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Hon. Sue Smith
Chair – Local Government Board
Future of Local Government Review
GPO Box 123
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By Email: Submissions.LGBoard@dpac.tas.gov.au

Dear Mrs Smith,

Thank you for the opportunity to provide input into the Options Paper as part of the Future of Local Government Review process. The Local Government Review rightly identifies that local Councils play a vital role within their local communities.

As with State and Federal governments, the challenge to balance revenue with local area planning, service delivery and the needs of local communities is ongoing and discussion about proposed reforms aimed at genuinely supporting councils and empowering local communities is welcome.

It is stated that: "The purpose of this Options Paper is to set out a range of specific ideas the Board believes have the potential to get the sector where it needs to be in terms of addressing these challenges and delivering reform outcomes."

Without the benefit of viewing any information detailing who the Board consulted with or from whom submissions were received, it is difficult to comment on whether or not the desired reform outcomes put forward by the Board are reflective of broad community input.

Nevertheless, the Future of Local Government Review reform outcomes listed below are exceptionally broad, provide a starting point for the development of expected standards and could easily be applied to any level of government – all of whom would undoubtedly face their own challenges and failures when tested against the same relative measures:

1. Councils are clear on their role, focused on the wellbeing of their communities, and prioritise their statutory functions.
2. Councillors are capable, conduct themselves in a professional manner, and reflect the diversity of their communities.
3. The community is engaged in local decisions that affect them.
4. Councils have a sustainable and skilled workforce.





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5. Regulatory frameworks, systems, and processes are streamlined, simple, and standardised.
6. Councils collaborate with other councils and the State Government to deliver more effective and efficient services to their communities.
7. The revenue and rating system funds council services efficiently and effectively.
8. Councils plan for and provide sustainable public assets and services.

It is fair to say that it is difficult for some Councils, especially smaller, rural councils, to meet all the needs and expectations of their communities and that mechanisms needed to deliver significantly better services will need to be implemented (such as performance benchmarks and discussions around economies of scale).

There is clearly positive reform to be achieved in this regard, I am however, concerned that the reform agenda may be seeking to extend much further than necessary to achieve the reform outcomes desired and have the potential to be detrimental to local communities (particularly in relation to the planning system and electoral representation).

Reform Pathways

Just as with the 8 reform outcomes, given that no input from stakeholders is available to review, it is unclear if the Local Government Board claims the three main reform pathways proposed have arisen from input received, have been self-determined by the Board or a mix of both.

As I was only elected as a member of local Government in late 2022, there may be something I have missed in this regard, however, in any event I make the following observations in relation to the current reform pathway options:

1. Significant (mandated) sharing and consolidation of services

Comment

As identified in the Options Paper, many Councils already engage in shared service arrangements and there is definitely scope for this to expand. However, the compulsion to mandate such an approach should be averted in favour of the implementation of agreed sector-wide KPI's.

I would have thought that from either necessity or for reasons of improved financial returns and service delivery capacity that Councils would be voluntarily





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attracted to such arrangements should the necessary co-operation and assistance be provided to identify and establish an “opt in” shared services arrangement – particularly if set KPI’s have been established.

2. Boundary consolidation to achieve fewer, larger councils

Comment

The use of words such as “joining up” and “boundary consolidation” are simply an unnecessary attempt to avoid the term “mandatory amalgamations”.

While I feel that some Councils (particularly small, regional Councils) should actively consider the benefits of partnerships/amalgamations with other Councils (in some form or another), it would perhaps be better for the State Government to consider setting performance benchmarks and enable Councils and their communities to determine how they best achieve them.

I am in support of Option 3.3 of the Option Paper – Appendix which states:

“Establish clear performance-based benchmarks and review ‘triggers’ based on the public-facing performance reporting, monitoring and management framework Rationale This option builds on the performance reporting, monitoring and management framework.”

State Government can set the expectations and Council’s should be able to work through the available options to achieve required outcomes as part of effective performance management tools.

Further, it is my view that any proposed Council amalgamations (or boundary consolidations) should require an elector poll to ascertain the views of any community proposed to be affected as too often the voice of the “silent majority” are lost in such important decision-making and given local government’s direct impact on their local communities.

3. A “Hybrid Model”

Comment

My responses to options 1 and 2 clarify my position on this option.





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In addition to my comments in respect to the desired reform outcomes and the reform pathways, I would like to make some specific comments in relation to defining the role of Councils and the role of Councils as a Planning Authority.

Defining the Role of Councils

The Options Paper discussed the need to better define the role of local Councils (hopefully drawing on input from local councils and local communities) and I am supportive of this from the perspective of undertaking a useful exercise that better protects local Government from being inappropriately tasked with responsibilities from other levels of government without the allocation of appropriate resources.

This has historically been an issue for local Government and greater clarity will assist to ensure other levels of government do not abrogate their own duties to the community and thereby add to the cost and complexity of the services Councils need to deliver and infrastructure they manage.

Councils as a Planning Authority

When the LUUPA legislation was originally established in Tasmania, it was praised as world's best practice in terms of establishing democratic and transparent processes that were accessible to all in our local communities to deliver sustainable, integrated development in harmony with the surrounding environment.

The system achieved a fair balance between development, individual rights and community amenity, and not simply a framework to support development and growth at the cost of community well-being and natural and cultural values.

Unfortunately, successive governments have enabled the erosion of those principles to the point where the avenues for local people to be heard and make effective representations in respect to local planning matters is unacceptably narrow.

Recent arguments put forward that contend there is a conflict in the role councillors play as both elected representatives and as the planning authority are unsupported and without any legal merit that I am aware of.

In my view, a position where the State Government (presumably a future State Planning Minister) appoints a panel to assess planning applications creates a more concerning situation that erodes the State Government's independence from





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planning matters and places important decisions on local matters in the hands of unelected and unaccountable government appointees. How this would then work in terms of planning appeals is also concerning given that the State Government also appoints the individuals governing those processes (i.e. TASCAT and the Planning Commission).

The removal of Councils as a Planning Authority will remove elected people from decision making; erase a layer of transparency in the planning system and erode the opportunity for individuals and local communities to be heard on local planning matters.

The fact is, the planning system in Tasmania has steadily been removing the ability for individuals and local communities to provide input, be heard and represented on proposed planning matters of local importance.

The current system is a pale shadow of the original intent of the LUUPA legislation and any changes to the planning system should work on appropriately restoring the capacity for councillors to adequately operate as a planning authority that has the capacity to fairly consider applicant and community input.

The Options Paper states: "During the Review, we have heard there is generally broad support for councils continuing to deliver the core functions and services they currently provide..."

Planning is and should remain one of the core services provided by Council's as part of the overall planning system in Tasmania.

During the 2022 Local Government elections, I took part in a survey conducted by Planning Matters Alliance Tasmania (PMAT) who surveyed 398 of the 505 Local Government candidates. Of the 398 candidates, 169 completed the survey. The results saw 99.4% of respondents indicate their belief that Councils should retain their role as a Planning Authority and make decisions on local development proposals.

Not only should planning remain securely a local council responsibility, the review should instead focus its efforts on balancing the planning scales to return the necessary planning tools to local councillors that have been eroded over many years.

To remove planning from democratically elected councillors of local governments will further weaken the protections we have for where we live and the places we love and would represent the single biggest attempt to effectively remove the voices of individuals and local communities from the planning system that I have witnessed (perhaps ever).





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I urge the Local Government Board not to support any such move and work to ensure that Tasmanians have a transparent and democratic planning system in which they have a genuine "say".

I thank you for taking the time to consider my submission.

I regret that I have been unable to more fulsomely address other issues contained within the Options Paper at this time due to time constraints, however I look forward to ongoing opportunities to contribute to this very important process.

With kind regards,

Councillor Allison Ritchie
DEPUTY MAYOR

Sunday, 19 February 2023

