General Meeting

Minutes

Wednesday 15 August 2007
Launceston Country Club

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PROCEDURAL MATTERS.
RULES REGARDING CONDUCT OF MEETINGS

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

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

15. QUORUM AT MEETINGS
   At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.

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

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

   (b) The Chairman of the meeting shall be entitled to rely upon the raising of a coloured placard as the recording of the vote for the Member and as evidence of the number of votes being cast.
   (c) Except as provided in sub-rule (d), each question, matter or resolution shall be decided by a majority of the votes capable of being cast by Members present at the Meeting. If there is an equal number of votes upon any question, it shall be declared not carried.
   (d) (i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members 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 SCHEDULE

9.30am  Coffee on arrival

10.00am  Meeting commences

10.15am  John Smyth
          Secretary of the Department of Education
          Tasmania Tomorrow Initiative Presentation
          An overview of the Post Year 10 education and training

12.30pm  Approximately, lunch will be provided

Immediately following lunch  Leonie Parkinson
          Help your communities get their home on the net
          Every town and suburb in Australia now has a website address that reflects the name of their locality. The website address is only available to not for profit organisations whose members broadly represent their community and they must use it as a community website. This presentation will provide information and demonstrate how communities are utilising this tool to help foster and develop stronger communities and demonstrate how many Councils around Australia have been assisting Community Groups and/or helping Communities form Community Website Groups to get their home on the internet.
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** DENOTES ATTACHMENTS
The President welcomed Members and declared the meeting open at 10.07am.

The Traditional Owners of the Land, the Leterremairrener People, were acknowledged and Members welcomed.

Apologies were received from -
Mayor Tony Foster  Brighton Council
Mr Ron Sanderson  Brighton Council
Mayor Darryl Gerrity  West Coast Council
Mr David Metcalf  West Coast Council
Mayor Robert Legge  Break O'Day Council
Mr Greg Alomes  Kingborough Council
Mr Frank Pearce  Glenorchy City Council
Mr John Vucic  Flinders Island Council
Mayor Carmel Torenius  Sorell Council

1. ITEM: MINUTES *

Central Highlands Council/Burnie City Council
That the Minutes of the meeting held on 30 May 2007, as circulated, be confirmed.

Background:
To confirm the Minutes of the General Meeting held on 30 May 2007.

See Attachment to Item 1.

2. ITEM: BUSINESS ARISING *

Central Coast Council/Southern Midlands Council
That the Meeting note the information.

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/Kingborough 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: RATIFICATION OF POLICY
Contact Officer: Allan Garcia

Northern Midlands Council/Glenorchy City Council

That the General Meeting note that there are no items brought forward from the previous meeting that require ratification as policy of the Association.

Carried

Background comment:
Delegates are invited to endorse policy items brought forward from the previous meeting.

5. ITEM: FOLLOW UP OF MOTIONS ***
Contact Officer – Christine Standish

Hobart City Council/Central Coast Council

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

Carried

Action taken in relation to 2007 Conference Motions
A matrix detailing action taken to date in relation to motions passed at the 2007 Conference is at Attachment to Item 5A.

Follow up on 2006 Motions
A matrix indicating progress in relation to motions passed at 2006 General Meetings is at Attachment to Item 5B.

Follow up on outstanding 2005 Motions
A matrix indicating progress to date on motions passed at 2005 General Meetings, which remain outstanding, is at Attachment to Item 5C.

6. ITEM: WATER & SEWERAGE UPDATE *
Contact Officer – Allan Garcia

Waratah/Wynyard Council/Central Coast Council
That the meeting note the following report.

Carried

Background comment:
A motion was passed at the last General Meeting proposing that the Association develop a range of models for continued ownership by Local Government of water and sewerage infrastructure and services.

Subsequent to the General Meeting, a request was made of each council to provide nominations to assist the Association in the development of options. Only one council was able to provide a relevant officer.

Consequently, the Association has relied upon the work presently being undertaken by two of the three regions as reference points and to avoid duplication. North West councils have been working with Cradle Coast Water in the development of a consultant’s brief to consider a range of issues related to the infrastructure, governance and ownership of water and sewerage.

A number of councils in the southern region have been working with Hobart Water and a consultant to assess the key criteria against which councils could make judgements on any proposals presented during the reform debate. This work is still progressing and is to be considered by all participating councils prior to completion.

The Northern councils have also engaged a consultant to assist them in considering various issues related to governance, ownership and investment that may be plausible under a regional structure. At the time of writing a brief had not been sighted although discussions have taken place with General Managers and at least one Mayor in relation to the process.

It is anticipated that the outcomes of these processes will be taken into account in formulating a broad Local Government position on water and sewerage reform options.

At the State Government level there are a number of matters to report upon. The State Government wrote to the Association advising the intention to establish a technical reference group to undertake the following:

− Identify technical information gaps and issues relevant to the considerations of the steering Committee and Task Force;
− Provide input into the development of regulations with technical dimensions or implications and, where requested, advise on technical issues that may arise;
− Advise on technical issues associated with compliance with relevant technical standards (ie water and environment standards) and the available technologies for water and sewerage service provision;
− Provide advice on the implications of technical proposals that may be developed throughout the project;
− Review and comment on technical aspects of stakeholder submissions; and
− Provide general technical advice to the Steering Committee as required.

In addition to the Local Government representative is a nominee from the three Bulk Water Authorities, a nominee from each of the Department of Tourism, Arts and Environment, Department of Health and Human Services and the appointed Technical Adviser (Pitt and Sherry).
The Association was invited to nominate a person with appropriate technical experience and following subsequent requests for nominations from councils, Andrew Tompson of Hobart City Council was put forward as the Local Government representative.

The Centre for Economic Development Australia (CEDA) conducted a seminar on water and sewerage on Friday, 6 July 2007 at which the Treasurer, the CEO of the Association and the respective CEO’s of Goulburn and Hunter Water gave presentations. Copies of the Treasurer’s speech and the outline used by Allan Garcia are at Attachment to Item 6 for reference.

The key message coming from the Treasurer apart for the need for reform, was a willingness to better engage with Local Government on the reform process. He indicated an intention to meet regularly with the General Management Committee of the Association to engage and discuss developments with the project.

At an officer level, it has been advised that it is the intention to provide councils with the opportunity to verify the data that has been collected and collated by the Technical Adviser (Pitt and Sherry) to the Taskforce. At the time of writing this process may have already begun.

**Budget Impact**
Any structural change to the present supply of water and sewerage is likely to have significant impact on the budgets of councils.

**Current Policy**
The Association has taken a position of continued Local Government ownership and control of Water and Sewerage infrastructure and services.

7. **ITEM: ROAD CLOSURE APPEAL PROCESS**

**Waratah/Wynyard Council/Northern Midlands Council**

That the Local Government Association of Tasmania request the State Government to amend Section 14 of the Local Government (Highways) Act 1982 to provide for the Resource Management and Planning Appeal Tribunal to receive and determine appeals against the proposed closure or diversion of local highways in lieu of the Magistrates Court (Administrative Appeals Division).

Carried

**Background comment:**
Section 14 of the Local Government (Highways) Act 1982 currently prescribes the arrangements that apply to the closure or diversion of local highways, where the relevant local authority is of the opinion this should occur for the public benefit, in the interests of public safety or because of lack of use. It vests the responsibility for receiving and determining objections against proposed closures with the Magistrates Court (Administrative Appeals Division).

In response to community concerns about road crashes in the area the Tasmanian and Australian Governments are currently undertaking a four-year $30 million project to upgrade 15 kilometres of the Bass Highway through the Sisters Hills by:
- Upgrading it to a standard more consistent with adjacent sections, by increasing the road width and realigning corners and by lowering crests and filling in dips to make the road less undulating;

- Providing more overtaking opportunities (an additional 3.2km of overtaking lanes), particularly on steep upgrades;

- Better catering for a variety of road users, including local, commuter, freight and tourist traffic; and

- Improving sight distances at road junctions.

As part of this project, a proposal to close one of three intersections of a single local road with the highway was suggested by the Department of Infrastructure Energy and Resources and supported and initiated by Waratah-Wynyard Council as a practical means of reducing potential traffic conflicts and thereby improving safety.

Two local residents have objected to the proposed closure and Council has received legal advice that because of the likely narrow and technical approach the Magistrate’s Court will apply to the question of public safety, it is unlikely to obtain a local highway order authorising the closure.

Since the *Local Government (Highways) Act 1982* was introduced the State Government has established the Resource Management and Planning Tribunal as an independent statutory body to resolve appeals against a wide range of administrative acts and decisions and it has the power to make orders protecting environmental or planning rights and values.

The Tribunal currently hears and determines appeals under ten Tasmanian Acts and Council contends that it is more appropriate for this Tribunal, with its broad responsibility for resource management and planning in the state, to determine appeals against changes to highway status.

It seeks the Association’s support by promoting the proposal to the Government together with a case for widening the reasons for a highway closure or diversion to include resource planning issues.

**Budget Impact**

Does not apply.

**Current Policy**

Does not apply.
8. ITEM: CLIMATE CHANGE
Contact Officer – Jenni Rigby

Glenorchy City Council/Central Coast Council

That the Meeting note the following report.

Carried

Background comment:
Throughout 2007 the Local Government Association of Tasmania conducted extensive consultation with councils on the issue of climate change. This had the dual objectives of raising awareness and ascertaining the key concerns and needs of Tasmanian councils.

The consultation process incorporated three main components:
- a climate change needs analysis survey
- a workshop on climate change issues as part of the 2007 Local Government Conference
- coordination of workshops with the Local Government Climate Change Reference Group

The results of these individual consultations have been collated and analysed, and the Association is currently finalising a report on the findings. This report will include recommendations for future actions by the Association and other key stakeholders to support Local Government action on climate change issues.

Most significantly, this report will inform the development of a Local Government Framework for addressing climate change in Tasmania and proposals for statewide and collaborative projects on climate change at the local level.

An overview of the results and recommendations that come out of this consultation process will be provided.

Budget Impact
Does not apply.

Current Policy
The Association continues to develop and pursue actions and a policy platform in this area although no firm policies have been set at this time.
9. **ITEM: NRM UPDATE**
   Contact Officer – Jenni Rigby

Northern Midlands Council/Launceston City Council

That the Meeting note the following report.

Carried

**Background comment:**
The Tasmanian Natural Resource Management (NRM) Framework and the *Natural Resource Management Act 2002* are currently being reviewed. This fulfils the requirements of the Act to review the Framework’s effectiveness five years after it was established. A Discussion Paper is currently being finalised for release in September, which will form the core of the review process. The Paper will be released to all Tasmanian NRM stakeholders, and will be followed by six weeks of consultation. There will be the opportunity to provide feedback both in person as well as in writing.

The Department of Primary Industries and Water is conducting the review with assistance from the NRM Council. The terms of reference for the Review are at Attachment to Item 9, and may help you to consider issues relevant to the Review prior to the release of the Discussion Paper. Jenni Rigby – Local Government NRM Facilitator – is representing Local Government for the purposes of this review, and can answer any questions you may have about the process or timeframes of the review.

**Budget Impact**
Does not apply.

**Current Policy**
The Association is committed to Natural Resource Management and supports the inter-jurisdictional processes that underpin its implementation.
10. **ITEM:** **VALUATION OF LAND ACT**

**Clarence City Council/Northern Midlands Council**

That the Local Government Association of Tasmania write to the State Government seeking the repeal of Section 11(3)(e) of the Valuation of Land Act which requires the Assessed Annual Value (AAV) of land to be not less than 4% of the Capital Value of the land.

Lost

**Foreshadowed Motion**

**Waratah/Wynyard Council/Central Coast Council**

That Local Government establish a high level working group to investigate all other alternate options in relation to this matter and in the event a change is supported the LGAT then make representation to the State Government.

Carried

**Background comment:**
- The 4% rule was introduced at a time when low Capital Values resulted in very low AAV’s for a large number of properties.
- The recent revaluation has reflected the significantly higher Capital Values in Clarence and other Tasmanian municipal areas.
- By way of example, approximately 30% of residential properties in Clarence now have an AAV calculated under the 4% rule. This proportion is understood to be even higher (up to 70%) in other municipal areas.
- Due to the 4% rule these properties have a "calculated" AAV that in a large number of instances is significantly greater than a “true” or “market” AAV. For example, a residential property with a capital value of $500,000 may have a true market rental value in the order of $300 per week, yet an arbitrary AAV of $20,000 (or $380 per week). This potentially represents a proportional 27% greater rate burden for these properties, compared with other property classes (particularly commercial), for which AAV’s are set at levels more closely based on true market value.
- This results in these properties carrying a significantly higher proportion of the rating burden than would otherwise be the case.
- The 4% rule should be repealed because it is arbitrary and unfair.

**LGAT Comment**

This matter was raised and considered in detail by the Association and councils approximately four years ago following similar revaluation impacts at Devonport City Council. Following significant analysis and modelling of alternative arrangements on councils across the state, it was resolved to maintain the “4% rule”. It should be noted that at that time the State Government was willing to amend the minimum to whatever level councils agreed upon. It should also be noted that the Tasmanian minimum is not the highest in the country and in relative terms is on a par with the arrangements in other jurisdictions.

In the event that the motion is supported it would be important for Local Government to fully understand the implications of any alternative arrangement prior to the matter being referred to the State Government. It would be of benefit to establish a high level working group to review previous work on this matter and, in the event that a change was then considered warranted and supported, then make representations to the State Government with a firm position on the matter.

**Budget Impact**
Any change to the current minimum ‘charge’ will have a re-distribution effect across ratepayers but will not result in increased revenues for councils.

11. ITEM: LOCAL GOVERNMENT SUSTAINABILITY
Contact Officer – Allan Garcia

Central Highlands Council/Hobart City Council

That the Meeting note the following report.

Carried

Background comment:
Earlier this year Access Economics completed its report into the Financial Sustainability of Tasmanian Councils. Individual councils were rated across a range of activities with an expectation of particular individual action where councils deemed it warranted.

At a whole-of-Local Government level the report generated a wide range of findings and make 26 separate recommendations. Upon receipt and consideration of the report it was agreed by councils that a Steering Committee be established comprising members of the General Management Committee of the Association and three representatives nominated by Local Government Managers Australia.

The Steering Committee comprises -

- President Mike Gaffney          Chair
- Mayor Mike Downie              GMC
- Mayor Barry Easther            GMC
- Mayor Jock Campbell            GMC
- Mr Paul Arnold                 LGMA
- Mr Graham Stagg                LGMA
- Mr Frank Pearce.               LGMA

The Steering Committee is due to have its first meeting in the near future.

To ensure that the Steering Committee has adequate background and resource material to consider and guide the deliberation of the recommendations, a series of papers have been prepared providing greater detail on the issues related to the recommendations and drawing on research material that has been prepared and implemented in other jurisdictions.

It is anticipated that a series of specialist working groups will be established to consider the more technical issues in greater detail and to make recommendations in relation to practicality, cost and implementation.

Discussions have also taken place with the recently appointed Director of Local Government with a view to involving State Government officers in these processes where appropriate. There are a number of areas where external input would be beneficial to the process and may assist the Steering Committee in its deliberations.

On convening the Steering Committee and establishing the working groups it is proposed to make available a project or work plan to councils against which regular reports and updates will be provided. This project will be extremely resource intensive and will require significant
input and goodwill from all councils in terms of providing people to participate on working
groups and in responding to requests for information.

While the project has been delayed in light of the concerns around the water and sewerage
issue, the preparation of budgets and the consideration of rates, the matter will now take high
priority in terms of time and resources at the Association. Evidence from other jurisdictions
indicates that this process will be intensive and time consuming but nonetheless necessary.

Budget Impact
Implementation of the Sustainability Report will draw significantly on Association reserves.

Current Policy
The findings of the report and the responses to recommendations are likely to have a
significant impact on councils’ operations over the coming years

12. ITEM: REVIEW OF PART 5 LOCAL GOVERNMENT ACT

<table>
<thead>
<tr>
<th>Meander Valley Council/Southern Midlands Council</th>
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<tbody>
<tr>
<td>That the Local Government Association of Tasmania request a review of Part 5 (Interest) of the Local Government Act.”</td>
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<tr>
<td>Carried</td>
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</table>

Background comment:
The provisions of the Local Government Act 1993, as amended at 19th July, 2005 relating to
councillor interests are very broad.

That interest extends beyond a councillor having a pecuniary interest. Indeed, even if a
Council motion was to the financial detriment of a Councillor, that Councillor could be
considered to have a pecuniary interest and therefore should exclude himself/herself from
discussions, beyond even Council meetings.

It could be argued that the best candidates for local government are those persons who take
an active leadership role in their community – in service clubs, arts organisations, churches,
sporting associations.

It is also possible that a person with a grievance (genuine or otherwise) can make allegations
anonymously to the Local Government Board regarding an alleged breach by a Councillor of
the interest provisions, with no financial commitment, however genuine or frivolous that
complaint may be. This is not to suggest that genuine complaints should not be lodged, but
rather that frivolous and/or vexatious complaints should be discouraged.

Summary: Too often Councillors are also actively involved in community organisations and
therefore arguably best equipped to represent their communities, are excluded from Council
discussions. There should be a way to refine the Act to allow and encourage such
participation, with the obvious exception to cases of “direct” pecuniary advantage of the
Councillor or his/her close associates.

LGAT Comment
The background to the motion raises both part 5 – Interests and the complaint making
Both of these matters were considered in the review of the Act that took place over 2003 – 2004.

**Part 5 – Interests**

In its submissions to the review of the Act, LGAT sought a general review of the interest provision, in particular to better define what constitutes a pecuniary interest.

The following comment was made in the LGAT responses to the Local Government Amendment Bill 2005:

“Whilst the amendments proposed to the interest provisions are supported, there is disappointment that the ongoing concerns expressed by Local Government as to the implementation of these provisions in their current form has not been addressed.

However, it is noted that the working groups did examine ways in which greater clarity could be introduced. It is probably fair to say providing guidance on matters of interest is difficult to achieve in legislation and would be better addressed through educative processes.”

There are a number of tools that have been developed elsewhere that could perhaps be adapted for use in Tasmania.

It is noted that section 52 of the Act, which deals with non-application of the interest provisions, does recognise that many Councillors are involved in community organisations and section 52 (2) (d) and (da) defines the specific circumstances in which a councillor who is associated with an organisation should declare an interest.

**Complaints process**

**Complaints to the Director of Local Government**

Following the Review of the *Local Government Act 1993*, section 339E was inserted to provide an open and transparent process for the making of complaints to the director of Local Government.

Whilst anonymous and/or frivolous and vexatious complaints are not specifically addressed, Subsection (2) sets out a quite rigorous process for lodging a complaint.

**Complaints under Codes of Conduct**

The Regulations governing complaints relating to a breach of a code of conduct require the payment of a fee to lodge a complaint which was designed to discourage frivolous and vexatious complaints.

A Council Code of Conduct Panel can in fact determine, before proceeding to deal with a complaint, that it is frivolous and vexatious. Due to an oversight, a similar provision was not included in the regulations governing the Standards Panel but it is intended to ask the Government to address this when the Regulations are reviewed.

**Budget Impact**

Does not apply.
Background comment:
The Productivity Commission Inquiry into the revenue raising capacity of councils was foreshadowed in the recommendations handed down by the committee overseeing the Inquiry into cost shifting. Its terms of reference include the following:

- The capacity of different types of councils (eg capital city, metropolitan, regional, rural, remote and indigenous) to raise revenue and the factors contributing to capacity and variability in capacity over time
- The impacts on individuals, organizations and businesses of the various taxes, user charges and other revenue sources available to Local Government and the impact of any state regulatory limits on the revenue raising capacity of councils, and
- The impact of any state regulatory limits on the revenue raising capacity of councils

Following initial consultations with key stakeholder groups around the country the Productivity Commission released its initial issues paper with the aim of seeking broader inputs to better understand the limitations on Local Government finances, the implications of measures imposed by other spheres of government and opportunities available to councils themselves to improve their financial capacity.

The LGAT has prepared a detailed submission which seeks to address each of the questions presented in the issues paper. Approximately 50 submissions were received by the Productivity Commission. A copy of the Association’s submission is at Attachment to Item 12 for reference.

Budget Impact
Significant changes to the current revenue streams of councils could have major impacts on council finances.

Current Policy
The Association supports and endorses the ALGA policy platform of fair funding, fair treatment and formal recognition.
14. ITEM: HOUSEHOLD HAZARDOUS WASTE  
Contact Officer – Christine Standish

Hobart City Council/Glenorchy City Council

That the meeting endorse the recommendations of the Local Government Waste Management Reference Group for Local Government to jointly fund, with the State Government, a Household Hazardous Waste Collection system as a pilot project.

Carried

The recommendations are as follows:

- That Local Government support the proposal to jointly fund with the State Government, on a 50/50 basis, a Household Hazardous Waste collection system in Tasmania, as a pilot program operating for up to 5 years, based on Option 1 in the Asterisk One Supplementary Modelling Report, namely A Temporary Collection Program involving an agreed number of sites in each region per year, on an alternating/rotational basis.
- That a project officer be appointed, out of the State Government’s project funds, to further scope and implement the project.
- That this officer be located with an appropriate body, as determined through consultation between the Department of Tourism, Arts and the Environment (DTAE) and LGAT.
- That a steering committee, comprising State and Local Government representation, be established to oversee the project.
- That the precise location of the temporary collection sites be determined during the project scoping phase in consultation with regional bodies.
- That the collection system be reviewed after 2 years of operation to assess achievements and future expectations.
- That State and Local Government enter into a memorandum of understanding to formalise the joint funding partnership in relation to the HHW pilot project.

Background comment:
Establishing a household hazardous waste (HHW) collection system was identified as a priority waste management issue for funding under the State Government’s Living Environment Program (LEP), which was a 2005/6 Budget initiative. An amount of up to $500,000 was allocated towards the project.

The broad objectives of a HHW collection system are to facilitate state-wide collections, transport, treatment and disposal of household hazardous waste to remove these wastes from households, the environment and the domestic waste stream.

In line with arrangements previously established under the auspices of the Premier’s Local Government Council (PLGC), Local and State Government agreed to consider suitable waste management projects for joint funding. The HHW project was put forward as the first of such projects and was initially considered by the High Level Oversight Group, a high-level State/Local Government forum established under the broad umbrella of the PLGC, to examine and advance waste management issues of common interest to Local and State Government. Subsequently, this body was disbanded and replaced by the Local Government Waste Management Reference Group (LGWMRG), which comprises representatives from LGAT, the 3 regions and, by invitation, representatives from DTAE, including the Director of Environmental Management. This group has now taken carriage of the HHW project.
At the August 2005 meeting of HLOG it was agreed that the State Government would contribute funds ($45,500) from its LEP program to engage a consultancy to investigate the options for establishing a feasible HHW collection system for Tasmania.

Following broad stakeholder consultation, the consultants, Asterisk One, produced the *Household Hazardous Waste Collection System in Tasmania – Program Design Report, July 2006*, which was circulated to all councils. The report outlined 2 main options:

**Option 1** Single day collections at temporary sites in most municipal areas. Scenario 1 suggested single collections at temporary sites annually for larger councils and biennially for smaller ones. The projected costs were $350,000 per annum in the first two years. Scenario 2: as above but including landfilling of residuals to reduce costs. The projected costs were $260,000 per annum in the first two years.

**Option 2** Permanent facilities set up within each of the three regions and some temporary sites in rural areas, with annual and biennial collections. Projected costs: capital costs of $165,000 and annual operating costs of about $385,000 per annum.

The Consultants recommended Option 2.

Upon receipt of the report, the State Government wrote to Local Government putting forward a proposal to enter into a co-funding arrangement to establish a continuing HHW system. Under this proposal, the State suggested it would contribute up to a further $460,000 towards the costs of establishing a system, with the expectation that Local Government would match the total funds of $500,000 to be phased in and spread over several years.

After consideration of this proposal, the Association passed the following resolution at its November 2006 meeting,

1. **That Local Government:**
   - Acknowledge the benefits to Local Government of a household hazardous waste collection system, which would remove hazardous waste from both the solid and liquid waste streams under Local Government control;
   - Agree to continuing discussions with the Department of Tourism, Arts and the Environment regarding the sharing of costs for the provision of this service on the grounds that the service will be jointly funded on an ongoing basis by Local Government and the State Government; and
   - Advise the Department of Tourism, Arts and the Environment that any proportion of funding for this program agreed to by Local Government should be met by the Regional Waste Authorities/Bodies from the contributions by individual Councils

2. **That the Local Government members of the High Level Oversight Group be authorised to discuss this matter with the Department of Tourism, Arts and the Environment and report back to a future meeting of LGAT.**

3. **That LGAT respond, on behalf of all Councils, to the DTAE letter to Local Government of 2 October 2006 on this matter in the above terms.**

On this basis, the matter was referred back to the Local Government Waste Management Reference Group, which had by then replaced the HLOG. At its meeting on 14 March 2007, the WMRG indicated its in-principle support for the jointly funded project but identified a number of logistical and technical issues associated with its operation as contained in the recommended Option 2, that required further consideration. It was agreed that in order to progress the project, LGAT would convene a Technical Reference Group (TRG) with a view to preparing a report to take to the May LGAT General meeting.
The TRG, which comprised officers from DTAE and LGAT, SWSA and 2 technical representatives from councils, met on 26 March and concluded that neither of the options outlined in the consultants' report represented good value for money and did not adequately reflect the potential to build on existing resource recovery schemes that could increase the amount of material collected and reduce operating costs.

Following that meeting it was agreed that DTAE would re-engage Asterisk One to undertake supplementary modelling and provide further options that met the following criteria:

- 4-5 year program of periodic collections
- Temporary collections only in 2-3 sites per region
- Visit each temporary collection site approximately once every two years
- Reflect the total project funding pool of about $900,000 - $950,000

Asterisk One delivered the supplementary modelling report and members of the TRG met with the consultant to discuss its findings. Following this meeting it was agreed to reconvene the TRG with the objective of formulating recommendations, based on options contained in the second report, on how best to proceed with the project to the LGWMRG, which would, in turn, develop a policy position and recommendations to be deliberated at the August LGAT General Meeting.

To this end, the TRG met again on 25 June to consider the Supplementary Modelling Report, prepared by Asterisk One, which outlined the following 2 additional options:

1. Revised Temporary Collection Program that provides single day collections in 3-4 sites per region per year on an alternating basis. Projected cost around $175,000-$182,000 per year ($875,000-$910,000 over 5 years). The projected yield is around 45 tonnes per year, with a unit cost of about $3.90 per kilogram.

2. Provision of permanent facilities in addition to the temporary collection program. This would add between $55,000 - $70,000 per year (plus capital costs) depending on location but with an increased projected yield.

Both options incorporate/build on existing resource recovery programs, which has the potential to further reduce costs.

In discussions the following issues were noted:

- That temporary collections were one-off, one-day events that relied heavily on good pre-promotion to alert the community to their existence.
- The importance of effectively ‘branding’ the scheme.
- The importance of effective data collection regarding amounts and types of wastes collected/recovered.
- To be aware that a HHW collection service is likely to ‘flush’ out a whole range of non-household wastes such as herbicides and pesticides for which there are not currently adequate storage facilities.
- The State Government funding component for this project, under the Living Environment Program, would need to be fully committed by June 2008.
- That the proposed Local Government contribution to the project of $500,000 over a 4-5 year period represented an approximate $1 per capita investment in community health and safety and increased resource recovery and recycling.

The TRG considered there was merit in the basic content of supplementary option 1 and agreed to make the recommendations, detailed at the head of this item, to the LGWMRG.

These recommendations were circulated to each of the three regional representatives on the LGWMRG for consideration by the councils in their respective regions. The LGWMRG met
on 26 July to formally consider the recommendations and the Director of Environmental Management was present at this forum. The Reference Group endorsed the recommendations of the TRG and agreed to present these for consideration and endorsement by all Councils at the August General meeting.

Under the proposal Local Government would match the State Government contribution of up to $500,000 to be phased in and spread over several years. In line with the spirit of the November 2006 motion, Local Government funding for this pilot project would be provided on the grounds that Local Government would not continue to fund a household hazardous waste collection system unilaterally beyond the duration of the pilot project. Moreover, any proportion of funding for this program agreed to by Local Government should be met by the Regional Waste Authorities/Bodies from the contributions by individual Councils.

Budget Impact
Does not apply.

Current Policy
Local and State Government have agreed to consider suitable waste management projects for joint funding under the arrangements previously established under the auspices of the PLGC.

15. ITEM: FAST TRACKING OF LEGISLATION

Hobart City Council/Kingborough Council

That the Local Government Association of Tasmania advise the State Government that it strongly supports the Resource Management and Planning System and is concerned that it is weakened by fast-track legislation.

Carried

A division was called with the votes being –

25 For
20 Against

Background comment:
The concerns expressed by the Council in this motion stem from the recent decision of the State Government to circumvent the State Policies and Projects Act 1993 and the role of the Resource Planning and Development Commission in the assessment of the Gunns pulp mill proposal.

Whilst the public have had the opportunity to make submissions in relation to the guidelines, the impact of this action will effectively remove any direct ability to make submissions or attend hearings on the merits or otherwise of this proposal which is of local, regional and state significance.

Further the Pulp Mill Assessment Act is considered to depart from the long-stated objectives of the Tasmanian Resource Management and Planning System as they relate to:

− Encouragement of public involvement in the system;
− Review of planning decisions by independent decision makers with relevant expertise;
− Assessment of development proposals in accordance with Planning Schemes which are supported by research and strategic statements;
− Regime for enforcement of planning scheme provisions and planning permit conditions, including creation of offences and monetary penalties for non-compliance;
− Rigorous regime for development and review of planning schemes in accordance with the objectives of LUPAA, regional considerations, state policies and the strategic plan of the Council; and
− Application of principles of natural justice in the decision making process, including having an adequate opportunity to be heard where interests are affected.

The issue of fast-tracking legislation is of concern to Local Government as it can disenfranchise both Local Government and the wider community who are major stakeholders in the development outcome.

**Budget Impact**
Does not apply.

**Current Policy**
Does not apply.

### 16. ITEM: LOCAL GOVERNMENT ELECTIONS *

**Contact Officer – Liz Gillam**

**Glamorgan Spring Bay Council/Southern Midlands Council**

That Councils note the report, in particular the Local Government position that has been put to State Government that the election timetable not be changed but also noting the Governor’s power to fix another date under section 268A of the Local Government Act 199, on the recommendation of the Minister.

**Carried**

**Background comment:**
The next federal election will be held in the period between 4 August and 19 January 2008 and there is a possibility that it may take place during the period of the Local Government elections.

The timetable for the 2007 Local Government elections is as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saturday 15 September</td>
<td>Notice of elections</td>
</tr>
<tr>
<td>Monday 1 October</td>
<td>Nominations close</td>
</tr>
<tr>
<td>16 – 30 October</td>
<td>Polling period</td>
</tr>
</tbody>
</table>

There is no legal impediment to Local Government elections being held over the same period as the federal elections. However, there are some potential practical impacts, including:

− There may be confusion in the minds of the electors in relation to candidates in the two elections, particularly if there are candidates with similar names.
− It is possible that the importance of Local Government elections might be overwhelmed by the federal election, potentially leading to a reduced return of postal ballots.
− AEC and TEC staff would be under considerable pressure and it is possible that scrutinees would take longer.

Given these potential impacts, earlier this year Councils considered a number of options in relation to the Local Government elections:

− Take no action
- Leave current arrangements in place but should a federal election be called during the period of the Local Government elections, request the Electoral Commissioner to consider adjourning the poll for up to 30 days (Local Government Act 1993 section 310).
- Request the State Government to recommend to the Governor that Local Government elections be brought forward so that they are completed before 4 August (Local Government Act 1993 section 268A).
- Request the State Government to recommend to the Governor that Local Government elections be postponed until early 2008.

A clear majority of Councils indicated that they considered no action should be taken to change the date of Local Government elections. A small number of Councils further indicated that if a Federal election is called during the period of Local Government elections, the Electoral Commissioner should be requested to exercise his power under section 310 of the Local Government Act 1993 to adjourn the poll. His ability to do this would, of course, be influenced by what stage in the process Local Government elections have reached.

The State Government was advised of Local Government’s position.

However, there is another alternative that was not canvassed in earlier consultations and which has been raised by the Tasmanian Electoral Commission in an Information Bulletin to Councils and in discussions with some Councils:

- Short term delay of whole election process (by proclamation under section 268A of the Local Government Act 1993).

It is possible that the Electoral Commissioner may seek to have the Governor exercise his power under section 268A, should a federal election be called between now and 10 September. Alternatively, the Electoral Commissioner may exercise his power under section 310 to adjourn the poll for up to 30 days.

The table at Attachment to Item 16 shows the range of dates over which there is a possibility for the Local Government elections to be changed.

At the time of writing, discussions were continuing with the Minister and the Electoral Commission.

**Budget Impact**

Does not apply.

**Current Policy**

LGAT has previously resisted the alteration of the dates of elections unless there are exceptional circumstances.
17. ITEM: COUNCIL ROUND-UPS

That the General Meeting note the briefing from the councils presenting.

Noted

Background comment:

Kentish and Kingborough Councils have been asked to conduct a brief presentation on matters that are currently important in their municipal area.

The session will also allow time for questions and provide an opportunity to briefly share and highlight problems or opportunities facing councils.

18. CLOSURE
The President wished Elected Members standing for re-election in October all the best and thanked Mayor Ross Hine for his contributions to Council during his many years as a councillor.

There being no further business the President declared the meeting closed at 1.35pm.