



Meander Valley Council
Working Together

AGENDA

ORDINARY COUNCIL MEETING

Tuesday, 11 March 2025

Time 3.00pm

Location Council Chambers
26 Lyall Street
Westbury, Tasmania

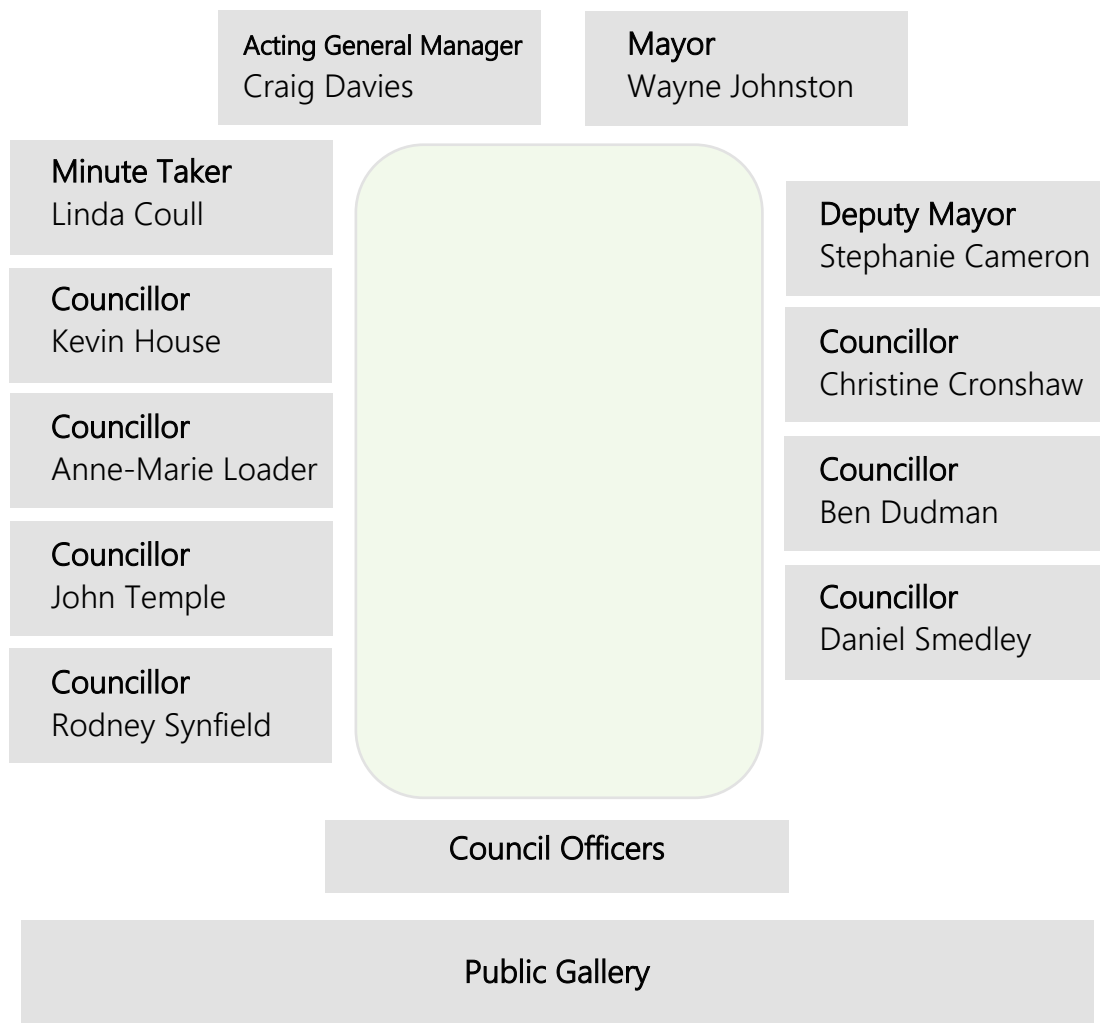
Telephone (03) 6393 5300

The Way We Work Together

Our Agreed Behaviours

1. We work as a team, value each other's contribution and are accountable for our work.
2. We support each other's roles to deliver the best outcomes for our customers and community.
3. We are supported, trusted and empowered to do our work.
4. We value open and transparent communication to keep each other well informed.
5. We operate in an environment where people feel connected.

Council Chambers Seating Plan



Going to a Council Meeting

Members of the community are encouraged to engage with Council's monthly meetings. You can submit questions online or attend in person.

The Council's website offers handy fact sheets with information about what to expect at a Council Meeting, including how to participate in Public Question Time.

In accordance with Policy No. 98: Council Meeting Administration, this Meeting will be recorded and live streamed to the general public. By attending the Meeting in person, you are consenting to personal information being recorded and published.

No unauthorized filming or recording of the Meeting is allowed.

Hard copies of Agendas and Minutes are also available to view at the Council's office.

Learn More

Click here to find fact sheets about attending a Council Meeting, or to submit a question online for a future Meeting.

A copy of the latest Agenda and Minutes are available to view at the Council's office in Westbury. **Click here** to view Agendas and Minutes online or listen to audio of Meetings.

After the Meeting, you will find Minutes, Audio and Live Stream Recordings online. The recordings will remain available to the public for six months.

You can also contact the Office of the General Manager by telephone on (03) 6393 5317, or email ogm@mvc.tas.gov.au to ask any questions, to submit a question or learn more about opportunities to speak at a Council Meeting.

Public Access to Chambers

Where there is a need to manage demand, seating will be prioritised as follows:

For Planning Decisions: Applicants and representors have first priority. A representor is a community member who writes to the Council to object to or support a planning application (statutory timeframes apply for becoming a representor during the planning process).

For All Decisions: Members of the media are welcome to take up any seats not in use by the public or email ogm@mvc.tas.gov.au to request specific information about a Council decision.

Attendees are requested to consider the health and wellbeing of others in attendance.

If you are symptomatic or in an infectious state, then you are requested to stay away from the Meeting or follow good practices to minimise risk to others. This includes measures such as social distancing, wearing of face-masks and the use of hand sanitisers.

Conduct at Council Meetings

Visitors are reminded that Council Meetings are a place of work for staff and Councillors.

The Council is committed to meeting its responsibilities as an employer and as host of this important public forum, by ensuring that all present meet expectations of mutually respectful and orderly conduct.

It is a condition of entry to the Council Chambers that you cooperate with any directions or requests from the Chairperson or the Council's Officers.

The Chairperson is responsible for maintaining order at Council Meetings. The General Manager is responsible for health, wellbeing and safety of all present. The Chairperson or General Manager may require a person to leave the Council's premises following any behaviour that falls short of these expectations. It is an offence to hinder or disrupt a Council Meeting.

Access and Inclusion

The Council supports and accommodates inclusion for all who seek participation in Council Meetings, as far as is practicable.

Any person with a disability or other specific needs is encouraged to contact the Council prior to the Meeting on (03) 6393 5317 or via email to ogm@mvc.tas.gov.au to discuss how the Council can best assist you with access.

Council Meeting Processes

During Council Meetings, the following, processes occur:

All motions are passed by simple majority unless otherwise stated in the Agenda Item.

Councillors abstaining from voting at a Council Meeting are recorded as a negative vote (*Local Government (Meeting Procedures) Regulations 2015*).

Councillors are able to move amended, alternate or procedural motions during debate.

Councillors' Questions Without Notice will not be recorded in the Minutes unless they are Taken on Notice.

Members of the Public are able to ask two questions during Questions Without Notice.

Certificate of Qualified Advice

The General Manager must ensure any advice, information or recommendation is given to Council by a person with the necessary qualifications or experience: section 65, *Local Government Act 1993*.

Council must not decide on any matter without receiving qualified advice or a certification from the General Manager.

Accordingly, I certify that, where required:

- (i) the advice of a qualified person was obtained in preparation of this Agenda; and
- (ii) this advice was taken into account in providing general advice to the Meander Valley Council; and
- (iii) A copy of any such advice (or a written transcript or summary of oral advice) is included with the Agenda item.



Jonathan Harmey
General Manager

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1. Opening of Meeting and Apologies

2. Acknowledgment of Country

I begin today by acknowledging the Pallitore and Panninher past peoples, the Traditional Owners and Custodians of the land on which we gather today and I pay my respects to Elders past and present. I extend that respect to all Aboriginal and Torres Strait Islander peoples here today.

3. Confirmation of Minutes

Local Government (Meeting Procedures) Regulations 2015 – Regulation 35(1)(b)

Recommendation

That Council receives and confirms the Minutes of the last Ordinary Council Meeting held on 11 February 2025.

4. Declarations of Interest

Local Government Act 1993 – section 48

(A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences).

5. Council Workshop Report

Local Government (Meeting Procedure) Regulations 2015 – Regulation 8(2)

Topics Discussed – 25 February 2025

Review of Policy No. 11: Public Open Space Contributions and Policy No. 85: Open Space

Councillors reviewed Policy No. 11: Public Open Space Contributions to incorporate the intent of Policy No. 85: Open Space and discontinue Policy No. 85: Open Space.

Carrick Structure Plan – Draft Character Study and Draft Road Network Plan

Councillors received information regarding progress on the Carrick Structure Plan ahead of the upcoming Community Forum in Carrick on 25 March 2025.

Prospect Vale Blackstone Heights Structure Plan Update – Public Open Space and Recreation Facilities

Councillors were provided with an update on the Prospect Vale Blackstone Heights Structure Plan ahead of upcoming community consultation.

Regional Land Use Strategy – Steering Committee Representative

Councillors considered nominations for a Regional Land Use Strategy Steering Committee Representative.

Westbury Town Entry Signs

Councillors gave feedback on preliminary designs for Westbury Town Entry Signs.

Proposed Speed Reduction for Meander Valley Portion of Westbury Road and Country Club Avenue, Prospect Vale

Councillors provided direction on proposed speed reduction for Westbury Road and Country Club Avenue, Prospect Vale.

Review of Policy No. 82: Community Grants and Sponsorship Fund, Associated Guidelines and Funding Categories

Councillors were presented with proposed changes to Policy No. 82: Community Grants and Sponsorship Fund, Associated Guidelines and Funding Categories following internal review.

Local Government Reform – Online Consultation Meeting Points

Councillors were presented with a summary of points from recent online sessions facilitated by the State Government's Office of Local Government.

Future of Local Government Review - State Government Response

Councillors discussed the State Government's discussion paper outlining proposed targeted amendments to the Local Government Act 1993 and provided direction on Council's response.

Public Question Without Notice February 2025 – Helen Hutchinson

Councillors considered the question and discussed the response.

Councillor Synfield Report SEGRA Conference

Councillor Synfield presented his report.

Hagley Farm Agriculture Learning Site Visit

Councillors visited Hagley Farm Agriculture Learning Centre to see first-hand the learning experiences available to students throughout the state.

LGAT Elections for the General Management Committee

Councillors discussed upcoming election nominations to be decided at March Council Meeting.

Items for Noting

Westbury Streetscape – Status Update

Councillors received an update on the project.

6. Mayor and Councillors' Reports

Councillors' Official Activities and Engagements Since Last Meeting

Mayor Wayne Johnston

Attended the following events:

- 12 February 2025 – TasWater Half Yearly Briefing
- 14 February 2025 – Tasmanian Football Club CEO Brendon Gale at Deloraine Football Club
- 15 February 2025 – Chudleigh Show
- 16 February 2025 – Deloraine Street Car Show
- 20 February 2025 – LGAT General Management Committee Meeting
- 25 February 2025 – TasWater Expert Advisory Group
- 25 February 2025 – Hagley Agricultural Learning Centre Visit
- 25 February 2025 – General Manager's Performance Review Committee Meeting
- 26 February 2025 – Launceston Cup
- 28 February 2025 – LGAT Consultation Session for Mayors on Targeted Amendments to the Local Government Act

Deputy Mayor Stephanie Cameron

Attended the following events:

- 25 February 2025 – General Manager's Performance Review Committee Meeting

Councillor Anne-Marie Loader

Attended the following events:

- 11 February 2025 – Carrick Hall Committee Meeting
- 13 February 2025 – Westbury St Patrick's Festival Committee Meeting
- 15 February 2025 – Chudleigh Show
- 16 February 2025 – Deloraine Street Car Show
- 19 February 2025 – Great Western Tiers Tourism Association Meeting
- 20 February 2025 – Westbury St Patrick's Festival Committee Meeting
- 21 February 2025 – Australian Local Government Women's Association Meeting
- 25 February 2025 – Child and Youth Safe Organisations Framework Training
- 25 February 2025 – Hagley Agricultural Learning Centre Visit
- 25 February 2025 – General Manager's Performance Review Committee Meeting
- 7 March 2025 – International Women's Day, Meander Valley

Councillors' Announcements and Acknowledgements

7. Petitions

For further information about Petitions, refer to the Local Government Act 1993: sections 57-60A.

No new Petitions or Actions on Previous Petitions have been received as part of this Agenda.

8. Community Representations

Community representations are an opportunity for community members or groups to request up to three minutes to address Council on a topic of particular interest.

Requests received at least 14 days prior to a Council Meeting will be considered by the Chairperson. For further information, contact the Office of the General Manager on (03) 6393 5317 or email ogm@mvc.tas.gov.au.

No Community Representations have been received as part of this Agenda.

9. Public Question Time

Members of the public may ask questions in person or using the form available on the Council's website.

During the Meeting, a minimum of 15 minutes is available and is set aside for members of the public to ask Questions With or Without Notice. Council will accept up to two Questions With Notice and two Questions Without Notice per person, per Meeting.

[Click here](#) to submit an online question for a future Meeting.

Refer to pages 3 and 4 of this Agenda for more information about attending a Council Meeting.

9.1. Public Questions With Notice

Local Government (Meeting Procedures) Regulations 2015 – Regulation 31(1)

(Questions With Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting).

Question

Ian Mackenzie, Bracknell – Landfill Strategy Concerns – submitted in writing on 11 February 2025

1. *[With regard to the Landfill Strategy Agenda Item discussed at the 11 February 2025 Council Meeting], what are these costs/fees/prices controls (eg. the current fee per tonne for our waste to be placed at the Dulverton and Launceston waste facilities; transport costs from Deloraine to Dulverton and Launceston; controls/guarantees) that the Meander Valley Council has over the fees/costs/charges – risk mitigation and the estimated yearly tonnage of waste.*

David Murray (Director Infrastructure Services) advised that the cost to Council for disposal of any waste at the Launceston Waste Centre would be subject to City of Launceston's scheduled fees, which are available on their website at the following link: <https://www.launceston.tas.gov.au/Natural-Environment-and-Waste/Waste-Centres>

The fees for waste disposal at Dulverton Waste Management would be subject to negotiation and are not publicly available. Future transport costs for waste from Deloraine Waste Depot to a regional facility are currently considered in existing contract arrangements with transport providers. Future contracts for these services would be subject to Council's standard procurement policies. Council would retain

the option to deliver these services rather than contract to a third party if this was determined to be the most cost effective delivery model.

Council has sought and received advice from subject matter experts to consider the costs and the risks associated with managing waste disposal services in the municipality. Council has determined that the risks associated with continuing to own and operate waste management sites outweigh the benefits of further capital investment. One key risk associated with the regional transportation model is the lack of pricing control. The key mitigation for this risk is ongoing access to more than one regional site to ensure there is competition in the market.

The current annual tonnage of waste disposal for Meander Valley residents is approximately 5,000 tonnes.

2. *For those ratepayers in the east of Deloraine that do not have collection services, where are they to dump their waste, are they expected to travel an additional 30kms return?*

David Murray (Director Infrastructure Services) advised that customers have the option to visit a number of waste disposal sites within the Meander Valley including the Deloraine Waste Depot, Mole Creek Waste Transfer Station and the privately managed transfer station at Meander.

Whilst it is acknowledged that some customers that currently use the Westbury Refuse Disposal Site will be required to travel to the Deloraine Waste Depot to dispose of waste from 1 July 2025, the distance between the two sites is 14.8km. It is assumed that this is where the quoted figure of 30kms return is arrived at, which will vary based on where the customer is travelling from.

Question

Helen Hutchinson, Western Creek – Climate Change – asked at the Council Meeting held on 11 February 2025.

1. *In the northern hemisphere some countries (eg. Norway, Denmark and Finland) have issued their residents (all of them) with booklets that detail exactly what they will need to survive for three days in the event of a sudden catastrophe.*

With this in mind, will the Meander Valley Council:

- *erect public noticeboards with the details of public centres that will always accept people dislocated by sudden extreme climate or other emergencies; and*
- *consider the compilation of a booklet similar to those provided (in Norway) to help people prepare for themselves in case of emergency?*

Craig Davies (Director Corporate Services) advised that Meander Valley Council discussed the question at the Council Workshop on 25 February 2025.

The Council has a Municipal Emergency Management Plan that has been approved by the State Emergency Management Controller. This plan designates the Municipal Community Evacuation Centre as the Deloraine Community Complex at Alveston Drive. In addition, this document lists 19 other facilities that would be available if required to support the community in the event of an emergency. The Plan outlines clear communication protocols in the event of an emergency and assigns responsibilities to various agencies, such as SES and Tasmania Police.

Council is confident that the existing plan and methods of communication are robust and will continue to prove effective in response to emergency situations. The Council will not pursue the proposal to erect public noticeboards dedicated for this purpose, or a booklet, but will undertake broad communication methods in all emergencies.

9.2. Public Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 – Regulation 31(2)(b)

(Members of the public who ask Questions Without Notice at a Meeting will have both the question and any answer provided recorded in the Minutes. If the Council's Officers are unable to answer the question asked at the Meeting, the question and a response will be provided in the next Council Meeting Agenda).

10. Councillor Question Time

10.1. Councillors' Questions With Notice

Local Government (Meeting Procedures) Regulations 2015 – Regulation 30

(Questions With Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting).

Question

Councillor Anne-Marie Loader – Commercial Vehicle Noise Concerns – asked at Council Meeting 11 February 2025

1. *[With regard to logging in the Weegen area] can the Council implement monitoring of the noise levels and operation times of forestry operations and if so place limitations and penalties for non-compliance?*

Matthew Millwood (Director Works) advised that forestry operations including hours of operation and associated aspects such as noise, are managed and regulated by the Forest Practices Authority, not Council. An approved Forest Practices Plan will be in place for the activity and Council has no regulatory jurisdiction.

Question

Deputy Mayor Stephanie Cameron – Parking on Emu Bay Road, Deloraine - received via email 28 February 2025

Finding parking along Deloraine's main shopping precinct on Emu Bay Road is increasingly difficult. With no current bylaws the '1 hour' parking rule cannot be enforced by council, businesses relying on passing trade are negatively impacted. Often, these prime spots are occupied by employees of local businesses, hindering potential customers stopping.

1. *I would like to know if the Council has a record of the number of public parking spaces in Deloraine [including the break down of 1 hour and longer term]?*

David Murray (Director Infrastructure Services) advised that Council commissioned Pitt and Sherry to provide a Deloraine Car Parking review report in December 2019. The study found there was a total supply of 274 parking spaces in the subject area which included Emu Bay Road, West Parade, West Barrack Street, West Church Street and the Council Car Park off West Parade. There is 1 hour time limited parking on Emu Bay Road from West Parade to West Church Street. There are 3 hour time limited and all-day options available on West Parade and West Church Street (West Parade to Emu Bay Road). All day parking is also available at

the off-street carpark on the corner of West Parade and West Church Street. It is correctly stated in the question that the Council does not have any bylaws relating to vehicle parking and does not employ parking compliance officers.

2. *Will the Council commit to a collaborative approach to finding a solution to this issue? This may include an information campaign for businesses to share with their staff their long-term parking options as well as upgraded signage to the area identifying where parking is available for locals and visitors to the area.*

Jonathan Harmey (General Manager) advised that the Council has considered parking in the town centre of Deloraine at a number of Council Workshops in the past five years, with mixed opinion on whether a parking issue exists, or not. Council has a current capital works project to make some parking changes to West Parade, Deloraine in the 2024-25 financial year. Council will be considering some parking changes to the formed car park on the corner of West Parade and West Church Street, intended for the 2025-26 financial year. The request for additional items, raised by Deputy Mayor Stephanie Cameron such as an information campaign and upgraded signage will be placed on a future Council Workshop agenda, for consideration of whether further commitments are required.

10.2. Councillors' Questions Without Notice

Local Government (Meeting Procedures) Regulations 2015 – Regulation 29

(Councillors who ask Questions Without Notice at a Meeting will have the question answered at the Meeting. Questions and responses will not be recorded in the Minutes of the Meeting. If the Council's Officers are unable to answer the question asked at the Meeting, the question and a response will be provided in the next Council Meeting Agenda).

11. Councillor Notices of Motion

Local Government (Meeting Procedures) Regulations 2015 – Regulation 16

Notice of Motion - Councillor Anne-Marie Loader - Proposed Development Application Panel Bill 2025

Subject File No.	S13-07-011
Proponent	Councillor Anne-Marie Loader
Decision Sought	<p>That Council determines its position on the proposed Land Use Planning and Approvals (Development Assessment Panels) Bill 2025 (the DAP legislation) as a matter of urgency and communicates its position to the municipality.</p> <p>That Council communicates its position on proposed DAP legislation to the municipality, including by conveying its decision to Planning Matters Alliance Tasmania (PMAT) so that it may be conveyed to those attending PMAT's public meeting on 27 March 2025.</p>
Vote	Simple Majority

Recommendation (Councillor Anne-Marie Loader)

That Council:

1. Determines its formal position on the proposed DAP legislation at its 25 March 2025 Council Workshop, with the position to be approved at the 8 April 2025 Council Meeting;
2. Conveys a summary of the key formal position points of discussion from the 25 March 2025 Council Workshop on the proposed DAP legislation to PMAT immediately, so that it may be communicated to those in attendance at the public meeting organised by PMAT on 27 March 2025; and
3. Otherwise publicises its formal position as soon as possible after approval at the 8 April 2025 Council Meeting.

Councillor's Report (Councillor Anne-Marie Loader)

As outlined in the minutes of the 12 November 2024 Ordinary Meeting, "Councillors provided direction on the Meander Valley Council's proposed submission to the Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024" (page 7). The minutes also reflect the Council's decision on that day to endorse and approve the submission for lodgement (page 18).

The full submission is included in the 12 November 2024 Agenda (pages 145-150).

Apart from reading the 12 November 2024 Ordinary Council Agenda, Council's submission is available by sifting through the almost 500 submissions on the State Planning Office website, however it is not easily or prominently accessible. It should be noted that of the nearly 500 submissions, 92% are against.

On 26 February 2025, the State Government released the second draft of the *Land Use Planning and Approvals (Development Assessment Panels) Bill 2025* for public consultation. The changes are insignificant compared to the first draft, which did not pass through the Legislative Council. The consultation period will close on 24 April 2025.

At a recent meeting organised by PMAT, a motion was passed urging councils across the state to hold public meetings to discuss their position on the proposed legislation with residents and ratepayers. The General Manager has advised that this might not be practicable between now and the deadline for consultation.

Given that the Council passed a motion in November 2024 to endorse and lodge its submission on the former Bill with a simple majority (one vote against), and given that there is little material difference between the new Bill and the last, it is crucial that we now expeditiously communicate the potential impacts of this Bill to our community. The PMAT public meeting on 27 March 2025 represents one of the best opportunities to do this.

Officer's Report (General Manager Jonathan Harmey)

The Council received an email on 27 February 2025 from the State Planning Office with advice that a new proposed Land Use Planning and Approvals (Development Assessment Panels) Bill 2025 had been released for public consultation. The email advised that the draft Bill is open for an 8 week consultation period closing 5pm Thursday 24th April 2025, and that submissions can be made via the Have your say site:

<https://www.stateplanning.tas.gov.au/have-your-say/consultations/lupaa-amendments/draft-lupaa-development-assessment-panel-amendment-bill-2024>

Council approved a previous submission on the Draft Development Assessment Panel (DAP) framework on 14 November 2023, following advice from the then Minister for Planning Michael Ferguson and public release of a Development Assessment Panel (DAP) framework position paper.

Council approved a further previous submission on the Draft Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024 on 12 November 2024, following an email on 7 October 2024 from the State Planning Office advising of a public consultation period for a Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2024 (the Bill). The Bill was subsequently voted down in the State Government's Legislative Council.

It is intended for the Council to approve a submission on the proposed Land Use Planning and Approvals (Development Assessment Panels) Bill 2025 at the 8 April 2025 Council Meeting.

Strategy

Supports the objectives of Council's strategic future direction

3. Creating a well-designed, sustainable built environment
5. Delivering responsible leadership and governance

See Meander Valley Community Strategic Plan 2014-24. [Click here](#) or visit www.meander.tas.gov.au/plans-and-strategies to view.

Policy

Not applicable

Legislation

The Land Use Planning and Approvals Act 1993

Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025

Consultation (Councillor Anne-Marie Loader)

Public Meeting Planning Matters Alliance #SCRAPTHEMATTERS Public Meeting -

<https://planningmatterstas.org.au/launceston-scrapthedap-public-meeting-12-feb-2025/>

Budget and Finance

The costs for supporting the Council Workshop and Council Meeting are accommodated in Council's approved budget estimates.



Risk Management

Not applicable

Alternative Recommendations (General Manager Jonathan Harmey)

Council can refer the matter directly to Council Workshop for discussion.

12. Corporate Services

12.1. Budget Adjustments 2024-25

File Reference	S12-02-001
Report Author	Craig Davies Director Corporate Services
Authorised By	Jonathan Harmey General Manager
Decision Sought	Approval of adjustments to Council's 2024-25 Budget Estimates.
Vote	Absolute majority

Recommendation

That Council, by absolute majority, pursuant to section 82(4) of the *Local Government Act 1993*, approves variations to the budget estimates as follows:

1. Capital grant income - \$22,723.30 for Isolated Communities Resilience Grants (Stream 1)
2. Capital expenditure project - \$28,640 in relation to above grant (inclusive of Council's contribution of \$5,940 for delivery and installation)
3. Capital grant income - \$5,570 for Isolated Communities Resilience Grants (Stream 2)
4. Operating expenditure project - \$5,570 in relation to the above grant
5. Operating grant income - \$10,000 for Australia Day 2025 Community Events Grant Program
6. Operating expenditure project - \$10,000 in relation to the above grant
7. Operating grant income - \$5,000 for Tasmanian National Science Week Engagement Grant
8. Operating expenditure project - \$5,000 in relation to the above grant
9. Capital expenditure project - \$60,000 drainage works (Vicinity 111A Meander Valley Road)
10. Capital contribution income - \$30,000 contribution from developer towards drainage works (Vicinity 111A Meander Valley Road)
11. Capital expenditure project - \$1,230,000 construction of new footpath and cycle ways along Panorama Road, Blackstone Heights (subject to grant funding)

Report

During the financial year, Council has sought and been successful in a number of grant applications. This item is to outline the variations to the budget estimates required as a

result of receipt of these grant monies and the expenditure required to complete the associated projects.

Council has been approved for two "Isolated Communities Resilience Grants" administered through the Department of Premier and Cabinet, Recovery and Resilience Tasmania Unit.

The Isolated Communities Resilience Grant (Stream 1) is project funding to support the implementation of resilience resources for communities at risk of becoming isolated in emergency situations. This grant supports Council's responsibilities under the *Tasmanian Emergency Management Act (2006)* and is specifically for the purchase and installation of an emergency generator and Starlink system for the Mole Creek Memorial Hall. This site was selected based on recent emergency event experiences and data indicated from the SES flood mapping project. The conditions of the grant specify that money is to be used for the equipment purchase only, so delivery and installation costs are required to be met as a Council contribution. These costs are anticipated to be \$22,700 (generator & Starlink, grant funded) plus \$5,940 (delivery and installation cost).

The Isolated Communities Resilience Grant (Stream 2) is for project funding to support the implementation of evacuation centre resources. This grant also supports Council's responsibilities under the *Tasmanian Emergency Management Act (2006)*. The conditions of this grant require the purchase of pre-identified approved equipment.

The Australia Day 2025 Community Events Grant Program is project funding through the National Australia Day Council that contributed to the 2025 Community Awards and Celebration Event on the Village Green in January as well as the Australia Day breakfast hosted by Rotary Westbury at the Westbury RSL on Australia Day. This money has been expended as required under the terms of the grant agreement. No additional budget is required to cover the grant project. A process of acquittal is in progress and will be submitted prior to the nominated deadline.

A Tasmanian National Science Week Engagement Grant of \$5,000 was obtained through the University of Tasmania for the Inspiring Australia – Tasmania Project (IAT) via the Tasmanian National Science Week Coordinating Committee. This money has been received, expended and acquitted in accordance with the grant agreement. A total of \$6,024 was spent on this project with the additional \$1,024 cost being met through the Community Wellbeing budget.

When recently assessing a development application at 111A Meander Valley Road, Westbury, it was identified that drainage works were required to address deficient council stormwater assets adjacent to the development area. The required works include installation of larger stormwater pipes, headwall and reshaping of an open drain. The estimated value of the work is \$60,000. Council has negotiated an agreement for the developer to contribute 50% to the cost of this project.

Council has been successful in its application, under the Australian Government's *Active Transport Fund Program*, for the funding for the design and construction of footpath and cycle lane installation at Panorama Road, Blackstone Heights. The funding offer of

\$610,000 is subject to a Council co-contribution of \$620,000 to form a total project budget of \$1,230,000. The construction works are required to be completed by 31 May 2026 to meet the funding offer payment schedule. This project was planned to be undertaken in a staged manner over a number of years in the long term financial plan and the federal grant funding ensures it will be completed as one project. The \$610,000 grant revenue will be received from 1 July 2025 and will be budgeted in future years, however the capital expenditure project is recommended for approval so that there is commitment around the project and design works can commence.

Attachments

Nil

Strategy

Supports the objectives of Council's strategic future direction

4. Investing in infrastructure that strengthens connection
5. Delivering responsible leadership and governance

See Meander Valley Community Strategic Plan 2024-34. [Click here](https://www.meander.tas.gov.au/plans-reports) or visit <https://www.meander.tas.gov.au/plans-reports> to visit.

Policy

Not applicable

Legislation

Local Government Act 1993: section 82(4)

Consultation

The resource recovery grants were negotiated with funding partners and relevant stakeholders including the Mole Creek Hall Committee.

Budget and Finance

Approval of these adjustments will ensure Council has the necessary funds to complete the projects identified.

Risk Management

The resource recovery grants will achieve greater risk mitigation in the occurrence of an emergency event.

Alternate Motion

Councillors can adopt the recommendation with amendments.

13. Development and Regulatory Services

13.1. Review of Policy No. 11: Public Open Space Contributions & Policy No. 85: Open Space

File Reference	S13-11-002
Report Author	Natasha Whiteley Team Leader Town Planning
Authorised By	Krista Palfreyman Director Development and Regulatory Services
Decision Sought	Review Policy No. 11: Public Open Space Contributions to incorporate the intent of Policy No. 85: Open Space and discontinue Policy No. 85: Open Space.
Vote	Simple majority

Recommendation

That Council:

1. Discontinue Policy No. 85: Open Space; and
2. Approve the continuation of Policy No 11: Public Open Space, amended as follows:

Policy No. 11

Public Open Space

Purpose

The purpose of this Policy is to:

1. Guide the Council's strategic provision of public open space;
2. Establish design guidelines for public open space contributed through subdivision applications or otherwise acquired;
3. Clarify the process of determining when a public open space land contribution or a cash-in-lieu contribution will be required for subdivision applications;
4. Establish a consistent method of determining the value of cash-in-lieu contributions and when they are to be paid; and
5. To outline how funds derived from cash-in-lieu contributions should be spent in the municipality.

Department

Development and Regulatory Services

Author

Thomas Wagenknecht, Senior Strategic Planner

Council Meeting Date

11 March 2025

Minute Reference

XXX/2025

POLICY

1. Definitions

<i>Cash-in-lieu Contribution</i>	An amount payable to Council under section 117 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> for the acquisition or improvement of land for public open space for the benefit of inhabitants of the municipal area.
<i>Council</i>	The Meander Valley Council.
<i>Final Plan</i>	A final plan of subdivision under section 87 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> .
<i>Improved Value</i>	The value of the land upon completion of all works required by the planning permit prior to sealing of any Final Plan of Survey.
<i>Improvement</i>	Includes landscaping, fencing and the provision of playground equipment, walking paths, car parking areas and toilet facilities, as defined in the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> .
<i>Plan of Subdivision</i>	As defined in the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> .
<i>Public Open Space</i>	Space for public recreation or public gardens or for similar purposes, as defined in the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> .
<i>Public Open Space Land</i>	The area of land required by Council for public Open space
<i>Contribution</i>	under section 116 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> .
<i>Subdivision</i>	As defined in the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> .

2. Objective

The objectives of this Policy are:

1. To ensure that public open space obtained by the Council is of a quality and standard suitable for the intended purpose;
2. To ensure that developers make an appropriate contribution towards the acquisition or improvement of land for public open space for the benefit of

inhabitants of the municipal area, proportional to the likely demand for public open space generated by the subdivision;

3. To outline the process for determining the value of cash-in-lieu contributions, the time at which the value is to be determined and when the contribution is to be paid to the Council; and
4. To ensure that cash-in lieu contributions are spent for the purpose of acquiring or improving public open space.

3. Scope

The Policy applies to all subdivision applications received by the Council and the use of cash-in-lieu contributions.

4. Policy

The *Local Government (Building and Miscellaneous Provisions) Act 1993* (the Act) empowers the Council to require a public open space land or cash-in-lieu contribution as a part of any plan of subdivision, or to refuse to approve a plan of subdivision because it should include or omit public open space, pursuant to sections 85, 116 and 117 of the Act.

A reasonable exercise of this power is where:

- a. the nature and extent of the subdivision is such that it will generate a need for public open space; and
- b. the need generated by the subdivision will result in a perceptible increase in the demand on existing public open space within the relevant neighbourhood, locality and/or the municipal area in general.

4.1 When public open space land or cash-in-lieu contributions will not be required

The Council will not require a public open space land or cash-in-lieu contribution from subdivisions in the following circumstances:

- a. where located within the Rural Zone, Agriculture Zone, Environmental Management Zone, Landscape Conservation Zone, Utilities Zone, Community Purpose Zone, Recreation Zone, or Open Space Zone;
- b. boundary adjustments;
- c. lot consolidations;
- d. subdivision for development of public utilities; or
- e. where the application for subdivision is made by, or on behalf of, the Council.

4.2 Public Open Space Land Contributions

4.2.1 When a public open space land contribution will be required

Upon demonstrating that both a need and a perceptible increase in demand for public open space is generated by the subdivision, a public open space land contribution will be required where it is considered necessary:

- a. to provide reasonable access to public open space for existing or future inhabitants within a neighbourhood, locality, and/or the municipal area generally; or
- b. to further Council's public open space objectives including, but not limited to, those identified in a Council endorsed structure plan or strategy.

Notwithstanding, if a subdivision is unable to satisfy the public open space guidelines outlined in Section 4.2.3, then a cash-in-lieu contribution will be required in accordance with Section 4.3.

4.2.2 Public Open Space Land Contribution Requirements

Where a public open space land contribution is required, up to 5% of the subdivision area will need to be set aside for this purpose and transferred to Council's ownership, unless otherwise specified within this Section.

Council may accept less than 5% of the subdivision area to be set aside as a public open space land contribution if the remaining equivalent amount is provided as a cash-in-lieu contribution in accordance with section 4.3.

Council may require more than 5% of the subdivision area to be dedicated for public open space. This will only be considered in circumstances where it is considered necessary to further the Council's public open space objectives including, but not limited to, those identified in a Council endorsed structure plan or strategy. In such circumstances, Council must purchase the excess area as provided in section 116 of the Act.

Where the subdivision is staged, the public open space land contribution must be provided and developed within a stage approved by the Council. Generally, and where practicable, this will be within one of the first stages to be developed. Where it is necessary for the public open space land contribution to be provided within a later stage, a bond may be required to secure the obligation to transfer the land.

4.2.3 Public Open Space Design Requirements

The Council will not accept land for public open space where it comprises the following:

- a. land containing above or below ground infrastructure that would unreasonably limit the use of the land for recreation or landscaping treatments;
- b. land subject to unmanageable hazards;
- c. land that cannot be sustainably managed due to steep topography, protected flora and/or fauna or other constraints;
- d. land that poses an unreasonable risk to public health due to contamination;
- e. land that unreasonably restricts public use due to access constraints;
- f. land with a site area less than 1,000m², unless co-located with any other existing or planned public open space area;

- g. pedestrian footways or other kinds of ways dedicated under section 95 of the Act; or
- h. stormwater retention basins.

The Council will only accept land for public open space where an assessment against the **Public Open Space Design Guidelines** outlined in Table 1 has been undertaken and the Council is satisfied that the land is, on balance, suitably located and designed for its intended purpose. Whilst it is not necessary for the public open space to further each principle, the inability to further an individual or combination of principles may justify the Council's refusal to accept land as public open space.

Table 1: Public Open Space Design Guidelines

Theme	Principle
Accessibility	The land is accessible and convenient for users of all ages and abilities.
Adjoining land use	The land is located and designed with an understanding of the influence of adjoining land use upon the useability of the proposed public open space. This includes consideration of existing or allowable land uses and associated noise, built form and height, and the ability to integrate into the surrounding areas through treatments such as alignment, fencing and landscaping.
Climate Change	The land is located and designed to minimise impacts to the anticipated service life, long-term useability and maintenance obligations of the land due to climate change impacts.
Diversity of Use	The land is capable of: <ul style="list-style-type: none"> a. accommodating a range of organised, unstructured and informal recreational activities based on current and future community needs, including any likely requirement for car parking; or b. improving the diversity of passive and active recreational uses within the municipality (e.g. neighbourhood parks, destination and/or regional facilities).
Ecosystem Values	The land protects and enhances ecosystem functions, including biodiversity values, ecological diversity, and waterway management.
Financial Sustainability	The land is cost effective to maintain over its effective lifetime and minimises the costs to Council associated with: <ul style="list-style-type: none"> a. obtaining and improving the land as open space to a useable standard; and b. the ongoing maintenance and management of the site.

Theme	Principle
Limitations on Use	Public use of the land is not unreasonably restricted by features such as: <ul style="list-style-type: none"> a. drainage or wetland areas; b. services, easements or utilities (whether underground or overground); c. size, shape and gradient; d. stormwater detention basins: or e. vehicular access.
Safety	The land is located and designed to promote safe places, through principles outlined in <i>Crime Prevention Through Environmental Design: Guidelines for Queensland 2021</i> , as relevant.
Site Amenity	The land creates attractive environments and focal points that contribute to the amenity of the area.
Structure Plans and Strategies	The land furthers Council's public open space objectives including, but not limited to, those identified in a Council endorsed structure plan or strategy.
Connectivity	The land is well-connected with a range of transport options, available or planned, for residents to easily access the site relative to the size and anticipated catchment for the proposed open space, including: <ul style="list-style-type: none"> a. active transport linkages; b. linear shared trails; c. major roads; d. proximity to public transport; and e. the street network.
Visibility	The land is visually prominent to maximise its use and contribution to the broader community, particularly where located in or near activity centres.
Walkable Catchment Areas	The land maximises, where practicable, the number of dwellings and businesses that are within a convenient five minute walking distance of the public open space network.

4.2.4 Standard of public open space land prior to transfer

Prior to the transfer of a public open space land contribution to Council, certain works will be required to ensure that the public open space land contribution is suitable for the intended purpose.

Such works, where relevant, will include:

- a. connection of reticulated services;
- b. implementation of any management measures required to mitigate natural hazards, such as bushfire or landslip, to an acceptable level;
- c. provision of adequate access;
- d. removal of contaminated soil;
- e. removal of rubbish and debris;
- f. Removal of declared weeds.

Further works may be required depending on the individual circumstance of the land, such as:

- a. provision of fencing;
- b. tree stock surveys.

4.3 Cash-In-Lieu Contributions

4.3.1 When a cash-in-lieu contribution will be required

Council will require a cash-in-lieu contribution if the likely demand for public open space is not met by the Plan of Subdivision because:

- a. no public open space land contribution is proposed; or
- b. that no land within the Plan of Subdivision is considered suitable for public open space in accordance with Section 4.2.

4.3.2 Amount of Cash-In-Lieu Contribution Required

Where a cash-in-lieu contribution is required, the payment must be paid to Council in accordance with section 117 of the Act.

Unless otherwise specified in Table 2, the payment will be equivalent to 5% of the value of the whole area, excluding any balance lot and lot(s) containing an existing dwelling, comprised in the Plan of Subdivision.

The value of the following areas or lots shown in the Plan of Subdivision, proportional to the value of the whole area, will be subtracted from the required payment:

- a. public open space; and/or
- b. littoral or riparian reserves.

Where a Plan of Subdivision provides public open space or littoral or riparian reserves that constitute 5% or more of that whole area of the Plan of Subdivision, no cash-in-lieu contribution will be sought.

Table 2: Cash-in-lieu contribution by Zone

Zone	Cash-in-lieu Contribution (percentage of whole area)	Qualification
Low Density Residential Zone	4%	In areas with a minimum lot size of at least 5000m ²
Rural Living Zone A and B	3%	All properties
Rural Living Zone C	2%	All properties
Rural Living Zone D	1%	All properties

4.3.3 Value Calculation of Cash-In-Lieu Contribution

Where the subdivision will create four or less additional lots, Council will determine the value of the cash-in-lieu contribution at the time of lodgment of the Final Plan of Survey. The value of the cash-in-lieu contribution will be based on the most recent recorded valuation adjusted, as necessary, according to the applicable adjustment factor determined by the Office of the Valuer-General.

Where the subdivision will create five or more additional lots, a valuation must be undertaken by a suitably qualified person no more than 3 months prior to the date the final plan is lodged with Council. The valuation must, to the satisfaction of Council, be based on the improved value of the land and be at no cost to Council.

Notwithstanding, if Council believes the valuation provided does not truly reflect the value of the land, including where it is too complex or unreasonable to rely on the most recent valuation, Council reserves the right to require a new valuation to be undertaken by a suitably qualified person at no cost to Council.

4.3.4 Staged Subdivisions

Where a subdivision is staged, a proportion of the total cash-in-lieu contribution - equivalent to the area of new lots and roads created - must be paid prior to sealing the final plan of survey for each stage. The proportion of the cash-in-lieu contribution payable will be expressed through conditions on the planning permit.

Where requested by the applicant prior to any planning permit being issued, Council may defer the payment of the proportioned cash-in-lieu contribution for any stage of a subdivision to the following stage. For example, the cash-in-lieu contribution required to be paid for the first stage may be paid at the time of sealing the final plan of survey for the second stage, and so on. The total cash-in-lieu contribution must be paid no later than the lodgment of the final stage of the subdivision.

A new valuation will be required for each stage of the subdivision if the subsequent stages are not completed within 12 months of the date of the initial valuation.

4.3.5 Expenditure of Cash-In-Lieu Contributions

The expenditure of cash-in-lieu contributions will be used for the acquisition or improvement of land for public open space for the benefit of inhabitants of the municipal area, in accordance with section 117(5) of the Act.

To this effect, the cash-in-lieu contributions:

- a. can be used by the Council to:
 - i. acquire new land for public open space where consistent with Section 4.2.3, including an assessment against the Public Open Space Design Guidelines, and Section 4.2.4; or
 - ii. improve existing undeveloped or underdeveloped land already owned by Council for public open space; and
- b. can be applied towards the provision of public open space anywhere in the municipal area.

Cash-in-lieu contributions must not be applied to recurrent expenditure such as the general maintenance of public open space.

5. Legislation and Related Standards

Land Use Planning and Approvals Act 1993

Local Government (Building and Miscellaneous Provisions) Act 1993

6. Responsibility

Responsibility for the operation of this Policy rests with the Director Development and Regulatory Services.

Report

Policy No. 11: Public Open Space Contributions and Policy No. 85: Open Space are due for review. These policies have been reviewed, and it is recommended that:

- a. Policy No. 85: Open Space be incorporated into Policy No. 11 Public Open Space and be discontinued; and
- b. Policy No. 11: Public Open Space Contribution be retitled 'Public Open Space' and revised, including integration of the intent of Policy No. 85: Open Space, and approved.

Policy No. 85: Open Space was intended to guide the Council's strategic provision of open space by outlining three key principles (liveability, efficiency, and environmental values) in determining when, where and how open space is provided. While there is merit

to the establishment of guiding principles for the development of Council's open space network, the Policy as drafted is largely disconnected from the legislative framework that facilitates the provision of public open space, namely through subdivision approvals. Such principles would be more effective if considered during the assessment of subdivision applications. Accordingly, this Policy is recommended to be discontinued, with the content integrated into Policy No. 11.

Policy No. 11: Public Open Space Contributions outlines the requirements and calculation methodology relating to contributions towards public open space for subdivision. The policy has been reviewed and comprehensively overhauled to provide the community and developers with a clearer understanding of when public open space land or cash-in-lieu contributions may be required as part of a subdivision application, under the *Local Government (Building and Miscellaneous) Act 1993*. The reviewed Policy also integrates a suite of design guidelines for developers and officers to consider when proposing or requiring public open space land through subdivision applications.

The reviewed policy also outlines how Council is to use any money received as a cash-in-lieu contribution. When using this money to acquire land for the purpose of Public Open Space, Council would be bound to the same guidelines as developers are, to determine if the land is suitable for the intended purpose.

Importantly, the reviewed Policy also confirms that the value of cash-lieu contributions must be based on the improved value of the land at the time of lodgement of the Final Plan of Subdivision, as determined in *N Leary v Clarence City Council* [2013] and reaffirmed in *DK & IB Gourley v Clarence City Council* [2016].

Noting the time and cost constraints associated with seeking valuations, the Policy is drafted to provide for an adjusted unimproved land value for subdivisions creating four or less additional lots, to be determined at the time of lodgement of the Final Plan of Subdivision.

When taking the above into account, the cost incurred by lower density subdivisions (i.e. with larger lot sizes) is also disproportionate to the demand for public open space that subdivision would generate. A mechanism is introduced that responds to these circumstances by reducing the cash-in-lieu contribution required according to the applicable zoning of the site.

In summary, the Policy aligns with recent case law by being structured around the following decision rules:

1. Determine if the subdivision generates a demand for public open space.
2. If a demand is generated, determine if Council seeks to require land as per the Public Open Space Guidelines.
3. If land is not required, then cash-in-lieu contribution will be required instead.

Furthermore, the revised Policy outlines how Council is to spend money received as a public open space cash-in-lieu contribution.

The review of Policy No. 11: Public Open Space incorporating Policy No. 85: Open Space, resulting in Policy No. 85's discontinuation was discussed at workshop on 25 February 2025.

Attachments

1. Existing Policy No. 11: Public Open Space Contributions [13.1.1 - 2 pages]
2. Existing Policy No. 85: Open Space [13.1.2 - 2 pages]

Strategy

Supports the objectives of Council's strategic future direction

3. Creating a well-designed, sustainable built environment
4. Investing in infrastructure that strengthens connection

See Meander Valley Community Strategic Plan 2024-34. [Click here](#) or visit <https://www.meander.tas.gov.au/plans-reports> to visit.

Policy

Not applicable

Legislation

Land Use Planning and Approvals Act 1993

Local Government (Building and Miscellaneous Provisions) Act 1993

Consultation

Not applicable

Budget and Finance

This Policy outlines the process of requiring a public open space contribution, either as land or cash-in-lieu, from subdivision applications. Obtaining and improving land will increase Council's operating expenditure and its ongoing maintenance. It also outlines how the money received from the cash-in-lieu contribution is to be used.

Risk Management

Not applicable

Alternate Motion

Councillors can adopt the recommendation with amendments.

POLICY MANUAL

Policy No. 11	Public Open Space Contributions
Purpose	The purpose of this Policy is to outline the requirements and calculation methodology relating to contributions towards public open space for subdivisions.
Department	Development and Regulatory Services
Author	Krista Palfreyman, Director
Council Meeting Date	11 May 2021
Minute Reference	89/2021
Next Review Date	June 2025

POLICY

1. Definitions

Nil.

2. Objective

To ensure that developers make an appropriate contribution towards public open space to account for population growth facilitated by increasing the density of residential development when carrying out subdivisions.

3. Scope

The Policy shall apply to all subdivision applications received by the Council.

4. Policy

The Council, in accordance with the provision of section 117 of the *Local Government (Building and Miscellaneous Provisions Act) 1993* (the Act) requires a contribution equivalent to 5% of the land value of the lots as a cash in lieu contribution towards Public Open Space for all subdivisions.

The cash contribution will be calculated in accordance with provisions of section 117(2) of the Act.

The Council may consider accepting a land area contribution of no more than 5% of the total area shown on the plan, instead of cash in lieu contributions in the following circumstances:

13.1.1 Existing Policy No. 11: Public Open Space Contributions

- where the land is identified in a strategic land use planning document adopted by the Council; or
- the land has high visibility and provides a link with existing roads, paths and trails.

The Council will not require Public Open Space contributions:

- for a boundary adjustment where no new lot is created; or
- where the new lot is not capable of residential development.

5. Legislation and Related Standards

Local Government (Building and Miscellaneous Provisions) Act 1993

6. Responsibility

Responsibility for the operation of the Policy rests with the Director Development and Regulatory Services.

POLICY MANUAL

Policy No. 85	Open Space
Purpose	The purpose of this Policy is to guide the Council's strategic provision of open space.
Department	Infrastructure Services
Author	Natasha Szczyglowska, Project Manager Infrastructure
Council Meeting Date	12 June 2018
Minute Reference	110/2018
Next Review Date	April 2022

POLICY

1. Definitions

Open Space Publicly owned land that is set aside for leisure and recreation.

2. Objective

To strategically develop and manage the Council's open space network in consultation with the community, so as to provide a variety of high quality recreational experiences that will:

- a. encourage visitor engagement; and
- b. add to the attractiveness of Meander Valley as a place to live and work in.

3. Scope

This Policy applies to all existing and proposed open space within the local government area.

All employees of the Council, Councillors, committee members and developers.

4. Policy

In furthering the objectives for open space, the Council will apply the following principles in determining when, where and how open space is provided:

Liveability:

- provide a variety of open space areas that are suitable for a range of likely users through opportunities for passive and active recreation, eg. neighbourhood parks, destination and/or regional facilities;

13.1.2 Existing Policy No. 85: Open Space

- provide open space that is visually attractive;
- ensure open space is safe, implementing best practice design principles;
- improve the connectivity of open space through links for walking and cycling;
- support community health and well-being through quality design and facilities;
- and
- determine and deliver on the provision, acquisition and siting of open space.

Efficiency:

- consider maintenance and *whole of life* costs in the development and management of open space; and
- avoid unnecessary duplication and promote multi-functional sites.

Environmental Values:

- enhance natural values in conjunction with recreational experience where practicable;
- respect and promote cultural heritage and local character through design and interpretation;
- implement water-sensitive urban design in the management of stormwater where appropriate; and
- incorporate contemporary, sustainable design features where feasible.

5. Legislation and Related Standards

Disability Discrimination Act 1992

Local Government (Building and Miscellaneous Provisions) Act 1993

Meander Valley Interim Planning Scheme 2013

Meander Valley Council Policy No. 60: Asset Management

Meander Valley Council Policy No. 78: New and Gifted Assets

6. Responsibility

Responsibility for the operation of this Policy rests with the Director Infrastructure Services.

14. Governance and Community Wellbeing

14.1. Deloraine Lions Club Lease

File Reference	S20-01-004
Report Author	Craig Davies Director Corporate Services
Authorised By	Jonathan Harmey General Manager
Decision Sought	Approval of the lease to the Deloraine Lions Club.
Vote	Simple majority

Recommendation

That Council, by absolute majority, pursuant to section 179 of the *Local Government Act 1993*:

1. leases the land area (site map below) making up a portion of the property at Racecourse Drive, Deloraine to the Lions Club of Deloraine (ABN: 67 859 838 794).



2. notes that Section 178 of the *Local Government Act 1993* will not apply as the lease does not exceed five years.
3. authorises the General Manager to enter into a formal lease under the following terms:
 - a. the term shall be for five years;
 - b. the lease amount shall be \$1 per annum;
 - c. tenant shall continuously maintain:
 - i. building in good and reasonable order; and
 - ii. public liability insurance of at least \$20 million.
 - d. pay all connection and delivery costs to the leased area for utilities such as power, water and sewerage.
 - e. all costs incurred by Council in the establishment of a recycle rewards reverse vending machine, to be reimbursed proportionately on an annual basis in equal instalments.
 - f. all remaining terms to be determined by the General Manager.
 - g. any right, option or discretion exercised by the Council under the lease may be exercised by the General Manager.

Report

The Deloraine Lions Club (Lions) engaged with Council in December 2024 with the intention of leasing additional land, which would facilitate the introduction of a Recycle Rewards container refund scheme reverse vending machine area. Lions had been working directly with TOMRA Cleanaway until that time.

Lions currently use an existing area at the Deloraine Racecourse which includes a building structure and fence. The additional land will be taken from Council's Deloraine Works Depot, the department have been involved in the discussions and have no objection to the extension of the lease area.

The Club has been working with Council Officers and recycle rewards partners TOMRA Cleanaway with the aim to deliver a container refund scheme deposit area, this will require land additional to the current lease area being allocated in the proposed lease.

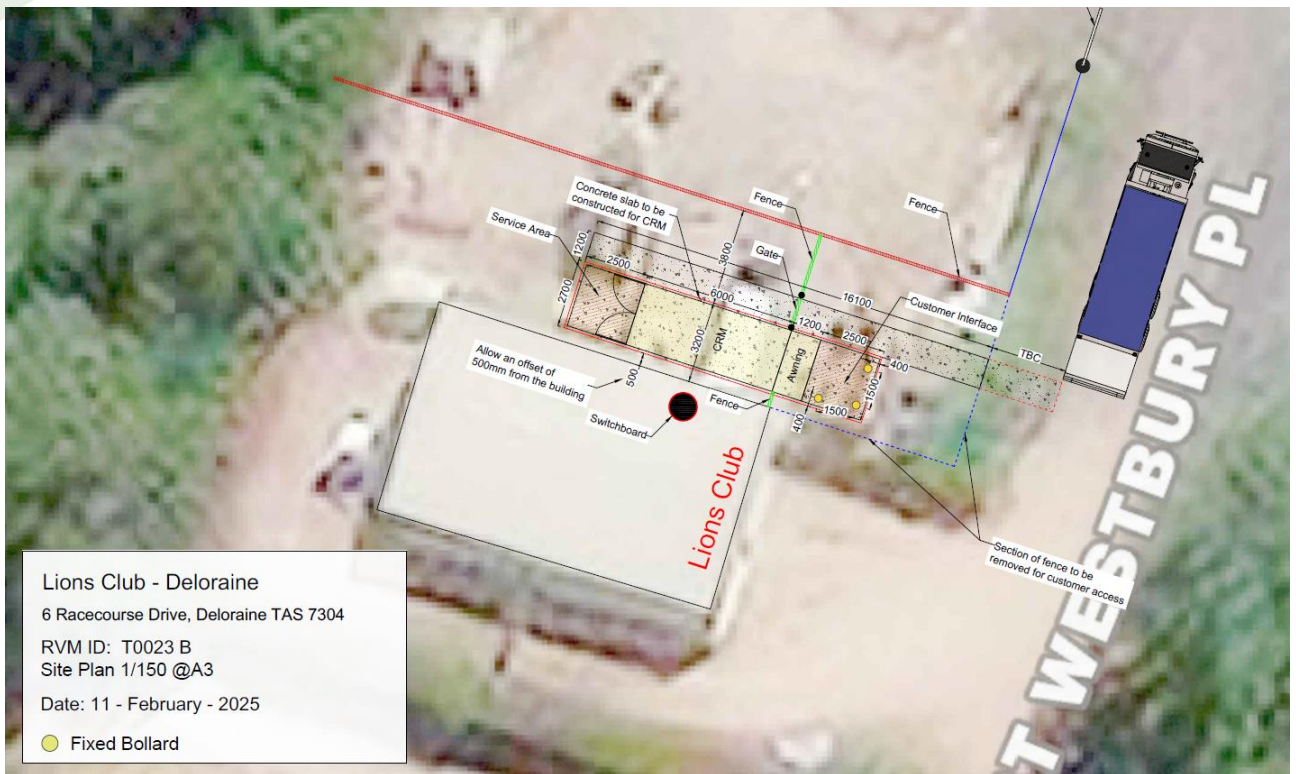


Image 1: Overhead of proposed lease area

Granting of this lease enables certainty to the Club to continue its operations in Deloraine and plan for a new container refund scheme deposit area on the land.

This matter was discussed with Councillors at a Workshop held on 28 January 2025.

Attachments

Nil

Strategy

Supports the objectives of Council's strategic future direction

1. Cultivating a diverse, unified and empowered community
2. Valuing and protecting our natural environment

See Meander Valley Community Strategic Plan 2024-34. [Click here](https://www.meander.tas.gov.au/plans-reports) or visit <https://www.meander.tas.gov.au/plans-reports> to visit.

Policy

Not applicable

Legislation

Local Government Act 1993

Consultation

Consultation has occurred with the Lions Club of Deloraine and TOMRA Cleanaway regarding the proposed additional land area.

Budget and Finance

The lease is intended to be a cost neutral arrangement for the Council.

Risk Management

The proposed lease will include appropriate insurance provisions as a risk mitigation measure.

Alternate Motion

Councillors can adopt the recommendation with amendments.

14.2. Local Government Association Tasmania - General Management Committee Nomination

File Reference	S14-02-005
Report Author	Jonathan Harmey General Manager
Decision Sought	Nomination of Mayor Wayne Johnston for the Local Government Association Tasmania General Management Committee.
Vote	Simple majority

Recommendation

That Council nominates Mayor Wayne Johnston for election as a committee member of the Local Government Association Tasmania General Management Committee.

Report

Council has received a request from the Tasmanian Electoral Commission (TEC) for upcoming elections held for the Local Government Association Tasmania (LGAT) General Management Committee (GMC). Positions available are President and Committee Member. The positions will be held for a two year term, in accordance with the rules of the LGAT.

Mayor Wayne Johnston currently holds a position as committee member, a position he accepted in 2024. The Mayor has expressed interest in seeking a further term of two years and seeks the Council's nomination for the position. He has enjoyed the role to date and brings great experience to this position.

In the Northern Electoral District, one committee member position is available for a representative from either Meander Valley Council, West Tamar Council, or Launceston City Council.

Nominations are to be received by the TEC by 12 noon on 7 May 2025.

The nomination of Mayor Wayne Johnston was discussed at the 25 February 2025 Council Workshop.

Attachments

1. TEC Letter regarding 2025 General Management Committee election [14.2.1 - 3 pages]

Strategy

Supports the objectives of Council's strategic future direction

5. Delivering responsible leadership and governance

See Meander Valley Community Strategic Plan 2024-34. [Click here](#) or visit <https://www.meander.tas.gov.au/plans-reports> to visit.

Policy

Not applicable

Legislation

Local Government Act 1993

Consultation

The Mayor has accepted the nomination.

The committee membership is governed by the rules of the LGAT.

Budget and Finance

The Mayor's position on the GMC does not require additional budget, other than existing budget approval for travel reimbursements as required to undertake the role.

Risk Management

Not applicable

Alternate Motion

Councillors can adopt the recommendation with amendments.

14.2.1 TEC Letter Regarding 2025 General Management Committee Election



Level 3
169 Main Road
Moonah Tasmania 7009
PO Box 307
Moonah Tas 7009
Phone (03) 6208 8700
Fax (03) 6208 8791
ballot.box@tec.tas.gov.au
www.tec.tas.gov.au

Wayne Johnston
Meander Valley Council
PO Box 102
WESTBURY TAS 7303

Dear Wayne Johnston

Local Government Association of Tasmania – 2025 General Management Committee election

The Tasmanian Electoral Commission has been asked to conduct the 2025 election of President and 6 members of the General Management Committee for a two-year term in accordance with the rules of the Local Government Association of Tasmania (LGAT) adopted at the AGM of the Association on 30 June 2021.

Nominations are now invited from LGAT members and must be received at my office by 12 noon Wednesday 7 May 2025.

Candidates will be notified of receipt of their nomination by this office.

Election timetable

Nominations open.....	Monday 24 February 2025
Nominations close.....	12 noon Wednesday 7 May 2025
Ballot material posted (if a ballot is required)	Monday 12 May 2025
Close of postal ballot.....	10:00 am Monday 14 July 2025
Declaration of the result.....	Thursday 25 July 2025

A nomination form and reply-paid envelope are enclosed.

If you would like further information or assistance, please call Nick Kakkos on 6208 8721.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Nick Kakkos".

Nick Kakkos
RETURNING OFFICER

21 February 2025



Local Government Association of Tasmania Nomination Form

Nomination of a candidate for election of President or Committee Member of the General Management Committee, Local Government Association of Tasmania.

Nominations are invited and must be lodged, posted, or emailed to be received by the Returning Officer at the address shown below **before 12 noon on Wednesday 7 May 2025**. This nomination must be accompanied by a copy of the Resolution passed by the Council that lawfully nominated the candidate for election. Candidates will be notified of receipt of the nominations by this office.

It is the responsibility of the candidate to ensure that the nomination form is received by the Returning Officer before the close of nominations. Late nominations cannot be accepted.

Each member is entitled to:

- nominate one elected Councillor of a Member Council for the position of President of the Local Government Association of Tasmania: and
- nominate one elected Councillor of a Member Council for the position of Committee Member of the General Management Committee. Members can only nominate a Councillor within their own electoral district and population category.

Candidate

<i>Family Name:</i>	<i>Given names:</i>	<i>Member Council:</i>
<i>Position of:</i> <input type="checkbox"/> <i>President</i> <input type="checkbox"/> <i>Committee Member</i>		
<i>Postal address:</i>	<i>Email address:</i>	
<i>Given names for ballot paper: (if different from above)</i>	<i>Contact phone numbers:</i>	
<i>I accept the nomination as a candidate for election to the position shown above.</i>		
<i>Signature</i>		<i>Date</i>

Nominator

<i>Name of Member Council:</i>	
<i>Hereby nominates the above-named candidate for election.</i>	
<i>Name of person authorised to lodge nomination behalf of Member Council:</i>	
.....	<i>Contact mobile number:</i>
<i>Endorsed at council meeting held on:</i>	<i>This nomination must be accompanied by a copy of the Resolution passed by the Council that lawfully nominated the candidate for election.</i>
<i>Date</i>	
<i>Signature of authorised person</i>	<i>Date</i>

The address for lodgement at the Tasmanian Electoral Commission is:
 Level 3, TasWater Building, 169 Main Road, MOONAH TAS 7009 **Phone:** (03) 6208 8721
Postal Address: PO Box 307, MOONAH TAS 7009
Email: nominations@tec.tas.gov.au
 PTO

Electoral Districts

(for the purpose of electing members to the General Management Committee)

NORTH WEST AND WEST COAST ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – **one position**

Circular Head Council
Kentish Council
King Island Council
Latrobe Council
Waratah-Wynyard Council
West Coast Council

Members within the electoral district having a population of 20,000 or more – **one position**

Burnie City Council
Central Coast Council
Devonport City Council

NORTHERN ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – **one position**

Break O'Day Council
Dorset Council
Flinders Council
George Town Council
Northern Midlands Council

Members within the electoral district having a population of 20,000 or more – **one position**

Launceston City Council
Meander Valley Council
West Tamar Council

SOUTHERN ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – **one position**

Brighton Council
Central Highlands Council
Derwent Valley Council
Glamorgan-Spring Bay Council
Huron Valley Council
Sorell Council
Southern Midlands Council
Tasman Council

Members within the electoral district having a population of 20,000 or more – **one position**

Clarence City Council
Glenorchy City Council
Kingborough Council

14.3. NTRLUS Steering Committee Nomination

File Reference	S02-05-012
Report Author	Jonathan Harmey General Manager
Decision Sought	Council's preferred nomination for the Steering Committee to assist with the review of the Northern Tasmanian Regional Land Use Strategy.
Vote	Simple majority

Councillors have requested to be provided with the option of two alternative recommendations to form their decision, the Recommendation moved at the Council Meeting will be either Recommendation Option 1 or Recommendation Option 2:

Recommendation – Option 1

That Council approve the nomination of Deputy Mayor Stephanie Cameron as Meander Valley Council's preferred steering committee member for the review of the Northern Tasmanian Regional Land Use Strategy.

Recommendation – Option 2

That Council approve the nomination of Councillor Rodney Synfield as Meander Valley Council's preferred steering committee member for the review of the Northern Tasmanian Regional Land Use Strategy.

Report

A steering committee is currently being established to assist with the comprehensive review of the Northern Tasmanian Regional Land Use Strategy (NTRLUS). Meander Valley Council will have one member as part of the steering committee. While the recommendation seeks to establish our preferred member, the final composition of the steering committee will be determined by the Northern Tasmanian Development Corporation, who are the host employers for the Regional Planning Coordinator and are managing funding for the program. The final composition of the steering committee will also be influenced by the nominations of the other seven Northern Councils.

The terms of the Memorandum of Understanding, guiding the development of the NTRLUS include the following with regard to the steering committee composition:

7.2 Steering Committee

- (a) The Steering Committee will comprise the following members, or their proxies:
 - (i) the Director or Assistant Director of the State Planning Office;
 - (ii) one Deputy Secretary, Director or Assistant Director from a relevant State agency;
 - (iii) one Elected Member from four Councils;
 - (iv) one General Manager from four Councils;
 - (v) the Chief Executive Officer (or equivalent position) of the Regional Body; and
 - (vi) an independent note taker, for the administration of agendas, minutes, meeting papers for the use of Committee correspondence.
- (b) The Regional Planning Coordinator and/or the Chair of the Working Group will attend Steering Committee meetings as an observer.

Depending on the Recommendation Option that is approved, two of the following three Council representatives will be nominated as proxies in the event that Council's steering committee member is unable to make a meeting: Deputy Mayor Staphanie Cameron, Councillor Rodney Synfield and General Manager Jonathan Harmey.

The steering committee nomination was discussed at the 25 February 2025 Council Workshop.

Attachments

Nil

Strategy

Supports the objectives of Council's strategic future direction

- 3. Creating a well-designed, sustainable built environment
- 5. Delivering responsible leadership and governance

See Meander Valley Community Strategic Plan 2024-34. [Click here](https://www.meander.tas.gov.au/plans-reports) or visit <https://www.meander.tas.gov.au/plans-reports> to visit.

Policy

Not applicable

Legislation

Local Government Act 1993

Consultation

The steering committee membership will be facilitated by the Northern Tasmania Development Corporation.

Budget and Finance

There is not anticipated to be any financial implication, other than budgeted officer time and Councillor travel reimbursements, as required.

Risk Management

Not applicable

Alternate Motion

That Council approve the nomination of General Manager Jonathan Harmey as Meander Valley Council's preferred steering committee member for the Northern Tasmanian Regional Land Use Strategy.

14.4. Tasmanian Government's Local Government Priority Reform Program 2024-26 Council Position

File Reference	S13-12-009
Report Author	Jonathan Harmey General Manager
Authorised By	Jonathan Harmey General Manager
Decision Sought	Council to approve submission on the Tasmanian Government's Priority Reform Program.
Vote	Simple majority

Recommendation

That Council approves the points to form a submission on the Tasmanian Government's Priority Reform Program, as follows:

- 1. Priority Reform 1: Legislating the good governance principles**
Supported. The aim of the legislation should be to establish a culture of good governance, however an overly prescriptive approach is not recommended.
- 2. Priority Reform 2: Introducing serious councillor misconduct provisions**
Supported. The definition of serious misconduct is recommended to also be expanded beyond the Code of Conduct to capture material workplace health and safety breaches.
- 3. Priority Reform 3: Broadening performance improvement direction provisions**
Supported.
- 4. Priority Reform 4: Introducing temporary advisors for councils**
Supported in principle. We require advice on the circumstances that would trigger the appointment of an advisor and who will fund the advisor's engagement.
- 5. Priority Reform 5: Clarifying work health and safety obligations**
Not Supported in the proposed form. Elected representatives have existing responsibilities under the *Work Health and Safety Act 2012*, being defined as 'other persons' in the workplace. There remains an ongoing challenge for the sector where a Council's General Manager/CEO will discharge their responsibilities under the *Work Health and Safety Act 2012* when seeking to manage the actions of any councillor, who are also their employer.
- 6. Priority Reform 6: Mandating council learning and development obligations**
Supported in principle. We require advice on the mandatory pre-election education (completion of an information session) to ensure that this does not put in place a barrier for community members to stand for Council elections. It is important to foster a culture of continuous learning and development, not a set

and forget mentality. Council's declaration of office does state that elected members will engage in ongoing professional development. The requirement for the General Managers being required to develop an elected member learning and development plan for the council at the beginning of each term may need to be reviewed with the Mayor or Council collectively better placed to develop this plan.

7. Priority Reform 7: Introducing a contemporary role statement and a charter for local government

Supported. The role statement was developed with consultation. We encourage a Charter which the proposal states will set clear principles and processes for how the Tasmanian Government will support local government to deliver on their role, including in connection with consultation and engagement between the state and Local Government.

8. Priority Reform 8: Improving the strategic planning and reporting frameworks

Not Supported. The requirement for councils to prepare Workforce Development Plans does not recognize the multifaceted workforce issues facing councils and investment that would be required to develop the plan. The attraction and retention of key technical employees, such as Town Planners and Environmental Health Officers, is a key issue for our sector, has been raised consistently with the Tasmanian Government, and requires an ongoing and funded program of training and education to address. On 12 February 2024 Council wrote to advise that the Future of Local Government Final Report did not adequately outline the substantial costs to achieve the proposed reforms, introducing new requirements for additional strategic documents should be made being mindful of the cost of the new plans and the requirement being driven by employees with an existing high workload.

9. Priority Reform 9: Improving consistency in data collection and reporting methodologies

Supported. The data collection process and content should be fit for purpose, useful and the reporting framework needs to be of value to councils. The current Consolidated Data Collection does not meet these aims and is advised to be completed in an inconsistent manner by all participating councils which in turn may create inaccurate results. On 12 February 2024 Council wrote to advise that The Tasmanian Government should fund and deliver the performance reporting platform that is user friendly for Council Officers to input data.

10. Priority Reform 10: Enhancing transparency of information in council rates notices

Not Supported. Council provides comparative information in its current rates notice and accompanying rates brochure. The proposed requirements to state the rates payable on a property for the preceding 5 years appears to long on face value. It is noted that the most influential factor on a property's rates payable is the property value, which is determined by the Tasmanian Government.

11. **Priority Reform 11: Mandating internal audit for councils**

Supported. However, the proposed requirement for the Treasurer's to instruct for internal audit issued under the Financial Management Act 2016 is not recommended and instead a principles-based framework for councils should be pursued, which would be consistent with State Government agencies. It is further recommended that clear guidance be advised on the circumstances that would allow the Director of Local Government to require internal audits.

Report

On 13 December 2024 the Local Government Minister Kerry Vincent wrote to Council to advise of proposed reforms to the Local Government Act 1993, as an outcome of the Tasmanian Government's Local Government Priority Reform Program 2024-26 (Attachment 1) which the Tasmanian Government have developed following their Future of Local Government Review. The Tasmanian Government have made this information publicly available on their website and have called for submissions in response until 21 March 2025.

The Council's response to the Priority Reform Program was discussed at the 25 February Council Workshop.

Attachments

1. Tasmanian Government - Priority Reform Program - Discussion Paper [14.4.1 - 37 pages]

Strategy

Supports the objectives of Council's strategic future direction

5. Delivering responsible leadership and governance

See Meander Valley Community Strategic Plan 2024-34. [Click here](https://www.meander.tas.gov.au/plans-reports) or visit <https://www.meander.tas.gov.au/plans-reports> to visit.

Policy

Not applicable

Legislation

Local Government Act 1993

Consultation

The Mayor and General Manager have met with the Tasmanian Government and Local Government Association Tasmania regarding the Priority Reform Program.

Budget and Finance

There is no financial implication to provide the submission. If the Priority Reform Program is pursued by the Tasmanian Government, as proposed, there will be new unbudgeted funds required of Council to support the development of new plans required by the Local Government Act such as new provisions to require a community engagement plan, a workforce development plan, and an elected member capability and professional development plan.

Risk Management

Not applicable

Alternate Motion

Councillors can adopt the recommendation with amendments.

Targeted amendments to the *Local Government Act* 1993

Local Government Priority Reform Program 2024-26

Discussion paper

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Introduction

The Local Government Priority Reform Program 2024-26

The Tasmanian Government is committed to ensuring our local councils are equipped to serve their communities effectively, both now and into the future. For Tasmanian communities to thrive, with infrastructure and services to meet community needs and expectations, it is crucial that our councils are financially and culturally strong and sustainable.

On 27 November 2024, the Tasmanian Government released its Local Government Priority Reform Program 2024-26 (the Priority Reform Program).

The Priority Reform Program brings together key recommendations from the Future of Local Government Review and the earlier Local Government Legislation Review, alongside several additional reforms which have been included in response to strong feedback from the sector on the need to respond to persistent concerns with elected member conduct and aspects of council governance.

The Priority Reform Program is built around **five strategic priorities**:

1. **Lifting standards of professionalism, conduct, and integrity:** Enhancing governance frameworks and promoting ethical conduct within councils to build public trust and confidence.
2. **Driving a high-performing, transparent, and accountable sector:** Improving transparency, accountability, and performance across the local government sector through better oversight and reporting mechanisms.
3. **Improving local democracy and representation:** Strengthening democratic processes and ensuring fair representation within councils to reflect the diverse interests of communities.
4. **Supporting council financial sustainability:** Ensuring councils are financially viable and can sustainably manage resources to meet current and future community needs.
5. **Supporting council and community-led structural reform:** Facilitating structural reforms driven by councils and communities to improve service delivery and operational efficiency.

For more information about the Priority Reform Program, see the Office of Local Government, Department of Premier and Cabinet website at www.dpac.tas.gov.au.

A multi-stage legislative program

Legislative changes are needed to implement many of these reforms, particularly those under the first three strategic priorities.

To support implementation, the Government is undertaking **three main legislative projects**:

1. **Targeted amendments to the Local Government Act 1993.**
2. **The re-making of the Local Government General Regulations 2015 and Local Government (Meeting Procedures) Regulations 2015.**

These first two projects target Strategic Priorities 1 and 2.

3. **The development of a new Local Government Elections Bill.**

This Bill targets Strategic Priority 3.

The Government will be consulting on each of the three main legislative projects. It will be doing so in stages to help the local government sector and communities engage and respond in a manageable and focused way. This will also allow the Government to prioritise and proceed with the roll-out of reforms addressing the most acute needs of the sector.

Legislative reform is only one part of what is a complex reform picture, and the Government will also be working on a number of other significant projects that deliver against Strategic Priorities 4 and 5 over the next two years including:

- a process to support councils pursue council-led voluntary amalgamations;
- exploring targeted developer infrastructure charging where supported and required to facilitate development;
- considering alternative revenue models to council rates for certain major operations; and
- reviewing heavy vehicle motor tax allocations to local councils.

Purpose of the discussion paper

This discussion paper outlines proposed targeted amendments to *the Local Government Act 1993* that target Strategic Priorities 1 and 2.

Broadly, the proposed amendments are focused on delivering two key outcomes:

- Firstly, they respond to ongoing community and sector concerns around **elected member conduct and council governance**. They do this by providing more effective and targeted ways of responding to identified problems in a timely and proportionate way. Reforms include several important changes to broaden the suite of tools available to councils and regulators for dealing with governance and conduct challenges, with a focus on early

intervention. The intention is to help restore community confidence in the overall governance, integrity, and reputation of the sector, which is currently being damaged by the poor conduct of a minority.

- Secondly, they implement crucial reforms from the Future of Local Government Review which will **streamline and enhance council strategic direction-setting and planning processes, improve engagement in council decision-making, and provide increased levels of transparency and accountability around how councils are performing**. The goal is to make some early initial improvements, while also putting in place the architecture that will support the longer-term implementation of an improved integrated strategic planning and performance framework for the sector with community wellbeing at its core.

The full list of proposed reforms for inclusion in the amendment Bill and the strategic priority they support are in tables 1 and 2.

Table 1: Strategic Priority 1: Lifting standards of professionalism, conduct, and integrity

Number	Strategic priority
1	Legislating the good governance principles
2	Introducing serious councillor misconduct provisions for councillors
3	Broadening performance improvement direction provisions
4	Introducing temporary advisors for councils
5	Clarifying work health and safety obligations
6	Mandating council learning and development obligations

Table 2: Strategic Priority 2: Driving a high-performing, transparent, and accountable sector

Number	Strategic priority
7	Introducing a contemporary role statement and a Charter for local government
8	Improving the strategic planning and reporting frameworks
9	Improving consistency in data collection and reporting methodologies
10	Enhancing transparency of information in council rates notices

Number	Strategic priority
11	Mandating internal audit for councils

The Government has committed to the Priority Reform Program following extensive, multi-year review processes which have involved broad-based consultation. The purpose of consultation is **not** to test the merits of the proposed reforms. We believe this has already been done and the evidence base supporting their introduction is well established.

What we want to do now is to ensure the design of the amendments we are developing to implement the reforms are practical, effective, and aligned with the needs of councils and the community.

When providing comments and submissions in response to the proposed reforms, we would encourage councils, other stakeholders, and the broader community to consider potential technical concerns and implementation challenges for the proposed amendments to ensure we can develop robust legislative proposals that are fit for purpose and will have a real impact.

Consultation process and timeframes

Consultation on the discussion paper will be open until **21 March 2025**.

Submissions and feedback will inform the development of the draft amendment bill for public release and further consultation in 2025. The Bill will then be finalised with the goal of bringing legislation into the Tasmanian Parliament in August 2025. The key dates for proposed amendments are in table 3.

Table 3: Targeted key dates, legislative development and consultation

Date	Activity
December 2024	Discussion paper released for public consultation
21 March 2025	Discussion paper consultation closes
May 2025	Exposure Draft Bill released for community consultation
July 2025	Exposure Draft Bill community consultation closes
August 2025	Final Bill introduced to the Tasmanian Parliament

14.4.1 Tasmanian Government - Priority Reform Program - Discussion Paper

You can make a submission by email or post to:

Email: LG.consultation@dpac.tas.gov.au

Post:

Office of Local Government
Department of Premier and Cabinet
PO Box 123
Tasmania 7001

Other than indicated below, submissions will be treated as public information and will be published on our website at www.dpac.tas.gov.au in March 2025. No personal information other than an individual's name or the organisation making a submission will be published.

For further information, please contact localgovernment@dpac.tas.gov.au.

Tasmanian Government Submission Policy

In the absence of a clear indication a submission is intended to be treated as confidential (or parts of the submission), the Department of Premier and Cabinet will treat the submission as public.

If you would like your submission treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission. Clearly identify the parts of your submission you want to remain confidential and the reasons why. In this case, your submission will not be published to the extent of that request.

Copyright in submissions remains with the author(s), not with the Tasmanian Government.

The Department of Premier and Cabinet will not publish, in whole or in part, submissions containing defamatory or offensive material. If your submission includes information that could enable the identification of other individuals then either all or parts of the submission will not be published.

The *Right to Information Act 2009* and confidentiality

Information provided to the Tasmanian Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated you wish all or part of your submission to be treated as confidential, your statement detailing the reasons may be taken into account in determining to release the information in the event of an RTI application for assessed disclosure. You may also be contacted to provide further comment.

Proposed legislative reforms

This section of the discussion paper explains the 11 legislative reforms the Government is seeking to progress through targeted amendments to the *Local Government Act 1993*.

As noted above, the amendments support strategic priorities 1 and 2 of the Local Government Priority Reform Program 2024-26.

For each of the proposed reforms, we give a brief reform snapshot, explain the context for the change, and then provide some further detail about what we think the change will look like in practice.

Please note reform details are still being developed and refined, and the purpose of this discussion paper is to help support this process. your feedback is important to help settle the design of the proposals to be included in the draft amendment Bill.

Strategic Priority 1: Lifting standards of professionalism, conduct, and integrity

Legislative reforms under this priority will improve the standard of elected member conduct and professionalism across the Tasmanian local government sector. They aim to strengthen public trust and increase community engagement in council decision-making.

The reforms have a particular focus on augmenting existing tools to address governance and conduct challenges more effectively and promptly, and before they escalate.

1. Legislating the good governance principles

Reform snapshot

- Good governance principles will be embedded in the Local Government Act 1993 to set clear standards and expectations for how Tasmanian councils should make decisions as a collective on behalf of their communities.
- The principles will mirror those currently captured in the local government Good Governance Guide, which are themselves based on well-accepted standards drawn from national and international best practice.
- The change will mean all councils will have a general duty under the Act to uphold and act in accordance with the principles when performing their statutory roles and functions.
- The Minister for Local Government will be empowered to issue guidelines to support councils to interpret and apply the principles in different circumstances and contexts. New mandatory learning and development modules for councillors will also include a focus on the practical application of the principles to the everyday business of councils.
- Legislating the principles will provide a further avenue for early regulatory intervention where a council is clearly acting contrary to the standards established under those principles.

Context

Good governance is essential for effective, efficient, and well-run councils. It underpins and provides for sound decision-making, accountability, and transparency.

Legislating the good governance principles is an agreed reform from the Local Government Legislation Review. The reform is also broadly consistent with the findings and recommendations of the Future of Local Government Review – and practice in other jurisdictions – which supports the general move to a less prescriptive, principles-based statutory and regulatory framework for local government.

This change will have both important symbolic and practical effects. Elevating the principles to primary legislation sends a clear message to councils and communities about expected standards, while also allowing for the principles to be embedded on key aspects of the legislative framework, including strategic planning and reporting, education, and compliance monitoring and enforcement.

Reform detail

Under the reform, a general, positive onus would be placed on local councils to undertake their functions and exercise their powers such that they are:

- **Accountable**
- **Transparent**
- **Law-abiding**
- **Responsive**
- **Equitable and inclusive**
- **Participatory**
- **Effective and efficient**
- **Consensus orientated**

These principles underpin the current Good Governance Guide, which were themselves adapted from best practice resources used in Victoria, and draw on principles used by the United Nations Development Corporation.

This will mean all councils will have a general duty under the Act to uphold and act in accordance with the principles when performing their statutory roles and functions.

It is recognised the principles are very high-level and open to significant interpretation. Therefore, the Minister for Local Government will also be empowered to issue guidelines of expected standards under the principles, which will support councils to interpret and apply the principles in different circumstances and contexts.

The new mandatory learning and development modules for councillors (see reform 6 for further details) will include a focus on the practical application of the principles to the everyday business of councils.

Legislating the principles will also provide a further avenue for early regulatory intervention where a council is acting contrary to the standard established under those principles.

Specifically, the Director for Local Government will be able to recommend to the Minister for Local Government the issuing of a performance improvement direction or the appointment of a temporary advisor where they are satisfied that there has been a serious and material failure by a council to act in a way that is consistent with the good governance principles (see reforms 3 and 4).

2. Introducing serious councillor misconduct provisions

Reform snapshot

- New provisions will be included in the Act which allow for stronger sanctions (including removal and barring from office for up to seven years) where councillors are found to have engaged in serious councillor misconduct under the councillor Code of Conduct.
- Serious councillor misconduct will be defined as a serious and severe breach of the code, determined by reference to clear criteria which go to the impact of the conduct in question, and its reflection on a person's fitness (or otherwise) to hold public office.
- Serious councillor misconduct complaints will be heard and determined by the Tasmanian Civil and Administrative Appeals Tribunal (TASCAT), and not the existing Code of Conduct Panel. The Code of Conduct Panel will be retained in its current form and will continue to consider all other complaints.
- Serious councillor misconduct complaints will only be able to be referred to TASCAT by the Director of Local Government.
- In response to a finding of serious councillor misconduct, TASCAT will be able to issue an expanded set of sanctions (in addition to those already available to the Code of Conduct Panel) including dismissal and disqualification from office for a period of up to seven years.

Context

Councillors perform an important leadership role within their local communities and have a responsibility to act in a way that reflects community values and expectations.

While elected representatives generally conduct themselves with professionalism, integrity, and dedication to their community we have unfortunately seen in recent years a small number of instances in which councillor conduct has fallen well short of these expectations.

These instances have also highlighted limitations in the existing legislative framework for holding elected members accountable to a standard that the community expects of its public officials.

Currently, a councillor may only be removed from office in response to Code of Conduct matter where they have been suspended by an investigating panel on three

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separate occasions. No councillor has ever been removed from office under the existing provision.

The Future of Local Government Review recommended the Government expedite reforms for dealing with serious councillor misconduct more effectively and promptly, which would also bring Tasmania more in line with other jurisdictions¹ in its ability to remove councillors from office where the circumstances and conduct are serious enough to warrant it.

Reform detail

The proposed serious councillor misconduct provisions would empower the Director of Local Government (and only the Director) to refer to TASCAT a complaint of serious councillor misconduct.

Serious councillor misconduct would be defined as conduct representing a serious or severe breach of the local government Code of Conduct, which:

- if proven, would constitute a serious offence; or
- materially and negatively impact the operations of a council; or
- presents a material risk to the health and safety of another person or persons; or
- otherwise demonstrates the councillor is not a fit and proper person to hold the office of councillor.

The broad intent of the above definition is that it aligns with the core aspects of the concept of serious misconduct under the *Integrity Commission Act 2009* but seeks to create some greater specificity around the type of councillor conduct that may reasonably warrant their removal from office under these new provisions.

Please note the Office of Local Government is actively considering whether further, specific detail should be provided to support the above definition and invites community and sector feedback on this question.

The Director of Local Government would have sole discretion to make referrals and would be empowered to do so on their own initiative, or in response to a referral from a Code of Conduct initial assessor or investigating panel, a temporary advisor (see reform 4), or another authority.

All the usual procedural aspects of TASCAT would apply once a matter is brought into that jurisdiction (including legal representation and appeal rights). In this context,

¹ Across Australian jurisdictions, different thresholds and mechanisms are adopted to deal with serious councillor misconduct. While approaches vary, Tasmania is comparatively limited in the mechanisms for the suspension or removal of a councillor from office. Each jurisdiction, aside from Tasmania, provides its relevant administrative or conduct tribunal power to dismiss and/or disqualify a councillor for serious or gross misconduct.

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the Director of Local Government would adopt the role of applicant in the matter and would present TASCAT with relevant evidence to support a serious councillor misconduct complaint.

In addition to all other existing sanctions currently available to the Code of Conduct Panel, TASCAT would be empowered, in making a finding of serious councillor misconduct, to dismiss the councillor and disqualify the councillor from being eligible to stand for election as a councillor for a period of up to seven years.

The model outlined above largely adopts one of the proposed options for serious misconduct reform the Tasmanian Government consulted on in 2023², and which received broad support from the sector. It is also similar to, and adapts for the Tasmanian context, aspects of models adopted in other jurisdictions including South Australia, Victoria and New South Wales.

It represents a targeted and measured approach to better dealing with what should be rare instances of serious councillor misconduct. By utilising TASCAT, it is also independent of Government, and provides appropriate natural justice and procedural fairness for respondents.

² See https://www.dpac.tas.gov.au/_data/assets/pdf_file/0021/285204/Discussion-paper-Addressing-councillor-misconduct.pdf.

3. Broadening performance improvement direction provisions

Reform snapshot

- Changes will be made to performance improvement direction (PID) provisions under the Act, which will provide that the Minister for Local Government may issue a PID to a council or councillor in response to a broad range of performance and governance concerns, including:
 - breaches of or non-compliance with a council policy made under the *Local Government Act 1993* that are not of a minor nature; and
 - a serious and material failure by a council to act in a way that is consistent with the good governance principles.
- This change will make clear that PIDs can be issued in response to circumstances beyond clear-cut statutory breaches, which is consistent with their original regulatory intent as an early intervention tool to flexibly and promptly address issues with council performance and compliance.
- In addition, a failure to comply with a PID may also trigger the appointment of a temporary advisor (see reform 4 below).

Context

Performance improvement directions (PIDs) were introduced in 2017 as an early regulatory intervention tool to support councils in addressing a range of performance and compliance issues, before they escalate and impact more seriously upon the operations or governance of a council. Early intervention of this kind can reduce negative impacts and costs upon the Tasmanian community, for instance by avoiding the need for a Board of Inquiry.

A PID may require a council or councillor to take, cease, or refrain from an action within a specified period and notify the Minister for Local Government of the steps taken or planned to comply within that period.

Where a council or councillor fails to comply with a PID, the Minister for Local Government may suspend councillors for up to six months (and appoint a commissioner where all councillors are suspended), establish a Board of Inquiry, or require a Local Government Board Review be undertaken into the council. It is proposed that a failure to comply will now also trigger an option to appoint a temporary advisor.

Currently, a narrow statutory interpretation of the current provisions would suggest the Director of Local Government can only recommend the Minister for Local

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Government issues a PID in response to clear statutory breaches (either a significant single breach, or repeated minor breaches).

This means, for instance, breaches of council policies made under the auspices of the Act are not clearly captured, even though there is evidence non-compliance of this kind can and does impact on the effective governance and operation of councils.

Reform detail

The proposed changes would adjust the existing PID provisions and broaden the circumstances and conditions in which a PID may be recommended to include – for both an individual councillor, or a council as a whole – instances of material non-compliance with a council's own policies made under the auspices of the Local Government Act.

It is also proposed to make clear a PID may be issued in response to a material failure by a council to act in a way that is consistent with the good governance principles.

Finally, consideration will be given to the current statutory language that determines when a PID can be recommended to the Minister for Local Government, to ensure it does not unreasonably constrain the ability to use PIDs as an early intervention or mitigation tool.

The PID framework will otherwise remain the same. This means that councils will still be given notice and the opportunity to show cause, and PIDs will still need to be issued by the Minister for Local Government on the recommendation of the Director of Local Government.

4. Introducing temporary advisors for councils

Reform snapshot

- New provisions will allow for the Minister for Local Government to appoint – in response to evidence of existing or emerging governance issues at a council – a temporary advisor to a council to provide advice and recommend governance improvements to the council, the Director of Local Government and the Minister for Local Government.
- Advisors would be given all necessary and appropriate powers to undertake these functions. Specifically, advisors would have the authority to enter council premises, review its operations, request information from the council administration and its audit panel, provide guidance to elected members and senior staff, and make recommendations to the council on governance improvements.
- At the end of their period of appointment, advisors would provide a final report to the Minister for Local Government and recommend any further action (including regulatory intervention) as they saw fit.
- Temporary advisors would be able to be appointed separately to, or in conjunction with, a performance improvement direction (PID).
- Temporary advisors would complement and reinforce existing and proposed regulatory tools (including broadened PID provisions) and provide a means of understanding whether there are serious issues present at a council which may justify further action, including a Board of Inquiry.

Context

This reform is adapted from an agreed reform which responded to the Local Government Legislation Review, which recommended a monitor/advisor role be instituted in Tasmania.

The intention is to provide an additional early intervention option to provide councils structured support and expert advice, allowing them to address governance challenges before they escalate (and avoiding the expense and disruption of a Board of Inquiry process, for example).

Similar models exist in other jurisdictions, including NSW and Victoria, and the reform proposed here adopts and adapts substantial elements of the Victorian approach.

Reform detail

The Minister for Local Government would have broad discretion in appointing a temporary advisor in response to a reasonable belief that a council was not meeting appropriate standards of governance, and the appointment of an advisor would assist in getting the council back on track.

It is anticipated that advisors could also be utilised to support new councils in instances such as where a previous council has been dismissed following a Board of Inquiry process.

The Minister for Local Government would be able to appoint an advisor in response to a recommendation from the Director of Local Government, or on the request of the council itself.

It should be noted the model proposed here differs slightly from the previously agreed reform, in that temporary advisors would be appointed to councils by the Minister for Local Government, not the Director of Local Government.

In most instances it is expected the Director of Local Government would have a central role providing advice and recommendations to the Minister for Local Government around the appointment of an advisor. However, the need for ministerial approval is considered appropriate given the implications (including the associated costs) of issuing a direction of this kind on a democratically elected council. It is also consistent with the approach taken in other jurisdictions with similar provisions in their local government legislation, including Victoria and New South Wales.

As the name suggests, the role of a temporary advisor would be advisory only. Their key functions would be to monitor and observe council governance and operations and provide advice and recommendations to the relevant council, the Director of Local Government, and the Minister for Local Government. Unlike a commissioner or administrator, advisors would not have any administrative, contractual, or financial control over the operations of council.

Temporary advisors would be able to be appointed separately to, or in conjunction with, a performance improvement direction. The Minister for Local Government would also be able to request an advisor to investigate and report on specific matters.

Advisors would be given all necessary and appropriate powers to undertake these functions. Specially, advisors would have the authority to enter a council, review its operations, request information from the council administration and its audit panel, provide guidance to elected members and senior staff, and make recommendations to the council on governance improvements.

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It is proposed that, where an advisor identified evidence of what they believed may constitute serious councillor misconduct, they would be empowered (and obliged) to formally refer that evidence to the Director of Local Government (see reform 2).

Elected members and staff would be obliged to cooperate with an advisor's information requests and it would be an offence for a person to wilfully obstruct or hinder an advisor performing their function in accordance with the Act.

Advisors would be bound by appropriate confidentiality requirements (including in respect of legally privileged information) but also legally indemnified for undertaking their roles and functions in good faith.

They would be appointed on terms and conditions under an instrument of appointment, and the cost of their appointment would be borne by the relevant council.

At the end of their appointment, advisors would provide a final report to the Minister for Local Government and recommend any further action as they see fit, which may include some form of reporting and continued oversight, the potential issuing of performance improvement directions, a Board of Inquiry, or a Local Government Board Review.

To ensure natural justice and procedural fairness, before providing any report containing an adverse finding, the advisor would be required to give anyone implicated in that finding a reasonable opportunity to respond.

5. Clarifying work health and safety obligations

Reform snapshot

- Doubts removal provisions will be included in the Local Government Act, removing any ambiguity elected members are bound by, and have obligations under, work health and safety (WHS) legislation.
- The changes will further clarify that councils – and specifically elected members – have legislative obligations to prudently and actively manage WHS hazards. They will not conflict with, replace, or duplicate any existing obligation under the WHS framework, nor in any way insert the Director of Local Government as a workplace safety regulator for councils.

Context

WHS is a critical issue for local councils, affecting both staff and elected representatives.

Elected members, general managers, and council staff all have responsibilities under the *Work Health and Safety Act 2012* (WHS Act) and supporting regulations to ensure health and safety is prioritised in the workplace, and individual behaviour is reasonable and does not adversely affect the health and safety of others in the workplace.

Councils (as a person conducting a business or undertaking – or PCBU) have the primary duty to ensure a safe work environment. General managers and senior executives (as officers) must act with due diligence to comply with WHS obligations.

While councillors are defined as other persons under WHS Act, there is an observed lack of understanding as to what this means in practice.

This lack of clarity, which has been noted in a sectoral WHS review, creates confusion and inconsistent interpretation of, and adherence to, the requirements of the legislation, especially when addressing issues like bullying and harassment, which are considered psychosocial risks.

The Government has recently provided additional clarity and direction to the sector on this issue through comprehensive new model guidelines developed in consultation with councils and legal experts. However, targeted legislative reforms may assist to further clarify existing statutory obligations as they apply to the sector, and provide a clear expectation that councils are prudently managing WHS hazards as a key element of good governance.

14.4.1 Tasmanian Government - Priority Reform Program - Discussion Paper

It is expected that this clarifying reform, alongside the model guidelines and model policies being separately developed by LGAT, will provide councils with the tools they need to clearly understand and manage both PCBU functions and individual councillor behaviours that may create workplace hazards. In turn, this framework will support regulators such as WorkSafe Tasmania to more effectively support the local government sector.

Reform detail

New doubts removal provisions will be included in the Local Government Act, removing any ambiguity that elected members are bound by, and have obligations under, existing WHS legislation.

It is important to note the changes will in **no way transfer the WHS regulatory jurisdiction away from WorkSafe**. They will simply reinforce that councils' adherence to WHS statutory requirements is an integral (and essential) component of good governance and clarify the specific status of elected members – including their attendant obligations under the WHS framework – within the Local Government Act.

The Local Government Act is primarily concerned with the sound governance of councils. Proposed reforms for improving available regulatory responses to instances of governance failure, serious poor performance, and elected member conduct (particularly expanded PID provisions, temporary advisors, and serious councillor misconduct provisions) will ensure the Director of Local Government and the Minister for Local Government are well placed in respect of those matters, while maintaining a clear and appropriate separation from the statutory responsibilities of WorkSafe Tasmania as the WHS regulator.

As previously noted, the proposed provisions will support non-legislative work supporting councils to develop consistent and effective policies and procedures for managing WHS risks and addressing inappropriate behaviours, including bullying and harassment. Policies and procedures need to include clear, effective, and timely intervention and response strategies for managing elected member conduct deemed to represent a workplace hazard. This should also ensure councils are well placed to confidently and effectively escalate matters to regulators, as and where this is appropriate and necessary.

LGAT is currently developing a model policy to support councils better and more confidently comply with their WHS obligations within the current statutory framework, especially as they relate to elected member conduct and psychosocial hazards.

6. Mandating council learning and development obligations

Reform snapshot

- New legislative provisions will require all councillors (both new and returning) to undertake minimum learning and development activities within the first 12 months of being elected.
- The requirements will focus on councillors' core roles and responsibilities (including their various statutory obligations) will be set out in a Ministerial Order, allowing for flexibility and adjustment over time, as necessary.
- The provisions would ensure that mandatory requirements must be relevant to the performance of a councillor's functions and duties, and the Minister for Local Government would be required to consult with councils on the contents of any order before it is issued.
- General managers would also be required to develop an elected member learning and development plan for the council at the beginning of each term, and councils would need to make reasonable provision in their budgets to support participation of councillors in learning and development opportunities consistent with those plans.
- Councils would need to publicly report on each councillor's completion of mandated learning and development activities. Non-compliance with the new requirements would be a breach of the Local Government Act, and therefore could result in the potential issuing of a performance improvement direction on a council or councillor.
- Mandatory pre-election education (completion of an information session) would also be introduced, but this will be implemented via the new Local Government Elections Bill.
- The reform implements key recommendations from the Future of Local Government Review and will ensure councillors are better supported and equipped with the skills and knowledge they need to perform their important functions and duties.

Context

Building elected member capability was a key focus of both the Local Government Legislation Review and the Future of Local Government Review, and this reform responds directly to the recommendations of the latter, which noted that "...prompt action is needed to lift standards overall and promote a stronger ongoing professional development culture in the sector".

14.4.1 Tasmanian Government - Priority Reform Program - Discussion Paper

The Local Government Act is currently silent on the professional capability and competency of elected members and requires no specific learning and development support be provided to councillors, either prior to or following their election to office.

Several Australian jurisdictions – including South Australia and Western Australia – have introduced compulsory minimum training and education requirements for elected members in recognition of the unique, diverse, and challenging roles councillors are expected to undertake, and the different and varying backgrounds of the people who stand for office.

The overriding objective of introducing similar reforms in Tasmania is not to undermine or limit this diversity, but to ensure elected officials share a common, set of core knowledge which enables them to represent their communities competently and confidently.

It should also improve the overall standard of governance and reduce risks for councils in a number of areas.

Reform detail

New provisions would be included in the Local Government Act which require all councillors to undertake a set of core learning and development activities (specified by Ministerial Order) within 12 months of their election to office.

The requirement would apply to both new and returning councillors, in recognition of the constantly evolving statutory and regulatory operating environments for councils.

The specific scope and content of the specified core learning and development program would be developed in consultation with the sector, and the Bill would explicitly require consultation by the Minister for Local Government with councils before the issuing of an order.

The use of Ministerial Order allows for flexibility and adjustment over time, as necessary. However, the Bill would also limit the scope and content of the order to matters that relate to the performance of a councillor's functions and duties.

At this stage – and at least initially – it is expected the core program would closely reflect the elected member learning and development framework and core modules that have been developed by the Office of Local Government and the Local Government Association of Tasmania.

Likely topics/modules for inclusion as part of the core program are:

- **good governance and professional conduct;**
- **legal responsibilities (including work health and safety);**
- **council and committee meeting procedures;**
- **council as a planning authority;**

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- **financial management and reporting;**
- **strategic asset management; and**
- **community engagement, representation, and advocacy.**

The content of the order would be open to review to ensure it remains relevant and contemporary. Any remaking of the order as consequence of a review would also need to be subject to council consultation.

Councils would need to publicly report on each councillor's completion of mandated learning and development activities. Non-compliance with the new requirements could result in the issuing of a performance improvement direction on a council or councillor.

In addition to the mandated core program, amendments will provide that general managers will be required to develop an elected member learning and development plan for the council at the beginning of each term.

Councils would need to make reasonable provision in their budgets to support participation of their councillors in learning and development opportunities consistent with those plans, as well as their completion of the mandatory core program.

Finally, it should be noted these initiatives will be complemented by mandatory pre-nomination training package for all prospective candidates within six months of nominating for election. This training will cover the roles and responsibilities of councillors, providing potential candidates with a clear understanding of what the role entails.

Note this requirement will not be included in the Local Government Act but will instead be provided for under the new Local Government Elections Bill, which is currently under development.

Strategic Priority 2: Driving a high-performing, transparent, and accountable sector

Legislative reforms under this priority are designed to clarify, streamline, and enhance council strategic direction-setting and planning processes, improve engagement in council decision-making, and provide increased levels of transparency and accountability around how councils are performing.

They include several priority changes to improve data quality and transparency in the short term, as well as the key legislative elements recommended by the Future of Local Government Review for the longer-term implementation of an improved, integrated strategic planning and performance framework for the sector.

7. Introducing a contemporary role statement and a charter for local government

Reform snapshot

- The local government role statement developed by the Future of Local Government Review will be included in the Local Government Act, setting a clear, contemporary vision for councils, focused on the wellbeing of local communities.
- A head of power will also be included in the Act for the Minister for Local Government to issue via Ministerial Order a Local Government Charter to support the delivery of the new role, subject to first consulting with the local government sector.
- The charter will clarify and consolidate councils' core functions and duties, offer principles for financial management and engagement, and facilitate strategic state and local government collaboration on issues like regional land use planning and emergency preparedness.
- The charter will provide a more flexible mechanism for capturing core functional responsibilities of councils which, in turn, will improve sector and community understanding of local government responsibilities.
- The new role statement and charter will be complemented and put into practice via changes over time to the strategic planning and reporting framework, aligning council actions with community priorities, particularly in respect to wellbeing (see reform 8).

Context

The Future of Local Government Review Final Report outlined a vision for Tasmania's local government with the goal of supporting the wellbeing, sustainability, and prosperity of local communities over the next 20-30 years.

Embedding this vision (the role statement) in legislation will clarify council responsibilities, addressing community and sectoral confusion about the role of local government – particularly as it relates to and differs from State and Federal Governments – and set a clear, strategic direction for our system of local government.

The below role statement was the subject of extensive consultation with councils, community, and local government stakeholders throughout the review.

The role of local government is to support and improve the wellbeing of Tasmanian communities by:

- **harnessing and building on the unique strengths and capabilities of local communities;**
- **providing infrastructure and services that, to be effective, require local approaches;**
- **representing and advocating for the specific needs and interests of local communities in regional, state-wide, and national decision-making; and**
- **promoting the social, economic, and environmental sustainability of local communities, including by mitigating and planning for climate change impacts.**

At its core, the role statement emphasises councils will have a unique and essential role in promoting these areas of community development, supported by legislative mandate. The role statement will not radically change or alter the functions of Tasmanian councils. Instead, it reflects a shift in the role of local government, underway for some time, towards performing and prioritising their functions and services to improve community wellbeing.

To underpin the role statement, the review highlighted a need for more formal structures to support the expanding roles of councils, reflecting community expectations that go beyond traditional functions of councils and the sector's role in delivering services on behalf of the State.

To achieve this, the Future of Local Government Review recommended the development of a Local Government Charter that would be contained in subordinate legislation.

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The charter will be designed to allow councils to respond effectively to local needs and develop creative solutions to community challenges. It will include guiding principles for sound financial management and community engagement, supporting the good governance principles, which will be embedded in the Local Government Act (see reform 1).

Reform detail

The local government role statement developed by the review will be included in the Local Government Act, replacing the current high-level function statements in sections 20(1) and 20(2).

New provisions will also be included to establish broad parameters of the charter and empower the Minister for Local Government to make a Ministerial Order consistent with those parameters.

The Act would establish the high-level purpose, scope, and effect of the charter (noting it would be non-binding) and establish the process for developing the charter in consultation with the sector.

Consistent with the Future of Local Government Review Final Report, it is proposed the Act would establish the purpose and scope of the Charter being a document which:

- provides clarity and specific guidance to support councils in implementing their statutory role;
- establishes the core functions of councils (as provided for in legislation), and the principles and practices to guide when and how councils should move into areas outside of these;
- includes principles in relation to good financial management, community engagement, and for collaboration and coordination with other councils to address regional issues; and
- sets clear principles and processes for how the Tasmanian Government will support local government to deliver on their role, including in connection with consultation and engagement between the state and local government.

The provisions to be included in the Act would require the Minister for Local Government to consult publicly and with councils before issuing the order, including any time it is reviewed and amended.

In parallel to introducing the necessary legislative changes, the Government will work closely with local government, the community, and other local government partners on the substantive process of developing the content of the charter.

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It is anticipated this will be a collaborative process undertaken following the implementation of these legislative reforms, with a charter coming into effect in 2026.

8. Improving the strategic planning and reporting frameworks

Reform snapshot

- Changes to the Local Government Act will provide the statutory underpinning to improve (flexibly and over time) the way councils plan for the future and report to the community on their progress and achievements.
- The current 10-year strategic planning period will be retained, but councils will now be required to link their strategic plans to identified community wellbeing priorities.
- New statutory requirements will be introduced for councils to develop and adopt community engagement plans and workforce development plans, consistent with FoLGR recommendations.
- Beyond these broad parameters, councils will retain significant flexibility to set strategic priorities that are relevant and important to each of their communities.
- The Government is not proposing changes to the existing suite of council financial and asset management plans at this time, but other changes being introduced mean these will need to align with and support implementation of their strategic plans, based on community wellbeing priorities.

Context

This reform represents the first step in implementing the Future of Local Government Review recommendations for a renewed strategic planning and reporting framework for local government that puts community wellbeing at the centre of how councils deliver services and plan for the future, linked to and supporting the new role statement and charter³.

The current planning and reporting model in the Local Government Act requires councils to prepare a strategic plan, a series of documents for financial and asset management, and an annual plan and report.

The requirements have a strong focus on compliance, with a Ministerial Order mandating the technical inclusions for plans and strategies to enable sustainable financial and asset management.

³ The changes the Government is proposing to council planning and reporting will implement recommendations 3, 14, 32 and 33 of the Future of Local Government Review.

14.4.1 Tasmanian Government - Priority Reform Program - Discussion Paper

In recommending a renewed Strategic Planning and Reporting Framework, the Future of Local Government Review suggested there should be a clear line of sight as to how community wellbeing and sustainability are embedded in everything councils do, from the high-level strategic vision for the sector (via the new role statement and charter), through to the capabilities that councils need (via council strategic plans), and down to the range of supporting operational plans and policies that councils use to manage their services and infrastructure.

The Future of Local Government Review recommended specific parameters for how the revised planning and reporting framework would be established, which included a proposal for four-year strategic plans comprising:

- a community engagement plan;
- a workforce development plan;
- a financial and asset sustainability plan; and
- an elected member capability and professional development plan.

It should be noted many councils have been proactive in improving their capability for strategic planning and how this filters down to supporting plans and strategies, decision-making and service delivery.

For example, it has become common practice for councils to develop, as part of their strategic planning, a community vision in partnership with their community that then underpins the strategies and priorities for the next 10 years. Select councils are also specifically integrating the Tasmanian Government's community wellbeing domains and outcomes into their strategic planning processes.

Reform detail

Proposed amendments to the Local Government Act would introduce the necessary high-level architecture to enable the introduction (over time) of an improved Strategic Planning and Reporting Framework, consistent with the intent of the Future of Local Government Review recommendations.

In summary, the amendments to statutory planning requirements would:

- **Retain the existing 10-year horizon for strategic plans but require councils when developing those plans to specifically consult with local communities to identify and include agreed wellbeing priorities, objectives, and outcomes.** It is envisaged public engagement to determine community wellbeing priorities could be incorporated into the existing consultation requirements for strategic plans. Councils would then be required to report publicly on progress against these priorities in their annual reports.
- **Retain councils' existing financial and asset management obligations in the Local Government Act (including the existing suite of documents**

and their content requirements), noting that under the Act these plans already need to link to and support councils' strategic plans, which will now include explicit community wellbeing requirements.

- **Introduce a requirement for councils to develop and adopt community engagement plans and workforce development plans.** The Act will set only the high-level parameters for these plans, with the Minister for Local Government empowered to issue guidelines under the Act to support councils as and where this is considered necessary. Councils would be required to review these plans every four years, consistent with the current four-yearly review cycle for the existing suite of council statutory plans.

In addition to the above it should also be noted that councils (under reform 6) will be required to develop an elected member capability and professional development plan. This would be done at the beginning of each council term (within the first 12 months following an election).

It is important to note the introduction of the new strategic planning requirements would be managed in a way that supports a smooth transition for the sector and for communities. The new legislative provisions would not be enacted until after the 2026 council elections to provide sufficient lead time for the sector to prepare for the change.

It is anticipated the new framework will also be supported over time by the development of an improved performance reporting framework, including new metrics and better data (see reform 9).

9. Improving consistency in data collection and reporting methodologies

Reform snapshot

- New provisions will give the Minister for Local Government the ability to issue clear and binding instructions to councils in relation to a broader range of performance indicators and their associated data collection and reporting requirements.
- More consistent collection and reporting of key council performance data is essential to, and will support the development of, a new performance monitoring framework for the local government sector.
- Better data and improved confidence in performance monitoring will empower communities to understand how well their council is performing and support better and more proactive monitoring and regulatory intervention.

Context

Meaningful metrics underpinned by reliable data are essential to any robust performance monitoring framework. For councils, consistent recording and reporting of data is important because it allows for:

- meaningful comparison and benchmarking of relative councils' performance;
- communities to understand, in clear terms, how well their councils are performing;
- more informed performance review, benchmarking, and strategic planning processes by councils themselves; and
- more effective and proactive regulatory oversight and intervention.

Currently, inconsistency in data collected and reported by councils makes it difficult to make reliable comparisons about their absolute and relative performance. This is particularly the case when it comes to understanding councils' relative service cost and quality, and strategic asset management and financial planning practices and outcomes.⁴

This inconsistency is partly due to the inevitable diversity in service offerings across 29 councils. However, better and more consistent data that allows for apples and apples comparisons between councils' service performance is clearly needed.

⁴ See Future of Local Government Review Final Report (2023): <https://www.futurelocal.tas.gov.au/wp-content/uploads/2023/11/The-Future-of-Local-Government-Review-Final-Report.pdf>.

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In response to this issue, the Future of Local Government Review recommended the development of a new, best practice performance monitoring framework for the Tasmanian local government sector.

The Future of Local Government Review noted a central underpinning of this framework would be the development of a broader range of revised metrics covering councils' financial (including rating), regulatory, statutory compliance, and service level, cost, and quality performance. It also recommended the Minister for Local Government be given the power to prescribe by Ministerial Order the nature and details of those metrics, as well as specific methodological guidance for their collection and presentation.

The key objective here being to ensure there is greater clarity, consistency, and confidence in relation to how councils are collecting and reporting important performance data.

The development of a new performance monitoring framework for the Tasmanian local government will take significant time and dedicated resources and will require broad consultation and engagement with the sector and other key stakeholders.

As a critical first step, it is considered appropriate that the Act be amended so that it can provide the necessary supporting architecture for implementing that future framework.

Reform detail

Currently, section 84 of the Local Government Act provides that the Minister for Local Government can specify financial management indicators and asset management indicators to be included in the financial statements of councils. The Local Government (Management Indicators) Order 2014 specifies a number of indicators (for example, asset sustainability and financial position ratios) and provides guidance on how they are to be calculated.

In an expanded version of these provisions, the Minister for Local Government would be given a statutory head of power to specify, by Ministerial Order, a broader range of performance metrics or indicators of councils' financial (including rating), regulatory, statutory compliance, and service level, cost, and quality performance.

The Minister for Local Government would also be empowered to specify in that order the data methodologies and protocols for reporting and presenting data against the metrics.

As is the case currently, the Minister for Local Government would be required under the Act to consult with councils on the content of the order.

10. Enhancing transparency of information in council rates notices

Reform snapshot

- The Act will empower the Minister for Local Government to prescribe additional information requirements for council rates notices so ratepayers will have a clearer picture of how and why their rates change over time, and how rating revenue is supporting different council services and functions.

Context

Currently, the Local Government Act requires councils to provide a narrow scope of technical administrative information in their rates notices – largely to support the appropriate payment of rates. As a result, councils adopt a variety of approaches for communicating information about rates to their communities, including year-on-year rating changes.

The Future of Local Government Review identified that providing, additional, standardised, easy to understand information in rates notices will help communities understand their council's rating practices and their financial management and budget decisions.

Reform detail

Amendments to the Act would provide that the Minister for Local Government may, by order, specify minimum information to be included in council rates notices for the purposes of informing ratepayers about:

- the drivers for the year-on-year changes to their rates liability (including rating policy changes, changes to property valuation, and changes to the general rate component);
- the total amount of rates payable on the property for each year over the preceding five years;
- the average year-on-year general rate change for a property, expressed in relative terms; and
- how rates have been applied by councils across service categories and functions.

As with other proposed reforms utilising Ministerial Orders, the Minister for Local Government would be required to consult with councils before finalising and issuing the rates notice requirements.

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These provisions will likely link to and align with the proposed amendments under reform 9 in relation to the issuing of standardised performance metrics and data collection and reporting methodologies in respect of rating data.

11. Mandating internal audit for councils

Reform snapshot

- New provisions will require all councils to establish and maintain an internal audit function, bringing them into line with Tasmanian Government agencies.
- This reform responds directly to a Future of Local Government Review recommendation and recognises councils are responsible for managing significant public assets and resources.
- General managers, through audit panels, will be responsible for delivering their council's internal audit function.
- An amendment to the *Local Government Act 1993* will provide for the application to councils of Treasurer's Instructions for internal audit issued under the *Financial Management Act 2016* (subject to adjustments as and where necessary and appropriate).
- The Director of Local Government will also be given explicit authority to request targeted internal audits, promoting stronger compliance and proactive regulatory intervention.

Context

The Future of Local Government Review observed council audit panels are currently under-resourced, and do not meet frequently enough to provide effective assurance consistent with their broad-ranging responsibilities under the Local Government Act.

Non-compliance by some councils with core statutory requirements for statutory plans in particular shows audit panels are not always able to pick up key risks and issues, or where they do there is insufficient accountability on councils for addressing compliance failures that are identified.

The Future of Local Government Review noted the challenges facing audit panels are partly attributable to a lack of support at many councils from dedicated and appropriately resourced internal audit capability.

Tasmanian Government agencies are required under Treasurer's Instructions to have an internal audit function, which plays an important role in providing objective assurance and advice on a range of risk and compliance matters.

The Future of Local Government Review recommended consideration be given to similarly mandating an internal audit function for councils, given their responsibilities for managing significant public assets and resources. Mandatory internal audit is a feature of the local government legislative frameworks in other jurisdictions, including New South Wales and Queensland.

The earlier Local Government Legislation Review also noted potential limitations in the Director of Local Government's ability to obtain audit panel reports, and recommended the Director of Local Government be given this explicit power. The Future of Local Government Review went further and proposed the Director of Local Government should also be empowered to initiate an internal audit of a council in certain circumstances (such as in response to emerging evidence of governance issues).

Reform detail

The Local Government Act would be amended so that the Treasurer's Instruction issued under the *Financial Management Act 2016* relating to internal audit applies to councils.

The amendments would enable the Treasurer to modify the application of the Instructions as and where this is necessary and appropriate for the local government context. A similar approach is used for other entities which are not Tasmanian Government departments, including the Macquarie Point Development Cooperation.

Utilising the relevant Treasurer's Instruction has the advantages of adopting an existing best practice, principles-based framework for councils, which is consistent with that which applies to state government agencies without having to create a separate, parallel framework under the Local Government Act.

The Department of Treasury and Finance also maintains best practice guidelines which include information on internal audit to support councils in adopting and operating under the Treasurer's Instruction.

As applied to councils, the Treasurer's Instruction would provide broad discretion around establishing internal audit, within a framework of high-level principles and minimum procedural and governance requirements.

It would mean, among other things, the general manager must ensure:

- that effective and appropriate internal audit arrangements are established and sufficiently resourced;
- the internal audit function must provide for the ongoing review of the effectiveness of internal governance, risk management and control processes;
- those undertaking the internal audit function have unrestricted access to all records, data, assets, personnel, premises and information that is relevant and necessary to perform the internal audit function;
- those undertaking the internal audit function have the necessary authority to perform reviews, evaluations, appraisals, assessments and investigations of functions, processes, controls and governance frameworks of the council;

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- the council has an internal audit charter that specifies the function, purpose, authority and responsibility of those undertaking the internal audit function; and
- the council has an internal audit plan covering a minimum period of three financial years, and which is reviewed and updated on an annual basis.

Councils would have flexibility to resource their internal audit function independently or engage an independent external firm as part of a resource sharing arrangement among participating councils.

Building on this reform, and as recommended by the legislation review in 2020, the Director of Local Government will also be given the explicit power to request internal audits be undertaken, where they reasonably believe a council is failing to perform a function that is impacting on the operations of the council.

15. Motion to Close Meeting

Refer to Local Government (Meeting Procedures) Regulations 2015: Regulation 15(1)

Recommendation

That Council, by absolute majority, pursuant to the *Local Government (Meeting Procedures) Regulations 2015*, closes the Meeting to the public for discussion of the Agenda Items listed below:

Confirmation of Closed Minutes

Refer to Local Government (Meeting Procedures) Regulations 2015: Regulation 34(2)

Leave of Absence Applications

Refer to Local Government (Meeting Procedures) Regulations 2015: section 15(2)(h) applications by Councillors for a leave of absence

Records and Document Management System – Update to Preferred Vendors

Refer to Local Government (Meeting Procedures) Regulations 2015: section 15(2)(d) regarding contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

Contract No. 265-2024/25 – Deloraine Recreation Precinct: Construction of Bulk Earthworks, Internal Roads and Tracks

Refer to Local Government (Meeting Procedures) Regulations 2015: section 15(2)(d) regarding contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

Contract No. 267-2024/25 – Deloraine Recreation Precinct: Construction of Playground and Landscaping

Refer to Local Government (Meeting Procedures) Regulations 2015: section 15(2)(d) regarding contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

End of Closed Session and Release of Public Information

Refer to Local Government (Meeting Procedures) Regulations 2015: Regulation 15(8)

To be determined in Closed Council.



16. Close of Meeting
