



Local Government Association Tasmania

## **GENERAL MEETING**

# **AGENDA**

**Wrest Point  
Hobart**

**Thursday 5 August 2021**

**Commencing  
9.30am**

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

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

- (a) Subject to Rule 13(f), each Member shall be entitled to send a Voting Representative to any Meeting of the Association, such Voting Representative exercising the number of votes determined according to Rule 16(a).
- (b) In addition to the requirements set out in Rule 13(f), after each ordinary Council Election, the Chief Executive Officer shall request each Member to advise the name of its Voting Representative and the proxy for the Voting Representative for Meetings of the Association until the next ordinary Council Elections.
- (c) Subject to Rule 13(f), Members may change their Voting Representative or proxy at any time by advising the Chief Executive Officer in writing of the Voting Representative prior to that representative taking his or her position at a Meeting of the Association.
- (d) A list of Voting Representatives 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.
- (f) Each Member must provide the Association with written notice of the details of the Voting Representative who was by a resolution of the Member lawfully appointed as the Voting Representative of the Member at a 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**

- (a) At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.
- (b) If a quorum is not present within one hour after the time appointed for the commencement of a Meeting of the Association, the meeting is to be adjourned to a time and date specified by the Chair.

**16. VOTING AT MEETINGS**

- (a) Voting at any Meeting of the Association shall be upon the basis of each Voting Representative being provided with, immediately prior to the meeting, an electronic voting button or placard which is to be used for the purpose of voting at the meeting. The placard will be coloured according to voting entitlement and the voting buttons will be coded according to voting entitlement:

Population of the Council Area	Number of votes entitled to be exercised by the Voting Representative	Colour placard to be raised by the Voting Representative 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) Electronic voting buttons will be the first choice for voting on all decisions, with placards only to be used if the technology fails.
- (c) Voting buttons allow councils to vote for or against a motion or formally abstain from voting. An abstain is not to be taken as a negative vote.
- (d) The Chair of the meeting shall be entitled to rely upon the electronic vote or 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.
- (e) Except as provided in sub-rule (f), each question, matter or resolution shall be decided by a majority of the votes for a motion. If there is an equal number of votes upon any question, it shall be declared not carried.
- (f)
  - (i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members present at the meeting.
  - (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 these 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.
- (g) A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association.

**Schedule**

8.30m	Coffee on arrival
9.30am	Meeting Commences
10.00am	Mr Alastair Douglas Tasmanian Branch Chairman The Order o Australia Association Ltd
12.30pm	Lunch

## Index

<b>1</b>	<b>MINUTES *</b> .....	<b>6</b>
<b>2</b>	<b>CONFIRMATION OF AGENDA &amp; ORDER OF BUSINESS</b> .....	<b>6</b>
<b>3</b>	<b>PRESIDENT'S REPORT</b> .....	<b>6</b>
<b>4</b>	<b>CEO'S REPORT</b> .....	<b>7</b>
<b>5</b>	<b>BUSINESS ARISING *</b> .....	<b>9</b>
<b>6</b>	<b>FOLLOW UP OF MOTIONS *</b> .....	<b>9</b>
<b>7</b>	<b>COUNCIL ROUND UPS</b> .....	<b>9</b>
<b>8</b>	<b>ITEMS FOR DECISION</b> .....	<b>9</b>
	There are no Items for Decision.....	9
<b>9</b>	<b>ITEMS FOR NOTING</b> .....	<b>10</b>
9.1	LOCAL GOVERNMENT REFORM.....	10
9.2	INDEPENDENT LIVING UNITS (ILUs)/CHARITABLE RATES.....	12
9.3	WASTE AND RESOURCE RECOVERY.....	13
9.4	TASWATER EXPERT ADVISORY GROUP * .....	14
9.5	LAND USE PLANNING .....	16
9.6	CLIMATE CHANGE.....	17
9.7	COVID-19 UPDATE .....	19
9.8	INFRASTRUCTURE CONTRIBUTIONS .....	20
9.9	STATE ELECTION ADVOCACY.....	22
9.10	LGAT PERFORMANCE AND IMPROVEMENT 2021 .....	24
9.11	HEALTH AND WELLBEING PROJECT .....	25
9.12	LGAT PROCUREMENT .....	27
9.13	LGAT COMMUNICATIONS UPDATE .....	30
9.14	LGAT EVENTS UPDATE .....	31
9.15	POLICY UPDATE .....	33
	New Flood Warning Project .....	33
	Stormwater – Development Regulation .....	33
	Relationships Tasmania .....	34
	Our Watch.....	34
9.16	LGAT ANNUAL PLAN * .....	35
<b>10</b>	<b>ROADS AND INFRASTRUCTURE</b> .....	<b>36</b>
10.1	STRONGER PENALTIES FOR MALICIOUS VANDALISM OF PUBLIC FACILITIES	36
10.2	HEAVY MOTOR VEHICLE ROAD TAX DISTRIBUTION .....	37

**11 SECTOR PROFILE AND REFORM..... 41**

    11.1 CODE OF CONDUCT TRAINING COSTS.....41

**12 SECTOR CAPACITY ..... 43**

    12.1 RENEWABLE ENERGY PROJECT DEVELOPMENTS ON CROWN LAND.....43

    12.2 WORKPLACE HEALTH AND SAFETY REVIEW FOR ELECTED MEMBERS .....44

**13 FINANCIAL SUSTAINABILITY..... 47**

    No MOTIONS RECEIVED.....47

**14 LAND USE PLANNING & ENVIRONMENT..... 48**

    14.1 STATEWIDE PLANNING SCHEME PROVISIONS .....48

    14.2 INTEGRATED REGIONAL HOUSING SUPPLY STRATEGY.....50

    14.3 REVIEW OF STATE REGIONAL LAND USE STRATEGIES.....51

    14.4 COASTAL HAZARDS MANAGEMENT.....53

    14.5 COMMUNITY BASED ENGAGEMENT STRATEGY .....57

    14.6 PARKS AND WILDLIFE SERVICE MAINTENANCE OF INFRASTRUCTURE .....58

    14.7 ENVIRONMENT PROTECTION AUTHORITY ROLE IN PLANNING ASSESSMENT59

    14.8 COST SHIFTING ..... 60

**15 COMMUNITY HEALTH..... 63**

    No MOTIONS RECEIVED..... 63

**16 PUBLIC POLICY GENERAL ..... 63**

    16.1 INTRODUCTION OF REFERENDUMS .....63

    16.2 RECOGNITION OF ASSISTANCE DOGS .....65

**17 CLOSE..... 68**

\* DENOTES ATTACHMENT

**1 MINUTES \*****Decision Sought**

**That the Minutes of the General Meeting held on 12 March 2021, as circulated, be confirmed.**

The Minutes of the Meeting held on 12 March 2021, 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 PRESIDENT'S REPORT****Decision Sought**

**That the Meeting note the report on the President's activity from 26 February to 2 July 2021.**

**Meetings and Events**

- General Management Committee meetings
- ALGA Board meetings and National General Assembly
- Regular discussions - CEO
- Mayors workshop
- International Women's Day award recipients lunch

**Media and Correspondence**

- Media release – International Women's Day
- Media release – Support for joint statement on workplace safety for women in local government
- ABC Radio – Auditor General's Report on local government
- ABC Radio and LAFM – Local government reform
- LGAT News articles
- ABC Radio – Mayors entering State Parliament

## 1-216

- Congratulations letter to the new Minister for Local Government
- Congratulations letters to the incoming Legislative Councillors
- Letter to Premier and Minister for Local Government on Charitable Rates and reform
- Letter to Minister for Local Government on reform
- Container Refund Scheme (CRS) design launch with Minister for Environment

## 4 CEO'S REPORT

### Decision Sought

**That Members note the report on the CEO's activity from 26 February to 2 July, 2021**

### Advocacy

- No Planning Approval Required Options Paper submission
- Meeting with Opposition local government spokesperson
- Independent Living Units advocacy
- Media query – cat management
- COVID – 19 Notices advocacy
- Waste and Resource Recovery Bill submission
- Tasmanian input into ALGA advocacy on the impact of COVID – 19 on council owned airports
- Code of Conduct legislation advocacy
- Media query – Councils as a planning authority
- State Budget submission
- State Election advocacy – see separate item this agenda
- National Road Safety Strategy submission
- Road Safety Advisory Council meetings
- TasWater Expert Advisory Group meeting
- Amendments to the Roads and Jetties Act submission
- Media query – Councillors running for State Parliament
- Media query – marine flare disposal
- Future Drought Fund – input to scheme design in Tasmania
- Meeting with Housing Industry Association (HIA) regarding land use planning
- Child and Youth Wellbeing Strategy submission
- Media query – community health
- Meetings with local government, planning and waste Ministerial advisors
- Meeting with Tas Community Fund
- Draft Right to Information Regulations submission
- TasCOSS, Shelter and HIA joint meeting on housing and planning
- PlanBuild Steering Committee meetings
- Meeting with the Director of local government on bullying and harassment

## 1-217

- TasCOSS, Royal Flying Doctors and Health Consumers Tas joint meeting on preventative health
- Tas Audit Office meetings – GM Recruitment and Social impacts of COVID 19 performance audits
- Opinion Editorial – Councils and preventative health
- State Emergency Management Committee meeting
- Joint letter with HIA to Minister for Planning for review of the Regional Strategies
- TasWater Draft Corporate Plan submission
- Media query – Code of conduct
- Container Refund Scheme design advocacy
- Tasmanian Climate Change Act and Action Plan sector submission
- State Service Review submission

### **Sector Services**

- Update to the LGAT Delegations Register
- Advice on design plans and copyright
- International Women’s Day event
- Mayors workshop
- Clarence City Council visit
- General Managers workshop
- LGAT Assist Review
- King Island Council visit
- Presentation at the LG Pro Risk and Governance Special Interest Group workshop
- Regular meetings with JLT General Manager
- Sector information paper on Glyphosate
- NBN Co briefing
- Central Highlands Council visit
- Renewed or commenced 6 new LGAT Procurement Panels

### **Governance**

- General Meeting
- GMC elections
- Regular meetings with the Division
- GMC meetings
- LG Professionals Board meetings
- ALGA Board meetings
- MAV Insurance Board meetings
- Admin Officer recruitment and induction
- LGAT Performance and Improvement survey



**5 BUSINESS ARISING \*****Decision Sought**

**That Members note the following information on business arising.**

At **Attachment to Item 5** is a schedule of business considered at the meetings held on 12 March 2021 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 COUNCIL ROUND UPS****Decision Sought**

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

**Background comment:**

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

The session also allows time for questions and provides an opportunity to briefly share and highlight problems or opportunities facing councils and is better suited to a face-to-face meeting.

**8 ITEMS FOR DECISION**

**There are no Items for Decision.**

## 9 ITEMS FOR NOTING

### 9.1 Local Government Reform Contact Officer – Dion Lester

#### Decision Sought

**That Members note LGAT’s advocacy work on the proposed Local Government reform agenda.**

#### Background Comment

In the Premier’s State of the State address on 16 March, the Premier committed to implementing all recommendations from the Premier’s Economic and Social Advisory Recovery Council (PESRAC) Final Report. Amongst the recommendations was that the Tasmanian Parliament should sponsor a process to drive structural reform of Tasmania’s local government sector.

*The Tasmanian Parliament should sponsor a process to drive structural reform of Tasmania’s local government sector.*

*Parliament should own the local government reform process, including by:*

- *Setting the terms of reference for the process;*
- *Setting a timeframe of about 18 months for completion; and*
- *Committing to implementing the recommendations without material modification.*

*The process should be undertaken by an expert panel and supported by an appropriately resourced secretariat. The process must be designed to deliver a reform outcome capable of being implemented and include detailed recommendations on implementation and transitional arrangements.*

The recommendation also suggested that Parliament must start with the clear expectation that the process will “Deliver a new structure of local government areas (LGAs) with many fewer LGAs and a wholesale reconsideration of local government boundaries.”

The PESRAC recommendation and associated discussion drew heavily on LGAT’s 21<sup>st</sup> Century Council Project work, endorsing our statements that the goal of any reform “should be to create a more robust and capable system of local government” and noting that the review should “leverage and build on the substantial evidence already established through recent feasibility studies, LGAT’s work on 21st century councils and the experience in other jurisdictions.”

Throughout the election campaign both major parties ruled out forced amalgamations, but both indicated support for, and a need to undertake, 'local government reform'.

LGAT is very well prepared for a wholesale review of local government and investigation of reform options. We understand in detail:

- The history of local government reform, what has worked and what has not;
- What the sector in Tasmania believes is important; and
- Key stakeholder views on local governments strengths and weaknesses.

It is very important that any future reform process does not descend to the usual narrative of economies of scale (bigger is better) and a 'one size fits all' approach. The reform process must focus on the things that are important to individual communities, maintain local representation and ensure resilient councils that have effective service delivery.

At the time of writing, the Government has not released the Terms of Reference or indicated membership of the expert panel. Since the State Election LGAT has been actively engaging with the Government and opposition parties on our expectations for any reform process.

The Premier's Local Government Council is meeting on 22 July to discuss the reform process. A further update will be provided at the General Meeting.

### **Budget Impact**

Being undertaken within current resources, however this reform program could require significant resources over the next 12 – 18 months.

### **Current Policy**

#### Strategic Plan

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

#### 2020 – 21 Annual Priority

- Support the sector through the next stages of Local Government reform; and
- Support councils' recovery efforts from COVID-19.

**9.2 Independent Living Units (ILUs)/Charitable Rates**  
**Contact Officer – Dion Lester**

**Decision Sought**

**That Members note the update on the rating of Independent Living Units.**

**Background Comment**

At the March 2021 General Meeting Members considered the most recent position offered by the State Government on rating treatment for Independent Living Units (ILUs). In summary, the Government's position was that:

1. The Government is willing to set 30 June 2022 as the commencement of the grandfathering for existing ILUs, meaning after this point any person securing an ILU will be liable for the payment of rates once they take possession.
2. The portion of these complexes and their activities which are run for a charitable purpose needs to be recognised via an appropriate rates remission.
3. The State Government is willing to work with the sector on mitigating this risk of any flow on impacts of the above decisions to ILUs outside of those not currently paying rates.

Members resolved the following in response:

*That Members resolve to accept the offer from the State Government on the application of rates to Independent Living Units (ILU's) run by Charitable Institutions subject to grandfathering commencing on 1 January 2022.*

The position was communicated to the Government and was under consideration when the State Election was called. Following the election, LGAT wrote to the Premier and Local Government Minister reiterating the importance of resolving this issue. In addition, we continue to make direct representations to the Minister, his Office, the Local Government Division and Deputy Secretary of the Department of Premier and Cabinet.

At the time of writing it was understood the sector's position was under active consideration, with a decision expected prior to the General Meeting.

**Budget Impact**

Being undertaken within current resources.

**Current Policy**

Strategic Plan

- Promoting financial sustainability.

2020 – 21 Annual Priority

- Support the sector through the next stages of Local Government reform.

### 9.3 Waste and Resource Recovery Contact Officer – Dion Lester

#### Decision Sought

**That Members note the report on waste and resource recovery.**

#### Background Comment

Since the latter part of last year, the State Government's focus has been on resolving the governance arrangement for the Container Refund Scheme (CRS) and the development of draft legislation and a discussion paper for the statewide waste levy.

During this time, LGAT's CEO participated on the Minister for Environment's Waste and Resource Recovery Advisory Group, providing advice on the most appropriate governance arrangements for a CRS in Tasmania and ensuring the local government's interests were best represented in the development of the waste levy.

In March this year, the Government undertook broader consultation on the draft Waste and Resource Recovery Bill 2021 that will introduce a statewide waste levy and the associated governance arrangements. While much of the detail will be developed and implemented via regulations, the general approach and key components available have been warmly welcomed by the majority of the sector. The key issue emerging out of our consultation was the proposed start date of 1 November 2021. The concern was based on two grounds, insufficient time to prepare (given most of the detail was to be outlined in the regulations which were yet to be developed) and the administrative difficulty in introducing a new charge mid-rating cycle.

LGAT was successful at advocating for a delayed start to the waste levy, with the Government confirming a 1 July start date.

At the time of writing the State Government was also consulting on the Draft Container Refund Scheme Bill 2021 and related discussion paper. This Bill covers establishment of the Scheme, requirements for container approvals, and identifies Scheme participants. It also explains the administration of the Scheme, including the roles of Scheme Coordinator, Network Operator, and other key participants. It is proposed to establish the more operational details of the Scheme through subsequent regulations.

LGAT is currently pulling together a whole of sector submission on those aspects of the Bill and related material that require some refinement.

#### Budget Impact

Being undertaken within current resources.

**Current Policy**

## Strategic Plan

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

## 2020 – 21 Annual Priority

- Lead the waste management reform agenda.

**9.4 TasWater Expert Advisory Group \***  
**Contact Officer – Ben Morris**

**Decision Sought**

**That Members note the update on TasWater Expert Advisory Group.**

**Background Comment**

At the September 2020 General Meeting councils authorised LGAT to establish a secretariat for the TasWater Owners Representative Group and provide support to the Chief Owner Representative. The TasWater Expert Advisory Group's (EAG) purpose is to provide councils, as owners of TasWater, with additional oversight capability and to ensure TasWater Board accountability. LGAT provides the Secretariat, with the CEO and Policy Director participating in EAG meetings.

The functions of the EAG are to review TasWater's annual Corporate Plan, Annual Report, the Shareholder's Letter of Expectations (SLE) and respond to requests from members on TasWater as they arise.

Members of the EAG are:

- Mayor Doug Chipman - Chief Owner Representative and Chair
- Cllr Richard Ireland - Deputy Chief Owner Representative
- Gary Arnold - General Manager Kingborough Council
- John Jordan - General Manager Meander Valley Council
- Ald. Leon Perry - Devonport City Council
- Miriam Coleman - CFO Clarence City Council
- Greg Davoren – Deputy General Manager Brighton Council

So far this calendar year, the EAG provided comment on the TasWater 2022-26 Corporate Plan in May 2021, a copy for reference is at **Attachment to Item 9.4**. Feedback included the positive developments of climate change and environment strategies and, the return of full dividends. Queries were raised around the path to full cost recovery and metrics around safe drinking water.

The EAG is currently reviewing the SLE and has formed a joint working group with TasWater, including members of their Executive. Key matters that the EAG is looking to progress in the SLE include:

- Shareholder disclosure;
- Economic development principles;
- Responding to drought and climate change; and
- Dividends.

A draft SLE will be provided to Owners Representatives on 16 August 2021 for feedback, ahead of TasWater Board consultation and formal consideration at the 10 November 2021 Owners Representative General meeting.

The EAG will analyse TasWater's proposed Price and Service Plan 4 (FY2023-26) (PSP4) from both an owners and local government perspective when it is available in early July. The analysis of PSP4 will be provided to owners to inform their feedback in the consultation period, expected to commence late November 2021.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

#### Strategic Plan

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

#### 2020 – 21 Annual Priority

- Support councils' infrastructure planning and financial arrangements.

**9.5 Land Use Planning**  
**Contact Officer – Michael Edrich**

**Decision Sought**

**That Members note the following report on planning advocacy and related activities.**

**Background Comment**

LGAT continues to support Tasmanian councils in land use planning matters with a variety of activities across advocacy, engagement and sector services.

The number one priority in LGAT's planning advocacy is an urgent review of the Regional Land Use Strategies. Tasmania is not the only Australian state dealing with a housing crisis yet it is clear that out-of-date strategies, some over 11 years old, are holding back land supply in a number of areas. This is work that the Tasmanian Government could begin right now ahead of full implementation of the Tasmanian Planning Scheme. For example, it could initiate background land supply and demand studies that will inform the new strategies. LGAT is advocating at every level for this work to be started without delay. It was a major component of LGAT's Election Priorities 2021<sup>1</sup>, which included Opinion Editorials and direct advocacy to the Government and now with the newly appointed Minister for Planning.

The Tasmanian Government has committed \$3.45 million to conduct comprehensive reviews of Tasmania's three regional land use strategies<sup>2</sup>, but is yet to announce when this work will commence. LGAT will keep the advocacy pressure on until this work begins.

LGAT facilitated two online sessions in February. These included council lessons from the development processes and panel hearings for their Local Provision Schedules and, a briefing from the Planning Policy Unit (Department of Justice) on their introduction of *Interim Planning Directive No. 4 – Exemptions, Application Requirements, Special Provisions and Zone Provisions* (IDP4). These sessions were well received and eligible for CPD recognition by the Planning Institute of Australia. Both sessions were recorded and can be viewed by councils through the LGAT Planning & Development Network<sup>3</sup>.

LGAT undertook sector consultation and developed submissions to two planning-related initiatives of the Tasmanian Government<sup>4</sup>. In the draft Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Modification) Bill 2020 and Housing Land Supply Amendment Bill 2020, the Government sought to improve various aspects related to the

<sup>1</sup> LGAT's 2021 State Election Priorities: <https://www.lgat.tas.gov.au/member-services/lgat-advocacy/state-election-2021>

<sup>2</sup> See Tasmanian Liberals policies: <https://tas.liberal.org.au/securing-tasmanias-future-continuing-deliver-housing-tasmanians-need>

<sup>3</sup> To join the LGAT Planning & Development Team, please complete this form: <https://forms.office.com/r/nyL772k94J>

<sup>4</sup> See LGAT's Reports and Submissions page: <https://www.lgat.tas.gov.au/media-and-publications/reports-and-submissions>



introduction of the Tasmanian Planning Scheme and decision making through the transition. At the time of writing these Bills are before Parliament. Councils generally had limited objections to the amendments proposed. It was positive that the objections the sector did raise were largely addressed in the Bills presented to Parliament.

LGAT lodged a submission to the Consumer, Building and Occupational Services' (CBOS) *No Planning Approval Required Certificates – Options Paper*. The options presented in the paper were contentious and were overwhelmingly objected to by councils.

LGAT has been advocating for the Tasmanian Government to develop a community information website to explain the Tasmanian planning system and improve on the limited resources currently available. The Planning Policy Unit has agreed and begun work. LGAT has been clear that the site should be an accessible and easy to use resource for engaging the community, rather than a complex and technical site for qualified practitioners. This website will hopefully be valuable for councils to support their everyday engagement with community members to help them navigate their way through the approvals process and the statutory planning instruments that guide development.

#### **Budget Impact**

Being undertaken within current resources.

#### **Current Policy**

Strategic Plan:

- Facilitating change; and
- Fostering collaboration.

#### **9.6 Climate Change Contact Officer – Ben Morris**

#### **Decision Sought**

**That Members note the update on climate change.**

#### **Background Comment**

Tasmanian local government is responding in a range of ways to the climate challenge to address the concerns of the community and to manage the risks to their services. The Local Government Climate Change Survey 2020<sup>5</sup> demonstrated that councils have already undertaken a great deal of work in reducing their carbon emissions and in adaptation through work in coastal hazard responses and bushfire.

<sup>5</sup> Item 4.5, General Meeting 12 March 2021

At the September 2019 General Meeting members resolved that LGAT call upon the Federal and Tasmanian State Governments urging them to take emergency action on the climate crisis. This has provided a focus for LGAT's work in engaging other levels of government, our response to the April 2021 consultation on the *Climate Change (State Action) Act 2008* (the Act) and the next Tasmanian climate change action plan.

The LGAT response<sup>6</sup> to the Act review and the action plan was informed by the work that councils have already undertaken, the gaps they identified and the community needs they detailed. The key points of our submission included:

- Leadership and resources need to be provided by the Tasmanian and Australian Governments to help councils and communities respond.
- Local government is uniquely placed to support community preparedness and resilience in collaboration with the Tasmanian Government.
- The Act needs to better address adapting to climate change and risk mitigation through specific responsibilities, targets and reporting.

LGAT's focus for 2021/22 is to enhance the existing networks and collaboration for the benefit of councils right across the state and, to support councils in addressing climate risks and reducing emissions. In partnership with the Tasmanian Climate Change Office we will be hosting the inaugural Tasmanian Local Government Climate Change Showcase in early November 2021. This will provide councils from right across the state the opportunity to hear about the work of other councils in adaptation and carbon emissions reduction and network with others working to address climate challenges. LGAT will shortly be in touch with councils for case studies and to 'save the date'.

### **Budget Impact**

The budget allocation for the Local Government Climate Change Showcase is \$5,000.

### **Current Policy**

#### Strategic Plan

- Facilitating change;
- Fostering collaboration;
- Promoting financial sustainability; and
- Developing capacity and capability to deliver.

#### 2020 – 21 Annual Priority

- Support councils' infrastructure planning and financial arrangements; and
- Continue to support Members' professional development.

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<sup>6</sup> Available at: [https://www.lgat.tas.gov.au/data/assets/pdf\\_file/0027/886221/Climate-Change-Act-and-Action-Plan-LGAT-Submission-Draft-2021.pdf](https://www.lgat.tas.gov.au/data/assets/pdf_file/0027/886221/Climate-Change-Act-and-Action-Plan-LGAT-Submission-Draft-2021.pdf)

**9.7 COVID-19 Update**  
**Contact Officer – Georgia Palmer**

**Decision Sought**

**That Members note the ongoing activity undertaken by LGAT in supporting councils to navigate the COVID-19 pandemic.**

**Background Comment**

The COVID-19 pandemic continues to impact every Australian home, business and community. Tasmania has not had a locally acquired case of COVID in over a year. However, significant work continues to keep Tasmanians safe and to plan for the risk of an outbreak.

LGAT continues to remain engaged with the State Government's response to COVID-19 and closely liaises with councils on this issue.

Some of the key LGAT activities to support councils in the past 12 months include:

- Continued participation in the COVID-19 Control Centre weekly meetings and raising local government issues as appropriate.
- Facilitated Mayors to act as ambassadors for COVID-19 vaccination and assisted development of campaign materials and distribution for State Government "Get Vaccinated" campaign.
- Facilitated emergency management council officers to get early access to vaccinations to support them in their roles.
- Facilitated answers to councils regarding the use of the Check in Tas app.
- Advocated for and then facilitated a webinar for councils to enable input into the COVID Safe Evacuation Guidelines.
- Facilitated a webinar delivered by Public Health with Mayors to provide information regarding the Tasmanian Wastewater COVID-19 testing regime.
- Facilitated the process for mayoral nominations onto the Regional Recovery Committees.
- Advocated for the provision of detailed information to councils to lockdown for planning purposes.
- Participation in stakeholder engagement meetings with the Vaccination Emergency Operation Centre.
- Provided key updates and messages for Mayors and communications teams.
- Assisted with development of COVID-safe signage for emergency evacuation centres.
- Distributed advice and communications materials on COVID-19 testing sites.

It is expected that the COVID-19 Control Centre will remain operational for at least the remainder of the year and that LGAT will continue to be engaged in the state response and continued engagement with the Public Information Unit.

### **Budget Impact**

Being undertaken with current resources, noting that this continues to consume considerable time.

### **Current Policy**

Strategic Plan:

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

## **9.8 Infrastructure Contributions** **Contact Officer – Michael Edrich**

### **Decision Sought**

**That Members note the following report.**

### **Background Comment**

LGAT has been investigating infrastructure charging and contributions regimes from other Australian states to see what can be learned and adapted in Tasmania. This paper provides an update on this work, with the discussion paper to be published ahead of the August General Meeting.

From the work, there appears to be a significant opportunity for Tasmania to improve infrastructure financing, timely infrastructure delivery, and the financial sustainability of infrastructure authorities, particularly local government. The paper under development reflects on the charging approaches of other states and identifies the best attributes that could be adopted here. Several states are reviewing their systems to improve their operation and outcomes, providing useful insights for Tasmania.

Infrastructure contributions schemes deliver multiple benefits to councils, developers and communities alike. They support local growth and the development industry by allowing infrastructure to be properly financed and paid for by the beneficiaries. When properly integrated into sound infrastructure planning, contributions schemes support timely delivery of the infrastructure that facilitates development and eliminates first-mover cost that can hold up the development of key growth areas. When consistently applied, a comprehensive

infrastructure contributions approach can provide clarity, allowing developers to forecast their infrastructure and project costs early.

Most importantly, infrastructure contributions schemes are critical to the financial sustainability of infrastructure authorities as they allow the infrastructure costs of development to be appropriately attributed to development. This mitigates the upward pressure of growth and development on general revenue, such as rates. This is especially important for councils who must manage a wide range of interests and obligations competing for the limited rates revenue.

The existing mechanisms available for councils in Tasmania to apply infrastructure charges are dispersed across a range of legislation. It is likely that for clear, comprehensive and robust infrastructure contributions schemes a revised legislative framework will be needed.

TasWater has put forward a revised developer charges approach as part of its proposed Price and Services Plan 4. This approach, and the response from government and development stakeholders, will help to inform further development on infrastructure contributions for local government.

Infrastructure contributions connect the costs of development to infrastructure costs, timely infrastructure delivery to help communities grow and underpinning financial sustainability and reducing upwards prices/rates pressure. It is important that through economic recovery from the pandemic and for 21<sup>st</sup> Century Councils that local government has the financial tools, like infrastructure contributions, to succeed.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan:

- Facilitating change;
- Promoting financial sustainability; and
- Developing capacity and capability to deliver.

**9.9 State Election Advocacy**  
**Contact Officer – Dion Lester**

**Decision Sought**

**That Members note the report of LGAT's State Election Advocacy.**

**Background Comment**

A general election for the House of Assembly occurred on the 1 May 2021. An election for the Legislative Council seats of Derwent, Mersey and Windermere also took place the same day.

LGAT's election priorities were identified on the basis of previously highlighted areas of sectoral interest or concern and where there were known partner organisations to raise the same priority or support LGAT's position, strengthening our voice.

This resulted in the following priorities being progressed:

- Road Safety – Funding for rural/regional road corridor upgrades to support road safety in partnership the Royal Automobile Club of Tasmania (RACT).
- Planning – An urgent update to the regional land use strategies and more resources for planning (state and local).
- Mental Wellbeing (health) – Greater investment in community-based support services.
- Resilience and Bushfire Risk Mitigation – Funding for managing bushfire risks in peri urban areas.
- Stormwater – Funding for stormwater infrastructure upgrades.

**Election Campaign Strategy**

We developed an '[Election Priority](#)' webpage with a statement on each of the priorities and housing LGAT media releases and opinion editorials. Each political party was invited to provide a statement of their local government relevant commitments and were provided with a link to LGATs Election Priority website.

This was supported by all print and social media linking back to our election priority webpage.

During each week of the campaign we released a different priority, aiming to lead or leverage off the campaign or partner activities. The key weekly activities included:

**Week 1 Priority focus: Road Safety**

- Election priorities webpage went live.
- Link to LGAT election priority webpage sent to political parties and council General Managers and Mayors.
- Partnered with the RACT, activities included:
  - [Media release](#), [LinkedIn post](#) and tweet with link to media release supporting RACT's priority for investment in road safety for major rural roads.
  - RACT shared LGAT's tweet and local government support referenced in separate RACT opinion editorial to the Mercury.
  - LAFM pick up of issue in interview with LGAT President.

**Week 2 Priority focus: Planning**

- Mayor Daryl Quilliam championed planning on ABC radio's 'Monday Mayor'.
- [Opinion editorial on planning/regional land use](#) submitted to three major papers - published in the Mercury on the 16 April.
- Retweet/quote of RACT tweet calling for speed camera revenue to be reinvested in road safety.

**Week 3 Priority focus: Mental Wellbeing and Health**

- Partnership with the Mental Health Council of Tasmania (MCOT).
- [Joint media release issued](#) on the 22 April, referenced in weekend print media.
- Participation in MCOT's 'State of Mind' social media campaign.

**State Election commitments against LGAT priorities**

LGAT's advocacy work throughout the State Election provided optimistic results against three of the priority areas highlighted by local government. Through their election announcements, the Liberal Party announced the following:

- **Planning** - \$3.45 million to undertake a comprehensive review of the Regional Land Use Strategies.
- **Mental Wellbeing** - Additional funding of \$67.2 million towards the delivery of the Child and Adolescent Mental Health Services and \$20 million funding for prevention and early intervention to improve health and wellbeing of Tasmanians.
- **Resilience and Bushfire Risk Mitigation** - Further funding of \$2.5 million for the 'Red Hot Tips' program to support farmers and landholders conduct private burn-offs and also \$2.5 million funding for Fuel Reduction Program.

### Local Government Reform

Throughout the State Election local government reform was raised in a number of forums. LGAT continued to push the strong message that our sector was willing to reform and had already undertaken significant work through LGAT's 21<sup>st</sup> Century Councils project. LGAT stressed the need for any reform process to be consultative, focused on delivering the best possible outcomes for communities and that forced amalgamations were unacceptable. During the campaign, LGAT's President did two successful radio interviews that resonated this message strongly.

### Budget Impact

Being undertaken within current resources.

### Current Policy

#### Strategic Plan

- Facilitating change;
- Building Local Government's reputation;
- Fostering collaboration; and
- Promoting financial sustainability.

#### 2020 – 21 Annual Priority

- Support the sector through the next stages of Local Government reform;
- Influence the planning and red tape reduction reform agendas;
- Support councils' role in community health and wellbeing; and
- Support councils' infrastructure planning and financial arrangements.

## 9.10 LGAT Performance and Improvement 2021

Contact Officer – Katelyn Cragg

### Decision Sought

**That Members note the update on LGAT's performance and improvement work and take the opportunity to participate in the survey.**

### Background Comment

Councils were invited in February to provide feedback on LGAT's performance and improvement via survey, interview and/or facilitated questions. Since then, 60 people across 24 of Tasmania's 29 councils have participated, mostly via the online survey.

Initial analysis shows planning and building, waste, climate change, reform and workforce to be among the most important issues for councils over the next 12 months. Similar areas were identified as priorities for LGAT's advocacy over the next 12 months. Training and resources, including targeted education and professional development, and proforma



policies/frameworks, were also identified as important areas for LGAT to continue to provide.

Further analysis will occur prior to our strategic planning process later this year, so do not miss your opportunity to participate in the online survey, available [here](#).

Additional one-on-one interviews with elected representatives and staff from the sector will be scheduled in the coming weeks to supplement the online survey. If you would like to participate in an interview, please contact Katelyn Cragg ([katelyn.cragg@lgat.tas.gov.au](mailto:katelyn.cragg@lgat.tas.gov.au)).

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan

- Facilitating change;
- Fostering collaboration;
- Promoting financial sustainability; and
- Developing capacity and capability to deliver.

### **9.11 Health and Wellbeing Project** **Contact Officer – Lynden Leppard**

#### **Decision Sought**

**That Members note the progress of the LGAT Health and Wellbeing Project.**

### **Background Comment**

The Health and Wellbeing Project is funded by the Public Health Service, Department of Health, for a two-year period 1 July 2020 to 30 June 2022. The project enables LGAT to support an increasing council focus on improving community health and wellbeing outcomes. It builds on the first three-year Project that concluded in June 2020.

The COVID-19 lockdown and recovery, which continues, highlighted the essential role that councils play in public health and community wellbeing. This has been demonstrated in every community across Tasmania by the formal and informal work undertaken by council officers and elected members. Throughout this period the LGAT Project Officer shared councils' work and unique local insights with the State Government, which directly guided their resourcing decisions. For example, gaps in mental health support and food availability in rural and isolated communities.

Council's insights and the message of their essential role also greatly informed LGAT's response to the Premier's Economic and Social Recovery Advisory Council report and resulted in the appointment of an additional officer to Relationships Tasmania to assist councils in developing a suicide prevention community action plan.

Through the state election LGAT reinforced the importance of effective and properly resourced partnerships with councils in improving Tasmania's health outcomes. LGAT and the Mental Health Council of Tasmania presented a shared view about addressing mental health. *The Mercury* published an [opinion editorial](#) by the LGAT CEO that argued the importance of preventative health and councils' essential role in keeping people well.

In addition to these advocacy efforts, the Health and Wellbeing Project has had two key project activities, the Health and Wellbeing Workforce Report and, Health Intelligence Pilot Project. The Health and Wellbeing Workforce Report, outlined in the last update, is in draft form. The final report will be available by late July. The lack of adequate and appropriate funding and the limited acknowledgement of the role of local government in public and preventative health are emerging themes. The report will also provide us with new insights into the nature of the workforce that will inform future action.

The Health Intelligence Pilot Project is a software package and model that combines unique, locally gathered information, with a wide range of other data sources to give councils a comprehensive and timely overview of their communities' wellbeing. The draft report is complete with the feedback from the Project Advisory Group in July to inform the final draft. The feedback from the cross-section of councils involved to date has been positive. Possibilities for a Stage Two development of the model will be shared in coming months.

### **Budget Impact**

The Health and Wellbeing Project is funded by the Department of Health, with LGAT providing significant in-kind support.

### **Current Policy**

#### Strategic Plan

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

#### 2020 – 21 Annual Priority

- Support council's role in community health and wellbeing.

**9.12 LGAT Procurement**  
**Contact Officer – Georgia Palmer**

**Decision Sought**

**That Members note the following update on procurement support for councils.**

**Background Comment**

LGAT Procurement aims to help councils undertake best practice procurement and deliver value for money for their communities. Currently, LGAT Procurement offers 28 panel arrangements covering a broad range of goods and services areas, see the [LGAT website](#) for more details.

As part of our work promoting the contracts to councils, we regularly hear about the need to include more local suppliers. This is a priority for LGAT Procurement. For the recent Roads, Water, Sewerage and Civil Works (BUS270) contract we undertook significant engagement with councils and the industry to broaden the local supplier base. Other contracts in the pipeline include:

- Plant and Equipment Dry Hire (LB301) – tenders closed in June 2021, expected to commence in August 2021.
- Open Spaces – tenders open in July 2021, expected to commence in November 2021.
- Corporate Clothing (LB307), replacing the existing BUS271 arrangement – tenders open in August 2021, expected to commence in November 2021.
- Advertising, Media, Communications and Associated Services (LB306) – tenders open in August 2021, expected to commence in November 2021.

LGAT will continue working with councils to understand the suppliers they would like to see on the contracts.

**Engagement**

LGAT's engagement with councils and suppliers continues to grow, as demonstrated by:

- The number of council officers who are asking to be registered to access panel arrangements through Vendor Panel continues to grow (54 new users).
- The number of training sessions LGAT procurement has run for councils on the use of the panels (seven training sessions).
- A significant increase in engagement with councils and suppliers (over 180 engagements in the 12 months to March 2021).

LGAT Procurement has also worked with the Cities of Launceston and Hobart to re-establish the Local Government Procurement Network for council officers in Tasmania. The network

will be run through on the Microsoft Teams platform. The purpose of the network is to:

- Support ongoing information sharing about procurement matters between Tasmanian councils; and
- Shape the agenda of the Tasmanian Procurement Network meetings.

### **LGAT Panel Arrangement Activity and Savings for 2020/21**

Over the 12 months to the end of March 2021, the key LGAT panel arrangements used were:

- Hardware (used by 19 councils, total spend of \$84,700).
- Telecommunications (used by 15 councils, total spend of \$1,099,759).
- Corporate Clothing (used by 14 councils, total spend of \$66,994).
- Plant Machinery Equipment (used by 12 councils, total spend of \$1,061,284).
- Trucks (used by 9 councils, total spend of \$1,609,355).

Council spending under the contracts exceeded \$6.8 million in the 12 months to the end March 2021. The total estimated savings for councils during the same period was in excess of \$1.4 million, made up of direct (\$1,201,745) and indirect (\$253,500) savings<sup>7</sup>.

In addition to the total estimated savings, councils saved approximately \$819,000 on public lighting during the 2020/21 financial year and approximately \$234,000 on fuel tax credit reviews in the 12 months to the end of March 2021.

The total savings under these contracts exceeded the total 2020/21 LGAT subscriptions of \$1.2 million. Eight councils made savings through the LGAT panel arrangements that were sufficient to fully offset their LGAT annual subscriptions and a further seven made savings that covered more than 50 per cent of their LGAT annual subscription.

### **Model Code of Tenders and Contract**

The *Local Government Act 1993* specifies that a council must adopt a Code relating to Tenders and Contracts and that this must be reviewed at least once every four years. A number of councils are due to review their Codes in the first half of 2021/22 and some a bit later.

LGAT provides access to a Model Code for Tenders and Contracts (see [LGAT website](#)) and many councils have used this as a template for developing council specific Codes. LGAT Procurement is currently updating the Model Code to ensure that it is contemporary and fit for purpose. A legal firm will review the document prior to it being published on the [LGAT website](#).

<sup>7</sup> Direct savings being the estimated savings on item price (i.e. discounts). Indirect savings being the estimated savings as a result of streamlined procurement processes (i.e. a request for quotation rather than full tender).

### **Upgraded Vendor Panel License**

LGAT has recently invested in an upgraded Vendor Panel license to support Tasmanian councils in procuring goods and services through the 28 panel arrangements.

The upgraded license will make the council user experience more streamlined, as it will:

- Exclusively show suppliers servicing and/or located in Tasmania;
- Improve LGAT's ability to support councils in developing Requests for Quote; and
- Improve the relationship with suppliers and their understanding of their relationship with LGAT and obligations in Tasmania.

LGAT is currently undertaking the backend work to implement the upgraded license. The new platform will go live in July 2021. Councils do not have to do anything as the current Vendor Panel will automatically transition to the upgraded version when it goes live.

### **Small Sites Electricity Buying Group.**

Late last year LGAT Procurement identified an opportunity for councils to make significant savings by participating in a buying group to undertake a competitive tender for their small electricity connections. As a result, LGAT undertook an expression of interest process to select a supplier who could undertake this tender process for councils.

Twenty-one councils participated in the process that delivered an estimated combined saving of \$2.7 million over four years when compared to the standing offer. This is a great outcome for the participating councils.

### **Budget Impact**

LGAT Procurement operates within existing staffing arrangements.

### **Current Policy**

#### Strategic Plan

- Fostering collaboration;
- Promoting financial sustainability; and
- Developing capacity and capability to deliver.

**9.13 LGAT Communications Update**  
**Contact Officer – Kate Hiscock**

**Decision Sought**

**That Members note the update on LGAT communications.**

**Background Comment**

LGAT has successfully shifted our communications model to have a greater online and social media focus, largely through a strategic increase in posts and sharing articles on [LinkedIn](#). Our followers and engagement on this platform continue to grow and it is proving a valuable approach for member advocacy.

In June, we started a LGAT Facebook page. The intention of this page is to promote positive local government activities to the wider community, through sharing council posts as well as some LGAT generated content. The page was configured to minimize the need for moderation and to capitalise on existing council content in recognition of constrained LGAT communications resourcing. The Facebook feed is also displayed on the LGAT website, providing a community facing element to our website. The new Facebook page serves a similar purpose to the Better Councils Better Communities webpage, which is now under review.

LGAT has also begun a subtle campaign approach of tagging our posts with #partofyoueveryday, a successful campaign soundbite previously used in South Australia during their rates capping campaign and nationally as part of National Twitter Day promotions. The idea is to quietly increase community awareness of the important role councils play as part of our everyday lives. LGAT is also looking at having some social media tiles with the 'partofyoueveryday' message displayed.

The shift to the bi-monthly LGAT newsletter and specific updates as required is working well. Further optimisations to the LGAT newsletter's hosting platform 'MailChimp' have also been made to try and prevent it being sent to members junk mail. We encourage all members to subscribe to the LGAT newsletter, which you can do by clicking [here](#). If you are already a subscriber, make sure to check your inbox, spam, and junk folders for the newsletter and re-direct it back to your inbox. This should prevent the newsletter from inadvertently being sent to your junk mail in future.

In the lead up to the election, the LGAT Advocacy webpage hosted our key advocacy campaign issues. It served as a focal point to direct stakeholders, media and other key advocates to provide a one stop shop on our key sectoral issues. This page can now be found under our ['Advocacy and Policy'](#) section.

We have had success recently with a number of opinion editorials published and media commentary. LGAT Opinion Editorials and media releases can be found on our website [here](#) and will generally also be posted on LinkedIn.

LGATs upcoming communications activities will include:

- LGAT Annual Conference and associated media promotion;
- LG Awards for Excellence and associated media promotion;
- The LGAT Year in Review;
- Improvements to the Events area of the LGAT website; and
- Review of the Better Councils Better Communities webpage.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan

- Facilitating change;
- Building Local Government's reputation; and
- Fostering collaboration.

### **9.14 LGAT Events Update** **Contact Officer – Kate Hiscock**

#### **Decision Sought**

**That Members note the report on LGAT events.**

### **Background Comment**

LGAT continues to provide professional development, training and events offerings within the boundaries of COVID-19 restrictions. The following provides a summary of our recent and upcoming events.

#### **The Health and Wellbeing Project One Day Workshop – 22 April**

This one-day session was sponsored by the Royal Flying Doctors Service and included two workshops, networking sessions and the opportunity to share work in a poster session. The session focused on data and findings from LGATs Health and Wellbeing Workforce Project.

#### **LGAT Emergency Management Forum – 27 April**

An Emergency Management Forum for Municipal Emergency Management Coordinators and Recovery Coordinators was held in Campbell Town with strong attendance from council

officers. The forum was free for members, funded by a LGAT secured grant. The agenda included two expert speakers, Toby Kent and Anne Leadbeater, as well as presentations from councils.

### **General Managers Workshop – April 29 and 30**

The General Managers Workshop was held at Stewarts Bay Lodge in Port Arthur, with presentations covering community resilience planning, Project Marinus, road safety initiatives for local government and internal audit and risk management.

### **Upcoming Events**

#### **LGAT Annual Conference – 5-6 August**

At the time of writing, registrations are open for the LGAT Annual Conference. The Conference Program includes the following highlights:

- Keynote Presentation: Dale Williams, Carterton District Councillor, New Zealand;
- Local Solutions Session:
  - Dr Verity Cleland & Dr Kim Jose, University of Tasmania – Walkability in Rural Communities;
  - Owen Tilbury, President Great Regional City Challenge – Mobilising community at scale; and
- Todd Babiak (Brand Tasmania), Linda Scott (ALGA President) and Professor David Adams (University of Tasmania).

To find out more or register click here: <https://www.lgat.tas.gov.au/events/lgat-conference>

#### **Senior Leaders Session – 31 August, Hobart**

Information about this 'by invitation' session will be made available shortly.

#### **General Managers Workshop – 17 and 18 November**

#### **Mayors Professional Development Day – 2 December**

#### **Budget Impact**

Being undertaken within current resources.

#### **Current Policy**

##### Strategic Plan

- Facilitating change;
- Fostering collaboration;
- Promoting financial sustainability; and
- Developing capacity and capability to deliver.



2020 – 21 Annual Priority

- Support councils' role in community health and wellbeing;
- Continue to support Members' professional development; and
- Support councils' recovery efforts from COVID-19.

### 9.15 Policy Update

Contact Officer – Ben Morris

#### Decision Sought

**That Members note the following updates on various policy matters.**

#### **New Flood Warning Project**

The Tasmanian Fire Service and the State Emergency Service (SES) are currently planning and implementing the new Australian Warning system for bushfire and flood. The project will ensure a consistent national approach to warnings across the country. The SES has recently established a project steering committee to oversee the implementation of the flood warning system in Tasmania. The SES project team will be engaging with councils as a key stakeholder in relation to the project and implementation in the coming months.

#### **Stormwater – Development Regulation**

As highlighted at previous General Meetings (September 2020), the Tasmanian Planning Scheme (TPS) does not include a stormwater code. This is problematic for councils who seek to properly regulate stormwater impacts, such as volume and quality, from development. This is particularly acute for councils with stormwater codes currently in their interim schemes, as the TPS removes the code guidance for proponents. The TPS does contain a head of power to condition for stormwater quality and quantity (section 6.11.2), but there is no descriptive support for implementing this power and how to apply it to the wide gamut of development scenarios. It is also not clear if councils can require more information on stormwater in a planning application, pursuant to the TPS section 6.11.2, without a related code requirement. The nature of the TPS means that councils have few obvious tools available to them to address these gaps.

Collaborative work between councils on a possible stopgap solution is continuing. LGAT is supporting councils, along with representatives from the Tamar Estuary and Esk Rivers Program (NRM North) and the Derwent Estuary Program. The group has prepared a draft template council policy with supporting technical scientific and engineering information. The purpose is to guide stormwater management in development and assist councils in determining how they will apply stormwater conditions.

The group has consulted councils on several occasions and presented their draft policy to many local government professionals in key fields, particularly engineering and planning. Councils have been very interested in the document and provided comment on the draft document for further refinement.

Further clarity is required on the standing of the template policy and its connection to the head of power of TPS section 6.11.2. While council policy provides greater clarity for development, the extent of its weight to councils' power to condition is unclear given the absence of a Stormwater Code in the TPS. Investigations are continuing and legal advice is being considered.

### **Relationships Tasmania**

Earlier this year the Department of Health funded a position focused specifically on supporting councils to develop Community Action Plans (CAPs) on suicide prevention in their communities. The project is facilitated by Relationship Tasmania and managed by a DHHS, Relationships Tasmania, and LGAT committee. Feedback from council officers last year on the mental health needs in their communities contributed to this increased funding. The aim of the current project is to offer support to every council, adapted to their needs and priorities, within the context of an individual council's resources and priorities. The project can provide support funding as well as facilitating the process.

The Project Officer is in discussion with 13 councils and plans to discuss possibilities with every council. The range of approaches already in development is a positive demonstration that the CAP approach is adaptable and relevant to every council.

### **Our Watch**

LGAT continues to work constructively with the State Government on safe communities and families and domestic and family violence. We are part of the National Local Government Association Prevention Network. That network is supported through the Our Watch National Workforce Development Project, endorsed through the ALGA Board. Our Watch is an Australian, independent non-profit initiative established to drive nation-wide change in the culture, behaviors and attitudes that underpin and create violence against women and their children.

LGAT collaborates directly with Our Watch in Tasmania, which began with an Our Watch officer based in the Department of Communities in 2020. The role included supporting council implementation of the Local Government Toolkit on family violence. Eight councils were developing local responses to family and domestic violence and violence against women at the start of 2021.

Many councils are interested in what they can effectively and appropriately do to promote safe and healthy workplaces and communities, particularly as that relates to discrimination

## 1-244

and violence against women. LGAT's 2021-22 State Budget submission included the possibility of a state funded LGAT officer to respond to this need. State Government agencies are also implementing strong government policies relevant to these issues.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan

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

2020 – 21 Annual Priority

- Support councils' role in community health and wellbeing;
- Support councils' infrastructure planning and financial arrangements.

### **9.16 LGAT Annual Plan \***

**Contact Officer – Ben Morris**

#### **Decision Sought**

**That Members note the report against the Annual Plan.**

#### **Background Comment**

At Attachment to Item 9.16 is a copy of the LGAT Annual Plan and progress to date.

## Motions For Which Notice Has Been Received

### 10 ROADS AND INFRASTRUCTURE

#### 10.1 Stronger Penalties for Malicious Vandalism of Public Facilities Council – Circular Head

##### Decision Sought

**That LGAT lobby the State Government on behalf of all Local Councils for significantly stronger penalties for malicious damage and vandalism to public facilities and infrastructure.**

##### Background Comment

The recent impacts of vandalism across the spectrum of public facilities both at the local and state government provided level has periodically been subject to malicious vandalism and destruction.

These behaviours are causing considerable concern to all local authorities and state agencies as this escalates the costs of sustaining services to the wider user public and when malicious vandalism occurs places considerable additional costs back to community funds to continually repair and or replace infrastructure.

##### LGAT Comment

There have been no previous motions on this matter.

Tasmanian Police crime data indicates that the number of 'Injure/Destroy Property' offences recorded rose by 4 per cent (130 offences) in 2019-20 compared with the previous year. This followed a 3 per cent fall in 2018-19 compared with 2017-18. The 2019-20 rate of 3,291 sits slightly above (0.5 per cent) the median rate over the last five years to 2015-16 (3,273) suggesting rates of this offence are stable. Injure/Destroy Property offences recorded in 2019-20 occurred most frequently at a residential location (52 per cent), followed by in the street/footpath (14 per cent).

The Australian Government's Australian Institute of Criminology notes that around 25 per cent of vandalism is premeditated or malicious, and the reasons for these activities are complex, and therefore require an integrated approach to address.

##### Tasmanian Government Agency Comment

The Department of Police, Fire and Emergency Management does not believe there is a need for increased penalties for vandalism. There are currently a range of offences, and associated penalties, that may be applied to such conduct, with existing penalties already being significant.

For example, the maximum fine for marking graffiti (including drawing, writing or otherwise defacing property) is up to 20 penalty units (currently \$3,440). In the case of adult offenders, police may also issue on-the-spot infringement notices with a penalty of \$860.

In other cases where property is damaged or destroyed, offenders may be charged with either summary or indictable offences, dependent on the extent of the damage. Under section 37 of the *Police Offences Act 1935*, the maximum penalty for the summary offence is 10 penalty units (\$1,720) or imprisonment for up to 12 months. While in the case of the indictable offence under section 273 of the Criminal Code, the maximum penalty is up to 21 years imprisonment.

A more significant factor in deterring such offences is likely the perception of apprehension. Police work hard to investigate reported damage and hold offenders to account. However, there are a range of practical measures councils can take to aid in this and deter offending such as the deployment of CCTV cameras to assist in identifying offenders.

## 10.2 Heavy Motor Vehicle Road Tax Distribution Council – Circular Head

### Decision Sought

**That LGAT continue to lobby the State Government to implement funding change by-**

- a. A 3 year, phased in reinstatement of the equitable distribution of the heavy motor vehicle road tax distribution to the percentage of funds collected; and**
- b. A one off additional annual payment allocation of the heavy motor vehicle road tax distribution as compensation for 25 years of no indexation of the funding allocation and to support enhanced road infrastructure development in all local government areas.**

### Background Comment

Council previously considered the information presented below-

The State Grants Commission Act 1976 also requires the Commission to recommend the distribution amongst councils of State motor taxes collected on the registration of heavy vehicles. This function of the Commission is separate from its responsibility to recommend the distribution of Australian Government FAGs. The distribution of the HVMTR is not governed by the Local Government (Financial Assistance) Act 1995, and the funding is not a component of the FAG pool.

Since 1996-97, the State Government has allocated \$1.5 million per annum of heavy vehicle motor taxes for distribution to councils.

## 1-247

From the State Government published budget documents the total Motor tax in 1997-98 (no 1996-97 document online) was \$39 million with an estimated \$32.1 million being the heavy vehicle tax component (82% estimation based upon the number of licences issued and cost of licencing per vehicle class).

In 2018-19 this figure grew to \$89.9 million total Motor tax with an estimated \$73.9 million being the Heavy vehicle component (based on the above 82%)

Just let that sink in for a moment: -

- The distribution of \$1.5 million of the total heavy vehicle tax collected by State government to local government has remained fixed at \$1.5 million without increase for 24 years; and
- The total heavy vehicle tax collected by State Government has grown from an estimated \$32.1 million to \$73.9 million (a 230% increase to the state revenue with a 0% increase to the Local Government share).

From the same State Grants Commission publication referenced above Circular Head Council's share of the \$1.5 million in 2017-18 was 18.64% of the total, \$279,552. In 2017-18 the \$1.5 million represents 2.08% of the total Heavy vehicle tax collected by State Government.

If the 1997-98 comparative distribution was used (4.67% to Local Government) the total distribution to local Government would rise from the fixed \$1.5 million to \$3.36 million and Circular Head Council's share would be \$627,582. This would represent an equivalent 4.9 rate rise in the general rate for the \$348,030 increase in revenue (and would cut our forecast 2019/20 deficit from \$1.1million to \$0.75million).

It should be noted that the total State Government revenue in 2017-18 was \$5,874 million, so the suggested correction to 1997-98 distribution proportion would represent only a 0.03% reduction in revenue (\$1.86 million reduction).

Despite the small margins involved for State Government, in all likelihood LGAT (if lobbying on Local Government's behalf) wouldn't achieve a full correction upfront but lobbying for increases to the fixing of the \$1.5 million distribution given the 230% growth of the revenue since 1996-97 over a period of say 3 years (0.01% revenue reduction to State Government) would have a very material effect for Circular Head Council.

The situation has not changed, and or improved and the equitable distribution of funds remains unaddressed. A much more detailed and targeted approach is now required. A direct change of focus by LGAT to develop a lobbying strategy to engage key stake holders is seen as the best way forward to formulate a change outcome to engage key non-government industry stake holders.

**LGAT Comment**

This issue has a long history. LGAT received similar motions in 2005 and 2006 and essentially the same motion, split into its two component parts, in 2019.

LGAT has advocated many times on this issue. For example, LGAT made budget submissions in 2004, 2008 and 2010 seeking redress for the elimination of previous sources of local government road maintenance funding for heavy vehicles, the equitable distribution of road taxation to improve local road maintenance capability and for such measures to keep pace with the considerable increase in the freight task and growth in heavy vehicle usage and demands on local roads. LGAT has highlighted this issue in parallel advocacy with regards to the Australian Government's current and related program of Heavy Vehicle Road Reform<sup>8</sup>.

For the 2019 motion, LGAT met with Department of State Growth officials and wrote to the, then, Minister for Transport. The Minister responded in a similar manner as the Tasmanian Government Agency Comment, by avoiding addressing the purpose of collecting the Heavy Vehicle Motor Tax, being for road wear and tear caused by heavy vehicle road usage, and so also avoiding addressing that the tax should be distributed in the same manner, according to heavy vehicle road usage.

The Tasmanian Government comment on this motion does not:

- Respond to the absence of indexation;
- Explain how the funding approach supports their road management and heavy vehicle access goals for the Tasmanian road network, or
- Address why, when motor tax revenue is increasing, local government distribution should be declining in real terms.

More explanation of the Heavy Vehicle Motor Tax can be found on the Department of State Growth website<sup>9</sup>.

**Tasmanian Government Agency Comment**

The State Government considers there has been no change in circumstances that would warrant a deviation from the Government's position in July 2019, when LGAT last considered this issue.

Accordingly, the State Government does not support implementing a three year phased increase to its \$1.5 million annual contribution to supplement local council road maintenance programs.

<sup>8</sup> See: <https://www.infrastructure.gov.au/roads/heavy/proposed-changes-consultation-submissions.aspx>

<sup>9</sup> See: [https://www.transport.tas.gov.au/fees\\_forms/registration\\_fees](https://www.transport.tas.gov.au/fees_forms/registration_fees)

## 1-249

While the cost to local councils of maintaining roads will have grown over time, the \$1.5 million annual payment is only a small part of road-related funding that Tasmanian local councils receive. Many of these payments will contribute to maintenance of roads used by heavy vehicles, including:

- Roads to recovery funding;
- Black spot funding;
- Urban congestion funding; and
- State Government funding for specific roads and bridges projects.

Treasury has been unable to find evidence to support linking the payment to the quantum of State Government heavy vehicle motor tax revenue collections. The grant appears to have been primarily designed to compensate local councils for the abolition of local council heavy vehicle road tolls in 1996.

Given the State Government does not support any increase in its \$1.5 million annual contribution to supplement local council road maintenance programs, it also does not support the provision of a one off payment allocation as compensation for the grant not being indexed.



## 11 SECTOR PROFILE AND REFORM

### 11.1 Code of Conduct Training Costs Council – Kingborough

#### Decision Sought

**That LGAT lobby the State Government to change S 28ZNA (2) of the Local Government Act 1993 to require that 'if, as a result of a determination report, a Councillor is required to undergo training, the costs associated with that training are to be borne by the relevant Councillor, and not the rate payer'.**

#### Background Comment

Council recently received a Code of Conduct Panel Determination Report in relation to a complaint.

The Panel determined that multiple Parts of the Councillors Code of Conduct had been breached.

The sanctions imposed included a requirement to undertake at least six hours training and/or counselling in anger management and appropriate workplace behaviour. Under the current requirements of the legislation this counselling/training will be paid for by Council.

The cost of the counselling/training is estimated to be approximately \$3000.

This expense to Council is on top of the cost of the Panel Hearing, estimated to be approximately \$7,000 which is also to be paid by Council.

This motion seeks to gain the support of Councils in Tasmania to have the legislation changed to require that where a Panel determines that a Councillor is required to undertake counselling/training that the cost should be borne by the relevant Councillor and not the rate payer.

#### LGAT Comment

Over the years there have been a number of motions on the Code of Conduct framework. The most recent from last year:

- Seeking a full review of the entire Code of Conduct process and upfront mandatory mediation process funded by the Local Government Division; and
- Declaring no confidence in the Code of Conduct process and call on the Minister for Local Government to urgently take a more active role in resolving the issues.

The combination of a new Local Government Minister and the consultation on the Discussion Paper – Local Government Code of Conduct Framework, recently commenced offer the sector the best opportunity to resolve many of the well documented issues with the Code of Conduct framework.

**Tasmanian Government Agency Comment**

Section 28ZNA of the *Local Government Act 1993* (the Act) provides that if a councillor is required to undergo training as the result of a sanction imposed by the Code of Conduct Panel, then the costs of that training are to be borne by the relevant council.

Councillors are elected by their communities and are ultimately accountable to those communities for the decisions and actions which they take. The Code of Conduct framework is consistent with this accountability framework and it is for this reason that the community is financially liable for the actions of their representative councillors, but is equally empowered through normal democratic processes to judge those actions. Additionally, in consultation with the sector, the Code of Conduct framework was first implemented with a view to establishing a mechanism that holds individual councillors to account, without creating financial barriers which may potentially obstruct or inhibit democratic representation. For these reasons, the Government is not supportive of this change.

Following the regional forums undertaken with the sector in October and November 2020, the Minister for Local Government has recently endorsed public consultation on targeted reforms to the Code of Conduct framework. While this consultation process is seeking feedback on a number of specific reforms previously discussed with the sector, this will nonetheless provide an opportunity for feedback on some associated aspects of the framework. Specifically, the reforms propose that the sector explore dispute resolution procedures, which may present a genuine opportunity for the sector to change workplace culture to minimise the need for Code of Conduct complaints to be escalated in the first place.

## 12 SECTOR CAPACITY

### 12.1 Renewable Energy Project Developments on Crown Land Council – Circular Head

#### Decision Sought

That LGAT lobby the State Government on behalf of all Local Councils for the implementation of a state development policy to make suitable crown land made available for all types of renewable energy project developments to support social and economic benefit to Tasmania.

#### Background Comment

The recent announcement of the State Government promoting the virtues of the Renewables Tasmania Draft Renewable Energy Coordination framework makes clear reference to what the framework delivers in section four of the document. This section identifies and established objective three which is referenced as Partnering with Communities.

However, there is little reference in the narrative of how the state can partner with local communities and promote renewable energy projects on state owned land. The maximisation of development potential will clearly require the participation of state owned land resources to facilitate long term intergenerational infrastructure to be built and operated for long term community benefit. The implementation of such a policy would facilitate confidence in the investment required to bring forward a new generation of renewable projects and the wider social and economic benefit to the Tasmanian community.

#### LGAT Comment

There have been no previous motions on this matter.

#### Tasmanian Government Agency Comment

The draft Framework is currently being revised and will be released in mid-2021. The Framework provides the core structure in which a suite of inter-related work streams will be undertaken. An initial core task will be for Renewables Tasmania to assess areas/regions with a high potential for renewable energy development. Through this process, we will understand the parcels of Crown Land that meet the development criteria.

This assessment will ultimately inform discussions with Crown Land managers, developers and local communities on appropriate areas, including Crown Land, to support the planned growth in renewables. Providing clear policy direction on Crown Land access and resources management to support the State's renewable energy objectives will also be part of the Framework's implementation.

Community benefit analysis will also be a key focus for the initial implementation of the Framework to identify opportunities to maximise community benefits from the anticipated renewable energy growth within the regions.

Under the current access arrangements, proponents can make applications to access and use Crown Land. Such applications are to the relevant Crown Land managing authority through a standard assessment and approvals process.

All renewable energy projects on Crown Land are assessed for their compatibility with the reserve type. Assessments may include local, State and Federal processes depending upon the scale of the proposal, its location, and the values that are impacted by the proposal. It is not appropriate or necessary for land to be made available until there is a defined proposal that is able to be assessed on its merits.

In the case of the West Coast Renewable Energy Project, this energy park is now being led across Government by the Office of the Co-ordinator-General as the proposal impacts the Strategic Prospectivity Zone of the West Coast. It is envisaged that a similar coordinated approach may be taken to State Significant projects of this scale.

The West Coast Renewable Energy Project, is a very large and complex project involving a significant tract of Crown Land of various tenures and with competing interests regarding the use of that land, including interaction with Strategic Prospectivity Zones. The proposal must be considered with all the complexities that lie within it.

A Crown Licence has been executed for the purposes of undertaking wind resource modelling to inform the wind farm's business case and the company has also now gained the necessary approvals to undertake time critical studies in relation to fauna (such as the orange-bellied parrot). It is understood that these studies have commenced.

## **12.2 Workplace Health and Safety Review for Elected Members Council – City of Hobart**

### **Decision Sought**

**That LGAT calls on the State Government to commission Equal Opportunity Tasmania to undertake a review of the workplace health and safety of the Local Government sector for elected representatives.**

### **Background Comment**

In 2019, in response to several resignations by young women in Local Government, LGAT conducted a survey for elected members about bullying and harassment online. One third of

elected members responded and 60% reported that they have experienced bullying and harassment and were not clear of their legal protections in terms of workplace safety.

In 2021 more than 40 Tasmanian local government representatives from 16 Councils signed a joint statement expressing concern about workplace culture, particularly for women in Local Government.

The workplace health and safety of the Tasmanian Parliament will be the subject of an Inquiry by Equal Opportunity Tasmania and the Victorian Auditor General completed an Inquiry into sexual harassment in Local Government.

### **LGAT Comment**

In 2019 there were concerns raised inside and outside of the sector regarding issues of online bullying and harassment of elected representatives. In response to these concerns, LGAT undertook a survey looking at online bullying and harassment via social media (only).

The survey received 57 responses, with 60% (34) respondents reported experiencing online bullying and harassment.

LGAT undertook a number of actions, framed around building member capacity across online bullying and harassment. These included:

- Mayors Workshop roundtable (which included the Minister for Local Government);
- Two speakers at the Elected Representatives weekend on resilience;
- Training on social media which included managing online bullying;
- Development of a social media resources page on the [LGAT Extranet](#). The resources cover the following areas:
  - Social Media, Local Government and Legislation;
  - Social Media Overview, Statistics and Data;
  - Using Social Media as an Effective Engagement Tool;
  - Cyberbullying and trolls;
  - How to respond to negative social media; and
- Presented at the 2020 One Day Conference on resilience and mental health.

Currently, LGAT is supporting Our Watch with the Workplace Equality and Respect (WER) Standards for officers. This work could be expanded to encompass Elected Representatives with appropriate funding.

### **Tasmanian Government Agency Comment**

The Government supports safe and respectful workplaces for all individuals and is committed to supporting the local government sector to explore options to address issues raised about

discrimination in local government workplaces, including any alleged bullying and harassment of women.

The Director of Local Government has been actively engaging with the sector and other relevant agencies on these issues. In May 2021, the Director met with the Lord Mayor and other local government representatives, including the Chief Executive of the Local Government Association of Tasmania to discuss a review of culture in the local government sector.

Subsequent to that meeting, the Director agreed to:

- Write to all mayors and invite them to consider jointly sponsoring an independent review into the practices and procedures of councils, including the chamber workplace, existing complaints mechanisms, frameworks and any cultural and structural barriers to reporting alleged discrimination or harassment;
- Invite all mayors to sign a workplace equality and respect statement for each of their councils, committing to supporting a safe, welcome and inclusive environment for councillors, employees and visitors;
- Subject to the sector's response to the two points above, propose that LGAT and the Director will hold a meeting with mayors to discuss these matters in greater detail; and
- Support LGAT to investigate whether the Our Watch Program and other applicable training can be extended to local government including elected members.

The Director further undertook to write to all councillors as part of a process of building awareness in relation to this important matter.

Consistent with the above, the Government considers that an independent review of the workplace health and safety of councillors is most appropriately led by the local government sector. This could include a review into the practice and procedure of councils, including the chamber workplace, existing complaints mechanisms, frameworks and any cultural and structural barriers to reporting alleged discrimination or harassment.

The Government is also of a view that as part of any exploration into these issues, there exists opportunity for the sector to first increase awareness around councillors' broad obligations and responsibilities under the *Anti-Discrimination Act 1998* (AD Act), which provides the foundational framework most relevant to the prevention of discriminatory behaviour. Under the AD Act, councils *must* create a workplace that is free from discrimination and harassment. All organisations in Tasmania, regardless of size, must adhere to the AD Act.

Additionally, under the AD Act, councillors collectively have obligations to ensure that all councillors and employees are aware of what amounts to discrimination or other similarly prohibited conduct, and further ensure that persons within council do not engage in such

conduct. A council may be liable under that Act for a failure to take appropriate steps to this effect. Importantly, whilst Mayors and Councillors have limited immunity under section 341 of the *Local Government Act 1993*, they may still find themselves personally liable should they breach the provisions of the AD Act.

Equal Opportunity Tasmania encourages all organisations, including councils to have their own grievance procedures in place to provide an appropriate mechanism to resolve anti-discrimination complaints. There is also an ability to escalate a complaint to the Anti-Discrimination Commissioner if council's own grievance process is inadequate.

In building the sector's awareness around these obligations, Equal Opportunity Tasmania provides a range of training and education materials, these could be tailored to the sector's requirements and further information can be found at [www.equalopportunity.tas.gov.au/training](http://www.equalopportunity.tas.gov.au/training). The Director of Local Government and the Anti-Discrimination Commissioner are open to engaging further to explore appropriate and ongoing training opportunities for councillors.

While it was always intended as a measure of last resort, the local government Code of Conduct framework also provides a mechanism to deal with inappropriate behaviour of councillors. The Local Government Division, through its regional forums conducted with the sector in October and November 2020, has encouraged the development of dispute resolution policies to deal with complaints before they are escalated to a Code of Conduct Panel. In keeping with the recommendations of Equal Opportunity Tasmania, the implementation of these policies would provide a genuine opportunity to address grievances with behaviours in the council generally and could extend to workplace equality.

## **13 FINANCIAL SUSTAINABILITY**

### **No Motions Received**

## 14 LAND USE PLANNING & ENVIRONMENT

### 14.1 Statewide Planning Scheme Provisions Council – Northern Midlands

#### Decision Sought

**That LGAT lobby the State Government to urgently review recent Resource Management and Planning Appeal Tribunal and Supreme Court planning decisions with a view to amending the statewide planning scheme provisions to take account of any recent issues and to ensure loopholes are not exploited resulting in development contrary to the intention of the provision of the scheme.**

#### Background Comment

The Northern Midlands Council was recently unsuccessful in the appeal of *Northern Midlands Council v Smith* [2021] TASSC 8.

In 2018 the Northern Midlands Council approved an application for visitor accommodation on a Rural Resource zoned property.

In 2019 the Northern Midlands Council received an application for a permit to subdivide that property into two lots in order to place the existing house on one lot and the approved visitor accommodation on another lot.

Clause 26.4.2 P1 b) of the zone requires that subdivision is for the purpose of creating a lot for an approved non-agricultural use other than a residential use.

The application was approved with a condition that a Part 5 agreement be entered covenanting the lot in question to be used only for visitor accommodation.

The decision was appealed to the Resource Management Planning Approvals Tribunal who upheld the appeal. The condition was removed.

Council appealed the Tribunal's decision to the Supreme Court. The appeal was dismissed.

Subdivision of the original property could not have been approved if it was for residential use, due to it being in the Rural Resource Zone. Subdivision was allowable under the performance criteria for development of visitor accommodation in the Rural Resource Zone. However, once a building for visitor accommodation has been erected, there is great difficulty in enforcing that the building is not used in future for residential use, given the definition of visitor accommodation in Planning Directive 6 allowing for it to be provided to the general public at



no cost. There is no way to ensure protection of the Rural Resource Zone objectives and provisions due to this loophole.

Council is now concerned that a precedent has been set for a loophole to be exploited in the planning scheme and seeks support to amend the state provisions to close this loophole.

#### **LGAT Comment**

The LGAT General Meeting has previously considered motions on the Tasmanian Planning Scheme (TPS), but this is the first regarding this specific issue.

The State Planning Provisions are required to be reviewed at the end of every five years under Section 30T the *Land Use Planning and Approvals Act 1993*. As noted in the Tasmanian Government comment, the first review is due in March 2022. LGAT is aware that some councils operating under the TPS are collating items to be amended. LGAT has begun the conversation with the Tasmanian Government about informing the next review and subsequent amendment process.

#### **Tasmanian Government Agency Comment**

The State Planning Provisions (SPPs) have only been in operation for around 10 months in Burnie and have recently taken up operation in Meander, Brighton, West Coast and Circular Head. Notwithstanding the short period of operation, the SPPs are scheduled for their statutory five year review in March 2022 and it is expected that this review will take into account any recent decisions made by the Resource Management and Planning Appeal Tribunal in relation to matters that relate to the content or operation of the SPPs.

At this stage, only very few issues have been raised about the operation of the SPPs as opposed to their policy intent.

The specific issue raised by the Northern Midlands Council is dealt with differently in the SPPs as are the provisions relating to establishing visitor accommodation uses in these zones. While a visitor accommodation use is similar to a residential use, it does involve a change of use that requires a planning permit. Irrespective of the definition of 'visitor accommodation' including where it can be provided to the public at no cost, it relates to short term accommodation not long-term residential use.

In the SPPs the ongoing protection of the Rural zone objectives is managed by the required setbacks in the zone for both residential and visitor accommodation uses.

The Government is aware that by establishing the Tasmanian Planning Scheme it has a responsibility to ensure the ongoing currency and appropriate operation of the SPPs.

## 14.2 Integrated Regional Housing Supply Strategy Council – Circular Head

### Decision Sought

**That LGAT Lobby the State Government to develop an integrated regional housing supply strategy in partnership with the federal government and the private sector to deliver a diversified housing supply to all the areas of housing undersupply across the state.**

### Background Comment

Housing supply has now become a key issue for many regions of the state as a result of some key growth outcomes and project development.

The recent strong economic and positive population success of the state is now challenging the local community, awakening the opportunity to grow and providing new community aspirations.

### LGAT Comment

Housing shortages and escalating affordability problems have become common now in many parts of Australia. However, as a market with smaller housing stock, Tasmania can be particularly sensitive to market shifts, with house price growth often outpacing the traditional hotspots of Sydney and Melbourne. There can be many drivers of housing shortages, so a robust response should look at all of them, including land availability, land banking or release reluctance, infrastructure planning, delivery and financing, construction industry capacity.

LGAT will participate in Tasmanian Government consultations regarding housing affordability and engage the local government sector at every opportunity.

### Tasmanian Government Agency Comment

The Tasmanian Government acknowledges the mover of this motion and agrees with the intention. The Government now has in place such an integrated approach, *Tasmania's Affordable Housing Strategy 2015-2025*, supported by *Tasmania's Affordable Housing Action Plan 2015-2019* (Action Plan 1) and *Tasmania's Affordable Housing Action Plan 2019-2023* (Action Plan 2). This is a strategy to improve affordable housing and help those most in need of safe and secure housing. Record investment of \$300 million is assisting around 5,000 Tasmanians in housing need, including supply of around 2,350 social housing dwellings by 30 June 2023.

The Tasmanian Liberal Government recently announced a \$2 million commitment towards a comprehensive Tasmanian Housing Strategy that will be developed and implemented as a long-term strategy over 20 years to ensure that public and private housing meets the growing needs of the community. This will address a range of issues such as population growth, land

availability, taxes, planning approval, construction workforce, infrastructure and sustainable housing.

Broad consultation with the Tasmanian community will be undertaken to develop the Tasmanian Housing Strategy. This will involve key expert groups, including local government to be engaged in the consultation process. This will include exploring the needs of particular cohorts and population groups, as well as regional issues.

The new strategy is supported by a range of funding commitments including \$315 million additional funding towards social and affordable housing and homelessness initiatives across the state, and investment of \$3.45 million to conduct reviews of Tasmania's three regional land use strategies. The three regional land use strategies have not been substantially reviewed since they came into effect in 2010 and updated strategies based on demand analysis will ensure the planning system remains fit for purpose and continues to promote sustainable residential development and infrastructure.

This brings the Government commitment towards housing to \$615 million over seven years. This is a well-funded and comprehensive approach to addressing a range of housing issues across the state, including the private and public sectors. The Tasmanian Housing Strategy will meet the broad needs of addressing housing issues, and therefore a regional housing supply strategy will not be required.

### **14.3 Review of State Regional Land Use Strategies Council – Circular Head**

#### **Decision Sought**

**That LGAT Lobby the State Government to activate a comprehensive review of all state regional land use strategies given the expanding development growth demands and statewide housing shortages being experienced in most local government areas.**

#### **Background Comment**

The regional land use strategy has been mentioned by the present Minister for Planning in the current election campaign and a follow up with the subsequent LGAT AGM motion is recommended.

#### **LGAT Comment**

LGAT has been steadily intensifying our advocacy to the Government for an update to the Regional Strategies<sup>10</sup>, with this issue one of LGAT's major platforms in our State Election

<sup>10</sup> See LGAT's 2021 Media Releases, Opinion Editorial – Tasmania needs to plan for housing:  
<https://www.lgat.tas.gov.au/media-and-publications/media-releases>

Advocacy 2021<sup>11</sup>. Indeed, it is likely that the PESRAC recommendation and subsequent commitment by the Tasmanian Government to commit a further \$3.45 million to a comprehensive review of the Regional Strategies can be, in part, attributed the LGATs sustained advocacy efforts.

#### **Tasmanian Government Agency Comment**

The LGAT motion aligns with the recent PESRAC recommendation to comprehensively review the three regional land use strategies to assist with guiding major investments in the State.

The Government has started work on an integrated program for reviewing the regional land use strategies including providing the policy basis, improved regional planning framework as well as a means of bringing forward projects at a local council and regional level that will address immediate issues and inform the review program. This recognises that while undertaking comprehensive reviews of the three regional land use strategies is a 2-3 year exercise, there are opportunities for substantial work to address local issues that can be carried out over coming months if they are contained within a common program and integrated later into the comprehensive reviews. This program will concurrently develop the Tasmanian Planning Policies and a proper legislative framework and governance structure for ongoing preparation and amendment of the regional land use strategies.

In the 2020-21 Budget the Government committed \$550,000 to assist with undertaking short-medium term reviews and updates to the three strategies – such as co-funding regional/sub-regional supply and demand analyses, reviews of settlement growth management strategies, and establishing a consistent methodology and template for settlement structure plans to help inform updates to the strategies. These opportunities are already being discussed with local councils at a regional level in the north.

In line with the election commitment, a further \$3.45m will be made available to ensure the comprehensive reviews of all three strategies including the adoption and continuity of this early work into them.

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<sup>11</sup> See: <https://www.lgat.tas.gov.au/member-services/lgat-advocacy/state-election-2021>

#### 14.4 Coastal Hazards Management Council – Circular Head

##### Decision Sought

That LGAT lobby the State Government on behalf of all Local Councils for the early completion of Coastal Hazards Management for Existing Settlements and Values project, with a final report and recommendations being made publicly available.

##### Background Comment

This has previously been an active area of LGAT advocacy for Councils, with some discussion at the PLGC meeting and a follow up meeting with the Department Secretary of DPIPWE.

In addition, LGAT is also actively involved in the Tasmanian Climate Change Office's *Coastal Hazards Management for Existing Settlements and Values* project, examining coastal hazards management in Tasmania. The project is a consultative investigation into the state of play of coastal hazards management in the state, identifying gaps and areas for improvement.

Councils have been involved in consultation workshops in each of the three regions. The project was to include advice on the DPIPWE/Crown Land Services strategy for coastal erosion mitigation retreat or defence. To date the Tasmanian Climate Change Office's *Coastal Hazards Management for Existing Settlements and Values* project report has not been finally communicated other than the crown lands position that natural processes will occur and there will be no funding for infrastructure.

##### LGAT Comment

Members passed a motion in November 2010 that touched on these issues, that sought legislative protection for local government in relation to coastal protection issues. In 2018-19 LGAT responded to growing concerns from councils who were experiencing problems when helping their communities deal with DPIPWE on coastal hazards. Landowners were finding it impossible to understand DPIPWE's stance on coastal hazard management, detailed in LGAT's December 2018 General Management Committee meeting<sup>12</sup>.

LGAT advocated strongly on this issue through the Premier's Local Government Council<sup>13</sup> and was successful in securing DPIPWE's commitment, and subsequent publication of its internal coastal hazard management policy, which is now available.

<sup>12</sup> See Dec 2018 GMC meeting: <https://www.lgat.tas.gov.au/events/meetings/lgat-general-management-committee>

<sup>13</sup> See May and December 2019: [http://www.dpac.tas.gov.au/divisions/local\\_government/plgc](http://www.dpac.tas.gov.au/divisions/local_government/plgc)

The next climate change action plan is currently under development with LGAT making a submission<sup>14</sup> in May 2021 just prior to the election. As indicated by the Tasmanian Government's response it appears likely that coastal hazard management will be included to some degree.

### **Tasmanian Government Agency Comment**

The Tasmanian Climate Change Office has supported Tasmania's coastal managers to help them identify and manage coastal hazards to existing settlements and values.

Four information gathering workshops with coastal managers and relevant staff from State and local governments and government business enterprises were held across the State in late 2018. Workshop participants identified the following options to strengthen Tasmania's framework for managing coastal hazards:

- Policy framework – further develop Tasmania's State-wide coastal management policy framework to provide consistent direction, and a contemporary approach that balances the environmental, social and economic values of the coastal zone while addressing the threats from coastal hazards, climate change and population growth. The upcoming development of the Tasmanian Planning Policies was identified as an opportunity.
- Guidance material – preparation of best-practice coastal hazards management guidance material that links to the Tasmanian Planning Scheme and the State-wide coastal hazards mapping, will assist coastal managers to undertake adaptation planning for their communities.
- Roles and responsibilities – work with stakeholders involved in coastal hazards management to clarify roles and responsibilities for coastal hazards management.
- Leadership and governance – demonstrate proactive leadership across all tiers of government. Governance structures at various levels of government, such as regional council groups focused on coastal hazards management, was identified as a success factor.
- Legal liability – analyse the potential legal liability issues associated with carrying out coastal hazards management works.
- Hazard mapping – the State-wide mapping of coastal erosion and coastal inundation publicly available on LISTmap was identified as a valuable existing resource that assists coastal managers in identifying locations that are at risk of coastal hazards. Participants highlighted the importance of ensuring this mapping and data are kept up to date, and that future mapping opportunities are identified.
- The further development of downscaled, localised coastal hazards mapping, similar to the mapping produced as part of Tasmanian Coastal Adaptation Program, would be a valuable tool for at-risk communities.
- Funding mechanisms – analyse potential funding mechanisms for coastal hazards

<sup>14</sup> Available at: [https://www.lgat.tas.gov.au/data/assets/pdf\\_file/0027/886221/Climate-Change-Act-and-Action-Plan-LGAT-Submission-Draft-2021.pdf](https://www.lgat.tas.gov.au/data/assets/pdf_file/0027/886221/Climate-Change-Act-and-Action-Plan-LGAT-Submission-Draft-2021.pdf)

management, which may include grants, no-interest loans, public private partnerships and cost-share initiatives.

- A summary of workshop findings was provided to workshop participants.

The findings from the workshops will be used to inform the development of the Tasmanian Government's ongoing approach to managing coastal hazards for existing settlements and values as part of the development of Tasmania's next climate change action plan.

The Department of Primary Industries, Parks, Water and Environment (DPIPWE) supports and participates where possible with the *Coastal Hazards Management for Existing Settlements and Values* project run by DPAC, as outlined above and looks forward to the finalisation of the project and the associated report.

The information below explains DPIPWE's contribution to coastal hazards management – and a link to this web page is also listed below.

As a public land manager, DPIPWE faces ongoing decisions regarding issues on coastal land due to the increasing risks from a range of coastal hazards including storm surge, erosion and inundation.

DPIPWE will continue to review and where appropriate update its approach to the management of coastal land as knowledge of climate change impacts improves and in accordance with any future Tasmanian coastal policy and legislation.

The Crown is bound by the current *State Coastal Policy 1996*, which in relation to coastal processes and hazards, states that:

*1.4.1. Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea-level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.*

*1.4.2 Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.*

DPIPWE has adopted the following principles to:

1. communicate its approach and responsibilities to the management of coastal land; and
2. underpin its land-use planning and decision-making in coastal risk areas.

Coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea-level rise are natural processes and the risks to properties from these processes appropriately rest with the property owners, whether they be public or private.

## 1-265

Under both statute and common law, the Crown does not have, nor does it accept, specific future obligations to repair or reduce the impacts of natural coastal hazards on private property.

Unless otherwise agreed, the Crown does not accept obligations to repair or reduce the impacts of natural coastal hazards on any non-Government owned or managed assets sited on public land.

DPIPWE will use an open, evidence-based, risk-based approach to land use planning and decision making in coastal hazard areas and will consider both the short and longer-term consequences of planning and land use decisions.

Best practice coastal protection works can reduce the risk of coastal hazards, however coastal defences and other physical interventions with the coastline that are not informed by appropriate and relevant professional expertise, can have expensive and unforeseen consequences (potentially shifting, exacerbating or not resolving coastal hazard issues in the longer-term).

On land that DPIPWE manages in coastal hazard areas, DPIPWE will generally avoid intensifying use or development, and will progressively reduce vulnerable infrastructure as resources permit.

DPIPWE will work with other organisations and agencies in assisting the development of whole-of government strategies to deal with ongoing and changing or developing coastal processes and hazards.

DPIPWE will support individuals and organisations to understand risks from coastal processes and hazards through the provision of information and advice.

For further information on undertaking work on Crown land please see the following DPIPWE [Property Services\[1\]](#) page.

Also see [Managing Coastal Hazards | Department of Primary Industries, Parks, Water and Environment, Tasmania \(dipwe.tas.gov.au\)](#)



## 14.5 Community Based Engagement Strategy Council – Circular Head

### Decision Sought

That LGAT lobby the State Government on behalf of all Local Councils for the implementation of a local community based engagement strategy to inform and empower local communities to have better understanding of the policy contents and opportunities for social and economic wellbeing through enhancing a strong and growing renewables industry across Tasmania.

### Background Comment

The recent public engagement processes surrounding the Renewables Tasmania Draft Energy Coordination Framework has left a void in community understanding of the importance of the policy document at the grass roots level in community. The lack of good community understanding of the policy document undermines a genuine community engagement and places any decision making at risk of poor community acceptance. The renewables vision communicated and yet to be understood by community requires far more on the ground communication with key community influences and stake holders. This present void in vision and knowledge sharing remains to be addressed to determine true community opportunity for maximising benefits.

### LGAT Comment

There have been no previous motions on this matter.

### Tasmanian Government Agency Comment

Implementing a community engagement strategy is a key output of the implementation of the Renewable Energy Coordination Framework. The draft Framework is being updated in response to the feedback received and is due to be released in mid-2021. Before the annual general meeting, the Government can update its status and the key actions relevant to the motion.

The Framework seeks to coordinate the renewable energy growth required to deliver shared benefits to Tasmanians. The focus is on the efficient, collaborative and sustainable implementation of policy and projects. Renewables Tasmania will use the Framework to inform energy planning and coordination advice to the Director of Energy Planning and guide policy implementation to achieve the Government's vision to transform Tasmania into a global renewable powerhouse.

The Framework will be implemented in phases with the initial focus on the strategic assessment and analysis of scenarios towards the delivery of long term goals to 2040 – such as Tasmania's 200% renewable energy target.

A community engagement strategy will form part of the initial phase to be delivered by 2022. This strategy will outline a consistent approach across the suite of implementation workstreams. It aims to work with agencies, stakeholders and communities to shape decisions and actions required to implement the Framework.

A focus will be on embedding collaboration and partnering engagement practices to identify community benefit opportunities and develop a shared vision for the priority regions identified for growth.

Early engagement with the local community will be built into the Tasmanian engagement strategy. Local government will be a critical stakeholder in the development and delivery of this engagement strategy. Other stakeholders are likely to include community representative groups.

#### **14.6 Parks and Wildlife Service Maintenance of Infrastructure Council – Circular Head**

##### **Decision Sought**

**That LGAT lobby the State Government on behalf of all Local Councils for the implementation of a coordinated long term 10 Year strategic asset management plan to be implemented by the Tasmanian Parks and Wildlife Service for all their customer facing public use assets and infrastructure services.**

##### **Background Comment**

The ongoing cycle of Parks and Wildlife infrastructure development and maintenance is causing considerable grief to customers and community without a coordinated long term strategic asset management plan in place. The lack of user transparency of asset servicing and renewal alongside the fluctuations of improvements and decline does not serve the visitor economy or local community users reliably. The lack of infrastructure maintenance reliability provides for poor recovery in the visitor economy of local communities across the state.

##### **LGAT Comment**

The LGAT General meeting passed a similar motion that was limited to roads (July 2015), and has previously sought an increase for Parks and Wildlife's funding for infrastructure (2004) and operational funding (June 2009).

##### **Tasmanian Government Agency Comment**

The PWS has a comprehensive asset management and maintenance program in place to manage priority and critical assets across all reserved land in the State of Tasmania.

It is recognised that these assets underpin tourism and therefore regional economic activity throughout the State. The PWS annually allocates significant capital and maintenance funding towards the replacement, repair and restoration of assets.

Over the past four years, approximately \$4 million per annum has been invested in reserve land maintenance and the forward capital program is over \$43 million in new and replacement developments.

The PWS is open to discussions regarding lease or transfer of responsibility of appropriate key assets to local governments who are prepared to take responsibility for reserve maintenance.

#### **14.7 Environment Protection Authority Role in Planning Assessment Council – Circular Head**

##### **Decision Sought**

**That LGAT lobby the State Government on behalf of all Local Councils for improved & mandated Environment Protection Authority (EPA) transparency, community facing participation and engagement processes in the assessment of development proposals for which the Environment Protection Authority have levels of responsibility in determining recommendations and approvals.**

##### **Background Comment**

The role the Environment Protection Authority (EPA) plays in development assessment is vital to community confidence in the assessment process. At present the assessment and regulatory functions of the EPA is not open to any community engagement and this is clearly a source of much ongoing community frustration. The enhancement of community confidence by being more transparent and accessible will be an assistance to better community engagement with significant projects and the role the EPA plays in assessment of development and regulatory functions.

##### **LGAT Comment**

There have been no previous motions on this matter.

##### **Tasmanian Government Agency Comment**

Circular Head Council are moving a motion that is intended to seek from Government a commitment that the EPA Board will take a greater role in public engagement with communities where large-scale developments are proposed, and before the environmental impact statement (EIS) is advertised for public consultation.

The *Environmental Management Pollution Control Act 1994* does not provide a mechanism for the EPA Board to undertake any public consultation prior to a proposal being advertised by a Council, where a *Land Use Planning and Approvals Act 1993* permit is required (90% of the time), or when the EPA releases the EIS for public comment if a permit is not required (10%) of the time.

In instances where a proposal is a class 2C (significant), the EPA Board advertises the project guidelines that the EIS must be prepared against for comment. This has typically been for wind farms, tailings storage facilities and mines.

The EPA Board will shortly be considering a proposal to have the legislative step of issuing guidelines for a project as the first point that a project is detailed on the EPA website. This will mean the public get some basic information about a project between 6-12 months before it is formally released for public input. This approach may address some of the concerns expressed by the Council.

#### **14.8 Cost Shifting Council – Northern Midlands**

##### **Decision Sought**

**That LGAT lobby the State Government to increase the resourcing for cat management and control of weeds.**

##### **Background Comment**

Cat management is an ongoing issue in local government areas. Feral and stray cats cause a range of issues, including but not limited to killing wildlife, the spread of disease such as toxoplasmosis and trespass onto neighbouring properties.

The *Cat Management Act 2009* requires cat owners to desex their cats, however, this is not enforced by either local or state government. The *Cat Management Act 2009* requirements do not assist in the management of feral cats, which, particularly in rural areas are a serious issue.

The State Government has developed the Tasmanian Cat Management Plan 2017-2022. The development of the plan is a step in the right direction to more effective cat management however, it raises concerns about the expectation of local government to achieve the objectives set out in the plan.

The State Government should fund the enforcement of the *Cat Management Act 2009* and allocate funding and support to implement the objectives of the Cat Management Plan, with particular focus on a strategy to bring feral cat populations under control.

Weed management is an ongoing issue in local government areas. The *Weed Management Act 1999* is the central legislation covering weed control and eradication in Tasmania. It is the responsibility of the State Government to enforce the *Weed Management Act 1999*, however it is noted that a Council, with the approval of the Secretary may appoint any person as an inspector for the purposes of the *Weed Management Act 1999*.

The Northern Midlands Council is receiving an increase in reports of declared weeds within its municipality. Council does not have an appointed inspector and its protocol is to write to the property owner advising Council has received a report of a declared weed, requesting removal and, also notifying the Department of Primary Industries, Parks, Water and Environment.

It would appear the Department of Primary Industries, Parks, Water and Environment does not have adequate resources to deal with the volume of complaints regarding weeds and thus enforcement action is rare.

The State Government should fund the resources to adequately enforce the *Weed Management Act 1999*.

#### **LGAT Comment**

Calls for adequate resourcing to councils to manage cats and weeds has a long history.

Four motions related to cats have been carried since 2006. They address feral cats and the confinement, microchipping and de-sexing of owned cats. Councils provided in-principle support for the State Government's 2020 amendments to the *Cat Management Act*. Critically noted was that adequate resourcing must accompany any increase in councils' workload. This workload includes an increase in community expectations on councils and the resulting demands created by requests for information and action. Local governments acknowledges the valuable work of regional Cat Management Coordinators and the value of the Tasmanian Cat Management Project. However, the funding of this program has not addressed the increasing cost to councils from the flow on effect of the new cat management regulations.

Six motions have been carried since 2006 on increased resourcing for the management of weeds. In 2014 the sector called for additional weed officers in each of the three regions. While in 2017 it was moved that there be a more coordinated approach to weed management, including the collaboration of all relevant agencies to map weeds across Tasmania and the development of an action plan for responding to infestations. In 2019 the sector called for new increased and sustained resourcing across all relevant agencies to manage weeds on public land.

The training authorised weeds officers is welcome and the benefits of the Weed Action Fund are acknowledged. However, the government appears not understand the unique role that councils play in their communities in regards to weed management, which the training and

the Weeds Action Fund do not address. Better outcomes would be achieved if the State Government sought to understand the expectations that communities have of councils and the increasing cost to councils and ratepayers from the weed management regulations.

**Tasmanian Government Agency Comment**

Participation by local government in enforcing both the *Weed Management Act 1999* and *Cat Management Act 2009* is entirely at a council's discretion. Both Acts provide mechanisms for councils to utilise all, or parts of those Acts as appropriate.

Biosecurity Tasmania provides annual authorised officer training for the Weed Management Act, without any cost to local government, or other participants. Letters inviting participation are sent to all general managers, each year.

Biosecurity Tasmania works closely with councils and provides support to authorised officers within councils as required. There are 21 councils with officers authorised under the Weed Management Act.

The State Government has provided \$5 million over five years for the Tasmanian Weeds Action Fund, to provide support to landowners to deal with priority weed problems. A number of councils have received funding through this program.

Council officers authorised under the *Dog Control Act 2000* are automatically authorised under the Cat Management Act. Biosecurity Tasmania intends to run authorised officer training on the Cat Management Act for local government, as well as its own officers in 2021, and invite all councils to send officers to this training. There will be no cost to attend the training.

The State Government has provided \$1.44 million over four years for three regional cat management coordinators. One of the key roles of the coordinators is to work with councils in relation to improving levels of responsible cat ownership.

The management of feral cats (i.e. cats existing outside of human environments), is provided for under the *Biosecurity Act 2019*, while the management of domestic and socialised cats is provided for under the Cat Management Act.

**15 COMMUNITY HEALTH****No Motions Received****16 PUBLIC POLICY GENERAL****16.1 Introduction of Referendums  
Council – Burnie City****Decision Sought**

**That the LGAT investigate the option of the introduction of “propositions” (referendums) for local and state elections, and that a mechanism for this change be initiated.**

**Background Comment**

The purpose of this motion is to investigate and introduce mandatory “propositions” at both State and local government levels.

Many jurisdictions around the world allow for referenda (propositions), but there is significant divergence in their form, initiation requirements and effect. In Australia, the Commonwealth Constitution provides for referenda, but only with respect to amending the Constitution and success requires a double majority of all the votes cast and within the majority of States. The history of successful referendum in Australia has been very limited and the use of plebiscites, such as that held on marriage equality, has also been very limited in Australia.

The *Local Government Act 1993* (Tas) provides for ‘Elector Polls’, at Part 6, Division 2. Polls can be initiated by Council (section 60B) or through petition signed by 5% of electors in the municipal area or 1,000 of those electors, whichever is the lesser (section 60C). Elector Polls can be held at an election or independently of an election, depending on the circumstances of its initiation and is conducted by or under the authority of the Tasmanian Electoral Commission.

The outcome of an Elector Poll is non-binding, Council is simply required to discuss the result at its next ordinary Council meeting (section 60E).

Elector Polls have been used in Tasmania. For example, in 2019 Hobart City Council conducted one on control of building heights in the Hobart CBD through the planning scheme. The result was in support of building height limits and other recommendations made by Council’s planning officers.

Also in 2019 Tasman Council conducted an Elector Poll on a proposed amalgamation with Sorell Council. The result was that approximately 69% of those electors who voted opposed amalgamation.

At the State level, Tasmania has no mandatory referenda provisions. For example, a simple parliamentary majority can alter the State Constitution, except for provisions concerning the duration of the House of Assembly term, which needs a two-thirds majority.

Tasmania has conducted three State-wide referendum, on hotel closing hours in 1916 in association with a State general election; in 1968 concerning a casino at Wrest Point; and in 1981 concerning a hydro-electric dam on the Franklin/Gordon Rivers. In all these instances the popular will expressed through the referendum was enacted by the State Parliament, although the dam on the Gordon below Franklin was subsequently overturned by legislative action of the Commonwealth Government, confirmed as constitutionally valid in a subsequent High Court case.

Mechanisms currently exist that in part meet the thrust of this notice of motion. Referenda (plebiscites, propositions) can be conducted at State level and Elector Polls at local government level. The outcome of both are not binding, but the history of their use in Tasmania indicates that State and local governments have either implemented, or sought to implement, the popular will of the people as expressed through these mechanisms.

It is of course possible, via legislative amendment, to make the outcome of Elector Polls mandatory, but this would represent a significant change in current legal arrangements and a case would need to be made to justify such a departure from the current system, which appears to effect popular will.

At the State level there is no standing legal mechanism for conducting referenda. Those conducted in the past have been done through specific legislation. It would, presumably, be open to Parliament to legislate that the outcome of a referendum be binding, but ultimately that would be a matter for the Tasmanian Parliament.

#### **LGAT Comment**

There are no previous motions on this matter.

#### **Tasmanian Government Agency Comment**

The historical contribution of Burnie City Council to citizen initiated motions and the elector poll provisions in the *Local Government Act 1993* is acknowledged.

While a variety of arguments may be mounted for or against the benefit of direct democratic mechanisms and citizen-initiated polls and referenda, in this instance it is somewhat unclear what the motion seeks to implement and why. As observed, constitutional referenda are a feature of the Commonwealth of Australia's democratic processes but are used infrequently



and have tended to fail. Tasmania's *Referendum Procedures Act 2004* already makes procedural provision for referenda initiated by the Parliament of Tasmania; however, as noted, referenda have not been a common feature of Tasmanian political process, either.

Arguments for or against notwithstanding, it would be a significant departure from any established Australian legal or democratic framework for issues-based referenda or other forms of public polling to be binding on councils or the Parliament of Tasmania. That proposition is not supported. As noted, governments of any level are free to undertake politically to implement the popular will as expressed in the outcome of referenda and similar processes.

It is noted that an approved reform under the Local Government Legislation Review will increase the threshold to compel a council to hold an elector poll. The Local Government Bill specifies that a petition signed by 20 per cent of electors (and following a public meeting) is required, compared to 5 per cent or 1000 electors, whichever is the lesser, in the *Local Government Act 1993*. Requiring the support of a higher proportion of electors is considered to better balance the significant costs of elector polls to councils with their potential democratic benefits, noting the results of those polls are not binding and elector participation optional.

The new local government legislative framework will also strengthen the imperative for councils to involve their communities in decision-making through a new requirement for councils to develop, maintain, and implement Community Engagement Strategies.

## 16.2 Recognition of Assistance Dogs Council – Circular Head

### Decision Sought

**That LGAT lobby the State Government on behalf of all Local Councils for the inclusion of assistance animals into the Dog Control Act 2000 section 28(2) as they provide a valuable community wellbeing service.**

### Background Comment

The positive use of assistance and companion animals is well recognised as a valuable contribution to many in local communities and the wellbeing of many individuals. The growing emergence of increasing numbers of assistance animals allows for many community members to participate and be active across many more community pursuits both social and wellbeing focused. The ability to maintain all connections with community under life changing events and circumstances, is a critical role assistance animals play for many in our community.

## 1-275

At present the provisions in the Dog Control Act 2000 legislation is deficient in sustaining a positive connection between the rights individuals are afforded under the Disability Discrimination Act 1992 requirements for their assistance animals. The provisions of section 28(2) of the Dog Control act does not allow for the recognition of assistance animals in public places by the virtue of its wording as listed below -

### **DOG CONTROL ACT 2000 - SECT 28 Prohibited public areas**

#### **DOG CONTROL ACT 2000 - SECT 28**

##### **Prohibited public areas**

- (1) A person must not take a dog into –
- (a) any grounds of a school, preschool, kindergarten, creche or other place for the reception of children without the permission of a person in charge of the place;  
or
  - (b) any shopping centre or any shop; or
  - (c) the grounds of a public swimming pool; or
  - (d) any playing area of a sportsground on which sport is being played; or
  - (e) any area within 10 metres of a children's playground.

Penalty: Fine not exceeding 5 penalty units.

- (2) This section does not apply to –
- (a) a guide dog that is accompanying a wholly or partially blind person or is in training for that purpose; or
  - (b) a hearing dog that is accompanying a wholly or partially deaf person or is in training for that purpose; or
  - (c) a pet shop; or
  - (d) the premises of a veterinary surgeon; or
  - (e) a pet-grooming shop; or
  - (f) any other premises related to the care and management of dogs.

The only animals recognised are those of the description of guide or hearing dog. The provisions of the Disability Discrimination Act are listed below for Part 1 clause 9.

### **DISABILITY DISCRIMINATION ACT 1992 - SECT 9**

#### **Carer, assistant, assistance animal and disability aid definitions**

Meanings of [carer or assistant](#) , [assistance animal](#) and [disability aid](#)

- (1) For the purposes of this Act, a **carer or assistant**, in relation to a person with a **disability**, is one of the following who provides assistance or **services** to the person because of the **disability**:
- (a) a carer;
  - (b) an assistant;
  - (c) an interpreter;
  - (d) a reader.
- (2) For the purposes of this Act, an **assistance animal** is a dog or other animal:
- (a) accredited under a law of a **State** or **Territory** that provides for the accreditation of animals trained to assist a persons with a **disability** to alleviate the effect of the **disability**; or
  - (b) accredited by an animal training organisation prescribed by the regulations for the purposes of this **paragraph**; or
  - (c) trained:
    - (i) to assist a person with a **disability** to alleviate the effect of the **disability**; and
    - (ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

Note: For **exemptions** from Part 2 for discrimination in relation to **assistance animals**, see **section 54A**.

- (3) For the purposes of this Act, a **disability aid**, in relation to a person with a **disability**, is equipment (including a palliative or therapeutic device) that:
- (a) is used by the person; and
  - (b) provides assistance to alleviate the effect of the **disability**.

### **LGAT Comment**

There have been no previous motions on this matter.

### **Tasmanian Government Agency Comment**

The Commonwealth Government's *Disability Discrimination Act 1992* (the DDA) protects the rights of people with a disability to use certified assistance animals to facilitate their active participation in public life and for personal activities. The *State's Dog Control Act 2000* (the Dog Control Act) and the *Guide Dogs and Hearing Dogs Act 1967* (the Guide Dogs Act) specifically regulate and make provision for the accreditation of assistance dogs for people who are hearing or visually impaired. The DDA operates alongside the Tasmanian legislation and, to the extent that there is any inconsistency, Commonwealth legislation will override the Tasmanian legislation.

## 1-277

The Guide Dogs Act is administered by the Minister for Disability Services, the Hon Sarah Courtney MP, whereas the Dog Control Act is administered by the Minister for Local Government and Planning, the Hon Roger Jaensch MP.

The Australian Government's Department of Social Services has convened a National process to develop a consistent approach to the accreditation and regulation of assistance animals across States and Territories. As part of this process, the Department of Communities Tasmania (Communities Tasmania) is working with its partners in other jurisdictions to develop policy options that improve certainty and reduce regulatory burden for people with disability using assistance animals.

While the National reform process is in its early stages, the Department of Premier and Cabinet (DPAC) is working with Communities Tasmania to ensure that there will be opportunities for local government input and that the implications for the Dog Control Act and its enforcement are understood. The Government welcomes the opportunity to discuss this matter with the Local Government Association of Tasmania (LGAT), including the extent to which this process could address the sector's concerns about the recognition of assistance dogs in Tasmania's legislation.

**17**

**CLOSE**



Local Government Association Tasmania

# General Meeting

## Minutes

12 March 2021

**paranaple convention centre**  
**Devonport**

326 Macquarie Street,  
GPO Box 1521, Hobart, Tas 7000  
Phone: (03) 6146 3740  
Email: [admin@lgat.tas.gov.au](mailto:admin@lgat.tas.gov.au)  
Home Page: <http://www.lgat.tas.gov.au>

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

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

- (a) Subject to Rule 13(f), each Member shall be entitled to send a Voting Representative to any Meeting of the Association, such Voting Representative exercising the number of votes determined according to Rule 16(a).
- (b) In addition to the requirements set out in Rule 13(f), after each ordinary Council Election, the Chief Executive Officer shall request each Member to advise the name of its Voting Representative and the proxy for the Voting Representative for Meetings of the Association until the next ordinary Council Elections.
- (c) Subject to Rule 13(f), Members may change their Voting Representative or proxy at any time by advising the Chief Executive Officer in writing of the Voting Representative prior to that representative taking his or her position at a Meeting of the Association.
- (d) A list of Voting Representatives 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.
- (f) Each Member must provide the Association with written notice of the details of the Voting Representative who was by a resolution of the Member lawfully appointed as the Voting Representative of the Member at a 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**

- (a) At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.
- (b) If a quorum is not present within one hour after the time appointed for the commencement of a Meeting of the Association, the meeting is to be adjourned to a time and date specified by the Chair.

**16. VOTING AT MEETINGS**

- (a) Voting at any Meeting of the Association shall be upon the basis of each Voting Representative being provided with, immediately prior to the meeting, an electronic voting button or placard which is to be used for the purpose of voting at the meeting. The placard will be coloured according voting entitlement and the voting buttons will be coded according to voting entitlement:

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) Electronic voting buttons will be the first choice for voting on all decisions, with placards only to be used if the technology fails.
- (c) Voting buttons allow councils to vote for or against a motion or formally abstain from voting. An abstain is not to be taken as a negative vote.
- (d) The Chair of the meeting shall be entitled to rely upon the electronic vote or 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.
- (e) Except as provided in sub-rule (f), each question, matter or resolution shall be decided by a majority of the votes for a motion. If there is an equal number of votes upon any question, it shall be declared not carried.
- (f)
  - (i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members present at the meeting.
  - (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 these 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.
- (g) A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association.

## Table of Contents

<b>1. GOVERNANCE</b> .....	<b>5</b>
ACKNOWLEDGEMENT OF COUNTRY .....	5
WELCOME AND APOLOGIES .....	5
1.1 CONFIRMATION OF MINUTES * .....	6
1.2 BUSINESS ARISING * .....	6
1.3 CONFIRMATION OF AGENDA .....	6
1.4 FOLLOW UP OF MOTIONS * .....	6
1.5 PRESIDENT'S REPORT .....	7
1.6 CHIEF EXECUTIVE OFFICERS REPORT .....	7
1.7 COUNCIL ROUND UPS .....	8
<b>2. ITEMS FOR DECISION</b> .....	<b>9</b>
2.1 INDEPENDENT LIVING UNITS .....	9
2.2 MOTION - COUNCIL AS A PLANNING AUTHORITY .....	11
2.3 MOTION - FUTURE GAMING LEGISLATION EXPOSURE DRAFT .....	16
2.4 MOTION - DEFERRAL OF DRAFT FUTURE GAMING BILL .....	18
<b>3. ITEMS FOR DISCUSSION</b> .....	<b>20</b>
THERE ARE NO ITEMS FOR DISCUSSION.....	20
<b>4. ITEMS FOR NOTING</b> .....	<b>20</b>
4.1 WASTE AND RESOURCE RECOVERY.....	20
4.2 REVIEW OF THE LOCAL GOVERNMENT ACT .....	21
4.3 STATE BUDGET SUBMISSION .....	22
4.4 EMERGENCY MANAGEMENT UPDATE .....	24
4.5 LOCAL GOVERNMENT CLIMATE CHANGE SURVEY .....	26
4.6 COMMUNITY HEALTH AND WELLBEING PROJECT .....	28
4.7 LGAT PROCUREMENT .....	29
4.8 LGAT COMMUNICATIONS UPDATE .....	31
4.9 LGAT PERFORMANCE AND IMPROVEMENT SURVEY .....	33
4.10 LGAT EVENTS UPDATE.....	35
4.11 POLICY UPDATES .....	38
PLANNERS MEETING .....	38
LGAT PERMIT AUTHORITY MEETINGS .....	38
RECREATIONAL CAMPING AND FISHING INFRASTRUCTURE .....	39
4.12 LGAT ANNUAL PLAN * .....	39
<b>5. Other Business &amp; Close</b> .....	<b>40</b>

\* Denotes Attachment



## GENERAL MEETING SCHEDULE

<b>9.30</b>	<b>Coffee on arrival</b>
<b>10.00</b>	<b>Meeting Commences</b>
<b>1030 approx</b>	<b>Council Round Up Central Coast Council</b>
<b>11.00 – 11.30</b>	<b>The Hon Roger Jaensch Minister for Housing, Environment &amp; Parks, Human Services, Aboriginal Affairs and Planning</b>
<b>11.30 – 12.00</b>	<b>Morning Tea</b>
<b>1.30 approx</b>	<b>Meeting concludes</b>





# 1. GOVERNANCE

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## **Acknowledgement of Country**

The President acknowledged and paid respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of this land.

## **Welcome and Apologies**

Members were welcomed and apologies were received from –

Mayor Albert van Zetten	Launceston City Council
Mayor Annie Revie	Flinders Council
Mr Warren Groves	Flinders Council
Mayor Annette Rockliff	Devonport City Council
Deputy Mayor Jarman	Devonport City Council
Councillor Geoff Lyons	West Tamar Council
Mr Tim Watson	Dorset Council
Mr John Jordan	Meander Valley Council
Mr Shane Power	George Town Council
Mayor Mick Tucker	Break O'Day Council
Mrs Kim Hossack	Tasman Council
Mr Robert Higgins	Sorell Council
Mayor Loueen Triffitt	Central Highlands Council
Mrs Lyn Eyles	Central Highlands Council
Mayor Julie Arnold	King Island Council
Mr Greg Allomes	King Island Council
Mayor Robert Young	Glamorgan Spring Bay Council
Mr Greg Ingham	Glamorgan Spring Bay Council

## **Voting Delegates**

While unable to attend the General Meeting, the below councils nominated a proxy in order to be represented at the Meeting -

Glamorgan Spring Bay	Mayor Alex Green, Southern Midlands Council
King Island Council	Mr Gerald Monson, Latrobe Council
Central Highlands Council	Mr Rolph Vos, West Tamar Council

**1.1 CONFIRMATION OF MINUTES \***

**Burnie City Council/George Town Council**

**That the Minutes of the meeting held on 3 December 2020, as circulated, be confirmed.**

**Carried**

**Background:**

The Minutes of the General Meeting held on 3 December 2020, as circulated, are submitted for confirmation and are at **Attachment to Item 1.1.**

**1.2 BUSINESS ARISING \***

**Burnie City Council/George Town Council**

**That Members note the information.**

**Carried**

**Background:**

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

**1.3 CONFIRMATION OF AGENDA**

**Burnie City Council/George Town Council**

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

**Carried**

**Background:**

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

**1.4 FOLLOW UP OF MOTIONS \***

**Burnie City Council/George Town Council**

**That Members note the following report.**

**Carried**

**Background:**

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

## 1.5 PRESIDENT'S REPORT

### Burnie City Council/George Town Council

That Members note the report on the Presidents activity from 3 December 2020 to 26 February 2021.

Carried

#### Meetings and Events

- Charitable rates Steering Committee meetings
- General Management Committee meetings
- ALGA Board and strategic planning
- Regular discussions CEO
- Elected Representative Weekend, Launceston

#### Media and Correspondence

- One Day Conference thank you Media Release
- Pulse articles
- Letter to Premier and Minister for Local Government re Charitable Rates
- Letters to Premier, Ministers Ferguson and Shelton on sector motions
- Container Refund Scheme (CRS) design launch with Minister for Environment
- Media release on CRS and waste levy announcement

## 1.6 CHIEF EXECUTIVE OFFICERS REPORT

### Burnie City Council/George Town Council

That Members note the report on the CEO's activity from 3 December 2020 to 26 February 2021.

Carried

#### Advocacy

- Red Tape and Regional Land Use Strategies Opinion Editorial
- Container Refund Scheme Opinion Editorial
- Linked In post (679 Impression, 4 shares, 2 comments, 31 Click, 18 reactions)
- Media Release: LG Welcome State Government Announcement for Container Refund Scheme, released 4/2/21, Referenced in the Mercury, Examiner, Advocate and Kingborough Chronicle
- Three media queries
- Charitable rates and ILUs negotiations
- Submission on the *Tasmanian Civil and Administrative Tribunal Amendment Bill 2020*
- Submission on draft *Land Use Planning and Approvals Act Amendments*
- Submission on CBOS's No Permit Required Options Paper
- Submission on the *Child Safe Organisation Bill*

- DPAC Secretary meeting
- Planning Matters Alliance meeting
- Waste and Resource Recovery Ministerial Advisory Meetings
- Container Refund Scheme Expert Reference Group meeting
- Tasmanian Audit Office
- TasWater Government Business Scrutiny Hearing
- Director of the Planning Policy Unit
- Chief of Staff for Minister Jaensch
- TasPlan CEO (outgoing and incoming)
- Local Government Legislative Review Steering Committee
- TasCOSS CEO meeting
- TasNetworks meeting
- ALGA strategic planning

#### **Sector Services**

- Remote meetings advice
- COVID-19 Vaccine rollout advice to councils
- Land Use Planning Training Session – Derwent Valley Council
- International Women’s Day judging panel
- Whole of sector media monitoring
- Elected Representative Weekend, Launceston
- Major update to the LGAT Delegations Register
- Council buying group for small sites electricity saved 12 councils \$1.8 million over three years
- Negotiated upgraded Vendor Panel license
- Refreshing two LGAT Procurement panels (hardware and civil works)

#### **Governance**

- PLGC Meeting
- GMC Meetings
- LGAT operations review
- Policy Director recruitment and induction

### **1.7 COUNCIL ROUND UPS**

#### **Burnie City Council/George Town Council**

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

**Carried**

#### **Background comment:**

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

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

## 2. ITEMS FOR DECISION

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### 2.1 INDEPENDENT LIVING UNITS Contact Officer – Dion Lester

Circular Head Council/Waratah Wynyard Council

That Members resolve to accept the offer from the State Government on the application of rates to Independent Living Units (ILU's) run by Charitable Institutions.

#### Amendment Motion

Kingborough Council/Glenorchy City Council

That Members resolve to make a counter offer to the State Government on the application of rates to Independent Living Units that grandfathering will commence on 1 January 2022.

Carried

Circular Head Council/Waratah Wynyard Council

That Members resolve to accept the offer from the State Government on the application of rates to Independent Living Units (ILU's) run by Charitable Institutions subject to grandfathering commencing on 1 January 2022.

The Above Amended Motion was Put with Leave of the Original Mover and Seconder and Carried

#### Background

On 17 December 2020 the Premier wrote to LGATs President, Mayor Christina Holmdahl, outlining the State Government's position on the rating of ILUs. This letter, followed a discussion at the December Premier's Local Government Council and is at **Attachment to Item 2.1** for reference.

While the initial position of the Government had a number of elements that raised significant concerns, it did concede that the sector's policy position was sound and should be rectified. It further ensures that the current revenue losses associated with this anomaly in the *Local Government Act* would be limited to those people residing in ILUs at the time of transition, mitigating the risk of further revenue loss through either growth in this market segment or potentially the broader activities of charitable institutions, where they might have sought to capitalise on this loophole.

After considering the Government's offer, the GMC endorsed the LGAT President to respond to the Premier, copy of that letter is at **Attachment to Item 2.1**.

In early February, the LGAT President and CEO met with the Premier and Minister for Local Government. Following that meeting the Government updated its position. This position was provided in draft format to the GMC in late February, where the GMC resolved to bring the offer to the full membership for consideration at the March General Meeting. It was hoped that a formal response would be available from the government prior to the General Meeting, but at the time of writing this was yet to be received.

The Government position was as follows:

1. *The Government is willing to set 30 June 2022 as the commencement of the grandfathering for existing ILUs, meaning after this point any person securing an ILU will be liable for the payment of rates once they take possession. While the Government acknowledges the sector's concerns regarding a potential rush by future residents to enter into contracts prior to this date, we do not wish to penalise individuals who have already signed an existing contract to enter an ILU. Therefore, the Government will work proactively with the Local Government Association of Tasmania (LGAT) to ensure that the timing and language of the proposed amendments to the new Local Government Act mitigates this risk, where possible.*
2. *I acknowledge the sector's position that there should not be any differential rating treatment for ILUs. It is not the Government's intention to introduce a differential rating treatment for ILUs based on their land use characteristics or internal provisions of services. However, I am firmly of the view that, even though not-for-profit ILUs are not entirely charitable, there is at least a portion of these complexes and their activities which are run for a charitable purpose and this needs to be recognised via an appropriate rates remission.*

*The Government believes that the best way forward is for LGAT and the Department of Premier and Cabinet (DPAC) to work through options that would recognise the contribution of not-for-profit run ILUs. Part of designing the proposed way forward will be working with the not-for-profit ILU sector to understand the nature of their business and ensure that approaches to rating or remissions reasonably reflect the difference between the charitable and commercial components of their business. It will be important to ensure that any solution builds upon the existing roles of the State Government and the Local Government sector in supporting vulnerable members of the community and does not unduly cost-shift expenditure to the State.*

3. *I acknowledge the concerns of councils regarding any flow on impacts of the above decisions to ILUs outside of those not currently paying rates and the State Government is willing to work with the sector on mitigating this risk. I would like to propose that DPAC works with LGAT to further clarify the extent of the problem. Appropriate mitigations could be progressed having regard to the risk to councils.*

**Budget Impact**

Being undertaken within current resources.

**Current Policy**

Strategic Plan

- Promoting financial sustainability

2020 – 21 Annual Priority

- Support the sector through the next stages of Local Government reform

**2.2 MOTION - COUNCIL AS A PLANNING AUTHORITY****Burnie City Council/Huon Valley Council**

That LGAT investigate the level of support among Tasmanian councils and identify the relevant considerations and options to propose an amendment of the *Land Use Planning and Approvals Act 1993* to -

- a) Delete the mandatory requirement for a council to act as a planning authority for purposes of determining an application for a permit to use or develop land within its municipal area; and
- b) Provide as an alternative, the establishment of an independent development assessment panel to determine a permit application.

Lost

**Background**

The Parliament of Tasmania has legislated in the *Land Use Planning and Approvals Act 1993* that the council elected under the *Local Government Act 1993* must also serve as the planning authority for its municipal area.

The requirement is a continuation of a similar arrangement dating from the early 1960's under which a local council had responsibility for how the land within a municipal area is to be used and developed.

The key responsibilities of a planning authority under the Act are to –

- a) Prepare and maintain a planning scheme for the municipal area; and
- b) Take all reasonable steps within the ambit of its power to enforce the observance of that planning scheme in respect of all use or development undertaken within the municipal area, including to determine an application to use and develop land if a permit is required.

The planning authority role is mandatory and is entirely separate from the function of a council under the *Local Government Act 1993*.

While a Council may exercise its authority as a planning authority through a committee of the council and may delegate powers and functions to an employee, it cannot ignore, abandon or surrender the role, or devolve responsibility in whole or part to any person or body external to the Council.

The powers and functions of a planning authority require actions and decisions with potential to materially affect the rights and interests of others and which may generate an intersection of conflicting views and opinion.

The requirement on a council to act as a planning authority has long caused conflict and confusion.

There is a general and long-standing disquiet within Tasmanian councils over the confusion, conflict and complexity of the “two hats” requirement inherent dual statutory functions.

There is an almost irresolvable tension between the general responsibilities of a council as the representatives of community and its role as a planning authority.

The former requires a council to provide for peace, order and good governance, and to promote and represent the health, safety, welfare and best interests of the community.

The latter imposes considerable limitations on the ability to act as a council because of the duty on a planning authority to remain neutral and, to set aside matters of importance to the community if irrelevant to the considerations and decision instructed by the planning scheme.

As a planning authority, a council is required to –

- a) Understand complex issues and to consider the validity of detailed planning applications within the 5-day period following provision of an agenda and a Council meeting;
- b) Make the decision directed by the planning scheme and explained in the qualified advice provide by Council officers unless there are valid reasons to move for an alternate decision; and
- c) Set aside and have no regard to views and opinions of the community that are not directly relevant to the applicable requirements of the planning scheme.

It is appropriate to test the desire of Local Government to continue in the role of a planning authority with a responsibility to make decisions on permit applications and to explore use of independent assessment panels to assess and decide permit applications.



Other Australian jurisdictions have recognised the struggle experienced by Local Government when required to separate the role as people's representative from that of an independent arbitrator of compliance to a strict set of planning rules.

Several State jurisdictions currently operate a form of independent assessment panel which act as an alternative to the local council for decisions on land use permits.

There are also many overseas models, including some systems where the local council has no involvement in assessment or determination of a permit application.

While there are variations in administrative arrangements and scope of practice for assessment panels, underlying objectives typically include to increase probity and accountability, safeguard against corruption or misconduct and to lead to better planning outcomes.

Significantly, the use of an independent panel can free a council to focus on planning strategy and will provide a freedom to make representations and to advocate for its community on any aspect of a proposal.

Most States where independent panels are available have prescribed the matters that must come before a panel are to include significant or technically complex permit applications, projects that may have a high economic, environmental and social value or impact, proposals within a specific locality or of a particular kind; public housing and State agency proposals, applications made by the council and matters likely to attract significant public interest, opposing views and opinions, or controversy.

Some systems allow a council discretion to refer other kinds of application for decision by a panel.

Panels generally comprise a chair with a legal or public administration background and two or more specialist members and may include a Local Government and/or community representative to provide local knowledge and perspective.

The use of an assessment panel does not deprive or change a council's responsibility and involvement in land use planning strategy and policy, or in the preparation of a local planning scheme.

The proposed investigation would examine the various models currently used in other jurisdictions, consider the scope of permit matters that must or may be referred and the necessary membership and administrative arrangements.

A decision by LGAT member councils to support the introduction of system of independent assessment and decision panels requires amendment to the *Land Use Planning and Approvals Act 1993*.

A persuasive argument to State Government will require support from the Local Government sector to forego or modify what is currently an almost exclusive power and to devolve that power in whole or part to an external body of experts.

The ultimate decision required in this Motion is who do we represent as elected members of a council?

It is relatively easy to appreciate the “2-hat” analogy but in reality we only wear one, the hat that represents the residents of our municipal area and requires we look after their well-being and to support their right to question, challenge and be championed by their representatives. This is not always easy or possible when acting as a planning authority.

It is appropriate for the LGAT to investigate the level of support, and to examine options for how a panel would be structured and operate.

The matter should be further considered by LGAT members on completion of the investigation and before any decision to make a formal approach to government.

#### **LGAT Comment**

LGAT has received a number of historical motions relating to the powers of planning authorities (2005, 2008 and July 2016 in particular) and many more to do with planning in general however, none of these are similar to the subject motion.

The current role of a planning authority under the *Land Use Planning and Approvals Act 1993* (LUPAA) generally involves three component roles:

1. Strategic Planning – Councils are the creators of local planning strategies and also instruments (Local Provision Schedules) and the community representative and liaison in their development. While this has always included being community representative in the development by the Tasmanian Government of state-level planning statutes and legislative frameworks, this role has shifted somewhat with the introduction of the Tasmanian Planning Scheme.
2. Development Assessment – Councils are assessors of planning applications under the planning instruments. LUPAA sets out how a planning authority is to undertake its assessment (s51(2)), which includes consideration of public representations made under s57. This inclusion challenges a council’s role as both elected community representative for planning matters and independent legal adjudicator and assessor of planning applications against legal instruments.
3. Enforcement – Councils are defenders of the planning instruments that they and the Tasmanian Government have developed, through compliance and enforcement activities. This role is not the subject of this motion.

LGAT has long been aware of the tension created by the dual role imposed on councils by the current configuration of LUPAA in combining community representation and legal adjudication roles into council's development assessment task.

The community representation component of the strategic planning role aligns very well with councils' core functions under section 20(1)(b) of the *Local Government Act 1993* (LG Act) to "represent and promote the interests of the community", and with a councillor's elected roles under section 28: (a) to represent the community; (b) to act in the best interests of the community; and (c) to facilitate communication by the council with the community. However, including a legal arbitration role on councillors in addition to this consistently creates challenges and conflict for councils with a clearly legislated community representation role. Indeed, some councillors have at times expressed frustration in feeling that they cannot properly perform the community representation role they feel they were elected for when acting as planning authority, at least for development assessment.

On the flipside, as members of their local community, councillors have a precise understanding of local circumstances and context and are in a good place to utilise this understanding when determining discretionary application under the planning scheme. It should also be noted that while there are examples of successful development assessment panels in other jurisdictions, equally there are situations where it has resulted in a significant increase in the costs to the community and adverse planning outcomes at the local level.

In relation to determining whether to support this motion or not, Members should note that it only seeks that LGAT investigate this area and provide options for the sector to consider. It is not suggesting adopting any particular policy position.

### **Budget Impact**

If this motion is supported then it would consume currently finite resources, meaning that one of the following would need to occur:

1. Some existing work areas would be delayed;
2. Completion of the investigation would take a reasonable length of time; or
3. Additional investment from Members would be required to facilitate external resources being utilised.

### **Current Policy**

#### Strategic Plan

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

#### 2020 – 21 Annual Priority

- Support the sector through the next stages of Local Government reform
- Influence the planning and red tape reduction reform agendas

## 2.3 MOTION - FUTURE GAMING LEGISLATION EXPOSURE DRAFT

### Glenorchy City Council/Brighton Council

That Local Government calls on the Tasmanian Government to honour the commitment (given at the Premier's Local Government Council on 6 November 2019) for a five-week consultation period on the draft legislation to amend the *Gaming Control Act 1993* to give effect to the Future Gaming Market Policy, when released.

Carried

### Background Comments

In 2018, the Tasmanian Government announced its policy for the future of the Tasmanian gaming market, providing an overview of how the Tasmanian gaming industry will be restructured.

In 2020, the Department of Treasury and Finance released a public consultation paper, the Future of Gaming in Tasmania, which provided detail of the Future Gaming Market regulatory model that will implement this policy from 1 July 2023.

The original timeline was for the exposure draft of the *Gaming Control Amendment (Future Gaming Market) Bill 2020 (draft future gaming bill)* to be released on 27 April 2020 with the closing date for comment on the draft on 8 May 2020. The review was deferred due to the impacts of the COVID-19 pandemic. It anticipated that the draft future gaming bill will now be released for comment in 2021.

Under the new regulatory model, licences for casinos, keno and hotels and clubs would be distributed for up to 20 years, with further changes to the regulatory model unlikely until 2043.

While Glenorchy City Council and other councils and stakeholders have had an opportunity to comment on the public consultation paper, it will be very important for councillors and council officers to have time to fully review the draft future gaming bill when it is released and have enough time to respond.

As noted, the original timetable set for the consultation period for the bill was 10 working days. It is anticipated that this will also be the case when the draft bill is released in 2021. LGAT previously had a Statewide Partnership Agreement with the Tasmanian Government in relation to timeframes for consultation on issues relevant to Local Government.

Although the agreement has expired, the issue was discussed at the Premier's Local Government Council meeting on 6 September 2019, with the minutes recording the following:

*"The Premier noted that, although the Statewide Partnership Agreement between the State Government and the local government sector has expired, the Government continues, as a matter of protocol, to observe the five-week consultation period contained in that Agreement. This was welcomed by LGAT. The Premier noted he would be asking the Secretary of DPAC to write to other agency heads reminding them of the minimum five-week period."*<sup>1</sup>

The motion therefore seeks LGAT's support in calling for the State Government to honour the agreement in relation to the consultation period of the draft bill to allow an appropriate time for a detailed review and preparation of submissions.

The proposed changes to the legislation will have an impact on any Local Government area which has electronic gaming machines, particularly for single operators of hotels and clubs. Regardless of whether councils support or oppose the legislation, it is important to understand the changes and the possible effects on their communities.

#### **LGAT Comment**

An absolute minimum of a five week consultation period is vital in enabling Local Government and LGAT to provide the State Government with valuable feedback on its legislation and regulations.

LGAT's submissions provide the State Government with reliable, informed and evidence based information often not available from other sources. An adequate consultation period encourages and enables higher levels of council engagement in issues that ultimately improves legislation.

#### **Budget Impact**

Could be undertaken within current resources.

#### **Current Policy**

Strategic Plan

- Building Local Government's reputation
- Fostering collaboration

2020 – 21 Annual Priority

- Support councils' role in community health and wellbeing

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<sup>1</sup> [Premier's Local Government Council minutes from 6 September 2019, Department of Premier and Cabinet website](#)

## 2.4 MOTION - DEFERRAL OF DRAFT FUTURE GAMING BILL

### Glenorchy City Council/Huon Valley Council

That the Tasmanian Government defers the release of the legislation to amend the *Gaming Control Act 1993* to give effect to the Future Gaming Market Policy for consultation until the latest information relating to gambling in Tasmania is made available, including:

- a) The release of the fifth Social and Economic Impact Study; and
- b) Social and economic modelling used to develop the Future of Gaming in Tasmania policy.

Carried

### Background Comments

The Future Gaming Market regulatory model proposed by the State Government is a major restructure of the gaming industry. Given its significance, it is important that information used to develop the model, as well as up-to-date information on the sector, is made available to all stakeholders.

The *Gaming Control Act 1993* requires that an independent review of the social and economic impact of gaming in Tasmania be conducted every three years. The Social and Economic Impact Study of Gambling in Tasmania (SEIS) provides an analysis of key trends in gambling and a gambling prevalence study. This is a key study that is tabled in each House of Parliament after completion.

The fifth SEIS is currently underway (submissions closed in October 2020) and is expected to be completed by the second quarter of 2021. It is possible that the draft future gaming bill will be released, and a decision made in Parliament, prior to the results of the SEIS being made available.

Given the importance of the SEIS and the fact that the Future Gaming legislation exposure draft was postponed due to the impacts of the COVID-19 pandemic, being able to review the SEIS and any recommendations made in that report prior to commenting on the Future Gaming legislation exposure draft is critical.

Submissions to the Future of Gaming in Tasmania could be made based on the information publicly available at the time in the Tasmanian Government's Future Gaming consultation paper. The consultation paper provided details of the proposed changes to the regulatory model but did not provide any social or economic modelling used by the State Government to develop its proposal.

It is essential for councils and other stakeholders to have access to this modelling information if they are to add value to the next stage of the consultation process and gain a clearer picture of how changes will impact individual municipalities.

The request to defer the Future Gaming legislation until the release of the SEIS and the provision of the social or economic modelling would not impact the Tasmanian Government's proposed legislation commencement date of July 2023.

#### **LGAT Comment**

Motions expressing concerns about the social and economic impact on communities of electronic gaming machines were passed in 2008 and 2016. The 2016 motion led to LGAT making a submission to the Joint Select Committee on the Future Gaming Markets on the importance of a community interest test. LGAT also provided a submission in 2017 to the Tasmanian Liquor and Gaming Commission on the Gaming Control Act Community Interest Test Discussion Paper. That submission noted that the Local Government sector was supportive of a Community Interest Test.

LGAT also made a submission on the implementation of The Future of Gaming in Tasmania Policy 2020. It noted the importance given to harm minimization by the State Government. That importance is consistent with the view that the findings of the 2021 Social and Economic Impact Study of Gambling in Tasmania should be available to inform council responses to the Future Gaming legislation.

#### **Budget Impact**

Could be undertaken within current resources.

#### **Current Policy**

##### Strategic Plan

- Building Local Government's reputation
- Fostering collaboration

##### 2020 – 21 Annual Priority

- Support councils' role in community health and wellbeing

### 3. ITEMS FOR DISCUSSION

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**There are No Items For Discussion**

### 4. ITEMS FOR NOTING

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#### 4.1 WASTE AND RESOURCE RECOVERY Contact Officer – Dion Lester

**Glenorchy City Council/Circular Head Council**

**That Members note the report on waste and resource recovery.**

**Carried**

#### **Background**

Since the latter part of last year, the State Government's focus has been on investigating potential governance arrangements for the Container Refund Scheme (CRS) and the development of draft legislation and a discussion paper for a Statewide waste levy.

During this time, LGATs CEO participated on the Minister for Environment's Waste and Resource Recovery Advisory Group, with a focus on providing advice on the most appropriate governance arrangements for a CRS in Tasmania and ensuring the sectors interests were best represented in the development of the waste levy.

On the 4 February LGATs President was invited to participate in a media event with the Minister for the Environment announcing the Government's decision to adopt a split governance model for the CRS (the NSW model), and also the release of the draft waste levy legislation and discussion paper.

The CRS governance decision is a fantastic result for LGAT, Local Government and the broader community and the invitation to participate in the announcement is strong recognition by the State Government of our role in leading the discussion on the CRS governance model and waste management more generally.

There has been some misinformation distributed by TASRecycle both prior to and since the announcement. TASRecycle is a not-for-profit entity formed by the beverage industry, with the aim of securing the alternative less effective model for implementing a CRS. LGAT has been actively ensuring council elected members have the best information available to them.



At the time of writing the State Government was also consulting on the *Draft Waste and Resource Recovery Bill 2021* and related discussion paper. This Bill outlines the introduction of a statewide waste levy and the associated governance arrangements. While much of the detail will be developed and implemented via regulations, the general approach and key components available at this stage have been warmly welcomed by the majority of the sector. LGAT is currently pulling together a whole of sector submission on those aspects of the Bill and related material that require some refinement.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan

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

2020 – 21 Annual Priority

- Lead the waste management reform agenda

## **4.2 REVIEW OF THE LOCAL GOVERNMENT ACT**

**Contact Officer – Dion Lester**

**Glenorchy City Council/Circular Head Council**

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

**Carried**

### **Background**

After a hiatus towards the end of last year, the Review of the Local Government Act Steering Committee met in late January and then again in late February to provide some feedback on early reform directions.

The Office of Parliamentary Council has provided Version 1 of the draft Bill for internal review by the Division. However, Version 1 of the Bill is not a complete draft because drafting instructions for some elements of the Bill are still being finalised and there remain a number of policy issues that need to be resolved.

The receipt of Version 1 of the Bill is a significant step in the drafting process, with the Division now undertaking a detailed review. As discrete parts of the Bill are further developed and refined, the Division will commence engagement with the sector via the relevant technical working groups and where appropriate, through informal consultation and testing with a sample of council general managers and/or elected members. This process is likely to commence in March.

The Division has advised that an April-May 2021 release of the exposure draft is likely to be more achievable than the previously indicated period of February-March given the size, scope and complexity of the Bill, and the continued flow-through effects of delays caused early in 2020 as a result of COVID-19. The State Government allocated \$300,000 in the 2020-21 Budget to finalise the Review and the Division has recently recruited additional project resources which are necessary to support the delivery of, and broader implementation planning for, the new legislative framework. A further recruitment process is also in-train.

#### **Budget Impact**

Being undertaken within current resources.

#### **Current Policy**

Strategic Plan

- Facilitating change;
- Promoting financial sustainability; and
- Developing capacity and capability to deliver.

2020 – 21 Annual Priority

- Support the sector through the next stages of Local Government reform;
- Support councils' infrastructure planning and financial arrangements;

### **4.3 STATE BUDGET SUBMISSION** **Contact Officer – Dion Lester**

**Glenorchy City Council/Circular Head Council**

**That Members note the key priorities proposed for the LGAT State Budget submission.**

**Carried**

#### **Background**

The 2021/22 State Budget will be delivered on the 26 August, with community and key stakeholder submissions due on the 19 March, 2021.

LGATs 2020/21 State Budget submission can be found [here](#). However, as Members would be aware, the State budget was delayed and submissions called again later in the year as a result of COVID-19. As a result we subsequently provided our Premier's Economic and Social Recovery Advisory Council (PESRAC) submission - "[A plan to recover, build resilience and reinvent](#)".

Historically, the LGAT State Budget submission has focussed on whole of sector issues and resourcing of State Government priorities (planning reform as an example). For this year's budget submission, it is proposed that it be themed under the two broad areas of "supporting communities" and "supporting business", with the following specific initiatives being considered under each:

### **Supporting communities**

- Funding for a Project Officer position in LGAT to support council implementation of the Our Watch Local Government Toolkit. Our Watch is the national leader in the primary prevention of violence against women and their children and has a State Government officer responsible for implementation in Tasmania who is supporting our proposal.
- Ongoing funding for the successful [LGAT community health and wellbeing project](#).

### **Supporting business**

- Establishment of a buy local procurement program to increase Local Government's local purchasing. Broadly this would consist of a model buy local policy for councils, specific industry and council support to increase local purchasing in the form of industry engagement and a procurement spend analysis to develop and implement tailored procurement improvement plans for individual councils.
- A Local Government funding package for stormwater infrastructure. A number of councils and regional groups have indicated the need for stormwater infrastructure upgrades as a result of the stormwater management plans developed in recent years. It is proposed to seek a post COVID stormwater infrastructure stimulus funding package, with the projects expected to stimulate small to medium enterprises in the construction industry.
- Funding of the Planning Hub concept as outlined in our PESRAC submission.

The Premier has indicated he is particularly interested in suggestions as to how the Government can best address recommendations resulting from PESRACs work. Each of the above initiatives either directly responds to or can be linked to interim recommendations from PESRAC.

### **Budget Impact**

Being undertaken within current resources

### **Current Policy**

#### Strategic Plan

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

## 2020 – 21 Annual Priority

- Influence the planning and red tape reduction reform agendas;
- Continue to expand the procurement program;
- Support councils' role in community health and wellbeing; and
- Support councils' recovery efforts from COVID-19.

**4.4 EMERGENCY MANAGEMENT UPDATE**

Contact Officer – Georgia Palmer

**Glenorchy City Council/Circular Head Council****That Members not the update on Emergency Management.****Carried****Background**

This paper provides an update to members on the status of a number of legislative reviews currently occurring within emergency management.

**Bushfire Mitigation Measures Bill**

Late last year the State Government released a draft Bushfire Mitigation Measure Bill for consultation. The aim of the Bill is to enhance Tasmania's bushfire preparedness and to mitigate bushfire risk.

LGAT engaged with the sector on the Bill and provided a submission along with 109 other stakeholders. The LGAT submission can be found [here](#).

On 10 December 2020, the Department of Premier and Cabinet and the State Fire Management Council hosted a workshop with key stakeholders on the Bill.

There was general agreement at the workshop on the object of the act *to facilitate the mitigation of the risk or bushfires whilst balancing natural and cultural heritage value*.

However, the view from stakeholders was that the draft Bill is unlikely to achieve this. Feedback from stakeholders included:

- The Bill should not be developed in isolation and should be considered as part of a broader strategic approach to bushfire risk reduction. This should include strengthening existing legislation, the completion of the *Fire Services Act 1979* review, implementation of the recommendations from fire permit review, reflect the principles of the Tasmanian Fire Management Policy, align with Fire Management Area Committees and the Bushfire Risk Management Framework;
- Outcomes of the Royal Commission into National Natural Disaster Arrangements should be considered and addressed in the Bill;

- The cost and liability to landowners of undertaking mitigation works is concerning and financial support needs to be provided; and
- Government must resource agencies to implement obligations under the bill.

It is understood that feedback on the draft Bill and stakeholder workshop has been provided to the Minister for Police, Fire and Emergency Management. The Minister is yet to provide advice on the next steps for the Bill.

### **Fire Service Act Review**

The State Government announced the review of the *Fire Services Act 1979* and all subordinate legislation in 2018. An issues paper was released in June 2018, with several councils and LGAT providing submissions.

On 30 January 2019, Mr Michael Blake was appointed to undertake the review following the resignation of Mr Michael Harris. Mr Blake provided his report with a significant number of recommendations to the Minister on 30 October 2020.

LGAT's submission to the review was informed by significant feedback from the sector on the draft recommendations. The draft proposals included significant recommendations relating to the governance arrangements of emergency services, the funding arrangements for a new entity and the centralisation of SES volunteer units.

LGAT has raised the review with the Minister on several occasions since October and is yet to receive advice in relation to next steps with the Review.

### **Disaster Recovery Funding Arrangements Reform Program**

COAG agreed to review the National Disaster Recovery Funding Arrangements (DFRA) at a meeting in March 2020. The intention being to update how the government applies the DRFA in order to:

- Ensure equitable access to support so that Australians affected by disaster are treated more consistently and fairly;
- Streamline processes where possible; and
- Encourage jurisdictions to 'build back better'.

The review has been slow to the progress with COVID-19, however the Federal Government is working with States on a number of key components. Of particular interest to Local government are:

- New national guidance on Category B restoration works and Category D betterment - States/Territories have provided feedback about their experiences and concerns with restoration and betterment. There appears to be a recognition from the Federal Government that betterment funding arrangements need to be tailored to individual States/Territories. The Australian Government is currently preparing the guidance.

- Audit and Assurance changes - States/territories have raised a number of concerns about audit processes. Tasmania has proposed changes to the engineering sign-off requirements for Local Government infrastructure projects to make it easier for Tasmanian local governments to comply. The Federal Government is currently considering its responses to feedback.

LGAT will continue to liaise with the state in relation to the reform and will keep members updated. It is understood that once changes occur at the Federal Level the Tasmanian Relief and Recovery arrangements will need to be updated. This process will include engagement with Local Government.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan

- Facilitating change.

## **4.5 LOCAL GOVERNMENT CLIMATE CHANGE SURVEY**

**Contact Officer – Ben Morris**

### **Glenorchy City Council/Circular Head Council**

**That Members note the results of the Local Government Climate Change Survey and next steps in planning to support the sector in responding to climate change.**

**Carried**

### **Background**

Tasmanian Local Government has been increasingly focussed on climate action. Members resolved at the September 2019 General Meeting that the LGAT call upon the Federal and Tasmanian State Governments urging them to take emergency action on the climate crisis, which we have actioned<sup>2</sup>.

Building on this, LGAT developed the Local Government Climate Change Survey 2020. The aim of the survey was to gather information on past work by councils in addressing climate change and where more work could be done. The survey ran between 14 December 2020 and 10 February 2021 and was completed by 55 respondents (a mix of Councillors, General and Senior Managers and officers) from 18 of Tasmania's 29 councils.

<sup>2</sup> FOM report, including motion [https://www.lgat.tas.gov.au/data/assets/pdf\\_file/0024/391524/6-Dec-19-All-Attachments-Final.pdf](https://www.lgat.tas.gov.au/data/assets/pdf_file/0024/391524/6-Dec-19-All-Attachments-Final.pdf)

The key findings are:

#### **Interest and Impacts**

- Most respondents reported that, overall, climate change mitigation and adaptation are medium priorities for their council.
- Respondents were most concerned about the potential impact of flooding, bushfire, storms, sea level rise and coastal erosion in their Local Government Area.

#### **Drivers and Barriers to Action**

- The most significant barriers to councils being able to respond to climate change were lack of federal level leadership, limited staff capacity, assigned funding and lack of state level leadership.
- The most important enablers of action were General Manager/Senior Manager support, active/engaged communities, external funding, understanding of costs/benefits, Mayor/Councillor leadership and assigned staff responsibilities.

#### **Achievements and Priorities**

- Tasmanian councils are undertaking a wide range of actions to mitigate climate change and also to support adaptation to climate change.
- Several councils would like to do more in mitigating climate change and reducing carbon emissions.
- Coastal hazards and community education/preparedness were most frequently cited as the biggest priority in climate change for councils.

#### **State Action Plan**

- The outcomes that respondents would most like to see in the next Climate Action Plan were improving how the State Planning Provisions manage natural hazard risk, support for councils to integrate climate change impacts into asset management, support for more circular economy and sustainable procurement initiatives, and support for councils to reduce council-generated emissions.

#### **Next Steps**

The key themes from the survey will be used as a platform to advocate and will inform our plan for supporting the sector. The details of our plan will be finalised in coming months through engagement with the sector.

LGAT has already begun using data collected from the sector in the survey to advocate to the State on the Review of Tasmania's Climate Change Act and encourages councils to attend one of three online community workshops to provide feedback into the review and process for developing Tasmania's next climate action plan<sup>3</sup>.

#### **Budget Impact**

Being undertaken within current resources.

<sup>3</sup> See: [http://www.dpac.tas.gov.au/divisions/climatechange/Climate\\_Change\\_Priorities/review\\_of\\_the\\_climate\\_change\\_act](http://www.dpac.tas.gov.au/divisions/climatechange/Climate_Change_Priorities/review_of_the_climate_change_act)

**Current Policy**

## Strategic Plan

- Facilitating change;
- Building Local Government's reputation; and
- Fostering collaboration.

**4.6 COMMUNITY HEALTH AND WELLBEING PROJECT**

Contact Officer – Lynden Leppard

**Glenorchy City Council/Circular Head Council****That Members note the report on the Local Government Health and Wellbeing Project.****Carried****Background**

The Local Government Health and Wellbeing Project is funded by the Public Health Service for a two-year period 1 July 2020 to 30 June 2022. It builds on the first three-year Project that concluded in June 2020.

The Project continues to support council community development and wellbeing officers to improve health and wellbeing outcomes in their local areas. Current work is concentrated in two areas:

1. Collaboration with government and non-government agencies to develop effective partnerships with councils. Council officers are highly skilled in implementing community-based programs through partnerships and our work is advocating for the current effective practices to be better recognised and supported; and
2. Collecting data as the foundation for planning and informed action.

The Health and Wellbeing Workforce Project, led by UTAS, is currently in the interview stage. Findings from the research will be shared at regional workshops in March 2021.

In addition, a Health Intelligence (HI) Project recently commenced. Five councils are participating in developing and trialing a software tool that will provide individual councils with up-to-date health and wellbeing data. This work seeks to combine local community-based information on wellbeing with large government datasets refined for council use. More information about the trial will be available in late March.

In addition, LGAT is working on a number of project proposals with a range of organisations. These include:

- The Rural Walkability Project with the Menzies Centre;
- Working with Relationships Tasmania and the Department of Health to manage increased resources allocated to the Community Action Plan approach to suicide prevention; and



- Collaboration with the Mental Health Council of Tasmania in preparation of a PESRAC submission for improving mental health support in rural and regional areas.

Feedback from councils, including impacts from the COVID-19 pandemic last year, has shaped this more recent work on advocating for increased support of rural and regional mental health services and council officers.

### **Budget Impact**

The Health and Wellbeing Project is fully funded by the Department of Health, with LGAT providing significant in-kind support.

### **Current Policy**

#### Strategic Plan

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

#### 2020 – 21 Annual Priority

- Continue to support Members' professional development; and
- Support councils' recovery efforts from COVID-19.

## **4.7 LGAT PROCUREMENT**

**Contact Officer – Deborah Leisser**

### **Glenorchy City Council/Circular Head Council**

**That Members note the update on procurement opportunities for councils.**

**Carried**

### **Background**

LGAT Procurement is continuing to work with councils to encourage and assist general take up of the panel arrangements and to expand the number of local suppliers on the panels. LGAT Procurement is working on additional projects including development of a procurement training program, collaborative procurement arrangements and one off grouped buying opportunities such as the small sites electricity buying group.

### **Small Sites Electricity Buying Group.**

Late last year LGAT Procurement identified an opportunity for councils to make significant savings by participating in a buying group to undertake a competitive tender for their small electricity connections.

As a result, LGAT undertook an expression of interest process to select a supplier who could undertake this tender process for councils.

Twelve councils participated in the process with over 600 electricity connections signed up to long-term contracts. This is expected to deliver an estimated \$1.8M over three years in savings when compared to the standing offer.

A second round buying group has been offered to the remaining councils. The market conditions for energy contracting remains very good with pricing sitting at a 5-year low.

### **Collaboration**

Currently, LGAT is working with the Cradle Coast Authority (CCA) to identify and promote the grouped buying of goods and services under the LGAT Procurement contracts. Other councils interested in exploring collaborative procurement opportunities are encouraged to contact the LGAT Procurement Team.

### **Training**

LGAT has delivered procurement training sessions to a number of councils including Clarence, Circular Head, Waratah-Wynyard and more recently, Derwent Valley. These sessions cover an introduction to LGAT Procurement and the services we provide which allow councils to save time, save money and reduce risk whilst buying locally. To learn more, or to register your interest, please contact Katelyn Cragg (6146 3753).

We are also investigating our options for delivering procurement essentials training to councils. This is to address the Auditor General's recommendation to some councils regarding training on compliance with procurement and reporting obligations, noting that our procurement contracts greatly assist councils in meeting these requirements.

### **Budget Impact**

LGAT Procurement operates within existing staffing arrangements.

### **Current Policy**

Strategic Plan

- Fostering collaboration;
- Promoting financial sustainability; and
- Developing capacity and capability to deliver.

2020 – 21 Annual Priority

- Continue to expand the procurement program.

#### 4.8 LGAT COMMUNICATIONS UPDATE

Contact Officer – Kate Hiscock

##### Glenorchy City Council/Circular Head Council

**That Members note the update on changes to LGAT Member communications and the proposal regarding a shared cost model for media monitoring.**

**Carried**

#### **Background**

LGAT has been maintaining many communications channels, requiring significant resourcing, while at the same time experiencing a decline in readership across some channels. This, in combination with changes in technology and a continual growth in social media, has resulted in the need to re-configure our communication channels with a more strategic focus on key channels and greater use of social media.

LGAT will also direct more focus into Opinion Editorials across the three state-wide newspapers as well as community papers as the reach of these publications far exceeds that of LGATs channels.

Current LGAT communications channels include:

- The Pulse Monthly Newsletter (Target is members and stakeholders);
- Linked In (members and stakeholders);
- Twitter (stakeholders, political and media);
- LGAT website (members, stakeholders and community);
- Media releases and opinion editorials (media, political, stakeholders and community);
- LG Noticeboard (members);
- LGTas, a twice yearly online publication featuring council achievements (stakeholders, community and media);
- LGAT Year in Review Annual Report (members, stakeholders, community and media);
- Teams (members); and
- Direct emails (members).

#### **Planned approach for communications**

LGAT will be re-aligning communications to keep members abreast of key issues more strategically, improve the effectiveness of content production and broaden our reach on key sectoral issues. The improvements will include:

- A revision of the LGAT newsletter (The Pulse) to a re-named bi-monthly publication (six per year). The general volume of email newsletters has increased significantly in recent years and alongside this we have seen a decline in opening rates for our current monthly newsletter schedule.

- An increase in Linked In content, particularly during the month the newsletter is not issued. This aligns with growth of the readership of Linked In within the sector, government and industry and the platforms ability to reach a much broader audience than the monthly Pulse.
- Consideration of the establishment of a LGAT Facebook page to enable community facing promotion of Local Government as well as sharing of council activities and achievements.
- An increased focus on the LGAT website and [LGAT Advocacy Webpages](#) in particular as the key source of content to be concurrently promoted to members and stakeholders via other channels including the newsletter, Linked In and Twitter.
- Increased development of Opinion Editorials (for the three major newspapers, but also key regional/community papers). While these platforms have a much broader reach than LGATs, it also allows the “re-purposing” of the content for LGAT channels.
- Increased utilization of the Teams environment for promoting LGAT content.
- Removal of the LG Tas Noticeboard, with current content to be better distributed via other identified channels; and
- Cease production of LG Tas as a result of its decreasing readership.

In addition, LGAT will review the current [Better Councils Better Communities webpage](#) to determine the most effective way to promote the role of Local Government and council achievements.

### **Media Monitoring**

Previously, LGAT had been undertaking manual media monitoring of sector issues and achievements and providing daily updates to GMC members as requested. Media monitoring is useful to stay abreast of current and emerging issues and community concern, as well as being an indicator of our advocacy voice. LGAT found manual media monitoring to be inefficient, as well as presenting challenges for our organisation in terms of resourcing and timely delivery. Potential copyright issues were also raised regarding sharing of articles.

LGAT is aware that most councils appreciate the benefits of media monitoring, however, the cost on an individual council basis has been prohibitive for most.

We have identified a shared cost model for media monitoring as a viable LGAT member service offering and, have recently undertaken trial media monitoring through Gerathy & Madison Media Monitoring, a local Tasmanian provider.

The trial brief included monitoring of the Mercury, Examiner and Advocate, Tas Business Reporter, Tas Country, Glenorchy Gazette, Eastern Shore Sun, Hobart Observer, Kingborough Chronicle and Brighton Community News. Both LGAT staff and the GMC were very happy with the results of the trialled service.

LGAT has negotiated a proposal with Gerathy & Madison Media for delivery of a sectoral media monitoring service, based on a heavily discounted monthly retainer. The monthly retainer cost will be shared across all participating councils, providing a substantial saving on what those councils previously using the service were paying. Councils would then only pay additionally for the content they receive based on individual print, radio and tv clips, as defined by their individually set search terms.

Immediate savings have been made by councils already undertaking professional media monitoring by switching to the LGAT shared model.

Councils that currently undertake manual media monitoring, would see realised savings through a reduction in the staff costs currently committed to the task. LGAT has presented the proposal to General Managers and we are currently collating interest.

#### **Budget Impact**

Being undertaken within current resources

#### **Current Policy**

Strategic Plan

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

### **4.9 LGAT PERFORMANCE AND IMPROVEMENT SURVEY**

**Contact Officer – Dion Lester**

**Glenorchy City Council/Circular Head Council**

**That Members participate in the LGAT Performance and Improvement Survey.**

**Carried**

#### **Background**

LGAT invites you to participate in our Performance and Improvement Survey to guide how LGAT undertakes its work on behalf of all Tasmanian councils – see link [here](#).

We appreciate how tedious online surveys can be, so our survey has been refined to focus on getting your feedback on only 2 key things - our performance and the key areas we should be focussing on over the next 12 months. In addition to the online survey, we plan to undertake targeted discussions with a selection of Elected Representatives and staff from the sector over the coming months. If you would like to talk to us, please provide your contact details [here](#) – we would love to hear from you!

LGAT is taking this new approach to assessing its performance and improvement for a variety of reasons, including:

- **Sample** – Councils’ response rate and engagement with our performance and improvement surveys has declined in recent years. LGAT anticipates that a mixed method approach will improve sampling (size and representation).
- **Data** – The survey questions are exclusively qualitative to bring depth of understanding to our assessment. The targeted discussions in particular, will allow LGAT to delve into Member’s interests.
- **Continuity** – The approach being taken has been designed as an ongoing process enabling LGAT to gather performance feedback throughout the year to track how we are going and the key interests of Members.
- **Simplification** – The questions have been stripped back to focus Members on how LGAT has done (performance) and where they think LGAT should be heading in the next year (strategy/direction).

The process of assessing LGAT’s performance and improvement has commenced to inform our existing activities/operations but also our strategic planning process later this year.

Please promote the opportunity to provide feedback to both Elected Representatives and other relevant staff so that we can continue to improve and adjust our service to our Members.

**Budget Impact**

Being undertaken within current resources.

**Current Policy**

Strategic Plan

- Facilitating change;
- Fostering collaboration;
- Promoting financial sustainability; and
- Developing capacity and capability to deliver.

**4.10 LGAT EVENTS UPDATE****Contact Officer – Miriam Rule****Glenorchy City Council/Circular Head Council****That Members note the report on LGAT events.****Carried****Background**

LGAT continues to provide professional development, training and events offerings within the boundaries of COVID-19 restrictions.

In December 2020 LGAT expanded the General Meeting to incorporate conference elements in response to cancelling the Annual LGAT Conference due to COVID-19 impacts. This one-day event provided opportunities for professional development, member engagement and importantly, in person networking following a challenging year.

The one day program included:

- Keynote speakers: Mitch McPherson, founder of SPEAK UP! Stay ChatTY! And Katy Cooper from Disruptive Co;
- A council symposium; and
- Social and networking opportunities including the Commonwealth Bank Conference dinner.

Although a smaller program with limited sponsorship opportunities, LGAT was pleased to fill all openings. The proceeds from the Coffee Corner raised over \$1100 for the nominated charity - SPEAK UP! Stay ChatTY!

The smaller Conference program provided the opportunity to seek feedback on a reduced Conference format going forward. LGAT is currently evaluating the possibilities of offering a 1.5 day program for the Annual LGAT Conference scheduled in August this year at Wrest Point Convention Centre in Hobart.

**Elected Members Weekend Professional Development Weekend 2021**

This event was held in Launceston on Saturday 20 and Sunday 21 February. The weekend provided a valuable networking and professional development opportunity for Elected Members and was well attended.

Feedback from attendees was extremely positive, noting the relevant and interesting agenda and quality speakers including:

- Mathew Healey, Local Government Division update;
- Richard Gerathy, Community Engagement;

- Gerald Monson, Latrobe/Kentish Councils - The benefits of shared services;
- Peter Carr, City of Hobart – Digital Innovation opportunities for Local Government;
- Professor Roger Hughes, University of Tasmania – Councils’ role in health and wellbeing now and into the future;
- Mike Lollback, LGAQ – The importance of councils increasing their role in supporting community resilience; and
- Sophie Calic and John Fisher, City of Hobart – City of Hobart’s bush fire preparation and Resilient Hobart.

### **International Women’s Day 2021**

LGAT, TasCOSS and the Tasmanian State Service are hosting the International Women’s Day cross sector awards program. This year we were pleased to have Local Government Professionals Australia Tasmania join the event committee.

Our sector is well represented in the awards, with 11 nominations received. Tasplan have committed \$6000 of sponsorship to the award recipient winners (\$1,000 per recipient) and provided trophies.

Our 2021 event Scheduled for 4 March, will be online to ensure maximum attendance for this traditionally well attended event, noting COVID-19 restrictions on venue capacity. An additional benefit of an online event is that it enables state-wide access. We are pleased to advise that our guest speaker is 2021 Australian of the Year Grace Tame. The event will also include the announcement of the awards winner and the awards categories include:

- Tasmanian State Service: Inspirational Leader
- Tasmanian State Service: Aspiring Leader
- Community Services Industry: Inspirational Leader
- Community Services Industry: Aspiring Leader
- Local Government: Inspirational Leader (Elected Representative)
- Local Government: Inspirational Leader (Officer)

### **Mayors’ Professional Development Day - 11 March**

The Mayors’ Professional Development day is scheduled for Thursday 11 March at the paranable convention centre in Devonport. Key presentations include The Hon. Mark Shelton MP, Minister for Local Government and Dr Kathy Alexander, a stakeholder engagement and Local Government specialist.



## Upcoming Events – First Quarter 2021

### LGAT Emergency Management Forum – 27 April

LGAT is in the process of organising an Emergency Management Forum for Municipal Emergency Management Coordinators and Recovery Coordinators. This is scheduled to be held in Campbell Town on the 27 April. The event is in the planning stage with details being finalised in the coming weeks. Information will be sent to councils.

### The Health and Wellbeing Project One Day Workshops – April (North and South)

As part of LGATs Local Government Community Health and Wellbeing Project we are currently in the process of organising two one day Health and Wellbeing workshops, to be delivered in Devonport on 20 April and in Hobart on 22 April.

The workshop agenda will include Professor Roger Hughes (UTAS) reporting on the Health and Wellbeing Workforce Project and John Kirwan CEO of Royal Flying Doctors Service who will also be speaking at dinner following the workshops. Further information will be sent to council officers in the coming weeks.

### General Managers Workshop – April 29 and 30

Planning is being finalised with information to be released in the coming weeks.

## Events on the Horizon

### Local Government Act Review

LGAT is working with the Local Government Division on a program to provide information on the new Local Government Act.

### Budget Impact

Being undertaken within current resources.

## Current Policy

### Strategic Plan

- Facilitating change;
- Fostering collaboration;
- Promoting financial sustainability; and
- Developing capacity and capability to deliver.

### 2020 – 21 Annual Priority

- Support the sector through the next stages of Local Government reform;
- Support councils' role in community health and wellbeing;
- Continue to support Members' professional development; and
- Support councils' recovery efforts from COVID-19.

**4.11 POLICY UPDATES**

Contact Officer - Ben Morris

**Glenorchy City Council/Circular Head Council****That Members note the policy updates which provide a brief overview on a range of matters.****Carried****Planners Meeting**

At the request of two councils, LGAT organised and facilitated a statewide, online meeting on 11 February of council planners to reflect on the Local Provisions Schedules (LPS) process so far and to learn from the experience of councils who have been through the panel hearings process.

The meeting was attended by 15 council planners or consultant planners engaged by councils preparing LPSs. As a peer-learning experience, attendees were able to claim CPD point recognition from the Planning Institute of Australia. The session was recorded and is available on the LGAT Planning & Development collaboration forum<sup>4</sup>.

LGAT will continue to support the sector by creating opportunities for council professionals to connect with and learn from the experiences of their peers at other councils.

**LGAT Permit Authority Meetings**

Consumer, Building and Occupational Services (CBOS) stopped running their Permit Authority Forums in mid-2019 and have had limited or no provision of training opportunities specific to Permit Authorities. This has left Permit Authorities with very limited opportunities for earning the mandatory 12 Continuing Professional Development (CPD) points per annum. This has also reduced the opportunity for group learning and interaction with peers, or with CBOS.

To address these issues, LGAT has initiated LGAT Permit Authority Meetings to provide a forum for learning from peers in other councils and an avenue to inform LGAT's ongoing advocacy to the Tasmanian Government on building matters experienced by councils and Permit Authorities.

The first LGAT Permit Authority Meeting was delivered online on 3 February and was well attended by 56 people from Permit Authorities across the state. The meeting included guest speaker Mr Peter Graham, Director of Building Control who presented on building matters.

<sup>4</sup> To join the forum, council planners can submit their details using a valid council email address here: <https://forms.office.com/Pages/ResponsePage.aspx?id=sZtNWrePDkGXP7MTS5RjD62ufiZJVCxLmIUuQWkPP1UMkE1UkRDSzU0TlNkVScyMk9RVU9XS4u>

The meeting was recorded and is available on the LGAT Permit Authorities collaboration forum<sup>5</sup>.

The two-hour meeting delivered the opportunity for attendees to earn two CPD points. It is intended that LGAT will run statewide, online Permit Authority Meetings, twice a year. We also support contributors from councils to initiate similar regional, in-person meetings, also twice per year. This approach, collaboratively delivered, should support opportunities to earn up to eight CPD points per year and substantially alleviating the dearth of relevant training opportunities for Permit Authorities since CBOS's cessation of their Forums. In addition to the sector support LGAT will provide, we will also use these forums to keep abreast of sector-wide issues and as a basis for advocacy to the Tasmanian Government.

### **Recreational Camping and Fishing Infrastructure**

LGAT engaged with the Local Government Division on the Guidelines for the Recreational Camping and Fishing Infrastructure grants. Our feedback has helped shape the guidelines to ensure the sector is able to access as much as possible of the available funding. The grants are federally funded with \$800,000 to be allocated by the end of April 2021.

#### **4.12 LGAT ANNUAL PLAN \***

**Contact Officer – Dion Lester**

**Glenorchy City Council/Circular Head Council**

**That Members note the report against the Annual Plan.**

**Carried**

At **Attachment to Item 4.12** is a copy of the LGAT Annual Plan and progress to date.

<sup>5</sup> To join the forum, council Permit Authorities can submit their details using a valid council email address here: <https://forms.office.com/Pages/ResponsePage.aspx?id=sZtNWrEPdkGXP7MTS5RjD62ufiZJVCxLmIUuQWkPP1URTJWSjc5UjWUVYzTVc1ODRFSk5NSIE0Vy4u>



**1.1 to 1.7 - Governance Items****Total Responses: 55****1.1 -1.7 Governance Items**

Burnie City Council/George Town Council

That Members note Governance Items 1.1 to 1.7.

1. For  55
2. Against
3. Abstain



Participant	Response	Weight
Break O'Day Council	For	1
Brighton Council	For	2
Burnie City Council	[No Response]	2
Central Coast Council	For	3
Central Highlands Council	For	1
Circular Head Council	For	1
Clarence City Council	For	4
Derwent Valley Council	For	2
Devonport City Council	For	3
Dorset Council	For	1
Flinders Council	[No Response]	1
George Town Council	For	1
Glamorgan/Spring Bay Council	For	1
Glenorchy City Council	For	4
Hobart City Council	For	4
Huon Valley Council	For	2
Kentish Council	For	1
Kingborough Council	For	3
King Island Council	For	1
Latrobe Council	For	2
Launceston City Council	For	4
Meander Valley Council	For	2
Northern Midlands Council	For	2

1-319

Sorell Council	For	2
Southern Midlands Council	For	1
Tasman Council	For	1
Waratah - Wynyard Council	For	2
West Coast Council	For	1
West Tamar Council	For	3

## 2.1 Independent Living Units - Amendment Motion


Total Responses: 57

### 2.1: Independent Living Units

#### AMENDMENT MOTION

Kingborough Council/Glenorchy City Council

That Members resolve to make a counter offer to the State Government on the application of rates to ILUs that grandfathering will commence on 1 Jan 2022

1. For  38  
 2. Against  19  
 3. Abstain 0



Participant	Response	Weight
Break O'Day Council	Against	1
Brighton Council	For	2
Burnie City Council	For	2
Central Coast Council	Against	3
Central Highlands Council	For	1
Circular Head Council	Against	1
Clarence City Council	For	4
Derwent Valley Council	For	2
Devonport City Council	For	3
Dorset Council	Against	1
Flinders Council	[No Response]	1
George Town Council	Against	1
Glamorgan/Spring Bay Council	Against	1
Glenorchy City Council	For	4
Hobart City Council	For	4
Huon Valley Council	For	2
Kentish Council	Against	1
Kingborough Council	For	3
King Island Council	For	1
Latrobe Council	For	2
Launceston City Council	Against	4

## 1-321

Meander Valley Council	For	2
Northern Midlands Council	For	2
Sorell Council	Against	2
Southern Midlands Council	Against	1
Tasman Council	For	1
Waratah - Wynyard Council	Against	2
West Coast Council	Against	1
West Tamar Council	For	3



## 2.1 Independent Living Units

Total Responses: 57

### 2.1: Independent Living Units

Circular Head Council/Weratah Wynyard Council

That Members resolve to accept the offer from the State Government on the application of rates to Independent Living Units (ILUs) run by charitable institutions subject to grandfathering commencing on 1 January 2022.

1. For  50
2. Against  7
3. Abstain 0



Participant	Response	Weight
Break O'Day Council	For	1
Brighton Council	For	2
Burnie City Council	For	2
Central Coast Council	For	3
Central Highlands Council	For	1
Circular Head Council	For	1
Clarence City Council	For	4
Derwent Valley Council	For	2
Devonport City Council	For	3
Dorset Council	Against	1
Flinders Council	[No Response]	1
George Town Council	For	1
Glamorgan/Spring Bay Council	Against	1
Glenorchy City Council	For	4
Hobart City Council	For	4
Huon Valley Council	For	2
Kentish Council	Against	1
Kingborough Council	For	3
King Island Council	For	1
Latrobe Council	For	2
Launceston City Council	For	4
Meander Valley Council	For	2

Northern Midlands Council	For	2
Sorell Council	For	2
Southern Midlands Council	Against	1
Tasman Council	For	1
Waratah - Wynyard Council	Against	2
West Coast Council	Against	1
West Tamar Council	For	3

## 2.2 Council as a Planning Authority




Total Responses: 57

### 2.2: Council as a Planning Authority

Burnie City Council/Huon Valley Council

That LGAT investigate the level of support among Tasmanian councils and identify the relevant considerations and options to propose an amendment of the *Land Use Planning and Approvals Act 1993* to-

- a) Delete the mandatory requirement for a council to act as a planning authority for purposes of determining an application for a permit to use or develop land within its municipal area; and
- b) Provide as an alternative, the establishment of an independent development assessment panel to determine a permit application.

1. For  16
2. Against  39
3. Abstain  2



Participant	Response	Weight
Break O'Day Council	Against	1
Brighton Council	Against	2
Burnie City Council	For	2
Central Coast Council	Against	3
Central Highlands Council	Against	1
Circular Head Council	Against	1
Clarence City Council	Against	4
Derwent Valley Council	For	2
Devonport City Council	For	3
Dorset Council	Against	1
Flinders Council	[No Response]	1
George Town Council	Against	1
Glamorgan/Spring Bay Council	Against	1
Glenorchy City Council	For	4

## 1-324

Hobart City Council	Against	4
Huon Valley Council	For	2
Kentish Council	For	1
Kingborough Council	Against	3
King Island Council	Against	1
Latrobe Council	Against	2
Launceston City Council	Against	4
Meander Valley Council	Abstain	2
Northern Midlands Council	For	2
Sorell Council	Against	2
Southern Midlands Council	Against	1
Tasman Council	Against	1
Waratah - Wynyard Council	Against	2
West Coast Council	Against	1
West Tamar Council	Against	3

## 2.3 Future Gamin Legislation Exposure Draft

Total Responses: 57

### 2.3: Future Gaming Legislation Exposure Draft

Glenorchy City Council/Brighton Council

That Local Government calls on the Tasmanian Government to honour the commitment (given at the Premier's Local Government Council on 6 November 2019) for a five-week consultation period on the draft legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy, when released.

1. For  53  
 2. Against  3  
 3. Abstain  1



Participant	Response	Weight
Break O'Day Council	For	1
Brighton Council	For	2
Burnie City Council	For	2
Central Coast Council	For	3
Central Highlands Council	For	1
Circular Head Council	For	1
Clarence City Council	For	4
Derwent Valley Council	Against	2
Devonport City Council	For	3
Dorset Council	For	1
Flinders Council	[No Response]	1
George Town Council	For	1
Glamorgan/Spring Bay Council	Abstain	1
Glenorchy City Council	For	4
Hobart City Council	For	4
Huon Valley Council	For	2
Kentish Council	For	1
Kingborough Council	For	3
King Island Council	For	1
Latrobe Council	For	2
Launceston City Council	For	4
Meander Valley Council	For	2

1-326

Northern Midlands Council	For	2
Sorell Council	For	2
Southern Midlands Council	For	1
Tasman Council	Against	1
Waratah - Wynyard Council	For	2
West Coast Council	For	1
West Tamar Council	For	3

## 2.4 Deferral of Draft Future Gaming Bill

### Total Responses: 57

#### 2.4: Deferral of Draft Future Gaming Bill

Glenorchy City Council/Huon Valley Council

That the Tasmanian Government defers the release of the legislation to amend the *Gaming Control Act 1993* to give effect to the Future Gaming Market Policy for consultation until the latest information relating to gambling in Tasmania is made available, including:

- a) The release of the fifth Social and Economic Impact Study; and
- b) Social and economic modelling used to develop the Future of Gaming in Tasmania policy.

1. For ██████████ 49
2. Against █████ 7
3. Abstain ███ 1



Participant	Response	Weight
Break O'Day Council	For	1
Brighton Council	For	2
Burnie City Council	For	2
Central Coast Council	For	3
Central Highlands Council	For	1
Circular Head Council	For	1
Clarence City Council	For	4
Derwent Valley Council	Against	2
Devonport City Council	For	3
Dorset Council	Against	1
Flinders Council	[No Response]	1
George Town Council	For	1
Glamorgan/Spring Bay Council	Abstain	1
Glenorchy City Council	For	4
Hobart City Council	For	4
Huon Valley Council	For	2
Kentish Council	For	1
Kingborough Council	Against	3
King Island Council	For	1
Latrobe Council	For	2
Launceston City Council	For	4
Meander Valley Council	For	2

## 1-328

Northern Midlands Council	For	2
Sorell Council	For	2
Southern Midlands Council	For	1
Tasman Council	Against	1
Waratah - Wynyard Council	For	2
West Coast Council	For	1
West Tamar Council	For	3

## 4.1 to 4.12 Items for Noting

Total Responses: 48

### 4.1 – 4.12 Items for Noting

Glenorchy City Council/Circular Head Council

That Members note items 4.1 to 4.12

1. For  48
2. Against  0
3. Abstain  0



Participant	Response	Weight
Break O'Day Council	For	1
Brighton Council	For	2
Burnie City Council	For	2
Central Coast Council	For	3
Central Highlands Council	For	1
Circular Head Council	For	1
Clarence City Council	For	4
Derwent Valley Council	[No Response]	2
Devonport City Council	For	3
Dorset Council	[No Response]	1
Flinders Council	[No Response]	1
George Town Council	For	1
Glamorgan/Spring Bay Council	For	1
Glenorchy City Council	For	4
Hobart City Council	For	4
Huon Valley Council	For	2
Kentish Council	For	1
Kingborough Council	[No Response]	3
King Island Council	For	1
Latrobe Council	For	2
Launceston City Council	For	4
Meander Valley Council	For	2
Northern Midlands Council	For	2



## 1-330

Sorell Council	[No Response]	2
Southern Midlands Council	For	1
Tasman Council	[No Response]	1
Waratah - Wynyard Council	For	2
West Coast Council	For	1
West Tamar Council	For	3

Item No			
2	<b>Items for Decision</b>		
2.1	Independent Living Units	That Members resolve to accept the offer from the State Government on the application of rates to Independent Living Units (ILU's) run by Charitable Institutions subject to grandfathering commencing on 1 January 2022	Refer Item 9.2
2.2	Motion - Council as a Planning Authority	Motion Lost - No Further Action	Motion Lost - No Further Action
2.3	Motion - Future Gaming Legislation Exposure Draft	That Local Government calls on the Tasmanian Government to honour the commitment (given at the Premier's Local Government Council on 6 November 2019) for a five-week consultation period on the draft legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy, when released	Refer Item 6 - Follow up of Motions
2.4	Motion - Deferral of Draft Future Gaming Bill	That the Tasmanian Government defers the release of the legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy for consultation until the latest information relating to gambling in Tasmania is made available, including a) The release of the fifth Social and Economic Impact Study; and b) Social and economic modelling used to develop the Future of Gaming in Tasmania policy.	Refer Item 6 - Follow up of Motions
4	<b>Items for Noting</b>		
4.1	Waste and Resource Recovery		Refer Item 9.3
4.2	Review of the Local Government Act		No Further Action
4.3	State Budget Submission		Refer Item 9.9
4.4	Emergency Management Update		Refer Item 9.15
4.5	Local Government Climate Change Survey		Refer Item 9.6
4.6	Community Health and Wellbeing Project		Refer Item 9.11
4.7	LGAT Procurement		Refer Item 9.12
4.8	LGAT Communications Update		Refer Item 9.13
4.9	LGAT Performance and Improvement Survey		Refer Item 9.10
4.10	LGAT Events Update		Refer Item 9.14
4.12	LGAT Annual Plan. *		Refer Item 9.16

## Follow Up of Motions Report

### Report to General Meeting

#### This report details motions where LGAT is actively pursuing an outcome

Motion	Topic	Sub-topic	Meeting date	Member Update
That LGAT coordinate arrangements for a more collaborative arrangement between Local Government and State Government and all compliance agencies with responsibilities that include dog control and wildlife management and protection	Animals and Wildlife	Dog Control and Wildlife Management	3/12/2020	Action on this motion has been delayed by changes in government agency staff and the state election. LGAT, DPIPWE and PWS officers are currently designing a statewide workshop for relevant council officers. A draft program has been distributed to council officers for comment. The focus of the workshop will be a response to the two motions that call for more collaborative arrangements between councils and government agencies with responsibilities that include dog control and wildlife management and protection.
That the Tasmanian Government defers the release of the legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy for consultation until the latest information relating to gambling in Tasmania is made available, including: The release of the fifth Social and Economic Impact Study; and Social and economic modelling used to develop the Future of Gaming in Tasmania policy.	Arts and culture	Deferral of Draft Future Gaming Bill	12/03/2021	LGAT has written to the Minister noting the commitment made at the PLGC and requesting this is honoured for the Future Gaming Market Policy Bill.
That LGAT call on the State Government to, where appropriate, support the identification, preservation, and celebration of Indigenous places of importance across the municipalities of Tasmania.	Arts and culture	Indigenous Sites of Significance	3/12/2020	Advice from the Tasmanian Government is that councils considering a dual naming process should consider it as part of a Reconciliation Action Plan (RAP). The DPIPWE website has Aboriginal and dual naming information. Any individual or combined council approach is up to local government rather than the State government.  LGAT is working with Reconciliation Tasmania to support the development of RAPs. There will be state wide workshop for all councils interested in RAPs in coming months.
That LGAT: Advocate on behalf of all Councils the deep concern at the level of the Fire Service Contribution that councils are expected to collect from ratepayers each year on behalf of the State Fire Commission; and Seek justification for the excessive level of financial burden that has been imposed over the last five years.	Emergency management	Fire Services Levy	25/07/2018	The Fire Services Act is currently under review. The Act is the key piece of legislation which dictates the Fire Service Contribution and how increases to the contribution are decided. LGAT provided a submission to the issues paper as part of the review, advocating concern and the need for more transparency and justification in relation to increase to the contribution. LGAT also met with Mike Blake as part of his consultation on the Bill in which we discussed the LGAT submission and the issues raised as part of this motion.  LGAT again met with Mike Blake on 17 August 2020 to discuss his draft report and the likely recommendations. LGAT consulted with the sector and provided feedback to Mike Blake. Issues in relation to the levy, centralisation of SES volunteer units and the proposed governance structure were all raised in the LGAT feedback.  Mr Blakes report was provided to the Minister Sheldon in 2020. The recently re-elected Liberal Government has committed in its first 100 day implementation plan to 'begin consultation on the development of a contemporary new Fire Services Act'. As of 23 June 2021 there has been no visible progress on this commitment.

That LGAT ask the Tasmanian Government to improve and increase its education and enforcement programs for the conservation of shorebirds and other coastal wildlife values	Environment	Shorebirds and Coastal Wildlife Values	3/12/2020	Action on this motion has been delayed by changes in government agency staff and the state election. LGAT, DPIPWE and PWS officers are currently designing a statewide workshop for relevant council officers. A draft program has been distributed to council officers for comment. The focus of the workshop will be a response to the two motions that call for more collaborative arrangements between councils and government agencies with responsibilities that include dog control and wildlife management and protection.
That Members resolve to accept the offer from the State Government on the application of rates to Independent Living Units (ILU's) run by Charitable Institutions subject to grandfathering commencing on 1 January 2022.	Finance	Independent Living Units	12/03/2021	See update in this meeting's agenda.
That Local Government calls on the Tasmanian Government to honour the commitment (given at the Premier's Local Government Council on 6 November 2019) for a five-week consultation period on the draft legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy, when released.	Finance	Future Gaming Legislation Exposure Draft	12/03/2021	LGAT has written to the Minister acknowledging COVID and election delays and requesting the Bill consultation occurs after the release of relevant documentation. The 5th Social and Economic Impact Statement (SEIS) was released on the 1st July 2021.
That this Meeting endorse the Steering Committee to commence a media campaign against the State Government's position on Charitable Rates Exemptions on Independent Living Units, if an amicable solution is not reached.	Finance	Rating	11/09/2020	See update in this meeting's agenda.
That the Local Government Association Tasmania declares it has no confidence in the Local Government Code of Conduct process and calls on the Minister for Local Government to urgently take a more active role in resolving the issues	Governance	Code of Conduct	3/12/2020	Commencement of consultation on a Discussion Paper for changes to the Code of Conduct Framework is imminent.
That LGAT call on the State Government to include mandatory conciliation or mediation by an appropriately qualified arbitrator to be funded by the Local Government Division in the first instance of the code of conduct process.	Governance	Mandatory Conciliation	3/12/2020	Commencement of consultation on a Discussion Paper for changes to the Code of Conduct Framework is imminent.
That LGAT call on the State Government to conduct a full review of the entire Code of Conduct process, including the Code.	Governance	Code of Conduct	11/09/2020	Commencement of consultation on a Discussion Paper for changes to the Code of Conduct Framework is imminent.

<p>A - Council requests the State Government to: Acknowledge that Tasmania is facing a growing health crisis caused by chronic and preventable disease. Acknowledge that one of the statutory functions of councils is to provide for the health, safety and welfare of the community. Recognise that a continued costly focus on hospitals and traditional medical treatment cannot improve community health and health outcomes in the same way that a strategic focus on health behaviours and physical activity can. Create adequate funding mechanisms through new and existing budget allocations for Local Government - to allow for the adequate provision of sportsgrounds, playgrounds, outdoor walking, cycling and jogging trails and other infrastructure that will increase the exercise and activity options for all Tasmanian, with a key focus on children. Facilitate and fund appropriate public health awareness campaigns focussed on the need to increase the uptake of healthy exercise behaviours by the wider Tasmanian community.</p> <p>B - That Council requests LGAT support recommendations 1-5 above and advocate to the State Government on behalf of the Local Government sector accordingly.</p>	<p>Health and community services</p>	<p>Growing Health Crisis</p>	<p>6/12/2019</p>	<p>Local government's essential role during the COVID lockdown and recovery has demonstrated the importance of councils' contributions to improving productivity by supporting people to be healthy and stay that way. The Premier's Economic and Social Recovery Advisory Council (PERSAC) Report acknowledges that role. LGAT now represents local government on cross agency projects on food security and community based mental health support.</p> <p>LGAT continues to advocate for increased and sustained funding to support local government's essential role in improving health outcomes. Collaboration with the Mental Health Council of Tasmania during the election campaign and the LGAT opinion piece in The Mercury on LG's role in preventative health are examples of LGAT advocacy. That advocacy is resulting in a range of funded partnerships. They include a large rural walkability study, support for all councils to develop a local community suicide prevention plan, and support to all councils to implement family and domestic violence prevention plans.</p> <p>The soon to be released LGAT Health and Wellbeing Workforce Report will advocate for adequate and ongoing funding to enable local government to play their unique and essential role in improving community health and wellbeing outcomes.</p> <p>LGAT notes the long term term nature of issues within the health system and as such we will continue our advocacy. This motion will be removed from the Follow up of Motions Report following this meeting.</p>
<p>That LGAT advocate to the State Government and TasWater for the ceasing of the 'headworks holiday' for sewer and water infrastructure.</p>	<p>Infrastructure</p>	<p>Infrastructure Contributions</p>	<p>22/07/2020</p>	<p>LGAT has met with representatives of TasWater on three occasions and the State Government twice to progress this motion. Both are supportive of the introduction of an infrastructure charging policy (headworks) for water and sewerage, but also for council stormwater.</p> <p>In addition, LGAT has surveyed the sector and is developing a discussion paper on infrastructure contributions to inform both State and Local Government policy positions on the topic, to be released ahead of the August 2021 General Meeting. Refer to paper in this meeting's agenda.</p> <p>Concurrently, LGAT will also formally advocate to the Ministers for Local Government, Planning and State Growth, and for Infrastructure and Transport, to seek support for this motion and for an improved and holistic approach to infrastructure charging in Tasmania in general.</p>
<p>That LGAT lobby for amendment to the State Planning Provisions to further regulate the placement of shipping containers to reduce their visual impact on the streetscape within township areas.</p>	<p>Planning</p>	<p>Shipping Containers</p>	<p>3/12/2020</p>	<p>LGAT has written to the Minister for Local Government and Planning and is waiting for a response.</p>
<p>That LGAT approach the State Government to initiate a community conversation to discuss the date of Australia Day.</p>	<p>Society</p>	<p>Australia Day</p>	<p>3/12/2020</p>	<p>LGAT has written to the Premier. At the time of writing no response had been received.</p>
<p>That LGAT calls on the State Government to increase or share resourcing to Local Governments to meet the increasing EPA regulatory and compliance functions required to be provided by Local Governments. This should include the resourcing and authorisation of Council Officers to facilitate illegal dumping enforcement on crown land.</p>	<p>Waste and circular Economy</p>	<p>Illegal dumping on Crown Land</p>	<p>3/12/2020</p>	<p>LGAT is currently advocating for appropriate funding from the statewide waste levy to be provided to councils to manage illegal dumping. In addition, the action plan that supports LGATs MOU with the EPA Tasmania is currently being updated. As part of this the EPA has agreed to include action on the waste levy. The EPA also has a Local Government Engagement Program which includes examining how councils engage with Level 1 activities. A review currently underway will identify strengths and gaps and develop a model that may be useful to all councils.</p>

6 May 2021

Dr Stephen Gumley  
Chairman  
TasWater  
GPO Box 1393  
HOBART TAS 7001

By email: [sgumley@bigpond.net.au](mailto:sgumley@bigpond.net.au)

Dear Stephen

### **Draft TasWater Corporate Plan FY2022-26**

Thank you for the opportunity to provide comment on the draft TasWater Corporate Plan FY2022-26. We have reviewed the draft Corporate Plan and can provide the following collective feedback. Individual Councils may also have taken the opportunity to provide separate feedback.

It is pleasing to see the positive financial outlook for the forward period and the successful response to the COVID-19 pandemic. Particularly welcome is the return of full dividends to owners, and the possible recouping of the dividend shortfalls from the financial years, FY2019/20 and FY2020/21, over the next five years.

The work to develop an Environment Strategy to bring together environmental sustainability issues, along with the climate change strategy, is also welcome. We look forward to incorporating these initiatives into the Shareholders' Letter of Expectations.

We note the changes to the Capital Delivery Office (CDO), shifting the smaller projects to TasWater. This change should help to address the concerns of smaller, local contractors and enable the CDO to deliver high quality outcomes for the step-change projects, such as the upgrade to the Bryn Estyn Water Treatment Plant.

Also noted is the addressing of the top corporate risks, through new or updated strategies and plans, and we look forward to seeing these progress.

We will be requesting further information, by letter or through the Owners' Quarterly Update (depending on current information availability), on the following matters:

- The likely productivity opportunities from the benchmarking work and the resulting estimated savings, or service improvements;
- The confidence in the capital expenditure delivery estimates for FY2021/22 and beyond. We note the COVID-19 year of FY2020/21 delivery was \$176 million against a target of \$193 million, which in turn has pushed up the FY2021/22 target to \$223 million from \$192 million in the FY2020/21 Corporate Plan;
- Further explanation around the slippage of the metric 'Customers supplied by drinking water systems meeting best practice risk mitigation (per cent)' from the FY2020/21 Corporate Plan's forecast of 24.3 per cent for FY2021/22, now revised to 12.6 per cent in the FY2021/22 Corporate Plan; and
- While the Corporate Plan states the intention to move towards greater cost recovery, a figure for the Price and Service Plan 4 (PSP4) period is not provided. We can understand why this has been omitted at this stage with the PSP4 submission date of 30 June 2021, however we would value greater insight to TasWater's intentions for cost-reflective pricing for the PSP4 onwards.

Finally, on behalf of the owners, I would like to extend my thanks to the Board, Executive and the TasWater team for the way they have navigated the challenges of the COVID-19 pandemic and the strong forward strategy presented in the Corporate Plan.

Yours sincerely



Mayor Doug Chipman  
**Chief Owners Representative**  
**Chair of the Owners Expert Advisory Group**

LGAT Work Plan 2020 – 21 Progress Report



Not yet commenced



Unable to progress due to others



Ongoing



Completed



No.	Priorities	Outcome/Output Measures	Progress	Comment
1.	<p><b>Lead the Waste Management Reform Agenda</b></p>	<p>State Government support of the State-wide waste arrangements.</p> <p>Final Waste Action Plan adopts sector suggestions.</p>		<p>The State Government has not supported the State-wide arrangements; however they have progressed with the waste levy and Container Refund Scheme (CRS) in line with sector suggestions.</p> <p>At the time of writing the start date for the waste levy was uncertain. LGAT has consistently been advocating for 1 July start date.</p> <p>The draft Bill for the CRS has been released for comment and reflects LGAT's advocacy on the governance model for its operation. The CRS is due to commence in 2022.</p>
2.	<p><b>Support the Sector Through The Next Stages Of Local Government Reform</b></p>	<p>Review of the Local Government Act</p> <p>LGAT's recommendations accepted by the State Government.</p> <p>Local Government Sustainability Determination of the best structure/alignment for councils so they can service the needs of modern Tasmanian Communities</p>		<p>The Review of the Local Government Act has been put on hold due to the May State Election. We are waiting for confirmation on when this will recommence or, if it will be put on hold pending the outcomes from the Premier's Economic and Social Recovery Advisory Council (PESRAC) recommendation that the Tasmanian Parliament should sponsor a process to drive structural reform of Tasmania's local government sector.</p> <p>Local government sustainability and the best structure/alignment will be key features of the Local Government Review, following the PESRAC recommendation. LGAT has an advocacy plan in place to ensure that the review is focused on how councils can best serve modern Tasmanian Communities. LGAT and the sector are in a very well-informed position for this review given the work we undertook throughout 2019/20 under the banner of the 21<sup>st</sup> Century Council Project.</p>

No.	Priorities	Outcome/Output Measures	Progress	Comment
3.	<p><b>Influence the Planning and Red Tape Reduction Reform Agendas</b></p>	<p>LGAT's recommendations for Tasmanian Planning Policies (TPPs) and red tape reduction priorities accepted by the State Government.</p>		<p>At the time of writing the Tasmanian Planning Policies (TPPs) scoping document still had not been released. However, LGATs advocacy prior to and during the State election (<a href="#">see here</a>) on an immediate review of the Regional Land Use Strategies was gaining traction, with PESRAC recommending the strategies be comprehensively updated and the State Government committing \$3.45 million to do this during the May election.</p> <p>For red tape reduction LGAT was successful in achieving a number of significant changes including invoicing, timeframes and increasing evidence requirements for Strata Titles and subdivisions. The State Government is yet to indicate if further stages of the red tape reduction agenda will be rolled out.</p>
4.	<p><b>Continue to Expand the Procurement Program</b></p>	<p>Growth in sectoral procurement savings</p>		<p>LGAT Procurement continues to build its program and promote opportunities for councils. Over the last year, LGAT procurement has assisted with the development, implementation and management of eight new panel arrangements and assisted refreshing of another eight. There has been a particular focus on increasing the number of local suppliers on the panels. Supporting activities have included running training sessions for councils on LGAT Procurement's services and savings opportunities (time and money) and, supporting council collaboration through the development of a Tasmanian local government procurement network.</p>
5.	<p><b>Support Councils' Health and Wellbeing Outcomes Through The Health &amp; Wellbeing Project</b></p>	<p>Informed local strategic planning and actions for health and wellbeing.</p>		<p>The Department of Health (DOH) provided an additional \$300,000 for a further 2 years for the Community Health and Wellbeing Project.</p> <p>A workforce needs assessment of health and wellbeing in local government is nearing completion. This assessment is informing discussion with the State Government around the roles and resourcing of local government to support health and wellbeing.</p> <p>Ongoing partnerships with Relationships Tasmania on Suicide Prevention and the Our Watch prevention of violence against women programs are supporting councils.</p>

No.	Priorities	Outcome/Output Measures	Progress	Comment
6.	<b>Support Councils' Infrastructure Planning and Financing Arrangements</b>	<p>Establish an appropriate infrastructure contributions policy position for the sector to reduce rate subsidisation of development establishment costs.</p> <p>Improve current challenges with the stormwater planning and regulatory environment.</p>		<p>LGAT has contributed to the discussion for TasWater's proposed changes to the way it funds new infrastructure that support growth. Their proposal, to be released in July 2021, will be the litmus test with developers and the government in changing the way growth infrastructure is funded. LGAT is developing a discussion paper on local government infrastructure contributions that will provide a foundation to develop a sector policy position.</p> <p>LGAT has worked with partners to develop a model stormwater management policy that councils can elect to apply. This is expected to be available early FY2021-22.</p>
7.	<b>Continue to Support Member's Professional Development</b>	<p>Deliver key professional development opportunities including the Annual Conference, Elected Member Weekend, Mayors' and General Manager's Workshops.</p>		<p>LGAT delivered the Elected Member Weekend, Mayors' and General Manager's Workshops, which were well intended. The Annual Conference will be held on 5-6 August 2021 at Wrest Point Convention Centre, Hobart and the program is available on the LGAT website</p>
8.	<b>Support Councils' Recovery Efforts From COVID-19</b>	<p>Acknowledgement of the important role councils play in recovery</p>		<p>The final PESRAC Report acknowledged the roles that councils play in economic recovery and in place making. An important recognition is the appointment of Mayors as Chairs of the Regional Recovery Committees, which will work with government agencies and other partners to help communities recover.</p>