



GENERAL MEETING

AGENDA



**C₃ Convention Centre
South Hobart**

Wednesday 20 July 2016

**Commencing
immediately following
the conclusion of the
AGM**

**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.

Schedule

10.30	Coffee on arrival
11.00	Annual General Meeting
11.15 approx	General Meeting commences immediately following the conclusion of the AGM
12.00	The Hon Peter Gutwein MP Minister for Planning and Local Government
1.00	Lunch
2.00	Karen Hampton President LG Professionals Australia Tas

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*** DENOTES ATTACHMENT**

1 MINUTES *

Decision Sought

That the Minutes of the meeting held on 22 April 2016, as circulated, be confirmed.

The Minutes of the General Meetings held on 22 April, 2016 as circulated, are submitted for confirmation and are at **Attachment to Item 1.**

2 CONFIRMATION OF AGENDA & ORDER OF BUSINESS

Decision Sought

That the agenda and order of business be confirmed.

Delegates are invited to confirm the agenda and order of business as presented.

3 PRESIDENTS REPORT

Decision Sought

That Members note the report on activity since the last General Meeting.

Meetings

- Weekly meetings with the LGAT CEO
- Review of the *Local Government Act* Steering Committee.
- TasWater re Election Strategy/Election Funding
- ALGA Board and National General Assembly
- Meetings with key members of Federal Liberal and Labor teams re LGAT election advocacy
- Visit to Circular Head Council
- General Management Committee
- Premier's Local Government Council

Media/Communication

- Fortnightly editions of The Pulse
- Launch of LGAT election document including media
- Media re state budget, GMC vacancy
- Launch of the Good Governance Guide
- Flood Media Release

4 CEOs REPORT

Decision Sought

That Members note the report on activity since the last General Meeting.

Key meetings and events

- 2IC workshop
- ALGA National General Assembly
- Audit Office regarding changes to accounting standards/related party disclosures
- Budget Breakfast
- DPIPWE regarding Cat Management Plan
- Director of Local Government – regular meetings
- General Management Committee Meeting
- General Meeting
- Governance Institute re training for audit panels
- Hosted a meeting with the Regional Authority CEOs
- Housing Tasmania regarding Affordable Housing Strategy
- Institute of Internal Auditors
- Integrity Commission regarding Gifts and Benefits
- Local Government Professionals Australia National Congress
- LGAT Update to Local Government Professionals Southern Branch Meeting
- Local Government Professionals Australia (TAS) Board Meeting
- Local Government Professionals Excellence Awards – 2 LGAT staff finalists
- MAV Insurance Board Meeting
- Mayors Workshop
- Meeting with DHHS/Public Health – new directors
- Planning reform taskforce x 2
- Premier’s Local Government Council Officials Meeting
- Premier’s Local Government Council Strategic Action Plan Implementation Steering Committee
- Premier’s Local Government Council Meeting
- Regular meetings with the President
- Review of the *Local Government Act* Steering Committee
- Road Safety Advisory Council Meeting
- Roger Jaensch – general issues including free camping
- Sean Terry – advisor to Minister Groom re energy
- Several Meetings with the Tasmanian Planning Commission re Tasmanian Planning Scheme and lplan
- Simmons Wolfhagen re Rules Amendments
- Teleconference with General Managers regarding enterprise bargaining
- Visit to Circular Head Council
- Volunteering Tasmania Awards Ceremony (as executive judge)

- With the President, advocacy with key members Federal Liberal/Labor teams

Strategic and Policy Activity

- Election advocacy document – *Partnering for Prosperity*
- Review of the LGAT Annual Plan
- Review of policy activity including submissions and strategic communications plan
- Development of Local Government advertising campaign
- Review of the *Local Government Act* including participation on the Steering Committee and sector submission
- Finalisation of conference program with Communications Manager

Media and Messaging

- Air BnB
- Election signage
- Floods (Press Release, Radio)
- Launch of election advocacy document (media advisory, media release)
- LGAT GMC Vacancy
- LGAT Magazine article
- Media marine farming
- Rates
- State Budget (Press Release)
- Submitted Opinion Piece to the Examiner on Land Use Planning

Organisational

- Advertised for Policy Officer
- Budget and subscription processes
- Development of strategic technology plan and RFQ regarding IT upgrades at LGAT
- General advice to councillors
- General ongoing support for the President
- GMC vacancy and related activity
- Interviews for joint LGPro/LGAT Executive Officer
- LGAT Governance framework
- Staff performance appraisals

5 BUSINESS ARISING *

Decision Sought

That Members note the following information.

At **Attachment to Item 5** is a schedule of business considered at the meeting held on 22 April 2016 and the status thereof.

6 FOLLOW UP OF MOTIONS *

Contact Officer: Dion Lester

Decision Sought

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

Follow up on outstanding motions

A matrix indicating progress to date on motions passed at General Meetings, which remained outstanding at the last General Meeting, is at **Attachment to Item 6**.

7 MONTHLY REPORTS TO COUNCILS *

Decision Sought

That Members note the reports for March, April and May 2016.

Background comment:

Monthly reports to Councils that briefly outline the Associations activities and outcomes for the previous months are at **Attachment to Item 7**.

8 ITEMS FOR NOTING

8.1 Review of *The Local Government Act* * Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

Background Comment:

The Minister for Planning and Local Government, Hon Peter Gutwein MP, released the *Targeted Review of the Local Government Act Discussion Paper* for consultation in April 2016.

The Discussion Paper outlined a range of ideas on how the *Local Government Act 1993* (the Act) can be improved to help ensure good governance and the Minister sought feedback on these ideas from Local Government and members of the community.

LGAT made a sectoral submission to the review based on feedback from Councils. A copy is provided at **Attachment to Item 8**. Individuals were also invited to provide feedback.

The Steering Committee is due to meet on 13 July and there will be opportunity to informally road test recommendations with councils prior to a final report being submitted to the Minister. This includes through a Mayor's workshop prior to the LGAT AGM and the General Manager's Technical Reference Group which is meeting on the 19 July, 2016.

Significantly, there was consistent feedback that the legislation should not be amended to deal with specific issues and it is important that flexibility is retained as well as the contemporary Board style of governance, with a clear divide between strategic and operational activities of Council.

There was also a consistent message that improved guidance on a range of matters was required, but that this did not necessarily need to be framed as legislation.

Budget Impact

Managed within current resources.

Current Policy

Strategic Plan:

Priority Area 2: Sector Profile and Reform

8.2 Local Government Reform
Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

Background Comment:

A verbal update will be provided at the meeting by the CEO.

Budget Impact

Managed within current resources.

Current Policy

Strategic Plan:

Priority Area 2: Sector Profile and Reform

8.3 Australian Local Government Association Activity
Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

Background Comment:

The ALGA National General Assembly (NGA) is to be held from the 20-22 June, 2016 and will be attended by the LGAT President, Vice President and CEO.

Prior to this the ALGA Board Meeting (18 June) and the Regional Cooperation and Development Forum (19 June) are to be held.

National General Assembly

The theme this year is *Partners in an Innovative and Prosperous Australia*. This underlines the contribution of Local Government to national economic prosperity including through the employment of nearly 190,000 Australians, owning and managing non financial assets with a replacement value of \$437M, and with an annual operational expenditure of around \$33 billion (or just under 6 per cent of total public sector spending).

Each of the major parties has been invited to speak and the NGA provides an important opportunity to outline their vision for Local Government and respond to ALGA's election advocacy. The certainty of speakers has been impacted by the forthcoming Federal election.

There will be panel sessions on the future of Local Government, surfing the wave of disruption and digital transformation and concurrent sessions on new approaches to business and the infrastructure challenge.

Delegates will vote on a range of motions covering topics such as Financial Assistance Grants and Local Government funding generally; rate capping; Roads to Recovery; funding for stormwater infrastructure. With respect to Tasmanian councils, only one motion was received - Hobart City Council regarding CSIRO cuts.

ALGA Board Meeting

Items to be discussed at the Board Meeting include future work on the State of the Assets Report; the ALGA Budget; disbursement of Government Skills Australia Funding; Regional Development Policy; the Federal Election; IPWEA Street Lighting and Smart Control; the Roads Congress; and Local Government Association Research.

Regional Cooperation and Development Forum

This is the official launch for the State of the Regions Report and provides an opportunity to share ideas and opportunities through a mix of academic and practitioner insights.

The President will provide any further updates at the Meeting.

Budget Impact

Attendance is budgeted for.

Current Policy

Strategic Plan:

Priority Area 1: Strategic Relationships

8.4 Policy Update

Decision Sought

That members note the following report

Building regulatory Framework Review

The *Building Bill 2016* was recently passed by both Houses of Parliament and is anticipated to be enacted into legislation in late 2016. The new legislation forms part of the revised Tasmanian Building Regulatory Framework which aims to reduce unnecessary red tape and support the industry, whilst providing additional support and protection for consumers. Councils have been working with the State Government's Division of Building Control throughout the development of the Framework. Recently concerns have been raised both by councils and the LGAT in relation to the timing of the transition and implementation of the new legislative provisions; with the initial commencement mooted as 1 July 2016. However, commencement is now likely to occur between November 2016 and January 2017, which allows time for councils to consider systems, processes, forms and IT factors.

Building Control has advised LGAT of its intention to provide councils with training in September/October to assist in implementing the new legislative provisions. LGAT will continue to work with the Division in order to ensure councils get adequate access to training sessions and venues.

Disability Access

LGAT has partnered with the Local Government Division of the Department of Premier and Cabinet to form a Disability Access Working Group. Auspiced under the Tasmanian Government's *Tasmanian Disability Framework for Action 2013-17*, the aims of the Working Group include to:

- Identify what Tasmanian councils need to enhance capacity to better deliver information, services, employment opportunities and facilities that are accessible to people with disability;
- Develop and promote resources based on best practice to guide Local Government; and
- Facilitate information sharing, build networks and raise awareness.

A first initiative of the Working Group was a capacity building forum for Local Government staff on disability access held on 2 June 2016. In recognition that impairments will affect many people in some form as they live their lives, staff from a variety of activity areas in councils participated, including access officers, planners, policy officers, health and ageing officers, managers and administration staff. The forum aimed to share experience and knowledge to:

- Hear ideas, identify issues and discuss opportunities for improvements;
- Provide an opportunity to share knowledge, skills, experience and resources;
- Encourage networking, relationships and collaboration; and
- Strengthen the capacity of Local Government to promote and support disability access.

A second forum is under development in conjunction with the Departments of Premier and Cabinet and Justice. The forum will target the building industry, planners and Local Government and will look at the benefits of Universal Access, *the Building Act*, Planning schemes and the premises standard. More information will be provided soon.

Procurement

Tenders

The National Procurement Network (NPN) invited tenders for the supply of Work wear and Personal Protective Equipment (PPE) to councils across TAS, VIC, NSW, NT, Qld and WA and evaluation of suppliers who expressed interest in participating in the panel is currently underway.

Discussions are underway regarding potential NPN contracts for Waste, IT hardware and Microsoft goods and services.

Standard documentation

LGAT has identified key procurement documents that will be developed as standard documents and made available to councils through the LGAT extranet site in the latter part of 2016. The documents are:

1. Request for Tender
2. Request for Quotation
3. Services Agreement
4. Minor Works Agreement
5. Equipment Supply Agreement

Affordable Housing

LGAT met with a representative from Housing Tasmania to discuss the States Affordable Housing Strategy (2015 – 2019) and the associated Action Plan. Funding is available to promote regional supply of housing. Specific details of the potential programs that will be available are to be announced in late 2016.

The expectation is that the State will enter into partnership arrangements with various sectors, including Local Government, for a variety of housing options from rental through to ownership, for a range of target groups. Further details will be provided to councils as they come to hand.

Cat Management Plan

During late April the Minister for Primary Industries and Water, Jeremy Rockliff, released the draft Cat Management Plan for comment.

The plan outlines ways that cats can be better managed in Tasmania, with key areas of focus being domestic, stray and feral cats, the breeding of cats, cat-borne diseases, environmental, agricultural and human health impacts.

A significant number of the draft actions identify Local Government as one of the key stakeholders responsible for implementation. The actions which relate to the enforcement are likely to have the greatest resource implications on Local Government.

A working group including Local Government has been established to begin discussions around the roles and responsibilities of the different parties in the management of Cats.

LGAT is also developing a whole of sector response to the plan.

State Emergency Services Volunteer Unit Funding

On 27 April 2016 the Parliamentary Standing Committee on Community Development handed down its report in relation to the Inquiry into the State Fire Commission. The report made a number of recommendations. The recommendations that relate to Local Government were that:

- The Fire Services Act be reviewed and reformed to allow for:
 - a centralised funding model for State Emergency Service (SES); and
 - SES Resources to be allocated according to the risk and not according to local government municipal boundaries
- The Fuel Reduction Program be maintained and have its budget directly funded to ensure that the program continues and does not hinder other services and programs. The report recommended that the Government investigate financing this program through the State Fire Commissions budget which may see an increase to the fire service levy which councils collect on behalf of the State.
- An independent chair governs the State Fire Commission and that the Governance arrangements are included in the reform of the governing legislation. The Committee also noted the potential benefits of an independent skill-based board including the reduction in perceived conflict of interests and improved governance practices. This may impact on LGAT representation on the State Fire Commission.

The Government is yet to respond to these recommendations.

The Wise Lord and Ferguson (WL&F) draft audit of SES funding has now been submitted. The report has estimated a total cost of SES of \$4.86 million (excluding the cost of SES volunteer unit facilities). In the 2014/15 year the total contributions from all stakeholders was \$4.1 million of which Councils contributed \$454,766 (excluding the in-kind contribution that some councils provide through the provision of a facility to house volunteer units or in-kind man hours provided by council staff).

A working group chaired by the Tasmanian Fire Service (TFS), and involving members from LGAT, TFS, SES and TFS Corporate Services has been established to explore options for the centralisation of SES volunteer services and the funding for SES volunteer assets and resources. It is likely that the working group will be reconvened once the Government has responded to the Inquiry into the State Fire Commission.

Department of Justice review into Tasmanian Emergency Management Arrangements

The Department of Justice (DoJ) was tasked with an independent review of Tasmania's emergency management arrangements as per recommendation 100 of the Hyde report into the 2013 Tasmanian bushfires. DoJ made 52 recommendations which were adopted by Cabinet on 4 November 2015. The recommendations are now being implemented and can be categorised in the following distinct areas:

- Review of the Tasmanian Emergency Management Plan;
- Review State Emergency Management Committee terms of reference;
- New Ministerial Emergency Management Committee;
- Review State Crisis Centre Guidelines and control arrangements;
- Enhance exercise management arrangements;
- Amend emergency management legislation;
- Enhance emergency management support to Local Government;
- Enhance disaster recovery arrangements;
- Enhance communications and information systems support; and
- Other structural changes and reviews.

LGAT sits on the outputs steering committee for the implementation project.

Councils will be consulted on issues around implementation where issues involving councils arise. The first area of focus is likely to be the amendments to the Emergency Management Act 2006.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan:

- Priority Area 1: Strategic Relationships
- Priority Area 3: Financial Sustainability
- Priority Area 4: Sector Capacity

**8.5 LGAT Professional Development Program
Contact Officer – Alyce Jordan**

Decision Sought

That Members note the update on the Local Government Professional Development Program.

Background

In June 2014 LGAT launched its annual professional development program for members. Since inception LGAT has delivered a significant number of Local Government targeted programs to elected members and council officers. During the 2015/2016 financial year LGAT delivered approximately 15 sessions to around 300 elected members/staff.

Programs delivered in 2015/2016 have included:

- Disability Forums;
- Workforce Planning;
- General Scene Management;
- Operational Skills;
- Funding and Grants Workshops;
- Good Governance;
- LGAT Breakfast Series;
- Tasmanian Planning Scheme and Natural Assets Code Workshops;
- Workshops for Mayors, General Managers and 2IC's ; and
- Elected Member Weekends.

A number of offerings are planned for the 2016/2017 financial year. Areas of focus include; procurement, audit panel training, asset management, road management, and fire abatement to name a few. In addition, LGAT is investigating the introduction of online e-learning for the induction of elected members and staff.

LGAT has recently appointed a part time staff member to focus on LGAT events and professional development programs. The appointment is in partnership with Local Government Professionals Tasmania.

Councils are encouraged to contact LGAT to discuss training needs.

Budget Implications

Due to the new appointment, remuneration for 2 days per week is included in budget estimates.

8.6 Staffing Changes at LGAT

Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report.

Background Comment:

Since the last General Meeting Alyce Jordan has commenced at LGAT as Executive Officer. This position is seconded to the Local Government Professionals Australia (TAS) for 60 per cent of the time. The remaining 40 percent of Alyce's time will be used to support delivery of professional development opportunities for elected members and staff, freeing up some Policy capacity.

Kate Hiscock has tendered her resignation. Kate has been with LGAT since 2009 and most recently has managed LGAT's electricity and street lighting work and overseen the social policy portfolio. Kate will be taking up a position with Aurora and her last date is 30 June, 2106 LGAT has advertised for her replacement with applications closing on 27 June.

Budget Impact

Within budget.

Current Policy

Strategic Plan:

- Priority Area 1: Strategic Relationships
- Priority Area 2: Sector Capacity

9 ITEMS FOR DECISION

9.1 LGAT Subscriptions

Contact Officer: Katrena Stephenson

Decision Sought

That Members agree:

1. That LGAT undertake subscription modelling for consideration by councils.
2. That the focus of the modelling is to be aligned with practice in other jurisdictions and agreed by General Managers at their September 2016 workshop.
3. That any change to the subscription formula be agreed in principle by March 2017 to align with the LGAT Budget process, with formal adoption at the 2017 AGM.

Background Comment:

At the General Meeting on 22 April, 2016 when discussing potential changes to the LGAT Rules, Members were also asked to agree "any modelling to be undertaken on subscriptions for consideration as a Rule Amendment at the 2017 AGM". This motion was LOST but some subsequent feedback suggests that there had been confusion with a focus on the timing of the modelling rather than a lack of support for new modelling. LGAT would like to confirm the position of Members.

Key considerations for making this decision are:

- The difficulty in any change is that there will be winners and losers and this makes it challenging to settle on a formula that all agree with;
- This matter has been revisited on a number of occasions but the present system has been agreed by the membership as one which provides a reasonable, if not perfect, level of equity;
- Any move to a new formula will require some significant modelling and consultation and ample notice of change; and
- Given the relatively lean resources at LGAT, any modelling requirements must be contained to a few likely scenarios.

As outlined at the April Meeting, the issue of voting has been raised in recent times with no support to move away from a population basis aligning with community representation. From time to time the subscription methodology is raised as needing consideration but there have been no motions with regard to the formula since the Rule changes of 2007.

The Rules currently are that each council will be placed within an AAV category according to the reporting in the Annual Report of the State Grants Commission.

Each Council in the category pays an equal share of the categories percentage towards the Annual Subscription as determined by the Budget adopted at the AGM.

There are six categories as outlined in the table below.

Total Assessed Revenue Category	Average percent payable by the category towards the Association's annual subscription determined by the budget adopted at the Annual General Meeting
\$	Average %
0 – up to 4.5 million	1.85
4.5 million up to 7 million	2.70
7 million up to 10 million	3.60
10 million up to 20 million	4.10
20 million up to 30 million	4.60
30 million and over	5.10

On occasion a Council will move up or down a category.

In 2007 there was recognition that land valuations had increased considerably and that councils undergoing revaluations were being impacted significantly by the category structure. It was also noted that revaluations of Flinders, Tasman and King Island Councils were likely to have a dramatic impact on the proposed model and subsequent adjustments were made to the proposed structure as a consequence of those changed circumstances.

A net AAV basis had been viewed as the most equitable means upon which to assign proportionate costs across councils for the operations of the Association. But in relation to the fluctuations a number of possible alternatives were considered ranging from setting subscriptions on the basis of the population of each council through to levying subscriptions on the basis of the relative general rates of councils, net of user charges.

There is sometimes criticism about the lack of alignment between the subscription formula and the voting formula. At present, the Association's voting arrangements are based on population. This recognises the concept of representation rather than a propensity to pay. The voting range (1 - 4) acknowledges the population of the councils across four categories and provides councils with a vote on Association proceedings in line with the number of people they represent in their municipality.

While a 4-level structure could be considered relatively narrow and inadequate, its origins reflect the fact that a one vote/one council system was not acceptable to the majority of the membership.

Scenarios considered and rejected in 2007 included a population basis for subscriptions and a general rate basis. In the end a revision of the existing arrangements was agreed to smooth some category difficulties with the expectation that indexed valuations would prevent significant shifts in the future.

In most other jurisdictions the Rules are silent on the formula for subscriptions and are determined by the Board or through a resolution at a General Meeting.

The most common formula (applied in Queensland, NSW and Western Australia at this time) firstly involved the determination of the total revenue requirement from all subscriptions (similar to LGAT) and then the calculation of individual membership using the following elements:

- A flat fee component (40% of total required revenue required divided by all members);
- A population based component (30% of total required revenue distributed across population bands) and
- An expenditure based component (30% of the total required revenue distributed across expenditure bands).

The LGA SA committed to review their formula last year but had been using a population and revenue based formula with a cap so that no Council paid more than three times the average or a five per cent increase related to population and revenue changes in any year.

Budget Impact

Does not apply.

Current Policy

As outlined.

9.2 Planning Reform

Contact Officer: Dion Lester

Decision Sought

That Members note the progress of the State Government's planning reforms.

That Members endorse the identified reform agenda priorities from a Local Government perspective, being -

- **State Planning Policy development;**
- **A greater emphasis on Regional Planning;**
- **Improving the planning appeal process;**
- **Changing notification requirements for discretionary applications; and**
- **Consolidating subdivision legislation.**

Current Policy

At the time of writing the Tasmanian Planning Commission (TPC) had scheduled the directions hearings on the State Planning Provisions (SPPs) for the Tasmanian Planning Scheme (TPS) for the last week in June. The directions hearings will address the following matters:

- (a) The purpose of hearings and the scope of matters to be considered;
- (b) Representors and parties to be heard; and
- (c) Hearing dates, times and venues.

Full hearings are expected to occur throughout July and possibly into August. The TPC has until 18 August to undertake hearings and produce a report for the Minister on the SPPs, representations and any recommendations for modifications to the SPPs as a result of its assessment. Given this timeframe, the TPC has indicated that they will only have the resources & time available to deal with critical issues (such as legal or technical flaws) and priority concerns in the SPPs. LGAT is having regular meetings with the TPC and the Department of Justice Planning Policy Unit (who are likely to advise the Minister on the TPCs recommendations).

Councils will need to start considering their Local Provision Schedules very soon and LGAT is in discussions with the Department of Justice as to what support can be provided to councils in this process.

What planning reform does Local Government want?

At the December 2015 GMC Meeting it was moved that:

"LGAT develop a whole of sector planning reform position."

The current State Government planning reform agenda (and indeed all the recent reform from previous governments) has:

- Tended to have excessive focus on the assessment or regulatory aspects of our planning system;
- Been ad hoc in its nature; and
- Created a negative public perception of the planning system.

Land Use Planning reform has been top down and imposed on Local Government, despite the fact that far greater expertise in planning rests in our sector. This has resulted in Local Government being 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.

Over the past few months LGAT has engaged with representatives of Councils' Planning Departments (at the same time as discussions on the TPS have occurred) in order to develop an understanding of what Local Government planners believe should be the focus of reform.

This process has resulted in the following priority areas being suggested -

Development of State Planning Policies

It has been well established that Tasmania lacks a well articulated strategic foundation for our land use planning. The State Government has indicated that it will commence developing a suite of 'Tasmanian Planning Policies' during the second half of this year. However, the precise nature and extent of these is currently unknown and, as such there is a significant need to ensure this process is robust and delivers on what Local Government sees as the key issues.

Regional Planning

It has been recognised that there is an increasing need and role for regional planning, however, there is very little regional land use policy work currently being undertaken in Tasmania. While each of the three regions developed Regional Land Use Strategies, these documents are now in need of a review and update, particularly with the likely development of new State Planning Policies and the implementation of the Tasmanian Planning Scheme.

Planning Appeals

The appeals system in Tasmania could be improved if the Resource Management and Planning Appeal Tribunal (RMPAT) decisions focused less on legal interpretation and were determined with a greater emphasis on planning merit/intent. Were this to be the case, the appeal system could deliver better outcomes at a reduced cost to applicants, third parties and councils, by reducing the need for legal representation.

Discretionary Development Applications (DAs)

It has been suggested that there is merit in modifying the public scrutiny process for discretionary DAs, with greater control given to councils over when people should be notified. Currently, any variation to an acceptable solution, no matter how minor, renders the application discretionary; this triggers a statutory notification process and third-party appeal rights. This occurs even when the magnitude of variation or relaxation may be minor, or if the matter is entirely of a technical nature (such as site contamination). This can add unnecessarily to the time and cost of assessing the application.

Subdivision Legislation – Subdivision in Tasmania is variously regulated with the *Land Use Planning and Approvals Act* (via planning schemes) and the *Local Government Buildings and Miscellaneous Provisions Act*; and it is widely recognised within and outside the sector as being poorly integrated and having areas of overlap. There is a need to review how subdivision is dealt with and to rationalise the approach to create a more contemporary regulatory system.

If these reforms are supported then a communication strategy will be developed to convey these priorities to the State Government and more widely through appropriate means.

Budget Implications

Being undertaken within current resources, noting this currently forms a significant workload.

Current Policy

Strategic Plan:

- Priority Area 1: Strategic Relationships
- Priority Area 2: Sector Profile and Reform
- Priority Area 5: Land Use Planning and Environmental Sustainability

9.3 Waste Levy

Contact Officer: Dion Lester

Decision Sought

1. That the Meeting note that:

- a) **At the May 2016 Premier's Local Government Council meeting it was announced that the Government will not be introducing a state-wide levy on waste; and**
- b) **LGAT will be re-establishing the waste management reference group to provide a mechanism to allow for strategic consideration of waste issues across the state.**

2. That the Meeting agree that the LGAT, supported by the Waste Management Reference Group, develop recommendations for Members, with respect to a waste levy and/or waste strategy.

Background

At the May Premier's Local Government Council meeting, the State Government advised that they would not be introducing a waste levy.

Both Tasmania's Waste Advisory Committee and LGAT (following successful motions at the April 2011 and July 2012 General Meetings) have recommended the establishment of a waste levy to support implementation of the Tasmanian Waste and Resource Management Strategy 2009 and increase diversion from landfill.

There remains a need to collaboratively consider key waste issues strategically from a whole of sector basis.

In March 2014 the Tasmanian Waste Review, initiated by the Waste Advisory Committee (WAC), considered the current management practices for a number of priority waste streams and considered the performance of these in relation to other jurisdictions. The waste streams were municipal solid waste; industrial waste; clinical and quarantine waste; pit waste and sludges; and organic waste. The Review found that waste management practices and achievements in Tasmania continue to lag behind most other Australian states.

In other Australian states, the development of a robust recycling industry has been led by the introduction of a waste levy.

There are a number of practical waste management projects that require funding.

The Local Government Sector has previously suggested the following through the WAC:

- Assistance to increase the capacity of recycling facilities to create further value adding and to develop local markets;
- Increasing the recovery and recycling of e-waste, household hazardous waste, construction and industrial waste streams;
- Assistance for councils to establish a third bin system for organics, new processing facilities and to expand the collection of organic waste from businesses;
- Determining the feasibility of bioenergy recovery;
- Support for the expansion of local social enterprises and skills training in resource recovery and value adding; and
- Assistance in working with business and industry on waste avoidance activities.

These and a number of other opportunities for improvements to waste management and resource recovery exist in Tasmania, however none of these are feasible without the additional funding that a levy or alternative funding source would provide.

Critical constraints for proactive management of waste in Tasmania are the relatively low volumes (significant for the State but insufficient to attract private sector responses), lack of storage and treatment infrastructure and lack of processing and re-use options. These factors are highly interdependent.

In the absence of a commitment to a waste levy it will be important to commit to an appropriate mechanism to allow for strategic consideration of the issues across both State and Local Government so that alternative solutions can be articulated and costed. The re-establishment of the Waste Management Reference Group is considered the appropriate mechanism to achieve this and can be established during the first quarter of the 2016/17 financial year. The structure and terms of reference are yet to be confirmed, however it is expected to include representatives from each of the three regional waste authorities, Local Government officers with expertise in waste management and participation by State Government (EPA and State Growth).

A key task for the Waste Management Reference Group will be to form recommendations for Members with respect to future advocacy work on the issues of waste strategy and funding.

Budget Impact

The establishment and facilitation of the Reference Group can occur within existing resources.

Current Policy

Strategic Plan:

- Priority Area 1: Strategic relationships
- Priority Area 2: Land use planning and environmental sustainability

9.4 Tasmanian Constitutional Recognition For Aboriginal People *

Contact Officer: Dion Lester

Decision Sought

That members agree that LGAT write to the State Government supporting the proposed amendment to the Tasmanian Constitution to provide for constitutional recognition of Tasmanian Aboriginal people.

The Premier and Minister for Aboriginal Affairs, Will Hodgman MP, has announced a proposed amendment to the Tasmanian Constitution to provide for constitutional recognition of Tasmanian Aboriginal people. Tasmania is the only state in Australia that has not already provided for constitutional recognition of Aboriginal people.

The draft amendment to the preamble of the *Tasmanian Constitution Act 1934*, acknowledges and recognises the significant history of Tasmanian Aboriginal people. The draft amendment is consistent with the recommendations of the House of Assembly Standing Committee on Community Development Inquiry into the Constitutional Recognition of Aboriginal People as Tasmania's First People, tabled in November last year. The draft amendment to the preamble is included within the State Government's Information Sheet and is at **Attachment to Item 9.4**.

The Tasmanian Government is seeking feedback on the draft amendment to the Tasmanian Constitution.

Over the last two years, a number of councils and LGAT have been engaged with Recognise – a movement formed to recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution and this has included engagement with Members through our conference. While there has been no formal resolution by Members, anecdotal evidence suggests the proposition is well supported by the Local Government sector.

It seemed timely to establish a formal resolution to support our submission in Tasmania but also to provide direction for LGAT in relation to the national agenda.

Budget Impact

Not applicable

Current Policy

Strategic Plan

Priority Area 1 Strategic relationships

Motions For Which Notice Has Been Received

10 STRATEGIC RELATIONSHIPS

No Motions Received

11 ROADS AND INFRASTRUCTURE

11.1 Motion – Tourism Infrastructure Council – Break O'Day

Decision Sought

That LGAT call on the State Government to provide funding for upgrades, maintenance and provision of tourism infrastructure in areas where tourist numbers have increased significantly in recent years.

Background Comment

Tourism is a growing industry in Tasmania, with more than 1.1 million visitors to Tasmania (for the year ending March 2015). Visitor numbers have increased significantly in some areas, such as the East Coast (up 16% for the year ending March 2015). Additionally, visitors are spending more (up 12%) with \$1.88 billion spent in the year ending March 2015.

The Tasmanian Government has actively encouraged tourism in Tasmania, with projects such as the Great Eastern Drive. However with increased visitors, the demand for more and improved infrastructure increases. Much of the burden for funding infrastructure (such as amenity blocks, car-parking, footpaths and improved access roads) falls on Local Government. The infrastructure needs and expectations of visitors can require a significant allocation of small council's budgets. Tourists' experiences can be impacted by delays in providing infrastructure, and as such council's need access to a pool of state funding to ensure infrastructure can be upgraded and built in a timely manner.

LGAT Comment

This motion has not been put to a General Meeting before, however there has been a recent motion (October 2015) in relation to the need for Parks and Wildlife Services to consult directly and genuinely with councils in the process of determining Parks and Wildlife Service infrastructure priorities within Local Government areas. Pursuant to this motion, LGAT had direct interactions with councils and the Parks and Wildlife Service earlier in 2016 in relation to the expenditure of 2015-16 State Budget allocated funds in the three regions of the State; and councils were directly consulted on the prioritisation of infrastructure projects in their area at this time.

In relation to the motion at hand and in the context of the State Government comment below, if a state-wide fund is not feasible or forthcoming, there is still scope for engaging with the regional tourism bodies regarding desired ongoing and future tourism priorities and funding models and this in turn may provide opportunity to develop a business case for a specific infrastructure pool.

Tasmanian Government Agency Comment

The Tasmanian Government is investing in our tourism infrastructure, including the \$6.3 million announced in the 2016-17 Budget to fund capital works on the Great Eastern Drive to enhance the visitor experience. The provision of local infrastructure, however, is primarily the responsibility of Local Government. State Growth has a material network to monitor and manage and is not currently in a position to provide a specific pool to fund local infrastructure.

11.2 Motion – Speed Limit Restrictions * Council – George Town

Decision Sought

That LGAT lobby the State Government to amend legislation to require a decreased speed limit whilst motorists pass an emergency incident.

Background Comment

The Tasmanian Volunteer Fire Brigades Association has raised concern with Council and the George Town Community Safety Group Committee about the risk posed to volunteer fire fighters when fighting a fire or responding to an emergency close to a road. At **Attachment to Item 11.2** is a copy of the letter for reference.

Currently there is no legislated requirement for traffic to slow down when passing an emergency incident and volunteers have expressed concerns in relation to their safety. It is understood that similar concerns have been expressed by SES volunteers. The current practice used by Tasmania Fire Service units in an attempt to reduce the speed of passing motorists is to park the fire vehicles across the road.

In South Australia, legislation was enacted in 2014 requiring that motorists obey a 25km/hr speed limit when driving through an emergency service speed zone. The 25km/h Emergency Service Speed Zone applies on an area of road:

- In the immediate vicinity of an emergency service vehicle that has stopped on the road and is displaying a flashing blue or red light; or
- Between two sets of flashing blue or red lights that have been placed by emergency workers at either end of a length of road on which an emergency vehicle has stopped.

Volunteers play a critical role in our local communities and it would be a positive step in supporting their essential work if Local Government is able to support a change which increases their safety whilst responding to an emergency.

LGAT Comment

LGAT notes the Government Agency comment and will be in a position to reflect the views of the membership in relation to this proposal through its role on the Road Safety Advisory Council.

Tasmanian Government Agency Comment

The Government recognises the importance of adequate safety measures being put in place to protect emergency services workers and volunteers. This issue will be addressed in the development of the Government's Road Safety Strategy 2017-26.

The Road Safety Advisory Council (RSAC) is currently undertaking consultation as part of its work to develop the Towards Zero – Road Safety Strategy 2017-2026.

The Department of State Growth has forwarded this motion to RSAC for consideration as part of its consultation to inform the strategy's development.

11.3 Motion – Bass Link Council – Northern Midlands

Decision Sought

That the Local Government Association of Tasmania support the State Government application to the Federal Government for assistance to replace the Bass Link cable.

That the Local Government Association of Tasmania advocate to the State Government to explore all opportunities to ensure the State is self-reliant for its power generation.

Background Comment

The matter of power generation is a State issue and we are aware of the State Governments application to the Federal Government for a second Bass Link to safe guard the continuity of power supply.

It is important to urge the State to invest more in infrastructure that guarantees our power supply needs are met.

The current use of diesel generators, to ensure continuity of power particularly for business and private use is welcomed, though it would be argued that future need for such action needs to be mitigated.

Council asks the meeting to support the need for the State to establish a renewable energy target, with a focus on solar, wind and wave to name a few.

As drier conditions possibly emerge with the changing climate, there are likely to be ongoing threats to hydro-electric power generation, subsequently we need to support the case for a second Bass Link and investment into more renewable energy.

LGAT Comment

The Local Government Association of Tasmania looks forward to opportunities for input following the outcomes of the joint Commonwealth and State Government feasibility study into whether building a second electricity interconnector between Tasmania and Victoria would help to address long-term energy security issues, and advice on how best to use and develop Tasmania's current and prospective large-scale renewable energy resources.

Tasmanian Government Agency Comment

In relation to a second interconnector, on 28 April 2016, the Prime Minister, the Tasmanian Premier and the Commonwealth Minister for the Environment announced that the Commonwealth and Tasmanian Governments will conduct a feasibility study into whether building a second electricity interconnector between Tasmania and Victoria would help to address long-term energy security issues. The study will also provide advice on how best to use and develop Tasmania's current and prospective large-scale renewable energy resources.

This work is being undertaken by the Hon Warwick Smith AM. The Australian Energy Market Operator and the Clean Energy Finance Corporation will be actively involved during the course of the study.

Mr Smith is expected to deliver a preliminary report to the Commonwealth and Tasmanian Governments in June 2016 and a final report by the end of this year.

This study will build on the substantial body of work already underway by the Tasmanian Government, under the Energy Strategy, to assess the preconditions for the viability of a second interconnector.

In relation to energy security for Tasmania, the Government has established an Energy Security Taskforce, to be chaired by Mr Geoff Willis AM, the former chairman of Aurora Energy. Mr Willis will be joined on the Taskforce by Ms Sibylle Krieger and Mr Tony Concannon.

Both Ms Krieger and Mr Concannon bring a wealth of national experience in the energy sector and an independent perspective to the work of the Taskforce:

- Ms Sibylle Krieger is a current non-executive director of the Australian Energy Market Operator (AEMO) and a former member of Independent Pricing and Regulatory Tribunal (IPART) in NSW.
- Mr Tony Concannon is the current Chair of Reach Solar Energy, a former executive director of International Power and previous Chair of the Electricity Supply Association of Australia.

The Taskforce will undertake an independent energy security risk assessment for Tasmania with regard to:

- Best practice water management;
- Tasmania's future load growth opportunities and risks;
- The opportunity for further renewable energy development;
- Likely developments in technology including battery storage and electric vehicles;
- Tasmania's future exposure to gas price risk;
- The potential impact of climate change on energy security and supply; and
- A review of energy security oversight arrangements.

The work of the Taskforce is very important to the future of energy in Tasmania. It is an opportunity to identify the measures necessary to help future-proof Tasmania from the types of energy security challenges that the Government has been managing in recent months. It is also an opportunity to better understand the potential for Tasmania to undertake further large scale renewable development.

12 SECTOR PROFILE & REFORM

12.1 Motion – Swearing in of Elected Members Council – Kingborough

Decision Sought

That LGAT staff provide a report on potential changes to the swearing-in process for new and re-elected Councillors/Aldermen to require them to -

1. Read and abide by the Local Government Act and Regulations
2. Read and abide by the Code of Conduct Policy of their Local Government Municipality.

Background Comment

It is noted that any change to the declaration for persons elected as Councillors would require an amendment to the Local Government (General) Regulations 2015, however Council believes that the current declaration, in particular, clause (a), only refers to the "law" and it is important that elected persons are aware of their responsibilities and powers as defined by the Local Government Act 1993 and the associated regulations.

LGAT Comment

In addition to the declaration of office signed by councillors and the declaration to comply with the council's code of conduct, the Local Government Association of Tasmania provides resources and professional development opportunities to new and returning councillors to ensure that councillors understand the *Local Government Act 1993* and their obligations under it.

Tasmanian Government Agency Comment

The key legislation that Local Government elected members and council officers must comply with is the *Local Government Act 1993*. Besides the Act, there are numerous Acts of Parliament (State and Commonwealth) that elected members are required to comply with. As such, a broad reference to 'the law' in the elected members' declaration is perhaps preferable to a focus on a single Act.

The Local Government (General) Regulations 2015 were re-made in 2015. As a result of this process, councillors are now required to declare that they will comply with their council's code of conduct when they make their declaration of office.

A targeted review of the *Local Government Act 1993* is currently underway. Significant resources have been allocated to the review and it is the focus of the legislative activities of the Department of Premier and Cabinet's Local Government Division at this point.

**12.2 Motion – Elected Member Expenditure
Council – City of Hobart**

Decision Sought

That there be statewide reporting consistency on the disclosure of itemised Aldermanic expenses on a monthly basis.

Background Comment

Section 72 of the *Local Government Act 1993* requires Councils to publish in their Annual Reports a statement of the total allowances and expenses paid to the Mayor, Deputy Mayor and Aldermen.

In addition to this requirement, the Council supports greater reporting consistency on the disclosure of itemised Aldermanic expenses on a monthly basis via a Council's website.

This requirement would provide clarity and consistency around a matter which is of specific interest to the community and which would benefit from a cohesive standardised approach.

LGAT Comment

There have been no previous motions on this matter.

This is one of a number of areas where Members have indicated they would like to see greater consistency and it would be appropriate for it to be addressed through the review of the *Local Government Act* with regard to determining the appropriate mechanism.

Tasmanian Government Agency Comment

Section 72 of the *Local Government Act 1993* requires that councils publish a statement of the total allowances and expenses paid to the mayor, deputy mayor and councillors.

This is a minimum requirement. Councils are free to agree to a system of consistent reporting of monthly expenses.

As a general principle, any initiative that improves transparency in the use of public money should be given due consideration.

A review of the *Local Government Act 1993* is underway. The Terms of Reference for the review include financial management and reporting.

**12.3 Motion – Compulsory Voting
Council – City of Hobart**

Decision Sought

The Local Government Association of Tasmania urge the State Government to consider making Local Government elections compulsory.

Background Comment

The Hobart City Council has supported the move to compulsory voting for Local Government elections for some years. The Council's view is that the underlying principles that support compulsory voting include:

- Increasing participating in local democracy;
- Engaging the full electorate;
- Building the relevance of Local Government, and
- Providing consistency across all levels of government.

LGAT Comment

This matter has been considered most recently in July 2015 with the motion LOST. The formal position on record is that compulsory voting is not supported (by majority vote) nor is a move to ballot box voting.

The recent Legislative Council Inquiry into the Electoral Commission also considered the issue of compulsory voting for Local Government elections and recommended the current system of voting remain unchanged.

Significant electoral reform in relation to Local Government was enacted in 2014.

Tasmanian Government Agency Comment

A suite of Local Government electoral reforms were proposed in 2012 including compulsory voting. There was not strong support from councils at the time for compulsory voting, five councils supported compulsory voting and a further three supported a proposal for opt-in compulsory voting.

Following the consultation, the Government of the day supported compulsory voting. Legislation that would have allowed compulsory voting was rejected by Parliament in 2013.

**12.4 Motion – Open and Transparent Governance
Council – City of Hobart**

Decision Sought

The Local Government Association of Tasmania develop resource tools to encourage Tasmanian Councils to consider implementation of live-streaming of Council meetings as a means of ensuring open and transparent governance.

Background Comment

A toolkit would assist Councils to consider technological improvements as a way to promote and improve the democratic process at the local level.

Other benefits relating to the implementation of live-streaming of Council meetings include:

- Improved accessibility of Council meetings to residents;
- Improved participation and interaction in Council meetings;
- Improved communication to residents of Councils' forthcoming plans and projects;
- Improved transparency in the decision making process of the Council;
- Providing a complement to formal minutes; and
- Maintaining a more detailed historical record of meetings than formal minutes alone will offer.

LGAT Comment

There is increasing focus on open governance and a range of mechanisms to support councils in a program of continuous governance improvement. Live streaming is one such mechanism.

Any tools developed would need to consider the different resourcing and ICT capabilities of councils.

A project like this would likely require engagement of expertise not currently housed within LGAT.

**12.5 Motion – Elected Member Training
Council – Burnie City**

Decision Sought

That all Councillors undertake an external examination after undertaking training with regard to their role as a planning authority, which will test their competence to deal with planning matters and their knowledge of the planning scheme relating to their municipality.

Background Comment

LGAT provide training to elected members on a regular basis and this includes content on the role of elected members when acting as a Planning Authority.

While this training is offered it is not compulsory for elected members, whether new or existing, to attend training sessions. While elected member training is provided by LGAT on a regular basis anecdotally it is suggested that a number of elected members are making decisions as a Planning Authority without any training or assessment as to whether their obligations are understood.

If this motion is successful Burnie is suggesting that training should be compulsory for elected members and followed by an external examination. This is something that could be undertaken through delivery of a training module followed by an online test of the basic obligations of a Planning Authority member.

LGAT Comment

At the July 2015 General Meeting the following motion was carried:

That all Councillors be encouraged to undertake training courses ie Planning, Legislation, Code Of Conduct, Meeting Procedures etc

This was an amended motion - the original motion sought to 'require training' rather than encourage as with the successful amended motion.

LGAT's professional development calendar provides for Local Government specific training for Elected Members and Local Government staff. As part of the calendar and to align with the all in all out elections, at the end of 2014 LGAT facilitated an intensive one day Local Government 101 session for elected members which covered some aspects of Land Use Planning. Planning was also covered as a topic at the February 2015 Elected Member weekend and a one-day short course on planning was delivered in November 2015. This short course updated material developed by the University of Tasmania (commissioned by LGAT) for a four day course that LGAT had previously trialled but which, after the first session, failed to attract sufficient numbers at future offerings to keep costs affordable for attendees.

In October 2015 the new LGAT Policy Director commenced, bringing new skills and experience in Land Use Planning into the Association. Since then, and in light of mixed feedback on the one day course, LGAT has also entered into conversations with Local Government Professionals Australia Tas (LG Professionals Tas) on how we might partner with LG Professionals Tas Member Planners to deliver training in-house. Regrettably, the focus on planning reform has diverted much attention in this regard, requiring LGAT to focus resources on that aspect of land use planning.

Developing an assessed, accredited training is a different proposition and would take considerable investment both up front and ongoing to maintain the relevance of the training.

LGAT was pleased to see the State Government indicate a willingness to assist with content and expertise should Members agree that LGAT should pursue this direction.

We note there is a key legislative hurdle; namely that there is no legislative provision to exclude a councillor from acting as a member of the Planning Authority.

Tasmanian Government Agency Comment

The obligations of a planning authority are set out in the *Land Use Planning and Approvals Act 1993* (LUPAA), specifically in s.48. This requires a planning authority to observe and enforce its planning scheme in respect of all use or development undertaken in the area.

LUPAA also sets out the processes and relevant considerations relating to particular functions in relation to State Planning Provisions, Local Provisions Schedules, and use and development applications under sections 40T, 57, and 58. Additionally the operational and administrative provisions of the State Planning Provisions (and those within PD1 contained in current Interim Planning Schemes) set out the procedures and considerations for determining individual applications.

Although these procedures are not substantially different to those operating at the moment, the Government agrees with the intent to improve the understanding of planning and the different roles of elected members as administrators of a planning scheme as opposed to being representatives of the community. However, there is no mandatory requirement for a skill set prescribed in the planning legislation.

The Government would be willing to assist with such training in terms of content and expertise. Whether the training and subsequent examination of new members is compulsory is a matter for LGAT and the individual councils to consider, however consideration needs to be given to situations where an elected person might fail such an examination because there is no legislative provision to exclude them from a role on the planning authority.

13 FINANCIAL SUSTAINABILITY

No Motions Received

14 SECTOR CAPACITY

14.1 Motion – Tyre Levy Council – Northern Midlands

Decision Sought

That Members note the issue of waste tyres remains unresolved and seek that LGAT continue to lobby the State Government to develop an effective solution to tyre storage and disposal in Tasmania, which might include the introduction of a regulated tyre levy in Tasmania for end of life tyres.

Background Comment

No regulated tyre levy exists in Tasmania for end of life tyres (ELT).

300,000 – 400,000 end of life tyres are generated each year in Tasmania.

It is understood that at the point of sale, the retailer charges a fee to collect and dispose of the end of life tyre, estimated to be \$2.50 to \$8.00 per tyre.

Most end of life tyres are currently collected by a single operator and stockpiled in the Northern Midlands municipality.

As at 20 December 2016, no further end of life tyres will be accepted at the current stockpile.

Council is concerned that, by that date the current stockpile will exceed 1 million end of life tyres, with no viable solution to their recycling evident.

With no alternative stockpile site identified and approved, to our knowledge, retailers may have to:

- Stockpile end of life tyres on their own site;
- Gain Environmental Protection Authority (EPA) approval to transport end of life tyres to an as yet unknown destination;
- Require purchasers to take their old tyres, with this likely to lead to further loads on existing landfill sites and potentially illegal dumping.

A number of potential operators have proposed pyrolysis based solutions for recycling end of life tyres. However, these are yet to be commercially proven in Australia and no such plant has been developed at this time. All will require payment with each ELT.

One solution is chipping end of life tyres and export of the chips. A national firm, representing a number of national retailers as part of a tyre stewardship scheme, recently chipped and exported some 300,000 ELTs from the stockpile in the Northern Midlands.

Industry based solutions, such as the tyre stewardship scheme are not universally adopted in Australia, leaving a substantial volume of end of life tyres stockpiled or otherwise unaccounted for.

Northern Midlands Council believes the only practical solution is State Government intervention through legislation to require accurate accountability for every tyre brought into Tasmania and to fund its ultimate disposal.

The income generated from a legislated levy would be used for the collection of tyres, distribution to recyclers and research and development.

This is an opportunity for Tasmania to lead in environmental sustainability.

LGAT Comment

At the May 2016 Premier's Local Government Council Meeting LGAT reiterated the lack of progress from the State Government on the matter of waste tyres in Tasmania. It was noted that the interim report from the working group was provided to Minister Groom in mid-December and that Minister Groom met with Northern Midlands Council in late April for discussions on the matter. While he put forward a number of suggestions and sought input, he is yet to formally confirm the way forward.

The current problem in Tasmanian is that only approximately one third of tyres are recycled (via chipping and sending offshore for reprocessing), generally coming from the big brands and franchises located in Tasmania. However the remainder of the market, (smaller tyre retail businesses and service stations that may change tyres as part of a service), typically do not ensure that their waste tyres are recycled and this source is what makes up the remainder of the tyre pile at Northern Midlands. There is currently no sustainable solution for their treatment or disposal.

At present, three proponents are touting options for the treatment or disposal of used tyres in Tasmania. However, all three still require assessment by the EPA and councils and two out of the three are proposing technology that is yet to be confirmed on a commercial scale. There is a risk in assuming that the commercial operations will resolve

the issue of waste tyres fully, as simply the existence of a replacement operator does not resolve the lack of an appropriate regulatory regime in Tasmania for the storage and treatment of waste tyre. Tasmania continues to have relatively low volumes of waste tyres and there is no economically viable solution in the foreseeable future. These factors mean that Tasmania requires both an appropriate disposal method to address this significant environmental issue and a means to underpin the market failure, such as improved regulation or a levy.

Waste tyres are already classed as a controlled waste within the *Environmental Management and Pollution Control (Waste Management) Regulations 2010*, meaning it should be relatively simple to limit the volume of tyres that can be stored or disposed of (to landfill). If appropriate checks and balances are also implemented to ensure there is not an increase in illegal dumping, all retailers would utilise appropriate means to dispose of their waste tyres.

Anecdotally most consumers are charged a disposal fee of between \$2.50 to \$8.00 a tyre by retailers when replacing their tyres and it is fair to say that most people would expect this fee to cover the adequate disposal or recycling of the tyres. However, as discussed above this is only the case for approximately 30% of retailers, as the appropriate treatment and disposal of used tyres by retailers occurs via a voluntary product stewardship scheme. Regulating a disposal fee would require changes to state legislation. It has been suggested by the EPA that amendments to the *Commonwealth Mutual Recognition Act 1992* (MRA) may also be required to exempt any state-based laws from the operation of that Act. Further advice needs to be sought in this regard.

Tasmanian Government Agency Comment

The Department of Primary Industries, Parks, Water and Environment (DPIPWE) has worked for several years at the national level with Australian, state and territory governments and the tyre industry, to develop a voluntary product stewardship scheme for waste tyres. The Scheme was launched in early 2014 and aims to increase domestic tyre recycling. Leading tyre manufacturers have financially backed the establishment and initial operation of the Scheme. To complement the Scheme the Environmental Protection Authority (EPA) Division of DPIPWE has been investigating how existing regulations may be better used to improve waste tyre management in the State.

DPIPWE notes the imminent closure of the Northern Midlands facility for further receipt of tyres from December this year, but also the possible establishment of alternative tyre processing facilities in the short to medium term. The EPA Division is currently assessing two tyre pyrolysis proposals in the north of the State, and a proposal to set up a facility at Bridgewater, to potentially shred up to 300 000 tyres per year, which is in the final stages of assessment. DPIPWE will continue to work with Local Government and other stakeholders on this issue and will continue to support the rollout of the national tyre stewardship scheme in Tasmania.

14.2 Motion – Disposal Of Abandoned/Wrecked Vehicles Council – Southern Midlands

Decision Sought

That the Local Government Association of Tasmania be requested to consult with the regional waste management bodies (and other relevant bodies) for the purpose of:

- a. Identifying the extent of problems associated with the disposal of car wrecks/car bodies. This recognises the lack of disposal options given the current steel recycling market (or lack thereof);and
- b. In conjunction with the regional bodies, determine what cost effective options can be considered to address and manage the issues identified.

Note: Consideration should be given to an option for car enthusiasts to access these car wrecks/car bodies for sourcing parts and/or bodies for restoration purposes.

Background Comment

The accumulation of car wrecks within private properties is becoming an increasingly difficult issue to address, particularly given the lack of disposal options.

It appears that in the absence of a steel recycling market, or other cost effective disposal options, car wrecks / car bodies are being stored in inappropriate and highly visible locations. The result being a substantial increase in the number of complaints from adjoining property owners and the community generally.

LGAT Comment

It has been noted by other councils that:

- There is an increase in abandoned vehicles being left in municipalities;
- Councils do not have capacity to store abandoned vehicles;
- Recycling/scrap metal merchants are generally no longer accepting abandoned vehicles (for free) due to the depressed (scrap metal) market;
- Vehicle disposal now costs council around \$125 per vehicle; and
- Councils are not mandatorily required to remove abandoned vehicles. however, as they are charged with the duty of maintaining the municipality's local highways, it would be difficult for a Council not to do so.

There are differences in the enforcement approaches adopted by Councils depending on whether the vehicle is abandoned on a road or private land (see separate sections below) and there is not currently a standardised approach to managing abandoned vehicles across Local Government.

Councils currently manage this issue through a number of methods including:

- Nuisance and Abatement provisions under Division 6 of the *Local Government Act 1993*, particularly in s199 (e) "constitutes an unsightly article or rubbish" or section 199 (b) causes, or is likely to cause, a risk to public health";
- Management under the Planning Scheme; and
- Management under related By Laws

Feedback from councils indicates that application of Nuisance and Abatement provisions under Division 6 of the *Local Government Act 1993* appears to be the most successful approach. However, a possible limitation to the application of Division 6 of the *Local Government Act 1993* relates to the concept of “unsightly” being subjective potentially opening councils to challenge.

At the May 2016 Premier’s Local Government Council the State Government indicated that it will not be introducing a state-wide levy on waste (see General Meeting paper for more information). In the absence of this LGAT noted it would be important to commit to an appropriate mechanism to allow for strategic consideration of waste issues across both State and Local Government so that alternative solutions can be articulated and costed.

As part of its commitment to a more strategic consideration the State's waste issues LGAT has committed to re-forming the Waste Management Reference Group, made up of representatives from the three regional waste authorities and State Government.

It is expected this group will be initiated early in the 2016/17 financial year and the issue of abandoned vehicles can be considered amongst its initial priorities.

15 LAND USE PLANNING & ENVIRONMENT

15.1 Motion – Funding of Implementation of Planning Scheme Council – Break O’Day

Decision Sought

That LGAT call on the State Government to allocate an ongoing budget to provide legal and staff-time funds to all Tasmanian Councils for all challenges arising from the implementation of the State Planning Scheme.

Background Comment

State strategic planning, as laid out in the draft Tasmanian Planning Scheme, proposes a desired future preferred land use pattern. This planning envisions a desirable development path for the community as a whole.

The draft Bill gives effect to a proposed structure for the Tasmanian Planning Scheme that consists of a set of statewide planning controls (State Planning Provisions) and Local Provisions Schedules. These contain the Local Planning Provisions including the zone and overlay maps for each local area.

As much of Tasmania is rural, not urban based, it should be considered that a State wide planning scheme, even though containing local provision schedules would not be implemented without legal and administrative challenges.

Where conflict appears, law tends to favour specific prescriptions over general statements. The result is that broad statements of strategic policy would be forced to give way to the more prescriptive requirements, as stated in the detailed parts of the planning scheme. This has the potential to lead to a “lack of recognition of the uniqueness of a particular landscape and region”.

This would result in challenges being raised in the coming years as the State Planning Scheme is tested and defined at law. In the early years of implementation this may lead to time delays in approvals and increased costs to all parties concerned.

Underlying legal ideology assumes that individual property rights should not be lightly interfered with. When a decision on merit, rather than legal interpretation, is required, these deeply entrenched legal values of the protection of private property rights will often come to the fore.

As the State is imposing this scheme on local government, it can be seen from the above analysis, that administrative and legal challenges are bound to arise for a number of years until some level of legal neutrality, certainty and prescription are established.

Local Government is not in a position to manage the large legal bills and extra requirements in regard to staff time, that are likely to arise from the imposition of the State Planning Scheme. Local government will need support and funding to be provided by the State Government so that implementation of the State Planning Scheme does not become an onerous burden at the local level.

LGAT Comment

While it is unlikely the State Government will fund defence of the Tasmanian Planning Scheme (TPS) in the Planning Appeals Tribunal or Supreme Court on a case-by-case basis, there is a large question mark over the on-going State Government support and funding for the implementation and operation of the TPS.

There is no doubt that the implementation of the TPS, and in particular the development of the Local Provision Schedules (LPSs), will be extremely resource intensive and this work comes immediately on the heels of heavy investment by councils in the development of the Interim Planning Schemes (IPSSs). To date the State Government has not indicated what level of support, if any, will be provided. There is a further concern that while, as noted below in the State Government Comment, that the cost of amendments to the SPPs will be borne by the Government, the frequency and extent of the necessary reviews and updating process has not been determined beyond the five yearly review specified in the Act. As all councils would appreciate, this is not nearly frequent enough to resolve emerging issues, particularly with a new planning scheme.

LGAT continues to seek commitments from State Government on what future support will be provided to councils on the implementation and on-going management of the Tasmanian Planning Scheme.

Tasmanian Government Agency Comment

The Tasmanian Planning Scheme (TPS) does not lay out a 'State Strategic Plan' or propose a desired future preferred land use pattern. The TPS is a suite of planning controls that can be utilized and applied through a council Local Provisions Schedule (LPS). The LPS will contain the zoning maps based on the Regional Land Use Strategy. The TPS in itself does not specify the spatial application of the zones but does provide guidance to ensure some consistent application.

The TPS provides a range of zones covering every type of land use whether urban or rural, residential or industrial, agricultural or environmental management. It does not favour only urban areas. It uses the same range of zones in the current interim planning schemes and the expectation is that these zones would be more or less directly translated into LPSs.

The operation of the TPS is through the LPSs, which will operate in exactly the same way as current interim planning schemes, through the local council acting as the planning authority administering the controls applicable to its municipal area.

The legislation provides, and the TPS is drafted, such that assessment of a development application is only against the specific prescriptions set out in the provisions whether these are measurable acceptable solutions or particularised performance criteria. General statements in the form of policies or strategies are not relevant and Local Area Objectives are only called up for discretionary uses and some performance criteria.

If legal and administrative challenges emerge through the preparation of the LPSs or during the operation of the TPS in relation to the drafting or application of any provision, the legislation provides the capacity for amendments to the SPPs to rectify such problems.

The cost of any such amendments to the SPPs will be borne by the Government unlike the situation currently where drafting errors in individual planning schemes need to be corrected at the expense of the planning authority through initiating an amendment.

Decisions on merit against the performance criteria in the TPS will operate in exactly the same manner as they do under the interim planning schemes and as they operated in relation to any discretionary assessment in the past. Challenges to the decisions based on individual property rights should be no different to current practice.

In summary, the motion seems to be based on a misunderstanding of the TPS and the operation of these through the planning authority administering the SPPs and its LPS. In many ways the fundamentals of this interrelationship are already operating in situations where planning directives are included within interim planning schemes. Examples of existing State prescribed provisions currently operating include the Exemptions and Specific Provisions set out in the PD1 Template, and the Planning Directives covering Residential Development in the General Residential Zone and Bushfire Prone Areas.

15.2 Motion – Planning Directives Council – Break O’Day

Decision Sought

That LGAT lobby the Minister for Planning and Local Government to engage in consultation with Councils when issuing planning directives and take a more considered approach to change, specifically more notice of implementation.

Background Comment

Notice of an Interim Planning Directive (Bushfire-Prone Code) was given on Thursday 18 February 2016 with an effective date of Tuesday 23 February 2016. There was no consultation or forewarning of the change, so little time to ensure compliance. The modified interim planning scheme was only provided to Council on the 22 February 2016, one day before it took effect.

This Planning Directive offers a significant change to process and responsibilities for Council in their Permit Authority role. The lack of consultation and forewarning has impacted on processes and has adversely impacted applicants and designers. Sudden changes in application requirements do not enhance the experience of developers

engaging with Council. In addition it is often the experience that hasty changes can require further amendments as unforeseen problems arise resulting in further uncertainty and frustration for all parties.

Break O'Day Council understands the need for continuous improvement and is fully committed to making the planning system fairer, faster, cheaper and simpler. Additional consultation and notice of change would assist us to deliver on that commitment.

LGAT Comment

LGAT wrote to the Secretary of the Department of Justice on 29 February 2016 raising concerns about the nature of State Government consultation on the Bushfire Code changes and also more generally. We reiterated that we are always happy to support engagement with our sector and can do so in a variety of ways and we encouraged the Department to make early contact with us when progressing change that impacts on our sector. Notwithstanding the changes to the *Land Use Planning and Approvals Act 1993* to remove the Planning Directive process, there is a need to ensure State Government communication protocols are improved and particularly as they relate to the planning reform process. LGAT continues to take a proactive stance in this regard and has set up regular meetings with the Tasmanian Planning Commission and the Manager of the Planning policy Unit of the Department of Justice.

LGAT has also sought the assistance of the Director of Local Government in reminding agencies of the requirements under the Agreement with State Government on consultation and communication.

Tasmanian Government Agency Comment

The revised Bushfire Prone Areas Code was prepared by the Director of Building Control and the Tasmania Fire Service (TFS) to clarify and remove potential duplication in the administration of bushfire protection controls between the planning and building approval systems. The revised Code was designed to limit the application of bushfire protection planning controls to subdivision, vulnerable uses and hazardous uses. All other development was intended to be covered by bushfire protection controls in the Building Regulations.

The implementation plan involved introducing the revised Code and new Building Regulations on the same day, 23 February 2016. The revised Code was gazetted for introduction as an Interim Planning Directive as it substantially reduced and simplified matters to be considered by applicants and councils and had minimal impact on associated administrative systems and arrangements.

By comparison, implementation of administrative arrangements for the new Building Regulations with councils and accredited officers was regarded as a more substantial issue and subject to a joint approach by the Director Building Control and the TFS.

Unfortunately, introduction of bushfire protection controls in the Building Regulations was delayed and the Tasmanian Planning Commission was not advised until 22 February 2016.

At that stage, it was too late to change the implementation date of 23 February 2016 for the interim planning directive. The Building Regulations took effect in mid-March 2016.

The Government acknowledges that the implementation of the Interim Planning Directive for Bushfire Prone Areas and the associated Building Regulations was not ideal and a longer time for the directive taking effect is preferred.

The amended *Land Use Planning and Approvals Act 1993* that introduced the Tasmanian Planning Scheme, removed the Planning Directive process and the interim introduction of these under section 12A. The Government does not intend to introduce any of the State Planning Provisions through a similar interim process.

Notwithstanding this the legislation does provide for transitional arrangements for planning directives.

15.3 Motion – Environmental Management & Pollution Control Council – Southern Midlands

Decision Sought

That the State Government be requested to develop an agreed set of clear protocols with Local Government clarifying the split in responsibilities between the two levels of government in regard to enforcement under the *Environmental Management and Pollution Control Act 1994*.

Background Comment

The Environmental Protection Authority is increasingly washing its hands of enforcement matters under the Environmental Management and Pollution Control Act 1994 (EMPCA).

Whilst lower-order matters should be the responsibility of the local Council, higher order matters such as the illegal dumping of very large quantities of EMPCA ‘controlled waste’ should be handled by the State authority.

The current undefined nature of enforcement responsibilities is resulting in the EPA increasingly cost-shifting to Local Government.

LGAT Comment

In an effort to establish a clear understanding of the role and capabilities of Local Government and as a key project emerging from the Role of Local Government project, a high-level agreement between the State Government and Local Government in relation to key regulatory requirements has been established. The agreement provides for:

- Clear role delineation, guidance and assistance to councils in undertaking their roles;
- A dedicated and ongoing forum for strategic consultation with councils and other stakeholders; and
- Joint development of tools and systematic review.

While this MOU is high level in its nature it has been designed to be progressively populated with Schedules dealing with specific areas, the first of which is Public Health. This MOU offers a good opportunity to develop an agreed set of clear protocols with Local Government clarifying the split in responsibilities between the two levels of government in regard to enforcement under the *Environmental Management and Pollution Control Act 1994*.

Tasmanian Government Agency Comment

The Department of Primary Industries, Parks, Water and Environment does not accept assertions that the Environment Protection Authority (EPA) Division is 'washing its hands' of enforcement matters under the *Environmental Management and Pollution Control Act 1994*, or that it is cost shifting enforcement to Local Government. In the past few years the EPA Division has provided more support to Local Government officers than at any time previously.

The EPA Division's Local Government engagement program was initiated two years ago, in recognition of the EPA Division's and councils' co-regulatory status. A range of joint activities has been conducted through the program, to enhance coordination and collaboration. In 2015, joint training courses and workshops were held for local and state government officers on:

- environmental nuisance
- noise nuisance (decision making tools)
- general scene management and investigations
- basic operational security
- basic record of interview
- writing notices

Training was also provided on how to take water and soil samples. In February 2016, a presentation was held on the lessons learnt from jointly dealing with oil spill pollution. Information on the courses, and presentations and handouts wherever possible, are provided through the EPA Division's website at <http://epa.tas.gov.au/epa/resources-for-local-government>.

Investigators from the Compliance and Incident Response section of the EPA Division provide support to Local Government officers in conducting enforcement activities under EMPCA, and have taken the lead on matters involving significant instances of illegal dumping, and disposal of controlled wastes.

The legislation is quite clear in identifying the duty of councils to use their best endeavours to "prevent or control acts or omissions which cause or are capable of causing pollution", and to receive notification of incidents of the release of pollutants for activities other than level 2 and level 3 activities, which are the domain of the EPA Division.

The EPA Division acknowledges that councils may sometimes struggle to respond to pollution incidents, or to enforce the provisions of the legislation for which they have responsibility for. The EPA Division is committed to continuing to develop and deliver its engagement program in consultation with councils, to ensure the continued development of skills, tools and resources to assist council officers in their challenging role.

15.4 Motion – Wildlife Fatalities Councils – Latrobe & Kentish

Decision Sought

That the Local Government Association of Tasmania and member councils;

- i. Work with the State and Federal Governments and key stakeholders to ensure a coordinated approach to reduce the instances of Tasmanian Devil and native wildlife fatalities on Tasmanian roads through informed projects such as installation of emergent virtual fencing technology and community programs to inspire a change in driver behaviour.**
- ii. Support coordination initiatives such as installation of virtual fencing in Devil roadkill hotspot areas, to assess effectiveness and make informed decisions about the installation pattern. (LGAT support for this could be through promotion of projects/case studies, encouraging councils to engage in projects etc.)**
- iii. Work together to access grant funding to support on the ground projects to reduce native wildlife fatalities on Tasmanian roads.**

Background Comment

Rebecca Cuthill the Manager of the Save the Tasmanian Devil Appeal was the Latrobe Council's Australia Day Ambassador for 2016.

During discussions on Australia Day Miss Cuthill discussed with Mayor Freshney, the potential of a new technology, "Virtual Fencing" being trialled in Tasmania to reduce the Tasmanian Devil roadkill.

Representatives of the Save the Tasmanian Devil met with Mayor Freshney, the General Manager and the Mayor of the Kentish Council on Monday, 22 February, 2016 to discuss how a virtual fencing initiative could be undertaken in the Latrobe and Kentish Council areas.

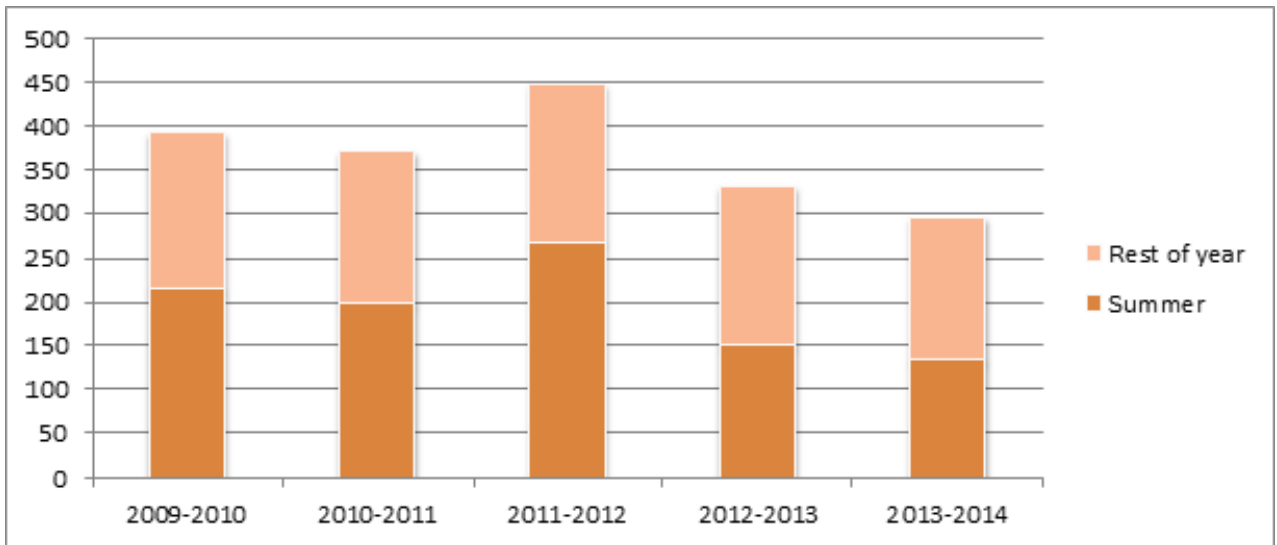
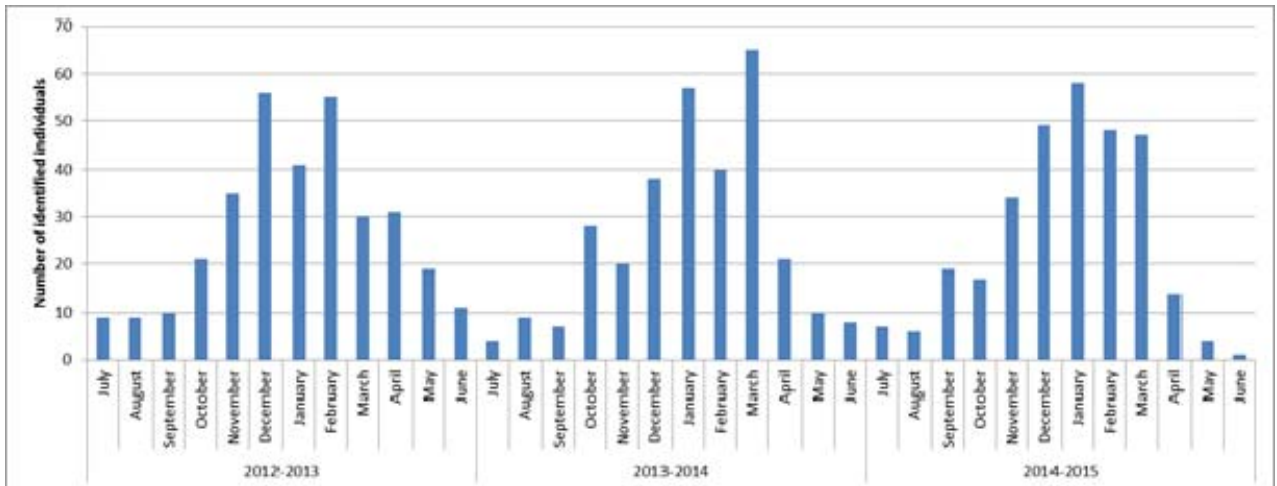
It was agreed at the meeting that the Latrobe and Kentish Council's would submit a motion to the General Meeting of the Local Government Association of Tasmania to have them work with the State and Federal Governments and other key stakeholders on a coordinated approach to reduce, through initiatives such as installation of virtual fencing, the instances of Tasmanian Devil deaths and parallel, other wildlife fatalities on Tasmanian Roads.

Dr David Pemberton, Manager of the Save the Tasmanian Devil Program emailed the General Manager on 16th March, 2016 stating:

"Wildlife roadkill is a problem in Tasmania both as a perception by tourists and as an impact on Tasmanian devil populations and therefore, persistence and/or recovery in the face of DFTD.

In the period covering 01 July 2014 to 30 June 2015, the Save the Tasmanian Devil Program (STDP) received a total of 359 reports of road killed Tasmanian devils. This is a minimum because some devils will manage to leave the site of a collision whilst others will remain unreported.

The following graphs show that there are between 250 and 450 deaths reported per year and that while there is an obvious seasonal pattern, roadkill is an issue all year round.



Road kill can be reduced. Data shows that speed kills and that virtual fences are effective.”

The Councils have also received feedback from Mr Craig Williams, Project Manager – My Pathway, who is working with a number of councils and other stakeholders to develop a statewide community involved and community based project through the Federal Government’s Job Active Work for the Dole Program to reduce instances of Tasmanian Devil fatalities on the roads.

The first major release of Devils from captive populations was hit with two deaths on the roads within days.

So far, of the 49 devils released in the past 6 months, 17 have been killed by motor vehicles.

A trial of virtual fencing at Arthurs River showed the virtual fencing technology, which deters wildlife from crossing into the path of an oncoming vehicle, was effective in preventing road deaths of all wildlife.

Tasmania is the only state or territory to trial the technology, which has been bought to Australia by Wildlife Safety Solutions and is currently in use at three sites around the state, with a fourth trial about to start.

The alarms, which are triggered by car headlights, cost about \$7000 per kilometre to install. Dr Pemberton has stated that it's certainly proving, at this stage, the most cost effective option. The only other option is to literally fence animals off the road which would cost a lot more.

LGAT Comment

The effects of wildlife roadkill on native animal populations can be significant as can the cost to people from wildlife collisions, through road crash injuries and vehicle damage. An understanding of roadkill causes and patterns is necessary for successful management intervention. How animals perceive, use and cross roads can vary significantly from road to road and also between different sections of the same road. The identification of features associated with roadkill is an important step toward implementing mitigation strategies and lessening road mortalities.

The suitability of any mitigation measure depends on local road conditions, species behaviour and ecology. There are two main types of roadkill mitigation measures: changing driver behaviour and changing wildlife behaviour. Changing driver behaviour includes changing driver attitude by increasing public awareness, increasing awareness of roadkill hotspots and slowing speed. Ways to alter wildlife behaviour include discouraging wildlife from grazing on roadsides, preventing wildlife from crossing roads or providing safe crossings. Both of these measures need to be implemented for successful roadkill reduction.

LGAT, through its Policy Director's previous experience, has substantial experience in roadkill assessment, mitigation design and evaluation as well as established links with the key State Government stakeholders including the Save the Tasmanian Devil Program and the Department of State Growth.

Tasmanian Government Agency Comment

The Government welcomes involvement by councils to adopt and support activities that can result in reduced impacts to the Tasmanian Devil. The approach by councils to coordinate efforts aimed at reducing the impacts to the Tasmanian Devil and native wildlife from road fatalities is seen as a very positive move. Support and guidance to councils can be provided through engagement with programs such as the Save the Tasmanian Devil and by working with relevant interested groups and organisations at the regional and local level.

The Save the Tasmanian Devil Program has proactively engaged with industry, government bodies and organisations to provide advice and feedback regarding road deterrents for native wildlife such as the use of virtual fencing and this level of support can be extended to councils. The virtual fencing technology has been trialled at discrete locations considered to be devil hot spots in order to assess its effectiveness as a deterrent. To date, the results have been promising with significant reductions in evidence of roadkill of native wildlife seen across the areas trialled.

The Save the Tasmanian Devil Program operates a devils hotline which provides information regarding devil roadkill and this information can assist in determining where devil hotspots exist. This type of information can be provided to interested parties, such as councils, to guide where efforts to reduce the level of native wildlife roadkill.

16 PUBLIC POLICY GENERAL

16.1 Motion – CSIRO Job Losses Council – City of Hobart

Decision Sought

The Federal Government be lobbied to reconsider its position with regard to CSIRO job cuts because of the critical importance of the scientific data needed by Councils to accurately inform their climate adaptation strategies and to inform their communities.

Background Comment

Recent announcements of significant job losses at the CSIRO threaten Australia's ability to adapt to climate change.

Australia is well known for producing world-leading climate measurement and research and the announcement that many of those who face these job cuts are based in Tasmania working in the field of climate science is cause for concern.

There has been criticism here and overseas to dismantle some of Australia's world-class climate programs and has the potential to send the message that climate research is not needed to tackle one of the world's most serious challenges.

LGAT Comment

Local Government plays a significant role in adapting to and mitigating for climate change. Over recent years, councils have illustrated their commitment to addressing climate issues through motions, a statewide partnership agreement, project participation, investment in climate modelling, development of adaption plans and so on. Partnership with the scientific community has been an important component of activity. LGAT's guiding principles on Climate Change are:

- Combining mitigation and adaptation strategies at all levels of government and industry.
- Commitment to long-term and strategic consideration of climate change across Local Government functions.
- Leadership within the local community in understanding and acting on climate change.
- Flexibility and resilience within Local Government processes to adapt to climate change impacts upon human and natural environments.
- Recognition of shared responsibility and collaboration across all levels of government, industry and community.

LGAT notes there has been some traction on this issue during the current Federal election campaign.

It is also noted that this matter is to be considered at the Australian Local Government Association National General Assembly being held 20-22 June.

Tasmanian Government Agency Comment

The Government highlighted its concerns over the proposed job losses at the CSIRO in Hobart and will continue to do so. The Government was pleased, however, to welcome the CSIRO's April announcement that it will establish a National Climate Research Centre in Hobart.

The move will cement the State's reputation as the climate research capital of Australia. The research centre will employ 40 scientists, has a guaranteed research capability for 10 years, and will focus CSIRO's climate measurement and modelling researchers and resources in Tasmania.

Importantly, it is understood that this move will significantly reduce the number of staff impacted by the CSIRO restructure.

16.2 Motion – TasRail - Use of Network Council – Northern Midlands

Decision Sought

That LGAT lobby the State Government and TasRail to permit a Tasmanian Transport Museum MS steam train to travel from Hobart to Fingal once a year on the Fingal Valley Festival day.

Background Comment

The Fingal Valley crosses two municipalities, Break O'Day and Northern Midlands.

Greater Esk Tourism (GET) has successfully assisted in projects in the Fingal Valley that encourage tourist visitation to support and revitalise this region that was severely affected by the downturn in mining and forestry. Several schools, police stations and businesses closed down as families left the district to find employment. There were suicides as people struggled to cope.

However, tourism is helping and Avoca and St Marys are seeing an increase in visitor numbers but Fingal needs support to give people a reason to stop. The Fingal District Progress Committee has acquired ownership of the Fingal Railway Station and with the support of GET subsequently obtained funding and restored the station with the aim of getting a steam train to the Fingal Valley on the Fingal Valley Festival day held the weekend before the March long weekend. This unique train travelling opportunity will bring a new tourism experience through the Northern Midlands and into the Fingal Valley and give this region a chance to attract economic development that has not been seen since the booming mining and forestry era.

The Tasmanian Transport Museum in Hobart has the engine and carriages all restored and ready in working order, all appropriate insurances in place and only need permission from TasRail to travel on the rail network. They want to come. TasRail has told them that the current lines are for freight only, but the Conara to Fingal line has been recently upgraded as have many sections on the main Hobart to Launceston line. This proposed tourism opportunity will bring a new cohort of visitors to Tasmania enhancing economic benefits to all the areas that the train will travel through, but especially the Northern Midlands and Fingal Valley.

LGAT Comment

LGAT strongly supports members in their efforts to identify new opportunities for tourism ventures and activities that may assist in the renewal of regional areas affected by downturns and changes to economic activity and core industry. The comment from the State Government Agency in relation to licensing requirements appears self explanatory and requires no further comment. LGAT is pleased to be advised that TasRail and the Department of State Growth are working together to investigate potential access on the non-operational lines.

Tasmanian Government Agency Comment

TasRail has advised the Department of State Growth that it has not received a formal request to date on this proposal.

A key consideration in the operation of all rail activities in Tasmania is that the parties hold the necessary accreditation under the Rail Safety National Law. TasRail is not accredited to have passenger trains operating on the Tasmanian Rail Network and it is understood that the Tasmanian Transport Museum's accreditation also does not extend to operating passenger services on the Network. TasRail also noted that third party public liability insurance would be required.

More broadly, the Tasmanian Government is aware of interest from a number of heritage train organisations to operate passenger services, particularly on the non-operational parts of the Tasmanian Rail Network. TasRail and the Department are working to investigate potential access on the non-operational lines.

16.3 Motion – Electronic Gaming Machines Council – Brighton Council

Decision Sought

That LGAT formally take the position that the terms of reference for the State Government's Joint Select Committee Review into gaming in Tasmania be expanded to include whether or not electronic gaming machines should be allowed outside casinos at all and that as part of the Select Committee Review process, the Tasmanian community be polled to determine its view on this critical question.

That LGAT formally take the position that the Gaming Act should be reviewed particularly to remove its power to over-ride other acts.

That LGAT convey this position to the Government, Opposition and Green parties and to all Members of the Legislative Council

Background Comment

Brighton Council has long been opposed to the proliferation of poker machines in our community and particularly their concentration in lower socio-economic areas. Indeed, in 1997, Brighton Council initially rejected the planning application for the installation of poker machines in the municipality, but this was overturned by the State Planning Tribunal as the Government's gambling legislation overrides Local Government planning powers.

With the issue of the extension of the poker machine monopoly now very much under consideration, I believe it is important that Local Government again consider the impact of this form of gambling on our communities.

It is worth noting that Tasmanians lost almost \$200 million on poker machines last financial year, much of it taken from people who can least afford it. This is an unacceptable statistic and one that must be addressed by all levels of government.

Independent research released at the end of last year by respected social welfare agency Anglicare, shows 84% of Tasmanians believe that the community receives no benefit from poker machines and 50% of the population wants them removed from hotels and clubs.

Undoubtedly, gambling on poker machines is having significant adverse consequences for Tasmanian families, small business and general economic activity, and the community is unhappy. The information released by Anglicare clearly demonstrates that the Tasmanian community does not believe the State gets any positive return from poker machines in hotels and clubs, and the majority of people want them removed.

Brighton's concerns are not just centred on problem gambling. The reality is that the adverse impacts of poker machines go considerably beyond problem gambling. Our concerns are also about money being bled from local communities and this impacts on families, small businesses and the community in general.

Where incomes are low, money spent gambling on poker machines can mean that families go without food, medical treatment, heating and other basic, even vital, necessities, as well as subjecting many to domestic violence.

As councils we cannot stand idly by while this occurs.

Consequently, Brighton Council recently joined the Tasmanian Community Coalition campaigning for a curb on poker machines in hotels and clubs, as well as the National Alliance for Gambling Reform. The local Coalition comprises welfare organisations, community groups and people concerned at the adverse impacts of this form of gambling and interested in alleviating the consequential suffering in our community.

The Coalition has called for poker machines to be phased out in hotels and clubs, for a reduction in the maximum bet to \$1 and for pokies to be restricted to the two casinos in Hobart and Launceston. This is very much in line with the feeling of the Tasmanian community as confirmed by the independent research conducted for Anglicare.

Our strong position is that we have a responsibility to achieve reforms in the gambling industry to minimise harm and particularly reduce the impacts on our more vulnerable communities.

LGAT Comment

LGAT notes that in 2003 a Deed of Agreement between Federal Group and the then Government provided the Federal Group with exclusive rights to operate Electronic Gaming machines (EGMs), Keno and casino table games in Tasmania until at least June 2023. The first part of this Deed, a fixed 15 year arrangement, concludes in 2019. The State has determined that at this point the rights that were negotiated in good faith with Federal will not be changed.

That said, the State Government is starting to plan now for what the key structural elements of the Tasmanian gaming sector post 2023 will be. A Joint Select Committee of both Houses of Parliament has been established to undertake a review of possible options and make findings regarding alternative approaches. The Committee is due to report in November 2016.

The Terms of Reference for the Select Committee review provide for broad ranging submissions, from interested stakeholders. LGAT proposes a sector based response to the Select Committee noting that one of the guiding principles established by the State for the future of gambling operations is that the placement or relocation of EGMs into new venues outside of the casino environment should not be solely determined by the industry, but that public interest should also be taken into account.

The LGAT submission to the Select Committee could, for example indicate that councils should have the authority to limit the presence of licensed premises and gaming licenses in their local area with the objective of social and economic harm minimisation. This might reasonably be pursued through land use planning or Gaming Control Regulations rather than changes to the *Gaming Control Act* if that is difficult, as is indicated below in the State Government comment.

Tasmanian Government Agency Comment

The Terms of Reference being considered by the Parliament for the Joint Parliamentary Select Committee into Gaming in Tasmania provides all interested parties, whether directly involved in the sector or not, to have their say into the future structure of the gaming sector, post 2023.

The inclusion of “any other matters incidental thereto” in the Terms of Reference will allow public submissions on a very broad range of matters pertaining to Tasmania’s gaming industry, including whether or not electronic gaming machines should be allowed outside of casinos.

A poll of the Tasmanian community on this issue would incur additional costs and delay the inquiry unnecessarily. At this stage, the Select Committee is expected to report by November 2016.

Section 9 of the gaming Control Act allows for the conduct of gaming at licensed premises in respect of which a licensed premises gaming licence is in force, regardless of the provisions of any other Act or law. This section is necessary for the proper operation of the Act in its current form.

The Government’s position is that gaming in clubs and pubs will continue and it has recently announced that it intends to introduce a new public interest test for the introduction of gaming machines that will be administered by the Tasmanian Liquor and Gaming Commission. The introduction of the public interest test will give local government and the community a voice in determining the future location of gaming machines in their community.

17 CLOSE