

Prior to the commencement of the meeting, the Mayor will make the following declaration:

“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.

The Mayor also to advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are audio-visually recorded and published to Council’s website.

COUNCIL MEETING
MONDAY 11 JANUARY 2016

TABLE OF CONTENTS

| ITEM | SUBJECT | PAGE |
|-------------|--|-------------|
| 1. | APOLOGIES | 4 |
| 2. | CONFIRMATION OF MINUTES | 4 |
| 3. | MAYOR’S COMMUNICATION..... | 4 |
| 4. | COUNCIL WORKSHOPS..... | 4 |
| 5. | DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE | 5 |
| 6. | TABLING OF PETITIONS | 6 |
| 7. | PUBLIC QUESTION TIME | 7 |
| 7.1 | PUBLIC QUESTIONS ON NOTICE | 7 |
| 7.2 | ANSWERS TO QUESTIONS ON NOTICE..... | 7 |
| 7.3 | ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE | 8 |
| 7.4 | QUESTIONS WITHOUT NOTICE..... | 8 |
| 8. | DEPUTATIONS BY MEMBERS OF THE PUBLIC..... | 9 |
| 9. | MOTIONS ON NOTICE – NIL ITEMS | 10 |
| 10. | REPORTS FROM OUTSIDE BODIES | 11 |
| 10.1 | REPORTS FROM SINGLE AND JOINT AUTHORITIES..... | 11 |
| | • SOUTHERN TASMANIAN COUNCILS AUTHORITY | |
| | • COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY | |
| | • SOUTHERN WASTE STRATEGY AUTHORITY | |
| | • TASMANIAN WATER CORPORATION | |
| 10.2 | REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES .. | 37 |
| 11. | REPORTS OF OFFICERS | 80 |
| 11.1 | WEEKLY BRIEFING REPORTS | 80 |
| 11.2 | DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS | 81 |

11.3 PLANNING AUTHORITY MATTERS

- 11.3.1 SUBDIVISION APPLICATION SD-2015/51 - 240 GEILSTON BAY ROAD AND 4, 6, 8, 16 AND 18 ANDREAS PLACE (INCLUDING 240A GEILSTON BAY ROAD), GEILSTON BAY – BOUNDARY ADJUSTMENT83

11.4 CUSTOMER SERVICE - NIL ITEMS

11.5 ASSET MANAGEMENT - NIL ITEMS

11.6 FINANCIAL MANAGEMENT - NIL ITEMS

11.7 GOVERNANCE - NIL ITEMS

12. ALDERMEN’S QUESTION TIME.....102
- 12.1 QUESTIONS ON NOTICE102
- 12.2 ANSWERS TO QUESTIONS ON NOTICE102
- 12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE102
- 12.4 QUESTIONS WITHOUT NOTICE.....102
13. CLOSED MEETING.....103
- 13.1 APPLICATIONS FOR LEAVE OF ABSENCE
- 13.2 APPOINTMENT OF COMMITTEE MEMBER

BUSINESS TO BE CONDUCTED AT THIS MEETING IS TO BE CONDUCTED IN THE ORDER IN WHICH IT IS SET OUT IN THIS AGENDA UNLESS THE COUNCIL BY ABSOLUTE MAJORITY DETERMINES OTHERWISE

COUNCIL MEETINGS, NOT INCLUDING CLOSED MEETING, ARE AUDIO-VISUALLY RECORDED AND PUBLISHED TO COUNCIL’S WEBSITE

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 7 December 2015 and Special Council Meeting held on 21 December 2015, as circulated, be taken as read and confirmed.

3. MAYOR'S COMMUNICATION**4. COUNCIL WORKSHOPS**

In addition to the Aldermen's Meeting Briefing (workshop) conducted on Friday immediately preceding the Council Meeting the following workshop was conducted by Council since its last ordinary Council Meeting:

PURPOSE

Strategic Planning

DATE

14 December

Report – Assessment of Quotations and Contracts for Voluntary
Amalgamations/Shared Services, South-East Councils
Feasibility Study
Wentworth Park Proposal

21 December

RECOMMENDATION:

That Council notes the workshop conducted.

| |
|---|
| 5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE (File No) |
|---|

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

6. TABLING OF PETITIONS

(File No. 10/03/12)

(Petitions received by Aldermen may be tabled at the next ordinary Meeting of the Council or forwarded to the General Manager within seven (7) days after receiving the petition.

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

The General Manager will table the following petition which complies with the Act requirements:

- Received from 124 signatories in support of Development Application D-2015/504 – 25 Wentworth Street, Bellerive – Sportsground Lighting.

7. PUBLIC QUESTION TIME

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request an Alderman or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

7.1 PUBLIC QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, a member of the public may give written notice to the General Manager of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

Questions on notice and their answers will be included in the minutes.

At Council's Annual General Meeting held on 1 December 2015 Mr Michael Figg asked the following Questions which were taken on Notice. As per standard convention, Questions taken on Notice are answered at the next Ordinary Meeting of Council and accordingly are listed below.

Question 1

Sought in respect to Expenses and Allowances paid to Aldermen based on published reporting of these matters, clarification regarding one Alderman having incurred expenses of \$10,100 in 2014/15.

Question 2

Sought clarification as to whether the recorded expenses referred to in Question 1 above involved interstate travel for attendance at the Australian Coastal Councils Association meetings.

Question 3

In reference to an earlier Right to Information request sought to ascertain:

- how much Council had spent in legal actions over the 2014/15 financial year; and
- the amount of money that Council had projected for legal costs in Council's budget for that period.

7.2 ANSWERS TO QUESTIONS ON NOTICE

The General Manager will address Questions on Notice listed at Item 7.1.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**7.4 QUESTIONS WITHOUT NOTICE**

The Chairperson may invite members of the public present to ask questions without notice.

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda.

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

9. MOTIONS ON NOTICE

Nil

10. REPORTS FROM OUTSIDE BODIES

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

Provision is made for reports from Single and Joint Authorities if required

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**
Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

The Southern Tasmanian Councils Authority has distributed its Quarterly Report for the period 1 July to 30 September 2015 (refer Attachment 1).

RECOMMENDATION:

That the Quarterly Report of the Southern Tasmanian Councils Authority for the Quarter ending 30 September 2015 be received.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**
Representatives: Ald Jock Campbell
(Ald Peter Cusick, Deputy Representative)

Quarterly Reports

September and December Quarterly Reports pending.

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**
Representative: Ald Richard James
(Ald Sharyn von Bertouch, Proxy)

Quarterly Reports

September and December Quarterly Reports pending.

Representative Reporting

- **TASWATER CORPORATION**

Southern Tasmanian Councils Authority

Quarterly Report to Members

September 2015



Each Joint Authority is required under Section 36 B of the Local Government Act, 1993 to provide to its members a quarterly report that includes a statement of its general performance and a statement of its financial performance.

This report covers the three-month period ending 30th September 2015. This report with all previous quarterly reports is published on the Authority's website: www.stca.tas.gov.au

The Southern Tasmanian Councils Authority (STCA) commenced on 1st July 2006.

Photo credit: Brenton West

Contents

| | |
|--|----------|
| Report Summary | 3 |
| Report | 5 |
| 1 Will Hodgman MP, Premier of Tasmania | 5 |
| 2 Planning Reform Taskforce Update | 5 |
| 3 Southern Waste Strategy Authority (SWSA) | 6 |
| 4 Destination Southern Tasmania Report | 7 |
| 5 Hobart City Council – China Presentation | 8 |
| 6 Review of the <i>Local Government Act 1993</i> | 8 |
| 7 Infrastructure Committee | 9 |
| 8 Economic Development Committee | 10 |
| 9 Draft STCA 2014/15 Financial Statements | 11 |
| 10 2015/16 STCA Annual Plan and Budget | 12 |
| 11 2015/16 STCA Subscription Fees | 13 |
| 12 Allan Garcia, CEO Infrastructure Tasmania | 13 |
| 13 John Perry, Coordinator General | 14 |
| 14 Taswater Data Sharing Proposal | 14 |
| 15 Local Government Code of Conduct Legislation | 15 |
| 16 Governance and Audit Committee | 16 |
| 17 Employees | 16 |
| 18 Financials | 17 |

QUARTERLY REPORT TO MEMBER COUNCILS SEPTEMBER 2015

REPORT SUMMARY

The Authority held Ordinary Board Meetings on 2nd July and 10th August 2015

1. Will Hodgman MP, Premier of Tasmania

Will Hodgman MP, the Premier of Tasmania addressed the Board highlighting the Government's investment across southern Tasmania and a willingness to work with Local Government

2. Planning Reform Taskforce Update

The STCA Board received a written briefing and update from the Planning Reform Taskforce

3. Southern Waste Strategy Authority (SWSA)

The Board considered the issue of the Regional Waste Group and determined a way forward to marry SWSA and the STCA over the coming months

4. Destination Southern Tasmania

The Board received a report from Destination Southern Tasmania on their activities for the quarter and also appointed its officer level board nomination

5. Hobart City Council China Presentation

The Hobart City Council showed a video of its recent trip to China and gave a presentation on the growing relationship between the region and China

6. Review of the *Local Government Act 1993*

The Board endorsed advocating for a review of the *Local Government Act 1993*

7. Infrastructure Committee

The Board received a report from the Infrastructure Committee

8. Economic Development Committee

The Board received a report from the Economic Development Committee

9. Draft STCA 2014/15 STCA Financial Statements

The Board endorsed the 2014/15 STCA Financial Statements for lodgement with the Tasmanian Audit Office

10. 2015/16 STCA Annual Plan and Budget

The STCA Board endorsed the 2015/16 Annual Plan and Budget

11. 2015/16 STCA Subscription Fees

The STCA Board endorsed the 2015/16 subscription fees which contained no increase

12. Allan Garcia, CEO Infrastructure Tasmania

Allan Garcia, the CEO of Infrastructure Tasmania spoke to the Board about his new role with the State Government and how his office would be operating

13. John Perry, Coordinator General

The STCA Board received a presentation from John Perry, the new Coordinator General outlining the role of his office in facilitating investment attraction

14. Taswater Data Sharing Proposal

The STCA Board endorsed a second stage of the successful data sharing arrangement with Taswater

15. Local Government Code of Conduct Legislation

The STCA Board resolved to write to all members of the Legislative Council urging them to pass the new local government Code of Conduct legislation

16. Governance and Audit Committee

The STCA Board received a report from the Governance and Audit Committee

17. Employees

18. Finances

THE REPORT

1. Will Hodgman MP, Premier of Tasmania

The Premier of Tasmania, Will Hodgman attended an STCA Board meeting and spoke to board members. The Premier covered a wide range of topics and reiterated that he was keen to meet regularly with the Board and would make himself and other government ministers available for attendance.

The Premier outlined that the planning reform process was progressing well and that councils seemed supportive of this reform and that the government was keen to receive local government's feedback. The Premier also touched on the southern roads strategy and infrastructure investment in general, highlighting the establishment of a project team in the Department of State Growth to examine the issue of the Bridgewater Bridge. He also spoke about the council reform process and the government's commitment not to have forced amalgamations, it was also reiterated that the government was placing weight in common service provisions that allow for strategic resource sharing.

The Premier spoke about the trade delegation he had led to China and acknowledged the attendance of Hobart and Launceston City Councils. He also outlined that there were opportunities for council's to be engaged in this process by attending a future trade mission, promoting their region to Chinese investors and other interested parties and looking at Sister City relationships.

The Premier also outlined that the government was fighting hard to see the "Cadbury money" invested quickly into tourism projects around the State. As part of the Premier's attendance Tim Short, Group Manager Executive and Economic Development showed a video reporting on the trip of the Hobart City Council to China earlier in the year.

2. Planning Reform Taskforce Update

At the previous STCA Board meeting in April, Mary Massina, the Executive Chair of the Tasmanian Planning Reform taskforce attended to provide an update on the development of the Single Statewide Planning Scheme. Ms Massina indicated at this Board meeting that she would continue to engage with the Authority on the development of the Single Statewide Planning through written and verbal briefings. A written update was presented to the Board and feedback was given to the CEO to discuss with Mary Massina.

Planning Reform Taskforce June Briefing Paper: Number 1

The purpose of this Briefing Paper is to introduce the proposed structure of the Tasmanian Planning Scheme (TPS).

It also outlines the role of the Planning Reform Taskforce (“the Taskforce”), as the Steering Committee for the TPS Project, and the phases of the project and the consultation components.

The Paper also explains the methodology adopted during the drafting.

On 26th March 2015, the Minister for Planning and Local Government, the Hon Peter Gutwein MP, announced in Parliament the structure of the TPS which is meeting the Government’s election commitment for a single statewide planning scheme.

This is a key platform of the Government’s planning reform agenda to make Tasmania’s planning system fairer, faster, cheaper and simpler.

The TPS will have a clear set of planning controls which apply consistently to land use and development across the State.

The single statewide planning scheme is in direct contrast to the 29 Interim Planning Schemes which will exist across the State (once all draft interim planning schemes have been declared).

The zones and codes in all 29 schemes have been applied or structured with significant differences, as they have been derived from three regionally based models which in themselves allow for municipal and regional variances.

The Government intends to introduce a Bill to Parliament this year to amend the *Land Use Planning and Approvals Act 1993* (the Act) to provide the framework for introducing the TPS. The draft Bill will be subject to extensive public consultation by the Department of Justice.

Structure of the Tasmanian Planning Scheme (TPS)

The TPS will consist of:

- State Planning Provisions - a set of statewide planning controls which will ensure consistency, clarity and certainty for land use and development across Tasmania; and
- Local Provisions Schedules for each of the 29 municipal areas in Tasmania which includes local zone and overlay maps and lists for each area, Particular Purpose Zones and Specific Area Plans and specified departures.

The State Planning Provisions and all the Local Provisions Schedules will together form all of the planning controls applying to a local area (which is the local application of the TPS).

This structure provides for a single set of consistent provisions across the entire State but allows for specific and approved Local Provisions as necessary or agreed.

State Planning Provisions

The State Planning Provisions will comprise the following:

- Purpose and Objectives
- Administration provisions
- Exemptions
- General Provisions
- Zones – with use and development provisions
- Codes – with standard provisions
- Template for the Local Provision Schedules

This is based on populating the template in *Planning Directive No.1 – Format and structure of planning schemes* (PD1), subject to any necessary modifications and reconfiguration of the structure to give effect to the separation of State and Local Planning Provisions.

Local Provisions Schedules

Each Local Provisions Schedule will comprise the following:

- Local Zone and overlay maps and lists
- Local area objectives
- Particular Purpose Zones
- Specific Area Plans
- Site specific qualifications

Local Government has an important role as the preparation of the Local Provisions Schedules will be the responsibility of local councils in their role as planning authorities.

This will require the councils to reflect the State Planning Provisions and to ensure the consistent application of the zones.

The TPS will take effect in each municipal area when the Local Provisions Schedule, which include the zone and overlay maps for that area, have been approved by the Minister and are in effect.

State Planning Provisions: Project phases

The drafting of the State Planning Provisions will occur in the following phases:

- Phase 1: Development of the Consultative and Technical Reference Groups (completed)
- Phase 2: First review and restructure of PD1 to set the foundations of the TPS (completed and feedback being analysed)
- Phase 3: Zones
 - Phase 3.1: Agriculture and residential (currently before the Technical Planning Reference Group)
 - Phase 3.2: Business, Commercial, Industrial, Ports and Marine, Utilities, Open Space, Recreation, Environmental Management, Major Tourism zones
- Phase 4: Codes (policy work is underway with relevant Government Departments prior to consultation)
- Phase 5: Peer Review
 - Peer review of the suite of prepared zones and codes
- Phase 6: Submission for Minister's consideration

In essence, the project started with establishing the framework for the statewide planning scheme and will move through the suite of zones in clusters for example, agriculture and business zones, while simultaneously working through the Code issues and development.

At the end of 2015, there will be the final overall review of the draft State Planning Provisions in readiness for public consultation in early 2016 after Ministerial consideration.

Consultation

Targeted consultation during the drafting

The Minister has instructed the Taskforce to develop the draft State Planning Provisions in accordance to any Government policy directions provided by the Minister.

Furthermore, the Taskforce is also charged with the responsibility to undertake targeted and ongoing consultation with local government and stakeholders, including the development sector, professional planning bodies, environmental and community NGOs during the drafting of the State Planning Provisions.

A fundamental component of the work will be ensuring the development of the draft State Planning Provisions is informed by, and complements, any relevant work being undertaken by state agencies, and considers all input from targeted consultation with the Reference and Consultative Groups.

It is the Taskforce's explicit intention to continually test the veracity of the zone purpose statements and use and development standards along with the development of the Codes during the drafting this year through continual consultation with the stakeholders.

Key stakeholders

The following planners and organisations are involved in targeted consultation for the development of the State Planning Provisions:

Technical Planning Reference Group

- Richard Jamieson – Launceston City Council
- Justine Brook-Bedelph – Georgetown Council
- Duncan Payton – Northern Midlands
- Shane Warren – Devonport City Council
- Patrick Earle – Burnie City Council
- Matthew Saward – Circular Head Council
- Shane Wells – Brighton Council
- Michael Bartlett – Huon Valley Council
- Dan Ford – Clarence City Council

Community Sector Consultative Group

- TasCOSS
- Community Housing Ltd Group
- Shelter Tasmania
- Mission Australia (Tasmania)
- Housing Choices Tasmania
- Hobart City Mission

Industry and Business Consultative Group

- Cement, Concrete & Aggregates Australia
- Engineers Australia (Tasmania)
- Tasmanian Small Business Council
- Planning Institute of Australia (Tasmania)
- Tasmanian Seafood Industry Council
- Property Council of Australia (Tasmania)
- Fruit Growers Tasmania
- Wine Tasmania
- Tasmanian Hospitality Association
- Tourism Industry Council Tasmania
- Institute of Architects

Environment and Historic Heritage Consultative Group

- Environmental Defenders Office
- Tasmanian Conservation Trust
- Tasmanian Heritage Council
- Heritage Protection Society

These groups complement the *Planning Reform Taskforce* members:

- Local Government Association of Tasmania
- Tasmanian Farmers & Graziers Association
- Tasmanian Chamber of Commerce and Industry
- Master Builders Tasmania
- Housing Industry Association
- John Dent OAM, PDA Surveyors
- Emma Riley, Emma Riley and Associates
- Frazer Read, All Urban Planning
- Andrew Walker, Dobson Mitchell and Allport

Community Consultation

The Taskforce fully endorses the Minister's position and direction on the need for community consultation.

Throughout the process of development of the Tasmanian Planning Scheme, Tasmanians will have at least two opportunities to comment.

The Minister has publicly stated that the draft State Planning Provisions will undergo a public statutory consultation and assessment process by the Tasmanian Planning Commission early in 2016.

After receiving the advice from the Tasmanian Planning Commission, the Minister will decide on any modifications prior to declaring the State Planning Provisions.

Once declared, the 29 councils will develop the local content for their area.

The Local Provision Schedules will be subject to community comment through a statutory public exhibition and assessment by the Tasmanian Planning Commission.

Furthermore, the Department of Justice will shortly start the community consultative process on the draft Bill to give effect to the Tasmanian Planning Scheme.

Methodology

The methodology for drafting the State Planning Provisions is based on a review of the Launceston Interim Planning Scheme (LIPS) model, including *Planning Directive No. 4.1 Standards for residential development in the general residential zone* (PD4.1).

This has also encompassed analysis of the content of declared interim planning schemes in the Cradle Coast and Northern regions, and the declared and draft interim planning schemes in the Southern region.

The drafting has also taken into account the Government's election commitment to make the planning system fairer, faster, cheaper and simpler. In particular this is achieved through ensuring that permitted pathways are provided for use and development where possible, and clear criteria for assessing discretionary applications to remove doubt as to the method for compliance.

Roles and responsibilities

During 2015

The Planning Reform Taskforce is responsible for the drafting of the State Planning Provisions.

The Department of Justice is responsible for the drafting of the amendments to the *Land Use Planning and Approvals Act* (LUPAA) to give legal effect to the Tasmanian Planning Scheme.

The Tasmanian Planning Commission is responsible for finalising the Interim Planning Scheme process in line with amendments to LUPAA passed last year.

During 2016

The Tasmanian Planning Commission will conduct a statutory public consultation and assessment process of draft State Planning Provisions.

They will also be responsible for conducting the statutory public exhibition and assessment on the Local Provision Schedules.

For further information

Mary Massina

Executive Chair

Planning Reform Taskforce

Email: mary.massina@stategrowth.tas.gov.au

Mobile: 0408 594 312

3. Southern Waste Strategy Authority (SWSA)

Over the past 12 months the Board has considered a range of reports on the future of the roles and responsibilities of SWSA. The STCA developed a Governance Paper and a Draft set of Terms of Reference that were presented to the SWSA Board for consideration. The SWSA Board then gave member councils three options on the future of the organisation from 1 July 2015.

- Cease operations of SWSA
- The STCA undertake the roles and responsibilities of SWSA
- Have a member council perform the tasks of SWSA

The STCA has received correspondence from SWSA outlining the determination of the Board, on behalf of member councils, regarding the future of the Authority. As detailed in the correspondence SWSA will continue to operate as a separate entity in 2015/16 with administrative and staff provided by Glenorchy and Clarence Councils.

The correspondence indicates that SWSA members will not be levied during 2015/16 and that all activities will be funded from accumulated surpluses. SWSA also indicate that this is a temporary arrangement and that during the financial year negotiations should take place between SWSA and the STCA on the future of the organisation in 2016/17.

Following the STCA Board meeting a meeting was convened between the Chair of the Governance and Audit Committee, Mayor Chipman, Chair of SWSA, Cl. Alex Green, Mayor Vincent and STCA CEO Brenton West to try work out how best to marry the two organisations together.

This meeting discussed the importance of a strong regional waste body for southern Tasmania and how this body could deliver strong results for member councils.

It was agreed that it was important that the STCA talk to all member councils, including officers, on how a regional waste group would fit into the STCA.

The meeting indicated that if the regional waste body was contained in the STCA it was anticipated that Hobart City Council be a member and involved in this new entity due to their membership of the STCA.

Discussions amongst the attendees focussed on the importance of creating a strong strategic vision for the future waste body and that this was conveyed to member councils. It was recognised that this is a highly passionate issue that a lot of people care deeply about, so it is important to get the strategic vision and structure right.

It was also pointed out that a regional waste body contained within the STCA could have a strong influence in government decision making in the area of

waste management and mitigation. It was agreed that the new organisation should focus on sensible programs that help change future generations' views on waste.

It was recognised that there were a lot of officers working within local government across southern Tasmania that have an expertise in the area of waste and that their skills and knowledge should be utilised.

Discussion also took place around the litter index, the effectiveness of the ban on plastic bags and the container deposit scheme. The group felt that any new waste group should be looking to adopt programs and projects from other states that are effective in the area of waste management and education.

The group agreed that a practical way forward to facilitate SWSA moving to the STCA could be as follows:

- Councils be invited to nominate a representative to a Working Group on regional waste
- The working group would come under the auspice of the STCA
- This Working Group would be chaired by a Mayor from the STCA Board
- It could include officers and elected representatives
- It was anticipated that there would be strong similarities between its membership and the SWSA Board
- The Working Group would be charged with determine appropriate governance arrangements for a regional waste group contained within the STCA
- Develop Terms of Reference for a Regional Waste Group
- Work in accordance with member councils
- Develop a draft budget ready to take over operations from 1 July 2016

Following further discussions on this issue at the Governance and Audit Committee the following recommendations were provided for the Board's consideration.

4. Destination Southern Tasmania

Destination Southern Tasmania is the regional tourism organisation for southern Tasmania, the area covered by DST is the same as the STCA, apart from Glamorgan/Spring Bay which forms part of the East Coast Tourism Association.

Destination Southern Tasmania appointed Melinda Anderson as the new CEO of the organisation in July 2014. Since taking on the role Melinda has been travelling around to engage with councils across southern Tasmania. As part of her new engagement process, Melinda is providing quarterly reports to councils on the activities of Destination Southern Tasmania.

The Board also resolved its officer level nomination for the Destination Southern Tasmania Board. Currently, the STCA provides two board members for

Destination Southern Tasmania. It has become convention that one of these positions is from the elected member stream and the other position is an officer representative.

Presently the STCA nominees are Alderman Kristie Johnston, Mayor of the Glenorchy City Council and Brenton West, CEO of the STCA. The CEO of the STCA, Brenton West was appointed in August 2013 and his position retires by rotation at the DST AGM on August 27, but is eligible for re-appointment.

The CEO was appointed to the DST Board to try and facilitate a close working relationship between the two organisations. The STCA Board resolved to reappoint STCA CEO Brenton West as the STCA officer level nomination to the DST Board.

5. Hobart City Council – China Presentation

The Board viewed a video and heard a presentation from Tim Short, Group Manager Executive and Economic Development at the Hobart City Council .

Tim was part of a Hobart City Council delegation that visited China to as part of a sister city relationship. The delegation were also involved in the Tasmanian State Government trade discussions.

Tim updated the Board on the visit to China and also the recent delegation of Chinese officials that visited Hobart and surrounds as part of this sister city relationship. Tim also spoke about the opportunities right across the region to capitalise on the Hobart City Council Sister City relationship and the increasing trade delegations that are being shared between the two countries.

6. Review of the *Local Government Act 1993*

The Board received a report on whether to start lobbying and advocating to the State Government for a review of the *Local Government Act 1993*.

It was noted that in the past few years there have been a number of changes to the regulations that govern local government including provisions around long term financial management plans and long term strategic asset plans, changes to the terms of Mayors and Deputy Mayors and amendments to the local government meeting procedures.

The CEO highlighted that he had spoken to a number of Mayors, Councillors and Alderman in the past few months who have raised the issue of a review of the *Local Government Act 1993*. It has been a number of years since a full and thorough review of the Act was undertaken, and many Councillors and Alderman have indicated its is becoming antiquated, in particular with its failure to keep pace with the use of modern technology in the effective operation of local government.

Whilst the State Government has a significant number of reform programs underway in the local government this should not preclude the Authority from perusing a review of the Act. The Board felt that support from LGAT would be required in lobbying efforts for a review of the Act to be undertaken, so authorised the CEO to speak with LGAT about the issue. There was general agreement from the Board on this issue as well as other issues relating to the *Valuations of Land Act 2001* and the Code of Conduct legislation currently before the legislative council.

7. Infrastructure Committee

The Infrastructure Committee continued work on the development of a new STCA Infrastructure Priority list. Traditionally the STCA has developed an Infrastructure Priority List and utilised this document for lobbying State and Federal Governments. In particular, prior to state and federal elections and likewise before budget cycles.

Over the past 12 months the STCA has been successful with these lobbying efforts and a number of the Authority's key infrastructure priorities have been funded as part of both State and Federal Government Budgets. These include:

- Summerleas Rd/Huon Highway intersection
- Tasman Highway on/off ramps at the Tasman Bridge
- Brooker Highway Elwick Rd/Goodwood roundabout intersection
- \$400 million for Midland Highway safety improvements
- Funding for improvement on the Arthur Highway
- Funding to seal part of the Highland Lakes Road

Following on from the recent State Budget the Authority has begun to put together a new list of infrastructure priorities for endorsement by the Board. The Authority has had greater success lobbying governments for funding by establishing a list of around four to five key project across the region that is supported by the Board.

There is also an opportunity to work with the new CEO of Infrastructure Tasmania, Allan Garcia as well as the Department of State Growth to prosecute the business case for the funding of projects. Initial indications of priority projects include:

- Bridgewater Bridge
- Channel Highway
- Airport Roundabout at Holyman Drive
- Final stage of sealing of the Highland Lakes Road

The CEO needs to conduct final consultation with member councils to bring a complete list back to the Committee before presentation to the Board for endorsement at its August meeting. The Committee also discussed a range of grant opportunities that currently exist within government

8. Economic Development Committee

The STCA Board received a report from the Economic Development Committee.

The Committee discussed the upcoming STCA Economic Development Forum with Dr Robyn Morris from the Australian Centre of Excellence in Local Government and Allan Garcia, the new CEO of Infrastructure Tasmania.

It was felt both of these guests would provide interesting presentations on economic development opportunities and challenges in southern Tasmania. The Committee also highlighted the importance of having the Coordinator General John Perry speak to the Board either at a forum or a meeting. The CEO indicated this was likely to occur at the next Board meeting in August.

The Committee also examined a list of grant opportunities that are currently available through the State and Federal Governments. It was highlighted that there were a number available at the moment and that councils needed to have shovel ready job creating projects, as this seemed to be key criteria for most of the grants.

The Committee also reflected on the State Government population strategy and the session attended by a number of Mayors. It was felt that this session missed an opportunity to receive greater feedback from the participants in the room.

Mayor Vincent also provided an update on SERDA outlining that KPMG had been selected to undertake the infrastructure report on the South East and that this work was currently being undertaken.

State and Federal Grant Opportunities

National Stronger Regions Fund

\$200 million a year over five years for capital projects, which involve the construction of new infrastructure or the upgrade or extension of existing infrastructure. The project must deliver an economic benefit to the region beyond the period of construction. Projects should support disadvantage regions or areas of disadvantage within a region.

Applications for round two are now open – www.infrastructure.gov.au/nsrf

Cadbury's \$16 million Federal Election Grant

In the lead up to the 2013 Federal Election, Prime Minister Tony Abbott announced a \$16 million grant for Cadbury's to upgrade its factory. Following Cadbury's decision to forgo this funding it has been announced that it will be distributed for job creating projects across Tasmania.

Tourism Demand Driver Infrastructure Fund

In the 2014/15 Federal Budget, funding was provided to State Government's to help facilitate visitor growth in the tourism sector. The Tourism Demand Driver

Infrastructure Program supports State Governments to develop key tourism infrastructure to stimulate tourism demand in their state. There is around \$2.7 million for Tasmania over three years. The first round has just been announced and Destination Southern Tasmanian in conjunction with councils was used to submit applications. Round two will open in the 2015/16 financial year.

Tasmanian Parks Infrastructure

In the 2015/16 State Budget, the Government allocated \$8 million over two years for high priority infrastructure renewal and maintenance. This additional funding will provide for the redevelopment, refurbishment and replacement of high priority infrastructure in Tasmania's parks and reserves including signage and interpretation, walking and multi-use tracks, roads, fire trails, amenities and car parking. The Government will identify priority projects in consultation with local government, regional and other stakeholders.

Regional Revival Fund

In the 2015/16 State Budget, the Government announced an additional \$5 million for the Regional Revival Fund. It is aimed at unlocking development potential of major private sector projects that are currently sitting idle.

The State Government will now work with private investors and local councils to identify projects where support may be offered. The funding is available to meet the capital costs associated with new developments.

Tourism Infrastructure Fund

In October 2013 the Federal Government reaffirmed its commitment to a \$100 million pre-election economic growth package. This included \$4.38 million for a Regional Tourism Infrastructure and Innovation Fund. No further details around this fund have been released.

9. Draft 2014/15 STCA Financial Statements

The Board endorsed the draft 2014/15 financial statements for signing and lodgement with the Tasmanian Audit Office.

As per the *Local Government Act 1993* the Authority has prepared its financial statements for consideration by the STCA Board. The financial statements were examined and endorsed by the Governance and Audit Committee at its August meeting.

After approval that the financial statements accurately represent the Authority's activities for the year, they need to be submitted to the Tasmanian Audit Office by 14 August 2015, to allow for an onsite audit to be conducted by the Auditor General. The financial statements for the 2014/15 financial year (attached) show that the Authority remains in a strong financial position. This year's financial statements show a deficit of \$15,939. However, the Authority maintains \$220,409 cash on hand, with around half tied with specific grants.

An ongoing issue for organisation's such as the STCA is when grant funding is received in a particular period and then expended in a different period. This can

have impact in distorting the Authority's financial figures. In particular, in FY 14/15 grant funding for the Climate Change Communication project was expended, after it was received in FY 13/14.

Importantly, the 'current assets' of the Authority, particularly cash at bank is extremely healthy and the Authority remains solvent being able to easily meet its debts as and when they fall due. It is also worth noting that the Board endorsed a budget for the 2015/16 financial for the 'Operating Account' for the STCA that showed a surplus of \$8,404.12. Importantly, the Authority well and truly remains solvent easily being able to meet its debts when they fall due.

10. 2015/16 STCA Annual Plan and Budget

The Board endorsed the 2015/16 STCA Annual Plan and Budget.

Under the *Local Government Act 1993*, the STCA is required to develop and endorse an Annual Plan.

The development of the STCA Annual Plan is guided by the recently endorsed STCA 2015 – 19 Strategic Plan. This includes a focus on the following key areas:

- Improved Physical Infrastructure
- Enhanced Economic Development
- Improved Environmental Performance
- Enhanced Social well-being
- Improved Inter-regional Cooperation and Local Government Sustainability
- Good Organisational Governance

The Annual Plan is the key document to help drive the STCA's agenda for the next 12 months. The Board also endorsed the 2015/16 Budget to guide its implementation.

| Southern Tasmanian Councils Authority Budget 2015/16 | |
|---|--------------------------|
| Revenue | \$ |
| Council subscriptions | 186,114.12 |
| Stationery rebate | 6,500 |
| Interest on funds | 9,000 |
| Total Revenue | <u>201,614.12</u> |
| Expenses | |
| Wages | 104,800 |
| Labour on costs | 29,150 |
| Motor vehicle expenses | 10,800 |
| Car parking | 2,760 |
| Office rent | 4,150 |
| Telephone and Internet | 1,250 |

| | |
|---------------------------------|------------------------|
| Insurance | 2,100 |
| Conference/Events | 900 |
| FBT | 3,200 |
| Website | 4,800 |
| Audit fees | 5,200 |
| Administrative expenses | 18,000 |
| Meeting expenses | 1,400 |
| Legal expenses | 2,000 |
| Stationery | 700 |
| Printing | 1,000 |
| Miscellaneous | 1,000 |
| Total Expenses | 193,210 |
| Balance to carry forward | <u>8,404.12</u> |

11. 2015/16 STCA Subscription Fees

The Board endorsed the 2015/16 STCA Subscription Fees. These fees are the same as 2014/15 and contain no increase. A breakdown of the 2015/16 fees are provided below.

| Council | Percentage of Total | Subscription 2014/15 (inclusive of GST) | Subscription 2015/16 | | |
|-----------------------|---------------------|--|----------------------|------------------|------------------------|
| | | | Net | GST | Total Inclusive of GST |
| | % | \$ | \$ | \$ | \$ |
| Tasman | 1.60% | 3,275.61 | 2,977.83 | 297.78 | 3,275.61 |
| Central Highlands | 1.60% | 3,275.61 | 2,977.83 | 297.78 | 3,275.61 |
| Glamorgan Spring Bay | 1.60% | 3,275.61 | 2,977.83 | 297.78 | 3,275.61 |
| Southern Midlands | 1.60% | 3,275.61 | 2,977.83 | 297.78 | 3,275.61 |
| Derwent Valley | 5.18% | 10,604.78 | 9,640.71 | 964.07 | 10,604.78 |
| Sorell | 5.18% | 10,604.78 | 9,640.71 | 964.07 | 10,604.78 |
| Brighton | 5.18% | 10,604.78 | 9,640.71 | 964.07 | 10,604.78 |
| Huon Valley | 5.18% | 10,604.78 | 9,640.71 | 964.07 | 10,604.78 |
| Kingborough | 12.40% | 25,385.97 | 23,078.15 | 2,307.86 | 25,385.97 |
| Glenorchy | 20.16% | 41,272.67 | 37,520.60 | 3,752.06 | 41,272.67 |
| Hobart | 20.16% | 41,272.67 | 37,520.60 | 3,752.06 | 41,272.67 |
| Clarence | 20.16% | 41,272.67 | 37,520.60 | 3,752.06 | 41,272.67 |
| Regional Total | 100.01% | 204,725.53 | 186,114.12 | 18,611.41 | 204,725.53 |

12. Allan Garcia, CEO Infrastructure Tasmania

The new CEO of Infrastructure Tasmania, Allan Garcia joined the August Board meeting and spoke about his role with the new body. Allan spoke about his role to undertake infrastructure planning and develop a pipeline of projects for the next 10, 20 and 30 years. He reports directly to the Minister for Infrastructure and has some secretariat support from the Department of State Growth.

Allan will be working on projects and proposals that can potentially go to Infrastructure Australia to receive funding. He can have projects referred to him by the Minister for assessment such as the Copping C Cell and the Light Rail. He spoke about the need to work collaboratively with all tiers of government and across agencies in Tasmania. Allan also spoke about the importance of the Bridgewater Bridge and developing a design and concept that would be funded by Infrastructure Australia. He also spoke about his work on the integrated freight strategy and his Tasmanian road audit. The Board thanked Allan for his attendance and agreed it was important to stay in touch as he undertakes his role.

13. John Perry, Coordinator General

John Perry the Co-ordinator General attended the August STCA Board meeting to speak about his new role and the work of his office. He outlined that his office had major responsibility for inward investment attraction including internal and external trade missions. Major project facilitation by providing an overarching case management service and red tape regulation reduction.

John explained that his office was currently providing support to the EOI process for National Parks given the complex nature of project. John outlined that the red tape reduction commissioner would sit in his office and was consulting with business and government on red tape reduction projects. John also highlighted the Government's new unsolicited bids policy is in place and that they would assess projects against set criteria. His Office also has responsibility for the Northern Cities project announced in the budget. Engaging with China is a major priority for the office and they would be leading a trade mission in September.

14. Taswater Data Sharing Proposal

The STCA Board endorsed in principle the development of a second stage of the data sharing arrangement with Taswater.

At the STCA Board meeting held in August 2014, the Board endorsed an in principle agreement to explore a data sharing arrangement with TasWater.

Then in November 2014, following work between the STCA CEO and the Asset Manager of TasWater a Memorandum of Understanding was agreed to by the STCA Board for a voluntary data sharing arrangement between TasWater and the STCA on behalf of member councils.

Initially, as part of this first stage, to build goodwill within member councils, TasWater made available a range of water and sewer data available to STCA member councils. Council's should now be receiving this data from Taswater through The List. Taswater are now hoping that after building a strong working relationship with the STCA and member councils on this issue that it could be expanded to a second stage.

Taswater are seeking to work in conjunction with the STCA to develop an arrangement where they might receive data around council assets such as stormwater drains, roads and footpaths.

Taswater would also like to work collaboratively with the STCA on establishing a better working relationship on future planned works to ensure collaboration as well as delivering efficiencies. Such as the renewal of pipe infrastructure at the same time as the renewal or repair of roads and footpaths. This process does take place with some councils in an ad hoc manner, however Taswater are keen to see if it can be done to a greater level and with more consistency.

15. Local Government Code of Conduct Legislation

The Board endorsed writing to all members of the Legislative Council urging them to support the Code of Conduct Legislation.

At the July meeting the STCA Board discussed the issue of the legislation to establish a new code of conduct for local government.

It was noted that the legislation had passed the lower house of the Tasmanian Parliament and was currently being debated in the upper house by the Legislative Council. The Legislative Council members have moved around 100 amendments to the legislation, some are minor and some have more significant implications in relation to the operation of the proposed new legislation.

The Legislative Council is currently on winter recess and when they return on Tuesday 18 August they are scheduled to enter "Committee Stage" to debate these amendments. Committee Stage as part of parliamentary sitting takes place after each member has provided their initial contribution to the debate (second reading speech) and allows members to debate and then vote on every proposed amendment to the legislation.

The LGAT CEO has advised that they have sought feedback from their General Management Committee in regards to the more substantive amendments that make significant amendments to the legislation.

LGAT and the Local Government Division within DPAC will be meeting and briefing members of the Legislative Council in regards to the proposed amendments.

The LGAT CEO indicated that she would support the STCA undertaking lobbying of Legislative Council members through a letter to each one indicating the Authority's support for the legislation and seeking their support to help facilitate the timely passage of the Bill.

16. Governance and Audit Committee

The Board received a report from the Governance and Audit Committee.

The Committee examined a report regarding the future of the Southern Waste Strategy Authority (SWSA). The STCA Board charged the Governance and Audit Committee with developing a long term solution to marry the two organisations together beginning from 1 July 2016. To help facilitate this outcome a meeting was conducted between Mayor Chipman, Mayor Vincent, Cl. Alex Green, SWSA Chair and the STCA CEO. Together an outcome was agreed to facilitate a way forward. This involves the establishment of a Working Group made up of a representative from each member council, it is hoped this Group will establish the strategic direction of a waste group under the STCA, develop a draft budget, identify an appropriate governance structure and undertake other work to ensure that the organisation is ready to operate from 1 July 2016 as part of the STCA.

The Committee considered a report on the issue of regional dog management. Previously this issue had been raised at the STCA Board meeting as a potential issue that presented an opportunity for regional cooperation to help drive cost efficiencies. The Committee discussed in detail a wide range of issues covered in the report and other complex matters that are part of the dog management obligations of local government. The Committee felt further work and information, in particular more data on the issue were required.

The Governance and Audit Committee also examined the draft 2014/15 Financial Statements and made a recommendation to the Board that they be endorsed. The Committee also conducted a performance review on the CEO.

17. Employees

Mr Brenton West, took up the role of full time Chief Executive Officer of the Authority on 1 July 2013. The Authority has previously employed other staff as government grant funding is obtained. It is intended that this process will continue. Currently Katrena Graham and Graham Green are employed to work on the Climate Change Adaption Project for the Northern and North West Councils.

18. Finance

A summary of financial performance for the first quarter of the 2015/16 financial year follows:

SOUTHERN TASMANIAN COUNCILS AUTHORITY Financial Report as at 31st March 2015

| | Actual at 30/09/15 | Budget Year to Date | Budget 2015/16 |
|---|-----------------------|------------------------|-------------------|
| | \$ | \$ | \$ |
| Revenue plus opening balances | | | |
| STCA Consolidated Account | 307,364 | 76,841 | 307,364 |
| Regional GIS Project | 24,664 | 6,166 | 24,664 |
| Regional Planning | 1,859 | 2,363 | 1,859 |
| Water and Sewerage Owners Representatives | 1,231 | 1,231 | 1,231 |
| Climate Change adaptation project | 37,464 | 9,366 | 37,464 |
| Climate Change communication project | 9,090 | 2,272.5 | 9,090 |
| Regional Visioning | 2,505 | 626.25 | 2,505 |
| Local Government Structures Project | 5,587 | 1,396.75 | 5,587 |
| Tourism | 10,460 | 2,615 | 10,460 |
| Industrial Land use Study | 1,664 | 416 | 1,664 |
| SMART form | 2,909 | 727.25 | 2,909 |
| TOTAL REVENUE | 404,796 | 101,199 | 404,796 |
| Expenditure | | | |
| STCA Consolidated Account | (30,680) | (48,302.5) | (193,210) |
| Regional GIS Project | (0) | (0) | (0) |
| Regional Planning | (0) | (0) | (0) |
| Water and Sewerage Owners Representatives | 0 | 0 | 0 |
| Climate Change adaptation project | (0) | (9,125) | (36,500) |
| Climate Change communication project | (0) | (0) | (0) |
| Regional Visioning | 0 | 0 | 0 |
| Local Government Structures Project | 0 | 0 | 0 |
| Tourism | 0 | (0) | (0) |
| Industrial Land use Study | (0) | (0) | (0) |
| SMART form | 0 | (0) | (0) |
| TOTAL EXPENDITURE | (30,680) | (57,427) | (229,710) |
| Closing Balances | | | |
| STCA Consolidated Account | 276,683 | 96,478 | 114,154 |
| Regional GIS Project | 24,664 | 6,166 | 24,664 |
| Regional Planning | 1,859 | 464.75 | 1,859 |
| Water and Sewerage Owners Representatives | 1,231 | 1,231 | 1,231 |
| Climate Change adaptation project | 37,464 | 27,375 | 900 |
| Climate Change communication project | 9,090 | 2,272.5 | 9,090 |
| Regional Visioning | 2,505 | 626.25 | 2,505 |
| Local Government Structures Project | 5,587 | 1,396.75 | 5,587 |
| Tourism | 10,460 | 2,615 | 10,460 |
| Industrial Land use Study | 1,664 | 416 | 1,664 |
| SMART form | 2,909 | 727.25 | 2,909 |
| | 374,116 | 43,755.75 | 175,023 |

It is to be noted that there are eleven separate accounts.

The STCA Board is currently looking at whether some of these unused funds in dormant project accounts can be transferred to a new STCA Special Projects Fund for use on regional projects.

1. STCA consolidated account.

The operating account of the Authority currently the account has a balance of \$276,683.

2. Regional GIS Project.

NRM South made a financial contribution towards achievement of the Regional GIS initiative up to 30th June 2009.

In addition, member Councils agreed to contribute \$7,000 each in 2008/09 and \$10,000 each in 2009/10. There was a carryover of \$224,790 at the commencement of the year, which included a contribution of \$67,500 made in 2010/11 by Southern Water to cover 50% of the cost of aerial photography. The first round of aerial photography was completed during 2010/11 in spite of unfavourable flying conditions.

The aerial photography has now been paid for which has reduced the balance in the account to \$77,614. The Board set aside \$50,000 from this account for further LiDAR mapping of southern Tasmania. This has been completed and paid for leaving a balance of \$24,664

3. Regional Planning.

The Regional Planning Project is currently on hold whilst the State Government undertakes the Single Statewide Planning Scheme. Leaving a current balance of \$1,859.

4. Water and Sewerage Owners Representatives.

An allocation of \$1,231 was brought forward for the 2015/16 year.

5. Climate Change Adaptation Project.

This project is ongoing with the STCA receiving funding from the state government to complete a regional adaption plan and individual adaption plans for all northern councils.

6. Climate Change Communication Project.

Contributions of \$35,000 in total (Clarence, \$10,000, Hobart \$20,000 and Kingborough \$5,000) have been carried over to undertake the project now that the Regional Climate Change Adaptation Plan has been completed. This project is progressing with extra funding from the State Government and will be completed this year.

7. Regional visioning.

This project is funded by a contribution by Hobart City Council of \$5,000 carried over from 2009/10 and an allocation from the STCA Consolidated Account. This work has been undertaken and completed.

8. Local Government Structures Project.

Approval for a project under the Local Government Reform fund was given in December 2010. The total Australian Government grant of \$150,000, has been received and an independent evaluation study has been completed.

9. Tourism.

A total of \$10,460 has been brought forward for this financial year.

10. Industrial Land Use Study.

The Industrial Land Use study is an adjunct to the Regional Strategic Land Use Plan and has been jointly funded by a number of member councils and the Department of economic Development. The project has been finalised and endorsed by the Board with some residual funding brought forward.

11. SMART Forms

The STCA Board has endorsed a variation to the grant deed for this project to allow for the funds to be used to further develop the online planning system. Those funds have been used to pay for a contribution for this software.

Destination Southern Tasmania Snapshot – March quarter 2015

This report is designed to highlight key activities undertaken by DST quarterly.

| Membership | Key Performance Indicators |
|--|--|
| <ul style="list-style-type: none">DST has 173 Southern Tasmania industry members | <ul style="list-style-type: none">📈 50.4% in members since 2013\$129,100 membership value year to date |
| Marketing | |
| <ul style="list-style-type: none">New website launched – www.hobartandbeyondFive week Southern Cross Television promotion in conjunction with Huon Trail during March/AprilHobart and Beyond display at Brooke Street PierDigital media<ul style="list-style-type: none">Jetstar promotion March to June into Melbourne marketHobart and Beyond emagazineSocial media content generationCruise– posters in Mac 2, trade permitsRegional posters in Tasmanian Travel CentreOutdoor signage – Red Decker BusLaunch of DST Mona Industry CampaignCricket World Cup website for media/officials | <ul style="list-style-type: none">\$50,000 industry marketing buy in to Spring Summer prospectus and Jetstar campaign100% of 515,000 Tasmanians saw TV ads more than 10 times\$101,500 industry buy in to Mona campaign858,600 interstate/International visitors to south Tasmania Dec quarter * 2014 📈 6% on 2013Average spend per interstate/international visitor to Tasmania* is \$1,757 📈 11%Southern Tasmania accommodation occupancy rate 90.3% for March 📈 1.59%5,782 Facebook fans 📈 127% since March 20141207 Instagram followers - launched Feb 📈 35% in one month12,102 unique web visitors March quarter 📈 408% compared to Dec quarter |
| Public Relations | |
| <ul style="list-style-type: none">Salamanca Square screening of Cricket World cup final | <ul style="list-style-type: none">1000 attendees during one day event |
| Industry Professionalism and Development | |
| <ul style="list-style-type: none">Tourism Australia Briefing and DST Networking FunctionTips and Tipples February – Working with the MediaTips and Tipples March – Go Behind the SceneryMember presentations to Tourism Tasmania staff , Hobart | <ul style="list-style-type: none">100 attendees35 attendees45 attendeesPort Arthur Historic Site, Lufra Hotel, Cruisin Motor Homes, Hastings Caves, Mt Field National Park and Best Western Hobart |
| Advocacy | |
| <p>DST has made submissions to or been consulted for:</p> <ul style="list-style-type: none">Free Public WifiTourism Demand Driver Infrastructure Funding <p>DST media commentary included:</p> <ul style="list-style-type: none">Impact of Mona FomaHobart International Airport runway extensionChinese New YearCar hire and dirt road accessFar south road infrastructurePort Arthur Lavender Distillery launchImpact of Sheffield Shield Final in TasmaniaDecember visitor statisticsCruise Ship arrivals | |

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**AUDIT COMMITTEE**

(File No 07/02/12)

Chairperson's Report 39 – December 2015

The Audit Committee met on 26 November 2015 and attaches is a copy of the draft Minutes of the Meeting for tabling at Council's Meeting (refer Attachment 1).

An update on the progress regarding the tender and evaluation process for new IT solutions for the Council was provided to the meeting and the Committee noted that the first stage of the 2 stage tender process has now concluded with the preferred suppliers now being invited to participate and submit their final tenders for IT solutions. The Committee was encouraged to hear that a probity auditor has been engaged to overview the process being conducted which it regards as sound governance practice for such a strategically important procurement.

The Committee received a report for the delayed Project 41: - Parks and Recreation Facilities Safety and Risk Assessments. The Committee has considered the findings and has asked that further aspects of this activity be considered and that additional information on the Project be further reported to the Committee's next meeting.

The Committee has now received and endorsed scope documentation for all of the 2015/16 Audit Programme as follows:

- Project 46 – Council Business Continuity Plan (Consultant firm RXP Services);
- Project 47 - Corporate Induction Programme and Staff Exit Controls (Consultant firm Quartz Consulting); and
- Project 48 – Appropriate Use of Delegations (Governance Consultant, Carolyn Pillans)

Work on the programme is scheduled to commence December 2015.

The Committee has now commenced the development of a forward Strategic Internal Audit Plan 2016/17 – 2018/19. The Committee has recognised that having undertaken a range of audit projects from the time of the Committee's inception, these projects have been carried out as individual initiatives based on historical and industry understanding and background knowledge of the traditional areas of internal audit activity. Earlier programmes have therefore been determined without comprehensive contextual consideration.

At the request of the Committee a preliminary draft for a forward Plan was submitted to the meeting for consideration. This draft has provided the Committee with a sound basis for the preparation of this important initiative. It has revealed that in the development of a forward programme it cannot be limited to just a forward 3 year period. The draft has considered at least a 10 year timeframe to provide a sufficiently comprehensive coverage of audit activity targeted at the whole of the Council's operations.

The Committee will next consider the methods for setting prioritisation scheduling of audits and determining the frequency of audit reviews to be carried out within a structured audit programme. The Committee considers a risk based approach will be required to determine priorities. Consideration will also cover the nature and tailoring of review scopes to achieve a consistent methodology for those audit areas that are of a recurrent nature. There remains considerable work to do on this initiative and in recognition of this the Committee has decided to hold a "special" meeting earlier in the next calendar year dedicated to workshopping this initiative in further detail.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: 1. Minutes of Audit Committee Meeting (41)

John Mazengarb
CHAIRPERSON

12 December 2015

**MEETING OF THE CLARENCE COUNCIL AUDIT COMMITTEE HELD IN
THE LIBRARY AT THE COUNCIL OFFICES, BLIGH STREET, ROSNY
PARK, ON THURSDAY, 26 NOVEMBER, 2015**

HOURLY CALLED: 4.00pm

PRESENT: The Meeting commenced at 4.00pm with Mr J Mazengarb in the Chair and Committee Members:
Mr R Bevan
Mr R Hogan
Ald H Chong and
Ald K McFarlane, present.

IN ATTENDANCE: General Manager
(Mr A Paul)
Corporate Secretary
(Mr A van der Hek)
Manager Human Resources
(Ms T Doubleday) attended for items 6.2 and 6A

ORDER OF BUSINESS: 1 - 4; 6; 6A; 5; and 7 - 11.

MINUTES

1. APOLOGIES

Ald P Cusick

The Corporate Treasurer (Mr F Barta)

2. CONFIRMATION OF MINUTES

The Minutes of the Meeting of the Audit Committee dated 23 September 2015 were circulated to Committee Members.

The Chair drew to the attention of the Committee of his previously declared possible interest in this item as the minutes containing a record of discussions regarding Airport rating. The interest is due to his directorship with RBF; being a 49% shared owner of HIAPL being the current lessee for the Airport property.

It was regarded by the Committee that this disclosure had no direct conflict of interest with the matter or Confirmation of Minutes procedure.

RECOMMENDATION:

That the Minutes of the Meeting of the Audit Committee dated 23 September 2015, as circulated, be confirmed.

Decision: **MOVED** Ald Chong **SECONDED** Mr Bevan

“That the Minutes of the Meeting of the Audit Committee dated 23 September 2015, as circulated, be confirmed”.

CARRIED

3. DECLARATION OF CONFLICTS OF INTEREST/PECUNARY INTERESTS

No new Pecuniary/Conflicts of Interest were declared.

4. UPDATE ON PROJECT 35 - EFFECTIVENESS OF COUNCIL'S IT SOLUTIONS

This matter is listed as a standing item.

The Committee at its 19 February 2015 Meeting endorsed the draft IT Strategy prior to its submission to Council for formal adoption.

Implementation of this project is now underway to source suitable new IT platforms for the Council operations. The ICT Core Business Systems Replacement: Project Status Report was provided with the agenda.

The General Manager provided a further verbal update in respect to this matter to the meeting confirming that the shortlisting process has now concluded and respondents would be written to shortly to commence Stage 2 of the process. The General Manager further advised that an independent probity auditor has been engaged to overview the project and the process being undertaken. Mr Harvey Gibson and Ms Joanne Doyle of Wise Lord and Ferguson will jointly perform this role.

The Committee supported the appointment of the probity auditor and noted its preference for a consistent representative from Wise Lord and Ferguson throughout all probity activities for the project.

It was noted in discussion that the numerous “parked” fixes awaiting the sourcing and development of new systems will be considered in the scoping of solution, however it may be that some of these matters may not be resolved when the new suite of products has been sourced. This will require further consideration. It was further noted that the management of the change process was critical to achieving the best outcomes for this project.

RECOMMENDATION:

That the update advice be noted.

Decision: It was **RESOLVED**

“That the advice be noted”.

5. ANNUAL AUDIT PLAN FOR 2014-2015

Project 41: Parks and Recreation Facilities Safety and Risk Assessments

A detailed scope for this project was adopted by the Committee based on the following Project Outline:

“Council has established a number of standard operating procedures (SOP's) in relation to the management and maintenance of its Parks and Recreational facilities. These SOP's include both proactive and reactive safety and risk mitigation checks actions which are to be effected each time a site is visited as part of the general maintenance routines. A review would test the appropriateness of these SOP's and ensure that Council is adequately managing its responsibilities”.

The implementation of this project has been delayed for a period of time pending appointments key staff positions and definition of responsibilities in this and related function areas.

This review has been conducted by Council Corporate Support staff and a copy of the report was provided with the agenda.

The Corporate Secretary presented the report for discussion on the Audit findings and responded to the Committee on matters arising from the Report.

The following matters and observations were raised by the Committee in respect to the Project 41:-

- The relevant attachments to the report were not included to provide example to the processes reviewed (refer to Page 7 list);
- Consideration of the level of complaints and incidents;
- The relevance and appropriateness of the inspection regime;
- Consideration as to whether the aspect covered within inspection regimes is adequate and the frequency of visitation and the basis determined appropriately taking into account:-
 - Usage levels and user profiles;
 - criticality and suitability for purpose of facilities and equipment;
 - risk profiling (including behavioural and social impacts);
 - staff expertise and experience;
 - nature of activity conducted in the recreational space etc.

RECOMMENDATION:

- A. That the Report from Council's Corporate Support Workgroup on Project 41 – Parks and Recreation Facilities Safety and Risk Assessments be received and the findings and recommendations be noted.
- B. That the agreed Management Action Plan be endorsed and be the subject of review as to implementation at subsequent meetings.

Decision: It was **RESOLVED**

- “A. That consideration of Project 41 – Parks and Recreation Facilities Safety and Risk Assessments outcomes be held over pending a further consideration on the matters raised; and
- B. That the report together with the further information not yet presented be relisted for consideration at the Committee's next meeting”.

6. ANNUAL AUDIT PLAN FOR 2015- 2016

The following Projects make up the 2015-2016 Annual Audit Plan programme formally adopted by Council.

Progress on approaching suitable service providers to submit proposals to the audit projects is detailed as follows:-

6.1. Project 46: Council Business Continuity Plan

Consultant firm RXP Services has been engaged to undertake this project based on the scope endorsed at the 23 September 2015 meeting. Work on the project will commence in December 2015.

6.2. Project 47: Corporate Induction Programme and Staff Exit Controls

In response to a number of invitations sent to local firms Consultant firm Quartz Consulting provided a detailed scope and project proposal for Project 47 and the proposal was attached.

Ms Tanya Doubleday will be in attendance for this item.

6.3. Project 48: Appropriate Use of Delegations - (Priority: High)

Governance Consultant Carolyn Pillans has been engaged to undertake this project based on the scope endorsed at the 23 September 2015 meeting. Work on the project will commence in December 2015.

The project advices received to date are now presented for the Committee's consideration and endorsement.

The approved budget for the Audit Committee for 2015-2016 is \$55,000 which includes Committee member fees of \$16,000 plus super. The total cost for projects plus Committee costs for 2015-2016 is within budget. These details will be included as an update advice at the next Meeting of the Committee.

The Manager Human Resources attended the meeting at this stage. Ms Doubleday presented the project scope to the meeting and answered questions from the Committee.

RECOMMENDATION:

- A. That the Committee notes the status of Project 46 and 48; and
- B. That the Committee endorses the project scopes prepared for Project 47 of the 2015-2016 Annual Audit Plan.

Decision: It was **RESOLVED**

- “A. That the Committee notes the status of Project 46 and 48; and
- B. That the Committee endorses the project scopes prepared for Project 47 of the 2015-2016 Annual Audit Plan”.

6A STAFF POLICIES – CODE OF CONDUCT AND WORKPLACE BEHAVIOUR POLICIES

This matter was introduced as an additional item with the leave of the Meeting as the subject matter was the subject of some discussion at the Committee September 2015 meeting.

The Manager Human Resources provided the Committee with an update on the progress of a project currently underway which will result in a comprehensive review and replacement of a large number of Council's staff and human resource management policies. The project is being undertaken as an industry initiative being coordinated through LGAT and with the assistance of local legal firm Page Seager. The objective is to provide a raft of templated staff and human resource management policies that all Tasmanian local councils can adopt and refine for use.

This review will include the introduction of a new Staff Code of Conduct Policy and a Workplace Behaviour Policy; the subject of which is of direct interest to the Committee and has been topical in the public arena.

Ms Doubleday explained the progress of these important policy frameworks which are being developed in full consultation with the staff representative groups. Drafting and content is well advanced and there has been a positive and supportive response from staff.

It was noted in discussions that the Tasmanian Integrity Commission has developed "A Guide to Developing Codes of Conduct" (refer Attachment 1) and ICAC (NSW) had also developed guideline that would assist in this exercise.

The Chair also reported that he had been approached by the Integrity Commission on the question of developing a Code of Conduct for Audit Panels.

RECOMMENDATION:

N.

Decision: It was **RESOLVED**

- "A. That the Committee notes the progress in the development of these important policies; and
- B. That the current draft of the Council "Staff Code of Conduct* and the Workplace Behaviour Policy** be distributed with the Minutes".

Note: * (Refer Attachment 2)
** (Refer Attachment 3)

Ms Doubleday left the meeting at this stage.

7. FRAUD MANAGEMENT PLAN

The Fraud Policy and the Fraud Management Plan has been formal adopted by the Council.

The Plan provides the following:-

“Annually, the Fraud Control Officer will provide the Audit Panel with a report on the implementation of the Fraud Control Plan including the following:

- details of all detected instances of fraud or corruption;*
- a summary of the resources used in the investigation of allegations of fraud or corruption;*
- details of all instances that resulted in administrative remedies;*
- details of all instances referred to the police and the outcome of the police investigations and/or prosecution;*
- amount of monies recovered;*
- modifications to internal controls made as a result of the fraudulent activity; and*
- the effectiveness of the Council’s Fraud Control Policy and the Fraud Control Plan and the need for possible review as to its contents”.*

Reporting on this matter is scheduled for the calendar year. In the reporting year concluding November 2015 there has been one minor incident of money theft/use (\$40.50) which was subsequently replaced. Whilst follow up investigation was initiated this could not be advanced as the party moved interstate. The party has been removed from Council casual employee list. Council security cameras were proven to be an effective management control for this risk. A copy of the Fraud Register entry on this matter was provided with the agenda.

In providing this report key actions in staff fraud awareness and diligence from the adopted Fraud Management Plan are dependent on the Council employee induction programme. The induction programme area is the subject of a current Audit Project and it is anticipated that the effectiveness of this aspect of the Fraud Management Plan will feature in this audit. Additionally, the Fraud Management Plan is listed in general terms in the forward 3 Year Audit Plan as a distinct Audit Project which is aimed towards establishing routine auditing of key areas of potential fraud exposure not otherwise dealt with in traditional audit project areas.

RECOMMENDATION:

That the report on the Fraud Management Plan be noted.

Decision: It was **RESOLVED**

“That the report on the Fraud Management Plan be noted”.

8. FORWARD AUDIT PROGRAMME

At the Audit Committee meeting of 23 June 2015 it was decided:-

“..... that a 3 year forward programme for the scheduling of audit projects be developed taking into account current risk assessments and historic project activity previously conducted by the Committee”.

At the Audit Committee meeting of 23 September 2015 it was decided:-

“That the periodic review of the Council’s Risk Register be included in the development of the Committee’s forward rolling programme of Audit Projects”.

A forward audit programme “Strategic Internal Audit Plan 2016/17 to 2018/19” has been drafted based on this decision and attached to the agenda. The draft draws from a range of sources including earlier programmes, risk profiles for work areas and key responsibilities; strategic risks, industry indices and traditional areas of internal audit. The audit areas identified in the draft Plan are not exhaustive and may, based on a range of external and emerging factors and considerations need to be further refined and prioritised as appropriate.

Although the objective in drafting the Plan has been to identify a forward 3 year programme of projects it has also been necessary to go well beyond this period given the range of potential and appropriate auditable matters in order to give effective context to an overall audit view.

It is clear that the extent of potential projects well exceeds the traditional/current level of project activity pursued by the Audit Committee to date. This is especially the case if the approach taken to projects were to continue to be based on our previous approach of developing audit projects - as new discrete and uniquely focused projects/audit areas.

One obvious further refinement to our earlier approach could include (were rotational audit areas are being reviewed) that these projects are done as an update/review of the earlier project audits; which would include the satisfactory implementation of earlier findings. Although this approach would cover most of the activity/audit area covered under earlier audit programmes, there will still remain those activity/audit areas where different aspects of the activity would warrant new scopes being prepared. Notwithstanding this measure, it is considered that the draft Strategic Internal Audit Plan 2016/17 to 2018/19 would require a considerable increase in resource commitment.

The draft Strategic Internal Audit Plan 2016/17 to 2018/19 was submitted for the Committee’s discussion as to the draft’s approach and content and consideration on how the Committee wished to advance this initiative.

The Corporate Secretary presented the draft Plan and gave an explanation of the background considerations which form the basis of the draft document.

Mr van der Hek pointed out that although not exhaustive and can be added to over time with emerging issues and areas for review, the draft Plan sought to cover all key activity areas of the Council. Although it was initially intended to cover a forward 3 year timeframe consideration of all audit areas did necessitate consideration of a 10 year timeframe to give some coverage over all areas that may warrant audit review.

It was emphasised that the level of detail provided did not, however, take into account the frequency with which individual audit areas should be reviewed and as such it was possible that repeat reviews in some audit areas would be required within the 10 year period contemplated.

The Committee discussed the draft Plan in detail. It was generally agreed that the draft had been well detailed and it presented a solid basis for the development of the Plan. It was recognised that further work was required in setting the priorities in the Plan and that the Committee should conduct a special meeting to consider this further. It was considered that this could be best achieved through risk profiling of the audit areas identified. The General Manager and the Corporate Secretary undertook to do further work on the Plan and report back to the Committee. It was open for Committee members to put forward suggestions to the plan.

RECOMMENDATION:

That the Audit Committee give consideration to the draft forward Strategic Internal Audit Plan 2016/17 to 2018/19.

Decision: It was **RESOLVED**

- “A. That the Committee notes the progress in the development of the forward Audit Plan;
- B. That a further update based on risk profiling of the audit areas be provided; and
- C. That a further special session of the Committee be scheduled at a suitable time to specifically consider the forward Audit Plan”.

9. MANAGEMENT ACTION PLAN

An updated Management Action Plan was provided with the agenda.

RECOMMENDATION:

That the advice be noted

Decision: It was **RESOLVED**

- “That the report on the Management Action Plan be noted”.

10. SIGNIFICANT INSURANCE/LEGAL CLAIMS

There have been no new major claim notifications since the last report to the Committee. A copy of the schedule of outstanding matters was provided with the agenda.

The General Manager and the Corporate Secretary provided a further verbal update on this matter regarding an emerging compliance “fire separation” matter concerning the unit development at 3 Clarence Street, Bellerive which has been discovered after most of the units have been occupied.

As this matter related to building standards; it was not considered that the Council has any liability exposure regarding this issue, however, it is expected to be a complex matter to resolve in Council’s regulatory compliance capacity.

RECOMMENDATION:

That the advice be noted.

Decision: It was **RESOLVED**

“That the advice be noted”.

11. ANY FURTHER BUSINESS

Airport Rating

The General Manager provided the Committee with an update on progressing resolution of this matter. The Department has proposed an agreement of the parties to sourcing independent valuation upon which to base the rates contribution.

Alderman McFarlane left the meeting at this stage 5.32pm and did not return.

Auditor General’s Annual Report to Parliament

The Committee noted that the Auditor General has submitted his Annual Report to Parliament.

The General Manager in response advised that in general terms the report findings, in so far as they related to the Clarence City Council, were pleasing and the report reflected positively on the Council’s performance.

12. TIME, DATE, PLACE OF NEXT MEETING

It is practice for the schedule to be updated by the Committee each meeting on a rolling basis to maintain an advanced schedule of meetings. The updated Forward Workplan for the Audit Committee was attached.

Draft Meeting Schedule – 2015-2016

| Mtg | Business Items are listed as per Work Plan | Scheduled time of year | Proposed Mtg Date |
|-----|--|--|---------------------------------------|
| 2. | • | Aug/Sept May require 2 meeting times to deal with these matters and subject to Auditor General availability | Wednesday, 23 September 2015 (2.00pm) |
| 3. | • | Nov/Dec | Thursday, 26 November 2015 (4.00pm) |
| 4. | • Note: Discussion with Auditor General on forthcoming annual audit at either March or May/June meeting | March | Tuesday, 22 March 2016 (4.00pm) |
| 1. | • | May/June | Tuesday, 21 June 2016 (4.00pm) |
| | • Electronic sign off of Annual Financial Statements 2015/16 | August | 9 August 2016 (by email exchange) |
| 2. | • | Aug/Sept May require 2 meeting times to deal with these matters and subject to Auditor General availability | Tuesday, 27 September 2016 (4.00pm) |
| 3. | • | Nov/Dec | Tuesday, 29 November 2016 (4.00pm) |

Note 1: The Audit Committee has been constituted by the Council as a Special Committee under the provisions of Section 24 of the Local Government Act 1993. The Committee's charter provides for the purpose of the Committee and the manner in which it is to conduct its meetings.

Note 2: The above schedule has been based on the past practice of the Committee and recent consultation on suitability of meeting dates; however, ongoing meetings of the Committee (Audit Panel) are open to the Committee taking into consideration its obligations.

Note 3: The **Work Plan** was distributed with the agenda. The above meeting schedule will be modified to take into account the adopted Audit Committee/Panel Work Plan.

RECOMMENDATION:

That the Committee determine on or modify the proposed schedule of Audit Committee meetings.

Decision: It was **RESOLVED**

“That the forward schedule be noted”.

13. CLOSE

There being no further business, the **Chair** declared the **Meeting closed** at **5.42pm**.

INTEGRITY COMMISSION

A GUIDE TO DEVELOPING CODES OF CONDUCT

A well-developed code of conduct provides clear and useful guidance on expected standards of behaviour in the workplace. It motivates staff to act ethically, honourably and responsibly. It also constitutes a framework within which breaches of these standards will be clearly and easily identifiable, and therefore enable any appropriate enforcement or disciplinary action to be taken.

This guide has been developed to assist public authorities develop their own codes of conduct.

Specifically, this guide will help those who are not subject to the *State Service Act 2000*, such as government business enterprises, State-owned companies and local government to:

- **develop and write a code of conduct; and**
 - **implement and review a code of conduct.**
-

Address: Level 2
199 Macquarie Street
Hobart Tasmania
Australia 7000

Telephone: 1300 720 289
Facsimile: 03 6233 7215
www.integrity.tas.gov.au
integritycommission@integrity.tas.gov.au



INTEGRITY COMMISSION

STEP 1

RESEARCH

Consultation

Each code must be tailored to, and suit the needs of, the organisation's environment and employees. Therefore, it is important to develop a code in conjunction with employees. Consulting with employees will give a full understanding of both difficult and commonplace ethical issues that affect them in their daily work.

During this consultation period, it is beneficial to gain feedback on the relevance and applicability of any existing code of conduct.

The consultation process is also an opportunity to identify areas for further education and guidance.

Review complaint data

External complaints and internal grievances are useful to determine trends in relation to employee conduct and ethical issues in the workplace. As the Integrity Commission develops its understanding of trends and misconduct issues, the Commission may also be able to provide advice on emerging issues.

INTEGRITY COMMISSION

STEP 2

WRITING THE CODE

Effective codes are brief and concise to ensure that:

- the expected behaviour is clearly outlined;
- there is compliance with the code; and
- breaches of the code can be readily identified.

Structure

The use of headings in the document layout will enable staff to quickly and easily reference areas of concern or interest.

The following template may assist in developing the code –

PREAMBLE

This is a short statement that states the purpose of the code. A concise and well-written preamble will help engage employees in taking ownership of the code. By making the purpose of the code clear, it will motivate officers to comply with it.

THE VALUES

This section includes a statement indicating the way the code relates to the values and ethical principles of the organisation.

INTEGRITY COMMISSION

AUSTRALIAN LAW AND POLICIES

A statement should be made affirming that employees must comply with all relevant laws, policies and procedures.

CODE ENFORCEMENT

This covers how the organisation will enforce the code, including all applicable consequences for breaching the code.

THE CODE

Specific statements identified from the research and review stage should be stated in the body of the code. These statements must address specific behaviours rather than broad principles that are open to misinterpretation.

Codes should start with the most common ethical conduct issues faced by employees, scaling down to finish with the least common.

It may be appropriate to provide a guidance section on these specific behaviours. The „guidance“ section can refer employees to relevant policies and legislation, clarify and define terms, provide details on how to comply with the code, and provide examples of behaviour that might constitute a breach of the code. This guidance may need to be provided in an appendix or separate document to be read in conjunction with the code.

INTEGRITY COMMISSION

An example of an ethical issue that may be included in a code is: –

Conflict of Interest

Employees must disclose, and take reasonable steps to avoid or resolve any conflict of interest, financial or non-financial, that arises or is likely to arise, between their personal interest and their duties in connection with their employment.

Employees are personally responsible for disclosing, managing and preventing, wherever possible, any such conflicts of interest.

All conflicts of interest are to be resolved promptly in favour of the public interest.

REVIEW

It should be stated when the code will be reviewed.

Language

Codes, in general, should:

- use plain English with a personal tone; and
- use active, positive and prescriptive language such as “must”, “will” and “should”, which will encourage compliance and support the code’s enforcement. Additionally, robust language provides reassurance to employees and to the public that standards are clear and will be upheld.

INTEGRITY COMMISSION

STEP 3 ACHIEVING SUCCESS

Effective codes of conduct can enhance and achieve ethical conduct through motivation, guidance and compliance. Best practice in embedding codes of conduct involves a number of actions:

- ensuring that employees are aware of the code through its internal distribution, induction processes, performance management, and other means;
- ensuring that employees understand what the code of conduct requires, through the provision of training in ethical conduct, standards of behaviour and the code itself; and
- external publication of the code so that members of the public and/or stakeholders are aware of the standards of ethical conduct expected of employees. This can be achieved by publishing the code on the organisation's website, if it has one.

The ethical framework that supports a code should also be reviewed in order to address any gaps identified, strengthen areas of weakness and identify areas where either a lack of management, supervision or auditing could enable misconduct to occur. Such a review could also consider how the code is enforced and address any practical difficulties experienced in using or complying with the code.

INTEGRITY COMMISSION

STEP 4 TRAINING

Under section 32 of the *Integrity Commission Act 2009* the principal officer of a public authority is responsible for providing training and education relating to the authority's code of conduct (and other matters).

It is essential that employees receive training in the code during their induction and subsequent refresher training. Employees should be able to access training in ethical conduct and code compliance on a regular basis, as part of promoting awareness of the code and compliance with the standards that are required of them.

INTEGRITY COMMISSION

ACKNOWLEDGMENT

In developing this guide the Commission has drawn on the outcomes of its research project, *Codes of Conduct for Members of Parliament, Ministers and Ministerial Staff in Tasmania*, tabled as a report in State Parliament in June 2011. The project identified national and international best practice in the development and implementation of codes of conduct.

It has also taken into account other materials that address the development and implementation of codes of conduct for public sector agencies, including the Australian Standard *AS 8002-2003: Organizational Codes of Conduct* and *Codes of Conduct: The Next Stage*, a corruption resistance resource produced by the Independent Commission Against Corruption in New South Wales.

CONTACT US

If you would like assistance in developing your code of conduct, please contact us:

GPO Box 822
HOBART TAS 7001

1300 720 289

(03) 6233 7215 (fax)

integritycommission@integrity.tas.gov.au

www.integrity.tas.gov.au



CODE OF CONDUCT POLICY

1. PURPOSE

The aims of this Policy are to:

- ensure that Works and Other Persons at the Workplace understand their obligations and do not engage in Infringing Workplace Behaviour;
- outline the standards of conduct or behaviour expected relevant to work and responsibilities;
- provide a framework for Workers to make decisions and engage in behaviours that are ethical and appropriate for Council and Workers;
- reflect Council's commitment to the highest standards of honesty and integrity;
- operate with the Applicable Laws and Related Council Documents; and
- recognise that Workers are ultimately responsible for their own behaviour.

2. COVERAGE

This Policy covers and applies to Workers in relation to:

- behaviour at the workplace;
- the performance of work for or in connection with Council; and
- conduct outside the workplace or working hours if the acts or omissions:
 - ☐ are likely to cause serious damage to the relationship between Council and Workers and Other Persons at the Workplace; or
 - ☐ are incompatible with a worker's duty to Council or employment relationship or engagement; or
 - ☐ damage or are likely to damage Council's interests or reputation.

3. RELATED COUNCIL DOCUMENTS

This Policy should be considered in conjunction with the following policies and procedures:

- Communications;
- Disciplinary;
- Fitness for Work;
- Issue Resolution;
- Performance Management;
- Work Health & Safety; and
- Workplace Behaviour.

4. DEFINITIONS

| | |
|---------------------------------|---|
| <i>Applicable Laws</i> | <p>means all laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> ■ <i>Age Discrimination Act 2004</i> (Cth); ■ <i>Anti-Discrimination Act 1998</i> (TAS); ■ <i>Australian Human Rights Commission Act 1986</i> (Cth); ■ <i>Disability Discrimination Act 1992</i> (Cth); ■ <i>Fair Work Act 2009</i> (Cth); ■ <i>Local Government Act 1993</i> (TAS); ■ <i>Racial Discrimination Act 1975</i> (Cth); ■ <i>Sex Discrimination Act 1984</i> (Cth); ■ <i>Work Health & Safety Act 2012</i> (TAS); and ■ <i>Workers Rehabilitation & Compensation Act 1988</i> (TAS). |
| <i>Confidential Information</i> | <p>means any information, with the exception of information in the public domain other than as a result of a breach by the Worker disclosed, or communicated to the Worker by, or on behalf of, Council that;</p> <ul style="list-style-type: none"> ■ is marked or designated as 'Confidential'; ■ would at law be considered secret or 'confidential' information; ■ that the Worker might reasonably expect Council to regard as confidential; or ■ which comes into the Worker's possession, or is learnt, accessed or generated by the Worker, in the course of the Worker's employment or engagement, whether or not the information was originally supplied by the Council; and <ul style="list-style-type: none"> ○ relates to Council dealings, customer or client lists, financial position and arrangements, contracts entered into, consultant's advice, planning information; or ○ relates to internal Council management, information about Workers, Policies, strategies, plans, investments or aspects of its future operations. |
| <i>Conflict of Interest</i> | <p>means an actual, potential or perceived conflict between duties or work or services provided to Council and private interests of a Worker, in which the Worker has private 'interests' which could improperly influence the performance of work, duties or services provided to Council by that Worker; and includes any 'interests' identified in the <i>Local Government Act 1993</i> (TAS).</p> |
| <i>Council</i> | <p>means the Clarence City Council.</p> |
| <i>Council Property</i> | <p>any real or tangible property (e. cash, motor vehicles, plant and equipment); and any intangible property (eg intellectual property and goodwill) owned by Council or in Council's possession or control.</p> |
| <i>Worker</i> | <p>means a person who carries out work for Council as an Worker of Council.</p> |

| | |
|---------------------------------------|---|
| <i>General Manager</i> | means the general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i> (TAS). |
| <i>Infringing Workplace Behaviour</i> | any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law. |
| <i>Manager / Supervisor</i> | means a person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate. |
| <i>Other Persons at the Workplace</i> | means any person, other than a Councillor, at the Workplace or Worksite who is not a Worker including visitors and ratepayers. |
| <i>Policy</i> | means this Code of Conduct Policy. |
| <i>Privileged Information</i> | means any information with is subject to legal professional privilege. |
| <i>Sensitive Information</i> | <p>means personal information or an opinion relating to personal information about individuals':</p> <ul style="list-style-type: none"> ■ racial or ethnic origin; or ■ political opinions; or ■ membership of a political association; or ■ religious beliefs or affiliations; or ■ philosophical beliefs; or ■ membership of a professional or trade association; or ■ membership of a trade union; or ■ sexual preferences or practices; or ■ criminal record; and ■ health information about an individual. |
| <i>Workers</i> | <p>means a person, other than a Councillor, who carries out work in any capacity for Council including work as:</p> <ul style="list-style-type: none"> ■ an Worker; ■ a contractor or subcontractor; ■ an Worker of a contractor or subcontractor; ■ an Worker of a labour hire company assigned to work at Council; ■ an apprentice or trainee or a work experience student; or ■ a volunteer. |
| <i>Workplace</i> | means all areas where work is carried out for Council. |

5. REQUIREMENTS

Workers must comply with this Policy.

If Workers are unsure as to compliance then consider:

- discussions with other Workers or Managers/Supervisors to get an objective viewpoint;
- what you would do if it was your money, time or equipment;
- being on the receiving end of your decision or action;
- whether you could adequately defend your actions; and
- the potential consequences of your behaviours or decisions, including whether you would feel comfortable with it reported in the media.

If Workers still have doubts about the correct thing to do, refer the matter to the Nominated Council Delegate for advice.

Managers/Supervisors are required to reasonably promote this Policy within their area of responsibility and take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately.

6. GENERAL PRINCIPLES

6.1 ACTING WITH HONESTY AND INTEGRITY

Acting with honesty and integrity will maintain the respect and confidence in Council.

To demonstrate honesty and integrity Workers will:

- treat Workers and Other Persons at the Workplace with honesty, respect and courtesy;
- not take improper advantage of their positions in order to obtain a benefit for others or themselves;
- report dishonest, unethical, fraudulent or corrupt behaviour or maladministration by Workers or Other Persons at the Workplace;
- not seek or accept any type of unauthorised compensation, fee/payment (ie monetary or non-monetary), commission or gratuity from a third party in connection with the operations of Council;
- not offer or accept any gift, hospitality, or other financial/non-financial benefit without the prior written approval of the Nominated Council Delegate;
- not make or take any bribes, kickbacks, inducements or other illegal payments of any kind for the benefit of any person or party in connection with obtaining orders or favourable treatment or for any other purpose in connection with the operations of Council;
- report in writing to the Nominated Council Delegate with full details of any gifts, hospitality, or other financial/ non-financial benefit received by Workers; and
- encourage and support good faith reporting of breaches of this Policy without retribution.

6.2 ACTING WITH PROFESSIONALISM

Professionalism is conduct that fosters and preserves reputations as individuals and that of Council.

To demonstrate professionalism Workers will:

- ☐ not engage in or tolerate Infringing Workplace Behaviour;
- ☐ support, and not publicly criticise, decisions of Council;
- ☐ not undermine or bring Council's integrity or reputation into disrepute;
- ☐ work co-operatively as a team and treat Workers and Other Persons at the Workplace with respect and dignity;
- ☐ exercise diligence, best endeavours and sound judgment when carrying out their duties or providing services;
- ☐ maintain a professional relationship with third parties when engaged as a Worker;
- ☐ provide levels of service that they are competent and authorised to provide; and
- ☐ not make unauthorised statements or commitments on behalf of the Council.

6.3 ACTING IN ACCORDANCE WITH THE LAW AND POLICIES AND PROCEDURES

Employees should act in the spirit and intent of the Applicable Laws governing Council's activities and strive to be familiar with and comply with all relevant laws and policies and procedures.

To demonstrate this commitment Workers will:

- ☐ respect and abide by all Applicable Laws, policies and procedures;
- ☐ comply with all lawful and reasonable directions from authorised persons;
- ☐ only act within their authority;
- ☐ protect Council Property, in particular, take care to avoid or minimise the possibility of theft or misuse of Council Property;
- ☐ only use Council Property for Council purposes and in accordance with appropriate authorisations;
- ☐ not use Council Property for private purposes unless authorised by their Manager/Supervisor; and
- ☐ comply with delegations, and other authorisations as directed.

6.4 DECLARING AND AVOIDING CONFLICTS OF INTEREST

Conflict of Interests can jeopardise confidence in Council.

To demonstrate declaration and avoidance Workers will:

- ☐ not take on personal business or financial or private interests that compete or conflict with Council's interests;

- ☐ inform their Manager/Supervisor as soon as they become aware of possible Conflicts of Interest involving themselves or others and provide all reasonable information about the possible Conflict of Interest and comply with any directions;
- ☐ reasonably seek approval before taking up other employment or engagements outside of their position with Council;
- ☐ declare any Conflict of Interest that could occur through share-holdings, ownership of real estate or being the trustee or beneficiary of a trust;
- ☐ not use or take advantage of any Council Property or information belonging to Council for personal benefit or for the benefit of any other person;
- ☐ not engage directly or indirectly in any outside business activity involving commercial contact with Council or work for the benefit of Council commercial customers, suppliers or competitors without the prior written consent of the Nominated Council Delegate; and
- ☐ disclose ownership of shares in a listed entity which deals with or competes with Council to the Nominated Council Delegate.

6.5 RESPECT PRIVACY AND DO NOT MISUSE INFORMATION

There is the potential for damages to be incurred by the inappropriate disclosure and/or misuse of information.
Information must be handled with considerable care at all times.

To demonstrate respect for privacy and proper use of information Workers will:

- ☐ not disclose Confidential Information to any person or entity without the prior written consent of the Nominated Council Delegate;
- ☐ not disclose to any person or entity without the prior written consent of the Nominated Council Delegate or improperly use specific information referred to in s338A and 339 of the *Local Government Act 1993 (TAS)*.
- ☐ disclose, if required by Applicable Laws, Confidential Information (but not more than is necessary to discharge their legal obligations), to the relevant authority in a manner that is accurate and truthful. Before such disclosures are made, and if permitted by Applicable Laws, Workers acting as Council's representatives must advise, to the extent permitted by Applicable Law, the Nominated Council Delegate about the pending disclosure;
- ☐ not use Confidential Information for the purpose of directly or indirectly obtaining personal gain or another benefit;
- ☐ only access Confidential Information for authorised work-related tasks;
- ☐ disclose to their Manager/Supervisor situations that may create a Conflict of Interest before a conflict arises, or if one does occur, immediately on becoming aware;
- ☐ not encourage others to disclose Confidential Information or Sensitive Information or Privileged Information;
- ☐ ensure the secure collection, storage and disposal of Confidential Information and Sensitive Information regardless of its medium, and
- ☐ comply with Applicable Laws regarding declaration of any pecuniary interest they or a close associate of theirs may have regarding any matter in which they provide advice to Council, make a decision or determination or make a recommendation to Council about.

6.6 STRIVE TO BE GOOD CITIZENS AND ACHIEVE COMMUNITY RESPECT

Council is committed to service excellence and aims to maintain public confidence and respect.

To demonstrate this commitment Workers will:

- ☐ be aware that the choices they make in business activities may impact on other Workers, Other Persons at the Workplace, the community and the environment and must take this into account when making decisions;
- ☐ commit to taking reasonable care to avoid acts and omissions that may adversely affect themselves, Workers and Other Persons at the Workplace;
- ☐ aim to be socially, financially and environmentally responsible in the use of Council resources;
- ☐ work together to achieve Council's goals and vision;
- ☐ perform their duties to the best of their ability and ensure work is carried out efficiently and effectively;
- ☐ commit to equality and diversity;
- ☐ strive to make a positive contribution to Council, Workers and Other Persons at the Workplace, and the community;
- ☐ consider the broader impact of their decisions on stakeholders and the community; and
- ☐ report any corrupt or fraudulent conduct or any maladministration.

7. REPORTING OF BREACHES

Persons covered under this policy must reasonably report breaches of Infringing Workplace Behaviour as follows:

For breaches by:

- an Worker (other than the General Manager), or other Workers, the report must go to the reporting person's applicable Manager/Supervisor, or the Manager Human Resources;
- an Other Person at the Workplace, to the General Manager; and/or
- the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor); and

as otherwise required or permitted by Applicable Laws.

8. BREACH OF POLICY

Persons covered under this policy who engage in Infringing Workplace Behaviour may (as is appropriate) be subject to disciplinary action in accordance with Council's Disciplinary Policy and Procedure, removal from the Workplace or termination of services. Infringing Workplace Behaviour may also amount to breaches of applicable laws.

Persons covered under this policy who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure (Workers), or removal from the Workplace or termination of services (Workers [other than Workers] and Other Persons at the Workplace). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:

- exposing individuals to legal proceedings; and
- making Council vicariously liable for the conduct of others.

9. AMENDMENT

Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

9.1 TABLE OF AMENDMENTS

| No. | Date | Brief Details |
|-----|------|---------------|
| 1.1 | | |
| | | |

10. QUESTIONS

Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.

Andrew Paul

GENERAL MANAGER



WORKPLACE BEHAVIOUR POLICY

1. PURPOSE

The aims of this Policy are to:

- ensure that Workers and Other Persons at the Workplace understand their obligations and do not engage in Infringing Workplace Behaviour;
- ensure that Workplace requirements are determined on the basis of relevant skills, experience and the potential for future development of the individual;
- confirm expectations regarding appropriate behaviours and that Council will not tolerate Infringing Workplace Behaviour;
- provide a broad, overarching Policy that incorporates or overlaps elements of other policies; and
- operate with Applicable Laws and Related Council Documents.

2. COVERAGE

This Policy covers and applies to Workers and Other Persons at the Workplace in relation to:

- behaviour at the workplace;
- the performance of work for or in connection with Council; and
- conduct outside the workplace or working hours if the acts or omissions:
 - ☐ are likely to cause serious damage to the relationship between Council and Workers; or
 - ☐ are incompatible with a worker's duty to Council or employment relationship or engagement; or
 - ☐ damage or are likely to damage Council's interests or reputation.

3. RELATED COUNCIL DOCUMENTS

This Policy should be considered in conjunction with the following policies and procedures:

- Code of Conduct;
- Communications;
- Disciplinary;
- Fitness for Work;
- Issue Resolution;
- Performance Management; and
- Work Health & Safety.

4. DEFINITIONS

| | |
|---------------------------------------|---|
| <i>Applicable Laws</i> | <p>means all laws in connection with the carrying out of work or the Workplace including:</p> <ul style="list-style-type: none"> ■ Age Discrimination Act 2004 (Cth); ■ Anti-Discrimination Act 1998 (TAS); ■ Australian Human Rights Commission Act 1986 (Cth); ■ Disability Discrimination Act 1992 (Cth); ■ Fair Work Act 2009 (Cth); ■ Local Government Act 1993 (TAS); ■ Racial Discrimination Act 1975 (Cth); ■ Sex Discrimination Act 1984 (Cth); ■ Work Health & Safety Act 2012 (TAS); and ■ Workers Rehabilitation & Compensation Act 1988 (TAS). |
| <i>Council</i> | means the Clarence City Council. |
| <i>Employee</i> | means a person who carries out work for Council as an employee of Council. |
| <i>General Manager</i> | means the general manager of Council as appointed under section 61 of the <i>Local Government Act 1993</i> (TAS). |
| <i>Infringing Workplace Behaviour</i> | any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law. |
| <i>Manager / Supervisor</i> | means a person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate. |
| <i>Workers</i> | <p>means a person, other than a Councillor, who carries out work in any capacity for Council including work as:</p> <ul style="list-style-type: none"> ■ an Employee; ■ a contractor or subcontractor; ■ an employee of a contractor or subcontractor; ■ an employee of a labour hire company assigned to work at Council; ■ an apprentice or trainee or a work experience student; or ■ a volunteer. |
| <i>Workplace</i> | means all areas where work is carried out for Council. |

5. REQUIREMENTS

Workers and Other Persons at the Workplace are required to comply with this Policy, Applicable Laws and not directly or indirectly engage in or encourage Infringing Workplace Behaviour.

Managers/Supervisors are required to reasonably promote this Policy within their area of responsibility and take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately.

Workers and Other Persons at the Workplace are required to utilise the Issue Resolution Policy if they reasonably suspect Workers have engaged or are engaging in Infringing Workplace Behaviour. However, complaints which are vexatious, frivolous or otherwise not made in good faith will constitute a breach of this Policy.

6. DISCRIMINATION

6.1 WHAT IS DISCRIMINATION

Discrimination is behaviour that favours one particular individual or group over others based on an attribute, whether known, imputed or assumed and can be either direct or indirect. Discrimination at the Workplace can occur (by way of example):

- ☐ when determining who should be offered work;
- ☐ in the terms and conditions of work that is offered;
- ☐ in failing or refusing to offer work;
- ☐ in failing or refusing to grant, or limiting, access to opportunities for promotion, transfer, training or other benefit to a Worker;
- ☐ in dismissing a Worker; and
- ☐ by treating a Worker otherwise less favourably.

There may be genuine occupational reasons based on the inherent requirements of the role that means discrimination is not unlawful.

Examples:

It will not be unlawful to terminate employment if disability prevents a Worker from being able to perform the inherent requirements of their position.

It will not be unlawful to terminate employment if performance of the inherent requirements would require services, facilities or reasonable adjustments that would impose an unjustifiable hardship on Council.

6.2 WHAT IS DIRECT DISCRIMINATION?

Direct discrimination is where an individual or group is treated less favourably due to a particular attribute or personal characteristic or a characteristic imputed to that attribute.

Examples:

If Council decided not to employ or promote a person because of their: nationality; sexuality; or pregnancy.

If Council decided to terminate an employee because they took personal leave (because disability includes illness and is a protected attribute), carer's leave or parental leave (because family responsibilities is a protected attribute).

6.3 WHAT IS INDIRECT DISCRIMINATION?

Indirect discrimination occurs if a person imposes a condition, requirement or practice which is unreasonable in the circumstances (even if it appears to be fair and neutral) and has the effect of disadvantaging a member of a group of people who:

- ☐ share, or are believed to share, a prescribed attribute; or
 - ☐ share, or are believed to share, any of the characteristics imputed to that attribute,
- more than a person who is not a member of that group.

For indirect discrimination to take place, it is not necessary that the person who discriminates is aware that the condition, requirement or practice disadvantages the group of people.

Examples:

Offering training opportunities to staff members only at limited and rigid times which prevented staff with parental responsibilities from attending the training.

Not reasonably providing somewhere for a breast feeding Worker to express milk while at work.

Not providing reasonable equipment to allow an employee with a back injury to stand and still do computer work.

6.4 WHAT ARE THE PROTECTED ATTRIBUTES OR PERSONAL CHARACTERISTICS?

Direct or indirect discrimination within the Workplace based on any of the following attributes or personal characteristics will breach this Policy:

- | | |
|---|---|
| <input type="checkbox"/> Gender (male, female and intersex) and gender identity | <input type="checkbox"/> Parental status |
| <input type="checkbox"/> Marital status | <input type="checkbox"/> Breastfeeding |
| <input type="checkbox"/> Relationship status | <input type="checkbox"/> Age |
| <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Family responsibilities | <input type="checkbox"/> Lawful sexual activity |
| <input type="checkbox"/> Race | <input type="checkbox"/> Industrial activity |
| <input type="checkbox"/> Colour | <input type="checkbox"/> Political belief or affiliation |
| <input type="checkbox"/> National or ethnic origin | <input type="checkbox"/> Political activity |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Irrelevant criminal or medical record |
| | <input type="checkbox"/> Being associated with a person who has |

| | |
|--|--|
| <input type="checkbox"/> Physical, intellectual, psychiatric or learning disability <input type="checkbox"/> Impairment (including HIV/aids status) | (or is believed to have) any of these attributes |
|--|--|

7. ADVERSE ACTION

7.1 WHAT IS ADVERSE ACTION?

Unlawful adverse action can occur where a person engages in adverse action (or threatens, organises or coerces others to take adverse action) against a person because that person:

- ☐ has a workplace right (or has exercised or proposed exercising their workplace right or has not done so or has prevented a Worker from doing so); or
- ☐ engages (has engaged, proposes to engage or has not engaged) in industrial activity or, is (or not so) an officer or member of an industrial association.

7.2 TYPES OF ADVERSE ACTION

- ☐ Dismissal or termination of contract (eg terminating employment or a contractor's services).
- ☐ Injuring the Worker in relation to their employment or terms and conditions of contract (eg offering a salary or fee for services that is less than would otherwise be offered).
- ☐ Alter the position of the Worker to their prejudice (eg removing status or areas of responsibility from an employee).
- ☐ Discrimination between a Worker and other Workers (eg approving applications for annual leave from a non-union member employee).
- ☐ An employee or union takes industrial action against Council (eg stop work meeting).

7.3 TYPES OF WORKPLACE RIGHTS, RELEVANT ATTRIBUTE OR INDUSTRIAL ACTIVITY

WORKPLACE RIGHTS

- ☐ An entitlement under the Local Government Industry Award or enterprise agreement or a workplace law (eg entitlement to make a worker's compensation claim).
- ☐ A role or responsibility under a workplace law or enterprise agreement or award (eg to act as a bargaining representative).
- ☐ Ability to initiate or participate in a process or proceedings under a workplace law or enterprise agreement or award (eg making a request for flexible working arrangements or participating in a consultation process regarding redeployment in a redundancy situation).
- ☐ Ability to make a complaint or inquiry in relation to a person's employment (eg making a complaint to the Anti-Discrimination Commissioner or making an inquiry about their classification or salary level).

RELEVANT ATTRIBUTES

- ☐ Race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

INDUSTRIAL ACTIVITY

- ☐ Is or is not an officer or member of an industrial association.
- ☐ Engages or does not engage in industrial activity (eg promoting, encouraging or participating in an activity on behalf of an industrial association such as an on-site meeting).

8. WORKPLACE HARASSMENT

8.1 WHAT IS WORKPLACE HARASSMENT?

Workplace harassment is any conduct which:

- ☐ offends;
- ☐ humiliates;
- ☐ intimidates;
- ☐ insults; or
- ☐ ridicules,

another person on the basis of protected attributes in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

Workplace harassment can be a one-off occurrence and a specific intent or motive is not necessary.

Workplace harassment is unlawful.

8.2 WHAT ARE THE PROTECTED ATTRIBUTES FOR WORKPLACE HARASSMENT?

| | |
|---|--|
| <input type="checkbox"/> Race <input type="checkbox"/> Age <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Lawful sexual activity <input type="checkbox"/> Gender <input type="checkbox"/> Gender identity <input type="checkbox"/> Intersex | <input type="checkbox"/> Marital status <input type="checkbox"/> Relationship status <input type="checkbox"/> Pregnancy <input type="checkbox"/> Breastfeeding <input type="checkbox"/> Parental status <input type="checkbox"/> Family responsibilities <input type="checkbox"/> Disability |
|---|--|

8.3 WHAT ARE EXAMPLES OF WORKPLACE HARASSMENT?

Examples:

Telling a joke about a homosexual person which may offend someone who is homosexual.

Sending an email to workmates ridiculing a colleague because they have taken carer's leave to look after a sick child which may be humiliating and offensive.

Putting a sign on the door of a room where a Worker is expressing breast milk unnecessarily advertising the activity the Worker is engaging in which may be humiliating.

Telling a Worker who is pregnant that they are getting fat or must be having twins which is offensive.

Telling a Worker she is 'just a young girl and could not be expected to cope in the Workplace'.

9. SEXUAL HARASSMENT

9.1 WHAT IS SEXUAL HARASSMENT?

Sexual harassment is any unwanted or unwelcome conduct which:

- ☐ is of a sexual nature in that there is a sexual element, overtone or implication (eg unsolicited act of physical contact of a sexual nature, unwelcome sexual advance or request for sexual favours, unwelcome gesture, action or comment of a sexual nature); and
- ☐ is unreasonable in the circumstances; and
- ☐ a reasonable person having regard to all the circumstances would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed.

Sexual harassment can be a one-off occurrence and a specific intent or motive is not necessary.

Sexual harassment is unlawful.

9.2 WHAT ARE EXAMPLES OF SEXUAL HARASSMENT?

Examples:

Offensive or sexually orientated email or text messages, social media activity, voice mail messages, screen savers (words and images), telephone calls.

Deliberate and unnecessary physical contact such as patting, pinching, fondling or deliberately brushing against another body.

Constant requests for drinks or dates, especially after prior refusal.

Request for sexual favours, gestures or body movements of a sexual or intimidating nature.

Crude or sexually orientated jokes, comments and suggestions.

Innuendo, including sexually provocative remarks, suggestive or derogative comments about a person's physical appearance, inferences of sexual morality or tales of sexual performance.

10. WORKPLACE BULLYING

10.1 WHAT IS BULLYING?

Bullying is repeated, unreasonable behaviour directed towards a Worker or a group of Workers that creates a risk to health and safety.

- ☐ **Repeated behaviour** refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.
- ☐ **Unreasonable behaviour** means behaviour that a reasonable person (ie objective test), having regard for the circumstances, would see as unreasonable (eg victimising, humiliating, undermining or threatening).
- ☐ **Risk to health and safety** can refer to physical or psychological injury that may occur as a result of the repeated, unreasonable behaviour.

Bullying is unlawful.

10.2 HOW DOES BULLYING OCCUR?

Workplace Bullying can be:

- ☐ direct (obvious) or indirect (subtle);
- ☐ intended or unintended; or
- ☐ upwards, downwards or sideways.

10.3 WHAT IS DIRECT OR INDIRECT BULLYING?

Bullying can involve many different forms of behaviour and can occur face-to-face, over the phone, via email, instant or text messaging or using social media technologies.

Examples of *Direct Bullying*:

Aggressive and abusive or threatening language.

Yelling and invading personal space.

Finger pointing, eye rolling and scowling.

Inappropriate emails containing unjustified criticism delivered bluntly.

Delivering negative feedback in front of co-workers.

Examples of *Indirect Bullying*:

Spreading rumours or lies.

Displaying degrading or offensive material in the workplace.

Deliberately excluding, isolating or marginalising a person.

Deliberately setting unrealistic deadlines and tasks that are unreasonably above or below a person's skill or experience.

Deliberately changing work arrangements to cause stress.

10.4 WHAT IS INTENTIONAL OR UNINTENTIONAL BULLYING?

Bullying can be intentional, where the actions are intended to humiliate, offend, intimidate or distress, whether or not the behaviour did have that effect.

Bullying can also be unintentional, where actions which, although not intended to humiliate, offend, intimidate or distress, do so and would be reasonably likely to do so. Direct Bullying may occur unintentionally where the intentions can even be good but the impact is harmful and the behaviour is not reasonable in the circumstances.

10.5 HOW CAN BULLYING BE CARRIED OUT?

Bullying can be directed at a single person or a group of people and be carried out by one or more persons. Organisationally, Bullying can be:

- ☐ Downwards from Managers/Supervisors to their team members.

Example:

An immediate Manager/Supervisor may have a management style that is unreasonably domineering, they may stand over employees when they speak to them or speak to employees rudely or in a demanding or unreasonably loud manner that is disrespectful.

- ☐ Sideways between Workers at the Workplace.

Example:

A Worker unreasonably seeking to enhance their position or sense of power in the Workplace may make a co-worker perform the duties that are less likely to be recognised, blame others for mistakes or fail to pass on instructions from a Manager/Supervisor so the co-worker makes mistakes.

- ☐ Upwards from team members to immediate Managers/Supervisors.

Example:

Workers may bully their immediate Manager/Supervisor to try and unreasonably drive them from the Workplace or prevent them from effectively doing their job by spreading misinformation or malicious rumours about them or criticising them or complaining about them without justification.

10.6 WHAT'S THE DIFFERENCE BETWEEN BULLYING AND HARASSMENT?

Discrimination, harassment and adverse action:

- ☐ do not have to be repeated and can be *one off behaviour*; and
- ☐ must be linked to a protected characteristic (eg personal attributes, workplace rights or industrial activity).

Bullying requires repeated unreasonable behaviour (ie cannot be one off behaviour) but there does not need to be any link to protected attributes or protected actions.

It is possible for a person to be bullied, harassed and discriminated against at the same time.

10.7 WHAT IS NOT CONSIDERED TO BE BULLYING?

Many things that happen at the Workplace are generally not considered to be Bullying, although some experiences can be uncomfortable.

A single incident of unreasonable behaviour is not Bullying, although it may have the potential to escalate into Bullying. A single incident of unreasonable behaviour can create a risk to health and safety and can be considered to inappropriate workplace behaviour as distinct from Bullying.

Differences of opinion, performance management, conflicts and personality clashes do happen in any workplace but do not, without more, amount to Bullying.

Reasonable management action, which is carried out in a reasonable manner is not Bullying.

10.8 WORKPLACE CONFLICT IS NOT BULLYING

Workplace conflict of itself does not amount to Bullying.

Not all conflict is negative nor does it always pose a risk to health and safety. When conflict is at a low level and task based, it can generate debate and lead to new ideas and innovative solutions. For example, collaborating on a project requires a robust exchange of ideas to be effective.

Conflict may be negative and undesirable but still not amount to Bullying or even inappropriate behaviour. For example, Workers may have a 'personality clash' and not like each other but still behave in a professional and respectful way to each other.

10.9 REASONABLE MANAGEMENT ACTION CARRIED OUT IN A REASONABLE MANNER IS NOT BULLYING

Reasonable management action (ie 'what') carried out in a reasonable manner (ie 'how') is not Bullying. Managers/Supervisors have a right to direct the way work is carried out and to monitor and give feedback on performance.

Examples of *reasonable management action relating to performance management*:

Setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience.

Allocating reasonable work to a worker in a transparent way.

Deciding not to select a worker for promotion, following a fair and documented process.

Informing a worker about unsatisfactory or unacceptable work performance in a constructive way and in accordance with policies and procedures.

Informing a worker about unacceptable conduct or behaviour in accordance with policies and procedures.

Examples of *reasonable management action relating to operational matters*:

Fairly rostering and allocating working hours.

Transferring a worker for genuine operational reasons.

Implementing organisational changes or restructuring.

Decisions regarding accessing leave entitlements based on genuine operational requirements.

Providing access to training or employment benefits based on genuine operational requirements and merit.

11. VICTIMISATION

11.1 WHAT IS VICTIMISATION?

Victimisation occurs when a person subjects, or threatens to subject, another Worker or Other Person at the Workplace or an associate of that person or to any detriment because they:

- ☐ made or intend to make a complaint;
- ☐ gave, or intend to give, evidence or information in connection with any proceedings;
- ☐ allege or intend to allege that any person has committed an act which would amount to a contravention of Applicable Laws;
- ☐ refused or intend to refuse to do anything that would amount to a contravention of Applicable Laws; or
- ☐ have reasonably reported a breach of this Policy or utilised the Issue Resolution Policy.

Victimisation under an Applicable law is unlawful.

11.2 TYPES OF ACTIVITIES THAT COULD AMOUNT TO VICTIMISATION

Examples:

Refusing to employ a person.

Terminating or threatening to terminate employment.

Prejudicing or threatening to prejudice a person in their employment (refusing to provide a favourable reference).

Intimidating or coercing (excluding from workplace discussions).

Imposing any pecuniary penalty or other penalty (withholding wages).

Taking disciplinary action (eg giving an employee a written warning).

12. VILIFICATION

12.1 WHAT IS VILIFICATION?

Vilification is conduct that incites physical harm, hatred, serious contempt or severe ridicule towards a Worker or group of the foregoing on the basis of race, sexuality, disability or religion. It can take many forms, including hate-speech, graffiti, websites, and distribution of propaganda or other forms of offensive literature.

Vilification is conduct which occurs in a public place. The Workplace is a public place and discussions or jokes in the Workplace that relate to race, sexuality, disability or religion could amount to vilification.

Vilification is unlawful.

12.2 WHAT ARE EXAMPLES OF VILIFICATION?

Examples:

Speaking about a person's race, disability, sexual orientation, religious belief in a way that could make other people hate or ridicule them.

Publishing claims that a racial, disabled, sexually orientated or religious group is involved in serious crimes without any proof.

Encouraging violence against people who have a particular race, disability, sexual orientation, religious belief, or damaging their property.

Encouraging people to hate a person or group with a particular race, disability, sexual orientation, religious belief, using stickers, posters, a speech, or using websites or email.

13. WORKPLACE VIOLENCE

13.1 WHAT IS WORKPLACE VIOLENCE?

Work related violence occurs when a Worker or Other Person at the Workplace abuses, threatens or assaults another Worker or Other Person at the Workplace, in circumstances relating to their work or the Workplace. Unlike Bullying, an action does not need to be repeated.

Threats to harm someone, of violence and of damage to property are breaches of Applicable Laws that should be referred to the Police, and any other appropriate authority.

13.2 WHAT ARE EXAMPLES OF WORKPLACE VIOLENCE?

Examples:

Threatening to kill or hurt a person or their family.

Assault.

Throwing objects at another person.

14. INAPPROPRIATE WORKPLACE BEHAVIOUR

14.1 WHAT IS INAPPROPRIATE WORKPLACE BEHAVIOUR?

Inappropriate workplace behaviour is any behaviour by Workers that Council reasonably considers is not appropriate Workplace behaviour or is unacceptable in the Workplace. It is behaviour inconsistent with Council's policies and procedures, expectations and way of doing things, which means it will vary from case to case.

Unreasonable behaviour (as is objectively required with Bullying) will also amount to inappropriate workplace behaviour. However, behaviour does not have to be unreasonable to be considered inappropriate workplace behaviour.

Example:

'Over sharing' of personal information by a Manager/Supervisor with a direct report which may be welcomed by the employee but still be considered inappropriate behaviour by Council for not meeting the communicated expectations of a professional Manager/Supervisor.

Inappropriate workplace behaviour may also fit into any of the categories of unlawful behaviour under this Policy. Even if it does not, it still amounts to Infringing Workplace Behaviour. Therefore, if you are unsure as to what the standards are ask your Manager/Supervisor or Human Resources or other appropriate person in the circumstances.

14.2 WHAT ARE EXAMPLES OF INAPPROPRIATE WORKPLACE BEHAVIOUR?

Examples:

Treating people rudely, disrespectfully or without dignity are examples of what is considered inappropriate workplace behaviour.

At the 'high' or serious end of the scale, it is behaviour that may also constitute serious misconduct at common law.

At the low or 'less serious' end of the scale, it may be behaviour that is inappropriate but not unreasonable (eg Manager/Supervisor privately makes crude jokes with a direct report in the Workplace which are based on protected attributes. This may not be unlawful in the circumstances in that the employee welcomes the behaviour and no-one overheard or was likely to but is still considered inappropriate behaviour because it amounts to poor judgment and is below what is expected of a Manager/Supervisor).

15. WORKPLACE BEHAVIOUR AND SOCIAL MEDIA

Requirements in regard to use of Social Media are outlined within the Council's Communication Policy. Persons covered under this policy are reminded that requirements outlined in the Workplace Behaviour Policy and the Code of Conduct Policy also apply to use of Social Media, where applicable, as detailed under Section 2 - Coverage.

15.1 EXAMPLES OF INAPPROPRIATE WORKPLACE BEHAVIOUR VIA SOCIAL MEDIA

Examples:

Posting comments that are highly offensive (eg use of racist or profane language), involve sexual harassment of a co-worker, or are critical of your manager or fellow worker.

Social media comments that have the capacity to cause serious harm to Council's business, damage its reputation, or undermine its position (eg comments criticising policy administered by the Council) - particularly where the link between the worker and the organisation is clear.

16. REPORTING OF BREACHES

Persons covered under this policy must reasonably report breaches of Infringing Workplace Behaviour as follows:

For breaches by:

- an Employee (other than the General Manager), or other Workers, the report must go to the reporting person's applicable Manager/Supervisor, or the Manager Human Resources;
- an Other Person at the Workplace, to the General Manager; and/or
- the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor); and

as otherwise required or permitted by Applicable Laws.

17. BREACH OF POLICY

Persons covered under this policy who engage in Infringing Workplace Behaviour may (as is appropriate) be subject to disciplinary action in accordance with Council's Disciplinary Policy and Procedure, removal from the Workplace or termination of services. Infringing Workplace Behaviour may also amount to breaches of applicable laws.

Persons covered under this policy who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure (Employees), or removal from the Workplace or termination of services (Workers [other than Employees]). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:

- exposing individuals to legal proceedings; and
- making Council vicariously liable for the conduct of others.

Complaints which are vexatious, frivolous or otherwise not made in good faith will also constitute a breach of this Policy.

18. AMENDMENT

Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

18.1 TABLE OF AMENDMENTS

| No. | Date | Brief Details |
|-----|------|---------------|
| 1.1 | | |
| | | |

19. QUESTIONS

Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.

Andrew Paul

GENERAL MANAGER

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 7, 14 and 21 December 2015 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 7, 14 and 21 December 2015 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

11.3 PLANNING AUTHORITY MATTERS

In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

11.3.1 SUBDIVISION APPLICATION SD-2015/51 - 240 GEILSTON BAY ROAD AND 4, 6, 8, 16 AND 18 ANDREAS PLACE (INCLUDING 240A GEILSTON BAY ROAD), GEILSTON BAY - BOUNDARY ADJUSTMENT
(File No SD-2015/51)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a boundary adjustment at 240 Geilston Bay Road and 4, 6, 8, 16 and 18 Andreas Place (including 240A Geilston Bay Road), Geilston Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and Environmental Living and subject to the Bushfire Prone Areas, Waterway and Coastal Protection and Natural Assets Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 13 January 2016.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- vehicular access to Lot 103;
- the property owner of 8 Andreas Place does not consent to the proposed development;
- personal details published on Council's website;
- dwelling at 16 Andreas Place constructed on the boundary of 8 Andreas Place without the necessary approvals; and
- request that Council's process be suspended until the issues raised by the representors can be resolved.

RECOMMENDATION:

- A. That the application for Boundary Adjustment at 240 Geilston Bay Road and 4, 6, 8, 16 and 18 Andreas Place (including 240A Geilston Bay Road), Geilston Bay (Cl Ref SD-2015/51) be refused for the following reason.
1. The form of Lot 103 does not provide a future well laid out residential development as envisaged by the parent subdivision permit and the General Residential Zone.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

The lots in this application were approved by SD-2006/24 with Stages 1A and 1B of that subdivision completed and 5 stages remaining. A number of minor amendments have been approved for the subdivision in relation to staging and boundary adjustments.

The subdivision permit for SD-2006/24 included a number of conditions relating to the upgrading of Geilston Bay Road and the junction with the East Derwent Highway and upgrading the reticulated sewer system.

While the sewer system is now a matter for TasWater, Condition 5 required the upgrading of the junction of Geilston Bay Road and the East Derwent Highway intersection, either by undertaking the works or by a payment indexed to CPI, to enable Council to undertake the necessary works.

2. STATUTORY IMPLICATIONS

2.1. No 240 Geilston Bay Road and 4, 6, 8, 16 and 18 Andreas Place are zoned General Residential under the Scheme and are all covered by the Bushfire Prone Areas Code under the Scheme. No 240A Geilston Bay Road is zoned Environmental Living and is covered by the Bushfire Prone Areas and Natural Assets Codes but is only included in the application as part of the bushfire management plan.

2.2. The proposal is Discretionary because it does not meet all the relevant Acceptable Solutions under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone;

- Section 14.0 - Environmental Living Zone;
- Section E6.0 – Bushfire Prone Areas Codes; and
- Section E27.0 – Natural Assets Code (does not apply as the amount of clearing meets the exemption criteria under the Code).

2.4. Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The application involves the following properties:

- 240 Geilston Bay Road is a 4.701ha vacant residential zoned lot that contains undeveloped stages of approved subdivision SD-2006/24;
- 4 Andreas Place which is a 1147m² lot containing a dwelling that has not yet been completed;
- 6 Andreas Place which is a 1234m² lot containing a dwelling (BPA–2015/514) which has not yet been completed;
- 8 Andreas Place which is a 670m² lot containing a dwelling that has been completed (BPA–2015/298 and BPA-2015/430);
- 16 Andreas Place which is a 1136m² lot containing a dwelling which has not been completed (BPA- 2012/132);
- 18 Andreas Place which is a 1131m² lot containing a dwelling which has not yet been completed (BPA-2012/132); and

- 240A Geilston Bay Road which is a 14.8ha lot. A small section along its eastern boundary is required for the purposes of bushfire management.

3.2. The Proposal

The proposal is to adjust the boundaries between the above properties as described below.

- Lot 84 (4 Andreas Place) is being reduced from 1147m² to 826m²;
- Lot 86 (6 Andreas Place) is being reduced from 1234m² to 820m²;
- Lot 91 (8 Andreas Place) has been reduced in size from 670m² to 627m²;
- Lot 90 (16 Andreas Place) is being reduced from 1136m² to 784m²;
- Lot 92 (18 Andreas Place) is being reduced from 1131m² to 1103m² in area; and
- Lot 103 (240 Geilston Bay Road) is being increased from 4.701ha to 4.817ha in area.

A small area of the land at 240A Geilston Bay, approximately 10m in width, is being proposed to be used for bushfire hazard for the proposed lots at Lot 84 (4 Andreas Place), Lot 86 (6 Andreas Place) and Lot 92 (18 Andreas Place). It is proposed that a Part 5 Agreement will be entered into between the property owners of 4, 6 and 18 Andreas Place and 240A Geilston Bay Road to ensure that the area will be able to be maintained for the purposes of bushfire management. The proposal meets the Acceptable Solutions of the Bushfire Management Code.

The proposal also includes an additional right-of-way over 16 Andreas Place to give a second vehicular access point to the balance lot (Lot 103).

4. PLANNING ASSESSMENT**4.1. Determining Applications [Section 8.10]**

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and*
 - (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*
- but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Bushfire Prone Areas and Natural Assets Code with the exception of the following.

General Residential Zone

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|-----------------|--------------------------------------|--|
| 10.6.1 A4 | Lot Design | no lot is an internal lot | boundary adjustment between existing internal lots at 4, 6, 8, 16 and 18 Andreas Place |

The proposed variation can be supported pursuant to the Performance Criteria P4 of Clause 10.6.1 as the existing lots at 4, 6, 8, 14 and 18 Andreas Place are retained.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|-----------------|--------------------------------------|---|
| 10.6.1 A5 | Lot Design | no more than 3 lots | realignment of the approved lot boundaries of a large subdivision |

Although the Acceptable Solution concerns subdivisions exceeding 3 lots, it is considered applicable to this proposal as it is integrated with the overall subdivision of the precinct, the permit for which is only partially complete. The proposed balance lot is contrary to the relevant Performance Criteria – PC5 (b), which requires that the subdivision “*will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone*”. In this case, the proposed revised layout will create a poorly accessible, narrow strip along the eastern property boundary with limited potential for well laid out residential development as envisaged by the parent subdivision permit and the General Residential Zone.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--------------|----------------------------|----------------------------------|--|
| 10.6.3 A1 | Ways and Public Open Space | no acceptable solution | none proposed (no additional lots created) |

The proposed variation can be supported pursuant to the Performance Criteria P2 of Clause 10.6.3 as there are no additional lots proposed.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--------------|---|---|---|
| 10.4.2 A1 | Setbacks and Building Envelopes for all dwellings | dwellings to be located 4m from the rear boundary | dwelling at 4 Andreas Place located 3.3m to the rear boundary; and dwelling at 16 Andreas Place located 3.2m from the rear boundary |

The proposed variations can be supported pursuant to the Performance Criteria P1 of Clause 10.4.2 for the following reasons:

- the reduction in the rear setbacks for 4 and 16 Andreas Place will not have a detrimental effect on the amenity of the adjoining property owners; and
- the proposal reduces the amount of private open space for the dwellings, however, both will retain areas of private open space in compliance with the Scheme requirements.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 3 representations were received. The following issues were raised by the representors.

5.1. Vehicular Access to Lot 103

The representor was concerned that the proposal would result in additional traffic along the shared driveway for 16 and 18 Andreas Place for residents and visitors.

- **Comment**

The applicant is proposing that a right-of-way be created over Lots 90 and 92 to give legal access to land at the rear which will be contained in Lot 103. Clause 10.6.1 A4 (h) of the Scheme allows for up to 4 dwellings to be accessed via rights-of-way over an access strip and therefore the proposal would comply with the Scheme if a Single Dwelling is proposed on Lot 103. However, any further development of Lot 103, other than a dwelling, would require further consideration of the suitability of the access strip for the development. Additionally, Lot 103 has existing access and frontage from Dumbarton Drive.

5.2. The Property Owner of 8 Andreas Place does not consent to the Proposed Development

The owner of 8 Andreas Place has advised through her solicitor that she will not provide their consent to facilitate the development (if approved).

- **Comment**

Section 52 of the Land Use Planning and Approvals Act, 1993 (the Act) provides that an applicant must notify the owner of any property included in the application of their intention to make an application. In this case, the applicant has signed the application form and therefore has advised Council that all relevant landowners have been notified and has fulfilled their legal requirements under the Act.

Having satisfied the Act, the other owners opposition is not a relevant factor in assessing applications under the Scheme. However, the next part of the process is to lodge Final Plans with Council for sealing, which does require the consent and signatures involved before they can be sealed. Therefore, if the owner in question maintains her position, the plans cannot be sealed.

5.3. Personal Details Published on Council's Website

The representor was concerned that the property owners name and address was included on the proposal plan which was published on Council's website, in breach of privacy laws.

- **Comment**

The proposal plan lodged by the applicant contained names and addresses of all property owners involved in the development. Section 8 of the Personal Information Protection Act, 2004 states that this Act does not apply to public information which is defined as: *“any personal information that is contained in a publicly available record or publication”*.

The property owner's names and addresses are publicly available through the LIST and therefore the information provided by the applicant does not breach any privacy laws.

5.4. Dwelling at 16 Andreas Place constructed on the Boundary of 8 Andreas Place without the necessary Approvals

The representor was concerned that the dwelling at Lot 90 (16 Andreas Place) has not been constructed in accordance with the approved setbacks to boundaries.

- **Comment**

The approved plans show the dwelling at 16 Andreas Place located 3m to the northern boundary. However, the proposed boundary adjustment plan shows the existing dwelling as located on the northern boundary but located 3m from the now proposed boundary.

It appears that the original development plans were drafted to show the boundary intended by this application, which will be formalised if the application is approved.

The dwelling has been constructed (BPA- 2012/132) but has not yet had a Certificate of Completion issued by Council. Prior to Council issuing a Certificate of Completion for the dwelling, an inspection will be undertaken by Council to ensure the dwelling has been built in accordance with approved plans. If not, Council will need to investigate further to see if enforcement action is necessary.

5.5. Request that Council's Process be Suspended until the Issues raised by the Representors can be Resolved

The representor has requested the application be put on hold until the issues discussed above have been resolved.

- **Comment**

The issues raised have been discussed with the applicant who does not want to delay a decision on the application. Council must make a decision within its statutory timeframes and cannot delay applications without the consent of the applicant.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater, which has provided a number of conditions to be included on the planning permit if granted.

7. STATE POLICIES AND ACT OBJECTIVES

7.1. The proposal is consistent with the outcomes of the State Policies, including those of the State Coastal Policy.

7.2. The proposal is consistent with the objectives of Schedule 1 of LUPAA.

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

9. CONCLUSION

The proposal for a boundary adjustment at 240 Geilston Bay Road and 4, 6, 8, 16 and 18 Andreas Place (including 240A Geilston Bay Road), Geilston Bay, is recommended for refusal.

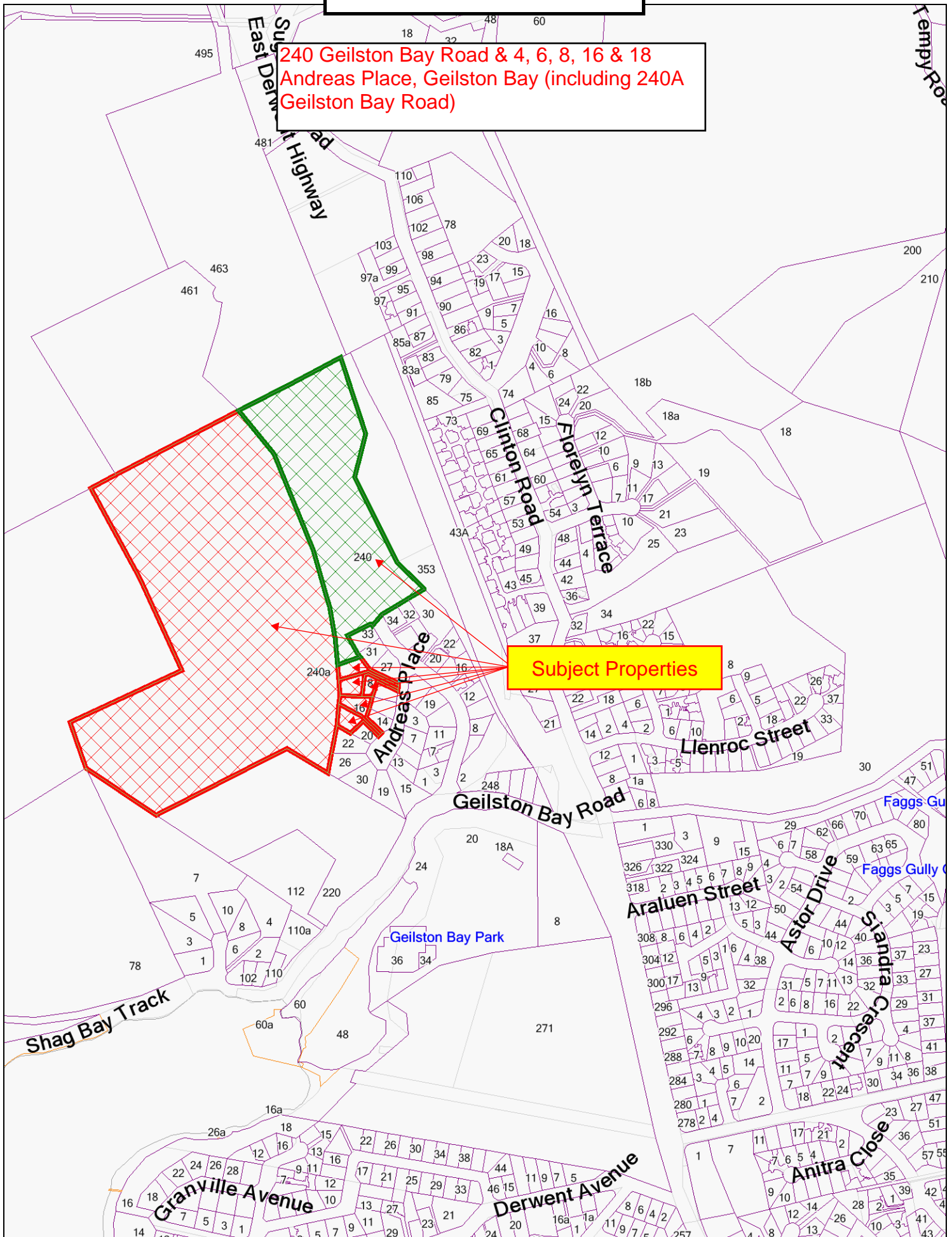
Attachments: 1. Location Plan (1)
2. Proposal Plan (3)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

Attachment 1

240 Geilston Bay Road & 4, 6, 8, 16 & 18
Andreas Place, Geilston Bay (including 240A
Geilston Bay Road)



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Monday, 4 January 2016 **Scale:** 1:7,108 @A4

UNIT 1 – 2 KENNEDY DRIVE
CAMBRIDGE PARK 7170
PHONE: (03)6248 5898
MOBILE: 0418 120 796
EMAIL: admin@rbsurveyors.com

This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval

All measurements and areas are subject to the final survey

Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania

| Title Reference | Owner | Address |
|-----------------|--|------------------------|
| C.T.150834/1 | Southern Bay Investments Pty Ltd | 240a Geilston Bay Road |
| C.T.159965/103 | Southern Bay Investments Pty Ltd | 240 Geilston Bay Road |
| C.T.159965/84 | Ellie Kate Matthews | 4 Andreas Place |
| C.T.159965/86 | Adam Alexander Lovell & Melanie Kim Leeper | 6 Andreas Place |
| C.T.159965/91 | Angela Susan Haley | 8 Andreas Place |
| C.T.159965/90 | Milan Djokovic & Jacinta Ann Tonks | 16 Andreas Place |
| C.T.159965/92 | Jacqueline Adele Balik | 18 Andreas Place |

LOCATION
GEILSTON BAY

Grantee: see titles

Proposed Easements:
as required

SCALE 1:500

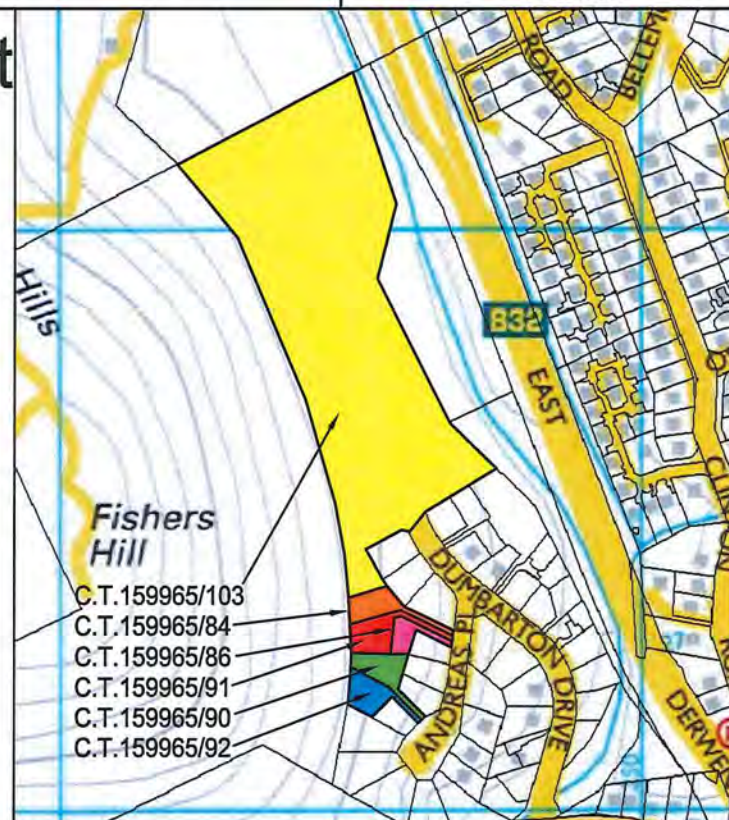
DATE 9-11-2015

MUNICIPALITY CLARENCE

REF. NO. SOUTB04
772604

Proposed Boundary Adjustment

Plan 1 of 2



GREEN LINES INDICATE CURRENT TITLE BOUNDARIES





UNIT 1 – 2 KENNEDY DRIVE
CAMBRIDGE PARK 7170
PHONE: (03)6248 5898
MOBILE: 0418 120 796
EMAIL: admin@rbsurveyors.com

This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval

All measurements and areas are subject to the final survey

| Title Reference | Owner | Address |
|-----------------|--|------------------------|
| C.T.150834/1 | Southern Bay Investments Pty Ltd | 240a Geilston Bay Road |
| C.T.159965/103 | Southern Bay Investments Pty Ltd | 240 Geilston Bay Road |
| C.T.159965/84 | Ellie Kate Matthews | - 4 Andreas Place |
| C.T.159965/86 | Adam Alexander Lovell & Melanie Kim Leeper | - 6 Andreas Place |
| C.T.159965/91 | Angela Susan Haley | - 8 Andreas Place |
| C.T.159965/90 | Milan Djokovic & Jacinta Ann Tonks | - 16 Andreas Place |
| C.T.159965/92 | Jacqueline Adele Balik | - 18 Andreas Place |

LOCATION
GEILSTON BAY

Grantee: see titles

Proposed Easements:
as required

SCALE 1:1500

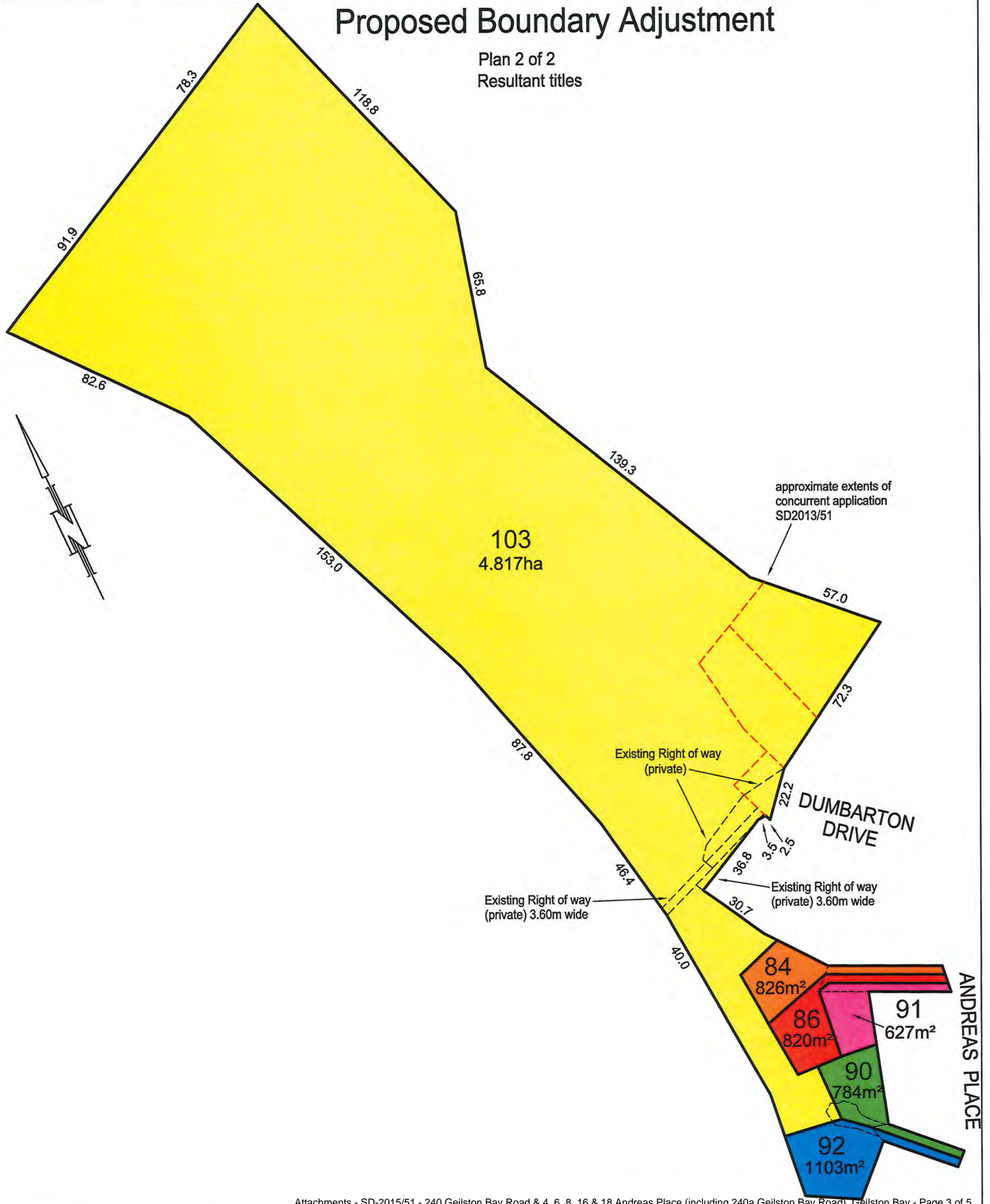
DATE 9-11-2015

MUNICIPALITY CLARENCE

REF. NO. SOUTB04
772604

Proposed Boundary Adjustment

Plan 2 of 2
Resultant titles





UNIT 1 – 2 KENNEDY DRIVE
CAMBRIDGE PARK 7170
PHCNE: (03)6248 5898
MOBILE: 0418 120 796
EMAIL: admin@rbsurveyors.com

This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval

All measurements and areas are subject to the final survey

Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania

| Title Reference | Owner | Address |
|-----------------|--|-----------------------|
| C.T.159965/103 | Southern Bay Investments Pty Ltd | 240 Geilston Bay Road |
| C.T.159965/84 | Ellie Kate Matthews | - 4 Andreas Place |
| C.T.159965/86 | Adam Alexander Lovell & Melanie Kim Leeper | - 6 Andreas Place |
| C.T.159965/91 | Angela Susan Haley | - 8 Andreas Place |
| C.T.159965/90 | Milan Djokovic & Jacinta Ann Tonks | - 16 Andreas Place |
| C.T.159965/92 | Jacqueline Adele Balik | - 18 Andreas Place |

LOCATION
GEILSTON BAY

Grantee: see titles

Proposed Easements:
as required

SCALE 1:500

DATE 22-9-2015

MUNICIPALITY CLARENCE

REF. NO. SOUTB04
772604


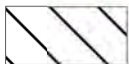
Proposed Bounday Adjustment

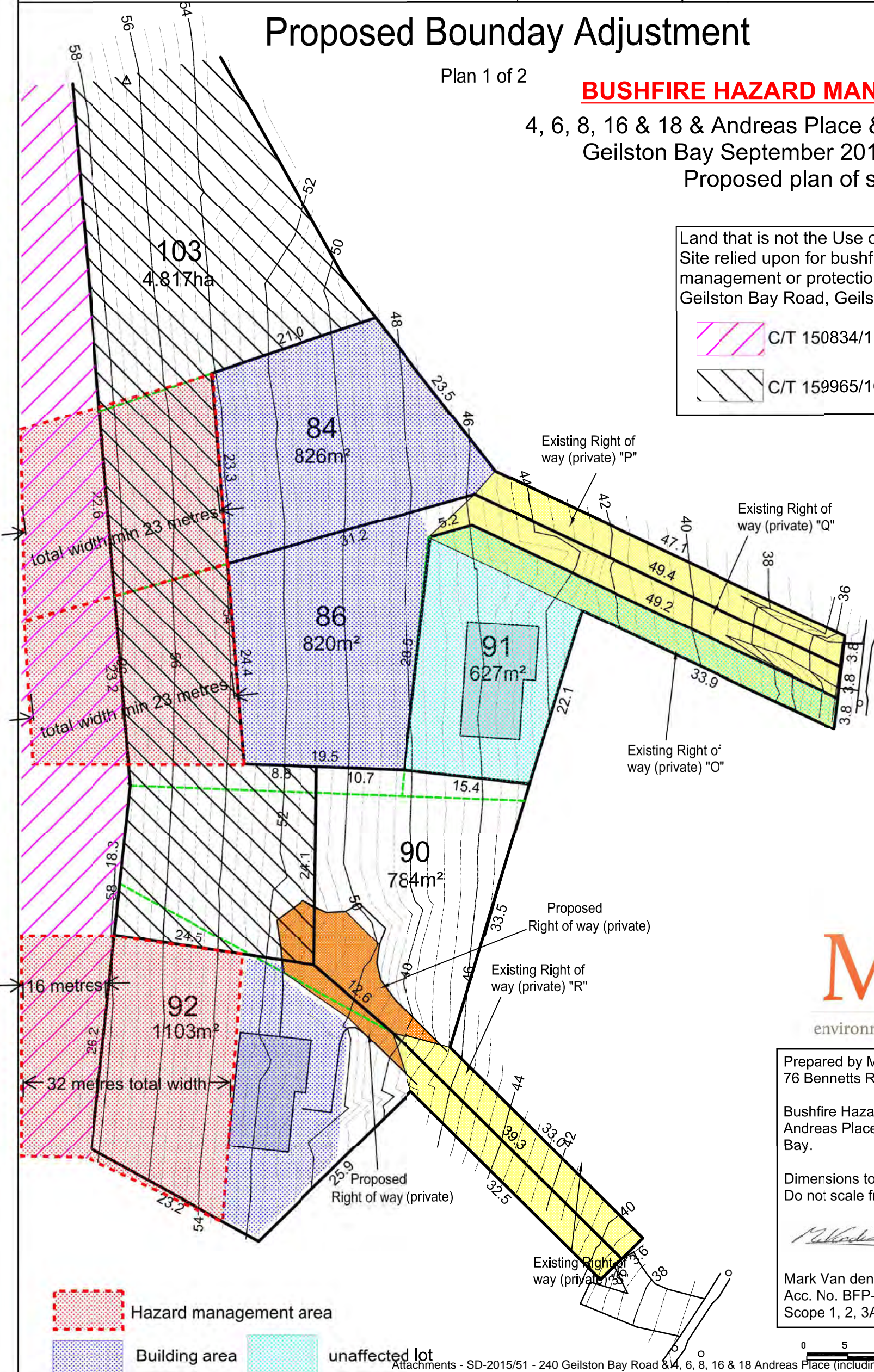
Plan 1 of 2

BUSHFIRE HAZARD MANAGEMENT PLAN

4, 6, 8, 16 & 18 & Andreas Place & 240 Geilston bay Road,
Geilston Bay September 2015 V1.0 MRH10148
Proposed plan of subdivision

Land that is not the Use or Development
Site relied upon for bushfire hazard
management or protection: 240 & 240A
Geilston Bay Road, Geilston Bay.

 C/T 150834/1
 C/T 159965/103



MRH
environment & resource planning

Prepared by MRH environment & resource planning
76 Bennetts Rd. Mountain River, Tas. 7109

Bushfire Hazard Management Plan - 4, 6, 8, 16, & 18
Andreas Place & 240 Geilston Bay Road, Geilston
Bay.

Dimensions to take precedence over scale.
Do not scale from these drawings.



Mark Van den Berg
Acc. No. BFP-108
Scope 1, 2, 3A, 3B.

0 5 10 15 20 25 30

Attachment 3



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Monday, 4 January 2016 **Scale:** 1:4,013 @A4

| |
|------------------------------|
| 11.4 CUSTOMER SERVICE |
|------------------------------|

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE

Nil Items.

12. ALDERMEN'S QUESTION TIME

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

12.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Nil

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

12.4 QUESTIONS WITHOUT NOTICE

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will not be recorded in the minutes.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

13. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 APPOINTMENT OF COMMITTEE MEMBER

These reports have been listed in the Closed Meeting section of the Council agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulation 2015 as the detail covered in the report relates to:

- personnel matters;
- applications by Aldermen for a Leave of Absence.

Note: The decision to move into Closed Meeting requires an absolute majority of Council.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

PROCEDURAL MOTION

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.