NMC ensure total accountability to the rate payers of the NMC for how our rates are spent?
2. How can the community work [with] the NMC to improve and maintain the South Esk River [at] Perth?

The following responses have been provided:

1. *Council reports monthly on it's recurrent expenditure.
Council's accounts are audited annually by the Auditor General, with internal reviews undertaken.
The Annual Financial Statements are then included in the Annual Report.*
2. *Council's responsibility is associated with the reserve area.
Council maintains the William Street Reserve and propose further upgrades to the South Esk River Parklands, depending upon availability of Council funds and the success in attracting external funds.
External groups within various committees, support improvement to the area by way of requests to Council and also seeking to attract external funds/support to assist to fund improvements.*



6.3.1.3 Mrs Maree Smith - Playground Facilities

The following question on notice was received from Mrs Maree Smith, Perth for this Meeting:

It was stated in The Northern Courier that Council intend to construct a playground at Napoleon St., Perth which will be a great benefit to the community and greatly appreciated. The article indicated that toilet facilities at the site would not be constructed at the same time and this would potentially be followed at a later date.

I wish to ask why this isn't included at the same time as construction of playground as previous experience with the lack of toilet facilities at Seccombe Street Perth playground would indicate that this is a necessity from the time of opening of the playground to the public.

Surely this a health and wellbeing requirement for a public facility which is not in close proximity to other public toilets.

The following response has been provided:

Due to budget constraints, the park will be constructed in stages so that it can be used by the public.

Construction is estimated to cost \$700,000. Council was successful in receiving part of the grant funding it applied for, to the value of \$127,695.

At its July meeting, Council endorsed \$300,000 towards the new park, and consideration for the remainder to be budgeted in the 2025-2026 Municipal budget.

Construction will progress over two financial years, pending Councillors approving the 2025-26 Municipal Budget.



6.3.2 Questions Without Notice

Questions without notice welcomed by Mayor Knowles, to be conducted in accordance with the following guidelines:

- A person seeking to ask a question must firstly identify himself or herself by stating their name and the town they reside in
 - If more than one person wishes to ask a question, the Mayor is to determine the order in which those questions are asked
 - Questions must be directed to the Mayor who shall answer or direct the question to the appropriate Councillor or Council Officer. A question will be answered if the information is known otherwise taken on notice and responded to in writing within 10 working days. Questions should preferably be in writing and provided to the General Manager at the Council Meeting
 - A person is entitled to ask no more than two questions on any specific subject. If a person has up to two questions on several subjects, the Mayor may defer those questions until other questions have been asked and refer back to that person only if time permits
 - Each speaker is limited to a maximum of 3 minutes.
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6.4 MOTIONS

6.4.1 Motions On Notice

A paper attendance register will be made available for completion by prior to the meeting at reception and at the commencement of the meeting upon the table at the entrance to the Council Chambers.

Note: Only attendees who are electors within the Northern Midlands municipal area are entitled to register and vote at the Annual General Meeting.

The following extract from *Local Government Act 1993, Section 72B - Annual General Meeting*, legislation is applicable:

...

(4) Only electors in the municipal area are entitled to vote at an Annual General Meeting.

(5) A motion at an Annual General Meeting is passed by a majority of votes taken by a show of hands or by any other means of ascertaining the vote the council determines.

(6) A motion passed at an Annual General Meeting is to be considered at the next meeting of the council.

...

The procedure relating to the receipt of Motions On Notice follows:

- Motions On Notice received prior to the issue of the AGM Agenda have been included within the Agenda and are listed in Item 6.4.1
- Electors who have put forward a Motion On Notice will be called upon at the prescribed time, at which time the Mover of the Motion On Notice will be invited to propose their motion and seek a to have the motion seconded by a registered elector
- Once seconded, the motion will then be put to the gallery by the Mayor
- All persons wishing to vote either for or against the motion must be registered as electors within the Northern Midlands municipal area
- The vote will be taken by a show of hands
- If the motion is carried by a majority of the registered electors present, a report will be prepared for the 20 January 2025 Council meeting.
- A maximum of 3 minutes is to be allowed in relation to debate on each Motion On Notice.



6.4.1.1 Motion on Notice - Perth Train Park

Responsible Officer: Des Jennings, General Manager

The following Motion on Notice has been received from Ralph McGee, President and Sue Field, Train Park Project Officer on behalf of the Perth Lions Club.

OFFICER'S RECOMMENDATION

That Council Officers prepare a report to be presented to the next Council Meeting on the following Motion on Notice:
That Council agrees to finish the work required at Perth Train Park in consultation with the Perth Lions Club to make it more family friendly and to make it celebration of the history of trains and Perth.

Ralph McGee, President and Sue Field, Train Park Project Officer on behalf of the Perth Lions Club have submitted the following Motion on Notice for the Annual General Meeting to be held on 9 December 2024.

NOTICE OF MOTION

That Council agrees to finish the work required at Perth Train Park in consultation with the Perth Lions Club to make it more family friendly and to make it a celebration of the history of trains and Perth.

BACKGROUND

Ongoing efforts from Perth Lions Club have been focussed on building covered seating areas for families to enjoy a picnic. Now that there are more barbeques and no seating in the original shelter, separate shelters are required. The Lions shelter from Norfolk Street Park has never been replaced as promised. The Lions Club also built the fence on Little Mulgrave St and once again it has been removed and not replaced. The fence is required to keep young children in the park and away from the road.

The Train Park is a small park and cannot include all the equipment that is found in other parks but it can be a different park by focusing on trains and history, which helps to make it a tourist attraction as well as an asset for Perth.



6.4.1.2 Motion on Notice - Promote and Preserve History of Perth

Responsible Officer: Des Jennings, General Manager

The following Motion on Notice has been received from the Perth Tasmania Historical Society.

OFFICERS RECOMMENDATION

That Council Officers prepare a report to be presented to the next Council Meeting on the following Motion on Notice:
The Northern Midlands Council agrees to support projects that preserve and promote the history of the township of Perth.

The Perth Tasmania Historical Society have submitted the following Notice of Motion for the Annual General Meeting to be held on 9 December 2024.:

NOTICE OF MOTION

The Northern Midlands Council agrees to support projects that preserve and promote the history of the township of Perth.

BACKGROUND

Background: Ongoing efforts from community members and groups to preserve and promote Perth's important history are deserving of increasing recognition and support from the Northern Midland's Council. These efforts include the Perth Community Hub, historical interpretive signage around Perth, and online sources of information related to the history of the town.

The recent community archaeological dig at Skyview estate in Napoleon Street in Perth is demonstrative of both the history in Perth and the community's interest in such history. The previous community dig at the Perth Convict Probation Gaol in 2023 is also consistent with the important social and cultural history in the township.

It is worth noting that several historic buildings and sites are not easily accessible to the public, such as Eskleigh, formerly Scone, and the Perth Probation Station, now Sustainable Timber Tasmania. Gibbet Hill is the site of the last gibbeting in the British Commonwealth – a site of international social and criminological importance – and to date little effort has been made to preserve or promote this landmark. There is a dearth of sources, such as signs, that detail the area prior to European settlement.

The NMC should work to recognise Perth's important social and cultural history and support community efforts to preserve and promote this history.



6.4.2 Motions Without Notice

A paper attendance register will be made available for completion by prior to the meeting at reception and at the commencement of the meeting upon the table at the entrance to the Council Chambers.

Note: Only attendees who are electors within the Northern Midlands municipal area are entitled to register and vote at the Annual General Meeting.

Motions Without Notice from electors welcomed by Mayor Knowles.

The following extract from *Local Government Act 1993, Section 72B - Annual General Meeting*, legislation is applicable:

...

(4) Only electors in the municipal area are entitled to vote at an Annual General Meeting.

(5) A motion at an Annual General Meeting is passed by a majority of votes taken by a show of hands or by any other means of ascertaining the vote the council determines.

(6) A motion passed at an Annual General Meeting is to be considered at the next meeting of the council.

...

The procedure relating to the receipt of Motions Without Notice follows:

- An elector proposing to put forward a Motion Without Notice at the meeting is to register their intent with the Mayor and provide a copy of the proposed Motion to the Mayor at the commencement of the meeting
- At the prescribed time, the Mover of the Motion Without Notice will be invited to propose their motion and seek a to have the motion seconded by a registered elector
- Once seconded, the motion will then be put to the gallery by the Mayor
- All persons wishing to vote either for or against the motion must be registered as electors within the Northern Midlands
- The vote will be taken by a show of hands
- If the motion is carried by a majority of the registered electors present a report will be prepared for the 20 January 2025 Council meeting.
- A maximum of 3 minutes is to be allowed in relation to debate on each Motion Without Notice.

7 CLOSURE