



*The City with Spirit*

## NOTICE OF MEETING

Notice is hereby given that an **Ordinary Council** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, parnaple centre, 137 Rooke Street, Devonport, on Monday 25 March 2019, commencing at 5:30pm.

**The meeting will be open to the public at 5:30pm.**

## QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports in this agenda contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

Paul West  
GENERAL MANAGER

**20 March 2019**

## APRIL 2019

Meeting	Date	Commencement Time
Infrastructure & Works Committee Meeting	8 April 2019	5:30pm
Council Meeting	29 April 2019	5:30pm

**AGENDA FOR AN ORDINARY MEETING OF DEVONPORT CITY COUNCIL  
HELD ON MONDAY 25 MARCH 2019 IN THE ABERDEEN ROOM, paranaple centre, 137 ROOKE  
STREET, DEVONPORT AT 5:30PM**

<b>Item</b>	<b>Page No.</b>
<b>1.0 APOLOGIES.....</b>	<b>1</b>
<b>2.0 DECLARATIONS OF INTEREST .....</b>	<b>1</b>
<b>3.0 PROCEDURAL.....</b>	<b>2</b>
<b>3.1 CONFIRMATION OF MINUTES .....</b>	<b>2</b>
3.1.1 Council meeting - 25 February 2019 .....	2
3.1.2 Special Council meeting - 4 March 2019 .....	2
<b>3.2 PUBLIC QUESTION TIME.....</b>	<b>4</b>
3.2.1 Responses to questions raised at prior meetings (D561273) .....	5
3.2.2 Questions on notice from the public (D561287) .....	12
3.2.3 Question without notice from the public .....	26
<b>3.3 QUESTIONS ON NOTICE FROM COUNCILLORS.....</b>	<b>27</b>
<b>3.4 NOTICES OF MOTION .....</b>	<b>28</b>
3.4.1 LGAT Motion - Notice of Motion - Cr A Jarman (D570221) .....	28
<b>4.0 PLANNING AUTHORITY MATTERS .....</b>	<b>29</b>
<b>5.0 REPORTS .....</b>	<b>30</b>
5.1 Financial Assistance Scheme - Round Two 2018/2019 (D566890) .....	30
5.2 LIVING CITY Stage 1 - Final Report (D559528) .....	35
5.3 Tender Report Contract CP0158 Modern Burial System Stage 2 (D561619) .....	39
5.4 Attendance by Councillors at Conferences (D569583) .....	42
5.5 Local Government Association of Tasmania - Nomination for General Management Committee (D570139) .....	51
5.6 Local Government Association of Tasmania - General Meeting - 29 March 2019 (D571619) .....	56
5.7 Vietnam Veterans Association of Australia - Memorial Park (D571698) .....	217
5.8 Climate Change Notice of Motion to LGAT (D571862) .....	222
<b>6.0 INFORMATION .....</b>	<b>224</b>
6.1 Workshops and Briefing Sessions Held Since the Last Council Meeting (D561333) .....	224
6.2 Mayor's Monthly Report (D563529) .....	225
6.3 General Manager's Report - March 2019 (D561346) .....	227
<b>7.0 SECTION 23 COMMITTEES .....</b>	<b>236</b>
7.1 Governance, Finance & Community Service Committee Meeting - 18 March 2019 (D571829) .....	236
<b>8.0 CLOSED SESSION - CONFIDENTIAL MATTERS .....</b>	<b>245</b>
<b>Out Of Closed Session .....</b>	<b>246</b>
<b>9.0 CLOSURE .....</b>	<b>246</b>

Agenda of an ordinary meeting of the Devonport City Council to be held in the Aberdeen Room, paranable centre, 137 Rooke Street, Devonport on Monday, 25 March 2019 commencing at 5:30pm.

**PRESENT**

		<b>Present</b>	<b>Apology</b>
Chair	Cr A Rockliff (Mayor)		
	Cr A Jarman (Deputy Mayor)		
	Cr J Alexiou		
	Cr G Enniss		
	Cr P Hollister		
	Cr L Laycock		
	Cr S Milbourne		
	Cr L Murphy		
	Cr L Perry		

**ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges and pays respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of this land.

**IN ATTENDANCE**

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months. Members of the public in attendance at the meeting who do not wish for their words to be recorded and/or published on the website, should contact a relevant Council Officer and advise of their wishes prior to the start of the meeting.

**1.0 APOLOGIES**

**2.0 DECLARATIONS OF INTEREST**

### **3.0 PROCEDURAL**

#### **3.1 CONFIRMATION OF MINUTES**

##### **3.1.1 COUNCIL MEETING - 25 FEBRUARY 2019**

#### **RECOMMENDATION**

That the minutes of the Council meeting held on 25 February 2019 as circulated be confirmed.

### **3.1.2 SPECIAL COUNCIL MEETING - 4 MARCH 2019**

#### **RECOMMENDATION**

That the minutes of the Special Council meeting held on 4 March 2019 as circulated be confirmed.

### 3.2 PUBLIC QUESTION TIME

Members of the public are invited to ask questions in accordance with Council's Public Question Time Policy (Min No 159/17 refers):

1. Public participation shall take place at Council meetings in accordance with Regulation 31 of the *Local Government (meeting Procedures) Regulations 2015*.
  2. Public participation will be the first agenda item following the formal motions: Apologies, Minutes and Declarations of Interest.
  3. Questions without notice will be dependent on available time at the meeting (with a period of 30 minutes set aside at each meeting).
  4. A member of the public who wishes to ask a question at the meeting is to state their name and address prior to asking their question.
  5. A maximum of 2 questions per person are permitted.
  6. A maximum period of 3 minutes will be allowed per person.
  7. If time permits, a third question may be asked once all community members who wish to ask questions have done so. A time limit of 2 minutes will apply.
  8. Questions are to be succinct and not contain lengthy preamble.
  9. Questions do not have to be lodged prior to the meeting, however they will preferably be provided in writing.
  10. A question by any member of the public and an answer to that question are not to be debated.
  11. Questions without notice and their answers will be recorded in the minutes.
  12. The Chairperson may take a question on notice in cases where the questions raised at the meeting require further research or clarification, or where a written response is specifically requested.
  13. Protection of parliamentary privilege does not apply to local government and any statements or discussion in the Council Chambers, or any document produced, are subject to the laws of defamation.
  14. The Chairperson may refuse to accept a question. If the Chairperson refuses to accept a question, the Chairperson is to give reason for doing so in accordance with the Public Question Time Policy.
-

### 3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

File: 35817 D561273

Responses to questions raised at prior meetings are attached.

#### ATTACHMENTS

- ↓1. OPGOV - Letter - Response to Question Without Notice - Council Meeting 20190225 - Jack Grey Climate Change
- ↓2. OPGOV - Letter - Response to Question Without Notice - Council Meeting 20190225 - Doug Janney
- ↓3. OPGOV - Letter - Response to Question Without Notice - Council Meeting 20190225 - Mary-Ellen James Waterfront Park
- ↓4. OPGOV - Letter - Response to Question Without Notice - Governance Finance and Community Services Meeting 20190318 - Rodney Russell

#### RECOMMENDATION

That the responses to questions taken on notice from Jack Grey, Douglas Janney and Mary-Ellen James at the 25 February 2019 Council meeting and Rodney Russell at the 18 March 2019 Governance Finance and Community Services Committee meeting be noted.

Author:	Paul West
Position:	General Manager



## DEVONPORT CITY COUNCIL

ABN: 47 611 446 016

PO Box 604 Devonport TAS 7310 – 137 Rooke Street, Devonport  
Telephone 03 6424 0511

Email council@devonport.tas.gov.au Web www.devonport.tas.gov.au

7 March 2019

**In reply please quote:**  
File 35187

Jack Grey  
38 Surrey Street  
DEVONPORT TAS 7310

Dear Mr Grey

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 25 FEBRUARY 2019**

I refer to your questions raised at the Council meeting on 25 February 2019, and provide the following response:

**Question**

I turn 34 years old this year and I have a question about Climate Change Policy and the Council's attitude. I've never lived in my lifetime through a month wherein the global average sea and land surface temperature has been below the twentieth century average and the last five years as you probably know were all in the top five warmest on record, pretty much since global records began. The Bureau of Meteorology has informed us that January was the hottest and driest month ever in Tasmania and it looks likely that this trend will continue.

If we want to mitigate the worst effects of climate change, then we have to take action now through the choices we make today and no one of us is too small to fight this problem. Obviously we have to reduce the emission of greenhouse gases. I fully realise climate change adaption is a policy priority for Council's all over Australia, but you may not know that there are now 300 Councils around the World that have declared that we are in a climate emergency and so in short I would ask the Devonport City Council if they would consider becoming part of the Worldwide Local Council movement that declares that we are in a climate emergency?

**Response**

Thank you for bringing the climate emergency declaration to Council's attention.

Council is committed to mitigating the effects of climate change for the Devonport municipality. We have a Climate Change Adaption Plan which was adopted in 2013 and then reviewed internally in late 2017. The plan aims to improve the capability of the Council to manage corporate risks associated with climate change that are within the Council's sphere of influence. The plan presents summarised scientific climate projections, risk statements, and adaption actions for four key climate change impacts: Rainfall; Sea Level Rise and Storm Tide; Heat; and Bushfire.

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- 2 -

In 2017, Council participated in the Tasmanian Government's Climate Resilient Councils Project. The project is a key action under Tasmania's Climate Change Action Plan 2017-2021 which sets the Tasmanian Government's agenda for action on climate change through to 2021. Participating in this project identified opportunities for Council to build on existing climate change management efforts.

In July 2018, Council adopted the Environment Strategy 2019-2024. The Strategy outlines Council's environmental management activities over a five-year period commencing 2018-19, grouped under three focus areas:

1. Conserving our biodiversity
2. Healthy waterways and coasts
3. Living lightly

The Strategy is available on Council's website, [www.devonport.tas.gov.au](http://www.devonport.tas.gov.au)

Whilst I have outlined a number of ways that Devonport Council is actively pursuing their own response to climate change, we acknowledge that climate emergency is more than an individual council responsibility; it is the responsibility of all levels of government and the community to work together. Council will therefore explore ways to develop a sector wide position on climate change, which is supported by the State Government to ensure that we can demonstrate that Council is serious about tackling the issue and are prepared to work together to identify and implement positive action.

Yours sincerely



Paul West  
GENERAL MANAGER



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1 March 2019

**In reply please quote:**  
File 35817

Doug Janney  
23 Watkinson Street  
DEVONPORT TAS 7310

Dear Mr Janney

**RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 25 FEBRUARY 2019**

I refer to your question raised at the Council Meeting on Monday 25 February 2019 and provide the following response:

**Question**

McBride Street

Monday/Tuesday last week a machine was removing lichen from part of the road surface. Not all the road surface was so treated. What was the purpose of this activity as the road was only part done?

**Response**

The treatment of the road surface was to remove lichen that had built up on the surface since it was last sealed in 1996. Only the affected areas were treated. Now that the lichen has been removed, an assessment can be made on the remaining life of the seal, and a reseal can be scheduled accordingly.

Yours sincerely

Paul West  
GENERAL MANAGER



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## DEVONPORT CITY COUNCIL

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1 March 2019

**In reply please quote:**

File 35187

Mary-Ellen James  
1 Madden Crescent  
DEVONPORT TAS 7310

Dear Ms James

**RESPONSE TO QUESTIONS WITHOUT NOTICE RAISED MONDAY 25 FEBRUARY 2019**

I refer to your questions raised at the Council meeting on 25 February 2019, and provide the following response:

**Question**

I too am concerned about the Waterfront development. I am very concerned about the safety and the aesthetics of the proposed construction and the demolition of the beautiful tree. I feel that the construction jutting out over the water would not be conducive to the betterment of our city and I would like to ask if there is a means by which the residents can have more of an input as to how this is developed or not developed. I would also like to know what the benefit is hoped for by building a huge hotel complex on the waterfront in the place where the old Harris Scarfe building is when the Gateway is never full and that we already have an abundance of hotel accommodation. Would that area be better used for other endeavours around the place where other businesses could come in, because we certainly do need more in the development in the CBD, it being too fragmented and people are not being able to sustain their businesses. I have never seen so many shops empty as there are now.

So what has Council got in mind to help to bring the CBD back into a cohesive and functioning place for our Living City?

**Response**

The concept plans for the Waterfront Precinct were developed during 2016. These plans were displayed for public comment from November 2016 to January 2017. Feedback received during this community consultation period assisted in informing the current design which has been developed to the required extent for the lodgement of the necessary Development Application (DA).

During the public exhibition of the DA, a number of representations received raised issues that were not relevant to the planning assessment, however they were considered relevant to Council as the land owner and/or developer of the site. The

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- 2 -

feedback received through this period was presented to Council at the meeting on 29 January 2019.

In addition, Council held a public meeting on 22 November 2018 regarding the Waterfront precinct, with approximately 100 people in attendance. The plans of the precinct have also been available on Council's website, the LIVING CITY website and have been posted on Facebook.

In early February 2019, feedback received from the community was considered and a report outlining responses was provided in the agenda for the meeting on Monday 25 February 2019. Council has consulted extensively throughout the LIVING CITY project to date, and will continue to do so when required, as the project progresses.

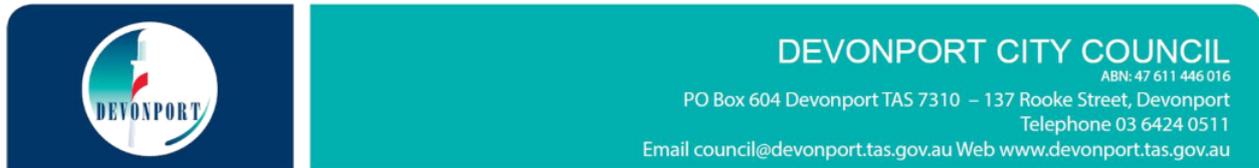
The benefit in building a hotel on part of the old Harris Scarfe site at 20-26 Best Street, is that it will complement the conference facilities, food pavilion and cultural art centre and provide the facilities that are going to be necessary once the new Spirit of Tasmania ships are introduced in 2021.

The aim of LIVING CITY has always been to establish Devonport as the retail and service destination of the North West and the project will complement existing retail and limit further fragmentation.

Yours sincerely



Paul West  
GENERAL MANAGER



20 March 2019

**In reply please quote:**  
File No. 35817

Mr Rodney Russell,  
225 Steele Street  
DEVONPORT TAS 7310

Dear Mr Russell

**RESPONSE TO QUESTION WITHOUT NOTICE RAISED MONDAY 18 MARCH 2019**

I refer to your question taken on notice at the Governance Finance and Community Services Committee meeting on 18 March 2019 and provide the following response.

**Q3** Agenda Item 7.3 Governance and Finance Report, Organisational Performance, page 181 with a reference of REG/471. Transfer of Land Titles – Devonport City Council to the Crown with \$0.00 in consideration of a development agreement dated 9/12/2016. Can you give us more information please?

**Response**

This relates to the transfer of the Strata Title for the State Government lot within the paranple centre. Whilst technically the sale price was \$0, the State Government did contribute \$13M towards the development of Stage 1 documented in the State Government/Devonport City Council development agreement.

Yours sincerely

A handwritten signature in black ink that reads "Paul West".

Paul West  
**GENERAL MANAGER**



### 3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

File: 32161 D561287

#### MR MALCOLM GARDAM – 4 BEAUMONT DRIVE, DEVONPORT

Questions on notice received from Mr Malcolm Gardam on 14 March 2019 are **reproduced as attachment 1**.

#### DISCUSSION

In relation to the questions received 14 March 2019, it is proposed Mr Gardam be advised the following:

#### Preamble Q1 to Q6

With reference to Section 5.2 Community Consultation – Waterfront Precinct of the February 2019 Ordinary Meeting Agenda, I seek the following clarifications:

**Q1.** Page 31 – Item 1 states that *“Less than 12% of the total site is being sold off for the private development, with the remainder being public space for community recreation.”* Accordingly, **and with reference to the image inserted below**, will council please clarify the following:

- a) Is it not true that the hotel/private apartments Lot 1 size is actually about 26% of the 8,717m<sup>2</sup> council owned land, **being the actual area procured to extend the size of the existing parkland** with about \$7m of ratepayers funds invested in it to this point in time (excluding the redevelopment costs)?
- b) Why did council choose *“less than 12%”* when the about 26% is more accurate and alternatively if Council had stated it as a percentage of all council owner parkland it would have given an impression we are only selling a postage stamp sized area of parkland, but of course far more deceptive than the less than 12% stated?

#### Response

Council maintains 12% is a reasonable and accurate description, as it represents the land being sold into private ownership as a percentage of the total park development (excluding the roads).

**Q2.** Page 33 - Item 6 states that *“The multi-level car park is approximately 100m away. This creates an opportunity for the car park to be used 24-hours a day. Overall there is a net increase of 178 available car parks in these two blocks, since the inception of Living City.”* Accordingly, will council please clarify the following:

- a) Does the 178 represent the net additional car parks created by the new multi-level carpark at a cost of some \$14.3m to achieve?
- b) If not will council please provide details as to just where these additional 178 car parks have been created assuming all are public carparks?

#### Response

There is a net increase of 178 car parking spaces in the northern CBD area of Devonport as a result of the changes to car parking arrangements.

**Q3.** Page 34 - Item 9 states on Page 35 in relation to expected traffic delays from the inclusion of two pedestrian priority zebra crossings on a raised Wombat section of Formby Road that *“The traffic study has identified that there will be a short delay for*

traffic moving along Formby Road.” Accordingly, will Council please clarify the follows:

- a) Is this a matter of seconds only for delays in traffic movement as explained to me at the public information session?
- b) Was the “traffic study” based on traffic movement only without allowance for any pedestrian priority crossing interruptions; or
- c) What level of assumed pedestrian activity was used; or
- d) Was pedestrian activity expected to be minimal?

**Response**

The impact on traffic movements is estimated to be 8 seconds on average. This was determined by qualified traffic engineers using assumptions based on the proposed use of the land once it is redeveloped. The Traffic Impact Assessment was made available as part of the planning application process. This document has been uploaded to the LIVING CITY website and can be accessed by the following link <http://www.livingcitydevonport.com.au/LIVING-CITY-Devonport>

**Q4.** Page 33 - Item 16 states that “Access to the amphitheatre for vehicles is possible when required via removable bollards on Formby Road.” Accordingly, will council please advise why public monies are being used to subsidise the construction and ongoing maintenance of what is essentially a dedicated service road for the proposed new hotel and private apartments?

**Response**

The comment in item 16 relates to accessing the amphitheatre when necessary from Formby Road, it was primarily in response to concerns regarding the setup of a transportable stage. The comment is not related to accessing the amphitheatre or parkland from the hardstand area under the walkway.

Whilst this space is to be constructed to allow vehicle access both into the parkland and the hotel it is totally misleading to label it simply a “dedicated service road” for the hotel. Whether the hotel uses the service road or not, it is still required for access purposes to the parkland.

**Q5.** Page 39 - Item 23 states “There will be slightly more space for events than currently exists given the demolition of the existing buildings on Rooke Street. However, it is noted that the footprint of many events will need to change.” Accordingly, will council please clarify the following:

- a) Is it not true that the increased parkland equates to a mere 6,402m<sup>2</sup> (Lot2) once 26% of the 8,717m<sup>2</sup> new area of land available, as procured by Council, after subdividing 2,315m<sup>2</sup> (Lot 1) for sale to Fairbrother? (actual hotel land sale price still not disclosed by council despite the Mayor stating in November 2018 “all would soon be in the public domain”)
- b) Is it not true that the actual increase to existing public parkland is no more than the average size of about 9 house blocks that has had over \$7m of ratepayer funds invested in it since this parkland area was first mooted?
- c) Is it not true to say that the existing Roundhouse Park area as we know it, and has been used for events to date, will have useable event space for future events reduced following the current proposed redevelopment?

- d) Will Council categorically refute that events of a similar size and attendance to that previously conducted in Roundhouse Park will not in future require the temporary closure of Formby Road?
- e) Why is it only now that discussions are “....being held with key event organisers to ensure the new space accommodates their needs and where possible provide improvement to the current situation.”?

**Response**

During the development of the Waterfront Plan, Council undertook several discussions with major event organisers to ensure their needs where possible could be catered for. Whilst there will no doubt be changes to the way some events are currently laid out and conducted, the aim where possible has been to improve the suitability of the area for events. Formby Road will continue to be closed when necessary to enhance an event.

**Q6.** Page 39 – It states under Financial Implications “Council has previously identified a construction budget of \$15m for the waterfront parkland.” and “The Federal Government has committed \$10m towards the development with the remainder being funded by Council.” Accordingly, will Council please advise as to the following:

- a) Are there any specific conditions placed on the Federal Government Grant of \$10m such as a requirement that Council must expend a pro-rata amount to receive the full grant amount?
- b) Is the Federal Government Grant unconditional to the extent that it must just be spent on the Waterfront Parkland redevelopment or is it aligned to specific structures and if so which ones?
- c) Why does Council not maintain a cumulative costing in total for Living City or its separate Stages as has previously been confirmed in writing by Council?
- d) Is it not true that a cumulative cost against budget for the Waterfront Precinct should include all costs associated with the required property acquisitions, and other associated costs, and being in the order of \$7m requires an overall budget allowance and the real cost to be in excess of \$20m?
- e) Will Council please advise as to where earlier costs such as property acquisitions and associated costs have been accounted; and in particular staff and consultant management, parkland and hotel/private apartments concept designs, 2 X Horwath HTL hotel reports and demolition costs?
- f) Why do Councillors not consider cumulative costs important to them and to inform ratepayers as to the total Living City expenditure?

**Response**

As with any grant deed Council has obligations which it is required to meet. The \$10M is provided on the basis that Council is contributing \$5M, the constructed project is to include all of the key structures identified on the concept plan (as itemised in the deed) and the work is required to progress in accordance with agreed milestones with full project completion no later than June 2021.

A number of your sub-questions are taken as your opinion. Council to date has not seen any merit in maintaining cumulative costings as you have suggested. Details relating to the purchase of the Harris Scarfe Building, the former Coles Supermarket site, the installation of carparking infrastructure, etc would all have been accounted for in the year in which the transactions occurred. The focus now is on the Waterfront Park which is estimated to be \$15M. This amount will be funded through a \$10M grant and \$5M allocated through Council's capital works budgets.

**Q7.** This question relates to Section 5.3 Review of Tasmania's Local Government Legislation Framework of the February 2019 Ordinary Meeting Agenda; and in particular the Devonport City Council submission.

With reference to council's response to the "Performance Transparency and Accountability question on Page 46 and 47 of "How can the right balance between autonomy and accountability be delivered?" Council responded among other statements that "Burdening councils with further statutory reporting requirements in the guise of "accountability" will further diminish the autonomy of the elected body." and under Other Matters "Less prescription – more flexibility." Accordingly, will Council please explain its position as relating to the following:

- a) How does Council see the above on suggested Transparency and Accountability improvements is a constructive contribution to the review?
- b) How does Council differentiate between **Councillors meeting their fiduciary obligations in delivering "core-business "services** and the **expenditure of public monies (taxpayer and ratepayer funds) in relation to commercial activities involving significant monies being paid to private businesses** with cash and/or in kind **that they are not approving on an individual business basis?**
- c) While acknowledging there are personal matters that require confidentiality why does Council believe that it should maintain a blanket exemption for all matters addressed in Closed Session?
- d) In maintaining the status quo why do Councillors not exercise their current discretion (on a majority vote of council) to disclose more information that would be important to better inform the community if there is nothing to hide from their decisions?
- e) Why does Council continue to insist on or accept confidentiality clauses in contracts with consultants, contractors and tenants when government and government departments are more inclined to ensure such conditions (if included) maintain their right to disclose information being generally more exposed to Right to Information legislation?

### **Response**

The questions as outlined above clearly indicate your views on matters relating to transparency and accountability. All the issues raised by you are likely to be considered as part of the review process. Council currently operates in accordance with its statutory requirements when determining matters in Closed Session.

The review of the Local Government Legislation Framework has only recently commenced. The Council's submission at this stage was in response to a range of questions included in the discussion paper released. Council maintains that its contribution to the review was appropriate at this early stage in the process. Submissions to the review were publicly advertised and were not confined to just councils.

All matters considered by Council in Closed Session meet the requirements of the provisions of the *Local Government (Meeting Procedures) Regulations 2015*. It is at Council's discretion to determine the release of information as a result of its deliberations in Closed Session.

**Q8.** On the 24/12/18 Council advised that the "lease incentive payments" **for tenancy fitouts totalled \$651,899 as at that date;** accordingly, will Council now confirm if all of the "lease incentive payments" have been finalised and what is the current total expended against the \$850,000 provisional sum?

**Response**

\$218,439 of the lease incentive currently remains unspent. The figure you noted above as advised in December included GST on some items which was identified in January and adjusted accordingly.

**Q9.** Council has previously advised that Fairbrother was granted Practical Completion for the food pavilion in November 2017 and that there has since been further works required to support the "fit-out" stage; **and notwithstanding that those works were, in some instances, tenant-specific requirements have been treated as "base build" with costs separately accounted to the capital budget.** Accordingly, will council please confirm the following:

- a) Will Council please advise as to the value of the additional "base build" works completed after Practical Completion?
- b) Considering an estimate of the "fitout costs" or "lease incentive payments," as described by Council, is around \$1.2m, **will Council categorically assure ratepayers that none of the works accounted to the capital budget contained costs for items that could be considered "tenant incentives"?** (E.g. the fire sprinkler system in the Southern Wild Distillery that was necessary for that business to meet compliance to occupy the tenancy)

**Response**

Total payments to the builder for the food pavilion as of the November 2017 progress claim were \$6,045,921. The total works complete on the most recent claim (January 2019) was \$7,060,236. The difference of \$1,014,315 indicates the value of work completed during this time. It should be noted that included within this amount is \$219,500 of fit out works which was funded from the agreed lease incentive.

Council does not agree with the assumptions in your preamble to this question in that fit out works have been undertaken as part of the base building. The split between base building and fit out has been appropriately determined.

**Q10.** Council advised on the 21/12/18 that the residual loan amount for purchase of the old Harvey Norman building at 17 Fenton Way was \$5,000,000; accordingly will Council please clarify the following;

- a) Was the initial loan limited to \$5.0m?
- b) Is it correct that the purchase price for the site was \$4.2m?
- c) If so will Council please provide details as to what the additional \$800,000 loan, or other amount as it may be, was expended on?

**Response**

The purchase price of the property at 17 Fenton Way was \$4.8M. Council borrowed \$5.0M to fund the purchase which included the \$4.8M plus stamp duty and other transfer costs.

**Q11.** Council is currently running what appears to be an extensive radio advertising campaign relating to the paranapple centre; will Council please advise the cost of that advertising and which radio station(s) are involved?

**Response**

The paranapple arts centre has a 6-month agreement with Tas Broadcasters Pty Ltd (7AD and Sea FM), promoting events from its 2019 Visual and Performing Arts Season. The agreement is across two stations, 7AD and SeaFM at a cost \$259 per week.

Previously the Devonport Regional Gallery and the Devonport Entertainment & Convention Centre both undertook advertising packages with the Radio Stations. The current contract has been consolidated into a single advertising package.

**Q12.** With reference to funding matters, what was the financial covenant imposed by Council's major lender ANZ Bank which Council failed to satisfy, and which resulted in the annual report of Council needing to classify the ANZ loan as a current liability rather than as a non-current liability?

**Response**

There was no covenant that Council failed to satisfy. The matter related to a determination by Council's Auditor that due to an annual review clause included in the construction loan agreement that the total loan needed to be classified as a current liability.

In moving from the construction loan facility to a standard loan agreement this issue has now been resolved and only that portion of the loan to be repaid in the financial year will be classified as a current liability, with the balance showing on the Balance Sheet as non-current.

**MR BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT**

Questions on notice received from Mr Bob Vellacott 18 March 2019 are **reproduced as attachment 2.**

**DISCUSSION**

In relation to the questions received 18 March 2019, it is proposed Mr Vellacott be advised of the following:

**Q1.** At the ordinary meeting of the 25th February 2019 in response to a question relating to the non-tendered demolition works awarded to Fairbrother the General Manager responded *"I think I have been asked similar questions previously, is that it forms part of the sale contract with Fairbrother. In relation to the actual cost of the demolition, Council sought other quotes to compare the price in relation to what it was going to cost and its contribution if a different demolition contractor was used. So it was market tested and certainly Council is getting value for money for that process."*

Will council please further clarify as to the following -

- a) Who scoped and procured those quotes/estimates?
- b) If council who for Council scoped and procured those quotes/estimates?
- c) Name which entities provided the alternate demolition costings?
- d) Assuming Council had not insisted on confidentiality for costings, that were essentially a check price, what were the values of the quotes/estimates received?

**Response**

As previously advised Council has entered into a sale contract with Fairbrother for land to build a new hotel. Included as part of the contract is an obligation on Fairbrother to demolish the former Harris Scarfe building which partly sits on the land to be sold. In determining the sale contract Council undertook all the necessary due diligence to ensure the best possible outcome for Council was achieved.

The responsibility for reviewing the information including assessing the demolition estimates was undertaken jointly between the LIVING CITY Project Manager, the Deputy General Manager and the General Manager. The cost to Council for its share of the demolition is \$170,000, the balance being the responsibility of Fairbrother. A quote received by Council,

independent of Fairbrother, for the demolition of the entire building (not including any of the asphalt carparking area) was \$533,100.

**Q2.** With recent publicity in The Advocate on the 8/3/19 involving the temporary loss of disability parking in front of the paranable centre and with the supposed commencement of the hotel/private apartments and pending parkland development, what is Council doing to avoid the same inconvenience to those requiring closer access during a far longer construction period for the future works which will also include overhead work in proximity to the designated Rooke Street bus zone?

**Response**

As with any construction work that impacts on the road reserve, the contractors will be required to submit traffic management plans for each stage of the works. In assessing the proposed impacts on traffic and parking Council need to balance the need for disabled parking, but also commercial loading zones, bus stops, taxi ranks and general onsite parking supply for adjacent businesses.

**Q3.** With reference to Page 27 of the Ordinary Meeting Agenda for the February 2019 Ordinary Meeting it states that the paranable centre is excluded from the subsequently approved contract Cleaning of Council Facilities and Offices “*due to body corporate arrangements*”; accordingly will council advise as to the following;

- a) What is the cost per annum for cleaning of the council owned areas of the paranable centre (including exterior fixtures, surfaces and glass); and
- b) What was the previous cost for similar cleaning of the former Best Street council chambers?

**Response**

Current cleaning costs for the new council offices are estimated to be \$25,600. Cleaning of the common areas of the paranable centre is managed by the body corporate. Council's contribution to this is approximately \$21,000. The cleaning costs for the Best Street Offices for the financial year ending 2015/16 were \$26,357

**Q4.** Will Council please provide information in regard to the General Rate for - S/Residential Dwelling c/ \$ for each year 2011 until 2018?

**Response**

Year	Cents/\$AAV
2011/2012	9.8264
2012/2013	10.0033
2013/14	9.7225
2014/15	9.7225
2015/16	7.4396
2016/2017	7.4396
2017/2018	7.0854
2018/2019	7.2271

**ATTACHMENTS**

- [1.](#) GMGOV - Question on Notice - Malcolm Gardam - LIVING CITY
- [2.](#) GMGOV - Question on Notice - Bob Vellacott - Waterfront Precinct

**RECOMMENDATION**

That Council in relation to the correspondence received from Mr Malcolm Gardam and Mr Bob Vellacott, endorse the responses proposed and authorise their release.

Author:	Robyn Woolsey	Endorsed By:	Paul West
Position:	Executive Assistant General Management	Position:	General Manager

14<sup>th</sup> March 2019

Devonport City Council  
137 Rooke Street  
DEVONPORT TAS 7310

Malcolm Gardam  
4 Beaumont Drive  
MIANDETTA TAS 7310  
(Mobile No: 0417 355 813)

ATTENTION: MR. PAUL WEST – GENERAL MANAGER (MAYOR & COUNCILLORS)

RE: LIVING CITY – GOVERNANCE AND OPERATIONAL QUESTIONS ON NOTICE (Ref. File 32161)

Dear Sir,

The following are submitted as questions on notice for the next Ordinary Meeting of Council scheduled for Monday 25<sup>th</sup> March 2019. Please note that separate answers are required for each sub-question where submitted as such.

**Preamble Q1 to Q6**

With reference to Section 5.2 Community Consultation – Waterfront Precinct of the February 2019 Ordinary Meeting Agenda, I seek the following clarifications:

- Q1.** Page 31 – Item 1 states that *“Less than 12% of the total site is being sold off for the private development, with the remainder being public space for community recreation.”* Accordingly, **and with reference to the image inserted below**, will council please clarify the following:
- a) Is it not true that the hotel/private apartments Lot 1 size is actually about 26% of the 8,717m<sup>2</sup> council owned land, **being the actual area procured to extend the size of the existing parkland** with about \$7m of ratepayers funds invested in it to this point in time (excluding the redevelopment costs)?
  - b) Why did council choose *“less than 12%”* when the about 26% is more accurate and alternatively if Council had stated it as a percentage of all council owner parkland it would have given an impression we are only selling a postage stamp sized area of parkland, but of course far more deceptive than the less than 12% stated?



- Q2.** Page 33 - Item 6 states that *“The multi-level car park is approximately 100m away. This creates an opportunity for the car park to be used 24-hours a day. Overall there is a net increase of 178 available car parks in these two blocks, since the inception of Living City.”* Accordingly, will council please clarify the following:
- Does the 178 represent the net additional car parks created by the new multi-level carpark at a cost of some \$14.3m to achieve?
  - If not will council please provide details as to just where these additional 178 car parks have been created assuming all are public carparks?
- Q3.** Page 34 - Item 9 states on Page 35 in relation to expected traffic delays from the inclusion of two pedestrian priority zebra crossings on a raised Wombat section of Formby Road that *“The traffic study has identified that there will be a short delay for traffic moving along Formby Road.”* Accordingly, will Council please clarify the follows:
- Is this is a matter of seconds only for delays in traffic movement as explained to me at the public information session?
  - Was the “traffic study” based on traffic movement only without allowance for any pedestrian priority crossing interruptions; or
  - What level of assumed pedestrian activity was used; or
  - Was pedestrian activity expected to be minimal?
- Q4.** Page 33 - Item 16 states that *“Access to the amphitheatre for vehicles is possible when required via removable bollards on Formby Road.”* Accordingly, will council please advise why public monies are being used to subsidise the construction and ongoing maintenance of what is essentially a dedicated service road for the proposed new hotel and private apartments?
- Q5.** Page 39 - Item 23 states *“There will be slightly more space for events than currently exists given the demolition of the existing buildings on Rooke Street. However, it is noted that the footprint of many events will need to change.”* Accordingly, will council please clarify the following:
- Is it not true that the increased parkland equates to a mere 6,402m<sup>2</sup> (Lot2) once 26% of the 8,717m<sup>2</sup> new area of land available, as procured by Council, after subdividing 2,315m<sup>2</sup> (Lot 1) for sale to Fairbrother? (actual hotel land sale price still not disclosed by council despite the Mayor stating in November 2018 “all would soon be in the public domain”)
  - Is it not true that the actual increase to existing public parkland is no more than the average size of about 9 house blocks that has had over \$7m of ratepayer funds invested in it since this parkland area was first mooted?
  - Is it not true to say that the existing Roundhouse Park area as we know it, and has been used for events to date, will have useable event space for future events reduced following the current proposed redevelopment?
  - Will Council categorically refute that events of a similar size and attendance to that previously conducted in Roundhouse Park will not in future require the temporary closure of Formby Road?

- e) Why is it only now that discussions are “...being held with key event organisers to ensure the new space accommodates their needs and where possible provide improvement to the current situation.”?

**Q6.** Page 39 – It states under Financial Implications “Council has previously identified a construction budget of \$15m for the waterfront parkland.” and “The Federal Government has committed \$10m towards the development with the remainder being funded by Council.” Accordingly, will Council please advise as to the following:

- a) Are there any specific conditions placed on the Federal Government Grant of \$10m such as a requirement that Council must expend a pro-rata amount to receive the full grant amount?
- b) Is the Federal Government Grant unconditional to the extent that it must just be spent on the Waterfront Parkland redevelopment or is it aligned to specific structures and if so which ones?
- c) Why does Council not maintain a cumulative costing in total for Living City or its separate Stages as has previously been confirmed in writing by Council?
- d) Is it not true that a cumulative cost against budget for the Waterfront Precinct should include all costs associated with the required property acquisitions, and other associated costs, and being in the order of \$7m requires an overall budget allowance and the real cost to be in excess of \$20m?
- e) Will Council please advise as to where earlier costs such as property acquisitions and associated costs have been accounted; and in particular staff and consultant management, parkland and hotel/private apartments concept designs, 2 X Horwath HTL hotel reports and demolition costs?
- f) Why do Councillors not consider cumulative costs important to them and to inform ratepayers as to the total Living City expenditure?

**Q7.** This question relates to Section 5.3 Review of Tasmania’s Local Government Legislation Framework of the February 2019 Ordinary Meeting Agenda; and in particular the Devonport City Council submission.

With reference to council’s response to the “Performance Transparency and Accountability question on Page 46 and 47 of “How can the right balance between autonomy and accountability be delivered?” Council responded among other statements that “Burdening councils with further statutory reporting requirements in the guise of “accountability” will further diminish the autonomy of the elected body.” and under Other Matters “Less prescription – more flexibility.” Accordingly, will Council please explain its position as relating to the following:

- a) How does Council see the above on suggested Transparency and Accountability improvements is a constructive contribution to the review?
- b) How does Council differentiate between Councillors meeting their fiduciary obligations in delivering “core-business “services and the expenditure of public monies (taxpayer and ratepayer funds) in relation to commercial activities involving significant monies being paid to private businesses with cash and/or in kind that they are not approving on an individual business basis?**

- c) While acknowledging there are personal matters that require confidentiality why does Council believe that it should maintain a blanket exemption for all matters addressed in Closed Session?
- d) In maintaining the status quo why do Councillors not exercise their current discretion (on a majority vote of council) to disclose more information that would be important to better inform the community if there is nothing to hide from their decisions?
- e) Why does Council continue to insist on or accept confidentiality clauses in contracts with consultants, contractors and tenants when government and government departments are more inclined to ensure such conditions (if included) maintain their right to disclose information being generally more exposed to Right to Information legislation?

**Preamble to Q8 to 12**

The following questions relate to finance and governance matters.

- Q8.** On the 24/12/18 Council advised that the “lease incentive payments” for tenancy fitouts **totalled \$651,899 as at that date**; accordingly, will Council now confirm if all of the “lease incentive payments” have been finalised and what is the current total expended against the \$850,000 provisional sum?
- Q9.** Council has previously advised that Fairbrother was granted Practical Completion for the food pavilion in November 2017 and that there has since been further works required to support the “fit-out” stage; **and notwithstanding that those works were, in some instances, tenant-specific requirements have been treated as “base build” with costs separately accounted to the capital budget.** Accordingly, will council please confirm the following:
- a) Will Council please advise as to the value of the additional “base build” works completed after Practical Completion?
  - b) Considering an estimate of the “fitout costs” or “lease incentive payments,” as described by Council, is around \$1.2m, **will Council categorically assure ratepayers that none of the works accounted to the capital budget contained costs for items that could be considered “tenant incentives”?** (E.g. the fire sprinkler system in the Southern Wild Distillery that was necessary for that business to meet compliance to occupy the tenancy)
- Q10.** Council advised on the 21/12/18 that the residual loan amount for purchase of the old Harvey Norman building at 17 Fenton Way was \$5,000,000; accordingly will Council please clarify the following:
- a) Was the initial loan limited to \$5.0m?
  - b) Is it correct that the purchase price for the site was \$4.2m?
  - c) If so will Council please provide details as to what the additional \$800,000 loan, or other amount as it may be, was expended on?
- Q11.** Council is currently running what appears to be an extensive radio advertising campaign relating to the paranapple centre; will Council please advise the cost of that advertising and which radio station(s) are involved?

**Q12.** With reference to funding matters, what was the financial covenant imposed by Council's major lender ANZ Bank which Council failed to satisfy, and which resulted in the annual report of Council needing to classify the ANZ loan as a current liability rather than as a non-current liability?

I apologise for the quantum of questions but considering the design work on the new Waterfront Parkland and other Living City governance matters continue it is important to ask these questions for those interested in Council's management of our municipality.

However, if the quantum of questions create difficulty in answering in time to include in the next meeting Agenda I accept that Council may take its 10 business days to respond but still request that my letter be included in full in the Agenda for the next meeting scheduled for 25/3/19.

Please acknowledge receipt and ensure inclusion in full in the next meeting Agenda.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. Gardam', with a long horizontal stroke extending to the right.

Malcolm Gardam

CC: Mayor & Councillors

QoN Waterfront paranaple Cleaning & rates 25 March 2019 send

ROBERT B VELLACOTT RATEPAYER  
11 COCKER PLACE  
DEVONPORT 7310

QUESTIONS ON NOTICE FOR DEVONPORT CITY COUNCIL MEETING 25 MARCH 2019

**Mayor and Aldermen -**

**Preamble to Q1 and 2**

The following relates to the Waterfront Precinct parkland and hotel developments.

**Q1.** At the ordinary meeting of the 25<sup>th</sup> February 2019 in response to a question relating to the non-tendered demolition works awarded to Fairbrother the General Manager responded *"I think I have been asked similar questions previously, is that it forms part of the sale contract with Fairbrother. In relation to the actual cost of the demolition, Council sought other quotes to compare the price in relation to what it was going to cost and its contribution if a different demolition contractor was used. So it was market tested and certainly Council is getting value for money for that process."*

Will council please further clarify as to the following -

- a) Who scoped and procured those quotes/estimates?
- b) If council who for Council scoped and procured those quotes/estimates?
- c) Name which entities provided the alternate demolition costings?
- d) Assuming Council had not insisted on confidentiality for costings, that were essentially a check price, what were the values of the quotes/estimates received?

**Q2.** With recent publicity in The Advocate on the 8/3/19 involving the temporary loss of disability parking in front of the paranaple centre and with the supposed commencement of the hotel/private apartments and pending parkland development, what is Council doing to avoid the same inconvenience to those requiring closer access during a far longer construction period for the future works which will also include overhead work in proximity to the designated Rooke Street bus zone?

**Q3.** With reference to Page 27 of the Ordinary Meeting Agenda for the February 2019 Ordinary Meeting it states that the paranaple centre is excluded from the subsequently approved contract Cleaning of Council Facilities and Offices *"due to body corporate arrangements"*; accordingly will council advise as to the following;

- a) What is the cost per annum for cleaning of the council owned areas of the paranaple centre (including exterior fixtures, surfaces and glass); and
- b) What was the previous cost for similar cleaning of the former Best Street council chambers?

**Q4.** Will Council please provide information in regard to the General Rate for -  
S/Residential Dwelling c/\$ for each year 2011 until 2018?

*R.B. Vellacott*

**3.2.3 Question without notice from the public**

### **3.3 QUESTIONS ON NOTICE FROM COUNCILLORS**

At the time of compilation of the agenda, no questions had been received from Councillors.

### **3.4 NOTICES OF MOTION**

Nil

#### **4.0 PLANNING AUTHORITY MATTERS**

There are no items in this agenda to be considered by Council in its capacity as a Planning Authority.

## 5.0 REPORTS

### 5.1 FINANCIAL ASSISTANCE SCHEME - ROUND TWO 2018/2019

File: 35020 D566890

#### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.7.3 Attract and promote equitable distribution and sharing of financial and other resources throughout the community

#### SUMMARY

To present the outcomes of the Community Financial Assistance Working Group deliberations and endorse the Group's recommendations in relation to submissions for Round Two of the 2018/19 Financial Assistance.

#### BACKGROUND

Through the provision of a Financial Assistance Scheme, the Council supports projects, programs and activities developed for the benefit of Devonport's residents and visitors. Five areas of assistance are available, namely:

- Major Grants/In-Kind Grants – provide \$3,000 - \$25,000 support for community development, community events, community facilities, cultural development, cultural heritage, festivals and events, economic development, sport recreation and healthy living.
- Minor Grants – provide up to \$3,000 to organisations to deliver programs that enhance community development, community events, community facilities, cultural development, cultural heritage, festivals and events, economic development, sport recreation and healthy living.
- Rate Remissions - provide rate support for social, cultural, environmental, sport and recreational initiatives and events held that attract locals and visitors creating commercial benefits for the City.
- Donations - provide assistance to groups, organisations or individuals within the City who are not eligible for sponsorship under any other Financial Assistance Program.
- Individual Development Grants – provide support for individuals, groups or teams who are performing, competing or presenting at national or international competitions, conferences or events.

The Community Financial Assistance Working Group members are:

- Mayor Rockliff;
- Councillor Hollister;
- Councillor Murphy;
- Karen Hampton – Community Services Manager; and
- Geoff Dobson – Convention & Art Centre Director.

#### STATUTORY REQUIREMENTS

Section 77 of the *Local Government Act 1993* outlines Council's requirements in regard to grants and benefits:

Report to Council meeting on 25 March 2019

(1) A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.

(1A) A benefit provided under subsection (1) may include –

- (a) in-kind assistance; and
- (b) fully or partially reduced fees, rates, or charges; and
- (c) remission of rates or charges under Part 9.

(2) The details of any grant made or benefit provided are to be included in the annual report of the council.

The details of awarded grants will be reported in Council's 2018/2019 Annual Report.

**DISCUSSION**

The Working Group members are appointed by Council to assess the applications against the relevant guidelines for the following grants/donations:

- Major Grants;
- Minor Grants;
- Rate Remissions;
- In Kind Assistance Grants;
- Donations; and
- Individual Development Grants.

All members of the Working Group were present at the second-round assessment meeting. Applications for Donations, In Kind Assistance Only Grants and Individual Development Grants are open throughout the 2018/2019 financial year and are usually assessed by the Financial Assistance Working Group the first week of each month.

**Major Grants**

Four applications were received for the Major Grants funding. The following initiatives are recommended by the Working Group to receive support. A separate table shows those unsuccessful with their applications.

**SUCCESSFUL applications:**

Organisation	Project Description	Total Value of Project	Amount Requested	Amount Recommended
Devonport Squash Club	Heating of squash court area at Devonport Recreation Centre	\$15,666.20	\$7,833.10	\$7,833.10
Devonport Surf Lifesaving Club	Repainting interior of Surf Club building	\$7,400.00	*\$6,418.00 *(Includes \$2,318.00 already paid in 2017/18)	\$4,100.00
East Devonport Bowls Sporting & Recreation Club Inc	Refurbish Dining area and main bar of Clubhouse	\$25,618.00	\$25,000.00	\$12,809.00 <b>(Note:</b> Subject to sourcing balance funding through external source)
<b>Total</b>				<b>\$24,742.10</b>

The Working Group recommend that Council award the Devonport Surf Lifesaving Club a total of \$6,418.00 towards the re-painting the Club's interior. The recommended amount includes \$2,318.00 awarded during the 2017/2018 Financial Assistance Scheme (awarded

## Report to Council meeting on 25 March 2019

for the construction of a dance floor that the club has since determined to be low priority) and \$4,100.00 from the 2018/2019 Financial Assistance Scheme.

**UNSUCCESSFUL applications:**

Organisation	Project Description	Total Value of Project	Amount Requested	Not approved for funding
Devonport RSL	Purchase of equipment to improve media capabilities for education and commemorative events	\$11,481.00	\$11,481.00	Nil

**Minor Grants**

Seven applications were received for the Minor Grants funding. The following initiatives are recommended to receive support. A separate table shows those unsuccessful with their applications.

**SUCCESSFUL applications:**

Organisation	Project Description	Total Value of Project	Amount Requested	Amount Recommended
East Devonport Child and Family Centre	Stage Two of the East Devonport "We grow well together" Community Garden	\$4,559.00	\$2,459.08	\$2,459.08
North West Film Society	Devonport Jazz Community Film	\$2,120.00	\$1,120.00	\$1,120.00 (Note: Subject to Sourcing a Devonport Jazz approved venue/Movie)
Mission Australia	MACS Place Garden – establishment of a community garden area at Mission Australia	\$1,718.00	\$1,718.00	\$1,718.00
<b>Total</b>				<b>\$5,297.08</b>

**UNSUCCESSFUL applications:**

Organisation	Project Description	Total Value of Project	Amount Requested	Not approved for funding
Costal FM	Studio Equipment Upgrade	\$2,857.00	\$2,857.00	Nil
Right on Cue	Workshop with David Lawrence	\$5,247.00	\$3,000.00	Nil
Possability	Landscaping and screening of boundary and areas within the Respite yard	\$3,000.00	\$3,000.00	Nil
Belgravia Foundation	Seniors Aquatic and Land Program (Full of Life)	\$3,000.00	\$3,000.00	Nil

**Rate Remissions**

One retrospective application was received for Rate Remissions funding and is recommended by the Working Group for approval.

**SUCCESSFUL applications:**

Organisation	Property Address	Total Value of Project	Amount Recommended
Cancer Council Tasmania	45 Best Street, DEVONPORT TAS 7310 <small>*leased portion of property</small>	\$3,482.82	\$3,482.82
<b>Total</b>			<b>\$3,482.82</b>

**COMMUNITY ENGAGEMENT**

Details of the Financial Assistance Scheme, including the application process are available on Council's website.

Radio and Facebook advertising advised the opening of the Financial Assistance Scheme and links to the website page were emailed to:

- Past and present Special Interest Group Members,
- Strategic Special Committee Members,
- Individuals and Organisations who had registered (via the Council website) to receive information on Council's Financial Assistance Scheme,
- 2014-2018 grant recipients,
- Organisations that had hired Council equipment (2014–2018), and
- Organisations who had previously received Parking Passes.

**FINANCIAL IMPLICATIONS**

The awarded grants will be funded through 2018/2019 Community Financial Assistance budget allocation.

The 2018/2019 Financial Assistance Major Grants allocation is \$75,000 with Round One expenditure amounting to \$51,433.63, leaving a balance of \$23,566.37 for Round Two. The total proposed Round Two expenditure is \$24,742.10, however, an amount of \$12,809.00 for the East Devonport Bowls Sporting & Recreation Club Inc is conditional upon the Club sourcing external funds to complete the project. To enable all approved major grants to be paid, a distribution will be required from the minor grant allocation of \$1,175.73.

The 2018/2019 Financial Assistance Minor Grants allocation is \$65,000 with the Round One expenditure totalling \$11,195.97. The proposed Round Two expenditure is \$5,297.08, leaving a total of \$47,331.22 remaining after re-distribution of \$1,175.73 to Major Grants (if approved).

The 2018/2019 Financial Assistance Rate Remissions Grants allocation is \$30,000 with the Round One expenditure totalling \$26,452.60. The proposed Round Two expenditure is recommended at \$3,482.82. The total monies spent on Rate Remissions for the 2018/2019 is \$29,935.42.

**RISK IMPLICATIONS**

There is a risk that organisations that have applied and have been unsuccessful may be critical of Council's decision in relation to the allocation of the funds.

There is a risk that organisations that have been successful may be unable to deliver agreed outcomes.

**CONCLUSION**

The 2018/2019 Financial Assistance Working Group recommends that Council approve the Round Two Major and Minor Grants to the value of \$30,039.18.

Report to Council meeting on 25 March 2019

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The 2018/2019 Financial Assistance Working Group recommends that Council approve the Rate Remissions Grants to the value of \$3,482.82.

A copy of the applications can be made available upon request prior to the Council meeting should any Councillors wish to view them.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That the report regarding the Financial Assistance Scheme be received and noted, and Council:

- a) approve the sum of \$1,175.73 being re-allocated from Minor Grants allocation to Major Grants; and
- b) approve the Major and Minor Grants for Round Two of the 2018/2019 Community Financial Assistance budget allocations as follows:

**Major Grants**

- Devonport Squash Club \$ 7,833.10
- Devonport Surf Lifesaving Club \$ 4,100.00
- East Devonport Bowls Sporting & Recreation Club Inc \$12,809.00\*

**Minor Grants**

- East Devonport Child and Family Centre \$ 2,459.08
- North West Film Society \$ 1,120.00
- Penguin Rehab & Release \$ 1,718.00

**Rate Remissions**

- Cancer Council Tasmania \$ 3,482.82  
(\*Subject to sourcing external funding to complete the project).

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager

## 5.2 LIVING CITY STAGE 1 - FINAL REPORT

File: 32161 D559528

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.4.3 Implement initiatives to encourage private investment aligned with the outcomes of the LIVING CITY Master Plans

### SUMMARY

This report provides an overview and wrap up of LIVING CITY Stage 1.

### BACKGROUND

Following the adoption of the LIVING CITY Master Plan in September 2014, Council identified a number of priority projects to form the first part of the Master Plan implementation. Known as LIVING CITY Stage 1, the scope included a multi-use civic/conference building, car park, market square and food pavilion. These buildings were considered the catalyst for future stages of the Master Plan, through unlocking land for development and providing the necessary stimulus and incentive for private investment.

Council engaged Projects and Infrastructure holdings (P+i) as Development Managers to oversee Stage 1 works. Lyons Architects were appointed as the principal design consultant and Fairbrother P/L awarded the construction contract.

On-site works commenced in June 2016 and were completed in a staged manner over approximately a two-year period. The official opening for Stage 1 was held on 12 October 2018.

Quarterly LIVING CITY reports were included in the open session of Council's meeting agenda during the build. This report provides a final summary of Stage 1.

### STATUTORY REQUIREMENTS

The predominant legislation to which Council must comply in undertaking LIVING CITY is the *Local Government Act 1993*.

### DISCUSSION

#### Multi- level carpark

The multi-level carpark was opened for use in December 2017. The 511 space carpark consists of 190 roof top parking spaces (marketed as all day parking) and 321 undercover spaces on a pay as you leave (PAYL) basis. Included within the carpark are 22 disabled bays. Council, during its budget process established a fee structure similar with other paid parking throughout the city, except this car park also provides a 30 minute free option.

The construction of LIVING CITY Stage 1 and the closure of the Rooke and Best street carparks have resulted in a nett increase of 178 spaces within the area.

The roof top parking, based on \$5 per day, has proven popular with approximately half the spaces occupied most week days. Capacity remains in the lower level parking areas, with demand slowly increasing over the first 12 months of operation. This is not unexpected considering other events and activities within the parnaple precinct have been progressively coming on line and the traditional slow take up of any parking changes. It is noted that occupancy has increased since the closure of the Best Street Carpark.

At this point in time, actual car parking revenue is on track to meet or exceed budget expectations.

### **paranaple centre**

The multipurpose civic building has been formally named the paranaple centre, being the indigenous name for the section of Mersey River which flows through Devonport. The centre opened for business on 3 September 2018 and is currently occupied by the following organisations:

- Libraries Tasmania
- Service Tasmania
- Devonport City Council
- paranaple convention centre
- Hudsons Coffee
- Devonport Online

Service Tasmania and Council have introduced a shared customer service centre on the ground floor. This model currently involves Service Tasmania, under a service contract, accepting an average of 30% of Council's total transactions since opening on 3 September 2018. Work is in progress to further integrate Council services with Service Tasmania delivering an increased level of convenience to the community. The community has realised the benefits of the shared services model and have provided comments on customer surveys indicating satisfaction with the quality of services being delivered.

The Devonport Library is operating on the ground floor and the first floor, providing contemporary facilities far superior to their previous location. The library is experiencing a huge increase in patronage when compared to its previous location with many new visitors who did not previously visit the library.

Relocation of Council's offices has gone as planned, with staff now permanently located in a predominately open plan work area on Level 2. The new contemporary space is proving to be an efficient and effective work environment occupying half the floor area of the previous Council Chambers. Quality meeting spaces have afforded greater flexibility to structure meetings to suit the needs of customers. Council staff continually review and refine the approach to meeting with customers to ensure the highest level of satisfaction. The elected Council is meeting in the Aberdeen Room, which is functioning well as a Council Chamber and is also proving attractive as a general meeting room for community organisations.

The paranaple convention centre is increasingly popular with a wide range of events already being held and more being scheduled. This includes business conferences, breakfast and luncheon events with keynote speakers, leavers dinners and election counting. Council has entered into a contract for catering services with a local provider. Resourcing has predominantly been undertaken by staff previously dedicated to the Devonport Entertainment and Convention Centre, with efficiencies being identified from operating the two venues as a combined facility.

Devonport Online are located on Level 1 offering a seven-day a week service within the paranaple centre. Hudsons Coffee are generating increased business activity on the ground floor serving the community and building staff with drinks and light meals.

### **Providore Place**

The food pavilion market hall building was completed and achieved occupancy approval in December 2017, with outstanding base build works along with tenancy fit outs continuing since that time and progressively coming online. At the time of writing this report, one large and two smaller tenancies, have not been completed.

Council have entered into a lease with Providore Place Devonport Pty Ltd to operate and manage the pavilion. Three sub tenants, Charlotte Jack, Southern Wild Distillery and Tasmanian Chip Company are now open for business. All of these businesses are new and have emerged as a result of LIVING CITY.

Fit out of a cooking centre on the first-floor has just commenced and is anticipated to open for hospitality and cooking training in mid-2019. Additionally, the market hall has been used for a variety of events, including regular Friday night markets, Sunday markets, private hire and events. As with the key tenancies, the market stalls have provided the platform for a number of new start up food businesses.

### **State Government Development Agreement**

As per the Development Agreement between Council and the State Government, a process is underway to transfer ownership of the Library and Service Tasmania occupied areas of the parade centre to the Crown. The strata plan and body corporate agreement have been lodged with the Land Titles Office. The timeframe for the issue of new titles is unknown however expected to occur this financial year. Under the Agreement, ownership of the former library building will transfer to Council upon finalisation of the parade centre ownership.

### **Outstanding works**

A number of items are yet to be completed, including:

- An allocation of \$850k was made available to contribute to the fit out of tenancies within Providore Place. Approximately \$220k of this allocation is yet to be spent.
- Base build works (~\$300k) associated with the vacant food pavilion tenancies are yet to be completed due to uncertainty with final layout requirements.
- Designs are currently being prepared for new signage (~\$70k) on each of the street entrances to Market Square and within the Square itself.
- Other contingency items (~\$150k) currently being considered include small variations required under Council's agreement with the State Government, AV improvements, Market Square furniture, Providore Place items and other sundry modifications which have become obvious since occupying the buildings.

Whilst budget allocations have previously been made for the above items, all outstanding expenditure is being assessed and scrutinised to determine necessity.

### **COMMUNITY ENGAGEMENT**

The community have been kept well informed with the progress of LIVING CITY Stage 1 with regular e-newsletters, quarterly council reports and regular releases on traditional and social media platforms.

### **FINANCIAL IMPLICATIONS**

Council approved a budget of \$71.14 M for the construction of LIVING CITY Stage 1. Total project costs to date are currently \$70.17M, or approximately \$1M under budget.

In March 2016, Council authorised borrowings of up to \$39M for LIVING CITY Stage 1. Current debt against the project is \$33.8M with no further borrowings required.

The average cost of finance for the year ending 30/6/18 was 2.8% or 0.87% below the anticipated interest rate of 3.67% used within the initial funding model.

Council's current cash balance also currently far exceeds earlier forecasts and provides Council with the option of further reducing its debt should it desire.

LIVING CITY Stage 1 has resulted in a strong financial outcome both at project level and in the context of Council's broader long-term financial position.

**RISK IMPLICATIONS**

There are no direct risk implications as a result of this report

**CONCLUSION**

Following the adoption of the LIVING CITY Master Plan Council embarked on an ambitious first stage involving a new carpark, food pavilion and civic/conference building. Stage 1 works commenced in June 2016 and were completed in time for the planned opening on 3 September 2018.

Stage 1 has had a positive impact on local business confidence and has become the catalyst for new development in the City.

Financially, the project has been successful with actual project costs well under budget. Both the quantum and cost (interest rate) of debt has been less than forecasted within original financial modelling, having a positive impact on Council's long term financial plan.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council receive and note the LIVING CITY Stage 1 final report.

Author:	Matthew Atkins	Endorsed By:	Paul West
Position:	Deputy General Manager	Position:	General Manager



**STATUTORY REQUIREMENTS**

Council is required to comply with Section 333A of the *Local Government Act 1993* and its adopted Code for Tenders and Contracts when considering awarding tenders.

**DISCUSSION**

In accordance with Council's Code for Tenders and Contracts, a Tender Planning and Evaluation Committee was formed to evaluate the tenders received.

Tenders were received from 5 companies. All tenders received were conforming and they are summarised in Table 1.

**TABLE 1**

No.	Tender	Status	Tender Price (ex GST)
1	CBB Contracting	Conforming	\$ 880,620
2	ATM Civil Construction	Conforming	\$ 892,525
3	Civilscape Contracting Tasmania	Conforming	\$1,010,466
4	Walters Family Trust	Conforming	\$1,110,329
5	Roads & Bridges Tasmania	Conforming	\$1,300,820

The Tender Planning and Evaluation Committee have considered the tenders against each of the selection criteria, these being:

- Relevant Experience
- Quality, Safety and Environmental Management
- Methodology
- Price

The evaluation by the Committee indicates that CBB Contracting scored highest overall against the selection criteria and therefore offers Council the best value for money.

This project will run from April 2019 to January 2020 and will consist of:

- 6 weeks on site survey and design finalisation
- 22 weeks off site chamber manufacturing
- 10 weeks site civil works and installation

The Tender Planning and Evaluation Committee minutes are available for Councillors to view, upon request.

**COMMUNITY ENGAGEMENT**

A public advertisement calling for tenders was placed in The Advocate Newspaper on 29 December 2018 and tenders were also advertised on Council's website.

**FINANCIAL IMPLICATIONS**

The 2018/19 capital expenditure budget includes an allocation for the "Mersey Vale Cemetery Modern Burial System Stage 2" project of \$1,050,000.

The breakdown of the forecast expenditure for this project is shown below in Table 3.

Table 3

No.	Tender	Budget (ex GST)
1	Contract CT0233	\$880,620
2	Project management/administration	\$19,000
3	Construction contingency	\$88,062
	<b>TOTAL</b>	<b>\$987,682</b>

**RISK IMPLICATIONS**

To minimise risk, the tender administration processes related to this contract complies with Council's Code for Tenders and Contracts which was developed in compliance with Section 333A of the *Local Government Act 1993*.

The contingency allowance for this project is 10% of the contract price. The risk of unforeseen variations is low however, ground condition is the predominant risk to the project budget.

The Central North Burrowing Crayfish is a threatened species that has been identified in the watercourse to the north of the site. An assessment of the site has been undertaken by a qualified consultant and the construction is unlikely to be impacted by habitat protection measures.

Due to the proposed 38 week construction program, this project will not be completed this financial year. However, the proposed program allows excavation and site work to be undertaken from November 2019, taking advantage of favourable weather for construction. There are currently around 200 available plots which are unlikely to be exhausted before the completion of this project.

**CONCLUSION**

Taking into account the selection criteria assessment, the Tender Planning and Evaluation Committee has determined that CBB Contracting meets Council's requirements and is therefore most likely to offer "best value" in relation to Contract CP0158, Mersey Vale Cemetery Burial System Stage 2.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council in relation to Contract CP0158, Mersey Vale Cemetery Burial System Stage 2 determine to:

- a) award the contract to CBB Contracting for the tendered sum of \$880,620 (ex GST);
- b) note project management costs for the project are estimated at \$19,000 (ex GST); and
- c) note a contingency allowance of \$88,062 (ex GST).

Author:	Shannon Eade	Endorsed By:	Matthew Atkins
Position:	Project Management Officer	Position:	Deputy General Manager

## 5.4 ATTENDANCE BY COUNCILLORS AT CONFERENCES

File: 20877 D569583

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

### SUMMARY

This report is provided to assist Council in considering a request from Cr Laycock to attend the Australian Local Government Women's Association (ALGWA) Conference. This request is made in accordance with Council policy relating to training and conferences which are held interstate.

### BACKGROUND

ALGWA holds its conference in different States of Australia. This year's ALGWA Conference is to be held in Blacktown, Sydney, New South Wales from 15-17 May 2019. The Conference theme 'Celebrating 100 Year of Women' will focus on how far women in Local Government have come in the last 100 years. The Conference Program is attached.

### STATUTORY REQUIREMENTS

Clause 4.3 of Council's "Payment of Councillor's Allowances, Expenses and Provision of Facilities" Policy states that:

*In respect of any interstate conferences, the matter shall be referred to Council who shall make a determination as to whether any elected member should attend the conference in question. If attendance is approved, Council will pay on behalf of the Councillor, registration, accommodation and out-of-pocket expenses where supported by receipt, other than those paid in accordance with Clause 2.2 of this policy.*

### DISCUSSION

The ALGWA Conference provides an opportunity to bring likeminded women from all disciplines of local government together to exchange ideas, debate issues and engage in cross-council collaboration on areas related to women in the local government sector. Attendees will include ALGWA members, elected members as well as council management and staff from across Australia.

### COMMUNITY ENGAGEMENT

No community engagement has been undertaken as a result of this report.

### FINANCIAL IMPLICATIONS

Allocations were made in Council's 2018/19 operating budget for Councillors to attend conferences and undertake training. These allocations are listed below:

Budget Item	Allocation	Balance as at 31/12/2018
Training and Conferences	\$15,000	\$14,741
Travel - Airfares	\$ 2,000	\$ 2,000
Travel - Accommodation	\$ 5,000	\$ 3,735
Travel - General Costs	\$ 750	\$ 29

Report to Council meeting on 25 March 2019

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The full registration fee for the ALGWA Conference is \$1,100 (non-member). Airfares plus taxi transfers to the conference venue are estimated at \$1,072 return (\$964 airfares \$108 taxis). An accommodation allowance based on three nights @ \$220.00 including breakfast is \$660.

The total approximate cost of attendance is therefore \$2,832 per person.

**RISK IMPLICATIONS**

No risks have been identified in relation to this report.

**CONCLUSION**

In accordance with Clause 4.3 of Council's "Payment of Councillor's Allowances Expenses and Provision of Facilities" policy, attendance by Cr Laycock at the ALGWA Conference is listed for Council consideration.

**ATTACHMENTS**

[1](#). 2019-National-ALGWA-Conference-Program

**RECOMMENDATION**

That Council in relation to the Australian Local Government Women's Association Conference, authorise Cr Laycock's attendance in accordance with the "Payment of Councillor's Allowances, Expenses and Provision of Facilities" policy.

Author: Position:	Robyn Woolsey Executive Assistant General Management	Endorsed By: Position:	Paul West General Manager
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IN PARTNERSHIP WITH



AUSTRALIAN LOCAL  
GOVERNMENT WOMEN'S  
ASSOCIATION



## Travel & Accommodation



Blacktown is located approximately 34 kilometres west of Sydney, NSW. Delegates can fly into Sydney Airport on most airlines. Blacktown is approximately 45 minutes' drive from Sydney Airport. There are a number of coach services and airport transfers available.

### Car Rental:

Sydney Airport has several car rental companies located at the arrivals level at T2 & T3 Domestic terminals. Search and compare the best deals from quality providers like Avis, Hertz, Europcar, Budget, Thrifty and Redspot at [www.sydneyairport.com.au/info-sheet/rental-car](http://www.sydneyairport.com.au/info-sheet/rental-car)

### Sydney Trains:

Trains depart Sydney Airport regularly. You will need to change to the Western Line Trains, at Central Station which depart from platform 18. You will exit the train at Rooty Hill Station, which is only a short walk to Novotel Sydney West HQ, or use the Taxi service.

### Weather

You will be visiting Blacktown during autumn, where there is an average minimum temperature at night of 10° Celsius and an average maximum temperature of 21° Celsius. Please ensure you bring appropriate clothing for autumn condition.

### Conference Venue- The Concept Room, Novotel Sydney, West HQ

Set inside the Novotel Sydney, West HQ, Concept Room is a multi-use space that can be split into half for smaller groups or utilised in full to accommodate up to 400 people, theatre-style. It has sculpted high ceiling, hardwood walls and plenty of natural light.

### Accommodation

The beautifully renovated accommodation at Novotel Sydney, West HQ are among the most spacious hotel rooms in Australia. To ensure you receive the conference rate of **\$219.00** per night (including breakfast)- please advise staff that you are attending the ALGWA Conference at the time of booking.



### Novotel Sydney, West HQ

33 Railway Street,  
Rooty Hill NSW 2766  
(02) 9832 3888  
[reservations@novotelwesthq.com.au](mailto:reservations@novotelwesthq.com.au)



## Registration Packages



**2019 NATIONAL  
ALGWA CONFERENCE**

**Full Conference (Non Member) \$1100.00 (inc GST)**

Includes Welcome Reception, Fitness Activity, Day 2 & 3 conference sessions, Featherdale breakfast and Gala Dinner. Morning/Afternoon tea and lunch daily.

**Full Conference (Member) \$1000.00 (inc GST)**

ALGWA member price only. Includes Welcome Reception, Fitness Activity, Day 2 & 3 conference sessions, Featherdale breakfast and Gala Dinner. Morning/Afternoon tea and lunch daily.

**Day 2 & 3 Only (Non Member) \$900.00 (inc GST)**

Includes Fitness Activity, Day 2 & 3 conference sessions, Gala Dinner, Featherdale Breakfast and morning/afternoon tea and lunch daily.

**Day 2 & 3 Only (Member) \$800.00 (inc GST)**

ALGWA member price only. Includes Fitness Activity, Day 2 & 3 conference sessions, Gala Dinner, Featherdale Breakfast and morning/afternoon tea and lunch daily.

**Day 2 Only (Non Member) \$600.00 (inc GST)**

Includes Fitness Activity, Day 2 Conference sessions, morning/afternoon tea, lunch and Gala Dinner.

**Day 2 Only (Member) \$500.00 (inc GST)**

ALGWA member price only. Includes Fitness Activity, Day 2 Conference sessions, morning/afternoon tea, lunch and Gala Dinner.

**Gala Dinner Only \$150.00 (inc GST)**

Gala Dinner only. Includes meals, drinks and entertainment on Thursday 16th May, 7pm-10pm.

For more information or to register, please visit [www.blacktown.nsw.gov.au/algwaconference](http://www.blacktown.nsw.gov.au/algwaconference)





**Program**



**2019 NATIONAL  
ALGWA CONFERENCE**

**Wednesday 15 May**

<b>2 pm - 4 pm</b>	<b>Early Registrations</b> West HQ, Rooty Hill
<b>6.30 pm – 8.30 pm</b>	<b>Mayoral Reception</b> The Ponds Community Hub, The Ponds <i>(Shuttle from Novotel Sydney, West HQ)</i>

**Thursday 16 May**

<b>6.30 am – 7.30 am</b>	<b>Fitness Activity</b> Boomerang Room- Rooty Hill RSL, West HQ
<b>8 am - 8.45 am</b>	<b>Registrations Open</b> Exhibition Stalls Open
<b>8.45 am - 8.50am</b>	<b>MC Welcome and Housekeeping</b> Jessica Rowe AM Concept Room- Novotel Sydney, West HQ
<b>8:50 am - 8.55 am</b>	<b>Welcome to Country</b> Julie Clark Jones Traditional Custodian and Knowledge holder of fresh and saltwater clans of the Dharug
<b>8.55 am - 9.05am</b>	<b>Mayor's Official Welcome</b> Mayor of Blacktown City
<b>9.05 am - 9.15 am</b>	<b>Welcome</b> Councillor Coral Ross ALGWA National President
<b>9.15 am – 10.15 am</b>	<b>Keynote Speaker</b> Libby Lyons □ <HDUVRI : RP HQ□ Director of Australia's Workplace Gender Equality Agency
<b>10.15 am – 11 am</b>	<b>Kate Jenkins</b> Australian Sex Discrimination Commissioner



 	
<b>11 am – 11.30 am</b>	<b>Morning Tea</b>
<b>11.40 am – 12.20 pm</b>	<b>Victoria Weekes</b> <i>"Are we at a tipping point for gender equality?"</i> Australian Gender Equality Council
<b>12.20 pm – 1 pm</b>	<b>Discussion Panel: 'Equality at Work- The Ongoing Challenge'</b> Polly Makim- Mosman Municipal Council Soraya Mahomed- Mosman Municipal Council Tessa Sullivan- Former Councillor, City of Melbourne
<b>1 pm – 2 pm</b>	<b>Lunch</b> Menu 33 Bar & Grill, Novotel Sydney, West HQ
<b>2 pm – 3.15 pm</b>	<b>Workshops - Boomerang Room, Rooty Hill RSL, West HQ</b> 1. Eleanor Shakiba- Dealing with Difficult People 2. Rosalie O'Neale- E-Safety: Managing Risk and Staying Safe Online.
<b>3.20 pm – 3.50 pm</b>	<b>Conference Sponsor Presentation</b>
<b>3.50 pm – 4.10 pm</b>	<b>Afternoon Tea</b>
<b>4.15 pm – 4.45 pm</b>	<b>Donna Wallace</b> 'Sustainability in our City' Manager Environment, Blacktown City Council
<b>4.50 pm</b>	<b>Conference Day 2 Close</b>
<b>7 pm – 10.30 pm</b>	<b>Gala Evening</b> Theme: 1920's Concept Room- Novotel Sydney, West HQ



**Program**



**2019 NATIONAL  
ALGWA CONFERENCE**

**Friday 17 May**

<b>7.30 am – 9 am</b>	<p><b>Breakfast Function</b>            Featherdale Wildlife Park, Doonside  <i>6KXWBIURP 1 RYRMOBI GCH : HMM 4</i></p>
<b>9.30 am – 9.45 am</b>	<p><b>HouseNeeping</b>            Concept Room, Novotel Sydney, West HQ</p>
<b>9.45 am - 10 am</b>	<p><b>Glennys James</b>            Assistant General Manager &amp; Director Planning And            Development, Blacktown City Council</p>
<b>10 am - 10.45 am</b>	<p><b>Deborah Thomas</b>            'Challenges &amp; Opportunities: Careers, Motherhood and            Dealing with Negative Publicity'            Former Councillor, Woollahra Municipal Council            Former Editor, The Australian Women's Weekly</p>
<b>11 am - 11.30 am</b>	<p><b>Morning tea</b></p>
<b>11.30 am - 11.45 am</b>	<p><b>Conference Sponsor Presentation</b></p>
<b>11.45 am– 12.30 pm</b>	<p><b>Elfa Moraitakis</b>            Blacktown City Council 'Woman of the Year 2017'.            CEO, SydWest Multicultural Services</p>
<b>12.30 pm – 1 pm</b>	<p><b>Dharma Drumming</b>            Drumming with Purpose            Jessica Varela- Blacktown City Council</p>





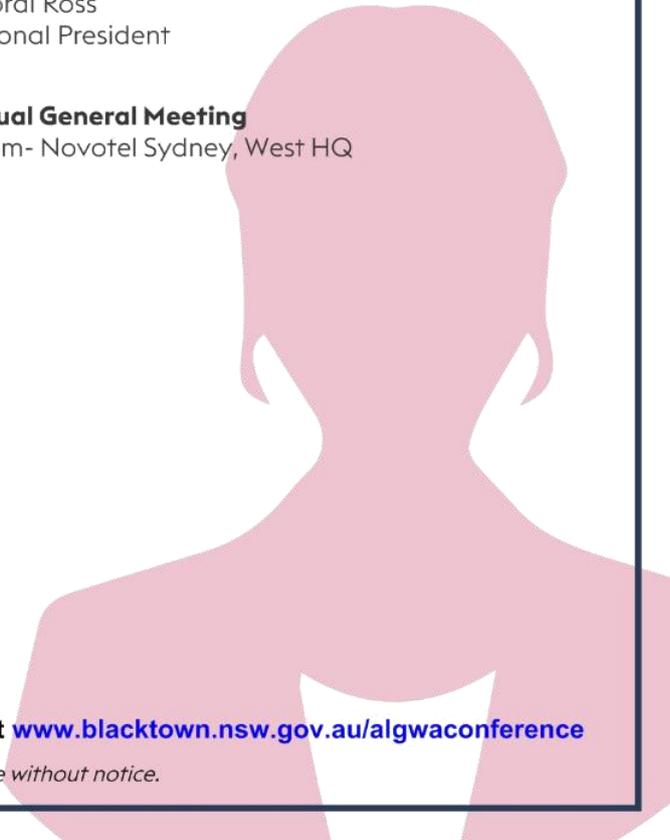
**Program**



**2019 NATIONAL  
ALGWA CONFERENCE**

<b>1 pm – 1.45 pm</b>	<p><b>Lunch</b> Menu 33 Bar &amp; Grill, Novotel Sydney, West HQ</p>
<b>1.45 pm – 2.45 pm</b>	<p><b>Question &amp; Answer</b> Open Mic Session</p>
<b>2.45 pm - 3.15 pm</b>	<p><b>2021 Conference Bids</b></p>
<b>3.15pm - 4 pm</b>	<p><b>Afternoon Tea &amp; Voting</b></p>
<b>4 pm</b>	<p><b>Closing Address</b> Councillor Coral Ross ALGWA National President</p>
<b>4.30 pm</b>	<p><b>ALGWA Annual General Meeting</b> Concept Room- Novotel Sydney, West HQ</p>



**For more information or to register, please visit [www.blacktown.nsw.gov.au/algwaconference](http://www.blacktown.nsw.gov.au/algwaconference)**

*NB: program schedule and speakers are subject to change without notice.*

## 5.5 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - NOMINATION FOR GENERAL MANAGEMENT COMMITTEE

File: 30415 D570139

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.1.3 Represent and promote Council at Regional, State and National forums

### SUMMARY

This report is provided to assist Council in formalising the nomination of Mayor Annette Rockliff for the General Management Committee (GMC) of the Local Government Association of Tasmania (LGAT).

### BACKGROUND

Council has received advice regarding the election for the appointment of representatives to the General Management Committee (GMC), see correspondence attached.

The GMC comprises eight members and provides oversight to LGAT operations. The GMC is elected by LGAT member council each two years. The GMC comprises the popularly elected president, the Lord Mayor of Hobart and six other members elected by regional groupings of councils.

One of the two representatives of the North-West Coast represent councils with populations over 20,000 (ie Devonport and Central Coast Councils). Following the receipt of nominations, an election takes place in respect of each of the vacancies (if required) and all councils in the region are able to vote for both positions.

### STATUTORY REQUIREMENTS

Council as a member of the LGAT is entitled to vote in accordance with the Rules of the Association.

### DISCUSSION

Mayor Rockliff has indicated her interest in being nominated as the representative for North West Councils with populations over 20,000.

The election timetable is as follows:

Nominations open	28 February 2019
Nominations close	30 April 2019
Ballot material posted (if a ballot is required)	3 May 2019
Close of postal ballot	19 June 2019
Declaration of the result	19 June 2019

### COMMUNITY ENGAGEMENT

No community engagement has been undertaken as a result of this report.

### FINANCIAL IMPLICATIONS

There may be minimal costs incurred by the Mayor for attendance at GMC meetings.

### RISK IMPLICATIONS

There are no identified risks in relation to this report.

**CONCLUSION**

As Mayor Rockliff has indicated her interest in being nominated for this position, Council's endorsement of the nomination is required.

**ATTACHMENTS**

- 1. Local Government Association of Tasmania — 2019 General Management Committee election

**RECOMMENDATION**

That Council nominate Mayor Annette Rockliff for the Local Government Association of Tasmania's (LGAT) General Management Committee.

Author:	Robyn Woolsey	Endorsed By:	Paul West
Position:	Executive Assistant General Management	Position:	General Manager

01/03/2019 D569597



Reference: F85.21

Level 3  
169 Main Road  
Moonah Tasmania 7009  
PO Box 307  
Moonah Tas 7009  
Phone (03) 6208 8700  
Fax (03) 6208 8791  
ballot.box@tec.tas.gov.au  
www.tec.tas.gov.au

Mayor Annette Rockliff  
Devonport City Council  
PO Box 604  
DEVONPORT TAS 7310

Dear Mayor Annette Rockliff

**Local Government Association of Tasmania – 2019 General Management Committee election**

The Tasmanian Electoral Commission has been asked to conduct the 2019 election of President and 6 members of the General Management Committee for a two-year term in accordance with the rules of the Local Government Association of Tasmania (LGAT) adopted at the AGM of the Association on 25 July 2018.

Nominations are now invited from LGAT members and must be received at my office by 5:00pm Tuesday 30 April 2019.

Candidates will be notified of receipt of their nomination by this office.

**Election timetable**

Nominations open..... Thursday 28 February 2019  
Nominations close..... 5:00 pm Tuesday 30 April 2019  
Ballot material posted (if a ballot is required) ..... Friday 3 May 2019  
Close of postal ballot..... 10:00 am Wednesday 19 June 2019  
Declaration of the result..... Wednesday 19 June 2019

A nomination form and reply paid envelope are enclosed.

If you would like further information or assistance, please call Kristi Read of this office on 6208 8722.

Yours sincerely

Andrew Hawkey  
ELECTORAL COMMISSIONER

27 February 2019



01/03/2019 D569597

## Electoral Districts

(for the purpose of electing members to the General Management Committee)

### NORTH WEST AND WEST COAST ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – **one position**

Burnie City Council  
Circular Head Council  
King Island Council  
Waratah-Wynyard Council  
Kentish Council  
Latrobe Council  
West Coast Council

Members within the electoral district having a population of 20,000 or more – **one position**

Devonport City Council  
Central Coast Council

### NORTHERN ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – **one position**

Break O'Day Council  
Flinders Council  
Meander Valley Council  
Dorset Council  
George Town Council  
Northern Midlands Council

Members within the electoral district having a population of 20,000 or more – **one position**

Launceston City Council  
West Tamar Council

### SOUTHERN ELECTORAL DISTRICT – NO ELECTION FOR EITHER CATEGORY

Members within the electoral district having a population less than 20,000 – **one position**

Brighton Council  
Glamorgan-Spring Bay Council  
Derwent Valley Council  
Southern Midlands Council  
Central Highlands Council  
Hoon Valley Council  
Sorell Council  
Tasman Council

Members within the electoral district having a population of 20,000 or more – **one position**

Clarence City Council  
Glenorchy City Council  
Kingborough Council

## 5.6 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - GENERAL MEETING - 29 MARCH 2019

File: 30415 D571619

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 5.1.3 Represent and promote Council at Regional, State and National forums

### SUMMARY

This report has been prepared to inform Council of items listed for consideration on the upcoming Local Government Association of Tasmania (LGAT) General Meeting to be held on Friday 29 March 2019 at the paranapple conference centre.

### BACKGROUND

The agenda for the meeting can be downloaded at:

#### Agenda

<http://www.lgat.tas.gov.au/webdata/resources/files/Agenda%2029%20March%202019.pdf>

#### Attachments

<http://www.lgat.tas.gov.au/webdata/resources/files/All%20Attachments%2029%20Mar.pdf>

Copies of the agenda and the attachments are also provided as an attachment to this report.

### STATUTORY REQUIREMENTS

Council as a member of the LGAT is entitled to vote in accordance with the Rules of the Association at any meeting.

### DISCUSSION

The purpose of this report is to allow Council, where it considers necessary, to provide some direction to the Mayor (as the Council's voting delegate) in relation to how she may vote at the LGAT General Meeting.

In most cases the supporting information to the motions is self-explanatory and does not require further comment.

The motions outlined below are those which will require decision at the meeting.

1. Governance
  - 1.1 Confirmation of Minutes
  - 1.2 Business Arising
  - 1.3 Confirmation of Agenda
  - 1.4 Follow Up of Motions
  - 1.5 President's Report
  - 1.6 CEO Report
  - 1.7 Monthly Reports to Councils
  - 1.8 Council Round Ups

2. Items for Decision

2.1 LGAT Rule Change

**Motion** - That the Meeting agree in principle to a change to the LGAT Rules to enable the outgoing President to Chair both the Annual General Meeting and General Meeting attached to the LGAT Conference, prior to the incoming President taking up the reins, with the change to be ratified at the LGAT AGM.

2.2 21st Century Councils

**Motion** – That Members endorse the following methodology for progressing the discussion on the future of the Tasmanian Local Government Sector.

2.3 Recognition of Australia Day

**Motion** – That LGAT lobby the Australian Government to change the date of Australia Day.

2.4 Charitable Exemption – Rates

**Motion** – That LGAT ask the State Government to immediately amend the Local Government Act, Section 87, Exemption for rates, to provide rate certainty and social equity. In particular rates should be applicable to all self-contained residential properties regardless of who owns the property.

3. Items for Discussion

3.1 Councils Role as a Planning Authority

**Motion** – That Members note the feedback from the recent regional Planning Authority training workshops and initial consultation as part of the review of the Local Government Act and discuss the long term future of councils as a Planning Authority.

3.2 Royal Commission into Institutional Response to Child Sex Abuse

4. Items for Noting

4.1 Local Government Act Review

4.2 Waste Management

4.3 Planning Reform

4.4 Low Cost and Free Public Camping

4.5 Roads & Jetties Act 1995

4.6 Environmental Health Officer Training

4.7 Community Satisfaction Survey

4.8 Financial Asset Management

4.9 Policy Update

4.10 National Update

4.11 Communications, Events and Training Update

4.12 LGAT Annual Plan Update

5. Other Business & Close

### **COMMUNITY ENGAGEMENT**

Background information on the items listed can be found in the agenda papers.

LGAT has a communication protocol which it uses to disseminate information and decisions as a result of General Meetings of the Association.

### **FINANCIAL IMPLICATIONS**

Council contributes to LGAT through payment of subscriptions. Any decisions reached at General Meetings may have an impact on Council's finances.

### **RISK IMPLICATIONS**

There are no risks which have been identified in relation to the contents of this report. Any risk is dependent on the outcome of decisions which are reached at the General Meeting.

### **CONCLUSION**

The LGAT General Meeting agenda items have been listed for the information of Councillors and to allow comment and/or direction to be provided to the Council's voting delegate in relation to any matter.

If there is a particular position to any of the matters listed for decision, Council could include this instruction within the recommendation.

### **ATTACHMENTS**

- [1.](#) LGAT - Agenda - General Meeting - 29 March 2019
- [2.](#) LGAT - Attachments - General Meeting - 29 March 2019

### **RECOMMENDATION**

That the agenda for the Local Government Association of Tasmania's General Meeting on 29 March 2019 be received and noted.

Author:	Paul West
Position:	General Manager



# General Meeting

## Agenda

**29 March 2019**

**10.00am**

(Coffee on arrival from 9.30)

**The Paranaple Convention Centre  
145 - 151 Rooke Street  
Devonport**

326 Macquarie Street,  
GPO Box 1521, Hobart, Tas 7000  
Phone: (03) 6233 5966  
Email: [admin@lgat.tas.gov.au](mailto:admin@lgat.tas.gov.au)  
Home Page: <http://www.lgat.tas.gov.au>

**PROCEDURAL MATTERS.  
RULES REGARDING CONDUCT OF MEETINGS**

**13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION**

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

**14. PROXIES AT MEETINGS**

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

**15. QUORUM AT MEETINGS**

At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.

**16. VOTING AT MEETINGS**

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

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

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

**Table of Contents**

A. TABLE OF CONTENTS .....	3
<b>1. GOVERNANCE .....</b>	<b>5</b>
1.1 CONFIRMATION OF MINUTES * .....	5
1.2 BUSINESS ARISING * .....	5
1.3 CONFIRMATION OF AGENDA .....	5
1.4 FOLLOW UP OF MOTIONS * .....	6
1.5 PRESIDENT'S REPORT .....	6
1.6 CEO REPORT .....	7
1.7 MONTHLY REPORTS TO COUNCILS* .....	8
1.8 COUNCIL ROUND UPS .....	8
<b>2. ITEMS FOR DECISION .....</b>	<b>9</b>
2.1 LGAT RULE CHANGE .....	9
2.2 21 <sup>ST</sup> CENTURY COUNCILS * .....	10
2.3 MOTION – RECOGNITION OF AUSTRALIA DAY * .....	12
2.4 MOTION – CHARITABLE EXEMPTION – RATES * .....	14
<b>3. ITEMS FOR DISCUSSION .....</b>	<b>15</b>
3.1 COUNCILS ROLE AS A PLANNING AUTHORITY * .....	15
3.2 ROYAL COMMISSION INTO INSTITUTIONAL RESPONSE TO CHILD SEX ABUSE * .....	17
<b>4. ITEMS FOR NOTING .....</b>	<b>18</b>
4.1 LOCAL GOVERNMENT ACT REVIEW * .....	18
4.2 WASTE MANAGEMENT .....	20
4.3 PLANNING REFORM .....	22
4.4 LOW COST AND FREE PUBLIC CAMPING .....	23
4.5 ROADS AND JETTIES ACT 1935 .....	24
4.6 ENVIRONMENTAL HEALTH OFFICER TRAINING. ....	26
4.7 COMMUNITY SATISFACTION SURVEY .....	27
4.8 FINANCIAL ASSET MANAGEMENT .....	30
4.9 POLICY UPDATE.....	31
B. FIRE SERVICES ACT .....	31
C. MUNICIPAL EMERGENCY MANAGEMENT GUIDELINES.....	31
D. PRICING ADVOCACY .....	31
E. PROCUREMENT .....	32
F. CLIMATE CHANGE PROJECTS.....	32
G. RECYCLING.....	32
4.10 NATIONAL UPDATE .....	33
4.11 COMMUNICATIONS, EVENTS AND TRAINING UPDATE.....	34
4.12 LGAT ANNUAL PLAN UPDATE .....	37
<b>5. Other Business &amp; Close .....</b>	<b>37</b>

\* Denotes Attachment

## GENERAL MEETING SCHEDULE

9.30	Coffee on arrival
10.00	Meeting Commences
	Council Round Up Mayor Kristie Johnston Glenorchy City Council
11.30	Morning Tea
11.45	Kathleen Priestly David Adams Festival of Learning – A Statewide Approach
12.00	Mr Garry Bailey Chair Road Safety Advisory Council
1.30 approx	Lunch



## 1. GOVERNANCE

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### Welcome and Apologies

#### 1.1 CONFIRMATION OF MINUTES \*

**Decision Sought**

**That the Minutes of the meeting held on 7 December 2018, as circulated, be confirmed.**

**Background:**

The Minutes of the General Meeting held on 7 December 2018, as circulated, are submitted for confirmation and are at **Attachment to Item 1.1.**

#### 1.2 BUSINESS ARISING \*

**Decision Sought**

**That Members note the information.**

**Background:**

**At Attachment to Item 1.2** is a schedule of business considered at the previous meeting and its status.

#### 1.3 CONFIRMATION OF AGENDA

**Decision Sought**

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

**Background:**

Delegates will be invited to confirm the Agenda for the meeting and the order of business.

#### 1.4 FOLLOW UP OF MOTIONS \*

**Decision Sought**

**That Members note the following report.**

**Background:**

A table detailing action taken to date in relation to motions passed at previous meetings is at **Attachment to Item 1.4.**

#### 1.5 PRESIDENT'S REPORT

**Decision Sought**

**That Members note the report on the President's activity from 30 November 2018 to 15 March 2019.**

**Media and Events**

- Council of the Ageing Tasmania (COTA) Embracing the Future Launch
- Inaugural tri-sector International Women's Day Awards Luncheon
- LGAT Stakeholder Appreciation Event
- Media – Tassie Future Survey
- Pulse, LG Focus articles

**Meetings**

- Australian Local Government Association (ALGA) Board Meeting
- ALGA Strategic Planning
- CEO Performance Review Committee
- Dr Rachel Bacon – Federal Deputy Secretary Regional Development and Local Government and Elizabeth Bennet Director Regional Development Australia
- LGAT General Meeting
- LGAT General Management Committee (GMC) Meetings (Dec and Feb)
- Premier's Local Government Council Meeting

## 1.6 CEO REPORT

### Decision Sought

**That Members note the report on CEO activity from 30 November 2018 to 15 March 2019**

### Policy, Projects and Presentations

- Teleconference with LGAT Peer Advisors – mid program check in
- Produced additional resource on asset management for website
- Significant input into Review of the Local Government Act review discussion paper
- International Women's Day Event – working group and Judging panel ( Awards for Excellence)
- Planning/preparation for General Manager's workshop
- Planning for Mayor's Workshop
- Planning/preparation for General Meeting
- Planning/preparation for Elected Member Weekend

### Media

- Container deposits
- Caravans
- Rating
- Cats

### Meetings, Training and Events

- Australian Local Government Association (ALGA) Board Meeting
- CEO Performance Review Committee
- Dr Rachel Bacon – Federal Deputy Secretary Regional Development and Local Government and Elizabeth Bennet Director Regional Development Australia
- International Women's Day Award Luncheon – MC
- International Women's Day Event - Working Group Meetings
- Kate Huntington re partnerships with UTAS
- LG Professional President - follow up from joint workshop
- LGAT General Management Committee (GMC) Meetings (Dec and Feb)
- LGAT General Meeting
- LGAT Stakeholder Appreciation Event
- Local Government Legislation Review Steering Committee (monthly) and out of session work on discussion paper and reference group
- Local Government Professionals Board Meeting (teleconference)
- Mayors' Workshop (November 2018)
- Mike Blake regarding Fire Service Act Review
- Monthly Catch Ups with the Local Government Division
- Presented at the Break O'Day Councillor Induction
- Presented to Kingborough Council Workshop
- President and of EO Men's Sheds re opportunities to work together
- Road Safety Advisory Council

- Rosalie Woodruff (Greens) re LGAT Budget Submission
- Teleconference with Crime Stoppers re their strategic plan
- Tom Middleton (ALP) re LGAT Budget Submission
- Wayne Davy CEO Tasplan re new developments
- Women's Honor Roll Luncheon (as judge)

#### **Operational**

- Commenced recruitment/ undertook interview processes to replace Policy Officer/Project Officer
- Executive Assistant and Strategic Communications Director Annual Performance Review
- Organised and participated in combined Conference Workshop with LG Professionals (Refer Agenda Item 2.7)
- Budget preparation activities
- Preparation for Performance Review
- Review of new draft IR Policies for LGAT
- Demonstration SharePoint Records Management
- Update of LGAT Governance Framework

### **1.7 MONTHLY REPORTS TO COUNCILS\***

#### **Decision Sought**

**That Members note the reports for December 2018, January and February 2019.**

#### **Background:**

Monthly reports to Councils that briefly outline Association activities and outcomes for the previous months are at **Attachment to Item 1.7**.

### **1.8 COUNCIL ROUND UPS**

#### **Decision Sought**

**That Members determine who will present briefings at the next meeting.**

#### **Background comment:**

Glenorchy City Council has offered to conduct a brief presentation on a matter that is of interest in their municipality.

The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.

## 2. ITEMS FOR DECISION

---

### 2.1 LGAT RULE CHANGE

Contact Officer – Katrena Stephenson

#### Decision Sought

**That the Meeting agree in principle to a change to the LGAT Rules to enable the outgoing President to Chair both the Annual General Meeting and General Meeting attached to the LGAT Conference, prior to the incoming President taking up the reins, with the change to be ratified at the LGAT AGM.**

#### Background

At the December 2018 GMC meeting there was discussion around how to enable free participation at the LGAT AGM while still charging, as appropriate for participation at the adjacent General Meeting which comes at some considerable cost to LGAT (room hire, AV, catering). The cost of General Meetings has always been borne by Members on an attendance basis.

One of the difficulties of having the AGM at a set time is that in an election year, the AGM is held after the General Meeting as under the LGAT Rules the incoming President takes up the role at the conclusion of the AGM. It would be unfair to expect a new President to chair the biggest meeting of the year as their first duty.

Section 27 of the LGAT Rules (as adopted July 2018) is as follows:

- a. Subject to Rule 27(d), the President shall take up office at the conclusion of the Annual General Meeting following his or her election and shall hold office for a two year term concluding at the end of the relevant Annual General Meeting.*

Note that 27(d) relates to an election where the President has vacated office for whatever reason.

The rule could be amended as follows:

- a. Subject to Rule 27(d), The President shall take up office at the conclusion of the combined Annual General Meeting and General Meeting which immediately precede the LGAT Conference and .....*

Changing the rules to allow for chairing both meetings means that the AGM could be held first at a clearly advertised time with attendance at no cost (and no significant impact on costs/catering). Subsequently, those who have not registered and paid for the July General Meeting could be asked to leave at the conclusion of the AGM. It makes the AGM more accessible but not at a cost borne by delegates attending the General Meeting/Conference.

While technically the rule could not be changed until the AGM, by securing agreement in principle, this minimises any risk of foreshadowing the change in the conference registration forms.

#### **Budget Impact**

There is a small budgetary risk related to delegates not differentiating between the AGM and General Meeting. This means some delegates may not register for the General Meeting believing it is also free to attend, or some may not leave after the AGM despite not being registered (impacting on catering etc). This can be managed through clear messaging in the lead up to the AGM/Conference as well as advice on the day.

#### **Current Policy**

Currently attendance at the AGM is captured as part of the paid registration for the General Meeting.

## **2.2 21<sup>ST</sup> CENTURY COUNCILS \***

**Contact Officer – Dion Lester**

#### **Decision Sought**

**That Members endorse the following methodology for progressing the discussion on the future of the Tasmanian Local Government Sector.**

#### **Background**

At the July General Meeting, Members noted the outcomes from the State Government funded feasibility studies into voluntary mergers and resource sharing and the continued public debate about the structure and number of councils.

As a result, the following question was posed:

*Are Tasmanian councils best orientated<sup>1</sup> to service the needs of modern Tasmanian Communities?*

In order to begin to address this question, at the December General Meeting LGAT staff facilitated a qualitative session (“kitchen table”) focussing on three key questions:

1. What are the current issues/weaknesses in how we deliver Local Government services?
2. How could we address these?
3. How should we progress the conversation about the future with the sector more broadly?

<sup>1</sup> Or structured, aligned, organised, arranged

The results of this kitchen table session have been analysed independently by two LGAT staff, with the key themes and ideas documented. The paper at **Attachment to Item 2.2**, provides a discussion on the results and is split into three parts.

**Part 1:**

A summary of the themes and some general suggestions for action. The themes are broadly categorised into four areas resources, services/facilities, standards and identity.

**Part 2:**

A framework to support critical thinking and analysis around the future of Local Government. This consists of two suggested actions:

- A. A summary paper - This is an important step in bringing all Local Government stakeholders up to speed on the history, context and drivers of discussions to date – we are not all at the same starting point; and
- B. A stakeholder interest/outcomes paper – Reform is not an outcome, it is a process. There is significant interest in “Local Government reform” but what outcomes are different stakeholders actually seeking.

In order to develop strategies and a process to address needs and support the sector through change, there is a need to have a sound understanding of the varying interests and desired outcomes. It is important to have a clear understanding of the diverse interests of key stakeholders comprising Local Government staff and elected members, residents, various industry organisations and other levels of Government.

**Part 3:**

A series of pilot projects to test change ideas that fit with the issues raised in the kitchen table exercise and the ideas and issues emerging out of the Part 2 investigations.

Prior to scoping any pilot projects, there is a need to consider those matters considered important by the various stakeholders, including the benefits and risks of different options (Part 2). In order to progress any work on the future of our sector to successful outcomes requires small incremental steps with involvement of stakeholders at each point.

**Budget Impact**

Parts 1 and 2 can be undertaken within current resources, however Part 3 would require dedicated further investment to ensure the pilot projects are designed and implemented effectively.

**Current Policy**

Strategic Plan:

- Facilitating change
- Building Local Government’s reputation
- Fostering collaboration
- Promoting financial sustainability
- Developing capacity and capability to deliver.

**2.3 MOTION – RECOGNITION OF AUSTRALIA DAY \***  
**Council - City of Hobart**

**Decision Sought**

**That LGAT lobby the Australian Government to change the date of Australia Day.**

**LGAT Comment**

At it's 23 October 2017 Meeting the City of Hobart Council resolved that-

- 1) The Council officially support a change of date for Australia Day, to be held on a day other than 26 January, advocated by
- 2) Submitting the following motion to the next Local Government Association of Tasmania (LGAT) General/Meeting "that LGAT lobby the Australian Government to change the date of Australia Day".

At that time, it was less than twelve months since a similar motion had been considered by LGAT Members (put forward by City of Hobart at the July 2017 General Meeting) and which had been LOST.

Under 12c of the LGAT Rules:

*"the General Management Committee may negotiate with a Member regarding the inclusion, or not, on the agenda of a subject matter seeking to be discussed at, or included in the Agenda of, a General meeting*

*If the subject matter or item:*

- (i) Does not advance or concern the objects of the Association;*
- (ii) Has been considered at a General Meeting held in the period 12 months before the date of the notice from the Member;*
- (iii) Is considered by the General Management Committee not to concern a Sector Matter; or*
- (iv) Requires consideration by the Tasmanian Government and should be considered at the General Meeting to be held immediately following the Annual General Meeting.*

Hobart City Council had written seeking advice from LGAT with respect to progressing this matter and following feedback from GMC agreed to hold the item over so it was not debated again within 12 months. GMC also suggested that Council re-test the matter after Local Government Elections prior to resubmitting to LGAT was agreed.

**LGAT Comment**

At the July 2017 General Meeting the following motion was debated and narrowly lost (26 for, 27 against, 5 abstained) -

*That LGAT, the 29 Councils and any individual Elected Members be requested to lobby the Federal Government to commence a conversation with the Australian public regarding the date of recognition of Australia Day.*

A copy of the original motion and background is at **Attachment to Item 2.3**.

At the Australian Local Government Association National General Assembly (NGA) June 2017, a resolution was passed calling on the Assembly to encourage Australian councils to consider efforts they could take to lobby the Federal Government to change the date of recognition of Australia Day.

The Board of ALGA met subsequently to the NGA to consider this and other Assembly resolutions and determine Board Actions. While the ALGA Board noted the level of debate and the closeness of the result of the debate it was determined that it was not a priority for ALGA at that time.

In more recent times ALGA has responded to the Federal Government's commentary around Australia Day and Citizenship ceremonies. For example see **Attachment to Item 2.3** or the ALGA submission on Citizenship Ceremonies at <https://alga.asn.au/alga-submission-on-review-of-the-australian-citizenship-ceremonies-code/>

That submission notes:

*"it is the responsibility of councils to be responsive to the views of their local communities. It appears that a very small number of councils that have moved their Australia Day celebrations and associated ceremonies away from 26 January are, in the spirit of Australian democracy, reflecting the desires of their communities. It may be uncomfortable to acknowledge the fact that some Australians identify 26 January as a day of mourning but this should not stop councils from trying to find a way to accommodate legitimate community views whilst celebrating everything that is great about our wonderful country. I do note that according to the Australia Day National Council, since Federation in 1901, Australia day has only been consistently celebrated on 26 January since 1988. It was previously celebrated on 30 July, 28 July and a variety of other dates".*

**2.4 MOTION – CHARITABLE EXEMPTION – RATES \***  
**Council - Brighton**

**Decision Sought**

**That LGAT ask the State Government to immediately amend the *Local Government Act, Section 87, Exemption from rates*, to provide rate certainty and social equity. In particular rates should be applicable on all self-contained residential properties regardless of who owns the property.**

**Background**

Currently there are issues with certainty and social equity around exactly who is exempt from rates under the *Local Government Act*. Councils and rate payers have recently relied on the courts to assist in certainty and in some cases resulting in social equity issues. The recent Full Court decision handed down in the Supreme Court in Hobart on 12 November supported retirement villages owned by charitable organisations to be exempt from rates, yet retirement villages owned privately are not exempt. Even the term charitable is not clear when applied to an organisation.

Another example includes where currently Housing Tasmania properties are subject to rates, yet uncertainty exists if rates are exempt where ownership of that same property is transferred to a not for profit entity to manage.

Clearly if more properties are now exempt from rates then the rate burden will fall greater on the remainder that are left to pay rates.

**LGAT Comment**

This matter was discussed at the December 2018 General Meeting, refer **Attachment to Item 2.4**.

The High Court has since dismissed the special leave applications made by Kingborough/Clarence/Hobart/Meander Valley in relation to Southern Cross Care's rating and those councils have been ordered to pay costs.

The decision will have broader implications for rates paid by other similar entities throughout Tasmania. Since the Full Court decision is now the law on the correct interpretation of this exemption, it will extend to other ratepayers which are in similar circumstances. Since that time LGAT has raised the issue for discussion at the Premier's Local Government Council (PLGC) and in meetings with the Director of Local Government. We have pressed the need to provide legislative clarity as soon as possible, rather than wait for the outcomes for the Review of Local Government Legislation and/or High Court proceedings.

Pending the outcome of this Agenda Item, LGAT will formally write to the Minister to seek an urgent review, and in the meantime is building an understanding of how charitable exemptions are dealt with legislatively in other States.

## 3. ITEMS FOR DISCUSSION

---

### 3.1 COUNCILS ROLE AS A PLANNING AUTHORITY \*

Contact Officer – Dion Lester

#### Decision Sought

**That Members note the feedback from the recent regional Planning Authority training workshops and initial consultation as part of the review of the Local Government Act and discuss the long-term future of councils role as a Planning Authority.**

#### Background

LGAT has recently completed regional training sessions with (predominantly) new elected representatives covering the Tasmanian Planning System and councils' role as a Planning Authority. These sessions were attended by over 70 people. At each of these sessions there was considerable discussion on the issues and benefits of councils role as a Planning Authority. The central point discussed was the limitations imposed on elected representatives when acting as a Planning Authority, in essence a tension between wishing to represent their community's view and making decisions strictly in accordance with the planning scheme. This is a common feature of feedback from newly elected councillors after each Local Government election.

In parallel, LGAT attended each of the regional consultation sessions on the review of the Local Government legislative framework. A number of themes emerged from these discussions but one common theme across each of the regions was again questioning councils role as a Planning Authority under the *Land Use Planning and Approvals Act 1993*.

As members would appreciate, when a council is acting as a Planning Authority it must make decisions only in accordance with the planning scheme, and also limited to the discretions triggered by a particular application. The Planning Authority can only consider community views (via representations) as they relate to the particular discretion(s) exercised in each case. There are numerous cases of councils determining applications on the basis of community feedback that does not relate to the discretions and these decisions being overturned by the Appeal Tribunal, often resulting in significant costs being awarded against the council.

It is important to note that the feedback from the processes discussed above indicated a strong desire to retain the development of planning policy, should there be any change to council's role. Strategic planning, local area planning etc, planning scheme development and amendments would remain a council function with only the statutory planning (development applications) considered as a part of any discussions.

Should there be an appetite from the sector to explore options around removing the role of Planning Authority from councils, then there are examples of a number of different models already operating in other jurisdictions that we can draw on. **Attachment to Item 3.1** was prepared in 2015 and provides a brief summary (correct at the time of writing) on the models in place interstate (Development Assessment Panels in particular).

It is worth noting that the current State Government planning reform agenda has created a negative public perception of our planning system, which by association includes Local Government's performance in delivering it.

Local Government has also had to be reactive to the various reforms, both from a resource and communication perspective and has meant that some of the critical aspects of the planning system, that many argue require reform, have been ignored to date.

While LGAT Members have had similar discussions over the last decade and determined not to press for change, the significant turnover in councillors, the public debate on planning matters and the extended planning reform agenda means that it is timely to once again test this matter.

Planning reform will be a significant and ongoing part of the State Government agenda for many years. As a sector we need to decide whether we wish to wait to see what further changes are proposed by State Government and react accordingly, or whether we get on the front foot and clearly articulate what we believe are the important reforms and lead the discussion accordingly.

**Budget Impact**

Being undertaken within current resources.

**Current Policy**

Strategic Plan:

- Facilitating change
- Fostering collaboration
- Developing capacity and capability to deliver

**3.2 ROYAL COMMISSION INTO INSTITUTIONAL RESPONSE TO CHILD SEX ABUSE \***  
**Contact Officer – Dion Lester**

**Decision Sought**

**That Members note the following report.**

**Background**

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) has been completed and the recommendations handed down.

On 4 November 2016, the Australian Government announced its intention to establish a National Redress Scheme for individuals who experienced institutional sexual abuse as Children. In May 2018, the Tasmanian Government committed to joining the National Scheme.

Each State Government has been asked to engage with Local Government by the Scheme Operator (the Commonwealth Department of Social Services) to provide information which may assist your sector to consider whether to participate in the National Redress Scheme and how that may occur. Staff from the Tasmanian Royal Commission Response Unit in the Department of Justice are currently meeting with councils to progress this discussion.

**Attachment to Item 3.2** provides a Fact Sheet on the National Redress Scheme in Tasmania.

In addition, there is also a project underway by the State Archivist to implement the recordkeeping recommendations handed down by the Royal Commission. The additional **Attachment to Item 3.2** provides a briefing note for General Managers and Mayors on this project.

**Current Policy**

Strategic Plan:

- Building Local Government's reputation
- Fostering collaboration

## 4. ITEMS FOR NOTING

---

### 4.1 LOCAL GOVERNMENT ACT REVIEW \*

Contact Officer – Katrena Stephenson

#### Decision Sought

**That Members note the report on progress on the review of the Local Government Act.**

#### Background

In June 2018 the Minister for Local Government announced a ‘roots and branches’ review of Tasmania’s Local Government legislation framework. Comment was sought on the Terms of Reference which were finalised in November 2018. There are a number of matters out of scope of this review including council amalgamations and Code of Conduct provisions.

A governance structure was finalised at the end of 2018. The Review is being governed by a Steering Committee. Local Government representatives on that Committee are the LGAT CEO Katrena Stephenson, former Tasman Mayor, Roseanne Heyward and former Meander Valley General Manager (and Chair of the Local Government Board) Greg Preece. The Steering Committee meets monthly.

The Steering Committee will be supported by a Reference Group comprising membership from a broad range of backgrounds including Local Government and Industry. Appointments to the Reference Group have now been announced. They are:

- Doug Chipman            Mayor, Clarence City Council
- Peter Freshney        Mayor, Latrobe Council
- Kerry Vincent         Mayor, Sorell Council
- Cheryl Arnol           Councillor, Glamorgan-Spring Bay Council
- Claire Smith           Director Organisational Performance, Waratah Wynyard Council
- Lynette While         Director Community & Development Services, Meander Valley Council
- John Brown            General Manager, Break O'Day Council
- Andrew Paul           General Manager, Clarence City Council
- Karen Abey             Solicitor, Simmons Wolfhagen
- Margaret Taylor       Community member
- Pamela Allan          Adjunct Professor, School of Technology, Environment & Design, UTAS
- Craig Perkins         CEO, Regional Development Australia, Tasmania
- Rhonda Skelton       Board Member, Northern Midlands Business Association

- Kym Goodes CEO, Tasmanian Council of Social Services (TasCoss)
- Luke Martin CEO, Tourism Industry Council Tasmania
- Brian Wightman Executive Director, Property Council of Australia, Tasmania Division
- Michael Bailey CEO, Tasmanian Chamber of Commerce and Industry (TCCI)

The Reference Group will be independently facilitated with each meeting to focus on a particular subject matter. Reference Group meetings commence in March. Steering Committee Members will not be attending the Reference Group Meetings.

The Premier's Local Government Council will have ongoing oversight of the project and following release of a Government Directions Paper, technical working groups will be formed to support the development of appropriate legislative responses.

A discussion paper was released in late 2018 inviting submissions until 1 March 2019. The paper is seeking only broad input on principles and represents Phase 1 of consultation. A number of forums were held regionally to allow for public, sector and industry input into the paper as well as through a survey or written submission. The Paper canvassed a range of questions around governance and powers, democracy and engagement, revenue and expenditure, performance transparency and accountability as well as seeking feedback on any other matters. Over 370 submissions were received. LGAT's submission, the draft of which was tested with Members, is at **Attachment to Item 4.1**. All submissions, as well as a summary, are now available on the Local Government Division website.

There will be further opportunity for broad sector input into the process in Phase 2 (June to August 2019) with the release of the Directions Paper and in Phase 3 (March-May 2020) with the release of a draft Bill.

The Project Team are releasing a regular newsletter. Anyone can subscribe through the Local Government Division website.

#### **Budget Impact**

Within current budget.

#### **Current Policy**

Strategic Plan

Focus Area Facilitating Change

Priority Area 2 Support the sector through the next stages of Local Government Reform

#### 4.2 WASTE MANAGEMENT

Contact Officer – Dion Lester

##### Decision Sought

That Members note the following report.

##### Background

Improved waste and resource management has been an on-going and sustained area of LGAT advocacy for many years now, with recent activity including the commencement of the LGAT Statewide Waste Arrangements Feasibility Study (the Study). The Study is looking at how existing or new arrangements would potentially cover the planning, co-ordination and delivery of waste policies, strategies, programs and services to support better waste management across the state of Tasmania. In the latter part of 2018 LGAT was successful in securing a 50% funding contribution from the State Government for this work, reducing council contributions to \$45,000.

In late 2018 tenders were sought from a range of providers to undertake the Study. There were four very high-quality submissions, with Victoria based firm Urban EP selected to undertake the work.

The project is being delivered in two parts:

- Part A:** Collate evidence and present findings on the needs for and benefits of a Statewide Waste Management Arrangement.
- Part B:** Develop the purpose, role, functions and governance of this statewide arrangement as necessary to deliver on its agreed functions and support local and regional initiatives.

In delivering on Part A, engagement with core stakeholders was seen as integral to building the evidence base for a statewide arrangement. Further, engagement will build legitimacy in the study's findings and help bring councils together in prosecuting the case for a statewide arrangement (pending the project's outcomes and recommendations).

Workshops were held from 13 to 22 February 2019. The table below summarises the organisations that participated in each two-hour workshop, with attendance facilitated through invitations and reminders sent by LGAT & regional waste authorities.

Date & locatio	Targeted participants	Representation achieved
13 Feb 2019 Hobart	Waste Strategy South Member council staff Member council elected representatives	12 participants spanning: Hobart Council Huon Valley Council Kingborough Council Brighton Council Derwent Valley Council Glenorchy Council

15 Feb 2019 Burnie	Cradle Coast Waste Management Group Member council staff Member council elected representatives	14 participants spanning: Devonport Council Latrobe Council Kentish Council Waratah-Wynyard Council Circular Head Council Burnie Council Central Coast Council
20 Feb 2019 Hobart	Tasmanian Government representatives (officers and managers)	6 participants spanning: EPA Tasmania Department of State Growth
20 Feb 2019 Hobart	Resource recovery industry representatives	3 participants spanning: Veolia Waste Management Glenorchy Recovery Shop
22 Feb 2019 Launceston	North Tasmania Waste Management Group Member council staff Member council elected representatives	12 participants spanning: Launceston Council West Tamar Council George Town Council North Midlands Council Break O'Day Council Meander Valley Council

The workshops each involved an introduction and background to the project and two exercises with participants.

**Exercise 1** involved having participants share their views on the successes and challenges in waste management at statewide, regional and local levels. This activity yielded a range of thematic areas that could then be delved into during Exercise 2 and provided an indication of the areas of demand to which a statewide arrangement could potentially respond.

The purpose of **Exercise 2** was to unpack up to three priority themes where it was felt (across the workshop) that current outcomes in waste management could be improved, potentially via the introduction of additional functions at a statewide level.

Based on this exploration of themes during the workshops, the Part A report will focus its analysis on the case for a statewide arrangement that carries functions associated with the following priorities, while retaining scope to adapt to emerging concerns:

- Organics resource recovery;
- Package waste recycling and minimisation;
- Addressing barriers to services and infrastructure; and
- Managing end of life tyres and dealing with illegal dumping.

For the Part A report, which will be completed by early April, a comparison with other jurisdictions will examine how these themes are dealt with in those locations, as well as investigating how state, regional and local entities work together to deliver better waste management outcomes across those various scales.

At the completion of the Part A report, the Project Reference Group will make a recommendation for General Management Committee endorsement if the Study moves to Part B. This will be based on Part A demonstrating a need and benefits from additional or amended Statewide Waste Management Arrangements in Tasmania.

#### **Current Policy**

Strategic Plan:

- Facilitating change
- Building Local Government's reputation
- Fostering collaboration
- Developing capacity and capability to deliver

#### **4.3 PLANNING REFORM** **Contact Officer – Dion Lester**

##### **Decision Sought**

**That Members note the following report.**

##### **Background**

The State Government's number one planning reform priority is to establish the Tasmanian Planning Scheme, which they accept can best be achieved by supporting councils in the preparation of their Local Provisions Schedules (LPSs). The Government has indicated that the other key areas of reform, being the development of the Tasmanian Planning Policies, update of the regional land use strategies, review of the residential provisions and improvements to subdivision legislation, will only commence once all councils have submitted their LPSs to the Tasmanian Planning Commission (TPC).

Councils are currently preparing their LPSs, with a number having been submitted to the TPC in draft form and Meander Valley Council advertising their LPS in the latter part of last year, with hearings expected in the next few months. The Minister for Planning has set a target date for the submission of all LPSs to the TPC by the middle of 2019. To support this target the Government has established a specialised project team within the TPC, to assist the councils. The team is currently working with council planners to identify what further assistance might be required. Council visits are also underway by the TPC Commissioner, John Ramsay, to provide councillors with an update and outline important aspects of the process.

In addition, LGAT facilitated a statewide meeting of Local Government Strategic Planners in late 2018 to discuss issues and concerns and to share information on beneficial approaches. At this meeting the online platform that Meander Valley Council used for public exhibition of their LPS was discussed and generally recognised as useful. LGAT has collated a list of councils interested in utilising it and has secured a commitment from the State Government to contribute towards a whole of sector licence, to reduce the cost for interested councils, which will be hosted by LGAT. We are currently awaiting further details from the State Government.

#### **Current Policy**

Strategic Plan:

- Building Local Government's reputation
- Fostering collaboration
- Developing capacity and capability to deliver

#### **4.4 LOW COST AND FREE PUBLIC CAMPING**

Contact Officer – Dion Lester

##### **Decision Sought**

**That Members note the following report.**

#### **Background**

At the December 2017 Premier's Local Government Council (PLGC) meeting, the State Government agreed to establish a stakeholder group to provide advice to Government on the practical application of competitive neutrality principles to council-owned RV parking and camping facilities. This was in response to Local Government concerns on the interpretation and application of National Competition Policy principles.

This review has been overseen by senior representatives from the Departments of Premier and Cabinet, Treasury and Finance and State Growth. As part of the process a stakeholder reference group was established with representatives from LGAT and Local Government generally, caravan park operators and RV tourists and camping facility consumers. The stakeholder group met on three occasions, the first to outline issues and concerns and the second and third to provide feedback on draft options papers developed by Treasury.

The Final Policy Statement for the application of Competitive Neutrality Principles has now been approved by the Minister for Local Government and is available on the Department of Treasury and Finance's website at:

<https://www.treasury.tas.gov.au/economy/economic-policy-and-reform/public-camping-competitive-neutrality-policy>.

The Final Policy predominantly provides a codification of the general approach that the Economic Regulator has been applying to all the recent complaints. Although there are some useful improvements that have been made. These include confirming a threshold of 10%

within a 60km drive for determining significant business activity and also allowing councils to get a Ministerial Statement confirming a public benefit to not applying full cost attribution.

Pages six and seven of the policy provide a useful summary and the two attachments will be useful for their relevant applications.

The release of the policy generated significant public interest, with a number of external stakeholders contacting LGAT with concerns. LGAT has maintained our initial position that updating the competitive neutrality policy for public camping was not addressing a number of the key causes of the issue, being a lack of understanding around the demand and supply of low cost (and commercial) camping in Tasmania. Since the release of the policy we have continued our advocacy for this work to occur.

While this is a Final Policy statement, LGAT has written to all General Manager's to invite feedback on the practical application of the Policy over the next twelve months, to inform future advocacy efforts.

#### **Current Policy**

Strategic Plan:

- Building Local Government's reputation
- Fostering collaboration
- Developing capacity and capability to deliver

#### **4.5 ROADS AND JETTIES ACT 1935** Contact Officer – Michael Edrich

##### **Decision Sought**

**That Members note the following report.**

#### **Background**

At the March 2018 General Meeting, LGAT Members considered and approved a motion (Item 2.5) for LGAT to advocate to the Tasmanian Government to amend section 11 of the *Roads and Jetties Act 1935*. The aim was to improve the way this section delineated road maintenance responsibilities between State and Local Government.

LGAT has been successful in its advocacy and the Tasmanian Government has passed amendments to section 11 of the Act, which now reads:

#### **11. Maintenance of State highways, &c., in cities, &c.**

- (1) Subject to *subsection (2)*, where in a city, town or village there is a footpath on one side or both of a State highway or subsidiary road –
  - (a) the Minister is required to maintain and reconstruct –
    - (i) the carriageways and the surface lying between them, in the case of 2 paved carriageways divided by a median strip;

- (ii) *the carriageway and the overtaking lane, in the case of a single paved carriageway incorporating an overtaking lane;*
  - (iii) *a paved carriageway not exceeding 7.4 metres in width, in the case of a single undivided paved carriageway;*
  - (iv) *a paved carriageway not exceeding 4.3 metres in width, in the case of a carriageway providing a traffic lane to a traffic interchange; and*
  - (iva) *in the case of a State highway comprising more than one lane in a single direction, the carriageway; and***
  - (v) *the culverts and bridges over which the State highway or subsidiary road runs; and*
  - (b) *the remainder of the State highway or subsidiary road, including drainage and shoulders but not culverts and bridges, shall be maintained and reconstructed by the local authority.*
- (2) *The Minister, with the agreement of the relevant council, may maintain or reconstruct a State highway or a subsidiary road otherwise than in accordance with [subsection \(1\)](#).***

Councils may now negotiate an alternative maintenance arrangement with the Tasmanian Government through agreement with the Minister for this Act, currently the Minister for Infrastructure<sup>2</sup>, Jeremy Rockliff MP.

Although this amendment provides more and better options for councils in delineating road maintenance responsibilities, the change opens up the potential for varying and inconsistent arrangements and delineations across the state. Therefore, councils may want to consider liaising with their neighbouring councils when proposing road maintenance arrangements with the State. Furthermore, early discussions with Department of State Growth personnel are recommended prior to formal proposals being presented to the Minister.

#### **Budget Impact**

Being undertaken within current resources.

#### **Current Policy**

Strategic Plan:

- Facilitating change
- Fostering collaboration
- Promoting financial sustainability

<sup>2</sup> See *Administrative Arrangements Order 2019*:  
<https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2019-006#JS1@HS14@EN>

**4.6 ENVIRONMENTAL HEALTH OFFICER TRAINING.**  
**Contact Officer – Dion Lester**

**Decision Sought**

**That Members note the following update on training and workforce development for Environmental Health Officers (EHOs).**

**Background**

At the July 2018 General Meeting, members supported a motion for LGAT to lobby the University of Tasmania (UTAS) for the continuation of the Bachelor of Health Science (Environmental Health) or similar tertiary degree that is eligible for the Environmental Health University Course Accreditation with Environmental Health Australia.

UTAS' Bachelor of Health Science (Environmental Health) was a professionally accredited program designed to produce graduates who could work as EHO's in State and Local Government and specialised allied health fields. In January 2017 the University announced the course was in teach out mode (that is to be phased out).

LGAT, the Department of Health, EPA and Environmental Health Australia (EHA Tas) have had a number of discussions with UTAS for a replacement course. The University's School of Medicine has agreed to progress with collective planning and mapping for a Graduate Diploma of Environmental Health course, with a course commencement in 2020, subject to UTAS approving the course governance and business planning processes.

As part of this training course, the need for student placements within Tasmanian councils was raised as an issue that would need to be addressed.

The likely replacement course for EHOs in Tasmania will go some way to addressing the workforce shortage, however there are a number of other factors that must also be addressed. To investigate these factors and also support the development of the Graduate Diploma, LGAT is lobbying the Department of Health, UTAS and the EPA to support a project that would result in a workforce development plan for EHOs. If successful, the plan will:

- Document the legislative and desirable tasks required of an EHO in Tasmania;
- Determine the factors influencing the recruitment and retention of EHOs in Local Government; and
- Determine strategies to support training for a Tasmanian environmental health workforce.

If completed the workforce development report would inform the course development process of UTAS, but also help to characterise and address the other challenges to establishing a sustainable EHO workforce in Tasmania. At this stage there is strong support for the concept

from the key stakeholders but a final agreement has not been reached on level of contribution.

#### **Budget Impact**

Being undertaken within current resources.

#### **Current Policy**

Strategic Plan:

- Facilitating change
- Fostering collaboration
- Developing capacity and capability to deliver

#### **4.7 COMMUNITY SATISFACTION SURVEY** **Contact Officer – Deb Leisser**

##### **Decision Sought**

**That Members note the following report and indicate to LGAT their interest in being involved in the community satisfaction at the local council level by 30<sup>th</sup> April.**

#### **LGAT State-wide Survey**

The Community Satisfaction Survey, being conducted by Metropolis Research, is close to completion. To date around 1000 of the 1200 surveys have been completed and some preliminary key results (State-wide) are below.

#### **Rating Scale**

<b><i>Excellent</i></b>	Scores of 7.75 and above are categorised as excellent
<b><i>Very good</i></b>	Scores of 7.25 to less than 7.75 are categorised as very good
<b><i>Good</i></b>	Scores of 6.5 to less than 7.25 are categorised as good
<b><i>Solid</i></b>	Scores of 6 to less than 6.5 are categorised as solid
<b><i>Poor</i></b>	Scores of 5.5 to less than 6 are categorised as poor
<b><i>Very Poor</i></b>	Scores of 5 to less than 5.5 are categorised as very poor
<b><i>Extremely Poor</i></b>	Scores of less than 5 are categorised as extremely poor

#### **Satisfaction with Council's Overall Performance**

Overall satisfaction with council is 6.92 out of ten, which is "good", it's notably lower in the City regions (Burnie, Clarence, Devonport, Glenorchy and Launceston) at 6.5 and notably higher in the Urban regions (Brighton, Central Coast, Kingborough, Meander Valley and West Tamar) at 7.46.

The previous satisfaction survey in 2015 reported average satisfaction of 70, which equates to 7.00 on the scale used for this survey. Metropolis Research advises that it is too early to report change over time with significant certainty, however the preliminary judgement is that satisfaction has effectively remained the same.

**Satisfaction with Services and Facilities**

Average satisfaction with services and facilities was 7.2 out of ten or “good”. Highest satisfaction was for the regular garbage collection service (8.11) or “excellent” and the lowest satisfaction was for Council planning and building (5.61) or “poor”.

**Satisfaction with Governance and Leadership**

Satisfaction with aspects of governance and leadership were marginally lower than overall satisfaction (which is as expected) but all have satisfaction scores in the “good” range.

The fact that satisfaction with governance and leadership is lower than overall satisfaction reflects that satisfaction with services and facilities tends to be a significant factor underpinning the higher overall satisfaction result.

**Customer service**

A little more than one-quarter of respondents had contacted Council in the last twelve months. Most contacts were via telephone (52%) and visits in person (32%). Overall satisfaction with the customer service experience was 6.83 “good”.

**Most Important Issues to Address in the Local Area**

The most important issues that respondents believe should be addressed in their local area were roads maintenance and repairs, traffic management and planning and development issues.

**The Image of Local Government**

The image of Local Government more broadly was rated at only 6.11 or “solid”, a result that is measurably lower than satisfaction with Council’s overall performance (6.92). This is an interesting result and will be explored further in the final report.

**Population Growth**

Satisfaction with the change in population over the last four years was 6.64 “good” and, satisfaction with planning for population growth was 5.99 “poor”.

**Housing**

Average satisfaction with the availability of housing that meets community needs was 5.02 out of ten “very poor” and satisfaction with the affordability of housing was almost identical at 5.08 “very poor”.

These housing related results are very low and suggest significant community concern around housing availability and affordability. They are clearly correlated with the satisfaction with population growth results.

#### **Perception of Safety**

The average perception of safety during the day was very high at 8.62, with just 3.2% of respondents feeling unsafe (rating 0 to 4). Safety at night was lower than during the day at 7.72, with 10.2% of respondents feeling unsafe in public areas at night.

The surveying will continue until 1200 surveys are completed. The final report will provide data analysis at the City, Urban and Rural and South, North and North East and Northwest and West area levels.

#### **Community Satisfaction at the Local Council Level**

Individual council surveys will follow and LGAT will work with interested councils and Metropolis Research to develop and run these surveys that will provide accurate and reliable information at the local level and compare local area level performance with region and state performance.

So far Glenorchy City, Northern Midlands, Break O' Day, City of Launceston, Central Coast, City of Hobart and Sorell have expressed early interest in working with LGAT and Metropolis Research to complete Local Government area level surveys. Other interested councils are requested to let Deborah Leisser ([Deborah.Leisser@lgat.tas.gov.au](mailto:Deborah.Leisser@lgat.tas.gov.au)) know by Tuesday 30 April.

#### **Budget Implications**

The State-wide Community Satisfaction Survey is already funded through council contributions to LGAT.

Facilitation and coordination of Community Satisfaction Surveys at the individual council level by LGAT (in consultation with councils) is not currently funded and will be costed on a fee for service basis, with the cost to be determined once the final number of interested councils is known.

#### **Current Policy**

Strategic plan:

- Building Local Government's Reputation
- Developing Capacity and Capability to Deliver

Priority Area 8

Deliver a refreshed statewide community satisfaction survey.

#### 4.8 FINANCIAL ASSET MANAGEMENT Contact Officer – Michael Edrich

**Decision Sought**

**That Members note the following report.**

**Background**

LGAT is continuing to support councils in asset management. To do this, LGAT is collaborating with Local Government asset management professionals and supporting council-led initiatives.

One outcome of the statewide asset management meeting in October was a desire from professionals for improved communication with and guidance from the Tasmanian Audit Office (TAO). Consequently, LGAT met with the TAO Deputy Auditor-General, Ric De Santi, who was very willing to contribute to the continuing professional development of the sector through attendance and presentations at our state-wide meetings, responding to sector questions and issues, providing input into the production and upkeep of LGAT's asset management resources, and other options. The next statewide meeting is in April and will include participation from the TAO and also the Local Government Division.

Amongst the resources hosted on the LGAT Extranet is a set of twenty-one Financial and Asset Management Practice Summaries, a copy can be found for reference at <http://www.lgat.tas.gov.au/page.aspx?u=623>.

These Practice Summaries provide guidance for asset managers on a range of topics, specific to the Tasmanian context and legislation. These resources are now four years old, so LGAT is liaising with IPWEA members and the Tasmanian Asset Management Group to scope a project to update the practice notes (reflecting updates to legislation and accounting standards) and to identify useful additions or improvements to the set. The TAO has given an early indication of willingness to assist in technical review.

LGAT will continue to support the collaboration between councils' asset management professionals and find ways to promote the initiatives that arise from it.

**Budget Impact**

Asset Management Practice Summary Update project work is currently being scoped, but as the original Financial and Asset Management Project retains some residual funding, the update work is intended to be fully funded within that residual amount.

**Current Policy**

Strategic Plan:

- Building Local Government's reputation
- Fostering collaboration
- Promoting financial sustainability
- Developing capacity and capability to deliver

**4.9 POLICY UPDATE****Contact Officer – Dion Lester****Decision Sought**

**That Members note the Policy Update which provides a brief overview on a range of matters.**

**Emergency Management****Fire Services Act**

The State Government is currently reviewing the *Fire Services Act 1979* and all subordinate legislation. An issues paper was released in June last year with several councils and LGAT providing submissions. The Independent Chair of the Steering committee, Mr Michael Harris, resigned from his position on 30 January 2019 and has been replaced by Mr Michael Blake.

Mr Michael Blake met with LGAT in February to discuss the LGAT submission and Local Government issues. It is expected that a further discussion paper with a range of options will be released to stakeholders for consultation in the next couple of months.

**Municipal Emergency Management Guidelines**

LGAT and the State Emergency Service were successful in receiving grant funding to update the Municipal Emergency Management Guidelines to support Municipal Emergency Management Committees in fulfilling their roles and responsibilities under the *Emergency Management Act 2006*. The Guidelines will incorporate the plethora of changes to the emergency management arrangements since 2010, including changes to the Act, risk assessment, and relief and recovery arrangements among other things.

Andrea Heath has been engaged as the consultant to manage the project and consultation. The project plan has been completed and consultation commenced.

**Energy****Pricing Advocacy**

LGAT has been active in its advocacy role around the TasNetworks network and distribution pricing reset, particularly in relation to street lighting. LGAT has provided two submissions to

the Australian Energy Regulator (AER) in relation to the TasNetworks pricing reset. The revised TasNetworks proposal included some savings to councils for street lighting but it is hoped that when the AER hands down its final decision in April further savings will be included.

#### **Procurement**

In 2014 non-metred public lighting energy became contestable. As a result, LGAT facilitated two rounds of competitive procurement processes for the sector, which to date has resulted in significant savings (approximately \$500K- \$800K per annum) for the sector. The latest contract is coming to an end on 30 June 2019 and LGAT will run a similar combined competitive procurement process for non-metered public lighting for the sector. A request for quotation is currently being put together for a consultant to coordinate the tender process.

#### **Climate Change Projects**

LGAT is continuing to support councils on climate change related issues through coordinating with the Tasmanian Government and the Southern Tasmanian Councils Authority (STCA) on several projects.

The Tasmanian Climate Change Office's (TCCO) *Coastal Hazards Management for Existing Settlements and Values Project* is at its final stage, with the report understood to be complete. LGAT assisted in an advisory capacity and document review. The Tasmanian Government is now beginning the process of considering the findings and how to take them to the next stage. The report may be released to stakeholders or the public in the future.

The TCCO's Climate Resilient Councils project is temporarily on hold as the Office undergoes some reorganisation.

LGAT is also collaborating with the STCA Regional Climate Change Initiative (RCCI) in two projects, a Regional Coastal Hazards Strategy and a combined Regional Climate Change Strategy and Action Plan Template. Although necessarily focused on STCA councils, LGAT's involvement represents an opportunity to both support southern councils and share lessons from the projects with north and north-west councils in pursuing their own regional responses and strategies or informing state wide initiatives involving Local Government.

#### **Recycling**

Many of you would have seen the media reports on the temporary closure of a couple of SKM's facilities in Victoria (Laverton and Coolaroo).

<https://www.abc.net.au/news/2019-02-18/melbourne-councils-send-recycling-to-landfill-after-plants-shut/10814412>

In mid February, SKM voluntarily shut down its Geelong site in order to prevent a level of stockpiling that would attract a further notice from EPA. It seems likely that most of the affected councils (approx. 30 Victorian councils) will have little choice but to start sending recyclables to landfill.

The following has been taken from a recent report from the Municipal Association of Victoria (MAV):

*Victoria's recycling industry is in crisis, with four sites of one of the major recyclers, SKM, unable to receive recycling material due to significant non-compliance issues of concern to the Victorian Environment Protection Authority (EPA) at two of those sites. Another recycler, Polytrade has also been served with a non-compliance notice on one of its sites. As a result, many councils have had no option but to redirect their kerbside recycling to landfill. The stockpiling of recyclable materials is causing EPA and others significant concern with an EPA taskforce set up to regularly inspect high risk sites they have identified across the state.*

For Southern Tasmania, our understanding is that to date there has been no impact on services as the majority of recyclables processed at Derwent Park are sent direct to markets both within Australia and Internationally. The only product that is sent to Victoria's SKM facilities are some bulk grades of paper, and SKM is looking to move these deliveries direct to market from Derwent Park, rather than to Victorian Materials Recovery Facilities.

LGAT is monitoring the situation closely.

#### 4.10 NATIONAL UPDATE

Contact Officer – Katrena Stephenson

##### Decision Sought

**That Members note the report on activity being undertaken by the Australian Local Government Association (ALGA).**

##### Background

In February this year, the ALGA Board undertook a facilitated strategic planning meeting to consider a variety of corporate and strategic issues. Matters discussed included waste and recycling, population, settlement, housing and planning, community services, Local Government workforce issues, regional tourism and arts and culture. The Board Members also had the opportunity to meet with the Federal Minister for Local Government, Bridget McKenzie and the Shadow Minister for Local Government, Stephen Jones.

Participants considered outcomes against the 2017-2020 Strategic Plan as part of the broad review and generally agreed that the priorities were still current with one revision to be considered at the 14 March Board meeting relating to preparation and response to disasters. Also to be considered is the draft Action Plan, developed to reflect the Board's detailed discussions on strategy and priority areas for action over the next year.

Additional items for discussion at the forthcoming Board Meeting include:

- Federal election advocacy;
- 'State of the Assets' reporting;
- The National Waste Policy Action Plan; and
- The upcoming National General Assembly (16-19 June)

A further verbal update will be provided at the LGAT General Meeting.

**Budget Impact**

Does not apply.

**Current Policy**

Focus Areas

Building Local Government's Reputation, Fostering Collaboration.

**4.11 COMMUNICATIONS, EVENTS AND TRAINING UPDATE**

**Contact Officer – Kate Hiscock**

**Decision Sought**

**That Members note the following updated regarding LGAT's communications, events and training.**

**Communications**

LGAT's monthly e-newsletter, the Pulse, brings you information regarding Local Government activities, policies, legislation and LGAT's advocacy activities as well as upcoming LGAT events and training for members. The Pulse includes links to the LG Noticeboard and our Better Councils Better Communities page. Sign up [here](#).

Also keep an eye out for the next edition of LGTas, due to be released in April 2019. LG Tas is a bi-annual online magazine style publication to promote the Local Government sector with a focus on Member's achievements and activities.

**Overview of Activities**

Proactive communications activities since the last General Meeting in addition to media queries include:

- LGAT President feature article on Tasmanian Local Government Sector in LG Focus February edition;
- Articles promoting the LG Tas sector submitted to Australian LG Handbook and LOIS Magazine;
- Letter to the editor Advocate 11 March 2019 correcting and providing context on rates capping; and
- The Pulse February edition.

Since the last General Meeting LGAT has facilitated key events and training activities including:

- Mayors' Professional Development Day;
- Break O' Day Councillor induction;
- Fire abatements training;
- LGAT Stakeholder Event;
- Engaging Champions Workshop;
- Cross Sectoral International Women's Day Awards Luncheon;
- Audit Panel Training; and
- Planning Authority Training in the north-west, north and south

**International Women's Day Awards Luncheon**

This inaugural event, held on 8 March attracted over 270 attendees. The Awards represent a partnership between LGAT, TasCoss and the State Government with sponsorship by Tasplan. The event was designed to inspire and recognise excellence being achieved by women in the Local Government Sector, the Community Service Industry and the State Public Service in Tasmania. Attendees were addressed by Her Excellency Professor the Honourable Kate Warner AC, Governor of Tasmania, Minister for Women the Honourable Jacquie Petrusma MP and Kat Henry (NIDA Corporate) over lunch. The event was live-streamed to Devonport.

Local Government Award Winners were Mayor Bec Enders (Huon Valley Council) and Erica Lowry, Community Services Project Officer (Break O' Day Council).

See the latest edition of The Pulse for more <https://us14.campaign-archive.com/?u=a3fb6b694cc457805027bda84&id=8d06564b9e>

**Upcoming Events and Training**

The LGAT Events Calendar can be found on our website [here](#)

**Upcoming Training and Development opportunities include:**

<b>March 2019</b>	Date	Location	Information
Elected Members Professional Development Weekend	23-24 March	Launceston	Click <a href="#">here</a>
<b>April 2019</b>			
Engaging Champions Leadership Program Session 3	1 April		
General Managers' Workshop	3-4 April		
<b>May 2019</b>			
LGAT Regional Breakfasts	8,9, 16 May		
Mayors' Professional Development Day	30 May		
<b>June 2019</b>			
2IC Workshop	5 June		

**LGAT Annual Conference**

The 2019 LGAT Annual Conference will be held from 3-5 July at Wrest Point, Hobart. Planning for the Conference, themed "Finding Your Voice" is well under way. The Sponsorship Prospectus has been launched with many sponsors and trade exhibitors already coming on board.

Program development is almost complete including the following Plenary Speakers:

- Heather Rose, Award winning Tasmanian Author;
- Mayor Tim Shadbolt, New Zealand's longest serving Mayor;
- Penny Terry, ABC radio presenter and Creative Director of Healthy Tasmania Pty Ltd;
- Matt Pinnegar, CEO LGA South Australia; and
- David O'Loughlin, President ALGA.

We will also be bringing back the Panel discussion by popular demand, featuring our federal elected representatives following the federal election.

Based on feedback from Members, the workshop series will be refreshed, with a greater focus on showcasing Tasmanian councils' achievements as learning opportunities. In addition, there will be greater opportunity for members' networking and direct contribution through a revised structure incorporating symposium style shorter presentations and collaborative working. Registration will be available very soon!

**Budget Impact**

Within current budget.

**Current Policy**

LGAT Strategic Plan:

Building Local Government's reputation

Fostering collaboration

Developing capacity and capability to deliver

**4.12 LGAT ANNUAL PLAN UPDATE \***

Contact Officer – Dion Lester

**Decision Sought**

That the Members note the following report against the LGAT Annual Plan.

**Background**

At **Attachment to Item 4.12** is a report against the LGAT Annual Plan for consideration.

**Budget Implications.**

Within current budget.

## 5. OTHER BUSINESS & CLOSE

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Attachment to Item 1.1



# General Meeting Minutes

7 December 2018

## The Tramsheds Launceston

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**PROCEDURAL MATTERS.****RULES REGARDING CONDUCT OF MEETINGS****13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION**

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

**14. PROXIES AT MEETINGS**

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

**15. QUORUM AT MEETINGS**

At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.

**16. VOTING AT MEETINGS**

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

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

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

## Table of Contents

<b>GOVERNANCE .....</b>	<b>7</b>
CONFIRMATION OF MINUTES * .....	7
BUSINESS ARISING * .....	7
CONFIRMATION OF AGENDA .....	7
FOLLOW UP OF MOTIONS* .....	8
PRESIDENT'S REPORT .....	8
CEO REPORT.....	9
MONTHLY REPORTS TO COUNCILS* .....	12
COUNCIL ROUND UPS.....	12
<b>ITEMS FOR DECISION.....</b>	<b>13</b>
ELECTED MEMBER ALLOWANCES .....	13
BUREAU OF METEOROLOGY.....	14
BIKE INFRASTRUCTURE FUND .....	15
LOW COST AND FREE PUBLIC CAMPING .....	17
<b>ITEMS FOR DISCUSSION .....</b>	<b>19</b>
21 <sup>ST</sup> CENTURY COUNCILS .....	19
<b>ITEMS FOR NOTING .....</b>	<b>21</b>
BURIALS AND CREMATIONS ACT .....	21
REVIEW OF THE LOCAL GOVERNMENT ACT .....	22
RATING OF INDEPENDENT LIVING UNITS .....	23
FEDERAL ELECTION ADVOCACY .....	25
PLANNING REFORM.....	27
WASTE MANAGEMENT .....	29
COMMUNITY SATISFACTION SURVEY .....	31
LOCAL GOVERNMENT ELECTIONS * .....	32
REACH REPORT - LOCAL GOVERNMENT ELECTION ADVERTISING .....	34
LGAT YEAR IN REVIEW 2017-2018 * .....	35
DIGITAL ADVISORY GROUP .....	36
STATE BUDGET 2019-2020 .....	38
ACCESSIBILITY REQUIREMENTS FOR BUS STOPS .....	39
BY-LAWS 41	
CLIMATE CHANGE PROJECTS .....	42
TASMANIAN GOVERNMENT BUDGETED INFRASTRUCTURE INVESTMENT .....	44
LOCAL GOVERNMENT SKILLS SHORTAGES.....	46
EHO TRAINING AND WORKFORCE DEVELOPMENT PLAN.....	47

TASWATER \* ..... 49  
COMMUNITY HEALTH AND WELLBEING PROJECT ..... 49  
POLICY UPDATE ..... 51  
    A. EMERGENCY MANAGEMENT ..... 51  
    B. ENERGY ..... 51  
    C. CODE OF CONDUCT ..... 51  
    D. PROCUREMENT ..... 52  
    E. TASMANIAN YOUTH LOCAL GOVERNMENT ..... 53  
LGAT ANNUAL CONFERENCE ..... 53  
LGAT COMMUNICATIONS AND UPCOMING TRAINING ..... 55  
GENERAL MANAGEMENT COMMITTEE ELECTIONS ..... 56  
**Other Business & Close ..... 57**

*\* Denotes Attachment*

RESULTS OF ELECTRONIC VOTING ON DECISION ITEMS ARE ATTACHED AT END OF THIS DOCUMENT



**GENERAL MEETING SCHEDULE**

<b>9.30</b>	<b>Coffee on arrival</b>
<b>10.00</b>	<b>Meeting Commences</b>
	<b>Council Round Up City of Launceston</b>
<b>12.20</b>	<b>Minster Peter Gutwein</b>
<b>12.30 approx</b>	<b>Lunch</b>



The President, Mayor Doug Chipman welcomed Members and declared the Meeting open at 10.00 am.

Apologies were received from –

Lord Mayor Anna Reynolds	City of Hobart
Mr Tim Watson	Dorset Council
Mr Harry Galea	George Town Council
Mayor Tim Wilson	Kentish Council
Mr David Metcalf	Glamorgan Spring Bay Council
Mayor Tony Foster	Brighton Council
Mr Ron Sanderson	Brighton Council
Mayor Christina Holmdahl	West Tamar Council
Mr Dirk Dowling	West Coast Council
Mr David Metcalf	Glamorgan Spring Bay
Mayor Albert van Zetten	City of Launceston
Mrs Lynn Eyles	Central Highlands Council

## GOVERNANCE

## Confirmation of Minutes \*

Circular Head Council/Waratah Wynyard Council

That the Minutes of the meeting held on 25 July 2018, as circulated, be confirmed.

Carried

**Background:**

The Minutes of the General Meeting held on 25 July 2018, as circulated, are submitted for confirmation and are at **Attachment to Item 1.1**.

## Business Arising \*

Circular Head Council/Waratah Wynyard Council

That Members note the information.

Carried

**Background:**

**At Attachment to Item 1.2** is a schedule of business considered at the previous meeting and its status.

## Confirmation of Agenda

Circular Head Council/Waratah Wynyard Council

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

Carried

**Background:**

Delegates will be invited to confirm the Agenda for the meeting and the order of business.

## Follow up of Motions\*

Circular Head Council/Waratah Wynyard Council

That Members note the following report.

Carried

**Background:**

A table detailing action taken to date in relation to motions passed at previous meetings is at **Attachment to Item 1.4.**

## President's Report

Circular Head Council/Waratah Wynyard Council

That Members note the report on activity from 25 July to 29 November 2018.

Carried

**Presentations**

- Panel Participation Local Government Professionals Tasmania conference/ Closing Ceremony Address
- Youth Local Government Workshop - Support for the state-wide conference in October

**Media**

- AGM/ Conference

- Waste
- Glyphosate use
- Letter to Editor Mercury – thanks for encouraging voting
- Short stay visitor accommodation

#### Meetings

- Australian Local Government Association (ALGA) Board Meetings
- ALGA Post National General Assembly Teleconference
- ALGA National Roads Congress
- ALGA Annual General Meeting
- LGAT Annual General Meeting & July General Meeting and Conference
- Federal Minister for Local Government – Discussion on Local Government issues
- Minister for the Environment – Waste roundtable
- Presentation to Hobart City Mission – Funds raised from Conference coffee corner
- RDA Tasmania Committee
- Wellington Water re Water and Sewerage reform in Tasmania
- Ministerial Council (Federal) Policy and Emergency Management (for ALGA)

#### CEO Report

##### Circular Head Council/Waratah Wynyard Council

**That Members note the report on activity from 25 July to 29 November 2018.**

**Carried**

#### Policy, Projects & Presentations

- Advocacy around the use of public space by-laws.
- Presentation to Local Government Youth Conference
- Plenary presentation to Local Government Association of South Australia Conference
- Judging Panel for Tasmanian Women's Honour Roll
- Panel Participation Local Government Professionals Tasmania conference
- Presentation to MAV Insurance Forum for Tasmanian Councils
- Presentation to Recovery Taskforce new volunteer recruits
- General Meeting Regulations, Electoral Advertising – Issues resolution of update of candidate information/advertising spend
- Hobart City Council Smart Cities Forum – Participation on panel
- Input to ALGA Election priorities document
- Steering Committee Model Credit Card Policy for Local Government
- Preliminary feedback on draft TOR for Review of the Local Government Act
- Submission *Burials and Cremations Amendment Bill*
- Youth Local Government Workshop - Support for the state-wide conference in October

**Media**

A greater than usual media presence was required during the election period -

- Amalgamations and elections
- By-laws
- Candidate numbers
- Candidate diversity
- Changes to electoral advertising
- Compulsory voting
- Councillor allowances
- Dog control/penguins
- Elections/voting
- Fast growth suburbs
- General Manager's Roll
- Glyphosate use
- Heritage buildings
- Letter to the editor - DA timeframes
- LGAT Conference/AGM
- Local Government reform (response to TCCI Report)
- Planning authorities
- Rating of Independent Living Units
- Recording of council meetings
- Short stay visitor accommodation
- Zero Waste
- Media Release – By Laws
- Media Release - Changes to electoral advertising spend
- Opinion Editorial – Voting is a privilege / Voting is easy (All papers)
- Opinion Editorial – Smart Cities
- Opinion Editorial – Voting in Council Elections
- Opinion Editorial - By Laws
- Reframing LGAT TVC to encourage voting
- Preparation GMC/GM papers

**Meetings**

- Advisor to Minister Gutwein – Regular catch up
- Australian Local Government Association (ALGA) Board Meetings
- ALGA Post National General Assembly Teleconference
- Annual General Meeting & July General Meeting and Conference
- Bishop Condie re proposed changes to Burials and Cremations Act (telephone)
- Break O Day Council
- CEO – Tasmanian Health Consumer Organisation
- CEO TasWater – Regular catch up
- Chair Road Safety Advisory Council
- Closing ceremony Local Government Youth Conference
- Combined Conference Feasibility Workshop LG Professionals
- Commissioner Sarah Bolt, Equal Opportunities Tasmania
- Cross Sectoral Women Project meeting

- Department of Social Services - Data exchange briefing
- Director of Local Government- Regular Monthly Meeting
- Edge Legal – HR Support for LGAT
- Federal Minister for Local Government – Discussion on Local Government issues.
- Federal Population Roundtable – Hobart
- Institute of Architects - Partnership/promotion opportunities
- Interim CEO Housing Industry Association
- Judging for Local Government Professionals Tas, Raymond West Scholarships
- Kingborough Council – Cat Management Project resource development
- Legislative Council Select Committee Inquiry into Short Stay Accommodation.
- LG Professionals Southern Branch AGM
- LGAT Assist Monthly Board Meeting
- LGAT Audit Exit Meeting
- Local Government Legislation Review Steering Committee (inaugural meeting)
- Local Government Professionals Board Meetings x 2
- Local Government Professionals Conference
- MAV Insurance Board Meetings
- Minister for the Environment – Waste roundtable
- Minister Jaensch re short stay accommodation and other planning matters
- National Shelter Affordable Housing Roundtable
- Premier’s Health and Wellbeing Advisory Council
- Premier’s Local Government Council Officials Meeting
- Presentation to Hobart City Mission – Funds raised from Conference coffee corner
- RDA Tasmania Committee
- Road Safety Advisory Council x2
- Secretary DPAC, CEO TasCOSS re International Women’s Day Project
- Tasmanian Conservation Trust and Kingborough Council - cat management
- Tasmanian Regional Aboriginal Communities Alliance (TRACA) - Engagement with councils
- TasPlan – re changes to Board and Remuneration and Nominations Committee Meeting
- TasWater regarding Local Government relationship management
- TasWater Regional Briefing - South
- Wellington Water re Water and Sewerage reform in Tasmania
- Youth Local Government Conference – Leaders information forum

#### **Professional Development**

- Preparation of new web materials for newly elected councillors
- Update of Councillor Resource Kit and Mayoral Handbook.
- Developed and promoted program LG 101 for new Councillors, delivered 17 November
- Appointment of Peer Advisors for New Councillors, provision of training and development of handbook
- General Managers’ Workshop.
- Planning for Mayors’ Workshop

#### **Operational**

- Audit
- Recruitment of new administration team member
- Staff PDP
- Staff management, meetings and work inputs and review

## Monthly reports to Councils\*

Circular Head Council/Waratah Wynyard Council

That Members note the reports for August, September and October 2018.

Carried

**Background:**

Monthly reports to Councils that briefly outline Association activities and outcomes for the previous months are at **Attachment to Item 1.7**.

## Council Round Ups

Circular Head Council/Waratah Wynyard Council

That Glenorchy City Council will present a briefing at the next General Meeting.

Carried

**Background comment:**

Launceston City Council has offered to conduct a brief presentation on a matter that is of interest in their municipality.

The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils.

## ITEMS FOR DECISION

## Elected Member Allowances

Contact Officer – Katrena Stephenson

**Burnie City Council/Northern Midlands Council****That Members agree no further work be undertaken in relation to elected member allowances.****Carried****Background**

At the July General Meeting Members noted the update on the review of councillor allowances and agreed that LGAT pursue a review of the methodology for calculating base councillor allowances including council categorisation and disadvantage factors within the next 12 months, refer **Attachment to Item 1.1 – July 2018 Meeting Minutes, Item 8.2.**

Having undertaken some initial investigation as to methodologies used in other jurisdictions and the possible ways forward it is clear that this work could become large and complex; may not result in significant change and indeed, is likely to deliver both winners and losers causing general dissatisfaction.

Over the last 5 - 10 years, across all jurisdictions, most tribunals have not reviewed how categories are determined, rather they have considered individual council movements between categories only. Because of this, few are able to provide any information about how categories were originally determined other than reference to broad factors. In 2007, a detailed approach was undertaken in Queensland (and spelled out in the Tribunal Remuneration Report). Eight categories were developed, and comparative data is published and reviewed annually, indexation is not built in as is the case with Tasmania. Around 30 different sets of data are used.

To undertake the modelling at this level we would need a specialist resource as LGAT does not currently have that skill set in house. For example, we had to secure someone to undertake the modelling for subscriptions on a contract basis. This modelling would be far more onerous.

Such a review has not been contemplated as a key priority for LGAT this year (in the Strategic Plan signed off by GMC at the time of the conference) and in light of elections and the review of the Act about to be undertaken, is likely to be difficult to resource without reconsidering priorities.

The Local Government Division is in a similar boat with resources to be stretched by the review of the Local Government Act and not sufficiently skilled statisticians/modellers in house. The State Grants Commission were also canvassed but only have one staff Member to support their own detailed work requirements.

Further, as LGAT noted in July, there had been little feedback from Members in relation to the review itself, or on the outcome of the review and this may suggest a general satisfaction with the status quo.

On this basis, it is recommended that no further work be undertaken in relation to council allowance categories.

#### **Budget Implications**

If further work is to be undertaken, there will need to be consideration of priorities and resources.

#### **Current Policy**

Focus area: Facilitating Change

Contributing to the review was a key priority for 2017-18 and this was accomplished with LGGAT making a submission and appearing before the Tribunal.

### **Bureau of Meteorology**

#### **B urine City Council/Circular Head Council**

**That LGAT lobby the Bureau of Meteorology to retain its existing public weather forecasting operations in Tasmania in the interests of ensuring retention of specialist knowledge of unique Tasmanian microclimates, maintaining forecast quality and providing timely and regionally reflective forecasts for agriculture, emergency services, tourism and the like.**

**Carried**

#### **Background**

The Bureau of Meteorology (BOM) earlier this year indicated that a review of its regional forecasting operations was in train with the potential to centralise forecasting staff at locations on mainland Australia. The specifics of the proposal are not available in detail.

This proposal elicited much comment within regional Australia, with agricultural, emergency services, tourism groups and the like, expressing concerns for the potential for forecasting accuracy and timeliness to diminish. It was suggested by many that a local understanding, through local experience of microclimates, is essential for accurate regional forecasting, and the potential loss of local knowledge may impact on the accuracy of weather forecasting with consequential community safety and economic impacts.

For councils, accurate and timely weather forecasting aids in managing community responses associated with bushfire, flood and storms, where councils have a role and supports the planning of council activities and works, council events, etc.

Councils have a role to advocate on behalf of their community on various matters that may impact community safety and it is believed that the potential changes in operations of the BOM is a community safety issue.

#### **LGAT Comment**

There is general concern from Tasmanian officials in relation to the potential centralisation of Bureau of Meteorology (BOM) services. Emergency Services are particularly reliant on local knowledge and expertise at the BOM to provide real time advice in emergencies. As a result of this concern, the State Emergency Management Committee (SEMC) requested a briefing from BOM on their intentions and, although they confirmed that local expertise would not be lost, the consequence of losing this capability could be significant.

### **Bike Infrastructure Fund**

#### **City of Hobart/Waratah Wynyard Council**

**That LGAT lobby the State Government for the establishment of a recurrent fund to support the provision of separated bicycle infrastructure for local and state roads.**

**Carried**

#### **Background**

At its meeting on 8 October 2018, Hobart City Council resolved to support recommendations from the City Infrastructure committee and the Hobart Bicycle Advisory Committee for:

- a) A recurrent fund to support the provision of separated bicycle infrastructure for local and state roads; and
- b) LGAT to lobby the State Government for its establishment.

In making its recommendation, City of Hobart's City Infrastructure Committee gave consideration to the following information provided by the Bicycle Network:

*Bicycle infrastructure that separates riders from traffic is being built in cities and towns around the world because it has been shown to substantially increase the number of people riding.*

*Big cities that are surging ahead with on-road and off-road separated cycleways include Sydney, Melbourne, Vancouver, London, Manchester and Seville. Smaller cities such as Geelong Almetyevesk and Portland area are also implementing separated cycleways to provide healthy, affordable and convenient transport options for their communities.*

*The majority of the population are interested in riding but are concerned about their safety. Well-designed cycleways that separate rides from vehicle traffic and provide clear intersection treatments encourage people to ride who wouldn't if there were just painted lanes.*

*When more people ride it becomes safer for all riders. Research has shown that when bicycle riding becomes more common, drivers are more likely to look for bicycles and the number of crashes declines. Separating riders from traffic for most of the journey also improves safety outcomes.*

*Riding for transport and recreation can help children and adults get the 60 minutes of exercises they need each day to prevent diseases such as diabetes, heart disease and some cancers.*

#### **LGAT Comment**

At the July 2017 General Meeting, the following motion was endorsed:

*That the State Government be urged to increase its per capita spending on the provision of public transport services within metropolitan and regional Tasmania.*

In our recent budget and election documents LGAT has advocated for an increased investment in Preventative Health in Tasmania and establishment of a health in all policies approach, alongside a greater State Government focus on locally based initiatives to addressing local demand in areas such as public transport.

LGAT is also a key project partner in the *Health by Stealth* Project, which aims to address a lack of evidence for service providers, policy makers, and practitioners about how to increase transport related activity in Tasmania. It has direct links to and will be integrated and organised with key whole of government priority policy areas, including the Tasmanian Urban Passenger Transport Framework 2010, the Tasmanian Walking and Cycling for Active Transport Strategy and the Healthy Tasmania Five Year Strategic Plan 2016. The project is a partnership between researchers at the Menzies Institute for Medical Research at the University of Tasmania, the Institute for Physical Activity and Nutrition at Deakin University, the Institute for Transport and Logistics Studies at the University of Sydney, Metro Tasmania, the Tasmanian Department of Health and Human Services and the Local Government Association of Tasmania.

We know that increased bicycle use presents a number of potential health, transport and economic benefits to an area, including:

- Increased exercise and associated reduced risk of disease from sedentary living;
- Improved road traffic flow and efficiency from reduced congestion; and
- Reduced energy use, leading to reduced energy importation, costs and carbon emissions

Safety is one of the key impediments to increasing bicycle use and separated bicycle infrastructure can improve safety by reducing the likelihood of much heavier vehicular machinery colliding with people on bicycles.

Specifically, allocated funding to support separated bicycle infrastructure can be a key part of achieving the outcomes associated with increased bicycle use.

**Budget Impact**

To be undertaken within current resources.

**Current Policy**

Strategic Plan:

- Fostering collaboration; and
- Developing capacity and capability to deliver.

**Low Cost and Free Public Camping****Break O'Day Council/Huon Valley Council**

**That the Local Government Association of Tasmania (LGAT) work with the Department of Treasury and Local Government Division to prepare a model Public Benefit Assessment for Councils to use where a public camping activity is a significant business activity.**

**The model Public Benefit Assessment will support Council requests to the Treasurer for a Ministerial Statement concerning the application of competitive neutrality principles for low cost and free camping.**

**Carried**

**LGAT Comment**

At the December 2017 Premier's Local Government Council meeting, the State Government agreed to establish a stakeholder group to provide advice to Government on the practical application of competitive neutrality principles to council-owned RV parking and camping facilities. This was in response to Local Government concerns on the interpretation and application of National Competition Policy principles.

Competitive neutrality principles are part of series of economic policies introduced in Australia in the 1990s to encourage competition and the efficient use of resources. The principles are set out in the Competition Principles Agreement entered into by the Australian Government and governments of each state and territory in April 1995.

These principles are designed to ensure that no government business, including those run by councils, operates with an unfair competitive advantage over a private firm operating in the same market.

The current review is examining the practical application of competitive neutrality principles to council-provided camping facilities to ensure that the current arrangements strike the right balance between Tasmania's ongoing commitment to national competition policy and the efforts by both levels of government to support and grow the visitor economy.

This review has been overseen by senior representatives from the Departments of Premier and Cabinet, Treasury and Finance and State Growth. As part of the process a stakeholder reference group was established with representatives from LGAT and Local Government generally, caravan park operators and RV tourists and camping facility consumers. The stakeholder group has met on three occasions, the first to outline issues and concerns and the second and third to provide feedback on draft options papers developed by Treasury.

The Steering Committee is expected to provide its final report to the Minister for Local Government in November 2018.

The Steering Committee is likely to recommend that the Tasmanian Government adopts a new Policy Statement to provide clearer direction about how competitive neutrality principles are to be applied where public entities (including councils) provide camping facilities, with a particular emphasis on:

- Codification of 'public camping business activity';
- A clear definition of 'Significant Business Activity';
- Guidance on preparing Public Benefit Assessments
- Creation of Ministerial Statements
- Increased provision for compliance and enforcement (via Ministerial Directions)

#### **Budget Impact**

Being undertaken within current resources.

#### **Current Policy**

Strategic Plan:

- Facilitating change;
- Building Local Government's reputation; and
- Developing capacity and capability to deliver.

## ITEMS FOR DISCUSSION

21<sup>st</sup> Century councils

Contact Officer – Katrena Stephenson

**Break O’Day Council/Devonport City Council****That Members participate in a facilitated discussion regarding the future of councils.****That the CEO report back to the next General Meeting on the outputs of this discussion.****Carried****Background**

At the July General Meeting, Members noted a report on the future of Local Government Sustainability (refer Attachment to Item 1.1 Minutes - Item 9.4).

The report outlined outcomes from the State Government funded feasibility studies into voluntary mergers and resource sharing and the continued public debate about the structure and number of councils.

The following questions were articulated

Key question:

*Are Tasmanian councils best orientated<sup>1</sup> to service the needs of modern Tasmanian Communities?*

**Evidence Building Questions****1. Roles**

What expanded roles will councils have in serving modern communities?

What functions and services need to be considered?

What implications do modern communications and infrastructure create for our understanding of communities and how they want to receive services?

**2. Communities**

How are communities defined?

What shape and form do they take?

How will Tasmanian communities look in the future (demographic trends)?

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<sup>1</sup> Or structured, aligned, organised, arranged

### 3. Representation

What level of importance do communities place on representation and local democracy?

How is local engagement in democracy delivered in other places?

### 4. Sustainability

What criteria best indicate the likely success and sustainability of councils?

The idea of a Research Advisory Group was also canvassed.

The report indicated that a more detailed workshop on the matters raised would take place at the December meeting.

Canvassing learnings from the recent Engaging Champions course, LGAT staff will facilitate a qualitative session focussing on three key questions:

1. What are the current issues/weaknesses in how we deliver Local Government services?
2. How could we address these?
3. How should we progress the conversation about the future with the sector more broadly?

### Budget Implications

Does not apply.

### Current Policy

Focus area: Facilitating Change

## ITEMS FOR NOTING

Burials and Cremations Act  
Contact Officer – Katrena Stephenson

Circular Head Council/Clarence City Council

That Members note the report on the proposed legislative changes to the *Burial and Cremation Act 2002*.

Carried

**Background**

Further to the report made to the July 2018 General Meeting, refer **Attachment to Item 1.1 Meeting Minutes, Item 8.4**, the Tasmanian Government has been reviewing current cemeteries legislation in response to community concerns about the sale of properties containing cemeteries. A draft Burial and Cremation Amendment Bill was released for consultation in September 2018.

The proposed changes included establishment of a regulator role for cemeteries, a requirement for cemetery managers to be a body corporate with perpetual succession and approved by the regulator, a new and strengthened sale process, increased compliance and enforcement powers to ensure cemeteries are managed in accordance with the Act and a strengthened closure process, extending the length of time from the last burial to closure from 30 to 100 years and new requirements around maintenance including of gravesites/headstones etc.

The Government have advised that

*“the consultation process elicited a range of feedback from community members, cemetery managers, Local Government and other stakeholders... The proposed amendments are designed to clarify and strengthen the regulatory framework for cemeteries and in doing so address legitimate concerns raised by community members and stakeholders”.*

LGAT provided a submission in October, developed in consultation with councils. In the submission we noted that while councils are strongly supportive of the intent, it was felt that because the legislation has been progressed quickly (to get ahead of church sale timelines), there were significant unintended consequences, particularly for councils who manage cemeteries.

The key concern for councils is the likely significant unanticipated costs arising from the proposed changes around maintenance (transferring obligation for the headstone/monument maintenance from family to the cemetery manager) and the proposed time between last burial and closure of cemeteries. Neither of those changes are supported by the Local Government sector in their current form.

Councils are concerned that if the requirements become too onerous, there is the very real possibility that current cemetery managers will walk away, with councils expected to fill a resource intensive gap.

The Bill has been amended and is due to go before Parliament on 20 November. At the time of writing this report, because the matter had yet to go to Cabinet, LGAT had not yet seen a copy of the amended bill. However, it is understood that the issue of maintenance of grave sites has been addressed, that closing of cemeteries will be staged, with 50 years between last burial and closure and a further 50 years before the cemetery can be laid out as a park or garden. Further it is likely that the audit powers will be less onerous. Whilst only able to apply high level consideration, this would appear to address the concerns of the majority of councils yet still meet the original intent of the Bill. A further update will be provided at the Meeting.

It should be noted that Introduction of amendments to the *Burial and Cremation Act 2002* represents the first stage of the Government's review of cemeteries legislation, dealing with priority amendments that are necessary to strengthen the regulatory framework for cemeteries.

Following enactment of Stage one amendments, work will continue to progress the Review, including establishing appropriate assessment and compliance monitoring processes, an audit of existing cemeteries and compliance with legislation and broad stakeholder consultation. It is expected this work will identify additional improvements to the Act to be introduced in 2019.

#### **Budget Implications**

Does not apply.

#### **Current Policy**

Focus Area: Facilitating Change

### **Review of the Local Government Act**

**Contact Officer – Katrena Stephenson**

#### **Circular Head Council/Clarence City Council**

**That Members note the following report on the review of the Local Government Legislative Framework.**

**Carried**

#### **Background**

The Minister released the draft terms of reference for the Review on 26 July 2018 at the LGAT Annual General Meeting and invited input.

- The draft Terms of Reference outlined that the review will be a first-principles review that will focus on delivering a modern, fit-for-purpose framework that will support councils into the future to deliver services to their communities.
- Council amalgamations will be outside the scope of the Review as the focus will be on the framework within which Councils operate.
- In addition, the following areas will also be outside the scope of this Review, either due to being broader than the Local Government sector or having been recently reviewed in 2017:
  - The roles and functions of the State Government and Local Government;
  - The Local Government Code of Conduct;
  - Financial management and planning (except changes that may streamline processes); and
  - Roles and responsibilities of mayors, deputy mayors and councillors.
- A project team has been appointed in the Local Government Division and a project timeframe of two years has been broadly established to allow for broad stakeholder and community input.
- Terms of Reference and governance have now been finalised and can be viewed at [http://www.dpac.tas.gov.au/divisions/local\\_government/local\\_government\\_legislation\\_review2](http://www.dpac.tas.gov.au/divisions/local_government/local_government_legislation_review2)
- The Review will be governed by a Steering Committee, whose role is to guide the strategic direction of the Review and provide advice to the Minister for Local Government. The Committee will be supported by a Reference Group comprised of members from a broad range of backgrounds, including members of the community. An Expression of Interest process will be conducted to form membership of the Reference Group.
- The Steering Committee is comprised of the following members:
  - Mr David Nicholson, Deputy Secretary, Department of Premier and Cabinet (Chair)
  - Mr Alex Tay, Director of Local Government (Deputy Chair)
  - Dr Katrena Stephenson, CEO of LGAT (Member)
  - Ms Roseanne Heyward, former Mayor of Tasman Council (Member)
  - Mr Greg Preece, former general manager and current Chair of the Local Government Board (Member)
- A first discussion paper will be released for public consultation before the end of 2018.
- A further verbal update will be provided at the Meeting.

### Rating of Independent Living Units

Contact Officer – Katrena Stephenson

#### Circular Head Council/Clarence City Council

**That the Meeting note the report regarding the recent court decision relating to the rating of Independent Living Units owned by charities.**

**Carried**

#### Background

At the February 2016 LGAT General Meeting, the following motions were carried.

1. That Members note recent case law which suggests that although a property may be owned by a charitable institution, occupancy by private residents is not a charitable purpose; and

2. That Members agree to take a common and equitable approach to the rating of independent living units which takes as a core assumption that private residential occupancy is not a charitable purpose and is not exempt from general rates.

LGAT has continued to advocate for equity in the application of rating formulas.

A number of councils commenced charging rates on full cost independent living units operated by charitable organisations in 2016 based on established legal precedent. Southern Cross Care took the matter to the Magistrates Court involving Hobart City, Clarence City, Kingborough and Meander Valley Councils. The court upheld councils' rights to charge rates on such properties on the basis that the land was not both owned and occupied exclusively for charitable purposes. Southern Cross Care then escalated action to the Full Court of the Supreme Court and on 12 November the court handed down its judgement finding that Southern Cross Care did not have to pay rates on the ILUs and ordering councils to pay back rates collected.

The Supreme Court Judgement notes there is different language in play in state legislation, with reference to 'occupation' in Tasmania and 'use' in other jurisdictions meaning that case law established in other parts of Australia is not necessarily applicable or supportive of councils' arguments in Tasmania. " [Section 87\(1\)\(d\)](#) is silent as to the identity of the owner or occupier, focused on the purpose of ownership and occupation...(and) the requirement is satisfied if the occupation is exclusively on account of the owner's charitable purpose, whether or not the owner is in occupation".

This judgment raises concerns in relation to other types of properties such as social housing, particularly in light of the significant transfer of public housing dwellings to charitable providers. However, LGAT has been informally advised by Housing Tasmania that the Residential Management Agreement in such cases does confer an obligation to pay rates. Formal advice will be sought in due course, pending the decision of the four councils involved in court action. Regardless of the legal outcomes, the judgement suggests this is a matter that should be clarified in legislation going forward and LGAT will advocate on that basis as appropriate.

There is a common misconception that council rates represent charges for services provided but under the Local Government Act 1993, rates are clearly identified as a form of taxation. As such they must balance the key taxation principles of efficiency and simplicity, sustainability, competitive neutrality and equity. Sometimes there are exemptions from paying rates, but these decisions must be made carefully as they ultimately affect the burden of others in the community.

Removal of the general rates exemption from properties not used exclusively for charitable purposes is both a matter of law and equity. Until this recent judgement, under Tasmanian law, it was simply not enough that the landowner is a charitable institution if the purpose for the occupancy is also not charitable. It was deemed that the exemption provisions of the Local Government Act 1993 were not satisfied unless a property is not only owned by a charitable organisation but also occupied exclusively for charitable purposes.

Independent living units are, by their very definition, accommodation units designed for independent, active retirees who do not require special assistance with day-to-day living. What distinguishes them from aged-care facilities is that independent living units are used as normal and private residences, just like anyone else's home.

Importantly, councils are not applying this change of policy to aged-care facilities, short-term welfare housing, administrative offices and other facilities associated with these providers' operations, these will remain exempt from paying general rates. Further we would note pensioners can apply to receive a rates rebate like any other pensioner residing in their own home. Exactly the same principle applies to lifestyle villages, community housing and the transfer of public housing to charitable organisations.

The need for councils to ensure that general rate exemptions are appropriately applied is good governance. It is important for councils to implement up-to-date and equitable policies that consider the entire community and ensure ratepayers are being treated fairly and equally.

#### **Budget Impact**

Does not apply for LGAT but there are significant implications for councils.

#### **Current Policy**

Focus Area: Facilitating Change

Focus Area: Promoting Financial Sustainability

#### **Federal Election Advocacy**

**Contact Officer – Katrena Stephenson**

#### **Circular Head Council/Clarence City Council**

**That the Meeting note the report on ALGA's Federal Election Advocacy – All Politics is Local, and further note that LGAT is seeking council input and examples against the priorities identified.**

**Carried**

#### **Background**

At the LGAT Conference in July, the President of the Australian Local Government Association (ALGA), Mayor David O'Loughlin, presented the key national federal election priorities for Local Government. These priorities, developed in consultation with State Associations include:

- Seeking to repair funding assistance to Local Government by restoring the quantum of the Financial Assistance Grants to at least one percent of Commonwealth Taxation Revenue with additional funding for priority partners programs (e.g. Roads to Recovery, Bridges to Renewal);
- \$200M per annum over five years for a Local Government Higher Productivity Investment Plan to help realise the productive potential of Australia's freight routes;
- Increased funding for R2R and making Bridges to Renewal funding permanent;
- \$300 per annum over four years for a Local Government Community Infrastructure Program;

- \$200 million per annum over four years for a targeted mitigation program and ensuring councils are no worse off under reforms of the Natural Disaster Relief and Recovery Arrangements (NDRRA);
- \$200 million over four years for a Local Government climate change fund (e.g. to reduce emissions);
- \$100 million over four years in Local Government place-based preventative health and activity programs;
- \$100 million per annum Smart Communities program (to build on smart cities);
- \$100 million over four years for Digital Local Government and Rural/Regional Telecommunication program;
- Support for Local Government's work in addressing affordable housing issues including a national governance model; and
- A focus on strengthening Australia's circular economy with equitable funding approaches across all parties involved in a product's lifecycle.

ALGA's election advocacy documents, which can be used by all elected members, is available on their website [www.alga.asn.au](http://www.alga.asn.au).

ALGA have also produced a kit of information to be used by Associations, councils and councillors in different ways, at different points in time. For example, there is a brief for mayors or councillors meeting with their local federal representatives and media release talking points.

LGAT's Strategic Communications Director is liaising with councils in this regard but we encourage all councils to start using the #allpoliticsislocal or #localgovdelivers hashtags.

A hard copy of the ALGA election documents will be provided to each council at this Meeting.

***LGAT is keen to develop up a supporting Tasmanian document, with examples of how the funding called for could make a difference here. To that end, we need input and advice from councils urgently.*** One or two local examples against each of the priorities identified by ALGA would significantly enhance our advocacy efforts.

#### **Budget Implications**

Within current resources.

#### **Current Policy**

Focus Area: Facilitating Change

Priority 5: Position the Tasmanian Local Government agenda in the Federal election.

## Planning Reform

Contact Officer – Dion Lester

Circular Head Council/Clarence City Council

That Members note the following report on planning reform.

Carried

### Background

The State Government's number one planning reform priority is to establish the Tasmanian Planning Scheme, which they accept can best be achieved by supporting councils in the preparation of their Local Provisions Schedules (LPSs). The Government has indicated that the other key areas of reform, being the development of the Tasmanian Planning Policies, update of the regional land use strategies, review of the residential provisions and improvements to subdivision legislation, will only commence once all councils have submitted their LPSs to the Tasmanian Planning Commission (TPC).

### Tasmanian Planning Scheme

Councils are currently preparing their LPSs, with four having been submitted to the TPC at the time of writing. The Minister for Planning has set a target date for the submission of all LPSs to the TPC by the middle of 2019. To support this target the Government has established a specialised project team under the direction of the TPC Executive Commissioner, to assist the councils. The team is currently working with council planners to identify what further assistance might be required.

### Tasmanian Planning Policies (TPPs)

As part of its planning reform agenda the Government is developing a suite of new TPPs to support and inform the planning system. The new policies are anticipated to provide the long overdue strategic direction to the planning system. The draft Bill (the Land Use Planning and Approvals Amendment (Tasmanian Planning Policies) Bill), which establishes the mechanism to create the TPPs, is currently before Parliament and scheduled to be debated later this year.

### Housing Supply – Crown Land Rezoning

As a key action arising from the March 2018 Housing Summit, the Government undertook to introduce legislation to 'fast-track' zoning changes for identified surplus government land identified as appropriate for residential use, to accelerate the supply of affordable housing. The *Housing Land Supply Act 2018* commenced on 20 July 2018 and provides the Minister for Planning with the power to declare certain areas of government owned land to be 'housing supply land', and for this land to be made available for management in accordance with the *Homes Act 1935* (by the Director of Housing).

Three Housing Land Supply Orders are currently subject to the consultation processes set out in the Act with the intention of being tabled in Parliament later this year. Further orders are currently being prepared and will be subject to the consultation process in 2019.

### Regional Land Use Strategies

The Government has previously made a commitment to undertake a comprehensive review of the three regional land use strategies following the implementation of all council LPSs and the Tasmanian Planning Policies. On current estimates that is not likely to commence until late 2020. However,

concerns have been raised by some southern councils that there is an urgent need for a comprehensive review of the Southern Tasmanian Regional Land Use Strategy (STRLUS). In response the Government has agreed to consider a 'limited' review of the Southern Strategy contingent on the LPSs being submitted. The scope of this 'medium-term review' will address some of the concerns raised by councils in relation to the urban growth boundary, growth management strategies and general interpretation issues identified in the Strategy. This medium-term review of the STRLUS will complement the proposed Hobart City Deal arrangements, supporting its implementation and potentially providing more detailed or tailored regional policies for the central metropolitan area in the southern region. The Government has indicated that this review will commence in 2019.

#### **Standards for Residential Development**

The residential development standards, set out in Planning Directive 4.1 - Standards for Residential Development in the General Residential Zone (PD4.1), have been operational in 28 interim planning schemes for a number of years. Members of the community and the Local Government sector have recently raised concerns about how the standards are operating. The Government has committed to a 'limited' review of the standards for residential development in the General Residential Zone, targeted to residential standards as they apply in the older more established areas, particularly where they relate to infill development with adjacent older houses and how they address the issue of density and affordability. The Government has indicated the review will commence in 2019 and expect it to be completed in the latter part of that year.

#### **Subdivision Legislation**

For many years the sector has been requesting a review of the subdivision provisions of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP). Following sustained advocacy, the Government has committed to a review of LGBMP with a view to consolidating the Act's subdivision provisions into the State Planning Provisions. They have indicated the review will commence in early 2019 and be completed later that year.

#### **Visitor Accommodation**

LGAT has continued to advocate for the sector on short stay accommodation legislation, with a submission on the draft *Short Stay Accommodation Bill 2018*. We welcomed the proposed introduction of measures to encourage reporting by short stay accommodation platforms on the existence of planning permits. This issue was one of the key recommendations in our submission to the Legislative Council Select Committee. In this Submission, we also advocated that *the State Government urgently develop a comprehensive data collection and analysis program, covering short term holiday rentals and also the private housing market*. We need a robust evidence base underlying policy and resourcing responses. In the absence of comprehensive data every decision made is guess work.

Our other key recommendation made to the Select Committee was that *the short term rental of one's principal place of residence (a single room in a home or the entire property) should be exempt from requiring planning approval. However, for any secondary dwelling (strata or detached dwelling) short stay visitor accommodation should be a discretionary or prohibited use depending on local circumstances and as determined by the relevant council*.

We know that short stay visitor accommodation can have a range of social and economic benefits, such as supporting tourism, providing supplementary income for individuals, enabling hosts to meet people from all over the world and injecting money into the local economy. However, if its expansion is not monitored and controlled, and in the absence of a longer-term host resident, it may negatively impact neighbours and reduce housing supply, ultimately impacting on affordability.

Both submissions can be found on the LGAT website [here](#).

#### **Budget Impact**

Being undertaken within current resources, noting this accounts for a significant workload.

#### **Current Policy**

Strategic Plan:

- Facilitating change
- Building Local Government's reputation
- Fostering collaboration
- Developing capacity and capability to deliver

#### **Waste Management**

**Contact Officer – Dion Lester**

**Circular Head Council/Clarence City Council**

**That Members note the following report on waste management.**

**Carried**

#### **Background**

Improved waste and resource management has been an on-going and sustained area of LGAT advocacy for many years now, with a key component of this being the introduction of a state-wide waste levy. At the May 2016 Premier's Local Government Council meeting, the State Government advised that they would not be introducing a waste levy, a statement that has been reaffirmed recently by the Minister for Environment. The Government did indicate (in May 2016) that they would be updating the Tasmanian Waste and Resource Management Strategy. In response LGAT, in collaboration with the three regional waste authorities, produced the LGAT Waste and Resource Management Strategy in early 2017, which can be found on the LGAT website under Media & Publications - Reports and Submissions.

The LGAT Strategy details a suite of sector endorsed initiatives which address key state-wide issues faced by Local Governments across Tasmania. The primary purpose of the Strategy was to inform the Environment Protection Agency (EPA) in developing a new State Waste Strategy.

There was little progress on the State Waste Strategy until late 2018, where following a Round Table in July, hosted by the Minister for Environment, the Government made a commitment to develop a State Waste Action Plan. The EPA has recently indicated that the draft State Waste Action Plan will go out for consultation in early 2019. LGAT has been actively engaging with the EPA on the development the State Waste Action Plan, with the LGAT Waste and Resource Management Strategy remaining the key source of initiatives from a sector perspective.

Frustrated with the lack of action, at the July 2018 General Meeting the Local Government sector agreed to fund a feasibility study into the establishment of a State-wide Waste Management Arrangement. This was in recognition that a critical factor for improving our resource recovery and waste management in Tasmania is the establishment of state-wide arrangements. Tasmania requires an organisation to lead and provide oversight of the implementation of improvements to our waste management and funding to deliver programs and or strategic actions. For example, Sustainability Victoria, Green Industries South Australia and the Western Australian Waste Authority all have a strategic planning and program delivery roles.

Since that time LGAT has secured a commitment from the State Government to co-fund this work and a request for quotation has gone to consultants, with an expectation the work will commence in early 2019.

At the National level in April this year, Commonwealth, state and territory environment ministers committed to updating the National Waste Policy. In response, the Australian Government's Department of the Environment and Energy released a discussion paper on updating the 2009 National Waste Policy in September. It is understood a draft National Waste Policy will be considered by Environment Ministers at the upcoming December meeting. The discussion paper canvassed a number of national targets, so it is likely the final Policy will also have targets related to things such as reducing waste generated, resource recovery, recycled content in goods and infrastructure, phasing out problematic plastics and reducing organic waste sent to landfill.

LGAT continues to advocate on behalf of the sector on waste and resource recovery at both a state and national level.

#### **Budget Impact**

With the State Government committing to co-fund the feasibility study, the expected cost to the sector for this work will now be in the order of \$45,000.

#### **Current Policy**

Strategic Plan:

- Facilitating change
- Building Local Government's reputation
- Fostering collaboration
- Developing capacity and capability to deliver

Community Satisfaction Survey  
Contact Officer – Deb Leisser

Circular Head Council/Clarence City Council

That Members note the following report.

Carried

**Background**

Over the past 18 years, LGAT has regularly run a State-wide Community Satisfaction Survey on behalf of Local Government. For this year, LGAT has engaged the consultancy firm *Metropolis Research Pty Ltd* to undertake this task.

The survey instrument has been finalised and includes questions that asks residents views about:

- Contact with council;
- The importance of and, their satisfaction with, a range of council services and facilities;
- Satisfaction with council governance and leadership;
- The image of Local Government;
- The best thing about the council; and
- What council could do to improve performance.

A telephone survey of around 1200 residents across Tasmania will take place starting late November 2018 and will continue into the early part of 2019.

The final report outlining survey results will be completed in February 2019. The report will include reliable results at the state-wide level and at a regional (North, North West, and South) and at a city, urban and rural level.

**Community satisfaction at the local council level**

In the early part of 2019, while the state-wide Community Satisfaction Survey is being conducted, LGAT will work with *Metropolis Research Pty Ltd* and councils (starting with a small representative group of interested councils) to develop and run individual council surveys where there is council interest.

LGAT will engage *Metropolis Research Pty Ltd* and work with the individual councils to modify the state-wide instrument so that where necessary, it includes additional questions specific to a councils' interest but retains the capacity to provide data at the council level that can be compared with State and regional data.

Interested councils should contact Deb Leisser on [Deborah.Leisser@lgat.tas.gov.au](mailto:Deborah.Leisser@lgat.tas.gov.au).

**Budget Implications**

The State-wide Community Satisfaction Survey is already funded through council contributions to LGAT.

The Community Satisfaction Surveys at the individual council level will be costed on a fee for service basis with estimates to be determined early in the new year.

#### Current Policy

Strategic plan:

- Building Local Government's Reputation
- Developing Capacity and Capability to Deliver

#### Local Government Elections \*

Contact Officer – Katrena Stephenson

Circular Head Council/Clarence City Council

**That Members note the report on the Local Government elections and support for new councillors.**

Carried

#### Background

Local Government elections concluded 30 October 2018.

For these elections LGAT ran for the first time, a campaign to encourage people to stand for council and for people to vote, encompassing both television and digital media. We modified our existing advertising with a call to action and so minimised the call on our budget. Separate videos were developed for TV and social media channels. The campaign included a strategy to reach younger voters, focusing on targeted advertising on You Tube as well as organic promotion of the video via LGAT members through Facebook, Instagram and Twitter, for further information refer **Item 4.9 – Reach Report – Local Government Election Advertising**.

The call to vote was also picked up well by the media, including running our Op Eds and echoing the message about voting in newspaper editorials. Given the record-breaking year, it does seem that we may have had some impact.

Ultimately, we had a record number of 481 candidates across the 28 councils where elections were taking place and there was increased voter turnout, with a 20-year record high at 58.73%. Only two council areas saw a decrease (minor) in voter participation and as usual our two island councils had the highest voter return. Some statistics are provided below:

	2018	2014
Councillor Turnover	41%	34%
Mayoral Turnover	46%	Approx. 50%
New Councillors	109	90
Female Councillors	40%	32%
Response Rate	58.39%	54.48%
Informal Vote Rate	5.14%	2.85%
Candidate numbers	481 (34% women)	N/A
Mayoral Candidates	102	N/A
Female Mayors	36%	31%

LGAT has developed (and is still developing) a range of materials for new councillors and will be systematically loading them on to our website over the next few months. We are also delivering three key professional development offerings for elected members –

- Our induction program for new councillors (LG101) - a one-day induction style event in November;
- Our weekend workshop for all elected Members in March 2019; and
- regionally based land use planning workshops for councillors, in partnership with University College, to be delivered in February 2019.

We have also implemented for the first time a Peer Advisor program for new councillors refer the Flyer **at Attachment to Item 4.8.**

During the election period, the media and State politicians rallied around a number of issues including eligibility for the General Manager's Roll, candidate disclosure, ballot sheet layout, complexity and directions, caretaker conventions and the speed of counting and compulsory voting. It is likely these issues will emerge further during the upcoming review of the Local Government Act.

#### **Budget Implications**

Within current budget.

#### **Current Policy**

Focus Area: Developing capacity and capability to deliver

Priority 2:

Support the sector through the next stages of Local Government Reform (e.g. Review of the LG Act).

Priority 4:

Further build sector resources and support, particularly for new Elected Members

Reach Report - Local Government Election Advertising  
Contact Officer – Kate Hiscock

Circular Head Council/Clarence City Council

That Members note the following report.

Carried

**Background Comment**

The October 2018 Local Government elections had the second highest voter participation rate on record at 58.73%.

LGAT conducted a television and social media campaign in the lead up to the election with TV viewership of around 300,000 and 288,000 impressions on You Tube. The advertisement was also organically shared by Members on Facebook and on twitter via @LGATasmania. The messages were replicated in Opinion Editorials and picked up by the media, particularly the Mercury in Southern Tasmania.

**Campaign**

Following discussion at a previous General Management Committee Meeting, the Better Councils, Better Communities advertisement was recut with new voice over at beginning and end with the call to action to vote in Local Government Elections.

This was done very affordably, with the voice over work provided at no cost by former LGAT staff member, Melanie Brown.

**Target Markets**

All Tasmanians aged 18 plus.

Younger voters aged 18-34.

**Design**

30 second TV advertisement – target market all Tasmanians 18 plus.

Six second social media advertisement - target market younger voters 18-34.

**Strategy**

TV: Saturday 22 September – Sunday 21 October

148 booked advertising spots (plus 121 bonus)

WIN (15%), SBS (5%), Southern Cross (55%) and TDT (25%)

Digital You Tube

Organic distribution of six second advertisement via @LGATasmania Twitter and Member Facebook pages

**RESULTS****Television: (Tasmanians 18+)**

Viewership of 299,738 people who saw the advertisement once and 246,000 plus, who saw the advertisement three or more times.

**Digital: (Tasmanian 18-34)**

- The six second advertisement received 288,000 plus impressions with 267,000 completed views.
- The advertisement shared via Members' Facebook pages had an organic reach of 459 views.
- The advertisement shared through LGAT's Twitter account @LGATasmania had 608 impressions.

**Budget Impact**

The campaign was funded from the Better Councils, Better Communities advertising budget. The advertising placement spend being the most significant cost. The total cost of the campaign was \$30,500.

**Current Policy**

Focus Area: Building Local Government's reputation

**LGAT Year in Review 2017-2018 \***

Contact Officer – Kate Hiscock

Circular Head Council/Clarence City Council

That Members note the following report.

Carried

**Background**

The LGAT Year in Review 2017-2018 is a magazine style Annual Report focusing on the achievements of both LGAT and the sector in an easy to read, interesting format. The document is designed to have multiple uses including raising the awareness of LGAT's and Local Government's activities and, for use in advocacy. The Association's approved financial statements are published in a complementary document and both are available our website.

The LGAT Year in Review 2017-2018 has already received some positive media coverage for the Local Government Sector with an article in the Examiner Newspaper.

The LGAT Year in Review 2017-2018 and previous year's reports are available on LGAT's website under "Annual Report" available by clicking [here](#) or refer **Attachment to Item 4.10**.

**Budget Impact**

Within current budget

**Current Policy**

LGAT publishes a Year in Review or Annual Report each year. LGAT's Financial Statements are audited and approved prior to publication by the Tasmanian Audit Office.

**Digital Advisory Group**

Contact Officer – Dion Lester

**Circular Head Council/Clarence City Council**

That Members note the following report.

Carried

**Background**

Local Governments in Tasmania are experiencing changing local contexts. As is occurring in other State and Territories, there has been a shift in Tasmania away from what might be considered traditional industries towards tourism, service and knowledge-based industries. Improvements in technology have contributed to this change, most notably within industry and the broader community. While not a traditional area of responsibility for Local Government, these changes in the local context may soon start creating expectations amongst the community and business about the role of Local Government.

This poses three questions:

1. How should councils' play a role in fostering and supporting local business and residents' active participation within the digital economy?
2. How can councils adapt their service delivery in the digital age?
3. What internal changes do councils need to enable these changes?

Over the last few years Tasmanian councils have begun to explore ways that technology can be deployed to service their communities in a smarter and more efficient manner. However, several barriers exist for councils to expand their digital transformation, particularly in the rural and regional areas. These are:

- Skills – Most councils do not have the available skills in-house to develop and implement digital transformation;
- Investment – In some cases there has been a failure to invest in new technology. While the cost of technology is reducing, some councils are struggling to fund essential services and asset maintenance. This limits their ability to equip staff with the necessary tools for them to engage with the digital opportunities;
- Risk – Digital transformation is seen as risky by many councils;
- Strategic planning - The opportunities associated with digital transformation are a recent development and so most councils, because of their strategic planning cycles, have not recognized these opportunities in their planning or budget processes;
- Siloed internal processes – Some councils still tackle challenges in a piecemeal fashion as a result of short-term financial constraints and their internal siloed departments with often limited interaction; and
- Lack of citizen engagement – While expectations are likely to be rising, it is not clear, and councils have not asked their community, what they desire and what role the council can play.

Despite these constraints, there is a recognition within the sector that we need to find ways to capitalise on the benefits that come with digital technologies.

We know that with the right planning and investment in digital transformation, Local Governments can make their communities more liveable, workable and sustainable.

#### **What is the role for LGAT?**

There is already significant work occurring in several councils, for example work associated with the Launceston City Deal, the establishment of a Shared Services entity to deliver IT and business process services on behalf of three north west councils and Hobart's development of a Smart City Strategy. This provides an opportunity for LGAT to **support** and **promote** the work already occurring across the sector and **connect** councils with a desire but perhaps not the resources, to the more advanced councils or other partners from outside the sector who could be of assistance.

In recognition of the potential role LGAT can play we have established a Digital Advisory Group to help guide LGATs activities in supporting councils. The Digital Advisory Group, made up of sector and industry leaders from Tasmanian and Queensland, met for the first time a few month ago and considered the three questions posed earlier in this item.

A consistent message from the Group was that we need to have "**smart councils**" before they can facilitate and support smart cities and suburbs. In other words, it is important to get the internal foundation sorted in councils before delivering to the community and many councils simply do not have the people, equipment or processes to enable them to become a smart council.

It was further noted that it is critical to recognise the opportunities at the strategic planning stage, as the path to a smart council and community is a long and continuous one. It will easily take between five to ten years to make smart technologies pervasive.

LGAT is in the process of preparing a roadmap for how we support councils in this transformation. This will aim to identify the best place to start, how we can maximise synergies across the sector and enable LGAT to support councils in stages. To kick things off, LGAT has recently commenced a survey of relevant council staff on their current state and what issues and opportunities they believe exist. Once complete, the survey will be supported by more in-depth discussion with councils. This will enable LGAT, with the help of the Digital Advisory Group, to develop the LGAT roadmap for supporting councils through a digital transformation.

#### **Budget Impact**

Being undertaken within current resources.

#### **Current Policy**

Strategic Plan:

- Facilitating change
- Fostering collaboration
- Promoting financial sustainability
- Developing capacity and capability to deliver

**State Budget 2019-2020**

Contact Officer – Dion Lester

**Circular Head Council/Clarence City Council****That Members note the following report.****Carried****Background**

As has been the case in previous years, the Treasurer has invited LGAT to provide a submission as part of the 2019–20 Budget development process.

During the past few years LGATs approach has been to emphasise that Local Government is the closest sphere of government to the community and therefore has enormous potential to help make a positive difference. We have stressed that the Local Government sector must be considered a crucial partner in any attempts to effect economic, social and cultural change and to promote strong, healthy, liveable, viable, sustainable communities.

In our 2018 – 19 Budget submission, which can be found on the LGAT website under Media & Publications - Reports and Submissions, we acknowledged that a range of priorities exist specific to local communities, however, some priorities cross all Local Government areas. Our Budget submission presented the key high-level priorities for the sector relevant at the time of writing, those being planning, infrastructure (including TasWater), waste, regional development, community resilience and partnerships.

LGAT is following a similar approach this year, suggesting that the State Government is most likely to achieve its desired community-based outcomes if it engages and works in true partnership with Local Government and LGAT particularly. To that end we will request funding for LGAT specific initiatives that will help build the capacity of Local Government, with the target areas being procurement, digital transformation, elected representative training, coastal management, road safety and planning education resources.

**Budget Impact**

Being undertaken within current resources.

**Current Policy**

Strategic Plan:

- Facilitating change
- Building Local Government's reputation
- Fostering collaboration
- Promoting financial sustainability
- Developing capacity and capability to deliver

Accessibility Requirements for Bus Stops  
Contact Officer – Michael Edrich

Circular Head Council/Clarence City Council

That Members note the impending deadline for compliance with the *Disability Standards for Accessible Public Transport 2002* in relation to bus stops and the increasing urgency to resolve any outstanding uncertainty or disputes regarding the responsible authority or provider of general access bus stops within their municipality.

Carried

**Background**

The Department of State Growth has written to LGAT seeking assistance in communicating the growing urgency in meeting the obligations of the Commonwealth *Disability Discrimination Act 1992* (DDA)<sup>2</sup> in relation to general access bus stops.

Under the DDA, the *Disability Standards for Accessible Public Transport 2002* (Transport Standards) require that all existing general access bus stops are made accessible by 31 December 2022. Access to public transport is vital to the ability of people with disability, including their families and carers, to participate fully and with an equal standing in community life. The Transport Standards also benefit many other people where access and transport issues are an impediment to engaging in community life, including the elderly and parents with young children or infants in prams.

It is understood that some councils have taken the view that they are not ‘providers’ for the purposes of the Transport Standards and so are not responsible for the supply or maintenance of public transport infrastructure. Although legal advice exists both in support and against this view, the State Government does not accept this position. Furthermore, it leaves the requirements of the Transport Standards and the needs of the people it supports, unresolved.

The Transport Standards are not enforced through a penalties regime, however failure to comply may risk a complaint to the Human Rights Commission. There may also be a residual risk of liability and litigation but the conditions and circumstances to support such a case are not clear.

This is a long-standing issue with Local Government nationally and particularly in Tasmania. There are a significant number of bus stops in Tasmania, often dispersed, in low patronised areas with small populations. Generally, the issues predominantly stem from an ambiguity regarding who owns or is responsible for the ongoing maintenance and compliance of bus stop infrastructure, particularly in the face of changing compliance standards. Associated with this is the question of whether this is better funded by the public transport provider (so a user pays principle) or the land or road authority (ultimately funded by ratepayers as a municipality service).

In the past it has been a practice for the road owner (Council or DSG) to establish the base for the bus stop shelter and for Metro to provide for its subsequent construction. However, this has not always been the case and there is no agreement as to when shelters are necessary or who is responsible for their maintenance.

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<sup>2</sup> See: <https://www.ag.gov.au/RightsAndProtections/HumanRights/Pages/Australias-Anti-Discrimination-Law.aspx>

Metro estimates that it currently services around 3400 stops across the 11 municipal areas in which it operates. Upgrading these stops to achieve disability compliance can often be highly cost prohibitive, particularly given the topography of many of our urban and suburban areas and the dispersed nature of public transport users.

When the Standards came into play in 2002, the requirement for expected proportional compliance was staggered over a 20-year period as follows: 25% by 2007, 55% by 2012, 90% by 2017 and 100% by 2022.

As at 2016, the level of compliance with the Standards in Tasmania was estimated by Metro to be around 20%. It is understood that substantial funding by the Australian Government was discussed at the time that the Transport Standards were being introduced (circa 2002), however this has never materialised.

To move forward on the issue, it is recommended that:

1. For all general access bus stops for which councils accept that they are responsible, councils prepare, embark upon, or complete, a program of works to meet the requirements of the Transport Standards by the due date (31 December 2022); and
2. For all other general access bus stops where the responsible authority/provider is uncertain or in dispute, it is recommended that councils actively engage in discussions to resolve without delay any issues around who is the responsible authority/provider, to allow sufficient time for the responsible authority to undertake the required works by 31 December 2022.

#### **Budget Impact**

Undertaken within current resources.

#### **Current Policy**

Strategic Plan:

- Facilitating change
- Fostering collaboration
- Promoting financial sustainability

**By-Laws**

Contact Officer – Katrena Stephenson

Circular Head Council/Clarence City Council

That Members note the following report on Public Space By-Laws.

Carried

**Background**

With Local Government elections held every four years, it is no surprise that in the lead up to and during the postal ballot period, there was increasing interest in and commentary around council activities. Sometimes issues stemmed from misunderstanding and misinformation as was the case of the significant media and public commentary around Clarence City Council's Public Spaces By-Law.

The nature of the dialogue was concerning to LGAT as it had the potential to impact ten other councils with similar by-laws and so we stepped in to advocate on this matter. The provisions in the by-law at the centre of the furore were not new, having been replicated in full or in part, in the earlier version of this by-law or in the by-laws in place in other councils. What was new, was public interest in and advocacy around some major development in Clarence.

The Greens took the matter up in State Parliament, seeking to have the by-law overturned. In Tasmania a by-law can be disallowed by a motion of either the Legislative Council or the House of Assembly but this has not occurred in several decades.

LGAT raised our concerns publicly and with all Members of Parliament including the Subordinate Legislation Committee and used the media (Op Eds, Letters to the Editor) to provide context to the debate. Ultimately the Greens motion was not supported and the whole matter has since died down.

Refer also LGAT's October 2018 edition of "The Pulse"

<https://us14.campaign-archive.com/?u=a3fb6b694cc457805027bda84&id=a0da53ad86>

**Budget Implications**

Does not apply.

**Current Policy**

Focus Area: Building Local Government's Reputation

Priority 7 – Promote the good work of Local Government to the broader community.

## Climate Change Projects

Contact Officer – Michael Edrich

Circular Head Council/Clarence City Council

That Members note the activities occurring in relation to climate change.

Carried

### Background

The State Government has been continuing its work in delivering its *Climate Action 21: Tasmania's Climate Change Action Plan 2017-2021* (Climate Action 21) and LGAT is working closely with the Tasmanian Climate Change Office (TCCO) to ensure that the needs of councils are heard and reflected in the TCCO's delivery. Two key projects are currently active:

1. Climate Resilient Councils Tasmania Project
2. Coastal Hazards Management for Existing Settlements and Values Project

### Climate Resilient Councils Tasmania Project

The aim of the Climate Resilient Councils Project is to improve council understanding and management of their climate-related risks when making strategic and financial decisions. The project provides councils with a high-level assessment of their climate change governance. More specifically, the project provides a comparative snapshot of the processes and arrangements that support the strategic consideration of climate change risks and opportunities in council decision making.

The Project comprises two phases:

- Phase One – High-level governance assessments for councils, involving a detailed desktop assessment of publicly available governance reports, surveys and interviews with council staff.
- Phase Two – To be developed in collaboration with councils, informed by the outcomes of phase one and aiming to provide practical, capacity-building support to councils in relation to climate change governance.

Phase one is complete, with 17 of Tasmania's 29 councils participating. In October 2018, each of these councils received a detailed project report that assesses how well climate change is considered by their council and suggests opportunities for further consideration of climate-related risk in council decision making. Reports have been provided to Council General Managers.

All Tasmanian councils will have opportunity to receive support through the second phase of the Climate Resilient Councils Project, irrespective of whether they participated in the phase one governance assessment. The TCCO is in the process of engaging with councils on the phase one results to determine the direction of work for phase two.

LGAT will continue to inform the TCCO of council needs and priorities as it considers the direction of the next phase of the project. Councils are encouraged to keep in contact with LGAT regarding their preferred priorities to inform our advocacy work to the TCCO.

**Coastal Hazards Management for Existing Settlements and Values Project**

The Coastal Hazards Management for Existing Settlements and Values Project aims to:

- Understand the current challenges and issues faced by coastal managers in the management of coastal hazards for existing settlements and values;
- Identify any current knowledge, data, or policy gaps influencing the implementation of coastal hazards management for existing settlements and values; and
- Identify options to inform the Tasmanian Government's strategic, state-wide approach to coastal hazards management for existing settlements and values.

The project recently commenced and is being delivered by TCCO and consultancy firm BMT.

Information gathering workshops were held with councils, state government departments and government business enterprises across the state in September 2018. The purpose of the workshops was for the TCCO to gain a detailed understanding of the current challenges impacting the implementation of coastal hazards management for existing settlements. The findings from the workshops will be used to inform options to further develop the Tasmania Government's strategic, state-wide approach to coastal hazards management for existing settlements and values.

The project dovetails with an issue that several councils have raised with LGAT regarding the absence of any active management of hazards within State land, particularly coastal hazards affecting private land. For example, when untreated sea level rise or coastal erosion impacts on Crown Land start to affect inland private property. In a number of historical and recent examples, Crown Land Services has indicated that addressing the risks and impacts of coastal hazards rests with the private property owners. However, this approach leaves responses up to individuals, resulting in uncoordinated, variable and ad hoc responses that do not address the hazard properly and frequently leave a public safety and environmental damage legacy. In addition, the lack of any coherent, strategic action, support or involvement by the State does not help communities adapt to a changing storm event regime and rising sea levels. This approach also differs from the Tasmanian Fire Service's approach to bushfire, which is a collaborative approach in supporting communities to adapt to bushfire risk.

The TCCO's Coastal Hazards project may provide a platform for some collaborative work between the State and councils in adapting to intensifying coastal issues resulting from climate change. In addition, LGAT has raised this issue in the November Premier's Local Government Council Officials meeting and will be seeking a meeting with the Secretary of the Department of Primary Industries, Parks, Water and the Environment to discuss further.

Please contact Michael Edrich ([Michael.edrich@lgat.tas.gov.au](mailto:Michael.edrich@lgat.tas.gov.au)) if you would like any further detail.

**Budget Impact**

Being undertaken within current resources.

**Current Policy**

Strategic Plan:

- Facilitating change
- Building Local Government's reputation
- Fostering collaboration
- Promoting financial sustainability

Tasmanian Government Budgeted Infrastructure Investment  
Contact Officer – Michael Edrich

Circular Head Council/Clarence City Council

That Members note the report on the State Government's Tasmanian Infrastructure Project Pipeline 2018 and the implications for skills recruitment for Local Government over the coming years.

Carried

**Background**

The 2018-19 State Budget announced an unprecedented infrastructure investment of \$2.6 billion over the forward estimates period (four years to 2022).

To manage the infrastructure investment, the Tasmanian Government committed to:

- Develop a 30-year Infrastructure Strategy;
- Deliver a 10-year Infrastructure Pipeline of major projects; and
- Establish a construction industry roundtable to ensure that the commercial sector, along with Local Government, work collaboratively with the State Government to maximise the opportunity and to deliver the investment efficiently and effectively.

Two Construction Industry Roundtables have been held and LGAT has been invited to represent Tasmanian Councils. Communiqués from the roundtables are available on the Department of State Growth website<sup>3</sup>. The 30-year Infrastructure Strategy is due for release later in the year<sup>4</sup>.

Infrastructure Tasmania has released the Tasmanian Infrastructure Project Pipeline 2018 document<sup>5</sup> compiling the strategic infrastructure investments planned in the State over the next ten years. Infrastructure expenditure in 2018-19 is expected to be around 19% higher than just two years ago.

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<sup>3</sup> Construction Industry Roundtables:

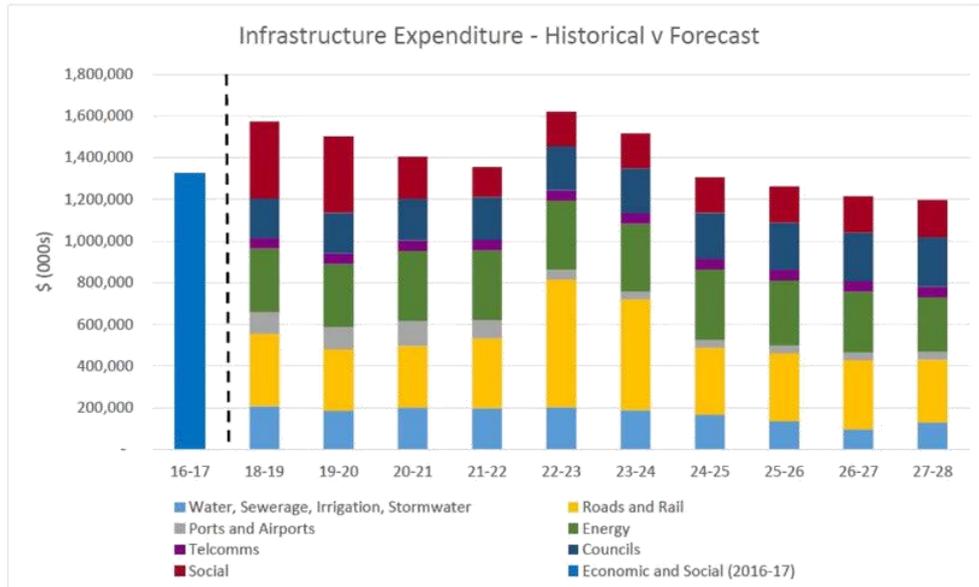
[https://www.stategrowth.tas.gov.au/infrastructure\\_tasmania/construction\\_industry\\_roundtables](https://www.stategrowth.tas.gov.au/infrastructure_tasmania/construction_industry_roundtables)

<sup>4</sup> 30-year Infrastructure Strategy

[http://www.premier.tas.gov.au/releases/delivering\\_a\\_\\$13.9\\_billion\\_infrastructure\\_pipeline](http://www.premier.tas.gov.au/releases/delivering_a_$13.9_billion_infrastructure_pipeline)

<sup>5</sup> Tasmanian Infrastructure Project Pipeline 2018:

[https://www.stategrowth.tas.gov.au/infrastructure\\_tasmania/tasmanian\\_infrastructure\\_project\\_pipeline\\_2018](https://www.stategrowth.tas.gov.au/infrastructure_tasmania/tasmanian_infrastructure_project_pipeline_2018)



The planned level of spending will have implications for Local Government. In particular, this high level and sustained infrastructure building investment, while positive for Tasmania, will compete with councils for skilled personnel in common fields, especially in engineering and project management. Councils should consider this increasing State Government competition within the same skills pool in their recruitment strategies.

In addition, the State spending will intensify competition with Local Government tendering and engaging contractors for infrastructure works. This is already leading to higher costs and market inefficiencies as demand for construction resources outstrips supply. Councils should seek opportunities to liaise with the State in coordinating the planning of forward works.

#### Budget Impact

Being undertaken within current resources.

#### Current Policy

Strategic Plan:

- Fostering collaboration
- Promoting financial sustainability
- Developing capacity and capability to deliver

Local Government Skills Shortages  
Contact Officer – Michael Edrich

Circular Head Council/Clarence City Council

That Members note the preliminary results of the National Local Government Skills Shortage Survey 2017.

Carried

**Background**

In late 2017 and early 2018, councils across Australia participated in the National Local Government Skills Shortage Survey. The survey was a collaborative effort between all the state Local Government associations.

Thirteen of Tasmania's 29 councils participated in the survey, as follows:

Rural	ACLG Classification
Circular Head Council	RAL
Dorset Council	RAL
Flinders Council	RAS
King Island Council	RAS
Huon Valley Council	RAV
Meander Valley Council	RAV
Northern Midlands Council	RAV
Waratah-Wynyard Council	RAV
Urban Fringe	
Glenorchy City Council	UFM
Kingborough Council	UFM
West Tamar Council	UFS
Central Highlands	URS
Devonport City Council	URS

Preliminary (draft) reports are being prepared based on the survey results and will be distributed once finalised. Initial results indicate that the top skills shortage is in engineering, followed by town planning, then environmental health.

Segments	Top Skill Shortage Occupations		
	1	2	3
Rural	Engineers	Town Planners	Environmental Health Officers
Urban Fringe	Engineers	Town Planners	Environmental Health Officers Building Surveyors

These results are consistent with anecdotal reports from a number of councils, both north and south, as well as rural and urban. Infrastructure related skills areas may become even more competitive for Local Government recruitment with the planned level of infrastructure spending, (**refer item 0 above**).

Separate to the survey and predating the results, LGAT has already initiated a program to begin addressing the shortage of Environmental Health Officers (see item 0 below), which provides a model for skills shortages in other fields.

A full report on skills shortages will be provided once the survey reports are finalised.

#### **Budget Impact**

Undertaken within current resources.

#### **Current Policy**

Strategic Plan:

- Fostering collaboration
- Developing capacity and capability to deliver

#### **EHO Training and Workforce Development Plan**

**Contact Officer – Penny Finlay**

<p><b>Circular Head Council/Clarence City Council</b></p> <p><b>That Members note the following report on training and workforce development for Environmental Health Officers.</b></p> <p style="text-align: right;"><b>Carried</b></p>
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#### **Background**

At the July 2018 General Meeting, members supported a motion for LGAT to lobby the University of Tasmania (UTAS) for the continuation of the Bachelor of Health Science (Environmental Health) or similar tertiary degree that is eligible for the Environmental Health University Course Accreditation with Environmental Health Australia.

UTAS' Bachelor of Health Science (Environmental Health) was a professionally accredited 3.5-year program designed to produce graduates who will work as EHO's in State and Local Government and

specialised allied health fields. In January 2017 the University announced the course was in teach out mode (that is: to be phased out).

LGAT is supporting the Environmental Health Australia (EHA Tas) negotiations with UTAS for continuation of the Bachelor of Science and has met with the University's School of Medicine. This meeting included representatives from the Department of Health and the Environment Protection Authority. There was general agreement at the meeting to progress with collective planning and mapping for a Graduate Diploma of Environmental Health course with a 2020 commencement timeframe, subject to University of Tasmania course governance and business planning processes.

As part of this training course, the need for student placements within Tasmanian councils was raised as an issue that would need to be addressed.

In support of this, LGAT has also submitted an Expression of Interest to Skills Tas for a project that would result in a workforce development plan for EHOs. If successful, the plan will:

- Assess industry needs for the range of environmental health skills and knowledge;
- Document the factors influencing the recruitment and retention of EHOs in Local Government;
- Determine strategies for addressing training needs for a local Tasmanian environmental health workforce;
- Engage government and industry partners in creative solutions to a current workforce crisis where there are currently a large number of vacancies as well as areas of environmental health services currently not able to be addressed; and
- Ensure a reduced risk of public health issues ie, food safety and pollution control, which would adversely affect the visitor economy.

#### **Budget Impact**

Being undertaken within current resources.

#### **Current Policy**

Strategic Plan:

- Facilitating change
- Fostering collaboration
- Developing capacity and capability to deliver

**TasWater \***

Contact Officer – Katrena Stephenson

Circular Head Council/Clarence City Council

That Members note the report on the departure of TasWater Chair, Miles Hampton.

Carried

**Background**

Further to the report to the July General Meeting, refer **Attachment to Item 1.1 Minutes -Item 9.9 TasWater**, on 1 November legislation was passed, allowing the Tasmanian Government to become a shareholder in TasWater. This followed a vote by council owners in September 2018, in support of the Memorandum of Understanding between TasWater and the State Government taking effect.

At the end of October, the LGAT President presented the outgoing Chair of TasWater, Miles Hampton, with an award on behalf of council owners, in appreciation of his commitment and effort. The new Chairman is Dr Stephen Gumley.

At **Attachment to Item 4.19** for information, is a copy of correspondence from former LGAT President and MLC, Mike Gaffney, to Miles Hampton which also touches on the significant role Mr Hampton has played.

**Budget Implications**

Does not apply.

**Current Policy**

Focus Area: Fostering collaboration.

**Community Health and Wellbeing Project**

Contact Officer – Kelly Madden

Circular Head Council/Clarence City Council

That Members note the following report on LGAT's Health and Wellbeing Project.

Carried

**Background**

The Local Government Community Health and Wellbeing Project is a three-year partnership project funded by Population Health Services in the Tasmanian Department of Health.

Kelly Madden, Project Officer, commenced work at LGAT on the project in January 2018 and so far has consulted with more than 40 officers across Tasmanian councils. This consultation provided an

opportunity to discuss how the project can best support the health and wellbeing work of councils and to understand more about the work that is currently being undertaken in communities.

Three key areas of focus for the project were identified as:

- Facilitation of Local Government forums on topics related to community health and wellbeing;
- Supporting the development of Community Health and Wellbeing plans; and
- Acting as a conduit for sharing information between councils and from external organisations.

To support two of these focus areas, Local Government forums on *Creating and Funding Great Playgrounds and Playspaces* were held in Longford on 30 October and in Bridgewater on 31 October. The forums were attended by representatives of 21 councils, including officers from a wide range of professions, elected representatives and several State Government officers and community organisation workers. We also had a councillor from Western Australia attend!

The forums included practical presentations from council officers about innovative playground projects and using the bush as a playspace. It also included guest speakers from the Heart Foundation, the Tasmanian Community Fund and the Australian Early Development Census. These guest presentations provided information on the importance of playgrounds for promoting physical activity for children and families and the long-term health and wellbeing benefits this brings as well as information on supporting grant applications with relevant data.

Community Health and Wellbeing plans and strategies have recently been developed by Huon Valley Council, Circular Head Council and Waratah-Wynyard Council. The project has shared these draft documents with council officers across the state and will continue to provide updates and information about the process of implementation for all councils with Community Health and Wellbeing Plans.

Work has also commenced on a webpage for the project within the LGAT website. The webpage will be a place to store and share the many useful health and wellbeing resources that have been developed by council officers, government departments and the project.

Further forums on *Engaging with People Whose Voices Often Aren't Heard* and *Community Development for Health and Wellbeing* are also planned for the first half of 2019.

#### **Budget Impact**

The project has been funded by a grant from the Tasmanian Department of Health.

#### **Current Policy**

Strategic Plan:

- Facilitating change
- Building Local Government's reputation
- Fostering collaboration
- Developing capacity and capability to deliver

## Policy Update

Contact Officer – Dion Lester

Circular Head Council/Clarence City Council

That Members note the Policy Update which provides a brief overview on a range of matters.

Carried

### Emergency Management

LGAT, in partnership with SES, were successful in receiving a grant to review and update the municipal emergency management guidelines to align with the plethora of changes which have occurred in Emergency Management since 2010.

A consultant has been engaged to undertake the review and consultation will begin with council officers and municipal emergency management stakeholders in the new year.

The Department of Police, Fire and Emergency Management is working to develop a new SES flood alert system to provide relevant and timely advice to people within geographical locations that have the potential to be affected by flood waters. The project is due to be launched in May 2019. The project team has finalised its engagement plan and will soon commence meetings and workshops with several council personnel to brief them on the project in the new year.

### Energy

LGAT has been active in its advocacy role around the TasNetworks network and distribution pricing reset, particularly in relation to street lighting. It is pleasing to note that the Australian Energy Regulator's (AER) draft decision did not accept the TasNetworks street lighting proposal.

The draft AER decision references LGAT's submission and in particular, notes LGAT's concern over the proposed increase in overheads. The AER sought an independent assessment by Marsden Jacob regarding public lighting overheads, with the independent results coming in significantly lower than TasNetworks' proposal.

TasNetworks now have an opportunity to review their proposal and resubmit to the AER. LGAT is hopeful that TasNetworks' final proposal will reflect the feedback from the AER resulting in a decrease in the proposed charges for public lighting compared to their original proposal.

### Code of Conduct

The *Local Government Amendment (Miscellaneous) Bill 2018* and *Local Government (Model Code of Conduct) Amendment Order 2018* have had their first reading in Parliament.

The amendments seek to implement the Government's proposed changes to the Code of Conduct framework, reached after extensive consultation with the Local Government sector throughout 2017.

In addition, the Amendment Bill also proposes a range of miscellaneous amendments to address identified drafting deficiencies in the Act.

In LGAT's submission on the Bill and Order, we noted that most councils indicated general support for the amendments proposed, however that the sectors' position has not changed in relation to the suite of recommendations we outlined in our Final Report and recommendations provided to the Local Government Division in December 2017. It was also noted that a number of further administrative

and other processes are still required to honour the State Government's response to the sector recommendations.

Our full submission can be found on the LGAT website under Media & Publications - Reports and Submissions.

#### Procurement

LGAT is a member of the National Procurement Network (NPN) and recently attended the NPN quarterly meeting in Sydney.

The NPN connects procurement services offered by local government associations in all states and territories to provide national programs where it is beneficial to combine the purchasing power of councils Australia wide.

Through the network, LGAT offers councils in Tasmania access to a range of supplier panels where goods and services may be purchased direct through a Request for Quotation rather than a full tender process. The purchasing arrangements meet the requirements of the *Local Government Act 1993*. The panels are developed and managed by Local Government for Local Government.

Many Tasmanian councils purchase goods through LGAT/NPN supply panels.

Taking advantage of the arrangements saves councils and suppliers time and money. The estimated cost for a single tender process for a council is well in excess of \$15,000 and suppliers wear significant costs also in every tender process they engage in.

At the NPN meeting we discussed procurement and digital transformation, the cost of tendering and the significant savings that can be made when joint tendering occurs through the NPN. In addition, the existing panel arrangements that will continue to be managed and also new panels that will be tendered by the NPN on behalf of councils in the various states and territories across Australia was discussed.

New/Renewed/Under Development - LGAT supply panels -

- Telecommunications and Smart Cities Connected Communities - Out to tender early December, start date April 2019;
- Specialised Trucks and Bodies - Extended refresh, RTF under evaluation;
- Tyres, Tubes and Batteries - Consultation stage for replacement contract;
- Corporate Wardrobe - Consultation stage for replacement contract; and
- Energy Efficient Street Lighting Hardware and Installation Services - Panel now available

#### **Energy Efficient Street Lighting Installation Project Management**

LGAT, in a partnership with the Municipal Association of Victoria has tendered for project management services for the installation of energy efficient street lights to support the delivery of contestable projects in Tasmania.

The contract is expected to be in place by the end of the year and will enable Tasmanian Councils to access project management services and technical expertise for energy efficient street lighting projects in Tasmania without having to tender for these services.

#### Tasmanian Youth Local Government

The Tasmanian Youth Local Government (TYLG) facilitated their annual conference for Grade 9 and 10 high school students in October. In addition to educating young people on the role and importance of Local Government, it also supports participants to develop public speaking, planning and problem-solving skills. LGAT provided support to the TYLG by facilitating a training day in July to provide conference facilitators with a good understanding of the processes of Local Government. The President and CEO also participated as speakers and attended the closing ceremony.

The conference was held at the Hobart Town Hall and included participants from Derwent Valley, Glenorchy, Kingborough Councils, the City of Clarence and the City of Hobart. The students assisted by TYLG facilitators engaged in nine debates over four days. Topics debated included increasing Tasmania's population diversity, youth employment, the provision of public transport, student mental health and the impact on Tasmania's waste management in contributing to offset the effects of climate change.

#### LGAT Annual Conference

Contact Officer – Kate Hiscock

#### Circular Head Council/Clarence City Council

**That Members note the report on the outcomes of the 2018 LGAT Annual Conference and plans for 2019 and beyond.**

**Carried**

#### 2018 Conference Wrap Up

The 106<sup>th</sup> LGAT Annual Conference was held from 25 to 27 July 2018. Over 200 delegates convened at Wrest Point, Hobart for the successful three-day event, which included a LGAT General Meeting with a near record breaking number of motions, as well as the Annual General Meeting.

The Conference showcased prominent Keynote Speakers attracting media attention from across the state. Included were Craig Reucassel (*ABC's War on Waste*), Scott Rankin (*2018 Tasmanian of the Year*), Brook Dixon (*President Australian Smart Communities Association*), Genevieve Lilley (*Architect and Writer*) and Sheena Frost (*Strategic Director City of Casey*).

Six workshops were also presented across three streams covering Infrastructure and Engagement, Innovation and Digital and Corporate Development. Feedback received from attendees was very positive, with 55% rating the Conference as excellent and 40% rating the Conference as good.

This year LGAT moved to digitalise the event trialling a Conference App and providing a range of electronic screens throughout the venue. Feedback on the app from delegates was mixed. Noting the app was free and had limited capacity, LGAT will look to incorporate more seamless and low-cost digital integration for the next conference.

In line with our sector's focus on reducing waste LGAT aimed to minimise waste at the 2018 Conference. We provided ceramic, reusable coffee cups at the Coffee Corner, glasses for water in place of plastic cups, removed plastic lanyard covers, provided reusable calico delegate bags and worked

with Wrest Point to minimise disposable material from food service. In regard to food service, we partnered with Eat Well Tasmania to deliver a healthy and seasonal menu.

The strong field of plenaries and workshops, in particular Key Note speaker Craig Reucassel, enabled LGAT to garner positive media coverage of the event. Additionally, preceding the Conference with the General Meeting attended by the Minister, generates media attention and lends to coverage of some of our sector's key issues. Further, our service awards and Awards for Excellence celebrating Member achievements gained positive media coverage, especially in the north of the State.

LGAT's Annual Conference is made possible with the support of valued sponsors and trade exhibitors, enabling us to keep costs as low as possible for members. This year the trade area was very well received with our Conference hosting 42 exhibitors and a variety of key sponsors. We thank our sponsors and trade exhibitors for their support.

### **2019 and beyond**

The date for the 2019 conference has been set for 3 - 5 July 2019 at Wrest Point and we are looking to use the Grand Chancellor in 2020. While LGAT had been planning to hold the 2020 LGAT Annual Conference in the new Devonport Paranaple Arts Centre, this has been rescheduled to 2021 to enable completion of the new hotel.

Planning for the 2019 LGAT Annual Conference is well under way, with the Sponsorship Prospectus already launched and speaker negotiations in train. The theme for the 2019 LGAT Annual Conference is "Finding Your Voice".

### **Budget Impact**

The LGAT Annual Conference is run annually and funded through sponsorship, the trade exhibition and registration fees. Sponsorship is used to keep member fees to a minimum, as much as possible. Any profit made from the event is used for:

- Funding the salary of the LGAT Events coordinator;
- Funding the following year's conference;
- Subsidising LGAT organised training and events for Members; and
- Funding design and publication costs for LGAT publications such as LGTas.

### **Current Policy**

LGAT delivers a Member Conference Annually with delivery being a key priority under the 2018-2019 Annual Work Plan

Delivery of the LGAT Annual Conference contributes to the achievement of Strategic Objectives:

- Building Local Government's reputation
- Developing capacity and capability to deliver

LGAT Communications and Upcoming Training  
Contact Officer – Kate Hiscock

Circular Head Council/Clarence City Council

That Members note the following advice regarding LGAT's communication publications and upcoming training opportunities.

Carried

**Communications**

For newly elected members, you may be interested to know about, and sign up for LGAT's key communications publications:

**The Pulse**

The Pulse is LGAT's monthly e-newsletter bringing you information regarding Local Government activities, policies, legislation and LGAT's advocacy activities. The Pulse will also keep you up to date with what is happening nationally as well as upcoming LGAT events and training for members. The Pulse includes links to the LG Noticeboard and our Better Councils Better Communities page.

Sign up [here](#).

**LGAT Monthly Report**

A summary of LGAT's activities for the preceding month, distributed by email.

**LG Noticeboard**

A noticeboard style webpage with information of interest to Members, updated at a minimum, monthly (noting the format is under review). Find it [here](#)

**LGTas**

A bi-annual online brochure style publication (noting the format is to be revised) to promote the Local Government sector with a focus on Member's achievements and activities. See the latest issue [here](#)

**LGAT Year in Review**

A magazine style Annual Report celebrating the achievements of LGAT and Members for the financial year. See the 2017-2018 Year In Review [here](#)

**LGAT Twitter account**

Follow us at handle: @LGATasmania

**Upcoming Events and Training**

The LGAT Events Calendar can be found on our website [here](#)

Training and development opportunities can be found on our website under Member Services [here](#)

**Upcoming Training and Development opportunities include:**

<b>December 2018</b>	<b>Date</b>	<b>Location</b>	<b>Link</b>
Mayors' Professional Development Day	6/12/18	Launceston	<a href="#">Click here</a>
Fire Risk Abatement Training (council officers)	10/12/18	Hobart	<a href="#">Click here</a>
	12/12/18	Launceston	
<b>February 2019</b>			
LGAT Planning Workshops	2/2/2019	North West	TBA
	16/2/2019	North	
	23/2/2019	South	
LGAT/Institute of Auditors Training Audit Panels: Best Practice training for Local Government councils	7/3/2019	West Tamar	<a href="#">Click here</a> (further details to come)
	8/3/2019		
<b>March 2019</b>			
Elected Members Professional Development Weekend	23-24 March 2019	Launceston	<a href="#">Click here</a> (further details to come)

**Budget Impact**

Within current budget.

**Current Policy**

LGAT Strategic Plan:

- Building Local Government's reputation
- Fostering collaboration
- Developing capacity and capability to deliver

**General Management Committee Elections**

**Contact Officer – Katrena Stephenson**

**Circular Head Council/Clarence City Council**

**That the Meeting note the report on the 2019 General Management Committee elections.**

**Carried**

**Background**

Under our Rules, General Management Committee (GMC) elections are to be held next year, with nominations to be requested in March, with voting to take place around May/June and commencement of the newly elected GMC after the AGM/Conference in July 2019.

The functions of the GMC (see Section 17a of the Rules) include performance review/appointment of the CEO, providing strategic direction, providing for the good management and administration of the Association and nominating representatives to the ALGA Board.

Apart for the Lord Mayor, who has an as of right position on the GMC, all positions, including the President will be vacant. The President is elected at large by all Member councils. The six other Members are elected by their electoral districts and population grouping (Section 17 and 18 of the Rules).

The Term of Office is 2 years.

A full copy of the LGAT Rules is available at: <http://www.lgat.tas.gov.au/page.aspx?u=646&c=6912>

**Budget Implications**

Within budget

**Current Policy**

As per LGAT Rules

**OTHER BUSINESS & CLOSE**

There being no further business the President declared the meeting closed at 12.35pm.

### Item 2.1 Elected Member Allowances

Total Responses: 55



Participant	Response	Weight
Break O'Day Council 1	Against	1
Brighton Council 2	[No Response]	2
Burnie City Council 3	For	2
Central Coast Council 4	For	3
Central Highlands Council 5	Against	1
Circular Head Council 6	Against	1
Clarence City Council 7	For	4
Derwent Valley Council 8	Against	2
Devonport City Council 9	For	3
Dorset Council 10	Against	1
Flinders Council 11	Against	1
George Town Council 12	[No Response]	1
Glamorgan/Spring Bay Council 13	Against	1
Glenorchy City Council 14	For	4
Hobart City Council 15	For	4
Huon Valley Council 16	Against	2
Kentish Council 17	For	1

Kingborough Council 18	For	3
King Island Council 19	For	1
Latrobe Council 20	For	2
Launceston City Council 21	For	4
Meander Valley Council 22	For	2
Northern Midlands Council 23	For	2
Sorell Council 24	For	2
Southern Midlands Council 25	For	1
Tasman Council 26	Against	1
Waratah - Wynyard Council 27	For	2
West Coast Council 28	For	1
West Tamar Council 29	For	3

### Item 2.2 Bureau of Meteorology

Total Responses: 55

#### Item 2.2

Burnie City Council/Circular Head Council

That LGAT lobby the Bureau of Meteorology to retain its existing public weather forecasting operations in Tasmania in the interests of ensuring retention of specialist knowledge of unique Tasmanian microclimates, maintaining forecast quality and providing timely and regionally reflective forecasts for agriculture, emergency services, tourism and the like.

1. For  55  
 2. Against   
 3. Abstain



#### Item 2.2

Burnie City Council/Circular Head Council

That LGAT lobby the Bureau of Meteorology to retain its existing public weather forecasting operations in Tasmania in the interests of ensuring retention of specialist knowledge of unique Tasmanian microclimates, maintaining forecast quality and providing timely and regionally reflective forecasts for agriculture, emergency services, tourism and the like.

1. For  55  
 2. Against   
 3. Abstain



Participant	Response	Weight
Break O'Day Council 1	For	1
Brighton Council 2	[No Response]	2
Burnie City Council 3	For	2

Central Coast Council 4	For	3
Central Highlands Council 5	For	1
Circular Head Council 6	For	1
Clarence City Council 7	For	4
Derwent Valley Council 8	For	2
Devonport City Council 9	For	3
Dorset Council 10	For	1
Flinders Council 11	For	1
George Town Council 12	[No Response]	1
Glamorgan/Spring Bay Council 13	For	1
Glenorchy City Council 14	For	4
Hobart City Council 15	For	4
Huon Valley Council 16	For	2
Kentish Council 17	For	1
Kingborough Council 18	For	3
King Island Council 19	For	1
Latrobe Council 20	For	2
Launceston City Council 21	For	4
Meander Valley Council 22	For	2
Northern Midlands Council 23	For	2
Sorell Council 24	For	2
Southern Midlands Council 25	For	1
Tasman Council 26	For	1
Waratah - Wynyard Council 27	For	2
West Coast Council 28	For	1
West Tamar Council 29	For	3

**Item 2.3 Bike Infrastructure Fund**

**Total Responses: 56**

**2.3 Bike Infrastructure Fund**

City of Hobart/ Waratah Wynyard Council

That LGAT lobby the State Government for the establishment of a recurrent fund to support the provision of separated bicycle infrastructure for local and state roads.



**2.3 Bike Infrastructure Fund**

City of Hobart/ Waratah Wynyard Council

That LGAT lobby the State Government for the establishment of a recurrent fund to support the provision of separated bicycle infrastructure for local and state roads.



Participant	Response	Weight
Break O'Day Council 1	For	1
Brighton Council 2	[No Response]	2
Burnie City Council 3	For	2
Central Coast Council 4	For	3
Central Highlands Council 5	For	1
Circular Head Council 6	Against	1
Clarence City Council 7	For	4
Derwent Valley Council 8	For	2
Devonport City Council 9	For	3
Dorset Council 10	For	1
Flinders Council 11	Against	1
George Town Council 12	For	1
Glamorgan/Spring Bay Council 13	For	1
Glenorchy City Council 14	For	4
Hobart City Council 15	For	4

Huon Valley Council 16	For	2
Kentish Council 17	For	1
Kingborough Council 18	For	3
King Island Council 19	Against	1
Latrobe Council 20	Against	2
Launceston City Council 21	For	4
Meander Valley Council 22	For	2
Northern Midlands Council 23	For	2
Sorell Council 24	For	2
Southern Midlands Council 25	For	1
Tasman Council 26	For	1
Waratah - Wynyard Council 27	For	2
West Coast Council 28	For	1
West Tamar Council 29	For	3

### Item 2.4 Low Cost and Free Public Camping

Total Responses: 53

#### 2.4 Low Cost and Free Public Camping

Break O'Day Council/Huon Valley Council

That the Local Government Association of Tasmania (LGAT) work with the Department of Treasury and Local Government Division to prepare a model Public Benefit Assessment for Councils to use where a public camping activity is a significant business activity.

The model Public Benefit Assessment will support Council requests to the Treasurer for a Ministerial Statement concerning the application of competitive neutrality principles for low cost and free camping.

1. For  52  
 2. Against  1  
 3. Abstain  0



#### 2.4 Low Cost and Free Public Camping

Break O'Day Council/Huon Valley Council

That the Local Government Association of Tasmania (LGAT) work with the Department of Treasury and Local Government Division to prepare a model Public Benefit Assessment for Councils to use where a public camping activity is a significant business activity.

The model Public Benefit Assessment will support Council requests to the Treasurer for a Ministerial Statement concerning the application of competitive neutrality principles for low cost and free camping.

1. For  52  
 2. Against  1  
 3. Abstain  0



Participant	Response	Weight
Break O'Day Council 1	For	1

Brighton Council 2	[No Response]	2
Burnie City Council 3	For	2
Central Coast Council 4	For	3
Central Highlands Council 5	For	1
Circular Head Council 6	For	1
Clarence City Council 7	For	4
Derwent Valley Council 8	For	2
Devonport City Council 9	For	3
Dorset Council 10	For	1
Flinders Council 11	For	1
George Town Council 12	For	1
Glamorgan/Spring Bay Council 13	For	1
Glenorchy City Council 14	For	4
Hobart City Council 15	For	4
Huon Valley Council 16	For	2
Kentish Council 17	For	1
Kingborough Council 18	[No Response]	3
King Island Council 19	For	1
Latrobe Council 20	For	2
Launceston City Council 21	For	4
Meander Valley Council 22	For	2
Northern Midlands Council 23	For	2
Sorell Council 24	For	2
Southern Midlands Council 25	For	1
Tasman Council 26	Against	1
Waratah - Wynyard Council 27	For	2

West Coast Council 28	For	1
West Tamar Council 29	For	3

### Item 3.1 21<sup>st</sup> Century Councils

Total Responses: 46

#### Item 3.1 21<sup>st</sup> Century Councils

Break O'Day Council/Devonport City Council

That Members participate in a facilitated discussion regarding the future of councils.

That the CEO report back to the next General Meeting on the outputs of today's discussion item.

1. For  46
2. Against
3. Abstain



#### Item 3.1 21<sup>st</sup> Century Councils

Break O'Day Council/Devonport City Council

That Members participate in a facilitated discussion regarding the future of councils.

That the CEO report back to the next General Meeting on the outputs of today's discussion item.

1. For  46
2. Against
3. Abstain



Participant	Response	Weight
Break O'Day Council 1	For	1
Brighton Council 2	[No Response]	2
Burnie City Council 3	For	2
Central Coast Council 4	For	3
Central Highlands Council 5	For	1
Circular Head Council 6	For	1
Clarence City Council 7	For	4
Derwent Valley Council 8	For	2
Devonport City Council 9	For	3
Dorset Council 10	For	1
Flinders Council 11	For	1
George Town Council 12	For	1
Glamorgan/Spring Bay Council 13	[No Response]	1

Glenorchy City Council 14	For	4
Hobart City Council 15	[No Response]	4
Huon Valley Council 16	For	2
Kentish Council 17	For	1
Kingborough Council 18	[No Response]	3
King Island Council 19	For	1
Latrobe Council 20	For	2
Launceston City Council 21	For	4
Meander Valley Council 22	For	2
Northern Midlands Council 23	For	2
Sorell Council 24	[No Response]	2
Southern Midlands Council 25	For	1
Tasman Council 26	For	1
Waratah - Wynyard Council 27	For	2
West Coast Council 28	For	1
West Tamar Council 29	For	3

Attachment to Item 1.2

## Business Arising

General Meeting 7 Dec 2018

Item		
<b>2</b>	<b>Items for Decision</b>	
2.1	Elected Member Allowances	No Further Action Required
2.2	Bureau of Meterology	Refer Item 1.4
2.3	Bike Infrastructure Fund	Refer Item 1.4
2.4	Low Cost and Free Public Camping	Refer Item 1.4
<b>3</b>	<b>Items for Discussion</b>	
3.1	21st Century Councils	Refer Item 2.2
<b>4</b>	<b>Items for Noting</b>	
4.1	Burials and Cremations Act	No Further Action Required
4.2	Review of the Local Government Act	Refer Item 4.1
4.3	Rating of Independent Living Units	Refer Item 2.4
4.4	Federal Election Advocacy	Refer Item 4.10
4.5	Planning Reform	Refer 4.3
4.6	Waste Management	Refer Item 4.2
4.7	Community Satisfaction Survey	Refer Item 4.7
4.8	Local Government Elections	No Further Action Required
4.9	Reach Report - Local Government Election Advertising	No Further Action Required
4.10	LGAT Year in Review 2017-18	No Further Action Required
4.11	Digital Advisory Group	No Further Action Required
4.12	State Budget 2019-20	No Further Action Required
4.13	Accessibility Requirements for Bus Stops	No Further Action Required
4.14	By-Laws	No Further Action Required
4.15	Climate Change Projects	Refer Item 4.9
4.16	Tasmanian Government Budgeted Infrastructure Investment	No Further Action Required
4.17	Local Government Skills Shortages	No Further Action Required
4.18	EHO Training and Workforce Development Plan	No Further Action Required
4.19	TasWater	No Further Action Required
4.20	Community Health and Wellbeing Project	No Further Action Required
4.21	Policy Update	Refer Item 4.9
4.22	LGAT Annual Conference	Refer Item 4.11
4.23	LGAT Communications and Upcoming Training	Refer Item 4.11
4.24	General Management Committee Elections	No Further Action Required

## Attachment to Item 1.4

## Follow Up of Motions Report

## Report to the General Meeting

This report details motions where LGAT is still pursuing an outcome.

Local Government Legislation	
No items	
Environment	
<p>That the Local Government Association of Tasmania lobby the State Government to introduce container deposit legislation for the state; and</p> <p>That Tasmanian Councils, through LGAT, support a container deposit scheme within Tasmania and call on the State Government to investigate the best model for implementation within the State.</p>	<p><b>Passed:</b> July 2017 and July 2018  <b>Notes:</b> The State Government has released a consultant's report on a model framework for the implementation of a Container Refund Scheme (CRS), however is yet to commit to implementing a CRS in Tasmania. LGAT continues to advocate for the introduction of a CRS in Tasmania.</p>
<p>That Members reaffirm their commitment to improving waste management and raise with the State Government -</p> <ul style="list-style-type: none"> <li>• The importance of Waste Management, in particular plastics;</li> <li>• Our disappointment in the lack of progress of the waste strategy; and</li> <li>• The need for additional resourcing to be implemented.</li> </ul>	<p><b>Passed:</b> November 2017  <b>Notes:</b> The State Government is currently preparing the draft State Waste Action Plan. LGAT is actively lobbying the State Government for this Action Plan to contain the actions highlighted in the LGAT Waste and Resource Management Strategy, endorsed by the sector in 2017 as well as more recent sectoral motions related to waste. The draft Waste Action Plan is expected to be released in the first quarter of 2019.</p>
<p>That the Local Government Association of Tasmania lobby the State Government for the introduction of legislation to phase out the provision of petroleum-based single-use take-away food packaging currently used to enable prepared food or beverages to be carried from the retailer's premises.</p>	<p><b>Passed:</b> July 2018  <b>Notes:</b> See item above.</p>
<p>That LGAT urgently consider through its appropriate body a response to the recent increase in costs of recycling to Local Government as a consequence of changes to the Chinese government's policies and consider development of a range of responses, including collective negotiations between the Federal and State Governments and other stakeholders, to prompt a market response for recycling opportunities in Tasmania.</p>	<p><b>Passed:</b> July 2018  <b>Notes:</b> See item above.</p>
<p>That LGAT lobby all councils to adopt the use of reusable and compostable items for use in council sponsored events.</p>	<p><b>Passed:</b> July 2018  <b>Notes:</b> Not yet commenced.</p>

Last modified 13/03/19

1

That Local Government Consult with Fruit Growers Tasmania and the State Government re the bio security risk with roadside fruit trees on state and local roads.	<b>Passed:</b> July 2018 <b>Notes:</b> LGAT has written to the Fruit Growers Association and is waiting their feedback on this issue.
That LGAT lobby the State Government to take greater responsibility for the management of streams.	<b>Passed:</b> July 2018 <b>Notes:</b> LGAT has recently raised this through the Premier's Local Government Council Officials meeting and are waiting for feedback.
<b>Planning and Building</b>	
That LGAT seek from the State Government a strategic commitment to developing and implementing in the new state-wide planning scheme provisions to allow the as of right development of existing small titles of land in the rural production zone that does not compromise or fetter agricultural production capacity and provides opportunities to diversify and reinvigorate local economic prosperity and community wellbeing.	<b>Passed:</b> July 2018 <b>Notes:</b> LGAT has written to the Planning Policy Unit in the Department of Justice for a response.
That Members note a lack of input into the location of telecommunications towers and other similar infrastructure emitting radiation/microwave links and request that LGAT investigate options to allow councils to have more input prior to the submission of the Development Application.	<b>Passed:</b> July 2018 <b>Notes:</b> Not yet commenced.
<b>Roads and Infrastructure</b>	
That LGAT and member Councils continue to lobby the Minister for Infrastructure for improved roadside vegetation management on State Government controlled roads.	<b>Passed:</b> April 2017 <b>Notes:</b> Not yet commenced.
That the State Government be urged to increase its per capita spending on the provision of public transport services within metropolitan and regional Tasmania.	<b>Passed:</b> July 2017 <b>Notes:</b> In our recent budget and election documents LGAT has advocated for a greater State Government focus on locally based initiatives to addressing demand in areas such as public transport and active transport. This included a specific ask for \$1 million per year over four years for active transport.
That LGAT lobby the State Government for the establishment of a recurrent fund to support the provision of separated bicycle infrastructure for local and state roads.	<b>Passed:</b> December 2018 <b>Notes:</b> See item above.

<b>Emergency Management</b>	
<p>1. Advocate on behalf of all Councils the deep concern at the level of the Fire Service Contribution that councils are expected to collect from ratepayers each year on behalf of the State Fire Commission; and</p> <p>2. Seek justification for the excessive level of financial burden that has been imposed over the last five years.</p>	<p><b>Passed:</b> July 2018</p> <p><b>Notes:</b> The Fire Services Act is currently under review. The Act is the key piece of legislation which dictates the Fire Service Contribution and how increases to the contribution are decided. LGAT provided a submission to the issues paper as part of the review and advocated concern and the need for more transparency and justification in relation to increase to the contribution. There will be additional opportunities to reinforce this position during further consultation as part of the review.</p>
<b>Local Government Business and Finance</b>	
<p>That the Meeting note the update on the Review of Councillor Allowances.</p> <p>That the Meeting agree that LGAT pursue a review of the further areas identified.</p> <p>That the Meeting agree that any such review should be completed in the next 12 months.</p>	<p><b>Passed:</b> July 2018</p> <p><b>Notes:</b> A motion was passed at the December 2018 General Meeting that “Members agree no further work be undertaken in relation to elected member allowances.”</p> <p><b>This item will be removed following the March General Meeting.</b></p>
<p>a) That Councils and the Local Government Association Tasmania work with the Local Government Division of Premier and Cabinet to review the various accounting methodologies being used by Councils with a view to developing standardised reporting; and</p> <p>b) Address some of the complexities such as volume/length of reporting driven by disclosures required in the Local Government Act and International Accounting standards which are not necessarily relevant to Council operation and reporting.</p>	<p><b>Passed:</b> July 2018</p> <p><b>Notes:</b> LGAT has met with the Tasmanian Audit Office (TAO) regarding this motion and there was an appetite to look at the issues raised. Subsequently LGAT has written to the TAO, seeking formal feedback on the areas where improvements / changes can be made.</p>
<p>That the Local Government Association of Tasmania (LGAT) work with the Department of Treasury and Local Government Division to prepare a model Public Benefit Assessment for Councils to use where a public camping activity is a significant business activity.</p>	<p><b>Passed:</b> December 2018</p> <p><b>Notes:</b> Not yet commenced.</p>

<p>The model Public Benefit Assessment will support Council requests to the Treasurer for a Ministerial Statement concerning the application of competitive neutrality principles for low cost and free camping.</p>	
<b>Other matters</b>	
<p>That the Local Government Association of Tasmania be requested to lobby the State Government to ensure that the State is taking sufficient measures and allocating sufficient resources to provide affordable, low cost housing, particularly in rural and outer suburban areas with transport and social services to support the same.</p>	<p><b>Passed:</b> July 2018 <b>Notes:</b> Not yet commenced.</p>
<p>Member Councils of LGAT recommend that the State Government provides a strategic commitment and resources funding program for the implementation of a state and federal government services decentralisation action plan to leverage and ensure the dispersal of employment opportunities across the state.</p>	<p><b>Passed:</b> July 2018 <b>Notes:</b> Not yet commenced.</p>
<p>That LGAT lobby the State Government and Spirit of Tasmania to ensure the availability of sailings adequately meets demand of Tasmanian residents, tourists and other users and that affordable pricing is available to users.</p>	<p><b>Passed:</b> July 2018 <b>Notes:</b> Not yet commenced.</p>
<p>That LGAT lobby the Bureau of Meteorology to retain its existing public weather forecasting operations in Tasmania in the interests of ensuring retention of specialist knowledge of unique Tasmanian microclimates, maintaining forecast quality and providing timely and regionally reflective forecasts for agriculture, emergency services, tourism and the like.</p>	<p><b>Passed:</b> December 2018 <b>Notes:</b> Not yet commenced.</p>



### Key LGAT Activity – December 2018/January 2019

#### Issue in Focus

##### *Review of the Local Government Act*

The Local Government Division is running consultation sessions on the review of the Local Government Act throughout February. It is not too late register your interest. Information on all the sessions is available here:

[http://www.dpac.tas.gov.au/divisions/local\\_government/local\\_government\\_legislation\\_review2/key\\_dates\\_and\\_events](http://www.dpac.tas.gov.au/divisions/local_government/local_government_legislation_review2/key_dates_and_events)

##### *LGATs Peer Advisor Program*

While new councillors now have a few meetings under their belts, there may be issues surfacing for which a confidential and experienced ear would be useful. Don't forget about LGAT's Peer Advisor Program (see attached flyer). Each region has a dedicated Mayor or former Mayor to provide confidential advice to new councillors on the political and relationship aspects of the role. This program runs until the 1<sup>st</sup> May as a supplement to the more technical advice that LGAT and the Local Government Division provide.

#### Policy / Project Activity

- 6 Monthly Community Health and Well-being Project report
- Advanced partnership opportunities with Local Buy (QLD) for developing, implementing and managing tendering and panel arrangements for Tasmanian Councils
- Advocacy for changes to 337 certificates
- Advocacy for Tasmanian model of Heavy Vehicle Access coordination with State
- Building Act Directors Guidelines on Landslip Hazard Areas – consultation
- Commenced the State-Wide Waste Arrangements Feasibility Study
- Consolidation and write up of December General Meeting “kitchen table” exercise
- Feedback to Office of Security and Emergency Management, Department of Premier and Cabinet on the Disaster Resilience Draft Discussion Paper
- Great Southern Lights project - MAV/LGAT contract in place for project management services signed and ongoing negotiation with TasNetworks in relation to the council contracts for the project
- Input for ALGA on current Local Government reform in Tasmania
- Input into ALGAs submission to the Treasurer's Population roundtable
- LGAT State-wide Community Satisfaction Survey commenced
- Liaised with 5 councils regarding LGAT/National Procurement Network contracts and provided access to relevant contracts via Vendor Panel
- National Local Government Workforce and Future Skills Report
- Planning for Elected Member Weekend
- Process reporting – rebates received through LGAT/National Procurement Network Contracts
- Remake of the Road Rules 2009 – consultation
- Review of new draft IR Policies for LGAT



- Revised Protocol for Inter-council emergency management resource sharing finalised
- Sectoral submission to the Tasmanian Development Reform Project
- Submission to Australian Energy Regulator on TasNetwork pricing reset 2019-24
- Submission to the State Government 2019/20 State Budget consultation
- Tasmanian Audit Office – seeking support for LG asset management professionals
- Tasmanian Council Digital Readiness Survey – prepare and analyse
- Update of LGAT Governance Framework

#### Media

- 2/1/2019 Fairfax - Container Deposit Scheme for Tasmania
- 15/1/2019 ABC radio - The pending Southern Cross Care High Court case
- 22/1/2019 The Guardian - Impacts of China Sword Policy on recycling for Tasmanian Councils

#### Communication

- (no pulse in January)
- December Pulse

#### Training and Events

##### For Members

- Break O Day Councillor Induction
- General Meeting
- Mayor's workshop
- Planning Authority Training for Flinders Council

##### Participation by LGAT Staff

- CEO Panellist at the TasCoss Meet the Peaks Networking Event
- Planning for International Women's Day Cross Sector Event and Awards

#### Meetings

- Asbestos Eradication Agency - ALGA and State Associations
- Asbestos Project Scoping – Tasmania EPA
- City of Hobart – Creative activities
- Culture Council – measuring and evaluating council cultural programs
- December Premier's Local Government Council Meeting
- Department of State Growth, Road Safety Branch – work program and LG opportunities
- DPIPWE – Coastal Management issues
- EPA Tas – Waste Management
- Great Southern Lights Project Meeting
- International Women's Day Event - Working Group Meetings (finalised sponsorship and registration)
- LG Professional President - follow up from joint workshop
- LG Tas Communications Network meeting
- LGAT General Management Committee meeting



- Local Buy, LGAT and the Local Government Association in Northern Territory - Corporate Wardrobe and Workwear and Personal Protective Apparel contracts scoping
- Local Government Legislation Review Steering Committee (monthly) including feedback on draft discussion paper
- Local Government Workforce Development Group Meeting
- Minister for Planning's Office – Local Provisions Schedule support
- Minister Gutwein – Budget submission
- National Procurement Network - NPN 1.14 Tyres, Tubes and Batteries contract renewal, teleconferences
- National Procurement Network - NPN 2.15 Plant Machinery and Equipment contract renewal, stakeholder teleconference
- National Procurement Network – Strategic Plan Key Result Area 4 (Uniform Technology Systems) planning, teleconference
- Red Tape Reduction Coordinator – Tasmanian Development Reform Project
- Roads and Transport Advisory Committee – Over Size Over Mass Inquiry meeting
- State Association Arts & Culture meeting – future of Cultural Forum
- State Emergency Management Committee
- State wide Waste Arrangements Feasibility Study Steering Group – Inception meeting and project planning
- Tasmanian Audit Office – support for LG asset management professionals
- Tasmanian Climate Change Office meeting – Climate Resilient Councils further work
- Tasmanian Consultative Panel meeting for 2019-20 Black Spot Program
- Teleconference with LGAT Peer Advisors - mid program check-in
- Universal Design for accessibility – Kingborough, Glenorchy, Clarence City and Hobart City Councils
- UTAS - Environmental Health Officers Course development
- VISTAS Steering Committee
- Workshop with LG Professionals Tas regarding potential conference synergies

#### **Operational**

- Commenced recruitment processes for Policy Officer (Health & Social Policy) and Project Officer positions



## Mentoring – Peer Advisors Program



### Is this your first time on council?

**There is a lot to learn. While LGAT will be delivering training and resources, and your fellow councillors and council staff will be on hand to guide and advise you, sometimes it can be useful to have an independent and expert advisor on hand.**

**This is why LGAT has established a Regional Peer Advisor program.**

## Program Information

Each region has a dedicated Mayor or former Mayor to provide confidential advice to new Mayors and councillors on the political and relationship aspects of the role. (LGAT and the Local Government Division of State Government will continue to provide technical advice on the Act and related legislation).

**When** - This program will run from November 2018 to May 2019 (at latest).

### The three Advisors are:

- North West Councils – Christina Holmdahl: (e: [cholmdahl.wtc@bigpond.com](mailto:cholmdahl.wtc@bigpond.com) & p: 0417 804 210)
- Northern Councils – Craig Perkins: (e: [craig.perkins@dat Tasmania.org.au](mailto:craig.perkins@dat Tasmania.org.au) & p: 0409 395 195)
- Southern Councils – Roseanne Heyward: (e: [roseanne0409@yahoo.com](mailto:roseanne0409@yahoo.com) & p: 0448 503 333)

Our Advisors are highly experienced when it comes to Local Government as well as having undertaken training in mentoring.

Advisors will be making contact with councils in their allocated region from November but they will also take individual calls or emails from that time.

For more information, or if you need some other form of support or advice, please contact LGAT on p: 6233 5966 or e: [reception@lgat.tas.gov.au](mailto:reception@lgat.tas.gov.au)



[www.lgat.tas.gov.au](http://www.lgat.tas.gov.au)



### Key LGAT Activity – February 2019

#### Issue in Focus

February was a particularly busy month for LGAT is delivering and also finalising planning for a number of workshops and events. This included delivering three regional workshops on Councils' role as a Planning Authority, session 2 of the Engaging Champions Program, finalising event preparation for the regional Audit Panel sessions and the International Women's Day Event – both occurring later this week.

The Planning Authority sessions were particularly well attended, with over 70 participants across the three sessions discussing the Tasmanian planning system and the critical role councils play as Planning Authorities. The workshops also covered the who, what, how and why of planning in Tasmania, using case studies and input from experienced Local Government planners. The day was rounded out with a discussion on the current reform plans of the State Government and councils' critical role in local area planning. A special thanks to Ashley Thornton, Jo Oliver and James McIlhenny, who co-presented the session with LGAT.

A common theme across all sessions was the questioning of the value of councils remaining as Planning Authorities given the limitations in decision making and an inability to represent the community's view in major development proposals. This issue was also raised in sector feedback on the review of the *Local Government Act*, so it is sure to be a continuing discussion amongst the sector.

#### Policy / Project Activity

- Consultation on the remake of the *Road Rules 2009*
- Project plan for Municipal Emergency Management Guidelines
- Continued negotiation with TasNetworks and Ironbark in relation to contracts for the great southern lights project
- Initial engagement with councils in relation to shared procurement for energy for street lighting
- Advertisement and engagement with councils, local buy and contractors on Civil works contract
- Advertisement of new smart cities connected communities' contract
- Commencement of migration to an LGAT enterprise on Vendor Panel
- Review of draft functional requirements & service level agree for Planning & Building Portal tender
- Sectoral consultation and draft submission on the Review of the Local Government Act
- Establishment of Community Health and Well-being Project webpage
- Community Health and Wellbeing Project 6 monthly report to Department of Health
- Southern Council advice on recent SKM recycling plant closures in Victoria
- Sector advice on recent Supreme Court decision on a tied vote when acting as a Planning Authority



### Media

- 6/2 Joint media release with Minister for Women and TasCOSS on International Women's Day Awards and Luncheon
- 7/2 news.com – media query on Economic Regulator's Report on Free Camping
- 14/2 ABC – media query on Sth Cross Care Court case and implications for UTAS accommodation
- 21/2 Fairfax – media query on LGAT submission to State Budget
- 27/2 Fairfax – media query seeking LGAT comment on role of councils as planning authority regarding development in wilderness areas
- 27/2 Local Govt News - media query on community satisfaction wit LG (to LGAT President)

### Communication & Publications

- Better Councils Better Communities – [“Kingborough Council - Turning Recycling into Road”](#)
- [Pulse](#) February edition
- LGAT President featured in President's Comment column in February edition on [LG Focus](#)
- LGAT CEO article provided for Autumn edition of LOIS Magazine
- Update for National Local Government Handbook

### Training and Events

#### For Members

- LGAT Stakeholder Event
- Planning and preparation (including working group meetings and judging panel) for Cross Sector International Women's Day Awards Event.
- Planning for General Manager's Workshop
- Engaging Champions Workshop
- Planning Authority Training in the north west, north and south

### Meetings

- Australian Local Government Association (ALGA) Strategic Planning Meeting (President and Vice President)
- Universal Design for accessibility – Kingborough, Glenorchy, Clarence City and Hobart City Councils
- Asbestos Eradication Agency – ALGA and State Associations
- General Management Committee
- Kate Huntington (UTAS) - teleconference
- Kingborough Council – CEO Visit
- Microsoft SharePoint Records Management Demonstration and Systems Review – Brighton Council
- Mike Blake regarding the Fire Service Act Review
- Local Government Workforce Development Group (LGWDG) – Conference planning for 2019 National Local Government Workforce Summit in Tweed Heads
- Local Government Legislation Review Steering Committee



- Local Government Professionals Board Meeting
- University of Tasmania Symposium – Enabling Industry Transformation in Tasmania
- Tasmanian Climate Change Office [Electric Vehicle Working Group](#) Meeting #8
- State Emergency Management Committee
- Vendor Panel - LGAT migration
- City of Hobart - LGBTI Department of Premier and Cabinet Grants
- Aldridge lights - Great southern Lights project
- Office of Security and Emergency Management - Department of Premier and Cabinet
- Southern Planners Technical Reference Group
- UTAS School of Medicine, Department of Health, EPA – discussion regarding establishing a new course for EHO training
- Telstra Enterprise – opportunities for how Telstra can support Local Government
- State wide waste arrangements feasibility study - steering group meeting
- State wide waste arrangements feasibility study - regional workshops with Local Government, State Government and industry
- UTAS - Associate Degrees
- Planning & Building Portal - regular steering committee meeting
- Planning & Building Portal Project Director – review of functional requirements
- Archives Office – Record keeping requirements as a result of the Royal Commission
- Shelter Tas – Inclusionary zoning
- Waratah Wynyard Council – Financial and asset management training
- Review of the Local Government Act – Regional consultation
- Local Provision Schedule Project Team Leader – Council progress on LPSs
- Cat Management Coordinators Project Steering Committee meeting
- Joint ALGA Policy Directors and Communications Managers meetings

#### Operational

- Commenced budget preparation.
- Performance Reviews
- Review of HR Policies
- Shortlisting for Project and Policy Officer positions at LGAT



## Part 1

### 21 Century Kitchen Table Discussion Summary – Themes and ideas for action

#### 1. Resources

##### a. Strategy/process improvement

There is a need to think more strategically and plan for the future more effectively. Tasmanians should look to other places where best practice tools and guidelines are available e.g. about planning, finance, assets, budgets and strategic planning and develop that as a foundation for all councils to use, so they don't have to reinvent the wheel.

The world is changing, and technology is changing and we need to think more carefully about how our internal systems and processes respond to these changes and build on them. For example:

- There may be benefits in applying *Lean Thinking* principles (or something similar that looks at making processes more effective and efficient) in our organisations but both staff and Elected Members need to understand what this means, how to apply it and what benefits it will have.
- The digital age is here. We must embrace technology and make it work well in relation to council functions and purpose. Technology can be used cleverly to manage the business and communicate with local residents.
- Process change and technology implementation might mean that some jobs will change but that doesn't necessarily mean that people will be lost from Local Government. Many staff will enjoy skills development when appropriate training is offered.

It is acknowledged that working across boundaries and collaborating with others often has positive results for those councils, their communities and the Elected Members.

Participants believe there is benefit on focussing on state-based issues in a state-based way (where issues affect the state) but with capacity for locally relevant responses e.g. coastal erosion.

Members felt that facilitated forums that draw together issues, provide evidence of research and best practice, make use of experts and come up with some options for action on key topics should be agreed and scheduled. For some matters it will be important that these forums work across the different levels of government.

**b. Shared services**

There is a strong shared belief in the significant potential for shared services noting that there are various models for making this possible and successful, including consolidating relevant *back office* functions.

Potential areas for active investigation include human resources (including recruitment), payroll, tendering and contract management (maybe even under one authority), animal management and control, environmental health (and other specialist skills), information technology, landfill management, accounts payable, charging services out and heavy plant and equipment. Looking at case studies and implementing managed projects that relate to pilots of new service models should be the focus.

Recognise similarities and differences in councils' key areas of interest and work together first on similarities.

**c. Recruitment and retention**

There are challenges particularly for small and medium sized councils in recruiting and retaining staff with required skills and experience and, consultants are costly, so we need to think differently about how we respond to these challenges. There was a mood to look further at sharing staff across councils or regions or consolidating some service areas in one place.

As well as being reactive we need to be strongly proactive in the way we carry out roles and responsibilities and recruit staff with a view to positive culture change.

Training to help any change process is important and should be put in place for both staff and Elected Members.

## 2. Services/facilities

### a. External pressures

Councils are experiencing increasing pressure to respond to local circumstances such as tourism hot spots, demographic change (including population decline or growth) environmental management, recycling, economic development and increasing demand for other non-core services e.g. for youth, aged and the arts. This increases the need for strong future planning systems and processes in and across councils and increases the need for councils, individually and as a sector, to work in partnership with other relevant bodies.

### b. Internal pressures

Many councils, particularly small and medium councils, experience budgetary pressures that have a direct impact on their capacity to deliver core services. They can be limited in their capacity to make additional services available even though there may be community demand for them.

## 3. Standards – quantity/quality

Services offered across councils differ in type and quality, some work to deliver to the highest possible standards, others work to what can practically be, or has always been delivered. Locally based differences are understandable, but there may be opportunity to work together to determine acceptable common service levels and to understand who is involved in setting these service levels – the residents, the organisation, the Elected Members?

### a. Legislative

The legislation that applies to all councils is the same, but there are many and diverse individual council responses to it. Can there be some basic standards/systems that councils can draw on in the new legislative regime so that individual councils don't all start from scratch?

### b. Geographic area

It is understood that smaller councils tend to face very different issues when compared with the larger councils and that from council to council, local residents might have varying expectations. Also, as geographic areas contain communities that have different foci, e.g. agriculture, marine, forestry, tourism, natural environment, small business and that some manage airports, it is essential that these various interests are taken into account when developing cross boundary collaborative service models.

There were some suggestions that Local Government Area geographic boundaries may no longer be best fit? Do residents recognise the boundaries associated with their local council area? How important is this to them? What would be the impact of recasting geographic boundaries in isolation of other approaches?

**c. Community expectations**

There is a significant role for the community in providing commentary on service types and service levels. Further, the community should have a voice on how councils might be structured to deliver locally and the benefits and risks of potential options.

It is important to continue to think about different ways to engage the community in informed conversations and ways to manage community expectations and the outcomes they seek. Additionally, given the importance of community feedback, there may be benefit in sharing such information between councils, especially where it can inform system and process change. Finally, it was considered by participants that Customer Service Charters have a key role in clarifying what the community can expect from a council.

**4. Identity**

**a. Localisation**

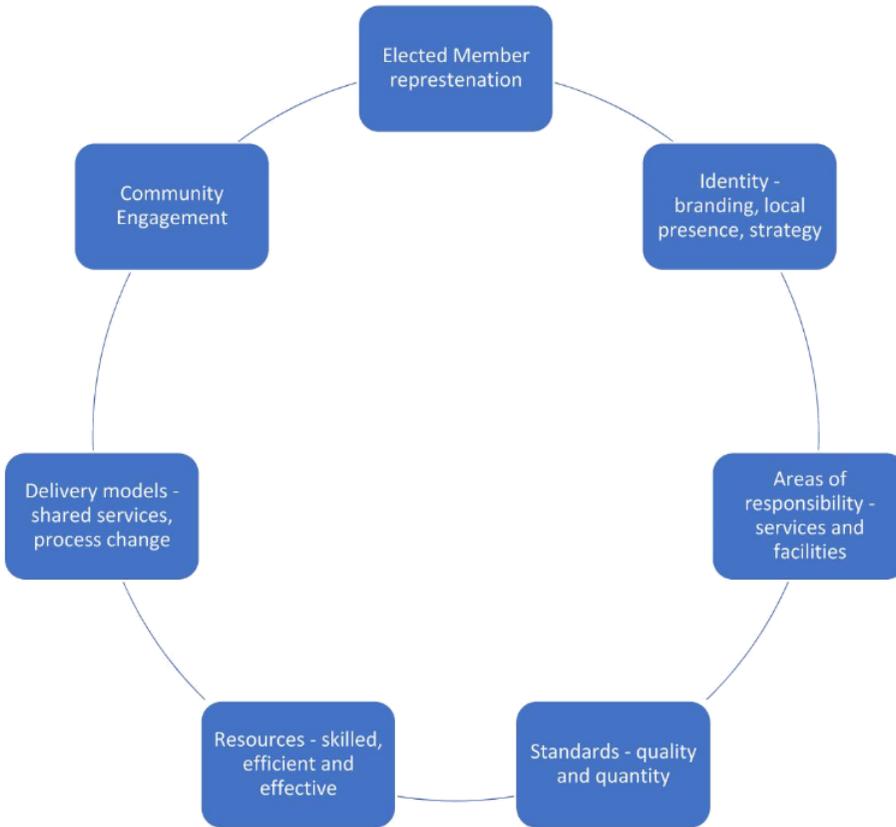
While it is acknowledged that change might be valuable, retention of local identity is critical for many. This means that people, particularly in smaller Local Government areas, hold the view that access to local Elected Members is important and want a sense that decisions may be influenced by action at the grass roots level. In any significant change process, consideration must be given to ensuring ongoing local representation (a local face).

Different service models, such as wards, community panels or location based advisory boards, may assist to retain or facilitate a sense of localisation.

**b. Role**

Questions were raised as to how well does the community understand the role and responsibilities of Local Government and how this might influence any change process? It was suggested that there needs to be clarity about what councils do and don't do with a clear focus of what councils can do well.

The following diagram summarises these themes.



## Part 2

### Framework for thinking about the future of Local Government

Summary paper (to be developed) to bring people, particularly new participants in the process, up to speed – things are not always evident to all - build awareness.

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#### 1. Background/Context

Include here a potted history of the work that has been done to date in relation to Local Government Reform in the State.

#### 2. What is the current situation?

Why change might be necessary, where is the change process up to?

#### 3. What are the current drivers for change?

#### 4. What action comes next?

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Stakeholder interests/outcomes sought, be clear about this so that effective processes can be designed to move the issues forward. It doesn't have to be for broad distribution but it is important for those designing the change process.

#### 1. Provide a brief summary by key interest group

- Elected members
- Residents
  - Organisation – council offices
  - Management
  - Staff
- State Government/Minister
- Others

#### 2. What might success measures be for various stakeholders if change were to be effective in their eyes?

### 3. What are the benefits and risks of the various outcomes sought?

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#### Part 3

#### Pilot Projects

This would be a series of contained pilot projects to test change ideas that fit with issues raised in the 21<sup>st</sup> Century kitchen table exercise. The two below are provided as examples only, although one was a direct suggestion coming out of the kitchen table exercise. It should be noted it would be necessary to appoint a dedicated project manager to develop, manage, run and evaluate the projects.

1. Back office consolidation - Pilot a new internal structural way of doing business using a “bigger, medium and smaller council together”. The focus would be on back end/administrative resources such as payroll, human resources, tendering, contract management, ITC etc.
2. Regional hub for service delivery – Pilot a new model of a regulatory/service delivery function, such as Environmental Health. Establish a regional centre of excellence that services all councils in the region.

## Attachment to Item 2.3

General Meeting – July 2017

**13.1 Motion – Recognition Of Australia Day**

**That the Local Government Association of Tasmania be requested to lobby Tasmania's 29 councils to consider efforts they could take to lobby the Federal Government to change the date of recognition of Australia Day**

**Background**

Every year there are ever increasing public rallies by both indigenous and non-indigenous people protesting against the current legislated date for Australia Day because Aboriginal people view it as Invasion Day.

Rallies held this year in capital cities drew large numbers of supporters including up to 50,000 people in Melbourne, several thousand in both Sydney and Brisbane and over 1000 in Hobart. There is a growing acknowledgement that 26 January is not a day of celebration for all Australians. The current date has only been in practice since 1994 and before that time it was celebrated on a long weekend in January.

If consideration is given to changing the date that we recognise as Australia Day it provides an opportunity to find a more inclusive date for all Australians to celebrate.



28 February 2019

The Hon David Coleman MP  
Minister for Immigration, Citizenship and Multicultural Affairs  
Via email: [natoceremonies@homeaffairs.gov.au](mailto:natoceremonies@homeaffairs.gov.au)

Dear Minister Coleman

I am writing to provide you with the views of the Australian Local Government Association (ALGA) regarding the review of the Australian Citizenship Ceremonies Code which you announced in the lead up to Australia Day. ALGA is the national voice of local government in Australia, representing 537 councils across the country. In structure, ALGA is a federation of state and territory local government associations. The views ALGA is putting forward do not replace the views of those associations and individual councils, many of which will have made separate submissions during the consultation process. As such, the information contained below should be considered as supplementary information.

At the outset let me assure you that councils throughout Australia treat their role in citizenship ceremonies with the respect such a significant occasion deserves. We fully agree that Australian citizenship is a great privilege which brings with it important responsibilities as well as rights. It is against this context that I provide the following comments.

I understand that you have proposed four key changes to the Australian Citizenship Ceremonies Code. The first proposed change, that Federal members of Parliament, if attending a ceremony, should read the Minister's message at citizenship ceremonies, does not appear to create any problems apart from fact that some local government areas are covered or intersected by two or more federal electorates and if multiple members wish to attend the ceremony there may be some logistical issues which arise from this change. You may wish to provide guidance on this matter.

I note that one of the proposed changes is that ceremonies must be scheduled to avoid parliamentary sitting days and that another proposed change is that local governments must hold citizenship ceremonies on Australian Citizenship Day (17 September). In acknowledging the exemption, the Code states for Citizenship Day taking priority of sitting days. These two changes read together may create unintended problems. In 2019, 17 September is designated a joint sitting day in the Australian Parliament Sitting Calendar. It was also a joint sitting day in 2018 and 2015 and occurred on the weekend of a sitting week in 2016 and 2017. Councils will require further advice to clarify the Government's policy regarding these changes.

You have also introduced the requirement that local governments hold citizenship ceremonies on Australia Day (26 January). Most councils do hold citizenship ceremonies on Australia Day and will no doubt continue to do so but for other local governments the decision not to hold citizenship ceremonies on Australia Day reflects more pragmatic reasons. In some locations it is simply too hot for councils to hold ceremonies during the day so they hold them the evening before, rather than the evening of Australia Day. Holding Citizenship Ceremonies the day before Australia Day mirrors the government's own timing for hosting the Australian of the Year event, notably an event more closely related to Australia Day and arguably epitomising the very best of what it means to be an Australian, yet the event is not held on Australia Day.

Some councils have for many years held the ceremonies during the week leading up to the Australia Day weekend, so everyone on Australia Day already has their Australian citizenship and are free to enjoy their long weekend with family and friends away from home if they wish. Holding the ceremonies in the week prior has the added advantage of enabling Federal members the opportunity to attend a larger range of ceremonies over a period of days as opposed to prioritising which of multiple ceremonies they will attend should they all be on a single day. We have been advised this is particularly advantageous to duty Senators.

Some regional councils would have very few if any residents who have qualified for citizenship and therefore may not be able to hold a ceremony on Australia Day. They are therefore understandably exempt under the proposed Code. In other small regional and metropolitan councils, ceremonies are held the day or days before so that residents can attend substantial Australia Day festivities in neighbouring larger councils. Not every council provides an Australia Day event, usually due to the proximity of a much larger competing event nearby which its residents are understandably more attracted to.

For councils and communities who have chosen to support an adjacent council's Australia Day event, the Code would impose upon them a Citizenship Ceremony as the only event they would hold on Australia Day, ironically whilst not requiring them to host an Australia Day event on Australia Day. Councils may appreciate further clarity around the intentions of the Code in this regard, and the subsequent cost impacts.

For some councils holding the event on a public holiday, or even a weekend, can be cost prohibitive. Forcing councils to hold citizenship ceremonies on the public holiday would create significant additional event and staff costs which local communities should not be expected to cover, particularly for those councils not already hosting an event on the day. I note that your government has made no mention of any financial contribution towards the additional costs involved in running these ceremonies - ceremonies conducted on behalf of the Federal Government – and indeed in the past the Government has responded to councils which have sought financial assistance for citizenship ceremonies that the Government is not requiring councils to incur unnecessary expenditure and that no funding will be provided. This previous advice appears contrary to the intention of the government's proposed code.

To avoid an obvious issue of cost shifting ALGA asks that the Government meet the additional costs for councils if they are forced to reschedule ceremonies to Australia Day or 17 September when it occurs on a weekend, or to also host additional events to celebrate Australia Day in association with the Citizenship Ceremony if that is the intention of the government.

The question of additional costs may not seem significant to the government however we are advised it is of concern to a range of smaller councils who are still struggling with the impact on the government's freeze on Financial Assistance Grants in the 14/15 Federal Budget. By the government's estimates this withheld over \$925m from the sector, a loss of funding which has not yet been reinstated.

I would also like to make the point that it is the responsibility of councils to be responsive to the views of their local communities. It appears the very small number of councils that have moved their Australia Day celebrations and associated ceremonies away from 26 January are, in the spirit of Australian democracy, reflecting the desire of their communities. It may be uncomfortable to acknowledge the fact that some Australians identify 26 January as a day of mourning, but this should not stop councils from trying to find a way of accommodating legitimate community views whilst celebrating everything that is great about our wonderful country. I do note that according to the Australia Day National Council, since Federation in 1901, Australia Day has only been consistently celebrated on 26 January since 1988. It was previously celebrated on 30 July, 28 July and a variety of other dates.

Finally, I note that the Prime Minister announced in January that the Government would ban "board shorts" and "thongs" from citizenships ceremonies. I also note that the proposed changes to the code state that Councils will set the recommended standard of dress for ceremonies, which we acknowledge will permit councils to reflect local climatic conditions. A number of councils hold their citizenship events on beaches, reflecting the ideal Australian lifestyle. Subject to council deliberations, boardshorts and thongs may consequently be entirely appropriate in that context for those attending the ceremonies although it may well be that those persons actually receiving citizenship are not quite as casually dressed.

In closing, while I appreciate the opportunity to comment on the proposed changes to the Code, I feel it necessary to express my concern that the announcement regarding changes to the citizenship code was made without prior consultation with ALGA. I believe that this showed a lack of respect for local government which has an excellent track record of working in partnership with the Australian Government.

The lack of prior consultation also failed to recognise the key role local government plays in bestowing Australian Citizenship on behalf of the government. In addition and perhaps most regrettably, the announcement and subsequent representations by the government failed to acknowledge the terrific work councils already do in funding and hosting Australia Day events across the nation, a commitment that far exceeds the combined effort of every other government in this regard. I hope such occurrences can be avoided in the future.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David O'Loughlin', with a long horizontal flourish extending to the right.

Mayor David O'Loughlin  
President

## Attachment to Item 2.4

**(DECEMBER 2018 MINUTES)****RATING OF INDEPENDENT LIVING UNITS**

Contact Officer – Katrena Stephenson

**Decision Sought**

**That the Meeting note the report regarding the recent court decision relating to the rating of Independent Living Units owned by charities.**

**Background**

At the February 2016 LGAT General Meeting, the following motions were carried.

1. That Members note recent case law which suggests that although a property may be owned by a charitable institution, occupancy by private residents is not a charitable purpose; and
2. That Members agree to take a common and equitable approach to the rating of independent living units which takes as a core assumption that private residential occupancy is not a charitable purpose and is not exempt from general rates.

LGAT has continued to advocate for equity in the application of rating formulas.

A number of councils commenced charging rates on full cost independent living units operated by charitable organisations in 2016 based on established legal precedent. Southern Cross Care took the matter to the Magistrates Court involving Hobart City, Clarence City, Kingborough and Meander Valley Councils. The court upheld councils' rights to charge rates on such properties on the basis that the land was not both owned and occupied exclusively for charitable purposes. Southern Cross Care then escalated action to the Full Court of the Supreme Court and on 12 November the court handed down its judgement finding that Southern Cross Care did not have to pay rates on the ILUs and ordering councils to pay back rates collected.

The Supreme Court Judgement notes there is different language in play in state legislation, with reference to 'occupation' in Tasmania and 'use' in other jurisdictions meaning that case law established in other parts of Australia is not necessarily applicable or supportive of councils' arguments in Tasmania. "[Section 87\(1\)\(d\)](#) is silent as to the identity of the owner or occupier, focused on the purpose of ownership and occupation...(and) the requirement is satisfied if the occupation is exclusively on account of the owner's charitable purpose, whether or not the owner is in occupation".

This judgment raises concerns in relation to other types of properties such as social housing, particularly in light of the significant transfer of public housing dwellings to charitable providers. However, LGAT has been informally advised by Housing Tasmania that the

Residential Management Agreement in such cases does confer an obligation to pay rates. Formal advice will be sought in due course, pending the decision of the four councils involved in court action. Regardless of the legal outcomes, the judgement suggests this is a matter that should be clarified in legislation going forward and LGAT will advocate on that basis as appropriate.

There is a common misconception that council rates represent charges for services provided but under the Local Government Act 1993, rates are clearly identified as a form of taxation. As such they must balance the key taxation principles of efficiency and simplicity, sustainability, competitive neutrality and equity. Sometimes there are exemptions from paying rates, but these decisions must be made carefully as they ultimately affect the burden of others in the community.

Removal of the general rates exemption from properties not used exclusively for charitable purposes is both a matter of law and equity. Until this recent judgement, under Tasmanian law, it was simply not enough that the landowner is a charitable institution if the purpose for the occupancy is also not charitable. It was deemed that the exemption provisions of the Local Government Act 1993 were not satisfied unless a property is not only owned by a charitable organisation but also occupied exclusively for charitable purposes.

Independent living units are, by their very definition, accommodation units designed for independent, active retirees who do not require special assistance with day-to-day living. What distinguishes them from aged-care facilities is that independent living units are used as normal and private residences, just like anyone else's home.

Importantly, councils are not applying this change of policy to aged-care facilities, short-term welfare housing, administrative offices and other facilities associated with these providers' operations, these will remain exempt from paying general rates. Further we would note pensioners can apply to receive a rates rebate like any other pensioner residing in their own home. Exactly the same principle applies to lifestyle villages, community housing and the transfer of public housing to charitable organisations.

The need for councils to ensure that general rate exemptions are appropriately applied is good governance. It is important for councils to implement up-to-date and equitable policies that consider the entire community and ensure ratepayers are being treated fairly and equally.

**Budget Impact**

Does not apply for LGAT but there are significant implications for councils.

**Current Policy**

Focus Area: Facilitating Change

Focus Area: Promoting Financial Sustainability

## Attachment to Item 3.1

## Development Assessment Panels

Prepared August 2015

The following information relates more to process than to reaction or impact on functions of councillors.

### Western Australia

Development Assessment Panels (DAP) were established in Western Australia in July 2011, with a local DAP operating for the City of Perth and eight joint DAPs (involving 2 or more Local Government areas). DAPs are comprised of three technical experts (nominated by the Minister) and two Local Government elected members nominated by Local Government.

DAPs assess developments worth more than \$10 million (\$20 million for the City of Perth), however, an applicant can choose to have the DAP assess their application for developments worth between \$2 million and \$10 million (\$20 million for City of Perth). Certain planning applications cannot be considered by DAPs, including the construction of a single house and development by a Local Government.

DAP assessment times are 60 days (not advertised) or 90 days (advertised). The current average timeframe for all applications is 104 days. It has been suggested that the time spent processing DAP-related planning applications is increasing year upon year and therefore failing to provide a more efficient determination process (as was its key aim when introduced in 2011).

In 2014 the WA Legislative Council undertook a review of the operation and effectiveness of the *Planning and Development (Development Assessment Panels) Regulations 2011*. The review was criticised for focussing more on operational aspects of DAPs rather than the effectiveness of the system overall.

The Committee found that:

- The outdated nature of some local planning schemes; their inconsistency with other Local Government areas, state planning policies and strategic planning frameworks contributed to the types of determinations being made by DAPs.
- DAPs lacked accessible and transparent processes for the making of complaints about development assessment panels.
- Government needed to prohibit members of DAPs representing applicants on applications before DAPs on which they sit.
- That the Department of Planning reviews the adequacy of the training provided to members of DAPs

Interestingly, greater than 80% of DAP assessed DAs would have previously been assessed under Council officer delegation.

**South Australia**

In South Australia, each Local Government area is required to delegate all of its development assessment powers to either a delegated officer, a council or regional DAP. In addition to being a planning authority, the functions of a council DAP include providing advice and reports to the council on trends, issues and other matters relating to planning or development.

The members are appointed by council, with the presiding member not permitted to be a member or officer of the council and requiring appropriate qualifications and experience and a reasonable knowledge of the operation and requirements of the Act. The remainder of the panel can consist of up to 50% council members or officers.

**Northern Territory**

Development Consent Authorities determine development applications and planning scheme amendments within their division area. Outside of these areas the consent authority is the Minister. Currently there are seven division areas, generally associated with the larger population centres. The authorities have a Minister appointed chair and two members, with the remaining two members being Local Government nominations. The Territory Government's Department of Lands, Planning and the Environment provides professional and technical support to the authorities, the NT Planning Scheme and also develops land use policies and strategic plans.

**New South Wales**

A number of planning panels currently operate in NSW, and there are further changes currently being debated. The Councils maintain planning authority status for local/municipal level DAs, with the larger 'State Projects' assessed by the Minister (similar to Tasmania). Strategic functions, such as the development of district plans, reviews of councils' Local Environmental Plans (planning schemes), assessment of changes to planning schemes etc rests with various panels.

**Victoria**

In Victoria, councils assess around 98% of DAs; however the Minister can call a permit in. Victoria has a Metropolitan Planning Authority (for the growth areas) that implements initiatives of Plan Melbourne to deliver growth area planning, structure planning and infrastructure coordination, although it can be a planning authority (assess rezoning for example) or responsible authority (assess permits) for urban renewal precincts designated to be of metropolitan significance. Council can ask for the MPA to undertake an assessment or the Minister can refer an application to them.

Victoria also has a mechanism for establishing Planning Application committees, where Councils can refer to them for a recommendation or decision, but they are not currently being extensively used. The committee is to consist of a chairperson and at least four other members appointed by the Minister.

**Queensland**

Local Government Authorities retain the decision making power in most applications, with the exception of certain large scale applications.

# National Redress Scheme (Tasmania)

## FACT SHEET

On 4 November 2016, the Australian Government announced its intention to establish a National Redress Scheme for individuals who experienced institutional sexual abuse as children. The Scheme was created in response to the Royal Commission into Institutional Child Sexual Abuse which estimated that 60 000 people have experienced institutional child sexual abuse in Australia.

The Scheme started on 1 July 2018 and will run for 10 years.

In May 2018, the Tasmanian Government committed to joining the National Scheme. On 1 November 2018 the Tasmanian Government completed the formal requirements to join the Scheme including passing the *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018* that enables Tasmanian non-government institutions to join the Scheme.

### Overview

- The National Redress Scheme provides support to people who experienced institutional child sexual abuse and includes three key components for individuals deemed eligible for redress:
  - a monetary payment (up to \$150,000);
  - a direct personal response (DPR) (such as a meeting with a senior institutional official and an apology); and
  - access to counselling consistent with National Service Principles (with the method of delivery to be determined by the relevant jurisdiction).
- The Scheme's objectives are to:
  - acknowledge that many children were sexually abused in Australian institutions; and
  - hold responsible institutions accountable for child abuse;
- The Scheme operates on a 'responsible entity pays' basis.
- The National Scheme includes the role of Independent Decision Makers (IDMs) within its assessment process. IDMs assess applications, make decisions on the quantum of monetary and counselling payments, and determine the apportionment of responsibility in cases where responsibility lies with multiple institutions.

Department of Justice



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- The Tasmanian State Government officially joined the Scheme as a participating institution on the 1 November 2018. People who suffered sexual abuse in State Government Institutions can now access redress.

#### Participating of Tasmanian non-government institutions

- A number of other non-government Tasmanian institutions have also joined the Scheme and others have indicated their intention to join in the coming months.
- As of January 2019, the following institutions relevant to Tasmania are current participants in the National Redress Scheme:
  - Commonwealth government institutions
  - Tasmanian state government institutions
  - Anglican Church:
    - Anglicare Tasmania
  - Catholic Church:
    - Archdiocese of Hobart
    - Military Ordinariate of Australia
    - Marist Fathers Australian Province
    - Syro Malabar Eparchy of St Thomas
  - Global Interaction
  - The Salvation Army
  - Scouts Australia
  - YMCA
- The latest list of participating institutions can be found at <https://www.nationalredress.gov.au/institutions/joined-scheme>

#### Who decides whether an institution will participate in the Scheme?

- Each non-government institution must decide to join the Scheme.
  - The Australian Government requires non-government institutions choosing to participate in the Scheme to complete the administrative steps by 1 July 2020.
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- 
- If particular non-government institutions have not joined the Scheme, claimants cannot access redress for abuse relevant to that institution. In such circumstances, the claimant must:
    - wait until the institution joins the Scheme before their application can be assessed; or
    - in circumstances where more than one institution is responsible, the claimant may choose to progress their application in relation to those institutions that are participating in the Scheme.
  - A claimant who has not been able to progress an application for abuse against a non-participating institution may pursue civil law options against that institution.

#### Position in other jurisdictions

- All state and territory governments have completed the legislative and administrative requirements to join the National Redress Scheme.
  - Tasmanian residents who may have been affected by abuse in other states and territories can apply to the Scheme in relation to abuse occurring in participating institutions. A complete list of all participating state and territory government and non-government institutions can be found at: <https://www.nationalredress.gov.au/institutions/joined-scheme/>.
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Department of Education

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File no: FOL/18/225

7 March 2019

### **Briefing note to Local Government General Managers and Mayors**

#### **Subject: Recordkeeping recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse**

##### ***Purpose:***

As you are aware, the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) has been completed and the recommendations handed down.

The purpose of this briefing note is to advise Councils on the current status of the project to implement recordkeeping recommendations for which the State Archivist is responsible. The Office of the State Archivist (OSA) will also be contacting your information managers soon to gather more ideas to ensure this implementation project is successful.

We appreciate that different Councils have different resources and need different guidance, tools, training or other assistance. We also recognise that Councils have many other responsibilities, both in regards to this Royal Commission and to normal business.

##### ***Key issues:***

- Information managers in each Council have worked hard over the last several years to identify old and current records that may contain information about children and the staff or volunteers who interacted with them. OSA is now working on retention and disposal schedules to ensure these records are kept for as long as they are needed. We will continue to support your information managers to implement these disposal schedules.
- OSA will be recommencing recordkeeping training in June. We are also in the process of updating our information policy and advice to provide up to date and easy to use guidance for anyone who creates, manages or uses records.
- The [National Principles for Child Safe Organisations](#) contains recordkeeping action areas which will also help Councils keep their various children and family services, ranging from local parks and swimming pools to the Christmas parade, safe for children.
- As a result of the current [Royal Commission into Aged Care Quality and Safety](#), similar recordkeeping-related recommendations may also need to be considered once that investigation is completed.

**Background:**

All three tiers of government have been affected by the outcomes of the Royal Commission, with key government agencies having certain responsibilities. The private sector will also be expected to take appropriate measures. The Tasmanian government issued a [response](#) to the Royal Commission final report, which details the responsibilities within Tasmania.

There are several hundred recommendations from the Royal Commission, and OSA's work is focused on five of them. They essentially mean that organisations working with children create, maintain and keep records in a way that supports child safety and wellbeing. These records will be vital for children to find information about themselves, not only as part of the [National Redress Scheme](#) or for any litigation, but for them to find out about their own childhood, what events may have taken place, their family background or what illnesses they may have had. This is a vital part of a person's identity. These records, wherever they are held, all fit together to form a larger picture of our communities. And the records that are being created now, and into the future, will continue to help.



Our Ref: DJL:CA  
File No: 0008

5 March 2019

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### Local Government Legislation Review

Thank you for the opportunity to provide a submission on the Review of Tasmania's Local Government Legislation Framework (the Review).

The Local Government Association of Tasmania (LGAT) is incorporated under the *Local Government Act 1993*, our functions being:

- (a) To protect and represent the interests and rights of councils in Tasmania;
- (b) To promote an efficient and effective system of local government in Tasmania;  
and
- (c) To provide services to member councils, councillors and employees of councils.

The views and opinions expressed in this submission are representative of the Local Government sector and take into account the views of LGAT's Members. In developing this submission, we have also included matters which have been subject to voting by Members at LGAT General Meetings.<sup>1</sup> LGAT fully supports councils who have made individual submissions to the consultation process and in turn, supports the content and opinions expressed within those submissions.

Feedback from the sector indicates strong support for a principles-based approach to Local Government legislation, particularly the *Local Government Act*, with removal of unnecessary prescription. It is considered vital that the Review recognise the diversity of resources, scale and priorities across councils and importantly in community expectations. To that end the legislation should allow for flexibility to accommodate local circumstances and context.

It has been noted that the prescription in the current Act is at times limiting and not simple nor cost effective in areas such as service levels, setting rating regimes (e.g. service rates), public land leasing, elector polls and also in establishing shared services arrangements between councils. Despite that, significant legislative changes do need to be weighed against the risks around cost, disruption, loss of proven and effective mechanisms,

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<sup>1</sup> Further information is available on each matter which has been subject to a vote at a LGAT General Meeting, within the publicly available papers and minutes ([www.lgat.tas.gov.au](http://www.lgat.tas.gov.au)).

unworkable provisions and confusion. It should be remembered that the current Act was introduced as general competency legislation and has enabled councils to undertake a broad range of roles and functions and to be able to determine how those roles and functions should be undertaken. There must be care taken to not 'throw the baby out with the bathwater'. The balance between general competency powers and good governance requirements must be consolidated and improved, not lost. The structure of new legislation must be logical and consistent. Further changes should reflect the current and future business environment and enable councils to do business in both current and emerging ways.

Through LGAT's discussions with councils and observation of the regional sessions, a number of themes emerged that do not rest with the primary legislative framework for Local Government (that is, the *Local Government Act*, the *Local Government (General) Regulations*, the *Local Government (Meeting Procedures) Regulations* and Orders) but with associated pieces of legislation or which are out of scope of this review. In particular, these comments referenced:

- The *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP);
- The *Local Government (Highways) Act 1982* (the Highways Act); and
- Councils role as a Planning Authority under the *Land Use Planning and Approvals Act 1993* (LUPAA).

It has been expressed that the both LGBMP and the Highways Act should be repealed and the necessary provisions captured in other legislation, such as LUPAA and the *Roads and Jetties Act* respectively. In fact, the repeal of LGBMP in relation to subdivision provisions, accompanied by the necessary amendments to LUPAA is an endorsed sector position.

In relation to a council's role as a Planning Authority, a number of contributors have questioned whether this should remain as is or whether alternative options should be explored, noting the limitations imposed on elected members around representing their community when acting as a Planning Authority. It is worth noting that LGAT has tested this view with Members historically and received limited support. However, while not a unanimous opinion across the sector, there does seem to be a growing desire to discuss this matter further which LGAT will explore.

The remainder of this submission is organised around the broad themes explored in the discussion paper, noting that we have not attempted to address every question specifically.

### **1. Overview of Local Government**

As noted in the paper, the roles and functions of councils, and the expectations of communities of councils, have increased significantly over the past few decades. The breadth and diversity of responsibilities are rarely well recognised outside the sector. Many of these new roles are driven by the policies and legislation of Federal and State Government or as a result of gaps in services from those levels of Government. The broad functions of the *Local Government Act 1993* (the Act) do little to promote what it is that councils must deliver to their communities and perhaps fail to acknowledge the importance of councils in place-based activities such as regional economic development, tourism, preventative health, social inclusion, emergency management and community recovery, to name a few areas. While wanting to avoid legislation that is too specific, which does not allow councils to adapt to emerging needs, perhaps there is a better opportunity in the legislation to clarify and promote the broad range of activities that councils are involved in.

When considering the roles and functions of councils, there must be parallel discussions on what communities are wanting in terms of engagement and representation, including the issues around the Planning Authority role as raised earlier.

### **2. Council Governance and Powers**

There have been several recent significant reviews of the current Act and Regulations and as a result of this previous work it should be recognized that there is a solid base to move forward into a new legislative framework without major or wholesale changes. Any changes or additions made should reflect the ability of a council to do business within a new environment of technology, to remove unnecessary cost and requirements, and to address existing gaps within the principles of good governance. As stated earlier, a principles-based approach is supported, and the Act should establish expectations of a culture of good governance rather than be overly prescriptive in approach. It is not possible to legislate for personality and behaviour, it is possible to set standards. The Good Governance Guide is well supported and provides a valuable resource when it comes to thinking about key governance principles.

As with the Targeted Review of the Local Government Act (2016) most of LGAT's Members feel that any new legislation should not be created to fix issues specific with individual councils rather than the sector as a whole and further that it is critical that the contemporary board style of governance is retained with a clear divide between the strategic (councillors) and operational (staff) components of council activity. Having said that, this style of governance should not allow elected members to abrogate their strategic and oversight responsibilities.

Relevant to this section is the following motion carried by LGAT Members:

- *That the sector wide recommendations arising from the Glenorchy City Council Board of Inquiry (below) are not system issues and a legislative response is not supported:*
  - *Provide the Mayor with the power to approve the agenda prior to its release by the General Meeting;*
  - *Provide the Mayor with the power to approve the release of draft minutes to other councillors;*
  - *Provide the power to the Mayor to approve the General Manager's leave;*
  - *Mandatory requirement for all council meetings to have audio recordings;*
  - *The Minister may direct a council to terminate the employment of a General Manager; and*
  - *The General Manager is to consult with the Mayor and Councillors on senior executive appointments.*

As was also raised during the 2016 review, the importance of and need for increased guidance on appropriate processes and behaviours is clear but that guidance does not need to sit in the legislation itself. It has been suggested that there should be stronger powers in the Act for the Director of Local Government to provide interpretative advice on legislation as necessary and that such advice be then made available to all councils.

It is worth noting that while Code of Conduct matters are out of scope, there has been a strong suggestion to remove the requirement to review the Code of Conduct within three months of an election owing to the largely prescriptive nature of the Code under current legislation. LGAT does note however that the original intent of the 'review' was to ensure that new councillors had a conversation around Code of Conduct obligations to build a common understanding in the early period following an election. It is possible the legislation could be amended to better reflect this purpose.

### **3. Democracy and Engagement**

In relation to the themes outlined in the discussion paper, it is perhaps not surprising, given the proximity to Local Government elections, that there is significant commentary around democracy and engagement. This was evidenced before, during and after the election in the media and at LGAT Meetings and continued to feature in the face-to-face forums and submissions to LGAT from Member Councils.

It is LGAT's view that community and candidate education is vital to strong election outcomes. This requires support across a broad range of stakeholders. The partnership work between State Government, the Electoral Commission and LGAT in relation to candidate sessions, resources and messaging, the advertising campaign and the strong

media encouragement to vote saw increases in candidate number and improved voter turnout last October. It is hoped that this work has also led to better informed candidates, more prepared to take on their new role, however only time will tell. LGAT believes there would be support from our Members for candidates to at least engage with some online training prior to nominating, to cover the basics of their roles, and in particular to help them better understand what will be required when they act as a Planning Authority.

The broader question of mandatory training for councillors which is often raised was considered as part of the Targeted Review and at that time, LGAT's submission noted:

*"The majority of responding councils felt there should be compulsory induction following elections and that even returning councillors should participate. Others felt that returning councillors might not require the full induction, more a tighter, tailored briefing in recognition of their experience. The focus of any compulsory training should be on governance, planning and meeting procedures and supported by an ongoing professional development program. At the July 2015 LGAT General Meeting a motion regarding compulsory training for councillors was amended and carried as follows:*

*That all councillors be encouraged to undertake training courses i.e. Planning, Legislation, Code of Conduct, Meeting Procedures etc."*

One council raised the suggestion that requiring a minimum number of electors to endorse a candidate nomination may have a positive impact through filtering out less committed individuals and reducing the size of ballot forms but this suggestion has not been tested more broadly. Anecdotally there would be support for standardisation of information contained in candidate' statements. Another council raised the need to give some further consideration to the eligibility of councillors noting for example that the ASIC requirements for Directors prohibits those who have been convicted of various dishonesty related offences. There has also been significant conversation about how to treat accidental informal votes (such as double numbering) in the context of much longer ballot forms with a view that if the first 5 or 6 votes are compliant, they should be counted.

The Local Government sector has spent some time talking about how to encourage diversity of candidates. This is best summed up by our submission in relation to Councillor Allowances, included below:

*It must be remembered that the role of councillor carries significant responsibility. It is complex with significant statutory, financial, custodial, representative and governance requirements. Communities have increasingly high expectations of those elected to Local Government as relates to their availability and skills set, what they*

*will deliver, how they will perform, and how much time they will give without expectation of recompense....*

*Councils are constantly evolving. Some changes don't fundamentally affect the role of the councillor. They lose assets and gain assets, lose services and gain services, lose statutory roles and gain them....*

*Questions around attraction and retention are not confined to councillors but apply broadly to other "volunteers". Councillors are often equated with volunteers in terms of motivation and ethos. The 2016 State of Volunteering Report noted that volunteers are deterred because of lack of flexibility, personal expenses incurred, lack of reimbursement and burdensome administrative requirements. Research on volunteering shows that other calls on a person's time is the key barrier to volunteering uptake and that particularly applied to those in paid work. Other research on altruistic or volunteer behaviours clearly signals that there are non-financial rewards that are critically important. Factors which influence a person's self-worth are highly influential (recognition programs) and the high level of ill-informed public criticism of councillors, particularly through social media, is just as likely to be a barrier to running for council as other factors....*

*The majority of councillor respondents (44.8 per cent) to the 2015 census spent, on average, more than 15 hours a week on council business. 26.7 per cent spent between 6 and 10 hours per week and a further 22.9 per cent spent between 11 and 15 hours each week on council matters. Given that just over 60 per cent of respondents were self-employed or working full-time, council activity represented a considerable workload in addition to their other paid employment. Further, combined with high levels of involvement with organisations other than council, the commitment of respondents to their communities is exceptional....These figures suggest that the barriers to participation on council, such as available time, influence the demographic make up of council. In general, it is easier for those who are retired, working part time or self-employed, and for those who don't have caring responsibilities, to manage the time demands of a councillor's role.*

The matter of compulsory voting as a mechanism to enhance engagement with Local Government has been considered by Tasmanian Councils through LGAT General Meetings on a number of occasions over the last decade. Each time there has been insufficient support, and this has been particularly the case when compulsory voting has been considered in conjunction with ballot box voting. LGAT Members have, during those debates, expressed a number of concerns around compulsory voting, largely focused on a desire to keep voting meaningful and about true local representation. There has been concern that compulsory voting may potentially lead to a rise in party politics as well as in informal voting. There is also the matter of compliance and enforcement to consider; with

Members concerned about the potential cost impacts of making sure people do vote. Members are concerned that these compliance costs may drive up the cost of elections for communities, as Local Government pays for its own elections. However, when this matter was voted on in July 2016, the vote was extremely close.

While the majority of councils have shown a strong preference for postal voting over ballot box voting, an enabling facility for future electronic voting should be included in any new legislation.

As part of the Targeted Review of the Act councils provided significant feedback on the General Manager's Roll. LGAT noted at that time that there was support for retaining the roll but with a review of eligibility criteria to minimise the risk of misuse. One strong theme was that while the General Manager's Roll should ensure fairness and inclusion and maximise potential participation in the electoral process there should be application of a one vote, one value process and consideration of residency status going forward. There was also strong support for the review and ultimate management of the General Manager's Roll to be undertaken by the Tasmanian Electoral Commission.

At the July 2015 LGAT General Meeting, the following motion was carried by Tasmanian Councils:

*That the Local Government Association of Tasmania urge the State Government to support the transfer of the administration of the General Manager's Roll to the Tasmanian Electoral Commission. Further Members also agreed, via motion, that the Local Government Association of Tasmania urge the State Government to review the eligibility for inclusion on the General Manager's Roll by reviewing the definition of occupier to better capture all citizens, inclusive of refugees and permanent residents living in a Local Government area.*

In considering proposed amendments to the electoral provisions in the Local Government Act (2013-14) councils supported removal of the requirements of a mayoral candidate to have first had a minimum of twelve months experience on council. This was in response to the shift from two yearly to four yearly elections, with four years seen to be a long apprenticeship. With two elections since those changes, there does seem to be a mood to re-introduce the requirement across a number of councils.

At that time, councils also contemplated matters related to popularly elected Mayors and the election of Deputy Mayors. While changes have not emerged as a strong formal theme during this initial process, anecdotally two issues arise regularly:

- The risk of a successful Mayoral /Deputy Mayoral candidate failing to be elected because they are not also elected as a councillor. LGAT believes there would be

strong support for the automatic election as a councillor of the Mayor and Deputy Mayor.

- The need to consider whether there are pathways around the election of Mayor and Deputy Mayor which would ensure a stronger leadership team for Council. This might include revisiting the idea of electing the Deputy Mayor from around the table or allowing Mayoral Candidates to also stand for Deputy Mayor.

In addition, the Local Government sector has a number of established policy positions, through endorsed motions, that we wish to be considered here. They are:

- Removal of the world alderman from the Act entirely, leaving only councillor;
- A Mayoral vacancy should not trigger a by-election if the vacancy occurs within twelve months of an election;
- Provisions should be included in the Act to enable a councillor to better access the electoral roll for their Local Government Area;
- All candidates should be required to disclose political donations; and
- A councillor who is standing for State or Federal Parliament should take a leave of absence from council for the period between issuing of the writ and declaration of the poll.

There also appears to be increasing support with the Local Government sector for introduction of some form of caretaker provisions, although the design of what this might look like has not been widely tested. It is noted that Queensland legislation provides that, except in exceptional circumstances with approval from the Minister, a Council must not make a major policy decision during the election of caretaker period.

Caretaker provisions must be carefully designed to allow business to continue and must be particularly nuanced around land use planning decision making requirements under LUPPA.

LGAT Members also raised a number of concerns around the conduct of elections, and while these are more procedural than legislative they are worth noting:

- Administrative delays in posting of Local Government results;
- The speed of vote counting;
- Ballot sheet layout which lead to a high number of informal votes in some municipalities (A contemporary review of the instruction on the ballot form for clarity is also considered important);
- Compliance on advertising; and
- Election conduct of candidates, including disclosures.

Finally, a number of prescriptive provisions within the current Act are not contemporary and the Review should consider more modern and flexible approaches. For example, councils have raised that the public notification and community engagement processes (e.g. AGMs) do not reflect modern community expectations and engagement methodology. Similarly, the requirement to advertise in newspapers for a wide range of matters is seen as outdated.

#### 4. Council Revenue and Expenditure

It is important to state here that LGAT does not support the concept of rate capping. In 2014, legislation to improve councils long-term financial and asset management planning was introduced and as can be seen through the annual reports of the Auditor General, there has been continuous improvement in the financial sustainability of councils since that time. Councils must be able to work with communities to determine how best to deliver and fund what is needed and wanted. Please see Attachment 1 (Rate Capping) for further information. The training and practice notes provided to councils through the federally funded LGAT Local Government Asset and Finance Reform Project has a strong focus on engaging communities in determining financial and asset pathways and LGAT is of the view that there is sufficient robustness in the legislation in this regard. We also note that a significant review of rating legislation was concluded in 2013 and would urge that strong consideration be given to the learnings of that process.

It must be remembered that rates are not a fee for service. The Valuation and Local Government Rating Review Reports comprehensively considered the principles and mechanisms around the collection of rates and should be given due consideration during this process.

Another pressing issue for LGAT Members is the issue of rates exemptions in relation to the new business models of charities which appear to be shifting the rates burden in a way which is inequitable and which was unintended when this legislation was written. Further information on this issue is at Attachment 2 (Rating Charitable Properties).

LGAT Members have resolved that there should be:

- An immediate review of Section 87(1)(d) of the *Local Government Act 1993* relating to the provision of exemptions for payment of rates for land owned or occupied exclusively for charitable purposes.
- Section 87 of the *Local Government Act 1993* should be amended to make commercial development in the exempt areas in sub-section (1) subject to the payment of general rates, special rates or averaged area rates and be specifically excluded from the exemption.

### 5. Performance Transparency and Accountability

With the introduction of the financial and asset reform legislation in 2014, including new financial sustainability indicators and the introduction of Audit panels, LGAT believes there is already a high degree of transparency and accountability for councils. In addition to the publication of annual reports, open council meetings, a raft of strategic documents which are available to the public and the annual consolidated data collection, there is also oversight by the Auditor General. The information is available for those who are interested, albeit in a voluminous form (when it comes to the consolidated data collection). While presenting data in an easily comparative way may be of interest, the business case for investment in this space must include consideration of both the cost (not just technology costs but time to provide and validate and explain the data) and outcomes – how will it drive improvement. It must be meaningful and useful to councils if there is to be performance driven change.

Having said that, our Members feel this would be a good opportunity to review and refine the role Audit Panels and performance monitoring more generally, including a review of the compliance process timeframes and offence provisions.

Previous relevant motions include:

- Review the various accounting methodologies being used by councils and develop standardised reporting, which addresses some of the complexities such as volume/length of reporting driven by disclosures required in the Local Government Act and International Accounting standards which are not necessarily relevant to Council operation.
- Allow a Mayor (or their delegate) to qualify a council or council committee agenda item that relates to the performance of or contractual arrangements with the General Manager.

In regard to this section, it has been noted that while “the suite of contemporary council planning and financial management arrangements” are out of scope of the review, if a key purpose of the review, namely to enhance accountability and transparency, is to be met then there must be consistent, transparent and effective monitoring of underpinning asset and financial data and assumptions that inform a council’s long-term financial plan. In addition to limiting the ability to compare across councils, deficits in these areas also impact on the ability to test the feasibility of council mergers effectively.

### 6. Other Matters

One other matter that has emerged through the consultation is the role of the General Manager as a “Person Conducting a Business or Undertaking” under Workplace Health and Safety legislation and how this relates to elected representatives (noting this matter has previously been raised with the Director of Local Government).

At this stage of the process to review the Local Government Legislative Framework, it is fair to say that councillors and council staff, who are in the thick of the day to day requirements of their roles, found it difficult to engage with the high-level paper. There is however a keenness to be involved, particularly in robustly testing ideas that come forward from the consultation. LGAT will continue to work with the Local Government Division to ensure that is possible.

Yours sincerely



Dr Katrena Stephenson  
**CHIEF EXECUTIVE OFFICER**

**Attachment 1: Rate Capping (from General Meeting November 2016)****Background**

There has been some media speculation about the introduction of rate capping in Tasmania, particularly as it has recently been rolled out in Victoria and strongly canvassed in South Australia.

Rate capping has been suggested as a measure to improve the efficiency of councils but interstate experiences would suggest that it is not an appropriate mechanism for yielding efficiency dividends.

Evidence compiled by the Local Government Associations of New South Wales, Victoria and South Australia as well as ALGA suggest the following consequences:

- Loss of autonomy and flexibility in relation to determining local infrastructure and service requirements;
- A propensity to develop a back log of infrastructure maintenance and renewal requirements; and
- The potential for inter-generational transfer or burden.

While many services provided by Councils are legislatively mandated there are also distinct differences in services reflecting both needs and preferences of local communities. What councils are providing will vary according to:

- Demographic factors;
- Geography;
- Council's financial circumstances;
- The offerings of other levels of government (and conversely service gaps); and
- The community's ability and willingness to pay.

The independent Local Government review panel in NSW found that rate capping comes at a significant cost to the Councils and involves unwarranted complexity, costs and constraints at both Council and State level to administer.

Further it has led to various other unintended consequences including:

- Unrealistic community expectations that rates should be contained indefinitely;
- Excessive cuts in expenditure on infrastructure leading to mounting asset renewal and maintenance backlogs;
- Despite the ability to apply to the independent pricing and regulatory tribunal (IPART) for a special rates variation over and above the rate cap, there is a

reluctance amongst Councils to do so as it is seen as politically risky and the process is too costly and complex, requiring a disproportionate effort for an uncertain gain; and

- Under utilisation of borrowing finances due in part to the uncertainty whether any increases in rates, needed to repay loans, would be approved by IPART (Comrie, 2015).

The review panel concluded that:

*"whilst there is certainly a case for improving efficiency and keeping rate increases to affordable levels, the rate [capping] system in its present form impacts adversely on sound financial management. It creates unwarranted political difficulties for councils that really can and should raise rates above the peg to meet genuine expenditure needs and ensure their long-term sustainability. The Panel can find no evidence from experience in other states, or from the pattern and content of submissions for Special Rate Variations, to suggest that councils would subject their ratepayers to grossly excessive or unreasonable imposts if rate [capping] were relaxed (Independent Local Government Review Panel, 2013. Page 42)."*

The panel was of the view that rate capping is very costly relative to the benefits it delivers. Millions of dollars are spent each year by Councils and state agencies on preparing, reviewing and determining applications when the actual cost impact of the proposed rate increases on households would often have been no more than one dollar per week (Independent Local Government Review Panel, 2013 - Page 43).

It concluded that as a result of rate capping the financial sustainability of many Councils in NSW and their capacity to deliver the services that their communities need, had declined and a significant number were near crisis point (Independent Local Government Review Panel, 2013. Page 7).

There is considerable evidence to show that in NSW rate capping has produced decaying infrastructure with costs shifted to the next generation and additionally that councils have much higher fees and charges than are found in other States.

In Tasmania, and through LGAT, there has been significant investment in improving the sector's approach to Long Term Financial and Asset Management planning, including new legislated requirements and a focus by the Auditor General. This in itself improves transparency, accountability and efficiency to a large extent.

A long term financial plan is a useful tool that enables a council to understand the impact on its rates and borrowings for the level of affordable services (including infrastructure renewal) that its community expects.

It is through those processes and in consideration of strategic goals and the communities ability to pay that rates should be set. Providing the Minister an unfettered power over councils financial management practices and assuming a one size fits all is not the best approach.

In general, councils follow a thorough and formal process to weigh up the range and level of services that residents and ratepayers want and are willing to pay for.

No one likes paying more than necessary but Councils strive through transparent consultative processes to get the balance right between services and revenue-raising.

In addition, because Councils undertake their activities at the local level, the efficiency and value of what they do is far more visible and open to scrutiny and feedback. Their ratepayers (who are also their electors) ensure that Councils are necessarily constantly vigilant to opportunities to improve productivity and reduce costs and thus keep rates at levels no higher than necessary.

Limiting any tax may seem a good idea but at a local level, councillors are elected and Council pays the costs of those elections and ongoing governance. In essence this would be wasted as councils would lose accountability for revenue and community services.

The pressure on councils to perform and become more efficient may actually be removed as there is no longer control on rates and local accountability is largely gone.

The Henry Tax Review found the following in relation to Local Government:

*"Local Governments are generally established under State legislation and have access to one tax — Local Government rates levied on properties within their municipality. Unlike State governments, Local Governments fund the majority of their expenditures through own-source revenue (83 per cent in 2005–06), with Local Government rates making up around 45 per cent of this.*

*The immobility of land makes rates based on land value an appropriate tax base for Local Governments. States should allow Local Governments a substantial degree of autonomy to set the tax rate applicable to property within their municipality."*

See also:

[http://www.lga.sa.gov.au/webdata/resources/files/Rate%20Capping%20Information%20Pack\\_web.pdf](http://www.lga.sa.gov.au/webdata/resources/files/Rate%20Capping%20Information%20Pack_web.pdf)

**Attachment 2: Rating Charitable Properties (from General Meeting December 2018)****Background**

At the February 2016 LGAT General Meeting, the following motions were carried.

1. *That Members note recent case law which suggests that although a property may be owned by a charitable institution, occupancy by private residents is not a charitable purpose; and*
2. *That Members agree to take a common and equitable approach to the rating of independent living units which takes as a core assumption that private residential occupancy is not a charitable purpose and is not exempt from general rates.*

LGAT has continued to advocate for equity in the application of rating formulas.

A number of councils commenced charging rates on full cost independent living units operated by charitable organisations in 2016 based on established legal precedent. Southern Cross Care took the matter to the Magistrates Court involving Hobart City, Clarence City, Kingborough and Meander Valley Councils. The court upheld councils' rights to charge rates on such properties on the basis that the land was not both owned and occupied exclusively for charitable purposes. Southern Cross Care then escalated action to the Full Court of the Supreme Court and on 12 November the court handed down its judgement finding that Southern Cross Care did not have to pay rates on the ILUs and ordering councils to pay back rates collected.

The Supreme Court Judgement notes there is different language in play in state legislation, with reference to 'occupation' in Tasmania and 'use' in other jurisdictions meaning that case law established in other parts of Australia is not necessarily applicable or supportive of councils' arguments in Tasmania. " [Section 87\(1\)\(d\)](#) is silent as to the identity of the owner or occupier, focused on the purpose of ownership and occupation...(and) the requirement is satisfied if the occupation is exclusively on account of the owner's charitable purpose, whether or not the owner is in occupation".

This judgment raises concerns in relation to other types of properties such as social housing, particularly in light of the significant transfer of public housing dwellings to charitable providers. However, LGAT has been informally advised by Housing Tasmania that the Residential Management Agreement in such cases does confer an obligation to pay rates. Formal advice will be sought in due course, pending the decision of the four councils involved in court action. Regardless of the legal outcomes, the judgement suggests this is a matter that should be clarified in legislation going forward and LGAT will advocate on that basis as appropriate.

There is a common misconception that council rates represent charges for services provided but under the Local Government Act 1993, rates are clearly identified as a form of taxation. As such they must balance the key taxation principles of efficiency and simplicity, sustainability, competitive neutrality and equity. Sometimes there are exemptions from paying rates but these decisions must be made carefully as they ultimately affect the burden of others in the community.

Removal of the general rates exemption from properties not used exclusively for charitable purposes is both a matter of law and equity. Until this recent judgement, under Tasmanian law, it was simply not enough that the landowner is a charitable institution if the purpose for the occupancy is also not charitable. It was deemed that the exemption provisions of the Local Government Act 1993 were not satisfied unless a property is not only owned by a charitable organisation but also occupied exclusively for charitable purposes.

Independent living units are, by their very definition, accommodation units designed for independent, active retirees who do not require special assistance with day-to-day living. What distinguishes them from aged-care facilities is that independent living units are used as normal and private residences, just like anyone else's home.

Importantly, councils are not applying this change of policy to aged-care facilities, short-term welfare housing, administrative offices and other facilities associated with these providers' operations, these will remain exempt from paying general rates. Further we would note pensioners can apply to receive a rates rebate like any other pensioner residing in their own home. Exactly the same principle applies to lifestyle villages, community housing and the transfer of public housing to charitable organisations.

The need for councils to ensure that general rate exemptions are appropriately applied is good governance. It is important for councils to implement up-to-date and equitable policies that consider the entire community and ensure ratepayers are being treated fairly and equally.



**LGAT Work Plan 2018 – 19 Progress Report**



Not yet commenced



Unable to progress due to others



Ongoing



Completed

Attachment to Item 4.12

No.	Priorities	Outcome/Output Measures	Progress	Comment
1.	<b>Lead the waste management reform agenda</b>	State Government releases a State Waste Action Plan supported by Local Government		<p>There was little progress on the State Waste Strategy until late 2018, where following a Round Table in July, hosted by the Minister for Environment, the Government made a commitment to develop a State Waste Action Plan. The EPA has recently indicated that the draft State Waste Action will go out for consultation in April 2019, although this date continues to be extended. LGAT has been actively engaging with the EPA on the development of the State Waste Action Plan, with the LGAT Waste and Resource Management Strategy remaining the key source of initiatives from a sector perspective.</p> <p>In parallel, LGAT has commenced the feasibility study into the establishment of a Statewide Waste Management Arrangement, with the first round of consultation now complete.</p>
2.	<b>Support the sector through the next stages of Local Government reform</b>	<p><u>Review of the Local Government Act</u> LGAT's recommendations accepted by the State Government</p> <p><u>Local Government Sustainability</u> Determination of the best structure / alignment for councils so they can service the needs of modern Tasmanian Communities</p>		<p><u>Review of the Local Government Act</u> The LGAT Policy Director attended all the regional engagement sessions run by the Local Government Division. Our submission to the first round of consultation can be found on the LGAT website on the following page:</p> <p><a href="http://www.lgat.tas.gov.au/page.aspx?u=349">http://www.lgat.tas.gov.au/page.aspx?u=349</a></p> <p>The LGAT CEO remains active in her role on the review Steering committee. See item this meeting for further information.</p> <p><u>Local Government Sustainability</u> At the December General Meeting LGATs Policy Director facilitated a "Kitchen Table" session with members on key issues for the sector. The results from this session have informed the proposed next steps, as outlined in the item included in the agenda for this meeting.</p>

No.	Priorities	Outcome/Output Measures	Progress	Comment
3.	<b>Drive the planning reform agenda</b>	LGAT's recommendations accepted by the State Government.		The State Government's number one planning reform priority is to establish the Tasmanian Planning Scheme, which they accept can best be achieved by supporting councils in the preparation of their Local Provisions Schedules (LPSs). LGAT, via its membership on the LPS Steering Committee and in other engagement with the Department of Justice and Ministers Office, has encouraged the State Government Project Team to commence council visits to support planning staff in the development of their LPSs and also to present to Elected Reps on the statutory process and requirements. To date the feedback on these visits from councils has been positive.
4.	<b>Further build sector resources and support, particularly for new Elected Members</b>	<p>Increased utilisation of LGAT prepared resources (web and extranet hits).</p> <p>Strong attendance at new councillor induction session.</p> <p>Overall positive feedback from attendees to training and events.</p> <p>Increased number of training and workshops delivered from previous year.</p>		<p>LGAT continues to prepare resources for elected members and council staff, with a significant focus on resources for newly elected representatives. The LGAT website has a new page dedicated to new councillor resources, containing a range of bite size videos and PowerPoint presentations, as well as more comprehensive background material.</p> <p>LGAT recently ran regional sessions on land use planning, with attendance of over 70 people and feedback from the session being extremely positive. In addition, LGAT facilitated Audit Panels sessions in early, with over 50 elected representatives and staff attending. The annual Elected members' Professional Development weekend is scheduled for the 23<sup>rd</sup> and 24<sup>th</sup> March. Further details are available on our events webpage.</p>

No.	Priorities	Outcome/Output Measures	Progress	Comment
5.	<b>Position the Tasmanian Local Government agenda in the Federal election</b>	Number of Local Government initiated policies adopted by political parties.		<p>At the LGAT Conference in July, the President of the Australian Local Government Association (ALGA), Mayor David O'Loughlin, presented the key national federal election priorities for Local Government, developed in consultation with State Associations.</p> <p>ALGA's election advocacy documents, which can be used by all elected members, is available on their website <a href="http://www.alga.asn.au">www.alga.asn.au</a>.</p>
6.	<b>Further develop the financial and asset management in councils</b>	<p>Strengthen councils' knowledge base and delivery of best practice asset management.</p> <p>Increase the community's understanding of and engagement with councils' role in asset management.</p>		<p>LGAT is continuing its significant history of work in supporting councils' asset management resources and capacity, including the following:</p> <ul style="list-style-type: none"> <li>• Included tailored presentations from a Tasmanian Local Government asset management professional in both LGAT's General Managers Workshop in September and our New Councillors Workshop in November.</li> <li>• Delivered a Strategic Asset Management Plan (SAMP) template for use by member councils, a project commissioned by LGAT and prepared by Institute of Public Works Engineering Australasia (IPWEA). The SAMP template joins the growing list of asset management resources available to councils on the LGAT Extranet and assists councils in meeting the requirements of the Section 70B of the <i>Local Government Act 1993</i>.</li> <li>• Established a statewide meeting of Local Government asset management professionals to enhance collaboration, capacity building and professional development in the sector and field.</li> </ul>

No.	Priorities	Outcome/Output Measures	Progress	Comment
7.	<b>Promote the good work of Local Government to the broader community</b>	Increased exposure to LGAT and council produced stories via LGATs communication channels.		<p>As advised to members in late 2018, the LG Tas publication format is being reviewed as an online only publication. LG Tas is distributed to all Members and stakeholders and available on LGAT's website.</p> <p>The LGAT Year in Review 2017-2018 featured a magazine style format including annual highlights for all LGAT Members and three feature articles on outstanding Member achievements. The LGAT Year in Review is distributed to all Members and Stakeholders and available on LGAT's website.</p> <p>LGAT participated in National LG Twitter day in October 2018 to raise awareness of LG activities nationally and promoted the event to Members #partofyoueveryday</p> <p>LGAT continues to update and promote the Better Councils Better Communities Website and cross promote it through LGAT's e-newsletter (the Pulse), which has also been refreshed with a new template.</p> <p>LGAT reworked the Better Councils Better Communities television campaign advertisement to promote participation in Tasmanian Local Government Elections. The campaign included a 30 second television advertisement targeting all ages and six second advertisements for You tube targeting younger voters. LGAT conducted a television and social media campaign in the lead up to the election with tv viewership of around 300,000 and 288,00 impressions on You Tube. The advertisement was also organically shared by Members on Facebook and on twitter via @LGATasmania. The messages were replicated in Opinion Editorials and picked up by the media, particularly the Mercury in Southern Tasmania. The six second advertisement was also shared organically by members on Facebook and through LGAT's Twitter account.</p> <p>LGAT continues to look for opportunities to promote LGAT and the sector's achievements through media releases and opinion editorials.</p>

No.	Priorities	Outcome/Output Measures	Progress	Comment
8.	<b>Deliver a refreshed statewide community satisfaction survey</b>	Deliver the statewide community satisfaction survey.		<p>The 2018 / 19 community satisfaction survey is close to complete. The survey instrument includes questions that asks residents views about:</p> <ul style="list-style-type: none"> <li>- Contact with council;</li> <li>- The importance of and, their satisfaction with, a range of council services and facilities;</li> <li>- Satisfaction with council governance and leadership;</li> <li>- The image of Local Government;</li> <li>- The best thing about the council; and</li> <li>- What council could do to improve performance.</li> </ul> <p>The final report outlining survey results will be completed in March and will include reliable results at the state-wide level and at a regional (North, North West, and South) and at a city, urban and rural level.</p>
9.	<b>Host an excellent Annual Conference, AGM and General Meetings</b>	<p>Delivery of the Conference on budget</p> <p>Conference feedback providing an overall rating of good or excellent from &gt;70% of survey responses.</p> <p>Increased General Meeting agenda items for decision or discussion.</p>		<p>Planning for the 2019 LGAT Annual Conference, themed "Finding Your Voice" is well under way. The Sponsorship Prospectus has been launched with a number of sponsors and trade exhibitors already coming on board. We are pleased to advise the following confirmed Plenary Speakers to date: Heather Rose award winning Tasmanian Author, Penny Terry ABC radio presenter and Creative Director of Healthy Tasmania Pty Ltd, David O'Loughlin President ALGA. We are nearly ready to release our improved conference webpage. The conference webpage has been overhauled (in house) resulting in a cleaner more functional display. It is planned the webpage will be mobile friendly, allowing delegates to easily view the conference program and details using their smart devices. The date of the 2019 LGAT Annual Conference is 3-5 July at Wrest Point, Hobart.</p>

No.	Priorities	Outcome/Output Measures	Progress	Comment
10.	<b>Continue to expand the Procurement Program</b>	Growth in sectoral procurement savings		<p>LGAT continues to grow the procurement program with the following contracts being established or replaced:</p> <ul style="list-style-type: none"> <li>- Telecommunications and Smart Cities Connected Communities - Out to tender early December, start date April 2019;</li> <li>- Specialised Trucks and Bodies - Extended refresh, RFT under evaluation;</li> <li>- Tyres, Tubes and Batteries - Consultation stage for replacement contract;</li> <li>- Corporate Wardrobe - Consultation stage for replacement contract; and</li> <li>- Energy Efficient Street Lighting Hardware and Installation Services - Panel now available</li> </ul> <p>In addition, LGAT in partnership with MAV, have recently established a contract for project management services for the installation of energy efficient street lights to support the delivery of contestable projects in Tasmania.</p>

## 5.7 VIETNAM VETERANS ASSOCIATION OF AUSTRALIA - MEMORIAL PARK

File: 26069 D571698

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 4.3.1 Develop and implement initiatives to preserve and maintain heritage buildings, items and places of interest within the City of Devonport

### SUMMARY

This report is provided to assist Council in considering a request from the Vietnam Veterans Association of Australia (Tasmania Branch) for the Vietnam War Memorial Park at Bluff Road Devonport to be recognised as Tasmania's State Memorial for all Vietnam Veterans as well as a new additional memorial being erected in this precinct.

### BACKGROUND

At Council's meeting held 23 March 2015 (Min. No 57/15 refers), a request from Vietnam Veterans Association Mersey-Leven Sub-Branch was considered. The request was to construct a War Memorial Wall honouring returned Vietnam Veterans from the Mersey-Leven region, who have passed away since the Vietnam War.

Council determined as follows:

*"That Council acknowledge the feedback from the Public Art Special Interest Group in relation to the proposed Returned Vietnam Veterans War Memorial Wall and determine that Council approve the request from the Vietnam Veterans Association Mersey-Leven sub-branch to construct the proposed wall, noting on completion Council will be responsible for the ongoing maintenance and asset management requirements."*

The Vietnam Veterans War Memorial Wall was subsequently built in consultation with Council.



### STATUTORY REQUIREMENTS

There are no legislative requirements which relate to this report.

## **DISCUSSION**

A letter has been received from the Vietnam Veterans Association of Australia dated 6 March 2019 (copy attached) requesting that the current site of the Vietnam War Memorial Park at Bluff Road be recognised as Tasmania's State Memorial for all Vietnam Veterans, their families and visitors. Their request also includes the erection of a new memorial to be erected within the Memorial Park precinct, the details of which are yet to be finalised. The additional memorial will be dedicated to the 521 Australians killed in the Vietnam War.

The request is for in principle support only and if approved, design and plans for Council's consideration and approval would then be submitted by Vietnam Veterans Association of Australia.

## **COMMUNITY ENGAGEMENT**

No community consultation has been undertaken as a result of this report.

## **FINANCIAL IMPLICATIONS**

The Vietnam Veterans Association of Australia propose to fund the new memorial therefore it will be at no initial cost to Council, however the constructed memorial would revert to Council as an asset upon completion. As such, the ongoing maintenance, asset renewal and depreciation costs would be borne by Council.

## **RISK IMPLICATIONS**

There is a risk that continued applications for memorials will be received by Council and Victoria Parade will become an ad-hoc area of memorials rather than a well-planned and protected area of Public Open Space.

If Council does not support the request, it may cause angst with returned Vietnam War Servicemen and families that their service to country during the Vietnam War is perceived as not being valued.

## **CONCLUSION**

The letter from the Vietnam Veterans Association seeks Council's consideration of two requests. The request to endorse Devonport's Vietnam War Memorial Park at Bluff Road, Devonport as being recognised as Tasmania's State Memorial would highlight the area for all Tasmanian Vietnam Veterans and their families as a place to visit and commemorate those involved in the war.

The request for in principle support to erect an additional memorial which will be dedicated to remember the 521 Australians killed in the Vietnam War. Council may determine not to provide in principle support if it believes the current memorial is sufficient.

## **ATTACHMENTS**

- [1](#). Additional Memorial - Vietnam War Memorial Park

## **RECOMMENDATION**

### **OPTION 1**

That Council

- a) advise the Vietnam Veterans Association of Australia (Tasmania Branch) that it endorses the Devonport Vietnam War Memorial Park at Bluff Road Devonport being recognised as Tasmania's State Memorial; and

- b) that it provides in-principle support to the request for an additional memorial to be erected within the Memorial Park precinct in consultation with Council officers, noting on completion Council will be responsible for the ongoing maintenance and asset management requirements.

**OPTION 2**

That Council

- a) advise the Vietnam Veterans Association of Australia (Tasmania Branch) that it endorses the Devonport Vietnam War Memorial Park at Bluff Road Devonport being recognised as Tasmania's State Memorial; and
- b) that it does not support the request for an additional memorial to be erected within the memorial Park precinct.

Author:	Karen Hampton	Endorsed By:	Paul West
Position:	Community Services Manager	Position:	General Manager



**VIETNAM VETERANS ASSOCIATION OF AUSTRALIA.**  
**TASMANIA BRANCH Inc.**  
 3 Arnold Street, NEWNHAM, TAS. 7248  
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**PATRON HON. ADAM BROOKS MP.**

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**STATE PRESIDENT**  
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**STATE SECRETARY**  
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Mr Paul West  
 General Manager  
 Devonport City Council  
 PO Box 604  
 Devonport 7310

Dear Mr West,

At the Vietnam Veterans Association of Australia (VVAA) Tasmania Branch State Council meeting, held at Longford on Saturday 23rd February 2019, the Executive Committee endorsed Devonport's Vietnam War Memorial Park, Bluff Road, Devonport as the venue to be recognised as Tasmanian's State Memorial for all Vietnam Veterans, their families and visitors. This includes a new additional memorial to be erected within the Memorial Park precinct, the details of which are yet to be finalized.

The existing Memorial Park is an attractive area, has high pedestrian traffic flow & would be the ideal location for this memorial. The Vietnam War Memorial Park plays a very important role in recognising and honouring all Tasmanians who paid the supreme sacrifice in the Vietnam War. Veterans from not only the municipality of Devonport, but from all Tasmanian municipalities, who served in this War, many of them have since passed away.

VVAA Tasmania Branch have received many complimentary comments on this Park and I take this opportunity on behalf of all Vietnam Veterans, to commend your Council first on enabling it to be established, & secondly for maintaining it, together with adjacent park lands, in such good order.

VVAA Tasmania Branch's aim is to complement the existing Vietnam War Memorial, by erecting an appropriate permanent memorial, dedicated to honour & remember the 521 Australians who paid the supreme sacrifice.

We would not envisage this new memorial to have a large footprint, but would be something that our members, wherever they reside throughout Tasmania, could be proud of. It would be erected with the need for minimal ongoing maintenance. On completion, it would be our understanding that ownership be transferred to Devonport City Council.

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I write to Council seeking "in principle" support for this initiative. On receipt of that support we would develop the design & plans for Council's consideration & approval. VVAA Tasmania Branch looks forward to working in partnership with your officers regarding the actual site and in-kind support for the Memorial.

We thank Council for its consideration & look forward to your reply in due course.

Yours sincerely,



Terry Roe JP MAICD  
State President  
VVAA Tasmania Branch

6<sup>th</sup> March 2019

## 5.8 CLIMATE CHANGE NOTICE OF MOTION TO LGAT

File: 30415 D571862

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 1.2.2 Develop and implement local and regional policies and initiatives to mitigate climate change impacts in partnership with all spheres of Government

### SUMMARY

To provide Councillors with information relating to a suggested Notice of Motion to be raised at the Local Government Association of Tasmania (LGAT) General Meeting in July 2019.

### BACKGROUND

At the February 2019 Council meeting, a member of the public raised a question in relation to Council's response to climate change, specifically, would Council consider becoming part of the world-wide local council movement that declares we are in a climate emergency. In response Mr Grey was advised opportunities to explore ways to develop a sector wide position on climate change, which is supported by the State Government would be considered.

### STATUTORY REQUIREMENTS

There are no statutory requirements relating to this report.

### DISCUSSION

There is a view that climate change is impacting on the environment at a rapidly increasing rate. All levels of government need to be working closely together to address the issue.

A number of local governments around the world have passed motions which acknowledges that in their view, there is a climate emergency (refer <https://climateemergencydeclaration.org/category/news/>).

The Municipal Association of Victoria recently passed a motion as follows:

That the MAV recognise that:

- a) We are in a state of climate emergency that requires urgent action by all levels of government, including councils;
- b) Human induced climate change stands in the first rank of threats to humans, civilisation and other species;
- c) It is still possible to restore a safe climate and prevent most of the anticipated long-term climate impacts – but only if societies across the world adopt an emergency mode of action that can enable the restructuring of the physical economy at the necessary scale and speed.
- d) The MAV has a role in assisting local governments in this regard.

Council acknowledges that individual councils are actively pursuing their own responses to climate change however, the climate emergency is more than an individual council responsibility. It could reasonably be argued that there is a responsibility for all levels of government and the community to work together. The following motion is suggested to be listed for debate at the LGAT General Meeting in July 2019:

"That the Local Government Association of Tasmania investigate opportunities for the sector to develop a position on climate change including acknowledging:

- a) There is a state of climate emergency that requires action by all levels of government;
- b) Human induced climate change is at the forefront of the climate emergency;
- c) The State Government has a particular role in assisting local governments in dealing with the impacts of climate change."

This motion seeks LGAT to develop a sector wide position on climate change which is supported by the State Government to ensure that it can demonstrate that Tasmania is serious about tackling the issue and are prepared to work together to identify and implement positive action.

**COMMUNITY ENGAGEMENT**

No community consultation has been undertaken in relation to this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications as a result of this report.

**CONCLUSION**

Council is committed to mitigating the effects of climate change for the Devonport municipality through such actions as outlined in the Climate Change Adaption Plan (adopted in 2013 and then reviewed internally in 2017), and the Environment Strategy 2019-2024. However, climate change is more than an individual council responsibility, it is the responsibility of all levels of government and the community to work together, and therefore a sector wide response will have a greater impact than that of the individual Council.

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That Council submit the following motion to the Local Government Association of Tasmania's General Meeting:

"That the Local Government Association of Tasmania investigate opportunities for the sector to develop a position on climate change including acknowledging:

- a) there is a state of climate emergency that requires action by all levels of government;
- b) human induced climate change is at the forefront of the climate emergency;
- c) the State Government has a particular role in assisting local governments in dealing with the impacts of climate change."

Author: Position:	Jacqui Surtees Executive Officer	Endorsed By: Position:	Paul West General Manager
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## 6.0 INFORMATION

### 6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

Council is required by Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015* to include in the Agenda the date and purpose of any Council Workshop held since the last meeting.

Date	Description	Purpose
4/3/2019	Bluff Pedestrian Improvements	Discussion on proposed works to be included in the tender package.
	Devonport Volleyball Association	Consideration of beach volleyball facility in Devonport.
	Mersey Colts Cricket Club	Consideration of renaming one of the playing areas at Byard Pak.
	Outline of Planning Scheme	Outline of process being followed in relation to the preparation of the Local Provision for the new Planning Scheme.
	LGAT Annual General Meeting & General Meeting – 3 July 2019	Advice of LGAT meetings and consideration on the submission of motions.
	LGAT General Management Committee Elections	Consideration of nominations for General Management Committee.
18/3/2019	Fraud Awareness	A training session related to fraud awareness provided by a representative from Council's insurers.
	Julie Burgess Business Plan	Discussion with members of the Julie Burgess Operations Committee.

## RECOMMENDATION

That the report advising of Workshop/Briefing Sessions held since the last Council meeting be received and the information noted.

Author: Position:	Robyn Woolsey Executive Assistant General Management	Endorsed By: Position:	Paul West General Manager
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## 6.2 MAYOR'S MONTHLY REPORT

File: 22947 D563529

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

### SUMMARY

This report details meetings and functions attended by the Mayor.

### BACKGROUND

This report is provided regularly to Council, listing the meetings and functions attended by the Mayor.

### STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

### DISCUSSION

In her capacity as Mayor, Councillor Annette Rockliff attended the following meetings and functions between 21 February and 20 March 2019:

- Council meetings, various Council Committee, Special Interest Group and Working Group meetings as required
- Media as requested: Martin Agatyn (7AD) x2, Darren Kerwin (7AD), The Advocate Newspaper, Brian Carlton (7AD), Belinda King (ABC)
- Cradle Coast Authority Board meeting
- Dulverton Owner Representatives meeting
- Launch of Munnew Day Centre's second trike at the Bluff BBQ
- Rural Clinical School Advisory Board meeting
- Cradle Coast Authority Representatives meeting
- Met with Coordinator of NW Suicide Prevention Trial Site project (x2)
- Library Living Room
- Tasmanian Suicide Prevention Committee meeting
- Devonport Triathlon – Paratriathlon medal presentation
- Devonport Regatta Association dinner
- Met with 'Village People' at East Devonport
- Met with a community member at Mersey Vale Lawn Cemetery
- With the General Manager, met with the Mayor and General Manager of Central Coast Council re Audit Committee appointment
- International Women's Day forum
- Tasmanian Women's Council meeting
- Launch of Devonport Strikers 2019 season
- Devonport Soroptimists International Women's Day event
- Don College International Women's Day event
- East Devonport Community House, International Women's Day event
- East Devonport Child & Family Centre, International Women's Day event
- Diamonds of Devonport
- mapali Dawn Gathering – Ten Days on the Island
- Launch of Art Exhibition – Ten Days on the Island
- Home Hill International Women's Day event

Report to Council meeting on 25 March 2019

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- 'Turning It Around' International Women's Day event
- Mersey Hospital Auxiliary 70<sup>th</sup> Anniversary lunch
- Presented the City of Devonport Greyhound Cup
- Mersey Leven Emergency Management meeting
- COTA Forum – Improving Mental Wellbeing for 65+
- Tasmanian Honour Roll for Women Induction Lunch
- Gallery Exhibition Opening
- Pain Revolution – Forum, Dinner and beginning of Tasmanian Ride
- Our Lady of Lourdes – teacher awards
- Mersey Scout Association - AGM

**ATTACHMENTS**

Nil

**RECOMMENDATION**

That the Mayor's monthly report be received and noted.

## 6.3 GENERAL MANAGER'S REPORT - MARCH 2019

File: 29092 D561346

### RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 5.8.2 Ensure access to Council information that meets user demands, is easy to understand, whilst complying with legislative requirements

### SUMMARY

This report provides a summary of the activities undertaken by the General Manager, 21 February and 20 March 2019. It also provides information on matters that may be of interest to Councillors and the community.

### BACKGROUND

A monthly report provided by the General Manager to highlight management and strategic issues that are being addressed by Council. The report also provides regular updates in relation to National, Regional and State based local government matters as well as State and Federal Government programs.

### STATUTORY REQUIREMENTS

Council is required to comply with the provisions of the *Local Government Act 1993* and other legislation. The General Manager is appointed by the Council in accordance with the provisions of the Act.

### DISCUSSION

#### 1. COUNCIL MANAGEMENT

- 1.1. Attended and participated in several internal staff and management meetings.
- 1.2. Attended Workshops, Section 23 Committee and Council Meetings as required.
- 1.3. Participated in the Audit Entry Interview process with representatives of the Tasmanian Audit Office in preparation for the 2019 Audit.
- 1.4. Met with officers of the Local Government Division.
- 1.5. Briefed Council's Solicitor in relation to a legal matter.
- 1.6. Attended a training session related to Fraud Awareness. This session is run bi-ennially for Council staff. Councillors were also provided with a training session.

#### 2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Met with representatives of Oak Possability to discuss the progress with the proposed development on 108 Tarleton Street, East Devonport. Council in May 2017 determined to gift the property to Oak Possability for the development of a supported accommodation facility.

In August 2018 planning approval was granted. Oak Possability are currently finalising finance arrangements for the project and have indicated that they will be seeking Building Approval prior to 30 June 2019.

Under the MOU entered into at Clause 3.4, Council, upon request from Possability, may extend the duration of the agreement for a further period of 12 months from the end of the initial 2-year period (March 2019). By letter dated 8

Report to Council meeting on 25 March 2019

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March 2019 (refer attached) a formal request for an extension of time to complete the MOU terms has been received. It is proposed that Council accept the request.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. With the Mayor attended a meeting of the Dulverton Waste Management Joint Authority as a Representative of the Council. The minutes of the meeting have been provided as a confidential report on the current agenda in accordance with the Joint Authority Rules.
- 3.2. Attended a meeting of the Cradle Coast General Managers Group. Items discussed included:
  - Cradle Coast Futures Plan and the resourcing implications
  - Legal Services
  - Shared Services Update
  - Cradle Coast Waste Management Governance Review
  - State-wide Planning Scheme
  - Council IT services and opportunity to leverage from initiatives being implemented across councils
  - Cradle Coast Authority Representatives Meeting Agenda Items
- 3.3. With Cr Jarman attended a meeting of the Cradle Coast Authority as the appointed Representatives of Council. The minutes of this meeting will be provided to Council in a separate report on a future agenda.
- 3.4. Met with the General Managers of Latrobe/Kentish and Central Coast to discuss the Devonport-Cradle Country Marketing Partnership Agreement. The current MOU is due for review and the discussion centred around the future of the alliance and its aims and objectives.

4. OTHER

- 4.1. Met with representatives of Belgravia Leisure, the operator of the Devonport Splash Aquatic Centre. This is a regular catch up to discuss matters relevant to the operations of the complex.
- 4.2. With Mayor Rockliff, Mayor Bonde and Sandra Ayton (Central Coast Council) finalised the appointments for the Shared Audit Panel. Mr Rob Atkinson has been reappointed as Independent Chair and Mr Tom Hughes as the Independent Member. The first meeting of the new Audit Panel is scheduled for Tuesday 26 March 2019.
- 4.3. Due to a recent High Court decision the issue of charging rates on independent living units associated with not-for-profit aged care facilities has been clarified. The Full Bench of the Supreme Court upheld an appeal by the Catholic Churches Southern Cross Care group, therefore determining that independent living units which are owned and occupied in aged care facilities are not subject to the General Rate. This decision has impacted a number of councils in Tasmania and will likely be the subject of further discussion through the Local Government Association of Tasmania.

**COMMUNITY ENGAGEMENT**

The information included above details any issues relating to community engagement.

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### **FINANCIAL IMPLICATIONS**

Any financial or budgetary implications related to matters discussed in this report will be separately reported to Council.

There is not expected to be any impact on the Councils' operating budget as a result of this recommendation.

### **RISK IMPLICATIONS**

Any specific risk implications will be outlined in the commentary above. Any specific issue that may result in any form of risk to Council is likely to be subject of a separate report to Council.

### **CONCLUSION**

This report is provided for information purposes only and to allow Council to be updated on matters of interest.

### **ATTACHMENTS**

1. [Oak Possability - letter - 8 March 2019](#)
2. [Current and Previous Minute Resolutions Update - March 2019](#)
3. CONFIDENTIAL - Current and Previous Minute Resolutions Update - Confidential March 2019

### **RECOMMENDATION**

That the report of the General Manager:

- a) be received and noted; and
- b) Council agree to the request from Oak Possability to extend the period of the Memorandum of Understanding for the property located at 108 Tarleton Street, East Devonport for a further period of 12 months.

Author:	Paul West
Position:	General Manager



Possability

175 Collins St, Hobart  
Tasmania, 7000  
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e admin@oak.org.au  
w oak.org.au | possability.com.au

8<sup>th</sup> March 2019

Mr Paul West  
General Manager  
Devonport City Council  
PO Box 604,  
DEVONPORT TAS 7310

Dear Paul,

**RE: TARLETON STREET DEVELOPMENT**

Thank you for making time to meet with David Nelan, Mathew Greskie and myself earlier in the week to update you with our progress on the Tarleton Street development. As agreed, I am writing to formalise our discussions with you and seek a 12-month extension to the Memorandum of Understanding (MoU) between Council and Optia Limited.

As discussed, we are working towards having our Building Application lodged with Council for assessment by 30<sup>th</sup> June 2019. Our design partner, SolutionsWon Group, who assisted us in our successful Development Application, are already some way through this process and have provided assurance to us that the 30<sup>th</sup> June 2019 deadline will be achieved.

With regard to securing funding, we are not as far progressed as we had hoped with this process due to a number of factors beyond our control, including changes to the National Disability - Specialist Disability Accommodation (SDA) pricing framework. Until recently, this framework did not really support capital investment into this type of housing project. However, in late February 2019, further changes to the SDA framework were announced by the National Disability Insurance Agency (NDIA) which now provides greater incentives for investing in SDA projects like Tarleton Street.

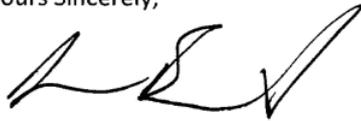
Practically, we are now in late stage negotiations with one party on a potential funding partnership for the project and we are in earlier stage discussions with another party should we not reach an agreed position with our initial partner. Whilst we are confident of securing a partnership for funding the project, we are also investigating how we may debt fund the project ourselves.

2

This is an exciting, once in a generation project that will enhance the lives of those living with disability in our community and we greatly appreciate the continued support of yourself and the Devonport City Council in partnering with us to achieve our vision for the site.

Would you please confirm that the extension of the MoU is acceptable to Council? Should you need any further information please do not hesitate to contact either myself or David Nelan our Executive General Manager - Commercial and Finance.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Beswick', with a stylized flourish at the end.

Drew Beswick  
Chief Executive Officer  
**Oak Possability**

## Current and Previous Minute Resolutions Update

OPEN SESSION Current Resolutions	
<b>Resolution Title:</b>	<b>Preservation of Work by Philip Wolfhagen – Notice of Motion – Cr A Jarman (D567618)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	22/19
<b>Status:</b>	On hold
<b>Responsible Officer:</b>	Convention and Art Centre Director
<b>Officers Comments:</b>	To action once the future use of the building is discussed by Council
<b>Resolution Title:</b>	<b>Tender Report Contract 1328 Cleaning of Council Facilities and Offices (D561624)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	23/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Technical Support Supervisor
<b>Officers Comments:</b>	Documentation finalised.
<b>Resolution Title:</b>	<b>Community Consultation – Waterfront Precinct (D563991)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	24/19
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Project Officer
<b>Officers Comments:</b>	Tender documentation in progress as per resolution. Investigations into sound and light show have begun.
<b>Resolution Title:</b>	<b>Review of Tasmania's Local Government Legislation Framework (D566197)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	25/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Submitted to LG Dept & LGAT 28/2/19
<b>Resolution Title:</b>	<b>Devonport City Soccer Club – Request for Funding (D566989)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	26/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Funds paid to Devonport City Soccer Club

<b>Resolution Title:</b>	<b>Kelcey Tier Draft Master Plan (D567006)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	27/19
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Workshop with Council being organised with the Consultant
<b>Resolution Title:</b>	<b>Bass Strait Maritime Centre Café Lease (D567099)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	28/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Convention and Art Centre Director
<b>Officers Comments:</b>	Lease has been signed by Paul and Claire Feilding – to begin operation in April
<b>Resolution Title:</b>	<b>Devonport Gymnastics Club (D567903)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	29/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Devonport Gymnastics Club advised of Council's decision
<b>Resolution Title:</b>	<b>Bike Route Hierarchy (IWC 4/19 – Infrastructure Works and Development Committee - 11 February 2019)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	33/19
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Infrastructure Works and Development Manager
<b>Officers Comments:</b>	Information being prepared for website and GIS
<b>Resolution Title:</b>	<b>Victoria Parade Parking in the Vicinity of the Senior Citizen's Club and the Boat Ramp (IWC 5/19 – Infrastructure Works and Development Committee - 11 February 2019)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	33/19
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Infrastructure Works and Development Manager
<b>Officers Comments:</b>	Approval process underway

<b>Resolution Title:</b>	<b>Ronald Stormwater Catchment Risk Assessment (IWC 6/19 – Infrastructure Works and Development Committee – 11 February 2019)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	33/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Infrastructure Works and Development Manager
<b>Officers Comments:</b>	Forward capital works program amended
<b>Resolution Title:</b>	<b>Cradle Coast Waste Governance (IWC 7/19 – Infrastructure Works and Development Committee – 11 February 2019)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	33/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	All relevant bodies and authorities have been notified of Council's decision.
<b>Resolution Title:</b>	<b>Infrastructure and Works Report (IWC 9/19 – Infrastructure Works and Development Committee – 11 February 2019)</b>
<b>Date:</b>	25 February 2019
<b>Minute No.:</b>	33/19
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Infrastructure Works and Development Manager
<b>Officers Comments:</b>	New project created for 'John Stormwater Catchment upgrade – Stage 1'

#### Previous Resolutions Still Being Actioned

<b>Resolution Title:</b>	<b>Pensioner Parking Review (D558908)</b>
<b>Date:</b>	17 December 2018
<b>Minute No.:</b>	240/18
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	Executive Manager Corporate Services
<b>Officers Comments:</b>	Transition from vouchers booklets to a permit system underway.
<b>Resolution Title:</b>	<b>Future Visitation – Australian Navy Ships – Notice of Motion – Ald L M Laycock (D549874)</b>
<b>Date:</b>	22 October 2018
<b>Minute No.:</b>	187/18
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Discussions held with TasPorts meeting to be coordinated.

<b>Resolution Title:</b>	<b>Mary Binks Memorial (D544264)</b>
<b>Date:</b>	24 September 2018
<b>Minute No.:</b>	169/18
<b>Status:</b>	Completed
<b>Responsible Officer:</b>	General Manager
<b>Officers Comments:</b>	Unveiling to be held on Saturday 30 March 2019.
<b>Resolution Title:</b>	<b>Review of Devonport City Council Strategic Plan 2009-2030 (GFC 52/18 – 17 September 2018)</b>
<b>Date:</b>	24 September 2018
<b>Minute No.:</b>	178/18
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Executive Manager Organisational Performance
<b>Officers Comments:</b>	The updated strategic plan to be discussed at the April Workshop.
<b>Resolution Title:</b>	<b>Disability/Equal Access and Inclusion (D491448)</b>
<b>Date:</b>	25 September 2017
<b>Minute No.:</b>	181/17
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Community Services Manager
<b>Officers Comments:</b>	Feedback received on proposed draft actions – Strategy to be finalised.
<b>Resolution Title:</b>	<b>Funding &amp; Assistance – Home Hill – NOM – Ald Laycock</b>
<b>Date:</b>	26 September 2016
<b>Minute No.:</b>	170/16
<b>Status:</b>	In progress
<b>Responsible Officer:</b>	Convention and Arts Centre Director.
<b>Officers Comments:</b>	Following a meeting with National Trust further review of the garden plan being undertaken by the consultants appointed by National Trust.

**7.0 SECTION 23 COMMITTEES****7.1 GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING - 18 MARCH 2019**

File: 33784 D571829

**RELEVANCE TO COUNCIL'S PLANS & POLICIES**

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

**SUMMARY**

The purpose of this report is to receive the minutes and endorse the recommendations provided to Council by the Governance, Finance & Community Service Committee meeting held on Monday, 18 March 2019.

**ATTACHMENTS**

- [1.](#) Minutes - Governance, Finance & Community Service Committee - 18 March 2019

**RECOMMENDATION**

That the minutes of the Governance, Finance & Community Service Committee meeting held on Monday, 18 March 2019 be received and the recommendations contained therein be adopted.

- GFC 15/19 Public Land Register - Review of Register  
 GFC 16/19 Electoral Signage Policy  
 GFC 17/19 Community Survey 2019 - Research Report  
 GFC 18/19 Elected Members' Expenditure Report January and February 2019  
 GFC 19/19 Annual Plan Progress Report - 1 January 2019 to 28 February 2019  
 GFC 20/19 Budget Consultation 2019-20  
 GFC 21/19 Proposed Sale of Land - Canning Drive East Devonport  
 GFC 22/19 Finance Report to 28 February 2019  
 GFC 23/19 Minutes of Council's Special Interest Groups and Advisory boards  
 GFC 24/19 Terms of Reference for paranaple arts centre Special Advisory Committee  
 GFC 25/19 Community Services Report - January/February 2019  
 GFC 26/19 Arts and Culture Report - January/February 2019  
 GFC 27/19 Governance and Finance Report

Author:	Robyn Woolsey	Endorsed By:	Paul West
Position:	Executive Assistant Management	Position:	General Manager

**MINUTES OF A GOVERNANCE, FINANCE & COMMUNITY SERVICE COMMITTEE MEETING OF THE DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, paranapple centre, 137 ROOKE STREET, DEVONPORT ON MONDAY, 18 MARCH 2019 COMMENCING AT 5:30PM**

**PRESENT:** Cr A Jarman (Chairman)  
Cr J Alexiou  
Cr G Ennis  
Cr L Laycock  
Cr S Milbourne  
Cr A Rockliff

**Councillors in Attendance:**

Cr P Hollister  
Cr L Murphy  
Cr L Perry

**Council Officers:**

General Manager, P West  
Deputy General Manager, M Atkins  
Executive Manager Corporate Services, J Griffith  
Executive Manager Organisational Performance, K Peebles  
Community Services Manager, K Hampton  
Convention and Arts Centre Manager, G Dobson  
Finance Manager, J Jackson

**Audio Recording:**

All persons in attendance were advised that it is Council policy to record Council meetings, in accordance with Council's Audio Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

**1.0 APOLOGIES**

There were no apologies received.

**2.0 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**3.0 PROCEDURAL****3.1 PUBLIC QUESTION TIME****BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT**

**Q1** Deputy Mayor and Councillors, now that Lot 1 subdivision to facilitate the hotel development has been approved by Council and the building that was occupied by Harris Scarfe has been demolished at a shared cost between Fairbrother and Council, can Council confirm that the current arrangement with Fairbrother now includes a guarantee to build a hotel in accordance with the concept drawings; and

**Q2** What is the anticipated date of the commencement for construction of the hotel?

**Response**

The General Manager advised that the situation is that the concept design for the hotel is what is expected to be built in accordance with the DA that was submitted and the second part of the question, the anticipated date would be within the next two months.

**RODNEY RUSSELL – 225 STEELE STREET, DEVONPORT**

Item 4.3 Community Survey. I was one of those that did the EMRS telephone survey I was called on my landline phone number so I can see that it is possible that Devonport City Council would have my name if EMRS handed on this information to Devonport City Council as part of the results.

**Q1** Do you have the results with numbers and names?

**Response**

The Chairperson advised that, no we don't. You will see tonight in the actual report, we have actually got the report for you to see and no, there are no names, there is just a survey with statistics.

**Q2** Item 5.1 Finance Report, page 136 to the end of February, Fees and User Charges were unfavourable, relates to rental income. Could you be a little bit more informative on the rental income?

**Response**

The General Manager advised that the unfavourable amount at this stage is based on user charges and fees, as the commentary states a forecast adjustment of \$160,000 has been made, but at this stage there is only a \$56,000 unfavourable variance and it is made up of a number of items, including some rental income that we haven't received, but there is also additional fees and charges that we have received, so it is a real mixture of things which makes up the variation.

**MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA**

My question is to the General Manager. I received a letter some time back. It was a question from the 26 March 2018, initially and my question at that time was:

*Will you reaffirm that there were six expressions of interest received from hotel developers?*

The response was:

*As previously advised Council received six submission, from a mix of both operators and developers in response to its expression of interest process for the development of the LIVING CITY Waterfront Hotel. The information relating to the Expression of interest process for the Waterfront was considered by Council in Closed Session and there is no intention to provide specific details other than what has previously been released by Council publicly.*

This is a little bit of a follow up where the previous Mayor, had stated at an AGM that there were six expressions of interest from hotel developers. My question to Mr West tonight is and let me be very clear that there were six submissions from a mix of both operators and developers in response to the expressions of interest.

**Q1** Do you stand by the accuracy of your statement that submission were received from a mix of both operators (plural) and developers (plural)?

**Response**

The General Manager advised that the correspondence that you are referring to if that's what is stated in that letter, (which I don't have in front of me), I would stand by the comments that were provided at that time in that correspondence.

**Malcolm Gardam**

So there was more than one developer?

**Response**

The General Manager advised that as the letter outlines all of those discussions in relation to hotel development were considered by Council in Closed Session and I am not at liberty to give any more information than I already have.

**BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT**

**Q3** I note on page 136 Attachment (1) of the Agenda – Financial Report the following, Fees and User Charges - \$56K Unfavourable. Deputy Mayor, can the author of the report elaborate about the rental returns being in the majority of the amount owing and the forecast adjustment of \$160K; will the majority of that amount of \$160K be attributed to one particular property?

**Response**

The General Manager advised that the response provided to Mr Russell's question remains all that can be provided.

**RODNEY RUSSELL – 225 STEELE STREET, DEVONPORT**

**Q3** Agenda Item 7.3 Governance and Finance Report, Organisational Performance, page 181 with a reference of REG/471. Transfer of Land Titles – Devonport City Council to the Crown with \$0.00 in consideration of a development agreement dated 9/12/2016. Can you give us more information please?

**Response**

The General Manager advised that the question would be taken on notice and a response provided in writing.

**MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA**

**Q3** On page 136 of the current agenda. The second item, Fees and User Charges \$56K unfavourable. It states "the majority of the unfavourable variance relates to rental income. A forecast adjustment of \$160K has been made". My question relates to the second part of that statement. In layman's terms, a forecast adjustment of \$160K has been made, does that mean that we are now adjusting the budgets to accommodate a \$160,000 lost revenue, which again in layman's terms means that going forward we will be able to say that the outcome is favourable and potentially we have met budget, or exceeded budget in the future?

**Response**

The General Manager responded, Council do not modify its budgets. At this stage of the year we start to provide a forecast, so that when we get to end of the year, we are forecasting where we think we will end up to assist budgeting for the next year. The actual budgets that were adopted in June last year are the budgets that we will report against in the Annual Report, so if there is a reduction in the amount of fees and charges we receive for the year, then they will be clearly outlined in the Annual Report in the financial statements.

**3.2 QUESTIONS FROM COUNCILLORS**

Nil

**3.3 NOTICES OF MOTION**

Nil

**4.0 GOVERNANCE REPORTS****4.1 PUBLIC LAND REGISTER - REVIEW OF REGISTER (D567522)****GFC 15/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Laycock

That it be recommended to Council that:

(a) the Public Land Register be updated to include land at:

- Loane Avenue, East Devonport;
- John Street, East Devonport;
- 33 Dana Drive, Devonport; and
- 46 Dana Drive, Devonport and

(b) an updated copy of the Register be publicly available on Council's website and at the Council offices.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

**4.2 ELECTORAL SIGNAGE POLICY (D566917)****GFC 16/19 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Milbourne

That it be recommended to Council that the Electoral Signage Policy be adopted with immediate effect.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

**4.3 COMMUNITY SURVEY 2019 - RESEARCH REPORT (D569645)****GFC 17/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Ennis

That it be recommended to Council that the results of the EMRS Survey be received and noted and that the information contained in the Research Report be considered during the review of the Strategic Plan.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

#### 4.4 ELECTED MEMBERS' EXPENDITURE REPORT JANUARY AND FEBRUARY 2019 (D569903)

##### GFC 18/19 RESOLUTION

MOVED: Cr Laycock  
SECONDED: Cr Milbourne

That it be recommended to Council that the bi-monthly report advising of Councillor allowances and expenses be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

#### 4.5 ANNUAL PLAN PROGRESS REPORT - 1 JANUARY 2019 TO 28 FEBRUARY 2019 (D569914)

##### GFC 19/19 RESOLUTION

MOVED: Cr Rockliff  
SECONDED: Cr Milbourne

That it be recommended to Council that the 2018/19 Annual Plan Progress Report for the period ended 28 February 2019 be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

#### 4.6 BUDGET CONSULTATION 2019-20 (D564437)

##### GFC 20/19 RESOLUTION

MOVED: Cr Laycock  
SECONDED: Cr Rockliff

That it be recommended to Council that it receive and note the Budget Consultation 2019-20 report and refer submissions to its budget considerations.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

**4.7 PROPOSED SALE OF LAND - CANNING DRIVE EAST DEVONPORT (D566689)****GFC 21/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Alexiou

That it be recommended to Council that in relation to property owned by it at Canning Drive, East Devonport, Council:

- (a) determine that the property is surplus to its requirements and therefore is to be sold;
- (b) authorise the General Manager to obtain an independent valuation of the title;
- (c) in consultation with Council's real estate service provider, Michael Burr Real Estate, progress the sale of the land; and
- (d) authorise the General Manager to accept any offer which is equal to, or more than, the independent valuation.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

**5.0 FINANCE REPORTS****5.1 FINANCE REPORT TO 28 FEBRUARY 2019 (D570728)****GFC 22/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Alexiou

That it be recommended to Council that the Finance Report for February 2019 be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Enniss	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

**6.0 COMMUNITY SERVICES REPORTS****6.1 MINUTES OF COUNCIL'S SPECIAL INTEREST GROUPS AND ADVISORY BOARDS (D568329)****GFC 23/19 RESOLUTION**

MOVED: Cr Laycock

SECONDED: Cr Ennis

That it be recommended to Council that the minutes of the East Devonport Special Interest Group be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

**6.2 TERMS OF REFERENCE FOR PARANAPLE ARTS CENTRE SPECIAL ADVISORY COMMITTEE (D569476)****GFC 24/19 RESOLUTION**

MOVED: Cr Rockliff

SECONDED: Cr Laycock

That it be recommended to Council that it endorse the terms of reference for the paranaple arts centre Special Advisory Committee, under Section 24 of the *Local Government Act 1993*, noting this will result in the:

- a) amalgamation of the current Devonport Regional Gallery Advisory Board and former Public Art Special Interest Group;
- b) broadening of function to include performing arts programming in context to the paranaple arts centre;
- c) seeking of members for the new committee in July 2019, in accordance with the biennially reviewed membership clause of the current Advisory Board members.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

**7.0 INFORMATION REPORTS****7.1 COMMUNITY SERVICES REPORT - JANUARY/FEBRUARY 2019 (D563935)****GFC 25/19 RESOLUTION**

MOVED: Cr Milbourne

SECONDED: Cr Rockliff

That it be recommended to Council that the Community Service report be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

## 7.2 ARTS AND CULTURE REPORT - JANUARY/FEBRUARY 2019 (D563943)

### GFC 26/19 RESOLUTION

MOVED: Cr Rockliff

SECONDED: Cr Alexiou

That it be recommended to Council that the Arts and Culture report be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

## 7.3 GOVERNANCE AND FINANCE REPORT (D570267)

### GFC 27/19 RESOLUTION

MOVED: Cr Laycock

SECONDED: Cr Milbourne

That it be recommended to Council that the Governance and Finance report be received and noted.

	For	Against		For	Against
Cr Jarman	✓		Cr Laycock	✓	
Cr Alexiou	✓		Cr Milbourne	✓	
Cr Ennis	✓		Cr Rockliff	✓	

CARRIED UNANIMOUSLY

**There being no further business on the agenda the Chairperson declared the meeting closed at 6:03pm.**

Confirmed

Chairperson

## 8.0 CLOSED SESSION

### RECOMMENDATION

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following be dealt with in Closed Session.

<b>Item No</b>	<b>Matter</b>	<b>Local Government (Meeting Procedures) Regulations 2015 Reference</b>
8.1	Confirmation of Closed Minutes - Council Meeting - 25 February 2019	15(2)(g)
8.2	Application for Leave of Absence	15(2)(i)
8.3	Unconfirmed Minutes - Joint Authorities	15(2)(g)
8.4	Providore Place	15(2)(g)

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## OUT OF CLOSED SESSION

### RECOMMENDATION

That Council:

- (a) having met and dealt with its business formally move out of Closed Session; and
- (b) resolves to report that it has determined the following:

Item No	Matter	Outcome
8.1	Confirmation of Closed Minutes - Council Meeting - 25 February 2019	Confirmed
8.2	Application for Leave of Absence	
8.3	Unconfirmed Minutes - Joint Authorities	Noted
8.4	Providore Place	

## 9.0 CLOSURE

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