

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

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

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

**COUNCIL MEETING**  
**MONDAY 10 SEPTEMBER 2018**

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

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



**1. APOLOGIES****2. CONFIRMATION OF MINUTES**

(File No 10/03/01)

**RECOMMENDATION:**

That the Minutes of the Council Meeting held on 20 August 2018 as circulated, be taken as read and confirmed.

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

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

**PURPOSE****DATE**

Access and Inclusion Assessment Toolkit  
Local Government Act Review  
Investment Policy  
Transport Strategy

27 August

Tranmere/Droughty Point Masterplan  
Greater Hobart Plan  
Property Matter – Richmond  
TasWater MOU

3 September

**RECOMMENDATION:**

That Council notes the workshops conducted.

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

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

**6. TABLING OF PETITIONS**

(File No. 10/03/12)

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

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

The General Manager will table the following petitions which comply with the Act requirements:

## **7. PUBLIC QUESTION TIME**

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

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

### **7.1 PUBLIC QUESTIONS ON NOTICE**

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

Nil.

### **7.2 ANSWERS TO QUESTIONS ON NOTICE**

The Mayor may address Questions on Notice submitted by members of the public.

Nil.

### **7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

### **7.4 QUESTIONS WITHOUT NOTICE**

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

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

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

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

**8. DEPUTATIONS BY MEMBERS OF THE PUBLIC**

(File No 10/03/04)

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

**9. MOTIONS ON NOTICE****9.1 NOTICE OF MOTION - ALD HULME  
LGAT – EDUCATIONAL MATERIAL – TASMANIA'S PLANNING SYSTEM AND  
PLANNING SCHEME**  
(File No 10-03-05)

In accordance with Notice given Ald Hulme intends to move the following Motion:

- “1. Council request the Local Government Association of Tasmania work with the Tasmanian Government to develop educational material to assist residents and ratepayers in understanding Tasmania’s planning system and the Tasmanian Planning Scheme.
2. The General Manager prepare a report for Council on options for making educational material on Tasmania’s planning system available and accessible to Clarence residents and ratepayers”.

**EXPLANATORY NOTES**

Tasmania’s planning system is not well understood by many people in the community, particularly those who do not deal with it on a day-to-day basis. This is evidenced by some of the representations Aldermen and Planning Officers receive on development applications.

Common misunderstandings include:

- that Council sitting as a planning authority can take any matters into account (Under Section 48 of the Land Use Planning and Approvals Act, 1993 Council must apply the planning scheme — representors may often address issues such as land values which are not relevant planning matters);
- that a development is not compliant with the planning scheme if it fails to comply with an acceptable solution (a development complies with a standard in the scheme if it complies with either the acceptable solution or the related performance criteria); and
- that a “discretionary” application means Council has an unfettered discretion (while Council can either approve or refuse the application, it is still required to interpret and apply the planning scheme).

Planning law and planning schemes are complex and lengthy documents, and while they may be well understood by planning experts they can be highly inaccessible to laypeople.

This lack of accessibility can cause many residents to feel overwhelmed and disempowered when trying to address a planning issue in their neighbourhood.

A public education campaign would help members of the public in addressing relevant planning matters when they prepare representations on planning applications. It would also help the public to understand the responsibility of Aldermen when Council sits as a planning authority and the constraints placed on them by planning law. It would also help members of the public to understand the process planning applications go through, including the appeal process where applicable.

The campaign could also explain some of the legal principles in planning and the implications of some key decisions such as *Henry Design & Consulting v Clarence City Council*.

Currently, there is a wide range of material available through a number of sources, including the LGAT website, the TPC website, the Planning Reform website and the Environmental Defenders Handbook, but there is a need to bring the material together and present it in a way that is straightforward yet comprehensive.

The General Manager's report on delivering material in Clarence could canvass options such as online and hard copy print materials, public information sessions or workshops. The report would also outline whether this is achievable through internal resources or whether resourcing should be considered in Council's deliberations for the preparation of the 2019-20 Council budget.

D Hulme  
**ALDERMAN**

**GENERAL MANAGER'S COMMENTS**  
*A matter for Council determination.*

**9.2 NOTICE OF MOTION - ALD MCFARLANE  
LGAT – SEEKING SUPPORT TO AMEND LUPAA**  
(File No 10-03-05)

In accordance with Notice given Ald McFarlane intends to move the following Motion:

“That Council seek support from the Local Government Association of Tasmania to amend LUPAA to:

- extend the Community Consultation timeframes for larger development applications with projects over \$10 million from the maximum 28 days to 60 days”.

**EXPLANATORY NOTES**

Larger developments often include a broad range of varied and complex issues ie, environment, social impact, character of the area, visual amenity, noise, traffic, height etc.

The community is often hard pressed to achieve the required level of work to address multi-complex questions and seek answers along with support from experts.

This is intensive and time consuming work as well as researching issues and raising monies for professional support in short amounts of time.

Broader information and research based on local knowledge often creates better community outcomes and long term sustainability for the development.

K McFarlane  
**ALDERMAN**

**GENERAL MANAGER’S COMMENTS**  
*A matter for Council determination.*



**10. REPORTS FROM OUTSIDE BODIES**

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

**10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES**

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

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

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

**Quarterly Reports**

Not required.

**Representative Reporting**

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald Jock Campbell  
(Ald James Walker, Deputy Representative)

**Quarterly Reports**

The Copping Refuse Disposal Site Joint Authority has distributed the Quarterly Summary of its Meetings for the period ending 31 August 2018 (refer Attachment 1).

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Report for the period 1 April to 30 June 2018.

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the Report will be tabled in Closed Meeting.

**Representative Reporting**

- **TASWATER CORPORATION**

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



## Copping Refuse Disposal Site Joint Authority

31 August 2018

Mr A Paul  
General Manager  
Clarence City Council  
PO Box 96  
ROSNY PARK TAS 7018

Mr Robert Higgins  
General Manager  
Tasman and Sorell Councils  
PO Box 126  
SORELL TAS 7172

Mr Gary Arnold  
General Manager  
Kingborough Council  
Locked Bag 1  
KINGSTON TAS 7050

Dear General Manager,

### **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY REPORTS**

Participating Councils and the Director of Local Government have reached agreement on the establishment of consistent reporting arrangements for the Authority. The following advice regarding matters discussed at recent Authority and Board meetings is now provided for inclusion in your General Manager's routine report to your Council.

#### **Supplementary Annual General Meeting 2016/17 – 30 August 2018**

A supplementary 2016/17 Annual General Meeting of the Authority was held to approve the audited Financial Statements and the Report of the Auditor, which had been subject to ongoing discussion between Southern Waste Solutions and the Auditor General at the time of the Annual General Meeting in November 2017.

The audited Financial Statements for the financial year ending 30 June 2017 were received and noted. The unqualified report of the Auditor General for the financial year ending 30 June 2017 was also received and noted.

#### **Authority Meeting held on 30 August 2018**

Matters dealt with:

- The Minutes of the Authority's General Meeting held on 24 May 2018 were accepted.
- The Minutes of the Southern Waste Solutions Board for meetings held on 18 April 2018, 4 May 2018 (electronic), 10 May 2018 (Electronic), 16 May 2018, 18 June 2018, 4 July 2018 (Electronic) and 18 July 2018 were noted.
- The June 2018 Quarterly Report was presented and accepted.
- The SWS 'Board Performance Review' tool was endorsed for periodic use by the board.

- The Board and CEO succession planning arrangements proposed by the SWS Board were endorsed.
- An update on Southern Waste Solutions activities was provided, including discussion of the favourable financial position for the 2017/18 financial year and the continued increase in tonnage received at the Copping site.
- An update on C Cell Pty Ltd activities was provided, noting that the C Cell was on the cusp of opening for business with EPA approval of the first shipment now only awaiting approval of the EPA Director.

The June 2018 Quarterly Report is **attached**.

**Note:** Minutes of meeting of the Authority may be tabled in open Council meeting unless they contain confidential material. Given its commercial in confidence content the Quarterly Report, Business Plan, Budget and Contractual, Statutory and other obligations reports are requested to be tabled only in Closed Meeting. Any Closed Meeting items considered by the Authority should also be tabled only in Closed Meeting of Council.

### **Board Meeting held on 18 April 2018**

Matters dealt with:

- The Minutes of the Board meeting held 23 March 2018 were accepted.
- The Monthly Operational Overview and Financial Report for March 2018 was received and noted.
- The Authority Quarterly Report for the period ending 31 March 2018 was noted and endorsed for inclusion on the agenda for the Authority's May 2018 meeting.
- The Strategic Plan 2016/17 – 2020/21 was updated and endorsed for communication to the Authority at its May 2018 meeting.
- The Business Plan and Budget for 2018/19 was approved, subject to specified changes arising as a consequence of amendments to the gate fees being incorporated into the budget and represented to the Board at an electronic meeting.
- The Contractual Obligations report was noted and endorsed for communication to the Authority at its May 2018 meeting.
- The C Cell Management report for March 2018 was received and noted.

.....  
*Copping Refuse Disposal Site Joint Authority* trading as **SOUTHERN WASTE SOLUTIONS**

C/- Clarence City Council, 38 Bligh Street, Rosny Park  
 Mobile: +61 0418 990 868 E-Mail: [inelson@nelsonhr.com.au](mailto:inelson@nelsonhr.com.au)  
 ABN: 87 928 486 460

### **Board Electronic Meeting held on 4 May 2018**

Matters dealt with:

- A revised Business Plan was endorsed for communication to the Authority at its May 2018 meeting.

### **Board Electronic Meeting held on 10 May 2018**

Matters dealt with:

- Approval of the 2017 Financial Statements using the equity method.

### **Board Meeting held on 16 May 2018**

Matters dealt with:

- The Minutes of the Board meetings held on 18 April 2018, 4 May 2018 (electronic) and 10 May 2018 (electronic) were accepted.
- The Monthly Operational Overview and Financial Report for April 2018 was received and noted.
- SWS Board and CEO succession planning was discussed and a report by the Secretary requested detailing the Board's recommendations to the Authority.
- The C Cell Management report for April 2018 was received and noted.

### **Board Meeting held on 18 June 2018**

Matters dealt with:

- The Minutes of the Board meeting held 16 May 2018 were accepted.
- The Monthly Operational Overview and Financial Report for May 2018 was received and noted.
- The C Cell Management report for May 2018 was received and noted.
- An audit update was provided by the CEO and a process to progress the 2016/17 Financial Statements was determined.

### **Board Electronic Meeting held on 4 July 2018**

Matters dealt with:

- The Board resolved, following discussion with Participating Councils, to accept the Auditor General's determination that SWS prepare consolidated financial statements and record the C Cell grant as a liability in the consolidated statements.

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## Board Meeting held on 18 July 2018

Matters dealt with:

- The Minutes of the Board meetings held on 18 June 2018 and 4 July 2018 (electronic) were accepted.
- Discussion with a representative of Glenorchy City Council occurred.
- The Monthly Operational Overview and Financial Report for June 2018 was received and noted.
- The Authority Quarterly Report for the period ending 30 June 2018 was noted and endorsed for inclusion on the agenda for the Authority's August 2018 meeting.
- The Balanced Scorecard report was received and noted.
- The C Cell Management report for June 2018 was received and noted.
- An audit update was provided, noting that an unqualified audit report had been received.
- The proposed Board Performance Assessment Tool was discussed.
- A supplementary AGM for FY2016/17 was discussed and recommended for August 2018.

### C Cell Pty Ltd Board Meetings

Due to the timing of C Cell Pty Ltd Board meetings there were no minutes for noting by the Authority at the August 2018 meeting.

(Note: As minutes of meetings of the Southern Waste Solutions Board and C Cell Pty Ltd Board are commercial in confidence it is requested that these be held on file and may be perused by Aldermen / Councillors but not tabled at Council meetings)

Yours sincerely,



Ian Nelson  
Secretary

.....  
*Copping Refuse Disposal Site Joint Authority trading as* SOUTHERN WASTE SOLUTIONS

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## **11. REPORTS OF OFFICERS**

### **11.1 WEEKLY BRIEFING REPORTS**

(File No 10/02/02)

The Weekly Briefing Reports of 20 and 27 August and 3 September 2018 have been circulated to Aldermen.

#### **RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 20 and 27 August and 3 September 2018 be noted.

**11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**

Nil.

### **11.3 PLANNING AUTHORITY MATTERS**

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



**11.3.1 DEVELOPMENT APPLICATION D-2018/332 - 191 CARELLA STREET,  
HOWRAH - DWELLING**  
(File No D-2018/332)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 191 Carella Street, Howrah.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 12 September 2018.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the following issues:

- adverse impact on solar access;
- inconsistency with character of area;
- loss of amenity; and
- proposed conditions.

**RECOMMENDATION:**

A. That the Development Application for a dwelling at 191 Carella Street, Howrah (Cl Ref D-2018/332) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. ADVICE – All works including all footings for the boundary wall are to be entirely contained within the property boundary. No works are to occur outside of the property boundary without the consent of Council's Manager Corporate Support.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

No relevant background.

### **2. STATUTORY IMPLICATIONS**

- 2.1. The land is zoned General Residential under the Scheme.
- 2.2. The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- 2.3. The relevant parts of the Planning Scheme are:
  - Section 8.10 – Determining Applications;
  - Section 10.0 – General Residential Zone; and
  - Section E6.0 – Parking and Access Code.
- 2.4. Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The site is a 1598m<sup>2</sup> corner lot with frontage to both Carella and Glamorgan Street. It is vacant, clear of significant vegetation, is located within an established residential area at Howrah and slopes down to the west towards the river.

Vehicular access to the site is from an existing driveway from Glamorgan Street and there are no easements encumbering the subject property.

### **3.2. The Proposal**

The proposal is for the development of a single dwelling at the subject property. The proposed dwelling would be a 3 bedroom, 2 storey dwelling, with a double car garage on the lower level. Driveway access to the dwelling is proposed from Carella Street and the proposed open space associated with the dwelling would be located to the north and west of the dwelling.

The development would result in a building with a total area of 177.07m<sup>2</sup> and resultant site coverage of 29.61 % of the lot area. The proposed dwelling would be 7.68m in height above natural ground level at its highest point, would be setback 5.5m from the primary (Carella Street) property boundary, 4.207m from the secondary (Glamorgan Street) boundary and 4.637m from the side (western) boundary. The 2 parking spaces required for the proposed single dwelling would be provided within the proposed garage.

The development would be clad using a combination of timber cladding, Colorbond, glass brick, brick and timber for the proposed upper level decking. Timber privacy screening with a height of 1.7m is proposed as part of the development for the upper level deck and where facing the southern boundary. A copy of the proposal is included in the attachments.

## **4. PLANNING ASSESSMENT**

### **4.1. Determining Applications [Section 8.10]**

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

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

Reference to these principles is contained in the discussion below.

**4.2. Compliance with Zone and Codes**

The proposal meets the Scheme's relevant Acceptable Solutions of the General Residential Zone and Parking and Access Code with the exception of the following.

**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.2 A3	Setbacks and building envelope for all dwellings	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p>	<p>complies</p> <p>Does not comply – the south-western corner of the dwelling would extend beyond the prescribed building envelope by 1.0m, as illustrated by the attachments.</p> <p>not applicable</p>

		(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).	
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The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.2 as follows.

<b>Performance Criteria</b>	<b>Comment</b>
<i>“P3 – The siting of a dwelling must: (a) Not cause any unreasonable loss of amenity by:</i>	see below
<i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i>	<p>The proposal plans show the extent of the parts of the development outside the prescribed building envelope. Diagrams illustrating the extent of shadows likely to be cast at Winter Solstice were provided with the application and included in the advertised plans.</p> <p>The neighbouring properties affected by the loss of sunlight due to the proposed development are 193 Carella Street located to the south, and 32 Elinga Street to the south-west of the subject property. The diagrams show that the impact to the habitable parts of 32 Elinga Street would be in the morning at Winter Solstice and that they would have in excess of 3 hours sunlight available at Winter Solstice, from 12pm to 3pm.</p> <p>The shadow diagrams indicate that the overshadowing impacts on the property to the south, at 193 Carella Street, would be experienced to varying degrees throughout the day at Winter Solstice.</p> <p>Given that 193 Carella Street is partially elevated above the proposed dwelling, a perspective view of likely impacts upon solar access to the habitable rooms of 193 Carella Street was also provided.</p>

	<p>The diagrams show that the lower level (non-habitable) part of the dwelling would be partially in shadow at Winter Solstice, but that the upper level (habitable) part of the dwelling would not be compromised by the proposal. It is noted also that the lower level of 193 Carella Street is used for storage only and not a habitable space, therefore meeting the requirements of this part of the performance criteria.</p> <p>The impacts described above are considered reasonable in relation to this performance criterion, in that at least 3 hours of sunlight would exist to the habitable parts of the neighbouring dwellings at Winter Solstice. On the basis of the assessment above and shadow diagrams submitted, the impact is therefore considered to be reasonable.</p>
<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>In relation to 193 Carella Street, the diagrams show that overshadowing of parts of the private open space between the dwelling and rear (southern) boundary would occur at Winter Solstice. It is noted that 193 Carella Street does, however, have an area of 594m<sup>2</sup> and has private open space compliant with the minimum provisions of the Scheme in the form of the upper level deck to that dwelling and associated ground level outdoor areas. On the basis that the minimum area of compliant open space associated with 193 Carella Street would experience in excess of 3 hours sunlight at Winter Solstice, the impact is considered reasonable in relation to this part of the performance criteria.</p> <p>A similar situation exists in relation to 32 Elinga Street, in that whilst there would be an impact upon a portion of the open space between the dwelling and the eastern property boundary at Winter Solstice, the impact would be experienced only in the morning.</p>

	<p>By 12pm at Winter Solstice this area would largely be unaffected, meaning that it would meet the minimum requirement for 3 hours of sunlight, thus ensuring that there would not be an unreasonable impact upon residential amenity.</p> <p>Though part of the site is substantially impacted, it is considered that the site has sufficient open space and the proposal does not unreasonably impact upon residential amenity under this performance criterion.</p>
<i>(iii) overshadowing of an adjoining vacant lot; or</i>	not relevant
<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	<p>Given the gradient of the land in the vicinity of the site, the surrounding area generally contains single dwellings on multiple levels. Neighbouring dwellings are typically oriented to the west to obtain views of the river and mountain.</p> <p>The visual impact of the proposed development is considered reasonable, in that the building height at its highest point would be 7.68m above natural ground level and largely consistent with the nature and scale of development within proximity of the site. The proposed development would remain single storey at the rear where adjacent Carella Street, and 2-storey on the western part of the site which is consistent with adjacent residential development. The resultant dwelling would be set at a lower height than the adjacent dwelling to the south at 193 Carella Street and would also have site coverage comparable to development within proximity of the site.</p> <p>The neighbouring properties in Elinga, Glamorgan and Carella Street have existing established landscaped gardens, and the materials proposed for cladding of the development would be consistent both with the existing dwelling and the range of styles within the vicinity of the site.</p>

	It is considered that the variation to the building envelope is a reasonable response to the slopes of the site, and consistent with the nature of surrounding development. For the above reasons, it is therefore considered that the proposal would not cause a loss of amenity to the adjoining properties through visual bulk and scale of the development.
(b) <i>Provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area”.</i>	Development within proximity of the subject property is characterised by setbacks consistent with that proposed, in terms of side boundary setbacks. The proposed dwelling separation distances at 1.5m from the southern (side) boundary and 4.64m from the western (side) boundary are therefore compatible with the separation distances evident in the surrounding area.

**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.6 A2	Privacy for all dwellings	<p>A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> <li>i. is to have a setback of at least 3m from a side boundary; and</li> <li>ii. is to have a setback of at least 4m from a rear boundary; and</li> <li>iii. if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> </ul>	<p>Does not comply – 2.01m setback proposed for kitchen.</p> <p>complies</p> <p>not applicable</p>



		<p>iv. if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.</p> <p>(b) The window or glazed door:</p> <p>i. is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</p> <p>ii. is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or</p> <p>iii. is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	<p>not applicable</p> <p>Does not comply – the proposed kitchen window would largely face a chimney and garage of the adjacent wall, and part of the bedroom window.</p> <p>Does not comply – proposed sill height of 900mm.</p> <p>Does not comply – no screening proposed.</p>
--	--	---	--

The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 10.4.6 as follows.

<b>Performance Criteria</b>	<b>Comment</b>
<i>“P2 - A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:</i>	see below

<i>(a) window or glazed door, to a habitable room of another dwelling; and</i>	<p>The subject window is a kitchen window, which would be located at splashback height above the working surfaces in the kitchen of the proposed dwelling.</p> <p>Given the slope of the site, the window of the kitchen would have views towards the lower (non-habitable) level of the neighbouring dwelling to the south, at 193 Carella Street. There would be no compromise to the habitable parts of that dwelling, given the window height and width (of 600mm) proposed would prevent direct views between habitable parts of both dwellings, as required.</p>
<i>(b) the private open space of another dwelling; and</i>	<p>The proposed kitchen window would face the lower level, non-habitable part of the neighbouring dwelling at 193 Carella Street. It is considered that the proposed low level kitchen window would not unreasonably compromise the privacy of the outdoor living areas of the neighbouring dwelling to the south dwelling, both in terms of the deck and outdoor areas, in that direct overlooking would not occur from a window height of 900mm. The proposal is therefore considered to meet the relevant performance criterion.</p>
<i>(c) an adjoining vacant residential lot”.</i>	not applicable

## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 1 representation was received. The following issues were raised by the representor.

### **5.1. Adverse Impact on Solar Access**

Concern is raised that the proposed development would have a significant and negative impact upon the solar access to an adjacent property; both in relation to private open space and outdoor deck areas, and that the proposal does not comply with the requirements of Clause 10.4.2 of the Planning Scheme.

It is submitted that the enjoyment of outdoor living, play and garden areas would be unreasonably affected, and that clothes drying areas would also be compromised.

- **Comment**

The proposed development meets the relevant tests of the Scheme in relation to overshadowing as discussed in relation to Clause 10.4.2, above.

It is noted that whilst part of the site is substantially impacted, it is considered that the site has sufficient open space and the proposal does not unreasonably impact upon residential amenity under this performance criterion.

Specifically, the shadow diagrams submitted illustrate the likely extent of overshadowing of parts of the private open space between the dwelling and rear (southern) boundary would occur at Winter Solstice. It is noted that the neighbouring property to the south at 193 Carella Street does, however, have an area of 594m<sup>2</sup> and has private open space compliant with the minimum provisions of the Scheme in the form of the upper level deck to that dwelling and associated ground level outdoor areas. The diagrams show the deck area being uncompromised at Winter Solstice.

Though it is acknowledged that the site is impacted in terms of a pocket of open space between the dwelling and rear boundary at Winter Solstice, it is considered that the impact would not be unreasonable in that there is sufficient open space on the subject property that experiences in excess of 3 hours of sunlight at Winter Solstice. Such an impact is considered reasonable in relation to residential amenity, under the Scheme.

**5.2. Inconsistency with Character of Area**

It is submitted that the proposed development would be inconsistent with the appearance of surrounding properties, and that the visual impact when viewed from nearby land would be high in relation to the bulk, massing and proportion of the proposal. It is submitted that the dwelling would be more appropriately sited in Oceana Drive, given its bulky appearance, which would have a negative impact upon the residential amenity of the area.

- **Comment**

The proposed development is largely consistent with the building envelope prescribed by Clause 10.4.2 A3 of the Scheme, with the exception of the south-western corner of the proposed dwelling.

Whilst these elements of the design rely upon the performance criteria to 10.4.2(P3), the dwelling additions themselves are largely compliant with the prescribed building envelope as shown in the attachments, and as discussed above it is considered that the proposal satisfies the related performance criterion. It is noted that the proposed dwelling would be 7.68m above natural ground level at its highest point, which is less than the 8.5m maximum height prescribed by Scheme.

The visual impact of the development has been assessed above, and it is considered that the proposal satisfies the relevant tests of the performance criteria. The development would remain single storey at the rear where adjacent Carella Street, and 2-storey on the western part of the site which is consistent with the scale of residential development within proximity of the site. For these reasons and those discussed above, the visual impact of the proposal is therefore not considered to be of determining weight in relation to the proposal.

**5.3. Loss of Amenity**

Concern is raised by the representation that the dwelling would be sited at 1.5m from the side boundary, when there is sufficient area to provide for a greater setback distance by shifting the dwelling to the north of the proposed site and thus provide for increased solar access and an overall improved residential amenity outcome.

- **Comment**

Being a corner lot, the dwelling has been sited to achieve compliance with the acceptable solutions relevant to the setback from the primary and secondary frontages of Carella and Glamorgan Street. This has resulted in the proposed setback arrangement proposed.

The proposal meets the relevant tests of the Scheme in relation to overshadowing as discussed in relation to Clauses 10.4.2 (P3) and 10.4.6 (P2) above. This issue is therefore not of determining weight.

**5.4. Proposed Conditions**

The representation submits that should Council resolve to approve the proposed development, that conditions should be placed upon an approval to require an increase to the setback distance from the southern (side) property boundary, to shift the dwelling further north. It is also submitted that the pitch of the proposed roof of the dwelling be modified to reduce the pitch from 10 degrees to 5 degrees.

- **Comment**

As noted, the proposal is reliant upon the 2 performance criteria under the Scheme, being Clauses 10.4.2 (P3) and 10.4.6 (P2). The relevant tests of both clauses are met by the proposal, in that the amenity impacts are considered reasonable under the Scheme. This issue is therefore not of determining weight.

In any event, it is beyond the power of Council to require such substantial changes to the proposal plans, via permit conditions.

**6. EXTERNAL REFERRALS**

No external referrals were required or undertaken as part of this application.

**7. STATE POLICIES AND ACT OBJECTIVES**

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

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

**8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

**9. CONCLUSION**

The proposal seeks approval for a dwelling at 191 Carella Street, Howrah. The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme.

The proposal is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (8)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

Attachment 1



**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 17 August 2018 **Scale:** 1:716.7 @A4

191 Carella Street, Howrah 7018



North East Perspective



West Perspective



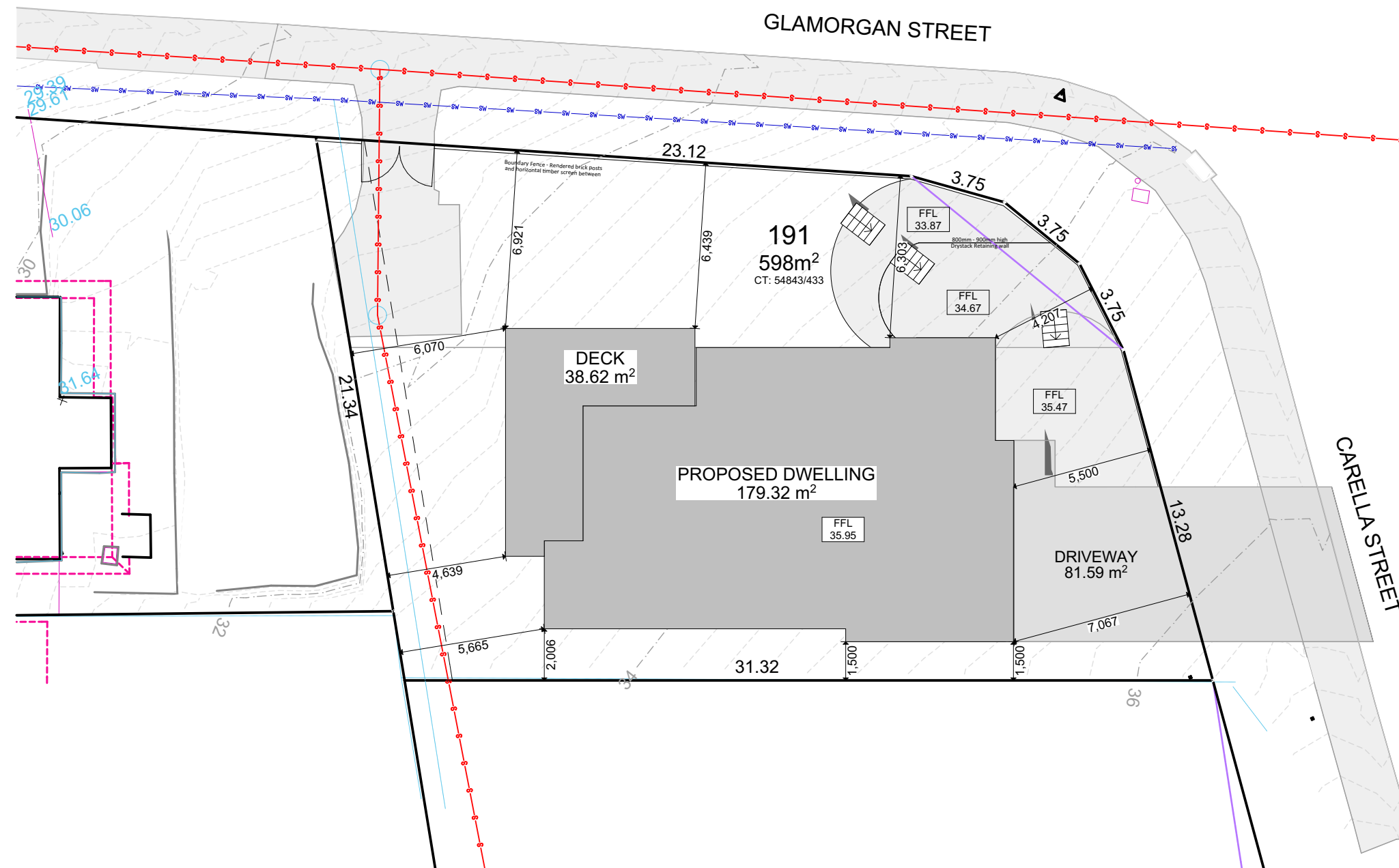
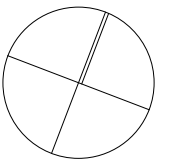
Entry Perspective

General Information	
Designer	Jason Nickerson CC6073Y
Owner(s) or Clients	Frank & Kerry Scotney
Building Classification	1a
Title Reference	54843/433
Design Wind Speed	N2
Soil Classification	M
Climate Zone	7
BAL	Low
Corrosion Environment	Moderate
Zoning	General Residential

Drawing No:	Description
1	Site Plan
2	Ground Floor Plan
3	Lower Ground Floor Plan
4	Elevations 1
5	Elevations 2



N



Site Areas	
Site area	598 sqm
Total Building Area	177.07 sqm
Total Site Coverage	29.61%

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## Site Plan



Proposal:	New Dwelling	Scale: 1:200 @ A3	Job No: 13-2018	Pg No: 1
Client:	Frank & Kerry Scotney	Date: 24/07/2018	Engineer:	
Address:	191 Carella Street, Howrah 7018	Drawn: Marc	Building Surveyor: TBA	

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Amendments	
Date	Description
26/04/2018	Preliminary Assessment
31/05/2018	To Client
14/06/2018	To CCC for DA
20/07/2018	Shadow Diagrams



- Ⓢ = SMOKE ALARM  
Ⓜ = ARTICULATION JOINT

Construction of sanitary compartments 3.8.3.3 of current BCA

The door to a sanitary compartment must -

- open outwards; or
- slide; or
- be readily removable from the outside of the compartment.



Floor Areas	
Lower Floor	81.66 sqm
Upper Floor	177.19 sqm
Total	258.74 sqm
Deck	38.61 sqm

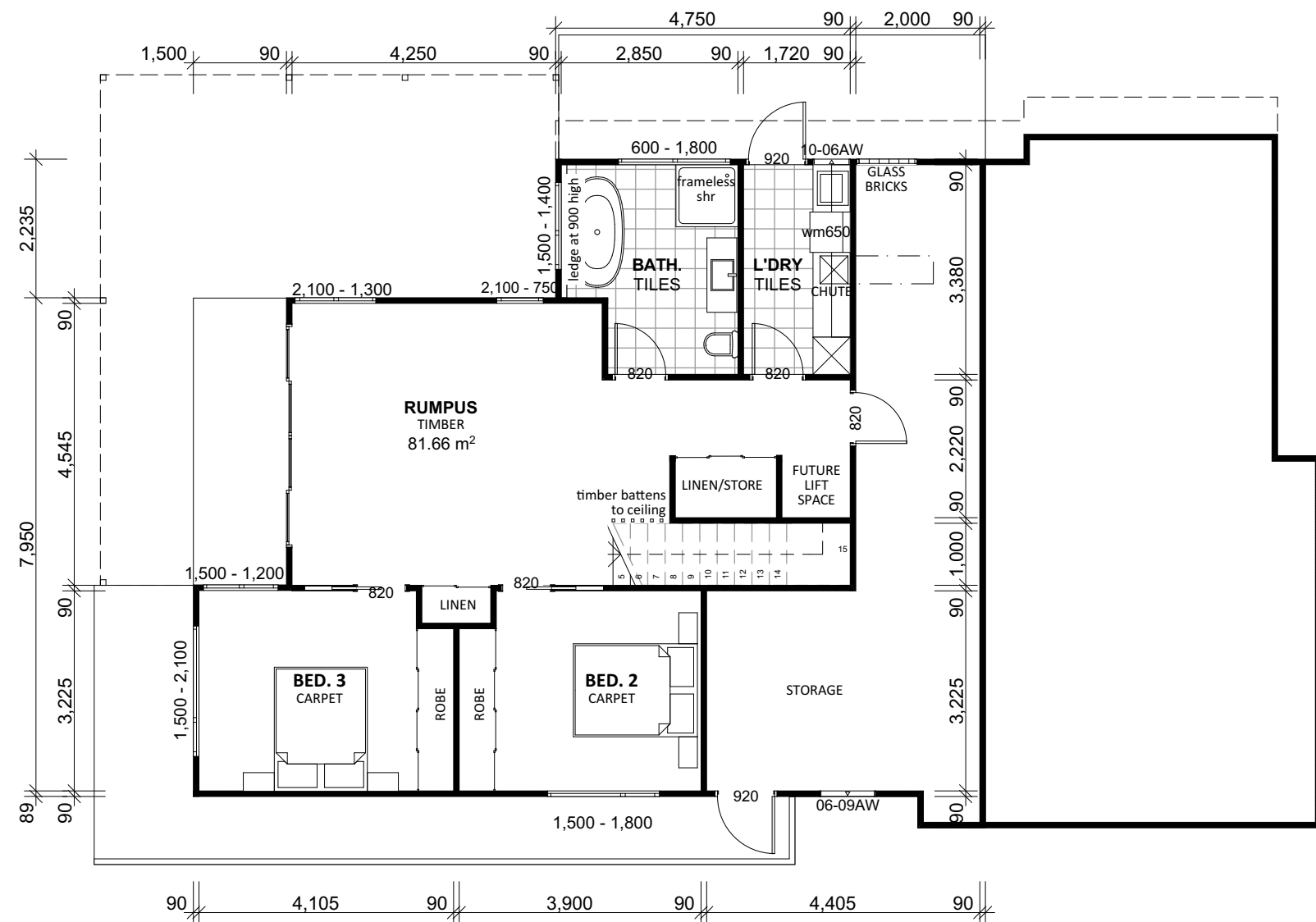
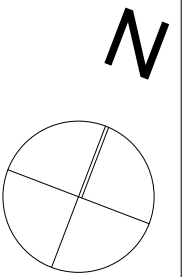
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Proposal:	New Dwelling	Scale: 1:100 @ A3	Job No: 13-2018	Pg No: 2
Client:	Frank & Kerry Scotney	Date: 24/07/2018	Engineer:	
Address:	191 Carella Street, Howrah 7018	Drawn: Marc	Building Surveyor: TBA	

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Amendments	
Date	Description
26/04/2018	Preliminary Assessment
31/05/2018	To Client
14/06/2018	To CCC for DA
20/07/2018	Shadow Diagrams





Lower Ground Floor Plan

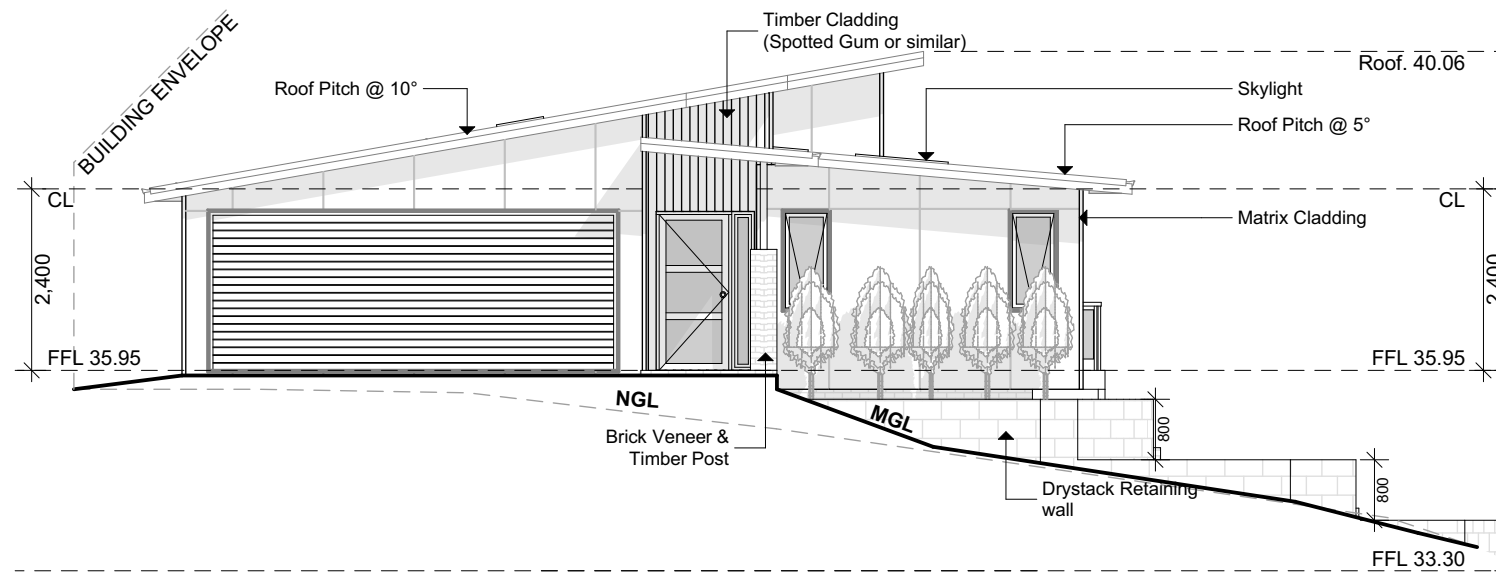


Amendments	
Date	Description
26/04/2018	Preliminary Assessment
31/05/2018	To Client
14/06/2018	To CCC for DA
20/07/2018	Shadow Diagrams

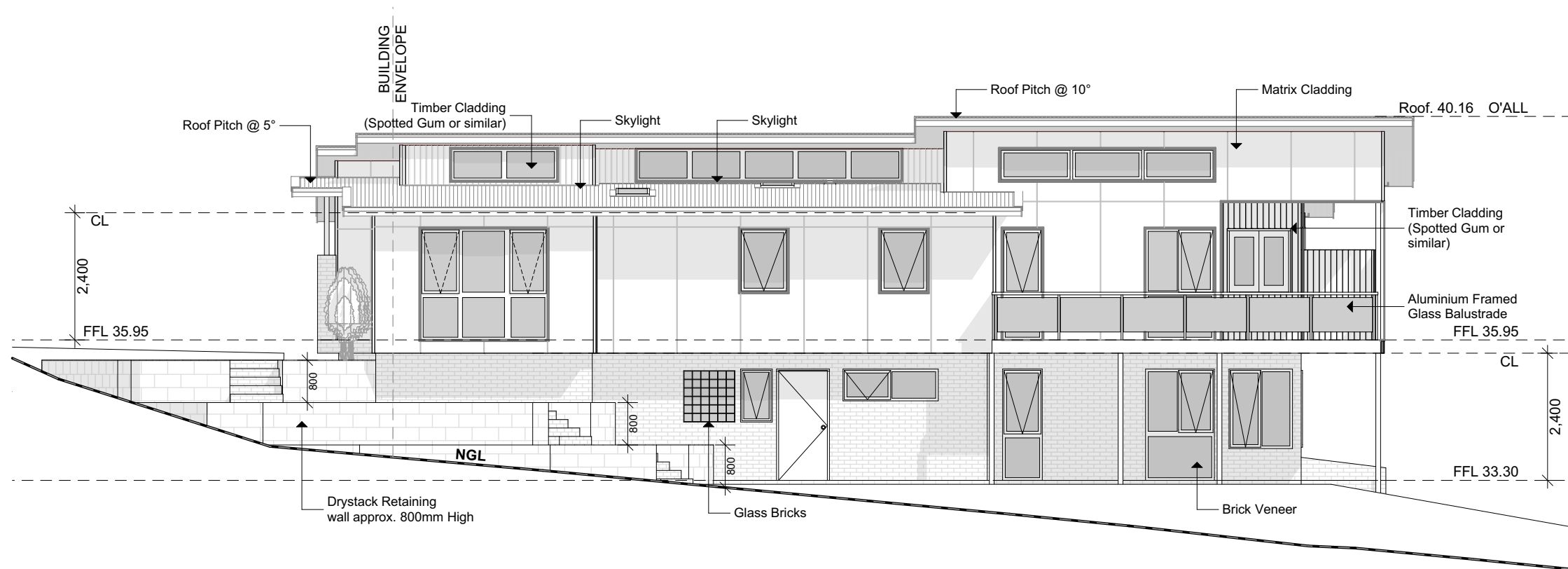


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Proposal:	New Dwelling	Scale: 1:100 @ A3	Job No: 13-2018	Pg No: 3
Client:	Frank & Kerry Scotney	Date: 24/07/2018	Engineer:	
Address:	191 Carella Street, Howrah 7018	Drawn: Marc	Building Surveyor: TBA	
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East Elevation



North Elevation

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Elevations 1

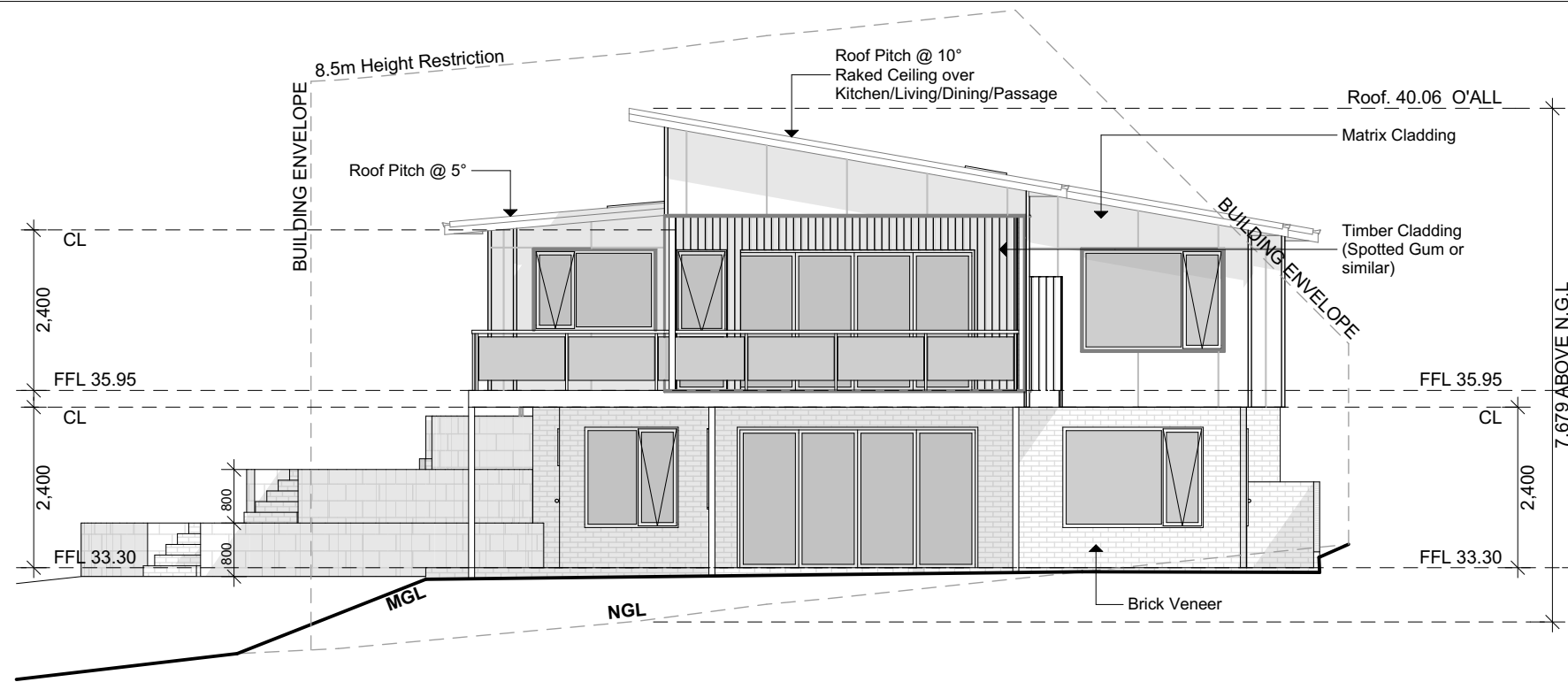


Proposal:	New Dwelling	Scale: 1:100 @ A3	Job No: 13-2018	Pg No: 4
Client:	Frank & Kerry Scotney	Date: 24/07/2018	Engineer:	
Address:	191 Carella Street, Howrah 7018	Drawn: Marc	Building Surveyor: TBA	

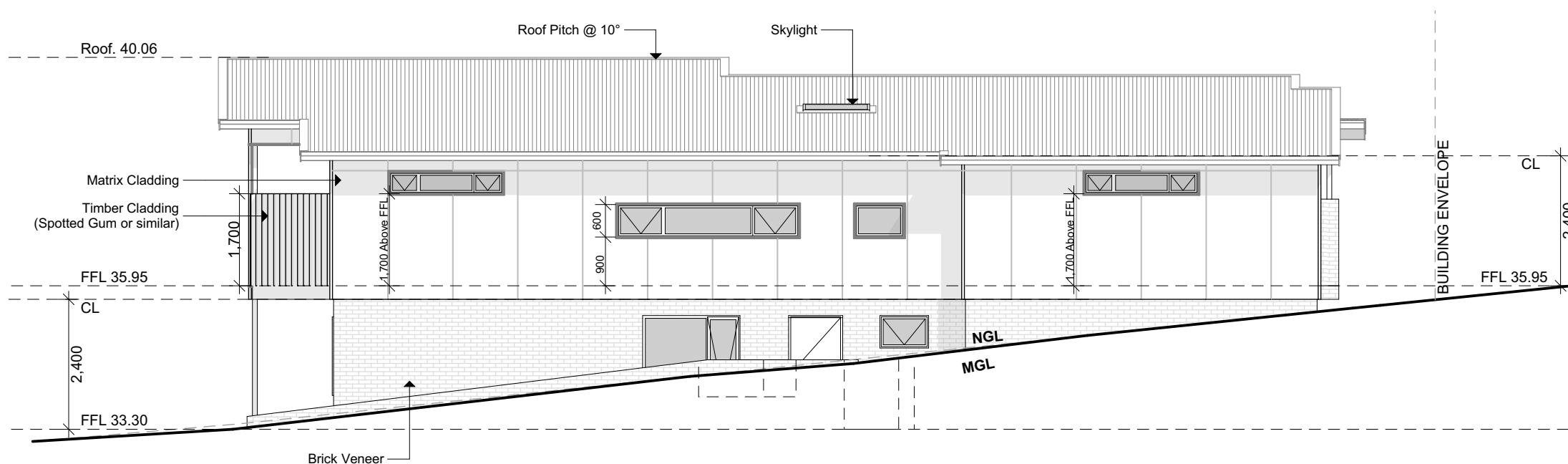
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au

Amendments	
Date	Description
26/04/2018	Preliminary Assessment
31/05/2018	To Client
14/06/2018	To CCC for DA
20/07/2018	Shadow Diagrams





West Elevation



South Elevation

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Elevations 2



Proposal:	New Dwelling	Scale: 1:100 @ A3	Job No: 13-2018	Pg No: 5
Client:	Frank & Kerry Scotney	Date: 24/07/2018	Engineer:	
Address:	191 Carella Street, Howrah 7018	Drawn: Marc	Building Surveyor: TBA	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au				

Amendments	
Date	Description
26/04/2018	Preliminary Assessment
31/05/2018	To Client
14/06/2018	To CCC for DA
20/07/2018	Shadow Diagrams







June 21st - 9.00am

1:500



June 21st - 12.00am

1:500



June 21st 3.00pm

1:500

Shadows - June 21st



Proposal:	New Dwelling	Scale: 1:500 @ A3	Job No: 13-2018	Pg No: 6
Client:	Frank & Kerry Scotney	Date: 24/07/2018	Engineer:	
Address:	191 Carella Street, Howrah 7018	Drawn: Marc	Building Surveyor: TBA	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au				

Amendments	
Date	Description
26/04/2018	Preliminary Assessment
31/05/2018	To Client
14/06/2018	To CCC for DA
20/07/2018	Shadow Diagrams







June 21st - 9.00am

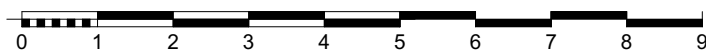


June 21st - 12.00am



June 21st - 3.00pm

Shadows - 3D Perspective View



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Proposal:	New Dwelling	1:347.52 @ A3	Job No: 13-2018	Pg No: 7
Client:	Frank & Kerry Scotney	Date: 24/07/2018	Engineer:	
Address:	191 Carella Street, Howrah 7018	Drawn: Marc	Building Surveyor: TBA	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au

Amendments	
Date	Description
26/04/2018	Preliminary Assessment
31/05/2018	To Client
14/06/2018	To CCC for DA
20/07/2018	Shadow Diagrams



**191 Carella Street, HOWRAH**



**Site viewed from Carella Street, looking west**



**Site viewed from Gamorgan Street, looking south**



**11.3.2 DEVELOPMENT APPLICATION D-2018/411 - 18 HEEMSKIRK STREET, WARRANE - COMMUNITY GARDEN**  
(File No D-2018/411)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Community Garden at 18 Heemskirk Street, Warrane.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 12 September 2018.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the following issues:

- impact on residential amenity;
- inappropriateness of use; and
- vandalism.

**RECOMMENDATION:**

A. That the Development Application for a Community Garden at 18 Heemskirk Street, Warrane (CI Ref D-2018/411) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AM7 – OUTDOOR LIGHTING.

3. The development must meet all required Conditions of Approval specified by TasWater notice dated 19 July 2018 (TWDA 2018/01169-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

---

## **ASSOCIATED REPORT**

### **1. BACKGROUND**

Council, at its Meeting of 7 November 2016 resolved to lease the subject site to the Warrane Mornington Neighbourhood Centre for the purposes of a community garden. The agreed lease term is 5 years, subject to renewal and it was resolved at that meeting that all Council fees associated with the approvals for the proposed community garden be waived by way of grant and benefit under Section 77 of the Local Government Act, 1993.

### **2. STATUTORY IMPLICATIONS**

- 2.1. The land is zoned General Residential under the Scheme.
- 2.2. The proposal is defined as Passive Recreation, which is a permitted (no permit required) use, but a discretionary development because it does not meet certain Acceptable Solutions under the Scheme.
- 2.3. The relevant parts of the Planning Scheme are:
  - Section 8.10 – Determining Applications;
  - Section 10 – General Residential Zone; and
  - Section E6.0 – Parking and Access Code.
- 2.4. Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The site is a 3055m<sup>2</sup> lot at the corner of Zeehan and Heemskirk Street at Warrane, with in excess of 40m frontage to both. The site is clear of significant vegetation, slopes gradually down to the north-west and has been partially fenced using loop top, black steel fencing.

There is an existing 18m<sup>2</sup> storage shed and associated 2500L water tank located on the south-western part of the subject property, which itself is located within an established residential area at Warrane and largely surrounded by detached Single Dwellings.

#### **3.2. The Proposal**

The proposal is for the development of a community garden at the subject property. The aim of the garden is to provide a community facility for the growing of fruit and vegetables, and use as a community space.

The proposed community garden would include the development of a toilet block, 3 raised garden beds and includes an existing shed to be used for storage of equipment. The proposed toilet block would have a footprint of 10.8m<sup>2</sup>, would be setback 3m to align with the existing shed (to be used for storage of equipment associated with the proposed garden), would be 3.3m in height at its highest point above natural ground level and would be clad using pale green Colorbond. The toilet would only be made available to users of the garden and locked out of hours.

It is proposed that the community garden would largely operate between the hours of 8am and 6pm, however, during summer it may be in use later in the evening up until 9pm. No external lighting is proposed at this stage, however, it is submitted that low level security lighting may be installed in the future, if required.

It is proposed that there would likely be 2 commercial vehicle movements to and from the site per month, for the delivery of garden supplies as required. It is submitted that this would occur during business hours only.

#### **4. PLANNING ASSESSMENT**

##### **4.1. Determining Applications [Section 8.10]**

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

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

##### **4.2. Compliance with Zone and Codes**

The proposal is defined as Passive Recreation which is a permitted (no permit required) use within the General Residential Zone. It meets the Scheme’s relevant Acceptable Solutions for the zone and the Parking and Access Code with the exception of the following.

##### **General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.3.1 A1	Non-Residential Use	Hours of operation must be within 8.00am to 6.00pm, except for office and administrative tasks or visitor accommodation.	Does not comply – the proposed hours of operation are from 8am to 9pm, during daylight savings (summer) months.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.3.1 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent”.</i>	<p>The proposed hours of operation would extend into the evening only during the summer (daylight savings) months, and would involve gardening activities only. These activities by nature are not high noise generating activities, other than conversation associated with those using and maintaining the garden. Commercial vehicle movements would be during business hours only and would be infrequent, therefore generating low levels of noise.</p> <p>To ensure that any possible future impact caused by security lighting upon the amenity of nearby residential properties is minimised, it is considered reasonable to include a condition to ensure that such lighting is located, designed and baffled to ensure that no emissions occur beyond the site boundaries. Such a condition has been included in the recommended conditions.</p> <p>On the basis of the low level of activity in terms of noise generating activities, it is considered that the requirements of this performance criterion are met by the proposal.</p>

## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 2 representations were received. The following issues were raised by the representors.

### **5.1. Impact on Residential Amenity**

Concerns are raised by the representations that the proposed garden and associated toilet block would have an adverse impact upon the residential amenity of the area, both in terms of odour (associated with the toilet building) and appearance. The dumping of “piles of dirt” is also raised as an objection in terms of appearance.

- **Comment**

The proposed use of the site is a permitted use (no permit required) within the zone subject to the relevant Use and Development Standards being met by the proposal. The application is consistent with the performance criteria relevant to hours of operation, as discussed above, in that the tests relating to residential amenity under the Scheme are met, and the proposed toilet building would be connected to reticulated sewerage meaning that there would not be an odour issue.

The impact upon residential amenity is therefore not considered to be an issue of determining weight.

## **5.2. Inappropriateness of Use**

It is submitted by the representations that the use of the site as a community garden is inappropriate, and that it should be used for the development of accommodation for the homeless.

- **Comment**

The proposed development is defined as Passive Recreation under the Scheme, which is a permitted use in the zone. An alternative use such as residential accommodation is not proposed and not a matter relevant to the consideration of this application.

## **5.3. Vandalism**

The representations raise the increased risk of vandalism associated with the proposal as a concern, in relation the types of individuals and families being attracted to the area. It is suggested that the destruction of the existing fence and existing shed on-site is evidence of this.

- **Comment**

Risk of vandalism associated with a proposed use is not a relevant consideration under the Scheme, in relation to the determination of this application.

That said, minor vandalism has occurred at the site in that several small pieces of the steel fencing have been removed. Upon construction of the garden and a developing sense of community ownership of the site, however, it is anticipated that this would not be an issue.

## **6. EXTERNAL REFERRALS**

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

## **7. STATE POLICIES AND ACT OBJECTIVES**

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

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

## **8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

## **9. CONCLUSION**

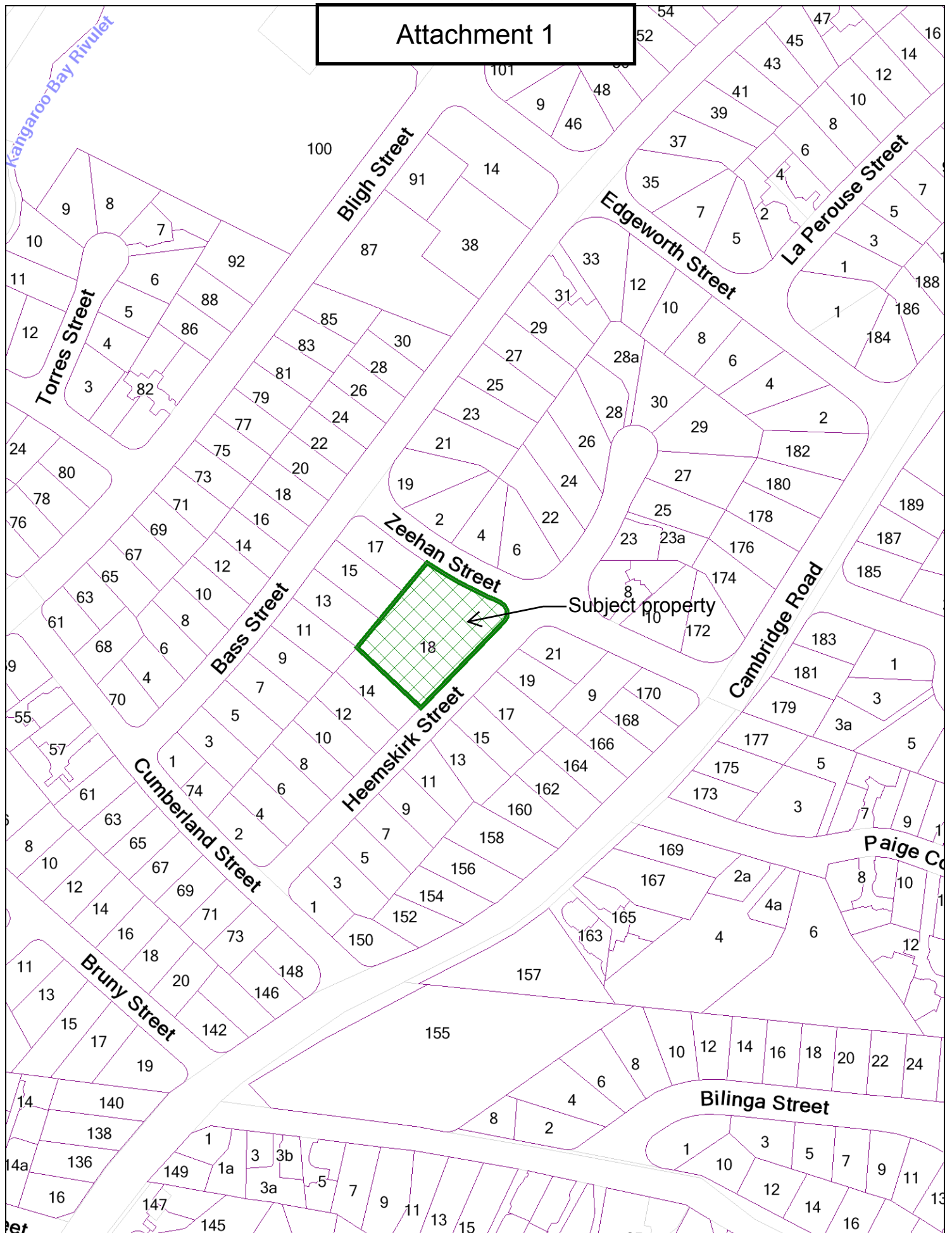
The proposal seeks approval for the development of a community garden at 18 Heemskirk Street, Warrane. The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme.

The proposal is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (4)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

# LOCATION PLAN - 18 HEEMSKIRK STREET



**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Monday, 27 August 2018 **Scale:** 1:2,501 @A4



Attachment 2

SITE NOTES	
Property Address:	18 Heemskirk Street Warrane, 7018
Property ID:	5170877
Title Reference:	213054/1
Site Area:	3055 sqm.
Municipality:	Clarence City Council
Zone:	10.0 General Residential



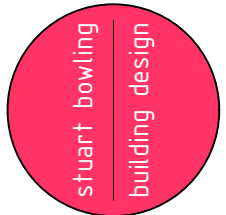
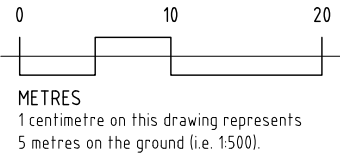
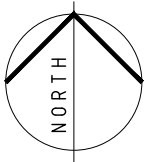
SHEET No. 01 OF 04

REV.	DESCRIPTION	DATE
A.	DEVELOPMENT APPLICATION.	13.07.2018

Project:	PROPOSED TOILET BLOCK at 18 Heemskirk Street WARRANE, 7018 for Warrane Mornington Neighbourhood Centre
Drawing:	OVERALL SITE PLAN

DWG. No.:	0040	Date:	13.07.18
Scale:	1:500 @ A3	Drawn:	S.Bowling
	SK01		

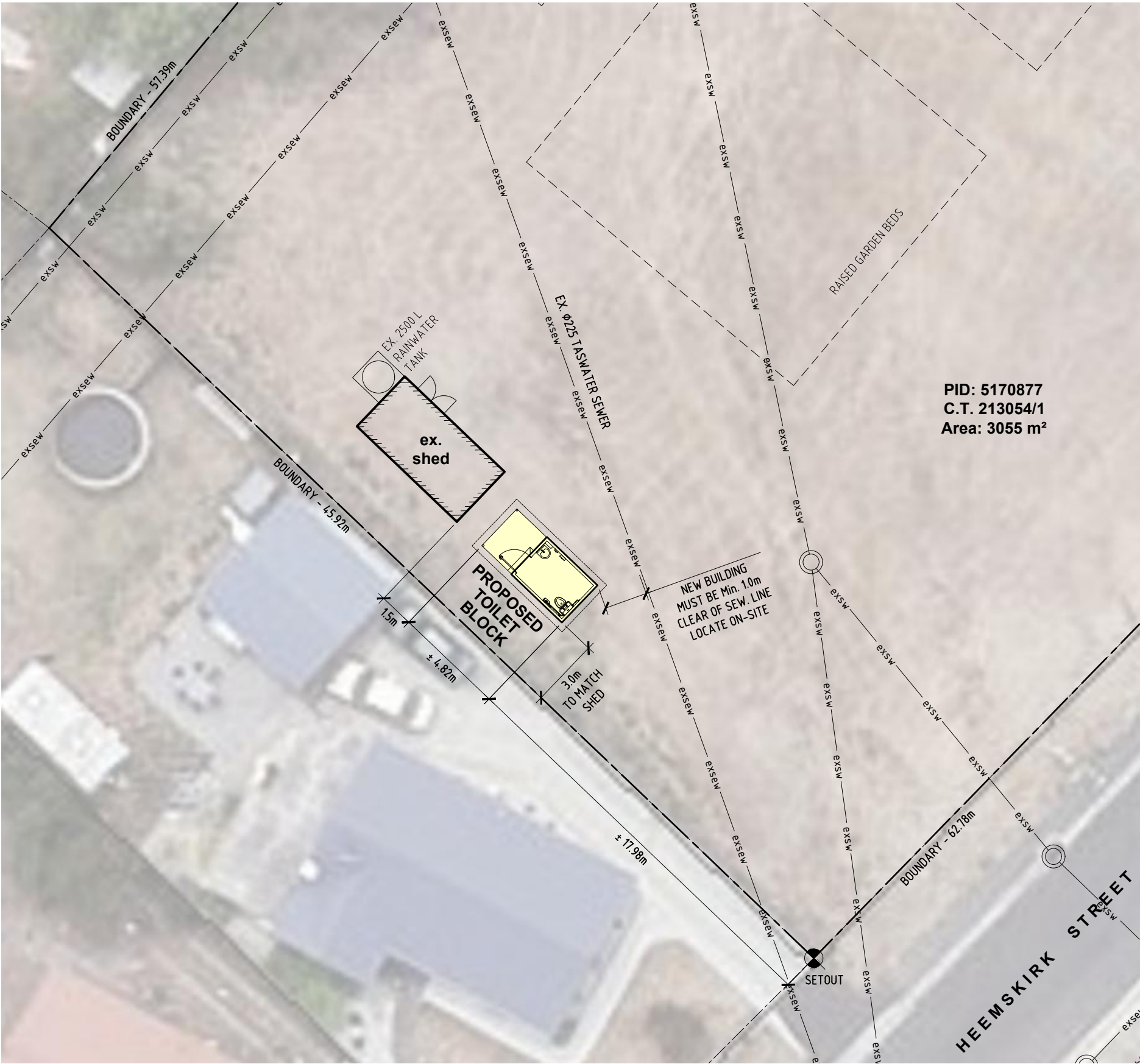
Stuart Bowling   Building Design B. Environmental Design	Phone: 0418 380 391 Email: stuart.bowling@outlook.com Licence: CC 7560 ABN: 34 531 056 735
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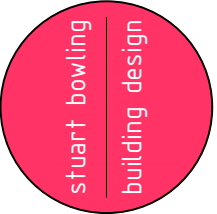
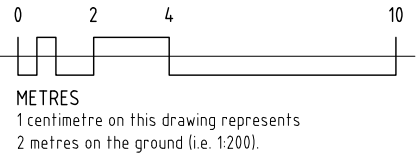
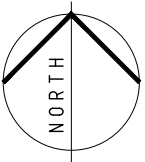
SK01. OVERALL SITE PLAN 1:500

SITE NOTES

Property Address: 18 Heemskirk Street  
Warrane, 7018  
Property ID: 5170877  
Title Reference: 213054/1  
Site Area: 3055 sqm.  
Municipality: Clarence City Council  
Zone: 10.0 General Residential



PID: 5170877  
C.T. 213054/1  
Area: 3055 m<sup>2</sup>



SK02. SITE DETAIL PLAN 1:200


		13.07.2018	DATE
	A.	DEVELOPMENT APPLICATION	REV.
			DESCRIPTION

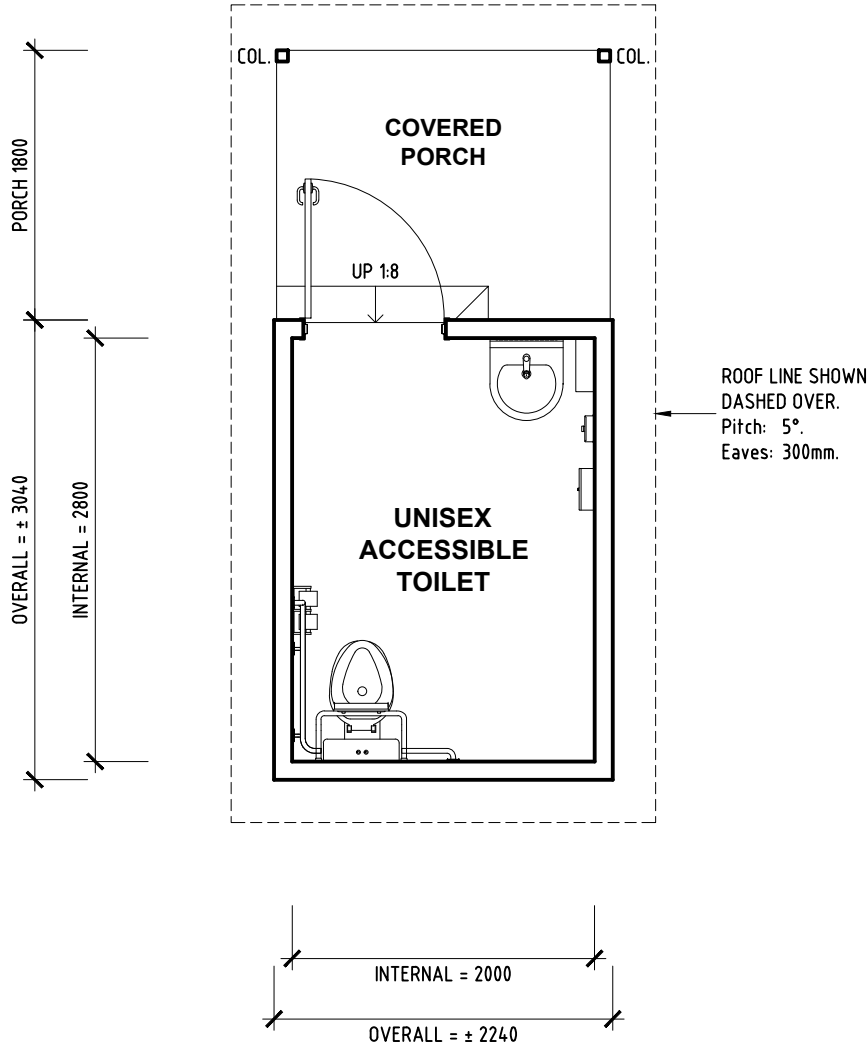
Project:	PROPOSED TOILET BLOCK at 18 Heemskirk Street WARRANE, 7018 for Warrane Mornington Neighbourhood Centre
Drawing:	SITE DETAIL PLAN

DWG. No.:	0040	SK02
Scale:	1:200 @ A3	
Drawn:	S.Bowling	Date: 13.07.18

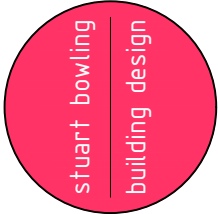
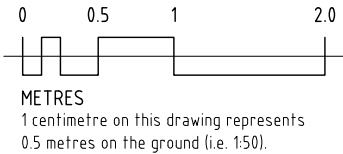
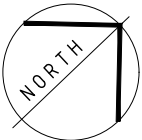
Stuart Bowling   Building Design B. Environmental Design	Phone: 0418 380 391 Email: stuart.bowling@outlook.com Licence: CC 7560 ABN: 34 531 056 735
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WALL LEGEND	
MARK	DESCRIPTION
	90mm STUDWORK WALL.
PROPOSED AREAS	
PROPOSED FLOOR AREA	= 5.6 sqm.
PROPOSED FOOTPRINT AREA EXCLUDING EAVES OVERHANG	= 10.7 sqm.



SK03. PROPOSED FLOOR PLAN 1:50

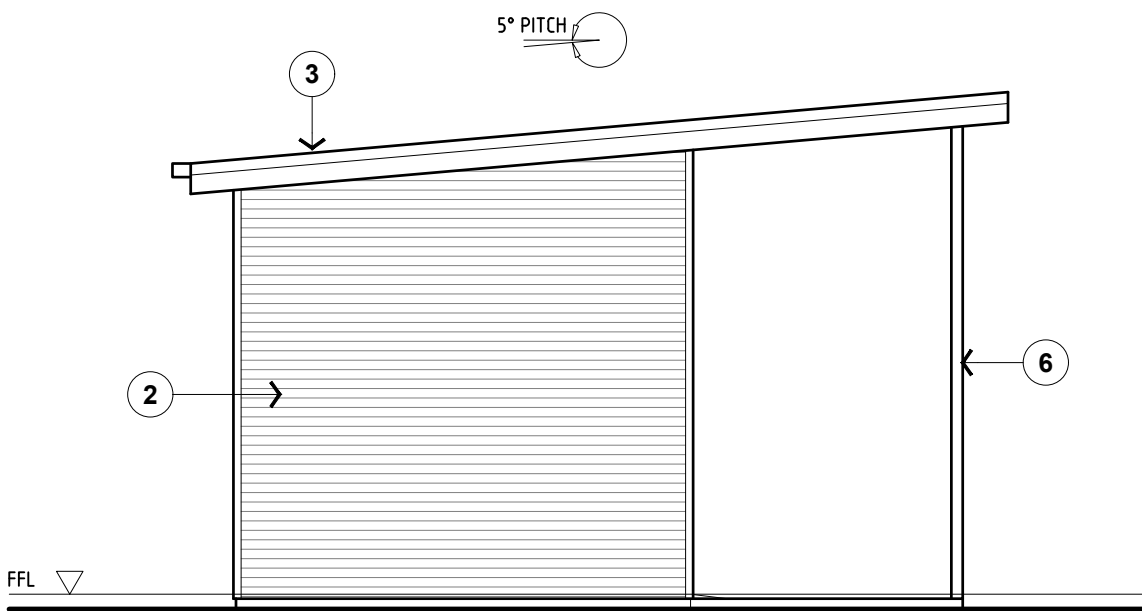


SHEET No. <b>03</b> OF 04		
	13.07.2018	DATE
	A.	REV.
	DEVELOPMENT APPLICATION.	DESCRIPTION

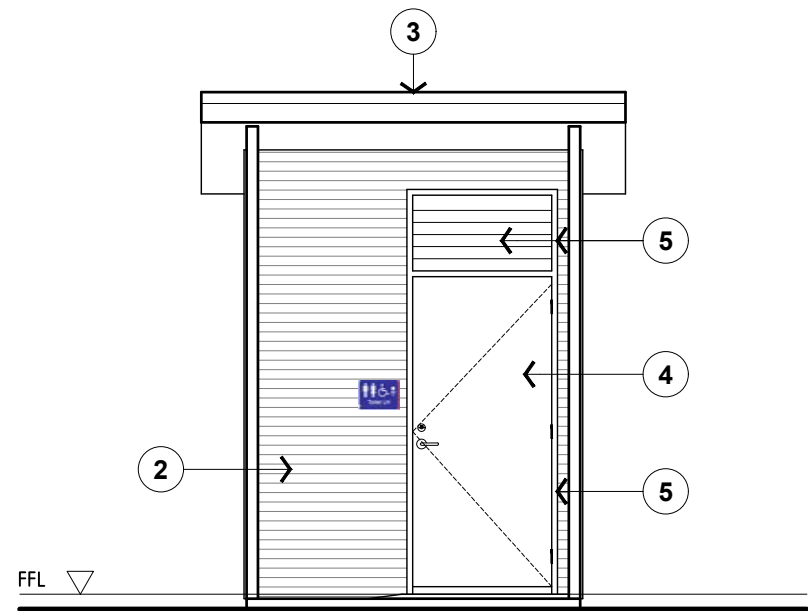
Project:	<b>PROPOSED TOILET BLOCK</b> at 18 Heemskirk Street <b>WARRANE, 7018</b> for Warrane Mornington Neighbourhood Centre
Drawing:	<b>PROPOSED FLOOR PLAN</b>

DWG. No.:	<b>0040</b> <b>SK03</b>
Date:	<b>13.07.18</b>
Scale:	<b>1:50</b> <b>@ A3</b>
Drawn:	<b>S.Bowling</b>

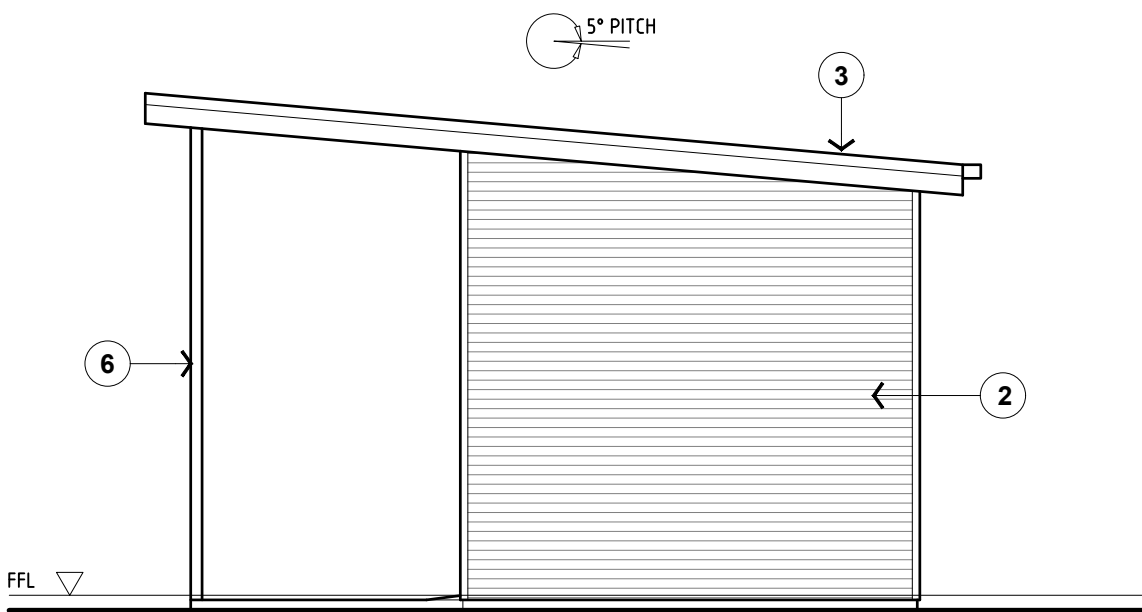
Stuart Bowling   Building Design B. Environmental Design	Phone: 0418 380 391 Email: <a href="mailto:stuart.bowling@outlook.com">stuart.bowling@outlook.com</a> Licence: CC 7560 ABN: 34 531 056 735
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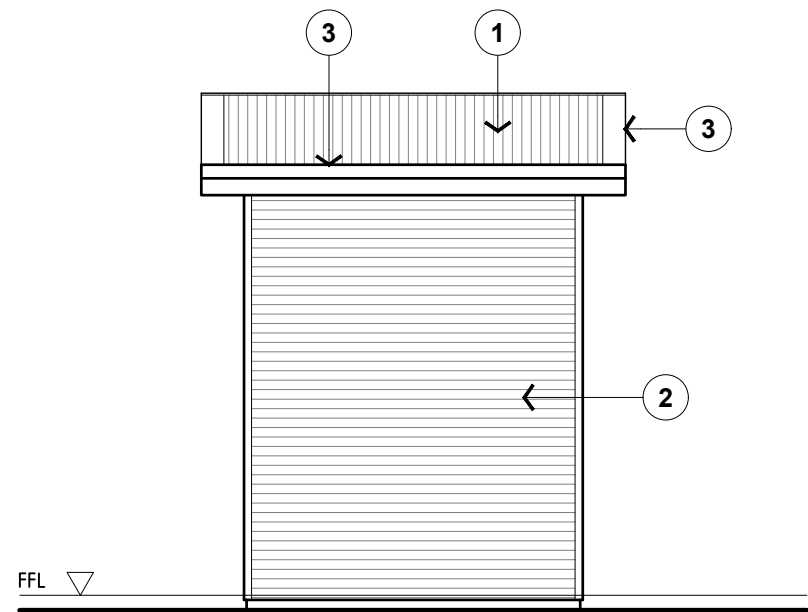
N.E. ELEVATION



N.W. ELEVATION



S.W. ELEVATION



S.E. ELEVATION

EXTERNAL FINISHES

1 0.42mm BMT 'CUSTOM ORB' ROOF SHEETING.  
Pitch: 5°.  
Finish: COLORBOND FINISH 'Pale Eucalypt'.

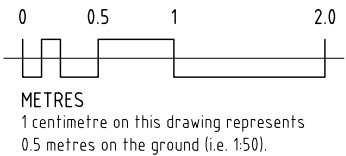
2 0.42mm BMT 'CUSTOM ORB' WALL CLADDING.  
Finish: COLORBOND FINISH 'Pale Eucalypt'.

3 COLORBOND CAPPINGS, FLASHINGS & GUTTERING.  
Finish: COLORBOND FINISH 'Pale Eucalypt'.

3 COLORBOND CAPPINGS, FLASHINGS & GUTTERING.  
Finish: COLORBOND FINISH 'Pale Eucalypt'.

4 COLORBOND CLAD DOOR.  
Finish: COLORBOND FINISH 'Pale Eucalypt'.

5 PRESSED METAL DOOR & GRILL FRAME.  
Finish: COLORBOND FINISH 'Surfmist'.



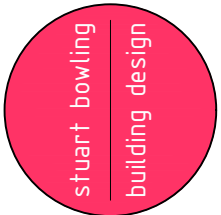
SK04. PROPOSED ELEVATIONS 1:50

	13.07.2018	DATE
A.	DEVELOPMENT APPLICATION.	REV. DESCRIPTION

Project:	PROPOSED TOILET BLOCK at 18 Heemskirk Street WARRANE, 7018 for Warrane Mornington Neighbourhood Centre
Drawing:	PROPOSED ELEVATIONS

DWG. No.:	0040	Date:	13.07.18
Scale:	1:50 @ A3	Drawn:	S.Bowling
	SK04		

Stuart Bowling   Building Design B. Environmental Design	Phone: 0418 380 391 Email: stuart.bowling@outlook.com Licence: CC 7560 ABN: 34 531 056 735
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**18 Heemskirk Street, WARRANE**



**Site viewed from Heemskirk Street, looking northwest**



**Site viewed from Zeehan Street, looking southeast**

**11.3.3 DEVELOPMENT APPLICATION D-2018/353 - 10 ELDON STREET, LINDISFARNE - 4 MULTIPLE DWELLINGS (1 EXISTING + 3 NEW)**  
(File No D-2018/353)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 4 Multiple Dwellings (1 existing + 3 new) at 10 Eldon Street, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and is subject to the Parking and Access Code and Stormwater Management Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 12 September 2018 as agreed with the applicant.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the following issues:

- loss of privacy;
- overshadowing;
- loss of views;
- density;
- impact on property values; and
- visual impact.

**RECOMMENDATION:**

A. That the Development Application for 4 Multiple Dwellings (1 existing + 3 new) at 10 Eldon Street, Lindisfarne (CI Ref D-2018/353) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLAN [the deletion of the east facing lower level “Bed 2” windows allocated to Unit 3 and 4].
3. A landscape plan must be submitted to and approved by Council’s Manager City Planning prior to the issue of a building permit or a Certificate of Likely Compliance (CLC) for building works. The plan must be to scale and show:
  - a north point;
  - proposed driveways, paths, buildings, car parking, retaining walls and fencing;
  - any proposed rearrangement of ground levels;
  - the landscaping of the car parking and circulation areas to an amount of no less than 5% of the area of the carparks;
  - details of proposed plantings including botanical names, and the height and spread of canopy at maturity; and
  - estimated cost of the landscaping works.

The landscaping works must be completed prior to the commencement of the use.

All landscaping works must be completed and verified as being completed by Council prior to the commencement of the use.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and
- in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or which was removed.

4. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
5. ENG A2 – CROSSOVER CHANGE [5.5M].
6. ENG A5 – SEALED CAR PARKING.
7. ENG S1 – INFRASTRUCTURE REPAIR.
8. ENG M1 – DESIGNS DA [ACCESS, CARPARK AND DRIVEWAYS, SERVICE UPGRADES OR RELOCATIONS].

9. All stormwater runoff from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. This report is to include the maintenance management regime/replacement requirements for the treatment facility.
  10. The development must meet all required Conditions of Approval specified by TasWater notice dated 27 July 2018 (TWDA 2018/01024-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

No relevant background.

### **2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned General Residential under the Scheme.

**2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme relating to private open space for the existing dwelling and privacy.

**2.3.** The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.4 – General Residential Zone;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.



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

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The subject site is described in Certificate of Title 233493 Folio 6 and contains a land area of 1,563m<sup>2</sup>. The site is located on the western side of Eldon Street and has a rectangular configuration. The site has a 21.06m frontage onto Eldon Street and lot depth of 76m. The site has a gentle grade sloping to the south and mature garden plantings within the backyard, none of which are proposed to be retained.

The site supports an existing single storey brick dwelling located near the property frontage, which is proposed to be retained with the exception of the demolition of the garage located alongside the southern elevation of the dwelling.

The site is provided with 2 access driveways from Eldon Street. The southernmost driveway provides access to the garage.

The surrounding area is similarly zoned General Residential and is characterised by single detached dwellings and Multiple Dwellings.

#### **3.2. The Proposal**

The proposal is for the construction of 3 Multiple Dwelling units to the rear of the existing dwelling on the subject site. Each of the proposed units would be identical in layout and would form 2 storey buildings located in a linear arrangement behind the existing single storey dwelling.

The proposed units would each provide a 1.4m setback from the northern side boundary and a 6m setback from the southern side property boundary. Unit 4 (rear most unit) would have a 5.96m setback from the western rear property boundary. The proposed units would each have a maximum height of 7.4m above natural ground level.

The ground floor of each proposed unit would provide a floor area of 111m<sup>2</sup> and would contain a double garage, rumpus room, bedroom and bathroom. An internal staircase would provide access to the upper level occupying an area of 100.68m<sup>2</sup> and would contain a bedroom, study and open plan living room. The units would be clad using a combination of “Colorbond” roofing, brick veneer and cement sheet vertical cladding.

A 15.15m<sup>2</sup> deck would extend from the southern elevation of the upper level of each unit, looking towards the Derwent River.

Each of the units would contain private outdoor space to the west and north of the respective unit with the outdoor areas being in excess of 60m<sup>2</sup> in size.

No modifications are proposed to the existing dwelling with the exception of the demolition of the existing garage attached to the southern elevation.

The southernmost driveway is proposed to be extended to provide access to proposed Units 2, 3 and 4. Each unit would be provided with 2 car parking spaces in the form of a ground level garage and 2 visitor parks would be located between Units 2/3 and Units 3/4. The existing dwelling would be serviced with 2 parking spaces located between the dwelling and the street. Access to the parking spaces allocated to Unit 2 would be via the northern most driveway.

Landscaping amounting to in excess of 5% of the parking and circulation areas is proposed as required by Clause E6.7.8 A1 of the Parking and Access Code.

A copy of the proposal is included in Attachment 2.

#### 4. PLANNING ASSESSMENT

#### 4.1. Determining Applications [Section 8.10]

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

- (a) all applicable standards and requirements in this planning scheme; and
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act;

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

## 4.2. Compliance with Zone and Codes

The proposal meets the Scheme's relevant Acceptable Solutions of the General Residential Zone, Parking and Access Code and Stormwater Management Code with the exception of the following.

## General Residential Zone

[illegible]

		<p>(ii) 2m, if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	<p>Does not comply – existing dwelling.</p> <p>complies</p> <p>complies</p> <p>complies</p> <p>complies</p>
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The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 10.4.3 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“P2 – A dwelling must have private open space that:</i></p> <p><i>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p>	<p>see below assessment</p>
<p><i>(i) conveniently located in relation to a living area of the dwelling; and</i></p>	<p>Access from the kitchen of the existing dwelling to the private open space would be via the laundry. This is a long standing arrangement resulting from the layout of the dwelling when constructed in 1950. The laundry space forms a small room attached to the kitchen. Negotiating the laundry space to obtain access to the private open space at the rear of the dwelling is considered reasonably convenient to facilitate various forms of private recreation including relaxation, dining, entertaining and children’s play.</p> <p>It is further noted that the living room is provided with direct access to a secondary area of outdoor space located between the dwelling and the street. This area is partially decked and would also offer direct access from the living room for less private forms of outdoor recreation (given the absence of fencing along the street frontage).</p>
<p><i>(ii) orientated to take advantage of sunlight”.</i></p>	<p>The location of the private open space both to the rear and front of the dwelling will aid access to full morning and afternoon sun during the Winter Solstice. The private open space will therefore be capable of achieving reasonable solar access.</p>

**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.6 A2	Privacy for all dwellings	<p>A window or glazed door, to a habitable room, of a dwelling that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of at least 3m from a side boundary; and</li> <li>(ii) is to have a setback of at least 4m from a rear boundary; and</li> <li>(iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) The window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</li> <li>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or</li> </ul>	<p>Does not comply – the west facing upper level kitchen window allocated to Unit 2 would be located within 6m of the east facing lower level bedroom window and private open space allocated to Unit 3.</p> <p>The west facing upper level kitchen window allocated to Unit 3 would be located within 6m of the east facing lower level bedroom window and private open space allocated to Unit 4.</p> <p>Does not comply - the west facing upper level kitchen window allocated to Units 2 and 3 would not maintain the 1.5m horizontal offset from the lower level east facing bedroom window allocated to Units 3 and 4.</p>

		(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.	
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The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 10.4.6 as follows.

Performance Criterion	Comment
<p><i>“P2 - A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:</i></p> <p><i>(a) window or glazed door, to a habitable room of another dwelling; and</i></p>	<p>It is considered that the elevated location and design of the west facing kitchen windows of Units 2 and 3 would have the potential to view directly into the lower level bedroom windows to the respective unit to the west. Whilst a boundary fence would separate the windows, the elevated position of the kitchen windows would not be sufficient to prevent overlooking into the bedroom window. This is considered an unacceptable impact in that the privacy of the adjoining of Units 3 and 4 would be compromised.</p> <p>This matter was discussed with the applicant who has agreed to delete the east facing lower level bedroom windows of Units 3 and 4. This effectively removes the discretion. A large north facing window would be retained so as to not impact upon solar access to these rooms.</p> <p>A condition requiring the production of amended plans showing the deletion of the east facing lower level bedroom windows of both Units 3 and 4 is recommended to reflect the applicant’s response.</p>
<p><i>(b) the private open space of another dwelling; and</i></p>	<p>The west facing upper level kitchen window allocated to Units 2 and 3 would each be located within 4.4m of the private open space allocated to the respective unit to the west.</p>

	<p>The kitchen window would overlook the compliant area of private open space allocated to the same unit and a narrow (1m – 2m wide) strip of private open space allocated to the adjoining unit to the west.</p> <p>The narrow strip of private open space provides a pathway providing access from the visitor parking areas to the eastern side elevation of the unit. This narrow strip of outdoor area is not considered usable for the purposes of outdoor dining, entertainment, recreation and landscaping and for this reason would form an underutilised area of outdoor space as compared with the larger, compliant area located to the west of the dwelling.</p> <p>Whilst some overlooking will occur into the outdoor space located alongside the eastern elevation of Units 3 and 4 as a result of the design of the kitchen windows of Units 2 and 3, the main area of private open space would not be overlooked by these windows. It is therefore considered that the location and design of these windows would satisfy Clause 10.4.6 P2(b) of the Scheme.</p>
(c) <i>an adjoining vacant residential lot</i> ".	not applicable

**General Residential Zone**

Clause	Standard	Acceptable Solution	Proposed
10.4.6 A3	Privacy for all dwellings	<p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p>	<p>Does not comply – the existing dwelling's south facing dining room window would have a sill height of 2.2m, however, a separation distance of 0.7m is provided from the shared driveway.</p>



		(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.	Further, the upper level south facing study room window allocated to Units 2, 3 and 4 would maintain the necessary sill height, however, with a zero separation from the shared driveway they do not comply with Clause (b).
--	--	--	--

The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.6 for the following reasons.

<b>Performance Criteria</b>	<b>Comment</b>
<i>“A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling”.</i>	<p>The existing dwelling’s dining room window would be separated by a landscape strip beside the shared driveway and would have in excess of the required sill height. The window would be elevated above the shared driveway and would be located perpendicular to the driveway ensuring the amenity of the room is not compromised by vehicle light intrusion and noise associated with the use of the shared driveway.</p> <p>Turning to the upper level study room window allocated to proposed Units 2, 3 and 4, the significantly elevated position of these windows will ensure no unreasonable loss of amenity by way of vehicle light intrusion or noise from the use of the shared driveway.</p> <p>On this basis it is considered that the performance criterion is satisfied.</p>

## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 2 representations were received. The following issues were raised by the representors.

**5.1. Loss of Privacy**

Concern is raised that the 2 storey design of the proposed dwellings will result in the Multiple Dwellings overlooking into the adjoining residential properties at 6 and 8a Eldon Street, Lindisfarne resulting in a significant loss of privacy.

- **Comment**

In a suburban environment, full privacy between dwellings cannot be maintained for a variety of reasons. The Scheme recognises that some overlooking is inevitable in a suburban environment and that it is a matter of minimising direct views in a close proximity between windows, decks and privacy open space.

The proposed Multiple Dwellings would be located alongside the northern side property boundary and would maintain a 6m separation from the adjacent dwelling at 8a Eldon Street. The proposed development would be separated from 6 Eldon Street by 2 other residential properties.

Whilst the living room windows and decks are oriented towards the south, they have been designed to meet the acceptable solutions for privacy of the Scheme (Clause 10.4.6 A1 and A2) by virtue of the separation offered from the side boundary. Therefore, there is no discretion in this regard.

**5.2. Overshadowing**

Concern is raised that the proposed Multiple Dwellings, particularly Unit 3, will cause a loss of sunlight to the north facing windows and private open space of the adjoining dwelling to the south at 8a Eldon Street.

- **Comment**

The proposed Multiple Dwellings are each located within the building envelope prescribed under Clause 10.4.2 A3 (which relates to overshadowing) of the Scheme therefore, Council has no capacity to consider overshadowing impacts.

**5.3. Loss of Views**

Concern is raised that the proposed Multiple Dwelling development will impact on view corridors from 6 Eldon Street, Lindisfarne to Natone Hill to the north.

- **Comment**

Visual impact considerations only arise where a development encroaches the building envelope as required by Clause 10.4.2 A3 of the Scheme. In this case each of the proposed Multiple Dwellings is contained wholly within the building envelope therefore Council has no ability to consider visual impact in this instance.

**5.4. Density**

Concern is raised that the introduction of a Multiple Dwelling development into an area dominated by single detached dwellings will increase the density to such a degree that is inconsistent with that of its surrounds.

- **Comment**

The maximum density permissible under the Scheme is 1 dwelling per 325m<sup>2</sup>. The proposed density of 1 dwelling per 390m<sup>2</sup> is therefore lower than that provided for in the General Residential Zone. The proposal therefore satisfies the acceptable solution for density (Clause 10.4.1 A1). It is also noted that the area is characterised by both Single and Multiple Dwelling developments.

**5.5. Devaluation of Property Value**

Concern is raised that the introduction of Multiple Dwellings adjacent to the single storey dwelling located at 8a Eldon Street will result in the devaluation of this adjoining property.

- **Comment**

Whether there is a change in property values is not a relevant planning consideration under the Scheme.

**5.6. Visual Impact**

Concern is raised in relation to the scale and external appearance of the proposed Multiple Dwellings and that this will result in a development that is out of character with the surrounding dwellings. Concern is also raised in relation to the concentration of concrete proposed and the impact this will have when viewed from the street.

- **Comment**

As discussed above, visual impact considerations only arise where a development encroaches the building envelope as required by Clause 10.4.2 A3 of the Scheme. In this case each of the proposed Multiple Dwellings is contained wholly within the building envelope therefore Council has no ability to consider visual impact in this instance.

With respect to the proposed landscaping and driveway arrangements, no new concrete areas are proposed between the existing dwelling and the street. The shared driveway will extend alongside the southern side property boundary and will for the most part be concealed by the existing dwelling.

**6. EXTERNAL REFERRALS**

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

**7. STATE POLICIES AND ACT OBJECTIVES**

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

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

**8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

**9. CONCLUSION**

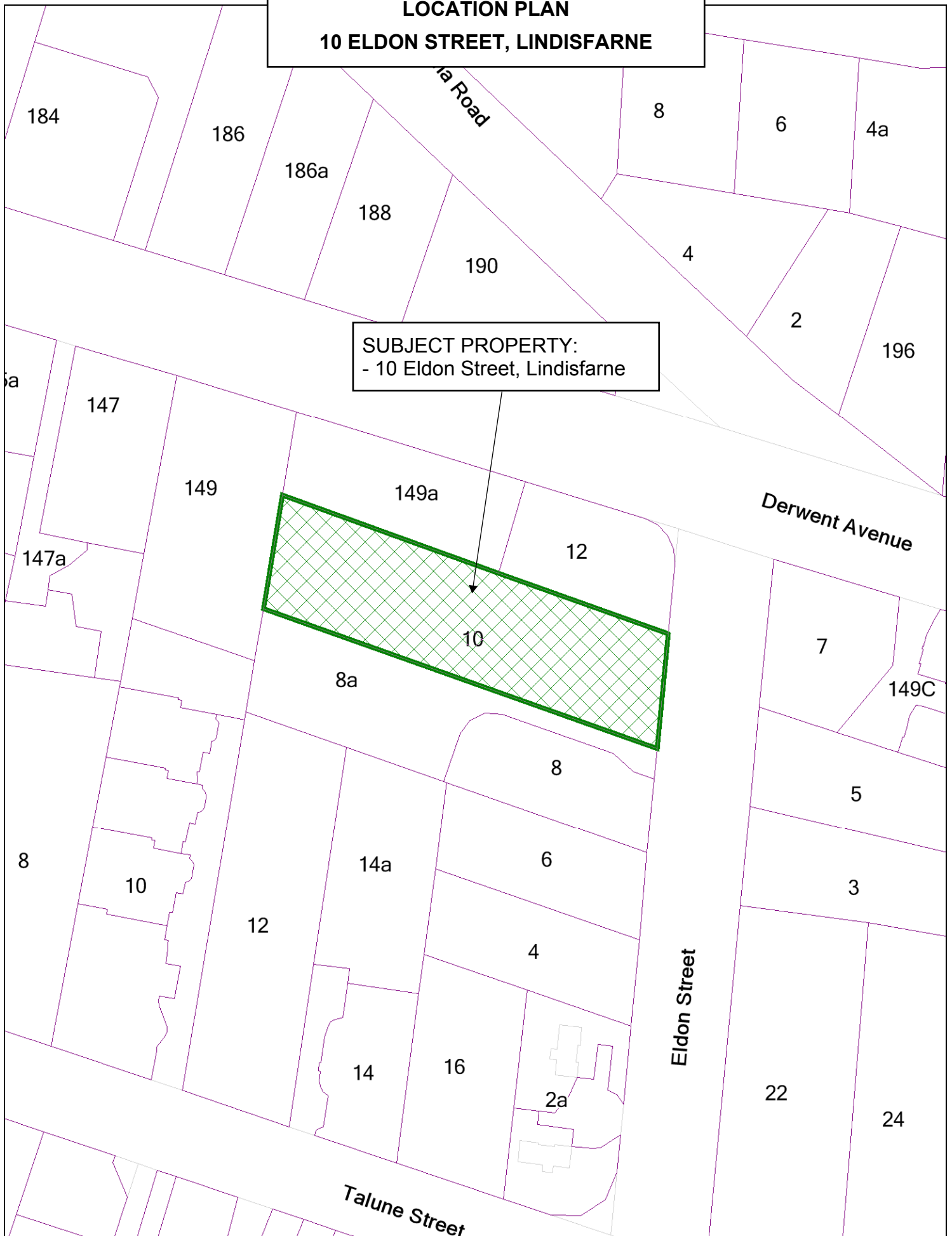
The proposal for 4 Multiple Dwellings (1 existing + 3 new) at 10 Eldon Street, Lindisfarne is considered to satisfy all relevant Acceptable Solutions and Performance Criteria of the Scheme and is accordingly recommended for conditional approval.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (12)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

**ATTACHMENT 1  
LOCATION PLAN  
10 ELDON STREET, LINDISFARNE**

**SUBJECT PROPERTY:**  
- 10 Eldon Street, Lindisfarne



**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Tuesday, 21 August 2018 **Scale:** 1:879.5 @A4

10 Eldon st, Lindisfarne 7015



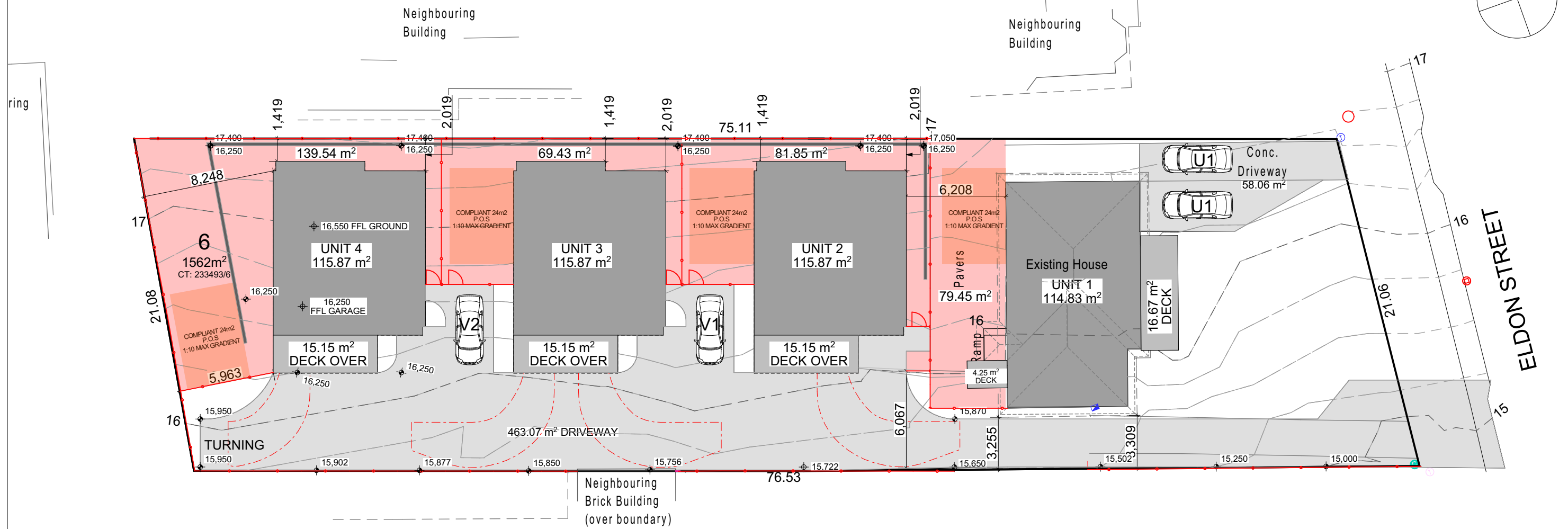
Drawing No:	Description
DA.01	Site Plan
DA.02	Landscaping Plan
DA.03	Floor Plan - Units 2,3,4
DA.04	Floor Plan - Existing - Unit 1
DA.05	Existing House- Unit 1 - El...
DA.06	Existing Site Plan
DA.06	Unit 2 & 3 - Elevations - N-S
DA.07	Unit 2 - Elevations
DA.08	Shadow Diagrams
DA.08	Unit 3 - Elevations
DA.09	Unit 3 & 4 - Elevations - N-S
DA.10	Unit 4 - Elevations
DA.11	Building Envelope



General Information	
Designer	Jason Nickerson CC6073Y
Owner(s) or Clients	Randolph (Tas) Pty Ltd
Building Classification	1a
Title Reference	233493/6
Zoning	General Residential



E6.0 Parking & Access Code		
2 plus 1 visitor per 4 dwellings		
Parking		
8+2 visitor	Total Provided	8+2 visitor



Impervious Areas	
1562 sqm	Site area
524.46 sqm	Total Building Area
521.13 sqm	Driveway Area
1045.59 sqm	Total Area
33.07%	Impervious Free

Site Areas	
Site area	1562 sqm
Total Building Area	524.46 sqm
Total Site Coverage	34%

Amendments	
Date	Description

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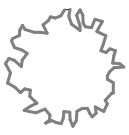
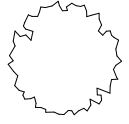
Proposal:	Multiple Dwellings	Scale: 1:250	Job No: 150-2017	Pg No: DA.01
Client:	Randolph (Tas) Pty Ltd	Date: 14/06/18	Engineer:	
Address:	10 Eldon st, Lindisfarne 7015	Drawn: Jason	Building Surveyor:	

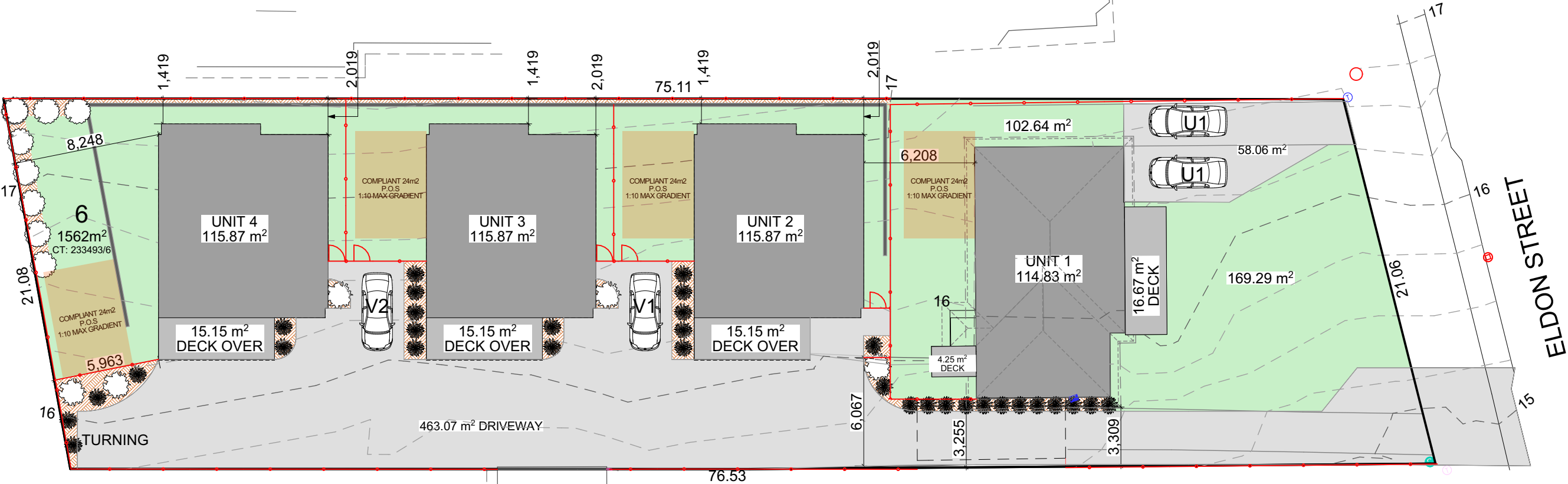
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Site Plan





LEGEND	
	Lomandra concertifolia or similar 1 - 1.2m Height & Spread
	Choisya ternata - Mexican Orange Blossom' or similar 1 - 1.2m Height & Spread
	Pittosporum 'Green Pillar' or similar 3m Height & Spread
Garden Beds to be mulched with 80mm cover.	

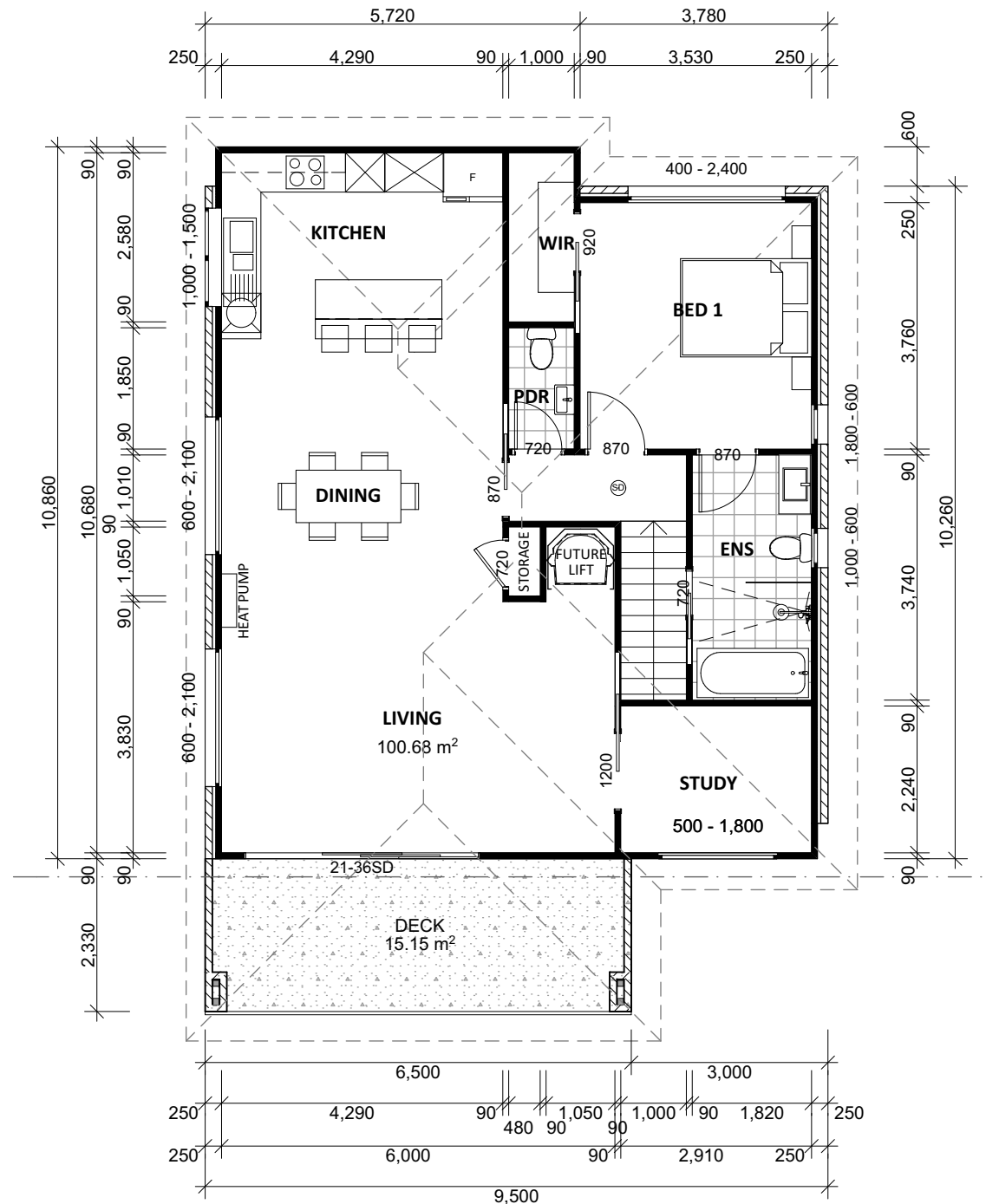
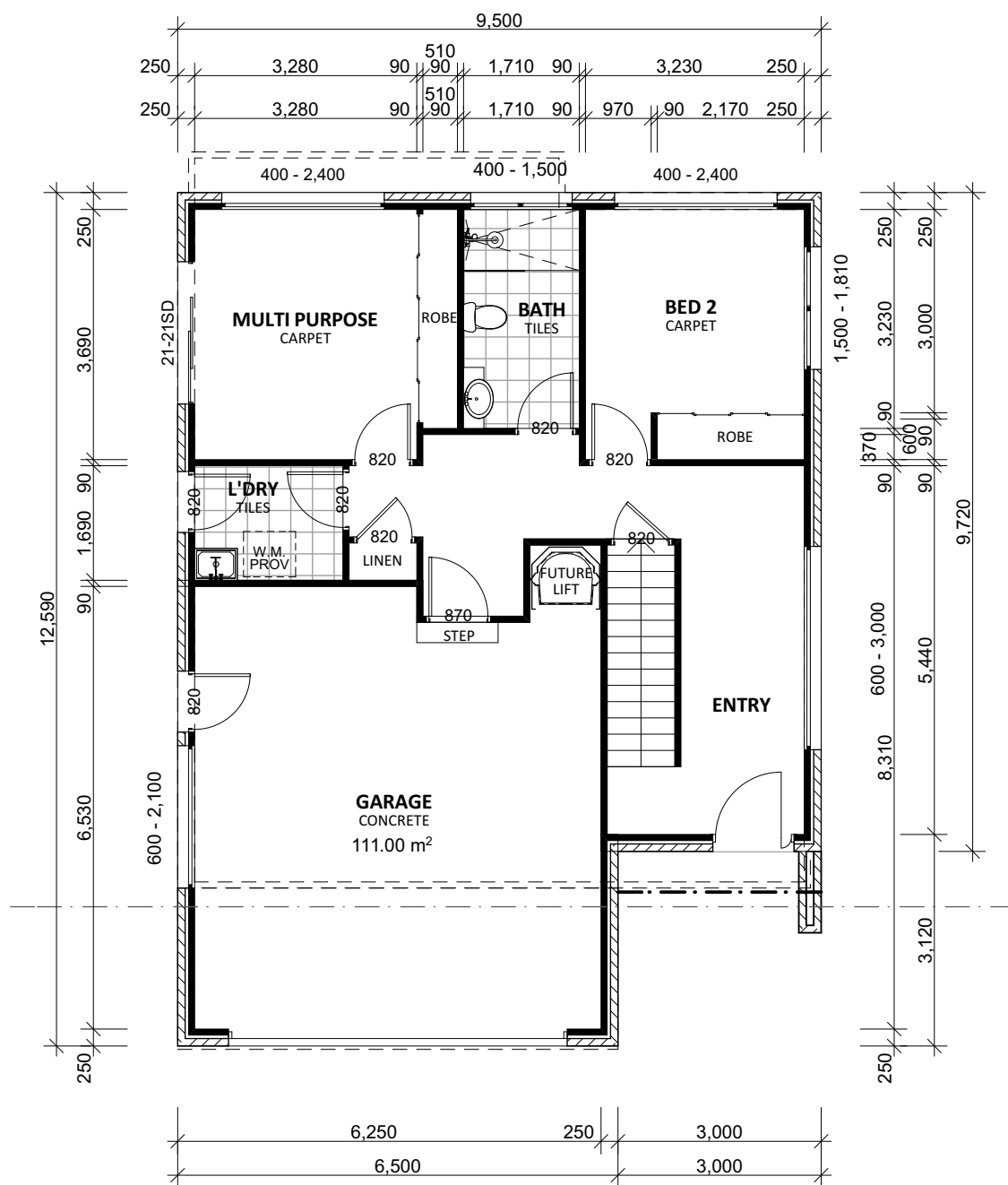


Landscaping Plan

Proposal:	Multiple Dwellings	Scale: 1:250	Job No: 150-2017	Pg No: DA.02
Client:	Randolph (Tas) Pty Ltd	Date: 14/06/18	Engineer:	
Address:	10 Eldon st, Lindisfarne 7015	Drawn: Jason	Building Surveyor:	
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Amendments	
Date	Description





Upper Floor area	100.68 sqm
Ground Floor area	111.00 sqm
Total Floor area	211.68 sqm

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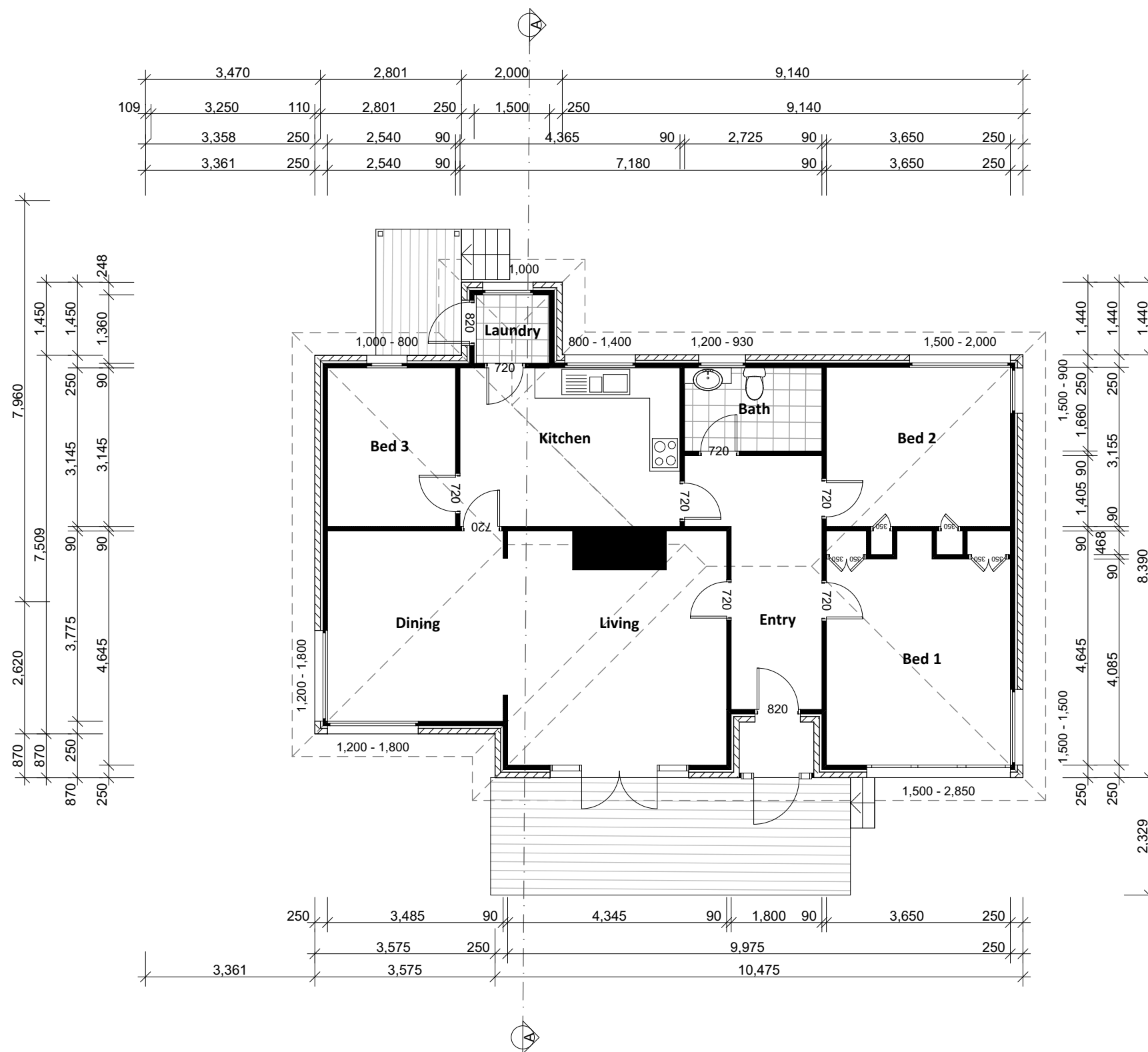
Proposal:	Multiple Dwellings	Scale: 1:100	Job No: 150-2017	Pg No: DA.03
Client:	Randolph (Tas) Pty Ltd	Date: 14/06/18	Engineer:	
Address:	10 Eldon st, Lindisfarne 7015	Drawn: Jason	Building Surveyor:	

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Amendments	
Date	Description



Floor Plan - Units 2,3,4



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Proposal:	Multiple Dwellings	Scale: 1:100	Job No: 150-2017	Pg No: DA.04
Client:	Randolph (Tas) Pty Ltd	Date: 14/06/18	Engineer:	
Address:	10 Eldon st, Lindisfarne 7015	Drawn: Jason	Building Surveyor:	

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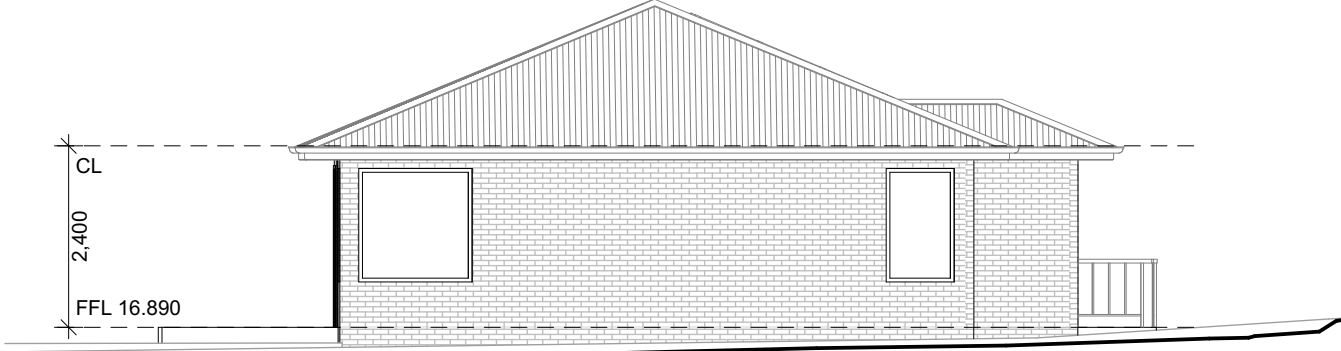
Amendments	
Date	Description



Floor Plan - Existing - Unit 1



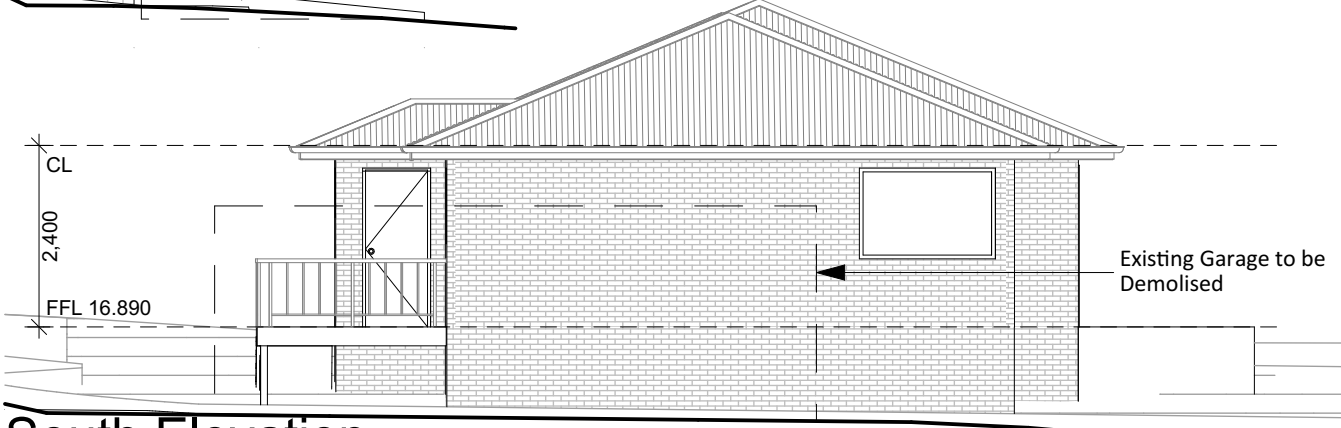
East Elevation



North Elevation



West Elevation



South Elevation

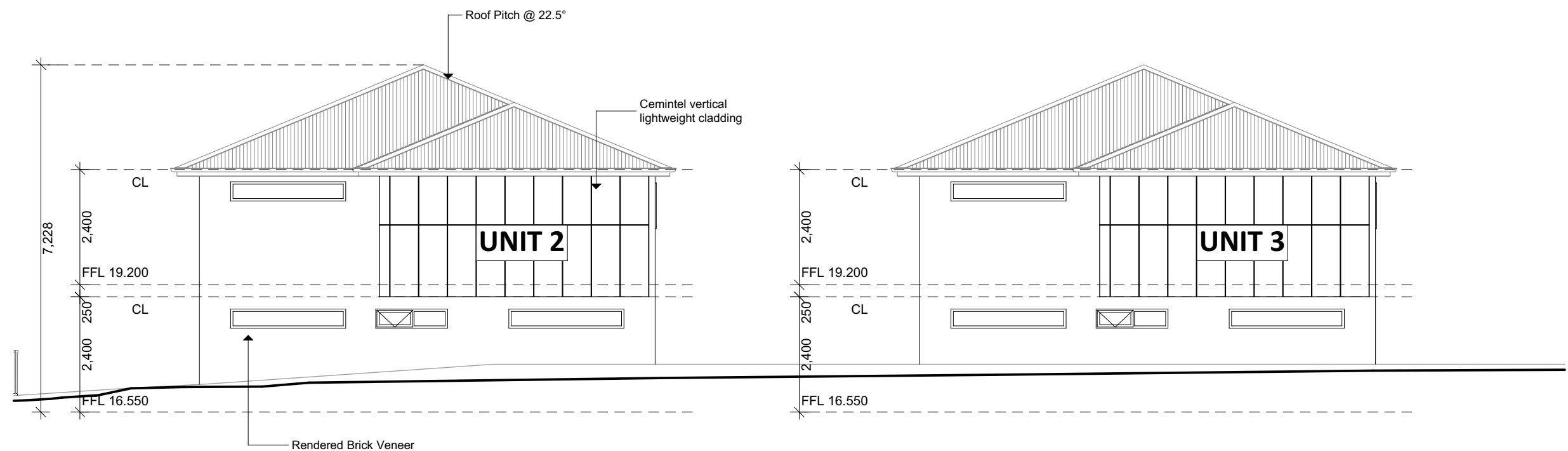
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Amendments	
Date	Description

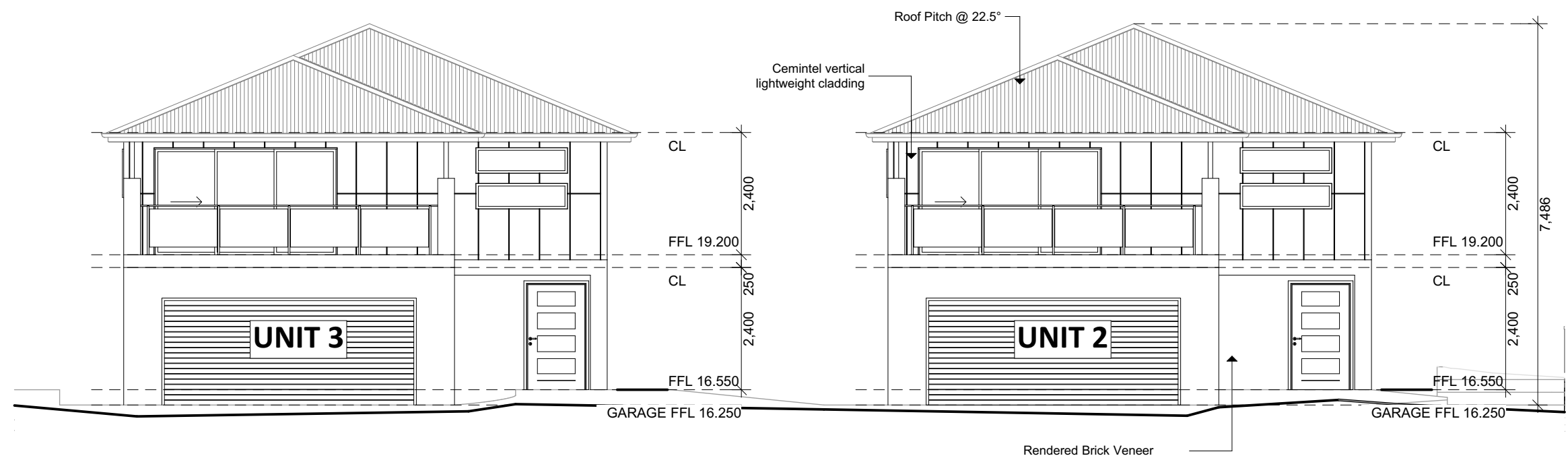
Existing House- Unit 1 - Elevations

Proposal:	Multiple Dwellings	Scale: 1:100	Job No: 150-2017	Pg No: DA.05
Client:	Randolph (Tas) Pty Ltd	Date: 14/06/18	Engineer:	
Address:	10 Eldon st, Lindisfarne 7015	Drawn: Jason	Building Surveyor:	
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North Elevation - Units 2 & 3



South Elevation - Units 3 & 2

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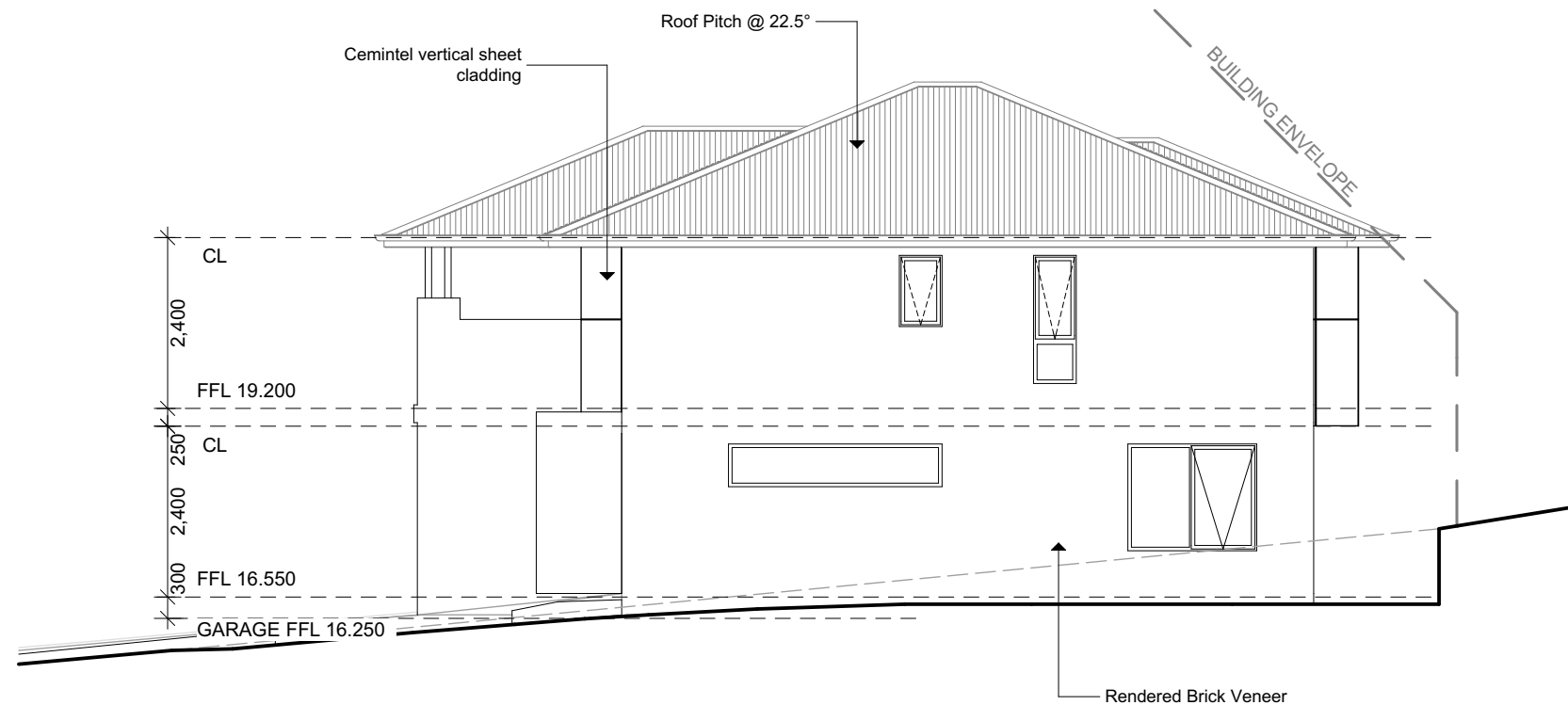
Proposal:	Multiple Dwellings	Scale: 1:100	Job No: 150-2017	Pg No: DA.06
Client:	Randolph (Tas) Pty Ltd	Date: 14/06/18	Engineer:	
Address:	10 Eldon st, Lindisfarne 7015	Drawn: Jason	Building Surveyor:	

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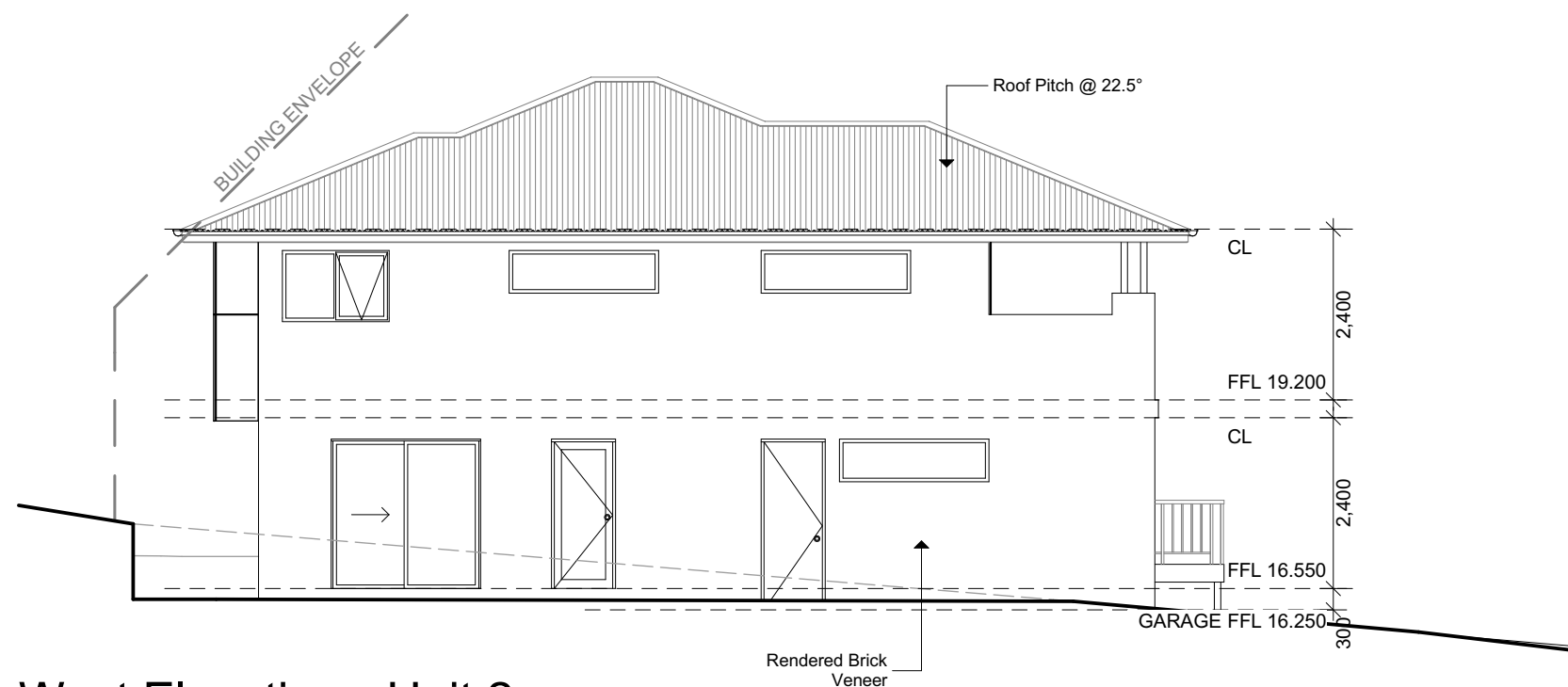
Amendments	
Date	Description



Unit 2 & 3 - Elevations - N-S



East Elevation - Unit 2



West Elevation - Unit 2

Amendments	
Date	Description

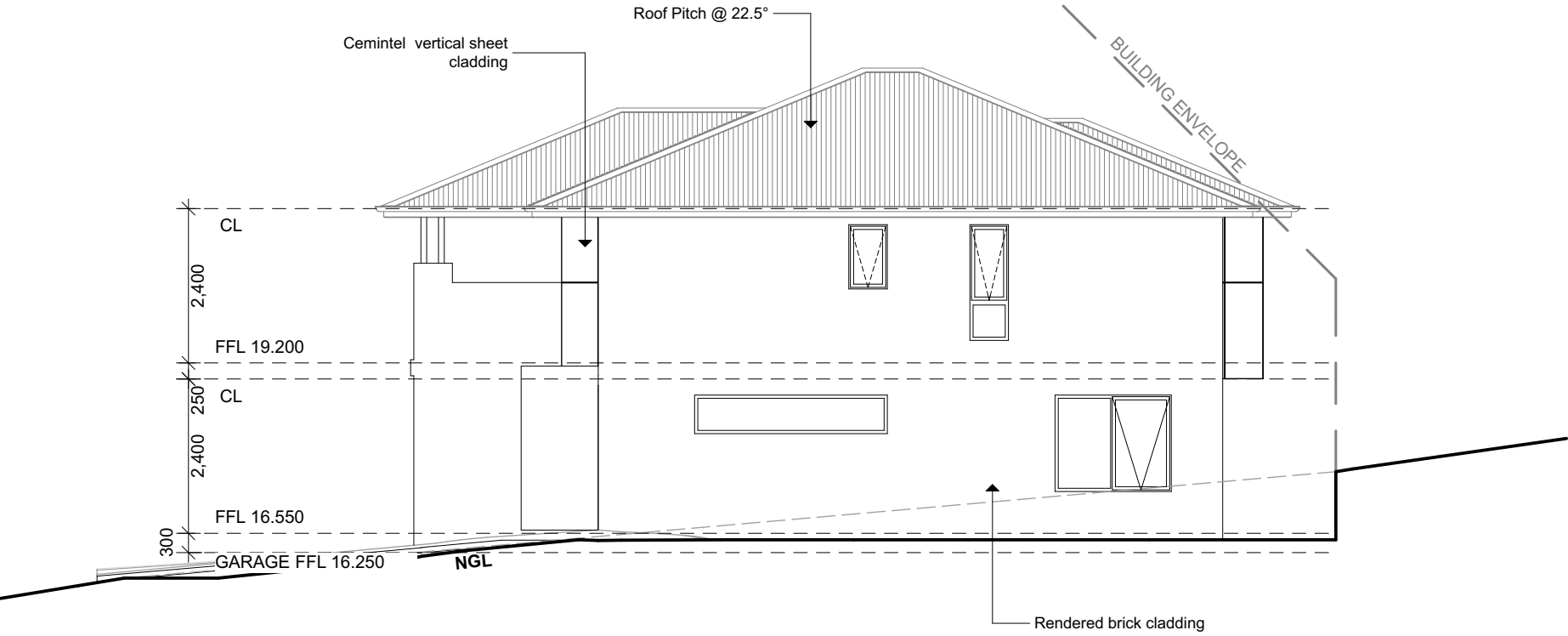
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Proposal:	Multiple Dwellings	Scale: 1:100, 1:20	Job No: 150-2017	Pg No: DA.07
Client:	Randolph (Tas) Pty Ltd	Date: 14/06/18	Engineer:	
Address:	10 Eldon st, Lindisfarne 7015	Drawn: Jason	Building Surveyor:	

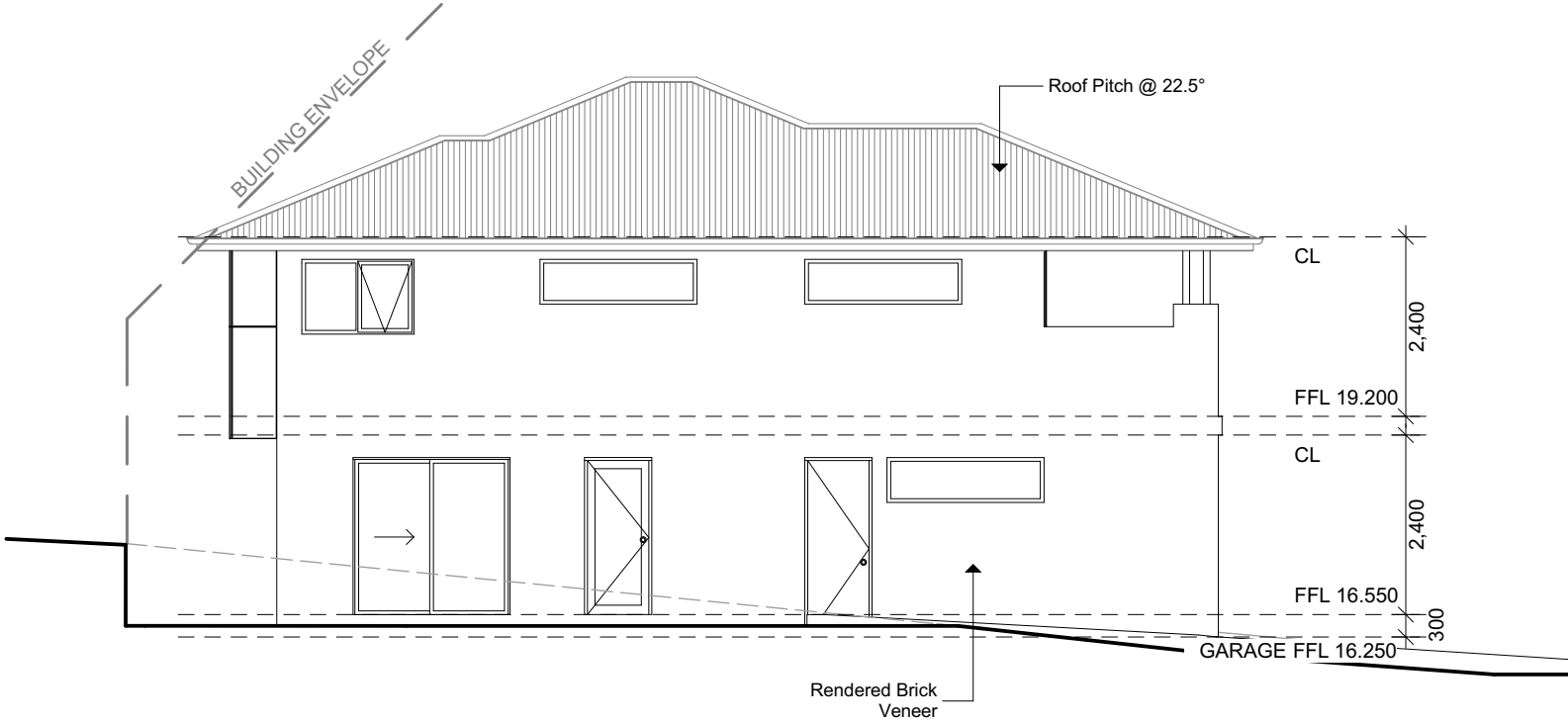
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## Unit 2 - Elevations



East Elevation - Unit 3



West Elevation - Unit 3

Amendments	
Date	Description

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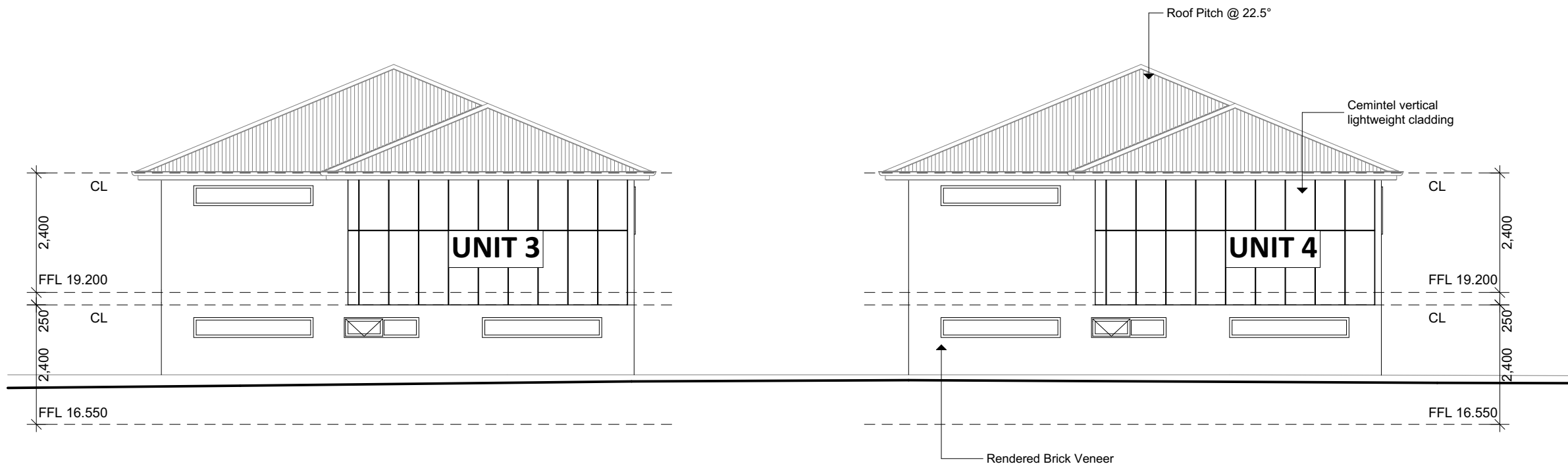
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Client:	Randolph (Tas) Pty Ltd	Date: 14/06/18	Engineer:	
Address:	10 Eldon st, Lindisfarne 7015	Drawn: Jason	Building Surveyor:	

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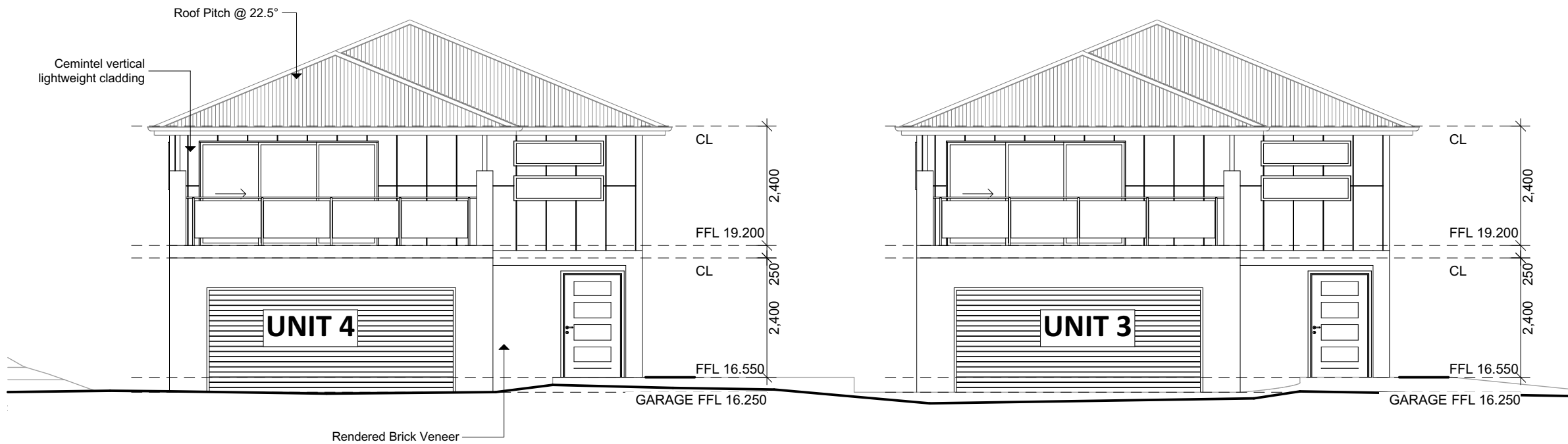


Unit 3 - Elevations





North Elevation - Units 3 & 4



South Elevation - Units 4 & 3

Amendments	
Date	Description

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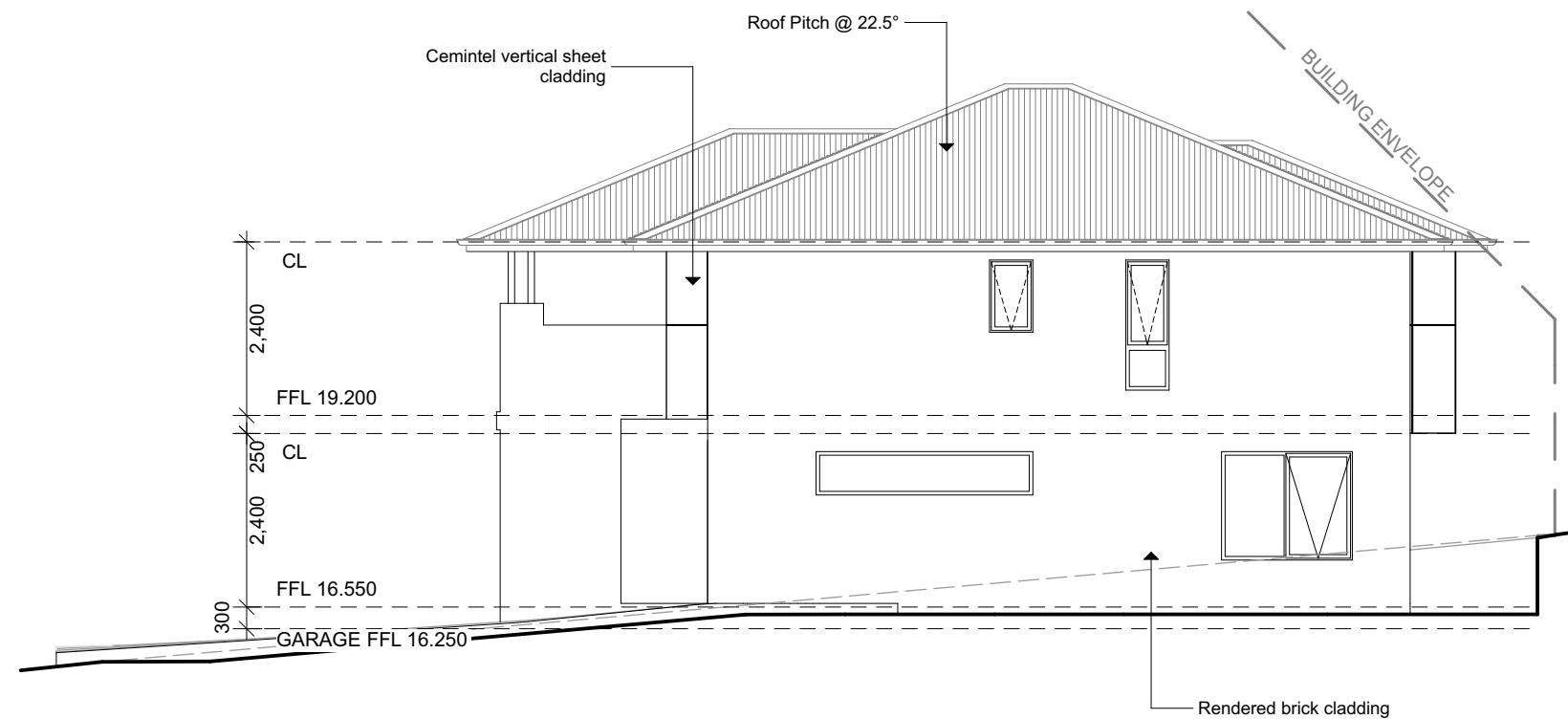
Proposal:	Multiple Dwellings	Scale: 1:100	Job No: 150-2017	Pg No: DA.09
Client:	Randolph (Tas) Pty Ltd	Date: 14/06/18	Engineer:	
Address:	10 Eldon st, Lindisfarne 7015	Drawn: Jason	Building Surveyor:	

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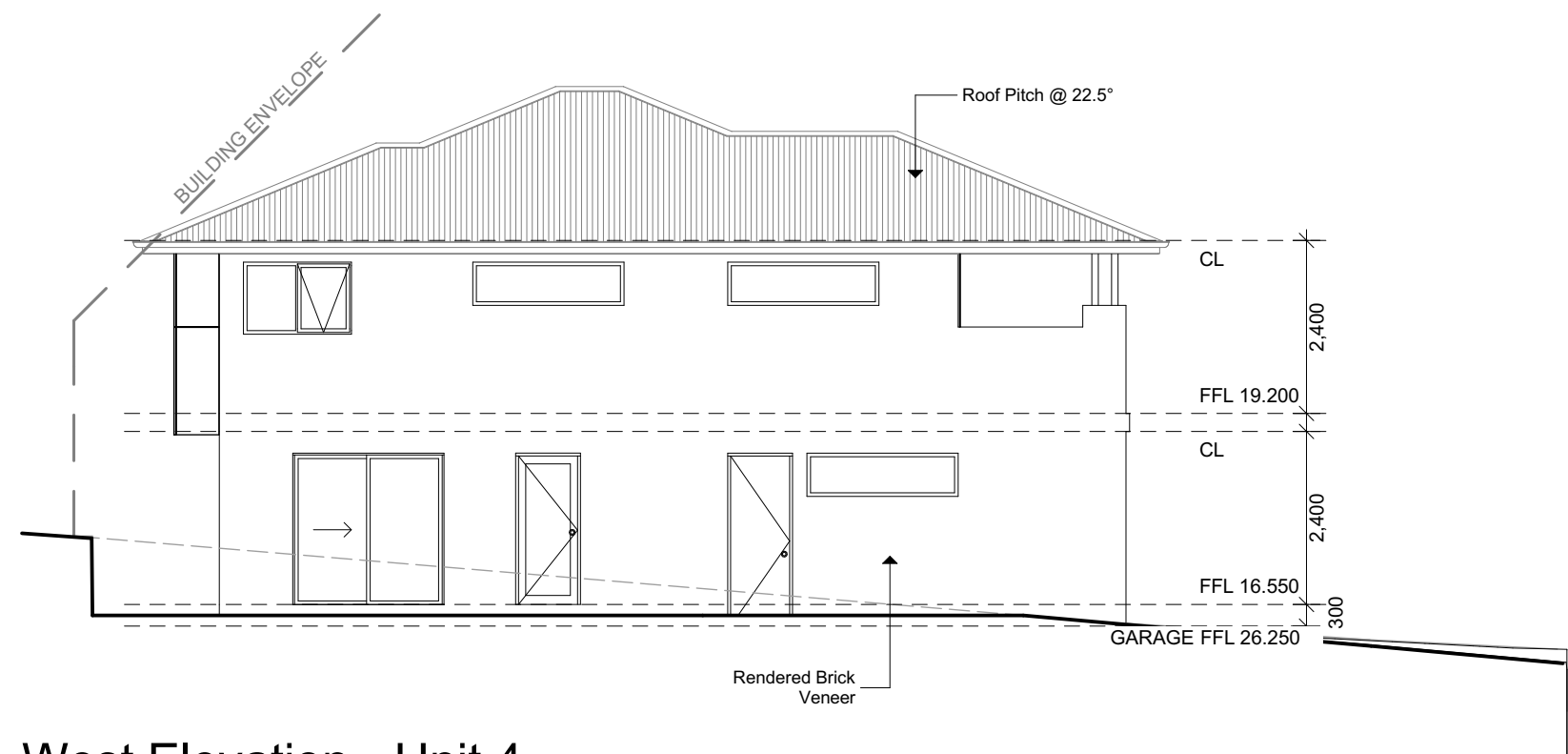


Unit 3 & 4 - Elevations - N-S





East Elevation - Unit 4



West Elevation - Unit 4

Amendments	
Date	Description

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Proposal:	Multiple Dwellings	Scale: 1:100	Job No: 150-2017	Pg No: DA.10
Client:	Randolph (Tas) Pty Ltd	Date: 14/06/18	Engineer:	
Address:	10 Eldon st, Lindisfarne 7015	Drawn: Jason	Building Surveyor:	

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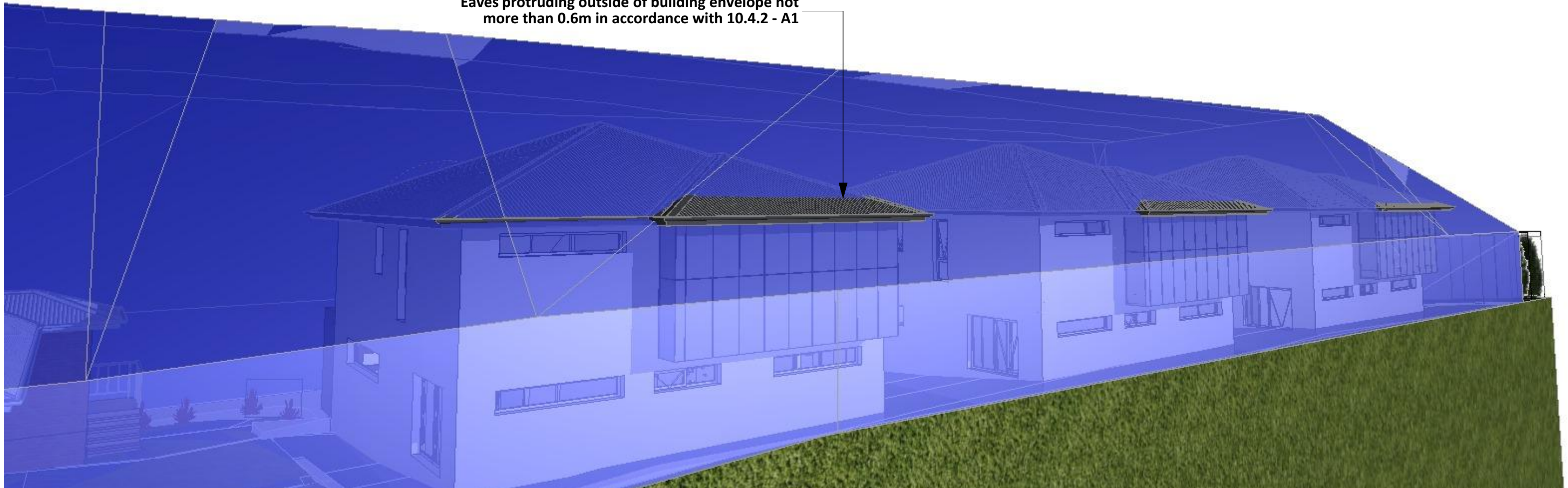


# Unit 4 - Elevations

Eaves protruding outside of building envelope not more than 0.6m in accordance with 10.4.2 - A1



Eaves protruding outside of building envelope not more than 0.6m in accordance with 10.4.2 - A1



**10 Eldon Street, Lindisfarne - Re-advertised with amended plans**



***Photo 1:*** *The subject site when viewed from Eldon Street.*

**11.3.4 DEVELOPMENT APPLICATION D-2018/386 - 26 MAXWELLS ROAD, CAMBRIDGE - TRUCK TURNING FACILITY**  
(File No D-2018/386)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Truck Turning Facility at 26 Maxwells Road, Cambridge.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Industrial and is subject to the Bushfire Prone Areas Code, Parking and Access Code, Stormwater Management Code and the Waterway and Coastal Protection Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 12 September 2018 as agreed with the applicant.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the following issues:

- concern over disposal of 21 Maxwells Road;
- impact of reduced setback upon 17 Maxwells Road; and
- visual impact from Richmond Road.

**RECOMMENDATION:**

A. That the Development Application for Truck Turning Facility at 26 Maxwells Road, Cambridge (CI Ref D-2018/386) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. The development must meet all required Conditions of Approval specified by TasWater notice dated 10 July 2018 (TWDA 2018/01118-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

---

## **ASSOCIATED REPORT**

### **1. BACKGROUND**

The site is extensively developed with buildings and infrastructure to provide for the manufacture of aquaculture feed. The business is operated by Skretting Australia Pty Ltd which is an international company producing feed for the Tasmanian aquaculture industry.

Previous approvals for the site are as follows:

- D-2009/135 for a work/storeroom was approved in June 2009;
- D-2009/83 for additions to the factory was approved in May 2009;
- D-2010/163 for an upgrade of the factory was approved in 2010;
- D-2010/284 for additions to the factory was approved in November 2010, and amended to increase the car parking area in June 2012;
- D-2012/67 for a new forklift ramp enclosure was approved in June 2012;
- D-2012/423 for 2 additional silos was approved in February 2013;
- D-2016/128 to increase the height of the roof on a section of the building to allow for internal plant upgrades;
- D-2016/427 for 8 additional silos to be located at the north of the existing silos; and
- D-2018/425 for additions to the existing silos buildings.

Historically, access to the site has been provided via Maxwells Road and through private land at 17 Maxwells Road providing a looped access arrangement through the site for heavy vehicles. The access arrangements involving the private parcel at 17 Maxwells Road are no longer available resulting in a requirement to construct a turning facility on-site so that trucks can exit via the main entrance through 26 Maxwells Road.

The site is burdened by a 10m wide right-of-way providing access to the otherwise landlocked Council owned land at 21 Maxwells Road. Council is in the process of disposing of this land. Following an expression of interest process, Council determined at its Meeting held on 20 August 2018 to sell the land to Skretting. However, the proposal does not involve 21 Maxwells Road, Cambridge.

## **2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned General Industrial under the Scheme.

**2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme relating to side setback requirements and stormwater disposal.

**2.3.** The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 25.0 – General Industrial Zone;
- Section E1.0 – Bushfire Prone Areas Code;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code; and
- Section E11.0 – Waterway and Coastal Protection Code.

**2.4.** The subject site is located within a bushfire prone area, however, the proposed truck turning facility would not introduce a hazardous or vulnerable use therefore is exempt from the operation of the Bushfire Prone Areas Code.

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

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The subject site is described in Certificate of Title 153624 Folio 1 and consists of an 8.5ha irregular shaped lot accessed via Maxwells Road and bound by Barilla Rivulet to the north. The site is developed with large buildings associated with the manufacture of fish food for the aquaculture industry.

#### **3.2. The Proposal**

Application is made to construct a truck turning hardstand to the north-west of the main factory building adjacent to the western boundary of the site. The hardstand would maintain a 1.385m setback from the western side boundary.

The need for the manoeuvring area arises as the previous access obtained via 17 and 21 Maxwells Road is no longer available for use and it is now necessary to build a turning facility so trucks can enter and exit the site entirely within the boundaries of 26 Maxwells Road. The turning hardstand will facilitate the movement of trucks on-site allowing for forward movements at all times which is desired from a practical and safety perspective.

The turning hardstand will be approximately 30m in diameter and has been designed to accommodate the turning circle required for both a 19m semi-trailer and a B-double. The manoeuvring area is proposed to be constructed across the slope and requires a retaining wall, approximately 3m in height.

The surface of the manoeuvring area would form a concrete slab over a compacted base. The fall of the surface would be graded so that approximately 500m<sup>2</sup> of the new area will discharge to the north.



Stormwater generated by the proposed development is proposed to be collected by kerb and discharged to the existing stormwater system on site via a 100mm diameter pipe. The balance of the pavement will drain to a new enlarged stormwater pit alongside the factory building which links to the existing stormwater management system servicing the facility.

#### **4. PLANNING ASSESSMENT**

##### **4.1. Determining Applications [Section 8.10]**

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

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

##### **4.2. Compliance with Zone and Codes**

The proposed truck turning facility would be ancillary to the existing “Manufacturing and processing” use of the land, both of which are permitted uses in the General Industrial Zone.

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Industrial Zone, Parking and Access Code and Stormwater Management Code with the exception of the following.

##### **General Industrial Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
25.4.2 A2	Setbacks	A building must be setback a minimum of 3m to side and rear boundaries.	Does not comply – the retaining wall supporting the proposed truck hardstand would be located 1.385m from the western side property boundary.



The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 25.4.2 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“P2 - A building must be set back sufficiently from a side or rear boundary frontage to enhance the streetscape, provide adequate space for vehicle access, parking, maintenance access and landscaping and help to attenuate site impacts, having regard to:</i>	See below assessment which has regard to these considerations.
<i>(a) the site’s area and dimensions and the proportionate intrusion;</i>	The reduced setback arises from constraints established by existing roads and infrastructure located on the site. In order to achieve the required turning radius, a large undeveloped area is required within proximity to the existing road infrastructure and loading docks. The constraints established by this infrastructure limit the available area on the site for the construction of a suitable located turning circle.
<i>(b) compatibility with buildings on adjacent lots in the streetscape;</i>	<p>The truck turning hardstand would be located to the rear of the existing factory building and for this reason would not be visible from Maxwells Road. The existing industrial buildings within Maxwells Road front this street, however, are visible from Cambridge Road to the north due to the elevated position of this road. The subject site does not front Richmond Road and is separated by other private land meaning the site does not impact on the Richmond Road streetscape.</p> <p>The obscured location of the new infrastructure will ensure no impact upon the streetscape and is consistent with the siting of road and turning infrastructure on adjoining lots which follows property boundaries.</p>

<p>(c) <i>compatibility with setback on the adjoining lot and whether the reduction would leave inadequate space between the buildings for a landscaped buffer to enhance the appearance of the area;</i></p>	<p>The turning hardstand would adjoin a vacant Council owned property at 21 Maxwells Road. The turning hardstand would adjoin a 10m wide access strip on the adjoining property. The access strip is limited in its development potential therefore the development of a turning hardstand is unlikely to result in any incompatibility between uses as it can be reasonably assumed that this area may accommodate further access infrastructure. The Council owned property is in the process of being purchased by Skretting to be adhered to 26 Maxwells Road which will effectively increase the setback to the nearest adjoining property.</p>
<p>(d) <i>the setback on the opposite side of the site and whether the reduction will be offset by landscaping on that side;</i></p>	<p>The setback offered from the western side boundary (1.385m) would limit the area available for landscaping. The proposal involves a concrete retaining wall which will present as a clean, structured hard landscaping aesthetic. The need for the structure to be supplemented with landscaping along the western boundary is not considered necessary given this area is not visible from Maxwells Road and there is ample scope for landscaping to be established on the adjoining land.</p>
<p>(e) <i>whether the height and length of the wall are low or short enough to ensure there is minimal impact on the amenity of the adjoining lot including unreasonable overshadowing of any landscaped buffer strips”.</i></p>	<p>The retaining wall would reach a maximum height of 3m above natural ground level with the western end of the wall having a limited length along the western side boundary. The retaining wall would not result in any overshadowing of adjoining land or landscaping as the adjoining property at 21 Maxwells Road is currently vacant.</p>

**Stormwater Management Code**

Clause	Standard	Acceptable Solution (Extract)	Proposed
E7.7.1 A1	Stormwater drainage and disposal	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Does not comply – stormwater from the site is currently disposed of via gravity to a 30kL on-site detention pond prior to land application (0.5ha of mature eucalypts). The same system is proposed to be used to dispose of stormwater runoff from the turning area.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause E7.7.1 as follows.

Performance Criteria	Proposal
<p><i>“P1 - Stormwater from new impervious surfaces must be managed by any of the following:</i></p> <p><i>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</i></p> <p><i>(b) collected for re-use on the site;</i></p> <p><i>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council”.</i></p>	<p>Council’s Development Engineer has considered that the existing stormwater system proposed to accommodate stormwater generated by the proposed hardstand area contains adequate capacity to accommodate the increased stormwater flows arising from the creation of the new hardstand area.</p> <p>The existing system has been designed using the methodology outlined in “Environmental Guidelines for the use of Recycled Water in Tasmania” with no modifications proposed.</p>

**5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 1 representation was received. The following issues were raised by the representor.

**5.1. Concern over Disposal of 21 Maxwells Road**

The representor has indicated that they lodged an expression of interest for the purchase of Council owned land at 21 Maxwells Road, Cambridge. The representor currently owns 17 Maxwells Road, Cambridge which is a vacant General Industrial zoned property. This property provided an informal access arrangement to Skretting until recently when the agreement terminated.

The representor has indicated that should they be successful in the purchase of this property, the proposed truck turning circle would impact upon the future development plans for this property. The applicant has not provided any detail as to their development plans for this site and specifically how the proposal may impact upon these plans.

- **Comment**

Following an expression of interest process, Council determined at its Meeting held on 20 August 2018 to sell 21 Maxwells Road, Cambridge to Skretting to allow for the future expansion of the factory business. The future development of 21 Maxwells Road will therefore be at the discretion of Skretting. Issues relating to the sale of Council land are not a relevant planning consideration.

## **5.2. Impact of Reduced Setback upon 17 Maxwells Road**

The representor has raised concern that the proximity of the truck turning facility to the property at 17 Maxwells Road will compromise the future development potential of this lot.

- **Comment**

The property at 17 Maxwells Road is vacant with no development approvals in place. This property is also separated from the subject site by a 10m wide strip of land associated with 21 Maxwells Road (Council owned land in the process of being sold to Skretting). The representor has not specified how the introduction of a truck turning area will impact upon the future use of 17 Maxwells Road.

It is considered that introduction of a truck turning area over an area currently used for access purposes is not unreasonable for a General Industrial setting and would likely have less impact than heavy industrial activity occurring within the buildings on-site.

## **5.3. Visual Impact from Richmond Road**

The representor has raised concern over the visual appearance of the truck hardstand when viewed from Richmond Road.

- **Comment**

The Scheme provides no head of power to consider streetscape presentation issues relating to Richmond Road. Notwithstanding this, an engineered retaining wall would encompass the retaining wall and the surface would be sealed. The structure would appear as a neatly constructed feature and would be dwarfed by the adjacent factory buildings. The proposed hardstand would also be screened from Richmond Road by tall trees that have been established along the rear boundary of the site.

## **6. EXTERNAL REFERRALS**

The proposal was referred to TasWater, who have advised that they do not object to the proposed development and no conditions are imposed.

## **7. STATE POLICIES AND ACT OBJECTIVES**

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

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

## **8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

## **9. CONCLUSION**

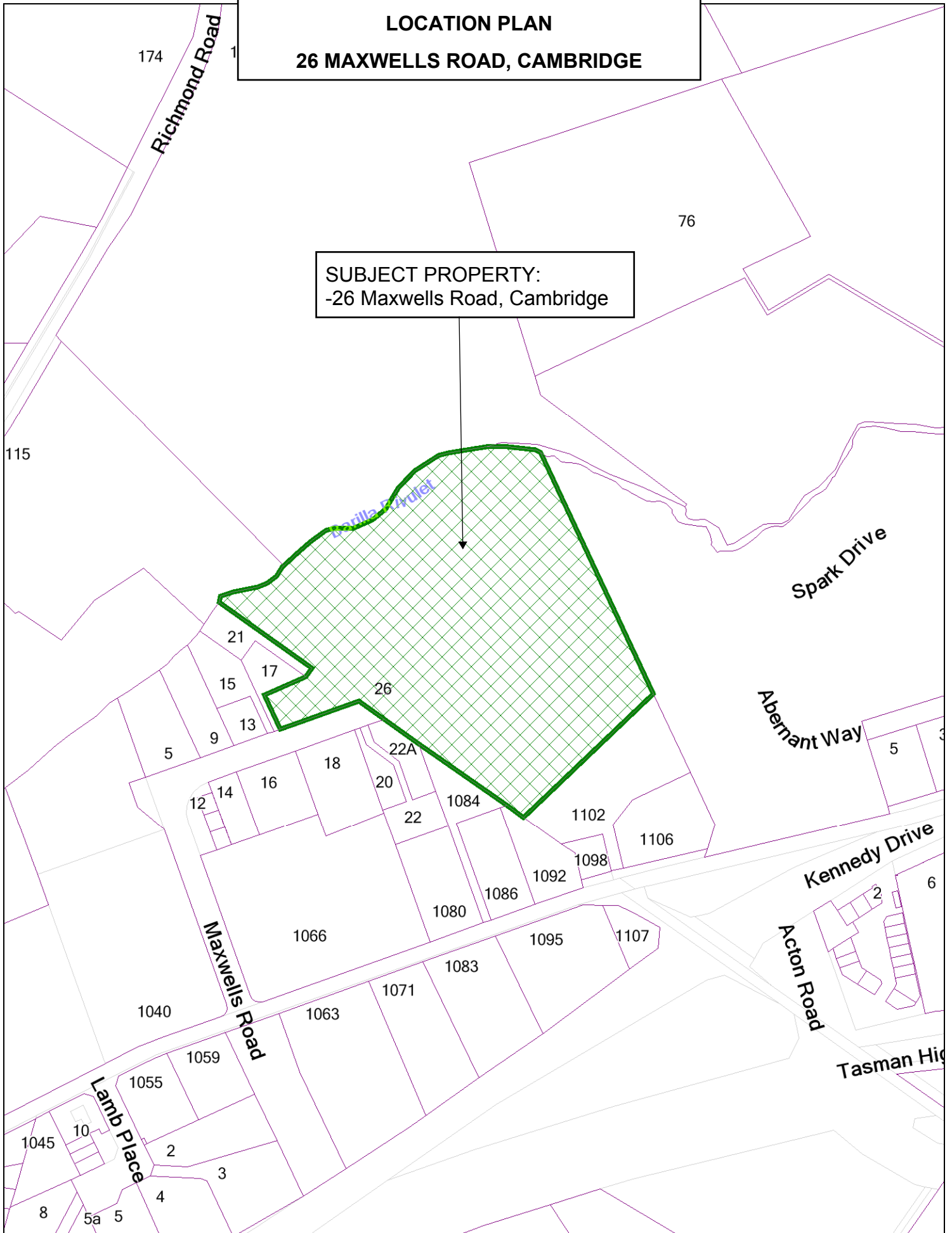
The proposal for a truck turning facility at 26 Maxwells Road, Cambridge is considered to satisfy all relevant Acceptable Solutions and Performance Criteria of the Scheme and is accordingly recommended for conditional approval.

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

Ross Lovell  
**MANAGER CITY PLANNING**

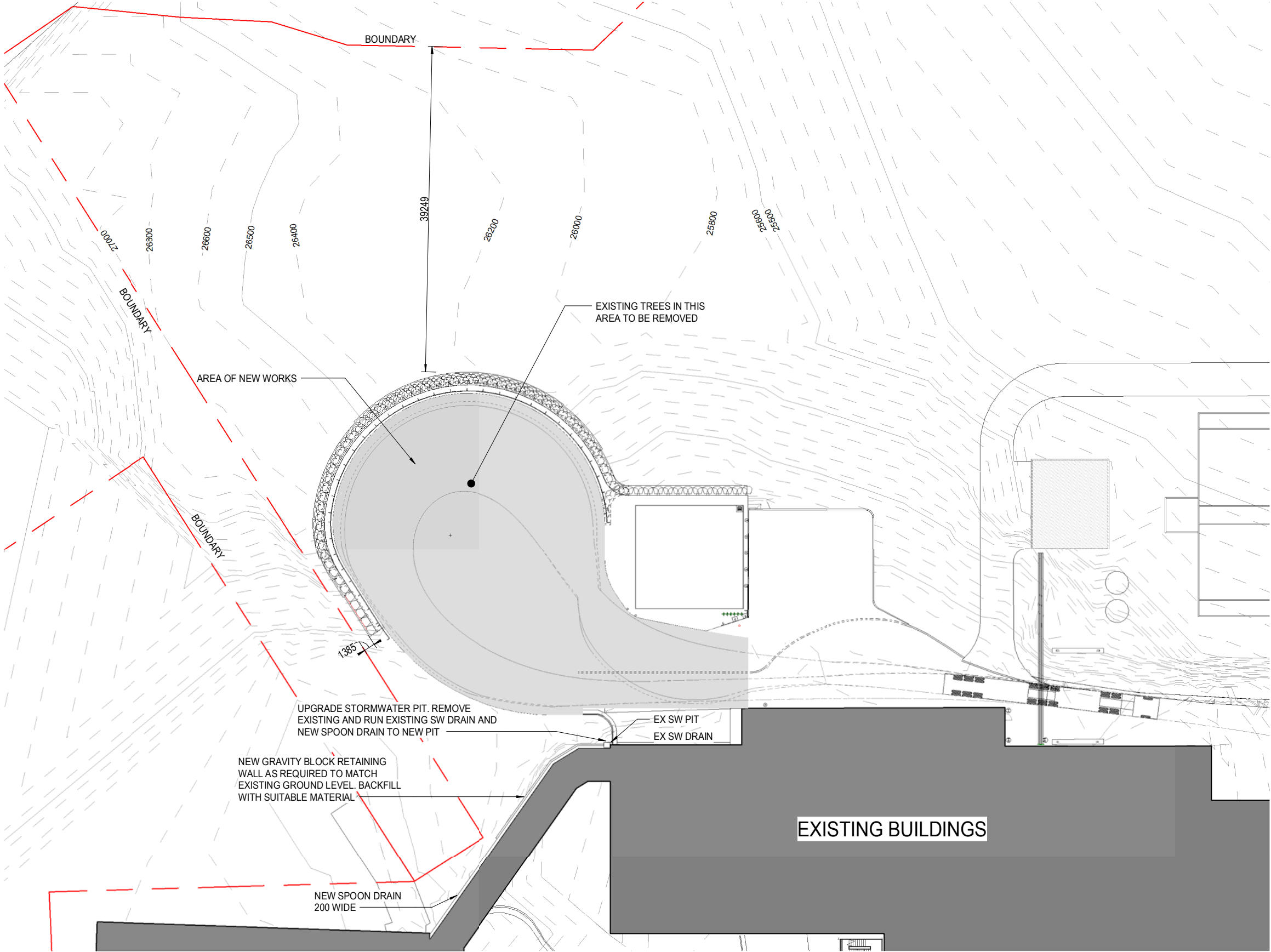
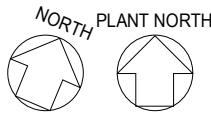
**ATTACHMENT 1**  
**LOCATION PLAN**  
**26 MAXWELLS ROAD, CAMBRIDGE**

**SUBJECT PROPERTY:**  
-26 Maxwells Road, Cambridge






**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Tuesday, 21 August 2018 **Scale:** 1:4,684 @A4

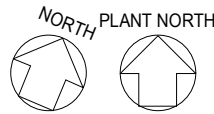
Attachment 2



SITE PLAN  
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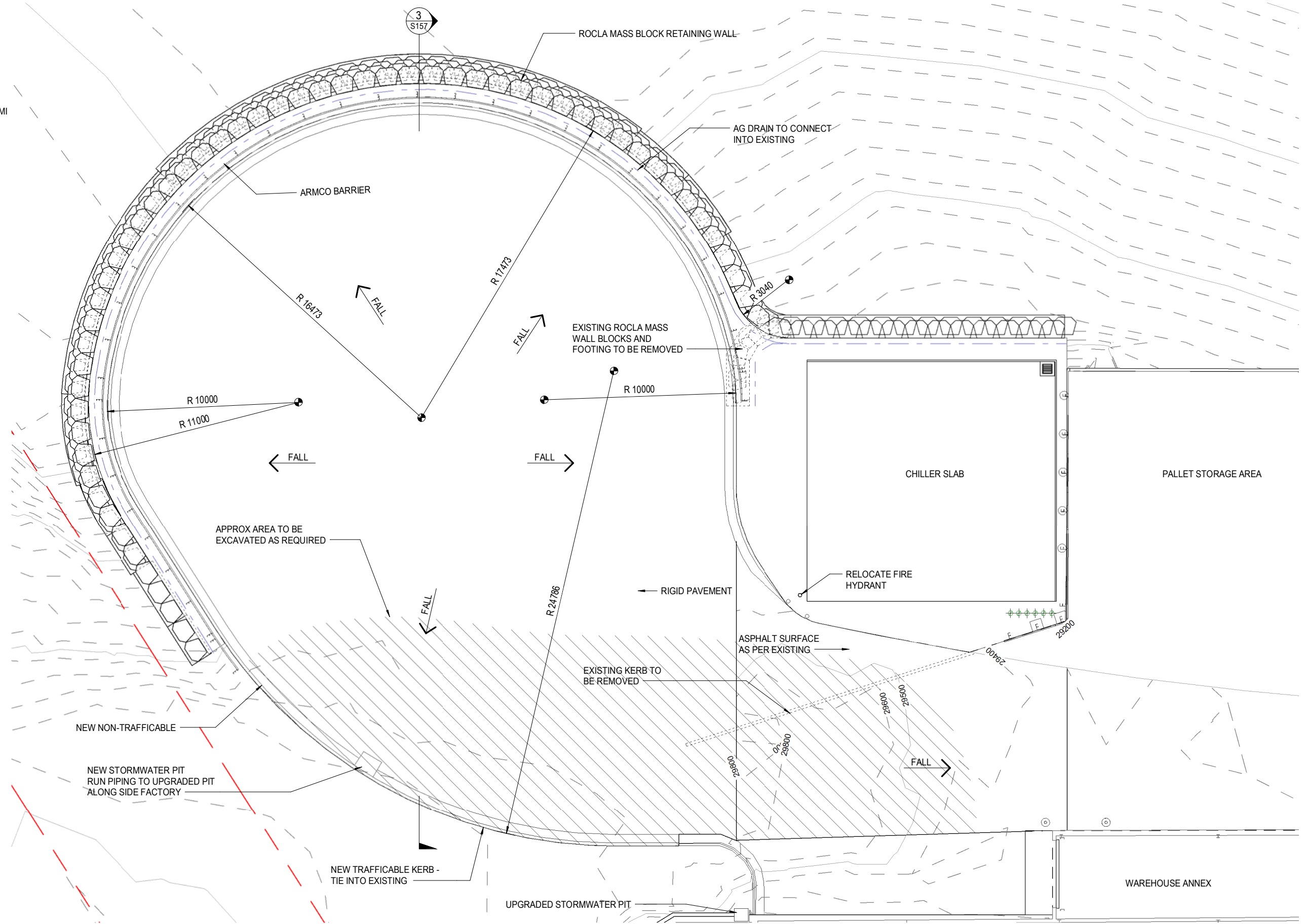
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No.	DESCRIPTION	DRAWN	DESIGNED	REVIEWED	DATE	APPROVED ORIGINAL COPY ON FILE "E" SIGNED BY		PROJECT CHILLERS SLAB & AHU STRUCTURAL PLATFORM		DATUMS: AHD / GDA PLANE		
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		W.CLARKSON	N.BARTA	C.MASKREY		DATE		-				
										STATUS DEVELOPMENT APPLICATION	DRAWING No. HB18102-S155	REVISION A
											NAME: HB18102-S155.DWG	
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NOTE:

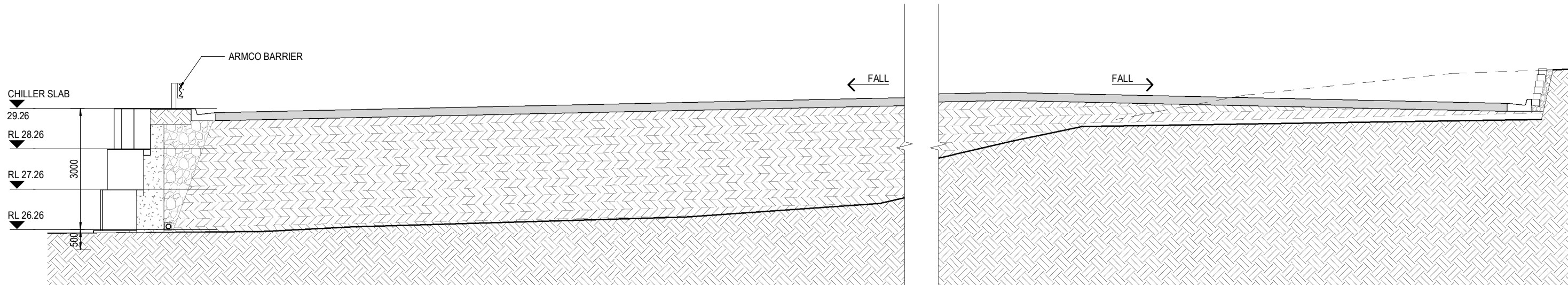
1. DESIGN VEHICLES = 19m SEMI TRAILER AND B-DOUBLE



TRUCK TURNING BAY PLAN  
SCALE: 1:200

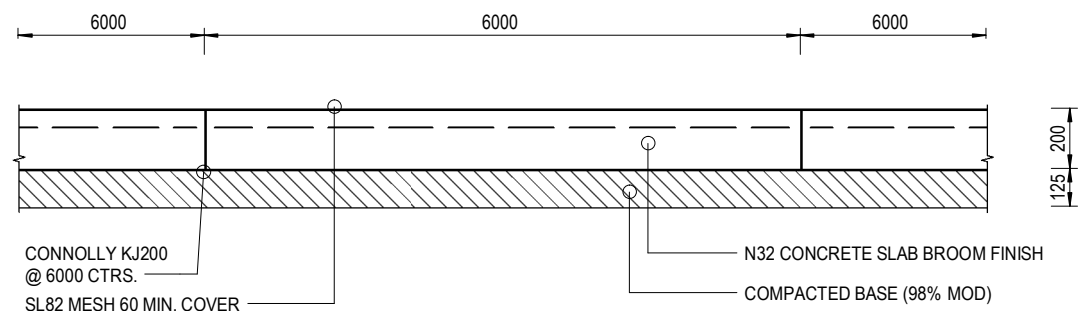
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		W.CLARKSON	N.BARTA	C.MASKREY								30/07/2018 3:43:43 PM	
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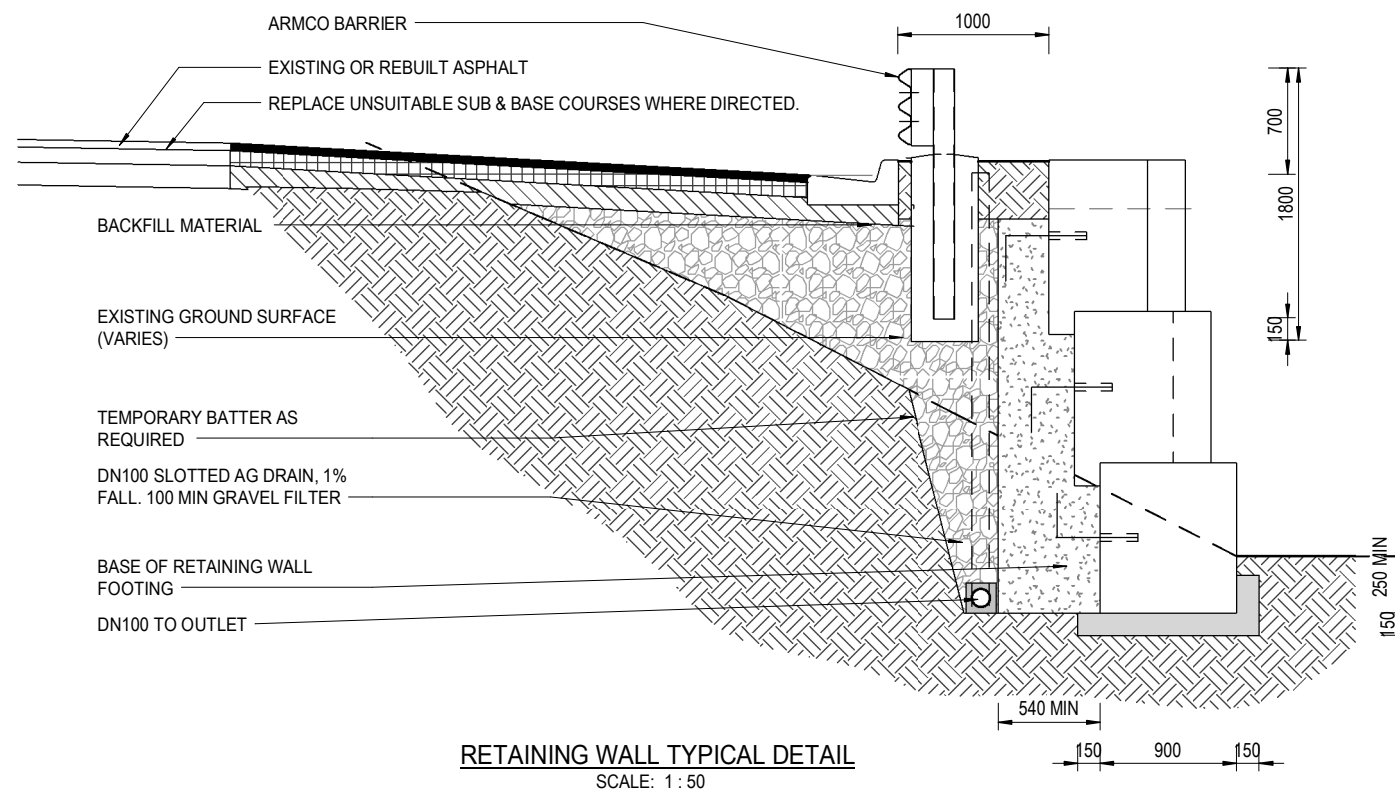


3  
S111

TURNING BAY  
TYPICAL SECTION  
SCALE: 1 : 100



TYPICAL RIGID PAVEMENT DETAIL  
SCALE: 1 : 25



RETAINING WALL TYPICAL DETAIL  
SCALE: 1 : 50

DRAWING REVISION HISTORY							SCALE (PLOTTED FULL SIZE)	AS SHOWN (A3)	SHEET SIZE A3	CLIENT SKRETTING AUSTRALIA	DRAWING TITLE	
No.	DESCRIPTION	DRAWN	DESIGNED	REVIEWED	DATE	APPROVED ORIGINAL COPY ON FILE "E" SIGNED BY					TRUCK TURNING BAY SECTION + DETAILS	
A	ISSUED FOR DA	WJC	N.B	CM	03/07/18	SIGNED			HOBART OFFICE 198 Macquarie Street Hobart Tasmania 7000 Ph. (03) 6223 1800 Fax. (03) 6223 1299 www.pittsh.com.au ABN 67 140 184 309	PROJECT CHILLERS SLAB & AHU STRUCTURAL PLATFORM	DATUMS: AHD / GDA PLANE	CLIENT No.
						DATE					DRAWING No. HB18102-S157	REVISION A
		W.CLARKSON	N.BARTA	C.MASKREY						STATUS DEVELOPMENT APPLICATION	NAME: HB18102-S157.DWG	

**26 Maxwells Road, Cambridge**



***Photo 1:*** The site when viewed from the end of Maxwells Road (entrance to Skretting site).



***Photo 2:*** An aerial image of the subject site showing the location of the proposed truck turn-around area at the rear of the site.

**11.3.5 DEVELOPMENT APPLICATION D-2018/466 - 14D BAYSIDE DRIVE, LAUDERDALE (WITH ACCESS OVER 14C BAYSIDE DRIVE) - DWELLING**  
(File No D-2018/466)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 14D Bayside Drive, Lauderdale (with access over 14C Bayside Drive).

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and is subject to the Bushfire Prone Areas Code, Stormwater Management Code and Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 24 September 2018.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the following issues:

- building setbacks; and
- loss of privacy.

**RECOMMENDATION:**

A. That the Development Application for Dwelling at 14D Bayside Drive, Lauderdale (with access over 14C Bayside Drive) (Cl Ref D-2018/466) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

**ADVICE**

As the property is located within a bushfire prone area a BAL and bushfire assessment will be required to form part of the certified documentation submitted as part of a future Building Permit Application.

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

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**ASSOCIATED REPORT****1. BACKGROUND**

Planning application D-2018/333 for a 2 storey dwelling was refused by Council at its Meeting held on 30 July 2018, for the following reasons.

1. The proposal does not comply with Clause 10.4.2 P3 of the Clarence Interim Planning Scheme 2015, as the dwelling would cause an unreasonable loss of amenity by:
  - visual impacts caused by the apparent scale, bulk and proportions of the proposed development when viewed from an adjoining lot; and
  - incompatibility with the prevailing dwelling separation from the side and rear boundaries.
2. The proposal does not comply with Clause 10.4.6 P1 of the Clarence Interim Planning Scheme 2015, as the deck will result in overlooking of a dwelling and its private open space and an adjoining vacant residential lot.
3. The proposal does not comply with Clause 10.4.6 P2 of the Clarence Interim Planning Scheme 2015, as the west facing kitchen, living, and bedroom windows will overlook an adjoining vacant residential lot.

The applicant has taken the opportunity to revise the design of the dwelling to provide a 1.5m setback from the western side property boundary as opposed to a 0.9m setback and to reduce the wall length from 20.2m to 18.2m.

The height of the north-western corner of the dwelling has also been lowered from 7.5m to 6.8m above natural ground level. The re-design also provides for the inclusion of fixed privacy screens on the western elevation windows and eastern elevation of the proposed deck to comply with the privacy standards of the Scheme.

## **2. STATUTORY IMPLICATIONS**

- 2.1.** The land is zoned General Residential under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
  - Section 10.4 – General Residential Zone;
  - Section E1.0 – Bushfire Prone Areas Code;
  - Section E6.0 – Parking and Access Code; and
  - Section E7.0 – Stormwater Management Code.
- 2.4.** The subject site is located within a bushfire prone area, however, in accordance with Clause E1.2.1(a) of the Bushfire Prone Areas Code, the Code does not apply to the assessment of this application as it does not involve a hazardous or vulnerable use.
- 2.5.** Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

## **3. PROPOSAL IN DETAIL**

### **3.1. The Site**

The subject site is a vacant 605m<sup>2</sup> internal lot with frontage to Bayside Drive via a variable width right-of-way over the adjoining property to the north at 14C Bayside Drive.

The right-of-way has been sealed with a concrete pavement. The site is elevated above the southern side of Bayside Drive and slopes moderately to the north.

The site is located within an established residential area in Lauderdale characterised by Single Dwellings on large allotments. The subject site and the other 4 lots created by the recent subdivision approval are significantly smaller than the average lot size within the area. There is no significant vegetation on the site.

### **3.2. The Proposal**

Approval is sought for the development of a Single Dwelling. Due to the slope of the land, the rear elevation of the dwelling would be cut into the slope of the land with the northern section of the dwelling forming a 2 storey building. The upper level would have a floor area of 152.8m<sup>2</sup> and would contain 3 bedrooms, laundry, bathroom and open plan living space. The lower level would contain a bedroom, en-suite, garage, entry and stairway.

The central and northern sections of the dwelling would be stepped down marginally and would contain a low pitched roof profile. The dwelling has been designed in a “C” shape with a central courtyard defining the eastern elevation of the dwelling.

The dwelling would be clad with a combination of materials including brick veneer, “James Hardie Easylap” cement sheet cladding and “Colorbond Snaplock” steel cladding.

The dwelling would have a maximum height of 6.8m above natural ground level at the northern elevation and would maintain a 1.5m setback from the western side boundary, 4m – 7.99m setback from the southern rear boundary and a 1.5m – 2.6m setback from the eastern side boundary.



A deck is proposed to extend around the northern and eastern elevations of the dwelling. The western and eastern elevations of the deck are proposed to be screened with timber batten screens to a height of in excess of 1.7m above the finished surface level of the deck to satisfy Clause 10.4.6 A1 in relation to privacy.

A small shed located near the front of the property is proposed to be demolished.

Access to the site would be via the right-of-way extending over the adjoining property to the north at 14C Bayside Drive.

A copy of the proposal is included in Attachment 2.

#### **4. PLANNING ASSESSMENT**

##### **4.1. Determining Applications [Section 8.10]**

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

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

##### **4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone, Parking and Access Code and Stormwater Management Code with the exception of the following.

**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.2 A3	Setbacks and building envelope for all dwellings.	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p>	<p>Does not comply – the proposed dwelling would be located 1.5m from the western side property boundary and extends beyond the building envelope for a distance of 2.5m at the buildings north-western corner.</p> <p>In addition, the proposed dwelling would be located 1.578m – 12.69m from the eastern side property boundary. The north-eastern corner of the roof over the deck extends beyond the building envelope by 1.1m.</p> <p>Lastly, the north-western corner of the dwelling would be located 23m from the rear boundary of 14a Bayside Drive.</p> <p>complies</p>



		(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).	
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The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.3 as follows.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause unreasonable loss of amenity by:</i></p> <p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>Shadow diagrams have been submitted with the application to demonstrate the overshadowing impact upon adjoining residential properties on the 21 June (Winter Solstice).</p> <p>The shadow diagrams demonstrate that the shadow cast by the proposed dwelling would not extend to the north-west or east where the adjoining dwellings are located at 14a Bayside Drive and 18 Bayside Drive. Rather, the shadow would extend in a south-west/south-east direction upslope towards the vacant Environmental Living/Rural Resource zoned land associated with Richardsons Hill.</p> <p>Accordingly, given the orientation of the proposed dwelling in relation to adjoining dwellings, there would be no reduction in sunlight to habitable room windows of a dwelling on an adjoining lot.</p>
<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>The shadow diagrams demonstrate that the shadow cast by the proposed dwelling would be well clear of the private open space associated with the adjacent dwellings at 14a Bayside Drive and 18 Bayside Drive.</p> <p>Accordingly, given the orientation of the proposed dwelling, no overshadowing of the private open space of a dwelling on an adjoining lot would occur.</p>
<p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p>	<p>The adjacent property to the west at 14 Bayside Drive is presently vacant with no development approvals in place. In addition, the large rural holding to the south at 52 Richardsons Road is also vacant.</p>

	<p>Due to the moderate rise in the land to the south, shadowing caused by the proposed dwelling would be confined to the fence line. This limited impact is reflected in the shadow diagrams. The adjoining land to the south contains a series of informal walking trails on private land set amongst native woodland. The minor overshadowing caused by the proposed dwelling would not impact upon the current use of the adjoining property at 52 Richardsons Road.</p> <p>With respect to the vacant property to the west at 14 Bayside Drive, the shadow diagrams demonstrate that the majority of this adjoining property would be in shadow at 9am on the Winter Solstice. By midday, the shadow retracts to the fence line with the subject site. The majority of this adjoining lot would be in full sun at 10am on the Winter Solstice meaning a future dwelling could be designed to take advantage of all day winter sunlight.</p>
<p><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p>	<p>With respect to visual impact considerations, the designer has attempted to reduce the visual impact of the building by excavating the rear (southern) elevation of the dwelling into the slope of the land and by including a flat roof profile across the full length of the building. Minor articulation detail is also provided in the form of stepping the roof profile and using a combination of external cladding types.</p> <p>It is considered that the revised design involving a reduction in height, greater setback from the western side property boundary and a shortening of the overall wall length will offer sufficient visual relief when viewed from the adjoining vacant property to the west at 14 Bayside Drive. The majority of the western elevation will present as a single storey building with the northern elevation reaching a maximum height of 6.8m above natural ground level. The generally low height profile and utilisation of differing cladding types will further soften the appearance of the western elevation when viewed from the adjoining vacant lot.</p>

	<p>The concentration of building along the eastern side property boundary would offer visual relief through the inclusion of a 5.8m long courtyard area separating the northern and southern sections of the dwelling. The eastern elevation of the dwelling will also present as a single storey dwelling with the maximum height at the northern end reaching 5.7m above natural ground level. This is considered a reasonable response to reduce the bulk, proportions and scale of the dwelling when viewed from the adjoining property to the east.</p>
<p>(b) <i>provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area</i>".</p>	<p>In order to determine whether the proposed dwelling would provide separation between dwellings on adjoining lots that is compatible with that prevailing within the surrounding area, it is necessary to undertake a quantitative assessment of the average side and rear boundary setbacks established by dwellings within the surrounding area.</p> <p>Consistent with the approach taken in <i>Henry Design and Consulting v Clarence City Council &amp; Ors [2017] TASRMPAT 11</i> (7 July 2017), the surrounding area is considered to form the properties located within a 100m radius of the site.</p> <p>The average side setback of the 13 properties within a 100m radius of the subject site is 6m. The average rear setback of the 13 properties within a 100m radius of the subject site is 14m. The side setbacks of the surrounding properties range from 1.3m to 20m with the rear setbacks ranging from 3m to 43m. The generous setbacks are a result of the larger lot sizes that apply to the area with lots ranging from 605m<sup>2</sup> (the subject site) to 72ha (property to the south). The lots lining Bayside Drive which were not subject to the subdivision permit that resulted in the creation of the subject site are generally consistent with the density seen within a Low Density Residential Zone (1,500m<sup>2</sup> to 4,000m<sup>2</sup> lot size).</p>

	<p>The proposed setback from the south-western and north-eastern side property boundaries would be between 1.5m – 2.69m. The proposed side setbacks, would be generally consistent with the lower end of the prevailing dwelling separation within the area. The rear setback of 4m complies with the rear setback requirement of the Scheme therefore is considered reasonable on this basis.</p>
--	--

**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.3 A2	Site coverage and private open for all dwellings	<p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24m<sup>2</sup>; or</p> <p>(ii) 12m<sup>2</sup>, if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p>	<p>complies</p> <p>complies</p> <p>complies</p>

		(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and	Does not comply - the proposal does not comply with Clause (d), in that the 24m <sup>2</sup> area of private open space directly accessible from the living room would be located within the central courtyard area located to the south of the dwelling.
		(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and	complies
		(f) has a gradient not steeper than 1 in 10; and	complies
		(g) is not used for vehicle access or parking.	complies

The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 10.4.3 as follows.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“P2 - A dwelling must have private open space that:</i></p> <p><i>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p> <p><i>(i) conveniently located in relation to a living area of the dwelling; and</i></p>	<p>The provision of a levelled courtyard and deck directly adjacent to the living room sliding doors will ensure that both of these spaces are capable of serving as an extension to the living space for outdoor dining, entertaining, relaxation, children’s play.</p> <p>The design and orientation of the courtyard and deck areas will also provide ample opportunity to meet the operational needs of the occupants of the dwelling such as for clothes drying.</p>
<p><i>(ii) oriented to take advantage of sunlight”.</i></p>	<p>The 24m<sup>2</sup> area of private open space is directly accessible from the south facing living room sliding doors and would extend out to a paved and grassed courtyard area to the south and east.</p>

	<p>The shadow diagrams demonstrate that 50% of the full extent of the courtyard area would be capable of receiving sunlight at midday on the Winter Solstice. Outside of 12-1pm, the courtyard would be in shadow from the proposed dwelling.</p> <p>The courtyard would also connect to a deck extending along the eastern and northern elevations of the dwelling. The deck would narrow to 1.45m along the northern elevation of the dwelling. The deck would be covered with an extended roof line; however, due to the low angle of the sun at the Winter Solstice and the narrow nature of the awnings, sunlight will hit the ground level of the decks for the entire day.</p> <p>It is considered that the occupants of the dwelling will have reasonable access to sunlight throughout the day during the Winter Solstice given the various areas of private open space provided across the site and generally to the north of the dwelling.</p>
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## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 1 representation was received. The following issues were raised by the representor.

### **5.1. Building Setbacks**

The representor has raised concern in relation to the proximity of the eastern elevation of the proposed dwelling to the eastern side property boundary. No specific details have been provided as to how the reduced setback would impact upon the adjoining property at 18 Bayside Drive, Lauderdale.

- **Comment**

The proposed dwelling would be located 1.578m – 12.69m from the eastern side property boundary. The north-eastern corner of the roof over the deck extends beyond the building envelope by 1.1m. Shadow diagrams have been submitted with the application demonstrating that no overshadowing impact would occur to the adjacent property at 18 Bayside Drive, Lauderdale.

For reasons outlined under Section 4.2 above, the building encroachment relating to the eastern elevation of the dwelling would be minimal and would not cause any significant loss of residential amenity by way of visual bulk or incompatible dwelling separation.

## **5.2. Loss of Privacy**

The representor has raised concern that the proposed dwelling will diminish the privacy of the adjoining dwelling at 18 Bayside Drive, Lauderdale. No specific details have been provided in relation to which aspects of the proposed design would cause overlooking of this adjoining property.

- **Comment**

The proposed dwelling and deck have been designed to meet the acceptable solutions for privacy of the Scheme (Clause 10.4.6 A1 and A2). Compliance has been achieved through designing habitable room windows with a floor level greater than 1m above natural ground level to maintain in excess of a 3m setback from the side property boundaries or to provide the necessary fixed screening (as is the case with the west facing windows. The western and eastern elevations of the proposed deck also include the necessary privacy screens to achieve compliance with Clause 10.4.6 A1 of the Scheme.

## **6. EXTERNAL REFERRALS**

No external referrals were required or undertaken as part of this application.

## **7. STATE POLICIES AND ACT OBJECTIVES**

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

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

## **8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

**9. CONCLUSION**

The proposal for a dwelling at 14D Bayside Drive, Lauderdale (with access over 14C Bayside Drive) is considered to satisfy all relevant acceptable solutions and performance criteria of the Scheme and is accordingly recommended for conditional approval.

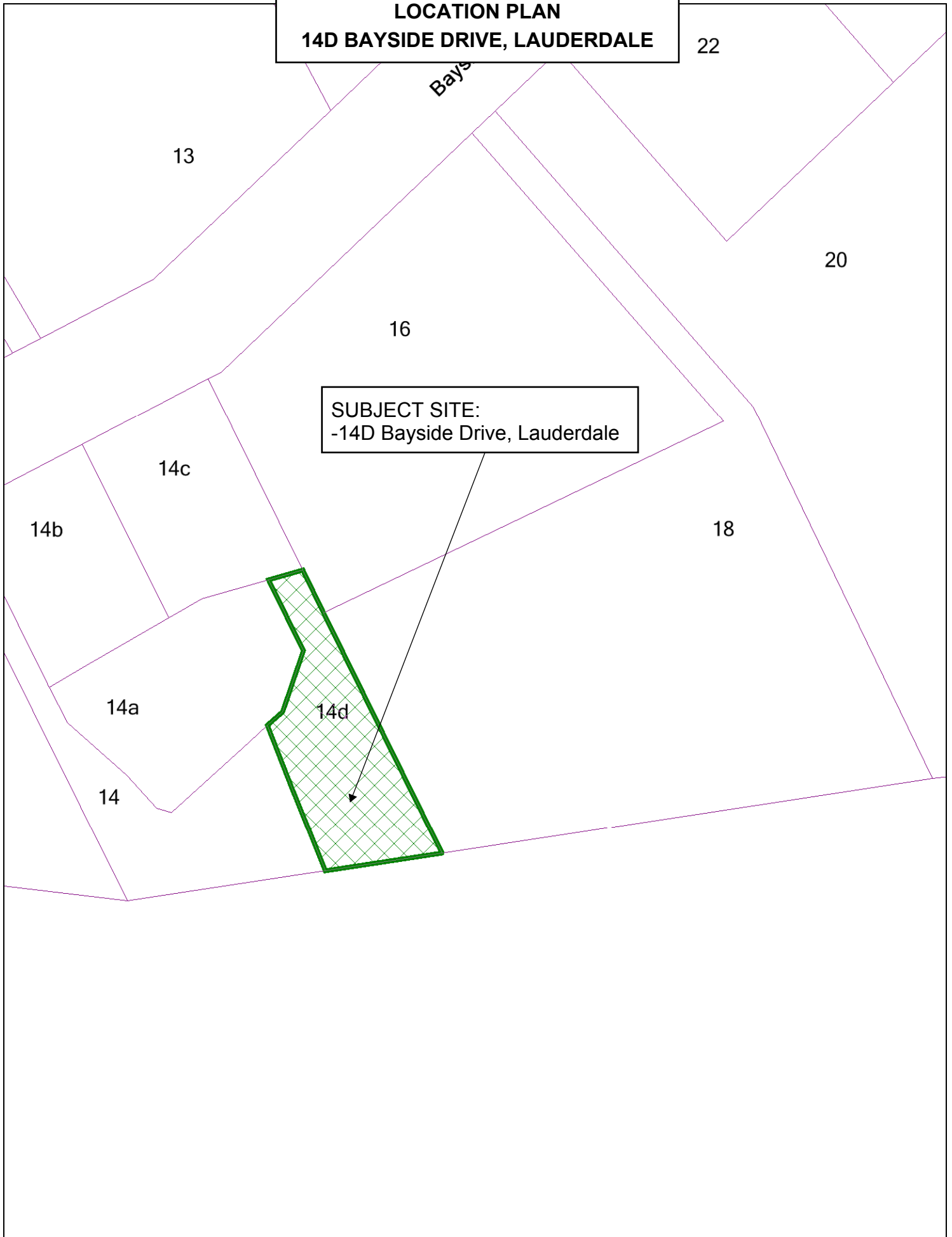
Attachments: 1. Location Plan (1)  
2. Proposal Plan (8)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**



**ATTACHMENT 1  
LOCATION PLAN  
14D BAYSIDE DRIVE, LAUDERDALE**

**SUBJECT SITE:  
-14D Bayside Drive, Lauderdale**



**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Monday, 27 August 2018 **Scale:** 1:756.7 @A4

SITE INFORMATION

Title Reference Number: 174775 / 5 Certificate / Folio Volume Number  
Wind Classification: N3 As per engineer's report  
Soil Classification: M As per engineer's report  
Climate Zone: 7 www.abcb.com  
BAL Level: 19 As per bushfire practitioner's report

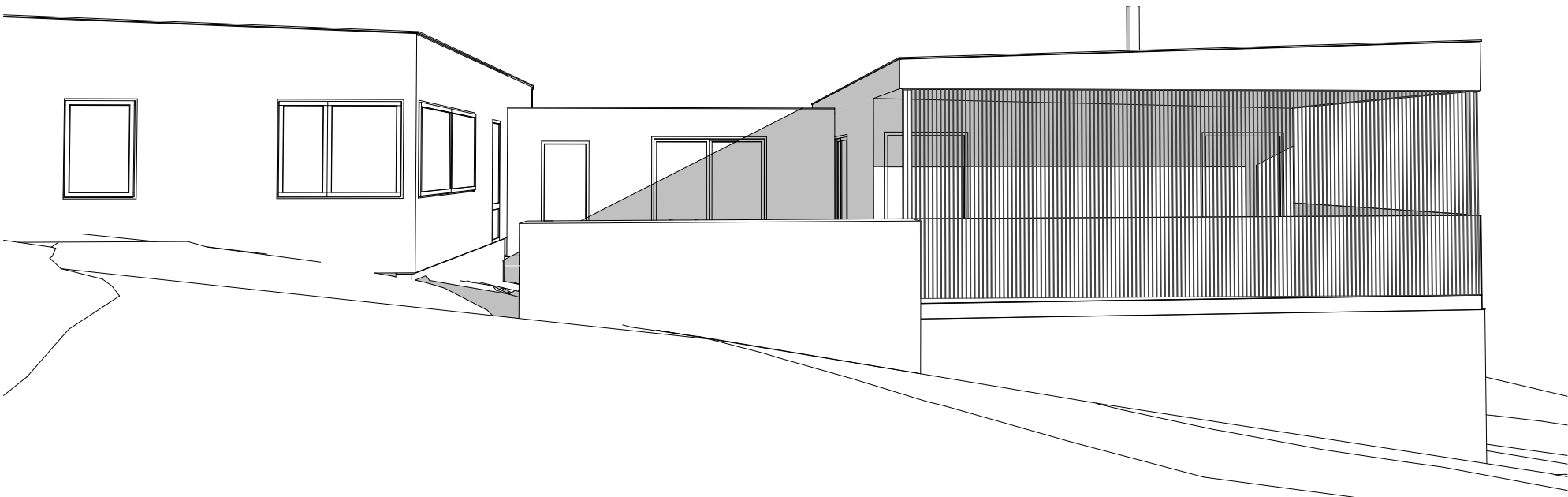
Alpine Area: No BCA Figure 3.7.5.2  
Corrosion Environment: N/A For steel subject to the influence of salt water, breaking surf or heavy industrial areas, refer to BCA section 3.4.2.2 & BCA Table 3.4.4.2. Cladding and fixings to manufacturer's recommendations

Other Hazards: N/A High wind, earthquake, flooding, landslip, dispersive soils, sand dunes, mine subsidence, landfill, snow & ice or other relevant factors.  
Landslip Hazard: Low As per 'The LIST Map' Landslip Hazard map overlay.

Ground Floor Area: 47m2  
First Floor Area: 152m2  
Garage Area: 50m2  
Covered Deck Area: 32m2  
Uncovered Deck area: 40m2  
Carport Area: 63m2

DRAWING SCHEDULE

- A01 - Cover Page
- A02 - Site Plan 1:500
- A03 - Site Plan 1:200
- A04 - Ground Floor Plan
- A05 - First Floor Plan
- A06 - Elevations
- A07 - Elevations 2
- A08 - Shadow Diagrams



Ben Wright - New House 14D Bayside Drive, Lauderdale, TAS

Notes:  
1. This drawing is preliminary and is not intended for obtaining a building permit nor construction  
2. All boundaries and contours subject to survey



ABN 99 540 956 804  
Ph 0417711170  
friendbuilding@gmail.com

Drawing Cover Page  
Scale 1:35.26, 1:35.18 at A3  
Stage Development Application  
Revision DA03  
Date 13/8/18  
Drawn HF

LEGEND & NOTES

▣ Existing levels  
⊕ New levels  
Contour interval = 1m

All boundaries and contours subject to survey

This drawing is for conceptual purposes and must not be relied upon for survey's nor detailed set-out

Exact locations of existing buildings and boundaries are subject to survey and must be confirmed onsite prior to construction

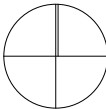


Ben Wright - New House 14D Bayside Drive, Lauderdale, TAS

Notes:  
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FRIEND  
BUILDING

ABN 99 540 956 804  
Ph 0417711170  
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Drawing Site Plan 1:500  
Scale 1:500 at A3  
Stage Development Application  
Revision DA03  
Date 13/8/18  
Drawn HF

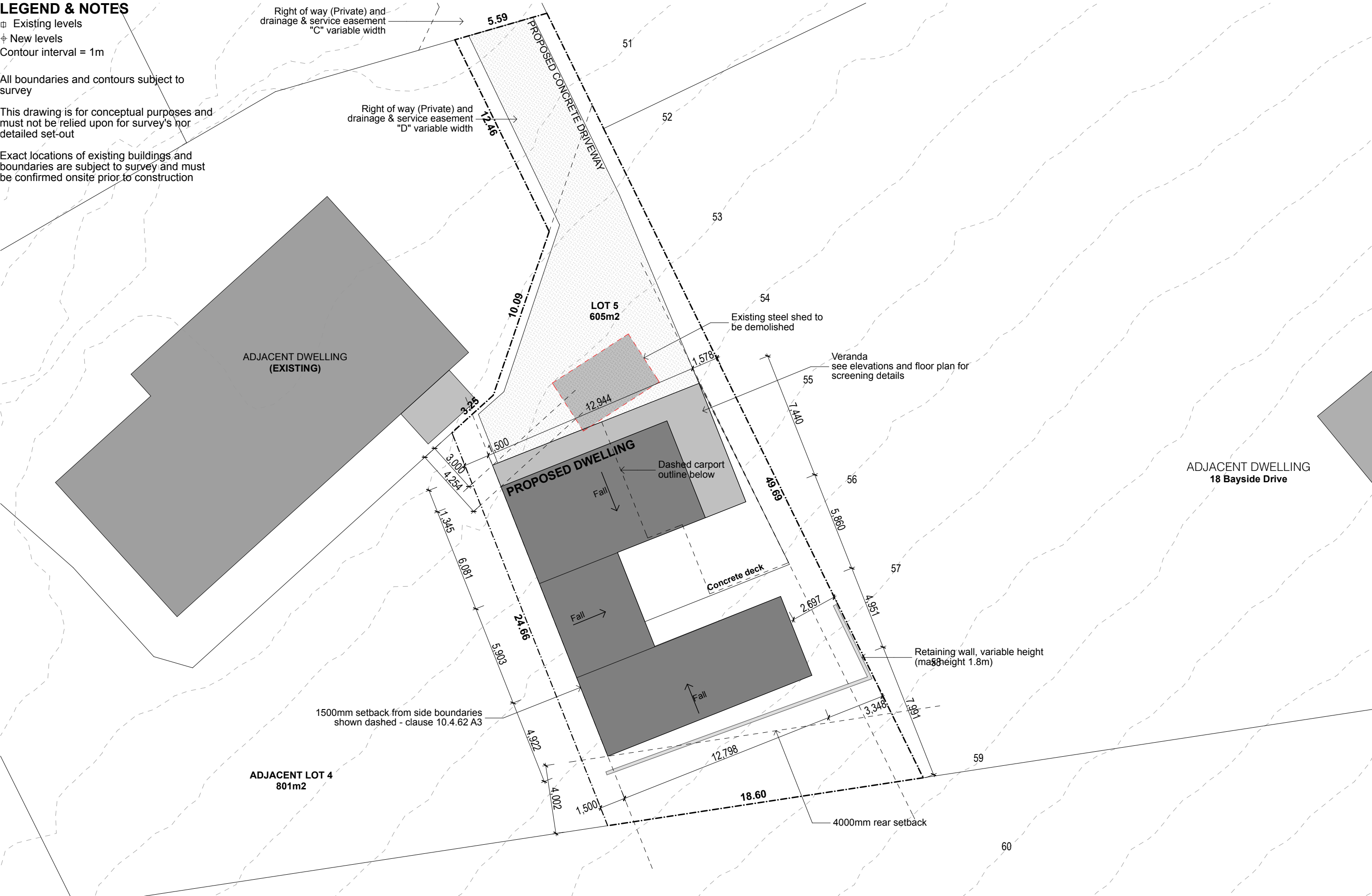
LEGEND & NOTES

▣ Existing levels  
⊕ New levels  
Contour interval = 1m

All boundaries and contours subject to survey

This drawing is for conceptual purposes and must not be relied upon for survey's nor detailed set-out

Exact locations of existing buildings and boundaries are subject to survey and must be confirmed onsite prior to construction

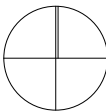


Ben Wright - New House 14D Bayside Drive, Lauderdale, TAS

Notes:  
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2. All boundaries and contours subject to survey

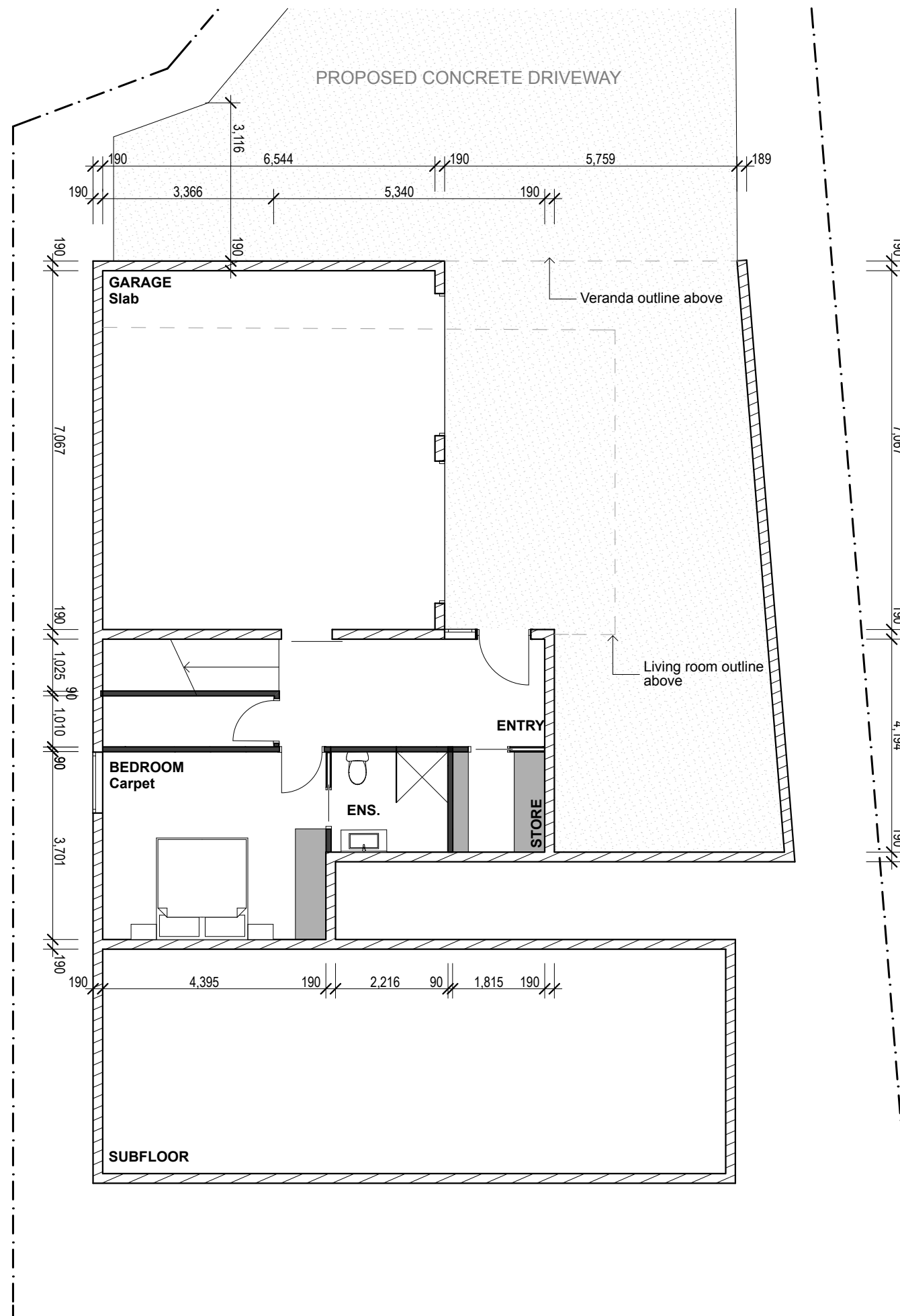
FRIEND  
BUILDING

ABN 99 540 956 804  
Ph 0417711170  
friendbuilding@gmail.com



Drawing Site Plan 1:200  
Scale 1:200 at A3  
Stage Development Application  
Revision DA03  
Date 13/8/18  
Drawn HF

SECTION ▲

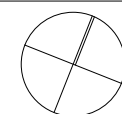


**Ben Wright - New House** 14D Bayside Drive, Lauderdale, TAS

Notes:  
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 2. All boundaries and contours subject to survey

**FRIEND  
BUILDING**

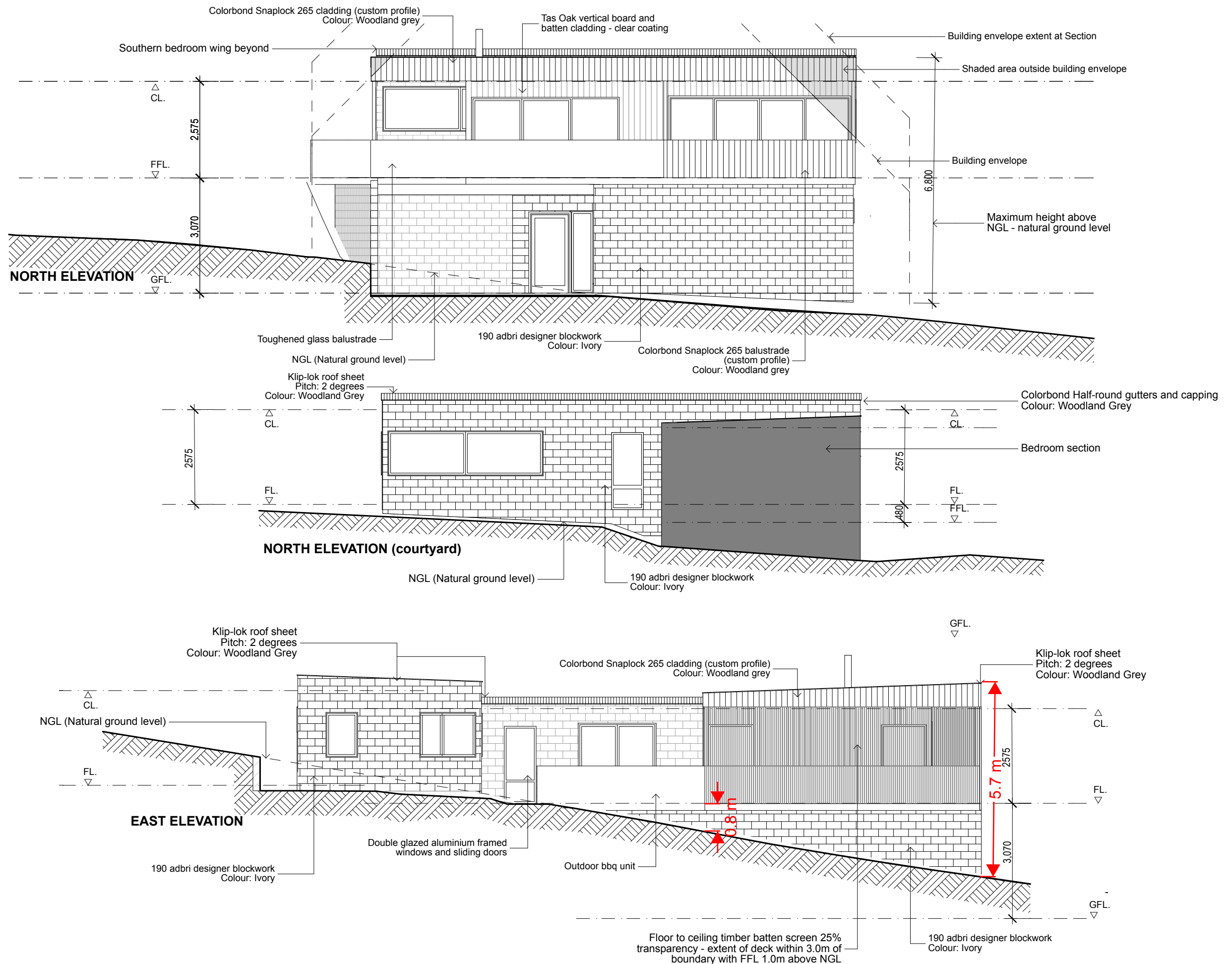
ABN 99 540 956 804  
 Ph 0417711170  
 friendbuilding@gmail.com



**Drawing** Ground Floor Plan  
**Scale** 1:100 at A3  
**Stage** Development Application  
**Revision** DA03  
**Date** 13/8/18  
**Drawn** HF







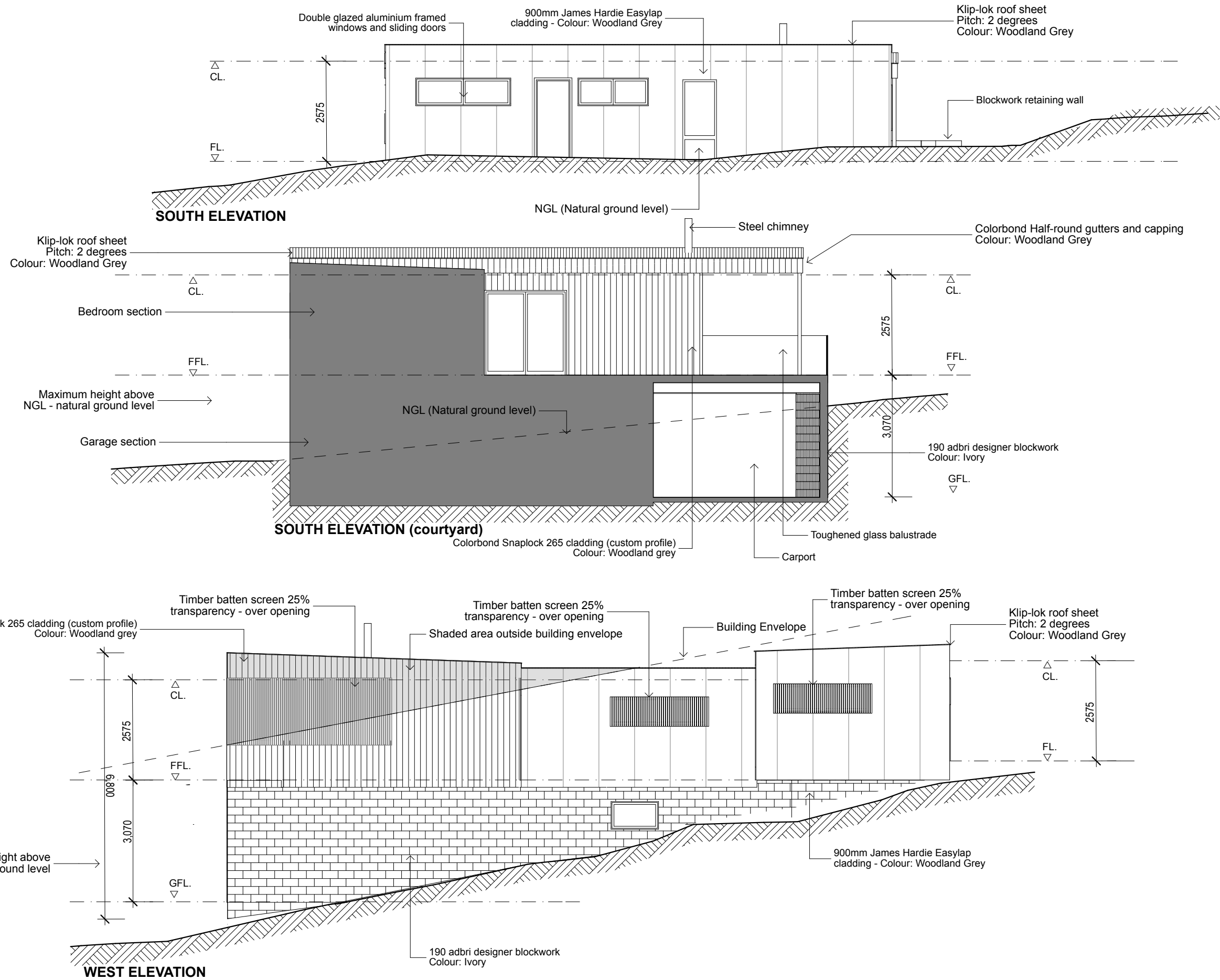
**Ben Wright - New House** 14D Bayside Drive, Lauderdale, TAS

Notes:  
 1. This drawing is preliminary and is not intended for obtaining a building permit nor construction  
 2. All boundaries and contours subject to survey

**FRIEND  
BUILDING**

ABN 99 540 956 804  
 Ph 0417711170  
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**Drawing** Elevations  
**Scale** 1:100 at A3  
**Stage** Development Application  
**Revision** DA03  
**Date** 13/8/18  
**Drawn** HF



**Ben Wright - New House** 14D Bayside Drive, Lauderdale, TAS

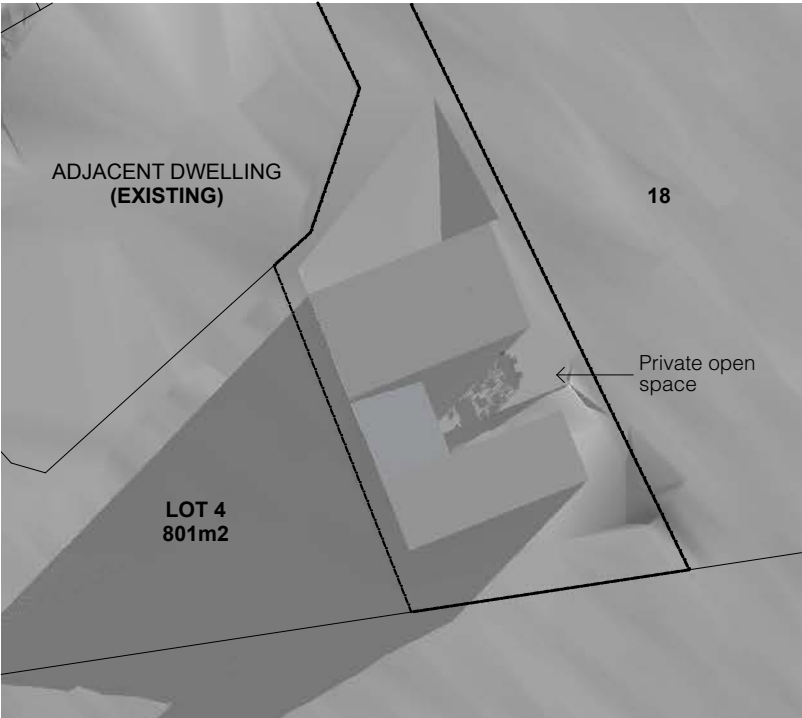
Notes:  
 1. This drawing is preliminary and is not intended for obtaining a building permit nor construction  
 2. All boundaries and contours subject to survey

**FRIEND  
BUILDING**

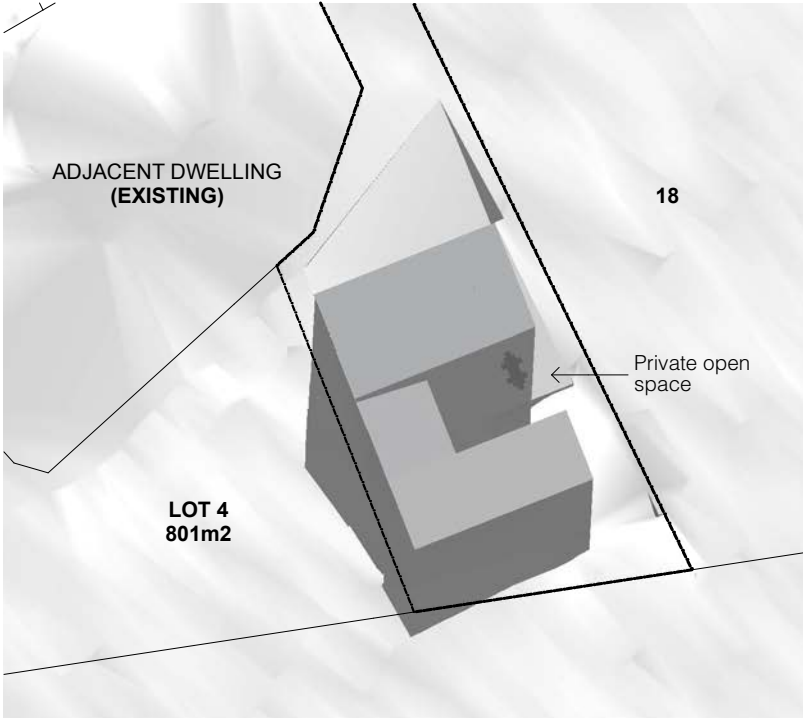
ABN 99 540 956 804  
 Ph 0417711170  
 friendbuilding@gmail.com

**Drawing** Elevations 2  
**Scale** 1:100 at A3  
**Stage** Development Application  
**Revision** DA03  
**Date** 13/8/18  
**Drawn** HF

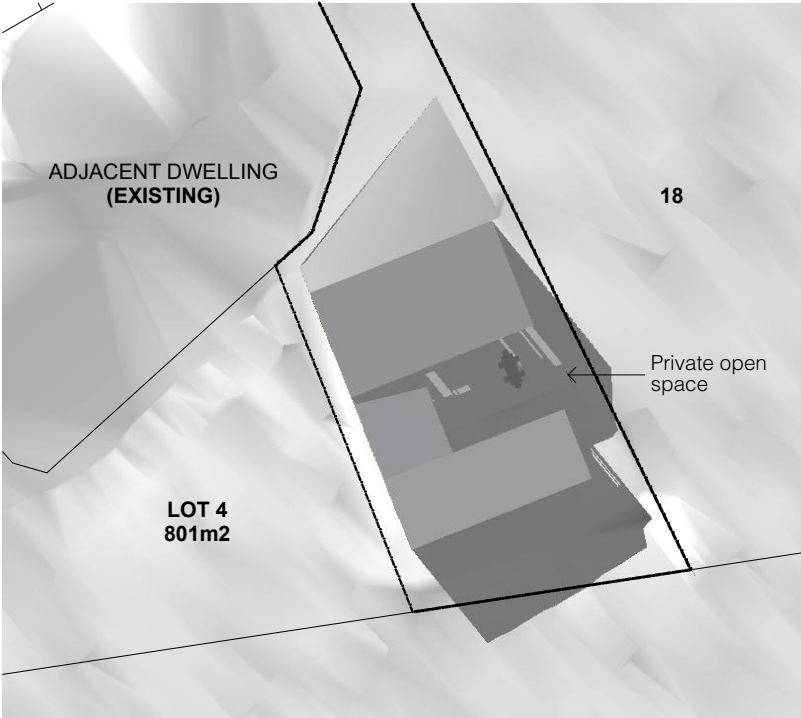




SUN SHADOW DIAGRAMS  
21 JUNE - 9am



SUN SHADOW DIAGRAMS  
21 JUNE - 12 noon



SUN SHADOW DIAGRAMS  
21 JUNE - 3pm

**14D Bayside Drive, Lauderdale (with access over 14C Bayside Drive)**



***Photo 1:*** The entrance to the subject property when viewed from Bayside Drive. The subject site is located to the rear of the dwelling on 14C currently under construction.



***Photo 2:*** The entrance to the subject property when viewed from Bayside Drive. The subject site is located to the rear of the dwelling on 14C currently under construction.

**11.3.6 DEVELOPMENT APPLICATION D-2018/317 - 430 CLIFTON BEACH ROAD, CLIFTON BEACH - DWELLING**  
(File No D-2018/317)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 430 Clifton Beach Road, Clifton Beach.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Village and subject to the Parking and Access and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 12 September 2018 as agreed with the applicant.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the following issues:

- the capacity of the proposed waste water system;
- loss of privacy;
- overshadowing;
- reinstating the driveway.

**RECOMMENDATION:**

A. That the Development Application for Dwelling at 430 Clifton Beach Road, Clifton Beach - (Cl Ref D-2018/317) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLAN [showing the inclusion of a screen with a maximum transparency of 25% extending the full length of the south-eastern elevation of the rear balcony to a height of 1.7m above the finished floor level of the balcony].

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

Advice 3 - An application for a Plumbing Permit to install an on-site waste water disposal system must be submitted and approved as part of the Building Application.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

No relevant background.

### **2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned Village under the Scheme.

**2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.

**2.3.** The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Village Zone;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code.

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

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The site is a 669m<sup>2</sup> vacant rectangular shaped allotment. It has 2 single dwellings on both sides and open space at the back of the property. The site is relatively level and cleared of vegetation. Access would be provided from Clifton Beach Road.

#### **3.2. The Proposal**

The proposal is to construct a 2 storey dwelling with integrated carport. The dwelling would be positioned at northern end of the lot. The lower level of the dwelling would have a gross floor area of 95m<sup>2</sup> with the upper level occupying a floor area of 94m<sup>2</sup>. The lower level would contain 2 bedrooms, bathroom, lounge room and a carport. The upper level would contain open space living and kitchen and a bedroom with an ensuite. The dwelling would be constructed of brick walls and have aluminium framed windows and a Parapet roof pitched at 2 degrees.

New crossover and a sealed driveway would be constructed as a part of works.

### **4. PLANNING ASSESSMENT**

#### **4.1. Determining Applications [Section 8.10]**

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

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

**4.2. Compliance with Zone and Codes**

The proposal meets the Scheme's relevant Acceptable Solutions of the Village Zone and Parking and Access and Stormwater Management Codes with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.4.2 A2	Setback	Building setback from side and rear boundaries must be no less than:  (a) 2m; (b) half the height of the wall;  whichever is the greater	Non - compliance - the side setback is less than half the height of the wall. The proposed well height is 6.21m. The south-eastern setback to the property boundary is 2.39m and the north western setback is 2m to the property boundary. The degree of encroachment is 0.715m at the south-eastern side boundary and 1.05m at the north-western side boundary.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 16.4.2 as follows.

Performance Criteria	Proposal
<p><i>“Building setback from side and rear boundaries must satisfy all of the following:</i></p> <p><i>(a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i></p> <p><i>(i) overlooking and loss of privacy;</i></p>	<p>The adjoining property to the south-east would be impacted by overlooking given the location of the proposed rear balcony. The proposed dwelling would not have any windows on the second floor on the north --western elevation, and one small window that would have a sill height of 1.25m above finished floor level, on the south-eastern elevation. It is considered that the window on the north-eastern elevation would not have adverse impacts on the privacy of the dwelling on an adjoining lot.</p> <p>The finished floor level of the proposed rear balcony would be 3.26m above natural ground level and the separation of the proposed deck from the dwelling on an adjoining lot to the south-east would be 9.2m.</p>

	<p>The deck at the rear of the proposed dwelling, would have direct view lines to the dwelling on an adjoining lot and its private open space, and therefore cause a loss of privacy by overlooking. Modifications to the deck design in terms of privacy screening will be required to satisfy the privacy standard.</p>
<p>(ii) <i>overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;</i></p>	<p>The dwelling on an adjoining lot, which is located south-east of the proposed dwelling, does have windows to habitable rooms on the south-western elevation. Shadow diagrams have been submitted with the application demonstrating that the development would overshadow 432 Clifton Beach Road first level habitable room windows from 1.00pm onwards at Winter Solstice. Upper level rooms would not be impacted by overshadowing at any time. The private open space of 432 Clifton Beach Road located at the rear of the property, would not be affected by overshadowing at any time. Given that the proposed dwelling will overshadow the private open space or habitable rooms of 432 Clifton Beach Road for less than 3 hours on 21 June, the proposed development meets the performance criterion.</p>
<p>(iii) <i>visual impact, when viewed from adjoining lots, through building bulk and massing;</i></p> <p><i>taking account aspect and slope”.</i></p>	<p>The proposed dwelling does not have any negative impact on the separation of dwellings. The separation and siting of dwellings is compatible with the surrounding area. The distances between dwellings on adjoining lots varies from 5m to 10m.</p> <p>It is considered that the side setbacks would not add significantly to the visual bulk of the extension when viewed from the adjoining properties at 432 Clifton Beach Road and 428 Clifton Beach Road.</p>

	<p>The dwellings are designed to take advantage of the views offered in the direction to the south-east towards Mount Wellington. These important view lines are not compromised, as the dwellings' access to these view lines are from their frontage balconies, which would not be obstructed by the proposed dwelling.</p> <p>The proposed dwelling would be 2 storey with a maximum height of 6.6m above natural ground level. However, as the dwellings on adjoining lots are also 2 storey with similar maximum heights, it can be considered that the proposed dwelling will be consistent with the surrounding built form.</p>
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## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 2 representations were received. The following issues were raised by the representors.

### **The Capacity of the Proposed Wastewater Tank**

Representor stated that:

- the capacity of the proposed wastewater tank is not sufficient;
- there is an on-going issue with septic run-off on Clifton Beach Road;
- the proposed absorption bed is small compared to the size of the dwelling which occupies a floor area of 189m<sup>2</sup>. In addition, it is located on the upper side of the house in a small back yard.

### **Comment**

Council's Environmental Health Officers are satisfied that the proposed on-site waste management system will meet the relevant development standards.



The onsite waste water management for this development has been assessed against the E23 of the Clarence Interim Planning 2015 and AS/NSZ 1547:2012 and it complies with all aspects. In addition, there is a 100% reserve land application area for wastewater management in the event that the primary area fails.

### **Overshadowing, Privacy and Visual Bulk**

Representor stated that:

- the building height and bulk coupled with the proposed setback will result in overshadowing and an unreasonable reduction of sunlight to habitable rooms and private open space;
- the building height coupled with the proposed setback will result in unreasonable overlooking and loss of privacy to our living areas, bedrooms and small outdoor private open space.

### **Comment**

The shadow diagrams indicate that the property at 432 Clifton Beach Road would be affected by overshadowing from 1.00pm onwards during the Winter Solstice. The overshadowing impact will mainly cast shadows on its north-western elevation and part of its private open space from 12.00pm onwards. It is worth pointing out that the shadowing caused by the proposed extension will only cause additional shadows to reach the habitable windows of the dwelling on 432 Clifton Beach Road at 1.00pm and over half of the private open space will not be impacted by overshadowing.

This is a result of the fact that the dwelling on 432 Clifton Beach Road is located south-east of the proposed extension, not directly south. No overshadowing impact would occur to other adjoining dwellings.

The proposed dwelling does not have any negative impact on the separation of dwellings. The separation and siting of dwellings is compatible with the surrounding area. The distances between dwellings on adjoining lots vary from 5m to 10m. In addition, the dwellings on adjoining lots are also 2 storey dwellings with similar maximum heights, it can be considered that the proposed dwelling will be consistent with the surrounding built form.

To address the concern regarding privacy from the deck, privacy screening can be required by a condition.

#### **The Location of the Proposed Driveway**

- Reinstating the culvert and moving the driveway would create economic risks in term terms of material damages and vehicle manoeuvring difficulties.

#### **Comment**

Council's Engineers are satisfied the proposed driveway and stormwater management system for this development will meet all the relevant standards of the Clarence Interim Planning Scheme 2015 and all the relevant Australian Standards.

### **6. EXTERNAL REFERRALS**

No external referrals were required or undertaken as part of this application.

### **7. STATE POLICIES AND ACT OBJECTIVES**

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

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

### **8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

### **9. CONCLUSION**

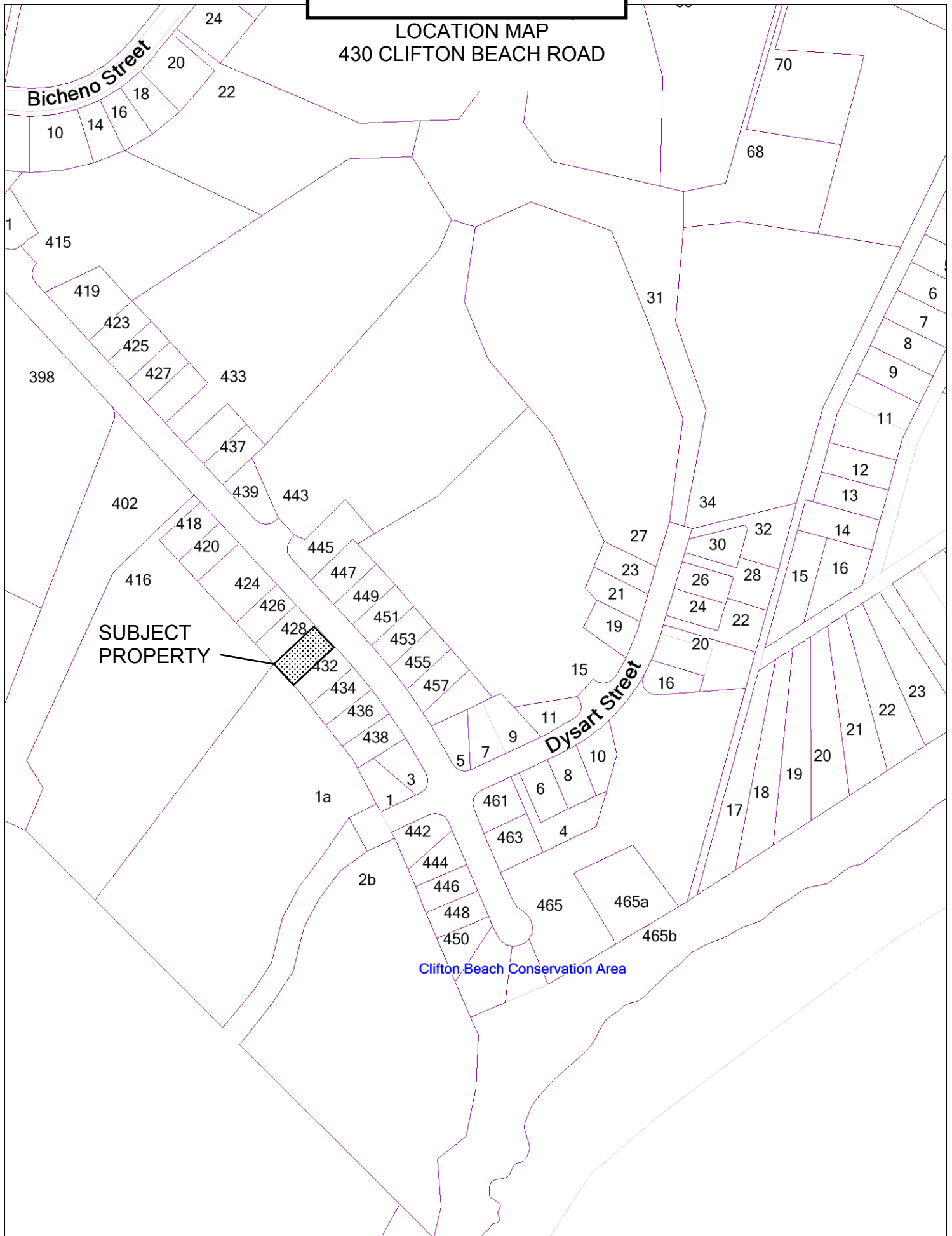
The proposal at 430 Clifton Beach Road, Clifton Beach is recommended for approval with reasonable and relevant conditions.

Attachments: 1. Location Plan (1)  
2. Plans (7)  
3. Site Photo (1)

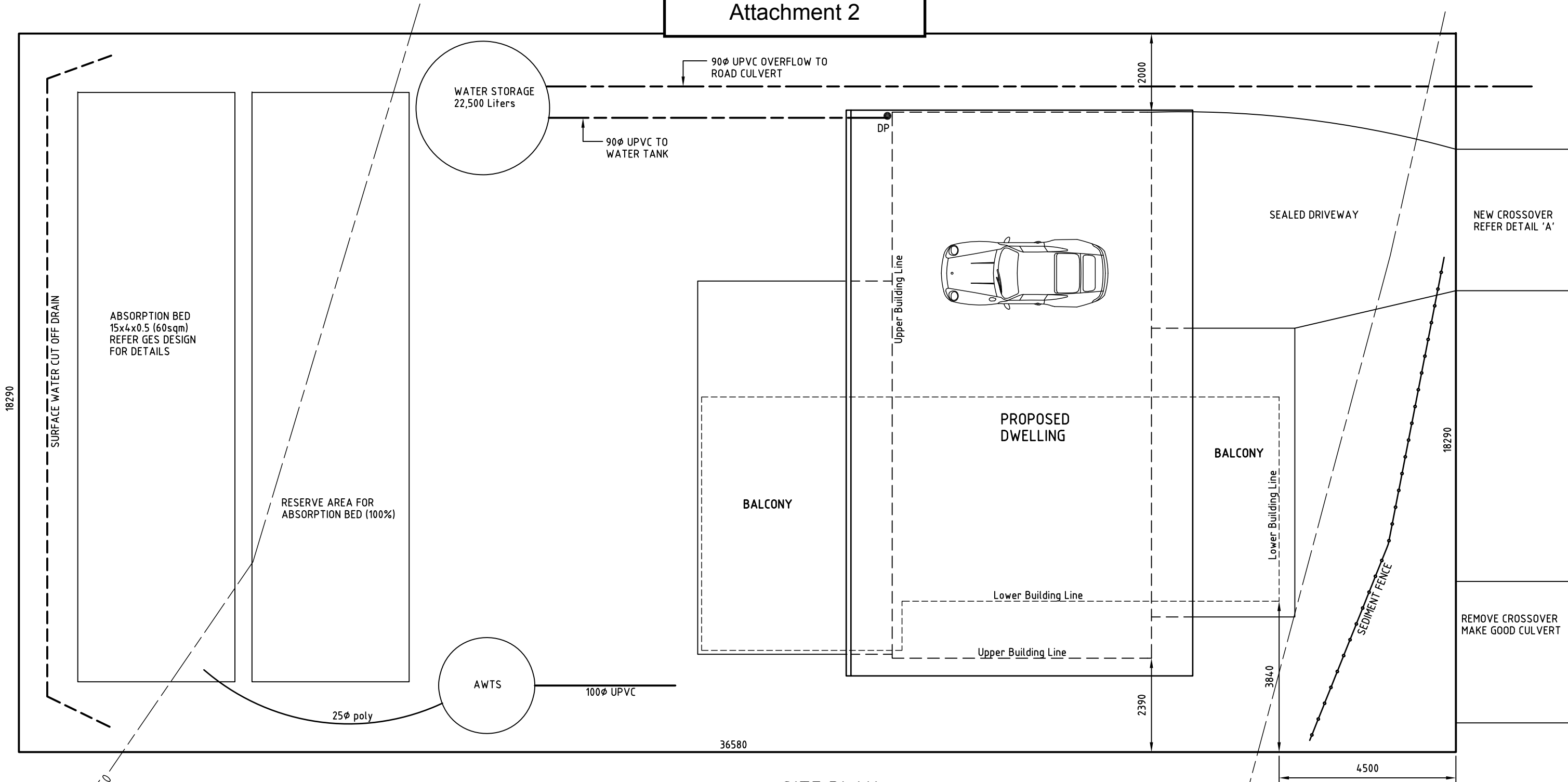
Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1

## LOCATION MAP 430 CLIFTON BEACH ROAD



**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Tuesday, 28 August 2018 **Scale:** 1:3,129 @A4



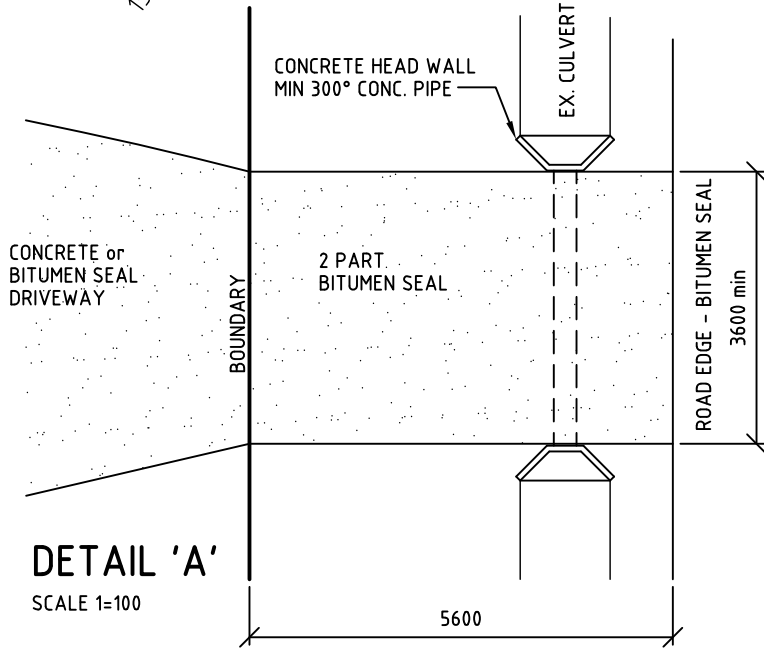
SITE PLAN  
SCALE 1=100

STORM WATER MANAGEMENT PLAN

- TO BE INSTALLED & MAINTAINED BY BUILDER  
REFER 1820-1A FOR DRAINAGE DETAILS
- SOIL CLASSIFICATION IS 'M' NOT DISPERSIVE IN NATURAL STATE. SURFACE DISTURBANCE IS TO BE KEPT TO A MINIMUM.
  - A SYSTEM TO MANAGE SEDIMENT RUN OFF AND CONTROL EROSION IS TO BE PUT IN PLACE PRIOR TO COMMENCING EARTHWORKS.
  - INSTALL SEDIMENT FENCES AS INDICATED ON PLAN 1820-1A
  - EXCAVATED SOIL (CUT & FILL) FOR BUILDING AND ROAD CONSTRUCTION TO BE RE-VEGETATED AS SOON AS POSSIBLE  
NO MATERIAL TO BE STOCKPILED
  - SERVICE TRENCHES TO BE BACK FILLED AS SOON AS PIPES/CONDUITS LAID
  - DOWNPIPES MUST BE FITTED AND DIRECTED TO STORMWATER SYSTEM AS SOON AS ROOF IS FITTED
  - CONTROL MEASURES TO BE MONITORED REGULARLY FOR CORRECT FUNCTION FOR DURATION OF CONSTRUCTION PERIOD.

SEDIMENT FENCE  
STAR PICKETS @ 2000 CRS WITH TOP  
WIRE TO HANG GEOFABRIC BURIED  
100mm INTO GROUND  
(FENCE TO BE MAINTAINED DURING  
CONSTRUCTION PERIOD)

- LEGEND
- |                  |  |
|------------------|--|
| 1. CLOSET        | DN100 UPVC                               |
| 2.               | DN50 UPVC                                |
| 3. SINK          | DN50 UPVC                                |
| 4. BASIN         | DN40 UPVC                                |
| 5. BATH          | DN40 UPVC                                |
| 6. SHOWER        | DN50 UPVC                                |
| 7. TROUGH        | DN50 UPVC                                |
| V. UPSTREAM VENT | DN50 UPVC                                |
| DP.              | 90Ø UPVC DOWN PIPE<br>TO STORMWATER      |
| ORG              | OVERFLOW RELIEF GULLY<br>GARDEN TAP OVER |

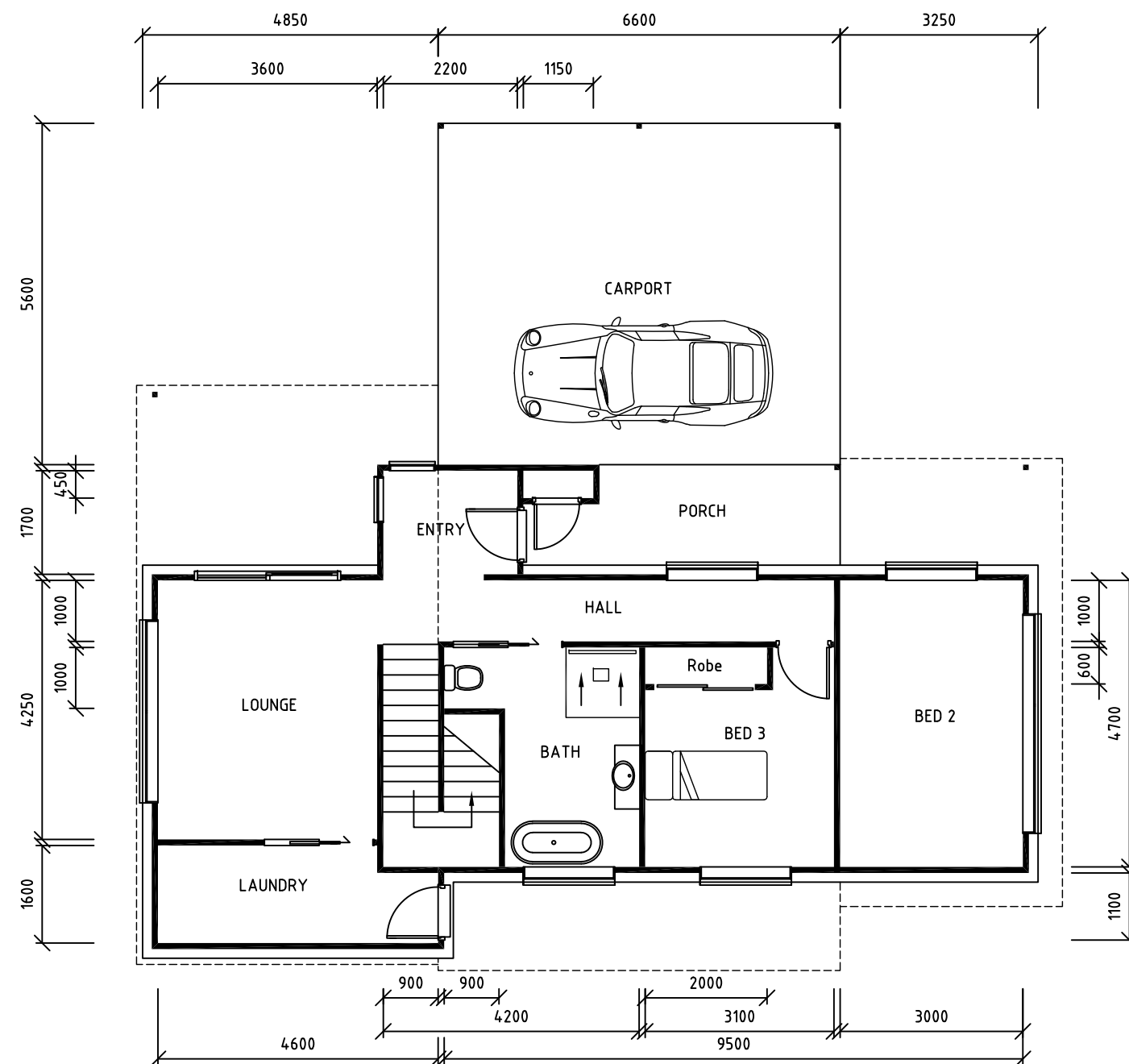


DETAIL 'A'  
SCALE 1=100



CTR15821/300  
668 sqm

DO NOT SCALE OFF DRAWINGS IF IN DOUBT ASK	ACCREDITATION No. CC665 W	PROPOSED DWELLING TRAVIS BAULCH, ALISON SALT 430 CLIFTON BEACH ROAD CLIFTON BEACH
	SCALE 1=100	
	DRAWN M WAY	
	DATE 06.06.2018	
	REVISION DATE	DRAWING No. 1820-1A

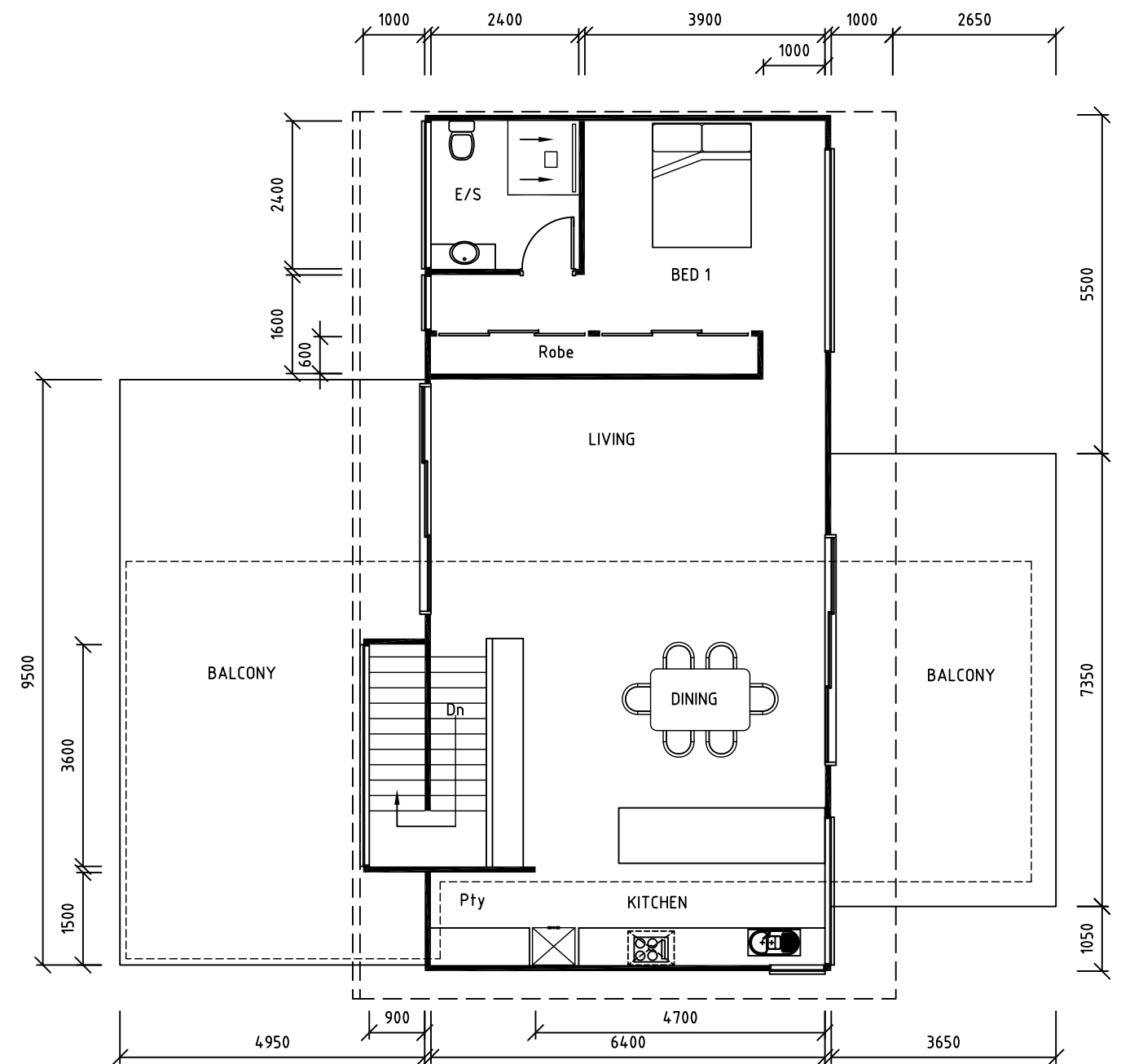


## LOWER FLOOR PLAN

SCALE 1=100

FLOOR AREA - 95 sqm (10.2 squares)

CAR PORT AREA - 37 sqm




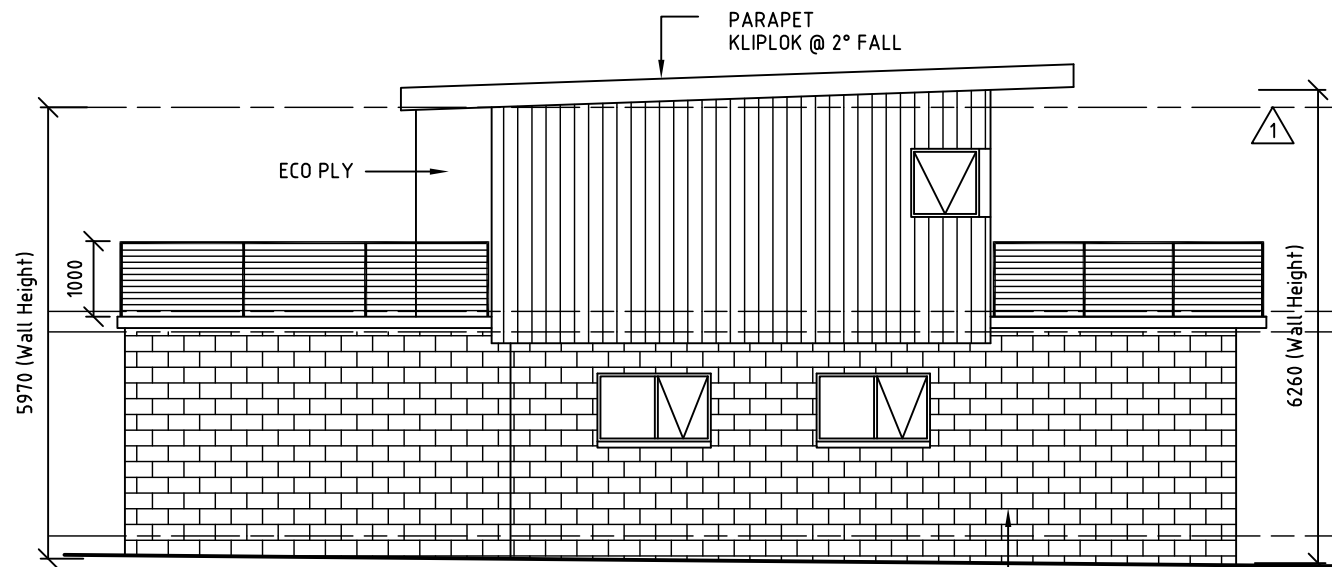
## UPPER FLOOR PLAN

SCALE 1=100

FLOOR AREA - 94 sqm (10 squares)

BALCONY'S - 70 sqm

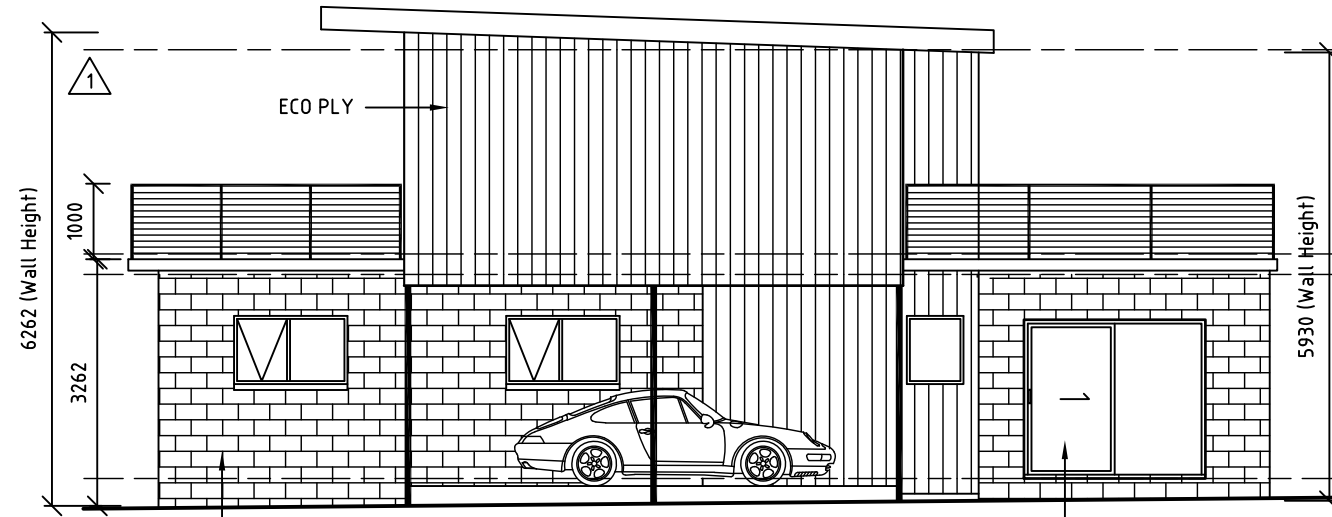
<div><div></div><div><div>HOME DESIGN ALTERATIONS ELECTRICAL &amp; GENERAL</div><div>CC665 W 196 NEBRASKA RD DENNES PT, 7150</div><div>Phone 62606265    Mobile 0408127406</div></div></div>	DO NOT SCALE OFF DRAWINGS IF IN DOUBT ASK	ACCREDITATION No. CC665 W	PROPOSED DWELLING TRAVIS BAULCH, ALISON SALT 430 CLIFTON BEACH ROAD CLIFTON BEACH
		SCALE        1=100	
		DRAWN       M WAY	
		DATE         06.06.2018	
		REVISION        DATE	DRAWING No.        1820-2



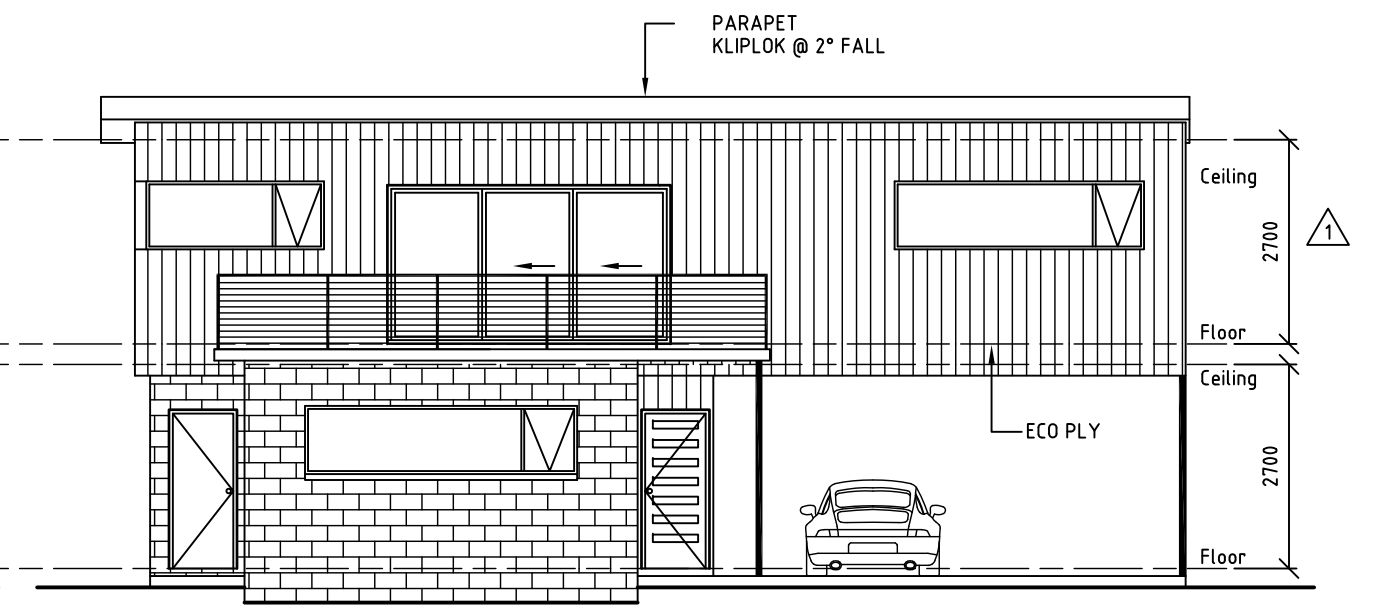
**S-E ELEVATION**  
SCALE 1=100



**S-W ELEVATION**  
SCALE 1=100




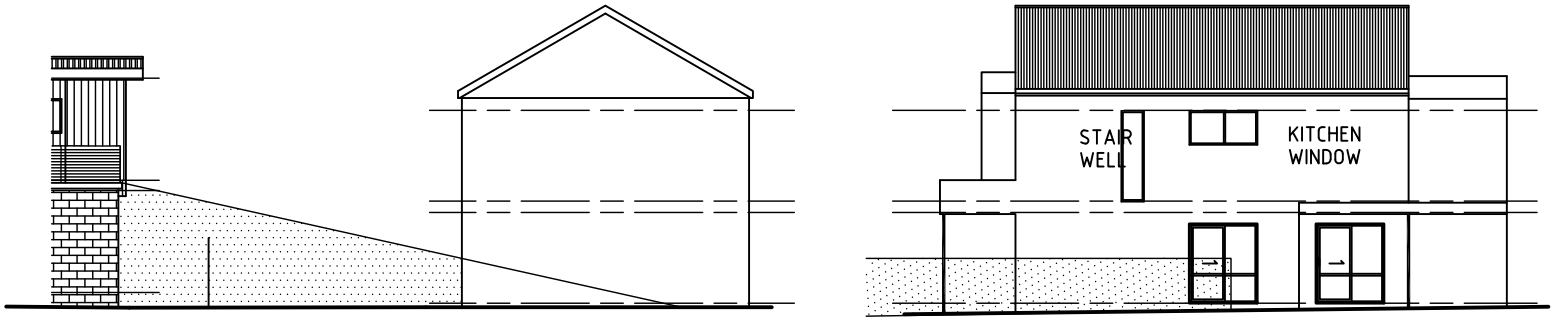
**N-W ELEVATION**  
SCALE 1=100



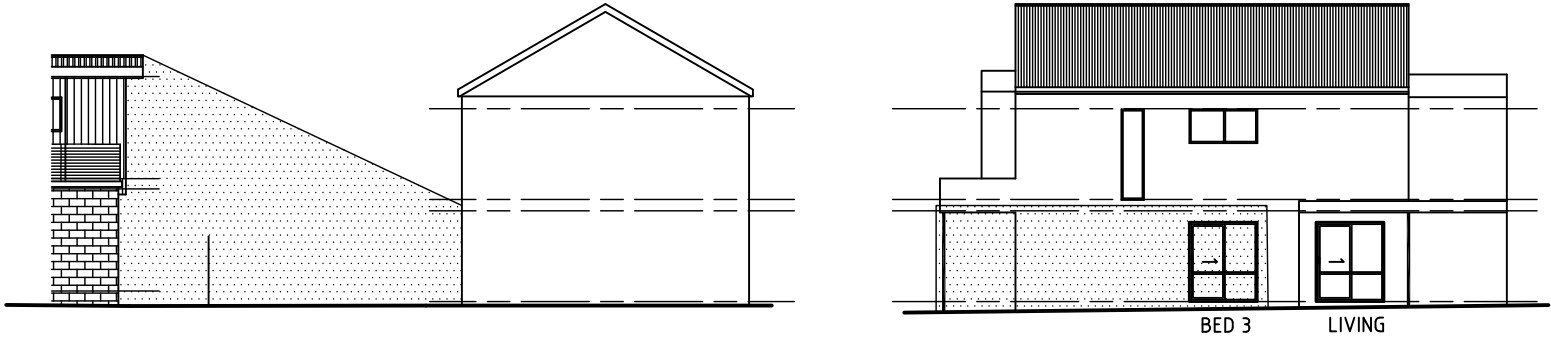
**N-E ELEVATION**  
SCALE 1=100

 UPPER FLOOR HEIGHT INCREASE BY 300mm

 HOME DESIGN ALTERATIONS ELECTRICAL & GENERAL Phone 62606265 Mobile 0408127406 CC665 W 196 NEBRASKA RD DENNES PT, 7150	ACCREDITATION No. CC665 W	<b>PROPOSED DWELLING</b> <b>TRAVIS BAULCH, ALISON SALT</b> <b>430 CLIFTON BEACH ROAD</b> <b>CLIFTON BEACH</b>  DRAWING No. <b>1820-3</b>
	SCALE 1=100	
	DRAWN M WAY	
	DATE 06.06.2018	
	REVISION 1	
DATE 05.07.2018		

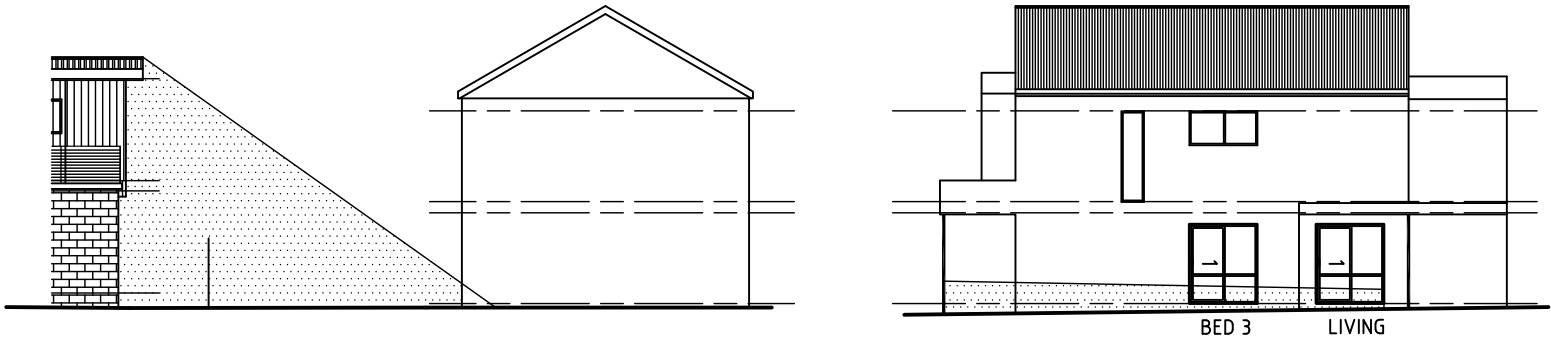


SUN SHADOW 3:00 PM  
SCALE 1=200



SUN SHADOW 1:00 PM  
SCALE 1=200


NOTE  
SHADOW DOES NOT COME ONTO BED ROOM WINDOW  
TILL 1:00PM.  
BY 3:00PM DECK PARTIALLY SHADES BUT MAIN ROOF  
DOES NOT SHADE



SUN SHADOW 12.00 PM  
SCALE 1=200

NOTE  
HEIGHT OF SUN AT 12:00 CAST MOST OF SHADOW  
ON GROUND

SHADOW ANGLES & PROJECTIONS PRODUCED  
USING 'ShadowDraw' DATA IN CONJUNCTION  
WITH AUTOCAD

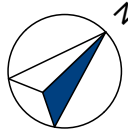
 <p>ISLE DRAFTING</p> <p>HOME DESIGN ALTERATIONS ELECTRICAL &amp; GENERAL</p> <p>196 NEBRASKA RD DENNES PT, 7150</p> <p>Phone 62606265 Mobile 0408127406</p>	<p>DO NOT SCALE OFF DRAWINGS IF IN DOUBT ASK</p>	ACCREDITATION No. CC665 W	<p><b>PROPOSED DWELLING</b> <b>TRAVIS BAULCH, ALISON SALT</b> <b>430 CLIFTON BEACH ROAD</b> <b>CLIFTON BEACH</b></p>
		SCALE 1=200	
		DRAWN M WAY	
		DATE 02.08.2018	
		REVISION 1	
<p>DATE 07.08.2018</p>		DRAWING No. <b>1820-1C</b>	



JUNE 21 @ 430 CLIFTON BEACH ROAD, CLIFTON BEACH  
**SHADOW DIAGRAM - 9AM**  
SCALE 1:100

APH1051 - BAULCH - STAGE: CONCEPT DESIGN

© - Copyright 2018



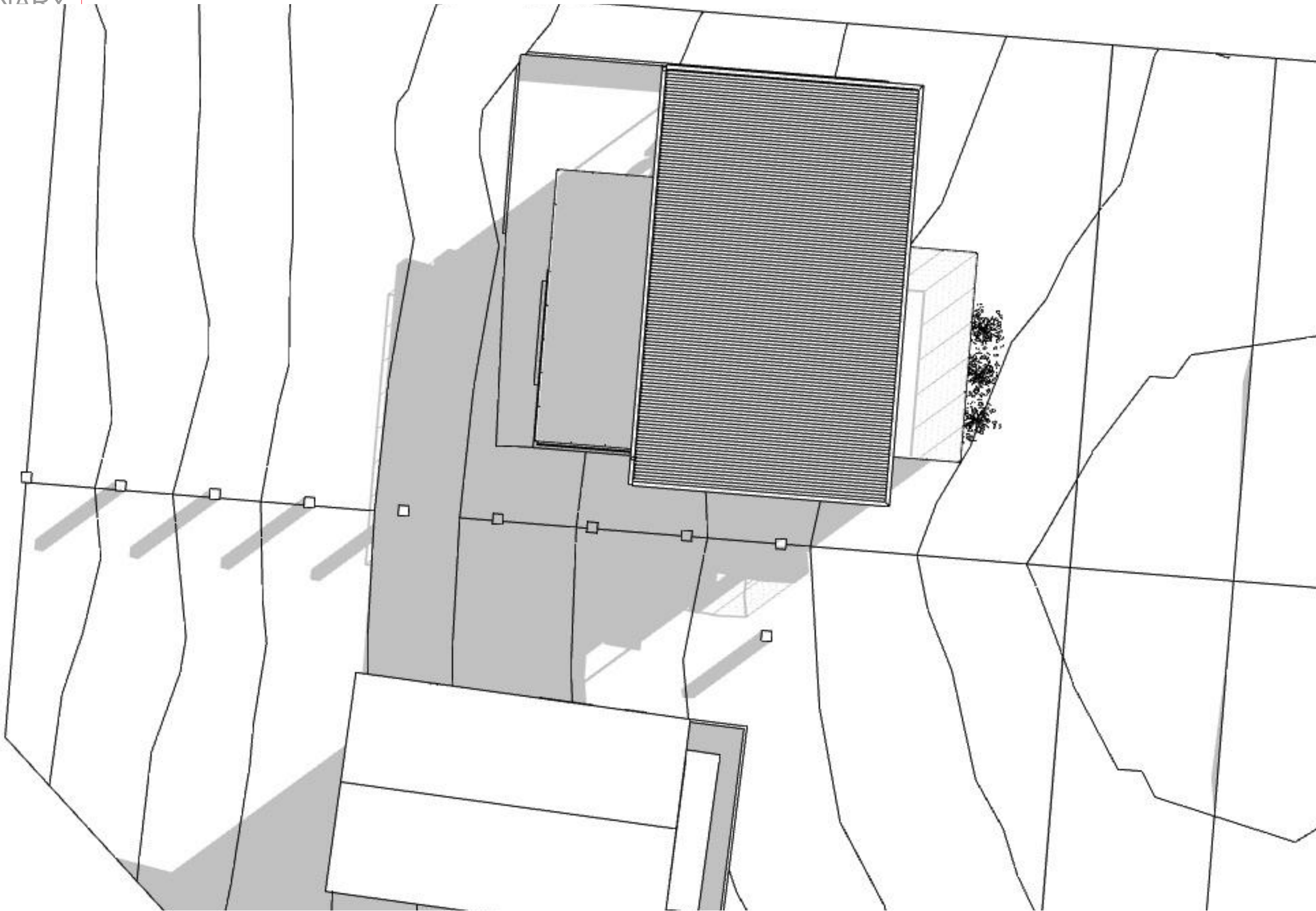
REV	DATE	BY	DESCRIPTION
A	16/08/18	MC	SOLAR STUDY

PROJECT  
**NEW BUILD**  
ONE DOUBLE STOREY DWELLING  
PROJECT ADDRESS  
430 Clifton Beach Rd CLIFTON BEACH TAS  
CLIENT  
TRAVIS BAULCH

DATE: 16/08/2018  
DRAWN: MC  
SCALE: AS SHOWN  
SHEET: 1 OF 16  
SHEET SIZE: A3

DRAWING No: **PP01**

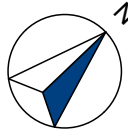




JUNE 21 @ 430 CLIFTON BEACH ROAD, CLIFTON BEACH  
**SHADOW DIAGRAM - 12PM**  
SCALE 1:100

APH1051 - BAULCH - STAGE: CONCEPT DESIGN

© - Copyright 2018



REV	DATE	BY	DESCRIPTION
A	16/08/18	MC	SOLAR STUDY

PROJECT  
**NEW BUILD**  
ONE DOUBLE STOREY DWELLING  
PROJECT ADDRESS  
430 Clifton Beach Rd CLIFTON BEACH TAS  
CLIENT  
TRAVIS BAULCH

DATE: 16/08/2018  
DRAWN: MC  
SCALE: AS SHOWN  
SHEET: 4 OF 16  
SHEET SIZE: A3

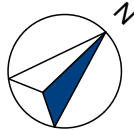
DRAWING No: **PP04**



JUNE 21 @ 430 CLIFTON BEACH ROAD, CLIFTON BEACH  
**SHADOW DIAGRAM - 3PM**  
SCALE 1:100

APH1051 - BAULCH - STAGE: CONCEPT DESIGN

© - Copyright 2018



REV	DATE	BY	DESCRIPTION
A	16/08/18	MC	SOLAR STUDY

PROJECT  
**NEW BUILD**  
ONE DOUBLE STOREY DWELLING  
PROJECT ADDRESS  
430 Clifton Beach Rd CLIFTON BEACH TAS  
CLIENT  
TRAVIS BAULCH

DATE: 16/08/2018  
DRAWN: MC  
SCALE: AS SHOWN  
SHEET: 7 OF 16  
SHEET SIZE: A3  
DRAWING No: **PP07**

### Attachment 3



**11.3.7 DEVELOPMENT APPLICATION D-2018/399 - TENANCIES 2A AND 3, 7 BLIGH STREET, ROSNY PARK – FOOD SERVICES, SPORTS AND RECREATION AND COMMUNITY AND ENTERTAINMENT (CAFE, GYM AND PLAY CENTRE)**

(File No D-2018/399)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Cafe, Gym and Play Centre at 2A and 3, 7 Bligh Street, Rosny Park.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Central Business and subject to the Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 10 September 2018.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of car parking.

**RECOMMENDATION:**

A. That the Development Application for Food Services, Sports and Recreation and Community and Entertainment (Cafe, Gym and Play Centre) at Tenancies 2A and 3, 7 Bligh Street, Rosny Park (Cl Ref D-2018/399) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. The development must meet all required Conditions of Approval specified by TasWater notice dated 17 July 2018 (TWDA 2018/01158-CCC).

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

---

## **ASSOCIATED REPORT**

### **1. BACKGROUND**

The site contains the Village Cinema complex which was approved in 1999 (D-1999/67). The relevant permits for the site are as follows:

- D-2002/270 – Change of use to General Office (TOTE) was approved in part of Tenancy 2; and
- D-2016/196 – Change of use from General Office (TOTE) to a retail shop (Kick E Mart) was approved in part of Tenancy 2.

### **2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned Central Business under the Scheme.

**2.2.** The proposed gyms are defined as “Sports and Recreation” which is a discretionary use in the zone. The play centre is defined as “Community and entertainment” which is a permitted use in the zone. The café is defined as “Food services” which is a permitted use in the zone.

**2.3.** The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Central Business Zone; and
- Section E6.0 – Parking Access Code.

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

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The proposed development is located in Tenancies 2A (originally approved as a restaurant and currently contains Kick E Mart) and Tenancy 3 (formerly occupied by Fun Factory - play centre and café) of the Village Cinema complex.

#### **3.2. The Proposal**

The site has a total floor area of 387m<sup>2</sup> and will contain the following uses:

Gym 1:	97.8m <sup>2</sup>
Gym 2:	53.2m <sup>2</sup>
Play centre:	69.5m <sup>2</sup>
Kitchen/café:	64m <sup>2</sup>

The gyms will operate independently from the other proposed uses and will be separated by internal walls. Additional toilet facilities are proposed to be constructed in the 2 gyms.

The Food Services component will include kitchen facilities and food vending machines (Meal Machines).

### **4. PLANNING ASSESSMENT**

#### **4.1. Determining Applications [Section 8.10]**

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

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.



#### **4.2. Compliance with Zone and Codes**

The proposal meets the Scheme's relevant Acceptable Solutions of the Central Business Zone and Parking and Access Codes.

##### **Car Parking Assessment**

The permit for the Village Cinema (D-1999/67) development required a total number of 239 car parking spaces. Ninety six spaces were provided on-site and 143 spaces were made available in the southern end of the Eastlands site.

When originally approved in 1999, Tenancy 2 was approved as a Restaurant which required 1 car parking space per 10m<sup>2</sup> and Tenancy 3 was approved for use as a Place of Assembly which required 1 space per 10m<sup>2</sup> floor area.

The proposed café is located within Tenancy 2A (part of approved Tenancy 2) which was originally approved as a restaurant (Food Services) and therefore no change of use is required for this part of the development.

Gyms 1 and 2 are located in Tenancy 3 and requires a change of use and therefore must be assessed against the Parking and Access Code. Under the current Scheme a gym would require 4.5 spaces per 100m<sup>2</sup> (approximately 1 per 22m<sup>2</sup>) which is a lower rate than required by the approved uses and therefore no additional car parking is required.

### **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 1 representation was received. The following issues were raised by the representors.

#### **5.1. Car Parking**

Concern was raised regarding the number of car parking spaces that were required for this use, in light of the cash-in-lieu contributions being sought by Council for other uses in the area.

- **Comment**

As discussed above, the proposed uses do not require additional car parking and therefore cash-in-lieu is not required for the development.

**6. EXTERNAL REFERRALS**

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

**7. STATE POLICIES AND ACT OBJECTIVES**

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

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

**8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

**9. CONCLUSION**

The proposal for a change of use to gym, play centre and café is recommended for approval.

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

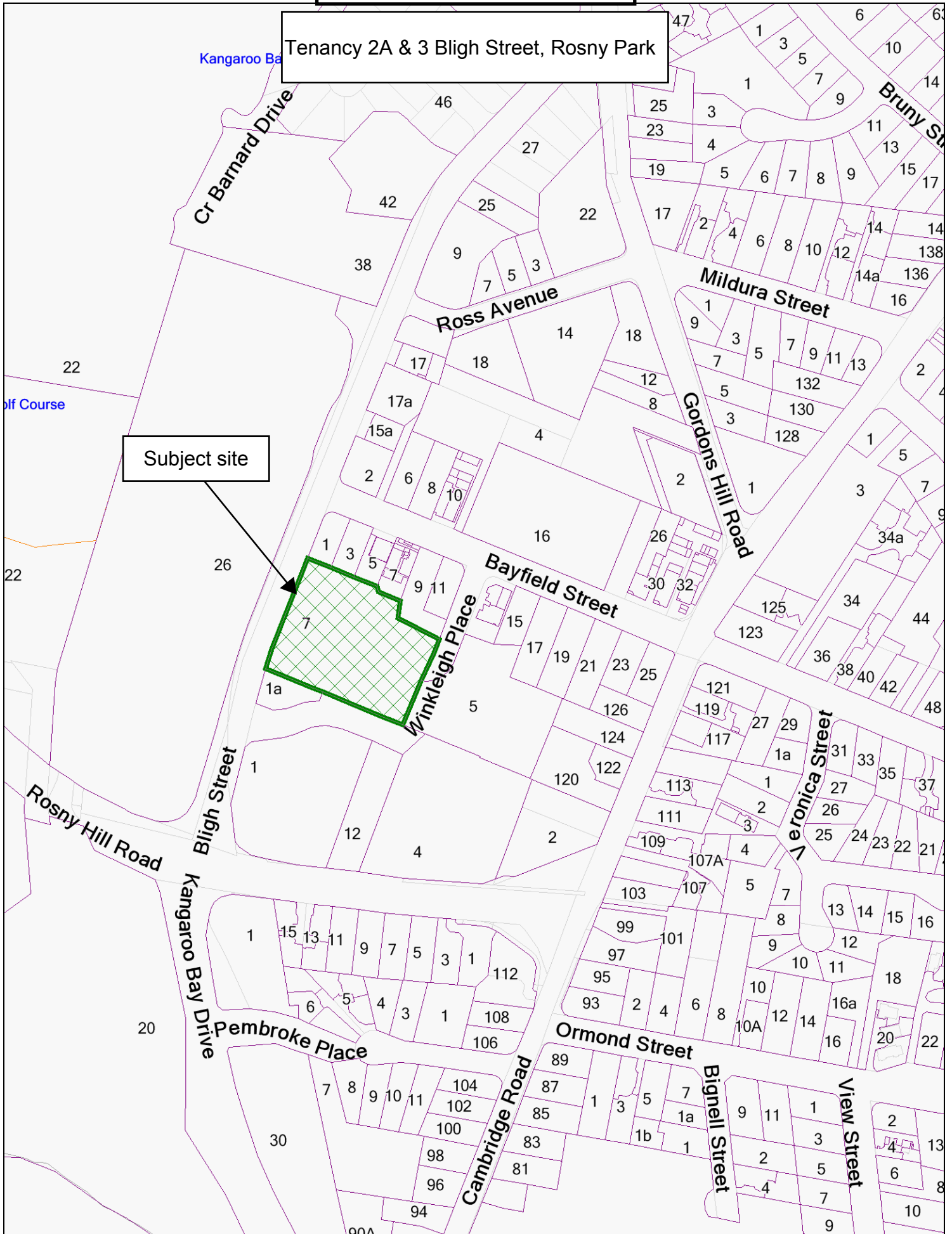
Ross Lovell  
**MANAGER CITY PLANNING**



# Attachment 1

Tenancy 2A & 3 Bligh Street, Rosny Park

Subject site



**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 30 August 2018 **Scale:** 1:3,312 @A4

Attachment 2

SITE NOTES	
Property Address:	U3/7 Bligh Street Rosny, 7018
Property ID:	1977315
Title Reference:	133216/1
Municipality:	Clarence City Council
Zone:	22.0 Central Business

**LEGEND**

**A** PROPOSED TENANCY 3 FIT OUT  
(INTERNAL ALTERATIONS).  
TOTAL TENANCY AREA = ± 388.5 sqm.

**A** PROPOSED TENANCY 3 FIT OUT  
(INTERNAL ALTERATIONS).  
TOTAL TENANCY AREA = ± 388.5 sqm.

This architectural floor plan shows a building layout with a central yellow-highlighted area labeled 'A'. The plan includes various rooms, corridors, and structural elements. A red dashed line outlines the perimeter of the yellow area. The building has a complex shape with multiple wings and a central courtyard area. The yellow area 'A' is located in the lower-left portion of the plan, adjacent to a large open space. The plan also shows a parking lot with several cars parked, and a large open area with a grid of lines, possibly representing a field or a large hall. The overall layout suggests a multi-functional building, possibly a school or a community center, with a focus on the highlighted area 'A'.

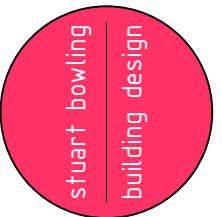
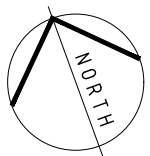
**SHEET No. 01 OF 03**

A.	DEVELOPMENT APPLICATION.	10.07.2018	
REV.	DESCRIPTION	DATE	




Project:	<b>PROPOSED INTERNAL ALTERATIONS at No. U3 / 7 Bligh Street ROSNY, 7018 for Chris Thurlow</b>
Drawing:	<b>SITE PLAN</b>

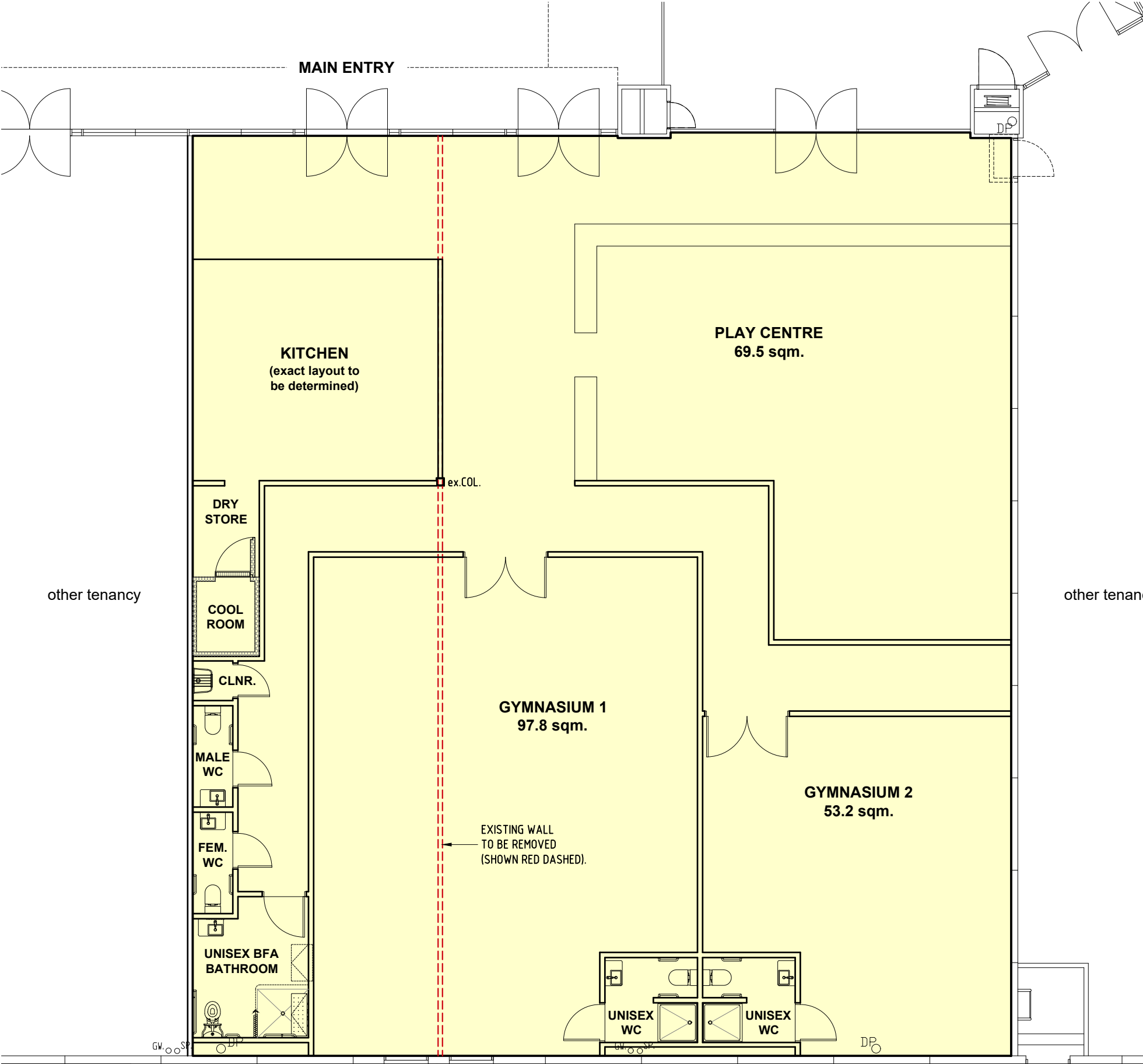
Scale: <b>N.T.S. @ A3</b>	DWG. No.: <b>0043 DA01</b>
Drawn: <b>S.Bowling</b>	Date: <b>10.07.18</b>

Stuart Bowling   Building Design B. Environmental Design	Phone: 0418 380 391 Email: stuart.bowling@outlook.com Licence: CC 7560 ABN: 34 531 056 735
---	---



## DA01. SITE PLAN NOT TO SCALE

WALL LEGEND	
MARK	DESCRIPTION
	EXISTING WALLS TO BE DEMOLISHED.
	NEW 90mm TIMBER STUDWORK WALL. 13mm P.B. LININGS TYPICAL.
	100mm 'BONDORPANEL' COOL ROOM WALLS.



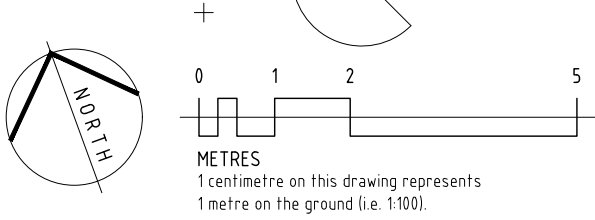
DA02. PROPOSED FLOOR PLAN 1:100

SHEET No. <b>02</b> OF 03		
	10.07.2018	DATE
	A.	REV.
	DEVELOPMENT APPLICATION.	DESCRIPTION

Project:	PROPOSED INTERNAL ALTERATIONS at No. U3 / 7 Bligh Street ROSNY, 7018 for Chris Thurlow	Drawing:	PROPOSED FLOOR PLAN
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DWG. No.:	0043	Date:	10.07.18
Scale:	1:100 @ A3	Drawn:	S.Bowling
	DA02		

Stuart Bowling   Building Design B. Environmental Design	Phone: 0418 380 391 Email: stuart.bowling@outlook.com Licence: CC 7560 ABN: 34 531 056 735
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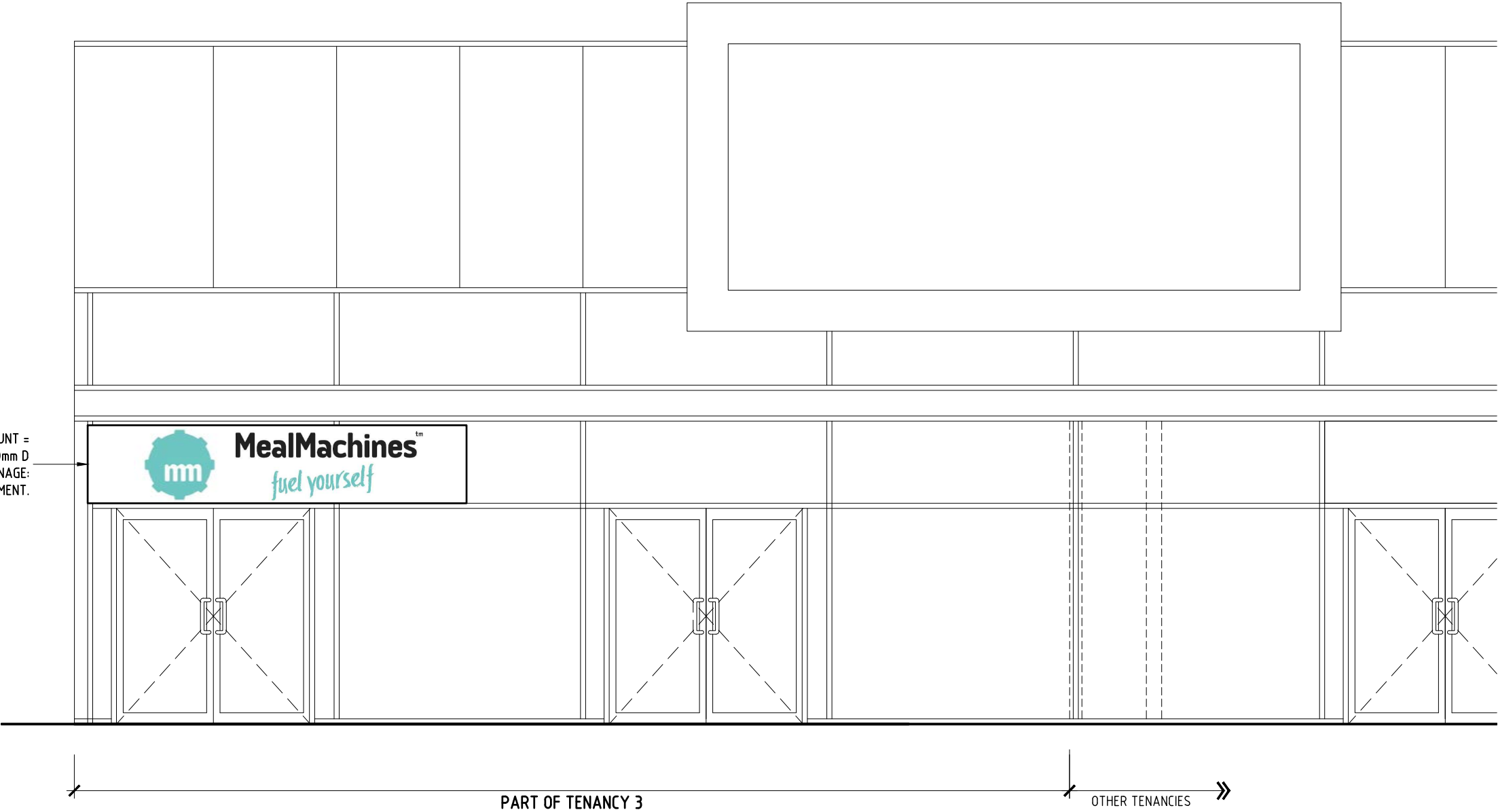


		10.07.2018	DATE
	A.	DEVELOPMENT APPLICATION.	REV.
			DESCRIPTION

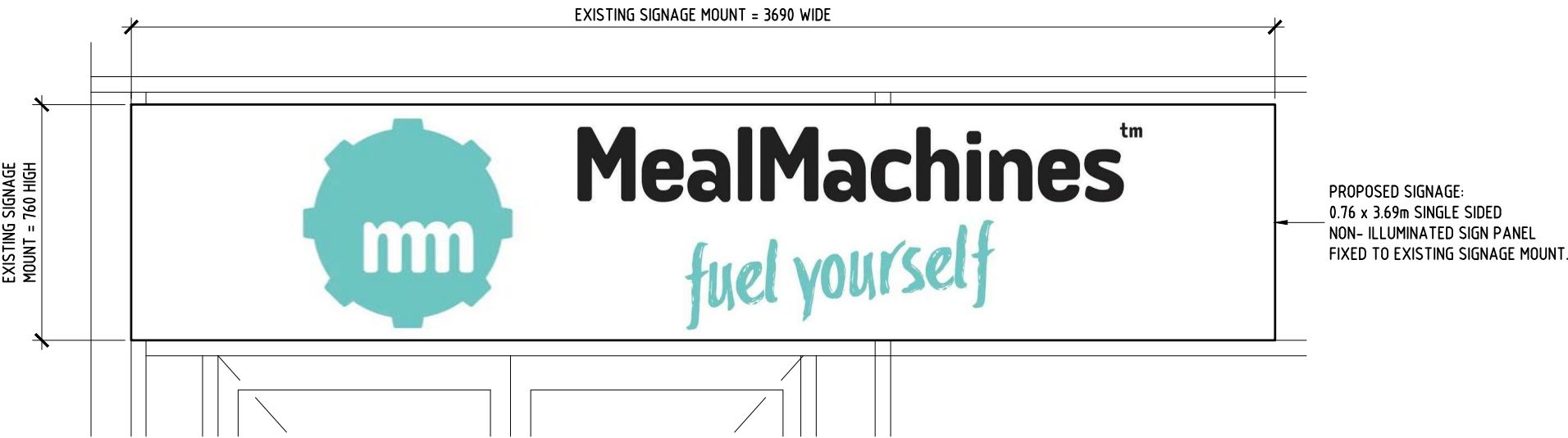
Project:	PROPOSED INTERNAL ALTERATIONS at No. U3 / 7 Bligh Street ROSNY, 7018 for Chris Thurlow	Drawing:	PROPOSED ELEVATION / SIGNAGE
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DWG. No.:	0043 DA03	Date:	10.07.18
Scale:	1:50 1:20 @ A3	Drawn:	S.Bowling

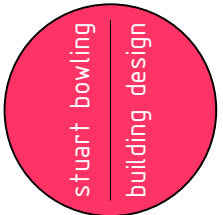
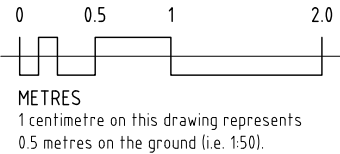
Stuart Bowling   Building Design B. Environmental Design	Phone: 0418 380 391 Email: stuart.bowling@outlook.com Licence: CC 7560 ABN: 34 531 056 735
---	---



FRONT ELEVATION 1:50



SIGN ELEVATION 1:20



**Tenancies 2A & 3, 7 Bligh Street, ROSNY PARK**



**View of the tenancies from the Village Cinema car park.**

**11.3.8 DEVELOPMENT APPLICATION D-2018/224 - 10, 11 AND 12 GARRETT COURT, OAKDOWNS - 5 MULTIPLE DWELLINGS**  
(File No D-2018/224)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 5 Multiple Dwellings at 10, 11 and 12 Garrett Court, Oakdowns.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 12 September 2018.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the following issues:

- loss of amenity;
- devaluation of property;
- traffic and parking;
- rubbish bins; and
- proximity of parking spaces to adjoining dwelling.

**RECOMMENDATION:**

- A. That the Development Application for 5 Multiple Dwellings at 10, 11 and 12 Garrett Court, Oakdowns (CI Ref D-2018/224) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN M5 – ADHESION [the issue of a Building Permit].



3. GEN AP3 – AMENDED PLAN [garbage bin enclosure relocated to the west side of the driveway and the 2 car parking spaces relocated on-site].
  4. LAND 1A – LANDSCAPE PLAN include additional dot point “the landscaping of the car parking and circulation areas to an amount of no less than 5% of the area of the carparks”.
  5. LAND 3 - LANDSCAPE BOND (COMMERCIAL).
  6. The development must meet all required Conditions of Approval specified by TasWater notice dated 1 May 2018 (TWDA 2018/00630-CCC).
  7. ENG A2 [5.5m].
  8. ENG A5 – SEALED CAR PARKING.
  9. ENG S1 – INFRASTRUCTURE REPAIR.
  10. ENF M1 – DESIGN.
  11. All stormwater runoff from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council’s Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. This report is to include the maintenance management regime/replacement requirements for the treatment facility.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

No relevant background.

## **2. STATUTORY IMPLICATIONS**

- 2.1.** The land is zoned General Residential under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
  - Section 10 – General Residential Zones;
  - Section E6.0 – Parking and Access Code; and
  - Section E7.0 – Stormwater Management.
- 2.4.** Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

## **3. PROPOSAL IN DETAIL**

### **3.1. The Site**

The site is contained within 3 titles, CT 160875/168, CT 160875/169 and CT 160875/170, which have a combined area of 2462m<sup>2</sup>. The site is vacant and has a gentle slope downwards in a westerly direction. The site is accessed from an existing crossover servicing the 3 lots from the cul-de-sac at the end of Garrett Court.

The surrounding area is residential in nature with residential properties bordering the site on all sides.

### **3.2. The Proposal**

The proposal is for 5 Multiple Dwellings. Each dwelling is single storey containing 3 bedrooms. Access to all dwellings is from a single access from Garrett Court. A total of 12 car parking spaces is proposed to be provided on-site.



The 3 titles are proposed to be adhered.

#### 4. PLANNING ASSESSMENT

##### 4.1. Determining Applications [Section 8.10]

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

*(a) all applicable standards and requirements in this planning scheme; and*

*(b) any representations received pursuant to and in conformity with ss57(5) of the Act;*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

##### 4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Parking and Access and Stormwater Management Codes with the exception of the following.

##### General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.4 A1	Sunlight and overshadowing for all dwellings	A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Unit 1 does not comply as the living room windows are orientated 41 degrees west of north. Units 3 and 4 do not comply as the living room windows are orientated 45 degrees west of north.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.4 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom)”.</i>	The living rooms for Units 1 and 4 contain windows in their north, east and west elevations which will allow sunlight to enter these rooms. Unit 3 contains windows on the north and west elevations which will also allow sunlight to enter living areas.

### **General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
10.4.8 A1	Waste storage for multiple dwellings	<p>A Multiple Dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <p>(i) has a setback of at least 4.5m from a frontage; and</p> <p>(ii) is at least 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</p>	<p>not applicable</p> <p>Does not comply as the communal storage area is located 4.2m from the front boundary.</p> <p>complies</p> <p>complies</p>

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.4 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“A multiple dwelling development must provide storage, for waste and recycling bins, that is:</i></p> <p><i>(a) capable of storing the number of bins required for the site; and</i></p>	<p>The proposed bin storage can store 12 bins. Each dwelling will be allocated a garbage bin and recycling bin, making a total of 10 bins for the development. Residents are able to make an application for a green waste bin but as this is not compulsory, they should not be included in the storage area.</p> <p>However, Council’s Engineer has advised that storage bin is located on the wrong side of the driveway and therefore cannot be accessed by the garbage truck. This can be rectified by relocating the storage enclosure to the western side of the driveway and relocating the car parking spaces to the area between Units 1 and 2. It is recommended that a condition be included requiring the above changes.</p>
<p><i>(b) screened from the frontage and dwellings; and</i></p>	<p>A 1.8m brick enclosure is proposed which provides screening from the frontage.</p>
<p><i>(c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise”.</i></p>	<p>The bin enclosure is located 8.5m from the nearest dwelling and is separated from this dwelling by car parking spaces, which will ensure that potential impacts from the storage area are minimised.</p>

## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 2 representations were received. The following issues were raised by the representors.

### **5.1. Loss of Amenity**

Concern was raised that the additional dwellings will result in a loss of amenity through the increased density of the development.

- **Comment**

The density of the development is 1 dwelling per 492m<sup>2</sup> which is well in excess of the Acceptable Solution of 325m<sup>2</sup>. It is noted that each individual title has sufficient land area to contain 2 dwellings. On this basis, this concern cannot have determining consideration.

## **5.2. Traffic and parking**

Concern was raised that the on-site parking is insufficient for the expected demand of residents, and that the additional vehicles will result in traffic congestion in relation to parking along Garrett Court.

- **Comment**

The proposal complies with the standards in the Parking and Access Code which requires a total of 12 spaces for the development. Twelve spaces have been provided on-site with manoeuvring in accordance with the relevant Australian Standards.

As proposal meets the Parking and Access Code, this issue cannot have determining weight. Notwithstanding the above, the existing combined access to the 3 titles is being utilised therefore the amount of on street car parking is not reduced due to the development.

## **5.3. Devaluation of Property**

Concern was raised that the additional dwellings will result in a loss of value for the representor's property.

- **Comment**

Loss of property values is not a relevant planning consideration and therefore cannot have determining weight.

## **5.4. Rubbish Bins**

Concern was raised that there is not enough room on the street in the cul-de-sac for the rubbish bins.

- **Comment**

The proposal complies with the Scheme requirements by providing a communal waste storage on-site to accommodate 12 bins. It is noted that unit developments are entitled to 1 garbage bin and 1 recycling bin per dwelling and therefore the communal area must be sufficient to accommodate a total of 10 bins. As discussed above, each dwelling is allocated 1 garbage bin and 1 recycling bin which can be accommodated within the storage area. Green waste bins can be applied for but as they are not automatically allocated, it is not reasonable to require the bin enclosure area to include space for these bins.

As a garbage storage area is proposed on-site, there will not be an issue with bins located around the cul-de-sac.

#### **5.5. Proximity of Parking Spaces to Adjoining Dwelling**

Concern was raised that the parking spaces and backyard for Dwelling 1 will be located in close proximity to the representor's property and will result in a loss of amenity to the representor.

- **Comment**

Dwelling 1 complies with all development standards of the General Residential zone in regards to the setbacks of the dwelling to the boundary, its private open space and car parking. Therefore, this issue cannot have determining weight.

## **6. EXTERNAL REFERRALS**

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

## **7. STATE POLICIES AND ACT OBJECTIVES**

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

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

**8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

**9. CONCLUSION**

The proposal is for 5 Multiple Dwellings at 10, 11 and 12 Garrett Court, Oakdowns.

The proposal is considered to comply with the standards of the Scheme and is recommended for approval.

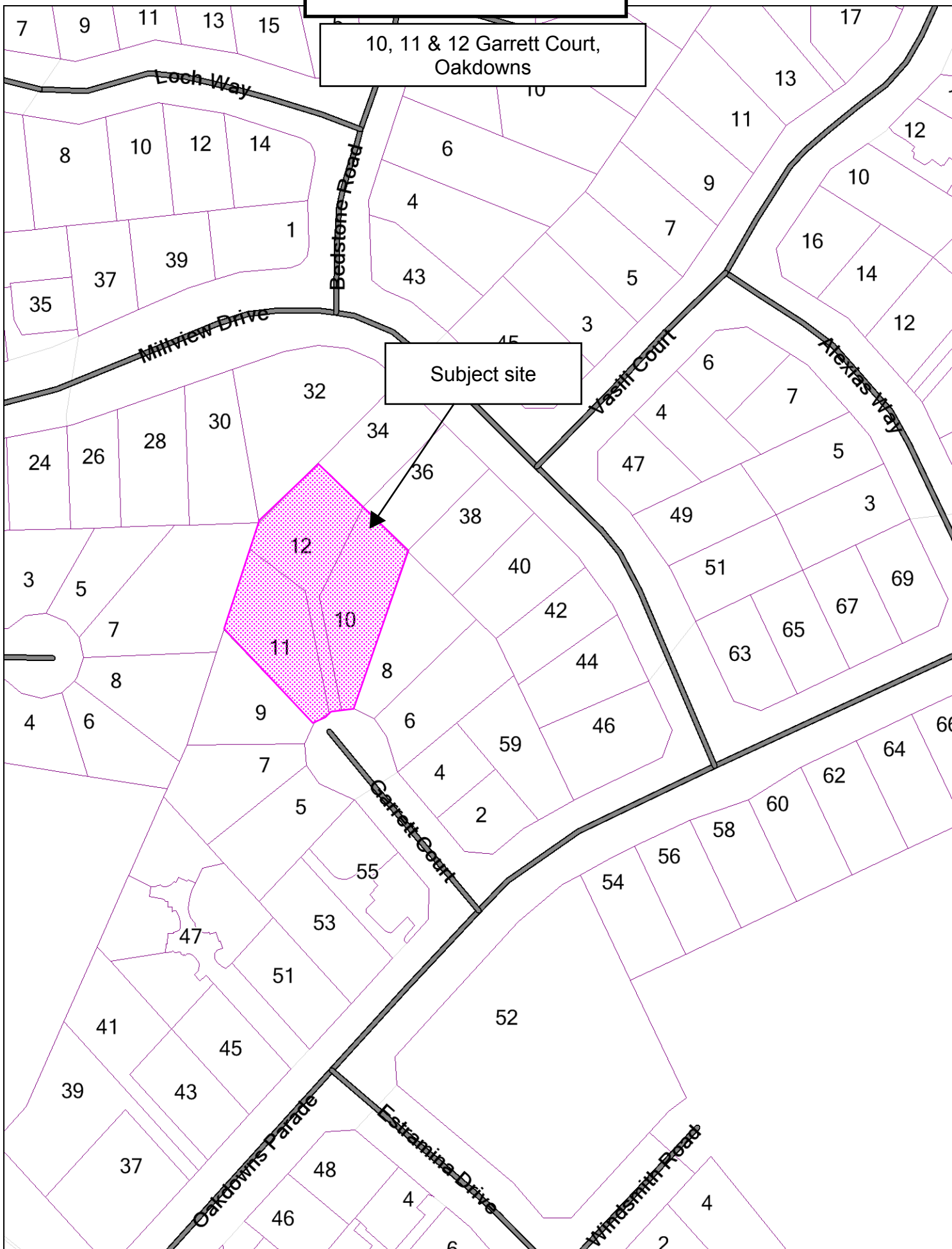
Attachments: 1. Location Plan (1)  
2. Proposal Plan (17)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

Attachment 1

10, 11 & 12 Garrett Court, Oakdowns
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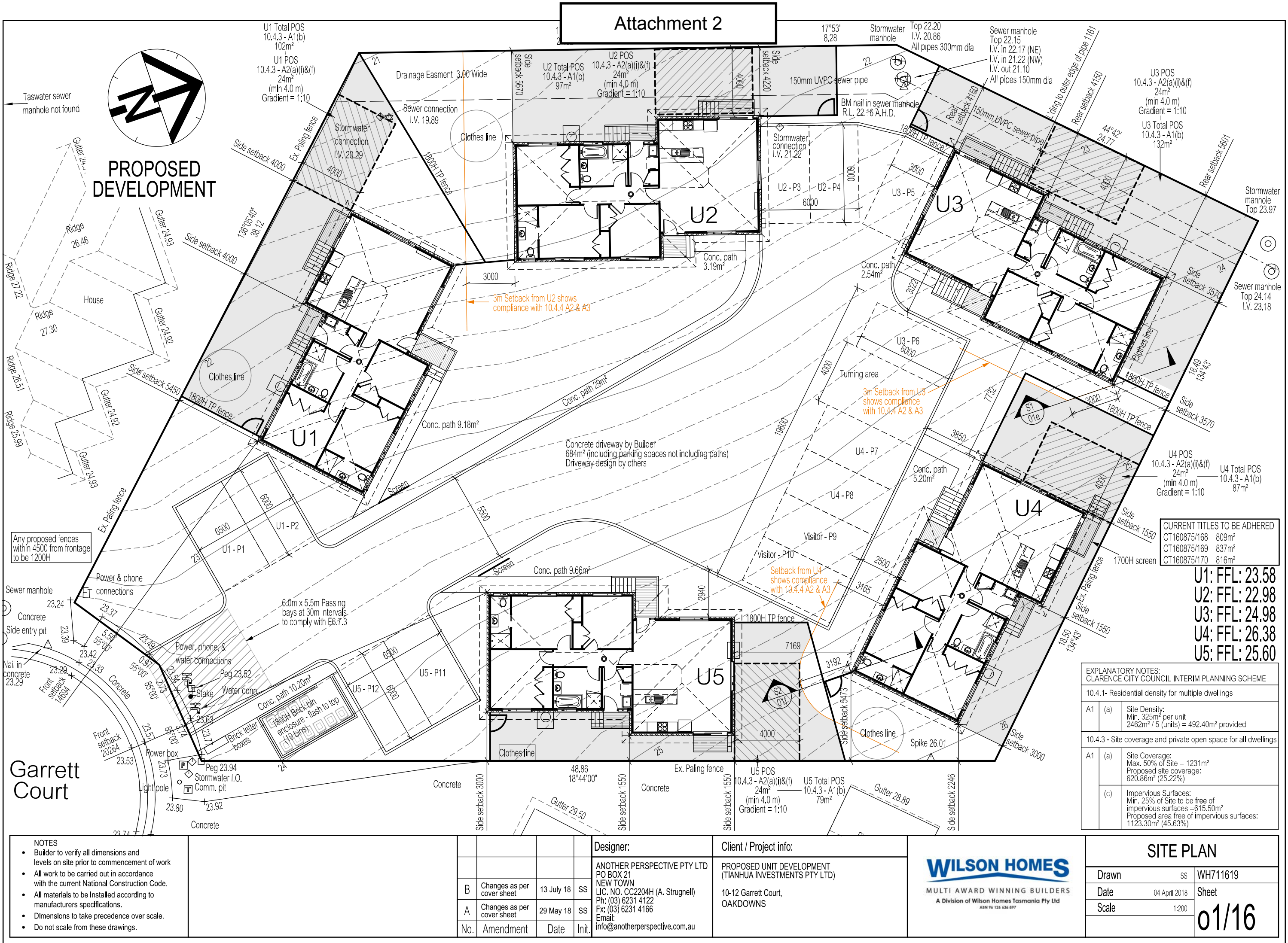
Subject site
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**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 30 August 2018 **Scale:** 1:1,422 @A4



# Attachment 2



Any proposed fences within 4500 from frontage to be 1200H

Garrett Court

- NOTES
- Builder to verify all dimensions and levels on site prior to commencement of work
  - All work to be carried out in accordance with the current National Construction Code.
  - All materials to be installed according to manufacturers specifications.
  - Dimensions to take precedence over scale.
  - Do not scale from these drawings.

No.	Amendment	Date	Init.
B	Changes as per cover sheet	13 July 18	SS
A	Changes as per cover sheet	29 May 18	SS
No.	Amendment	Date	Init.

Designer:  
ANOTHER PERSPECTIVE PTY LTD  
PO BOX 21  
NEW TOWN  
LIC. NO. CC2204H (A. Strugnelli)  
Ph: (03) 6231 4122  
Fx: (03) 6231 4166  
Email:  
info@anotherperspective.com.au

Client / Project info:  
PROPOSED UNIT DEVELOPMENT  
(TIANHUA INVESTMENTS PTY LTD)  
10-12 Garrett Court,  
OAKDOWNS

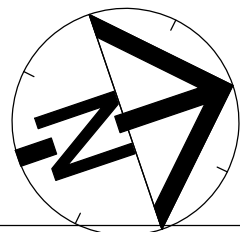
**WILSON HOMES**  
MULTI AWARD WINNING BUILDERS  
A Division of Wilson Homes Tasmania Pty Ltd  
ABN 76 126 436 877

EXPLANATORY NOTES: CLARENCE CITY COUNCIL INTERIM PLANNING SCHEME		
10.4.1- Residential density for multiple dwellings		
A1	(a)	Site Density: Min. 325m <sup>2</sup> per unit 2462m <sup>2</sup> / 5 (units) = 492.40m <sup>2</sup> provided
10.4.3 - Site coverage and private open space for all dwellings		
A1	(a)	Site Coverage: Max. 50% of Site = 1231m <sup>2</sup> Proposed site coverage: 620.86m <sup>2</sup> (25.22%)
	(c)	Impervious Surfaces: Min. 25% of Site to be free of impervious surfaces =615.50m <sup>2</sup> Proposed area free of impervious surfaces: 1123.30m <sup>2</sup> (45.63%)

SITE PLAN		
Drawn	SS	WH711619
Date	04 April 2018	Sheet
Scale	1:200	

01/16



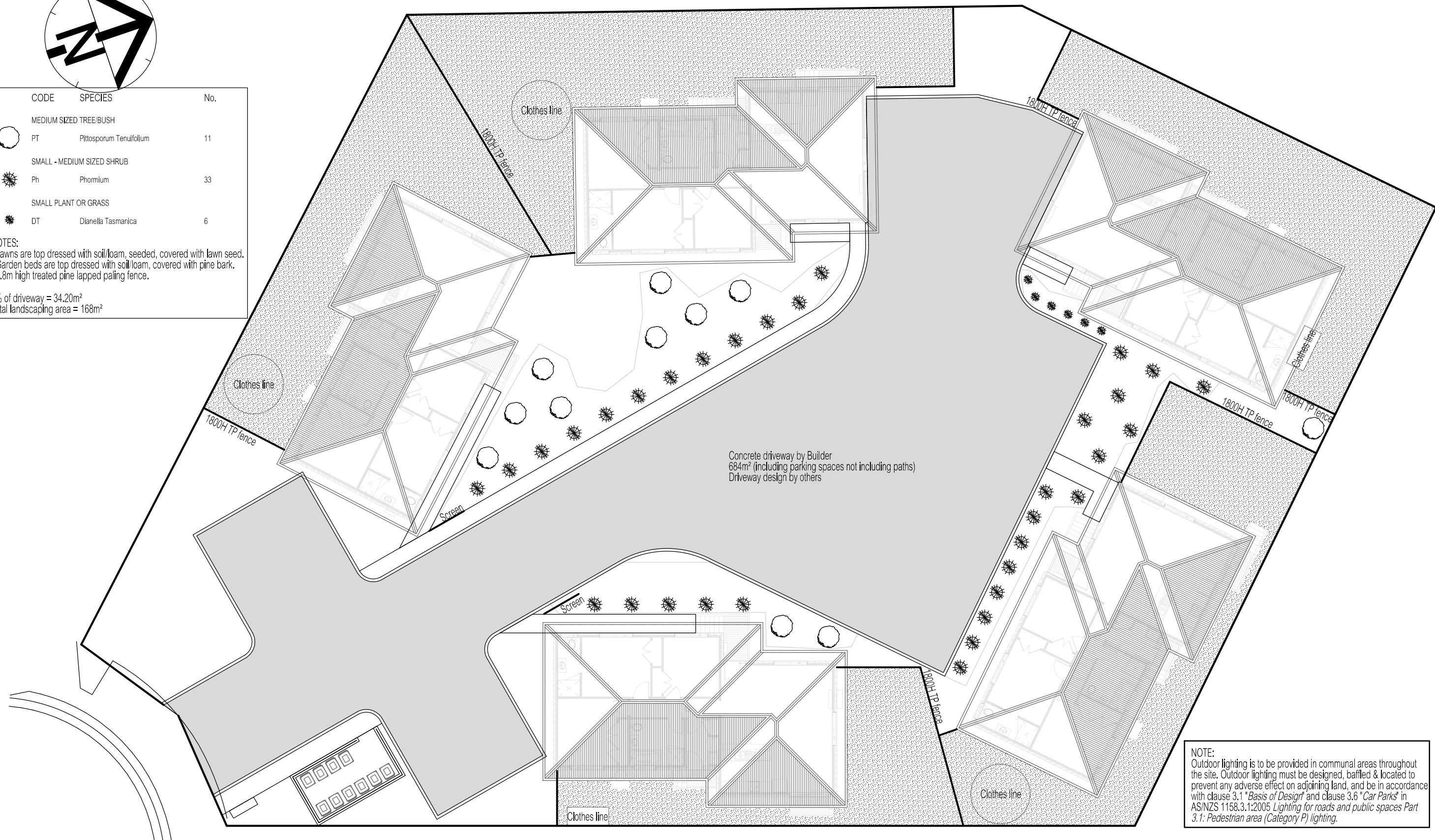


CODE	SPECIES	No.
MEDIUM SIZED TREE/BUSH		
PT	Pittosporum Tenuifolium	11
SMALL - MEDIUM SIZED SHRUB		
Ph	Phormium	33
SMALL PLANT OR GRASS		
DT	Dianella Tasmanica	6

NOTES:

- Lawns are top dressed with soil/loam, seeded, covered with lawn seed.
- Garden beds are top dressed with soil/loam, covered with pine bark.
- 1.8m high treated pine lapped paling fence.

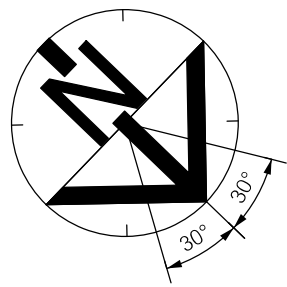
5% of driveway = 34.20m<sup>2</sup>  
Total landscaping area = 168m<sup>2</sup>



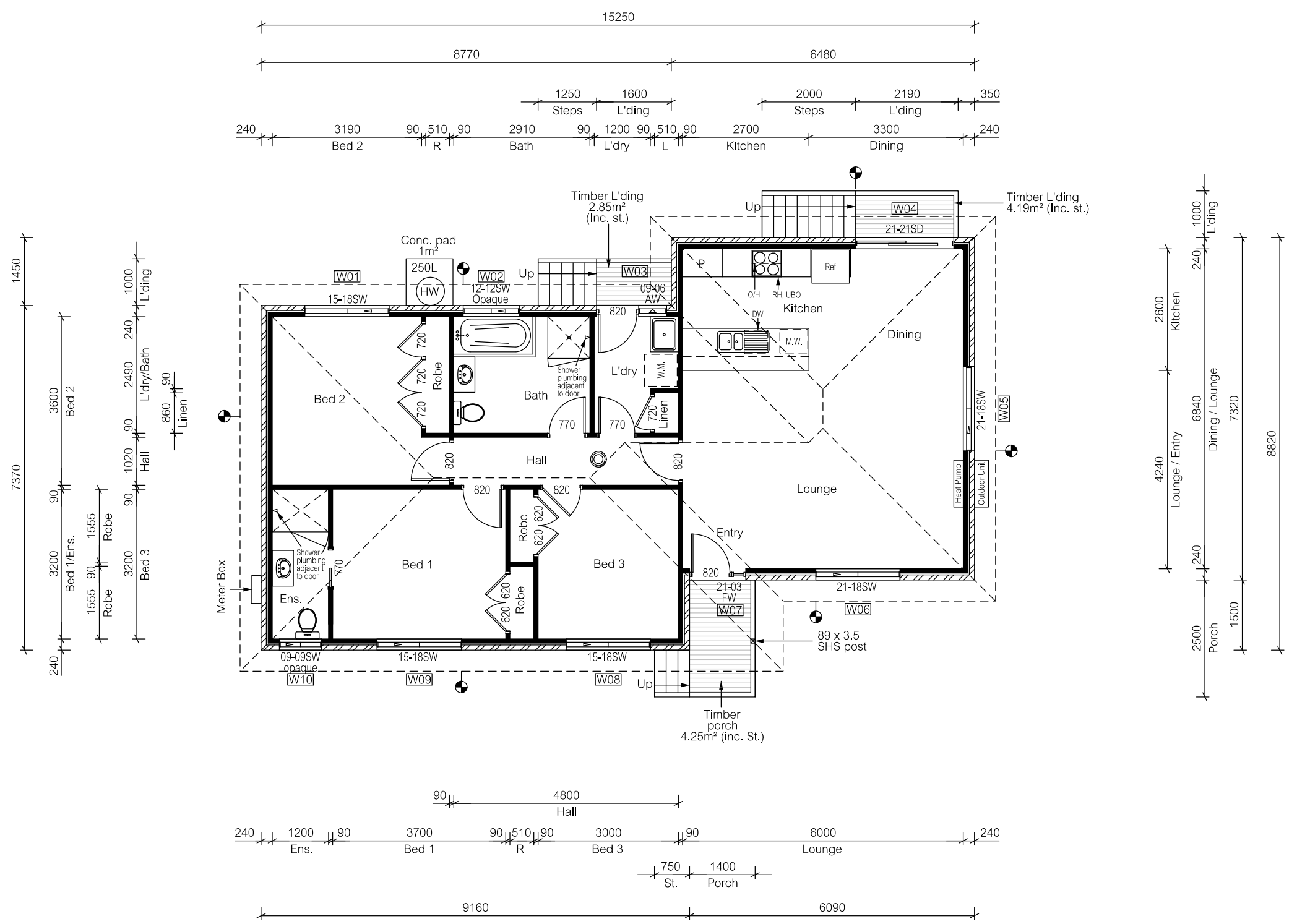
NOTE:  
Outdoor lighting is to be provided in communal areas throughout the site. Outdoor lighting must be designed, baffled & located to prevent any adverse effect on adjoining land, and be in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.

<div>NOTES</div> <ul style="list-style-type: none"><li>• Builder to verify all dimensions and levels on site prior to commencement of work</li><li>• All work to be carried out in accordance with the current National Construction Code.</li><li>• All materials to be installed according to manufacturers specifications.</li><li>• Dimensions to take precedence over scale.</li><li>• Do not scale from these drawings.</li></ul>					Designer:	Client / Project info:	<div><p>WILSON HOMES</p><p>MULTI AWARD WINNING BUILDERS</p><p>A Division of Wilson Homes Tasmania Pty Ltd</p><p>ABN 76 126 436 877</p></div>	LANDSCAPING PLAN		
					ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN LIC. NO. CC2204H (A. Strugnelli) Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au	PROPOSED UNIT DEVELOPMENT (TIANHUA INVESTMENTS PTY LTD)  10-12 Garrett Court, OAKDOWNS		Drawn	SS	WH711619
								Date	04 April 2018	Sheet
								Scale	1:200	o1d/16
			No.	Amendment	Date	Init.				

NOTE: For lightweight cladding, dimensioning is to external edge of studwork NOT to cladding.



PD4.1 clause 10.4.4  
W04 - W06 satisfy P1.



- NOTES
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FLOOR AREA = 112.65 sqm

- Articulation joints
- Smoke Alarm (interconnected where more than 1)

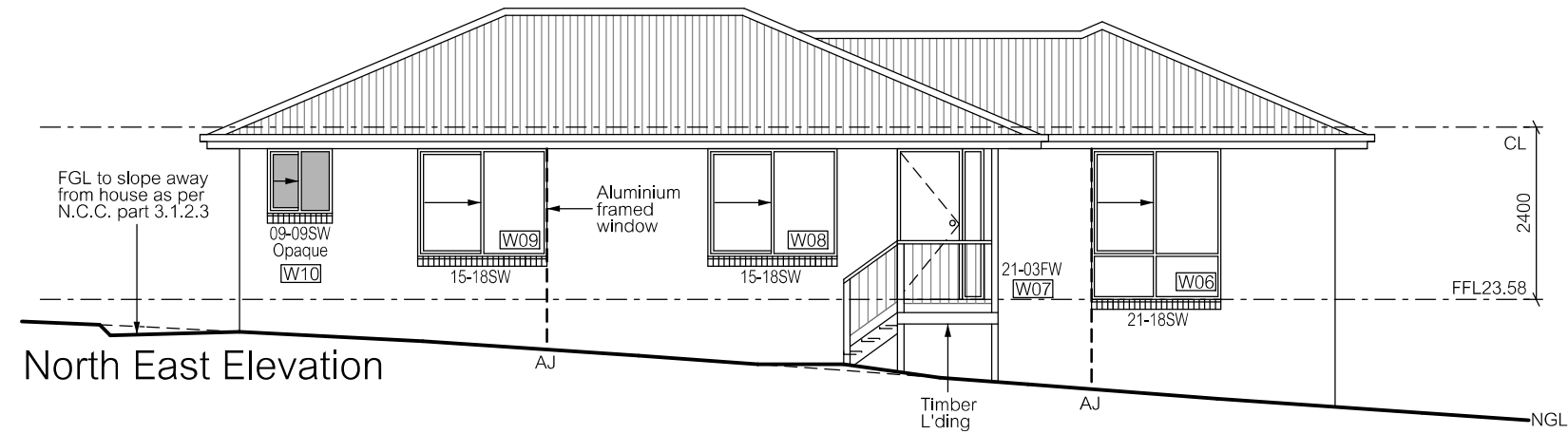
ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.

No.	Amendment	Date	Init.	Designer:
				ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN LIC. NO. CC2204H (A. Strugnelli) Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au

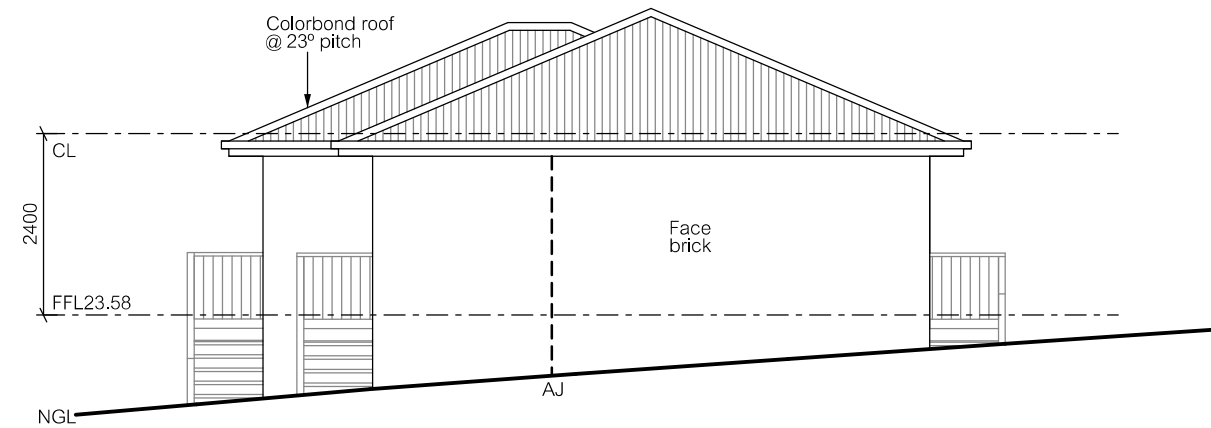
Client / Project info:
PROPOSED UNIT DEVELOPMENT (TIANHUA INVESTMENTS PTY LTD)  10-12 Garrett Court, OAKDOWNS



UNIT 1 FLOOR PLAN	
Drawn	SS WH711619
Date	04 April 2018 Sheet
Scale	1:100
WILSON HOMES © 2018	
02/16	



North East Elevation



South East Elevation

- NOTES
- Builder to verify all dimensions and levels on site prior to commencement of work
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ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.

No.	Amendment	Date	Init.

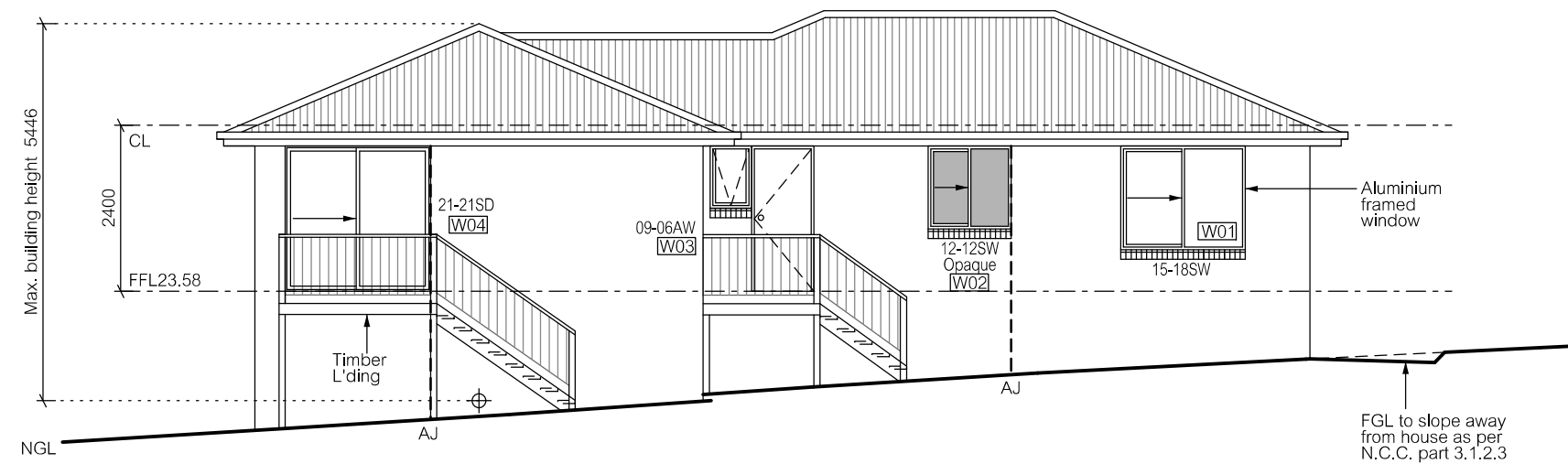
Designer:  
ANOTHER PERSPECTIVE PTY LTD  
PO BOX 21  
NEW TOWN  
LIC. NO. CC2204H (A. Strugnelli)  
Ph: (03) 6231 4122  
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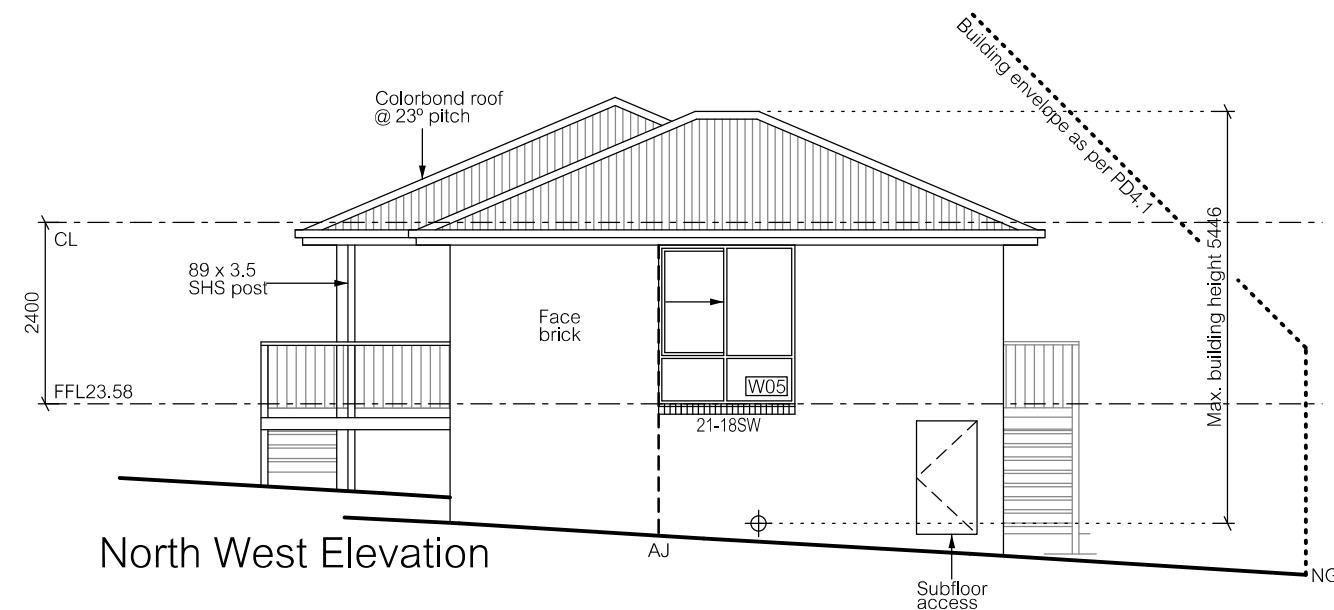
**WILSON HOMES**  
MULTI AWARD WINNING BUILDERS  
A Division of Wilson Homes Tasmania Pty Ltd  
ABN 96 126 436 897

UNIT 1 ELEVATIONS SHEET 1		
Drawn	SS	WH711619
Date	04 April 2018	Sheet
Scale	1:100	03/16
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South West Elevation



North West Elevation

NOTES

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UNIT 1 ELEVATIONS SHEET 2

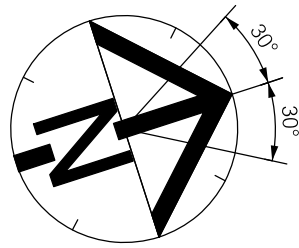
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Date 04 April 2018 Sheet

Scale 1:100

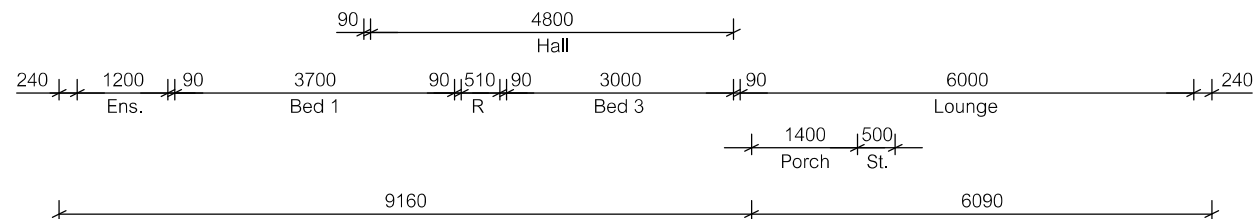
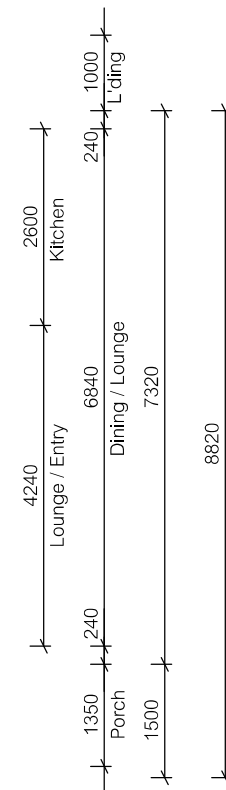
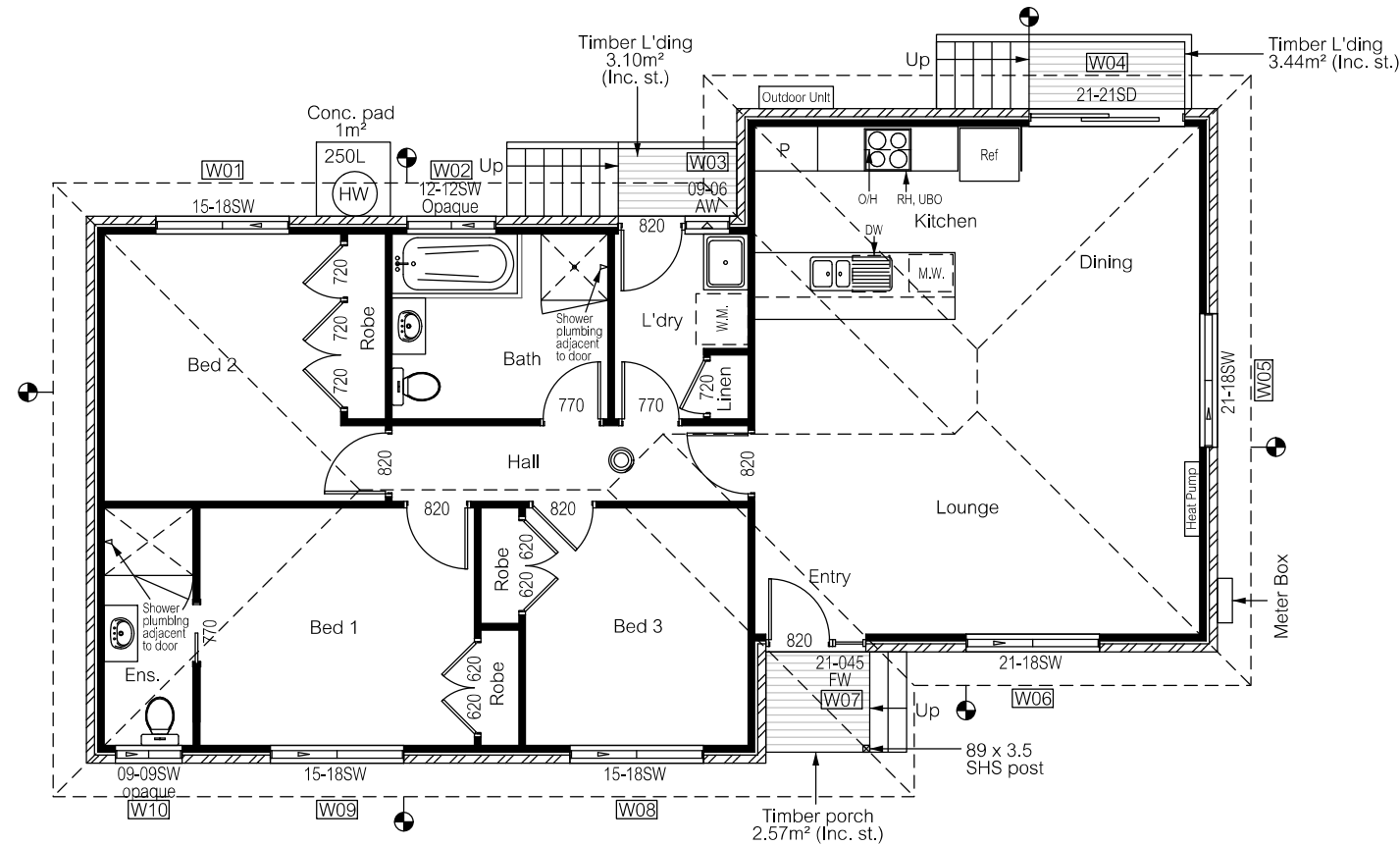
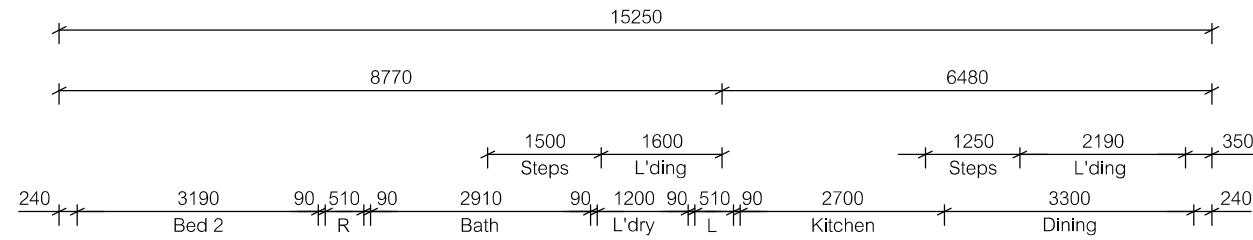
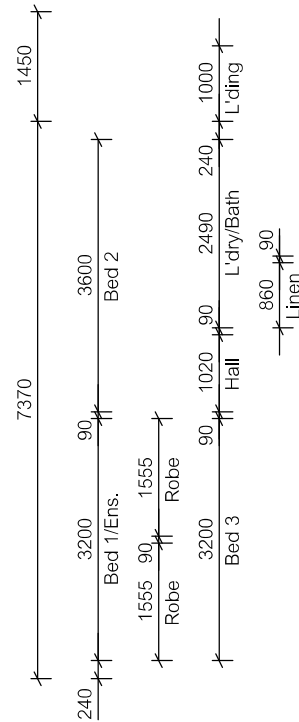
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04/16



PD4.1 clause 10.4.4  
W05 satisfy A1.

NOTE: For lightweight  
cladding, dimensioning is to  
external edge of studwork  
NOT to cladding.



#### NOTES

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FLOOR AREA = 112.65 sqm



Articulation joints



Smoke Alarm (interconnected where more than 1)

ALL window sizes to be  
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glazing units.

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#### Client / Project info:

PROPOSED UNIT DEVELOPMENT  
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10-12 Garrett Court,  
OAKDOWNS

**WILSON HOMES**  
MULTI AWARD WINNING BUILDERS  
A Division of Wilson Homes Tasmania Pty Ltd  
ABN 96 126 436 897

#### UNIT 2 FLOOR PLAN

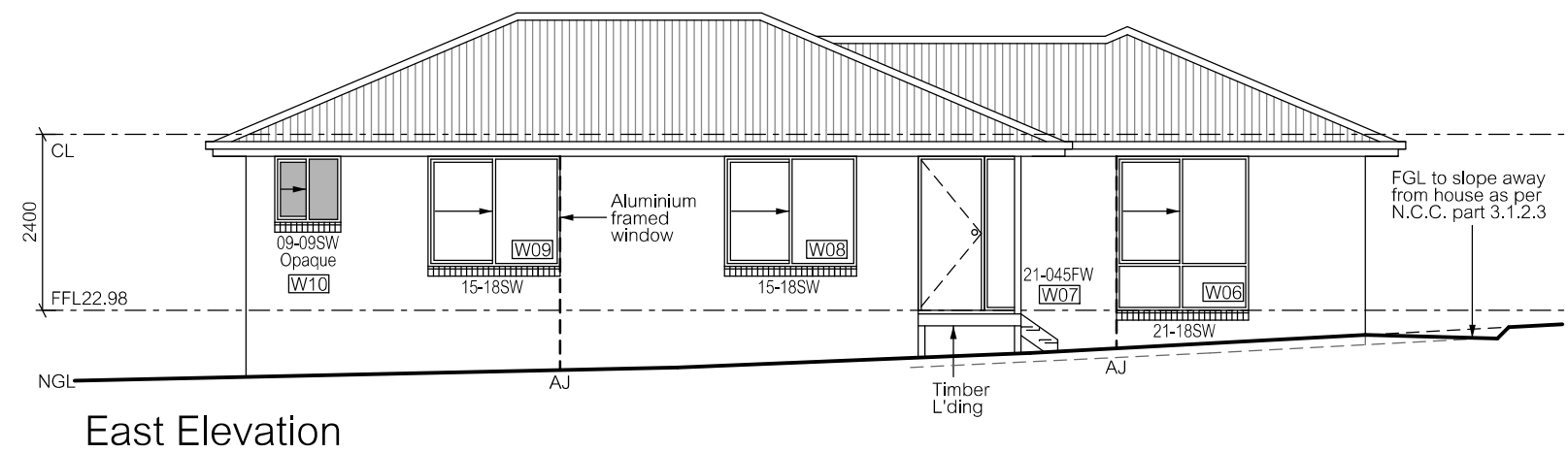
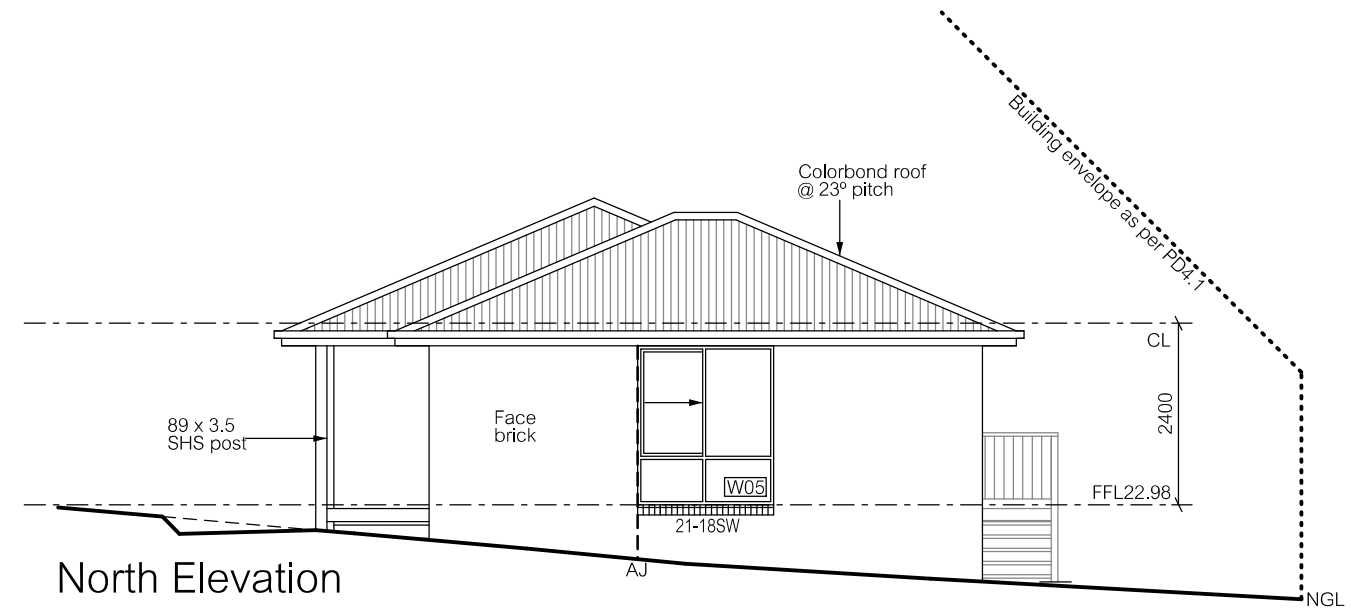
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Date 04 April 2018 Sheet

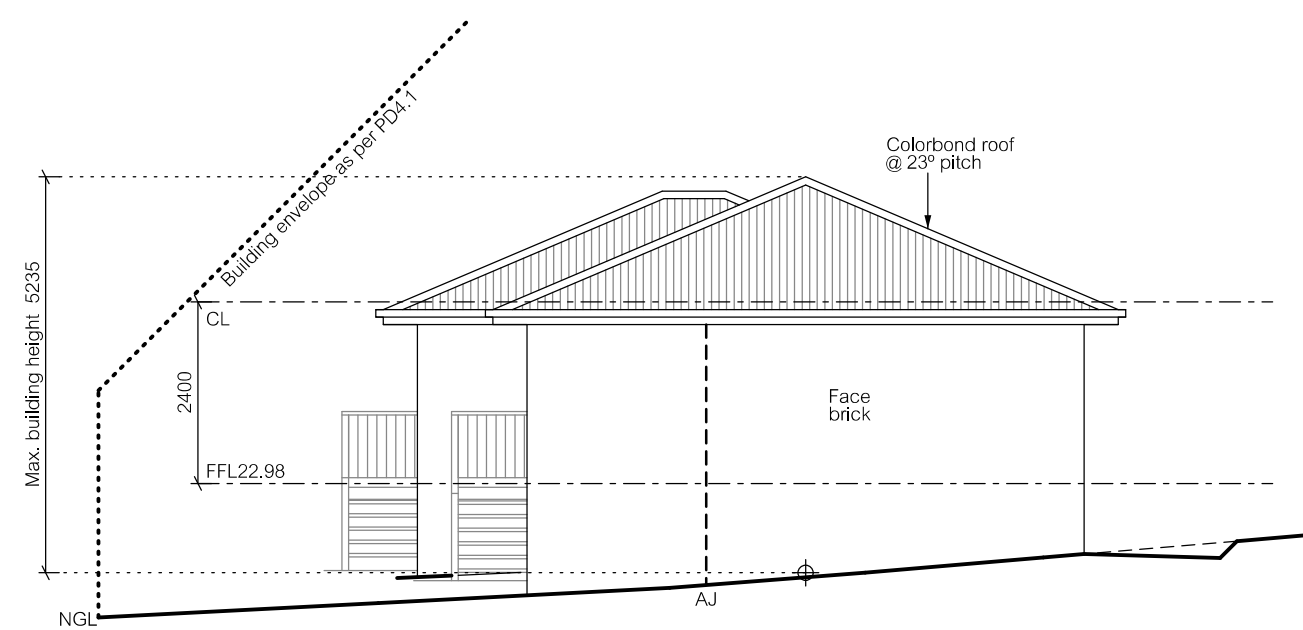
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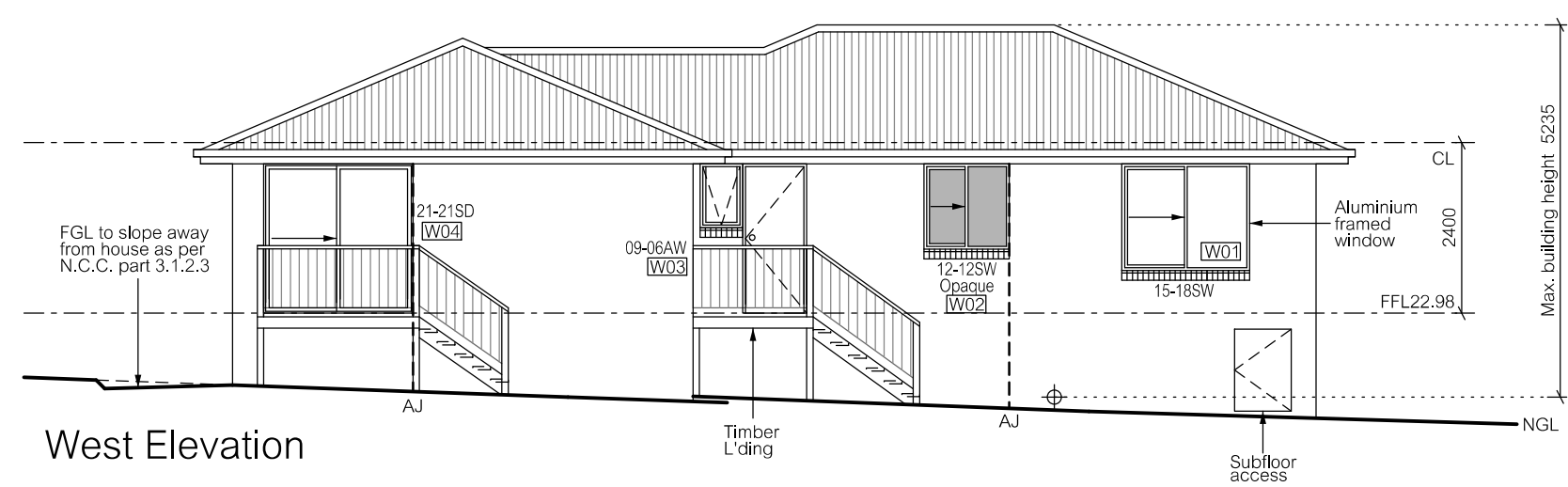
05/16



<p>NOTES</p> <ul style="list-style-type: none"> <li>Builder to verify all dimensions and levels on site prior to commencement of work</li> <li>All work to be carried out in accordance with the current National Construction Code.</li> <li>All materials to be installed according to manufacturers specifications.</li> <li>Dimensions to take precedence over scale.</li> <li>Do not scale from these drawings.</li> </ul>	<p>ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.</p>				Designer:	Client / Project info:	<p><b>WILSON HOMES</b></p> <p>MULTI AWARD WINNING BUILDERS</p> <p>A Division of Wilson Homes Tasmania Pty Ltd</p> <p>ABN 96 126 436 897</p>	UNIT 2 ELEVATIONS SHEET 1	
					ANOTHER PERSPECTIVE PTY LTD	PROPOSED UNIT DEVELOPMENT		Drawn	SS
					PO BOX 21	(TIANHUA INVESTMENTS PTY LTD)		Date	04 April 2018
					NEW TOWN	10-12 Garrett Court,		Scale	1:100
					LIC. NO. CC2204H (A. Strugnelli)	OAKDOWNS		WILSON HOMES © 2018	
		No.	Amendment	Date	Init.	info@anotherperspective.com.au		06/16	



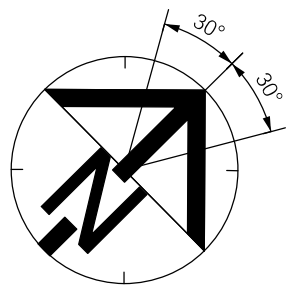
South Elevation



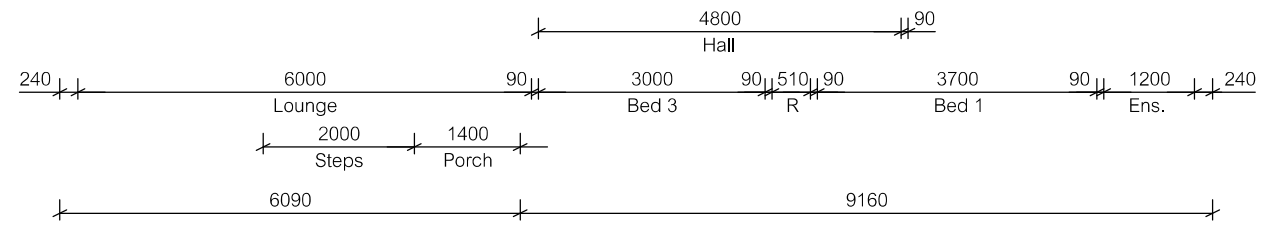
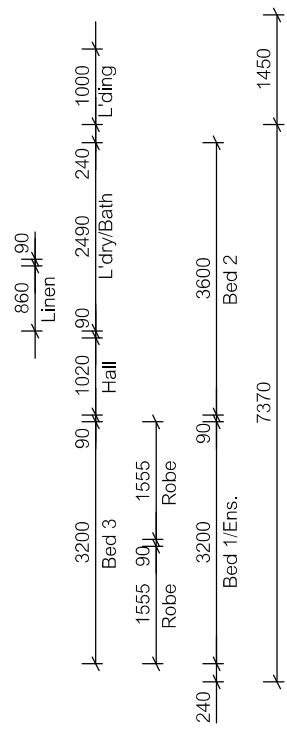
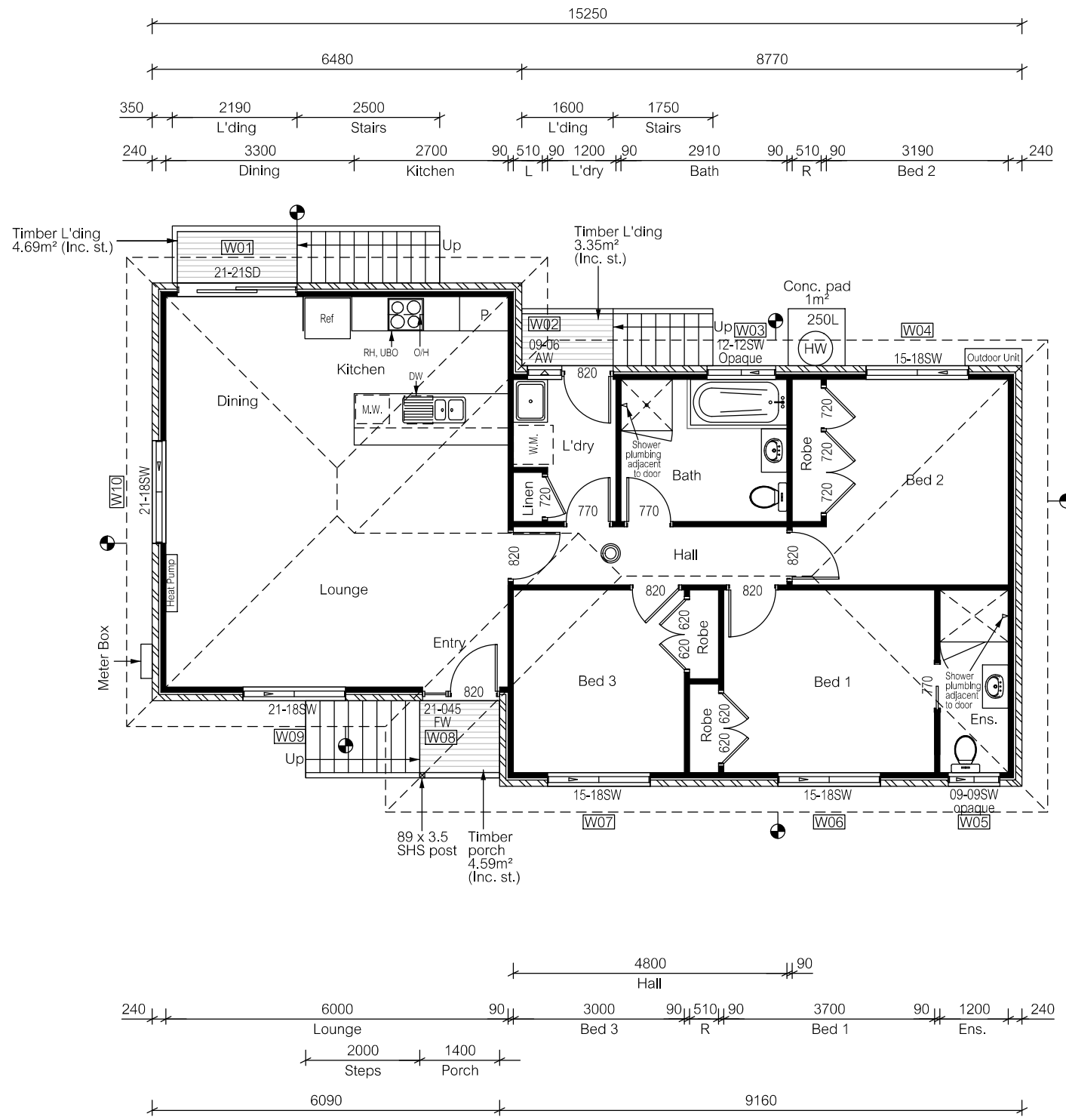
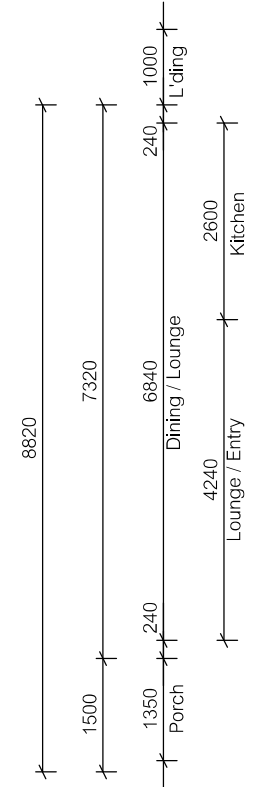
West Elevation

<p>NOTES</p> <ul style="list-style-type: none"> <li>Builder to verify all dimensions and levels on site prior to commencement of work</li> <li>All work to be carried out in accordance with the current National Construction Code.</li> <li>All materials to be installed according to manufacturers specifications.</li> <li>Dimensions to take precedence over scale.</li> <li>Do not scale from these drawings.</li> </ul>	<p>ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.</p>				Designer:	Client / Project info:	<p><b>WILSON HOMES</b></p> <p>MULTI AWARD WINNING BUILDERS</p> <p>A Division of Wilson Homes Tasmania Pty Ltd ABN 76 126 436 897</p>	UNIT 2 ELEVATIONS SHEET 2	
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					PO BOX 21	(TIANHUA INVESTMENTS PTY LTD)		Date	04 April 2018 Sheet
					NEW TOWN	10-12 Garrett Court,		Scale	1:100
					LIC. NO. CC2204H (A. Strugnelli)	OAKDOWNS		07/16	
		No.	Amendment	Date	Init.	info@anotherperspective.com.au		WILSON HOMES © 2018	

NOTE: For lightweight cladding, dimensioning is to external edge of studwork NOT to cladding.

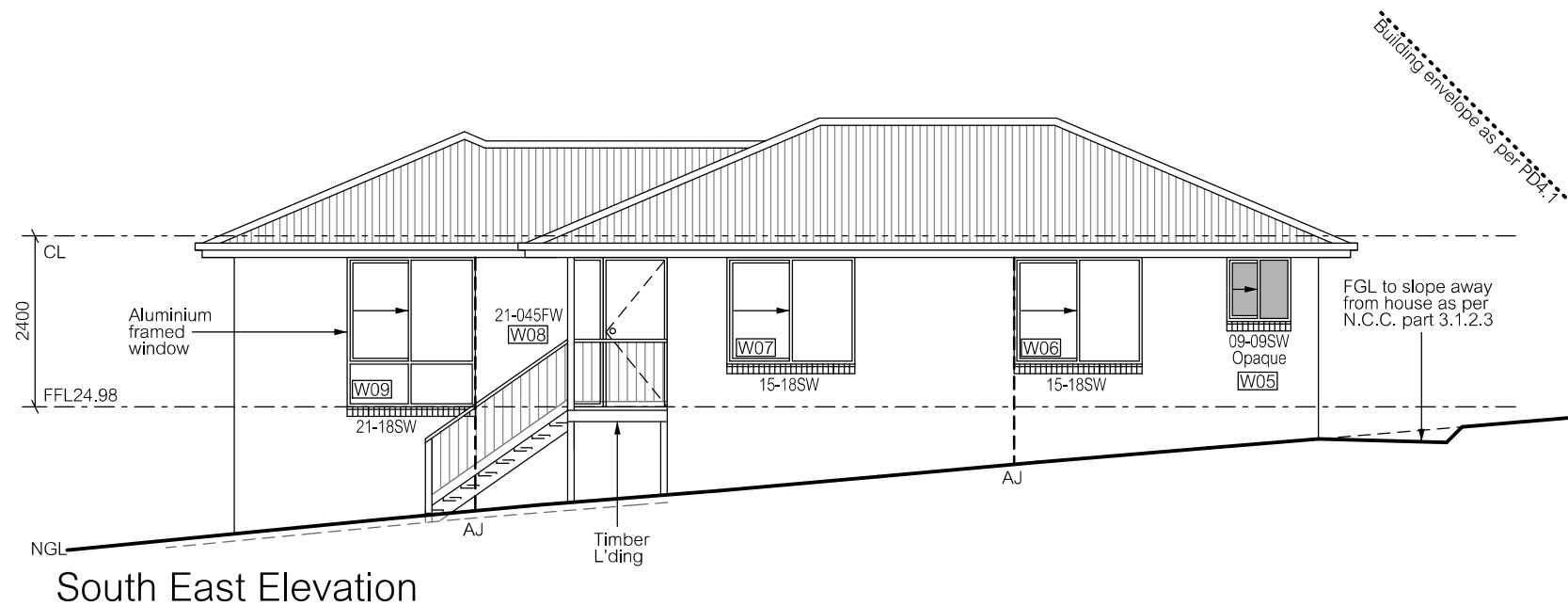
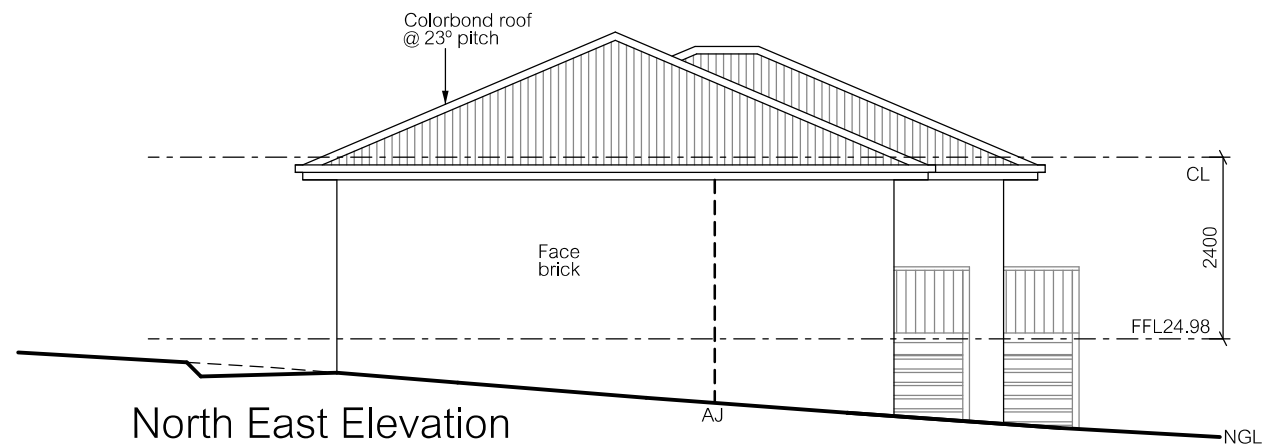


PD4.1 clause 10.4.4  
W01 satisfy P1.



<div>NOTES</div> <ul style="list-style-type: none"><li>• Builder to verify all dimensions and levels on site prior to commencement of work</li><li>• All work to be carried out in accordance with the current National Construction Code.</li><li>• All materials to be installed according to manufacturers specifications.</li><li>• Dimensions to take precedence over scale.</li><li>• Do not scale from these drawings.</li></ul>	<div>FLOOR AREA = 112.65 sqm</div> <div> Articulation joints</div> <div> Smoke Alarm (interconnected where more than 1)</div>	<div>ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.</div>					Designer:	Client / Project info:	<div> MULTI AWARD WINNING BUILDERS A Division of Wilson Homes Tasmania Pty Ltd ABN 76 126 436 877</div>	UNIT 3 FLOOR PLAN		
							ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN LIC. NO. CC2204H (A. Strugnelli) Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au	PROPOSED UNIT DEVELOPMENT (TIANHUA INVESTMENTS PTY LTD)  10-12 Garrett Court, OAKDOWNS		Drawn	SS	WH711619
										Date	04 April 2018	Sheet
										Scale	1:100	08/16
			No.	Amendment	Date	Init.				WILSON HOMES © 2018		





- NOTES
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ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.

No.	Amendment	Date	Init.

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info@anotherperspective.com.au

Client / Project info:

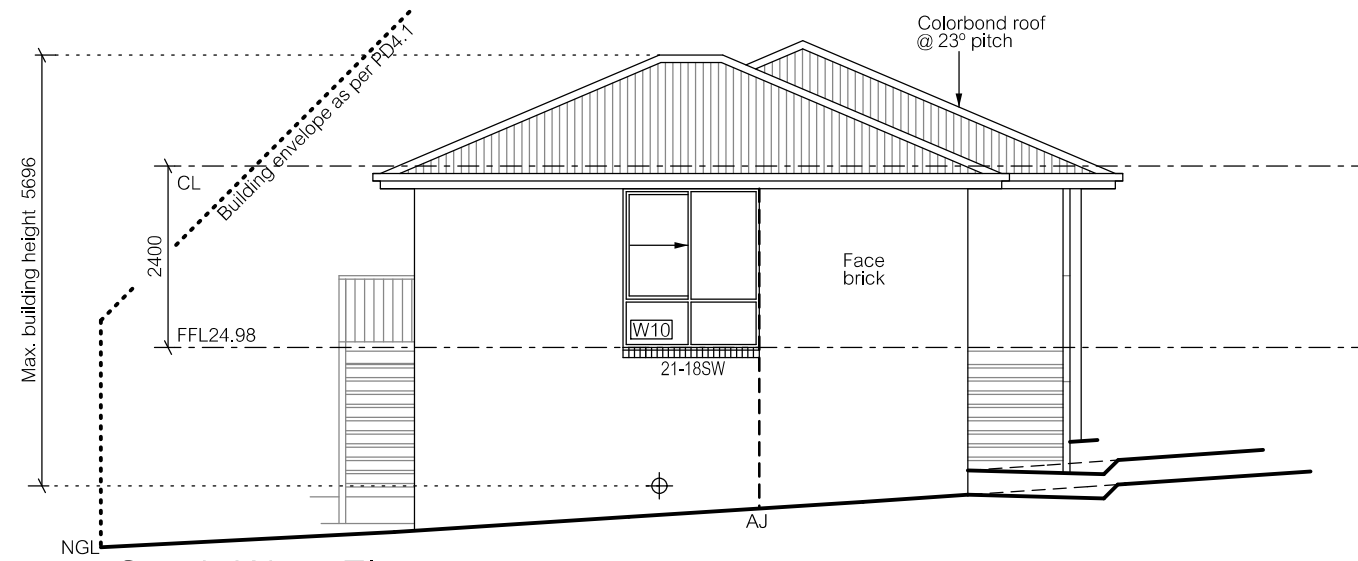
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10-12 Garrett Court,  
OAKDOWNS

**WILSON HOMES**

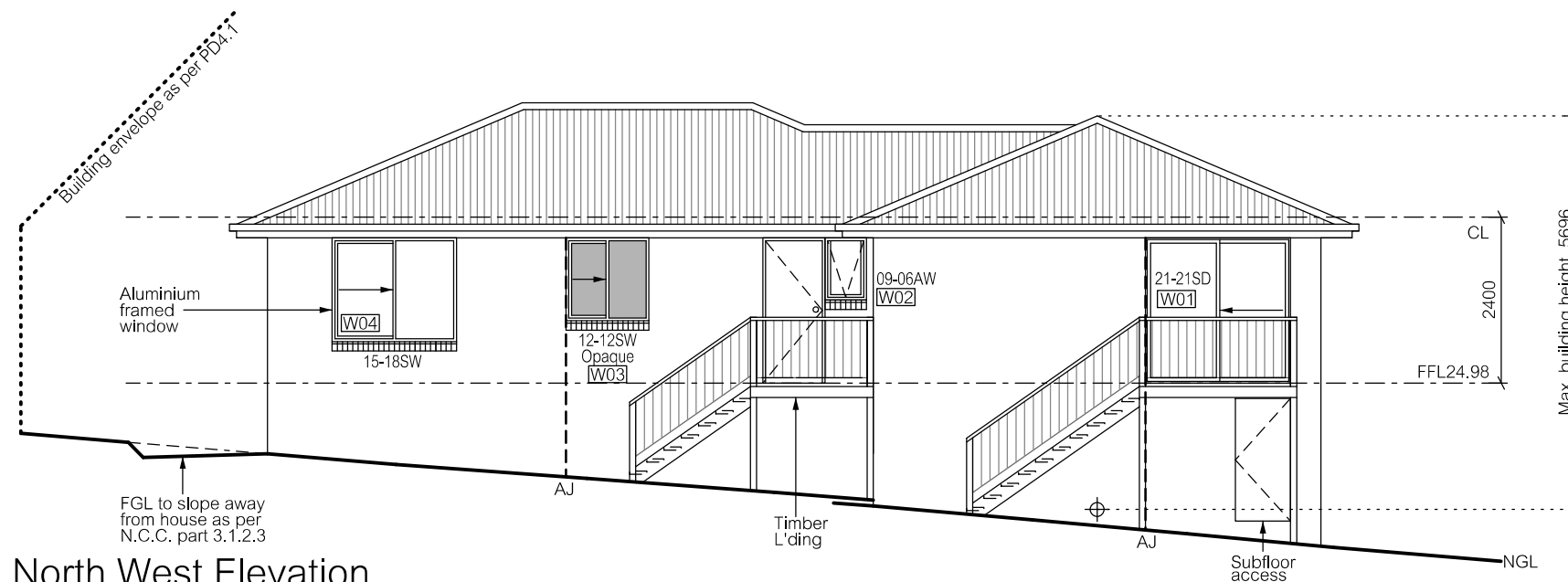
MULTI AWARD WINNING BUILDERS

A Division of Wilson Homes Tasmania Pty Ltd  
ABN 96 126 436 897

UNIT 3 ELEVATIONS SHEET 1		
Drawn	SS	WH711619
Date	04 April 2018	Sheet
Scale	1:100	09/16
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South West Elevation



North West Elevation

NOTES

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10-12 Garrett Court,  
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UNIT 3 ELEVATIONS SHEET 2

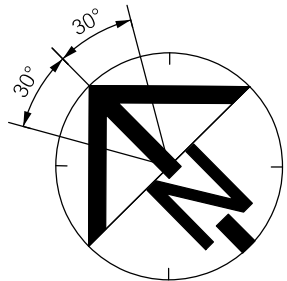
Drawn SS WH711619

Date 04 April 2018 Sheet

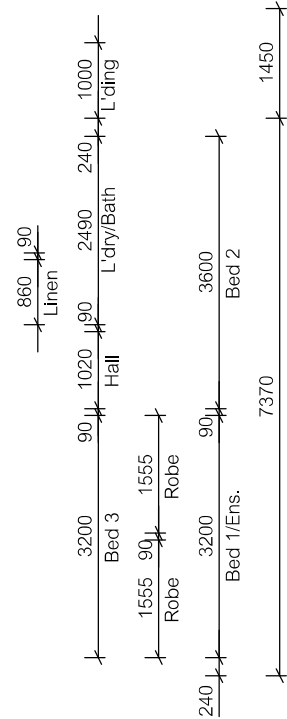
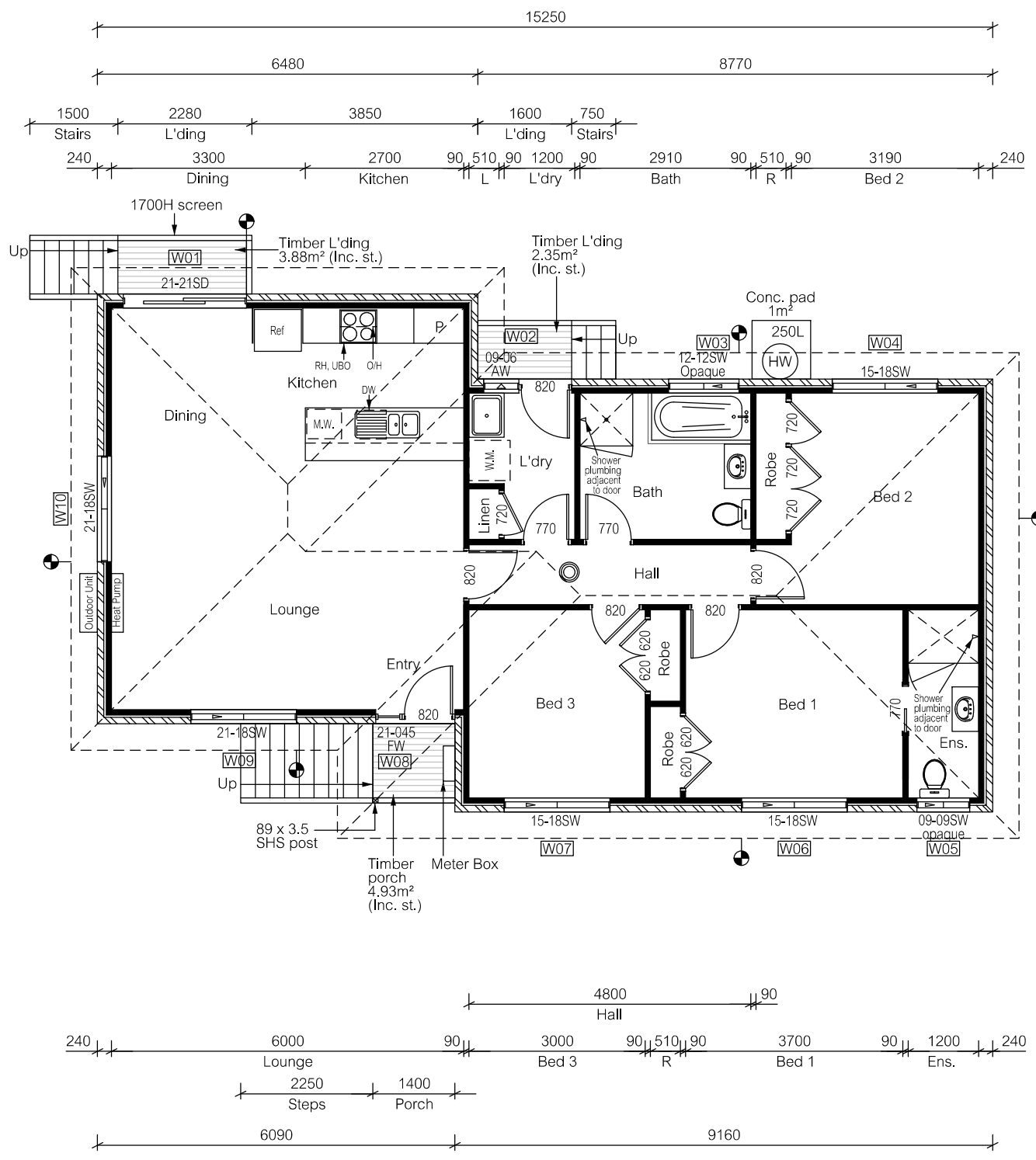
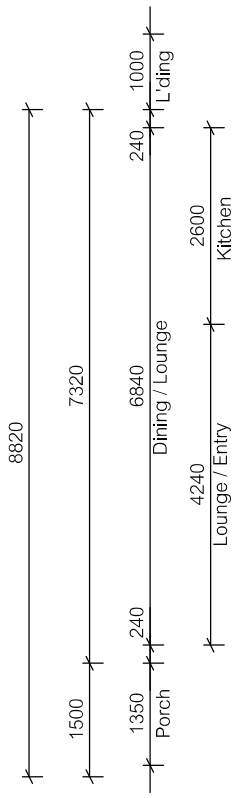
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NOTE: For lightweight cladding, dimensioning is to external edge of studwork NOT to cladding.



PD4.1 clause 10.4.4  
W01 & W10 satisfy P1.



- NOTES
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  - Do not scale from these drawings.

FLOOR AREA = 112.65 sqm

- Articulation joints
- Smoke Alarm (interconnected where more than 1)

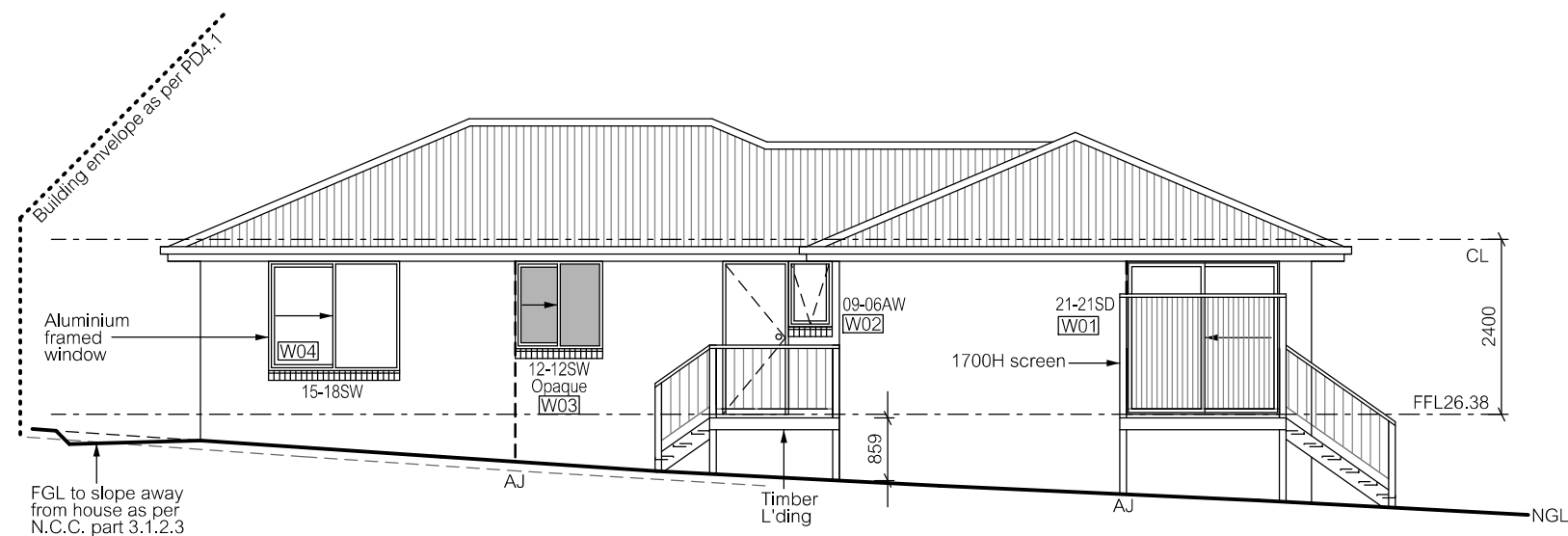
ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.

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A	Changes as per cover sheet	29 May 18	SS	
No.	Amendment	Date	Init.	

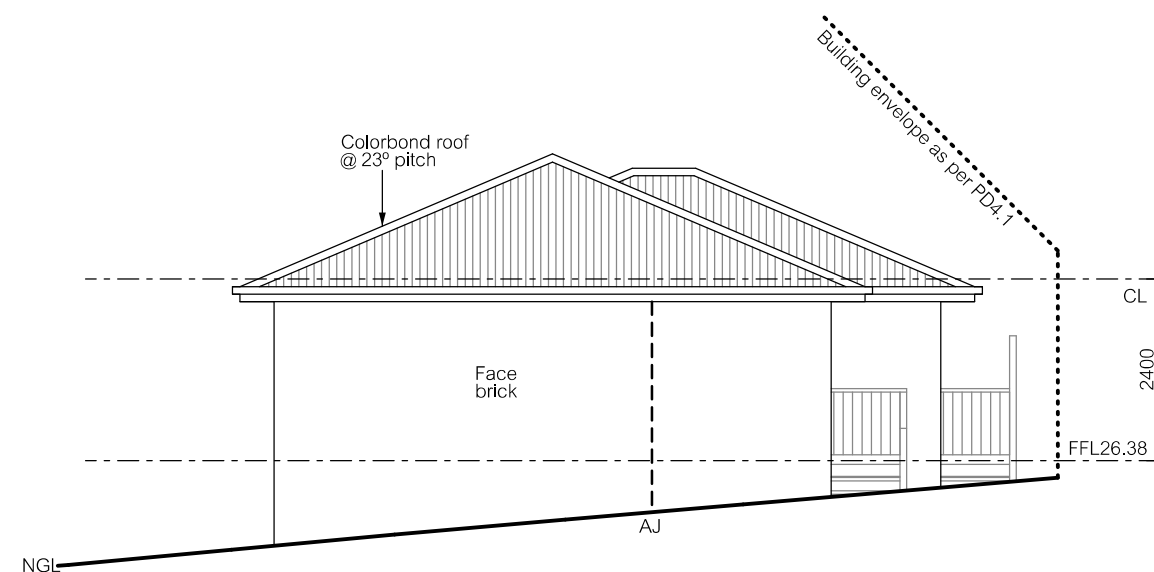
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PROPOSED UNIT DEVELOPMENT (TIANHUA INVESTMENTS PTY LTD)  10-12 Garrett Court, OAKDOWNS



UNIT 4 FLOOR PLAN	
Drawn	SS WH711619
Date	04 April 2018 Sheet
Scale	1:100
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11/16	



North East Elevation



South East Elevation

- NOTES**
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  - All work to be carried out in accordance with the current National Construction Code.
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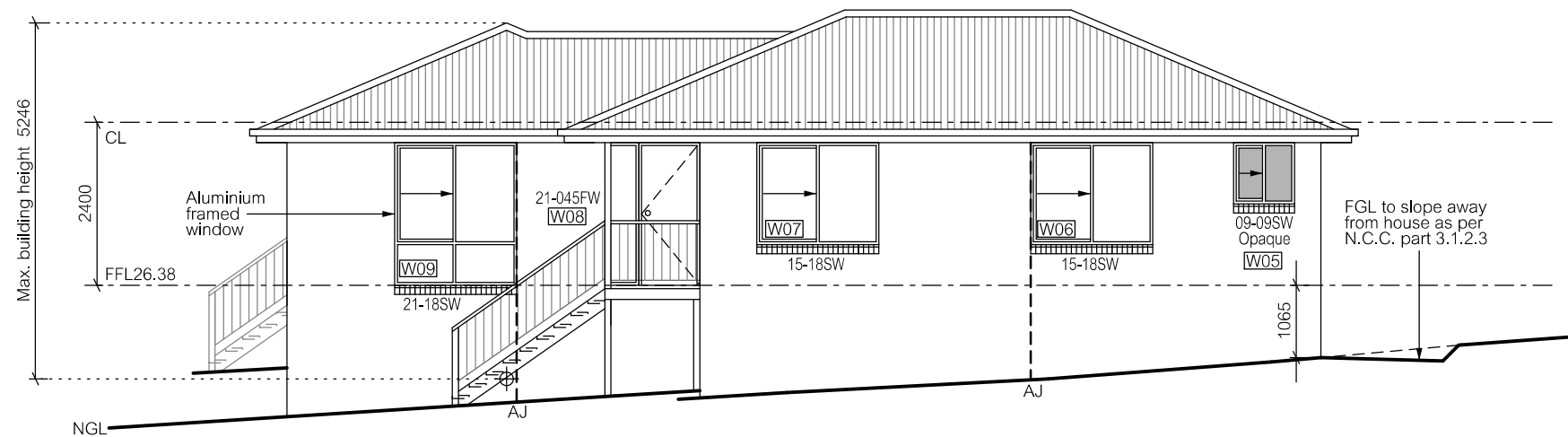
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No.	Amendment	Date	Init.	

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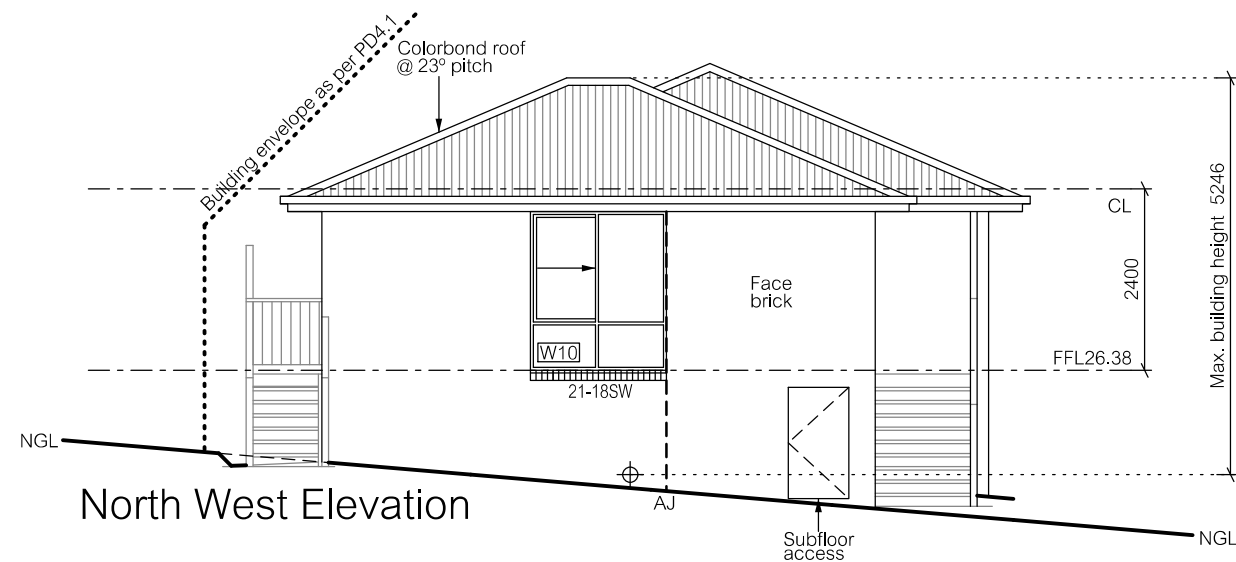
PROPOSED UNIT DEVELOPMENT  
(TIANHUA INVESTMENTS PTY LTD)  
10-12 Garrett Court,  
OAKDOWNS

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UNIT 4 ELEVATIONS SHEET 1		
Drawn	SS	WH711619
Date	04 April 2018	Sheet
Scale	1:100	12/16
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South West Elevation



North West Elevation

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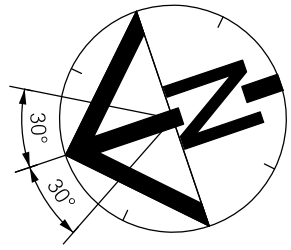
Client / Project info:

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(TIANHUA INVESTMENTS PTY LTD)  
10-12 Garrett Court,  
OAKDOWNS

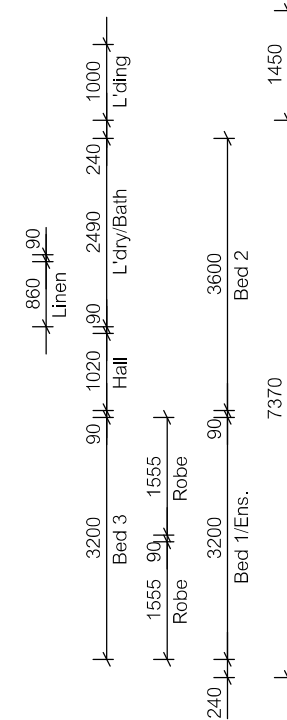
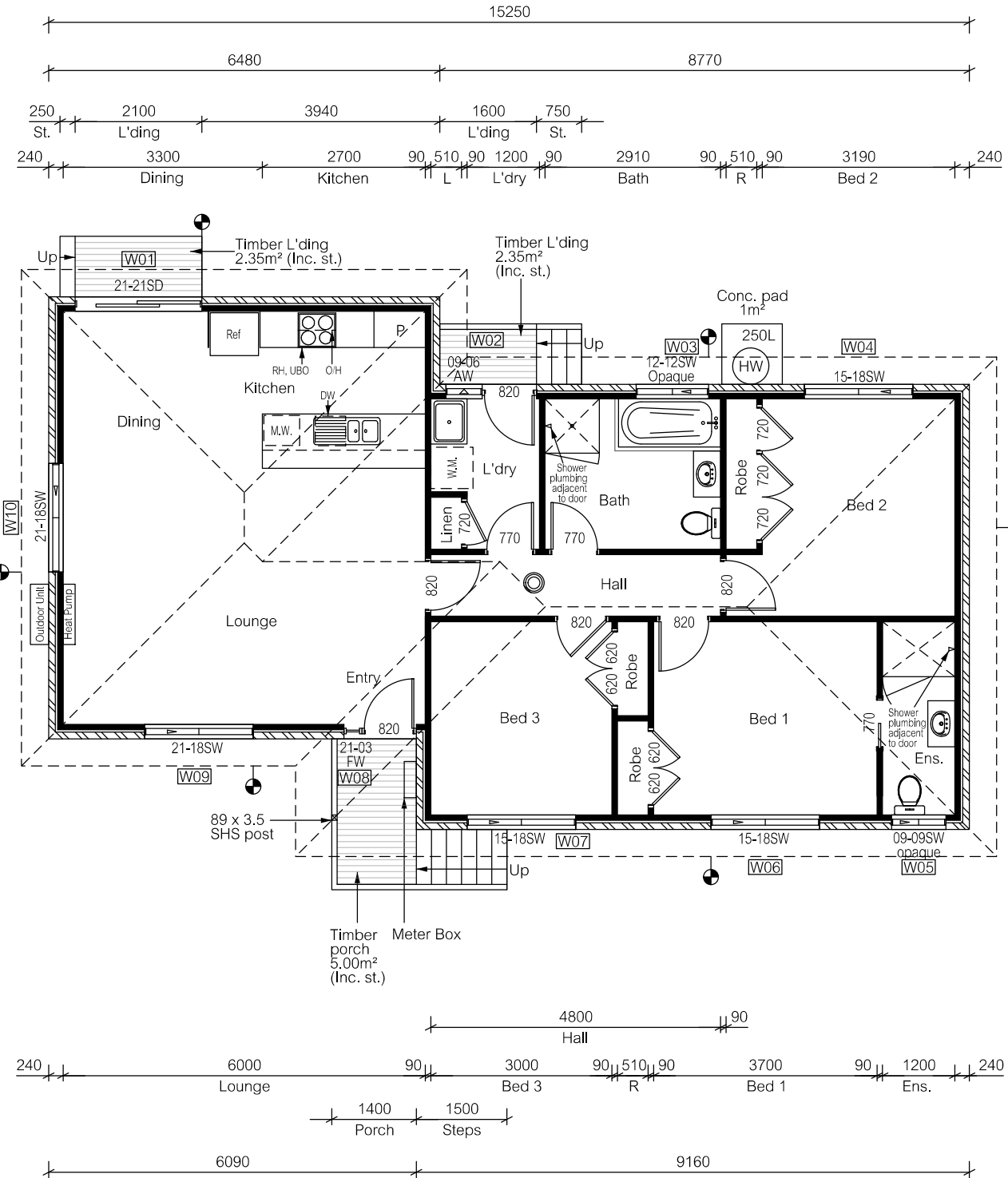
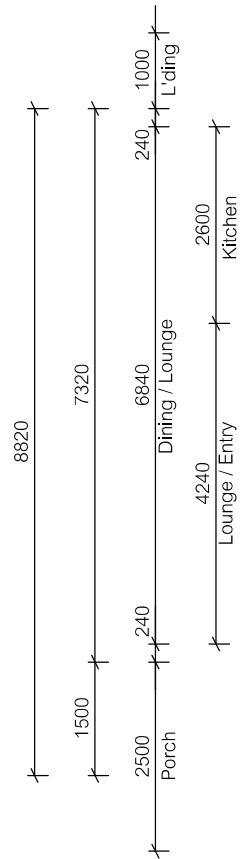
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UNIT 4 ELEVATIONS SHEET 2		
Drawn	SS	WH711619
Date	04 April 2018	Sheet
Scale	1:100	13/16
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NOTE: For lightweight cladding, dimensioning is to external edge of studwork NOT to cladding.



PD4.1 clause 10.4.4  
W10 satisfy A1.



- ### NOTES
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FLOOR AREA = 112.65 sqm



## Articulation joints



Smoke Alarm (interconnected where more than 1)

ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.

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No.	Amendment	Date	Init.		

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OAKDOWNS

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info@anotherperspective.com.au

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MULTI AWARD WINNING BUILDERS  
A Division of Wilson Homes Tasmania Pty Ltd  
ABN 96 126 636 897

## UNIT 5 FLOOR PLAN

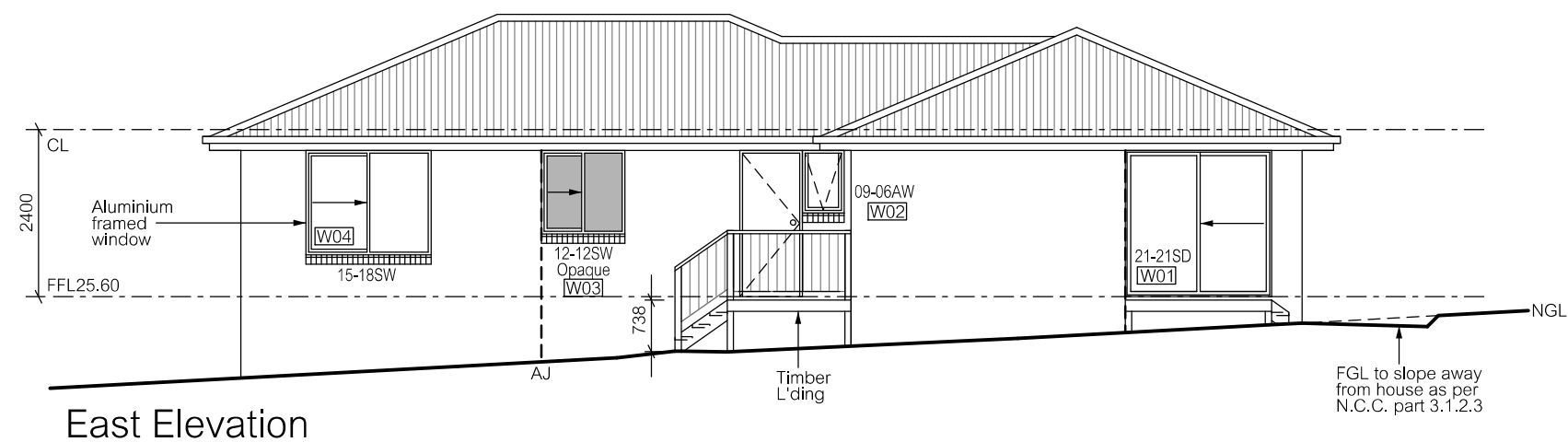
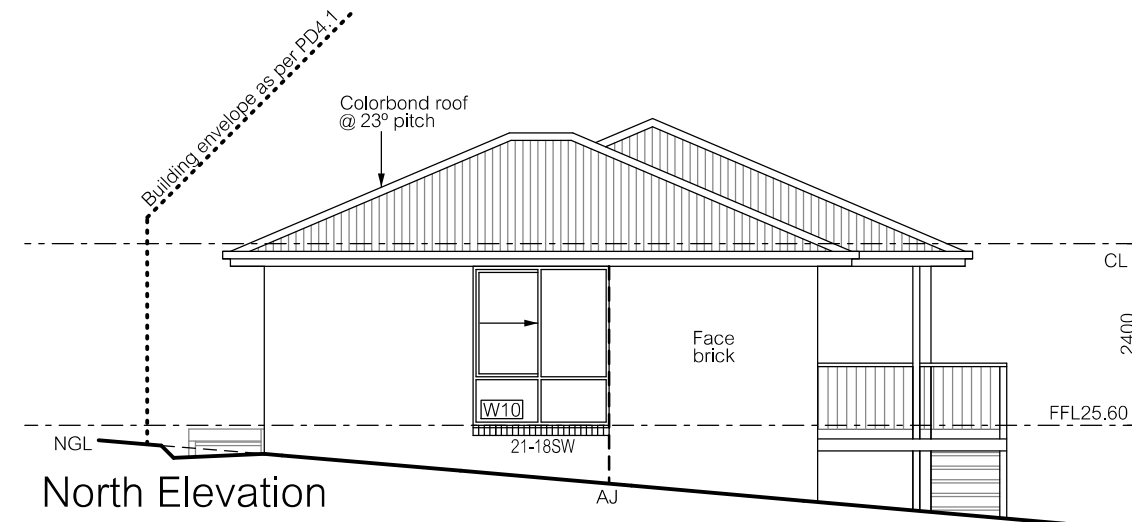
Drawn	SS	WH711619
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Date	04 April 2018	Sheet
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Scale 1:100 14/16

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14/16



- NOTES
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No.	Amendment	Date	Init.	

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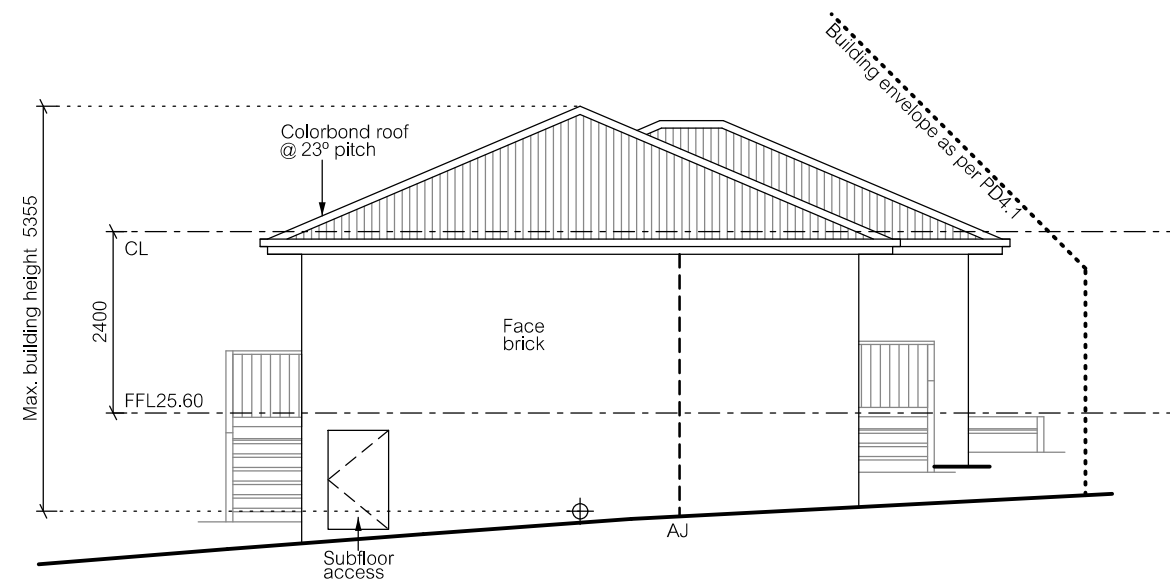
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**WILSON HOMES**

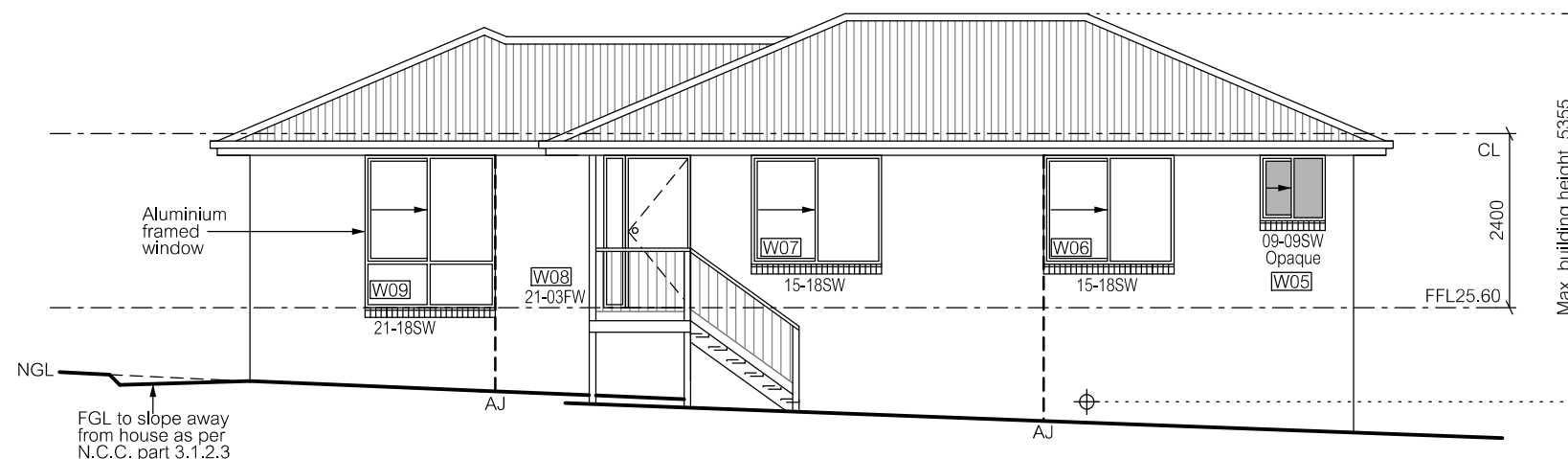
MULTI AWARD WINNING BUILDERS

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ABN 96 126 436 897

UNIT 5 ELEVATIONS SHEET 1		
Drawn	SS	WH711619
Date	04 April 2018	Sheet
Scale	1:100	15/16
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South Elevation



West Elevation

- NOTES
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ABN 96 126 436 897

UNIT 5 ELEVATIONS SHEET 2		
Drawn	SS	WH711619
Date	04 April 2018	Sheet
Scale	1:100	16/16
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**10, 11 & 12 Garrett Court, Oakdowns**



**Site viewed from Garrett Court.**

**11.3.9 DEVELOPMENT APPLICATION D-2018/384 - 6 ANCHORAGE COURT, TRANMERE - DWELLING**  
(File No D-2018/384)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 6 Anchorage Court, Tranmere.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 12 September 2018.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the following issues:

- loss of views;
- overshadowing; and
- loss of value.

**RECOMMENDATION:**

- A. That the Development Application for Dwelling at 6 Anchorage Court, Tranmere (CI Ref D-2018/384) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

**DEVELOPMENT APPLICATION D-2018/384 - 6 ANCHORAGE COURT,  
TRANMERE – DWELLING /contd...**

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**ASSOCIATED REPORT****1. BACKGROUND**

No relevant background.

**2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned General Residential under the Scheme.

**2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.

**2.3.** The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zones; and
- Section E6.0 – Parking and Access Code.

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

**3. PROPOSAL IN DETAIL****3.1. The Site**

The site is a 1006m<sup>2</sup> vacant residential lot with access from Anchorage Court. The site is bound by residential lots to the east, north and south and a public open space lot to the north.

**3.2. The Proposal**

The proposal is for a 2 storey, Single Dwelling containing living areas, 2 bedrooms and a double garage on the ground floor and a third bedroom on the first floor. The maximum height of the dwelling is 7.662 above natural ground level. Access is from Anchorage Court.

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

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

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

**4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Parking and Access Code with the exception of the following.

**General Residential**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
10.4.2 A3	Setbacks and building envelopes for all dwellings	A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:	

		<p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>Does not comply as the dwelling is setback 2.23m to the internal front boundary (south) and 2.017m to the rear boundary (north).</p> <p>complies</p>
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The proposed variation must be considered pursuant to the Performance Criteria (3) of the Clause 10.4.2 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause unreasonable loss of amenity by:</i></p> <p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>The dwelling at 8 Anchorage Court has a garage and bedrooms on its eastern side. As these rooms are habitable rooms other than bedrooms, the standard is met.</p> <p>The dwelling to the south, at 4 Anchorage Court contains a living room, deck and bedroom on the upper level on its northern side. However, the overshadowing diagrams show that proposed dwelling will not affect the habitable rooms or deck of this dwelling.</p> <p>The overshadowing diagrams show that the dwelling to the east, at 967 Oceana Drive, will not be affected by the proposal.</p>
<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>The proposal will result in a small area of the private open space for 4 Anchorage Court (located south of the dwelling) being overshadowed on 21 June, however, as the majority of the private open space is unaffected, the proposal is not considered to result in an unreasonable loss of amenity to this property.</p> <p>A portion of the private open space for 10 Anchorage Court will be affected between 9am and 12pm on 21 June but will be unaffected for the remainder of the day.</p>
<p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p>	<p>not applicable</p>

<p><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p>	<p>The bulk and scale of the proposed 2 storey dwelling is consistent with other dwellings in the area. The dwelling is located to the west of 967 Oceana Drive. This dwelling is located upslope from the proposed dwelling and has expansive views towards the river and the mountain. Given the orientation of the proposed dwelling in relation to 967 Oceana Drive and its location lower on the slope, the development will have a minimal impact on the views from this dwelling.</p> <p>Notwithstanding the above, the variations to the setbacks relate to the single storey components of the dwelling will not impact views from neighbouring properties.</p>
<p><i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i></p>	<p>The setbacks to boundaries are generally consistent with the dwellings in the immediate area.</p>

### **General Residential**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
10.4.4 A1	Sunlight and overshadowing for all dwellings	A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Living areas are orientated 65 degrees east of north.

The proposed variation must be considered pursuant to the Performance Criteria (3) of the Clause 10.4.2 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom)”.</i></p>	<p>The proposed dwelling has large windows to the living areas orientated generally east and west which will receive adequate sunlight.</p>

## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 1 representation was received. The following issues were raised by the representor.

### **5.1. Loss of Views**

The representor raised concerns that the proposed dwelling will result in a loss of views across the river.

- **Comment**

As discussed above, given the orientation of the proposed dwelling in relation to the representor and its location downslope from the representor's dwelling, the majority of these views will not be affected by the development.

### **5.2. Overshadowing**

The representor raised concerns that the proposed dwelling would result in overshadowing the ground floor bedroom and backyard.

- **Comment**

The representor's dwelling is located east and upslope from the proposed dwelling and the overshadowing diagrams provided by the applicant show that the proposal will not overshadow dwelling or its private open space between 9am and 3pm on 21 June.

### **5.3. Loss of Value**

Concern was raised that the proposal will result in a loss of property values.

- **Comment**

Loss of property values is not a relevant planning consideration.

## **6. EXTERNAL REFERRALS**

No external referrals were required or undertaken as part of this application.

## **7. STATE POLICIES AND ACT OBJECTIVES**

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



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

**8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

**9. CONCLUSION**

The proposal for a dwelling at 6 Anchorage Court is considered to meet the standards of the Scheme and is recommended for approval.

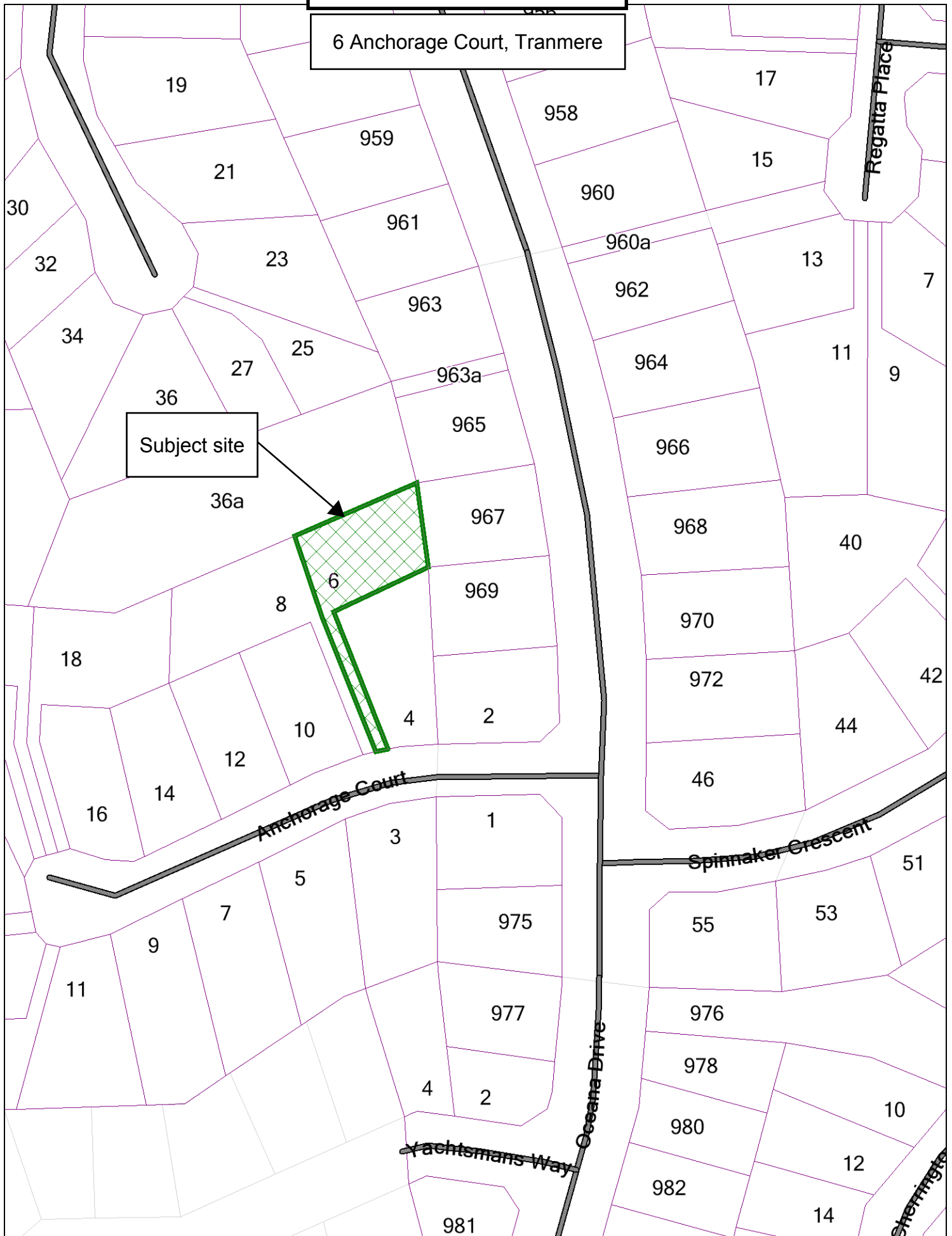
Attachments: 1. Location Plan (1)  
2. Proposal Plan (7)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

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

## Attachment 1

6 Anchorage Court, Tranmere



**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 30 August 2018 **Scale:** 1:1,375 @A4



DRAWING REGISTER

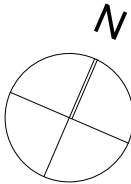
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A001	0	SITE PLAN
A002	0	GROUND FLOOR PLAN
A003	0	FIRST FLOOR PLAN
A004	1	ELEVATIONS 1
A005	1	ELEVATIONS 2
A801	0	SHADOW STUDY



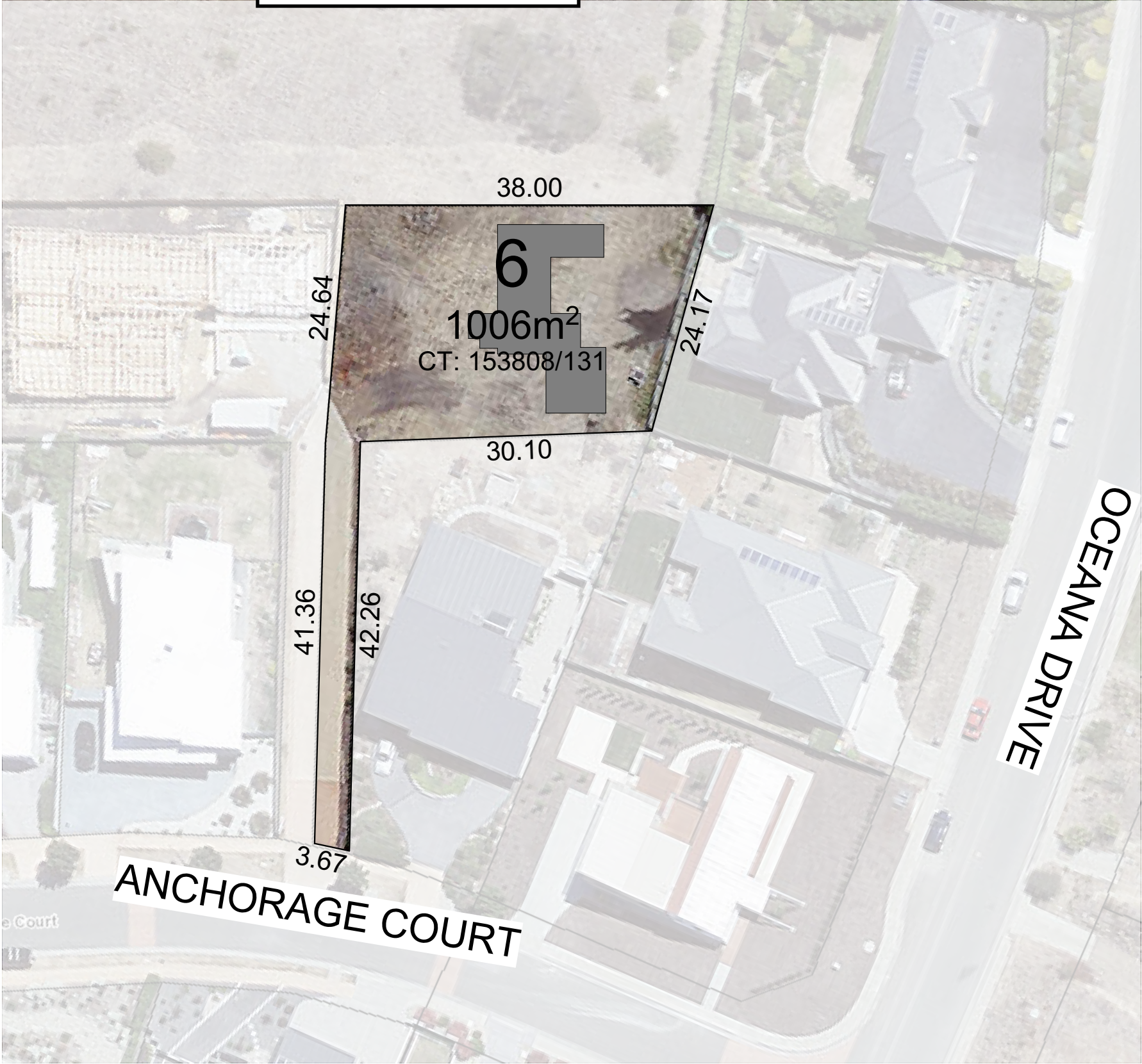
2  
-  
WEST PERSPECTIVE



3  
-  
SOUTH PERSPECTIVE



LOCATION PLAN  
1:500 @ A3



**GENERAL NOTES**  
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LAND TITLE REFERENCE	
VOLUME	153808
FOLIO	131
DESIGN WIND SPEED	
WIND LOADING TO AS 4055	TBA
SOIL CLASSIFICATION TO AS 2870	
	TBA
CLIMATE ZONE FOR THERMAL DESIGN	
CLIMATE ZONE TO BCA FIGURE 1.1.4	7
BUSHFIRE PRONE AREA BAL RATING	
BUSHFIRE ATTACK LEVEL BAL TO AS3959	LOW
CORROSION ENVIRONMENT TO AS/NZS 2312	
	MODERATE
KNOWN SITE HAZARDS	
	NA
SCHEDULE OF AREAS	
EXISTING FLOOR AREA	0 m²
PROPOSED FLOOR AREA	193.89 m²
TOTAL FLOOR AREA	193.89 m²
SITE AREA	1006 m²
PROPOSED SITE COVERAGE	16.86%
SCHEDULE OF AREAS	
GROUND FLOOR:	154.02m²
FIRST FLOOR:	39.87m²
DECK:	43.21m²
TOTAL	237.10m²

REV	DESCRIPTION	DATE
01	INFO TO CLIENT	17/05/2018
02	INFO TO CLIENT	4/06/2018
03	INFO TO CLIENT	22/06/2018
04	TO CLIENT FOR APPROVAL	26/06/2018
05	DA	4/07/2018
06	DA REVISED	16/07/2018



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**HOUSE LIM**  
NEW DWELLING  
6 ANCHORAGE COURT TRANMERE TAS 7018  
JO-LIN LIM

Drawing Status	Drawing Number
<b>APPROVAL</b>	<b>1804 A000-06</b>
Drawing Name	
<b>INDEX AND NOTES</b>	



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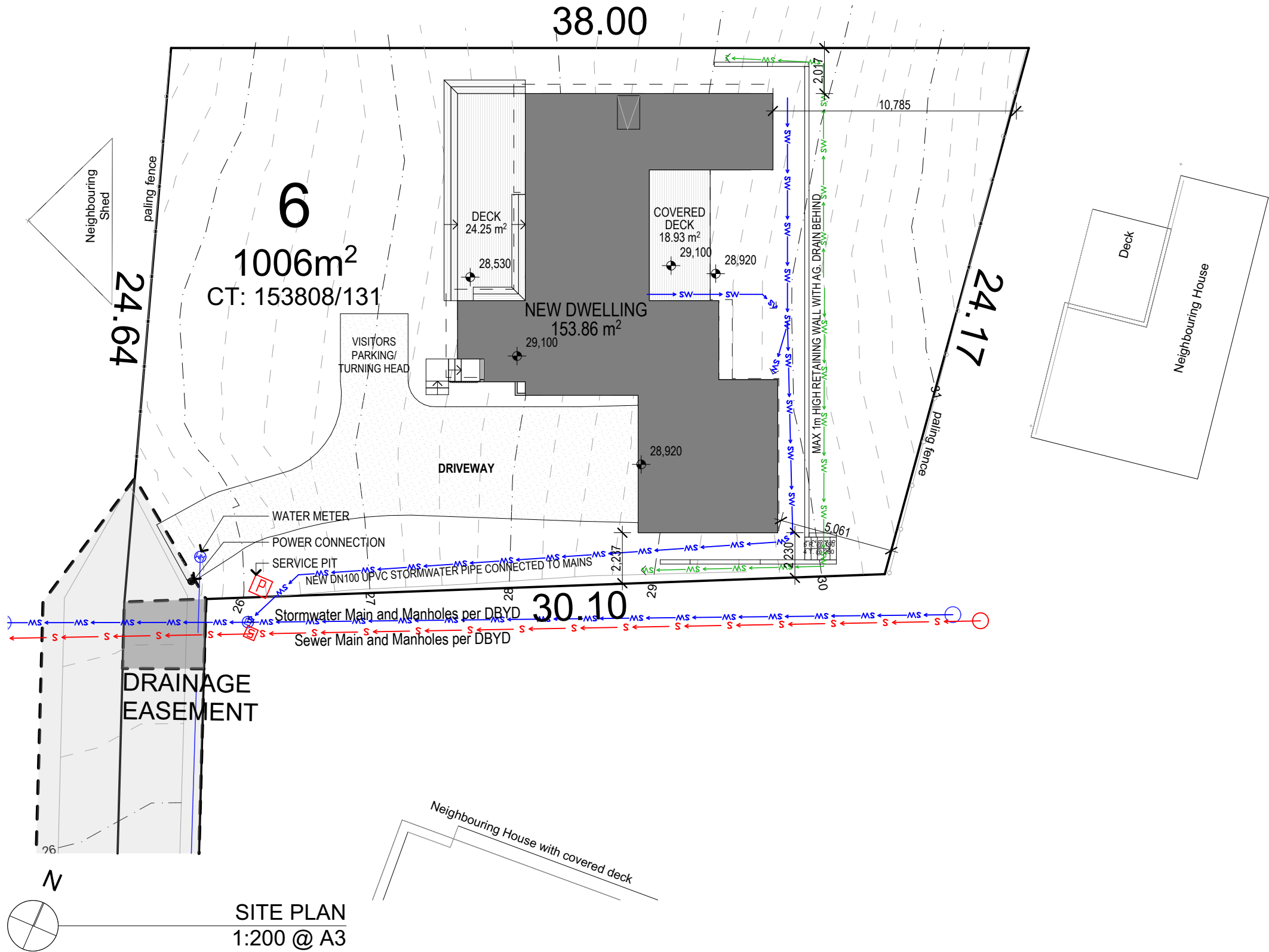
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Drawing Name	
<b>SITE PLAN</b>	

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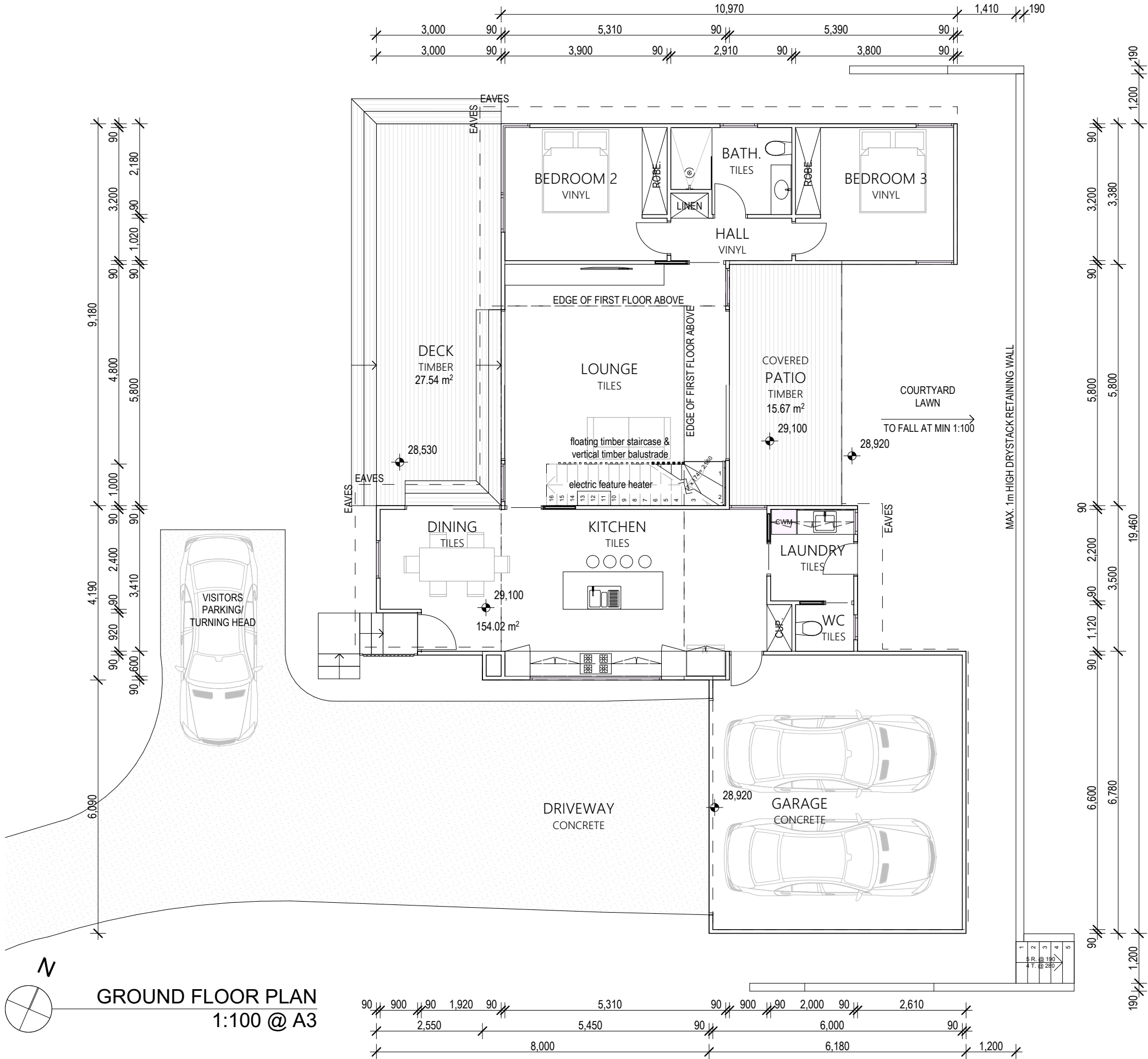
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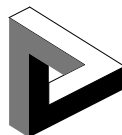
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Drawing Status	Drawing Number
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Drawing Name  
**GROUND FLOOR PLAN**

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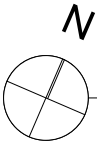
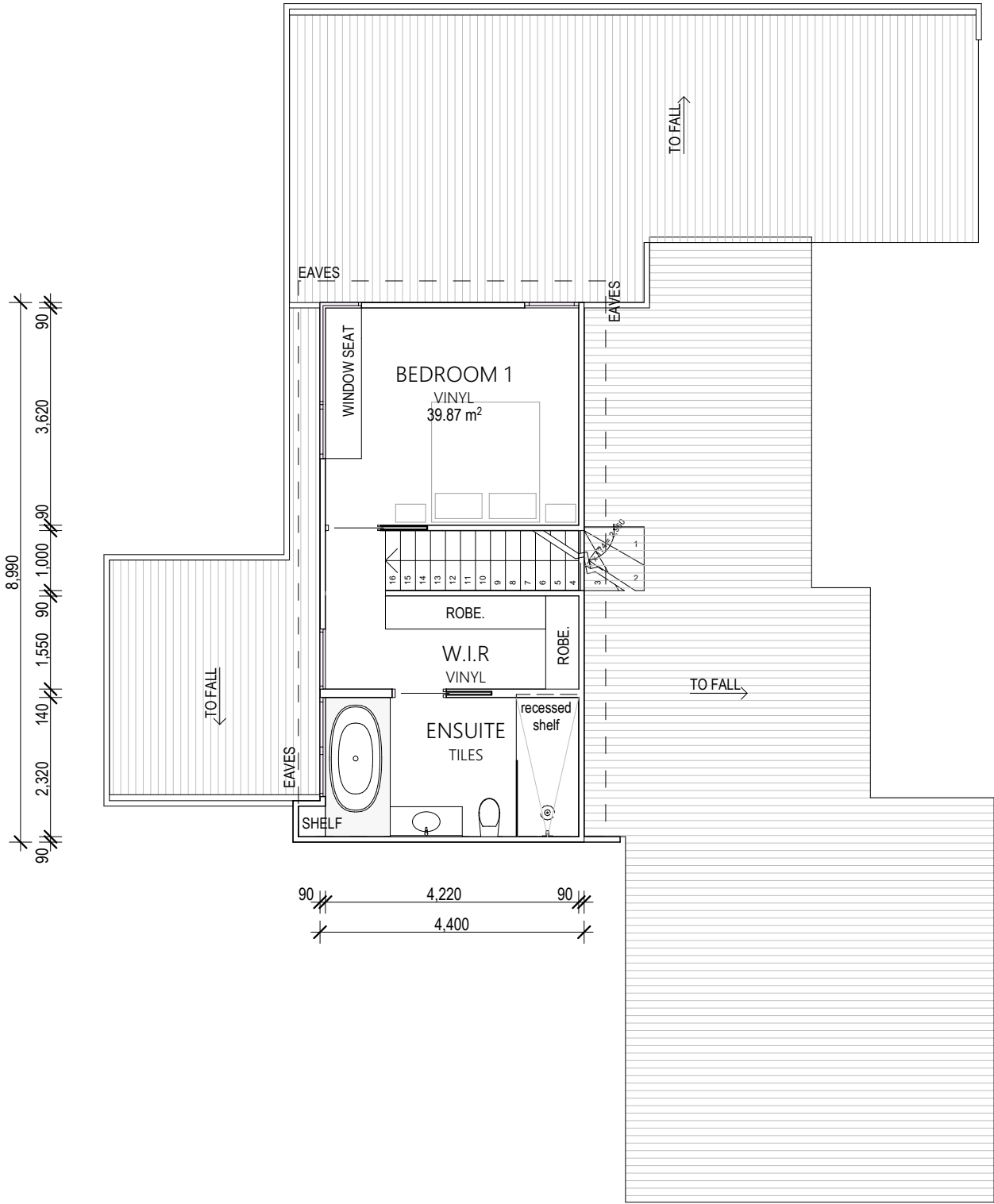
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FIRST FLOOR PLAN  
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Drawing Name  
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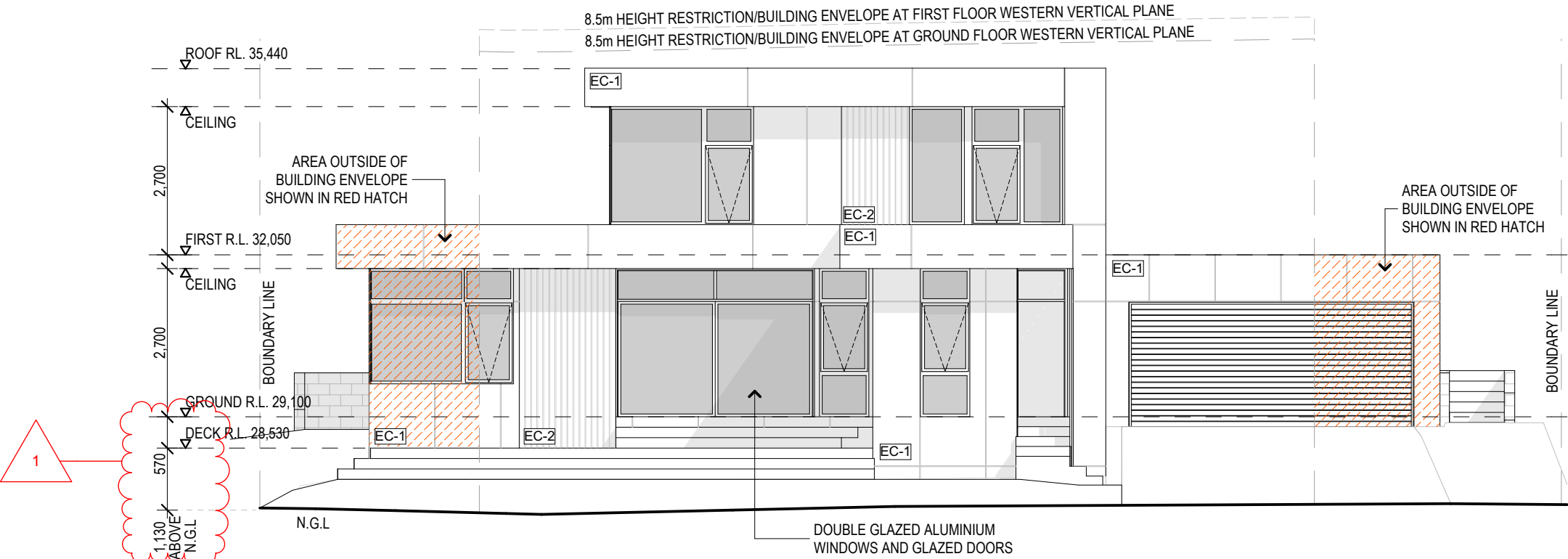
LEGEND

- EC-1

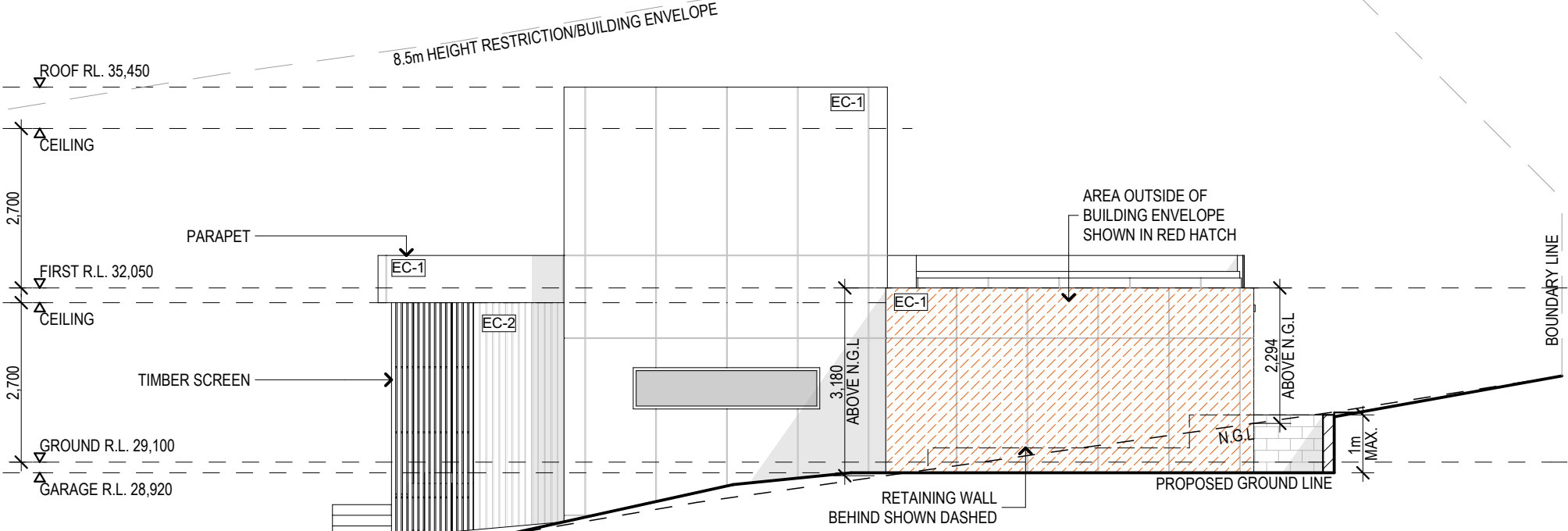
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SCYON MATRIX, PAINTED
- EC-2

EXTERNAL CLADDING -  
TIMBER, SPOTTED GUM OR SIMILAR
- RC-1

ROOF CLADDING - COLORBOND,  
TO MANUFACTURERS SPECS.



WEST ELEVATION  
1:100 @ A3



SOUTH ELEVATION  
1:100 @ A3

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NEW DWELLING

6 ANCHORAGE COURT TRANMERE TAS 7018  
JO-LIN LIM

Drawing Status

**APPROVAL**

Drawing Name

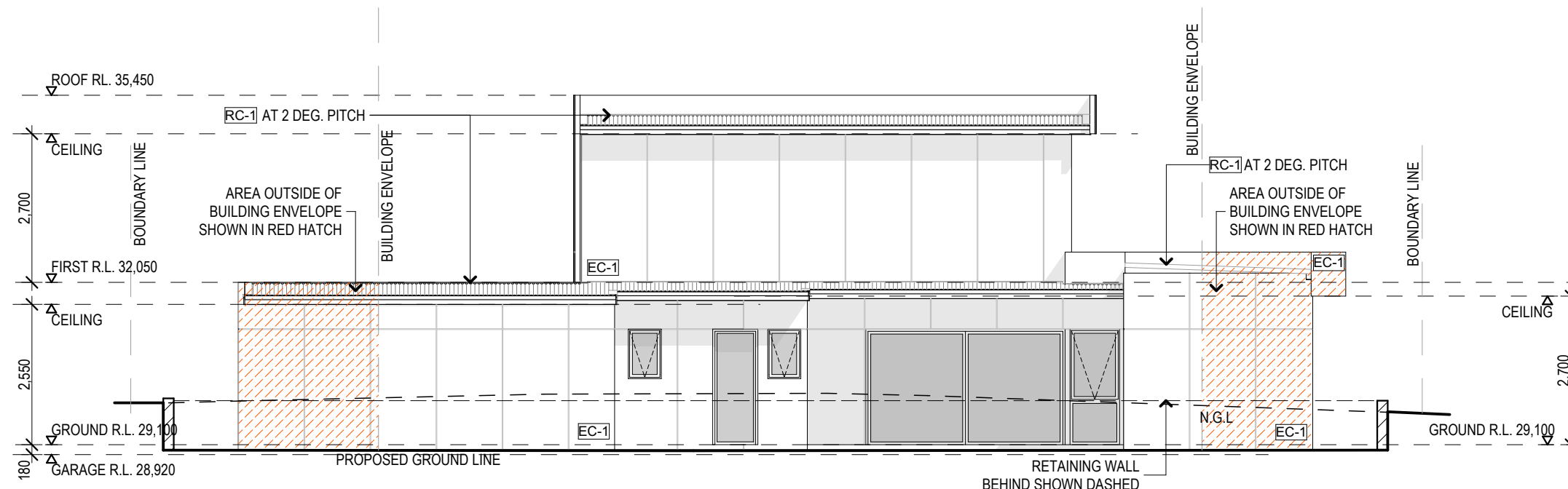
**ELEVATIONS 1**

Drawing Number

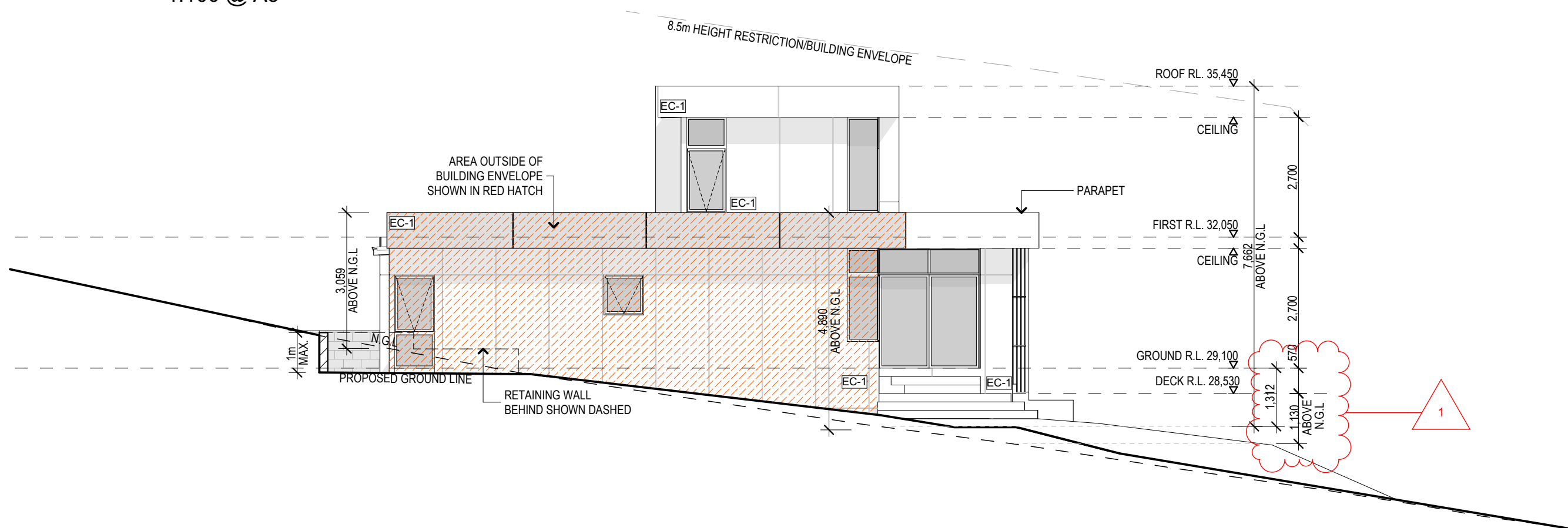
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# LEGEND

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- EC-2 EXTERNAL CLADDING - TIMBER, SPOTTED GUM OR SIMILAR
- RC-1 ROOF CLADDING - COLORBOND, TO MANUFACTURERS SPECS.



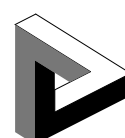
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-  
EAST ELEVATION  
1:100 @ A3



2  
-  
NORTH ELEVATION  
1:100 @ A3

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**APPROVAL**  
Drawing Number  
**1804 A005-1**

Drawing Name  
**ELEVATIONS 2**



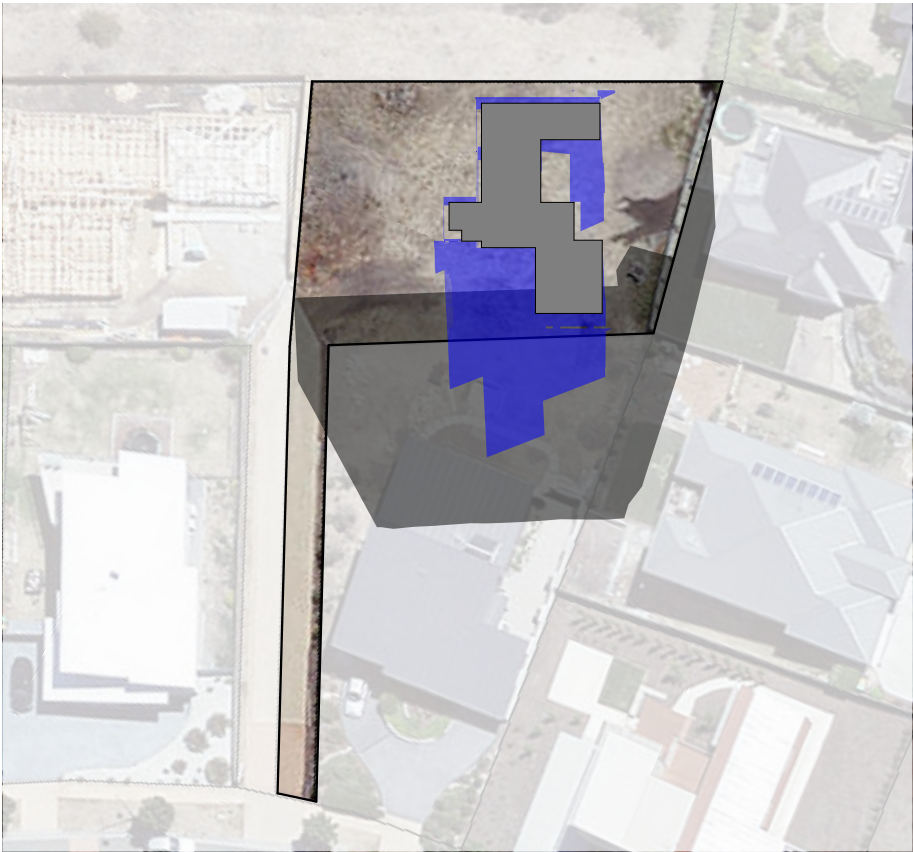
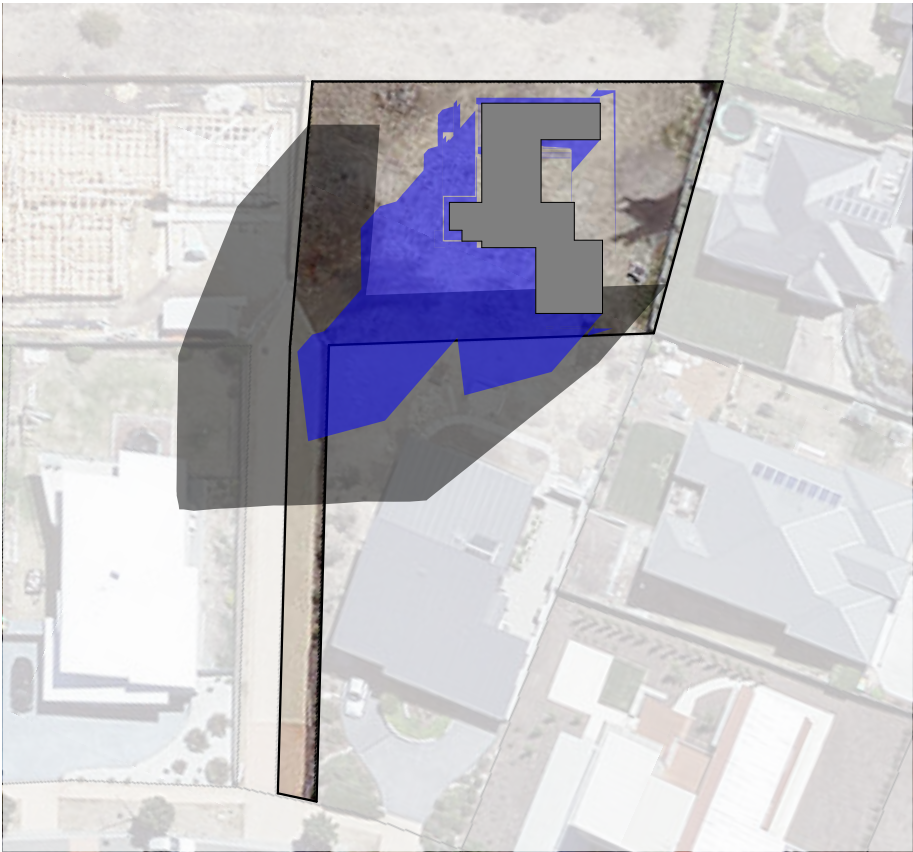
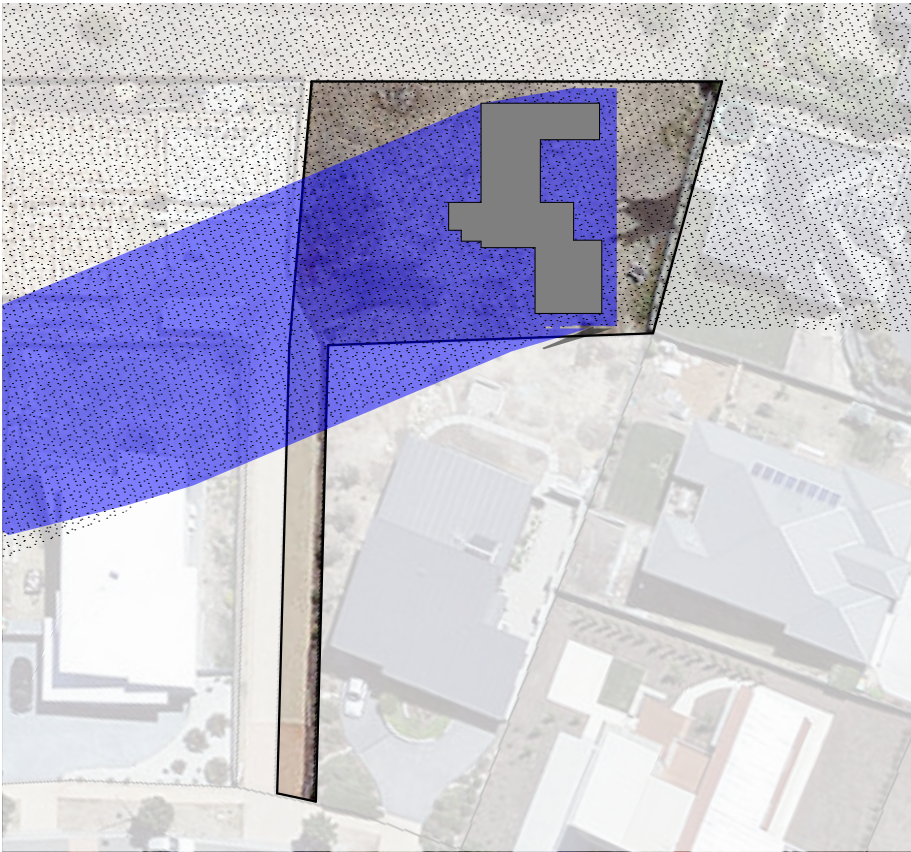
LEGEND

SHADOWS CAST BY BUILDING ENVELOPE, DIAGRAM 10.4.2D ON JUNE 21

SHADOWS CAST BY PROPOSED DWELLING ON JUNE 21

SHADOWS CAST BY TOPOGRAPHY ON JUNE 21

OUTLINE OF PROPOSED DWELLING



1

-

SHADOW STUDY 10AM  
1:700 @ A3

THERE IS COMPLETE OVERSHADOWING AT 9AM ON JUNE 21  
DUE TO THE ELEVATED TOPOGRAPHY OF THE LAND,  
NORTH EAST OF THE PROSPOSED DWELLING,

2

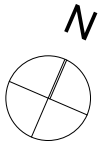
-

SHADOW STUDY 12PM  
1:700 @ A3

3

-

SHADOW STUDY 3PM  
1:700 @ A3



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REV	DESCRIPTION	DATE
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Drawing Status  
**APPROVAL**  
Drawing Number  
**1804 A801-0**

Drawing Name  
**SHADOW STUDY**

**6 Anchorage Court, TRANMERE**



**Site viewed from Anchorage Court.**

<b>11.4 CUSTOMER SERVICE</b>
------------------------------

Nil Items.

**11.5 ASSET MANAGEMENT****11.5.1 NORMA STREET, HOWRAH – TRAFFIC ISSUES**

(File No N014)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the report from Council Officers in response to the Petition received for street works to improve traffic conditions in Norma Street, Howrah.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 is relevant.

**LEGISLATIVE REQUIREMENTS**

The Local Government (Highways) Act, 1982 is applicable with Section 31 being relevant if traffic-calming works are to be undertaken.

**CONSULTATION**

Limited consultation has been undertaken with affected residents and Metro Tasmania as part of the investigation.

**FINANCIAL IMPLICATIONS**

No funds have been specifically allocated in the current Annual Plan for any road works in Norma Street. Any physical works, if recommended, can be assessed by Council for inclusion in future Annual Plans.

**RECOMMENDATION:**

- A. That Council authorises the General Manager to write to the residents of 37 to 47 Norma Street, Howrah to obtain feedback on a proposal to include parking restrictions on the inside curve from 37 to 47 Norma Street, Howrah.
- B. That Council be informed through a Briefing Report on the outcome of the community consultation and the decision of Council's Group Manager Engineering Services whether to apply parking restrictions under his delegation.
- C. Council authorise the General Manager to write to the Petitioners of Council's decision and again after the community consultation process.

**NORMA STREET, HOWRAH WORKS PETITION – OFFICER’S REPORT /contd...**

---

**ASSOCIATED REPORT****1. BACKGROUND**

- 1.1** A petition signed by 45 signatures was tabled at Council’s Meeting held on 28 May 2018 requesting: *“Investigate and implement street works and other improvements that will minimise traffic hazards at the crest of Norma Street, Howrah, between Eden Place and Medika Court”*.

A copy of the covering letter, location map, background information and photo showing the concerned hazards is Attachment 1.

- 1.2** The petition information explained the situation and historical issues with traffic and parking. The following suggestions were presented for Council to investigate:

- Restrict street parking on this section of Norma Street. Houses in this area have driveways that can accommodate vehicles.
- Install speed humps on Norma Street on approaches to the crest. This is to slow traffic as motorists approach the crest. The behaviour of some motorists is to increase speed as they approach the crest, which we believe is increasing the risk of a collision occurring.
- Install convex mirrors at suitable locations on Norma Street to improve the visibility of oncoming traffic for motorists at this crest.
- However, we do not want any changes to the Metro service.

**1.3.** At its Meeting of 9 July 2018, Council resolved:

*“A. That Council notes the intent of the petition.*

*B. That the Council requests the General Manager to co-ordinate with Council Officers to investigate the issues raised by the petition and the outcomes be reported to Council at a future meeting”.*

**1.4.** The officer’s report addressing the issues raised by the petition has been prepared through the internal traffic working group.

## **2. REPORT IN DETAIL**

**2.1.** Concerns outlined in the petition were discussed through the internal traffic working group meetings to establish appropriate measures to investigate the road safety concerns in Norma Street, Howrah.

**2.2.** The following investigation was undertaken:

- The site in Norma Street between Medika Court and Eden Place has a combined minor horizontal and vertical curve, with reduced sight line and a bitumen road width of approximately 7.40m.
- On-street parking was observed randomly over several days with a total of 4 to 6 cars parked during the day in the concerned area. The parking occupancy on the outside curve was found to be higher than the inside curve, which may relate to confidence of owners parking their car in a deemed safer position. Overall the parking demand was considered to be low.
- As there were no signatories on the petition from the directly affected residents in this length of Norma Street, it was considered important to understand the position of these residents on the matter. Council officers door knocked and spoke with 4 properties within the directly concerned road.

While the residents noted care is needed to appropriately park their car along the curved road segment and sometimes the road is busy, they were not overly concerned about the road use. A few residents raised concern of losing on-street parking and the impact this may have if recommended. Some residents also raised concerns of apparent traffic by-passing the highway and using Norma Street during a major event at Blundstone Arena - Bellerive.

- A traffic counter was placed in the street and traffic data was collected for 7 days. A total of 1086 Vehicles per day were recorded with no indication of significant traffic increase during the major event at Blundstone Arena on 29 July 2018. The recorded speed data is summarised in Section 2.4.
- Metro Tasmania was asked to advise if their bus drivers had experienced any issues in relation to this section of Norma Street. In reply, Metro noted their drivers have not experienced any specific incidents at this location, however, Metro supports having sufficient road width available for safe passage of their buses.
- The reported crash history data was obtained from the Department of State Growth records and there have been no reported crashes on this section of road in the last 10 years.

**2.3.** The petition requested restricting on-street parking within the concerned section of Norma Street. The photos with the petition indicate the travel width for vehicles is at a minimum when vehicles are parked on both sides. Low parking demand was observed during random times over several days of observations. If parking restrictions are to be considered, the inside curve will be the appropriate restriction, however, an elderly resident's carer has raised concerns that possible parking restrictions will impact how the resident obtains care services. It is also noted on-street parking acts as a traffic calming device and this is apparent with the speed data. Removal of the on-street parking has a risk of potentially increasing traffic speed around this location.

- 2.4.** The petition requested the installation of traffic calming measures such as “speed humps” on Norma Street to reduce the speed of vehicles. Council undertook a traffic survey to determine the speed behaviour by placing a traffic data logger outside 37 Norma Street for a week. The speed data from the traffic survey is shown below.

	Survey Data
85 <sup>th</sup> percentile speed	47.5 kph
95 <sup>th</sup> percentile speed	51.50 kph
Mean Speed	40.8 kph

This speed data typically represents the speed at which most drivers feel comfortable with travelling. As the traffic speed is under 50kph, the default speed limit (50kmph) is considered ideal for the road’s speed environment and therefore, the installation of traffic calming devices is not warranted. It is believed the informal on-street parking has contributed towards the natural traffic calming.

- 2.5.** The Petition suggests the installation of convex mirrors at suitable locations on Norma Street to improve the visibility of oncoming traffic for motorists at the crest. Traffic mirrors are not considered a standard traffic control device under the Road Rules. While these mirrors have some benefit in certain situations, such as improving driveway visibility, they can create distractions to motorists. The mirrors are appropriate for concealed intersections or a driveway but not beneficial for a continuous road such as Norma Street.
- 2.6.** The Petition recommends no changes to the Metro service. As part of this investigation, Metro Tasmania was consulted and they advised of no reported incidents on this section of road.
- 2.7.** Following the investigations by the Traffic Engineer, the findings were presented and discussed through the internal traffic working group, which agreed on the following measures.



- It is acknowledged the road section has minor horizontal and vertical curves with reduced sight lines but these geometric characteristics are not uncommon in Clarence residential streets.
- Parking demand is low and represents a typical residential street where residents and their visitors expect to park where it is safe to do so.
- While residents may have noticed traffic growth in recent years and the new sub division at Vienne Drive has contributed traffic to Norma Street, the traffic numbers along the road is still typically low.
- The recorded traffic speed is within the default speed limit and the current roadside environment appears to have been a contributing factor.
- There is no evidence of escalated crash history within the road section.
- Metro has moderate operation and while not having experienced any specific incidents, they recognise the travel width is at a minimum when cars are parked both sides and supports providing increased space.
- Some parking restrictions on the inside curve will improve vehicle travel width in the area of reduced sight lines. However, any consideration of parking restrictions may impact the residents' ability to park within their desired location. It is therefore recommended the residents in the immediate area are included in a formal community engagement process to explain the purpose and benefits of parking restrictions and obtain feedback.
- Following the community engagement process, the internal traffic working group will review the results; make a final recommendation on parking restrictions which if necessary, can be authorised by Council's Group Manager Engineering Services under his delegations. It is then appropriate to inform the Aldermen, immediate residents and petitioners of the decision.

### **3. CONSULTATION**

#### **3.1. Community Consultation**

Consultation with a small (sample) number of affected residents was undertaken as part of the investigation. It is recommended a formal engagement process now be undertaken with residents in the immediate area of potential applied parking restrictions.

#### **3.2. State/Local Government Protocol**

Any installation of traffic control devices requires approval by the Transport Commission through the Department of State Growth (DSG).

#### **3.3. Other**

Nil.

### **4. STRATEGIC PLAN/POLICY IMPLICATIONS**

#### **4.1. Council's Strategic Plan 2016-2026 in the Infrastructure section, has an Objective:**

*“To ensure that existing infrastructure is maintained and renewed to meet identified service and amenity levels”;*

and within that objective is the Strategy to:

*“provide for the effective and safe transport of people and goods throughout the City”.*

#### **4.2. Council's Strategic Plan 2016-2026, in the Governance Section, has an Objective:**

*“To actively engage the community in Council activities and issues”;*

and within that Objective is the Strategy to:

*“review and implement the Consultation and Communication Strategy”.*

### **5. EXTERNAL IMPACTS**

Not applicable.

**6. RISK AND LEGAL IMPLICATIONS**

Any installation of traffic control devices requires approval by the Transport Commission through the Department of State Growth (DSG).

**7. FINANCIAL IMPLICATIONS**

No funds have been allocated in the 2018/2019 Annual Plan specifically for road works in Norma Street, Howrah.

**8. ANY OTHER UNIQUE ISSUES**

As a result of the community consultation, a resident raised concern with traffic using Norma Street to by-pass South Arm Highway on the major event day at Blundstone Arena, however, the traffic data at the time of the last event did not show any evidence of this occurring.

**9. CONCLUSION**

**9.1.** Council officers have undertaken an investigation and the evidence indicates there is no warrant for speed humps or convex mirrors to be placed in Norma Street, Howrah.

**9.2.** An improvement to vehicle travel width will be obtained by installing parking restrictions to the inside curve near 37 to 47 Norma Street, Howrah; however, prior to further considering this, it is appropriate to obtain feedback from nearby residents.

**9.3.** The petitioners will be advised of the results of the current investigation and again after the community engagement process.

Attachments: 1. Covering Letter, Location Map and background Information and Photo showing the Concerned Hazards (5)

Ross Graham  
**GROUP MANAGER ENGINEERING SERVICES**

Subject: Crest of Norma Street, Howrah, between Eden Place and Medika Court

10-03-12

N14 Alias

19 May 2018

RECEIVED

28 JUN 2018

BY: RECORDS

**LODGEMENT FORM FOR PETITIONS**

To the Mayor and Aldermen of the City of Clarence

**Subject: Crest of Norma Street, between Eden Place and Medika Court.**

**Investigate and implement street works and other improvements that will minimise traffic hazards at the crest of Norma Street, Howrah, between Eden Place and Medika Court.**

**See pages 2 to 3 for further information.**

Please find attached a petition addressed to the Mayor and Aldermen of the City of Clarence in respect of the above subject.

The petition is signed by 45 Signatories.

Signed

**Privacy Statement**

The personal information on this form is required by Council for receipt of petitions under the Local Government Act, 1993. We will only use your personal information for this and related purposes. If this information is not provided, we may not be able to deal with this matter. You may access and/or amend your personal information at any time. How we use this information is explained in our Privacy Policy, which is available at [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au) or at Council offices.

We petition the Mayor and Alderman of the City of Clarence to:

Find a solution to the traffic hazard at the crest of Norma Street Howrah between Eden Place and Medika Court particularly between Norma Street numbers 37 through to 47. See image below for the location on Norma Street.



The traffic on this section of Norma Street includes cars, motor bikes, delivery trucks, earthmoving equipment transport and Metro buses, as this street is on a bus route.

Our main concern is that traffic approaching the crest cannot see traffic coming from the opposite direction until you are on the crest of the hill. When cars are parked on either side of the street at this crest, it creates a limited view of the road ahead, and a restricted and unsafe passageway for traffic. We have experienced very close encounters with oncoming traffic, especially Metro buses, trucks and cars and have needed to take evasive action to avoid a collision.

We believe the current situation is unsafe.

Historically, there were Metro bus stops located on either side of Norma Street at this crest. These bus stops have been removed to improve traffic and pedestrian safety. There have been long-standing concerns about this location.

Traffic flow is in either direction from the Shoreline roundabout, on the South Arm Highway, along Shoreline Drive and into Norma Street. Therefore, this safety issue effects

Subject: Crest of Norma Street, Howrah, between Eden Place and Medika Court

residents and visitors of the southern side of Norma Street from the crest, leading to the residential area of North Howrah. This new suburb location has increased the amount of traffic in Norma Street because of intersection design at Merindah Street and Vienne Drive.

While there have been no fatalities at this location this current situation CANNOT continue as we believe it will contribute to a collision that will result in serious injury or even death.

Here are some suggestions we want the Clarence City Council to investigate:

- Restrict street parking on this section of Norma Street. Houses in this area have driveways that can accommodate vehicles.
- Install speed humps on Norma Street on approaches to the crest. This is to slow traffic as motorists approach the crest. The behaviour of some motorists is to increase speed as they approach the crest, which we believe is increasing the risk of a collision occurring.
- Install convex mirrors at suitable locations on Norma Street to improve the visibility of oncoming traffic for motorists at this crest.
- However we do not want any change to the Metro service.

#### **Attachments**

**2 x Petition Signatures**

**2 x Photos illustrating our concerns**









**11.5.2 CITY OF HOBART DRAFT TRANSPORT STRATEGY**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

To seek Council's comments as part of the Community Consultation phase of the City of Hobart Draft Transport Strategy 2018-30 (COHDTS).

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016–2026 is applicable.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**RECOMMENDATION:**

That Council notes The City of Hobart Draft Transport Strategy 2018-30 and endorses the General Manager's response.

---

**ASSOCIATED REPORT****1. BACKGROUND**

- 1.1.** The City of Hobart (HCC) has produced a Draft Transport Strategy 2018-30. The consultation period closed on 24 August 2018. Council Officers have advised HCC that the City of Clarence (CCC) will provide a late submission.
- 1.2.** The draft Transport Strategy was discussed at a Workshop on 27 August 2018, where the Aldermen provided direction for interim written comments to be provided to HCC and that Council will further consider the matter at its next meeting. A copy of the letter forwarded to HCC is Attachment 1.
- 1.3.** This report is for Council to consider the City of Hobart Draft Transport Strategy 2018-30. A copy is included as Attachment 2.

## **2. REPORT IN DETAIL**

- 2.1.** Hobart City Council has drafted a Transport Strategy 2018-30 with an aim of achieving an integrated and sustainable transport and movement network. The strategic framework links 3 parts being Vision, Strategy and Action Plans.

### **Part 1 - Vision, Responsibility, Scope and Guiding Principles of the Transport Strategy**

#### **Part 2 - Strategic Focus/Themes**

1. making decisions based on up-to-date, relevant data;
2. integrating transport and land use planning to deliver the best economic, social and environmental outcomes;
3. recognising walking as the most fundamental mode of transport;
4. supporting more people to ride bicycles;
5. increase participation in great public transport and reducing congestions in the City;
6. smart parking for residents, visitors and businesses;
7. freight by road, port and air;
8. managing our transport network; and
9. developing partnerships with stakeholders.

#### **Part 3 - Implementation Plan**

- 2.2.** The strategy identifies challenges with each theme proposing future actions. While the majority of actions focus on the Hobart area, there are a number which look at regional co-operation. These can be summarised into:

**Data:** Obtain consistent data; available for research.

**Planning:** Commence partnerships to integrate transport (public) across greater Hobart, including:

- Eastern shore ferry link, bus and light rail;
- understand regional problems and appropriate solutions;
- Park and Ride stations;
- advocate State Government fund bus shelters and real time passenger information;
- State Government's review SRLUS;
- work with State Government to support community services, such as taxis, uber etc; and
- review subdivision guidelines and standard drawings.

**Walking:** Develop traffic device/markings guidelines to support pedestrians.

**2.3.** A full listing of the regional strategy actions are as follows:

**Theme 1: We make our Decisions based on Evidence and Current Key Data**

**Action 1.1** – In conjunction with key stakeholders, we will identify any information gaps and develop a set of key indicators and data sets, for which consistent and reliable data is available for analysis and reporting. These data and indicators will allow us to have meaningful conversations about how we are progressing and what actions we might need to take.

**Action 1.4** – Actively encourage the use of open data sets by third parties for research. The intention is to assist third-party research, commentary and app development.

**Theme 2: Integrating Transport and Land Use Planning to deliver the best Economic, Social and Environmental Outcomes**

**Action 2.1** – Continue to recognise, promote and implement the Southern Regional Land Use Strategy 2010-2035 and advocate for the State Government to provide the resources to undertake a comprehensive review of the strategy.

**Action 2.8** – Commence, in partnership with the Department of State Growth and other relevant stakeholders, a planning project to consider how bus, light rail and ferry public transport services will integrate in a city interchange. This would be in light of Infrastructure Tasmania's Hobart Transport Vision and its support for improved public transport options to service greater Hobart.

**Action 2.10** – Continue the planning work associated with the City to Cove project undertaken by the City of Hobart in 2017, to understand and plan for the pedestrian and bicycle linkage implications of the proposed eastern shore ferry link.

**Action 2.14** – Encourage major trip-generating land uses (such as sporting and entertainment facilities, supermarkets and the like) to be located where they will enhance the operation of freight road corridors and principal public transport corridors and routes, with specific actions to ensure:

- the western shore rail corridor is retained and protected for the provision of future transport services; and
- sites are identified and reserved for River Derwent ferry services and land-based access to those sites.

**Theme 3: Recognising Walking as the most Fundamental Mode of Transport**

**Action 3.6** – Work with other Councils, the Road Safety Advisory Council and the Tasmanian Transport Commissioner to develop trails, guidelines and installation advice notes for new and emerging road and traffic devices and markings to support pedestrians. For example, pedestrian crossings, pedestrian countdown timers at traffic signals and sharrows (bicycle) symbols on roads. This will draw on the most recent Austroads' best practice guides for pedestrian infrastructure, Australian Road Research Board research and advice from pedestrian organisations.

**Theme 5: Increase Participation in Great Public Transport and Reducing Congestion in the City**

**Action 5.4** – Work with other Councils to advocate for Tasmanian Government funding to support bus infrastructure such as bus shelters and real-time passenger information systems.

**Action 5.5** – Continue to work closely with the Tasmanian Government and community transport providers, taxi companies and Uber operators to ensure the support of their community service functions.

**Theme 6: Smart Parking for Residents, Visitors and Businesses**

**Action 6.2** – Advocate for parking stations at suburban centres (adjoining municipalities) to encourage park and ride by public transport on principal bus routes.

**Action 6.4**– Continue to assist other greater Hobart Councils with information on the benefits and issues associated with implementing on street paid parking.

**Theme 8: Managing our Traffic and Movement Network**

**Action 8.11** – Commence work in conjunction with other Councils, the Institute of Public Works Engineering Australasia (TAS) and the Local Government Association of Tasmania on a review of current subdivision guidelines and standard drawings.

**Action 8.12** – Commence work with other Councils, the Tasmanian Road Safety Advisory Council, the Tasmanian Transport Commissioner and other key stakeholders to develop trials, guidelines and installation advice notes for new and emerging road and traffic device and markings. For example, pedestrian crossings, pedestrian countdown timers at traffic signals and sharrows (bicycle) symbols on roads.

**Theme 9: Developing Partnerships with our Stakeholders**

**Action 9.2** – Continue to work closely with other regional government bodies, through political bodies such as the Southern Tasmania Councils Association and the local Government Association of Tasmania and through officer level working groups such as the Southern Council Infrastructure Group to advance understanding of regional problems and appropriate solutions.

**2.4.** One of the key interests for Council is the regional direction of the greater Hobart Transport Network as many of our commuters either lead to or come from the western shore or eastern neighbours.

**2.5.** The State Government has released its Hobart Transport Vision (January 2018).

The Hobart Transport Vision main themes are:

**Efficient movement of people** – Review on-street parking, intelligent solutions to traffic signal priority, priority transit lanes and park and ride.

**Improved passenger experience** – High-frequency services, high-quality vehicles and passenger facilities, travel time reliability and extended operating hours to serve the community.

**New Technologies** – use new technology to efficiently manage the transport network, real time monitoring and prepare for autonomous vehicles.

**Pedestrian and cycling improvements** – improved safety and ferry services with improved pedestrian links.

**Changes in Land use** – Increase inner city residential density and increase development along transit corridors.

**Infrastructure investment** – New CBD transit hub infrastructure for ferry services, activate northern suburbs rail corridor, Davey/Macquarie Street transit priority measures and priority measures on key northern and southern arterial corridors.

- 2.6. Smart Technology was used to study vehicle movements in preparedness of the Hobart Transport Vision. The document focuses on some specific outcomes but still does not address the means of regional strategic transport planning and co-operation amongst all tiers of government.
- 2.7. The HCCCDTS encompasses many sound strategies and actions that are reasonable; however, strong regional co-operation for development of the transport network in the southern region is simply one action out of many. Clarence Council is hopeful this outcome will materialise through the development of the Hobart City Deal and a Greater Hobart Transport Vision.
- 2.8. Council is presently undertaking a CBD Transport Study to aim for long term improvement of travel times. However, in order to support this Council needs clear direction from the State Government on timing and scope of their proposed improvements to the State Highways within our Municipality. It is envisaged many other Councils are in the same position.

**2.9.** Council supports the need for an improved public transport network, including the ferry services between the eastern and western shores where some planning work is underway.

**2.10.** The Roads and Jetties Act 1935 is in need of revision. It places unfair and onerous responsibility on Councils for infrastructure on State managed land.

### **3. CONSULTATION**

#### **3.1. Community Consultation**

Council has not undertaken any specific community consultation on the City of Hobart Draft Transport Strategy 2018-30.

#### **3.2. State/Local Government Protocol**

Nil.

#### **3.3. Other**

Hobart City Council has undertaken its own community consultation of their Draft Transport Strategy through a number of engagement phases.

### **4. STRATEGIC PLAN/POLICY IMPLICATIONS**

**4.1.** Council's Strategic Plan 2016-2026 under the Goal Area "A prosperous City" contains: *"Build and facilitate productive networks and relationships based on issues of common interest with business groups, regional bodies, other Councils, other levels of government, and including bodies such as Hobart International Airport, Destination Southern Tasmania, and Southern Tasmanian Councils Authority"*.

**4.2.** Council's Strategic Plan 2016-2026, within the Goal Area, "A Well-planned Liveable City" contains the following Strategy to: *"Develop and implement a comprehensive transport Strategy for the City"*.

### **5. EXTERNAL IMPACTS**

The completion of the Hobart City Deal is hopeful of creating an opportunity to develop a Greater Hobart Transport Vision.



**6. RISK AND LEGAL IMPLICATIONS**

Nil.

**7. FINANCIAL IMPLICATIONS**

The support or otherwise of the City of Hobart Draft Transport Strategy will have no real financial implications upon Council's Annual Plan.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

**9.1.** The City of Hobart Draft Transport Strategy 2018-30 encompasses many sound strategies and actions. However, it does not provide strong emphasis on regional partnerships or co-operation in order to provide vision for a greater Hobart transport network.

**9.2.** Having a regional focus is the only way to provide an integrated transport network across the southern municipalities.

**9.3.** It is recommended that Council notes the body of work undertaken by Hobart City Council and forwards a submission with associated recommended comments on regional co-operation, improved public transport network, clear direction of timing of State Government planned works and a revision of the Roads and Jetties Act, 1935.

Attachments: 1. Letter to Hobart City Council (1)  
2. HCC Draft Transport Strategy 2018-30 (47)

Ross Graham  
**GROUP MANAGER ENGINEERING SERVICES**

## Attachment 1

R Graham

A1301363  
28-04-01

31 August 2018

Mr Nick Heath  
General Manager  
Hobart City Council  
GPO Box 503  
**HOBART TAS 7001**

Dear Nick,

### **City of Hobart Draft Transport Strategy**

Thank you for the opportunity to make a submission on the City of Hobart Draft Transport Strategy 2018 – 2030.


Aldermen and senior staff have considered the comprehensive document and in general support the strategy. Council will consider the draft strategy at its next Council meeting on 10 September 2018. However the matter was discussed at the Workshop on 24 August 2018 where Council provided the following comments:

- Council supports strong regional cooperation for development of the transport network in the southern region. It is hopeful this will materialise through the development of the Hobart City Deal and the Greater Hobart Transport Vision.
- Council supports the need for an improved public transport network, including the ferry services between the eastern and western shores.
- Council needs clear direction from the State Government on timing and scope of proposed improvements to the State Highways within our Municipality.
- The Roads and Jetties Act 1935 is in need for revision. It places unfair and onerous responsibility on Councils for infrastructure on State managed land.

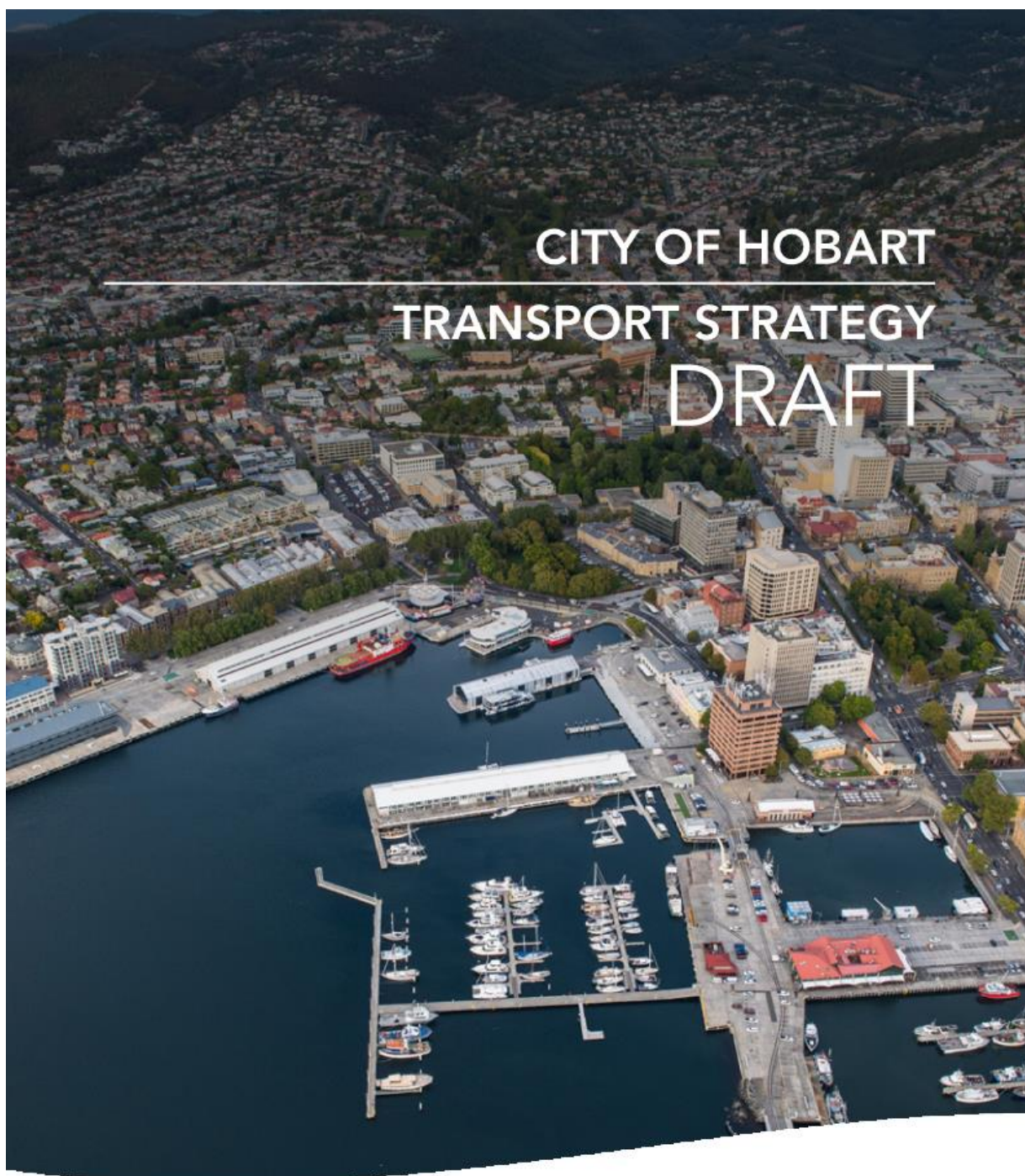
Once again thank you for the opportunity to comment and we will provide further advice after Council's formal meeting.

Should you have any further queries or require clarification on these matters please contact Council's Group Manager Engineering Services, Mr Ross Graham on 6217 9687.

Yours sincerely



Andrew Paul  
**GENERAL MANAGER**



City of **HOBART**



## VISION STATEMENT

Hobart breathes.

Connections between nature, history, culture, businesses and each other are the heart of our city.

We are brave and caring.

We resist mediocrity and sameness.

As we grow, we remember what makes this place special.

We walk in the fresh air between all the best things in life.

---

### ACKNOWLEDGEMENT OF COUNTRY

The City of Hobart acknowledges the palawa people as the traditional and ongoing Custodians of lutruwita (Tasmania). The City of Hobart pays its respects to the Elders past, present and future, as we work towards the community's vision for future Hobart.



### INTRODUCTION FROM THE LORD MAYOR



As the Lord Mayor of Hobart, it is my great pleasure to introduce the Transport Strategy for the City of Hobart.

This document has been produced following an extensive program of engagement with the Hobart community and various stakeholders.

It takes into account the recently completed Hobart Vision and builds on work from the Hobart Sustainable Transport Strategy, which commenced in 2010. Much has been achieved since that time; there is now a Southern Tasmanian Regional Land Use Strategy, with urban growth boundaries and areas identified for residential growth. The construction of key bicycle and walking linkages has occurred, and some improvements to public transport

facilities have begun. Indeed, cornerstones from that strategy have now been adopted by Infrastructure Tasmania in its 2018 *Hobart Transport Vision*.

There is much more to do. We are all aware that greater Hobart is at a turning point. In the past decade Australia and the rest of the world have discovered our liveable, cultured city situated in a relatively unspoilt natural environment. Visitor numbers are increasing, our population is growing, and construction projects both in the city and in neighbouring council areas are at a record high.

With this growth comes challenges; our current settlement pattern and lack of transport infrastructure to support mobility options has left many people reliant on their private motor vehicles for daily activities. Our growth has pushed more affordable housing further from the city centre to areas not well-served by public transport.

The world is becoming increasingly aware of the need to substantially limit our greenhouse gas emissions to reduce the real risks of climate change in the next century. As things stand, our children and grandchildren will, at best, inherit a world with higher sea levels, along with a more unstable climate.

But there is cause for optimism. New technologies can help reduce our carbon emissions with more fuel-efficient and electrically-powered transport. Intelligent transport systems, combined with the internet and our mobile devices, can provide us with the information needed to make better transport choices. New housing stock and better land use planning can reduce our need to travel.

Through community engagement with the Hobart Vision process, we have a clearer understanding of what people want, and what can be done but this will require change and investment to create the city that is connected into the future. We need to complete and extend a network of bicycle facilities, we need to make the city even more walkable, and we need real improvements in bus service reach and frequency. We need to develop River Derwent ferry services, passenger transport services and housing on the existing rail corridor.

By implementing this new Transport Strategy for the City of Hobart, and with funding support from the State and Australian governments to implement the *Hobart Transport Vision*, maintaining Hobart as a great liveable city will be one step closer.

Alderman Ron Christie  
Lord Mayor





### EXECUTIVE SUMMARY

Hobart is the capital city of Tasmania, dramatically sited between mountain and river. We are a small city, but we are growing.

Hobartians want to live good lives, connected to our communities and our natural environment. Our spirit of place is strong and we embrace our city's unique beauty and wonder. We want to participate fully in Hobart's vibrant lifestyle and maintain our easy pace of life. We value our fresh air and want to keep our city breathing. These are the things we will seek to maintain as we grow.

Planning for future growth that maintains Hobart's liveability will require well-considered, integrated and sustainable transport outcomes. Transport is one of the most important considerations for a growing city in order to facilitate access and movement that will support us socially, economically and environmentally.

Traffic congestion makes the headlines, however there are two transport stories in Hobart. Compared with the other Australian capitals, Hobart residents are more likely to walk for transport, and some parts of Hobart have very high numbers of bicycle commuters. However, the regional story is quite different. When we look beyond our municipality to include the surrounding municipalities of greater Hobart, we are a very car-dependent population. This car dependence, which is a legacy of land use, settlement patterns and past transport policy decisions, is the reason for the traffic congestion we are experiencing now.

Feedback from the community is that transport can be a problem and we need improvements. This includes fewer cars on the road, real public transport options for people travelling to and around the city and more support for people walking and cycling. Safety is important.

Ultimately we all want to reach our destinations every day: safe, healthy and happy.

In order to achieve those outcomes we need a well-connected pedestrian and cycle network. We need high-quality, accessible streetscapes, and neighbourhoods where the traffic is calm and people are encouraged to choose active travel, regardless of age or ability. We need public transport that is reliable, affordable and connected, and supported by waiting facilities and park and ride.

A Smart Roads approach to network management will give us more efficiency from our existing road infrastructure. We need effectual freight systems to support our economy, and smart parking that meets the needs of residents and businesses.

Getting transport right is a challenge that requires we continue to seek and understand the big picture. The way we use land influences our need to move, and therefore we will strive to create an improved residential, business, institutional and education land use mix in Hobart. Evidence and relevant data will guide our decision making, measure our progress and track the changes. And we will continue to develop the important stakeholder relationships that will allow us to achieve the outcomes we need – with all levels of government, the private sector, advocacy groups and our local communities.

Hobart is experiencing rapid change and growth in our economy and population and this growth is projected to continue. In order to maintain the wonderful qualities that we enjoy about living in Hobart, we need to achieve an integrated and sustainable transport and movement network.

Part one of this strategy discusses the background research and results of community and stakeholder consultation – it describes where we are now and how we developed this strategy.

Part two identifies nine themes that reflect the areas of focus that the City of Hobart must develop to achieve the transport outcomes we need.

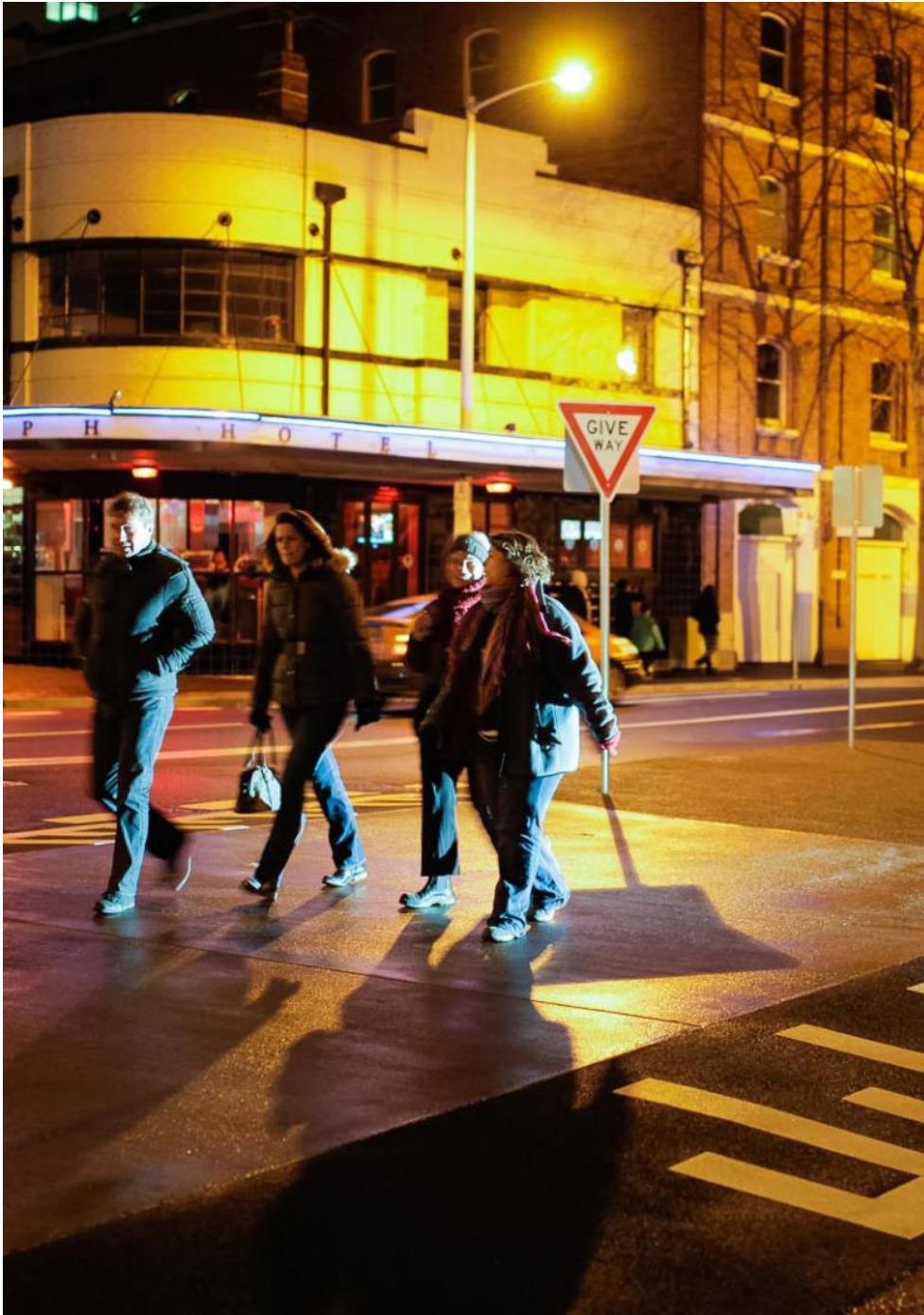
Part three outlines how implementation will occur in a balanced way to ensure the success of this Strategy.



## Attachment 2







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## PART 1

### A COMMUNITY VISION FOR OUR ISLAND CAPITAL

#### INTRODUCTION

In late 2017 and early 2018 the City of Hobart undertook a consultative process with the Hobart community and a community panel to develop a new Vision. The complete document and information about the process is available on the City of Hobart's website.<sup>1</sup>

Final consultation on this new Vision is occurring in June 2018. This is the Vision for Hobart that guides our strategies and actions.

#### PILLARS

There are eight pillars within the Vision. Movement and connectivity is the key pillar that is relevant for the Transport Strategy.

The movement and connectivity pillar states the following aspiration:

We are a city where everyone has effective, safe, healthy and environmentally-friendly ways to move and connect with people, information and goods, and to and through spaces and the natural environment. We are able to maintain a pace of life that allows us to fulfil our needs, such as work, study, business, accessing services, socialising, recreation, shopping, entertainment and spending time with loved ones.

- We keep our city breathing
- We maintain our pace of life
- We have transport options
- We use transport and technology to support our connections and access
- We collaborate

<sup>1</sup> <https://yoursay.hobartcity.com.au/the-vision>

### WHY ARE WE DEVELOPING A NEW TRANSPORT STRATEGY?

The City of Hobart is planning for the future transport needs of our community. It is important that, as we move into the next part of the 21st century, we have strategies in place to support the anticipated growth in our population and economy while we hold on to what makes Hobart special and unique.

The City of Hobart is home to 48,700 residents. On any given day in the city there are up to 46,000 workers, 33,000 students and an increasingly large number of people accessing specialist shops and services, including tourists. We need to make sure that the City of Hobart's planning is coordinated with the Tasmanian Government, the Australian Government and other local councils, all of whom have responsibilities for land use planning, infrastructure and transport networks.

Forecasts for economic and population growth in Hobart present significant transport and land use opportunities and challenges. The City of Hobart's planners and decision-makers must anticipate and respond to the challenges while maintaining and enhancing Hobart's strengths and its status as a vibrant, liveable and successful capital city and regional centre.

Hobart is a destination for so many activities. We want to maintain and improve access to and within the City of Hobart. The engagement we have undertaken to understand the trends and issues of transport in Hobart, along with the new Hobart Vision developed by the community, tell us we need more transport options, such as public transport, and walking and cycling facilities, as well as safer more liveable streets. Scientific evidence supports the need to reduce our carbon emissions, which is supported by our Climate Change Strategy. Our lived experience tells us we want to reduce peak hour traffic congestion.

We need to develop a strategy to guide our work and direct our efforts over the next 15 years to deliver a better transport system and more liveable city for the people of, and visitors to, Hobart. This is why we are developing a Transport Strategy for the City of Hobart.

Part 2 of this Strategy outlines the focus areas and actions which will guide the delivery of the strategy.

The City of Hobart's strategic framework links its Vision, Strategies and Action Plans (Figure 1).

## Strategic Framework

### VISION

A Community Vision for our Island Capital

Capital City Strategic Plan

### STRATEGY

The City of Hobart develops strategies to guide various areas of its works. Some examples are below, among these is the Transport Strategy.

Street Tree Strategy

Social Inclusion Strategy

Smart Cities Strategy  
(yet to be developed)

Transport Strategy

Waste Management Strategy

Housing and Homelessness Strategy

Economic Development Strategy

Climate Change Strategy

Positive Ageing Strategy

### IMPLEMENTATION

Action Plans (Detailed in the Transport Strategy)

Walking Plan

Bicycle Plan

Parking Plan

Other Plans and Actions

Figure 1: Strategic framework for the City of Hobart | Source: City of Hobart



## Attachment 2

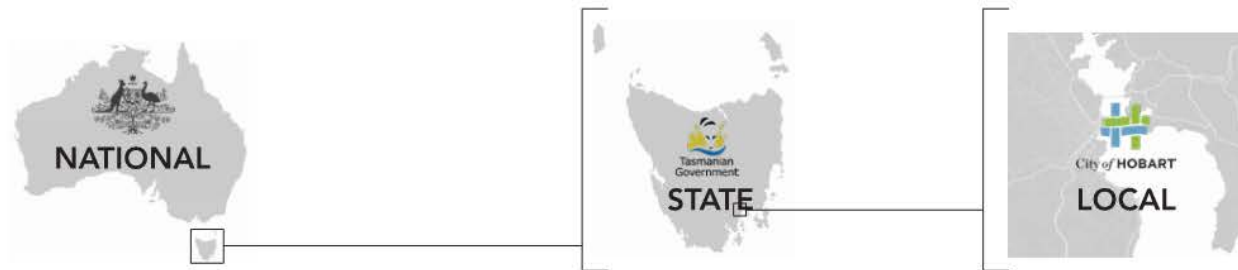


Figure 2: Responsibility of the three levels of government | Source: City of Hobart

### WHO IS RESPONSIBLE FOR THE TRANSPORT NETWORK?

Our transport network sits within a complex legislative, regulatory, policy and funding environment across local, state and federal governments. A complete listing of legislation and a detailed discussion of ownership and responsibilities is contained in the background papers.

#### NATIONAL

The Australian Government funds the National Highway, major infrastructure and programs such as Roads to Recovery and Black Spot road-safety funding. Heavy vehicles (over 4.5 tonnes GMV) operate in Tasmania under national regulations managed through the National Heavy Vehicle Regulator.<sup>2</sup>

Australian transport agencies (both state and national), through Austroads, undertake research and produce guidelines for a nationally consistent transport system. For example, Austroads has established a national architecture for intelligent transport systems and its associated framework to guide the implementation of a range of technologies aimed at delivering safer, more efficient and environmentally sustainable transport solutions.<sup>3</sup>

#### STATE

Through the Tasmanian Resource Management and Planning System (RMPS)<sup>4</sup> the Tasmanian Government is responsible for state-wide and regional land use planning. The Tasmanian Government is also responsible for major state road, rail and port projects. Beyond these planning functions, the Tasmanian Government influences settlement patterns through the provision of grants and subsidies – such as the first home-owner/builder grants – which in turn impact transport planning. The Tasmanian Government plans and develops a range of social infrastructure including schools, hospitals and other essential infrastructure that can have a bearing on transport demand.

The Tasmanian Government is responsible for the operation and maintenance of the state-owned road network, which primarily consists of roads that provide connectivity between cities, major towns, rural catchments and key marine and air transport hubs.

The Tasmanian Government provides funding for public transport through Metro Tasmania (a state-owned company) and contracted private bus operators. TasRail (a state-owned company) manages all rail freight operations. TasPorts (a state-owned company) operates all four major ports in Tasmania: in Hobart, Burnie, Launceston and Devonport, and is responsible for some roads, and provides car parking in Sullivans Cove. Hobart International Airport is privately owned by the Tasmanian Gateway Consortium.

The Tasmanian Government regulates vehicle licensing and registration, legislates for and enforces road rules, including speed limits, and controls all public road traffic signals (traffic lights). The Tasmanian Government generally obtains its legislative powers through the Roads and Jetties Act 1935 and the Highways Act 1951.

#### LOCAL

In Tasmania, local government, has powers delegated under the *Local Government (Highways) Act 1982* and the *Local Government Act 1993*, to make by-laws to regulate and control conduct on highways in a municipal area.<sup>5</sup> Local government is delegated the authority to manage and develop the local transport networks by the State Government in accordance with Australian Standards and relevant guidelines. It can make policies and develop strategies, such as this document, to guide how it manages and develops its transport network.

The City of Hobart is responsible for parts of the road network and the 'last mile' connections to businesses and associated access arrangements, such as loading zones and access for public vehicles, including buses and taxis in and around greater Hobart. This responsibility includes the control of occupation of roads and footpaths for other development works, such as construction, as well as outdoor dining, signboards, trading, footpath crossings and events.

The City of Hobart maintains and renews its roads and footpaths. We plan, develop and build enhancement projects to improve transport, and general safety and amenity for the public. We manage on street parking, and some off street parking.

The City of Hobart also has a role in regulating development on private property, although the Statewide Planning Scheme and system constrains our influence in some areas.

The City of Hobart advocates for change on behalf of the community, and partners with external stakeholders. We play a role in educating and supporting individuals to make sustainable transport choices and, as the capital city, we play a role in providing leadership for the region and the state.

<sup>2</sup> [www.nhvr.gov.au/](http://www.nhvr.gov.au/)

<sup>3</sup> [www.austroads.com.au/road-operations/network-operations/national-its-architecture](http://www.austroads.com.au/road-operations/network-operations/national-its-architecture)

<sup>4</sup> [www.planning.tas.gov.au/how\\_planning\\_works/tasmanian\\_planning\\_system](http://www.planning.tas.gov.au/how_planning_works/tasmanian_planning_system)

<sup>5</sup> A complete listing of legislation and a detailed discussion of ownership and responsibilities is contained in the background papers.

## ABOUT THE CITY OF HOBART

It is important to understand some of the context of Hobart – who we are and where we are going – to develop a strategy that is relevant and useful. The four background papers contain more detailed information and these are available on the City of Hobart's website.

### REGIONAL POPULATION, DEMOGRAPHICS AND SETTLEMENT PATTERNS

Understanding where population, demographic and housing growth is occurring in relation to employment, education and other major land use activities is critical to identifying and addressing transport issues in greater Hobart.

Population as at 31 December 2015 <sup>6</sup>

<b>Tasmania</b>	519,050 (projected to be 589,000 by 2062 <sup>7</sup> )
<b>Greater Hobart</b>	220,953 (57% of Tasmania's population)
<b>Hobart local government area (LGA)</b>	50,796 (23% of the greater Hobart metropolitan area population)

With nearly one in every five people aged 65 years and over, Tasmanians have the highest median age (42) of all the states and territories, four years above the national average. It is projected that 25% of the state's population will be 65 years of age or more in 2030, an increase of nearly 60% of Tasmanians in that age group from 2011.

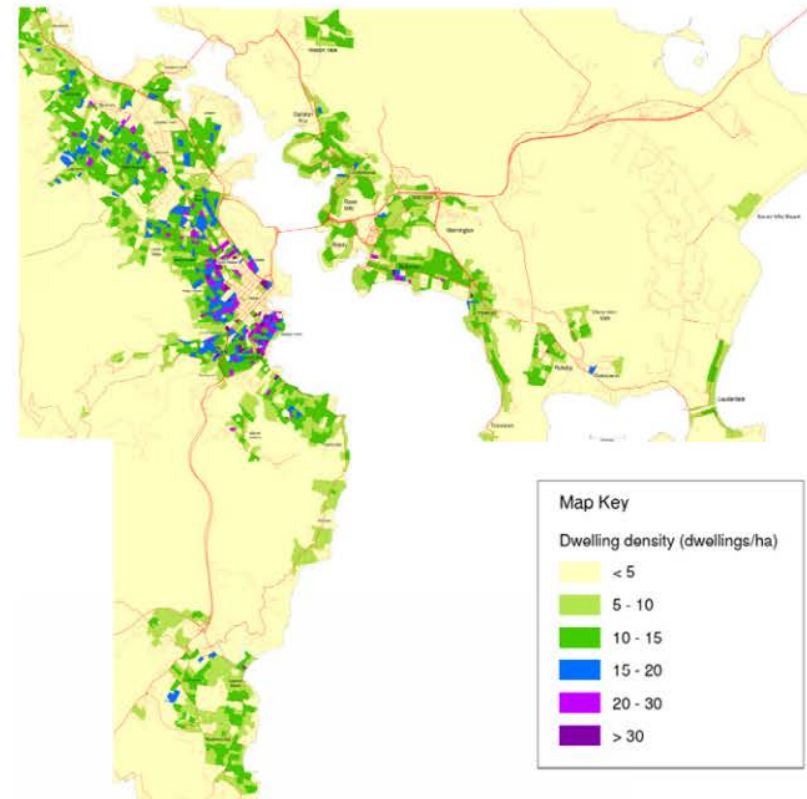
In 2015, the Tasmanian Government committed to increasing Tasmania's population to 650,000 by 2050, to offset the impacts of an aging population.<sup>8</sup>

The Tasmanian Government's Population Growth Strategy includes measures such as increasing migration and supporting and retaining international graduates, who currently comprise 70% of Tasmania's skilled migrants. A report showing progress towards this strategy is available.<sup>9</sup>

Planning for future land use and residential housing demand was considered in *The Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS)*. It was declared by the Minister for Planning in November 2013 (amended in September 2016), pursuant to Section 30C of the *Land Use Planning and Approvals Act 1993 (LUPAA)*, and included a greater Hobart residential strategy to manage residential growth.

The STRLUS established a 20-year urban growth boundary based on 50% of growth occurring in existing suburbs (infill development) and 50% on greenfield (new) sites. Currently, 15% of growth is infill and 85% is on greenfield sites.

The following maps show the dwelling density of the greater Hobart region, and the areas designated in the STRLUS for increased residential density.



Map 1: Southern region – dwelling density | Source: Southern Tasmanian Councils Authority

The STRLUS recommended that infill housing growth totals 13,228 dwellings across these local government areas:

Hobart LGA	25% (3312 dwellings)
Glenorchy LGA	40% (5300 dwellings)
Clarence LGA	15% (1987 dwellings)
Brighton LGA	15% (1987 dwellings)
Kingborough	5% (662 dwellings) <sup>10</sup>

<sup>6</sup> [stat.abs.gov.au/tv/r.jsp?RegionSummary&region=6GHOB&dataset=ABS\\_REGIONAL\\_ASG&geoconcept=REGION&dataset=ASGS-ABS\\_REGIONAL\\_ASG&dataset.GA=ABS\\_NRP9\\_LGA&region.LGA=REGION&region.ASGS=REGION](http://stat.abs.gov.au/tv/r.jsp?RegionSummary&region=6GHOB&dataset=ABS_REGIONAL_ASG&geoconcept=REGION&dataset=ASGS-ABS_REGIONAL_ASG&dataset.GA=ABS_NRP9_LGA&region.LGA=REGION&region.ASGS=REGION)

<sup>7</sup> Department of Treasury and Finance, 'Population Projections: Tasmania and its Local Government Areas', December, 2014.

<sup>8</sup> Information on an aging population and the Tasmanian Government's population strategy: [www.stategrowth.tas.gov.au/\\_data/assets/pdf\\_file/0017/100376/Background\\_issues\\_paper.pdf](http://www.stategrowth.tas.gov.au/_data/assets/pdf_file/0017/100376/Background_issues_paper.pdf)

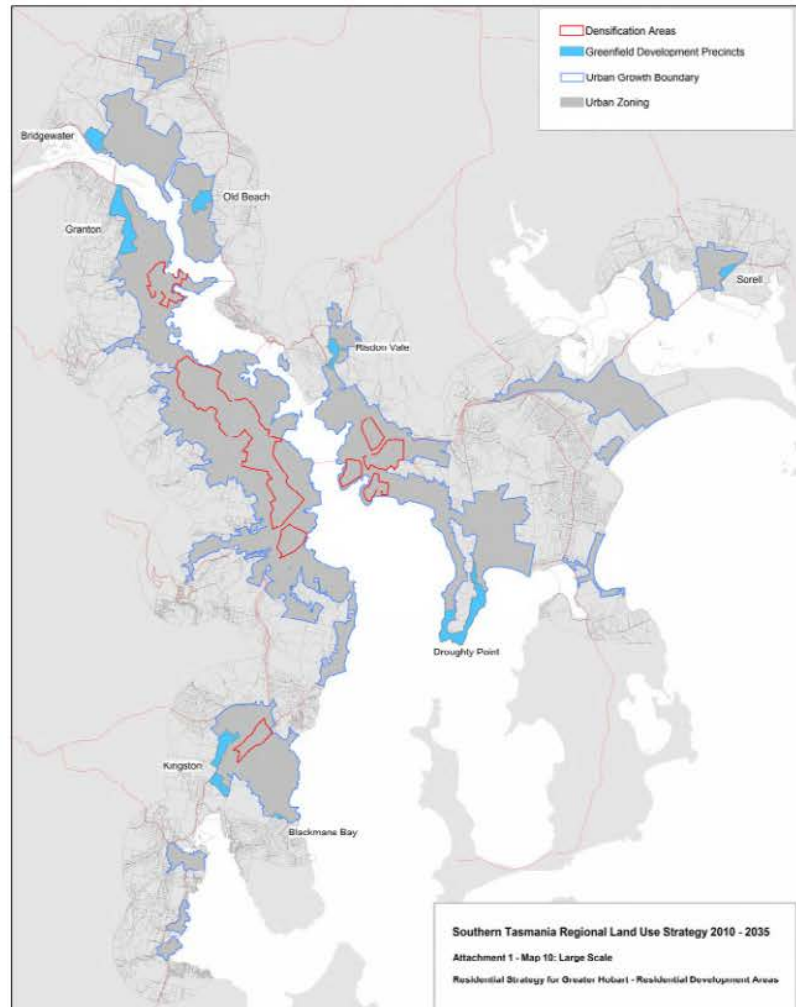
<sup>9</sup> [www.stategrowth.tas.gov.au/\\_data/assets/pdf\\_file/0017/142109/Population\\_Growth\\_Strategy\\_-\\_Annual\\_Report\\_2016.pdf](http://www.stategrowth.tas.gov.au/_data/assets/pdf_file/0017/142109/Population_Growth_Strategy_-_Annual_Report_2016.pdf)

<sup>10</sup> Southern Tasmanian Regional Land Use Strategy 2010-2035, p. 97



## Attachment 2

Map 2, taken from the *Southern Regional Land Use Strategy*, indicates where the Tasmanian and local governments have determined more housing will be developed in the future, it gives us an indication of where future transport demand will occur and informs us what strategies might be most effective.



Map 2: Residential Strategy for greater Hobart – residential development areas | Source: Southern Tasmanian Regional Land Use Strategy 2010-2035

### EMPLOYMENT IN HOBART

Hobart is a key economic region in Tasmania, attracting many people to work in the following sectors:<sup>11</sup>

- health care and social assistance – 9327 employees
- public administration and safety – 7983 employees
- education and training – 5392 employees
- accommodation and food services – 4551 employees
- retail trade – 4520 employees
- professional, scientific and technical services – 4084 employees.

These groups total 35,857 employees, though the actual number may be higher.

Health care and social assistance has seen a notable increase in employment levels of 24.8% (census year to census year), overtaking public administration and safety as the top employer. The tourism sector is also experiencing a growth in employment rates.

Of particular interest for transport planning purposes, the Hobart LGA, predominantly in and around the CBD, contains more than half of all the jobs in greater Hobart, with relatively few through-city traffic movements between other council areas for the journey to work. This location of employees and school enrolment locations (section 4.3) indicates, for example, that a Hobart city bypass road may not actually address the issue of congestion. A more in-depth discussion is contained in Background Paper 2 – Private Transport page 72 and within the STRLUS.

### OTHER NOTABLE ACTIVITIES IN HOBART

Education is a significant activity in Hobart; there are multiple campuses of University of Tasmania and a significant number of independent and government schools and colleges. The university, public and private schools in Hobart have an estimated combined enrolment of over 25,000 students.<sup>12</sup>

Science also plays a key role in Hobart. The city hosts a significant CSIRO research presence and the Australian Antarctic Division's principal supply, logistics and science base, which support activities in Antarctica.

Hobart is a centre for culture in Tasmania. The creative economy is a significant contributor to the life and liveability of Hobart. Major festivals occur in and around the city and on the waterfront during the summer and winter seasons.

Tourism activity in Hobart is growing significantly and the city is accessed by an international airport, hosts over 60 major cruise ship visits each year, and receives significant visitors from the Australian mainland via the Spirit of Tasmania roll-on roll-off ferry vessels. The Tasmanian Parliament sits on the Hobart waterfront and there are a significant number of government departments which provide administration for the state.

<sup>11</sup> All employment data is sourced from the Australian Bureau of Statistics Census 2016.

<sup>12</sup> <https://docs.education.gov.au/node/45161> and <https://documentcentre.education.tas.gov.au/Documents/DoE-Annual-Dataset-2016-17.pdf>

## Attachment 2

### GREATER HOBART'S TRANSPORT NETWORK

A transport network is a spatial network that provides for the movement of people and goods. In Tasmania, it is predominantly road based. Rail transport is restricted to the movement of goods (freight between the northern Tasmanian ports and the Brighton transport hub) or short tourist trips. The same is generally true for shipping (ferry) transport.

An extensive footpath network exists in Hobart. The dedicated bicycle facility network in Hobart is limited and still in development. Cycling is also permitting on most footpaths and roads in Tasmania.

The road transport network supports private motor vehicle movement with buses providing the only mass public passenger transport. Taxi services have been supplemented with Uber, and community transport plays a major role in providing for

the over 65s and people with a disability.

There are four key metropolitan arterial road links for greater Hobart, all of which have a presence within the City of Hobart and are pivotal in the road transport network in southern Tasmania. These are the Brooker Highway, Tasman Highway, Southern Outlet, and the Davey Street and Macquarie Street couplet.

These major arterial roads (and associated major bridges and structures) are mostly owned<sup>13</sup> and managed by the Tasmanian Government and they all converge in Hobart. Within the city, metropolitan road links are supported by the local road network, with different roads having different functions.

Of particular interest are the differences in travel modes used between the residents of Hobart and the residents of the surrounding local government areas in getting to their places of work in Hobart.

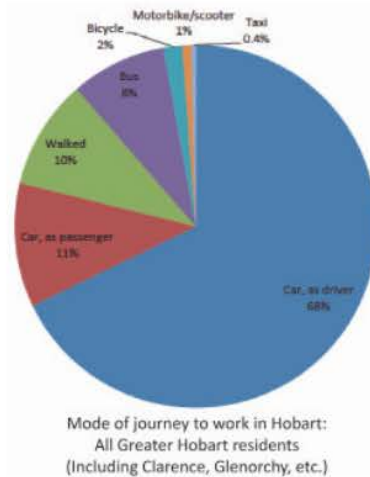
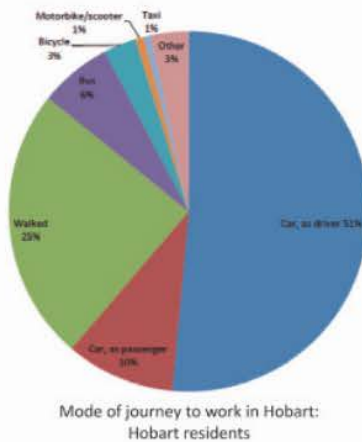
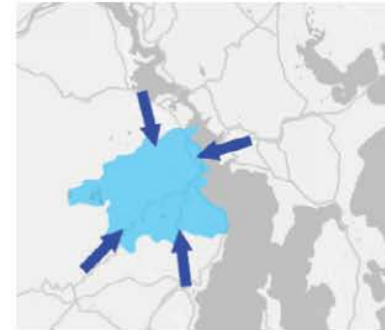


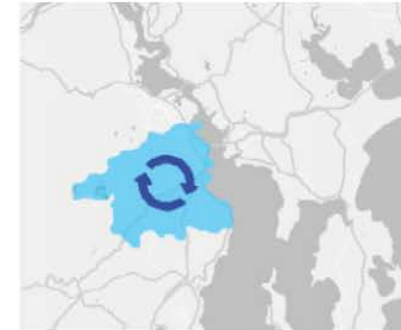
Chart 1: Southern region modes used for the journey to work 2011 | Source: Department of Infrastructure, Energy and Resources, Journey to Work data Analysis Values exclude those who did not go to work and those who worked at home.



### JOURNEYS INTO HOBART



### JOURNEYS WITHIN HOBART



Map 3: Stylised mapping of journey to work – 'tale of two cities' | Source: City of Hobart

The generalised situation described for greater Hobart, most notably in the Australian Bureau of Statistics (ABS) census journey to work (JTW) statistics, show a different pattern to that occurring within the Hobart LGA. A large number of Hobart residents make their journey to work using active transport means: 25% walk, 3% ride a bike and 6% take the bus. Hobart has the highest proportion of the walking journey to work mode of all Australian capital cities. In some suburbs the proportion of individuals using active transport for their journey to work is even higher. In many cases it can be seen that proximity to high quality walking and bicycle paths, along with frequent public transport services and relatively short journey distances (less than 4 km) to key employment, education and service areas plays a large part in an individual's transport mode choice.

This 'tale of two cities' has implications for a range of solutions that this Transport Strategy will present.

<sup>13</sup> In 2018 the Tasmanian Government took control and ownership of Macquarie Street and Davey Street between the Southern Outlet and the Tasman Highway from the City of Hobart.



## SCOPE OF THIS STRATEGY

This Transport Strategy for the City of Hobart details strategic actions that can be primarily undertaken by the City of Hobart, both as a discrete local government body and in partnership with other stakeholders.

The City of Hobart is a defined Local Government Area (LGA) that has direct boundaries with the City of Glenorchy and Kingborough Council and the River Derwent in southern Tasmania. The metropolitan centre of the region is greater Hobart which extends to the Local Government Areas of Brighton, Clarence, Glenorchy, Hobart, Kingborough and Sorell.

The transport challenges present in Hobart are the result of many factors. Several factors are outside the control of the City of Hobart (as noted in sections 3 and 4), and as a result solutions are not the sole responsibility of the City of Hobart.

The Australian and Tasmanian governments have entered into an agreement to develop a City Deal<sup>14</sup> for Hobart in partnership with local governments in the urban Hobart area. There is also the intention to create a Capital City Act, which will legislate for some arrangements for council areas to further work together.

Developing transport and settlement solution options will need the involvement of all parties in Southern Tasmania and so this Transport Strategy also focuses on collaborations with other local councils, the Tasmanian Government, the Australian Government, and other key stakeholder bodies in Tasmania.

## APPROACH TO DEVELOPING THE HOBART TRANSPORT STRATEGY

The Transport Strategy has been developed following a four-step process (shown in the diagram below) involving engagement with key stakeholders and the community.

Two consultation rounds were undertaken, the first focusing on each of the four background papers<sup>15</sup>, the second involving the draft strategy.



Figure 3: Strategy development process | Source: City of Hobart

<sup>14</sup> For more information about City Deals see <https://cities.infrastructure.gov.au/city-deals>

<sup>15</sup> <https://yoursay.hobartcity.com.au/transport-strategy>

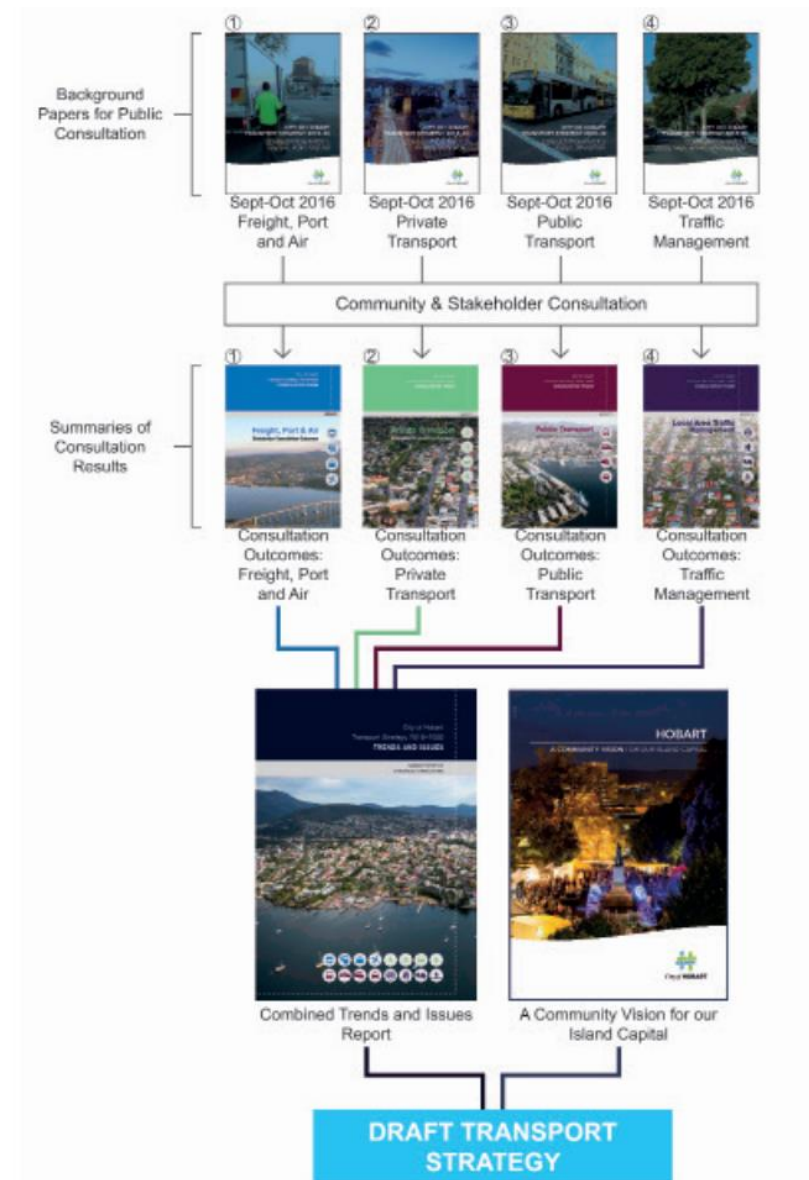


Figure 4: Strategy engagement evolution | Source: City of Hobart





Four background papers were based on research and review of relevant reports, a comparative analysis of national and international cities' transport strategies across key indicators, and assessing baseline and future conditions for Hobart. The papers contain detailed data, information and discussion to support the consultation, discussions and surveys that occurred during Step 2. The views and insights of stakeholders, along with survey results, were published in a summary document titled *Trends and Issues – Summary Report of Stakeholder Consultations*.<sup>16</sup> In a parallel process, the City of Hobart has undertaken the development of a new Vision for Hobart. As noted in Section 1, this new Vision provides a way to approach and address the identified trends and issues for transport identified in the detailed transport stakeholder engagement.

The staged process that was undertaken to release background papers and gather community and stakeholder input has provided an opportunity to deepen the understanding of the range of transport problems facing greater Hobart. Traffic congestion is not the only issue. Information and data has been drawn from a range of recent engagements including the development of the City of Hobart's Vision, the Transport Strategy engagement process, the City of Hobart's Climate Change Strategy Review and project-specific engagements such as the Retail Precinct upgrade projects in local neighbourhood areas.

By tapping into this broad range of engagements, we can understand the city more holistically across a number of intersecting urban systems, beyond just transport.

Ultimately the constant question being asked every time we engage and consult is:

#### **What do we want Hobart to be like in the future?**

We are now undertaking Step 4: engaging again with the greater Hobart community and stakeholders on this draft Transport Strategy. The strategy actions are those that we believe can help manage and improve our current transport system, and move it closer to the future system desired by the community.

## THE ICEBERG MODEL OF PROBLEMS AND DECISIONS

Transport planning is a good example of how technical, social, moral, cultural, past land use planning and economic aspects of greater Hobart interact. When faced with familiar situations, we may be tempted to think we understand the problem and jump to a solution.

### **But what is the problem?**

The drive to find 'solutions' often presupposes that we understand the problem.

[Problems] ... 'lead groups to challenge each other, and often require us to confront our own assumptions of what is right. They require ways of thinking and working through difference. They are comprised of a constellation of connected issues that extend across time and space. The overlapping or conflicting interests, values and concerns of different groups and individuals connect these issues.

Though there will always be unintended consequences of policy, these can be reduced when it is not only the experts but also the diverse stakeholders who contribute meaningfully, effectively and efficiently to understanding the problem.' Robert Hoppe's (2011) argues that political decision processes often jump rapidly from problem-signalling to the development of options or solutions that supposedly solve the problem. These pay attention only to the tip of the iceberg and ignore most of what is below the surface.

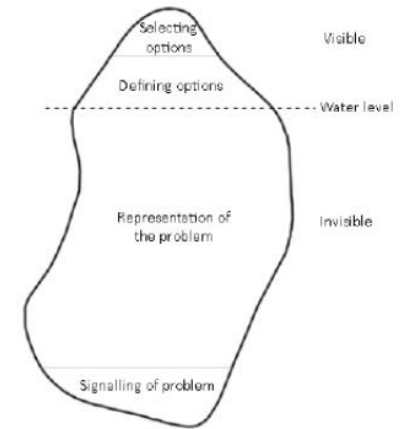


Figure 5: The 'iceberg' model of problems and decisions emphasises the importance of problem-finding, through signalling and representing.<sup>17</sup>

<sup>16</sup> All background reports, engagement outcomes reports and the trends and issues summary are available at: <https://yoursayhobartcity.com.au/transport-strategy>

<sup>17</sup> Leith, P., O'Toole, K., Haward, M., Coffey, B., (2017), *ENHANCING SCIENCE IMPACT: Bridging Research, Policy and Practice for Sustainability*, CSIRO Publishing

## WHAT YOU TOLD US – ISSUES, PROBLEMS AND CHALLENGES

Grouping the issues, problems and concerns that individuals and stakeholders have told us about can help us focus on identifying solutions.

### **Hobart is a growing city in a region where our heritage and topography constrain simply developing more roads to service our transport demands**

Tasmania is an island of great natural beauty and southern Tasmania provides an enviable lifestyle setting. Our reputation as being clean, green and beautiful, with a temperate climate, in a peaceful part of the world is, in part, driving growth in our resident population and tourism visitation.

Hobart is an area rich in Aboriginal heritage sites and cultural landscape. The Hobart area also contains a significant number of heritage European buildings. The River Derwent, kunanyi/Mt Wellington and other similar landforms, along with heritage considerations, all place significant constraints on the ability to simply and cheaply build more roads and bridges, or in many instances, even widen the ones we have. We need to better manage the infrastructure we have now to move more people.

### **The Tasmanian population is aging**

The age structure 'bulge' caused by baby boomers has implications for Tasmanian society and creates challenges, across many areas including transport.<sup>18</sup> Demand for facilities to support mobility devices, and accessible public transport services will continue to rise.

### **Tasmanians currently experience some of the worst population health outcomes in Australia**

'The Tasmanian Government has the goal of making Tasmania the healthiest population in Australia by 2025. This is an ambitious target, since Tasmanians currently experience some of the worst population health outcomes in the country, with high rates of chronic disease and health risk factors like smoking, obesity, poor nutrition, low physical activity levels, and risky alcohol consumption.'<sup>19</sup>

Active transport, including public transport, can play a part in increasing an individual's incidental physical activity and this is an important part of improving health.<sup>20</sup>

### **Housing prices in Hobart are no longer 'cheap' compared to other Australian capital cities**

Tasmania's growth in property and housing prices in the past decade is no doubt due to a complex range of factors including the excellent liveability of our region. Certainly tourism and visitor numbers have grown strongly in recent times, in part due to the 'Mona effect'<sup>21</sup> and high impact events such as the visit of the Chinese President in 2014.

Property conversion to Airbnb accommodation, growth in tertiary student numbers, workforce shortage due to large infrastructure projects and the desirability of Hobart as place to live and work are also likely factors that contribute to growing house prices. Consequences of this include a scarcity of rental property stock and subsequent rise of rental accommodation prices in and around Hobart.

### **Land is available, and houses continue to be built**

Housing continues to be constructed in Hobart. However the rising cost of building supports the expansion of the housing settlements at a distance from the Hobart CBD where underlying land prices are lower. Greater Hobart has a low density settlement pattern and significant housing and population growth continues to occur in Sorell, Kingston/Margate and Brighton. It would appear that the growth in job opportunities in these areas is not keeping pace with the overall local population growth. Public transport services in these areas are limited, and many individuals in these areas are reliant on a motor vehicle to access work and services.

Locating new affordable, high quality, medium density housing near public transport, schools, jobs and services will need to be a priority to improve the sustainability and liveability of our settlement.

### **There is high public demand for much better public transport, walking and bicycle riding facilities**

Where Metro has introduced high frequency services on key routes, (Turn up and Go) passenger numbers have increased. The survey results from the engagement of consultation papers also indicate that people want better public transport, high-quality walking and cycling facilities. We have very high numbers of people walking and cycling in parts of Hobart and there would appear to be latent demand for more uptake of these transport modes – if improved facilities were provided.

The recently published *Infrastructure Tasmania – Hobart Transport Vision*<sup>22</sup> – focuses on creating high frequency, park and ride supported, bus transit priority services on six main corridors to service greater Hobart: Main Road and Brooker Highway to the north, the Southern Outlet and Sandy Bay Road to the south and the Tasman Highway and Clarence Street to the east. Ferry connections between the Hobart waterfront and the eastern shore, along with cycling facilities to support ferry use are also considerations. Mass transit on the existing, but currently unused, western shore rail corridor is listed as a future stage of the *Infrastructure Tasmania – Hobart Transport Vision* for servicing the transport needs of people to the north of the City. This arrangement was detailed and promoted in the City of Hobart's 2009 Sustainable Transport Strategy.

<sup>18</sup> [www.stategrowth.tas.gov.au/\\_data/assets/pdf\\_file/0017/100376/Background\\_issues\\_paper.pdf](http://www.stategrowth.tas.gov.au/_data/assets/pdf_file/0017/100376/Background_issues_paper.pdf) and [www.dpac.tas.gov.au/\\_data/assets/pdf\\_file/0018/216018/Facing\\_the\\_Future\\_Fact\\_Sheets.pdf](http://www.dpac.tas.gov.au/_data/assets/pdf_file/0018/216018/Facing_the_Future_Fact_Sheets.pdf)

<sup>19</sup> [www.dhhs.tas.gov.au/about\\_the\\_department/our\\_plans\\_and\\_strategies/a\\_healthy\\_tasmania](http://www.dhhs.tas.gov.au/about_the_department/our_plans_and_strategies/a_healthy_tasmania)

<sup>20</sup> [www.menzies.utas.edu.au/news-and-events/menzies-blog/2017/how-do-you-get-from-a-to-b](http://www.menzies.utas.edu.au/news-and-events/menzies-blog/2017/how-do-you-get-from-a-to-b)

<sup>21</sup> [themonaeffect.wordpress.com/](http://themonaeffect.wordpress.com/) and [www.hamesharley.com.au/knowledge/article/the-mona-effect-how-an-iconic-building-can-transform-a-city/](http://www.hamesharley.com.au/knowledge/article/the-mona-effect-how-an-iconic-building-can-transform-a-city/)

<sup>22</sup> [www.stategrowth.tas.gov.au/\\_data/assets/pdf\\_file/0011/166079/Hobart\\_Transport\\_Vision\\_small\\_20180117.pdf](http://www.stategrowth.tas.gov.au/_data/assets/pdf_file/0011/166079/Hobart_Transport_Vision_small_20180117.pdf), January 2018



## Attachment 2



### **Climate change implications need to be considered and transport emissions must be reduced**

Adapting to and planning for climate change impacts will continue to be an important consideration for asset managers and government policy makers during the life of this strategy.<sup>23</sup> Rising temperatures and higher atmospheric CO<sub>2</sub> concentrations will have significant impacts on our current way of life. Particulate emissions from fossil fuels contribute to poor local air quality – and are linked to a range of diseases and reductions in life expectancy. As the transport sector is a major contributor to Tasmania's greenhouse gas emissions, reducing those emissions will be a challenge, but also a huge opportunity for a state with large renewable energy resources and the growing acceptance and affordability of electric vehicles, including electric bicycles.

### **Traffic congestion is created by concentrated peak demand for road space by motor vehicles**

A large number of factors contribute to peak hour traffic congestion, resulting in increased travel time and a decline of travel time reliability. (Interestingly the impacts are much less during school holidays.) Outside of peak hours the transport network operates well and has significant excess capacity.

As with any system operating at close to capacity (in terms of traffic, power and water) minor incidents or breakages can severely impact the system operation. Vehicle crashes on key parts of the road network, such as the Tasman Bridge, can introduce significant delays.

There is relatively little real-time data currently available to assist individuals to understand the overall extent of transport congestion or incident impacts. It is noted that the Department of State Growth has committed to implement a new Intelligent Transport System which could provide such real-time information and incident alerts to travellers in 2019.

With the transfer of Macquarie Street and Davey Street to the State Government in 2018, the Department of State Growth now controls and manages a linked set of roads. The Department of State Growth and Infrastructure Tasmania have a Hobart Transport Vision that prioritises 'rapid passenger transport solutions to move people as a competitive alternative to private car travel'.

Reducing traffic congestion will require less single occupant private vehicle use at peak times and more use of alternative travel modes such as public transport, walking, cycling, and carpooling. Travel demand management measures, including workplace travel plans and assisting individuals to retime their journey, will also be important measures.

### **Our streets are part of where we live, not just roads for cars**

There is strong desire within the Hobart community to take a more holistic view of our place and manage and develop our streets for people. Ensuring that the city's character, scale and connections to people, places and nature are maintained in unobtrusive, place-sensitive ways was a priority that emerged in the Vision engagement.

People want to not only feel safe, but see further reductions in crashes and dangerous road user behaviours such as running red lights, speeding, hooning and mobile phone use while driving.

Maintaining and enhancing the liveability of the city is a high priority for the people of Hobart. There was strong sentiment expressed for slowing and calming traffic in local residential areas and in high pedestrian traffic areas, such as the CBD, suburban retail precincts, around schools and the Hobart waterfront. Further effort to create walking and bicycle routes to local schools was seen by many as critically important.

The Tasmanian Government has produced summaries of the greater Hobart transport situation. This Infographic summary (Figure 6) was released as part of the Tasmanian Government's Hobart Transport Vision in January 2018.

<sup>23</sup> <https://yoursay.hobartcity.com.au/29366/documents/67328>



Figure 6: Hobart transport in context | Source: Infrastructure Tasmania: Hobart Transport Vision, January 2018

## GUIDING PRINCIPLES

In addition to the issues and priorities identified by the community and stakeholders, there are other contexts that impact on, or are impacted by, transport planning in Hobart and the broader region. The following 'guiding principles' have influenced the development of the actions in this strategy.

### A. COMMUNITY ENGAGEMENT IS CENTRAL TO OUR PLANNING

The aspirations of Hobart's community are embedded in this Strategy. In addition to the staged background paper engagement process, the new Hobart Vision, engagements on the local retail precinct upgrades, the City of Hobart's Climate Change Strategy, and input from the Access Advisory Committee, Bicycle Advisory Committee and Resident Traffic Committees have been significant in providing both high-level and detailed understanding of the aspirations of Hobart's community.

Through direct participation, the community has provided an understanding of the full breadth of issues, views and ideas, based on diverse health and education needs, age groups, occupations, lifestyles and day-to-day activities. Whilst monetary, physical and political constraints may not allow us to implement every wish and desire of sections of the community, our commitment is to actively engage and seek out solutions to the problems that we as a community face.

### B. VISION ZERO AND THE SAFE SYSTEMS APPROACH

The safety and efficiency of the City of Hobart's transport network is of paramount importance to residents, businesses, road users, transport operators, parents and school children, the government sector, and tourists and visitors.

Although there is diversity in people's transport needs and the modes they use, most people want the same thing: to be able to move about with ease and safety, and in a timely manner, whether they are on foot, using a mobility device, in a bus, truck, ferry, or car, or riding a bicycle.

The City of Hobart is responsible for delivering safe roads and roadsides as well as safe speeds; a safe systems approach is our guiding principle for making decisions about the road network.<sup>24</sup>

The Australian Government's National Road Safety Strategy and Tasmanian Government's *Towards Zero—Tasmanian Road Safety Strategy*<sup>25</sup> aim to achieve a safe system, with the ultimate goal of zero deaths and serious injuries as a result of road crashes. Road safety is a shared responsibility between infrastructure providers, road managers, vehicle regulators and road users.

<sup>24</sup> [roadsafety.gov.au/nrss/safe-system.aspx](https://roadsafety.gov.au/nrss/safe-system.aspx)

<sup>25</sup> [www.transport.tas.gov.au/roadsafety/towards\\_zero](https://www.transport.tas.gov.au/roadsafety/towards_zero)



### C. TRANSPORT IS AN IMPORTANT ASPECT OF THE TASMANIAN ECONOMY

The Transport Strategy recognises the pivotal role of transport in our daily lives and in Tasmania's economy.

Transport underpins essential social and economic interactions and is an important sector of the economy in its own right. Transport infrastructure and its various operations contribute directly to our economy. Inadequate or poorly directed transport investment can result in poor economic, health, social and environmental outcomes.

The impact of investment in transport networks on local, regional and state economies is often context-specific. Some actions to improve local conditions may deliver a one-off economic outcome, whereas others, for example, investment in road safety, can deliver incremental benefits to the entire community.

### D. TRANSPORT SITS WITHIN A REGULATORY AND POLICY CONTEXT

Key state and national policies provide broader context and guidance to ensure the Strategy reflects our needs now and into the future. Examples include Tasmanian Government's Vision Zero – Safety Strategy 2017-2026, the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS) the Affordable Housing Strategy 2015-2025, the Hobart Transport Vision 2018 and policies that promote healthy communities with affordable and convenient access to the local and regional transport networks, through integrating land use and transport planning.<sup>26</sup>

<sup>26</sup> The background papers (<https://yoursay.hobartcity.com.au/transport-strategy>) and their attachments (<https://yoursay.hobartcity.com.au/21422/documents/42514>) provide further information about the regulatory and legislative framework for Tasmania.

### E. CHANGE AND DISRUPTION IS CERTAIN

The world has undergone incredible change in the past century.

Population growth, technological innovation, globalisation, human rights improvements and disparities in equality and wealth sharing have produced a world that our great grandparents might not have imagined was possible.

Technological and social change is expected to continue at a rapid pace in our societies. We can expect to have cleaner power sources for new transport vehicles, which will be equipped with new technologies. It is envisaged we will have new mass public transport modes available to service the needs of greater Hobart. Apps on mobile devices will assist us in selecting transport options and providing information to support our day-to-day lives. Housing choices will have improved and, based on trend figures, the Hobart population will have continued to grow in number. Further improvements in health and liveability outcomes will be demanded by communities. Climate change mitigation and adaptation to rising temperatures and sea levels will continue to require attention during the life of this strategy and beyond.

As a guiding principle we should accept that our transport future will not simply be a bigger version of our recent road building past. The way we approach and frame our problems and the solutions we adopt to solve them will also need to change and evolve.

The Tasmanian Government would appear to have adopted a similar position. In its Infrastructure Tasmania – Hobart Transport Vision 2018, it has stated, 'Evidence has proven that more roads and wider roads result in more cars and worse congestion. Instead, we need to re-balance our network to provide more choice, greater equity and improved accessibility for all.'<sup>27</sup>

<sup>27</sup> [https://www.stategrowth.tas.gov.au/\\_data/assets/pdf\\_file/0011/166079/Hobart\\_Transport\\_Vision\\_small\\_20180117.pdf](https://www.stategrowth.tas.gov.au/_data/assets/pdf_file/0011/166079/Hobart_Transport_Vision_small_20180117.pdf) (pg. 5)

## PLANNING BETTER CITIES

When it comes to planning better cities for the future there's one simple rule: connect people to places, people to transport and people to people.

Bringing the people and place connections to fruition requires an accurate diagnosis of current levels of connectivity. Connected places have three key attributes:

- People connectivity — this exists where a place promotes social interaction and community engagement; where there is a sense of place, identity, community attachment and social diversity; and where people from all walks of life come into everyday contact with each other. This builds social capital and empathy across the social-cultural spectrum.

- Place connectivity — this involves landuse that provides easy access to a mix of neighbourhood activities, enabling short-distance travel. It brings places closer together.
- Transport connectivity — this exists where low-impact modes of travel allow for sustainable mobility, which enhances the quality and liveability of places, making the journey between places safe, efficient and enjoyable.<sup>28</sup>

<sup>28</sup> Extracted from: [www.thefifthestate.com.au/urbanism/planning/a-city-that-forgets-about-human-connections-has-lost-its-way/94903](http://www.thefifthestate.com.au/urbanism/planning/a-city-that-forgets-about-human-connections-has-lost-its-way/94903)







## PART 2

The people of Hobart want to live good lives, celebrating this incredible place where 'we all live, work and play in the midst of our mountain, our river and the land around us which constantly remind us of where we are and provide us with comfort, wonder and joy'.<sup>29</sup>

We want to move easily between our homes, work, education, recreation, sporting, entertainment, shopping, medical and other service locations.

This Transport Strategy seeks to make sure that Hobart continues to be one of Australia's most liveable cities. It aims to ensure residents and visitors are provided with as many sustainable transport options as possible and the information to make an informed decision about the best way to make a particular journey.

In developing this Transport Strategy for the City of Hobart, we had many conversations with the people who live, work and spend time here. You said you wanted less traffic congestion, more public transport options and better active travel infrastructure. You want to walk in the fresh air. You want an environmentally friendly, less polluting and sustainable transport system to be a high priority. You want better travel information with more reliable travel times. Improving access opportunities for the growing number in our community using wheelchairs, mobility scooters and other devices also needs to be an important consideration.

The feedback, input and research, and the recent community Vision for Hobart, inform the actions in this Transport Strategy. The actions will guide the City of Hobart as it prioritises resources over the next 15 years. In this way, the Strategy will lead to tangible, measurable improvements in our transport system that are planned, implemented and informed according to the community's needs.

Planning to get transport right is a complex task. It requires an integrated approach that recognises the individual roles played by the various systems that contribute to the problem, and the ways they interact. Any system we develop must allow for significant change. Accommodation, education and employment opportunities are rapidly developing within and close to the city centre.

When we identify the disconnect between the community's aspirations for a better Hobart and the way our land use and transport systems have been allowed to reach this pressure point we can see the urgent need for better planning, and invest more to achieve the liveable, sustainable city people want.

<sup>29</sup> These words are from the Community' Panel's message – from the City of Hobart's Vision Project



The strategy is presented in nine key themes, each intended to support the various approaches that will be required in order to change and improve the current situation. Some actions can be undertaken and funded by the City of Hobart. Others will need the support and collaboration of surrounding local government areas, the State Government and the Australian Government. The Tasmanian State Government and the Australian Government need to invest in public and active travel services and solutions for Greater Hobart in order to deliver this strategy.

When governments and communities work together, with a common vision, great things can be achieved.

The City of Hobart wants to strengthen and build upon earlier strategic work which is now supported by Infrastructure Tasmania's *Hobart Transport Vision*. Its stated aims are that public transport options are supported much more by the Tasmanian and Australian Governments, and that those options extend to real improvements to buses, ferries and the future light rail travel. By continuing to lobby for, and partner with, the Tasmanian Government to implement the Hobart Transport Vision we can increase real transport choices on public transport for people who live outside the City of Hobart.

By providing for active travel modes in the City of Hobart we can support the trend of individuals walking, cycling or taking a bus to work. Every one of these trips is one less car on our roads.

This strategy builds on the work the City of Hobart has already completed to improve the conditions for pedestrians around the Hobart waterfront and the city centre, so that journeys are predominantly undertaken on footpaths.

There are also links to the City of Hobart's Local Retail Precinct program, which seeks to improve the public realm in our suburban activity areas to ensure local provision of goods and services, strengthening opportunities for strong community life beyond the city centre. There is also a focus on accessibility, walking and cycling improvements at local facilities and schools, and a recognition that streets are for people.

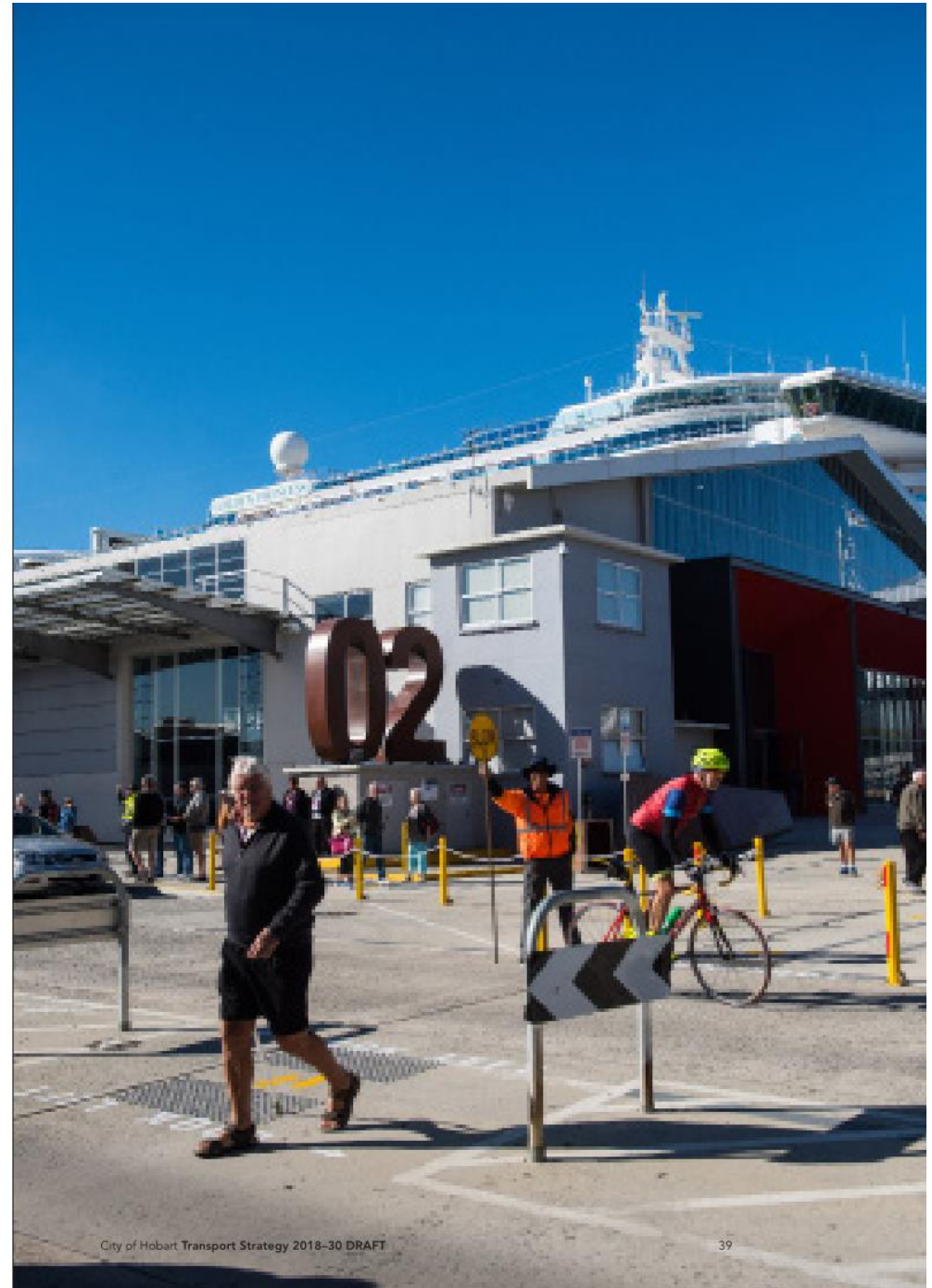
By looking to introduce further network management approaches, we can operate the network to better reflect the needs of our community, optimise the movement of people, and deliver better value from the assets we already have.

By continuing to research, adopt Smart Cities thinking<sup>30</sup>, consider and implement planning controls along with working with developers and the community, we can ensure proposals for future development have, as a paramount focus, any transport needs and impacts on the future transport arrangements for the City of Hobart.

Some of the focus themes are related to individual transport modes. It is important to recognise that these are inter-related and in reality we are a multi-modal city. Individuals might drive a vehicle to a parking space and walk the rest of the journey to work. They might walk to a local shop to have coffee with a friend before catching a bus into the city for the day's activities. They might ride a bicycle to school, work or an appointment and then walk around the city undertaking errands at lunchtime.

Tasmania is continuing to grow and prosper and we need to respond to the increasing attractiveness of Hobart as a place to live, work and visit. The City of Hobart is therefore responding with carefully considered strategies. This is our Transport Strategy.

<sup>30</sup> A 'Smart City' is one which uses technology to intelligently prepare for the changing needs of the community, the environment and the economy. Digital and communications technology is integrated with urban infrastructure to collect information across all aspects of city management from parking spaces to street lighting. Smart City innovations have the potential to optimise city assets, enhance sustainability and provide improved social outcomes to the community.





## STRATEGIC FOCUS THEMES

## Theme 1 - We make our decisions based on evidence and current key data

### POSITION STATEMENT

We will collect data that assists decision making, tracks changes and measures our progress.

### CONTEXT

Australian cities are growing. The 21st century has seen huge technological change and advances. We can gather, visualise and distribute data about the function and performance of our activities in ways, and with technology, that was unimaginable even 20 years ago.

Improved transport-related data will help us to make better-informed decisions and explain to our community what is happening on the transport network and in our settlement. Traffic and transport data can help us understand how, why and when our transport networks are being used. By using data to inform decisions about which types of transport have priority on which routes, the transport network can work better for everyone.

The City of Hobart is collaborating with the Tasmanian Government to broaden our organisational understanding, so that infrastructure funding, land use and transport planning can manage 'hot spots' – maximising efficiency and ease of movement across the transport network. Intelligent transport systems (ITS)<sup>31</sup> have proven to be, and will increasingly become, valuable tools to assist short and long-term strategic management of transport systems. For example, real-time traffic and public transport arrival information can be used to supply a mobile app with the data to help a person select the best transport option for any given trip.

<sup>31</sup> <https://infrastructure.gov.au/transport/land-transport-technology/national-policy-framework-land-transport-technology.aspx>



Important decisions that shape our future, guide policy and develop projects should be based on evidence and data. But which pieces of evidence and data should we consider and how should we act on that evidence and data? At times evidence appears to contradict prevailing social attitudes and values. For example, evidence shows us that road users have a better chance of surviving crashes at lower speeds, and yet there is often resistance to lowering speed limits in urban areas.

Similarly, data and evidence indicate that supporting active travel modes leads to improved personal and public health, a more liveable city and reduced traffic congestion, and yet there is often resistance to supporting obvious walking, cycling and public transport projects to improve individuals' transport choices in greater Hobart.

Ultimately decision makers balance data, evidence, community desires, social norms, interest and advocacy groups, available funds and the need for change. When we gather and present appropriate data and evidence to support policy and action, communities have indicated they can support change even though the evidence may run counter to their personal experiences. The City of Hobart will identify, collect and report on a set of key indicators supported by relevant transport and other related data which relates to Hobart's liveability, sustainability and the City of Hobart's Vision during the life of this strategy.

Some of this data will need to be supplied by other organisations, such as surrounding local councils, the Tasmanian Government, the Australian Government, the Australian Bureau of Statistics (ABS), Metro Tasmania and the Australian/Tasmanian Automobile Association. Other data will be collected by the City of Hobart and will relate to actions, programs and physical works planned and completed.

### OUR STRATEGY ACTIONS

**Theme 1** – We make our decisions based on evidence and current key data

*We will collect data that assists decision making, tracks changes and measures our progress.*

The following actions are proposed:

**Action 1.1** – In conjunction with key stakeholders, we will identify any information gaps and develop a set of key indicators and data sets, for which consistent and reliable data is available for analysis and reporting. These data and indicators will allow us to have meaningful conversations about how we are progressing and what actions we might need to take.

**Action 1.2** – Publish the key indicators and data sets biennially, with an additional publication following the ABS Census every five years. Include with this publication a section reviewing and outlining progress towards implementing the Transport Strategy actions. Use this communication opportunity to recommend updating of actions, where appropriate, in light of changing technology, land use or transport system changes.

**Action 1.3** – Establish a web-based portal for warehousing relevant information, data and indicators.

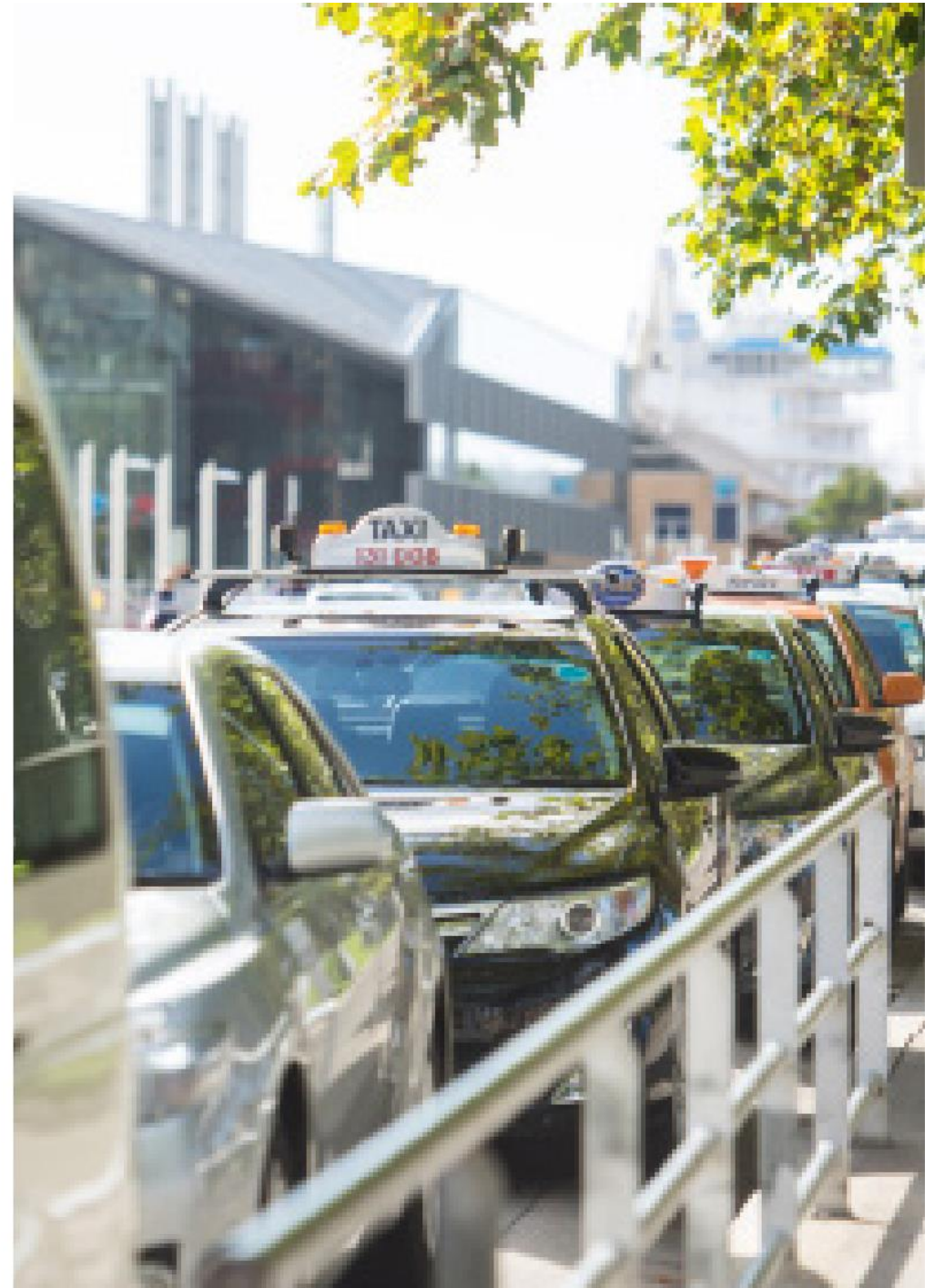
**Action 1.4** – Actively encourage the use of open data sets by third parties for research. The intention is to assist third-party research, commentary and app development.

**Action 1.5** – Introduce an improved online reporting tool for managing customer requests and notifications of required repairs for City of Hobart infrastructure.

**Action 1.6** – Develop, set targets and define key outcome performance indicators for the City of Hobart to achieve over the life of this strategy based on the agreed data sets.

- This action would be completed in conjunction with the first publication of indicators and data sets.
- It's important to note that developing meaningful performance monitoring indicators is a result of this work, not the starting point.

**Action 1.7** – Adopt 'Smart Cities' thinking, and research opportunities to provide innovative and technologically advanced ways to collect and analyse transport data, where appropriate. Some data sets and their collection may require new digital acquisition devices, for example the collection of pedestrian movement data. Such new equipment and data acquisition will be in line with the Smart City Strategy (currently under development).





## Theme 2 – Transport and land use planning are integrated to deliver the best economic, social and environmental outcomes into the future

### POSITION STATEMENT

The way we use land influences our need to move. We will strive to create an improved residential, business, institutional and education land use mix in Hobart.

### CONTEXT

A more sustainable transport outcome can be achieved by integrating land use planning and transport planning. There are policies to support the integration of transport and land use planning at a national, state and local level. This means that there is greater recognition of the relationship between general spatial and land use patterns, transport volumes and supporting transport infrastructure. These policies are used to guide public and private investment in specific projects. In Tasmania, there are three regional land-use strategies declared under the Land Use Planning and Approvals Act 1993 (LUPAA).<sup>32</sup>

This City of Hobart Transport Strategy recognises the Southern Regional Land Use Strategy 2010–2035 as the key guiding document in this space, in particular the regional policies in Section 13 of the document (Land Use and Transport Integration (LUTI) – LUTI 1.1 through LUTI 1.12). It is noted, however, that this document is due for review as it is largely based on data that is over 10 years old.

Areas well-served by travel infrastructure provide a greater capacity for people to live and socialise, to access goods and services, and accordingly will prompt the growth of local employment. The LUTI policies and strategic direction for greater Hobart encourage density along corridors that provide, or have the capability to provide, active travel for individuals. This maximises opportunities for

<sup>32</sup> [http://www.planning.tas.gov.au/how\\_planning\\_works/tasmanian\\_planning\\_system/regional\\_land\\_use\\_strategies](http://www.planning.tas.gov.au/how_planning_works/tasmanian_planning_system/regional_land_use_strategies)



walking, cycling and public transport options and avoids car dependency. Increasing density of residential and compatible non-residential land use supports better transport infrastructure, as long as changing density and land use supports the positive evolution of neighbourhood character.

Land use planning needs to reserve land for diverse land uses. A diverse land use mix brings people closer to their daily destinations, reducing travel distances and supporting people to make active travel choices every day.

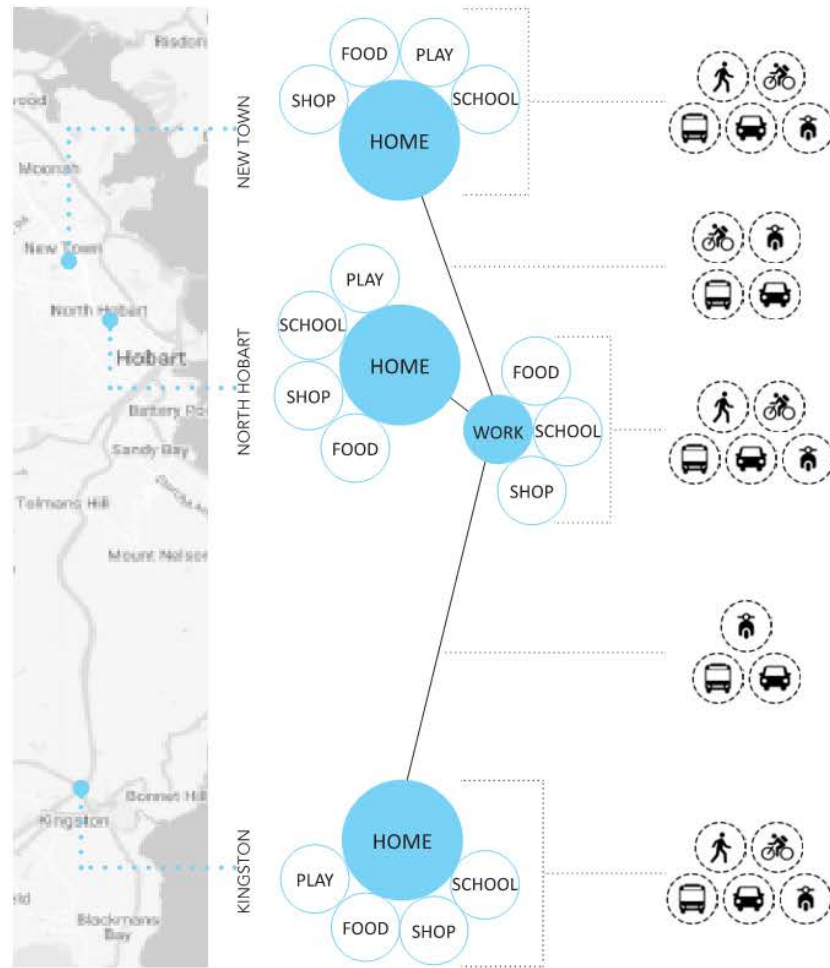
In addition to developing the Hobart city centre for people, the City of Hobart recognises the importance of supporting existing neighbourhood shopping precincts, and ensuring their attractiveness and viability. In Sandy Bay, the Hobart waterfront and Lenah Valley, streetscape and public realm improvement projects have supported the visitation of these areas by active travel modes, boosting the confidence of local traders to continue to provide goods and services in local areas. The Local Retail Precincts program will continue in future years.

The 'tale of two cities' will continue to play out in the future transport arrangements for Hobart. While the opportunity for people living close to the city centre to use active travel modes will assist in reducing the number of motor vehicles on the network, fewer travel choices are available for the greater Hobart local government areas of Brighton, Derwent Valley, Kingborough and Sorell. These areas will need better public transport and local settlement strategies to provide improved transport choice, along with local employment and education opportunities.

Figure 7 indicates the range of travel mode options available when land use and activities are clustered together, and appropriate facilities and services are provided. Individuals who live close to the city can choose one of many travel modes for daily journeys. However residents of the more distant settlements such as Kingston may access variety of travel mode options within their local area, but may be more restricted in their choice of travel mode options for a journey to Hobart. Even then, when a resident of Kingston gets close to the city, walking, cycling and public transport may again all be options – therefore improved walking and cycling facilities in the city will still benefit individuals journeying to the city from surrounding council areas.

## Attachment 2

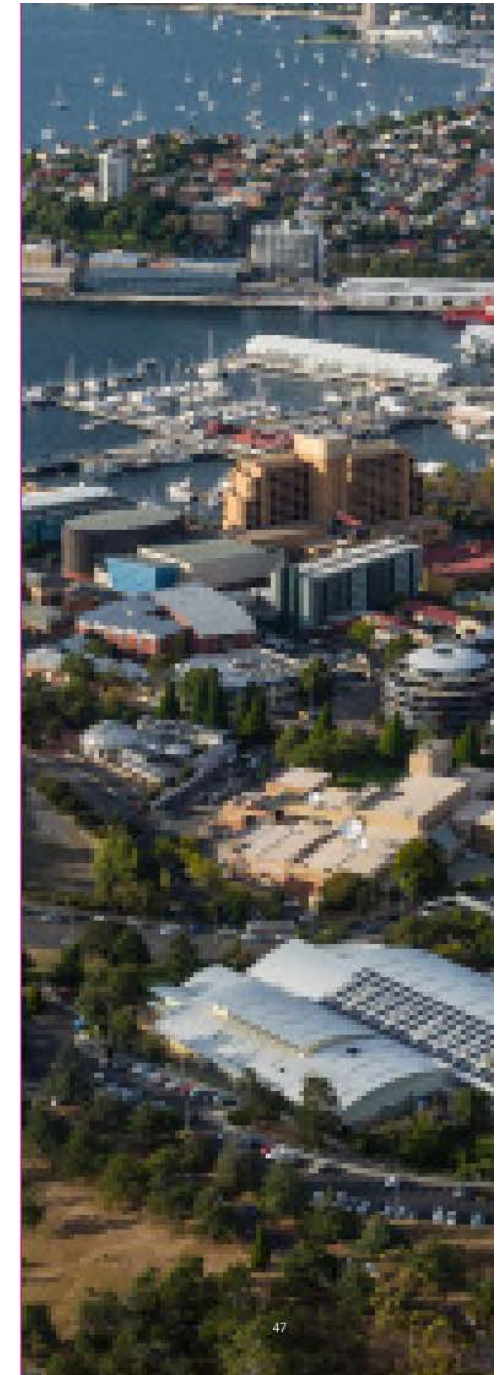
Figure 7: Stylised travel mode options for various activities  
Source: City of Hobart



Over many years the City of Hobart has worked with the University of Tasmania in collaborative research projects in the pursuit of 'How do we shape the city?' to make it a better place to live, work and play. This research takes into account rapid local, national and global changes which impact our day-to-day lives in Hobart. The world is changing and we need to continually look ahead to understand the future challenges and opportunities in our growing city. A program of research, in partnership with the University of Tasmania, will therefore be important to continue.

Buildings designed to relate to the street help to increase the safety, vibrancy and attractiveness of the street environment, and can strongly influence whether people walk, cycle, use public transport or drive. Appropriately-scaled buildings maintain visual interest and a sense of life for people on foot or bike who are travelling at relatively slow speeds. Active frontages with many windows and doors create 'eyes on the street', increasing feelings of personal security.<sup>33</sup>

<sup>33</sup> (Adapted from Vancouver Transportation 2040 p. 18)





## Attachment 2



### OUR STRATEGY ACTIONS

Theme 2 – Transport and land use planning is integrated to deliver the best economic, social and environmental outcomes into the future

*The way we use land influences our need to move. We will strive to create an improved residential, business, institutional and education land use mix in Hobart.*

The following actions are proposed:

**Action 2.1** – Continue to recognise, promote and implement the Southern Regional Land Use Strategy 2010–2035 and advocate for the State Government to provide the resources to undertake a comprehensive review of the strategy.

**Action 2.2** – Research, in fine detail, the available development sites in Hobart to better understand where higher density housing may be most suitable. The aim of such research is to:

- understand the implications of higher density living
- further develop such work to ensure a mix of land uses are incorporated into key sites when they are redeveloped as appropriate
- inform and plan for walking and bicycle networks in the central city area, and further public open space acquisition for social infrastructure to support and integrate with these walking and bicycle networks.

**Action 2.3** – In relation to the western shore rail corridor, continue to collaborate with the City of Glenorchy and other stakeholders to develop a thorough understanding of:

- the wider opportunities and implications of implementing an urban transit solution in the corridor
- the work required to implement an urban mass passenger transport solution in the corridor.

**Action 2.4** – Review the planning scheme standards for maximum and minimum parking provision in the central area of Hobart.

**Action 2.5** – Identify appropriate locations in central Hobart for new parking stations and control the location and size of new parking stations through the planning scheme.

**Action 2.6** – Review the adequacy of the planning scheme provisions in relation to end of use facilities (showers, changing and storage) in developments for active travel users and employee/resident exercise pursuits.

**Action 2.7** – Plan for a second round of local retail precinct upgrades, to follow on at the completion of the current projects in 2022.

**Action 2.8** – Commence, in partnership with the Department of State Growth and other relevant stakeholders, a planning project to consider how bus, light rail and ferry public transport services will integrate in a city interchange. This would be in light of Infrastructure Tasmania's Hobart Transport Vision and its support for improved public transport options to service greater Hobart.

**Action 2.9** – At the Macquarie Point Development area, ensure that public transport facilities and associated cycleway and public transport corridors are provided for in future planning for the development of Macquarie Point.

**Action 2.10** – Continue the planning work associated with the City to Cove project undertaken by the City of Hobart in 2017, to understand and plan for the pedestrian and bicycle linkage implications of the proposed eastern shore ferry link.

**Action 2.11** – Continue to work with the University of Tasmania to integrate and provide sustainable transport solutions for current and planned UTAS facilities in Hobart.

**Action 2.12** – Continue to develop and implement a research work program with the University of Tasmania to inform future planning, land use and transport directions for greater Hobart.

**Action 2.13** – Continue to advocate for the provision of active travel infrastructure associated with urban extensions to the metropolitan area and surrounding southern region and where major road works are proposed (for example, replacement of the Bridgewater Bridge).

**Action 2.14** – Encourage major trip-generating land uses (such as sporting and entertainment facilities, supermarkets and the like) to be located where they will enhance the operation of freight road corridors and principal public transport corridors and routes, with specific actions to ensure:

- the western shore rail corridor is retained and protected for the provision of future transport services
- sites are identified and reserved for River Derwent ferry services and land-based access to those sites.

## Theme 3 – Recognising walking as the most fundamental mode of transport

### POSITION STATEMENT

Pedestrian accessibility and walkability is central to future city transport, improvement and management decisions.

### CONTEXT

Data available from the Australian Bureau of Statistics' Journey to Work shows that Hobart has a very high number of people walking to work each day. As a percentage, Hobart has the highest number of people walking to work of any Australian city. Most city workers and visitors walk between their workplace, their shopping or service location and other destinations.

Anecdotally, the people of Hobart walk: whether it be for visiting neighbours, walking the dog, enjoying parks, gardens and bushland areas, or simply for recreation and health.

Walking is an important mode for trips of one kilometre or less, although the average trip distance for walking across greater Hobart is generally longer.<sup>34</sup> In Hobart, the average trip distance is 1.7 km. Walking starts and finishes most trips made by other modes and is an essential part of an effective public transport system. Passengers walk to and from bus stops and make connections between services. Where people are not close to their destination, integrating walking and public transport can be part of the solution.



The need to travel on footpaths is not limited by age or mobility. The very young, the elderly and those with disabilities also have needs which often come with specific challenges. Mobility devices such as wheelchairs and electric powered scooters have seen significant technical advances in the past decade and can be affordable transport options for a growing number of people in the community. People who rely on mobility devices to access services and employment need quality footpath infrastructure, accessible car parking and public transport access.

Increased walking also has a positive effect on the retail sector. Research indicates that walkable environments increase opportunities for unplanned spending by allowing shoppers to directly interact with retail activities, instead of 'drive through' shoppers stopping to pick up one item on the way to another destination.<sup>35</sup> Walking also increases the potential for face-to-face interactions that are fundamental to a knowledge-based economy.<sup>36</sup>

Whether a person is able to walk, or wishes to walk, to their destination is heavily dependent upon the distance between their home and the destination, the perceived safety and quality of the pedestrian infrastructure and public spaces, the time it takes, and their desire to exercise, save money and similar factors.

Good quality urban streetscapes encourage more pedestrians. This extends to the quality of the public realm and the appearance and scale of buildings in relation to the footpaths, the presence of street trees, seating and other furniture that supports walking, as well as the type of land use activity.

Within Hobart, there are three key contexts for walking as a mode of transport, which give rise to potentially different strategic responses:

- There are those people who walk to work, which is usually a journey from the inner suburbs into the city centre, whether from a home address or a city fringe commuter parking space.
- Within the city environment itself (city centre, waterfront and surrounds) walking is an important mode of transport for workers, shoppers and visitors.
- Within local areas, where residents walk to local shops, schools and services for their daily needs or to visit parks and friends.

<sup>34</sup> Department of Infrastructure, Energy and Resources, Greater Hobart Household Travel Survey, Tasmania, 2010.

<sup>35</sup> Litman, T.A. Economic Value of Walkability, Victorian Transport Policy Institute, 2014.

<sup>36</sup> The Knowledge Based Economy, Presentation, OECD, 1999. [www.oecd.org/sti/sci-tech/1913021.pdf](http://www.oecd.org/sti/sci-tech/1913021.pdf)



Despite walking being the most fundamental form of moving around, traditional twentieth century transport planning has treated walking trips as incidental to road traffic, with very little consideration of the quality and accessibility of urban environments for walkers. Today there is more emphasis on built environments being inviting to pedestrians. Key factors in ensuring the walkability of an area include:

- integration with the land use planning system – a walkable neighbourhood is one where residents are within proximity of lots of destinations and where there are diverse walking routes
- the quality of footpaths and walkways, ensuring that widths are appropriate for the likely capacity and use, surfaces are comfortable with minimal trip hazards, there are sufficient opportunities to rest and pause, and get sun and wind protection
- personal security – safety considerations include dangers from road traffic, providing adequate path lighting and removing fear of passing through areas where anti-social behaviour may occur. Vibrant public places create 'eyes on the street' or passive surveillance which can be a key factor in creating a feeling of personal security
- the provision of mapping, wayfinding and encouragement programs.

The City of Hobart has been providing for pedestrian movement by improving and extending footpaths, road crossing points, local area traffic calming schemes and park and reserve tracks.

Additionally the City of Hobart has pursued non-infrastructure improvements such as reduced speed limits across the city. Such actions have a demonstrable effect on reducing crashes, and improving the chances of surviving crashes that do occur.

Over the last 10 years the City of Hobart has been implementing large and small projects to significantly improve key public spaces and connections in areas of obvious need of improvement. For example, improvements to the Hobart waterfront have doubled footpath widths and introduced high quality seating, street trees and pause points to support walking. Raised threshold crossings have now been installed in various areas, providing superior pedestrian crossing conditions. Other emerging pedestrian-first treatments such as pedestrian crossings and kerb free shared spaces, are being trialled around the city. A renewed effort to recognise the important role laneways play in our city and suburban areas commenced in 2016. All 101 laneways have now been audited and works are programmed for new laneway signage.

The City of Hobart has over 450 km of sealed footpaths and over 200 km of walking tracks and fire trails. In comparison the City of Hobart road network is approximately 310 km in length with about 890 road junctions.

A walking plan will ensure that the next wave of improvements to our pedestrian and walking network are implemented. A recent pilot project audited the Elizabeth Street/New Town Road corridor and provided walkability analysis. This pilot project established a methodology for the City of Hobart to develop a targeted walking plan and associated work program.

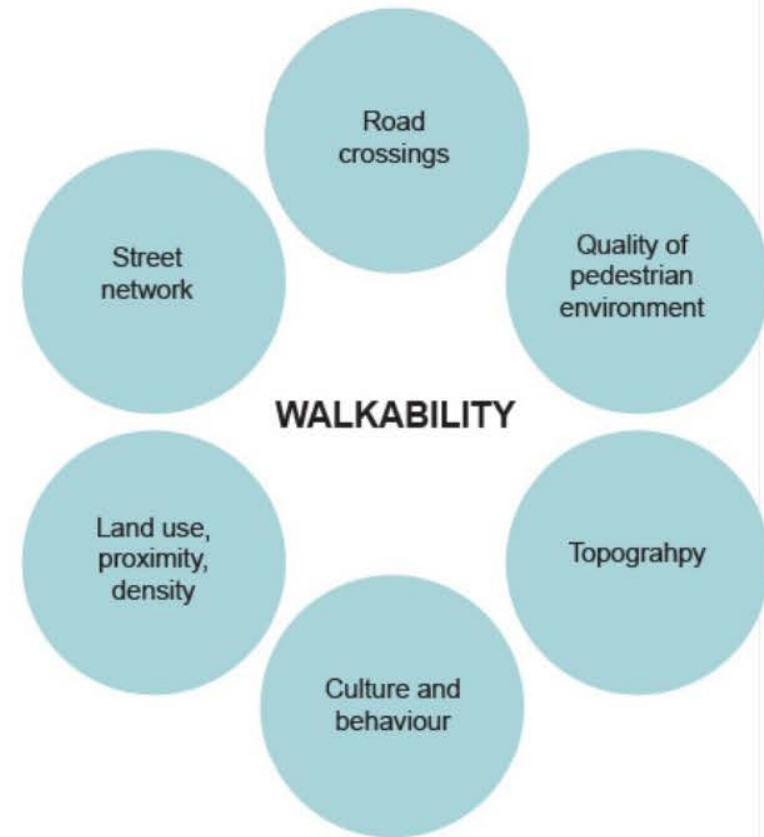


Figure 8: Walkability in Hobart – background report using Elizabeth Street and New Town Road for methodology proof of concept (2018) | Source: City of Hobart

## Attachment 2



### OUR STRATEGY ACTIONS

Theme 3 – Recognising walking as the most fundamental mode of transport

*Pedestrian accessibility and walkability is central to future city transport, improvement and management decisions.*

The following actions are proposed:

**Action 3.1** – Develop a user hierarchy (in conjunction with Theme 8 – Managing our traffic and movement network) which will reinforce the importance of walking and pedestrian access in most situations including the city centre, waterfront and suburban neighbourhoods.

**Action 3.2** – Focus on destination walking. Destination walking includes walking in part or whole for the journey to work, to shops, to schools and other community facilities. It includes:

- the walk to work, which is usually a journey from the inner suburbs into the city centre, whether from a home address or a city fringe commuter parking space
- the walk to school
- workers, shoppers and visitors walking around the city centre, waterfront and surrounds
- residents walking to local areas for shops and services for their daily needs or to visit parks or friends.

**Action 3.3** – Develop a detailed walking plan for Hobart that explains the contribution that walking makes to the operation of the city and to encourage an increase in the number of trips taken by walking. The plan will:

- identify the range of strategic actions to prioritise efforts to improve the walking network
- recognise access requirements for people of all abilities
- focus our effort and resources on the identification of key pedestrian routes
- provide direction for capital works and street management such as vehicle speed, pedestrian priority access and safety measures
- focus works on the creation of attractive walking environments through the quality of footpaths relative to the adjoining built environment land use and pedestrian density
- review the relevant planning scheme provisions to ensure the achievement of the high-quality environment desired by the city
- provide detail on an active routes to school program
- outline programs to promote and encourage behaviour change
- use the audit and analysis work and reporting undertaken in 2018 on the Elizabeth Street/New Town Road corridor to guide the plan analysis and prioritisation
- provide input into future budgets and the City of Hobart's Long Term Financial Management Plan.

**Action 3.4** – Develop an urban design streetscape manual to guide a consistent approach to furnishing our streets with quality, durable paving materials and public street furniture (for example seats and benches) that supports walkability.

**Action 3.5** – Develop new guidelines, policy and schedules of fees and charges for the use and occupation of footpaths within Hobart by developers when undertaking construction activities.

**Action 3.6** – Work with other councils, the Road Safety Advisory Council and the Tasmanian Transport Commissioner to develop trials, guidelines and installation advice notes for new and emerging road and traffic devices and markings to support pedestrians. For example, pedestrian crossings, pedestrian countdown timers at traffic signals and sharrows (bicycle) symbols on roads. This will draw on the most recent Austroads' best practice guides for pedestrian infrastructure, Australian Road Research Board research and advice from pedestrian organisations.

**Action 3.7** – Continue to improve access for people with disabilities across our entire footpath network, based on the Disability Discrimination Act 1992 (DDA) and with reference to current programs overseen by the City of Hobart Access Advisory Committee.



## Theme 4 - Supporting more people to ride bicycles

### POSITION STATEMENT

Bicycle riding has the potential to transform the City of Hobart's transport task by providing for short and medium distance trips. The City of Hobart will develop a strong network of safe paths and streets where people regardless of age or ability can comfortably cycle.

### CONTEXT

Leading cities across the world recognise the value of providing for and encouraging cycling, as part of a range of transport options for people. Although still car dominant, Australian cities are beginning to follow. Cycling is particularly important in cities which aim to intensify land use activity and residential density around the city centre (refer to Theme 2). Cycling is a key measure of liveability and health promotion. Cycling contributes to environmental sustainability, social inclusiveness and economic activity. Enhancing the bicycle riding experience is part of a focus on active travel: walking, cycling and public transport. Bicycles are a vehicle legally entitled to use roads and footpaths within Tasmania, except where they are locally prohibited. Increased use of cycling as a mode of transport, like walking, not only assists in relieving traffic congestion but creates a more sustainable and inclusive city and contributes to economic activity and health benefits.



In Tasmania, provision of cycling infrastructure has traditionally been by local government. Over the past seven years, the City of Hobart has advanced towards greater integration of recreational and commuter cycling infrastructure, in accordance with our Sustainable Transport Strategy and our Principal Bicycle Network Plan, as well as the *Hobart Regional Arterial Bicycle Network Plan*<sup>37</sup> and the State Government's *Walking and Cycling for Active Transport Strategy*<sup>38</sup>.

Census data from the ABS shows a general trend towards increased cycling participation rates near cycling facilities. The Intercity Cycleway, the Hobart Rivulet track, the Sandy Bay Road cycleway, and the Argyle Street and Campbell Street cycling facilities currently provide for around 1500 bicycle trips on any given weekday.

Feeling safe is a significant determinant for potential cyclists. People are more likely to choose cycling for transport when routes are more readily accessible with bicycle lanes, linkages within routes and end-of-trip facilities such as bicycle parking, change facilities and space to store clothing and equipment.

Infrastructure for cycling should not be confined to a focus on the city centre; design for safe cycling should be part of the assessment for all works that affect travel, including roads, streets and paths. The design of dedicated road and street infrastructure must recognise that the emphasis on cycling for commuting is direct routes and reduced delays in the journey, in contrast to cycling for recreation.

Integrating cycling with other transport within a trip has appeal to many people, such as driving or public transport for part of the journey.

Improved battery technology in the past 10 years has seen the number of electric bike models available for sale increase substantially. The power-assisted nature of such bicycles allows riders of all abilities to ride in undulating or hilly areas, typical of many parts of Hobart.

Cycling is a measure of liveability and health promotion. Cycling contributes to environmental sustainability, social inclusiveness and economic activity. Enhancing the bicycle riding experience is part of a focus on active travel.

<sup>37</sup> Cycling South 2009 [www.cyclingsouth.org/index.php/component/k2/item/86-bike-plan](http://www.cyclingsouth.org/index.php/component/k2/item/86-bike-plan)

<sup>38</sup> [https://www.statelibrary.tas.gov.au/\\_data/assets/pdf\\_file/0004/88780/Tasmanian\\_walking\\_and\\_cycling\\_for\\_active\\_transport\\_strategy.PDF](https://www.statelibrary.tas.gov.au/_data/assets/pdf_file/0004/88780/Tasmanian_walking_and_cycling_for_active_transport_strategy.PDF)

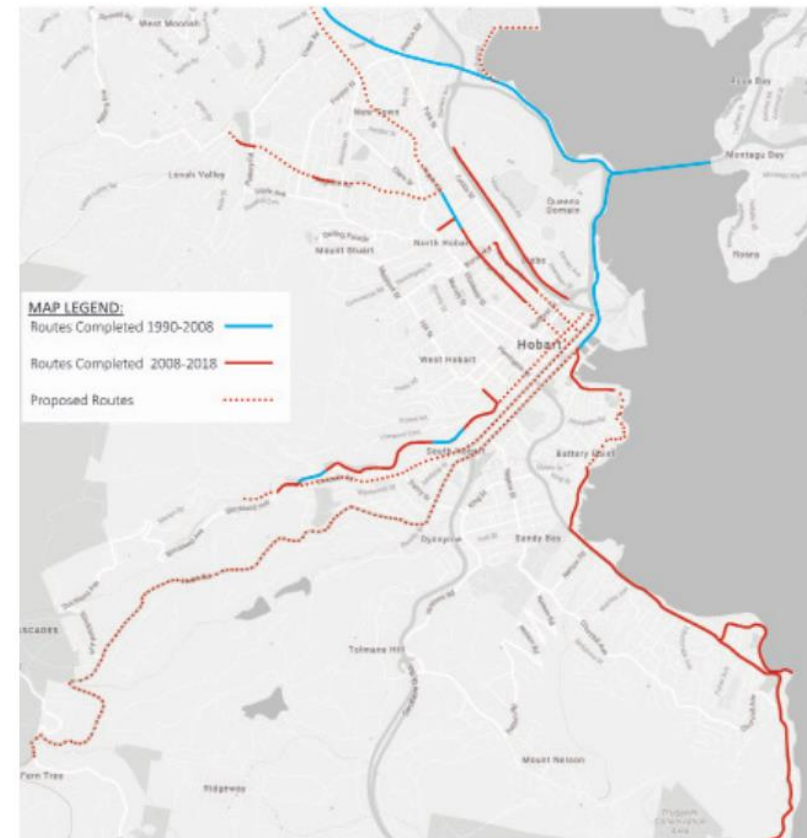


Since adopting the Hobart Principal Bicycle Network Plan in 2008 the City of Hobart has been incrementally developing cycling infrastructure on three key corridors – to the north, the west and the south of the city and around the waterfront. Map 4 shows the progress to date in implementing this plan. These pieces can now be joined to create a core network. The City of Hobart is currently constructing two major bridges with provision for walking and cycling, to link the Queens Domain area to the city and the Cenotaph. In 2017 the City of Hobart reaffirmed a positive cycling provisioning policy.

The connectivity of the cycling network is also critical. Gaps in the cycling network deter cyclists because they can either impose lengthy detours or generate safety concerns and uncertainty. Improved conditions for cycling on road can be achieved through separate cycle lanes and making traffic speeds compatible with average cycling speeds. Where possible, off road and fully separated facilities create the best environment for cycling for all users. On some streets it will be appropriate to provide on-road cycle lanes, while on others, such as Morrison Street on the Hobart waterfront, it makes sense to create off-road shared facilities for less confident cyclists. Faster cyclists may continue to use roads in lower speed environments. In order to make use of more lightly trafficked routes, or quiet back streets, wayfinding can assist in indicating preferred routes.

End-of-trip facilities are a further consideration. Such facilities include bicycle parking, changing facilities and space to store clothing and equipment. Lack of a place to securely store bicycles while at work, shopping or similar, can be a deterrent to choosing cycling for a trip. Bicycle storage also needs to be appropriately located to avoid cluttering footpaths, which impacts pedestrians.

Beyond these physical elements, one of the biggest influences on cycling as a mode of transport is the culture of cycling and attitude of other road users. To create a positive bicycle culture, cycling needs to be convenient, easy to do, enjoyable, and a cultural norm that is embraced by the wider community.



Map 4: Bicycle Facility development in Hobart 2008–2018 | Source: City of Hobart



## Attachment 2

### OUR STRATEGY ACTIONS

Theme 4 – Supporting more people to ride bicycles

*Bicycle riding has the potential to transform the City of Hobart's transport task by providing for short and medium distance trips. The City of Hobart will develop a strong network of safe paths and streets where people regardless of age or ability can comfortably cycle.*

The following actions are proposed:

**Action 4.1** – Develop a user hierarchy (Theme 8 – Managing our traffic and movement network) to reinforce the need for cycling access and provision in our city centre and suburban neighbourhoods.

**Action 4.2** – Complete and connect the initial city wide bicycle network established in the past 10 years, with implementation priorities based upon the new bicycle plan (Action 4.3).

**Action 4.3** – Develop a detailed bicycle plan that expands the contribution that cycling makes to the operation of the city and encourages an increase in the number of trips taken by bicycle. The plan will:

- identify the range of strategic actions to prioritise efforts to improve the cycling network
- focus our effort and resources on the completion of key cycling routes, completing and connecting the network already established
- develop a network of neighbourhood routes, where appropriate on quiet back streets, supported with wayfinding
- recognise the importance of also providing for recreational, sporting and beginner (learner) cyclist facilities to strengthen cycling culture and family enjoyment of cycling
- provide direction for capital works and street management such as vehicle speed, priority access and safety measures

- review planning scheme provisions to ensure the achievement of the high-quality environment desired for the city, including end-of-trip facilities in buildings and city streets
- provide detail on an active routes to school program
- consider access to and around retail precincts and neighbourhood activity centres
- outline programs to promote and encourage behaviour change
- use the pre-planning and scoping work undertaken by the City of Hobart Bicycle Advisory Committee in 2018 to guide the development of the new plan
- provide input into future budgets and the City of Hobart's Long Term Financial Management Plan.

**Action 4.4** – Building on the City of Hobart's current driver training program for employees, and in conjunction with key stakeholders, develop a driver training program for corporate fleet and business driving, highlighting needs of vulnerable road users. Stage 1 will initially be for City of Hobart employees, but future stages could be rolled out for others to use.



## Theme 5 – Increase participation in great public transport and reduce city congestion

### POSITION STATEMENT

Great cities around the globe rely on public transport to move people. We will advocate strongly for real improvements and additional funding to be provided by the State and Federal governments to increase frequency, improve connectivity and support new modes for crossing the River Derwent and travelling around the greater Hobart area.

### CONTEXT

In Hobart, most passenger transport journeys on buses take place in the morning or afternoon peak hours, taking commuters to work, or students to school or university. Private buses also provide an important link to regional areas. While buses are the dominant form of public transport in Tasmania, the public transport task also includes taxis, carpooling and car sharing, community transport services, bicycle sharing schemes, park and ride facilities, privately operated ferries and, more recently, Uber. There has been significant discussion over the past few years about the western shore public transport corridor, light rail and a large-scale ferry service.

Public transport usage rates have fallen in Hobart over many years, with road development for major highways through the 1970s and 80s prioritising access for motor vehicles. Correspondingly, funding for public transport in Tasmania has been kept at minimal levels since the closure of Hobart suburban passenger railway services in 1974 and the progressive selling off of the Hobart railway station, surrounding railyards and the Metropolitan Transport Trust's Hobart tram and bus depot in the 1980s.



In January 2018, Infrastructure Tasmania published the Hobart Transport Vision which states that:

... the vision provides a reliable and cost effective alternative transport system with a focus on prioritised rapid passenger transport as a competitive alternative to private car travel.<sup>39</sup>

The Tasmanian Government vision explicitly supports the reinvigoration of public transport and investment in rapid passenger transport. This vision is graphically shown in Figure 9.

The City of Hobart supports the Infrastructure Tasmania Vision, which reflects the Southern Tasmanian Councils Association (STCA), 2010 Southern Tasmanian Transport Plan – A fair go for our Public Transport and the City of Hobart's 2009 Sustainable Transport Strategy.

By improving public transport frequency, travel time and quality on the key corridors, greater Hobart can begin to provide more people with real alternatives to driving.

Supporting infrastructure will also be required. Passengers will need high quality sheltered waiting facilities, both in the City Interchange and at bus stops in local areas, mobile device apps to provide real-time service information, and on journeys from outlying council areas, park and ride facilities with covered waiting facilities.

Ferry terminals will need quality sheltered waiting spaces along with bicycle storage facilities for those cycling to the ferry and then walking the final part. Ferries will also need to be designed for bicycles to be rolled on board – for those whose trip may require a ride at either end. In this way the group of potential travellers can be greatly enlarged from those who are walking.

The western shore rail corridor will require further planning and land use rezoning along its length. A considered plan will need to include a centrally located interchange in the city centre to enable public transport vehicles on all corridors to interconnect. This extends to an interoperable ticketing system for all public and private services.

The Infrastructure Tasmania Hobart Transport Vision will require funding and commitment from political parties and stakeholders. It remains to be seen if funding for the Vision will be provided through Infrastructure Australia and the Australian Government in partnership with the Tasmanian State Government.

<sup>39</sup> [https://www.stategrowth.tas.gov.au/\\_data/assets/pdf\\_file/0011/166079/Hobart\\_Transport\\_Vision\\_small\\_20180117.pdf](https://www.stategrowth.tas.gov.au/_data/assets/pdf_file/0011/166079/Hobart_Transport_Vision_small_20180117.pdf) (pg. 6)



## Attachment 2

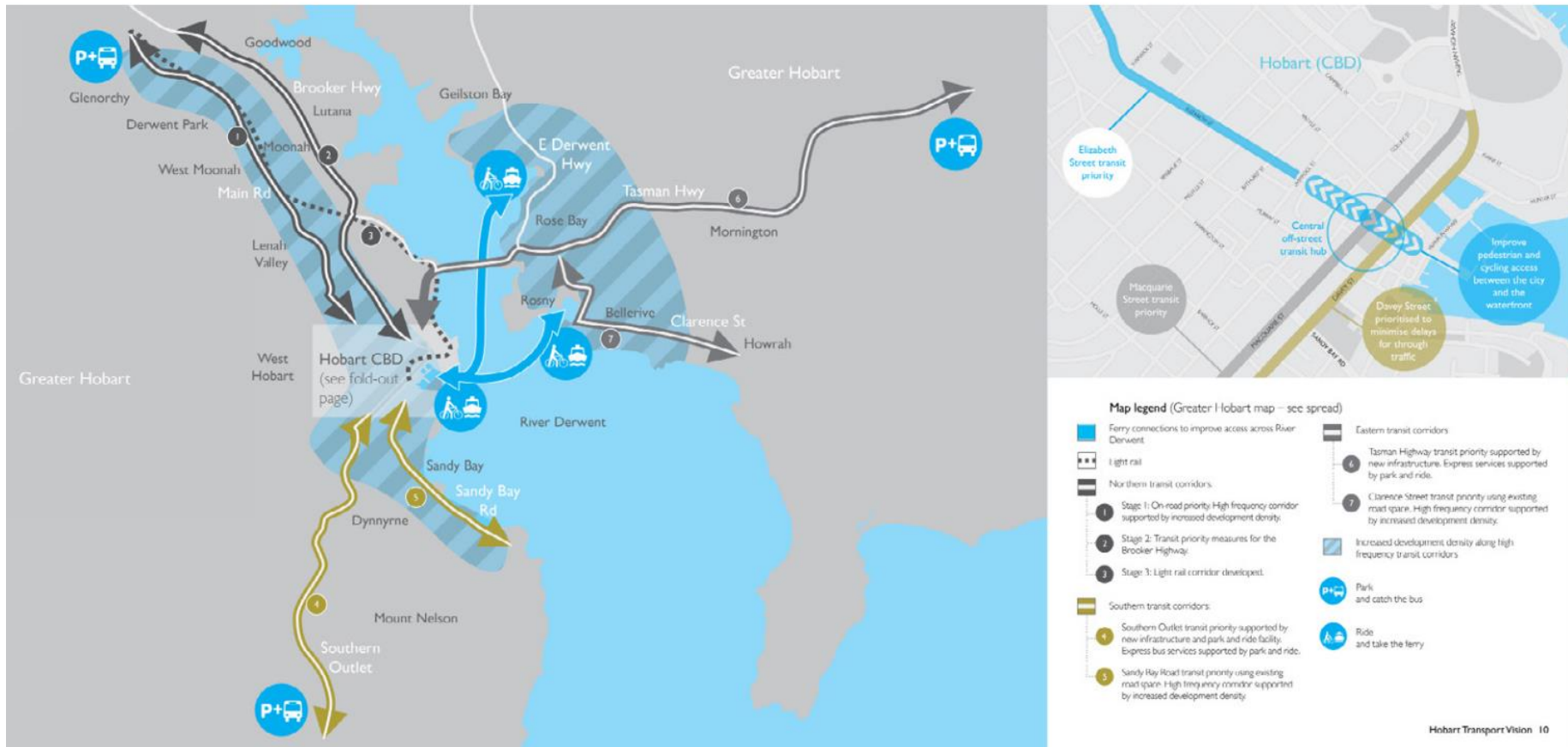


Figure 9: Hobart Transport Vision | Source: Infrastructure Tasmania, Department of State Growth 2018.

### OUR STRATEGY ACTIONS

Theme 5 – Increase participation in great public transport and reduce city congestion

*Great cities around the globe rely on public transport to move people. We will advocate strongly for real improvements and additional funding to be provided by the State and Federal governments to increase frequency, improve connectivity and support new modes for crossing the River Derwent and travelling around the greater Hobart area.*

The following actions are proposed:

**Action 5.1** – As the key stakeholder, the City of Hobart will continue to advocate support for the Hobart Transport Vision, as presented by Infrastructure Tasmania, to substantially improve the size, scale and reach of public transport in Hobart. This includes increased funding levels for initiatives that have been demonstrated to increase participation in public transport.

**Action 5.2** – Engage with Infrastructure Tasmania, the Department of State Growth and Metro Tasmania to fully understand the implications of the Hobart Transport Vision and public passenger transport in the Elizabeth Street midtown area and South Hobart. (This needs to be undertaken to inform the forthcoming local retail precinct upgrade projects in both areas.)

**Action 5.3** – In conjunction with the Department of State Growth, Metro Tasmania and private operators, plan for short, medium and longer term improvements for passenger transport facilities in the centre of Hobart, including bus, ferry and light rail facilities.

**Action 5.4** – Work with other councils to advocate for Tasmanian Government funding to support bus infrastructure such as bus shelters and real-time passenger information systems.

**Action 5.5** – Continue to work closely with the Tasmanian Government and community transport providers, taxi companies and Uber operators to ensure the support of their community service functions.

**Action 5.6** – Actively partner with the University of Tasmania to establish a demonstration bicycle share and car share program at a major UTAS accommodation site.

**Action 5.7** – Explore opportunities for park and ride facilities in Hobart, where the 'last mile' ride can be provided by bus or bicycle services.

**Action 5.8** – Work with the Department of State Growth and Metro Tasmania to identify future route options and opportunities to provide regular public passenger transport services to the Hobart waterfront, including Salamanca and Macquarie Point.

**Action 5.9** – Advocate for a seamless single system for transport information, ticketing and payments. Investigation into the system must:

- include opportunities to integrate into the visitor information and booking services provided through the City of Hobart's Tasmanian Travel and Information Centre
- encourage all tourist operators in Hobart to use the system
- explore the possibilities of a Hobart City Card for tourists and visitors, which could package up city attraction entrance fees, activities provided by City of Hobart (such as swimming and sporting services), other discount opportunities and associated mobility and transport options.





## Theme 6 – Smart parking for residents, visitors and businesses

### POSITION STATEMENT

Vehicles (including cars, trucks, buses or bicycles) all require parking at some point. How and where they are parked influences the shape and function of the city and our public realm. The City of Hobart is not 'anti-car' but recognises the negative impacts of excessive car use and the need for managing parking impacts. Parking pricing, location, access to parking provision and loading uses will require more intensive management. Conversion of some on street parking areas for other transport modes and city functions will be required.

### CONTEXT

Parking is a complex and highly contested part of how a city is managed. Parking a vehicle is an integral part of using a vehicle. An excess of parking, or parking that is not appropriately priced, can contribute to individuals not fully considering their trip choices. Cheap and limitless parking might be available and appropriate in a country town, however a modern growing capital city can no longer support this. Parking supply, location and price will help to manage the transport system.

Parking is a key component of a transport strategy, as parking policy has a direct influence on travel choice. Irrespective of mode, parking both on and off street is a land use issue that has many facets:

- Parking is required for delivering goods and services into loading zones and elsewhere, in addition to where delivery vehicles are kept when idle.
- On street kerbside space is required where bus stops are located and buses need to be parked between services and overnight.
- Parking is required for people with disabilities in locations that are convenient to shops and services.
- Parking is required in residential neighbourhoods, particularly inner urban areas where properties may have limited off street parking, limited on street frontage and high competition for parking spaces.
- Parking is required for bicycles and motorcycles.
- 



- Parking is required for taxi services through designated taxi stands.
- Parking space can be reutilised where other transport modes may need priority and additional space to cater for movement demand, particularly in busy city areas where footpath space for pedestrian movement needs to be increased, or to provide bus priority or bicycle facilities on selected corridors.

The City of Hobart manages its parking supply. This in turn assists with access to services and businesses. On street parking in the city centre needs to cater for deliveries (loading zones), accessible car parking, taxi zones, bus zones, work zones for construction, and parking for short visit purposes.

The City of Hobart also operates several off street parking areas for longer duration day time visits to the city, for example the Argyle Street, Centrepont and Hobart Central car parks. In addition, the City of Hobart also provides motorcycle parking and bicycle parking areas (both on and off street).

Additionally, private operators own and provide all-day commuter parking in both multistorey and ground level car parks. A substantial reservoir of parking also exists under, behind and around nearly every building in the city, as shown in Map 5.

## Attachment 2



Map 5: Off street parking (north of the city centre) | Source: City of Hobart



Outside of the city centre the City of Hobart manages residential streets and, in certain areas, operates residential parking schemes to manage the impacts of all-day commuter parking. Commuter parking provides alternatives to bringing vehicles into the city centre, thus reducing congestion and providing the health benefits of incidental exercise from using active travel modes for the remainder of the journey. For lower paid city workers, the savings in parking fees can be substantial, and assist in balancing a family budget.

Aspects of parking provision near the city centre, including parking location and length of stay, impact on the city centre as well as local neighbourhoods. In this context the requirements for provision of parking by development applications will be examined. Planning permits that require parking, as one of the first standards to be satisfied, too readily determine the built form and add substantially to building costs.

In 2013 the City of Hobart adopted a Parking Plan, which has largely been implemented. The City of Hobart is currently installing next generation parking sensor and payment systems to extend the capacity of technology to provide improved management tools for on street parking. Mobile device apps will allow cashless payments and indicate where there is a higher probability of finding an available space. Usage data could alert inspectors to vehicles parking in clearways.

In 2013 the City of Hobart adopted a Parking Plan, which has largely been implemented. A review of the parking plan (see Action 6.1) will need to consider the provision, pricing and marketing of parking in Hobart. Documenting a philosophy around parking (in all its various forms) will need to consider the future role of the City of Hobart and its capacity to deliver these outcomes into the future to support the objectives of this Transport Strategy.



## OUR STRATEGY ACTIONS

Smart parking for residents, visitors and businesses

*Vehicles (including cars, trucks, buses or bicycles) all require parking at some point. How and where they are parked influences the shape and function of the city and our public realm. The City of Hobart is not 'anti-car' but recognises the negative impacts of excessive car use and the need for managing parking impacts. Parking pricing, location, access parking provision and loading uses will require more intensive management. Conversion of some on street parking areas for other transport modes and city functions will be required.*

The following actions are proposed:

**Action 6.1** – Develop a new parking plan (including a philosophy around parking provision, pricing and marketing) to guide the future use and management of the City of Hobart's on street and off street parking supply, especially in light of the information becoming available through new parking technology currently being installed in Hobart. This plan will address the following areas:

### On street parking

- It will provide direction and priority to the allocation of kerbside areas for public transport use, loading zones, pedestrian and other uses such as seating and on-street dining in the core central city area.
- The plan will continue to review and increase the supply of car parking for people with disabilities in the central city area and in locations where other services and facilities require such parking (for example near medical services and in retail precincts).
- It will continue to investigate and expand paid parking areas in both high demand retail precincts and commuter areas.
- It will continue to monitor existing and implement new residential parking schemes to balance residential, visitor and commuter parking.
- The plan will continue to provide and expand the supply of bicycle and motorcycle parking.

### Off street parking

- The plan will be informed by, and complement, the central Hobart parking control instrument – to control the location and size of new parking stations – with the intention to encourage parking provision on the fringe of the city business district rather than within the centre.
- It will continue to provide and expand the supply of bicycle and motorcycle parking.
- The plan will build on the trial of electric vehicle charging facilities in the Hobart Central car park, and incorporate an e-vehicle charging set of actions to cater for cars, bicycles and mobility scooters.
- When off street shopper parking demand reduces during the winter months and 'early bird' parking is made available, the plan will set the load in and load out times to favour vehicle use outside of current road transport network peak periods.

### Tourism

- The plan will explore appropriate pricing arrangements to allow for overnight use of public car parks by vehicles (for example tourist hire cars). Such usage and pricing is to be timed so it does not produce tourist vehicle use during peak hours and ensures car parks are available during the day for those people who need to access the city for business, shopping and other services.
- The plan will consider how to manage tourist visitation with large vehicles such as caravans and camper vans. In the short to medium term, it will explore the opportunities for day time parking using underutilised space in the Macquarie Point area.

### Technology

- The plan will build on the roll out of the new integrated parking system (management and payment) to better manage and understand parking demand and behaviours.
- It will develop and promote technologies and mobile apps to identify the probability of available parking spaces.
- It will explore the use of pricing signals to reduce peak hour traffic movements into and through the city centre.

**Action 6.2** – Advocate for parking stations at suburban centres (adjoining municipalities) to encourage park and ride by public transport on principal bus routes.

**Action 6.3** – Explore further opportunities within Hobart (in appropriate areas outside of the city centre) to provide pay for service, park and ride (a bus, a bike) or park and walk facilities.

**Action 6.4** – Continue to assist other greater Hobart councils with information on the benefits and issues associated with implementing on street paid parking.

**Action 6.5** – Develop a policy for the allocation of public parking spaces for car-sharing schemes such as those operating in other mainland Australian cities, for example Flexicar and GoGet Car Share.

**Action 6.6** – Continue with efforts to provide a balance between on street car parking and vibrant streets for people by using some parking spaces for dining, trading, pedestrian crossing facilities, and other city functions where appropriate.

- As part of this action, develop, implement and monitor a 'parklet' program for the city whereby groups of businesses, individuals and organisations can apply to host a small park in place of an on street parking space. Parklets are public space, they are playful and welcoming and open to all, and typically include seating, planting and/or bike parking.

**Action 6.7** – Investigate the issues and implications of introducing a city centre private car parking space levy and use (hypothecate) this revenue to accelerate pedestrian improvements in the central Hobart business area. (This is similar to schemes operating in other parts of Australia.)

**Action 6.8** – Use the planning schemes to continue to limit central city car parking requirements on permit applications. (See the City of Hobart Planning Scheme E6.6.5 Central Business zone and qualified at E6.6.6 for the General and Local Business zones and Sullivans Cove Planning Scheme.)

**Action 6.9** – Work with our city planners to discuss potential amendments to planning schemes and zones relating to parking provisions for new developments, with the aim of aligning with this Transport Strategy, and addressing issues including:

- centralised public parking in city centre and suburban centres instead of providing parking by individual commercial land owners
- the conversion of off street parking to residential or commercial land use as appropriate.

## Theme 7 - Moving people and goods by land, sea and air

### POSITION STATEMENT

The movements of people and goods by road, rail, sea and air is critical to the Tasmanian and Hobart economy.

While much of the freight, port and airport space is controlled by State Government business enterprises and private operators, the City of Hobart has a role in the 'last mile' movement of people and goods. We will continue to build relationships, collaborate with business and better understand our role in assisting these modes to improve their sustainability and contribution to the Tasmanian economy.

### CONTEXT

The current Tasmanian economy relies on the movement of people and goods over land, water and air. Tourists, food and beverages, and consumer goods are all moved daily by trucks, buses, ships, trains and planes. The operations of these aspects of the transport network are owned and controlled by the Australian and Tasmanian State governments along with privately owned and controlled transport operators.

The City of Hobart has a role in assisting the 'last mile' of transport. For example, for goods, this is often through the provision of local road networks and kerb space for loading zones. For tourists and visitors, providing bus and taxi operators with kerb space is important. Also important is the provision of good pedestrian connections, quality urban environments and wayfinding.

Visitor numbers to Hobart are growing and this is set to continue. The Tasmanian Government's T21 Strategy has set a target of increasing visitor numbers from 1 million to 1.5 million by 2020. The T21 Strategy includes priorities to increase investment in tourism infrastructure and growing air and sea access capacity. While all regions reported higher visitation, occupancy and yields, a total of 66% of all visitor nights were spent in Hobart. Visitor spending creates significant economic activity, with over \$2.2 billion spent by visitors to Tasmania reported in 2017.



Greater numbers of visitors sharing our transport networks can have impacts on road safety and efficiency at busy times, especially in areas which attract large numbers of visitors and where conditions may be 'uniquely local' such as Tasmania's east coast or west coast roads.

Consumer goods, including petrol and diesel, are heavily reliant on Tasmania's north-south corridor. From major distribution centres, for example, at the Brighton Transport Hub, where the current rail connection from the northern Tasmanian ports terminates, consumer goods move on a variety of regional and urban roads to shopping centres and commercial outlets in heavy and light commercial vehicles.

Many light commercial vehicles come into the city centre, the Hobart waterfront, Salamanca Place, Sandy Bay and North Hobart to deliver goods and services that support these commercial activities. Efficiency in the last mile of freight movement is critical to the ongoing economic productivity of the city. Planning and providing for these freight movements is a function of the City of Hobart.

The last 30 years have seen dramatic changes in the day-to-day operations of the Port of Hobart. The Hobart waterfront precinct was once busy with ships exporting primary produce and bulk commodities, but today the local community mingles with visitors from cruise ships, scientists working on Antarctic research vessels, CSIRO and the Institute for Marine and Antarctic Studies (IMAS), members of the fishing fleet, and students from the University of Tasmania's School of Art. It is a busy hotel, restaurant and night-life precinct and the site of festivals such as the Australian Wooden Boat Festival, Dark MOFO and the Festival of Voices. Additionally, it remains the site of perennial tourist favourites: Salamanca Markets each Saturday, the annual Sydney to Hobart Yacht Race and the Taste of Tasmania.

To support the greater focus on visitor activities and events on the waterfront, the City of Hobart, the Tasmanian Government, TasPorts and the private sector have invested significantly in visitor infrastructure. The City of Hobart has invested in improvements to pedestrian access to the waterfront in partnership with other land managers in the Hobart waterfront precinct.





The use of hydrocarbon fuels in transport engines produces combustion emissions that reduce air quality. These emissions, both fine particulate matter (PM2.5) and sulfur dioxide (for example) are linked to respiratory disease and poor health outcomes, including premature death. The emissions also contribute to climate change. Many cities around the world are moving to limit vehicle emissions through banning particular vehicle engine types and fuel sources. Cruise ships in many parts of the world are restricted in the types and quality of fuel they can burn whilst in port to limit pollution impacts.

Although freight transported by air from Tasmania is a small proportion of the state's total freight movements, there is capacity for air freight growth in the agriculture sector. Increased access to irrigation is providing opportunities for greater production of boutique, perishable and high-value fresh food products which are well suited to air freight and are in high demand in China and other Asian markets. Now completed, the extension to the runway means that it is capable of handling larger aircraft with greater flight ranges than those previously serving the Hobart Airport.

#### OUR STRATEGY ACTIONS

Theme 7 – Moving people and goods by land, sea and air

*The movements of people and goods by road, rail, sea and air is critical to the Tasmanian and Hobart economy.*

*While much of the freight, port and airport space is controlled by State Government business enterprises and private operators, the City of Hobart has a role in the 'last mile' movement of people and goods. We will continue to build relationships, collaborate with business and better understand our role in assisting these modes to improve their sustainability and contribution to the Tasmanian economy.*

The following actions are proposed:

**Action 7.1** – Consult with key stakeholders and undertake a review of loading zone availability and operation across the City of Hobart.

**Action 7.2** – Work with providers to ensure appropriate kerb space is available to support tourism-based public transport operations in Hobart, with a particular focus on airport services and attraction visitation.

**Action 7.3** – Continue to work with TasPorts to improve pedestrian linkages around the Hobart waterfront and into the city centre.

**Action 7.4** – Continue to improve wayfinding and directional signage to, from and within Hobart.

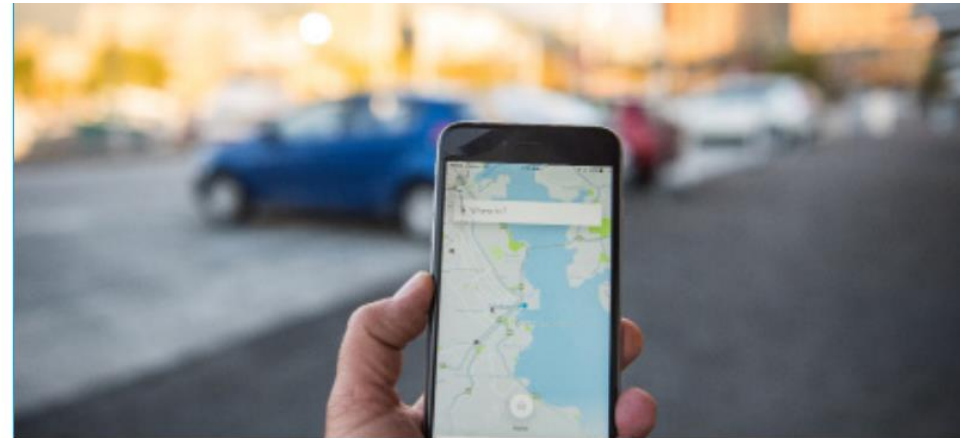
**Action 7.5** – Lobby the Australian Maritime Safety Authority (AMSA) to regulate fuel use for ships at berth in the Sullivans Cove area, in line with current arrangements in Sydney Harbour to limit particulate matter and sulfur dioxide air pollution (AMSA Marine notice 2016/2).

**Action 7.6** – Review the City of Hobart's vehicle fleet purchasing policy and continue to improve the efficiency of and emissions from the corporate vehicle fleet. Develop a plan to preference corporate light vehicle replacements with either electric or hybrid electric vehicles by 2025.

**Action 7.7** – Continue to consider emissions profiles and, for diesel vehicles, compliance with Euro 6 or Euro 7, fuel usage specifications for all heavy plant and equipment fleet purchases, such as rubbish trucks and excavators.

**Action 7.8** – Continue to provide access for high productivity vehicles and higher mass vehicles on specific parts of our road network in accordance with guidelines established by the National Heavy Vehicle Regulator.

## Theme 8 - Managing our traffic and movement network



### POSITION STATEMENT

Population and economic growth and the resultant traffic congestion cannot be sustainably managed by simply providing road expansion projects. Managing and operating our network will need a 'SmartRoads' approach where preference is provided to high occupancy vehicles, especially public transport, and active transport modes on selected corridors at selected times. Travel demand management will complement such a network management approach.

The City of Hobart, in conjunction with other local governments, will continue to actively lobby the State Government to introduce (and support with guidance notes) emerging traffic management devices.

### CONTEXT

Active management of our roads and local streets is ongoing and necessary as the need for travel and traveller numbers increase, and as community attitudes towards how we use that space change. Active management seeks to improve the efficiency of our road network in recognition that the road network is largely fixed in terms of width, numbers of intersections, and other constraints on the free movement of traffic, whether as pedestrians, on bicycles, in buses or other motorised vehicles.

Efficiency of travel must recognise the different needs of travellers and modes of travel. Needs vary over different times of the day, days of the week, and locations of activities that create the travel demand.

Hobart's current traffic and movement network is mostly road dependent. There are some opportunities for the use of off-street paths for walking or riding. The network is limited in terms of through streets, particularly main collector roads, and public transport is entirely road based. There is little opportunity to change the pattern of streets and roads without major disruption and costs.

Traffic congestion experienced on the Hobart network is caused by multiple factors, including construction work in the city centre and on key arterial roads, increased demands on the network during return to school and university, increased traffic from greater Hobart, increasing economic activity, road crashes which block roadways and increased parking availability.

The City of Hobart is committed to actively managing our streets to improve their efficiency and safety for the greatest number of users.

The Victorian Government's SmartRoads concept is a road and street management system that seeks to better manage competing interests for limited road space by allocating, or providing priority use of, the road to different transport modes at particular times of the day.

The SmartRoads concept uses a road-use hierarchy set of principles to recognise that the users of the road network, along with the place the road is in and the time of day are all important factors to consider in managing road space.

For example bus and bicycle lanes are critical during morning and afternoon peak commuter movements, however during the day, when businesses are operating and traffic flows are lower, parking may be of greater importance. 'The SmartRoads concept is a more active approach to allocating priority that separates, where possible, many of the resultant conflicts by route, place and time of day.'

Travel demand management (TDM) and work place travel plans, such as the one undertaken and being progressively implemented by the City of Hobart, are methods by which individuals are assisted to find a travel option that works for them generally using the Four Rs framework. The Four Rs states that a journey may involve a ReMode (shifting from driving to public transport, or walking or cycling), a Retime (shifting the journey outside of peak hour), a Reduce (avoiding a trip by working from home or video-conferencing), or a Reroute (finding an alternative route to travel on).

Such TDM approaches can be particularly useful in large workplaces where workforces can be more flexible, and for major events, where planning for and information to attendees is critical to event success. (For example a major sporting or cultural event.)

In the future, especially with the take up of electric vehicles, governments around the world will need to reassess the revenue base they have for funding transport infrastructure, as petroleum product excise duty and taxes, which currently partially fund the road network, will reduce. This emerging reality will require the Australian Government to revisit one of the most significant transport management tools available, that of road user charging. Such systems, being trialled in other parts of the world, use GPS locations and time of day use of the road network by a vehicle to determine the price paid. In theory, such arrangements are commonplace in our society now: the best seats in a theatre command the highest prices. The same is true for the AFL grand final. As such, in the future, road user charging, combined with



## Attachment 2



congestion based charging, will provide the best tool for managing our transport network and provide individuals with clear price signals about the cost of different transport choices.

The City of Hobart is also responsible for oversight of some aspects of the transport network when subdivision takes place, in accordance with the current planning scheme. For these future settlement areas, an indication of how future linkages between areas will work is required. In conjunction with other land managers, the City of Hobart will continue to work on a road network plan to define how land zoned for development will be connected into the transport network.

At the suburban level, the City of Hobart is responsible for local area traffic management. The residential areas of Hobart contain the majority of the roads and streets owned and managed by the City of Hobart.

Local area traffic management focuses on traffic and movement problems and solutions within the context of a local precinct or suburb, rather than individual streets. Contemporary local area traffic management adopts a holistic approach, ensuring that all transport modes are considered. It seeks to create positive impacts on traffic and connectivity through improvements to walking, cycling and public transport routes, with recognition of the importance of streetscapes.

The City of Hobart has an ongoing program for repairing, maintaining and renewing the road and street assets of Hobart. This work is done in accordance with Asset Management Plans. These plans are developed based on the available funding from rates and other funding from the Tasmanian and Australian governments. These plans dictate the extent of certain works to ensure the maximum life for any particular asset while staying within the maintenance budget. This is why, for example, potholes will be patched and surfaces maintained before a full replacement is undertaken.

Local area traffic management must also be considered in the broader metropolitan context. Not only do some roads perform both local and metropolitan functions, but the functioning of state roads and local arterial roads can alter the management of local areas. There is a growing realisation that we need to rethink our design philosophy from one that places cars and parking first, to a more holistic approach where our local streets again become places where people are placed at the center of our transport network management.

### OUR STRATEGY ACTIONS

Theme 8 – Managing our traffic and movement network

*Population and economic growth and the resultant traffic congestion cannot be sustainably managed by simply providing road expansion projects. Managing and operating our network will need a 'SmartRoads' approach where preference is provided to high occupancy vehicles, especially public transport, and active transport modes on selected corridors at selected times. Travel demand management will complement such a network management approach.*

*The City of Hobart, in conjunction with other local governments, will continue to actively lobby the State Government to introduce (and support with guidance notes) emerging traffic management devices.*

The following actions are proposed:

**Action 8.1** – Develop a road user hierarchy and smart roads plan for Hobart (as supported by Action 3.1 and 4.1).

**Action 8.2** – Manage and upgrade our transport network using a safe systems approach and with reference to the Australian Government's National Road Safety Strategy.

**Action 8.3** – In conjunction with planning (as previously described for the walking plan, Theme 3 and cycling plan, Theme 4), commence a process of progressively reviewing local area traffic management plans.

- In light of current Council concerns, new housing subdivisions and recent retail precinct upgrades, this process will initially review traffic management in the Lenah Valley area.
- This process will also consult and engage with communities to determine a candidate suburb, or local area, to trial a UK-style 'home zone' (or Dutch woonerf, living street). Such a shared street zone with reduced speed limits promotes equal priority to all modes of transportation and pedestrian use of streets.

**Action 8.4** – Consider wider area speed limit reductions to 40 km/hr in residential areas and the central Hobart city commercial area, similar to that currently operating in the Battery Point and Hobart waterfront area.

**Action 8.5** – In conjunction with Theme 1 (We make our decisions based on evidence and current key data), provide an online information portal to provide individuals with relevant apps to assist them to manage and plan their journeys and trips. For example ride sharing apps, such as Parachuute, a carpooling app for parents (<https://www.parachuute.com/>).

**Action 8.6** – Complete development of a future road network plan as enabled by the Tasmanian Planning Scheme code overlay maps.

**Action 8.7** – Review our current Roads Strategic Asset Management Plan (SAMP), and update to include more detail in relation to service driven improvements, as well as addressing the physical condition of these assets.

**Action 8.8** – Make our City of Hobart Road Infrastructure Asset Management Plan (AMP) publicly available to promote discussion relating to current and proposed levels of service associated with these transport assets.

**Action 8.9** – Develop ratings, and begin rating and reporting on individual transport assets including roads, footpaths and bicycle tracks for their three services (function, capacity and quality) in addition to rating for physical condition.

**Action 8.10** – In line with current City of Hobart policy, continue to consider opportunities to install and upgrade pedestrian and cycling infrastructure along with street trees (where possible) when undertaking road renewal works.

**Action 8.11** – Commence work in conjunction with other councils, the Institute of Public Works Engineering Australasia (TAS) and the Local Government Association of Tasmania on a review of the current subdivision guidelines and standard drawings.

**Action 8.12** – Commence work with other councils, the Tasmanian Road Safety Advisory Council, the Tasmanian Transport Commissioner and other key stakeholders to develop trials, guidelines and installation advice notes for new and emerging road and traffic devices and markings. For example, pedestrian crossings, pedestrian countdown timers at traffic signals and sharrows (bicycle) symbols on roads.

## Theme 9 – Developing partnerships with our stakeholders

### POSITION STATEMENT

We recognise that there are many stakeholders who collectively develop our city, its economy and its infrastructure. In order to bring about change and develop courage and commitment we need to forge stronger joint understandings about the choices before us and the pathways towards the Vision.

To improve the health and liveability of our city in a collaborative way, the City of Hobart will continue to develop strong partnerships and relationships with all levels of government, the private sector, advocacy groups and local communities to realise the implementation of our Vision and this Transport Strategy.

### CONTEXT

The City of Hobart is one of the many stakeholders involved in the development and management of the transport system, our infrastructure and the wider Tasmanian economy. In order to improve our current settlement and transport arrangements we will need to seek deeper involvement and engagement with:

- local communities
- key advocacy groups
- the various divisions within the City of Hobart
- the private sector and government business enterprises
- councils in the greater Hobart area and regional groups
- the Tasmanian Government
- the Australian Government
- the media.

This is perhaps the hardest area for any level of government. Tasmania is a complex society and many stakeholders have competing agendas. There are myths, fallacies and 'no go zones' about any number of issues and behaviours which are often used to promote a particular perspective and limit our ability to get to the heart of a problem.



In an age where there is so much information available, our ability to provide comment and feedback on every topic and proposed change can often be daunting. The challenge for organisations everywhere is to find balance between consulting about, and then implementing, changes.

The City of Hobart has a strong record of showing leadership when engaging with its community and stakeholders. The City of Hobart bases its community and stakeholder engagement in the IAP2 (International Association for Public Participation) set of tools and practices. The development of this Transport Strategy, our Climate Change Strategy, the new City of Hobart Vision and our retail precinct upgrade engagements with local communities are just some recent examples of our engagement practices.

We seek to engage widely with stakeholders to ensure we have heard the range of issues and problems we confront before proposing and defining solutions. This does not mean our solutions will appeal to all, however many of our problems require us to make changes to infrastructure, attitudes and behaviours.



### OUR STRATEGY ACTIONS

Theme 9 – Developing partnerships with our stakeholders

*We recognise that there are many stakeholders who collectively develop our city, its economy and its infrastructure. In order to bring about change and develop courage and commitment we need to forge stronger joint understandings about the choices before us and the pathways towards the Vision.*

*To improve the health and liveability of our city in a collaborative way, the City of Hobart will continue to develop strong partnerships and relationships with all levels of government, the private sector, advocacy groups and local communities to realise the implementation of our Vision and this Transport Strategy.*

The following actions are proposed:

**Action 9.1** – Continue to proactively identify opportunities for funded partnerships with the Tasmanian and Australian governments to address issues and progress actions identified through the development of this Transport Strategy.

**Action 9.2** – Continue to work closely with other regional local government bodies, through political bodies such as the Southern Tasmanian Councils Association and the Local Government Association of Tasmania, and through officer level working groups such as the Southern Council Infrastructure Group to advance understanding of regional problems and appropriate solutions.

**Action 9.3** – Working with established groups, in a range of areas, undertake an annual program to receive feedback and input to guide work program priorities. Such a program would include schools, community and progress associations, and business groups within Hobart, and change the way we engage on the issue of transport and travel.

**Action 9.4** – Explore the opportunities to encourage, through the Tasmanian Road Safety Advisory Council, a trial of usage and behaviour based vehicle insurance products in Tasmania. Such products are linked to reduced crash rates, improved driver behaviour and modal shift (to active travel modes). Examples include QBE's Insurance Box and Real Insurance's Pay As You Drive.

**Action 9.5** – Expand the current research and summer student placement program with the University of Tasmania using the current Speculate program as the model.

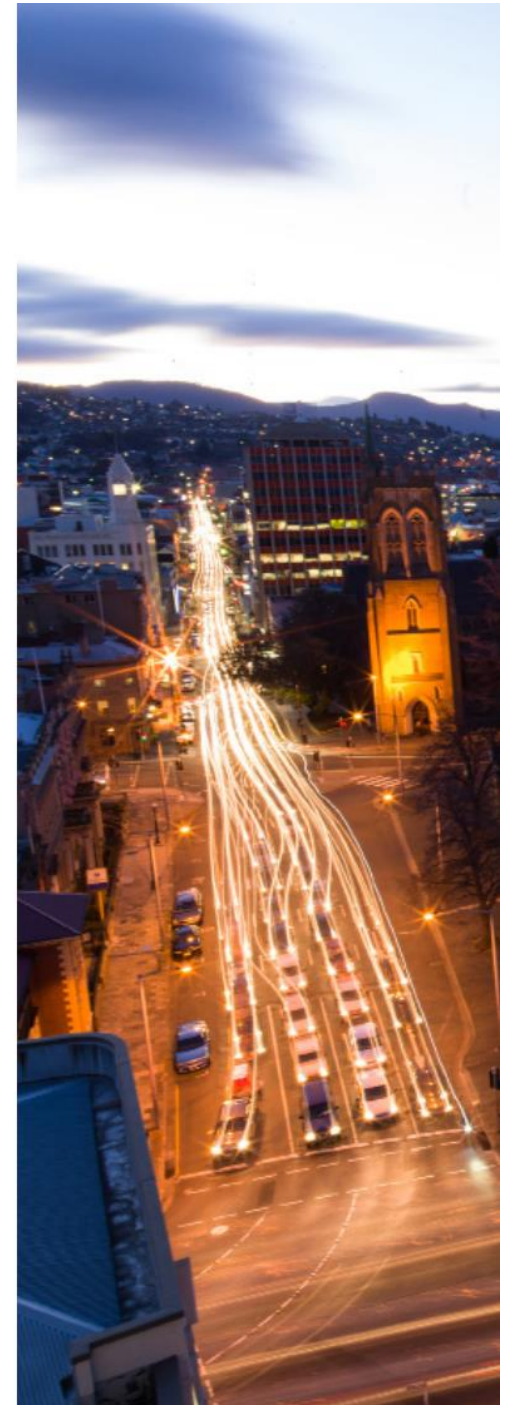
**Action 9.6** – In conjunction with key major city employers, in the first instance, provide assistance to develop workplace travel plans for staff, using the City of Hobart Employee Travel Plan (2017) as a guide and example of best practice.

**Action 9.7** – Review corporate communications and retail marketing activities to ensure information about travel choices is present in brochures, pamphlets and advertising.

**Action 9.8** – Develop a communication and marketing plan to promote the Transport Strategy and its associated actions.

**Action 9.9** – Work with major festival and event providers (including the City of Hobart) to develop event travel plans.

**Action 9.10** – Continue to use best practice engagement methods and the Your Say platform to develop deeper understandings of issues and problems facing our community, as we implement changes to achieve the City of Hobart's Vision and improved transport arrangements.







## PART 3

### IMPLEMENTATION PLAN

This Transport Strategy guides how improved transport for the City of Hobart will be delivered through until 2030. As such, the implementation of this Transport Strategy will occur over many years.

The principal actions to be undertaken in the first three years include the development of the key walking, cycling and parking plans along with a smart roads plan to better manage the current transport network. Developing these plans concurrently, with a local area approach, will form the basis for reviewed local area traffic management plans.

Other actions will be undertaken both concurrently and over the life of the strategy.

The City of Hobart has allocated initial funds to implement this Transport Strategy and the works that are identified in the developed plans in its 10-year Long Term Financial Management Plan.

It is important to remember that future Councils may have different priorities and financial circumstances may change. Indeed the current implementation budget will not be sufficient to complete all of the works envisaged in this strategy and associated plans. Funding will be required from the Tasmanian and Australian governments for the major public transport projects and associated facilities. Some funding will be derived from existing City of Hobart funding sources, such as:

- City of Hobart's Inner City Action Plan and Transforming Hobart capital upgrade programs
- the annual allocation for bicycle and pedestrian upgrade projects across the city
- potential future Federal Government Roads-to-Recovery and Blackspot funding
- road and footpath renewal projects where some transport upgrade or new components can be incorporated
- parks and bushland projects where some transport improvement initiatives can be incorporated into the design and construction phases
- the City of Hobart's Smart City Strategy (in development)
- other projects currently identified in the City of Hobart's 10-year Long Term Financial Management Plan (LTFMP).

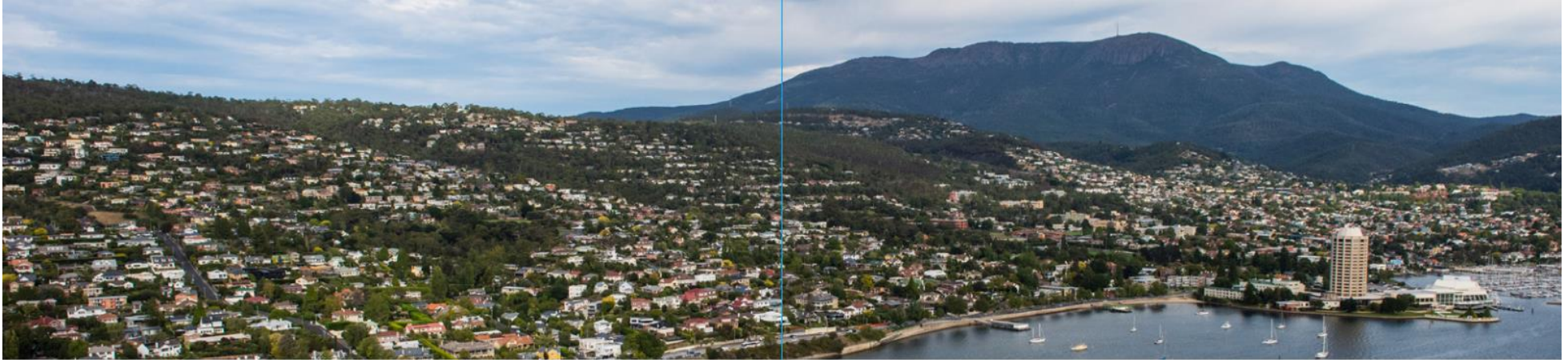
The proposed capital funding in the LTFMP specifically for the implementation of the Transport Strategy is approximately \$500,000 per year, amounting to a total of approximately \$4,750,000 over the next 10 years.

It has been assumed that this capital funding will be attributed predominately to new and upgraded transport and travel related assets.

The impact of implementing this strategy on future operational and maintenance budgets has yet to be determined.



## Attachment 2



### THE PLANS

The development of the walking, cycling, parking and smart roads plan will produce clearly identified priority works plans and frameworks to address the merit and priority of specific work. It is proposed that these plans will be developed concurrently in the City of Hobart's 'natural catchment areas' which would be addressed sequentially. There are essentially four major city catchments: the north, west and south and the city centre and its immediate surrounds. It is considered that using a place-led community engagement process, similar to that being currently used to develop the retail precinct projects, will be the best way to create these integrated plans in collaboration with local communities.

By using such a process, detailed engagement with local communities can provide input to plan for specific works projects which will reflect identified needs and create more liveable neighbourhoods where options to walk, cycle, enjoy spending time in the public realm, use public transport or a motor vehicle are all supported.

### THE TRANSPORT STRATEGY ACTION TEAM

There are a range of individual actions identified under the nine strategic focus themes that will need to be delivered from within all parts of the organisation.

The Transport Strategy Action Team will be established within the City of Hobart with representation from relevant divisions. This group will develop (and regularly review) the Transport Strategy Action Plan, allocate responsibility for the various actions and establish the relative priority for resourcing the actions over the life of the strategy.

The Transport Strategy Action Team will be responsible for ensuring actions are undertaken and progress is reported back to the Council and the Hobart community biennially (see Action 1.2 of this strategy).

The City of Hobart would like to acknowledge the contributions of the community of Hobart and key stakeholders throughout the consultation process.

Image credit: ....





# MAPS, CHARTS AND FIGURES

## MAPS

- Map 1: Southern region – dwelling density
- Map 2: Residential Strategy for greater Hobart – residential development areas
- Map 3: Stylised mapping of journey to work – ‘tale of two cities’
- Map 4: Bicycle facility development in Hobart 2008–2018
- Map 5: Off street parking (north of the city centre)

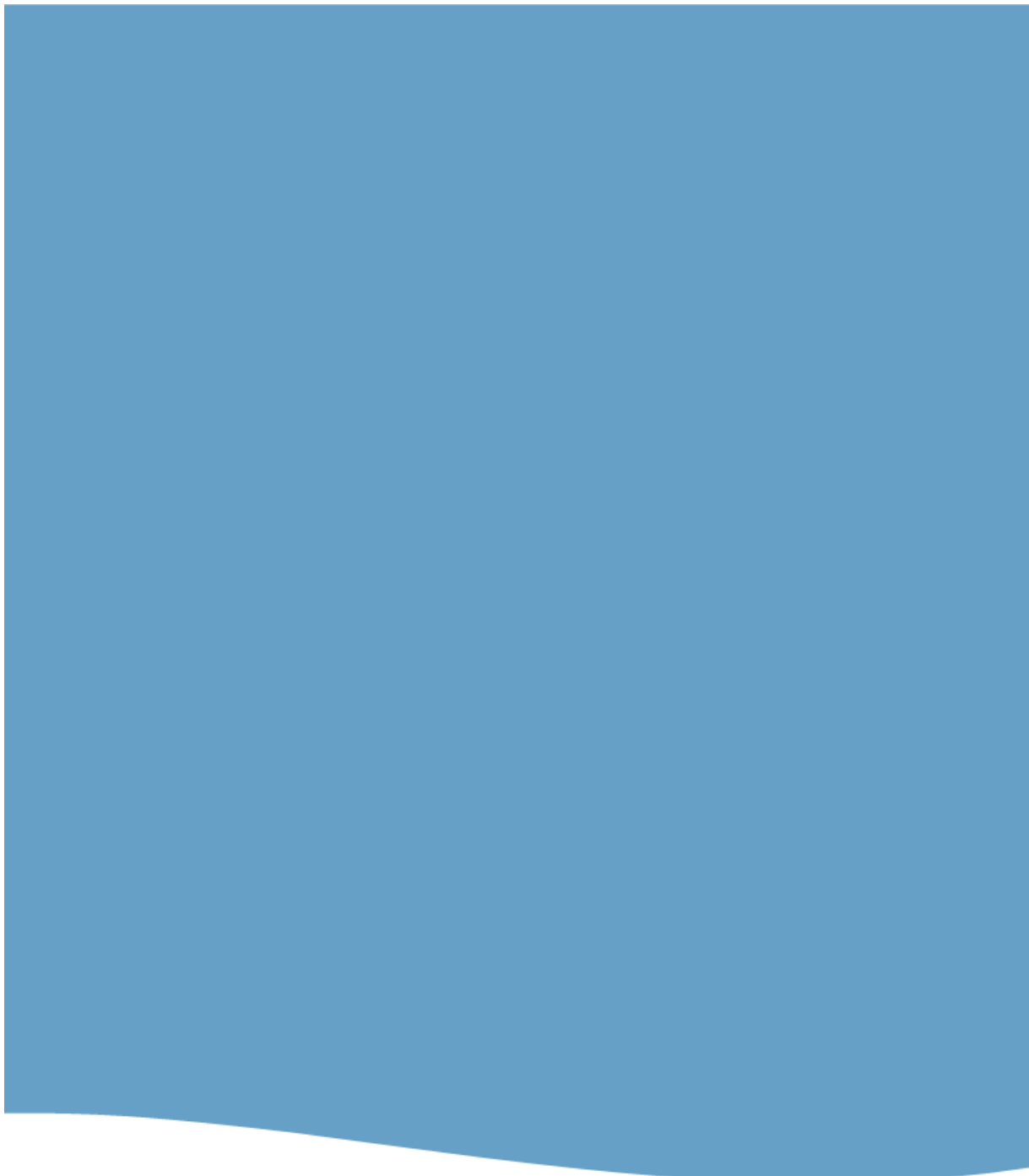
## CHARTS

- Chart 1: Southern region modes used for the journey to work 2011

## FIGURES

- Figure 1: Strategic framework for the City of Hobart
- Figure 2: Responsibility of the three levels of government
- Figure 3: Strategy engagement evolution
- Figure 4: Strategy development process
- Figure 5: The ‘iceberg’ model of problems
- Figure 6: Hobart transport in context
- Figure 7: Stylised travel mode options for various activities
- Figure 8: Walkability in Hobart
- Figure 9: Hobart Transport Vision

## Attachment 2



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**11.5.3 BAYVIEW SECONDARY COLLEGE - MEMORANDUM OF UNDERSTANDING TO LEASE AND MANAGE SCHOOL SPORTS FACILITIES/GROUNDS**

(File No M026-170)

**EXECUTIVE SUMMARY****PURPOSE**

To consider a request from Bayview Secondary College to enter a Memorandum of Understanding with the Department of Education and Bayview Secondary College and interested sporting organisations and clubs to lease and manage the school sports facilities/grounds.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 is relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

No community consultation has occurred. Discussions have taken place between Council officers, Aldermen and Department of Education officers and local sporting clubs interested in using the facility.

**FINANCIAL IMPLICATIONS**

Funds of \$60,000 has been allocated in the 2018/2019 Annual Plan for the initial master planning of the Bayview Secondary College sports facilities/grounds to align with community benefit and school usage. Should Council proceed with the lease and associated future development there will be capital and recurrent costs to be considered as part of future Annual Plans.

**RECOMMENDATION:**

- A. That Council authorises the signing of the Memorandum of Understanding between the Department of Education, the interested sporting organisations/clubs and the Clarence City Council relating to the use and development of the ovals and facilities at Bayview Secondary College on behalf of the Clarence City Council.
- B. That once signed, Council authorises the General Manager to implement the Memorandum of Understanding between the Department of Education, the interested sporting organisations/clubs and the Clarence City Council relating to the use and development of the ovals and facilities at Bayview Secondary College subject to the standard budget approval processes of future Council Annual Plans.

**BAYVIEW SECONDARY COLLEGE - MEMORANDUM OF UNDERSTANDING TO LEASE AND MANAGE SCHOOL SPORTS FACILITIES/GROUNDS /contd...**

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**ASSOCIATED REPORT****1. BACKGROUND**

**1.1.** During November 2014, the Mayor and the General Manager met with representatives of Bayview Secondary College and the Department of Education (DoE) officers at a presentation of the Bayview Secondary College Knopwood Park Project 2014-2024.

**1.2.** A copy of the proposed Bayview Secondary College Knopwood Park Project 2014-2024 was forwarded to all Aldermen and the matter was presented at the Council Workshop Session on 18 May 2015 and the following was resolved at Council's Meeting of 1 June 2015:

*“That Council authorises the General Manager to write to the Principal of Bayview Secondary College offering in principle support for the Bayview Secondary College Project and Master Plan 2014-2024 and acknowledging that it has the potential for:*

- The more effective and efficient use of the Department of Education's infrastructure for the community;*
- Providing a broad range of activities to a broad range of residents who live in this urban growth area;*
- Catering for a wide cross section of ages, abilities and interests; and*
- Changing how the local community interact to create improved outcomes across a wide spectrum of civic activity”.*

**1.3.** A further Workshop Session was held on 10 October 2016 at which the DoE and Bayview Secondary College presented their vision for the Bayview Secondary College which required the following from Council:

*“We would like Clarence City Council to enter into an MOU with the DoE and RHS (now Bayview Secondary College) to lease and manage the school sports facilities/grounds.*



*Clarence City Council to participate in a governance committee for the RHS (now Bayview Secondary College) community hub to:*

- *promote the use of the school facilities;*
- *receive feedback from the local community and;*
- *assist with the decision making for funding applications, future development of the site, and communication to stakeholders”.*

**1.4.** A Workshop was held on 2 May 2017, where more detail of the proposed MOU with Bayview Secondary College (formerly Rokeby High School) and DoE was discussed.

**1.5.** Council, at its Meeting of 13 June 2017 considered the DoE and Bayview Secondary College expectations in detail in comparison to Council’s direction dictated by the Strategic Plan and supporting policies. Council adopted:

*“A. The Memorandum of Understanding to be developed with not only the Department of Education and Bayview Secondary College but also with State Sporting Organisations and major sports clubs identified as part of the community engagement process.*

*B. Council’s involvement in the Memorandum of Understanding being contingent on State Sporting Organisations and major sports clubs involved committing to relocate, committing to the development in terms of scheduling at the facility and committing to the provision of funds for the development.*

*C. The draft Memorandum of Understanding be reported back to Council for adoption at a future Council Meeting”.*

**1.6.** A Workshop was held on 23 July 2018 to advise Council of the development of the draft MOU and the sporting clubs and organisations interested in committing to the project. DoE and Bayview Secondary College have maintained their enthusiasm for the MOU.

## **2. REPORT IN DETAIL**

**2.1.** Bayview Secondary College and DoE have indicated they were looking for Council to:

- lease and maintain the Bayview Secondary College sports facilities/grounds; and
- participate in a governance committee.

**2.2.** Council Officers and representatives from the Department of Education (DOE) and Bayview Secondary College have met on numerous occasions to discuss the relative issues to preparing a draft MOU. It was recognised that flexibility in future planning and lease of the site is needed for all parties, as future development depends on funding availability.

**2.3.** The Department of Education prepared a draft MOU which is included in Attachment 1. This is a non-binding agreement, similar in principle to the MOU Council signed with the DOE relating to the ovals at Clarence High School, which sets-out the intention of the parties to work towards a formal lease agreement.

**2.4.** After Council's Governance and Asset Management Departments agreed on the draft MOU, the school forwarded the draft MOU to interested State Sporting Organisations and Sport Clubs for their written commitment to join the MOU with Council, the school and DoE.

**2.5.** The following sporting clubs provided written commitment to the draft MOU.

Attachment 2 includes letters of commitment received from:

- Lauderdale Football Club;
- Netball Tasmania; and
- Clarence United Football Club.

In addition, letters of support were received from

- Cricket Tasmania;
- Clarence District Cricket Club;

- Eastern Suburbs Rugby Union Football Club; and
- Grassroots Community Development Pty Ltd.

- 2.6.** Council adopted for a recreational needs analysis (RNA) to be undertaken on sport facilities in the municipality. Several workshops have been held with Council on the progress and the draft report is due to be presented to Council later in 2018. Preliminary progress on the RNA identifies modern sport facilities for summer and winter activities are likely to be needed in the Clarence Plains region in the long term.
- 2.7.** Sport grounds and facilities at Bayview Secondary College not only provides an opportunity to use valuable flat land but also as a catalyst for broader community change by efficiently and effectively using government assets to deliver improved community outcomes in terms of the physical, mental and social health of the local community.
- 2.8.** Should Council agree to sign the draft MOU there are still a number of phases to occur before Council finally signs a lease and adopts financial support.
- 2.9.** First of all, Council has adopted \$60,000 funds for master planning the development of sport grounds and facilities at Bayview Secondary College. There is considerable planning work and co-ordination to occur with DoE, the school and Council officers before preliminary plans are brought back to Council for consideration at a future workshop.
- 2.10.** Once these are adopted, discussions can be held on a formal lease agreement. At present, DoE is supportive of a long term lease similar to the Clarence High School agreement which was for 99 years. However, unlike Clarence High School DoE at this stage is not proposing a separate title due to cost and complexity, however is prepared to discuss options.

**2.11.** It is noted Council's current Sport and Recreation Strategy is to maximise the utilisation of existing assets before building new ones. Clarendon Vale oval is presently under-utilised. Ultimately Council will consider an optimal solution for sport and recreation in the area between Clarendon Vale oval, Bayview Secondary College and the Seven Mile Beach Sport Precinct, before making a final decision on proceeding with a lease at BSC.

**2.12.** To again inform Council of potential costs for developing BSC, in the Workshop session on 10 October 2016 the DoE indicated that clubs would use the facilities now but the grounds are in need of renovation. There will be an expectation that Council will be required to develop the grounds to the standard expected of Council facilities and in accordance with Council's adopted Sport and Recreation Strategy; 2017 indicative costs are as follows:

AFL Oval

- surface renovation, automatic irrigation, goals and maintenance period - \$130,000
  - drainage – \$200,000
  - lighting – \$250,000
- SUB-TOTAL – \$580,000**

Top Soccer Oval

- surface renovation, goals and maintenance period - \$60,000
  - drainage – \$120,000
  - lighting – \$180,000
- SUB-TOTAL – \$360,000**

Bottom Soccer Oval

- surface renovation, automatic irrigation, goals and maintenance period - \$150,000
  - drainage – \$120,000
  - lighting – \$180,000
- SUB-TOTAL – \$450,000**
- CAPITAL TOTAL \$1,390,000**

Maintenance costs – It is estimated that the maintenance cost per sportsground will be of the order of \$60,000/annum (estimate based on Geilston Bay High School and dependent on area to be maintained) giving a total maintenance cost of approximately \$180,000/annum.

Note these costs make no allowance for:

- utility costs such as TasNetworks and TasWater;
- ancillary works such as carparks and landscaping; or
- new change rooms.

### **3. CONSULTATION**

#### **3.1. Community Consultation**

No consultation has been undertaken by Council.

#### **3.2. State/Local Government Protocol**

Discussions have occurred with officers of DoE.

#### **3.3. Other**

The Bayview Secondary College and DoE have consulted with Sporting Organisations and Clubs.

### **4. STRATEGIC PLAN/POLICY IMPLICATIONS**

- 4.1.** Council's Strategic Plan 2016/2026 under the Goal Area "A people city" has the following Promoting Health Strategy to:

*"1.7 Promote active and healthy lifestyles through the provision and support for active and passive recreation programs and activities";*

- 4.2.** Council's Strategic Plan 2016/2026 under the Goal Area "A well-planned and liveable city" has the following Park and recreation facilities Strategies to:

*"2.14 Work with government agencies, community organisations and private providers with a view to sharing existing and planned assets for sport and recreation"; and*

*"2.15 Planning for and providing new sporting and recreational facilities to meet community demand".*



- 4.3.** Council’s Strategic Plan 2016/2026 under the Goal Area “A prosperous city” has the following Strategy to:

*“3.2 Develop and implement initiatives aimed at addressing the pockets of significant socio-economic disadvantage within the City”.*

**5. EXTERNAL IMPACTS**

Nil.

**6. RISK AND LEGAL IMPLICATIONS**

Nil.

**7. FINANCIAL IMPLICATIONS**

**7.1.** Funds of \$60,000 has been allocated in the 2018/2019 Annual Plan for initial planning of the Bayview Secondary College sports facilities/grounds to align with community benefit and school usage.

**7.2.** Should Council proceed with the lease and associated future development there will be capital and recurrent costs to be considered as part of future Annual Plans.

**8. ANY OTHER UNIQUE ISSUES**

The development of both the Seven Mile Beach proposal and the proposed Bayview Secondary College proposal are potentially to occur in the coming years. Council will need to consider the priority for delivering these projects based on the community needs and financial deliberations.

**9. CONCLUSION**

**9.1.** This project offers an opportunity to use the Bayview Secondary College as a catalyst for broader community change by efficiently and effectively using government assets to deliver improved community outcomes in terms of the physical, mental and social health of the local community.

- 9.2.** Council's existing facility at Clarendon Vale Oval has low usage figures and Council's adopted Sport and Recreation Strategy is to maximise use of existing facilities before building/upgrading new ones.
- 9.3.** Preliminary work on the recreational needs analysis identifies modern sport facilities for summer and winter activities are likely to be needed in the Clarence Plains region in the long term.
- 9.4.** The draft MOU presents an opportunity for Council to redevelop/upgrade existing facilities at a significant discount, only if the demand exists for the facilities. On the basis of the facts above it is recommended the draft MOU be signed by all parties to commence master planning of the Bayview Secondary College sports grounds/facilities to optimise the recreational benefit to the community and school use.

Attachments: 1. Draft Bayview Secondary College Memorandum of Understanding (2)  
2. Letters of Support from State Sporting Organisations and Major Clubs (11)

Ross Graham

**GROUP MANAGER ENGINEERING SERVICES**

## Attachment 1

### DEPARTMENT OF EDUCATION BAYVIEW SECONDARY COLLEGE PROPOSED ARRANGEMENT NON-BINDING AND INDICATIVE ONLY TERMS SHEET

---

In this document:

**ASCs** means Authorised Sporting Clubs.

**Department** means the Department of Education and Bayview Secondary College.

**Council** means the Clarence City Council.

**Crown** means the Crown in right Tasmania.

#### IMPORTANT NOTES:

This document sets out non-binding and indicative only terms and conditions for a proposed arrangement which is ultimately subject to Ministerial approval under the *Crown Lands Act 1976* (Tas).

Nothing in this document limits the Crown's right to negotiate any term, condition, matter or thing related to the proposed arrangement.

The Crown makes no representation or warranty that it will enter into any agreement with the Council or ASCs.

This document does not constitute an offer by the Crown which is capable of acceptance by the other parties.

The Crown reserves all rights in relation to the subject matter of this document (including the right not to enter into any agreement).

No legally enforceable rights or obligations are to arise in relation to the subject matter of this document until the parties enter (if at all) into a formal written agreement concerning its subject matter.

No.	SUBJECT	PROPOSED TERM OR CONDITION (NON-BINDING AND INDICATIVE ONLY)
1.	Documentation	Subject to <i>Crown Lands Act 1976</i> (Tas) and all approvals. Potentially a lease type arrangement with a licence back to the Crown for the during school hours use of the sports grounds.
2.	(a) Premises	Bayview Secondary College at 170 Mockridge Road, Clarendon Vale in Tasmania.
	(b) Sports Ground	Bayview Secondary College sports grounds at 170 Mockridge Road, Clarendon Vale in Tasmania.
	(c) Facilities	Bayview Secondary College at 170 Mockridge Road, Clarendon Vale in Tasmania. Including Gymnasium, weights room, change room and office facilities as required.
3.	Permitted Use	Shared sporting facilities.
4.	Term	Proposed term of 99 years.
5.	Fees	The Crown to charge Council a 'peppercorn amount'.

## Attachment 1

No.	SUBJECT	PROPOSED TERM OR CONDITION (NON-BINDING AND INDICATIVE ONLY)
		The Crown to use sports grounds during school hours free of charge.
6.	Access	<p>The Department retains access to the sports grounds and facilities during normal school hours on school days with access managed by the Department during these times.</p> <p>After school hours access and bookings of the sports grounds managed by Council.</p> <p>Facilities hired out by the Department on an hourly basis outside school hours as required.</p>
7.	Assignment	Assignment to be in accordance with the provisions of the <i>Crown Lands Act 1976</i> (Tas).
8.	Sub leasing/ other licensing arrangements	In accordance with the provisions of the <i>Crown Lands Act 1976</i> (Tas).
9.	Termination	Crown ability to terminate if Premises required for other purposes (ss37 or 38 of the <i>Crown Lands Act 1976</i> (Tas))
10.	Maintenance	<p>Facilities maintenance arranged by the Department and closures determined by the Department.</p> <p>Sports grounds to be maintained by Council and Council responsible for all costs associated with the operation and maintenance of the sports grounds.</p>
11.	Conditions / restrictions on use / covenants	<p>Council will consult with the Department and ASCs in regards to any proposed development of the sports grounds to ensure that any development is compatible with the Department and ASCs activities and operations.</p> <p>The Department will consult with Council and ASC in regards to any proposed development of the facilities to ensure that any development is compatible with Council and ASCs activities and operations.</p> <p>ASCs to commit to a minimum 5 year hire of the sports grounds.</p> <p>ASCs, subject to future development work, commit to relocate to the sports grounds, ongoing scheduling of activities and to the provision of funds towards the development of the sports grounds</p> <p>ASCs to comply with directions of Council relating to restrictions on use.</p> <p>ASCs to conduct themselves in a responsible and courteous manner in any interactions between themselves and members of the school community.</p> <p>ASCs responsible for the correct and proper use of any facilities and sports grounds.</p>
12.	Insurance	<p>Council – Sports grounds and associated activities.</p> <p>Department – Facilities and associated activities.</p>

## Attachment 2

### Attachment (A1)(i)

Mayor Chipman  
Clarence City Council  
38 Bligh St (PO Box 96)  
Rosny Park,  
TAS, 7018

Principal  
Bayview Secondary College  
170 Mockridge Rd (PO Box 70)  
Rokeby  
TAS 7019



Lauderdale Football Club  
10 Donna Lane  
Lauderdale

## Notice of Intention to sign Memorandum of Understanding

Dear Gill and Doug,

I write on behalf of the Lauderdale Football Club to advise that our club intend to partner with CCC, Bayview College and DOE to work towards re-development and use of the sports grounds at Bayview Secondary College.

We formally express our intention to utilise the grounds and facilities over the next 5 years, and are more than willing to sign a Memorandum of Understanding to confirm our support for the project and our intention to have teams participate in regular sport on the grounds of Bayview Secondary College.

We are happy to sign the MOU and come to the table to discuss the short term and future redevelopment options as soon as is practicable.

Yours sincerely,

**Andrew Hopwood**

General Manager - Football  
Lauderdale Football & Sports Club

M|+61 (0) 419970400

[ahopwood@bigpond.net.au](mailto:ahopwood@bigpond.net.au)



**Attachment 2**  
Attachment (A1)(ii)

**Lauderdale Football & Sports Club Inc.**  
**ABN 13231609852**

10 Donna Lane, Lauderdale Tas 7021.  
Postal address: Po Box 16 Rokeby, Tas 7019



The Lauderdale Football and sports club, it's management and coaching staff are excited to announce our engagement and full support for the emergence of the Bayview Sports High Performance Centre. We will be working with the senior management team at Bayview Secondary College and sharing our available resources to ensure that significant impacts on future performance of those engaged in the High Performance Centre are realised.

As club we recognise the difference this will make to our on-ground performances into the future and as such we are endorsing the concept and officially signalling our strategic alliance with Bayview Secondary College and it's Community Hub Initiative.

We value the opportunity this initiative reflects and are looking forward to using the facilities that have become available through this initiative. The club intends to make the most of the innovative technologies and pedagogical approaches that are going to be employed through this project.

The Lauderdale Football club fields teams in the STJFL ranging from Auskick (U/7) right through to under 18's having teams in every division. From juniors we provide a pathway to the TSL, the elite football competition in Tasmania where we have two senior teams. We are proud of the fact that our club has the best record in advancing youth from our community into the professional ranks of the AFL. Only this season we saw Hugh Greenwood play for the Adelaide Crows in the grand final after playing all his junior football with the Lauderdale Football Club prior to his scholarship with the AIS. The most exciting development in our club is the emergence of our girl's football as we will have teams in all divisions including senior women during the 2018 season and beyond. We are engaging with Bayview Secondary College and their broad network of strategic alliances to help foster the aspirations of our members and those in the surrounding community.

We have been engaged with the community since our club's inception in 1979 and are proud to be at the forefront of this initiative as we look to provide immediate value to the emergence of a leading sporting framework in Tasmania.

Regards,

**Andrew Hopwood**  
General Manager – Football  
Lauderdale Football & Sports Club  
M| +61 (0) 419970400  
[ahopwood@bigpond.net.au](mailto:ahopwood@bigpond.net.au)



## Attachment A2(ii)

Blundstone Arena | 15 Derwent Street | Bellerive | Tasmania | 7018  
PO Box 405 | Rosny | Tasmania | 7018  
Ph 03 6282 1824 | enquiries@tasnetball.org.au | tas.netball.com.au



Mayor Chipman  
Clarence City Council  
38 Bligh St (PO Box 96)  
Rosny Park,  
TAS, 7018

Principal  
Bayview Secondary College  
170 Mockridge Rd (PO Box 70)  
Rokeby  
TAS 7019

19 June 2018

### Notice of Support

Dear Gill and Doug,

I write on behalf of Netball Tasmania to advise that we support CCC, Bayview College and DoE in their effort to work towards re-development and use of the sports grounds at Bayview Secondary College.

We confirm our intention to utilise the grounds and facilities where possible once developed, and are willing to consider signing a Memorandum of Understanding to confirm our support for the project and our intention to use the facility at Bayview Secondary College where possible; and to encourage local clubs to do the same.

Yours sincerely,

A handwritten signature in black ink, appearing to read "A. Pidgeon", with a long horizontal flourish extending to the right.

Aaron Pidgeon  
CEO  
Netball Tasmania



Incorporated in Tasmania 02080C  
ABN: 62 028 131 759

Mayor Chipman  
Clarence City Council  
38 Bligh St (PO Box 96)  
Rosny Park,  
TAS, 7018

Principal  
Bayview Secondary College  
170 Mockridge Rd (PO Box 70)  
Rokeby  
TAS 7019



## Notice of Intention to sign Memorandum of Understanding

Dear Gill and Doug,

I write on behalf of Clarence United Football Club (CUFC) to advise that CUFC intend to partner with CCC, Bayview College and DoE in order to work towards re-development and use of the sports grounds at Bayview Secondary College.

We formally express our intention to utilise the grounds and facilities over the next 5 years, and are more than willing to sign a Memorandum of Understanding to confirm our support for the project and our intention to have teams/players and programs that participate in regular sport on the grounds of Bayview Secondary College.

We are happy to sign the MoU and come to the table to discuss the short term and future redevelopment options as soon as is practicable.

Yours sincerely,

Bob Nicholson  
Technical Director  
Clarence United Football Club



CLARENCE UNITED FC

## SPORTS CLUB ENDORSEMENT FOR THE

### BAYVIEW SPORTS – High Performance Centre

Clarence United sports club, its management and coaching staff are excited to announce our engagement and full support for the emergence of the Bayview Sports - High Performance Centre. We will be working with the senior management team at Bayview Secondary College and sharing our available resources to ensure that significant impacts on future performance of those engaged in the academy are realised.

As a club we recognise the difference this will make to our on ground performance into the future and as such we are endorsing the concept and officially signalling our strategic alliance with Bayview Secondary College and its Community Hub Initiative.

We value the opportunity this initiative reflects and are looking forward to using the facilities that have become available through this initiative.

The club intends to make the most of the cutting edge technologies and pedagogical approaches that are going to be employed through this project.

Clarence United FC currently services one hundred and seventy five athletes and holds a keen interest in progressing the development of future athlete, coach and umpires. We are engaging with Bayview Secondary College and their broad network of strategic alliances to help foster the aspirations of our members and those in the surrounding community who are interested in soccer.

We have been engaged with community for nearly forty years and are proud to be at the forefront of this initiative as we look to provide immediate value to the emergence of a leading sporting framework in Tasmania.

Leanne Downham  
President  
Clarence United FC

## Attachment B1

**From:** Angela Williamson [mailto:Angela.Williamson@cricket.com.au]  
**Sent:** Thursday, 21 June 2018 11:52 AM  
**To:** Adrian Broomhall  
**Subject:** Confirmation of Support - Bayview Secondary School

To whom it concerns,

Cricket Tasmania is pleased to support Bayview Secondary School in their endeavour to secure funding for female friendly facilities.

The proposed multi use oval and it's on field and off-field facilities will be a welcome addition to the eastern shore cricket infrastructure footprint and a beacon to increasing participation in the Clarence Plains region.

It will also form an important starting point for a community sport and recreation precinct for the Clarence region.

Cricket Tasmania will (where required and appropriate) work with the School if they require direction with this project through our Community Cricket Staff in the region.

Should you need any other details please contact me at your convenience.

Yours sincerely

*Sent electronically*



ANGELA WILLIAMSON | Public Policy & Government Relations Manager  
Cricket Australia | Bellerive Tasmania 7018  
Direct: +61 3 6282 0476  
[Angela.Williamson@cricket.com.au](mailto:Angela.Williamson@cricket.com.au) | [www.cricket.com.au](http://www.cricket.com.au)



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Attachment B 2



2<sup>ND</sup> July 2018

Andrew Paul  
General Manager  
Clarence City Council  
P O Box 96  
ROSNY, TAS, 7018

Ms Gill Berriman  
Principal  
Bayview Secondary College  
P O Box 70  
ROKEBY, TAS, 7019

Dear Andrew and Gill,

The purpose of this letter is to confirm that the Clarence District Cricket Club is supportive of the initiative that has been driven by the team at Bayview Secondary College to use the education owned sports grounds at the College as part of Bayview's intention to create a community hub for the broader district.

Furthermore, we also wish to clearly articulate that one of our Clubs primary goals over the next few years is to work closely with the Clarence City Council to identify a venue within the municipality that could become our secondary home base (for want of a better term); a location that can host all of our requirements in line with our obligations to Cricket Tasmania's Premier League (CTPL) club charter.

As a CTPL club, amongst other things, we are required to have a second ground with a turf pitch block. The second ground, with a turf pitch, that we currently use is Clare Street in New Town, which is hardly ideal given that we are proud of our Eastern Shore roots and we would much prefer to further entrench ourselves in our own community.

Our Club is thrilled with our relatively new home base at Kangaroo Bay and we have no intention of moving anywhere, however, as highlighted above, a secondary venue within our own district is definitely a future aspiration. As a CTPL club, we want to add value to the growth and development of cricket in Tasmania and we want to increase our own participation rates in both male and female cricket. However, at the moment any participation growth strategy would need to align with access and availability to facilities within our own community.

The proposal being driven by Bayview Secondary College may well be an ideal growth opportunity for our Club, and we are more than happy to consider partnership arrangements with other sporting organisations and Bayview Secondary College.

In this regard, our Club would also support a process of long-term future directions planning relating to sport and recreational facilities in the whole Clarence City municipality, i.e. what might the landscape look like in our community in 25 years time (not just in five years time)?

We believe such a long-term planning process should include consultation with any National, State and Local Sporting Organisation that has plans to participate in sport in the Clarence City municipality either now or into the future. Our Club, in partnership with Cricket Tasmania, would be willing parties to such a process.

Please do not hesitate to contact me, anytime, on 0400 219 203 should you like to further discuss the content of this letter.

Kind regards

A handwritten signature in black ink, appearing to read 'Scott Wade', with a horizontal line underneath.

Scott Wade  
**President**  
**Clarence District Cricket Club**

Attachment B3



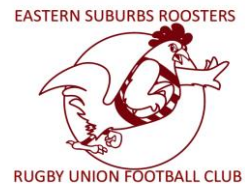
**Eastern Suburbs Roosters Rugby Union Football Club**

62A Bounty Street,  
Warrane. 7018. Tasmania

**Phone:** 62442193

**Email:** [esrufc@hotmail.com](mailto:esrufc@hotmail.com)

[www.eastrugby.com](http://www.eastrugby.com)



Ms Gill Berriman,  
Principal  
Bayview Secondary College  
170 Mockridge Rd (PO Box 70)  
Rokeby  
TAS 7019

8 June 2018

Letter of support for Grant application

Dear Gill,

I write on behalf of Eastern Suburbs Rugby Union Football Club to advise that we intend to partner with CCC, Bayview Secondary College and DoE in order to work towards re-development and use of the sports grounds at Bayview Secondary College as part of our intention to co-create a community hub.

With the growth of junior sport and in particular, female participation, Eastern Suburbs Roosters Rugby Union Football Club acknowledges that there is a significant lack of facilities that cater for the inclusion of both males and females in our community and therefore we are pleased to support the application for facilities through the "Level the playing fields" grants process at Bayview Secondary College. With this communication, we express our intention to utilise the grounds and facilities over the next 5 years should they be upgraded to cater for the inclusion of all genders which will support the growth of our junior boys' and girls' programs through training and playing capacity both after school and on weekends.

The Eastern Suburbs Rugby Union Football Club are willing to support the initial expression of interest and furthermore contribute to the development of a formal application should our input be required.

Yours sincerely,

Kristi Leitch  
President  
Eastern Suburbs Rugby Union Football Club



## GRASSROOTS COMMUNITY DEVELOPMENT

3<sup>rd</sup> July 2018

Andrew Paul  
General Manager  
Clarence City Council  
P O Box 96  
ROSNY, TAS, 7018

Ms Gill Berriman  
Principal  
Bayview Secondary College  
P O Box 70  
ROKEBY, TAS, 7019

Dear Andrew and Gill,

Late yesterday afternoon I forwarded a letter of support under my signature in my capacity as President of the Clarence District Cricket Club. Today, I now forward you a letter of support from the business venture that a friend and colleague of mine, Sachie Yasuda, established late last year, Grassroots Community Development Pty Ltd (GCD).

GCD is also supportive of the initiative that has been driven by the team at Bayview Secondary College to use the education owned sports grounds at the College as part of Bayview's intention to create a community hub for the broader district.

On behalf of GCD, I have also discussed with both of you, the concept of the Rokeby/Lauderdale district considering a proposal to establish a Sport & Wellbeing Community Club directly linked to the Bayview Secondary College community hub proposal.

GCD has only just commenced an Australian first project to establish a Sport & Wellbeing Community Club in the Bridgewater district, bringing together people from the connecting suburbs of Gagebrook, Herdsmans Cover and Bridgewater. This GCD developed model could also be adapted for the Rokeby/Lauderdale district and would ideally include the facilitation of formal partnership arrangements with mature sports clubs such as the Clarence District Cricket Club and the Lauderdale Football Club (just to highlight two key sports). However, the strength of our model is all sports operating under one governance and management model and the community developing and promoting its own grassroots community club sports brand (again all sports operating under the one brand).

Amongst other positive community wellbeing outcomes, our model is designed to build community pride and to develop the self-confidence and self-esteem of club participants, coaches, officials and volunteers. Sport adding value to State education and preventative health strategies is also a core element of our new model for the delivery of sport at a grassroots community level.

GRASSROOTS COMMUNITY DEVELOPMENT PTY LTD  
ACN: 621 150 383  
DIRECTORS: SACHIE YASUDA (0417 144 979) + SCOTT WADE (0400 219 203)



## GRASSROOTS COMMUNITY DEVELOPMENT

As outlined in the recent letter from the Clarence District Cricket Club, GCD would also support a process of long-term future directions planning relating to sport and recreational facilities in the whole Clarence City municipality, i.e. what might the landscape look like in our community in 25 years time (not just in five years' time)?

In this regard, GCD would be willing to pull together and manage such a process, including providing Council with a detailed project report and recommendations. This project would incorporate significant consultation with any National, State and Local Sporting Organisation that has plans to participate in sport in the Clarence City municipality either now or into the future.

In conclusion, GCD is very supportive of the work already undertaken by the team at Bayview Secondary College, however, we believe the aim should be to end up with the best possible outcome for the broader community.

Andrew and Gill, post sending this letter, I will make contact with each of you individually.

Please do not hesitate to contact me at any time on 0400 219 203 should you wish to further discuss the content of this letter.

Kind regards

Scott Wade  
**Director**  
**Grassroots Community Development**

GRASSROOTS COMMUNITY DEVELOPMENT PTY LTD  
ACN: 621 150 383

DIRECTORS: SACHIE YASUDA (0417 144 979) + SCOTT WADE (0400 219 203)



**11.6 FINANCIAL MANAGEMENT**

Nil Items.

## **11.7 GOVERNANCE**

### **11.7.1 QUARTERLY REPORT TO 30 JUNE 2018**

(File No 10/02/05)

#### **EXECUTIVE SUMMARY**

##### **PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 April to 30 June 2018.

##### **RELATION TO EXISTING POLICY/PLANS**

The Report uses as its base the Annual Plan adopted by Council and is consistent with Council's previously adopted Strategic Plan 2016-2026.

##### **LEGISLATIVE REQUIREMENTS**

There is no specific legislative requirement associated with regular internal reporting.

##### **CONSULTATION**

Not applicable.

##### **FINANCIAL IMPLICATIONS**

The Quarterly Report provides details of Council's financial performance for the period.

#### **RECOMMENDATION**

That the Quarterly Report to 30 June 2018 be received.

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#### **ASSOCIATED REPORT**

The Quarterly Report to 30 June 2018 has been provided under separate cover.

Andrew Paul

**GENERAL MANAGER**

**11.7.2 LOCAL GOVERNMENT ACT REVIEW – DRAFT TERMS OF REFERENCE**

(File Nos)

**EXECUTIVE SUMMARY****PURPOSE**

To consider Council's response to the draft Terms of Reference for the proposed review by the Tasmanian Government of local government legislation.

**RELATION TO EXISTING POLICY/PLANS**

The proposed review will cover topic areas related to a number of existing Council policies.

**LEGISLATIVE REQUIREMENTS**

There are no statutory requirements associated with the draft Terms of Reference, however, Council is in the practice of providing responses to legislative reviews wherever possible and relevant to do so.

**CONSULTATION**

The draft Terms of Reference have been circulated to all Tasmanian Councils in accordance with standing State/Local Government consultation protocols.

**FINANCIAL IMPLICATIONS**

Not applicable.

**RECOMMENDATION:**

That Council:

- A. Notes its support of the draft Terms of Reference for the proposed review of local government legislation.
- B. Requests the Tasmanian Government to broaden the proposed Terms of Reference to include:
  - review and consideration of relevant linkages between Local Government Act requirements and other applicable legislation (for example, better articulation of consultation and community engagement practices between the Local Government Act 1993 and the Land Use Planning and Approvals Act 1993); and
  - review and consideration of areas within the current Local Government Act that are unclear, ambiguous or that would benefit from redrafting (for example, requirements related to petitions).
- C. Requests the Acting General Manager write to the Minister for Local Government advising of Council's support for the review and requesting that the Terms of Reference be broadened as set out at (B) above.

**LOCAL GOVERNMENT ACT REVIEW – DRAFT TERMS OF REFERENCE /CONTD...**

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**ASSOCIATED REPORT****1. BACKGROUND**

The Minister for Local Government, the Honourable Peter Gutwein MP, has circulated a letter to Mayors announcing that the Tasmanian Government will be undertaking a major review of Tasmania's local government legislation. The letter included the draft Terms of Reference for the review and seeks feedback by 20 September 2018.

**2. REPORT IN DETAIL**

**2.1.** The purpose of the review is to deliver a contemporary, best practice legislative framework for local government in Tasmania. The draft Terms of Reference are included at Attachment 1.

**2.2.** The draft Terms of Reference set out the purpose, guiding principles and scope of the review. At its Workshop on 27 August 2018, Aldermen discussed the draft Terms of Reference and suggested 2 additional inclusions to the 7 items listed under the heading "*The Review is to consider the following:*" The 2 items are:

- review and consideration of relevant linkages between Local Government Act requirements and other applicable legislation (for example, better articulation of consultation and community engagement practices between the Local Government Act 1993 and the Land Use Planning and Approvals Act 1993); and
- Review and consideration of areas within the current Local Government Act that are unclear, ambiguous or that would benefit from redrafting (for example, requirements related to petitions).

**3. CONSULTATION**

**3.1. Community Consultation**

Following finalisation of the draft Terms of Reference it is anticipated that the review will be subject to community consultation and be open to public submissions in the usual way.

**3.2. State/Local Government Protocol**

The Minister for Local Government has circulated the draft Terms of Reference to all Councils in accordance with the standing State/Local Government consultation protocols.

**3.3. Other**

The draft Terms of Reference have been discussed with Aldermen at a Council workshop. The 2 recommended additional items for inclusion in the proposed review arise from that workshop.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

It is anticipated that the review of local government legislation will touch upon a number of strategic and/or policy areas relevant to Council. These matters will be addressed when they are known.

**5. EXTERNAL IMPACTS**

Not applicable.

**6. RISK AND LEGAL IMPLICATIONS**

Council is in the practice of providing responses to legislative reviews to highlight issues that may affect Council and its community. At this stage of the process there are no specific risks or legal implications to note.

**7. FINANCIAL IMPLICATIONS**

It is not possible to identify any particular financial implications at this stage.

**8. ANY OTHER UNIQUE ISSUES**

Not applicable.

**9. CONCLUSION**

**9.1.** Council is in the practice of providing responses to legislative reform reviews.

**9.2.** Aldermen have identified 2 additional items for possible inclusion in the Terms of Reference.

Attachments: 1. Letter from the Minister for Local Government, the Hon. Peter Gutwein MP, dated 6 August 2018 advising of the draft Terms of Reference for the Local Government Legislation Review (5)

Andrew Paul  
**GENERAL MANAGER**



**Treasurer  
Minister for Local Government  
Minister for State Growth**

Level 9 15 Murray Street HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Ph: +61 3 6165 7670  
Email: [treasurerooffice@dpac.tas.gov.au](mailto:treasurerooffice@dpac.tas.gov.au)



6 August 2018

Ald Doug Chipman  
Mayor  
Clarence City Council  
PO Box 96  
ROSNY TAS 7018

Dear Mayor

On 26 June 2018, I announced that the Tasmanian Government would be undertaking a major review of Tasmania's local government legislation. I am pleased to provide the Review's Draft Terms of Reference for your Council's feedback.

The Review will develop, in close collaboration with the local government sector, a best practice, 21<sup>st</sup> century legislative framework that:

- supports greater innovation, flexibility and productivity;
- minimises red tape;
- enhances accountability and transparency; and
- increases community engagement, participation and confidence.

While the scope of the Review will be broad, I would like to emphasise that it will not consider council amalgamations or changes to existing municipal boundaries.

The Review will be undertaken by a dedicated Project Team in the Department of Premier and Cabinet's Local Government Division. Once the Government has considered stakeholder and community feedback on the draft Terms of Reference, a Final Terms of Reference will be issued, which will include governance arrangements, consultation processes and key milestones and associated timeframes.

The Review will provide multiple opportunities for formal public consultation, including written and verbal submissions. As the first stage in this process, the Government will be releasing a public consultation paper on the Review before the end of 2018.

The Review will actively encourage, via its governance arrangements and consultation strategy, the participation and engagement of a broad range of stakeholders, both within and external to the local government sector, to ensure that a diverse range of voices from across the community are heard.

Given its ambitious scope, it is anticipated that the Review will take approximately two years from the establishment of the Review Project Team to the introduction of a new legislative framework into the Tasmanian Parliament. The goal is to have new legislation in place by 2020, to allow adequate time for transition and implementation to occur in a smooth and staged manner before the October 2022 local government elections.

Please provide your Council's feedback on the Draft Terms of Reference by no later than **20 September 2018** to the Local Government Division, either by post to GPO Box 123, Hobart, Tasmania, 7001 or by email at [lgd@dpac.tas.gov.au](mailto:lgd@dpac.tas.gov.au).

In the meantime should your Council require any further information about the Review, please contact the Local Government Division by telephone on 6232 7022 or by email.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Gutwein', followed by a long horizontal line.

Peter Gutwein MP  
**Minister for Local Government**

Attachment: Review of Tasmania's Local Government Legislation – Draft Terms of Reference

# Review of Tasmania's Local Government Legislation

## Draft Terms of Reference

### 1. Context

On 26 June 2018, the Minister for Local Government, the Hon Peter Gutwein MP, announced a major review into Tasmania's local government legislation.

Local government has a crucial – and increasingly demanding – role in serving and representing local Tasmanian communities. The legislative and regulatory framework that governs the Tasmanian local government sector needs to reflect and support what communities expect from their local councils. It also needs to support councils to be able to meet these expectations now, and into the future.

2018 marks the 25th anniversary of the introduction of the *Local Government Act 1993* (the Act). The past quarter of a century has seen unprecedented social, economic and technological change. The role of councils and community expectations have expanded in line with these changes.

The Act has been amended and updated a number of times in recent years in an effort to keep pace in response to a range of emerging issues. A number of provisions have become outmoded or made redundant by more recent advances in telecommunications and digital technologies.

The current legislative framework has reached the point where continuous, reactive amendments are no longer desirable, efficient or sustainable. A fresh, contemporary approach is needed.

### 2. Purpose

The purpose of the Review is to deliver a contemporary, best-practice legislative framework for the Tasmanian local government sector which:

1. Supports greater innovation, flexibility and productivity in the sector, to improve the overall efficiency and effectiveness of the services that councils provide to the Tasmanian community;

2. Minimises the red tape and administrative burden on councils, business and the broader community;
3. Enhances accountability and transparency across the sector; and
4. Increases democratic and community engagement, participation and confidence in local government.

### **3. Guiding Principles**

The new legislative framework for the local government sector will:

1. To the greatest extent that is possible and practical, be outcomes-focused;
2. Be flexible and robust to future structural, technological and social change;
3. Strike an appropriate balance between ensuring councils have sufficient operational and decision-making autonomy on the one hand, and having in place adequate checks and balances on the other;
4. Establish clear accountabilities and provide for efficient and effective risk-based monitoring, compliance and enforcement activities;
5. Be guided by best-practice regulatory, governance and legislative approaches and, where relevant and appropriate, lessons and outcomes from reviews of local government legislation in other jurisdictions; and
6. Be drafted and presented in a way that is logically structured and easily understood by councils, business, and the broader Tasmanian community.

### **4. Scope**

The scope of the Review will be broad, to ensure it is flexible enough to give due consideration to ideas and initiatives that emerge through consultation with the sector, other key stakeholders, and the Tasmanian community at large.

The Review will focus primarily on a new Local Government Act (or Acts) but will also identify any necessary consequential or supporting amendments to other Acts. The Review will seek to streamline and consolidate legislative provisions, as well as deal with anachronistic or legacy provisions that are no longer relevant to the core business of the local government sector.

The Review will not consider:

- Council amalgamations, or consideration of changes to existing municipal boundaries. However, the new legislative framework will need to be flexible enough to deal with potential future structural changes that might occur over the next 20-30 years.

- The roles and functions of mayors, deputy mayors and councillors. These matters were considered in some detail as part of the 2015-2017 Targeted Review process and are considered contemporary for the broad remit and expectations of councils.
- The suite of contemporary council planning and financial management arrangements that were introduced in 2014.
- The local government Code of Conduct framework. The framework was introduced in 2016 and has recently been reviewed to ensure that it is operating as intended.

*The Review is to consider the following:*

1. Appropriate legislation to support the transparent setting, levying, and collection of council revenue, rates and charges;
2. Local government electoral provisions, including options for enhancing both voter and candidate participation in local government elections;
3. Provisions that support efficient and high-quality council operations and service delivery;
4. Performance monitoring, including financial sustainability, governance and other relevant reporting;
5. Council governance and decision-making practices arrangements, including options for community engagement, representation, and democratic participation;
6. Provisions that support public confidence in the integrity, transparency and accountability of local government; and
7. The roles, functions, powers and operation of statutory bodies that oversee local government compliance and reform.

**11.7.3 CAMBRIDGE PRIMARY SCHOOL - MASTERPLAN**

(File No C004-1000)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to enable Council to consider the Cambridge Primary School proposed Masterplan and the possible further encroachment of the school into the Cambridge Recreation Reserve.

**RELATION TO EXISTING POLICY/PLANS**

Council had previously resolved not to support an earlier proposal received from the Department.

**LEGISLATIVE REQUIREMENTS**

Growth of the school into the Cambridge Memorial Oval (the reserve) would necessitate Council undertaking a statutory process in relation to the lease of public land in accordance with Section 178 of the Local Government Act (LGA).

**CONSULTATION**

Section 178 of the LGA requires that where Council proposes to lease public land it must give public notice and invite submissions from the public.

**FINANCIAL IMPLICATIONS**

The proposal to lease part of the reserve to the Department of Education would necessitate relocation of the existing reserve clubrooms and toilets and require the relocation and re-establishment of public, school and reserve car parking. All such costs should be met by the State Government (Department of Education) as a condition of Council agreeing to the lease of such land.

**RECOMMENDATION:**

- A. That Council support the proposed Cambridge Primary School Masterplan attached as Attachment 1 to the Associated Report, subject to the following:
- that the Department of Education agree that no further encroachment onto the reserve will be sought for further expansion of the school footprint;
  - that the State Government fund the relocation of the existing clubrooms and toilet facilities and the redevelopment of new like facilities on the eastern end of the oval. Such cost and relocation to be further negotiated between Council and the State. Noting that the existing facilities are to continue in use until replacement facilities are built;
  - that the State Government meet the cost of providing for agreed additional car parking for both school and public use; and
  - that the Department of Education agree to work with Council to facilitate the provision of a public walking trail along the Barilla Creek rivulet at the rear of the school.



- B. That Council resolves to lease public land to the Department of Education. The extent of the public land to be leased is as depicted in Attachment 1.
- C. That in accordance with Section 178 of the LGA Council gives public notice of such intention and notifies the public that objections to the proposed lease may be made to the General Manager within 21 days of publication of Council's intent.
- D. That subject to there being no objection received the General Manager be authorised to undertake the necessary actions to negotiate and finalise lease arrangements in accordance with this report and the requirements of the Act.

**NB: A decision to lease public land requires an absolute majority of Council.**

---

## **ASSOCIATED REPORT**

### **1. BACKGROUND**

- 1.1.** The Cambridge Primary School has increasing enrolments and is rapidly outgrowing its current footprints.
- 1.2.** In 2016, Council engaged with the Department of Education in initial consultation regarding the further development of the Cambridge Primary School. The resultant Masterplan submitted by the Department sought to lease a small parcel of adjoining land, part of the Cambridge Recreation Reserve, from Council, to extend the existing school facilities.
- 1.3.** Council, at its Meeting of 5 December 2016 resolved that the Masterplan as submitted was unacceptable and requested the Department to consider other options that did not impact on the Cambridge Recreation Reserve.
- 1.4.** Since that time, the Department, the school and Council officers have worked on a number of options for the school Masterplan.
- 1.5.** Options considered, include:
- consolidation of the school on the existing footprint;
  - expansion of the school across the Barilla rivulet;

- expansion of the school into the Cambridge Recreation Reserve, as initially proposed; and
- development of a new school on a greenfields site.

**1.6.** The Cambridge Memorial Oval is situated on a parcel of land that was gifted to Council as a memorial for members of the Maxwell family who died during the Second World War.

**1.7.** The Cambridge Memorial Oval is “public land” as defined in the LGA.

## **2. REPORT IN DETAIL**

**2.1.** The Department of Education, in conjunction with the Cambridge Primary School, have undertaken a masterplanning exercise to identify the future growth needs of the school.

**2.2.** The school has a growing enrolment and is expected to reach up to 500 students by 2030 from a current enrolment of 355 students.

**2.3.** Following Council’s request of December 2016 the Department has undertaken a review of additional Masterplan options for the school including:

- expansion of existing footprint to the north across Barilla rivulet;
- expansion to the east onto a small section of the Cambridge Memorial Oval;
- consolidation on the existing site (increasing density); and
- establishment of a new school on a greenfield site.

**2.4.** Following this review the Department has written to Council outlining that their strongly preferred opinion remains the expansion of the school onto a small leased section of the Cambridge Memorial Oval.

The preferred plan showing the extension beyond the area currently occupied by the school is shown as Attachment 1.

- 2.5.** The Cambridge Memorial Oval is situated on land that was donated to Council in 1949 by the Maxwell family in honour of their 2 sons who died during World War II. The land was to be used as a recreation or sports ground. A condition of the transfer was that “Council would not without the consent of the transferor or his personal representatives use the said piece of land for any other purpose and would not without such consent, sell, lease or otherwise part with the possession of the said land”.

The transferor and his personal representatives are now deceased and the power to consent to dealing with the land did not pass to any descendants of the transferor. In dealing with the land it is now a matter for Council.

- 2.6.** Council is however, in accordance with the requirements of the LGA, required to deal with the land as public land.
- 2.7.** Section 178 of the Act sets out process requirements for Council where it intends to lease public land.

In summary, the Act requires Council give notice of intent, invite submissions, consider any submissions received and then determine whether to proceed or not.

Any such decision by Council is appealable to the Resource Management and Planning Appeals Tribunal.

- 2.8.** Any decision or notice of intent to lease the portion of the reserve to the Department of Education would be subject to a public process under Section 178 of the Act.
- 2.9.** In resubmitting the Masterplan options to Council, the Department have reaffirmed their initial view that their strongly preferred option remains the expansion of the school into the reserve.

**2.10.** In support of their request to Council the Department have acknowledged that they would fund the relocation of the existing reserve clubroom and facilities and the additional car parking as identified on the attached plan.

**2.11.** The Departmental proposal is supported by a letter from the Secretary of the Department confirming that into the future the school would not seek any further increases into the reserve.

**2.12.** In addition to the proposal put forward by the Department it would be appropriate for Council to seek some further agreement from the Department as follows:

- That the State fund the cost of the new clubrooms and change facilities and that the existing facilities not be demolished until new facilities are finalised.
- That the Department agree to work with Council to facilitate the provision of a walking trail along the Barilla rivulet at the rear of the school.
- That the Department and Council explore options for the provision of additional parking to that identified in the Masterplan.

**2.13.** Further discussions with the Department have indicated that all of these matters will be acceptable to the Department.

### **3. CONSULTATION**

#### **3.1. Community Consultation**

Any decision by Council to lease part of the reserve to the Department of Education will necessitate a public consultation process as required under Section 178 of the LGA.

#### **3.2. State/Local Government Protocol**

Nil.

**3.3. Other**

Nil.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Nil.

**5. EXTERNAL IMPACTS**

The expansion of the school into the reserve will reduce marginally the size of the overall reserve, noting there will be no change to the size or alignment of the actual playing surface. Any such impacts will be explored as part of the consultation process.

**6. RISK AND LEGAL IMPLICATIONS**

Advice received is that there is no impediment to Council dealing with the land as set out in this report.

**7. FINANCIAL IMPLICATIONS**

There are no specific financial implications to Council at this time.

**8. ANY OTHER UNIQUE ISSUES**

The expansion of the school may require a minor change to the zoning boundaries under the Clarence Interim Planning Scheme. These changes are expected to be minor in nature and readily achievable.

**9. CONCLUSION**

That Council resolve to support the proposed masterplan and give notice of intent to lease the land to the Department of Education subject to the matters outlined in this report.

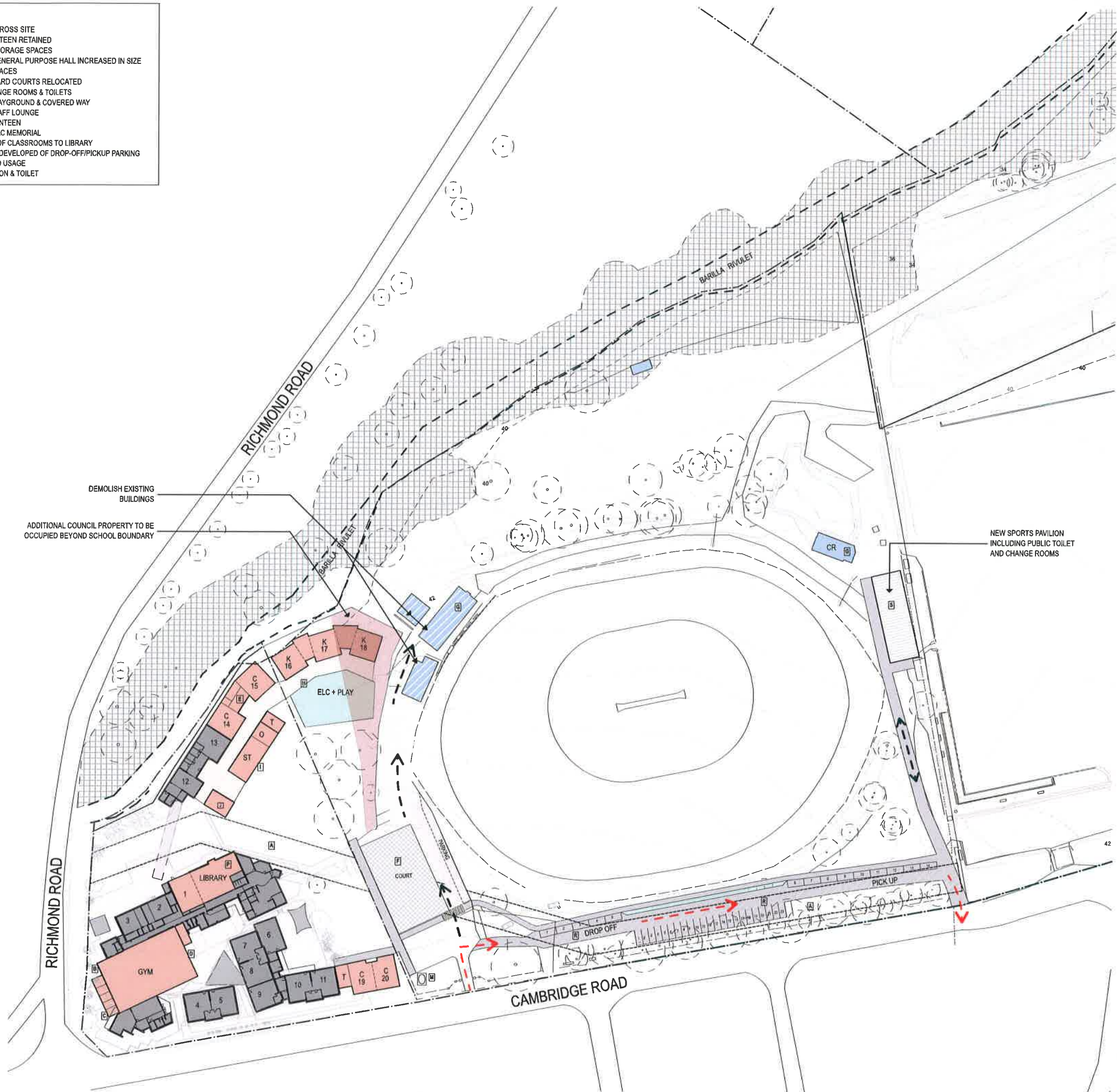
Attachments: 1. Proposed Site Plan (1)

Andrew Paul  
**GENERAL MANAGER**

ATTACHMENT 1

LEGEND	
	EXISTING BUILDINGS
	NEW SCHOOL BUILDING
	NEW SPORTS BUILDING
	PROPOSED COVERED WAY/ DECK
	PROPOSED ROAD / PATH / CARPARKING
	EXISTING CARPARKING
	EXISTING GRAVEL ROAD
	EXISTING CHANGE ROOMS / TOILETS
	EXISTING VEGETATION
	PROPOSED PLAYGROUND/
	ADDITIONAL COUNCIL PROPERTY OCCUPIED BEYOND SCHOOL BOUNDARY
	VEHICULAR ACCESS
	SECONDARY ACCESS

KEY	
A.	EASEMENT ACROSS SITE
B.	EXISTING CANTEEN RETAINED
C.	PROPOSED STORAGE SPACES
D.	PROPOSED GENERAL PURPOSE HALL INCREASED IN SIZE
E.	ANCILLARY SPACES
F.	PROPOSED HARD COURTS RELOCATED
G.	EXISTING CHANGE ROOMS & TOILETS
H.	PROPOSED PLAYGROUND & COVERED WAY
I.	PROPOSED STAFF LOUNGE
J.	PROPOSED CANTEEN
M.	EXISTING ANZAC MEMORIAL
P.	CONVERSION OF CLASSROOMS TO LIBRARY
R.	PROPOSED REDEVELOPED OF DROP-OFF/PICKUP PARKING AREA - SHARED USAGE
S.	SPORTS PAVILION & TOILET



A Client Issue 28.02.18

Project Name  
**Cambridge Kindergarten**

Address  
**74 Wilmot Road  
Huonville  
Hobart 7109**

Client  
**Department of  
Education**

Drawing Title:  
**Proposed Site plan -  
option 1**

Status:	Drawing No.:	Revision:
<b>B</b>	<b>107</b>	<b>A</b>

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Plot Date:  
**28/02/2018**  
Project No.:  
**1418**  
Scale @ A2:  
**1:1000**  
  
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**11.7.4 REVIEW OF INVESTMENT STRATEGY AND POLICY**

(File No 15-02-01)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the recommendations of a review into Council's Investment Strategy and Policy.

**RELATION TO EXISTING POLICY/PLANS**

Consistent with financial management objectives of the Strategic Plan.

**LEGISLATIVE REQUIREMENTS**

No issues to be addressed.

**CONSULTATION**

No issues to be addressed.

**FINANCIAL IMPLICATIONS**

The recommendation does not carry direct financial implications, however provides a framework for potential enhanced investment returns.

**RECOMMENDATION:**

- A. That Council adopt the draft Investment Strategy and Investment Policy as per Attachment 1 to the Associated Report.
- B. That the General Manager seeks expressions of interest for an appropriate portfolio manager as described within the draft Investment Strategy and Investment Policy and reports back to Council with a recommended portfolio manager.

---

**ASSOCIATED REPORT****1. BACKGROUND**

- 1.1.** In the 2017/18 Estimates Council allocated \$20,000 for the purpose of undertaking a review of the structure and asset allocation of its investment portfolio (in the order of \$60 million). For many years, consistent with Council's preferences, the portfolio has effectively been 100% composed of bank term deposits.

- 1.2.** The review was subject to an expression of interest and awarded to JBWere's philanthropic/not for profit arm. JBWere received initial briefings from Council officers and held a workshop with Aldermen to discuss the purpose and objectives of the portfolio, risk/return preferences, and potential asset classes which might assist in delivering on Council's objectives. The brief included a review of the adopted Investment Strategy and Investment Policy (ISIP) in terms of potential enhancements and with a view to aligning them with recommendations flowing from the final report.

## **2. REPORT IN DETAIL**

- 2.1.** JBWere has now provided Council with the final report. Due to the proprietary nature of the contents of the report, the report has been distributed under separate cover. As contracted, the report also contains recommended revisions to Council's adopted ISIP. These amendments were subsequently reviewed by Council officers and a consolidated marked-up version has also been distributed under separate cover. The final draft version of the ISIP is provided at Attachment 1.
- 2.2.** There are several elements to the recommendations flowing from the JB Were report. In the first instance, the report recognises that Council effectively holds funds for 2 main purposes: short term working capital required for operations, meeting the needs of specific purpose reserves such as those relating to government funded programmes, and funds relating to approved capital expenditure; and medium/long term funds which primarily relate to the planned funding of future infrastructure renewal under Council's asset management plans. The approximate split between these 2 purposes is 50/50, or approximately \$30 million each. Given the differing purposes of the pool of funds, the report recommends structuring the portfolio around 2 investment categories.

- 2.3.** The second key element relates to the opportunity for enhanced returns based on the duration characteristics of the longer term pool. The report notes that these funds could be invested in a range of fixed interest products which would be expected to generate additional return with minimal additional risk and better matching the duration and purpose of the funds. This opportunity was also recognised by the Aldermen at their workshop, with an indication that they would be prepared to move somewhat along the risk/return continuum in order to generate a modest additional return.
- 2.4.** The report then explores how this might be achieved and proposes a range of investment grade fixed interest assets which might deliver the required outcomes. As a summary, the report proposes a “Category 1” pool which remains fully invested in term deposits and a “Category 2” pool which spreads a mandate across term deposits (potentially), government bonds, corporate bonds, and hybrid bonds. Each investment would be of investment grade of BBB - or above. Such a structure would be expected to yield an additional \$300,000 to \$400,000 per annum after costs.
- 2.5.** In terms of implementation, the report correctly observes that, while Category 1 could continue to be managed in-house, the assets required to make up Category 2 are only available in the wholesale market and require specialist skill in their execution and management. For example, it is critical that assets acquired are priced correctly to ensure a neutral outcome if held to maturity. It therefore recommends that a specialist manager be appointed to implement and manage the Category 2 pool.
- 2.6.** The outcomes and recommendations of the report are supported. They correctly identify the differing purposes of funds held and the opportunity to use both the Category 2 duration and additional investment grade assets to achieve an enhanced portfolio return without impinging on Council’s view that, as custodian of public money, capital preservation is critical.

- 2.7.** The matter was considered by Council at a workshop on 27 August 2018 and the recommendations of the report were generally supported, subject to following an appropriate decision making path of which this report is the first stage.
- 2.8.** A question considered by Aldermen at the workshop was the appropriate allocation of the total portfolio between portfolio categories. The report notes that up to 68% of the total portfolio could be categorised as medium term money, but recommends that 50% be invested in a longer term portfolio. This is consistent with a conservative view of funding needs where untied cash and funds for previously approved capital works may be required at short notice. On this basis an initial portfolio of 50% could be established, with a view to increasing the proportion of longer term investments over time. However, the final structure would ultimately be determined by a more in-depth analysis of likely future liquidity requirements and subsequent consultation with Council.
- 2.9.** The draft ISIP has also been circulated to Council's Audit Panel for endorsement. The Audit Panel members have unanimously endorsed the draft, with a small number of minor suggestions being made which have also been incorporated into the document.
- 2.10.** The recommendation forming part of this report seeks Council's adoption of the draft ISIP and then moving to the next stage of seeking expressions of interest for a suitable investment manager to implement the Category 2 element of the portfolio. Should this be approved, the matter would be brought back to Council for appointment of a manager and to determine any additional steps required.

### **3. CONSULTATION**

#### **3.1. Community Consultation**

No issues to be addressed.

#### **3.2. State/Local Government Protocol**

No issues to be addressed.

**3.3. Other**

No issues to be addressed.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

The recommendation is consistent with financial management objectives of the Strategic Plan, and builds on the existing ISIP.

**5. EXTERNAL IMPACTS**

No issues to address.

**6. RISK AND LEGAL IMPLICATIONS**

**6.1.** Risk issues are considered in the JBWere report. Any investment carries some element of risk, however the extent to which it is proposed the portfolio moves along the risk/return continuum ensures that it remains well within the conservative end of the spectrum.

**6.2.** There are no legal issues to be addressed beyond ensuring that Council operates within its legal mandate, particularly having regard to Section 75 of the Local Government Act. Legal compliance is reinforced in the draft ISIP.

**7. FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from the recommendation. However, the JBWere report estimates that investing in an enhanced portfolio in respect of Category 2 will provide an additional return to Council in the order of \$350,000 per annum after fees. Structuring of the portfolio as recommended will only take place following appointment of an investment manager by Council.

**8. ANY OTHER UNIQUE ISSUES**

No issues to be addressed.

**9. CONCLUSION**

A review of Council's Investment Strategy and Investment Policy has been undertaken by JBWere and opportunities identified to enhance Council's investment returns while remaining consistent with investment objectives.

Attachments: 1. Final Version of Proposed Investment Strategy and Policy (13)

Andrew Paul  
**GENERAL MANAGER**





<b>TITLE</b>	<b>CLARENCE CITY COUNCIL INVESTMENT STRATEGY AND POLICY</b>
<b>APPROVAL DATE</b>	Council Meeting 10 September 2018
<b>REVISION DATES</b>	First adopted 29 August 2005; revised 4 July 2018
<b>ASSOCIATED LEGISLATION</b>	<i>Local Government Act 1993 and Trustees Act 1898.</i>
<b>ASSOCIATED POLICIES</b>	Nil
<b>POLICY RESPONSIBILITY</b>	Financial Management
<b>REVIEW</b>	Periodical review or on an as needs basis.

## **Investment Strategy**

### **• Purpose**

1. Council holds cash for a variety of reasons, with each purpose having varying duration characteristics. Typically, the categories of cash assets include:
  - i. Working capital for management of day-to-day Council operations – short term;
  - ii. Bonds/deposits held for a variety of security purposes – short/medium term;
  - iii. Proceeds from Grants yet to be fully acquitted – short/medium term;
  - iv. Funds raised and appropriated for capital works in progress or yet to be commenced – short/medium term;
  - v. Developer contributions yet to be utilised – medium/long term;
  - vi. Cash backed reserves and provisions, in particular cash retained for future infrastructure renewal – medium/long term;
  - vii. Unappropriated cash – medium/long term.

### **• Liquidity**

1. Council manages its liquidity requirements through the placement of investments which are consistent with the duration characteristics of various funds held (short, medium and long), and through diversifying maturity dates across time.

### **• Risk**

1. Council is aware of a range of risks affecting its financial investments and manages these risks through its Investment Policy. Key risks include:
  - i. Counterparty risk: the risk that a counterparty does not or cannot meet its obligations under an investment contract;
  - ii. Market risk: financial exposure resulting from general market movements in a particular investment sector;
  - iii. Interest rate risk: a subset of market risk, this relates to potential changes in the market value of an investment due to fluctuations in market interest rates;

- iv. Duration risk: represents both the extent of Council's exposure to interest rate risk (longer duration amplifies the effect of any interest rate movement) and Council's ability to manage its liquidity;
- v. Opportunity cost: the risk of relative financial under-performance when one investment is chosen over another.

- **Risk Appetite**

- 1. Council is the custodian of public monies. It has a responsibility to its community to preserve capital. It also has a responsibility to its community to maintain and, where prudent, enhance the real purchasing power of monies held. Accordingly, Council's risk appetite at portfolio level has been assessed as low.

- **Portfolio Structure**

The investment portfolio will be structured according to established rules and parameters:

- 1. Investments are to be undertaken having regard to the use and time horizon (duration) of the particular funds, and the liquidity and risk limitations specified in the Investment Policy.
  - 2. Council will invest funds held to optimise investment returns while preserving capital in real terms and mitigating identified risks, consistent with its identified risk appetite.
  - 3. Cash holdings and investments will be apportioned to one of the following two portfolio categories, and are to be in accordance with the Investment Policy:
    - i. Category 1 Portfolio: Working Capital (i.e. working capital, short term staff entitlements and general reserves); or
    - ii. Category 2 Portfolio: Medium to Long-Term Funds (i.e. medium to long-term infrastructure renewal reserves and carried forward funding relating to approved capital projects).

4. Investments will be in accordance with acceptable risk/return parameters for each category of investment, as specified in the Investment Policy and its associated procedures. These are summarised below:

	Category 1	Category 2
<b>Risk Limit</b>	Low	Low-Medium
<b>Liquidity Required</b>	High	Medium
<b>Minimum Investment Term</b>	Daily	18 Months
<b>Maximum Investment Term</b>	12 Months	7* Years
<b>Return Objective</b>	RBA Average 30 Day Bank Bill Rate	50% Bloomberg Ausbond Composite Bond Index 50% Average 90 Day Bank Bill Rate + 1.50%
<b>Target Asset Allocation</b>		
Term Deposits/Cash Equivalents	100%	0% (allowable ranges 0-100%)
Government Bonds	0%	25% (allowable ranges 0-40%)
Corporate Bonds	0%	50% (allowable ranges 0-70%)
Hybrid Securities	0%	25% (allowable ranges 0-35%)
Growth Assets (Equities, Property)**	N/A	N/A (allowable ranges 0-30%)
	100%	100%

\* Investments with a hard maturity date beyond 7 years will be allowed, provided there is a call date within 7 years and an expectation that the investment will be called on that date.

\*\*Unless for specific purpose which aligns with operational drivers as approved by Council.

## **Investment Policy**

### **1. Introduction**

#### **1.1 Policy Statement**

To provide a formal investment decision framework that meets Council's adopted Investment Strategy and complies with the legislative requirements of the *Local Government Act 1993*.

#### **1.2 Objectives**

To ensure that Council:

- Preserves its invested capital;
- Articulates the risk parameters within which it will invest;
- Optimises the return on funds invested within defined risk parameters; and
- Invests in accordance with its regulatory framework.

#### **1.3 Legislative Power**

All investments are to be made in accordance with the provisions of Section 75 of the *Local Government Act 1993*.

#### **1.4 Scope**

This policy applies to the investment of all funds placed by Council except:

- Funds held in, or transferred between, Council's current account and cash management account(s) held with its primary banker;
- Loans made and authorised by Council to external bodies; or
- Investments associated with financing facilities (offset arrangements).

#### **1.5 Investment Procedures**

Council will invest funds in accordance with this policy and its associated procedures. The policy and its procedures may be reviewed from time to time with any amendments requiring Council approval.

## **Investment Procedures**

These Investment Procedures are to be read in conjunction with the Investment Strategy and Investment Policy. To the extent of any inconsistency, the Investment Policy shall prevail.

### **Category 1 Portfolio: Working Capital**

#### **1.1 Investment & Return Objective**

The objective of Category 1 Portfolio investments is to preserve the capital contained within the portfolio and seek the maximum yield that can be achieved within the allowable investments.

The benchmark return objective of the Category 1 Portfolio is the average 30 day Bank Bill rate published by the Reserve Bank of Australia for the relevant period. Should the structure of the portfolio hold a concentration of managed cash products, the BBSW (Bank Bill Swap Rate index) will also be provided as a benchmark for reporting purposes.

The Category 1 Portfolio return against benchmark will be considered in the context of the relative risk and duration structured into the portfolio. In the absence of significant investments outside bank term deposits and cash equivalent products, performance is expected to closely track benchmark. Short term variations may arise from market timing, which is acceptable. Significant long term variations will highlight the need for further investigation and possible mitigation strategies within the Category 1 Portfolio. For example, a long term trend below benchmark may indicate issues exist with market testing prior to making investment decisions, while a long term trend above benchmark may indicate an increase in the level of risk contained within the portfolio.

#### **1.2 Liquidity**

Liquidity for Category 1 Portfolio funds is paramount. Management will structure the portfolio to ensure that the maturity profile of investments, combined with other forms of liquidity (e.g. cash flows, short term facilities), is always sufficient to meet Council's short-term funding needs.

#### **1.3 Permitted Investments**

Given the objectives of the Category 1 Portfolio, the following investments are endorsed:

- Direct investment in term deposits, bank bills, fixed and floating rate notes, and similar investments offered by Tascorp, banks, credit unions, building societies, and similar financial institutions appropriately licensed in Australia.

- Direct investment in cash management funds operated by financial institutions appropriately licensed in Australia.
- Direct investment in managed cash funds operated by licensed Trustee companies.
- Direct investment in securities issued by Commonwealth or State Governments or their government business enterprises where capital is guaranteed by the relevant Government.
- Placement of funds for management with appropriately licensed and experienced investment intermediaries, provided that the asset classes utilised by the intermediaries are consistent with this policy, that Council retains effective ownership of the investment and that a service level agreement is in place establishing investment and authorisation parameters.
- Assets with a Standard and Poor's rating within the parameters contained within Schedule 1 are assessed as being low risk in the context of the total portfolio.

#### **1.4 Documentation**

Appropriate documentation must be prepared prior to the placement of each investment, such documentation including details of quotations obtained, recommended investment to be placed, and authorisations conforming to this policy.

#### **1.5 Quotations on Investments**

- Not fewer than three (3) quotations shall be obtained from authorised deposit-taking institutions whenever a direct investment is proposed. The best quote of the day will be successful after allowing for administrative and banking costs, providing an investment with the institution falls within the limits set in this policy.
- Where a specific investment opportunity arises, this may be taken up without seeking further quotations providing the amount does not exceed \$1 million and authorisation is obtained from either the General Manager or Chief Financial Officer.
- Where it is desirable to reinvest a maturing investment with the same institution, this may be undertaken once, for a period of up to 90 days, without seeking further quotations.

#### **1.6 Term to Maturity**

The term to maturity of any of the Council's direct investments may range from 'at call' to a maximum of 12 months. A term of greater than 12 months may be agreed where the investment carries option(s) for return of capital prior to



maturity (provided that the time between such option(s) is no greater than 12 months), or there is an established market for the sale of the investment to a third party.

### **1.7 Asset Allocation and Diversification**

Individual investments must have regard to the overall diversification of the Category 1 Portfolio, particularly in respect of counterparty risk. Unless prevented by market factors, investments may only be placed within the parameters set out in Schedules 1 and 2 of this policy.

## **2. Category 2 Portfolio: Medium to Long-Term Investment**

The purpose of the Category 2 Portfolio is to enhance the yield on funds held in a risk measured manner over the medium to longer-term, while also ensuring sufficient liquidity to meet medium to longer-term capital expenditure requirements and infrastructure renewal needs.

### **2.1 Investment & Return Objective**

The investment objective of the Category 2 Portfolio is to achieve an acceptable level of yield relative to the risk within the allowable investments listed below and having regard to the context of a capital preservation overlay. The return objective of the category is to achieve a return in excess of: 50% Bloomberg Ausbond Composite Bond Index / 50% Average 90 Day Bank Bill Rate + 1.50%

### **2.2 Liquidity**

As investments held in the Category 2 Portfolio are not be required to fund short-term working capital (funded by the Category 1 Portfolio), these funds can be invested for longer periods, up to a maximum of 7 years. However, a portion of the Category 2 Portfolio could be required at any time for significant capital expenditure, which would require liquidity with 3-6 months prior notice (where possible) to ensure investments to meet this need can be redeemed on the secondary market in an orderly manner.

At a minimum, the Category 2 Portfolio must at all times maintain a maturity profile with sufficient spread to limit circumstances under which investments would need to be liquidated prior to maturity.

### **3.3 Permitted Investments**

Given the objectives of the Category 2 Portfolio, the following investments are endorsed:

- All investments endorsed for the Category 1 Portfolio .
- Australian Government and State Government Bonds .

- Financial and Corporate Senior Secured, Senior Unsecured and Subordinated bonds issued by investment grade quality issuers (risk rated BBB- and above with Standard and Poor's or equivalent).
- Hybrid Securities issued by investment grade quality issuers (risk rated BBB- and above with Standard and Poor's or equivalent).
- Assets with a Standard and Poor's rating within the parameters contained within Schedule 2 are assessed as being low risk in the context of the total portfolio.

### **3.4 Asset Allocation and Diversification**

Individual investments must be undertaken having regard to the overall diversification needs of the Category 2 Portfolio, particularly in respect of counterparty risk. Unless prevented by market factors, investments may only be held within the parameters set out in Schedule 2 of this policy. Further to this, no single investment shall exceed 10% of the Category 2 Portfolio total.

## **4. Authorisations**

Each investment must be authorised by 2 of the following officers:

### **Group A**

- General Manager
- Chief Financial Officer
- Manager Corporate Support

### **Group B**

- Accountant
- Asset Accountant
- Financial Accountant
- Systems Accountant

unless otherwise stated in this procedure. At least one of the authorising officers must be a "Group A" officer (as above) for placement of Category 1 Portfolio funds in investment categories 3 and 4 as identified in Schedule 1 or the placement of any Category 2 Portfolio funds not undertaken through an appointed Investment Manager.

## **4. Investment Manager**

Council may appoint an appropriately qualified Investment Manager to, amongst other things, invest and manage Category 2 Portfolio funds as its agent. Under such an arrangement, Council will have a formal agreement with the Investment Manager directing the Investment Manager to manage the portfolio in accordance with this Policy.

The performance of the Investment Manager will be reviewed annually, with a full review every three (3) years to consider both the portfolio returns and the management of the portfolio.

The agreement may include that the Investment Manager or sub-custodian provides custodial services and in doing so holds the assets of the portfolio as nominee for the Council. However, under this agreement the beneficial ownership of the Fund's assets must remain with the Council at all times. This includes a prohibition on the Investment Manager or sub-custodian lending out any asset held on behalf of the Council.

In addition, the Investment Manager will:

- hold an appropriate Financial Services License;
- have and maintain at all relevant times professional indemnity insurance cover and provide evidence of it upon request;
- comply with investment requirements imposed by relevant laws;
- invest and manage the portfolio on behalf of the Council, including sourcing and making suitable investments in accordance with the Investment Strategy, Investment Policy and its procedures;
- keep the portfolio under review, including making full or partial realisation of or exit from investments, and to confer at regular intervals with Council management regarding the investment management of the portfolio;
- exercise all due diligence and vigilance in carrying out the Investment Manager's functions, powers and duties under the Investment Policy and its procedures;
- advise management of any breaches of the Investment Policy and any material matters relating to the Investment Manager that in the opinion of the Investment Manager should be disclosed to the Council; and
- comply with reporting requirements as agreed, and at least as determined in 6.2 below.

## **5. Reporting**

### **5.1 Valuation and Measurement**

The Annual Financial Report is to account for investments in accordance with the provisions of the Local Government Act 1993, relevant Australian Accounting Standards and other mandatory financial reporting requirements.

### **5.2 Reporting**

A report is to be provided to the General Manager each month including the following information:

- Portfolio details at the beginning of the month;
- Investments maturing during the month;
- Investments placed during the month;
- Portfolio return against benchmark;
- Portfolio structure against benchmark;
- Portfolio risk profile against benchmark.

A report is to be provided in each Quarterly Report to Council including at least the following information:

- Overview of portfolio structure;
- Portfolio return against benchmark;
- Portfolio structure by institution against policy maximum;
- Portfolio structure by investment category against policy maximum.

### **5.3 Audit**

For audit purposes, certificates or custodial reports must be obtained from all financial institutions confirming the amounts held on Councils behalf at 30 June annually.

## **6. Variations to the Policy**

The General Manager and the Chief Financial Officer are authorised to approve investments outside this policy in exceptional circumstances, for example, if the investment is to the Council's advantage, or if there is legislative change. Any such variation is to be reported to Council in the next Quarterly Report.

## **7. Policy Review**

Due to the nature of the financial markets and the potential for change in the underlying portfolio over time, an annual review of this policy will be conducted by management (in conjunction with the Investment Manager if appropriate).

This review process will also address issues such as any proposals to alter Council's investment risk management strategy, alterations to delegated authority and any additional information reporting requirements.

Any proposed amendments to either the Investment Strategy or Investment Policy will be reported to Council for endorsement prior to implementation of any change.

**Schedule 1**  
**Asset Allocation & Investment Diversification – Category 1 Portfolio**

	Category	Typical Long Term Rating	Typical Short Term Rating	Maximum Percentage of Category to Total Investments	Maximum Percentage of Individual Investments within Portfolio
		(Standard & Poor's)	(Standard & Poor's)		
1	Government Guaranteed (including Tascorp and any investment guaranteed by the Australian Government's 2008 Deposit and Wholesale Funding Guarantees) and major Australian Banks (CBA, WBC, ANZ, NAB)	AAA to AA-	A-1+	100%	50%
2	Other banks holding an Australian Banking Licence	A+ to A-	A-1	50%	30%
3	Other Available Direct Investments	BBB+ to BBB-	A-2	30%	15%
4	Managed and Trustee Investments	AAA to BBB+	A-1+ to A-1	100%	30%
5	Excluded Investments	Below BBB-	Below A-2	Nil	Nil

**Schedule 2**  
**Asset Allocation & Investment Diversification – Category 2 Portfolio**

	Instrument	Typical Instrument Credit Rating (Standard & Poor's)	Benchmark Asset Allocation	Target Ranges	Maximum Allowable Ranges
1	Government Bonds	AAA to AA-	25%	15 - 30%	0% - 40%
2	Senior Secured Bonds	AA+ to BBB-	5%	0% - 15%	0% - 40%
3	Senior Unsecured Bonds	AA+ to BBB-	25%	20% - 30%	0% - 40%
4	Subordinated Bonds	A to BBB-	20%	15% - 25%	0% - 35%
5	Hybrid Securities	BBB+ to BB+ (some Not Rated)	25%	20% - 30%	0% - 30%



### **Schedule 3**

### **Rating Definitions**

Debt security definitions are the criteria given by Standard & Poor's and are as follows:

Issue credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment capacity and willingness of the obligor to meet its financial commitment on an obligation in accordance with the terms of the obligation;
- Nature of and provisions of the obligation;
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganization, or other arrangement under the laws of bankruptcy and other laws affecting creditors' rights.

#### **AAA**

An obligation rated 'AAA' has the highest rating assigned by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.

#### **AA**

An obligation rated 'AA' differs from the highest-rated obligations only to a small degree. The obligor's capacity to meet its financial commitment on the obligation is very strong.

#### **A**

An obligation rated 'A' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher-rated categories. However, the obligor's capacity to meet its financial commitment on the obligation is still strong.

#### **BBB**

An obligation rated 'BBB' exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

### **Short-Term Issue Credit Ratings**

#### **A-1**

A short-term obligation rated 'A-1' is rated in the highest category by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

#### **A-2**

A short-term obligation rated 'A-2' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

**11.7.5 TASWATER – MEMORANDUM OF UNDERSTANDING**

(File No 10-06-13)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to enable Council to consider the proposed motions to be considered at the TasWater Special General Meeting on 27 September 2018.

**RELATION TO EXISTING POLICY/PLANS**

The financial impacts of the proposed changes have been incorporated into Council's long term financial plans.

**LEGISLATIVE REQUIREMENTS**

Amendments as proposed under the Memorandum of Understanding will require amending legislation to give effect to the proposed changes. Consequent amendments would also be required to the constitution of TasWater and the shareholders letter of expectation.

**CONSULTATION**

Councils have the opportunity to consider the amendments prior to them being voted on at the TasWater Special General Meeting.

**FINANCIAL IMPLICATIONS**

There are a number of potential financial implications arising from the MOU and the consequent legislative and governance arrangements, as follows:

- water pricing will be frozen in the financial year 19/20;
- annual price increases will not exceed 3.5% from the financial year 20/21 through to the financial year 24/25;
- accelerated capital expenditure of \$1.8B over the ten year period to 30 June 2026;
- total distributions of dividends to owner Councils will be capped at \$20M per annum through the financial year 26/27 then indexed annually.

For Clarence this represents a distribution of approximately \$2.2M annually.

**RECOMMENDATION:**

That Council support the draft resolutions proposed for the Special General Meeting of TasWater on 27 September 2018.

**TASWATER – MEMORANDUM OF UNDERSTANDING /contd...**

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**ASSOCIATED REPORT****1. BACKGROUND**

- 1.1.** In February 2017, Councils were advised by the State Government that they believed that the State's water and sewerage situation had reached crisis point and that they were actively considering a State takeover of TasWater.
- 1.2.** The Government introduced legislation into Parliament in the spring session of 2017, which provided for the transfer of TasWater to become a Government Business Enterprise.
- 1.3.** The legislation was opposed by 23 of 29 Councils and ultimately the legislation failed to pass the Upper House.
- 1.4.** Following the defeat of the legislation a negotiated Memorandum of Understanding (MOU) was reached between the State Government, TasWater and the Owners Representative Group.

**2. REPORT IN DETAIL**

- 2.1.** The MOU reached between the parties provides for:
  - the State Government to contribute \$200M over 10 years to expedite TasWater's capital program;
  - for each \$20M contributed, the State will receive 1% shareholding in the TasWater corporation to a maximum of 10%;
  - the State shareholding will be a special class of share that does not receive a dividend;
  - the State, despite their shareholding will not be entitled to a Board position;

- the State will be entitled to appoint a member of the Board Selection Committee and will be consulted on the appointment of the CEO;

**2.2.** In relation to pricing the MOU provides for:

- prices will be frozen in the financial year 2019/20;
- annual price increases will not exceed \$3.5% per annum from the financial year 2020/21 through the financial year 2024/25;
- the price determination process by the Economic Regulator will continue. In the event that the regulator determines a price increase lower than 3.5% then that price shall apply.

**2.3.** In relation to infrastructure investment the MOU provides:

- The parties will seek to accelerate the infrastructure investment program with TasWater using their best endeavours to achieve capital expenditure over the 10 year period from the financial year 2016/17 of \$1.8 billion. This will see an increase in TasWater debt levels. However, TasWater believe the debt level is sustainable.
- The parties will work co-operatively to seek funding for and to progress major projects of special economic or environmental benefit.

**2.4.** The MOU further provides:

- the annual distribution of dividends to owner Councils will be agreed at \$20M in aggregate;
- TasWater's obligation to pay income tax equivalents and loan guarantee fees to shareholders will be removed from the Act;
- the State will introduce legislation to give effect to the objectives set out in the MOU and to facilitate the proposed changes to TasWater's ownership and governance structure.

- 2.5.** A Special General Meeting of the owners of TasWater has been called for 27 September 2018 to consider the following draft resolutions to give effect to the MOU.

**Resolution 1 – Adoption of a New Constitution.**

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3;

to adopt the Constitution in the form as set out in Appendix 1 of the information memorandum dated 16 July 2018 to replace the existing Constitution of the Corporation, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

**Resolution 2 – Adoption of a New Shareholders Letter of Expectations**

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and

- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3;

to adopt the Shareholders' Letter of Expectations in the form as set out in Appendix 2 of the Information Memorandum dated 16 July 2018 to replace the existing Shareholders' Letter of Expectations, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

**Resolution 3 – Approval to Enter into the Share Subscription and Implementation Agreement, including Approval for the Issue of Shares in the Corporation to the State Government**

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2;

that the Corporation be authorised to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3 of the Information Memorandum dated 16 July 2018, including the issuing of shares in the Corporation to the Crown.



**2.6.** The Board of TasWater has unanimously recommended that member Councils support the resolutions.

**2.7.** A copy of the Information Memorandum in support of these resolutions is attached as Attachment 1.

### **3. CONSULTATION**

Consultation in regard to the MOU and the proposed resolutions has occurred between the State Government, TasWater and the Owners' Representative Group.

### **4. STRATEGIC PLAN/POLICY IMPLICATIONS**

The financial implications of the proposed changes have been factored into Council's long term financial plans.

### **5. EXTERNAL IMPACTS**

None identified.

### **6. RISK AND LEGAL IMPLICATIONS**

Should the financial targets not be met then there is sufficient scope in the agreements to amend such arrangements to ensure the ongoing financial sustainability of TasWater.

### **7. FINANCIAL IMPLICATIONS**

There are a number of potential financial implications arising from the MOU and the consequent legislative and governance arrangements, as follows:

- water pricing will be frozen in the financial year 19/20;
- annual price increases will not exceed 3.5% from the financial year 20/21 through to the financial year 24/25;
- accelerated capital expenditure of \$1.8B over the ten year period to 30 June 2026;

- total distributions of dividends to owner Councils will be capped at \$20M per annum through the financial year 26/27 then indexed annually; and
- for Clarence this represents a distribution of approximately \$2.2M annually.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

That Council support the proposed resolutions.

Attachments: 1. Notice of Special General Meeting and Information Memorandum (146)

Andrew Paul  
**GENERAL MANAGER**

# Notice of Special General Meeting and Information Memorandum

27 September 2018

## Notice of Special General Meeting

Notice is hereby given that a Special General Meeting of members of the Tasmanian Water and Sewerage Corporation Pty Limited (ACN 162 220 653) will be held at 11:30am on Thursday 27 September 2018 at Windsor Community Precinct, 1 Windsor Drive, Riverside 7250.

The business to be conducted at the Special General Meeting is set out in the attached Agenda.

Please confirm your attendance by email to [ailsa.sypkes@taswater.com.au](mailto:ailsa.sypkes@taswater.com.au) by 13 September 2018.

Issued by order of the Board on 12 July 2018.



Ailsa Sypkes

**Company Secretary**

### Appointed Owners' Representatives (as at 12 July 2018):

Mayor Bridget Archer	Mayor Tony Foster AM OAM JP	Commissioner Adriana Taylor
Deputy Mayor Lana Benson	Mayor Peter Freshney	Mayor Don Thwaites
Mayor Tony Bisdee OAM	Alderman Grant Goodwin	Mayor Mick Tucker
Deputy Mayor Jan Bishop	Lord Mayor Alderman Ron Christie	Mayor Albert van Zetten
Mayor Jan Bonde	Mayor Greg Howard	Mayor Phil Vickers
Mayor Alwyn Boyd	Councillor Richard Ireland	Mayor Kerry Vincent
Mayor Doug Chipman	Mayor Kristie Johnston	Mayor Robby Walsh
Councillor Royce Conley	Mayor Michael Kent	Mayor Steve Wass
Mayor David Downie	Mayor Craig Perkins	Councillor Gerald Willis
Mayor Martyn Evans	Deputy Mayor Kelly Spaulding	

### Enclosures:

1. Agenda
2. Form of Proxy
3. Information Memorandum

## AGENDA

**Special General Meeting**  
**Thursday 27 September 2018 at 11.30am – 1.00pm**  
**at Windsor Community Precinct, 1 Windsor Drive, Riverside 7250**

**1. Apologies**

**2. Declaration of Interests**

**3. Minutes of Previous Meeting**

Minutes of the General Meeting – 10 May 2018

**4. Introduction by Chief Owners' Representative**

**5. Presentation by Board Chairman**

**6. Proposed resolutions**

*Resolution 1 – Adoption of a new Constitution*

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,

to adopt the Constitution in the form as set out in Appendix 1 of the Information Memorandum dated 16 July 2018 to replace the existing Constitution of the Corporation, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

*Resolution 2 – Adoption of a new Shareholders' Letter of Expectations*

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,

to adopt the Shareholders' Letter of Expectations in the form as set out in Appendix 2 of the Information Memorandum dated 16 July 2018 to replace the existing Shareholders' Letter of Expectations, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

*Resolution 3 – Approval to enter into the Share Subscription and Implementation Agreement, including approval for the issue of shares in the Corporation to the State Government*

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2,

that the Corporation be authorised to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3 of the Information Memorandum dated 16 July 2018, including the issuing of shares in the Corporation to the Crown.

## **7. Other Business**

***Lunch will provided at the conclusion of the meeting***





## FORM OF PROXY

We,.....*[insert council name]*

of..... *[insert council address]*

being a member of Tasmanian Water and Sewerage Corporation Pty Limited (ACN 162 220 653)

hereby appoint.....*[insert name/s of proxy]*

as our proxy to vote for us and on our behalf at the Special General Meeting of the Corporation to be held on **Thursday 27 September 2018** and at any adjournment of that Special General Meeting.

Our proxy is authorised to exercise all of our voting rights. If no directions are given, our proxy may vote or abstain as the proxy thinks fit.

**DATED this                      day of                      2018**

.....

***[Member council to insert execution clause]***

### Important Notes:

In accordance with Section 6.9 of the Corporation's Constitution, each member has the right to appoint a proxy to act on its behalf. The proxy need not be a member of the Corporation. A member may also appoint a body corporate as its proxy and that body corporate may appoint a representative to exercise the powers of the body corporate on behalf of the member.

This proxy form should be signed and (where applicable) any power of attorney or a certified copy attached to this form and returned to the Corporation at its registered office or the email address set by below **by no later than 2:00pm on Monday 24 September 2018.**<sup>1</sup>

Please send to the Company Secretary via email to [ailsa.sypkes@taswater.com.au](mailto:ailsa.sypkes@taswater.com.au)

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<sup>1</sup> Any proxy form received after this time will not be valid for the scheduled meeting and the member will not be entitled to vote at the meeting.



# Information Memorandum



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## Chairman's message

In March 2018 the President of the Local Government Association of Tasmania (LGAT) and TasWater's Chief Owners Representative commenced a dialogue with the State Government seeking to explore if a "compromise" to the "ownership debate" could be found.

As Board Chair I encouraged this dialogue believing it was time to seek to resolve the ownership debate.

It was my view that the debate was an unnecessary diversion to both Owner Councils and State Government. Further, the impact on TasWater was debilitating.

I had concluded that ending the debate was in the best interests of Councils, State Government and TasWater, but most especially the people of Tasmania.

TasWater's Chief Executive Officer, Mike Brewster, and I were invited to join the dialogue and on 1 May 2018 the signing of a Memorandum of Understanding (MOU) with the State Government was announced.

Like all compromises there had to be some concessions on all sides, but on balance I am confident it represents both a fair minded and sensible way forward.

After 10 years the State Government will have contributed equity of \$200 million, and Owner Councils' contributed equity will be unchanged (i.e. at \$1,528 million).

The MOU scenario will not have a material negative impact on TasWater's ongoing financial sustainability.

The policy to pay distributions to Owner Councils remains unchanged, albeit under the MOU scenario this will be solely in the form of dividends.

Most importantly TasWater and Councils will be working with the State Government to ensure that the water and sewerage services across the state are affordable, reliable and enhance economic development opportunities.

The TasWater Board endorsed the signing of the MOU and has authorized the release of this Information Memorandum to Owner Councils.

The TasWater Board unanimously recommends that Owner Councils vote in favour of the proposed resolutions.



Miles Hampton

**Chairman**

## 1. Key features of the proposal

The proposed features outlined in the MOU between TasWater and the State Government will enable TasWater's customers to benefit from a reduction in forecast price increases, accelerated infrastructure upgrades and a joint focus on major projects of significance to Tasmania.

Under the proposal, the State Government will inject \$20 million of equity per year for the next 10 years into TasWater. In return, the State Government will become a 10 per cent shareholder of TasWater. The State Government will have a new class of shares which will reflect the State's decision to not receive any dividends from TasWater.

Owner Councils will retain majority ownership of TasWater, albeit individual Owner Council's equity entitlements will be marginally reduced as State Government equity injections are received. New governance arrangements will facilitate State and Local Government working on a collaborative basis.

The key features of the proposal are set out below.

### Ownership and governance

- Governance by an independent skills-based Board will continue.
- The State Government will contribute \$200 million over 10 years in new equity. For each \$20m contributed the State Government will receive 1% of the voting capital.
- The State Government shareholding will not receive dividends.
- The annual Corporate Plan will be jointly agreed between the Board, Owner Councils and the State Government, with defined arrangements in place in the event of a deadlock as specified in Part 8.4 of the Amended Shareholders' Letter of Expectation provided at Appendix 2.
- The State Government's representative will sit on the Board Selection Committee and will be consulted – along with the Chief Representative – on the appointment of the CEO. The State Government will not have the right to appoint a director.
- If the State Government does not meet its commitments to make equity injections it will lose its rights in respect of:
  - the rights to jointly approve the draft Corporate Plan and to participate in the process to resolve any dispute regarding the adoption or amendment of the Corporate Plan
  - its seat on the Board Selection Committee and
  - its right to be consulted in relation to the appointment of the CEO

These rights will be reinstated on receipt of the overdue equity injection(s). Any decisions made by the Board Selection Committee, Owners' Representatives or the Board during such a period will continue to be valid and to remain effective.

- The State Government's commitment to contribute equity will be formalised through a Share Subscription and Implementation Agreement between TasWater and the State Government. This Agreement will also reinforce the particular State Government rights referenced above, and the loss of those rights if contributions are not made.
- TasWater's obligation to maintain price increases within the cap and/or accelerate the capital program (referenced below) may be suspended in the event that unforeseen events arise (eg significant interest rate and/or inflation increases beyond that reasonably

projected) or if the Government does not meet its commitment to maintain equity injections.

#### **Water and sewerage pricing**

- Prices will be frozen in FY2019/20.
- Annual price increases will not exceed 3.5 per cent from FY2020/21 through FY2024/25.
- The price determination process, via the independent Tasmanian Economic Regulator (TER), will continue as it does now to review TasWater's financial performance, including the prices, operational efficiency and investment program necessary to maintain sustainability.
- If the Regulator determines a price increase lower than 3.5 per cent, the Regulator's price increase will apply.

#### **Infrastructure investment**

- The parties will seek to accelerate the infrastructure investment program by at least one year, with TasWater using best endeavours to achieve capital expenditure over the 10 year period from FY2016/17 through FY2025/26 of \$1.8 billion by 30 June 2026.
- The parties will work cooperatively to progress major projects of special economic or environmental importance to Tasmania.

#### **Other matters**

- TasWater's obligation to pay income tax equivalents and loan guarantee fees to Shareholders will be removed. The \$20 million distribution to Owner Councils (indexed from FY2026/27) will be paid as dividends.
- The introduction of a community service obligation mechanism so that investment projects that are not commercial in their entirety can be considered in the context of broader benefits to the State and how these projects might be funded.
- Where the Board determines that, due to circumstances or events beyond TasWater's reasonable control, it cannot continue to maintain distributions, an accelerated capital program and annual price increases within the 3.5% cap while maintaining the financial sustainability of the business, TasWater will notify the Chief Owners' Representative and the State Government's Owner's Representative. TasWater must meet with the State Government's Owner's Representative to consider the impact of maintaining the accelerated capital program and price caps on the financial sustainability of the business. The State Government may, in its absolute discretion, provide additional financial support or comfort to TasWater in the form of grant funding, a pre-payment of equity, a guarantee or a letter of comfort. If the State Government decides not to provide adequate additional financial support or comfort to TasWater (as determined by the Board), the Board may amend the capital program or increase prices (within the regulator's determination).
- The parties will work together to monitor the effectiveness of recent announcements by TasWater on trade waste and to identify and implement any potential improvements.
- The State Government will introduce a bill into Parliament to give effect to the objectives set out in the MOU and to facilitate and support the proposed changes to TasWater's ownership and governance structure. A draft Bill is attached as Appendix 4 of this Information Memorandum. The proposed changes are not extensive, and the key matters are summarised as follows:
  - Changes to remove the current prohibition on ownership of shares in TasWater by anyone other than a Council – enabling the State Government to become a shareholder in return for its equity contributions.



- Changes to the pricing determination process to clarify that the Tasmanian Economic Regulator can only set maximum prices for regulated services – enabling the Board to elect to pass through lower price increases to customers to meet its commitment to freeze prices in FY2019/20 and to cap subsequent annual price increases until 30 June 2025.
- Changes to remove the current obligations to pay loan guarantee fees and tax equivalents – meaning that ‘distributions’ paid to Owner Councils will be solely in the form of dividends.

## 2. Financial information

The financial statements in this Information Memorandum have been prepared using a 20 Year Financial Model based on the FY2019 - 23 Corporate Plan and informed by the Long Term Strategic Plan FY2018-2037 (LTSP).

### 2.1 Key assumptions

The following key assumptions are common to all scenarios in the 20 Year Financial Model:

- Demand is assumed to grow at 0.7 per cent per annum in PSP3 (to FY2020/21), 0.6 per cent per annum in PSP4 (to FY2023/24) and 0.3 per cent per annum thereafter<sup>2</sup>
- The average interest rate in each scenario is held constant at 4.1 per cent per annum through FY2022/23 and increases at 0.1 per cent per annum thereafter
- Inflation is assumed to be 2.5 per cent per annum
- Loan guarantee fees are set to zero from 1 January 2019 onward<sup>3</sup> and
- Distributions (paid as dividends) to Owner Councils are set at \$20 million per annum through FY2025/26 and are indexed to target tariff increases thereafter.

These assumptions, and other financial uncertainties, could materially impact the forecasts provided in the tables below. A broader consideration of risk is discussed in Section 4.

### 2.2 Financial model inputs and outputs

Two financial scenarios have been modelled for this Information Memorandum, namely a business as usual scenario and an MOU scenario. Key parameters that differentiate the scenarios are shown in the table below.

**Table 1: Key parameters in each financial model scenario**

Parameter	Business as usual scenario	MOU scenario
<b>Capital expenditure (\$M)</b>		
FY2017 to FY2026	\$1,543	\$1,700 <sup>4</sup>
FY2027 to FY2036 <sup>5</sup>	\$1,379	\$1,222
Capex (20 year total)	\$2,922	\$2,922
<b>Annual price increase</b>		
PSP3 (FY19 / FY20 / FY21)	4.1% / 4.1% / 4.1%	4.1% / 0% / 3.5%
PSP4 (FY22 to FY24)	3.7%	3.5%
PSP5 (FY25 to FY27)	3.1%	3.5%
PSP6+ (FY28 to FY36)	2.2%	2.5%
<b>Equity injection (\$M)</b>	\$0	\$200

Key inputs and outputs for each scenario are shown in the tables below.

<sup>2</sup> Demand forecast are derived from a TasWater developed model that sources data from the State Government's latest population forecasts (by local government area) and Australian Bureau of Statistics household data. Detail of the model and resultant forecasts are provided in Chapter 5 of Price and Service Plan 3.

<sup>3</sup> If the resolutions in this Information Memorandum are not passed, there is a risk that loan guarantee fees will not be set to zero as modelled in the business as usual scenario.

<sup>4</sup> The MOU requires TasWater to use best endeavours to achieve capital expenditure of \$1.8 billion over this period. At this time the Board of the Corporation has formed the view that \$1.7 billion is achievable while maintaining our targeted long term interest cover ratio.

<sup>5</sup> The capital expenditure estimate in years 11 to 20 has less accuracy than in Years 1 to 10. However, any changes to capital investment requirements in Years 11 to 20 are expected to have a similar impact on both scenarios.

**Table 2: Financial information – FY2016/17 through FY2025/26**

Financial Summary	FY17 (actual)	FY18 (forecast)	FY19 (forecast)	FY20 (forecast)	FY21 (forecast)	FY22 (forecast)	FY23 (forecast)	FY24 (forecast)	FY25 (forecast)	FY26 (forecast)	10 Year Total
<b>Business as usual scenario</b>											
<b>Inputs</b>											
Price increases (%) <sup>+</sup>	6.0%	6.0%	4.1%	4.1%	4.1%	3.7%	3.7%	3.7%	3.1%	3.1%	n/a
Capital expenditure (\$M)	103	139	145	140	183	178	183	170	166	135	1,543
Distributions (\$M)	30	30	20	20	20	20	20	20	20	20	220
Average interest rate (%)	4.5%	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%	4.2%	4.3%	4.4%	n/a
Equity injections (\$M)	0	0	0	0	0	0	0	0	0	0	0
<b>Outputs</b>											
Revenue (\$M)	315	330	341	356	371	388	405	421	435	449	3,810
Net profit before tax (\$M)	41	53	53	61	67	69	71	72	74	74	634
Interest expense (\$M)	19	20	20	21	24	28	32	29	29	30	252
Interest cover (times)	2.79	3.26	3.18	3.35	3.34	3.06	2.93	2.86	2.73	2.63	n/a
Borrowings (\$M)	475	519	581	625	706	777	844	874	899	888	n/a
Gearing (%)	29.8%	32.2%	35.3%	37.3%	41.2%	44.2%	46.9%	47.5%	47.7%	45.9%	n/a
Depreciation (\$M)	68	74	78	82	85	90	96	106	111	116	906
<b>MOU scenario</b>											
<b>Inputs</b>											
Price increases (%) <sup>+</sup>	6.0%	6.0%	4.1%	0.0%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	n/a
Capital expenditure (\$M)	103	139	145	140	183	178	223	209	205	174	1,700
Distributions (\$M)	30	30	20	20	20	20	20	20	20	20	220
Average interest rate (%)	4.5%	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%	4.2%	4.3%	4.4%	n/a
Equity injections (\$M)	0	0	20	20	20	20	20	20	20	20	160
<b>Outputs</b>											
Revenue (\$M)	315	330	344	346	359	373	387	401	416	430	3,702
Net profit before tax (\$M)	41	53	56	52	55	54	53	51	51	49	515
Interest expense (\$M)	19	20	20	21	24	28	32	29	30	34	256
Interest cover (times)	2.79	3.26	3.32	2.97	2.89	2.59	2.42	2.29	2.07	1.93	n/a
Borrowings (\$M)	475	519	559	591	665	730	833	912	976	1,006	n/a
Gearing (%)	29.8%	32.2%	33.5%	34.5%	37.8%	40.5%	45.1%	48.3%	50.5%	51.0%	n/a
Depreciation (\$M)	68	74	78	82	85	90	96	107	113	119	913

+ Annual Increase in target tariffs excluding market growth rate (which is the same in both scenarios)

**Table 3: Financial information – FY2026/27 through FY2035/36**

Financial Summary	FY27 (forecast)	FY28 (forecast)	FY29 (forecast)	FY30 (forecast)	FY31 (forecast)	FY32 (forecast)	FY33 (forecast)	FY34 (forecast)	FY35 (forecast)	FY36 (forecast)	10 Year Total
<b>Business as usual scenario</b>											
<b>Inputs</b>											
Price increases (%) <sup>+</sup>	3.1%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	n/a
Capital expenditure (\$M)	124	158	133	132	134	132	136	139	143	148	1,379
Distributions (\$M)	21	21	22	22	22	23	23	24	25	25	228
Average interest rate (%)	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%	5.2%	5.3%	5.4%	n/a
Equity injections (\$M)	0	0	0	0	0	0	0	0	0	0	0
<b>Outputs</b>											
Revenue (\$M)	463	474	485	496	508	520	532	545	558	571	5,151
Net profit before tax (\$M)	76	76	73	72	72	72	72	68	67	67	715
Interest expense (\$M)	31	30	31	31	30	30	29	28	27	26	293
Interest cover (times)	2.67	2.68	2.57	2.57	2.57	2.59	2.63	2.57	2.59	2.62	n/a
Borrowings (\$M)	860	863	839	812	784	750	717	687	659	632	n/a
Gearing (%)	43.4%	42.5%	40.5%	38.4%	36.3%	34.1%	32.0%	30.1%	28.4%	26.9%	n/a
Depreciation (\$M)	120	123	128	132	136	140	144	148	152	156	1,379
<b>MOU scenario</b>											
<b>Inputs</b>											
Price increases (%) <sup>+</sup>	3.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	n/a
Capital expenditure (\$M)	108	142	118	117	118	116	120	123	128	132	1,222
Distributions (\$M)	21	21	22	22	23	23	24	25	25	26	232
Average interest rate (%)	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%	5.2%	5.3%	5.4%	n/a
Equity injections (\$M)	20	20	0	0	0	0	0	0	0	0	40
<b>Outputs</b>											
Revenue (\$M)	446	457	469	482	494	507	521	535	549	563	5,023
Net profit before tax (\$M)	49	51	50	51	51	52	54	51	53	54	516
Interest expense (\$M)	36	35	35	35	35	35	34	33	32	31	342
Interest cover (times)	1.89	1.94	1.91	1.92	1.94	1.97	2.02	1.99	2.04	2.09	n/a
Borrowings (\$M)	964	952	932	908	881	849	816	786	756	727	n/a
Gearing (%)	47.9%	46.3%	44.8%	43.2%	41.5%	39.6%	37.7%	36.0%	34.3%	32.6%	n/a
Depreciation (\$M)	124	127	131	135	138	142	145	149	153	157	1,401

+ Annual Increase in target tariffs excluding market growth rate (which is the same in both scenarios)

## 2.3 Summary of key results

Selected key results for both scenarios are presented in the table below.

**Table 4: Selected key results**

Parameter	Business as usual scenario FY2017 – FY2036	MOU scenario FY2017 – FY2036
Total revenue (\$M)	\$8,961	\$8,724
Net profit before tax (\$M)	\$1,349	\$1,031
Equity injection (\$M)	\$0	\$200
Distributions (\$M)	\$448	\$452
Total capital expenditure (\$M)	\$2,922	\$2,922
Borrowings as at FY2036 (\$M)	632	727
Interest cover as at FY2036 (times)	2.62	2.09

In the MOU scenario, TasWater's borrowings will be higher and interest cover will be lower relative to the business as usual scenario. However, each of these measures will remain at a manageable level over the 20 year period. And, the injection of new equity in the MOU scenario helps to ameliorate the lower revenues that arise from lower prices in the first 10 years.

Importantly, the MOU scenario provides benefits to customers through a cap on price increases in the first 10 years and acceleration of the capital program. This enables the associated customer outcomes to be realised earlier.

### 3. Questions and answers

#### 3.1 What consultation was undertaken with Owner Councils by the Chief Owners' Representative, LGAT and TasWater before the MOU was announced?

The level of consultation with Owner Councils was dictated by the circumstances of the proposal. LGAT had discussions at General Management Committee level, but it was not practical to consult with all mayors and owner representatives. This is why the MOU agreement is non-binding. Substantial consultation has occurred with Owner Councils subsequent to the MOU and the primary purpose of the Special General Meeting is to formally seek endorsement from Owner Councils.

#### 3.2 What is the impact on distributions to Owner Councils including dividends, tax equivalent payments and loan guarantee fees?

Barring major unforeseen circumstances that cannot be mitigated, we do not expect any reduction in previously forecast distributions to Owner Councils. The financial model inputs described in Section 2.2 assumes distributions are indexed to target tariff increases beyond FY2025/26.

Further, TasWater's obligation to pay income tax equivalents and loan guarantee fees to Shareholders will be removed, resulting in distributions made up entirely of dividends.

#### 3.3 What is the impact on the ownership interest of Owner Councils?

While Councils' percentage ownership will decline over time as the Government's equity increases from 0 per cent to 10 per cent between FY2018/19 and FY2027/28, the book value of that interest will not decline. However we note that normal valuation adjustments on book values may occur.

#### 3.4 How much influence will the State Government have over TasWater's Board, strategy, operations and dividend decisions under this proposal?

The only involvement by State Government in strategy, operations and dividends is in relation to the annual Corporate Plan, which will be jointly agreed between the Board, Owner Councils and the State Government.

A dispute resolution mechanism is specified in Part 8.4 of the new Shareholders' Letter of Expectations provided at Appendix 2. Should the Board not agree to amend the draft Corporate Plan as requested, the Chairman will consult with the Chief Owners' Representative and the State Government Owner's Representative to determine a solution. If this group is unable to reach unanimous agreement as to a solution, it will be determined by a two thirds majority of the group. However, in the unlikely event that this would result in unlawful activity, or the directors being in breach of their fiduciary duties, the Board will not be obliged to adopt the relevant amendments.

#### 3.5 Will the lower revenues under the MOU scenario in the 20 Year Financial projections affect the carrying value of TasWater's assets?

The lower net revenue projections in the MOU scenario may have an impact on the carrying values of our water and sewerage infrastructure assets. If an adjustment to the value is required it will be a non-cash adjustment and will necessitate a proportional non-cash adjustment to the carrying value of each Owner's investment in TasWater.

#### 3.6 What will happen if the Tasmanian Parliament does not pass enabling legislation that is consistent with the draft legislation provided at Appendix 4?

The passage of the proposed Resolutions is subject to there being no material changes between the draft legislation provided at Appendix 4 and the final legislation enacted by the Tasmanian Parliament. In addition, the Share Subscription and Implementation Agreement contains the passing of the amending legislation in a form satisfactory to both the State Government and TasWater as a condition precedent. The materiality of changes, if any, is to be determined by the TasWater Board



after consultation with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania.

## 4. Risks

This section lists the risks associated with implementation of the proposed features outlined in the MOU between TasWater and the State Government. It does not discuss TasWater's ongoing organisational risks which will continue irrespective of this proposal and are provided in the FY2019-23 Corporate Plan.

The risks listed below are in addition to the key assumptions in the financial model discussed in Section 2.1.

### 4.1 Resourcing risk for capital program delivery

There is a risk that the required level of resourcing is not available to prudently and efficiently deliver the capital program in this proposal. However, in preparation for delivering the existing capital program outlined in Price and Service Plan 3 (PSP3), we have been reviewing our capital delivery model to ensure it is fit for purpose. The new capital delivery model will include an external partner to provide flexible resourcing that can increase as required to deliver increased capital investment.

### 4.2 Non-payment risk of the State Government's equity injection

There is a risk that the State Government does not make a \$20 million payment in accordance with the terms of the Share Subscription and Implementation Agreement provided at Appendix 3. However, as outlined in Section 1 of this Information Memorandum, if the State does not meet its commitments to make equity injections, it will lose its rights in relation to:

- The joint approval of the draft Corporate Plan and to participate in the process to resolve any dispute regarding the adoption or amendment of the Corporate Plan
- A seat on the Board Selection Committee and
- Consultation regarding the appointment of the CEO.

These rights will be reinstated on receipt of the overdue equity injection(s).

### 4.3 Risk of operational or performance impact if the resolution is not passed

If the resolutions in this Information Memorandum are not passed TasWater will proceed to deliver the outcomes under the business as usual scenario provided in the financial information section above. This would see the delivery of a \$2.9 billion capital program over 20 years and gradually reducing tariff increases from PSP to PSP. This will mean that tariff increases will be higher than they would have been in the first years of the MOU and it may impact on the ability of TasWater to secure funding for major projects from the Federal Government.

### 4.4 Inflation or interest rate risk impacting TasWater's ability to deliver on the MOU

The forward looking financial statements in this Information Memorandum are predictions based on our current expectations and assumptions regarding future events. Actual outcomes, financial results or levels of activity, performance or achievements may vary materially from those discussed in this Information Memorandum.

Notwithstanding these risks, the State Government has agreed to guarantee TasWater's debt by providing a letter of comfort to TasCorp should TasCorp requested it. Further, TasWater's obligation to maintain price increases within the cap and/or accelerate the capital program may be suspended in the event that unforeseeable events arise that impact on the financial sustainability of the business.

## 5. Proposed resolutions

In order to give effect to the MOU, the TasWater Constitution and Shareholders' Letter of Expectation will need to be changed and an agreement (the Share Subscription and Implementation Agreement) between TasWater and the State Government will need to be entered into. In addition, an Act to amend existing legislation must be passed by the Tasmanian Parliament.

Appendices 1 and 2 provide copies of the proposed new Constitution and Shareholders' Letter of Expectations. To enable the reader to clearly understand the extent of amendments to existing documents, 'tracked changes' versions have been provided.

Appendix 3 provides the proposed Share Subscription and Implementation Agreement between TasWater and the State Government, and the proposed draft legislation is at Appendix 4.

Resolutions to give effect to the MOU are provided below.

The TasWater Board of Directors unanimously recommends that members vote in favour of each resolution.

Under the current Constitution, the thresholds for approval of each resolution differ. To simplify the process, each of the resolutions will be required to meet the highest threshold i.e. 75% by members, 75% by equity.

### 5.1 Proposed resolutions

- **Resolution 1 – Adoption of a new Constitution**

To consider and, if thought fit, to pass the following resolution:

*"Subject to:*

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and*
- (ii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2; and*
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,*

*to adopt the Constitution in the form as set out in Appendix 1 to replace the existing Constitution of the Corporation, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation."*

The proposed new version of the Constitution is provided at Appendix 1.

- **Resolution 2 – Adoption of a new Shareholders' Letter of Expectations**

To consider and, if thought fit, to pass the following resolution:

*"Subject to:*

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with*

*the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and*

- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and*
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,*

*to adopt the Shareholders' Letter of Expectations in the form as set out in Appendix 2 to replace the existing Shareholders' Letter of Expectations, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation."*

The proposed new Shareholders' Letter of Expectations is provided at Appendix 2.

- **Resolution 3 – Approval to enter into the Share Subscription and Implementation Agreement, including approval for the issue of shares in the Corporation to the State Government**

To consider and, if thought fit, to pass the following resolution:

*"Subject to:*

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and coming into effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and*
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and*
- (iii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2,*

*that the Corporation be authorised to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3, including the issuing of shares in the Corporation to the Crown."*

The proposed Share Subscription and Implementation Agreement is provided at Appendix 3.

## 6. Explanatory notes

### 6.1 Resolution 1 – Adoption of a new Constitution

The material changes to the existing Constitution are summarised below:

- **Rule 3 Share capital**
  - A new class of shares for the State Government is established.
  - Owner Councils' existing single shares will be converted to a proportionate number of shares out of 90,000,000 total shares on issue to Councils. The number of shares held by each Owner Council is calculated based on the voting percentages under Schedule 2 of the current Constitution.
  - It is noted that the voting percentages expressed in Schedule 2 of the current Constitution were rounded up to two decimal points for presentation purposes. To provide greater accuracy, the rounding effect has been removed.
  - On a winding up, any surplus will be divided amongst all owners in accordance with the proportion of their shares held at the time.
- **Rule 6 General meetings**
  - Under the new share capital structure, when voting, an Owner's Representative is entitled to one vote on a show of hands, or one vote per share on a poll.
  - Similarly, the State Government's Owner's Representative will be entitled to one vote on a show of hands, or one vote per share on a poll.
- **Rule 8 Shareholders' Letter of Expectations**
  - Changes to certain provisions in the Shareholders' Letter of Expectations will require support from both an Ordinary Majority of Council Owners' Representatives and the State Government's Owner's Representative: these relate to the key commitments in the MOU regarding approval of the Corporate Plan, an accelerated capital investment program and the price freeze and cap.
- **Rule 9 Owners' Representatives**
  - The State Government's Owner's Representative will be the Secretary of Treasury or their delegate.
- **Rule 10 Selection Committee**
  - The Board Selection Committee to be reduced to either six or seven, with one Council Owner's Representative from each of the North and North western regions, two Council Owners' Representatives from the Southern region, the Board Chairman, the State Government's Owner's Representative and the Chief Owners' Representative (if that person is not one of the regional representatives).
  - If the State Government does not meet its share subscription obligations, this right 'falls away' and the number of Selection Committee members decreases by one.
- **Rule 11 Directors**
  - A person who is employed by State Government cannot be appointed to the Board, reflecting the same rule that applies for Council employees. However, this will not operate to exclude a person who sits on the board of a State-owned Business, or who provides services to such a board as an independent contractor.
- **Rule 13 Executive officers**

- The appointment of the CEO continues to be the Board's decision, but there is a requirement that the Chief Owner's Representative and the State Government's Owner's Representative be consulted.
- If the State Government does not meet its share subscription obligations, this right 'falls away' and TasWater's obligation will be limited to consultation with the Chief Owner's Representative.
- **Rule 15 Distribution of profits**
  - The current obligations to pay loan guarantee fees and tax equivalent payments have been removed, meaning that the only distributions paid to Owner Councils are in the form of dividends.
- **Schedules 1 Dictionary**
  - A number of new definitions have been added reflecting the amendments to the Constitution.
- **Schedule 2 Equity proportions per member for voting purposes**
  - This Schedule reflects the changes to the share capital structure as outlined in relation to Rule 3 above and notes that the State Government's shareholding will increase in line with its ongoing equity contributions.
- **Schedule 3 Equity proportions per member for dividend purposes**
  - This Schedule is unchanged, save for the inclusion of the State Government as a shareholder – but receiving no dividend in line with the MOU.
- **Schedule 4 Priority distribution proportions**
  - This Schedule is deleted, noting it only applied in the first year of TasWater.
- **Schedule 5 Special majority members resolution**
  - Other than being renumbered as Schedule 4, this Schedule is unchanged.
- **Schedule 6 75% by member, 75% by equity resolution**
  - Renumbered as Schedule 5, the only changes to this Schedule are to ensure consistency with other provisions.
- **NEW Schedule 6 Government member resolution**
  - This Schedule has been inserted to enshrine the State Government's rights in relation to approval or amendment of the Corporate Plan (or resolution of disputes relating thereto), membership of the Board Selection Committee, and right to be consulted in relation to the appointment of the CEO.
  - The corresponding provisions in the Constitution also note that any change to those rights can only be effected with the State Government's Owner's Representative's support.

## 6.2 Resolution 2 – Adoption of a new Shareholders' Letter of Expectations

The material changes to the existing Shareholders' Letter of Expectations are summarised below:

- **Part 8 Corporate Plan**
  - The Corporate Plan process is amended by providing both Owner Councils and the State Government access to the draft Corporate Plan as endorsed by the Board and an opportunity to provide proposed amendments to the draft Plan in writing to the Board Chairman.



- The Board will consider any proposed amendments as soon as practicable, but is not obliged to accept any amendment that would create a risk of the directors breaching their directors' duties or any other regulatory obligations.
  - The Board will then either present a revised draft Corporate Plan (if amendments are accepted) or the draft Corporate Plan and a letter of explanation (if amendments are not accepted) to the shareholders for consideration at the Annual Planning General Meeting.
  - At the Annual Planning General Meeting, the shareholders can adopt the Corporate Plan presented to them. This will require both an Ordinary Majority of Council Owners' Representatives and an affirmative vote by the State Government Owner's Representative.
  - If the Corporate Plan as presented to the Annual Planning General Meeting is not adopted, but an Ordinary Majority of Owners' Representatives (not including the State Government's Owner's Representative) and the State Government's Owner's Representative agree amendments to the Plan, the Board must accept those amendments unless this would result in the directors being in breach of their fiduciary duties, the *Corporations Act 2001* (Cth) or result in unlawful activity. In such a case, the Corporate Plan as recommended by the Board will be deemed to have been adopted and the Chairman will advise the shareholders accordingly.
  - If the Corporate Plan as presented to the Annual Planning General Meeting is not adopted, and an Ordinary Majority of Owners' Representatives (not including the State Government's Owner's Representative) and the State Government's Owner's Representative cannot agree amendments to the Plan, a dispute resolution process is invoked.
  - This process involves consultation by the Board Chairman with the Chief Owner's Representative and the State Government's Owner's Representative to determine a solution. If the parties cannot reach a unanimous decision, a two-thirds majority will prevail, except where that result would cause directors to breach their fiduciary duties, or otherwise result in unlawful action.
  - If the State Government does not meet its share subscription obligations, the requirement for the State Government's Owner's Representative to approve the Corporate Plan, and to be included in any associated dispute resolution process 'falls away'. Approval of the Corporate Plan will require only the support of an Ordinary Majority of Owners' Representatives and the dispute resolution process will be limited to the Board Chairman and the Chief Owners' Representative.
- **Part 10 Shareholder Relationships**
    - The Board Chair and CEO will meet with relevant Ministers regularly as determined by mutual agreement.
  - **Part 18 Trade Waste**
    - TasWater, Councils and Government will work closely together to ensure that the recent initiatives by TasWater in relation to trade waste are working and to identify and implement any further improvements in trade waste management.
  - **Part 21 Dividends**
    - TasWater has committed to certain price increase constraints (see Part 27) and to use best endeavours to accelerate our capital program (see Part 29).

- If however, the Board determines that to maintain financial sustainability, it cannot continue to meet these commitments and maintain Owner Councils' dividends, it may, following consultation with State Government, determine to amend the capital program and/or the regulated pricing structure (noting that any price increases must still be within the prevailing pricing determination issued by the Tasmanian Economic Regulator).
- **Part 24 Whole of Government Reporting**
  - The Chief Owner's Representative, Chairman and CEO will appear at GBE Scrutiny Committee hearings if required.
- **Part 27 Pricing**
  - Prices will be frozen from 1 July 2019 until 30 June 2020. From 1 July 2020 until 30 June 2025 annual price increases will be capped at 3.5%, unless unforeseen circumstances arise.
- **Part 28 Community Service Obligation**
  - A mechanism has been included which enables a shareholder to request that TasWater undertake a project that is not contemplated either in its then current Corporate Plan, or in its long term investment plan.
  - A project may be deemed 'commercial' (i.e. one that be accepted by the Economic Regulator as prudent and efficient, and the costs of which may therefore be recovered through tariffs for regulated water and sewerage services) or 'uncommercial' (i.e. projects that will not meet this test).
  - If a project is deemed uncommercial, a shareholder may offer to fund it either directly or through a third party.
  - TasWater will consider the potential impact on its ability to deliver existing commitments in the then current Corporate Plan if it progresses the project (whether commercial or uncommercial) and whether this means that an amendment to the Corporate Plan is required.
  - Any amendment to the Corporate Plan will require approval from the shareholders.
  - TasWater must include information about any uncommercial projects that it undertakes in its Annual Report.
- **Part 29 Infrastructure Investment Program**
  - TasWater will use best endeavours to develop an accelerated capital program in consultation with its owners, which will target a total infrastructure investment of \$1.8 billion by 30 June 2026.

### **6.3 Resolution 3 – Approval to enter into the Share Subscription and Implementation Agreement, including the issue of shares in TasWater to the State Government**

Under the Constitution, approval is required to issue new shares in the Corporation. The terms on which these shares are issued, and the particular rights attached to the relevant class of shares, are set out in the Share Subscription and Implementation Agreement.

The key features of the Agreement are as follows:

- The State Government will provide annual equity injections of \$20 million for a period of 10 years

- 1,000,000 “DD” class shares in the Corporation will be issued in return for each \$20 million contributed
- The rights attached to these shares are, in essential terms, the same as the other classes of shares held by Owner Councils except in relation to the role of the State Government’s Owner’s Representative in the following matters:
  - The approval of the Corporate Plan, and involvement in resolving any deadlock if the Board does not accept any requests from shareholders for amendment
  - The Board Selection Committee and
  - The right to be consulted in relation to the appointment of the CEO

and in that the State Government has no entitlement to receive dividends

- If the State Government does not meet its commitment to subscribe for shares (i.e. inject equity), it will lose these additional rights unless and until it rectifies that failure. Any decisions made by the Board Selection Committee, the Owners’ Representatives or the Board during such a period shall remain valid and in full effect notwithstanding those additional rights being reinstated at a later date.
- Whilst it is currently anticipated that the equity injections will be made on an annual basis, there is a mechanism for this to occur more frequently. Hence, the State Government’s shareholding may increase more rapidly, although it will not exceed a maximum of 10% of shares on issue.

## 7. Glossary

A list of terms and acronyms used in this Information Memorandum, and their meanings, is provided below.

Term	Meaning
Board	The Directors of the Corporation from time to time
CEO	The Chief Executive Officer appointed to that role pursuant to Rule 13.1 of the Constitution
Chief Representative	The Chief Owners' Representative as appointed pursuant to Rule 9.2 of the Constitution
Company	Tasmanian Water and Sewerage Corporation Pty Limited (ACN 162 220 653)
Constitution	The constitution of the Corporation as adopted on 5 February 2013, ratified on 16 May 2013 and subsequently amended
Corporations Act	The <i>Corporations Act 2001</i> (Cth)
Director	A person who is, for the time being, a director of the Company
Notice	The notice of the Special General Meeting
Proxy Form	The proxy form enclosed with the Notice

## **Appendix 1:        Proposed Constitution**

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# Tasmanian Water and Sewerage Corporation Pty Ltd

# Constitution

Tasmanian Water and Sewerage Corporation Pty Ltd

ACN 162 220 653

A proprietary company limited by shares

Adopted on incorporation 5 February 2013

Ratified by general meeting 16 May 2013

Amended by general meeting 13 May 2014

Amended by general meeting 28 July 2015

[Amended by general meeting 27 September 2018](#)



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## 1 Principal Objectives

The principal objectives of the Corporation are as follows:

- (a) to efficiently provide water and sewerage functions in Tasmania;
- (b) to encourage water conservation, the demand management of water and the re- use of water on an economic and commercial basis;
- (c) to be a successful business and, to this end:
  - (i) to operate its activities in accordance with good commercial practice;
  - (ii) to deliver sustainable returns to its members; and
  - (iii) to deliver water and sewerage services to customers in the most cost- efficient manner.

Each of the principal objectives of the Corporation is of equal importance.

## 2 Defined terms and interpretation

### 2.1 Definitions in the Dictionary

A term or expression starting with a capital letter:

- (a) which is defined in the Dictionary in Schedule 1 (Dictionary), has the meaning given to it in the Dictionary;
- ~~(b) — which is defined in rule 15.5, has the meaning given to it in rule 15.5;~~
- ~~(c)~~(b) which is used in the *Water and Sewerage Corporation Act 2012* (Tas) has the meaning given to it in the *Water and Sewerage Corporation Act 2012* (Tas); and
- ~~(d)~~(c) which is defined in the Corporations Act, but is not defined in the Dictionary ~~or in rule 15.5~~, has the meaning given to it in the Corporations Act.

### 2.2 Interpretation

The interpretation clause in Schedule 1 (Dictionary) sets out rules of interpretation for this constitution.

### 2.3 Act to prevail

- (a) The provisions of the *Water and Sewerage Corporation Act 2012* (Tas) prevail over any inconsistent provisions of this constitution.
- (b) The Corporation, its directors and members are expressly prohibited from exercising any of their powers in contravention of or in a manner inconsistent with any requirement of the *Water and Sewerage Corporation Act 2012* (Tas).

## 3 Share capital

### 3.1 Shares

The directors have the right to issue shares in accordance with, or to ensure compliance with, the *Water and Sewerage Corporation Act 2012* (Tas).

### 3.2 Certificates

Each member is entitled without payment to receive a certificate for shares issued as required under the Corporations Act.

### 3.3 Share class structure

Without prejudice to any special rights conferred on the holders of any shares or class of shares, the directors may, subject to the terms of the *Water and Sewerage Corporation Act 2012* (Tas), issue or allot or otherwise dispose of, shares in the Corporation including:

- (a) "A" ordinary shares;
- (b) "B" ordinary shares;
- (c) "C" ordinary shares;
- (d) "D" ordinary shares;
- (e) "E" ordinary shares;
- (f) "F" ordinary shares;
- (g) "G" ordinary shares;
- (h) "H" ordinary shares;
- (i) "I" ordinary shares;
- (j) "J" ordinary shares;
- (k) "K" ordinary shares;
- (l) "L" ordinary shares;
- (m) "M" ordinary shares;
- (n) "N" ordinary shares;
- (o) "O" ordinary shares;
- (p) "P" ordinary shares;
- (q) "Q" ordinary shares;
- (r) "R" ordinary shares;
- (s) "S" ordinary shares;
- (t) "T" ordinary shares;
- (u) "U" ordinary shares;
- (v) "V" ordinary shares;
- (w) "W" ordinary shares;
- (x) "X" ordinary shares;
- (y) "Y" ordinary shares;
- (z) "Z" ordinary shares;
- (aa) "AA" ordinary shares;



(bb) “BB” ordinary shares; ~~and~~

(cc) “CC” ordinary shares; and

(dd) “DD” ordinary shares,

which shall rank pari passu in all respects, except for:

(i) voting rights attaching to the shares are set out in rule 6.8; and

(ii) dividend rights attaching to the shares are set out in rule 15.

### 3.4 Equitable interests in shares

- (a) The Corporation may treat the registered holder of a share as the absolute owner of that share.
- (b) The Corporation is not bound by or compelled in any way to recognise an equitable, contingent, future, partial or other right or interest in a share or unit of a share, even if the Corporation has notice of that right or interest.
- (c) With the consent of the directors, shares held by a trustee may be marked in the register in such a way as to identify them as being held subject to the relevant trust.
- (d) Nothing in rule 3.4(c) limits rule 3.4(a).

## 4 Indemnities ~~and~~ ~~surrender~~

### 4.1 Indemnity for payments by the Corporation

- (a) A member or, if the member no longer exists, the member’s legal personal representative, must indemnify the Corporation against any liability which the Corporation has under any law to make a payment for or on account of that member including in respect of:
  - (i) shares held by that member;
  - (ii) a transfer or transmission of shares by a member; or
  - (iii) dividends, bonuses or other money owed to the member.
- (b) Rule 4.1(a) includes, without limitation, a payment arising from:
  - (i) the winding up of that member;
  - (ii) the non-payment of any income tax, income tax equivalents, capital gains tax, wealth tax or other tax by that member or the legal personal representative of that member; or
  - (iii) the non-payment of any duty by that member or the legal personal representative of that member.
- (c) The member or, if the member no longer exists, the member’s legal personal representative, must pay to the Corporation immediately on demand:
  - (i) the amount required to reimburse the Corporation for a payment described in rule 4.1(a); and
  - (ii) interest on any part of that amount which is unpaid from the date the Corporation makes the payment until the date the Corporation is reimbursed in full for that payment, at a rate determined under rule 4.4.

- (d) This rule is in addition to any right or remedy the Corporation may have under the law which requires it to make the payment.
- (e) The directors may:
  - (i) exempt a share from all or any part of this rule 4.1; and
  - (ii) waive or compromise all or any part of any payment due to the Corporation under this rule 4.1.

#### **4.2 Surrender of shares**

- (a) Subject to any applicable requirements of the *Water and Sewerage Corporation Act 2012* (Tas), the directors may accept a surrender of a share:
  - (i) by way of compromise of any claim as to whether or not that share has been validly issued;
  - (ii) where it is within the power of the Corporation to require a surrender; or
  - (iii) where accepting a surrender is necessary to ensure compliance with the *Water and Sewerage Corporation Act 2012* (Tas).
- (b) Any share surrendered under rule 4.2(a) may be reissued or otherwise disposed of in the same manner as set out in rule 4.3.

#### **4.3 General provisions applicable to a disposal of shares under this constitution**

- (a) A reference in this rule 4.3 to a disposal of shares under this constitution is a reference to cancellation of a share surrendered under rule 4.2.
- (b) Where any share is surrendered under rule 4.2(a), the Corporation may convene a general meeting of members to vote on a resolution to cancel that share under the Corporations Act (if required) and the member must take all action required to give effect to that cancellation except to the extent that doing so may cause non-compliance with the applicable requirements of the *Water and Sewerage Corporation Act 2012* (Tas).
- (c) The remedy of any person aggrieved by a disposal of shares under this constitution is limited to damages only and is against the Corporation exclusively.
- (d) A statement in writing signed by a director or secretary of the Corporation to the effect that a share in the Corporation has been surrendered under rule 4.2(a) on a date stated in the statement is conclusive evidence of the facts stated in the statement as against all persons claiming to be entitled to the share.

#### **4.4 Interest payable by member**

- (a) For the purposes of rule 4.1(c)(ii), the rate of interest payable to the Corporation is:
  - (i) if the directors have fixed a rate, that rate; or
  - (ii) in any other case, 10% per annum.
- (b) Interest payable under rule 4.1(c)(ii) accrues daily and may be capitalised monthly or at other intervals the directors think fit.

## 5 Transfer and transmission of shares

### 5.1 Transfer of shares

- (a) Subject to this constitution, the rights or restrictions attached to any shares or class of shares and to any applicable requirements of the *Water and Sewerage Corporation Act 2012* (Tas), a member may transfer all or any of the member's shares by an instrument in writing in any usual form or in any other form that the directors approve where the shares are:
  - (i) surrendered under rule 4.2(a); or
  - (ii) the subject of a Transmission Event under rule 5.4.
- (b) A transferor of shares remains the holder of the shares transferred until the transfer is registered and the name of the transferee is entered in the register of members in respect of the shares.
- (c) The Corporation must not charge a fee for the registration of a transfer of shares.
- (d) An instrument of transfer referred to in rule 5.1(a) must be signed by or on behalf of both the transferor and the transferee unless the transfer:
  - (i) relates only to fully paid shares and signature by the transferee has been dispensed with by the directors; or
  - (ii) is a sufficient transfer of marketable securities for the purposes of the Corporations Act.
- (e) An instrument of transfer referred to in rule 5.1(a) must be duly stamped if required by law to be stamped.
- (f) An instrument of transfer referred to in rule 5.1(a) must be lodged for registration at the registered office of the Corporation, or at such other place as the directors determine, accompanied by any evidence which the directors require to prove the title of the transferor or the transferor's right to the shares including the share certificate, if any, and to prove the right of the transferee to be registered as the owner of the shares.
- (g) Subject to the powers vested in the directors under rules 5.2 and 5.3, where the Corporation receives an instrument of transfer complying with rules 5.1(d), 5.1(e) and 5.1(f), the Corporation must register the transferee named in the instrument as the holder of the shares to which it relates.
- (h) The Corporation may retain any registered instrument of transfer received by the Corporation under rule 5.1(f) for any period as the directors think fit.
- (i) Except in the case of fraud, the Corporation must return any instrument of transfer received under rule 5.1(f) which the directors decline to register to the person who deposited it with the Corporation.
- (j) The directors may, to the extent permitted by law and subject to the *Water and Sewerage Corporation Act 2012*, waive all or any of the requirements of this rule 5.1.

### 5.2 Power to decline registration of transfers

Subject to any special rights conferred on the holders of any shares or class of shares, the directors may, in their absolute discretion, decline to register any transfer of shares provided that they may not do so in the case of a transfer of shares effected under the enforcement of any security interest

created over the relevant shares.

### 5.3 Power to suspend registration of transfers

The directors may suspend the registration of transfers at the times and for the period the directors think fit, but the period of suspension must not exceed a total of 30 days in any year provided that they may not do so in the case of a transfer of shares effected under the enforcement of any security interest created over the relevant shares.

### 5.4 Transmission of shares

- (a) This rule 5.4 is subject to all applicable provisions of the *Water and Sewerage Corporation Act 2012* (Tas).
- (b) In the case of a Transmission Event, the only person or entity that the Corporation may recognise as having any title to a member's shares or any benefits accruing in respect of those shares are:
  - (i) the legal personal representative of that member where the member no longer exists and was a sole holder; and
  - (ii) another Council.
- (c) Nothing in rule 5.4(b) releases the entity that has assumed the responsibilities of a member which no longer exists from any liability in respect of a share.
- (d) Only a person who becomes entitled to a share as a result of a Transmission Event may elect to be registered as the holder of the share and must do so by signing and serving on the Corporation a notice in writing stating that election after producing any evidence the directors require to prove that person's entitlement to the share, including the certificate for the share.
- (e) The provisions of this constitution relating to the right to transfer, and the registration of transfers of, shares apply, so far as they can and with the changes as are necessary, to any transfer under rule 5.4(b)(ii) as if the relevant Transmission Event had not occurred and the transfer were executed or effected by the registered holder of the share.
- (f) Despite rule 5.4(b), the directors may register a transfer of shares signed by a member before a Transmission Event even though the Corporation has notice of the Transmission Event.

### 5.5 Members to act in good faith on the occurrence of a Transmission Event

If a Transmission Event occurs, the members must act in good faith and use their best efforts to ensure that the equity percentages ~~for voting set out in Schedule 2 and~~ for distributions set out in Schedule 3 are amended, if necessary, to reflect the Transmission Event.

## 6 General -meetings

### 6.1 Convening general meetings

- (a) A general meeting may be convened by:
  - (i) the directors by resolution of the board; or
  - (ii) in accordance with sections 249E, 249F and 249G of the Corporations Act.
- (b) A general meeting must be convened by the directors in accordance with section 249D of the Corporations Act.
- (c) Subject to rule 6.1(e), the directors may postpone, cancel or change the venue for a general

meeting by giving notice not later than five business days before the time at which the general meeting was to be held to each person who is at the date of the notice:

- (i) a member;
  - (ii) a director; or
  - (iii) an auditor of the Corporation.
- (d) A notice postponing or changing the venue for a general meeting must specify the date, time and place of the general meeting.
- (e) A general meeting convened under section 249D of the Corporations Act may not be:
- (i) postponed beyond the date by which that section requires it to be held; or
  - (ii) cancelled without the consent of the member or members who requested it.

## **6.2 General meetings**

- (a) The Corporation must hold a general meeting:
- (i) at least twice in each calendar year; and
  - (ii) subject to rule 6.2(b), the second general meeting for the calendar year must be held within 5 months after the end of the Corporation's financial year.
- (b) The members may extend the time referred to in rule 6.2(a)(ii).
- (c) The directors may attend a general meeting.
- (d) In addition to the notice of meeting, at least 21 days before the second general meeting for each calendar year, the Corporation must give the members a copy of the Corporation's annual report.

## **6.3 Notice of general meetings**

- (a) Subject to this constitution and to the rights or restrictions attached to any shares or class of shares, notice of a general meeting must be given within the time limits prescribed by the Corporations Act and in the manner authorised by rule 19.1 to each person who is at the date of the notice:
- (i) a member;
  - (ii) a director; or
  - (iii) an auditor of the Corporation.
- (b) A notice of a general meeting must specify the date, time and place of the meeting and state the general nature of the business to be transacted at the meeting and any other matters required under the Corporations Act.
- (c) A person may waive notice of any general meeting by notice in writing to the Corporation.
- (d) The non-receipt of notice of a general meeting or proxy form by, or a failure to give notice of a general meeting or a proxy form to, any person entitled to receive notice of a general meeting under this rule 6.3 does not invalidate any act, matter or thing done or resolution passed at the general meeting if:
- (i) the non-receipt or failure occurred by accident or error; or
  - (ii) before or after the meeting, the person:

- (A) has waived or waives notice of that meeting under rule 6.3(c); or
  - (B) has notified or notifies the Corporation of the person's agreement to that act, matter, thing or resolution by notice in writing to the Corporation.
- (e) A person's attendance at a general meeting:
- (i) waives any objection that person may have to a failure to give notice, or the giving of a defective notice, of the meeting unless the person at the beginning of the meeting objects to the holding of the meeting; and
  - (ii) waives any objection that person may have to the consideration of a particular matter at the meeting which is not within the business referred to in the notice of the meeting, unless the person objects to considering the matter when it is presented.

#### **6.4 Quorum at general meetings**

- (a) No business may be transacted at any general meeting, except the election of a chair and the adjournment of the meeting, unless a quorum of members is present when the meeting proceeds to business and remains present throughout the meeting.
- (b) A quorum consists of:
  - (i) if the number of members entitled to vote is two or more - more than 50% of the total number of members entitled to vote (irrespective of the number of shares held by each member); or
  - (ii) if only one member is entitled to vote - that member.
- (c) If a quorum is not present within 30 minutes after the time appointed for a general meeting:
  - (i) where the meeting was convened by, or at the request of, a member or members, the meeting must be dissolved; or
  - (ii) in any other case:
    - (A) the meeting stands adjourned to the day, and at the time and place, as the directors determine or, if no determination is made by the directors, to the same day in the next week at the same time and place; and
    - (B) if, at the adjourned meeting, a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting must be dissolved.

#### **6.5 Chair of general meetings**

- (a) The Chief Representative, or if the Chief Representative is not present, the Deputy Chief Representative, must preside as chair at each general meeting if present at the time appointed for the meeting.
- (b) If neither the Chief Representative or the Deputy Chief Representative is present at the time appointed for the meeting, the members present must elect as chair of the meeting another person who is present and willing to act.

#### **6.6 Conduct of general meetings**

- (a) Any question arising at a general meeting relating to the order of business, procedure or conduct of the meeting must be referred to the chair of the meeting, whose decision is final.
- (b) The chair of a general meeting may, and must if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business may be transacted at any



adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

- (c) It is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

## 6.7 Decisions at general meetings

- (a) Except in the case of any resolution which as a matter of law requires a Special Majority Members Resolution and as otherwise provided for in this Constitution, questions arising at a general meeting are to be decided by a majority of votes cast by the members present at the meeting and that decision is for all purposes a decision of the members.
- (b) In the case of an equality of votes upon any proposed resolution:
  - (i) the chair of the meeting does not have a second or casting vote; and
  - (ii) the proposed resolution is taken as having been lost.
- (c) A resolution put to the vote of a general meeting must be decided on a show of hands unless, before a vote by show of hands is taken or before or immediately after the declaration of the result of the show of hands, a poll is demanded by:
  - (i) the chair of the meeting; or
  - (ii) at least 5 members present and entitled to vote on the relevant resolution; or
  - (iii) members with at least 5% of the votes that may be cast on the resolution on a poll.
- (d) A demand for a poll does not prevent the continuance of a general meeting for the transaction of any business other than the question on which the poll has been demanded.
- (e) Unless a poll is duly demanded, a declaration by the chair of a general meeting that a resolution has on a show of hands been carried or carried unanimously, or carried by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the proceedings of the Corporation, is conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.
- (f) If a poll is duly demanded at a general meeting, it will be taken when and in the manner the chair of the meeting directs, and the result of the poll will be the resolution of the meeting at which the poll was demanded.
- (g) A poll cannot be demanded at a general meeting on the election of a chair of the meeting.
- (h) The demand for a poll may be withdrawn.

## 6.8 Voting at general meetings

- (a) Subject to this constitution (including rule 6.7(f)) and to any rights or restrictions attached to any shares or class of shares, at a general meeting:
  - (i) on a show of hands, every member present has one vote irrespective of the number of fully paid shares held by the member in respect of which they are entitled to vote; and
  - (ii) on a poll, each member present has one vote for each fully paid share (of any class) held by a member and each person present as proxy, attorney or Representative of a member has one vote for each fully paid share held by the member that that person represents. ~~a proportionate vote at the percentage set out in Schedule 2, irrespective of the number of fully paid shares held by the member in respect of which the~~

~~member is entitled to vote.~~

- (b) Each of the matters listed in Schedule ~~45~~ requires a Special Majority Members Resolution;
- (c) Each of the matters listed in Schedule ~~56~~ requires a resolution of the members passed by:
  - (i) at least 75% ~~by number~~ of the members of the Corporation entitled to vote; and
  - (ii) any combination of members that hold at least 75% of the votes cast by members of the Corporation entitled to vote on the resolution ~~equity voting proportions specified in Schedule 2;~~
- (d) Each of the matters listed in Schedule 6 requires a Government Member Resolution;
- ~~(d)~~(e) Where a person present at a general meeting represents personally or by proxy, attorney or Representative more than one member the following rules apply to a vote taken on a show of hands:
  - (i) the person is entitled to one vote only despite the number of members the person represents; and
  - (ii) the person's vote will be taken as having been cast for all the members the person represents.
- ~~(e)~~(f) A person entitled to a share as a result of a Transmission Event may vote at a general meeting in respect of that share in the same manner as if that person were the registered holder of the share if, before the meeting, the directors have:
  - (i) admitted that person's right to vote at that meeting in respect of the share; or
  - (ii) been satisfied of that person's right to be registered as the holder of, or to transfer, the share under rule 5.4(d),and any vote tendered by that person must be accepted to the exclusion of the vote of the registered holder of the share.
- ~~(f)~~(g) Where a member holds any share on which any call due and payable to the Corporation has not been duly paid that member is only entitled to be present at a general meeting but not vote.
- ~~(g)~~(h) An objection to the qualification of a person to vote at a general meeting:
  - (i) must be raised before or immediately after the result of the motion on which the vote objected to is given or tendered; and
  - (ii) must be referred to the chair of the meeting, whose decision is final.
- ~~(h)~~(i) A vote not disallowed by the chair of a meeting under rule 6.8(g) is valid for all purposes.

## 6.9 Representation at general meetings

- (a) Subject to this constitution, each member entitled to vote at a meeting of members may vote:
  - (i) in person or, where a member is a body corporate, by its Representative;

- (ii) by proxy; or
  - (iii) by attorney.
- (b) A proxy, attorney or Representative may be a member of the Corporation but does not have to be a member.
- (c) A proxy, attorney or Representative may be appointed for all general meetings, or for any number of general meetings, or for a particular general meeting.
- (d) Unless otherwise provided in the Corporations Act or in the appointment, an appointment of a proxy, attorney or Representative is taken to confer authority:
  - (i) to agree to a meeting being convened by shorter notice than is required by the Corporations Act or by this constitution;
  - (ii) to speak to any proposed resolution on which the proxy, attorney or Representative may vote;
  - (iii) to demand or join in demanding a poll on any resolution on which the proxy, attorney or Representative may vote;
  - (iv) even though the appointment may refer to specific resolutions and may direct the proxy, attorney or Representative how to vote on those resolutions:
    - (A) to vote on any amendment moved to the proposed resolutions and on any motion that the proposed resolutions not be put or any similar motion;
    - (B) to vote on any procedural motion, including any motion to elect the chair, to vacate the chair or to adjourn the meeting; and
    - (C) to act generally at the meeting; and
  - (v) even though the appointment may refer to a specific meeting to be held at a specified time or venue, where the meeting is rescheduled or adjourned to another time or changed to another venue, to attend and vote at the re-scheduled or adjourned meeting or at the new venue.
- (e) The chair of a meeting may require any person purporting to act as a proxy, attorney or Representative to establish to the satisfaction of the chair that the person has been validly appointed as a proxy, attorney or Representative and is the person named in the relevant instrument of appointment, failing which the person may be excluded from attending or voting at the meeting.
- (f) Where a member appoints two proxies or attorneys to vote at the same general meeting and the authority of one is not conditional on the other failing to attend or vote, the following rules apply:
  - (i) where the appointment does not specify the proportion or number of the member's votes each proxy or attorney may exercise, each proxy or attorney may exercise half of the member's votes;
  - (ii) on a show of hands, neither proxy or attorney may vote; and
  - (iii) on a poll, each proxy or attorney may only exercise the voting rights the proxy or attorney represents.
- (g) An instrument appointing a proxy or attorney may direct the manner in which the proxy or attorney is to vote in respect of a particular resolution and, where an instrument so provides,

the proxy or attorney is not entitled to vote on the proposed resolution except as directed in the instrument.

- (h) A proxy or attorney may not vote at a general meeting or adjourned meeting unless the instrument appointing the proxy or attorney, and the original or a certified copy of the power of attorney or other authority (if any) under which the instrument is signed, are received:
  - (i) at the registered office of the Corporation, at the fax number at its registered office or at another place, fax number or electronic address specified for that purpose in the notice convening the meeting; and
  - (ii) by the time specified in the notice of meeting.
- (i) Unless the Corporation has received written notice of the matter by the time and at the place or in the manner set out in rules 6.9(h)(i) and (h)(ii), a vote cast by a proxy or attorney is valid even if, before the proxy or attorney votes:
  - (i) a Transmission Event occurs in relation to the appointer; or
  - (ii) the member revokes the proxy's or attorney's appointment; or
  - (iii) the member revokes the authority under which a third party appointed the proxy or attorney; or
  - (iv) the member transfers the share in respect of which the proxy or attorney was appointed.
- (j) The authority of a proxy or attorney to speak and vote for a member at a general meeting is suspended while the member is present at the meeting.

#### **6.10 Resolutions without meetings**

- (a) Subject to rule 6.10(c), the Corporation may pass a resolution without a general meeting being held, if all of the members entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document.
- (b) For the purposes of rule 6.10(a):
  - (i) the document may be sent to members in any manner described in rule 19;
  - (ii) the resolution is passed when the last member signs;
  - (iii) separate copies of a document may be used for signing by members if the wording of the resolution and statement is identical in each copy; and
  - (iv) a signature of a member transmitted to the Corporation by facsimile is sufficient evidence of signature.
- (c) Rule 6.10(a) does not apply to a resolution to remove an auditor.
- (d) Where a document is signed in accordance with rule 6.10(a) the document is to be taken as a minute of the passing of the resolution.

#### **6.11 Electronic technology to conduct meetings**

Any meeting of the Corporation may be conducted by telephone, video conference or any other means of communication that gives the members a reasonable opportunity to participate and a member who participates in a meeting as permitted under this rule is taken to be present at the meeting.

## 7 Constitution

### 7.1 Process for adopting, modifying and repealing

- (a) Subject to the requirements of the *Water and Sewerage Corporation Act 2012* (Tas), the constitution of the Corporation is adopted on registration if each person specified in the application for the company's registration as a person who consents to become a member agrees in writing to the terms of the constitution before the application is lodged.
- (b) In accordance with the *Water and Sewerage Corporation Act 2012* (Tas), as soon as practicable after incorporation of the Corporation, the members must approve the constitution by resolution passed by at least 75% of the members of the Corporation entitled to vote.
- (c) Subject to rule 7.1(d) and rule 6.8(d), the Corporation may modify or repeal the constitution or a provision of the constitution by a resolution passed by at least 75% of the members of the Corporation entitled to vote.
- (d) Despite anything else in this constitution, this rule 7.1(d), ~~Schedule 2~~ and Schedule 3 can only be modified by a resolution passed by:
  - (i) at least 75% ~~by number~~ of the members of the Corporation entitled to vote; and
  - (ii) at least 75% of the ~~votes cast by members of the Corporation entitled to vote on the resolution~~ equity voting proportions specified in Schedule 2.

### 7.2 Constitution is a public document

The Corporation is to make available to the public the constitution of the Corporation following its adoption or modification as soon as practicable following its adoption or modification.

### 7.3 Entrenchment of constitution

- (a) Any special or other resolution of the Corporation that purports to modify or repeal the constitution or a provision of the constitution in breach of clause 7.3(b) does not have any effect.
- (b) The constitution or a provision of the constitution may not be modified or repealed:
  - (i) in a way that would result in the constitution being inconsistent with the provisions of the *Water and Sewerage Corporation Act 2012* (Tas) or any regulations made under it; or
  - (ii) unless the provisions of section 11 of the *Water and Sewerage Corporation Act 2012* have been complied with.

### 7.4 Subsidiary constitutions

Each of the provisions that are to be included in the Corporation's constitution in accordance with *Water and Sewerage Corporation Act 2012* (Tas) must also be included in the constitution of any subsidiary of the Corporation.

## 8 Shareholders' Letter of Expectations

### 8.1 Process for adopting, modifying and repealing

- (a) The members must prepare and approve by Ordinary Majority, a Shareholders' Letter of Expectations in accordance with this constitution and the *Water and Sewerage Corporation*

Act 2012 (Tas).

- (b) As soon as practicable after incorporation of the Corporation, the members must provide the Shareholders' Letter of Expectations<sub>s</sub> to the board.
- (c) The Shareholders' Letter of Expectations<sub>s</sub> must not be inconsistent with the *Water and Sewerage Corporation Act 2012* (Tas), the regulations or this constitution.
- (d) Subject to rule 8.1(f), tThe members may decide by Ordinary Majority, at any time, or on application of the board to:
  - (i) amend the Shareholders' Letter of Expectations<sub>s</sub>; or
  - (ii) revoke the Shareholders' Letter of Expectations<sub>s</sub> and substitute another Shareholders' Letter of Expectations<sub>s</sub>.

(e) Before or while preparing a Shareholders' Letter of Expectations<sub>s</sub> or an amendment to a Shareholders' Letter of Expectations<sub>s</sub>, the members of the Corporation are to consult with the board.

(f) Where any amendment or revocation and substitution of the Shareholders' Letter of Expectations involves a change to:

- (i) the process for adoption and amendment of the Corporation's corporate plan (including any mechanism for resolving any dispute regarding the adoption of amendments to the corporate plan); or
- (ii) any expectation that the Corporation will commit to a price freeze or a cap on annual price increases for regulated services for water and sewerage customers; or
- (iii) any expectation that the Corporation will, on a best endeavours basis, commit to deliver an accelerated capital investment program such that it achieves a target of \$1.8 billion in total infrastructure investment over the remainder of its current 10 year investment program (ie until 30 June 2026).

the amendment or revocation and substitution of the Shareholders' Letter of Expectations will require the support of:

- (iv) an Ordinary Majority of Owners' Representatives (excluding the Crown's Owner's Representative); and

(v) the Crown's Owner's Representative.

## **8.2 Matters to be included in Shareholders' Letter of Expectations<sub>s</sub>**

- (a) The Shareholders' Letter of Expectations<sub>s</sub> must specify, without limitation:
  - (i) the strategic priorities of the Corporation;
  - (ii) the high-level expectations of members for the performance of the business of the Corporation and any subsidiary of the Corporation;
  - (iii) the process for adoption and amendment of the Corporation's corporate plan;
  - (iv) the required content and form for, and time period to be covered by, the corporate plan; and
  - (v) that the chair of directors and ~~Chief Executive Officer~~chief executive officer must provide briefings to members as provided in the Shareholders' Letter of Expectations<sub>s</sub>.



### 8.3 Publication of Shareholders' Letter of Expectations

The Corporation must publish the Shareholders' Letter of Expectations on the Corporation's website as soon as practicable after adoption.

### 8.4 Crown's role in adopting or amending the Corporate Plan

- (a) Subject to rule 8.4(c) and rule 8.4(d), the process for adopting or amending the corporate plan is set out in part 8.4 of the Shareholder's Letter of Expectations.
- (b) Subject to rule 8.4(c), any changes relating to:
  - (i) the role of the Crown's Owner's Representative in the process to approve, or request amendments to, the corporate plan; or
  - (ii) the Crown's Owner's Representative's role in the mechanism to avoid deadlock in the event that there is any dispute over adopting any amendments to the corporate plan,together "(the Corporate Plan Rights)", or to this rule 8.4(b), requires a Government Member Resolution in accordance with Schedule 6.
- (c) If the Crown does not meet its share subscription obligations in accordance with clause 2.2 of the Share Subscription and Implementation Agreement, then, for so long as the Crown fails to meet those obligations, the Corporate Plan Rights and rule 8.4(b) shall not apply.
- (d) Where the circumstances in rule 8.4(c) apply:
  - (i) there shall be no obligation for the Crown's Owner's Representative to approve the corporate plan, and an Ordinary Majority of the Owners' Representatives may accept or request amendments to the corporate plan; and
  - (ii) there shall be no right for the Owner's Representative for the Crown to take part in the mechanism for resolving any disputes in relation to the adoption of any amendments to the corporate plan. For the avoidance of doubt, in these circumstances the chair and the Chief Owner's Representative shall determine a solution.

## 9 Owners' Representatives

### 9.1 Appointment of Owners' Representatives

- (a) Each member of the Corporation must as soon as practicable, after incorporation of the Corporation and at any time there is a vacancy in the position of Owners' Representative for a member, appoint a person as an Owners' Representative for that member for a specified term not exceeding 3 years.
- (b) A person appointed by a ~~Council member~~ as ~~its~~ Owners' Representative under rule 9.1(a), must be an elected member of Council for that member or the General Manager of Council for that ~~Council member~~.
- ~~(b)(c)~~ A person appointed by the Crown as its Owner's Representative under rule 9.1(a), must be the Secretary of Treasury of the Department of Treasury and Finance in Tasmania for the Crown or a delegate of the Secretary.
- ~~(c)(d)~~ Each member must notify the Corporation of the name of the Owner's Representative and if there is a new appointment of a person as an Owner's Representative.
- ~~(d)(e)~~ The number of times a person may be appointed to the role of Owners' Representative is not limited.

### 9.2 Chief Representatives

- (a) The Owners' Representatives may elect by Ordinary Majority one of the Owners' Representatives as the ~~Chief Owners' Representative~~~~chief of Owners' Representatives~~.
- (b) The Owners' Representatives may elect by Ordinary Majority one of the Owners' Representatives as the ~~Deputy Chief Representative~~~~deputy chief of Owners' Representatives~~.
- (c) The ~~chief~~~~Chief Owners' Representative~~ and ~~Deputy Chief~~~~deputy chief of Owners'~~ Representative are to carry out the duties prescribed in the charter of the Owners' Representatives established under this constitution.
- (d) The Owners' Representatives may remove a ~~Chief Owners' Representative~~~~chief~~ or ~~Deputy Chief~~~~deputy chief of Owners'~~ Representatives by Special Majority.
- (e) The Chief ~~Owners'~~ Representative is to be paid such fees and allowances by the Corporation, as determined from time to time by the members on the recommendation of the Selection Committee, by an Ordinary Majority.
- (f) <sup>1</sup>A person may not serve as a Chief ~~Owners'~~ Representative or Deputy Chief Representative for a period exceeding 3 years unless re-elected by an Ordinary Majority of the Owners' Representatives.
- (g) <sup>2</sup>The number of times a person may be appointed as Chief ~~Owners'~~ Representative or Deputy Chief Representative is not limited.

### **9.3 Appointment of Acting Owners' Representatives**

- (a) A member of the Corporation may appoint a person to act as the Owner's Representative for that member:
  - (i) during a vacancy in the position of Owner's Representative for that member, whether or not an appointment has previously been made to the position; or
  - (ii) during any period, or during all periods, when that member's Owner's Representative is absent from duty or is, for any reason, unable to perform all or part of the duties of the position.
- (b) An appointment of an Acting Owner's Representative under rule 9.3(a) may be limited by the member making the appointment to specified rights and obligations for which that appointment is valid.
- (c) Each member must notify the Corporation of the name of the Acting Owner's Representative and if there is a new appointment of a person as an Acting Owner's Representative.

### **9.4 Function of Owners' Representatives**

- (a) The Owners' Representatives are to:
  - (i) consult with other Owners' Representatives and undertake such other functions imposed on Owners' Representatives under this constitution;
  - (ii) agree and present to members and the board a charter of operations and procedures to govern the Owners' Representatives's objects and functions;
  - (iii) make and implement decisions on behalf of members in accordance with the *Water and*

<sup>1</sup> Clause 9.2(f) amendment adopted 28 July 2015

<sup>2</sup> Clause 9.2(g) amendment adopted 28 July 2015

*Sewerage Corporation Act 2012 (Tas)*, this constitution and the charter agreed under rule 9.4(a)(ii);

- (iv) act as the official liaison between the board and the members of the Corporation;
- (v) monitor the performance of the board against the Shareholders' Letter of Expectation<sup>s</sup> and the Corporation's most recent corporate plan;
- (vi) through the Selection Committee and where appropriate the chair of directors, monitor:
  - (A) the appointment of directors including board renewal and continuity;
  - (B) board performance; and
  - (C) board remuneration;
- (vii) approve the charter of operations and procedures developed by the Selection Committee to govern the Selection Committee's objects and functions; and
- (viii) subject to any law or lawful order to the contrary, elect by Ordinary Majority at least one of the Owners' Representatives to attend any committee of the Parliament or state government as required.

## **9.5 Proceedings of Owners' Representatives**

The Owners' Representatives may engage secretariat and executive support to assist it in performing its functions as required by this constitution.

# **10 Selection -Committee**

## **10.1 Establishment of Selection Committee**

- (a) Subject to rule 10.1(h) and 10.1(i), tThe Owners' Representatives must as soon as practicable establish a Selection Committee composed of:
  - (i) 12 persons selected by Ordinary Majority by the Owners' Representatives of the members of the North-western Region;
  - (ii) 12 persons selected by Ordinary Majority by the Owners' Representatives of the members of the Northern Region;
  - (iii) 24 persons selected by Ordinary Majority by the Owners' Representatives of the members of the Southern Region; ~~and~~
  - (iv) the chair of directors~~;-~~
  - (v) the Crown's Owner's Representative; and
  - (vi) the Chief Owners' Representative, if that person is not one of the persons referred to in rule 10.1(a)(i), rule 10.1(a)(ii) or rule 10.1(a)(iii).
- (b) Only a person who is an Owners' Representative is eligible for appointment to the Selection Committee under rule 10.1(a).
- (c) The current chair of directors must not be present at or take part in any consultations, discussion or decision by the Selection Committee in relation to the appointment of any person to the role of chair of directors, unless the chair of directors is not seeking re-appointment and the other members of the Selection Committee all agree that the chair of directors may be present and take part.

- (d) <sup>3</sup>A Selection Committee member may not appoint an acting or alternate member and may not give a proxy to another member of the Selection Committee.
- (e) <sup>4</sup>The Selection Committee members may elect by Ordinary Majority one of the Selection Committee members to act as the Chair of the Selection Committee.
- (f) <sup>5</sup>If the Chair of the Selection Committee is absent from a meeting, the Selection Committee members present may elect another Selection Committee member who is present and willing to act to chair the meeting.
- (g) Subject to rule 10.1(h), any change or amendment to rule 10.1(a)(v) or to this rule 10.1(g) requires a Government Member Resolution in accordance with Schedule 6.-
- ~~(f)~~(h) If the Crown does not meet its share subscription obligations in accordance with clause 2.2 of the Share Subscription and Implementation Agreement then, for so long as the Crown fails to meet those obligations, the Crown's Owner's Representative will cease to be a member of the Selection Committee and rule 10.1(a)(v) will cease to apply.

## 10.2 Term

- (a) Members of the Selection Committee must not be appointed for a term exceeding 3 years.
- (b) The number of times a person may be appointed to the Selection Committee is not limited.
- (c) <sup>6</sup>A person may not serve as the chair of the Selection Committee for a period exceeding 3 years unless re-elected by an Ordinary Majority of the Selection Committee members.
- (d) <sup>7</sup>The numbers of times a person can be appointed as chair of the Selection Committee is not limited.

## 10.3 Function of Selection Committee

- (a) The Selection Committee must agree and present to the Owners' Representatives a charter of operations and procedures to govern the Selection Committee's objects and functions.
- (b) If there is a vacancy or expected vacancy in the position of chair of directors or other director, the Selection Committee is to cause an appropriate recruitment process to be undertaken to fill that vacancy, including if necessary and without limitation, by the use of a professional recruitment consultant to source candidates.
- (c) Any person, including directors of the Corporation, may nominate for consideration by the Selection Committee any one or more persons as candidates for appointment as chair of directors or other director of the Corporation.
- (d) The Selection Committee, after making due enquiry, is by Ordinary Majority to appoint a person who, in the opinion of the Selection Committee, has the experience and skills necessary to assist the Corporation to achieve its principal objectives, to the vacant position of chair of directors or other director of the Corporation.
- (e) The Selection Committee must consult with the Owners' Representatives on:
  - (i) a framework for the remuneration of directors, which must be approved by the Owners' Representatives by Ordinary Majority; and

<sup>3</sup> Clause 10.1(d) amendment adopted 13 May 2014

<sup>4</sup> Clause 10.1 (e) amendment adopted 28 July 2015

<sup>5</sup> Clause 10.1(f) amendment adopted 28 July 2015

<sup>6</sup> Clause 10.2(c) amendment adopted 28 July 2015

<sup>7</sup> Clause 10.2(d) amendment adopted 28 July 2015

- (ii) apply the framework for remuneration to determine the remuneration of each director in accordance with rule 11.5.
- (f) When making appointments to the board, the Selection Committee must consider the need for both renewal and continuity of the members of the board as a whole.
- (g) The board must conduct an annual performance review of the board and provide a report to the Selection Committee.
- (h) The Selection Committee must report to the Owners' Representatives in accordance with its charter when requested with regard to board performance, board appointments and composition required to ensure an appropriate balance of board continuity and renewal.

#### **10.4 Proceedings of Selection Committee**

- (a) The Selection Committee must regulate its proceedings, including the calling of, and the conduct of business at its meetings, in accordance with its charter, this constitution and otherwise as it considers appropriate.
- (b) The Selection Committee may permit its members to participate in a particular meeting or all meetings by telephone, video conference or any other means of communication that gives members a reasonable opportunity to participate and a member who participates in a meeting as permitted under this rule is taken to be present at the meeting.
- (c) If the number of members of the Selection Committee that constitutes an Ordinary Majority signs a document containing a statement that they are in favour of a resolution or proposal set out in the document, a resolution or proposal in those terms is taken to have been passed or agreed to at a meeting of the Selection Committee on the day on which the document is signed or, if the members of the Selection Committee do not sign it on the same day, on the day on which the last of the members of the Selection Committee signs the document.
- (d) For the purposes of rule 10.4(c), 2 or more separate documents containing a statement in identical terms, each of which is signed by one or more members of the Selection Committee, is taken to constitute 1 document.

#### **10.5 Remuneration of Selection Committee**

The members of the Selection Committee (other than the chair of directors) are to be paid such fees and allowances as the Owners' Representatives collectively determine from time to time, which will be payable by the Corporation.

#### **10.6 Removal of Selection Committee member**

The Owners' Representatives for a Region may, by Special Majority, remove any person (other than the chair of directors) from their position on the Selection Committee for that Region.

## **11 Directors**

### **11.1 Board**

- (a) The business of the Corporation is to be managed by the directors, who may exercise all such powers of the Corporation as are not, by the Corporations Act, the *Water and Sewerage Corporation Act 2012* (Tas) or by this Constitution, required to be exercised by the Corporation in general meeting.
- (b) The number of directors is to be not more than 7 directors, comprising:

- (i) the chair of directors; and
  - (ii) a maximum of 6 other directors,
- appointed in accordance with the *Water and Sewerage Corporation Act 2012* (Tas), the Corporations Act and this constitution.
- (c) If at any time a vacancy occurs on the board, the Selection Committee must, as soon as practicable, do all things necessary to appoint a person to fill that vacancy in accordance with the procedures in this constitution.

## **11.2 Director Independence**

- (a) None of the following persons may be appointed a director of the Corporation or any subsidiary of the Corporation:
  - (i) any person who has served as an elected government official at any time within the 3 years preceding the intended date of appointment; or
  - (ii) any person who currently holds office as an elected government official or who is currently an employee of any Council or the Crown.

(b) Rule 11.2(a)(ii) shall not operate to exclude any person who:

- (i) holds a position as a director of a State-Owned Business or
  - (ii) is engaged as an independent contractor to provide services to a board of directors of a State-Owned Business or to a Council
- from being eligible to be appointed a director of the Corporation, or from continuing to act as a director of the Corporation.

## **11.3 Appointment, reappointment and removal of directors**

- (a) The directors of the Corporation must be appointed and removed in accordance with the applicable requirements of the *Water and Sewerage Corporation Act 2012* (Tas), if any, and this constitution.
- (b) Each term of an appointment of a director must not exceed three years.
- (c) A person's appointment to the role of director must be reviewed by the Selection Committee in accordance with rule 10.3 of this constitution prior to the expiration of the term of his or her appointment. That person may be re-appointed as a director for further terms not exceeding three years each.
- (d) A director can be appointed by consecutive terms for a maximum period of 10 continuous years from the date of first appointment. The 10 year period may only be extended by a Special Majority of the Selection Committee. This rule 11.3(d) does not prevent the appointment of a director who has previously served for a period up to 10 continuous years, if that person has not been a director for a period of at least 3 years.
- (e) The Owners' Representatives may by Special Majority remove a person from the role of chair of directors or any other director of the Corporation.

## **11.4 Vacation of office**

In addition to the circumstances in which the office of a director becomes vacant by virtue of the law, the office of a director becomes vacant:



- (a) in the circumstances prescribed by the *Water and Sewerage Corporation Act 2012* (Tas);
- (b) if the director becomes of unsound mind or a person who is, or whose estate is, liable to be dealt with in any way under the law relating to mental health; or
- (c) if the director resigns by notice in writing to the Corporation;
- (d) if the director is absent, without the consent of the other directors, from meetings of the directors held during a period of three (3) months; or
- (e) if the director is directly or indirectly interested in any contract or proposed contract with the Corporation (other than in his or her capacity as a director or employee of the Corporation) and fails to declare the nature of that interest as required by the Corporations Act.

### **11.5 Remuneration of directors**

- (a) Each director is entitled to the remuneration out of the funds of the Corporation as advised by the Selection Committee in accordance with this rule 11.5.
- (b) The Corporation must request that the Selection Committee:
  - (i) determines the amount of remuneration of each director in accordance with the framework for remuneration approved by the Owners' Representatives under this constitution, in terms of:
    - (A) a stated fee; or
    - (B) a fixed sum for attendance at each meeting of directors
 or a combination of both;
  - (ii) reviews the amount of remuneration of each director annually; and
  - (iii) gives the directors and the Owners' Representatives written notice of the amount it determines in accordance with this constitution for each director on an annual basis.
- (c) In addition to remuneration under rule 11.5(a), the directors are entitled to be paid all travelling and other expenses properly incurred by them when engaged on the business of the Corporation, including in attending and returning from:
  - (i) general meetings of the Corporation;
  - (ii) meetings of the directors; or
  - (iii) meetings of committees of the directors.
- (d) If a director renders or is called on to perform extra services or to make any special exertions in connection with the affairs of the Corporation, the Selection Committee may arrange for a special remuneration to be paid to that director, either in addition to or in substitution for that director's remuneration under rule 11.5(a).
- (e) Nothing in this rule 11.5 restricts the remuneration to which a director may be entitled as an officer of the Corporation or of a related body corporate in a capacity other than director, which may be either in addition to or in substitution for that director's remuneration under this rule 11.5.

### **11.6 Director need not be a member**

- (a) A director is not required to hold any shares in the Corporation to qualify for appointment.
- (b) A director is entitled to attend and speak at a general meeting even if he or she is not a

member of the Corporation.

### 11.7 Interested directors

- (a) A director may:
  - (i) hold any other office or place of profit, other than auditor, in the Corporation or a related body corporate in conjunction with his or her directorship; and
  - (ii) be appointed to that office or place of profit on the terms as to remuneration, tenure of office and otherwise as the directors think fit.
- (b) A director of the Corporation may be a director or other officer of:
  - (i) a related body corporate;
  - (ii) a body corporate promoted by the Corporation;
  - (iii) a body corporate in which the Corporation is interested, as shareholder or otherwise; or
  - (iv) a body corporate as required by law because of that director's position as a director of the Corporation,

or be otherwise interested in any of those bodies corporate. A director is not accountable to the Corporation for any remuneration or other benefits received by the director as a director or officer of that body corporate or from having an interest in that body corporate.
- (c) The directors may exercise the voting rights conferred by shares in any body corporate held or owned by the Corporation as the directors think fit. This includes voting in favour of any resolution appointing an officer of that body corporate (excluding a director or a chairperson), or voting for the payment of remuneration to the directors or other officers of that body corporate. A director may, if permitted by law, vote in favour of the exercise of those voting rights even if he or she is, or may be about to be appointed, a director or other officer of that other body corporate.
- (d) A director is not disqualified merely because of being a director from contracting with the Corporation in any respect including, without limitation:
  - (i) selling any property to, or purchasing any property from, the Corporation; or
  - (ii) being employed by the Corporation or acting in any professional capacity, other than auditor, on behalf of the Corporation.
- (e) No contract made by a director with the Corporation and no contract or arrangement entered into by or on behalf of the Corporation in which any director may be in any way interested is avoided or rendered voidable merely because the director holds office as a director or because of the fiduciary obligations arising out of that office.
- (f) No director contracting with the Corporation or being interested in any arrangement involving the Corporation is liable to account to the Corporation for any profit realised by or under a contract or arrangement of that kind merely because the director holds office as a director or because of the fiduciary obligations arising out of that office.
- (g) Subject to rule 11.7(h), a director who has a material personal interest in a contract or arrangement or proposed contract or arrangement, or other matter being considered at a directors meeting cannot:
  - (i) be present while the matter is being considered at the meeting; or

- (ii) vote on the matter.
- (h) Rule 11.7(g) does not apply if the director is permitted to be present or vote on a matter under the Corporations Act, in which case that director can:
  - (i) be counted in determining whether or not a quorum is present at any meeting of directors considering that contract or arrangement or proposed contract or arrangement;
  - (ii) vote in respect of the contract or arrangement or proposed contract or arrangement or any matter arising out of those things; and
  - (iii) sign or countersign any document relating to that contract or arrangement or proposed contract or arrangement.
- (i) The directors may make regulations requiring the disclosure of interests that a director, and any person deemed by the directors to be related to or associated with the director, may have in any matter concerning the Corporation or a related body corporate. Any regulations made under this rule bind all directors and apply in addition to any obligations imposed on the directors by the Corporations Act to disclose interests to the Corporation.
- (j) If the Corporation is a wholly-owned subsidiary of a body corporate, a director may act in the best interests of the holding Corporation.

#### **11.8 Powers and duties of directors**

- (a) Subject to the provisions of the *Water and Sewerage Corporation Act 2012* (Tas) and this constitution, the directors:
  - (i) are responsible for managing the business of the Corporation having regard to the Shareholders' Letter of Expectations; and
  - (ii) may exercise to the exclusion of the Corporation in general meeting all the powers of the Corporation which are not required, by the Corporations Act or this constitution, to be exercised by the Corporation in general meeting.
- (b) Subject to rule 20.4 and without limiting rule 11.8(a), the directors may exercise all the powers of the Corporation to borrow or otherwise raise money, to charge any property or business of the Corporation or all or any of its uncalled capital and to issue debentures or give any other security for a debt, liability or obligation of the Corporation or of any other person.
- (c) The directors may determine how cheques, promissory notes, banker's drafts, bills of exchange or other negotiable instruments or other documents must be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by or on behalf of the Corporation.
- (d) The directors may:
  - (i) appoint or employ any person to be an officer, agent or attorney of the Corporation for the purposes, for the period and on the conditions as they think fit;
  - (ii) resolve to delegate any of their powers to an officer, agent or attorney and the officer, agent or attorney must exercise the powers delegated in accordance with any directions of the directors;
  - (iii) authorise an officer, agent or attorney to delegate all or any of the powers, discretions and duties vested in the officer, agent or attorney; and

- (iv) subject to any contract between the Corporation and the relevant officer, agent or attorney, remove or dismiss any officer, agent or attorney of the Corporation at any time, with or without cause.
- (e) A power of attorney may contain provisions for the protection and convenience of the attorney or persons dealing with the attorney as the directors think fit.

### **11.9 Proceedings of directors**

- (a) The directors may hold meetings for the dispatch of business and adjourn and otherwise regulate their meetings as they think fit.
- (b) Subject to the Corporations Act, the contemporaneous linking together by a form of technology of a number of the directors sufficient to constitute a quorum, constitutes a meeting of the directors and all the provisions in this constitution relating to meetings of the directors apply, so far as they can and with such changes as are necessary, to meetings of the directors held using a form of technology.

### **11.10 Convening meetings of directors**

- (a) Any three directors may, whenever they think fit, request the chair of directors to convene a meeting of the directors.
- (b) A secretary must, on the requisition of any three directors, convene a meeting of the directors.
- (c) The chair of directors may, whenever he or she thinks fit, convene a meeting of the directors.

### **11.11 Notice of meetings of directors**

- (a) Subject to this constitution, reasonable notice of a meeting of directors must be given to each person who is at the time of giving the notice a director, other than a director on leave of absence approved by the directors.
- (b) A notice of a meeting of directors:
  - (i) must specify the time and place of, or form of technology for, the meeting;
  - (ii) need not state the nature of the business to be transacted at the meeting; and
  - (iii) may be given in person or by post, or, subject to the Corporations Act, by a form of technology.
- (c) A director may waive notice of a meeting of directors by notifying the Corporation to that effect in person or by post, or by a form of technology.
- (d) The non-receipt of notice of a meeting of directors by, or a failure to give notice of a meeting of directors to, a director does not invalidate any act, matter or thing done or resolution passed at the meeting if:
  - (i) the non-receipt or failure occurred by accident or error;
  - (ii) before or after the meeting, the director:
    - (A) waives notice of that meeting under rule 11.11(c); or
    - (B) notifies the Corporation of his or her agreement to that act, matter, thing or resolution personally or by post, or by a form of technology; or
  - (iii) the director attended the meeting.

- (e) Attendance by a person at a meeting of directors waives any objection that person may have to a failure to give notice of the meeting.

#### **11.12 Quorum at meetings of directors**

- (a) No business may be transacted at a meeting of directors unless there is a quorum of directors at the time the business is dealt with.
- (b) A quorum consists of 4 directors, one of whom must be the chair of directors or if the chair of directors is unavailable the deputy chair.

#### **11.13 Chair of directors**

- (a) The chair of directors is appointed for a term not exceeding 3 years.
- (b) The chair of directors may be reappointed in accordance with this constitution on expiry of his or her term of office.
- (c) The chair of directors may only be removed in accordance with the Corporations Act and this constitution.
- (d) The directors may appoint one of the directors as a deputy chair of directors.
- (e) The office of chair of directors will not be treated as an extra service or special exertion performed by the director holding that office.
- (f) The chair of directors must preside as chair at each meeting of directors, if present at the time appointed for the holding of the meeting.
- (g) The directors present at a meeting of directors may elect a person present to chair the meeting if:
  - (i) there is a vacancy in the role of chair of directors; or
  - (ii) the chair of directors is not present within 30 minutes of the time appointed for the meeting.

#### **11.14 Decisions of directors**

- (a) A meeting of directors at which a quorum is present is competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the directors under this constitution and in accordance with the *Water and Sewerage Corporation Act 2012 (Tas)*.
- (b) Questions arising at a meeting of directors are to be decided by a majority of votes cast by the directors present and a decision of that kind is for all purposes a determination of the directors.
- (c) In the case of an equality of votes on a proposed resolution:
  - (i) the chair of the meeting does not have a second or casting vote; and
  - (ii) the proposed resolution is to be taken as having been lost.

#### **11.15 Resolutions without meetings**

- (a) The directors may pass a resolution without a directors' meeting being held if all the directors, other than a director on a leave of absence approved by the other directors, entitled to vote on the resolution assent to a document containing a statement that they are in favour of the resolution set out in the document.
- (b) Separate copies of a document may be used if the wording of the resolution and statement is

identical in each copy.

- (c) The resolution is passed when the last director assents.
- (d) A director may signify assent to a document by signing the document or by notifying the Corporation of the director's assent in person or by post, fax, electronic, telephone or other method of written, audio or audio visual communication.
- (e) Where a director signifies assent to a document otherwise than by signing the document, the director must by way of confirmation sign the document at the next meeting of the directors attended by that director, but failure to do so does not invalidate the act, matter, thing or resolution to which the document relates.
- (f) Where a document is assented to in accordance with this rule 11.15, the document is to be taken as a minute of the passing of the resolution.

#### **11.16 Committees of directors**

- (a) The directors may resolve to delegate any of their powers to a committee or committees consisting of such number of directors as they think fit.
- (b) A committee to which any powers have been so delegated must exercise the powers delegated in accordance with any directions of the directors.
- (c) The provisions of this constitution applying to meetings and resolutions of directors apply, so far as they can and with the changes as are necessary, to meetings and resolutions of a committee of directors.

#### **11.17 Delegation to individual directors**

- (a) The directors may resolve to delegate any of their powers to one director.
- (b) A director to whom any powers have been so delegated must exercise the powers delegated in accordance with any directions of the directors.

#### **11.18 Validity of acts**

An act done by a person acting as a director or by a meeting of directors or a committee of directors attended by a person acting as a director is not invalidated by reason only of:

- (a) a defect in the appointment of the person as a director;
- (b) the person being disqualified to be a director or having vacated office; or
- (c) the person not being entitled to vote,

if that circumstance was not known by the person or the directors or committee, as the case may be, when the act was done.

#### **11.19 Limitation on sale or disposal of main undertaking**

- (a) The directors must ensure that the Corporation does not dispose of the main undertakings of the Corporation, or permit the disposal of the main undertakings of any of the Corporation's subsidiaries.
- (b) The main undertakings of the Corporation are as specified in the most recent corporate plan of the Corporation.

## **12 Board Reporting and Communication**



## 12.1 Annual report

- (a) The directors must in each calendar year and no later than 3 months after the end of the financial year to which the annual report relates, provide the members:
  - (i) with an annual report for the Corporation and each of its subsidiaries; and
  - (ii) any other information requested in writing by the members.
- (b) Subject to the *Water and Sewerage Corporation Act 2012* (Tas), on the written request of a member, the Corporation must include in the financial statements any financial information that the members consider appropriate, unless that information is not accurate, or commercial in confidence.
- (c) The Corporation must publish the annual report on the Corporation's website no later than ~~4~~ 5 months after the end of the financial year to which the annual report relates, or as soon as possible after the Annual General Meeting at which the report is adopted, whichever occurs first.

## 12.2 Other information

- (a) Subject to the *Water and Sewerage Corporation Act 2012* (Tas), on the written request of a member, the Corporation must provide to the members:
  - (i) the business and strategic plans of the Corporation and any subsidiary, as specified in the request;
  - (ii) the financial information specified in the request;
  - (iii) a report on the matters specified in the request; and
  - (iv) any other information relevant to any such plan, financial information or report;unless the information is commercial in confidence.
- (b) If the directors form the opinion that a matter has arisen that may:
  - (i) prevent, or significantly affect, achievement of the objectives of the Corporation or any of its subsidiaries; or
  - (ii) significantly affect the strategies and policies that the Corporation or its subsidiaries are following to achieve those objectives; or
  - (iii) prevent, or significantly affect, achievement of a financial target,the directors will promptly notify the members of their opinion and the reasons for the opinion.

## 12.3 Commercial in confidence dispute resolution

- (a) If the directors determine certain information requested by a member to be commercial in confidence in accordance with rule 12.1(b) or rule 12.2(a), the Corporation must give the member that made the request notice of that determination.
- (b) Within 7 days of the giving of notice under rule 12.3(a), the member may notify the Corporation that it disputes the determination and provide details specifying the nature of the dispute.
- (c) Within 14 days of the delivery of a dispute notice under rule 12.3(b), the Corporation and the member must meet and use their best endeavours to resolve the dispute to the mutual

satisfaction of both parties as soon as possible.

- (d) If the Corporation and the member are not able to reach a resolution of the dispute within a reasonable period of time (in any event being no more than 14 days after the date of receipt of the notice of the dispute under rule 12.3(b)), then the dispute must be submitted for arbitration to an independent arbiter appointed by the President of the Law Society of Tasmania.
- (e) This rule 12.3 does not apply, or ceases to apply, if compliance with it would be likely to cause the Corporation to breach a law or any other requirement with respect to the Corporation's financial statements or any other information subject to the dispute.

## 13 Executive –officers

### ~~13.1 Chief Executive Officer~~Chief executive officer

- (a) The ~~Chief Executive Officer~~chief executive officer of the Corporation is to be appointed by the directors and may be removed by the directors.
- (b) Subject to rule 13.1(d) and 13.1(e), in exercising their functions under rule 13.1(a), the directors shall consult with the Chief Owners' Representative and the Crown's Owner's Representative.
- ~~(a)(c)~~ Subject to rule 13.1(d), any change or amendment to this rule 13.1(b) or this rule 13.1(c) requires a Government Member Resolution in accordance with Schedule 6.
- (d) If the Crown does not meet its share subscription obligations in accordance with clause 2.2 of the Share Subscription and Implementation Agreement then, for so long as the Crown fails to meet those obligations, the rights contained in rule 13.1(b) and rule 13.1(c) shall not apply.
- (e) Where the rights set out in rule 13.1(b) and 13.1(c) do not apply, the directors shall consult with the with the Chief Owner's Representative only in exercising their functions under rule 13.1(a).

### 13.2 Secretaries

- (a) The directors may appoint a secretary or more than one secretary.
- (b) The directors may appoint one or more assistant secretaries.
- (c) Any director may also be the secretary or a secretary of the Corporation.

### 13.3 Provisions applicable to all executive officers

- (a) A reference in this rule 13.3 to an executive officer is a reference to a Chief Executive Officer~~chief executive officer~~, secretary or assistant secretary appointed under this rule 13.
- (b) The appointment of an executive officer may be for the period, at the remuneration and on the conditions the directors think fit.
- (c) Subject to any contract between the Corporation and the relevant executive officer, an executive officer of the Corporation may be removed or dismissed by the directors at any time, with or without cause. Such removal or dismissal does not remove that person from office as a director.
- (d) The directors may:
  - (i) confer on an executive officer the powers, discretions and duties as they think fit, and may resolve to delegate any powers, discretions and duties vested in or exercisable by

- the directors;
- (ii) withdraw, suspend or vary any of the powers, discretions and duties conferred on an executive officer; and
- (iii) authorise the executive officer to delegate all or any of the powers, discretions and duties conferred on the executive officer.
- (e) An executive officer is not required to hold any shares to qualify for appointment.
- (f) An act done by a person acting as an executive officer is not invalidated by reason only of:
  - (i) a defect in the person's appointment as an executive officer; or
  - (ii) the person being disqualified to be an executive officer,if that circumstance was not known by the person when the act was done.

## 14 Seals

### 14.1 Adoption of common seal

- (a) The directors may determine that the Corporation has a common seal or that the Corporation no longer has a common seal, and may revoke a determination made under this rule 14.1(a).
- (b) Rules 14.2, 14.3, 14.4, 14.5 and 14.6 only apply if the Corporation has a common seal.

### 14.2 Safe custody of Seal

The directors must provide for the safe custody of the Seal.

### 14.3 Use of Seal

- (a) The Seal must be used only by the authority of the directors or a committee of the directors authorised by the directors to authorise the use of the Seal.
- (b) The authority to use the Seal may be given before or after the Seal is used.
- (c) Subject to rule 14.6, until the directors otherwise determine, the fixing of the Seal to a document must be witnessed by a director and by another director, a secretary or another person appointed by the directors to witness that document or a class of documents in which that document is included.

### 14.4 Duplicate seal

- (a) The Corporation may have for use in place of its common seal outside the state or territory where its common seal is kept one or more duplicate seals, each of which must be a facsimile of the common seal of the Corporation with the addition on its face of the words "duplicate seal" and the name of the place where it is to be used.
- (b) A document sealed with a duplicate seal is to be taken as having been sealed with the common seal of the Corporation.

### 14.5 Share seal or certificate seal

- (a) The Corporation may have for use on certificates for securities of the Corporation in place of its common seal one or more duplicate seals, each of which must be a facsimile of the common seal of the Corporation with the addition on its face of the words "share seal" or "certificate seal".

- (b) A certificate for securities of the Corporation sealed with a share seal or certificate seal is to be taken as having been sealed with the common seal of the Corporation.

#### 14.6 Sealing and signing of certificates

The directors may determine either generally or in a particular case that the seal and the signature of any director, secretary or other person is to be printed on or fixed to any certificates for securities in the Corporation by some mechanical or other means.

## 15 Distribution of profits

### 15.1 Dividends

- (a) The directors must determine a ~~distribution dividend~~ policy in conjunction with the Owners' Representatives and in accordance with the *Water and Sewerage Corporation Act 2012* (Tas). ~~The distribution policy must incorporate a dividend policy.~~
- (b) The ~~distribution dividend~~ policy ~~(which incorporates the dividend policy)~~ must, subject to complying with that Act and the law generally, allow for payment of quarterly interim dividends during the financial year in which the profits are made.
- (c) The directors may, from time to time and in a manner consistent with the ~~distribution dividend~~ policy, determine the aggregate amount of dividends to be distributed to members in accordance with the equity proportions for each member set out in Schedule 3 of this constitution, ~~except if rule 15.4 applies, then the aggregate amount of dividends is to be distributed to members in accordance with rule 15.4 (Distribution Prior to 13 November 2013).~~
- (d) Interest is not payable by the Corporation in respect of any dividend.
- (e) A dividend in respect of a share must be paid to the person who is registered as the holder of the share:
  - (i) where the directors have fixed a record date in respect of the dividend, on that date; or
  - (ii) where the directors have not fixed a record date in respect of that dividend, on the date the dividend is paid.
- (f) The directors may deduct from any dividend payable to a member all sums of money presently payable by the member to the Corporation and apply the amount deducted in or towards satisfaction of the money owing.
- (g) Where a person is entitled to a share as a result of a Transmission Event, the directors may, but are not obliged to, retain any dividends payable on that share until that person becomes registered as the holder of the share or transfers it.
- (h) Any dividend, interest or other money payable in cash in respect of shares may be paid by cheque and sent by post:
  - (i) to the address of the holder as shown in the register of members; or
  - (ii) to such other address as the holder in writing directs.

This rule 15.1(h) does not limit the method of payment the directors may adopt.

- (i) A cheque sent under rule 15.1(h) may be made payable to bearer or to the order of the member to whom it is sent or any other person the member directs and is sent at the member's risk.

## **~~15.2 Guarantee fees~~**

- ~~(a) The Corporation must pay guarantee fees in accordance with the *Water and Sewerage Corporation Act 2012* and this constitution.~~
- ~~(b) The aggregate guarantee fee is to be paid to members in amounts calculated in accordance with the equity proportions for each member for distribution entitlements set out in Schedule 3 of this constitution, except if rule 15.4 applies, then the aggregate amount of guarantee fee is to be distributed to members in accordance with rule 15.4 (Distribution Prior to 13 November 2013).~~
- ~~(c) Any guarantee fee may be paid by cheque and sent by post:
  - ~~(i) to the address of the member as shown in the register of members; or~~
  - ~~(ii) to such other address as the member in writing directs.~~This rule 15.2(c) does not adversely affect any other method of payment the directors may adopt.~~
- ~~(d) A cheque sent under rule 15.2(c) may be made payable to bearer or to the order of the member to whom it is sent or any other person the member directs and is sent at the member's risk.~~

## **~~15.3 Tax equivalents~~**

- ~~(a) The Corporation must pay an income tax equivalent in respect of each financial year in accordance with the *Water and Sewerage Corporation Act 2012* and this constitution.~~
- ~~(b) The aggregate income tax equivalent is to be paid to members in amounts calculated in accordance with the equity proportions for each member for distribution entitlements set out in Schedule 3 of this constitution, except if rule 15.4 applies, then the aggregate amount of~~
- ~~(c) income tax equivalent is to be distributed to members in accordance with rule 15.4 (Distribution Prior to 13 November 2013).~~
- ~~(d) Any tax equivalent may be paid by cheque and sent by post:
  - ~~(i) to the address of the member as shown in the register of members; or~~
  - ~~(ii) to such other address as the member in writing directs.~~This rule 15.3(c) does not adversely affect any other method of payment the directors may adopt.~~
- ~~(e) A cheque sent under rule 15.3(c) may be made payable to bearer or to the order of the member to whom it is sent or any other person the member directs and is sent at the member's risk.~~

## **~~15.4 Distribution Prior to 13 November 2013~~**

~~For distributions made prior to 13 November 2013, the allocation of aggregate distributions made under rule ~~165.1~~ (Dividends), rule ~~165.2~~ (Guarantee Fees) and rule ~~165.3~~ (Tax Equivalents), without limiting those rules, must be in accordance with this rule ~~165.4~~:~~

- ~~(a) priority distributions are to be made to members:
  - ~~(i) when the total of the Current Distribution and Past Distributions payable to all members in the year is less than the sum of all members' Pro-Rata Maximum Priority Distribution, in the amount of that member's Relative Priority Share of the Current Distribution; or~~~~

- ~~(ii) — when the total of the Current Distribution and Past Distributions payable to all members in the year is greater than or equal to the sum of all members' Pro-Rata Maximum Priority Distribution, in the amount of that member's total Pro-Rata Maximum Priority Distribution less the sum of all Past Priority Distributions received by that member in the relevant year;~~
- ~~(b) — any residual distributions to be made after priority distributions in rule 165.4(a), are to be made to members based on the equity proportions per member for distribution entitlements set out in Schedule 3.~~

## **~~15.5 Interpretation~~**

- ~~(a) — In rule 615.4 (Distribution Prior to 13 November 2013):~~
  - ~~(i) — Current Distribution means the total of any distributions currently payable to the members of the Corporation;~~
  - ~~(ii) — Past Distributions means the total of all distributions previously paid to members in the year;~~
  - ~~(iii) — Past Priority Distributions means the total of all distributions previously paid to members in the year under rule 165.4(a);~~
  - ~~(iv) — Pro-Rata Maximum Priority Distribution means the values set out in column 3 of the table at Schedule 4; and~~
  - ~~(v) — Relative Priority Share means the shares set out in column 4 of the table at Schedule 4.~~

## **~~15.6~~15.2 Capitalisation of profits**

- (a) Subject to any rights or restrictions attached to any shares or class of shares, the directors may capitalise and distribute among such of the members as would be entitled to receive dividends and in the same proportions, as each member would be entitled to receive a dividend, any amount:
  - (i) forming part of the undivided profits of the Corporation;
  - (ii) representing profits arising from an ascertained accretion to capital or from a revaluation of the assets of the Corporation;
  - (iii) arising from the realisation of any assets of the Corporation; or
  - (iv) otherwise available for distribution as a dividend (having provided for expected future capital requirements and operational expenditure).
- (b) The directors may resolve that all or any part of the capitalised amount is to be applied:
  - (i) in paying up in full any unissued shares in the Corporation;
  - (ii) in paying up any amounts unpaid on shares held by the members;
  - (iii) partly as specified in rule 15.62(b)(i) and partly as specified in rule 15.62(b)(ii); or
  - (iv) in any other way permitted by the Corporations Act,

and that application must be accepted by the members entitled to share in the distribution in full satisfaction of their interests in the capitalised amount.
- (c) Rules 15.1(e) and 15.1(g) apply, so far as they can and with any necessary changes, to a capitalisation of an amount under rule 15.26 as if references in those rules to a dividend and to the date a dividend is paid were references to a capitalisation of an amount and to the



date the directors resolve to capitalise the amount under this rule 15.26 respectively.

### **~~15.7~~15.3 Ancillary powers**

- (a) Subject to any applicable requirements of the *Water and Sewerage Corporation Act 2012* (Tas), the directors may do any of the following things to give effect to a resolution for the satisfaction of a dividend in the manner set out in rule 15.1 or by the capitalisation of an amount under rule 15.2:
- (i) settle as they think expedient any difficulty that may arise in making the distribution or capitalisation and, in particular, where shares in the Corporation are or would otherwise be issuable in fractions:
    - (A) determine that fractions are to be disregarded or are to be rounded down to the nearest whole number; or
    - (B) determine that fractions are to be rounded up to the nearest whole number;
  - (ii) fix the value for distribution of any specific assets;
  - (iii) pay cash to any member or issue shares to any member in order to adjust the rights of all parties;
  - (iv) vest any specific assets, cash or shares in a trustee on such trusts for the persons entitled to the dividend or capitalised amount as may seem expedient to the directors; and
  - (v) authorise any person to make, on behalf of all the members entitled to any further shares as a result of the distribution or capitalisation, an agreement with the Corporation or another body corporate providing, as appropriate:
    - (A) for the issue to them of further shares as fully paid; or
    - (B) for the payment by the Corporation on their behalf of the amounts or any part of the amounts remaining unpaid on their existing shares by the application of their respective proportions of the sum resolved to be capitalised,and any agreement made under an authority referred to in this rule (v) is effective and binding on all members concerned.
- (b) If the Corporation distributes to a member shares in the Corporation or another body corporate or a trust, the member appoints the Corporation as his or her agent to do anything needed to give effect to that distribution, including agreeing to become a member of that other body corporate.

### **~~15.8~~15.4 Reserves**

- (a) Subject to this constitution, the directors may set aside out of the profits of the Corporation reserves or provisions for any purpose as they think fit, including for future capital requirements or operational expenditure of the Corporation.
- (b) The directors may appropriate to the profits of the Corporation an amount previously set aside as a reserve or provision.
- (c) The setting aside of an amount as a reserve or provision does not require the directors to keep the amount separate from other assets of the Corporation or prevent the amount being used in the business of the Corporation or being invested as the directors think fit.

## **15.915.5 Carry forward of profits**

Subject to this constitution, the directors may carry forward as much of the profits remaining as they consider ought not to be distributed as dividends or capitalised without transferring those profits to a reserve or provision.

## **16 Winding -up**

### **16.1 Distribution of surplus**

Subject to this constitution and to the rights or restrictions attached to any shares or class of shares:

- (a) if the Corporation is wound up and the property of the Corporation is more than sufficient:
  - (i) to pay all of the debts and liabilities of the Corporation; and
  - (ii) the costs, charges and expenses of the winding up,the excess must be divided among the members in accordance with the equity proportions of shares held by each member at the relevant time set out in Schedule 2 of this constitution, irrespective of the amounts paid or credited as paid on the shares; and
- (b) for the purpose of calculating the excess referred to in rule 16.1(a), any amount unpaid on a share is to be treated as property of the Corporation.

### **16.2 Division of property**

- (a) If the Corporation is wound up, the liquidator may divide among the members the whole or any part of the property of the Corporation in accordance with the equity proportions of shares held by each member at the relevant time set out in Schedule 2 of this constitution. Nothing in this rule 16.2 adversely affects any right to exercise any statutory or other power which would have existed if this rule were omitted.
- (b) Rule ~~15.7~~ 15.3 applies, so far as it can and with necessary changes, to a division by a liquidator under rule 16.2(a) as if references in rule ~~15.7~~ 15.3 to the directors and to a distribution or capitalisation were references to the liquidator and to the division under rule 16.2(a) respectively.

## **17 Minutes and records**

### **17.1 Minutes**

The directors must cause minutes of:

- (a) all proceedings and resolutions of general meetings;
- (b) proceedings and resolutions of meetings of the directors and of committees of the directors;
- (c) resolutions passed by members without a meeting;
- (d) resolutions passed by a director or directors without a meeting; and
- (e) declarations made by a director of a single director Corporation,

to be recorded and entered in books kept for that purpose, within one month after the meeting is held, the resolution is passed or the declaration is made.

### **17.2 Signing of minutes**

- (a) Minutes of a meeting must be signed by the chair of the meeting or the chair of the next

meeting within a reasonable time after the meeting.

- (b) Minutes of the passing of a resolution without a meeting or the making of a declaration must be signed by a director within a reasonable time after the resolution is passed.

### **17.3 Minutes as evidence**

A minute that is recorded and signed in accordance with rules 17.1 and 17.2 is evidence of the proceeding or resolution to which it relates, unless the contrary is proved.

### **17.4 Inspection of records**

- (a) Subject to the Corporations Act, the directors may determine whether and to what extent, and at what time and places and under what conditions, the minute books, accounting records and other documents of the Corporation or any of them will be open to the inspection of members other than directors.
- (b) A member other than a director does not have the right to inspect any books, records or documents of the Corporation except as provided by law or authorised by the directors.

## **18 Indemnity and insurance**

### **18.1 Persons to whom rules 18.2 and 18.4 apply**

Rules 18.2 and 18.4 apply:

- (a) to each person who is or has been a director or executive officer (within the meaning of rule 13.3(a)) of the Corporation;
- (b) to such other officers or former officers of the Corporation or of its related bodies corporate as the directors in each case determine; and
- (c) if the directors so determine, to any auditor or former auditor of the Corporation or of its related bodies corporate.

### **18.2 Indemnity**

The Corporation must indemnify to the extent permitted by law, each person to whom this rule 18.2 applies for all losses or liabilities incurred by the person as an officer or, if the directors so determine, an auditor of the Corporation or of a related body corporate including, but not limited to, a liability for negligence or for legal costs on a full indemnity basis.

### **18.3 Extent of Indemnity**

The indemnity in rule 18.2:

- (a) is a continuing obligation and is enforceable by a person to whom rule 18.2 applies even though that person may have ceased to be an officer or auditor of the Corporation or of a related body corporate;
- (b) applies to losses and liabilities incurred both before and after the date of adoption of that rule; and
- (c) operates only to the extent that the loss or liability is not covered by insurance.

### **18.4 Insurance**

The Corporation may, to the extent permitted by law:

- (a) purchase and maintain insurance; or

- (b) pay or agree to pay a premium for insurance,

for any person to whom this rule 18.4 applies against any liability incurred by the person as an officer or auditor of the Corporation or of a related body corporate including, but not limited to, a liability for negligence or for legal costs.

### **18.5 Agreement and Access to Corporation Books**

The Corporation may enter into an agreement with a person referred to in rule 18.1 (Persons to whom rules 18.2 and 18.4 apply) with respect to the matters covered by this rule 18. An agreement entered into pursuant to this rule may include provisions relating to rights of access to books of the Corporation conferred by the Corporations Act or otherwise by law.

### **18.6 Savings**

Nothing in rule 18.2 or 18.4:

- (a) affects any other right or remedy that a person to whom those rules apply may have in respect of any loss or liability referred to in those rules; or
- (b) limits the capacity of the Corporation to indemnify or provide insurance for any person to whom those rules do not apply.

## **19 Notices**

### **19.1 Notices by the Corporation to members**

- (a) A notice may be given by the Corporation to a member:
  - (i) by serving it personally at, or by sending it by post in a prepaid envelope to, the member's address as shown in the register of members or such other address, or by fax or electronic mail to such fax number or electronic address, as the member has supplied to the Corporation for the giving of notices; or
  - (ii) if the member does not have a registered address and has not supplied another address to the Corporation for the giving of notices, by exhibiting it at the registered office of the Corporation.
- (b) A notice may be given by the Corporation to a person entitled to a share as a result of a Transmission Event by serving it or sending it in the manner authorised by rule 19.1(a)(i) addressed to the name or title of the person, at or to the address, fax number or electronic address supplied to the Corporation for the giving of notices to that person, or if no address, fax number or electronic address has been supplied, at or to the address, fax number or electronic address to which the notice might have been sent if the relevant Transmission Event had not occurred.
- (c) The fact that a person has supplied a fax number or electronic address for the giving of notices does not require the Corporation to give any notice to that person by fax or electronic mail.
- (d) A notice given to a member in accordance with rules 19.1(a) or (b) is, despite the occurrence of a Transmission Event and whether or not the Corporation has notice of that occurrence:
  - (i) duly given in respect of any shares registered in that person's name; and
  - (ii) sufficient service on any person entitled to the shares as a result of the Transmission Event.
- (e) A notice given to a person who is entitled to a share as a result of a Transmission Event is

sufficient service on the member in whose name the share is registered.

- (f) Any person who, because of a transfer of shares, becomes entitled to shares registered in the name of a member is bound by every notice which, before that person's name and address is entered in the register of members in respect of those shares, is given to the member in accordance with this rule 19.1.
- (g) A signature to any notice given by the Corporation to a member under this rule 19.1 may be in writing or a facsimile printed or fixed by some mechanical or other means.
- (h) A certificate signed by a director or secretary of the Corporation to the effect that a notice has been given in accordance with this constitution is conclusive evidence of that fact.

## **19.2 Notices by the Corporation to directors**

Subject to this constitution, a notice may be given by the Corporation to any director either by serving it personally at, or by sending it by post in a prepaid envelope to, the director's usual residential or business address, or such other address, or by fax or electronic mail to such fax number or electronic address, as the director has supplied to the Corporation for the giving of notices.

## **19.3 Notices by members or directors to the Corporation**

Subject to this constitution, a notice may be given by a member or director to the Corporation by serving it on the Corporation at, or by sending it by post in a prepaid envelope to, the registered office of the Corporation or by fax or electronic mail to the principal fax number or electronic address at the registered office of the Corporation.

## **19.4 Notices to members outside Australia**

A notice to be sent to a member outside Australia and its external territories must be sent by airmail or by fax or by electronic mail, or in another way that ensures it will be received quickly.

## **19.5 Time of service**

- (a) Where a notice is sent by post, service of the notice is to be taken to be effected if a prepaid envelope containing the notice is properly addressed and placed in the post and to have been effected:
  - (i) in the case of a notice of a general meeting, on the day after the date of its posting; or
  - (ii) in any other case, at the time at which the letter would be delivered in the ordinary course of post.
- (b) Where a notice is sent by fax, the notice is to be taken to be given on the business day after it is sent.
- (c) Where a notice is sent by electronic mail, service of the notice is taken to be effected if the sender receives a confirmation of delivery and is taken to have been effected on the business day after it is sent.
- (d) Where the Corporation gives a notice under rule 19.1(a)(ii) by exhibiting it at the registered office of the Corporation, service of the notice is to be taken to be effected when the notice was first so exhibited.

## **19.6 Other communications and documents**

Rules 19.1 to 19.5 (inclusive) apply, as far as they can and with necessary changes, to the service of any communication or document.

### **19.7 Notices in writing**

A reference in this constitution to a notice in writing includes a notice given by fax, electronic mail or another form of written communication.

## **20 General**

### **20.1 Currency**

An amount payable to the holder of a share, whether by way of or on account of dividend, return of capital, participation in the property of the Corporation on a winding up or otherwise, may be paid, with the agreement of the holder or pursuant to the terms of issue of the share, in the currency of a country other than Australia and the directors may fix a date up to 30 days before the payment date as the date on which any applicable exchange rate will be determined for that purpose.

### **20.2 Submission to jurisdiction**

Each member submits to the non-exclusive jurisdiction of the Supreme Court of Tasmania, the Federal Court of Australia and the Courts which may hear appeals from those Courts.

### **20.3 Subsidiaries**

- (a) The Corporation may not:
  - (i) form, or participate in the formation of, any company, trust, managed investment scheme, other body corporate, partnership or joint venture; or
  - (ii) acquire any:
    - (A) any shares or other securities in a company;
    - (B) any interest, including any units, in any trust;
    - (C) any interest in any managed investment scheme;
    - (D) any interest in any other body corporate; or
    - (E) any interest in any partnership or joint venture,without the prior approval of the members of the Corporation.
- (a) The Corporation is, to the maximum extent practicable, to ensure that every subsidiary complies with the subsidiary's constitution (if any) and with the requirements of the *Water and Sewerage Corporation Act 2012* (Tas).
- (b) The constitution of a subsidiary is to be substantially consistent with this constitution except to the extent that changes are required to permit a subsidiary to:
  - (i) be a single member company;
  - (ii) have a single director; or
  - (iii) as otherwise necessary for the efficient operation of the subsidiary.

### **20.4 Limit on borrowings**

- (a) In respect of a financial year, the members by special resolution may determine the maximum total amount that may be borrowed by the Corporation and all its subsidiaries during that financial year.



- (b) The secretary of the Corporation must notify all the subsidiaries of the Corporation, in writing, of a maximum total amount determined under rule 20.4(a) if it has been so determined.
- (c) The Corporation must ensure that the total of all amounts borrowed by the Corporation and all its subsidiaries during a financial year does not exceed the maximum total amount determined under rule 20.4(a) in respect of that financial year.
- (d) Except where approved by a special resolution of members and by the Minister in accordance with the *Water and Sewerage Corporation Act 2012* (Tas), the Corporation must not borrow from any person other than the Tasmanian Public Finance Corporation.
- (e) The terms and conditions of any borrowing is to be in accordance with any guidelines issued by the Treasurer.
- (f) For the purpose of rule 20.4(e), borrowing means any borrowing, loan, temporary accommodation, advance or other form of raising funds in relation to which the principle is repayable.

## **20.5 Prohibition and enforceability**

- (a) Any provision of, or the application of any provision of, this constitution which is prohibited in any place is, in that place, ineffective only to the extent of that prohibition.
- (b) Any provision of, or the application of any provision of, this constitution which is void, illegal or unenforceable in any place does not affect the validity, legality or enforceability of that provision in any other place or of the remaining provisions in that or any other place.

## SCHEDULE 1 - DICTIONARY

### 1 Dictionary

In this constitution:

**Business Day** means a day on which banks are open for business in Hobart excluding Saturdays, Sundays and public holidays in Hobart.

**Chief Owners' Representative** means the chief of Owners' Representatives appointed under Rule 9.2(a).

**Corporation** means Tasmanian Water and Sewerage Corporation Pty Ltd (ACN 162 220 653).

**Corporations Act** means the *Corporations Act 2001* (Cth).

**Council** means a council within the meaning of the *Local Government Act 1993* (Tas).

**Crown means the Crown in Right of Tasmania.**

**Deputy Chief Representative** means the deputy chief of Owners' Representatives appointed under Rule 9.2(b).

**General Manager** means a person appointed as, and currently holding the position of, general manager under section 61 of the *Local Government Act 1993*.

**Government Member Resolution means a resolution in relation to which only the Crown's Owner's Representative is entitled to vote, and which the Crown's Owner's Representative votes in favour of.**

**Guarantee** means a guarantee, indemnity, letter of credit, letter of comfort or other assurance or assumption of responsibility given at any time for a debt or liability of another person or the solvency or financial condition of that person.

**Member means the member Councils and the Crown.**

~~**Owners' Representatives means the Owners' Representatives appointed under rule 9.**~~

**Northern Region** has the same meaning as set out in the *Acts Interpretation Act 1931* (Tas).

**North-western Region** has the same meaning as set out in the *Acts Interpretation Act 1931* (Tas).

**Ordinary Majority** means a majority representing more than 50% of:

- (a) in relation to the members of the Corporation, all of the members;
- (b) in relation to the Owners' Representatives representing members of the Corporation from a particular Region, all the Owners' Representatives representing members of the Corporation from that Region;
- (c) in relation to the Owners' Representatives of the Corporation, all the Owners' Representatives of the Corporation; and
- (d) in relation to the Selection Committee, all the Selection Committee.

**Owners' Representatives means the Owners' Representatives appointed under rule 9.**

**Region** means the Northern Region, North-western Region or Southern Region.

**Representative**, in relation to a body corporate, means a representative of the body corporate appointed

under section 250D of the Corporations Act or a corresponding previous law.

**Seal** means any common seal, duplicate seal, share seal or certificate seal of the Corporation.

**Selection Committee** means the selection committee established under rule ~~10~~11.

**Share Subscription and Implementation Agreement** means the Share Subscription and Implementation Agreement between the Corporation and the Crown.

**Southern Region** has the same meaning as set out in the *Acts Interpretation Act 1931* (Tas).

**Special Majority Members Resolution** means a resolution of the members passed by at least 75% of the votes cast by members entitled to vote on the resolution.

**Special Majority** means a majority representing at least 75% of:

- (a) in relation to the Owners' Representatives representing members of the Corporation from a particular Region, all the Owners' Representatives representing members of the Corporation from that Region;
- (b) in relation to the Owners' Representatives of the Corporation, all the Owners' Representatives of the Corporation.

**State Owned Business** means any body or authority, whether incorporated or not, which is established or constituted by or under the Government Business Enterprises Act 1995 (Tas) or other Tasmanian statute, being a body or authority which, or of which the governing authority, wholly or partly comprises a person or persons appointed by the Governor of Tasmania, a minister of the Crown or another government authority, but does not include a government department.

**Transmission Event** means in respect of a member of the Corporation which is a body corporate (including a Council or the Crown), the winding up or dissolution of the member or the succession by another body corporate to the assets and liabilities of the member.

**Treasurer's Instruction** means ~~a Treasurer's instruction issued under the Government Business Enterprises Act 1995 (Tas)~~.

## 2 Interpretation

### 2.1 General

- (a) A member is to be taken to be present at a general meeting if the member is present in person or by proxy, attorney or Representative or by alternative means of simultaneous communication.
- (b) A director is to be taken to be present at a meeting of directors if the director is present in person or by alternative means of simultaneous communication.
- (c) Where a provision of this constitution establishes an office of chair, the chair may be referred to as a chairman or chairwoman, as the case requires.
- (d) A reference in a rule in general terms to a person holding or occupying a particular office or position includes a reference to any person who occupies or performs the duties of that office or position for the time being.
- (e) In this constitution, headings and underlining are for convenience only and do not affect the interpretation of this constitution and, unless the contrary intention appears:
  - (i) words importing the singular include the plural and vice versa;
  - (ii) words importing a gender include every other gender;

- (iii) words used to denote persons generally or importing a natural person include any company, corporation, body corporate, body politic, partnership, joint venture, association, board, group or other body (whether or not the body is incorporated);
- (iv) a reference to a person includes that person's successors and legal personal representatives;
- (v) a reference to any statute, regulation, proclamation, ordinance or by-laws includes all statutes, regulations, proclamations, ordinances or by-laws varying, consolidating or replacing them and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute; and
- (vi) where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

## **2.2 Application of the Corporations Act**

- (a) This constitution is to be interpreted subject to the Corporations Act and the *Water and Sewerage Corporation Act 2012* (Tas).
- (b) Unless the contrary intention appears, an expression in a rule that deals with a matter dealt with by a provision of the Corporations Act, has the same meaning as in that provision.
- (c) Subject to rule 2.2(b) of this Schedule 1, unless the contrary intention appears, an expression in a rule that is defined in section 9 of the Corporations Act has the same meaning as in that section.

## **2.3 Exercise of powers**

- (a) The Corporation may exercise in any manner permitted by the Corporations Act any power which under the Corporations Act a company limited by shares may exercise if authorised by its constitution.
- (b) Where this constitution provides that a person or body may do a particular act or thing and the word "may" is used, the act or thing may be done at the discretion of the person or body.
- (c) Where this constitution confers a power to do a particular act or thing, the power is, unless the contrary intention appears, to be taken as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend or vary that act or thing.
- (d) Where this constitution confers a power to do a particular act or thing with respect to particular matters, the power is, unless the contrary intention appears, to be taken to include a power to do that act or thing with respect to some only of those matters or with respect to a particular class or particular classes of those matters and to make different provision with respect to different matters or different classes of matters.
- (e) Where this constitution confers a power to make appointments to any office or position, the power is, unless the contrary intention appears, to be taken to include a power:
  - (i) to appoint a person to act in the office or position until a substitute person is appointed to the office or position;
  - (ii) subject to any contract between the Corporation and the relevant person, to remove or suspend any person appointed, with or without cause; and
  - (iii) to appoint another person temporarily in the place of any person so removed or

suspended or in place of any sick or absent holder of such office or position.

- (f) Where this constitution confers a power or imposes a duty then, unless the contrary intention appears, the power may be exercised and the duty must be performed from time to time as the occasion requires.
- (g) Where this constitution confers a power or imposes a duty on the holder of an office as such then, unless the contrary intention appears, the power may be exercised and the duty must be performed by the holder for the time being of the office.
- (h) Where this constitution confers power on a person or body to delegate a function or power:
  - (i) the delegation may be concurrent with, or to the exclusion of, the performance or exercise of that function or power by the person or body;
  - (ii) the delegation may be either general or limited in any manner provided in the terms of delegation;
  - (iii) the delegation need not be to a specified person but may be to any person from time to time holding, occupying or performing the duties of, a specified office or position;
  - (iv) the delegation may include the power to delegate;
  - (v) where the performance or exercise of that function or power is dependent upon the opinion, belief or state of mind of that person or body in relation to a matter, that function or power may be performed or exercised by the delegate upon the opinion, belief or state of mind of the delegate in relation to that matter; and
  - (vi) the function or power so delegated, when performed or exercised by the delegate, is to be taken to have been performed or exercised by the person or body.

## **2.4 Replaceable rules not to apply**

The replaceable rules applicable to a proprietary company contained in the Corporations Act from time to time do not apply to the Corporation.

## **2.5 Best Efforts**

Any provision of this constitution which requires a person to use best efforts to procure that something is performed or occurs does not include any liability:

- (a) (payment): to pay any money, or to provide any financial compensation, valuable consideration or any other incentive to or for the benefit of any person; or
- (b) (legal action): to commence any legal action against any person, to procure that that thing is done or happens;

except:

- (c) (fees): for payment of any applicable fee for the lodgement or filing of any relevant application with any governmental agency; or
- (d) (contrary provision): where that provision expressly specifies otherwise.

## SCHEDULE 2 – SHARE CAPITAL STRUCTURE~~EQUITY PROPORTIONS PER-~~ MEMBER FOR VOTING PURPOSES

Council	Class of Share	Percentage
Break-O'-Day	"A" ordinary shares	2.10%
Dorset	"B" ordinary shares	1.06%
Flinders	"C" ordinary shares	0.21%
George Town	"D" ordinary shares	1.23%
Launceston	"E" ordinary shares	14.80%
Meander	"F" ordinary shares	3.02%
Northern Midlands	"G" ordinary shares	2.52%
West Tamar	"H" ordinary shares	3.55%
Burnie	"I" ordinary shares	4.12%
Central Coast	"J" ordinary shares	4.73%
Circular Head	"K" ordinary shares	1.58%
Devonport	"L" ordinary shares	5.44%
Kentish	"M" ordinary shares	0.43%
King Island	"N" ordinary shares	0.31%
Latrobe	"O" ordinary shares	1.90%
Waratah Wynyard	"P" ordinary shares	2.81%
West Coast	"Q" ordinary shares	1.80%
Brighton	"R" ordinary shares	2.93%
Central Highlands	"S" ordinary shares	0.50%
Clarence	"T" ordinary shares	10.58%
Derwent Valley	"U" ordinary shares	1.30%
Glamorgan-Spring Bay	"V" ordinary shares	1.99%



Council	Class of Share	Percentage
Glenorchy	"W" ordinary shares	10.41%
Hobart	"X" ordinary shares	10.39%
Huon Valley	"Y" ordinary shares	2.04%
Kingborough	"Z" ordinary shares	5.91%
Sorell	"AA" ordinary shares	1.56%
Southern Midlands	"BB" ordinary shares	0.74%
Tasman	"CC" ordinary shares	0.05%

**Table 1.**

Council	Class of Share	Number of Shares
Break O'Day	"A" ordinary shares	1,889,811
Dorset	"B" ordinary shares	953,905
Flinders	"C" ordinary shares	188,981
George Town	"D" ordinary shares	1,106,889
Launceston	"E" ordinary shares	13,318,668
Meander	"F" ordinary shares	2,717,728
Northern Midlands	"G" ordinary shares	2,267,773
West Tamar	"H" ordinary shares	3,194,681
Burnie	"I" ordinary shares	3,707,629
Central Coast	"J" ordinary shares	4,256,574
Circular Head	"K" ordinary shares	1,421,858
Devonport	"L" ordinary shares	4,895,510
Kentish	"M" ordinary shares	386,961
King Island	"N" ordinary shares	278,972
Latrobe	"O" ordinary shares	1,709,829
Waratah Wynyard	"P" ordinary shares	2,528,747
West Coast	"Q" ordinary shares	1,619,838
Brighton	"R" ordinary shares	2,636,736

<u>Central Highlands</u>	<u>"S" ordinary shares</u>	<u>449,955</u>
<u>Clarence</u>	<u>"T" ordinary shares</u>	<u>9,521,048</u>
<u>Derwent Valley</u>	<u>"U" ordinary shares</u>	<u>1,169,883</u>
<u>Glamorgan-Spring Bay</u>	<u>"V" ordinary shares</u>	<u>1,790,821</u>
<u>Glenorchy</u>	<u>"W" ordinary shares</u>	<u>9,368,063</u>
<u>Hobart</u>	<u>"X" ordinary shares</u>	<u>9,350,065</u>
<u>Huon Valley</u>	<u>"Y" ordinary shares</u>	<u>1,835,816</u>
<u>Kingborough</u>	<u>"Z" ordinary shares</u>	<u>5,318,468</u>
<u>Sorell</u>	<u>"AA" ordinary shares</u>	<u>1,403,860</u>
<u>Southern Midlands</u>	<u>"BB" ordinary shares</u>	<u>665,933</u>
<u>Tasman</u>	<u>"CC" ordinary shares</u>	<u>44,996</u>
<u>Crown</u>	<u>"DD" ordinary shares</u>	<u>Refer to Table 2.</u>

**Table 2**

Subject to the Crown meeting its obligations to subscribe for shares in accordance with the Share Subscription and Implementation Agreement, the Crown's shareholding shall progressively increase up to a maximum of 10,000,000 in 2028, on or before the Subscription Dates set out below:

<u>Subscription Date</u>	<u>Number of Shares</u>	<u>Subscription Amount</u>
<u>1 January 2019</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2020</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2021</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2022</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2023</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2024</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2025</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2026</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2027</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2028</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
	<u>10,000,000</u>	<u>\$200,000,000</u>

### SCHEDULE 3—EQUITY PROPORTIONS PER MEMBER FOR ~~DISTRIBUTION~~ DIVIDEND PURPOSES

Member	Class of Share	Percentage
Break O'Day	"A" ordinary shares	1.94%
Dorset	"B" ordinary shares	0.97%
Flinders	"C" ordinary shares	0.18%
George Town	"D" ordinary shares	1.13%
Launceston	"E" ordinary shares	13.62%
Meander	"F" ordinary shares	2.78%
Northern Midlands	"G" ordinary shares	2.34%
West Tamar	"H" ordinary shares	3.28%
Burnie	"I" ordinary shares	4.14%
Central Coast	"J" ordinary shares	4.77%
Circular Head	"K" ordinary shares	1.58%
Devonport	"L" ordinary shares	5.46%
Kentish	"M" ordinary shares	0.44%
King Island	"N" ordinary shares	0.33%
Latrobe	"O" ordinary shares	1.91%
Waratah Wynyard	"P" ordinary shares	2.81%
West Coast	"Q" ordinary shares	1.81%
Brighton	"R" ordinary shares	3.08%
Central Highlands	"S" ordinary shares	0.51%
Clarence	"T" ordinary shares	11.06%
Derwent Valley	"U" ordinary shares	1.36%
Glamorgan-Spring Bay	"V" ordinary shares	2.07%

Member	Class of Share	Percentage
Glenorchy	"W" ordinary shares	10.86%
Hobart	"X" ordinary shares	10.86%
Huon Valley	"Y" ordinary shares	2.12%
Kingborough	"Z" ordinary shares	6.16%
Sorell	"AA" ordinary shares	1.62%
Southern Midlands	"BB" ordinary shares	0.76%
Tasman	"CC" ordinary shares	0.05%
<u>Crown</u>	<u>"DD" ordinary shares</u>	<u>0.00%</u>

## SCHEDULE 4 – PRIORITY DISTRIBUTION PROPORTIONS

Council	Class of Share	Pro-Rata Maximum Priority Distribution to 12/11/13 (135 days)	Relative Priority Share (%)
Break O'Day	"A" ordinary shares	0	0
Dorset	"B" ordinary shares	0	0
Flinders	"C" ordinary shares	8,508	0.09
George Town	"D" ordinary shares	34,028	0.38
Launceston	"E" ordinary shares	813,698	9.07
Meander	"F" ordinary shares	187,521	2.09
Northern Midlands	"G" ordinary shares	0	0
West Tamar	"H" ordinary shares	708,657	7.90
Burnie	"I" ordinary shares	150,534	1.68
Central Coast	"J" ordinary shares	0	0
Circular Head	"K" ordinary shares	382,068	4.26
Devonport	"L" ordinary shares	636,534	7.09
Kentish	"M" ordinary shares	740	0.01
King Island	"N" ordinary shares	30,700	0.34
Latrobe	"O" ordinary shares	287,013	3.20
Waratah Wynyard	"P" ordinary shares	18,864	0.21
West Coast	"Q" ordinary shares	309,205	3.45
Brighton	"R" ordinary shares	395,753	4.41
Central Highlands	"S" ordinary shares	0	0
Clarence	"T" ordinary shares	0	0

Council	Class of Share	Pro-Rata Maximum-Priority Distribution to 12/11/13 (135 days)	Relative Priority Share (%)
Derwent Valley	"U" ordinary shares	0	0
Glamorgan Spring Bay	"V" ordinary shares	0	0
Glenorchy	"W" ordinary shares	3,280,314	36.56
Hobart	"X" ordinary shares	775,233	8.64
Huon Valley	"Y" ordinary shares	322,151	3.59
Kingborough	"Z" ordinary shares	443,835	4.95
Sorell	"AA" ordinary shares	187,151	2.09
Southern Midlands	"BB" ordinary shares	0	0
Tasman	"CC" ordinary shares	0	0
Total Pro-Rata-Maximum Priority Distribution		8,972,507	



## SCHEDULE ~~45~~ – SPECIAL MAJORITY MEMBERS RESOLUTION

The matters requiring a Special Majority Members Resolution are:

- (a) (strategic direction) any substantial alteration in the strategic direction of the business or the entry into any new business by the Corporation;
- (b) (sale) any sale, purchase or reconstruction, including by way of any buy-back of shares or capital reduction, by the Corporation which would result in a change in the level of the Corporation's ownership of any equity or shares or any trading business, including the Business;
- (c) (new issues) the issue and terms of issue of any Shares;
- (d) (consultancy fees) any proposal for or any changes to the consultancy fees payable to or other non-Board remuneration arrangements with the chairman;
- (e) (asset disposals) any sale, lease, exchange or other disposition of:
  - (i) all or a material part of the assets of the Corporation unless specified in the budget; or
  - (ii) all or a substantial part of the business.

## SCHEDULE ~~56~~ - 75% BY MEMBER, 75% BY EQUITY RESOLUTION

Subject to the matters which require a Government Member Resolution in accordance with Schedule 6, the matters requiring a resolution of the members passed by:

(a) at least 75% ~~by number~~ of the members of the Corporation entitled to vote; and

(b) any combination of members that hold at least 75% of ~~votes cast by members of the Corporation entitled to vote on the resolution~~the equity voting proportions specified in Schedule 2

are:

(~~ca~~) any resolution to amend Schedule 2 or Schedule 3 of this constitution; and

(~~db~~) any resolution as a result of the winding up, liquidation or dissolution of any member of the Corporation.

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## SCHEDULE 6 – GOVERNMENT MEMBER RESOLUTIONS

The matters requiring a Government Member Resolution are:

- (a) any amendment or revocation and substitution of the Shareholders' Letter of Expectations which involves a change to the process for adoption and amendment of the Corporation's corporate plan (including any mechanism for resolving any dispute regarding the adoption of amendments to the corporate plan);
- (b) any amendments to:
  - (i) the role of the Crown's Owner's Representative in the process to approve, or request amendments to, the corporate plan; or
  - (ii) the Crown's Owner's Representative's role in the mechanism to avoid deadlock in the event that there is any dispute over adopting any amendments to the corporate plan;
- (c) any amendments to the role of the Crown's Owner's Representative on the Selection Committee;
- (d) any amendments to the right of the Crown's Owner's Representative to be consulted in relation to the appointment of the Chief Executive Officer; and
- (e) any amendments to rule 6.8(d) or to this Schedule 6.

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## **Appendix 2:        Proposed Shareholders' Letter of Expectations**

**Water and Sewerage Corporation Act 2012**

**SHAREHOLDERS' LETTER  
OF EXPECTATIONS**

**Tasmanian Water and Sewerage Corporation Pty Ltd  
ACN 162 220 653**

Adopted by general meeting 16 May 2013

Amended by general meeting 28 July 2015

Amended by general meeting 27 September 2018

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<b>PART 1 - PRELIMINARY</b>	
<b>1. Commencement and Term</b>	
1.1	This Letter of Expectations is issued by the Shareholders of the Tasmanian Water and Sewerage Corporation Pty Ltd under Section 12 of the <i>Water and Sewerage Corporation Act 2012</i> . This Letter of Expectations commenced on 1 July 2013 and operates until it is replaced in accordance with the procedures outlined in this document and the Corporation's Constitution.
<b>2. Purpose</b>	
2.1	The purpose of this Letter of Expectations is to communicate and give guidance in relation to the Shareholders' high-level performance expectations and strategic priorities to the Board of the Corporation.
<b>3. Interpretation</b>	
3.1	The definitions of the terms are contained in Schedule A to this Letter of Expectations.
3.2	<p>The following rules also apply in interpreting this Letter of Expectations, except where the context makes it clear that a rule is not intended to apply.</p> <p>Terms defined in the <i>Water and Sewerage Corporations Act 2012</i> and <i>Water and Sewerage Industry Act 2008</i> (as amended from time to time) have the same meaning in this Letter of Expectations.</p> <p>Whenever this Letter of Expectations requires the Corporation to make something "available to the public", the Corporation shall:</p> <ul style="list-style-type: none"> <li>• publish the matter on the Corporation's website; and</li> <li>• make a copy of the document available for inspection at each of the Corporation's offices; and</li> <li>• provide a copy on request for a charge that covers the fair and reasonable costs of making the copy available.</li> </ul> <p>Whenever this Letter of Expectations requires the Corporation to "develop" something, the Corporation shall be taken to have complied with that obligation if it has already developed the item before this Letter of Expectations commenced.</p> <p>Where this document sets out expectations in relation to the provision of information, the Corporation shall forward such information to the Owners' Representatives, the Mayors (where the Owners' Representatives are not also the Mayors) and the General Managers (unless otherwise specified in this document). These expectations also apply to all subsidiaries of the Corporation.</p>
<b>PART 2 - GENERAL</b>	
<b>4. Guiding Principles</b>	
4.1.	<p>The Corporation shall operate in a manner consistent with the principal objectives under the <i>Water and Sewerage Corporations Act 2012</i>:</p> <ul style="list-style-type: none"> <li>(a) to efficiently provide water and sewerage functions in Tasmania;</li> <li>(b) to encourage water conservation, the demand management of water and the reuse of water on an economic and commercial basis;</li> <li>(c) to be a successful business, and to this end – <ul style="list-style-type: none"> <li>(i) to operate its activities in accordance with good commercial practice;</li> <li>(ii) to deliver sustainable returns to its <u>Owner Council</u> members; and</li> <li>(iii) to deliver water and sewerage services to customers in the most cost efficient manner.</li> </ul> </li> </ul>

4.2.	In addition to these principal objectives, the Shareholders expect that the Corporation will uphold the original principles of 2008 structural reform by maintaining a capability and governance structure to manage the water resource, water supply and sewerage services in a sustainable manner, taking account of economic and environmental factors including the improvement of drinking water quality across Tasmania.
4.3.	<p>In performing its functions and providing its services, the Corporation shall therefore:</p> <ul style="list-style-type: none"> <li>• have an appropriate and formalised <del>distributions</del><u>dividends</u> policy that provides for an appropriate balance sheet, profit and loss and cash-flow strength to enable access to debt funding to the level required to support required investment and to fund all business activities on a sustainable basis;</li> <li>• as far as is practical, maintain employment levels in each region equivalent to the proportion of full-time equivalents transferred from each regional <del>C</del>eorporation to the statewide <del>C</del>eorporation;</li> <li>• share the 'intellectual capacity' of the <del>C</del>eorporation across each region wherever practical to do so;</li> <li>• balance the needs of each region over time when developing discretionary long term capital expenditure programs with the aim of sharing economic benefits across the state;</li> <li>• establish and maintain compliance with the ASX Corporate Governance Principles and Recommendations (as amended from time to time) to the extent that they apply to the Corporation's circumstances;</li> <li>• develop clear and unambiguous guidelines which allow the Shareholders to provide advice and guidance to the Board on matters that fall beyond the scope of the Board;</li> <li>• maintain the organisational and managerial capability to deliver a continuous improvement approach to operations and business processes; and</li> <li>• ensure that the Corporation collaborates with the various agencies to take account of state-wide and regional needs and endeavour to identify other opportunities to enhance outcomes for <u>the</u> Councils and the Tasmanian community.</li> </ul>
<b>5. Preservation of Employee Benefits</b>	
5.1.	In addition to the general preservation of employment conditions specified in Part 3 of the <i>Water and Sewerage Corporations Act 2012</i> , the Corporation shall recognise as continuous service the length of uninterrupted employment in local government, bulk water authorities, Regional Water Corporations and the Common Service Corporation in determining employee entitlements including any future redundancy calculation.
<b>PART 3 – GOVERNANCE</b>	
<b>6. Shareholders' Letter of Expectations</b>	
6.1.	In issuing this Letter of Expectations, <del>owner councils</del> <u>the Shareholders</u> intend that the Board will abide by its provisions unless to do so would create a risk of breaching the <i>Water and Sewerage Corporation Act 2012</i> , the <i>Corporation Act 2001</i> , the Corporation's Constitution, directors' duties, or any other statutory or regulatory obligation.
6.2.	The Board will advise Owners' Representatives when the provisions of the Shareholder's Letter of Expectations cannot be met.
6.3.	The Corporation shall make this Letter of Expectations available to the public.

6.4.	As required under Section 12(5) of the <i>Water and Sewerage Corporation Act 2012</i> , the Shareholders shall consult with the Board before or while preparing or amending a Shareholders' Letter of Expectations.
6.5.	The method of adopting, amending or repealing the Shareholders' Letter of Expectations is determined in the Constitution.
<b>7. Legislative Compliance</b>	
7.1.	The Shareholders expect the Corporation to comply with all applicable statutory and regulatory obligations and to develop appropriate management systems to ensure reliable and continuous compliance is maintained.
7.2.	The Corporation shall ensure that it has a general compliance and audit scheme in place that focuses on systems and processes and monitors compliance with licence conditions and instruction from relevant industry regulators.
<b>8. Corporate Plan</b>	
8.1.	The preparation and provision of an annual Corporate Plan is required under Section 13 of the <i>Water and Sewerage Corporation Act 2012</i> .
8.2.	<p>The Corporate Plan shall be for a <del>3</del><u>5</u> year period and identify and explain the strategic and operational plans of the Corporation.</p> <p>Each Corporate Plan shall include:</p> <ul style="list-style-type: none"> <li>• The main undertakings of the Corporation,</li> <li>• An assessment of the operating environment including a strategic risk assessment and mitigation plan,</li> <li>• An outline of the Corporation's Strategic Plan including objectives, actions and timelines,</li> <li>• Operating and Capital Works budgets for the forecast year and two forward years including: <ul style="list-style-type: none"> <li>○ forecast growth of connections and demand for water and sewerage services,</li> <li>○ assumptions regarding revenue and expenses,</li> <li>○ details of total borrowings and assumed interest rates,</li> <li>○ assumptions regarding timing and total <del>Owner Councils' dividends</del><u>distributions to owners, including dividends, income tax equivalents and government guarantee fees,</u></li> <li>○ 10 Year Capital Works Program and cost estimate.</li> </ul> </li> <li>• Forecast Profit and Loss, Balance Sheet, Cash Flow and Owners' <del>Councils' Distributions</del><u>dividends</u> statements for a 10 year period.</li> <li>• Key Performance Measures and Targets including: <ul style="list-style-type: none"> <li>• Financial,</li> <li>• Licence Condition Compliance,</li> <li>• Water Quality,</li> <li>• Wastewater Quality,</li> <li>• Customer Service Standards</li> <li>• Safety.</li> </ul> </li> </ul>
8.3.	<p>The Corporation shall provide a draft of the annual Corporate Plan to the Owners' Representatives at least six weeks prior to the Annual Planning Meeting.</p> <p>The Owners' Representatives will ensure that the annual Corporate Plan is adopted by no later than 31 July each year.</p>

8.4. Process for adopting or amending the Corporate Plan is as follows.

- The Corporation shall issue a draft Corporate Plan to Owner Councils and the Crown by no later than 30 April each year for review.
- Owner Councils and the Crown must provide any suggested amendments to the draft Corporate Plan to the Chairman in writing within 28 days.
- The Board will consider all suggested amendments received from Owner Councils and the Crown as soon as practicable. The Board is not obliged to adopt the requested amendments if to do so would create a risk of breaching directors' duties or other formal regulatory obligations.
- Not less than 21 days prior to the Annual Planning General Meeting, the Corporation shall provide the Board's response to each of the amendments proposed by the Owner Councils and/or the Crown, through:
  - an amended Corporate Plan (if amendments are accepted) or
  - the draft Corporate Plan and letter of explanation (if amendments are rejected),a copy of the draft Corporate Plan to Owners' Representatives for consideration at the Annual Planning General Meeting.
- The Chairman and CEO shall attend the meeting to present and or answer questions.
- At the Annual Planning General Meeting the Owners' Representatives, in general meeting, may adopt or request the Board to reconsider the Corporate Plan.
- The method of approving or requesting amendment to Approval of the Corporate Plan at the Annual Planning General Meeting will require:
  - be by a simple an Ordinary Majority of Owners' Representatives (excluding the Crown's Owner's Representative); and
  - using the 1 share: 1 vote approach an affirmative vote by the Crown's Owner's Representative.
- ~~Requests for amendment will be forwarded to the Chairman by the Chief Representative of the Owners Representatives.~~
- ~~The Board will consider the requested amendments as soon as reasonably practicable and provide a response by way of an amended draft Corporate Plan or letter of explanation, or both.~~
- ~~The Board is not obliged to adopt the requested amendments if to do so would create a risk of breaching directors' duties or other formal regulatory obligations.~~
- Should:
  - the Corporate Plan as presented by the Board not be adopted at the Annual Planning General Meeting, but
  - the Owners' Representatives, through an Ordinary Majority of Owners' Representatives (excluding the Crown's Owner's Representative) and an affirmative vote by the Crown's Owner's Representative agree amendments to the Corporate Plan,the Board (if it has not already done so) shall be obliged to accept and incorporate those amendments into the Corporate Plan unless this would result in directors of the Corporation being in breach of their fiduciary duties, the Corporations Act 2001 (Cth) or constitute unlawful activity, in which case the Corporate Plan as recommended by the Board will be deemed to have been adopted by the Owners' Representatives, and the Chairman shall advise the Owners' Representatives accordingly.
- Should:
  - the Corporate Plan not be adopted at the Annual Planning General Meeting and

	<p><u>no agreed position on amendments to the Corporate Plan can be reached by the Crown's Owner's Representative and an Ordinary Majority of Owners' Representatives (excluding the Crown's Owner's Representative)-the Board not agree to amend the Draft Corporate Plan as requested</u></p> <p>the Chairman shall, <u>within 7 days</u>, -consult with the Chief <u>Owners' Representative and the Crown's Owner's Representative</u> to determine a solution. <u>If this group is unable to reach unanimous agreement as to a solution within a further 7 days, it will be determined by a two thirds majority of the group, unless this would result in directors of the Corporation being in breach of their fiduciary duties, the Corporations Act 2001 (Cth) or constitute unlawful activity, in which case the Corporate Plan as recommended by the Board will be deemed to have been adopted by the Owners' Representatives.</u></p> <ul style="list-style-type: none"> <li>A summary of the approved Corporate Plan will be published on the Corporation's website <u>before the commencement of the period covered by the Corporate Plan within 7 days after the Corporate Plan is adopted.</u></li> </ul>
<b>9. Board Performance</b>	
9.1.	The Shareholders expect the Corporation to annually review and report to the Selection Committee on the performance of the Board and its committees.
9.2.	Each year, the Board Chairman shall discuss with the Board Selection Committee Chair any concerns about the contribution of individual directors and/or the need to change the skills mix of the Board.
<b>10. Shareholder Relationships</b>	
10.1.	The Corporation shall act for the ultimate benefit of the Shareholders. It is the responsibility of the Board to act in the interests of the Corporation and, through it, the Shareholders' interests.
10.2.	The Board shall develop a policy or protocol for continuous disclosure with shareholders, following a no surprises, approach based on that described in ASX Principle 5.
10.3.	<p>The continuous disclosure protocol will address information that:</p> <ul style="list-style-type: none"> <li>may have a material effect on financial Corporate Plan expectations;</li> <li>may influence the <del>owners'</del> <u>Shareholders'</u> decisions; or</li> <li>relates to an issue on which the <del>owners'</del> <u>Shareholders</u> may be required to comment, financial or otherwise.</li> </ul>
10.4.	In collaboration with <u>the Councils and the Crown</u> , the Corporation should seek to develop systems to enable effective and timely property and asset data sharing and coordination mechanisms that benefit both entities.
10.5.	<p>The Corporation should collaborate with Councils, <u>the Crown</u> and regional agencies on matters of economic development and regional importance.</p> <p><u>The Corporation, the Crown and the Owner Councils shall work co-operatively in order to progress major investment projects of special or environmental importance to Tasmania and which obligation shall include using all reasonable endeavours to secure Federal Government funding for such projects. Specific projects included in this obligation include (but are not limited to):</u></p> <ul style="list-style-type: none"> <li><u>the Launceston sewerage/stormwater separate project; and</u></li> <li><u>the works at Macquarie Point waste water treatment plant necessary for the development of the Macquarie Point site.</u></li> </ul> <p>In determining appropriate levels of investment required to support economic development the Board will have a view balancing financial risks and benefits to the Corporation against the long term risks and benefits to the Tasmanian community, <u>and the Councils and the Crown.</u></p>



10.6.	The Chairman and the CEO shall make themselves available to meet with the Shareholders as and when requested. <u>The Chairman and the CEO shall meet regularly with the Ministers by mutual agreement.</u>
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<b>11. Customer and Community Engagement</b>	
11.1.	The Corporation shall develop and implement open and transparent processes to engage its customers and the community in its planning processes to ensure, amongst other matters, that the standards of services it provides meet regulatory requirements and the needs and expectations of customers and the requirements of the Industry's regulators.
11.2.	The Corporation shall make: <ul style="list-style-type: none"> <li>• information about the services it provides available to the public;</li> <li>• information about water conservation and the responsible use of water and waste water available to the public;</li> <li>• educational material about the water industry available to schools and communities.</li> </ul>
11.3.	While recognising that this may have a cost, the Shareholders expect the Corporation to adopt principles of Corporate Social Responsibility.
<b>12. Economic Development</b>	
12.1.	At its general meeting on 16 May 2013, <del>O</del> wner <del>C</del> ouncils resolved to endorse five principles that the Corporation is to apply when considering matters related to economic development.
12.2.	The five principles that apply to the consideration of economic development matters are: <p>Principle 1: That the Corporation develops strategic customer alliances aimed at growing the businesses of customers and the Corporation and provide regular reports to <del>owners</del> <u>Shareholders</u> on economic development activities.</p> <p>Principle 2: That the Corporation recognises residential development as a key driver of economic growth and that infrastructure decisions be made in accordance with settlement strategies.</p> <p>Principle 3: That the capital program of the Corporation should have regard for regional land use strategies and the priorities and opportunities that they present.</p> <p>Principle 4: That the Corporation seeks to ensure that its pricing and costing regime is transparent and understood by <del>owners</del> <u>Shareholders</u> and customers and that charges reflect the relative cost of the service or solution being provided.</p> <p>Principle 5: That infrastructure solutions proposed for economic development projects be set at a reasonable standard so as to allow their progress without compromising the overall standards of the Corporation's infrastructure system.</p>
<b>PART 4 – PLANNING, SERVICE DELIVERY AND RISK MANAGEMENT</b>	
<b>13. Risk Management Planning</b>	
13.1.	The Corporation shall develop and implement plans, systems and processes to ensure an acceptable level of risk. In developing risk management plans, systems and processes the Corporation shall consider the requirement to balance risk and appropriate opportunities; its obligation to provide continuous services to its customers; its statutory and regulatory obligations and the relevant ASX Principles.
13.2.	The Corporation shall develop and maintain asset management planning that allows it to supply its services sustainably, minimise the overall whole of life costs of any assets as well as minimise any detrimental social, economic or environmental effects of managing its assets.



<b>14. Conserving Water, Recycling Water and Sewage</b>	
14.1.	<p>To demonstrate its commitment to the principal objectives under the <i>Water and Sewerage Corporation Act 2012</i> and sustainable water resource management, the Corporation should maintain, develop and implement programs for:</p> <ul style="list-style-type: none"> <li>• assessing and monitoring water supplies including groundwater;</li> <li>• assessing and monitoring future demands on water supplies;</li> <li>• efficient and effective management of demand for water;</li> <li>• minimising leakage and other losses of water from its network as far as is practicable; and</li> <li>• investigating and implementing treated sewage reuse schemes for beneficial agricultural/horticultural irrigation, energy generation and other non-potable purposes where it is both commercially and environmentally viable.</li> </ul>
<b>15. Responding to Drought</b>	
15.1	<p>The Corporation shall:</p> <ul style="list-style-type: none"> <li>• develop, implement and maintain an effective drought response plan for each water supply system operated by the Corporation; and</li> <li>• make its drought response plans available to the public.</li> </ul>
15.2	Drought response plans should wherever possible be compatible with Council plans and should promote resource sharing opportunities.
<b>16. Service Standards</b>	
16.1	In complying with customer service standards issued by the Regulator the Shareholders' expect that, the Corporation should, as a minimum, develop water supply, sewerage services and wastewater management plans in conjunction with the relevant Council and State Government agencies and the local community.
<b>17. Stormwater Management Plans</b>	
17.1	The Corporation should participate in any development or review by the Councils of stormwater management plans and the re-use of stormwater where commercially feasible.
<b>18. Trade Waste</b>	
18.1	The Corporation shall develop policies and practices to manage trade waste to manage the associated risks, meet statutory and regulatory obligations and an improved quality of trade waste entering its sewerage systems.
<u>18.2</u>	<u>The Corporation, the Crown and the Owner Councils commit to work collaboratively to identify and implement any improvements (if required) to the Corporation's policies and practices relating to trade waste, including the Corporation's management of trade waste generally.</u>
<b>19. Catchment, Regional and Local Government Planning</b>	
19.1	<p>The principal objectives of the Corporation's participation in such planning are to:</p> <ul style="list-style-type: none"> <li>• promote consistency of any strategy or any scheme with the Corporation's planning and programs for sustainable water management; and</li> <li>• ensure the alignment, integration and consistency of regional infrastructure development objectives.</li> </ul>
19.2	The Corporation shall participate in periodic reviews, and provide input into the continuous improvement and implementation of any regional or municipal planning schemes or strategies

	<p>which may affect, or be affected by, the Corporation's area or activities. In particular, this includes:</p> <ul style="list-style-type: none"> <li>• any local planning policy framework;</li> <li>• strategic plans of Councils;</li> <li>• any regional land use strategy development;</li> <li>• any regional infrastructure plans;</li> <li>• any State Water Management Plans initiated under the <i>Water Management Act 2000</i>.</li> </ul>
<b>20. Environmental Management</b>	
20.1	The Corporation should seek to work cooperatively with other agencies and stakeholders to protect and improve natural resources and catchment management.
20.2	Following the principal objectives in Section 4 of this Letter, the Corporation shall participate in the development and implementation of any regional <u>or statewide</u> catchment management strategy or catchment sub-strategy that may affect, or be affected by, the Corporation's area or activities.
<b>PART 5 – FINANCIAL CONSIDERATIONS</b>	
<b>21. <del>Distributions</del>–<u>Dividends</u></b>	
21.1	In accordance with the <i>Water and Sewerage Corporation Act 2012</i> the Board is to determine a <del>Distributions</del> – <u>Dividends</u> Policy for the Corporation in consultation with the <u>Council Owners'</u> Representatives with a view to establishing the target level of total <del>dividends</del> <u>distributions including Dividend</u> .
21.2	<del>Distributions</del> – <u>Dividends</u> will be in accordance with Schedule 3 of the Corporation's Constitution.
21.3	The <del>Distribution</del> – <u>Dividends</u> Policy will include the expectation that <del>distributions</del> – <u>dividends</u> will be paid to shareholders in the year in which the <del>dividends</del> <u>distributions</u> are generated.
21.4	The Corporation should undertake a capital structure review to coincide with preparation of Price and Service Plan submissions.
<u>21.5</u>	<p><u>Where the Board determines that, due to any circumstance or event beyond the Corporation's reasonable control, the Corporation cannot continue to:</u></p> <ul style="list-style-type: none"> <li>• <u>maintain Owner Councils' dividends in line with the Corporate Plan and</u></li> <li>• <u>deliver an accelerated capital program (as envisaged under Part 29 of this Letter) and</u></li> <li>• <u>limit annual price increases for regulated water and sewerage services to within the 3.5% cap (as envisaged under Part 27 of this Letter),</u></li> </ul> <p><u>while maintaining the financial sustainability of the Corporation (an 'adverse development'), the Corporation must notify the Chief Owners' Representative and the Crown's Owner's Representative of the adverse development and the Corporation must meet with the Crown's Owner's Representative to consider the impact of maintaining the accelerated infrastructure investment and price caps on the financial sustainability of the business.</u></p> <p><u>Following notice from the Corporation of an adverse development, and consideration of that adverse development by the Crown's Owner's Representative, the Crown may, in its absolute discretion, provide additional funding support or comfort to the Corporation. If the Crown decides not to provide adequate additional support or comfort to the Corporation (as determined by the Board), the Board may determine that the capital program should be amended and/or that price increases in excess of the cap (but within the prevailing price determination at the time) should be applied for regulated water and sewerage services.</u></p> <p><u>For the purposes of this Part, without limitation 'additional financial support or comfort' may include grant funding, a pre-payment of equity, a guarantee or letter of comfort.</u></p>
<b>22. Investment Policy</b>	
22.1	In the event that the Corporation becomes an investor of cash for other than short term liquidity

	<p>purposes, the Board will develop an investment policy which sets out:</p> <ul style="list-style-type: none"> <li>the Board's investment objectives;</li> <li>the responsibility structure for managing investments;</li> <li>the management of risks associated with investments; and</li> <li>the investment management approach of the Board.</li> </ul>
<b>PART 6 – REPORTING</b>	
<b>23. Reporting Framework</b>	
23.1	<p>The Board will arrange the following meetings each year, at a minimum,:</p> <ul style="list-style-type: none"> <li>Annual Planning Meeting – to consider and approve the Corporate Plan and any potential changes to the Shareholders' Letter of Expectations</li> <li>Annual Reporting Meeting – to review the annual financial reports;</li> <li>Quarterly Reporting meeting with Owners' Representatives – to occur in each region each quarter unless a region requests fewer meetings or elects to joins with another region.</li> </ul>
23.2	Other general meetings can be convened in accordance with the provisions of the Constitution or the protocol agreed between the Board and Owners' Representatives.
23.3	Programs and plans developed by the Corporation in response to these Shareholders' expectations shall specify objectives to be achieved and measures for monitoring performance.
23.4	Performance shall be reported to the Owners' Representatives in a formal quarterly report to be received within 45 days from the end of the September, December and March quarters each financial year.
23.5	Performance reporting for the quarter ended June each year shall be incorporated into the Annual Report and presented at the Annual Reporting Meeting each year.
23.6	<p>The minimum content of the quarterly report is to include:</p> <ul style="list-style-type: none"> <li>financial statements for the period and year to date,</li> <li>results against key performance targets include in the Corporate Plan for the quarter and year to date,</li> <li>commentary on performance and explanations of material variances from budget,</li> <li>revisions to the expected full year forecast financial results,</li> <li>current estimates for <del>dividend distributions</del> to <del>the Owners</del> <u>Councils</u> and explanation for material variances from Corporate Plan,</li> <li>capital expenditure for the quarter and material variance explanations, and</li> <li>any non-compliances with the current Shareholders' Letter of Expectations.</li> </ul>
23.7	In accordance with the requirements of the <i>Water and Sewerage Corporation Act 2012</i> , the Corporation shall provide its Annual Report to shareholders by 30 September each year.
23.8	The content of the Corporation's Annual Report will conform to the requirements prescribed in the <i>Water and Sewerage Corporation Act 2012</i> .
23.9	The Corporation's Annual Report will be included for discussion at the Annual Reporting Meeting of <del>owners-the Shareholders</del> and subsequently published on the Corporation's website.
23.10	Disclosures under the 'no surprises', continuous disclosure regime should be provided in the formal quarterly report unless the Board considers that a more timely disclosure is appropriate.
<b>24. Whole-of-Government Reporting</b>	

24.1	The Board should comply with requests from the Treasurer for information relating to the collection of financial information for whole of government reporting and ensure that such information relating to the Corporation and its subsidiaries will be provided by the relevant dates and in the specified formats, where applicable.
<u>24.2</u>	<u>The Chief Owners' Representative, Chairman and CEO will comply with a request to appear at GBE Scrutiny Committee hearings.</u>
<u>24.3</u>	<u>The Corporation will provide such financial and other information to the Department of Treasury and Finance as required to allow the Department of Treasury and Finance to provide advice to the Crown as it does for Government Business Enterprises.</u>
<b>25. Reporting under AEIFRS</b>	
25.1	The Corporation shall report in accordance with the requirements of the <i>Water and Sewerage Corporation Act 2012</i> .
<del>26. Treatment of "Not for Profit" Customer Concessions</del>	
<del>26.1</del>	<del>The Corporation will consult with the Owners Representatives to develop a consistent state-wide Not for Profit rebate / concession policy within the first 12 months of operation with an expectation that the policy will take effect from 1 July 2014.</del>
<del>267. External Funding Assistance</del>	
<del>272.6.1</del>	<del>The Corporation and the Shareholders will work collaboratively with a view to obtaining external funding assistance to facilitate the timely delivery of the Corporation's capital program whilst ensuring that the prices imposed by the Corporation on its customers are affordable.</del>
<u>27. Pricing</u>	
<u>27.1</u>	<u>The Corporation commits to:</u> <ul style="list-style-type: none"> <li><u>• freeze prices for regulated services for water and sewerage customers from 1 July 2019 to 30 June 2020</u></li> <li><u>• subject always to Part 21.5 of this Letter, develop a future price profile for regulated water and sewerage services with annual price increases for target tariffs to be no greater than 3.5% commencing from 1 July 2020 until 30 June 2025 ("Capped Period") (or apply such lower price determination to such price increases as may be made by the Tasmanian Economic Regulator during the Capped Period) and</u></li> <li><u>• transition customers who are currently significantly below target tariffs to ensure that those customers reach the target tariffs within the legislated timeframe without facing significant price shocks.</u></li> </ul>
<b>28. Community Service Obligation</b>	
<u>28.1</u>	<u>A Shareholder may request that the Corporation undertakes a water or sewerage infrastructure investment project that is not in the Corporation's long term investment plan or the then current Corporate Plan.</u>
<u>28.2</u>	<u>The Corporation will consider the proposed project and assess whether the project is likely to be prudent and efficient, so that the costs of the project are recoverable from customers under the economic regulatory framework in the <i>Water and Sewerage Industry Act 2008</i>. If the Corporation in good faith, considers that the project:</u> <ul style="list-style-type: none"> <li><u>• meets this requirement – the project is a "commercial project"; or</u></li> <li><u>• does not meet this requirement – the project is an "uncommercial project".</u></li> </ul>
<u>28.3</u>	<u>If the Corporation assesses the project as a commercial project, the Corporation may consider undertaking the project, after taking into account the impact of the project on the Corporation's key financial performance</u>

	<u>measures and any social, environmental or economic benefits of the project.</u>
<u>28.4</u>	<u>If the Corporation considers that the project has merit, the Corporation will consider the commercial project in the context of the Corporation's long term investment plan, discuss options for the timing of the delivery of the project with the Shareholder and consider the project in the context of preparing the Corporate Plan.</u>
<u>28.5</u>	<u>If the Corporation assesses a proposed project as an uncommercial project, it must notify the Shareholder of its decision.</u>
<u>28.6</u>	<u>If the Shareholder wishes to progress an uncommercial project, the Shareholder may offer to fund the project directly or seek third party funding for the project.</u>
<u>28.7</u>	<u>If the parties agree, the Corporation will consider the funded uncommercial project in the context of the Company's long term investment program, discuss options for the timing of the delivery of the project with the Shareholder and consider the project in the context of preparing the Corporate Plan.</u>
<u>28.8</u>	<u>The Corporation is to:</u> <ul style="list-style-type: none"> <li><u>• include, in its annual report, all non-commercial projects it has undertaken, including the cost to the Corporation of the non-commercial project and the funds contributed by the Shareholder, if applicable; and</u></li> <li><u>• publish on its website, details of non-commercial projects it has undertaken.</u></li> </ul>
<b>29.</b>	<b><u>Infrastructure Investment Program</u></b>
<u>29.1</u>	<u>The Corporation will jointly develop an accelerated infrastructure investment program with the Crown and the Owner Councils as referred to in paragraph 3.2 of the MOU on a best endeavours basis before 1 January 2019 (or such other date as the Crown makes its first contribution of \$20,000,000 to the Corporation).</u>
<u>29.2</u>	<u>Subject always to Part 21.5, the Corporation will use best endeavours to deliver sufficient investment during the remainder of its current 10 year investment program (i.e. until 30 June 2026) in order to achieve a target of \$1.8 billion of total infrastructure investment.</u>

## SCHEDULE A - Definitions

The following definitions apply:

**'AEIRFS'** means the Australian Equivalents to International Financial Reporting Standards.

**'Annual Planning Meeting'** means one of the two general meetings to be held each year under the terms of the Constitution, one being the Annual Reporting Meeting to consider the annual accounts as mandated in the Constitution and the other being the general meeting to consider the Corporate Plan amongst other things.

**'Annual Reporting Meeting'** means one of the two general meetings to be held each year under the terms of the Constitution, one being the Annual Planning Meeting to consider the Corporate Plan as mandated in the Constitution and the other being the general meeting to consider the annual accounts, amongst other things.

**'ANCOLD Guidelines'** means the Guidelines issues by the Australian National Committee on Large Dams Inc as revised from time to time.

**'Board'** means the Board of Directors appointed to the Tasmanian Water and Sewerage Corporation Pty Ltd.

**'CEO'** means the Chief Executive Officer of the Corporation.

**'Chairman'** means the chairman of the Board.

**'Corporation'** means Tasmanian Water ~~and &~~ Sewerage Corporation Pty Ltd ([ACN 162 220 653](#)).

**'Council Owners' Representatives'** means the representatives nominated by the Owner Councils.

**'Councils'** refers to the 29 Tasmanian Councils.

**'Crown'** means the Crown in Right of Tasmania.

**'Crown's Owner's Representative'** means the person appointed by the Crown as its Owner's Representative.

**'Department of Treasury and Finance'** means the Department of Treasury and Finance in Tasmania.

**'Dividends Policy'** means the policy determined in accordance with Part 5 of this Letter.

**'MOU'** means the memorandum of understanding dated 1 May 2018 between (1) the Crown (2) the Corporation and (3) the Chief Owners' Representative on behalf of the Owners' Representatives.

**'Owners' Representatives'** mean the representatives appointed by the ~~owner councils~~ Shareholders of the Corporation.

**'Owner Councils'** means those Shareholders which are member Councils (and not the Crown).

**'Owner Councils' dividends'** means the dividend payments payable by the Corporation to the Owner Councils in accordance with the Dividends Policy.

**'Regulator'** means Tasmanian Economic Regulator.

**'Shareholders'** means the member Councils and the Crown of the ~~Corporation~~ Tasmanian Water and Sewerage Corporation Pty Limited.

**'Share Subscription and Implementation Agreement'** means the Share Subscription and Implementation Agreement between the Corporation and the Crown.

**'Treasurer'** means the Treasurer of the Tasmanian Government.

**'shall'** means if the requirement is not met, the corporation will notify the shareholders of the failure in its routine reporting.

**'should'** means the corporation will use its discretion in decision making and notify the shareholders of the decision in the normal course of business.

DRAFT



## **~~PART 7 – SIGNATORIES~~**

~~In accordance with the *Water and Sewerage Corporation Act 2012*, we, the undersigned, being formal representatives of the twenty nine Tasmanian Councils, issue this Shareholders' Letter of Expectations to the Tasmanian Water and Sewerage Corporation Pty Ltd.~~

<del>Date of signing</del>	<del>Council</del>
	<del>BRIGHTON COUNCIL</del>
	<del>BREAK O'DAY COUNCIL</del>
	<del>BURNIE CITY COUNCIL</del>
	<del>CENTRAL COAST COUNCIL</del>
	<del>CENTRAL HIGHLANDS COUNCIL</del>
	<del>CIRCULAR HEAD COUNCIL</del>
	<del>CLARENCE CITY COUNCIL</del>
	<del>DERWENT VALLEY COUNCIL</del>
	<del>DEVONPORT CITY COUNCIL</del>
	<del>DORSET COUNCIL</del>
	<del>FLINDERS COUNCIL</del>

Date of signing	Council
	GEORGE TOWN COUNCIL
	GLAMORGAN SPRING BAY COUNCIL
	GLENORCHY CITY COUNCIL
	HOBART CITY COUNCIL
	HUON VALLEY COUNCIL
	KENTISH COUNCIL
	KINGBOROUGH COUNCIL
	KING ISLAND COUNCIL
	LATROBE COUNCIL
	LAUNCESTON CITY COUNCIL
	MEANDER VALLEY COUNCIL
	NORTHERN MIDLANDS COUNCIL
	SORELL COUNCIL

Date of signing	Council
	SOUTHERN MIDLANDS COUNCIL
	TASMAN COUNCIL
	WARATAH WYNYARD COUNCIL
	WEST COAST COUNCIL
	WEST TAMAR COUNCIL

**Appendix 3:        Proposed Share Subscription and Implementation Agreement**

**TASMANIAN WATER & SEWERAGE CORPORATION PTY LTD  
(ABN 47 162 220 653)**

and

**THE CROWN IN RIGHT OF TASMANIA**

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**SHARE SUBSCRIPTION AND IMPLEMENTATION  
AGREEMENT**

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**PAGE SEAGER**  
LAWYERS

Level 2, 179 Murray Street  
HOBART TAS 7000

P: (03) 6235 5155  
F: (03) 6231 0352

Ref: JJH-LB (180850)

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## DETAILS

Date The day of 2018  
Parties TasWater and the Crown

---

### TasWater

Name Tasmanian Water and Sewerage Corporation Pty Ltd  
ABN 47 162 220 653  
Address 163 – 169 Main Road, Moonah, Tasmania 7009  
Contact General Manager Legal and Governance  
Fax 1300 862 066  
Email ailsa.sypkes@taswater.com.au

---

### Crown

Name The Crown in Right of Tasmania  
Address 21 Murray Street, Hobart, Tasmania 7000  
Contact [#insert#]  
Fax [#insert#]  
Email [#insert#]

## BACKGROUND

- A The parties reached in principle agreement in the MoU to work together to further reform the water and sewerage sector.
- B As part of the reforms referred to in recital A, the parties have agreed that over a ten year period the Crown will subscribe \$200,000,000 for 10% of the total shares on issue in TasWater.
- C Subject to this agreement, TasWater has agreed to issue the Subscription Shares to the Crown, and the Crown has agreed to subscribe for the Subscription Shares and pay the Subscription Amounts to TasWater.
- D The obligations of the parties are subject to satisfaction or waiver of the Conditions.

## AGREED TERMS

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### 1 Definitions and interpretation

#### 1.1 Definitions

In this document unless the contrary intention appears:

**Board** means the board of directors of TasWater.

**Business Day** means any week day on which banks are generally open for business in Hobart, Australia.

**Capped Period** means the period from 1 July 2020 until 30 June 2025.

**CEO** means the Chief Executive Officer of TasWater.

**Chair** means the Chairperson of the Board.

**Chief Owners' Representative** means the chief of the Owners' Representatives.

**Conditions** means the conditions set out in clause 3.1 (Conditions).

**Confidential Information** means this document and any information notified by the disclosing party to the recipient party as confidential but does not include any information that is in the public domain.

**Constitution** means the constitution of TasWater as amended from time to time.

**Corporate Plan** means the Corporate Plan of TasWater pursuant to rule 8.2 of the Constitution and part 8 of the Shareholder's Letter of Expectations.

**Corporations Act** means the *Corporations Act* 2001 (Cth).

**Council** means a council within the meaning of the *Local Government Act 1993* (Tas).

**Crown** has the meaning set out in the Details.

**Crown Owner's Representative** means the Owner's Representative appointed by the Crown.

**Details** mean the section of this document headed 'Details'.

**GST** has the meaning given in the GST Act.

**GST Act** means the *A New Tax System (Goods and Services Tax) Act* 1999 (Cth) and the related imposition Acts of the Commonwealth.

**Insolvency Event** means the occurrence of any of the following events in relation to a party:

- (a) a party commits any act which is defined as "an act of bankruptcy" under the *Bankruptcy Act* 1966 (Cth), regardless of whether or not the party is an individual;
- (b) a garnishee notice, or a notice under section 120 of the PPSA, is given to:
  - (i) a debtor of that party; or
  - (ii) any other person that otherwise owes or may owe money at any time to that party, in connection with any money that the party is said to owe;
- (c) in the case of an individual, the party dies, is imprisoned or becomes incapable of managing his or her own affairs;
- (d) an application is made to a court for a provisional or final order declaring a party provisionally or finally bankrupt or insolvent;
- (e) a special resolution is passed to wind up or otherwise dissolve the party;
- (f) a party is, or makes a statement from which it may be reasonably deducted by the other party that a ground or grounds on which the party may be wound up exists as specified in section 461 (or in the case of a part 5.7 body, section 585) of the Corporations Act;
- (g) a party has a controller (as defined in the Corporations Act) appointed, is in liquidation, in provisional liquidation, under administration or wound up or has had a receiver appointed to any part of its property;
- (h) a mortgagee, chargee or other holder of security, by itself or by or through an agent, enters into possession of all or any part of the assets of the party;
- (i) the party applies for, consents to, or acquiesces in the appointment of a trustee or receiver in respect of the party or any of its property;
- (j) the party takes any step to obtain protection or is granted protection from its creditors under any applicable legislation or a meeting is convened or a resolution is passed to appoint an administrator or controller (as defined in the Corporations Act) is appointed in respect of any part of the property of the party;
- (k) the party is or states that it is unable to pay its debts when they fall due;
- (l) except to reconstruct or amalgamate while solvent on terms approved by the other party, the party enters into or resolves to enter into a scheme of arrangement, compromise or reconstruction with its creditors (or any class of them) or with its members (or any class of them) or proposes a reorganisation, re-arrangement, moratorium or other administration of the party's affairs;
- (m) the party is the subject of an event described in section 459(C)(2) of the Corporations Act; or
- (n) anything analogous or having a substantially similar effect to any of the events specified above happens in relation to the party.

**Member Councils** means the Councils in Tasmania which are shareholders in TasWater.

**MoU** means the memorandum of understanding between the Crown, TasWater and the Chief Owners Representative on behalf of the Owners' Representatives of TasWater dated 1 May 2018.

**Number of Shares** means the number of Shares in column 2 of the table set out in clause 2.2 (Subscription Dates, Number of Shares and Subscription Amounts) set opposite each Subscription Date.

**Owners' Representatives** means the representatives of the shareholders of TasWater appointed pursuant to rule 9.1 of the Constitution.

**PPSA** means the *Personal Property Securities Act 2009* (Cth).

**Selection Committee** has the same meaning as set out in the Constitution.

**Shareholders' Letter of Expectations** means TasWater's Shareholder's Letter of Expectations as amended from time to time.

**Shares** means fully paid class DD shares in TasWater.

**Subscription** means application and payment for a Number of Shares by the Crown and the issue of those Shares by TasWater pursuant to this Agreement.

**Subscription Amounts** means each subscription amount in column 3 of the table set out in clause 2.2 (Subscription Dates, Number of Shares and Subscription Amounts) set opposite each Subscription Date.

**Subscription Date** means each respective date in column 1 of the table set out in clause 2.2 (Subscription Dates, Number of Shares and Subscription Amounts).

**Sunset Date** means 31 December 2018.

**TasWater** has the meaning set out in the Details.

**WSCA** means the *Water and Sewerage Corporation Act 2012* (Tas).

## 1.2 Interpretation

- (a) A reference to:
  - (i) one gender includes every other gender;
  - (ii) the singular includes the plural and the plural includes the singular;
  - (iii) a person includes a body corporate or unincorporate;
  - (iv) a party includes the party's executors, administrators, successors and permitted assigns;
  - (v) a statute, regulation or provision of a statute or regulation (**Statutory Provision**) includes:
    - (A) that Statutory Provision as amended or re-enacted from time to time;
    - (B) a statute, regulation or provision enacted in replacement of that Statutory Provision; and
    - (C) another regulation or other statutory instrument made or issued under that Statutory Provision; and
  - (vi) money is to Australian dollars, unless otherwise stated.
- (b) The expression "this document" includes the deed, covenants, agreement, arrangement, understanding or transaction recorded in this document.
- (c) "Including" and similar expressions are not words of limitation.
- (d) A reference to a clause or schedule is a reference to a clause of or a schedule to this document.
- (e) A reference to a document (including, without limitation, a reference to this document) is to that document as amended, novated or replaced.
- (f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

- (g) Headings and any table of contents or index are for convenience only and do not form part of this document or affect its interpretation.
- (h) A provision of this document must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of this document or the inclusion of the provision in this document.
- (i) If an act must be done on a specified day which is not a Business Day, it must be done instead on the next Business Day.
- (j) All references to time are to Australian Eastern Standard time.

## 2 Shares

### 2.1 Subscription for Shares

The Crown agrees to subscribe for and TasWater agrees to issue and allot the Shares in accordance with clause 2.2 (Number of shares and subscription amounts) and on the terms and conditions of this document.

### 2.2 Subscription Dates, Number of Shares and Subscription Amounts

- (a) The Crown agrees to apply for the Number of Shares set out in column 2 and pay the Subscription Amounts set out in column 3 in the table below not more than 6 months prior to the Subscription Dates set out in column 1 in the table below.

Subscription Date	Number of Shares	Subscription Amount
1 January 2019	1,000,000	\$20,000,000
1 January 2020	1,000,000	\$20,000,000
1 January 2021	1,000,000	\$20,000,000
1 January 2022	1,000,000	\$20,000,000
1 January 2023	1,000,000	\$20,000,000
1 January 2024	1,000,000	\$20,000,000
1 January 2025	1,000,000	\$20,000,000
1 January 2026	1,000,000	\$20,000,000
1 January 2027	1,000,000	\$20,000,000
1 January 2028	1,000,000	\$20,000,000
	10,000,000	<b>\$200,000,000</b>

- (b) The Crown may, with the prior written agreement of TasWater, apply for a Number of shares and pay the Subscription Amount up to 6 months (or such other time as agreed) prior to the Subscription Date.
- (c) If the Crown applies for a Number of Shares and pays the Subscription Amount in accordance with clause 2.2(a) or (b), TasWater agrees to issue and allot the Number of Shares set out in column 2 in the table above on the Subscription Dates set out opposite in column 1 in the table above, or within 5 days of any earlier payment of the Subscription Amount under clause 2.2(b).

## 3 Conditions precedent

### 3.1 Conditions

This obligations of the parties under this document, other than under this clause 3, is conditional on each of the following being satisfied or waived on or before the Sunset Date:

- (a) **(amendment of WSCA)** the WSCA is amended to authorise the creation, and issue to the Crown, of shares in TasWater and to permit or require the Constitution to be amended in connection with the creation and issue of those shares in a form satisfactory to TasWater

and the Crown;

- (b) **(approval of document and issue of shares)** the shareholders and Board of TasWater approving the entry into this document and the issue of the Subscription Shares in accordance with its Constitution;
- (c) **(amendment to constitution)** the constitution of TasWater being amended so that it is in substantially the same form as set out in Annexure A; and
- (d) **(amendment to shareholders letter of expectation)** the Shareholders Letter of Expectation being amended so that it is in substantially the same form as set out in Annexure B.

### 3.2 Satisfaction of Conditions

Each party must:

- (a) use its reasonable endeavours (other than waiver) to ensure that the Conditions which are within its powers and control are fulfilled or waived on or before the relevant date;
- (b) promptly give the other party all information reasonably requested by that party in connection with any application required to satisfy a Condition;
- (c) not take any action that would, or would be likely to, prevent or hinder the fulfilment of any Condition;
- (d) keep each other party informed of any circumstances which may result in any of those Conditions not being satisfied in accordance with its terms; and
- (e) promptly advise each other party of the satisfaction of a Condition.

### 3.3 Introduction of legislation

The Crown agrees to:

- (a) consult with TasWater in relation to amendments to the WSCA and any other relevant legislation to permit the Crown's investment in TasWater in accordance with this document; and
- (b) introduce legislation into the Parliament of Tasmania to amend the WSCA and any other relevant legislation to permit the Crown's investment in TasWater in accordance with this document.

### 3.4 Passage of legislation

- (a) On the passage of legislation amending the WSCA to permit the Crown's investment in TasWater in accordance with this document, each party must, within 5 Business Days of the amending legislation receiving royal assent, notify the other, if the form of the legislation, as passed, is not satisfactory to it for the purposes of clause 3.1(a).
- (b) In the event that neither party provides notice under clause 3.4(a), the condition in clause 3.1(a) will be deemed to have been satisfied.

### 3.5 Benefit of Conditions

A Condition may be waived only prior to its end date for fulfilment and only:

- (a) in writing; and
  - (b) where the Condition is expressed to be for the benefit of a particular party, if that party gives notice of waiver of the Condition to the other parties; or
  - (c) otherwise, if the parties agree in writing to waive the Condition,
- but only to the extent set out in the waiver.

### 3.6 Failure of Condition

- (a) If a Condition is not satisfied or waived under clause 3.3 (Benefit of Conditions) before 5.00pm on the Sunset Date, any party may, if not otherwise in breach of this document, terminate this document by giving notice to all other parties.
- (b) On termination under clause 3.6(a):
  - (i) no party has any obligation or liability to any other party under this document, except in connection with:

- (A) any clause which survives termination of this document; and
  - (B) claims that arose before termination or which survive termination of this document.
- (ii) the Subscriber must return to the Company all documents and other materials in any medium in its possession, power or control which contain information received from or on behalf of the Company.

---

## **4 Payment and issue of shares**

### **4.1 Time and place**

The subscription for Shares will take place at 3.00pm on the date on which the Crown makes application and payment under clause 2.2(a) or 2.2(b), as applicable, at 163-169 Main Road, Moonah, Tasmania 7009 or any other time and place agreed by TasWater and the Crown.

### **4.2 Crown's obligations on each Subscription Date**

The Crown agrees to:

- (a) deliver to TasWater an application for the relevant Number of Shares, duly completed and executed by the Crown, in the form set out in schedule to this document (Application for Subscription Shares); and
- (b) pay the Subscription Amount to TasWater in immediately available funds, prior to each Subscription Date.

### **4.3 Company's obligations at Subscription**

TasWater agrees to:

- (a) issue the Number of Shares to the Crown on each Subscription; and
- (b) as soon as practicable after each Subscription, register the Crown as the holder of the Subscription Shares.

### **4.4 Simultaneous actions at each Subscription**

In respect of each Subscription:

- (a) the obligations of the parties under this document are interdependent; and
- (b) all actions required to be performed will be taken to have occurred simultaneously on each respective Subscription.

---

## **5 Governance**

### **5.1 Corporate Plan**

- (a) TasWater and the Crown agree that the adoption of or any changes to TasWater's Corporate Plan will be agreed between the Crown and the Councils in accordance with part 8 of the Shareholders' Letter of Expectations.
- (b) If the Owners' Representatives are unable to agree the necessary votes to approve the adoption of or any changes to TasWater's Corporate Plan, TasWater's Chair must consult with the Chief Owners' Representative and the State Government Owner's Representative to resolve the adoption of the Corporate Plan or any requested amendments to the Corporate Plan. If TasWater's Chair, the Chief Owners' Representative and the State Government Owner's Representative are unable to reach unanimous agreement in relation to any changes to the Corporate Plan within 7 days, the changes will be determined by a two thirds majority of the TasWater's Chair, the Chief Owners' Representative and the Crown's Owner's Representative, unless those changes would result in TasWater's directors being in breach of their fiduciary duties, the *Corporations Act 2001* (Cth) or constitute unlawful activity, in which case the Corporate Plan as approved by the Board shall be deemed to have been adopted by the Owners' Representatives.
- (c) If the Owners' Representatives are able to agree the necessary votes to approve any changes to TasWater's Corporate Plan, and the Board has not previously done so, the Board is bound to accept those changes unless those changes would result in TasWater's directors being in breach of their fiduciary duties, the *Corporations Act 2001* (Cth) or

constitute unlawful activity, in which case the Corporate Plan as approved by the Board shall be deemed to have been adopted by the Owners' Representatives and TasWater's Chair will advise the Owners' Representatives accordingly.

## **5.2 Appointment of the Board of TasWater**

The Crown and TasWater agree that the Crown Owner's Representative will be a member of the Selection Committee in accordance with rule 10.1(a) of the Constitution.

## **5.3 Chief Executive Officer of TasWater**

The Crown and TasWater acknowledge and agree that:

- (a) the CEO is to be appointed by the directors of TasWater and may be removed by the directors;
- (b) the Crown and the Chief Owners' Representative shall be consulted in connection with the appointment of the CEO.

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## **6 Water and Sewerage Pricing**

The Crown and TasWater agree that, subject to part 21.5 of the Shareholders' Letter of Expectations, TasWater will:

- (a) not apply the outcome of any regulatory pricing determination to the extent that it is inconsistent with the provisions of this clause and does not have mandatory application;
- (b) apply no increase to its prices for regulated services for water and sewerage customers from 1 July 2019 to 30 June 2020;
- (c) develop and implement a future price profile for regulated water and sewerage services for the Capped Period under which annual price increases for target tariffs are no greater than the lesser of 3.5% and the outcome of any price determination made by the Tasmanian Economic Regulator and applicable during the Capped Period; and
- (d) transition customers who are currently significantly below target tariffs to ensure that those customers reach the target tariffs within the legislated timeframe without facing significant price shocks.

---

## **7 Default**

### **7.1 Share Subscription Default**

If the Crown fails to meet its obligations under clause 2.1 (Subscription for Shares), including, without limitation, failing to pay any Subscription Amount on the time required to make the payment then:

- (a) subject to paragraph (b), the Crown will, for as long as it fails to meet its obligations under clause 2.1 (Subscription for Shares), lose its rights and entitlements:
  - (i) under clause 5.1 (Corporate Plan) and the Crown will have no right or entitlement in relation to the content of TasWater's Corporate Plan additional to any right or entitlement that it has as a shareholder of any Shares that it holds at the date of the failure to meet its obligations;
  - (ii) under clause 5.2 (Appointment of the Board of TasWater) and the Crown Owner's Representative's seat will be lost; and
  - (iii) under clause 5.3 (Chief Executive Officer of TasWater); and
- (b) the parties acknowledge that the remedies set out in paragraph (a) are contained in the Constitution and, if the equivalent provisions of the Constitution are amended, then the provisions of paragraph (a) will be amended to the same effect, unless the parties expressly agree otherwise, in writing, prior to the amendment to the Constitution.
- (c) For the avoidance of doubt, notwithstanding any reinstatement of the Crown's rights in relation to clause 5.1 (Corporate Plan), clause 5.2 (Appointment of the Board of TasWater) or clause 5.3 (Chief Executive Officer of TasWater), any decisions made by the Selection Committee, the Owners' Representatives or the Board during such time as the Crown does not have those rights shall continue to be valid and to remain in full effect.



## 7.2 Exclusive Remedy

The remedies and consequences set out in clause 7.1 (Share Subscription Default) are exclusive for any breach by the Crown of clause 2.1, and no action will be had or maintained against the Crown for any other claim, demand or cause of action, including:

- (a) specific performance of its obligations under clause 2.1;
- (b) a claim for payment of the Subscription Amounts; or
- (c) damages.

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## 8 Implementation and good faith

The Crown and TasWater will act in good faith and to use their reasonable endeavours to implement this document.

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## 9 GST

### 9.1 Payments exclusive of GST

Unless otherwise stated in this document, all amounts payable by one party to another party are exclusive of GST.

### 9.2 Payment of GST

If GST is imposed or payable on any supply made by a party under this document, the recipient of the supply must pay to the supplier, in addition to the GST exclusive consideration for that supply, an additional amount equal to the GST exclusive consideration multiplied by the prevailing GST rate. The additional amount is payable at the same time and in the same manner as the consideration for the supply.

### 9.3 Tax invoice

A party's right to payment under clause 9.2 (Payment of GST) is subject to a valid tax invoice being delivered to the party liable to pay for the taxable supply.

### 9.4 Definitions

Expressions defined in the GST Act have the same meaning when used in this clause 9.

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## 10 Entire agreement

This document, together with the Constitution and the Shareholders' Letter of Expectations (as approved by the Owners' Representatives), constitute the entire agreement between the parties in relation to its subject matter and supersedes all previous agreements, negotiations and understandings between the parties in relation to its subject matter.

---

## 11 Termination

### 11.1 Default

Either party (**Non-Defaulting Party**) may terminate this document by giving the other party (**Defaulting Party**) notice if:

- (a) the Defaulting Party repudiates its obligations under this document; or
- (b) an Insolvency Event occurs in respect of the Defaulting Party.

### 11.2 Rights not prejudiced

If this document is terminated under clause 11.1 (Default):

- (a) the parties are relieved from future performance of this document, without prejudice to any right of action that has accrued prior to the date of termination; and
- (b) rights to recover damages are not affected by the termination.

---

## **12 Disputes**

### **12.1 Notice**

If a party has a dispute or complaint against the other, that party (**Notifying Party**) must notify the other party in one of the ways described in clause 13 (Notices). The Notifying Party must ensure that the notice contains specific detail identifying the nature of the dispute or complaint.

### **12.2 Best endeavours to resolve**

Both parties within 21 days of the delivery of a dispute notice will meet and use their best endeavours to resolve the dispute or complaint to the mutual satisfaction of both parties as soon as possible.

### **12.3 Mediation**

If the parties are not able to reach a resolution of the dispute or complaint within a reasonable period of time (in any event being no more than 21 days after the date of receipt of the notice of the complaint or dispute), then the dispute or complaint must be submitted for mediation in accordance with, and subject to, the Resolution Institute Mediation Rules.

---

## **13 Notices**

### **13.1 Form**

Any notice, consent, approval, waiver and other communications to be given under or in connection with this document must be in writing, signed by the sender and marked for the attention as set out or referred to in the Details or, if the recipient has notified otherwise, then marked for attention in the way last notified.

### **13.2 Delivery**

They must be:

- (a) left at the address set out or referred to in the Details; or
- (b) sent by prepaid post to the address set out or referred to in the Details; or
- (c) sent by fax to the fax number set out or referred to in the Details.

However, if the intended recipient has notified a changed postal address or changed fax number, then the communication must be to that postal address or fax number.

### **13.3 When effective**

They take effect from the time they are received unless a later time is specified in them.

### **13.4 Receipt – postal**

If sent by post, they are taken to be received 6 days after posting (or 10 days after posting if sent to or from a place outside Australia).

### **13.5 Receipt – fax**

If sent by fax, they are taken to be received at the time shown in the transmission report as the time that the whole fax was sent.

### **13.6 Receipt - general**

Despite clauses 13.4 (Receipt - postal) and 13.5 (Receipt - fax) and, if they are received after 5pm in the place of receipt or on a non-Business Day, they are taken to be received at 9am on the next Business Day.

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## **14 General**

### **14.1 Amendments**

An amendment or variation to this document is not effective unless it is in writing and signed by the parties.

### **14.2 Assignment**

A party cannot assign or otherwise transfer any of its rights under this document without the prior written consent of each other party.

### **14.3 Consents**

Unless this document expressly provides otherwise, a consent under this document may be given or withheld in the absolute discretion of the party entitled to give the consent and to be effective must be given in writing.

### **14.4 Counterparts**

- (a) This document may be entered into in any number of counterparts.
- (b) A party may execute this document by signing any counterpart.
- (c) All counterparts, taken together, constitute one document.

### **14.5 Costs**

Each party will bear its own costs and disbursements of or incidental to the negotiation, preparation, execution, stamping and registration of this document, and all other matters and agreements referred to in this document.

### **14.6 Further acts and documents**

Each party must promptly do all further acts and execute and deliver all further documents (in a form and content reasonably satisfactory to that party) required by law or reasonably requested by another party to give effect to this document.

### **14.7 Waivers**

The non-exercise of, or delay in exercising, any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the party to be bound by the waiver.

### **14.8 Severance**

- (a) If anything in this document is unenforceable, illegal or void then it is severed and the rest of this document remains in force, unless the severance would change the underlying principal commercial purpose or effect of this document.
- (b) If two or more provisions of this document are inconsistent or contradictory the numerical position of those provisions must not be a determinative factor in any decision, order or ruling that results in the severance of any conflicting provision.

### **14.9 Exclusion of relationships**

The parties acknowledge and agree that this document and the performance of this document does not represent or imply a partnership, agency, fiduciary relationship, joint venture, distribution or any other category of commercial or personal relationship between the parties recognised at law or in equity as giving rise to forms of specific rights and obligations.

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## **15 Governing law and jurisdiction**

### **15.1 Governing law**

The laws of Tasmania govern this document.

### **15.2 Jurisdiction**

The parties submit to the non-exclusive jurisdiction of the courts of Tasmania.

## SIGNING PAGE

**EXECUTED** as an Agreement.

**EXECUTED** by Tasmanian Water & Sewerage Corporation Pty )  
Ltd (**ACN 162 220 653**) pursuant to section 127 of the )  
Corporations Act 2001 by:

.....  
Director Signature

.....  
Director Full Name (print)

.....  
\*Director/\*Secretary Signature

.....  
\*Director/\*Secretary Full Name (print)

(\* please strike out inapplicable)

**EXECUTED** for and on behalf of the Crown in Right of )  
Tasmania by **[#PS Comment: Crown law to insert )**  
**appropriate execution clause for the Crown#]** in the  
presence of:

Witness: .....

Full Name: .....

Address: .....

Occupation: .....

**Schedule 1**  
**Application for Shares**

[#insert date#]

To: Tasmanian Water and Sewerage Corporation Pty Ltd (ACN 162 220 653) (**TasWater**)  
163 – 169 Main Road, Moonah, Tasmania 7009

Attention: Company Secretary

Dear Directors

**Application for shares pursuant to Subscription Agreement dated [#insert date#]**

The Crown in the Right of Tasmania (**Subscriber**):

- (a) hereby applies for the issue of [#insert number] class DD shares in the capital of TasWater (**Subscription Shares**);
- (b) agrees to pay \$20,000,000 in accordance with the Subscription Agreement; and
- (c) agrees to be bound by the constitution of TasWater

Capitalised terms which are used but not defined in this Application have the meaning given to them (if any) in the Subscription Agreement.

Yours faithfully

## **Annexure A**

### **Constitution**

**[PS comment: to insert Constitution once finalised]**

DRAFT

## **Annexure B**

### **Shareholders' Letter of Expectations**

**[PS comment: to insert SLE once finalised]**

DRAFT



**Appendix 4:        Water and Sewerage Legislation (Corporate Governance  
and Pricing) Bill 2018**

TASMANIA

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**WATER AND SEWERAGE LEGISLATION  
(CORPORATE GOVERNANCE AND PRICING)  
BILL 2018**

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consultation draft

**WATER AND SEWERAGE LEGISLATION  
(CORPORATE GOVERNANCE AND PRICING)  
BILL 2018**

*(Brought in by the Treasurer, the Honourable Peter Carl  
Gutwein)*

**A BILL FOR**

**An Act to amend the *Water and Sewerage Corporation Act 2012* to enable the Crown to hold shares in, and have certain rights in relation to, the Corporation, and to amend the *Water and Sewerage Industry Act 2008* in relation to pricing, and for related purposes**

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

**PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the *Water and Sewerage Legislation (Corporate Governance and Pricing) Act 2018*.

**2. Commencement**

The provisions of this Act commence on a day or days to be proclaimed.

*Water and Sewerage Legislation (Corporate Governance and  
Pricing) Act 2018  
Act No. of 2018*

s. 3

Part 2 – Water and Sewerage Corporation Act 2012 Amended

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**PART 2 – WATER AND SEWERAGE CORPORATION  
ACT 2012 AMENDED**

**3. Principal Act**

In this Part, the *Water and Sewerage Corporation Act 2012*\* is referred to as the Principal Act.

**4. Section 6 amended (Principal objectives of Corporation)**

Section 6(1)(c)(ii) of the Principal Act is amended by omitting “its members” and substituting “such of its members as are councils”.

**5. Section 7 amended (Status of Corporation)**

Section 7(1)(b) of the Principal Act is amended by omitting “council” and substituting “member”.

**6. Section 10 amended (Ownership and restrictions on sale and issue of securities)**

Section 10 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, or the Crown,” after “councils”;

---

\*No. 51 of 2012

*Water and Sewerage Legislation (Corporate Governance and  
Pricing) Act 2018  
Act No. of 2018*

Part 2 – Water and Sewerage Corporation Act 2012 Amended

s. 7

- (b) by omitting subsection (2);
- (c) by inserting in subsection (4) “or to the Crown” after “shareholdings”.

**7. Section 14 amended (Board of Corporation)**

Section 14(3)(b) of the Principal Act is amended by inserting “or of the Crown” after “council”.

**8. Section 21 amended (Distribution of dividends)**

Section 21 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(a) “members” and substituting “members, who are not the Crown,”;
- (b) by omitting from subsection (2)(d) “members” and substituting “members who are not the Crown”;
- (c) by omitting from subsection (3) “members” and substituting “members who are not the Crown”;
- (d) by inserting the following subsection after subsection (3):
  - (4) The constitution of the Corporation must not provide that the Crown is entitled to any dividends or that dividends may be paid to the Crown.

*Water and Sewerage Legislation (Corporate Governance and  
Pricing) Act 2018  
Act No. of 2018*

**s. 9**

Part 2 – Water and Sewerage Corporation Act 2012 Amended

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**9. Sections 22 and 23 repealed**

Sections 22 and 23 of the Principal Act are repealed.

**10. Section 42 repealed**

Section 42 of the Principal Act is repealed.

consultation draft



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**PART 3 – WATER AND SEWERAGE INDUSTRY ACT  
2008 AMENDED**

**11. Principal Act**

In this Part, the *Water and Sewerage Industry Act 2008\** is referred to as the Principal Act.

**12. Section 65 amended (Price and service plan)**

Section 65 of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (6):

(6A) A regulated entity may, without the approval of the Regulator, amend a proposed price, in relation to a service, that is set out, in relation to a year, in the entity's price and service plan, if the price, as so amended, does not exceed the maximum price, in relation to the service, that is specified, in relation to the year, in a price determination in relation to the entity.

- (b) by inserting in subsection (10) “, including such a plan as altered under this section” after “subsection (5)”.

---

\*No. 13 of 2008

*Water and Sewerage Legislation (Corporate Governance and  
Pricing) Act 2018  
Act No. of 2018*

s. 13

Part 3 – Water and Sewerage Industry Act 2008 Amended

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**13. Section 66 amended (Price determinations)**

Section 66 of the Principal Act is amended as follows:

- (a) by omitting paragraph (a) from subsection (3);
- (b) by omitting from subsection (3)(b) “and minimum” first occurring;
- (c) by omitting from subsection (3)(b) “or maximum rate of increase or decrease or minimum rate of increase or decrease in the maximum and minimum price”;
- (d) by omitting paragraph (c) from subsection (3);
- (e) by omitting from subsection (3)(e) “a price” and substituting “a maximum price”;
- (f) by omitting from subsection (3)(f) “a price” and substituting “a maximum price”;
- (g) by omitting from subsection (3)(g) “and minimum” first occurring;
- (h) by omitting from subsection (3)(g) “or maximum rate of increase or decrease or minimum rate of increase or decrease in the maximum and minimum revenue”;
- (i) by inserting the following subsection after subsection (3):

*Water and Sewerage Legislation (Corporate Governance and Pricing) Act 2018*  
*Act No. of 2018*

Part 3 – Water and Sewerage Industry Act 2008 Amended

s. 14

- 
- (3A) Nothing in this section is to be taken to permit a price determination made under this section to set a price, other than a maximum price, or an amount of revenue other than a maximum amount of revenue.

**14. Part 6 repealed**

Part 6 of the Principal Act is repealed.

*Water and Sewerage Legislation (Corporate Governance and  
Pricing) Act 2018  
Act No. of 2018*

**s. 15**

Part 4 – Concluding Provision

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**PART 4 – CONCLUDING PROVISION**

**15. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of the Act commence.

consultation draft

**Appendix 5:        Water and Sewerage Corporation Act 2012 – Amended  
Clauses**

## 6. Principal objectives of Corporation

- (1) The principal objectives of the Corporation are as follows:
  - (a) to efficiently provide water and sewerage functions in Tasmania;
  - (b) to encourage water conservation, the demand management of water and the re-use of water on an economic and commercial basis;
  - (c) to be a successful business and, to this end –
    - (i) to operate its activities in accordance with good commercial practice; and
    - (ii) to deliver sustainable returns to ~~its members~~such of its members as are councils; and
    - (iii) to deliver water and sewerage services to customers in the most cost-efficient manner.
- (2) Each of the principal objectives of the Corporation is of equal importance.

## 7. Status of Corporation

- (1) Unless this or any other Act expressly provides otherwise, the Corporation or any subsidiary of the Corporation –
  - (a) is not and does not represent the councils or the Crown; and
  - (b) is not exempt from any rate, tax, duty or other impost imposed by or under any law of the State or the Commonwealth merely because a ~~council member~~ or the Corporation has beneficial ownership of shares in it.
- (2) The Crown is not liable for any debt, liability or obligation of the Corporation or any subsidiary of the Corporation.
- (3) A council is not liable for any debt, liability or obligation of the Corporation or any subsidiary of the Corporation unless –
  - (a) that council gives a guarantee or indemnity under section 26 in relation to that debt, liability or obligation; or
  - (b) the constitution of the Corporation expressly provides otherwise.

## 10. Ownership and restrictions on sale and issue of securities

- (1) Only councils, or the Crown, may hold one or more shares or other securities in the Corporation.
- ~~(2) Each member of the Corporation is to at all times hold an equal number of shares, and an equal number of other securities in the Corporation, as each other member of the Corporation.~~
- (3) A member of the Corporation must not dispose of the shares or other securities in the Corporation held by that member.

- (4) The Corporation must not, and must ensure that any subsidiary of the Corporation does not –
- (a) offer shares or other securities in the Corporation or any subsidiary of the Corporation for subscription, or invite any person to subscribe for any such shares or other securities; or
  - (b) grant options over unissued shares or other securities in the Corporation or any subsidiary of the Corporation; or
  - (c) allot or issue shares or other securities in the Corporation or any subsidiary of the Corporation –
- other than to existing members pro rata to their existing shareholdings or to the Crown.
- (5) In this section –
- (a) a reference to securities includes a reference to securities of a kind specified in section 92(3) of the Corporations Act; and
  - (b) a reference to shares includes a reference to shares of a kind specified in section 254A(1) of the Corporations Act.

#### **14. Board of Corporation**

- (1) The Board is to ensure that its directors have the experience and skills necessary to enable the Corporation to achieve its principal objectives.
- (2) The appointment of the Board and removal of directors is to be in accordance with the constitution.
- (3) None of the following persons may be appointed as a director of the Corporation or any subsidiary of the Corporation:
- (a) any person who has served as an elected government official at any time within the 3 years preceding the intended date of appointment;
  - (b) any person who holds office as an elected government official or who is currently an employee of any council or the Crown.

#### **21. Distribution of dividends**

- (1) The Board or the board of directors of any subsidiary of the Corporation must determine a dividend policy for the Corporation or subsidiary.
- (2) The dividend policy of the Corporation or of any subsidiary of the Corporation is to –
- (a) establish the aggregate amount, and the basis of determining the aggregate amount, of dividends payable to ~~members~~ members, who are not the Crown, in respect of any period; and
  - (b) be determined having due regard to the provisions of the shareholders' letter of expectation; and



- (c) be consistent with good commercial practice; and
  - (d) require adequate provision to be made for expected future capital requirements and operational expenditure before the payment of any dividend to ~~members~~members who are not the Crown.
- (3) In setting out the rights attaching to each class of shares for the purposes of section 11(2)(a) , the constitution of the Corporation is to provide for the allocation of the aggregate amount of dividends amongst ~~members~~members who are not the Crown.
- (4) The constitution of the Corporation must not provide that the Crown is entitled to any dividends or that dividends may be paid to the Crown.

**~~22. Payment of guarantee fees~~**

- ~~(1) The Corporation or any subsidiary of the Corporation is liable to pay guarantee fees determined pursuant to subsection (2).~~
- ~~(2) If the Corporation or any subsidiary of the Corporation borrows money in accordance with section 18—~~
- ~~(a) Division 1 of Part 11 of the Government Business Enterprises Act 1995 (other than section 78(1)) and, unless the Corporation or subsidiary has received a notice from the Treasurer to the contrary, each GBE Treasurer's Instruction given in relation to any matter the subject of that Division applies by virtue of this Act in relation to the Corporation or subsidiary as if—~~
    - ~~(i) the Corporation or subsidiary were a Government Business Enterprise specified in Schedule 3 to the Government Business Enterprises Act 1995; and~~
    - ~~(ii) each reference to financial accommodation in that Division of the Government Business Enterprises Act 1995 were a reference to money borrowed from the Tasmanian Public Finance Corporation in accordance with section 18; and~~
    - ~~(iii) each reference to the Consolidated Fund in the Government Business Enterprises Act 1995 were a reference to a council; and~~
  - ~~(b) the Corporation or subsidiary is to pay the aggregate guarantee fee, determined by the Treasurer pursuant to the application of paragraph (a) , to councils in the amount and in the manner outlined in the constitution.~~

**~~23. Payment of tax equivalents~~**

- ~~(1) The Corporation or any subsidiary of the Corporation is liable to pay an aggregate income tax equivalent in respect of each financial year, determined pursuant to the application of this section, to councils in the amount and in the manner outlined in the constitution.~~

- ~~(2) — Despite subsection (1), the Corporation or any subsidiary of the Corporation is not liable to pay an income tax equivalent to the extent to which it is liable to pay income tax under the Commonwealth Tax Act.~~
- ~~(3) — Division 3 of Part 10 of the Government Business Enterprises Act 1995 and, unless the Corporation or any subsidiary of the Corporation has received a notice from the Treasurer to the contrary, each GBE Treasurer's Instruction given in relation to any matter the subject of that Division applies by virtue of this Act to the liabilities and payments that arise under subsection (1) as if —~~
  - ~~(a) — the Corporation or subsidiary were a prescribed Government Business Enterprise as defined in section 67 of the Government Business Enterprises Act 1995; and~~
  - ~~(b) — a reference to section 68 of the Government Business Enterprises Act 1995 were a reference to subsection (1); and~~
  - ~~(c) — each reference to the Consolidated Fund were a reference to a council.~~

**~~42. — Staged repeal of Water and Sewerage Corporations Act 2008~~**

- ~~(1) — A provision of the Water and Sewerage Corporations Act 2008 is repealed to the extent, and from the day, fixed by proclamation in respect of that provision.~~
- ~~(2) — The Water and Sewerage Corporations Act 2008 is repealed on a day fixed by proclamation, being a day after the last day fixed under subsection (1).~~

To view the current Water and Sewerage Corporation Act 2012 in its entirety, please see:  
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-2012-051>

**Appendix 6:        Water and Sewerage Industry Act 2008 – Amended  
Clauses**

**65. Price and service plan**

- (1) The Regulator must, by notice given to a regulated entity, require the regulated entity to submit a proposed price and service plan for regulated services to the Regulator for approval by not later than the date specified in the notice.
- (2) A regulated entity must submit a proposed price and service plan to the Regulator by the date specified in the notice given to the regulated entity under subsection (1).  
Penalty: Fine not exceeding 1 000 penalty units.
- (3) The proposed price and service plan submitted under subsection (1) must include –
  - (a) proposed regulated services to be provided to customers; and
  - (b) any customer contract; and
  - (c) standards and conditions of service which are in compliance with the customer service code; and
  - (d) proposed prices for each regulated service; and
  - (e) any other matter required under this Act.
- (4) The proposed price and service plan submitted under subsection (1) may include –
  - (a) proposed annual revenue requirements; and
  - (b) projected capital and operational expenses; and
  - (c) supply and demand forecasts; and
  - (d) such other matters as required by the Regulator in guidelines issued under subsection (7).
- (5) The Regulator must approve a proposed price and service plan for a regulated entity if the Regulator is satisfied that the proposed price and service plan fulfils the requirements for a price and service plan as set out in guidelines issued under subsection (7) and any relevant price determination under section 66.
- (6) The Regulator may require amendments to be made to the proposed price and service plan, including amendments to ensure that the price and service plan complies with a price determination, before approving it.
- (6A) A regulated entity may, without the approval of the Regulator, amend a proposed price, in relation to a service, that is set out, in relation to a year, in the entity's price and service plan, if the price, as so amended, does not exceed the maximum price, in relation to the service, that is specified, in relation to the year, in a price determination in relation to the entity.
- (7) The Regulator must issue guidelines to a regulated entity for the preparation of a proposed price and service plan.
- (8) The guidelines referred to in subsection (7) may –
  - (a) specify the requirements for a regulated entity to comply with when submitting a proposed price and service plan to the Regulator for approval; and

- (b) specify the process for the preparation and approval of a proposed price and service plan, including the extent of public consultation and timelines and the subsequent publication of prices for each regulated service.
- (9) A price and service plan approved under subsection (5) is to relate to a regulatory period.
- (10) The Regulator may, by notice in writing given to a regulated entity, direct the regulated entity to publish a price and service plan approved under subsection (5). including such plan as altered under this section.
- (11) A regulated entity must comply with a direction given to it under subsection (10).  
Penalty: Fine not exceeding 50 penalty units.
- (12) The Treasurer may, by notice published in the *Gazette*, fix –
  - (a) the duration of the first regulatory period, which period is to commence on the first day after approval by the Regulator of a price and service plan; and
  - (b) the minimum duration of each subsequent regulatory period.
- (13) The Regulator is to declare, by notice published in the *Gazette*, the duration of each subsequent regulatory period, being a period which is not less than a minimum period specified by the Treasurer under this section.
- (14) A declaration made by the Regulator under subsection (13) must be made not less than 2 years before the end of each subsequent regulatory period.

## 66. Price determinations

- (1) The Regulator is to make price determinations that apply to a regulated entity in respect of a regulated service.
- (2) In making a price determination under subsection (1), the Regulator must –
  - (a) adopt an approach and methodology which the Regulator considers will best meet the objective of this Act; and
  - (b) determine prices, terms and conditions, including developer charges, for water services and sewerage services in accordance with the pricing principles referred to in section 68 or any principles prescribed by regulations under that section; and
  - (c) consider any proposed price and service plan submitted under section 65; and
  - (d) consider any customer contract; and
  - (e) ensure that the price determination takes into account and clearly articulates any trade-offs between costs and service standards; and
  - (ea) not take into account a change in a rate, prescribed in a regulation for the purposes of section 68(1A)(c)(iv), that comes into force at any time –
    - (i) after a regulated entity is required to submit to the Regulator a proposed price and service plan that may be approved by the Regulator after the price determination is made; and

- (ii) before the price determination to which the proposed price and service plan relates is made; and
  - (f) have regard to any matters contained in the regulations.
- (3) Without limiting the generality of subsection (1), a price determination made under this section may provide for one or more of the following:
  - ~~(a) fixing the price or the rate of increase or decrease in the price for a regulated service or other price control formula;~~
  - (b) fixing a maximum ~~and minimum~~ price ~~or maximum rate of increase or decrease or minimum rate of increase or decrease in the maximum and minimum price~~ for a regulated service;
  - ~~(c) fixing an average price for a regulated service specified in the determination or an average rate of increase or decrease in the average price;~~
  - (d) specifying pricing policies or principles that are to be applied in relation to a regulated service;
  - (e) specifying ~~a price~~ a maximum price determined by reference to a general price index, the cost of production, a rate of return on assets employed or any other factor specified in the determination;
  - (f) specifying ~~a price~~ a maximum price determined by reference to quantity, location, period or other factor specified in the determination relevant to the rate or provision of a regulated service;
  - (g) fixing a maximum ~~and minimum~~ revenue ~~or maximum rate of increase or decrease or minimum rate of increase or decrease in the maximum and minimum revenue~~ in relation to a regulated service;
  - (h) specifying a factor or factors to be applied, and the manner in which such a factor is or factors are to be applied, in setting prices, terms and conditions for a regulated service.
- (3A) Nothing in this section is to be taken to permit a price determination made under this section to set a price, other than a maximum price, or an amount of revenue, other than a maximum amount of revenue.
- (4) Before the Regulator makes a price determination under subsection (1), the Regulator is to publish, in daily newspapers published and circulating in Tasmania, a notice of the Regulator's intention to make a price determination.
- (5) The notice under subsection (4) is to include information as to where a copy of the proposed price determination, and the proposed price and service plan on which the proposed price determination is based, can be obtained or viewed.
- (6) The Regulator is to publish the proposed price determination, and the proposed price and service plan on which the proposed price determination is based, on the Regulator's internet website.
- (7) The Regulator is to make a price determination in accordance with section 67.
- (8) The regulations may provide for –

- (a) the conduct of investigations by the Regulator into the price and pricing policies of regulated entities; and
- (b) the appointment of assistants to the Regulator for the purposes of carrying out investigations referred to in paragraph (a); and
- (c) the liability of regulated entities for the costs by the Regulator incurred in undertaking such investigations; and
- (d) any related matter.

**~~PART 6 – Transition to New Regulatory Arrangements~~**

**~~88. Interim price order~~**

- ~~(1) The Treasurer may, by notice published in the Gazette and in daily newspapers published and circulating in Tasmania, make an interim order in relation to—
  - ~~(a) the prices, terms and conditions for the provision of a regulated service; and~~
  - ~~(b) the service standards, terms and conditions for the provision of a regulated service.~~~~
- ~~(2) Before an interim order may be made under subsection (1), the Treasurer must obtain advice from the Regulator in relation to the matters contained in the order.~~
- ~~(3) An order made under this section remains in force until the commencement of the first regulatory period fixed under section 65(12).~~
- ~~(4) A regulated entity must comply with an order made under this section.~~

~~Penalty: Fine not exceeding 500 penalty units.~~
- ~~(5) Without limiting the generality of subsection (1), an order made under this section may provide for one or more of the following:
  - ~~(a) fixing the price or the rate of increase or decrease in the price for a regulated service;~~
  - ~~(b) fixing a maximum and minimum price or maximum rate of increase or decrease or minimum rate of increase or decrease in the maximum and minimum price for a regulated service;~~
  - ~~(c) fixing an average price for a regulated service or an average rate of increase or decrease in the average price;~~
  - ~~(d) specifying pricing policies or principles that are to be applied in relation to a regulated service;~~
  - ~~(e) specifying a price determined by reference to a general price index, the cost of production, a rate of return on assets employed or any other specified factor;~~
  - ~~(f) specifying a price determined by reference to quantity, location, period or other specified factor relevant to the rate or provision of a regulated service;~~
  - ~~(g) fixing a maximum and minimum revenue or maximum rate of increase or decrease or minimum rate of increase or decrease in the maximum and minimum revenue in relation to regulated services;~~~~



~~(h) specifying a factor or factors to be applied, and the manner in which such a factor is or factors are to be applied, in setting prices, terms and conditions for a regulated service.~~

~~(6) An order made under this section may impose functions and confer powers on the Regulator relating to the prices, terms and conditions for the provision of a regulated service specified in such an order.~~

~~(7) The Treasurer is to give a copy of an order made under this section to each regulated entity that provides a regulated service to which the order applies.~~

~~(8) If there is an inconsistency between this Act and regulations made under this Act and any order made under this section, this Act or the regulations prevail to the extent of the inconsistency.~~

#### **~~89. Interim licences~~**

~~(1) The Minister may grant an interim licence to a person to authorise an activity specified in section 30 on such terms and conditions that the Minister considers appropriate and as are specified in the interim licence.~~

~~(2) An interim licence granted to a person under subsection (1) remains in force—~~

~~(a) for a period not exceeding 2 years from the day on which it is granted; or~~

~~(b) until a licence is granted to that person under section 35(1) in relation to an activity for which that interim licence is granted—~~

~~whichever is the earlier.~~

~~(3) The Minister may, by written notice given to a person to which an interim licence is granted under subsection (1), impose such interim licence conditions as the Minister considers appropriate to be complied with by that person.~~

~~(4) Before granting an interim licence under subsection (2) or imposing interim licence conditions, the Minister must obtain advice from the Regulator in relation to the granting of the interim licence or imposition of the interim licence conditions.~~

#### **~~90. Interim exemption from requirement to be licensed~~**

~~(1) The Minister may, by order, exempt a person who provides a regulated service specified in the order, other than the Corporation, from the requirement to hold a licence under section 30 or comply with any other provision of this Act until a date specified in the order.~~

~~(2) The date specified in an order made under subsection (1) is to be not later than the commencement of the first regulatory period.~~

To view the current Water and Sewerage Industry Act 2008 in its entirety, please see:  
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-2008-013>



**12. ALDERMEN'S QUESTION TIME**

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

**12.1 QUESTIONS ON NOTICE**

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

Nil.

**12.2 ANSWERS TO QUESTIONS ON NOTICE**

Nil.

**12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

**12.4 QUESTIONS WITHOUT NOTICE**

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

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

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

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

**13. CLOSED MEETING**

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

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

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 JOINT AUTHORITY MATTER

13.3 TENDER T1184/17 – CAMBRIDGE MEMORIAL OVAL STORMWATER HARVESTING RE-USE SCHEME STAGE 2 WORKS

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

- contracts and tenders for the supply of goods and services;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- applications by Aldermen for a Leave of Absence.

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

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

**PROCEDURAL MOTION**

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