GENERAL MEETING

MINUTES

Held At
Wrest Point Casino
Hobart

Wednesday 11 July 2012
Commencing at
11.00am
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 i 19,999</td>
<td>2</td>
<td>White</td>
</tr>
<tr>
<td>20,000 i 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.
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.00</td>
<td>Meeting commences</td>
</tr>
<tr>
<td>11.15</td>
<td>Julian Type</td>
</tr>
<tr>
<td></td>
<td>Electoral Commission</td>
</tr>
<tr>
<td>12.00</td>
<td>Mat Healey</td>
</tr>
<tr>
<td></td>
<td>Director of Local Government</td>
</tr>
<tr>
<td></td>
<td>Ratings and Valuations</td>
</tr>
<tr>
<td>1.00pm</td>
<td>Lunch</td>
</tr>
<tr>
<td>2.00pm</td>
<td>LG Reform</td>
</tr>
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<td></td>
<td>Sue Grau</td>
</tr>
<tr>
<td></td>
<td>Local Government Association of Tasmania</td>
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<tr>
<td></td>
<td>MINUTES *</td>
</tr>
<tr>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>24.1</td>
<td>40</td>
</tr>
</tbody>
</table>
25 PUBLIC POLICY - GENERAL ....................................................................................................... 46
   No Motions Received............................................................................................................. 46
26 ADMINISTRATION ................................................................................................................ 46
   26.1 Motion i Insurance And Risk Management * ............................................................... 46
27 FINANCE .................................................................................................................................. 49
   No Motions Received............................................................................................................. 49
28 INFRASTRUCTURE AND SERVICES ................................................................................... 49
   28.1 Motion i Location of Telecommunications Facilities..................................................... 49
   28.2 Motion i Repairs to Infrastructure Following Fires & Floods........................................... 51
29 PLANNING AND DEVELOPMENT ....................................................................................... 52
   29.1 Motion i Review of AMCORD and TASCORD * ......................................................... 52
   29.2 Motion i Office of the Tasmanian State Architect............................................................ 55
   29.3 Motion i Regional Development Australia (RDA) .......................................................... 55
   29.4 Motion i Licensing of Accommodation Premises............................................................ 57
30 ENVIRONMENT .................................................................................................................... 58
   30.1 Motion i Weed Management............................................................................................ 58
   30.2 Motion i Weeds Officers................................................................................................. 60
   30.3 Motion i Uninformed Commentary - Forestry................................................................. 62
31 PUBLIC HEALTH & NUISANCE ......................................................................................... 63
   No Motions Received............................................................................................................. 63
32 ANIMAL CONTROL ............................................................................................................... 63
   32.1 Motion i Cat Management Act 2009 ............................................................................... 63
33 COMMUNITY & SOCIAL DEVELOPMENT ......................................................................... 64
   No Motions Received............................................................................................................. 64
34 CLOSE ....................................................................................................................................... 64

* DENOTES ATTACHMENT
The President welcomed Members, declared the General Meeting open at 11.00am and welcomed Glenorchy City Council.

Apologies were received from:

- Mayor Deirdre Flint  Central Highlands Council
- Mayor Steve Kons  Burnie City Council
- Deputy Mayor Lee??????
- Deputy Mayor David Downie  Northern Midlands Council
- Cllr Ian Goninon  Northern Midlands Council

1 MINUTES *

West Coast Council/Burnie City Council

That the Minutes of the meetings held on 28 March and 5 June 2012, as circulated, be confirmed.

Carried

The Minutes of the General Meetings held on 28 March and 5 June 2012, as circulated, are submitted for confirmation and are at Attachment to Item 1.

2 CONFIRMATION OF AGENDA & ORDER OF BUSINESS

That the agenda and order of business be confirmed.

Noted

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

3 BUSINESS ARISING *

That Members note the following information.

Noted

At Attachment to Item 3 is a schedule of business considered at the meeting held on 28 March 2012 and the status thereof.
4 FOLLOW UP OF MOTIONS *
Contact Officer: Katrena Stephenson

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 4.

5 MONTHLY REPORTS TO COUNCILS *

That Members note the reports for February, March and April 2012.

Background comment:
Monthly reports to Councils that briefly outline the Associations activities and outcomes for the previous months are at Attachment to Item 5.

6 COUNCIL ROUND-UPS

That Southern Midlands Council will present a briefing at the next meeting.

Background comment:
Meander Valley Council conducted a brief presentation on a matter that is of interest in their municipality. The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.

The President welcomed Mr Julian Type from the Electoral Office and asked that the Meeting move to discussion of Item 24.3 - Motion - Compulsory Voting.

On completion of discussion the Meeting then returned to Item 7 and the general order of business.
That Members note the following report.

Background comment:
The Tasmanian State Government is currently developing and reviewing a number of State Government emergency management policies and plans. This report aims to inform and update members on the status of these policies and reviews.

State Bushfire Policy
The Tasmania Fire Service released a draft Bushfire Policy in October 2010. The draft policy was circulated to councils and other stakeholders for comment and LGAT provided the Tasmanian Fire Service (TFS) with feedback. Key areas which were raised in the LGAT response included issues relating to vulnerable people, nearby safer places, implementation of the policy and land use planning. In addition to providing a written submission to TFS, LGAT has met with the TFS to further discuss the submission and policy. The policy will be redrafted and circulated to councils before it is resubmitted to the State Emergency Management Committee at its October meeting.

State Recovery Plan
The Department of Premier and Cabinet (DPAC) is currently finalising the State Special Emergency Management Plan relating to Recovery (Recovery Plan).

The purpose of the Recovery Plan is to provide a broad framework for Tasmania’s recovery arrangements, which can be tailored to the requirements of each emergency and support the affected community to manage its own recovery. It is recognised that recovery activities will often begin spontaneously within a community and it is the role of formal recovery arrangements to provide structure and resources, to support these spontaneous efforts.

The objectives of the Recovery Plan are to:

a) Outline governance management structures relating to recovery;

b) Provide clarity for all Government Agencies (State, Commonwealth and Local Government), regional committees and other stakeholders on their roles and responsibilities for recovery;

c) Identify the range of recovery activities that occur in Tasmania;

d) Ensure that all stakeholders involved in the implementation of the Recovery Plan undertake activity in a planned and coordinated way; and

e) Outline activation processes.

The Recovery Plan relates primarily to the roles of State Government agencies and Regional Committees. While it outlines Local Government responsibilities in accordance with the Emergency Management Act 2006, the Plan clearly delineates between Local Government responsibilities and the responsibilities of the State Government.

At the time of preparing this report, The Draft State Recovery Plan was with councils for review and comment. A whole of Local Government response to the plan will be provided to DPAC by 22 June 2012.
Local Government Relief Policy Review
The State Government, led by the Department of Premier and Cabinet, is currently undertaking a review of the Local Government Relief Policy under the Tasmanian Relief and Recovery Arrangements. LGAT, along with Treasury, The Department of Infrastructure, Energy and Resources (DIER) and the State Emergency Service (SES) are represented on the steering committee overseeing the review.

The aim of the review is to address a number of issues which were identified following the flooding events that occurred in Tasmania during the first half of 2011. In particular:

- the difficulty in determining the scale and magnitude of events resulting in activation issues that potentially delays the provision of required assistance to Local Government;
- the accurate and timely collection of damage information. This has resulted in costs which may have been reimbursable from the Commonwealth not being recovered;
- the consistency of the activation of assistance and the fact that the current policy is not able to retrospectively provide assistance to councils for the compounding of events over the course of the financial year; and
- the lack of a policy position on infrastructure betterment that can be routinely applied to council assets pre and post a flooding event.

An initial meeting has been held to discuss the review. More detailed information on the scope of the review and opportunities for formal input into the review will be forwarded to councils in the near future.

Tasmanian Emergency Management Plan Review
The Tasmanian Emergency Management Plan has recently been reviewed. Changes made to the plan include amendments regarding land use planning, spontaneous volunteer management, vulnerable people and Rapid Impact and Damage Assessment as well as reflecting structural and protocol changes. Through Regional Emergency Management Committees, councils were provided with an opportunity to comment on the review. Once the plan has been approved by the Minister for Police and Emergency Management it will be distributed to all emergency management stakeholders including councils.

Tasmanian State Natural Disaster Risk Assessment
The State Government is currently undertaking a Tasmanian State Natural Disaster Risk Assessment. The Assessment is focused on natural hazards and is limited to significant state level disasters. Priority Hazards include bushfire, flooding, storms/severe weather, landslide and earthquake and storm surge/coastal inundation (including Tsunami threat). The Assessment is intended to inform the decision making by the State Emergency Management Committee (SEMC) and to inform risk mitigation priorities at the state level. The state hazard management authorities were involved in workshops to inform the assessment.

The risk assessment has been completed for the highest priority hazards: bushfire, floods and storm and are currently being considered by the SEMC. Work is continuing on the next priority hazards. The methodology used to undertake the risk assessment has been based on the National Emergency Risk Assessment Guidelines (NERAG).

It is intended that the methodology used to undertake the State Assessment will be trialled at the regional level in the North of the state. Based on the outcome of these regional assessments further assessments may be done using the NERAG guidelines for the other regions.

A NERAG type assessment has been trialled at the municipal level by Circular Head Council. Circular Head Council were able to access grant funding through the National Disaster Resilience Program to contract a consultant to undertake the work. The council has been very happy with the work. Other councils are now showing interest in undertaking similar assessments; however, the complexity of the NERAG necessitates engagement of risk consultants to undertake the work.
Following the completion of the State Assessment, recommendations are likely to be made regarding the current risk assessment processes at the regional and municipal level. Councils will be consulted in relation to any changes.

The state risk assessment will inform the development of a State Hazard Mitigation Strategy.

**All Hazards Approach to Land Use Planning**
The Department of Premier and Cabinet’s, Division of Local Government, Security and Emergency Management (DLGSEM) is currently developing a hazard based method to treat natural hazards consistently throughout the State. LGAT has been represented on the steering committee overseeing the project.

The project aims to develop:
- clear guidance on why governments intervene in the use of land when mitigating the potential impacts of natural hazards; and
- a transparent framework for translating policies on natural hazards into strategic land use decisions and planning controls.

The draft *Overarching Principles for the Consideration of Natural Hazards in the Planning System (Principles)* and the draft *Guide for the Consideration of Natural Hazards in the Planning System (Guide)* have been developed to support the delivery of these aims.

Workshops have been held to review the draft principles and guidelines and to test them on the treatment of landslide. Local Government staff, industry representatives and State Government officers participated in these workshops. Feedback from the workshops has included strong support for the development of the guide, however a number of issues have been raised that need further consideration. These include understanding the implication of risk zones on planning schemes, particularly in relation to revised maps over time; increased developer costs; and whether the requirements will be applicable to all developments in all circumstances. Follow up workshops on landslides were held with regional planners on 13 June 2012. Broader consultation on the application of the Principles and Guide to the other priority hazards of flood and coastal inundation will be held in the coming months.

**Budget Impact**
Does not apply.

**Current Policy**
LGAT will continue to provide members with updates of these policies and reviews and will coordinate Local Government input into these reviews and policies.
Background comment:
At a municipal emergency management coordinators forum in February 2012, a few councils raised the opportunity of developing a formal process for sharing resources in the event of a large scale emergency in Tasmania.

The Municipal Association of Victoria (MAV) has developed such a protocol. The purpose of the protocol is to develop an agreed position between councils regarding the provision of council resources to assist other councils with response and recovery tasks during emergencies. The protocol provides clarity regarding the operational, insurance and reimbursement issues that may arise through municipal resource sharing arrangements. The protocol is voluntary.

Since its introduction in 2006 the protocol has been an important resource. In 2009 it was used to deploy more than 200 council staff after Black Saturday via the MAV and many more councils used the protocol to assist their neighbours directly. The movement of staff between councils during the time was not limited to emergency management but included road and tree crews, environmental health officers, animal management, counselling and communications staff.

Protocol For Inter-Council Emergency Management Resource Sharing
It is proposed that LGAT develop a similar inter-council emergency management resource sharing protocol for Tasmanian councils. The MAV has agreed that LGAT can use the Victorian protocol as a basis for a Tasmanian protocol.

It is acknowledged that Councils may already have informal arrangements for resource sharing in the event of an emergency. However, the development of a formal framework which clarifies operational, insurance, OH&S and reimbursement issues that may arise through municipal sharing arrangements would provide councils with surety and confidence when requesting resources in the event of large scale emergency. It would also provide individual councils with a larger network of councils from which to draw resources. Like the Victorian protocol, adoption of the protocol would be entirely voluntary although it would be most effective with many councils participating.

Initial discussion has been undertaken with the Department of Premier and Cabinet regarding the protocol and issues surrounding accessing funding through the Local Government Relief Policy arrangements. It appears that should the protocol be developed the costs associated with reimbursing the assisting council will likely be covered by the Local Government Relief Policy.

In addition to providing councils with an agreed framework to send and receive resources in an emergency, the protocol will also provide a model on which to base other resource sharing arrangements between councils.

Development and Consultation
To develop the protocol, consultation will need to occur with a number of organisations and agencies to ensure that the protocol complements other emergency management arrangements and that there are no issues that could negatively impact on participating councils. In addition to councils, consultation will occur with:
- State Emergency Service;
- Treasury;
- Department of Health and Human Services;
- Civic Mutual Plus regarding insurance issues; and
- Work Cover Tasmania regarding OH&S issues.

The proposed Local Government Protocol will be consistent with the objectives of the State inter-agency resource sharing project, which focuses on inter-agency sharing of skills in an emergency at the state level, and will deliver the kind of arrangements that the inter-agency project aims to promote. If endorsed the Protocol will be a great example of how Local Government is leading the way on such projects.

**Budget Impact**
LGAT policy officer time and legal cost to review the protocol once drafted.

**Current Policy**
Once the protocol is drafted it will be tabled at a General Meeting for endorsement and then individual councils will be given the opportunity to adopt the protocol.

### 9 CONSTITUTIONAL RECOGNITION

**Contact Officer: Katrena Stephenson**

| That Members note the following report. | Noted |

**Background comment:**
Further to the report last meeting, ALGA President Genia McCaffrey and Professor George Williams will be presenting on this issue to the Conference.

This is a fairly critical point of time. The Board is currently considering the short-term appointment of a strategic advisor to help test a number of key issues including:
- the dwindling time available before the election;
- the timing and outcomes of the Williams case.
- the Federal Government’s response to the Williams case.

Such independent strategic advice would ensure that the Board is comfortable that embarking on a significant and costly Constitutional Recognition formal campaign will have some chance of success. Should the Board determine that there is still a sound case for progressing the campaign, further expertise would likely be engaged.

The judgement in the Williams Case has been expected since December 2011. The delay probably indicates that the issues raised in the case are more complex than originally envisaged. Advice by Professor Williams suggests that the Williams’ judgement could have three outcomes: it may reinforce the Pape finding; deal with the issue without reference to Local Government, or; create further uncertainty.
If the Williams case suggests that there are complex issues with the Constitution (i.e. the Commonwealth has been funding a range of things/bodies that are not constitutionally valid) there may be a more substantial review of the Constitution, in which case Local Government issues may be subsumed into a larger review.

It is now almost six months since the Expert Panel handed its report to Minister Crean, Minister for Regional Australia, Regional Development and Local Government and he has indicated to ALGA that the Government is awaiting the outcome of the Williams Case before delivering its response on the Expert Panel's report. (The High Court may not hand down its decision until August 2012, due to the limited sitting opportunities until then).

Professor George Williams has been asked to provide advice on the Williams case and the implications for a Local Government referendum, once it is handed down.

Budget Impact
Members agreed to the establishment of a fighting fund for the national campaign, to which they would contribute $75,000 per annum with LGAT to make up any difference through reserves. A number of other jurisdictions have now committed funds but some are contingent on a referendum being called.

Current Policy
This is a policy priority area across all jurisdictions. To date 475 councils or 85% of councils overall have passed resolutions in support of constitutional recognition. In South Australia and the Northern Territory 100% of councils have passed resolutions, 93% in NSW, 90% in Tasmania (3 councils have not passed resolutions), 81% in WA, 76% in Queensland and 74% in Victoria.

10 STATE & FEDERAL BUDGET OUTCOMES *
Contact Officer: Katrena Stephenson

That the Meeting note the following report. Noted

Background comment:
Following the release of both the Federal and State Government budgets, LGAT provided advice on key announcements to member councils, with the assistance of the Australian Local Government Association in the case of the Federal Budget.

A summary is presented below.

Tasmanian Budget
It was noted that many initiatives announced were continuations of projects announced in previous budgets (these are indicated with an *).

Planning
- $1.6 million as part of commitment to overhauling the planning system - the second installment of the $6 million previously committed.*
  This will support assessment of new planning schemes, consistent provisions across schemes, maintenance of regional land use strategies, single on line access to planning schemes.
- $2.986 million on the spatial information project - using web based technology to link an array of location or map based information to core information used in planning, economic development and responses to emergency incidents. From Infrastructure Tasmania Fund.

Environment
- $240,000 allocated to support existing work to prepare a new framework for coastal protection (Funding from DPIPWE).
- $255,000 to support implementation of the Cat Management Bill including assistance to cat centres and Local Government especially around education materials.
- $700,000 to reduce plastic bag waste - moving towards banning non-biodegradable plastic check out bags. Funding for legislative development, consultation, education campaign and compliance. To meet obligations under tripartite agreement.

Infrastructure
- Use of Road Safety Levy including $3 million on Variable Speed Limit signs from Liverpool St, Hobart to the Cambridge Rd interchange; mandatory alcohol interlock program for all repeat drink drivers or offenders with blood alcohol levels over 0.15, heavy vehicle advance warning systems on some highways; *
- $195 million investment in road and rail network over 2012-13 which includes $64.9 million Australian Government funding. $90 million is community roads package.*

Regional Infrastructure
- Ongoing roll-out of major irrigation projects: $52 million allocated this year for construction of Midlands, Lower Sth Esk and Kindred North Motton irrigation schemes*
- Continuation of the 16 projects announced last year under the Community Roads Package Murchison Highway, Lake Secondary Road, Ridgely Highway, junction improvements with Bass Highway and Mersey Main Road, Mudwalls Road. Planning work underway for South Arm Highway - Rokeby Rd, Bell Bay Main Road Junction, Esk Main Road, Arthur Highway.
- $100,000 to study feasibility of establishing a cycle way in the North West.
- Continued implementation of Tasmanian Urban Passenger Transport Framework - priorities include targeted improvement to urban fringe bus networks and development of a Greater Launceston Metro Transport Plan

Regional Economic Development
- Implementation of Ernesto Sirolli’s economic development model in Smithton, Scottsdale and George Town - $950,000 over two years. (I could not confirm this but suspect this is IGA money)*.

Community
- Pensioner rate remissions capped at $275 if customer of water and sewerage corps and $405 if not a customer. Separate concession on water and sewerage still provided (amount not indicated in budget papers).
- $50,000 to continue War Memorial Repair and Maintenance Grants Program
- $780,000 for development of new Aboriginal Heritage legislation.
- Housing Tasmania to pay water and sewerage fees for tenants.
- $1 million to be spent in partnership with local community groups to support access to healthy food.
**Federal Budget**

There was some reporting in the media of a significant cut to Financial Assistance Grants (FAGS) funding for Tasmanian councils in this year’s Federal Budget. This was not the case. The Australian Local Government Association provided the following clarification:

> Page 114 of Budget Paper number 3 shows the FAGs figures – Tasmanian down from $87m in 2011-12 to $35.6m in 2012-13 with roads down from $44.3m to $18.2m

The reason for the drop is the Commonwealth’s “sleight of hand” in moving half of the 2012-13 FAGs into the 2011-12 year (ie. paying the first two quarters funding for 2012-13 in the next few weeks before 30 June 2012). The effect is to inflate the 2011-12 figure and deflate the 2012-13 figure – but councils still have access to the same money. In fact councils get half of next year’s money in advance and theoretically benefit from that early payment. So no actual loss for Tasmanian councils.

Given the economic gloom and intent to return the budget to surplus, it was relatively good news for Local Government. The Federal Budget 2012-13 maintains the system of payments to support through Financial Assistance Grants (FAGs).

For the 2011-12 year, the Australian Government will allocate $2.7 billion in FAGs for Local Government services to the community. This is the total after bringing forward $1.18 billion from the 2012-13 year first two quarter payments into the 2011-12 year.

- This is now the fourth year in a row that the payments have been shifted into the previous financial year.
- The payment will accordingly increase the FAGs Local Government receives in 2011-12, with a corresponding reduction in 2012-13 to $1.1 billion.

FAGs are increased annually, based on an escalation factor determined by the Treasurer with reference to population growth and the consumer price index. CPI is estimated to be around 3 per cent and population growth is about 2 per cent.

A breakdown of FAGs to Local Government by jurisdiction for 2012-13 (cash basis) is provided in the table below.

<table>
<thead>
<tr>
<th>Financial assistance grants</th>
<th>NSW $m</th>
<th>VIC $m</th>
<th>QLD $m</th>
<th>WA $m</th>
<th>SA $m</th>
<th>TAS $m</th>
<th>ACT $m</th>
<th>NT $m</th>
<th>TOTAL $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Purpose Assistance</td>
<td>249.6</td>
<td>192.4</td>
<td>156.8</td>
<td>81.1</td>
<td>56.5</td>
<td>17.4</td>
<td>12.6</td>
<td>7.8</td>
<td>774.2</td>
</tr>
<tr>
<td>Untied Local Road Funding</td>
<td>99.7</td>
<td>70.8</td>
<td>64.4</td>
<td>52.5</td>
<td>18.9</td>
<td>18.2</td>
<td>11.0</td>
<td>8.0</td>
<td>343.5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>349.3</td>
<td>263.3</td>
<td>221.1</td>
<td>133.6</td>
<td>75.4</td>
<td>35.6</td>
<td>23.6</td>
<td>15.9</td>
<td>1117.8</td>
</tr>
</tbody>
</table>

**Note:** The figures in Table 2 and 3 have been adjusted to reflect the payment of the first two quarters of 2012-13 FAGs ($1.18 billion) in 2011-12.

There was also relatively good news in relation to roads and transport with:

- $4.1 billion funding package over four years to assist local councils and shires maintain and upgrade their local roads
- Roads to Recovery to be renewed until 2019, with funding to remain at $350 million per year
- $300 million over five years to the Black Spot Program
- $140 million to continue the Heavy Vehicle Safety and Productivity Package
- $4 million to extend the coverage of seatbelts on regional school buses
– Establishing a new Brisbane-based Heavy Vehicle Regulator ($15.6 million)

More detailed information is provided at Attachment to Item 10.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

### 11 ELECTRICITY UPDATE
**Contact Officer:** Kate Hiscock

**That Members note the following report.**

**Noted**

**Background comment:**
The Association has been working with members on matters relating to electricity including the introduction of retail contestability at various levels, developing standard contracts for Local Government and working towards more sustainable street lighting *(Refer Item 12)*. The Association has built a solid working relationship with Aurora Energy who have committed to keeping LGAT up to speed on developments including proposed sectoral reforms and any likely impacts for Local Government from Aurora’s perspective. LGAT is also a member of the Office of the Economic Regulator Customer Consultative Committee which will also provide details on energy reform.

The State Government’s proposed reforms will not see change (full retail contestability) implemented until 2014. Contestability would only apply to the retail component of the cost of energy that is, the retail sale of energy to councils. This cost component is relatively small, however any savings that can be achieved through increased competition will be beneficial. It also opens the possibility for Local Government to tender for the retail supply of energy to councils on a whole of Local Government basis.

The Association will continue to remain abreast of reforms to the energy sector and update members as to the impacts for Local Government. Below is an overview of the State Government’s proposed reforms to date.

**Proposed State Government Reforms - Overview:**

The areas of structural reform that the State Government have identified are:
- competition arrangements in the retail market;
- regulatory or structural reform of the wholesale market;
- the method used to set the regulatory allowance for wholesale electricity purchasing for non-contestable customers;
- the financial performance and market situation of the Tamar Valley Power Station;
- Hydro Tasmania’s mainland growth strategy; and
- structural reform of the network businesses.

The key features of the State Government’s reform package are:
- Full retail competition will be introduced from 1 January 2014.
- The Government will sell and transfer Aurora’s retail customers in blocks to new, competing private sector retailers, from the start of Full Retail C on 1 January 2014.
- Aurora’s distribution system and Transend’s transmission network will be integrated to form a single combined network business. The businesses will be merged from 1 July 2014.
- Independent regulation of Hydro Tasmania’s wholesale market activities by the Tasmanian Economic Regulator from 1 July 2013.

It is estimated that the cost of energy comprises around 40 per cent of the total retail price. Therefore small gains in efficiency in the wholesale energy prices could be expected to result in savings to customers, when combined with active competition in the retail market. Other benefits of full retail contestability identified by the State Government include:
- a choice in electricity retailer;
- further assurance against monopolistic pricing through the ability to change retailer;
- equality with larger electricity customers, who currently enjoy choice of retailer; and
- increased service standards and product diversity over time.

Full details of the reforms are yet to be outlined. An implementation team is being established in Treasury and will work under a formal governance structure that includes the relevant Tasmanian Government agencies and the state’s electricity businesses. The Website for the reforms is: http://www.treasury.tas.gov.au/dominodtf/elec-ref/0/

**Budget Impact**

Does not apply.

**Current Policy**

If full retail contestability is introduced and subsequently competition in energy retailers, the possibility exists for tendering a whole of Local Government pricing arrangement for the supply of the energy.
Background comment:
The Association has been working with members on the issue of moving towards more sustainable street lighting. It has been identified that council knowledge of sustainable lighting options, pricing and an understanding of public lighting assets is required to enable councils to develop a business case and options. Once a business case has been completed it may also be possible for councils to attract funding towards conversion to sustainable public lighting such as the Community Energy Efficiency Program likely to announce another funding round towards the end of 2012.

At the General Manager’s Workshop in March this year, in principle support was gained to progress a consultancy to provide the financial modelling to enable Councils to develop a business case for options to transition to more sustainable street lighting. Before initiating this process however, the Association has been liaising with Aurora Energy to establish information that Aurora Energy may in fact be able to provide councils to enable the development of a business case. So far this process has been positive and it looks like a substantial amount of information may be available at no cost. Ideally, it may not be necessary to purchase a consultancy if we can source the required information directly from Aurora.

The Association has been building its relationship with Aurora Energy, recently formalising an agreed working relationship on sustainable street lighting in a letter and reply between the CEO LGAT and CEO Aurora Energy. This included Aurora nominating two contact officers to work with LGAT on this issue, they are Ms Kim Enkelaar from the Strategy and Corporate Affairs Division of Aurora and Mr John Sayers from the Distribution Business.

As part of the agreed process the Association is working with Aurora to provide members:
- A Fact Sheet on the street lighting services Aurora provides;
- Information of LED lighting in terms of application, efficiency and appropriate use;
- Information on best practice for sustainable lighting technology choices for public lighting; (recommended globe types in various applications);
- Testing information on public lighting technology products;
- Access to GIS asset information on public lighting ownership for each council;
- Clear pricing for all Aurora’s public lighting technology options; and
- Price estimates for accelerated conversion to more efficient public lighting.

Another option being explored is the possibility of agreeing a specific list of public lighting technology options for use by Local Government, aiming to enable Aurora to bulk purchase a reduced range of globes and fittings and achieve the lowest possible price for councils. It should also be noted that Aurora has commenced its own roll out of more sustainable street lighting for Aurora owned assets. It has committed to replace all Mercury Vapour 80W globes with 42W compact fluorescent globes over a ten year period. As discussed, LGAT is working with Aurora to establish pricing, procedures and options for councils to adopt a more accelerated conversion to more efficient public lighting.
The Association is aware that Hobart City Council and Glenorchy City Council are working on an accelerated conversion project for sustainable public lighting and looks forward to sharing knowledge on this issue.

**Budget Impact**
Does not apply.

### 13 HERITAGE LEGISLATION *
Contact Officer: Katrena Stephenson

<table>
<thead>
<tr>
<th>That Members note the following report.</th>
<th>Noted</th>
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**Background comment:**
Heritage Tasmania has finalised its review of the submissions received on the *Historic Cultural Heritage Amendment Bill 2012* following the recent public consultation period.

During this consultation period the LGAT and Heritage Tasmania jointly hosted a Local Government forum with 11 planning authorities represented. The forum was extremely beneficial. Suggestions raised at the forum, as well as others received through the public consultation period, have resulted in a number of changes to the detail of the Bill to better integrate and further streamline processes between the *Land Use Planning and Approvals Act 1993* and the *Heritage Act*.

Further information on these changes will be available shortly and it is anticipated that the Bill will be tabled in Parliament in August 2012.

A summary of proposed legislative amendments is provided at [Attachment to Item 13](#).

### 14 VALUATION AND RATINGS
Contact Officer: Allan Garcia

<table>
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<tr>
<th>That Members note that the CEO will provide a verbal report on the day and a presentation will be given by the Director of Local Government, Mr Mat Healey.</th>
<th>Noted</th>
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**Background comment:**
It is anticipated that by the time of this meeting a detailed final report will have been circulated to all councils by the Steering Committee.

At the time of writing, the report was not available but will be the subject of the presentation by the Director of Local Government, Mr Mat Healey.
That Members note the following report.

**Background comment:**
The Tasmanian Electoral Commission produces a State-wide Local Government Election Report following each election. The 2011 report provides a summary and analysis of the elections but does not include detailed election results. A separate election report booklet is produced for each council.

In the 2011 elections:
- 283 candidates nominated for a total of 147 councillor positions,
- 62 candidates nominated for 29 mayoral positions; and
- 76 candidates nominated for 29 deputy mayoral positions
- Only one candidate was nominated for the following vacancies:
  - Mayors of Central Coast, Circular Head, Dorset, Flinders, Kentish, Launceston City, Northern Midlands, Southern Midlands and Waratah-Wynyard Councils; and
  - Deputy Mayors of Central Highlands, Flinders, King Island, Latrobe, Sorell, Tasman and West Tamar Councils.

**Response rate**
The response rate of Local Government electors in 2011 was 54.28%. This is slightly down from 2009 (55.54%) and is the lowest response rate since 1994. However, response rates have fluctuated marginally between 54% and 59% during this period.

The Tasmanian response rate compares favourably to the two other states which conduct non compulsory elections by postal ballot, South Australia (32.88% in 2010) and Western Australia (33.35% in 2011).

There is a strong correlation between the size of enrolment of a council and the response rate. The smaller rural councils have a much better response rate than the larger councils. For example Flinders Island had a 77.52% response rate compared to Clarence City Council which had a response rate of 49.68%.

There is also a strong correlation between age of the elector and response rate. Electors aged 65 and over had a response rate of greater than 70% compared to the age group of 20-24 who had a response rate of approximately 30%. From the 20-24 year age group up there is a linear growth in the response rate, with the only discrepancy being the new voters in the 18-19 age group that have a higher response rate (40%) than the 20-24 and 25-34 year age group.

**Cost per elector**
The average cost per elector increased from $3.44 to $3.65, an increase of 6.1% since the 2009 elections, the same as the Hobart consumer price index (CPI) for the two years ending 30 September 2011. Since the 2009 elections, the elector population has increased by about 1.1% across Tasmania, which increases the actual total costs to councils.

**Budget Impact**
Does not apply.

**Current Policy**
As a member of the Review Team, LGAT will continue to provide members with updates.
Carbon Pricing Mechanism

In May, at the Association’s request, the Commonwealth Department of Climate Change and Energy Efficiency (DCCEE) held an information seminar to provide Tasmanian councils with an overview of the Carbon Pricing Mechanism (CPM), which takes effect from 1 July 2012.

The workshop was well attended by both council officers and elected members who were provided a useful overview of the new legislation and its implications for Local Government, as well as introducing the Commonwealth’s Clean Energy Regulator which will administer the scheme.

There are two ways in which the carbon price is likely to impact on Local Government;

- in some cases directly - with the imposition of mandatory liability and reporting requirements for those councils that operate landfill sites producing 25,000 tonnes or more of carbon dioxide equivalent (tco2-e) emissions annually; and
- indirectly as councils will in all cases be end-user consumers of goods that are affected by the carbon price, such as static energy i.e. street lighting and electricity, building materials, and fuel for off-road fleet.

There is a degree of assistance and guidance being provided to those councils that have a direct liability under the carbon price; in Tasmania, sites that may be affected include Copping (SE Tas), Dulverton (NW Tas), Remount Road (Launceston), Jackson St (Glenorchy), and McRobies Gully (Hobart), although mitigation measures at this site are likely to ensure that it is below the 25K threshold.

There is broad consensus within Local Government that it will be very difficult to accurately assess the likely or potential impacts of the carbon pricing mechanism at this early stage, as the carbon price will affect different councils’ costs in different ways. Some councils and organisations have however considered potential impacts and provided figures in percentage terms.

The National Treasury has undertaken a comprehensive modelling exercise at the international, national, state, industry and household levels; it has estimated an increase of 0.7% in CPI for households in the 2012-13 financial year as a result of carbon pricing and has indicated that businesses and councils are likely to be impacted in the order of less than one per cent. In other jurisdictions, the Municipal Association of Victoria arrived at a figure of 0.8 %, whilst the NSW economic regulator conducted a study and provided an overall estimation of the increase on the Local Government cost index in the order of 0.6%. Closer to home some councils within Tasmania have arrived at their own figures; Hobart City Council recently considered that the net overall impact of the carbon price on the 2012-13 year budget will be an additional 0.7%; Sorell Council has arrived at a similar figure.
In relation to reporting, directly liable councils that have operational control of a landfill site captured by the CPM will be required to report to the Clean Energy Regulator through the National Greenhouse and Energy Reporting (NGER) scheme. Clarence City Council, Hobart Council, the Tasmanian Climate Change Office and LGAT have prepared a discussion document titled *Greenhouse Gas Reporting: Information Paper for Local Government* (Information Paper) which provides advice and options for councils in relation to the various methodologies for greenhouse gas reporting, including engagement of external service providers, (such as Planet Footprint, who have been engaged by councils collectively in the past) the procurement or use of new purpose-built software such as the program developed under the NGER scheme, or the use of existing software available to councils, such as Microsoft Xcel.

The Information Paper will be a useful tool for councils to refer to, whether they have mandatory reporting obligations under the NGER scheme as directly liable entities, or where they are keen to monitor their emissions voluntarily with the purpose of reducing usage to derive cost savings.

At the time of writing the Information Paper is being finalised by the Tasmanian Climate Change Office. LGAT will continue to work with the Clean Energy Regulator and councils to ensure that updates and information are being disseminated as appropriate.

**Climate Futures for Tasmania: Publication of Local Area Climate Profiles**

Through its work with the State and Local Government on various projects, the Antarctic Climate and Ecosystems Cooperative Research Centre (ACE CRC) has developed climate profiles for each municipal area in Tasmania, providing local level information on past and current climate, and changes in future temperature, rainfall and runoff, extreme events and other impacts.

This information will help councils, resource managers and businesses understand the expected climate changes to their local area and will help them to adapt to these changes.

A profile for each Local Government area within the state is available from the Tasmanian Climate Change Office website at: [http://www.dpac.tas.gov.au/divisions/climatechange/adapting/climate_futures/local_government_area_climate_profiles](http://www.dpac.tas.gov.au/divisions/climatechange/adapting/climate_futures/local_government_area_climate_profiles)

**Regional Councils Climate Adaptation Project – Northern Councils Extension Workshops**

The regional Councils Climate Adaptation Project (RCCAP) is a partnership between the Tasmanian Climate Change Office (TCCO), LGAT and the STCA. The project was developed using funds through the Australian Government’s Local Government Reform Fund and the Hobart City Council. It has been piloted over the past 12-18 months with Southern Tasmanian Councils and produced:

- Council (Corporate) Climate Change Adaptation Plans for each of the 12 councils in the region;
- a Regional Climate Change Adaptation Strategy covering themes common to all councils; and
- a Climate Adaptation Toolkit which allowed for future reviews of the individual council adaptation plans and also extension to other councils.

**Extension of the Project:** Partly through funding built into the project and also with the help of additional funding from the TCCO, the project team was able to extend elements of the project to four councils in the North of the state. Break O’day, Dorset, Launceston and West Tamar Councils responded to a general invite to participate and were provided with workshops on key risk assessment and adaptation planning elements in early May, with attendance comprising of General Managers and the Senior Corporate Management Teams in each case.
The one day workshops were convened by the Project Management team comprising of Katrina Graham (Hobart City Council), Oliver Heyward (Brighton Council) and Graham Greene (Southern Midlands Council). The workshops were geared to:

- promote a greater understanding of local climate change and climate risk issues relevant to Council programs/service areas;
- introduce the council to the RCCAP risk assessment principles and adaptation planning processes;
- develop risk statements for the climate variables such as heat, rainfall, bushfire, and sea level rise;
- development of priority adaptation actions.

The sessions provided the participating councils with an introduction to the RCCAP tools, and enabled the Project Team to provide a preliminary adaptation plan to each council involved. The sessions covered:

- local climate change impacts, using the relevant Local Area Climate Profile developed by the Climate Futures for Tasmania Project (see above);
- development and assessment of corporate climate risks for climate change impacts;
- identification of climate change adaptation actions, based on the corporate risks developed and assessed in the previous exercise. These actions were then prioritised against each other using a Multi Criteria Assessment Tool developed through the RCCAP project.

LGAT also notes that the Cradle Coast Authority secured funding through the TCCO’s Climate Connect Grants Program to extend elements of RCCAP to councils in the North West of the state over the next twelve months. With more councils across the state addressing the corporate risks of climate change, it is envisaged that an ensuing consistency of approach and common vocabulary will embed within and across the sector, strengthening our ability to work collaboratively in dealing with the effects of climate change on our operations.

**Tasmanian Coastal Adaptation Decisions Pathways Project**

For the last twelve months, with the assistance of significant Commonwealth funding, LGAT has been working in partnership with the Tasmanian Climate Change Office (TCCO) and the Tasmanian Planning Commission (TPC) along with four Tasmanian Councils - Break O’Day, Clarence City, Kingborough and Latrobe - in considering response options to coastal climate change impacts for specific sites in each municipality. The sites are all low lying coastal settlements with a range of infrastructure that is likely to be affected by coastal hazards.

The funding is intended to support local decision-makers to move beyond initial climate change risk assessments to identifying what is required in practical terms to protect a community and assets from climate change risks over time.

The project is following a flexible community planning pathway that involves participation of a range of stakeholders, including residents and other users of the project sites. This approach provides an opportunity to strengthen relationships between the three levels of Government, and with regional bodies undertaking planning projects, as well as researchers.

Expert consultants have been engaged to conduct technical work (Phase 1) and public consultation (Phase 2) aspects of the work program involved in completing the community pathway.

Running parallel to the community pathway is a policy and planning process that is the domain of the State Government. This involves the development of a coastal planning framework, which will define roles and responsibilities and implementation of overarching tools (such as state-wide inundation and erosion hazard mapping) and other approaches (such as coastal hazard planning codes).
To date, the project team has received consistent and strong feedback from participating councils and the community that the project is a great opportunity to learn more about climate change impacts and develop appropriate response pathways. Whilst being at different stages in terms of their understanding of the issues and possible courses of action, the councils involved all acknowledge the importance of establishing a sensible long-term response pathway to the likely impacts of climate change and ensuring that their communities are involved in this process.

The project is due for completion in the coming months with a final report due in August.

**TASMARC**

The Local Government Association of Tasmania recently secured funding from the Tasmanian Climate Change Office through the *ClimateConnect* Grants Program to extend the Tasmanian Shoreline Monitoring and Archiving (TASMARC) Project.

The TASMARC Project is an initiative of Dr John Hunter of the Antarctic Climate & Ecosystems Cooperative Research Centre (ACE CRC) and other scientists from the University of Tasmania. The project has been running on selected beaches around Tasmania since 2005 and aims to redress a serious lack of knowledge about the effect of sea level rise and storms on vulnerable coastlines.

The project currently relies on the work of volunteers who use a graduated staff, a surveyors’ level and a survey mark (installed by the ACE CRC) to measure the profile of the beach. This observation or survey is done every two or three months for several years, and each time a photo of the beach is also taken.

The information collated gives a snapshot of the beach profile at a point in time and over time provides a picture of how a beach is behaving; this assists in determining the nature and type of erosion or accretion events that are occurring and allows an accurate assessment of their impacts on the local shoreline. To date, survey marks have been established along thirty-two beaches within fourteen municipalities throughout the state. Twenty of these are being measured regularly by volunteers.

The funding provided through the *ClimateConnect* Grants Program to enable an extension of the TASMARC Project to an additional ten vulnerable shoreline sites around the State, and to provide training to council staff such as Works crew and NRM Officers in taking measurements and collecting data. This will enable additional councils to take part in the project and to build capacity in interpreting ongoing changes in beach profile, which will in turn inform improved decision-making and coastal management.

The project enables us to gain a greater understanding of the impacts of sea level rise and shoreline erosion on our vulnerable beaches, all at a relatively inexpensive cost. Just as important, projects such as TASMARC provide an opportunity for the fostering of partnerships and collaboration between councils, community groups, government and research organisations, ensuring that we are working together to address the challenges associated with climate change.

**Budget Impact**

Does not apply.

**Current Policy**

Does not apply.
Northern Midlands Council/Circular Head Council

That the General Meeting agree that LGAT support all councils to move to the Modern National Award (Local Government Industry Award).

That the meeting agree that costs related to this activity would be added to next year’s subscriptions as a separate project.

Background – Award Modernisation

The Fair Work Act commenced operation on 1 July 2009.

The Act continued the award modernisation process begun under WorkChoices. Under this process, on 24 September 2009 the Australian Industrial Relations Commission (now Fair Work Australia) made a national modern award, the Local Government Industry Award 2010.

A Council will not be covered by the Local Government Industry Award if they are:

(a) Not a constitutional corporation and are covered by a Tasmanian Local Council Award (for instance, the Municipal Officers (Tasmania) Award or Municipal Employees (Country Councils – Tasmania) Award) (State Reference Awards); or

(b) A constitutional corporation and are covered by an Enterprise Award (for instance, the Launceston City Council Award, Clarence City Council Award, Municipal Officers (Glenorchy City Council) Award, Municipal Officers (Hobart City Council) Award or Municipal Employees (Hobart City Council) Award).

For those Tasmanian Councils that are not covered by an enterprise award, they would only be covered by the Local Government Industry Award if they were a constitutional corporation, either a financial or a trading corporation. Based on current case law, it is unlikely many (if any) Tasmanian Councils would qualify as a national system employer by virtue of being a trading corporation.

Tasmanian Councils have been captured in the Federal industrial relations system from 1 January 2010 due to the State Government referring its industrial relations powers, including those relating to Local Government, to the Commonwealth Parliament. As a result the existing State Reference Awards and Enterprise Awards continue to apply as transitional awards under the Fair Work Act until 31 December 2013.

State Reference Award Modernisation Process

The Fair Work Act provides for a State Reference Award modernisation process.

Under this process, applications can be made to Fair Work Australia (FWA) to either terminate or modernise a State Reference Award which is in place. Applications must be lodged by 31 December 2013.

Termination of the current awards would see the Councils move under the national Local Government Industry Award. Modernisation may result in the creation of a specific Tasmanian Local Government Modern Award. If neither action is taken, then the current awards continue to have effect until expiry until 2013 at which time FWA would initiate its own process to determine the relevant award to apply. It is possible this would be the national Local Government Industry Award however the alternative is that FWA could create a Tasmanian Local Government Award.
**Enterprise award modernization process**

A small number of Councils currently have enterprise awards (applying as transitional instruments). These could also be terminated or modernized by application through the Enterprise Award modernisation process. Enterprise awards may not be sustainable in the long run with the ability to retain (i.e. modernise) them subject to demonstrating to FWA that there is sound reason to do so. This may not be possible if, for example, there was a Tasmanian Local Government Modern Award in play.

If an enterprise award is still in place at 31 December 2013 it will automatically terminate on that date. Tasmanian Councils under the enterprise award would become covered by the Local Government Industry Award.

**Current**

In 2010 General Managers agreed to focus on developing a single, modern Tasmanian Local Government Award.

However with further progression of the national Local Government Industry Award, in December 2011 LGAT commissioned Page Seager to provide advice with respect to what options exist for councils to consider regarding award modernisation.

Following detailed analysis, the advice concluded that the time, trouble and expense of developing a State specific modern Local Government Award was disproportionate to any real or perceived benefit, particularly when the majority of councils have Enterprise Agreements already in place with conditions above those in the national Local Government Industry Award.

General Managers and the HR Forum have been made aware of the advice and support the conclusion that the best option in Tasmania would be to take steps for all Local Government Councils to be covered by the national Local Government Industry Award. This would have the added benefit of all Tasmanian Councils being covered by the same award, providing for consistency across the State.

It is proposed, that subject to the endorsement of this Meeting, that LGAT work to move along this path including a report back to General Managers and HR Managers, a meeting with the Unions in the near futures and a more detailed discussion with HR Managers at a forum in September.

**Budget Impact**

**Phase 1**  initial consultation and development of action plan  minimal cost to be covered by LGAT budget.

**Phase 2**  is dependent on decisions and outcomes of Phase 1 but there may be a significant one-off cost which would need to be factored into subscriptions as a project. Phase 2 would be unlikely to commence before March 2013.

Councils will all have to consider the impact of the Fair Work Act and may need to make applications to Fair Work Australia (FWA) in relation to Awards. There is financial benefit in working as a collective.

**Current Policy**

As above.
That Members note the following report.

Noted

National Heavy Vehicle Regulator - Access Issues Workshops for Councils
In April, workshops were convened in the North and South of the state for councils to gain further information and provide feedback in relation to the introduction of the National Heavy Vehicle Regulator (NHVR) which will regulate all heavy vehicles over 4.5 tonnes from January 2013 onwards.

The aim behind the introduction of the NHVR is that it will provide major productivity gains for Australia, reduce compliance burden on the heavy vehicle transport industry, reduce duplication and inconsistencies and introduce one rule book or national heavy vehicle law and a one-stop-shop for heavy vehicle business with government in Australia.

There are implications for Local Government regarding the consideration of access requests from heavy vehicle operators under the new scheme. This round of engagement was undertaken to give as much certainty as possible to Local Government staff on the shape of the NHVR and identify preferred channels for ongoing engagement.

The workshops were attended by council Roads Managers, representatives from the Department of Infrastructure, Energy and Resources (DIER), LGAT and the NHVR.

A Local Government Fact Sheet has subsequently been provided to council staff with more detailed information. LGAT will continue to update councils on this matter.

RTAC Meeting - State of the Local Road Assets Report
In May LGAT, along with the other State Associations, attended a meeting of the ALGA Roads and Traffic Advisory Committee (RTAC) in Sydney. A number of issues were covered, including updates on the COAG Road Reform Pricing Feasibility Study, the National Heavy Vehicle Regulator, as well as a discussion of an upcoming project titled "State of the Local Road Assets Report".

The Report will build on the work undertaken in 2010 as part of the Local Roads Funding Gap report. The premise of this project is to get to a point where Local Government can accurately quantify and describe the state of its road assets in funding negotiations with Federal Government for funding etc. It will ultimately provide a strong underpinning to broader funding campaigns such as Roads to Recovery. The overall project is expected to be completed in three phases, with the initial phase involving a pilot study for proof of concept - to be completed by the end of October 2012. The full Report covering all councils would be completed in Phase 3 (end 2014).

The project provides councils with an opportunity to further develop their asset management and reporting processes, derive valuable knowledge and build capacity, as well as contributing towards a national methodology.

Ten councils from Tasmania will be nominated into a pool of sixty across the country to participate in Phase 1 of the work, which will be completed over the next six months and presented to the National Roads Congress which this year is to be held at Wrest Point Casino in Hobart in November.
Crane Industry Reference Group

At the invitation of the Department of Infrastructure, Energy and Resources (DIER) and Crane Industry representatives, since 2011 LGAT has been attending quarterly Crane Industry Reference Group (CIRG) meetings between DIER and the industry, geared towards the streamlining of processes for crane access on state roads, as well as the development of information that will assist operators in their decision-making regarding appropriate routes.

As a result of the work undertaken by CIRG a system of classifying each individual crane with respect to its impact on all state road structures has been developed, along with a suite of classified network route maps applicable to cranes, providing operators of each crane class with an indication of permitted and non-permitted routes on state roads along with the locations of ‘weak link’ bridges where access is not permitted. In addition to the development of the route system, DIER has considered annual permits and possible extensions to longer periods such as five years in some case in order to decrease repetitive administrative practices.

The current network and classification system only applies to state-owned roads, however the CIRG considers that the provision of similar information about the local road network would be beneficial to operators, as well as Local and State governments. To this end, Local Government has the opportunity to consider extension of the state-wide crane class network routes to include local roads where appropriate and to review access issues such as time-frames for permits on local roads.

In a preliminary exercise to gauge council interest in such a process, LGAT contacted all councils in early 2012 and outlined the parameters of the project and requested feedback on initial responses and any perceived issues or concerns.

It is acknowledged by Local Government in general that including local roads within the state-wide crane route network could prove beneficial to both operators and councils. Councils generally support a method and approach which simplifies the approval process; however there are concerns in relation to the ability of the local road asset and associated infrastructure to cope with the demands placed on it by cranes accessing sections of the network on a longer-term permit basis.

Further to this, a meeting was convened by DIER and attended by both industry and Local Government representatives (LGAT, Launceston City Council and Meander Valley Council) to further discuss and outline stakeholder perspectives and prospective methods of engagement.

The CIRG meeting in early June was attended by representatives from LGAT and Meander Valley Council. At that meeting LGAT indicated a willingness to take preliminary steps in working with DIER to devise a list of roads that may be appropriate for including within a set of local road crane class network routes and to provide this list to the relevant council in each case for consideration. These routes will likely be main arterial roads (likely to be identified in the first instance from the old system of approvals and operations, when management of both local and state road network access was principally in the hands of the former Department of Main Roads (now DIER)).

At the time of writing an Issues Paper is being developed by LGAT which will provide councils with further information about the process to date, and assist councils in considering which (if any) routes within their municipal area could be appropriate for inclusions in the route network.

Budget Impact
Does not apply.

Current Policy
Does not apply.
**19 WASTE LEVY**
Contact Officer: Allan Garcia

Kentish Council/Waratah Wynyard Council
1. That councils endorse the proposal to introduce a statutory waste levy of $10 per tonne to be collected via public and private landfills;
2. That the funding be allocated on the basis of 20% to regional waste bodies; 10% to the Environment Protection Authority (EPA) and 70% to the Waste to Resources Funding Pool;
3. That these arrangements be on the basis that the funding is directly hypothecated to waste activities and is not consumed into the State Government Consolidated Fund;
4. That the Waste Advisory Committee be formally acknowledged within the legislation as having an integral role in the disbursement of funds from the Waste to Resources Funding Pool, providing recommendations to the EPA Board in accordance with relative priorities in the Waste to Resources Strategy.

AMENDMENT MOTION

Meander Valley Council/West Tamar Council
That Item 2 be altered to read -
That the funding be allocated on the basis of 30% to regional waste bodies; 10% to the Environment Protection Authority (EPA) and 60% to the Waste to Resources Funding Pool

Lost

Kentish Council/Waratah Wynyard Council
1. That councils endorse the proposal to introduce a statutory waste levy of $10 per tonne to be collected via public and private landfills;
2. That the funding be allocated on the basis of 20% to regional waste bodies; 10% to the Environment Protection Authority (EPA) and 70% to the Waste to Resources Funding Pool;
3. That these arrangements be on the basis that the funding is directly hypothecated to waste activities and is not consumed into the State Government Consolidated Fund;
4. That the Waste Advisory Committee be formally acknowledged within the legislation as having an integral role in the disbursement of funds from the Waste to Resources Funding Pool, providing recommendations to the EPA Board in accordance with relative priorities in the Waste to Resources Strategy.

The Original Motion Was Carried
Background comment:
This document has previously been circulated to councils for consideration to enable a decision to be made on this matter at this meeting. The details of the previously circulated document do not differ. Offers were made by regional waste representatives to discuss these matter in more detail if required but it is not known whether these opportunities were taken up by councils.

Arrangements for funding, governance and strategic planning for waste management in Tasmania have been the subject of discussion and disagreement between State and Local Government for many years. Local Government has been reluctant to embrace the concept of a waste levy fearing that it would lead to revenue substitution by the State Government and have councils collect taxation on behalf of the State Government.

In more recent times, other jurisdictions have introduced waste levy arrangements as a means to fund both innovation in the waste stream and meet the cost of the backlog of infrastructure requirements to adequately address the waste task.

The regional waste bodies in Tasmania have commissioned a number of reports in recent years and have determined that a significant injection of funding is necessary to address the emerging and existing waste issues in Tasmania, particularly as they relate to waste minimization and diversion.

The most recent report commissioned was prepared by Blue Environment and explored the future roles and functions of waste groups in Tasmania and the activities which additional funding could support both within the Environment Protection Authority and the broader waste sector. A copy of the report is attached for reference.

The preparation of the document followed previous discussions with the Minister for the Environment and senior State Government officials about the plausibility of introducing a statutory waste levy. The State Government is supportive of the introduction of a levy as it considers, like Local Government, that there is significant need to address critical areas of waste management.

The proposal around the levy is to set a figure of $10 per tonne which would generate in the order of $5 million per annum. The levy is substantially less than that which is in place in other jurisdictions. This levy would apply to municipal and private landfills. The distribution of the funding would be along the lines of 20% of funding collected being provided to the regional waste groups, 10% being provided to the EPA for additional enforcement and compliance activities with the remainder to be distributed by the Board of the EPA on the recommendation of the Waste Advisory Committee (of which the regional waste groups are members) for strategic waste initiatives.

These arrangements do not mirror those outlined in the Blue Environment report but arise out of further discussions with State Government representatives. It was considered that the assumptions of the consultant in relation to the effort required by the EPA was understated and that rather than the 7% allocation for enforcement and levy administration activities, a 10% allocation would be more appropriate. This has been discussed with regional waste representatives and there is agreement that on the basis of the additional explanation of activities, this arrangement would be satisfactory.

The system of distribution would provide for maximum flexibility as waste recovery priorities change over time but would largely be driven by the statewide waste management strategy. The functions and responsibilities detailed in the consultant’s report have been agreed by the regional waste representatives, with an acknowledgement that rather than formalizing the structure or governance, the existing arrangements remain in place. If regional bodies seek to move to a more formal arrangement that will be their decision.
Issues

Governance of Waste to Resources Fund
The fund will be raised from a legislated mandatory fee and such a fee cannot be reasonably imposed unless the Parliament can be satisfied that the fund is appropriately managed by an accountable entity and that entity reports transparently to the Parliament on the management of the fund. This requires an accountable entity which is constituted and has the necessary legal authorities to serve that purpose.

It was originally envisaged that the Waste Advisory Committee (WAC) could fulfil this function, however, the WAC is an informally constituted group of representatives of a range of waste stakeholders and is not capable of holding public funds. This could be remedied by establishing the WAC as a statutory authority but this involves considerable additional cost and may reasonably require a transition to an expert based group rather than a representative group.

The EPA, on the other hand, is an independent expert based board established in legislation and is already accountable for the administration of public funds and has established reporting lines to the Parliament.

The possibility that presents itself is for the WAC to be maintained in its current form and to charge it with the responsibility of advising the EPA board regarding the Waste to resources Strategy and the priority of disbursement of funds to deliver upon the strategy. The EPA Board could be required by law to establish a separate fund for the landfill levy revenue, disburse those funds in accordance with the agreed model (eg split between regional waste bodies, EPA Division and project fund) and disburse funds from the project fund. The EPA Board would be required by law to disburse those project funds only in accordance with furthering the strategy (as approved by the Minister from time to time), to take recommendations from the WAC on the proposed disbursement of funds, and provide advice to the WAC if it were not to disburse funds in accordance with the advice of the WAC.

This governance model would allow the representatives of the WAC to participate more effectively in the WAC's deliberations regarding project priorities even if one or more of the members were associated with the project proposals being considered for funding.

In accepting this model there would need to be significant assurances and safeguards in place to ensure that the WAC deliberations and recommendations would largely be accepted. In general terms, the WAC would be required to consider funding applications having regard to the state-wide waste strategy so it is not envisaged that there would be any significant divide between its recommendations and the decisions of the EPA Board.

Discussions with State Government officials indicate support for a statutory recognition of the WAC, likely being established as a formal advisory committee providing recommendations to the EPA Board on pool funding, with membership, functions and duties set out in the enabling legislation.

Funding for the EPA Division
There will be a view among many that no funds collected should be directed toward the EPA Division of the State Government. However, the Minister is responsible for carriage of the legislation and has indicated that while he is not supportive of coveting all the funds from a levy in the way that other jurisdictions do, he is keen to access a portion of funds to progress the broader waste management agenda for Tasmania.
THE EPA Division is part of DPIPWE and supports the EPA Board in its responsibilities and also undertakes a range of policy, administrative and regulatory functions on behalf of the Director. This includes enforcement of waste management and litter laws.

Imposition of a landfill levy will make it even more important to ensure that waste is not unlawfully diverted. The addition of additional compliance officers is proposed to assist in providing a meaningful deterrent to unlawful diversion. These officers would supplement the existing compliance team.

Other funding for the EPA would be required to administratively support the levy scheme to ensure effective and equitable management. In addition, the WAC will require considerable support in the preparation of its advice to the EPA Board in terms of routine project assessment, project reporting, budget development, stakeholder engagement and meeting preparation. A full time resource will be dedicated to this function.

It is also considered that there will be a significant communication and consultation task in the early years of the implementation of the levy and funding would be provided to the EPA for this task.

In summary, an amount of $520,000 would be required by the EPA for the first two years and approximately $420,000 per annum thereafter. This represents approximately 10% of levy revenues if the levy is set at $10 per tonne.

Policy Implications
There had been a long standing policy of LGAT to oppose a statutory waste levy. At a recent General Meeting, LGAT was requested to liaise with regional waste representatives prior to the conduct of discussions with the State Government. Those discussions have occurred and the decision on this matter will become the policy position of the Association.

Budget Implications
There are no implications for the Association’s budget. Regions will be assured of an increased flow of funds and individual councils and regions will have access to a new pool of funds for waste initiatives progressed in accordance with the State Waste Strategy.

20 MISCELLANEOUS AMENDMENTS BILL
Contact Officer: Katrena Stephenson

That Members note the following report.

Background comment:
The Local Government Division has committed to progressing a Miscellaneous Amendments Bill to make improvements to the Local Government Act 1993 (the Act) on a more regular basis. The first such Bill is to be tabled in Parliament later this year.
The Local Government Division has reported that they were (at the time of writing) seeking approval to draft amendments to the Act in the following areas:

- Part 15 Council Elections - a number of amendments to the Part to clarify provisions as changes requested by the Tasmanian Electoral Commission.
- Part 12 - introduction of the power for councils to issue infringement notices under the nuisance provisions.
- Part 12 - introduction of new powers for councils to address the issue of dilapidated buildings - currently this will also require some changes to the Building Act.
- Part 11 - minor changes to model by-law provisions.
- Part 5 - Interests - clarification of pecuniary interest provisions to ensure clear linkage between the sections.
- Part 9 Division 11 - sale of land - clarification of sale of land provisions to ensure clear linkage in the process between the sections.

The Division is aiming for this Miscellaneous Amendment Bill to be taken to Parliament in the Spring 2012 session.

**Budget Impact**
Does not apply.

**Current Policy**
The Bill will pick up on a number of motions carried at previous meetings but not all issues at this time (see the Follow Up of Motions Report).

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**21 ELECTRONIC DEVELOPMENT ASSESSMENT (eDA)**
Contact Officer: Katrena Stephenson

| That the Meeting note the report and the cost implications of eDA implementation. | Noted |

**Background comment:**
A final report on the eDA Project was provided to the Commonwealth earlier this year. The overarching purpose of this Commonwealth funded (Housing Affordability Fund) project was to illustrate the benefits and efficiencies of electronic development assessment (eDA) systems that will be compatible with electronic development assessment interoperability system (eDAIS) for Local Government across Tasmania through a pilot project.

At the time of starting this project no Tasmanian councils were utilising a comprehensive eDA and tracking system, all planning schemes were available on council websites, most councils had development applications available for download and there were no statutory referral requirements.

Further council development assessment times remained some of the best in the nation with councils delivering, on average, well within the maximum 42 days provided by the State’s planning legislation. Based on DA numbers state-wide, there was no strong imperative for an eDA system. However, the Commonwealth indicated strongly that if Tasmania did not progress an eDA project there would be consequences in relation to future HAF funding.
On that basis it was agreed that a pilot would be undertaken within two interested councils, one large urban council (Hobart) and one small, largely rural council (Northern Midlands). The focus was to be in improving the quality of applications given that Tasmanian councils have reported that the most significant barrier to faster assessment times is incomplete applications. The Tasmanian project focussed on guiding applicants through the application process using eDA tools.

Following requests for tender relating to A) implementation and B) evaluation, commencing 16 May 2009, Infomaster and Stenning and Associates were engaged respectively, commencing on 7 July 2009.

Northern Midlands Council went ‘live’ in February 2010 but have since had to remove reference to eDA in light of initially technical issues and subsequently an ability to resource ongoing maintenance against a backdrop of significant planning reform calling upon the same small resource. It was decided to put Northern Midlands in a holding pattern pending agreement on a new planning scheme in the Common Planning Scheme Template form during 2012. It is anticipated that Hobart Council will provide support to Northern Midlands in reengaging with the product at that time.

After a number of technical issues delayed the ‘live date’ for Hobart City Council the eDA system was launched for use on June 2011 with key stakeholders. However there remain a number of technical issues to be resolved and there has been limited uptake despite over 1000 visits to the entry site in between 2 January 2012 and 21 February 2012 (with 52% of those new visitors). The low uptake persisted despite a launch with key developers to walk them through the system. A recent user survey revealed general satisfaction with the functionality of the system but it was indicated that enhancements to make the system easier to use would be beneficial. This is being pursued with the software vendor however lack of funding may limit the scope of any enhancements.

Independent evaluators reviewed the project at two interim stages and early this year as part of project finalisation. It should be noted that:

- It was difficult to undertake quantitative evaluation because of the lack of baseline quantitative data held by the participating councils who could only make some estimation of their development application activity. Furthermore, for a number of reasons participating councils were not able to go live on schedule limiting post implementation data.

- Both participating councils identified some high level process changes as a result of the eDA system implementation. However, neither council had undertaken a preliminary change management process which may have identified additional benefits and cost effective measures. Rather the expectation was that some additional business process changes may occur in the light of experience.

- One consideration must be the cost of the time required to properly implement the eDA system which was underestimated, particularly for the smaller council. Participating councils found it impossible to dedicate the resource required to the Project without a detrimental impact of their day-to-day activities.

- It was not possible to confirm the objectives had been fully met, or to undertake a full cost benefit analysis, because of the lack of live transactions however these evaluation activities would be possible after live data has been collected by participating councils for a period of not less than 6 months.
Key Issues and Learnings
There is likely to be a greater benefit to councils in relation to tracking applications as opposed to codifying schemes because the product is not as intuitive as anticipated, limiting take-up. Regular applicants find the Enquirer Module slows down their application process, as opposed to speeding it up but would like to be able to directly lodge. This functionality cannot currently be separated but has been raised with Infomaster on a number of occasions for consideration in future versions.

A number of factors delayed implementation:
- Continued to have technical difficulties relating firstly to the security and hosting issues at Hobart City Council, secondly issues with the Infomaster system and finally, upgrade of internal IT systems to appropriate capacity at Northern Midlands Council.
- Work had to cease in Northern Midlands because of the impact of delays in relation to software upgrades coinciding with a requirement for a new planning scheme. Northern Midlands, while keen to continue the project have limited capacity to progress at this time. The possibility of a service agreement with Hobart City Council to support codification of the new planning scheme is being explored.
- For the last 18+ months, the State Government have been running a significant planning reform agenda which includes three regional land use strategies, a new common planning scheme template and the requirement for all councils to develop interim planning schemes as well as the introduction of a new residential dwelling standard and 12 mandatory codes. The consultation and implementation activities required is draining the same resources working on the eDA project and this is particularly acute in Northern Midlands as a very small council.
- Northern Midlands need to do some significant data validation and entry to get their system working but are reluctant to do this on the current planning scheme, only to have to face doing it all again in relation to the new interim planning scheme. The new planning schemes are unlikely to be ratified for several months (in the North) and next year in the South.

Cost Benefit Analysis
It is not possible to undertake a full cost benefit analysis because of the difficulties in progressing Northern Midlands and limited uptake and related data for Hobart City.

The Steering Committee strongly feel, based on the experience to date, that it would be unlikely that smaller and medium sized Tasmanian councils would realise benefits which outweigh costs in the medium term in the full model eDA as tested in this project. There may be benefits in the tracking components of eDA. This is because of the relatively high initial implementation cost compared to the scale of Development Applications in Tasmania and given there are no statutory referral requirements. It would be highly desirable to develop a thorough business case in relation to larger councils following further evaluation of the process changes, costs and benefits at Hobart City Council. The Steering Committee undertook a theoretical exercise in relation to getting a broad understanding of likely costs and benefits. This is outlined below.

The cost to establish eDA processes in Northern Midlands Council was approximately $140,000 (includes licensing, codification of the planning scheme, server and implementation costs but not staff time and project administration costs) with continued system maintenance at $5000/year\(^1\) and planning scheme amendments every 5 years at approximately $15,000). This is a total cost of approximately $175,000 over the first five years. Northern Midlands Council has an average of 369 Development Applications per year (based on 2007-08 to 2010-11). These development applications are processed quite quickly (an average of 15 days for permitted and 36 days for discretionary applications in 2010-11).

\(^1\) From year 2.
Costs for Hobart City Council were approximately $160,000 for set up (includes licensing, codification of the planning schemes, external hosting but not staff time and project administration costs) with maintenance and continued hosting costs of $18,000 per annum\(^2\) and likely additional costs related to planning scheme changes of $20,000 every 5 years. This means in the first five years Hobart could expect to expend $252,000. Hobart Council has had an average of 887 Development Applications (DAs) per year over the last four years. Average processing time in 2010-11 was 25 days for permitted use applications and 93 days for discretionary applications. 93 days is a greater average than the previous three years, which had an average well below the statutory time frame. The increased average is a consequence of several applications that took significant time to process because of requests for extensions of time from the applicant (for which the clock is not stopped). The median processing time for discretionary applications was 37 days. The average net approval time for all applications was 36 days (or 61.5 days including clock stopped days).

There would not be 100% take up of eDA. Based on the experience of Hobart in previously allowing lodgment by email, combined with some active marketing or incentives to encourage usage as well as the uptake to date, we might assume the following:

- Year 1 take up 5%, year 2 take up 10%, year three take up 25% with a maximum take up Year 4 and onwards of 50% of Development Applications.
- While transactional savings cannot yet be calculated, the Steering Committee has estimated a saving of 1 hour of staff time per application.

### Table 2: Theoretical costs.

<table>
<thead>
<tr>
<th></th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
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<tr>
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<td>NMC</td>
<td>HCC</td>
<td>NMC</td>
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<td>NMC</td>
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<tr>
<td>Direct Costs</td>
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<td>$5,000</td>
<td>$18,000</td>
<td>$5,000</td>
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<td>Averaged Costs</td>
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<td>$50,400</td>
<td>$35,000</td>
<td>$50,400</td>
<td>$35,000</td>
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<tr>
<td>(first 5 yrs)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Take Up</td>
<td>5%</td>
<td>5%</td>
<td>10%</td>
<td>10%</td>
<td>25%</td>
</tr>
<tr>
<td>Number DAs (based on average of 2009-10 and 2010-11)</td>
<td>374</td>
<td>833</td>
<td>374</td>
<td>833</td>
<td>374</td>
</tr>
<tr>
<td>Cost Savings (based on $50/hour of staff time saved)</td>
<td>$935</td>
<td>$2,082</td>
<td>$1,870</td>
<td>$4,165</td>
<td>$4,675</td>
</tr>
<tr>
<td>Estimated cost to council of each electronically lodged DA (if no grant funding) (^+)</td>
<td>$1793</td>
<td>$1140</td>
<td>$895</td>
<td>$557</td>
<td>$326</td>
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<tr>
<td>Estimated Cost-cost savings/electronically lodged DAs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The key assumptions here are:

- Uptake does not exceed 50% and 50% is not reached until year 4
- Transactional savings equate to 1 hour of salary (averaged at $50/hour) for every electronically lodged DA. There may well be other savings in staff time associated with queries as to how an application is progressing, queries from third parties and initial queries about what can be done on specific land. These could be estimated with some point in time surveys or record keeping at a later date, when uptake is increased to a significant level.
- Overall number of DAs per year remains relatively stable
- Implementation costs for future councils would be roughly consistent, with some savings as a result of project learnings and any cooperative purchasing arrangements.

\(^2\) From year 2.
No consideration of developer savings on the basis of relatively short timeframes already being achieved in Tasmania however there will be some savings as the real time assessment of applications (vs the statutory time) will improve because of the improved up front accuracy and completeness of applications. Furthermore, there are likely to be community benefits from improved quality, transparency and timeliness but these are almost impossible to quantify.

On the above basis it can be seen that for small councils, like Northern Midlands council, cost neutrality would not be achieved within 5 years, and may never be achieved (without growth in development or increased uptake). However, cost neutrality may be achievable for a larger council, particularly if uptake exceeded 50% even marginally and/or there was growth in development and/or transactional savings were slightly higher than estimated.

**Budget Impact**

Just under $50,000 remains unexpended. Two possible uses of unexpended funds have been proposed for the Commonwealth’s consideration with no reply to date. These are:

1. Improvements and maintenance at Hobart City Council to get the best possible system in providing the best chance to pick up usage and collect some meaningful data over the next year which we can provide to councils contemplating an eDA path and/or
2. Remaining project funds be reassigned to the development of a strategic framework to assist the take-up of eDA by Tasmanian Local Government. The framework would seek to leverage the current planning reforms, including the Tasmanian Planning Scheme.

**Current Policy**

Does not apply.

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**22 LOCAL GOVERNMENT REFORM FUND PROJECT**

**Contact Officer:** Sue Grau

That the Meeting note the following report.

**Background comment:**

The Financial and Asset Reform Project, the Commonwealth funded program implementing long-term financial planning and asset management in all councils, has certainly hit a productive and busy stage. Maturity assessments have been completed and signed off by all councils and indicate on a statewide basis that there are some gaps in asset and strategic planning, a finding echoed in the December 2011 Auditor-General’s report. One of the positive findings of the assessments was that many councils had the capacity to reach "core" levels of asset management competency including, for example good data and systems and high level of Annual and Budget Reports. The weaknesses identified were the production of strategic documents including for example Asset Management Strategies and Plans and also level of service and risk management.

A rigorous schedule of training and workshops, being offered free of charge to both elected members and staff has recently been conducted by the Institute of Public Works and Engineering Australia (IPWEA). An element of this staff training directly addressed the gaps identified in the Maturity Assessments through specific asset management training in the national package, NAMS.PLUS. Training was originally to be conducted in three regions but due to a poor response in the North and North West, training in this area was consolidated and run in Launceston only. This poor turnout reflects to some degree that there are many councils in these regions already using the NAMS.PLUS package.
The next few months will be crucial for producing the major outcomes for this project including asset management plans for major asset classes within each council. As the three NAMS.PLUS training sessions are being offered over three months, the project has been designed so that councils progress asset management plans between each of these sessions. The project has three Regional Coordinators - Colin Jones from Hobart City in the South and the consultants, John Howard and Casey van Esyden in the North and North West who will assist in achieving this. The coordinators have all attended NAMS.PLUS training and are engaging with all councils, particularly some of the smaller councils and those that have not engaged with the IPWEA training, to offer and arrange assistance if required.

In parallel to this specific asset management training for practitioners there have been a number of other workshops conducted. A free workshop for elected members "Towards Sustainable Services" was offered on a regional basis with the aim of broad education identifying the need for asset management and long term financial planning and the role of elected members. The workshop "Talking Each Other's Language" was pitched at senior staff and conducted prior to the elected member workshops. Unfortunately, with an attendance list of approximately 100 over the state, neither of these workshops were particularly well attended. This was particularly disappointing considering the great reviews received for the speakers, Jeff Roorda and John Comrie.

A customised level of service and risk management workshop, run in both the South and the North, was well attended and was offered in direct response to the weaknesses identified in the Maturity Assessments.

As the ACELG Practice Note for Long Term Financial Planning has been completed and released, the draft framework for Long Term Financial Planning produced last year needs to be reviewed and finalised. The Practice Note, for example has provided a reporting template that is more detailed than the one proposed in its original draft, and is more closely aligned to the template developed for this project. There is also a simple model available free on the IPWEA website which can be easily modified to include all the line items identified as part of the projects template.

The finalisation of the Long Term Financial Planning framework and Asset Management Plans, will ensure that the major objectives of the project will be met.

**Budget Impact**
$870,000 has been received in Commonwealth funding for the project.

**Current Policy**
This is a priority project for the Association.
That the General Meeting note the LGAT Strategic Plan for 2012-2017.

Background comment:
At its June Meeting, the General Management Committee (GMC) endorsed in principle the LGAT Strategic Plan for 2012-2017 with some minor changes that were agreed out of session. A copy of the Strategic Plan is at Attachment to Item 23.

Under the Rules of the Association, the GMC is responsible for providing the strategic direction to the Association (17(a)(iii)).

The Strategic Plan was informed by survey feedback from Mayors and General Managers, past activity, current pressures and desired outcomes and a review of the Strategic Plans of other Associations. In March, GMC agreed the structure and priority areas and indicated a preference for a succinct and flexible strategic plan supported by an annual activity plan.

The aim of this Strategic Plan is to outline the broad priorities for the Local Government Association of Tasmania (LGAT) over the next three to five years. Six priority areas (PAs) have been identified and the plan is structured around these. They are:

- Strengthening strategic relationships
- Leading recognition and reform
- Ensuring financial sustainability
- Building sector capacity
- Improving land use planning
- Ensuring environmental sustainability

It should be noted that this Plan is not intended to comprehensively describe all the work that LGAT undertakes or reflect all the activity within councils. Further, it is a living document that will be reviewed regularly in order to appropriately reflect the social, economic and political environments within which councils are working.

Budget Impact
The plan will provide the basis for resourcing decisions and work planning by staff for LGAT.

Current Policy
This document replaces the current strategic plan.
Motions For Which Notice Has Been Received

24 GOVERNANCE

24.1 Motion – Elected Member Election Expenses

Clarence City Council/Latrobe Council

That the Local Government Association of Tasmania request that the Federal Government:
- Review the current maximum thresholds set for Local Government candidate election expenses which it recognises as a legitimate deduction for income taxation purposes; and further,
- Consider the introduction of a suitable indexation mechanism to enable currency of the revised threshold to be maintained.

Carried

Background Comment
The Australia Taxation office recognises, as a legitimate deduction, the expenses that a candidate incurs when running for office. This recognition covers all three governmental tiers in Australia with a maximum threshold (all different) set for each tier of government. Thresholds also vary between States.

Unlike for other tiers, which have a built in indexation mechanism, the threshold for Tasmanian Local Government candidates is a set amount. The Tasmanian threshold currently is set at $1,000 for any taxation year and has remained unchanged for well in excess of 10 years. Having been fixed for a considerable period of time, a considerable degree of inequity has evolved.

A review of the Tasmanian Local Government threshold (it is also the case for other States) is now long overdue as it no longer gives appropriate recognition to the level of expenses that can be incurred pursuing local representation.

Any review should now give consideration and recognition to an appropriate level of anticipated cost that may be incurred by Local Government candidature that takes into account all aspects associated with this activity, especially given that in many cases local councils have constituencies that are far larger in population and in geographic size than those for seats in other governmental tiers.

LGAT Comment
Similar motions have been carried in 2003 and May 2010.

Under the Electoral Act 2004, candidates for council elections have an expenditure limit of $10,000 in the year 2005 and increasing but an additional $500 each subsequent year.

The Australian Taxation Office states that election expenses include a candidate’s costs of contesting an election at a local, territory, state or federal level of government. A deduction for Local Government body election expenses cannot exceed $1,000 for each election contested, even if the expenditure is incurred in more than one year of income.
The Henry Taxation Review included personal taxation but this issue was not captured. The Australian Local Government Association made a submission on behalf of councils, but the focus was on broadening the review to include current revenue sharing arrangements between the three levels of government.

LGAT has raised this with ALGA on a number of occasions, most recently in March 2012. At that time ALGA advised they hadn’t pursued this issue in the last year or two but had raised it in 7 out of the last 10 years with the Australian Government with a very consistent response of NO.

This may be a difficult issue for them to pursue while we are seeking Federal Government support for the Constitutional Recognition referendum as to get traction would require political capital that detracts from the main game (and may be perceived as being too self interested).

A motion on this matter will be considered at the ALGA National General Assembly in June (Motion 25).

24.2 Motion – Local Government Candidate Election Expenses

**Hobart City Council/Clarence City Council**

That the Local Government Association of Tasmania urge the Australian Local Government Association (ALGA) to lobby the Australian Taxation Office to consider greater taxation relief for candidates who stand at Local Government elections.

Carried

**Background Comment**

If a person elects to stand for Local Government the total expenditure for the purchase of advertising time or space by or on behalf of a candidate must not, in respect of a single election, exceed a total amount of $5000.

According to the Australian Taxation Office a deduction for Local Government body election expenses cannot exceed $1,000 for each election contested, even if the expenditure is incurred in more than one income year.

This issue has been raised on other separate occasions at LGAT General Meetings.

**LGAT Comment**

As for Motion 24.1
24.3 Motion – Compulsory Voting for Local Government Elections

Hobart City Council/Kingborough Council

That the Local Government Association of Tasmania ask the State Government to amend the Local Government Act 1993 to provide councils with the option to request compulsory voting for their communities at future Local Government elections.

Lost

Councils Voting For
Hobart City
King Island
Northern Midlands
Launceston City
Huon Valley
Kingborough
Glenorchy City

Councils Voting Against
Tasman
West Tamar
Sorell
Brighton
Devonport City
Waratah Wynyard
Clarence City
Glamorgan Spring Bay
Southern Midlands
Kentish
Meander Valley
Central Highlands
Circular Head
Flinders
Central Coast
Derwent Valley
Dorset
Break O'Day
George Town
Burnie City Council
Latrobe
West Coast

Background Comment
Introducing opt-in compulsory voting at Local Government elections provides an opportunity to increase participation in local democracy, engage the whole electorate, build the relevance of Local Government to its community, and provide for consistency in voting across governments.

The current Premier, Lara Giddings, has indicated that she supports the move to compulsory voting, as do a number of Councils. This approach will provide an opportunity for those Councils that seek to introduce compulsory voting to do so and the remaining Councils to see the evidence of the success, or otherwise, of this approach.

LGAT Comment
This specific motion has not been considered before but there has been a long history of discussion at General Meetings with the matter last debated in July 2011.

In July 2011 there was not majority support from LGAT Membership for the adoption of compulsory voting at Local Government Elections. The vote reflected a shift away from support for compulsory voting compared to 2010.
Previously LGAT has reflected the following concerns raised by some Member councils.

- The introduction of postal voting resulted in a significant increase in the number of people voting in Local Government elections. This is done on a voluntary basis because people want to vote and to be involved.
- The introduction of compulsory voting might marginally increase the number of people voting but it would also bring with it the responsibility to pursue those who do not vote and the consequent enforcement costs.
- Compulsory voting has the potential for increased informal voting as people are being forced to vote rather than exercising their democratic right by choice.
- Compulsory voting may lead to an increase of party politics in Local Government with detrimental effect on community representation.

At the Annual Local Government Conference in 2008, the then Premier, David Bartlett announced that his Government would be introducing compulsory voting for Local Government. A working group was formed, with LGAT represented, and a discussion paper released to councils for comment.

Although LGAT was represented on the Working Group, compulsory voting was not supported by LGAT on the basis of its present policy position. However, a recommendation by others on the Working Group was submitted to the Premier favouring compulsory voting.

The current Premier indicated at the last PLGC meeting that she would like to revisit the issue of compulsory voting with councils on the basis that engagement in democracy through compulsory voting is a key element of a healthy democracy. It would appear that the State Government would certainly be willing to consider compulsory voting on a council by council, opt-in basis.

If compulsory voting were to be introduced a number of key issues would need to be resolved should the State Government decide to move forward. These include:

- Postal or Ballot box?
- Relationship with other electoral reforms i.e., eg terms of Mayors, all in all out.
- The voting franchise i.e., is voting limited to individuals in the same way as State and Federal elections or do businesses continue to have a vote.
- Do property owners in different municipalities have a vote per property or a single vote as per other elections.

It is likely that any significant debate on this matter with State Government will also bring onto the table all in-all out elections and common four year term for all councillors.
The outcome of the vote on 20 July 2011 was as follows:

The motion was lost 22/31.

<table>
<thead>
<tr>
<th>Councils For</th>
<th>Card</th>
<th>Vote</th>
<th>Councils Against</th>
<th>Card</th>
<th>Vote</th>
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<td>Derwent Valley Council</td>
<td>White</td>
<td>2</td>
<td>Dorset Council</td>
<td>Red</td>
<td>1</td>
</tr>
<tr>
<td>Central Coast Council</td>
<td>Blue</td>
<td>3</td>
<td>Sorell Council</td>
<td>White</td>
<td>2</td>
</tr>
<tr>
<td>Kentish Council</td>
<td>Red</td>
<td>1</td>
<td>Clarence City Council</td>
<td>Green</td>
<td>4</td>
</tr>
<tr>
<td>Northern Midlands Council</td>
<td>White</td>
<td>2</td>
<td>Kingborough Council</td>
<td>Blue</td>
<td>3</td>
</tr>
</tbody>
</table>

Total 22

The State Government supports the investigation of opt-in compulsory voting and is working with the Hobart City Council, the Tasmanian Electoral Commission and LGAT to investigate whether it is a realistic option. The House of Assembly Standing Committee on Community Development is currently looking into whether compulsory voting is appropriate and the most effective and efficient way to introduce it prior to the next Local Government elections. The Committee’s deliberations will inform any work undertaken by the State Government on this matter. The Committee is due to report by 30 June, 2012.

There are a number of issues that would need to be considered and resolved before compulsory voting could be introduced. They include:

- whether to continue with postal voting or move to a ballot-box system;
- the costs associated with compulsory voting for both the State Government and councils;
- the capacity of the Tasmanian Electoral Commission to support the elections; and
- any implications it may have for electoral terms for councillors.

The State Government will continue to work collaboratively with the Local Government sector on the issue of electoral reform.
24.4 Motion – Elected Member Police Checks

<table>
<thead>
<tr>
<th>Break O'Day Council/Kingborough Council</th>
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</thead>
<tbody>
<tr>
<td>That there be a requirement for all current and future candidates for Local Government to undertake National Police Checks in their current name and any previous names.</td>
</tr>
</tbody>
</table>

Lost

<table>
<thead>
<tr>
<th>Break O'Day Council/Kingborough Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>That there be a requirement for all current and future candidates for Local Government to disclose if they have been bankrupt or are a discharged bankrupt.</td>
</tr>
</tbody>
</table>

Lost

**Background Comment**

National Police checks are now a common requirement in most forms of employment and some areas of volunteer work. This is extremely important for both an organisation and an individual when undertaking duties especially when it may involve contact with children and public monies.

**LGAT Comment**

This is a more complex issue than it may first appear. While a number of employers use police checks they can be challenged on relevance. The Australian Human Rights Commission notes the following:

> Australians who have a criminal record often face significant barriers to full participation in the Australian community. The principle of non-discrimination is all about removing stereotypes and allowing individuals to participate in society on the basis of their individual merits rather than be judged by the characteristics that are attributed to them through generalisations. It is about ensuring that they have the same opportunities as others to participate in society.

The Tasmanian Anti-Discrimination Act 1998 does not allow for a person to discriminate against another on the basis of 'irrelevant criminal record' and there is a specific exemption for discrimination in relation to the education, training or care of children.

The motion makes no suggestion as to what would happen should previous offences be revealed and as to whether all offences would preclude candidates from running. Such matters would need to be clarified before progressing a motion along these lines.

**Tasmanian Government Agency Comment**

The *Local Government Act 1993* (the Act) currently provides for limited circumstances in which a person is ineligible to nominate as a candidate for the office of councillor, including where a person:

- has been barred by a court from nominating under the Act;
- is an employee of the relevant council;
- has been removed from the office of councillor because of inadequacy or incompetency;
- is a bankrupt;
- is subject to an initial order to continuing care order under the *Mental Health Act 1996* or *Guardianship and Administration Act 1995*;
- is undergoing a term of imprisonment; and/or
- has been sentenced for a crime, if that sentence has not been executed.
It is not the intention of the Government to review these requirements at this time. A number of issues relating to eligibility to stand were considered in the 2002-05 review of the Act and it is considered that the current provisions are sufficient to ensure that only candidates of appropriate character are able to stand for Local Government elections. Within the limits set out in the Act, it is a matter for the electors to determine as they see fit whether a candidate is a suitable representative. The Tasmanian Electoral Commission requires a candidate to declare that they are eligible when they nominate and any allegations of ineligibility are dealt with by the Commission as they arise. The Commission has advised that a requirement for police checks would delay the nomination process by at least a month.

In addition, elected members at other levels of government are not subject to police checks. As individual councillors make decisions as part of the council collectively and are advised by the council organisation, the State Government does not consider it appropriate to subject councillors to an increased level of individual scrutiny. Councils should have in place appropriate checks and balances to ensure that individual councillors are not able to misuse public money. Furthermore, if a councillor has completed a sentence for a previous offence, then they have completed the punishment that was deemed appropriate by a judge or magistrate at the time and should not be subject to further disadvantage.

25 PUBLIC POLICY - GENERAL

No Motions Received

26 ADMINISTRATION

26.1 Motion – Insurance And Risk Management *

Break O'Day Council/Clarence City Council

That Council seek LGAT’s support to investigate opportunities to establish a body or alliance with a counterpart on the mainland to manage the combined insurance and risk management needs of Local Government in Tasmania.

The vote was recorded -
For 24
Against 35

Background Comment
During August 2011 an Officer of the Break O'Day Council visited the South Australian Local Government Association, Alexandria Council and the City of Burnside.

The Officer discussed SA’s experience in Workers Compensation, Occupational Health and Safety and Risk Management and particularly One System.
The Schemes meetings include:
  - Local Government Risk Services (LGRS)
  - Local Government Association Workers Compensation Scheme (LGAWCS)

Local Government Risk Services (LGRS) was established to manage and service the unique insurance, risk management and insurance needs of Local Government in South Australia. LGRS moved away from traditional insurance brokering services to the establishment of very successful self insurance schemes such as the Local Government Associations Workers Compensation Scheme (LGAWCS) and the LGA Mutual Liability Scheme to meet the need of Local Government.

LGRS developed an industry wide approach to all insurance and risk management issues and in more recent years has extended this to include new self insurance schemes for Council assets, motor vehicles and the income protection needs of employees. LGRS is working with all councils to ensure opportunities are identified to minimise risks through the introduction of proactive systems and processes in the area of risk management, claims management and insurance risk transfer.

LGRS services include:
- Occupational Health and Safety;
- Injury Management;
- Claims Management;
- Health and Well-Being Programs;
- Risk Management Systems;
- Risk Management Advice;
- Workplace Training;
- Risk and Safety Audits;
- Community Group Insurance Programs; and
- Income Protection Insurance.

**Induction to One System**

LGAWCS scheme is owned by all 69 South Australian councils and as mentioned extends to building insurance, motor vehicle insurance and workers compensation insurance. All councils pay into the scheme and in return receive assistance in the following areas:
- Eight (8) corner stone policies including the OHS/Injury Management;
- Twenty-four (24) key procedures;
- Training requirements to comply with policies and procedures;
- Management of all claims (vehicles/plant, buildings and workers comp);
- LGRS employs team coordinators who live in regional areas to support Council employees and meet on regular basis;
- Legal assistance; and
- Funds invested back into the scheme to address pressing issues for all Councils each financial year, if no claims have been made.

In 2009 the One System Model OHSW/IM System Framework was developed by LGAWCS through consultation with Council, LGA, WorkCover and SafeWork Australia. At that time councils were required to implement Occupational Health, Safety and Welfare (OHSW) Administration System as part of the One System to establish effective management of the administrative aspects of their OHSW Management System (OHSWMS) in accordance with legislative requirements and the Performance Standards for Self Insurers.
The One System Model addresses these requirements by providing policies and subordinate procedures to manage the administration of the OHSWMS. Key elements of the OHSWMS are:

- OHS&W Document Control Procedure;
- OHS&W Record Keeping Procedure;
- OHS&W Auditing Procedure;
- OHS&W Induction Procedure;
- OHS&W Training Procedure;
- OHS&W Planning Procedure;
- OHS&W Document Development Procedure;
- OHS&W Injury Management Procedure;
- Hazard Management Policy;
- Administration of the OHS Management System Policy;
- Communication and Consultation Policy;
- OHS Contractor Management Policy;
- Emergency Management Policy; and
- Hazardous Work Policy.

A copy of the full report presented by the Officer to Council is at Attachment to Item 26.1

**LGAT Comment**

Tasmanian councils are already a part of an insurance mutual with Victorian councils and water authorities. The regional water and sewerage corporations are also presently party to that arrangement. The scheme is run by the Municipal Association of Victoria and is overseen by a Board which is both representative and expert.

The Board comprises four independent members with expertise in the insurance industry, the President and CEO of MAV, a councillor from a Victorian council and a council CEO from Victoria. The CEO of LGAT represents Tasmanian council interests on the Board.

Its scope is public liability although there are separate arrangements whereby Victorian councils pool their efforts in relation to fidelity (employee fraud). It should be noted that risk management is a key feature of this arrangement with all Tasmanian councils participating in the scheme and the active improvement of risk management is encouraged and facilitated via the scheme. Workshops are conducted in Tasmania on a regular basis but with often minor support and attendance by Tasmanian councils.

MAV has been considering the issue of workers compensation and whether it should take a more active role in this space. However, the Victorian State Government has chosen not to allow Local Government to run its own scheme, requiring it to be part of the State scheme.

With regard to general insurance there is no binding or cooperative arrangement existing in Tasmania. All councils access their insurance from whichever source they choose generally putting their business to tender on a reasonably regular basis. MAV has an arrangement whereby JLT Insurance places the insurance on behalf of Victorian councils and MAV obtains a royalty from that process.

On the matter of income protection for employees, Quadrant Superannuation, which is the default fund for Local Government in Tasmania, provides a comprehensive and valued income protection scheme for employees that are part of that scheme.

The Association would be guided by what members wanted in relation to enhanced insurance arrangements and support but it would seem that the existing arrangement should at least be the base from which to commence such discussions.
27 FINANCE

No Motions Received

28 INFRASTRUCTURE AND SERVICES

28.1 Motion – Location of Telecommunications Facilities

Hobart City Council/Southern Midlands Council

That the Local Government Association of Tasmania urge the Federal Government to amend the Telecommunications Act 1997 and Telecommunications (Low Impact Facilities) Determination 1997 to allow councils to have a greater say in the location of telecommunications facilities.

Carried

Background Comment
The Council is dissatisfied with the Telecommunications Act 1997 and the Telecommunications (Low Impact Facilities) Determination 1997, which does not allow the Council to address the concerns of its residents, particularly in respect to the possible health risks associated with installed telecommunications facilities in residential areas that emit radiation.

LGAT Comment
A similar motion was CARRIED in March this year.

The Association has provided feedback on this issue to the Australian Local Government Association (ALGA) so it could make comment, on behalf of all councils at a national level. ALGA has identified that for a long time Local Government has been concerned that there has been a lack of an adequate regulatory framework for telecommunications facilities, particularly mobile phone towers and overhead cabling.

Local Government has sought to ensure that there is proper strategic forward planning to ensure that development is not haphazard and occurs in accordance with local planning objectives:

– minimisation of visual impact;
– should be located in less sensitive areas;
– precautionary siting approach to minimise adverse health and environmental effects; and
– allow adequate consultation.

In its recent submission to the draft Mobile Base Station Deployment Industry Code ALGA has stated:

“ALGA supports an enhanced consultation and notification process in the installation of radiocommunications infrastructure. Whether the mobile base station is constructed on a Low-Impact Facility or whether it requires a Development Application, consultation and notification is good business practice. The requirement under the new Code that a consultation plan be developed for deployment of mobile base stations not subject to Development Approval, is a significant improvement and is welcomed by ALGA.”
Further feedback from councils indicates that a more transparent and proactive approach to forward planning would enhance consultation and collaboration opportunities. Infrastructure providers making their forward planning and proposed siting more accessible, would in turn enable councils to incorporate mobile base station infrastructure into their forward planning. This would allow co-location of telecommunications where possible (siting the facilities of different carriers in one location) and limit the number of new towers. ALGA understands that co-location is not always the best option, but, in many cases it can be a good solution for both carriers and the community. …

Councils and communities acknowledge the benefits of reliable mobile phone reception and understand that this requires mobile phone tower infrastructure. In many cases it is the process rather than the infrastructure which causes the objections. Carriers which engage with the community and councils to explain the rationale behind the site they have chosen and can streamline the process and reduce objections. In locations which have particular sensitivities for the community, carriers need to be in a position to offer practical alternatives and proactive consultation to assist in minimizing or avoiding community backlash.”

Further, in making comment on Andrew Wilkie’s Private Member’s Bill ALGA stated: “In summary, the key issue from a Local Government perspective is that while the installation of large telecommunications facilities are required to obtain planning approval, low impact facilities are exempt from this requirement. The ACMA site specifies that “When installing large telecommunications facilities such as mobile phone towers, telephone companies generally need to obtain local council planning permission and comply with relevant state and territory planning laws. However, telephone companies licensed by the ACMA as ‘carriers’ may install a limited range of facilities without seeking state or territory planning approval. The most common of these are ‘low-impact facilities’. A carrier authorised under the Telecommunications Act to install a low-impact facility is not subject to some state and territory laws, including town planning and environmental laws.

Low impact facilities are those facilities which, because of their size and location, are considered to have low visual impact and be less likely to raise significant planning, heritage and environmental concerns. Since the inception of the Telecommunications Act 1997, local government has consistently expressed concern about this exemption and has sought to have this addressed.

Local Government strongly believes that town planning and planning approvals processes are the primary mechanism to ensure that a balance is achieved between the needs of telephone companies and the rights of landholders, occupiers, residents and the local community. Exemption from these requirements have given rise to the need for a separate arrangement outside the normal planning system (the Telecommunications Code of Practice 1997) to ensure that telecommunications companies at least consult with councils, key stakeholders and the community on these installations. The location and number of mobile base stations, as well as the potential health risks of their proximity to schools and day care centres, has caused a great deal of community and local government concern in the past. There is a high level of community and council concern over the siting and impact of mobile phone towers.

For many years local government has argued that telecommunications infrastructure should be subject to planning and development regulations, to ensure the deployment of mobile base stations occurs in a way that is sensitive to the needs of the local community, minimizes visual impact and takes into account health and environmental considerations. However, councils are also aware of the balance needed between the growing demand for phone coverage and data capacity and the community’s wish to be properly consulted on the siting of the infrastructure. …
…The ongoing controversy surrounding this issue demonstrates the level of community concern and is damaging to both carriers and local communities. It suggests this issue requires further clarity and a better mechanism for communities to understand developments, their impacts and their consequences, as well as the need for a fair and reasonable process of appeal where matters cannot be resolved through standard processes.

28.2 Motion – Repairs to Infrastructure Following Fires & Floods

**Northern Midlands Council/Southern Midlands Council**

That LGAT discuss with the State Government that in the event of a fire/flood the proposition of taking immediate action on temporary minor repairs to state roads and/or other infrastructure on the basis that funds are reimbursed within a reasonable time frame.

Carried

**Background Comment**

It was noted by Council that during the flood events in 2011 that repairs undertaken by DIER to their road infrastructure were delayed for extended periods, due to their procurement procedures. The administrative measures to arrange, process and award to the successful contractors from 3 contractor quotes for the remedial works took some considerable time resulting in traffic issues.

In order to facilitate the movement of traffic and minimise inconvenience to the travelling public it is proposed that, should road closures be required due to damage of roadways from flood (or other extraordinary events), Council and the Department of Infrastructure Energy and Resources collaborate in order to expedite repairs to roads and that councils be sanctioned to take immediate action, up to an amount of say $5,000-$10,000, on temporary repairs to state roads and/or other infrastructure following an extraordinary event such as fire or flood.

**LGAT Comment**

The Association is supportive of collaboration between councils and DIER to ensure that service levels on the state’s roads are maintained to optimum standards and that downtime is minimized following floods and other disaster events.

It is unclear from the wording of the motion as to whether the intention is for councils to seek reimbursement from DIER for any emergency expenditure they incur in repairing state roads as a case arises. This point requires clarification.

If the motion is passed the Association would welcome the opportunity to pursue further discussions with DIER regarding protocols around the consideration of temporary or preliminary works in emergency situations, and notes DIER’s willingness to do the same.

**Tasmanian Government Agency Comment**

The Treasurer’s Instructions do not prevent this type of arrangement from being established.

However, such arrangements would not always be the most appropriate mechanism to deliver repairs. The Department of Infrastructure, Energy and Resources (DIER) works explicitly with its maintenance contractors in managing the road network and keeping it safe. The current arrangements ensure a co-ordinated response in an emergency and to do otherwise may adversely affect a strategic and tactical response required for the situation.
Notwithstanding this, there may be some advantages under certain conditions, in Councils undertaking such repairs, including the bolstering of available human resources to undertake the necessary works which can be constrained in remote areas, improving the timeliness of the required response, availability of extra plant equipment and increased local knowledge of the area.

DIER is willing to discuss the possibility of works being undertaken by Council under a range of circumstances, in consultation with the maintenance contractor for the relevant municipal area.

29 PLANNING AND DEVELOPMENT

29.1 Motion – Review of AMCORD and Tascord *

<table>
<thead>
<tr>
<th>Clarence City Council/Meander Valley Council</th>
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<tr>
<td>That the Local Government Association of Tasmania, request the State and Federal Governments review the AMCORD and Tascord Guidelines as they have not been revisited for many years, to take into account more effective passive energy design outcomes.</td>
</tr>
</tbody>
</table>

Carried

The vote was recorded -
For 33
Against 25

Background Comment
AMCORD originally set out to create Best Planning Practise Guidelines for the benefit of the building industry, Councils and the community. It was a National resource document for all residential development.

Most of the design guidelines are still valid and even more relevant for incorporation into planning scheme requirements and as Councils are required to review their Planning Schemes every five years, this requirement should also apply to the reviewing guidelines that underpin them. AMCORD is one of the documents that should underpin residential design.

Since AMCORD was published most States have reviewed and updated their planning systems to reflect current approaches and best practices. However no serious work has been done to update and implement the Tasmanian version i.e. Tascord. Tascord is a far more comprehensive and reliably researched resource to guide the planning of our communities than ad hoc controls, like PD4.

Many planning issues have occurred with the evolvement of solar passive and energy efficient schemes i.e. yet our planning schemes are deficient in proper planning for them. One requirement could be for all main living areas to face NORTH and street frontages to be on the SOUTH, this would incorporate subdivision plans that can implement good planning practises that support solar energy outcomes.
Another example is that for the measurements of allowable sunlight parameters used to determine overshadowing. In the current formula used by Planning Directive P1 for Standards for Single Dwellings in current planning schemes, it states in the Performance Criteria that:

P1. The siting of Single dwellings must be designed to;

(a) ensure there is no unreasonable loss of amenity on adjoining lots by:
   (1) overshadowing and reduction of sunlight to habitable rooms and private open space to less than 3 hours between 9.00am and 5.00pm on June 21 or by increasing existing overshadowing where greater than above; and
   (2) overlooking and loss of privacy; and
   (3) visual impacts when viewed from adjoining lots; and
(b) take in account steep slopes and other topographical constraints; and
(c) have regard to streetscape qualities or be consistent with the statements of desired future character.

This performance criteria requirement does not consider the position of homes for maximum solar passive energy needs nor consider that main living areas often face north.

P1 undermines the abilities of adjacent houses to enjoy their outdoor living environment which many residents now include as open plan living space.

AMCORD clearly covered these solar passive, energy efficiencies issues yet this major State Planning Scheme Directive fails to encourage, better planning outcomes, future planning choices nor requires sub division to do so either.

At Attachment to Item 29.1 are the relevant AMCORD planning notes.

Tasmanian Government Agency Comment
Motion 29.1 refers to AMCORD (the Australian Model Code for Residential Development) and TASCORD (the Tasmanian Code for Residential Development). AMCORD was developed in the 1980s to provide a standardised approach to best practice residential design. After the publication of the second edition in 1990 the Commonwealth provided funds to the states and territories to adapt AMCORD to their own jurisdictions.

In 1997 the Tasmanian Government published TASCORD which states, as follows:

‘TASCORD applies to the subdivision of land and building for all housing types, other than high-rise, within the serviced residential areas of Tasmania. TASCORD is designed as a comprehensive resource document and contains provisions which are advisory but can be adapted for statutory purposes.’

As an advisory document, TASCORD is not prepared in a manner that can be adopted into the statutory planning system in Tasmania. TASCORD is not structured to fit with the Land Use Planning and Approvals Act 1993 and the Planning Scheme Template for Tasmania with Acceptable Solutions as Permitted and Performance Criteria as Discretionary development.

The Motion indicates strong support for TASCORD but assumes that the standards for single dwellings set out in Planning Directive No. 4 (PD4) are unrelated. The standards in PD4 very closely reflect the TASCORD provisions.

TASCORD deals with every aspect of planning for residential development starting with local area planning and neighbourhood design, subdivision design and then siting of building and various design aspects of the dwellings such as building envelopes, privacy, car parking and so on. As such, it has application in various parts of a planning scheme and is not limited to provisions relating to development standards such as those adopted in PD4.
PD4 is a subset of the entirety of standards for residential development.

Where PD4 deviates from TASCORD standards it reduces the potential scale of development in favour of more protection of neighbouring amenity. For example, the building envelope in PD4 is less at the side boundary, it has a lower overall height and the length of a boundary wall allowed is less than under TASCORD.

The Motion indicates that many jurisdictions have reviewed and updated their planning systems to reflect current approaches and best practices. The reality is that many of these, as with PD4, are translated into statutory planning provisions or codes rather than remaining as best practice guides or advisory solutions. Although best practice guides are useful they remain problematic in terms of being operational statutory planning controls.

PD4 represents a review and translation of those aspects of TASCORD considered necessary to control single dwellings in the General Residential Zone (ie normal suburban densities). The Background Report supporting PD4 prepared by the Tasmanian Planning Commission’s Policy Division stated:

‘The range and required measures of the standards have been drawn from analysis of those currently in force or contemplated in a number of Tasmanian planning schemes, those used in other States and Territories, and comprehensive analysis of ‘best practice’ codes developed over the last 15 years such as AMCORD and its derivative TASCORD (the Tasmanian Code for Residential Development).’

The public exhibition, representation and hearing process conducted by the Delegate Panel for the review and approval of PD4 provided opportunity for consideration of the need for other standards specifically those dealing with orientation of dwellings and solar access. These issues were raised in representations and the Delegate Panel concluded that the application of the standards in the General Residential Zone and the combination of building envelope and setback provisions provided adequate protection for solar access to neighbouring properties balanced against the reasonable development potential on any adjacent site. It concluded that particular measures for solar access were not required where the envelope was adhered to.

The main issue raised in the Motion relates to the lack of controls on the orientation of houses on lots, specifically that there should be planning controls for houses to require all main living areas to face the north and street frontages to be on the south.

With respect to this specific suggestion about frontage to street, all street frontages cannot be on the south as this would exclude houses on the other side of a street which by virtue of fronting the street would face north.

The issue of orientation of houses is best dealt with at the subdivision stage where the arrangement of lots can allow good solar orientation of future houses. However, where existing lots are being developed the shape and orientation of the lot may already preclude the best solar design options. TASCORD contains such advice and remains a useful guide.

A requirement that houses are designed so that all main living areas are on the northern side of a building is a very onerous intervention into personal choice and freedom of design. It is considered that unless there are compelling reasons not to place the living areas to the north, this will tend to happen in any event through sensible design and choice.

Finally the Motion raises a concern that the standards in PD4 may undermine the ability of adjacent houses to enjoy their outdoor living environment. Given that the PD4 standards are both derived from and deliver a smaller envelope than TASCORD, the degree of protection of outdoor living areas is very similar under both PD4 and TASCORD.
29.2 Motion – Office of the Tasmanian State Architect

Hobart City Council/Northern Midlands Council

That the Local Government Association of Tasmania urge the State Government to retain the Office of the State Architect and provide adequate funding for its operation.

The vote was recorded -
For 35
Against 23

Background Comment
The position of the Tasmanian State Architect is critical in providing an important part in guiding, fostering and promoting a vibrant urban environment and creative economy. It is an important interchange between local and State Government strategic planning.

Tasmanian Government Agency Comment
The Tasmanian Government remains committed to the role of the State Architect. The work achieved by the previous incumbent has been of great value to the State.

In the current fiscal environment the Government is unable to indicate when the position will be filled.

29.3 Motion – Regional Development Australia (RDA)

Hobart City Council/Clarence City Council

That the Local Government Association of Tasmania clarify with the Federal Government the role of Regional Development Australia Tasmania and how their activities can be made more relevant to the south of the state, and particularly the urban councils.

The vote was recorded -
For 28
Against 20

Background Comment
Regional Development Australia (RDA) is an Australian Government initiative which comprises a national network of 55 committees made up of local leaders who work with all levels of government, business and community groups to support the development of their regions.

Tasmania has one RDA which is based in the North of the State. There is a feeling that the activities undertaken by RDA Tasmania are not considerate of the needs of urban Councils, particularly those in the South of the state.

LGAT Comment
It is important that we avoid duplication of effort across the Local Government Sector in Tasmania through better understanding and alignment of local, regional and state-wide activity and to ensure relevance of funding and activities across the sector.
The President of LGAT is on the RDA Tasmania Board.

This is an issue that could also be pursued by the Metropolitan Councils Group.

**Tasmanian Government Agency Comment**

RDA Tasmania has offices and staff in Hobart, Launceston and Burnie and has indicated they are keen to work with the metropolitan councils of Southern Tasmania towards progressing worthy and strategic regional outcomes.

RDA Tasmania advises that its Chief Executive Officer, Mr Craig Perkins, recently met with the HCC to discuss ways the two parties could strengthen and enhance their engagement. It was agreed that the next step would be to convene a meeting of all the Southern Tasmanian Councils, through the Southern Tasmanian Council Association, to identify ways to progress the development of regional projects with broad and strategic impact. It should be noted that RDA Tasmania and the Southern Tasmanian Councils Authority (STCA), as well as HCC, are members of the Southern Regional Reference Group which meets on a regular basis to provide input and advice to the Minister for Economic Development.

The Department of Economic Development, Tourism and the Arts (the department) is keen to ensure that Tasmania is well positioned to access Australian Government funding such as the Regional Development Australia Fund (RDAF) and in this respect is committed to working with all stakeholders including Local Government, RDA Tasmania, and the federal Department of Regional Australia, Local Government, Arts and Sport to identify and support worthy and strategic projects for RDAF consideration.

The government believes that a key way forward is for all councils to proactively engage with RDA Tasmania and to demonstrate that local governments can work together to achieve outcomes that extend beyond their own boundaries. The department is keen to encourage engagement and co-operation between all local councils and RDA Tasmania.

Further to this, the department has established a Southern Regional Reference Group and is working with the group to develop a Regional Economic Development Plan (REDP) for Southern Tasmania. Also supporting this is a Memorandum of Understanding (MOU) on Placed Based Investment that has been established by the Australian and Tasmanian Governments to facilitate cooperative arrangements for regional strategies in Tasmania. The purpose of this MOU is to facilitate the development of coordinated, strategic, cooperative arrangements for regional strategies to develop priority options for economic diversification in Tasmania and outline governance arrangements. This will inform priorities, including for funding, for both governments.

In this context the department suggests the council engages in these processes as a key means of ensuring that key economic development activities relevant to the south are progressing in a strategic and coordinated manner.
29.4 Motion – Licensing of Accommodation Premises

Southern Midlands Council/Break O’Day Council

1) The LGAT make representation to the State Government seeking the re-introduction of a suitable licensing and inspection regime for accommodation premises (i.e. statutory requirement); and

2) on the basis that a system regime is introduced, the LGAT work with the State Government to develop an appropriate service delivery mechanism based on achieving full cost recovery.

Lost

The vote was recorded -
For 21
Against 33

Background Comment
It is obvious from feedback received from within the broader tourism industry that the level and standard of tourist accommodation has declined since the abolition of a licensing and inspection system. A reputation of poor standards and service, can only result in adverse impacts to our visitor and tourism industry generally, and appropriate action is required to address this issue.

Past reasoning based on the understanding that the market will sets the standards (i.e. survival of the fittest) has proven to be incorrect and remedial action is required.

LGAT Comment
LGAT has previously been lobbied on this issue by the Tourism Industry and while it would support the State Government resurrecting this function, care has to be taken that the expectations and related costs do not shift to Local Government.

Tasmanian Government Agency Comment
Accommodation licensing used to be administered within the former Department of Tourism and later moved to the Liquor and Accommodation Licensing branch within the Department of Treasury and Finance. Eventually it was disbanded. At the time it was argued that the cost of delivery was too expensive for the return achieved and the growth of other programs such as tourism accreditation and AAA star rating were viewed as fulfilling a similar function.

As consumer behaviour in travel decision-making continues to move toward social media and advocacy through sites such as trip advisor, it is expected that the market will continue to increase its power in setting minimum acceptable standards.

While Tourism Tasmania in the Department of Economic Development, Tourism and the Arts generally supports any move to increase service standards within the industry, it should be noted that Local Government is already responsible for providing an accommodation certificate that checks environmental health and safety, including appropriate sewage and fire systems, and that Tourism Tasmania has established accreditation schemes that address business operations, customer service and quality. Therefore any additional licensing scheme appears to be an unnecessary burden. Tourism Tasmania’s focus moving forward is to improve delivery and effectiveness of the existing mechanisms to improve service standards within the tourism industry.


30 Environment

30.1 Motion – Weed Management

Huon Valley Council/Northern Midlands Council

That the Local Government Association of Tasmania requests the State Government to develop policy guidelines, educational information and advice to address the issues of:

- Transport and appropriate disposal of declared weeds; and,
- Contamination of green waste with declared weeds; and,
- Treatment of green waste to minimise the presence of weed seeds in composted green waste that is to be sold to the public and/or used in public open space.

Carried

Background Comment

The issue relating to the disposal of weeds at Council Waste Transfer Stations has raised a number of difficulties particularly in relation to green waste separation and composting, as well as public awareness-raising and weed identification information.

The acceptance of declared weed material at the Waste Transfer Stations has legal ramifications for Councils as the Weed Management Act 1999 prohibits the storage of declared weeds. There is also the associated legal issue of declared weed material being mixed with other green waste and potentially distributed as a component of Council-produced mulch or compost. This would also breach the Act.

Conversely, it was noted that failure to accept declared weed material could result in this being dumped on public land. This has been identified as a significant, costly and on-going problem in the region by relevant stakeholders.

Issues relating to the management of declared weeds are common to all Councils. While each Council may have its own programme and information in relation to the spread of weeds within its municipal area, and these are matters regularly discussed at Weed Management Officer meetings, there is no consistent Statewide approach in relation to these matters. Particularly in relation to easily accessible information in relation to the transport of declared weeds, and the managing green waste that contains declared weeds.

Spread of declared weeds into and within municipal areas can see an environmental impact on the natural values of the environment as well as a direct impact and cost associated with agricultural activities through the requirements for treatment and affect on quality assurance controls associated with agricultural activities amongst other things.

It is considered that there needs to be some consistency across Councils in relation to policy guidelines to assist Councils to address the issues of transport of declared weeds, contamination of green waste with declared weeds and the treatment of green waste for sale to the public or use by that Council to minimise the spread of declared weeds.

LGAT Comment

LGAT understands that the issue of green waste management has been identified in various forums with DPIPWE. As identified by Huon Valley Council and supported by DPIPWE there needs to be a consistency of approach adopted across councils to effectively manage the spread of weeds through green waste. The development of policy guidelines around the treatment and management of green waste would go some way to ensuring this.
As a representative on the new Invasive Species Working Group, LGAT will continue to lobby State Government, as the state body with a policy responsibility for weeds, to work with councils in the development of such policy guidelines and for better sharing and development of information and educational material.

**Tasmanian Government Agency Comment**

The Department of Primary Industries, Parks, Water and Environment (DPIPWE) actively supports the management and appropriate disposal of declared weeds in Tasmania through its current awareness-raising and enforcement activities.

DPIPWE delivers inspector training twice a year as part of its objective to increase the involvement of Local Government, statutory land managers and other regulatory authorities in weed management across the State. Completion of this training allows officers from those organisations to be appointed as authorised weed inspectors under the *Weed Management Act 1999* (the Act); and provides an opportunity for officers to refresh their skills and discuss recent initiatives in weed management.

This training reviews key parts of relevant legislation, including sections of the *Weed Management Act 1999* aimed at preventing the spread of declared weeds through prohibiting the sale, purchase, propagation, storage, or scattering of a declared weed. The content of this course is currently under review and the issues of transport and disposal will be included to ensure a broader understanding of the application of the Act.

Staff from the weed management section of DPIPWE also undertake weed management and weed hygiene training for industry (including contractors), Local Government and other government agencies where required. Officers involved in the assessment of new developments may also access weed management and hygiene guidelines that have been developed by weed management officers for use in the construction phase of developments.

In addition to these arrangements, DPIPWE also supports the development of statutory weed management plans for each declared weed in the State. These statutory management plans are a significant mechanism by which to raise awareness and establish weed management policy in relation to the movement and disposal of declared weeds.

While DPIPWE agrees that green waste management and disposal is an important weed management issue, it is one that is largely the responsibility of the Local Government authorities that manage green waste disposal at the various municipal waste disposal sites across the State. For an effective approach to the management of green waste to occur, there needs to be a uniform approach adopted across the majority of councils. Once an agreed approach has been achieved, the opportunity would exist for those organisations to be able to develop appropriate policy guidelines and awareness information. DPIPWE would be able to provide technical assistance where appropriate.
30.2 Motion – Weeds Officers

Northern Midlands Council/Southern Midlands Council

That the State Government fund an additional Weed Officer for each of the three regions to facilitate the reduction of listed weed species in order to maximise the long term sustainable agricultural use of Tasmania’s resources, in particular with regard to the new and proposed irrigation infrastructure which in turn will support the furtherance of the State Government’s ‘food bowl’ initiative.

AMENDMENT

Hobart City Council/Launceston City Council

That the following words be inserted -

Reflect the additional resourcing be for wider economic, social and environmental benefits to the State.

The Amendment Was Lost

Northern Midlands Council/Southern Midlands Council

That the State Government fund an additional Weed Officer for each of the three regions to facilitate the reduction of listed weed species in order to maximise the long term sustainable agricultural use of Tasmania’s resources, in particular with regard to the new and proposed irrigation infrastructure which in turn will support the furtherance of the State Government’s ‘food bowl’ initiative.

The Original Motion Was Carried

Background Comment

This motion refers to State funding for additional regional weed management officers. Weeds, by their very nature, do not respect municipal boundaries and cannot be effectively dealt with at a purely municipal level. Their cost to the community in terms of lost agricultural productivity is substantial and their continued spread is clearly contrary to the intent of the State Policy for the Protection of Agricultural Land.

The Northern Midlands Council has taken advantage of training opportunities offered by the State and believes it achieves a consistently high standard of management of the weed problem within lands and roadsides under its control. However, Council cannot control the weeds on private or Crown lands, or in the broader region. Weeds are spread on the wind, by floods, by birds and foraging animals and on the shoes, clothing and vehicles of people moving from one site to another.

Whilst the State currently funds a northern regional weed management officer, who is, understandably, spread rather thinly, the creation of the new Invasive Species Branch is seen as an opportunity to direct some additional resources towards this ongoing issue. The new Invasive Species Branch includes staff from the Fox Eradication Program, Weed Management and Wild Animal Management.
In announcing the creation of this Branch, the Minister for Environment, Parks and Heritage, Mr Brian Whitman MP, stated that in addition to feral cat control programs, the specialist branch will focus on preventing the threat and minimising the impacts of existing and emerging weeds and invasive animals across the State.

The provision of an additional, State-funded, weeds officer for the regions would enable provision of much greater direct assistance to the Crown, Council and other land holders and contractors. The principal area of additional assistance is likely to be focused on community education in areas such as weed identification and measures for eradication and containment.

**LGAT Comment**
The decision by the State Government to broaden the roles and responsibilities of the staff within the invasive species branch is welcomed. The increased number of staff with a responsibility for managing weeds should result in better outcomes on both private and crown land.

LGAT will also continue to lobby State Government for better sharing of information, greater resourcing and increased support for Local Government in managing weeds through its representation on a new Invasive Species Working Group. The aim of the group is to improve communication between the State Government, NRM organisations and Local Government.

**Tasmanian Government Agency Comment**
The Weed Section of the Department of Primary Industries, Parks, Water and Environment (DPIPWE) currently consists of three Regional Weed Management Officers based in Hobart, Launceston and Devonport, a Weed Management Planning & Policy Officer, and the Principal Weed Management Officer. These officers have responsibility for administering the *Weed Management Act 1999* on matters relating to the management and control of declared weeds.

The Weed Section undertakes a very broad range of weed management activities, including providing weed management advice to other State Government agencies, Local Government, industry, community groups and individuals, as well as undertaking enforcement activities and weed inspector training. The Section also identifies new weed threats and develops appropriate response plans.

In March 2012 Brian Wightman MP, the Minister for Environment, Parks and Heritage, announced the creation of a new Invasive Species Branch that will incorporate the existing Weed Management Section. The new branch will be responsible for both weeds and key vertebrate pests.

The agency recognises that the task of effectively managing weeds on a statewide basis is an important and challenging responsibility and weed management will remain a priority of the new Branch. A key aim for establishing the new Branch is to improve the capacity to deal with invasive species and, where possible, to increase the resources for their management. It is anticipated that additional existing staff within the Branch will be trained, appointed and operating as Inspectors under the Act as the new structure is implemented. These staff would be located throughout the State.

It is important to note that the opportunity exists for councils to be able to contribute to statewide weed management by appointing authorised weed inspectors. DPIPWE runs two training courses annually for authorised weed inspectors, allowing those officers to enforce the provisions of the *Weed Management Act* within their relevant municipalities. Twenty-one Tasmanian Councils currently host a total of 49 authorised weed inspectors. DPIPWE would welcome the involvement of all Local Governments in the weed inspector network, thereby reinforcing a truly statewide approach to weed management.
30.3 Motion – Uninformed Commentary - Forestry

Circular Head Council/Northern Midlands Council

That LGAT make representations to the State Government condemning the actions, or inactions, of individuals and groups that continue to jeopardise a continuation of lawful forestry related activities in the state of Tasmania.

Carried

Background Comment
Constant harassment and the use of misinformation by environmental groups has resulted in the announcement by Ta Ann to reduce their workforce at their Smithton mill, causing further job losses in the Circular Head timber industry.

Uninformed commentary has resulted in a reduction of demand for Ta Ann product, forcing the company to make the decision to reduce employee numbers at both Tasmanian sites at Smithton and the Huon Valley.

We believe we need to voice concerns on behalf of the community to make the state government aware that this issue has major and long term ramifications not only to Circular Head but the whole of Tasmania.

LGAT Comment
It is considered that the content of the motion is self explanatory.

Tasmanian Government Agency Comment
It is the Tasmanian Government’s view that the only way to achieve an effective and durable resolution to Tasmania’s long-running forestry conflict is for the forest industry and environmental groups to come to a lasting agreement.

The Tasmanian Forests Agreement between the Commonwealth and Tasmanian Governments provides a unique opportunity for this to occur.

All Reference Group members representing Tasmania’s major forest processors have returned to the negotiating table. The resolution of forestry market attacks is a central point in those negotiations.

The Tasmanian Government has noted the announcement by the Reference Group of Signatories on Friday 18 May 2012:

“Together the [forest industry and environmental] groups have agreed to enter into negotiations to attempt in good faith to find a sustainable path forward for industry, workers and local communities, and the environment, and together are calling for their members and constituents to support the negotiations.

The Wilderness Society, Environment Tasmania, and the Australian Conservation Foundation, Australia’s major state and national environment groups with a focus on Tasmania’s forests, are urging buyers of current Tasmanian forests products to not make any decisions that would adversely affect Tasmanian suppliers during the period of the negotiations.

The Environment Groups say that successful negotiations over the next few months hold the real prospect of protecting important forest areas and identifying a sustainable wood supply with broad community support and these important negotiations should be given every chance.”
32 ANIMAL CONTROL

32.1 Motion – Cat Management Act 2009

<table>
<thead>
<tr>
<th>Hobart City Council/Clarence City Council</th>
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<tr>
<td>That the Local Government Association of Tasmania urge the State Government to continue to fund the Cat Management Act 2009.</td>
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<tr>
<td>Carried</td>
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</table>

Background Comment
The Cat Management Act 2009 (the Act) was passed by Parliament on 19 November, 2009.

The legislation aims to promote the welfare and responsible ownership of cats, provide for the effective management of cats and reduce the negative effects of cats on the environment.

The State Government announced on March 18, 2012 that the Cat Management Act 2009 will be enacted to ensure the impact of feral cats is addressed.

LGAT Comment
Further to the State Government feedback, LGAT has been working proactively with DPIWE (Invasive Species Unit) and the RSPCA towards effective implementation of the Cat Management Act and has continued to raise concerns regarding the inadequate funding of implementation and the consequent risks for councils in relation to failure of the Act to meet key objectives.

Tasmanian Government Agency Comment
The State Budget 2012-13 allocated $255,000 to support responsible cat ownership and protect Tasmania’s natural environment through the implementation of the Act.

This funding supports the work of the new Invasive Species Branch within the Department of Primary Industries, Parks, Water and Environment (DPIPWE). The new Branch has responsibility for implementing the Cat Management Act 2009 and the supporting Regulations and administrative procedures, and will be developing programs to help and encourage pet owners to take an active role in cat management. This includes providing assistance to cat centres (including project material), the RSPCA, Local Government and the community.

DPIPWE is working closely with stakeholders to ensure that implementation of the Act does not adversely affect stakeholder operations, as well as working with the University of Tasmania to develop a better understanding of the role and impacts of cats on native wildlife and livestock.

Prioritisation of areas with high conservation values being impacted by cats is occurring and the Invasive Species Branch will identify specific areas where long-term localised eradication or heavy control of feral and stray cats is likely to be effective in protecting environmental assets.

DPIPWE is also available to advise and support Councils and community-based groups willing to undertake cat control in other areas, including those designated as prohibited areas under the Act or declared as cat management areas by Councils under the Act.
33 COMMUNITY & SOCIAL DEVELOPMENT

No Motions Received

34 CLOSE

There being no further business, the President Mayor Barry Easther declared the Meeting closed at 2.46pm.
### Business Arising

**General Meeting - 11 July 2012**

<table>
<thead>
<tr>
<th>Item No</th>
<th>Decision</th>
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<tr>
<td>4</td>
<td>Follow up of Motions</td>
<td>Refer Item 4</td>
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<td>5</td>
<td>Monthly Report to Councils</td>
<td>Refer to item 5</td>
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<td>7</td>
<td>State Government Emergency Management Policy Development and reviews</td>
<td>Refer to Item 13</td>
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<td>8</td>
<td>Inter-Council Emergency Management resource sharing</td>
<td>Refer to Item 13</td>
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<td>9</td>
<td>Constitutional recognition</td>
<td>Refer to Item 23</td>
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<td>10</td>
<td>State and Federal Budget Outcomes</td>
<td>No further action</td>
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<tr>
<td>11</td>
<td>Electricity</td>
<td>Refer to Item 10</td>
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<td>12</td>
<td>Street Lighting</td>
<td>Refer to Item 10</td>
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<td>13</td>
<td>Heritage Legislation</td>
<td>Refer to Item 7</td>
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<tr>
<td>14</td>
<td>Valuation and rating</td>
<td>No further action</td>
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<tr>
<td>15</td>
<td>Local Government Election Report 2011</td>
<td>No further action</td>
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<tr>
<td>16</td>
<td>Climate Change</td>
<td>No further action</td>
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<td>17</td>
<td>Award modernisation</td>
<td>No further action</td>
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<td>18</td>
<td>Roads Update</td>
<td>No further action</td>
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<td>19</td>
<td>Waste levy</td>
<td>No further action</td>
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<tr>
<td>20</td>
<td>Miscellaneous amendments bill</td>
<td>No further action</td>
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<tr>
<td>21</td>
<td>Electronic Development Assessment</td>
<td>No further action</td>
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<tr>
<td>22</td>
<td>Local Government reform fund project</td>
<td>Refer to Item 16</td>
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<td>23</td>
<td>Strategic Plan</td>
<td>No further action</td>
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### Motions for Which Notice was received

24.1 That the Local Government Association of Tasmania request that the Federal Government: Review the current maximum thresholds set for Local Government candidate election expenses which it recognises as a legitimate deduction for income taxation purposes; and further, Consider the introduction of a suitable indexation mechanism to enable currency of the revised threshold to be maintained.

Motion Lost - No Further Action

24.2 That the Local Government Association of Tasmania urge the Australian Local Government Association (ALGA) to lobby the Australian Taxation Office to consider greater taxation relief for candidates who stand at Local Government elections.

Motion Lost - No Further Action

24.3 That the Local Government Association of Tasmania ask the State Government to amend the Local Government Act 1993 to provide councils with the option to request compulsory voting for their communities at future Local Government elections.

24.4 That there be a requirement for all current and future candidates for Local Government to undertake National Police Checks in their current name and any previous names, as well as whether any candidate has been discharged or bankrupt.

Motion Lost - No Further Action

26.1 That Council seek LGAT’s support to investigate opportunities to establish a body or alliance with a counterpart on the mainland to manage the combined insurance and risk management needs of Local Government in Tasmania.

Motion Lost - No Further Action
<table>
<thead>
<tr>
<th>Motion Number</th>
<th>Motion Description</th>
<th>Refer to follow up of motions document</th>
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<tbody>
<tr>
<td>28.1</td>
<td>That the Local Government Association of Tasmania urge the Federal Government to amend the Telecommunications Act 1997 and Telecommunications (Low Impact Facilities) Determination 1997 to allow councils to have a greater say in the location of telecommunications facilities.</td>
<td>Refer to follow up of motions document</td>
</tr>
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<td>28.2</td>
<td>That councils be sanctioned to take immediate action, up to an amount of $5,000-$10,000, on temporary repairs to state roads and/or other infrastructure following a fire/flood.</td>
<td>Refer to follow up of motions document</td>
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<td>29.1</td>
<td>That the Local Government Association of Tasmania, request the State and Federal Governments review the AMCORD and Tascord Guidelines as they have not been revisited for many years, to take into account more effective passive energy design outcomes.</td>
<td>Refer to follow up of motions document</td>
</tr>
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<td>29.2</td>
<td>That the Local Government Association of Tasmania urge the State Government to retain the Office of the State Architect and provide adequate funding for its operation.</td>
<td>Refer to follow up of motions document</td>
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<td>29.3</td>
<td>That the Local Government Association of Tasmania clarify with the Federal Government the role of Regional Development Australia Tasmania and how their activities can be made more relevant to the south of the state, and particularly the urban councils</td>
<td>Refer to follow up of motions document</td>
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<tr>
<td>Motion Number</td>
<td>Motion Description</td>
<td>Action</td>
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</table>
| 29.4          | 1) The LGAT make representation to the State Government seeking the re-introduction of a suitable licensing and inspection regime for accommodation premises (i.e. statutory requirement); and  
2) on the basis that a system regime is introduced, the LGAT work with the State Government to develop an appropriate service delivery mechanism based on achieving full cost recovery. | Motion Lost - No Further Action             |
| 30.1          | That the Local Government Association of Tasmania requests the State Government to develop policy guidelines, educational information and advice to address the issues of:  
Transport and appropriate disposal of declared weeds; and,  
Contamination of green waste with declared weeds; and,  
Treatment of green waste to minimise the presence of weed seeds in composted green waste that is to be sold to the public and/or used in public open space. | Refer to follow up of motions document       |
| 30.2          | That the State Government fund an additional Weed Officer for each of the three regions to facilitate the reduction of listed weed species in order to maximise the long term sustainable agricultural use of Tasmania’s resources, in particular with regard to the new and proposed irrigation infrastructure which in turn will support the furtherance of the State Government’s ‘food bowl’ initiative. | Refer to follow up of motions document       |
| 30.3          | That LGAT affirm the actions of the Circular Head Council condemning the actions, or inactions, of individuals and groups that continue to jeopardise a continuation of lawful forestry related activities in the state of Tasmania. | Refer to follow up of motions document       |
| 32.1          | That the Local Government Association of Tasmania urge the State Government to fund the Cat Management Act 2009.                                                                                                         | Refer to follow up of motions document       |
Follow up of Outstanding General Meeting Motions Report

Motions which had been completed by the last meeting or which have been replicated in later meetings have been deleted in order to more efficiently monitor outstanding activity.

REPORT A:

This report details motions which are still being pursued by LGAT. Where an end point has been reached there will be a final update and indication that this item will be removed from future reports.

<table>
<thead>
<tr>
<th>2006 Motions</th>
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<tr>
<td>June Conference</td>
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</table>
| 4.2 Review of Sewers and Drains and Waterworks Clauses Acts: That the LGAT request the State Government to review both the Sewers and Drains Act 1954 and the Waterworks Clauses Act 1952 to improve resource management and governance of these essential services within the state | DPIPWE is currently preparing drafting instructions for the Office of Parliamentary Counsel for the new Act to replace the Drains Act 195 and expect to consult on the draft legislation in around October 2012. DPIPWE will be writing to all councils to advise:  
- the current legislative roles and responsibilities for the provision of stormwater services; and  
- proposed amendments to the Drains Act in order to clarify these roles and responsibilities |

<table>
<thead>
<tr>
<th>August 2006 General Meeting</th>
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<tbody>
<tr>
<td>13 Constitutional Recognition:</td>
<td>As reported at the July 2012 Meeting.</td>
</tr>
<tr>
<td>1. Continue to lobby for the inclusion of appropriate recognition of Local Government in the Commonwealth Constitution.</td>
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<td>2. Urges the Local Government Association of Tasmania to renew its efforts to gain appropriate recognition of Local Government in the Commonwealth Constitution, including the formal of a special committee to work with other states to finalise the wording of proposals, and undertake appropriate lobbying activities to achieve Constitutional recognition.</td>
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<td>3. Urges the Local Government Association of Tasmania to use all efforts to press the Australian Local Government Association to be more active in pursuing the Australian Parliament to undertake measures to have Local Government recognised in the Commonwealth Constitution.</td>
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<tr>
<th>August 2007</th>
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<tbody>
<tr>
<td>10 Valuation of Land Act: That Local Government establish a high-level working group to investigate all other alternate options in relation to this matter and in the event a change is</td>
<td>See Item 17, August 2009. To be removed next report.</td>
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<td>Supported the LGAT then make representation to the State Government.</td>
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<td><strong>August 2008</strong></td>
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| That the LGAT requests the State Government to review those provisions in the Act relating to public meetings by petition with a view to:
  1. Limiting the compulsion to hold a meeting to matters of relevance only to the municipal area over which the Council has control;
  2. Balancing the rights of ratepayers and residents of the municipal area against those of others attending a public meeting; and
  3. Addressing some of the practical issues that have arisen in recent times. |
| This will not be picked up in the Miscellaneous Amendments Bill 2012 but will remain on the register of issues with the Local Government Division. (correspondence from LGD 4/6/12). |
| **June 2009** |
| 1.1 “That the Local Government Association of Tasmania seek amendment to the Local Government (General) Regulations 2005 section 43, Expenses for councillors, which reads: “A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under Schedule 5 to the Act in relation to - …” Sub-clause (c) to be altered from: “(c) Care of any child of the councillor” to: “(c) Care of any person for whom the councillor is responsible.”” |
| While there is a Miscellaneous Amendments Bill to occur this year, that deals with the Act. The Local Government Division have no estimated time frame at this stage on when the Local Government (General) Regulations will be updated. The Child care expenses issue is on the register to be looked at as part of the regulation review. To be moved to Report B next report. |
| 1.4 That a review of the following sections of the Local Government Act be undertaken:
  28E – Code of Conduct
  28G – Establishment of Code of Conduct Panel |
| Significant difficulties have occurred in relation to the progressing the amendments LGAT would like, having undertaken extensive consultation with members. Consequently, the Association has written to the Minister to seek to form a working group to look at Code of Conduct from a first principles basis. Improvements remain a priority focus for the Association. We are awaiting a reply from the Minister. |
| That a review of Section 199 – Interpretation of Division 6 – Definition of nuisance, of the Local Government Act be undertaken.
  The review is to include strengthening provisions under Section 199 |
| Nuisance provisions are being considered in relation to this year’s Miscellaneous Amendments Bill being progressed by State Government. |
| 6.1 and 6.2 “That the Local Government Association of Tasmania request the State Government to legislate, so that Local Government is empowered to ensure that the planting of trees within town boundaries are species that are appropriate in relation to both fire and general safety
  That LGAT lobby State Government
  i) to reassess the state planning template; and
  ii) to manage road verges, rail corridors and or cycle ways in regard to fire management” |
| LGAT met with Tas Fire service in February 2012 to discuss Bushfire policy including responsibility for managing road verges, rail corridors and or cycle ways in regard to fire management. The Bushfire policy is currently being redrafted and will incorporate a policy statement about TFS working with land managers in identifying priority areas for bushfire mitigation work (including working with DIER to advise...”
<table>
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<tr>
<th>Date</th>
<th>Resolution</th>
<th>Details</th>
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<tbody>
<tr>
<td>August 2009</td>
<td>That LGAT investigate the formulation of a state-wide policy and legislation</td>
<td>The Association has commenced research on this area and obtained reports from South Australia on a study into Developer Responsibilities/Contributions. The SA study concluded that some level of Development contributions could be applied by Councils in SA. The Association is following up with SALGA to determine what progress has been made there. To be moved to Report B next report.</td>
</tr>
</tbody>
</table>
| October 2010| That the LGAT writes and makes representation to the Minister of Infrastructure, Energy and Resources seeking that speed limits around all Tasmanian child care facilities are lowered to mirror the same speed limits around schools (that being 40km). This would apply to child care facilities such as registered child care centres and not family day care placements in private houses. | A working group consisting of representative from DIER and Local Government was convened in 2011 to consider the safety of children on roads outside child care centres. The group looked at crash history data over the last five years, the legislative and regulatory measures already in place in relation to the management and placement of licensed centres, and other relevant considerations. In early 2012 a report was prepared by LGAT and DIER and contains recommendations for the Minister’s Consideration, including the following:  
  - That available road safety funding relating to child pedestrian safety be directed to areas where statistically higher rates of casualty accidents exist;  
  - That State and Local Governments should continue to work together to encourage safer driver and pedestrian behaviour in shared urban spaces through an education and awareness campaign;  
  - That speed zones outside child care centres be considered on a case-by-case basis where appropriate to ensure the ongoing safety of children in what are potentially ‘prone’ areas.  
Subsequent to the development of the report, LGAT
has been informally advised by DIER that in light of the findings in relation to crash history data this specific issue is not currently a high priority area for the Department.

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<th>November 2010</th>
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<th>November 2010</th>
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<tr>
<th>April 2011</th>
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Superceded by motion July 2012. To be removed next report.

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<th>April 2011</th>
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The President of LGAT is participating on the ALGA Board Constitutional Recognition Subcommittee. Reports will be made to the General Meeting as appropriate.
<table>
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<tr>
<th>23</th>
<th>That the LGAT encourage the Department of Infrastructure, Energy and Resources to use the document “Blueprint for an active Australia”, developed by the Heart Foundation, as a guide for future policy.</th>
<th>A letter was sent to the Secretary of the Department of Infrastructure, Energy and Resources in 2011. A follow up enquiry was directed to the Departmental Secretary’s office in May 2012. A reply was received on the 19th of June 2012, indicating that ‘creating healthy, active communities is one of the priorities of the Tasmanian Urban Passenger Transport Framework. DIER has indicated that the Framework and the Blueprint for an Active Australia contain many of the same priorities and themes, and that the Department supports the principles outlined in the Blueprint document.</th>
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<tr>
<td><strong>July 2011</strong></td>
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<tr>
<td>12.3</td>
<td>That the Local Government Association of Tasmania lobby the State Government to ensure that any future possible amendments to the Tasmanian Constitution, in respect to recognition of Local Government, be the subject of a referendum.</td>
<td>Matter under consideration pending further discussions re the priority federal constitutional recognition.</td>
</tr>
<tr>
<td>12.4</td>
<td>That LGAT requests the State Government to review and amend section 87(1)(d) of the Local Government Act 1993 to: - Provide clarity in relation to application of the section of land owned or occupied exclusively for charitable purposes; and - specifically exclude schools from the exemption under that section to bring the payment of general and separate rates for non-Government Schools in line with payment of general and separate rates by State Government Schools.</td>
<td>The Local Government Division has advised they will not be addressing the issue of charitable exemptions in relation to educational facilities until the current court actions are resolved. To be removed to Report B next report.</td>
</tr>
<tr>
<td>15.1</td>
<td>That the Local Government Association of Tasmania lobby the Federal Government for a National rolling emergency fund.</td>
<td>Will be raised at the next ALGA Emergency Management Group meeting. There has been no meeting since last report. The State Government is currently reviewing the Local Government Relief policy under the Tasmanian Relief and Recovery arrangements. One of the objectives of the review is to ensure that there is consistency around the activation of assistance and to provide retrospectively assistance to councils for the compounding of events over the course of the financial year.</td>
</tr>
<tr>
<td>15.3</td>
<td>That the financial reform process adopted between the State Government and councils ten years ago be reviewed.</td>
<td>Letter prepared and forwarded to State Government. State Government has responded indicating that it does not believe such a review is warranted or necessary. To be moved to Report B next report.</td>
</tr>
<tr>
<td>16.2</td>
<td>That the Local Government Association of Tasmania lobby the State Government to continue to fund the roll out of Natural Gas to Tasmanian residents.</td>
<td>Letter prepared and sent to State Government. Issue being progressed through the MCG.</td>
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<td>17.5</td>
<td>That LGAT again strongly request the State Government to pass amending legislation to give Councils clear and appropriate powers to enforce works to remedy the adverse effects of derelict or dilapidated buildings on the streetscape and nearby properties.</td>
<td>Acknowledged by MCG that they should keep a watching brief. A group of Northern Councils are presently progressing a funding application for extended rollout. Review on outcome.</td>
</tr>
<tr>
<td>18.1</td>
<td>That LGAT call upon the State Government to review the Weed Management Act to enable a Weed Officer to take immediate abatement action when a land owner fails to take action to remove weeds which are in seed.</td>
<td>Will be captured in Misc Amendments Bill being prepared by the Local Government Division. To be removed next report.</td>
</tr>
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</table>

**March 2012**

| 24 | That LGAT request the State Government to amend the respective legislation (the Local Government Act 1993 and the Resource Management and Planning Appeal Tribunal Act 1993) to confer jurisdiction for the nuisance provisions (Sections 199 -204 of the LGA 1993) to RMPAT rather than the Magistrates Court. | Have sought clarification from LGD as to whether this has been considered in relation to proposed amendments to nuisance provisions? |

| 25 | That the Association undertakes strong advocacy to the Federal Minister for Broadband Communications and the Digital Economy and Federal Members of Parliament expressing the following concerns of Local Government:

a) The current provisions of the Telecommunications Act 1997 exclude the community from objecting to the proposed development of telecommunications towers.

b) That whilst Local Government is the responsible legislative body to administer planning regulation, the Council has no authority to regulate the siting of telecommunications towers, even when the proposed site may have a detrimental impact on sensitive land uses. | The Association will continue to work with and through ALGA in relation to this motion. |

**June 2012**

| 8 | That councils continue to support in principle a move to a single corporation subject to changes to legislation, regulations and the constitution of the single entity reflecting the governance arrangements proposed by the LGAT Working Group noting that each recommendation numbered 1 to 10, will be addressed as separate items under this motion. | See Agenda Item
Note that as the working group recommendations which were considered as motions are now all being progressed through the Steering Committee, they won’t be detailed in this report. |

**July 2012**

| 8 | That members endorse the development of a protocol for inter-council Emergency Management Resource Sharing. | LGAT has begun to draft the Protocol and is about to begin consultation with:
- Department of Premier and Cabinet- Office of Local Government, Security and Emergency |
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<tr>
<td>17</td>
<td>That the General Meeting agree that LGAT support all councils to move to the Modern National Award (Local Government Industry Award).</td>
<td>A special HR Forum has been arranged for 30th August.</td>
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<td></td>
<td>That the meeting agree that costs related to this activity would be added to next year’s subscriptions as a separate project.</td>
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<td>19</td>
<td>1. That councils endorse the proposal to introduce a statutory waste levy of $10 per tonne to be collected via public and private landfills; 2. That the funding be allocated on the basis of 20% to regional waste bodies; 10% to the Environment Protection Authority (EPA) and 70% to the Waste to Resources Funding Pool; 3. That these arrangements be on the basis that the funding is directly hypothecated to waste activities and is not consumed into the State Government Consolidated Fund; 4. That the Waste Advisory Committee be formally acknowledged within the legislation as having an integral role in the disbursement of funds from the Waste to Resources Funding Pool, providing recommendations to the EPA Board in accordance with relative priorities in the Waste to Resources Strategy.</td>
<td>The CEO has written to the Minister to provide advice on the position of LGAT Members.</td>
</tr>
<tr>
<td>24.1</td>
<td>That the Local Government Association of Tasmania request that the Federal Government: Review the current maximum thresholds set for Local Government candidate election expenses which it recognises as a legitimate deduction for income taxation purposes; and further, Consider the introduction of a suitable indexation mechanism to enable currency of the revised threshold to be maintained.</td>
<td>A letter has been sent to the Australian Taxation Office seeking feedback on the issue.</td>
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<td>24.2</td>
<td>That the Local Government Association of Tasmania urge the Australian Local Government Association (ALGA) to lobby the Australian Taxation Office to consider greater taxation relief for candidates who stand at Local Government elections.</td>
<td>The issue has been raised with ALGA.</td>
</tr>
<tr>
<td>28.1</td>
<td>That the Local Government Association of Tasmania urge the Federal Government to amend the Telecommunications Act 1997 and Telecommunications (Low Impact Facilities) Determination 1997 to allow councils to have a greater say in the location of telecommunications facilities.</td>
<td>The Association will continue to work with and through the ALGA in addressing this issue.</td>
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<tr>
<td>28.2</td>
<td>That LGAT discuss with the State Government that in the event of a fire/flood the proposition of LGAT to meet with DPAC to discuss mechanisms to</td>
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<td><strong>29.1</strong></td>
<td>That the Local Government Association of Tasmania, request the State and Federal Governments review the AMCORD and Tascord Guidelines as they have not been revisited for many years, to take into account more effective passive energy design outcomes.</td>
<td>allow for immediate action on temporary minor repairs to state roads and other infrastructure.</td>
</tr>
<tr>
<td><strong>29.2</strong></td>
<td>That the Local Government Association of Tasmania urge the State Government to retain the Office of the State Architect and provide adequate funding for its operation.</td>
<td>The Association will capture this in the next budget submission to State Government.</td>
</tr>
<tr>
<td><strong>30.1</strong></td>
<td>That the Local Government Association of Tasmania requests the State Government to develop policy guidelines, educational information and advice to address the issues of: Transport and appropriate disposal of declared weeds; and, Contamination of green waste with declared weeds; and, Treatment of green waste to minimise the presence of weed seeds in composted green waste that is to be sold to the public and/or used in public open space.</td>
<td>Will be discussed with Invasive Species Unit initially. See below.</td>
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<tr>
<td><strong>30.2</strong></td>
<td>That the State Government fund an additional Weed Officer for each of the three regions to facilitate the reduction of listed weed species in order to maximise the long term sustainable agricultural use of Tasmania's resources, in particular with regard to the new and proposed irrigation infrastructure which in turn will support the furtherance of the State Government's 'food bowl' initiative.</td>
<td>An initial discussion has been had with Craig Elliot, Manager of the Invasive Species Branch. A further meeting is currently being arranged.</td>
</tr>
<tr>
<td><strong>30.3</strong></td>
<td>That LGAT make representations to the State Government condemning the actions, or inactions, of individuals and groups that continue to jeopardise a continuation of lawful forestry related activities in the state of Tasmania.</td>
<td>This matter was raised with the Premier at PLCG meeting. Acknowledged that Councils and discrete communities were still hurting but IGA remains only plausible way to move this matter forward.</td>
</tr>
<tr>
<td><strong>32.1</strong></td>
<td>That the Local Government Association of Tasmania urge the State Government to continue to fund the Cat Management Act 2009.</td>
<td>A small amount of money will be available for grants in the near future. Councils will be eligible for these grants individually or collectively or in partnership with other organisations (eg RSPCA). It is likely that areas that can be funded will include infrastructure expansion, operational (eg veterinary) support, subsidised microchipping and/or desexing programs, public awareness and education. LGAT continues to work with DPIPWE and the RSPCA on implementation issues and continues to advocate for adequate resourcing.</td>
</tr>
</tbody>
</table>
This report details motions which are unresolved but which are dependent on new State Government Action. LGAT proposes to hold this as a record but not to further report on these items.

<table>
<thead>
<tr>
<th>Motion No.</th>
<th>Decision</th>
<th>Status (at Last Report)</th>
<th>Date of Last Report</th>
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<tbody>
<tr>
<td><strong>2006 Motions</strong></td>
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<td><strong>June</strong></td>
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<td>3.4</td>
<td>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.</td>
<td>The Association included this issue in its 2010-11 Budget Submission but received no traction on the issue with State Government.</td>
<td>March 2010</td>
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<tr>
<td>4.1</td>
<td>Highway Signage: That the Association request the State Government to review its existing policy relating to the Tasmanian Visitor Information System (TVIS) throughout the State and provide an opportunity for specific improvements in signage particularly for businesses that do not have frontage to major Highways</td>
<td>The matter was considered at the May General Managers' Workshop. This forum determined that the most critical issue related to illegal signage on highways and roads. LGAT has written to DIER advising this and suggesting a complementary State and Local Government response to the problem. A departmental response is yet to be received despite follow up.</td>
<td>November 2008</td>
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<td><strong>May 2007</strong></td>
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<td>10.2</td>
<td>Pension Rate Rebate: That LGAT be requested to continue to lobby the State Government for an increase in the Pension Rate Rebate under the Local Government (Rates and Charges Remissions) Act 1991.</td>
<td>LGAT has lobbied the State Government on this matter. It also sought an indication from councils of levels of rebate support, other than through the State Scheme, that they provide to pensioners. 6 councils provide additional rebate support.</td>
<td>November 2008</td>
</tr>
<tr>
<td>10.4</td>
<td>Fire Service Levy: That Local Government advise the State Government that as of 2008/9 that we require them to amend the legislation so that Local Government is not responsible for the collection of the fire service levy. That a strong message be also given to the State government that the 2006/7 increase is unacceptable and that additional funding should be found from the consolidated fund to meet the increasing costs of this service.</td>
<td>LGAT wrote to the new Minister on the issue in August 2010 and had a meeting with staff from the Tasmanian Fire Service and the Minister’s office in October 2010. The Government's position remains unchanged.</td>
<td>November 2010</td>
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<td><strong>August</strong></td>
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<td>7</td>
<td><strong>Road Closure Appeal Process:</strong> That the Local Government Association of Tasmania request the State Government to amend Section 14 of the <em>Local Government (Highways) Act 1982</em> to provide for the Resource Management and Planning Appeal Tribunal to receive and determine appeals against the proposed closure or diversion of local highways in lieu of the Magistrates Court (Administrative Appeals Division).</td>
<td>The Association has written to the Local Government Office on this matter. The LGO responded with advice that the Department of Infrastructure, Energy and Resources (DIER) is undertaking a Road Legislation Review with the aim of consolidating road legislation. The Local Government (Highways) Act 1982 is one of the Acts being reviewed. The review project is in start up mode with amending legislation proposed to be introduced into Parliament by the Spring 2009 session. LGAT's letter has been passed on to the project team so the request for amendment can be considered in the process.</td>
<td>November 2008</td>
</tr>
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</table>

| 12 | **Review of Part 5 of the Local Government Act:** That the Local Government Association of Tasmania request a review of Part 5 (Interest) of the Local Government Act. | The Local Government Division have committed to a Miscellaneous Amendments Bill this year. This issue has been raised again in relation to that however the complexity is such that it is unlikely to feature in this year’s Amendment Bill. To be moved to Report B. | July 2012 |

<p>| June 2008 |
|---|---|---|---|
| 6.1 | That the State Government be called upon to create the necessary legislative mechanisms to enable planning authorities to issue planning infringements for non compliance with planning schemes and planning permit conditions including a scale of penalties which are commensurate with the seriousness of a breach. | Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains. | November 2008 |
| 6.2 | That the Local Government Association of Tasmania investigate and obtain advice in seeking to review and amend the provisions of the <em>Land Use Planning and Approvals Act 1993</em> to prevent multi planning applications being made on the same parcel of land for the same or similar use and development until the first application has been determined by the planning authority. | Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains. | November 2008 |
| 6.3 | That LGAT request the State Government to review the delegation powers in s6 of the <em>Land Use Planning and Approvals Act 1993</em>, with the aim of the powers, provided to the planning authority, to be consistent with the delegation powers in the | Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains. | November 2008 |</p>
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<th>Motion</th>
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<th>Date</th>
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<tr>
<td>6.4</td>
<td>That the Local Government Association of Tasmania request the State Government to amend the <em>Land Use Planning and Approvals Act 1993</em> and the <em>Historic Cultural Heritage Act 1995</em> to prohibit public notification of planning and works applications during the Easter period, between the Thursday prior and the Tuesday after, and over the Christmas/New Year period commencing that last working day prior to Christmas, or a sufficient time to allow for a weekend notification date, until January 15, and that the consideration period for both the planning authorities and the Tasmanian Heritage Council be extended to account for this prohibition, with a commensurate extension of the maximum 42 day period.</td>
<td>Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains.</td>
<td>November 2008</td>
</tr>
<tr>
<td>4.1</td>
<td>That Councils support the motion for the Local Government Association to lobby the State Government to review the application of taxes and stamp duty associated with business transactions, e.g. payroll tax, insurance premium renewals and mortgage dealings</td>
<td>Initial communication with the Department of Treasury and Finance undertaken. Treasurer has advised that he doesn't support a review of taxation outside the normal review process.</td>
<td>March 2009</td>
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<tr>
<td>5.1</td>
<td>That LGAT lobby the State Government through the DPIW Water Division to make uniform water licenses for both summer and winter conditions</td>
<td>Letter sent to Minister. No response was received. A follow up letter was been sent May 2009.</td>
<td>July 2009</td>
</tr>
<tr>
<td>8.1</td>
<td>That LGAT request the State Government, as a matter of urgency, to amend legislation to allow controlled use of grey water especially in regard to the domestic situation and to consider the latest research in the reuse of grey water and provide proposals and discussion papers in relation to the establishment of uniform state wide controls for grey water reuse in Tasmania for the consideration of Local Government</td>
<td>Matter raised with the Department of Primary Industries and Water.</td>
<td>July 2009</td>
</tr>
<tr>
<td>10.2</td>
<td>That LGAT lobbies the State Government to make changes to the eligibility criteria for pensioners under the <em>Local Government (Rates &amp; Charges Remissions) Act 1991</em> so that pensioner residents of retirement villages can still receive a State Government remission from their rates.</td>
<td>Preliminary discussions with Local Government Division undertaken. May be picked up in rating and valuation review.</td>
<td>August 2008</td>
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<td></td>
<td>That LGAT initiate discussion with the State government as to the effect Land Tax is having on Councils and communities.</td>
<td>Letter sent to Treasurer Oct 08 with reference to ALGA submission to Taxation Review. Treasurer has advised that he doesn't support a review of Land Tax outside the normal review process and has written to LCC. LGAT has been advised of same and has subsequently informed LCC as initiator of motion.</td>
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<tr>
<td>Date</td>
<td>Action</td>
<td>Response</td>
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<td>August 2009</td>
<td>That Members agree that LGAT should continue to explore opportunities that might arise through joint State/Local Government approaches to roads maintenance or pooling of funds and other objectives and priorities that were identified at the roads forum.</td>
<td>The Association is continuing to discuss this issue with the Department of Infrastructure, Energy and Resources (DIER).</td>
<td>March 2012</td>
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<tr>
<td>October 2010</td>
<td>That the LGAT seek, from the State Government, a review of the Local Government (Rates and Charges) Act 1991 with a view to amending the legislation to enable persons eligible for remission after July 1, in a year of the municipal rating period, to qualify for a pro rata portion of rates remission.</td>
<td>The Association has not been able to garner State Government Support for this now or in the past.</td>
<td>March 2012</td>
</tr>
<tr>
<td>July 2011</td>
<td>That the LGAT work with the State Government to amend Principle nine of the State Policy for the Protection of Agricultural Land 2009 to enable Council planning schemes to prohibit or require discretionary permit for an agricultural use on land zoned for agricultural purposes where such land is also determined to be within a special area or overlay to address issues including, but not limited to, scenic protection, landslip, water catchment, heritage protection and flood or bushfire hazard.</td>
<td>Report made last meeting. This is not supported by the Tasmanian Planning Commission.</td>
<td>March 2012</td>
</tr>
<tr>
<td>17.3</td>
<td>That LGAT requests the State Government to change laws to specifically prosecute those persons who commit crimes against our senior citizens so as to reduce the incidents of elder abuse in our community</td>
<td>A letter has been sent to the Attorney General. Has been referred to Minister for Police in relation to review of the Police Offences Act. Understands concerns but notes Courts do take into account vulnerability, age etc of victim when sentencing. Also notes the launch of the Protecting Older Tasmanians from Abuse Project in 2010 which includes education, prevention and support initiatives.</td>
<td>March 2012</td>
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Key LGAT Activity – May 2012

Policy/Project Activity

- Advice to ALGA re AEMI training and plan to reduce funding for Local Government officer attendance.
- Completion of draft Strategic Plan for consideration by the General Management Committee before going to the LGAT General Meeting in July.
- Consultation with councils and feedback to the Tasmanian Planning Commission regarding proposed changes to the Land Use Planning and Approvals Act. Follow up letter to the Minister re short timeframes.
- Continued input into Award Modernisation issues.
- Contribution to Infrastructure Australia, Australian Cities Report on bushfire and planning in Tasmania
- National Disaster Resilience Program Grants Assessment (Panel Member).
- Released highlights for Local Government from Federal and State Budgets.
- Significant level of Standards Panel activity.
- Submission on Division 81 regulations.
- Submission on Police Offences Act- Motor Races on Private Land Discussion Paper
- Training and workshops as part of the Local Government Financial and Asset Reform Project (see outputs).

Training and Workforce Development

- Think Big Work Local advertisement continues to screen until June 2012.
- Continue to monitor council job advertisements, noting a seasonal decline in vacancies as we approach end of financial year.
- Commenced analysis of workforce data collected from 23 councils.

Meetings and Communication

- Alcohol Tobacco and other Drugs Council Conference Panel presentation
- ALGA Constitutional Recognition CEO Teleconference
- Associations Planning Policy Officers – teleconference
- Australian National University: Leading Adaptation Practice and Web-based Tools Project - teleconference with ALGA and other state Associations
- Caravan Industry Association Tasmania - re Statewide Directions Paper on Overnight RV Camping
- CEO RSPCA Tasmania
- Department of Economic Development Forum on Retirement Living
- Department of Premier and Cabinet workshop on the draft overarching principles and the draft guide for the consideration of natural hazards in the planning system.
- Director of Local Government re national minimum datasets.
- DPIWE re implementation of the Cat Management Act
- Economic Development Australia
- Food Security inaugural networking meeting.
- Fortnightly electronic newsletters
• Health and Wellbeing Planning – meeting with project consultants
• Heritage Tasmania re Heritage Bill
• Integrity Commission CEO Interview Panel
• Invasive Species Unit Community Engagement Meeting
• Liaison Consumer Affairs re draft Vendor Disclosure Bill
• Liaison with DIER regarding road asset ownership policy
• Liaison with Director Liquor and Gaming regarding liquor licence process
• Local Government Divisions State of the Sector Forum
• Local Government HR Forum
• Local Government Workforce Development Group Meeting
• Medial Liaison officer training- national counter training
• Meeting with Aurora Energy re Street Lighting and Energy Reform
• Meeting with Derwent Estuary Program re Soil and Water Management Plans
• Planning Schemes Online Steering Committee
• Premier’s Physical Activity Committee Local Government Forum
• Productivity Commission – Barriers to Climate Change Adaptation
• Public Health Emergency Exercise
• Regional Councils Climate Change Adaptation Project Workshops (West Tamar Council, Dorset Council).
• Road Safety Advisory Council
• Service Tasmania re new services.
• Southern Asset Management Group meeting
• State Government Budget Lock Up
• Tasmanian Coastal Adaptation Decision Project - Steering Committee
• Tasmanian Planning Commission re amendments to the Land Use Planning and Approvals Act
• Tasmanian Regional Arts Council
• The ‘Australian Climate Change Adaptation Research Network for Settlements and Infrastructure’ (ACCARNSI) Roadshow
• Tim Morris re unsightly vehicles.
• Unity Training (Website Management)

Media
• State and Federal Government Budgets.
• Amalgamations
• Water and Sewerage
Outputs

- LG Financial and Asset Reform Project’s schedule of training conducted by the Institute of Public Works Engineering Australia (IPWEA) have included:
  - Regional Elected Member workshops “Towards Sustainable Services” in Brighton, Launceston and Burnie;
  - Senior staff workshops “Talking Each Other’s Language” in the above regional centres;
  - NAMS.PLUS asset management training Session 1 in Brighton and Launceston (planned session for Burnie was amalgamated with Launceston);
  - NAMS refresher training, including introduction to new software version in Launceston; and
  - A customised Level of Service/ Risk Management workshop conducted in both Westbury and Brighton.
- Commonwealth Clean Energy Regulator - Carbon Pricing Mechanism Workshops for Local Government
- National Heavy Vehicle Regulator Access Issues Meetings (North and South)

The Association is moving premises. Our postal address, emails and telephone numbers will remain the same but from 25 June we will be located at 326 Macquarie St, Hobart.

Please bear with us during the moving period. We will be without telephones and emails from the afternoon of Thursday 21st June to Monday 25th June.
Apart from being busy preparing for our 100th conference and moving buildings, we undertook the following:

Policy/Project Activity

- Water and sewerage - Implementation Steering Committee and Working Group appointed, project plan circulated, role statement for owners' representatives forwarded to councils.
- Consultants appointed to coordinate campaign against Tasmanians for reform and promotion of Local Government.
- Standards Panels.
- Continue to progress Award Modernisation issues.
- Training and workshops as part of the Local Government Financial and Asset Reform Project (see outputs).
- Cat Management Act implementation - initial communications activities.
- Initial feedback to the Local Government Division in relation to proposed amendments to the nuisance provisions under the Local Government Act.
- Updated the Mayors’ Handbook in preparation for the Mayor’s workshop on 27 July.
- Consultation and feedback on proposed changes to legislation in relation to dangerous dogs and animal welfare guidelines for breeding dogs.
- Commenced consultation on draft Aboriginal and Dual Naming Policy.
- Sought feedback in relation to priority premises for NBN satellite connection.
- Feedback to the Housing Industry Association on release of documents.
- Consultation on the impact of PD4 on height limits.
- Consultation and submission on the Draft Draft State Special Emergency Management Plan- Recovery
- Consultation on proposed changes to vendor disclosure requirements (Residential Property Transactions Bill)
- Consultation on Derwent Estuary Programs Discussion Paper on Storm Water Management Plans
- Continued liaison with DPPIPWE on development of revised draft Drains Act in lead up to formal consultation
- Continued to progress sustainable street lighting discussion with Aurora Energy
- Advice to EPA for Ivan Dean MLC constituent enquiry regarding noise pollution.
- Continued liaison with DIER and Tasmanian Crane Industry in relation to establishing a Local Road Crane Access Network
- Submission to the Productivity Commission's Draft Report on Barriers to Effective Climate Change Adaptation
- Consultation with ALGA and selected councils re participation in State of the Local Roads Asset Report to be conducted by Jeff Roorda and Associates in second half of 2012
Training and Workforce Development

- Think Big Work Local advertisement continues to screen until June 2012.
- Continue to monitor council job advertisements, noting a seasonal decline in vacancies as we approach end of financial year.
- Partnership with the Local Government Association of NSW to allow access to Local Government Webinars.
- Data cleansing and initial modelling in relation to the council workforce database.
- Feedback on the ACELG minimum dataset project.

Meetings and Communication

- Alcohol Advisory Group Meetings on legislative scoping study
- ALGA Board Meeting
- ALGA National General Assembly
- Aurora Energy meeting regarding Customer Capital Contributions
- Awards for Excellence Judging Panels.
- Master Painters Australia - tender and specification guidelines.
- Business Tasmania Online Working Group
- Climate Futures Sea Level Rise workshops
- Crane Industry Reference Group Meeting.
- Digital Switchover Community Engagement Meeting
- Digital Switchover Taskforce Meeting
- DPIWE, RSPCA and Hobart Cat Centre re Cat Management Bill implementation
- Emergency Management Education and Training advisory group meeting
- EPA Meeting on Environmental Dispute Mediation Trial progress
- Forest Practices Advisory Committee
- Household Hazardous Waste Steering Committee
- Interagency Working Group on Mental Health
- Local Government Associations Climate Change Officers Teleconference
- Local Government Rating and Valuation Steering Committee
- MAV Insurance
- Meeting of the President, CEO and Premier
- Meeting with Building Selection Centre and BDG Solutions re online permit product.
- Municipal Emergency Management Coordinators Forums
- National Climate Change Adaptation Research Flagship (NCCARF) Conference (Melbourne)
- Nomenclature Board
- Office of the Economic Regulator Consultative Committee Meeting
- Planet Footprint re emissions reporting for Tasmanian councils
Special General Meeting on Water and Sewerage Governance.

Tasmanian Regional Arts Council

Media

- Amalgamations
- Water and Sewerage
- Council rates

Key Outputs and Outcomes

- Successful resolution of Division 81 issues related to waste charges. Continued lobbying in this regard and a submission to the Australian Government has helped to ensure that kerbside waste collection will not attract GST from 2013.
- A marketing survey used to gather information from students and other jobs seekers at careers expos since 2008 will now operate electronically via the www.thinkbigworklocal.com.au website. This survey gathers information on attitudes to council employment, knowledge of council’s role, and the effectiveness of our advertising – with a report generating function. Participation in the survey should be boosted by the inclusion of electronic prizes to be drawn in 2013, an offer which will be advertised by the addition of a ‘pull through’ banner in our Thing Big Work Local TV advertisement.
- Four careers videos have been completed for the www.thinkbigworklocal.com.au website, describing the roles of Human Resources Officer, Outdoor Works Crew, Gym Manager and Museum Curator. These videos will join others on our website describing the roles of Engineering, Town Planning, Environmental Health, Building Surveying, Horticulture and Administration. These videos describe to job seekers the good things a council career brings.
- The Financial and Asset Reform Project continued to provide assistance to councils to produce asset management plans with the second session of NAMS.PLUS training conducted by IPWEA in the north and south.
- Presentations from the project’s previous workshops "Towards Sustainable Services” and Talking Each Other’s Language” conducted by John Comrie and Jeff Roorda from IPWEA have been distributed to Mayors and GMs.

Outputs

- LG Financial and Asset Reform Project’s schedule of training conducted by the Institute of Public Works Engineering Australia (IPWEA) have included:
  - Regional Elected Member workshops “Towards Sustainable Services” in Brighton, Launceston and Burnie;
  - Senior staff workshops “Talking Each Other’s Language” in the above regional centres;
  - NAMS.PLUS asset management training Session 1 in Brighton and Launceston (planned session for Burnie was amalgamated with Launceston);
  - NAMS refresher training, including introduction to new software version in Launceston; and
  - A customised Level of Service/ Risk Management workshop conducted in both Westbury and Brighton.
- Commonwealth Clean Energy Regulator - Carbon Pricing Mechanism Workshops for Local Government
- National Heavy Vehicle Regulator Access Issues Meetings (North and South)
Key LGAT Activity—July 2012

Apart from being busy hosting our 100th conference and moving buildings, we undertook the following:

Policy/Project Activity

- A Steering Committee has been established comprising the President of the Association, Mayor Barry Easther, Mayor Jan Bonde, Mayor Barry Jarvis, Mayor Graham Bury, Mayor Tony Foster in his current role as Chair of the Present Owners’ representatives and the Chair of the Water and Sewerage Corporations, Miles Hampton. It is the role of the Steering Committee to oversight the implementation of the various processes in consultation with owner councils with the working group supporting that effort.

- Advice to affected General Managers in relation to analog self help transmission towers and the switchover to digital TV

- Continued liaison with DPAC regarding the State Recovery Plan

- Standards Panel hearings and related activity.

- Consultation on draft Aboriginal and Dual Naming Policy.

- Roadside Signage/Route Code Workshop with NW Councils, DIER and Lands Department (Waratah-Wynyard)

- Consultation and preparation of submission on Draft Standards for Single and Multiple Dwelling Units.

- Presented on the Financial and Asset Reform Project at the July General Meeting on progress to date as well as requirements for finalising the project by the end of September.

- The final NAMS training sessions for asset management were conducted in the north and south in late July, representing the final training to be provided by the Institute of Public Works and Engineering Australia (IPWEA) as part of the Financial and Asset Management Reform Project.

- Convened an workshop on the Environmental Disputes Mediation project with EHOs to look at barriers to uptake.

- Feedback through ALGA on Food Safety Management Tools.

- Feedback on the draft Sustainability Indicators and Objectives Report.

- Submission to Department of Justice, Consumer Affairs on the draft Residential Property Transaction Bill 2012 and likely impacts for Local Government.

Training and Workforce Development

- Entered partnership with NSW Local Government Association and NSW Shires Association to provide access to Local Government webinars. First Webinar free.

- NAMS.Plus asset management training Northern Region.

- Mayor’s workshop - meeting procedures and role and responsibilities.

- Displayed promotional booth with touch screen PC and internet connection at the LGAT conference. The booth is used to promote jobs in council are careers expos and the kit is also available for councils to use.

- Met with State and Territory Local Government Associations over concerns with the Australian Centre for Excellence’s Minimum Dataset.
• Met with a range of independent high school, college and VET providers to discuss use of training content the LGAT has developed in schools, and new promotional experiences for students that may be less resource intensive for councils.
• Printed CDs containing copies of LGAT’s council careers promotional videos ready to distribute to councils for use. The videos feature staff from Break O’ Day, Dorset, and Devonport City councils working in the areas of gym instructor, maintenance crew, human resources and museum curator. The videos are displayed on www.thinkbigworklocal.com.au along with a range of other careers like engineer, town planner, building officer and environmental health.

Meetings and Communication
• 100th LGAT Conference.
• Annual General Meeting.
• Asbestos Steering Committee
• Aurora Energy re repricing and reform.
• Australian Local Government Association Meeting post General Assembly.
• Business Tasmanian Online Working Group
• Caring for our Country Consultation meeting.
• CEO met with Mayor Tony Foster and David Lovell (STCA) to discuss role of owner’s representatives and timetabling of water and sewerage reform.
• Commonwealth re finalisation of electronic development assessment project.
• Corporate Communications re media strategy for Local Government.
• Cultural Development Network (CDN) re National Local Government Arts & Cultural Policy Network
• Emergency Management Act Review Steering Committee
• Forest Practices Advisory Committee Meeting
• General Meeting
• Household Hazardous Waste Steering Committee
• Launch of YouthArc Youth Space
• Local Government Division and Tasmanian Planning Commission re planning data.
• Local Government Workforce Development Group teleconference
• Municipal Emergency Management Forum- North
• Planning Schemes Online Steering Committee
• Premier’s Local Government Council Officials Meeting
• Presented to DPAC Staff on Demographic Change and Service Provision
• RSPCA re implementation of Cat Management Act.
• Southern Asset Management Group
• Tasmanian Coastal Adaption Decisions Pathways Project Steering Committee
• Tasmanian Climate Change Office re Climate Change Partnership Committee work plan
• LGAT Newsletter
Media and Marketing

- Consultants have been engaged to assist the Association market the sector and respond to broad criticisms regarding reform.
- 100th Local Government Conference *Treasuring the Past, Transforming the Future* (9 July)
- Three Tasmanian Councils Recognised in 2012 Local Government Awards for Excellence (13 July)
- Structural Reform of Local Government a Costly Exercise for State (12 July)
- Staying Relevant Important for Local Government (12 July)
- Mayor Recognised for Work in Brighton (12 July)
- Back Yard Fires (ABC)
- Amalgamations (ABC)

Key Outputs and Outcomes

- The 100th Annual Local Government Conference was held at Wrest Point opened by his Excellency the Governor with keynote speakers including Professor Brian Dollery and Professor George Williams, Michael McQueen and Rob Redenbach. A range of workshops were provided and a suburb dinner was hosted. At the conference we:
  - Announced the winners of the Local Government Awards for Excellence
  - Announced the winner of the Life Members Award for Meritorious Service
  - Announced the Local Government Service Award recipients
- Submission on the State Special Plan- State Fire Protection Plan
- Launched updated Mayors’ Handbook at the Mayors Workshop. It is now available on the LGAT website.
- Further Webinars have been made available through the partnership with the NSW Local Government Association and Shires Association. All the details are on the LGAT Website.
HISTORIC CULTURAL HERITAGE AMENDMENT BILL 2012
FACT SHEET: JULY 2012

In February 2012, the State Government released the Historic Cultural Heritage Amendment Bill 2012 for public comment. From the 33 submissions received, a number of changes to the Bill are being progressed to address key areas of concern.

It is expected that the Bill will be tabled in the Tasmanian Parliament in August 2012.

The Bill – why it is needed
This Bill seeks to amend the Historic Cultural Heritage Act 1995 to cut red tape, introduce a number of efficiencies and create a more streamlined and integrated approach to the statutory management of historic heritage.

Notification of Heritage Council decisions
The Heritage Council will continue to be required to advertise in a local paper any of its decisions relating to the entry of a place to the Tasmanian Heritage Register. The importance of using the most open means of engaging the community in discussions over what places should be entered in the Heritage Register will not change. The Heritage Council may also choose to advertise through additional mediums, such as online.

Delegations
The proposed amendment addresses a flaw in the current legislation with respect to delegations. The Acts Interpretation Act 1931 stipulates the process and the various requirements for a valid delegation, including that a delegation must be in writing. For the Heritage Act to list only one of those requirements (ie to be in writing) and not the remainder could render the delegations provision in the Acts Interpretation Act 1931 null and void. The amendment is important to ensure that the Heritage Council does not unwittingly enter into invalid delegations.

Statements of Ministerial Expectation and Statements of Intent
The introduction of these provisions will ensure greater clarity and transparency in the expectations placed on the Heritage Council by the Minister and State Government. Notwithstanding the importance of maintaining the Heritage Council's ability to make independent statutory decisions, it is important that the Minister identifies objectives for historic heritage and the role of the Heritage Council in supporting
those objectives as the statutory body responsible for implementing the Heritage Act. The development of a Ministerial Statement of Expectation in consultation with the Heritage Council will help to clarify the State Government’s expectations with respect to s7(1)(i) of the Heritage Act which requires the Heritage Council “to perform any other function the Minister determines”. The Heritage Council will be required to issue a corresponding Statement of Intent. The Statements will be readily available on-line and free of charge.

**Historic cultural heritage registration criteria**
A place can only be entered in the Tasmanian Heritage Register if it meets one or more of the prescribed historic cultural heritage significance criteria identified in the Heritage Act. The Bill proposes that these criteria should be amended in line with the national best practice standard agreed to by the Council of Australian Governments. The most important change to the existing criteria is the introduction of an aesthetics criterion. Not only does this bring the Heritage Act in line with national standards, but also with the Part 2 Objectives of the Land Use Planning and Approvals Act 1993 and the Mining (Strategic Prospectivity Zones) Act 1993 both of which note the need to consider the aesthetic values of places. The Assessing Historic Heritage Significance Guidelines endorsed by the Heritage Council in 2011 will be updated to provide examples of those few places that could be entered to the Heritage Register on the basis of aesthetics alone.

**Identifying boundaries for places on the Heritage Register**
Defining the physical location and boundary of a registered place is critical to the listing process and ensuring the proper management of heritage values. The proposed amendments will more clearly outline what is required. In urban areas this may be the property title and in rural areas or large industrial sites the boundary may be limited to only one part of a title. Where a boundary of a proposed listed place is larger or smaller than a single title, or for places such as bridges where no title exists, the development of a Central Plan Register (CPR) will be mandatory.

**Amending and removing Heritage Register entries**
Historic heritage significance is not static. Changes may be planned, others may occur through the unfortunate or unpredicted loss of heritage values. The proposed amendments clarify under what circumstances the Heritage Council may remove a place from the Heritage Register. This includes where a place has been totally destroyed and no values remain, where the removal is required by law, where a clerical error has resulted in a duplicated entry, or if for some other reason the Heritage Council determines that the place no longer meets one or more criteria for entry to the Heritage Register. Owners and local government will be notified of any removal. The amendments also more clearly define under what circumstances an entry may be amended or removed. This will help to give certainty, while also streamlining administrative processes and reducing red tape for owners and developers.
Validating entries in the Heritage Register
This amendment ensures that on the date of proclamation of the Bill, those provisional and permanent entries that are already on the Heritage Register that do not fully comply with new provisions are still considered as being a valid entry in the Tasmanian Heritage Register.

Guidelines
The Heritage Act does not currently provide the Heritage Council with an opportunity to create guidelines against which decisions can be lawfully based. The inclusion of this provision addresses this matter and is in line with the Mackay report recommendation that the Heritage Council be encouraged to create guidelines which more clearly define the works approval processes.

Works to listed places
The process of assessing works for places on the Heritage Register currently requires two separate applications, two advertisements and the issuing of two separate permits, which may conflict. This situation creates an unnecessary impost on applicants, duplicates effort and wastes scarce resources.

The Bill will introduce changes to better integrate the works approval process with the Land Use Planning and Approvals Act 1993 and most importantly will introduce a single application, advertisement and permit process. The new Part 6 process proposed in the Bill is summarised in Figure 1 (over the page).

At present, approximately 40 per cent of all works matters considered by the Heritage Council are deemed to have no impact on the historic heritage significance of a place. Formalising the ability to exempt an applicant from seeking Heritage Council’s involvement in the determination of a permit will greatly reduce the impost on applicants and planning authorities.
Providing the ability for the Heritage Council to seek additional information and, in the most complex of cases, seek an additional ten working days to assess applications brings the processes more in line with those of a planning authority.

Applicants will still be able to appeal any decisions of the Heritage Council. The Bill clearly defines the Heritage Council as a joint respondent for appeals against decisions to which it was a party.

Further Information
Further information on the legislative reform process is available at www.heritage.tas.gov.au, by emailing enquiries@heritage.tas.gov.au, or by phoning 6233 2037.
FIGURE 1: PROCESS FOR APPLICANT WANTING TO DO WORKS TO A PLACE ON THE TASMANIAN HERITAGE REGISTER

Applicant wishes to do works to a place entered in the Tasmanian Heritage Register

**'EXEMPT' Works**
- Forestry, mining, industrial and any other minor works in accordance with Heritage Council guidelines

**'CERTIFICATE OF EXEMPTION'**
- from the Heritage Council granted (copy to applicant and planning authority)

**Planning permit may still be required from the planning authority**

**HERITAGE Works**
- Works that may either be approved, approved with conditions, or refused.
- The applicant must lodge a development application with the planning authority.
- The development application will be for a discretionary permit under s87 of LUPAA.

- When the planning authority is satisfied the application is valid, it must forward it to the Heritage Council without delay.

By Day 7

Within 7 days of receipt of the valid application, the Heritage Council must:
- advise the planning authority whether or not it is interested in being involved in determining the application and notify what, if any, additional information it requires from the applicant.

By Day 14

**Heritage Council not interested**
- The planning authority can proceed without any further discussion with the Heritage Council.
- The Heritage Council cannot subsequently make any representation or affect orders.

**Heritage Council Interested**

Heritage Council requires additional information
- The planning authority must ask the applicant for that information under s54 of LUPAA
- Once the planning authority receives the information it must provide it to the Heritage Council without delay.

Heritage Council receives additional information
- Without delay the Heritage Council must advise the planning authority whether or not it is satisfied with the information received.

By Day 21

Heritage Council does not require additional information

The Heritage Council must advise the planning authority if it is satisfied with the information & whether or not it requires an additional 14 days to complete its assessment. If yes, the planning authority must notify the applicant.

By Day 35

NO

Heritage Council sends its decision to the planning authority.
- If the Heritage Council's decision is to approve with conditions, the planning authority is also approving the application, any conditions the planning authority wishes to impose must not be inconsistent with those of the Heritage Council (but the planning authority may refuse to grant the permit on other grounds).
- If the Heritage Council's decision is to refuse the works, the planning authority must refuse to grant the permit.

By Day 42

Planning authority notifies applicant of the decision and forwards a copy to the Heritage Council.

Applicant may appeal to RIMPAT. Heritage Council joint respondent.

YES

Heritage Council sends its decision to the planning authority.

By Day 35