General Meeting

Agenda

17 November 2010

Country Club Tasmania

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Prospect Vale

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PROCEDURAL MATTERS.
RULES REGARDING CONDUCT OF MEETINGS

13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION
(a) Each Member shall be entitled to send a voting delegate to any Meeting of the Association, such voting delegate exercising the number of votes determined according to Rule 16(a).
(b) After each ordinary Council election, the Chief Executive Officer shall request each Member to advise the name of its voting delegate and the proxy for the voting delegate for Meetings of the Association until the next ordinary Council elections.
(c) Members may change their voting delegate or proxy at any time by advising the Chief Executive Officer in writing over the hand of the voting delegate or the General Manager prior to that delegate taking his or her position at a Meeting.
(d) A list of voting delegates 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.

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
At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.

16. VOTING AT MEETINGS
(a) Voting at any Meeting of the Association shall be upon the basis of each voting delegate being provided with, immediately prior to the meeting, a placard which is to be used for the purpose of voting at the meeting. The placard will be coloured according to the number of votes to which the Member is entitled:

<table>
<thead>
<tr>
<th>Population of the Council Area</th>
<th>Number of votes entitled to be exercised by the voting delegate</th>
<th>Colour placard to be raised by the voting delegate when voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 10,000</td>
<td>1</td>
<td>Red</td>
</tr>
<tr>
<td>10,000 – 19,999</td>
<td>2</td>
<td>White</td>
</tr>
<tr>
<td>20,000 – 39,999</td>
<td>3</td>
<td>Blue</td>
</tr>
<tr>
<td>40,000 and above</td>
<td>4</td>
<td>Green</td>
</tr>
</tbody>
</table>

(b) The Chairman of the meeting shall be entitled to rely upon 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.
(c) Except as provided in sub-rule (d), each question, matter or resolution shall be decided by a majority of the votes capable of being cast by Members present at the Meeting. If there is an equal number of votes upon any question, it shall be declared not carried.
(d) (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, whether present at the Meeting or not.
(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 the 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.
GENERAL MEETING AGENDA

10.00am  Coffee on arrival

10.30am  Meeting commences

11.45am  Barry Malcolm Riley  
Bureau of Meteorology  
Will speak about new forecasting system that will allow local level forecasts

12.00pm  Dr Christine Mucha   
Chief Executive Officer, Onstream  
and  
Geoff Willis  
Chairman, Onstream  

Will be discussing the Onstream Annual Report as well as any issues Council’s may have.

12.30pm  Approximately, lunch will be provided

1.30pm:  Shared Services Grants Program Projects  
Report from Participating Councils.  
Funding was received for a shared services pilot to employ an Emergency Management Executive Officer tasked with updating and integrating the Municipal Emergency Management Plans (MEMP) of the participating Councils to create the Mersey Regional Emergency Management Plan.
Table of Contents

1 Item: Minutes of General Meeting Held On 20 October 2010 ............................ 5
2 Item: Business Arising.................................................................................................. 5
3 Item: Confirmation of Agenda....................................................................................... 5
4 Item: Follow Up Of Motions * .................................................................................... 5
5 Item: Council Round-Ups.............................................................................................. 6
6 Item: Tender for Supply of Trucks................................................................................ 6
7 Item: Local Government Reform................................................................................... 7
8 Item: Rating and Valuation .......................................................................................... 9
9 Item: Roads Congress .................................................................................................... 10
10 Item: Commonwealth Reform Fund- Financial and asset management * 11
11 Item: Plastic Bags ........................................................................................................ 11
12 Item: KPI Project......................................................................................................... 13
13 Item: Code of Conduct ............................................................................................... 14
14 Item: Australian Packaging Covenant ........................................................................ 14
15 Item: Freight Strategy * ............................................................................................... 15
16 Item: Bushfire Policy * ............................................................................................... 19
17 Item: Climate Change * .............................................................................................. 20
18 Item: Communication and Consultation Agreement .............................................. 22
19 Item: Motion: Brighton Bypass * .............................................................................. 23
20 Motion: Liquor Licensing............................................................................................ 25
21 Item: Environmental Dispute Mediation Service * ................................................ 26
22 Closure .......................................................................................................................... 27
1 ITEM: MINUTES OF GENERAL MEETING HELD ON 20 OCTOBER 2010

Decision Sought

That the Minutes of the meeting held on 20 October 2010, as circulated, be confirmed.

Background:
PLEASE NOTE - In order to allow a four week distribution period for the 17 November 2010 Agenda Papers, it was not possible to attach the Minutes of the 20 October 2010 meeting.

A copy of the 20 October 2010 General Meeting Minutes will be made available as soon as possible after the October meeting to ensure their confirmation can be endorsed at the 17 November, 2010 meeting.

2 ITEM: BUSINESS ARISING

Decision Sought

That Members note the information will be provided at a later date.

Background:
PLEASE NOTE: In order to allow a four week distribution period for the 17 November 2010 Agenda Papers, it was not possible to provide an update on Business Arising.

3 ITEM: CONFIRMATION OF AGENDA

Decision Sought

That consideration be given to the Agenda items and the order of business.

Background:
Delegates will be invited to confirm the agenda for the meeting and the order of business.

4 ITEM: FOLLOW UP OF MOTIONS *

Contact Officer – Katrena Stephenson

Decision Sought

That Members note the following report.
5  **ITEM:**  **COUNCIL ROUND-UPS**

**Decision Sought**

That Members determine who will present briefings at the April 2011 meeting.

**Background comment:**
The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.

6  **ITEM:**  **TENDER FOR SUPPLY OF TRUCKS**  

**Contact Officer – Allan Garcia**

**Decisions Sought**

That Members note the progress with this arrangement and the benefits to councils from being able to access a national pricing contract.

**Background comment:**
Some time ago LGAT entered into an arrangement with the majority of other State Associations to conduct a tender for the supply of trucks across the country. The intent was to maximise the purchasing power of Local Government nationally to minimise the price from manufacturers while ensuring that dealers at the local level were not penalised in the process. The Local Government Association of Queensland’s procurement arm, Local Buy, led the tender process and the results of the exercise have now been finalised.

LGAT is working closely with Local Buy to ensure that all Tasmanian dealers covered by the contract are fully informed of the arrangements and processes. Workshops have been organised for council Managers and procurement staff on a regional basis to explain access, pricing and related issues with the contract.

The information sessions are due to be held in early December with access to the contract possible shortly thereafter.

A broad range of products will be available under the contract and it is hoped to be able to participate in future collaborations in the future. LGAT also joined with the Municipal Association of Victoria (MAV) in a contract for office supplies. While prices are very competitive, it is disappointing that members have not taken full advantage of the savings on offer.

**Budget Impact**
The arrangement with Local Buy involves it meeting costs of contract administration and roll out. LGAT will receive a small commission from any sales in Tasmania.

**Current Policy**
LGAT seeks to provide value adding opportunities for members through enhanced service arrangements.
Decision Sought

That Members note the discussions to date and the proposed process to progress this issue

Background comment:
The Premier announced at the July 2010 Premier’s Local Government Council (PLGC) Meeting his desire to work with Local Government on reform of the sector. He was adamant that this did not involve discussions on amalgamations, voluntary or otherwise and represented a genuine attempt to work together to improve the sustainability of councils and the communities they represent.

The Premiers desire was to underpin the process upon four principles:
- Innovation,
- Participation
- Connectedness
- Sustainability

PLGC agreed that work be undertaken on developing a framework and process to move the reform forward and this was considered at the most recent meeting of the PLGC held on 6 October 2010. PLGC agreed that:
- It would lead a process to identify opportunities for the Local Government sector
- It would develop a framework under which those opportunities could be developed
- The State Government would provide funding to facilitate discussion and implementation of any agreed reform outcomes.

A paper prepared for PLGC noted the several initiatives already underway within Local Government and between State and Local Government to improve broad sustainability but highlighted the opportunity to extend beyond these activities. The proposal is for Local Government to identify and lead opportunities with support being provided by State Government rather than State Government pushing an agenda.

The scope of the reform activity will seek to address three key areas:
- Roles and functions
- Service delivery arrangements
- Sustainability and performance

The first of these will explore the proximity of Local Government to the people and its often greater capacity than State Government to bring social, economic and environmental value to local communities due to its ability to:
- Represent and integrate a strong local voice in decision making, service design and delivery
- Provide flexible and responsive solutions tailored to local priorities and needs
- Create cost-effective governance structures making the most of existing assets and resources
The focus here will be on how councils might play a greater role in local economies, community engagement, community development and social inclusion.

The second matter acknowledges that there are already a range of resource sharing and shared service initiatives in place between councils. While largely ad hoc, the question arises as to whether these could be more effective and better targeted if considered from a regional or state wide point of view. The reconsideration of services presently delivered by State and Local Government and whether these levels of government are best placed to deliver these services can be undertaken. Any proposal for change would need to be supported by sound business cases and strategic plans.

The sustainability and performance builds on the measurement work presently being undertaken and the proposed asset management and financial planning project but will also explore issues around capability and resources. Skills shortages, ageing infrastructure and changing regulatory environments are placing increasing pressures on councils and options will be looked at to assist councils with addressing some of these key challenges.

The process for the reform will involve co-leadership of reform via the PLGC. It will involve ongoing dialogue between State and Local Government. It will involve a steady building of consensus for reform, an evidence based approach and a strong communications policy encompassing stakeholders as well as the broader community.

In addition to the reform initiatives presently underway it is proposed that working groups be formed and facilitated to identify and discuss key themes on Local Government’s future. This process will not focus on issues identification and practical areas to consider. It will not involve finding solutions or coming up with the answers. The working groups will revolve around the three themes detailed above and will be responsible for the development and presentation of papers on key opportunities within the themes.

The second phase will involve a symposium where the working groups will present broad ideas and concepts for discussion. It is anticipated that in addition to working group presentations, leading researchers and practitioners would be invited to lead discussion.

The symposium will be supplemented by audits and analysis of current data, policies and projects and will assist in identifying opportunities and gaps in current service delivery as well as areas for systemic improvement.

The following themes could usefully form the basis of the agenda for the symposium:

- Community, economy and environment (external challenges and opportunities)
- Internal challenges, opportunities and strengths
- The changing role and responsibilities of Local Government
- Service delivery (the what and how of service delivery)
- Governance (leadership, regulation, representation, community engagement)
- Sustainability and performance
- Funding and resources

This list is not exhaustive and is meant only as a guide. Alternative themes may evolve during the work of the second stage.

At the completion of the symposium it would be expected that there would be a “road map” for the initiatives worth pursuing. Those where agreement is achievable and there is agreement will move into development and implementation on the basis of individual project plans and work programs.
With regard to timelines for this work it is expected that working groups will be formulated in the coming weeks involving both State and Local Government representation. The working groups would have 4-5 months to identify issues and develop papers for discussion at the symposium. It is likely that the symposium would be held around June 2011 with the remainder of 2011 involving further investigation of issues raised at the symposium and development of initiatives.

**Budget Impact**  
This project is likely to require significant resourcing from LGAT in the working group phase and the development and conduct of the symposium.

**Current Policy**  
LGAT has a policy position of no forced amalgamations. This reform agenda is in keeping with that concept and supports the broader LGAT policy platform of improving Local Government financial sustainability.

8 **ITEM:** **RATING AND VALUATION**  
Contact Officer – Allan Garcia

**Decision Sought**

That members note the following report.

**Background comment:**  
At the time of writing Access Economics was in the process of completing its independent expert report on valuation and rating models with applicability to Tasmania.

The independent technical report will provide advice on the implications of potentially moving away from the use of the Assessed Annual Value (AAV) valuation model, recommended valuation and rating models for Tasmania, any transitional or legislative implications of proposed changes and the frequency of valuations.

The report will include insights drawn from modelling different valuation and rating options, using four of the state’s councils – Hobart, Northern Midlands, Kingborough and Latrobe. In developing the paper technical workshops were held for councils with all but four councils sending representatives.

The report is due for delivery to the Steering Committee in late October after which broad consultation will occur with councils and the community. Recommendations for the State Government’s consideration will be formulated in early 2011 following this consultation. While major changes arising from the review are not likely to be implemented until the 2012-13 rating year, the Steering Committee has requested that the consultants consider any improvements requiring minor changes to the valuation and rating system that could be implemented for the 2011-12 rating year.

It is anticipated that, depending upon the outcome, significant modelling, training and public education will be necessary if there is a shift away from the present arrangements.

**Budget Impact**  
There is no direct cost for this project by the Association. Resources are available to the Steering Committee but LGAT secured a commitment from State Government to fund this project.
Current Policy
This project is in keeping with the Association’s call for an independent review.

9 ITEM: ROADS CONGRESS
Contact Officer – Allan Garcia

Decision Sought
That members note the conduct of this event.

Background
At the time of writing the National Local Roads and Transport Congress was underway in Bunbury, Western Australia. Entitled “Building the Case for Transport investment”, the Congress will focus on the presentation of the findings of a study on future local road funding needs by Roorda and Associates which will provide hard data to pursue increased local road funding in rural and regional Australia. What is clear is that better data is needed.

The Henry Tax review raised the issue of road pricing and a key member of the review will explain the thinking behind the significant recommendations made in the report. The Council of Australian Government (COAG) is already working on the feasibility of road pricing for heavy vehicles and it is important to understand this work so as to position Local Government to ensure it obtains the best financial deal under any changed circumstances.

Other key speakers include Rocco Forte, Director of Emergency Preparedness and Regulatory Services, City of Minneapolis; Greg Smith, Commonwealth Grants Commission; the Hon Warren Truss and a range of technical and economic presenters from Local and State Governments.

Broader transport issues will also be looked at, during the Congress. Transport planning, transport infrastructure developments, changing technology and future oil scarcity will be considered in the concurrent sessions.

Budget Impact
Does not apply.

Current Policy
The Congress supports the broad policy objective of increased funding for local roads.
10 ITEM: COMMONWEALTH REFORM FUND- FINANCIAL AND ASSET MANAGEMENT *
Contact Officer – Katrena Stephenson

Decision Sought
That Members note the following report

Background
Further to the report made at the July 2010 meeting:

• Following significant delay as a consequence of the Federal election, an Implementation Plan has been agreed for the Financial and Asset Management Project.
• The next steps include provision of the Implementation Plan to the Local Government Association of Tasmania, LGAT approval (in writing from the President), and Ministerial approval (Minister Bryan Green) prior to release of funding.
• It is anticipated funding will be released late November.
• Given that extensive time has passed since first being advised of success in relation to the Reform Funding, the Association is developing a survey for councils to build a more current picture of what practices and procedures councils have in place in relation to financial and asset management.
• The Association will be establishing the governance structures ahead of the release of funding and is seeking nominations from councils for representation on the Steering Committee this month.
• The Steering Committee will comprise Representatives from LGAT, the Local Government Division and at least three councils (urban, regional, rural).
• The project is anticipated to be substantially completed by January 2012. At Attachment to Item 10 is a copy of the Reform Funds milestones for reference.

Budget Impact
Does not apply.

Current Policy
Does not apply.

11 ITEM: PLASTIC BAGS
Contact Officer – Ben Mooney

Decision Sought
That members note the report.

Background
The Association has no formal position in relation to the banning of plastic bags. There has been increasing interest in this issue of late and the Association was in the process of canvassing councils on the matter prior to the recent media attention.
The Association has noted that there is general agreement that the number of plastic bags in circulation must be reduced. Traditionally the focus has been on reducing plastic bag litter and this has had some success (see data below), but it may be time to consider the supply of plastic bags at the point of sale, particularly plastic bags used as a one-off carry bag.

**HDPE (High Density polyethylene) bag consumption in Australia 2002–2007**

<table>
<thead>
<tr>
<th>Year</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total (billions of bags)</td>
<td>5.95</td>
<td>5.24</td>
<td>4.73</td>
<td>3.92</td>
<td>3.36</td>
<td>3.93</td>
</tr>
</tbody>
</table>

It is not clear how the reduction at point of sale might be achieved. An Australian Government report in April 2008 stated that “regulatory options for a phase-out had economic costs which significantly outweighed the environmental benefits”. The Environmental Protection and Heritage Council (Oct 2008) resolved to not endorse uniform regulatory action at this time to ban or place a charge on plastic bags, ie business as usual.

There are varied approaches being taken by Governments. For example, the Association notes that in South Australia there is a state-wide ban on plastic bags and in Ireland the Government has introduced a bag levy.

Following discussion at GMC, the Association is intending to formally progress the issue with Members in the following manner:

- Consultations at officer level with councils and State Government.
- Environmental Scan – what is being done elsewhere? What issues have arisen?
- Development of a discussion paper for the March 2011 General Meeting.
- Also provide an update to the March 2011 General Meeting on waste matters more generally, including the re-emerging issue of a waste levy.
- Presentation by John Dee (Clean Up Australia) at the March 2011 General Meeting.

**Budget Implications**

Does not apply.

**Current Policy**

There is currently no formal policy on plastic bags.
Decision Sought

That Members note the following report.

Background
Further to the last report on this project (capturing the review of Key Performance Indicators) the consultation paper has been released and can be found at www.dpac.tas.gov.au/lgd.

Input is being sought on the key strategic priorities to be measured, the desired outcomes under each priority and indicators and targets that can measure the key strategic priorities and outcomes.

Written submissions are being accepted until 15 October 2010 and regional workshops were being held in the South, North West and North. Members of the Steering Committee, including LGAT, will be supporting the forums.

The Association has had some concerns about the nature and timing of workforce development data and so the Careers Development Officer has been working with the Local Government Division to ensure the best outcomes for all parties.

Data collection will change in a phased manner with some revisions this year and some additions for 2011. The new consolidated data set will be distributed to councils in October.

Expert working groups will be formed to develop initial indicators and targets (with indicators the initial focus). LGAT will participate in a number of these and has sought nominations from councils for membership.

As a consequence of the forums, it is clear there is a high level of overlap between some of the strategic priorities and they may be differently grouped or reduced, particularly as the difficult task of identifying appropriate indicators gets underway. Councils have expressed some concerns about the setting of targets because of the influence of local conditions, priorities and budgets and an alternative view is to look at council level improvements rather than targets.

There remains some concern about reporting/use of data. Data on councils is currently already available publically through the KPI process, although it is admittedly dated. Councils will be given opportunity to contextualise data and data will continue to be independently verified.

The Steering Committee next meets on 1 November 2010.

Budget Implications
Does not apply.

Current Policy
Does not apply.
13 ITEM: CODE OF CONDUCT
Contact Officer – Georgia Palmer/Katrena Stephenson

Decision Sought
That Members note the following report.

Background
Regulation Review
The Local Government Division of the Department of Premier and Cabinet has agreed to a review of the Code of Conduct provisions (and related provisions) in the Local Government (General) Regulations 2005.

In June 2010 LGAT circulated an issues paper to councils to seek feedback on the existing regulations with suggested changes for consideration. LGAT has received good representations from councils on the paper.

LGAT is currently collating the feedback from councils with a view to providing advice to the Local Government Division on necessary changes to the regulations in the next month. It is likely that the suggested way forward will include a two phased approach to the review. The first requesting urgent changes to the regulations where there is full support from councils for the changes and where the current regulations are proving to be inadequate. The second phase will include a more detailed review of some suggestions, such as the need for a regional pool of councillors available to sit on Code of Conduct Panels.

New cases
The Standards Panel has recently been inundated with new cases. Some of this influx may be due to the large volume of media attention that some cases have received in regional papers. This media attention has been concerning as it has occurred prior to the hearings and has included inaccuracies. The additional cases are also having implications on LGAT resourcing. These issues will also be considered in the review.

Budget Implications
There are no budget implications at this stage.

Current Policy
Does not apply.

14 ITEM: AUSTRALIAN PACKAGING COVENANT
Contact Officer – Ben Mooney

Decision Sought
That Members note the following report.

Background comment:
The Australian Packaging Covenant is a commitment by industry and governments to the sustainable design, use and recovery of packaging. The first National Packaging Covenant (NPC) was introduced in 1999 and amended in 2005. The new Packaging Covenant, renamed the Australian Packaging Covenant, commenced on 1 July 2010.
The objective of the Packaging Covenant is to minimise the overall environmental impacts of packaging by pursuing the following performance goals:

- **Design:** packaging optimised to achieve resource efficiency and reduced environmental impact without comprising product quality and safety
- **Recycling:** the efficient collection and recycling of packaging
- **Product Stewardship:** a demonstrated commitment to product stewardship by organisations in the supply chain and other signatories.

Packaging Covenant Signatory Obligations:

- Submit an action plan that sets out what your organisation will do to support the Packaging Covenant’s objective and goals
- Submit an annual report each year that outlines performance against the action plan commitments
- Implement design and procurement processes that drive sustainable design of packaging, consistent with the Sustainable Packaging Guidelines (SPG)
- Implement policies or procedures to buy products made from recycled materials
- Establish collection and recycling programs for used packaging materials generated on-site
- Take action, where appropriate, to reduce litter
- Assist the Packaging Covenant Council to respond to complaints from the public about the design and use of packaging materials.

On 17 August 2010 the LGAT declared an intention to become a signatory, and in consultation with the regional waste authorities will prepare a five year action plan to be lodged by 31st March 2011. Regional waste authorities, via LGAT, are able to secure grant funds.

The LGAT 2009/10 National Packaging Covenant Annual report is due 31 October 2010.

**Budget Impact**
Does not apply.

**Current Policy**
That the Association continue as a signatory.

**15 ITEM: FREIGHT STRATEGY**
Contact Officer – Melanie Brown

**Decision Sought**

That Members note the following report

**Background comment:**
The Tasmanian Infrastructure Strategy was launched by the State Government in February 2010. As part of the overall Infrastructure Strategy, the development of a Tasmanian Freight Strategy was identified as a key activity to be completed within 3 years of the release of the Infrastructure Strategy. The overall objective of the Freight Strategy will be to achieve integrated, efficient and safe movement of freight within Tasmania.
The ability to move goods efficiently, seamlessly and sustainably both within Tasmania and beyond makes a significant contribution to the Tasmanian economy.

The Tasmanian Government owns and maintains the state road network and through the Government owned businesses Tasmanian Rail Pty Ltd (TasRail) and Tasmanian Ports Corporation Pty Ltd (TasPorts), has a direct influence on the Tasmanian rail network and major ports.

In light of the Government’s role in the Tasmanian freight network the focus of the Tasmanian Freight Strategy will be on networks, rather than supply chains. A Tasmanian Freight Strategy will consider the individual infrastructure components as an integrated freight transport system.

At the national level a number of new freight transport strategies and policies have been developed such as the National Transport Policy Framework, National Transport Commission (NTC) and Council of Australian Government’s (COAG) transport productivity reforms. The Tasmanian Freight Strategy will review existing Tasmanian freight transport strategies in light of this new national position.

Additionally the Tasmanian freight system must be responsive to a number of changes to the wider transport sector, such as the effect of climate change, a growing freight task, increasing oil prices and changes to technology.

The Tasmanian Freight Strategy will sit underneath the Tasmanian Government’s transport policy and will apply policy principles and analytical rigour to identified freight challenges in order to identify infrastructure-related solutions.

The role of the Tasmanian Freight Strategy in relation to existing and future strategic policy is set out in flow chart form and is at attachment to Item 15 for reference.

**Freight Strategy – Scoping Process:**
The Department of Infrastructure, Energy and Resources is currently undertaking a scoping process in order to provoke discussion and facilitate a shared understanding of what the Freight Strategy is intending to address. To this end the department has developed a preliminary paper that identifies both broad-based and specific questions to assist stakeholders in considering the issues at hand. This paper has been distributed to councils, via General Managers for comment.

It is envisaged that the Tasmanian Freight Strategy will include an analysis of future freight demand, the role and capacity of existing transport infrastructure, opportunities for improving economic efficiency in the transport sector and the environmental and financial sustainability of the freight system.

The Freight Strategy will apply the Tasmanian Government’s transport policy to the challenges faced by the government and industry in continuing to ensure an efficient and effective freight system for the State. Upon development of the state-wide focussed Strategy, DIER then intends to develop regional freight strategies in order to ensure that the overall target of ensuring integrated, efficient and safe movement of freight is implemented at a local level.
Five central challenges have been identified in the initial stages of the scoping process. These include:

1. Competitive transport costs;
2. The State’s capacity to meet an ever growing freight demand;
3. The coexistence and potential conflict of the transport and passenger networks;
4. Limited financial resources for the provision of a freight network; and
5. The appropriate management of environmental concerns.

Summaries of these key challenges are provided below.

1. Competitive Transport Costs

Tasmania’s geographic isolation means that transport is often a relatively high component of product costs. This is particularly important for high volume, undifferentiated commodity and manufactured products where competition is predominantly based on price.

As part of the freight strategy, DIER aims to determine what role government and government owned transport networks should play in assisting business productivity. The scoping process therefore begins with the identification of specific cost factors that impact upon the ability to achieve efficiencies and reduce production costs within the State.

These include heavy vehicle access, geographical considerations such as the Bass Strait shipping channel, the location of some heavy industry and approximately half of the State’s population in the South, and the dispersion of resource-based industries around the State.

There is an acknowledgement that last-mile access is just as important as the highway network, irrespective of ownership, and this therefore has implications for strategic road planning. The question of whether there are advantages for Tasmanian businesses in a national approach to freight transport regulation (e.g. National Heavy Vehicle Regulator, National Rail Regulator, National Maritime Regulation Reforms) is raised, whilst recognising that regulations can sometimes be unnecessarily burdensome.

2. The State’s Capacity to Meet Growing Freight Demand

With an average annual growth rate of three percent for freight transport demand and an expected continuation of this regular increase, there exists a need to forecast future demand by major commodity type and region and, to determine whether the State’s infrastructure is likely to face a capacity challenge in the foreseeable future. Issues such as the potential need for a defined freight network to maximise future road and rail freight transport productivity will be canvassed as part of the scoping process, along with an acknowledgement of the need to retain effective access to and use of ports, which raises the question of whether additional planning protection is required to ensure effective access to these key network points.

The long-term investment strategy for Tasmanian ports and land-side transport infrastructure is currently unclear and has the potential to lead to wasteful and inefficient investment. This gives rise to the need to address coordination of road and rail planning, the existing governance structure and whether current approaches are leading towards effective outcomes, or whether they need to be revisited.
3. The Coexistence of the Transport and Passenger Networks
With the current exception of the rail network, Tasmanian freight networks coexist with passenger networks (commuter and tourist). The transport network therefore needs to meet multiple objectives that are conflicting. There are currently no coordinated strategies to address real or perceived conflicts. Thus, initial issues to be raised in the scoping process include the question of priority in circumstances where the needs of users conflict, whether minimum design standards should be used to enhance safety of identified freight networks, regulation of heavy vehicles in terms of congestion and multiple-use requirements, and technological tools to enhance safety, productivity and asset management.

With finite resources available to government, capital investment and maintenance of road and rail infrastructure must be as efficient as possible, irrespective of ownership. The Freight Strategy intends to address the key question of whether it is sustainable to continue to differentiate road network planning on the basis of ownership, or whether a more integrated approach should be implemented.

Neither Local Government nor State Government road funding mechanisms appear to promote efficient investment or financial sustainability in the long term the extent of underinvestment needs to be determined and somehow addressed. National road and rail reforms may be relevant for the purpose of addressing the Tasmanian transport network’s financial sustainability challenges.

Incremental pricing could be considered as a commercial incentive to achieve specific planning outcomes - the scoping process will seek responses in relation to this and other associated issues.

5. Appropriate Management of Environmental Concerns
Environmental considerations will drive significant change in the economy including the transport market. Diversification of fuel types raises the question of whether the State Government has a role in promoting the use of alternative fuels within the freight transport market. Issues including congestion, pollution and noise factors in urban areas will need to be taken into account during transport planning.

Work Plan:
The scoping paper will be circulated to councils via General Managers for comment with a four week return period. Consultation with Local Government will occur throughout the development of the strategy. It is envisaged that the strategy will take 12 months to complete.

Budget Impact
Does not apply.

Current Policy
LGAT will continue to represent members’ interests and seek comment from councils in relation to DIER’s development of the Freight Strategy as appropriate.
Decision Sought

That members note the following report.

Background
The February 2009 bushfires in Victoria resulted in the deaths of 173 people. The Victorian Government formed a Royal Commission into the causes of, preparation for and response to the bushfires. The Victorian Bushfire Royal Commission has released its final report that includes 67 recommendations, some of which have an impact on Local Government. This brief summary of the key recommendations impacting Local Government is provided for information at this stage. A whole-of-State Government response has been produced in Tasmania. The State Government will be undertaking further consultation in relation to its response in the near future, which will involve Local Government. A full copy of the response is at Attachment to Item 16.

The key recommendations affecting Local Government are as follows:

- **Local planning and vulnerability assessment (Recommendation 3)** – That the state establish mechanisms for helping municipal councils to undertake local planning that tailors bushfire safety options to the needs of individual communities.

- **Shelter options (Recommendation 4)** – That the State introduce a comprehensive approach to shelter options that includes developing standards for community refuges as a matter of priority; designating community refuges; working with municipal councils to ensure that appropriate criteria are used for bushfire shelters; and acknowledging personal shelters around their homes as a fallback option for individuals.

- **Evacuation (Recommendation 5)** – That the State introduce a comprehensive approach to evacuation, so that this option is planned, considered and implemented when it is likely to offer a higher level of protection than other contingency options. The approach should encourage individuals to relocate early; include consideration of plans for assisted evacuation of vulnerable people; and recommend ‘emergency evacuation’.

- **Electricity and hazardous trees (Recommendation 31)** – That municipal councils include in their municipal fire prevention plans for areas of high bushfire risk, provision for the identification of hazard trees and for notifying the responsible entities with a view to having the situation redressed.

- **Retreat and resettlement (Recommendation 46)** – That the State develop and implement a retreat and resettlement strategy for existing developments in areas of unacceptably high bushfire risk, including a scheme for non-compulsory acquisition by the State of land in these areas.

- **Monitoring of Planning Permits (Recommendation 52)** – That the State develop and implement, in consultation with Local Government, a mechanism for sign-off by municipal councils of any permit conditions imposed under the Bushfire-prone Overlay and the regular assessment of landowners’ compliance with conditions.

- **Fire Services Levy (Recommendation 64)** – That the State replace the Fire Services Levy with a property-based levy and introduce concessions for low-income earners.
Components of the State Government response that will require ongoing collaboration between State and Local Government include:

- Implementation of the recommendations of the Review of Construction and Development Control in Bushfire Prone Areas (particularly the draft Planning Directive);
- Review of the balance between native vegetation clearance controls and bushfire mitigation;
- Community protection planning; and
- Care for vulnerable people during emergencies.

The Tasmanian Security and Emergency Management Advisory Group will be convening a stakeholder forum to outline the Tasmanian Government Response. Local Government will be invited.

**Budget Implications**

Does not apply.

**Policy Implications**

None at this stage.

**17 ITEM: CLIMATE CHANGE**

Contact Officer – Georgia Palmer

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**Decision Sought**

That the meeting endorse the revised State-wide Partnership Agreement on Climate Change and it’s signing by the President of the Association on behalf of Local Government at the December 2010 meeting of the Premier’s Local Government Council.

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**Background comment:**

The Premier David Bartlett and the former President of the Local Government Association of Tasmania (LGAT), Cr Mike Gaffney, signed the State-wide Partnership on Climate Change (the Agreement) at the 16 December 2008 meeting of the Premier’s Local Government Council (PLGC).

The majority of actions in the Agreement had an 18 month timeframe and have now been implemented.

An evaluation of the Agreement has been completed and recommendations made in relation to the future direction of the Agreement.

The evaluation recommended that:

- The establishment of a new and expanded group (the Climate Change Partnership Committee) to oversee the development and implementation of the agreement;
- Ongoing commitment to climate change mitigation through greenhouse gas emission reductions;
- Greater focus on climate change adaptation; and
- Inclusion of communication and consultation activities into schedules where appropriate rather than a discreet schedule related to communication and consultation.
A revised Agreement has now been developed by the Climate Change Partnership Committee and is at Attachments to Item 17. The Committee has met on a number of occasions and is chaired by the Deputy Secretary, Department of Premier and Cabinet and the members include:

- Local Government Association of Tasmania
- Tasmanian Climate Change Office, Department of Premier and Cabinet
- Office of Security and Emergency Management, Department of Premier and Cabinet
- Local Government Division, Department of Premier and Cabinet
- The Tasmanian Planning Commission

The actions within the redrafted Agreement are high level. Additional detail will be provided in implementation plans which will be developed within three months of signing the revised Agreement. The Climate Change Partnership Committee will review and approve these plans and ensure that there is a consistent understanding of what will be delivered by all parties to the revised Agreement. All actions in the revised Agreement are to be delivered within two years of signing the agreement.

**Key changes to the Partnership Agreement include:**

**Schedule 2 Mitigation**
The actions in this schedule have progressed from auditing Local Government greenhouse gas emissions to a broader focus on reducing greenhouse gas emissions, where resources allow. Improving the energy efficiency of street lighting has been highlighted as a particular focus.

**Schedule 3 Adaptation**
The majority of actions identified within this schedule are the responsibility of the State Government and aim to address some of the current policy gaps in relation to land-use planning. Action 3.2 and 3.3 includes the development of high level planning principles in relation to coastal inundation and coastal erosion and translating these principles into actions through the regional strategies, planning schemes and planning codes.

Action 3.4 is focused on the development of comprehensive statements on the State’s approach to natural hazards through land-use planning. The purpose of these statements is to provide planning authorities with the level of information and certainty to confidently make planning decisions about hazards. The statements (and the process for developing the statements) will clearly identify any gaps in knowledge or support available for Local Government to manage land use and development decisions having regard to the risks from natural hazards. The information will assist the State and Local Government to prioritise future work in the area.

Actions 3.5 and 3.6 are focused on the delivery of the vulnerability assessments and risk management at the local and regional level. This project is funded through the Federal Government’s Local Government Reform Fund and the delivery of initial plans will be developed for Southern Councils. The Agreement also identifies the roll out of these plans more broadly depending on the availability of resources.
Policy
The majority of actions within the revised Agreement are focused on addressing the current gap in Climate Change Adaptation Policy at the State Government level.

LGAT will ensure that councils are regularly updated on progress against the actions in the revised Agreement and consulted in the development of State level policies.

Approval Process
Following agreement from delegates at the General Meeting a joint memo by the Minister for Planning and the Minister for Climate Change will be provided to the Premier. The Premier will then put the revised agreement to Cabinet, prior to going to PLGC on 16 December 2010 for approval.

Governance
The Climate Change Partnership Committee will be responsible for the delivery of the Agreement with the PLGC overseeing the implementation.

Budget Impact
Does not apply.

Current Policy
An extension of existing policy as outlined in the background.

18 ITEM: COMMUNICATION AND CONSULTATION AGREEMENT
Contact Officer – Katrena Stephenson

Decision Sought
That Members note the following report.

Background comment:
The PLGC Officials Committee is currently reviewing Schedule 6 of the Second Statewide Partnership Agreement on Communication and Consultation between the State Government and the Local Government Association of Tasmania on behalf of Tasmanian Councils. The review will assess the activities and achievements of communications on strategic issues that were listed in Schedule 6 for strategic communication and consultation during 2010.

Those issues, agreed to by the PLGC at its December 2009 meeting, were:
- Local Government sustainability
- Social inclusion
- Land-use planning policy
- Cooperative arrangements on road maintenance
- Electoral reform
- The Future of Australia’s Tax System Review.

The Local Government Association of Tasmania will provide input into the review, as will other organisations that are relevant to the above listed issues. Those organisations are:
- Department of Premier and Cabinet
- Tasmanian Planning Commission
- Department of Treasury and Finance
- Department of Infrastructure, Energy and Resources.
The review will make recommendations regarding the issues to be listed in Schedule 6 for communication and consultation during 2011-13. It is anticipated that the focus will be on Local Government reform projects given that these will be the strategic focus of the PLGC. The PLGC will consider the review and the revised version of Schedule 6 at its December 2010 meeting.

**Budget Impact**
Does not apply.

**Current Policy**

There have been issues raised in relation to State Government adherence of the Agreement, refer to Follow Up of Motions Report – Attachment to item 4.

**19 ITEM: MOTION: BRIGHTON BYPASS * Council – Brighton**

**Decision Sought**

**That the Meeting:**

1. Receives the attached briefing material on the proposed route of the Brighton Bypass across the Jordan River Levee.

2. Notes the decision of the Brighton Council to support the solution developed by the Department of Infrastructure, Energy and Resources to protect the Aboriginal cultural and archaeological heritage significance of the levee site.

3. Discusses the project and the need for the Bypass to improve road safety and enhance transport and travelling efficiency to benefit the entire Tasmanian community.

**Background comment:**
There has been considerable public interest and debate regarding the Jordan River Levee Site on the Brighton Bypass route. The route was determined in the 1980s and 1990s at which time no archaeological sites were identified. A discovery in late 2008 was identified as having potential for significant Aboriginal cultural values. This has since been verified as an important archaeological discovery.

As a consequence, the Department of Infrastructure, Energy and Resources (DIER) proposes to construct a $12 million, 70-metre bridge to span the levee area which will have no physical impact on the site. The Aboriginal community wants the highway route to be changed away from the site.

DIER has applied for a permit from the Department of Primary Industries, Parks, Water and Environment (DPIPWE) to construct the Jordan River crossing as proposed.
The DIER position has received little media coverage and it is fair to assume that most councils (and most of the general public) have only heard about the position of the Aboriginal community and from those that support that position. It is important that the DIER position is better understood and that the interests of the wider community are considered, as well as those of a small sector.

DIER has determined that it has no other option than to proceed on the current alignment and has stated that the only real options are ‘a road on the existing alignment with a bridge, or no road at all’. If the existing route is chosen there is a risk of protests and long delays in construction. If an alternate route is chosen there could be large numbers of existing homes that would be required to be demolished with associated costs and disruption.

As well, there would be significant cost increases and delays in opening the bypass if the existing route is not approved.

Brighton Council received briefings on the issue from the Tasmanian Aboriginal Centre Inc and DIER officers. Council subsequently determined to support the ‘bridge over the levee’ solution proposed by DIER as the best means of protecting the integrity of the site while minimising the negative impacts on the local and wider Tasmanian community.

Brighton Council recognises the important Aboriginal cultural heritage and archaeological significance of the Jordan River levee site. Council strongly supports the protection and enhancement of this important archaeological site and the development of appropriate plans in consultation with the Aboriginal community.

It is important that the vital safety issues surrounding the need for the bypass are also considered. Brighton Council and the broader community have been lobbying for 30 years to upgrade the dangerous section of highway between Bridgewater and Dysart and improved safety and transport efficiency are the principal reasons behind the need for the bypass.

After extensive consideration Council reached the conclusion that the DIER proposal provided the best possible solution that protected the significant Aboriginal cultural, heritage and archaeological values and did not place unreasonable impacts on the Brighton and broader Tasmanian community.

Refer Attachments to item 19:
- Copy of PowerPoint Presentation by the Secretary of DIER
- Copies of seven (7) DIER Fact Sheets on the Jordan River Levee Site
- Copy of a brochure provided by the Tasmanian Aboriginal Centre Inc.

LGAT Comment
The Brighton Bypass has been subject to considerable media attention and broad community interest.

Key points made by the Aboriginal Community include:
- Removal of artefacts from the levee is not an option and will destroy its integrity.
- This is the only site remaining along the by-pass route.
- The evidence of human existence at this site is amongst the oldest in Australia.
- The issue is not about the by-pass being built near the levee but, where the by-pass will cross the Jordan River.
- By moving the crossing 300 metres the site would be preserved.
Key points made by DIER include:

- The need for the by-pass at Brighton was identified around 40 years ago with planning over the last 20 years with no archaeological sites determined during the identification of the alignment neither in the 80s and 90s, nor in 2008 during an Aboriginal Heritage survey.
- Once the site was discovered in late 2008, DIER supported and funded an extensive archaeological investigation. Many of the methods utilised in the investigation were a first for Tasmania at a cost approaching $1 million of the $2.5 million spent across the Brighton projects.
- As the values in the levee became apparent, DIER responded by significantly modifying the design of the Jordan River crossing, which now includes a long span bridge that does not impact the Jordan River levee.
- The cost to build the bridge and ultimately protect this site is over $12 million.
- The Jordan River crossing does not impact on the important levee deposit containing the heritage values.
- No artefacts contained within the important levee deposit will be destroyed as a result of the construction of the proposed bridge.
- The alternative alignment proposed by the Tasmanian Aboriginal Centre would result in an unsafe highway and impact on another levee that has not been investigated as yet. It would also require either extensive demolition of homes or relocation of rail infrastructure into the heritage site that contains the levee.
- DIER has always been very clear that there is no other practical and feasible alternative route.

Budget Impact
Does not apply.

Current Policy
Does not apply.

20 MOTION: LIQUOR LICENSING
Council – Clarence City

Decision Sought

That the Local Government Association of Tasmania requests the State Government to amend the provisions of the Liquor Licensing Act, 1990 to require:

That a liquor licence cannot be granted until appropriate Planning or Development approval has been granted by the relevant Council; and further

That appropriate Planning or Development from the relevant Council or evidence that approval is not required must accompany a liquor licence application or application to vary a liquor licence.
**Background comment:**
There was no statutory requirement for the Liquor Licensing Board or Commissioner for Licensing to consider, in determining a liquor licence application, whether Development or Planning approval had been granted by the relevant local Council.

In other State jurisdictions, most notably Victoria, New South Wales, Western Australia, South Australia and Queensland, Planning or Development approvals are a pre-requisite to applying for a liquor license.

Under Tasmanian legislation there is not statutory connection between being granted a liquor licence and the requirement to have Planning or Development approval to operate a premises as a licensed establishment.

As such, applications for a liquor licence and a Development approval can run in parallel with no necessity or opportunity for one to inform the other in relation to community impacts, operating conditions, location issues or other amenity or community “land use” matters. Such parallel approval process inevitably introduces inconsistencies in the approval and conditioning of such developments and related land use considerations.

Accordingly, Tasmanian licensing legislation should be brought into conformity with other States with appropriate mechanisms being introduced that effectively link these important community approval processes.

**LGAT Comment**
LGAT has received informal advice that while there are no statutory requirements, the Liquor Licensing Board has in the past advised applicants to resubmit subsequent to getting planning approval. However, this is not apparent from decisions over the last two years, although there is (on occasion) reference to an applicant having received a planning permit.

**Budget Impact**
Does not apply.

**Current Policy**
There have been no motions on the matter in recent years.

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**21 ITEM:** ENVIRONMENTAL DISPUTE MEDIATION SERVICE *
Contact Officer – Katrena Stephenson

**Decision Sought**

‘In-principle’ financial and planning support for a proposed ‘Environmental Dispute Mediation Service’, to foster the resolution of disputes in the community about environmental management issues.

**Background comment:**
The proposal originated from the Environment Protection Policy Review Panel’s 2007 review of public submissions to the Draft Environment Protection Policy (Noise). One of the recommendations in the Panel’s report was the investigation of the use of mediation procedures as an early step in dealing with noise complaints, and in particular neighbourhood noise complaints. This was essentially recognising that the EPP is not intended for use as a regulatory tool in the same way as, say, the noise regulations under EMPCA.
Informal discussions held with Local Government Environmental Health Officers in 2009 suggested that there could be up to 150 referrals per annum to a state-wide service. Although the original proposal was only intended to deal with noise disputes, there is no reason why it could not be expanded to cover other environmental issues.

The Environment Protection Authority (EPA) has put forward a proposal for a 50/50 funding partnership between the Board of the EPA and Local Government (via LGAT) to finance a trial of an Environmental Dispute Mediation Service. Each party would commit $50,000, which is expected to be sufficient for the trial to last for approximately 12 months. Ongoing funding would be sought if the trial is successful.

The EPA would finance its share of the project from the Environment Protection Fund, which is focused on supporting actions at the community level in relation to the protection, restoration or enhancement of the environment.

It is expected that the service will free up a significant amount currently spent by Environmental Health Officers in trying to resolve disputes. One of the main objectives of the trial would be to estimate the long term value of such benefits. A detailed project proposal is at Attachment to Item 21.

**Budget Impact**

**Local Government**
Cost: $50,000 for the 2011/2012 financial year.

**EPA**
Cost: $50,000 for the 2011/2012 financial year.

**Current Policy**
Local Government is currently responsible for dealing with complaints of environmental nuisance in neighbourhood settings. Many of these complaints are resolved by Environmental Health Officers talking to the parties concerned, or through officers taking some form of compliance action under Environment Management Pollution and Control Act or its various regulations.

Other complaints are not as readily dealt with because they do not have an obvious regulatory or planning solution, and may have arisen from, or been exacerbated by a breakdown in communication between the disputing parties. In these circumstances Local Government rarely has the capacity to provide a significant resolution role. The proposed Mediation Service would provide valuable support from professional mediators in such instances.

22 **Closure**