Follow up of Outstanding General Meeting Motions Report

Motions which had been completed by the last meeting (July 2010) or which have been replicated in later meetings have been deleted in order to more efficiently monitor outstanding activity.

REPORT A:

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

<table>
<thead>
<tr>
<th>2006 Motions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>June Conference</td>
<td></td>
</tr>
<tr>
<td><strong>4.2 Review of Sewers and Drains and Waterworks Clauses Acts</strong>: That the LGAT request the State Government to review both the Sewers and Drains Act 1954 and the Waterworks Clauses Act 1952 to improve resource management and governance of these essential services within the state</td>
<td>LGAT attended the first meeting of the Drains Act Review Reference Group, convened by the Department of Primary Industry, Parks, Water and Environment (DPIPWE), on 31 March 2010. The Reference Group also includes representation from a number of councils, the EPA, Department of Justice and Ben Lomond Water (given the unique relationship of Ben Lomond Water with Launceston City Council). A discussion paper was prepared with 16 submissions received (and available on the DPIPWE website). Project timeframes have slipped due to competing priorities in State Government. The summary and response are due to be circulated to the Reference Group in the next few weeks and will then be released more widely.</td>
</tr>
</tbody>
</table>

| August 2006 General Meeting |  |
| **13 Constitutional Recognition**: | ALGA are continuing to progress activity in this area. See report this meeting. |
| 1. Continue to lobby for the inclusion of appropriate recognition of Local Government in the Commonwealth Constitution. |  |
| 2. Urges the Local Government Association of Tasmania to renew its efforts to gain appropriate recognition of Local Government in the Commonwealth Constitution, including the formal of a special committee to work with other states to finalise the wording of proposals, and undertake appropriate lobbying activities to achieve Constitutional recognition. |  |
3. Urges the Local Government Association of Tasmania to use all efforts to press the Australian Local Government Association to be more active in pursuing the Australian Parliament to undertake measures to have Local Government recognised in the Commonwealth Constitution.

| 2007 Motions |
| May Conference |
| **4.2** Borrowing Limits: That in light of the recent LGAT sustainability review and the evaluation that many councils could better utilise loans to assist in funding asset renewal gaps the LGAT actively lobby the State Government to have borrowing limits extended. | Process amended to avoid councils having to make year on year requests for allocations. Lending limits now align to need rather than ability to borrow. Remove from next report. |
| **5.2** Review of Rules Governing Aurora: That the Local Government Association of Tasmania take up with the State Government the issue of Aurora undergrounding power for new developments other than for subdivisions greater than 5 lots and in particular that the rules governing Aurora be reviewed for both on ground works and charging regimes to ensure the best long term development outcomes for communities. | In light of State Government comment, LGAT has written to the Energy Regulator seeking clarification. He advises he is investigating Aurora’s needs including amounts to finance underground supply. Matters raised by LGAT will be raised with Aurora and Energy Regulator will respond in due course. Staff changes have had an impact on this and it is flagged for follow-up. |

| August 2007 |
| Review of Part 5 of the Local Government Act: That the Local Government Association of Tasmania request a review of Part 5 (Interest) of the Local Government Act. | A letter has been sent to the State Government. LGAT and the Local Government Office have commenced a project to review components of the Act but it is not likely to be progressed until next year. |
| Valuation of Land Act: That Local Government establish a high-level working group to investigate all other alternate options in relation to this matter and in the event a change is supported the LGAT then make representation to the State Government. | See Item 17, August 2009 |

| June 2008 |
| **10.2** That LGAT lobbies the State Government to make changes to the eligibility criteria for pensioners under the Local Government (Rates & Charges Remissions) Act 1991 so that pensioner residents of retirement villages can still receive a State Government remission from their rates. | Preliminary discussions with Local Government Division undertaken. May be picked up in rating and valuation review. |
| August 2008 |
|------------------|-------------------------------------------------|-------------------------------------------------|
| That the LGAT requests the State Government to review those provisions in the Act relating to public meetings by petition with a view to: | 1. Limiting the compulsion to hold a meeting to matters of relevance only to the municipal area over which the Council has control; | Has been raised with the Local Government Division who have included it on a list of issues for consideration in a review of the Act. |
| 2. Balancing the rights of ratepayers and residents of the municipal area against those of others attending a public meeting; and | 3. Addressing some of the practical issues that have arisen in recent times. |  |
| June 2009 | | |
| 1.1 | That the Local Government Association of Tasmania seek amendment to the Local Government (General) Regulations 2005 section 43, Expenses for councillors, which reads: “A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under Schedule 5 to the Act in relation to - …” Sub-clause (c) to be altered from: “(c) Care of any child of the councillor” to: “(c) Care of any person for whom the councillor is responsible.” | Has been raised with the Local Government Division who have included it on a list of issues for consideration in a review of the Act. |
| 1.4 | That a review of the following sections of the Local Government Act be undertaken: 28E – Code of Conduct 28G – Establishment of Code of Conduct Panel | Has been raised with the Local Government Division who have included it on a list of issues for consideration in a review of the Act. |
| | That a review of Section 199 – Interpretation of Division 6 – Definition of nuisance, of the Local Government Act be undertaken. The review is to include strengthening provisions under Section 199 |  |
| 5.2 | That the Local Government Association of Tasmania is asked to lobby the State Government for an increase in operational funding for the Parks And Wildlife Service Tasmania | Additional funding last State Budget. Item to be removed next report. |
| 6.1 and 6.2 | That the Local Government Association of Tasmania request the State Government to legislate, so that Local Government is empowered to ensure that the planting of trees within town boundaries are species that are appropriate in relation to both fire and general safety | Was raised at a State Government meeting regarding bushfire planning. No specific response to date. See item on Royal Commission/Bushfire Planning. |
| | That LGAT lobby State Government i) to reassess the state planning template; and ii) to manage road verges, rail corridors and or cycle ways in regard to fire management |  |
### August 2009

<table>
<thead>
<tr>
<th>No.</th>
<th>Motion</th>
<th>Discussion</th>
<th>Date</th>
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<tbody>
<tr>
<td>11</td>
<td>That LGAT investigate the formulation of a state-wide policy and legislation that may enable councils to legitimately charge developer contributions for both hard and soft infrastructure in the future.</td>
<td>The Association has commenced research on this area and obtained reports from South Australia on a study into Developer Responsibilities/Contributions. The SA study concluded that some level of Development contributions could be applied by Councils in SA. The Association is reviewing the report finding for possible applicability in Tasmania.</td>
<td>November 2009</td>
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<tr>
<td>16</td>
<td>That Members agree that LGAT should continue to explore opportunities that might arise through joint State/Local Government approaches to roads maintenance or pooling of funds and other objectives and priorities that were identified at the roads forum.</td>
<td>The Association is continuing to discuss this issue with the Department of Infrastructure, Energy and Resources (DIER).</td>
<td></td>
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<tr>
<td>17</td>
<td>That the Local Government Association of Tasmania be requested to appoint a Working Group or an independent consultant with power to co-opt the Valuer General to review the rating provisions within the Local Government Act 1993 and the Valuation of Land Act 2001 including: 1. The costs/benefits of requiring the Valuer General to provide assessed annual values of all lands within each valuation district under Section 11 of the Valuation of Land Act 2001. 2. The success of the bi-annual assessed annual adjustment factors.</td>
<td>See Agenda Item on Valuation and Local Government Rating Review. To be removed next report.</td>
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### November 2009

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<tr>
<th>No.</th>
<th>Motion</th>
<th>Discussion</th>
<th>Date</th>
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<tr>
<td>28</td>
<td>That the Local Government Association of Tasmania further progress these matters on Australian Government Financial assistance with the Water and Sewerage Corporations and the State Government as a matter of urgency.</td>
<td>The State Government has made application to the Commonwealth for funding for water meters. This follows discussions with the water corporations. LGAT is continuing its dialogue with the Chair of the corporations to ascertain the most effective means by which to secure additional funds for Water &amp; Sewerage infrastructure.</td>
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### March 2010

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<tr>
<th>No motions brought by members</th>
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### July 2010

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<thead>
<tr>
<th>Motion</th>
<th>Discussion</th>
<th>Date</th>
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<tbody>
<tr>
<td>That the Meeting support the formation of a Metropolitan Councils Group within the framework of the Local Government Association of Tasmania, subject to Terms Of Reference as agreed by the full Association Membership.</td>
<td>Agenda Item Special General Meeting 20 October 2010</td>
<td>To be removed next report.</td>
</tr>
<tr>
<td>That with regard to voting arrangements, the meeting agree, subject to the formation of a metropolitan group, the proposal as outlined in Option Two be progressed - Use of metropolitan group to formulate metropolitan positions and policies This would allow for broad sectoral issues to be dealt with in accordance with the present General Meeting voting structure but would provide those councils seeking to achieve particular outcomes or policies at the metropolitan level, the opportunity to progress those matters with confidence.</td>
<td>Metropolitan Councils Group is on the Agenda for the 20 October 2010 Special General Meeting.</td>
<td>To be removed next report.</td>
</tr>
</tbody>
</table>
consequences for all Councils, should be referred to the General Meeting for consideration.

<table>
<thead>
<tr>
<th>That the Meeting note the absolute sovereignty of councils in being able to pursue their own outcomes on issues of significance to them and their ability to take positions that may be contrary to a broader Association membership perspective and be able to speak on them and prosecute them in the way that they see fit.</th>
<th>No action required. To be removed next report.</th>
</tr>
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<tbody>
<tr>
<td>That this matter (communication and consultation protocol) again be raised at the Premier’s Local Government Council with a view to ensuring ongoing and future adherence and that mechanisms be put in place at both State and Local Government levels to ensure that agencies and councils are aware of their respective obligations under the Agreement.</td>
<td>Consistently referred to in meetings with State Government, including PLGC. To be removed next report.</td>
</tr>
<tr>
<td>That Councils acknowledge the positive contributions of LGAT in representing the interests of Councils and the benefits to councils of adopting and maintaining a unified approach through LGAT, and That the Contributions made by the large Councils both financially and in terms of resources be recognised and acknowledged.</td>
<td>No action required. To be removed next report.</td>
</tr>
</tbody>
</table>
REPORT B:

This report details motions which are unresolved but which are dependent on new State Government Action. LGAT proposes to hold this as a record but not to further report on these items.

<table>
<thead>
<tr>
<th>Motion No.</th>
<th>Decision</th>
<th>Status (at Last Report)</th>
<th>Date of Last Report</th>
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</thead>
<tbody>
<tr>
<td><strong>2005 Motions</strong></td>
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<tr>
<td>2005 Motions</td>
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<tr>
<td>2.1</td>
<td>Projects of Regional Significance: That subject to the appropriate criteria being developed in consultation with Local Government, projects of regional significance be incorporated into the State Policies and Projects Act 1994</td>
<td>Will be picked up under planning reform.</td>
<td>March 2010 (Planning Report)</td>
</tr>
<tr>
<td>6.1</td>
<td>Bush Fire Prone Areas: That LGAT seek a review of the definitions in relation to Bush Fire Prone Areas as indicated in the ‘Guidelines for Development in Bush Fire Prone Areas for Tasmania’ and RPDC Planning Notes to provide more meaningful direction on behalf of Local Authorities and their residents.</td>
<td>LGAT made a submission in relation to BPA. See Agenda Item this meeting.</td>
<td>November 2010.</td>
</tr>
<tr>
<td><strong>2006 Motions</strong></td>
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<td></td>
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<tr>
<td>June</td>
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<tr>
<td>3.4</td>
<td>Heavy Vehicle Funding: That LGAT lobby the State Government to provide a greater share to Local Government in Tasmania of the heavy vehicle registration fees to enable Councils to develop a sustainable model for more adequate maintenance to their roads.</td>
<td>The Association included this issue in its 2010-11 Budget Submission but received no traction on the issue with State Government.</td>
<td>March 2010</td>
</tr>
<tr>
<td>4.1</td>
<td>Highway Signage: That the Association request the State Government to review its existing policy relating to the Tasmanian Visitor Information System (TVIS) throughout the State and provide an opportunity for specific improvements in signage particularly for businesses that do not have frontage to major Highways.</td>
<td>The matter was considered at the May General Managers’ Workshop. This forum determined that the most critical issue related to illegal signage on highways and roads. LGAT has written to DIER advising this and suggesting a complementary State and Local Government response to the problem. A departmental response is yet to be received despite follow up.</td>
<td>November 2008</td>
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<td><strong>2007 Motion</strong></td>
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<tr>
<td>May</td>
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<td>6.2</td>
<td>Establishment of Walkways and Cycleways: That the LGAT requests State Government assistance for Local Government to establish walkways, bush walking tracks and cycleways.</td>
<td>The State Government has been funding $1for $1 through the Trail and Bikeways Program. Presentation made to PPAC forum in 2010. Funding continues. Item to be</td>
<td>May 2010</td>
</tr>
<tr>
<td>Section</td>
<td>Issue/Proposal</td>
<td>Details/Actions</td>
<td>Date</td>
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<tr>
<td>6.3</td>
<td>Derelict and Dilapidated Buildings: That LGAT strongly request the State Government to pass amending legislation to give councils clear and appropriate powers to enforce works to remedy the adverse effects of derelict or dilapidated buildings on the streetscape and nearby properties. It is recommended that those powers include the power of compulsory acquisition it the property owner does not comply with the enforcement order issued under that amended legislation.</td>
<td>This issue will be reconsidered with any future amendments to the Local Government Act.</td>
<td>November 2008</td>
</tr>
<tr>
<td>8.1</td>
<td>Amendment of Anti-Hooning Legislation: That the Local Government Association of Tasmania requests the State Government to amend the anti-hooning legislation to include the cancellation of a person's licence for the period the car is impounded.</td>
<td>In 2009 the State Government introduced amendments to enhance abilities to confiscate/clamp cars. Loss of licences is not automatic but subject to the court process. Unless related to a specific offence eg 37kms and over speed limit. Item to be removed next report. This week Government reported on car confiscations under the amended legislation. Item to be removed next report.</td>
<td>November 2010.</td>
</tr>
<tr>
<td>8.2</td>
<td>Smoking Policies and Controls: That a consistent approach to smoking policy and controls be taken across Tasmania.</td>
<td>Subject of a motion to May 2010 Meeting. State Government consultation underway. Paper to October 2010 Meeting. Item to be removed next report.</td>
<td>October 2010</td>
</tr>
<tr>
<td>10.2</td>
<td>Pension Rate Rebate: That LGAT be requested to continue to lobby the State Government for an increase in the Pension Rate Rebate under the Local Government (Rates and Charges Remissions) Act 1991.</td>
<td>LGAT has lobbied the State Government on this matter. It also sought an indication from councils of levels of rebate support, other than through the State Scheme, that they provide to pensioners. 6 councils provide additional rebate support.</td>
<td>November 2008</td>
</tr>
<tr>
<td>10.4</td>
<td>Fire Service Levy: That Local Government advise the State Government that as of 2008/9 that we require them to amend the legislation so that Local Government is not responsible for the collection of the fire service levy. That a strong message be also given to the State government that the 2006/7 increase is unacceptable and that additional funding should be found from the consolidated fund to meet the increasing costs of this service.</td>
<td>LGAT wrote to the new Minister on the issue in August 2010 and had a meeting with staff from the Tasmanian Fire Service and the Minister’s office in October 2010. The Government’s position remains unchanged.</td>
<td>November 2010</td>
</tr>
<tr>
<td>7</td>
<td>Road Closure Appeal Process: That the Local Government Association of</td>
<td>The Association has written to the</td>
<td>November 2008</td>
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</tbody>
</table>
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).

Local Government Office on this matter. The LGO responded with advice that the Department of Infrastructure, Energy and Resources (DIER) is undertaking a Road Legislation Review with the aim of consolidating road legislation. The Local Government (Highways) Act 1982 is one of the Acts being reviewed. The review project is in start up mode with amending legislation proposed to be introduced into Parliament by the Spring 2009 session. LGATs letter has been passed on to the project team so the request for amendment can be considered in the process.

### June 2008

<p>| 6.1 | That the State Government be called upon to create the necessary legislative mechanisms to enable planning authorities to issue planning infringements for non-compliance with planning schemes and planning permit conditions including a scale of penalties which are commensurate with the seriousness of a breach. | Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains. | November 2008 |
| 6.2 | That the Local Government Association of Tasmania investigate and obtain advice in seeking to review and amend the provisions of the <em>Land Use Planning and Approvals Act 1993</em> to prevent multi planning applications being made on the same parcel of land for the same or similar use and development until the first application has been determined by the planning authority. | Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains. | November 2008 |
| 6.3 | That LGAT request the State Government to review the delegation powers in s6 of the <em>Land Use Planning and Approvals Act 1993</em>, with the aim of the powers, provided to the planning authority, to be consistent with the delegation powers in the <em>Local Government Act 1993</em>. | Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains. | November 2008 |
| 6.4 | That the Local Government Association of Tasmania request the State Government to amend the <em>Land Use Planning and Approvals Act 1993</em> and the <em>Historic Cultural Heritage Act 1995</em> to prohibit public notification of planning and works applications during the Easter period, between the Thursday prior and the Tuesday after, and over the Christmas/New Year period commencing that last working day prior to Christmas, or a sufficient time to allow for a weekend notification date, until January 15, and that the consideration period for both the planning authorities and the Tasmanian Heritage Council be extended to account for this prohibition, <em>with a commensurate extension of the maximum 42 day period</em>. | Matter raised with Land Use Planning at meeting held 14 August. Position as outlined by State Government in response to motion remains. | November 2008 |
| 4.1 | That Councils support the motion for the Local Government Association to lobby the | Initial communication with the | March 2009 |</p>
<table>
<thead>
<tr>
<th></th>
<th>State Government to review the application of taxes and stamp duty associated with business transactions, e.g. payroll tax, insurance premium renewals and mortgage dealings</th>
<th>Department of Treasury and Finance undertaken. Treasurer has advised that he doesn't support a review of taxation outside the normal review process.</th>
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<tbody>
<tr>
<td>5.1</td>
<td>That LGAT lobby the State Government through the DPIW Water Division to make uniform water licenses for both summer and winter conditions</td>
<td>Letter sent to Minister. No response was received. A follow up letter was been sent May 2009.</td>
</tr>
<tr>
<td>8.1</td>
<td>That LGAT request the State Government, as a matter of urgency, to amend legislation to allow controlled use of grey water especially in regard to the domestic situation and to consider the latest research in the reuse of grey water and provide proposals and discussion papers in relation to the establishment of uniform state wide controls for grey water reuse in Tasmania for the consideration of Local Government</td>
<td>Matter raised with the Department of Primary Industries and Water.</td>
</tr>
<tr>
<td>August 2008</td>
<td>That LGAT initiate discussion with the State government as to the effect Land Tax is having on Councils and communities.</td>
<td>Letter sent to Treasurer Oct 08 with reference to ALGA submission to Taxation Review. Treasurer has advised that he doesn't support a review of Land Tax outside the normal review process and has written to LCC. LGAT has been advised of same and has subsequently informed LCC as initiator of motion.</td>
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<tr>
<td>March 2009</td>
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<tr>
<td>Project milestones</td>
<td>Due date</td>
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<tr>
<td><strong>Project initiation</strong></td>
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<tr>
<td>(i) Agreement to the Implementation Plan.</td>
<td><em>Expected by</em> 30 Nov 2010</td>
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<tr>
<td><strong>Project implementation</strong></td>
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<tr>
<td>(ii) Project manager and steering committee established.</td>
<td><em>Expected by</em> 31 Jan 2010</td>
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<tr>
<td><strong>Stage 1</strong></td>
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<td>(iii) Long Term Financial Plan template (LT FP) finalised.</td>
<td><em>Expected by</em> 30 March 2011</td>
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<tr>
<td>(iv) State Asset Management Policy developed.</td>
<td><em>Expected by</em> 1 June 2011</td>
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<tr>
<td><strong>Progress report</strong></td>
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<tr>
<td>(v) Submission of progress report by LGAT.</td>
<td><em>Expected by</em> 1 July 2011</td>
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<tr>
<td>(vi) Acceptance of progress report by the Commonwealth.</td>
<td><em>Expected by</em> 29 July 2011</td>
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<td><strong>Stage 2</strong></td>
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<td>(vii) All Tasmanian councils complete review of asset registers.</td>
<td><em>Expected by</em> 30 Sept 2011</td>
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<tr>
<td>(viii) Whole-of-organisation tool to improve asset management practices and set targets for future improvements (which aligns to an agreed best practice framework) developed, agreed and in use.</td>
<td><em>Expected by</em> 31 Oct 2011</td>
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<tr>
<td>(ix) Common reporting indicators in use.</td>
<td><em>Expected by</em> 31 Dec 2011</td>
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<td>(x) All Tasmanian councils develop asset management plans for key asset classes.</td>
<td><em>Expected by</em> 30 Jan 2011</td>
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<tr>
<td><strong>Project completions</strong></td>
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<tr>
<td>(xi) Project completed.</td>
<td><em>Expected by</em> 30 Jan 2011</td>
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<tr>
<td>(xii) Independent evaluation complete.*</td>
<td><em>Expected by</em> 31 March 2012</td>
<td></td>
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<tr>
<td>(xiii) Submission of final progress report by LGAT.</td>
<td><em>Expected by</em> 15 April 2012</td>
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Role of the Tasmanian Freight Strategy in relation to existing and future strategic policy

- Tasmanian Government’s Economic, Social and Environmental Policy Agenda
- Tasmanian Infrastructure Strategy
- An Integrated and Sustainable Transport System for Tasmania – Policy Framework for Action
- Tasmanian Freight Strategy
- Tasmanian Road Safety Strategy 2007-2016
- Strategic reform areas identified by the Transport Policy currently not captured by existing policy effort
- National COAG Reform agenda, focusing on improved efficiency and productivity
- COAG Transport-Specific Policy and Reform Agenda
- National Transport Policy
- COAG Road Reform Program;

Implementation of individual initiatives, projects, actions in support of each of the above strategic directions – delivering practical outcomes
Executive summary

The Tasmanian Government has released its response to the Victorian Bushfire Royal Commission. The Royal Commission made 67 recommendations, with the Tasmanian Government fully supporting 47, supporting 17 with qualifications, and rejecting three recommendations. This paper outlines Tasmania’s response and the likely implications some recommendations may have for Tasmanian councils.

The recommendations that specifically apply to Local Government are:

- Local planning and vulnerability assessment (Recommendation 3)
- Shelter options (Recommendation 4)
- Evacuation (Recommendation 5)
- Electricity and hazardous trees (Recommendation 31)
- Retreat and resettlement (Recommendation 46)
- Monitoring of Planning Permits (Recommendation 52)
- Fire Services Levy (Recommendation 64)

Royal Commission Recommendation 3 – Local planning and vulnerability assessment

That the State establish mechanisms for helping municipal councils to undertake local planning that tailors bushfire safety options to the needs of individual communities. In doing this planning, councils should:

1) Urgently develop, for communities at risk of bushfire, local plans that contain contingency options such as evacuation and shelter

2) Document in municipal emergency management plans and other relevant plans facilities where vulnerable people are likely to be situated— for example, aged care facilities, hospitals, schools and child care centres

3) Compile and maintain a list of vulnerable residents who need tailored advice of a recommendation to evacuate and provide this list to local police and anyone else with pre-arranged responsibility for helping vulnerable residents evacuate.

Tasmanian Government response: Support without qualification

The Tasmanian government will provide $2million over three years to develop community protection plans. Planning officers funded by Tasmania Fire Service (TFS) will develop plans in
consultation with Local Government. The plans will identify where vulnerable people will gather and identify assets and routes to be used during bushfire. Maps will be developed with the support of the Department of Primary Industries, Parks, Water and Environment (DPIPWE).

Municipal emergency management plans will be reviewed by the Department of Police and Emergency Management (DPEM) and where necessary amended to ensure they identify places where vulnerable people are likely to be. This will use assembly centres and will not change current arrangements.

**Impacts on Local Government**

Councils will be involved in working with DPEM to review their municipal emergency management plans. If lists of vulnerable people are to be kept this may incur a resourcing impost on councils, given the large numbers of people likely to be considered vulnerable and issues of movement.

**Royal Commission Recommendation 4 – Shelter options**

That the State introduce a comprehensive approach to shelter options that includes the following:

- Developing standards for fire refuges as a matter of priority and replacing the 2005 Fire Refuges in Victoria: Policy and Practice.
- Designating fire refuges - particularly in areas of very high risk - where other bushfire safety options are limited.
- Working with municipal councils to ensure that appropriate criteria are used for bushfire shelters, so that people are not discouraged from using a bushfire shelter if there is no better option available.
- Acknowledging personal shelters around their homes as a fallback option for individuals.

**Tasmanian Government response: Support without qualification**

Bushfire shelter options adopted by the Tasmanian government will be consistent with the State’s bushfire policy. The TFS, State Emergency Service (SES) and Local Government will continue to collaborate on the identification of fire refuges to provide alternative shelter options for residents, particularly in bushfire-prone areas where other options are limited.

Fire refuges will be identified in community protection plans. The position on bunkers will conform to the emerging national position, and will need to be compliant with yet-to-be-developed standards for design, construction and use. The TFS will continue to support the national process to establish standards for community fire refuges.

**Impacts on local government**

Councils should be given the opportunity to contribute to policy and funding debates and liability issues must be resolved by the State Government. In Victoria it is Local Government that is liable for death or injury in a Nearby Safer Place (NSP), so signage is used in Victoria to mitigate this risk. In Tasmania this issue has been tabled by State government and provisions are in place so fire refuges and NSP’s are the responsibility of State government, with councils acting under direction from the fire service. TFS has indicated it will identify NSP’s through community
consultation in Community Fire Protection Plans. TFS will include advice so individuals can identify their own NSP’s but in extreme fire conditions TFS will not be identifying NSP’s.

Royal Commission Recommendation 5 - Evacuation

That the State introduce a comprehensive approach to evacuation, so that this option is planned, considered and implemented when it is likely to offer a higher level of protection than other contingency options.

The approach should:
- Encourage individuals—especially vulnerable people—to relocate early;
- Include consideration of plans for assisted evacuation of vulnerable people; and
- Recommend ‘emergency evacuation’.

Tasmanian Government response: Support without qualification

The Tasmanian Government will progress this recommendation by:
- Working with Local Government and service providers involved in emergency management planning and implementation to ensure that interests of vulnerable people are addressed in State and municipal emergency management plans
- Examining how state and national warning systems can be used to encourage vulnerable people to leave early when appropriate
- Considering further a three staged approach to evacuations – warning, evacuating vulnerable people, evacuating all people.

DPEM will coordinate further consultation with Local Government and relevant service agencies to review the treatment of vulnerable people in emergency management and evacuation planning.

Impacts on local government

Local Government supports further consultation with DPEM in relation to evacuation. Central to this issue is the definition of vulnerable people and the practicalities of evacuating these people before others. Options may include sheltering in place and protecting facilities, rather than evacuation.

Royal Commission Recommendation 31 – Electricity and hazardous trees

Municipal councils include in their municipal fire prevention plans for areas of high bushfire risk, provision for the identification of hazard trees and for notifying the responsible entities with a view to having the situation redressed.

Tasmanian government response: Support without qualification

Legislation in Tasmania does not impose such responsibilities on Councils. Instead it is Aurora Energy’s responsibility to manage Council trees near powerlines. Councils are encouraged to approach Aurora Energy with concerns or requests regarding hazard trees.
No further action is required.

Impacts on Local Government

There are no impacts on Local Government given the State Government position.

Royal Commission Recommendation 46 – Retreat and Resettlement

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

Tasmanian Government response: Do not support

The Government does not consider it necessary to implement a retreat and resettlement strategy for existing development.

Impacts on Local Government

There are no impacts on local government given the state government position.

Royal Commission Recommendation 52 – Monitoring of Planning Permits

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

Tasmanian Government response: Support without qualification

The State Government has agreed to refer a draft Planning Directive regarding controls on development and use in bushfire prone areas to the Tasmanian Planning Commission for consideration.

Additionally, if implemented, the Tasmanian Government will also produce a first pass map of bushfire prone areas in parallel with this. The State will also be working with municipalities that have already mapped bushfire prone areas (based on current TFS guidelines) to adapt these maps to meet the revised definitions. The priorities for developing detailed maps in other areas of the state will be considered in consultation with councils and upon consideration of the bushfire risks and development demand.

The community protection planning initiative of the TFS will assist relevant Councils to prioritise auditing and compliance activities with regard to maintenance of bushfire mitigation measures. The State will continue to work with Local Government on these issues (see Attachment 16b).

Impacts on Local Government
The Association raised a number of issues related to the proposed development controls following consultation with councils late in 2009. A number of issues raised have been heeded and addressed in the final recommendations.

However, some matters remain unresolved and so the Association will make a representation once the process is underway in relation to the draft Planning Directive.

**Royal Commission Recommendation 64 – Fire Services Levy**

The State replace the Fire Services Levy with a property-based levy and introduce concessions for low-income earners.

*Tasmanian Government position: Support without qualification*

The Tasmanian Government is satisfied that the funding provisions in the *Fire Service Act 1979* are arguably the fairest set of provisions in Australia in relation to the raising of funds to support fire service operations. Concessions on the Fire Service Levy in Tasmania are already available to low income earners.

*Implications for Tasmanian Councils*

There is no change to existing policy, although it should be noted that Local Government is still generally of the view that it should not collect the fire service levy on behalf of the State Government.
1. **Background**

The findings of the Victorian Royal Commission for the Black Saturday fires (February 2009) further supported an internal review by the Tasmania Fire Service (TFS) of existing bushfire planning practices. Subsequently a Cabinet submission was accepted in November 2009 providing funding over three years for the Community Fire Protection Planning project to upgrade bushfire planning in Tasmania to enhance community safety and resilience.

Key themes/principles of the project are:

- Shared legislative responsibility - TFS and councils
- A ‘lesson’ from Black Saturday which acknowledges:
  - fire fighting in extreme conditions requires a different approach
  - protecting life, property and the environment from bushfire can be better achieved through partnerships between State Government, councils, communities and the individuals who form them.

2. **Budget Implications**

In-kind support from councils will adequately address the planning work being led by TFS.

Existing emergency management (including community recovery) and fire management positions are important for TFS to work with but direct/operational cost across councils are anticipated to be negligible/minimal.

3. **Current Policy**

TFS is forming its project team and is starting to consult with key stakeholders about the project. While all matters in this paper are currently under development the approach that is envisaged is:

- Development of a series of plans at community level with mapping and advisory components:
  - plans for the community/public to support household preparedness and response
  - plans for brigades (response)
  - plans to oversee/coordinated mitigation works for bushfire for Fire Management Area Committees (FMACs).
- The planning work will be led by a project team in TFS 2010-2013
- Key actions/milestones are anticipated to include:
  - Develop a priority list of communities (risk based)
  - Trials
  - Confirm plan layout and contents
o Progressively:
   - undertake community consultation to identify where vulnerable people may gather and community assets
   - develop and validate spatial data sets
   - collate findings
   - finalise plans, issue and communicate them.

  o Transition/hand over.

  • The project will engage with a wide range of organisations and invite their input. While these will, naturally vary between areas the ‘constants’ are:
    o TFS (especially District staff and Brigades and Community Fire Safety)
    o Councils
    o PWS & FT
    o All-hazard emergency management stakeholders e.g. SES, community recovery, emergency management committees etc.

  • This work is based on the principle of shared responsibility for enhanced community safety and resilience.

  • Kate Dobson, Senior Planning Officer (Hobart)
    (03) 6230 8683 Kate.Dobson@fire.tas.gov.au
Governments working together
STATEWIDE PARTNERSHIP AGREEMENT ON CLIMATE CHANGE

between the
STATE GOVERNMENT

and the
LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

on behalf of
TASMANIAN COUNCILS

December 2008
Revised December 2010
AN AGREEMENT made the 16th day of December two thousand and eight,  
and revised on 16th day of December two thousand and ten  
between  
THE CROWN IN RIGHT OF THE STATE OF TASMANIA, and  
THE LOCAL GOVERNMENT ASSOCIATION OF TASMANIA  

1. PREAMBLE  
The Tasmanian Government and the Local Government Association of Tasmania  
representing its member councils (the parties) agree, within their respective roles and  
responsibilities, to implement this partnership agreement (the agreement) on mutually  
agreed terms with the following objectives:  
- to provide a platform for formal discussion between the State Government and  
local government on climate change  
- to identify priorities for collaborative action now and into the future  
- to reduce greenhouse gas (GHG) emissions that contribute to global warming  
- to communicate with Tasmanians about climate change  
- to promote climate change adaptation through land-use planning.  

The agreement is based on the Tasmanian Government’s and local governments’  
commitment to achieve the objectives outlined above. Because of the rapidly evolving  
nature of climate change, the agreement is designed to be a living document that can  
be readily adapted as new information arises.  

The actions outlined in this document will be the focus of collaborative activity between  
the two spheres of government over the next two years. The activities focus on  
achievable outcomes that address concerns of the immediate, medium and long term.  
All activities listed in this agreement will be completed within two years of signing the  
agreement. Where required, detailed implementation plans will be developed for  
specific action items identified in this document within three months of signing the  
agreement. Action in later years will be identified and prioritised on an ongoing basis.  
The agreement is ongoing until the parties agree to conclude it.  

2. PRINCIPLES  
The State Government and local government have developed shared principles to  
underpin this agreement. These principles are drawn from the Tasmanian Framework  
for Action on Climate Change and from the Guiding Principles on Climate Change  
also adopted by the Local Government Association of Tasmania’s General Management  
Committee in 2007.  

The State Government and local government:  
- acknowledge the need for government leadership on climate change
• recognise that action to both mitigate and adapt to climate change is necessary

• recognise the need for a collaborative approach that builds trust and maximises opportunities to manage climate change

• acknowledge the need to act now with a view to implementing strategies that will benefit the State in the short, medium and long term, and to remain open and responsive to the constantly evolving information on climate change.

• are committed to exploring innovative ways to address climate change

• are committed to consulting and communicating with the public and private sectors and the community about climate change.

3. DESIRED OUTCOMES
The parties agree:
• that the development and delivery of climate change strategies will be coordinated
• that the agreement will set an agenda for change and lead the Tasmanian community by example
• to coordinate activity to mitigate against climate change through reducing GHG emissions
• to coordinate activity to adapt to climate change
• that the Tasmanian community will be better informed about climate change
• there will be improved communication and information sharing between the parties leading to a better response to climate change.
4. MONITORING AND REVIEW

- The Premier's Local Government Council will oversee the implementation of the agreement.
- The major roles of the Premier's Local Government Council will be:
  - regular monitoring and reporting on progress of the agreement to each sphere of government
  - overseeing the annual evaluations and major reviews of the agreement
  - approving any new schedules to the agreement
  - considering any outstanding issues raised during the period of the agreement.
- Implementation reports will be made to each meeting of the Premier's Local Government Council for the duration of the agreement.
- The parties will evaluate progress on the agreement at the end of each year. The evaluation will provide an opportunity for issues and priorities to be discussed and confirmed.
- The agreement may be amended and new schedules added as required.
- The parties agree that any disputes as to the operation of this agreement will be negotiated through the Premier's Local Government Council.
- The Climate Change Partnership Committee has been established under the partnership agreement to take responsibility for:
  - reporting to the Premier's Local Government Council
  - evaluating the partnership agreement at the end of each calendar year
  - recommending amendments and/or new schedules to the agreement during the course of its implementation.
SIGNED for and on behalf of THE CROWN
IN RIGHT OF THE STATE OF TASMANIA
by the Hon David Bartlett, Premier

Signed for and on behalf of the LOCAL
GOVERNMENT ASSOCIATION OF
TASMANIA
by Mayor Barry Easther, President
1. CLIMATE CHANGE PARTNERSHIP COMMITTEE

Background
The State Government and local government in Tasmania recognise that knowledge and understanding of climate change is constantly evolving. Our collaborative response will need to evolve at the same time. The objective of this agreement is to facilitate discussion between the two spheres of government and to act as a platform for a long-term collaborative approach to address climate change.

Issues
The parties agree the key issue to be addressed is the need for a forum of representatives from the State Government and local government to provide advice and direction on the implementation of this agreement and on the next stages in collaboration on climate change. Terms of reference for the Climate Change Partnership Committee (CCPC) are at Attachment A.

Goals
1. Oversee the future development of the partnership agreement, specifically the development of schedules, ensuring that the schedules deliver outcomes of practical utility to users.
2. Oversee the implementation of the partnership agreement, specifically the implementation of the schedules.
3. Monitor and review the partnership agreement as required.
4. Advise the PLGC on matters arising and make recommendations on future activities to address those matters.
5. Develop Implementation Plans for the actions identified in the partnership agreement schedules.
6. Convene working groups to provide input and advice as required.
7. Provide a mechanism for updating member organisations, sharing information and raising issues relating to the partnership agreement and broader climate change matters relevant to both spheres of government.
**Actions and timeframes**

The parties agree the following actions and timeframes will be used:

<table>
<thead>
<tr>
<th>No</th>
<th>Action</th>
<th>Responsibility</th>
<th>Deliverables</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Oversee the implementation of the partnership agreement.</td>
<td>CCPC</td>
<td>Implementation of the activities listed in the agreement</td>
</tr>
<tr>
<td>1.2</td>
<td>Ensure that the outcomes of the agreement meet the needs of stakeholders</td>
<td>CCPC</td>
<td>Satisfaction among parties to the agreement that the agreement is addressing their needs</td>
</tr>
<tr>
<td>1.3</td>
<td>Identify future priorities for action</td>
<td>CCPC</td>
<td>Recommendations regarding the future of the agreement accepted by the PLGC</td>
</tr>
</tbody>
</table>

For links to Tasmania Together Benchmarks, LGAT’s Strategic Plan, Tasmanian Framework for Action on Climate Change see schedules 2 to 4.
2 MITIGATION

Background
Under the first partnership agreement local government, with financial assistance from the State Government, collected GHG emissions data to establish a GHG emissions baseline and developed climate change mitigation plans in all councils.

During 2008 the State Government also established a GHG emissions baseline and government agencies have developed emissions reduction plans to reduce GHG emissions.

The State Government and local government now have in place a sound basis for ongoing mitigation activities. Both spheres of government are committed to maintaining a leadership role in climate change mitigation and taking action at the corporate level, to further reduce GHG emissions. Where resources allow, this action will include continued monitoring and reporting of GHG emissions. Local government’s GHG emissions baseline data provides the basis for future monitoring by individual councils.

The State Government and local government also maintain an ongoing commitment to supporting climate change mitigation activities at the community level where resources allow.

The Premier’s Local Government Council has identified that there are opportunities to reduce State Government and local government GHG emissions through improved street lighting technologies. New technologies that have been introduced can significantly reduce power consumption of street lights thereby reducing GHG emissions and, pending cost / benefit analysis, could potentially save governments’ money.

Issue
The parties agree the key issues to be addressed are:

- identification of opportunities to reduce GHG through street lighting technology
- ongoing commitment to climate change mitigation specifically through sharing innovative practices.

Goals
1. Maintain efforts within the State Government and local government to reduce GHG emissions.
**Actions and timeframes**

The parties agree the following actions and timeframes will be used:

<table>
<thead>
<tr>
<th>No</th>
<th>Action</th>
<th>Responsibility</th>
<th>Deliverables</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Identify options to improve the energy efficiency of street lighting and where practical, proceed with implementation of options</td>
<td>Department of Infrastructure, Energy and Resources and the Department of Premier and Cabinet (DPAC)</td>
<td>Recommendations to PLGC on options available, Implementation of options, where practical</td>
</tr>
<tr>
<td>2.2</td>
<td>Collaboration on mitigation related activities and sharing of information</td>
<td>CCPC</td>
<td>Forum held at least annually</td>
</tr>
</tbody>
</table>

**Links to Tasmania Together Benchmarks**

Goal 12, standard 4, indicator 1: levels of greenhouse gas emissions (megatonnes)

**Links to LGAT’s Strategic Plan**

PA 1: Strengthening strategic relationships
PA 5: Ensuring environmental sustainability

**Links to the Tasmanian Framework for Action on Climate Change’s objectives**

Objective 1: reducing our greenhouse gas emissions to at least 60 per cent below 1990 levels by 2050
3. ADAPTATION

Background
Local governments are on the frontline in dealing with the impacts of climate change so it is important that they are able to identify, understand and respond to climate change impacts.

All three levels of government (Commonwealth, State and local) recognise that they need to work together to respond to climate change and in particular to ensure councils are adequately equipped to deal with climate change impacts.

The creation of the Adaptation Unit within the Tasmanian Climate Change Office provides the opportunity to coordinate the efforts of all relevant areas of Government and to continue to work with local government to progress this agenda.

Issue
The parties agree the key issues to be addressed are:

- land-use planning
- risk management for existing use (including built and natural assets)
- infrastructure decision making.

Goals
1. Better identify, understand and respond to climate change impacts.
2. Develop and implement state, regional and local initiatives and policies to respond to climate change impacts.
3. Undertake vulnerability assessments and develop and implement adaptation action plans.

Actions and timeframes
The parties agree the following actions and timeframes will be used:

<table>
<thead>
<tr>
<th>No</th>
<th>Action</th>
<th>Responsibility</th>
<th>Deliverable</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Roles and responsibilities</td>
<td>DPAC</td>
<td>Roles and responsibilities defined for the three spheres of government</td>
</tr>
<tr>
<td>3.1</td>
<td>Support the development of an inter-governmental agreement (IGA) on adaptation to define roles and responsibilities of the three spheres of government</td>
<td>DPAC</td>
<td>Roles and responsibilities defined for the three spheres of government</td>
</tr>
<tr>
<td>3.2</td>
<td>Establish key assumptions and principles to enable instruments and policies and comprehensive statements to be developed that address climate change impacts such as coastal inundation and coastal erosion</td>
<td>DPAC in collaboration with the Tasmanian Planning Commission (TPC) and the Department of Justice (DoJ)</td>
<td>Assumptions and principles established</td>
</tr>
<tr>
<td>3.3</td>
<td>Develop instruments and policies and incorporate into the land-use planning system</td>
<td>TPC in collaboration with DoJ and DPAC</td>
<td>Instruments and policies developed and incorporated into the land use planning system</td>
</tr>
</tbody>
</table>
| 3.4 | Incorporate key assumptions, principles, instruments and policies into comprehensive statements on the State’s approach to managing relevant natural hazards through land-use planning. | DPAC in collaboration with TPC and DoJ | Key assumptions, principles, instruments and policies incorporated into the following hazard specific statements:  
- coastal inundation and erosion (within 6 months)  
- flooding (within 9 months)  
- storms (within 12 months); and  
- bushfires (within 18 months)  
- land slip (within 24 months) |

Vulnerability assessments and risk management

| 3.5 | Agree on priority areas for undertaking vulnerability assessments at the local level and undertake vulnerability assessments at the local level, depending on resources | CCPC | List of priority areas completed and made available to the CCPC  
Vulnerability assessments |
<table>
<thead>
<tr>
<th></th>
<th>available</th>
<th>undertaken</th>
</tr>
</thead>
</table>
| 3.6 | Develop a methodology for undertaking adaptation action plans for council assets, regions and different land uses and implement action plans. | Council asset adaptation action plans completed for the 12 southern councils *  
Southern region adaptation action plan completed *  
Land-use adaptation plans completed for southern councils *  
Additional adaptation plans for council assets, regions and land uses completed dependent on resources available |
| 3.7 | Provide methodology to other asset managers                               | DPAC in consultation with the Southern Tasmanian Councils Authority and the Local Government Association of Tasmania |
|     |                                                                          | Methodology provided to other asset managers                                                   |
| 3.8 | Ensure a co-ordinated approach to community engagement with a greater focus on the impacts of climate change | CCPC                                                                                          | Community engagement strategy developed  
Community forums undertaken |
| 3.9 | Jointly support community based adaptation actions                        | CCPC                                                                                          | Community based adaptation actions supported |
| 3.10 | Collaboration on adaptation related activities and sharing of information. | CCPC                                                                                          | Forum held at least annually |

* Council, regional and land use adaptation plans will be deliverables for the 12 southern Tasmanian councils through the Local Government Reform Fund Project
Links to Tasmania Together Benchmarks

Goal 8, standard 1, indicator 4: Involvement in community action to improve or protect local services or activities

Links to LGAT's Strategic Plan

PA 1: Strengthening Strategic Partnerships
PA 5: Addressing Environmental Sustainability
PA 6: Improving Land Use Planning

Links to the Tasmanian Framework for Action on Climate Change's objectives

Objective 2: Adapting to the changes in our climate that are occurring now and will continue to occur
Objective 3: Capturing the new social, economic and environmental opportunities that climate change will present
Attachment A  
Climate Change Partnership Committee – Terms of Reference

Preamble

A Statewide Partnership Agreement on Climate Change (partnership agreement) was signed by the Hon David Bartlett, Premier of Tasmania and Mayor Mike Gaffney, President of the Local Government Association of Tasmania in December 2008. The objective of the partnership agreement is to coordinate the State Government’s and local governments’ response to climate change.

The Climate Change Partnership Committee (CCPC) has been established to:

- oversee the future development and implementation of the partnership agreement with an adaptation and land-use planning focus
- make recommendations to the Premier’s Local Government Council (PLGC) on the future direction of the agreement to ensure that action is relevant to changing times and needs
- provide a forum for the exchange of information and discussion of State and local government climate change issues, policies and programs.

As the CCPC replaces the Future Planning and Action Committee (FPAC) that was established in the current partnership agreement, these Terms of Reference incorporate the role of FPAC.

Terms of reference

1. Oversee the future development of the Partnership Agreement, specifically the development of schedules, ensuring that the schedules deliver outcomes of practical utility to users.
2. Oversee the implementation of the Partnership Agreement, specifically the implementation of the schedules.
3. Monitor and review the Partnership Agreement as required.
4. Advise the PLGC on matters arising and make recommendations on future activities to address those matters.
5. Develop Implementation Plans for the actions identified in the partnership agreement schedules
6. Convene working groups to provide input and advice as required.
7. Provide a mechanism for updating member organisations, sharing information and raising issues relating to the Partnership Agreement and broader climate change matters relevant to both spheres of government.

Member organisations / individuals

- Deputy Secretary of the Department of Premier and Cabinet (DPAC)
- Local Government Association of Tasmania
- Tasmanian Planning Commission
- Tasmanian Climate Change Office (TCCO), DPAC
- Local Government Division (LGD), DPAC
- Office of Security and Emergency Management, DPAC.

Governance model

The PLGC will make final decisions regarding the future direction of the partnership agreement.

CCPC will present options and make recommendations to the PLGC.

Working groups may be established under the Committee to implement actions included in the partnership agreement schedules.

The TCCO will provide executive support to this Committee with assistance from the Local Government Division (LGD) as required.

The LGD will coordinate other administrative requirements of the partnership agreement, including the requirements of the PLGC, with assistance from the TCCO as required.
BRIGHTON BYPASS

An update on Aboriginal heritage issues and project progress

Norm Mcilfatrick – 3 September 2010
• There is no doubt that this is an important archaeological discovery for Tasmania and our Aboriginal people.
• The important information lies below the ground (~0.4 to 1m down).
• There have been no significant surface artefacts identified.
• Therefore we propose to protect the levy deposit during construction and into the future.
• No Aboriginal artefacts contained in the important levee deposit will be destroyed.
We propose the sensitive construction of a $12 million 70-metre bridge to span the levee area which will have no physical impact on the deposit.

The bridge will intersect and span only a small part of the 600-metre long levee site with no physical impact.
THERE IS NO FEASIBLE ALTERNATIVE ROUTE

• Eight separate routes have been examined both by DIER and by an independent review. It was found that they were neither practical nor feasible.
• Any changed route could cost up to $140 million extra, doubling the cost of the entire bypass construction, and result in an unsafe road.
• Realigning the highway either to the north or the south would mean:
  • Extra curves
  • Reduced sight distance
  • Difficult geotechnical conditions
  • Massive quantities of earthworks to meet national standards
  • Demolition of a significant number of homes
  • Rail realignment
• On the balance of probability there is a strong possibility that more significant heritage values could be found in Jordan valley further north or the floodplain areas to the south.
• Investigation of these areas would simply bring us back to square one.
The site is 60 metres by 600 metres.

DIER has acquired about 23 percent of the levee site for construction of the Bypass.

The rest is in private ownership and is being used for a variety of purposes including:

- waste water treatment;
- Small scale agriculture; and
- Includes a number of commercial and farming buildings.

The site has been substantially disturbed, in particular on the surface and immediate subsurface (ploughing).
• The entire 9.7km bypass route was subject to over 300 test digs under the supervision of archaeologists and Aboriginal Heritage officers,

• A small number of artefacts were found outside the levee site. We have permits to construct in all but the levee site.

• At the levee site (where layers of material have been deposited by repeated flooding of the Jordan River) many artefacts were found in the layers.

• Over 70 percent of the artefacts weigh less than a gram, many stone pieces, with no bones or food evidence identified.
WHAT WAS FOUND?

- The significance of the find lies in the age and the antiquity of the stratification in which they were found – not the uniqueness of the artefacts themselves.
- The importance of the archaeology is in the understanding of human habitation of Tasmania – this is representative of a much larger area.
- The archaeologist can see no reason for any further archaeological investigation of the site.
• Planning for the bypass goes back decades – the route has been public for many years.

• The design of the highway has been responsive to issues such as Aboriginal heritage during that time.

• DIER had full confidence that the chosen route avoided any heritage sites – based on the best possible information at the time.

• With any project, if subsequent discoveries are made, it is our intent and obligation to deal with them thoroughly and sensitively.

• We have done so in this case.
• The Aboriginal community has been involved since 2008.
• At all times DIER has exceeded requirements for such involvement.
• The total cost of archaeological investigation now totals more than $2.5 million – including Tasmania’s most extensive ever archaeological investigation.
• We have gone through detailed submissions for each area where we have permission to work.
• It is not true that European heritage is being favoured over Aboriginal heritage.
• If anything, our approach could be seen as favouring Aboriginal heritage because of the flexibility of the present legislation.
• The original location of the Brighton Transport Hub was moved and an extensive area of significance protected.
• European sites have been fully documented and comprehensive reports prepared – but permits issued to allow the road to continue.

An Irony?
• There was originally resistance to an archaeological dig and months of delays because of the unavailability of an Aboriginal Heritage Officer.
• However, when it did go ahead, it was Tasmania’s largest ever dig.
• Without such a detailed, scientific investigation Aboriginal artefacts would never have been discovered in the first place.
• DIER requires a “permit to interfere” not because the project will ‘destroy’ any part of the levee deposit, but because the Aboriginal site as initially defined and recorded was incorrectly defined.

• This is because the impacts on the broader site values are very limited indeed. (The terms used are dictated by the Act under which they are sought).
THE WAY FORWARD

• Minister David O’Byrne will be seeking public comment on the permit application for the Jordan Valley site.
• Interested individuals and organisations will have 14 days to provide comment.
• If a decision is made that enables a bridge over the site to be constructed without physical impacts on the levee deposit, DIER looks forward to working with the Aboriginal community to enable appropriate protection, access and interpretation of the heritage site.
FACT SHEET 1: Key points

- The Brighton Bypass is being constructed to save lives, support a growing community and improve the efficiency of the movement of people and the freight that we all rely on in these modern times.
- The need for a future Brighton Bypass was identified around 40 years ago and extensive planning has occurred in the last 20 years.
- The alignment that was determined in the 1980s and 1990s was based on archaeological surveys at the time. No sites had been identified on the Jordan River at that time.
- DIER had full confidence that the chosen route avoided any heritage sites. The route selection was a major strategic decision for Government that was made with the best possible information at the time.
- A survey of the alignment was undertaken by an Aboriginal Heritage Officer in mid 2008 and did not identify the Jordan River Levee site. It was not until later in 2008 that the levee site was identified as having potential for significant Aboriginal cultural values.
- Once the site was discovered in late 2008, DIER supported and funded an extensive archaeological investigation. Many of the methods utilised in the investigation were a first for Tasmania at a cost approaching $1 million of the $2.5 million spent across the Brighton projects.
- Throughout this process, DIER continued to meet with Aboriginal community organisations to discuss outcomes of the investigation and construction options to reduce the impact on the site.
- As the values in the levee became apparent, DIER responded by significantly modifying the design of the Jordan River crossing, which now includes a long span bridge that does not impact the Jordan River levee.
- Archaeologists worked to define the extent of the levee deposit so that the bridge could be designed to avoid it. This has been achieved with the current design. On this basis, the bridge design is consistent with the archaeologists recommendations to avoid the levee.
- About 60% of the important levee deposit is located on Private land, 23% on DIER land and the balance is Crown land administered by the Department of Primary Industries, Parks, Water and Environment.
- DIER fully supports implementing mitigation measures as recommended by the archaeologist that will protect the site during construction and for the long term.
- The cost to build the bridge and ultimately protect this site is over $12 million.
- The Jordan River crossing does not impact on the important levee deposit containing the heritage values.
- **NO** artefacts contained within the important levee deposit will be destroyed as a result of the construction of the proposed bridge.
- The alternative alignment proposed by the Tasmanian Aboriginal Centre would result in an unsafe highway and impact on another levee that has not been investigated as yet. It would also require either extensive demolition of homes or relocation of rail infrastructure into the heritage site that contains the levee.
- At least DIER knows that:
  - it can avoid the levee in the current road alignment;
  - no important scientific values are located outside of the levee deposit; and
  - no burials are located at the site.
- This cannot be said for any other alignments proposed by the Aboriginal community.
- DIER is proposing to protect the levee deposit **AND** build the modified Jordan River Crossing but is disappointed this is not seen as a "win-win" outcome.
- DIER is committed to constructing the Brighton Bypass. DIER will **NOT** destroy any part of the important levee deposit.
• DIER has always been very clear that there is no other practical and feasible alternative route. The Aboriginal community has misinterpreted DIER’s clear statements and claims DIER offered viable alternatives.

• In all likelihood, if the Brighton Bypass had not followed this alignment, the site would not have been discovered and the area may have been subjected to incremental development resulting in the permanent loss of very important heritage values.
FACT SHEET 2: Economic benefits of Brighton Bypass

- The major objectives of the Brighton Bypass are to save lives and reduce road crash injuries on the current Midland Highway, promote safe development within Brighton and to improve the flow of goods and people around the state.

- There has been a large number of vehicle crashes on the Midland Highway in Brighton including a number of fatalities. These have been predominantly caused by the mix of local and highway traffic in a commercial and residential area, the number of accesses and minor road junctions onto the highway and the junction with Tea Tree Road, which is a heavy freight route.

- Apart from the human cost, road trauma is a major cost to the community.

- The project satisfied funding requirements by demonstrating a benefit in excess of the project cost and demonstrating other non-quantifiable benefits.

- Significant additional cost would result in the cost exceeding the benefit, and not satisfying a fundamental project requirement.

- Removing intrastate traffic from Brighton will provide business opportunities and further potential for growth.

- This project has resulted in the creation of around 400 direct jobs that will extend through to 2012. In addition it is creating significant indirect opportunities for employment and business growth in Tasmania.

- The Brighton Bypass is a vital prerequisite for the Bagdad Bypass and possible further Midland Highway upgrades.
FACT SHEET 3: Construction and post construction

- DIER proposes a nominal 70m bridge span above the 60 metre wide levee. The driving of piles at either end of the long span will not destroy any artefacts in the levee deposit.

- Minimal temporary access onto a section of the levee with no soil excavation will be required to allow the safe construction of the western support for the long span bridge. No destruction of the cultural deposit will result from this action.

- DIER proposes to avoid the need for heavy construction equipment to access the levee by launching (or pushing out) the structure above the levee.

- DIER has modified drainage and other features to eliminate even minor impacts on the levee.

- The creation of a Conservation Zone to protect the part of the levee that is located on a parcel of DIER land will provide a number of opportunities for the Aboriginal community. This could include management, interpretation and future archaeological investigation but would depend on the wishes of the Aboriginal community.
FACT SHEET 4: Archaeology & Definition of the site

- Aboriginal heritage investigations across the Brighton Bypass alignment commenced in 1990s. However the site at the Jordan River was not identified until late 2008 when it was described as a surface scatter of approximately 20 artefacts with potential for subsurface values due to the nature of the landscape feature.

- A subsurface investigation on the Jordan River levee commenced in early August 2009.

- In late August the Aboriginal community opposed continuation of the investigation until a number of issues that allowed greater involvement in decision making were agreed. This resulted in a five month delay.

- DIER’s consultants completed an archaeological investigation of the Jordan River levee in February 2010. A final report on the investigation was made available on 2nd August 2010.

- This was the most extensive archaeological investigation of its type ever carried out in Tasmania. The investigation included the use of Ground Penetrating Radar and Optically Stimulated Luminescence (OSL) dating to obtain the best possible understanding of the site. OSL results showed that the levee began to form about 42,000 years ago and was occupied shortly after that time.

- The investigation identified and defined a levee deposit containing a stratified cultural deposit. The levee was determined to be the scientifically important site. The archaeologist refers to the levee as the JRL site and reports that it is only a part of a broader site that was as defined by Stone. The broader site does not contain the scientifically significant cultural deposit.

- Archaeologist Rob Paton questioned the extent of the Aboriginal site as it was initially recorded. Paton stated that “the original description is somewhat contradictory in its assessment of site size” (Addendum to Interim Report).

- The JRL site has been defined as being approximately 600m long and about 60m wide (Paton 2010:6), most of which is on private land.

- The levee deposit was found to be “...the oldest known and best stratified site in Tasmania, one of the oldest and most intact sites in Australia, and would rate in importance amongst those of similar age from elsewhere in the world...” the report goes on to say that “…it is the only known Pleistocene site in Tasmania to have demonstrated continuous occupation up to the historic period” (Paton 2010:99).

- It has been incorrectly claimed that the site is the oldest in Australia and oldest in the southern hemisphere.

- Archaeologists established that the primary activities undertaken at the site were tool maintenance and rejuvenation. “The evidence of the artefact assemblage indicates that the site was used consistently for many thousands of years but that each visit was relatively short and made by Aboriginal groups that were relatively mobile” (Paton 2010:102).

- DIER accepts and respects the results of the investigation that the stratified levee deposit now known as the JRL site is a very important site and has responded accordingly by redesigning this section of the Brighton Bypass.

- The archaeological report notes that in light of the potential for the site to be very old “…DIER amended its proposal so as not to impact the JRL site, defined as the levee bank deposit. Instead they proposed a bridge that would span the JRL site with development impacts confined to the floodplain to the west and east of the levee bank deposit” (Paton 2010:1).

- The archaeologist strongly recommends that the levee (JRL site), “…as an archaeological site, be preserved and protected...in the short term measures need to be taken to preclude any development activities that would impact directly on the levee, as it is defined in this report” (Paton 2010:4). This has been achieved in the current proposal.

- Ever since the importance of the site was understood DIER intended to avoid impacts on it and to ultimately protect it. DIER can comply with the above recommendation.
• The investigation that was fully funded by DIER has resulted in a major contribution to the knowledge of Tasmanian Aboriginal prehistory.
FACT SHEET 5: The permit application

- Because this project has generated a lot of interest in the community, the Department of Primary Industries, Parks, Water and Environment has implemented a new process that will enable the public to make formal submissions on the DIER proposal to build a bridge across the Jordan River and associated levee. It is also important to DIER that all voices are heard.

- DIER formally submitted an application for a permit to interfere with the area outside of the levee deposit with The Director of National Parks and Wildlife on June 10th 2010.

- The application seeks a permit to allow the Jordan River crossing to be constructed within a site recorded incorrectly as an Aboriginal site. Even though DIER is not proposing to impact on the levee deposit or ‘true site’ as determined by the investigation, a permit is required because impacts are proposed within the larger landscape unit that had previously been recorded as an Aboriginal site.

- The application commits to:
  - No permanent physical impacts on the levee containing the cultural deposit;
  - Interference with a small percentage of the broader site which is adjacent to the significant levee deposit to allow for construction of an embankment and bridge elements; and
  - Minimal temporary access onto a section of the levee with no soil excavation, to allow the safe construction of the western support for the long span bridge and to install a protective rock blanket. No impacts on the cultural deposit will result from this action.

- DIER was advised that the Director wished to make a recommendation to the Minister based on full information and therefore asked that the formal assessment process be postponed until the final archaeological report was completed and submitted. Final reports are not usually completed until a later stage.

- The final archaeological report was submitted to the Director on 2nd August. DIER understands that the process has now commenced and that the proposal will be open for public submissions during late September.

- DIER is proud of the way the proposal has been modified to enable the site to be protected.

- If a decision is made that enables the bridge to be constructed, DIER will look forward to working with the Aboriginal community to enable appropriate protection, access and interpretation of the heritage site.
FACT SHEET 6: Alternative route review

- After years of planning and more recent reviews of alternative routes proposed by the Aboriginal community, DIER has determined that it has no other option than to proceed on the current alignment and invest $12 million in a bridge to span the Jordan River levee (JRL).
- The real options for the Tasmanian community are: **A road on the existing alignment with a bridge OR no road at all.**
- The current alignment was determined after decades of planning and assessments including a heritage study of 1996 that found no evidence of Aboriginal values at the current JRL site. DIER had full confidence that the chosen route avoided any heritage sites.
- DIER's Project planning and Brighton Council's settlement planning proceeded on this basis.
- The route selection was a major strategic decision for Government and was made with the best possible information at the time.
- Once the values at the JRL were well understood, the Tasmanian Aboriginal Centre first proposed an alternative alignment in April 2010 and DIER was asked to respond to the proposal.
- DIER's assessment found the suggested alternative was unsafe and inappropriate for a national highway.
- DIER looked at modified design to meet minimum highway standards. This design that would have been acceptable to the Aboriginal community, would have required acquisition of 30 Brighton homes and a cost in the vicinity of $80 million.
- Furthermore, this route would impact on another levee that has as yet, not been investigated. We now know that the levee in the current alignment can be avoided.
- The Tasmanian Aboriginal Centre suggested a modification of their initial proposal. The proposal was assessed and found to still require extensive (but less) demolition of homes and/or construction on the heritage site than contains the levee.
- At the same time, DIER provided comment on a number of routes north and south of the levee but was clear that none were considered practical and feasible.
- Early planning work had dismissed a bypass to the west of Brighton, upgrading the existing highway and connecting to Hobart using alternative routes and crossings of the River Derwent.
- Given alternative routes were not feasible, DIER significantly amended its design so that the important values within the levee deposit were not impacted at all by development.
- In summary, the review very clearly shows that the alternative routes are not practical. The main issues related to realigning the highway either to the north or the south, are additional curves, reduction in sight distance, difficult geotechnical conditions, the massive quantities of earthworks to build a road that meets national standards, the required demolition of a significant number of homes, rail realignment and the effect on other anticipated heritage sites. The enormous cost of such a route change which is in the vicinity of $80 million - $140 million is not warranted, particularly given we can demonstrate that we can protect the levee whilst at the same time being able to sensitively construct a bridge.
FACT SHEET 7: Consultation

- DIER has produced a detailed report describing the consultation that occurred with the Aboriginal community throughout the heritage investigation. This report demonstrates that DIER strived to do more than was ever required from the outset of the investigation.

- Aboriginal Heritage Officers (AHOs) are employed to work alongside archaeologists so that they can communicate information relating to the investigation back to their community. They are considered to be the conduit between the archaeologist and the Aboriginal community.

- Due to the size of the project DIER employed three AHOs on the detailed surface survey and two AHOs on the subsurface investigation. It was the role of the AHOs to provide information back to the community and materials were provided to facilitate this.

- From the outset DIER provided all information relevant to the investigation which has enabled the community to remain fully informed. This was the exception rather than the rule at the time.

- When it became apparent that important values were being identified in the levee the Aboriginal community withdrew support for the investigation. They demanded a greater role in decision making in relation to heritage investigations and permits.

- The Government agreed to a more inclusive role for the Aboriginal community and this has become an integral part of an evolving process of consultation between proponents and the Aboriginal community.

- DIER continued to consult with key Aboriginal organisations throughout and after the investigation on the Jordan River levee. All documentation, mapping and reports have been provided to the Aboriginal community as they have become available.
and preserve the site.

OR will the bridge be moved 300 metres away
WILL the bridge destroy the Aboriginal site?
WHERE will the bridge cross the river Jordan?

We no longer have the levee. The only question is:
Aborigines DO NOT oppose the bridge by-pass

Andrew Low, MP

Qld Parliament House, Parliament Place
GPO Box 6027
Brisbane 4001

By-elections. 2004
House of Representatives, Parliament House
Highway for Environment Protection, Heritage & Arts
Hon. Senator Peter Gulliver, MP

Pls tell me whether you will vote to protect the levee.

It could fail before the human occupation of 40,000 years. This

is crucial to the survival of the human race. We must consult and

support native peoples. The story of our land is their story.

Aborigines were here before the European settlement.

The people who live and work, who know, and who care about the

land are the best judges of the resource. We must heed the

voice of the land.

Aborigines were here thousands of years ago and continue to

live here. The land is not a commodity. It is a living thing.

Aborigines do not want the levee destroyed. They will stand

against this.

Andrew Low, MP

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Andrew Low, MP

Please vote for a levee.
The bridge can be moved; the place cannot.
DETAILED PROPOSAL
FOR
A TRIAL ‘ENVIRONMENTAL DISPUTE MEDIATION SERVICE’

SUMMARY OF PROPOSAL:

The EPA proposes a 50/50 funding partnership between the Division and Local Government to finance a trial of an Environmental Dispute Mediation Service. Each party would commit $50,000, which is expected to be sufficient for the trial to last for approximately 12 months. Ongoing funding would be sought if the trial is successful.

OBJECTIVE OF THE SERVICE:

The objective of the mediation service would be to assist Council Environmental Health Officers (EHOs) in resolving disputes between neighbours about environmental matters. These would include conflicts about persistent loud music, noise from barking dogs or other animals, and smoke from wood fires, particularly where there has been no obvious breach of regulations, but there is clearly an unresolved grievance which could be resolved through the intervention of a neutral ‘third party’ with appropriate mediation and negotiation skills.

The service would provide trained mediators to help disputing parties discuss their issues and to assist in reaching an agreement by:

- clarifying issues of concern;
- identifying the options available to all parties in the dispute;
- providing information about positive and constructive alternatives to the legal system;
- negotiating with parties to discuss options for a resolution that will suit everyone;
- documenting a formal agreement where appropriate; and
- referring to other agencies if necessary.

LINKS TO COMMUNITY & GOVERNMENT STRATEGIES AND GOALS:

The proposal supports:

- The ‘Values Principles’ and proposed strategies in the Government’s Social Inclusion Strategy;
- The sustainable development objectives of the State’ Resource Management and Planning System;
- The following Tasmania Together Goals:
  - Goal 2 - Confident, friendly and safe communities.
  - Goal 5 - Vibrant, inclusive and growing communities where people feel valued and connected.
  - Goal 12 - Sustainable management of our natural resources.

and,
• The role of local government as outlined in Section 20 of the Local Government Act 1993, which is:
  o to provide for the health, safety and welfare of the community
  o to represent the interests of the community
  o to provide for the peace, order and good government of the municipal area

OTHER ADVANTAGES OF THE SERVICE:

The trial mediation service would -
• Be free of charge to participants;
• Provide an opportunity to resolve neighbourhood disputes without resorting to potentially expensive and divisive legal proceedings;
• Support the community development role of Councils;
• Provide a valuable support service to EHOs, allowing them to concentrate on the core areas of their expertise, and to focus on ‘case management’ in matters that require mediation or dispute resolution;
• Improve social cohesion and community relationships; and
• Act as a model for a potential broader service that could deal with matters such as planning and boundary disputes

PROJECT GOVERNANCE:

The trial service, including its setup and review, will be established as a formal project according to the Government’s standard Project Management procedures.

The details of the referral and case management process, community education and compliance with any formal dispute resolutions would be developed collaboratively between RMPAT, Local Government and the EPA. Project governance, reporting and evaluation would be overseen by a Steering Committee comprised of senior officers from the administrative and funding partners.

ADMINISTRATION & REFERRAL PROCESS:

The trial service would be administered by the Resource Management & Planning Appeal Tribunal (RMPAT) and delivered through the Tribunal’s existing mediation program, taking advantage of the Tribunal’s experience in dealing with environmental management issues.

Environmental Health Officers would make an initial assessment of which cases could benefit from the service. The principles on which such decisions could be made include:

• The issue relates to an ‘environmental’ matter as defined under the Environmental Management and Pollution Control Act 1994 (EMPCA);
• It is not clear that there has been a regulatory breach, in which case enforcement action would be pursued using an appropriate instrument such as EMPCA or the EMPC (Miscellaneous Noise) Regulations 2004.
• There are a limited number of parties involved;
• Limited in history; i.e. not a systemic/ongoing issue;
• There is believed to be a good chance of a mediated outcome;
• The parties are likely to comply with any mediated outcome;

The disputing parties would receive a written invitation to participate in a mediation session at a neutral venue in their locality. The mediation will only proceed if both parties formally accept.

The parties would be required to sign an agreement if a mutually acceptable solution is reached. The agreement may be given greater ‘weight’ by any breaches being considered as regulatory breaches. Other forms of enforcing the agreement will also need to be considered, including simple contractual arrangements, or reference to the Administrative Appeals Division of the Magistrates Court. Further work would be needed if stronger legal frameworks are required to ensure agreements are enforceable.

It is expected that EHOs would be responsible for any follow up casework after the mediation session.

The details of the referrals process and style of agreement will be developed by the EPA in partnership with Local Government and RMPAT, under the direction of the Project’s Steering Committee.

COMMUNITY EDUCATION:

The project will require the development of information and promotional material. This would be done under the guidance of the Steering Committee. As this trial is anticipated to be one in which referrals are made by EHOs, wider community education is not required. However, information would be developed as a resource for EHOs to provide to potential participants to fully outline the mediation process, including timelines and expectations.

PROJECT ESTABLISHMENT & GOVERNANCE:

The trial service, including its setup and review, will be established as a formal project according to the Government’s standard Project Management procedures. The details of the referral and case management process, community education and compliance with any formal dispute resolutions would be developed collaboratively between RMPAT, Local Government and the EPA. Project governance, reporting and evaluation would be overseen by a Steering Committee comprised of senior officers from the administrative and funding partners.
PROJECT SCHEDULE:

Subject to confirmation of funding, it is expected that the Project would proceed as follows:

<table>
<thead>
<tr>
<th>STAGE 1</th>
<th>PROJECT ESTABLISHMENT</th>
<th>Estimated Duration of stage</th>
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<tr>
<td></td>
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<td>6 weeks</td>
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<td>-</td>
<td>Establishment of Project Steering Committee</td>
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<td>-</td>
<td>Development and endorsement of a Project Business Plan &amp; Communication/Promotion Strategy</td>
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<td>Formation of Project Working Group</td>
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<tr>
<th>STAGE 2</th>
<th>CREATION OF LEGAL &amp; ADMINISTRATIVE FRAMEWORK*</th>
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<tr>
<td>-</td>
<td>Legal framework* – e.g. powers of referral to Tribunal, powers of Tribunal to conduct mediation, issue of enforceable agreements, indemnity for mediators, and enforcement powers/process.</td>
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<tr>
<td>-</td>
<td>Administrative framework – e.g. referral criteria &amp; process, recording, reporting and monitoring, education material such as brochures &amp; webpages</td>
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*Note – In order to streamline the project, legal powers would be investigated, and an appropriate approach selected before the project starts.

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<thead>
<tr>
<th>STAGE 3</th>
<th>OPERATION OF TRIAL SERVICE</th>
<th>12 months</th>
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<tr>
<th>STAGE 4</th>
<th>PROJECT REVIEW &amp; REPORTING</th>
<th>3 months</th>
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<tr>
<th>BUDGET CONTRIBUTIONS:</th>
<th>EPA</th>
<th>Local Government</th>
<th>RMPAT</th>
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<tr>
<td>Steering Committee &amp; Working Group activities, including 'pretrial' work in Stages 1 and 2, &amp; review in Stage 4</td>
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<tr>
<td>Document production and legal advice in Stages 2, 3, and 4</td>
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<td>$5,000</td>
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<td>TOTALS</td>
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