



GENERAL MEETING

AGENDA

**Wrest Point
Hobart**

Wednesday 25 July 2018

**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

11.20 approx.	General Meeting Commences immediately following the conclusion of the Annual General Meeting.
11.30	The Hon Peter Gutwein MP Treasurer Minister for Local Government Minister for State Growth
12.30	Lunch

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* DENOTES ATTACHMENT

1 MINUTES *

Decision Sought

That the Minutes of the General Meeting held on 18 May 2018, as circulated, be confirmed.

The Minutes of the Meeting held on 18 May 2018, 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.

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

3 PRESIDENTS REPORT

Decision Sought

That Members note the report on the President's activity since the last General Meeting (18 May to 22 June Inclusive).

Meetings

- General Meeting
- General Management Committee Meeting
- Premier's Local Government Council
- TasWater General Meeting
- Minister Elise Archer – Waste issues
- Minister Peter Gutwein – Local Government catch-up
- Senator Steve Martin - Local Government catch-up
- Mayors' Workshop
- Anita Dow - Economic Development
- ALGA Board Meeting
- ALGA Regional Cooperation and Development Forum
- ALGA National General Assembly

Media/Communication

- Pulse articles
- MR- State of the Regions

4 CEOs REPORT**Decision Sought**

That Members note the report on the CEO's activity since the last General Meeting (18 May to 22 June Inclusive).

Meetings

- ALGA Board Meeting
- ALGA National General Assembly
- Anita Dow - Economic Development
- General Management Committee Meeting
- LGAT Assist Board Meeting
- Local Government Division – regular monthly meetings
- Local Government Professionals (Tas) Board meeting
- MAV Insurance Board - teleconference
- Mayors' Workshop
- Meeting of Association CEOs
- Meeting with the ALP regarding *Residential Housing Supply Bill*
- Minister Elise Archer – Waste issues
- Minister Peter Gutwein – Local Government catch-up
- Premier's Local Government Council
- Road Safety Advisory Council Meeting
- Senator Steve Martin - Local Government catch-up
- TasCOSS, Shelter and Tourism Industry Council re short term visitor accommodation
- TasWater General Meeting
- Teleconference Minister Jaensch re short term visitor accommodation
- UTAS re short planning course

Policy and Projects

- Scoping new councillor mentor program
- Review and sign off LGAT submissions including *Emergency Management Amendment Bill*, *TasNetworks Pricing Reset*, *Residential Housing Supply Bill*.
- Scoping workshop - community survey
- Follow up Church Sale/Burials Act
- General advice on Local Government matters

Events

- Volunteering Tasmania Awards
- State Budget Breakfast

Training/Development

- Candidate Information Forums (Huon Valley, Ulverstone, Hobart) and preparation of a range of information materials for the LGAT website. Preparation for West Tamar, Flinders and East Coast.
- Mayors' Workshop
- Preliminary work with Local Government Professionals on partnership opportunities.

Operational

- Preparation of the Budget and preparation of subscription calculations using a new formula

Media and Messaging

- Budget Priorities- comment to the Mercury
- Cost of extreme weather events – comment to ABC
- Container Deposit Levy – comment to Fairfax
- Joint Media Release (TasCOSS, Shelter, Tourism Industry Council) - Air BnB Data and related media, TV, print and radio coverage
- Letter to Editor – Planning (Mercury)
- Letter to Editor – Sale of Churches (published all three papers)
- Media Release – Tasmanian Planning Commission Report on short stay accommodation
- Media Release - Free Candidate Information Sessions
- Meeting with Chris Jones – Editor of the Mercury (background briefing Local Government).
- Op Ed – LG Candidates – submitted widely
- Pulse
- Rates – comment to The Mercury
- RSPCA Shelter Closure – comment to the Mercury
- Waste Management – comment to the Advocate
- Woodheaters – comment to the Mercury

5 BUSINESS ARISING *

Decision Sought

That Members note the following information.

At **Attachment to Item 5** is a schedule of business considered at the meetings held on 18 May 2018 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 April and May 2018.

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 DECISION

8.1 Waste Management * Contact Officer – Dion Lester

Decision Sought

That Members agree to a feasibility study into the establishment of a state-wide Waste Management arrangement.

On 18 May 2018, at the Local Government Association of Tasmania (LGAT) General Meeting, the following motion was passed:

That Members agree in principle to a feasibility study into the establishment of a Local Government statewide waste management arrangement.

If supported LGAT will liaise with the relevant regional Waste Management Arrangements and State agencies to develop a detailed scope, terms of reference and costs to councils for presentation at the July General meeting of the association.

Why would Local Government undertake this work?

Tasmania lags well behind most mainland jurisdictions in our resource recovery. This poor waste management presents a risk to public health and the environment, negatively impacts on the public image of our State and represents a significant lost opportunity associated with the economic benefits that come from greater resource recovery.

A range of further issues have been identified in the current system that prevent greater resource recovery. These were outlined in the May 2018 General Meeting paper and are also discussed in the LGAT Waste and Resource Management Strategy (the Strategy), which can be found at:

http://www.lgat.tas.gov.au/webdata/resources/files/LGAT%20Waste%20and%20Resource%20Management%20Strategy_Final%20.pdf

The Strategy, endorsed by the sector at the April 2017 General Meeting, was provided to the Minister for Environment in early 2017. Since that time the State Government is yet to provide its policy setting for waste management, via the promised State waste action plan.

A critical factor for improving resource recovery and waste management in Tasmania is the establishment of state-wide arrangements. Tasmania requires an organisation to lead and provide oversight of the implementation of improvements to waste management and funding to deliver programs and or strategic actions. For example, Sustainability Victoria, Green

Industries South Australia and the Western Australian Waste Authority all have a strategic planning and program delivery roles.

The three regional waste management groups generally have a common purpose however, their governance arrangements differ across the state as do their functions, resources and funding.

Local Government has the opportunity (and experience) to investigate the benefits and risks of moving to a state-wide approach and if feasible, what roles and functions a state-wide waste organisation should perform.

Proposed Scope

In preparing this scope, LGAT proposed separate and distinct tasks to ensure appropriate consultation is undertaken, an evidence base is collected and analysis completed, to adequately inform a decision by members with respect to the feasibility and benefits of establishing a state-wide waste management arrangement (state-wide arrangement). Once the need and benefits are established the purpose, role and function of the state-wide arrangement will be identified as part of the feasibility study.

The need will be established primarily through engagement with Local Government and the three regional waste authorities, a review of existing regional waste organisations and arrangements in other jurisdictions. Once the need and benefits are established then this will set the foundation for developing the governance arrangements.

To frame the scope of works and provide guidance to consultants bidding for this work, LGAT proposes that as a minimum, the consultant be asked to consider the state-wide arrangement's role and functions within the context of planning, co-ordination and delivery of state-wide waste policies, strategies, programs and services.

LGAT is aware that establishment of a state-wide arrangement risks duplication of the role and functions of existing regional organisations. However, we propose that the feasibility study carefully consider the differing governance arrangements, roles and functions of these organisations, any gaps and how the regional organisations might integrate within a future framework that includes state-wide arrangements supporting better waste management in Tasmania.

In light of the significant importance of the consultation component of this work we will be asking tenderers to cost separately for the workshop/engagement as opposed to report drafting elements. We will also be seeking tenderers to demonstrate the level of expertise of the facilitator proposed.

As part of a feasibility study, careful consideration must be given to the constitutional/governance arrangement of the state-wide arrangement to ensure that the proposed arrangement has delegated authority and powers to make decisions aligned with its role and functions.

The detailed scope of works that is proposed can be found in **Attachment to Item 8.1**.

Budget Impact

An independent consultant in the waste sector was asked to cost the proposed scope of work. The total estimated cost for the scope of works is between \$80,000 and \$90,000 ex GST.

Current Policy

Strategic Plan:

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

8.2 Review of Councillor Allowances

Contact Officer: Katrena Stephenson

Decision Sought

That the Meeting note the update on the Review of Councillor Allowances.

That the Meeting agree that LGAT pursue a review of the further areas identified.

That the Meeting agree that any such review should be completed in the next 12 months.

Background Comment:

On the 22 May the Minister for Local Government, Peter Gutwein, advised Members that the Board of Inquiry into councillor allowances undertaken by the Tasmanian Industrial Commission (TIC) was complete.

The TIC did not recommend any significant changes to allowances. Specifically, they recommended that the wage price index continue to be applied to the current base allowances.

They also deferred consideration of issues around the methodology for calculating base councillor allowances, including the categorisation of councils as well as consideration of disadvantage factors, suggesting this be a matter for a further review to be completed within three years but not acted upon until the next review in 4 years.

There was not significant input by councils or councillors into a LGAT submission, however based on the feedback received as well as past discussions and General Meeting resolutions, in follow up correspondence with councils, LGAT suggested that *the deferral of consideration of categories and disadvantage factors was disappointing and should have been a key component of the review given the length of time between reviews* and indicated there would be merit in addressing that with the Minister. However, at this stage there has been little response from Members and this might suggest *a general satisfaction with the status quo*.

At the Premier's Local Government Council Meeting on 31 May it was noted that the Minister will consider all submissions from the sector before deciding on allowances. Any changes to allowances will be captured in regulations and take effect following council elections in October 2018. The PLGC also tasked LGAT and the Local Government Division (LGD) to develop a scope for the TICs recommended review of the methodology for calculating base councillor allowances, including the categorisation of councils and disadvantage factors and to identify effective ways of attracting councillors from more diverse backgrounds.

As there has been limited feedback to date, prior to mapping a process and timeframes around a further review it seems prudent to seek direction through the General Meeting process.

The Minister has sought feedback on the TIC recommendations by 6 July, however LGAT has sought an extension so as to allow incorporation of feedback from this Meeting.

Budget Implications

A second review process may come at a direct cost to the sector and is currently unbudgeted for by LGAT or the Local Government Division.

Current Policy

Does not relate to current strategic priorities however:

Core Purpose 1: Protect and represent the interest and rights of councils in Tasmania

Core Purpose 2: Provide services to Members, Councillors and employees of Councils.

8.3 Board of Enquiry Recommendations Contact Officer – Katrena Stephenson

Decision Sought

That Members determine that the feedback to the Director of Local Government on the sector wide recommendations arising from the Glenorchy City Council Board of Inquiry (below) is that they are not system issues and a legislative response is not endorsed.

- Provide the Mayor with the power to approve the agenda prior to its release by the General Meeting;
- Provide the Mayor with the power to approve the release of draft minutes to other councillors;
- Provide the power to the Mayor to approve the General Manager's leave;
- Mandatory requirement for all council meetings to have audio recordings;
- The Minister may direct a council to terminate the employment of a General Manager; and
- The General Manager is to consult with the Mayor and councillors on senior executive appointments.

Background Comment

At the March General Meeting LGAT presented a summary of the recommendations arising through the Glenorchy City Council Board of Inquiry that have sector wide implications. At the time we noted that a number had already been dealt with through the targeted review. LGAT also noted that –

“recommendations need closer assessment as they may be more reflective of an issue specific to Glenorchy City Council (GCC) rather than changes which need to be made across the sector. It would be important to understand unintended consequences from any of the proposed changes”.

In June this year, the Minister wrote to LGAT seeking feedback on some of the recommendations arising that have sector wide implications.

In doing so, he notes that the Government would need to be convinced of the existence of systemic issues that would justify the implementation of sector-wide reform as distinct from the specific recommendations resulting from the unique circumstances of Glenorchy City Council.

Further he states that the Government will work closely with the sector to jointly consider what response, if any, is required to address these particular recommendations, noting that a number of sector-wide reforms have already been implemented as a result of changes to the Act from the Targetted Review.

This General Meeting provides the opportunity to secure a position from Members in relation to the remaining recommendations.

LGAT provides some advice and recommendations on the recommendations in question below.

<p>Provide Mayor with the power to approve the agenda prior to its release by the General Meeting.</p>	<p>Do not endorse - not a sector wide issue. As noted at the March 18 General Meeting, LGAT does not agree with this recommendation as it could see the Agenda becoming politicised. The General Manager prepares the agenda for the whole council, not solely the Mayor. There is a difference in having a Mayor being well informed about the agenda versus solely controlling the agenda. This issue was substantially addressed through Targetted Review/requirements to liaise.</p>
<p>Provide Mayor with the power to approve the release of draft minutes to other councillors.</p>	<p>Do not endorse - not a sector wide issue. Many councils already release draft/unconfirmed minutes publicly.</p>
<p>Provide the power to the Mayor to approve the General Manager's leave.</p>	<p>Do not endorse - not a sector wide issue. A more common approach across councils is for there to be a policy decision of council in relation to the management of the General Managers leave including approval processes and acting arrangements.</p>
<p>Mandatory requirement for all council meetings to have audio recordings.</p>	<p>Do not endorse - not a sector wide issue. This matter was considered as part of the Targetted Review in 2016 and was not supported by the majority of councils.</p>
<p>Minister may direct a council to terminate the employment of a General Manager.</p>	<p>Do not endorse- not a sector wide issue. This was considered during the Targetted Review of the Local Government Act and was not widely supported. The Council as the employing body and contract managers should collectively make any decision to terminate.</p>

<p>GM consultation with the Mayor and councillors on senior executive appointments.</p>	<p>Do not endorse- not a sector wide issue This was considered during the Targetted Review and Members agreed it is not a matter for prescription. The Ministerial Orders which strengthen the requirements to liaise already provide enough support for such activity to occur as required.</p>
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Budget

Does not apply.

Policy

Aligns with sector feedback represented through the submission on the Targetted Review of the Local Government Act undertaken 2016/17.

8.4 Sale of Anglican Churches *
Contact Officer: Katrena Stephenson

Decision Sought

That Members note the actions taken since the May General Meeting with respect to the sale of churches and cemeteries.

That Members note that LGAT will coordinate a response to any proposed changes to the *Burial and Cremation Act 2002*.

That Members agree that LGAT should provide appropriate support to Mayors of affected areas as requested.

That Members note the request from a member of the Uniting Church that Local Government explore taking over control of Tasmanian Cemeteries.

That Members agree that it is not the role of Local Government to take over cemeteries established by religious organisations.

That Members discuss and determine any further actions for LGAT.

Background Comment:

At the General Meeting on the 18 May 2018, Members considered a motion from the floor in relation to the sale of Anglican churches and cemeteries in Tasmania.

The following resolution was passed:

That the LGAT issue a public statement on behalf of Members -

- *Acknowledging the importance of redress for victims of abuse;*
- *Noting the concern being expressed across a number of Tasmanian communities about the sale of their local churches and cemeteries;*
- *Seeking that the Anglican Church ensure that those communities are not being made to pay unfairly for the actions of leaders in the Church; and*
- *That there is a genuine consideration given to the huge impact on communities particularly rural and regional Tasmanian.*

During the discussion it was noted that in some communities:

- The churches represent significant spiritual, cultural and heritage centres;

- There is a high level of concern about loved ones buried in cemeteries earmarked for sale;
- Some constituents will now have to travel considerable distances to a place of worship;
- There has been heavy investment in the maintenance and care of facilities and limited reliance on church funding and/or, that the land or buildings may have initially been donated to the Church; and
- That in general there has been a poor process with a lack of community engagement and an unwillingness of the Anglican Church to participate in community meetings denying parishioners the ability to directly raise their concerns.

Subsequently LGAT wrote to The Right Reverend Dr Richard Condie seeking greater engagement with councils and communities. That letter and his reply were circulated to councils and a copy is at **Attachment to Item 8.4 for reference**. Further a letter to the editor of the three regional newspapers outlining the position of the Members was supplied and published.

On 1 June the Anglican Synod passed the full list of 108 properties, including 76 churches, earmarked for sale. Parishes are able to seek a review of the decision to sell and make a case for exemption until 1 September and final decisions will be made by the Diocesan Council in December.

The process, also outlined at **Attachment to Item 8.4**, was provided by Bishop Condie in response to a second letter from LGAT seeking clarification on said process.

The State Government have committed to a review of the *Burial and Cremation Act 2002*, with a focus on preserving, protecting, and where appropriate, strengthening both the rights of community members and the obligations on cemetery managers to ensure:

1. The continued appropriate, safe and responsible management of cemeteries;
2. The honouring of exclusive burial rights; and
3. Continued public access for relatives and friends of the deceased.

The Government is currently considering legislative changes to support this commitment. In particular, potential amendments will be examined and assessed which:

- Provide greater clarity regarding the 'fit and proper person' test that is applied to prospective cemetery managers, to ensure that the community can be confident that purchasers can and will meet their significant obligations under the *Burial and Cremation Act 2002*;
- Increase sanctions for the failure of cemetery managers to perform their legal duties, and allow for the issuing of infringement notices to support compliance and enforcement; and

- Clarify how the rights of community members and religious and cultural organisations interact with the rights of cemetery owners on a range of matters following the sale of a cemetery.

At the GMC Meeting held on 30 May there was subsequent discussion on this issue, particularly around the impacts that loss of ownership will have to largely rural and regional communities and the consequent issues that will be created in relation to cemeteries located within church grounds.

As several councils are having to take a strong role in relation to this issue, GMC felt that it was appropriate that LGAT provide an appropriate level of support to the Mayors of the affected areas as requested. This includes procuring and providing information and potentially facilitating a meeting between the Anglican Diocese and Mayors. GMC also felt however, that the matter should be brought back to this Meeting for further discussion.

Uniting Church

The CEO received an email from Mr Ivan Badcock, a member of the Uniting Church, seeking to explore the possibility of Tasmanian Councils taking over control of Tasmanian Cemeteries (**refer Attachment to Item 8.4**). This approach appears largely to be in a personal capacity, not as a formal representation by the Church. It would be useful in responding, to have a clear position from Members about any such proposition, noting that other religious organisations may follow.

Budget Implications

Within existing resources.

Current Policy

Does not relate to current strategic priorities however:

Core Purpose 1: Protect and represent the interest and rights of councils in Tasmania

Core Purpose 2: Provide services to Members, Councillors and employees of Councils

9 ITEMS FOR NOTING

9.1 Local Government Elections

Contact Officer: Katrena Stephenson

Decision Sought

That Members note LGAT's activity in support of the upcoming Local Government elections.

That Members note the imminent changes to the Local Government Regulations with respect to 'gifts and benefits' and 'election advertising'.

LGAT Activity

The Association has already commenced activity designed to support Local Government elections in October. This work will be delivered in two phases. Phase 1 is focussed on attracting and informing candidates and Phase 2 is encouraging voter turnout and supporting newly elected councillors.

Phase 1:

- Review and update the Becoming a Councillor Handbook;
- Development of new web-based materials for candidates including video, audio and text;
- Delivery of regional and remote candidate information sessions in partnership with the Local Government Division, the Tasmanian Electoral Commission, the Audit Office and the Australian Local Government Women's Association (Tas); and
- Broadcast of the LGAT TV commercial during late May/June with an end title "Stand for Council" and direction to the LGAT website.

Phase 1 is substantially complete. The new materials are available at www.lgat.tas.gov.au (go to Quick Links), the commercial is airing and information sessions will have been completed in each of the three regions (Ulverstone, West Tamar, Hobart) as well as the two Islands, the East Coast and Huon Valley.

It is hoped that any councils running local sessions can make use of the new materials.

Phase 2:

- Review and update the Mayoral Handbook and Councillor Resource Kit and Induction Checklist;
- Develop new web-based materials to supplement those provided for candidates, including more in-depth information on functions, including Land Use Planning, Meeting Procedures, Code of Conduct and Good Governance;

- Run the *LGAT* television commercial during October with an end title encouraging people to vote in council elections;
- A Professional Development workshop for new councillors (with a special session for new Mayors) will take place on Saturday 17 November. This is intended to be run in partnership with the Local Government Division, Integrity Commission and Audit Office;
- Establishment of a short-term, regionally based mentoring program for newly elected Mayors and Councillors (see Agenda Item 9.7);
- Elected Member Weekend February; and
- Short planning course for elected Members (in partnership with University College) delivered regionally early 2019.

LGAT has been granted \$4000 by the Local Government Division towards the renewal of our materials and establishment of new webpages.

At its December 2018 meeting, the Premier's Local Government Council agreed to include in its official Communique a statement of principle that affirmed the commitment of both levels of government to promoting, in the lead-up to the 2018 council elections:

1. The important, and increasingly complex role of Local Government in serving and representing the interests of local Tasmanian communities, whilst discharging statutory obligations such as acting as a planning authority;
2. The encouragement of candidates from a diverse range of backgrounds, so that elected members reflect a broad cross-section of the community and the value diversity brings;
3. The continuous improvement in the professionalism, capacity and integrity of councils and councillors;
4. A recognition of the valuable role that a councillor plays in local communities and the personal satisfaction councillors can gain from helping their communities; and
5. An increase in active community engagement and participation at the Local Government level, both at and between council election.

Changes to the Regulations

Following consultation with the sector, changes to the Local Government (General) Regulations are due to be gazetted on Wednesday 27 June 2018. At that time a copy of the final Regulations will be circulated to councils.

The Amendment Regulations amend the General Regulations to:

1. Prescribe the requirements for the keeping of a gifts and donations register by the general manager including classes of gifts and donations to be disclosed by elected members to the general manager' the monetary threshold for disclosure (\$50 or more), the details to be contained in a notice to the general manager and the

timeframe (14 days) for the provision of this notice, and the information to be recorded in the register;

2. Amend regulation 21 to remove the requirements prescribing poster size and number;
3. Amend regulation 22 to remove the restrictions in regard to limitations on television, radio and newspaper advertising;
4. Amend regulation 22 to remove two separate electoral expenditure limits, replacing these with a single expenditure limit of \$8,000 for a candidate, regardless of whether they are running for mayor or deputy mayor or councilor, this amount will be increased each year by CPI; and
5. Amend the Declaration of Office such that elected members are required to engage in ongoing professional development and abide by the principles of good governance.

The Amendment Regulations and Part 3 of the Local Government (Targetted Review) Amendment Act 2017 (other than sections 44(b), 46 and 47) will be proclaimed on 1 August 2018.

Budget Implications

Within existing resources.

Current Policy

Strategic Plan Priority 5:

Prepare communities and councils for the Local Government elections in 2018.

9.2 Code of Conduct *

Contact Officer – Dion Lester

Decision Sought

That Members note the State Government's response to the sector's recommendations.

Background Comment

The new code of conduct framework commenced on 13 April 2016.

In early 2017, the Tasmanian Government agreed to a request by the sector for a review of the framework at the end of its initial twelve months of operation. The aim of the review was to investigate whether the framework is proving to be effective and identify and address any aspects of the framework that have not operated as intended. LGAT led consultation with

councils, while the Local Government Division (LGD) has led consultation with members of the Code of Conduct Panel and Executive Officer.

Members endorsed a series of recommendations at the November 2017 General Meeting. These recommendations and those provided by the Panel members have been considered by the LGD and a package of recommendations have been presented to the Minister. The State Government's response to the recommendations and also how they will be implemented is contained in **Attachment to Item 9.2.**

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan:

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

9.3 Planning Reform *

Contact Officer: Dion Lester

Decision Sought

That Members note the following report on the State Government's Planning Reform Agenda and related matters.

Background Comment:

The State Government's number one planning reform priority is to establish the Tasmanian Planning Scheme, which they accept can best be achieved by supporting councils in the preparation of their Local Provisions Schedules. The other key area of reform will be the introduction of a set of Tasmanian Planning Policies to inform the planning system.

Other aspects of Government reform related to planning are the Government's proposal to facilitate affordable housing via fast track rezoning of Crown Land and the recent media and community attention to the regulation of visitor accommodation.

Tasmanian Planning Scheme

Councils are currently preparing their Local Provision Schedules (LPSs) with it anticipated that 17 of the 29 LPSs will be submitted to the Tasmanian Planning Commission by the end of 2018, with the remainder in 2019.

Tasmanian Planning Policies (TPPs)

As part of its planning reform agenda the Government is developing a suite of new TPPs to support and inform the planning system. The new policies are anticipated to provide the long overdue strategic direction to the planning system. In mid-2017 the Government consulted on the draft Bill (the *Land Use Planning and Approvals Amendment (Tasmanian Planning Policies) Bill*), which establishes the mechanism to create the TPPs.

The Government has indicated the Bill will be introduced to Parliament in the autumn session of 2018. Once the Bill is passed by Parliament formal consultation will then begin on the actual Policies.

Housing Supply – Crown Land Rezoning

On 30 April, the Minister for Housing released the draft *Residential Housing Supply Bill* for a very limited (2 week) consultation period. This was in response to a key commitment emerging out of the Premier's Housing Summit earlier in the year. LGAT and several other key stakeholders raised significant concerns with the draft Bill, both in our written submission and also directly with the Minister's Office. As a result, a substantially reduced (and improved) Bill was introduced into Parliament on the 12 June. The draft Bill sought to establish a power for the Minister to directly rezone specific parcels of Crown land, approve related subdivision applications and to issue 'Temporary Emergency Residential Planning' Permits to allow the immediate provision of emergency accommodation. The final Bill was reduced in scope to only involve a power for the Minister to directly rezone specific parcels of Crown land and set specific planning controls for that land, as well as providing a number of other improvements to what was originally proposed. It is expected the Bill will be debated in Parliament following the Budget Estimates.

Visitor Accommodation

On 7 June the Tasmanian Planning Commission (TPC) released its report on the *draft Planning Directive 6 – Visitor Accommodation Standards in Planning Schemes*. Members will recall that the previous Minister for Planning introduced an Interim Planning Directive early last year and directed the TPC to undertake an assessment. The key findings of the TPCs assessment were that both the exemption for true home sharing (principal place of residence) and the Permitted pathway for investment properties/shacks should remain, however the floor area limit be reduced from 300m² to 200m². The exception to this will be investment properties within strata title developments, where the TPC introduced a new discretionary pathway in response to concerns that the sharing of common areas and closer proximity to residences introduced a greater risk of land use conflict and amenity impacts when compared with free standing dwellings. The TPC also re-introduced the prohibition on visitor accommodation in the Battery Point Heritage Area.

The Minister has accepted these recommendations, although it is important to note that the Minister can only:

- Accept the recommendations in full, with no modification;
- Reject the recommendations (leaving us with the draft Planning Directive); or
- Remove the Planning Directive completely, returning to what was in Planning Schemes prior to last year.

LGATs media release following the TPCs report can be found at **Attachment to Item 9.3.**

Further to this and immediately prior to the opposition parties seeking to have a motion passed on the floor of Parliament related to the regulation of visitor accommodation, LGAT and a number of the other peak bodies issued a joint media statement. This can also be found at **Attachment to Item 9.3.**

The media attention and public debate surrounding the impact visitor accommodation may be having on housing affordability and availability has prompted the Legislative Council to appoint a Select Committee to look at the growth of short-term accommodation in Tasmania and the changing character of the market, the impact it is having on the residential housing sector and tourism sector and any regulatory issues including customer safety, land use planning, neighbourhood amenity and licensing conditions.

The inquiry will take evidence in the three regions and LGAT will be preparing a whole of sector submission, councils are invited to **provide input to Dion Lester by Friday 3 August.**

Budget Impact

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

Current Policy

Strategic Plan:

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

9.4 Local Government Sustainability *

Contact Officer: Katrena Stephenson

Decision Sought

That Members note the following report on future Local Government sustainability.

At the Premier's Local Government Council Meeting on 31 May 2018, there was discussion of the lessons learnt from the recent feasibility studies into council voluntary amalgamations and shared services arrangements. The PLGC also discussed the debate occurring within the sector, both in Tasmania and nationally, on long-term sustainability in the context of councils' changed and increased roles and expectations. This discussion is currently being mirrored and extended in public debate with statements recently on the need for council amalgamation coming from the Tasmanian and Launceston Chamber of Commerce's and Deloitte Economics in its Be Bold Tasmanian Report calling for mandatory and strategic Local Government reform as one of its 7 key actions. The report notes that -

"We need a clear, stronger and more strategic reform agenda for Local Government. Amalgamations are one source of reform and should be actioned as a minimum."

The question of council sustainability and need for amalgamations has also been raised in public discussion regarding Glenorchy's proposed 12% rate rise and also in the Mayoral race at Launceston.

The Minister noted that feasibility studies conducted for most councils during the State Government's first term indicated significant opportunities through new shared service arrangements.

While some progress is being made, the implementation of new shared service arrangements was acknowledged as slower than desired. Shared service arrangements have the ability to redirect back office resources to customer facing services that directly benefit communities.

This does not mean that there has been no progress of course. Aside from the significant growth and future opportunities for efficiencies and savings through LGAT's participation in the national procurement network (**Refer Item 9.15**), clear dividends are being realised through the close collaboration of councils such as Kentish/Latrobe, Sorell/Tasman, Burnie/Waratah-Wynyard/Circular Head and the Tasmanian Local Government Common Services Model initiated by Brighton Council.

Regardless, the public debate continues and it is important the sector engages in the discussion. At the May PLGC meeting the Minister and Premier invited Local Government via

LGAT to develop ideas which could address these challenges. In order to effectively do this, we need to continue to build our understanding and evidence base in relation to the key features and attributes of efficient, effective and sustainable Tasmanian councils in the 21st century.

It is important to understand the lessons learned not only here (through the feasibility studies) but in other jurisdictions and around the world. Work such as that recently released by the Victorian Government on rural and regional councils sustainability reform program (**see Attachment to Item 9.4**).

To that end, LGAT suggests a general discussion on this issue (to share ideas, suggestions and frustrations) at the July General Meeting, to be followed up by a body of work, including a proposed process, that we would like to workshop in some detail at the next General Managers Workshop in September 2018 and the General Meeting in December 2018.

We think the key question is:

Are Tasmanian councils best orientated¹ to service the needs of modern Tasmanian Communities?

To answer the question above, it is suggested we build the evidence base in four key areas:

1. Roles

What expanded roles will councils have in serving modern communities?

What functions and services need to be considered?

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

2. Communities

How are communities defined?

What shape and form do they take?

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

3. Representation

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

How is local engagement in democracy delivered in other places?

4. Sustainability

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

These questions could be progressed through a Research Advisory Group comprising expertise both internal (LGAT, Councils, State Government) and external to the sector (eg UTAS, UTS, past practitioners), similar to the recently established Digital Advisory Group.

¹ Or structured, aligned, organised, arranged

Whatever process we finally land on as a sector, it is important that the evidence base is built methodically and that councils are engaged along the way through the development and workshopping of papers.

Budget Implications

This depends largely on what process is agreed going forward.

For example, while a Research Advisory Group would scope, commission, direct and review the research task, there would need to be resourcing to review and critically analyse current research and practice, to collaboratively develop and workshop papers and, to produce a final report consolidating the work across all focus areas in to a strategic framework for the sector.

LGAT could provide secretariat support within current budget but significant additional tasks will likely need separate funding.

Current Policy

Strategic Plan Focus Area

Promoting Financial Sustainability

9.5 Council Camping and Competitive Neutrality

Contact Officer – Dion Lester

Decision Sought

That Members note the following report on the State Government’s review of National Competition Policy as it related to council-owned RV parking and camping facilities.

Background Comment

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

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

In Tasmania the principles form part of the *Economic Regulator Act 2009*. The Act established the Tasmania Economic Regulator as the independent body responsible for conducting investigations into complaints of breaches of the competitive neutrality principles.

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

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

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

The draft options paper canvassed a range of options including no change, removal of the implicit assumption that competitive neutrality is always in the public benefit and improving clarity on how to conduct a public interest assessment, amending the definition of a business activity, introduction of a threshold for determining significance and, enabling a review of the Economic Regulator's decision.

The State Government is now considering stakeholder feedback and finalising their recommendations, which may be one or a combination of the options presented. A final report is anticipated by the end of June.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

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

9.6 Credit Card Policy *
Contact Officer: Michael Edrich

Decision Sought

That Members note the final draft of the Model Credit Card Policy.

Background Comment:

LGAT has completed consultation on its draft Model Credit Card Policy with input from Tasmanian Audit Office (TAO), the Local Government Division (LGD) and all councils. Feedback was also offered by a private banking institution and this external perspective was welcomed.

In further refining the policy LGAT aimed to harmonise the variety of individual policies, frameworks and document styles of councils, while also sufficiently meeting the TAO requirements. With 29 councils, TAO and LGD this was a balancing act between 31 different parties.

As the LGD and TAO's endorsement is fundamental to the introduction of the policy, their feedback and the recommendations of the Auditor-General's Report informed the minimum requirements for the model policy to meet. Many of the TAO's comments were useful and improved the policy and it was clear the TAO had a strong appreciation for the significant benefit that the purchasing and operational efficiency of credit cards offers to Local Government.

Nonetheless, LGAT has suggested alternatives where the TAOs recommendations do not appropriately reflect the Local Government situation, or restrict unnecessarily the ability for the policy to be customised, or do not provide sufficient additional security in relation to the operational burden they would impose. For example, the TAO suggested:

- Regular policy review cycle of as little as 3-6 months.
 - The model policy retains a 2-year review cycle, with trigger events for out-of-cycle review.
- Full reconciliation by cardholders, rather than delegated financial personnel.
 - The model policy retains reconciliation by financial personnel.
- Statutory declaration (signed by a JP) for every purchase missing a tax invoice, regardless of value.
 - The model policy only requires a statutory declaration for higher value undocumented purchases (e.g. \$150), with the value adjustable by councils.

- Incorporating LGAT's policy guidance material on travel expenses and entertainment expenses into the main body of the policy, rather than as supplementary guidance material for councils to adapt to their policy environment.
 - The model policy retains guidance material in an Appendix.

The LGD's feedback closely followed the TAO's comments, with no unique response required.

Three councils provided feedback in the second-round consultation. Their comments include seeking items such as:

- Separating policy statements and procedural steps into two separate documents.
 - While some councils follow this format, the majority dispense with separating a policy topic and dealt with policy and procedure in a single document.
 - The model policy remains as a single document but councils may choose to reformat to suit their needs.
- A change of tone in the model policy from viewing credit cards as a risky and undesirable purchase method to a viewing them as a highly efficient and traceable one that, managed effectively, can improve LG operation and service delivery.
 - The tone of the model policy has been changed to reflect this.
- Permitting non-cardholders to use a credit card (an office or departmental credit card).
 - This practice is highly insecure and opens an easily exploitable loophole for misuse (intentional or otherwise) that is very difficult to manage and clearly contrary to the A-G Report.
 - It is also very simple to facilitate secure purchasing by a cardholder on behalf of non-cardholders, diminishing the need to open the door to non-cardholder use.
 - Facilitating this practice would reduce the likelihood of the model policy achieving TAO and LGD endorsement.
 - The model policy does not permit this practice. A council could attempt to create a customised procedure around this but it is not recommended.
- Removing the ability to top-up credit card accounts if the credit limit is reached and further purchasing is needed.
 - Removing top-ups offers no benefit to councils and requires higher (and more risky) monthly credit limits to compensate for this loss of operational flexibility.
 - Using top-ups with an approval process allows tighter, more secure monthly credit limits with more flexibility in practice.
 - The model policy provides guidance around these options and recommends using top-ups as a flexible way of maintaining secure credit limits.

- Permitting Councillors and Aldermen to hold a credit card.
 - The A-G Report concluded that “credit cards were not a necessary payment method for all elected members” and very few councils employ this practice.
 - The model policy does not permit this practice. Any council could allow this within their own policy if sufficient justification exists.
- Other minor formatting details.
 - The model policy is a model that can be formatted to any council’s requirements.

The draft Model Credit Card Policy has been updated to reflect the latest feedback. In our opinion, the model policy in its current form best represents the combined positions and policy frameworks of the 29 councils while also achieving the minimum requirements of the Auditor-General’s Report and subsequent comments from the TAO and LGD. This version has the best chance of achieving endorsement by the TAO with negligible further changes.

LGAT will engage the TAO and LGD for confirmation of the Model Credit Card Policy for implementation by councils. LGAT will continue to advocate for the policy not to be mandatory to allow councils to customise the approach to their individual policy environments.

A copy of the Draft Model Credit Card Policy is at **Attachment to Item 9.6.**

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

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

9.7 Mentoring for New Councillors

Contact Officer: Katrena Stephenson

Decision Sought

That Members note LGAT's plans to establish a mentoring program for new councillors.

At the request of Members, LGAT has considered various proposals for mentoring of councillors, particularly new councillors, over the years. Without a strong understanding of likely uptake, limited resources and pressure to keep subscription increases to a minimum as well as the impact of a four yearly election cycle, it has been difficult to land on an appropriate response.

With Local Government elections to take place, LGAT has commenced work on a short-term mentoring program based on a simple model that has been undertaken in other jurisdictions.

The model in brief:

- Appointment, following an expression of interest process, of a mentor for each of the three regions for a period of six months (November 2018 to May 2019);
- The focus would be on recruiting Mayors (former or current) to fill these roles;
- The Mentor will be a person of public standing, experienced in the practical, real world of the day to day Mayoral and Councillor role in Local Government operations and political environment and have a reputation for fair and honest dealing and the ability to apply relevant Local Government law;
- The Mentor will visit each council in the region at least once during the period and provide a confidential advice service (verbal, telephone, email, written responses) for newly elected Mayors and Councillors (with support from LGAT staff as required);
- The focus will be on the political and relationship aspects of the role with LGAT and the Local Government Division continuing to provide advice on the Act and related legislation;
- Each regional mentor would receive \$4,000 for the 6-month period (paid monthly) with direct travel and telephone costs reimbursed;
- The role will operate independently but with access provided to LGAT resources.
- LGAT will require a regular report from the mentors, suitably redacted to remove details that might allow identification of Councils or persons, to enable analysis of issues and areas which would benefit from additional explanation and training for people in Local Government; and
- Because the demand period is not clear it is proposed that the position be remunerated under a base retainer with the initial appointment on a "contract of service" or "consultancy" basis.

At the time of writing, a position description was being finalised prior to calling for expressions of interest.

Budget Implications

Within budget.

Current Policy

Strategic Plan

Priority Area 4: Build upon the resources for Elected Members and staff.

Priority Area 5: Prepare communities and councils for the Local Government elections in 2018.

9.8 Climate Change

Contact Officer: Michael Edrich

Decision Sought

That Members note the following report.

Background Comment:

LGAT has been providing advocacy and representation for the Local Government sector on matters that relate to climate change.

In particular, LGAT has been informing the Tasmanian Climate Change Office's (TCCO) approach to Local Government targetted projects and programs. This has involved providing advice and feedback on draft documentation to promote effective and efficient use of Local Government time, as well as recommending areas of study likely to be of most benefit to Local Government. Our advice to the TCCO thus far has been generally as follows:

- Areas of study relating to climate of most use to Local Government are likely to be in the areas of:
 - Local Government risk and liability;
 - Asset management best practice;
 - Planning and delivery of new infrastructure; and
 - Community resilience to natural hazards.
- That projects should:
 - Focus on practical use and tangible outcomes to Local Government and their communities, such as natural hazards;
 - Make efficient use of Local Government time;

- Need not be explicitly focused on 'climate change' per se but rather on the end outcome to communities (e.g. resilience to natural hazards, energy or cost/resource efficiency, etc); and
- Seek to address resourcing issues of councils with funding opportunities and seek collaborative solutions.

LGAT has also been supporting individual councils in developing their own local approaches to climate change policy and planning, as well as attending regional council forums to inform LGAT's support for the sector.

In addition, several councils are increasingly dealing with issues of coastal hazards, erosion and management. This is a growing issue nationally and frequently very difficult to tackle, because coastal infrastructure:

- Is expensive to construct;
- Is prone to failure or requiring continual work to deal with changed circumstances;
- Can cause unintended consequences in current flows, sediment movement and land stability;
- Imposes a substantial long-term asset management commitment on councils;
- Requires heavy investment to deliver benefits to a limited number of properties; and
- Often involves no Local Government land, with coastal processes originating from State land and impacting private property.

Any council dealing with coastal issues should be mindful that, in deciding to intervene in coastal processes and embark on an expensive piece of infrastructure, a community expectation can be set that councils will always step in to provide coastal protection and this expectation could flow onto all councils in Tasmania.

Councils should also consider:

- What is Local Government's role, especially in cases where no Local Government land is involved?
- What is the State Government's role, if:
 - The problem is on and originates from State Land? Should it assist in funding solutions?;
 - The State originally created the private freehold land being affected, presumably with the implication that the land was suitable for private freehold use?; and
 - At the time of council approval (of the land use or development), there was likely no State planning direction regarding building in the coastal zone and no widespread awareness and understanding of either coastal processes and the effect of climate variability on this?;

- What is the role and responsibility of private land owners, considering their choice to locate themselves in such proximity to the waterline and their enjoyment of its value?;
- That deciding to build protective infrastructure carries an ongoing commitment to maintain the infrastructure, or improve it if it does not work as expected;
- That there is the question of responsibility and liability in the event of failure;
- That there is a question of equity in use of public funds to construct infrastructure to protect the value of properties of a small number of individuals.
- That there is a question of a sustainable response to the cause of the problem, whether the problem is isolated storms in a static climate or an ongoing trend of sea level changes as a result of climate variability; and
- That the prudent value of choosing to either defend or retreat should be answered in every instance, prior to further investment, both for new infrastructure and to continue maintaining existing infrastructure.

The issues around coastal infrastructure and community expectations suggest that councils should consider how their neighbouring councils are choosing to respond and how the State Government is supporting their decisions.

LGAT is aware of these challenges and is facilitating discussions around them with the Tasmanian Climate Change Office. Discussions are ongoing.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan:

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

9.9 TasWater
Contact Officer: Katrena Stephenson

Decision Sought

That Members note the report on TasWater.

Background Comment

As outlined at the General Meeting on 18 May 2018, an MOU with the State Government was signed on 1 May by the Chief Owner Representative, Mayor David Downie.

The MOU outlines that:

- The State Government will contribute \$20 million a year for 10 years in exchange for equity in TasWater;
- As a shareholder they will have a role in the Board and CEO selection and the signoff of the corporate plan;
- The State Government will not take distributions but councils' current distributions are preserved;
- The injection of funding will allow price increases for consumers to be capped and some acceleration of the capital program; and
- There will be a collaborative approach to progressing Macquarie Point, the Launceston combined system and Cameron Bay.

The principles outlined in the MOU were developed with consideration of the key concerns raised by LGAT Members which formed LGAT's advocacy and informed our legislative council submission. These included maintaining Local Government ownership, revenue/rating impacts, cost of living concerns, independent oversight, skilled board, ease of raising issues with TasWater, ensuring all community needs are considered (avoiding pork barrelling) and so on.

The detail will now be fleshed out and as advised at the General Meeting, councils will receive a full information pack which includes financial modelling and proposed constitutional and legislative changes in July, with regional forums open to all elected members (convened by Chair of TasWater) early to mid-August. There will be a special meeting on 27 September to vote on the constitutional changes, by which time councils will have needed to form a position and formally authorise their owner representative to vote on those matters.

