



Local Government Association Tasmania

General Meeting

Agenda

1 November 2023

Commencing at 9.00am

Morning Tea 10.45am

Paranaple Convention Centre, Devonport

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**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

9.00am **Meeting Commences**

10.40am **Meeting Concludes**

10.45am **Morning Tea**



1. GOVERNANCE

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 Secretariat¹ 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

¹ 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	53.46 days
85% actioned within 90 days	367	17.32 days	14.93 days	32.25 days
73% actioned within 60 days	314	14.22 days	11.22 days	25.44 days
48% actioned within 30 days	207	10.17 days	6.05 days	16.22 days
24% actioned within 15 days	102	5.31 days	3.25 days	8.56 days

* 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)

	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. 6% outliers over 90 days)	52	21.38 days	17.15 days	38.53 days
94% actioned within 90 days	49	18.63 days	15.02 days	33.65 days
75% actioned within 60 days	39	15.84 days	8.20 days	24.04 days
54% actioned within 30 days	28	9.21 days	6.32 days	15.53 days
42% actioned within 15 days	22	6.68 days	6.22 days	12.09 days

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

MUNICIPALITY	DETAILS
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

There are no Items for Discussion

4. ITEMS FOR NOTING

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](#)² 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.

² 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

- 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)³ to the Tasmanian Planning Commission (TPC) for its statutory review. The TPC sought representations on the draft TPPs⁴. We ran a workshop with council planning professionals to share views and help develop sector submissions.

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

⁴ 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 submission⁵ 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 July⁶. 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.

⁵ LGAT’s TPPs submission: https://www.lgat.tas.gov.au/data/assets/pdf_file/0031/1446484/LGAT-Submission-Draft-TPPs-TPC-review-v2.pdf

⁶ 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 announced⁷ 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 release⁸.

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.

⁷ Premier’s media release: https://www.premier.tas.gov.au/site_resources/2015/additional_releases/taking-the-politics-out-of-planning

⁸ LGAT media release: 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 Blueprint⁹. The Tasmanian Premier sought to reassure stakeholders by implying that this would require no additional reforms in Tasmania¹⁰, 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 submission¹¹ 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

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

¹⁰ Premier media release: https://www.premier.tas.gov.au/site_resources_2015/additional_releases/additional-housing-funding-welcomed

¹¹ 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

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 submission¹²:

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.

¹² LGAT's submission: 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 Review¹³.

Budget Impact

Being undertaken within current resources

Current Policy

Strategic Plan

- Advocate

2023 Annual Priority

- Ready for growth communities

¹³ 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)¹⁴, 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

¹⁴ Available at:

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

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) savings¹⁵.

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

¹⁵ 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 Committee¹⁶ 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.

¹⁶ 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 report¹⁷ 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 TDMP¹⁸, 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 Program¹⁹. 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.

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

¹⁸ See Greater Hobart Plan – Implementation arrangements:
https://www.greaterhobart.tas.gov.au/_data/assets/pdf_file/0006/423249/Greater_Hobart_Plan_-_Implementation_arrangements.PDF

¹⁹ 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



Local Government Association Tasmania

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
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

11.30am	Lunch
12.00pm	Meeting Commences
1.45pm	Meeting concludes



1. GOVERNANCE

Acknowledgement of Country

The President will acknowledge and pay respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of this land.

Welcome and Apologies

The President welcomed Members and declared the meeting open at 12.00pm.

Apologies were received from:

Mr James Dryburgh	Brighton Council
Mr Warren Groves	Flinders Island Council
Ms Kelly Grigsby	City of Hobart
Mayor Teeny Brumby	Burnie City
Mr John Marik	Dorset Council
Mayor Cheryl Arnot	Glamorgan Spring Bay Council
Mayor Marcus Blackie	King Island Council
Mr Wayne Johnston	Meander Valley Council
Acting Mayor Matthew Garwood	City of Launceston
Mr Des Jennings	Northern Midlands Council
Mr Robert Higgins	Sorell Council

1.1 CONFIRMATION OF MINUTES *

Kingborough Council / Clarence City Council

That the Minutes of the meeting held on 17 March 2023, as circulated, be confirmed.

Carried

Background:

The Minutes of the General Meeting held on 17 March 2023, as circulated, are submitted for confirmation and are at **Attachment to Item 1.1**.

1.2 BUSINESS ARISING *

Dorset Council / Break O'Day Council

That Members note the information.

Carried

Background:

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

1.3 CONFIRMATION OF AGENDA

Devonport City Council / Waratah-Wynyard Council

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

Carried

Background:

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

1.4 FOLLOW UP OF MOTIONS *

Huon Valley Council / Burnie Council

That Members note the following report.

Carried

Background:

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

1.5 PRESIDENT'S REPORT

Kentish Council / Northern Midlands Council

That Members note the report on the President's activity from 28 February 2023 until 9 June 2023.

Carried

Meetings and events

- March General Meeting and GMC meeting
- Mayor's workshop March
- Elected Reps Planning Authority Training April; and May
- May GMC Meeting
- ALGA Board Meetings
- Presentation to the LGA South Australia on compulsory voting and reform
- Minister Street on Elected Representative behaviour

Media and correspondence

- LGAT News – April
- Local government review
 - Radio interviews
 - LAFM – Tasmania Talks, 2 March
 - ABC Hobart – Breakfast, 15 March
 - 7HOFM – News, 29 March
 - ABC Hobart – Mornings, 17 April
 - ABC Hobart – Drive, 20 April
 - ABC Hobart – News, 20 May

- ABC Hobart – Breakfast, 31 May
- TV interview (WIN TV)
- Media release (20 April)
- Article (The Mercury)
- Media release – Timeframe extension (19 May)
- Articles - Timeframe extension (The Mercury, The Examiner, King Island Courier, Kingborough Chronicle, Kentish Voice, Kingston Classified, Circular Head Chronicle, Derwent Valley Gazette and Southern Midlands Regional News)

LGAT President nominations

- Article (The Mercury)

Visa processing delays

- Newspaper articles (Tasman Gazette)
- Newspaper articles (Derwent Valley Gazette, Tasman Gazette)

LRCI Federal Funding Announcement

- Media release

Resignation of Danny Gibson as Mayor

- Radio interview (LAFM)

Dorothies Awards

- Media release

1.6 CHIEF EXECUTIVE OFFICER'S REPORT

Contact officer: Dion Lester

Break O'Day Council / Brighton Council

That Members note the report on the CEO's activity from 27 February 2023 until 9 June 2023.

Carried

Advocacy

In the period since my last report our advocacy activity remained high across our key priorities of planning and housing, elected member workplace health and safety, climate change and the Future of Local Government Review.

Some of the activities included:

- Submissions on the Tasmania's Population Strategy and Regional Planning Framework Consultation Papers - full copies of our submissions can be viewed on the LGAT website at: <https://www.lgat.tas.gov.au/lgat-advocacy/reports-and-submissions>
- A meeting with Central Coast Council and Minister Barnett on housing.
- A meeting with the new CEO of Homes Tasmania, Eleri Morgan-Thomas, who also recently presented at the May General Manager's Workshop.
- Discussions have commenced with the Minister's Office on the MOU for housing.
- Ongoing work with the Office of Local Government on managing interests, GM recruitment and performance management, the Code of Conduct.
- A meeting with Minister Street on Elected Representative behaviour.
- A meeting with Minister Jaensch, with regional groups, to discuss climate change funding for local government. This work subsequently resulted in \$500,000 funding for local government climate change activities.
- Participation in the first meeting of the Climate Change Reference Group, tasked with providing the Tasmanian Government with advice and feedback on strategic priorities and emerging opportunities in climate change mitigation and adaptation.
- Negotiating a six-week extension to the Future of Local Government Review consultation period and also funding for independent facilitators to gather sector feedback on the scenarios presented by the Board.

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.

In April we delivered two workshops on councillors role as a Planning Authority and Managing Growth. Both sessions received positive feedback, with the format (morning capability session and afternoon policy session) likely to be repeated in future professional development activities.

There has been significant resource efforts in pulling together 36 Future of Local Government Review engagement sessions with the sector – all occurring in June. These constitute 21 face to face sessions and 15 online sessions.

Governance and operations

LGAT operations have focussed on the introduction of the Customer Relationship Management software, office upgrades (new furniture, heating, and lighting) and supporting the induction of new staff members.

Media

Integrity Commission recruitment investigation

- Media query (The Mercury)
- Newspaper article (The Mercury)

Shopping trolleys

- Media query (News Corp)

Conflict of interest register

- Media query (The Examiner, ABC)
- Articles (The Examiner, ABC)

The Voice

- Media query (ABC)

Development applications

- Media query (The Examiner)

Local government review

- Media query (The Examiner)
- Articles (The Examiner, The Advocate, The Mercury)

Skills shortages in local government

- Media query (The Mercury)
- Article (The Mercury)

Tiny Homes

- Media query (ABC)

Population growth

- Article (The Advocate)

Elected Representative mental health support

- Media query (The Examiner)
- Article (The Examiner)

1.7 COUNCIL ROUND UPS

George Town Council / Waratah-Wynyard Council

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

Carried

Background

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

2. ITEMS FOR DECISION

2.1 MOTION - RESTRICTIVE COVENANTS ON USE OF LAND AND PROPERTY

Council – Clarence City Council

Clarence City Council / Tasman Council

That LGAT lobby the State Government urging legislative change to outlaw the creation of covenants which place restrictions on the use of land and property for:

- a. public, social or affordable housing; or**
- b. tenants or occupants based on their source of income, or social or financial circumstances.**

Carried

Background

It was reported on ABC News Tasmania and ABC Radio's PM Program on Monday 20 February 2023 that restrictive covenants were being applied to housing estates in Tasmania disallowing the use of properties for public housing or to lease to tenants in receipt of government payments.

Some people including welfare agencies have expressed concern that allowing such covenants makes it more difficult for Tasmanians who are homeless or at risk of homelessness to secure affordable accommodation.

While the regulation of covenants is a matter for the Tasmanian Government and Parliament, it is appropriate for local government to adopt a position on this issue as advocates for the rights of people to access affordable housing. Such restrictive covenants also have the

potential to curtail efforts by local government to improve the supply of affordable housing through the instruments available to us.

There appears to be little, if any, legislative restriction on using covenants in this way in either the *Land Titles Act 1980* or other legislation relevant to the administration of land rights. There is also no restriction on covenants being in this way in the *Anti Discrimination Act 1998* because economic circumstances are not a prescribed attribute. It would be prudent of the Attorney-General to consider whether amendments to both legislative instruments are required.

LGAT comment

LGAT does not have an existing resolution similar to the motion proposed.

The two primary tools for local government to manage the use of land within its municipality is the *Local Government Act 1993* and the *Land Use Planning and Approvals Act 1993*. These establish the primary role of councils to plan their municipalities now and into the future to provide for the health, safety, and welfare (amongst other things) for their communities. There is a range of other legislation that operates outside this framework that constrains or encourages different land uses.

2.2 MOTION – COUNCIL LEAVE OF ABSENCE PROVISIONS

Council – Clarence City Council

Clarence City Council / West Tamar Council

That LGAT and Member Councils support Clarence City Council's position which:

- A. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments.**
- B. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following:**
 - i. That a councillor be able to advise the relevant council of a leave of absence 'as of right', subject to conditions being met (as set out below).**
 - ii. A councillor's request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner—**
 - (a) become the natural parent of a child (including any period during pregnancy); or**

- (B) adopt a child under the age of 16 years— and the councillor has responsibilities for the care of the child during that period.
- iii. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council.
- iv. Should a council have concerns regarding a councillor leave of absence, (other than for parental leave), by an absolute majority decision, a council may refer any request for leave of absence to the Minister for Local Government / Director of Local Government for review and determination”.

Amendment

Dorset Council / George Town Council

That LGAT and Member Councils support Clarence City Council’s position which:

- A. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments.
- B. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following:
 - i. That a councillor be able to advise the relevant council of a leave of absence ‘as of right’, subject to conditions being met (as set out below).
 - ii. A councillor’s request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner—
 - (a) become the natural parent of a child (including any period during pregnancy); or
 - (b) adopt a child under the age of 16 years— and the councillor has responsibilities for the care of the child during that period,
 - (c) sustain a significant injury or be struck down by a long-term illness.
 - iii. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a

reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council.

- iv. Should a council have concerns regarding a councillor leave of absence, (other than for parental leave), by an absolute majority decision, a council may refer any request for leave of absence to the Minister for Local Government / Director of Local Government for review and determination”.

The amendment was put and carried

Amendment

Circular Head Council / Central Coast Council

That LGAT and Member Councils support Clarence City Council’s position which:

- A. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments.
- B. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following:
 - i. That a councillor be able to advise the relevant council of a leave of absence ‘as of right’, subject to conditions being met (as set out below).
 - ii. A councillor’s request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner—
 - (a) become the natural parent of a child (including any period during pregnancy); or
 - (b) adopt a child under the age of 16 years— and the councillor has responsibilities for the care of the child during that period,
 - (c) sustain a significant injury or be struck down by a long-term illness.
 - iii. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council.
 - iv. Should a council have concerns regarding a councillor leave of absence, (other than for parental leave), by an absolute majority decision, a council may refer

- any request for leave of absence to the Minister for Local Government / Director of Local Government for review and determination”.
- v. A Councillor seeking a leave of absence is required to provide reasonable notice in advance and this should not be less than three days unless in exceptional circumstances

The amendment was put and carried

Amendment

Glenorchy City Council / Dorset Council

That LGAT and Member Councils support Clarence City Council’s position which:

- A. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments.
- B. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following:
- i. That a councillor be able to advise the relevant council of a leave of absence ‘as of right’, subject to conditions being met (as set out below).
 - ii. A councillor’s request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner—
 - (a) become the natural parent of a child (including any period during pregnancy); or
 - (b) adopt a child under the age of 16 years— and the councillor has responsibilities for the care of the child during that period,
 - (c) sustain a significant injury or be struck down by a long-term illness.
 - iii. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council.
 - iv. A Councillor seeking a leave of absence is required to provide reasonable notice in advance and this should not be less than three days unless in exceptional circumstances

The amendment was put and Lost

Amendment

Circular Head Council / Central Coast Council

That LGAT and Member Councils support Clarence City Council's position which:

- A.** Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments.
- B** Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following:
- i. That a councillor be able to advise the relevant council of a leave of absence 'as of right', subject to conditions being met (as set out below).
 - ii. A councillor's request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner—
 - (a) become the natural parent of a child (including any period during pregnancy); or
 - (b) adopt a child under the age of 16 years— and the councillor has responsibilities for the care of the child during that period,
 - (c) sustain a significant injury or be struck down by a long-term illness.
 - iii. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council.
 - iv. Should a council have concerns regarding a councillor leave of absence, (other than for parental leave), by an absolute majority decision, a council may refer any request for leave of absence to the Minister for Local Government / Director of Local Government for review and determination".
 - v. A Councillor seeking a leave of absence is required to provide reasonable notice in advance and this should not be less than three days unless in exceptional circumstances

The amendment became the motion which was put and carried

Background

The current arrangements for the requesting, granting or refusal of leave for councillors serving on Tasmanian local councils does not reflect the appropriate balance of rights and responsibilities expected in contemporary work environments. For example, The Fair Work Act provides that an employee's request for annual leave can only be refused by an employer if the refusal is reasonable. There is no such consideration or protection for councillors under the current regulations covering local government in Tasmania. With the exception of Victoria, where a Council must approve all reasonable requests for leave, all other jurisdictions in Australia also fail to adequately address the issue of requests for leave (see Attachment 1). A councillor should be able to expect reasonable requests for leave are granted as a matter of right. In an environment where those assessing leave applications are also elected members of the Council, it is even more important the application process for leave is built upon clearly demonstrated rights and responsibilities that are consistent with the provisions that apply to all other contemporary workplaces.

LGAT comment

LGAT does not have an existing resolution similar to the motion proposed.

The 2020 review of the local government legislation did not consider this issue.

2.3 MOTION – SHORT STAY

Local Government Association

Break O'Day Council / Hobart City Council

That LGAT convene an expert reference group from member councils to develop recommendations for the sector to consider on:

- What further data and support is required to assist local government in responding to the housing crisis.
- What changes are required to manage short stay accommodation's contribution to housing availability, local amenity, economic development and equitable rating.
- What tools are available to encourage owners of unoccupied dwellings to make their properties available as long term rentals.

Carried

Background

LGAT received this motion from Clarence City Council and a request from the City of Launceston to *“investigate and report on the implementation of a vacant residential land tax for unoccupied homes within the State.”*

It is further noted that the City of Hobart has unsuccessfully sought amendments to their Local Provision Schedule to limit the number of entire home short stay listings in some parts of the city. A number of councils are also investigating the introduction of a differential rate for short stay accommodation, consistent with the information provided by LGAT at the September 2022 General Meeting ([Item 8.1](#)):

Given the breadth of activity occurring across our sector it is proposed to set up an overarching reference group to develop recommendations for how councils respond in a consistent and constructive way.

Clarence City Council has agreed to withdraw its motion, however the contents of this and also the request from the City of Launceston will form the basis for the reference groups initial considerations.

3. ITEMS FOR DISCUSSION

There are no Items for Discussion

4. ITEMS FOR NOTING

4.1 FUTURE OF LOCAL GOVERNMENT REVIEW

Contact officer: Dion Lester

Kingborough Council / Huon Valley Council

That Members note the update on the Future of Local Government Review.

Carried

Background

On the 19th of April the Government released the Stage 2 Interim Report from the Local Government Board. The report proposed a reform approach that would result in “boundary changes to deliver larger, more capable councils, supported by mandated shared service arrangements where there is a clear need or benefit”. The details of the proposed changes were not outlined, instead a series of ‘community catchments’ were presented within which future reform scenarios would be based.

On release of the Interim Report local government (and the broader community) was provided until the 21st June to provide feedback, with no process outlined for how local government would work through the forthcoming scenarios. LGAT subsequently developed a proposed engagement plan to accompany a request for additional time and funding for independent facilitators. This advocacy was successful, with an additional six weeks being provided by the Government for submissions. In addition, LGAT received funding sufficient to conduct 21 face-to-face sessions and 12 online sessions across the nine ‘community catchments’.

On the 29th of May the Board then released a series of scenarios for each ‘community catchment’ outlined in the Interim Report. There were also three supporting discussion documents covering shared service models, State and Local Government partnership opportunities, and supporting strong and empowered local communities.

At the time of writing nine of the face-to-face sessions had been conducted, with good levels of engagement across staff in particular.

On conclusion of the engagement, LGAT will be providing the feedback to each council to support local decision making.

Budget Impact

The engagement program has been supported with State Government funding.

Current Policy

Strategic Plan

- Advocate

2023 Annual Priority

- Local government reform

4.2 WORKPLACE HEALTH AND SAFETY REVIEW *

Contact officer: Dion Lester

Kingborough Council / Huon Valley Council

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

Carried

Background

At the March 2023 General Meeting members resolved:

That Members discuss and confirm the proposed high level implementation plan for the workplace health and safety review of elected representatives and communicate the key components to their councils.

That Members request that the more detailed project implementation plan be reported to the next General Meeting, including any new resources that may be required.

That Members request that a summary of the findings and links to the in-depth documents of the review be sent to all Mayors with a request that they table this and report back to their elected members.

A detailed implementation plan is included as an **Attachment 4.2** to this item. Since the March General Meeting, Members will note that in addition to the summary of findings being sent to all Mayors as sought by the resolution, a number of the other recommendations have been completed.

Budget Impact

The original review was undertaken with State Government funding. At this stage implementation is being undertaken with LGATs existing resources.

Current Policy

Strategic Plan

- Advocate
- Sector Services

2023 Annual Priority

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

4.3 CLIMATE CHANGE**Contact Officer – Ben Morris****Kingborough Council / Huon Valley Council****That Members note the update on climate change.****Carried****Background**

In recent months LGAT has been working with council regional groups (Southern Tasmanian Councils Authority, Cradle Coast Authority and northern General Managers group) to develop a proposal for a structured local government climate change program. Thanks to this initiative and direct advocacy to the Minister for Climate Change, Roger Jaensch, the Tasmanian Government's Climate Change Action Plan¹, has committed \$500,000 over two years to build climate change action capability in local government. The commitment is for the State Government to work with local government to co-design and implement a program of state-wide 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.

In addition, the LGAT CEO is participating in a new State Government-led Climate Change Reference Group. The group is tasked with providing the Tasmanian Government with advice and feedback on strategic priorities and emerging opportunities in climate change mitigation and adaptation. Our seat at this senior table enables local government to have a better voice in climate risk and adaptation and with greenhouse gas emissions.

Budget Impact

Being undertaken within current resources.

¹ Available at: https://recfit.tas.gov.au/climate/climate_change_action_plan

Current Policy

Strategic Plan

- Advocate

2023 Annual Priority

- Climate change

4.4 LGAT LOCAL GOVERNMENT SERVICE AWARDS ***Contact Officer – Ben Morris****Kingborough Council / Huon Valley Council****That Members note the updated LGAT Local Government Service Awards.****Carried****Background**

The LGAT General Management Committee (GMC) requested that the secretariat review the current suite of awards under our Local Government Service Awards, which are awarded at our Annual Conference.

We reviewed the awards provided by our peer local government associations and considered the key requirements for a set of contemporary awards. These key requirements include that they must:

- encourage and recognise the service of elected representatives and officers to local government
- have distinct eligibility and assessment criteria
- provide proportionate criteria for elected representatives and officers.

The review of our awards found that there was significant overlap and there was not a clear delineation between recognition of service versus excellence.

This resulted in the LGAT GMC endorsing some amendments to our current award structure. The following are the awards endorsed by the GMC:

- Recognition of service – for elected members, recognising service more than ten years in five-year increments.
- Mayor Emeritus – recognition for retiring Mayors who have served two or more terms.

- Outstanding commitment and service to local government – for elected members and officers that have demonstrated outstanding service and contribution to advance Tasmanian local government.
- Life member – for elected members (more than ten years services) and senior officers (more than 15 years' service). Those awarded are recognised leaders and champions of Tasmanian local government and have demonstrated excellence in service and contribution to advance the local government sector – within and beyond Tasmania.

The full details of the awards, eligibility, assessment criteria and nature of recognition are included as an **Attachment to this item 4.2**.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

- Governance and operations

2023 Annual Priority

- Sector development

4.5 PLANNING REFORM

Contact Officer – Michael Edrich

Kingborough Council / Huon Valley Council

That Members note the update on the progress of planning reforms.

Carried

Background

The Tasmanian Government's planning reforms continue to progress. There are four major areas of work:

1. preparation of the Tasmanian Planning Policies (TPPs)²
2. review of the Regional Planning Framework³

² TPPs progress: <https://planningreform.tas.gov.au/planning-reforms-and-reviews/tasmanian-planning-policies>

³ Regional Planning Framework progress: <https://planningreform.tas.gov.au/planning-reforms-and-reviews/regional-planning-framework>

3. review of the Regional Land Use Strategies (RLUSs)
4. review of the State Planning Provisions (SPPs)⁴.

There are several updates since the March 2023 General Meeting update.

The Minister has submitted the Draft Tasmanian Planning Policies (TPPs) to the Tasmanian Planning Commission (TPC) for public exhibition and review. Submissions on the Draft TPPs are due 26 June.

LGAT made a [submission](#) on the Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines. Our key points were the need to:

1. resolve the lack of maintenance of the RLUSs and responsiveness to emerging local issues (e.g., housing and meeting development demand)
2. resolve the lack of clear ownership of the RLUSs and the lack of ability for planning authorities to act decisively and responsively on local planning matters bound to the RLUSs
3. clarify the role and involvement of different state government agencies within the RLUSs, and how these agencies should interface with the RLUSs when they are in operation.

Our submission supported improving consistency between regions, with the framework allowing flexibility for councils to express their region's development narrative and to address local and regional challenges and opportunities.

The State Planning Office (SPO) has met with council planners regarding the State Planning Provisions (SPPs) Review. The SPO has triaged the issues received through consultation and are now inviting local government planning experts to work with them on reviewing and progressing these issues in logical groups. The SPO's detailed work and close collaboration with local government planners has been very well received by councils.

The Local Provisions Schedules of Waratah-Wynyard and Latrobe Councils' have now taken effect. This brings the total to 21 councils having fully transitioned to the Tasmanian Planning Scheme⁵.

Budget Impact

Being undertaken within current resources

⁴ SPP Review progress: <https://planningreform.tas.gov.au/planning-reforms-and-reviews/review-of-the-state-planning-provisions>

⁵ TPS progress: https://planningreform.tas.gov.au/planning/scheme/local_provisions_schedules

Current Policy

Strategic Plan

- Advocate

2023 Annual Priority

- Ready for growth communities
- Climate change

4.6 TASMANIAN DEVELOPMENT MANUAL PROJECT

Contact Officer – Michael Edrich

Kingborough Council / Huon Valley Council

That Members note the work LGAT is undertaking to overhaul the Tasmanian Municipal Standards and inform Tasmania's planning system with the Tasmanian Development Manual Project.

Carried

Background

LGAT maintains the Tasmanian Municipal Standards (TMS) documents in collaboration with the Institute of Public Works Engineers Australasia Tasmania (IPWEA Tas) and councils. The TMS is hosted on the LGAT website^[1] and consists of three documents:

- TMS – Specifications
- TMS – Drawings
- Subdivision Guidelines.

LGAT and IPWEA Tas have recognised the need for these documents to be substantially updated and consolidated. The Tasmanian Planning Scheme (TPS) provides only for the regulation of use and development and doesn't set out any detailed design guidelines to inform and support development. Addressing these gaps would benefit proponent understanding and councils as planning authorities under the TPS.

LGAT has been successful in advocating to the Tasmanian government to co-fund work to address these gaps. The work will combine all components of the existing TMS and create a comprehensive Development Manual. The manual would include a range of both pre-application design guidelines and post-approval construction standards. Its aim will be a convenient single reference point for developers, and councils, in informing development proposals submitted and compliance requirements for construction.

^[1] See: <https://www.lgat.tas.gov.au/member-services/engineering-local-government-standards-and-guidelines>

Project Concept

The manual will be modular, allowing councils to adopt or apply the components they choose and allowing the manual to be developed over time, component-by-component, in a prioritised form.

The aim is to provide guidelines, resources and tools that reduce uncertainty and support voluntary uptake of consistent development regulatory approaches, supporting proponents, approvers, and regulators. The manual must be flexible to support widespread uptake and appropriate local application from our major cities to our islands and remote areas.

The scope for the first modules will be confirmed through a local government steering committee, formed by LGAT. Some of the items that may be in the Development Manual include:

- Design guidelines and standards for:
 - urban design
 - footpath and cycleways design
 - transport, access, and parking design
 - water sensitive urban design
 - hazards planning and design – bushfire, coastal, flood
 - stormwater drainage
 - standard drawings and material requirements.
- Administrative and procedural matters, such as:
 - application checklists
 - compliance procedures and checklists
 - plan sealing procedures
 - flexible template conditions.

Legal Effect

The Development Manual and its requirements will be non-statutory, until called up by councils under their existing legal authority. This will include:

1. under conditions of planning permit approval – [section 51](#) (3A and 4) of the *Land Use Planning and Approvals Act 1993* (LUPAA)
2. requests for additional information – [section 54](#) of LUPAA
3. agreements relating to development and infrastructure – [Part 5](#) of LUPAA.

The Tasmanian Development Manual will sit alongside the Tasmanian Planning Scheme (TPS) in regulating and setting the standards for development. The TPS generally covers which development is regulated and the objective or outcome to be achieved. The Development Manual will provide more detail on how to achieve the objectives or outcomes.

Budget Impact

The project is being co-funded by the Tasmanian Government (State Planning Office), all councils (through existing contributions to the TMS), and LGAT. LGAT is contributing in-kind resources for project management and stakeholder engagement support.

Current Policy

Strategic Plan

- Advocate
- Sector services

2023 Annual Priority

- Ready for growth communities
- Sector development

4.7 BUS STOP OWNERSHIP AND UPGRADE GRANT PROGRAM

Contact Officer – Michael Edrich

Kingborough Council / Huon Valley Council

That Members note the update on the Department of State Growth's All-Access All-Weather Bus Stop Upgrade Grant Program and the issue of bus stop ownership.

Carried

Background

Bus stops are an important part of the public transport system across rural and urban areas. In the past, ownership has not been a prominent issue with councils and State Government agencies maintaining and repairing infrastructure as needed. However, the requirement for bus stop infrastructure to be compliant with the Commonwealth *Disability Discrimination Act 1992* (DDA) has meant that an entity must be responsible. The Department of State Growth (DSG) has initiated the All-Access All-Weather Bus Stop Upgrade Program to fund upgrade of bus stops to DDA compliance⁶ with costs shared between councils and the State Government.

Today, the ownership, and responsibility that comes with that to upgrade, maintain and renew is a very contested issue. The State Government position has been that bus stop infrastructure on local roads and on state roads within urban areas is owned by and an obligation of local government, irrespective of who constructed it, who manages the transport provider service levels, and who controls the bus route and stop location.

⁶ See: https://www.transport.tas.gov.au/public_transport/bus_stop_upgrade_program

The position of local government has been overall, that the ownership of assets within the road reserve remain owned by the public transport operator and/or the constructor of the asset. Responsibility can be transferred through voluntary agreement to another party for ongoing ownership and/or maintenance, much like any other utility, such as electricity, water supply, wastewater reticulation, and telecommunications.

The All-Access All-Weather Bus Stop Upgrade Program has been welcomed by councils who have wanted to improve the accessibility of bus stops. However, they are very wary of attempts to use the grant to pass ownership and responsibility of bus stops on to councils. DSG was cautioned by councils and LGAT not to attempt this.

However, in March, DSG wrote to councils declaring their intention to have their position on bus stop ownership and maintenance reflected in the program deeds. Several councils immediately reacted against this and alerted LGAT.

As a result, LGAT has written to and met with DSG to separate the bus stop ownership and maintenance issue from the program, to allow the upgrade of bus stops for the benefit of the community. Our advice to DSG is to use a separate negotiated process to work towards resolving the ownership issue, such as through the concurrent Road Management Legislation Review⁷. At the time of writing, it appears that DSG is taking this recommendation and is amending the Grant Program draft deeds.

The local government sector, supported by LGAT, will need to work through a negotiated process for how the public transport stop infrastructure is maintained. It may be that there are certain tasks that councils are better placed to deliver than the State – but only by agreement and with appropriate cost recovery. Councils are critical to the success of a substantially improved public transport delivery and operation system that meets the aspirations of our communities.

Budget Impact

Being undertaken within current resources

Current Policy

Strategic Plan

- Advocate

⁷ See:

https://www.transport.tas.gov.au/projectsplanning/plans,_strategies_and_policies/road_management_legislation_review

4.8 REGIONAL TOWNS CCTV PROJECT

Contact Officer – Wade Berry

Kingborough Council / Huon Valley Council

That Members note the update on the Regional Towns CCTV project.

Carried

Background

As noted in the December General Meeting Agenda¹, LGAT has commenced a \$4 million program, funded by the Tasmanian Government, to increase community safety in regional towns with closed circuit security cameras (CCTV).

Invitations to participate have been sent to all councils with 21 councils expressing an interest in being part of the project. We have directly engaged all interested councils, including commencing the review of existing CCTV and server infrastructure, and holding meetings and briefings with key infrastructure and IT staff.

Tasmania Police have expressed their full commitment to supporting the project. We have met with District Commanders and Inspectors to discuss the key requirements of this project. Tasmania Police will assist with project guidance at a state-wide level, as well as provide local input into the identification of key CCTV sites. Tasmania Police are also investigating opportunities to link this project into their future automatic number plate recognition projects.

To test the project approach, understand costs and timelines, the project has determined four municipalities as ‘proof of concept sites’, before rolling the project out to a broader set of municipalities. In each of the four council areas, four contractors have been selected to get the design and installation under way. A kick-off meeting with proof-of-concept councils and Tasmania Police was held on 30 May 2023.

The design is aiming for a consistent state-wide CCTV hardware and software delivery method. The design emphasises existing assets, where councils have invested in suitable infrastructure.

Budget Impact

Being undertaken with external grant funds from the Tasmanian Government, via the Department of State Growth.

2023 Annual Priority

- Sector development

4.9 EMERGENCY MANAGEMENT UPDATE

Contact Officer – Bec Stevenson

Kingborough Council / Huon Valley Council

That Members note the update on emergency management.

Carried

Background

LGAT continues to engage with the State Government on emergency management issues of importance for local government, including several reviews underway.

Tasmanian Emergency Management Arrangements Review

In June 2022, the Tasmanian Emergency Management Arrangements (TEMA) Review Project commenced. The *Emergency Management Act 2006* requires that the State Emergency Management Committee (SEMC) review the TEMA and State Special Emergency Management Plans at least once every two years. The TEMA is the guiding document outlining the emergency management arrangements in Tasmania.

We have made two submissions on behalf of the sector; [Issue 2](#) and [Issue 3](#). The draft TEMA was approved by the State Emergency Management Committee (SEMC) at their March 2023 meeting for endorsement by the Minister for Police and Emergency Management. SEMC noted our concerns raised in relation to the level of detail in the recovery section of the TEMA recognising the State Recovery Plan is under review. The TEMA is currently with the Minister for endorsement.

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.

An Issues Paper, endorsed by the State Recovery Committee, has been released that consolidates known issues and gaps in the current recovery arrangements. The paper poses a set of questions to draw further insights and experiences from recovery partners at the local and State Government level, as well as within the NGO sector. The paper was distributed to councils on 27 April 2023 for feedback.

We are preparing a submission on behalf of the local government sector and will provide a link to our final submission at a future meeting.

Fire Services Act Review

After six years of comprehensive reviews and public consultation the Tasmanian Government [announced](#) on 24 January 2023 that it would:

- Merge the Tasmania Fire Service and the State Emergency Services to become 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 effected through new legislation - the Fire and Emergency Services Act, that will replace the *Fire Services Act 1979*.

We understand a reform project team is being established to implement the recommendations endorsed by Government and work with key stakeholders to inform the development of a draft Bill.

Local government has been confirmed as a key stakeholder in the project and appropriate engagement has been assured as the reform progresses. To date however, no engagement has occurred. We have been and will continue to seek information and sector participation in the review.

Disaster Ready Fund

The Australian Government [announced](#) on 10 January 2023 the establishment of the [Disaster Ready Fund](#) (DRF). A number of councils nominated projects for consideration during round one. These applications have been assessed by the Tasmanian evaluation panel and referred to the Australian Government for assessment. We are currently waiting on an announcement of the successful projects by the Australian Government, which we understand is imminent.

A review of feedback received following round one will be undertaken prior to the release of round two. The short timeframes that hampered local government participation have been raised by the Australian Local Government Association with the Federal Minister for Emergency Management, Senator the Hon. Murray Watt.

Review of the State Tsunami Plan

The State Emergency Service has been coordinating a review of the State Tsunami Plan. This has involved the LGAT contact officer participating in an exercise working group delivering a multi-agency exercise event to test the draft Plan. We have also provided a sector response to the review. The revised Plan is expected to be presented to the SEMC meeting scheduled for June for final endorsement.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

- Advocate

2023 Annual Priority

- Emergency management

4.10 WASTE AND RESOURCE RECOVERY

Contact Officer – Bec Stevenson

Kingborough Council / Huon Valley Council

That Members note the report on waste and resource recovery.

Carried

Background

LGAT continues to engage with the State Government, Waste and Resource Recovery Board and the three Regional Waste Authorities on waste and resource issues of importance for local government. We have also been supporting ReThink Waste⁸ to increase their social media reach through our media channels.

Draft Container Refund Scheme Regulations

Consultation commenced on 11 May 2023 on the draft *Container Refund Scheme Regulations 2023*. The draft regulations have been developed to provide operational detail around the *Container Refund Scheme Act 2022* including:

- exclusion of the beverage containers from the scheme when it commences (such as unflavoured milk, wine, and spirits)
- the 10 cents per container refund amount
- technical details for barcodes and refund messages to be included on beverage labels
- circumstances where a refund is not payable (such as where a container is broken or contaminated).

The draft regulations are consistent with national efforts to harmonise container types, refund amounts, labelling, and education, providing consistency for beverage producers and simplifying schemes for consumers.

⁸ A Tasmanian initiative to support communities to reduce, reuse and recycle. It is a joint initiative of the Cradle Coast Waste Management Group, Northern Tasmanian Waste Management Group, and Southern Tasmanian Regional Waste Authority in partnership with the Tasmanian Government. See: <https://rethinkwaste.com.au>

A copy of the draft regulations was provided to the Regional Waste Authorities to review and provide a submission if required.

Landfill Levy Support Program

We have been advised that consultation on the Waste and Resource Recovery Board (WRRB) Landfill Levy Support Program will commence shortly. The WRRB will engage directly with Councils.

Waste and Resource Recovery Board (WRRB)

LGAT has continued to engage and support the WRRB, including with the recruitment of their CEO, with the LGAT CEO a member of this recruitment panel.

Engagement on the Draft Waste and Resource Recovery Strategy closed in late February 2023, with submissions currently being considered and the final strategy due to be released soon. A number of councils provided submissions on the draft strategy with a full list available on the Natural Resources and Environment [website](#). LGAT provided a submission on behalf of the sector, available on our [website](#).

Garage Sale Trail

Since the last update, we have met with, and supported the Garage Sale Trail General Manager to increase their engagement with the local government sector. A case study has been published on our website promoting the Trail and information distributed to councils on joining the Garage Sale Trail.

Regional Waste Authority Support

We continue to work with the Regional Waste Authorities. In particular, we have supported the formation of the Southern Tasmanian Regional Waste Authority (STRWA), representing the southern councils. This has included foundation governance rules and supporting the board and CEO appointment process. The STRWA is now operating with its own CEO, Paul Jackson, who is leasing office space from LGAT, and we are providing administrative support under a formal fee-for-service arrangement.

We anticipate that with the foundation policy measures, such as the state-wide waste levy and container refund scheme, now in place Tasmania is well positioned to improve our resource recovery rates.

Budget Impact

Being undertaken within current resources

Current Policy

Strategic Plan

- Advocate

2023 Annual Priority

- Waste and resource recovery

4.11 ENVIRONMENTAL PROTECTION AUTHORITY MEMORANDUM OF UNDERSTANDING**Contact Officer – Bec Stevenson****Kingborough Council / Huon Valley Council**

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

Carried**Background**

Since 2017, LGAT and the Environmental Protection Authority Tasmania (EPA) have had a Memorandum of Understanding (MoU) to establish and implement 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 established that builds on from the previous MoU. The refreshed MoU reflects on the strong relationship between the LGAT and EPA and an 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.

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.

A working group will be established comprising of Senior LGAT and EPA officers to develop, oversee and review progress with 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

4.12 CHILD AND YOUTH SAFE ORGANISATIONS

Contact Officer – Lynden Leppard

Kingborough Council / Huon Valley Council

That Members note the update on Child and Youth Safe Organisation Bill and Recommendation 6.12 from the Royal Commission into Institutional Responses to Child Sexual Abuse Report.

Carried

Background

The Child and Youth Safe Organisation Bill establishes a legislative framework for the regulation of Child and Youth Safe Standards and the establishment of a Reportable Conduct Scheme, including information sharing provisions, aligning with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Bill has now passed the Legislative Council and awaits Royal Assent.

The bill identifies all councils as entities that are required to comply with the Child and Youth Safe Standards (the Standards). Council compliance with the standards will be monitored and enforced by the Independent Regulator. Councils will also be required to comply with the Reportable Conduct Scheme from 1 January 2024.

The Independent Regulator and their office will provide education and advice to councils to support their compliance with the Standards and to undertake their responsibilities under the Reportable Conduct Scheme.

Details about the Standards can be found at [Child and Youth Safe Standards](#) on the Department of Justice website.

Recommendation 6.12 from the Royal Commission into Institutional Responses to Child Sexual Abuse Report is that (emphasis added):

With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a. developing child safe messages in local government venues, grounds and facilities*
- b. assisting local institutions to access online child safe resources*
- c. providing child safety information and support to local institutions on a needs basis*
- d. supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.*

The Tasmanian Government accepted, in principle, recommendation 6.12 in its response to the Commission's Report. The Office of Local Government (OLG) is responsible for monitoring and implementing recommendation 6.12. Councils are encouraged to implement the recommendations. LGAT is advocating to the OLG on the need for adequate resourcing for individual councils and a coordinated approach to implementation.

LGAT continues to represent council interests as the implementation of recommendation 6.12 and pending regulations in the Child and Youth Safe Organisation Bill. Both have significant resourcing, training, organisational, and community engagement implications for councils.

LGAT is advocating the view that, while local government strongly supports the intent and value of both, effective implementation requires resources and support beyond the sector's capability.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

- Advocate

2023 Annual Priority

- Health and wellbeing

4.13 COMMUNITY HEALTH AND WELLBEING LIFT LOCAL PROJECT

Contact Officer – Lynden Leppard

Kingborough Council / Huon Valley Council

That Members note the update on the Community Health and Wellbeing Project and Lift Local grants.

Carried

Background

LGAT has a funding agreement with the Public Health Service (PHS) in the Department of Health with the core purpose to build a state-wide community health and wellbeing network between all councils, LGAT, and PHS.

The funding agreement's focus is in response to feedback from council officers that they wanted support to share good practice, a direct connection with PHS expertise, and opportunities to collaborate across councils. 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 2022-2026 and the funding agreement is a practical expression of that.

LGAT is collaborating with PHS on building the network and facilitating the development and implementation of the Lift Local Grants program. Feedback from councils during the previous community health and wellbeing project included the view that the Department of Health's grant funding model had to change. The new model, now underway, has been influenced by LGAT's advocacy of that view. Collaboration with PHS in support of that advocacy has resulted in the new 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 have expressed interest in participating and many projects have already been funded. Most of these councils attended regional workshops in March facilitated by LGAT and PHS officers. There is strong council interest in repeating these in September. The non-competitive funding and support for what individual councils judge as important to them was very well received.

The network is being developed through collaboration between councils with similar projects and an advisory group of council officers will guide the purposes and approaches of the network.

Budget Impact

Being undertaken within current grant resources from the Public Health Service in the Department of Health.

Current Policy

Strategic Plan

- Advocate

2023 Annual Priority

- Local government reform
- Health and wellbeing

4.14 EVENTS OVERVIEW

Carly Hay, Events and Training Coordinator

Kingborough Council / Huon Valley Council

That the Committee note the report on recent and future events.

Carried

Background

During 2022/2023 LGAT has delivered over 26 events for members with an additional 21 face to face and 12 online consultation sessions organised in June to support the sectors engagement as part of stage three Future of Local Government Review.

Annual Conference

The 2023 Annual Conference will be held on Wednesday 1st and Thursday 2nd November 2023 at the paranapple Convention Centre in Devonport. The conference theme has now been finalised and will be “Embracing Change”. LGAT is currently locking in a fantastic line up of speakers and the program will be released as soon as finalised.

The structure of this year’s conference will be slightly different from last year. The first day of the conference will be a full day of conference including the General Meeting. This will be followed by a half day ending at lunch time to allow for travel. This change has been informed by delegate feedback from last year.

Sponsorship opportunities for the conference are available on our website and potential sponsors have been approached.

While the conference is still a few months away, we highly recommend securing accommodation at the Novotel Hotel. This can be done through our [webpage here](#).

GM’s Workshop

A General Manager's Workshop was held on 30th and 31st May 2023, at Barnbougle in Bridport.

The session included roundtable discussions with the GM's and discussions with the Office of Local Government, the CEO of Homes Tasmania, and a workshop from Cultural Alchemy on adaptive leadership for evolving organisation.

Planning Workshops

As part of the ongoing professional development of elected representatives, LGAT is delivering regular events to supplement the online training modules available through the Learning and Development Framework. The first topic in the series was Managing Growth. The day was split into two parts, the morning session targeted elected members and focused on learning about their role as a planning authority. The afternoon session targeted both elected members and council officers and covered planning for our current and future population. Two sessions were held, one in the South on 5th May and one in the North on 28th May.

Both sessions were very well attended with 60 delegates at the southern session and 78 at the northern session.

Feedback from the workshops was positive and the format, with learning opportunities for both elected members and officers, was well received. This format will be utilised again as part of the future sessions.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

- Sector services

2023 Annual Priority

- Sector development

4.15 POLICY UPDATE

Contact Officer – Ben Morris

Kingborough Council / Huon Valley Council

That Members note the update on a range of policy matters.

Carried

Road Management Legislation Review

The Tasmanian Government has initiated a review of Tasmania's road management legislation⁹, primarily the *Roads and Jetties Act 1935*, the *Local Government (Highways) Act 1982*, and the *Highways Act 1951*. The review is not looking more broadly at road user legislation, such as registration, licencing, road safety or public transport.

This is welcomed as a holistic review of road management legislation has been an important request of local government for some time.

The Department of State Growth (DSG) undertook a series of consultation sessions with local road managers in February 2023, which were very well received. A summary of consultation findings has been provided to councils and attendees.

DSG intends to publish a discussion paper for comment. The intended release has been delayed due to resourcing. However, given the array of concurrent review and reform work affecting local government, the considerate pacing of this review is welcomed and supports better council engagement.

We will update councils when the discussion paper is published.

Cybersecurity

The awareness of cybersecurity breaches has increased with recent cases including Optus, Medibank, Latitude Financial, and the Tasmanian Government. These breaches impacted large, well-resourced organisations causing significant, and in some cases ongoing harm to customers.

Local government is also a target, with two Tasmanian councils falling victim to cyber-attacks that impacted on their ability to provide services to their community. Councils provide important services and functions to the community, hold personal and financial information of residents and employees, and have important local and state political influence. Cyber-

⁹ Review:

https://www.transport.tas.gov.au/projectsplanning/plans_strategies_and_policies/road_management_legislation_review

crime is a multi-billion-dollar business, with an ecosystem of bad actors looking to make money by:

- finding, then selling or renting, software exploits or weaknesses
- using the weaknesses to capture data or systems and then seeking a ransom or other payback for the 'safe' release of the system
- extracting data for on selling

Cyber risk has been identified as a key risk by the major local government insurer, who alongside the community, are putting increasing pressure on councils to make sure that data and local services, and function, are safe and resilient.

LGAT has been working with the Department of Premier and Cabinet' Digital Strategy and Services team and the Australian Government Cyber Security Centre to lift the understanding of the threats to local government and the actions that can be taken. The potential for strengthened formal partnership to build councils' digital capability is highlighted in the Future of Local Government Review discussion paper - *State Government partnership opportunities for Local Government*¹⁰.

Budget Impact

Being undertaken within current resources.

Current Policy

Strategic Plan

- Advocate

2023 Annual Priority

- Ready for growth communities
- Sector development

¹⁰ Available at: https://engage.futurelocal.tas.gov.au/information-packs#Supporting_Discussions

4.16 LGAT PROCUREMENT UPDATE

Contact Officer – Georgia Palmer

Kingborough Council / Huon Valley Council

That Members note the update on procurement support to councils.

Carried

Background

Last year, LGAT Procurement had an independent review undertaken of the services it provides to Tasmanian councils. The purpose of the review was to identify how to best structure this member service to support the current and future needs of Tasmanian councils via the delivery of a five-year strategic/business plan and initiatives.

We are now one year into the strategic/business plan and are progressing well in implementing the initiatives. The new activities implemented in the first year have included:

- The establishment of a reference group to guide LGAT Procurement initiatives.
- Engagement of Business Development manager to build greater understanding of the LGAT Procurement services by councils.
- Investment in a CRM to capture key engagement activity and drive efficiencies.
- Establishing panel criteria to review existing contracts to determine whether we retire some and to inform future panel involvement and development.
- Website update to reflect new services.

The new initiatives have resulted in increased utilisation of the services by councils leading to increased savings and procurement support. During 2022/2023, there has been a 35% increase in use of the panel arrangements compared to 2021/2022.

In addition to the above, more recently our focus has been on the two key initiatives outlined below.

LGAT Procurement Training

Basic/foundation and intermediate procurement skills training was delivered on the 5th and 15th of May as a pilot program. These sessions were LGAT hosted (online and onsite) and were attended by 30 participants, with another council committed to in house training in June.

Feedback on the content and trainer has been overwhelmingly positive. Some of the comments were as follows:

- *“Listening to the war stories of actual events or incidents in the past, proves why these training sessions are required more and more.”*

- *“Councils and other organisations would benefit from new employees having a requirement to undertake this training from the beginning.”*
- *“It was engaging, the activities were well organized.”*
- *“Thank you for organising such a good session. I am often dubious about these kinds of training sessions, especially remotely, but the trainer was excellent, and it was well organised with good content.”*

Next steps include understanding the potential barriers to engagement and exploring additional potential units, which could include contract management, risk management and negotiation skills, to name a few.

A suite of procurement training offerings will be provided on the LGAT website in July.

Civil Works and Roads Panel/s

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 number of requests and spend through the panel but are aware of several barriers to expanding its use, including the lack of Tasmanian suppliers and council involvement in development of the panel.

The new panel will address these barriers as well as:

- Create a contract that reflects the minor and 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 meeting legislative obligations.

A working group made up of council staff will be established in the coming weeks to provide expert advice into the process and to form the evaluation team. To support the activity of the working group a survey has been sent to councils with the information provided supporting development of the draft specifications and contract documents. Council engagement in the development of the panel will be crucial to the success of the arrangement.

To develop the civil works panel, legal advice will be required to ensure appropriate contract documentation.

Budget Impact

The legal advice required to support the development of contractual documents for the civil works panel has been budgeted. Current LGAT procurement staff resourcing will be provided to facilitate the project.

Current Policy

Strategic Plan

- Sector Services

2023 Annual Priority

- LGAT Procurement

5. OTHER BUSINESS AND CLOSE

There being no further discussion the President declared the meeting closed at 1.45pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

Dated this _____ day of _____ 2023

.....

**Mick Tucker
PRESIDENT**

1.1 Confirmation of Minutes

Total Responses: 57

1.1 Confirmation of Minutes

Kingborough/Clarence

That the Minutes of the meeting held on 17 March 2023, as circulated, be confirmed.

1. For 53
2. Against 0
3. Abstain 4



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

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

1.2 Business Arising

Total Responses: 57

1.2 Business Arising

Dorset/Break O'Day

That Members note the information.

1. For  52
 2. Against  1
 3. Abstain  4



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

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

1.3 Confirmation of Agenda

Total Responses: 57

1.3 Confirmation of Agenda

Devonport/Waratah-Wynyard

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

1. For  54
 2. Against 0
 3. Abstain  3



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

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

1.4 Follow up of Motions

Total Responses: 57

1.4 Follow up of Motions

Huon Valley/Burnie

That Members note the following report.

1. For  54
2. Against 0
3. Abstain  3



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

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

1.5 Presidents Report

Total Responses: 57

1.5 Presidents Report

Kentish/Northern Midlands

That the Meeting note the report on the President's activity from 28 February 2023 until 9 June 2023.

1. For  52
 2. Against  1
 3. Abstain  4



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

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

1.6 Chief Executive Officer's Report

Total Responses: 57

1.6 Chief Executive Officer's Report

Break O'Day/Brighton

That Members note the report on the CEO's activity from 27 February 2023 until 9 June 2023.

1. For  54
2. Against 0
3. Abstain  3



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

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

1.7 Council Round Ups

Total Responses: 57

1.7 Council Round Ups

George Town/Waratah-Wynyard

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

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



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

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

2.1 Motion – Restrictive Covenants on Use of Land and Property

Total Responses: 58

2.1 Motion – Restrictive Covenants on Use of Land and Property

Clarence City Council / Tasman

That LGAT lobby the State Government urging legislative change to outlaw the creation of covenants which place restrictions on the use of land and property for:

- a. public, social or affordable housing; or
- b. tenants or occupants based on their source of income, or social or financial circumstances.

1. For  52
2. Against  6
3. Abstain 0



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

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

2.2 Motion – Council Leave of Absence Provisions

Total Responses: 58

2.2 Motion – Council Leave of Absence Provisions

Dorset / George Town

That LGAT and Member Councils support Clarence City Council's position which:

- A. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments.
- B. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following:
- That a councillor be able to advise the relevant council of a leave of absence 'as of right', subject to conditions being met (as set out below).
 - A councillor's request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner—
 - become the natural parent of a child (including any period during pregnancy); or
 - adopt a child under the age of 16 years— and the councillor has responsibilities for the care of the child during that period.
 - sustain a significant injury or be struck down by a long term illness
 - Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council.
 - Should a council have concerns regarding a councillor leave of absence, (other than for parental leave), by an absolute majority decision, a council may refer any request for leave of absence to the Minister for Local Government / Director of Local Government for review and determination".

- For 51
- Against 6
- Abstain 1



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

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

2.2 Motion – Council Leave of Absence Provisions

Total Responses: 58

2.2 Motion – Council Leave of Absence Provisions

Amendment Motion
Circular Head / Central Coast

That LGAT and Member Councils support Clarence City Council's position which:

A. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments.

B. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following:

i. That a councillor be able to advise the relevant council of a leave of absence 'as of right', subject to conditions being met (as set out below).

ii. A councillor's request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner—

(a) become the natural parent of a child (including any period during pregnancy); or

(b) adopt a child under the age of 16 years— and the councillor has responsibilities for the care of the child during that period.

(c) sustain a significant injury or be struck down by a long term illness

iii. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council.

iv. Should a council have concerns regarding a councillor leave of absence, (other than for parental leave), by an absolute majority decision, a council may refer any request for leave of absence to the Minister for Local Government / Director of Local Government for review and determination.

v. ~~A councillor seeking a leave of absence is required to provide reasonable notice in advance and this should not be less than 3 days unless in exceptional circumstances.~~

1. For 42
2. Against 12
3. Abstain 4



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

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

2.2 Motion – Council Leave of Absence Provisions

Total Responses: 58

2.2 Motion – Council Leave of Absence Provisions

Amendment Motion
Glenorchy / Dorset

That LGAT and Member Councils support Clarence City Council's position which:

- A. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments.
- B. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following:
- i. That a councillor be able to advise the relevant council of a leave of absence 'as of right', subject to conditions being met (as set out below).
 - ii. A councillor's request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner—
 - (a) become the natural parent of a child (including any period during pregnancy); or
 - (b) adopt a child under the age of 16 years— and the councillor has responsibilities for the care of the child during that period.
 - (c) sustain a significant injury or be struck down by a long term illness
 - iii. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council.
 - iv. A Councillor seeking a leave of absence is required to provide reasonable notice in advance and this should not be less than 3 days unless in exceptional circumstances.

1. For 27
2. Against 30
3. Abstain 1



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

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

2.2 Motion – Council Leave of Absence Provisions

Total Responses: 58

2.2 Motion – Council Leave of Absence Provisions

Amendment Motion
Circular Head / Central Coast

That LGAT and Member Councils support Clarence City Council's position which:

- A. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments.
- B. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following:
- i. That a councillor be able to advise the relevant council of a leave of absence 'as of right', subject to conditions being met (as set out below).
 - ii. A councillor's request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner—
 - (a) become the natural parent of a child (including any period during pregnancy); or
 - (b) adopt a child under the age of 16 years— and the councillor has responsibilities for the care of the child during that period.
 - (c) sustain a significant injury or be struck down by a long term illness
 - iii. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council.
 - iv. Should a council have concerns regarding a councillor leave of absence, (other than for parental leave), by an absolute majority decision, a council may refer any request for leave of absence to the Minister for Local Government / Director of Local Government for review and determination".
- ~~v. A councillor seeking a leave of absence is required to provide reasonable notice in advance and this should not be less than 3 days unless in exceptional circumstances.~~

1. For 49
2. Against 8
3. Abstain 1



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

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

2.3 Motion – Short Stay

Total Responses: 58

2.3 Motion – Short Stay

Break O'Day/Hobart

That LGAT convene an expert reference group from member councils to develop recommendations for the sector to consider on:

- What further data and support is required to assist local government in responding to the housing crisis.
- What changes are required to manage short stay accommodation's contribution to housing availability, local amenity, economic development and equitable rating.
- What tools are available to encourage owners of unoccupied dwellings to make their properties available as long term rentals.

1. For 57
2. Against 1
3. Abstain 0



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

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

Items for Noting

Total Responses: 58

Items for Noting

Kingborough/Huon Valley

That Items 4.1 – 4.16 be endorsed.

1. For 58
2. Against 0
3. Abstain 0



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

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

Business Arising
General Meeting 30 June 2023

Item No		
2	Items for Decision	
2.1	Motion - Restrictive Covenants on Use of Land and Property	Refer to Item 1.4 Follow up of Motions
2.2	Motion - Council Leave of Absence Provisions	Refer to Item 1.4 Follow up of Motions
2.3	Motion - Short Stay	Refer to Item 1.4 Follow up of Motions
4	Items for Noting	
4.1	Future of Local Government Review	Refer to Item 4.1
4.2	Workplace Health and Safety Review	Refer to Item 4.5
4.3	Climate Change	Refer to Item 4.11
4.4	LGAT Local Governemnt Service Awards	Ongoing
4.5	Planning Reform	Refer to Item 4.3
4.6	Tasmanian Development Manual Project	Ongoing
4.7	Bus Stop Ownership and Upgrade Grant Program	Ongoing
4.8	Regional Towns CCTV Project	Ongoing
4.9	Emergency Management Update	Refer to Item 4.7
4.10	Waste and Resource Recovery	Refer to Item 4.12
4.11	Environmental Protection Authority Memorandum of Understanding	Refer to Item 4.10
4.12	Child and Youth Safe Organisations	Refer to Item 4.8
4.13	Community Health and Wellbeing Lift Local Project	Refer to Item 4.9
4.14	Events Overview	Refer to Item 4.14
4.15	Policy Update	Refer to Item 4.15
4.16	LGAT Procurement Update	Refer to Item 4.13
5	Other Business	
	Nil	

Follow up of Motions Report

Motion	Topic	Sub-topic	Meeting date	Member Update
That LGAT lobby the State Government urging legislative change to outlaw the creation of covenants which place restrictions on the use of land and property for: a. public, social or affordable housing; or b. tenants or occupants based on their source of income, or social or financial circumstances.	Planning	Motion - Restrictive Covenants on use of land and property	30/06/2023	LGAT has written to the Minister responsible for the Land Titles Office, Hon Roger Jaensch MP on this resolution. We also noted this issue in our submission to the draft Housing Strategy, as a potential impediment to more housing.
That LGAT and Member Councils support Clarence City Council's position which: A. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments. B. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following: i. That a councillor be able to advise the relevant council of a leave of absence 'as of right', subject to conditions being met (as set out below). ii. A councillor's request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner— i. (a) become the natural parent of a child (including any period during pregnancy); or ii. (b) adopt a child under the age of 16 years— and the councillor has responsibilities for the care of the child during that period, iii. (c) sustain a significant injury or be struck down by a long-term illness. iii. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council. iv. Should a council have concerns regarding a councillor leave of absence, (other than for parental leave), by an absolute majority decision, a council may refer any request for leave of absence to the Minister for Local Government / Director of Local Government for review and determination". v. A Councillor seeking a leave of absence is required to provide reasonable notice in advance and this should not be less than three days unless in exceptional circumstances	Governance	Motion - Council leave of absence provisions	30/06/2023	LGAT has written to the Minister for Local Government, Hon Nic Street MP on this issue.
That LGAT convene an expert reference group from member councils to develop recommendations for the sector to consider on: • What further data and support is required to assist local government in responding to the housing crisis. • What changes are required to manage short stay accommodation's contribution to housing availability, local amenity, economic development and equitable rating. • What tools are available to encourage owners of unoccupied dwellings to make their properties available as long term rentals.	Housing	Short Stay	30/06/2023	LGAT has convened this group and they met on the 30 August to define the key priorities within the resolution list. LGAT and members will develop discussion papers on the issues and potential responses for the sector to consider.
That LGAT lobby the State Government to encourage the development of affordable housing, as a matter of urgency through measures that promote the efficient supply of well located, diverse housing.	Housing	Affordable Housing - diversity and supply	8/12/2022	We included this issue in our submission to the draft Housing Strategy in July and raised this directly with the new Minister in a recent meeting.
That LGAT lobby the State Government to encourage the development of affordable housing, as a matter of urgency through promoting the development of affordable housing with specific incentives for affordable housing enabled through planning schemes and policies.	Housing	Affordable Housing - incentives	8/12/2022	Our submission to the draft Housing Strategy in July highlighted these issues and the need for a multifaceted approach. We also highlight these issues directly with the new Minister in a recent meeting.

Motion	Topic	Sub-topic	Meeting date	Member Update
That LGAT seek revisions to the Property Agents and Land Transactions Act 2016 to consider: a) Requiring a 337 Certificate prior to listing of a property and making it available as part of the sale process; and b) Requiring full disclosure for properties as part of the listing process."	Governance	Review of Property Agents and Land Transactions Act 2016	8/12/2022	LGAT wrote to the Law Society on this issue, seeking to discuss the matter and the best ways to address the problem. We will be meeting the Law Society's Property and Commercial Law Committee to progress the issue before the end of September.
That LGAT raise concerns with the Tasmanian Government in relation to the quality of maintenance and new construction work which is being undertaken on the network of roads which are the responsibility of the Department of State Growth, and ask the Tasmanian Government to implement an independent review of the construction and maintenance methodology being used.	Infrastructure	State Road Maintenance	16/09/2022	The Tasmanian Government's Road Legislation Management Review discussion paper has been released, with comments due 6 November 2023. Further details are provided in this meeting's Agenda.
That LGAT investigate mechanisms to enable councils to differentially rate vacation rental properties and bring back to the next general meeting for a discussion and decision.	Planning	Differential Rating	18/03/2022	LGAT met with the Valuer-General in September to discuss council's needs around the categorisation of properties as Short Stay (R7). It was agreed that the OVG would prioritise the R7 supplementary valuations. This motion will be closed following the November General Meeting.
That LGAT lobby the State Government to investigate a legislative mechanism to provide local government authorities with enhanced power to appropriately act on dilapidated, derelict and abandoned buildings registers and to charge levies in respect to those properties.	Building	Abandoned buildings	18/03/2022	The range of planning reforms underway has put the proposed guidance note on hold. The intention is for LGAT, with CBOS and the State Planning Office, to prepare a guidance note for councils on their existing powers and tools available to act on dilapidated and derelict buildings.
That LGAT lobby the State Government and TasFire Services to investigate the accreditation of fire bunkers and other structures legalised in other Australian states for use in Tasmania.	Building	Fire Bunkers	18/03/2022	CBOS have established a technical working group to establish guidelines for Bushfire Shelters in Tasmania. In addition to establishing guidelines CBOS are considering what, if any, potential options are available for accreditation of these structures. The working group consists of nominees from each of the following organisations: Local Government Association of Tasmania; Tasmania Fire Service; Australian Institute of Building Surveyors LGAT is represented by Kingborough Council's Coordinator Building and Plumbing. A terms of reference has been developed with the first meeting held 11 September. This resolution will be closed following the November General Meeting.
That LGAT lobby the State Government to initiate and fund the development and implementation of a family and sexual violence prevention framework for local government across the state.	Society	Family and sexual violence	18/03/2022	The Department of Communities, we understand has developed, but not released, a plan that includes engagement with councils.
That LGAT continue to lobby the State Government to implement funding change by- a. A 3 year, phased in reinstatement of the equitable distribution of the heavy motor vehicle road tax distribution to the percentage of funds collected; and b. A one off additional annual payment allocation of the heavy motor vehicle road tax distribution as compensation for 25 years of no indexation of the funding allocation and to support enhanced road infrastructure development in all local government areas.	Finance	Heavy Vehicle Road Tax	5/08/2021	The CEO referenced this issue in his Opinion Editorial around local government financing in The Mercury 11 August 2023 and was a key part of our submission to the Future of Local Government Review and related presentation. We will explore how road funding can be included as part of the reviews on road management legislation that are currently underway.
That LGAT coordinate arrangements for a more collaborative arrangement between Local Government and State Government and all compliance agencies with responsibilities that include dog control and wildlife management and protection.	Animals and wildlife	Dog Control and Wildlife Management	3/12/2020	We understand that the Tasmanian Parks and Wildlife Service (PWS) is reconsidering its approach on how it approaches dog management for wildlife protection. The previous intent to prepare a Dog Management Policy, with guidance on the management of dog exercising on PWS managed land is on hold. Recruitment is underway with PWS Policy roles expected to be filled before the end of 2023, allowing this work to recommence.

16.2.1 October 2023

Motion	Topic	Sub-topic	Meeting date	Member Update
That LGAT ask the Tasmanian Government to improve and increase its education and enforcement programs for the conservation of shorebirds and other coastal wildlife values	Environment	Shorebirds and Coastal Wildlife Values	3/12/2020	<p>We are waiting on the Parks and Wildlife Service who are working on clarifying roles and responsibilities between state and local government. This work is contingent on PWS resourcing.</p> <p>Recruitment is underway with PWS Policy roles expected to be filled before the end of 2023, allowing this work to recommence.</p>
That LGAT: Advocate on behalf of all Councils the deep concern at the level of the Fire Service Contribution that councils are expected to collect from ratepayers each year on behalf of the State Fire Commission; and Seek justification for the excessive level of financial burden that has been imposed over the last five years.	Emergency management	Fire Services Levy	25/07/2018	<p>DPAC's Steering Committee wrote to all councils in July 2023 advising consultation will commence shortly on the draft new legislation. LGAT wrote to the Chair of the Steering Committee in September seeking an update on engagement and timing.</p>

18.2.1 October 2023

WORKPLACE HEALTH AND SAFETY REVIEW- IMPLEMENTATION UPDATE

September 2023

This report outlines the progress of implementing the suite of recommendations resulting from the Workplace Health and Safety Review of Elected Representatives (WH&S Review). Recommendations from the review are presented alongside of relevant State Government actions where appropriate. This report will be updated progressively as recommendations are implemented.

Code of Conduct Reform

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

The next stage of the Code of Conduct reforms includes the following activities:

- 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.

A number of WH&S Review recommendations have been placed on hold until the success of the changes mentioned above have been assessed. These include:

- 1.15a & 1.15b - Introduction of additional council level behavioural policies and processes.
- 1.16a, 1.16b & 1.16c - Initial assessment to be undertaken by expert in behaviour and local government appointed by the GM.
- 1.16d - Separate process for minor and serious breaches.
- 1.19d - GM training for referrals to respectful conduct advisor.

The progress of the remaining relevant recommendations are outlined in the following table.

WHS Report Reference	WHS Recommendation	Priority	Actions	Lead	Comments/Update
1.15c, 1.15d, 1.16g, 1.16h, 1.16m, 1.16n	Review of sanctions for serious misconduct	High	In March 2023 the Office of Local Government (OLG) released a discussion paper regarding serious councillor misconduct and potential legislative amendments to address it. A copy of the discussion paper is available here .	OLG	LGAT is waiting on further details on the outcomes from the consultation.
1.17d, 1.17e, 1.17f, 1.17g	Develop local dispute resolution process.	Medium - High	<p>LGAT will:</p> <ul style="list-style-type: none"> - Develop terms of reference for the position of Respectful Conduct Advisors / mediators for councils to access. - Establish a panel of providers. - Develop a template Dispute Resolution Policy for councils. - Create a standardised behavioural monitoring template and reporting process for councils. 	LGAT	LGAT has begun drafting this work, with substantial work to be completed over the coming months.
1.16i, 1.16j	Review of the Model Code of Conduct.	Low	Review of the Model Code of Conduct to be commenced after the Code of Conduct legislation amendment is completed.	OLG	LGAT will continue to monitor and advocate for progress.
1.16e, 1.16k, 1.16l, 1.16o	Conduct a feasibility review of transferring the Code, or elements of it, to TasCAT.	Medium	Request sent to the OLG for work to commence as a priority.	OLG	OLG have commenced the review.

WHS Report Reference	WHS Recommendation	Priority	Actions	Lead	Comments/Update
1.15f	Amend the <i>Integrity Commission Act 2009</i> to facilitate referral by the Integrity Commission to the Code of Conduct.	High	The Department of Justice are currently drafting legislative amendments to the <i>Integrity Commission Act</i> .	Department of Justice	LGAT will continue to monitor progress.

Learning and Development Framework

OLG and LGAT are working together to expand on the Local Government Learning and Development Framework that aims to increase the knowledge and skills of councillors. Currently the framework consists of three online learning packages. However, work has commenced on scoping further training and development options to support councillors in their role.

The progress of the relevant recommendations are outlined below:

WHS Report Reference	WHS Recommendation	Priority	Actions	Lead	Comments/Update
1.18a – 1.18s 1.20	Introduce additional training and education focused and tailored for elected representatives.	Med - high	Recommendations referred to the Learning and Development Framework Governance Group for consideration.	LGAT	Complete - LGAT will continue to monitor progress.

Future of Local Government Review

Recommendations that have been put on hold pending completion of the Future of Local Government Review and implementation of the Learning and Development Framework are the following more controversial ones related to additional training and education, including mandatory requirements:

- 1.21a - The requirement for qualification similar to a Company Director's Course as a mandatory pre-condition for seeking election.
- 1.21b - Ongoing requirement for Continuing Professional Development (CPD).
- 1.21c - CPD to have a mandatory requirement for appropriate behavioral standards.

Review of the Local Government Act

Recommendations relating to the *Review of the Local Government Act* have been put on hold pending the completion of the Future of Local Government Review. Once re-commenced it offers an opportunity for implementation of some of the lower priority recommendations. These recommendations are:

- 1.15e – Introduce provisions for disruption of public meetings.
- 1.17m – Introduce standardised process for meetings.
- 1.19a – Clarifying the role of GM as a PCBU.

Other actions

There are several recommendations that relate to either LGAT projects or specific council actions. These are outlined below.

The following recommendations will be closed as actions have been completed since the last meeting:

Recommendation	Summary	Comments
1.17o	Develop and introduce a diversity campaign.	Complete - To support the 2022 local government elections LGAT successfully delivered the 'stand for council' campaign that resulted in an increase in the diversity of candidates and those elected (only data on gender and age was captured). It is expected a similar campaign will be developed for the 2026 local government elections.
1.17p	Extend EAP to ERs.	Complete - The LGAT CEO wrote to all General Managers in June encouraging implementation of these recommendations, noting a number of councils already have similar processes established.
1.17r	Introduce practical measures which focus on building, maintaining, and improving relationships between Elected Representatives (e.g., dinners, events, etc).	
1.17s	Internal monitoring of behavioural standards.	
1.17t	Full disclosure of correspondence by ERs.	

The remaining recommendations and associated actions are outline below:

WHS Report Reference	WHS Recommendation	Priority	Actions	Lead	Comments
1.17a - 1.17c	<p>LGAT to coordinate with OLG, Equal Opportunity Tasmania (EOT), Integrity Commission and WorkSafe Tasmania (WST) to review the status quo/improvements in relation to behavioural management and publish annual results for the industry.</p> <p>LGAT (from the information above) will provide clear guidance materials to Chair of Code of Conduct Panel and publish statistics on matters to demonstrate appropriate monitoring (e.g., due diligence) within the industry.</p>	Medium	<p>Discussions with the OLG have resulted in this action being transition to the OLG leading the work.</p> <p>Engagement with each of the relevant named agencies will commence in late 2023, followed by scoping of the process and then development of relevant reporting documentation for each agency.</p>	Department Premier and Cabinet (OLG)	OLG have commenced engagement with the named agencies.
1.17i	Standard policy for unreasonable community conduct.	High	LGAT is participating in a working group with the OLG to develop a guide to managing challenging behaviours, including unreasonable community conduct.	Department Premier and Cabinet (OLG)	A draft framework and policy have been developed. Engagement with the sector by OLG is expected to commence in September 2023.
1.17h, 1.17j, 1.17k, 1.17l, 1.17n	Community education program.	Medium	Once the guide to managing challenging behaviours (above) is complete then work will	LGAT	This work will commence in early 2024.

WHS Report Reference	WHS Recommendation	Priority	Actions	Lead	Comments
			commence on designing a community education campaign.		
1.17q	Extend Workplace Behaviour Policies to ERs.	High	Review the LGAT the Grievance Resolution and Workplace Behaviour Toolkit for applicability to elected representatives and if necessary, prepare templates for consideration by councils.	LGAT	Work will commence following drafting of the local dispute resolution process (Rec 1.17d - 1.17g).
1.19b, 1.19c, 1.19d	LGAT training for GMs covering dispute resolution, dealing with unreasonable complaints conduct and referrals to respectful conduct advisor.	High	<p>LGAT will deliver training to GMs / CEOs to support the introduction of the dispute resolution process and dealing with unreasonable complaints conduct.</p> <p>Referrals to respectful conduct advisors will be put on hold pending an assessment of the success of the Code of Conduct Bill changes, expected to be active in 2023.</p>	LGAT	This is in hold, pending completion of the local dispute resolution process (Rec 1.17d - 1.17g).

WHS Report Reference	WHS Recommendation	Priority	Actions	Lead	Comments
1.21d	Introduce coaching / mentor panel.	High	Develop a panel of mentors / coaches for elected representatives.	LGAT	Work has commenced on determining potential mentors. The Learning and Development Framework project is developing a 'guide to mentoring' that will be useful.

Review of Workplace Health and Safety Review of Elected Representatives recommendations against Framework

Late in 2022, Edge Legal completed a workplace health and safety review of elected representatives (the Review), which included the following suite of deliverables:

- an Executive Summary of the review, including all recommendations;
- full report;
- stand-alone reports on council, elected representatives and council staff responsibilities under the various legislative instruments (e.g. WH&S, Code of Conduct, Anti-Discrimination Act etc.); and
- statewide assessment of the health and safety hazards to elected representatives and appropriate risk mitigation actions (pursuant to the *Work Health and Safety Act 2012*) that can be taken by individual councils, depending on local circumstances.

Each of these documents have been made available to councils on the LGAT Member Portal and promoted.

In addition, LGAT produced a high-level summary for elected representatives and a detailed implementation plan was included in the [June 2023 General Meeting agenda](#).

The Review included several recommendations related to the learning and development of elected representatives. Note that the Review was prior to the implementation of the online modules for pre- and post-election learning and development. Given the concurrent work of the learning and development Governance Group, the following recommendations are provided for consideration of the Governance Group's in relation to the next stages of the development of the Framework.

	Recommendations	Planned, underway or implemented actions	New actions
	Recommendation 1.20 - Training for Mayors		
	The management of meetings and chairing meetings under the meeting regulations.	The management of meetings is covered in Learning Package (LP) 2 - Module 2 and includes a 17-minute video that was remade from a LGAT presentation on meeting procedures. The role of mayors is also touched on throughout the online modules in relation	NFA

		to their leadership roles and good governance. LP3 - M1 and M2 cover the role of mayor in scenarios. Mentorship training for mayors is included in the Framework. LGAT has commenced work on recruiting mentors. Other learning opportunities can occur in the workplace and/or following identified need. OLG is developing a cheat-sheet for mayors on mentoring.	
	Recommendations I.18 (a) to (r) – Training Elected Representatives		
a)	Introduce additional training and education focused and tailored for 3 main stages of an Elected Representative's Journey:		
	i. pre-election,	Online modules are available for potential candidates providing information on the election process and the role of councillor. Councils were also encouraged to provide local information sessions. It is noted that sector is not supportive of mandatory pre-election qualifications such as a Company Directors Course.	NFA
	ii. induction; and	Online modules are available to assist councillors to get through the first few months as a new councillor with more detailed information provided after that. An Induction Checklist was developed and provided to all councils to assist them in developing induction sessions for councillors.	NFA
	iii. refresher.	The online modules will be available for councillors throughout their term with hard copies soon to be available. Councillors can use these to refresh their knowledge at anytime.	NFA

b)	Understanding of Elected Representative's obligation to move from activism (personal interest) to a whole of Council's approach (Community interest).	This is covered in the pre-election and post-election online modules and in understanding your role in LP3. It can be addressed further through work-based or relationship-based learning.	NFA
c)	Understanding of genuine leadership and how to implement leadership in an Elected Representative's multi-faceted role.	This has not been, nor is planned to be, included in online modules.	Added to the Framework as an in-person session for all councillors. This is also to include representation.
d)	Understanding of the role functions of the Mayor and GM/ CEO.	This is covered in LP1, 2 and 3. Work-based or relationship-based learning can provide further clarification.	NFA
e)	Understanding of meeting regulations.	The management of meetings is covered in LP 2 - M2 and includes a 17-minute video that was remade from a LGAT presentation. Councils can use work-based and relationship-based learning to further explore topic.	NFA
f)	Capacity to work constructively and collaboratively within the Council's framework.	This relates to having good relationships. It is covered in LP3 – M2 – building good relationships. It may also include aspects from decision-making and community representation in LP3 – M4 and working within legislative parameters, this will be covered in LP3 – M8.	NFA
g)	Capacity to make decisions on merit.	This is covered in LP3 – M4, decision-making. Further clarification can be obtained through work-based and relationship-based learning.	NFA
h)	Capacity to accept decisions made by Council and how to appropriately respond to constituents who continue to disagree with such decisions.	This is covered in LP3 – M1 and 4. Further clarification through work-based and relationship-based learning.	NFA
i)	Understanding of psychosocial safety.	Is to be included in LP3 – M7 – risk management. Further clarification through work-based and relationship-based learning.	NFA

j)	Bystander skills to 'respond' to unacceptable behaviour at the earliest opportunity.	Could be covered by the Good Practice Guide for Managing Challenging Behaviours in Local Government that is being developed by OLG and LGAT.	Managing challenging behaviours has been added to the Framework as an in-person session.
k)	Capacity to manage conflicts.	In-person communications skills training is recommended for 2023/24. Further clarification through work-based and relationship-based learning.	NFA
l)	Understanding of the dispute resolution process.	LGAT will develop a model dispute resolution policy with accompanying documents and guidance. Additionally, the role of this process can be covered in LP3 – M8 – legislation as it is the step before formal complaints.	NFA
m)	Communication skills.	In-person communications skills training is recommended for 2023/24. Further clarification through work-based and relationship-based learning.	NFA
n)	Civility skills.	Many, if not all, topics that might be covered under civility are included in online modules (active listening, building positive relationships, ethical behaviour, managing meetings, decision-making, psychosocial safety) and in additional sessions such as communications skills and emotional intelligence. Areas needing further clarification can be addressed through work-based or relationship-based activities.	NFA
o)	Representation skills.	This should be covered under b) and c) above.	Pre- and post-election modules and LP3 – understanding your role to be reviewed and adjust as necessary to clarify representation.

			To also be included in leadership in-person session added to Framework.
p)	Media and Social Media skills.	Managing social media was covered in LP2 – M2, However, as technology changes frequently suggest ongoing education is needed. Work-based or relationship-based learning activities can provide further clarification and updates.	NFA
q)	Clarify the role of GM/ CEO as an Officer of the PCBU with certain obligations under WHS law which cannot be unreasonably interfered with.	WHS was covered in LP2 – M2. Further information could be provided by experts in the area.	NFA
r)	Dealing with unreasonable complaints conduct.	This would be covered by the Good Practice Guide for Managing Challenging Behaviours in Local Government which is being developed by OLG and LGAT.	Managing challenging behaviours has been added to the Framework as an in-person session.



Memorandum of Understanding
between
the Local Government Association Tasmania (LGAT)
and
the Environment Protection Authority (EPA)
on
Environmental Regulation and Pollution Control

1. Rationale

The parties acknowledge that:

- 1.1 Environmental regulation and pollution control is a critical public good in Tasmania, which is complex due to legislative, legal, social, economic, governance, scientific, technical, compliance, enforcement, and operational considerations.
- 1.2 Councils and the EPA are responsible for administering and enforcing core legislation relevant to environmental management and pollution control and which forms part of Tasmania's integrated Resource Management and Planning System (RMPS).
- 1.3 Councils have responsibility under the *Land Use Planning and Approvals Act 1993* (LUPAA) for considering development proposals, during which they must either assess environmental impacts or refer proposals to the Board of the EPA for assessment under the *Environmental Management and Pollution Control Act 1994* (EMPCA). Councils and the EPA are also relevant parties for implementation of the State Policy on Water Quality Management 1997. Councils have other legislative requirements and functions that intersect with environmental regulation, including the *Public Health Act 1997*.
- 1.4 EMPCA positions the EPA as Tasmania's principal independent environmental regulator. In addition, councils have wide ranging compliance and enforcement obligations and powers under EMPCA. The varying capacity of individual councils to enact these is acknowledged.

- 1.5 The EPA is responsible for subordinate and additional environmental legislation and statutory policies such as those dealing with underground petroleum storage systems, waste transport and management, air quality, noise, smoke, marine pollution, littering, and national environment protection measures and standards. Council advice and other practical support is vital to the EPA's ability to effectively administer these laws.
- 1.6 Given the above, and the broad scope of legislative responsibilities held by both Parties, it is essential for councils and the EPA to work together to further the objectives of the RMPS and EMPCA for the benefit of the Tasmanian environment, community and economy.
- 1.7 Such collaboration requires commitment and regular, purposeful engagement to achieve lawful, fair, equitable, consistent, timely and evidence-based decision-making on environmental and pollution control matters.
- 1.8 This MoU follows on from the first MoU between LGAT and the EPA executed in 2017, reflecting the strong relationship between the parties and ongoing, shared desire to show leadership and engage in a structured, cooperative and productive manner. The parties will continue to develop an environment where EPA and councils collaborate and share resources and information.
- 1.9 LGAT, as the representative body for Local Government in Tasmania, enters this MoU on behalf of its member Councils but does not purport to represent the views of individual Councils.
- 1.10 LGAT and the EPA recognise that the effectiveness of this MOU is dependent on the size, distribution, and capabilities of the EHO and authorized officer workforce in local government.

2. Purpose

The purpose of this agreement is to establish and implement a framework under which LGAT, Councils and the EPA will work collaboratively and cooperatively in assessing and regulating environmentally relevant activities and responding to events which may cause environmental harm or nuisance. The framework comprises the items listed at 4 below.

3. Principles

The parties agree to abide by the following principles:

- 3.1 MoU Work is Achievable – recognising the broader business of each Party and councils is large and diverse, the Parties will strive to ensure that work proposed under the MoU is realistic in its nature and scope, and able to be achieved within existing resources.
- 3.2 MoU Effectiveness – the Parties agree that workforce planning, coordination and management, as described in *A workforce development strategic plan for Environmental Health Officers (2020)*, are issues essential to describing what is achievable.

- 3.3 MoU Work is Prioritised – noting that each Party and councils must retain flexibility to respond to other issues, the Parties will make best endeavours to give priority to work planned under the MoU.
- 3.4 MoU Governance – the Parties agree to abide by the governance arrangements set out in this MoU and always conduct themselves in an honest, open, consultative, and respectful manner. This includes raising any issues at the earliest appropriate opportunity, allowing sufficient time for consultation, joint decision-making on MoU matters of mutual interest, sufficient record keeping, and upholding any commitments made.
- 3.5 MoU Reporting – the Parties agree to undertake regular reporting of MoU work internally, to councils and to the public, and maintain a high level of transparency and openness to feedback.

4. Strategic Priorities 2023 – 2027

The Strategic Priorities for 2023-2027 in no particular order are:

4.1 Environmental Complaints, Incident Preparedness and Response

Councils and the EPA routinely deal with environmental complaints and incidents, liaising on complaint referrals, sharing information or providing on-ground support to each other. Councils and the EPA will continue to work together in this way and strengthen collaboration.

In the event of significant natural disasters, councils, and the EPA each have responsibilities under the Tasmanian Emergency Management Arrangements. TEMA also recognises the EPA as the statutory lead agency for marine pollution events in Tasmanian waters, with councils having critical support and community recovery functions.

During the term of the MoU, the EPA will conduct pollution incident, including marine pollution incident, preparedness activities such as training and scenario exercises, and will invite participation by relevant councils.

4.2 Illegal Dumping

The introduction in 2022 by the Tasmanian Government of a levy on waste taken to landfills to encourage reuse and recycling and support a circular economy may also exacerbate unlawful disposal of waste.

The EPA will design and lead an illegal dumping compliance and enforcement program. This program will involve active engagement and collaboration with councils, including on program planning for compliance education and enforcement activities. To complement EPA's work, the parties will work together to advocate for additional resources and direct funding for councils.

4.3 Environmental Investigations and Prosecutions

The EPA routinely liaises with and seeks advice and information from councils in the course of its investigations into potential breaches of EMPCA and other environmental legislation. Similarly, councils may request advice or information from the EPA during environmental investigations they lead. Councils and the EPA will continue to work together in this way.

The EPA, while investigating potential contraventions of legislation it administers, may also discover potential breaches of a development permit under section 63(3) LUPAA. In this event, the EPA may take carriage of the LUPAA offence, alongside any breach of EMPCA, rather than referring the LUPAA breach to council, yielding a more efficient use of public resources.

An agreed procedure will be developed to set out the way this mechanism could be used, noting that it would only be used if a LUPAA breach was found during an EMPCA investigation, and with agreement of the relevant council.

4.4 Capability Building

Councils and the EPA both stand to benefit, better understand and support each other's environmental regulatory business by undertaking joint capability and skills development. This will be based on existing¹ and new data describing the local government workforce engaged in EMPCA and LUPAA across the state.

An annual calendar of training and professional development opportunities and products will be formulated under the MoU and made available to all councils and EPA staff.

4.5 Capacity

LGAT will work with the EPA, other key agencies such as Public Health Tasmania and Consumer Building and Occupational Services, to develop an understanding of individual council capacity and the relevant local government workforces ability to respond to regulatory obligations under legislation including EMPCA, LUPAA, Building Act, and the Public Health Act. This work will consider, and complement, relevant recommendations of the Local Government Board's Future of Local Government Review and the *A workforce development strategic plan for Environmental Health Officers* (2020). This shared understanding will help the key State agencies support councils in fulfilling their regulatory obligations under the legislation identified above.

¹ For example, LGAT's 2020 report *Strengthening the front-line health protection and environmental management workforce in Tasmania: A workforce development strategic plan for Environmental Health Officers*

4.6 National Standard Implementation

The National Standard for Environmental Risk Management of Industrial Chemicals (IChEMS) is an important COAG reform intended to result in improved and consistent management of environmental risks posed by industrial chemicals. All jurisdictions agreed in 2015 to a cooperative implementation model for IChEMS with each jurisdiction adopting decisions made under Commonwealth law through their own mechanisms and taking responsibility for compliance. Commonwealth legislation to create an IChEMS chemical register was passed in 2021 which establishes risk-based schedules, mechanisms for assessing which schedule a chemical spill falls into, and for prescribing risk management measures. IChEMS is led by the Australian Government.

The EPA and the Department of Natural Resources and Environment are working on implementation arrangements for IChEMS in Tasmania and will commence promotion and awareness raising for councils and other stakeholders in 2023.

4.7 Collaboration on more complex development applications and regulation

Some councils need extra resources and expertise support to assist with more complex development applications and regulation. EPA will continue to provide guidance on more complex development applications and regulation. The parties will work together to identify the best way to share the lessons learnt from more complex development applications.

5. **Annual Action Plan**

- 5.1 An annual action plan will be produced each year for the term of the MoU, specifying the activities the parties will undertake to further the strategic priorities. The action plan will provide a short description of each activity and identify who will lead, who will support, how success will be measured and timeframe for completion.
- 5.2 The annual action plan follows the financial year business planning cycle. LGAT and the EPA will commence drafting each annual action plan in March and finalise it by the end of May. The annual action plan will be tabled at the first LGAT General Meeting in the new financial year and will become the workplan for the EPA's Local Government Engagement Program.

6. **MoU Governance and Progress Reporting**

- 6.1 The term of this MoU is five years from the date of signing.
- 6.2 A working group comprising LGAT and EPA officers will meet quarterly to develop, oversee and review progress with the annual action plan and address any issues that arise, including new matters that may require consideration as Strategic Priorities.

6.3 The working group will be chaired in rotation by the Policy Director, LGAT and the Director Environmental Regulation, EPA, who will also brief their respective Chief Executive Officers after each quarterly meeting. The EPA will provide meeting coordination, minute taking and other secretariat services for the quarterly meetings.

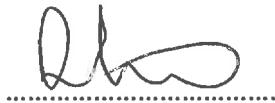
6.4 LGAT and EPA working group members will provide information on key activities under the MoU for the annual reports for their respective organisations, to councils and where appropriate otherwise promote joint work on their websites and in other corporate communications.

7. Dispute Resolution

7.1 LGAT and EPA officers will endeavour to settle any disputes that arise about the operation of the MoU in the first instance, and if necessary, refer the matter to their respective Directors. If the Policy Director, LGAT and Director Environmental Regulation, EPA are unable to resolve a matter, each will brief their Chief Executive Officer, including on options for a way forward.

8. Execution

Signed on behalf of the Local Government Association Tasmania



Dion Lester
CHIEF EXECUTIVE OFFICER

Date: 29/8/2023

Signed on behalf of the Environment Protection Authority



Wes Ford
CHIEF EXECUTIVE OFFICER

Date: 29/8/2023