

Received  
09/10/2023



Keith Midson  
Midson Traffic Pty Ltd  
28 Seaview Avenue  
Taroona TAS 7053  
0437 366 040

9<sup>th</sup> October 2023

Paul Godier  
Senior Planner  
Northern Midlands Council  
13 Smith Street  
Longford TAS 7301

Dear Paul,

26A TANNERY ROAD – ADDITIONAL INFORMATION

This letter provides further details regarding the proposed fuel station at the abovementioned address, following from the meeting with Council on 5<sup>th</sup> September 2023.

To better understand the likely traffic generation associated with the proposed development, transaction data was obtained from the Ampol self service fuel station in Campbell Town. The Campbell Town site has been designed to cater for trucks, however cars can access the site and refuel. The site contains four bowser pump locations. Data was obtained for 2022, with total transactions summarised in Table 1.

Table 1 Campbell Town Ampol – Total Monthly Transactions 2022

Month	Total Transactions	Average Daily Transactions
January	2,789	90
February	2,873	103
March	3,028	98
April	2,594	86
May	2,653	86
June	2,335	78
July	2,322	75
August	2,384	77
September	2,316	77
October	2,483	80
November	2,573	86
December	2,273	73

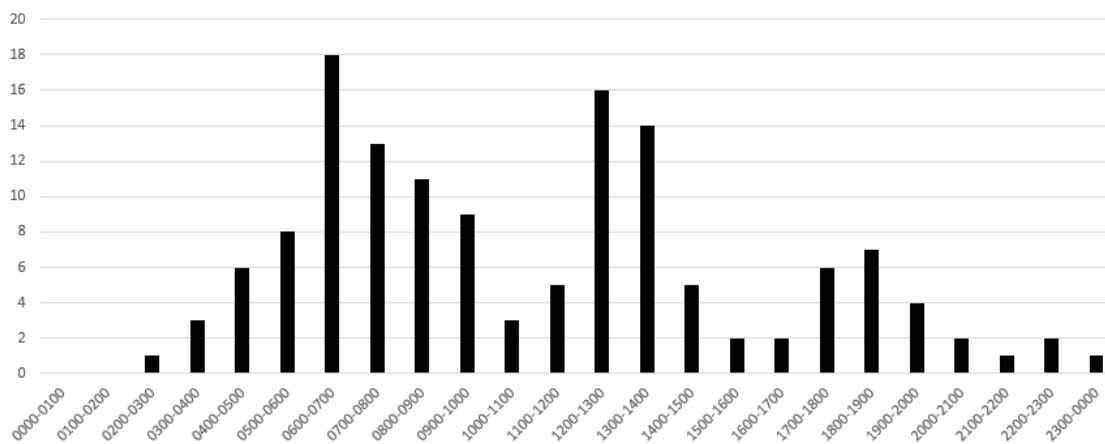
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It can be seen that average daily transactions vary between 73 and 103. Full data was examined for the busiest month (February 2022). Daily transactions varied between 40 and 140 in February 2022, with an 85<sup>th</sup> percentile highest number of transactions being 134 per day. This equates to an 85<sup>th</sup> percentile daily traffic generation of 268 vehicles per day (two way movements – 1 transaction equates to 1 entry movement and 1 exit movement).

Analysis of the peak day in February (Thursday 24<sup>th</sup> February 2022) indicates that the peak number of transactions per hour is summarised in Figure 1. It can be seen that peak periods do not correspond to commuter peak periods, although this is likely to be a function of the location being towards the middle of the Midland Highway. The peak number of transactions was 18 between 6:00am and 7:00am. The average hourly number of transactions was 6 (12 x two-way vehicle movements). This equates to a peak generation at the Campbell Town site of 36 vehicles per hour (two way movements).

It is noted that the transactions do not differentiate between vehicle types. Whilst it is not possible to provide an accurate breakdown of transactions associated with cars and trucks. It was noted that the majority of transactions were for large quantities of fuel, therefore demonstrating that trucks were the dominant users of the site.

Figure 1 Hourly Transactions February 2022



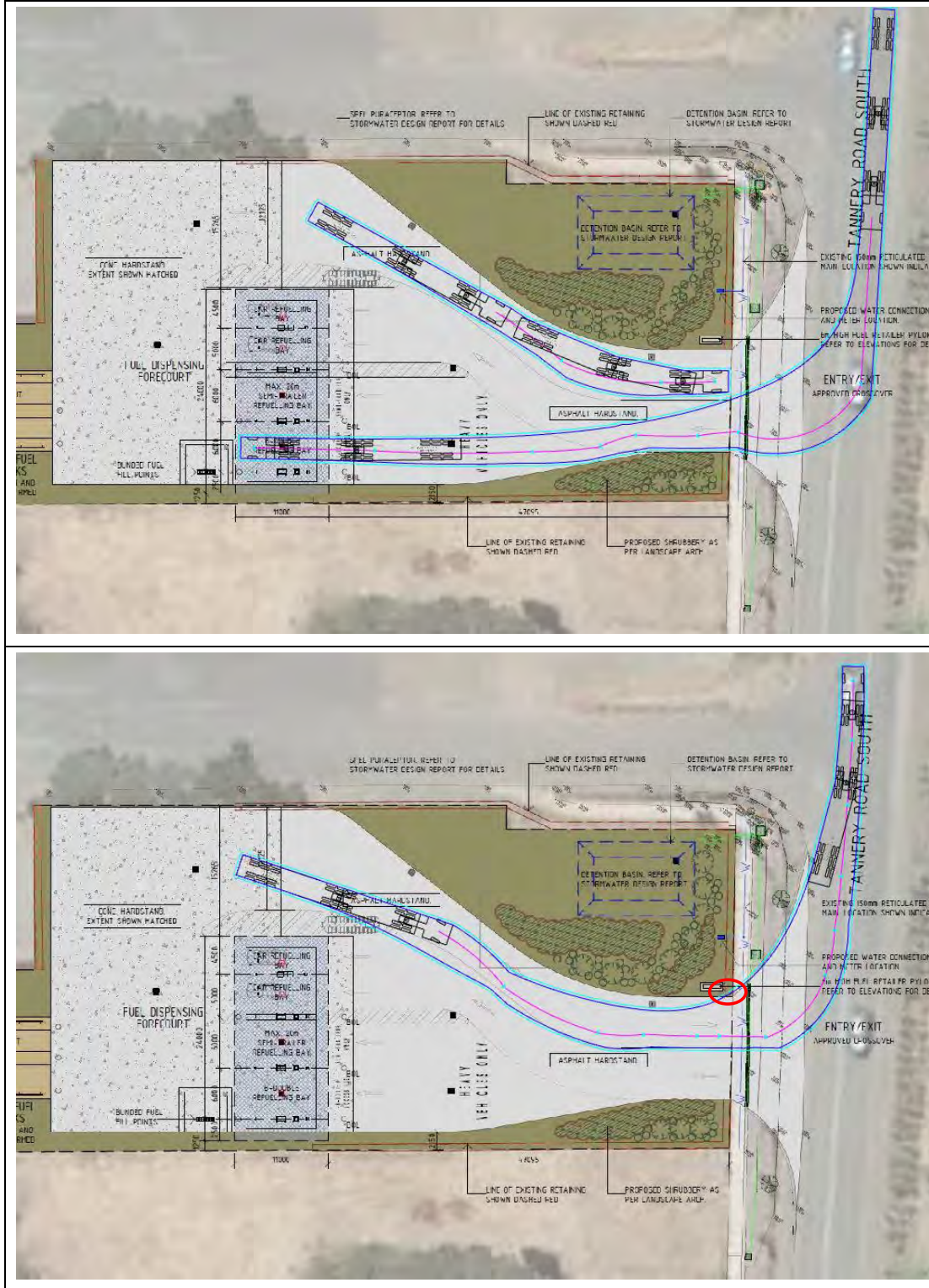
Comparing this to proposed development. The traffic generation of the development was estimated in the TIA to be 612 vehicles per day with a peak of 143 vehicles per hour. In light of the data obtained from the Campbell Town site, the TIA traffic generation is likely to be an over-estimate. Given the similarities between the sites, it would be a safe assumption that the peak generation would be in the order of 50 vehicles per hour (two-way movements), with a daily generation of 400 vehicles per day (two-way movements). The proposed development has a higher number of bowsers and therefore a higher traffic generation rate has been adopted compared to the Campbell Town site.

Swept paths were also assessed for B-Doubles accessing the site. The inward and outward movements are shown in Figure 2. The following is noted with regards to the swept paths:

- Outward movements require a slightly wider driveway access. A minor encroachment is noted on the inside corner of the turn, immediately adjacent to the sign location. This is highlighted in Figure 2. This would require minor amendments to the driveway plan to correct.
- Simultaneous inward and outward B-Double movements cannot be achieved, however the manoeuvres can be undertaken without crossing the centreline of Tannery Road for exiting vehicles.

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Figure 2 B-Double Swept Paths



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Please contact me on 0437 366 040 if you require any further information.

Yours sincerely,



Keith Midson BE MTraffic MTransport FIEAust CPEng EngExec NER

DIRECTOR

Midson Traffic Pty Ltd

# XXX AND LOCAL DISTRICT COMMITTEE MEMORANDUM OF UNDERSTANDING



## 1. PARTIES TO THE AGREEMENT

1. This Memorandum of Understanding is between the Northern Midlands Council and the members of the XXX Local District Committee.
2. The XXX Local District Committee was established as a special committee of the Northern Midlands Council on [DATE] pursuant to section 24 of the *Local Government Act 1993*.

## 2. TERM

The term of this MOU is from the date of signing, or 1 January 2024 (whichever is first) until 30 June 2026.

## 3. DEFINITIONS

"Agreement" means this Memorandum of Understanding.

"Committee" means the XXX District Committee.

"Committee Officer(s)" means the Committee Chairperson, Vice-Chairperson and Secretary (if applicable).

"Complaint" means a statement of objection or that something is unsatisfactory or unacceptable.

"Council" means Northern Midlands Council.

"Council Liaison" means the Council Officer as the point of contact (and secretary if applicable) for to the Committee.

"MOU" means this Memorandum of Understanding.

"Term of Membership" means the period of time Committee members are appointed in accordance with clause 5.3.

## 4. PURPOSE

1. The purpose of the MOU is to formalise the governance and functioning of the Committee for the effective and efficient running of the Committee, while clarifying the scope of the Committee.
2. This MOU supersedes all previous agreements between Council and the Committee.
3. The XXX Local District Committee is to act in an advisory capacity only.
4. For the purposes of this Memorandum of Understanding MOU the term "advisory" means:
  - a. Having or consisting in the power to make recommendations to Council but not to take action enforcing them; and
  - b. Local District Committees and Forums do not deal with complaints. Complaints received by the Committee should be directed to Council for actioning.
5. The purpose of the XXX Local District Committee is to:
  - a. Be a communication channel for information between Council and the community of XXX;

- b. Identify needs, concerns and expectations of the local community **by way of community consultation and engagement as the Committee considers appropriate** ~~XXX~~ and advise Council **by providing written notification or within meeting minutes** of these needs; **and**
- c. Consider and provide **written** feedback to Council in respect to matters referred to the **Committee** by Council.

## 5. MEMBERSHIP

1. Members **of the Committee** are to comprise of residents, representatives of local businesses and organisations **of XXXX** based within **that** district **communities**, with invitations to be extended to local business owners **and other social enterprise** to join the Committees membership.
2. Membership of the **XXX Local District** Committee shall comprise of a minimum of six (6) members and a maximum of ten (10) members.
3. Members are appointed for a term of two **(2)** years.
4. The Term of Membership is to commence in July and conclude in June two years **later from commencement**. **However, the initial term of this MOU shall commence upon signing or 1 January 2024, whichever occurs first, and conclude 30 June 2026.**
5. Membership of the **XXX Local District** Committee is to be advertised **by Council** at least **six** weeks, but no more than **eight** weeks, prior to the expiration of a **Term of Membership**. Advertising is to occur:
  - a. in the Northern Midlands Courier and Examiner newspaper; and
  - b. on social media; and
  - c. on Council's website.
6. Should the number of applications for **Committee** membership exceed the number of vacancies, Council's Executive **Committee** (~~comprising Mayor, Deputy Mayor and one Councillor~~) will determine the successful applicants in consultation with the Councillor representative(s) to the Committee.
7. Committee membership is to be ratified by the **Northern Midlands** Council at the next ordinary Council meeting prior to the commencement of the ~~membership term~~ **Term of Membership**.
8. In the event **that** insufficient applications are received to fill the number of vacancies, Council will periodically re-advertise the vacant positions. **In the Northern Midlands Courier Newspaper, on Council's website and via social media.**
9. Applications to Committees with less than 10 members can be made at any time; however, applications will not be accepted for ratification **by Council** within the final **3-three** months of a ~~two year term~~ **Term of Membership**.
10. In the event **that** less than **6 six** (**minimum number of members**) applications for membership are received, the Committee is to go into recess until a sufficient number of applications are received.
11. Membership will be subject to the **applicant holding** current registration as a Council Volunteer, and as such, the contract with Council as a Volunteer extends to membership of the Committee; with Volunteer registration and induction to be completed **by the applicant** prior to the commencement of membership. **The applicant and Committee is to work with Council's Work, Health and Safety Officer in relation to the volunteer induction.**
12. At the conclusion of their **term in office** **Term of Membership**, members are eligible to reapply for membership. ~~of the Committee.~~ **Should a re-appointment not occur, Council will provide written notice to the applicant.**
13. The Committee shall have the power to appoint from within the membership the following Committee Officers **at the Committee's Biennial General Meeting**:
  - a. Chairperson;
  - b. Vice Chairperson; **and**

c. Secretary (if applicable in circumstances where the Committee provides its own secretariat).

14. All Committee Officers shall be appointed by the Committee at the Biennial General Meeting held at the commencement of a two-year term of appointment Term of Membership.
15. The office of a member becomes vacant if the member is absent from three consecutive ordinary meetings of the Committee without a leave of absence granted by Council. Council will give consideration to a written application for an extended period of leave of absence which has been endorsed by the Committee on a case by case basis.
16. Any member vacancy arising during the Term of Membership may be filled upon application for membership being received and any vacancy filled during a Term of Membership is for the remaining period of the MOU.

## 6. ROLES AND RESPONSIBILITIES

1. The Committee's primary and priority focus is to work with the Council to make the Northern Midlands an enviable place to live, work and play.

### Committee

2. The following are the roles and responsibilities of the XXX Local District Committee:
  - a. To nominate one point of contact between the Committee and Council, and in the event the Committee does not advise who they have nominated, the default contact person will be the Chairperson.
  - b. To provide Council with a list of the Committee's meeting dates and times immediately following the meeting at which they are set.
  - c. To facilitate the Chairperson and Vice-Chairperson's attendance at a formal information session with Council to receive information, direction and training, including but not limited to the following matters:
    - i. Management and governance of Committee meetings, including declarations of pecuniary interests;
    - ii. The Committee's relationship with Council;
    - iii. The distinction between strategic and operational matters; and
    - iv. The role and purpose of the Committee.
  - d. To ensure all Committee members are currently registered volunteers of Council and inducted, and in the event any Committee members are identified as not being inducted, to notify Council's Work, Health & Safety Officer for the purpose of the Work, Health & Safety Officer conducting an induction.
  - e. To notify Council of matters that are strategic in nature (which Council is directly responsible for, or, may have influence over) within the XXX district.
  - f. To provide written comment and/or feedback advise on matters referred to it by Council.
  - g. To liaise with the community and special interest groups to ascertain their views/opinions on local issues and projects and notify Council of these, with such consultation occurring in a manner considered most appropriate by the Committee.
  - h. To receive communications from the local community and special interest groups and forward their letters/requests with appropriate comment/feedback to Council, with such communication occurring in a manner considered most appropriate by the Committee.
  - i. Will direct any complaints received by the Committee to Council for Council to action, including provision of contact details of the complainant.
  - j. To provide to Council in March each year a prioritised list of works and services to be considered for funding in the following budget year, including projects that which could be considered for funding under appropriate Federal and State Government schemes.

- k. Members are to submit customer requests to Council online at [www.northernmidlands.tas.gov.au/contact/report-an-issue](http://www.northernmidlands.tas.gov.au/contact/report-an-issue) when matters of concern are operational in nature e.g.: lawn mowing; road repairs.

**Council**

3. The following are the roles and responsibilities of the Council:

- a. To produce the agenda for the Committee for the first ordinary meeting incorporating the Biennial General Meeting following the commencement of the Term of Membership.
- b. The Council will, at its next Ordinary Meeting following a local government election, appoint Councillor Representative(s) to the ~~XXX Local District~~ Committee.
- c. The Council will appoint a Council Liaison Officer to the Committee.
- d. To notify and communicate with the Committee on matters of interest or concern to the local community.
- e. To provide comment and/or advice on matters referred to it by the Committee.
- f. To receive and consider the prioritised list of works and services to be considered for funding, including projects that could be considered for funding under appropriate Federal and State Government schemes.
- g. Respond to complaints forwarded by the Committee in accordance with Council's policy and procedure.
- h. The Work, Health & Safety Officer will be responsible for volunteer inductions.
- i. Shall publicly promote the Committees within the wider community, including promoting their role as a communication channel between Council and the community and the opportunity for community members to attend Committee meetings.

**7. MEETING PROCEDURES**

**Meeting Administration**

- 1. Meetings are to be governed in accordance with the procedures stated ~~above within this MOU.~~ and In the event this ~~Memorandum of Understanding~~ MOU is silent in respect to a procedure, reference is to be made to the *Local Government (Meeting Procedures) Regulations 2015* for the appropriate procedure.
- 2. Meetings are to be held at a minimum once per quarter ~~and no greater frequency than bi-monthly~~ (meaning every second month).
- 3. The Committee is able to call a special meeting of the Committee outside the bi-monthly meeting should there be an item requiring consideration and discussion by the Committee prior to the next scheduled meeting. Special meetings of the Committee must follow the same procedures as provided for in this MOU.
- 4. The meeting dates and times are to be determined by the Committee at the Biennial General Meeting and the Committee will take all reasonable steps to ensure the meetings occur at a time convenient to the wider community (e.g. outside business hours), with the view of increasing community engagement at Committee meetings.
- 5. Meeting length is not to exceed 1.5 hours.
- 6. The Biennial General Meeting of the Committee is to occur in conjunction with at the first ordinary meeting of the Committee at the commencement of each Term of Membership.
- 7. A calendar of meeting dates for the following calendar year is to be determined by the Committee at its last ordinary meeting of that year and provided to Council, ~~and published prior to the commencement of each calendar year.~~



8. Committees shall make an Acknowledgement of Country at the commencement of each meeting and take place immediately following the 'Attendance' item of the meeting.

9. Committees must include 'Declarations of Pecuniary Interest' as a standing Agenda item at each meeting with this agenda item immediately following the 'Acknowledgment of Country' agenda item.

Notice of Meeting, Meeting Agenda & Minutes

10. Notice of a meeting and an agenda is to be given are to be provided to the Committee members and the Councillor Representative(s) of the XXX Local District Committee at least 4 four days but not more than 14 days prior to an ordinary meeting.

11. An agenda for the meeting is to be provided to members of the XXX Local District Committee at least 4 days prior to an ordinary meeting

12. Minutes of an ordinary meeting of Committee are to be circulated to Committee members and to the Council Liaison via email sent to [council@nmc.tas.gov.au](mailto:council@nmc.tas.gov.au) as soon as practicable after the meeting, but no more than 10 working days after the meeting.

13. If the XXX Local District Committee wishes Council to investigate a matter, it must put a motion to the Northern Midlands Council for consideration as set out and formatted in Annexure A to this MOU. Any motion is to be received by Council no less than 10 days prior to the next meeting. Should the motion not be received within this timeframe, it will be held over to the following ordinary meeting of Council. The Secretary Council is to have listed in the next Council Meeting Agenda any motions reflected in the Committee's minutes.

14. The Council Liaison will and report back to the Committee the outcome of the motions; within seven days following the Council meeting.

a. If the Council Liaison provides secretarial support, within the next Agenda of the Committee; or

b. If the Committee provides its own secretariat, a copy of the meeting Minutes will be provided within 10 working days.

Quorum & Voting

15. A meeting may only take place if the Committee has quorum. A meeting quorum is a majority of the XXX Local District Committee's current membership. For example, if the total number of members is 8, the quorum is 5.

16. A decision by the XXX Local District Committee is to be made by consensus (half the members present at a meeting, plus one). In the event the decision is split, the Chairperson is to make the final decision.

Councillor Representative

17. The Councillor Representative is an advisory role only. and The Councillor Representative is not entitled to move motions or vote on any decisions made by the Committee.

18. The Chairperson may not withhold from an attending Councillor Representative the freedom to speak at a meeting.

19. Any Councillors attending meetings who are not the appointed Councillor Representative does so as a guest only. Guest Councillors must adhere to the meeting procedures applicable to Guests and are not to address the Committee as if they were the appointed Councillor Representative.

Guests

20. Guests attending XXX Local District Committee meetings are to do so as observers only. Guests and may only participate in the meeting on invitation by the Chairperson. Guests must abide by meeting protocols.

21. Guests wishing to make a presentation or to provide comment at a meeting are to seek consent from the Chairperson and/or Secretary prior to the meeting.

22. Unless otherwise agreed by the Chairperson and/or Secretary, such presentation or comment by a guest is limited to a maximum of three minutes.

#### Subgroups

23. The Committee may make a recommendation to Council for endorsement to establish a special interest subgroup of the Committee.
24. Secretarial support will not be provided by Council for subgroup meetings; however, some administration assistance may be provided for projects approved by Council.
25. If required, subgroup meetings will be arranged outside of ordinary meeting times, at a time convenient to the subgroup members.

### 8. COMMUNICATION, INFORMATION SHARING AND CONSULTATION

9. The role of the Councillor Representative is to provide information to the Committee from the Council.
10. Minutes of the meetings of the XXX Local District Committee are to be reported included by the Council Liaison to the Council as an Information Item to in the next Council meeting after the meeting of the XXX Local District Committee if provided 10 days prior to the Council meeting and if no motions require Officer investigation prior to Council consideration.
11. The Committee must not communicate on behalf of Council without prior written approval of the General Manager and must obtain written approval from the General Manager of any correspondence to be sent by the Committee.
12. The Committee acknowledges that the Mayor is the official spokesperson of Council and any media or comment sought from the Committee must not be given by the Committee and must be referred to Council.
13. Any incoming (or outgoing) official correspondence received (or sent) by the Chairperson, or received on behalf of the Chairperson, in relation to the XXX Local District Committee, which has not been referred to the Committee by Council or generated by Council, is to be provided to Council within 14 days of receipt thereof. Correspondence will be recorded by Council and a formal response provided by Council.

### 9. REVIEW AND EVALUATION

1. Council retains the right to review this Memorandum of Understanding at any time.
2. At the Biennial General Meeting of the XXX Local District Committee, held at the commencement of each term of appointment, the XXX Local District Committee is to review the provisions of this MOU Memorandum of Understanding, execute the document and return a signed copy to the Council Liaison. suggest amendments to its content.

**10. GRIEVANCE AND CONFLICT RESOLUTION**

1. The Committee Chairperson and Council's People and Culture Business Partner will attempt to resolve any grievances or conflicts, utilising the framework and guidelines detailed in Council's Issue Resolution Policy and Procedure.
2. If there is no resolution, Council's General Manager will meet with the relevant parties and attempt to reach agreement or resolution.

**11. SECRETARIAL SUPPORT & RESOURCES**

1. Provision of secretarial support will be provided by Council:
  - a. For meetings held on a monthly basis, during office hours (subject to officer availability); OR
  - b. For meetings held on a bi-monthly basis, for meetings out of office hours (subject to officer availability, and that for meetings commencing at or before 6.30-6.00pm), OR
  - c. Funds of \$2,500 in lieu of secretarial support (currently the monies are provided for projects subject to Council approval); and whether the funds are a reasonable incentive).
2. The Committees appointed Council Liaison Secretary will provide secretarial support for a maximum of 11 meetings per annum.

~~Secretarial support will not be provided for subgroup meetings; however, some administration assistance may be provided for approved projects.~~

3. The ~~XXX Local District~~ Committee is to opt for one of the following resources to be provided by the Northern Midlands Council:
  - ~~Secretarial assistance (meetings held in office hours) at scheduled monthly meetings, subject to availability.~~

OR

  - Secretarial assistance (meetings held out of office hours commencing at or before 6.30-6.00pm) at scheduled bi-monthly meetings, subject to availability.

OR

  - An annual budget allocation of \$2,500, in lieu of secretarial assistance, to be made available for projects, or secretarial support, as approved by Council.

**XXX LOCAL DISTRICT COMMITTEE**

\_\_\_\_\_  
CHAIRPERSON

**Name:**

DATE:

**WITNESS:**

\_\_\_\_\_  
**Name:**

**NORTHERN MIDLANDS COUNCIL**

\_\_\_\_\_  
MAYOR

DATE:

\_\_\_\_\_  
GENERAL MANAGER

DATE:

DRAFT

**ANNEXURE A**

**DRAFT MOTION TO COUNCIL FOR COMMITTEE MINUTES**

To provide clarity in motions/recommendations from the Committees, all proposed motions and the associated minutes need to contain the Five W's and H as detailed below:

- **Who:** The mover and seconder.
- **What:** What is it the mover and seconder want Council to do? The more specific the better. For example, 'That Council consider placing a park bench on the river walkway.'
- **Where:** Where should this occur in the municipality? For example, 'The bench should ideally be placed where the walkway goes past the boat ramp, which is roughly 1km from the Victoria Square.'
- **When:** For example, 'The Committee notes there was no budget allocation for this in 2023-24 and would like to see it included in the 2024-25 budget.'
- **Why:** For example, 'The Committee notes this is an especially scenic part of the walkway and it's where people like to take a breather while walking as there's a climb on the walkway immediately before when heading toward Longford.'
- **How:** For example, 'That subject to its inclusion in the 2024-25 capital works budget that the Manager Works aim to organise the works to occur before summer 2024.'

Please include any motions in your meeting minutes as follows:

**Recommendation [Number]:**

**Mover:**

**Seconder:**

**That it be recommended to Council that:**

- a) **Council consider [details of the recommendation – one recommendation per point]**



**13.2 REVIEW OF LOCAL DISTRICT COMMITTEE STRUCTURE**

*Responsible Officer:* Maree Bricknell, Acting General Manager

*Report prepared by:* Victoria Veldhuizen, Executive Officer / Lorraine Wyatt, Executive & Communications Officer

**MINUTE NO. 23/0327**

DECISION

Cr Adams/Cr Andrews

That Council endorse and accept the amendments to the Memorandum of Understanding and refer the document to the Local District Committees and receive comment until 8<sup>th</sup> October 2023.

Carried

Voting for the Motion:

Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks and Cr Goss

Voting Against the Motion:

Cr McCullagh and Cr Terrett

**RECOMMENDATION**

That Council:

- a) amend the committee names and refer to all special district committees of Council as "... District Committee".
- b) endorse the term of the Memorandum of Understanding to operate from 1 January 2024 until 30 June 2026, and on a biennial basis thereafter from 1 July until 30 June.
- c) broadens the membership areas for each committee as follows:
  - i) Avoca incorporates the surrounding areas of Royal George and Rossarden.
  - ii) Cressy incorporates the surrounding areas of Blackwood Creek and Poatina.
  - iii) Evandale incorporates the surrounding areas of Western Junction, Breadalbane, Deddington, Nile and Ben Lomond.
  - iv) Perth incorporates the surrounding area of Devon Hills.
  - v) Longford incorporates the surrounding areas of Bishopsbourne, Toiberry and Liffey.
  - vi) Campbell Town incorporates the surrounding areas of Conara, Epping Forest, Cleveland and Lake Leake.
  - vii) Ross incorporates the surrounding areas of Tooms Lake.
- d)
  - i) endorse and accept the amendments to the Memorandum of Understanding as attached to this report;
  - OR**
  - ii) endorse and accept the amendments to the Memorandum of Understanding and refer the document to the Local District Committees and receive comment until 8<sup>th</sup> October 2023.

**1 PURPOSE OF REPORT**

The purpose of this report is to respond to a Notice of Motion of 26 April 2023, provide recommendations and seek guidance on the future direction of Local District Committees from Council.

**2 INTRODUCTION/BACKGROUND**

On 26 April 2023, a Notice of Motion was put to Council by Councillor Terrett for a review of the Local District Committee ("LDC") structure. Council's decision was as follows:

*MINUTE NO. 23/0108*

*DECISION*

*Cr Terrett/Cr McCullagh*



*That a report be prepared for Council reviewing the structure of the District Committees to provide greater community participation. This report should include, but not be limited to, their role and function, membership, meeting times, funding and communication with the local community.*

*Carried Unanimously*

A copy of the Notice of Motion with background is attached to this report.

The Northern Midlands Council has created special committees of Council (pursuant to section 24 of the *Local Government Act 1993*) for each major township in the municipality. They are:

- Avoca, Royal George and Rossarden Local District Committee
- Campbell Town District Forum
- Cressy Local District Committee
- Evandale Advisory Committee
- Longford Local District Committee
- Perth Local District Committee
- Ross Local District Committee

The purpose of the Committee's is to act in an advisory capacity only and as a communication channel between Council and the community, identifying local concerns and opportunities; and providing feedback to Council.

The relationship between Council and each Committee is governed by a Memorandum of Understanding ("MOU"). The purpose of the MOU is to:

1. Set the purpose, roles and responsibilities of the Committee; and
2. Provide guidelines in respect to membership and meeting procedures.

In 2016, Council resolved to standardise the operation of the Committees by adopting standard MOU's, and coordinate the terms of the Committee's so they are operative, and expire, at the same time. The purpose behind this was to reduce the time and costs associated with advertising Committee positions, holding Biennial General Meetings and reporting to Council on membership.

Council regularly reviews the operation and MOU's of its LDC's, with the last review occurring in 2021 (Minute References 175/12 and 210/21).

On 15 May 2023, Council resolved to endorse amendments to the MOU's (Minute reference 23/0144). The endorsed changes to the MOU were provided to the LDC's.

A review of the LDC's and MOU's is considered important and necessary to clarify the role of the Committees, assess any suggested changes, address concerns raised and make recommendations for improvements to the operation of the Committees. A review process would enable Committees to evolve and continue to be a key participant in the strategic planning and operation of Council.

### **3 STRATEGIC PLAN & INTEGRATED PRIORITY PROJECTS PLAN**

#### **3.1 Strategic Plan 2021-2027**

The Strategic Plan 2021-2027 provides the guidelines within which Council operates.

**Lead: Serve with honesty, integrity, innovation and pride**

**Leaders with Impact**

**Strategic outcomes:**

- 1.1 Council is connected to the community
- 1.2 Councillors serve with integrity and honesty
- 1.3 Management is efficient, proactive and responsible
- 1.4 Improve community assets responsibly and sustainably

**Progress: Economic health and wealth - grow and prosper**



**Strategic Project Delivery - Build Capacity for a Healthy Wealthy Future**

**Strategic outcomes:**

2.2 Proactive engagement drives new enterprise

**People: Culture and society - a vibrant future that respects the past**

**Sense of Place - Sustain, Protect, Progress**

**Strategic outcomes:**

3.4 Towns are enviable places to visit, live and work

**3.2 Integrated Priority Projects Plan 2021**

Not applicable.

**4 POLICY IMPLICATIONS**

Nil

**5 STATUTORY REQUIREMENTS**

**5.1 Local Government Act 1993**

**23. Council committees**

- 1) *A council may establish, on such terms as it thinks fit, council committees to assist it in carrying out its functions under this or any other Act.*
- 2) *A council committee consists of councillors appointed by the council and any councillor who fills a vacancy for a meeting at the request of the council committee.*
- 3) *A meeting of a council committee is to be conducted in accordance with prescribed procedures.*

**24. Special committees**

- 1) *A council may establish, on such terms and for such purposes as it thinks fit, special committees.*
- 2) *A special committee consists of such persons appointed by the council as the council thinks appropriate.*
- 3) *The council is to determine the procedures relating to meetings of a special committee.*

**5.2 Local Government (Meeting Procedures) Regulations 2015**

**6 FINANCIAL IMPLICATIONS**

The MOU's currently make provision for secretarial support by Council to the LDC's, as follows:

- Secretarial support on a monthly basis for meeting occurring during business hours;
- Secretarial support on a bi-monthly basis for meetings occurring outside business hours for meetings commencing prior to 6.30pm; or
- A sum of \$2,500.00 in lieu of secretarial support provided by Council.

The annual allowance of \$2,500, in lieu of secretarial support can be accessed for use within their community towards approved projects.

A summary of the current secretarial support provided is as follows:

Committee	Secretariat Provided By:	
	Committee	Council
Avoca, Royal George, and Rossarden		✓
Campbell Town		✓
Cressy	✓ (Minutes)	✓ (Agenda)
Evandale		✓
Longford	✓	
Perth	✓ (Minutes)	✓ (Agenda)
Ross	✓	





The total budgeted amount for all seven Committees (including officer travel time, attendance at meetings, compilation of agenda, minutes and additional liaison/communications) is \$17,500.00, or \$2,500.00 per Committee.

In addition to the secretarial costs, Council also bears the costs associated with advertising memberships as required by the MOU.

## **7 RISK ISSUES**

If the MOU between Council and the LDC's is not clear, there is a risk of:

- The LDC's not understanding their role and functions;
- Confusion of LDC members;
- Members acting outside the scope of their role;
- Misunderstanding of the Councillor Representatives role on the LDC;
- LDC's not acting on matters referred to it by Council; or
- A loss of connection between Council and the LDC's, including as to Council's strategic plan.

If the proposed amendments to the MOU are made, this may result in the current LDC's being unhappy with the changes, particularly if they are not consulted.

There is also a risk to Council if it fails to develop and maintain a positive relationship with the community via the LDC's. This could result in an inadequate awareness and understanding of the community requirements by Council, resulting in community unrest and dissatisfaction. This could be seen as a lack of engagement with the community, poor decision making, have negative financial implications, poor public image and reputation, negatively impact on Council's service delivery and operations, staff morale and result in a failure to recruit and retain staff and volunteers.

## **8 CONSULTATION WITH STATE GOVERNMENT**

N/A

## **9 COMMUNITY CONSULTATION**

Consultation of this report, recommendations being made and the amendments to the MOU has not been undertaken with the LDC's.

Should feedback be sought from the LDC's on this report and proposed changes to the MOU, a deadline of Sunday 8<sup>th</sup> October is suggested so Council can consider any feedback from the Committees at the October Council meeting and meet the timeframes for advertising and appointment of the Committee prior to the expiration of the MOU.

## **10 OPTIONS FOR COUNCIL TO CONSIDER**

Council can:

- a) Make no changes to the Local District Committees; or
- b) Disband the Local District Committees entirely; or
- c) Accept the proposed changes as recommended by the Officers in principle and seek consultation from the LDC's; or
- d) Accept and endorse the proposed changes as recommended by the Officers and not seek consultation from the LDC's; or
- e) Consider or suggest alternative changes to the MOU's and Committees as determined by Council.



## 11 OFFICER'S COMMENTS/CONCLUSION

The purpose of this report is to review and clarify the LDC's structure, including role and functions, membership, meeting times, Council funding and communication and engagement.

LDC's are a key link between the elected members and the broader community, with LDC's purportedly being representative of their local community. One of the key roles of elected members is for future planning for their communities at a macro level, including the development of strategies, policies, and local laws reflective of community needs and priorities.

Effective community leadership is a vital ingredient to good governance. This extends to Council's Committees as special committees of Council.

The LDC's currently do not have a consistent name. It is recommended all committees have the same name, being a "District Committee". This is reflective of the fact they are a special committee of Council per section 24 of the *Local Government Act* and associated within the broader district catchment area.

### Role and Functions

The LDC's purpose is to act in an advisory capacity only, providing commentary/feedback to Council as requested based on the broader community needs and views.

Council must review and determine whether the purpose of the Committees remains contemporary and ensure the purpose appropriately reflects and aids Council with its strategic planning. The purpose of the Committees ought to be at a macro level, compared to micro level, operational matters which is often identified in LDC meeting minutes.

As the LDC's are often looked to for consultation purposes, this is a role which could be revised. For example, Council may consider it more appropriate to hold broader community forums for specific issues which are aligned to strategic planning and projects compared to requesting community feedback via the LDC's.

It is acknowledged that micro level issues, often of an operational nature, are not trivial issues, however as they do not relate to the strategic planning of Council, they ought to be dealt with by other Council mechanisms, such as online 'customer requests' or public consultation process (for example, planning applications).

Changing the culture and purpose of LDC's should not be taken lightly, however there is generally ways to make positive improvements.

In addition to reviewing the purpose of the Committee's as a whole, it is recommended that Committees are reminded of their purpose when the new Committee is appointed, and new MOU is implemented.

It is recommended that Council endorses a formal educational information/induction session be provided to the LDC Chairperson and Vice-Chairperson at the commencement of a new term of membership. It is proposed this information/induction session cover off on the role of the Committees, how to convene meetings, meeting minute requirements, etc.

Another function of the LDC's is to provide recommendations to Council for further investigation. These recommendations need to be governed, including:

- Must not make a decision for Council;
- Must not approve Council's spending of public money; or
- Must not relate to, or infer, support for a planning application that Council is to consider.



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It would be of assistance to Council’s Liaison Officers (previously referred to as LDC Secretary’s), if recommendations received in LDC Minutes have a uniform structure. It is therefore recommended guidance be provided to the LDC’s by way of an annexure to the MOU being included with a draft Recommendation for inclusion in the meeting minutes. This will assist the Liaison Officers to clearly identify what the recommendation is, and ensure it is put to Council for consideration.

Membership

It is not proposed amendments are made to the minimum and maximum number of Committee members, being six and ten respectively.

The current LDC membership numbers are as follows:

Committee	Membership	
	Required	Current
Avoca, Royal George, and Rossarden	10	7
Campbell Town	10	7
Cressy	10	9
Evandale	10	5
Longford	10	9
Perth	10	7
Ross	10	7

Council has struggled to attract and retain membership to some LDC’s over time. Feedback from past members indicates that most resignations are a result of other competing interests (work/business commitments), relocation from the Northern Midlands, and dissatisfaction with the direction of the Committee. There have also been memberships terminated due to non-attendance at meetings.

A summary of the membership numbers and the number of meetings which have been able to achieve quorum between 2017 – 2023 is as follows:

	2017		2018		2019		2020 Covid disruptions		2021 Covid disruptions		2022		2023	
	Membership (averaged)	Meetings Held	Membership (averaged)	Meetings Held	Membership (averaged)	Meetings Held	Membership (averaged)	Meetings Held	Membership (averaged)	Meetings Held	Membership (averaged)	Meetings Held	Membership (averaged)	Meetings Held
Avoca, Royal George & Rossarde n	5	4	5	4	6	5	7	1	6	3	6	1	7	3
Campbell Town	10	11	10	11	10	11	10	7	9	11	9	7	8	7
Cressy	9	6	9	7	9	6	8	1	8	5	9	4	9	3
Evandale	8	9	8	11	8	9	7	5	6	7	6	4	5	4
Longford	8	7	9	9	10	11	10	10	9	12	8	9	9	8
Perth	6	6	8	6	8	10	8	6	8	9	7	11	7	5
Ross	8	11	9	9	9	11	10	8	9	11	9	8	8	6



LDC membership has historically consisted of community members who have the capacity to devote time to the role, unincumbered by family and work commitments. This has resulted in the community being largely represented by an older demographic.

To provide for a representative Committee reflective of its local district area, the Committees should consist of a broad cross-section of community members with a diversity of employment backgrounds, family statuses, ages and ideas. This may lead to an increased opportunity to tap into a rich pool of talented candidates. Greater diversity of the LDC's would likely result in an expansion of networks and audiences reached, with the potential of greater participation by a broader cross-section of the community.

A challenge in this area is engaging and encouraging community members to participate in LDC's due to a variety of reasons, including:

- Meetings not occurring at a suitable time (i.e. work commitments for meetings in business hours, family commitments for meetings outside business hours);
- Perceived bias within the community of the role of the LDC's; and
- Incompatible values between committee members e.g. older demographic vs younger demographic.

Council may wish to consider ways to attract a wider cross-section of the community, including service provider representatives, businesses, youth. To assist with this, Council ought to consider whether the current purpose of the LDC's is being met, while placing an emphasis on strategic planning for the future of the community members beyond present-day members, in a modern and progressive manner.

A recommended change is publicly broadening the membership base of the LDC's district areas as follows:

- Avoca incorporates the surrounding areas of Royal George and Rossarden.
- Cressy incorporates the surrounding areas of Blackwood Creek and Poatina.
- Evandale incorporates the surrounding areas of Western Junction, Breadalbane, Deddington, Nile and Ben Lomond.
- Perth incorporates the surrounding area of Devon Hills.
- Longford incorporates the surrounding areas of Bishopsbourne, Toiberry and Liffey.
- Campbell Town incorporates the surrounding areas of Conara, Epping Forest, Cleveland and Lake Leake.
- Ross incorporates the surrounding areas of Tooms Lake.

It is recommended that in advertising the Committees, it is expressly stated that the Committees represent the broader community as indicated.

It is anticipated that by the addition to the town and villages in the material provided, this will increase the membership base of the LDC's, with the potential of new committee members joining with fresh perspectives, feedback and ideas while increasing and broadening community representation and involvement.

#### Meeting Times

It is acknowledged that Committee membership has an impact on Committee meetings taking place, as outlined above.

The Committees each set their own meeting schedule, including dates and times. When determining meeting times, it is common practice for the LDC's to consider what best suits their own needs, and not necessarily needs of the broader community who may wish to attend the LDC meetings as guests.

Further, LDC meeting schedules have largely been unchanged for a period of time. This might be perceived in the broader community as the 'set time', which could be restrictive to new applicants.



The current LDC meeting schedules are as follows:

Committee	Meeting Frequency	
	Required	Time
Avoca, Royal George, and Rossarden	Quarterly; (Usually February, May, August, November)	12.30pm; Last Thursday
Campbell Town	Monthly; (Except January)	9.30am; 1 <sup>st</sup> Tuesday
Cressy	Bi-monthly; (Commencing January)	7.30pm; Last Wednesday
Evandale	Monthly; (Except January)	4.00pm; 1 <sup>st</sup> Tuesday
Longford	Monthly; (Including January)	5.30pm; 1 <sup>st</sup> Wednesday
Perth	Monthly; (Except January)	5.30pm; 1 <sup>st</sup> Tuesday
Ross	Monthly; (Except January)	11.15am; 1 <sup>st</sup> Tuesday

As can be seen above, three of the seven LDC's meet outside business hours. This could be prohibitive to broader community membership.

In 2022, the Avoca, Royal George and Rossarden LDC MOU was amended to provide for quarterly meetings. Since this change was implemented, the Committee has functioned more effectively and achieved quorum at all meetings in 2023, with almost a full complement of the Committee being present at each meeting.

As seen above, there is no consistency between the LDC's for the regularity of meetings. There are five committees who meet on a monthly basis, one which meets on a bi-monthly basis and one which meets quarterly.

Upon review of the LDC minutes of committees who meet more regularly, repetitive issues and discussions have been highlighted, which do not appear to reach resolution. This has raised the question of whether the frequency of the meetings ought to be reduced so that the discussions held can be more focussed, fruitful, and not repetitive. A greater period between meetings would also provide Officers with more time to investigate and/or action LDC matters, avoiding disappointment or frustration on part of the LDC's if this is unable to occur between the current meeting schedules.

It is therefore recommended Council impose a minimum meeting frequency of quarterly meetings, with a maximum of bi-monthly meetings.

A reduction in the frequency of meetings is likely to result in better progress being made on strategic issues, along with potentially increasing the appeal to a broader section of the community and increase membership interest – for example a monthly commitment might be too much, whereas bi-monthly is more achievable.

A recommended amendment to the MOU is requiring the Committee to set its meeting dates and times for the following calendar year at the final meeting of the current calendar year.

#### Council Funding

As outlined above, Council provides \$2,500.00, either by way of in-kind secretarial support or funding for Council approved projects.

There are no recommended changes to Council's funding of the LDC's.

#### Communication and Engagement

Council highly values the communication received and consultation process available to it via the LDC's.

It is not the role of the LDC's to represent Council or communicate on behalf of Council. It is recommended that Council cease the practice of circulating planning applications to the LDC's as the review of planning applications is not a function of the LDC's. Planning applications are available on Council's website for the general public to view.



To effectively carry out their role, elected members need to understand the views of the community they represent.

Communication is a two-way process. Council members provide information to the community about Council policies, procedures, strategies and decisions of Council. The community relays its desires, concerns, and opinions to the Council through the Committee members.

To represent both electors and the Council effectively, Councillors must keep in touch with the local community. They can do this as Councillor Representatives nominated to each Committee, and by participating in meetings (no voting rights) and being a conduit of information between the Committee and Council.

The Councillor Representatives for 2022 – 2026 are as follows:

Avoca, Royal George & Rossarden Local District Committee	Mayor Knowles
Campbell Town District Forum	Cr Andrews / Cr Terrett
Cressy Local District Committee	Cr Goss
Evandale Advisory Committee	Cr Lambert / Cr Terrett
Longford Local District Committee	Cr Adams / Cr Brooks
Perth Local District Committee	Cr Lambert / Cr Terrett
Ross Local District Committee	Cr Andrews / Cr Archer

Any Councillor who attends the LDC meetings who are not the appointed Councillor Representative(s) should do so as a guest only and adhere to the meeting procedures applicable to guests.

#### Advantages and Disadvantages

The advantages and disadvantages of the above matters and proposed changes, are outlined below:

	Advantages	Disadvantages
<p><b>Membership Diversity</b> In accordance with the MOU, membership should comprise of residents, and representatives of organisations based within those communities, including business representatives.</p>	<ul style="list-style-type: none"> <li>Provides an inclusive perspective across all sectors of the community within the wider district(s) and across age ranges and abilities.</li> <li>Clearly defining the 'district' areas in the MOU and expanding them to include further areas may result in more applicants.</li> </ul>	<ul style="list-style-type: none"> <li>Current membership (and in turn, feedback provided) is not necessarily representative of a broader cross-section of community and can have a micro focus.</li> </ul>
<p><b>Meeting Frequency</b> No consistency across committees Recommended change: minimum quarterly, maximum bi-monthly.</p>	<p>Reducing the frequency of meetings would:</p> <ul style="list-style-type: none"> <li>Bring a focus to relevant matters rather than operational issues.</li> <li>Allows officers time to progress matters accordingly.</li> <li>Committees are not meeting for the sake of meeting</li> <li>May increase participation of applicants by reason of being less time-intensive.</li> </ul>	<ul style="list-style-type: none"> <li>Minutes are often reflective of repetitive items or, operational issues or planning matters which should be dealt with by other mechanisms.</li> </ul>
<p><b>Meeting Times</b> Currently decided by each committee in accordance with the majority at the AGM rather than being set by Council.</p>	<ul style="list-style-type: none"> <li>Gives the best possible likelihood that the membership can be maintained.</li> </ul>	<ul style="list-style-type: none"> <li>Meeting times only consider the membership at the time rather than providing an open forum which is accessible for other community members who may wish to attend meetings and provide input.</li> <li>Can restrict others from applying for vacancies.</li> </ul>
<p><b>Community Consultation</b></p>	<ul style="list-style-type: none"> <li>Representative of whole communities rather than being selective.</li> </ul>	<ul style="list-style-type: none"> <li>No evidence within the minutes that the broader community has been represented.</li> </ul>



	Advantages	Disadvantages
		<ul style="list-style-type: none"> <li>Limited reference to input from other organisations, ages, and abilities.</li> </ul>
<b>Formal Committee Induction/Training</b>	<ul style="list-style-type: none"> <li>Provides confidence to Chairs when directing and running a meeting.</li> <li>Meetings would run smoothly and recommendations to Council would be appropriately and uniformly structured.</li> <li>Consistency in formatting of minutes ensures they are easily understood by readers.</li> </ul>	

Recommendations:

It is the Officers recommendations the following changes are made to the Local District Committees:

- 1) Noting the current MOU term was extended to 31 December 2023 while this review was conducted, it is proposed that the initial term for the new Committees and MOU is from 1 January 2024 – 30 June 2026, and on a biennial cycle from 1 July – 30 June thereafter (subject to membership advertisement and appointment occurring prior to 1 January 2024).
- 2) All Local District Committees are named and referred to as a “... District Committee” to ensure consistency.
- 3) Membership to District Committees is broadened as follows:
  - a. Avoca incorporates the surrounding areas of Royal George and Rossarden.
  - b. Cressy incorporates the surrounding areas of Blackwood Creek and Poatina.
  - c. Evandale incorporates the surrounding areas of Western Junction, Breadalbane, Deddington, Nile and Ben Lomond.
  - d. Perth incorporates the surrounding area of Devon Hills.
  - e. Longford incorporates the surrounding areas of Bishopsbourne, Toiberry and Liffey.
  - f. Campbell Town incorporates the surrounding areas of Conara, Epping Forest, Cleveland and Lake Leake.
  - g. Ross incorporates the surrounding areas of Tooms Lake.
- 4) The Memorandum of Understanding is amended as attached and referred to the LDC’s for comment by Sunday 8<sup>th</sup> October 2023.

**12 ATTACHMENTS**

1. 2.2.1 2023-04-26 Minutes - Open Council - Notice of Motion LDC Review [**13.2.1** - 2 pages]
2. LDC MOU Review - September 2023 v 2 [**13.2.2** - 8 pages]



### 5.3 MOTIONS ON NOTICE

The following notice of Motion/Motions have been received.

#### 5.3.1 Notice Of Motion: Review Of Local District Committee Structure.

Responsible Officer: *Des Jennings, General Manager*

#### MINUTE NO. 23/0108

##### DECISION

Cr Terrett/Cr McCullagh

That a report be prepared for Council reviewing the structure of the District Committees to provide greater community participation. This report should include, but not be limited to, their role and function, membership, meeting times, funding and communication with the local community.

Carried Unanimously

##### Voting for the Motion:

Mayor Knowles, Deputy Mayor Lambert, Cr Adams, Cr Andrews, Cr Archer, Cr Brooks, Cr Goss, Cr McCullagh and Cr Terrett

##### Voting Against the Motion:

Nil

#### OFFICER'S RECOMMENDATION

Council Officer's support Cr Terrett's recommendation:

That a report be prepared for Council reviewing the structure of the District Committees to provide greater community participation. This report should include, but limited to, their role and function, membership, meeting times, funding and communication with the local community.

Councillor Terrett has requested the below Notice of Motion be tabled at the 26 April 2023 Council Meeting.

#### NOTICE OF MOTION

That a report be prepared for Council reviewing the structure of the District Committees to provide greater community participation. This report should include, but limited to, their role and function, membership, meeting times, funding and communication with the local community.

#### BACKGROUND

When the former Councils of Evandale, Ross, Campbell Town, Longford, and part of Fingal were amalgamated in 1993 to create the Northern Midlands Council, there was a level of concern about the loss of local Council presence and availability. The newly merged Council decided to establish 4 District Committees for Ross, Campbell Town, Evandale, and Avoca as special committees of Council. The Council later introduced additional special committees for Perth, Longford, and Cressy

Objectives of the Local District Committees are to:

- Provide a focal point for information between the Northern Midlands Council and the local community;
- Identify and prioritise needs of the local community;



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- Consider and provide feedback to the Northern Midlands Council in respect to key strategic issues for the local community.

Residents and representatives from community interest groups are invited to nominate for membership of the Local District Committee.

Membership appointment is for a 2-year term, the term of membership commences in July and concludes in June. Current memberships expire 30 June 2023.

In the last 30 years there has been significant changes to the demographics of the Northern Midlands area. A number of communities are not represented by District Committees including Devon Hills, Breadalbane, Western Junction, Nile, Bishopsbourne, Toiberry, Blackwood Creek, Lake Leake, Conara, Epping Forest, Cleveland, Liffey and Poatina. Consideration should be given to expanding the committees to give representation for these communities, or a mechanism to permit these areas to have similar representation to council.

Council has struggled at times to attract or retain membership of some committees and as part of this review the council should look at ways to attract wider community representation and an understanding of the role of the District Committees. Council should obtain feedback from past members on why they left the District Committees and any suggestions on how they could be improved.

It is important for council to review the structure and function of the District Committees and how they can operate better. District Committees need to evolve to be a key participant in the strategic planning of council area through empowering our communities.

**ATTACHMENTS**

Nil

## Evandale Advisory Committee

---

3 October 2023

Victoria Veldhuizen  
Executive Officer  
Northern Midlands Council  
PO Box 156  
LONGFORD TAS 7303

Dear Victoria

### **Re: Councils Review of Local District Committees**

At the Evandale Advisory Committee (EAC) meeting held 3 October 2023, members discussed the proposed amendments to the Memorandum of Understanding (MOU) and offer the following recommendations for Councils consideration.

#### **Bi-monthly-**

Members suggested that a definition is required. The term "bi-monthly" could mean twice per month or every second month. The EAC understood this reference to mean, every second month and on that basis made the following recommendation.

#### *Committee Recommendation*

*Moved Henrietta Houghton, seconded Stephanie Ann Kensitt*

*That the Evandale Advisory Committee recommends meeting bi-monthly (every two months) with the understanding that the committee can meet more frequently in special circumstances if required.*

*CARRIED*

#### **Micro and Macro Issues**

Members discussed the differences between micro and macro issues such as immediate issues that may be operational requiring immediate reporting through the Customer Service mechanism or strategic planning as set by Council in relation to forward planning for the future of the community/region. Further, the EAC considered options for increasing the membership and its diversification including the proposed 'district' groupings of townships based on the proximity of the present committees and the cultures of townships. No concerns were raised and the EAC acknowledged the advantages of the inclusion of Western Junction, Breadalbane, and Nile as part of the representative catchment area particularly with regard to strategic matters.

#### **Acknowledgement of Country**

Members agreed that an acknowledgement is important however expressed concern that this should not be undertaken simply because it can be as this diminishes the importance of it. It was suggested that this should occur at the first meeting being the Annual General meeting as an enduring and continual acknowledgement rather than at each consecutive meeting.

#### *Committee Recommendation.*

*Moved Henrietta Houghton, seconded Geoff Dival*

*That the Acknowledgement of Country should be undertaken at the first meeting of each year as an enduring message for the remainder of the meetings rather than at each consecutive meeting*

*CARRIED*

---

C/O 10 Arthur Street, Evandale, TASMANIA 7212

The EAC acknowledges the requirements for unified meeting procedure's, structure, and the advantages of appropriate training, and offers no further feedback. On that basis, the final committee recommendation is as follows:

*Committee Recommendation*

*Moved Bruce Argent-Smith, seconded Henrietta Houghton*

*That the committee accepts all other recommendations made in the District Committee Review MOU.*

*CARRIED*

Evandale Advisory Committee would like to take this opportunity to thank Northern Midlands Council for the opportunity to provide input to the Review of Local District Committees.

Yours sincerely



**John Lewis**  
Chairperson  
Evandale Advisory Committee

**LONGFORD LOCAL DISTRICT COMMITTEE RESPONSE**  
**TO NORTHERN MIDLANDS COUNCIL'S REVIEW**  
**OF LOCAL DISTRICT COMMITTEES**

Given the importance of the Council's review of Local District Committees, the Longford Local District Committee (LLDC) held a Special Meeting on 26<sup>th</sup> September 2023, at which a quorum was present, to discuss the review in detail.

At this meeting and following further discussion at our regular monthly meeting on 04<sup>th</sup> October, it was resolved that the LLDC provide the following comments/feedback to Northern Midlands Council (Council) on the proposed changes to the structure, purpose, and Memorandum of Understanding (MOU) for Local District Committees (LDC's).

**COMMENT TO REPORT TO COUNCIL – 11. OFFICER'S COMMENTS/CONCLUSION:**

The LLDC supports the suggestion that all committees be known as "District Committee".

Role and Functions

The LLDC agree that the purpose of the Committees should be at a macro level, "the bigger picture". To that end however, more recently, Committees have often not been consulted for feedback to aid Council with its strategic planning and projects.

LDC's are not being utilised to their full potential. Increasing consultation with the committees would assist in reinvigorating and enhancing their purpose and role, which as a result, would attract more members.

The LLDC also believes the lack of consultation with the committees, along with suggestions and requests often being rejected, as a cause of much frustration for committee members. This is the major reason members leave the LDC's (not frequency or time of meetings).

We agree that micro level issues should generally be dealt with through "customer requests". However, if this is the case when a matter is raised by a committee, feedback should be provided to the committee notifying them as such in a timely manner, not just noted.

Membership

We agree that no amendments are needed to the minimum and maximum number of committee members.

The LLDC have no issue with broadening the membership base of the LDC's. We agree it is appropriate to include Bishopsbourne and Toiberry in the Longford Committee, however geographically we recommend it is more appropriate for Liffey to be included in Cressy.

Meeting Times

The LLDC strongly opposes the recommendation that Council impose a maximum of bi-monthly meetings for committees. This is in effect penalising and holding back proactive committees such as Longford due to the inactivity of others.

The LLDC disagrees with the suggestion that matters are discussed by committees without reaching a resolution. When we reach a resolution, if appropriate a motion is created and if carried passed to the Council in the minutes of that meeting. Issues and matters remain on the LLDC Agenda until a resolution is reached, and any delay in reaching that resolution is not due in any way to an inefficiency within the committee.

Bi-monthly meetings will add to a delay, not alleviate it.

Further, two months is too long a time frame for matters of urgency or important issues to be addressed. District Committees must have the ability to consider and address Council's response to recommendations they have put forward and take further action as it deems necessary, in a timely manner.

If Council Officers require more time to consider and investigate any motion received from a Committee, the Committee should be advised as such so it can be noted in their next meeting Minutes. The LDC's should not be encumbered by bi-monthly meetings for this reason.

Monthly meetings are not onerous, bi-monthly will not encourage more members onto our District Committee. It may indeed have the opposite consequence of Committees being deemed not beneficial, ineffective, and not achieving outcomes, therefore not worth being a member of.

The LLDC also disagree that meeting outside business hours could be prohibitive to broader community membership. After hours meetings allow a more diverse representation of the community to be members on the committee, given that most people work, have appointments, or other volunteer commitments, during business hours. Longford holds its meetings after hours and has business, professional, medical, residents and other organisation volunteers currently on its committee.

Out of hours meetings also provides the opportunity for a broader section of the community to attend a District Committee meeting as a guest, if they wish.

Also, there is the ongoing concern for the LLDC in the lack of support from Council to provide a permanent meeting location. So far this year the LLDC has held its meetings at the Longford RSL, Longford Primary School Staff Room, and Blenheim Hotel Meeting Room. Not only is the lack of a stable meeting location unsettling for the committee, but it is also not conducive to the attendance of members of the community. To mitigate this issue, the LLDC requests that a meeting room be provided free of charge in the Longford Memorial Hall when the redevelopment is completed.

#### Communication and Engagement

The LLDC strongly disagrees with the recommendation that Council cease the practice of circulating planning applications to the LDC's. Whilst it is not the LDC's role to review planning applications, it is certainly their role as a communication channel between Council and the community, to keep their communities informed of issues of interest or concern. Planning applications fall into this category. Committee members can bring planning matters to the attention of the community, thereby providing individuals with the opportunity to submit a representation if they wish.

LDC's connect with their communities through their members who are active in business, community organisations, volunteering, socially etc. The LLDC recognising that there is a large section of the community who are unaware of the LDC's existence or, that they can attend a meeting as a guest, has discussed at length avenues that will increase community awareness. The options available to achieve this is very limited as LDC's have no financial means for advertising or promotion.

The LLDC was proactive participating in the recent Council Community Expo.

A presence on social media has been discussed, however, beyond posting meeting notices, this can be fraught with danger and would require constant monitoring, particularly if comment is allowed (as Council is aware).

The LLDC suggests that Council increase awareness of LDC's, by promoting their role as a communication channel between Council and the community, and the opportunity for community members to attend a meeting as a guest by:

Publicising LDC's in the Northern Midlands Courier

Advising community groups, business groups, other committees etc.

Notices on community notice boards

Information flyer letter drop (committee members could assist with distribution)

Suggestion boxes in frequented community locations (i.e. Brown's Hill Street Complex Longford).

**COMMENT TO PROPOSED CHANGES TO MEMORANDUM OF UNDERSTANDING:**

The LLDC supports Committees be known as "District Committees".

The LLDC supports "Acknowledgement of Country" as a mandatory agenda item.

The LLDC supports "Pecuniary Interest" as a mandatory agenda item.

**5. Membership**

**12.** "At the conclusion of their Term of Membership, members are eligible to reapply for membership". LLDC ask that if an existing members re-application is unsuccessful, a written explanation as to why should be provided. (In the past it has been left open to conjecture when this has occurred).

**6. Roles and Responsibilities**

Committee

**2. a.** "To nominate one point of contact between the Committee and Council" etc.

The LLDC recommends two points of contact and suggests both the Chairperson and the Secretary.

If the single contact is away, communications to the committee may not be received for actioning in a timely manner.

Council

**3. e.** "To provide comment and/or advice on matters referred to it by the Committee"

The LLDC requests that if a matter referred to Council by the Committee is not appropriate as a Motion, that the Committee is advised if the matter/issue raised is referred to a relevant Council department and why.

**7. Meeting Procedures**

**7.2.** "Meetings are to be held at a minimum one per quarter and no greater frequency than bi-monthly".

The LLDC strongly objects to the decrease in meeting frequency. This should read:

"Meetings are to be held at a minimum once per quarter and no greater frequency than monthly".

Notice of Meeting, Meeting Agenda & Minutes

**10.** "The Council Liaison will report back to the Committee the outcome of the motions":

**b.** "If the Committee provides its own secretariat, a copy of the meeting Minutes will be provided

within 10 working days”.

The LLDC agree with this point, however this is not currently occurring.

**11. Secretarial Support and Resources**

All references to bi-monthly meetings must be changed to monthly or alternatively, monthly, bi-monthly, or quarterly meetings.

**Annexure A**

The LLDC supports the Draft Motion to Council for Committee Minutes (the LLDC already follow this procedure), with the addition of a Recommendation Number which will assist both the Council and the LDC’s to keep track of the progress of a motion.

**CONCLUSION:**

The LLDC would like to conclude its comments/feedback to Council on the proposed changes to the structure, purpose, and Memorandum of Understanding for Local District Committees by quoting the Council Officer’s Comments/Conclusion in the Report:

“LDC’s are a key link between the elected members and the broader community, with LDC’s purportedly being representatives of their local community. One of the key roles of elected members is for future planning for their communities at a macro level, including the development in strategies, policies, and local laws reflective of community needs and priorities”.

And:

“Effective community leadership is a vital ingredient to good governance. This extends to Council’s Committees as special committees of Council”.

We ask that Council acknowledge these statements when considering the Longford Local District Committee’s comments and feedback and sincerely thank Council for providing us with the opportunity to respond to the Council’s Review of Local District Committees.

Yours sincerely,

Tim Flanagan

Chairperson, Longford Local District Committee; and this letter has been endorsed by all the Committee’s members.

October 05, 2023



**From:** "Arthur Thorpe" [REDACTED] >  
**Sent:** Thu, 5 Oct 2023 14:57:01 +1100  
**To:** "Victoria Veldhuizen" <victoria.veldhuizen@nmc.tas.gov.au>  
**Cc:** "Lorraine Wyatt" <lorraine.wyatt@nmc.tas.gov.au>; "Cr Alison Andrews" <alison.andrews@nmc.tas.gov.au>; "Cr Richard Archer" <richard.archer@nmc.tas.gov.au>; "Cr Paul Terrett" <paul.terrett@nmc.tas.gov.au>; [REDACTED]  
[REDACTED]  
**Subject:** Council's Review of Local District Committees  
**Attachments:** RLDC NOTICE OF MOTION 3.10.23.pdf

Good afternoon Victoria,

The RLDC had a vigorous discussion about Councils report and the proposed MOU at Tuesday's meeting, and the RLDC voted unanimously in support of the attached motion which has been incorporated into the official RLDC minutes for consideration at this month's Council meeting.

The RLDC felt that the Council have had 5 months to compile the report, and that to expect the RLDC to examine the report and the proposed MOU in detail and report back to Council within 3 working days after our committee meeting, was unrealistic. In addition the Chair stated that he personally did not have the time available to collate, edit and present meaningful feedback within the time frame imposed by Council.

It was suggested that a Council resourced workshop be held for those committees that require assistance in this matter, so that guidance and help can be provided to (a) examine the report and MOU in detail, and (b) make informed comments and suggestions on both documents, and the covering letter from Council dated 19.9.23, detailing mandatory requirements such as "Pecuniary Interest" and "Acknowledgement Of Country."

The RLDC fully supports Councils review of the LDC's, and expressed the opinion that there are some very good and worthwhile additions and changes suggested in the proposed MOU, for instance the RLDC fully supports the suggestion that Local District Committees meet bi-monthly.

However there are some activities in the MOU that are listed as the LDC's responsibility to perform, when it would appear that they are Council's responsibility – registration and induction of committee members is one instance - and some confusing statements such as "Committees do not deal with complaints" contradicted by "Will direct any complaints received to Council." These are just two examples of several items of concern that became apparent after a brief examination of the documents.

The MOU also details several functions that LDC's should perform, e.g., "To liaise with the community and special interest groups to ascertain their views/opinions on local issues and projects and notify Council of these" but provides no detail of what resources Council will provide to assist LDC's in performing these types of functions, nor indeed the actual mechanism by which they will be performed, i.e., social media, emails, hard copy, phone, letter box drops, etc, etc. In reality, the inclusion of functions such as these become extremely difficult to implement and complete unless appropriate resources are provided,



and the methodology is spelt out as to how the functions are to be performed. In several instances, the MOU only states the “what”, it does not address the “how.”

Given that the LDC’s and Forums do not meet in January, there is still time to hold Council resourced workshops for those that want them, which will give those interested a chance to provide meaningful feedback in an effort to “get it right the first time”.

The RLDC stands ready to fully assist Council in regards to the review.

Best regards,  
Arthur.

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**From:** Victoria Veldhuizen [mailto:victoria.veldhuizen@nmc.tas.gov.au]  
**Sent:** Tuesday, 19 September 2023 1:35 PM  
**To:** [REDACTED]  
**Cc:** Lorraine Wyatt <lorraine.wyatt@nmc.tas.gov.au>  
**Subject:** Council's Review of Local District Committees

Dear Mr Thorpe,

Please see **attached** correspondence for your attention as Chairperson of the Ross Local District Committee.

A hardcopy of this correspondence will not be provided unless requested.

Kind regards,

**Victoria Veldhuizen**



Executive Officer | Northern Midlands Council  
Council Office, 13 Smith Street (PO Box 156), Longford Tasmania  
7301  
T: (03) 6397 7303 | F: (03) 6397 7331  
E: [victoria.veldhuizen@nmc.tas.gov.au](mailto:victoria.veldhuizen@nmc.tas.gov.au) | W:  
[www.northernmidlands.tas.gov.au](http://www.northernmidlands.tas.gov.au)



Tasmania's Historic Heart

**NOTICE OF MOTION**

That Council as soon as possible, provide and resource a workshop to be held in both Longford and Campbell Town for Local District Committee and Forum members to attend, for the purposes of considering Councils report into the review of Local District Committees, and the proposed changes to the MOU under which they will operate. Council's letter dated 19<sup>th</sup> September 2023 to the Chairs of Local District Committee/Forums, should also be included for discussion.

In the case of the Ross Local District Committee it is felt that a brief review at the monthly RLDC meeting is totally insufficient to review, comment on, and suggest additions, modifications or deletions to the draft MOU.

Moved by Jill Bennett

Seconded by Marcus Rodrigues

Carried unanimously

## UNREASONABLE CUSTOMER CONDUCT

**Originated Date:** Adopted Date – Min No. .../...

**Amended Date/s:**

**Applicable Legislation:**

- Local Government Act 1993
- Personal Information Protection Act 2004
- Right to Information Act 2009
- Workplace Health and Safety Act 2012

**Objective**

To ensure that all customers are treated fairly and reasonably.  
 To provide guidance, education and training as appropriate for staff and Councillors in dealing with customers.  
 To ensure that Council resources are used efficiently and effectively when dealing with customers.  
 To protect the health, safety and security of complainants, Councillors, Council staff and third parties.

**Administration:** Governance / Corporate Services

**Review Cycle/Date:** 4 year review, review 2027.

### 1. POLICY STATEMENT

Council will strive to meet the needs of our customers in a professional and ethical manner with courteous and efficient service, as per Council's adopted Customer Service Charter.

We are committed to being accessible and responsive to all members of the community who approach us for assistance, or with a complaint.

It is recognised that all members of the community have a right to ask questions, express opinions, and lodge complaints about us and the services we provide; however this right must be balanced with the rights of staff and Councillors to safety and respect, and the equitable allocation of time and resources to all customers.

We recognise that our customers often contact us because they require our assistance or advice, and we understand these matters can be sensitive in nature and be accompanied by heightened emotions. Most people who access Council's services act reasonably and responsibly in their interactions with us, even when they are experiencing high levels of distress, frustration and anger about their complaint; however, in a very small number of cases some people behave in ways that are inappropriate and unacceptable despite our best efforts to help them.

This policy has been developed to assist our customers to better understand how we manage Unreasonable Customer Conduct (UCC). Its aim is to ensure that all complainants:

- have a clear understanding of the criteria that will be considered before we decide to change or restrict a complainant's access to services
- are aware of the processes that will be followed to record and report Unreasonable Customer Conduct (UCC) incidents as well as the procedures for consulting and notifying complainants about any proposed actions or decisions to change or restrict their access to our services
- are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.

When customers behave unreasonably, their conduct can have a significant impact on our ability to assist the customer, and on our staff. As a result, we will take proactive and decisive action to manage all conduct that negatively and unreasonably affects staff.

### 2. DEFINING UNREASONABLE CUSTOMER CONDUCT (UCC)

UCC is any behaviour, which because of its nature or frequency, raises substantial health, safety, resource and/or equity issues for Council staff, other service users and/or the customer themselves.

In this policy, UCC is separated into five categories of conduct:

## **2.1 UNREASONABLE PERSISTENCE**

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on Council staff, services, time and/or resources.

Some examples of unreasonably persistent behaviour include:

- Unwillingness, or inability to accept reasonable explanations including final decisions that have been comprehensively considered and dealt with;
- Persistently contacting Council about the same matter when it has been comprehensively considered and dealt with;
- Reframing a complaint or request in an attempt to get it reconsidered;
- Refusing to accept further action cannot, or will not, be taken in response to a complaint or request;
- Persistently demanding a review without presenting a case for one;
- Contacting different staff members to get a different outcome or more sympathetic response;
- Submitting excessive amounts of communication after being asked not to do so.

## **2.2 UNREASONABLE DEMANDS**

Unreasonable demands are any demands (express or implied) that are made by a customer that have a disproportionate and unreasonable impact on Council staff, services, time and/or resources.

Some examples of unreasonable demands include:

- Issuing instructions and making demands about how a complaint or request should be handled, the priority it was given or the outcome;
- Insisting on talking to the Mayor, Councillors, CEO or a General Manager when it is not appropriate or warranted;
- Insisting on a moral outcome, for example, justice in the community interest, when really a personal interest is at stake;
- Insisting on outcomes that are not possible or appropriate in the circumstances;
- Demanding services that are of a nature or scale that cannot be provided.

## **2.3 UNREASONABLE LACK OF COOPERATION**

Unreasonable lack of cooperation is an unwillingness and/or inability by a customer to cooperate with Council staff, or the complaints system, that results in a disproportionate and unreasonable use of Council services, time and/or resources.

Some examples of unreasonable lack of cooperation include:

- Presenting a large quantity of information that is not organised;
- Providing little or no detail with a complaint, or request, or presenting information in dribs and drabs;
- Refusing to define the underlying issues;
- Refusing to follow reasonable instructions, suggestions, or advice without a clear or justifiable reason for doing so;
- Arguing frequently or with extreme intensity that a particular solution is the correct one, despite valid contrary arguments and explanations;
- Displaying unhelpful behaviour such as withholding information, acting dishonestly or misquoting others.

## **2.4 UNREASONABLE ARGUMENTS**

Unreasonable arguments include any arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon Council staff, services, time, and/or resources.

Arguments are unreasonable when they:

- Fail to follow logical sequence;
- Are not supported by any evidence, or are based on conspiracy theories;
- Lead a customer to reject all other valid and contrary arguments;
- Are not reasonable when compared to the amount of time, resources and attention that the customer demands;
- Are false, inflammatory or defamatory.

## **2.5 UNREASONABLE BEHAVIOUR**

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated a complainant is – because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant themselves. Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks;
- harassment, intimidation or physical violence;
- rude, confronting and threatening correspondence;
- threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats;
- stalking (in person or online);
- emotional manipulation.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language, whether verbal or written, that may cause staff to feel afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks or rude/inappropriate language. Council also considers inflammatory statements and unsubstantiated allegations to be abusive behaviour.

Council has a zero tolerance policy towards any acts of aggression, abuse or threats, and any conduct of this kind will be managed accordingly.

## **3. OPTIONS FOR RESPONDING TO AND MANAGING UCC**

Our staff will ensure that all reasonable steps have been taken to assist a member of the public before changing or restricting a complainant's access to our services.

Before deciding to change or restrict a person's access to our services, we will ensure:

- any limits are proportionate to the risk posed by the behaviour;
- we are complying with legal obligations;
- the decision has been properly authorised in accordance with this policy
- the person has been informed in writing about the decision, what access has been restricted or terminated and on what basis, and the option to seek a review of the decision and how they may do so.

### **3.1 CHANGING OR RESTRICTING A PERSON'S ACCESS**

UCC incidents may be managed by limiting or adapting the ways that we interact with and/or deliver services to people by restricting:

- who they have contact with – for example, limiting a person to a sole contact person/staff member in our organisation;
- what they can raise with us – for example, restricting the subject matter of communications that we will consider and respond to;
- when they can have contact – for example, limiting a person's contact with our organisation to a particular time, day, or length of time, or curbing the frequency of their contact with us;
- where they can make contact – for example, limiting the locations where we will conduct face-to-face interviews to secured facilities or areas of the office;
- how they can make contact – for example, limiting or modifying the forms of contact that the person can have with us. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether.

When applying these restrictions, we recognise that discretion will need to be used to adapt them to suit a complainant's personal circumstances, such as level of competency or literacy skills. In this regard, we also recognise that more than one approach may need to be used in individual cases to ensure their appropriateness and efficacy.

### **3.2 COMPLETELY TERMINATING A COMPLAINANT'S ACCESS**

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, we may decide that it is necessary for our organisation to completely restrict a complainant's contact/access to our services.

A decision to have no further contact with a complainant will only be made if it appears that the complainant is unlikely to modify their conduct and/or their conduct poses a significant risk for our staff or other parties including where it involves one or more of the following types of conduct:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault;
- Damage to property while on our premises;
- Threats with a weapon or common office items that can be used to harm another person or themselves;
- Physically preventing a staff member from moving around freely either within their office or during an off-site visit – for example, entrapping them in their home;
- Conduct that is otherwise unlawful.

Council has a zero-tolerance policy towards any harm, abuse or threats directed towards its staff.

### **3.3 OTHER MECHANISMS FOR RESTRICTING ACCESS**

A person's access to our services and our premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect members of our staff from personal violence, intimidation or stalking by a complainant.

### **3.4 NOTIFICATION OF RESTRICTING ACCESS**

In the case where a decision has been made to restrict access to services, the person will be advised in writing about the decision, what access has been restricted or terminated and on what basis, and the option to seek a review of the decision and how they may do so.

In some circumstances, a written warning may be issued to a complainant regarding unreasonable behaviour before restricting their access to our services.

## **4. REVIEW SOUGHT BY COMPLAINANT**

Complainants are entitled to seek one review of a decision to change/restrict their access to our services.

A request for a review of such a decision must be made within 60 days of the person being notified of the decision.

The request must include an explanation of why a review is necessary and any evidence about why it is believed that the decision should not stand.

Complainants requesting a review will be notified of the outcome within 30 days from when the request is received. Requests for review may be undertaken by a delegate nominated by the General Manager or delegate.

If a complainant continues to be dissatisfied after the appeal process, they may seek an external review from an oversight agency such as the Ombudsman or Tasmania's Department of Premier and Cabinet's Local Government Division.

The Ombudsman/Local Government Division may accept the review (in accordance with its administrative jurisdiction) to ensure that we have acted fairly, reasonably, and consistently and have observed the principles of good administrative practice including, procedural fairness ([link to the Ombudsman's website](#)).

## **5. MANAGING STAFF STRESS RELATING TO UCC**

Council will follow relevant internal procedures to ensure the appropriate support is provided to staff when necessary. All staff are required to notify their manager of UCC incidents, and any stressful incidents experienced whilst performing normal work duties.

## **6. GENERAL**

In all of the situations referred to in this policy, adequate documentary records must be made and maintained in Council's records system.

Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager will advise Councillors as soon as possible of the relevant circumstances and the action taken, and forward such advice where appropriate, to the Department of Local Government and the Ombudsman for information.

**7. OTHER RELEVANT POLICIES/PROCEDURES**

Customer Service Charter

**8. POLICY REVIEW**

This Policy will be reviewed every four (4) years or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.

## CUSTOMER SERVICE CHARTER

- Originated Date:** Adopted 5 May 2003 – Min. No. 156/03 (as Policy 46)
- Amended Date/s:** Revised 19 December 2005 – Min. No. 427/05  
 Revised 21 September 2009 – Min. No. 255/09  
 Revised 28 May 2012 – Min. No. 119/12  
 Revised 26 May 2014 – Min. No. 118/14  
 Revised 27 June 2016 – Min. No. 160/16  
 Endorsed 20 July 2018 – Min. No. 217/18  
 Revised 16 August 2021 – Min. No. 319/21  
 Revised
- Applicable Legislation:** Section 339F of the *Local Government Act 1993*.  
 Regulation 31 of the *Local Government (General) Regulations 2015*
- Objective:** ~~To advise the service that can be expected from Council, and the procedures that can be taken if you are not satisfied with Council decisions or actions.~~  
 To provide responsive and consistent services to all members of the Northern Midlands community.  
 This Customer Services Charter defines our commitment to how we serve our community and our expectations of how our community interact with us.
- Administration:** Corporate Services
- Review Cycle/Date:** Within 12 months after a Council election. Next review due before **October 2027**.

### OUR COMMITMENT TO YOU

Council aims to provide innovative, efficient, equitable and quality service for **all** the community.

We will deal with our customers in an open, honest and courteous manner and respect their privacy at all times.

Our decision-making processes will be fair and accountable, considering the economic, environmental and social sustainability of any proposed action.

### HOW WE CAN WORK TOGETHER

To ensure fast, efficient, quality service we request that our customers:

- promptly report any concerns they have to Council
- provide us with accurate information
- respond to our requests for further information as soon as possible
- treat Council Officers with respect
- make appointments to see Council officers
- respect the privacy, safety and needs of other members of the community.

### COUNCIL SERVICES

To support a safe and healthy community Council offers the following services:

- Infrastructure construction and management (roads, footpaths, bridges, parks, reserves, recreation grounds, pools and halls).
- Planning and development assistance and supervision (planning, building and plumbing)
- Environmental health and public safety monitoring (food premises registration, childcare, immunisations, fire hazard abatements, animal control, emergency management)
- Promotion and support for economic development, community development and tourism.

### IMPROVING OUR SERVICE

Council aims to continually improve its customer service by:

- undertaking regular customer satisfaction surveys



- listening to customer suggestions on how we can improve our services
- providing employee training
- adopting appropriate new technology.

### **MAKING A COMPLAINT (INCLUDING FEEDBACK)**

If you are dissatisfied with a decision of Council, level or quality of service, or behaviour of an employee or agent, you are entitled to make a complaint to the Council.

Complaints should be made directly to the Manager of the Department relevant to the **complaint** matter. Please ensure your complaint identifies as simply as possible your issue, providing enough information for Council to investigate the **complaint matter**.

#### IN WRITING:

Via post: PO Box 156, Longford, Tasmania 7301

Via email: [council@nmc.tas.gov.au](mailto:council@nmc.tas.gov.au)

Fax: **6397 7331**

#### IN PERSON:

Municipal Office: 13 Smith Street, Longford

(open from 8.45 am to 4.30pm)

(if you wish to speak to a specific Council officer an appointment is required)

#### PHONE

Council Office -telephone number: 6397 7303

### **RESPONDING TO A COMPLAINT (INCLUDING FEEDBACK)**

The relevant Department Manager will provide a response to your complaint:

- i) in writing, if you have lodged a written complaint; or
- ii) verbally, if your complaint was given in person or over the telephone.

Council will endeavour to respond to your complaint within twenty (20) working days. If a Councillor has submitted a complaint on your behalf we will also endeavour to respond to the Councillor within twenty (20) working days.

Sometimes it is not possible to meet this deadline, e.g. where a complaint is complex and Councillors are to be briefed on the outcome of the investigations. In these cases we will endeavour to keep the customer informed of progress.

### **REVIEW OF THE OUTCOME OF YOUR COMPLAINT**

Experience has shown that the majority of complaints will be satisfactorily resolved by the relevant Manager. However, if you are not satisfied with the outcome of your complaint you may request a review of the complaint by Council's General Manager.

A request for a review of the complaint to the General Manager is to be in writing.

The General Manager will inform the customer of the findings on completion of an investigation.

If appropriate the relevant Manager or the General Manager may request to meet with you with a view to resolving the complaint.

- The Ombudsman located at NAB House, Level 6, 86 Collins Street, Hobart 7000.
  - Phone: Free call from landlines nationally 1800 001 170
  - Email: [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au); or
  - Write to: Ombudsman Tasmania, GPO Box 960, Hobart TAS 7001
- Local Government Division, located at Executive Building, Level 5, 15 Murray Street, Hobart
  - Phone: (03) 6232 7022
  - Email: [localgovernment@dpac.tas.gov.au](mailto:localgovernment@dpac.tas.gov.au)
  - Write to: Local Government Division, GPO Box 123, Hobart, 7001

While you are entitled to refer a complaint directly to these bodies at any time, we encourage you to allow the Council to investigate the complaint first.

#### **PERSONAL INFORMATION PROTECTION**

Council has a commitment to protection of Personal Information provided by a customer to Council in accordance with the requirements of the *Personal Information Protection Act 2004* and the *Right to Information Act 2009*.

#### **REPORTING**

The General Manager is to provide Council with a report at least once a year of the number and nature of complaints received in accordance with section 339F(5) of the *Local Government Act 1993*.

#### **AVAILABILITY**

This *Customer Service Charter* is available:

- For public inspection at the Council Office during normal office hours.
- On the Council's website free of charge.
- For purchase from the Council Office.

#### **REVIEW**

This *Customer Service Charter* is to be reviewed within 12 months after a Council election in accordance with section 339F(4) of the *Local Government Act 1993*.

Service	Standard	Service	Standard	Service	Standard
<b>Customer Service</b>		<b>Drainage / Stormwater</b>		<b>Planning / Subdivision</b>	
Answer your telephone call	Within 10 rings	Respond to drainage emergencies	24 hours / 7 days	Permitted application	28 days
Return your call	5 business days	Respond to seepage/drainage problems	20 business days	Discretionary application	42 days
Reply to your correspondence	10 business days	<b>Environmental Health</b>		<b>Plumbing</b>	
Acknowledge your correspondence if a detailed reply is required that may take additional time to research	10 business days	Respond to food complaints	2 business days	Process a Plumbing Permit	14 days
Respond to messages and comments on social media (if required)	5 business days	Respond to urgent environment nuisances	24 hours / 7 days	Undertake Plumbing Inspections	10 business days
Respond to complaints (dissatisfaction of service)	20 business days	Inspect registered food premises	as per statutory requirements	<b>Building</b>	
Notify you if there is likely to be a delay in our service commitment		School immunisation clinics	as per recommended schedule	Process a Building Permit	7 business days
Leave a 'visit card' with contact details if we call to your residence and you are not home		<b>Finance</b>		Process a Building Certificate	as per statutory requirements
Endeavour to refer you to an appropriate service provider if council cannot provide the service you require		Payment of accounts	by due date	Issue Building Completion Certificates	5 business days
Provide an after hours service for emergencies <i>* An emergency is regarded as an incident that threatens life or property or one that may cause environmental harm</i>		Respond to written rates enquiries	10 business days	<b>Roads</b>	
<b>Waste**</b>		<b>Governance</b>		Inspect, assess and respond to requests about potholes, edge breaks and cracks	20 business days
**Depending on the area in which you live, some services may not be available		Conduct Annual General Meeting and publish Annual Report	each November / December	Grade unsealed roads	1 to 2 times per year if required
Garbage Collection	fortnightly	Publication of news in Country Courier	fortnightly / monthly	Pick up identified large quantities of roadside litter on Council owned roads where a nuisance exists	10 business days
Recyclable Collection	fortnightly	Ordinary council meeting agenda made available	4 days prior to meeting	Attend to identified damage road furniture	20 business days
FOGO Collection	fortnightly	Special council meeting agenda made available	2 days prior to meeting	Road Sweeping of Council owned roads with kerb and gutter	quarterly
<b>Fire Hazards</b>		<b>Human Resources</b>		<b>Dogs</b>	
Respond to fire hazard notifications	10 business days	Respond to outcomes of applications on conclusion of appointment process	5 business days	Respond to urgent incidents	24 hours / 7 days
				Respond to routine incidents	5 business days
				<b>Privacy information protection</b>	
				Personal information provided by a customer to council is protected in accordance with the Personal Information Protection Act 2004, the Right to Information Act 2009 and Council's Privacy policy.	



# General Meeting

## Agenda

**1 November 2023**

**Commencing at 9.00am**

**Morning Tea 10.45am**

**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.

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*\* Denotes Attachment*



## GENERAL MEETING SCHEDULE

<b>9.00am</b>	<b>Meeting Commences</b>
<b>10.40am</b>	<b>Meeting Concludes</b>
<b>10.45am</b>	<b>Morning Tea</b>



# 1. GOVERNANCE

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## **Acknowledgement of Country**

The President will acknowledge the traditional custodians of this land Tasmania, the Palawa people, and recognise their continuing connection to the lands, skies, and water. We pay respect so the elders, past and present.

## **Welcome and Apologies**

### **1.1 CONFIRMATION OF MINUTES \***

#### **Decision Sought**

**That the Minutes of the meeting held on 30 June 2023, as circulated, be confirmed.**

#### **Background**

The Minutes of the General Meeting held on 30 June 2023, as circulated, are submitted for confirmation and are at **Attachment to Item 1.1**.

### **1.2 BUSINESS ARISING \***

#### **Decision Sought**

**That Members note the information.**

#### **Background**

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



### 1.3 CONFIRMATION OF AGENDA

**Decision Sought**

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

**Background**

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

### 1.4 FOLLOW UP OF MOTIONS \*

**Decision Sought**

**That Members note the following report.**

**Background**

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

### 1.5 PRESIDENT'S REPORT

**Contact officer: Dion Lester**

**Decision Sought**

**That Members note the report on the President's activity from 9 June to 29 September 2023.**

**Meetings and events**

- June GMC meeting
- ALGA Board meetings
- General meeting and AGM
- July GMC meeting and induction day
- PLGC meeting
- ALGA post National General Assembly meeting
- ALGA CEO recruitment
- September GMC meeting
- ALGA Roads Congress
- Dinner with Leader of the Opposition and Spokesperson for Local Government

## Media and correspondence

- LGAT News – August
- Local government review
  - Media release, 16 July
  - Radio
    - LAFM – Mornings, 23 June
    - ABC Hobart – Breakfast, 17 July
    - Triple M – Breakfast, 17 July
    - LG News Roundup Podcast, 19 July
    - ABC Northern Tas, 3 August
    - LAFM – Mornings, 19 September
  - Articles
    - Tasmanian Times, 16 July
    - ABC, 16 July
    - The Examiner, 17 July
    - Great Oyster Bay Community News, 18 July
    - Derwent Valley Gazette, 19 July
    - Circular Head Chronicle, 19 July
  - TV
  - ABC Nightly News, 16 July
- Planning reform
  - Media release, 18 July
  - Articles
    - Tasmanian Times, 18 July
    - Derwent Valley Gazette, 19 July
    - The Examiner, 19 July
    - The Mercury, 19 July
    - Kingborough Chronicle, 25 July
    - Great Oyster Bay Community News, 25 July
    - East Coast View, 6 August
    - Sorell Times, 23 August
    - Tasman Gazette, 25 August
  - TV
    - WIN TV, 18 July
    - ABC, 18 July
    - Channel 7 News, 18 July

- Radio
  - Sea FM – News, 18 July
  - ABC, 18 July
  - 7AFM, 18 July and 20 July
  - LG News Roundup Podcast, 19 July
- LGAT President and GMC Election
  - Media release, 15 June
  - Radio – ABC Hobart, 16 June
  - Article – Inside Local Government, 26 June
- Open Spaces Grant
  - Joint media release with State Govt, 30 June
  - Article – Derwent Valley Gazette, 5 July
- Dorset Council Inquiry
  - Media query, 7 August
  - Article – North Eastern Advertiser, 9 August
  - Radio – LAFM, 19 September
- Northern Tasmanian Alliance for Resilient Councils
  - Article – The Examiner, 29 August
- Petitions to councils
  - Article – The Advocate, 30 August
- Code of Conduct
  - Media release, 18 September
  - Radio
    - LAFM, 19 September
    - 7HOFM, 19 September
    - ABC Hobart, 19 September
    - ABC Hobart, 20 September
- Merit-based employment
  - Radio – LAFM, 19 September

## 1.6 CHIEF EXECUTIVE OFFICER'S REPORT

Contact officer: Dion Lester

### Decision Sought

**That Members note the report on the CEO's activity from 9 June until 29 September 2023.**

### Advocacy

In the period since my last report our advocacy activity across our key priorities of planning / housing and the Future of Local Government Review has been very successful across multiple channels.

Some of the key activities included:

- Submissions on the Draft Tasmanian Planning Policies, Housing Strategy Exposure Draft and Stage 3 of the Future of Local Government Review. Full copies of these and our other public submissions can be viewed on the LGAT website at: <https://www.lgat.tas.gov.au/lgat-advocacy/reports-and-submissions>.
- Separate Opinion Editorials in the three regional papers cover planning and housing (Mercury) and financial sustainability, with a focus on the Heavy Vehicle Motor Tax (Advocate and Examiner).
- Articles in the Advocate and Examiner widely quoting our FoLG Review submission as it related to Independent Living Units.
- Briefing of the Local Government Board on our Stage 3 submission.
- Briefing of the oppositions Ella Haddad (Housing) and Luke Edmonds (Local Government and Planning) on infrastructure contributions.
- Letter welcoming the new Minister for Housing and outlining our key advocacy priorities.
- Briefing the Minister on local government housing priorities.
- The inaugural meeting of the Local Government Housing Reference Group (as per the resolution from the June 2023 General Meeting).
- A meeting of the Minister's Housing Reference Group.
- A meeting with Minister Jaensch and regional groups, to discuss climate change funding for local government. This work subsequently resulted in \$500,000 funding for local government climate change activities.
- Meetings with the Public Health Service and Environmental Protection Authority (EPA) to discuss the Environmental Health Officers workforce and opportunities for setting up shared service arrangements.

- Sector workshop on General Manager recruitment and performance management.
- Ongoing and significant work with the Office of Local Government on managing interests, the Code of Conduct and managing unreasonable behaviour.

### **Sector Services**

LGAT Procurement's support for the sector continues to grow, with work on the key initiatives in our business plan all progressing better than our expectations. The procurement update in this agenda provides further details.

Events and training work has focused on finalising the details for our Annual Conference, Mayors and General Managers workshops and the introduction of a workshop for Deputy Mayors in October.

### **Governance and Operations**

In the current period inducting GMC members has been the main focus.

### **Media**

The following summarises the traditional media the LGAT CEO or Secretariat<sup>1</sup> has secured during the reporting period.

- Tenders
  - Media query (The Mercury, 28 June 2023)
- Dorset Council Inquiry
  - Media query (various outlets, 2 August 2023)
- Local government financial sustainability
  - Radio (ABC Hobart, 9 June 2023)
  - Opinion editorial
    - The Advocate, 11 August 2023
    - The Examiner, 11 August 2023
- Independent Living Units
  - Article – The Advocate, 14 August 2023
- Planning and development
  - Opinion editorial – The Mercury, 18 August 2023
- Housing
  - Article – Inside Local Government, 18 August 2023
  - Media query – The Mercury, 4 September 2023
  - Article – The Mercury, 18 September 2023

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<sup>1</sup> LGAT President media is listed separately in the President's Report.

## 1.7 COUNCIL ROUND UPS

### Decision Sought

**That Members note there will not be a council round up this meeting.**

### Background

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

## 2. ITEMS FOR DECISION

---

### 2.1 MOTION - PARKS AND WILDLIFE SERVICE AND CROWN LAND SERVICES REVIEW AND RESOURCING Council – Break O’Day

### Decision Sought

**That LGAT lobby the Tasmanian Government to undertake a review of the administrative activities of the Tasmanian Parks and Wildlife Service (PWS) and Crown Land Services (CLS) with a particular focus on ensuring that the required level of resources are available to assess applications and deal with enquiries in a timely manner.**

### Background Comment

Regular reviews of administrative activities and resourcing levels are essential for maintaining effective, efficient, and accountable government agencies that can adapt to evolving circumstances and best serve the public and the environment.

At a local government level, we interact with the Tasmanian Parks and Wildlife Service and Crown Land Services on a continuous basis and we, local government agencies, have all experienced extremely lengthy delays in the processing of simple applications.

The delays in receiving the required approval for a simple project can be extremely frustrating and can potentially lead to the applicant just going ahead and doing what they were seeking approval for without waiting. This can have serious ramifications that ultimately have to then be addressed retrospectively and in a reactionary way. This defeats the protections that are afforded by going through the application process.

Anecdotally we hear that many of these delays come down to the low level of resourcing within the agency resulting in unrealistic workloads and ultimately the loss of experienced staff. This turnover of staff compounds the problem and delays being experienced.

Discussions with PWS and CLS staff involved in application processing over the last few years reveals that the amount of applications received has increased substantially. This has led to an increase in revenue flowing to Treasury, and whilst there has been an increase in revenue, the level of resources to deal with the applications received hasn't increased as required.

Another area for concern for local government is the perception that delays to projects have within the community. The community is always quick to blame local government when there is a hold-up in a development even if it is out of our hands. The community more often than not hold us responsible for project delays. This can have serious impacts on a Council's image within community as well as cause blow outs to time frames. This can be particularly problematic when grant funding is involved.

In requesting this review, the Break O' Day Council is asking that there be a particular focus on the level of resources that are available for administrative activities such as dealing with applications and permits. We believe that resources should be increased. With a greater level of resources applications will be dealt with within an appropriate timeframe.

#### **State Government Comment**

In recent years there has been significant and sustained growth in the number and complexity of applications to the Department of Natural Resources and Environment's Parks and Wildlife Services (PWS)'s Property Services branch (formerly Crown Land Services), including for leases, licences, sales, transfers, works, landowner consents and events (refer Table C as an example). These transactions often underpin the progress of both private and commercial developments including housing and more increasingly, major infrastructure projects. As the land manager for over 50 percent of the State's land and waters, more recently there has been a further increase in development proposals arising from both Commonwealth and State initiatives for renewable energy generation.

As a guide, Table A below is a summary of average processing times for *Land Use Planning and Approvals Act 1993* landowner consents where those timeframes have been reasonably and reliably recorded. Please note that this information was recorded up until 2019 and is representative of a typical development year (pre-Covid). By way of explanation, the averages are cumulative (i.e., the average completion time of applications processed under 30 calendar days includes applications processed under 15 days and so on). The approximate timeframes only record when an application work task is received, commenced, and effectively closed. The 'clock' does not stop, for example, when waiting for information from clients (i.e., an application that has been put on hold at a client's request at day 12 and withdrawn several months later could be recorded as an application actioned over 90 days).

The 'received' date is the date an application is submitted to the NRE Tas. Following receipt of an application it is registered in the Property Services systems, undergoes a preliminary assessment to check whether the site is likely Crown land, managed by NRE Tas, and to identify any particular urgency in the application. It is then subsequently assigned to an officer to assess. It may take a number of days to be registered, assigned, and for the assigned officer to commence the full assessment process.

Once the full assessment commences, the cumulative average assessment time of all applications processed under 90 calendar days is approximately 15 calendar days.

While approximately 85 per cent of all applications are actioned within 90 calendar days, outliers do exist. Applications that take longer often have additional applications associated with them, such as a request for a lease or a purchase, which may require assessment before providing landowner consent.

Applications can also be delayed when: they are incomplete or NRE Tas is awaiting further details from clients; where NRE Tas is awaiting feedback from relevant agencies (e.g., Marine and Safety Tasmania, TasWater); or, due to the inherent complexity of the proposal.

**TABLE A - Summary of average processing times for LUPAA landowner consents (2019)\***

	Number	Average time from received to commencement (cumulative)	Average time from commencement to completed (cumulative)	Average total time from received to completed (cumulative)
All actioned (incl. 15% outliers over 90 days)	433	22.15 days	31.31 days	<b>53.46 days</b>
85% actioned within 90 days	367	17.32 days	14.93 days	<b>32.25 days</b>
73% actioned within 60 days	314	14.22 days	11.22 days	<b>25.44 days</b>
48% actioned within 30 days	207	10.17 days	6.05 days	<b>16.22 days</b>
24% actioned within 15 days	102	5.31 days	3.25 days	<b>8.56 days</b>

\* Only includes data where timeframes have been reasonably and reliably recorded

Table B is the cumulative figures of application received and actioned in the present calendar year up until June 2023, excluding outliers.



**TABLE B – Received and action planning related consents in 2023 (Jan-Jun)**

	<b>Number</b>	<b>Average time from received to commencement (cumulative)</b>	<b>Average time from commencement to completed (cumulative)</b>	<b>Average total time from received to completed (cumulative)</b>
All actioned (incl. 6% outliers over 90 days)	52	21.38 days	17.15 days	<b>38.53 days</b>
94% actioned within 90 days	49	18.63 days	15.02 days	<b>33.65 days</b>
75% actioned within 60 days	39	15.84 days	8.20 days	<b>24.04 days</b>
54% actioned within 30 days	28	9.21 days	6.32 days	<b>15.53 days</b>
42% actioned within 15 days	22	6.68 days	6.22 days	<b>12.09 days</b>

The due diligence assessment process for simple requests has been streamlined. These processes are aimed at establishing that there are no obvious impediments preventing a proposal from proceeding for example, the class of land prohibits the development.

Processes for assessing more significant, complex, or environmentally sensitive proposals are purposefully thorough, but have also been streamlined to remove risks or showstoppers to the development proposal once it progresses through the Development Application process or should it be at risk of legal challenge.

#### **Crown Land Transaction Turnaround Initiative**

To address this growing demand the Government has initiated a program to improve turnaround timeframes for transactions. The State Government provided funding of \$1.9 million in the 2020-21 Budget. This commitment also included \$300,000 to support associated business systems. Additional funding of \$1.9 million over two years has been provided in the 2023-2024 Budget to extend the Increasing Transaction Turnaround Time initiative (the Initiative).

The Initiative includes the sale and transfer of Crown land to local and State Government or through open market sale to achieve the highest and best use of the parcel. The Initiative also includes making leases and licences more transparent by publishing the lease and licence agreements on a central website accessible to the public. This is an ongoing program of work that will eventually lead to all future agreements being publicly available.

In relation to landowner consents, since the provision of additional funding in early 2021, the average processing times for planning related applications currently has reduced by approximately 25 percent.

The additional budget allocation and consolidation of more permanent staffing will support the continued improvement in PWS's resourcing capacity to address the need to meet demand and provide for appropriate timeframes for the assessment and processing of lease, licence and permit applications, planning permit applications, as well as land transfers and sales across the State.

The Crown reviews applications as a landowner and the custodian of the public land, not as a regulator. When a proposal uses Crown land, the Crown can be considered a party to the project. Consequently, the Crown must consider a range of additional matters over and above strict planning concerns, such as the Crown's longer-term strategic use of a site, whether a lease or licence can adequately protect the Crown's interests, whether a Right of Way can be granted, or whether the Crown may be left with legacy issues if infrastructure (e.g., a sea wall) fails etc. NRE Tas (through the PWS) therefore works towards making certain threshold determinations prior to providing Crown landowner consent.

Unfortunately, Councils often make application for grant programs for projects on speculative proposals that have not been comprehensively designed or assessed. They are often funded on the basis of the "concept". Whilst this is accepted as normal practice at the early stage of a grant submission, the grant, if successful, is often time-bound, leading to very short timeframes for Councils to adequately develop the proposal concept and to undertake the necessary investigations (including cultural heritage; geotechnical; hydrological or other).

As many projects submitted to the Crown for assessment are proposed in natural or culturally significant environments, the investigations are often subject to defined / seasonal flowering or species breeding or habitat requirements. Any delays in obtaining or providing this information can significantly defer the project until the next flowering or breeding period. If these factors and assessment impediments are not factored into the grant approval timeframes, then unreasonable expectations for delivery are transferred to NRE Tas. These issues are beyond and outside of the control of NRE Tas and should be more judiciously considered by a proponent at the time of grant application.

A simple application from a planning point of view can create significant land management challenges for the Crown, or, depending on the class of Crown land, may not even be permissible because other statutory approvals cannot be granted due to restrictions imposed by the legislation applicable to the class of Crown land in question. Public safety and public liability are significant issues that are often unresolved before applications are lodged. Other matters, such as disputes between neighbouring users of Crown land or encroachments onto Crown land, which the planning authority may not be aware of, can also complicate what may otherwise appear to be a straightforward assessment.

It is in the best interest of the proponent and the council that these due diligence investigations and assessments are performed with rigor to ensure that once approved, the development proposal is able to withstand future appeal or challenge.

The Crown's role in assessing and issuing landowner consents is more than a mere formality to enable a planning application to enter the State's planning system. It is a critical opportunity for the Crown to ensure a defensible approval pathway for the proponent and council and that the public lands it administers are utilised in an appropriate and sustainable manner.

**TABLE C - Types of applications**

- The types of Development Applications (DAs) vary widely, ranging from large commercial projects like a woodchip export facility, new marina, or mini-hydro scheme etc., to cutting down a tree on Crown land or a Council replacing a toilet block within a park held under a Crown lease etc.
- Below is a snapshot of some of the DAs. These are simply an overview of the types of applications we receive.
- Some developments fall entirely on Crown land, while others relate to developments on private property, but impact on neighboring Crown land (e.g., stormwater is over the Crown land etc.).

TABLE C - Snapshot Examples

<b>MUNICIPALITY</b>	<b>DETAILS</b>
BREAK O'DAY	Demolition of unauthorised house
BREAK O'DAY	Golf course, hotel, visitor accommodation, subdivision – includes use of Reserved Roads
BREAK O'DAY	New bike trail
BRIGHTON	Removal of below-ground fuel tanks, and installation of above ground fuel tanks
BRIGHTON	Run stormwater into Derwent Conservation Area via Crown land Public Reserve
BURNIE CITY COUNCIL	Installation of toilet block and landscaping
BURNIE CITY COUNCIL	Breakwater bund reconstruction
CENTRAL COAST	Landfill and excavation works on Crown Land – retrospective approval
CENTRAL COAST	Flood Remediation – replacement of boat ramps, walkway and rock wall, and car parking
CENTRAL COAST	2 shipping containers adjacent to existing hall
CIRCULAR HEAD	2 new storage sheds, one to replace an existing shed to be demolished
CIRCULAR HEAD	Erection of large tourist photo frame on lease area
CIRCULAR HEAD	Replace existing series of foreshore retaining walls with a new armour rock wall
CIRCULAR HEAD	Wind farm – 7 turbines over 2 titles – site includes Crown land Reserved Roads
CLARENCE	Construction of 7 storage lockers in place of existing dinghy storage racks
CLARENCE	Public toilets, car parking, shelter and access road
CLARENCE	Alterations and additions to an existing outdoor dining area
CLARENCE	Retirement village
CLARENCE	Conversion of pavilion to restaurant
CLARENCE	Marina extension, car parking and relocation of rowing shed
DERWENT VALLEY	New communication tower – associated lease application
DEVONPORT	Jetty and bridge
DORSET	Accommodation on freehold title – services on a Crown Reserved Road
DORSET	Increase in volume of sand extraction
FLINDERS	Hall extension and refurbishment
FLINDERS	Installation of portable office

MUNICIPALITY	DETAILS
GEORGE TOWN	Erect a shade structure over existing BBQ and construct a new storage shed 7 x 5m
GLAMORGAN-SPRING BAY	Change of Use from Café to restaurant
GLAMORGAN-SPRING BAY	Decking and entry upgrade
GLAMORGAN-SPRING BAY	Raw water pipeline
GLAMORGAN-SPRING BAY	Wharf upgrades within existing lease area
GLAMORGAN-SPRING BAY	Proposed upgrades to carpark and access, landscaping and footpaths
GLENORCHY	Hotel building
GLENORCHY	Change of use from "Jetty" to "Marina"
HOBART	Market event
HOBART	Above ground fuel facility and conversion of existing jetty to a fuel berth
HOBART	Widening of beach access and grassed rigging area / upgrades to the club
HOBART	Modifications to boatshed
HUON VALLEY	Partial change of use to visitor accommodation
HUON VALLEY	River bank rock beaching and re-vegetation due to flooding / erosion
HUON VALLEY	Building commercial dog kennels
HUON VALLEY	A new boat building shed to be adjacent the existing boat building shed on the leased site
HUON VALLEY	Woodchip loading facility
KENTISH	Subdivision and consolidation – associated purchase application
KINGBOROUGH	Crown consent to install a groundwater bore in a Public Reserve
KINGBOROUGH	Installation of recycled water pipeline
KINGBOROUGH	Upgrading of road to bushfire standard
KINGBOROUGH	Visitor accommodation – relies on access over a Reserved Road
KINGBOROUGH	Canoe slalom site
LATROBE	S33 scheme amendment rezoning – relies on access over a Reserved Road
LAUNCESTON	Remove a large tree on Crown land to facilitate the repair of existing stone retaining wall
LAUNCESTON	Extra car parking on Crown land – associated purchase application
MEANDER VALLEY	Forest Practices Plan and request for Crown consent to DA
MEANDER VALLEY	Netball courts and associated infrastructure
NORTHERN MIDLANDS	Install a vibration monitoring camera
SORELL	New signage at cemetery entrance and additions to crematorium wall
WEST COAST	Authority to sell food from mobile van

### LGAT Comment

Members have previously resolved to call for additional resources for the Parks and Wildlife Service. None of the previous resolutions concerned administrative resourcing.

## 2.2 MOTION - ROAD LINE MARKING RESPONSIBILITIES Council – Kingborough

### Decision Sought

**That LGAT undertake advocacy on behalf of Councils to have road line marking responsibilities legislated and additional funding provided by the State Government.**

### Background Comment

There is a long-standing arrangement that the Tasmanian Government provides for the renewal of road line marking, although it is not a legislated responsibility. This covers renewal of all line marking except for parking bays and yellow lines and new installations a part of Council projects.

Each year the Department of State Growth (DSG) asks for a list of possible line marking renewal projects. Kingborough Council staff undertake an audit and provide a list and generally DSG fund a selection of what has been identified.

Kingborough Council Safety Committee members have noted that line markings on local roads are often faded and not fit for purpose and are an ongoing safety hazard for road users. There has not been adequate funding allocated to sustain local road line marking to an appropriate standard, noting that line marking needs to be renewed regularly.

It is noted that this matter was previously raised at a Local Government Association Tasmania (LGAT) in 2016 and it was agreed to advocate with the State Government.

LGAT did advocate with the State Government, however their position was they provided funding towards line marking on local government roads rather than taking responsibility for adequately managing all line marking.

This is a matter that concerns all councils and rather than advocating directly with State Government as a single council it would be prudent to seek whether there was an appetite for LGAT to again advocate to the State Government on behalf of the collective councils.

The intention with the advocacy would be to increase the funding for line marking on local government roads and to more clearly define the roles and responsibilities of the State Government and councils within the legislation frameworks available.

### Tasmanian Government Agency Comment

The Department of State Growth notes the LGAT motion and advises that currently the provision of local government line marking operates as follows:

- As an identified road safety issue, the State Government has, for many years now, allocated funding for local road line-marking.
- For reasons of “economies of scale”, the Department of State Growth has also arranged for the line marking to be completed, under a State Contract along with the State Government line marking program.
- The annual line marking program is developed under an agreed equitable allocation formulae based on the submissions from Local Government Authorities.
- The *Local Government (Highways) Act 1982* clearly identifies the Local Government Authority is the responsible authority for road maintenance of its local road network, including line marking. In this context, the Government funding allocation is not intended to provide full coverage of the required line marking on local roads with the expectation that the Local Government Authority will arrange its own line marking programs as appropriate.
- The State Government has commenced a review of the Road Management Legislation and invites Local Government to make a submission on legislative responsibilities for line marking and other traffic facilities for consideration under the review.

#### **LGAT Comment**

LGAT has one previous motion on record regarding road line marking, from November 2016:

*That LGAT be asked to lobby the State Government to increase the level of funding available for line marking on Local (Government) roads, including railway crossing stop/warning lines, to cover the annual requirements across the state.*

LGAT advocated at the time but was advised that it was an open question whether the Tasmanian Government or councils should be responsible for line marking on local roads, and that this could challenge the existing funding provided by the Tasmanian Government for local roads. We assess that this remains the case.

The Tasmanian Government is undertaking a review of road management legislation (see item 4.6 in this agenda). However, line marking appears to be more an operational asset management question as to how an appropriate level of service is best achieved and resourced.

Tasmanian Government financial and asset management is different from Tasmanian councils. Councils have legislative requirements to complete a comprehensive set of financial and asset management policies, plans and strategies to deliver service levels. The Tasmanian Government tends to allocate funding to asset management operations on an as-needed basis. This creates a divergence in expected service levels by the community.

**2.3 MOTION - DIVERSITY AND INCLUSION STATEMENT**  
**Council – Kingborough Council**

**Decision Sought**

**That Members note the Diversity and Inclusion Statement developed by Kingborough Council and agree to consider developing and adopting a similar statement to support safe, welcoming, and inclusive communities across Tasmania.**

**Background Comment**

Kingborough Council is committed to creating a safe, welcoming, and inclusive community. In 2022, a subcommittee of Kingborough’s Disability Inclusion and Access Advisory Committee was formed to consider how Council may better recognise and support the needs of people in the community who are neurodiverse, to address any potential discrimination. The subcommittee and Council officers developed a Diversity and Inclusion Statement, which was subsequently endorsed by the Disability Inclusion and Access Advisory Committee. The Statement refers to diversity of thought and background, including diversity of cultures, sexualities, beliefs, abilities, genders, and ages.

*Diversity and Inclusion Statement*

*Kingborough Council strives to be the model of an inclusive culture where diversity of thought and background is valued.*

*We acknowledge, value and respect people of all cultures, sexualities, beliefs, abilities, genders and ages, and support their rights of equal access, equity and participation.*

*We believe diversity of thought and background, together with an inclusive work environment are critical to support every person and team to excel.*

*We want to enable innovation for continuous improvement of service delivery.*

*We strive for an environment where people feel they belong, are valued as an individual, and are respected with a shared sense of fairness.*

On 5 June 2023, Kingborough Council endorsed the Diversity and Inclusion Statement prepared by the Disability Inclusion and Access Advisory Committee. The Diversity and Inclusion Statement is intended to raise awareness of neurodiversity amongst staff and the broader community, and to encourage inclusivity and reduce discrimination. Kingborough Council is committed to providing workplace accommodations, providing senior staff with specific training on identifying and working positively with employees who are neurodiverse,



and putting greater emphasis on diversity during recruitment and induction processes. The Statement has been promoted on Council’s website and is used to promote Council’s approach to diversity and inclusivity in Council’s recruitment and induction process.

**State Government comment**

This motion was not received in time for Tasmanian Government Agency comment to be made.

**LGAT comment**

LGAT does not have any previous resolutions on this matter.

LGAT notes the part of local government’s functions under the *Local Government Act 1993* (Section 20) is:

- (a) to provide for the health, safety and welfare of the community;*
- (b) to represent and promote the interests of the community;*

This motion is consistent with these functions.

**2.4 MOTION – REVIEW OF 42 DAY DEVELOPMENT APPLICATION TIMEFRAME  
Council – Clarence City**

**Decision Sought**

**That LGAT be requested to convene a reference group from member Councils to develop options and recommendations for the sector to:**

- 1 Assess the impact of the 42-day rule on planning outcomes across local Councils in Tasmania (including both qualitative and quantitative data).**
- 2 Identify what practices and delegations councils currently utilise to manage the 42-day rule, including the impact of those practices and delegations on representor objections.**
- 3 Review equivalent ‘deemed approval’ and timeframe extension mechanisms of other jurisdictions to compare with Tasmania’s arrangements.**
- 4 Based on the findings of points 1, 2 and 3 above, identify whether the 42-day rule operates in a manner that is fair and equitable to all parties to a development application; that is both applicants and representors.**
- 5 Recommend changes be implemented to ensure development applications are not required to be resolved under delegation because an applicant refuses to grant an extension of time for an application to be considered at a Council meeting.**

### **Background Comment**

This follows from the motion passed by Clarence City Council on 17 July 2023.

Clarence City Council has seen an increasing number of instances that have involved the requirement to finalise development applications under delegation because applicants have refused an extension of time to allow an application to be determined by Council.

The operation of the 42-day rule in this circumstance denies representors objecting to a development application the right to be fairly heard and denies elected Councillors the opportunity to represent community concerns in respect to the operation of the planning scheme, particularly where there are a number of objections.

The 42-day rule places the entire right to grant an extension of time with the applicant and does not give any other party to the application (Council or representors) any rights at all.

There is a clear interest from the community in having contentious development applications debated in a Council forum by elected members, which is not recognised by LUPAA in its current form.

The 42-day rule is the shortest timeframe for determination of a development application of any Australian planning jurisdiction. The 42-day rule can be maintained, but consideration needs to be given to options such as allowing for a Development Application to be referred to the next Council meeting after the 42 days expires. This type of provision would negate the need to request time extensions and make the system fair to all participants.

It should also be noted that the request for an extension of time is also used in other circumstances, such as when critical referral authorities are taking longer than anticipated or relevant information is outstanding. It means that if applicants are not willing to extend, they will get a deemed approval if Council does not make a decision prior. It puts pressure on the entire system, operates contrary to natural justice principles and significantly adds to the potential for a matter to be appealed at TASCAT.

The repeated nature of this delegation and that the provision has the capacity to be misused means that the consequences for not meeting the 42-day timeframe are too harsh.

### **Land Use Planning and Approvals Act 1993**

The statutory timeframes commence for a discretionary (s57) or permitted (s58) planning application once an application is made "valid". A valid application contains the completed application form (including landowner consent if required), a current copy of titles and plans; and the fees must be paid (there are other steps around the fees that can affect the validity).

S51 for what is a valid application; and s52 for landowner consent.

When a permit takes effect is described in s53.

Additional information (s54) is requested on or before 21 days for a discretionary application, and on or before 14 days for a permitted planning application. The statutory clock pauses until the information is satisfactorily received by the planning authority. There are other timeframe requirements for additional information, but those timeframes do not alter the "clock". Except, the 21- or 14-day timeframes may be extended if the office is closed on regular business days, e.g., Council closure over Christmas. If this is extended, the 42-day or 28-day timeframes are not extended without agreement.

For discretionary planning applications, s57(3) to s57(5B) outlines the public exhibition / advertising requirements and the representation requirements. The 14-day public exhibition / advertising timeframe may be extended under certain circumstances, but this must be disclosed on the first day of public exhibition / advertising and cannot be changed once this timeframe has commenced. Importantly, the public exhibition / advertising must be within the 42-day timeframe or the agreed extended timeframe.

The Land Use Planning and Approvals Regulations 2014 set out requirements for advertising discretionary applications but does not include timeframes.

S57(6) outlines the 42-day timeframe, and s58(2) outlines the 28-day timeframe for permitted planning application.

S57(6A) allows the planning authority to request an extension of the 42-day timeframe via agreement with the applicant. The applicant reserves the right to not agree to this extension, at which time the application must be determined within the 42-day timeframe (delegation becomes relevant).

S58(2A) is the equivalent section for permitted applications to request an agreement to extend the 28-day timeframe.

S57(7) and s58(3) are the relevant sections that require the planning authority to notify the applicant and any representors (if applicable) of the decision to approve or refuse (if applicable) the application within seven days of that decision.

S59 is for the failure to determine an application for a permit. Essentially, if the application is not decided within the required timeframe, s59 directs the planning authority to notify the applicant and representors within seven days of the end of the required timeframe that the application is deemed approved subject to conditions to be determined by the tribunal. The applicant may then lodge an appeal with the tribunal. This is when the tribunal becomes aware of the failure to determine the application within the required timeframe. If an appeal is lodged, costs can be awarded against the planning authority.

S60 is for the timing of determination of compliance with certain permit conditions. This section is quite lengthy and concerns “condition satisfied” process, where the applicant lodges documentation to show how they comply with particular conditions, such as landscape plan condition that requires approval from the relevant department head or manager.

S56 sets out the timeframes for minor amendments.

#### **State Government comment**

This motion was not received in time for Tasmanian Government Agency comment to be made.

#### **LGAT Comment**

LGAT does not have any previous motions about deemed approvals specifically. However, there was a previous motion from 2007 expressing concerns around fast-tracking mechanisms weakening the Resource Management and Planning System of Tasmania.

Assessing deemed decision mechanisms requires consideration of the interaction between a number of factors in the statutory planning process including:

- Levels of assessment – does the level of assessment (i.e., permitted, discretionary, prohibited) where a deemed decision applies, convey an expectation of likely approval, refusal, or no preference?
- Time extension mechanisms – does the statutory process provide the assessing authority with the flexibility to adapt to the variation in proposal complexity by extending decision making time, in order maintain decision-making quality?
- Deemed decision – does the deemed decision mechanism align with the expectation set by the level of assessment of the likelihood of approval or refusal?

Other states do have mechanisms for deeming decisions as either approved or refused when not made within the statutory timeframe. However, these are generally linked to levels of assessment where approval is the likely expected outcome. That is, deemed approvals in other states usually seem to apply only to “permitted” type levels of assessment (and interstate equivalent) and, typically, not for levels of assessment where refusal is a potential outcome, such as Tasmania’s “discretionary” level of assessment and interstate equivalent. Other jurisdictions do have deemed refusals for levels of assessment where the end decision is more uncertain.

Some interstate planning processes can also have different mechanisms for extending the time period. For example, allowing council the once-off, exclusive, unconditional right to formally extend the time by 10 business days, to allow for circumstances where the development proposal is particularly challenging, or when there have been procedural

complications (e.g., late referral responses), or where the councils development assessment workload exceeds their capacity.

Discretionary development applications can vary widely in their complexity, site and context considerations, and level of community interest and resistance. These place challenges on decision-making. A robust statutory assessment process should not only encourage timely decision-making for simpler proposals but also contain mechanisms that allow flexibility for more challenging proposals.

### 3. ITEMS FOR DISCUSSION

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**There are no Items for Discussion**

### 4. ITEMS FOR NOTING

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#### 4.1 FUTURE OF LOCAL GOVERNMENT REVIEW

**Contact officer: Dion Lester**

##### **Decision Sought**

**That Members note the update on the Future of Local Government Review – Stage 3.**

##### **Background**

At the time of writing the Local Government Board had completed its series of community catchment hearings and are in the process of preparing the final report for the Minister, due on the 31 October 2023.

LGAT advocated strongly for an extension to the consultation period and financial support to allow councils, through LGAT, to engage one another on the options presented in the 'community catchment' reports. Our advocacy was successful, with an additional six weeks being provided by the State Government for submissions and funding for LGAT to conduct 21 face-to-face sessions and 12 online sessions across the nine 'community catchments'.

On Sunday 16 July 2023, the Premier and the Minister for Local Government announced that there would be no forced amalgamations. Rather that the State Government would work with councils interested in structural reform. This will include the detailed design and implementation processes and also transition and other funding to support the changes.

The Local Government Board continued with its community and council hearings and taking formal submissions. LGAT provided a [submission](#) to this stage of the Review. In broad terms it focussed on:

- Financial sustainability and the opportunities associated with infrastructure contributions, collaborative procurement, fairer road funding and depreciation of externally funded assets.
- Workforce – noting this is a major challenge for councils (and other sectors), we recommended future actions to better understand the local skills demand, strategically tailor needs and bridge gaps, and support local career entry and progression.
- Solutions for the community – the three main challenges councils raised during our Stage 1 consultation for the review were climate change, emergency management and health and wellbeing. We requested various recommendations from the Board to Government to better support councils' role and capacity across each of these important areas.

On the 9 August 2023 the LGAT CEO presented to the Board at the Peak Body hearing. 15 minutes was allowed and as such I emphasised:

- The government grant environment, seeking a move to funding programs that are allocated on a needs basis and provide for maintenance and renewal costs.
- Heavy vehicle motor tax, infrastructure charging and depreciation of certain assets, such as aquatic centres.
- The opportunities associated with expanding LGAT Procurement.
- State and local government co-regulation.

In the intervening period our advocacy has included successful media pick up of our submission and on direct discussions with the review team to elaborate on our prioritise and to provide guidance on other options being considered by the Board.

### **Budget Impact**

Being undertaken within current resources.

## Current Policy

### Strategic Plan

- Advocate
- Sector services

### 2023 Annual Priority

- Local government reform
- Sector development

## 4.2 STATE BUDGET 2024-2025

Contact Officer – Ben Morris

### Decisions Sought

**That Members note the update on our intended content for LGAT’s submission to the State Budget 2024-2025**

### Background

In line with past practice, LGAT will be preparing a State Budget submission as part of ‘community consultation’, which is due 30 November 2023. Our [budget submissions](#)<sup>2</sup> have tended to focus on two areas: where we have built advocacy momentum on key policy positions and those areas where LGAT is seeking resources to increase the support we provide to the sector. In identifying the proposed themes to put forward, the Secretariat has considered our Annual Plan, General Meeting resolutions and other advocacy work and opportunities. The following are the themes that are proposed for our submission:

- Local government service delivery – linked with the Future of Local Government Review’s identification of workforce, pursuing support for ‘regional skilled pathways’ that would include para-professionals and a cadetship program, similar to what has been run by LGNSW.
- Infrastructure contributions – seeking work to understand and develop a Tasmanian infrastructure contributions framework.
- Development conservatism – seeking a community-focused campaign that brings the community along with how Tasmania needs to develop to support its growing population and housing stresses, for example with medium-density housing.

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<sup>2</sup> 2023-24 LGAT State Budget Priority Statement, available at:

[https://www.lgat.tas.gov.au/\\_data/assets/pdf\\_file/0027/1228086/LGAT-State-Budget-Priority-Statement-2023-24.pdf](https://www.lgat.tas.gov.au/_data/assets/pdf_file/0027/1228086/LGAT-State-Budget-Priority-Statement-2023-24.pdf)

- Planning effectiveness – seek support for a multi-agency/local government working group to find accessible opportunities within planning and related legislation that will streamline development and support housing.
- Child and Youth Safety – seeking support for councils to meet the requirements under the new *Child and Youth Safe Organisation Act 2023* and expectations under recommendation 6.12 of the *Royal Commission into Institutional Responses to Child Sexual Abuse* (refer to Child Safety item in this agenda item 4.8).
- Learning and development framework – seeking direct seed investment for the local government Learning and Development Framework to deliver effectively to councils.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan

- Advocate
- Sector services

2023 Annual Priority

- Local government reform
- Workplace health and safety for elected representatives
- Ready for growth communities
- Sector development

## **4.3 PLANNING REFORMS UPDATE**

**Contact Officer – Michael Edrich**

### **Decision Sought**

**That Members note the update on current planning reforms.**

### **Tasmanian Planning Policies – Commission Review**

In March this year, the State Planning Office (SPO) provided the draft Tasmanian Planning Policies (TPPs)<sup>3</sup> to the Tasmanian Planning Commission (TPC) for its statutory review. The TPC sought representations on the draft TPPs<sup>4</sup>. We ran a workshop with council planning professionals to share views and help develop sector submissions.

<sup>3</sup> SPO page: <https://planningreform.tas.gov.au/planning-reforms-and-reviews/tasmanian-planning-policies>

<sup>4</sup> TPC page: <https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings/draft-tasmanian-planning-policies>



The TPC received 59 submissions. LGAT and 21 councils provided submissions, indicating how important the sector views the TPPs to our planning framework.

Our submission<sup>5</sup> focused on major advocacy items and issues reported by the sector, including:

1. Settlement policy –
  - a. regional development – the draft TPPs appear to suppress growth in smaller regional settlements, alarming many councils. Reworking this policy in consultation with councils could help resolve these concerns.
  - b. infill development – reworking this policy could better support Tasmania’s need to achieve optimised infill development.
2. Infrastructure policy – the need for the TPPs to set the policy basis for a best practice infrastructure contributions framework.
3. General drafting:
  - a. clearly articulating the functional role and effect of the TPPs.
  - b. supporting change management including explicitly talking about how Tasmania is evolving.

The TPC will be holding hearings in mid-October to early November 2023, likely in each of the three regions (Burnie, Launceston and Hobart).

We are continuing to represent councils to resolve the major policy issues in the TPPs for the sector.

### **State Planning Provisions Review**

The SPO released a State Planning Provisions (SPPs) Review scoping consultation report in July<sup>6</sup>. The SPO’s work has been very good in triaging the range of issues and collating them into groups for action. They have also consulted councils on these groups and delivered a general information session on the Review.

Some actions are particularly relevant to our advocacy, including:

1. Action Group 2 – more complex issues requiring further investigation or research:
  - a. improving residential standards in Tasmania
  - b. reviewing the subdivision standards.
2. Action Group 3 – issues requiring policy context from TPPs:
  - a. alignment with council roles and legislation for infrastructure – including infrastructure contributions and stormwater management.

<sup>5</sup> LGAT’s TPPs submission: [https://www.lgat.tas.gov.au/\\_data/assets/pdf\\_file/0031/1446484/LGAT-Submission-Draft-TPPs-TPC-review-v2.pdf](https://www.lgat.tas.gov.au/_data/assets/pdf_file/0031/1446484/LGAT-Submission-Draft-TPPs-TPC-review-v2.pdf)

<sup>6</sup> SPPs Review page: <https://planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions>

3. Action Group 6 – non-statutory measures for improving SPPs guidance:
  - a. LGAT’s Tasmanian Development Manual Project.

This list of actions in the SPPs Review scoping consultation report show that:

- Housing issues are being prioritised.
- Changes to the TPPs are crucial to achieving better infrastructure contributions support in the SPPs
- LGAT’s Tasmanian Development Manual Project is highly valued by the SPO to compliment Tasmania’s planning reforms.

### **Development Assessment Panels Announcement**

On 18 July 2023, the Premier announced<sup>7</sup> that the Government will be introducing new legislation for some planning decisions to be made by independent expert Development Assessment Panels (DAPs).

The announcement came as a surprise to everyone in the local government sector, including LGAT. Our disappointment with lack of consultation leading to this announcement was firmly expressed at the 27 July 2023 Premiers Local Government Council and through a media release<sup>8</sup>.

We have had preliminary discussion with the SPO on the possible nature of the DAPs and process. Our advice was to consult with councils closely and properly in developing the legislation amendment, to keep the process as close to existing planning processes (especially [section 57](#) of the *Land Use Planning and Approvals Act 1993*). Then, to ensure DAPs are properly funded and resourced to avoid impacting council funding and fee structures. We also advised that LGAT has a member resolution seeking pathways to deconflict planning decisions when a councillor, or the council, is the applicant. It was also made clear that there are a variety of positions across the local government sector on which planning decisions should be deferred to an appropriate third party.

Given the breadth of views within the sector, LGAT’s view is that councils should be given wide latitude to choose when they may want to refer a decision to a DAP, and the TPC resourcing should reflect this.

Clear criteria should be created to meet genuine proponent needs for TPC development decision making, rather than simply bypassing well-tested planning authority decision making.

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<sup>7</sup> Premier’s media release: [https://www.premier.tas.gov.au/site\\_resources\\_2015/additional\\_releases/taking-the-politics-out-of-planning](https://www.premier.tas.gov.au/site_resources_2015/additional_releases/taking-the-politics-out-of-planning)

<sup>8</sup> LGAT media release: [https://www.lgat.tas.gov.au/\\_data/assets/pdf\\_file/0029/1437185/MR-Planning-reform-July-2023.pdf](https://www.lgat.tas.gov.au/_data/assets/pdf_file/0029/1437185/MR-Planning-reform-July-2023.pdf)

### **National Cabinet – planning reform push**

Australia’s housing crisis is creating pressure at the national level for planning reforms. At the 16 August 2023 meeting, National Cabinet announced a National Planning Reform Blueprint<sup>9</sup>. The Tasmanian Premier sought to reassure stakeholders by implying that this would require no additional reforms in Tasmania<sup>10</sup>, however, the Premier’s previous announcement of DAPs shows that housing is driving rapid policy changes and planning reforms beyond the current extensive tranche of work.

LGAT’s recent submission<sup>11</sup> to the Exposure Draft Tasmanian Housing Strategy makes a strong case:

1. that blaming local government development regulation for the housing crisis is misguided or nonsensical; and
2. for state and federal governments to focus on developing the housing market to deliver on our economic needs for housing by reforming the current land, housing, and property transaction taxation regime to properly incentivise housing construction and release to market and disincentivise withholding housing from the market.

### **Budget Impact**

Being undertaken within current resources.

### **Current Policy**

Strategic Plan

- Advocate

2023–24 Annual Priority

- Local government reform
- Ready for growth communities

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<sup>9</sup> National Cabinet media release: <https://www.pm.gov.au/media/meeting-national-cabinet-working-together-deliver-better-housing-outcomes>

<sup>10</sup> Premier media release: [https://www.premier.tas.gov.au/site\\_resources\\_2015/additional\\_releases/additional-housing-funding-welcomed](https://www.premier.tas.gov.au/site_resources_2015/additional_releases/additional-housing-funding-welcomed)

<sup>11</sup> LGAT’s Housing submission: [https://www.lgat.tas.gov.au/\\_data/assets/pdf\\_file/0023/1443704/LGAT-Submission-Exposure-Draft-Tasmanian-Housing-Strategy-2023.pdf](https://www.lgat.tas.gov.au/_data/assets/pdf_file/0023/1443704/LGAT-Submission-Exposure-Draft-Tasmanian-Housing-Strategy-2023.pdf)

#### 4.4 HOUSING

Contact Officer – Michael Edrich

##### Decision Sought

**That Members note the update on housing policy matters and its driving influence on planning policy at both state and national levels.**

##### Submission – Exposure Draft Tasmanian Housing Strategy

The Tasmanian Government released the Exposure Draft of the Tasmanian Housing Strategy for public comment on 6 June 2023, with an extremely short consultation period of only four weeks. We immediately sought an extension for the sector, which was granted for an additional two weeks. A six-week comment period is still too short for such an important subject, indicating that the Tasmanian Government may be prioritising speed of release over quality.

We hosted a well-attended workshop with council planning and community development professionals to develop LGAT and council submissions. Interest from local government in housing is extremely high, as councils are dealing with the consequences of the housing crisis on a daily basis.

Our submission<sup>12</sup>:

1. Notes the lack of meaningful problem identification to properly inform real action.
2. Identifies how the Strategy could set measurable housing security objectives.
3. Makes an attempt at describing the nature of the housing crisis and its causal factors.
4. Demonstrates:
  - a. how the rate of housing supply is overwhelmingly governed by landowner decisions
  - b. that our housing crisis is caused by market failure, not local government development regulation
  - c. how market incentivisation regime drives housing market failure
  - d. the need to make construction and sale (i.e., release to the market) more desirable and profitable than withholding properties from the market.
5. Identifies the difference between systemic actions to resolve market failure and intervention actions to temporarily alleviate housing stress.
6. Lists recommended systemic and intervention actions.

<sup>12</sup> LGAT's submission: [https://www.lgat.tas.gov.au/\\_data/assets/pdf\\_file/0023/1443704/LGAT-Submission-Exposure-Draft-Tasmanian-Housing-Strategy-2023.pdf](https://www.lgat.tas.gov.au/_data/assets/pdf_file/0023/1443704/LGAT-Submission-Exposure-Draft-Tasmanian-Housing-Strategy-2023.pdf)

7. List LGAT member resolutions related to housing from the last five years to demonstrate council motivation and barriers in dealing with housing.

The Federal and state governments will continue to need to invest heavily in housing interventions, even as they remain reluctant to examine the housing market settings under their control. Unfortunately, they continue to be tempted to misplace blame for housing problems on local government planning and development regulation.

### **LGAT Housing Reference Group**

At the June 2023 LGAT General Meeting, members resolved for LGAT to convene an expert reference group from member councils to develop recommendations for the sector in responding to the housing crisis. The resolution considers the housing crisis generally, and both short stay accommodation and unoccupied dwellings specifically.

LGAT has now set up this reference group and the first meeting has been held. Priority areas to be addressed include:

- investigating differential rating and other tools to manage short stay properties
- investigating options around land and permit banking and vacant dwellings that are holding up supply for housing and other beneficial uses.

LGAT is also feeding back the relevant outcomes of LGAT's Housing Reference Group to the State Planning Office for consideration for their upcoming Improving Residential Standards in Tasmania project, part of their State Planning Provisions Review<sup>13</sup>.

### **Budget Impact**

Being undertaken within current resources

### **Current Policy**

Strategic Plan

- Advocate

2023 Annual Priority

- Ready for growth communities

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<sup>13</sup> SPPs review: <https://planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions>

#### 4.5 **WORKPLACE HEALTH AND SAFETY REVIEW \***

Contact officer: Dion Lester

##### **Decision Sought**

**That Members note the progress on the implementation of the Workplace Health and Safety Review of Elected Representatives (WH&S Review).**

##### **Background**

LGAT continues to progress the implementation of the Workplace Health and Safety Review of Elected Representatives (WH&S Review) recommendations.

The Implementation Plan, **Attachment 4.5A** to this item, outlines the work that has progressed since the last meeting. **Attachment 4.5B** to this item is the response from the Learning and Development Framework Governance Group on the relevant recommendations from the WH&S Review.

In particular, we note the development of the draft Managing Challenging Customers Framework and policy. Engagement by the Office of Local Government with the sector on this draft suite of documents is expected to commence in October 2023.

The Local Government Amendment (Code of Conduct) Bill 2022 was passed by Parliament in September 2023. The bill progresses some of the key reforms committed to by the State Government in its response to consultation about potential targeted legislative changes to the Code of Conduct Framework.

LGAT will commence finalising the suite of documents that support the legislative change including the development of:

- Model Councillor Charter (the charter)
- Dispute Resolution Policy (the policy)
- Mediators Panel.

Engagement with the sector on the draft documents in this suite is expected to commence in late 2023.

This suite of documents will support the work being undertaken by the Office of Local Government including:

- A review of the model Code of Conduct.
- Assessment of the feasibility of transferring the Code of Conduct Panel to the Tasmanian Civil and Administrative Tribunal (TasCAT).
- Consideration of options that could better address instances of very serious councillor misconduct that may not fall within the parameters of the current Code of Conduct Framework.

#### **Budget Impact**

Implementation of the recommendations is being undertaken with LGAT's existing resources.

#### **Current Policy**

Strategic Plan

- Advocate
- Sector Services

2023 Annual Priority

- Local government reform
- Workplace health and safety for elected representatives

## **4.6 ROAD MANAGEMENT LEGISLATION REVIEW**

**Contact Officer – Michael Edrich**

#### **Decision Sought**

**That Members note the update on the Road Management Legislation Review and the consultation period for the Discussion Paper.**

#### **Background**

The Department of State Growth (DSG) has initiated the Road Management Legislation Review (RMLR)<sup>14</sup>, as previously reported at the March and June 2023 General Meetings. The review is focused on legislation related to the management of roads and road infrastructure. It excludes road user and operation legislation.

At the time of writing, a discussion paper on the review has just been published for comment. The consultation period runs until 6 November 2023. DSG has been sensitive to the concurrent reviews imposing a workload on councils, especially the Future of Local Government Review. LGAT advised them that the quality of the road management review is

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<sup>14</sup> Available at:

[https://www.transport.tas.gov.au/projectsplanning/plans\\_strategies\\_and\\_policies/road\\_management\\_legislation\\_review](https://www.transport.tas.gov.au/projectsplanning/plans_strategies_and_policies/road_management_legislation_review)

more important to the sector than rapid review. Subsequently they delayed the review until now.

Councils and local road managers are currently reviewing the discussion paper. LGAT intends to arrange an information session with DSG and road managers to inform our submissions.

#### **Budget Impact**

Being undertaken within current resources

#### **Current Policy**

Strategic Plan

- Advocate

2023–24 Annual Priority

- Ready for growth communities

### **4.7 EMERGENCY MANAGEMENT UPDATE**

**Contact Officer – Bec Stevenson**

#### **Decisions Sought**

**That Members note the update on emergency management.**

#### **Background**

We continue to engage with the Australian and Tasmanian Governments on emergency management issues of importance for local government, including the many reviews underway. We are meeting monthly with Regional Coordinators from the Emergency Service (SES) and Resilience and Recovery Tasmania (RRT). These regular meetings have enabled a working relationship to be formed between LGAT's Senior Policy Advisor and several new staff members across both agencies. This also helps to ensure our advocacy is reflected in the reviews and reform.

We have been participating in several reviews and working groups relevant to emergency management on behalf of the sector, including:

- Development of RRT Emergency Accommodation Policy Statement.
- All hazards spatial infrastructure project (LISTMap/COP Redevelopment).
- Re-establishment of Service Providers Network.
- Development of recovery service delivery partnerships agreements.



### **Natural Disaster Risk Reduction Grants Program**

LGAT has applied for funding in round five of the Natural Disaster Risk Reduction Grants Program to deliver the Tasmanian Local Government Emergency Management Recovery Audit. This audit will assess the capability and capacity of up to 18 Tasmania's councils to deliver their emergency management and recovery responsibilities, in particular the functions prescribed in legislation and emergency management doctrine. We expect to know the outcome of the application by December 2023.

### **Inter-council emergency management resource sharing protocol**

A review of the LGAT [inter-council emergency management resource sharing protocol](#) is currently underway. The protocol is an agreed position between councils regarding the provision of council resources (human, equipment and facilities) to assist other councils with response and recovery tasks during emergencies. Once updated an invitation will be extended to all councils to participate.

### **Tasmanian Emergency Management Arrangements Review**

The Tasmanian Emergency Management Arrangements (TEMA) Review Project commenced in June 2022, with the final version of the TEMA approved by the State Emergency Management Committee (SEMC) at their March 2023 meeting for endorsement by the Minister for Police, Fire and Emergency Management. Endorsement by the Minister is now complete, and a final version available [here](#).

### **State Special Emergency Management Plan – State Recovery Plan**

The Department of Premier and Cabinet have commenced a comprehensive review of the State Recovery Plan, with the aim of delivering a Plan to the State Emergency Management Committee in December 2023 for endorsement.

The State Recovery Committee released an Issues Paper that consolidated known issues and gaps in the current recovery arrangements. We lodged a [submission](#) on behalf of the sector into the paper. The Recovery Working Group, which LGAT is a member, will consider the feedback and develop options for change. The fifth version of the State Recovery Plan is expected to be presented to the State Emergency Management Committee for endorsement in December 2023.

### **Fire Services Act Review**

After six years of comprehensive reviews and public consultation the Tasmanian Government [announced](#) early in the year that it would:

- Merge the Tasmania Fire Service and the State Emergency Services to create the Tasmania Fire and Emergency Service (TFES).
- The State Fire Commission will become the State Fire and Emergency Services Committee, allowing the membership to grow and include representatives from SES and other key stakeholders.

These changes will be enacted through new legislation - the Fire and Emergency Services Act, that will replace the *Fire Services Act 1979*.

A Fire Service Act Reform Steering Committee has been established to oversee the reform. The chair of the Steering Committee, Police Commissioner Donna Adams, wrote to all Mayors on 18 July 2023, advising consultation on the implementation of the reform objectives will commence soon. The Police Commissioner recognised local government as a key partner to be engaged to determine the implications of the reform for councils. LGAT has written to the Commissioner seeking an update and timeline for sector participation in the review.

### **Independent Review of Commonwealth Disaster Funding**

The Australian Government has commissioned an [Independent Review of Commonwealth Disaster Funding](#). The review to be conducted by Andrew Colvin AO, and will consider how Commonwealth arrangements for disaster funding can be optimised to enable a system that:

- Supports wellbeing, national productivity, prosperity and economic security.
- Maintains state, territory and local government roles and responsibilities in the context of projected increase in natural disasters over the coming decades.

In July and August 2023, LGAT staff participated in two focus groups offering an opportunity to provide insights and key concerns for disaster funding. One session was national with the local government Associations and the second was focused on Tasmanian local government stakeholders.

The key feedback and themes included:

- The need for stronger collaboration between the Federal and state governments with local government.
- To accelerate and fully implement recommendation 11.1 of the Royal Commission into National Natural Disaster Arrangements - *“that where State and Territory Governments delegate responsibilities to local government, they need to ensure that they retain oversight and understanding of the capabilities and capacity of local government to perform these responsibilities, and to provide support as necessary”*.
- For the Disaster Recovery Funding Arrangements (DRFA) - make betterment a core principle, reduce the evidence requirements and administrative burden on councils under the DRFA claims process and provide specific targeted funding assistance to councils to identify and reduce their disaster risk and increase their resilience.

We will continue to monitor the progress of the review and provide a further update on its outcomes once complete.

### **Budget Impact**

Being undertaken within current resources.

**Current Policy**

Strategic Plan

- Advocate

**2023 Annual Priority**

- Emergency management

**4.8 ROYAL COMMISSION RECOMMENDATIONS AND CHILD SAFE ORGANISATIONS**

Contact Officer – Lynden Leppard

**Decision Sought**

**That Members note the update on *Child and Youth Safe Organisation Act 2023* and Royal Commission into Institutional Responses to Child Sexual Abuse, recommendation 6.12**

**Background**

LGAT has been actively engaging with the Department of Justice (DoJ) and the Office of Local Government (OLG) since late last year on the implications for local government of the Tasmanian Government's response to the Commonwealth's *Royal Commission into Institutional Responses to Child Sexual Abuse*. That response is made up of two parts.

1. The Office of Local Government has carriage for implementing Recommendation 6.12, the creation of council child safety officers for the purpose of supporting child safe sport and recreation environments. Councils have been told that this is an expectation of the Tasmanian Government but is not compulsory.
2. The Tasmanian *Child and Youth Safe Organisation Act 2023*. The Act and regulations identify compulsory roles for all councils. These include implementation of the [Child Safe Framework](#) and participation in the [Reportable Conduct Scheme](#).

Our advocacy acknowledges the importance of responding to the Royal Commission's Report and a willingness of the sector to prepare for effective implementation of the State Government's policies and regulations. Support is required not only for initial implementation but also for the ongoing extra expectations this policy will place on councils in their communities. Councils do not have the financial resources, policy experience, or suitably qualified staff to plan for and implement the Framework, or to undertake investigations arising from the Reportable Conduct Scheme.

LGAT has written to the Minister for Education, Children and Youth, Hon Roger Jaensch MP, outlining the need for a funded local government plan to support effective implementation of this important government policy.

**Budget Impact**

Being undertaken within current resources.

**Current Policy**

Strategic Plan

- Advocate

2023 Annual Priority

- Health and wellbeing
- Sector development

**4.9 LOCAL GOVERNMENT HEALTH AND WELLBEING NETWORK AND LIFT LOCAL PROJECT**

**Contact Officer: Lynden Leppard**

**Decision Sought**

**That Members note the progress of the Local Government Health and Wellbeing Network and Lift Local Funding.**

**Background comment**

The importance of local government’s role in preventative health and improved community wellbeing is recognised in the State Government’s *Healthy Tasmania Five Year Strategic Plan 2022-26*. The Public Health Service (PHS) has funded LGAT for the last six years to support councils in their work to support community health and wellbeing.

Ongoing collaboration between LGAT and PHS has resulted in the new Lift Local program where \$20,000 is available to every council. This is not competitive, and the purpose of the funding is decided by each council’s view of what health and wellbeing priority is most relevant to their community. Twenty-eight councils are participating with their projects progressing in line with community and council circumstances.

The network is developing through workshops, online discussion, and direct contact between councils with similar projects. Some projects have developed quickly, and the network is enabling them to be valuable resources to others.

Workshops in September and October will bring officers together to work with Public Health Service staff. Council feedback from the March 2023 workshop was positive.

**Budget Impact**

Being undertaken within current grant resources from the Department of Health, Public Health Services.

**Current Policy**

Strategic Plan

- Advocate

2023 Annual Priority

- Health and wellbeing.

**4.10 ENVIRONMENTAL PROTECTION AUTHORITY MEMORANDUM OF UNDERSTANDING \***

**Contact Officer – Bec Stevenson**

**Decision Sought**

**That Members note the report on LGAT’s refreshed Memorandum of Understanding with EPA Tasmania.**

**Background**

In 2017, LGAT and the Environmental Protection Authority Tasmania (EPA) first established a Memorandum of Understanding (MoU) to establish a framework for LGAT, councils and the EPA to work together on environmental protection. In particular, so that the parties work more cooperatively in assessing and regulating environmentally relevant activities and responding to events that may cause environmental harm or nuisance.

A new five-year MoU has recently been signed that builds on the previous MoU. The refreshed MoU reflects on the strong relationship between LGAT and EPA and the ongoing, shared desire to show leadership and engage in a structured, cooperative, and productive way to support councils.

The Strategic Priorities have been informed by engagement with the local government sector and areas that EPA has identified in their work alongside councils. The priorities outlined in the MoU are:

- environmental complaints, incident preparedness and response
- illegal dumping
- environmental investigations and prosecutions
- capability building
- capacity
- national standard implementation
- collaboration on more complex development applications and regulation.

The signed MoU is at **Attachment 4.10** to this item for reference.

An annual action plan will be produced each year and tabled at the first LGAT General Meeting in the new financial year. This plan will become the workplan for the EPA's Local Government Engagement Program.

The MoU will be overseen by the LGAT CEO and the Director of EPA, supported by a working group of senior LGAT and EPA officers. The governance arrangements will develop, oversee and review progress of the annual action plan and address any issues that arise, including new matters that may require consideration as Strategic Priorities.

#### **Budget Impact**

Being undertaken within current resources.

#### **Current Policy**

Strategic Plan

- Advocate

### **4.11 CLIMATE CHANGE**

**Contact Officer – Ben Morris**

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

#### **Background**

Further to the [30 June 2023 General Meeting](#), the Tasmanian Climate Change Action Plan, released in June 2023, includes the action (3.3) to collaborate with local government to prepare for the impacts of climate change, with the following specific actions:

Action	Approach
Building climate change action capability in local government	Work with local government to co-design and implement a program of statewide climate change action in local government that builds the sector's capacity to respond to the impacts of a changing climate and reduce greenhouse gas emissions.
Managing coastal hazards	Work with coastal managers across the state and local government to develop a consistent statewide approach to managing the impacts of coastal hazards under a changing climate.
Developing a Risk Information Portal	Explore the development of a Risk Information Portal for Tasmania that spatially enables municipal emergency risk assessments. The risk assessments will seek to identify and utilise hazard models (for example: flood, fire, coastal hazards, drought) that incorporate climate projections.

The *Building climate change action capability in local government* action follows a proposal developed by council regional groups (southern Tasmania Regional Climate Change Initiative, Cradle Coast Authority and the Northern Tasmanian Alliance for Resilient Councils) in conjunction with LGAT. LGAT met with the State Government agency responsible for the plan, Renewables, Climate Change and Future Industries Tasmania (ReCFIT) to discuss program. The objective of this program will be to build local government capability in implementing actions to mitigate climate change. The intention is that LGAT will host a program coordinator who will then engage other resources as defined by the sector. The program, over two years, has \$500,000 in funding. LGAT and ReCFIT will be engaging key regional groups and council officers to design the details of the program and the engagement approach with the local government sector. LGAT is drafting a position description for the coordinator role. The overall program will be governed by a Steering Committee comprising, LGAT, ReCFIT and General Managers from each region.

A group of eight northern councils have collaborated to form the Northern Tasmanian Alliance for Resilient Councils (NTARC). The councils include West Tamar, Launceston, George Town, Dorset, Meander Valley, Northern Midlands, Flinders and Break O' Day. The goal of the new alliance is to develop the region's resilience to increasing natural hazards, current and changing climate and the challenges of transitioning to a low carbon economy. Member councils have each contributing financially to employ a dedicated regional coordinator. Further information on NTARC is available at [www.ntarctas.com.au](http://www.ntarctas.com.au)

#### **Budget Impact**

Being undertaken within current resources.

#### **Current Policy**

Strategic Plan

- Advocate

2023 Annual Priority

- Climate change
- Sector development

#### 4.12 WASTE AND RESOURCE RECOVERY

Contact Officer – Bec Stevenson

##### Decision Sought

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

##### Background

A number of reforms and programs are underway at a state and national level.

##### Container Refund Scheme: Draft Material Recovery Refund Protocol

Consultation commenced on 29 June 2023 on the draft Container Refund Scheme (CRS): Draft Material Recovery Refund Protocol. The draft regulations have been developed by the Department of Natural Resources and Environment Tasmania to outline how Tasmanian Material Recovery Facilities will count CRS-approved containers, process refunds and split refunds with local government where appropriate. A copy of the draft protocol was provided to the Regional Waste Authorities to review and provide a submission if required.

##### Waste Data Readiness Grant Program

The Tasmanian Government has committed \$1 million to the Waste Data Readiness Grant Program. This program will assist operators of resource recovery facilities with the cost of modifying business systems and infrastructure to be able to comply with new legislative requirements. Applications closed on 22 September 2023, with LGAT a member of the grant assessment panel.

##### Draft Waste and Resource Recovery Strategy

Engagement on the Draft Tasmanian Waste and Resource Recovery Strategy closed in late February 2023. LGAT provided a submission on behalf of the sector, available on our [website](#). Submissions are currently being considered by the Waste and Resource Recovery Board with the release of the Strategy imminent.



### **Draft Landfill Levy Support Program for Public Authorities**

Engagement by the Tasmanian Waste and Resource Recovery Board has commenced on the draft Landfill Levy Support Program for Public Authorities. Comments on the scope and detail of the draft program closed on 29 September 2023. LGAT will continue to monitor the implementation of the program.

### **Waste Sector Emissions Reduction and Resilience Plan**

The Tasmanian Government agency, Renewables, Climate and Future Industries Tasmania (ReCFIT) is preparing an Emissions Reduction and Resilience Plan for the waste sector. This is the second in a series of sector-based plans, following transport earlier in the year. LGAT attended a workshop as a key stakeholder where the Minister for Environment and Climate Change, the Hon. Roger Jaensch MP, opened the workshop and outlined the purpose of the Plan. The workshop was a focused consultation to develop a collaborative approach to emissions reduction and building resilience in the waste sector. Further workshops with the sector are being planned for early 2024. The final Emissions Reduction and Resilience Plan for the waste sector is to be delivered by November 2024.

### **National Kerbside Harmonisation**

The Federal Department of Climate Change, Energy, the Environment and Water have commenced engagement with local government Associations to discuss the development of a national kerbside collection roadmap. The purpose of this engagement is to ensure a fit-for-purpose roadmap. LGAT will continue to participate in these discussions and share information as the roadmap progresses.

### **Regional Waste Authority Support**

LGAT continues to work with the Regional Waste Authorities with a particular focus in the next quarter on defining the focus of the work of the Authorities and LGAT to avoid duplication.

It is anticipated that with the foundation policy measures, such as the statewide waste levy and container refund scheme now in place, Tasmania has a pathway to improve its resource recovery rates.

### **Local Government Associations Waste Policy Network**

LGAT participates in the ALGA Local Government Associations Waste Network meetings to understand work being undertaken at the national level and leverage work completed by other Associations. The September meeting had updates on the paper and cardboard waste export ban implications for local government, managing waste from other jurisdictions assets, national waste policy action plan and Tyre Stewardship Australia survey.

### **Asbestos Strategic Plan Review**

The Australian Government Asbestos Safety and Eradication Agency has commenced consultation on [Phase Three of the Asbestos National Strategic Plan \(ANSP\)](#).

The [Asbestos National Strategic Plan](#) focuses on safe and sustainable ways to remove asbestos containing materials from our built environment and eliminate asbestos-related diseases in Australia. An online workshop for councils was held on Wednesday 27 September 2023. Written submissions are also invited by Friday 13 October 2023.

### **Battery Safety**

LGAT are supporting a battery safety awareness campaign commissioned by the ACCC and Battery Stewardship Council. The campaign will commence on 9 October 2023 and aims to achieve consistent messaging for all Australians about how to protect their families and broader community by taping and recycling their used batteries. Assets will be provided to councils to support the national media campaign, which will run through to December 2023.

### **Budget Impact**

Being undertaken within current resources

### **Current Policy**

Strategic Plan

- Advocate

2023 Annual Priority

- Waste and resource recovery

## **4.13 LGAT PROCUREMENT**

**Contact Officer – Georgia Palmer**

### **Decision Sought**

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

### **Background**

LGAT Procurement aims to help councils undertake best practice procurement and deliver value for money for their communities.

LGAT Procurement is now in its second year of implementing the business case for sustainable and progressive growth. Year one of implementation was successful, delivering on new

initiatives, whilst also resulting in greater than predicted increase in the use of panels and other LGAT Procurement products and services.

Key projects to be delivered this year as part of the business case include procurement training and the civil works panel.

### **Procurement Training**

LGAT Procurement has worked in partnership with an experienced trainer to develop and deliver *Procurement Essentials* skills training. This is currently offered as a one-day course. It is available on a fee for service basis.

The training was developed in consultation with the LGAT Procurement Reference Group. It is specifically designed to meet the requirements of Tasmanian councils and addresses a demand for training - identified in various Auditor General reports and council feedback.

The course was first made available in June 2023. To date, five sessions have been run and around 60 individuals across the State have attended training. Two additional councils have expressed interest in accessing training for their staff. There is significant opportunity for expansion to others.

Feedback from participants has been exceptionally positive. Some examples of testimonials include:

#### **Large – metro council**

*“The sessions were well attended and received by participants across different areas of Council”.*

*“The training has been very valuable in increasing the understanding of procurement amongst Council’s buyers and how to achieve best value for money outcomes for Council”.*

*“I would recommend this training to all councils”.*

#### **Smaller – rural council**

*“The LGAT Procurement Training was very informative”.*

*“Rene was a great facilitator who provided real life examples whilst providing our team with valuable information to ensure we are always compliant and transparent with our processes”.*

LGAT Procurement is continuing to offer the Procurement Essentials training through the financial year 2023/2024. In addition, training courses that cover risk management, negotiation skills and contract management have been identified as priority areas for further

consideration. Sessions that cover these areas will be developed by LGAT Procurement and offered to councils in 2024.

### **LGAT Procurement Civil Works Panel**

A local civil works panel or suite of panels was identified through both the review of LGAT Procurement and Future of Local Government Review as being a significant opportunity.

In recent years, we have partnered with Local Buy to provide a Road, Water, Sewerage and Civil Works (BUS 270) panel to councils. We have seen a small but increasing use of this panel but are aware of several key barriers to this increasing, including the lack of Tasmanian suppliers and council involvement in development of the panel.

The new panels will address these barriers as well as:

- Create a contract that reflects the minor/major civil works requirements of councils.
- Secure competitive pricing based on the combined purchasing influence of councils.
- Provide a streamlined approach for councils to engage contractors via a request for quotation rather than a full tender process, while still meeting legislative obligations.

A working group of council staff has been established to provide expert advice into the process and to be part of the evaluation team. It has been agreed that two civil works panels would meet Tasmanian Council needs. A Minor and Major Civil Works Panel and a Civil Works Material Panel. The two tenders will be run concurrently.

The working group has highlighted the benefit of a harmonised customer contracts for major works ensuring consistent contracts across councils.

The specification for the panels has been drafted and tender and contractual documents are in development.

Legal advice will be required to review the draft contract documentation.

It is important that councils engage in the development of the panel and use the panel once established. The use of the panel by councils will also provide LGAT Procurement with the opportunity to provide strategic oversight of civil works procurement with the sector.

### **LGAT Procurement arrangement activity and saving for 2022/2023**

Over the 12 months to end June 2023, the key LGAT panel arrangements continued to be well used by councils. Of particular note were:

- hardware (used by 27 councils, total spend of \$467,462)
- telecommunications (used by 23 councils, total spend of \$1,394,486)
- office supplies (used by 24 councils, total spend of \$455,090)

- ICT (used by 5 councils, total spend of \$2,202,257)
- small plant and machinery (used by 12 councils, total spend of \$1,856,727)
- trucks (used by 13 councils, total spend of \$4,304,390).

Council spending under the contracts exceeded \$16.1 million and total estimated savings for councils was in excess of \$2.6 million, made up of direct (\$2,158,660) and indirect (\$483,000) savings<sup>15</sup>.

The total savings under these contracts exceeded the total 2022/2023 LGAT subscriptions of \$1.32 million. Eighteen councils made savings through the LGAT panel arrangements that were sufficient to fully offset their LGAT annual subscriptions.

### **Budget Implications**

The legal advice required to support the development of contractual documents for the civil works panel has been budgeted.

### **Current Policy**

Strategic Plan

- Sector services

2022 – 23 Annual Priority

- LGAT Procurement
- Sector development

## **4.14 EVENTS AND PROFESSIONAL DEVELOPMENT OVERVIEW**

**Contact Officer – Georgia Palmer**

### **Decision Sought**

**That Members note the report on events and discuss the opportunities for the Association with elected representative learning and development.**

### **Background Comment**

LGAT provides a series of events throughout the year to support the professional development of, and engagement with, our members. During 2022/2023 we delivered over 29 events to members with an additional 21 face to face and 12 online consultation sessions organised in June 2023 to support the sectors engagement as part of the Future of Local

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<sup>15</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).

Government Review Stage 3. In addition to regular face-to-face events LGAT also hosts a series of webinars on various issues to update and engage with officers on emerging policy and legislative change.

LGAT will continue to provide a suite of professional development opportunities and events to elected members and council officers in the coming year.

### **2023 Annual Conference**

This year's annual conference is taking place on the 1-2 November 2023 at the paranapple convention centre in Devonport. The theme of the conference is "embracing change". Registrations for the Annual Conference are open [on our website](#), with of number of delegates already signed up. Highlights from the program include Dr. Toby Newstead, Director of Minds at Work Jason Clarke, Professor Richard Eccleston, the Hon. Kristy McBain MP and more. The speakers have been carefully selected to speak to the overall conference theme of embracing change.

### **Mayor's Workshop**

We will be delivering the second Mayor's Workshop of the year, on 4 October 2023 at the Hotel Grand Chancellor in Hobart. This session will include updates from Mike Mogridge, Acting Director of Local Government, as well as a session exploring residential land supply from Nick Byrne, RemPlan, Peter Frazer OAM, from Safer Australian Roads and Highways, and Christopher Lock speaking on how to navigate financial assistance grants.

### **Deputy Mayor's Workshop**

This year we are delivering a Deputy Mayor's Workshop on 5 October 2023 at Peppers Silos in Launceston. This session will include media training with Timmins Ray, as well as an update on the State Government's planning reform agenda from the Director of the State Planning Office. Interest in this event has been very strong from Deputy Mayors.

### **General Manager's Workshop**

We will be delivering the second General Manager's Workshop of the year, on 9-10 November 2023 at the RACV Hotel in Hobart. The program will feature updates from Mike Mogridge, Acting Director of Local Government, Will Joscelyne, Acting Deputy Secretary Parks and Wildlife Service and Matthew Atkins. It also includes a short, strategic procurement session from Rene Kling, of Supply Chain Management Education Australia (SCMEA).

### **Elected Member's Day**

The Elected Member's Day was held on 1 July 2023 in conjunction with the LGAT Annual General Meeting (AGM) at the Crowne Plaza Hobart. Forty-five elected members attended the day. Speakers included David Dilger from Edge Legal, Brett de Chastel speaking on his experience on reform and Amy Imms from the Burnout Project.

As part of the event, we hosted a networking dinner the night before at the Crowne Plaza that was attended by 49 guests. The overall feedback on Elected Member's Day and the dinner was very positive.

#### **Learning and Development Framework \***

The Learning and Development Framework is being progressed, primarily with resources from the Office of Local Government. The framework is overseen by a Governance Group including GMC members, Mayor Mary Duniam, Mayor Paula Wriedt, as well as John Brown, General Manager Break O'Day Council and Ben Morris, LGAT Policy Director. The Governance Group has endorsed a capability framework that combines the best of what Tasmania has already developed with the frameworks from New South Wales and South Australia. Work is underway on branding, website and consideration of the other structures to support professional development by elected representatives.

The Governance Group has been considering how to finance the ongoing management and development of the framework. We expect that the degree that councils will contribute to this will rest upon legislative requirements for elected representatives to have and maintain competencies and understanding, in line with the capability framework. This requirement would then lead to a need for the sector to fund a learning and development function. It is hoped that the FoLGR final report may give this matter due consideration.

#### **Budget Impact**

Events are being undertaken within current resources.

#### **Current Policy**

Strategic Plan

- Sector services

2023 Annual Priority

- Local government reform
- Sector development

#### 4.15 POLICY UPDATE

Contact Officer – Ben Morris

##### Decision Sought

**That Members note the update on various policy matters.**

#### Heavy Vehicle National Law Reform – Implementation

For many years, councils and the Department of State Growth have been working effectively together to deliver heavy vehicle access to road networks. This work prudently manages risk to road networks while facilitating the economic benefit that heavy vehicles deliver to all Tasmanians.

Tasmania's Heavy Vehicle Access Management System (HVAMS) is widely seen as best practice in Australia, and current improvements under development may see it result in a world-leading platform for managing road networks and HV access. The Heavy Vehicle National Law Reform Implementation Steering Committee<sup>16</sup> issued the following statement on their 24 July 2023 meeting:

*“Work is progressing on a national automated access system (NAAS). States and territories have agreed to implement the optimal technical solution for the system, as recommended by WSP in their final report on the interoperability between the different systems. This will see the Tasmanian Heavy Vehicle Access Management System (HVAMS) being used as the basis for a NAAS, while the National Heavy Vehicle Regulator (NHVR) Portal will continue to be the entry and exit point for all applicants seeking access. Integration with other NHVR Portal functions will help maximise the benefits to industry users of the system. Austroads will now drive the implementation of the NAAS”.*

This is a great result for Tasmania, including councils, other road managers and the heavy vehicle industry, as it reinforces our hard work and achievements to date, and helps to expand their impact nationally. LGAT has played a crucial role in facilitating the development of Tasmania's HVAMS and promoting its benefits to interstate colleagues, other jurisdictions and the Australian Government.

<sup>16</sup> HVNL Reform Implementation Steering Committee webpage:

<https://www.infrastructure.gov.au/infrastructure-transport-vehicles/transport-strategy-policy/infrastructure-and-transport-ministers-meetings/heavy-vehicle-national-law-reform-implementation-steering-committee>



### **Tasmanian Development Manual Project**

LGAT continues work on the Tasmanian Development Manual Project (TDMP), as previously reported at the June 2023 General Meeting. The TDMP seeks to replace the current set of local government municipal standards with a more comprehensive and contemporary suite of development guidelines and standards that sit within a more complete Development Manual.

The TDMP is majority funded by the State Planning Office (SPO) and with other funding from councils and LGAT contributions. We are grateful for the SPO's recognition of the value of this project and support to achieve its objectives. The project is noted in the SPO's State Planning Provisions (SPPs) review issues scoping consultation report<sup>17</sup> within Action Group 6. This confirms the value of the TDMP work to Tasmania's planning reform agenda.

Since June 2023, we have published a project brief and delivered an information session for the sector in July 2023. A steering committee for the project has been convened and has met to develop the project.

The project has also attracted the attention of the Greater Hobart Strategic Partnership (GHSP) program. Their interest stems from having identified the need for similar work contemplated by the TDMP<sup>18</sup>, specifically for subdivision design guidelines (i.e., the urban design of subdivision), highlighting an opportunity to work closely together or perhaps to combine delivery. LGAT will provide the Greater Hobart Strategic Partnership with a specific briefing and explore these opportunities. The SPO has also expressed an interest in this aspect.

### **Bus Stop Ownership – All Access All Weather Bus Stop Upgrade Program**

The Department of State Growth continues to progress the rollout of their All Access All Weather Bus Stop Upgrade Program<sup>19</sup>. For Round one of the grants, we understand that around 14 councils applied, with 11 meeting the funding criteria.

Prior to applying, two councils were uncomfortable with the terms of the grant deed presented to them, as it created questions around ongoing bus stop ownership and maintenance. These councils raised this with LGAT. We provided advice to DSG to remove and reword several conditions of the grant deed. DSG took most, but not all, of that advice on and presented amended grant deeds to councils.

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<sup>17</sup> See: <https://planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions>

<sup>18</sup> See Greater Hobart Plan – Implementation arrangements:

[https://www.greaterhobart.tas.gov.au/\\_data/assets/pdf\\_file/0006/423249/Greater\\_Hobart\\_Plan\\_-\\_Implementation\\_arrangements.PDF](https://www.greaterhobart.tas.gov.au/_data/assets/pdf_file/0006/423249/Greater_Hobart_Plan_-_Implementation_arrangements.PDF)

<sup>19</sup> See: <https://www.transport.tas.gov.au/public-transport/bus-stop-upgrade-program>

Of the 11 councils with a compliant grant, nine councils have signed the deed and proceeded with the grant. Two councils withdrew their applications or did not proceed with the grant due to the ownership terms under the deed.

Councils broadly support the accessibility objectives of this grant; however, bus stop ownership, liability, and maintenance obligations remain a barrier. We have been advocating consistently to DSG that this issue should be addressed within the broader Road Management Legislative Review, rather than this grant process.

**Budget Impact**

Being undertaken within current resources.

**Current Policy**

Strategic Plan  
Advocate

2023–24 Annual Priority

- Ready for growth communities

## 5. OTHER BUSINESS AND CLOSE

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**Attachment for Item**



# General Meeting

## Minutes

**30 June 2023**

**Commencing at 12.00pm**

**Crowne Plaza, Hobart**

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.