

25th August 2022

The Hon. Sue Smith AM

Chair – Local Government Review Board

Via Email: lgboard@dpac.tas.gov.au

Dear Chair

Re: Future of Local Government Stage 1 – Interim Report (July 2022)

The Southern Midlands Council has considered the Board's Interim Report and whilst it is acknowledged that the Board will further the Review process by investigating six 'priority reform areas', Council has taken this opportunity to provide comment in response to some of the issues and questions posed in the Interim Report.

This submission records the comments made through a Council workshop process and subsequent input provided by Councillors.

It is stated at the outset that the Southern Midlands Council does not support any form of merger (or major boundary adjustment). Council has created a strong and cohesive 'brand' and 'community of common interest' since the creation of the municipal area in April 1993 and the community's expectation is that this will be maintained. The Southern Midlands being an amalgamation of the former Green Ponds and Oatlands Councils, and the rural areas of the previous Brighton and Richmond Councils.

Firstly, the Board has indicated that the Interim Report has been based on the community engagement and evidence gathering during the initial phase of the Review. In respect to the community engagement, the Board indicates (in part) that it has been encouraged by the positive way that the broader Tasmanian community have approached and engaged with the Review in Stage 1. From a Council perspective it is apparent that there is little (or no) knowledge within the community of the Board's review process. This is evidenced by the fact that until such time as the Review was promoted through Council's own newsletter issued to all residents, there has been no general discussion or feedback received. Following issue of the Council Newsletter, the main comments have been centred around 'no amalgamation', despite the broader intent of the Review.

In reference to the way forward, it is noted that the Board intends to do a targeted survey of community members under-represented in Stage 1 – people under 45 and particularly people under 30 were under-represented. If possible, consideration should also be given to undertaking targeted surveys based on geographical areas where there is clear evidence of under-representation or participation (i.e. rural areas).

The Board has stated that there is a growing consensus that there are a number of complex social, economic, and environmental problems that need to be addressed in the future. Council, to some extent, agree with this statement. At this stage of the Review, Council is not convinced of the need for wholesale reform within the local government sector to address these issues. Council certainly does not endorse the Board's position that there is now broad acceptance of this.

Report – Section 2 – The role for local government in 21st century Tasmania

No comment is provided in relation to what the Board proposes to do as part of Stage 2 of the Review, however a point of caution when assessing **infrastructure and service delivery**. If a regional/sub-regional model (or other model) is considered for the provisions of services, the Board needs to be conscious that the local authority must retain sufficient resources (both human and physical) at the end of the process to satisfy its remaining obligations and be able to respond to local needs.

- *Do you agree with the Role Statement? Does it make sense? Are there any gaps?*

There are three components to the proposed Role Statement. Council has no comment with respect to the first or third dot points.

The second dot point states:

Providing infrastructure and services that, to be effective, require local approaches.

This makes sense, however the commentary provided under this dot point contradicts the statement.

The commentary goes on to say that this means local government direct its resources to delivering those things that are shown to work best when designed and delivered at the 'sub-regional' scale. It also means that infrastructure and services should be delivered at a regional or statewide level if it is more effective and efficient to do so.

The above is inconsistent with the role statement which refers to 'local approaches'.

- *What services do you think benefit most from 'local' design and delivery? Why? When it comes to those services, how local is 'local enough' to deliver for the community?*

The answer to this question is best determined in consultation with the respective communities and this is generally identified through an individual

Council's Strategic Planning processes; consultation with the community; and ultimately the electoral process.

It should be acknowledged that there are existing regional approaches which have proven to be totally ineffective and inefficient and have failed to meet a community's needs or requirements.

- *What do you think about the idea of a 'charter' for local government? If we develop a charter, should it be included in the Local Government Act 1993?*

This would appear to be a retrograde step going back to the period prior to the 1993 legislation. During the development of the 1993 Act, the focus was on reducing the level of prescription and providing Council with enterprise powers (Section 20) to enable it to carry out a range of functions in order to respond to community need (not dissimilar to what the Board is aiming to achieve now).

Report – Section 3 – Capability for the future: Successful and sustainable Councils

The Board has set out a number of 'Capability and outcome aspirations'.

No specific comments are provided in relation to these 'high-level' statements which adequately address all elements.

Report – Section 4 – Opportunities, issues and challenges

Review Themes:

1. Infrastructure provision and management

Do you think the Future Visions capture what 'success' would like if all councils were working well? Is there anything you would add or remove?

Use of the word "Vision" suggests that this can actually be achieved at some stage in the future, as opposed to being aspirational.

Whilst it would be an ideal situation if local government could plan, fund, and build all the required new infrastructure that is needed, the fact is that there is insufficient resources available within all levels of government to build what is required!

It is not appropriate to include such a statement (or commitment). There will always need to be a process of prioritisation in relation to the provision of infrastructure.

2. Finance and administration

Do you think the Future Visions capture what 'success' would like if all councils were working well? Is there anything you would add or remove?

No comment is provided in relation to the Vision.

It is acknowledged that the Board has commissioned detailed financial sustainability analysis covering a 10-year period. It is important to understand the future financial position of Councils going forward taking into account assumptions based on reliable projected data (both financial and non-financial e.g. land use strategies).

To simply refer to a Table which reports 'Average Underlying Surplus Ratio' for the past ten years (referring to Fig. 4 p.39 Interim Report), in the absence of referring to a Council's Long-Term Financial Management Plan and associated Asset Management Strategies, does not form the basis for informed decision making.

The Board also suggests in its Interim Report that smaller rural councils will continue to experience shrinking rate bases. This needs to (and no doubt will) be tested on an individual Council basis as part of the next review stage.

It is strongly recommended that the Board consider the report entitled 'Independent Review of Structures for Local Governance & Service Delivery in Tasmania'. It is noted that this report, prepared by an independent panel consisting of Ms Jude Munro AO (Chair), Mr Saul Eslake; and Mr Stephen Haynes, was commissioned by the Southern Tasmanian Council's Authority and is not included as a Reference document.

Whilst this report was focussed on southern Tasmania, the commentary and findings within the Report are relevant to the State as a whole. In particular, referral to the State Grants Commission and the need to review its methodology for the distribution of the FAGS should be a focus of the Review Board when considering financial sustainability.

Any proposed changes to the structure of local government should be modelled by the State Grants Commission as part of the decision making process.

3. Planning and other regulatory functions

Do you think the Future Visions capture what 'success' would like if all councils were working well? Is there anything you would add or remove?

No comment is provided in relation to the Vision, though as with 'Infrastructure provision and management', it does feel somewhat aspirational with the current skills shortage across planning and other regulatory fields.

The Southern Midlands Council strongly opposes any proposal to establish a regional planning authority (or similar). Statutory planning should be the responsibility of the local authority. Similarly, strategic land-use planning should also be done at the local level and is an absolutely critical role of local government.

In terms of opportunities for improvement, Council offers the following:

Standard Advice Documents

Standardised advice pamphlets/info sheets/website info and the like would be useful to explain the roles and processes of planning and other regulatory approvals to the public.

Assistance with educating the public generally around these LGA responsibilities and how they interact would be useful.

External referral body

Council thinks there is a role for an external assessment body for some applications such as those where Council is the applicant or has had a significant role in advancing the proposal.

Major project (i.e. State) assessment options are not currently attractive to developers due to long time frames and uncertainty.

Councillor training and appropriate support from management (including potentially legal advice) is essential for Councillors to understand and execute their role appropriately.

Other Comments:

- the idea that Councils are “*leading strategic land use planning for their council area*” and have/can actively set a strategic direction with their LPS/current planning scheme and associated zoning is somewhat misguided. Firstly, the application of zones and other planning controls is highly regulated by the State. Further, in many areas there has been no real strategic review of planning zones for many years. The reform processes that have taken place over the last decade or so to introduce first the Interim Planning Schemes and now the Local Provisions Schedule of the Tasmanian Planning Scheme have largely been undertaken as translation exercises from previous planning schemes – as directed and enforced by the State. It is only where new strategic work has been undertaken that any departure from this has occurred. In Southern Midlands there have been essentially no review of zoning in urban areas during this time.
- It is often said that if a Planning Authority doesn't like the decisions they feel forced to make under their current Planning Scheme then they should change it. However, if a Planning Authority does see a need to alter their planning scheme to better deliver outcomes/expectations for the community the process for planning scheme amendments is incredibly time and resource intensive and any changes must be in accordance with those State and Regional rules and strategic directions. There is also no appeal mechanism to review decisions of the Tasmanian Planning Commission.
- Planning is important but the other regulatory roles (i.e. building and plumbing) should not be overlooked – they are essential and important. Continuing to improve transparency, consistency and links between planning and other regulatory legislation e.g. building/plumbing is important to reduce the overall load on Councils and developers/the public.
- The impact that the other Statutory Authorities have in relation to the timely processing of development applications; the barriers that are frequently experienced through this process of referral and sign-off; and finally their ability to deliver their services in the field.

4. Economic development and local promotion

Do you think the Future Visions capture what ‘success’ would like if all councils were working well? Is there anything you would add or remove?

Nil Comments.

5. Environment

Do you think the Future Visions capture what ‘success’ would like if all councils were working well? Is there anything you would add or remove?

Council has considered this Vision statement in detail, with suggested amendments being highlighted:

Future Vision – environment

Councils fulfil all their statutory obligations for environmental protection, ~~and have systems in place to manage and update climate change risk as new data becomes available, and have~~ planned for and resourced the achievement of any additional environmental objectives their communities support.

Councils can do this because they:

- ~~Have access to regularly updated climate change data (resourced by the State) on which to base their climate risk management planning, and clarity around the process required to ensure key climate risks are understood at an executive level and are reflected in existing frameworks such as the corporate risk register and relevant planning scheme overlays;~~
- ~~Have access to~~ the necessary technical and legal advice, and the necessary systems ~~(e.g. record management, delegation etc),~~ to fulfill their statutory obligations, including for waste disposal ~~and~~, weed control ~~and feral animal control;~~
- ~~Note: Clarity is sought in terms of what is intended in relation to feral animal control.~~
- Have access to cost effective services to deliver both their statutory obligations and any additional environmental objectives they have adapted;
- Have documented all environmental objectives, both statutory and non-statutory, in their strategic planning documents and have appropriately resourced their achievement;
- ~~Play an important leadership role in their communities’ in the transition to renewable energy by adoption of available technologies for building efficiency, transport efficiency and emissions reduction across all business areas; Have clear local-level plans that support sustainability~~; and
- Have undertaken the required community consultation on those documents.

6. Governance, accountability, and representation

Do you think the Future Visions capture what 'success' would like if all councils were working well? Is there anything you would add or remove?

No comment is provided in relation to the Vision.

The following comments were noted during the discussion related to this topic:

- Council would not be opposed to the re-introduction of a ward system which provides better clarity for constituents in terms of a point of contact at the elected member level. It would also ensure adequate representation from rural and remote areas.
- It was also mentioned through the workshop process that the Board's reform process should also revisit:
 - a) the issue of 'half-in/half-out' elections. Council is of the view that this model should be reinstated to ensure that some level of continuity is maintained following an election process; and
 - b) the requirement for a Mayor to have previously served on a Council.

7. Community wellbeing

Do you think the Future Visions capture what 'success' would like if all councils were working well? Is there anything you would add or remove?

Nil Comments.

In closing, the Southern Midlands Council certainly recognises that our local government system is not a static or 'natural' institution' and there will always be a need to adapt and reflect the changing needs of the community.

Council felt it necessary to cite the following examples which not only demonstrates Council's ability to respond to an individual community needs, but the level of commitment and 'ownership' of the issues within the local community:

- \$500K investment in an accommodation facility at Oatlands for locum General Practitioners and other visiting medical specialists (\$200,000 cash contributions from the community);
- \$200,000 (approx.) investment in an expansion of the Child Care Centre at Bagdad. A major issue in this growing community that is attracting a large number of younger families. Local community members have committed both cash and in-kind contributions to assist with construction and fit-out.
- Major investment in sport and recreation infrastructure across the municipal area, including \$9.60 million to construct a new Aquatic Centre. Note: \$80,000 community donation to provide equipment for the small pool; \$50K Destination Playground at Oatlands.

- Substantial spending on the management (and eradication) of weeds in conjunction with primary production property owners and voluntary organisations;
- Substantial investment in expert resources; infrastructure and activities to address and manage 'climate change' initiatives;
- Attracting significant economic development, including Callington Mill Distillery and associated Development – total value of approx. \$25 million); Shene Estate – Lark Distillery expansion; Hotel Accommodation Development at Oatlands (THN Hospitality).

Please feel free to contact myself or the General Manager (Tim Kirkwood) should the Board seek clarification or additional detail in relation to any comment provided in this submission.

Yours sincerely

A handwritten signature in black ink that reads "A O Green". The signature is written in a cursive style with a horizontal line underneath the name.

A O Green

Mayor