



CITY OF HOBART

AGENDA

GOVERNANCE COMMITTEE MEETING (OPEN PORTION OF THE MEETING)

TUESDAY 5 JULY 2016

AT 5.00 PM

THE MISSION

Our mission is to ensure good governance of our capital City.

THE VALUES

The Council is:

about people	We value people – our community, our customers and colleagues.
professional	We take pride in our work.
enterprising	We look for ways to create value.
responsive	We're accessible and focused on service.
inclusive	We respect diversity in people and ideas.
making a difference	We recognise that everything we do shapes Hobart's future.

HOBART 2025 VISION

In 2025 Hobart will be a city that:

- Offers opportunities for all ages and a city for life
 - Is recognised for its natural beauty and quality of environment
 - Is well governed at a regional and community level
 - Achieves good quality development and urban management
 - Is highly accessible through efficient transport options
 - Builds strong and healthy communities through diversity, participation and empathy
 - Is dynamic, vibrant and culturally expressive
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**BUSINESS LISTED ON THE AGENDA IS TO BE CONDUCTED IN THE ORDER
IN WHICH IT IS SET OUT UNLESS THE COMMITTEE BY SIMPLE MAJORITY
DETERMINES OTHERWISE**

I, Nicholas David Heath, General Manager of the Hobart City Council, hereby certify that:

1. In accordance with Section 65 of the Local Government Act 1993, the reports in this agenda have been prepared by persons who have the qualifications or the experience necessary to give such advice, information or recommendations included therein.
2. No interests have been notified, pursuant to Section 55(1) of the Local Government Act 1993, other than those that have been advised to the Council.



N.D. HEATH
GENERAL MANAGER

GOVERNANCE COMMITTEE AGENDA (OPEN)

Committee Members

Ruzicka (Chairman)
Deputy Lord Mayor Christie
Cocker
Thomas

Reynolds

Aldermen

Lord Mayor Hickey

Zucco

Briscoe

Sexton

Burnet

Denison

Harvey

**Governance Committee (Open Portion of the Meeting) -
Tuesday 5 July 2016 at 5.00 PM in the Lady Osborne
Room.**

PRESENT:

APOLOGIES:

LEAVE OF ABSENCE:

CO-OPTION OF COMMITTEE MEMBERS IN THE EVENT OF A VACANCY

Where a vacancy may exist from time to time on the Committee, the *Local Government Act 1993* provides that the Council Committees may fill such a vacancy.

1. MINUTES OF THE OPEN PORTION OF THE MEETING OF THE GOVERNANCE COMMITTEE HELD ON TUESDAY 31 MAY 2016

**GOVERNANCE COMMITTEE AGENDA
(OPEN PORTION OF THE MEETING)
5/7/2016**

2. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Part 2 Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee, by simple majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

RECOMMENDATION

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

3. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

In accordance with Part 2 Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*, the chairman of a meeting is to request Aldermen to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

In addition, in accordance with the Council's resolution of 14 April 2008, Aldermen are requested to indicate any conflicts of interest in accordance with the Aldermanic Code of Conduct adopted by the Council on 27 August 2007.

Accordingly, Aldermen are requested to advise of pecuniary or conflicts of interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the committee has resolved to deal with, in accordance with Part 2 Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

4. TRANSFER OF AGENDA ITEMS

Are there any items which the meeting believes should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*?

**GOVERNANCE COMMITTEE AGENDA
(OPEN PORTION OF THE MEETING)
5/7/2016**

**5. LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - GENERAL
MEETING MOTIONS – FILE REF: 12-50-7**

34x's

Report of the General Manager of 20 June 2016 and attachments.

DELEGATION: Council

TO : Governance Committee

FROM : General Manager

DATE : 20 June 2016

SUBJECT : **LOCAL GOVERNMENT ASSOCIATION OF TASMANIA -
GENERAL MEETING MOTIONS**

FILE : 12-50-7 NH:FC (o:\council & committee meetings reports\gc reports\2016 meetings\5 july\report -
2016 lgat general meeting motions.docx)

1. INTRODUCTION

- 1.1. The purpose of this report is to consider the Council's position on a range of motions to be discussed at the Local Government Association of Tasmania's (LGAT) General Meeting on 20 July 2016.

2. BACKGROUND

- 2.1. A number of motions have been submitted to the LGATs General Meeting which require the consideration of the Council.

3. PROPOSAL

- 3.1. It is proposed that the Council consider the motions listed at *Attachment A* which have been submitted to the LGATs July General Meeting.
- 3.2. A suggested position and supporting comments have been provided to guide the Council.
- 3.3. The relevant part of the agenda for the meeting is attached (refer *Attachment B*). Aldermen should also refer to the attachment for background comments.

4. FINANCIAL IMPLICATIONS

- 4.1. Funding Source(s)
 - 4.1.1. Not applicable
- 4.2. Impact on Current Year Operating Result
 - 4.2.1. Not applicable
- 4.3. Impact on Future Years' Financial Result
 - 4.3.1. Not applicable

4.4. Asset Related Implications

4.4.1. Not applicable

5. DELEGATION

5.1. This matter is delegated to the Council.

6. CONCLUSION

6.1. The Local Government Association of Tasmania General Meeting, to be held on Wednesday 20 July 2016, will consider a range of motions from Councils.

6.2. The position adopted by the Council will be used for voting at the General Meeting and will provide a basis for debate.

7. RECOMMENDATION

That:

7.1. *The report NH:fc(o:\council & committee meetings reports\gc reports\2016 meetings\5 july\report - 2016 lgat general meeting motions.docx) be received and noted.*

7.2. *A position be adopted on the motions listed for consideration at the Local Government Association of Tasmania General Meeting to be held on Wednesday 20 July 2016.*

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(N. D. Heath)

GENERAL MANAGER

Attachment A – Motions submitted to the LGAT General Meeting

Attachment B – LGAT agenda with motions and background comments

Attachment A

LGAT Motions – Suggested Council position and supporting comments

Motion	Support/Not Support/Abstain	Comment
That the LGAT call on the State Government to provide funding for upgrade, maintenance and provision of tourism infrastructure in areas where tourist numbers have increased significantly in recent years (Break O Day Council)	Support	The City of Hobart has seen a substantial increase in recent years. This has already impacted on resourcing the maintenance in areas such as kunanyi / Mount Wellington. Continuing to meet visitor expectations will increasingly require capital expenditure.
That LGAT lobby the State Government to amend legislation to require a decreased speed limit whilst motorists pass an emergency incident (George Town Council)	Support	This proposal would provide a safety benefit.
That the LGAT support the State Government application to the Federal Government for assistance to replace the Bass Link cable. That the LGAT advocate to the State Government to explore all opportunities to ensure the State is self-reliant for its power generation (Northern Midlands Council)	Support Support	The replacement (duplication) of the Bass Link cable is supported although it is understood that this will be the subject of a feasibility study. The exploration of opportunities for self reliance for power generation is important to reduce the risk of power shortages / outages and to decrease the State's reliance on non-renewable energy sources.
That LGAT staff provide a report on potential changes to the swearing-in process for new and re-elected Councillors/Aldermen to require them to: a) Read and abide by the Local Government Act and Regulations b) Read and abide by the Code of Conduct Policy of their Local Government Municipality (Kingborough Council)	Support	The current wording which makes reference to Aldermen complying with the law in undertaking their roles provides a sound basis around the basic community expectations of elected representatives. The addition of specific reference to the Local Government Act and Regulations would strengthen the declaration statement in that Aldermen would be pledging to abide by the legislation which governs the performance of local government. The inclusion of the requirement to state

Motion	Support/Not Support/Abstain	Comment
		compliance with the Code of Conduct further personalises the pledge of individual councillors to model the behaviour deemed appropriate within their respective Councils' adopted Code.
That members note the issue of waste tyres remains unresolved and seek that LGAT continue to lobby the State Government to develop an effective solution to tyre storage and disposal in Tasmania, which might include the introduction of a regulated tyre levy in Tasmania for end of life tyres.(Northern Midlands Council)	Not Support*	<p>The Waste Strategy 2015-2030 contains several actions in relation to tyres (Action 8.22 – improve tyre recycling programs & work to identify viable recycling options; Actions 1.7 & 1.18 – lobby for product stewardship programs and take back schemes through the National Waste Policy (including tyres).</p> <p>However, a levy already exists on tyre manufacturers/importers, through the National Product Stewardship Scheme.</p> <p>*Note – tyres are being targeted as a priority under the National Waste Policy – the National Tyre Product Stewardship Scheme was set up in 2014. The Scheme is funded by a levy on tyre importers/manufacturers at 25c a tyre (48 million tyres discarded annually produces a levy of \$12 million). There are several Tasmanian companies registered under the scheme (Kmart, Beaurepairs, Bridgestone, Tyrepower).</p> <p>Lobbying the State Government to implement a levy on end of life tyres could be considered double dipping.</p> <p>It is suggested that support be directed to lobbying the State/Federal Governments to ensure Scheme members are upholding their agreements (“ensuring end of life tyres go to environmentally sound use”). Members voluntarily join and are audited by Tyre Stewardship Australia to remain accredited</p>

Motion	Support/Not Support/Abstain	Comment
<p>That the LGAT be requested to consult with the regional waste management bodies (and other relevant bodies) for the purpose of:</p> <p>a) Identifying the extent and problems association with the disposal of car wrecks/car bodies. This recognises the lack of disposal options given the current steel recycling market (or lack thereof); and</p> <p>b) In conjunction with the regional bodies, determine what cost effective options can be considered to address and manage the issues identified. Note, consideration should be given to an options for car enthusiasts to access these car wrecks/car bodies for sourcing parts and/or bodies for restoration purposes. (Southern Midlands Council)</p>	<p>Support</p>	<p>Section 5 of the Waste Management Strategy is solely devoted to litter and illegal dumping. Action 5.4 in the Strategy call for the Council to work with other councils and industry on joint litter and illegal dumping prevention and monitoring programs.</p>
<p>That LGAT call on the State Government to allocate an ongoing budget to provide legal and staff-time funds to all Tasmanian councils for all challenges arising from the implementation of the State Planning Scheme (Break O Day Council)</p>	<p>Support</p>	<p>Given the Statewide Scheme is a State Government imposed template it should not be left to Local Government to fully fund legal defences of it where challenges are mounted by third parties.</p>
<p>That LGAT lobby the Minister for Planning and Local Government to engage in consultation with councils when issuing planning directives and take a more considered approach to change, specifically more notice of implementation. (Break O Day Council)</p>	<p>Support</p>	<p>Greater engagement and notice of implementation for planning directives particularly for the level of government charged with the responsibility of implementing the directive is essential.</p>
<p>That the State Government be requested to develop an agreed set of clear protocols with local government clarifying the split in responsibilities between the two levels of government in regard to enforcement under the Environmental and Pollution Control Act 1994. (Southern Midlands)</p>	<p>Support</p>	<p>Providing clarity around responsibility for enforcement of EMPCA between the two levels of government should reduce the scope for confusion and misunderstanding as to who to contact for the enforcement of these provisions.</p>

Motion	Support/Not Support/Abstain	Comment
<p>That the LGAT and member councils:</p> <p>a) Work with the State and Federal Governments and key stakeholders to ensure a coordinated approach to reduce the instances of Tasmanian devil and native wildlife fatalities on Tasmanian roads through informed projects such as installation of emergent virtual fencing technology and community programs to inspire a change in driver behaviour.</p> <p>b) Support coordination initiatives such as the installation of virtual fencing in devil roadkill hotspot areas, to assess effectiveness and make informed decisions about the installation pattern. (LGAT support for this could be through promotion of projects/case studies, encouraging councils to engage in projects etc).</p> <p>c) Work together to access grant funding to support on the ground projects to reduce native wildlife fatalities on Tasmanian roads. (Latrobe and Kentish Councils)</p>	Support	<p>The Tasmanian Devil is listed as an endangered species.</p> <p>Measures to reduce threats to the species, such as by roadkill, should be supported in order to support the long term survival of the species</p>
<p>That the LGAT lobby the State Government and TasRail to permit a Tasmanian Transport Museum MS steam train to travel from Hobart to Fingal once a year on the Fingal Valley Festival day. (Northern Midlands Council)</p>	Support	<p>This proposal would provide tourism opportunities across the State and has not been ruled out by the Department of State Growth</p>
<p>That the LGAT formally take a position that the terms of reference for the State Government's Joint Select Committee Review into gaming in Tasmania be expanded to include whether or not electronic gaming machines should be allowed outside casinos at all and that as part of the Select Committee Review process, the Tasmanian community be polled to determine its view on this</p>	Support	<p>The issue of Electronic Gaming Machines was considered by the Council in relation to consideration of the Council joining the Tasmanian Community Coalition (TCC). The Council at its meeting of 24 June 2016 resolved to join the TCC taking account of the statutory, legal and policy considerations and Tasmanian and national local government engagement with the</p>

Motion	Support/Not Support/Abstain	Comment
<p>critical question.</p> <p>That the LGAT formally take the position that the Gaming Act should be reviewed particularly to remove its power to over-ride other acts.</p> <p>That the LGAT convey this position to the Government, Opposition and Green parties and to all Members of the Legislative Council. (Brighton Council)</p>		<p>issue of problem gambling.</p> <p>This decision was made in the context of the strong alignment with Goal Four of the Council's Capital City Strategic Plan 2015-2025 and the Council's Social Inclusion Strategy 2015-2019.</p> <p>It was noted in the report that if the City of Hobart became a member of the TCC it would be somewhat bound by the Terms of Reference and Policy Recommendations of the coalition.</p> <p>The TCC has recommended to the Tasmanian government <i>"that the following measures be introduced on expiration or renegotiation of the current Deed between Federal Hotels and the State of Tasmania"</i>; namely:</p> <ol style="list-style-type: none"> 1. All poker machines in Tasmania required to have a system that allows people to set an enforceable limit on their losses; 2. Volatility of all poker machines in Tasmania be reduced by setting the maximum bet limit to \$1, decreasing the jackpot amounts and frequencies and increasing the amount of time between each button push; 3. That it be a requirement of their gambling licence that venues identify people exhibiting gambling problems and intervene appropriately; 4. All poker machines in Tasmania to contribute at the same rate to the Community Support Levy, and 5. Poker machines be phased out of hotels and clubs in Tasmania.

Motions For Which Notice Has Been Received

10 STRATEGIC RELATIONSHIPS

No Motions Received

11 ROADS AND INFRASTRUCTURE

11.1 Motion – Tourism Infrastructure Council – Break O'Day

Decision Sought

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

Background Comment

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

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

LGAT Comment

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

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

Tasmanian Government Agency Comment

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

**11.2 Motion – Speed Limit Restrictions *
Council – George Town****Decision Sought**

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

Background Comment

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

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

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

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

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

LGAT Comment

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

Tasmanian Government Agency Comment

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

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

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

**11.3 Motion – Bass Link
Council – Northern Midlands****Decision Sought**

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

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

Background Comment

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

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

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

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

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

LGAT Comment

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

Tasmanian Government Agency Comment

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

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

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

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

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

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

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

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

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

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

12 SECTOR PROFILE & REFORM

12.1 Motion – Swearing in of Elected Members Council – Kingborough

Decision Sought

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

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

Background Comment

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

LGAT Comment

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

Tasmanian Government Agency Comment

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

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

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

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

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

Background Comment

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

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

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

LGAT Comment

There have been no previous motions on this matter.

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

Tasmanian Government Agency Comment

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

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

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

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

12.3 Motion – Compulsory Voting Council – City of Hobart

Decision Sought

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

Background Comment

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

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

LGAT Comment

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

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

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

Tasmanian Government Agency Comment

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

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

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

Decision Sought

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

Background Comment

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

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

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

LGAT Comment

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

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

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

12.5 Motion – Elected Member Training Council – Burnie City

Decision Sought

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

Background Comment

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

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

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

LGAT Comment

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

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

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

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

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

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

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

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

Tasmanian Government Agency Comment

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

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

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

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

13 FINANCIAL SUSTAINABILITY

No Motions Received

14 SECTOR CAPACITY

14.1 Motion – Tyre Levy Council – Northern Midlands

Decision Sought

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

Background Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LGAT Comment

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

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

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

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

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

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

Tasmanian Government Agency Comment

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

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

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

Decision Sought

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

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

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

Background Comment

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

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

LGAT Comment

It has been noted by other councils that:

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

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

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

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

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

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

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

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

15 LAND USE PLANNING & ENVIRONMENT

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

Decision Sought

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

Background Comment

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

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

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

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

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

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

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

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

LGAT Comment

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

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

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

Tasmanian Government Agency Comment

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

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

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

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

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

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

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

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

15.2 Motion – Planning Directives Council – Break O'Day

Decision Sought

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

Background Comment

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

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

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

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

LGAT Comment

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

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

Tasmanian Government Agency Comment

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

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

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

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

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

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

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

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

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

Decision Sought

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

Background Comment

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

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

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

LGAT Comment

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

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

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

Tasmanian Government Agency Comment

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

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

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

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

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

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

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

15.4 Motion – Wildlife Fatalities Councils – Latrobe & Kentish

Decision Sought

That the Local Government Association of Tasmania and member councils;

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

Background Comment

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

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

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

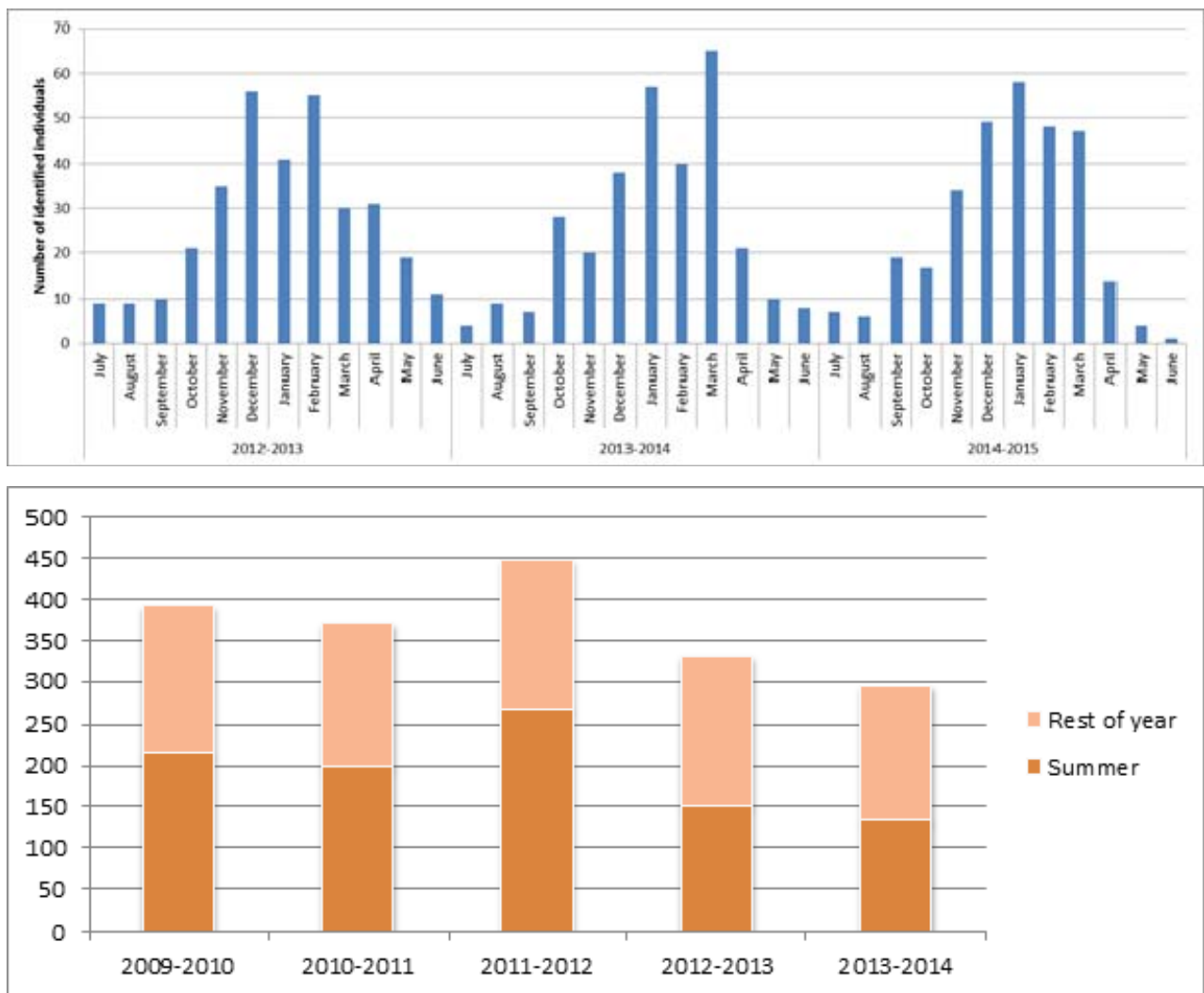
It was agreed at the meeting that the Latrobe and Kentish Council's would submit a motion to the General Meeting of the Local Government Association of Tasmania to have them work with the State and Federal Governments and other key stakeholders on a coordinated approach to reduce, through initiatives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

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

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

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

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



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

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

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

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

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

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

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

LGAT Comment

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

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

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

Tasmanian Government Agency Comment

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

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

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

16 PUBLIC POLICY GENERAL

16.1 Motion – CSIRO Job Losses Council – City of Hobart

Decision Sought

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

Background Comment

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

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

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

LGAT Comment

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

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

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

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

Tasmanian Government Agency Comment

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

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

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

**16.2 Motion – TasRail - Use of Network
Council – Northern Midlands****Decision Sought**

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

Background Comment

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

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

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

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

LGAT Comment

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

Tasmanian Government Agency Comment

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

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

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

**16.3 Motion – Electronic Gaming Machines
Council – Brighton Council****Decision Sought**

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

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

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

Background Comment

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

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

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

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

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

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

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

As councils we cannot stand idly by while this occurs.

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

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

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

LGAT Comment

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

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

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

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

Tasmanian Government Agency Comment

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

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

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

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

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

17 **CLOSE**

**GOVERNANCE COMMITTEE AGENDA
(OPEN PORTION OF THE MEETING)
5/7/2016**

**6. 2016 DELEGATIONS REVIEW – COUNCIL DELEGATIONS TO THE
GENERAL MANAGER AND AFFIXATION OF THE COMMON SEAL –
FILE REF: 10-4-1**

19x's

Report of the Acting Director Corporate Services of 28 June 2016 and attachments.

DELEGATION: Council

TO : Governance Committee

FROM : Acting Director Corporate Services

DATE : 28 June 2016

SUBJECT : **2016 DELEGATIONS REVIEW – COUNCIL DELEGATIONS TO THE GENERAL MANAGER AND AFFIXATION OF THE COMMON SEAL**

FILE : 10-4-1 :LJJ (s:\council support\delegations register\2016 review\administration\draft report for governance committee - delegations review 2016.docx)

1. INTRODUCTION

- 1.1. The purpose of this report is to present revised delegations from the Council to the General Manager, for the consideration of the Committee.
- 1.2. This report also presents an amended delegation in relation to the affixation of the Common Seal, which removes the Lord Mayor from the list of authorised officers, at the request of the Lord Mayor.

2. BACKGROUND

- 2.1. Section 22 of the *Local Government Act 1993* (Act) provides the Council with the authority to delegate to the General Manager, powers and functions of the Council.
 - 2.1.1. Section 64(1)(b) of the Act provides the General Manager the authority to delegate such powers and functions to such employees as the General Manager deems appropriate.
- 2.2. The Council's Delegations Register is reviewed annually which includes a comprehensive review of all Council, general, financial and legislative appointments delegated to the General Manager and employees.
- 2.3. The 2016 annual review has been conducted and the delegations granted by the Council to the General Manager have been subsequently reviewed with a number of proposed amendments recommended as outlined in ***Attachment A***.
 - 2.3.1. The revised delegations include a number of amendments in relation to the planning authority function, the operation of the Council's various Planning Schemes and provisions under the *Land Use Planning and Approvals Act 1993* due to legislative changes in this area.
 - 2.3.2. Minor administrative changes are proposed to ensure that the delegations remain current, in particular that references to legislation are correct, and that officer titles are accurate.

- 2.3.3. In addition, some delegations have been reworded to more accurately reflect operational processes that are currently in place, for example, the approval of Quick Response Grants and the approval of the extinguishment of certain types of easements to the benefit of the Council.
- 2.4. An amendment is also proposed for the instrument of delegation which provides authorisation for officers to affix the Common Seal (*Attachment B*).
 - 2.4.1. The delegation currently provides the Common Seal must be affixed in the presence of the Lord Mayor and General Manager however at the request of the Lord Mayor it is proposed that this delegation be deleted, and substituted with the Deputy General Manager such that the Common Seal will be witnessed by the General Manager and Deputy General Manager.
 - 2.4.2. The Director Corporate Services has also been included as an authorised officer to attest to certain documents, to cover those periods where the Deputy General Manager may be absent or on periods of leave.

3. PROPOSAL

- 3.1. It is proposed that the revised delegations to the General Manager outlined in the instruments of delegation marked as *Attachment A* to the report, are endorsed.
- 3.2. It is also proposed that the amended delegation regarding affixing the Common Seal marked as *Attachment B*, also be endorsed.

4. IMPLEMENTATION

- 4.1. Following endorsement by the Council, the Delegations Register will be updated to reflect the amendments. The register will then be published on the internal Council website and within The Hub.
- 4.2. In accordance with Section 64(1)(b) of the Act, the General Manager will subsequently provide amended delegations to authorised staff where appropriate.

5. STRATEGIC PLANNING IMPLICATIONS

- 5.1. The review of the Council's Delegations Register aligns with the strategic objectives of Goal 5 (Governance) of the Capital City Strategic Plan 2015-2025. In particular, it aligns with strategic objective 5.1 - the organisation is relevant to the community and provides good governance and transparent decision making.

6. FINANCIAL IMPLICATIONS

6.1. Funding Source(s)

6.1.1. There are no financial implications in respect to this matter.

7. LEGAL IMPLICATIONS

7.1. The Council's Delegations Register must remain current to ensure that decisions are made in accordance with relevant legislative requirements, by appropriately authorised officers.

8. DELEGATION

8.1. This matter is delegated to the Council.

9. CONSULTATION

9.1. The Manager City Government and Manager Legal and Governance were consulted in the preparation of this report.

10. CONCLUSION

10.1. The Delegations Register has been reviewed. As a result, some minor amendments of an administrative and operational nature have been proposed to the Council delegations to the General Manager, as outlined in **Attachment A**, and to the delegation in respect to the affixation of the Common Seal, as outlined in **Attachment B**.

11. RECOMMENDATION

That:

11.1. The report LJJ:ljj(s:\council support\delegations register\2016 review\administration\draft report for governance committee - delegations review 2016.docx) be received and noted.

11.2. The General Manager be delegated the powers and functions of the Council in accordance with the instruments of delegation marked as Attachment A.

11.3. The Council endorse the delegation in respect to the affixation of the Common Seal in accordance with the instrument of delegation marked as Attachment B.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

A handwritten signature in black ink, appearing to read 'M. Johns', with a stylized flourish at the end.

(Margaret Johns)

ACTING DIRECTOR CORPORATE SERVICES

Attachment A – Instruments of Delegation from the Council to the General Manager.

Attachment B – Instrument of Delegation – Affixation of the Common Seal.

Council Delegations
Office of the General Manager

(As originally approved by Council [10/10/2005](#))

INSTRUMENT OF DELEGATION

Delegations to the General Manager

- A. Pursuant to Section 22 of the Local Government Act 1993, the General Manager be delegated the following powers and functions of Council and the authority to delegate pursuant to Section 64(1)(b) of the Local Government Act 1993 such of the powers and functions to such employees that the General Manager deems appropriate.

1. **LOCAL GOVERNMENT ACT 1993**

- (a) Pursuant to Section 27(2)(6), to appoint the Deputy Lord Mayor as Acting Lord Mayor in situations where the Lord Mayor is absent.
- (b) To write off or vary debts, including interest charges, up to the value of \$5,000 pursuant to Section 76(1) of the Local Government Act, 1993, where the General Manager is satisfied that all reasonable steps to recover the debt have been taken and the cost of further proceedings is unwarranted and subject to the Finance ~~and Corporate Services~~ Committee being later notified.
- (c) Pursuant to Section 82(6), to make minor adjustments up to \$25,000 to individual items within any estimate referred to in Section 82(2) so long as the total amount of the estimate is not altered.
- (d) To grant postponement of payment of rates under Section 126 of the Local Government Act 1993, subject to:
 - (i) Pensioner postponement being granted in accordance with Council's [policy titled Rates Postponements](#) ~~Policy 4.04.06~~; and
 - (ii) Postponement to other ratepayers being for such period as the General Manager approves with interest calculated in accordance with Section 128 (1)(c) of the Act.
- (e) Pursuant to Part 12, Division 5, to exercise the powers and functions of Council in relation to the impounding of animals.
- (f) Pursuant to Section 336, to approve the use of the Council Arms.

cont.../

The Council, at its meeting held on 27 August 2012, acknowledged an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

Continued.

- (g) To institute, defend, abandon, settle or compromise any proceedings before any tribunal for recovery of debts due to the Council or for breaches of any by-law or statute affecting the Council providing that such abandonment, settlement or compromise shall not involve the expenditure or remission of sums in excess of \$25,000, or such other sum as the Council may from time to time prescribe, or to protect, recover or secure retribution for damage to or loss of any property of the Council.
- (h) To institute, defend, abandon, settle or compromise any proceedings before any tribunal for recovery of any parking enforcement related debts due to the Council or for breaches of any by-law or Statutes affecting same providing that such abandonment, settlement or compromise shall not involve the expenditure or remission of sums in excess of \$25,000 or to protect, recover or secure retribution for damage to or loss of any property of the Council.
- (i) The power under Section 207 of the Local Government Act 1993 to remit all or part of any fee or charge paid or payable in respect of any one or all of the fees and charges ordinarily imposed for Council services and facilities with remitted fees to be recorded in the City's Annual Report, in accordance with Council's policy titled Grants and Benefits Disclosure.
~~To waive or reduce hire fees for Council's services or facilities.~~
- (j) To approve Quick Response Grants in line with Council's policy titled Applications for Grants - Community Development Division and associated guidelines.~~To approve grants to organisations for \$1,000 or less, where the organisation has not received a grant for more than one (1) year previously, subject to an upper limit of \$4,000 in total and subject to other guidelines and principles.~~
- (k) To determine any future requests for the patrol and enforcement of private car parks. (Approved Council 27/9/2010)
- (l) Pursuant to Section 175 of the Local Government Act 1993 to:
 - (i) Authorise the leasing of Council properties as tenancies of up to one month's notice to terminate, provided that the leasing of those properties is based on a commercial valuation; ~~or~~
 - (ii) Approve the assignment of sub-letting of existing leases and agreements to assign. (Approved Council 22/6/2009).
 - (iii) Authorise extinguishment of redundant easements benefitting the Council.
- (m) The power to determine whether a nuisance exists, as prescribed in Section 200 of the Local Government Act 1993. (Approved Council 10/8/2009).

cont.../

The Council, at its meeting held on 27 August 2012, acknowledged an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

Continued.

- (n) To authorise the investment of any money in accordance with section 75 of the Local Government Act 1993. (Approved Council 12/12/2011).

~~(e) To approve future displays of the Council's steamroller. (Approved Council 12/11/2012)~~

Comment [PAJ1]: Not legally required, possibly more appropriate to be dealt with via policy.

- (po) Pursuant to Section 22(1), to waive or reduce interest applied to sundry debtors, where the interest charge has arisen as a result of an internal administrative error. (Approved Council 30/1/2013).

~~(q) To approve future displays of the City of Hobart's heritage trams. (Approved Council 11/11/2013)~~

Comment [PAJ2]: Not legally required, possibly more appropriate to be dealt with via policy.

- B. Pursuant to Section 22 of the Local Government Act 1993, the General Manager be delegated the following powers and functions of Council:

1. The power to appoint authorised officers for the purposes of the Parks, Recreation and Natural Areas By-law, No 5 of 2008.
2. Pursuant to Section 61, to appoint the incumbent of one of the following positions to act in the capacity as General Manager during such periods of time that the General Manager is on leave or is interstate or is overseas:
 - (a) Deputy General Manager
 - (b) Director Community Development
 - (c) Director ~~Infrastructure Services~~ City Infrastructure
 - (d) ~~Director Corporate Services~~
 - (e) Director ~~Development and Environmental Services~~ City Planning
 - (f) Director Financial Services
 - (g) Director Parks and ~~Customer Services~~ City Amenity
3. To issue Certificates of Authority under the Food Act 2003 and Public Health Act 1997. (Approved Council 10/7/2006)

- C. Pursuant to Section 22 of the Local Government Act, 1993 the General Manager be delegated the following powers and functions of Council and the authority to delegate pursuant to Section 64(1)(b) of the Local Government Act, 1993, such of the powers and functions to such employees that the General Manager deems appropriate, under the following Acts:

1. THE LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993

- (a) Pursuant to Part 3 of the Act, to approve plans of subdivision for:

cont.../

The Council, at its meeting held on 27 August 2012, acknowledged an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

Continued.

- (i) the proposal involves only boundary adjustments and where no additional lots are created;
- (ii) the proposal results in the creation of not more than one additional lot;
- (iii) the proposal involves minor alterations to a previously approved plan of subdivision.
- (b) Pursuant to Section 86, to require security for payments prior to approving a plan of subdivision.
- (c) Pursuant to Section 89, to exercise the powers of Council in respect of approval of final plans.
- (d) Pursuant to Section 90, to exercise the powers of Council.
- (e) Pursuant to Section 103, to approve amendments to Sealed Plans.
- (f) Pursuant to Section 107, to issue Access Orders.
- (g) Pursuant to Section 110, to require and approve Adhesion Orders.
- (h) Pursuant to Section 115, to exercise the powers of Council.
- (i) Pursuant to Section 246, to grant permission for the erection of advertising hoardings.
- (j) Pursuant to Section 247, to require the removal of advertising hoardings.

2. URBAN DRAINAGE ACT 2013

- (a) Pursuant to Section 11 of the Act, to exercise the powers of the Council to adopt stormwater systems.
- (b) Pursuant to Section 13 of the Act to exercise the powers of the Council to protect stormwater assets.
- (c) Pursuant to Section 14 of the Act, to exercise the powers of the Council to prevent interference with stormwater systems.
- (d) Pursuant to Section 17 of the Act, to exercise the powers of the Council to undertake construction of public stormwater systems.
- (e) Pursuant to Section 18 of the Act, to exercise the powers of the Council to regulate the discharge of matter into a public stormwater system.
- (f) Pursuant to Section 19 of the Act, to exercise the powers of the Council in regard to stormwater service connections.

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The Council, at its meeting held on 27 August 2012, acknowledged an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

Continued.

- (g) Pursuant to Section 20 of the Act, to exercise the powers of the Council to determine limits on stormwater connection points.
- (h) Pursuant to Section 21 of the Act, to exercise the powers of the Council to require connection to a public stormwater system.
- (i) Pursuant to Section 22 of the Act, to exercise the powers of the Council to require disconnection from a public stormwater system.
- (j) Pursuant to Section 23 of the Act, to exercise the powers of the Council to direct property owners to not direct stormwater onto neighbouring properties, (Approved Council 8/9/2014).

3. WEED MANAGEMENT ACT 1999

- (a) Pursuant to Section 34(1) of the Act, to appoint such number of inspectors that he deems appropriate to give effect to the Act.

4. STRATA TITLES ACT 1998

- (a) Pursuant to Section 27, to apply for the cancellation of a strata plan.
- (b) Pursuant to Section 31 (3)(a) and 31 (3)(b) of the Act, to authorise approval of strata plans.
- (c) Pursuant to Section 37, to approve a proposed staged development scheme in principle.

5. CONVEYANCING AND LAW OF PROPERTY ACT 1884

- (a) Pursuant to Section 75CA, to exercise the powers of Council.

6. ENVIRONMENT MANAGEMENT POLLUTION CONTROL ACT 1994

- (a) Pursuant to Section 20 and 21, to act on behalf of Council.
- (b) Pursuant to Section 50 and 51, to permit or refuse the disposal on the municipal tip of waste or rubbish.

7. ROADS AND JETTIES ACT 1935

- (a) Pursuant to Section 40, to appoint such officers to issue notices advising land owners that the Council is to enter upon their land for the purpose of making, cleansing, or keeping open drains or watercourses adjoining or near to any road which is maintained by the Council.

cont.../

The Council, at its meeting held on 27 August 2012, acknowledged an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

Continued.

- (b) Pursuant to Section 44, to appoint officers to issue notices thereunder.

8. BUILDING ACT 2000

Pursuant to Section 3 of the Building Act, 2000 the General Manager be delegated the power to act as both Permit Authority and Authorised Person for the purposes of the Act.

9. LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

Pursuant to Section 124 of the Local Government (Highways) Act 1982, (the Act) the following powers and functions under that Act be delegated to the General Manager, or such person who may be acting in that capacity:

- (a) To approve plans and specifications for proposed roads or other ways for the improvement, widening or alteration of a road or other way already existing on land in building estates, pursuant to Section 10 of the Act.
- (b) For a purpose in connection of a public function or in order to facilitate work on land adjoining a local highway to:
- (i) close a local highway or part of a local highway in the municipality pursuant to section 19(1)(a) of the Act;
- (ii) grant exclusive licences to occupy part of a local highway pursuant to section 19(1)(c) of the Act
- ~~To consider and make recommendations to the Lord Mayor in relation to the closure of a highway for the purpose of a public function, pursuant to Section 19 of the Act, and to exercise the powers of Council to grant exclusive licences to occupy part of a local highway closed by the Lord Mayor for the purpose of a public function and to issue such licences for such periods and on such conditions as he thinks fit, pursuant to Section 19(1)(e) of the Act.~~
- (c) To act on behalf of the Council in relation to the closure of a highway and the issue of a licence to occupy a highway for the purpose of the sale of goods and for entertainment, pursuant to Section 20 of the Act.
- (d) To exercise the powers of Council pursuant to Section 34 of the Act to make, cleanse and keep open all drains or local watercourses he considers necessary in and through any adjoining land or near a local highway maintainable by the Council.

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Continued.

- (e) To issue notices pursuant to Section 35 of the Act requiring repairs or construction works to be carried out in a highway under Council management, to a vehicular crossing over a table drain, gutter or footpath at or opposite the entrance to land adjoining the highway.
- (f) To issue notices pursuant to Section 36 requiring a fence to be erected between the footpath and adjoining land and to authorise the carrying out of the works pursuant to Section 36(2) of the Act in the event that the notice is not complied with.
- (g) To exercise the powers of Council pursuant to Section 38 of the Act to remove any indigenous trees growing or standing within 25 metres of the centre of a highway provided that the removal shall, in his opinion, be for ensuring or facilitating the good management of the highway.
- (h) To exercise the powers of Council pursuant to Section 39 of the Act to require an occupier of land to cut back, trim or remove any vegetation that is in his opinion a danger, obstruction, interference or inconvenience to the use of the highway and to issue any notice that he may deem necessary to ensure compliance and authorise any works that may be necessary to ensure compliance with the notice issued.
- (i) To exercise the powers of Council pursuant to Section 45 of the Act to authorise the removal and disposal of articles abandoned on a highway.
- (j) To approve private underground works in Council highway reserves in accordance with Section 46 of the Act.
- (k) To exercise the powers and functions of the Council contained in Section 52 of the Act relating to projections onto highways.

10. LAND USE PLANNING AND APPROVALS ACT 1993

The Council pursuant to Section 6(3) of the Land Use Planning and Approvals Act 1993, delegate to the General Manager the following functions and powers:

- (a) To instigate proceedings pursuant to Section 64 of the Land Use Planning and Approvals Act 1993 in the case of unapproved works relating to a heritage building or site and to inform the Tasmanian Heritage Council in order that action may also be taken under Section 57 of the Historic Cultural Heritage Act 1995.

cont.../

The Council, at its meeting held on 27 August 2012, acknowledged an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

Continued.

- (b) To approve applications for planning permits made under Sections 57 and 58 of the Land Use Planning and Approvals Act 1993, provided that:
 - (i) not more than two statutory objections have been received, or in cases where the applicant and/or owner of the subject property is an Alderman or Council officer or his or her spouse or immediate relative, no statutory objections to the application have been received;
 - (ii) the building proposed does not exceed 2000 m2 in floor area or 3 storeys in height;
 - (iii) the Council is not the applicant;
 - (iv) the application does not involve Council owned land;
 - (v) the Council is not being requested to make or take a financial contribution to or receive from the applicant/owner (excluding cash in lieu contributions);
 - (vi) the application does not involve development in a Heritage Area or involve a heritage listed building and the Tasmanian Heritage Council has not made an objection;
 - (vii) in the case of applications for subdivision, the proposal results in the creation of not more than one additional lot; or
 - (viii) an Alderman has not requested, any time prior to the requisite period of public notification expiring, the application for a planning permit under Section 57 be referred to the City Planning Committee for consideration.
 - (ix) To exercise the powers of the Council, as planning authority, pursuant to Section 54 and 55 of the Land Use Planning and Approvals Act 1993.
- (c) To exercise the powers of the Council, as planning authority, pursuant to Section 56 of the Land Use Planning and Approvals Act 1993, in respect of the minor amendment of planning permits.

cont.../

The Council, at its meeting held on 27 August 2012, acknowledged an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

Continued.

- (d) To refuse any application for a change of use or development explicitly prohibited under a planning scheme or interim order, including the power of the Council, as planning authority, pursuant to Section 57 (2) of the Land Use Planning and Approvals Act 1993.
- (e) To extend the period of time during which representations may be received by the Council pursuant to Section 57 (5) of the Land Use Planning and Approvals Act 1993.
- (f) To make representation on behalf of the Council, in accordance with Section 57 (5) of the Land Use Planning and Approvals Act 1993, in respect of a development application to be determined by the Sullivans Cove Waterfront Authority.
- (g) In agreement with the applicant, to extend the period of time in which a permit is to be granted or refused pursuant to Sections 57 (6) (b) and 57 (6A) of the Land Use Planning and Approvals Act 1993.
- (h) In agreement with the applicant, to extend the period of time in which planning approval must be granted, pursuant to Sections 58 (2) and 58 (2A) of the Land Use Planning and Approvals Act 1993.
- (i) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with section 57(6)(b) and 57(6A) of the Land Use Planning and Approvals Act 1993 to enable the application to be considered at a scheduled meeting of the full Council.
- (j) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 58(2) and 58 (2A) of the Land Use Planning and Approvals Act 1993 to allow the application to be considered at a scheduled meeting of the full Council.
- (k) To exercise the power of Council as planning authority pursuant to Section 59 (7) of the Land Use Planning and Approvals Act 1993 to determine applications where no request to make a decision has been lodged with the Resource Management and Planning Appeal Tribunal.
- (l) To enter into an agreement on behalf of Council as planning authority at a 'Mediation' held on behalf of the Resource Management and Planning Appeal Tribunal pursuant to Section 17 of the Resource Management and Planning Appeal Tribunal Act 1993.

cont.../

The Council, at its meeting held on 27 August 2012, acknowledged an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

Continued.

- (m) To enter into mediation on behalf of the Council as planning authority in accordance with the Section 57A of the Land Use Planning and Approvals Act 1993.
- (n) To enter into mediation on behalf of the Council as planning authority in accordance with the Section 57A of the Land Use Planning and Approvals Act 1993
- (o) To determine whether a planning application for the 'use' and/or 'development' of land is 'Discretionary', by virtue of amendments SP1(State Coastal Policy), to the Sullivans Cove Planning Scheme 1997.
- (p) To initiate amendments to the Hobart Interim Planning Scheme 2015, [and the Sullivans Cove Planning Scheme 1997](#) [or a Local Provisions Schedule](#) when the General Manager or Director City Planning is satisfied that the amendment is for the purpose of:
 - (i) the correction of any error in the planning scheme;
 - (ii) the removal of any anomaly in the planning scheme;
 - (iii) clarifying or simplifying the planning scheme: or
 - (iv) removing any inconsistency between the planning scheme and any Act.
- (q) To forward a Section 39(2) [\(of the former provisions of the Land Use Planning and Approvals Act 1993\)](#) report [or a Section 40K \(Land Use Planning and Approvals Act 1993\) report](#) to the [Resource Planning and Development Tasmanian Planning](#) Commission following public exhibition of an amendment recommending that it be finally approved subject to the following:
 - (i) no representations have been received; and
 - (ii) no issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections.

cont.../

The Council, at its meeting held on 27 August 2012, acknowledged an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

Continued.

- (r) To allow, pursuant to Section 53 (5A), (5B) and (5C) of the Land Use Planning and Approvals Act 1993, an extension to the period during which use and development associated with a planning permit may be substantially commenced. Such delegation to be limited to permits where the strategic intent of the relevant planning scheme provisions have not significantly changed, or have been changed by the introduction of Planning Directive provision only, since the issue of the original permit and no new development has been undertaken on adjoining property which may be affected by the proposal.
- (s) To exercise the powers of Council, as planning authority, pursuant to Section 48A of the Land Use Planning and Approvals Act 1993 in respect of notices to remove signs.
- (t) To exercise the powers of Council, as planning authority, pursuant to Sections 33(5) of the [former provisions of the](#) Land Use Planning and Approvals Act 1993 in respect of requests for amendments to the Hobart Interim Planning Scheme 2015 where an owner or occupier has made representation under Section 301.
- (u) To exercise the powers of Council, as planning authority, pursuant to section 43(E) (Additional Information), 43I (4A) and (6) (Extension of time for the S43A Permits), Section 43J (Correction of mistakes in S43A Permits) and Section 43K(2) (Minor amendment of S43A Permits) of the [former provisions of the](#) Land Use Planning and Approvals Act 1993.
- (v) [To exercise the powers of Council, as planning authority, pursuant to Section 40U \(Additional Information\), 42C \(2\) and \(3\) \(Extension of time for the S40T Permits\), Section 42D \(Correction of mistakes in S40T Permits\) and Section 43 \(Minor amendment of S40T Permits\) of the Land Use Planning and Approvals Act 1993.](#)

11. LAND TITLES ACT 1980

Pursuant to Section 32(2)(c) of the Lands Titles Act 1980, to make application to the Recorder of Titles for minor boundary alterations of Council property.
(Approved Council 22/6/2009)

cont.../

Continued.12. HEAVY VEHICLE NATIONAL LAW (TASMANIA) ACT 2013

- (a) Pursuant to Section 16(b) of the Act, to perform the duties of the Road Manager.
- (b) Pursuant to Section 156 of the Act, to perform the duties of the Council if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent.
- (c) Pursuant to Section 158 of the Act, to perform the duties of the Council if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).
- (d) Pursuant to Section 159 of the Act, to perform the duties of the Council to form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator.
- (e) Pursuant to Section 160 of the Act, to perform the duties of the Council to impose road conditions.
- (f) Pursuant to Section 161 of the Act, to perform the duties of the Council to impose travel conditions.
- (g) Pursuant to Section 162 of the Act, to perform the duties of the Council to impose vehicle restrictions.
- (h) Pursuant to Section 167 of the Act, to perform the duties of the Council to expedite the Road Manager's consent for renewal of mass or dimension authority.
- (i) Pursuant to Section 169 of the Act, to perform the duties of the Council to grant limited consent for trial purposes.
- (j) Pursuant to Section 170 of the Act, to perform the duties of the Council to renew limited consent for trial purposes.
- (k) Pursuant to Section 172 of the Act, to perform the duties of the Council to issue a statement explaining adverse decision of the Road Manager.
- (l) Pursuant to Section 173 of the Act, to perform the duties of the Council to issue an amendment or cancellation on the Regulator's initiative.

cont.../

The Council, at its meeting held on 27 August 2012, acknowledged an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

Continued.

- (m) Pursuant to Section 174 of the Act, to perform the duties of the Council to issue an amendment or cancellation on request of the relevant Road Manager.
- (n) Pursuant to Section 176 of the Act, to perform the duties of the Council to issue an amendment or cancellation on application by the permit holder.
- (o) Pursuant to Section 178 of the Act, to perform the duties of the Council to issue an amendment or cancellation on the request of the Road Manager. (Approved Council 8/9/2014)

13. HIGHWAYS BY-LAW, BY-LAW 3 OF 2008

To administer and enforce the provisions of the Hobart City Council Highways By-Law, By-Law 3 of 2008, the powers and functions contained within By-Law 5 and Part 10 of Hobart City Council Highways By-Law, By-Law 3 of 2008 to administer and enforce the provisions of the Hobart City Council Highways By-Law, By-Law 3 of 2008. (Approved Council 8/8/2011)

14. HYDRAULIC SERVICES BY-LAW, BY-LAW 4 OF 2008 relating to minor works that do not require a development application:

- 1. Pursuant to Section 45 of the Hydraulic Services By-Law No 4 of 2008, to authorise a person to, alter the bed, banks or flood plains of a water course or construct any structure or otherwise obstruct the water course or its flood plain.
- 2. Pursuant to Section 46 of the Hydraulic Services By-Law No 4 of 2008, to authorise a person to, within a riparian zone or bank of a water course, carry out any earthworks, remove any vegetation, allow any livestock to graze and/or remain within the riparian zone. (Approved Council 12/9/2011)

15. FOOD ACT 2003

The following powers be delegated to the General Manager:

- (a) Section 87 – Registration of food businesses;
- (b) Section 89 – Renewal of registration; and
- (c) Section 91 – Variation of conditions, or suspension or cancellation, of registration of food businesses.

~~D. Pursuant to Section 19(5) of the Local Government Act 1993, the Lord Mayor and General Manager be authorised to attest the execution of the following documents sealed by the Council, subject to the following persons as noted, being authorised to attest them:~~

cont.../

The Council, at its meeting held on 27 August 2012, acknowledged an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

Continued.

- ~~(i) — Contracts, leases, licences, agreements pursuant to Part 5 of the Land Use Planning and Approvals Act 1993, and other legal agreements:~~

~~The Lord Mayor and the Deputy General Manager Manager Legal and Governance.~~

- ~~(ii) — Adhesion Orders:~~

~~The Deputy General Manager and the Manager Surveying Services.~~

- ED. Pursuant to Section 22 of the Local Government Act 1993, the Council delegate to the General Manager the authority to determine future applications for the remission of penalty and interest charges pertaining to Council rates, in the interests of administrative efficiency given the monetary value of these charges. (Approved Council 15/12/2014)

The Council, at its meeting held on 27 August 2012, acknowledged an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

DELEGATION

AFFIXATION OF COMMON SEAL

Pursuant to Section 19(5) of the *Local Government Act 1993*, ~~the Lord Mayor and the~~ General Manager and the Deputy General Manager be authorised to attest the execution of the following documents sealed by the Council, subject to the following persons as noted, being authorised to attest them:

- (a) Contracts, leases, licences, agreements pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993*, and other legal agreements:

~~The Lord Mayor, The~~ Deputy General Manager, the Director Corporate Services and the Manager Legal and Governance.

- (b) Adhesion Orders:

The Deputy General Manager, the Director Corporate Services and the Manager Surveying Services.

- (c) Sealed Plans and Schedules of Easements:

The Director City Planning and Manager Surveying Services.

7. GOVERNANCE COMMITTEE – STATUS REPORT

7x's

A report indicating the status of current decisions is attached for the information of Aldermen.

DELEGATION: Committee

Recommendation:

That the information be received and noted.

GOVERNANCE COMMITTEE – STATUS REPORT**OPEN PORTION OF THE MEETING****June 2016**

Ref	Meeting	Report / Action	Title	Comments
1	DISCLOSURE OF CONFIDENTIAL MATTERS Council, 15/12/2014, item 12.	A report be prepared in respect to the inclusion of a standard item in the minutes of Open Council and committee meetings, where resolutions made in the Closed portion of those meetings (including details on voting) on matters that may contain privacy/confidential issues, may be released in redacted format by the General Manager at the appropriate time.	Deputy General Manager	This matter was pending the release of the new <i>Local Government (Meeting Procedures) Regulations 2015</i> which are now in place. Independent legal advice has now been sought in respect to legislative requirements. A report will be provided to the August 2016 meeting.
2	COUNCIL COMMITTEES – REVIEW Special Joint Meeting, 10/3/2015.	The Council review its approach to deputations and public question time, with a further report to be prepared for consideration.	Deputy General Manager	These matters were canvassed at the recent Council workshop on Council Committees and are to be included in the report currently under preparation Refer also to item 8 under.
3	TRIAL MOBILE FOOD VENDOR PROGRAM Council, 15/12/2014, item 32 and Council 9/2/2016, item 14	The trial City of Hobart Mobile Food Vendor Program continue in its current form until 31 July 2016 after which a report be provided to the Council reviewing the Program in detail and making recommendations in relation to specific guidelines, trading zones, permit fees and other relevant details affecting its ongoing viability.	Director Community Development	The program has been implemented and a further report will be provided to the August Committee meeting.
4	CITY OF HOBART 10 YEAR STRATEGIC COMMUNITY PLAN AND PLANNING AND REPORTING FRAMEWORK REVIEW Council, 9/6/2015,	<ol style="list-style-type: none"> The proposed framework for the development of the 10 year Strategic Community Plan; The Four-Year Council Delivery Plan; the Annual Plan and associated documents be endorsed. <ol style="list-style-type: none"> The conversion of the current documents in accordance with the framework be progressed, 	General Manager	A report in relation to this matter will be provided in due course.

Ref	Meeting	Report / Action	Title	Comments
	item 22	commencing with a workshop with Aldermen. 2. A further report be prepared on a proposal to extend the Community Vision beyond 2025, following completion of the 10 year Strategic Community Plan.		
5	VOLUNTARY AMALGAMATIONS - ADDITIONAL INFORMATION Council: 9/6/2015, item 25, 7/9/2015, item 23, 12/10/2015, item 21	That as a matter of urgency, the Lord Mayor seek an undertaking from the State Government that forthwith upon the information collection exercise being completed by the General Manager, the proposed feasibility modelling for the combinations, as proposed, be fully funded by the State Government.	General Manager	No response has been provided by the State Government as yet in relation to funding of the feasibility and officers are following this matter up with the State Government.
6	CITY OF HOBART COMMUNITY ENGAGEMENT Council, 13/7/2015, item 21, Council 6/6/2016, item 21	<ol style="list-style-type: none"> The role of the Council's Traffic Committees be considered following the conclusion of the engagement process for the draft Local Retail Precinct Plan. The Council endorse a twelve month trial of the online community engagement platform EngagementHQ and Budget Allocator: <ol style="list-style-type: none"> Following an evaluation of the trial of the online community engagement platform of EngagementHQ and Budget Allocator, the Council be provided with a report on outcomes. The Community Forum scheduled for July 2016 not be held. A further report in relation to appropriate community engagement models be provided to the Governance Committee for consideration. 	Deputy General Manager	<p>A project plan for conducting the review of the Community Engagement framework has been prepared and implementation has commenced with a desktop review of like organisations in relation to determining best practice engagement frameworks, policies, tools and techniques. It is anticipated that other elements of the review will commence in the coming weeks.</p> <p>A report in relation to the community engagement models is scheduled to be provided to the meeting in September 2016.</p>

Ref	Meeting	Report / Action	Title	Comments
7	AUDIO RECORDING, LIVE BROADCASTING AND PUBLISHING OF OPEN COUNCIL MEETINGS Council: 11/5/2015, item 22 10/8/2015, item 18	<ol style="list-style-type: none"> 1. The audio recording be evaluated after twelve months of operation, including feedback from the Hobart community. 2. Council officers address the implementation of electronic display of minutes at Council proceedings and meetings, at the earliest opportunity. 3. Consultation with the Tasmanian Deaf Society be undertaken regarding 'audio to text' or typewritten transcripts, and if deemed appropriate this service be offered. 	Deputy General Manager	<ol style="list-style-type: none"> 1. Consultation with the Tasmanian Deaf Society has occurred and the City of Hobart website advises that a translator is available to attend Council meetings upon request, subject to availability. 2. Due to the recent technical disruptions experienced to the audio service over the past three months, a report in relation to the evaluation will be provided to the November 2016 meeting. 3. The implementation of electronic minutes is being assessed.
8	COUNCIL AND COMMITTEE MEETINGS AND COUNCIL DINNERS Council, 12/10/2015, item 10	A report be provided that considers the following: <ol style="list-style-type: none"> a) All committee's being reviewed in line with the Strategic Plan. b) The delegation and membership of the City Planning Committee being reviewed. c) Committee Terms of Reference being reviewed. d) The potential for Council's policies to be reviewed which may increase community engagement. e) The provision of a meal following all Council meetings being reviewed, with a view to limiting the number of these dinners. f) The provision of alcohol in the Alderman's lounge being reviewed. 	Deputy General Manager	These matters were canvassed at the recent Council workshop on Council Committees and are to be included in the report currently under preparation

Ref	Meeting	Report / Action	Title	Comments
9	PROCEDURAL CHANGES – LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015 Council, 9/11/2015, item 20	<ol style="list-style-type: none"> 1 Council's Policy 2.01 – <i>Meetings: Procedures and Guidelines</i> be amended to incorporate the revised regulations. 2. The General Manager liaise with the Local Government Association of Tasmania in relation to conducting Aldermanic training, for interested Aldermen, in respect to the revised legislation. 	Deputy General Manager	<p>These matters are currently being progressed. Changes to the Policy will be undertaken following consideration fo the report under preparation in relation to the Council workshop on Council Committees.</p> <p>Refer also to item 8 above.</p>
10	SHAPING THE CITIES OF HOBART AND GLENORCHY – DETERMINING THE BENEFITS OF ENHANCED LAND VALUE THROUGH INVESTMENT IN A PUBLIC TRANSIT SYSTEM Council 9/2/2016, supp. item 16	The Council initiate a Public Transit Corridor Urban Utilisation and Economic Benefit project for the current rail corridor, based on the proposal titled 'Shaping the Cities of Hobart and Glenorchy – Determine the Benefits of Enhanced Land Value through Investment in a Public Transit System', subject to the matched support of the Glenorchy City Council.	General Manager	An update report was provided to the Council on 20 June 2016 advising that GHD has been selected as the consultants to undertake an investigation of the potential for activation of the Glenorchy to Hobart public transit corridor.
11	2016 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT Council 11/4/2016, item 19	<ol style="list-style-type: none"> 1. The Council endorse the nomination of national issues of priority for the local government sector consistent with the theme of 'Partners in an Innovative and Prosperous Australia' to the 2016 Australian Local Government Association's National General Assembly. 2. The Council monitor matters arising through the Council of Capital City Lord Mayors' (CCCLM), which may warrant consideration at the 2016 Australian Local Government Association's National General Assembly. 	General Manager	<p>The Council's motion in relation to CSIRO job losses was successfully passed at the ALGA NGA.</p> <p>Completed.</p>

Ref	Meeting	Report / Action	Title	Comments
12	MACQUARIE POINT DEVELOPMENT CORPORATION BOARD NOMINATION Council 21/4/2016, item 21	<ol style="list-style-type: none"> 1. The Council decline the invitation to nominate a representative to the Board. 2. The Council request an undertaking from the Board to increase the level of reporting to the Council. 	General Manager	At the last meeting between the General Manager and representatives from the Macquarie Point Development Corporation, Terms of Reference were agreed to which provide for regular briefings of Aldermen by the General Manager.
13	WORLD CITIES SUMMIT MAYORS FORUM 2016 Council 9/5/2016, item 18	<ol style="list-style-type: none"> 1. The Council approve the attendance of the Lord Mayor and General Manager at the World Cities Summit Mayors Forum. 2. The Lord Mayor and General Manager undertake a presentation of the outcomes of the Summit upon their return. 	General Manager	Arrangements in relation to this matter are underway.
14	NATIONAL GENERAL ASSEMBLY CONFERENCE Council 9/5/2016, item 19	Alderman Ruzicka represent the Council at the National General Assembly Conference to be held in Canberra from 19 to 22 June 2016.	Deputy General Manager	Completed.
15	RISK AND AUDIT PANEL RECOMMENDATIONS – ALDERMANIC DEVELOPMENT AND SUPPORT POLICY – PROFESSIONAL DEVELOPMENT Council 6/6/2016, item 23	The Council policy titled <i>Aldermanic Development and Support</i> be amended in accordance with the advice of the Risk and Audit Panel, and submitted to the Governance Committee for endorsement.	Deputy General Manager	The policy is being revised at present and will be submitted for endorsement to the next Governance Committee meeting
16	ALDERMANIC REPRESENTATION ON EXTERNAL BODIES – ATTENDANCE AT MEETINGS Council 9/5/2016, item 22	The Council's policy titled <i>Council Representation on External Bodies and Organisations</i> be amended to reflect that the future annual reporting by Aldermen include, where possible, the number of meetings held by the body and the number of meetings which have been attended by the Council representative.	Deputy General Manager	The policy has been revised Completed.

Ref	Meeting	Report / Action	Title	Comments
17	LEGISLATIVE COUNCIL FINAL REPORT ON TASMANIAN ELECTORAL COMMISSION Council 9/5/2016, item 23	<ol style="list-style-type: none"> 1. The Council write to Tasmania's major political parties and the LGAT strongly encouraging their support of the recommendations contained in the Legislative Council's final report. 2. In its correspondence, the Council reiterate its position that local government elections should be compulsory and conducted at the ballot box. 	General Manager	An acknowledgement letter from the Minister for Local Government on behalf of the Premier has been received following the Council's request for support of the recommendations contained in the Legislative Council's final report.
18	CITY OF HOBART EISTEDDFOD SOCIETY INC. RESIGNATION OF COUNCIL REPRESENTATIVE Council 23/5/2016, item 27	Alderman Thomas be appointed as the Council representative on the City of Hobart Eisteddfod Society Inc.	Deputy General Manager	Correspondence to the Hobart Eisteddfod Society Inc. has been sent advising of Alderman Thomas' appointment as the Council's representative. Completed.
19	RECORDING AND PUBLISHING OF DEPARTURE TIMES FROM COUNCIL AND COMMITTEE MEETINGS Council 6/6/2016, item 10	That a report be prepared exploring the benefits of recording and publishing the departure times of Aldermen from Council and committee meetings.	Deputy General Manager	A supplementary report in relation to this matter will be included on the agenda.
20	DERWENT ESTUARY PROGRAM – REGISTRATION OF NOT- FOR-PROFIT COMPANY Council 6/6/2016, item 18	That the Council provide a letter of support in relation to the Derwent Estuary Program's proposal to become a registered not-for-profit company by limited guarantee.	Deputy General Manager	A letter of support has been provided to the Derwent Estuary Program. Completed.

Ref	Meeting	Report / Action	Title	Comments
21	LAUNCESTON CITY COUNCIL – MEMORANDUM OF UNDERSTANDING Council 6/6/2016, item 19	<ol style="list-style-type: none"> 1. The Council endorse a biannual meeting between the Lord Mayor of Hobart, the Mayor of Launceston and the General Managers of the Hobart City Council and Launceston City Council and that this arrangement replace the protocol which was adopted by the Council on 13 April 2015. 2. Aldermen receive copies of the agendas and minutes of these meetings and a six-monthly progress update. 	General Manager	Contact has been made with the Launceston City Council with the aim to arrange a meeting between the Lord Mayor, Mayor and General Managers in the very near future.
22	2016 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA ANNUAL CONFERENCE – HOBART - 20-22 JULY 2016 Council 6/6/2016, item 20	The Lord Mayor and Aldermen Ruzicka and Harvey attend the 2016 Local Government Association of Tasmania, Annual General Conference to be held in Hobart from 20 to 22 July 2016.	Deputy General Manager	Arrangements are currently being made.
23	TARGETED REVIEW OF THE LOCAL GOVERNMENT ACT 1993 Council 6/6/2016, item 22	<ol style="list-style-type: none"> 1. That the Council provide the attached submission to the Local Government Division as the Council's feedback in relation to the targeted review of the <i>Local Government Act 1993</i>. 2. The Council advise the State Government that clarification is required urgently in relation to Section 87(1)(d) of the <i>Local Government Act 1993</i>. 	Deputy General Manager	<p>The Council's submission to the targeted review of the <i>Local Government Act 1993</i> was provided on Friday 10 June 2016.</p> <p>Completed.</p>

8. RESPONSES TO QUESTIONS WITHOUT NOTICE – FILE REF: 13-1-10

The General Manager reports:-

“In accordance with the procedures approved in respect to Questions Without Notice, the following responses to questions taken on notice are provided to the Committee for information.

The Committee is reminded that in accordance with Regulation 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairman is not to allow discussion or debate on either the question or the response.”

8.1 PROCESS FOR POLICY MAKING

Ref. Open GC 5/4/2016

Attachment

8.1

Memorandum to Aldermen from the General Manager of 28 June 2016.

RECOMMENDATION:

That the attached memorandum be received and noted.

City of **HOBART**

13-1-10

(S:\Council Support\Questions Without Notice_Answers\2016\GC\QWON-Reynolds\Decision Making.doc)

28 June 2016

**MEMORANDUM: LORD MAYOR
DEPUTY LORD MAYOR
ALDERMEN**

QUESTIONS WITHOUT NOTICE – RESPONSE PROCESS FOR POLICY MAKING

Pursuant to Council Policy, where a response to a Question without Notice is not able to be provided at a meeting, the question is taken on notice. Upon distribution of the response to all Aldermen, both the Question and the Response is to be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, whereat it will be listed for noting purposes only, with no debate or further questions permitted, as prescribed in the Section 29 of the Local Government (Meeting Procedure) Regulations 2015.

At the Governance Committee meeting held on 5 April 2016 the following question without notice was asked by Alderman Reynolds:

Question: Does the Council have an agreed and consistent framework for policy making in place?

At the meeting the question was taken on notice. A response is subsequently provided below:

Response: There is not a consistent documented approach to the development of a policy/strategy or the review of existing documents across the City of Hobart.

The methodology utilised is individualised depending upon the policy context and the stakeholders involved. For example, many of the policies/strategies sitting within the Community Development Division are community driven and are developed in response to a need/concern/issue raised by the community through our ongoing engagement.

Each year the Council undertakes a review of its policies to ensure they remain relevant, consistent, ensure transparency and overall assist in ensuring the good governance of the City. The Council's suite of policies assist in the overarching management and operation of the Council and the services it delivers to the community

Aldermanic endorsement would be sought prior to the development of the majority of new strategies/policies. This would not normally be the case with a review, as there is usually an ongoing dialogue with the community and a review at the end of a time-period document would be seen as relatively standard. There would be exceptions where there has been a significant shift in the landscape and an entirely new approach is warranted.

The Community Engagement Framework is a consistent tool that is to be utilised as a methodology across the Council for stakeholder engagement to be undertaken as part of the review/development. It does not however extend to a process for identifying the steps for when a policy is to be created or reviewed and what level of aldermanic involvement is appropriate, or at what stage the aldermanic involvement occurs.

With respect to the mechanisms for the policies to be transferred into Council operations, this occurs for community strategies through the inclusion of all actions in the strategy action plans being incorporated into the operational unit plans. This results in an external monitoring mechanism through our community committees who have oversight of our strategies as well as internal mechanisms through the regular monitoring of our unit plans.

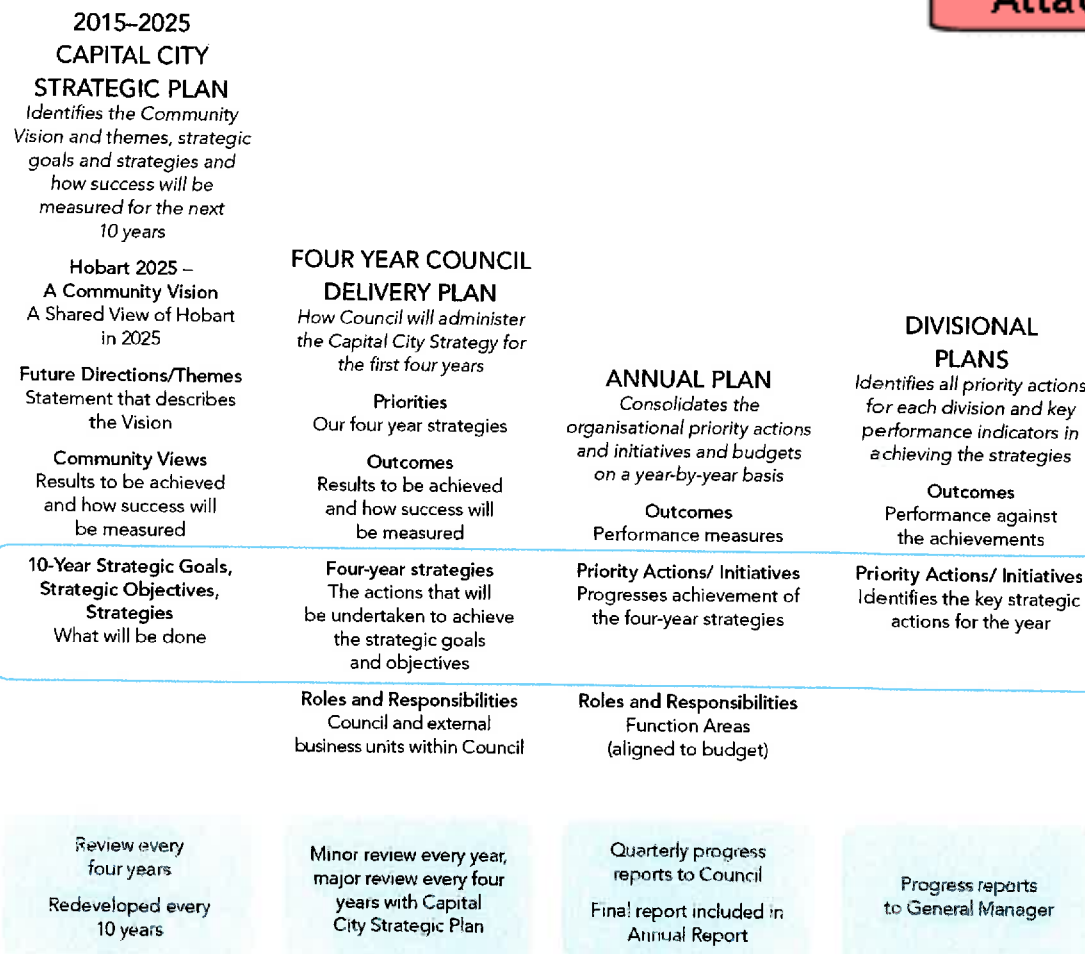
In addition the Council's planning and reporting framework ensures the best possible results by considering issues and pressures that may affect the community and the level of resources available to achieve priorities and aspirations.

A copy of the Planning and Reporting framework is attached.

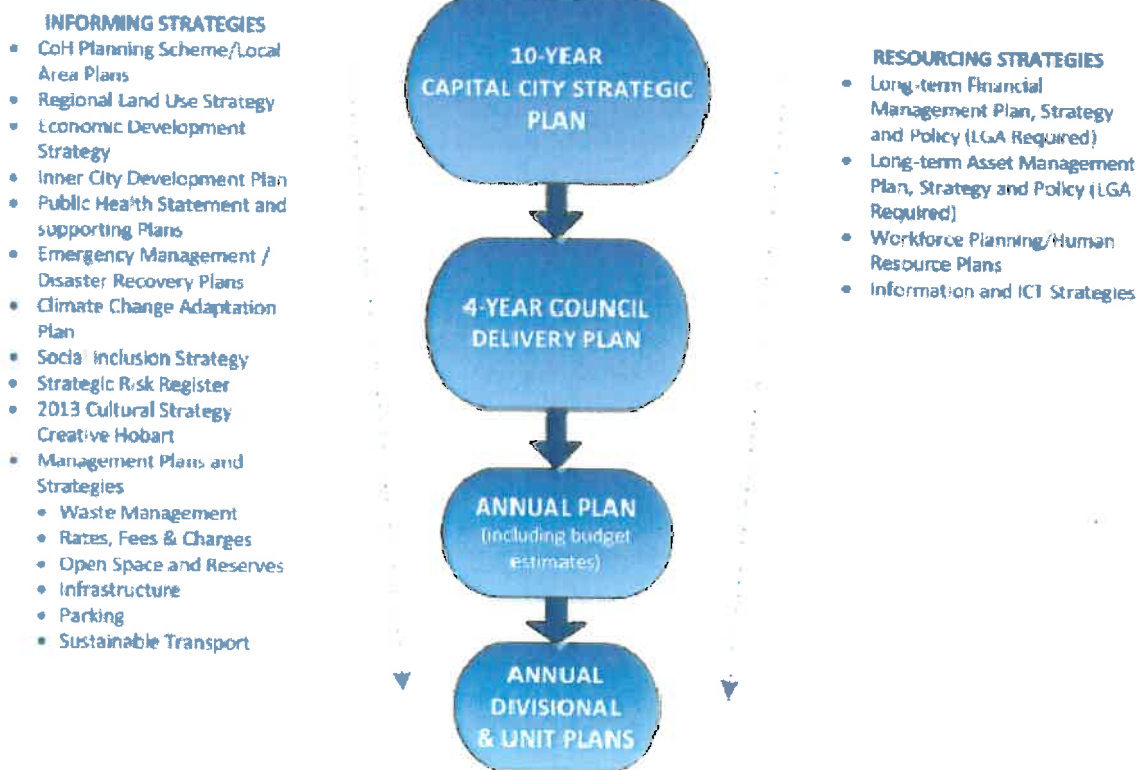


(N.D Heath)
GENERAL MANAGER

Attachment



Community Engagement



Outputs: Plan Monitoring and Annual Reporting
Measurement and Reporting

9. QUESTIONS WITHOUT NOTICE – FILE REF: 13-1-10

Pursuant to Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*, an Alderman may ask a question without notice of the Chairman, another Alderman or the General Manager or the General Manager's representative in accordance with the following procedures endorsed by the Council on 10 December 2012:

1. The chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. In putting a question without notice, an Alderman must not:
 - (i) offer an argument or opinion; or
 - (ii) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
3. The chairman must not permit any debate of a question without notice or its answer.
4. The chairman, Aldermen, General Manager or General Manager's representative who is asked a question without notice may decline to answer the question, if in the opinion of the intended respondent it is considered inappropriate due to its being unclear, insulting or improper.
5. The chairman may require an Alderman to put a question without notice, to be put in writing.
6. Where a question without notice is asked at a meeting, both the question and the response will be recorded in the minutes of the meeting.
7. Where a response is not able to be provided at the meeting in relation to a question without notice, the question will be taken on notice and
 - (i) the minutes of the meeting at which the question is put will record the question and the fact that it has been taken on notice.
 - (ii) a written response will be provided to all Aldermen, at the appropriate time.
 - (iii) upon the answer to the question being circulated to Aldermen, both the Question and the Answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, whereat it be listed for noting purposes only, with no debate or further questions permitted, as prescribed in Section 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*.

10. CLOSED PORTION OF THE GOVERNANCE COMMITTEE MEETING

The following items were discussed:-

- Item No. 1. Minutes of the Closed Portion of the Governance Committee Meeting held on Tuesday 31 May 2016
- Item No. 2. Consideration of Supplementary Items to the Agenda
- Item No. 3. Indications of Pecuniary and Conflicts of Interest
- Item No. 4. Questions Without Notice – File Ref: 13-1-10