



## **GENERAL MEETING**

# **AGENDA**

**Wrest Point  
Hobart**

**Wednesday 3 July 2019**

**Commencing  
Immediately following the  
Conclusion of the  
AGM**

**PROCEDURAL MATTERS.  
RULES REGARDING CONDUCT OF MEETINGS**

**13 WHO MAY ATTEND A MEETING OF THE ASSOCIATION**

- (a) Subject to Rule 13(f), each Member shall be entitled to send a Voting Representative to any Meeting of the Association, such Voting Representative exercising the number of votes determined according to Rule 16(a).
- (b) In addition to the requirements set out in Rule 13(f), after each ordinary Council Election, the Chief Executive Officer shall request each Member to advise the name of its Voting Representative and the proxy for the Voting Representative for Meetings of the Association until the next ordinary Council Elections.
- (c) Subject to Rule 13(f), Members may change their Voting Representative or proxy at any time by advising the Chief Executive Officer in writing of the Voting Representative prior to that representative taking his or her position at a Meeting of the Association.
- (d) A list of Voting Representatives will be made available at the commencement of any Meeting of the Association.
- (e) Members may send other elected members or Council officers as observers to any Meeting of the Association.
- (f) Each Member must provide the Association with written notice of the details of the Voting Representative who was by a resolution of the Member lawfully appointed as the Voting Representative of the Member at a Meeting of the Association.

**14. PROXIES AT MEETINGS**

- (a) Up to 1 hour prior to any Meeting of the Association, a Member may appoint another Member as its proxy.
- (b) The form of the proxy is to be provided by the Chief Executive Officer and is to be signed by either the Mayor or General Manager of the Council appointing the proxy.
- (c) The Chair of the meeting is not entitled to inquire as to whether the proxy has cast any vote in accordance with the wishes of the Member appointing the proxy.
- (d) Proxies count for the purposes of voting and quorum at any meeting.

**15. QUORUM AT MEETINGS**

- (a) At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.
- (b) If a quorum is not present within one hour after the time appointed for the commencement of a Meeting of the Association, the meeting is to be adjourned to a time and date specified by the Chair.

**16. VOTING AT MEETINGS**

- (a) Voting at any Meeting of the Association shall be upon the basis of each Voting Representative being provided with, immediately prior to the meeting, an electronic voting button or placard which is to be used for the purpose of voting at the meeting. The placard will be coloured according voting entitlement and the voting buttons will be coded according to voting entitlement:

Population of the Council Area	Number of votes entitled to be exercised by the Voting Representative	Colour placard to be raised by the Voting Representative when voting
Under 10,000	1	Red
10,000 – 19,999	2	White
20,000 – 39,999	3	Blue
40,000 and above	4	Green

- (b) Electronic voting buttons will be the first choice for voting on all decisions, with placards only to be used if the technology fails.
- (c) Voting buttons allow councils to vote for or against a motion or formally abstain from voting. An abstain is not to be taken as a negative vote.
- (d) The Chair of the meeting shall be entitled to rely upon the electronic vote or the raising of a coloured placard as the recording of the vote for the Member and as evidence of the number of votes being cast.
- (e) Except as provided in sub-rule (f), each question, matter or resolution shall be decided by a majority of the votes for a motion. If there is an equal number of votes upon any question, it shall be declared not carried.
- (f)
  - (i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members present at the meeting.
  - (ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the meeting or not.
  - (iii) When a vote is being taken to amend these Rules of the Association, the resolution must be carried by at least two-thirds of the votes capable of being cast by Members, whether present at the meeting or not.
- (g) A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association.

## Schedule

10.30am	Coffee on arrival
11.00 approx.	Annual General Meeting  <b>General Meeting.</b> Commences immediately following The conclusion of the Annual General Meeting
12.00	The Hon Peter Gutwein MP Treasurer Minister for Local Government Minister for State Growth
12.30	Lunch
1.30	Statewide Waste Study Presentation Urban EP
2.00pm	Community Satisfaction Survey Findings

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**\* DENOTES ATTACHMENT**

## **1 MINUTES \***

### **Decision Sought**

**That the Minutes of the General Meeting held on 29 March 2019, as circulated, be confirmed.**

The Minutes of the Meeting held on 29 March, 2019, as circulated, are submitted for confirmation and are at **Attachment to Item 1.**

## **2 CONFIRMATION OF AGENDA & ORDER OF BUSINESS**

### **Decision Sought**

**That the agenda and order of business be confirmed.**

Members are invited to confirm the agenda and order of business as presented.

## **3 PRESIDENTS REPORT**

### **Decision Sought**

**That the Meeting note the report on the President's activity from 1 March to 31 May 2019.**

### **Media and Events**

- Pulse, LG Tas articles
- Reconciliation Breakfast
- Regional Breakfast Forums (NW and South)

### **Meetings**

- Anita Dow MP – Shadow Minister for Local Government
- LGAT General Meeting
- Local Government Legislation Review Reference Group Meetings
- General Management Committee
- Premier's Local Government Council
- Legislation Review Reference Group Workshops x 4
- Mayor's Professional Development Day

### **Upcoming Meetings (June)**

- ALGA Board Meeting
- ALGA National General Assembly

### Decision Sought

**That the Meeting note the report on the CEO's activity from 1 March to 31 May 2019.**

### Policy, Projects and Presentations

- AICD Lunch – Councils and Good Governance (Amalgamations) – panel with Michael Bailey, TCCI
- Charitable Rating Exemptions, advice to Minister, developed creative brief, EOI process, engaged consultant, established Steering Committee, information gathering and working group analysis
- Distribution ALGA Federal Election Materials
- Investigating partnership approach to Art of Storytelling Workshop (August tbc)
- Preparation for Incoming GMC including briefing notes and discussion with consultant re strategic planning
- Review of the Local Government Legislation Steering Committee inputs
- Working Group – Charitable Rating Exemptions/compilation of data, response to Minister Gutwein.

### Media

- Amanda Ducker/Mercury Café Society
- Code of Conduct – background only
- Council Cost Index – The Mercury
- Free Camping – ABC and The Mercury
- Planning matters – background only
- Pulse article on population
- Pulse/LG Tas
- The Mandarin – Telstra Award and working in partnership
- Valuations

### Meetings, Training and Events.

- Adaptive Leadership Forum (free by invitation)
- Anita Dow MP – Shadow Minister for Local Government and Planning
- CEO Cradle Coast Authority
- CEO Dial b4 you Dig
- CEO of LG Professionals Tas regarding Emerging Leaders Program
- Charitable Rates Working Group Teleconference
- Consultant re Road Safety Strategy/Capacity Building (for State Growth)
- Director Housing Tasmania re transfer of property/rates
- DPAC re State of the State/Economic Growth
- General Manager's Workshop
- George Town Council – presentation to workshop
- GMC Meeting

- Hosted meeting of Association CEOs in Hobart
- International Women's Day event debrief and future planning
- LG Professionals Tasmania Board Meeting
- LGAT General Meeting
- LGD/KPMG re presentation of consolidated data collection
- Local Government Legislation Review Steering Committee
- Local Government Legislation Review Steering Committee (monthly)
- MAV Insurance Board Meetings x 2
- Mayor's Workshop
- Minister Jaensch's Advisors re Affordable Housing Plan
- National Finals Telstra Business Women's Awards
- NW Regional Breakfast
- Peer Advisor Debrief (by teleconference)
- Penny Stringer UTAS re LEAP Program
- PLGC Meeting
- PLGC Officials
- Rates Exemptions Working Group (by teleconference)
- Reconciliation Breakfast
- Regional Development Australia Tasmania Board Meeting (as observer)
- Regular Meeting Director of Local Government
- Richmond Fellowship re joint Art of Story Telling workshop
- TCCI Budget Breakfast
- Telstra Business Women's Awards
- University Dinner
- UTAS Population Roundtable
- UTAS re campus move
- Web conference – LGAT SharePoint training
- West Tamar Council – informal lunch

## 5 BUSINESS ARISING \*

### Decision Sought

**That Members note the following information on business arising.**

At **Attachment to Item 5** is a schedule of business considered at the meetings held on 29 March 2019 and the status thereof.



## **6 FOLLOW UP OF MOTIONS \***

**Contact Officer: Dion Lester**

### **Decision Sought**

**That the meeting note the report detailing progress of motions passed at previous meetings and not covered in Business Arising.**

### **Follow up on outstanding motions**

A matrix indicating progress to date on motions passed at General Meetings, which remained outstanding at the last General Meeting, is at **Attachment to Item 6.**

## **7 MONTHLY REPORTS TO COUNCILS \***

### **Decision Sought**

**That Members note the reports for March and April 2019.**

### **Background comment:**

Monthly reports to Councils that briefly outline the Associations activities and outcomes for the previous months are at **Attachment to Item 7.**

## 8 ITEMS FOR DECISION

### 8.1 National Redress \* Contact Officer – Dion Lester

#### Decision Sought

**That Members resolve to joining the National Redress Scheme with the State Government as a 'State Institution'.**

#### Background

Following the Royal Commission into Institutional Responses to Child Sexual Abuse, on 4 November 2016, the Australian Government announced its intention to establish a National Redress Scheme for individuals who experienced institutional sexual abuse as children. In May 2018, the Tasmanian Government committed to joining the National Scheme.

The National Redress Scheme provides support to people who experienced institutional childhood sexual abuse and includes three key components for individuals deemed eligible for redress:

- A monetary payment (up to \$150,000);
- A direct personal response (such as a meeting with a senior institutional official and an apology); and
- Access to counselling consistent with National Service Principles (with the method of delivery to be determined by the relevant jurisdiction).

The Scheme started on 1 July 2018 and will run for 10 years. **Attachment to Item 8.1** provides further details on the Scheme.

Each State Government has been asked to engage with Local Government by the Scheme Operator (the Commonwealth Department of Social Services) to provide information to assist the sector in considering whether to participate in the National Redress Scheme and how that may occur. Staff from the Tasmanian Royal Commission Response Unit in the Department of Justice are currently meeting with councils to progress this discussion and recently presented at the General Managers' Workshop.

The State Government is offering Local Government the opportunity to join the Scheme as a 'State Institution', which would provide the following benefits:

- A clear mechanism to provide redress for any child sexual abuse that has occurred within a council in the past, which may reduce potential civil litigation ;
- Participation under the auspice of the State Government without the need to undertake individual steps to join the Scheme. Practically, Local Government claims

will be received like claims against any another Tasmanian Government Agency and the processing, coordination and management of claims will be supported and coordinated by the Department of Justice; and

- The Tasmanian Government will underwrite the redress liability for Local Government as calculated by the Scheme Operator for individual claims for payment by Local Government in arrears.

There is no cost for Local Government to join the Scheme or for the State Government to administer responses to the Scheme ( this is handled by the State Government). However, the Scheme operates on a 'responsible entity pays' basis for the monetary payment. This means that councils who receive a claim via the Scheme are liable for that claim, but the claim is limited to that council, not all councils.

It is important to note that a claimant who has not been able to progress an application for abuse against a non-participating institution may pursue civil law options against that institution. Unlike the redress scheme, payments determined through civil law processes are not capped, however the burden of proof is likely higher.

The State Government has indicated a preference for all councils join the scheme. The difficulty that arises if a whole of sector approach is not taken is that administrative and legal complexity that would result. While the Tasmanian Government has not made a formal decision that it would not support individual councils, there are some legal complexities that they would need to liaise with the Commonwealth further about before indicating whether it is feasible.

A draft MOU, which will be sent to each council, is included for reference at **Attachment to Item 8.1.**

### **Budget Implication**

Being undertaken within current resources

### **Current Policy**

Strategic Plan

Building Local Government's reputation; and  
Fostering collaboration.

## 9 ITEMS FOR NOTING

### 9.1 Charitable Exemptions on Rates \* Contact Officer – Katrena Stephenson

#### Decision Sought

**That Members note the report on LGAT Activity with respect to charitable rates exemptions.**

As discussed at General Meetings in 2016, December 2018 and March 2019 the sector has raised significant concerns in relation to the application of charitable exemptions on rates.

In 2015 LGAT Members determined that they would take a common and equitable approach to the rating of Independent Living Units (ILUs) which takes as a core assumption that private residential occupancy is not a charitable purpose and is not exempt from general rates.

At the March 2019 General Meeting members resolved:

*That LGAT establish a working group and seek legal advice if necessary, to develop a proposed amendment to section 87 of the Local Government Act, and specifically in regard to the definition charitable purpose, with a view to providing certainty and social equity in the application of rating exemptions.*

*That LGAT seek a firm commitment from the State Government to commence a review of the rating exemption provisions in the Local Government Act, with amendment to proceed as soon as practicable and ahead of the broader legislative review timeframes.*

The sector strongly believes that the intent of the legislation was that, for an exemption to apply, the land in question is to be both **owned and occupied** exclusively for charitable purposes. It should not be enough that the landowner is a charitable institution if the purpose for the occupancy is not charitable. This is particularly the case when the land owner has the ability to pass on the rates to the non-charitable occupant, as was done by Southern Cross Care. Independent Living Units are by their very definition, accommodation units designed for independent, active retirees who do not require special assistance with day-to-day living. What distinguishes them from aged-care facilities is that independent living units are used as normal and private residences, just like anyone else's home.

This issue is a question of equity. Is it acceptable or equitable that residents of these residential village units do not pay rates and therefore do not contribute to the services and facilities of their respective cities and communities while low income families, pensioner home owners and private retirement villages do pay? How is it fair and equitable that someone paying \$600,000 -

\$700,000 to buy into a modern Independent Living Unit doesn't pay rates but a pensioner who paid \$130,000 to buy a humble former Housing Tasmania property and has lived in low socio-economic areas for years does? Or that someone living at Vaucluse Retirement Village does?

It is also relevant to note that rating exemptions applied to charitable organisations should not be confused with pensioner remissions. The State Government funds a rate remission for all eligible pensioners of the lesser of a prescribed amount or 30% of rates.

There are more than 8,500 pensioners across both Clarence and Hobart alone, together with low-income earners and self-funded retirees, who currently pay rates as their contribution to the cost of providing facilities and services to their community. With every form of rates exemption, there is a corresponding shift of the rates burden to other ratepayers.

The need for councils to ensure that general rate exemptions are appropriately applied is good governance. It is important for councils to implement up-to-date and equitable policies that consider the entire community and ensure ratepayers are being treated fairly and equally.

Further discussion on this issue was undertaken at the April General Managers' workshop where General Managers sought that LGAT develop a business case in relation to engaging specialist communications support for advocacy around appropriate amendment to the legislation.

Additionally, the Minister for Local Government has written to LGAT, outlining concerns raised by TasCOSS and seeking a response from both TasCOSS and LGAT (**refer Attachment to Item 9.1**). It is likely that concerns stem from council's having different processes and policies related to exemptions even though there is compliance with the legislation as it currently stands. LGAT anticipates advocacy for a common approach across the sector.

The LGAT CEO has since:

1. Sought and collated information from councils regarding current policies and processes, the impact of the high court decision on revenues and any concerns raised by charities.
2. Responded to the Minister (**refer Attachment to Item 9.1**);
  - Established a working group which meets regularly by web conference. A second meeting was held early May. The Working Group has broadly mapped the issues that need to be addressed and considered what form a legislative amendment might take and which aspects could not be dealt with legislatively.
3. Developed a creative brief and sought responses from targeted firms (based on advice from General Managers). The process has closed and a firm has been appointed.
4. Established a Project Steering Committee as a subcommittee of the General Management Committee. Membership comprises the Mayor of West Tamar (Chair), LGAT CEO, Mayor of Kingborough, General Manager of Hobart and General Manager of Brighton.
5. Allocated funding in the LGAT Budget to support efforts in this space.

6. Sought and received advice from the Minister's Advisor re a public statement by Ray Groom on behalf of Southern Cross Care that they have had assurances from the Minister that legislative change will not be supported.
7. Ensured that this issue remains on the Premier's Local Government Council agenda.

### **Budget Impact**

Within current budget.

### **Current Policy**

As per the Meeting resolution.

### **Strategic Plan**

Promoting Financial Sustainability

Priority Area 2 Support the sector through the next stages of Local Government Reform

## **9.2 Local Government Act Review**

**Contact Officer – Katrena Stephenson**

### **Decision Sought**

**That Members note the report on the progress of the Local Government Act Review.**

### **Background**

As reported at the General Meeting in June 2018, the Minister for Local Government announced a 'roots and branches' review of Tasmania's Local Government legislation framework. Comment was sought on the Terms of Reference which were finalised in November 2018. There are a number of matters out of scope of this review including council amalgamations and Code of Conduct provisions.

A governance structure was finalised at the end of 2018. The Review is being governed by a Steering Committee. Local Government representatives on that Committee are the LGAT CEO Katrena Stephenson, former Tasman Mayor, Roseanne Heyward and former Meander Valley General Manager (and Chair of the Local Government Board) Greg Preece. The Steering Committee meets monthly.

A Reference Group has been appointed comprising membership from a broad range of backgrounds including Local Government and Industry. Members are:

- Doug Chipman Mayor, Clarence City Council
- Peter Freshney Mayor, Latrobe Council
- Kerry Vincent Mayor, Sorell Council
- Cheryl Arnol Councillor, Glamorgan-Spring Bay Council

- Claire Smith                      Director Organizational Performance, Waratah Wynyard Council
- Lynette While                    Director Community & Development Services, Meander Valley Council
- John Brown                       General Manager, Break O'Day Council
- Andrew Paul                      General Manager, Clarence City Council
- Karen Abey                       Solicitor, Simmons Wolfhagen
- Margaret Taylor                 Community member
- Pamela Allan                    Adjunct Professor, School of Technology, Environment & Design, UTAS
- Craig Perkins                    CEO, Regional Development Australia, Tasmania
- Rhonda Skelton                 Board Member, Northern Midlands Business Association
- Kym Goodes                      CEO, Tasmanian Council of Social Services (TasCoss)
- Luke Martin                      CEO, Tourism Industry Council Tasmania
- Brian Wightman                 Executive Director, Property Council of Australia, Tasmania Division
- Michael Bailey                  CEO, Tasmanian Chamber of Commerce and Industry (TCCI)

The Refence Group is being independently facilitated with each meeting to focus on a particular subject matter. Reference Group meetings commenced in April and concluded in May. Steering Committee Members did not attend the Reference Group Meetings. The Reference Group discussions were facilitated by Wise Lord Ferguson and by all accounts were productive and effective discussions.

The Premier's Local Government Council will have ongoing oversight of the project and following the release of a Government Directions Paper, technical working groups will be formed to support the development of appropriate legislative responses.

A discussion paper was released in late 2018 inviting submissions until 1 March 2019. The paper sought only broad input on principles and represents Phase 1 of consultation. A number of forums were held regionally to allow for public, sector and industry input into the paper as well as through a survey or written submission. LGAT participated in those. The Paper canvassed a range of questions around governance and powers, democracy and engagement, revenue and expenditure, performance transparency and accountability as well as seeking feedback on any other matters. Nearly 400 submissions were received. All submissions, including LGAT's, as well as a summary, are now available on the Local Government Division website.

Key themes arising in Phase 1, which were explored to various extents by the Reference Group included:

- A desire for greater community engagement particularly in relation to strategic decisions, budget and rate setting and around major development, infrastructure projects, parks and recreation facilities;
- Shared services as a priority and strong budget management;

- Greater transparency around council decision making;
- Enhanced accountability measures and management of conflict of interest;
- Limitations on council decision making in the lead up to an election; and
- Earlier intervention when councils are not performing as they should.

The Reference Group is to provide the Steering Committee with an insight into the views and ideas held by a diversity of stakeholders with an interest in Local Government. The Group have identified, discussed and workshoped ideas and reform options for the Local Government legislative framework, particularly in relation to elections, council revenue and expenditure, councils' roles as regulators and/or statutory authorities, representation and community engagement, council services, governance, regulatory oversight, performance monitoring and reporting and council administration. Recommendations and actions arising from these discussions will be presented to the Steering Committee for consideration as they form advice to the Minister in the form of a draft Direction Paper.

There will be further opportunity for broad sector input into the process in Phase 2 (June to August 2019) with the release of the Directions Paper and, in Phase 3 (March-May 2020) with the release of a draft Bill.

### **Budget Impact**

Within current budget.

### **Current Policy**

Strategic Plan

Facilitating Change

Priority Area 2    Support the sector through the next stages of Local Government Reform



### 9.3 Waste Management \*

Contact Officer – Dion Lester

#### Decision Sought

**That Members note the following report on LGAT's advocacy around waste issues and the report from the Statewide Waste Arrangements Feasibility Study.**

#### Background

Improved waste and resource management has been an on-going and sustained area of LGAT advocacy for many years now, with recent activity including the Statewide Waste Arrangements Feasibility Study (the Study).

At the July 2018 General Meeting, Councils endorsed funding the study, up to \$90,000. In the latter part of 2018 LGAT was successful in securing a 50% funding contribution from the State Government for this work, reducing council contributions to \$45,000.

Tenders were sought from a range of providers to undertake the Study. There were four very high-quality submissions, with Victorian based firm Urban EP selected to undertake the work.

At the project commencement a project reference group, comprising two representatives from each regional waste authority and one representative from the EPA, was formed to oversee the project. There are two parts to the study.

**Part A:** Collate evidence and present findings on the needs for and benefits of a Statewide Waste Management Arrangement. This was primarily be developed through:

- Engagement with Local Government and the three regional waste authorities;
- A review of the three existing regional waste authorities, including their differing governance arrangements, roles and functions and how they may integrate with a statewide arrangement; and
- A review of arrangements in other jurisdictions.

Part A of the Study was completed in late April, with a summary of the problems to address, benefits of a state-wide arrangement and list of potential functions summarised in **Attachment to Item 9.3.**

The Study also found that establishment of a statewide arrangement would be consistent with the direction of all the mainland Australian states and the benefits would be shared across Tasmania and stakeholder groups, rather than accruing to any particular interest groups.

A summary report was provided to Mayors and General Managers on completion of Part A.

Part B of the Study, which is now almost complete, involves development of the purpose, role, functions and governance of this statewide arrangement as necessary for planning, co-ordinating and delivering statewide waste policies, strategies, programs and services.

There will be a short presentation on the main findings of Part B at the July General Meeting and will, in addition to the three (3) regional workshops, allow members to raise any issues or ask questions.

### **Budget Implications**

Members agreed at the 2018 July General meeting to full fund the study. LGAT were subsequently successful in securing a State Government 50% contribution.

### **Current Policy**

#### Strategic Plan

- Facilitating change
- Building Local Government's reputation
- Fostering collaboration
- Developing capacity and capability to deliver

## **9.4 21<sup>st</sup> Century Councils \***

**Contact Officer: Dion Lester**

### **Decision Sought**

**That Members note the progress on the 21<sup>st</sup> Century Councils Project.**

### **Background**

At the March General meeting members endorsed the following methodology for progressing discussions on the future of the Tasmanian Local Government sector, known under the name of 21<sup>st</sup> Century Council Project:

1. Development of a summary paper covering the history of the work that has been done to date in relation to Local Government reform in the State and the context and drivers of discussions to date;
2. Compilation of a stakeholder interest/outcomes paper, there is significant interest in "Local Government reform", but what outcomes are different stakeholders actually seeking? This piece of work will seek to compile key stakeholder values and views.
3. A series of pilot projects to test change ideas that fit with the issues raised in the kitchen table exercise and the ideas and issues emerging out of the Part 2 investigations.

This work will be undertaken consecutively in the three-stages outlined above, with the initial summary paper included at **Attachment to Item 9.4.**

The summary paper has involved a detailed literature review, compiling relevant recent studies and academic literature on Local Government reform in Tasmania and Australia, articles around the issues, pressures and challenges facing Local Government. The paper does not seek to provide recommendations but rather outlines:

- A brief history of Local Government reform in Tasmania;
- An analysis of the drivers for reform;
- Types of structural reform;
- A comparison of the benefits and risks of the two main forms of structural reform typically discussed – amalgamations and shared services; and
- Conclusions.

Part 2 of the Project involves the compilation of a stakeholder interest paper and will commence later this month. In order to achieve comprehensive engagement with the Local Government sector, LGAT has developed a process and toolkit to guide individual General Managers to have a conversation with both staff and their councillor group.

The approach seeks to:

- Enable a collaborative engagement;
- Be simple and time sensitive; and
- Collect feedback in a useful, consistent and comprehensive format.

A toolkit has been developed to support GMs throughout this approach. The toolkit includes:

- Guided facilitator notes;
- An effective agenda, with explanatory notes detailing scope of engagement;
- A short briefing session (delivered virtually); and
- A note taking/reporting template.

The toolkit will be rolled out during July to enable GMs to undertake the consultation throughout July to September.

In addition, LGAT will be undertaking targeted consultation with a number of key stakeholders who have an interest in Local Government.

The results from Parts 1 and 2 will be analysed in late 2019, to allow the development of pilot projects (Part 3) in early 2020.

### **Budget Implication**

Parts 1 and 2 can be undertaken within current resources, however Part 3 would require dedicated further investment to ensure the pilot projects are designed and implemented effectively.

## **Current Policy**

### **Strategic Plan**

- Facilitating change
- Building Local Government's reputation
- Fostering collaboration
- Promoting financial sustainability
- Developing capacity and capability to deliver.

## **9.5 Planning Reform**

**Contact Officer – Dion Lester**

### **Decision Sought**

**That Members note the following report on the progress of the State Government's program of land use planning reform.**

### **Background**

The State Government's number one planning reform priority remains the establishment of the Tasmanian Planning Scheme, which is now reliant on councils completing their Local Provisions Schedules (LPSs) and submitting to the Tasmanian Planning Commission for assessment. The Minister for Planning has requested council lodge their LPS by 30 June 2019. At the time of writing nine (9) councils had lodged their LPS, with a further 14 likely to lodge prior to this deadline. Six (6) councils are unlikely to meet the 30 June timeframe but are expected to submit either shortly after or in the second part of 2019. This has taken a significant resource effort from councils and the planning staff are to be congratulated for their efforts.

To support councils in the advertising of the LPSs, LGAT has secured funding from the State Government for a sector software licence for councils to access. The licence provides access to an online mapping tool for the advertising of LPSs. This platform was successfully used by Meander Valley Council and can be viewed at:

<http://meandervalley.discovercommunities.com.au/connect/analyst/tps/#/main?mapcfg=tps>

Preparation of council specific pages requires additional modest investment for each council.

The other key areas of reform soon to be progressed by the State Government are outlined below.

### **The Development of the Tasmanian Planning Policies (TPPS)**

As a first step, a Scoping Paper will be released for public consultation in June 2019 to gather feedback on the possible themes and scope of the TPPs, with formal consultation on a draft

suite of TPPs expected to commence in late 2019. It is anticipated that there will be a significant role for Local Government in the TPPs, not only during scoping but also during the drafting stage during the later months of the year.

### **Update of the Regional Land Use Strategies (RLUSs)**

The RLUSs will need review in light of the development of the TPPs and it would be premature to embark on a review prior to the TPPs being understood. In the interim, the Government will focus on developing a framework for the RLUSs. It is anticipated that the review will commence in late 2019 with the release of a discussion paper.

### **Review of the Residential Provisions**

The Government also recently announced the development of new planning rules that will facilitate 'medium-density' residential development in our major urban centres. This work is expected to commence in late 2019 with the government's aim of having the draft standards before the Tasmanian Planning Commission in 2020. In addition, the standards for residential development (Planning Directive 4.1) in the General Residential Zone are proposed to be reviewed. This is likely to commence in early 2020.

### **Improvements to Subdivision Legislation**

The Government has previously committed to a review of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP) with a view to consolidating the Act's subdivision provisions into the State Planning Provisions. A preliminary review has indicated that the LGBMP Act is based on policy settings now decades old. The Act also contains a range of provisions relating to matters covered by other State agencies and has overlap with other legislation, consequently a comprehensive 'root and branch' review is required. However, the current priority is to establish the Tasmanian Planning Scheme and introduce a suite of TPPs.

### **Major Projects Legislation**

The Government has committed to replacing the projects of regional significance process (PORS process) with a new major projects assessment process in LUPAA. It is anticipated that a draft Bill will be introduced in the Spring Session of Parliament 2019, which will replace the Projects of Regional Significance section of the Act.

### **Planning and Building Portal**

The portal's aim is to make it easier for Tasmanians to access information about their properties and to apply for planning and building permits.

The portal will deliver a single statewide system that integrates all planning, building and related approvals and will incorporate features such as:

- Online access to information and regulatory requirements;
- Online application lodgement, which will allow owners and agents to lodge planning applications and associated documents; and

- An application tracking service, which will allow planning authorities to manage workflows and also applicants to view and track applications from lodgement to determination.

As part of this process the portal team have previously met with either the General Manager or a senior Development Officer at every council.

A tender for the design of the portal has recently been released by the State Government.

#### **Budget Impact**

Being undertaken within current resources.

#### **Current Policy**

##### **Strategic Plan**

Building Local Government's reputation

Fostering collaboration

Developing capacity and capability to deliver

#### **9.6 LGAT Community Satisfaction Survey \***

**Contact Officer: Deborah Leisser**

#### **Decision Sought**

**That Members note the results from the 2019 Community Satisfaction Survey as provided in the written report and presentation to the General Meeting.**

#### **Background**

*Metropolis Research* was commissioned by LGAT to conduct primary research of 1,200 residents drawn proportionally from across the state to explore community satisfaction with the performance of Local Government and associated issues. This research builds on satisfaction research previously conducted by LGAT and has been conducted using the same methodology as has been employed in previous years.

Surveys were conducted as telephone interviews of randomly selected residents across Tasmania during the early months of 2019. The interviews lasted for a duration of roughly twenty minutes and were conducted by trained Metropolis Research staff. The purpose of the interviews was to measure community satisfaction with council's overall performance, as well as with a range of council provided services and facilities.

Satisfaction scores have been categorised as follows:

- **Excellent** – scores of 7.75 and above
- **Very Good** – scores of 7.25 to less than 7.75
- **Good** – scores of 6.5 to less than 7.25
- **Solid** – scores of 6 to less than 6.5
- **Poor** – scores of 5.5 to less than 6
- **Very Poor** – scores of 5 to less than 5.5
- **Extremely Poor** – scores of less than 5

### **Satisfaction with Council's Overall Performance**

State-wide, respondents rated their satisfaction with their council's overall performance at an average of 6.81 ('good') out of a potential 10.

Time series results suggest that satisfaction with the overall performance of Local Government in Tasmania has remained stable since 2009.

There was some variation in overall satisfaction with councils observed across the State as follows:

***More satisfied than average*** – respondents from the rural and north west councils, younger respondents (aged 18 to 34 years), senior citizens (aged 75 years and over) and new residents (less than five years in the municipality).

***Less satisfied than average*** – respondents from city councils, mortgagee households and two parent families with the youngest child aged 5 to 12 years.

The most common reasons for dissatisfaction with a council's overall performance related to governance and accountability issues.

A summary of the 2019 Community Satisfaction Survey (A Report For Decision Makers) is at **Attachment to Item 9.6**.

Summary papers of key areas will be made available on the LGAT website and the lengthy and detailed final report is available through LGAT on request.

### **Community Satisfaction at the Local Council Level**

Individual council surveys using the survey instrument that formed the basis of the State-wide Community Satisfaction Survey can be organised via LGAT.

### **Budget Implications**

The State-wide Community Satisfaction Survey is already funded through council contributions to LGAT.

Facilitation and coordination of Community Satisfaction Surveys at the individual council level by LGAT (in consultation with councils) is not funded and will be costed on a fee for service basis.

### **Current Policy**

Strategic plan

Building Local Government's reputation

Developing capacity and capability to deliver

## **9.7 St Lukes Corporate Health Plan \***

**Contact Officer – Dion Lester**

### **Decision Sought**

**That Members note the St Lukes Health Corporate Plan that is now available to all elected representatives and staff of Local Government Tasmania.**

### **Background**

St Lukes Health was established in Tasmania in 1952 and is a not-for-profit organisation employing more than 100 staff. They have been a supporter of the LGAT Annual Conference for a number of years.

On behalf of Tasmanian Local Government elected representatives and staff, LGAT has negotiated a whole of sector Corporate Health Plan, with the following key features:

- An 8% discount on the brochure rates offered in the Corporate Brochure;
- The first month premium free and waiver of the two, three and six month waiting periods on extras for those people who switch from another health fund within two months of the Corporate Health Plan commencing; and
- Current St Lukes members will receive, in addition to the 8% discount, the first month premium free if they upgrade their existing cover within two months of the Corporate Health Plan commencing.

The full Corporate Health Plan can be found at **Attachment to Item 9.7**.

It is important to note that the benefits are only available to elected representatives and staff while on council or working for council. Any individual would need to contemplate in relation to deciding to move to St Lukes that there is no guarantee of continued discount if they are no longer in the sector (either through election outcome or job change). This still represents a very attractive deal for many Elected Member and Employees of Local Government.



The Corporate health Plan commenced in late May, so Members are encouraged to make all staff and elected representative aware of the opportunity, as a number of the benefits are limited to within two months of the Plan commencing (or new staff starting employment).

Please see the St Luke staff at their Conference booth for further information.

### **Budget Implication**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan

Fostering collaboration

## **9.8 Digital Advisory Group \***

**Contact Officer: Dion Lester**

### **Decision Sought**

**That Members note the following report on the work of the Digital Advisory Group.**

### **Background**

Local Governments in Tasmania are experiencing changing local contexts. As is occurring in other State and Territories, there is a gradual shift in Tasmania away from what might be considered traditional industries, towards tourism, service and knowledge-based industries. Improvements in technology have contributed to this change, most notably within industry and the broader community. While not a traditional area of responsibility for Local Government, these changes in the local context are creating expectations amongst the community and business about the role of Local Government.

This poses three questions:

1. How should councils' play a role in fostering and supporting local business and residents' active participation within the digital economy?
2. How can councils adapt their service delivery in the digital age?
3. What internal changes do councils need to enable these changes?

There is a recognition within the sector that we need to find ways to capitalise on the benefits that come with digital technologies and over the last few years a number of Tasmanian councils have begun to explore ways that technology can be deployed to service their communities in a smarter and more efficient manner.

## **What is the role for LGAT?**

There is already significant work occurring in a number of councils and this provides an opportunity for LGAT to **support** and **promote** the work already occurring across the sector and **connect** councils with a desire, but perhaps not the resources, to councils or other partners from outside the sector who could be of assistance.

In recognition of the potential role LGAT can play we established a Digital Advisory Group to help guide LGATs activities in supporting councils. The Digital Advisory Group, made up of sector and industry leaders from Tasmanian and Queensland, met for the first time in late 2018 and considered the three questions posed earlier in this item.

As a result of the feedback from the Digital Advisory Group LGAT is in the process of preparing a roadmap for how we support councils in this transformation. To further inform us of the current state across the sector, LGAT has recently completed a digital readiness survey of relevant council staff. A report on the survey results is included at **Attachment to Item 9.8**. The survey results have been provided to the Digital Advisory Group for consideration and advice to inform the LGAT roadmap for supporting councils through a digital transformation.

The path to a smart council and community is a long and continuous one. However, we know that with the right planning and investment in digital transformation, councils can make their communities more liveable, workable and sustainable.

## **Budget Impact**

Being undertaken within current resources.

## **Current Policy**

### Strategic Plan

- Facilitating change
- Fostering collaboration
- Promoting financial sustainability
- Developing capacity and capability to deliver

**Decision Sought**

**That Members note the report on LGAT's successful advocacy in the energy space, resulting in significant sector savings.**

**Background**

The Local Government Association of Tasmania continues to advocate strongly in the energy policy portfolio and provide project management support to councils to assist them in realising significant savings. This brief provides members with an update of the work occurring in this area.

**TasNetworks Pricing Reset 2019-24**

As a monopoly provider of transmission and distribution network services, the amount of revenue TasNetworks is able to earn from its customers each year is set by the Australian Energy Regulator (AER).

This regulation exists to protect electricity customers by ensuring specific performance standards and by capping revenues based on forecast costs during a regulatory period (usually five years).

TasNetworks submitted its combined Transmission and Distribution Regulatory Proposal (Proposal) for 2019 to 2024 to the AER on 31 January 2018. The process of review and consultation for a pricing reset is a long and detailed process providing stakeholders with a number of opportunities for engagement.

The TasNetworks proposal indicated that the current prices for public lighting assets fall significantly short of full cost recovery. As a result, TasNetworks proposed to increase its public lighting prices over the 2019-24. In reviewing the proposal, LGAT identified a number of issues of concern and raised these with the AER through face-to-face meetings and a formal submission.

The draft determination of the AER handed down in September 2018 supported LGAT's submission and rejected TasNetworks pricing for public lighting. TasNetworks were then given an opportunity to resubmit their proposal. The revised proposal, although better, was not completely transparent and still failed to adequately justify the proposed overhead price rises. LGAT again discussed concerns with the AER and provided an additional submission.

In April 2019 the AER handed down its final determination and rejected TasNetworks public lighting pricing submission and imposed caps on overheads, along with recommending that TasNetworks engage with LGAT to develop service level agreement for street lighting for Tasmanian councils.

This advocacy work has resulted in significant savings to councils.

TasNetworks original submission (January 2018) proposed a revenue of \$37.8 million over the five year period. However as discussed above, the AER were not satisfied that TasNetworks had demonstrated that the increased costs were justified, with the final determination by the AER allowing TasNetworks to recover revenue of \$30.7 million over the five year period, **\$7.1 million** less than TasNetworks original proposal. This is a significant saving to Councils and a good outcome from the advocacy work LGAT undertook throughout this process.

### **Great Southern Lights Project**

The Great Southern Lights LED street lighting project continues to progress. While significant delays have occurred with the project due to negotiations with TasNetworks on the Asset Sale Agreement, at the time of writing they are close to finalisation. Once councils have signed the agreement the project managers will be appointed and orders for lights and installers will be made. It is likely that lights will begin being installed at the start of next financial year.

### **Budget Implications**

Being undertaken within current resources.

### **Current Policy**

Strategic plan

- Facilitating Change

- Fostering collaboration

- Promoting financial sustainability

**Decision Sought**

**That Members note the following report on the Local Government Workforce and Future Skills Report.**

**Background**

In April, LGAT released the Local Government Workforce and Future Skills Report for Tasmania<sup>1</sup> (foreshadowed in the December 2018 General Meeting) and distributed to councils via LGAT's newsletter, The Pulse<sup>2</sup>. The report is one of a series of nationwide Local Government focused reports undertaken collaboratively between the Local Government Associations of all States and Territories, completed with Commonwealth funding support.

The Tasmanian Local Government workforce report found nearly 70% of Tasmanian councils were experiencing skills shortages and 50% of councils were experiencing skills gaps. These results substantiate the anecdotal evidence of councils across Tasmania reporting challenges in recruiting experienced staff in a number of important skills areas.

Engineers were found to be the top occupation shortage, followed by Town Planners, Surveyors, and Environmental Health Officers. Councils identified a number of reasons for the shortages, including:

- Location of the councils restricting the number of suitable candidates applying;
- Inability to compete with private sector on remuneration, due to a mismatch between Local Government funding and service obligations;
- Insufficient suitably qualified/experienced candidates, either from a limited skilled candidate pool or difficulty in attracting such candidates;
- Public perception and branding of councils; and
- Lack of vocational education and training providers.

These gaps and shortages in critical skill areas have significant implications for Local Government work flows, capacity and sustainability of service provision, especially if prolonged. For example, although councils are currently maintaining good permit processing times, prolonged shortages may place unsustainable resourcing demands on skills involved in assessing permits.

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<sup>1</sup> See:

[http://www.lgat.tas.gov.au/webdata/resources/files/LG%20Workforce%20&%20Future%20Skills%20Report%20Tasmania%20\(Sept%202018%20FINAL\).pdf](http://www.lgat.tas.gov.au/webdata/resources/files/LG%20Workforce%20&%20Future%20Skills%20Report%20Tasmania%20(Sept%202018%20FINAL).pdf)

<sup>2</sup> View and subscribe to The Pulse here: <http://www.lgat.tas.gov.au/page.aspx?u=635>

LGAT has previously received anecdotal reports of difficulties recruiting in specific skill areas from council human resources staff even before the outcomes of this report were known and has begun to take action. In addition to working with Members to address these issues, LGAT has initiated a program of work focusing on the shortage of Environmental Health Officers (EHOs).

So far, LGAT, in partnership with the Department of Health and Environmental Health Australia (Tasmania), have lobbied the University of Tasmania to re-establish a tertiary degree to train EHOs in Tasmania, a course that the University had previously decided to phase out. As a direct result the University has agreed to map out a replacement course that serves the environmental health outcomes and demands of local communities. In addition, work has commenced on a workforce development plan for EHOs, refer Agenda Item 9.11 for a full description (see also report on the Health and Wellbeing Project Item 9.11)

Importantly, the work undertaken for EHOs will provide a model for addressing skills shortages in other fields, such as engineering and town planning.

Concurrent to the Tasmanian report, the Australian Local Government Association (ALGA) has released the national Local Government Workforce and Future Skills Report Australia, available on ALGA's website<sup>3</sup>. National level actions are being considered to address these threats to the Local Government workforce and LGAT is collaborating with Local Government Associations of other states on these workforce planning issues.

Local Government cannot solve sector skills shortages alone and will need to work collaboratively with training providers and State and Commonwealth Government funding bodies to address the issue. This is particularly important as resolving underlying local resourcing issues is critical to sustaining adequate levels of community service provision, permit processing times and infrastructure and development management that contribute to the daily standard of living of Tasmanians.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

#### **Strategic Plan**

- Building Local Government's reputation
- Fostering collaboration
- Promoting financial sustainability
- Developing capacity and capability to deliver

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<sup>3</sup> See: <https://alga.asn.au/local-government-workforce-and-future-skills-report-australia/>

## 9.11 Environmental Health Officer Update

### Contact Officer – Lynden Leppard

#### Decision Sought

**That Members note the report on LGAT's work to address EHO shortages.**

#### Background

Currently Tasmania's 29 councils are experiencing significant difficulty in attracting and retaining appropriately skilled Environmental Health Officers (EHOs). Local Government is the largest employer of EHOs in Tasmania and this workforce plays an essential role in ensuring the health and safety of our community and visitors to the State. The drivers of this skills shortage are complex and multifaceted and in order to address this challenge there needs to be a holistic assessment of the causes and a number of strategies developed.

This is why in late 2018 LGAT applied to SkillsTas for funding to undertake a workforce development plan for EHOs in Tasmania (the Project). This application was unsuccessful, however the contributors to the application determined that they would collectively fund the work themselves. LGAT, UTAS, the Department of Health and the EPA have all committed to jointly fund the Project. In addition, each organisation and Environmental Health Australia Tasmanian Division will contribute significant in-kind support for the Project.

The Project team consists of:

- Roger Hughes, School of Medicine, UTAS;
- Nicola Stephens, School of Medicine, UTAS;
- Dion Lester, LGAT;
- Lynden Leppard, LGAT;
- Paul Hunt, Public Health Services, Department of Health;
- Siobhan Harpur, Public Health Services, Department of Health;
- Melissa Burn, Environmental Health Australia (Tasmania); and
- Alasdair Wells, Environment Protection Authority Tasmania.

The Project funding will support the employment of a Research Assistant who will work to the Project Team under day-to-day support in the School of Medicine (Public Health & Health Systems team). Recruitment of a Research Assistant to undertake the work has commenced, with the Project expected to be complete this year.

The Project will produce a paper summarising in detail the issues and challenges facing the workforce, with initial suggestions for action that will inform the development of the workforce development plan. The members of the Project team represent the agencies with a stake in the project's findings and they are committed to a collaborative and constructive approach to the challenges that will be identified.

LGAT has an important role to play in facilitating a process in which all the stakeholders remain engaged and committed to the agreed principles for working together. LGAT also has a responsibility for ongoing consultation with all Local Councils on the implications of the findings and the development of recommendations.

One of the known key challenges to sustaining an appropriately skilled EHO workforce in Tasmanian was the lack of a University course for aspirant EHOs. Pleasingly and as a direct result of the advocacy efforts of the Project Team, the UTAS School of Medicine intends to develop a post-graduate Graduate Diploma of Environmental Health.

### **Budget Implication**

Being undertaken within current resources

### **Current Policy**

Strategic Plan

Fostering collaboration

Promoting financial capacity

Developing capacity and capability to deliver

## **9.12 LGAT Procurement**

**Contact Officer – Deborah Leisser**

### **Decision Sought**

**That Members note the report on LGAT's procurement services, the savings of nearly \$2million across the sector and potential future procurement opportunities for councils.**

### **Background**

LGAT provides a range of procurement services for members. Of primary importance is the development, establishment and management of a range of goods and services supply panel arrangements that combine the purchasing power of councils in Tasmania and in other States of Australia for collective benefits.

Tasmanian councils can save time and money by purchasing through LGAT Procurement. These savings are made both on the price of the goods (discounts have been negotiated) and through streamlined administrative purchasing processes i.e. avoiding the need to tender. Savings associated with a single tender process are in the order of \$15,000 for a simple tender to around \$45,000 for a complex tender process.



LGAT member councils can purchase from quality approved suppliers, through these panels via a Request for Quotation or direct purchase order, they do not need to undertake a tender process, as this has already been done on behalf of councils by LGAT. It is important to note that councils can purchase locally through these panels.

Panels are developed and managed by procurement experts and are designed to meet strong probity requirements.

### **LGAT panel arrangement activity for 2018/19**

Panel arrangements in place -

- Energy Efficient Street Lighting
- Energy Efficient Street Lighting installation project management
- Telecommunications
- Fuel
- Mobile Garbage Bins
- Plant Machinery and Equipment
- Specialised Trucks and bodies, including Electric Garbage Trucks
- Trucks
- Industrial, Construction, Electrical and General Hardware and Materials

Panel arrangements under review/development

- Smart Cities
- Road, Water, Sewerage and Civil Works
- Business Management Services
- Information and Communication Technology Solutions and Services
- Corporate Clothing Workwear and Personal Protective Equipment
- Tyres, Tubes and Batteries
- Motor Vehicles, including Hybrids, Electric Vehicles and Electric Vehicle Charging Stations.

### **The key LGAT panel arrangements used**

Over the 12 months to end March 2019 key LGAT panel arrangements used were:

- Plant Machinery and Equipment
- Trucks and Specialised Trucks and Bodies
- Telecommunications
- Corporate Wardrobe
- Tyres, Tubes and Batteries

### **Total Spend through LGAT panel arrangements**

The total council spend through LGAT panel arrangements from the end of March 2018 to end March 2019 was \$5.8m. The total estimated savings for councils over the 12 months to end March was **\$1.11m**. This equates to an estimated saving per council (total savings divided by 29 councils) of \$38,276.

### **Savings through LGAT - Electricity**

LGAT also works to coordinate specific procurement processes where a range of councils have a common interest. By way of example, in 2014 non-metred public lighting energy became contestable. As a result, LGAT facilitated two rounds of competitive procurement processes for the sector. LGAT secured a significant reduction in electricity costs for the group of participating councils by leading this collective procurement process.

The latest contract is coming to an end on 30 June 2019 and LGAT is once again facilitating a combined competitive procurement process with the sector. At the time of writing the tender process was underway and contracts are likely to be in place by the time the July General Meeting is held.

The total savings negotiated for electricity (street lighting) was in the order of **\$820,000** for the period 2018/19.

### **Total savings via LGAT Procurement (Panel Arrangements And Electricity)**

The total amount councils saved via LGAT procurement for the 12 months to end March 2019, was \$1.9M or \$65,517 per council (total savings divided by 29 councils), \$1.11M of this was via LGAT contract/panel arrangements and \$820,000 was via savings through the electricity contract.

Total LGAT subs state-wide for 2018/19 amounted to \$1.3M. In other words, savings covered 146% of total subs for a 12-month period.

Fourteen Councils made savings through LGAT Procurement that were sufficient to fully offset their LGAT annual subscriptions and a further four made savings that covered more than 50% of their LGAT annual subscription.

### **Budget Implications**

LGAT Procurement operates within existing staffing arrangements.

### **Current Policy**

Strategic Plan

Fostering collaboration

Promoting financial sustainability

Developing capacity and capability to deliver

**Decision Sought**

**That Members note the following report on the review of Heavy Vehicle National Law and direct interested staff to make contact with LGAT.**

**Background comment:**

Tasmania is leading the way in Australia in collaborating to understand its road network and deliver safe and responsible road access for heavy vehicles. However, a current review of the Heavy Vehicle National Law (HVNL) by the National Transport Commission (NTC) may impact the work achieved to date.

Since its commencement in 2014, the HVNL has had a difficult introduction period for road managers, regulators and transport operators alike in implementing and adapting to the new regulatory environment. Being such a critical component and facilitator of economic activity and community wellbeing, both locally and nation-wide, getting the optimal balance between productivity, efficiency, road safety and infrastructure protection has been an important task for all stakeholders to get right.

To proactively adapt to the new law, the Tasmanian Department of State Growth (DSG) and Local Government have partnered closely over the last five years to undertake work to understand the infrastructure capacity and tolerances of their road network, as well as Tasmanian industry heavy vehicles and transport needs, in order to optimise the delivery of safe and responsible road access for operators. The collaboration has provided novel digital mapping and technical tools to assess proposed HV routes and their demands on critical infrastructure (like bridges and roundabouts) so that requests for HV access to the road network can be assessed and processed as efficiently as possible and with steadily improving speed and convenience. This has led to a relatively positive and stable road access situation for heavy vehicles in Tasmania, with a collaborative culture of continual improvement and infrastructure optimisation shared amongst road managers. From LGAT's perspective, the collaborative approach between State and Local Governments is a highly successful one in delivering quality services to our communities and unlocking value in the infrastructure we manage, providing a model for State-Local engagement in optimising service delivery for Tasmania.

However, Heavy Vehicle access problems, particularly in other jurisdictions, have motivated some operators and their industry associations to advocate for change, including the Oversize and Overmass (OSOM) Review<sup>4</sup> and the broader HVNL review<sup>5</sup>, both very recent and in-progress. Some of this advocacy has taken aim at Local Government specifically, questioning the entire sector's role in road access decisions. Given that this is not the same issue in every jurisdiction and the substantial progress made in Tasmania, how the NTC responds to these claims in the HVNL review may have adverse impacts on the collaboration and service delivery that Tasmania is currently delivering.

LGAT is working closely with DSG to inform the HVNL review, as well as Local Government Association colleagues of other states and the ALGA. LGAT encourages members to support their road management staff in continuing the positive collaboration between State and Local road managers. Should your staff wish to be involved in the HVNL review, please have them contact Michael Edrich at [michael.edrich@lgat.tas.gov.au](mailto:michael.edrich@lgat.tas.gov.au).

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

#### Strategic Plan

- Facilitating change
- Building Local Government's reputation
- Fostering collaboration
- Promoting financial sustainability
- Developing capacity and capability to deliver

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<sup>4</sup> See: [https://www.infrastructure.gov.au/vehicles/vehicle\\_regulation/ris/index.aspx](https://www.infrastructure.gov.au/vehicles/vehicle_regulation/ris/index.aspx)

<sup>5</sup> See: <https://www.ntc.gov.au/current-projects/heavy-vehicle-national-law-review/>

**9.14 Emergency Management**  
**Contact Officer – Georgia Palmer**

**Decision Sought**

**That Members note the report on Emergency Management activity.**

**Background**

Significant activity has been occurring in the emergency management sphere in recent times. The following provides an update on the status of this activity at the federal, state and local level.

**Federal Government Policies**

**Emergency Response Fund**

Through the 2019/20 budget the Federal Government announced a new \$3.9B Emergency Response Fund, to allocate up to \$150M per annum for natural disaster recovery and response initiatives above and beyond existing funding for severe and catastrophic disasters.

The application of the Fund will not interfere with the current Disaster Recovery Funding Arrangements (DRFA).

The Fund will commence on 1 October 2019.

The fund is for natural disaster recovery and responses and on the face of it does not include mitigation, or betterment, which is dealt with under the existing DRFA.

However, the fund will be established under legislation which will be tabled after the election and may therefore be subject to negotiations to include mitigation funding. Indications are the funding could be in the form of grants as opposed to reimbursement under the DRFA model (albeit with upfront payment).

**Natural Disaster Resilience Funding**

The Government will provide \$130.5M over five years from 2019-20 to reduce the risk and impact of disasters

The funding includes \$104.4M for a five year National Partnership Agreement (NPA) to support the States and Territories in reducing disaster risks. The total amount available to the State and Territories under this agreement will be \$20.9M per annum (in contrast to the previous NPA, which provided a total of \$26.1M per annum). The funding difference is being provided to the Department of Home Affairs to deliver initiatives (8 projects) which reduce disaster risk at the national level.

From a Tasmanian perspective it is likely that funding for mitigation through grant programs will reduce from \$1.3 million to \$1 million per annum. This is still dependant on negotiations which will start after the election. Tasmania's previous share of NPA funding was allocated based on 5% of the national pool but whether the funding is distributed on the same basis under the new agreement is not yet known. Tasmania's share could be reduced as low as 2.2% if a decision is made to distribute the funding on a per capita basis.

### **Tasmanian Municipal Emergency Management Guidelines**

LGAT and the State Emergency Service were successful in receiving grant funding to update the Municipal Emergency Management Guidelines to support Municipal Emergency Management Committees in fulfilling their roles and responsibilities under the *Emergency Management Act 2006*. The Guidelines will incorporate the plethora of changes to the emergency management arrangements since 2010 including changes to the act, risk assessment, and relief and recovery arrangements, among other things.

Andrea Heath has been engaged as the consultant to manage the project and consultation. Consultation with councils has begun and a draft of the new guidelines will be complete in the near future. The guidelines will be supported by video cases studies.

### **Registration in Evacuation Centres**

One of the key issues identified by councils during the December and January fires, and which other councils have experienced in the past, relates to registration of evacuees and ensuring that the council has the appropriate information to run a safe and efficient evacuation centre.

To address these issues and to explore opportunities for improvement a workshop was facilitated by LGAT between councils, Red Cross and Police. The workshop discussed interim and long term opportunities to improve registration in evacuation centres. There was agreement from participants that a consistent approach across the state would be beneficial.

It was agreed at the workshop that a business case for funding should be prepared to develop an online registration process which will meet council needs in running an evacuation centre and hopefully enable the data to be shared with Red Cross and Police. Privacy considerations will be key to enabling this to happen successfully.

LGAT has established a working group to develop the business case.

### **State Government Policies and Projects**

#### **Disaster Recovery Funding Arrangements Mitigation Project**

The new federal arrangements for natural disaster funding are now being applied. Under these arrangements the Australian Government will provide funding for the restoration of Essential Public Assets (EPAs) based on the estimated cost of reconstruction works. If the

actual cost of restoring EPAs is lower than the estimated cost, the savings must be redirected towards:

- EPA restoration projects where the actual costs is more than the estimated cost; or
- Natural hazard mitigation activities in accordance with the Disaster Recovery Funding Arrangements (DRFA).

The January fires in Tasmania will be the first event to be managed under these arrangements.

The Tasmanian Government is currently developing an agreed method for allocating realised efficiencies. Stakeholder consultation for this project is expected to begin soon, with the project plan aiming to have the approach signed off by Cabinet in October 2019.

### **Vulnerable People Framework**

The Tasmanian Health Service is currently reviewing Tasmania's Emergency Management Framework for Vulnerable People. The framework was initially implemented in December 2014, and while it raised awareness of the issue of vulnerability in emergencies, it did not result in effective implementation in either the government or community sectors. Consequently, a 2017 review of the framework was undertaken, and a series of recommendations made, including a formal revision and update to the framework.

The update of the framework is currently occurring with a focus on orientating the document towards contemporary language and practical application to address the perceived barriers to implementation. Engagement with stakeholders on the draft framework is likely to begin in June. This will include consultation with Local Government.

### **Emergency Management Training Continuum**

This Project is a whole of government collaborative approach to training and education in the Tasmanian emergency management sector.

There is little or no coordination of emergency management training across Tasmania.

The purpose of the project is to identify the educational units being delivered in organisations for Emergency Management (EM) workers. Once the educational units are understood a continuum will be crafted to outline the training pathways for workers with EM responsibilities. A survey has been designed to capture feedback from key stakeholders and the results of this survey will be used to shape the development of the Training Continuum. This will provide a centralised point of training, resources and links for EM practitioners in Tasmania.

## **Tasmanian Resilience Strategy and new State Emergency Management Strategic Directions Framework**

The SEMC (State Emergency Management Committee) *Strategic Directions Framework 2013-18* describes the current strategic priorities of the Tasmanian Government and provides a basis for the existing governance structures including subcommittees.

The Office of Security and Emergency Management is working closely with Tasmanian Government agencies and key external stakeholders to:

- Renew the SEMC *Strategic Directions Framework*; and
- Develop a public-facing *Tasmanian Disaster Resilience Strategy*, consistent with other states and national and international frameworks.

The Strategy and Framework will ensure strategic alignment between existing disaster resilience activities and help to prioritise the allocation of available resources.

The *SEMC Strategic Directions Framework* will be further reviewed and refined by the SEMC and agencies from July, following consultation and development of the draft Strategy. If approved, the final Strategy will be released in late 2019.

## **Fire Services Act**

The State Government is currently reviewing the *Fire Services Act 1979* and all subordinate legislation. An issues paper was released in June last year with several councils and LGAT providing submissions. The Independent Chair of the Steering committee, Mr Michael Harris, resigned from his position on 30 January 2019 and has been replaced by Mr Michael Blake.

Mr Michael Blake met with LGAT in February to discuss the LGAT submission and Local Government issues. It is expected that a further discussion paper with a range of options will be released to stakeholders for consultation in the next couple of months.

## **Budget Implications**

Does not apply.

## **Current Policy**

Strategic plan

Facilitating Change

Developing capacity and capability to deliver



**Decision Sought**

**That Members note the report on LGAT's Community Health and Wellbeing Project.**

**Background**

A new position combining overall social policy and the Health and Wellbeing Project (the Project) was filled in March this year. The new officer is Lynden Leppard.

The Project is now one year in to the three year plan and the latest six monthly report has been provided to the Department of Health (DOH), the funder of the project. A focus last year was on supporting the development of council community health and wellbeing plans and highlighting health and wellbeing actions within council strategic plans. This included regional forums and information sharing about what councils are doing to promote health and wellbeing in their communities. This focus on support for planning will continue in 2019.

The [Project webpage](#) includes a wealth of resources for councils. This includes examples of council health and wellbeing plans, videos describing practical approaches to planning, and describing playground and playspace builds in Wynyard, Hobart, Bridgewater, Brighton, Longford, Dunalley, Launceston and Meander. Materials from *Building Great Communities for Tasmania's Children* forums in Hobart and Campbell Town are also available through the link.

Information on the Walkability Project is also available on the webpage. This Liveable Communities Program project will develop further in 2019-20 with the focus remaining on how LGAT can support councils making walking easier in their communities and linking to public transport opportunities.

**Actions for 2019**

Planning for years 2 and 3 of the health and Wellbeing Project is well underway, with a draft shared with the Advisory Committee in May. Key DOH stakeholders and some council officers have been consulted about how the Project's vision and objectives might best be interpreted based on last year's experience. Our focus will include supporting councils interested in practical projects such as playgrounds and food security while also supporting councils to address health and wellbeing issues guided by local data.

Developing a shared understanding across the state about the positive actions councils are already taking to sustain and improve health and wellbeing will also be a priority for 2019-20. Council staff everywhere are taking all sorts of positive actions that may not be contained in a formal plan and we want to capture this in case studies acknowledging the strengths and capacity that already exist. This knowledge will inform LGAT and other organisations about

how to tailor their support to better suit particular council needs and improve our overall understanding of how councils work within their communities. Forums in Burnie, Devonport, Launceston and Hobart in late July will explore these themes and feature discussions led by local council officers.

### **Budget Implication**

The Health and Wellbeing Project is funded by the Department of health, although LGAT is also providing significant in-kind support.

### **Current Policy**

#### Strategic Plan

- Facilitating Change
- Fostering collaboration
- Promoting financial capacity
- Developing capacity and capability to deliver

### **9.16 LGAT Peer Advisor Program \*** **Contact Officer – Katrena Stephenson**

#### **Decision Sought**

**That Members note the Peer Advisor Program has been extended until the end of 2019.**

### **Background**

Following the Local Government elections in 2018, LGAT implemented a Peer Advisor Program for new councillors (refer **Attachment to Item 9.16**). This was the first time such a program had been put in place. Three Peer Advisors were appointed (one for each region) with training and resource kits provided to each. The program was widely promoted.

While the funding of the program concluded at the end of April all three Peer Advisors have agreed to continue on the program for no fee until the end of the year.

In evaluating the program in early May it was noted that program uptake had been slow to begin with but was starting to climb and that key matters being raised were around meeting procedures and practice, dealing with personal conflict/behaviours and relationship management. On occasions issues were too difficult or significant to be dealt with by Peer Advisors and in those instances the councilor was referred elsewhere (e.g. to the Director of Local Government or the Integrity Commission).

In general Advisors agreed:

- Councillors may need longer after an election to know what it is they might want to take advice on and to build program awareness;
- Managing personalities/conflict is often the issue;
- It appears that Code of Conduct may be being used inappropriately as a tool to threaten new councillors;
- There is clearly a role in training of candidates to build understanding and awareness of the reality of the role;
- It is hard for Peer Advisors to deal with intractable conflict – they have no authority. They can only be a trusted ear; and
- The training and support provided to Peer Advisors by LGAT was sufficient and does not need to change.

### **Budget Implications**

The program was fully funded through the 2018/19 budget at \$15,000.

### **Current Policy**

Strategic Plan

Developing capacity and capability to deliver

Priority Area 4 Further build sector resources and support, particularly for new Elected Members

### **9.17 State Budget \***

Contact Officer – Katrena Stephenson

#### **Decision Sought**

**That Members note the report on the 2019-20 State Budget.**

### **Background**

The State Budget was handed down on 23 May. LGAT circulated highlights to councils that day and are at **Attachment to Item 9.17**. A media release was also issued and is at **Attachment to Item 9.17**.

LGAT made a budget submission at the end of last year see <http://www.lgat.tas.gov.au/webdata/resources/files/Budget%20Priority%20Statement%202019-20.pdf>.

Our priority request was for additional resources to be based in the Planning Policy Unit, and a positive outcome was achieved in this regard with \$500,000 per annum allocated for planning reform. However, no funding was identified in the budget to support implementation of the soon to be released State Waste Action Plan. While the budget had a significant infrastructure focus, with \$2.8 billion to be invested in community infrastructure over the forward estimates period, there was not a specific allocation for cycling infrastructure. LGAT's capacity building proposals were not funded, but there will be further opportunity to advocate in these spaces during the review of the Local Government Legislation Framework and ahead of the next Local Government elections.

### **Other items of Interest to Local Government**

Other expenditure for the budgeted year:

- \$1.6 million to support the ongoing recovery of communities impacted by the bushfires in January and February 2019;
- \$650,000 to deliver the Flood Mapping Project;
- \$450,000 to finalise the Local Government Legislation Review; and
- \$1.2 million for the Southern Tasmania Community Recovery Fund.

At the Budget Breakfast in Hobart, the Treasurer noted the context 'headwinds' likely to impact on Tasmania's "strong economy and growing population", these included a reduction in state revenue of around half a billion dollars (a combination of a smaller total GST pool in the face of a national retail slow down and reduced stamp duty revenue associated with market growth occurring in areas where property values are not as high). He also noted that the state public service will be looking for efficiency savings to the order of 0.75c per \$100 of expenditure. The Government has projected that the budget, in particular the infrastructure spend, will create 10,000 jobs in Tasmania over the four year forward estimates period. Some concern has been raised by the opposition and other stakeholders about the movement into net debt, but the Treasurer remarked that the cost of servicing the debt was relatively low and supported equitable, intergenerational funding approaches for infrastructure. There has also been comment on the lack of focus on Tasmania's disadvantaged, particularly as relates to housing affordability. The Treasurer responded by noting initiatives around home ownership, infrastructure investment in growth areas and investment in transport.

As further detail emerges on the budget, LGAT will continue to update Members as appropriate.

### **Budget Impact**

Does not apply.

### **Current Policy**

Does not apply.

**9.18 Federal Election**  
**Contact Officer – Katrena Stephenson**

**Decision Sought**

**That Members note the report on the outcomes of the 2019 Federal Election.**

**Background**

The Federal election took place on 18 May and on 29 May, new Ministers under the Morrison Government were sworn in.

Of particular interest to the Tasmanian councils are:

<b>Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development</b>	The Hon Michael McCormack MP
<b>Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management</b>	The Hon David Littleproud MP
<b>Minister for Regional Services, Decentralisation and Local Government</b>	The Hon Mark Coulton MP
<b>Assistant Minister for Road Safety and Freight Transport</b>	The Hon Scott Buchholz MP
<b>Assistant Minister to the Deputy Prime Minister</b>	The Hon Andrew Gee MP
<b>Assistant Minister for Regional Development and Territories</b>	Mrs Nola Marino MP
<b>Minister for Population, Cities and Urban Infrastructure</b>	The Hon Alan Tudge MP

There will be two Tasmanian Ministers in the new Government:

<b><i>Assistant Minister for Forestry and Fisheries</i></b>	<i>Senator Jonathon Duniam</i>
<b><i>Minister for Aged Care and Senior Australians</i></b>	<i>Senator the Hon Richard Colbeck</i>
<b><i>Minister for Youth and Sport</i></b>	<i>Senator the Hon Richard Colbeck</i>

The ALGA National General Assembly 2019, to be held in Canberra 16-19 June, will include an address from the Local Government Minister and Shadow Minister.

ALGA President, David O'Loughlin will discuss the implications of the Federal Election outcome at the LGAT conference. He says –

*“while the election has ended, many of the initiatives for which ALGA has campaigned since September 2018 are yet to be realised. There was progress in some areas, increased Roads to Recovery and Bridges Renewal funding, continued local roads funding for South Australia, more funding for local sports infrastructure, some funding for waste and recycling initiatives and greater commitments in the areas of Indigenous well-being. But we still have a mountain to climb in terms of achieving a better federal funding deal for Local Government through FAGs, combating climate change, and really coming to grips with mounting recycling and waste management problems”.*

David will talk to delegates about the second phase of the Fairer Share campaign. This will need the support of all councils in contacting their new or returned local members and senators to congratulate them and also remind them of the importance of fairly funding local communities. It will be important to have as many councils involved as possible.

#### **Budget Impact**

Does not apply.

#### **Current Policy**

Does not apply.

### **9.19 Communications, Events and Training Update**

**Contact Officer – Kate Hiscock**

#### **Decision Sought**

**That Members note the following update regarding LGAT's communications, events and training.**

#### **Communications**

LGAT's monthly e-newsletter the Pulse continues to bring you information regarding Local Government activities, policies, legislation and LGAT's advocacy activities as well as upcoming LGAT events and training. The Pulse includes links to the LG Noticeboard and stories about Member achievements at the Better Councils Better Communities page. Sign up for the Pulse [here](#).

The first online only edition of [LG Tas](#) was released in April. Previously posted in hard copy to around 1000 recipients, digital only publication is resulting in financial savings and waste reduction. Tracking indicates that opening rates for LG Tas are 16.7% above the industry

standard which is pleasing. The purpose of LG Tas, produced bi-annually, is to promote the Local Government sector with a focus on Members' achievements and activities to a range of stakeholders and influencers.

## Overview of Activities

Proactive communications activities since the last General Meeting in addition to media queries include:

- Opinion Editorial - LG Taking the lead on waste (submitted yet to be published);
- The Pulse March, April, May editions;
- LG Tas April 2019; and
- Six Media queries.

Since the last General Meeting LGAT has facilitated key events and training activities including:

- Internal Audit Panel Training (6/7 March 2019);
- International Women's Day Awards Luncheon (8 March 2019);
- Elected Members Professional Development Weekend (23/24 March 2019);
- Engagement Champions Leadership (1 April 2019);
- General Managers Workshop (3/4 April 2019); and
- LGAT Breakfast Series with UTAS Devonport 9 May, Hobart 16 May (Launceston event postponed due to low numbers)

## Upcoming Events and Training

The LGAT Events Calendar can be found on our website [here](#)

## Upcoming Training and Development opportunities include:

May 2019	Date	Location	Information
Statewide Waste Study Consultation Workshop	29-May	Hobart	Click <a href="#">here</a>
Mayor's Professional Development Day	30 May	Launceston	Click <a href="#">here</a>
<b>June 2019</b>			
Statewide Waste Study Consultation Workshop	7 June	Launceston	Click <a href="#">here</a>
<b>July 2019</b>			
AURIN Workshops	1 July	Launceston	Click <a href="#">here</a>
AURIN Workshops	2 July	Hobart	Click <a href="#">here</a>
LGAT General Meeting	3 July	Hobart	Click <a href="#">here</a>
LGAT AGM	2 July	Hobart	Click <a href="#">here</a>
LGAT Annual Conference	4-5 July	Hobart	Click <a href="#">here</a>

<b>August 2019</b>			
Storytelling for leaders	15 August	Hobart	TBC
2IC Forum	4 September	Launceston	TBC
Regional Breakfast (UTAS)	4 September	Launceston	TBC

We have started preliminary work scoping a forum that looks to marry issues around planning, tourism impacts and housing affordability. Similarly, we are investigating a potential partnership to deliver an understanding of council financials workshop for elected members. More information on those will be provided in due course.

### **LGAT Annual Conference**

We hope you have registered for the 107<sup>th</sup> LGAT Annual Conference from 3-5 July at Wrest Point, Hobart. We think we have a great event lined up and look forward to seeing you there. Don't forget to visit the trade exhibition and talk to the exhibitors and sponsors that help support our event.

- Conference Wifi Password: lgat2019
- Join the conversation on Twitter: #LGATconf2019
- Dinner theme: Splash of Colour

Your feedback about the conference helps us deliver you a better event. Be sure to complete the feedback form that will be emailed to you on conference completion.

We are striving to reduce waste at the 2019 LGAT Annual Conference. All eating and drinkware will be washable. The coffee corner will have washable cups.

*Don't forget to bring your own reusable coffee cup and last year's conference bag*

### **Budget Impact**

Within current budget.

### **Current Policy**

LGAT Strategic Plan

Building Local Government's reputation

Fostering collaboration

Developing capacity and capability to deliver



## Motions For Which Notice Has Been Received

### 10 ROADS AND INFRASTRUCTURE

#### 10.1 Reinstatement of Heavy Vehicle Road Tax Council – Circular Head

##### Decision Sought

**That Member Councils of LGAT recommend that the State Government provides an immediate commitment to reinstatement of the equitable distribution of the total heavy motor vehicle road tax collected, to the percentage distribution at the time of inception of the scheme in 1996/1997.**

##### Background Comment

The State Grants Commission Act 1976 also requires the Commission to recommend the distribution amongst councils of State motor taxes collected on the registration of heavy vehicles. This function of the Commission is separate from its responsibility to recommend the distribution of Australian Government FAGs. The distribution of the HVMTR is not governed by the Local Government (Financial Assistance) Act 1995, and the funding is not a component of the FAG pool.

Since 1996-97, the State Government has allocated \$1.5 million per annum of heavy vehicle motor taxes for distribution to councils.

From the State Government published budget documents the total Motor tax in 1997-98 (no 1996-97 document online) was \$39 million with an estimated \$32.1 million being the heavy vehicle tax component (82% estimation based upon the number of licences issued and cost of licencing per vehicle class).

In 2018-19 this figure grew to \$89.9 million total Motor tax with an estimated \$73.9 million being the Heavy vehicle component (based on the above 82%).

Local Government may also be in position to lobby for a stronger proportion of the heavy vehicle tax than stated originally thought based upon a detailed read of the States 2016-17 Freight Survey report.

It is revealed (screenshot below) that the local government road network is providing carriage for 6% of all freight land movement which equates to 7.6% of all freight movement via road.

The 1997-98 distribution of Heavy vehicle tax (and original basis for lobbying) was 4.7%

If we recast the estimations in the original email using 7.6% as the total distribution to Local Government of the estimated total \$73.9 million collected by the state we arrive at \$5.6 million being distributed to Local Government. The CHC share via the SGC 18.64% distribution is then recalculated to be nominally \$1,046,000 annually.

This recast estimate would be a nominal \$767,000 increase to above the current \$279,000 fixed per annum contribution and would involve a .09% change to the State Governments annual revenue of \$5,874 million (still an immaterial change). This is equivalent to a 10.9 rate rise in the general rate.

## Overview

In 2016-17, Tasmania's road and rail freight network carried 25.7 million tonnes, which travelled around 2.2 billion tonne-kilometres. The majority of the task moved on the road network – 88 per cent by mass and 78 per cent by tonne-kilometres, compared to 12 per cent by mass and 22 per cent by tonne-kilometres for rail<sup>1</sup>.

Table 1 - Freight movements by road owner

Road ownership	Total length (km)	Tonne-kilometres travelled	per cent of total tonne-kilometres travelled
National Land Transport Network – Road	454	913 million	42%
State Roads <sup>2</sup>	3,700	612 million	28%
Local Government Roads <sup>3</sup>	14,470	131 million	6%
Roads under other ownership <sup>4</sup>	55,448 <sup>5</sup>	42 million	2%
<b>Total Road</b>	<b>74,072</b>	<b>1.7 billion</b>	<b>78%</b>
Tasmanian Rail Network	411	473 million	22%

42 per cent of Tasmania's total freight task, in tonne-kilometres, is carried on the National Land Transport Network (National Network)<sup>6</sup>, the majority by road (Table 1). While this Network comprises only a small proportion of Tasmania's total land freight network by length, it underpins the State's land freight network,

## LGAT Comment

LGAT has received two similar motions dating back thirteen years:

### 2005

*That Local Government lobby the State Government to increase the amount of 'heavy vehicle licence fees' that are distributed to Local Government.*

### 2006

*Heavy Vehicle Funding: That LGAT lobby the State Government to provide a greater share to Local Government in Tasmania of the heavy vehicle registration fees to enable Councils to develop a sustainable model for more adequate maintenance to their roads.*

LGAT also made budget submissions in 2004, 2008 and 2010 seeking redress for the elimination of previous sources of Local Government road maintenance funding for heavy vehicles, the equitable distribution of road taxation to improve local road maintenance capability and for such measures to keep pace with the considerable increase in the freight task and growth in heavy vehicle usage and demands on local roads.

This issue has a long history and is part of a larger issue of Local Government funding. At the heart of it is a small and dwindling (in real terms) distribution of the heavy vehicle motor tax to Local Government, when demands on the roads are increasing. This declining Local Government revenue in the face of increasing demands is a familiar story, recognised by councils across the nation<sup>6</sup>.

With roads, it is a particularly acute problem. Using the metric of “tonne kilometres” to assess roads and distribute funding to components gives a skewed sense of the complete road network. This metric tends to very favourably emphasise the role of the State and National road networks because of the distance travelled by a bulk of freight<sup>7</sup>, but these roads are not complete networks because they service a very small proportion of properties and land uses. Instead, it is the local road network that completes the transport task, delivering goods and services door to door and servicing the overwhelming majority of economically productive land uses.

It can be argued that although the State road network may be superior in providing kilometres driven, volume and the big figures that look impressive on paper, the local road network is far more critical for delivering actual completed trips that are fundamental to economic productivity. Effort and resources therefore need to be focused on Local Government roads and capacity to ensure the best transport outcomes.

In addition, local roads are typically constructed and maintained to a more economical standard and so can be more susceptible to suffering the impacts of heavy vehicle traffic.

The Tasmanian Government response does not attempt to address the issue at the heart of this motion, which is equity in road maintenance capacity. It does not take a whole-of-network approach so does not acknowledge the critical role of Local Government roads in facilitating economic productivity by providing complete transport trips. It also does not attempt to demonstrate equitability in funding distribution, appropriate to the transport outcomes sought, which should be a smooth, safe and efficient journey, from door to door.

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<sup>6</sup> See also: <https://alga.asn.au/policy-centre/financial-sustainability/background-on-local-government-funding/>

<sup>7</sup> See: [https://www.stategrowth.tas.gov.au/infrastructure\\_tasmania/freight/data/tasmanian\\_freight\\_survey2](https://www.stategrowth.tas.gov.au/infrastructure_tasmania/freight/data/tasmanian_freight_survey2)

### **Tasmanian Government Agency Comment**

The Tasmanian Government does not support the motion to increase its \$1.5 million annual contribution to supplement local council road maintenance programs.

While the cost to local councils of maintaining roads will have grown over time, the \$1.5 million annual payment is only a small part of road-related funding that Tasmanian local councils receive.

Many of these payments will contribute to maintenance of roads used by heavy vehicles, including:

- Roads to recovery funding;
- Black spot funding;
- Urban congestion funding; and
- State Government funding for specific roads and bridges projects.

Treasury has been unable to find evidence to support linking the grant to the quantum of State Government heavy vehicle motor tax revenue collections. The grant appears to have been primarily designed to compensate local councils for the abolition of local council heavy vehicle road tolls in 1996.

## **10.2 Compensation for No Indexation of Heavy Vehicle Road Tax Council – Circular Head**

### **Decision Sought**

**Member Councils of LGAT recommend that the State Government make to all Local Councils a one off additional annual payment allocation of the heavy motor vehicle road tax distribution as compensation for 24 years of no indexation of the funding allocation.**

### **Background Comment**

From the State Government published budget documents the total Motor tax in 1997-98 (no 1996-97 document online) was \$39 million with an estimated \$32.1 million being the heavy vehicle tax component (82% estimation based upon the number of licences issued and cost of licencing per vehicle class).

In 2018-19 this figure grew to \$89.9 million total Motor tax with an estimated \$73.9 million being the Heavy vehicle component (based on the above 82%).

Just let that sink in for a moment: -

- The distribution of \$1.5 million of the total heavy vehicle tax collected by State government to Local Government has remained fixed at \$1.5 million without increase for 24 years.
- The total heavy vehicle tax collected by State Government has grown from an estimated \$32.1 million to \$73.9 million (a 230% increase to the state revenue with a 0% increase to the Local Government share).

From the same SGC publication referenced above CHC's share of the \$1.5 million in 2017-18 was 18.64% of the total; \$279,552. In 2017-18 the \$1.5 million represents 2.08% of the total Heavy vehicle tax collected by State Government. If the 1997-98 comparative distribution was used (4.67% to Local Government) the total distribution to Local Government would rise from the fixed \$1.5 million to \$3.36 million across all Councils.

It should be noted that the total State Government revenue in 2017-18 was \$5,874 million, so the suggested correction to 1997-98 distribution proportion would represent only a 0.03% reduction in revenue (\$1.86 million reduction).

Despite the small margins involved for State Government, in all likelihood LGAT (if lobbying on Local Government's behalf) wouldn't achieve a full correction upfront but lobbying for increases to the fixing of the \$1.5 million distribution given the 230% growth of the revenue since 1996-97 over a period of say 3 years (0.01% revenue reduction to State Government) would have a very material effect for the high road use repair costs for Councils.

For interest, the current SGC \$1.5 million Heavy vehicle tax distribution is shown below for all 29 Councils.

**Table 16: 2016-17 Heavy Vehicle Motor Tax Revenue Distribution by council**

	Tonne-Kilometres (1)	Share of State Total	2016-17 Distribution \$
Break O'Day	5 551 751	4.84%	72 642
Brighton	1 261 299	1.10%	16 504
Burnie	3 790 995	3.31%	49 603
Central Coast	5 219 775	4.55%	68 298
Central Highlands	1 989 652	1.74%	26 034
Circular Head	21 365 189	18.64%	279 552
Clarence	1 663 315	1.45%	21 764
Derwent Valley	5 633 386	4.91%	73 710
Devonport	4 339 139	3.79%	56 775
Dorset	11 387 792	9.93%	149 003
Flinders	728 258	0.00%	0
George Town	2 559 709	2.23%	33 493
Glamorgan Spring Bay	32 878	0.03%	430
Glenorchy	2 235 666	1.95%	29 253
Hobart	5 036 370	4.39%	65 898
Huon Valley	3 877 835	3.38%	50 739
Kentish	4 529 823	3.95%	59 270
King Island	1 357 427	0.00%	0
Kingborough	700 584	0.61%	9 167
Latrobe	1 165 783	1.02%	15 254
Launceston	11 974 969	10.45%	156 686
Meander Valley	4 956 200	4.32%	64 849
Northern Midlands	5 670 606	4.95%	74 197
Sorell	1 085 585	0.95%	14 204
Southern Midlands	898 102	0.78%	11 751
Tasman	724 531	0.63%	9 480
Waratah-Wynyard	4 569 630	3.99%	59 791
West Coast	140 024	0.12%	1 832
West Tamar	2 279 083	1.99%	29 821
<b>Total</b>	<b>116 725 356</b>	<b>100.00%</b>	<b>1 500 000</b>

(1) Source: Tonne-Kilometres from the 2014-15 TFS

### LGAT Comment

Refer to comments above in relation to Motion 10.1 - Reinstatement of Heavy Vehicle Road Tax). Distribution of road funding, that is, the resourcing and capacity of road management should be distributed and allocated strategically according to the transport outcome sought.

The Tasmanian Government comment on this motion below gives no explanation for the absence of indexation and how it supports their road management goals for the Tasmanian road network, nor why, when motor tax revenue is increasing, Local Government distribution should be declining (in real terms).

### Tasmanian State Government Agency Comment

The State Government does not support the preceding motion 4.1 to increase its \$1.5 million annual contribution to supplement local council road maintenance programs, and therefore also does not support this motion.

## 11 SECTOR PROFILE AND REFORM

### 11.1 Amend Meeting Procedures Council – Break O’Day

#### Decision Sought

That LGAT lobby the State Government requesting changes be made to Part 3, Sections 27 and 28 – Voting as well as the inclusion of reasons to be listed in Section 32 – Minutes of the Local Government (Meeting Procedures) Regulations 2015 with regard to elected members voting against an “Officer’s Recommendation” or “Motion”.

#### Background Comment

That if a Councillor votes against an “Officer’s Recommendation” or “motion” it must be recorded in the minutes that particular Councillors reason for voting against the recommendation. This should be done for all decisions of Council not just when acting as a “Planning Authority”.

The main reason for this amendment is to ensure complete transparency and accountability to the community. An elected member must be accountable to the community and the only way transparency can work is if the community knows why a Councillor has voted “no”.

#### LGAT Comment

There has been one previous motion that is related to this matter, tabled at the July 2015 Meeting -

*That all Councillors be encouraged to undertake training courses ie Planning, Legislation, Code of Conduct, Meeting Procedures etc.*

Members would be aware that the State Government has recently commenced a review of the *Local Government Act*. Please refer to the separate agenda item for a full update. If this motion is carried, then the current review offers the ideal opportunity for this motion to be progressed.

#### Tasmanian State Government Agency Comment

The Tasmanian Government is currently undertaking a comprehensive review of Tasmania’s Local Government legislation (including supporting regulations). Proposed changes to enhance transparency in council decision making, including meeting procedures, are being actively considered as part of the review.

## 12 SECTOR CAPACITY

No Motions Received

## 13 FINANCIAL SUSTAINABILITY

No Motions Received

## 14 ENVIRONMENTAL MANAGEMENT

### 14.1 Climate Change Council – Devonport City

#### Decision Sought

That the Local Government Association of Tasmania investigate opportunities for the sector to develop a position on climate change including acknowledging:

- There is a climate emergency that requires action by all levels of the government;
- Human induced climate change is at the forefront of the climate emergency; and
- The State Government has a particular role in assisting local governments in dealing with the impacts of climate change.

#### Background Comment

There is a view that climate change is impacting on the environment at a rapidly increasing rate. All levels of government need to be working closely together to address the issue.

A number of local governments around the world have passed motions which acknowledge that in their view, there is a climate emergency (refer <https://climateemergencydeclaration.org/category/news/>).

The Municipal Association of Victoria recently passed a motion as follows:

*That the MAV recognise that:*

- a) We are in a state of climate emergency that requires urgent action by all levels of government, including councils;*
- b) Human induced climate change stands in the first rank of threats to humans, civilisation and other species;*
- c) It is still possible to restore a safe climate and prevent most of the anticipated long-term climate impacts – but only if societies across the world adopt an emergency mode of action that can enable the restructuring of the physical economy at the necessary scale and speed.*
- d) The MAV has a role in assisting local governments in this regard.*



Council acknowledges that individual councils are actively pursuing their own responses to climate change however, the climate emergency is more than an individual council responsibility. It could reasonably be argued that there is a responsibility for all levels of government and the community to work together.

This motion seeks LGAT to develop a sector wide position on climate change which is supported by the State Government to ensure that it can demonstrate that Tasmania is serious about tackling the issue and are prepared to work together to identify and implement positive action.

### **LGAT Comment**

LGAT has had one historical motion carried specifically relating to climate change:

*November 2010 – Seeking strengthening of the State-wide Partnership Agreement on Climate Change*

The Climate Emergency Declaration and Mobilisation campaign is a growing movement who's stated goal is "...for governments to declare a climate emergency and mobilise society-wide resources at sufficient scale and speed to protect civilisation, the economy, people, species, and ecosystems."

It is an awareness campaign seeking action that gives special consideration to Local Governments and their role in addressing climate instability. Nineteen Australian Governments, including the ACT and eighteen councils, and 106 British Local Governments have declared a climate emergency<sup>8</sup>.

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<sup>8</sup> See: <https://climateemergencydeclaration.org/climate-emergency-declarations-cover-15-million-citizens/>

**Decision Sought**

**That the LGAT call upon the Federal and Tasmanian State Governments and Parliaments urging them to:**

- a) Acknowledge the urgency created by climate change that requires immediate and collaborative action across all tiers of government;**
- b) Acknowledge that the world climate crisis is an issue of social and environmental injustice and, to a great extent, the burden of the frontline impacts of climate change fall on low income communities vulnerable groups and future generations; and**
- c) Facilitate emergency action to address the climate crisis, reduce greenhouse gas emissions and meet or exceed targets in the Paris Agreement.**

**Background Comment**

There is concern from young people within Tasmania in relation to the impacts of climate change as is now occurring and for the future. These impacts are wide reaching including environmental, social and economic impacts.

The recent Intergovernmental Panel on Climate Change (IPCC) Special Report: Global Warming of 1.5°C, concluded that urgent action needs to be taken to prevent global temperatures exceeding 1.5°C.

Tasmania and particularly the Huon Valley is increasingly vulnerable to the impacts of climate change, particularly sea level rise, bushfires, floods and drought.

There is a strong feeling that climate change is not being addressed by Governments in a collaborative and effective manner.

The Federal and State Governments have the potential for the greatest influence on climate change related matters and yet they do not provide adequate resources and direction to addressing climate change impacts and often pass down responsibility to Local Government and local communities to find their own solution.

**LGAT Comment**

LGAT has had one historical motion carried specifically relating to climate change:

*November 2010 – Seeking strengthening of the State-wide Partnership Agreement on Climate Change*

Tasmanian communities are increasingly feeling the effects of extreme weather events, resulting in severe bushfires in 2013, 2016 and 2019, severe flooding in 2016 and 2018 and, ongoing coastal erosion. Each instance cannot casually be correlated to altered climate but taken together they form a pattern in people's minds that match the climatic patterns predicted by a large body of global scientific investigation.

The number of positive initiatives undertaken by the Government is acknowledged (as detailed in the Tasmanian Government comment below) however, members should be aware that the 2019-20 State Budget Papers indicate an end to State Government funding for its Climate Action 21: Tasmania's Climate Change Action Plan 2017-2021 from the end of the 2021 financial year (only two years away) resulting in a significant reduction in forecast funding from that period onwards. This coincides with the end of the Action Plan however, funding has not been forecast or allocated for a replacement plan or what continuation past the point might look like.

**Table 9.1: Key Deliverables Statement**

	2019-20 Budget	2020-21 Forward Estimate	2021-22 Forward Estimate	2022-23 Forward Estimate
	\$'000	\$'000	\$'000	\$'000
Bushfire Recovery	1 560	....	....	....
Climate Action 21: Tasmania's Climate Change Action Plan 2017-2021	750	750	....	....

### **Tasmanian Government Agency Comment**

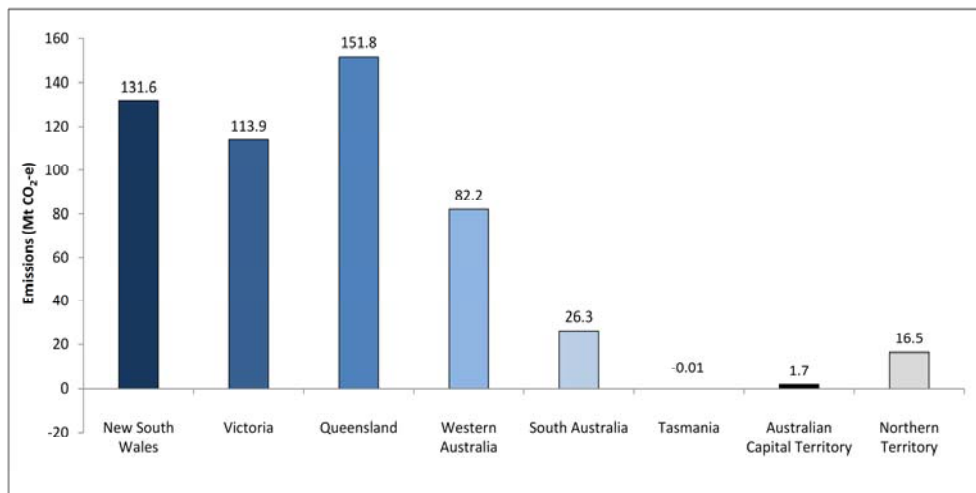
The *Climate Change (State Action) Act 2008* (the Act) sets the Tasmanian Government's legislative framework for action on climate change.

Following the most recent independent review of the Act, completed by Jacobs Australia in 2016, the Department of Premier and Cabinet's Tasmanian Climate Change Office is currently leading a project to amend the Act.

Amendments to the Act are scheduled to be tabled in Parliament this year. The proposed amendments include setting a new greenhouse gas emissions target for Tasmania in line with international agreements.

It is important to note that Tasmania's total contribution to national carbon emissions is the lowest of any state or territory and, according to the *State and Territory Greenhouse Gas Inventories 2016*, represented a net negative contribution of -0.01 metric tonnes of carbon dioxide equivalent emissions (see Figure 1, below).

Figure 1: State and Territory total emissions (including those from Land Use, Land Use Change and Forestry), Financial Year 2016, (Mt CO<sub>2</sub>-e)



Note: The NSW inventory includes ACT emissions from the *stationary energy* sector.

*Climate Action 21: Tasmania's Climate Change Action Plan 2017-2021* (Climate Action 21) sets the Tasmanian Government's policy framework for action on climate change through to 2021. It reflects the Government's commitment to addressing the critical issue of climate change and articulates how Tasmania will play its role in the global response to climate change.

Through the implementation of Climate Action 21, the Tasmanian Government has worked closely with councils on a number of key projects in relation to electric vehicles, risk management, and coastal issues.

Key initiatives being delivered by the Tasmanian Government to reduce the State's greenhouse gas emissions include:

- \$850,000 for Power\$mart Homes, a program aimed at helping low income households reduce their energy costs through support and education, energy efficiency audits and low cost upgrades;
- \$150,000 for Power\$mart Businesses, a program to provide assistance to businesses to improve energy efficiency;
- \$450,000 to commence the rollout of a statewide electric vehicle charging network by offering grant funding to install both fast and destination electric vehicle charging stations; and
- The Smarter Fleets Program to work with councils, State Government departments, and heavy vehicle fleets for improved electric vehicle preparedness and fleet efficiency.

Additionally, the Tasmanian Government:

- Has committed to becoming 100 per cent self-sufficient in renewable energy generation by 2022 and has facilitated major windfarm developments to help achieve this;

- Will invest up to \$30 million to take the first phase of Battery of the Nation to investment stage by 2022;
- With support from the Australian Government, will invest \$56 million to the development of the second interconnector between Tasmania and the mainland;
- Has delivered the \$40 million Tasmanian Energy Efficiency Loan Scheme to provide no-interest loans for households and small businesses to purchase energy efficient equipment and appliances;
- Continues to support vulnerable customers through Aurora Energy's 'Your Energy Support' and 'No Interest Loan Scheme' programs, which help customers manage their energy bills through tailored payment plans and access to energy efficient products;
- Delivered a Climate Change Health Roundtable (April 2019) with experts and policy makers to identify policies, programs and research in climate change and health, specific to the Tasmanian context;
- Is undertaking research to help the Tasmanian Government, Local Government, industry and communities build their capacity to prepare for and respond to coincident (also known as multi-hazard) extreme events;
- Is supporting local councils to understand and actively assess climate risks to ensure they make decisions in the best interests of their community; and
- Is working with coastal managers across Local and State Government to identify key issues in coastal hazards management for existing settlements and values.

The Tasmanian Government will continue to work collaboratively with councils, communities and all stakeholders to further reduce the State's greenhouse gas emissions, grow a climate-ready economy and build climate resilient communities across Tasmania.

### **14.3 Single Use Plastics/Waste Strategy Council – Huon Valley**

#### **Decision Sought**

**That the Local Government Association of Tasmania lobbies the State Government to complete a state-wide Waste Strategy that includes Policy and Legislation that will phase out single use plastics across the State and support the establishment of regional composting facilities.**

#### **Background Comment**

The issue of single use plastics is under active discussion within the Tasmanian community.

The Hobart City Council has recently announced a by-law proposing to ban single use plastics within the Hobart City. The By-law will not though apply to any other Council area.

There is substantial evidence that single use plastics and takeaway packaging is a major contributor to the litter stream in Tasmania.

There is considerable public momentum for the reduction in availability of plastic products to reduce environmental impact. Alternative and compostable packaging is readily available and it is considered important that the strategy considers and supports the development of regional composting facilities to ensure that maximum benefit can be achieved from use of alternative packaging.

This is not a matter simply confined to an individual Council but is a matter that should be considered by the State Government on a statewide strategy basis with some following action.

#### **LGAT Comment**

There have been a significant number of previous motions related to waste management and resource recovery at LGAT General Meetings. Starting with July 2004, seeking the State Government to develop a policy for the preferred disposal of green waste.

In July 2012 and again in November 2016 the sector confirmed its commitment to the introduction of a state-wide statutory waste levy.

In November 2017 the sector reaffirmed its commitment to improving waste management and raised concerns over the lack of a State Waste Strategy and action on plastics in particular.

In July 2018 the sector moved that LGAT lobby the State Government for the introduction of legislation to phase out the provision of petroleum-based single-use take-away food packaging, and also that LGAT lobby councils to adopt the use of reusable and compostable items for use in council sponsored events.

LGAT has been actively lobbying the State Government for the development of a State Waste Action Plan since July 2016, when the Government announced it would not be introducing a statutory waste levy. This has included the development of the LGAT Waste and Resource Management Strategy in 2017, which details a suite of initiatives which address key state-wide issues faced by Local Governments across Tasmania, for consideration by the Environment Protection Agency (EPA) in developing a new waste action plan. Since that time LGAT has advocated directly to Government and also via a number of media statements and opinion editorials for the urgent need for state-wide policy. At the most recent Premier's Local Government Council Meeting the failure of the State Government to produce a State Waste Action plan was discussed.

The LGAT Waste and Resource Management Strategy 2017 did not contain a recommendation to phase out single use plastics as at that time stakeholder feedback did not highlight it as a key issue. However, this issue emerged as a significant concern of the sectors (and the

community more broadly in 2018) and since that time LGAT has been advocating that the State Government introduction of legislation to phase out the provision of petroleum-based single-use take-away food packaging. It is further worth noting that the work LGAT is currently undertaking on the feasibility of state-wide waste arrangements indicates that single use plastics and packaging was highlighted as one of the four top waste priorities identified by stakeholders. Please see the separate agenda item for a full discussion.

The State Government response to this motion is typical of their response over the past 12 – 18 months on all aspects of LGATs advocacy related to waste and resource recovery. The long awaited for State Waste Action Plan will need to be a comprehensive road map with an implementation plan for addressing the many significant and unresolved waste issues at a state-wide level. Anything otherwise would fall well short of what the Tasmanian community requires.

### **Tasmanian Government Agency Comment**

The Tasmanian Government acknowledges that there is a high level of interest from the community on reducing the impact of single-use plastics. The Tasmanian Government is currently working at the national level through the Meeting of Environment Ministers to develop an implementation plan for the recently endorsed *National Waste Policy*. The Policy includes consideration of how to reduce and eventually move away totally from the use of single-use plastics and has a key commitment from Ministers to having 100 per cent of Australian packaging being recyclable, compostable or reusable by 2025.

The Government has committed to releasing the Draft Tasmanian Waste Action Plan by the end of June 2019. The Waste Action Plan and the national policy will help to establish an environment that will result in a reduction in single-use plastics. It is important that potential impacts on business and the community are assessed and the Waste Action Plan will help to set a broader framework that tackles these kinds of waste and resource recovery issues.

#### 14.4 Single Use Plastics Council – Break O’Day

##### **Decision Sought**

**Request that LGAT lobby the State Government to take leadership in developing a consistent state wide approach to banning the use of single use plastics in takeaway food packaging.**

##### **Decision Sought**

Break O’Day Council completely agree with the initiative of the Hobart City Council to ban single use plastics but we think that having up to 29 Council By-Laws which could all be different or only having some Councils doing this would be confusing. A more logical way to go is for a state wide approach which sends a message from Tasmania on this issue.

The City of Hobart has integrated the banning of single-use plastics into their current by-laws. We believe there is community support for this to happen in the Break O’Day municipality and that this Council should support the Hobart Council in their motion to LGAT and commence our own lobbying of sector businesses and State Government.

We believe many of our community members are increasingly concerned about plastics entering the Tasmanian marine environment and the impacts of micro-plastics on both human health and the environment.

We believe that Break O’Day should tackle the distribution of single-use, petroleum based plastic packaging, like straws, cutlery, lids and containers, from takeaway food outlets, working with local businesses.

We also believe that Council should request LGAT to lobby the State Government to broaden the scope of its current plastic bag legislation to include non-compostable single-use takeaway food packaging.

A number of our local food outlets have already commenced on this pathway to reduce waste and have joined the Responsible Café movement (<https://responsiblecafes.org>) to eliminate disposable coffee cups. Disposable coffee cups are lined with plastic polyethylene, which is tightly bonded to the paper making the cups waterproof and therefore able to contain liquid. In St Marys there are three (3) cafes who are participating and in St Helens there are two (2) participating cafes.

##### **LGAT Comment**

Please refer to the comments provided on the Huon Valley Council Motion above.



### **Tasmanian Government Agency Comment**

The Tasmanian Government acknowledges that there is a high level of interest from the community on reducing the impact of single-use plastics. The Tasmanian Government is currently working at the national level through the Meeting of Environment Ministers to develop an implementation plan for the recently endorsed *National Waste Policy*. The Policy includes consideration of how to reduce and eventually move away totally from the use of single-use plastics and has a key commitment from Ministers to having 100 per cent of Australian packaging being recyclable, compostable or reusable by 2025.

The Government has committed to releasing the Draft Tasmanian Waste Action Plan by the end of June 2019. The Waste Action Plan and the national policy will help to establish an environment that will result in a reduction in single-use plastics.

It is important that potential impacts on business and the community are assessed and the Waste Action Plan will help to set a broader framework that tackles these kinds of waste and resource recovery issues. It is the view of DPIPW that the scope of the *Plastic Shopping Bags Ban Act 2013* could not be amended to address takeaway food packaging. New legislation would be required for any agreed statewide approach.

### **14.5 State Weed Management Council – Break O’Day**

#### **Decision Sought**

**That LGAT lobby the heads of the Tasmanian Government’s Departments and GBEs with responsibilities for management of public lands or works on public lands to have new increased and sustained resourcing levels committed in government agency budgets to manage weeds on public land in coordination with the efforts of others in local areas.**

#### **Background Comment**

Break O’Day Council is concerned that Tasmanian Government agencies responsible for weed management on public land and conducting public infrastructure and works are not allocating sufficient resources for their duty care to the community.

The Spanish heath, gorse, pampas grass and many other weeds causing our problems have no regard for whose land they spread over. It is the property owner/manager who is responsible for preventing the spread of weeds and their eradication under the state’s Weed Management Act. Without coordinated strategic efforts by all land holders and managers and matching efforts, the weeds win.

Break O'Day Council is concerned that the resources being provided to public land managers locally are often not enough to match the coordinated efforts and progress by Councils, land owners and communities and is undermining their collective efforts.

Break O'Day Council recognises the area of public land government agencies are responsible for is extensive and fragmented, and the diverse range of public infrastructure and works in Tasmania they manage. Our experience is that government agencies generally do locally as much weed management as they can. Council also acknowledges the support of Biosecurity Tasmania and the government's Weed Action Fund and appointment of Mr Ian Sauer a State Weeds Advocate to chair the Fund and coordinate priorities for these new weed management resources.

However we are increasingly concerned that government agencies across Tasmania are failing to keep up with significant progress being made by Councils with farmers, community groups and residents, government agencies locally and Biosecurity Tasmania. And levels of weed management resources must be sustained over years, the key to success with weed management is follow-up.

The government's relatively short term Weed Action Fund is a welcome boost but it is not a substitute for the responsibilities government agencies share with other owners and managers of property in Tasmania to manage their weed problems. They should be engaged with local strategic weed management communities and allocate and apply appropriate levels of resources to support and not undermine coordinated local efforts.

If state agencies are not legally bound by legislated responsibilities, they are bound by their duty of care to the public whose land they use and manage, and as weed management role models.

#### **LGAT Comment**

LGAT has had number of motions in relation to weeds (2010, 2011, 2012, 2014 and 2017).

Key issues identified in relation to weeds have included the need for more resourcing to support weed management and greater collaboration to address strategic weed management. It is noted that Parks and Wildlife and State Growth (roadside weeds) work collaboratively with councils and other agencies and this is essential to the strategic management of weeds which do not observe land tenure. This cooperation must extend to Crown Land, other agencies and GBEs.

#### **Tasmanian Government Agency Comment**

The Parks & Wildlife Service (PWS) works collaboratively with councils, regional and local Natural Resource Management groups, Wildcare Inc friends groups and non-government

organisations and the community to target and prioritise weeds that have impact on areas of high conservation values or habitats.

The Working Neighbours program also contributes through the PWS working together with adjoining neighbours (predominantly in and around the Tasmanian Wilderness World Heritage Area) to identify and collaboratively manage cross-boundary issues of mutual concern such as weeds.

In the Break O'Day and adjoining municipalities, the practical application of weed eradication and management is represented through the following programs:

- Sea Spurge (Euphorbia): twice a year sweep of the 140 km coastal strip between Cape Naturaliste and Chain of Lagoons, pulling individual plants and undertaking spray treatment of larger infestations.
- Spanish Heath: control on reserves at Mt William/Wukalina National Park, Musselroe Bay and Ansons Bay, including targeted spraying to remove it from the last remaining stronghold of the critically endangered Davies' Waxflower at Mt Pearson State Reserve.
- Blackberry: removal from the area between Dianas Basin and Four Mile Creek, in conjunction with local community weed groups.
- Foxglove: removal from St Columba Falls and Poimena.
- Gorse: removal from Falmouth to Four Mile Creek.

The St Helens PWS field centre also partners with the Falmouth Foreshore Group, the Four Mile Creek Community Association, and the Wildcare Inc Friends of the Larapuna Coast (who undertake an annual three day weed and rubbish blitz on the Larapuna coast). Other areas where the PWS is active regarding weed control and eradication include Scotts Peak/Ryans Point helipad (biosecurity risk); Blackberry control - the Neck Game Reserve; continuous monitoring for infestations resulting from the 2013 Stormlea and Forcett wildfires; Serrated tussock - Sloping Island, Maria Island and numerous sites throughout the Northwest and the West Coast.

Crown land in Tasmania is managed by various Government Agencies and GBEs. Land managed under the *Crown Lands Act 1976* may be actively managed under either a Lease or Licence Agreement to a third party, or directly by the PWS.

The PWS routinely works with groups and individuals under Works Authorities to undertake weed management works on both Reserved and Crown land. The PWS also works with Local Government and other Government Agencies to coordinate and strategically collaborate on the most appropriate weed treatments/programs, including permit works approved by Biosecurity Tasmania.

The PWS is bound by the *Weed Management Act 1999* and adopts the statutory weed management plans for weed species declared under the Act.

#### **14.6 Waste Management Storage & Collection Council – West Tamar**

##### **Decision Sought**

**That Local Government Association of Tasmania lobby the Tasmanian Government for:**

**Reform of multiple dwelling standards in the Tasmanian Planning Scheme to require consideration of:**

- **Waste management storage and collection impacts for multiple dwelling developments; and**
- **Allowing for alternative waste storage and collection means such as site skip bins.**

##### **Background**

The placement of bins on the road for collection is an issue within the community and for Councils in their role as a waste management provider for residents.

Recent unit developments in Legana highlight this issue, with the placement of significant numbers of refuse bins in a row on collection days. The following image provides an example of this problem.



More unit developments are underway in the same area, which will make the existing problem worse.

Some Councils have previously addressed this issue through planning scheme standards for unit developments, which regulate the unit developments on internal lots and allowed

consideration of the ability to have bins collected. Those provisions have been removed by the State as a result of the standardised State Housing provisions.

Councils can no longer consider this problem through their planning schemes.

The Tasmanian Planning Scheme allows consideration of the ability to store bins within the curtilage of a dwelling in the General and Inner Residential zones, it does not allow consideration of the ability to collect bins from a site or the adjoining roadway.

Government departments did consultation as part of the preparation and assessment of the standard State Housing provisions as used in current Planning Schemes and also the Tasmanian Planning Scheme. This issue was raised during the development and ongoing review of those provisions. The State determined that standards were not required to consider the ability of a site to allow collection of the bins under both the State Housing Provisions and Tasmanian Planning Scheme.

Despite repeated submissions from West Tamar Council, the State has not altered this position. This suggests that an alternative approach is required and that an industry based response from LGAT may be appropriate.

It is clear that the collection of waste, recycling and now FOGO bins has an impact on the immediate area of unit complexes. Recent development trends demonstrate unit complexes have continued to increase over the last years and are expected to continue. This suggests that impacts will continue to increase as more unit complexes are built.

Councils can deal with this matter through their waste management and road functions, which rely on a response after the problem exists. While it may be possible to identify this problem with the design of unit complexes, it is practically impossible to require a response through that process without standards in a planning scheme.

Planning scheme standards need to consider the ability to collect and empty bins as part of the design process. Standards in the current and pending planning schemes do not allow that to occur.

Triggers for assessment need to address:

- Internal lots;
- Large numbers of units;
- Collection of bins, rather than simply storage; and
- Use of alternative waste storage and collection means such as skip bins.

Given that the efforts of Council staff have not resulted in change to development standards, it is time to seek an industry based response on this matter through the LGAT.

### **LGAT Comment**

There have been no previous motions on this matter.

The State Government comment has failed to note the Government's commitment to review the standards for residential development (Planning Directive 4.1) in the General Residential Zone. As part of this, the Government has committed to include the development of new provisions for medium density and gentle infill housing.

LGAT is currently supporting Meander Valley Council in their LPS Hearing related to the Natural Assets Code and utilising S.35G of LUPAA. It should be noted that while LUPAA does have this mechanism, it has not been used before, the process is not articulated and there is confusion regarding its application.

### **Tasmanian Government Agency Comment**

The State Planning Provisions (SPPs) and the current PD4.1 provisions in the Interim Planning Schemes both provide controls and requirements for dealing with waste storage. The SPP is set out below.

Despite the motion indicating that previously there have been planning scheme standards for unit developments that allowed consideration of the ability to have bins collected, and the claim that these were removed by the planning directive process, there does not appear to be any record of such provisions in older schemes. Notwithstanding this, there is a process that allows councils to make submission to the Planning Commission as part of its Local Provisions Schedule process, to the effect that it considers the State Planning Provisions need to be amended (s.35G of the *Land Use Planning and Approvals Act 1993*).

It is recommended the issue is raised through the LPS process (in accordance with s.35G), preferably with some suggested standards that are derived from local council knowledge of the issue.

#### 8.4.8 Waste storage for multiple dwellings

Objective:	To provide for the storage of waste and recycling bins for multiple dwellings.	
Acceptable Solutions		Performance Criteria
<b>A1</b> A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m <sup>2</sup> per dwelling and is within one of the following locations: <ul style="list-style-type: none"> <li>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</li> <li>(b) a common storage area with an impervious surface that: <ul style="list-style-type: none"> <li>(i) has a setback of not less than 4.5m from a frontage;</li> <li>(ii) is not less than 5.5m from any dwelling; and</li> <li>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</li> </ul> </li> </ul>		<b>P1</b> A multiple dwelling must have storage for waste and recycling bins that is: <ul style="list-style-type: none"> <li>(a) capable of storing the number of bins required for the site;</li> <li>(b) screened from the frontage and dwellings; and</li> <li>(c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</li> </ul>

## 14.7 Feral Cats \*

### Council – Burnie City

#### Decision Sought

That LGAT calls on the State Government as matter of urgency to set up, resource, and authorise a program within the relevant State agency of a kind equivalent to the former Fox Eradication Taskforce with a specific purpose of taking and coordinating immediate and continuing long-term direct action to control and reduce the population of stray and feral cats in all parts of Tasmania.

#### Background Comment

The State Government introduced the Tasmanian Cat Management Plan 2017 as a framework on which to develop a more direct approach to improved cat management.



The Plan proposes a three pronged approach to reducing the population and impact of cats on the natural and human environment by –

- (a) Increasing the responsibility and accountability on cat owners to control the breeding and movement of cats;
- (b) Increasing the powers and responsibilities of Local Government to effectively manage cats and enforce compliance to the obligations on cat owners within their municipal areas; and
- (c) Increasing programs to reduce the number of stray and feral cats with natural and human environments.

The Department of Primary Industry, Parks, Water and Environment website states -

*“The Tasmanian Cat Management Plan represents the first comprehensive and collaborative approach to managing cats in Tasmania. The Plan recognises that cat management is a shared responsibility across all levels of government, business and the community and includes actions under seven objectives:*

*Objective 1: Tasmanian pet cat owners manage their cats responsibly*

*Objective 2: Increased community awareness, participation and commitment in cat management*

*Objective 3: Best practice techniques are used to guide the planning, management and control of stray and feral cats*

*Objective 4: Improved knowledge about feral, stray and domestic cats to better inform management*

*Objective 5: Minimise impacts of cats in areas with important conservation values and agricultural assets*

*Objective 6: Undertake legislative change to create an effective framework for managing cats and support other objectives*

*Objective 7: The roles and responsibilities related to cat management are clearly defined and understood by the Tasmanian community.*

*Implementation of the Plan will be guided by a shared understanding that there is a need to both: encourage responsible cat ownership, acknowledging the positive role that cats can play in our community; and to understand and mitigate the negative impacts that cats can have on the environment, agriculture, and on human health.”*

The Departments website states in relation to control of stray and feral cats –

*Under the [Cat Management Act 2009](#) cats found in a prohibited, rural or remote area may be trapped, seized or humanely destroyed.*



*Stray and feral cats pose a risk to Tasmania's wildlife, environment and agriculture. Cats may also act as a vector for diseases that affect wildlife, livestock and humans.*

*While responsible pet ownership is important to prevent the introduction of more cats into the environment, the existing feral population is believed to be self-sustaining and eradication is not feasible. A Cat Management Strategy is being developed in consultation with key industry, community and research partners to better understand and mitigate these impacts. DPIPWE is also supporting ongoing research into the impact of feral cats by the University of Tasmania.*

*The Cat Management Act 2009 allows for cat management actions within prohibited areas including Crown Land, private timber reserves, reserved land and land subject to a conservation covenant under the [Nature Conservation Act 2002](#) and State Forests and Reserves. Cats found in these areas may be trapped, seized or humanely destroyed by managers of that land, or people working on their behalf.*

*The owner of private land, or people working on their behalf, may trap, seize or humanely destroy a cat found:*

- *on rural land used for primary production relating to livestock, or*
- *on any land further than one km from any residence.*

*Where a cat is trapped or otherwise seized, the cat should be transferred as soon as practicable to a [cat management facility](#).*

*All cat management activities must be conducted in accordance with the Cat Management Act 2009 and the [Animal Welfare Act 1993](#). Penalties apply for inhumane activities and other breaches of those Acts.*

The Invasive Species Branch (ISB) was formed in July 2012 within the Department of Primary Industries, Parks, Water and Environment (DPIPWE) to:

- Facilitate research to increase knowledge of invasive species impacts;
- Provide technical support for the management of invasive species; and
- Develop community understanding of invasive species issues.

The ISB works with agencies such as Inland Fisheries, Wildlife Management Branch, and parks and wildlife Services, and utilises resources and expertise from a range of invasive animal and weed management programs to better coordinate the effort to protect Tasmania from the impacts of invasive species, including stray and feral cats.

The LGAT recently issued a policy update statement on cat management – a copy of which is at **Attachment to Item 14.7**.

The statement indicates the Local Government sector supports the initiative to develop a state-wide approach to cat management and is working with the State government and the Department of Primary Industry, Parks, Water and Environment (including by an active participant on the State Cat Management Advisory Committee, and on regional working groups established in support of the government's regional Cat Management Coordinator) to ensure Local Government can appropriately participate in delivering the objectives of the Tasmanian Cat Management Plan.

The sector has no argument with the scientific data identifying the scale and impact of cats generally on the health and viability of native fauna, human health and food production systems or, with the importance of developing and implementing measures to address the problem.

The Local Government sector is concerned to ensure the expectations on Local Government are realistic, and within the capacity of most councils. In this regard the sector favours an approach to engage with communities to enhance awareness and observation of the responsibilities on cat owners rather than an increase in regulation to punish owners who do not comply.

There is already a large and extensive feral cat population in Tasmania. The risks associated with an uncontrolled and potentially growing feral cat population are significant and need to be addressed without delay.

Objective 3 in the TCMP is specific to planning, management and control of stray and feral cats in a manner that will deliver effective, efficient and humane control and management techniques based on sound ethical, scientific and technical principals that will produce outcomes superior to those achieved by other means.

The approach indicates a planned and managed approach will deliver the best outcomes but does not detail how, when or where it will occur.

Local Government does not currently have the necessary powers or resources to effectively conduct and enforce programs that will address the cause for and control the impacts of feral cat populations.

It is unreasonable and unrealistic to expect Local Government will or can unilaterally reduce the feral cat population by regulation and intervention.

The State Government has previously demonstrated a capacity to take immediate and significant action to address potential threats to the biosecurity of Tasmania. Local Government accepts it is essential such action be taken to prevent the introduction of new species with a capacity to create harm.

There are many existing feral species within Tasmania, the presence of which is acknowledged as a serious threat to biodiversity and the health of natural and human systems. (Feral Animals of Tasmania - [https://dpiwwe.tas.gov.au/Documents/Feral-Deck\\_Feral-Animals-of-Tasmania.pdf](https://dpiwwe.tas.gov.au/Documents/Feral-Deck_Feral-Animals-of-Tasmania.pdf))

The risk of continuing and escalating damage by some species requires immediate action.

While it is important that Local Government has a role in preventing further increase in the stray and feral cat population, it is beyond the scope of Local Government to implement effective programs to control the size and range of the current feral cat.

There is no specific program for management of stray and feral cats with an equivalence in purpose and resource to the Fox Eradication Taskforce, notwithstanding the impact of stray and feral cats.

Stray and feral cats are known to exist and to cause significant damage in Tasmania. A concerted, directed and on-going effort by the State, combined with assistance from Commonwealth and Local Government and private land managers, and the community, has the ability to halt and turn back the destructive impact of stray and feral cats.

Planning will not of itself address the problem. It is necessary to take immediate action that will seek out and destroy stray and feral cat populations.

#### **LGAT Comment**

There have been a number of previous motions related to cats. These typically have related to compulsory de-sexing, micro chipping and education. However, in 2006 the following motion was raised:

*That the LGAT initiate discussions with the State Government to address the issue of efficient and humane impoundment and disposal of feral and unwanted cats.*

Feral (wild) cats are dealt with through the proposed Biosecurity Act and *The Biosecurity Bill 2019* is currently at the First reading stage in State Parliament.

Eradication of feral cats includes removing cats from an identified area and ensuring that they do not re-establish. Eradication and targeted reduction are possible in areas of high conservation values where it is considered feasible and cost effective. There are examples of eradication from islands including Christmas Island, Tasman Island and Macquarie Island and exclusion fencing and baiting have been used effectively in areas of Western Australia to protect critically endangered species.

Current research indicates that eradication is not possible in a place like Tasmania for two reasons. The cost of state-wide eradication would be prohibitive and there are gaps in

scientific knowledge about how it could be achieved. For a detailed research report on the eradication, go to:

[https://www.environment.gov.au/system/files/resources/91832626-98e3-420a-b145-3a3199912379/files/tap-review-feral-cats\\_0.pdf](https://www.environment.gov.au/system/files/resources/91832626-98e3-420a-b145-3a3199912379/files/tap-review-feral-cats_0.pdf)

To date, LGAT's advocacy has been about enabling, but not compelling, councils to take an active role in managing feral cats and protecting high conservation assets, without a focus on eradication. Advocacy has also focussed on the need for the State Government to adequately resource efforts in this space.

### **Tasmanian Government Agency Comment**

The 'Tasmanian Cat Management Plan 2017-2022' (the Plan) proposes a regulatory framework where domestic and stray (unowned) cats in urban and peri-urban environments are dealt with under the *Cat Management Act 2009* (the Act) and feral (wild) cats through the proposed Biosecurity Act.

The Plan acknowledges that Tasmania has a self-sustaining feral cat population and state-wide eradication of feral cats is not feasible with current resources and techniques. The focus for feral cats is on 'asset protection' in areas containing important conservation values or priority assets.

The Plan aims to limit the number of cats entering the feral population through a range of community education and awareness programs and enforcement of effective cat management legislation.

Proposed amendments to the *Cat Management Act 2009*, to address management of domestic and stray cats, are being progressed and include compulsory microchipping and desexing of cats, limiting the number of cats allowed at a property without a permit, increased measures to protect private land from stray and feral cats (including trapping on private property, regardless of proximity to other residences) and improving arrangements for registered cat breeders.

To support implementation of the Plan, including legislative measures, the Tasmanian Government has provided \$1.44 million over four years for three regional Cat Management Coordinators. The Coordinators are working with Local Government and the community to encourage better levels of responsible cat ownership through education and awareness and compliance with the Act.

Local Government has similar enforcement powers as State Government under the Act. Councils are also able to make by-laws, allowing them to tailor the legislative needs to suit local community expectations with regards to cat management and the circumstances that are relevant to the particular council.

## 15 PLANNING AND DEVELOPMENT

### 15.1 Certificate 337's Council - West Tamar

#### Decision Sought

That the Local Government Association of Tasmania lobby the Tasmanian Government for:

1. Urgent review of the 337 certificate form under Schedule 5 of the *Local Government (General) Regulations 2015* to address the following omissions from current regulatory regimes that impact the subject lands:
  - a) *Land Use Planning and Approvals Act 1993*
    - Codes (such as landslip);
    - Specific Area Plans;
    - Local provisions;
    - Applications for a new planning scheme - including the Tasmanian Planning Scheme;
    - or
    - Applications for amendments to local provisions under the Tasmanian Planning Scheme.
  - b) *Building Act 2016*
    - Submitted form 80's for low risk building work;
    - Whether any natural hazard considerations affect the lands;
    - Question 31 (a) add a new section (iii) asking about onsite waste waters systems approved prior to the Plumbing Regulations 1994
    - Questions 38-40 be revised to ask whether notifiable building work has been completed and then to provide details regardless of the answer; and
2. Revisions to the *Property Agents and Land Transactions Act 2016* to consider:
  - a) Requiring a 337 certificate prior to listing of a property and making it available as part of the sale process; and
  - b) Seeking full disclosure for properties as part of the listing process rather than the current process

#### Background

Landslip affects a significant number of properties across Tasmania. Recent experiences of some property owners has identified that the current 337 does not ask all questions *relevant* to the current regulatory processes for planning and building. In addition, the timing of the 337 has been raised as a potential issue.

Councils, in one of their many statutory roles, issues a statutory certificate under Section 337 of the *Local Government Act 1993* which provides advice to an applicant as part of a range of transactions that affect property. The questions within the 337 are set in the regulations to the

Act with very limited opportunity for input on other matters by Council staff. Questions within the 337 are based around 13 Acts that address functions of the Council operations.

Section 337 of the *Local Government Act 1993* provides the following:

**337. Council land information certificate**

- (1) *A person may apply in writing to the general manager for a certificate in respect of information relating to land specified and clearly identified in the application.*
- (2) *The general manager, on receipt of an application made in accordance with [subsection \(1\)](#) , is to issue a certificate in the prescribed form with answers to prescribed questions that are attached to the certificate.*
- (3) *A certificate under [subsection \(2\)](#) relates only to information that the council has on record as at the date of issue of the certificate.*
- (4) *A prescribed fee is payable in respect of the issue of a certificate.*
- (5) *The general manager, on request, may provide in or with the certificate any other information or document relating to the land that the general manager considers relevant.*
- (6) *A council does not incur any liability in respect of any information provided in good faith from sources external to the council.*
- (7) *A person, with the consent of the occupier or owner of specified land, may request in writing to the general manager that an inspection be carried out of that land to obtain supplementary information relevant to that land.*
- (8) *If the general manager agrees to a request under [subsection \(5\)](#) or [\(7\)](#), the general manager may impose any reasonable charges and costs incurred.*
- (9) *In this section –*  
**land** *includes –*
  - (a) *any buildings and other structures permanently fixed to land; and*
  - (b) *land covered with water; and*
  - (c) *water covering land; and*
  - (d) *any estate, interest, easement, privilege or right in or over land.*

The prescribed form identified in section (2) is defined at Regulation 45(a) and Schedule 5 of the *Local Government (General) Regulations 2015*.

Planning processes are regulated through the *Land Use Planning and Approvals Act 1993*, which establishes a process for implementation of the new *Tasmanian Planning Scheme* and for consideration of landslide hazards in normal planning applications through overlays and codes. In addition to this, Specific Area Plans can apply to any land within the Scheme. Under the *Tasmanian Planning Scheme*, local provisions may also apply through a range of mechanisms.

Planning questions within the 337 require a range of answers on matters relating to the applicable planning scheme, zoning of land, planning permits and appeals on the land, enforcement actions and agreements.

Specifically, question 13 asks about zoning and planning scheme amendments to the subject or adjoining lands. Question 13 does not ask about:

- Codes that are identified as applying to the land (such as landslip);
- Specific Area Plans that apply to the land;
- Whether Council has applied for a new planning scheme – including the *Tasmanian Planning Scheme*;
- What local provisions apply ; or
- Whether Council has initiated an amendment to local provisions.

These omissions from the 337 are significant because:

- The first two points relate to current controls that apply under the Interim Planning Schemes and affect people's opportunity and requirements to develop land;
- The third point is significant as:
  - All Councils are expected to have lodged Local Provisions Schedules with the Tasmanian Planning Commission for assessment by the end of June 2019; and
  - The *Tasmanian Planning Scheme* relies on a different regulatory regime to the current interim schemes, including local provisions schedules;
- The final two points are significant because they represent important controls that vary the *Tasmanian Planning Scheme* that apply to land within every municipality in the State.

Question 20 on the 337 asks about landslip declarations and orders under the *Mineral Resources Development Act 1995* and includes a note suggesting contacting Council to see if they have any other information. This reflects previous State policy regarding declaration of landslip with A or B as has happened at Beauty Point and other locations around the State. Question 20 remains relevant to the information provided on a 337.

Current State policy for management of landslip and landslides is through Natural Hazards and Landslide Hazard Bands (low, medium, medium-active or high). These are addressed through planning scheme codes and natural hazards within the *Building Act 2016* (discussed in detail further). These mechanisms are not reflected on the 337 questions.

Question 31 on the 337 asks about onsite waste water systems on the land that were approved from 1994 to the current day. The form does not ask about any onsite waste water systems that were approved before that time, many of which remain operational today.

The *Building Act 2016* came into operation on 1 January 2017 and regulates building works based on risk, simplified as follows:

- Low risk work which Council is generally not notified of (including two sub-categories);
- Notifiable work, where council is notified at commencement that a building surveyor has assessed work and then again when the work is completed;
- Permit work, which requires permits and certificates from Council;



- New assessment regimes for plumbing work; and
- A regime to consider natural hazards (landslip, flooding, inundation, erosion) which becomes operational with the *Tasmanian Planning Scheme*.

Questions 34-48 relate to building processes but do not identify:

- Whether Council has any records of low risk work (Form 80's);
- Whether the land is identified as subject to any natural hazards; or
- At questions 37 to 40, whether notifiable building work has been completed (the current questions ask about incomplete works but not about any work that may have been completed under that process).

These questions are significant and relevant to regulatory processes because:

- They do not allow full disclosure of all relevant records because the questions are not asked; and
- The omission on landslide and other natural hazards information does not allow for full information to be provided that reflects current State policies for managing natural hazards and identify known requirements for consideration of building proposals on the lands.

At present, the Local Government Division is undertaking a review of the *Local Government Act 1993*, which includes the 337 certificate. Discussions with officers of the Local Government, Building and Planning Divisions of State have suggested raising these reforms as part of that process. Current discussions suggest that process will take approximately two years, with additional time to implement findings.

The identified issues justify an urgent response ahead of the general review of Schedule 5 of the *Local Government (General) Regulations 2015* as they relate to existing regulatory controls and have potential for significant impacts to property owners.

#### **LGAT Comment**

There have been no previous motions on this matter.

LGAT raised council concerns with the 337 Certificates with the Director of Local Government in late 2018, at which time some initial investigative work was commenced by the Planning Policy Unit of the Department of Justice (limited to the *Land Use Planning and Approvals Act 1993* aspects). However, beyond some initial consultation with LGAT in December 2018, there has been no further engagement with LGAT.

The *Building Act 2016* components were recently raised with the Acting Director of Building Control in a meeting and it was indicated that he had no issues with the suggested changes and in fact was supportive.



### **Tasmanian Government Agency Comment**

The Tasmanian Government recognises the need to amend the section 337 form under Schedule 5 of the *Local Government (General) Regulations 2015*, to address the issues that have arisen from the introduction of the Tasmanian Planning Scheme (e.g. the need to refer to Local Provisions Schedules and the like) and other specific issues that certain councils and LGAT have raised (e.g. around landslip).

Relevant government agencies have been working closely with LGAT to identify, develop and draft the necessary amendments and these will be finalised soon. The Government has agreed that amendments to schedule 5 of regulations should occur this year, in advance of the broader Local Government legislation review.

### **15.2 Increased Penalties for Unlawful Use and Development. Council – Hobart City**

#### **Decision Sought**

**That LGAT lobby the State Government to amend *the Land Use Planning and Approvals Act 1993* to increase penalties and introduce alternative sentencing options for unlawful use and development consistent with the provisions in the *Environmental Planning and Assessment Act 1979* introduced by the NSW State Government in 2014/2015 by the *Environmental Planning and Assessment Amendment Act 2014*.**

#### **Background Comment**

The maximum fine in the *Land Use Planning and Approvals Act 1993* of \$81,500 for using land or undertaking development contrary to a planning scheme or in breach of a condition does not send a sufficiently clear message to the community that a planning scheme is a serious matter and that a fine for breaching a planning scheme is not simply another cost to be added to the expense associated with a development. Further, where a breach of the *Land Use Planning and Approvals Act 1993* has been proven, the court has extremely limited power to require steps to be taken or that certain conduct cease. Significantly, a court has no ability to require someone to cease carrying out a use or activity in breach of a planning scheme, or that a person be restrained from doing certain works.

The *Historic Cultural Heritage Act 1995* contains penalties 10 times the maximum penalty in the *Land Use Planning and Approvals Act 1993* for works carried out on a THC listed property without approval. In addition the court also has the power to order the offender to repair any damage caused by the unlawful development and/or prohibiting the offender from carrying out any works on the heritage listed place. There is no reason for the *Land Use Planning and Approvals Act 1993* to not contain penalties and sentencing options consistent with or greater than those in *Historic Cultural Heritage Act 1995*.

The penalties in NSW include:

**Tier 1:**

An offence committed intentionally and caused, or was likely to cause, significant harm to the environment or the death of, or serious injury to, a person. These offences may include carrying out development without approval or breaching conditions of approval.

The maximum penalties are \$5 million for corporations, with a further \$50,000 for each day the offence continues and, \$1 million for individuals, with a further \$10,000 for each day the offence continues.

**Tier 2:**

Offences such as carrying out development without approval, or breaching conditions of approval where the offences were committed unintentionally (i.e. without the aggravating factors of Tier 1 offences).

The maximum penalties are \$2 million for corporations, with a further \$20,000 for each day the offence continues and, \$500,000 for individuals, with a further \$5,000 for each day the offence continues.

**Tier 3:**

Lesser procedural and administrative related offences (for example, knowingly providing false or misleading information in an environmental monitoring or audit report).

The maximum penalties are \$1 million for corporations, with a further \$10,000 for each day the offence continues and \$250,000 for individuals, with a further \$2,500 for each day the offence continues.

**Alternative sentencing options in NSW:**

Include orders to:

- Reverse or rectify any unlawful development or activity related to the commission of the offence; and/or
- Requiring the offender to pay back any monetary benefits gained by committing the offence.

**Other sentencing options could include:**

- Precluding an offender from carrying out any use or development in relation to the land in respect of which offence relates for a period specified by the court;
- Requiring the offender to forfeit the land in respect of which the offence relates.

### **LGAT Comment**

In 2004 and 2008 there were motions raised that sought to have the *Land Use Planning and Approvals Act 1993* (LUPAA) amended to provide a cost effective mechanism for dealing with non-compliance with planning schemes and planning permit conditions, including a scale of penalties which are commensurate with the seriousness of a breach.

LGAT understands the Minister for Planning has requested that the Planning Policy Unit look at the offences and enforcement provisions within LUPAA, but only as they relate to the powers of the Magistrates Court versus the Resource Management and Planning Appeal Tribunal and not the scale of the penalties.

### **Tasmanian Government Agency Comment**

This motion was not received in time to allow for Agency Comment.

## **16 PUBLIC POLICY GENERAL**

### **16.1 Smoke Free Areas Council – City of Hobart**

#### **Decision Sought**

**That the LGAT lobby the State Government to increase the smoking distance from doorways from 3 metres to 5 metres in support of local businesses**

#### **Background**

It is acknowledged that health is affected by the inhalation of second hand smoke. Smoking in public presents a risk of exposure to non-smokers that they otherwise would not face, and is becoming more and more unacceptable in modern society.

Legislated smoke-free areas in Tasmania include within 3 metres of an entrance or exit to a building.

By increasing this distance to 5 metres we can provide an environment where the community can breathe clean air as well as enjoy public areas free of cigarette butt litter.

### **LGAT Comment**

Local Government has a history of raising the matter of smoking in public places and making commitments to discouraging smoking, with four motions resolved at General Meetings between 2003 and 2011 and one in 2017. Smoking at major events and playground areas was raised in 2003 with a request that councils introduce similar policies to smoking in municipal buildings, major events, playgrounds and municipal controlled venues. A consistent approach to smoking policy and controls across Tasmania was considered in 2007. A 2010 motion that

LGAT request the State Government to introduce no smoking legislation for alfresco dining areas including consideration of entire designated public areas was lost but, in 2011 the motion that LGAT urge the State Government to commit to passing legislation banning smoking in all alfresco dining areas was carried.

In July 2017 a motion seeking “*LGAT lobby the State Government to amend the Public Health Act 1997 to declare that all school road crossings and surrounds, a smoke free area under 67B.*” was passed. LGAT acted on the motion and provided feedback from the then Department of Health and Human Services (Department) through the Follow up of Motions in May 2018.

In essence, the Department indicated that councils can make their own declarations under provisions of the *Public Health Act 1997* and DHHS could assist with wording of a declaration. The response noted that the broader issues of declaring smoking illegal near public buildings including hospitals was under consideration.

### **Tasmanian Government Agency Comment**

The Government encourages all local councils to create new smoke-free areas in the public streets and footpaths they occupy, particularly near schools and hospitals, using the existing provisions under section 67B of the *Public Health Act 1997* (the Act).

This proposal for a modest increase in the smoke-free distance from entrances and exits will still result in incomplete and potentially contested smoke-free areas in many densely occupied streets.

Rather than a piecemeal approach to increasing the extent of smoke-free areas in such locations, the preferred approach is for councils to ban smoking in defined council-occupied streets of city centres. This is a comprehensive approach that is easy to understand, hard to contest, and straightforward to enforce.

Councils already have the power to declare such areas smoke-free under the Act.

Launceston City and Central Coast Councils have recently declared extensive urban areas smoke-free. Hobart City Council has announced their intent to take a similar approach in their CBD and near the Royal Hobart Hospital.

For these reasons the Government does not support this motion, but continues to encourage councils to use existing powers to provide extensive smoke-free environments in vibrant and busy urban settings.

## 16.2 Gun Control Laws Council – Kingborough

### Decision Sought

**That LGAT lobby the State Government to ensure any amendments to the *Tasmanian Firearms Act 1996* and associated regulations further align Tasmanian law with the National Firearms Agreement**

### Background Comment

Gun control laws have recently been discussed by Kingborough Council following the recent tragedy in New Zealand.

Our Council considered a Notice of Motion from Cr Richard Atkinson and resolved that Council:

1. Writes to the Prime Minister and the Tasmanian Premier affirming the Council's position for strong gun control laws;
2. Writes to the leaders of national and state political parties urging them to stand firm against efforts to weaken gun control laws and to reject any donations from the gun control lobby; and
3. Moves at the July 2019 Local Government Association General Meeting (LGAT) that LGAT lobby the State Government to ensure any amendments to the *Tasmanian Firearms Act 1996* and associated regulations further align Tasmanian law with the National Firearms Agreement.

Our Council seeks your support for its position that Australia's world-leading gun laws should be maintained.

### LGAT Comment

There have been no previous motions on this matter.

### Tasmanian Government Agency Comment

The Tasmanian Government has stated clearly over the past year that it will not do anything to undermine the National Firearms Agreement or to weaken gun laws in any way.

The Government understands that there are deeply held concerns about public safety, and in an area as important to Tasmanians as gun laws, public confidence in the laws is essential.

In August 2018, the Government clearly stated that it would not be progressing the previously announced firearms law proposals.

The Tasmanian Government continues to look forward to the findings and recommendations of the House of Assembly Committee into firearms laws, when the Committee is able to finish its work.

There may be practical improvements to be made to Firearms Laws recommended by the Committee. Should this be the case the Government will consider the recommendations.

