General Meeting

Minutes

16 November 2011

Country Club Tasmania

Country Club Avenue
Prospect Vale

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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:

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<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>
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<td>Red</td>
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<td>10,000 – 19,999</td>
<td>2</td>
<td>White</td>
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<td>20,000 – 39,999</td>
<td>3</td>
<td>Blue</td>
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<tr>
<td>40,000 and above</td>
<td>4</td>
<td>Green</td>
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(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 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.
10.00 am  Coffee on arrival
10.30 am  Meeting commences

12.00  Adam Wilson
       General Manager
       Northern Midlands Council
       VOIP (Voice Over Internet Protocol) Policy Presentation

12.30 pm  Approximately, lunch will be provided

1.30pm  Mat Healey
        Director, Local Government Division
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22 Motion: Consultation prior to School and Police Station Closures ........ 27

23 Item: Closure .................................................................................................................. 28
The President, Mayor Barry Easther, welcomed Members and declared the meeting open at 10.35am.

Apologies were received from –

Mr Robert Higgins Tasman Council
Mayor Roger Broomhall George Town Council
Deputy Mayor Bridget Archer George Town Council
Mr Stephen Brown George Town Council
Mayor Tony Foster Brighton Council
Robert Dobryzynski Launceston City Council
Mr Paul West Kingborough Council
Mr Glenn Doyle Huon Valley Council
Mr David Metcalf Glamorgan Spring Bay Council
Mr Paul Lockwood West Coast Council

1 ITEM: MINUTES OF GENERAL MEETING HELD ON 21 SEPTEMBER 2011*

West Coast Council/Central Coast Council

That the Minutes of the meeting held on 21 September 2011, as circulated, be confirmed.

Carried

Background:
To confirm the Minutes of the General Meeting held on 21 September 2011, a copy of the minutes is at Attachment to Item 1.
2 ITEM: BUSINESS ARISING *

That Members note the information.

Noted

Background:
At Attachment to Item 2 is a schedule of business considered at the previous meeting and its status.

3 ITEM: CONFIRMATION OF AGENDA

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

Noted

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

4 ITEM: FOLLOW UP OF MOTIONS *
Contact Officer – Katrena Stephenson

That Members note the following report.

Noted

Background:
A table detailing action taken to date in relation to motions passed at previous meetings is at Attachment to Item 4.

5 ITEM: MONTHLY REPORT TO COUNCILS*

That Members note the report for August 2011

Noted

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

6 ITEM: COUNCIL ROUND-UPS
That Meander Valley and Waratah Wynyard Councils will provide briefings at the next meeting.

Noted

Background comment:
Devonport Council has offered to conduct a brief presentation on a matter that is of interest in their municipality. Northern Midlands Council is providing the VOIP Policy presentation later in the meeting. The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.

7 ITEM: PLANNING
Contact Officer – Katrena Stephenson

That Members note the report.

Noted

Background comment:
At the July General Meeting a number of motions relating to planning were received. LGAT has raised these with State Government and the feedback is provided below.

MOTION:
That in order to address the loophole in LUPA relating to the lack of termination power, LGAT lobby the Department of Justice to progress a legislative amendment to provide the power to void an application after a finite period of time.

RESPONSE
From the background comment provided with the Motion, the Agency (Tasmanian Planning Commission) cannot see how having ‘open files’ for an extended period, by itself, would cause an inconvenience to the Council. The Agency does however, acknowledge that in the case where an application has been advertised it could disenfranchise a person that would have ordinarily made a representation if they were residing in the area when the application was made to the council.

The Tasmanian Planning Commission is undertaking a review of the planning legislation and it would be appropriate for this issue to be considered as part of this review. The Commission has been provided a copy of this motion and asked to consider it as part of its review.

MOTION:
That the LGAT work with the State Government to amend Principle 9 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.

TPC RESPONSE
The Tasmanian Planning Commission does not support the need to amend Principle 9 of the State Policy for the Protection of Agricultural Land 2009 (PAL Policy).
The PAL Policy provides a framework for planning decisions involving agricultural land and its purpose is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture.

The new Policy is based on the recommendations of the former Resource Planning and Development Commission’s (RPDC) report on the Draft State Policy and its finalisation follows an extensive review and thorough consultation process, carried out firstly by the Government and then by the RPDC, as part of its statutory duties.

The issue raised by the Northern Midlands Council was not specifically addressed by the review but it does go to the principles that underpin the Policy which were considered at length. It was no accident that Principle 9 was included in the Policy. Its purpose was to ensure that the productive capacity of agricultural land is available for crops that utilise the soil and generally not to dictate what is produced from that soil or how it is farmed. Enabling Planning Authorities to make certain agricultural uses or development discretionary or even prohibited is fundamentally opposed to this purpose particularly when the land on which the use or development is to take place is primarily zoned for that purpose.

The Agency acknowledges that the issue raised is essentially about development and not about the use of the land but even if the definition of Agricultural use did not specify the inclusion of ‘handling, packing or storing of produce for dispatch to processors’ those activities would arguably be ancillary and therefore classified as an ‘agricultural use’ as a matter of interpretation.

In terms of Principle 9 being ‘incompatible’ to the RMPS Objective 1(c), it is the agency’s view that planning schemes regularly determine certain use and development as exempt or permitted which effectively excludes ‘public involvement’. Objective 1(c) cannot be interpreted as requiring every use or development to be discretionary. The public is involved in setting the planning scheme exemptions and use/development status when the scheme is developed.

The specific issues referred to by the Council (flooding, landslip, attenuation areas or heritage protection) that Principle 9 prevents them from considering would be addressed by a Forest Practices Plan were the agricultural use be plantation forestry.

Budget Impact
Does not apply.

Current Policy
Relates to supported motions.

8 ITEM: CODE OF CONDUCT
Contact Officer – Katrena Stephenson
That Members note the report.

Noted

Background comment:
There have been unanticipated delays in the development of Amendments to Part 2A of the Local Government (General) Regulations 2005. Legal issues have been raised by the Office of the Parliamentary Council which suggest that some of the changes the Association has sought may not be possible without amendment to the Local Government Act. Indeed issues have been raised in relation to the current Regulations which cast into doubt current processes and which may require the Association to reconsider the fee structure for Panel Members.

The Association is continuing to work with the Local Government Division on this project and they have expressed their continued commitment.

The Policy Director has resumed the role of Registrar of the Standards Panel.

Work on the Model Code and Guidelines for Making a Complaint are on hold pending the outcomes of the legislative work. The Integrity Commission have in the meantime released a guide to developing a Code of Conduct for public authorities.

Budget Impact
Does not apply.

Current Policy
Amendment of the Regulations is a priority project for the Association.

9 ITEM: CONSTITUTIONAL RECOGNITION

Contact Officer – Katrena Stephenson

That Members note the report.

Noted

Background comment:
The ALGA Board Subcommittee on Constitutional Recognition continue to meet via teleconference monthly with LGAT represented by President Barry Easther.

The campaign remains in a fairly vulnerable position dependant on the outcomes of the Expert Panel. Genia McCaffery (ALGA President) and past President, Paul Bell are on the panel. The Panel will not report back to the Government until the end of 2011.

The Panel is quite large and 4-5 sub-groups dealing with specific issues have been established. The Panel will be meeting in capital cities to consult with State Government and State Associations but it is not clear whether the timeframe will allow many regional visits.

An issues paper will be sent to every council in Australia under a cover letter from the Chair and all councils should be encouraged to make a submission. Noting that the Government will announce its preferred approach to constitutional recognition following the Expert Panel’s report, the nature and form of the referendum of Local Government will not be settled by the Government until at least January/February 2012 at the earliest.
Policy Directors and Communications Officers across jurisdictions are liaising regularly with a face-to-face meeting last held in August (attended by the LGAT CEO). Given the timeframes outlined earlier, a national campaign (major public campaign) could not be specifically targeted on financial recognition with any certainty until 2012.

A broad communications calendar has been agreed. This identifies four phases of activity:

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<tr>
<th>PHASE</th>
<th>Activity</th>
<th>Dates</th>
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<tr>
<td>ONE</td>
<td>Increase Local Government profile</td>
<td>(Sep 11- May 12)</td>
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<tr>
<td>TWO</td>
<td>Communicate funding problem</td>
<td>(Jun – Dec 12)</td>
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<tr>
<td>THREE</td>
<td>Communicate solution</td>
<td>(Jan – May 13)</td>
</tr>
<tr>
<td>FOUR</td>
<td>Vote Yes!</td>
<td>(Jun – Aug 13)</td>
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During Phase One ALGA will be investigating, with Associations, what tools and materials might be required. They will develop and distribute shell communications material. A full communications plan will be developed and scheduled in partnership with Associations. The findings of the expert panel will also be assessed during this period.

The ALGA recently provided to all councils a kit of information to assist councils in supporting the campaign:

- A DVD which captures the discussion at the National General Assembly – the Prime Minister’s announcement, Minister Crean’s announcement of the Expert Panel, some mock advertisements and a panel session of expert commentators giving their view on how to best to pitch Local Government to the community;
- FAQs (Frequently Asked Questions) which councils are likely to encounter in the lead up to the referendum; and
- Additional copies of a Brochure and relevant Fact Sheets prepared by ALGA. ALGA is also strongly encouraging submissions to the expert Panel by all councils.

The Roads to Recovery (R2R) campaign being launched at the Roads Congress will complement the case for constitutional recognition. Support from Councils will be sought in relation to writing to local MPs and reinforcing the need for renewal of R2R funding.

The ALGA President has also encouraged in her letter that councils continue to promote their good work in the community including promoting the services you provide, ensuring council gets credit for the many things you do every day to make your community a better place and strengthening the productive working relationships you have with your local media.

Raising the profile of Local Government will face some barriers in Tasmania during this period as it coincides with possible changes to Water and Sewerage governance and structures and an increasing focus on amalgamations, precipitated in part by the STCA Local Government Reform Fund project. It is difficult to run messages about constitutional recognition against that backdrop. To date in Tasmania the Association has focussed on running a campaign mainly about Local Government careers.

Meetings have been held with the Tasmanian representative of the Indigenous Panel, as it is going to be an important relationship between the two campaigns. There is not a great deal of confidence that there is support at the state political level for constitutional recognition of Local Government.

There is no talk about constitutional recognition at all in the community however the recent state-wide satisfaction survey found a high level of support for the Constitutional Recognition of Local Government with 67.1 per cent of respondents scoring 4 and 5 on a scale of 1-5 (with 5 being most important). 78.9 per cent of respondents were strongly in support of ensuring continued direct funding of Local Government by the Federal Government.
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.

Current Policy
This is a policy priority area across all jurisdictions.

10 ITEM: 2012 LOCAL GOVERNMENT CONFERENCE
Contact Officer – Stephanie Watson

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Background comment:
The 100th Local Government Conference will be held at Wrest Point in Hobart, from 11-13 July 2012.

The Conference Dinner will be held on 12 July in Wrest Point’s Boardwalk Gallery.

Budget Impact
Delegate fees and the cost of dinner tickets will not increase in 2012.

Current Policy
Does not apply.

11 ITEM: FINANCIAL AND ASSET REFORM PROJECT
Contact Officer – Sue Grau

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Background comment:
The Commonwealth funded Local Government Financial and Asset Reform Project is working towards its implementation phase in terms of incorporating frameworks for strategic long term financial and asset management planning.

The project’s Steering Committee had an extended meeting in September to review the Institute of Public Works and Engineering Australia (IPWEA) response to our Request for Quotation. The major component of this work will introduce tools and resources to Councils so they can prepare long term asset management plans for major asset classes.

Unfortunately, the IPWEA response was a little disappointing and a revised proposal, providing more details and clarifications is due to be reassessed by the Steering Committee.

To support the process of producing asset management plans, the Project has funding for three Regional Coordinators, originally envisioned to be an officer within council working on a short term basis within a region. There has been some variations to this model with Northern Region councils, for example, providing additional funding to employ an external consultant to fulfil this role.

Elected member training covering financial and asset planning, will also be provided as a component of the IPWEA contract and the Elected Member Reference Group is currently being consulted in terms of how best to achieve this.

The draft Long Term Financial Planning framework is being finalised before being reviewed by the Auditor General. This work is supported by the following four council representatives from the original Working Group convened to develop the framework earlier this year:

- Maree Bricknell (Corporate Services Manager, Northern Midlands Council);
- Guy Jetson (Corporate Services Manager, Dorset Council);
- David Spinks (Director, Financial Services, Hobart City Council); and
- Andrew Cock (Accountant, Latrobe Council).

Regular project updates are being emailed to both General Managers and designated asset and financial staff.

Budget Impact
Does not apply.

Current Policy
This is a priority project for the Association.

12 ITEM: WATER AND SEWERAGE *
Contact Officer – Allan Garcia

Circular Head Council/Flinders Council

That standing orders be suspended for discussion of this item.
Hobart City Council/Launceston City Council

That this matter be deferred pending the provision of an independent due diligence report.

Carried

Carried Unanimously – 27 Votes

Of the 28 Association Members, George Town Council were an apology for this meeting.

With the suspension of standing orders, each Council has one vote.

West Coast Council/West Tamar Council

That standing orders be resumed.

Carried

Background comment:
At the last General Meeting the Chair of the water and sewerage corporations gave a presentation detailing his perceptions of the current political environment in relation to collapsing the present regional structure to a single statewide entity, the savings that may be achievable from that arrangement, the impact on distributions and dividends and some possible scenarios relating to future governance associated with the corporations.

Following the presentation the meeting passed a resolution to establish a working group to collate a paper detailing the major issues and options regarding moving to a single corporation that could be provided to each council for consideration at their council meetings.

The working group was to be convened by the CEO of the Association and comprise the following members with the Chair of the Corporations to be an ex officio member:

North Western  Mayor Jan Bonde
Northern  Mayor Barry Easther
Southern  Mayor Graham Bury, Mayor Tony Foster

Subsequent to the meeting, the working group met and prepared the required document with a copy distributed to each council. This document is at Attachment to item 12A.

The meeting also endorsed the preparation of a joint press release to be issued by the President of the Association and the Chair of the Corporations and this is at Attachment to item 12B.

The Chair of the Corporations and President and CEO of the Association attended regional briefings for elected members and officers to allow broader discussion and clarification on the matters relating to the structural proposal. Councils were requested to list the matter for their next meeting with a view to bringing the matter back to this General Meeting for further consideration and, ideally, a resolution on a way forward.
Voting by owner councils of the corporations has a different basis than those arrangements for voting as an Association member so it is likely that standing orders may have to be suspended in terms of any vote taken on this matter. In reality what is being sought is an indication from councils as to their satisfaction to explore in more detail the elements associated with moving to a single corporation.

Most significant among these is likely to be the governance arrangements – how the board is appointed, who appoints the board, the interface between owner councils and the corporations and the role of the Treasurer/State Government in the procedural elements of the corporation(s)' activities.

The Chair of the Corporations has suggested one model but there are likely to be a number of configurations that would need to be developed and debated prior to agreement on a preferred set of arrangements.

If councils support the proposition to have in place a new corporation by July 2012, there will be a requirement to have legislation passed during the autumn session of Parliament next year. To enable this to occur, the State Cabinet would need to endorse the broad framework of legislation to allow the process of drafting legislation to commence. It is not considered that the legislative components associated with collapsing four corporations to one would be particularly onerous, however, achieving agreement on the governance arrangements on terms acceptable to Local Government, will be the key factor and would require rigorous consultation.

Budget Impact
The Association would be required to redirect resources to supporting the development of policy and legislation along with consultation processes that ensured optimum input from councils.

Current Policy
The LGAT initially negotiated three regional bodies on behalf of councils but was not able to achieve the optimum governance arrangements for councils. Subsequent submissions to the Select Committee have sought altered governance arrangements but the Chair of the Corporations has proposed a streamlined structure.

13 ITEM: RATING AND VALUATION
Contact Officer – Allan Garcia

That Members note that the Director of Local Government will provide a progress report on this review.

Noted

Background comment:
The Director of Local Government will be attending the General Meeting and providing an update on the progress to date and details of the modeling presently being undertaken to assess the impacts of any changes to the current rating and valuation system.

Councillors will be aware that there is a piece of legislation proposed to enter the Parliament in the near future to deal with the “flat rating” issue and the processes that will be required in the future to enable such a concept to be validly implemented.

There are five major changes to the Local Government Act 1993 proposed in the Bill:

1. Introduce a new provision to clearly state that rates are a form of taxation and that the principle of capacity to pay must be a key consideration when setting rates.
2. Introduce new requirements to increase transparency and community awareness through councils adopting a publicly available written rates and charges policy.
3. Clarify that a council may only set one minimum amount payable in respect of the general rate, and that a minimum amount cannot be varied and that the minimum amount cannot apply to more than 35% of the total number of properties within a municipal area.
4. Introduce new provisions to allow councils to use an “averaged area rate” that will apply to a defined locality of residential properties, as an alternative to applying the general rate to individual properties.
5. Introduce new powers that will allow a council to apply to the Minister for Local Government to authorize the council to make a new rates resolution to remedy an error within a rates resolution.

The broader review is still contemplating a shift away from assessed annual value as a basis for valuation and rating. Treasury and the Local Government Division are presently working on a modeling tool that will allow each council’s rating resolutions to be calculated under a number of scenarios. A critical element of this work is to ascertain whether utilizing tools that were made available in the recently passed amendment legislation, together with a more focused and informed use of differential rating can assist councils achieve similar rating outcomes as present without significant disruption across the rate base.

There is no doubt likely to be some shifts but minimizing these impacts, or at least being able to demonstrate this through modeling, is an important consideration. The Director will outline in more detail at the meeting progress with this work, the timetable for the project and other matters relevant to the project.

Budget Impact
The impact on LGAT resources is negligible and the implications for councils should be cost neutral but with the potential for altered distribution of rates burden.

Current Policy
The Association called for an independent review into the rating and valuation system in the state.

14 ITEM: WASTE LEVY
Contact Officer – Allan Garcia

That Members note the report.
Background comment:
The President and CEO of LGAT recently met with Brian Wightman, Minister for the Environment to discuss the fundamentals of legislation that may be required to establish a statutory waste levy. The meeting was at the request of the Minister and followed earlier discussions with the Environment Protection Authority.

The Association was requested to progress this matter with the State Government in consultation with the regional waste bodies in the state. While some broad detail has been canvassed in relation to such matters as the amount of the levy, the distribution of funding and the governance arrangements, an important consideration that needs to be addressed is the future role of the regional waste bodies in terms of how much funding will be necessary to support their activities. The regional bodies have commissioned a consultant to address this matter prior to discussions with the State Government progressing further. It is anticipated that this work may be complete prior to the General Meeting and allow for an update on progress at that time.

At the meeting with the Minister, he was hopeful that the matter could be agreed and progressed as soon as possible to commence the generation of funds to support waste management initiatives.

Budget Impact
Does not apply.

Current Policy
LGAT supports a waste levy.

15 ITEM: EDUCATION
Contact Officer – Allan Garcia

That Members note the activity undertaken by the Association in this area.

Background comment:
The round of consultations by the Schools Viability Reference Group, of which the Association is a member, has now been completed. All public schools and councils in the state were invited to these sessions across the state. Participation by schools and councils was very pleasing with some councils taking a particularly active and facilitative role with their school communities.
The Reference Group was particularly pleased at the contributions made by the many that attended and noted in particular the significant differences between rural and urban circumstances. The process continues with written submissions to be provided by the end of November. The Reference Group will then consider the inputs from the face to face consultative process and the written submissions in developing its report and recommendations to the Minister by the end of January 2012. It is envisaged that upon receipt of the Reference Group’s report, the Minister would contemplate broad consultation prior to adopting a final position. This has not been assured but it is considered a sensible approach given the previous process.

LGAT is also involved with the Public Education Alliance and has been working with Alliance partners to bring to the attention of many, the issues relating to the broad cuts in the education budget. Postcards and brochures have been produced to garner support from the broader community in lobbying the State Government to develop a broad strategic vision for education and retain the education budget. Postcards and brochures are available to councils from the Association for distribution to community members.

An Advocacy Day is planned for 24 November 2011 to rally support for the PEA push and to lobby politicians individually and collectively. If any council is interested in participating in that process, they should again contact the Association. Separate details will be forwarded to councils on this matter in the near future.

**Budget Impact**

Does not apply.

**Current Policy**

Councils supported LGAT being part of both the Viability Reference Group and the Public Education Alliance.

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### 16 ITEM: REVIEW OF COUNCIL RECREATIONAL VEHICLE OVERNIGHT CAMPING SERVICES - DIRECTIONS PAPER

Contact Officer – Melanie Brown

That Members note the report.

Noted

**Background comment:**

As outlined at the July General Meeting, a number of recent investigations, conducted by the Office of the Tasmanian Economic Regulator, delivered findings that some councils were not applying competitive neutrality principles (under the National Competition Policy) to their overnight self-contained recreational vehicle (RV) camping operations, thus affecting private operators carrying on a similar business within the same area.
Subsequent to these findings, and in line with a request from councils that attended a Local Government workshop on the issue in June, LGAT has been working with the Local Government Division, the Department of Treasury and Finance, and Tourism Tasmania to review the issues surrounding the provision of council-operated self-contained RV camping services. The result of the review is a Directions Paper that addresses the issues raised in the June meeting and also seeks to provide councils with some practical tools to assist them in meeting their competitive neutrality obligations.

The Paper has been completed and provided to the Minister for Local Government for review.

The Directions Paper acknowledges that councils are keen to support economic growth through tourism, particularly in regional areas where they actively encourage visits by RV users. The Paper points out however, that councils must adhere to the principles of competitive neutrality and should apply a ‘full cost attribution’ approach when operating these services.

The objective of the competitive neutrality principles is to ensure that government bodies (including Local Government bodies) that run a business within a competitive or potentially competitive market operate on a ‘level playing field’ with the private sector.

The application of full cost attribution means that the total cost of the resources used in providing the activity are to be accounted for by the government body in setting prices for the goods or services provided. These include direct and indirect costs and competitive neutrality costs, which are costs that would be incurred if the business were a private sector business, including tax equivalents, rates and also guarantee fees, which reflect the (higher) cost of debt that would ordinarily be incurred by a private operator.

The key consideration in defining a significant business activity (SBA) under the National Competition Policy, is the impact of the services on the actual or potential market - not the share of a council’s revenue arising from, or expenditure committed to, that activity. It is up to public sector entities (in this case, councils) to make their own assessment of the ‘significance’ of business activities.

In determining whether it is operating a SBA, the public sector entity first needs to consider the relevant market for the services it is providing, the potential geographic boundaries of the market within which it is operating, and the numbers of actual or potential providers of these services. When all of these factors are taken into account, it should become quite clear as to whether or not the service is in competition, and therefore a significant business activity.

The review found that each council-owned service in Tasmania is highly likely to be competing with a privately-owned caravan park, either within its own municipality or in surrounding municipalities, and therefore needs to price its services to reflect costs. Transparent and open decision making are crucial in ensuring that the needs of the community are addressed, while at the same time adhering to competitive neutrality obligations.

The review included consideration of the current LGAT RV policy, titled Recreational Vehicles - Development and Management of Facilities 2008, and found that whilst the policy is no longer appropriate to the extent that it refers to the provision of free camping, in many other respects it is a useful guide for councils considering providing camping services for self-contained RVs, or indeed for those already operating in the space.

It is intended that the Directions Paper, along with a revised LGAT Recreational Vehicles Policy, a ‘decision-making tool’ and a ‘full cost attribution checklist’ will be sent out for review and comment - first for Local Government consultation through October/November, followed
by broader community consultation in November/December. These dates are indicative only at this stage.

**Budget Impact**
Does not apply.

**Current Policy**
The review of LGAT’s RV policy, titled *Recreational Vehicles - Development and Management of Facilities 2008* - is no longer appropriate to the extent that it refers to the provision of free camping. A revised LGAT RV policy will be circulated along with the Directions Paper for councils review and feedback.

17 **ITEM: STREET LIGHTING**
Contact Officer – Melanie Brown

That Members note the following report.

Noted

**Background comment:**

**Submission to the National Draft Street Lighting Strategy**
In September, the Association submitted a response to the Equipment Energy Efficiency Program’s Draft Street Lighting Strategy (the Draft Strategy).

The Commonwealth Equipment Energy Efficiency seeks to increase the energy efficiency of new appliances and equipment that are supplied across the market. The aim of the program is to increase the average energy efficiency of equipment sold, increasing energy productivity and therefore competitiveness, reducing energy bills for consumers and reducing greenhouse and other environmental emissions.

The intent of the draft Strategy is to provide direction around options to improve energy efficiency in Australia under the premise that street lighting is the single largest source of greenhouse gas emissions from Local Government and typically accounts for 30 to 60 per cent of its greenhouse gas emissions nationally. Actions identified within the draft strategy are framed to be taken within three years from July 2011, leading to action to significantly improve street lighting energy efficiency by 2020. The Draft Strategy identifies five key areas of priority action (in addition to program coordination) that will assist in increasing the energy efficiency of street lighting. These areas include:

- Introduction of regulatory measures
- Strengthen and develop communications in the sector
- Addressing lighting approvals
- Delivering replacement programs
- Addressing financial barriers

The LGAT submission addressed each of the areas outlined above, and in particular advocates for the following:

- minimum energy performance standards coupled with mandated energy efficiency targets
- the need for regional or larger-scale coordination of information-sharing and change-over programs to increase the ability for smaller councils with fewer resources to access appropriate expertise
- the production and availability of website based tools to provide a collated source of information for those staff within each council responsible for street lighting
- national standards and methodologies for the approval of new lighting technologies
- standardised testing protocols
- the development of communication material for business cases, processes and simplified engagement and project confirmations
- continuation of alternative funding sources such as through Low Carbon Australia (loans) and Low Carbon Communities (grants), to enable activities such as bulk changeovers – such measures are important as many councils are capital constrained and would not able to fund bulk changeover of lights upfront
- the use of incentive payments to accelerate efficiency improvements

The submission was completed with principal input from Scott Morgan and the team at Hobart City Council, with valuable contributions from a number of other councils. The LGAT submission highlights some of the challenges faced by Tasmanian Councils in switching to more energy-efficient street lighting technology.

Street Lighting Issues Briefing to the Premier's Local Government Council (PLGC)

LGAT recently provided a briefing paper to the PLGC, highlighting the fact that street lighting represents a significant cost to councils in Tasmania and also represents a sizeable proportion of their reported electricity consumption. Whilst councils are looking to decrease their use of electricity and greenhouse gas emissions, and also to reduce costs on behalf of their ratepayers, there are a number of hurdles that make such reductions difficult to achieve.

The briefing paper acknowledged that the complexity of issues surrounding both the development and implementation of energy efficient technology and the provision of street lighting services is due to a range of factors, rather than just one cause. These include the challenges associated with rapidly evolving technology and the need to ensure that investments in new types of lighting technology are appropriate. In Tasmania, there are also issues surrounding ownership of street lighting infrastructure (poles, luminaires, globes), methods of billing, and regulation, all which exacerbate the situation further.

In considering options to alleviate some of these issues, it is considered that if the complexity of ownership and maintenance of poles can be resolved, it may be appropriate to consider introducing contestability into street lighting, which is likely to promote energy efficiency measures. Current service delivery and billing arrangements for public lighting are seen by Local Government in Tasmania to be less than satisfactory, and options such as increased transparency through the 'unbundling' (providing a breakdown) of street lighting bills would allow councils to better understand the costs associated with the provision of street light services and look to make savings or efficiencies within their operations.

As mentioned above, one of the issues surrounding the adoption of new technology is the rapid progress that is taking place within the industry, and the need to invest appropriately both in terms of timing and in terms of the type of technology best suited to a council’s needs. Currently, end users have a limited choice range in the globes that Aurora will use for public/street lighting as well as limited ability to determine the upgrade and replacement schedule for public lights.

The other primary user of public lighting distribution services within the state is the Department of Infrastructure, Energy and Resources (DIER). LGAT and DIER will be
meeting with Aurora Energy to discuss the issues and frustrations surrounding the provision of street lighting services with a view to progressing the current situation.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.
18  ITEM:  SPEED LIMITS OUTSIDE CHILD CARE CENTRES  
Contact Officer – Melanie Brown

That Members note the following report.

Noted

Background comment:
As indicated in the Report submitted to the April General Meeting, pursuant to a motion put forward by Launceston City and Burnie City Councils that was carried at the October 2010 General Meeting, LGAT undertook to lobby the State Government to reduce speed limits around all Tasmanian child care centre facilities (not family day care placements in private houses) to mirror the same speed limits as are in place around schools (that being 40km).

Following a letter to the Minister, LGAT met with representatives of the Department of Infrastructure, Energy and Resources and then convened a working group to investigate and form recommendations in relation to the safety of children on roads outside child care centres.

The work of the group has included compiling crash history data to determine, statistically, which situations place child pedestrians in the most likely danger, as well as studying the legislative and regulatory measures already in place that may or may not contribute to the safety of children attending child care centres.

The crash history data indicated that over the last five years, a higher proportion of child pedestrian accidents have occurred on both local streets (though not in direct proximity to child care centres) and in shopping zones with a 50km per hour speed limit, with the next highest percentage of accidents occurring in private driveways.

The collation and consideration of this information has assisted in informing the recommendations of the group to the Minister, and ensuring that those recommendations include consideration of the most appropriate action necessary to increase child pedestrian safety within the community at large, rather than outside child care centres specifically.

The working group's investigations are reaching completion; currently a report and recommendations are being prepared for the consideration by the Minister for Infrastructure, Energy and Resources. It is likely that affirmative action will be recommended on pedestrian safety as it relates to children, including the recommendation that resources should be directed to those elements where, statistically, a higher rate of casualty accidents exist.

Budget Impact
Does not apply.

Current Policy
Does not apply.
ITEM: LGAT STRATEGIC PLANNING
Contact Officer – Katrena Stephenson

That Members note the report.

Background comment:
In 2008 GMC endorsed a Strategic Plan for 2009-2011 and the process used was as follows:

- The General Management Committee (GMC), CEO and policy staff participated in a one day facilitated workshop where broad concepts were raised for further discussion with Mayors and General Managers at a General Meeting and Mayor’s Workshop.
- LGAT staff used those events to inform the development of the written strategy document which was circulated to GMC for review and feedback and the final document was endorsed at a GMC meeting.

Feedback from Members at the time was that there was a need for more up-front input rather than discussion on a draft document.

Having canvassed the issue with General Managers at their September workshop, the following process has been agreed by GMC for the development of a new plan for 2012 and beyond.

| October 2011 | Survey of Mayors and General Managers to canvass: Where are we now (influences, pressures, achievements)? Where do we want to go? How can we get there? What is the unique value of LGAT? What opportunities are ahead? What are the threats to success? |
| November 2011 | Broad findings to be presented and discussed at the Mayor’s workshop. |
| December 2011/January 2012 | Analyse and synthesise feedback for a GMC/Staff Workshop and further consider those questions as well as: What are our competencies? What are our strategic choices/priorities? LGAT to draft strategic plan and circulate to GMC for out of session feedback. |
| February 2012 | Draft plan to be circulated to councils for comment. |
| March 2012 | Finalise strategic plan for endorsement by GMC |
| April 2012 | Endorsement of strategic plan at the General Meeting. |

Budget Impact
Can be managed within current budget.

Current Policy
Does not apply.
MOTION: THE CLOSURE OF RURAL PRIMARY SCHOOLS IN TASMANIA

Northern Midlands Council/West Coast Council

That the Local Government Association of Tasmania notes the concerns of local communities and parents regarding the threatened closure of rural primary schools across Tasmania, recognising the vital role that rural primary schools play in sustaining community life, often in some of our most marginal, fragile and remote communities and the part they play in providing a diverse educational infrastructure and calls on the State Government and Education Department of Tasmania to respond to the continuing concerns of rural parents and communities by taking action to tighten the rules on rural school closures, providing new guidelines on this subject and introducing a state presumption against the closure of rural schools.

Carried

Northern Midlands Council/West Coast Council

That LGAT facilitate the collaboration of Councils and the Tasmanian Rural Schools Network, to drive a campaign for the retention and strengthening of education provision in Tasmanian rural communities underpinned by the new rural education paradigm advocated by academics including Professor John Halsey.

Lost

Background comment:
Many of the schools recently targeted by the Tasmanian State Government as possible candidates for closure were ones situated in small regional and rural communities. Communities which when isolated from other support have very little political power or public influence.

Tasmania's rich rural cultural landscapes and history are a pivotal aspect of our identity as a State and society. Our uniqueness lies within our population, of who over half are sparsely scattered throughout the islands rural and remote townships. For generations these people and their communities have been the lifeblood of Tasmania's agricultural, forestry, fishing, mining and tourism industries, the very souls this State was built upon.

Copious amounts of research and anecdotal evidence has repeatedly demonstrated the enormous negative economic, social and emotional impact the closure of local rural schools has on vulnerable small rural communities.

The Tasmanian government, education department and all relevant political bodies must acknowledge the vital role rural schools play in safeguarding these small, fragile local economies. These facilities MUST be protected to allow these communities to thrive.

A Presumption against closure proposes that when reason and circumstance dictate a closure must be examined, the responsible departments and Ministers must consider the following guidelines:

- That local access to quality educational opportunities and preschool programs MUST be viewed as mandatory in the creation of a wealthier and fairer Tasmania. This is particularly imperative in rural communities that have far less services and infrastructure, and considerably more socioeconomic disadvantage than urban areas.
• The overall long term economic, cultural, and social and health impact on local people and communities of closure of a rural school and the loss of the building as a community facility MUST be fully assessed.

• The transport implications of closure MUST be fully examined, including the safety and welfare of the children, the recurrent cost to DIER of transporting pupils to schools further away, the quality and availability of transport to the alternative provision, the Local Government cost of appropriate bus stop installation, the adequacy and safety of rural roads, the effects and costs of increased use and traffic on the adequacy and safety of rural roads and the environmental impact of more pupils travelling further to schools.

• All alternatives to closure MUST be considered: Including the potential for federation with another school to increase viability, facilitation of the sharing of expertise, facilities and teaching materials so that schools are resourced without bearing the full cost and the scope for 'extended school' or 'children's centre status' to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare and community internet access etc.

• Acknowledgement of the importance of school integrated early learning (preschool) education programs and the non mandatory kindergarten year for vulnerable and at risk children, and how these services are to be delivered without local access to a school MUST be taken into account.

• Acknowledgement that rural primary schools provide a first-class standard of education to pupils, allowing parents to exercise choice in placing their children in schools.

• No school should close unless closure has the support of parents and the community.

• Rural school closures MUST always be a decision of last resort, and can no longer be based on viability criteria such as enrolment trends, demographics, occupancy, financial position and distance. Future rural school closures must predominantly become educational and social issues NOT financial.

A report into the potential closure of Avoca Primary School is at Attachment to Item 20.
21 MOTION: THE RETENTION OF TASMANIA’S RURAL POLICE STATIONS

Northern Midlands Council/Burnie City Council

That the Local Government Association of Tasmania notes the serious concerns of local communities and businesses about the proposed closure of rural police stations across Tasmania, recognising the vital role that rural police stations play in maintaining safety and a harmonious community life, often in some of our most marginal, fragile and remote communities; acknowledging also that rural police stations often provide a standard of law enforcement that has a specific regard for each region’s unique social, economic, demographic, geographic and cultural dynamics.

Carried

Background comment:
Current Tasmanian State Government budget cuts have targeted Tasmania Police funding. In an effort to save dollars Local Area Commanders have proposed the closure of the Avoca Police Station which is manned by one officer who rotates duty with a single officer stationed at Fingal.

Closure of the Avoca Police Station puts both communities at serious risk of being exploited by criminals preying on a vulnerable unpoliced, often ageing population and at risk of increased traffic offences, violence, domestic abuse, increased drug growing and trafficking.

At its worst inadequate police response times and staff levels effectively expose the police, emergency service workers, community members, crime and accident victims to potentially lethal situations. We condemn the potentially life threatening delay in response times rural station closures will cause, and question the decisions that further isolate those vulnerable, often elderly, community members already isolated by geographical distances.

This motion demands that the State Government and the Tasmanian Police Department make a commitment to preserve and fully service current existing rural police stations within the state. We feel that as Tasmanian citizens, rural community members are owed a duty of care from the government, its departments and public service providers, and within that duty of care is held the right to retain the existing essential service of local law enforcement.

22 MOTION: CONSULTATION PRIOR TO SCHOOL AND POLICE STATION CLOSURES

Northern Midlands Council/Central Highlands Council

That the State Government undertake a 3 year consultation period prior to any proposed closure of any police station or school, and a demographic and socio economic studies be undertaken.

Carried

Background Comment:
Refer to background comment for Motions 20 and 21.
23 **ITEM: **CLOSURE

There being no further business the President declared the meeting closed at 2.40pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

Dated this day of 2012

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PRESIDENT