AGENDA

ORDINARY COUNCIL MEETING

Tuesday 13 June 2023

Time	3.00pm
Location	Council Chambers 26 Lyall Street Westbury, Tasmania
Phone	(03) 6393 5300

Meander Valley Council
Working Together

Our Values

Our seven values help guide our decisions and underpin all we do.

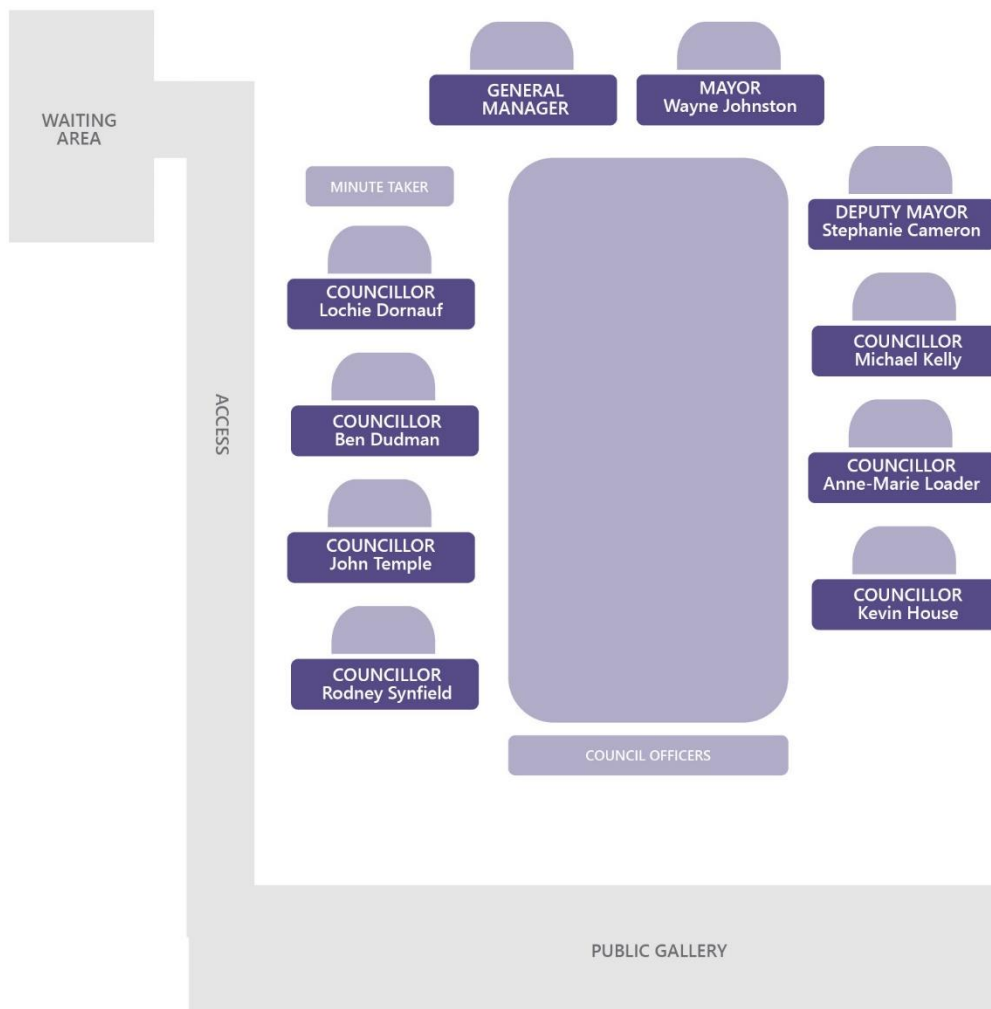| Respect, listen and care for one another	Be trustworthy, honest and tolerant	Be positive and receptive to new ideas
Be innovative, creative and learn	Take a fair, balanced and long term approach	Use sound business practices

Work together

Council Chambers
Seating Plan

WAITING AREA

ACCESS

GENERAL MANAGER

MAYOR
Wayne Johnston

MINUTE TAKER

DEPUTY MAYOR
Stephanie Cameron

COUNCILLOR
Lochie Dornauf

COUNCILLOR
Michael Kelly

COUNCILLOR
Ben Dudman

COUNCILLOR
Anne-Marie Loader

COUNCILLOR
John Temple

COUNCILLOR
Kevin House

COUNCILLOR
Rodney Synfield

COUNCIL OFFICERS

PUBLIC GALLERY

Going to a Council Meeting

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

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

After the meeting, you'll find minutes and an audio recording online.

Hard copies of agendas and minutes are also available to view at the Council offices.

Learn more

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

A copy of the latest agenda and minutes are available to view at the Council offices in Westbury. **Click here** to view agendas and minutes online, or listen to audio of our meetings.

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

Public Access to Chambers

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

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

For all decisions: Members of the media are welcome to take up any seats not in use by the public, or email ogm@mvc.tas.gov.au to request specific information about a Council decision. Media requests received by email before close of business (or the end of the meeting) will receive a same-day response.

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

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

Conduct at Council Meetings

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

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

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

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

Access & Inclusion

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

Any person with a disability or other specific needs is encouraged to contact Council before the meeting on (03) 6393 5300 or via email to ogm@mvc.tas.gov.au to discuss how we can best assist you with access.

Certificate of Qualified Advice

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

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

Accordingly, I certify that, where required:

(i)   the advice of a qualified person was obtained in preparation of this Agenda; and

(ii) this advice was taken into account in providing general advice to Meander Valley Council; and

(iii) A copy of any such advice (or a written transcript or summary of oral advice) is included with the agenda item.

John Jordan
GENERAL MANAGER

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Meeting Open - Attendance & Apologies

Acknowledgment of Country

Council acknowledges the Pallitore and Panninher past peoples and the traditional owners and custodians of the land on which we gather for the Council Meeting, with respects paid to elders past and present and extended to all Aboriginal and Torres Strait Islander peoples present.

Confirmation of Minutes

Motion   Receive and confirm minutes of the last Ordinary Council Meeting held 09 May 2023.

Vote   Simple majority

Declarations of Interest

Nil received prior to agenda publication.

Council Workshop Report

Topics Discussed – 23 May 2023

City of Gastronomy Report and Funding for 2023-24

Councillor Pitch Session - Term Priorities 4-year plan

2023-24 Budget Estimates Development

Future of Local Government Review

Review of Policy 1 - Risk Management and Risk Appetite

Review of Council Community Pools and Natural Swimming Sites

Local Government Association of Tasmania - Motions for June Meeting

Items for Noting

2022-23 Capital Works Budget Adjustments

Mayor & Councillor Report

Councillor Official Activities and Engagements Since Last Meeting

09 May 2023
Community Event: Deloraine & Meander House Neighbourhood Week
Attended by:
Mayor Johnston
Cr Dudman
Cr Loader

12 May 2023
Community Event: Deloraine Women's Football Season Opener
Attended by: Cr House

Community Event: Tasmanian Young Achievers Awards
Attended by: Cr Dudman

Community Event: Northern Employment Business Hub Celebration
Attended by: Cr Loader

17 May 2023

Community Event: National Volunteers Week, Deloraine Community Garden
Attended by:
Mayor Johnston
Cr House

Community Event: Working It Out Inc. Dorothies Awards
Attended by: Cr Dudman

Community Event: Volunteer Recognition Day, Great Western Tiers Visitor Centre
Attended by:
Cr Dudman
Cr House

25 May 2023

Meeting: Tas Police Northern District
Attended by: Mayor Johnston

Meeting: Local Government Mayors Meeting
Attended by:
Mayor Johnston

Community Event: SES Volunteer Certificates
Presented by: Mayor Johnston

26 May 2023

Meeting: Northern Tasmania Development Corporation
Attended by:
Cr Synfield

27 May 2023

Community Event: Female Football Week
Attended by:
Mayor Johnston
Cr Dudman

Community Event: Launceston Juventus Soccer Opening, Prospect Vale
Attended by: Cr House

29 May 2023

Meeting: Meeting with West Tamar Council re: Future of Local Government
Attended by: Mayor Johnston

30 May 2023

Meeting: Homeless Advisory Committee
Attended by: Cr Loader

31 May 2023

Meeting: Great Western Tiers Tourism Association

Attended by: Cr Loader

01 June 2023

Community Event: LGH Children's Ward 4K 90th Anniversary, Prospect Vale

Attended by:
Mayor Johnston
Cr House

Meeting: Winterfire Volunteering Meeting

Attended by:
Cr Loader

02 June 2023

Meeting: Westbury Backyard Bandicoots

Attended by:
Cr Loader

03 June 2023

Community Event: Deloraine Market

Attended by:
Cr Dudman

04 June 2023

Community Event: Rotary Club of Westbury 50th Birthday, Westbury

Attended by:
Mayor Johnston
Cr Loader

Community Event: Overload Art Exhibition, Elizabeth Town

Attended by:
Mayor Johnston
Cr Loader

06 June 2023

Meeting: Carrick Hall Committee

Attended by:
Cr Loader
Cr Synfield

07 June 2023

Meeting: NTDC Meeting
Attended by: Mayor Johnston

Meeting: Mayors Meeting
Attended by: Mayor Johnston

Meeting: Blackstone Heights Community News Meeting
Attended by:
Cr Dudman
Cr House
Cr Loader
Cr Synfield

08 June 2023

Meeting: LGAT Review, Bothwell
Attended by: Cr Synfield

Meeting: Future of Wildwood Nature Reserve, Deloraine
Attended by:
Cr Dudman
Cr Loader
Cr Synfield

Councillor Announcements & Acknowledgements

Councillor Anne-Marie Loader congratulates:
- Great Western Tiers Tourism Association (GWTTA) on holding a wonderful networking event;
- Westbury Rotary Club on their 50th Birthday.

Petitions

Nil received prior to agenda publication.

For further information about petitions, refer to the *Local Government Act 1993:* ss57-60A.

Community Representations

Nil requests received.

Formerly referred to as "deputations", community representations are an opportunity for community members or groups to request up to three minutes to address Council on a topic of particular interest.

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

Public Question Time

Members of the public may ask questions in person or using our online form.

Thirty minutes is set aside for members of the public to ask questions provided with or without notice. Council will accept up to two questions "with notice" and two questions "without notice" per person, per meeting.

Click here to submit an online question.

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

This Month's Public Questions With Notice

Nil received prior to agenda publication.

This Month's Public Questions Without Notice

Nil received prior to agenda publication.

Councillor Question Time

This Month's Councillor Questions With Notice

Nil received prior to agenda publication.

This Month's Councillor Questions Without Notice

Nil received prior to agenda publication.

Development & Regulatory Services

Council Submission to Public Exhibition of Draft Tasmanian Planning Policies

Report Author	Jo Oliver Consultant Town Planner
Authorised by	Krista Palfreyman Director Development & Regulatory Services
Decision Sought	Endorse the attached submission and its submission to the Tasmanian Planning Commission.
Vote	Simple majority

Recommendation to Council

That Council:

1. Endorse the attachment '*Meander Valley Council Submission – Draft Tasmanian Planning Policies*' as its submission to the public exhibition of the Draft Tasmanian Planning Policies; and

2. Approves the lodgment of the submission with the Tasmanian Planning Commission on behalf of the Council.

Report

The Minister for Planning has given notice to the Tasmanian Planning Commission (TPC) under section 12C of the *Land Use Planning & Approvals Act 1993* (LUPAA), to publicly exhibit the draft of the Tasmanian Planning Policies (TPP's). The Draft TPP's are on exhibition from 28 March 2023 to 26 June 2023 and are open for representations on the contents and merits of the draft. Representations will be considered in a process conducted by the TPC, which may include public hearings.

Pursuant to section 12F of LUPAA, the TPC must consider whether:
1. it is satisfied that the draft meets the TPP Criteria specified in the LUPAA;
2. there are any matters of a technical nature, or that may be relevant, in relation to the application of the TPP's to the Tasmanian Planning Scheme (including LPS's) or to each Regional Land Use Strategy (RLUS); and
3. all representations.

The TPP Criteria are that the TPP's:
1.   seek to further the objectives set out in Schedule 1 of the LUPAA; and
2.   are consistent with any relevant State Policy.

Following consideration of the above, the TPC will provide a report to the Minister for Planning that summarises the representations and provides an opinion on whether the TPP's satisfy the TPP Criteria and if there are matters of a technical nature in relation to the application of the TPP's.

Upon receipt of the TPC report, the Minister may make the TPP's, substantially modify the TPP's or refuse to make the TPP's.

The attached representation outlines Council's position on the contents and merits of the Draft TPP's, in consideration of the statutory criteria that direct the TPC assessment and the Minister's decision.

The Council submits that it has fundamental concerns regarding the Draft TPP's and considers that numerous matters should be addressed prior to bringing the TPP's into effect. In summary these are:

- The Council has a right, enshrined in the LUPAA, to demonstrate local circumstances and the appropriateness of local, strategic responses in its LPS under the objectives and section 32(4) of the LUPAA and in the revised RLUS. The TPP's should be structured and drafted in a language that reflects this legislative right. Each municipality has within it, areas with unique attributes that contribute to the Tasmanian way of life.

- Council submits that, as drafted, the TPP 'strategies' are set at too low a level and are too detailed or prescriptive to operate effectively within the planning system hierarchy and will compromise the achievement of 'fair, orderly and sustainable use and development,' as expressed in the Schedule 1 Objectives of the LUPAA, in strategically planning for the local level.

- The State should be transparent on policy positions that affect key local issues including, but not limited to:
  - future growth and smaller settlements;
  - future of rural residential land use as a housing choice;
  - resourcing the excessive elements of required information such as ranking systems for biodiversity, identifying and mapping mineral and energy resources etc.;
  - How it will prevent a repetition of the economic inertia of prioritising infill development, when this may not be appropriate or achievable in all circumstances.

- The provision of evidence to demonstrate the stated 'issues' that the TPP's purport to address and how the TPP's respond to those in expectations for the RLUS and individual LPS amendments.

- Municipal allocation of growth opportunity is an unreasonable and inequitable impost that:
  - is a theoretical exercise that does not appropriately consider the Tasmanian market and the best way for the State to capitalise on its diverse attributes, particularly in its rural settlements;
  - will result in economic inertia as it artificially constrains the market and reasonable strategic proposals;
  - will harm inter-Council relationships in that it unnecessarily pits councils against one another in competition for land supply. A more sophisticated and appropriate approach that relates to settlement sustainability and level of service is required; and
  - will undo the collaborative work of the councils in repairing the RLUS's to provide flexibility in demonstrating the merits of local circumstances.

The draft Tasmanian Planning Policies were discussed with Councillors at the May Workshop.

The Council's representation is detailed in the attachment *Meander Valley Council Submission – Draft Tasmanian Planning Policies*.

Attachments	1. Meander Valley Council Submission Draft Tasmanian Planning Policies (1) [**11.1.1** - 24 pages]
Strategy	Supports the objectives of Council's strategic future directions. 1: a sustainable natural and built environment 2: a thriving local economy 3: vibrant and engaged communities 4: a healthy and safe community 5: innovative leadership and community governance. See Meander Valley Community Strategic Plan 2014-24. **Click here** or visit **www.meander.tas.gov.au/plans-and-strategies** to view.
Policy	Not applicable
Legislation	*Land Use Planning & Approvals Act 1993* *Local Government Act 1993*: s123.

Consultation   Not applicable

Budget & Finance   Not applicable

Risk Management   Not applicable

Alternative Motions   Council may amend the submission.

Meander Valley Council Submission

Draft Tasmanian Planning Policies – Public Exhibition under Section 12D of the
***Land Use Planning & Approvals Act* 1993**

The Minister for Planning has given notice to the Tasmanian Planning Commission (TPC) under section 12C of the *Land Use Planning & Approvals Act* (LUPAA) 1993, to publicly exhibit the draft of the Tasmanian Planning Policies (TPP's). The Draft TPP's are on exhibition from 28 March to 26 June and are open to representations on the contents and merits of the draft. Representations will be considered in a process conducted by the TPC, which may include public hearings.

Pursuant to section 12F of the LUPAA, the TPC must consider whether:
  i) it is satisfied that the draft meets the TPP Criteria specified in the LUPAA;
  ii) there are any matters of a technical nature, or that may be relevant, in relation to the application of the TPP's to the Tasmanian Planning Scheme (including LPS's) or to each Regional Land Use Strategy; and
  iii) all representations.

 The TPP Criteria specified in section 12B(4) of the LUPAA are that the TPP's:
  i) seek to further the objectives set out in Schedule 1 of the LUPAA; and
  ii) are consistent with any relevant State Policy.

Following consideration of the above, the TPC will provide a report to the Minister for Planning that summarises the representations and provides an opinion on whether the TPP's satisfy the TPP Criteria and if there are matters of a technical nature in relation to the application of the TPP's. Upon receipt of the TPC report, the Minister may make the TPP's, substantially modify the TPP's or refuse to make the TPP's.

This representation outlines Council's position on the contents and merits of the Draft TPP's, in consideration of the statutory criteria that direct the TPC assessment and the Minister's decision.

1.0   Application of the TPP's

Council submits that it must be fundamentally understood, that in progressing the Draft TPP's to statutory implementation, the procedural requirements for planning instruments and subsequent outcomes will manifest at a local level. In preparing the Draft TPP's there must be a highly developed appreciation of what these outcomes will be 'on the ground' in the diverse settlement, natural and resource areas across the State. To that end, the State must be clear in its intentions in regard to expectations, or positions, on various matters where the implications in regard to the application of the TPP's will have a

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significant impact on regional and local strategic planning, particularly in regard to future growth and settlement.

Section 12B of the Act, relating to the contents and purposes of the Tasmanian Planning Policies, establishes that the purposes of the TPP's '*are to set out the aims, or principles, that are to be achieved or applied by*':

- the Tasmanian Planning Scheme (TPS) – as the composite of the State Planning Provisions (SPP's) and the Local Provisions Schedules (LPS's); and
- the regional land use strategies (RLUS's).

Section 12B(3) further states that the '*TPP's may specify the manner in which the TPP's are to be implemented*' into those instruments.

In drafting and establishing the TPP's, it is critical to understand the technical, procedural and interpretative outcomes that eventuate as a result of their required application through statutory instruments. The structure of section 12B prescribes that the aims/principles of the TPP's (as a reflection of their purpose) are to be achieved or applied through subordinate instruments … the RLUS's, the SPP's and the LPS's. Despite being 'policy' in title, the TPP's are a statutory document that has a statutory role in a hierarchy that determines how use and development manifests throughout the State. This hierarchy must be clear in <u>how</u> each of the instruments that have a legislated role interact and <u>how</u> these flow to the lowest level of regulation of land use and development. This is the foundation of natural justice and procedural fairness in the drafting and implementation of new statutory regulation.

Targeting policy at the right level for application within this hierarchical system must also properly account for legislative entitlements at the lower levels of regulation, such as that provided for in the sections of the LUPAA that relate to the preparation of Local Provisions Schedules and the ability to justify strategic application of the SPP's and local variation under section 32(4) and the Schedule 1 Objectives.

Supporting explanatory documentation is provided on the State Planning Office (SPO) webpage and Council notes that this suite of documents is not included in the documents for public exhibition on the TPC webpage. Presumably, this is because these documents do not form part of the statutory documentation being exhibited. Irrespective, these documents provide the only information in regard to the rationale and expectations of the State Government in regard to the content, merits and implementation of the Draft TPP's. Council's submission therefore includes consideration of the State Government's position on these matters as being relevant to any representation on the content and merits of the TPP's, as well as technical matters related to the application of the TPP's through the Tasmanian Planning Scheme and the Regional Land Use Strategy and whether the draft TPP's meet the TPP Criteria, particularly the Schedule 1 Objectives of the LUPAA.

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2.0   Structure of the TPP's

The Background Report states that the *"TPPs are intended to establish high-level strategic policy directions that will be delivered through the Regional Land Use Strategies (RLUS) and the Tasmanian Planning Scheme (TPS)"*. The proposed structure is described as primarily delivering the policy intent through the 'Objectives' and the 'Strategies', with the objective 'setting the scene' for the what the TPP is aiming to achieve and the strategies being an expression of 'how those aims' are to be achieved.

Council submits that, as drafted, the TPP 'strategies' are set at too low a level and are too detailed or prescriptive to operate effectively within the hierarchy and will compromise the achievement of '*fair, orderly and sustainable use and development*', as expressed in the Schedule 1 Objectives of the LUPAA, in strategically planning for the local level.

The General Application section of the TPP's is the key, statutory plank for the technical application of the TPP's to the subordinate planning instruments. The Background Report states that this section "*specifies the manner in which the TPP's are to be implemented in accordance with section 12B(3)*" of the LUPAA. Section 34(2) of the LUPAA specifies that any Draft LPS, or an amendment to a LPS, must meet the LPS criteria which includes (da) - satisfying the relevant TPP criteria. The relevant TPP criteria are satisfied if:
- where the SPP's and the applicable RLUS have not yet been reviewed against the TPP's, the Draft LPS/amendment is consistent with the TPP's in force; and
- irrespective of the SPP's and the applicable RLUS having been reviewed against the TPP's, the Draft LPS/amendment complies with <u>each direction</u> [our emphasis] in the TPP's as to the manner in which the TPP's are to be implemented into the LPS.

This is a mandatory, statutory requirement for all Draft LPS's and any amendment to a LPS. Therefore, the General Application part of the TPP's must be carefully considered in terms of content, expression and outcome in order to:
a) provide procedural clarity for planning authorities and the general public in the application of the TPP's to Draft LPS's and amendments to LPS's;
b) understand how the TPP's are given effect through RLUS's and how a Draft LPS or amendment to a LPS will comply with the TPP through that statutory document; and
c) understand how the TPP's are given effect through the SPP's and how a Draft LPS or amendment to a LPS will comply with the TPP through that statutory document.

The Background report states that "*the General Application section includes two directions in accordance with section 34(2A)b) that apply to the manner in which the TPPs are to be implemented once the RLUSs and SPPs have been reviewed following the making of the TPPs. The intention of these directions is to provide an opportunity for the decision maker*

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to be satisfied that the SPPs or RLUSs adequately addresses the local application of the relevant TPP strategy and therefore there is no further need to determine compliance with that strategy".

These two directions are expressed in the General Application section as:

- *Where a relevant strategy, or part of a relevant strategy, has been applied regionally through the RLUS, the decision maker <u>may</u>* [our emphasis] *consider that compliance with the RLUS adequately addresses and satisfies the local application of the relevant strategy, and the LPS is deemed to comply with the relevant strategy;* and
- *Where a relevant strategy, or part of a relevant strategy, has been applied to the SPPs, the decision maker <u>may</u>* [our emphasis] *consider that compliance with the relevant strategy <u>may</u>* [our emphasis] *be adequately addressed through the application of the SPPs, which will satisfy the local application of the relevant strategy through the LPS, then the LPS is deemed to comply with the relevant strategy.*

The Background Report goes on to state that "*as drafting of the policy content commenced the strategies were considered to incorporate sufficient detail to guide how they might be implemented into various planning instruments*" and that "*there is no single way that a strategy is intended to apply and the State is more concerned with achieving the outcome rather than how the outcome is achieved*".

Section 34(2)(da) requires that every amendment to a LPS must comply with each direction of the TPP's as to the manner in which they are to be implemented. As noted above, the Background Report states that the individual strategies are an expression of 'how' the policy aims are to be achieved and as drafted, they each would reasonably be construed as an expression of the 'manner' in which the TPP's are to be implemented into the LPS.

Council submits that the Background Report infers a level of flexibility in the application of the strategies that does not technically exist in the required practice of the statutory regulation in regard to amendments to LPS's. The General Application section includes as a direction ... "*When applying the range of relevant strategies to a particular matter, the planning outcome will be influenced by how those strategies interact, which may result in different planning responses being expressed. Judgement must be exercised when interpreting and applying the TPPs so that a range of alternate approaches and outcomes can be considered where it can be demonstrated that the intent of the strategy, and the objective it seeks to achieve, can be met*". (p.3) This contradicts TPP Criteria at section 34(2)(da) of the LUPAA which clearly mandates compliance with '<u>each direction</u> as to the manner in which the TPP's are to be implemented into the LPS'.

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This technical inconsistency is compounded by the specific text of the two directions cited above as to the manner of application to LPS's, through compliance with the RLUS or the SPP's, bearing in mind that these directions have statutory weight. The use of the term 'may' has legal meaning and within this regulatory instrument creates an unacceptable level of uncertainty for the practice of applying the TPP's for applicants, planning authorities and the TPC, in that you won't know if the 'relevant decision maker' (planning authority and/or TPC) determines compliance with the RLUS or the SPP's as being enough until the matter is actually in the assessment and decision phase. This becomes particularly complicated when the amendment is at the stage of being heard by the TPC, which is the stage at which the TPC will determine compliance.

Council submits that the drafted approach to application, whilst well-intentioned, is practically, and potentially legally, dysfunctional.

However, in Council's opinion, the General Application section can be revised for appropriate functionality. In this regard Council makes the following submissions for modification of this operative part of TPP's to achieve an appropriate degree of technical functionality and legal operation:

- Remove all ambiguous, non-directory language from the General Application section (which in its entirety has statutory operative effect) and replace with language that has a clear positive disposition. e.g.

    The Foreword, Table of Contents, headings, footnote and the Policy Context section of each TPP ~~are not intended to~~ do not have operative effect. These parts or sections of the TPPs provide background or advisory information and have been included to assist users' understanding of the TPPs and ~~how they are intended~~ to inform both the planning system and planning outcomes. They are a guide only and should be read in conjunction with the Act.

    The operative parts of the TPPs express the planning policy and the manner in which the planning policy is ~~intended~~ to be applied. The table below sets out those parts of the TPPs that ~~are intended to~~ have operational effect and the purpose of those operational parts.

    Directions as to the manner of application specifically to LPS's:

    - *Where a relevant strategy, or part of a relevant strategy, has been applied regionally through the RLUS, the decision maker ~~may~~ must consider that compliance with the RLUS adequately addresses and satisfies the local application of the relevant strategy, and the LPS is deemed to comply with the relevant strategy; and*

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- *Where a relevant strategy, or part of a relevant strategy, has been applied to the SPPs, the decision maker ~~may~~ must consider that compliance with the relevant strategy ~~may be~~ is adequately addressed through the application of the SPPs, which will satisfy the local application of the relevant strategy through the LPS, then the LPS is deemed to comply with the relevant strategy.*

As noted above, Council submits that, as drafted, the statutory construct of the TPP's is too specific, and therefore inappropriately onerous, when considering that each individual strategy has statutory effect over a number of subordinate instruments. The purpose of the operative parts are described in the following table in the General Application section (p3):

OPERATIVE PARTS	*PURPOSE OF OPERATIVE PARTS*
General Application	*The General Application section provides details, considerations and principles as to the manner in which the TPPs are to be implemented and applied to RLUS, SPPs and LPSs.*
Policy content is provided under subheadings within each of the TPPs. Each subheading represents a policy that comprises the following operative parts: *Policy Application* *Objective* *Strategies*	*Policy Application - provides any requirements regarding the application of specific policies.* *Objective - sets out the aims of the policy.* *Strategies - sets out ways that the policy objective can be achieved.*

The table, General Application 'directions' and associated commentary in the Background Report do not properly reflect the legislative role and effect of the individual strategies, inferring more flexibility in application than actually exists.

Council submits that, for the most part, the objectives function as a reasonable expression of policy which can be interpreted as an 'aim' to be achieved by the subordinate instruments (Note: separate commentary is included on the individual objectives). However the expression in the table that the strategies set out '*ways that the policy objective can be achieved*' is not technically correct. A proper construct under the legislation is that the strategies set out ways that the objective <u>must</u> be achieved, as they are defined as individual components that make up the TPP's.

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The individual strategies will not be appropriate in all circumstances and, as drafted, because they are applied individually as statutory policy, will result in impediments to reasonable strategic planning by applying an obligation that has too high an onus in particular circumstances and will prevent achievement of the objectives of LUPAA in others. The merits of objectives and strategies are discussed later in this submission.

By way of example ... 1.1 Growth -

1.1.3-6.   Promote the preparation of structure plans that provide for the effective planning and management of land use and development within a settlement, or part of a settlement, that, <u>as a minimum</u> [our emphasis], *considers:*
   a)   the identified values, physical constraints, environmental hazards, and the strategic context of the location:
   b)   urban or settlement growth boundary;
   c)   movement networks, including street hierarchy and pedestrian and cycling paths for active transport modes;
   d)   location of land for the purpose of residential, commercial, open space, recreation and community use and development, the relationship between uses and their positioning to limit or manage land use conflict;
   e)   any staging or sequencing of development of land;
   f)   the use of existing physical infrastructure and the logical and efficient provision of additional physical infrastructure; and
   g)   impacts on broader physical and social infrastructure, including health and education facilities, strategic transport networks, public transport services, stormwater, water and sewerage.

Whilst structure planning is a useful tool for local strategic planning to outline responses and future directions to various matters for communities, not all of the matters listed will be relevant or appropriate in all circumstances and whether the preparation of a structure plan is necessary at all will depend on the specific circumstances, particularly for very small rezonings.

As drafted, the strategy could readily be interpreted that a structure plan is necessary to be in place, or prepared, for every LPS amendment and must include all matters listed a) - g) because of the mandatory expression of 'as a minimum'. This is clearly an unreasonable impost for amendments of a minor nature that can be reasonably demonstrated under the LUPAA. Whilst we could argue ad-nauseum about what the statutory meaning and implications of 'promote' are, Council's point is that the strategy is both mandatory and unclear at the same time, which will only result in significant procedural problems for the assessment of LPS amendments and the review of RLUS's in the future.

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The General Application section can revise the statutory construct of the objectives and strategies to properly reflect the position that the strategies are some ways that the objective <u>can</u> be achieved and are not individually mandatory, allowing flexibility for other ways to achieve the objective to be demonstrated. This can be expressed in a manner that the strategies are a list of things that can be undertaken to support compliance as an acceptable demonstration of meeting the objective. It is noted that this is a similar construct to planning regulation whereby an acceptable solution is one way to achieve compliance with the objective, allowing for other ways to be demonstrated through performance criteria.

To avoid regulatory complication with section 34(2A) of the LUPAA, potentially the strategies may need to be moved into the non-operational, guidance component and another statement included with the objective as to the manner of application ... RLUS, SPP's and /or LPS's. Alternatively, the General Application section needs to more clearly and separately define the structure as the objective being the policy to be achieved, add statements in regard to the manner of application (RLUS, SPP's and /or LPS's) and the strategies being non-mandatory options for consideration as to how that might be done.

2.1   Application Principles

Council submits that the application principles, as drafted, will not be sufficient to satisfy the legislative requirements for application of the TPP's under sections 12B and 34(2A) of the LUPAA and that they create an inconsistency between legislative obligation and regulatory practice, whereby if the strategies are expressed individually as the manner in which the TPP's are applied to LPS amendments, there is no flexibility in the consideration of the application of them through RLUS's, SPP's and LPS's. The regulatory pathway must be more clearly expressed, in line with suggestions above, that where the TPP is applied, and exhausted, through RLUS's and SPP's (with clear recognition in those documents back to the TPP's), amendments to LPS's comply with section 34(2A) if they comply with those instruments.

Comment is made against the individual principles below:

1) *There is no order or hierarchy associated with the application of the TPPs.*

    Agree. This then creates an issue with conflicting policies that needs to be carefully considered in determining resolution and expression as to how that is to occur.

2) *No one TPP, policy or strategy should be read in isolation from another to imply a particular action or consequence.*

    As drafted, under section 34(2A), an amendment to a LPS is required to comply with each direction in the individual strategy as to the manner of application. In this regard, compliance is stand-alone.

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3) *The TPPs are generally not expressed in absolute terms and should not be interpreted or applied so literally or rigidly that reasonable, alternate approaches to achieve a particular strategy are excluded from consideration.*

As discussed above, commentary related to a general appreciation of the interpretation and application of the TPP components has no place in the statutory, operational parts of the TPP's, particularly when it contradicts the statutory instruction in the legislation. If variable approaches can be considered, the structure of the TPP's requires revision to address the conflict with section 34(2A) of the LUPAA, which requires literal application of the individual strategies to LPS amendments.

4) *Where the Act requires a planning instrument to be consistent with the TPPs, the TPPs must be considered in their entirety to determine those strategies that are relevant to the particular matter.*

On the basis of the drafted structure, section 34(2A) of the LUPAA requires that LPS amendments comply with the TPP's as to the manner of implementation. To the inverse, this would require a demonstration of why a particular strategy does not apply or has no effect.

5) *Strategies that are relevant to the particular matter should be considered and applied in the context of the objective that the strategy is seeking to achieve.*

This should be set out as clear, statutory, operational instruction, not a principle.

6) *In determining what strategies are relevant to a particular matter, regard must be had to:*
   a) *the nature of the particular matter being considered;*
   b) *the purpose of the applicable planning instrument;*
   c) *the Policy Application statement for each policy;*
   d) *the scale at which the strategies are being applied (for example at a regional, local or site-specific level); and*
   e) *the environmental, social and economic characteristics of the region, local area or site.*

There is no performance test of relevance expressed in the legislation, each of the strategies are applicable under section 34(2A). As above, the structure of the TPP's should provide appropriate direction and regulatory pathway as to whether the policy is to be applied through RLUS's, SPP's and/or LPS's.

7) *Where the application of relevant strategies to a particular matter causes competing interests to be met, resolution should be based on balanced consideration and judgement derived from evidence, having regard to:*
   a) *the overall purpose of the TPPs;*

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b) *an understanding of the overall combination of interests expressed through the TPPs;*

c) *the objective of strategies that are subject to competing interests;*

d) *alternate ways to achieve strategies that are subject to competing interests;*

e) *any relevant and applicable regional or local planning policies;*

f) *any characteristics of the land, subject to the competing policy interests, that may influence how the competing interests can be resolved or managed;*

g) *consideration of the regional and local context and how competing interests can be appropriately integrated at the regional, local or site specific level; and*

h) *the purpose of the applicable planning instrument.*

There is a place for guidance in reconciling competing policy interests in the operational parts of the General Application section. It is noted that the statutory TPP document does not contain any expression of the overall purpose of the TPP's. A pure concept of 'evidence' may not always be available on every matter and should be removed from the leading sentence. Submissions on the resolution of competing interests will be case specific and sufficient flexibility should be available to the process, rather than potential protracted arguments about what constitutes evidence.

Principle g) is overly onerous in expression and is unnecessary. It can simply be confined to 'consideration of the regional and local context' which provides sufficient scope to discuss a broad range of matters without invoking complex concepts that may have no practical solution.

3.0   Content and Merits of the TPP's

The Background Report states that "*development of the policy content commenced with an overview of those matters that present reoccurring issues in planning and where a policy foundation is required to provide direction for strategic and statutory planning instruments. The policy content has also been derived through a review, consideration and response to the social, economic and environmental challenges that are facing Tasmania. This has been informed by a review of the existing RLUS where a number of the regional policies have been adopted and modified to suit statewide application. It has also been informed by a review of government policy administered through the agencies and planning policies from other States*". (p.12) It goes on to state that "*Further detail regarding the rationale and justification for the drafting of the policy content is provided in the Policy Context section within each TPP*".

What are these recurring issues that require such a prescriptive intervention that will override the rights to local strategic planning provided for in the LUPAA?

What is the evidence that underpins the need for the high degree of prescription contained in the Draft TPP's?

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The TPP's assume a utopian state, whereby all needs and capabilities are known up-front and settlement and growth can be assigned in a neat equation that provides for social and physical infrastructure. This is an unrealistic proposition and the lack of flexibility in the strategies will manifest at the local level and likely result in significant impediments to local, strategic planning. The policy content of the TPP's cannot be read in isolation of the statutory requirements for application as expressed in the legislation and discussed above.

Council has concerns in regard to the effect of a number of the strategies which, as drafted, become mandatory statutory requirements for amendments to LPS's. Council submits that many of these strategies are too prescriptive and will undermine, and indeed prevent, local level opportunities to demonstrate compliance with the Schedule 1 Objectives of the LUPAA. A reconsideration of the strategies within the structure of the TPP's, as discussed above, could alleviate this issue.

In particular, Council has significant concerns regarding policies for settlement and the implications for future strategic planning at the local level. Council submits that strategies under *1.0 Settlement* are not consistent with the Schedule 1 Objectives of the LUPAA. The Policy Context section states …

 "*With the guidance of the TPPs, the planning system will determine how and where growth will occur…*

Settlement patterns have a direct impact on infrastructure and service requirements and outcomes. Where possible, use and development should align with and maximise the use of existing infrastructure and services…

The policy prioritises a settlement pattern that locates people where they have access to employment, social infrastructure and transport networks to improve connectivity and liveability of settlements".(p.9)

1.1 Growth Strategy 4. then states… '*Prioritise growth of settlements that are within the higher tiers of the settlement hierarchy*".

The common meaning of 'priority' prevails given that it is not a defined term, that is … the right to precede others in order of rank or privilege. This can only be lawfully interpreted in statutory process that the higher order settlements will always be preferred in providing for growth, because they will always be able to service growth in a number of ways. This will effectively prohibit LPS amendments to provide for growth in middle to lower tiers of the hierarchy, irrespective of the liveability attributes they offer to residents or opportunities for commercial enterprises and local economies.

Are the RLUS's and LPS decisions required to prohibit settlement growth that is not in the higher tiers of the hierarchy? What are the higher tiers of the hierarchy?

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If it is the intention of government that this is the outcome 'on the ground', it must clearly state this as the 'aim or principle to be achieved' by the RLUS's and the LPS's and provide an evidential basis as to why this response is necessary. Because of the strict direction contained in the strategy, this is not a matter that can be 'shunted off' to a future process to determine what it actually, and practically, means. This results in protracted, expensive arguments in RLUS review or TPC amendment assessment process, whereby unintended consequences become apparent through decisions, which then can only be addressed by separate process to amend the statutory document that created the interpretive impediment. Prior issues with the three RLUS's have provided a salutary lesson in this regard and it is critical that the same mistakes are not repeated.

Council submits that as drafted, the growth strategies deny fundamental, legislated rights to locally plan for the future of settlements. In defining 'sustainable development', as the first principle underpinning the objectives of the LUPAA, the Act enshrines the right of each settlement to provide for its long-term sustainability…

Sustainable Development means:

*"managing the use, development and protection of natural and physical resources in a way, or at a rate, which **enables people and communities** to provide for **their** social, economic and cultural well-being and for **their** health and safety while* [our emphasis]:

a) *sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and*
b) *safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
c) *avoiding, remedying or mitigating any adverse effects of activities on the environment.*

Without evidence to demonstrate how the policy achieves 'sustainable development' outcomes, this right under the Act cannot be overridden by subordinate regulation. It is a requirement of section 12B(4) of the LUPAA, that the TPP's "*must seek to further the objectives set out in Schedule 1*". The growth strategies impose a significant future restriction on middle to lower order settlements, which represents a significant number of rural settlements around the State, without having conducted any process to provide for people and communities to input on their future social, economic, and cultural well-being and their health and safety. No evidence has been provided to those communities as to why the restriction is warranted.

The Background Report includes a specific section dedicated to responding to the Premier's Economic and Social Recovery Advisory Council (PESRAC) Report of March 2021, . It is noted that the response omits discussion in the PESRAC Report where consultation identifies that "*regional Tasmania is a partner for recovery - it is a powerhouse for many aspects of the Tasmanian economy and greater community involvement is needed to achieve 'local solutions to local problems'*" and that "*Tasmania needs to activate migration strategies that bring people to the regions to live and work*";

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A recommendation of the PESRAC Report is "*Our view is that in developing recovery mechanisms, the State Government and its agencies should start from the perspective of actively looking for opportunity to make approaches place-based. The first step is to involve target communities (people cohorts, sectors or places) in co-designing approaches (also flagged in Chapter 7), and then considering how approaches can operate flexibly to address differences in localised needs*". Some strategies in the TPP's actively impede this outcome.

Council submits that high-level planning theory is not sufficient in detail to justify the restrictions on settlement growth and Council submits that the TPP approach and supporting information does not meet the LUPAA objectives to:
(b) provide for the fair, orderly and sustainable use and development of air, land and water;
(c) to encourage public involvement in resource management and planning; and
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).

The policy approach for settlements and growth should focus on settlement sustainability and levels of service and not on allocation based on a strict settlement hierarchy. The NTRLUS has been based on a 'settlement network', recognising that a simplistic hierarchy is not reflective of the settlements of the Northern Region. Similarly, strategies under *1.4 Settlement Types* are too simplistic and blunt to deliver the broad objective for 'sustainable use and development of settlements', with the attributes and values of settlements being nuanced and individual. Concepts of prioritisation should be removed and replaced by demonstration of sustainability attributes – economic, social, environmental/physical.

Sustainability is a complex concept and no two settlements will be the same because they have very different physical and social circumstances. The policy should focus on the nature of the attributes that would demonstrate what that looks like for each settlement and properly observe the objectives of the LUPAA to encourage public involvement in planning for their communities and the sharing of responsibility for planning between government, community and industry.

The following table provides more detailed commentary on the merits of the content of the Draft TPP's.

TASMANIAN PLANNING POLICIES	COMMENTS
1.0 SETTLEMENT	
The strategies are written in a very prescriptive manner that, as drafted, requires the compliance of all amendments to LPS's. This will preclude the ability to plan strategically at the local level, particularly for aspirational growth that could improve the liveability of settlements and attraction of population.	

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The approach does not provide for recognition of changing circumstances.	
1.1 Growth	• The 15 to 20 year planning timeframe is reasonable forecast period for planning. Does this take the form of a rolling reserve or 5 year RLUS review periods? The review period has not proven to be an effective parameter given the unprecedented demand over the last 3 years. Generally, the 15-20 year timeframes allow for regulatory approval turnover and infrastructure planning. • In 'prioritising' infill development, how will the prior experience of inertia be prevented if infill is not feasible or commercially viable? The TPP's need to be expressed in a way that does not unnecessarily impede reasonable expansion while waiting for infill and densification that may never come. • 2d) Strategies should be expressed as a positive disposition and not as a double negative. What is meant by the term 'well-serviced' for physical and social infrastructure? How would this be determined in statutory application? • Requirement for a settlement hierarchy should be replaced by a 'settlement network', which allows for changing circumstances and demonstration of local need and aspiration. Population projections and demographic forecasting has proven to have significant flaws in adequately accounting for the nature of changing communities. It is one tool that is used to test future scenarios for the planning of settlements, but should not be a singular, defining element that determines choices for settlement growth. • The effect of technological change on work patterns and residential preferences is another aspect that should be considered. • There is no evidence to support the effective prohibition of growth of middle to lower tiers of the settlement hierarchy. • "Actively address impediments to infill development…" How can the planning system do this in the context of a state-wide planning scheme? The planning system mechanisms to do this are limited. • Strategy 6 - Preparing structure plans for every amendment to an LPS is not a reasonable requirement, but is potentially the ultimate effect of the strategy as drafted. Mandating an extensive list of matters to be addressed 'as a minimum' is not appropriate as the matters appropriately addressed through structure planning will vary with each circumstance. Point g) relating to a minimum requirement for analysis of impacts on broader physical and social infrastructure including health and education is too high an onus on smaller amendments. These

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types of analyses generally apply to the demonstration of appropriateness under the objectives of LUPAA at the level commensurate with the degree of change. Structure planning is more aligned with the set out and rationale of use and development on the ground.

- The requirement for setting growth boundaries for every settlement (apart from middle to lower order) is not reasonable as this is not the only way to manage growth. It precludes the consideration of opportunities not previously recognised, however this does not make them inappropriate. The tests contained in the LUPAA appropriately analyse whether growth is appropriate or not.

The mandatory requirement to set growth boundaries assumes there is adequate information on infrastructure and services to set the terms for the next 15 years. This is simply not feasible when organisations such as Taswater, TasNetworks and Dept State Growth cannot provide plans for this advance period. The requirement to lay down the spatial boundaries of everything that will happen in the next 15-20 years is a theoretical, utopian view that is not practically achievable in reality. The inevitable consequence of the prescriptive nature of the strategies will be that without these growth boundaries in place, and they can't be put in place until all issues are resolved, no amendment that enables growth can be approved. This will result in significant economic inertia in the development sector.

Discussion and recommendations in regard to the General Application section can address this by altering the structure of the TPP's to reflect that strategies are one way to achieve the objective. In this way, settlements that are better placed to set out the preferred growth areas within a spatial boundary can implement this, however this does not preclude other settlements demonstrating sustainability through growth on a case by case basis.

- Strategy 10 is not feasible as many settlements that have an activity centre and can support minor adjustments for suitable commercial or cultural uses, do not have 'highly accessible' public transport. How does a RLUS or an LPS 'encourage' outcomes? It can only be provided by planning scheme provisions that enable particular uses.
- Strategy 11 – Sequence of development is often related to the response of the market and commercial feasibility. The issue of land banking is significant in managing a constrained market

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	supply and sequencing of development. The TPP's should consider how to address issues relating to land banking rather than mandating sequencing that won't be possible to pin down.
	• Rural residential land use is an integral part of settlement and should not be separated out in policy. Growth policy should account for the diverse range of housing opportunities that play a significant part in attracting populations that play an important part in sustaining rural settlements.
1.2 Liveability	• Strategies include matters that are outside the purview of the planning system such as public transport and location of telecommunications infrastructure, cultural and recreational facilities. A planning scheme can only enable. • Connectivity and improved public open space would be assisted by provisions in the SPP's, where there is currently a significant deficiency. • Strategy 10 to 'protect and enhance settlements' is in conflict with strategies for growth as it precludes middle to lower order settlements. • Facilitating place making conflicts with strategies that limit the ability to add cultural and commercial uses to settlements that do not have public transport.
1.3 Social Infrastructure	• Strategies include matters that are outside the purview of the planning system such as locating schools, aged care and social services in advance. Policies need to reflect the limited degree of intervention by the planning system.
1.4 Settlement Type	• Settlement type is an unnecessary topic that is confusing in its duplication with other settlement strategies. Recommend condensing into one section. • All settlements have individual characteristics and values. • The issue of the impact of visitor accommodation in settlements that have high attraction is matter that is inherent to settlement growth and population characteristics. • Strategy 5 - Rural residential land use is an integral part of settlement – use of the term 'avoid' in regard to the consideration criteria is too restrictive. Rural Residential use will never be able to 'avoid' bushfire risk. The criteria conflict with one another such that any amendment will not be able to demonstrate compliance with all, which is mandatory. Policy relating to rural residential land use as part of the settlement mix needs to be substantially reviewed and must account for strategic repair, rather than being caught by unresolved zoning of land.

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1.5 Housing	• Strategies include matters that are outside the purview of the planning system such as facilitating social and affordable housing and aged care services. The planning system can only enable. • Densification of settlements must also be a product of local community consultation.
1.6 Design	• Only relates to urban spaces. • Many of the matters relating to building design are outside the purview of the planning system and cross into building code territory that is prohibited by section 8 of the Building Act. • Strategy 4 relating to the character of neighbourhoods is not achievable in a planning system that seeks to homogenise the standards for General Residential zoning. Multiple attempts to reflect different pathways have bene rejected for lack of consistency with the TPS. Is the State now saying that aspiration for neighbourhood character can now be implemented? The policy needs to be clear. • Strategies 7 and 8 import planning scheme criteria for subdivision. TPP should be at a higher level in expressing expectations for subdivision. Planning instruments can only provide a minimum standard for lot size. Point h) would require a SAP over every subdivision in variation to the SPP standards.
2.0 ENVIRONMENTAL VALUES	
There is little point in recognising that values management is largely outside the planning system. This is better reflected in supporting documentation. The TPP's should only express how the management of issues occurs within the system, though can set the context of how the systems interact.	
2.1 Biodiversity	• The requirement to 'rank' the significance of biodiversity values for mapping within the planning system requires greater clarity in regard to expectations. • Many of the strategies relate to matters that are outside the purview of the planning system, such as land clearance for agriculture or forestry, weed management, carbon storage and climate change impacts on habitat.
2.2 Waterways, wetlands and estuaries	• Strategies for avoiding land within proximity to waterways does not appropriately consider the implications for urban waterways. • The strategies are unnecessarily prescriptive given the range of regulatory instruments available to manage impacts on waterways and wetlands, noting that the SPP's could benefit from some improved provisions relating to the management of stormwater.

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2.3 Geodiversity	Who will resource the mapping of high conservation value geodiversity which could be an extensive exercise? What is the definition of high conservation value geodiversity? In regard to the Mole Creek Karst system, the townships of Mole Creek and Chudleigh are located on this system, as are extensive areas of agriculture. Considering the already highly developed nature of karst areas for settlement and agriculture and tourism, it is not a practical policy to 'discourage' development. It is however possible to manage use and development to prevent or mitigate adverse impacts, which should be the focus of the policy in a positive disposition, rather than 'discourage' or 'avoid if practicable' in the negative.
2.4 Landscape Values	Is it the State position that all municipalities must include mapped scenic/landscape areas in their LPS's? On the basis of what criteria? Strategy 3 effectively requires all use and development to avoid those areas subject to provisos that in effect, create a higher impost on development than the provisions of the SPP Landscape Conservation Zone and Scenic Protection Code. The TPP 's should make it clear what the expectations are for inclusion in RLUS's and when the SPP's are reviewed, what are the implications for existing scenic road corridors etc. and the management of development within those.
2.5 Coasts	Given the evolution of mapping of coastal hazards at State level that includes climate change scenarios, the TPP should appropriately reflect this work, rather than defaulting to the clunky 1km definition in the State Coastal Policy, which only ever applied to rectify a legal validity issue that arose many years ago. The planning system will not be able to reduce threats, only respond to them in an appropriate way by allowing for development for asset and infrastructure protection and preventing or mitigating development that may be affected by/or impact upon coastal processes. It is more appropriate to discuss risk, as this is what the State Natural Hazard Framework is based on. There is some overlap in regard to policies for Environmental Hazards. Suggest policies may be more efficient if separated into coastal development as part of settlement and hazard/risk addressed through Environmental Hazards.
3.0 ENVIRONMENTAL HAZARDS	
Policies should reflect at higher level the notion of conflict and hazard that may exist naturally in the landscape.	

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	The concept of avoidance should not used due to its absolute interpretation, except perhaps for the most extreme scenarios such as active landslip. The SPP content and RLUS's all reflect the ability to manage hazard and risk to a tolerable level.
3.1 Bushfire	Strategy 2 is technically incorrect. Many aspects of bushfire protection for buildings have been appropriately removed from the planning system. The regulatory burden associated with bushfire certification for individual buildings in planning process has proven to be untenable. This would still be the case even with increased numbers of practitioners, contrary to State planning reform to reduce unnecessary regulation. Strategy 2 risks reintroduction of over-regulation upon review of the SPP's to comply with the TPP's. Given most of the state is mapped as bushfire prone, is it the State's intention to bring certification for individual developments back into the planning system? If so, there needs to be a clear statement of expectation and evidence as to why this is necessary. Strategy 3 – Use of the term 'avoid' has absolute legal meaning. This strategy will effectively prohibit rezoning at the edge of settlements for residential purposes. The policy should reflect the concept of tolerable and manageable risk. Who will resource the identification of bushfire conditions based on climate change? It is not appropriate to relegate this task to local government.
3.2 Landslip	The vast majority of land mapped as landslide hazard in the State Natural Hazard Framework is manageable for a tolerable risk. The TPP's should not prescribe avoidance only to then apply a proviso. This confuses the intent of the policy. The TPP should just reflect the management approach and tolerable risk which is based on sound scientific work undertaken by the State.
3.3 Flooding	Why does the climate change scenario only relate to State Government determination. Numerous local flood studies have included the climate change scenario for 1% event and have been incorporated into LPS's. The policy needs to reflect the State position on where the extreme flood event threshold now lies given the 2016 and 2022 events. What is incompatible use and development? Currently the provisions relating to flooding do not account for many industrial type uses which can be severely impacted, or create impacts to other land in the event of flooding such as containers/materials that are swept into infrastructure such as bridges and into other private property, as witnessed in the most recent flood events. Determining hazardous use as defined in the SPP's is a highly complex exercise that includes high thresholds for storage of contaminants such as

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	fuels and chemicals, which means substantive levels of contaminants are not subject to flood management regulations. There needs to be a conversation about the elements of use and development that should be managed for flood risk, noting that State has commenced a process for flood risk under the Natural Hazards Framework to apply Statewide. This process is supported. Policies for flooding and tolerable risk need to account for uses that are neither sensitive nor hazardous. The recognition and support for flood mitigation infrastructure is supported. Many of Tasmania's settlements are located downstream of a dam. It is not tenable for every amendment to an LPS for settlement growth to do a dam safety assessment.
3.4 Coastal Hazards	Refer comments above. Retreat may be an appropriate solution for economic development for tourism that capitalises on a coastal location and is a more appropriate term than the expression in Strategy 3b).. Strategy 6 – Avoidance is not appropriate – tolerable risk is the appropriate concept.
3.5 Contaminated Air and Land	It is not tenable to map all land that may have historically been exposed to potentially contaminating activities. Strategy 3 confuses contamination with attenuation in regard to land use conflict. The TPP's should recognise the processes that are in place for attenuating uses and clearly state expectations, as this has a significant impact on the cost of regulatory process for 'mum and dad' developers.
4.0 SUSTAINABLE ECONOMIC DEVELOPMENT	
4.1 Agriculture	The TPP strategies largely import the principles of the State PAL Policy, however does not carry over the nuances of the PAL Policy in allowing for agricultural land to be converted if a higher order benefit can be demonstrated, such as the need to expand settlements. The exercise is one of balance and the language of the TPP strategies in using the term 'avoid' with a proviso, should be changed to a positive disposition that reflects this balancing exercise. Value added uses may not always be ancillary to the agricultural use. This does not mean they are inappropriate and can provide an economic benefit. The issue of seasonal worker accommodation needs to be addressed in policy and it is not only related to agricultural land with

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	inclusion within rural settlements being a matter requiring more attention. It is a unique land use with specific needs to provide critical support to the agricultural sector and will not prefer locations on agricultural land.
	Dwellings that are directly associated with and subservient to agriculture are not 'residential uses'. Policy must, as a minimum, reflect the legal response in regulation.
	How can a planning system 'acknowledge' small farm contribution? What are small farms? This is introducing a concept that will need better resolution as the SPP's will be required to be reviewed to comply and individual amendments at settlement edges will be required to address this.
4.2 Timber Production	It is noted that the 'designation' of land for forestry changes over time in response to markets.
4.3 Extractive Industry	Who will resource the identification of key resource areas and deposits in order to map them?
	Strategy 5 – what if identified resources occur in a rural residential area? The exercise must be one of balance, rather than absolute protection.
	Strategy 7 - Policies for housing and recognising that mining may have unique needs for locating housing, is better located with settlement policies to ensure that there is no interpretive conflict.
4.3 Tourism	Identifying potential tourism sites and assessing them for sustainability in a free market is an impractical and untenable requirement. Policies must reflect market identification of attributes and enable consideration of a range of matters to determine appropriateness.
	It is not the place of a planning system to undertake market feasibility.
	Strategy 3 – visitor accommodation – This is a curious position given the State planning directive that required all planning schemes to alleviate regulation of visitor accommodation, many now not requiring a permit.
	Has the State altered its position on visitor accommodation levels in settlements?
4.5 Renewable Energy	Who will resource the identification of renewable resource areas? The strategies appear to relate more to investment strategies than the planning system. The State needs to be clear about preference for infrastructure and the local aspirations of community in the location of infrastructure.

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4.5 Industry	Industrial land is usually more appropriate outside of urban growth boundaries, not only due to higher impact uses, but also cumulative effects and the benefits of aggregation. It is extremely difficult to manage land use conflict in an urban setting, yet the TPP's preference this. The concept of urban growth boundaries should be limited to settlements. Existing industrial precincts remote from settlements should be separately described to avoid confusion in policies relating to settlement and growth.
4.7 Business and Commercial	The TPP's must recognise that there is role for the market as a demonstration of demand for commercial use, whether this is for local service or the tourism economy. The Strategy 1 criteria for assessment for small activity centre amendments is not reasonable or practical and are too prescriptive for State policy level. Intensification of growth generally around activity centres may not always be possible dependent upon local circumstances, such as heritage values. The role of local planning for activity centres should be reflected and elevated in policies for economic development. Strategy 5 - New local activity centres may be required and appropriate for larger, new greenfield sites.
4.8 Innovation and Research	Many of the strategies relate more to investment matters that are outside the jurisdiction of the planning system. Policies for precinct planning are better located with policies for settlement and industry.
5.0 PHYSICAL INFRASTRUCTURE	
5.1 Provision of Services	It is not possible to identify where land needs to be set aside for infrastructure or protect future infrastructure, when the infrastructure authorities have not yet determined what and where that will be. The strategy assumes forward planning by service authorities that does not actually exist at a level that provides certainty. The TPP should reconcile expectations in the provision of infrastructure that serves multiple parties e.g 'facilitate developer contributions'. How is the planning system to do this? It has no authority over Taswater and in order to levy developer contribution, a party must act as 'the bank' to actually establish the infrastructure that is being paid for. This is quite a complicated and legal exercise. The strategies are too prescriptive for State policy level and stray into areas that are outside of the planning system jurisdiction, such as providing for electricity transmission from an alternate source of power, when considering that they will apply to individual LPS amendments.

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	The TPP should simply express expectations and variations for levels of service, taking into account the variabilities across localities and different types of settlement.
5.2 Energy Infrastructure	Future energy facilities are unknown and are usually a response to the market. The strategies relate to matters that are outside the jurisdiction of the planning system. The variable application of the strategies should be expressed in the policy, in consideration of the application of the TPP to individual LPS amendments. The state needs to be clear in its expectations for design intervention in urban environments and whether this will be included in the SPP's for implementation. The SPP standards for urban areas do not currently allow for this degree of intervention. Has the State position changed?
5.3 Roads	Many of the strategies relate to matters that are outside the jurisdiction of the planning system. There are no definitions of the key road corridors. What is the last mile urban freight route? This should be defined. Road investment programs should align with strategic planning, not the other way around.
5.4 Passenger Transport Modes	Good urban planning that enables access to public transport is appropriately recognised in policy, however it cannot dictate that the provision of those services occur as this outside of the planning system. Many of the strategies relate to matters involving the provision of service by organisations that are not incorporated into the planning system, bearing in mind that all LPS amendments will be required to demonstrate compliance. Strategy 8 – not all developments that attract high numbers will be appropriate in urban activity centres, nor will they be accessible to urban public transport, as is the case in middle or lower order settlements. This does not mean that a popular tourism use will not be appropriate. Eg. Distilleries in heritage character towns. The effect of the strategy is to prohibit uses that may have a high economic benefit to a settlement or locality, because it is not urban or within proximity to public transport. The strategies are too prescriptive for State policy level.
5.5 Ports and Strategic Transport Networks	Future distribution facilities are unknown and are usually a response to the market. There are obvious conflicts with policies for locating industrial development within urban growth boundaries. The planning system cannot anticipate, as-yet, unknown changes to freight systems as a result of market or technological change.

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	What is the strategic value of non-operational rail corridors? Tourism?
6.0 TASMANIAN PLANNING POLICY: CULTURAL HERITAGE	
6.1 Aboriginal Cultural Heritage	The strategies relate to numerous matters that are outside the jurisdiction of the planning system. There is a process under separate State legislation in consultation with the Aboriginal community for determining whether land use will adversely impact Aboriginal heritage. There are circumstances where Aboriginal heritage values and development co-exist and promote Aboriginal cultural values, which it is noted are current cultural practice as well as heritage e.g. tourism uses. Strategy 3 could effectively prohibit use and development that is acceptable to the Aboriginal community in regard to its degree of impact.
6.2 Historic Cultural Heritage	Is local heritage regarded as 'significant'? How is significant to be interpreted? Is the expectation of the State that there will be a local heritage list of places and/or heritage precincts in LPS's?
7.0 PLANNING PROCESSES	
Discussion around the mechanisms for local planning and involvement in the process is supported and goes to Council's earlier comments that the TPP's must inherently recognise the right to local planning and provide for it. A discussed above, Council submits that the TPP process to date and the draft TPP's, has failed to meet the LUPAA objective to involve the public in planning. It is important to understand the distinction between consultation and public notification.	
7.1 Consultation	The strategies for consultation relate to matters that are outside the jurisdiction of the planning scheme. Ideally the TPP should elevate the role of local consultation in determining the balance of competing interests expressed in the suite of TPP's. It is not just a 'top-down' approach, the objectives of the LUPAA also enshrine a 'bottom-up' role in regard to local aspiration and involvement.
7.2 Strategic Planning	The strategies actually read as an effective suite of principles that inform not only the TPP's, but the subordinate instruments that are subject to them. Recommend reframing this section as the 'purpose' or 'principles and aims to be achieved by the TPP's'.
7.3 Regulation	Further to comments above, regulation must also be able to reflect local aspiration, as enshrined in the LUPAA.

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Infrastructure Services

Proposed Road Names - Horsepower Lane, Capstone Rise, River Mint View, Hadspen Hills Drive and Sandscape Court

Report Author	Jarred Allen Team Leader Engineering
Authorised by	Dino De Paoli Director Infrastructure Services
Decision Sought	Council approval of street names for new roads constructed as part of subdivision works in Carrick, Blackstone Heights and Hadspen.
Vote	Simple majority

Recommendation to Council

That Council approves, pursuant to Section 11 of the *Place Names Act 2020*, the following road names:

1. Horsepower Lane for the new public road off Seymour Street, Carrick;

2. Capstone Rise and River Mint View for the new roads within the subdivision development at Lot 1 Panorama Road, Blackstone Heights; and

3. Hadspen Hills Drive and Sandscape Court for the new roads within the Hadspen Hills Estate subdivision development off Scott Street, Hadspen.

Report

A new road was constructed as part of an approved subdivision at 2 Seymour Street, Carrick.

The proposed road name, Horsepower Lane, has been put forward by the developer.

The name 'Horsepower' is in reference to both the Carrick Speedway and the Carrick Racecourse.

As shown in Image 1, the proposed Horsepower Lane is off the western end of Seymour Street.

Image 1: Location of the proposed Horsepower Lane (shown red).

Two new roads have been constructed as part of an approved subdivision at Lot 1 Panorama Road, Blackstone Heights.

The proposed road names, Capstone Rise and River Mint View, have been put forward by the developer.

The name 'Capstone' is in reference to the rising of the road which leads up to the highest point in the subdivision. The name 'River Mint' is in reference to the local flora of the area, Mentha Australis, which is commonly called river mint.

As shown in Image 2, the proposed Capstone Rise is off Panorama Road, and the proposed River Mint View is off the proposed Capstone Rise.
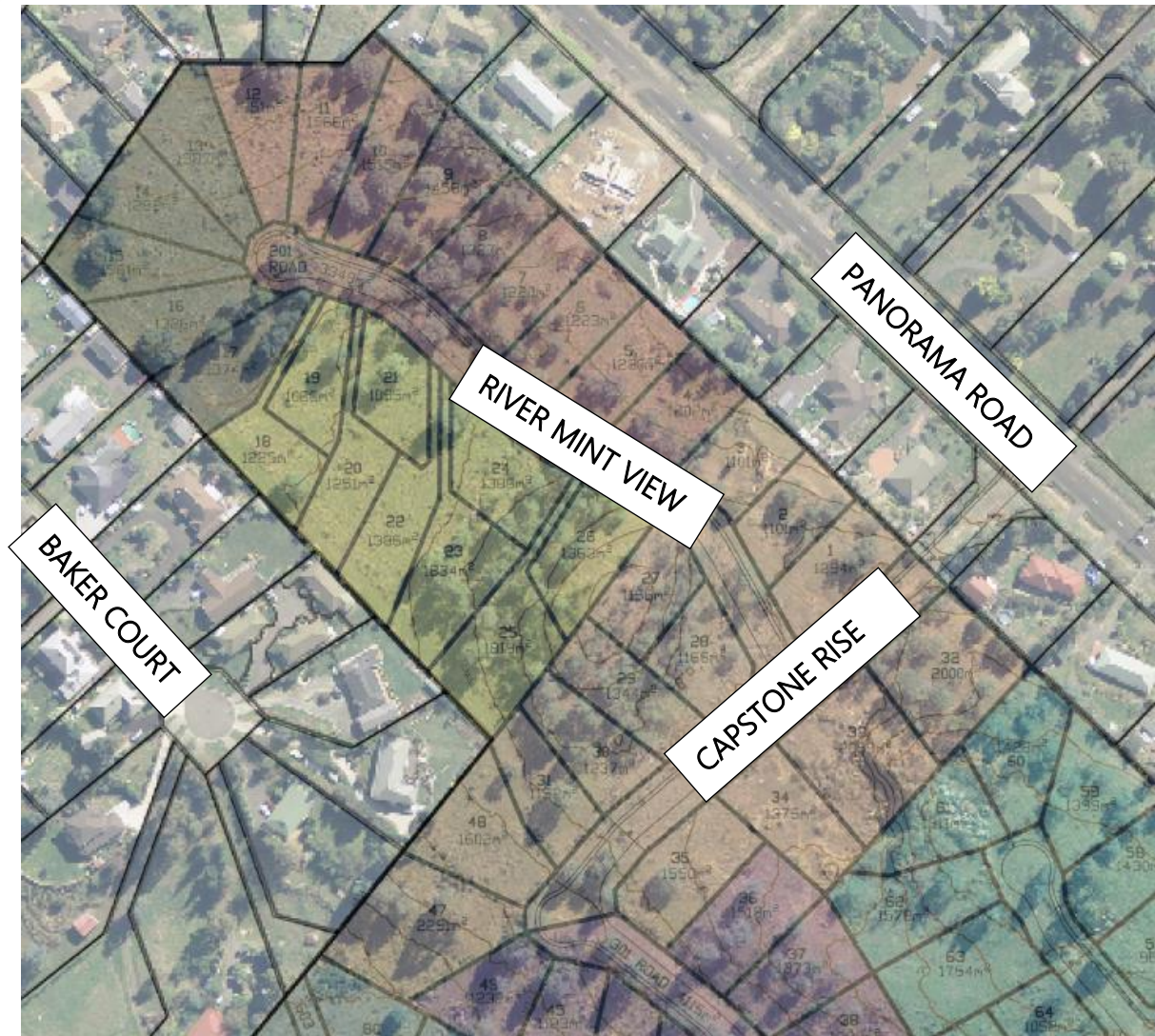
Image 2: Location of the proposed Capstone Rise and River Mint View.

Two new roads have been constructed as part of the approved Hadspen Hills Estate subdivision off Scott Street, Hadspen.

The proposed road names, Hadspen Hills Drive and Sandscape Court, have been put forward by the developer.

The name 'Hadspen Hills' is in reference to the hills on the southern side of Hadspen on which the development is situated. The name 'Sandscape' is in reference to the sandy soil in the area.

As shown in Image 3, the proposed Hadspen Hills Drive is off Bushfield Rise, and the proposed Sandscape Court is off the proposed Hadspen Hills Drive.

Image 3: Location of the proposed Hadspen Hills Drive and Sandscape Court.

Attachments Nil

Strategy Furthers the objectives of Council's strategic future directions;
1. A sustainable natural and built environment; and
2. A thriving local economy.
See Meander Valley Community Strategic Plan 2014-24. **Click here** or visit **www.meander.tas.gov.au/plans-and-strategies** to view.

Policy Not Applicable

Legislation *Place Names Act 2020*

Consultation Council approved road names must be given to the Placenames

Tasmania database administered by the Department of Natural Resources and Environment.

It is noted that Council Officers have advised the Department of the proposed road names and officers from the Department have shown in principle support.

Budget & Finance   There are no financial implications for Council from this proposal.

Risk Management   Risk is managed through the formal process of ratifying road names to avoid conflict with existing named roads in other municipalities within Tasmania.

Non-duplication of names also ensures greater address clarity for emergency services.

Alternative Motions   1.   Council can choose a name other than that proposed.
2.   Council can delegate the responsibility of approving another name to the General Manager.

Infrastructure Services

Bass Highway Information Signage Bays at Deloraine

Report Author   Linda Butler
Project Manager

Authorised by   Dino De Paoli
Director Infrastructure Services

Decision Sought   Council to reaffirm its previous position in respect to the ownership of the visitor information bay structures on the eastern and western approaches to Deloraine on the Bass Highway.

Vote   Simple majority

Recommendation to Council

That Council:

1. Rejects the request from the Department of State Growth to accept ownership of the two existing visitor information signage bay structures located on State Government land on the eastern and western approaches to Deloraine on the Bass Highway; and

2. Writes to the Department of State Growth and Parks and Wildlife to advise that Council will not be undertaking any repair work to the existing structures.

Report

The Bass Highway Visitor Information Bay structures located on the eastern and western approaches to Deloraine were constructed by the Department of State Growth (DoSG) thirty years ago. The last occasion of updating signage on the structures was completed by Deloraine-on-the-move and features local artwork.

Council has been approached in the past by organisations and businesses to take over the ownership and maintenance of the structures. The council resolved to not take ownership of the structures and information bays in 2007, 2009 and most recently in 2016 (Refer Council Minute reference number 136/2016). It is noted Council Officers presented background information on the information bay signage structures to a recent Council Workshop for consideration.

The structures have special importance for some members of the community in Deloraine. Council Officers attended a meeting of the Great Western Tiers Tourism Association (GWTTA) in May 2022 where the Association committee members expressed that the structures are important assets for the community. The prominent position of the structures on the Highway makes them highly visible to visitors and the Association is concerned that the state of disrepair of the structures may reflect negatively on the Deloraine area. While it is noted that there has been a considerable change in accessibility to, and the volume and type of tourism related information on the internet, the Association believes the information bay signage still plays an important part moving forward.

Images showing the location of the information bays and signage structures are shown below.

Image 1: Location of Site – Eastern Approach to Deloraine

Image 2: Eastern structure

Image 3: Location of Site – Western approach to Deloraine

Image 4: Western structure

Eastern Structure

The Department of State Growth (DoSG) contacted the Council early in 2022 regarding the condition of the structure in the eastern information bay. This structure is within the Bass Highway corridor.

The DoSG has requested that the Council carry out repairs to the structure to mitigate public liability risks. If repairs to the structure are not undertaken there is a strong possibility that the Department will demolish the structure.

An engineering assessment of this structure by the Infrastructure Department makes recommendations for remedial work which could cost in the order of $10,000. The assessment determined that if the structure is repaired and routine maintenance is undertaken, the expected lifespan may be between five and ten years.

The DoSG is willing to enter into a license arrangement with the Council for the structure to remain in its current location.

Western Structure

This western information bay structure is located on Crown Land outside the boundary of the Bass Highway corridor. This structure is in disrepair and requires repair work and regular upkeep.

Parks and Wildlife is the responsible State agency for this area of Crown land and has also indicated it is willing to enter into a license agreement with Council for the structure to remain in its current location.

It is anticipated the cost to carry out remedial work on the western structure would be in the order of $15,000, and similar to the other structure, the expected lifespan would be between five and ten years with routine maintenance being undertaken.

Conclusion

The anticipated remaining life of the two structures is expected to be between 5 and 10 years. The cost to replace the structures at each location could be as much as $60,000 in total. Should Council decide to take on ownership of the assets, it will be necessary to enter into license agreements with the DoSG and Parks. Based on the Council's previous decision and the likely short-term costs associated with repair, ongoing maintenance and replacement of the structures, Officers recommend that Council does not accept ownership of the structures.

Attachments Nil

Strategy Supports the objectives of Council's strategic future direction 6: planned infrastructure services.

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

Policy Policy No.78 New and Gifted Assets provides guidance to the Council in making an informed decision regarding the long-term implications of ownership of assets including new and donated assets. Refer to the Budget & Finance section below for further information.

Legislation Not applicable

Consultation Council officers attended the GWTTA meeting in May 2022.

Budget & Finance The estimated costs to Council over the next 10 years are shown in the table below.

Remedial Work	$25,000	Required in 2023-24
Maintenance Costs	$35,000	$3,500 per year
Replacement Cost	$60,000	Year 10
Total Cost	$120,000	

Table 1 – Cost Estimates

Risk Management   Not applicable

Alternative Motions   If Council determines to accept ownership of the structures, it may consider acceptance of the following alternate recommendations:

That Council:

1. Accepts ownership of the two existing visitor information bay structures located on State Government land on the eastern and western approaches to Deloraine on the Bass Highway;
2. Provides approval to the General Manager to negotiate and enter into lease agreements with the State Government for the structures to remain on government land; and
3. Notes a budget allocation of $25,000 will be required in the 2023-24 operating budget for immediate repairs required to both structures.

Infrastructure Services

Review of 2022-23 Capital Works Program Budgets

Report Author   Dino De Paoli
Director Infrastructure Services

Decision Sought   Approval of recommended budget changes to projects included in the 2022-23 Capital Works Program.

Vote   Absolute majority

Recommendation to Council

The Council approves in line with Section 82(4) of the *Local Government Act 1993:* variations to the 2022-23 Capital Works Program, as per attachment titled "Proposed Capital Works Project Adjustments", noting an overall decrease in the value of the program of $478,000.

Report

The purpose of this report is to seek Council approval for the reallocation of funding to projects included in the 2022-23 Capital Works Program and to remove six (6) projects from the capital works program resulting in a reduction in the value of the program by $478,000.

Section 82(4) of the *Local Government Act 1993* requires the Council to approve by absolute majority any proposed alteration to the Council's estimated capital works outside the limit of the General Manager's financial delegation of $20,000.

Project budget allocations within the Capital Works Program that are submitted to the Council for approval prior to the commencement of each fiscal year are prepared using a range of methods. In some instances and depending on the availability of resources and time constraints, projects can be thoroughly scoped and accurate estimates prepared using available empirical or supplier information.

Conversely, project cost estimates may only be general allowances prepared using the best information available at the time.

During the fiscal year, detailed design, adjustment to project scope and the undertaking of additional works during construction, results in project expenditure under and over approved budget amounts. New projects may also be requested for inclusion in the Program, or removal.

The overall financial objective in delivering the Capital Works Program is to have a zero net variation in the program budget. Project savings are generally used to offset project overruns and additional funding can be requested to assist with balancing the budget or to finance new projects. However, in this instance, because of the recommendation to remove six (6) projects from the Program, the Program value will decrease by $478,000. This funding will be retained in Council's cash reserves.

Refer to the attached "Proposed Capital Works Project Adjustments" table for the funding reallocation details. It is noted that minor changes only have been made to the proposed budget variation figures against PN6245 Westwood Road and PN6697 Road Rehabilitation Program in comparison to the information provided to Council at the May 2023 Workshop.

Attachments	1. Proposed Capital Works Budget Adjustments [**12.3.1** - 2 pages]
Strategy	Further to the objectives of the Council's strategic future direction 6: planned infrastructure services.
	See Meander Valley Community Strategic Plan 2014-24. **Click here** or visit **www.meander.tas.gov.au/plans-and-strategies** to view.
Policy	Not applicable
Legislation	*Local Government Act 1993:* s82(4).
Consultation	Not applicable
Budget & Finance	The recommended variations in this report will result in a $478,000 decrease to the value of Council's Capital Works Program.
Risk Management	Not applicable
Alternative Motions	Not applicable

PROPOSED CAPITAL WORKS PROJECT ADJUSTMENTS

Project No.	Project Name	Council Costs to date	Current Budget	Proposed Budget Variation	Revised Budget	Delegation	Comments
5845	Alveston Drive - Deloraine, pedestrian and traffic improvements	$22,765	$46,600	-$20,000	$26,600	GM	Transfer funds to PN5550 & PN5668
5550	Davies Rd - Parkham, sealing at Parkham Rd intersection	$27,187	$16,000	$12,000	$28,000	GM	Transfer funds from PN5845
5668	Maloneys Rd - Parkham, sealing at Parkham Rd intersection	$23,699	$16,000	$8,000	$24,000	GM	Transfer funds from PN5845
5827	Barrack St East - Deloraine, school crossing safety improvements	$11,284	$23,000	-$9,000	$14,000	GM	Transfer funds to PN5802 & PN5989
5802	Louisa St - Bracknell, footpath upgrades	$73,064	$70,000	$3,000	$73,000	GM	Transfer funds from PN5827
5989	Pioneer Drive - Mole Creek, footpath renewal to school	$21,193	$15,000	$6,000	$21,000	GM	Transfer funds from PN5827
6245	Westwood Rd - Westwood, reconstruction	$263,517	$300,000	-$37,000	$263,000	Council	Transfer funds to PN6125
6697	Road Rehabilitation Program	$0	$81,000	-$68,000	$13,000	Council	Transfer funds to PN6125 & PN6214
6125	Dairy Plains Rd - Western Creek, pavement reconstruction	$248,076	$200,000	$48,000	$248,000	Council	Transfer funds from PN6245 & PN6697
6214	Selbourne Rd - Selbourne, road reconstruction	$256,795	$200,000	$57,000	$257,000	Council	Transfer funds from PN6697
6276	Westbury Rd - Prospect: Transport Study Projects	$0	$388,500	-$388,000	$500	Council	Transfer funds to PN6288 & remove from program
6288	Westbury Rd - PVP Entrance Roundabout	$64,827	$16,000	$50,000	$66,000	Council	Transfer funds from PN6276
6354	New Footpath Developments - Carrick	$184	$144,000	-$144,000	$0	Council	Transfer funds to PN5820
6400	Various Locations - Stormwater Improvement Program	$10,557	$29,900	-$20,000	$9,900	GM	Transfer funds to PN5820
5820	Ashburner St - Carrick, footpath construction	$39,664	$0	$164,000	$164,000	Council	Transfer funds from PN6354 & PN6400
6431	Dexter St, Westbury - Stormwater drainage	$95,610	$114,000	-$8,000	$106,000	GM	Transfer funds to PN6460
6460	Henrietta St, Bracknell - Stormwater drainage	$7,294	$0	$8,000	$8,000	GM	Transfer funds from PN6431

Project No.	Project Name	Council Costs to date	Current Budget	Proposed Budget Variation	Revised Budget	Delegation	Comments
6259	Railton Rd - Kimberley	$0	$31,900	-$31,000	$900	Council	Transfer funds to PN7616 & remove from program
7616	Deloraine Football Ground - Ground Upgrades & Lighting	$604,215	$625,000	$31,000	$656,000	Council	Transfer funds from PN6259
6256	East Parade - Deloraine, renewal of gravel path	$18,057	$40,000	-$10,000	$30,000	GM	Transfer funds to PN7696
7696	Deloraine Pump Track	$61,108	$50,800	$10,000	$60,800	GM	Transfer funds from PN6256
8738	Dual Cab Ute (No.212)	$18,052	$26,000	-$10,000	$16,000	GM	Transfer funds to PN8767
8767	New Forklift	$30,467	$25,000	$10,000	$35,000	GM	Transfer funds from PN8738
6138	Lansdowne Pl - Deloraine, developer subdivision contribution	$0	$20,000	-$20,000	$0	Council	Remove from program
6356	Traffic calming design work - Prospect Vale	$2,676	$10,000	-$10,000	$0	Council	Remove from program
7454	Weegena Hall - Floor Replacement	$1,499	$50,000	-$50,000	$0	Council	Remove from program
7455	Caveside Hall - Floor Replacement	$199	$50,000	-$50,000	$0	Council	Remove from program
8770	35 William St, Westbury - Divest Property	$0	$10,000	-$10,000	$0	Council	Remove from program
	Totals	$1,901,991	$2,598,700	-$478,000	$2,120,700		

It is noted that the listed "costs to date" in the table are based on finance report accessed 1 June 2023.

Governance

Risk Management Policy and Risk Appetite Statement Review

Report Author   John Jordan
                       General Manager

Decision Sought   Approval of the Risk Management Policy and annual Risk
                       Appetite Statement.

Vote   Simple majority

Recommendation to Council

That Council:

1.   Approves the revised *Risk Management Policy* (Policy 1).

2.   Approves the *Risk Appetite Statement*, noting this will be revised annually as part
     of the budget development process.

Report

Two components of the Risk Management Framework (RMF), are attached and
presented for approval:

1.   Risk Management Policy (the Policy)

To support comparison with the existing, a clean copy of the Policy and a copy with
changes highlighted in yellow are attached.

2.   Risk Appetite Statement (RAS)

Councillors have a role to approve the overarching policy and set the tolerances to
certain risks expressed in the RAS.

The RAS guides actions and decisions by expressing the significance and tolerance of
risks. The RAS will:

- Be reviewed annually as part of the budget development process to ensure assessment of initiatives and proposals against the levels of acceptable risk across relevant risk domains.

- Be referred to when developing and maintaining the Council's risk register and actions to mitigate risk. These registers will be maintained and reviewed along with actions to mitigate risk at least every six months or when there is a material change to circumstance or business capability that compels re-assessment.

- In the decision-making activities of the Council. Activities including financial planning, projects, strategic and operational planning, governance arrangements, performance management, regulatory oversight, program and policy design and implementation are to be managed within range of acceptable appetite and tolerances set out in this document.

The RAS highlights the following strategic risk areas as significant for the Council.

- Tasmanian Local Government reform;
- Cost of living and doing business pressures;
- Competition for people and skills.;
- Supporting a purposeful transition to a more modern customer-focused organisation; and
- Cybersecurity, privacy, and data management.

These areas of risk will be given focus when reviewing the strategic risk register with any major mitigation responses programmed as part of annual planning.

The RMF names the following risk domains which carry through to the RAS:

- People, culture, and reputation
- Infrastructure
- Environmental and social
- Financial sustainability
- Health and safety
- Service delivery
- Legal and regulatory
- Information, data, and technology

There is scope to add more domains and information as needed. The need for this will be assessed when reviewing the risk registers.

Attachments
1. Policy No 1 Risk Management (Clean Version) May 2023 [13.1.1 - 5 pages]
2. Policy No 1 Risk Management (Highlighted Changes) May 2023 [13.1.2 - 7 pages]
3. Risk Appetite Statement June 2023 [13.1.3 - 17 pages]

Strategy Supports the objectives of Council's strategic future direction 5: innovative leadership and community governance.

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

Policy	Policy 1 Risk Management
Legislation	*Local Government Act 1993*
Consultation	Council has previously considered the Risk Policy and Risk Appetite Statement at the April 2023 Council Workshop.
Budget & Finance	Not applicable
Risk Management	Both the Policy and RAS form part of the Council's Risk Management Framework.
Alternative Motions	The Council may amend or vary the recommendation.

POLICY MANUAL

Policy Number: 1 **Risk Management**

Purpose: This policy is to provide a framework for the management of risk, to reduce and mitigate potential risks and their consequences for Council and the community.

Department: Corporate Services
Author: John Jordan, General Manager

Council Meeting Date: 13 June 2023
Minute Number: xxx/xxxx

Next Review Date: *August 2027 (as set, or every four years or as required)*

POLICY

1. Definitions

Risk: The possibility of an event occurring that will have an impact on the achievement of objectives. Risk is measured in terms of a combination of the likelihood of the occurrence of an event and its consequence.

Risk Appetite: The level of risk and consequence that Council is willing to accept to achieve its strategic and operational objectives.

Risk Management: The coordinated activities to direct and control organisational risk.

Risk Register: The reporting tool used to record and assess risk and set out mitigating actions.

2. Scope

This policy applies to all Councillors, Council employees, contractors and volunteers in the management of risk that arises from all Council activities.

3. Policy

Meander Valley Council is committed to ensuring that risk management practices are embedded into all business processes and operations in order to drive consistent, effective and accountable action, decision making and management practice.

A strong risk management culture is critical to enabling Council to safely achieve its strategic, operational and community service objectives. In mitigating risk, Council will maximise the value it delivers while minimising the potential for harm, financial and non-financial loss or consequence.

4. <u>Risk Management Objectives</u>

Council manages risk to achieve the following objectives:

Promote:	• An organisation wide approach by integrating risk management processes into each of the following areas:
	- Business strategy, project management, and decision making;
	- Audit, insurance, and specialist risk functions;
	- Workplace health and safety; and
	- Compliance and general governance functions.
	• Consistency and transparency in methodology, assessment and management processes.
	• Proactive recognition of external factors and anticipation of uncertainties that may affect the achievement of strategic objective.
	• Confidence in operating performance, management decision making and the achievement of expected outcomes.
Demonstrate:	• Sound business practice to residents, customers, employees, and others.
Sponsor:	• Innovation and maximise value from assets, investment, and opportunities.
Provide:	• Appropriate, consistent, and transparent ownership and accountability for risk mitigation.
	• Mechanisms for the timely identification and effective management of risk occurrences and consequences.
	• Confidence in management practice to the Board.
	• Generating and maintaining a sound corporate history and learning organisation.

5. <u>Risk Management Requirements</u>

Council is committed to the development of effective and robust risk management practices and meeting the objectives of this Policy.   This commitment is reflected through the following areas:

• Council will make available the necessary resources for the management of risk in accordance with this Policy and Council's risk appetite;

• Each Director is accountable for managing their Department's strategic and operational risks and for ensuring risks are identified and managed in accordance with the RMF and Risk Register;

• Risk registers are based on the outcomes of thorough risk identification and assessment processes that are developed in accordance with the Standard;

• Review of risk registers are regularly conducted and reporting, and escalations occur as needed; and

• A review of Council's risk appetite is facilitated on an annual basis, or sooner if needed.

6. <u>Risk Management Framework</u>

To manage risk, Council will maintain a Risk Management Framework (RMF) which sets out the approach to assessing and managing risk.   The RMF is a tool to systematically identify, assess, manage and monitor risk exposures that are likely to adversely impact Council's operations. The RMF comprises the:

- Risk Management Policy (this policy);
- Risk Appetite Statement;
- Strategic and operational risk registers; and
- Internal audit processes and risk assessment documentation.

Risk Appetite Statement

As a public entity, Council has a responsibility to ensure that unnecessary and high levels of risk are not a regular occurrence in its decision-making and daily operations.

To ensure the sustainable delivery of its services, Council generally has a low appetite for unmitigated risks across its operations. However, when considering the future direction of Council (outlined in the Community Strategic Plan and the Annual Plan), Council is willing to accept that it will need to take some calculated risks to pursue opportunities and deliver key programs and projects for the future benefit of the Meander Valley community.

The Risk Appetite Statement adopted by Council annually, gives form and clarity on Council's tolerance for risk. Council's Risk Appetite settings will be considered by Councillors, employees, contractors and volunteers in their decision-making.

Without limiting the scope and extent of risk related matters, the RMF will consider the following risk categories (referred to as domains):

- People, culture, and reputation
- Infrastructure
- Environmental and social
- Financial sustainability
- Health and safety
- Service delivery
- Legal and regulatory
- Information, data, and technology

Risk Register

The Strategic Risk Register and Operational Risk Register are to identify hazards that could occur in Council activities and mitigating actions that will be put in place to reduce the risk rating to a tolerable level as indicated in through the Risk Appetite Statement.

The RMF will be approved by the General and will be reviewed at least every six months, and comprehensively every 12 months.

The General Manager will report to Council (and the Audit Panel) on the review outcomes annually.

7. Roles and Responsibilities

Councillors, management, employees, contractors and volunteers all have a joint responsibility of making risk management a priority as they undertake their daily tasks in the operations of Meander Valley Council. Management and staff are to be familiar with and competent in the application of Council's Risk Management Policy and are accountable for adherence to that policy within their areas of responsibility.

Council	- Approves the Risk Management Policy and the annual Risk Appetite Statement. - Provides adequate budgetary provision for the implementation of this policy.
General Manager	- Ensure implementation of appropriate risk management framework as an essential function. - Ensure risks are managed in accordance with standards, legislation and Council policy. - Provide risk management related information, as requested by Council. - Maintain strategic risk register and review systemic level practices to ensure continuous improvement and planned risk mitigation is achieved.
Directors and Managers	- Maintain operational risk registers and review systemic level practices to ensure planned risk mitigation is achieved. - Facilitate the provision of risk awareness training in their departments. - Ensure effective recognition and management of risks across Council's operations and their departments. - Ensure Council's assets and operational activities, together with liability risks to the public, are adequately protected through appropriate insurance, risk financing and loss control programs and measures. - Prepare and implement documented procedures for each area of operations. - Monitor and audit practices to ensure compliance with risk conditions and mitigation measures. - Provide information to assist in the investigation of a risk management issue or claim that against Council. - Immediately act upon information provided by employees or residents who are reporting a hazard or incident. - Actively implement and report on audit recommendations; and - Promote and inform all employees, contractors and volunteers of about the RMF and measures to manage risk in their departments.
Employees, contractors, and volunteers	- Ensure knowledge and compliance with the RMF and related policy and procedures. - Apply risk management practices to ensure mitigation of risk and incident prevention are part of daily tasks; - Report any emerging risk, non-compliance, hazard, incident, injury or near miss. - Assist with risk assessments or investigations.

	• Implement recommendations of audits.
WH&S and Risk Management Committee	• Co-ordinate and facilitate RMF practices. • Review Council's risk management policies and procedures. • Recommend new procedures or amendments to existing procedures to reduce risk. • Review and monitor Council's risk management performance measures. • Monitor the recommendations and outcomes from risk management audits.

8. Performance Review

Council will ensure that there are ongoing reviews of its management system to ensure its continued suitability and effectiveness. Records of all reviews and changes shall be documented.

9. Legislation & Associated Council Policies

- The RMF integrates with and is supported by Council's Workplace Health and Safety Framework.
- Work Health and Safety Act 2012.
- Work Health and Safety Regulations 2012
- AS/NZS ISO 31000: 2018 Risk Management Standard.
- AS ISO IEC 31010: 2019 Risk Management – Risk Assessment Techniques.

10. Responsibility

Responsibility for the operation of this policy rests with the General Manager.

POLICY MANUAL

Policy Number: 1	Risk Management

Purpose:

~~The purpose of this policy is To provide a framework for the management of risk and define the responsibilities of staff and management in the risk management process.~~

This policy is to provide a framework for the management of risk, to reduce and mitigate potential risks and their consequences for Council and the community.

Department: ~~Governance~~ Corporate Services

Author: ~~Martin Gill, General Manager~~ John Jordan, General Manager

Council Meeting Date: ~~14 August 2018~~ 13 June 2023

Minute Number: ~~148/2018~~ xxx/xxxx

Next Review Date: *~~September 2022~~ August 2026 (as set, or every four years or as required)*

POLICY

1. Definitions

Risk	The possibility of an event occurring that will have an impact on the achievement of objectives. Risk is measured in terms of a combination of the likelihood of the occurrence of an event and its consequence.
Risk Appetite	The level of risk and consequence that Council is willing to accept to achieve its strategic and operational objectives.
Risk Management	The coordinated activities to direct and control organisational risk.
Risk Register	The reporting tool used to record and assess risk and set out mitigating actions.

~~Ensure that appropriate risk management is an integral part of management processes within Council operations so as to minimise any consequential loss, damage or injury to persons or property.~~

2. Scope

This policy applies to all Councillors, Council employees, contractors and volunteers in the management of risk that arises from all Council activities.

3. Policy

Meander Valley Council is committed to ensuring that risk management practices are embedded into all business processes and operations in order to drive consistent, effective and accountable action, decision making and management practice.

A strong risk management culture is critical to enabling Council to safely achieve its strategic, operational and community service objectives. In mitigating risk, Council will maximise the value it delivers while minimising the potential for harm, financial and non-financial loss or consequence.

4. Risk Management Objectives

Council manages risk to achieve the following objectives:

- *Promote:*
  - o An organisation wide approach by integrating risk management processes into each of the following areas:
    - Business strategy, project management, and decision making;
    - Audit, insurance and specialist risk functions;
    - Workplace health and safety; and
    - Compliance and general governance functions.
  - o Consistency and transparency in methodology, assessment and management processes;
  - o Proactive recognition of external factors and anticipation of uncertainties that may affect the achievement of strategic objectives;
  - o Confidence in operating performance, management decision making and the achievement of expected outcomes;
- *Demonstrate:*
  - o Sound business practice to residents, customers, employees and others;
- *Sponsor:*
  - o Innovation and maximise value from assets, investment and opportunities;
- *Provide:*
  - o Appropriate, consistent and transparent ownership and accountability for risk mitigation;
  - o Mechanisms for the timely identification and effective management of risk occurrences and consequences;
  - o Confidence in management practice to the Board;
  - o A solid platform for growth; and

> o   Generating and maintaining a sound corporate history and learning organisation.

5.   <u>Risk Management Requirements</u>

Council is committed to the development of effective and robust risk management practices and meeting the objectives of this Policy.   This commitment is reflected through the following areas:

- Council will make available the necessary resources for the management of risk in accordance with this Policy and Council's risk appetite;
- Each Director is accountable for managing their Department's strategic and operational risks and for ensuring risks are identified and managed in accordance with the RMF and Risk Register;
- Risk registers are based on the outcomes of thorough risk identification and assessment processes that are developed in accordance with the Standard;
- Review of risk registers are regularly conducted and reporting, and escalations occur as needed; and
- A review of Council's risk appetite is facilitated on an annual basis, or sooner if needed.

6.   <u>Risk Management Framework</u>

To manage risk, Council will maintain a Risk Management Framework (RMF) which sets out the approach to assessing and managing risk.   The RMF is a tool to systematically identify, assess, manage and monitor risk exposures that are likely to adversely impact Council's operations. The RMF comprises the:

- Risk Management Policy (this policy);
- Risk Appetite Statement;
- Strategic and operational risk registers; and
- Internal audit processes and risk assessment documentation.

Risk Appetite Statement

As a public entity, Council has a responsibility to ensure that unnecessary and high levels of risk are not a regular occurrence in its decision-making and daily operations.

To ensure the sustainable delivery of its services, Council generally has a low appetite for unmitigated risks across its operations. However, when considering the future direction of Council (outlined in the Community Strategic Plan and the Annual Plan), Council is willing to accept that it will need to take some calculated risks to pursue opportunities and deliver key programs and projects for the future benefit of the Meander Valley community.

The Risk Appetite Statement adopted by Council annually, gives form and clarity on Council's tolerance for risk. Council's Risk Appetite settings will be considered by Councillors, employees, contractors and volunteers in their decision-making.

Without limiting the scope and extent of risk related matters, the RMF will consider the following risk categories (referred to as domains):

- People, culture, and reputation
- Infrastructure
- Environmental and social
- Financial sustainability
- Health and safety
- Service delivery
- Legal and regulatory
- Information, data, and technology

The Strategic Risk Register and Operational Risk Register are to identify hazards that could occur in Council activities and mitigating actions that will be put in place to reduce the risk rating to a tolerable level as indicated in through the Risk Appetite Statement.

The RMF will be approved by the General and will be reviewed at least every six months, and comprehensively every 12 months.

The General Manager will report to Council (and the Audit Panel) on the review outcomes annually.

The Meander Valley Council is committed to proactively managing risk that arises from all Council activities, providing and maintaining a healthy and safe living environment for the general community within all Council controlled areas. Council endeavors to ensure that the environment and facilities provided for the community and employees are safe, minimise the potential for risk and are underpinned by practices and procedures that control risk.

Council recognises that risk management is an essential tool for sound strategic and financial planning and the ongoing physical operations of the organisation. Adequate funds and resources will be provided by Council to ensure the following outcomes:

- Identify and analyse Council's liability associated with risk
- Encourage the identification and reporting of potential risk
- Minimise any potential liabilities
- Protect the community against losses that are controllable by Council
- To m Maintain an appropriate level and type of insurance to cover risk
- A high standard of accountability
- Set performance standards and regularly review practices and procedures
- Allow for more effective allocation and use of resources
- To p Promote and raise the awareness of Risk Management practices throughout the organisation
- Protect Council's corporate image as a professional, responsible and ethical organisation

The above outcomes will be achieved by managing risks in accordance with the Standard or Standards referred to in Section 5 of this policy. This involves logically and systematically identifying, analysing, assessing, treating and monitoring risk exposures that are likely to adversely impact on Council's operations.

Specifically, this includes the following areas of potential losses:

- Personnel (Workplace Health and Safety);
- Plant and Property;
- Liability (including Public Liability and Professional Indemnity);
- Financial;
- Business continuity;
- Community Recovery.

Link to Council's Community Strategic Plan

Our Community Strategic Plan under Future Direction 5, "Innovative leadership and community governance" provides for Meander Valley Council to be recognised as a responsibly managed organisation.

Council's Community Strategic Plan identifies six future directions including Innovative leadership and community governance; and a healthy and safe community. These directions are embedded in operational processes that deliver on the future directions.

7. **Roles and Responsibilities**

Councillors, management, employees, contractors and volunteers all have a joint responsibility of making risk management a priority as they undertake their daily tasks in the operations of Meander Valley Council. Management and staff are to be familiar with and competent in the application of Council's Risk Management Policy and are accountable for adherence to that policy within their areas of responsibility.

Council	• Approves the Risk Management Policy and the annual Risk Appetite Statement. • Provides adequate budgetary provision for the implementation of this policy.
General Manager	• Ensure implementation of appropriate risk management framework as an essential function. • Ensure risks are managed in accordance with standards, legislation and Council policy. • Provide risk management related information, as requested by Council. • Maintain strategic risk register and review systemic level practices to ensure continuous improvement and planned risk mitigation is achieved.
Directors and Managers	• Maintain operational risk registers and review systemic level practices to ensure planned risk mitigation is achieved. • Facilitate the provision of risk awareness training in their departments. • Ensure effective recognition and management of risks across Council's operations and their departments. • Ensure Council's assets and operational activities, together with liability risks to the public, are adequately protected

	through appropriate insurance, risk financing and loss control programs and measures.
	• Prepare and implement documented procedures for each area of operations.
	• Monitor and audit practices to ensure compliance with risk conditions and mitigation measures.
	• Provide information to assist in the investigation of a risk management issue or claim that against Council.
	• Immediately act upon information provided by employees or residents who are reporting a hazard or incident.
	• Actively implement and report on audit recommendations; and
	• Promote and inform all employees, contractors and volunteers of about the RMF and measures to manage risk in their departments.
Employees, contractors and volunteers	• Ensure knowledge and compliance with the RMF and related policy and procedures.
	• Apply risk management practices to ensure mitigation of risk and incident prevention are part of daily tasks;
	• Report any emerging risk, non-compliance, hazard, incident, injury or near miss.
	• Assist with risk assessments or investigations.
	• Implement recommendations of audits.
WH&S and Risk Management Committee	• Co-ordinate and facilitate RMF practices.
	• Review Council's risk management policies and procedures.
	• Recommend new procedures or amendments to existing procedures to reduce risk.
	• Review and monitor Council's risk management performance measures.
	• Monitor the recommendations and outcomes from risk management audits.

8. <u>Performance Review</u>

Council will ensure that there are ongoing reviews of its management system to ensure its continued suitability and effectiveness. Records of all reviews and changes shall be documented.

9. <u>Legislation & Associated Council Policies</u>

    - The RMF integrates with and is supported by Council's Workplace Health and Safety Framework.
    - Work Health and Safety Act 2012.
    - Work Health and Safety Regulations 2012
    - AS/NZS ISO 31000:~~2009~~ 2018 Risk Management Standard.
    - ~~AS ISO GUIDE 73:2009 Risk Management – Vocabulary~~
    - AS ISO IEC 31010:~~2009~~ 2019 Risk Management – Risk Assessment Techniques.

10. <u>Responsibility</u>

    Responsibility for the operation of this policy rests with the General Manager.

Risk Appetite Statement
2023-24

Meander Valley Council
Working Together
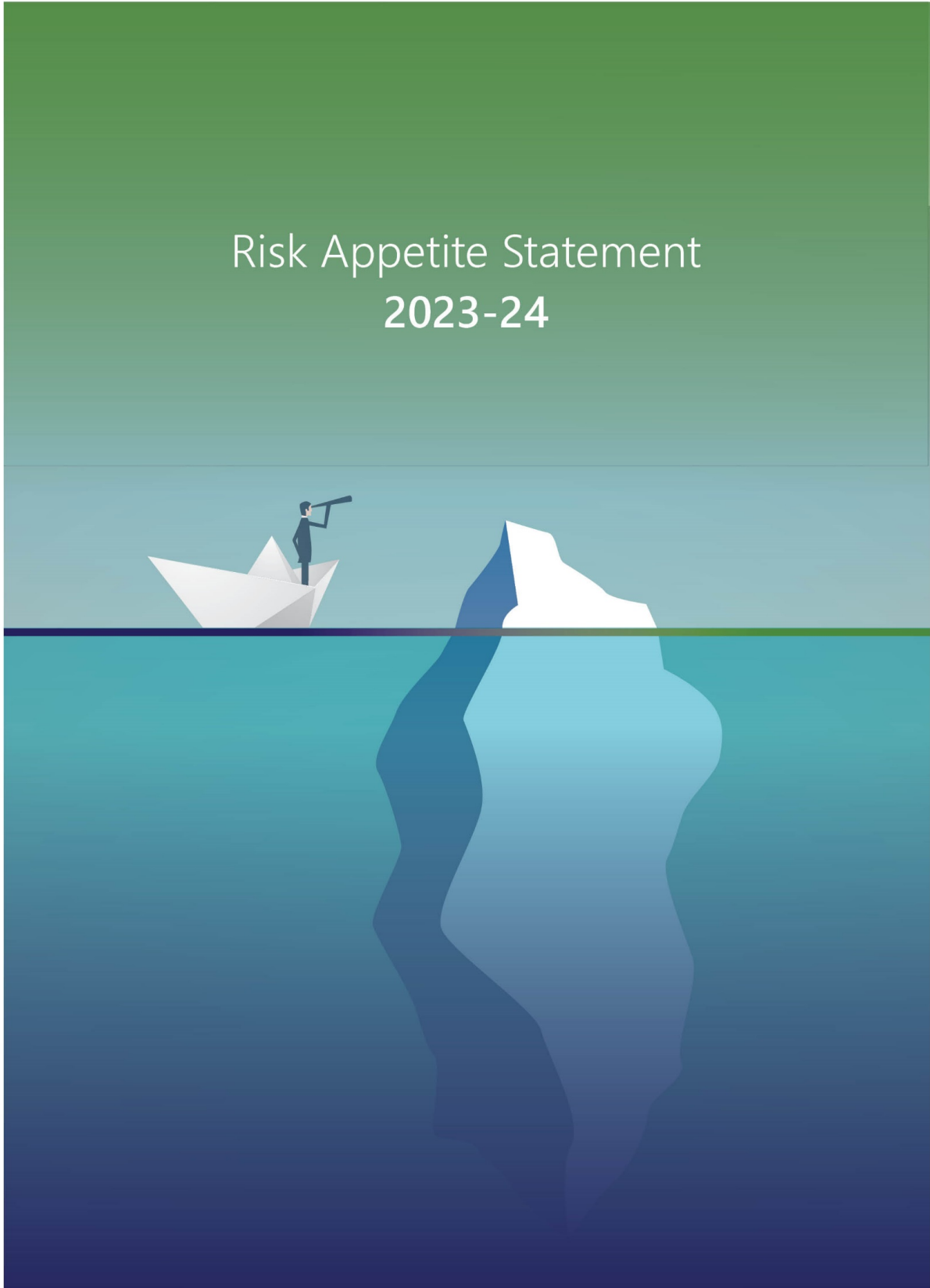
Risk Appetite Statement
(2023-24 Fiscal Year)

About the Risk Appetite Statement

We govern risk through our Risk Management Framework (RMF). As part of the RMF is this Risk Appetite Statement (RAS) indicates the amount of risk the Council is willing to accept in specific risk domains to achieve objectives.

We will use the RAS:

- When developing and applying Council's risk register and actions to mitigate risk. These registers will be maintained and reviewed along with actions to mitigate risk at least every six months or when there is a material change to circumstance or business capability that compels re-assessment.

- In the decision-making activities of Council. Activities including financial planning, projects, strategic and operational planning, governance arrangements, performance management, regulatory oversight, program and policy design and implementation are to be managed within range of acceptable appetite and tolerances set out in this document.

Managing our strategic risk

We will always pursue the lowest risk option while taking a balanced and pragmatic approach considering:

- Our internal and external circumstances.
- The inherent risk associated with an activity, decision or service.
- Our capability and maturity of operations, our policy, and our obligations under law.

Our RMF provides the mechanism for Council and management to consider such matters.

Our risk landscape is evolving with changes to economic and labour market conditions, local government reform agendas and changing community expectations creating a complex and interrelated array of risks. To mitigate these risks and support our customers and community we must also evolve, innovate, and invest.

The strategic risks we are prioritising include:

1. Tasmanian Local Government reform

    Changes to local government present opportunities and risks. We have a fundamental role in supporting staff and the community during consultation and transition. We need to understand the reforms and respond to the challenge of achieving change with finite resources. We will continue to

invest needed investment in information technology, the new depot and service improvement while being cognisant of the reform agenda.

2. Cost of living and doing business pressures

   Inflation has been consistently rising in Australia and globally. Interest rate changes and the increasing cost of goods and services places pressure on the household budgets of residents and the cost to Council of delivery services. Our long-term financial planning needs to be recalibrated to accurately reflect changing circumstances and the need to balance service with the capacity of the community to pay.

3. Competition for people and skills

   Unemployment is the lowest in decades and persistent skills shortages across the economy, means we are facing worker shortages. Uncertainty because of the local government reform, scarcity of housing, career pathways and lifestyle magnify the challenge of attracting and retain people, particularly in town planning, engineering, environmental health, information management and plant operation. We must continue to invest in our people and review our value proposition to attract and retain talent.

4. Supporting a purposeful transition to a more modern customer focused organisation

   The transition from end-of-life ICT systems, implementation of contemporary waste management services and enhancing communication with the community require significant investment. We need a clear roadmap that sets a correctly sequenced, costed and paced transition to a modern customer centric service model, while at the same time enables a continuation of services.

5. Cybersecurity, privacy, and data management

   Managing information and privacy and retaining service resilience in the face of an increasing risk and prevalence of cyber security attacks highlights the need to invest and mature our capabilities to manage Council's exposure to events that may compromise customer data and privacy and disrupt systems and operations.

Responsibilities

- The Council is responsible for approving the RAS. The RAS will be reviewed annually as part of the budget development process to ensure assessment of initiatives and proposals against the levels of acceptable risk across relevant risk domains.

- The General Manager and Directors are responsible for reviewing, monitoring, and managing risk within and across their respective Departments. They are to facilitate risk awareness and embed risk management into day-to-day and formal decision-making.

- All staff have a responsibility to escalate for approval any significant or material change to existing risk or additional risk to the business or outcomes of Council.

- The Audit Panel is responsible for monitoring and reviewing the appropriateness of Council's system of risk oversight.

The language of risk

Risk Management Domains

The RMF identifies the following risk domains:

- People, culture, and reputation
- Infrastructure
- Environmental and social
- Financial sustainability
- Health and safety
- Service delivery
- Legal and regulatory
- Information, data, and technology

Risk Appetite Ratings

We express our appetite for risk using the following ratings:

Appetite Rating	Decision Behaviour
No Appetite	We maximise avoidance and minimise exposure to the risk.
Low Appetite	We manage to a preference for safer options that limit impacts.
Moderate Appetite	We are prepared to pursue options in a measured and considered way, where risks are fully understood, and some impacts accepted.
High Appetite	We engage with risk and to achieve benefits, where risks are fully understood, and impacts of negative occurrences are accepted.

Risk and control response relationships

Extent of risk appetite	Risk Tolerance Level	Risk Management Approach	Management Control Point
No appetite	Zero tolerance	Highly cautious	GM Approval
Low appetite	Low tolerance	Cautious	GM Approval
Moderate appetite	Moderate tolerance	Conservative	EMT / GM approval
High appetite	High tolerance	Confident	Within delegation

Risk Appetite – People, Culture and Reputation

Meander Valley Council seeks to attract, engage, and retain talented people who find purpose in delivering services and building our community.
In addition to professional and technical skills we require leaders who can anticipate the changing needs of our customers and adapt our processes, systems, and priorities to maximise the relevance and value of our services.

Risk Category	Risk Tolerance	Risk Tolerance Statement
Employee Entitlements	No	• The Council is committed to complying with the National Employment Standards, Fair Work Act, and entitlements under the Enterprise Agreement (2022). There is a **no appetite** for incorrect payment or provision of entitlements.
Skilling our Workforce	Moderate	• Council is committed to developing our people and ensuring we have a workforce with the skills for the future. Council will invest and supply opportunities for new skills development and career pathways. The is a **moderate appetite** for skills gaps in our workforce due to labour market conditions.
Mental Wellness	Low	• Council is committed and places a high value on a mentally healthy and supportive workplace, free from discrimination, harassment and supported by external employee assistance providers. • Council is committed to supplying the tools and resources needed to build mental health capability and train people to be alert and responsive to potential issues. Council has a **low appetite** for behaviours or circumstances that affect the mental health of people.
Conflict of Interest	Low	• Council is committed to deliver mandatory induction and refresher training on managing conflict of interest for employees and Councillors to ensure there is clear understanding of what it means to do the right thing. Council has a **low appetite** for conflict-of-interest related incidents.
Culture	Low to Moderate	• Council is committed to have in place initiatives to embed our culture, values, and behaviours to ensure a productive, harmonious and customer centric workplace and relationship with our employees, customers, and the community. Council has a **moderate appetite** for culture related issues and a **low appetite** for non-investment in initiatives to support a strong behavioural based culture.
Workforce Capability	Moderate	• The Council has a **low appetite** for non-delivery of commitments to the community. committed to seeking, attracting, engaging, talented people who find purpose in delivering services to the people of Meander Valley.

Risk Category	Risk Tolerance	Risk Tolerance Statement
		• We require the right mix of skills and number of leaders, employees, and delivery partners to deliver services and meet demand. Competition is high and local skills scarce. Council will have in place a workforce planning process to inform decisions on required ability and capability. Council has a **moderate appetite** for skills and capability deficits.
Code of Conduct and Integrity	Low	• Council is committed to deliver mandatory induction and refresher training on the Code of Conduct for Employees, and the Code of Conduct for Councillors to ensure there is clear understanding of what it means to do the right thing. Council has a **low appetite** for non-compliance with the codes of conduct.
Reputation	Low	• Council has **a low appetite** for damage to its reputation. Reputation and brand can be damaged through poor decisions, service disruption, unfair treatment of customers, incorrect information or administration, or a failure to meet customer, community, or regulatory expectations. Council will invest in managing its brand, reputation, and position of trust in the community. Council has a **low appetite** for reputation damage.
Protecting privacy and customer data	Low	• Council has a **low appetite** for the compromise of sensitive personal information about our employees and customers. • Council has a **medium appetite** for poor information security and physical access controls or failure to protect personal and sensitive information. • Council has a **low appetite** for breaches of privacy, confidentiality, or the improper use of information. We will meet our regulatory obligations concerning the collection and use of information, and in respect.

Risk Appetite: Health and Safety

Meander Valley Council supports a safe and healthy workplace and is committed to providing a safe workplace for councillors. employees, visitors, Volunteers, contractors, and others within Councils duty of care.

Risk Category	Risk Tolerance	Risk Tolerance Statement
Health Safety and wellbeing	No / Low	• Council is committed to supplying a safe workplace for all employees, visitors, contractors and has **no appetite** for death, permanent disability, or lost time because of inadequate safety protocols or standards. • There is **low appetite** for non-compliance with safety protocols or acting on a duty of care for the wellbeing of persons. • There is **low appetite** for the potential for minor injuries of staff and contractors undertaking delivery of projects or work. Recognising there is inherent risk in the nature/location of some work practices and locations. • Council has a **low appetite** for work practices, actions or interactions that compromise safety of its employees, Councillors, Contractors, volunteers and community members and visitors. • Council Has a **low appetite** for indoor employees undertaking high risk work subject to proper controls being in place. • Council has a **low appetite** for workplace practices that are not in line with 'best practice" provided duty of care, safety, effectiveness, and efficiency is not compromised. • Council has a **low appetite** for minor Incidents or injuries acknowledging the nature of diversity if the work undertaken. • In addition to the Council's policy of attracting, engaging, and keeping talented people within its workforce and contractor pool, Council has a **low appetite** for untrained or unqualified personnel and will check and ensure only suitably qualified / trained people are always on site. • Council has a **low appetite** for actions or behaviours that are deliberate or contravene the Australian Standards, WHS Act and Regulations, Codes of practice, Council WHS Framework, policies, and procedures (including work instructions, safe work method statements, and job safety analysis documentation).

Risk Category	Risk Tolerance	Risk Tolerance Statement
		• Council has a **low appetite** for actions and or practices that knowingly compromise workplace safety and or community safety. • Council has a **low appetite** for activities that have potential to result in foreseeable and preventable fatalities, harm, serious injuries or illness to employees, Councillors, contractors, volunteers, community members and visitors. • Council has a **low appetite** to failure to rectify and or appropriately manage any identified unsafe infrastructure and or work environments / practices.
	Moderate	• Council has a **moderate appetite** for outdoor employees undertaking high risk work involving labour and plant subject to proper controls being in place.

Risk Appetite – Infrastructure

Meander Valley Council is committed to continuous improvement in providing infrastructure to the community in line with the best practice and industry standards, which meets the level of service standards as outlined in our strategic asset management plans.

Council will increase the level of service standard in response to changing standards, regulatory environment, or specific community demand, noting there will always be tension in the asset planning environment in finding the best balance for the community between financial investment, asset utilisation, practical and aspirational projects. Varying demands have the capacity to create perceived 'winners' and 'losers' when evidence-based decisions or recommendations are made. Council is open to taking low to moderate levels of risk to enhance infrastructure where consideration is given to financial, project priority, reputational and time impacts.

Risk Category	Risk Tolerance	Risk Tolerance Statement
Asset resilience	Low to moderate	• There is a **moderate appetite** for flexibility in changing programs of work to respond to emergency events or existing or emerging safety and environmental risks or financial opportunities. • Council will have a **low appetite** for multiple instances of suppliers not providing services at agreed times without reasonable justification and failure of suppliers to provide services within agreed budget.

Risk Category	Risk Tolerance	Risk Tolerance Statement
		• Council will have a **moderate appetite** for departure from standards and best industry practice when using risk-based assessments. • Council has a **low appetite** for minor financial impacts arising from the addition of unbudgeted works in its capital delivery program and in the implementation of new or innovative technologies. • Council has a **moderate appetite** to unforeseen or unavoidable cost variations in Capital projects within the established contingency distributed to each project. • Council is committed to delivering projects on time and there is currently a **moderate appetite** to extended project timelines due to existing construction market pressures and supplier availability. • Council has a **low appetite** for the addition of significant capital projects to the capital works program during the year without consideration of all project and organisational risks. • Council has a **low appetite** for failure to plan, administer and manage contracts appropriately resulting in significant delays or cost variations. • Council has a **low appetite** for non-completion of a significant portion of new or renewal infrastructure projects beyond the fiscal year or scheduled completion period if the project runs across multiple years.
Asset performance	Low	• Council has a **low appetite** to asset failure due to deferred maintenance or failure to retire the asset at end of life of the asset. • Council has a **low appetite** to failure to develop plans to respond to critical infrastructure disruption to ensure return of service delivery.
Community Safety	Low	• Council has a **low appetite** to defer projects mitigating critical safety issues for the community. • Council has a **low appetite** to depart from legislative requirements and industry best practices in the delivery of infrastructure solutions to the community. • Council cares about the Community and has a **moderate appetite** for expected levels of disruption to the community due to asset renewal projects and standard construction procedures. • Council has a **moderate appetite** for unforeseen interruptions to service delivery from uncontrollable events where Council responds and communicates promptly to affected stakeholders.

Risk Category	Risk Tolerance	Risk Tolerance Statement
		• Council has a **moderate appetite** to planned compliance with Standards not affecting safety, over time.

Risk Appetite: Service Delivery

Meander Valley Council delivers a range of community services, events and facilities which contribute to our Municipality, and we recognise that events will occur from time to time that are beyond the Councils control such as procurement issues and supply chain disruption.

Council endeavours to maintain business disruption (from non-technology related risk) by maintaining a Business Continuity plan.

Risk Category	Risk Tolerance	Risk Tolerance Statement
Business disruption	Moderate	• Council has a **moderate appetite** to unforeseen interruptions of up to two days to critical business functions from uncontrolled events where Council responds and communicates promptly to affected stakeholders. • Council has a **moderate appetite** to unforeseen interruptions of up to 7 days or less critical business functions from uncontrolled events where Council responds and communicates promptly to affected stakeholders. • Council has a **moderate appetite** for impacts arising from innovations and ideas that contributed and encouraged creating a flexible workforce. • Council has a **moderate appetite** to failure to document and follow policies and procedures that impair the quality-of-service delivery or result in service interruptions. • Council has a **moderate appetite** for business disruptions (from non-technology related risk), failure to develop a Business Continuity Plan to respond to a disruption and ensure continuity of critical business functions. • Council has a **moderate appetite** to failure to escalate a critical business function outage within 2 hours. • Council has a **low appetite** for running a service that does not meet or exceed the ability to supply the utmost benefits to our community.

Risk Category	Risk Tolerance	Risk Tolerance Statement
Procurement and supply chain disruptions	Low	• Council has a **low appetite** to disruption to service delivery due to implementation of modern technology, innovation initiatives or projects. • Council has a **low appetite** to minimal procurement and supply chain disruptions beyond Council's control. • Council has a low **appetite** for failure to plan, administer and manage contracts appropriately resulting in significant delays or cost variations.
Transaction processing and wrong decision risk	Low	• Council has a **low appetite** for transaction processing and wrong decision risks. • Council has a **low appetite** for failure to meet our service commitments and community expectations. • Council has a **low appetite** for failure to show a commitment to delivering quality services to our community.

Risk Appetite: Environment and Social

Meander Valley Council is aware of its environmental impacts and endeavours to adopt a sustainable approach to its activities.
Council is open to innovative practices for the betterment of the environment and community wellbeing. Council will ensure development within the municipality complies with the regulatory requirements for sustainable development and minimize the environmental impacts on the community.

Council has a low to moderate risk appetite for environmental and sustainability risks arising from normal activities. It will endeavour to minimise environmental impacts noting that some damage will occur in a limited resource environment. Council will comply with its regulatory obligations regarding sustainable development.

Risk Category	Risk Tolerance	Risk Tolerance Statement
Impact of climate change	Low to moderate	• Council has a **moderate appetite** for the occurrence of minor environmental impacts from uncontrollable or unforeseen events. • Council has a **moderate appetite** for budget increases and expenses that limit adverse impacts and deliver positive outcomes for the environment.

Risk Category	Risk Tolerance	Risk Tolerance Statement
		• There is a **low appetite** for decisions, activities, and practices that result in long term or recurrent environmental damage or lasting negative climate impacts that threaten biodiversity, or at-risk flora or fauna. • Council has a **low appetite** for asset management and renewal that does not consider resilience to increased frequency and severity of extreme events and future climate change impacts.
Disaster management and community recovery	Low	• Council has a **low appetite** for a reduced capability to provide emergency response, aid, and recovery during periods of flood, fire, or other emergencies or disasters. • Council has a **low appetite** for not delivering aid and recovery to the community and service authorities during periods of flood, fire, or other disasters.
Environmental impacts from Council's activities	Low to moderate	• Council has a **low appetite** for environmental impacts not offset by other activities resulting in a net environmental benefit. • Council has a **moderate appetite** to delay or paced changes to procedures and practices to improve environmental and sustainability outcomes. • Council has a **moderate appetite** for the investigation and implementation of circular economy and asset renewal initiatives incorporating sustainability initiatives. • Council has a **low appetite** for delayed management of 'risk trees' in public spaces in line with policy and recommendations from recurring audits. • Council will have a **low appetite** to departure in operations from environmental Protection Notice obligations for EPA regulated sites or failure to meet legal environmental requirements resulting in EPA fines or penalties or adverse community representation. • Council will have a **low appetite** for actions of Council that do not appropriately consider environmental risks and the principles of sustainable development. • There will be a **low appetite** to development applications that are not assessed to ensure compliance with environmental legislation.

Risk Appetite: Financial Sustainability

Meander Valley Council recognises there are financial risks involved in delivering the wide range of services, programs, and capital projects that we choose to provide to our community. Council has a low appetite for financial risk exposure. We value certainty and stability in our operational structure and will adopt a cautious approach to financial decisions to ensure sustainability of operations for future generations. Council will implement controls such as segregation of duties and dual signatories on approvals as measures to mitigate risk.

Risk Category	Risk Tolerance	Risk Tolerance Statement
Financial controls	Low to moderate	• Council has a **low appetite** for loss from poorly executed financial controls or failure to address audit recommendations accepted by management in a reasonable time. • Council has a **low appetite** for non-reporting of material budget or fiscal impacts that impact financial performance indicators and take ratios outside the target range. • Council has a **moderate appetite** for non-recurrent minor losses, or capital outlays attributable to transitioning to new processes or innovation to improve services to meet community needs. • Council has a **moderate appetite** to minor cost impacts, unplanned opportunities in supplier procurement proposals that may help local competent suppliers. • Council will have a **moderate to high appetite** to loss or reduced compliance to procurement and other policy when responding to emergencies or disasters affecting the community or infrastructure. • Council has a **low appetite** for financial activities and /or investment practices that contravene existing legislation and Council policy. • Council has a **low appetite** to non-reporting and non-compliance with accounting standards that have a material impact on the financial statements or the reputation of Council.

Risk Category	Risk Tolerance	Risk Tolerance Statement
Financial sustainability (operational expenses and depreciation ratio, investment, and balance sheet)	No to moderate	• Council has a **moderate appetite** for sustained sub-target performance against the fiscal management strategy and long-term financial plan forecasts. • Council has a **moderate appetite** to minor unforeseen and unavoidable budget variations within a range of + or − 5% for operational department budgets. • Council has a **moderate appetite** to minor unforeseen and unavoidable cost variations in capital projects within the threshold of $5,000 or 5% of the project budget. • Council has a **moderate appetite** to calculated financial risk to deliver infrastructure, improve service delivery or promote sustainability. • Council has a **low appetite** for failure to support and implement effective systems, processes and controls which will adequately protect Council from fraudulent activity. • There is a **low appetite** for unplanned actions that have a material financial implication. • Council has a **no appetite** for acts of fraud or misappropriation of funds or misuse of office. • Council has a **low appetite** for asset valuation practices that are inconsistent with industry standards noting this is mitigated by oversight from the Tasmanian Audit Office.

Risk Appetite: Information, Data and Technology

Our assets (including personal information, data, and records) and technology (systems, hardware, and software) are vital in maintaining our business practices and therefore Council has a cautious approach and implement safeguards from both internal and external threats, misuse, modifications, and unintended damage.

Councils aim is to protect our assets within our IT systems and services. We will be successful through the application of appropriate internal controls, a cyber aware workforce, effective governance, timely rectification of identified control weaknesses, and systems that monitor external threats.
Management reviews physical security, privacy, good practices for information and records management (following policies and procedures to appropriately store and reference records).

13.1.3 Risk Appetite Statement June 2023

Risk Category	Risk Tolerance	Risk Tolerance Statement
IT system capability and continuity of services	Low	• Council has a **low appetite** for loss or recurrent inefficiencies or problems with services due to poor implementation or under investment in modern technologies. • Council has a **low appetite** for employee non-compliance with Council's policies and procedures. • Council has a **low appetite** for failure to maintain systems and services which adequately protect Councils data and information and maintain adequate audit trails. Diligence in relation to information security, the procurement and implementation of IT systems and services is needed. • Council has a **low appetite** for data loss resulting from inappropriate data management processes, and poor information governance process. • Council has a **low appetite** for failure to maintain disaster recovery plans in place and testing on a regular basis.
ICT security	Low to Moderate	• Council recognises that the landscape of cyber security is constantly evolving, and we are unlikely to be able to fully eliminate threats, however Council will adopt a **low appetite** approach and will implement control measures to reduce the risks. • Council has a **low appetite** to misuse, inappropriate distribution, or loss of sensitive or confidential Council information due to the actions of the staff. • Council has a **moderate appetite** to some cyber threats which if successful would have a minor or limited impact on Council operations because they do not compromise the integrity, confidentiality or availability of Council information or assets. • Council will have a **low appetite** for failing to promptly act to address identified cyber security control weakness and taking action to prevent future weaknesses. • Council will have a **moderate appetite** for balancing control and business continuity risk with cost: measures including acquiring cyber security insurance, regularly backing up IT systems to a disaster recovery location which are able to be restored in a timely manner are minimum responses. • Council recognises that employees play a key role in Councils efforts to protect our information technology assets and will have a **low appetite** to cyber security threats that could have been prevented through judicious application of technical and behavioural controls.

Risk Category	Risk Tolerance	Risk Tolerance Statement
		• There will be a **low appetite** for significant threats to assets arising from external malicious attacks and any unprepared response, in case of an external cyber-attack. • Council will have a **low appetite** to unauthorised release of confidential information.

Risk Appetite: Legal and Regulatory

Meander Valley Council is committed to good governance and meeting statutory compliance requirements in a consistent and fair manner. Council has a low appetite for significant breaches of legal obligations or contractual agreements that result in fines, penalties, or reputational damage.

Risk Category	Risk Tolerance	Risk Tolerance Statement
Statutory Compliance – breaches of legislation, regulation. Policies and procedures.	No to moderate	• Council has a **moderate appetite** for decisions made on merit in accordance with Council values that are in line with professional advice. • Council has a **moderate appetite** to risk which may give rise to isolated complaints that are incidental to normal business activities despite best efforts to avoid or mitigate. • Council has a **moderate appetite** for streamlined governance processes subject to effective controls still being in place. • Council has a **moderate appetite** for compliance action taken within its authority balancing nature, degree, and urgency of any reported breach with level of resources available to meet statutory obligations. • Council has **no appetite** for corrupt and fraudulent conduct. • Council has a **low appetite** for unreasonable delays when reporting, investigating, or correcting fraudulent, improper, unethical, or corrupt conduct. • Council has **no appetite** for any instances where Council officials knowingly break the law, do not follow legal obligations or recklessly breach internal policies.
		• Council has a **low appetite** for failure to follow policies and procedures implemented by Council.

13.1.3 Risk Appetite Statement June 2023

Risk Category	Risk Tolerance	Risk Tolerance Statement
		• Council has a **low appetite** for any behaviour which gives rise to extensive litigation and indictable offences. • Council has a **low appetite** to failure to follow Government directions or orders. • Council has a **low appetite** for significant and continued departure from legislative requirements when processing, planning, building, and plumbing applications. • Council has a **low appetite** for unauthorised release of confidential information.
Public liability and professional indemnity.	No to Low	• Council has **no appetite** for not keeping adequate public liability or professional indemnity insurance coverage. • Council has a **low appetite** for failure to look for and consider expert / professional legal advice where appropriate.

Motion to Close Meeting

Motion   Close the meeting to the public for discussion of matters in the list of agenda items below.

Refer to *Local Government (Meeting Procedures) Regulations 2015*: s15(1).

Vote   Absolute majority

Closed Session Agenda

Confirmation of Closed Minutes
Refer to *Local Government (Meeting Procedures) Regulations 2015:* s34(2).

Leave of Absence Applications
Refer to *Local Government (Meeting Procedures) Regulations 2015:* s15(2)(h).

Completion of Loan Agreements and Contract for Sale of Real Estate
Refer to *Local Government (Meeting Procedures) Regulations 2015:* s15(2)(d) regarding contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

Refer to *Local Government (Meeting Procedures) Regulations 2015:* s15(2)(f) regarding proposals for the council to acquire land or an interest in land or for the disposal of land.

Contract No. 242-2022/23 Design and Construct Footbridge, Meander River Deloraine
Refer to *Local Government (Meeting Procedures) Regulations 2015:* s15(2)(d) regarding contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

Contract No. 251-2022/23 Design and Construct, Mount Leslie Road, Prospect Vale
Refer to *Local Government (Meeting Procedures) Regulations 2015:* s15(2)(d) regarding contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

Personnel Matter
Refer to *Local Government (Meeting Procedures) Regulations 2015:* s15(2)(a) regarding personnel matters, including complaints against an employee of the council and industrial relations matters.

Acting General Manager Arrangements
Refer to *Local Government (Meeting Procedures) Regulations 2015:* s15(2)(a) regarding personnel matters, including complaints against an employee of the council and industrial relations matters.

Release of Public Information
Refer to *Local Government (Meeting Procedures) Regulations 2015:* s15(8).

Meeting End