



GEORGE TOWN COUNCIL AGENDA

Notice is hereby given
that the next Ordinary Council Meeting
will be held on
Tuesday 28 March 2023

in the Council Chambers,
16-18 Anne Street, George Town,

commencing at **1:00 pm.**

This meeting is being held face to face with limitations on public attendance to maintain social distancing. Council will be allowing a maximum of 10 persons into the Ordinary Council Meeting. You must pre-register to attend this meeting of Council.

All documents presented, and recordings (audio) of this meeting are made available to the public in accordance with the above Act and Notice, and the standard applicable provisions of the Local Government Act 1993, and Local Government (Meeting Procedures) Regulations 2015.

Shane Power
GENERAL MANAGER

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Meeting Commencing at 1:00 pm

Acknowledgement of Country

George Town Council acknowledges the palawa people from the litarimirina tribe from Port Dalrymple as the traditional custodians of the land.

We honour and give thanks for the caring of country, seas and skies of kinimathatakinta and surrounds.

We pay respect to the elders past, present and future for they hold the memories, traditions, culture and hope of pakana people in lutruwita.

AUDIO RECORDING OF COUNCIL MEETINGS

The public is advised that it is **Council Policy** to record the proceedings of meetings of Council on digital media to assist in the preparation of Minutes, and to clarify any queries relating to the Minutes that is raised during a subsequent meeting under the section "Confirmation of Minutes".

The recording does not replace the written Minutes and a transcript of the recording will not be prepared.

All meetings of the Council shall be digitally recorded as provided for by Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015 except for the proceedings of meetings or parts of meetings closed to the public in accordance with Regulation 15(2).

In accordance with the requirements of Council's Audio Recording of Council Meetings Policy GTC 1, members of the public are not permitted to make audio recordings of Council meetings.

Council will be allowing a maximum of 10 persons into the Ordinary Council Meeting for general public attendance to maintain social distancing. You must pre-register to attend this meeting of Council.

All documents presented, and recordings (audio) of this meeting are made available to the public in accordance with the above Act and Notice, and the standard applicable provisions of the Local Government Act 1993, and Local Government (Meeting Procedures) Regulations 2015.

1 PRESENT

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 IN ATTENDANCE

2 CONFIRMATION OF MINUTES

2.1 ORDINARY COUNCIL MEETING HELD 28 FEBRUARY 2023

RECOMMENDATION

That the Minutes of Council's Ordinary Meeting held on 28 February 2023 numbered 016/23 to 031/23 and 034/23 as provided to Councillors be received and confirmed as a true record of proceedings. (Attached)

DECISION

Moved:

Seconded:

VOTING

For:

Against:

3 LATE ITEMS

Nil.

4 PUBLIC QUESTION TIME

4.1 PUBLIC QUESTION TIME PROCEDURE

[Refer to Minute No. 243/16. The period set aside for public question time will be at least 15 minutes. Questions given on notice will be addressed first. Once questions on notice have been addressed, persons who have registered their interest to ask a question will be called to do so in the order in which they have registered. Persons attending Council meetings will have the opportunity to register their interest to ask a question without notice prior to the commencement of the meeting. Council staff will be on hand to assist with this process.

Participants cannot ask more than 2 questions in a row with a maximum of 2 minutes per question. If a person has more than (2) questions, they will be placed at the 'end of the queue' and may, if time permits, ask their further questions once all other persons have had an opportunity to ask questions. Persons who have not registered their interest to ask a question will be given an opportunity to do so following all those who have registered. All questions must be directed to the Chairperson.

For further information on Council's Public Question Time Rules and Procedure, please refer to George Town Council Public Question Time Policy GTC13.

Questions asked and answers provided may be summarised in the Minutes of the meeting.

Due to restrictions in place during the COVID-19 pandemic as enabled through the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020, public question time will be conducted in the following manner.

George Town Council will be allowing members of the public that have submitted an objection to a planning matter (priority attendance) and questions from the public to a maximum of 10 persons (to maintain social distancing) into the Ordinary Meeting of Council.

Council will accept all other written questions which will be asked and responded to at the meeting. These questions will be recorded in Council's Minutes and will be available on the audio recording.

You must pre-register to attend this meeting of Council.

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4.2 PUBLIC QUESTIONS ON NOTICE

Nil.

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4.3 PUBLIC QUESTION TIME

Commenced at:

Concluded at:

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4.4 RESPONSE TO QUESTIONS FROM PREVIOUS PUBLIC QUESTION TIME

(Refer to Minute No. 425/00, which states in part, "that a copy of all written replies to questions from the Public Gallery be included in the following Council Agenda.")

Nil.

5 DECLARATIONS OF INTEREST

6 GENERAL MANAGER'S DECLARATION

I certify that with respect to all advice, information or recommendations provided to Council with this Agenda:

- the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- where any advice is given directly to Council by a person who does not have the required qualifications of experience, that person has obtained and taken into account in that person's general advice, the advice from an appropriately qualified or experienced person.



Shane Power
GENERAL MANAGER

LOCAL GOVERNMENT ACT 1993 – SECTION 65

65. Qualified persons

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
 - (a) the general manager certifies, in writing –
 - (i) that such advice was obtained; and
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

7 PLANNING AUTHORITY

Nil.

8 OFFICE OF GENERAL MANAGER

8.1 AVAILABILITY OF UNCONFIRMED MINUTES OF GEORGE TOWN COUNCIL ORDINARY MEETINGS

REPORT AUTHOR:	Executive Support and Governance Officer – Louise Dickenson
REPORT DATE:	20 March 2023
FILE NO:	14.12
ATTACHMENTS:	Nil

SUMMARY

To seek direction from Council in relation to the availability of Unconfirmed Minutes of George Town Council's Ordinary Council meetings.

BACKGROUND

The issue of making unconfirmed minutes available to the public has been raised at previous Ordinary Council meetings.

At the Council meeting held on the 16 October 2013, Council resolved to make available marked copy of the "Unconfirmed Minutes" of its ordinary meetings of Council both on the Council website and through payment of the proposed hardcopy fee at the Council Offices at the time of posting of the Agenda for the meeting at which the minutes are to be confirmed. Minute No. 385/13.

At the Ordinary Council meeting on the 28 April 2020 rescinded the above motion with the following resolution 062/20:

That Council:

1. Rescinds the motion 385/13

"That Council:

- a. Received the report from the Acting General Manager and the Executive Officer (Governance) on the Availability of Unconfirmed Minutes of George Town Council Ordinary Council meetings; and*
- b. Subject to the provisions of Sections 34 and 35 of the Local Government (Meeting Procedures) Regulations 2005, makes available the Unconfirmed Minutes of an ordinary Council meeting to the public as soon as possible after each meeting and at the time of circulation to Councillors via Council's website or through payment of the hardcopy fee at the Council Offices; and*

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- c. *Makes notation on each page of the minutes that “these are Unconfirmed Minutes and are yet to be confirmed as a true and accurate record of the ordinary Council meeting held on (insert date);” and*
 - d. *Introduces this practice, effective from the 18th December 2013.”*
2. In accordance with Sections 34 and 35 of *the Local Government (Meeting Procedures) Regulations 2005*, makes available the unconfirmed minutes of an ordinary Council meeting as soon as practical to the public, but not less than seven days after first being circulated to Councillors; and
 3. Includes notation on each page of the unconfirmed minutes that *“these are Unconfirmed Minutes and are yet to be confirmed as a true and accurate record of the ordinary Council meeting held on (insert date).”*

Questions have been asked at Ordinary Council meetings at “Questions with or without Notice” from Councillors regarding the availability of the unconfirmed/draft minutes for the public.

At a recent workshop, 14 March 2023 elected members discussed the practice of making available to the public unconfirmed minutes of Council’s ordinary meetings.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction Four - Leadership and Accountable Governance

1. A culture of engagement and participation
 - i. Trusted, transparent and inclusive community engagement processes.
 - ii. Engaging over things that matter to the community.

Future Direction Four - Leadership and Accountable Governance

2. Planning and regulatory responsibilities are undertaken fairly and openly
 - i. Building knowledge and understanding of planning and regulatory responsibilities and processes.
 - ii. Compliance customer service standards and processes.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government (Meeting Procedures) Regulations 2005

32. Minutes

(1) Subject to regulation 34(1) , the general manager is to ensure that the minutes of a meeting accurately record the following matters:

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(a) any matter discussed at the meeting;

(b) any decision made at the meeting;

(c) if the Act or any regulations made under the Act require the making of a decision by absolute majority, that the decision was by absolute majority;

(d) a summary of any address, statement or report made or provided on an invitation under regulation 38 ;

(e) any motion moved during the meeting;

(f) any question on notice by a councillor that is answered and the answer to that question;

(g) any question asked and put in writing during the period referred to in regulation 31(3) and any written answer or summary of that answer to that question;

(h) any question asked, without notice, by a member of the public and a summary of any answer given in response;

(i) the attendance of councillors;

(j) any absence of any councillor during the meeting, including the times of leaving and returning to the meeting.

(2) The general manager is to ensure that –

(a) copies of the minutes of meetings are kept as records of the council; and

(b) those copies are available to councillors.

34. Minutes of closed meeting

(1) If at a meeting it is decided to hold a part of the meeting as a closed meeting –

(a) in accordance with [regulation 15\(5\)](#) , the grounds for the closure are to be recorded in the minutes of that part of the meeting that is open to the public; and

(b) in relation to a matter discussed at the closed meeting –

(i) the fact that the matter was discussed at the closed meeting; and

(ii) a brief description of the matter so discussed – are to be recorded in the minutes of that part of the meeting that is open to the public, but are to be so recorded in a manner that does not disclose any confidential information and protects confidentiality; and

(c) in relation to a matter discussed at the closed meeting, the details of the discussion of the matter, and the outcome of the discussion, are not to be recorded in the minutes of that part of the meeting that is open to the public unless the council, or council committee, determines otherwise.

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(2) *The general manager is to record in the minutes of a closed meeting any matter of a kind listed in [regulation 32\(1\)](#) that relates to the closed meeting.*

(3) *The minutes of a closed meeting are to be kept confidential unless the council, or the council committee, after considering privacy and confidentiality issues, authorises the release to the public of the minutes.*

(4) *If the general manager is excluded from a closed meeting, the chairperson of the meeting is to direct a person to record the minutes of the meeting.*

(5) *A copy of the minutes of a closed meeting is to be provided to each councillor by the general manager or, if the general manager is excluded from the meeting, the person who recorded the minutes.*

(6) *At the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.*

35. Circulation and inspection of minutes of open meeting

(1) *The minutes of a meeting, other than a closed meeting –*

(a) as soon as practicable but at least at the next ordinary council meeting, or next council committee meeting, that is open to the public, are to be circulated to all councillors; and

(b) at that next ordinary council meeting or next council committee meeting, after any necessary correction, are to be confirmed as the true record by the council or the council committee and signed by the chairperson of the meeting.

(2) *The general manager is to ensure that the minutes, and copies of any extract from the minutes, as confirmed under [subregulation \(1\)\(b\)](#), of a meeting that was open to the public are available to the public –*

(a) on the council's website for inspection; and

(b) at the public office of the council for inspection, free of charge, and for purchase by payment of the fee specified in [Schedule 1](#) – within 7 days after the minutes are so confirmed.

(3) *The general manager may withhold from purchase any extract from the minutes of a meeting –*

(a) for which the council does not own the intellectual property; or

(b) which contains information provided to the council on the condition that it be not made available to members of the public.

(4) *The period of 7 days referred to in [subregulation \(2\)](#) does not include Saturdays, Sundays and statutory holidays.*

36. Confirming minutes

In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.

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RISK CONSIDERATIONS

Policy – GTC 15 – Risk Management

- Integrate risk based decision-making throughout Council for the benefit of the organisation, our community and our stakeholders.

FINANCIAL IMPLICATIONS

Nil.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

CONSULTATION

Limited to Council workshop.

OPTIONS

Council may choose to:

1. Support the motion as presented; or
2. Support the motion with amendment; or
3. Not support the motion.

OFFICER'S COMMENTS

Current practice is to make available the audio recording of Ordinary Meeting of Council as soon as practical following the Ordinary Meeting of Council. Motions of Council made at an Ordinary Council meeting are also posted on Council's website and Facebook page as soon as practical after the Ordinary Council meeting.

Unconfirmed minutes of Council's Ordinary meetings are distributed to Councillors as part of Workshop Papers for discussion at the first Workshop after the Ordinary Council meeting. This affords officers sufficient time to review audio recording and prepare draft minutes in readiness for Council review.

This practice is in accordance with resolution 062/20 and section 35 of the Local Government (Meeting Procedures) Regulations 2000 and is considered practicable by officers allowing both officers and Councillors the opportunity to consider the accuracy of the minutes prior to being made available to the public.

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Once feedback has been received at Workshop, officers make available to the public the unconfirmed minutes via Council's website (as contained within the forthcoming Council agenda for endorsement).

OFFICER'S RECOMMENDATION

That Council:

1. Notes the current practice for circulation and inspection of minutes of a Ordinary Meetings of Council are compliant with Council resolution and Local Government (Meeting Procedures) Regulations 2005.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

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8.2 NORTHERN TASMANIAN DEVELOPMENT CORPORATION (NTDC) MEMBER AGREEMENT 2023 - 2026

REPORT AUTHOR:	General Manager - Mr S. Power
REPORT DATE:	20 March 2023
FILE NO:	15.40
ATTACHMENTS:	<ol style="list-style-type: none">1. Paper 6.1 Member Letter of Expectations draft 29-11-2022 [8.2.1 - 4 pages]2. Paper 7 NTDC Constitution - 2022 revision 1.3 (letter of expectation) [8.2.2 - 49 pages]3. NTDC Constitution - 2023 - final [8.2.3 - 48 pages]4. Paper 8 Draft Members Agreement 2023 - 2026 (clean) [8.2.4 - 30 pages]

SUMMARY

This report seeks Council endorsement of the revised suit of governance documents for the Northern Tasmania Development Corporation and endorsement to enter into the Members Agreement 2023-2026.

BACKGROUND

The Northern Tasmanian Development Corporation (NTDC) is funded by seven Council Members to facilitate significant improvement in prosperity in the North and North-East Tasmania. The member Councils are as follows: George Town, City of Launceston, Northern Midlands, Meander Valley, Flinders, Break O'Day and West Tamar.

NTDC was officially formed in February 2017. Prior to this time the entity was known as Northern Tasmania Development (NTD), which was established as an incorporated association in 2012 after being a not-for-profit organisation since 2004. Before that the organisation was known as Region North.

The Councils of the Northern Region engage in a significant level of regional collaboration, particularly in the areas of land use planning, waste management, natural resource management, tourism, community planning and economic development. NTDC provides an effective means of achieving regional collaboration in respect to economic development and there is little doubt that the region would be impacted economically if the Councils did not engage and collaborate in an effective manner, particularly in respect to the identification of regional priorities for election advocacy.

With the Federal Government's stated emphasis on Regional Development Australia (RDA) having a greater role in its engagement with regions such as Tasmania, the NTDC will have an important role in terms of engaging with Northern Councils and advocating for the region to RDA as well as the State and Federal Governments.

The member Councils value the role that NTDC can play for the region and their expectations of the organisation are as follows:

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1. Be the single voice for the region (representing collaborations of council);
2. To realise opportunities for financial and social prosperity;
3. To drive success focused on northern Tasmania;
4. To facilitate outcomes that benefit the region;
5. To be the voice for local government in the region; and
6. To tap into expertise.

The Board has recently undertaken a performance review, recruitment process and has revised its suite of governance documents including:

1. a Letter of Expectation for NTDC has been developed to provide for issues such as (but not limited to) the appointment, setting of terms, remuneration, suspension and dismissal of directors; the establishment of requirements for reporting by the Board to the representatives; reporting to Member Councils and the approval of the guiding documents for the NTDC Board;
2. The NTDC Constitution has been amended to incorporate a Representatives Group; and
3. A draft member Agreement 2023-2026 has been developed to incorporate the Members group as well as enhanced reporting obligations.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction Four - Leadership and Accountable Governance

1. A culture of engagement and participation
 - iv. Understanding processes and participating in decision making.

Future Direction Four - Leadership and Accountable Governance

5. Collaborative working relationships with neighbouring Councils in the region and regional organisations
 - i. Playing an active role in regional development.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

The NTDC is a corporation limited by guarantee as defined in the *Corporation Act 2001*.

RISK CONSIDERATIONS

For the NTDC to be well regarded as a regional economic body, it needs broad membership. Fewer the members the greater the risk of NTDC not being able to deliver regional priorities.

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FINANCIAL IMPLICATIONS

The Council has included its contribution to the NTDC in the Long-Term Finance Plan and therefore a decision to continue with NTDC will not have any budget impacts. There may be future pressures to increase Council contributions, however, this is not proposed at this time. The preference is that the NTDC leverage its Local Government contribution by sourcing grants and program funding from State and/or Federal Government sources.

Under the terms of the draft Members' Agreement, Members expressly agree to each pay an annual subscription fee to NTDC to be set by the Board in each financial year of operation of the NTDC, which subscription fee is intended to be paid:

- evenly by reference to the methodology for calculation of the subscription fee amounts for all Members; and
- unevenly, by reference to the actual dollar value amount payable by individual Members, as produced by those calculations.

The Members agree that the annual subscription fee that each Member is required to contribute to the NTDC is to be calculated in accordance with the following formula:

$$SF = FC + VC$$

Where:

SF = the total amount of the Member's Subscription Fee for that year;

FC = the fixed component (based on the 2019-20 financial year) calculated by application of the following bands calculated based on the population of the municipal area of each Member (figures for 2021/22) :

(i)	Population of 0 – 5,000 people	\$5,03.6.00
(ii)	Population of 5,001 – 10,000 people	\$10,072.00
(iii)	Population of 10,001+ people	\$20,144.00

The FC component is indexed annually to CPI (All groups, Hobart, or an equivalent index); and

VC = the variable component calculated at a contribution rate of approximately \$2.79 per head of population (figure for 2021/22) in the municipal area of each Member multiplied by the actual municipal population.

The VC component is also indexed annually to CPI (All groups, Hobart, or an equivalent index).

Under this arrangement Council will provide annual funding contribution to NTDC of approximately \$30,000.

There are significant positive advantages which can be realised by having a coordinated regional response to the economic and demographic challenges and opportunities facing the George Town municipality and the Northern Tasmania Region. NTDC is vital to achieving the necessary level of coordination as its role is to:

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- provide pro-active, engaged and strategic regional economic leadership;
- consolidate an agreed vision for the development, sustainability and prosperity of the geographic region that the Company's Members encompass;
- implement a strategic economic action plan based on the Northern Regional Futures Plan framework or similar; and
- provide effective representation and advocacy to State and Federal Government and other stakeholders.

NTDC is tasked with validating and actioning the valuable strategic planning work that has been undertaken in recent years to underpin effective and sustainable economic transition in Northern and North-East Tasmania whilst continuing to place the importance of education and health in our communities. This means finding ways to continually boost economic output, increase investment, create more jobs, and to raise average wage levels.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

CONSULTATION

The Constitution and Draft Members Agreement have been developed by NTDC in consultation with members representatives including the Northern General Managers Group was presented at the 14 March Council Workshop for elected members consideration.

OPTIONS

Council may choose to endorse (or not) the following documents:

- The revised NTDC Constitution; and
- The draft NTDC member Agreement 2023-2026.

OFFICER'S COMMENTS

It is recommended that Council endorse:

1. The revised NTDC Constitution; and
2. The Members Letter of Expectations and
3. Enter into the NTDC Members Agreement 2023-2026.

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OFFICER'S RECOMMENDATION

That Council:

1. Endorse the revised Northern Tasmania Development Corporation (NTDC) Ltd Constitution;
2. Endorse the Members Letter of Expectations;
3. Authorises the Genral Manager to execute the agreement in Schedule Two of the Northern Tasmania Development Corporation Constitution; and
4. Authorises the General Manager to execute the Northern Tasmania Development Corporation Members Agreement 2023-2026.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

9 INFRASTRUCTURE AND DEVELOPMENT

9.1 APPOINTMENT OF COMMITTEE FOR HEARING: APPLICATION TO AMEND SEALED PLAN NO. 13174 – REMOVAL OF COVENANT – 6-8 PERRIN DRIVE, GEORGE TOWN

REPORT AUTHOR:	Town Planner – Mr J. Simons
REPORT DATE:	16/03/2023
FILE NO:	PID: 3010634
ATTACHMENTS:	<ol style="list-style-type: none">1. Petition to Amend Sealed Plan 1543172. Requests to be heard (x2)3. Title documents, including Schedule of Easements and Part 5

SUMMARY

The purpose of this report is for Council is to establish a Committee to consider an application for amendment to sealed plan no. 154317, under Division 5, Section 103, 104 and 105 of the *Local Government (Building and Miscellaneous) Act 1993*, affecting titles on Leads Avenue, Low Head.

BACKGROUND

A planning application for a dwelling for 6 Leads Avenue was received and approved by Council, being compliant with the Planning Scheme, in December 2022 (DA 2022/108)

However, the property is subject to covenants and a Part 5 (section 71) Agreement registered to the title, which effectively prohibit the development. In this instance the restrictive covenants and Part 5 impact a variety of use and development aspects including materials of construction, commercial uses, use of machinery, caravans and temporary dwellings, domestic animals, fencing materials, location of buildings, size of dwellings, garage materials, vegetation controls and siting of buildings.

Council has received a copy of a petition served by a solicitor on behalf of the owner of 6 Leads Avenue, Low Head to amend Sealed Plan 154317. The Sealed Plan includes Lots 1-18. The petition seeks to remove (or amend) the restrictive covenants and a Part 5 Agreement from the Sealed Plan. This item addresses the process for considering the request to remove/amend the covenants. The Part 5 Agreement will be considered in a future agenda item and is subject to a different

It should be noted a number of the covenants are in conflict with the provisions of Council's Planning Scheme. It is likely that a number of developments have already occurred within the subdivision in conflict with the covenants and Part 5.

A petition has been served on all title owners in the sealed plan, having been identified as having an interest in the proposal. At the time of writing Council has two requests to be heard.



Figure 1: titles identified as having a legal interest in the proposal.

Although the formal request to remove has not been received at the time of writing, the details of the request are evident in the petition and Council has already had a request from multiple land owners to be heard. As such, Council will be required to conduct a hearing. In order to expedite the process in a timely manner, Council may wish to delegate the powers to conduct the hearing to a committee.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction Four - Leadership and Accountable Governance

1. A culture of engagement and participation
 - i. Trusted, transparent and inclusive community engagement processes.
 - ii. Engaging over things that matter to the community.
 - iv. Understanding processes and participating in decision making.

Future Direction Four - Leadership and Accountable Governance

2. Planning and regulatory responsibilities are undertaken fairly and openly
 - i. Building knowledge and understanding of planning and regulatory responsibilities and processes.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

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The following sections of the *Local Government (Building and Miscellaneous Provisions) Act 1993* are applicable:

103. Amendment of sealed plans

- (1) When a plan has taken effect, it may be amended by the council –
- (b) on the application of any person having an interest in land subject to the plan.
- (3) A person is to –
 - (a) make an application under subsection (1) by petition; and
 - (b) serve a copy of the petition on all persons appearing by the registers under the Land Titles Act 1980 and the Registration of Deeds Act 1935 to have an estate or interest at law affected by the proposed amendment.
- (4) Any person affected by the proposed amendment may ask to be heard in support or opposition.
- (5) If a notice is not given or a petition is not served as required by this section, subsequent proceedings are not void.

104. Hearing in respect of amendment of plans

- (1) At the end of 28 days after the last notice is served or the last petition is served as required by section 103 (2) or (3) , the council –
 - (a) may, if no person has asked to be heard in opposition, cause the amendment to be made; or
 - (b) if a person has asked to be heard, is to appoint a day for hearing any petitioner and those persons who have asked to be heard.
- (2) A hearing is to be by the council or a council committee who may –
 - (a) hear persons who have asked to be heard after the period referred to in subsection (1) ; and
 - (b) obtain the assistance of legal practitioners, architects, engineers and surveyors.
- (3) On the conclusion of the hearing, the council may –
 - (a) cause the amendment to be made with or without modification; and
 - (b) require as a condition of so doing that any person who benefits the amendment is to make compensation in money or land to a person who is injured by it.
- (4) The council may, with the consent of all persons concerned, act as provided in subsection (3) .
- (5) The Recorder of Titles may call in and cancel or correct any certificate of title affected by amendments.

RISK CONSIDERATIONS

All parties with an interest in the matter, including the petitioner and the person requesting to be heard will have an opportunity to attend. The matter does not directly impact any resident outside of Leads Avenue.

FINANCIAL IMPLICATIONS

In accordance with Clause 105 (2) of the Act, if it is determined that compensation is payable, the Council may recover against the petitioner and any person heard or asking to be heard in support of the amendment, to the extent to which they are benefited by the amendment. Council may need to engage a solicitor familiar with the hearing process to advise and/or facilitate the hearing process depending on the complexity of any claims.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

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The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

CONSULTATION

In accordance with the Act, it is the petitioner's responsibility to serve notice, and notification is confined to those with a proper legal interest in the Sealed Plan. The petitioner has served notice on all parties with an interest as per the requirements.

In this instance two people have already requested to be heard. Further consultation will occur in the hearing.

OPTIONS

Council may choose to:

1. Undertake the hearing in a regular Council Meeting; or
2. Delegate the powers to conduct the hearing to a Committee of Council.

A Committee may be delegated the power to:

1. Conduct the hearing and make a decision regarding the request; or
2. Conduct the hearing and report back to Council for a decision.

OFFICER'S COMMENTS

Council has received a copy of a petition relating to the proposed removal of covenants from Sealed Plan 154317. Council has received a request to be heard and is required by Section 104 of the Act to conduct a hearing. Council has not delegated the authority to amend a sealed plan in instances where a party wishes to be heard.

As such, Council has the choice to:

1. Conduct the hearing as part of the regular Council Meeting; or
2. Delegate the authority to conduct a hearing to a Committee of Council

Previously Council has delegated this function to a committee for the following reasons:

- A hearing undertaken in accordance with the Act has the potential to take up a significant portion of a formal Council meeting depending on the number of parties present and the extent of the testimony presented, potentially at the expense of other matters with broader community interest.
- At the discretion of both Council and the other parties, the hearing may include testimony from each party, their legal representatives and expert witnesses. Council would need to hear all parties and make a decision in regard to the request. Should a request be made for compensation on or before the day, Council would also need to consider the request for compensation.
- The only parties with a legal interest in the proposal are the petitioner and the other parties that have requested to be heard and as such is of limited interest to the broader public. The formal Council meeting process is also not conducive to facilitating a

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hearing, where Councilors may wish to directly address the parties involved and ask questions.

A Committee may be delegated the power to:

1. Conduct the hearing and make a decision regarding the request; or
2. Conduct the hearing and report back to Council for a decision.

Reporting back to Council for a final decision will allow those present at the hearing to devote time and thought to the decision.

The need to delegate the authority/ responsibility to undertake a hearing, prior to actually undertaking the hearing can result in unnecessary delays and administrative costs. Given the extensive use of covenants across the George Town Local Government area, sometimes of a minor or frivolous nature, and the increasingly litigiousness of society, there is a high likelihood that Council will need to undertake additional hearings in the future.

In addition to delegating this particular instance to a committee, Council may also wish to consider delegating this function for all future instances where a hearing is to be undertaken. This will reduce administrative red tape, reduce Officer costs and expedite such decisions in the future.

Council will also need to consider the removal of the Part 5 Agreement. This is a separate matter and will be the subject of a future agenda item following the hearings.

OFFICER'S RECOMMENDATION

There are two recommendations arising from this item:

1. That Council:
 - a. Form a Committee, comprising any 5 or more Councilors and chaired by the Mayor or Deputy Mayor, in order to undertake a hearing in respect to the petition to amend Sealed Plan 154317 to remove or amend the covenants from 6 Leads Avenue, Low Head (lot 16) and subsequent requests to be heard.
 - b. The Committee be delegated the authority to undertake the hearing and receive any claims for compensation in accordance with Clauses 103, 104 and 105 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, report back to Council for a decision at a regular Council Meeting; and
 - c. The General Manager determine a date for the hearing and formally invite the petitioner and those requesting to be heard to provide submissions.
2. That Council in all instances where Council is required to conduct a hearing in accordance with section 103, 104 and 105 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*:

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- a. This function be delegated to a Committee, comprising any 5 or more Councilors and chaired by the Mayor or Deputy Mayor.
- b. The Committee be delegated the authority to undertake the hearing and receive any claims for compensation in accordance with Clauses 103, 104 and 105 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, report back to Council for a decision at a regular Council Meeting; and
- c. The General Manager determine a date for the hearing and formally invite the petitioner and those requesting to be heard to provide submissions.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

10 CORPORATE AND COMMUNITY

10.1 REVIEW OF RATING POLICY

REPORT AUTHOR:	Director Corporate and Community – Cheryl Hyde
REPORT DATE:	21 March 2023
FILE NO:	32.1
ATTACHMENTS:	1. Draft Revised GTC 14 Rates and Charges Policy V4 [10.1.1 - 11 pages]

SUMMARY

The purpose of this report is to provide Elected Members with the draft revised GTC14 Rates and Charges Policy for endorsement.

BACKGROUND

Council last reviewed and adopted GTC 14 - Rates and Charges Policy – V3 in February 2021 where it was adopted unchanged with the exception of minor formatting and definition changes. Prior to adoption, a significant review process was undertaken where several alternate rating strategies and their associated impact across all rating categories were considered and rejected.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction Four - Leadership and Accountable Governance

1. A culture of engagement and participation
 - iv. Understanding processes and participating in decision making.

Future Direction Four - Leadership and Accountable Governance

2. Planning and regulatory responsibilities are undertaken fairly and openly
 - i. Building knowledge and understanding of planning and regulatory responsibilities and processes.
 - ii. Compliance customer service standards and processes.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993 (Act)

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S86A. General principles in relation to making or varying rates

(1) A council, in adopting policies and making decisions concerning the making or varying of rates, must take into account the principles that –

- a) rates constitute taxation for the purposes of local government, rather than a fee for a service; and
- b) the value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.

(2) Despite subsection (1), the exercise of a council's powers to make or vary rates cannot be challenged on the grounds that the principles referred to in that subsection have not been considered by the council

The following Divisions of the Act are also applicable:

- Division 2 General rates
- Division 3 Service rates and charges
- Division 6 Variation in rates
- Division 6A Averaged area rates

Local Government (Meeting Procedures) Regulations 2015

S18. Motion to overturn decision

(3) Any report given by the general manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include –

- (a) a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision; and
- (b) the details of that previous decision, or the part of that previous decision, that would be overturned; and
- (c) advice as to whether or not that previous decision, or that part of that previous decision, directed that certain action be taken; and
- (d) if that previous decision, or that part of that previous decision, directed that certain action be taken, advice as to whether or not that action has been wholly or substantially carried out.

George Town Interim Planning Scheme 2013

Land Use Planning and Approvals Act 1993 (Tas)

RISK CONSIDERATIONS

The following risks have been identified in accordance with Council's adopted Risk Management Framework and Risk Matrix.

Having conducted a review of its Rating Policy Council complies with legislative requirements and its own policy requirements.

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There exists a medium risk of reputational damage resulting from discontent rate payers who feel the rating methodology applied by Council to be unfair.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

The Draft GTC -14 Rates and Charges Policy V4 prescribes the methodology and application in which Council utilises in the raising of rates, not the amount or value of rates in which it intends to raise. This is dealt with under annual budget processes.

No direct financial implications exist that result from any potential amendment and subsequent adoption of a revised rating policy, however application of the policy, including any amendments, will inform the rates resolution that Council will adopt as part of the 2023/2024 budget estimates process in order to raise rate revenue.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

CONSULTATION

The community implications of the recommendation action/s has been assessed against Council's Community Consultation Framework by officers and the independent consultant, as having a low to medium impact requiring category one consultation.

Should Council endorse changing the rating methodology and model from existing, it would be proposed that the community is invited to make comment on any change from the current rating model using the following strategies.

Written submissions: invited through Council's website, Facebook page, and direct email through Council's community database

It is the view of Council Officers that should Council endorse the attached draft policy with proposed administrative changes, community consultation would not be deemed necessary.

OPTIONS

Council may choose to:

1. Endorses the draft rating policy and structure in accordance with the attached draft policy V4, without further community consultation.
2. Endorses the draft rating policy and structure in accordance with the attached draft policy V4, with amendment and without further community consultation.

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3. Endorses the draft rating policy and structure in accordance with the attached draft policy V4, with or without amendment and undertake further community consultation.
4. Not endorse the recommendation.

OFFICER'S COMMENTS

Prior to adoption of the current Rates and Charges Policy V3, Council workshopped four options to the current rating policy and structure, all models required the discontinuance of the Averaged Area Rating model for residential properties in the municipality. At that time Council endorsed the status quo, and the Averaged Area Rating model was maintained.

Council should consider section 86A of the Act which sets out the general principles in relation to making or varying rates. The section is noted below for Council's consideration.

86A. General principles in relation to making or varying rates

(1) A council, in adopting policies and making decisions concerning the making or varying of rates, must take into account the principles that –

- (a) rates constitute taxation for the purposes of local government, rather than a fee for a service; and
- (b) the value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.

(2) Despite subsection (1), the exercise of a council's powers to make or vary rates cannot be challenged on the grounds that the principles referred to in that subsection have not been taken into account by the council.

The proposed changes to GTC -14 Rates and Charges Policy V4, are minor in nature with the methodology for rating remaining unchanged and the changes are either formatting corrections or to amend:

1. Removal of the wording fairest and most equitable. Page 7
2. Addition of special circumstance kerbside collection at the approval or permission of Council (through the General Manager). Page 8
3. Change Covid Financial Hardship policy to Financial Hardship Policy GTC P8. Page 8

Council will further consider the making of rates and charges at the Budget workshops for the 2023/2024 budget process and a report recommending the Making of Rates and Charges will be presented to Council at the June 2023 meeting of Council.

OFFICER'S RECOMMENDATION

That Council:

Endorses the draft rating policy V4 and structure as attached.

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DECISION

Moved:

Seconded:

VOTING

For:

Against:

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10.2 GEORGE TOWN COLONIAL HERITAGE STORYTELLING TRAIL

REPORT AUTHOR:	Director Corporate & Community - Ms C. Hyde
REPORT DATE:	14 March 2023
FILE NO:	13.9
ATTACHMENTS:	1. Combined submissions [10.2.1 - 20 pages] 2. GTC Colonial Trail - Draft Issue August 2022 [10.2.2 - 18 pages]

SUMMARY

This report presents Council with a summary of the outcome of community consultation on the Colonial Heritage Story Telling Trail concept document.

BACKGROUND

Council's Community Strategic Plan 2020-2030 sets a vision for a Prosperous, Progressive and Proud community. A community that finds joy and learning from the ancient past of the original custodians of our place and our more recent European History.

The George Town Colonial Storytelling Trail aims to enlighten visitors about the town's Colonial period from when HMS Buffalo sailed into the River Tamar on the 4th November 1804, through to the bustling period of the late 1800's. Information made available will provide a glimpse into the early settlers day to day activities and their industrious efforts into George Town's first 97 years during the colonial era.

The stories, paintings and photographs of our early explorers and settlers that helped establish George Town can be shown to the world through interpretation signs and the technology of augmented reality. There is an opportunity to make this trail a destination for many local, state, national or global travelers to explore.

The proposed trail will include 29 points of interest with information presented on interpretation signage panels and through the use of smart phone technology with the virtual creativity of Augmented Reality.

The Colonial Trail aims to complement the kanamaluka Trail.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction One - Community Pride

1. All are valued and included
 - i. Taking a 'whole of community' approach to everything.
 - vii. Building community pride in our young people.

Future Direction One - Community Pride

3. A strong, recognisable, positive reputation
 - i. Developing and promoting a new 'capital' brand and associated program for George Town, focusing on strengths and aspirations and leveraging the stories of the area's people.
 - iii. Promoting the area as the place to live, work, play and invest.

Future Direction Three - Progressive Well-Resourced Communities

7. Community celebrations build the areas reputation
 - i. Using cultural and artistic celebrations to engage and build understanding of the community and area.
 - ii. Growing attendance numbers by responding to new, creative ideas and improvements.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

The Colonial Heritage Trail considers the following Council policies;

- GTC 17 - Diversity, Equitable Access & Inclusion
- GTC 11 – Community Consultation Framework

RISK CONSIDERATIONS

Risk with the development of the Colonial Heritage Story Telling Trail is considered low as it has been developed in line with Council Community Strategic Plan.

FINANCIAL IMPLICATIONS

Funding of the Colonial Heritage Trail will be subject to future budget processes, grant and funding opportunities.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council. The aims are as follows:

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- The creation, facilitation and support of the Colonial Heritage Story Telling Trail will provide equitable access to the community for the enjoyment of the arts, cultural goods, services, and events. It will facilitate a connection through cultural activities and arts, reinforcing the cultural economy and creative and artistic industries, as well as nurture cultural experiences, enhance tourism offerings, increase visitation and economic prosperity.

CONSULTATION

The Colonial Heritage Story Telling Trail document was circulated for public consultation for 60 days and closed on the 6th of February 2023 at 5pm. The consultation circulated through Council's consultation email database, through social media channels and on the Council website.

OPTIONS

Council may choose to:

1. Endorse the plan as presented; or
2. Endorse the plan with amendment; or
3. Not endorse the plan at this stage.

OFFICER'S COMMENTS

Community consultation has been undertaken as per the community consultation framework, the responses have been compiled and highlighted in attachments for Council consideration.

In total eight (8) community submissions were received.

- Two (2) Submissions supported the Colonial Heritage Story Telling Trail.
- Six (6) Submissions supported a trail with suggestions-
 1. Suggestion that further research be undertaken with George Town and District Historical Society input.
 2. Suggestion that further research be undertaken with George Town and District Historical Society input and the trail be extended to Low Head.
 3. Suggested inclusion of additional historically significant properties
 4. Suggested inclusion of Port Dalrymple prior to George Town.
 5. Suggestions -
 - Consider renaming the trail.
 - Consider changes to the length and placement of markers of the trail – prohibitive length to walk around.
 - Consider inclusion of history post 1901.
 - Consider alternative material used for static displays.
 - Further research be undertaken to ensure accurate content – with research options attached.
 - Reconsider the town map's placement, considering pedestrian flow and appropriateness.
 - Incorporation of Regents Square interpretative signage.
 - Consideration of reinstating the interpretative signage at Windmill Point.

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- Use of the information provided by the Late Peter Cox in the content.
6. Questions relating to maintenance and costs.

Next Steps

The implementation process of the George Town Colonial Heritage Storytelling Trail would involve a staged approach, and would involve the following as outlined in the document:

1. Design the interpretation sign frames and set the proportioned signage panel/s to display the information, drawings and photographs. The sign panels should enable 1 /3 text, 1 /3 imagery, and space.
2. Refine and select factual and historical descriptions, illustrations, paintings and photographs of the points of interest along the trail. To invoke a variety of emotions along the trail, a selection of stories from characters from the 1800's should include stories of interest, conflict, sadness and humorous events. The odd questionable anecdote would also add to the experience as well. It is imperative to consider the quantity of information to display on a sign, as too much text will deter visitors from engaging with the point of interest.
3. Establish costings for the development of the sign design. further research and graphic design of the signs and the specialist creation of augmented reality features, and the engagement of actors to recreate events and scenarios.

The community's limited feedback has supported the inclusion of the George Town and District Historical Society in part 2 above.

Once scoped the project, with Council endorsement may be included in Council's Advocacy Plan for future funding opportunities.

OFFICER'S RECOMMENDATION

That Council:

Endorse the plan as presented and approve the General Manager to scope the project and include in Council's Advocacy Plan for future funding opportunities.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

11 ORGANISATIONAL PERFORMANCE, STRATEGY & ENGAGEMENT

11.1 MERIT-BASED RECRUITMENT IN COUNCILS

REPORT AUTHOR:	Director Organisational Performance, Strategy & Engagement - Ms K. Desmond
REPORT DATE:	22 March 2023
FILE NO:	35.9
ATTACHMENTS:	<ol style="list-style-type: none">1. LETTER to Cr Greg Kieser from the Minister for Local Government [11.1.1 - 2 pages]2. Discussion paper - Merit-based recruitment in councils [11.1.2 - 10 pages]

SUMMARY

This paper seeks Council endorsement of a submission to the Minister of Local Government from the General Manager in relation to the Minister's discussion paper titled Merit-based recruitment in councils.

BACKGROUND

The Minister for Local Government wrote to Mayor Kieser drawing Councils attention to two discussion papers proposing reforms to the *Local Government Act 1993*. The paper titled Merit-based recruitment in councils (**Discussion Paper**) is the subject of this report.

The Discussion Paper is seeking feedback on two related legislative and regulatory amendments to clarify and improve standards for the recruitment of council staff and of council general managers. The Discussion Paper proposes that a merit principle be reinstatement into the *Local Government Act 1993* (having previously been removed through the *Local Government Amendment Act 2005*).

Submissions might consider the following questions:

- Do you expect that a requirement that Councils make decisions to appoint or promote employees based on merit will improve Council services?
- Would this principle support or hinder access to employment opportunities in Councils by the Tasmanian community?
- How can Councils, and Councillors, be supported to identify the best possible candidate for a vacancy in the important role of General Manager.

Submissions are due to the Minister by midnight April 19, 2023.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

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Future Direction Four - Leadership and Accountable Governance

4. Positive and productive working relationship with all levels of government and their agencies
 - ii. Understanding the outcomes and directions sought by all levels of government.

Future Direction Four - Leadership and Accountable Governance

6. Difficult issues are managed in an open manner without conflict
 - i. Building capacity in change management, understanding and responding to complexity.
 - iii. Communicating well.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993

RISK CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

CONSULTATION

Consultation occurred at the 28 March 2023 workshop.

OPTIONS

Council may choose to:

1. Support a submission being made to by the General Manager to the Minister for Local Government; or
2. Not support a submission being made to by the General Manager to the Minister for Local Government.

OFFICER'S COMMENTS

The options for reform set out in the Discussion Paper are discussed in 3 sections as follows:

Section 1: Reinstating a merit principle in the *Local Government Act*

Appointment according to merit means, in general terms, that:

- Eligible applicants are provided with a fair chance to seek work in local government workplaces;
- Selection is based on upon the relative ability of applicants for roles to perform in that role; and
- The candidates selected are those most capable, ensuring the workforce is of high quality.

This definition does align with Council's current Employment and Recruitment Policy, which is under review as part of Council's complete Policy review process.

It is proposed that:

- A Council will be required to adopt policies, and a general manager adopt practices and procedures, such that:
 - Council employees are appointed and promoted based on merit;
 - There is reasonable opportunity for members of the community to apply for employment in local government;
 - Recruitment decisions, included the merit assessment process, are documented; and
 - The council promotes fairness and equity in employment, including access to employment opportunities.
- A decision to appoint or promote an employee is based on merit where:
 - An assessment is made based on the relative suitability of the candidates for the duties;
 - The assessment is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required for the duties;
 - The assessment focuses on the relative capacity of the candidates to achieve outcomes related to the duties; and
 - The assessment is the primary consideration in making the decision.

It is **not** proposed that:

- A uniform requirement be imposed that councils, for example, be required to solicit applications for all positions; or
- Statutory scope be created for the review of individual local government employment decisions in respect of these principles.

Section 2: Requiring that vacancies in the position of general manager be advertised and that appointment be according to merit

The Discussion Paper highlights that from a recent report which assessed six Councils and their General Manager recruitment processes, that one of the six was a direct appointment, without advertising, and it is noted that other councils have appointed general managers similarly. It is acknowledged that at least one Council has advocated for direct appointment following internal succession planning.

Succession planning identifies and develops future leaders so that employers are prepared for the departure of employees in key positions, but those persons are tested through a competitive recruitment process to confirm suitability. As such, succession planning with Councils is not considered a sufficient argument against reform.

Section 61(3) of the Act provides that “If there is a vacancy in the position of general manager and the council chooses to invite applications for that vacancy, the council is to place, in a daily newspaper circulating in the municipal area, a public notice inviting such applications”.

This Discussion Paper seeks feedback on the proposition that this section be replaced with an express requirement that a vacancy in the position of general manager be advertised and applications sought from the community.

Section 3: General manager recruitment and performance assessment principles

The Government intends to put in place a ministerial order under section 61A of the Act providing standards for general manager recruitment and performance assessment.

This responds to the recommendation contained in the Report of the Auditor-General that mandatory requirements be put in place.

It is noted that the element of the recommendation pertaining to supplementary guidance will be considered at a later time.

Subsequent to, and conditional on, the final drafting and legislation of the Local Government Amendment Bill 2023, it is proposed that the Minister for Local Government make an order under section 61A providing that:

Recruitment

- The process of the appointment of the General Manager must be:
 - Open and competitive
 - Based on an assessment against a detailed role description, including selection criteria.
 - Informed by the recommendations of a selection panel, comprising a majority of councillors and supported by persons appropriately qualified in contemporary human resources practices and the recruitment of senior management personnel, and
 - Documented comprehensively, including the evaluation of candidates against the criteria in the role description.
- Conflicts of interest of any participant must be documented and appropriate mitigation strategies must be agreed by the panel and documented. Where a councillor, member of a selection panel, or consultant cannot reasonably mitigate a conflict of interest with a candidate due to the nature of that conflict, their participation in the general manager recruitment process must be discontinued.

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- All reports from the selection panel and decisions of Council are to be included in the open or closed minutes of a council meeting.

Performance assessment

- General Managers must be treated fairly in the assessment of their performance, including with consideration to merit, equity, and transparency of the performance assessment process.
- The performance management of a general manager is to be:
 - Conducted on at least an annual basis,
 - Based on clear and measurable goals agreed with the general manager and the Council, and the evaluation of those goals
 - Based on advice from persons appropriately qualified in contemporary human resources practices in the conduct of the performance assessment cycle, including in the measurement and evaluation of performance against the agreed goals, and
 - Documented and recorded in the open or closed minutes of a Council meeting
- Decisions of Council regarding the remuneration and reappointment of general managers are to have regard to its most recent performance assessment.

Of the options provided it is Council Officers view that Council provide a submission to the Minister for Local Government supporting the reinstatement of a merit principle in the *Local Government Act 1993* noting that the proposals and principles align with Council's current Employment and Recruitment policies and procedures – both in relation to the appointment of Council Officers and General Managers. It is Council Officers view, however, that the submission note that Council does not agree with the principle that all reports and decisions in relation to the appointment and ongoing performance management of a General Manager be discussed or recorded in open minutes of a Council meeting.

Following the recent introduction on 4th January 2023 of the Managing Psychosocial Hazards at Work Code of Practice – created to provide practical guidance on achieving the standards of health, safety and welfare required under the *Work Health and Safety Act 2012* and *Work Health and Safety Regulations 2022* - it is Council Officers view that subjecting a General Manager to having their employment assessment reports and performance management review being made a matter of public record would leave Council open to claims of breaching their work, health safety obligations and actively create a psychosocial hazard for the General Manager.

No other employee of any level of government is subjected to the results of their performance management being made a matter of public record and there is no clear reason for this to be required in this instance.

Council Officers do support the discussion and recording of the outcome of the General Managers performance assessment in closed council minutes.

OFFICER'S RECOMMENDATION

That Council:

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1. Support a submission being made by the General Manager to the Minister for Local Government supporting the proposals that:
 - a. That Councils be required to adopt policies, and a general manager adopt practices and procedures, such that:
 - i. Council employees are appointed and promoted based on merit.
 - ii. There is reasonable opportunity for members of the community to apply for employment in local government.
 - iii. Recruitment decisions, included the merit assessment process, are documented; and
 - iv. The council promotes fairness and equity in employment, including access to employment opportunities.
 - b. A decision to appoint or promote an employee is based on merit where:
 - i. An assessment is made based on the relative suitability of the candidates for the duties.
 - ii. The assessment is based on the relationship between the candidates' work-related qualities and the work-related qualities genuinely required for the duties.
 - iii. The assessment focuses on the relative capacity of the candidates to achieve outcomes related to the duties; and
 - iv. The assessment is the primary consideration in making the decision.
2. Support a submission being made by the General Manager to the Minister for Local Government supporting the following principles in relation to the recruitment and performance management of a General Manager:

Recruitment

- a. The process of the appointment of the General Manager must be:
 - i. Open and competitive.
 - ii. Based on an assessment against a detailed role description, including selection criteria.
 - iii. Informed by the recommendations of a selection panel, comprising a majority of councillors and supported by persons appropriately qualified in contemporary human resources practices and the recruitment of senior management personnel; and
 - iv. Documented comprehensively, including the evaluation of candidates against the criteria in the role description.
- b. Conflicts of interest of any participant must be documented and appropriate mitigation strategies must be agreed by the panel and documented. Where a councillor, member of a selection panel, or consultant cannot reasonably mitigate a conflict of interest with a candidate due to the nature of that conflict, their participation in the general manager recruitment process must be discontinued.
- c. All reports from the selection panel and decisions of council are to be included in the closed minutes of a council meeting.

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Performance assessment

- a. General Managers must be treated fairly in the assessment of their performance, including with consideration to merit, equity, and transparency of the performance assessment process.
- b. The performance management of a general manager is to be:
 - i. Conducted on at least an annual basis.
 - ii. Based on clear and measurable goals agreed with the general manager and the Council, and the evaluation of those goals.
 - iii. Based on advice from persons appropriately qualified in contemporary human resources practices in the conduct of the performance assessment cycle, including in the measurement and evaluation of performance against the agreed goals; and
 - iv. Documented and recorded in the closed minutes of a Council meeting.
- c. Decisions of Council regarding the remuneration and reappointment of general managers are to have regard to its most recent performance assessment.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

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11.2 ADDRESSING COUNCILLOR MISCONDUCT

REPORT AUTHOR:	Director Organisational Performance, Strategy & Engagement - Ms K. Desmond
REPORT DATE:	22 March 2023
FILE NO:	14.25
ATTACHMENTS:	1. LETTER to Cr Greg Kieser from the Minister for Local Government [11.2.1 - 2 pages] 2. Discussion paper - Addressing councillor misconduct [11.2.2 - 17 pages]

SUMMARY

This paper seeks Council endorsement of a submission to the Minister of Local Government from the General Manager in relation to the Minister's discussion paper titled Addressing councillor misconduct.

BACKGROUND

The Minister for Local Government wrote to Mayor Kieser drawing Councils attention to two discussion papers proposing reforms to the *Local Government Act 1993*. The paper titled Addressing councillor misconduct (**Discussion Paper**) is the subject of this report.

The Discussion Paper proposes two pathways being considered for dealing with serious sanctions, including dismissal, in cases where a councillor's conduct warrants that consideration. Submissions are due to the Minister by midnight April 19, 2023.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction Four - Leadership and Accountable Governance

4. Positive and productive working relationship with all levels of government and their agencies
 - ii. Understanding the outcomes and directions sought by all levels of government.

Future Direction Four - Leadership and Accountable Governance

6. Difficult issues are managed in an open manner without conflict
 - i. Building capacity in change management, understanding and responding to complexity.
 - iii. Communicating well.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993

RISK CONSIDERATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

CONSULTATION

Consultation occurred at the 28 March 2023 workshop.

OPTIONS

Council may choose to:

1. Support a submission being made to by the General Manager to the Minister for Local Government; or
2. Not support a submission being made to by the General Manager to the Minister for Local Government.

OFFICER'S COMMENTS

The options for reform set out in the Discussion Paper are:

1. Amendment to the Board of Inquiry provisions of the Local Government Act 1993, to enable a board to be established to investigate misconduct of individual councillors;
2. Empowering the Director of Local Government to seek dismissal or extended suspension of a councillor under the Model Code of Conduct by application to the Code of Conduct panel or, possibly in the future, the Tasmanian Civil and Administrative Tribunal (TASCAT).

The discussion paper notes that different jurisdictions have different thresholds and mechanisms to deal with serious councillor misconduct. It does note however that Tasmania has fewer mechanisms for the suspension or removal of a councillor from office compared to all other jurisdictions (see attached).

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The Discussion Paper sets out principles to guide reform options including:

- The status of local government as a separate, democratically represented, sphere of government requires that thresholds for intervention leading to disqualification or dismissal of a councillor be high;
- Maintaining public confidence and appropriate levels of transparency in the application of decision-making processes and sanctions for councillor misconduct is crucial;
- Any process undertaken to consider and determine councillor misconduct matters must facilitate appropriate levels of discretion to consider individual situations and circumstances.

The Discussion Paper goes on to state that within that framework, there are numerous approaches and mechanisms which could be implemented in Tasmania. Key questions for consideration include:

- Who should be empowered to refer a matter into a process to consider the suspension or removal of a councillor?
- Who should undertake that process, and on what grounds should any recommendation be made?
- On whose authority should a councillor ultimately be dismissed?

Of the options provided it is Council Officers view that Council provide a submission to the Minister for Local Government supporting option two noting that applications to TASCAT for decision would be the preferred pathway. This would be the preferred pathway for the reasons set out in the Discussion Paper namely that:

- TASCAT is generally non-political nature.
- TASCAT's operation as an extension to prospective and existing regulatory frameworks; and
- Inaccessibility to vexatious complainants.

OFFICER'S RECOMMENDATION

That Council:

1. Support a submission being made by the General Manager to the Minister for Local Government supporting option two noting that applications to TASCAT for decision would be the preferred pathway.

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DECISION

Moved:

Seconded:

VOTING

For:

Against:

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12 MAYOR

12.1 MATTERS OF INVOLVEMENT - MAYOR

REPORT DATE: 23 March 2023

FILE NO: 14.11

Mayor Cr Greg Kieser		
<i>February</i>	24	Attended meeting with Treasurer & Nick Duigan MLC
	24	Attended Trivia night at Beechford
	28	Chaired Council Workshop
	28	Chaired Ordinary Council meeting
<i>March</i>	2	Attended Tour of JJs Waste Processing Facility
	2	Attended Chamber of Commerce Event - UTAS
	3	Attended RecFit Renewable Future Campaign
	6	Met with local resident
	6	Attended NTDC Board meeting
	7	Attended Soroptimist International Womens Day Breakfast
	7	Attended Friends of the Low Head Penguins (FOLHP) meeting
	7	Attended meeting with GTAA
	10	Attended Net Zero Taskforce meeting
	14	Chaired Council Workshop
	16	Attended LGAT Mayors Workshop
	17	Attended LGAT General Meeting
	18	Attended FOLHP nest box media event
	20	Presented with General Manager at Council Roadshow – Pipers River
	21	Presented with General Manager at Council Roadshow - Hillwood
	22	Presented with General Manager at Council Roadshow – Weymouth
	22	Presented with General Manager at Council Roadshow - Beechford
Deputy Mayor Cr Greg Dawson		
<i>March</i>	1	Tamar FM Interview
	2	Attended Tour of JJs Waste Processing Facility
	10	Attended 2023 Tasmanian Honour Roll of Women Lunch
	11	Attended Weymouth Progress Association AGM
	20	Attended Council Roadshow – Pipers River
	21	Attended Council Roadshow - Hillwood
	22	Attended Council Roadshow - Weymouth
	22	Attended Council Roadshow - Beechford

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OFFICER'S RECOMMENDATION

That the information report from the Mayor and Deputy Mayor on Matters of Involvement be received and the information noted.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

13 PETITIONS

Nil.

14 NOTICES OF MOTIONS

14.1 LEASE OF MT GEORGE SEMAPHORE SITE

Moved: Cr Barwick

That Council:

1. Authorise the General Manager and Mayor to execute a 10 year Lease Agreement with Crown Land Services over Mt. George Semaphore Site, title 161559/1 and affix the Common Seal of Council; and
2. Request the General Manager to withdraw the email written to Parks and Wildlife dated 27th February, 2023, stating Council at a Workshop on 14th February 2023 had provided in principle support for the de-commissioning and transport of the replica Semaphore and Mast from Mt. George site to Council's Depot.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

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14.2 280 JETTY ROAD, HILLWOOD

Moved: Cr Barwick

That Council:

Authorise the General Manager to execute a Section 12 agreement over Crown Land adjoining Council Freehold land PID 7852767 (known as the Hillwood Football Ground) with the General Manager and Mayor to affix the Common Seal of Council.

Reason:

Section 12 Crown Land Act.

Transfer as an individual lot.

The Crown Land area for transfer would be identified as an individual parcel, by titling or survey plan.

The defined area can be transferred to Council for a particular purpose (such as recreation) which this area is, under our planning scheme, but would have reversionary covenants. This would require the land to be surrendered back to the Crown should it not be required for the Permitted use.

Section 12.

It is possible to transfer the Crown Land to Council and consolidate the land with the existing title under Section 12 Crown Land Act.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

15 COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE

15.1 MOUNTAIN BIKE MERCHANDISE; GEORGE TOWN CULTURAL STRATEGY 2022/27; AND ARTISAN GUILD

Cr Barwick

Q1. Mountain Bike Merchandise

Can you give a cost for all promotional material (product) to Council and where funding came from?.

Response:

Council has invested \$20,285 (ex GST) on mountain bike branding merchandise in accordance with the 2022/2023 adopted budget.

Q2. George Town Cultural Strategy 2022/27

Can Ratepayers and Council have an update on this please?

Response:

Officers intend on presenting a revised draft of the Arts & Culture Strategy to Council in quarter four prior to a further round of public consultation.

Q3. Artisan Guild

Update on the progress of the Artisan Guild Committee and building upgrade.

Response:

Following consultation and workshops with the Arts and Artisan Community, expressions of interest were called for memberships and committee members, in February and early March 2023.

From those expressions of interest, membership applications were distributed and returned.

A meeting of members was held on Tuesday 21 March 2023, where the committee of management was elected, fees and commissions and terms of reference endorsed.

The next steps is to open the retail space and online shop. The location and development of the workshop space will be considered in coming months.

16 COUNCIL COMMITTEE REPORTS

Nil.

17 CLOSED MEETING

17.1 INTO CLOSED MEETING

That Council move into closed meeting at ...pm to discuss the following items:

Agenda Item 17.2 Minutes of the Closed Ordinary Council Meeting held on 28 February 2023

As per the provisions of Regulation 34(6) of the Local Government (Meeting Procedures) Regulations 2015.

Agenda Item 17.3 General Manager's Performance Plan and Appraisal

As per the provisions of Regulation 15(2)(a) of the Local Government (Meeting Procedures) Regulations 2015.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

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17.4 OUT OF CLOSED MEETING

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2015, Regulation 15(8), while in a closed meeting the Council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.

DECISION

Moved:

Seconded:

That:

1. Council moves out of Closed Meeting atpm and endorses those decisions taken while in Closed Meeting and the information remains Confidential.

VOTING

For:

Against:

18 CLOSURE

There being no further business, the meeting closed atpm.

**Cr Greg Kieser
MAYOR**