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>
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<tbody>
<tr>
<td>Under 10,000</td>
<td>1</td>
<td>Red</td>
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<tr>
<td>10,000 – 19,999</td>
<td>2</td>
<td>White</td>
</tr>
<tr>
<td>20,000 – 39,999</td>
<td>3</td>
<td>Blue</td>
</tr>
<tr>
<td>40,000 and above</td>
<td>4</td>
<td>Green</td>
</tr>
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</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 present at the Meeting or not.
   (ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the Meeting or not.
   (iii) When a vote is being taken to amend the Rules of the Association, the resolution must be carried by at least two-thirds of the votes capable of being cast by Members, whether present at the Meeting or not.
GENERAL MEETING AGENDA

10.00 am  Coffee on arrival
10.30 am  Meeting commences

11.30am  David Taylor
          Fire Planning Officer
          Tasmania Parks and Wildlife Service
          Presentation on the Bushfire Risk Assessment Model (BRAM)

12.00 pm  Approximately, lunch will be provided

1.00pm    Scott Blacklow
          Careers Officer
          Project update – Council Careers
<table>
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<tr>
<th>Item</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>Minutes of General Meeting Held On 16 November 2011*</td>
</tr>
<tr>
<td>2</td>
<td>Business Arising *</td>
</tr>
<tr>
<td>3</td>
<td>Confirmation of Agenda</td>
</tr>
<tr>
<td>4</td>
<td>Follow Up Of Motions *</td>
</tr>
<tr>
<td>5</td>
<td>Monthly Report To Councils*</td>
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<td>6</td>
<td>Council Round-Ups</td>
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<td>7</td>
<td>Local Government Reform</td>
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<td>8</td>
<td>Waste Levy</td>
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<td>9</td>
<td>Water and Sewerage *</td>
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<td>10</td>
<td>GMC Elections</td>
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<td>11</td>
<td>Constitutional Recognition</td>
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<td>12</td>
<td>Code of Conduct</td>
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<td>13</td>
<td>Compulsory Voting at Local Government Elections*</td>
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<td>14</td>
<td>Planning*</td>
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<td>15</td>
<td>Climate Change</td>
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<td>16</td>
<td>Caravans *</td>
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<td>17</td>
<td>Heritage</td>
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<td>18</td>
<td>Household Hazardous Waste Evaluation Report*</td>
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<td>19</td>
<td>Environmental Dispute Mediation Trial</td>
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<td>20</td>
<td>Review of the Tasmanian Alcohol Regulatory Framework</td>
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<td>21</td>
<td>Tobacco Legislation</td>
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<td>22</td>
<td>Local Government Asset Reform Project*</td>
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<td>Item:</td>
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<td>23</td>
<td>Item: Council Careers Project*</td>
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<td>24</td>
<td>Motion: Nuisance provisions*</td>
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<td>25</td>
<td>Motion: Siting of Telecommunication Towers</td>
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<td>26</td>
<td>Item: 2012 Local Government Conference</td>
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<td>27</td>
<td>Item: Elected Members Weekend Workshop</td>
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<tr>
<td>28</td>
<td>Closure</td>
</tr>
</tbody>
</table>
The President welcomed Members and declared the meeting open at 10.35

Apologies were received from:

- Mayor Sarah Schmerl, Break O'Day Council
- Mayor Carmel Torenius, Sorell Council
- Mayor Daryl Quilliam, Circular Head Council
- Mayor Mike Gaffney, Latrobe Council
- Deputy Mayor Rick Rockliffe, Latrobe Council
- Mayor Jan Barwick, Tasman Council
- Mr David Metcalf, Glamorgan Spring Bay Council
- Mr Mark Goode, King Island Council
- Mayor Barry Jarvis, Dorset
- Mr Paul Lockwood, West Coast Council
- Mr Paul West, Kingborough Council
- Mr Stephen Mackey, Derwent Valley Council

**Launceston City Council/West Coast Council**

That standing orders be suspended to discuss Water and Sewerage.

Carried

The Meeting moved to Item 9 on the Agenda, Water and Sewerage.

**Launceston City Council/George Town Council**

That standing orders be reinstated and the meeting resume.

Carried

Standing Orders were reinstated at 12.10pm, following the discussion on Water and Sewerage.
1 ITEM: MINUTES OF GENERAL MEETING HELD ON 16 NOVEMBER 2011*

Central Coast Council/Launceston City Council
That the Minutes of the meeting held on 16 November 2011, as circulated, be confirmed.

Carried

Background:
The Minutes of the General Meeting held on 16 November 2011, as circulated, are submitted for confirmation and are at Attachment to Item 1.

2 ITEM: BUSINESS ARISING *

Launceston City Council/George Town Council
That Members note the information.

Carried

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

3 ITEM: CONFIRMATION OF AGENDA

Launceston City Council/George Town Council
That consideration be given to the Agenda items and the order of business.

Carried

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

Launceston City Council/George Town Council
That Members note the following report.

Carried

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*

Launceston City Council/George Town Council

That Members note the reports for September, October, November and December 2011 and January 2012.

Carried

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

6 ITEM: COUNCIL ROUND-UPS

That Members note that the council round ups will be deferred until a future meeting.

Background comment:
Circular Head and Meander Valley Councils have offered to conduct 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.

7 ITEM: LOCAL GOVERNMENT REFORM

Contact Officer – Allan Garcia

That the meeting note the activity presently taking place in relation to this matter.

Noted

Background comment:
Since the initial very public campaign by the group led by the Property Council, Tasmanians for Reform (TFR), the noise around Local Government reform has simmered considerably.

It is considered that this is largely a product of the release of the report by the Expert Panel appointed by the Southern Tasmanian Councils Authority (STCA) to consider structural and productivity options that could be implemented in southern Tasmania to improve efficiency and effectiveness. The TFR group has subsequently come out in support of this report prompting councils to implement the recommendations expeditiously.

In the meantime, the Tasmanian Chamber of Commerce and Industries (TCCI) have commissioned a report into the issue of Local Government Reform. It is using council data and has conducted a series of workshops in each region attended by business and Local Government interests. Councils will be provided the opportunity to verify data contained in the report prior to release to ensure that the evidence is robust and correct.

The TCCI has indicated that it is not seeking to push an amalgamation agenda but is interested in looking at alternative models of cooperation and best practice.
The STCA is progressing consideration of its report with additional input and clarity being brought to the debate by academic and industry sources.

Councils comprising Northern Tasmania Development have also commissioned work by renowned academic, Brian Dollery, on the broad reform issue, including amalgamations and the potential benefits of sharing resources and other opportunities for working together. This work is progressing well with councils contributing and supporting the work financially and with inputs from in house resources.

The Association continues to progress its work on asset management and long term financial planning with all councils.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

8 **ITEM: WASTE LEVY**
Contact Officer – Allan Garcia

<table>
<thead>
<tr>
<th>Southern Midlands Council/Launceston City Council</th>
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</thead>
<tbody>
<tr>
<td>That the meeting note the progress of this matter and the proposal to enter into discussions with the State Government on implementing a statewide waste levy.</td>
</tr>
</tbody>
</table>

**Background comment:**
The Association met with regional waste representatives on 20 February 2012 to discuss the outcomes of the report prepared by Blue Environment exploring the future roles and functions of regional waste groups in Tasmania and the activities which additional funding provided to the Environmental Protection Authority (EPA) would support.

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 waste levy. The State Government remains supportive but it was considered important by regional representatives that the funding arrangements be well understood and documented to enable an evidence based discussion/negotiation to occur.

The Blue Environment paper provides an outline of the proposed functions of the regional waste operations, a commentary on the role the EPA should perform with additional funding and the governance and mechanisms for distribution of a waste levy toward waste initiatives.

The paper proposes that the levy be set at $10 per tonne which would generate approximately $5 million. It proposes a distribution of funding to EPA for additional enforcement, funding for regional waste groups and the remainder to be distributed via the Waste Advisory Group (of which the regional waste groups are members) for strategic waste initiatives.

This system of distribution would provide for maximum flexibility as waste recovery priorities change each year.

The functions and responsibilities for the regional waste groups have been detailed and agreed to by the regional waste representatives.
At the time of writing a formal meeting had not been arranged with the State Government to discuss the contents of the Blue Environment report. In the event that these discussions progress with any haste there may be the opportunity to consider a formal position on the matter at the March General Meeting. It is expected that the outcomes from discussions with State Government will be fed back to regional waste representatives who will then canvass the key issues with member councils, ideally prior to the March meeting.

**Budget Impact**

It is not expected that this proposal would have any budgetary implications for the Association and would be handled within present resourcing.

**Current Policy**

The Association has had a long standing policy of opposing a statewide waste levy.

---

**9 ITEM:** Water and Sewerage *

Contact Officer – Allan Garcia

Kingborough Council/Northern Midlands Council

That Water and Sewerage be discussed.

Carried

For purposes of discussion and debate on water and sewerage issues, as per the Legislation for the Water and Sewerage Corporations, each Owner Council is entitled to one vote.

Central Coast/West Coast Council

That Councils recognize that the establishment of a single corporation model fails to address the cost of living pressures caused as a result of the regulatory and pricing regimes created by State Parliament, and

- Will not support the establishment of a single corporation model at this time and recommend that a further review be undertaken in 2014, being five years from the creation of the corporations.
- Affirm support for improved governance arrangements between the Board and the shareholders and related matters consistent with submissions made to the House of Assembly Select Committee in 2010 by Tasmanian Councils and
- Participate in the review of the Shareholder’s Letter of Expectation, requiring a greater accountability and understanding of regional and local priorities.

Lost

The Motion was Lost 11/17.
Dorset Council/West Tamar Council

That owner Councils provisionally support moving to a single Water and Sewerage Corporation, subject to:

a. Progress with the necessary legislation to enable creation of the new corporation 1 July 2013. The details of this legislation must be acceptable to and be endorsed by Corporation, subject to

1. The Association endorses the management of this process by the working group established at the September 2011 General Meeting of the LGAT

The Councils support the following –

- An independent skills based board comprising up to five or six members
  - An option of selecting the best skilled/experienced people of the Board regardless of regional alliance or building in a regional requirement

- Establishment of selection committee to make recommendations to owner councils on Board membership with committee to comprise Chair (once appointed) and regional representatives based on equity considerations (ie 2 south, 1 north, 1 north–west)

- Selection committee to make the appointments to the Board

- Owners representatives to be replaced by the establishment of regional representative committees in each region comprising membership of each owner council

- Quarterly regional meetings to be held with corporation Chair and CEO

- Two statutory meetings comprising all owner councils to be held each year (AGM and corporate plan sign off)

- No ongoing role for the Treasurer or the Parliament in relation to the operations or oversight of the water and sewerage corporations

- Distribution of profits to be based on equity

- Current voting arrangements to remain ie one vote per owner council

- Maintenance of the ratio of employee numbers in each region

- Priority dividends being maintained on a regional basis as currently provided for.

This Motion Was Withdrawn By Dorset Council

The Meeting was adjourned at 11.20am to allow for a new motion to be formed.
The Meeting resumed at 11.45am.

Hobart City Council/Launceston City Council

1. That the owner councils of the Tasmanian Water and Sewerage Corporations support in principle the move to a single corporation but will only recommend such a move to the State Government when councils have agreed to the governance arrangements.

2. That a working group be formed to develop a governance model and present it to a future meeting of the twenty nine owner councils by the end of May.

3. That only when a governance model is approved by owner councils will LGAT advise the State Government that owner councils are ready to move to a single corporation.

4. Legislative protection against the future potential privatisation of a Tasmanian Water And Sewerage Corporation is obtained, via the requirement that a state referendum be required with a 75% affirmative vote, for any such privatisation to occur.

Amended Motion

Burnie City Council/Devonport City Council

Item 1 and 3 be removed and dealt with separately

Lost
such a move to the State Government when councils have agreed to the governance arrangements.

2. That a working group be formed to develop a governance model and present it to a future meeting of the twenty nine owner councils by the end of May.

3. That only when a governance model is approved by owner councils will LGAT advise the State Government that owner councils are ready to move to a single corporation.

4. Legislative protection against the future potential privatisation of a Tasmanian Water And Sewerage Corporation is obtained, via the requirement that a state referendum be required with a 75% affirmative vote, for any such privatisation to occur.

The Original Motion Was Put and Carried

The Motion was Carried 19/9.

The nine North-West Councils voted against this motion.

Brighton Council/Southern Midlands Council

That the working group comprise -

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tony Foster</td>
<td>Southern Water Owner Rep</td>
</tr>
<tr>
<td>Graeme Bury</td>
<td>Southern Water Owner Rep</td>
</tr>
<tr>
<td>Peter Sexton</td>
<td>Hobart City Council</td>
</tr>
<tr>
<td>Northern Rep</td>
<td>To Be Advised</td>
</tr>
<tr>
<td>Peter Kearney</td>
<td>Ben Lomond Owner Rep</td>
</tr>
<tr>
<td>North West Rep</td>
<td>To Be Advised</td>
</tr>
<tr>
<td>Steve Kons</td>
<td>Cradle Coast Owner Rep</td>
</tr>
<tr>
<td>Ex Officio</td>
<td>Miles Hampton, Chairman Water and Sewerage</td>
</tr>
<tr>
<td></td>
<td>Corporations</td>
</tr>
<tr>
<td>Ex Officio</td>
<td>Allan Garcia, Executive Officer LGAT</td>
</tr>
<tr>
<td>Secretariat Assistance</td>
<td>Carolyn Pillans – Company Secretary</td>
</tr>
</tbody>
</table>

Carried

Background comment:
At the last General Meeting it was resolved that a decision relating to the proposal to support a single water and sewerage corporation be delayed pending all owner councils receiving the independent financial due diligence document commissioned by the Chairman of the Corporations and circulation of the governance options paper being prepared by the Association.
These documents were circulated to all councils in the days following the meeting. A subsequent governance document was prepared and circulated following indications from a number of councils that the initial governance document did not provide adequate guidance and options for consideration. The LGAT working group chaired by the President and comprising representative mayors from each of the regions convened and duly prepared and distributed such a document.

An offer was made to all councils for briefing sessions on the papers either individually or regionally to discuss or clarify any of the issues raised in the documents. The northern councils sought a regional briefing on the governance issues and at least one council sought an individual briefing on both financial and governance matters.

It is understood that Cradle Coast councils commissioned independent advice on a range of issues relating to structure, governance and finance while the councils in the southern region sought significant clarity on a range of financial issues associated with Southern Water.

As was indicated at the last General Meeting and in subsequent correspondence, the purpose of this matter being listed on the General Meeting Agenda is to seek to bring the matter to some conclusion. The Association has sought to facilitate a process that achieves some resolution of this matter.

Given the contentious nature of the matter and the queries raised throughout the debate a motion will be called from the floor of the meeting to address the structural issue. It is considered that there are a range of possibilities associated with the governance issues and rather than presenting a pre-determined position, it would be more appropriate to test the meeting through debate and have a detailed resolution presented following the debate.

Advice has been received from the House of Assembly Select Committee that it will present its findings in the first week of sitting of the 2012 Parliament. On the basis of previous comments by the Leader of the Opposition and the Premier in relation to preferred structures it is likely that the Select Committee will strongly support a single corporation.

The State Government will be anxious to learn the outcome of the debate and deliberations of owner councils, previously indicating that it would prefer to see Local Government resolve an agreed position. If support from owner councils is forthcoming with an agreed suite of governance arrangements, discussions could commence on legislative amendments required and timetabling the transition. In the event that there is no clear support for change from the meeting, the State Government will be advised accordingly.

The governance options paper and financial distributions document (based on a range of distribution bases) previously circulated to councils is at Attachment to Item 9.

**Budget Impact**

In the context of owner councils, the documentation provided by the corporations suggests an increase in revenue to all councils under a single entity arrangement. The impact on the Association would relate to resourcing and coordinating inputs to the policy discussion and legislative amendments that may result from any change determined by the meeting.

**Current Policy**

The results of considerations of this matter will potentially require amendments to legislation and may represent a change to the present policy position of the Association which supports three regional corporations.
10 ITEM: GMC ELECTIONS
Contact Officer – Allan Garcia

That the meeting note that elections for positions on the General Management Committee will take place this year and that nominations have opened.

Noted

Background comment:
The Rules of the Association require that an election for members of the General Management Committee takes place in the year following an ordinary council election. Terms of office for members of the General Management Committee are two years.

All positions, including that of President, are to be contested. The Ballot is to be conducted by the Tasmanian Electoral Commission and nominations opened on Monday 20 February 2012.

Nominations close at 5pm on Wednesday, 18 April 2012. In the event that a ballot is required, ballot material shall be posted on 23 April 2012 with postal votes closing at 10am on Wednesday, 20 June 2012.

Results will be declared on Wednesday 20 June 2012 and successful candidates will take up their positions following the conclusion of the Annual General Meeting on Wednesday, 11 July 2012.

Budget Impact
The cost of conducting the elections is included within the Association’s budget.

Current Policy
The conduct of elections for the GMC are in accordance with the Association’s Rules.

11 ITEM: CONSTITUTIONAL RECOGNITION
Contact Officer – Katrena Stephenson

That Members note the report.
Background comment:
Further to the report provided to the November 2011 General Meeting, the Expert Panel on Constitutional Recognition final report was released by the Minister for Regional Australia, Local Government, Sport and the Arts, Simon Crean on 22 December 2011.

The report indicated that:
- Financial recognition received the broadest base of support however is opposed by the Victorian, Western Australian and NSW Governments;
- All members of the Panel considered it to be appropriate that the Commonwealth’s right to have a direct funding relationship with Local Government, when it is acting in the national interest, be acknowledged in the Constitution;
- The majority of the Panel supported a referendum in 2013 subject to 2 conditions:
  o 1) the Commonwealth negotiate with the States to achieve their support for the financial recognition option; and
  o 2) adopt the steps suggested by ALGA to achieve informed and positive public engagement on the issue. (i.e. a major public awareness campaign and changes to the referendum process);
- Several Panel members expressed concern that there is not sufficient stakeholder or community support for a referendum to succeed.

On 15 February 2012, the Prime Minister announced that the Government would be providing $10million in funding to continue to build public awareness and community support for constitutional recognition of Indigenous Australians. The ALGA has expressed concern that similar funding has not been provided to Local Government and will be following up.

A number of other jurisdictions have now committed funds but with some contingent on a referendum being called.

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, 86% in Tasmania (4 councils have not passed resolutions), 81% in WA, 76% in Queensland and 74% in Victoria.

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.

12 ITEM: CODE OF CONDUCT
Contact Officer – Katrena Stephenson

That Members note the report.
Background comment: 
Further to the report made at the November 2011 meeting, there has been an increase in referrals to the Standards Panel in recent months (since the 2011 elections).

A Model Code of Conduct has been drafted and circulated for initial comment to the Integrity Commission, the Local Government Division and the General Managers. The Model Code incorporates best practice from interstate.

It is anticipated that the draft Regulations will be released for comment by the Local Government Division in the near future. Unfortunately, as previously indicated, without the changes to the Local Government Act, we cannot achieve all the improvements we had hoped for. There is however, commitment from the Local Government Division to a miscellaneous amendments bill in the next 12 months which would allow for consideration of amendment of the Code of Conduct provisions.

The Association has developed a “How to Make Complaints” fact sheet and “Complaint Form” related to Code of Conduct for use by member councils. These have been circulated to General Managers. They will be reviewed in the next six months based on use, feedback from councils and the Integrity Commission and in light of any regulatory changes.

The Association has commenced discussions with the Integrity Commission about what role they might take in relation to Code of Conduct complaints made by parties external to council and contributed information to support the development of a Paper for the Board.

The Association is undertaking an audit of Code of Conduct and Standards Panel complaints to build a better understanding of the type of complaints to support education and training in partnership with the Integrity Commission.

Budget Impact
Does not apply.

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

13 ITEM: COMPULSORY VOTING AT LOCAL GOVERNMENT ELECTIONS*
Contact Officer – Katrena Stephenson

That Members note the following report
Background comment:
The House of Assembly Standing Committee on Community Development has initiated an inquiry into Local Government Elections.

LGAT was invited to make a submission. While there are a range of council views on Compulsory Voting, the LGAT submission provides background to formal voting outcomes through General Meetings.

A copy of the submission is at Attachment to Item 13.

Budget Impact
Does not apply.

Current Policy
Does not apply.

14 ITEM: PLANNING*
Contact Officer – Katrena Stephenson

That Members note the following report.

Background comment:
Through LGAT, councils raised a number of issues related to Planning Directive – Standards for Single Dwellings in Current Planning Schemes. The Minister agreed to a number of modifications that address most, but not all, of the issues raised by the councils. The modifications are restricted to those that do not generate a full assessment of the planning directive and there were some issues that the Tasmanian Planning Commission did not think warranted a change to the directive.

The modified directive is to be gazetted on 22 February 2012.

The Executive Commissioner of the Tasmanian Planning Commission has provided a report on future plans for the General Meeting. This report is at Attachment to Item 14.

Budget Impact
Does not apply.

Current Policy
Does not apply.

15 ITEM: CLIMATE CHANGE
Contact Officer – Melanie Brown

That Members note the following report.

Noted
Clean Energy Future Package
In February the Australian Government released the program guidelines for the Community Energy Efficiency Program, along with the Low Income Energy Efficiency Program as part of its Clean Energy Future package.

The $200 million Community Energy Efficiency Program (CEEP) will support local councils and community organisations to undertake energy efficiency upgrades to council and community-use buildings, facilities and lighting. An application may involve upgrades or retrofits to multiple buildings, facilities or sites. Successful applicants under CEEP will receive funding from $50,000 up to $5 million (plus GST) for eligible project costs.

The $100 million Low Income Energy Efficiency Program (LIEEP) will support consortia of community organisations, local councils and energy service companies to trial energy efficiency approaches in low-income households.

As background, in September 2011, the Department of Climate Change and Energy Efficiency released a consultation paper on the Low Carbon Communities Community Energy Efficiency Program to inform stakeholders and to seek their feedback on the design of the program.

LGAT submitted a response to the consultation paper which included the suggestion that:

- specific consideration and provision should be made for smaller regional and rural councils to ensure that the Local Government sector as a whole is well placed to take advantage of the funding opportunities available under the programs
- areas of cohesion between the Low Carbon Communities programs such as CEEP and LIEEP and other Commonwealth funding initiatives such as Low Carbon Australia be identified and worked into the program.

We are pleased to have heard that these comments were considered by the project team and were in line with submissions made by other stakeholders, resulting in constructive amendments being made to the program guidelines.

Information sessions were held around the country in February 2012, and it is envisaged that further more specific information sessions could follow. In particular, there may be an opportunity for councils to get further information at the Climate Change workshops to be held in April 2012 (see below).

Climate Change Workshops
The Tasmanian Climate Change Office and LGAT will be holding a climate change forum in the South and North of the state in early April 2012. There may be a possible North West workshop as well, but this is yet to be confirmed.

Topics to be covered broadly include climate change as it relates to land use planning and emergency management, along with further information on the Commonwealth's Clean Energy Futures Package, including looking at reporting requirements.

ClimateConnect Program Grant Applications
In December 2011 LGAT applied for funding for two proposed projects under the State Government’s ClimateConnect grants program, which is designed to enable Tasmanian communities and industries to adapt to the opportunities and risks from climate change.

The applications are summarized as follows:

- Request for funding to extend the current TASMARC Shoreline Surveying and
Monitoring program to include more councils and vulnerable foreshore sites around the state.

- Request for funding to extend the Regional Councils Climate Adaptation Project (RCCAP), which is currently being run through the STCA, LGAT and the State Government, to councils within the North of the state.

LGAT also contributed a letter of support for the Cradle Coast Regional Authority’s application to implement components of the RCCAP project to councils within the North West of the state. The results of the applications process have not been released at the date of writing, though we understand that the successful projects will be announced soon.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

### ITEM: CARAVANS *

Contact Officer – Melanie Brown

That Members note the following report.

**Background comment:**
Since the last report the Directions Paper regarding overnight RV camping sites was released with comments closing in early December 2011. It is important to note that the Directions Paper has been developed in order to assist councils to adhere to competitive neutrality principles; in order to avoid further complaints being made to the Economic Regulator on this issue. The Regulator itself has no power to ‘enforce’ its findings, but does refer findings to the Minister for Local Government.

At Attachment to item 16 is Some Frequently Asked Questions that were circulated to councils.

At this point in time the State Government is trying to take the ‘encourage’ approach and allow councils to implement the actions outlined in the Directions Paper, without resorting to state-wide regulation or more firm-handed approaches.

The working group will be finalising the document based on feedback for distribution March/April 2012. However it is fair to say that there is now an expectation from State Government that councils are taking steps to place themselves in a position of compliance with the competitive neutrality principles.

In February 2012 LGAT commenced a review of the LGAT Recreational Vehicles Guidelines document so there was better alignment with the principles in the Directions Paper. Comments are due back to LGAT by 19 March 2012.

LGAT has also written to the Department of Treasury and Finance in relation to requiring better definitions of Significant Business Activity.

This was a key issue raised by Tasmanian councils throughout both stages of developing the draft Directions Paper and the ensuing consultation period.
Currently in the Tasmanian context the key consideration in defining a significant business activity (SBA) is the impact of the services on the actual or potential market – not the share of a government entity’s revenue arising from, or expenditure committed to, that activity. By contrast, other state governments, such as New South Wales and Queensland, apply a dollar figure threshold of up to as much as $200,000 when defining what constitutes a SBA i.e. if the business activity’s turnover exceeds this figure then that business activity is then deemed significant and the competitive neutrality principles apply.

The current Tasmanian position creates a substantial level of uncertainty among councils as to which of their current activities are to be deemed ‘significant’ for the purposes of applying the competitive neutrality principles.

We have argued that a clearer articulation of how a significant business is to be identified within the Tasmanian context would assist councils in determining which of their council-operated activities should be included in the ‘significant’ category and must therefore adhere to competitive neutrality principles. Further, LGAT has indicated member support for identifying a monetary threshold which would alleviate the uncertainty councils are currently experiencing as to what constitutes ‘significant’.

A view expressed by a number of our members is that small caravan parks that offer no services other than a parking area for RVs are not large enough to constitute a SBA, nor are they in all practicality competing with private operators of caravan parks that offer a greater range of services to RV users.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

17 ITEM: HERITAGE
Contact Officer – Katrena Stephenson

<table>
<thead>
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<th>That Members note the following report.</th>
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<td>Noted</td>
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**Background comment:**
The State Government has shelved previous moves to introduce new historic heritage legislation. Instead, the key concerns of planning authorities, the Tasmanian Heritage Council and the heritage sector will be addressed through amendments to the Historic Cultural Heritage Act 1995. The aim is to cut red tape, introduce efficiencies and create a more streamlined approach to managing historic heritage in Tasmania.

The proposed amendments are a result of an extensive consultation process with the heritage sector, local planning authorities and the Tasmanian Heritage Council.

A key concern for the Heritage Council and Local Government has been the desire to stop the duplication of applications, advertisements, assessments and permits for works on heritage listed properties which is excessive. The proposed amendments address these concerns. The amendments also propose that Tasmania’s legislation is brought in line with nationally recognised standards for assessing heritage significance, something the heritage sector has been requesting for some time now.
At the time of writing, the Cabinet is considering the release of an Exposure Bill for comment. If approved, all councils will receive a copy of the Bill for their comment. Further information on the proposed amendments and future timelines will be available at www.heritage.tas.gov.au.

LGAT will work closely with Heritage Tasmanian through the consultation phase.

**Budget Impact**

Does not apply.

**Current Policy**

Does not apply.

**18 ITEM: HOUSEHOLD HAZARDOUS WASTE EVALUATION REPORT**

Contact Officer – Ben Mooney

That Members note the findings of the Evaluation Report.

Background comment:

The Tasmanian Household Hazardous Waste Pilot Collection Program is a joint project between the Tasmanian Department of Environment, Parks, Heritage and the Arts (DEPHA), the Local Government Association of Tasmania (LGAT), and the three regional bodies (Southern Waste Strategy Authority, Cradle Coast Authority and the Northern General Managers’ Group), and is jointly funded by a DEPHA Living Environment Program (LEP) and the 29 councils in Tasmania.

The project involves protecting the environment through the efficient and effective operation of waste management strategies with particular regard to household hazardous waste (HHW) that may otherwise enter the waterways or cause other environmental harm.

The aim of the pilot project was to improve the management of household hazardous waste in Tasmania, through the establishment of a state-wide collection, resource recovery, treatment and disposal system and the provision of supporting public education and promotional activities. The project aims to deliver and promote long-term improved management outcomes for household hazardous waste in Tasmania.

The categories of HHW collected in this program are indicated in Table 1, and are further defined as High Volume Low Toxicity” (HVLT) household chemicals, and Low Volume High Toxicity” (LVHT) products.
### Table 1: Categories of High Volume Low Toxicity (HVLT) and Low Volume High Toxicity (LVHT) HHW

<table>
<thead>
<tr>
<th>High Volume Low Toxicity (HVLT)</th>
<th>Low Volume High Toxicity (LVHT)</th>
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</thead>
<tbody>
<tr>
<td>Paint (all types)</td>
<td>Acidic liquid</td>
</tr>
<tr>
<td>Gas cylinders</td>
<td>Alkali</td>
</tr>
<tr>
<td>Batteries</td>
<td>Arsenic based products</td>
</tr>
<tr>
<td>Flammable liquids</td>
<td>Cyanides</td>
</tr>
<tr>
<td>Aerosols</td>
<td>Heavy metal compounds excluding metallic mercury</td>
</tr>
<tr>
<td>Automotive products except oil, eg coolants, brake fluids</td>
<td>Metallic mercury</td>
</tr>
<tr>
<td>Fluorescent tubes and CFGs</td>
<td>Organic peroxides</td>
</tr>
<tr>
<td></td>
<td>Oxidising (solid and liquid)</td>
</tr>
<tr>
<td></td>
<td>PCB materials</td>
</tr>
<tr>
<td></td>
<td>Pesticides (solid and liquid toxic)</td>
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<tr>
<td></td>
<td>Pesticides OC (solid and liquid toxic)</td>
</tr>
<tr>
<td></td>
<td>Photographic chemicals</td>
</tr>
<tr>
<td></td>
<td>Reactives</td>
</tr>
<tr>
<td></td>
<td>Solvents - halogenated</td>
</tr>
<tr>
<td></td>
<td>Toxic (solid and liquid)</td>
</tr>
<tr>
<td></td>
<td>Unknown (solid and liquid)</td>
</tr>
</tbody>
</table>

The program, Chemsafe Homes Tasmania, has completed its two year Evaluation Report as required by the LEP Grant Deed. Highlights from the two year review are:

- Conduct of 30 drop-off days across 24 council jurisdictions.
- Used by 1,942 people.
- Collected 52,499 kg of household hazardous waste.
- Primarily consisted of high-volume low-toxicity material, such as water and solvent-based paint (55.8%), lead acid batteries (10.8%), flammable liquids (e.g. fuels) (5.9%), gas bottles (5.3%)
- Collected substantial quantities of low-volume high-toxicity material, such as toxic pesticides (3,260 kg), toxic organics (1,392.5 kg), cyanides (42 kg), arsenic based compounds (33.5 kg)
There were no environmental incidents and participant surveys indicate the overwhelming response from Tasmanians was positive, with only a few complaints regarding the location and frequency of drop-offs in some jurisdictions. The number of businesses attempting to utilise the service was less than 25 over the two years.

The progression from full-day (Year 1) to a combination of full, half and satellite drop-offs (Year 2) achieved a number of successful outcomes. It meant a greater proportion of stakeholder (council) areas gained access (Figure 1) and returned surprising results from some locations.

For example the full day Sorell drop-off had the third highest rate of participation (based on % of council population) and the half day Ulverstone drop-off had the lowest cost per kilogram, $3.70 per kilogram, as a result of high participation, high volumes per person and a short hosting time (3 hours).

Other half-day drop-offs at Sheffield, George Town, St Helens, Triabunna, Oatlands and Campbell Town all had costs greater than $10.00 per kilogram. A summary of Household Hazardous Waste Drop-off's is at Attachment to Item 18.

The program is well positioned to complete four years of operation, finishing in December 2012, but will require further discussion of future funding, governance, project management and drop-off models.

Recommendations of the Evaluation Report are:

- Continue temporary full and half day drop-offs, the number dependant on funding.
- Continue brochure mailouts, combined with other low cost promotional options such as media releases, council magazines.
- Explore future funding options, such as via a waste levy, private and public stakeholders.
- Encourage Local Government collection of low toxicity material.
- Build on existing council, contractor and stakeholder relationships.
Budget Impact
Does not apply.

Current Policy
Does not apply.
Background comment:
As a result of a partnership between the Local Government Association of Tasmanian and the State Government, a 12 month environmental dispute mediation trial commenced on the first of February 2012. Council Environmental Health Officers (EHOs) are now able to refer appropriate environmental nuisance cases to GetYes Solutions for mediation.

The trial is jointly funded (50/50) by the Environment Protection Authority (EPA) Board and LGAT members. It targets those environmental nuisance complaints that are difficult for EHOs to manage as they do not have an obvious regulatory or planning solution, and may have arisen from, or been exacerbated by, a breakdown in communication between the disputing parties. If the relevant parties agree, such disputes may be resolved by mediation.

The contracted mediators GetYes Solutions are based in Hobart but will travel around the State as required to deliver mediation services. Each mediation case will be capped at $2000 and uptake will be monitored throughout the trial to ensure equitable access to the service. GetYes Solutions will work with Council EHOs at the point of referral to determine the suitability of cases for mediation.

Although it is only early days, advice from GetYes Solutions is that they have not received any referrals to date. The Association encourages members to make use of this service. The trial will provide significant insight into the use of mediation procedures as an early step in dealing with environmental nuisance complaints and the impacts this may have on EHO workloads.

GetYes Solutions will provide regular reports on progress and statistical data such as complaint type, the number of complaints and successful cases as well as a final report which will include an evaluation of the trial.

Supporting documentation for EHOs and referral materials are available on GetYes Solutions’ website: www.getyes.com.au and also on the Association’s website: www.lgat.tas.gov.au

Thank you to those Councils that have advised you will make rooms available for mediation, as this will significantly reduce overhead costs and leave more funds to be expended on mediation services. If you have any queries about the trial please contact Kate Hiscock on 6233 5971 or email kate.hiscock@lgat.tas.gov.au.

Budget Impact
Once off trial funding:
Local Government $50,000 for the 2011/2012 financial year
EPA Board $50,000 for the 2011/2012 financial year

Current Policy
Does not apply.
20 ITEM: REVIEW OF THE TASMANIAN ALCOHOL REGULATORY FRAMEWORK  
Contact Officer – Kate Hiscock

That Members note the following report.

Noted

Background comment:
As a member of the Inter Agency Working Group on Drugs, the Association is involved in a scoping study into the legislative and regulatory framework dealing with the sale and supply of alcohol and the management of alcohol-related harm in Tasmania. The scoping study is a key strategy of the Tasmanian Alcohol Action Framework 2010-2015 – Rising Above the Influence. It is anticipated that the study will be completed in June 2012.

The scoping study will review legislation to ensure there is a consistent legislative and regulatory framework to support the control and supply of alcohol. It will also provide opportunity for Local Government and other Stakeholders to provide input and influence to the licensing process, to ensure that the public health and wellbeing, community safety, planning and development and economic impact are appropriately considered in licensing decisions.

The scoping study will review legislation and regulations to identify any issues pertaining to their operation; any perceived strengths and weaknesses; and opportunities for improvement and alignment of legislation. It should be noted that at commencement of the scoping study it is not anticipated that a comprehensive rewrite or major amendment of the Liquor Licensing Act 1990 will be identified as an outcome. Any potential legislative change emanating from the scoping study will be subject to further consultation and is beyond the scope of the current study.

Stenning and Associates successfully tendered to undertake the scoping study. At the time of writing, Stenning and Associates will be meeting with the Association and interested members on 6 March 2012 to seek Local Government views on key issues relating to the legislative and regulatory regime dealing with alcohol in Tasmania.

The Association is aware that a number of members have expressed concern in the past in regards to the role of the Liquor Licensing Board, planning arrangements and the granting of liquor licenses. The Association raised this issue with the Liquor Licensing Board in 2011 and received some initial feedback and agreement to meet on the issue. Following staffing changes in the Department of Treasury and Finance, arrangements stalled. The Association will take the opportunity to continue pursuing this issue directly with the Liquor Licensing Board in parallel with the consultation process for the scoping study.

Budget Impact
Does not apply.

Current Policy
Does not apply.
21 ITEM: TOBACCO LEGISLATION
Contact Officer – Kate Hiscock

That Members note the following report.

Noted

Background comment:
New tobacco control legislation under the Public Health Act 1997 was passed by State Parliament in November 2011. The new laws come into effect as of 1 March 2012.

A number of the new laws will impact Local Government. For example laws to protect the community from exposure to environmental tobacco smoke will see smoke free areas extended to 100% of dining areas, a ban on tobacco sales at temporary events and removing extinguishing a cigarette upon request as a defence to smoking in a smoke-free area.

The Association has been advised by the State Manager of Environmental Health, Stuart Heggie, that his Department has written to all Councils and provided a summary of the new laws as a result of the Public Health Amendment Act 2011. Mr Heggie has also advised that the State Government will be assisting Councils with the cost of signage to be erected in new smoke-free areas under Local Government control. Any enquiries on the new Tobacco legislation can be directed to Kylie Thomson, Senior Advisor Tobacco, Population Health on 6222 7716.

The new legislation is available at:
http://www.thelaw.tas.gov.au/tocview/index.w3p;cond=all;doc_id=40%2B%2B2011%2BAT%40EN%2BSESSIONAL;histon=;prompt=;rec=;term=public%20health%20amendment%20act%202011.

A summary of the new laws is as follows:

Protecting our community from exposure to environmental tobacco smoke:
Smoke free areas will be extended to include:

- 100 percent of outdoor dining areas
- competition and seating areas at sporting events (within 20 metres)
- outdoor areas of public swimming pools
- children’s playgrounds (within 10 metres)
- pedestrian malls
- bus malls
- covered bus shelters (within 3 metres)
- patrolled beaches (between the flags)
- other large public gatherings specified by the Director of Public Health (defined as Places of Assembly under the Public Health Act 1997)

De-normalising Smoking
Restrictions on the sale and display of tobacco products will be extended to include:

- specialist tobacconists (display ban on cigarettes packets and cartons only) only one traditional vending machine in the service area of licensed venues
- a ban on the sale of tobacco at temporary events
- removal of tobacco from shopper loyalty programs

Other amendments
• ban on possession of tobacco by children and to allow approved persons to confiscate tobacco
• provision to enable the Director of Public Health to approve classes of persons as nominated officers
• clarify that tobacco seller licences are not transferrable to new business owners
• require existing tobacco seller licence holders to re-apply for a licence prior to selling tobacco from new premises
• remove the requirement that tobacco seller licenses must be displayed
• remove the requirement that the tobacco sellers licence register be available for inspection
• remove extinguishing a cigarette upon request as a defence to smoking in a smoke-free area

Budget Impact
State Government will be assisting Councils with the cost of signage to be erected in new smoke-free areas under Local Government control.

Current Policy
Does not apply.

22 ITEM: LOCAL GOVERNMENT ASSET REFORM PROJECT*
Contact Officer – Sue Grau

That Members note the report and a requirement to commit staff for the production or improvement of asset management plans over the next five months.

Background comment:
The implementation phase of the Local Government Financial and Asset Reform Project has begun in earnest. Initial capability assessments were conducted by the Institute of Public Works and Engineering Australia (IPWEA) in nine councils prior to Christmas. The remaining maturity assessments will be completed by the end of March.

A schedule has been developed for the implementation of training, workshops and the preparation/improvement of asset management plans. This training will be conducted by IPWEA with a contract for this work currently being finalised. The NAMS,PLUS training has been spaced at intervals of four weeks to allow preparation of asset management plans between sessions.

The training schedule is at Attachment to Item 22.

To support the production of asset management plan, three Regional Coordinators have been funded on a short term basis to provide a hands-on resource. In the North and North West regions this role is being fulfilled by external consultants and facilitated through existing regional infrastructure groups. In the South, Hobart City Council has adopted the Coordinator function and a southern group of council staff is currently being negotiated. The Regional Coordinators and a council contact for each Region had an inaugural meeting in January and have scheduled face to face and teleconference meetings over the next six months.

With training due to be completed by the end of August 2012, asset management plans for major asset classes should be finalised by September 2012. This represents a significant
Variation to the agreed completion date of March 30 2012, and an extension is currently being negotiated with the Commonwealth. To support this, it will be emphasised that Tasmania had the shortest project timeframe of all states and as asset management planning was the second component of our project (the first being long term financial planning) IPWEA had significant existing training commitments.

Budget Impact
Whilst the assessments, training and workshops are fully funded by the Project, there may be some indirect budget implications for councils in terms of committing staff to training and preparation of asset management plans. The purpose of the Regional Coordinator function was to minimise this impact on councils. To reduce training costs, an in-kind contribution may be required from some councils to provide venues for IPWEA sessions.

Current Policy
This is a priority project for the Association

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23 ITEM: COUNCIL CAREERS PROJECT*
Contact Officer – Scott Blacklow

**Central Coast Council/Kentish Council**

That the funding continue for the next two years at the base model, $248,900 ($124,450 per annum).

Carried

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Background comment:
At the March 2010 General Meeting it was resolved that funding would be provided to LGAT to run a project to address skills shortages in councils from July 2010 to June 2012.

Known as ‘Think Big Work Local’ the project aims to reduce the impact of skills shortages on individual councils through collective advertising, gathering and analysing workforce data, and supporting training outcomes. At present about 80% of the project work is complete, with all consultants engaged, and most work on target for completion by 30 June 2012.

Examples of Project Activity
By continuing to use our existing TV commercial we have maintained a relatively high level of interest among viewers, as measured by the amount of visits to the related website - www.thinkbigworklocal.com.au.

Introducing a competition with prizes is increasing interaction with younger audiences at careers events, and provides incentive for people to complete our marketing survey. This survey tests the reach of our TV advertising, the level of interest in council jobs, and awareness of council work.

Weekly monitoring of council job advertisements suggests there has been a significant increase in skills shortages since June 2010. One element of the project was to create a model of the Tasmanian Local Government workforce. This item is likely to be scaled back to become a study, due to non-participation of some councils.
We hope to be able to preserve the intended functions of the system for participant councils, including being able to predict retirement effects, by profession, council, region, as well as give accurate numbers on total workforce and employment type and sex. This should have a range of benefits in relation to workforce planning, training needs and funding.

A $200,000 training grant was obtained by the project in late 2010 to help fund 79 students in 13 councils to complete around 20 different Vocational Education and Training (VET) qualifications. The amount of funding was sufficient to persuade trainers to provide training that was not previously offered, including distance based Certificate and Diplomas of Local Government, and recently a Diploma of Accounting by distance. Draft training resources have also been developed to support teachers and trainers to deliver basic Local Government Training Package content.

Various policy inputs were made to State and Commonwealth departments and agencies with responsibility for training and workforce development.

Further information on progress is contained in Attachment to Item 23A.

**Budget Implications**
The 2010-2012 project budget allocation was $292,798.

Outlined below is a streamlined 2012 to 2014 project, which would enable us to build upon project activity undertaken to date through continuation of some components along with some new items. An optional item related to job advertising is detailed. Further information on these project proposals is contained in Attachment to item 23B.

**Proposal**

**Continued:**
- Television advertising;
- Website;
- Job advertisement monitoring;
- Displays at school careers events;
- Training and training grants advice/assistance to council and collective funding applications as applicable;
- Administration of the EBPPP training grant until 2014 and administration of future grants.
- policy inputs at National and State level (e.g. ACELG National Local Government Workforce Strategy);
- Updating the workforce database and related reporting to councils; and
- Extend the use of training material for core Units in the Local Government Training Package (created as part of the 2010-12 project) from VET RTOs to a small number of colleges/high schools.

**New items:**
- A pilot schools bus tour of ‘environmental jobs in councils’ using interesting locations and technology to describe the role of engineering, trades and other roles (noting this may prove an alternative to work experience);
- A professional design and print of A4 flyers showcasing a range of council jobs; and
- 3-4 more website videos.

**Cost:**
- $248,900 over 2 years (i.e. $124,450 per annum)
Optional Add On
Pursue whole of sector advertising of council vacancies on a new website (attached to Think Big Work Local website), which also orders newspaper advertising of jobs automatically for councils. This would enable a collective branding of participating job advertisements in newspapers, in addition to council branding.

A similar project for the State Government reduced their newspaper advertising costs. As long as councils like the format for the data able to be supplied to their websites, vacancy advertisement data can be sent back to council’s websites, and duplicate entries of job advertisement information might thus be reduced for some councils.

Additional Cost: $88,000 over two years (i.e. $44,000 per annum).

Current Policy
The current ‘Think Big Work Local’ project finishes on 30 June 2012. The Commonwealth training grant administered under the project runs to 2014.

24 MOTION: NUISANCE PROVISIONS*

Launceston City Council/Burnie City Council

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.

Carried

Background comment:
Attached is an opinion from Launceston City Council's legal practitioner outlining a council's powers for dealing with unsightly accumulations of goods or articles on private land.

The gist of the advice is that:

- the nuisance provisions of the Local Government Act 1993 do in theory empower a council to proceed against a property owner for the removal of unsightly accumulation of goods or articles.

- but, the practical requirements of having to enforce the provisions through a magistrates court discourages the use of the provisions as the process often becomes time consuming, technical and costly.

- it suggests that a legislative amendment be sought to provide jurisdiction in regards nuisance provisions to RMPAT, which is the tribunal expressly established for dealing with land use matters.

- RMPAT has the advantage of utilising procedures such as early directions hearing and mediation and is required to deal with an appeal within a statutory time frame. A Magistrate, on the other hand, is bound by the rules of evidence and is not confined in the time to deal with a matter.

Council is aware that the Association has received and adopted other motions relating specifically to amendment of the nuisance provisions of the Local Government Act 1993, which have been referred to the Local Government Division for inclusion on a list of issues for consideration in a future review of the Act.
The advantage of the above approach is to try and consolidate the powers and resources of an existing tribunal specifically set up to deal with land use matters, as the vehicle to deal with these matters.

At Attachment to Item 24 is a copy of legal advice (non specific) by Shaun McElwaine & Associates.

LGAT Comment
There have been a number of successful motions in relation to improvements to the nuisance provisions of the Local Government Act 1993. The most recent was in July 2011.

The matter has been raised on more than one occasion with the Local Government Division and we will continue to lobby on the issue in relation to a proposed Miscellaneous Amendments Bill this year. The Local Government Division indicated support for progressing this issue in 2012 in their comments to the July 2011 General Meeting.

25 MOTION: SITING OF TELECOMMUNICATION TOWERS

Launceston City Council/Southern Midlands Council

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.

Carried

Background comment:
Council under the land use planning legislation can refuse a development application for a telecommunications facility. RMPAT (Resource Management Planning Appeals Tribunal) will adjudicate on the decision if there is an appeal against a Council decision. However, under the Telecommunications (Low-Impact Facilities) Determination 1997, there is very limited scope to disallow telecommunications provisions which are deemed low impact by this determination, and therefore Councils have had significant difficulties using the State land use planning provisions to refuse the majority of telecommunications applications on the grounds of feared health or environmental impacts.

LGAT Comment:
The Association has provided feedback on this issue to the Australian Local Government Association (ALGA) so that they could make comment, on behalf of all councils at a national level. ALGA have 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 their 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.”.

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

That Members note the following report.

Noted

Background comment:
The 100th Local Government Conference will be held at Wrest Point in Hobart, from 11-13 July 2012. This year’s conference theme is Treasuring the Past, Transforming the Future.

The conference will be opened by Governor Peter Underwood and there will be an address by the Local Government Minister.

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

Conference registration will remain at the 2011 rate, costing $725 for full delegates.

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

Current Policy
Does not apply.
27 ITEM: ELECTED MEMBERS WEEKEND WORKSHOP  
Contact Officer – Stephanie Watson

That Members note the following report.  

Noted

Background comment:
The Association held a successful two-day Elected Members' Weekend Workshop from 25-26 February at The Sebel Launceston. The workshop was attended by 45 elected members from 17 councils.

85% of the delegates returned their feedback forms and the comments received showed that elected members continue to derive many benefits from the weekend workshop, describing it as “an excellent, informative session”, “an excellent overview of the issues” and “extremely informative and valuable”.

Budget Impact
The workshop is managed on a cost-recovery basis.

Current Policy
Does not apply.

28 CLOSURE

There being no further business the President declared the Meeting closed at 2.23pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

Dated this day of 2012

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PRESIDENT