

COUNCIL MEETING
MONDAY 14 SEPTEMBER 2015

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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

Ald Chipman (Leave of Absence)

2. CONFIRMATION OF MINUTES

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 24 August 2015, 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
Dog Management Policy	
Flagstaff Gully Road Land	
Kangaroo Bay Breakwater/Pier	
Rokeby/Lauderdale Trail	31 August
Dog Policy	
Kangaroo Bay Precinct – Update	
Interim Car Parking Plans	
EOI Process for Voluntary Amalgamations	7 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.

Questions on notice and their answers will be included in the minutes.

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.

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 MCFARLANE
MULTI-USER PATHWAY - ROKEBY**

(File No 10-03-05)

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

“That Council is provided with a design plan and costings for a multi-user pathway from:

- 1 The round-a-bout at the Rokeby Police Academy to approximately 309 Rokeby Road.
- 2 A costing for acquisition of land for the Rokeby Highway to the foreshore.
- 3 Investigate the best position for its location and include land outside of the road reserve to maintain and create a permanent access route for the multi-user pathway along the road.
- 4 Costings for continuation for 309 Rokeby Road to the Lauderdale School intersection”.

EXPLANATORY NOTES

Council has put the option out to the community with consultation of a “Multi-user Pathway” along South Arm Road from the Police Academy to Lauderdale School.

- a report is needed to ascertain costs and the implementation of the path with a sustainable, long term outcome.
- using the road reserve in any way is only a short term outcome.
- costs for construction of the pathway from the Academy to 203 Rokeby Road.
- then the extension from 203 South Arm Road to Lauderdale School.
- separating costs out will give options.
- acquiring land from South Arm Road to the Crown Land available for use as the Foreshore Trail needs to be costed and negotiated.
- a time-frame is necessary for budgeting purposes.
- the report will give the community and the Tracks and Trails Committee guidance and security of access.

P K McFarlane
ALDERMAN

/ contd

**NOTICE OF MOTION – ALD MCFARLANE
MULTI-USER PATHWAY – ROKEBY /contd...**

GENERAL MANAGER’S COMMENTS

Council at their Meeting of 22 June 2015 resolved: “That Clarence City Council request the Department of State Growth for a shared multi-purpose pathway along the South Arm Highway from Oakdowns to Lauderdale”.

A matter for Council determination.

9.2 NOTICE OF MOTION – ALD WALKER LOCAL GOVERNMENT CANDIDATE ELECTORAL EXPENDITURE (File No 10-03-05)

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

- “A. That Council request the State Government to amend the Local Government Act and Regulations, consistent with legislation associated with the Legislative Council (Section 162 of the Electoral Act 2004), to prevent donations to or expenditure by Local Government election candidates involving political parties which endorse and/or support that candidate.
- B. That Council submit this motion to the Local Government Association of Tasmania for consideration at their next General Meeting”.

EXPLANATORY NOTES

1. At the recent LGAT General Meeting a motion was passed urging the State Government to support the expansion of the Local Government Act and regulations to require candidates to disclose political donations. The LGAT decision seeks to address donations received by candidates from political parties, however, does not address candidate donations to political parties in the context of a local government election.
2. Currently Local Government candidates have a ceiling of \$1,000 for tax deductible campaign expense claims. This contrasts with an annual \$1,500 tax deductible donation threshold that individuals can make to a political party. There is nothing to preclude a political party from providing campaign funding support of the same amount back to an endorsed Local Government candidate. This effectively means party endorsed candidates that either self-fund campaigns and/or receive donations through a political party may have the advantage of tax deductibility and greater expenditure opportunity over non endorsed party candidates.
3. Furthermore, party endorsed candidates may potentially not be subject to any changes to donation disclosure that are intended to be sought by the Local Government Association of Tasmania.

4. In respect to Legislative Council elections the Tasmanian Electoral Act, 2004 provides as follows:

“162. Party not to incur election expenditure

A person must not incur any expenditure for or on behalf of a party with a view to promoting or procuring the election of a candidate or intending candidate as a Member of the Council, whether or not the candidate or intending candidate is an endorsed candidate or intending candidate of the party”.

5. The proposed motion seeks to have the regulation of “party endorsed” candidate expenditure for Local Government election consistent with the provisions associated with the Legislative Council. It is intended to further strengthen transparency, by preventing and/or making it prohibited for Local Government candidates contesting under a political party franchise, to wash campaign donations through that political party.
6. Banning political party donations would assist in ensuring a level “funding” playing field for claiming Local Government election campaign expenses.

J Walker
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

June Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald Jock Campbell
(Ald Peter Cusick, Deputy Representative)

Quarterly Reports

The Copping Refuse Disposal Site Joint Authority has distributed the Quarterly summary of its Meetings (Attachment 1).

March and June Quarterly Reports pending.

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**

Representative: Ald Richard James
(Ald Sharyn von Bertouch, Proxy)

Quarterly Reports

June Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**



Copping Refuse Disposal Site Joint Authority

8 September 2015

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

Mr Robert Higgins
General Manager
Tasman and Sorell Councils
P O 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.

Authority Meeting held on 20 August 2015

- This meeting was held for the sole purpose of approving amended Authority Rules as part of the process required by sections 31 and 32 of the *Local Government Act 1993* (Tas).

Authority Meeting held on 27 August 2015

- The Minutes of the Authority's meeting on 28 May 2015 were accepted.
- The Minutes of the Authority's Special General Meeting (Electronic) held on 24 July 2015 were accepted.
- The Minutes of the Southern Waste Solutions Board for meetings held on 22 April 2015, 20 May 2015 and 24 June 2015 were noted.
- The June 2015 Quarterly Report was presented and accepted.
- A verbal update was provided by the Southern Waste Solutions Board Chair to Authority members.
- A request for release of legal advice related to the proposed amended Authority Rules was approved.
- A C-Cell project update was provided.

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

Level 4, 29 Elizabeth Street, Hobart
Mobile: +61 0418 990 868 E-Mail: inelson@nelsonhr.com.au
ABN: 87 928 486 460



Copping Refuse Disposal Site Joint Authority

(**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 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 22 April 2015

Matters dealt with:

- The Minutes of the Board meeting held 25 March 2015 were accepted.
- The Monthly Operational Overview and Financial Report for March 2015 was received and noted.
- The Authority Quarterly Report for March 2015 was noted and endorsed.
- The Business Plan and Budget for 2015/16 was approved.
- The updated Strategic Plan was endorsed.
- The Contractual Obligations statement was received and noted.
- A service contract extension was approved.
- A confidentiality agreement was noted.
- The results of a Customer Survey were noted.
- A 'Technology Update' report was received and noted.
- A C-Cell update was provided by the CEO.

Board Meeting held on 22 April 2015

Matters dealt with:

- The Minutes of the Board meeting held 22 April 2015 were accepted.
- The Monthly Operational Overview and Financial Report for April 2015 was received and noted.
- The Business Plan for 2015/16 was endorsed.
- A C-Cell update was provided by the CEO.

.....
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Copping Refuse Disposal Site Joint Authority

Board Meeting held on 22 April 2015

Matters dealt with:

- The Minutes of the Board meeting held 20 May 2015 were accepted.
- The Monthly Operational Overview and Financial Report for May 2015 was received and noted.
- A Balanced Scorecard tool was accepted and to be reported biannually.
- An Internal Auditor was appointed.
- A C-Cell update was provided by the CEO.

(Note: As minutes of meetings of the 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

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

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 24 and 31 August and 7 September 2015 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 24 and 31 August and 7 September 2015 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

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-2015/251 - 151 MORNINGTON ROAD, MORNINGTON - LANDSCAPING BUSINESS
(File No D-2015/251)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a landscaping supplies business at 151 Mornington Road.

RELATION TO PLANNING PROVISIONS

The land is zoned Industry under the Clarence Planning Scheme 2007 (the Scheme) and is subject to the Mount Canopus Overlay. The proposed use is defined as a Plant Nursery/Garden Centre which is a permitted use in the zone, however, the proposal requires a variation to the car parking requirements which requires a discretion.

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.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 16 September 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 10 representations were received raising the following issues:

- increase in noise to adjacent residential area, particularly if a rock crushing machine is installed;
- longer operating hours compared to the operating hours of the Waste Transfer Station and other Landscaping supplies business in the area;
- impact on residential amenity from dust, noise, air pollution and odours;
- not enough screening or landscaping between the site and the adjacent residential properties;
- contamination from tyres and oil being buried on-site; and
- the business will include a wood yard which has not been included on the application.

RECOMMENDATION:

A. That the Development Application for Landscaping Business at 151 Mornington Road, Mornington (CI Ref D-2015/251) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN C1 – ON-SITE CAR PARKING [10]. Delete last sentence.

3. GEN AP3 - AMENDED PLAN [the rock/soil mixing area be moved further south on the site].
4. GEN AM5 - TRADING HOURS
Monday – Friday 7am to 6pm
Saturday 9am to 6pm
Sunday and Public Holidays 10am to 6pm.

The rock/soil mixing area is only to be used on weekdays.
5. LAND 1A – LANDSCAPE PLAN insert dot points “landscaping along the northern boundary of the site of sufficient width to contain a variety of species to provide screening to the residential properties to the north” “additional landscaping along the Mornington Road frontage to provide screening”.
6. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
7. ENG A6 – GRAVELLED CAR PARKING.
8. ENG S1 – INFRASTRUCTURE REPAIR.
9. ENG M1 – DESIGNS DA.
10. ENG M5 - EROSION CONTROL.
11. A sprinkler system installed or a water cart arrangement must be installed to minimise dust from the site prior to the commencement of the use, to the satisfaction of Council’s Senior Environmental Health Officer.
12. The development must meet all required Conditions of Approval specified by TasWater notice dated 8 September 2014 (TWDA 01009-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 was created by SD-2010/72 on 8 November 2010, which approved the subject site and a balance lot at 165 Mornington Road.

The site was originally part of 128 Mornington Road which has been the subject of a number of use and development applications. These include the relocation of an existing wood yard (now on 165 Mornington Road) within the Landscape and Skyline Conservation zoned portion of the site (D-2008/184) and a re-zoning of a portion of the land from Landscape and Skyline Conservation to Industry (A-2009/7). This was approved by the TPC and came into effect on 11 June 2010.

The most recent application for the site was a 5 lot subdivision on 151 and 165 Mornington Road (SD-2012/46) approved on 27 May 2013, which created 5 lots and a road lot on 151 Mornington Road. This permit was not commenced within 2 years of the date of approval and therefore the permit has lapsed.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Industry under the Scheme and is subject to the Mt Canopus Overlay under the Clarence Planning Scheme 2007. However, the Mt Canopus Overlay is not relevant as the development does not propose any external light sources.

2.2. The use is defined as a Plant Nursery/Garden Centre which is a Permitted use in the zone, however, the proposal requires a variation to the car parking requirements of the Scheme which requires a discretionary application.

2.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Industry Zones; and
- Section 8 – Off Street Parking and Loading.

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 an industrial zoned site containing a number of buildings and access roads connected to the existing wood yard on the adjacent site at 165 Mornington Road. The title contains a right-of-way in favour of the property at 165 Mornington Road.

3.2. The Proposal

The proposal is for landscaping supplies business. A variety of landscaping materials will be stored on-site in 5m x 4m concrete supply bays, approximately 30m from the frontage to Mornington Road. Proposed operating hours are:

Monday to Friday: 7am to 6pm;

Saturday: 9am to 6pm; and

Sunday and Public Holidays: 10am to 6pm.

The existing access is to be retained and 10 parking spaces are proposed in the south-west corner of the site. The existing office and weigh bridge will be retained and the existing building closest to Mornington is to be demolished. A new road is to be constructed to a rock/soil mixing area at the northern end of the site.

4. PLANNING ASSESSMENT

4.1. Planning Policy Framework [Section 2]

The relevant elements of the Planning Policy Framework are contained in Section 2.2.3 (c) (ii). In particular, the Key Objectives include:

“Ensure industrial development is well designed and maintained, creating an amenity which is attractive to future industrial development and which protects any nearby residential uses from conflict”.

Reference to these principles is also contained in the discussion below.

4.2. General Decision Requirements [Section 3.3.1]

The relevant General Decision Requirements of this part are:

- “(a) *General requirements:*
 - (i) *The Objectives of the Act.*
 - (ii) *The provisions of any State Policy.*
 - (iii) *The Planning Policy Framework.*
 - (iv) *The Purposes of the Zone.*
 - (v) *The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
 - (vii) *Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*
 - (ix) *The impact upon established retail and industrial hierarchies or rural industries and their need for growth and investment.*
- (b) *Amenity requirements:*
 - (i) *The character of the locality, the existing and future amenities of the neighbourhood.*
 - (ii) *Any pollution arising from the site in terms of noise, fumes, smell, smoke or vibration.*
 - (iii) *Landscaping, illumination and treatment of the site generally.*
 - (iv) *The need to impose limits as to length of establishment of operation and the periods within which activities may be carried out.*
- (c) *Infrastructure requirements:*
 - (i) *The availability of existing public utility services.*
 - (iv) *Whether the site requires decontamination.*
 - (v) *The capacity of the existing streets and roads in the locality and the effect of the development on such capacity.*
 - (vi) *The provision of access, loading, parking and manoeuvring of vehicles.*
- (e) *Environmental requirements:*
 - (iii) *The compatibility of the development on the surrounding land uses.*
 - (ix) *The impacts from and need to control drainage and erosion”.*

4.3. Industry Zone

The proposal complies with the Use and Development Standards of the zone and is assessed against the Specific Decision Requirements of the zone as follows.

“(d) Landscaping should be of complementary scale with industrial development and appropriately placed to enhance car parking areas and break up the mass of large buildings”.

The site contains some vegetation along the western boundary behind the proposed car parking area and throughout the site. It is considered that the existing vegetation adjacent to the car parking area is sufficient to enhance the proposed car parking areas.

“(e) Sufficient car parking and loading areas should be provided on site and located to ensure practical access for clients and staff”.

The Scheme provides that the proposed use requires 1 space per 100m² and 1 car parking space per employee. The nature of the use results in car parking calculated on the majority of the area of the site which results in approximately 150 car parking spaces. This is considered well above the number that is reasonably anticipated by the proposed use, where the majority of customers will not park on the site for long periods of time and will park vehicles adjacent to the landscaping bays to collect materials.

It is considered that the 10 spaces proposed and the access and circulation routes within the sites are satisfactory.

“(j) Outdoor storage should be adequately screened from view from a public place”.

The landscaping supplies will be stored in concrete bins with the end of the row of bins located approximately 30m from Mornington Road. Some vegetation is provided along the frontage to Mornington Road, however, it is considered appropriate to require additional landscaping along the frontage which will provide additional screening to the storage areas on the site.

“(m) Development should minimise impact on any adjoining residential land and appropriate control of emissions”.

The site is separated from the residential properties to the north by a transmission easement 45m in width. The proposal includes a rock/soil mixing area located near the northern boundary of the site and approximately 60m from the boundaries of the residential properties to the north. Following discussions with the applicant regarding concerns raised during advertising, the applicant has proposed to move the rock/soil mixing area further away from the residential properties, which will reduce any impact on the amenity of the residential properties. The applicant has also proposed that additional landscaping be provided in the north-east corner of the site to screen activities in the area.

It is considered that suitable landscaping should be provided along the northern boundary of the site, which will improve the visual amenity of the residential properties to the north and reduce any impacts from dust and noise. Council's Senior Environmental Health Officer has also recommended that the rock/soil mixing area be limited to weekdays and a sprinkler system arrangement be installed to ensure dust is minimised.

4.4. Section 8.1 Off Street Parking and Loading

As discussed previously, the proposal requires a variation to the parking requirement technically required under the Scheme. It is considered that the proposed car parking is satisfactory due to the nature of the development where users enter the site, collect materials and exit, in a short space of time.

4.5. External Referrals

The application was referred to TasWater who have provided conditions.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 10 representations were received. The following issues were raised by the representors.

- 5.1.** Increase in noise to adjacent residential area, particularly if a rock crushing machine is installed.

- **Comment**

The proposal does not include a rock crushing machine. As discussed, impacts to the residential amenity will be reduced by the relocation of the soil/rock mixing area further south and by landscaping along the northern boundary, both of which has been proposed by the applicant to address the concerns raised. It is considered that given the distance between the residential properties and the development site, the proposal will not have an unreasonable detrimental effect on the amenity of the residential properties to the north.

- 5.2.** Longer operating hours in relation to the operating hours of the Waste Transfer Station and other Landscaping supplies business in the area.

- **Comment**

The proposed operating hours are in accordance with the Noise Regulations and therefore they are considered satisfactory. However, Council's Environmental Health Officer has recommended that the hours of operation of the soil/rock mixing area be limited to weekdays. In addition, the relocation of this area further south will increase the separation between the 2 uses and it is considered that these measures will ensure that the proposal will not have an unreasonable impact on the amenity of the residential properties to the north.

- 5.3.** Impact on residential amenity from dust, noise, air pollution and odours from the business.

- **Comment**

As discussed, the residential properties are located approximately 45m from the northern boundary of the site. Permit conditions are recommended requiring landscaping along the northern boundary, a sprinkler system installed and reduced hours for the soil/rock mixing area which will ensure that the amenity of the residential properties to the north is not unreasonably affected by the development.

5.4. Concern with contamination from tyres and oil being buried on-site.

- **Comment**

Council has previously had concerns with tyres and oil drums being buried on the adjacent site at 165 Mornington Road, however, as it was not occurring on the subject site, this issue is not relevant to the application.

5.5. Concern that the business will include a wood yard which has not been included on the application.

- **Comment**

The applicant has indicated that small amounts of wood would be sold by the landscaping supplies business, however, all processing of the wood would occur on the existing wood yard at 165 Mornington Road. While not specifically identified in the application, the sale of wood is a use reasonably associated with the proposed business and would be considered an ancillary use to the landscaping supplies business.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

8. CONCLUSION

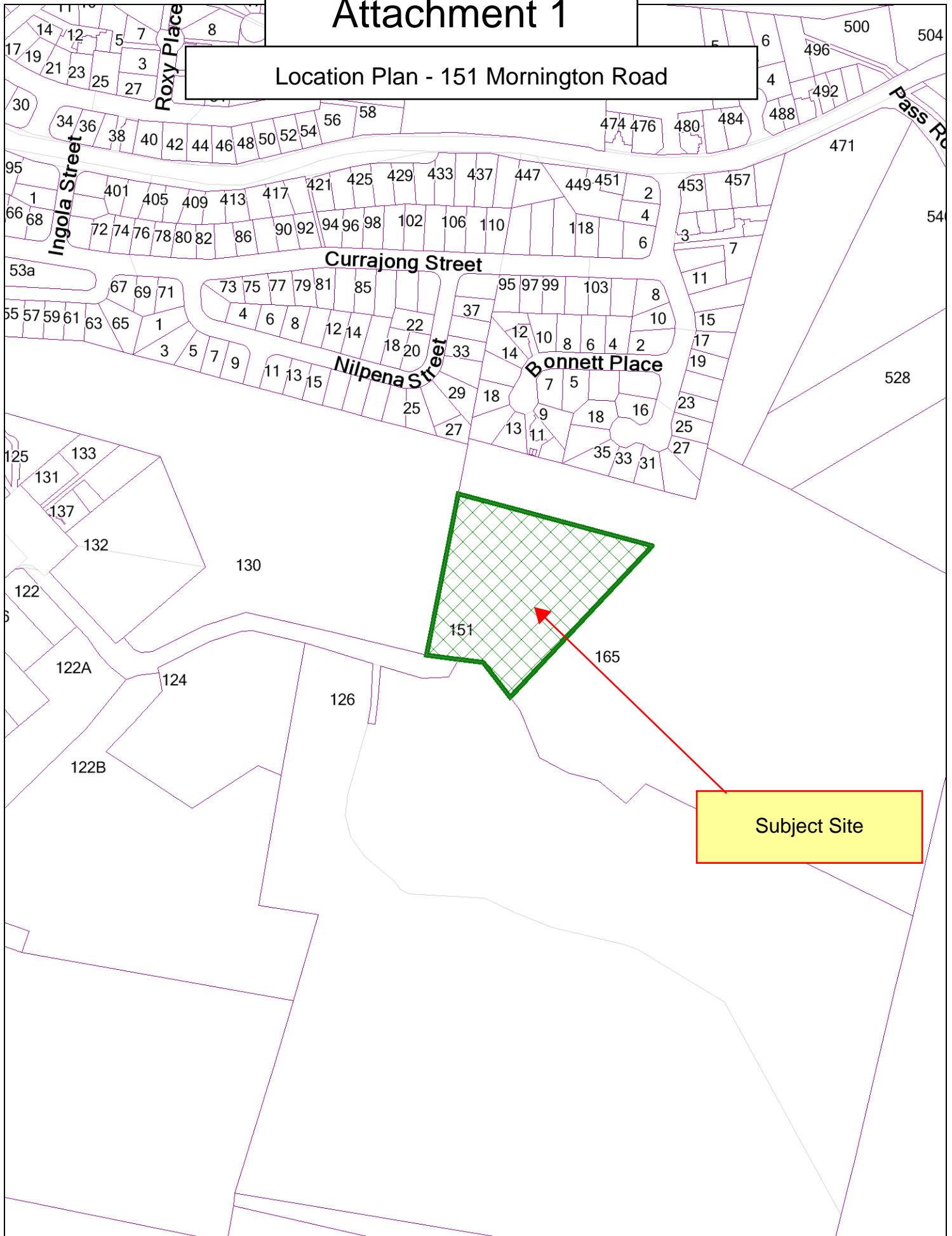
The proposal is for a landscaping supplies business at 151 Mornington Road. The proposal is recommended for approval with conditions.

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

Ross Lovell
MANAGER CITY PLANNING

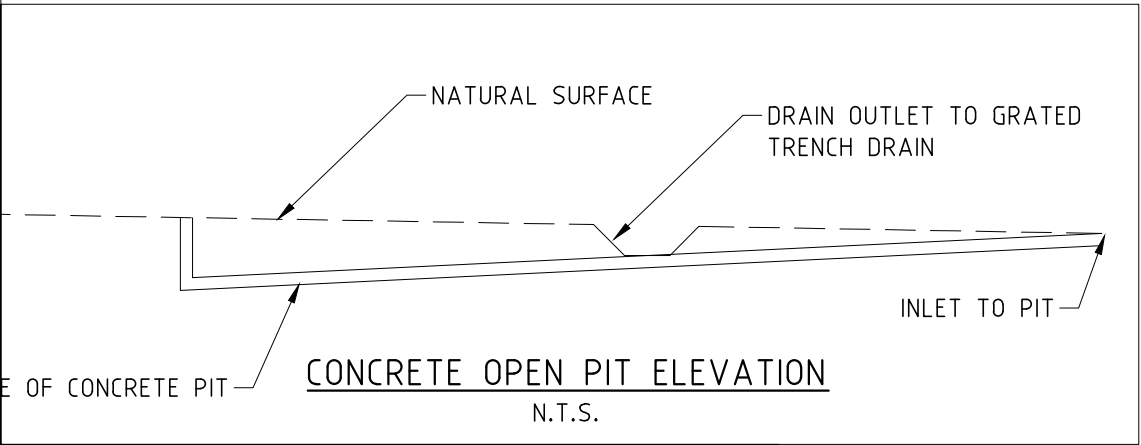
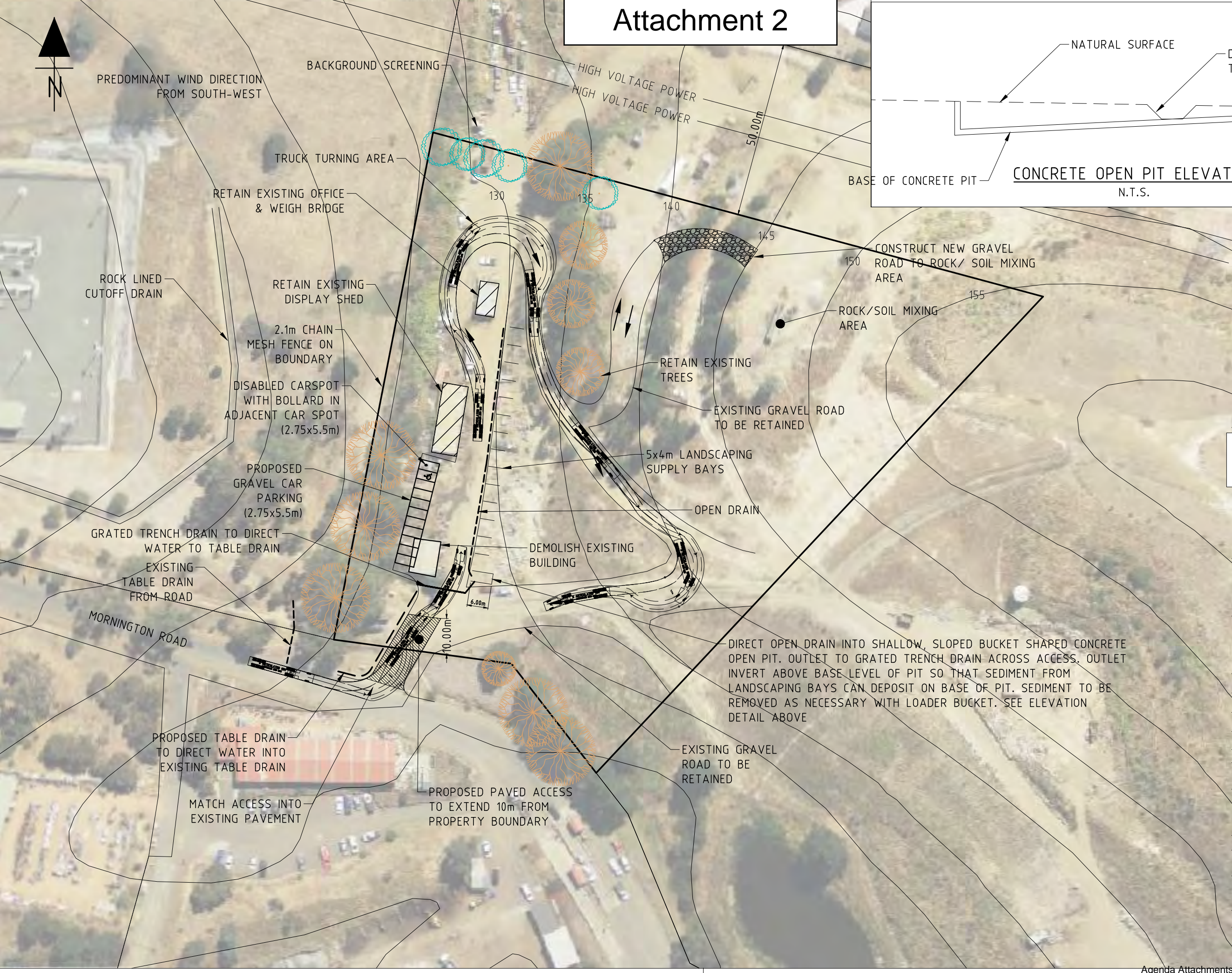
Attachment 1

Location Plan - 151 Mornington Road



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Attachment 2



REV	DATE	REMARK



Engineers & Planners

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PROJECT
151 & 165 MORNINGTON ROAD

TITLE
SITE ANALYSIS PLAN/
APPLICATION PLAN

Accepted MCC (Discipline Head)	Date
Accepted MCC (Team Leader)	Date
Approved MCC (Group Manager)	Date

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SCALES @ A3	DESIGNED BY	DRAWN BY
1:1000		SHL
	PLOT DATE	04/08/2015

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PLOT DETAILS 151 & 165 MORNINGTON RD BASE.DWG

PROJECT NO. J153052PH

DWG NO. P01	REVISION
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Attachment 3

151 Mornington Road, MORNINGTON



Site viewed from the entrance from Mornington Road.

11.3.2 SUBDIVISION APPLICATION SD-2015/29 - 26 WHITE KANGAROO ROAD, CAMPANIA - 6 LOT SUBDIVISION
(File No SD-2015/29)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 6 lot subdivision at 26 White Kangaroo Road, Campania.

RELATION TO PLANNING PROVISIONS

The land is zoned Intensive Agriculture and subject to the Vegetation Management Overlays under the Clarence Planning Scheme 2007 (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.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 16 September 2015.

CONSULTATION

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

- inconsistent with the purpose of the Significant Agriculture zone in the Interim Planning Scheme; and
- increase in anti-social and criminal activity as a result of the subdivision, including trespassing on neighbouring properties.

A representation was also received from the Department of State Growth, however, following discussions and the applicant's submission of a Traffic Impact Assessment, the representation was withdrawn.

RECOMMENDATION:

A. That the application for a 6 lot subdivision at 26 White Kangaroo Road, Campania (Cl Ref SD-2015/29) be approved subject to the following conditions and advice:

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [
 - the access to Lot 6 removed and relocated to White Kangaroo Road; and
 - a road and turning head off Fingerpost Road, which has a minimum length of 30m, to provide access for Lots 1 – 5].

3. GEN F3 – ENDORSEMENTS.
 4. GEN F2 – COVENANTS [No lot is to have direct access from Fingerpost Road].
 5. ENG M2 – DESIGNS SD.
 6. ENG A1 – NEW CROSSOVER [TSD – R03].
 7. ENG A3 – COMBINED ACCESSES replace “sealed” with “gravel”, [TSD – R03], remove second last sentence.
 8. ENG A7 – REDUNDANT CROSSOVER.
 9. ENG A8 – DISTANCE WORK [in accordance with the Traffic Impact Assessment, Keith Midson, August 2015].
 10. ENG A4 – DIER ACCESS.
 11. ENG R1 – ROAD NAMES.
 12. ENG R3 – RURAL ROAD.
 13. ENG R4 – ROAD WIDENING [9m].
 14. ADVICE - The applicant be advised that future residential use of all lots is constrained by the Use Table of the Significant Agricultural Zone under the Clarence Interim Planning Scheme 2015 in which a Residential use is Discretionary in the zone “*only if a single dwelling necessary to support agricultural use on the property*”. Consequently, approval of the subdivision should not be deemed to imply a permit can or will be granted for future residential use.
- 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 lot was created by SD-2003/102 approved on 4 December 2003, which subdivided an existing title of 262ha to provide for 3 lots. A condition of approval was that access to the site was rationalised so that Lot 2 (the subject site) had access to White Kangaroo Road only.

The Department of State Growth made a representation that direct access to Lot 2 was to be provided from White Kangaroo Road only.

The owner appealed the decision of Council which was resolved through mediation. The permit was amended to provide for a rationalisation of the existing accesses on the site so that Lot 2 is to have access to White Kangaroo Road and only agricultural access from Fingerpost Road was allowed.

A later subdivision (SD-2015/16) amended the previously approved subdivision but retained the same permit condition regarding access.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Intensive Agriculture and subject to the Vegetation Management Overlay (not relevant to this assessment) under the Clarence Planning Scheme 2007.

2.2. The proposal is a Discretionary development.

2.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions; and
- Section 6 – Intensive Agriculture Zone.

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 83.55ha agricultural lot bounded by Fingerpost Road along the southern boundary and White Kangaroo Road along the western boundary.

There are existing accesses to the site from White Kangaroo Road and Fingerpost Road. Two commercial poultry farms are located in close proximity to the property, 1 adjacent to the north-west and the second on the southern side of Fingerpost Road.

The site was used as a 76ha apricot orchard for a number of years, however, the orchard has recently been downsized to 10ha.

The site contains a large dam used for irrigation located near the western boundary of the site and is also connected to the South East Irrigation Scheme. An existing shed is located in the centre of the site, 10m from the proposed boundary of Lot 4.

The applicant has provided an Agricultural Report (Macquarie Franklin, May 2015) which supports the application on the basis that the proposed lots are suitable for a range of agricultural enterprises such as vines, oils and cherries as well as a range of other speciality crops utilising the existing infrastructure, or vegetables, seed crops or other intensive horticulture with some modification to the existing infrastructure.

3.2. The Proposal

The proposal is for a 6 lot subdivision which will result in 7 lots with areas between 10ha and 13.30ha. Access to Lots 1 - 5 is proposed via one access point from Fingerpost Road with access to the rear lots via access strips with reciprocal rights-of-way. Lot 6 proposes a new access from Fingerpost Road and Lot 7 is using an existing access from White Kangaroo Road.

4. PLANNING ASSESSMENT

4.1. Planning Policy Framework [Section 2]

The relevant elements of the Planning Policy Framework are contained in Section 2.2.3 (c) (iii) – Rural Industry. In particular, the relevant Key Objectives include:

“To continue to promote agriculture as a primary focus in the Cambridge-Richmond area.

To protect farmland and fragmentation into non-productive units including rural residential living or hobby farms”.

The proposal is for a subdivision only which does not change the existing agricultural use of the property. Therefore, it is considered that the development is consistent with the objectives of the Scheme.

Reference to these principles is also contained in the discussion below.

4.2. General Decision Requirements [Section 3.3.1]

The relevant General Decision Requirements of this part are:

- “(a) *General requirements:*
 - (ii) *The provisions of any State Policy.*
 - (ii) *The Planning Policy Framework.*
 - (v) *The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
 - (vi) *Comments of any Government Department, any other Authority or referred agency.*
 - (vii) *Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*
- (f) *Subdivision requirements:*
 - (i) *The suitability of the land for subdivision.*
 - (ii) *The existing use and potential for future development of the land and its surrounds.*
 - (iii) *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation, natural drainage paths and significant stormwater catchment areas.*
 - (v) *The size and shape of each lot in the subdivision.*
 - (viii) *The provision and location of reserves for public open space and other community facilities”.*

Reference to these principles is also contained in the discussion below.

4.3. Zone

The purpose of the Intensive Agriculture zone is:

- “(b) *To encourage:*
 - (i) *An integrated approach to land management.*
 - (ii) *Development of a range of intensive agricultural enterprises.*

- (iii) *Development of new sustainable rural enterprises through value adding to products at source.*
- (iv) *Promotion of economic development compatible with rural activities.*
- (v) *Improvement of existing agricultural techniques”.*

The proposal is considered to be consistent with the purpose of the zone as the proposal is for a subdivision of land into 6 titles and does not alter the existing agricultural use of the land.

Use and Development Standards

The proposal complies with the Use and Development Standards of the zone which requires a minimum lot size of 10ha and a minimum frontage of 6m.

Access

As discussed previously in this report, the Department of State Growth has made a representation objecting to additional accesses from Fingerpost Road, which is a Category 2 road in the Tasmanian State Road hierarchy. The Department was concerned that the development would result in incremental ribbon development reducing the safety and efficiency of the road network.

The Department based its objection on the fact that Fingerpost Road is a regional freight route and any new direct access to properties should be restricted where reasonable access is available by an alternative road which is lower in the road hierarchy. The Department also refers to the previous decision of the Resource Management and Planning Appeal Tribunal for SD-2003/102 which resulted in access being rationalised so that “*other than agricultural purposes, Lot 2 is to have access to White Kangaroo Rivulet Road only*”.

Following discussions between the applicant, landowner and the Department, a Traffic Impact Assessment was carried out (Keith Midson, July 2015 and August 2015) which concluded that there was not a safe alternative access to service all proposed lots from White Kangaroo Road, as the available sight distance was insufficient to meet Austroads requirements.

The existing access location from Fingerpost Road was considered suitable to provide an access point to Lots 1 – 5, which would have to be upgraded to a suitable standard. As a result of the assessment, the access proposed to Lot 6 was relocated to White Kangaroo Road.

The Department recommends that if approved, a condition should be included upgrading the single access point to contemporary standards, which is suitable to cater for the anticipated vehicles. Council's Engineer recommends that a road be constructed for a minimum of 30m which ends in a turning head.

If approved, it is recommended that a permit condition requiring an amended plan to be submitted showing the access to Lot 6 from White Kangaroo Road. It is also recommended that a covenant be included on the title for Lots 6 and 7 that prevents direct access from Fingerpost Road.

Council's engineers have assessed the proposal and recommend access to all lots be via a road, a minimum of 30m in length and including a turning head, which will allow for trucks and agricultural machinery to access all the lots safely.

Specific Decision Requirements

“(a) Development or use should not fetter agricultural uses”.

The proposal is for a subdivision of agricultural land into 6 lots which have a minimum area of 10ha, which are capable of being used productively for agricultural use. The applicant has provided an Agricultural Report (Macquarie Franklin, May 2015) which provides the following assessment of the impact of the development on the existing agricultural activities.

“...the subdivision of the property into 7 lots allows for the potential to utilise the land, water and existing infrastructure for other developers to commercialise other agricultural enterprises thereby increasing the diversity of the property long term and ensuring that the agricultural potential is realised”.

On this basis, it is considered that the proposed subdivision will not in itself fetter the existing agricultural use of the land.

“(b) Existing farm production is to be protected particularly maintaining farm size and the productive capacity of the site to sustain the rural enterprise and considering impacts from and on surrounding land uses”.

The applicant has provided an Agricultural Report (Macquarie Franklin, May 2015) which indicates that the proposed lots are capable of a variety of agricultural uses, including viticulture and cropping. The report also advises that water allocations will be assigned from the irrigation dam to enable agricultural activities on all lots.

Although the proposal does decrease the existing farm size, it is considered that the subdivision will not reduce the existing agricultural productivity of the site as the land could be used for a diverse range of agricultural activities.

“(c) Any residential development (including any caretaker’s house) should be reasonably required for the operation of the rural activity conducted on the land”.

The application is for subdivision only and further approval from Council is required for a dwelling on the proposed Lot 1. Any residential development would be subject to a further discretionary planning application to Council. This issue is discussed later in this report, since controls on residential development in this zone are further enhanced in the Clarence Interim Planning Scheme 2015.

“(e) Agricultural uses, industries and rural infrastructure are to be protected to maintain the production capacity of the area”.

The proposed subdivision does not alter the agricultural productivity of the land.

“(j) Lot sizes are to be sufficient to suit differing levels of rural, service and recreational needs”.

As discussed above, it is considered that the proposed lots are large enough to allow for a variety of agricultural uses.

4.4. Interim Clarence Planning Scheme 2015

The Clarence Interim Planning Scheme 2015 (CIPS) became effective on 1 July 2015. Although the application must be assessed under the current Clarence Planning Scheme 2007, some consideration must be given to the provision of the CIPS.

Under the CIPS, the property will be zoned Significant Agricultural and will be covered by the Bushfire Prone Areas Code. There is no ability to subdivide land contained within the Significant Agricultural zone and therefore the application could not be considered under the CIPS.

While the proposal is inconsistent with the CIPS, the CIPS was not effective at the time the application was made. Therefore, it does not have sufficient weight to warrant a refusal of the application solely on this basis.

Although the proposal is for a subdivision only, it is worth commenting on the provisions under the CIPS regarding Single Dwellings on lots within the Significant Agricultural zone, as this impacts on the future uses of the lots. A Single Dwelling is a Discretionary use within this zone, but only if it is necessary to support agricultural use on the land. This would appear difficult to achieve, particularly given the recent decision made by the Tribunal in *P & K Degenhardt v Waratah Wynyard Council and A & M Jackson [2015]* which overturned a Council decision to approve a Single Dwelling on land zoned Rural Resource. Although the zone is different, the reasons for refusal are relevant.

In that case, the Tribunal did not agree that a Single Dwelling was necessary for the proposed use of land and it would effectively convert the land into a rural residential site, as a dwelling was not necessary to support farming activities.

The site in this case had an area that was less than the 10ha lots proposed, however, the principles applied in the decision would need to be considered when assessing Single Dwellings in the Significant Agricultural zone.

It is recommended that advice be included on the permit which explains that an application for a dwelling on the site would need to demonstrate that a Single Dwelling is necessary to support the agricultural use of the land, so that the subdivider and any future purchasers are aware of the constraints on the development of the land.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 2 representations were received. A representation was also received from the Department of State Growth, however, it was later withdrawn. The following issues were raised by the representors.

5.1. Inconsistent with the purpose of the Significant Agriculture Zone in the Interim Planning Scheme

The representor was concerned that the proposal did not meet the intent of the zone as the proposal will result in the fragmentation of agricultural land. The representor also contests that there are errors in the Agricultural Report that states that water rights could be allocated to the site in Stage 3 of the South East Irrigation Scheme.

- **Comment**

The application has been made under the previous scheme, where this proposal is Discretionary. As such, the representation is of limited relevance to the proposal at hand.

As discussed previously, the proposal is for a subdivision only which meets the minimum lot size of 10ha. Any assessment, including subdivision, needs to consider the effect of the development on the agricultural productivity of the land.

While the size of the farm is reduced, it is considered that based on the Agricultural Report, the proposed lots are capable of being used for a range of productive agricultural uses and therefore the Specific Decision Requirement of the Scheme is met.

The report states that the Stage 3 infrastructure will run adjacent to the site which would allow for water rights to be purchased if required. However, the report also states that the existing water supply from the irrigation dam will be allocated to each lot to enable agricultural activities on each lot.

It is considered that regardless of whether the additional water rights being purchased in Stage 3 of the irrigation scheme, the report adequately demonstrates that the lots are capable of being used productively for agricultural purposes.

Despite the above, it is noted elsewhere in this report, the CIPS will have implications for any future developments of the lot.

5.2. Increase in Anti-social and Criminal Activity as a result of the Subdivision, including Trespassing on Neighbouring Properties

The representor was concerned that the subdivision will result in anti-social and criminal activity, including trespassing, “sheep killing dogs” and trespassing.

- **Comment**

There is no evidence to support the representor’s concerns.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**Public Open Space**

The primary purpose of Council's Public Open Space Policy (2013) is to ensure the delivery of adequate and appropriate Public Open Space (POS) to serve the needs of the existing and future population in Clarence.

In this instance, the subdivision is to create 6 additional agricultural lots and it is not anticipated that they will be used for residential purposes at this stage. Accordingly, it would not be appropriate to require public open space or alternatively the payment of cash-in-lieu of it.

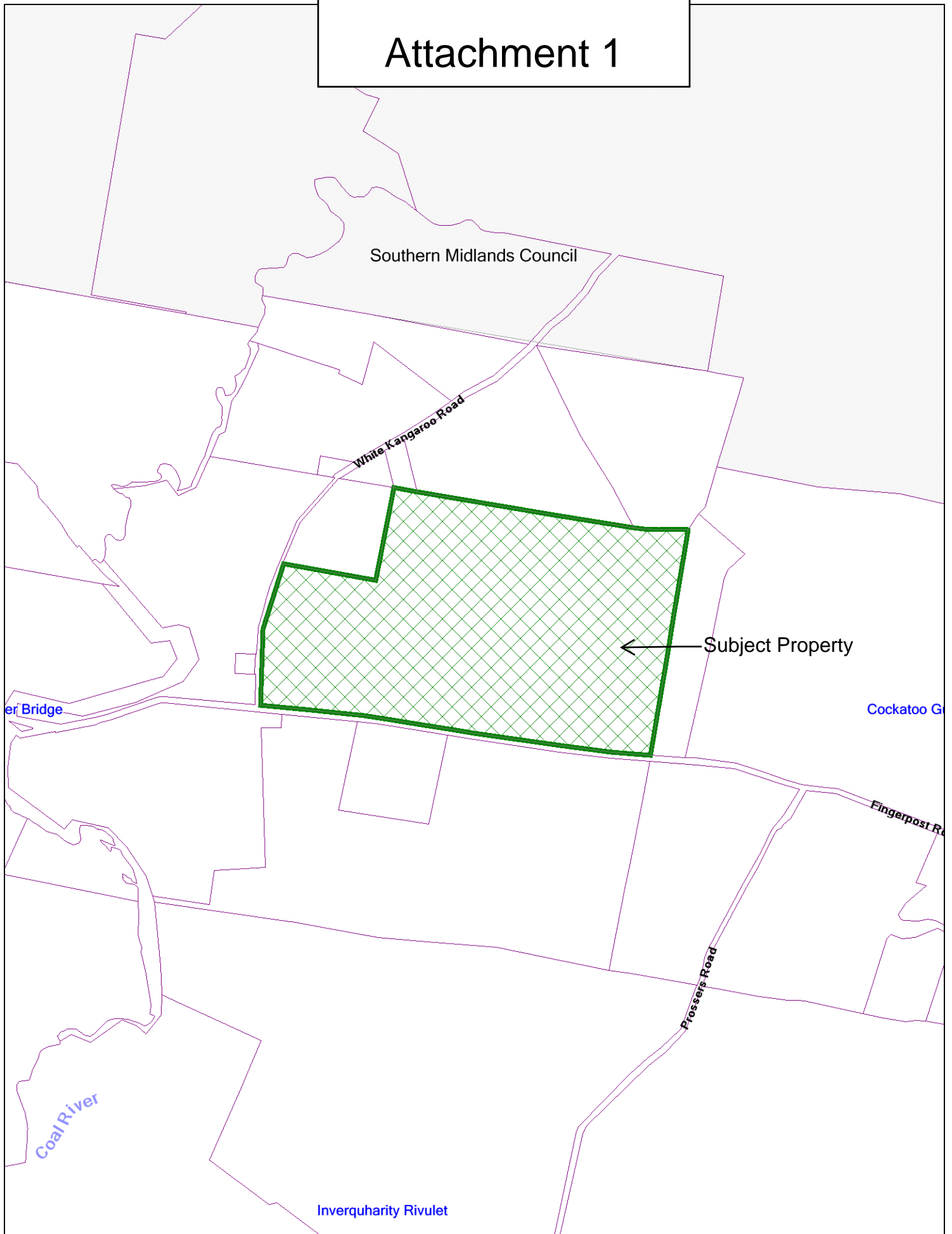
8. CONCLUSION

The proposal is for a 6 lot subdivision at 26 White Kangaroo Road. The proposal is considered to satisfy the provisions of the Scheme and is recommended for approval.

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

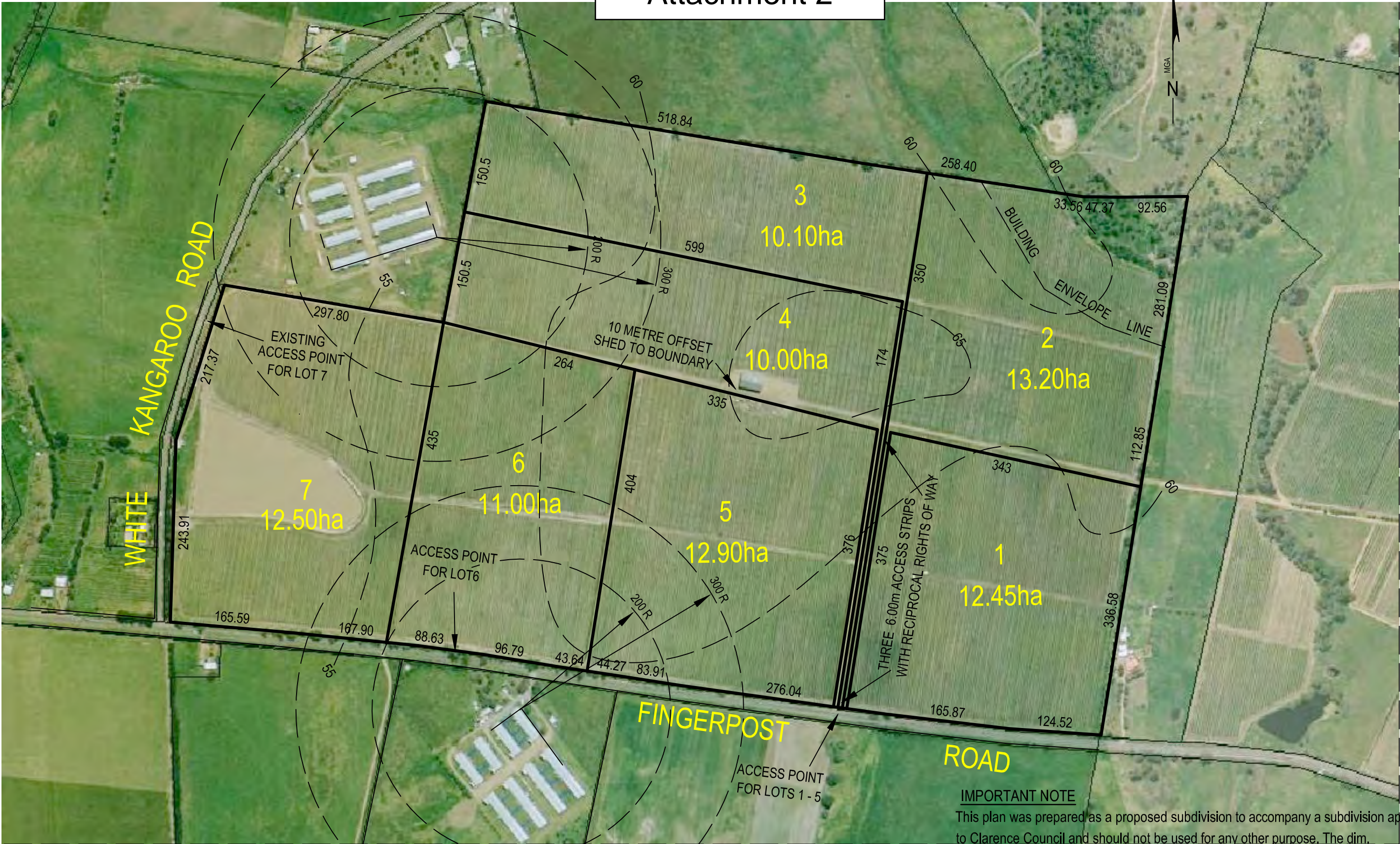
Ross Lovell
MANAGER CITY PLANNING

Attachment 1



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Attachment 2



IMPORTANT NOTE

This plan was prepared as a proposed subdivision to accompany a subdivision application to Clarence Council and should not be used for any other purpose. The dimensions and areas and total number of lots shown hereon are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land. This note is an integral part of this plan.

<u>AMENDMENTS</u>		
No.	Revision/Issue	Date



2 Davey Street, HOBART TAS 7000
P 03 6220 0299 F 03 6220 0290
E nleary@learyandcox.com

Project Name and Address

26 WHITE KANGAROO ROAD
CAMPANIA

26 WHITE KANGAROO ROAD
CAMPANIA

Drawing Title

PLAN OF SUBDIVISION

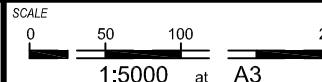
Client

C A BLACK & M S RANICAR
CT 144678 / 1

PLAN OF SUBDIVISION

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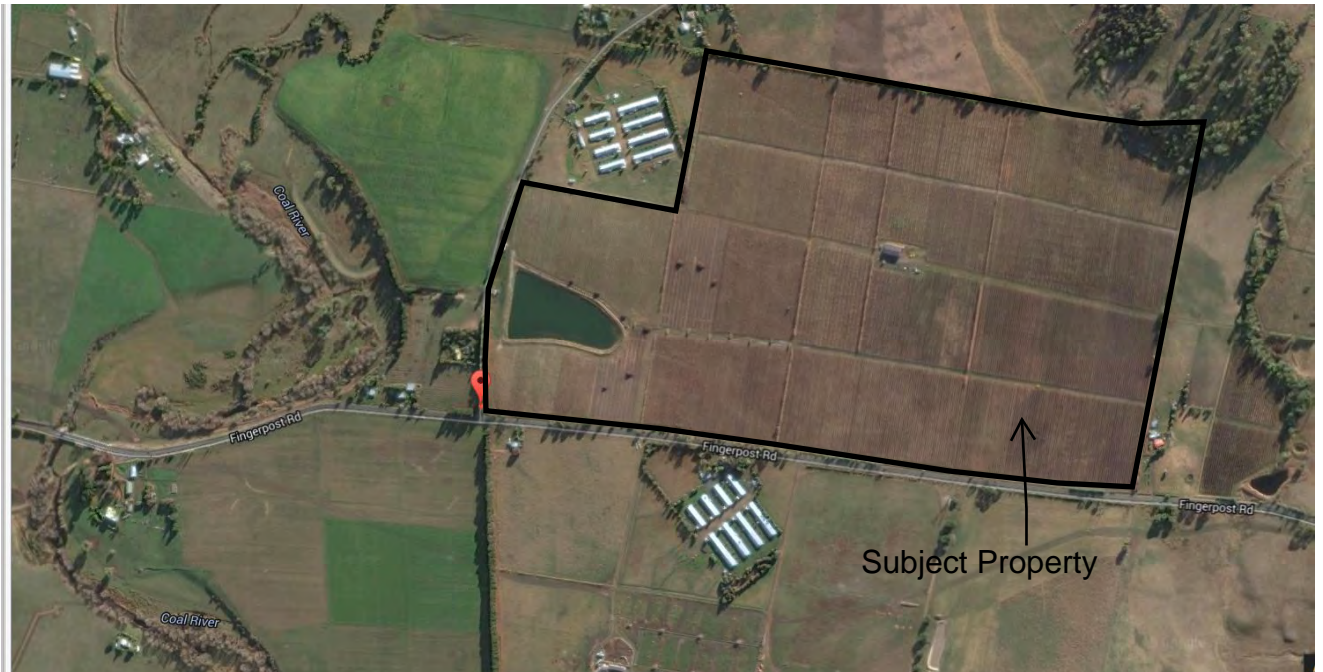
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Attachment 3

26 White Kangaroo Road, CAMPANIA



Site viewed from White Kangaroo Road, looking northeast



Aerial image of the site (Image courtesy of www.google.com.au)

11.3.3 SUBDIVISION APPLICATION SD-2015/35 - 50 MINNO STREET (AND 17 WATTON PLACE), HOWRAH - 98 LOT SUBDIVISION AND BOUNDARY ADJUSTMENT

(File No SD-2015/35)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a 98 lot subdivision at 50 Minno Street, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential and Landscape and Skyline Conservation and is subject to the Vegetation Management and Development Plan Overlays under the Clarence Planning Scheme 2007 (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.

Council is required to exercise a discretion within the statutory 42 day period which has been extended to expire on 14 September 2015.

CONSULTATION

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

- road construction;
- staging; and
- fencing.

The proposal was considered by the Tracks and Trails Committee who were generally supportive of the proposed connections resulting from the application.

RECOMMENDATION:

A. That the application for a 98 lot subdivision and boundary adjustment at 50 Minno Street, Howrah (Cl Ref SD-2015/35) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP2 – STAGING.
[Stage 1:
1A – Lots 1, 96-97;
1B – Lots 2-22.

Stage 2:

2A – Lots 28-45 and the POS lot;
2B – 48-58.

Stage 3:

3A – Lots 23-27, 46-47, 75 and 95;
3B – Lots 86-94;
3C – Lots 69-74 and 76-82;
3D – Lots 59-68 and 83-85].

3. GEN AP3 – AMENDED PLANS

- [• The protrusion from Lot 97 to road “B” (which is shown as having car parking and stormwater infrastructure on Plan CD02) forming part of road lot “B” and accordingly being transferred to Council in Stage 2.
 - The road lot which connects to 102 Pass Road is to have a full width pavement constructed to terminate at the boundary of 102 Pass Road. The water sensitive urban design sediment bay and the access to Lot 96 (proposed Council Reserve) is to be modified and relocated to be clear of the road pavement and any footpath that may be required within this road reserve.
 - The protrusion from Lot 97 to road “B” is to be created as a road lot as part of Stage 2B of the subdivision. The water sensitive urban design sediment bay is to be modified and relocated to ensure that a full width road pavement can be constructed should a road be located in this lot in the future without the need to modify Council’s stormwater system. The vehicle parking and manoeuvring demonstrated on Plan CD02 is to be designed and constructed to the satisfaction of Councils Group Manager Asset Management prior to the transfer of the lot.]
4. A suitable right-of-way is to be created at Stage 1A to provide access to the proposed Council drainage reserve through the application site.
5. A public right-of-way over Lot 1 is to be created at Stage 1A to provide a connection from the existing Council land at 17 Watton Place to the proposed Council POS at the western end of the application site, as shown on the approved plans.
6. GEN F4 – BUILDING ENVELOPE. [1] [the dimension shown on the endorsed plan].
7. GEN F5 – PART 5 AGREEMENT [requiring the retention and maintenance of the vegetated buffer until such time as the adjacent land to the north is no longer zoned and used for rural purposes, in accordance with Clause AS 5.4 of the Part 50 Minno Street Development Plan].
8. PROP 2 – POS FENCING.

9. PROP 3 – TRANSFER.
10. GEN V7 – CLEANING OF MACHINERY.
11. ENG A1 – NEW CROSSOVER.
12. ENG M4 – POS ACCESS.
13. ENG M5 – EROSION CONTROL.
14. ENG M6 – CONSTRUCTION FENCING.
15. ENG M7 – WEED MANAGEMENT PLAN.
16. ENG M8 – EASEMENTS.
17. ENG R1 – ROAD NAMES.
18. ENG R2 – URBAN ROADS.
19. All proposed landscaping and park infrastructure within the POS lot, demonstrated on Plan CD02, is to be approved by Council's Group Manager Asset Management prior to any works being undertaken. All works are to be completed in accordance with the approved plans prior to the transfer of the lot to Council.
20. ENG R5 – ROAD EXTENSION.
21. ENG R6 – VEHICLE BARRIERS.
22. ENG S1 – INFRASTRUCTURE REPAIR.
23. ENG S2 – SERVICES.
24. ENG S4 – STORMWATER CONNECTION.
25. ENG S5 – STORMWATER PRINCIPLES.
26. ENG S10 – UNDERGROUND SERVICES.
27. EHO 4 – NO BURNING.
28. LAND 4 – LANDSCAPE BOND (SUBDIVISION).
29. LAND 5 – SUBDIVISION LANDSCAPING.
30. The development must meet all required Conditions of Approval specified by TasWater notice dated 3 September 2015 (TWDA 2015/00992-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 land was zoned Rural when the Eastern Shore Planning Scheme was introduced in 1963. At that time, the site was generally cleared farmland with eastern and western borders of native vegetation.

In 1986 the lower slopes on either side of Pass Road were zoned Reserved Residential as part of the AL Series of Amendments. In 1999 the upper portions of slopes on the western side of Pass Road was rezoned from Rural to Reserved Residential and Landscape Conservation as part of the BW Series of Amendments.

In February 2006, the former Resource Planning and Development Commission (RPDC) approved rezoning of the adjacent lot at 40 Pass Road, accompanied by a site development plan for the staged subdivision of 300 lots (SD-2003/95).

Application was made in 2011 for a Planning Scheme amendment and subdivision of the site under Section 43A of LUPAA. This application sought to replace the Rural zoning with Residential zoning for the site and make a minor adjustment between the new Residential and the Landscape and Skyline Conservation zoned land to create a straight zone boundary that could more easily be subdivided. As part of that application it was proposed to extend the existing Glebe Hill Site Development Plan to include the application site. Lastly, a 90 lot residential subdivision was proposed over the land. The application was supported by Council, initiated and certified. Although several representations were received, Council continued to support the proposal at the Planning Commission panel hearing. Notwithstanding this, the application was refused by the Commission due to the lack of similarity between the existing Glebe Hill development and the proposed road configuration of the new subdivision. It was also not supported by the Commission because of servicing constraints and the lack of adequate treatment of the boundary to the adjacent Rural zoned land.

Application was made in 2012 for a Planning Scheme amendment which amended the zoning of the site as detailed above. It also introduced a new Development Plan for the site, DPO 16 – Part 50 Minno Street. This was ultimately approved by the TPC and came into effect on 10 June 2013.

A dwelling was applied for and approved through D-2015/150 on 22 June 2015 in the Landscape and Skyline Protection zoned portion of the site.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Residential and Landscape and Skyline Conservation and is subject to the Vegetation Management and Development Plan Overlays under the Scheme.

2.2. The proposal is for subdivision resulting in 98 new lots, which is Discretionary development under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 3.6 – Subdivision on Lots in more than one zone;
- Section 6 – Residential and Landscape and Skyline Conservation Zones; and
- Section 7 – Vegetation Management and Development Plan Overlays.

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 single lot (title reference CT 156406/1) on the western side of Pass Road. It adjoins the existing “Glebe Hill Estate” to the south and an established vineyard to the north. The property has access via a complex right-of-way system to Minno Street, Howrah. There are currently 2 roads within the “Glebe Hill Estate” which terminate at the southern property boundary. There is an isolated lot contained within the western end of the site, the bulk of which is approximately 250m from the western end of the site. This, combined with its access driveway, creates irregular lot boundaries within the western portion of the site.

The eastern end of the site contains pasture which is largely clear of standing vegetation. The western end of the site slopes down toward the west and is vegetated with a healthy eucalypt forest.

A recent approval has been granted for a new dwelling in the western, Landscape and Skyline Conservation zoned, portion of the site.

3.2. The Proposal

The proposal is for a 98 lot subdivision. This will include 2 Landscape and Skyline Conservation zoned lots, 96 Residential zoned lots (including the agricultural buffer, the public open space lot and the stormwater reserve lot) and associated road lots. One of the Landscape Skyline Conservation zoned lots will be adhered to Council’s existing Public Open Space at 17 Watton Place. One of the Residential zoned lots will also be transferred to Council as a “pocket park” within the subdivision to provide local facilities for the new community. Another of the Residential zoned lots will be transferred to Council as a stormwater retention and drainage reserve at the eastern end of the site, adjacent to Pass Road. The last non-residential use of one of the Residential zoned lots is the agricultural buffer as required by the DPO, with the balance being proposed for residential development.

The proposed road layout is a uniform, grid design, with 2 roads running east-west in the site and a further 3 cross roads running north-south at regular intervals within the Residential zoned portion of the site.

Two of the north-south roads provide for access to the land to the north should it ever be re-zoned in the future for residential development. The northern most east-west aligned road also provides for a connection to the land to the east at 102 Pass Road.

4. PLANNING ASSESSMENT

4.1. Planning Policy Framework [Section 2]

The relevant elements of the Planning Policy Framework are contained in Section 2.2.3(a)(ii) – Residential Land Use. In particular, the Objectives include:

- “• *To provide for a wide range of housing types to meet the changing housing needs of the community.*
- *To promote residential consolidation around activity centres and transport nodes to maximise accessibility to services and facilities, and the efficient use of infrastructure”.*

The proposed subdivision would continue the provision of the range of lot sizes and shapes enhancing the options provided in the vicinity of the subject site, which would in turn encourage a range of housing. The existing infrastructure network has appropriate capacity to cater for the new infrastructure within the development site and for the increased loading created by the development.

Reference to these principles is also contained in the discussion below.

4.2. General Decision Requirements [Section 3.3.1]

- “(a) *General requirements:*
- (v) *The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*

- (vii) *Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*
- (f) *Subdivision requirements:*
 - (i) *The suitability of the land for subdivision.*
 - (ii) *The existing use and potential for future development of the land and its surrounds.*
 - (iii) *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation, natural drainage paths and significant stormwater catchment areas.*
 - (iv) *The density of the proposed development.*
 - (v) *The size and shape of each lot in the subdivision.*
 - (x) *The design and siting of existing and future buildings”.*

The proposal is consistent with the above requirements. The lot sizes are compliant with the development standards of the zone.

4.3. Subdivision on Lots in more than one zone [Section 3.6]

- “3.6.1 Land may be subdivided along the zone boundaries. Any subminimal lot so created may not be the subject of residential development.*
- 3.6.2 the application must be considered as a Discretionary Development in accordance with Clause 3.1.8. Before deciding on an application, in addition to the General Decision Requirements in Clause 3.3, Council must consider any Specific Decision Requirements of the relevant zones”.*

The proposal includes the creation of 2 sub-minimum lots in the Landscape and Skyline zone. One of these is for public open space (which the Scheme dictates does not have to comply with minimum lot sizes) and will be adhered to a larger area of public open space adjacent to the south and as such is not likely to be the subject of residential development.

The other sub-minimum lot is already the subject of residential development, which will retain existing use rights. Further, as discussed in detail below, Clause 3.3 of the Development Plan enables residential development within the development plan area.

As such, the subdivision of the Landscape and Skyline Conservation zoned lots following the zone boundary is able to be considered through discretion.

4.4. Zones

Residential

Most of the site is zoned Residential under the Scheme. The proposal is consistent with the Purpose of the zone in that it would provide for a variety of residential development.

Clause 6.1.3 provides use and development standards for the Residential zone. The proposal is compliant with all relevant standards, as summarised in Table 1 below.

Table 1: Assessment against the Use and Development Standards of the Zone.

	Required	Provided	Comments
Lot Size	400m ² 550m ² (internal Lots 58 and 59)	459m ² - 972m ²	complies
Frontage	3.6m 4m (internal Lots 58 and 59)	6.7m - >50m	complies
Dimensions	Lots of 550m ² or greater (including internal lots) must be able to contain a circle of 18m diameter clear of any easements or any other title restrictions. All other lots must be able to contain a 10m by 15m rectangle.	Plan indicates compliance	complies

Clause 6.1.5 provides the Specific Decision Requirements of the zone. The relevant requirements are addressed as follows.

“(e) Lot sizes should be varied to suit differing levels of residential, service and recreational needs”.

The development proposes varied lot sizes that are consistent with the surrounding lot sizes, which will increase the availability of a variety of options available in the area. The lot shapes are consistent with the nature of the surrounding residential area.

“(r) An internal Lot access strip should include adequate width to accommodate a suitable passing bay and a visitor car parking space which is visible from the street”.

The design of both internal lots is such that there is good visibility into the bulk of the lot and insufficient length in the access strip to warrant a passing bay. As such, this is not considered necessary for the proposal.

“(s) An internal lot should have adequate frontage to ensure appropriate provision for wheelie bin collection, without inconvenience to neighbouring properties”.

The development proposes 2 internal lots, with sufficient frontage to the adjacent lots that wheelie bins will not inconvenience the neighbouring properties created by the subdivision.

“(t) An internal lot should include adequate width to provide a landscape strip between the driveway and the abutting fence lines, except where there is to be a shared driveway with the adjoining lot”.

The development proposes 2 internal lots with sufficient width for landscaping and therefore complies.

“(u) Subdivision should ensure that based on a 1 in 100 year event natural drainage paths and significant stormwater catchment areas are protected from inappropriate development. This relates to development within drainage lines which may impede, restrict or adversely affect natural drainage flows”.

The proposal plan includes contours, which demonstrate how water would drain from the site. Council’s Development Engineer has assessed the proposal and is satisfied that stormwater could be disposed of appropriately from the site.

Landscape and Skyline Conservation

The Purpose of the Landscape and Skyline Conservation zone is:

- “(a) To implement the Planning Policy Framework.*
- (b) To identify and protect areas of landscape or conservation significance, including forested skylines, prominent ridgelines and hills that contribute to important vistas or provide a natural backdrop, and a contrast to the urban development in the Hobart Metropolitan area.*
- (c) To encourage development and the use of the land which is in accordance with sound management and land capability practices, and which takes into account the environmental sensitivity and the bio(diversity of the locality.*
- (d) To ensure use or development is in accordance with sound management and land capability practices and which protects the environmental sensitivity and biodiversity of the locality.*
- (e) To manage areas that are unsuitable for future urban development due inherent physical and environmental constraints and the need to avoid the inefficient provision and utilisation of urban services”.*

Of the 2 lots proposed to be created in this zone, one is to be vested in Council as Public Open Space and the other is readily able to be serviced and accessed from existing services. The lot has also already been approved for residential development, demonstrating that the physical constraints of the site are not prohibitive for development of the lot.

Both lots are sub-minimum size for the zone, however, as detailed elsewhere, there is capacity to consider the creation of the lots elsewhere in the Scheme and as such the dimensions of the lots are considered appropriate for their respective uses.

4.5. Overlays

Vegetation Management

The western portion of the site is subject to the provisions of the Vegetation Management Overlay (Section 7.1 of the Scheme). The purpose of this overlay is:

- “(a) To implement the Planning Policy Framework.*
- (b) To protect areas of significant vegetation and bushland habitat including forested skylines, prominent ridgelines and hills which contribute to important vistas and in particular those which create a natural backdrop to the urban setting for the City.*
- (c) To protect and enhance areas of high, very high, and extremely high vegetation significance and bushland habitat.*
- (d) To ensure that development is sited to minimise the loss of native vegetation.*
- (e) To maintain and enhance habitat and corridors for indigenous fauna”.*

In order to achieve these objectives the scheme specifies several Specific Decision Requirements, the ones relevant to this application are:

- “(a) Areas of significant vegetation, habitat, threatened species, threatened communities and wildlife corridors should be maintained where possible; and*
- (c) Vegetation should be retained:*
 - (i) Where ground slopes exceed 20 percent.*
 - (ii) On land where the soil or subsoil may become unstable if cleared.*
 - (iii) On land subject to or which may contribute to soil erosion or slippage.*
 - (iv) In areas where the removal, destruction or lopping of vegetation could adversely affect the integrity or long term preservation of an identified site of scientific nature conservation or cultural significance.*
 - (v) On skylines and along natural watercourses, especially when viewed from roads and important tourist lookouts”.*

The area of the site covered by this overlay is predominantly contained within the Landscape and Skyline Conservation zoned portion of the site. A significant amount of this is also protected by a conservation covenant and will be transferred to Council as Public Open Space. The other large lot affected by this overlay has an existing Planning approval for a Single Dwelling. No disturbance to significant vegetation is anticipated through the subdivision beyond that which has already been approved through previous approvals.

Further to this, the Vegetation Assessment report accompanying the application concluded that the east facing slopes of the site do not have substantial environmental conservation significance, with the exception of some gentle rushes.

These will require a permit to remove from the Policy and Conservation Assessment Branch of DPWPIWE, which may include the re-location of the individual plants into the protected portion of the site, but this will be assessed at the time that the application is made. On this basis it is considered that the proposal meets the relevant decision requirements.

Part 50 Minno Street Development Plan

The purpose of the Part 50 Minno Development Plan (DPO 16) is to:

- “1.1 guide development to ensure an efficient road layout providing a high level of connectivity, safety and amenity for future residential development occupying the area subject to this Development Plan;*
- 1.2 ensure the staging of subdivision development is consistent with the available infrastructure provision for the area subject to this Development Plan; and*
- 1.3 manage the interface between rural and residential land uses and any resulting land use conflicts”.*

In order to achieve these objectives the Development Plan specifies several Acceptable Solutions and Performance Criteria, the ones relevant to this application are as follows.

Roads

- “PC 4.1 - Development must satisfy all of the following:*
 - (a) provide connections to the existing roads abutting the site along the southern boundary;*
 - (b) provide appropriate future connections along the northern boundary;*
 - (c) provide for linkages to Pass Road for emergency purposes and maintenance vehicles to the stormwater management area;*

- (d) *provide appropriate connection to 102 Pass Road (CT 114229/2);*
- (e) *maintain vehicular access for 52 Minno Street (CT 125198/1)”.*

The proposal satisfies all of the above, with the exception of the configuration of the works in the road reservation which should provide a connection to the land to the east at 102 Pass Road. Accordingly, a condition is needed to require modifications to the design of the works within this road reservation.

“PC 4.2 - Road widths within the development must comply with all of the following:

- (a) achieve a hierarchy within the development;*
- (b) be consistent where practical with the roads adjoining the site;*
- (c) not present a traffic hazard”.*

Road widths are in accordance with the Development plan.

Staging

“AS 5.1 - Staging is in accordance with Figure 3, but Stage 4 is to be sealed as a single lot at the same time as Stage 1”.

The proposal shows staging which varies in places from this requirement. For example the vegetated buffer is proposed to be created at Stage 4, not Stage 1 of the sealing of the lots. Accordingly, as there is no Performance Criteria to rely upon, a condition should be included which modifies the proposed staging to comply with this requirement.

“AS 5.2 - No development is to be undertaken in Stage 4 except minor utilities and the establishment and maintenance of the vegetated buffer referred to in AS 5.3, until the adjacent land to the north is no longer zoned and used for rural purposes”.

No development is proposed in Stage 4 other than the vegetated buffer (which has been installed) and some minor stormwater infrastructure.

“AS 5.3 - Stage 4 is to contain a vegetated buffer for its entire length and a minimum width of 40 metres. The vegetation must include a variety of plantings to provide adequate screening between the rural and residential uses”.

This buffer has been designed, approved and installed as per the requirements.

“AS 5.4 - Before stages 1, 2 or 3 are sealed, the vegetated buffer must be implemented:

- (a) according to accepted guidelines and standards;*
- (b) to Council’s satisfaction;*
- (c) with a Part 5 agreement requiring the retention and maintenance of the vegetated buffer until such time as the adjacent land to the north is no longer zoned and used for rural purposes;*
- (d) with a Part 5 agreement that must be registered on the title which contains the entire area contained in Stage 4”.*

The buffer has been created and a Part 5 Agreement can be required via a condition, prior to the sealing of any lots, in accordance with the above.

“AS 5.5 - The area identified in Figure 3 as stormwater management may only be developed for that purpose”.

This area has been identified as such on the plan and the title and schedule of easements will reflect this upon creation. As such, this requirement is met by the proposal.

Bushfire

“AS 6.1 - All applications for subdivision must be accompanied by a certified Bushfire Management Plan that manages the bushfire risk from the vegetated buffer area in Stage 4”.

A bushfire assessment accompanied the application that satisfies this requirement.

4.6. Public Open Space

The primary purpose of Council’s Public Open Space Policy (2013) is to ensure the delivery of adequate and appropriate Public Open Space (POS) to serve the needs of the existing and future population in Clarence. The policy is used to assist Council to exercise its discretion and provide a framework to deliver a consistent approach to the consideration of POS, or alternatively the payment of cash-in-lieu of it.

Clarence has developed a comprehensive suite of strategies that either deliver or rely on POS related outcomes including but not limited to:

- Clarence Tracks and Trails Strategy 2012;
- Positive Ageing Plan 2012-2016;
- Clarence Coast and Bushland Strategy (August 2011);
- Community Health and Wellbeing Plan 2013-2018; and
- Draft Sport and Active Recreation Strategy.

Together these strategies assist Council to deliver a range of active and passive recreational opportunities at both local and regional level.

The subdivision plan proposes to provide 2 separate areas of POS. One of these is the extension of the Glebe Hill Bit at the western end of the site. This proposed contribution will be adhered to the existing title, increasing the land area by 3.66ha. The second portion of land is located approximately in the centre of the northern portion of the site and is offered as a constructed “pocket park”. It is proposed to construct a temporary car parking area for the park in the road reservation adjacent to the park until such time as the adjacent land to the north is developed at some, as yet unknown, point in the future.

4.7. External Referrals

The application was referred to TasWater who have provided conditions for inclusion should a permit be granted for the development.

4.8. Council Committee Recommendations

Council’s Tracks and Trails Committee are generally supportive of the proposed POS and trail connections proposed in this application.

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. Road Construction

The representor has requested that the proposed Road “C” or “D” be constructed to the property boundary of 102 Pass Road, rather than terminating within the road reservation at the western end of proposed Lot 64. They have indicated that this was the requirement for the road construction for Glebe Hill, in particular for Lumsden Road and Glenfern Street and should be applied in this instance.

- **Comment**

The requirements placed on a previous developer are not relevant for the assessment of this application. Notwithstanding this, the requirements of the Development Plan are relevant. The development plan requires that appropriate provision of a road connection be made from the application site to the adjacent land at 102 Pass Road. This would require the transfer of a road lot into the ownership of Council. As Council typically does not accept the transfer of road lots without the road constructed to a certain standard, it is appropriate to require this construction from the developer prior to the sealing of the lot in question. As such, a condition should be included in the permit requiring this road construction.

5.2. Staging

The representor is concerned that the proposed sub staging, as shown within the plans, though not detailed in the staging notes, will result in a sub stage of only 2 lots and a small section of road. The representor is concerned that the proposed size of the stage may result in the road connection to 102 Pass Road not being constructed and there being no access to enable the future development of 102 Pass Road.

- **Comment**

The development plan requires a specified staging and does not have provision for alteration to the designated staging. As such, introducing sub-stages for the development and creation of the lots is not envisaged in the DPO provisions. Accordingly, allowing for a sub-stage with only 3 lots, one being a road, is not considered appropriate.

However, it is also acknowledged that the 3 stages as designated in the DPO are quite large and may pose a financial difficulty for the developer. It is therefore proposed to retain some sub staging of the creation of the lots, but not to the extent proposed by the developer. This will enable a more practical approach to the creation of the new lots, whilst still retaining the intent of key components of the staging of the DPO, such as the vegetated agricultural buffer being provided and protected prior to the creation of any lots for residential use.

Similarly, to ensure that the road connection required by the DPO is provided, it is considered appropriate to impose a condition which combines sub-stages “3D” and “3E” into a single sub-stage.

5.3. Fencing

The representor is concerned that the “semi-rural” property at 102 Pass Road will be required to contribute toward a higher standard of fencing to the newly created residential lots than is reasonable given the status of the land.

- **Comment**

Attribution of liability for fencing is governed by the Boundary Fences Act, 1908 and not by the Scheme. As such, it is not a matter for Council to determine who should contribute toward the cost of fencing between parties.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council’s adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

Developer contributions are not required to comply with any Council policies. The proposed POS land contribution is sufficient to comply with Council's Public Open Space Policy and no Headworks contributions are required.

8. CONCLUSION

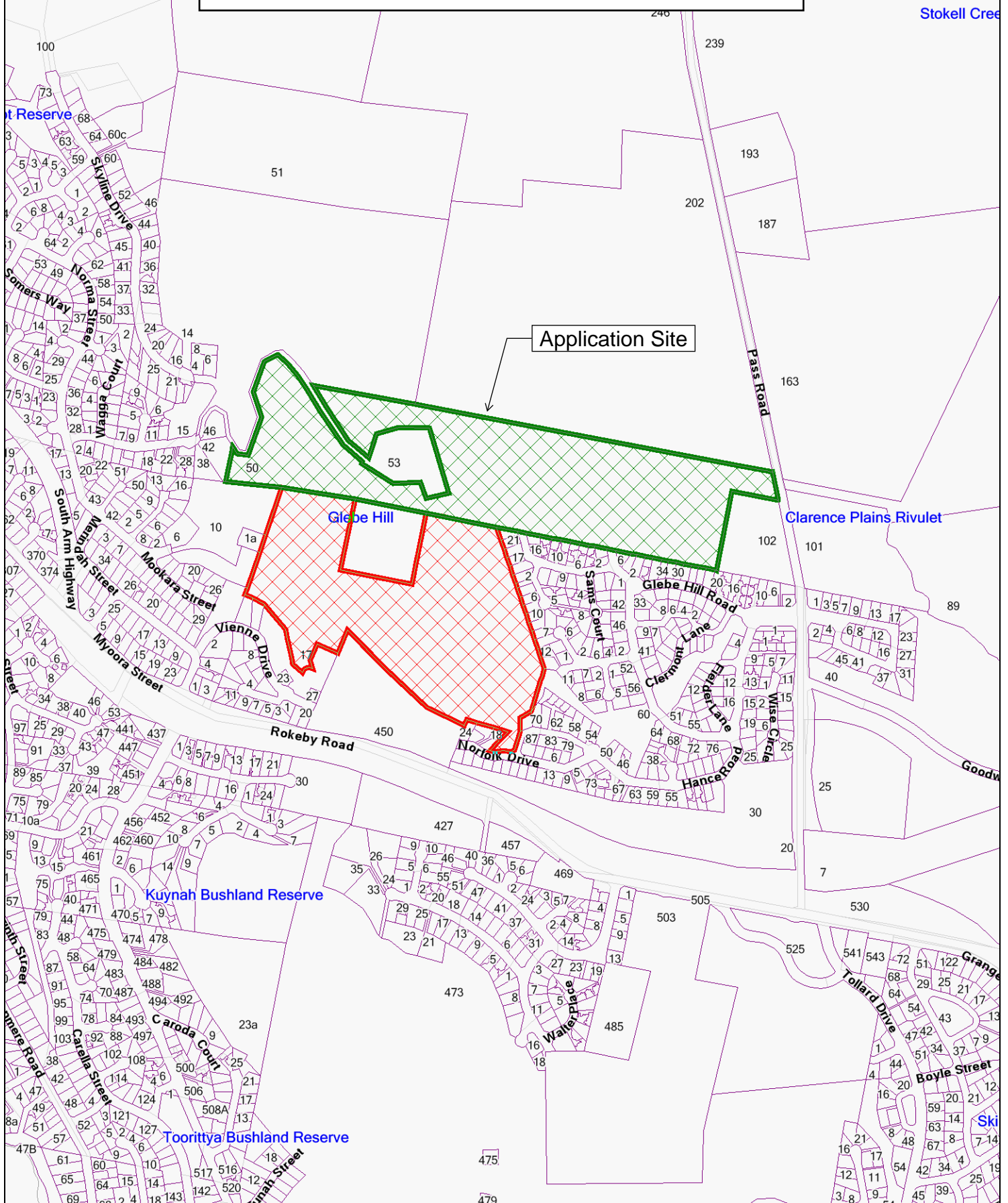
The proposal is for a 98 lot subdivision. The proposal is consistent with Scheme requirements and is therefore recommended for conditional approval as detailed above.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

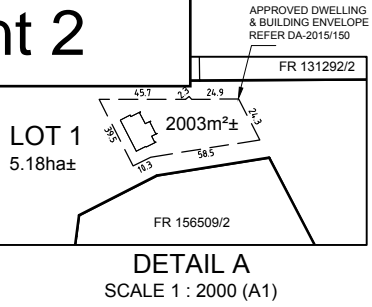
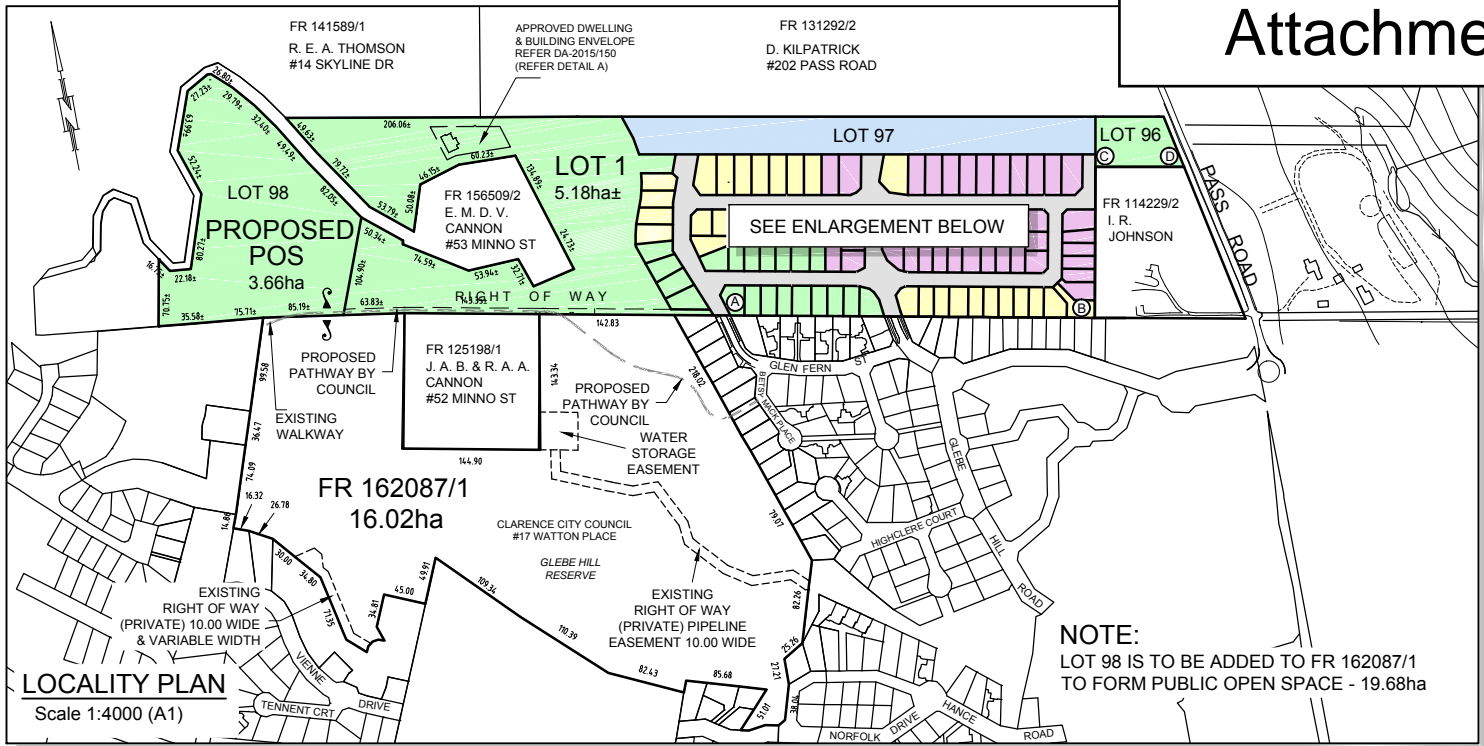
Location Plan - 50 Minno Street



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:** Thursday, 3 September 2015 **Scale:** 1:10,090 @A4

Attachment 2

PLAN OF SUBDIVISION



OWNER
RAADAS INVESTMENTS PTY. LTD.
& CLARENCE CITY COUNCIL

FOLIO REF
FR 156406/1 & FR 162087

COUNCIL
Clarence City Council
Clarence Planning Scheme 2007

MAP REF: 5225

MGA CENTROID
534429 E, 5 252 263 N

SCHEDULE OF EASEMENTS

Ex Right of way 6.10 Wide "A,B,C,D",

Ex Pipeline and Wayleave Easement 2.00 Wide "A, B" to be removed.

Proposed Rights of Way, Drainage & Pipeline Easements to be created as shown.

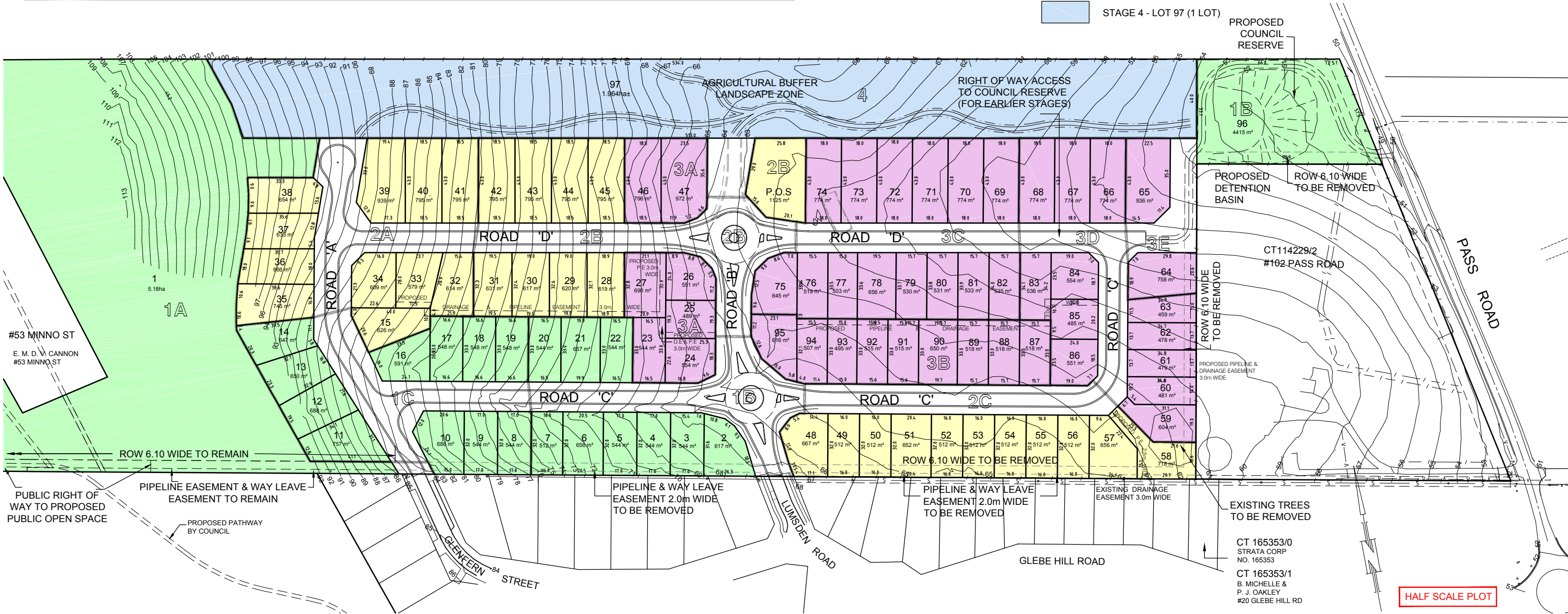
All other existing easements to be carried forward.

GENERAL NOTES

This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.

LEGEND

- STAGE 1 - LOT 1-14, 16-22 (21 LOTS & COUNCIL RESERVE)
- STAGE 2 - LOT 15, 28-45 & 48-58 (30 LOTS & P.O.S)
- STAGE 3 - LOT 23-27, 46-47 & 59-95 (44 LOTS)
- STAGE 4 - LOT 97 (1 LOT)



REV	AMENDMENTS	DRAWN	DATE	APPR.
E				
D				
C				
B				
A				

NOTES:	SURVEYOR TD/JM	GEOCIVIL H-1748M
	DRAWN MK/KK	CHECKED MM
	DATE 20 JUL 2015	

PROPOSED SUBDIVISION
50 MINNO STREET, HOWRAH
for RAADAS PROPERTY PTY LTD



PDA Surveyors
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SCALE	PAPER
1 : 1000	(A1)
JOB NUMBER	DRAWING
	H-1748M - 0



Landscape Design Summary

Streetscape Design

The general approach to the street scape design is to be consistent with the established neighbourhood character of neighbouring streets of the Glebe Hill subdivision with minor refinements.

The intent of the streetscape design is to established a pleasant street tree lined streets and a safe, low speed environment.

The selected deciduous street trees (*Pyrus calleryana* sp. 'Bradford') reflect the established character of Glebe Hill Estate, however with a more regular, consistent approach to spacing and setout of trees.

Consistent with Glebe Hill and contemporary Australian streetscape guidelines and standards, a safe pedestrian environment is a primary objective, with 1.5M wide footpaths setback to align with the property boundary setbacks, allowing for streetscape planting and services to be routed within the verge. Contrasting driveway concrete driveways are defined to distinguish driveway entry points.

Water Sensitive Urban Design

A review of the proposed subdivision roadway layout established the most effective locations for the implementation WSUD type stormwater treatment infrastructure. The upper section of the road layout and entry road are diverted through a sediment detention bay, followed by a planted Biofiltration cell aligned along the contours within a future road reserve and aligned to the proposed Public Open Space in order to achieve passive irrigation of park planting. By co-locating the WSUD design and Public Open Space, future management tasks are also 'clustered' for efficient maintenance.

The lower section of the subdivision road layout are diverted through a sediment detention bay, followed by a planted Biofiltration cell aligned along the contours with overflow to the grassed stormwater detention easement. The short-term detention of smaller rain events within the Biofilter cells allows the open grassed detention area to be maintained as a informal recreational open space less prone to consistent water logging.

Public Open Space

The public open space is aligned to the central extension of Lumsden street, centrally within the subdivision on a relatively level site, aligned with the WSUD sediment bay and biofilter. This co-location allows the Public Open space to appear more generously proportioned and WSUD planting contributes to the presentation of the public 'green' space. A simple layout of materials and spaces allow for simple and effective maintenance. Generous deciduous shade trees allow winter sun and pleasant summer shade for park users.

KEY

Hard Landscape & Materials

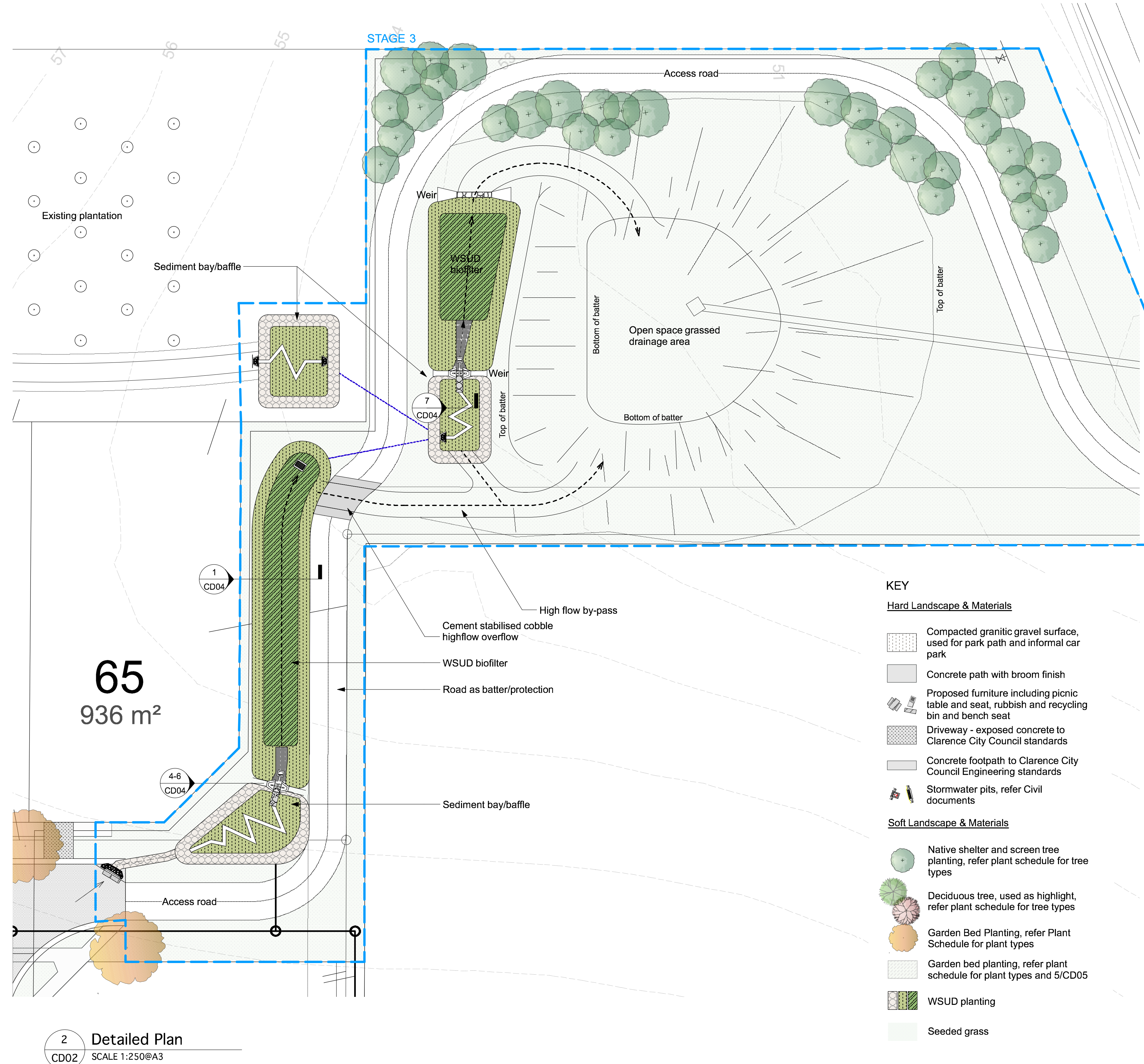
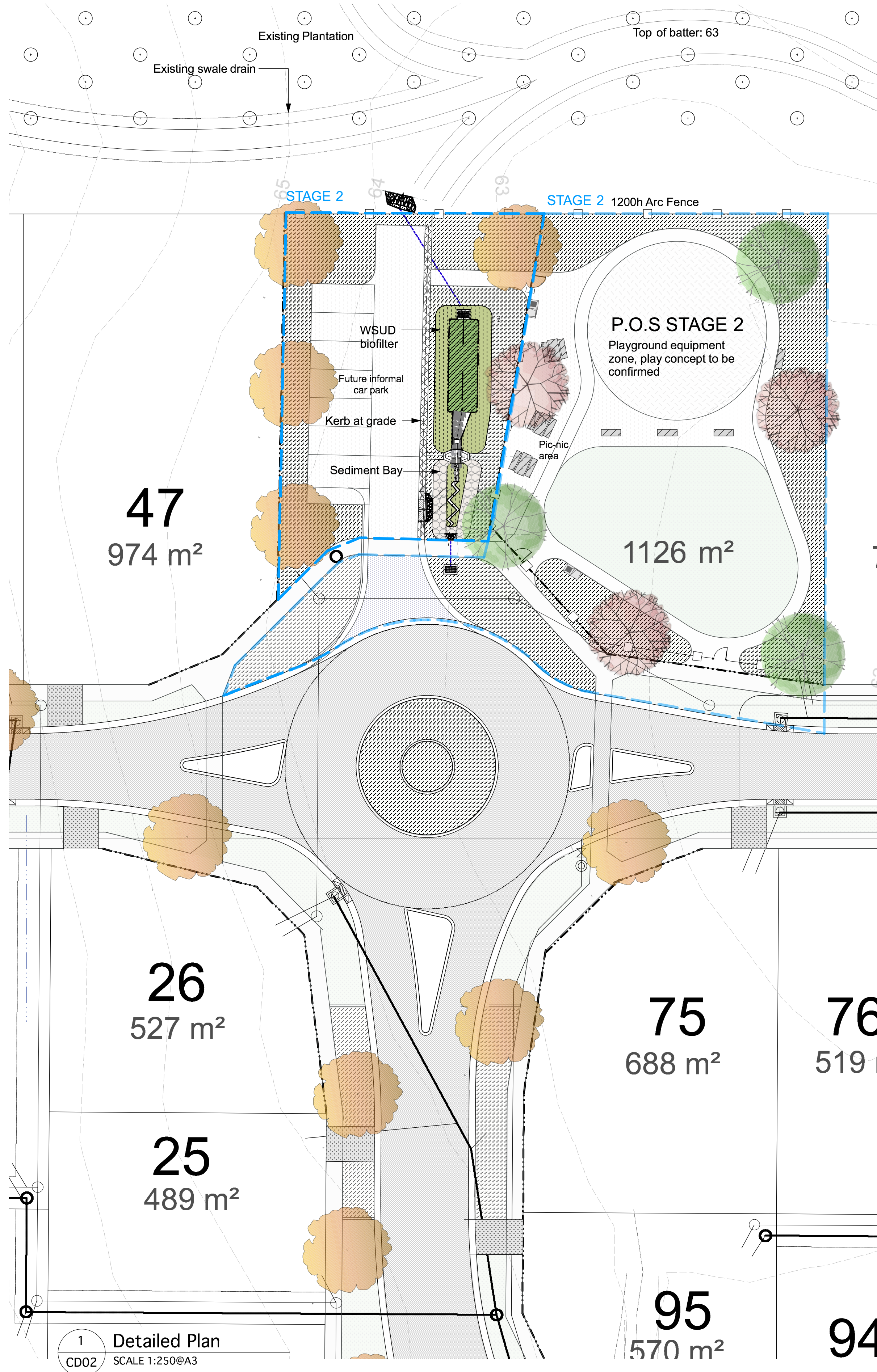
- Compacted granitic gravel surface, used for park path and informal car park
- Concrete path with broom finish
- Proposed furniture including picnic table and seat, rubbish and recycling bin and bench seat
- Driveway - exposed concrete to Clarence City Council standards
- Concrete footpath to Clarence City Council Engineering standards
- Stormwater pits, refer Civil documents

Soft Landscape & Materials

- Native shelter and screen tree planting, refer plant schedule for tree types
- Deciduous tree, used as highlight, refer plant schedule for tree types
- Garden Bed Planting, refer Plant Schedule for plant types
- Garden bed planting, refer plant schedule for plant types and 5/CD05
- WSUD planting
- Seeded grass

For Development Approval Only - 21/7/15

	CITY MILL, LEVEL 3, 11 MORRISON STREET, HOBART TAS 7000 T: (03) 6223 3138 E: office@urbaninitiatives.com.au W: www.urbaninitiatives.com.au	GROUND FLOOR 143 FRANKLIN STREET MELBOURNE, VIC 3000 T: (03) 9329 6844 F: (03) 9329 6336 E: office@urbaninitiatives.com.au W: www.urbaninitiatives.com.au	Client RAADAS Property	Consultants PDA Engineers & Surveyors	Notes	1 No.	22/7/15 Date	Tree removal from SW easement REVISION	AM By	No.	Date	ISSUE	By	Dwg Date: 13/05/15 Plot Date: 21/7/15 Drawn By: ADT Checked By: ADT CAD File Name: 50 Minno_base-3 AM.vwx	North Scale 1:1000 ORIGINAL DRAWING AT A1 SIZE. AT REDUCTION 30.35%.	Project No. 15013 50 Minno Street 50 Minno Street - Glebe Hill	Drawing No. CD01 Drawing Name. MATERIALS & SURFACES PLAN	Rev # OF 3	Status. A



For Development Application Only - 21/07/15



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Client
RAADAS Property

Consultants
PDA Engineers &
Surveyors

Notes

No.	Date	REVISION	By
1	22/7/15	Tree removal from SW easement	AM

No.	Date	ISSUE	By

Dwg Date:	21/07/15
Plot Date:	27/7/15
Drawn By:	ADT
Checked By:	ADT
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North
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Project No.
15013
50 Minno Street
50 Minno Street - Glebe Hill

Drawing No. **CD02** Rev # **OF 3** Status **A**
Drawing Name:
DETAILS PLAN

11.3.4 DEVELOPMENT APPLICATION D-2015/237 - 38 AND 38A CAMBRIDGE ROAD, BELLERIVE - ADDITION TO EXISTING RESTAURANT (TAKEAWAY)
(File No D-2015/237)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an addition to an existing restaurant to create a takeaway at 38 and 38A Cambridge Road, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Particular Purpose Zone 4 – Kangaroo Bay under the Clarence Interim Planning Scheme 2015 (the Scheme) and is also subject to the Inundation Prone Areas, Waterway and Coastal Protection, Parking and Access Code and Signage Codes. The development site is not located on that part of the site subject to the Inundation Prone Areas and Waterway and Coastal Protection and therefore these Codes are not relevant to this application. The use is permitted in the zone, however, the proposal requires a Discretionary application as it requires a variation to car parking requirements under the Parking and Access Code.

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.

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 16 September 2015 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and no representations were received.

RECOMMENDATION:

- A. That the Development Application for an addition to an existing restaurant to create a takeaway at 38 and 38A Cambridge Road, Bellerive (Cl Ref D-2015/237) be approved subject to the following conditions and advice.
 - 1. GEN AP1 – ENDORSED PLANS.
 - 2. GEN C2 – CASH-IN-LIEU [\$10 000] [1].
 - 3. The development must meet all required Conditions of Approval specified by TasWater notice dated 8 July 2015 (TWDA 2015/01080-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.

DEVELOPMENT APPLICATION D-2015/237 - 38 AND 38A CAMBRIDGE ROAD, BELLERIVE - ADDITION TO EXISTING RESTAURANT (TAKEAWAY) /contd...

ASSOCIATED REPORT**1. BACKGROUND**

There have not been any previous approvals for 38A which contains the development site, however, as the proposed use is intending to operate in conjunction with the development at 38 Cambridge Road, which has the following relevant permit history:

- D-1996/825 – Restaurant;
- D-2003/277 – Alterations to Restaurant;
- D-2004/229 – Deck addition to Restaurant; and
- D-2010/394 – Change of Use to Office (not commenced).

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Particular Purpose Zone 4 – Kangaroo Bay under the Scheme.

2.2. The use of Food Services is a permitted use in the zone, however, the proposal becomes Discretionary as it requires a variation to the car parking requirements under the Parking and Access Code.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Particular Purpose Zone 4 – Kangaroo Bay;
- Section E6.0 – Parking and Access Code; and
- Section E17.0 Signs 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 consists of 2 Strata Title lots at 38 and 38A Cambridge Road; 38 Cambridge Road (Lot 2) contains a restaurant (Three Little Ducks) on the ground floor and 38A Cambridge Road (Lot 1) contains a flat on the lower ground floor. The development site is located on a portion of the alleyway contained within Lot 1 and is located between the existing Post Office and Three Little Ducks Restaurant.

3.2. The Proposal

The proposal is for a 13m² addition to the restaurant which consists of a wood fired pizza area, coffee machine, and counter which fronts Cambridge Road. The area will have access via a proposed door through the adjoining restaurant. The development requires the demolition of the existing doors fronting Cambridge Road and their replacement with a roller door. A sign, 1.4m² in area, is proposed to be located above the counter fronting Cambridge Road.

The applicant intends to sell takeaway food including pizzas, ribs and gourmet burgers and takeaway coffees from the counter fronting Cambridge Road. The business will employ up to 3 full time equivalent staff. The hours of operation are proposed to be from 5pm to 10pm, 7 days a week.

The applicant is requesting a waiver of the car parking requirements under the Scheme as it is anticipated that customers will partly be foot traffic and that the development can be seen as promoting the objectives of the Kangaroo Bay Local Area Objectives.

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 (zone and codes) with the exception of the following.

Standard	Clause	Acceptable Solution	Proposed	Proposed variation	Performance Criteria (summary)
Car Parking	E6.6.1	15 spaces for each 100m ² of floor area or 1 space for each seat, whichever is the greater	0	2	Applications to be assessed against a range of criteria including the car parking demand in the area, availability of parking in the area and whether a financial contribution is appropriate.

The proposed variation can be supported pursuant to the Performance Criteria of Clause E6.6.1 for the following reasons:

- Council studies on car parking in the Bellerive Village area have shown there is a shortfall of parking. The previous permit for a restaurant (D-1996/824) had required 20 spaces; 4 of these spaces were to be provided on-site and 16 spaces were waived.

- The proposed development proposes an additional 13m² floor area which generates a requirement for 2 additional spaces. The applicant is requesting a waiver of the car parking requirements under the Scheme as they anticipate that customers will partly be foot traffic and that the development can be seen as promoting the objectives of the Kangaroo Bay Local Area Objectives.
- Table E6.3 provides that the rate for cash-in-lieu in Bellerive is \$10,000 per space, therefore \$20 000 would be required for the development.
- However, under the Clarence Planning Scheme 2007, the proposed use of a takeaway would have required 1 car parking spaces per 15m² which would have generated a requirement for only 1 car parking space. Under the proposed Interim Parking policy presented elsewhere in the agenda, the maximum car parking rate would be no greater than what would be generated under the Clarence Planning Scheme 2007. On this basis, it is reasonable to require cash-in-lieu for only 1 of the 2 deficient spaces;
- The proposal is consistent with the Local Area Objectives which promotes active frontages along Cambridge Road as it is a consolidation of the existing commercial area of Bellerive.

4.3. External Referrals

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

5. STATE POLICIES AND ACT OBJECTIVES

- 5.1.** The proposal is consistent with the outcomes of the State Policies, including those of the State Coastal Policy.
- 5.2.** The proposal is consistent with the objectives of Schedule 1 of LUPAA.

6. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

7. CONCLUSION

The proposal seeks approval for an extension to an existing restaurant to create a takeaway at 38 and 38A Cambridge Road, Bellerive. The application meets the relevant acceptable solutions and performance criteria of the Scheme, although is deficient in car parking provisions.

The proposal is recommended for approval.

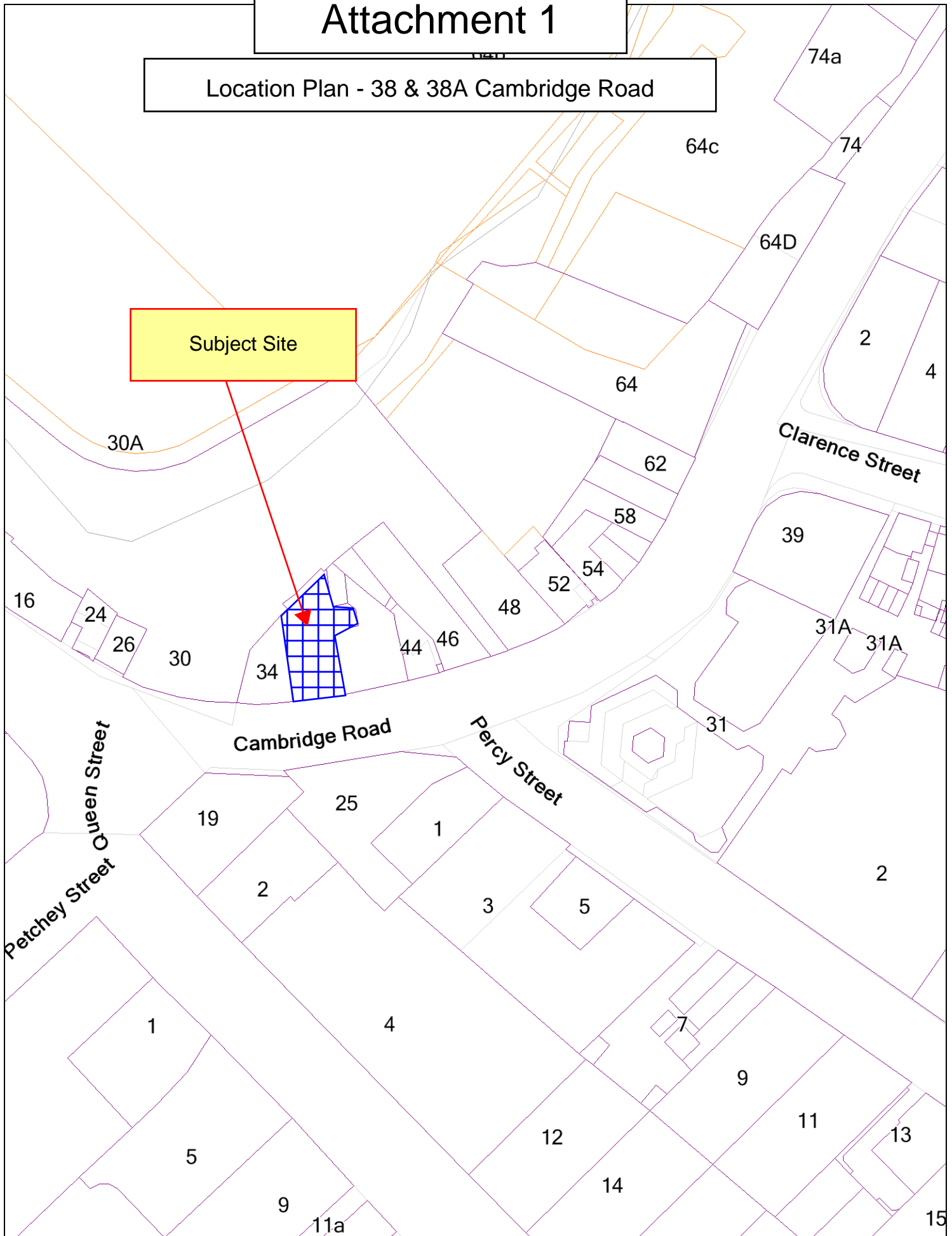
Attachments: 1. Location Plan (1)
2. Proposal Plan (6)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

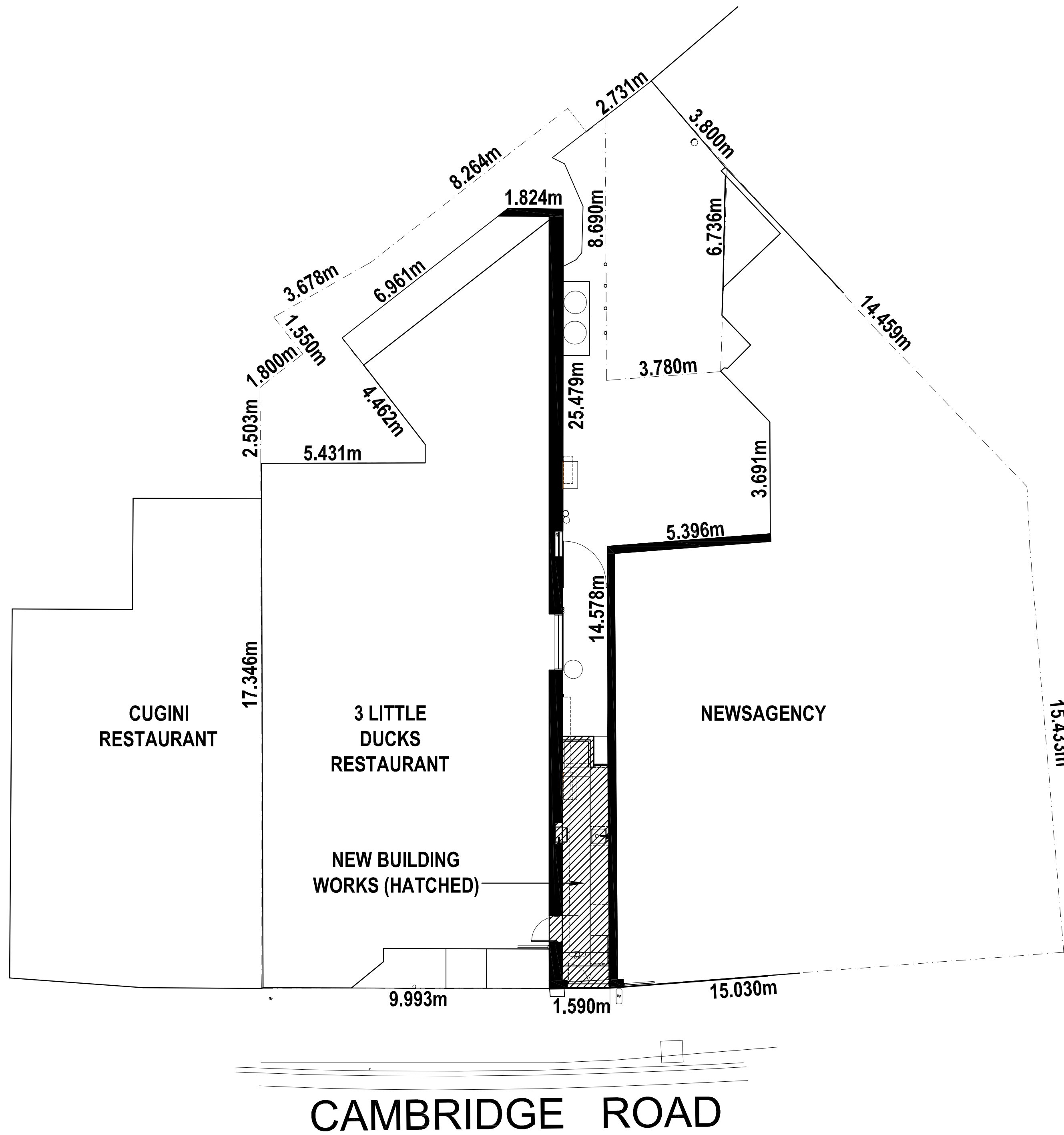
Attachment 1

Location Plan - 38 & 38A Cambridge 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:** Friday, 4 September 2015 **Scale:** 1:1,090 @A4

Attachment 2



SITE PLAN
SCALE 1:200

CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT - IF IN DOUBT, ASK!

loci architecture + planning
 Mobile: 0408 383 235 Email: loci.hobart@gmail.com
 PO BOX 705 NORTH HOBART 7002
 Accreditation #: CCS364 H RAIA #: 48053

Project
ALTERATIONS & ADDITIONS
3 Little Ducks Cafe, Bellerive 7018

Client
Mr & Mrs DeBont
38-40 Cambridge Rd, Bellerive, TAS 7018

Drawing
EXISTING PLAN AND ELEVATIONS
SHOWING DEMOLITION.

All work shall conform to the spec. & other relevant drawings. Figured dimensions take precedence over scaled dimensions. Check all dimensions on site. Shop drawings shall be submitted to this office for approval prior to the commencement of any fabrication.
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DRAWN BY J.B.	SCALE A/S@A3
DATE 18.06.15	
PROJECT NO. 1505	DRWN NO. TP01
Agenda Attachments - 38 & 38A, Cambridge Road - Page 2 of 8	

PRELIMINARY

3 LITTLE DUCKS

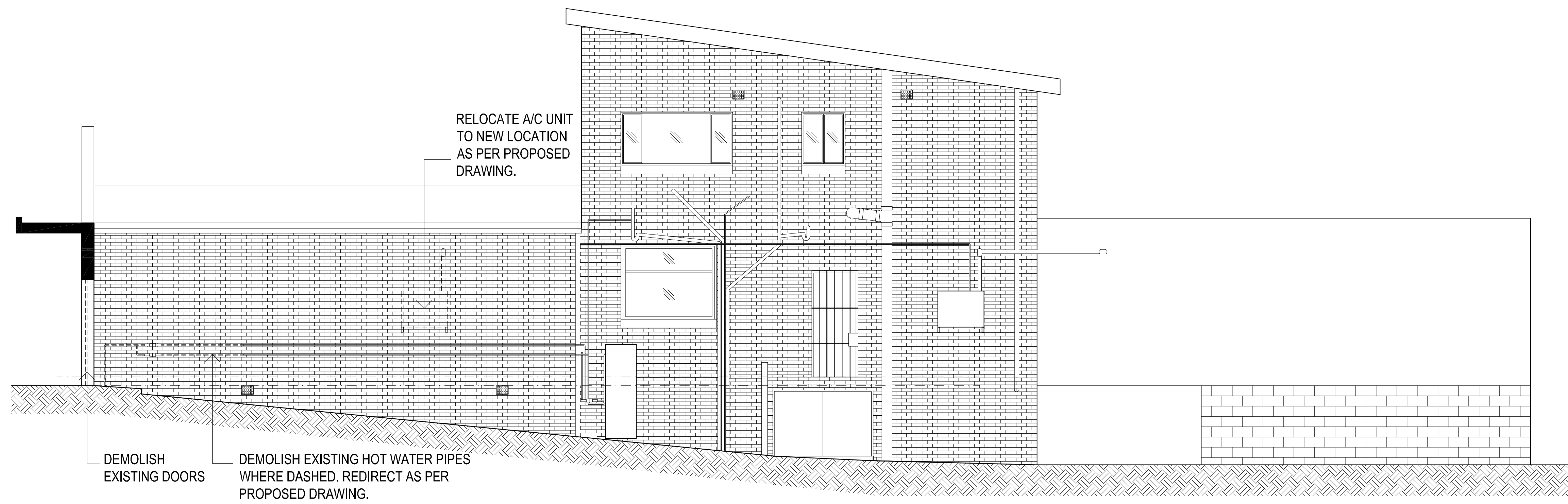
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OUTSIDE A/C UNIT

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OF BRICK WALL TO
FORM OPENING FOR
BASIN NICHE.

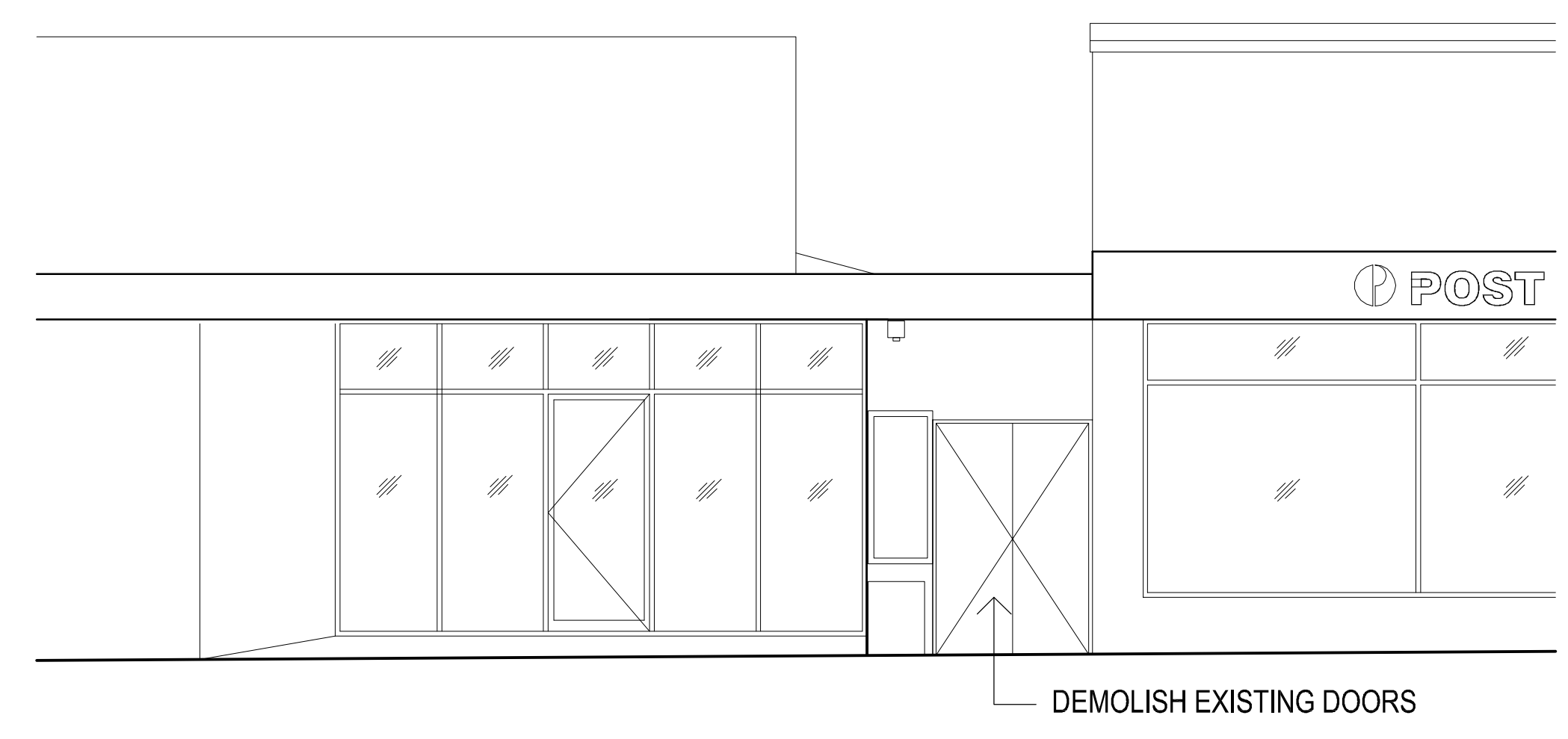
DEMOLISH WALL TO
FORM OPENING FOR
NEW DOOR

DEMOLISH EXISTING
DOORS

EXISTING FLOOR PLAN- SHOWING DEMOLITION
SCALE 1:50



EXISTING EAST ELEVATION OF 3 LITTLE DUCKS- SHOWING DEMOLITION
SCALE 1:100

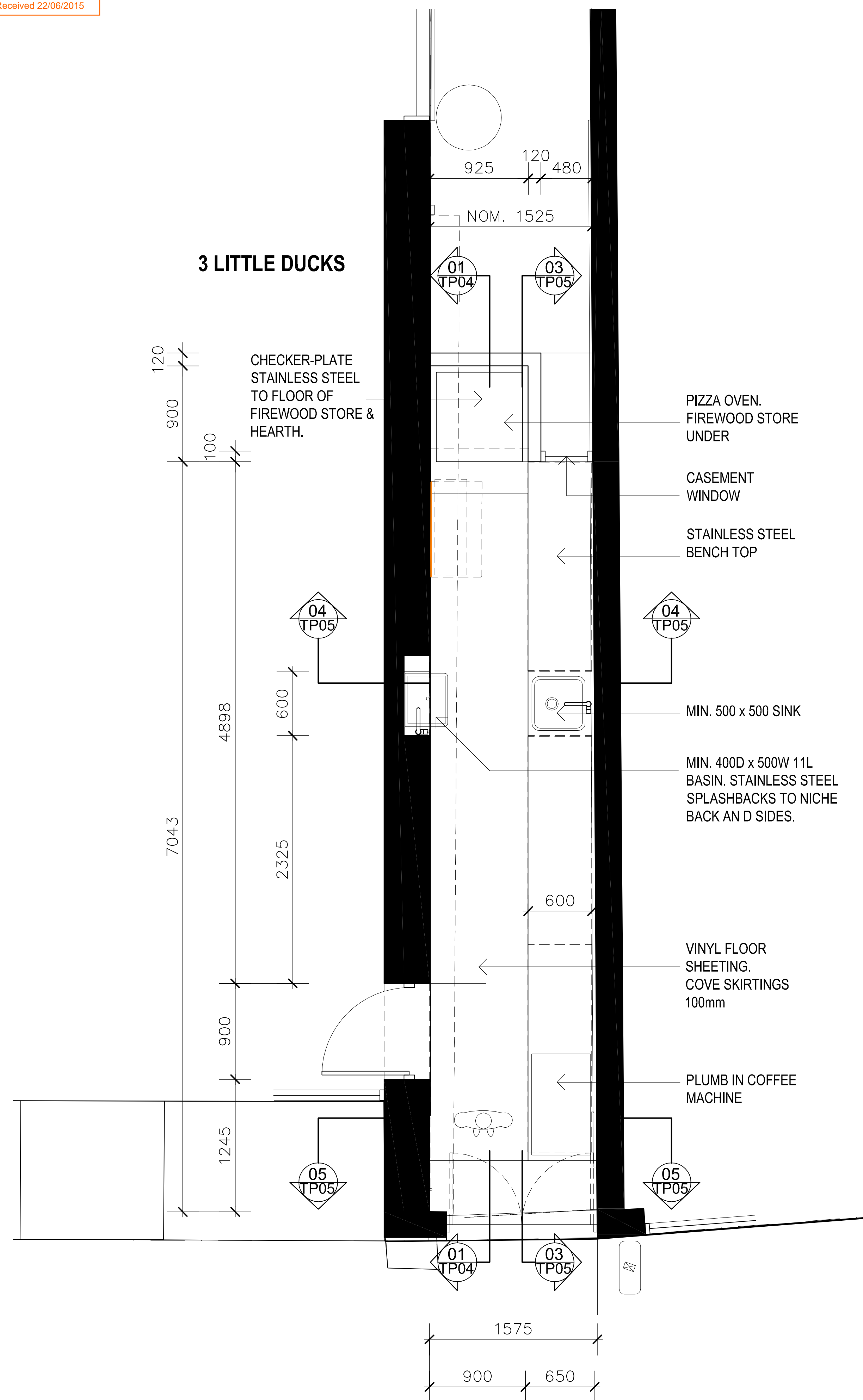


EXISTING SOUTH ELEVATION (FROM CAMBRIDGE RD)- SHOWING DEMOLITION
SCALE 1:100

CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT - IF IN DOUBT, ASK!

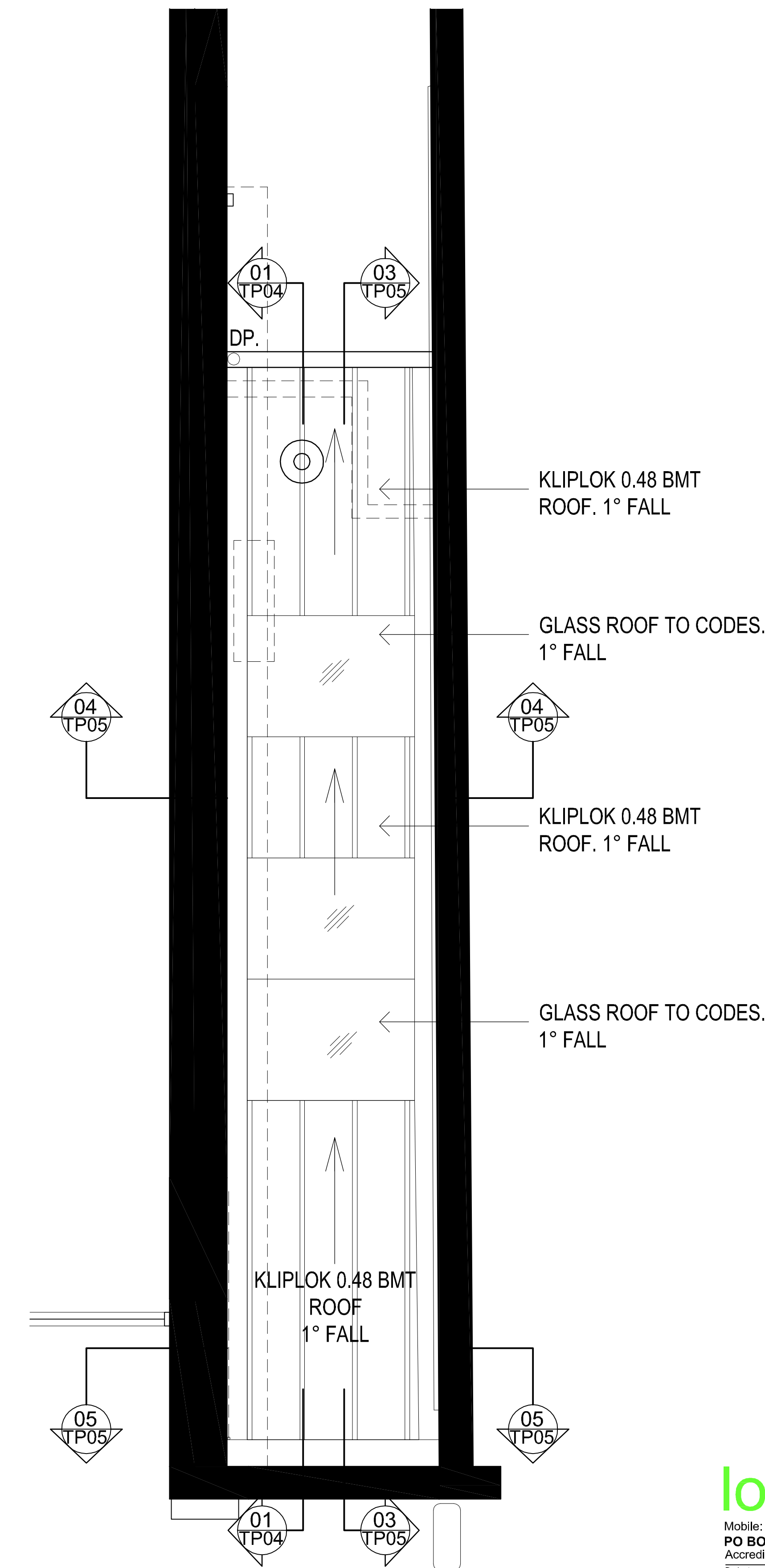
loci architecture + planning
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Accreditation #: CCS364 H RAIA #: 48053
Project
ALTERATIONS & ADDITIONS
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Mr & Mrs DeBont
38-40 Cambridge Rd, Bellerive, TAS 7018
Drawing
EXISTING PLAN AND ELEVATIONS
SHOWING DEMOLITION.
All work shall conform to the spec. & other relevant drawings. Figured dimensions take precedence over scaled dimensions. Check all dimensions on site. Shop drawings shall be submitted to this office for approval prior to the commencement of any fabrication.
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DRAWN BY: J.B.
DATE: 18.06.15
PROJECT NO: 1505
SCALE: A/S@A3
REV: TP02
Agenda Attachments - 38 & 38A, Cambridge Road - Page 3 of 8

PRELIMINARY



PROPOSED FLOOR PLAN
SCALE 1:50

CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT - IF IN DOUBT, ASK!



PROPOSED ROOF PLAN
SCALE 1:50


PRELIMINARY

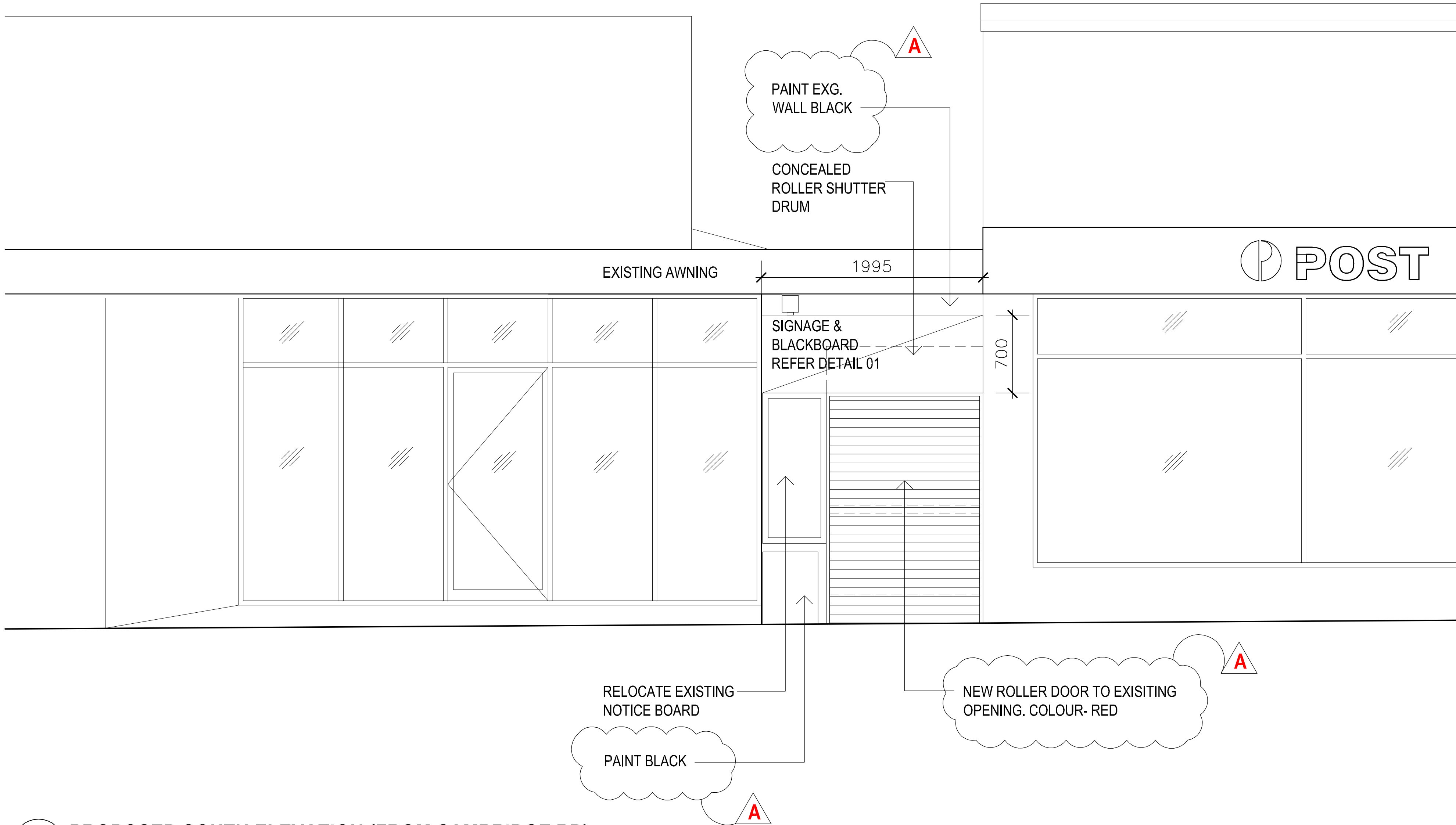
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Accreditation #: CCS364 H. RAIA #: 48053

Project
ALTERATIONS & ADDITIONS
3 Little Ducks Cafe, Bellerive 7018

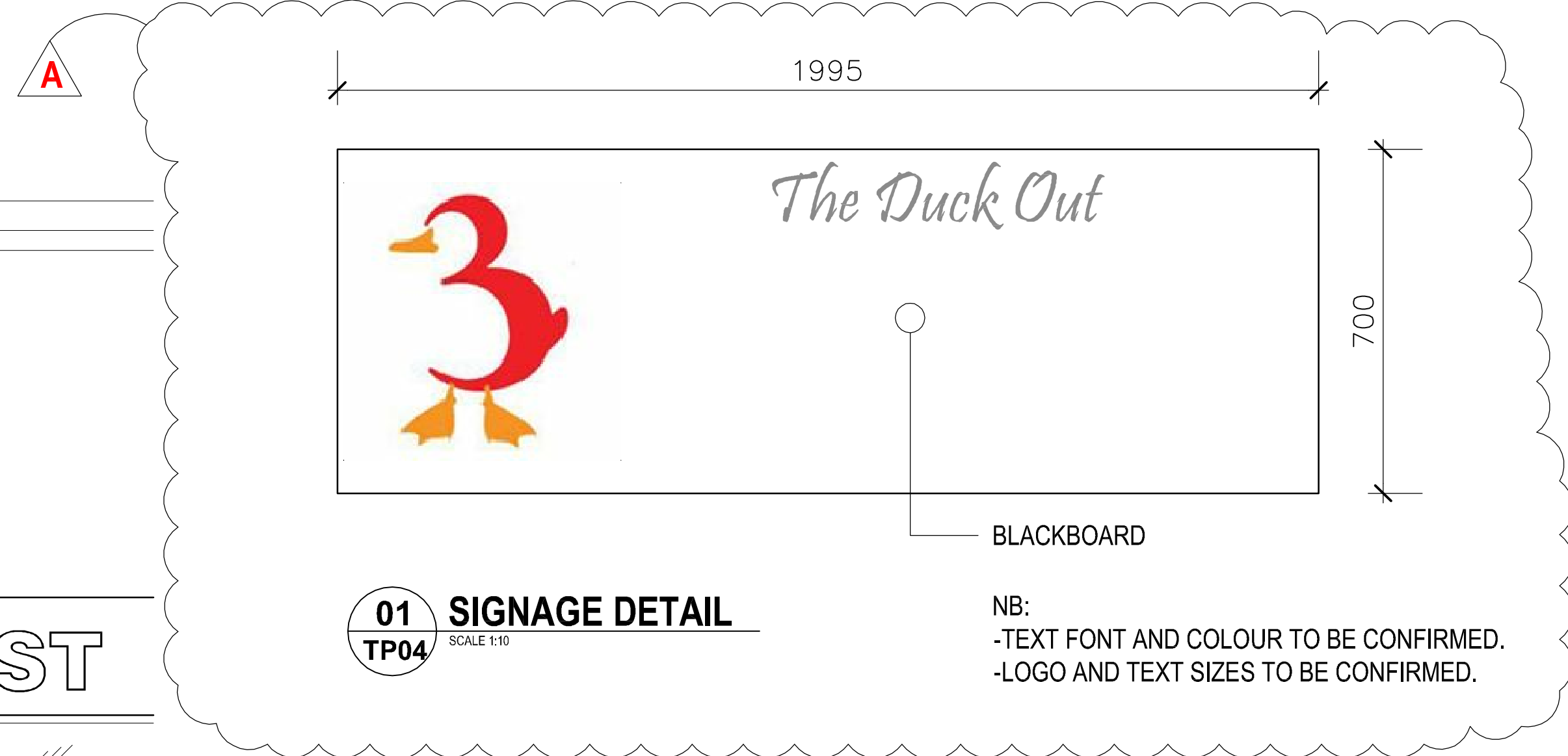
Client
Mr & Mrs DeBont
38-40 Cambridge Rd, Bellerive, TAS 7018

Drawing
FLOOR PLAN & ROOF PLAN

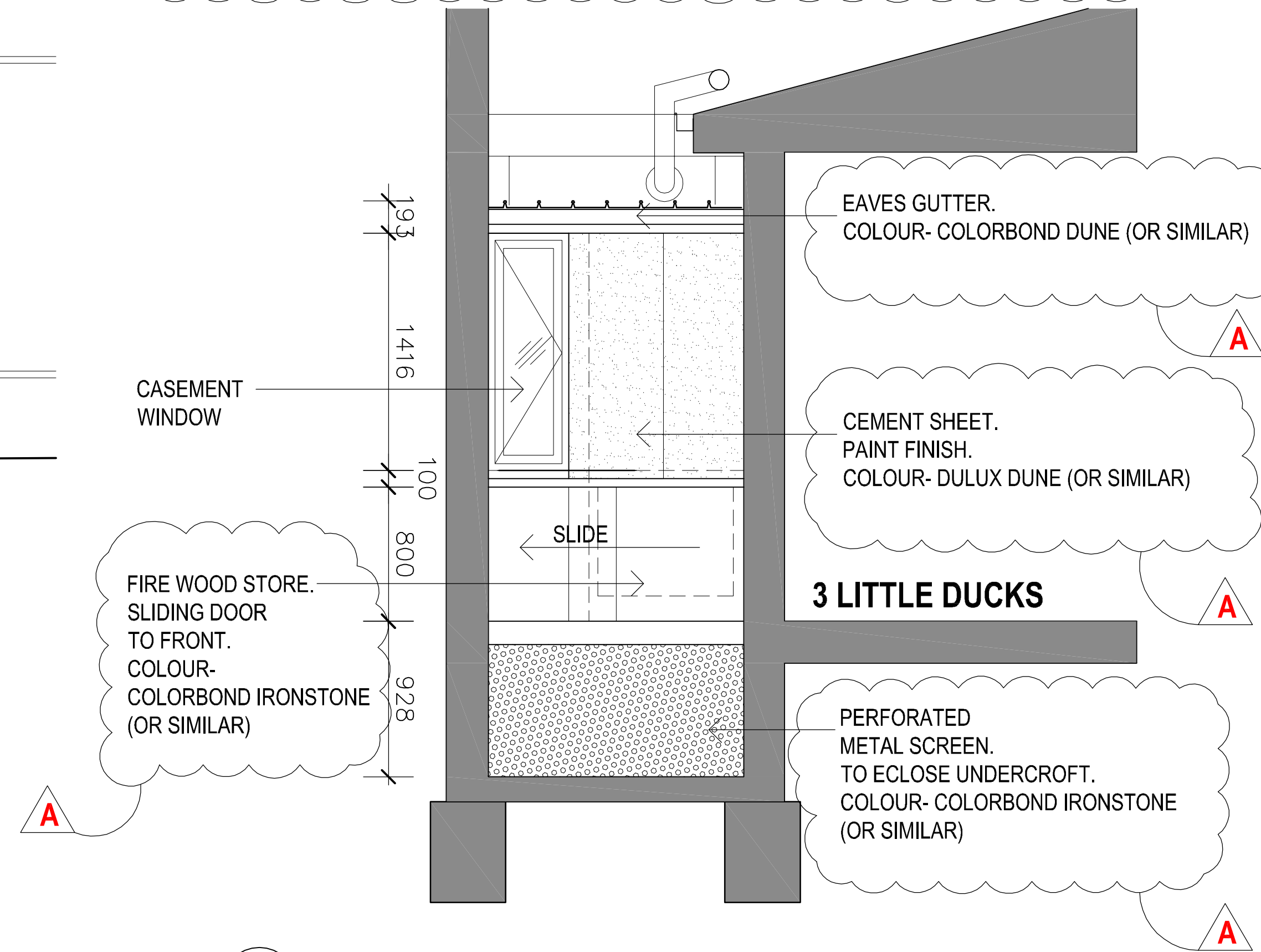
<p>All work shall conform to the spec. & other relevant drawings. Figured dimensions take precedence over scaled dimensions. Check all dimensions on site. Shop drawings shall be submitted to this office for approval prior to the commencement of any fabrication.</p> <p>© Local Architecture • Planning AEN 97285638298 This drawing is protected by Copyright</p>			
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	<p>DATE 18.06.15</p>	<p>A/S@A3</p>	
	<p>PROJECT NO. 1505</p>	<p>DRAWN NO.</p>	<p>REV.</p>
	<p>TP03</p>		
<p>Agenda Attachments - 38 & 38A, Cambridge Road - Page 4 of 8</p>			



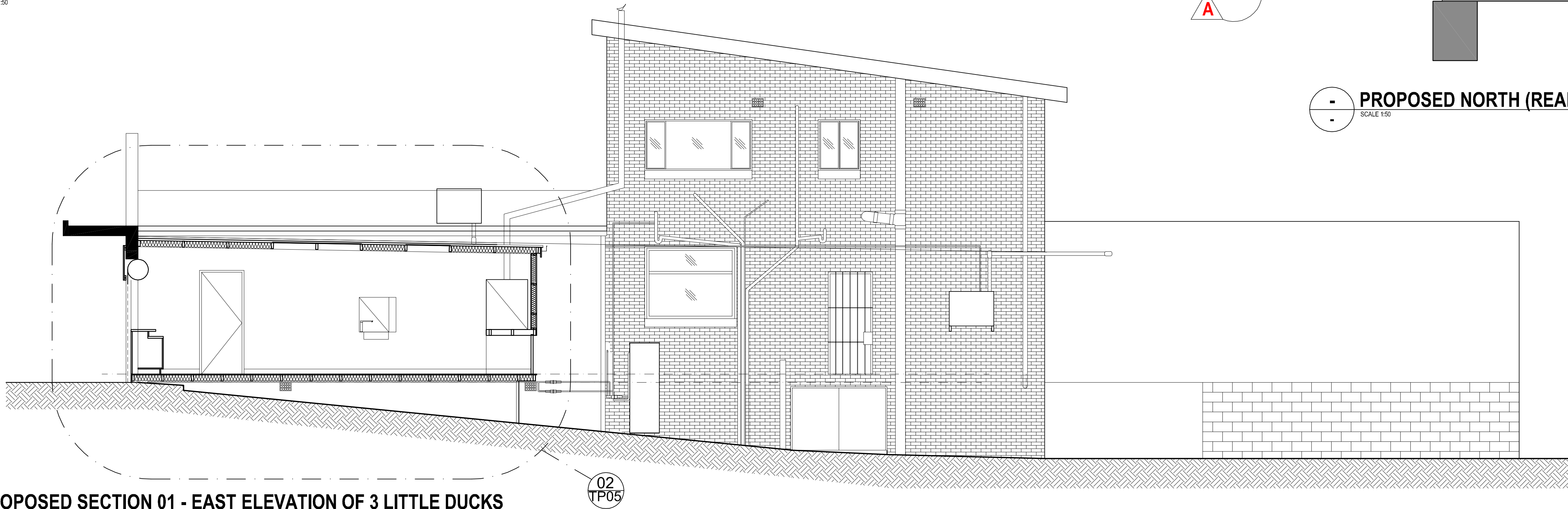
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PROPOSED SOUTH ELEVATION (FROM CAMBRIDGE RD)



01
TP04
SCALE 1:10
SIGNAGE DETAIL



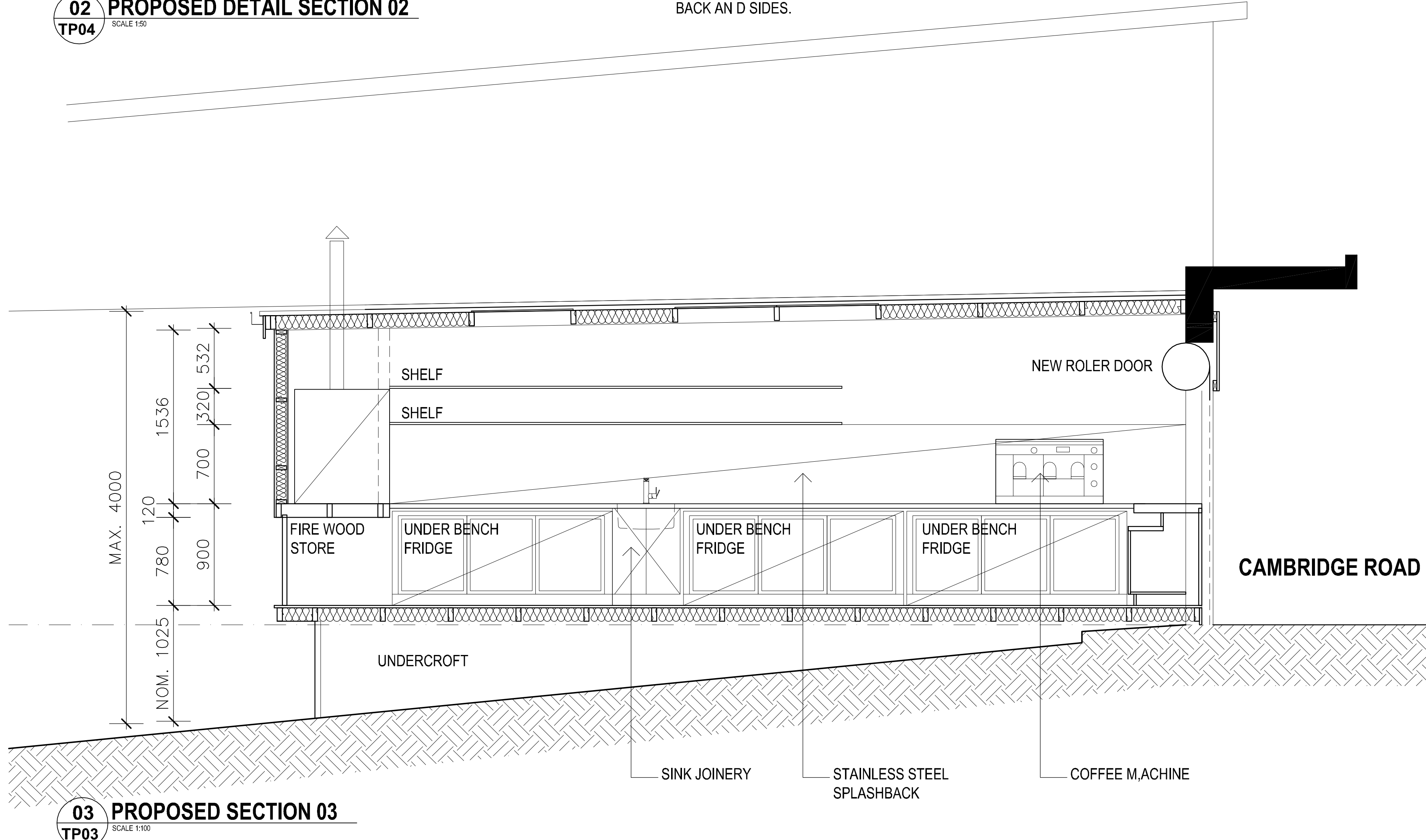
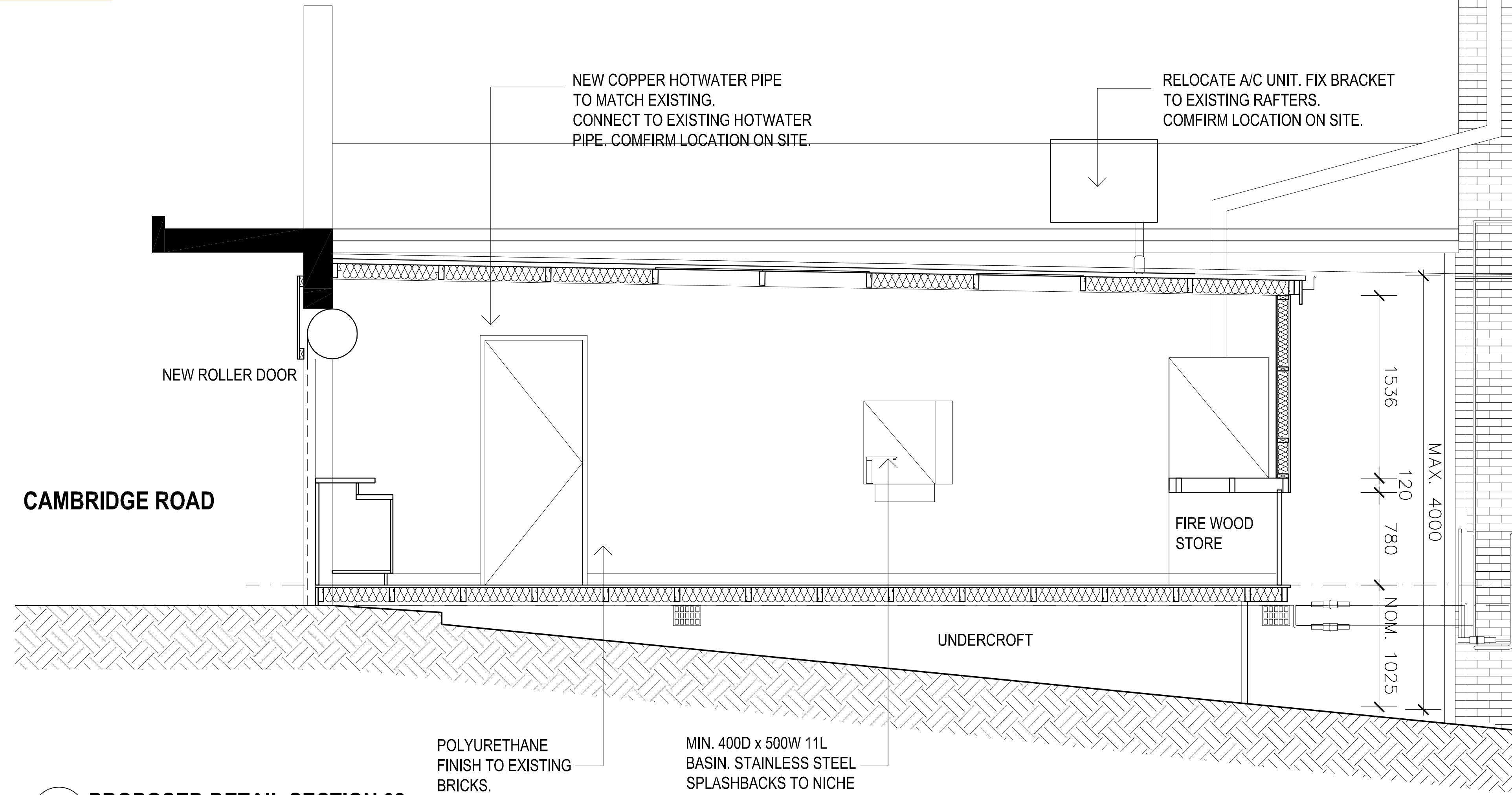
01
TP04
SCALE 1:50
PROPOSED NORTH (REAR) ELEVATION



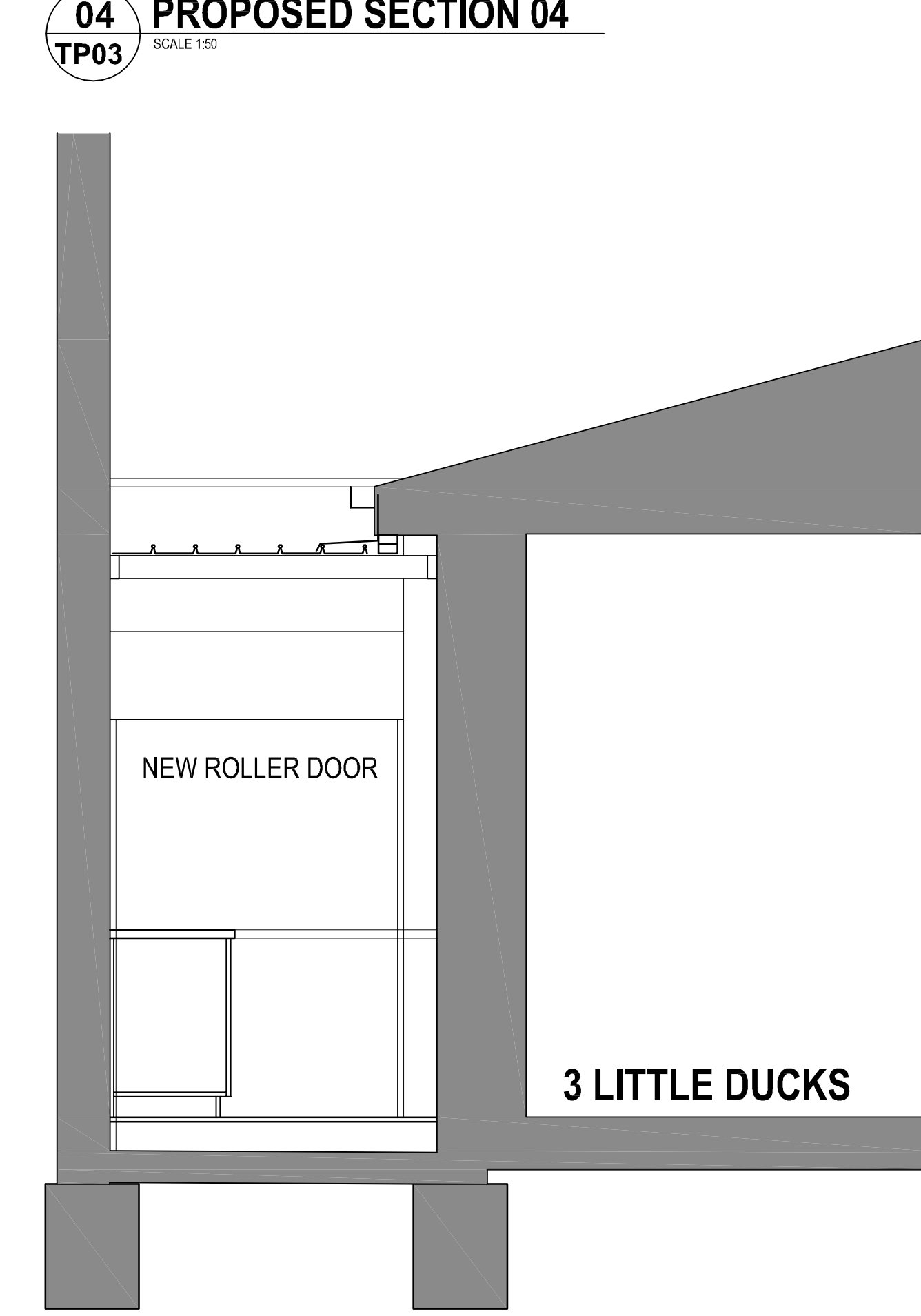
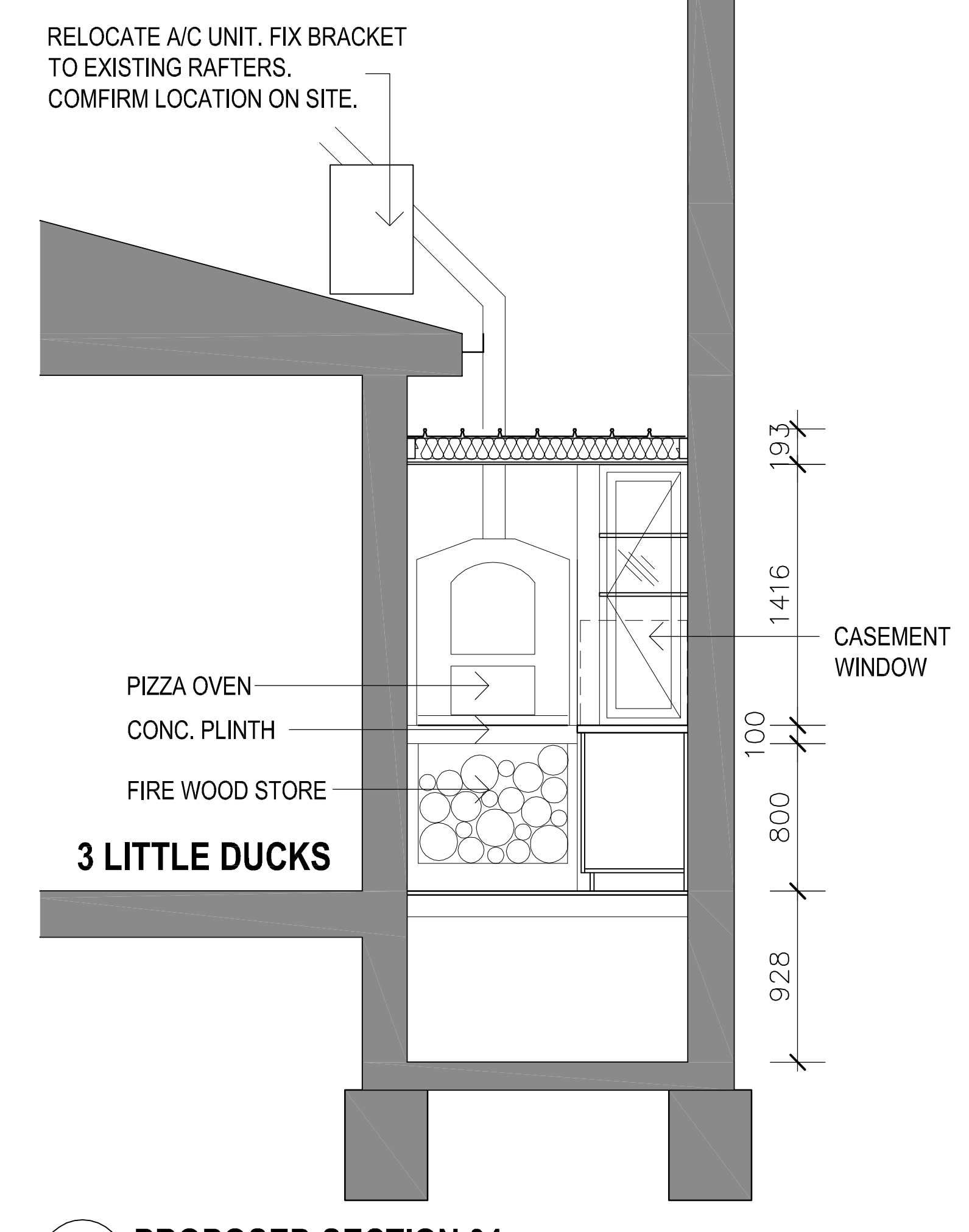
01
TP03
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PROPOSED SECTION 01 - EAST ELEVATION OF 3 LITTLE DUCKS

CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT - IF IN DOUBT, ASK!

PRELIMINARY



CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT - IF IN DOUBT, ASK!



PRELIMINARY

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Project
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3 Little Ducks Cafe, Bellerive 7018

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Drawing
PROPOSED SECTIONS

All work shall conform to the spec. & other relevant drawings. Figured dimensions take precedence over scaled dimensions. Check all dimensions on site. Shop drawings shall be submitted to this office for approval prior to the commencement of any fabrication.
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DATE 18.06.15	REV.
PROJECT NO. 1505	TP05

Agenda Attachments - 38 & 38A, Cambridge Road - Page 6 of 6

- SURVEY MARK
- NATURAL SURFACE
- ROAD SIGN
- FINISHED FLOOR LEVEL
- TELSTRA PIT

■ METER WATER

—— BOUNDARY PRELIMINARY

—— BITUMEN EDGE

—— KERB LIP

—— KERB INVERT

—— KERB BACK

—— DRIVEWAY

—— CONCRETE SLAB

—— MINOR BUILDING

—— BUILDING

—— VERANDAH

—— BRIDGE PIER

—— RET WALL CONC

—— DOORWAY

—— STEPS

—— RIDGE LINES

—— UNDERSIDE OF EAVES

—— GUTTER LIP

—— MANHOLE HYDRO

—— GAS UNCLASSIFIED

—— SEWER MAIN

—— WATER UNCLASSIFIED

—— WALL TOP

—— FENCE



NOTES:

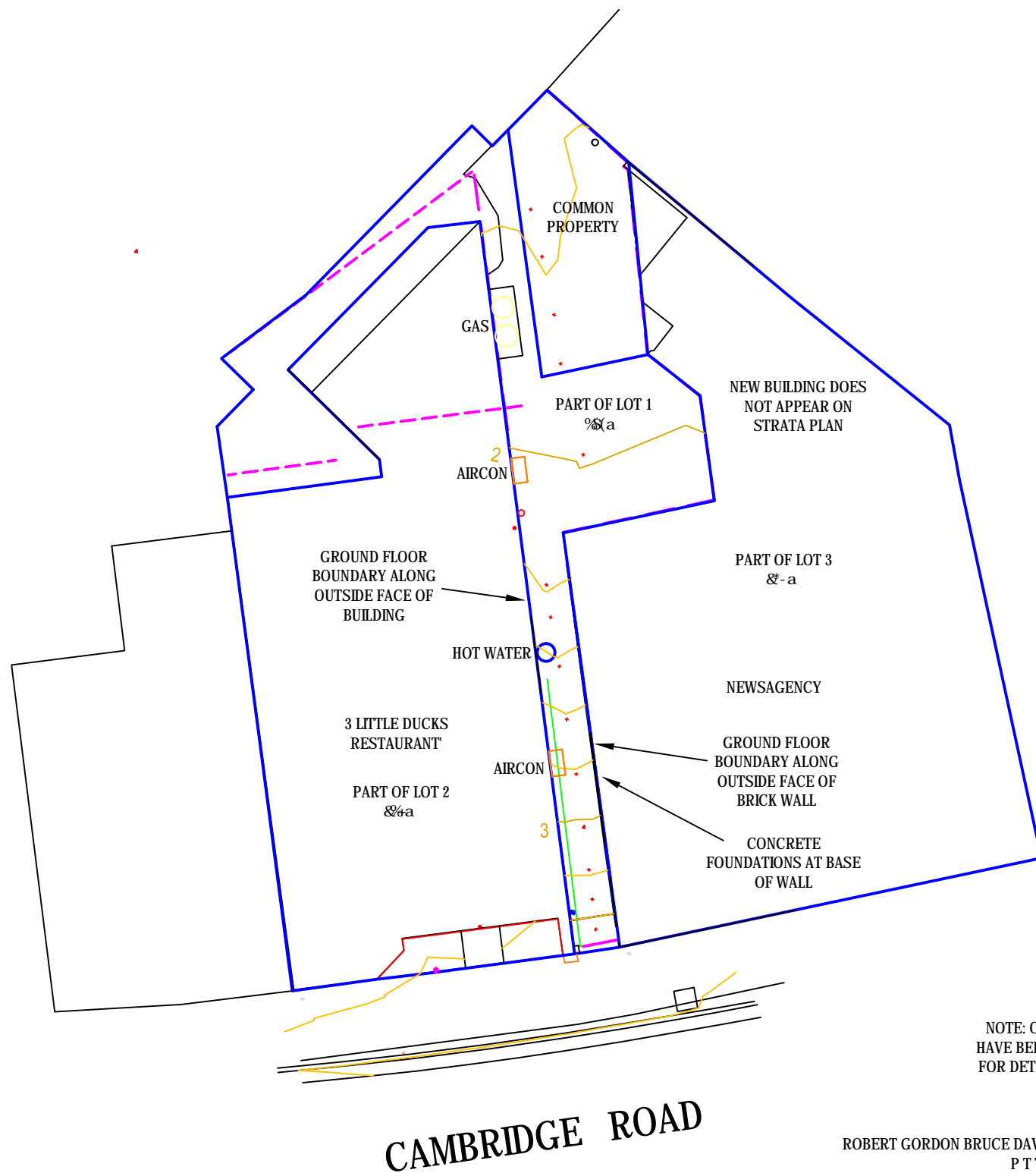
While all reasonable effort has been made to locate all visible above ground services, there may be other services which were not located during the field survey.

The title boundaries as shown on this plan were not marked at the time of the survey and have been determined by existing title dimensions and occupation (where available) only and not by field survey, and as a result are considered approximate only. This plan should not be used for building to boundary, or to prescribed set-backs, without further survey.

Prior to any demolition, excavation, final design or construction on this site, a full site inspection should be completed by the relevant engineers.

DATUM - Vertical : AHD per SPM1400 with reputed AHD level of 3.38 from SURCOM on 10-06-2015

Date of Survey : JUN 2015



NOTE: ONLY GROUND FLOOR BOUNDARIES HAVE BEEN SHOWN SEE STRATA PLAN 127676 FOR DETAILS OF HORIZONTAL AND VERTICAL LOT BOUNDARIES

OWNERS DETAILS:
ROBERT GORDON BRUCE DAVIS & CAROLYN ANN DAVIS - C.T.127676/1 & C.T. 127676/2
P T TAYLOR PTY LTD - C.T.127676/3

AMENDMENTS			Project Name and Address	Drawing Title	SCALE 0 1 2 3 4 6 8 1:200 at A3	Contour Interval 0.200 m		FILE REF: 8959	
No.	Revision/Issue	Date				Date 11-06-2015	SHEET 1 of 1	Geocomp Ref 895902	AutoCAD Ref 895902
			3 LITTLE DUCKS 38 CAMBRIDGE ROAD BELLERIVE TASMANIA	LOCI	THIS DOCUMENT IS, AND SHALL REMAIN, THE PROPERTY OF LEARY & COX, LAND & ENGINEERING SURVEYORS. THE DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED REPRODUCTION OR ALTERATION IS PROHIBITED.	SHEET 1 of 1	SHEET 1 of 1	895902	895902



132 Davey Street, HOBART TAS 7000
P 03 6220 0299 F 03 6220 0290
E admin@learyandcox.com

Attachment 3

38 & 38A Cambridge Road, BELLERIVE



Site viewed from Cambridge Road.

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 RICHMOND BRIDGE VEGETATION MANAGEMENT PLAN**

(File No B088-70)

EXECUTIVE SUMMARY**PURPOSE**

To seek Council endorsement to release the draft Richmond Bridge Vegetation Management Plan for public consultation in order to obtain feedback on the Vegetation Management Plan from the broader community.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 and Community Participation Policy are relevant.

LEGISLATIVE REQUIREMENTS

The Richmond Bridge Vegetation Management Plan will need to consider the requirements of the Heritage Tasmania Practice Notes – Historic Plantings and Landscapes (Heritage Tasmania 2015). Richmond Bridge is included on the National Heritage List and Tasmanian Heritage Register and any works will require approval by Heritage Tasmania.

CONSULTATION

Heritage Tasmania, Department of State Growth, Department of Primary Industries, Parks, Water and Environment, Crown Land Services, Richmond Advisory Committee and local residents have provided extensive input and feedback on the document in preparation for seeking approval to carry out broader community consultation.

FINANCIAL IMPLICATIONS

A small funding allocation is likely to be required for the public consultation process. Funding is not available for implementation of the Richmond Bridge Vegetation Management Plan and will therefore need to be considered in future Operating Plans.

RECOMMENDATION:

- A. That Council approve community consultation in relation to the draft Richmond Bridge Vegetation Management Plan as outlined in the Associated Report.
- B That the results of the community consultation be presented to Council at a future workshop.

RICHMOND BRIDGE VEGETATION MANAGEMENT PLAN /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The former Department of Infrastructure, Energy and Resources commissioned a review of the Conservation Management Plan for the Richmond Bridge in 2010. Recommendations resulting from the review related to the assessment, maintenance and renewal of the vegetation in the vicinity of the Richmond Bridge. This Vegetation Management Plan responds to these recommendations.
- 1.2.** In December 2014, Council sought quotations from consultants to prepare a Richmond Bridge Vegetation Management Plan. Council accepted the submission from GHD, in association with Don Thompson (Landscape Architect), to complete the draft Richmond Bridge Vegetation Management Plan for Council's consideration.
- 1.3.** The Richmond Bridge Vegetation Management Plan is to address 4 key requirements, they being:
- Site Analysis – taking into consideration the site's history and cultural heritage values;
 - Analysis of Existing Vegetation – obtain an arborist assessment on the health and expected life span of the existing vegetation;
 - Weed Management Strategy – to identify existing weed species and detail management strategies; and
 - Future Planting Strategy – long term conservation of the historic and aesthetic setting of the Richmond Bridge.

2. REPORT IN DETAIL

- 2.1.** The consultants have met with the following State Government Agencies and local groups to define the project and obtain feedback to form the draft Richmond Bridge Vegetation Management Plan.

- Heritage Tasmania;
- Department of State Growth;
- Department of Primary Industries, Parks, Water and Environment;
- Crown Land Services;
- Richmond Advisory Committee; and
- Local residents within the view shed of the Richmond Bridge.

2.2. A “Walk and Talk” session was held on 11 February 2015, at which 14 people attended to discuss the project with the consultants. In addition a web based survey was available on Council’s website to allow those interested in this project but unable to attend the “Walk and Talk” to provide feedback to the consultants. There were 6 submissions received from the survey.

2.3. The draft Richmond Vegetation Management Plan is structured into 6 key areas of management, they being:

- Management Zones;
- Weed Management Strategy;
- Vegetation Planting Guide and Schedule;
- Aquatic Vegetation and River Management;
- Management of “Borrowed” landscape; and
- Vegetation Management Action Plan.

Management Zones

Zones have been categorised based on the unique landscape characteristics and their relative impact on the view shed of the Richmond Bridge. There are 16 management zones which have been prioritised into categories of high, medium and low. Each management zone is described in the Richmond Bridge Vegetation Management Plan based on the following key aspects:

- objectives;
- priority;
- cultural values;
- heritage values;

- key vegetation management issues; and
- main vegetation management prescription.

Weed Management Strategy

The main principles relating to the Weed Management Strategy are:

- control and eradication of “declared weeds” within 5 years;
- preventing weeds from migrating to adjacent properties; and
- exotic species that are profuse suckering varieties to be replaced with grafted low-suckering species. For example, the Lombardy poplars adjacent to the north-eastern corner of the bridge.

Vegetation Planting Guide and Schedule

The vegetation planting guide provides a palette of recommended trees, shrubs and grasses that meet the cultural and historical values relevant to the view shed of the Richmond Bridge. The vegetation planting schedule provides a timeline for planting of replacement and new trees and shrubs in priority order and are included in the Action Plan.

Aquatic Vegetation and River Management

The Coal River is an important component of the view shed of the Richmond Bridge as it provides for tourism ventures and maintains a body of water in the river due to the Gatty Dam.

It is recommended that existing native aquatic vegetation be maintained to assist with stabilising the river bank. An increase in sedimentation of the riverbed may result in an increase in aquatic species potentially causing the river flow to diminish. To maintain tourism activity to the river, consideration will need to be given to treating the accumulation of sediment.

Management of “Borrowed” Landscape

“Borrowed” landscape refers to any existing vegetation on adjoining private properties which frame the view shed of the bridge, therefore having important values which must be maintained.

Council should negotiate with private landowners to preserve the existing vegetation and establish a succession plantings program to maintain the view shed of the bridge.

The Richmond Bridge Vegetation Management Plan identifies 7 properties that have important visual impacts on the view shed of the bridge.

Vegetation Management Action Plan

The Action Plan prioritises the management of the vegetation across all zones over an initial period of 3 years based on a priority classification of high, medium and low. With high priority to be actioned within 6 months, medium within 6 to 18 months and low within 18 months to 3 years.

Implementation of this Action Plan will be dependent on Council's future budget considerations.

- 2.4.** Due to the significant heritage and cultural values associated with the Richmond Bridge any implementation of the Action Plan will need to consider the requirements of the Heritage Tasmania Practice Notes – Historic Plantings and Landscapes (Heritage Tasmania 2015). Heritage Tasmania can issue a Certificate of Exemption for routine activities such as mowing, weed management and tree trimming. Activities such as stump grinding, tree removal and planting will require approval/permit from Heritage Tasmania. Any disturbance of the ground may require the attendance of an archaeologist on-site when performing these activities. This is likely to have a financial impact to these work activities.

3. CONSULTATION

3.1. Community Consultation

The draft Richmond Bridge Vegetation Management Plan was formed from input provided by State Government agencies, Richmond Advisory Committee and local residents.

A Workshop presentation was given to Council on Monday, 15 June 2015 to brief Aldermen on the draft Richmond Bridge Vegetation Management Plan.

A broader community consultation process is still required to be carried out in order to obtain feedback on the draft Richmond Bridge Vegetation Management Plan.

The community consultation will be undertaken through the following options:

- advertisement in “The Mercury” newspaper;
- completing the feedback form available at the Council Offices and placing in the feedback box;
- completing the feedback form on Council’s website;
- emailing the feedback form to Council’s general email address; and
- mailing the feedback form to the Council Offices.

The community consultation will extend for a 4 week period.

3.2. State/Local Government Protocol

Due to the significant heritage and cultural values associated with the Richmond Bridge any implementation of the Action Plan will need to consider the requirements of the Heritage Tasmania Practice Notes – Historic Plantings and Landscapes (Heritage Tasmania 2015). Consultation will need to occur with Heritage Tasmania in relation to implementation of the Action Plan.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council’s adopted Strategic Plan 2010-2015 includes the following relevant objectives.

Public Spaces and Amenity

- develop plans to improve the amenity of public spaces; and
- future needs for public open space and recreation facilities.

Natural Area Management

- review built/cultural heritage studies/inventories eg Richmond Bridge, aboriginal heritage.

5. EXTERNAL IMPACTS

Consideration by Heritage Tasmania relating to the implementation of the Action Plan is likely to have a financial impact on any work activities undertaken. Consultation with Heritage Tasmania is a key factor in determining the extent and conduct of works undertaken in the Richmond Bridge precinct.

6. RISK AND LEGAL IMPLICATIONS

There are no risk and legal implications from carrying out public consultation.

7. FINANCIAL IMPLICATIONS

There is no funding available for the implementation of the Richmond Bridge Vegetation Management Plan. Funding therefore needs to be considered as a part of future Operating Plan development.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

9.1. The draft Richmond Vegetation Management Plan has been developed in consultation with various State Government agencies, Richmond Advisory Committee and local residents.

9.2. The recommendations outlined in the draft Richmond Bridge Vegetation Management Plan intend to facilitate the protection and enhancement of the historical and cultural values associated with the Richmond Bridge precinct.

- 9.3.** Following the conclusion of the community consultation the results will be presented at a future Council Workshop, at which further consideration in relation to the adoption of the Richmond Bridge Vegetation Management Plan will be given.

Attachments: 1. Draft Richmond Bridge Vegetation Management Plan (41)

Ross Graham

ACTING GROUP MANAGER ASSET MANAGEMENT

Richmond Bridge Vegetation Management Plan



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Appendices

1. Cemetery Bluff Vegetation Management Guide
2. Action Plan
3. Plans (A3 SET)
 - Site Analysis Plan
 - Management Zones
 - Planting Plan (North)
 - Planting Plan (South)
 - Borrowed Landscape Notes
4. Vegetation Condition as at February 2015 (Aboricultural Survey Report)

Acknowledgements

We would like to acknowledge the input of Selena Dixon, Lillian Reardon and Darren McConnon (State Growth); Russell Dobie (Heritage Tasmania); Gary Evans (Crown Land Services, DPIPW); Sally Taylor, Ian Preece, Matthew Graham (Clarence City Council); Heather Chong (CCC and Richmond Advisory Committee) and the residents of Richmond who participated in the Community Walk and Talk on February 11 for their contribution to this Draft Vegetation Management Plan. Further consultation will occur as we progress this plan to its final version.

Introduction

Background:

The Clarence City Council advertised an Invitation for Quotations (Q1019-14) in December 2014 for the provision of consultancy services for the preparation of a Vegetation Management Plan for the Richmond Bridge and its setting.

GHD in association with Landscape Impressions submitted a Tender and was awarded the contract in January 2015.

Fieldwork and consultation commenced in mid-January 2015. A draft VMP was submitted to Council and State Government agencies in early April 2015. This Draft is now presented for broader community consultation.

Purpose:

In January 2010, a Conservation Plan for the Richmond Bridge (1997) was reviewed by GHD under a commission by the former Department of Infrastructure Energy and Resources.

A number of policy recommendations of the 2010 Richmond Bridge Conservation Management Plan (CMP) related to the assessment, maintenance and renewal of vegetation in the vicinity of the Richmond Bridge. This Vegetation Management Plan responds to those policy recommendations.

Clarence City Council's brief for the Vegetation Management Plan set out requirements for the

key elements of the plan, including:

Site Analysis – including consideration of the site's history, the cultural heritage value and significance of existing plantings and other relevant existing site conditions such as weeds, public use, aesthetics, access, infrastructure, etc.

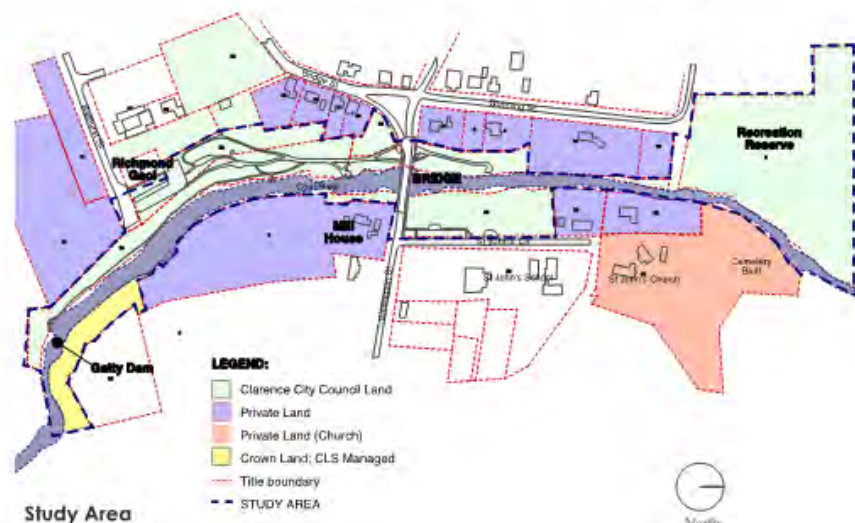
Analysis of existing Vegetation Conditions – including the engagement of an arborist to assess the current health and estimated lifespan of the historic and naturalised plantings.

Weed management strategy – including the consideration of the existing site planting conditions, any weed issues and ongoing management activities.

Future planting Strategy/plan – addressing the long term conservation of the historic and aesthetic setting of the Bridge.

Methodology:

Consultations with the Clarence City Council, Heritage Tasmania, the Department of State Growth and the Department of Primary Industries, Parks, Water and Environment Crown Land Services were undertaken to gather information pertinent to vegetation management from the perspectives of each authority.



Introduction...

Don Thomson, Registered Landscape Architect and Principal of Landscape Impressions, undertook site inspections and fieldwork during January and February 2015 to undertake the Site Analysis and weed assessment components of the project.

Arborist and Environmental Consultant Philip Jackson undertook an assessment of trees throughout the study area and provided a report to inform decisions about the longer-term strategy for vegetation management across the study area.

A 'Community Walk and Talk' was held on February 11 as a preliminary information-sharing opportunity and data collection tool.

Fourteen local residents attended the 'Walk and Talk' and provided input into a range of vegetation management issues. This event enabled a range of issues to be discussed in detail and proved to be a very useful information gathering technique.

A web-based survey was also conducted to seek community feedback on the proposed 'management zone' delineation and the priorities and issues identified for the broad management zones presented. Six people responded to the survey over the 2 weeks it was open. There was general agreement by respondents with the delineation of the Management Zones and their prioritisation. However, some respondents thought that all the zones were of high priority. It is true that all zones are important, but the prioritisation suggested in this Draft report refers mainly to the allocation of funds and other resources.

Discussions were held (in person or by phone) with adjacent landholders after distributing an earlier draft of this plan, in late April 2015. One of the key discussion points in these meetings was the management and succession of trees on private land that form important components of the 'borrowed landscape'.

The adjacent landholders were generally supportive of the proposed vegetation management actions and are willing to continue discussions about ongoing succession planning.

This Draft Vegetation Management Plan forms another opportunity for community input into the management of the landscapes around the Richmond Bridge. Feedback on this draft plan will be used to fine-tune the final Vegetation Management Plan before it is presented to Clarence City Council.



Site Analysis for Vegetation Management Plan

Historical Context:

The Richmond Bridge was completed in September 1824 and open to traffic in January 1825 (THC, 2015). It is widely recognised as Australia's oldest bridge that continues to serve its original purpose (DIER, 2010).

In 2005, the Richmond Bridge was included on the National Heritage List, in recognition of its outstanding value to the nation (DIER, 2010). It was listed on the Tasmanian Heritage Register in September 1999 (THC, 2015).

The setting of the Richmond Bridge is cited in the documentation around its historical value as being a critical component of the historical value of the Bridge. The protection and enhancement of critical views to and from the Bridge is critical to the continued appreciation of this significant historical asset by visitors and locals alike.

Cultural Context:

The Richmond Bridge is in itself an outcome of the rapid development of the region after land grants were distributed in 1808. The importance of the Coal River valley as 'the granary of the Australian Colonies' and for sheep and cattle grazing meant that a reliable crossing point over the Coal River was required (THC, 2015). The Bridge pre-dates the construction of the Richmond town; its construction was a catalyst for the town's development.

The community values the Bridge structure because it reflects the early development of Richmond and because of its association with the penal system.

Images of the Bridge and its setting have been featured in state, national and international tourism promotions since the 1920s. It is one of the most widely photographed historic sites in Tasmania (THC 2015).

The Richmond Bridge and its surrounds is an important place because of its aesthetic values. It is widely appreciated by locals and visitors alike and features as the subject of many artistic pursuits, especially by painters and photographers.

Landscape Context:

The contemporary landscape of the Richmond Bridge precinct is an outcome of a range of processes through time, both 'deliberative' and 'accidental'. Whilst there are some remnants of historic plantings (e.g. the Pine trees on the western banks; the Lombardy Poplars either side of the eastern approach to the Bridge), most of the oldest plantings have declined and been replaced by naturalised specimens of the same species. The landscape of the Richmond Bridge has never been a 'designed' landscape and much of its character comes from this 'naturalised' vegetation (DIER, 2010; THC, 2015).

Exotic and native vegetation has become naturalised and the management activities of Council and adjacent landholders has had a large influence on the landscape character of the place now.

It is therefore not considered appropriate to design the landscape of the Richmond Bridge to fine detail. It is appropriate to let the landscape continue to evolve with similar character to the current landscape.

Making strategic interventions over time will shape the structure and character of the future landscape. The Vegetation Management Principles of this Plan (next page) have been developed to guide a coordinated, strategic approach to the long-term evolution of this landscape.

Whilst it is recommended that the vegetation of this landscape be allowed to continue to evolve, there are some elements of the built landscape that require attention, such as path levels and drainage, signage and the location of specific facilities such as rubbish bins, seating, etc. It is recommended therefore that a landscape masterplan and review of 'built elements' in the landscape be undertaken by Council within the next two to 5 years.

See **Site Analysis Plan** for viewshed analysis and further notes on vegetation character.

Vegetation Management Plan Structure and Principles

STRUCTURE OF THE VEGETATION MANAGEMENT PLAN

This Plan is designed to guide the actions of Clarence City Council and its works teams, adjacent landholders to the study area and the local community.

It is presented in six main parts:

1. A description of key 'Management Zones' and the 'objectives' for those zones, which inform decisions about their management.
2. Weed Management Strategy, which outlines a strategic approach to weed management across the site and presents guidelines for the management of key weed species.
3. Planting guide and schedule, which highlights key strategic plantings, recommends species for planting across the site in the future and guides the placement of planted vegetation.
4. A guide to aquatic vegetation/river management.
5. A guide to the long-term management of the 'borrowed' landscape (i.e. the broader landscape of Richmond and surrounds as a visual backdrop to the Richmond Bridge precinct).
6. A Vegetation Management Action Plan, which prescribes priority actions for the short-term (1 to 3 years).

VEGETATION MANAGEMENT PRINCIPLES:

This Vegetation Management Plan for the Richmond Bridge precinct has been informed by the following principles:

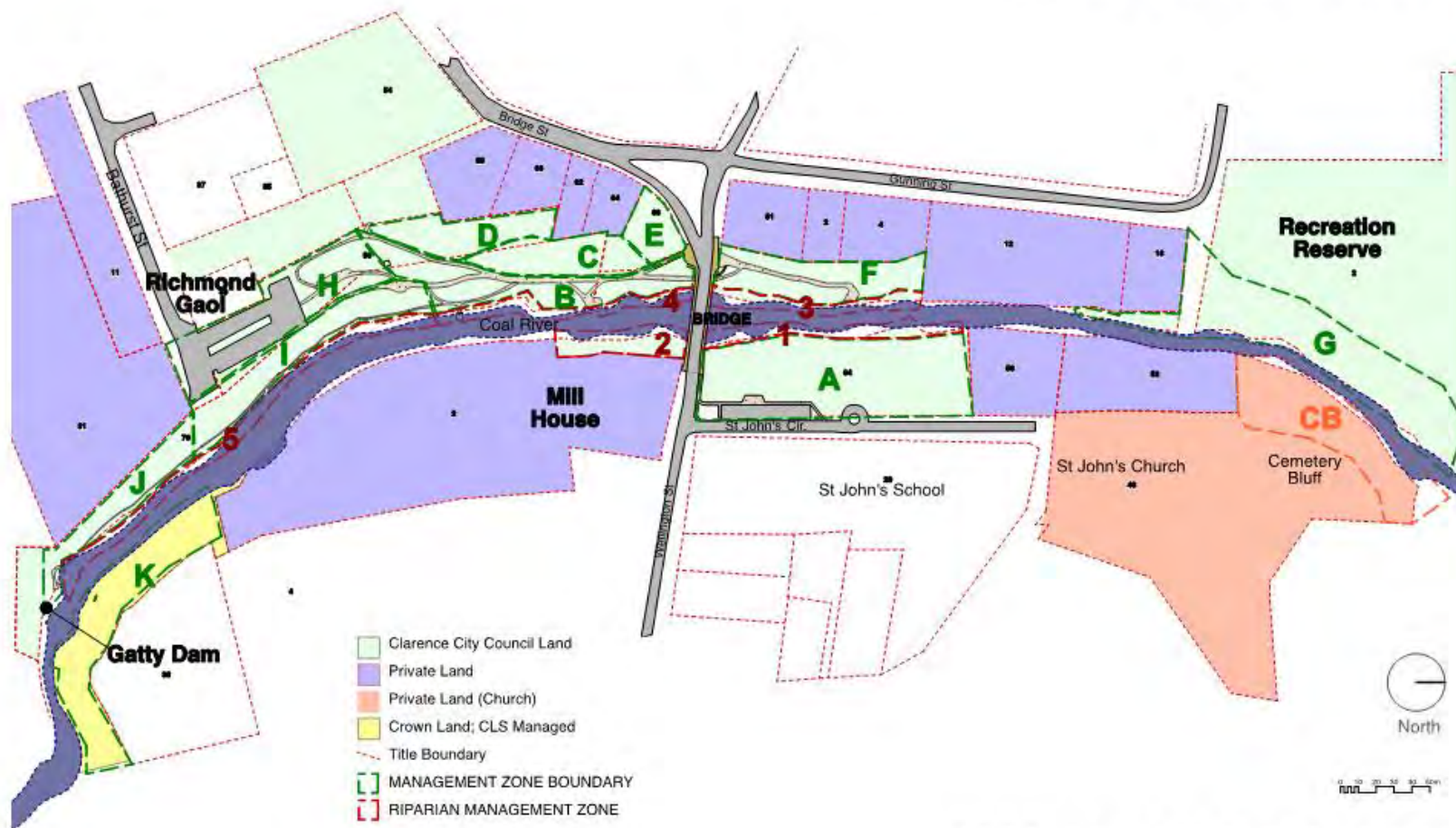
- Preserve historical and cultural values in the landscape, including views to and from the bridge.
- Provide a safe and pleasant environment from which to enjoy the character and ambience of the Richmond Bridge.
- Respect and celebrate the values that combine to make this an attractive and characterful 'place'.
- Ensure a relatively smooth succession of vegetation over time so that drastic or sudden landscape changes are minimised.
- Ensure 'weeds' are not allowed to spread to neighbouring properties.
- Minimise the financial burden of management and maintenance of the landscape to current and future generations.
- The character of the place is to be preserved over time by maintaining, as far as possible, vegetation type and structure similar to the current (2015) landscape.
- Historically important species, which are often now declared weed species, should be replaced with modern cultivars of the same variety to preserve landscape character whilst minimising management costs and damage to historical or cultural assets.



RATIONALE FOR THE DEFINITION OF MANAGEMENT ZONES

The division of the publicly accessible lands alongside the Coal River upstream and downstream of the Richmond Bridge into 'Management Zones' is based on the rationale that different areas of the precinct have unique landscape characteristics that warrant different approach to landscape management.

Management Zones Map



MANAGEMENT ZONES

Zone A Priority: High



North West of Bridge

OBJECTIVES

Maintain as 'open parkland' landscape to enable views to Bridge from North Easterly aspects.

CULTURAL VALUES

- Lombardy poplars provide scale and frame many of the key views to the bridge.
- Open lawn has functional and aesthetic value.
- Wide expanses of lawns are enjoyed by visitors and locals alike.

HERITAGE VALUES

- Lombardy poplars beside bridge are noted on Heritage Register.
- CMP 2010 Priority Works/Actions (7.7.11) reference the suckering of poplars and the potential impact on the bridge structure.

KEY VEGETATION MANAGEMENT ISSUES

- Succession of Lombardy Poplars beside the Bridge. Arborist reports that the trees are in good health and have a life-expectancy of another 15-40 years.
- However, suckering of Lombardy poplars adjacent to bridge structure is of concern to Department of State Growth. Therefore, a 5 to 10-year succession process is suggested.
- Succession planning for copse of White poplars to north of this Zone.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Commence planning and consultation for the replacement of Lombardy Poplars within the next 10 years. The recommended action is to fell all of the mature poplars and replace with the same species (*Populus nigra 'Italica'*) but propagated from minimal-suckering root stock (e.g. Flemings Nursery). Felling all of the trees will enable removal of 'old' root stock to prevent future suckering, and enable the installation of a root barrier between the trees and the bridge buttress.
- Gradually replace white poplars along northern boundary with *P. canadensis* or *U. procera*. *Zelkova serrata* is also recommended (see planting palette).
- Removal of selected trees as per the Action Plan (Appendix 2).

Zone B Priority: High



South West of Bridge

OBJECTIVES

Maintain vista to bridge from south-westerly vantages. Maintain an open 'parkland' landscape.

CULTURAL VALUES

- Has a long history as public open space, although subsequent land grants reduced that for a period (1830s to early 1900s).
- Is one of the key areas for photographic opportunities to the bridge.

HERITAGE VALUES

- Medium archaeological potential due to historical record of Buscombe's Mill – the site of which is marked by a mature pine tree (THR#1101)
- Mature pine tree is one of the older planted specimens in the precinct.

KEY VEGETATION MANAGEMENT ISSUES

- Succession of trees, particularly the single *Pinus radiata*. However, arboricultural assessment is that this tree is likely to have a long life ahead of it, if looked after.
- Mowing/grounds maintenance impeded by stumps, uneven ground.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Remove dead wood >50mm dia. from pine tree (Arborists Report ref. 53) in accordance with sound arboricultural practice.
- Remove stumps throughout this zone by grinding. Works are to be undertaken with reference to Heritage Tasmania's guidelines as there is 'medium' archaeological value to this site.
- Pruning of dead wood from pine tree.
- See also specific Actions listed in Action Plan (Appendix 2).

Note: THR = Tasmanian Heritage Register

Zone C Priority: High



Orchard, South West of Bridge

OBJECTIVES

Maintain as an 'orchard'

CULTURAL VALUES

- Locals and visitors enjoy the ability to pick fruit from the orchard.
- Autumn colour.
- Flowering and fruiting provides seasonal colour and interest.

HERITAGE VALUES

- 'Almond orchard' cited in CMP and THR as being of cultural significance (marked a path leading from bridge to Buscombe's Mill).

KEY VEGETATION MANAGEMENT ISSUES

- The older original almond trees have almost all died or been removed. New (last 10 years) plantings of mixed species (including apple, pear, apricot) have been undertaken by Council and the community.
- Stumps of old trees are impeding maintenance/mowing.
- Silver wattle at the 'back' of the orchard has a limited life-span and should be removed.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Form prune (in accordance with sound arboricultural and horticultural practices) all existing trees.
- Remove stumps.
- Remove silver wattle and grind stump.
- Complete orchard by filling gaps in 'grid' structure.
- Replace old almond trees along the path with almonds to replicate historical references to almond orchard.
- See also specific Actions listed in the Action Plan (Appendix 2).

Zone D Priority: High



Steep Bank to East of Village Green

OBJECTIVES

Maintain a visually appealing backdrop to views from the bridge and from the North-East, whilst enabling views from the top of the bank to the SW of the site.

CULTURAL VALUES

- Important photo point/vantage point is located above this bank, to the NE edge of the 'village green'

HERITAGE VALUES

- Forms a backdrop to the bridge so is important as part of the heritage precinct of the bridge.

KEY VEGETATION MANAGEMENT ISSUES

- Bank is too steep to mow and brush-cut.
- Annual grasses and weeds dominate the site, including some suckers of Elm and some boxthorn and hawthorn saplings.
- Will become over-run with woody weeds over time due to difficulties mowing/slashing due to steep slope.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Remove annual grasses, weeds.
- Remove briar roses, pine seedlings, elm suckers and 2-3 dead or dying wattles at base of slope.
- Install hessian mulch/weed mat.
- Plant native grasses - wallaby grass (*Austrodanthonia spp.*) and kangaroo grass (*Themeda triandra*) – across the whole slope.
- Plant *Brusaria spinosa* (native box) in informal 'copses' along the eastern border of this zone to the toe of the bank as shown on the planting plan.
- See also specific Actions listed in the Action Plan (Appendix 2).

Zone E

Priority: Low

Top of Bank between Bridge Street and Stone Steps



OBJECTIVES

Maintain as 'parkland' transition from Bridge Street streetscape to 'orchard'.

CULTURAL VALUES

- 'Transitional landscape' from the Bridge Street streetscape to the 'orchard' area to the South.
- Has a parkland character.

HERITAGE VALUES

- Peppercorn trees are a key species within this cultural landscape.

KEY VEGETATION MANAGEMENT ISSUES

- Existing wattles (*Acacia saligna*) and *Photinia* along footpath are out of character and should be removed to enable views to bridge/river.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- It is recommended to replace wattles and photinia along Bridge Street with ornamental pear (e.g. *Pyrus calleryana* x *betulaefolia* 'Edgedell').
- Form prune blackwood and peppercorn trees in the middle of this zone to lift the canopy and enable views from Bridge St footpath to the river. Ensure adherence to best practice arboricultural techniques.

Zone F Priority: High



Steep Bank to North East of Bridge

OBJECTIVES

Maintain a visually appealing backdrop with low maintenance requirements.

CULTURAL VALUES

- Important background to photographs taken from the Eastern banks of the Coal River (i.e. Zone A and beyond).
- Neighbouring landholders are undertaking much of the vegetation management on the steep slopes of this zone.

HERITAGE VALUES

- This area was purchased from the adjoining landholders in the 1973.
- Medium archaeological potential due to historical record of fords in this area (THR#1101)

KEY VEGETATION MANAGEMENT ISSUES

- The bank along the western section of this Zone is too steep to mow and brush-cut.
- Annual grasses and weeds dominate the site, including marshmallow, fennel, hawthorn, boxthorn and other weeds.
- Vegetation management difficulties have resulted in the perceived need to burn off large parts of the bank, which is not well received by some residents.
- Will become over-run with woody weeds over time due to difficulties mowing/slashing due to steep slope.
- Toe of bank along track needs stabilisation.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Remove annual grasses, weeds. Install hessian mulch/weed mat to all slopes steeper than 1:3 (18°). Plant native grasses - wallaby grass (*Austrodanthonia spp.*) and kangaroo grass (*Themeda triandra*). Plant *Bursaria spinosa* (native box) in informal 'copses' as shown on the planting plan.
- Remove boxthorn, marshmallow, hawthorn, gorse, yucca, blackberry and other weeds as per 'Weed Management Guidelines'.
- See also specific actions listed in the Action Plan (Appendix 2).
- See also Riparian Zone 3 for actions relating to riverbank management.

Zone G Priority: Low



Recreation Reserve

OBJECTIVES

Maintain as a low maintenance, predominantly 'bushland with open grass' landscape as a transition between the Recreation Reserve and the Coal River.

CULTURAL VALUES

- Used for passive recreation by the local community (e.g. dog walking etc.).
- Not seen from the bridge and views to the bridge from this zone are blocked by current vegetation structure.

HERITAGE VALUES

- Not visually significant area from bridge landscape perspective.
- Archaeological values not ascertained.

KEY VEGETATION MANAGEMENT ISSUES

- Ongoing mowing/slashing of grassed areas.
- Ongoing weed management (particularly fennel, thistles and blackberry).
- Broad plantings of largely indigenous trees and shrubs are healthy, well established and appropriate in form.
- Management of riparian vegetation to ensure bank stability and maintain/improve water quality.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Ongoing weed management throughout this management zone, but particularly the riparian zone.
- Annual monitoring and control of gorse, crack willow, fennel, thistles, blackberry, hawthorn and other weeds along the riparian zone. Apply the methods described in the DPIPW publication 'Guidelines for Safe and Effective Herbicide Use Near Waterways' (see Weed Control Strategy herein).
- Additional weed control required upstream of Recreation Reserve on Crown Land to minimise re-introduction of weeds to the Richmond Bridge precinct.

Zone H

Priority: Low



Picnic Area

OBJECTIVES

Provide a pleasant micro-climate for picnics/BBQs that is not visually intrusive from key vantage points from the bridge or key bridge views.

CULTURAL VALUES

- Widely used by locals and visitors, but this could be enhanced by improving the quality of the landscape setting.

HERITAGE VALUES

- Not visually significant area from bridge landscape perspective.
- Archaeological values not ascertained.

KEY VEGETATION MANAGEMENT ISSUES

- Maintain trees in good condition to ensure public safety and high aesthetic appeal.
- Some grading and top-dressing of lawn areas to improve trafficability for mowing.
- 'Garden bed' area beside the concrete steps to the north west of this zone needs re-designing to ensure a better 'fit' with the locality.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Feb 2015 arboricultural assessment identified no general issues with the trees in this area.
- Stump removal and re-grading/topdressing of lawn areas.
- This area would benefit from a re-design of 'hard' landscape elements to rationalise paths and other facilities. This would facilitate better vegetation management, particularly of lawns.
- Remove ivy from central garden bed to carpark area and replace (in the long term, after ivy control has been complete) with *Correa alba* or similar.

Zone I

Priority: High



Woodland of Elms and White Poplars

OBJECTIVES

Maintain 'English woodland' character and seasonal colour backdrop to views from the Bridge.

CULTURAL VALUES

- Enjoyed by visitors and locals (especially children) as a 'wild' place to explore.
- Provides an important backdrop to views from the north of the Bridge.

HERITAGE VALUES

- Elms and White Poplars are 'naturalised' from historical plantings. The original plantings are no longer in existence.
- Forms an important part of the landscape character of the whole precinct.

KEY VEGETATION MANAGEMENT ISSUES

- Arborist recommends removal of specific white poplar specimens which are structurally defective (Tree Ref's: 25, 27, 28, 29, 30, 36, 37, 38).
- The elms are currently in good condition and should be allowed to continue to form 'natural' copses through suckering.
- Over the long-term, the gradual removal of the white poplars and the extension of elms (with some planting of oaks) is recommended. This will preserve the character of this zone whilst minimising maintenance.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Removal of specified trees identified in Arboricultural Assessment (Feb. 2015).
- Every 5 years, remove 3-4 white poplars, working from each of the northern and southern ends of the white poplar copse, and replace with oak and elm trees, as per the Planting Schedule.
- Locals enjoy the informality of the pathways through this area. It is recommended that they are kept informal.
- Specific stump grinding and other actions as per the Action Plan (Appendix 2).

Zone J

Priority: High



Bathurst St to Gatty Dam

OBJECTIVES

Design a 'transitional' landscape between the exotic-dominated landscape of zone J and the more 'natural' riparian zone downstream of Gatty Dam.

CULTURAL VALUES

- Largely open as the result of clearing of willows over the past decade.
- Not seen from the Bridge or from key viewpoints of the bridge.
- Plantation of *Callistemon* shrubs along the upper bank was planted by Richmond Primary School students.

HERITAGE VALUES

- Gatty Dam was constructed in 1935. Construction of the dam ensured standing water in the Coal River through the town.
- Not seen from the Richmond Bridge or from key viewpoints of the bridge.

KEY VEGETATION MANAGEMENT ISSUES

- The recently planted (last 5 years) Turkish oaks are not representative of species found elsewhere in the study area and therefore have no historic reference. However, oaks were commonly planted through the district historically, and their form and colour is complimentary to this setting. They should be retained and this species adopted for other plantings in the precinct as a succession strategy. Relying too heavily on Elms could place the landscape at risk in the future should Dutch Elm Disease or Elm Leaf Beetle take hold in the future.
- Transform the upper track along the western boundary into an 'avenue' by planting a row of blackwood between the track and boundary fence.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Remove dead and dying silver wattles at southern end of this zone.
- Re-vegetate southern areas with blackwood and drooping she-oak (see Planting Schedule).
- Plant an avenue of blackwoods to western boundary. Prune *Callistemon* plantation into an informal hedge, less than 1 m high.

Zone K Priority: Mod



South Eastern Banks near Gatty Dam

OBJECTIVES

Provide a low-maintenance 'parkland' landscape and a backdrop to views from the western banks of the Coal River.

CULTURAL VALUES

- Mainly used as a pedestrian thoroughfare and for access to neighbouring private land.
- Landscape contribution is mainly as a backdrop to views over the Coal River from westerly vantages.

HERITAGE VALUES

- Gatty Dam was constructed in 1935. Construction of the dam ensured standing water in the Coal River through the town.
- Not seen from the Richmond Bridge or from key viewpoints of the bridge.

KEY VEGETATION MANAGEMENT ISSUES

- Relatively young blackwoods are becoming well established along the banks.
- Is an 'open canvass' in terms of landscape development opportunities, however such redevelopment would require consideration of access requirements and resourcing for both establishment and management.
- Additional planting along the banks and riparian zone would enhance the landscape character of the views from western vantages by screening residences in the background.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Ongoing weed monitoring and management.
- Planting of more indigenous trees and shrubs along bank and riparian zone.
- Planting of indigenous reeds and rushes on lower bank.

Zone R1 Priority: High



Riparian strip, NE Bank

OBJECTIVES

Ensure views to the Bridge from the North-East are maintained and enhanced.
Protect bank from erosion.

CULTURAL VALUES

- Forms an important foreground to views of the Bridge from north-eastern vantages.

HERITAGE VALUES

- Important part of views to and from the bridge.
- Some historically planted trees and shrubs have become naturalised but are not considered significant from a heritage perspective.

KEY VEGETATION MANAGEMENT ISSUES

- Environmental weeds including fennel, blackberry, gorse are interspersed with indigenous riparian vegetation and could continue to spread and eventually dominate if not controlled.
- Some hawthorn trees have volunteered, which may form a barrier to views if allowed to grow too big or become too dense.
- *Phragmites australis* (Common Reed) dominates the lower bank and rivers edge. This provides protection from erosion and creates a low-maintenance, attractive edge to the river bank and lawns.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Southern-most bank: re-establish indigenous reeds and rushes (see Species list) to protect bank and maintain 'edge' consistency in the landscape.
- Ongoing weed control: manual removal of hawthorn, boxthorn, gorse and fennel, etc.
- Monitor for introduction of other weed species (willow, cumbungi, etc.) and control as necessary.

Zone R2 Priority: High



Mill Bank

OBJECTIVES

Maintain a high quality landscape that transitions between the gardens of the Mill and the Coal River.

CULTURAL VALUES

- Forms an important foreground to views of the Bridge from south-eastern vantages.
- Is an important component of views from the bridge.

HERITAGE VALUES

- Old boiler tank is 'hidden' under the shallow bank in the centre of this zone.
- Weeping willow is one of the only remaining willows in the area; a relic of older plantings.

KEY VEGETATION MANAGEMENT ISSUES

- Ivy is growing on bridge buttress and must be removed.
- Ongoing control of suckers/seedlings of White Poplar, Lombardy Poplar, peppercorn and various prunus species is required.
- Parts of the banks are eroding due to high volumes of pedestrian access to this area with only an informal, unformed path network.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Remove ivy from Bridge structure. Liaise with adjacent landholder to negotiate an eradication program to minimise future maintenance.
- Remove white poplar suckers/young trees.
- A formed path to define pedestrian access points would assist minimise current bank erosion due to uncontrolled access.

Zone R3 Priority: High



North West Bank

OBJECTIVES

Maintain key views from north-western vantages and provide a pleasant background to views from the eastern bank.

CULTURAL VALUES

- Forms an important foreground to views of the Bridge from northern and eastern vantages.
- Is an important component of views from the bridge.

HERITAGE VALUES

- Old fords across the river that pre-date the bridge.

KEY VEGETATION MANAGEMENT ISSUES

- Crack willow suckers/re-growth from previously controlled trees is occurring through this site.
- Large expanses of *Phragmites* could spread as sedimentation up-stream of the bridge continues.
- Isolated specimens of weed such as boxthorn, gorse, marshmallow, blackberry, fennel.
- Good regeneration of blackwood (*Acacia melanoxylon*) on banks. This may need to be thinned and/or some trees removed if their density increases to the extent that views are blocked.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Some trimming of *Phragmites* is required to 'open up' views to the bridge from the bank near the old Cypress tree (a key vantage point for views to the bridge).
- Weed control required including boxthorn, gorse, marshmallow, blackberry, fennel.
- Thinning of Blackwood seedlings.

Zone R4 Priority: High



South West Bank – Duck Feeding Area

OBJECTIVES

Maintain key views from south-westerly vantages and protect the river banks from erosion.

CULTURAL VALUES

- Forms an important foreground to views of the Bridge from southern and eastern vantages.
- Is an important component of views from the bridge.

HERITAGE VALUES

-

KEY VEGETATION MANAGEMENT ISSUES

- Banks are heavily impacted by pedestrian traffic and duck population and are exposed and prone to erosion.
- Suckering *Prunus* spp. and other woody weeds in the northern half of this zone will impact on views through and under the bridge arches.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Design and construct 'hardstand' (rock beaching) areas for ducks and waterfowl and plant out banks between these ramps with indigenous reeds and rushes.
- Control weeds and suckering *Prunus* spp. through manual removal.

Zone R5 Priority: Mod



South-Western Riparian Zone

OBJECTIVES

Maintain river and river-bank function and minimise flood impacts of fallen white poplar branches whilst maintaining essentially 'exotic' landscape.

CULTURAL VALUES

- Branches/trunks of white poplars that fall/lean into the river course are of concern to locals because of their impact on recreational users of the river (paddle boats and canoeists) and concerns over flood management.

HERITAGE VALUES

- White poplars are naturalised from historical plantings.
- The landscape of the riparian zone is characterised by the deciduous trees along the banks.

KEY VEGETATION MANAGEMENT ISSUES





- Low overhanging branches of white poplar impede use of the river by paddle boats and canoes.
- Low overhanging branches may cause a build up of debris and exacerbate flooding and flood impacts both upstream and downstream.
- Ducks are impacting on grass cover on some areas of the banks, contributing to erosion.
- Some isolated crack willow suckers are establishing themselves.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS





- Gradual removal of all white poplars from the riparian zone.
- Allow the gradual replacement of white poplars with Elm suckers.
- Adjacent to Zone J, plant new Elm and Oak trees (to continue the 'English woodland' theme of Zone J).
- Adjacent to Zones B and K, establish indigenous reeds and rushes on banks to minimise erosion.
- Control suckers of white poplars.
- Ongoing weed control throughout this Zone, prioritising the control of crack willow, gorse, hawthorn, prunus sp., fennel, blackberry.

RECOMMENDED PLANTING PALETTE





Planting Schedule

Photo	Botanical Name	Common Name	Size at maturity (h x w) in m.	Notes
	<i>Acacia melanoxylon</i>	Blackwood	20 x 10 Evergreen	Indigenous to the locality. Several planted and regenerated specimens occur across the precinct. Susceptible to damage by brushcutters, mowers etc. and this can negatively impact their health and form. The dark foliage complements the predominantly exotic trees within this precinct.
	<i>Allocasuarina verticillata</i>	Drooping She-Oak	12 x 10 Evergreen	Indigenous to the site. Useful for screening, suppresses grass/weed growth under the canopy and attracts native birds and insects.
	<i>Eucalyptus viminalis</i> spp. <i>Viminalis</i>	Manna Gum, white gum	20 x 12 Evergreen	An indigenous tree well suited to the site. Several specimens have been planted (within the last 10-15 years) along the river banks (Zone A in particular) and are thriving. Useful as an evergreen backdrop to screen out the fences etc. of adjacent properties, but should not be planted within 20m of a building or property boundary.
	<i>Quercus cerris</i>	Turkish Oak	30 x 20 Deciduous	No remnants of historical plantings exist on site. However, Council has planted Turkish Oak in Zone K and it is deemed an appropriate large tree for this area. Oaks of many varieties were commonly planted by settlers in the region. The form, colour and texture of these trees is compliments the character of the precinct. Diversifying the range of large deciduous trees means the landscape is less susceptible to possible drastic change if Elm-leaf Beetle or Dutch Elm Disease impacts the Elm trees in the region in the future.

RECOMMENDED PLANTING PALETTE...

Photo	Botanical Name	Common Name	Size at maturity (h x w) in m.	Notes
	<i>Schinus molle</i>	Peppercorn Tree	15 x 12 <i>Evergreen</i>	Remnants of historical plantings occur on site. A prolific seeder, this species is volunteering across the site and throughout the town (according to locals). Its continued use as a shade and specimen tree is warranted as it is a hardy specimen tree well suited to the locality and the place.
	<i>Ulmus procera</i>	English Elm	18 x 12 <i>Deciduous</i>	Remnants of historical plantings occur on site. These old varieties are more prone to suckering than modern nursery-raised stock, which are often grafted onto low-suckering root stock. Formative pruning often required as the tree grows, so a biennial pruning program for new plantings is recommended.
	<i>Populus nigra</i> 'italica'	Lombardy Poplar	30 x 10 <i>Deciduous</i>	The Lombardy poplars flanking the Eastern approach to the bridge are important historical and cultural plantings that provide a strong vertical element to photographers and artists impressions of the Bridge. Further plantings of this tree at other key points in the landscape, where a strong vertical accent is needed, is appropriate. Within the next 5-10 years the existing Lombardy Poplars adjacent to the bridge will need to be replaced. Any future plantings should be grown from low-suckering root stock.
	<i>Zelkova serrata</i> 'Green Vase'	Zelkova	14 x 10 <i>Deciduous</i>	From the Ulmaceae family (Elms), the Zelkova is an excellent substitute for other traditionally planted deciduous parkland trees because of its high resistance to pests and diseases and its non-suckering roots. It does not tolerate waterlogging. Should be considered as a substitute for Elm and white poplars on this site, particularly along pathways, roads and property boundaries where good upright form is required. Does not sucker.

RECOMMENDED PLANTING PALETTE – Shrubs and Grasses

Photo	Botanical Name	Common Name	Size at maturity (h x w) in m.	Notes
	<i>Austrodanthonia</i> spp.	Wallaby grass	Grass	Indigenous grasses recommended for revegetating the steep banks of the precinct because they requires no mowing.
	<i>Bursaria spinosa</i>	Prickly Box, Sweet Bursaria	2 x 1 Evergreen	This ubiquitous Tasmanian evergreen small tree/shrub would make a useful contribution to the dryer banks and steeper slopes of the precinct, where it will assist in the suppression of exotic grasses and weeds, provide habitat for birds and insects (particularly butterflies) and screens fences and other 'hard' elements in the landscape.
	<i>Correa alba</i>	White Correa	1.5 x 1.5 Evergreen	A useful native shrub where structured planting is required to border pathways and/or screen or contain views. Existing plantings of <i>C. alba</i> are performing well on site and the form and colour of this native compliments the 'English' landscape character of the site.
	<i>Themeda triandra</i>	Kangaroo grass	Grass	An indigenous grass that is recommended for revegetating the steep banks of the precinct because it requires no mowing.

Waterway Management

AQUATIC VEGETATION

Whilst an exhaustive survey of aquatic plants has not been undertaken as part of this Vegetation Management Plan, it appears that the majority of aquatic plants within the Coal River are native.

The *Phragmites australis* (common reed) that dominates much of the northern section of the Coal River is valuable in protecting banks from erosion and filtering high nutrient-load runoff from adjacent lawns. It may be spreading through the bed of the river, but this is a result of shallowing of the riverbed due to sedimentation. Whilst 'drowning' by cutting the reeds off below water level may stop its spread and control the reed in the short term, continuing sedimentation will exacerbate this 'problem' in the long term. *Phragmites* does not pose a problem to flooding, unlike the introduced bull-rush (*Cumbungi*), because it lies down under floodwater (and protects banks in doing so).

Rushes (*Juncus spp.*, *Eleocharis gracilis*, etc.) play a similar role in protecting the riverbanks from erosion and withstand much of the impacts of the high duck population in Bridge precinct.

Ribbon weed (*Triglochin procera*) is a dominant aquatic plant within the Coal River that is also likely to be 'spreading' into the main channel of the river due to sedimentation.

A long-term strategy for continued use of the river by boats and canoes would be to reverse the sedimentation process. However, this would most likely require the removal or modification of Gatty Dam and/or mechanical modification of the river bed (i.e. dredging). A major flood may also have the effect of scouring out the riverbed, deepening it in places. These scenarios should be the subject of a separate and detailed hydrological and fluvial geomorphological investigations.



Weed Strategy

INTRODUCTION

As well as the usual array of garden escapees and agricultural weeds common across the region, many of the 'weeds' within the study area are naturalised specimens of historical plantings on or adjacent to the study area.

Some 'weeds' of this site are therefore important elements of the character of this landscape.

It is therefore appropriate that a balance between preserving cultural landscape values whilst minimising environmental and economic impacts of weeds.

Due to the long history of European settlement on this site, the Richmond Bridge and environs is largely a 'European' landscape. Maintaining this character is appropriate given the historical significance of the site.

The 'landscape principles' set out on Page 6 of this report include reference to the management of weed species in the overall landscape context. The overriding principles relating to 'weed' management are that:

- 'Declared weeds' be controlled and eradicated from the site within 5 years.
- Weeds are not to be allowed to spread to adjacent properties.
- Where feasible, exotic species that are profuse suckering varieties be replaced with modern cultivars and/or specimens grafted on to low-suckering root stock.

STRATEGY

The recommended strategic approach to weed management recommended for the site is based on the 'Bradley Method'[#] of weed control. The basic principles of that method are:

- Work from good to bad areas.
- Disturb the soil as little as possible.
- Allow the rate of regeneration to dictate the rate of clearing.

In the case of the Richmond Bridge precinct, this can be applied by:

1. Bimonthly monitoring each Management Zone for isolated specimens of priority weed species (see next page).
2. On-the-spot (i.e. at inspection time) manual removal of small specimens of priority weeds.
3. Using GPS tagging of larger priority weed specimens and scheduling a follow-up removal works request to be actioned within one month.
4. In the Riparian Management Zones, start weed control works up-stream. Ensure all weed debris is removed from the site to a Council nominated location and treated in accordance with Council's weed management policy.

5. The selected method of eradicating each weed specimen/clump will be site and species specific[^]. The objective (in line with the Bradley Method) is to minimise disturbance of surrounding vegetation at all times and to 'work in from the edges' of larger infestations.
6. Sow/plant desirable species where larger areas of 'bare ground' have been exposed. This will be site-specific (refer to the Planting Plan).

[#]Bradley, J. 2002. *Bringing Back the Bush: The Bradley Method of Bush Regeneration*. New Holland.

[^]Refer to the DPIPWE publication *Guidelines for Safe and Effective Herbicide Use Near Waterways* as a guide to herbicide use within the area defined by this Vegetation Management Plan. available at: http://dpiipwe.tas.gov.au/Documents/herbicide_guidelinesFINAL2012.pdf




Definition of Weed

A weed is any plant growing out of place, causing adverse economic, environmental and/or social impacts.

Weeds 'Declared' under the *Weed Management Act* (1999) pose a significant threat to Tasmania's environmental and/or agricultural values. Land owners/managers have a legal responsibility to control declared weeds on their land.

Priority Weed Species

Photo	Botanical Name	Common Name	Notes*
	<i>Lycium ferocissimum</i>	African Boxthorn	Declared weed. Prickly and incompatible with public open space.
	<i>Ulex europaeus</i>	Gorse	Declared weed. Very invasive and not compatible with the objectives of public open space. 'High threat' weed (TASVEG).
	<i>Crataegus momgyna</i>	Hawthorn	Not a declared weed in Tasmania, and has cultural/historic value. However, can be invasive.
	<i>Malva spp.</i>	Mallow	Not a declared weed and currently limited to the NW corner of Zone F. However, timely control will prevent long-term infestation.
	<i>Asparagus officinalis</i>	Asparagus	Garden escapee. Need to be vigilant for the more invasive declared weed variety <i>A. scandens</i>

Photo	Botanical Name	Common Name	Notes*
	<i>Foeniculum vulgare</i>	Fennel	Declared weed.
	<i>Salix alba X fragila</i>	Crack Willow	The 'Crack' willow is of particular concern. Existing weeping willows have historical/cultural value and are less prone to spread than other species.
	<i>Rubus fruticosus</i> <small>Image © DPI/PWE Tasmania</small>	Blackberry	Declared weed. 'High threat' weed (TASVEG).

Other Priority 'weed' species

Pine (*Pinus radiata*) seedlings are volunteering in areas (e.g. Zone F). Requires ongoing monitoring and manual removal of seedlings. **Yucca** (*Yucca spp.*) some of which are planted specimens; can be invasive. **Agapanthus** (*Agapanthus africanus*) is useful and traditionally planted in and around the site. However, it can spread in some circumstances so monitoring is required to contain it. **Briar Rose** (*Rosa spp.*) isolated occurrences along the riparian zones of each Management Zone. Particularly prevalent in Zone H.

NOTE: This is **not** intended to be a comprehensive list of weeds occurring on site. This list represents some of the more prevalent weed species that are having an impact on the visual character of the site and the management of vegetation generally in the study area.

INTRODUCTION

Many of the best views of the Richmond Bridge are framed by vegetation from the 'borrowed landscape' (the broader landscape around the study area).

The mature Blue Gums in front of St Johns Church; the pine and cypress trees on private land to the north of the study area; the silver poplars in the traffic island on Bridge Street to the west of the bridge; and the white poplars along the banks of the Coal River south-east of the bridge are key examples.

The succession of this vegetation is important to maintaining the cultural landscape of the Richmond Bridge and its surrounds.

SUCCESSION PLANTING

It is recommended that Council take a proactive approach to ensuring the smooth transition of the broader landscape so that drastic changes to the skyline, near and middle-distant views are not disrupted when the existing vegetation declines and has to be removed.

In some instances, there is room around the existing vegetation to enable new plantings to occur now and for that vegetation to become established in time for the eventual decline of the existing trees.

In other cases, removal of the existing trees will be required before new plantings can be undertaken.

Regardless of the approach to succession planting, it is important that the community is well informed of the plans for succession of large trees. If the community is assured that the works are part of a long-term replacement program and that the disruption to the landscape will be temporary, they will be more accepting of the need to remove old trees.

The priority areas of the 'borrowed' landscape where succession plantings are particularly required are:

St Johns Church, Blue Gums.

The mature blue gums form an important backdrop and skyline to views of the Bridge, particularly from the south-west. Removal of some of these trees occurred relatively recently. It is important that these are replaced soon, and that additional plantings of the same species be undertaken in the vicinity of the existing trees, but making allowance for the safe removal of the existing trees. Detailed site design is recommended to ensure new trees are located appropriately so as not to impact on the structure of the church or other infrastructure.

The 'borrowed' landscape

Cypress and Pines, 12 Gunning St & 56 & 52 St John Circle.

The old pine and cypress (*Pinus radiata* & *Cupressus macrocarpa*) on private land north of the main Richmond Bridge precinct form an important backdrop to the cultural landscape of the Bridge environs. These trees have not been assessed by an arborist as part of this Vegetation Management Plan, however, due to their age there is a need to commence succession planning for their eventual demise. There are two main options a) negotiate with the current landholders to discuss options for replacing these trees over time; or b) plant pine and/or cypress trees at the northern end of Zone F. A factor in deciding which option is most appropriate is the fact that it is likely that access for removal of the existing trees on 12 Gunning St might have to occur through Crown land (Zone F).

White Poplars, Bridge Street.

The two large white poplars to the western side of the 'traffic island' to Bridge Street/Gunning Street form an important focal point and backdrop to the Bridge as it is approached from the east. Although currently healthy and with a likely long life ahead of them, succession planning for these specimens is important. There is room to the East of these trees to establish new plantings. White poplars should be re-planted.

Poplars on private land, 'The Mill'.

The Lombardy poplars to the south of the eastern buttresses of the Bridge are key landmarks and historically and culturally significant plantings. Negotiations with this landholder are required to start planning for the succession of these trees. The white poplars along the banks of the Coal River south-east of the Bridge are also important determinants of landscape character. Their gradual replacement with elms is recommended (as per the opposite (Zones I, J and 5). Many of the mature trees throughout The Mill property are important in the overall context of the Bridge landscape.

Mature eucalypt, she-oak and peppercorn trees to rear of 62 and 64 Bridge Street.

The mature eucalypt, she-oak and peppercorn trees in the rear yards of these two addresses perform important roles in the landscape by screening buildings. Negotiations with the landowner(s) is required to highlight the role these trees play in the landscape and come to an arrangement for their long-term replacement.

Eucalypts West of St Luke's Cemetery

The mature blue gums to the west of the cemetery form a backdrop to the views from the high vantage point on the edge of the bank of the Coal River to the east of the Village Green. There is space on that site to plant eucalypts of the same species (*E. globulus*) to eventually replace these mature

The 'borrowed' landscape...

trees. Detailed site planning and negotiations with the landowner are required to ensure future plantings are compatible with surrounding land uses and infrastructure.

Poplars, 51 Bridge Street (Cnr Gunning St).

The Lombardy poplars at 51 Bridge St. form a focal point to views as the Bridge is approached from the east. Negotiations with this landholder should be undertaken to determine their intentions and the likelihood of succession planting being possible in this location. If it is not, an alternative site in the vicinity should be selected for new Lombardy poplars (low-suckering stock) to be planted.



Implementation

Many of the recommendations of this Vegetation Management Plan relate to routine land management and arboricultural practices.

Effective weed management requires strategic, timely and regular works to be carried out by trained staff. Regular weed management should be included in all programmed maintenance for the whole site.

Tree removal and replacement in historic precincts may be controlled under various State, National and Local legislation. The specific National, State and Local Government legislative frameworks within which the proposed actions are to be guided are discussed below.

National

The National Heritage listing includes the Bridge, and the north west and south west riverbanks that are in public ownership (but not its setting). Commonwealth approval will be required where an action has, will have or is likely to have a significant impact on the National Heritage values of the place. An action is likely to have a significant impact under the impact guidelines (p.20) if there is a real chance or possibility that it will cause:

- one or more of the National Heritage values to be lost

- one or more of the National Heritage values to be degraded or damaged, or
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

The recommended vegetation management works are not considered to result in a significant impact on the identified heritage values of the Richmond Bridge.

State

Implementation of Actions suggested within this Vegetation Management Plan are to be guided by the *Heritage Tasmania Practice Notes – Historic plantings and landscapes* (Heritage Tasmania, 2015).

Heritage Tasmania will generally issue a certificate of exemption for general maintenance of landscapes including actions such as:

- General mowing; seeding, top-dressing, aeration/coring of lawns; removal of dead plants; disease control; mulching; spraying etc.
- Removal of dead or dying minor shrubs; herbs, perennials etc. or plants of no significance.
- General weed control, noting that some heritage species are environmental weeds, in which case a works application will be required.

Tree surgery, hedging, pruning and trimming are also generally eligible for a certificate of exemption if the works are carried out by qualified arborist(s) or horticulturalists with an appreciation of the heritage value of the vegetation under treatment.

Therefore, the majority of the works recommended in this Vegetation Management Plan will require a permit from Heritage Tasmania.

Approval will be required for:

- Stump grinding, in areas within moderate and high archaeological interest (as noted in the Management Zones descriptions) if the grinding is deeper than 30cm.
- Tree removal.
- Replacement of trees where the new trees are not of the same species as those removed.
- New plantings (i.e. tree or shrub plantings in areas where no planting has been present historically, but may impact on views to or from historically significant features or landscapes).

Implementation...

Once the consultation on this Draft Vegetation Management Plan has been completed, discussions with Heritage Tasmania will be finalised and a staged process of approvals for the agreed works determined.

An overarching permit for works prescribed in this Vegetation Management Plan may be able to be negotiated. The extent of soil disturbance (e.g. stump grinding and root control barrier installation) will be one of the key issues that Heritage Tasmania will consider in issuing permits for vegetation management.

Local

The Richmond Bridge and Surrounds are identified as a heritage listed place under Table E13.1 of the Historic Heritage Code, Clarence Interim Planning Scheme 2015. The planting, clearing or modification of vegetation for landscaping or management of vegetation purposes within the Richmond recreational area is exempt from the Code.

Succession Planting on Private Land

It is recommended that Clarence City Council investigate the potential for developing partnerships with adjacent landowners to further the vegetation management principles through succession plantings on private land.



Appendices

1. Cemetery Bluff Management Zone
2. Action Plan
3. Plans (A3 SET)
 - Site Analysis Plan
 - Management Zones
 - Planting Plan (North)
 - Planting Plan (South)
 - Borrowed Landscape Notes
4. Vegetation Condition as at February 2015 (Aboricultural Survey Report)

Zone CB Priority: Mod

Cemetery Bluff (Private Land, owned by Catholic Church)



Zone CB (Foreground)

OBJECTIVES8

Maintain vegetation cover to minimise erosion. Minimise the spread of environmental weeds through adjacent properties/downstream.

CULTURAL VALUES

- Largely 'unused' land.
- Forms a visual backdrop to Recreation Reserve and fore-ground to views from the cemetery.
- Not seen from the Richmond Bridge.

HERITAGE VALUES

- Not visually significant area from bridge landscape perspective.
- Archaeological values not ascertained. However, cemetery is being impacted by erosion of the bluff so heritage issues are evident.

KEY VEGETATION MANAGEMENT ISSUES

- Existing vegetation is dominated by naturalised 'historical' species, which are now considered environmental weeds (briar rose, yucca, hawthorn, boxthorn, etc.).
- This vegetation is performing the roles of preventing erosion and providing some habitat values for native fauna.
- The cost and resources required to remove the weeds and replace them with indigenous vegetation may not be acceptable to the community.
- A long-term (10-15 year) program of gradual weed eradication and replacement with indigenous species is recommended.

MAIN VEGETATION MANAGEMENT PRESCRIPTIONS

- Monitor weed spread.
- Target the more invasive weed species (particularly gorse) for priority control.
- Control willows on banks of the Coal River, through an annual program of removal (see Weed Strategy).
- Gradually work 'in' from the extremities of the site towards the centre, replacing exotic species with indigenous species (particularly *Melaleuca ericifolia*, *Bursaria spinosa*, *Allocasuarina verticillata* – see Species List).

Appendices

ACTION PLAN

The Arboricultural Assessment of February 2015 recommends the following specific remedial actions:

PRIORITY	MANAGEMENT ZONE	ACTION	RESPONSIBILITY
High	Zone A	REMOVAL of trees 95 & 96.	CCC
Mod	Zone A	REMOVAL of trees 104 & 105.	CCC
High	Zone B	Remove <i>A. melanoxylon</i> (Tree 75) and replace with a new better-formed specimen.	CCC
High	Zone B	Pruning of pine (tree 53) to remove large diameter dead wood.	CCC
Mod	Zone B	Pruning of peppercom (tree 61) to remove large diameter dead wood.	CCC
Mod	Zone C	Pruning of almond (tree 68) to remove large diameter dead wood.	CCC
Mod	Zone E	Pruning of peppercom (tree 69) to remove dead wood.	CCC
High	Zone F	Pruning of pine (tree 79) to remove large diameter dead wood.	CCC
High	Zone I	REMOVAL of trees 25, 27, 28, 29, 30, 36, 37 and 38	CCC
High	Zone I	Minor works to trees 22 & 23; 31-35 inclusive; 39.	CCC
Mod	Zone J	REMOVAL of trees 4, 5 & 6 (dead and dying <i>Acacia dealbata</i>).	CCC

NOTES FOR TABLES:

PRIORITY:

HIGH: Within 6 months.

MOD: 6 to 18 months.

LOW: 18 months to 3 years.

Refer to Arboricultural report for GPS Coordinates of above-mentioned trees.

RESPONSIBILITY:





CCC: Clarence City Council

State Growth: Department of State Growth





DPIPWE CLS: Department of Primary Industries, Parks, Water and Environment, Crown Land Services.

Prioritised Vegetation Management Actions:







Note: These recommendations are in addition to the recommendations of the Arborists Report (Appendix 4)

Photo	Priority	Zone	Description of Issue	Notes	Responsibility
	High	A	<ul style="list-style-type: none"> Remove all Lombardy Poplar suckers within 2m of the bridge structure. 	<ul style="list-style-type: none"> Arborist recommends not using herbicides on suckers. Manual removal is recommended. Avoid damage to bridge structure itself. Scheduled program of manual removal every 6 months is recommended. 	State Growth
	Low	A	<ul style="list-style-type: none"> Remove stumps of old white poplars along northern boundary of Zone A. 	<ul style="list-style-type: none"> Complete removal will facilitate ongoing management of grass and enable replacement trees to be established. 	CCC
	Mod	A	<ul style="list-style-type: none"> Remove Pinoak 	<ul style="list-style-type: none"> Is performing poorly (perhaps waterlogged?). Is not a species found elsewhere in the Richmond Bridge precinct. Replace with Turkish oak or elm. 	CCC
	Mod	B	<ul style="list-style-type: none"> Remove exotic shrubs and small trees from the garden bed below the concrete steps and mass plant with <i>Correa alba</i>. 	<ul style="list-style-type: none"> The existing <i>Correa alba</i> within this bed are performing well and have an appropriate form and colour for this site. The taller shrubs are blocking views to the bridge and river and enclose the pathway too heavily. 	CCC

Richmond Bridge Vegetation Management Plan – Appendix 2

Photo	Priority	Zone	Description of Issue	Notes	Responsibility
	Mod	C	<ul style="list-style-type: none"> Remove stumps throughout the orchard area. 	<ul style="list-style-type: none"> Stumps are impeding mowing and other maintenance operations. Area has medium archaeological value so an observer is to be present to ensure any artefacts disturbed during works are identified and the site protected if significant quantities/qualities of artefacts are discovered. 	CCC
	High	D	<ul style="list-style-type: none"> Remove elm suckers at toe of bank in Zone D. 	<ul style="list-style-type: none"> Use 'cut and paint' method or manual remove, ensuring as much of the parent root material is also removed. 	CCC
	Low	D	<ul style="list-style-type: none"> Revegetate the steep banks of Zone D with indigenous grasses. 	<ul style="list-style-type: none"> Control existing grass and weed cover using a knock-down, broad-spectrum herbicide. Leave residue in situ. Lay hessian weed mat downslope to cover the entire slope. Establish wallaby grass (<i>Austrodanthonia</i> spp.) and kangaroo grass (<i>Themeda triandra</i>). Options for establishment include: hydroseeding or planting seedlings. The latter would be more expensive and take longer to establish a thick enough cover to suppress weed incursions. Hydroseeding is therefore the preferred option. 	CCC
	Mod	D	<ul style="list-style-type: none"> Remove <i>Acacia dealbata</i> between concrete steps and the picked fence on top of the embankment of Zone D. 	<ul style="list-style-type: none"> Will start to decline in health and should be removed to enable the re-planting of this bank. 	CCC

Richmond Bridge Vegetation Management Plan – Appendix 2

Photo	Priority	Zone	Description of Issue	Notes	Responsibility
	Mod	D	<ul style="list-style-type: none"> Remove wattles. Retain eucalypt. 	<ul style="list-style-type: none"> Specimens are 'leggy' and their removal will enable the revegetation of the adjacent bank with indigenous grasses. Replace with <i>Bursaria spinosa</i> as per the planting plan. 	CCC
	High	F	<ul style="list-style-type: none"> Remove yucca, pine seedlings and boxthorn throughout this zone. 	<ul style="list-style-type: none"> Manual removal of these plants will be required. Yucca re-growth will need to be monitored and herbicide treatment may be necessary. Eradication of Yucca is recommended before attempting revegetation of banks with indigenous grasses. 	CCC
	Low	F	<ul style="list-style-type: none"> Revegetate the steep banks of Zone D with indigenous grasses. 	<ul style="list-style-type: none"> See prescription for Zone D. 	CCC
	Mod	F	<ul style="list-style-type: none"> Stump of old cypress tree. 	<ul style="list-style-type: none"> Grind to fully remove. Medium archaeological value site; follow Heritage Tasmania guidelines. 	CCC
	Mod	I	<ul style="list-style-type: none"> Grind stump of old elm tree and remove suckering re-growth. 	<ul style="list-style-type: none"> Re-plant <i>Ulmus</i> sp. 	CCC
	Mod	I	<ul style="list-style-type: none"> Grind stump of old peppercorn tree. 	<ul style="list-style-type: none"> Low archaeological value site but an observer should be present when grinding to ensure works can cease if any historical/cultural artefacts are uncovered. 	CCC

Richmond Bridge Vegetation Management Plan – Appendix 2

Photo	Priority	Zone	Description of Issue	Notes	Responsibility
	High	R2	<ul style="list-style-type: none"> Remove ivy from Bridge face. 	<ul style="list-style-type: none"> Remove ivy from stone work. Work with landowner to eradicate Ivy from this site to prevent future maintenance burden and ensure integrity of the bridge in the future. 	State Growth
	High	R4	<ul style="list-style-type: none"> Remove willow suckers/saplings. 	<ul style="list-style-type: none"> Follow 'Guidelines for Safe and Effective Herbicide Use Near Waterways'. 	CCC
	Mod	R4	<ul style="list-style-type: none"> Remove <i>Prunus</i> sp. sucker from bank. 	<ul style="list-style-type: none"> Follow 'Guidelines for Safe and Effective Herbicide Use Near Waterways'. 	CCC
	High	R5	<ul style="list-style-type: none"> Elm suckers. 	<ul style="list-style-type: none"> Remove Elm suckers through this area to enable view lines to remain open from this zone and the adjacent areas. Follow 'Guidelines for Safe and Effective Herbicide Use Near Waterways'. 	CCC
	High	R5	<ul style="list-style-type: none"> Remove boughs of white poplars 'falling' across the Coal River. 	<ul style="list-style-type: none"> These branches and stems are causing problems with access to the waterway and could potentially contribute to flooding issues up- and down-stream. 	DPIPWE CLS

11.5.2 BELLERIVE BEACH PARK - ADOPTION OF ALL ABILITIES PLAY SPACE CONCEPT DESIGN

(File No D006-3)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the All Abilities Play Space Concept Design at Bellerive Beach Park.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Council engaged Child Friendly by Design consultant to engage with children across a wide range of ages, abilities and backgrounds with a view to seeking their ideas, creativity and aspirations for the play space.

FINANCIAL IMPLICATIONS

The adoption of the Bellerive Beach Park All Abilities Play Space Concept Design is included as part of Stage 2 of the Revised Bellerive Beach Park Master Plan and is estimated to cost \$900,000. Council has approved funding allocation of \$1.13M for Stage 2 of the Revised Bellerive Beach Master Plan.

RECOMMENDATION:

That Council adopts the Bellerive Beach Park All Abilities Playspace Concept Plan, as set out in Attachment 1 of the Associated Report, with the inclusion of additional tables adjacent to the seating as part of the playspace.

ASSOCIATED REPORT**1. BACKGROUND**

1.1. Council, at its Meeting of 12 January 2015 approved the following:

“A. *That Council adopts the revised Bellerive Beach Park Master Plan, as set out in Attachments 5 and 6 of the Associated Report, that provides for the same scale and scope as the original Bellerive Beach Park Master Plan and has the following elements:*

- *Exercise equipment grouped in a single location;*
- *Open kick about lawn;*
- *Beachfront promenade;*

- *Picnic plaza;*
 - *Eastern end playground;*
 - *All-abilities play space; and*
 - *The western end car park maintaining the existing number of parking spaces but relocated to Derwent Street to improve safety outcomes for children and other park users.*
- B. *Following its review of the Bellerive Beach Park Master Plan, Council agrees to remove the sea-walk promenade extension past the existing toilet block with it not being proposed under the revised Bellerive Beach Park Master Plan.*
- C. *Council authorises the General Manager:*
- *to prepare and implement a community information program to explain the revised layout and rationale for the revised Bellerive Beach Park Master Plan for dissemination to the local and broader community utilising the same scale and scope of strategies as undertaken for the 2012 consultation program for the original Bellerive Beach Park Master Plan;*
 - *to invite comment on the revised elements of the Bellerive Beach Park Master Plan in terms of potential enhancements; and*
 - *to report back to a future Council Meeting on the results of the community information program on the revised Bellerive Beach Park Master Plan.*
- D. *That implementation of the Bellerive Beach Park Master Plan be staged over 3 financial years subject to Council approval as part of future Annual Plans;*
- E. *That Stage 1 be listed for consideration as part of Council's 2015-2016 Capital Works Program.*
- F. *That Council actively seek external funding to assist with the development of the Bellerive Beach Park Master Plan”.*

1.2. Council was provided with a Briefing Report dated 14 May 2015 advising the staging for the implementation of the Revised Bellerive Beach Park Master Plan. The implementation is to be provided over 3 stages, they being:

Stage 1: Derwent Street Car Park;

Stage 2: Relocation of Outdoor Gym Equipment, Picnic Plaza, All Abilities Play Space, Lighting and Landscaping;

Stage 3: Promenade, Beach Street Playground, Realignment of Foreshore Path, Picnic Facilities, art Feature and Public Toilet Access Upgrade.

2. REPORT IN DETAIL

2.1. Council engaged Child Friendly by Design consultant to engage with children across a wide range of ages, abilities and backgrounds with a view to seeking their ideas, creativity and aspirations for the play space. Several schools and groups participated in the consultation process including the children, parents and teachers. They being:

- Southern Support School;
- Eastern Lutheran College;
- Howrah After School Care;
- Rosny Child Care Centre;
- Rosny Family Playgroup; and
- Bellerive Primary School.

2.2. The consultant's report provides information on:

- project scope and intent;
- consultation participants;
- consultation methodology;
- outcome; and
- recommendations.

2.3. The recommendations as a result of the consultation are:

- include natural areas and elevated play opportunities;
- include a big, fast, challenging piece of equipment/play element to create a point of difference and promote community cohesion and tourism in the area;

- create a barrier using fencing, landscaping and planting with limited numbers of access points to support the specific needs of parents with children and disabilities;
- that sensory play elements are included throughout the space and not clumped together in one spot. Avoid creating a space for little kids, a space for big kids and a space for disabled kids. First and foremost they are all children;
- the space has multiple pieces of equipment supporting sliding and climbing for children of varied ages and abilities;
- include lockers for parents and create an improved management plan for the toilets. With increased use the condition of the toilets will worsen;
- create play areas for toddlers that do not include bark as a surface; and
- model your design on what you have achieved at Simmons Park, the space is very popular with children and families alike. The space is well designed and offers a huge range of play activities including natural and passive spaces.

2.4. At Council's Workshop held on 17 August 2015, it considered the results of the consultant's report with the following feedback:

- no boulders close to the equipment;
- provide plenty of mulch;
- investigate alternatives to using boulders and rocks within the play space;
- very exciting; concern children will throw rocks from creek bed;
- is a creek bed required; should not have water flow/river bed;
- more tables around the perimeter near the seats; and
- will we need to adjust the level of service of toilets?

- 2.5.** A major design principle for all-abilities play spaces is to provide easy, hazard free access for all users and all areas of the play space. All elements of the all abilities play space must comply with AS/NZS 4685.Parts 1 - 6 and 11:2014 and AS/NZS 4486.1.1997, which will include assessment of landscape elements such as boulders and rocks for safe fall zones and heights. The inclusion of tables adjacent to the seating within the play space can be included in the final design.
- 2.6.** Attachment 1 – Bellerive Beach Park – All Abilities Play Space Concept Design incorporates the recommendations as a result of the consultation process.
- 2.7.** Stage 1 – Derwent Street Car Park is currently under construction due for completion by November 2015. Stage 2 has been split into 2A – Picnic Plaza and relocation of outdoor gym equipment and 2B – All Abilities Play Space, lighting and landscaping. Stage 2A is to follow at the completion of Stage 1 with Stage 2B to follow Stage 2A.
- 2.8.** At the completion of Stage 1 and to allow for a suitable area for construction access and site storage, the existing car park off Derwent Street/Queen Street will be closed to public access to allow for Stage 2A works to commence.

3. CONSULTATION

- 3.1.** Council engaged Child Friendly by Design consultant to engage with children across a wide range of ages, abilities and backgrounds with a view to seeking their ideas, creativity and aspirations for the play space. Several schools and groups participated in the consultation process including the children, parents and teachers. They being:
- Southern Support School;
 - Eastern Lutheran College;
 - Howrah After School Care;

- Rosny Child Care Centre;
- Rosny Family Playgroup; and
- Bellerive Primary School.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Council's Clarence Access and Facilities Committee have considered the revised Master Plan in accordance with its constitution to advice on Access and Facilities matters.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** Council's Strategic Plan 2010-2015 under the Goal Area Social Inclusion has the following Access and Social Inclusion Strategies to:

"Facilitate the provision of needed public facilities"; and

"Provide a range of family, youth and age-friendly programs and facilities including child care services, playgrounds, youth services, senior citizens' centres and community volunteer program".

- 4.2.** Council's Strategic Plan 2010-2015 under the Goal Area Social Inclusion has the following Public Spaces and Amenity Strategy to:

"Develop plans to improve the amenity of public spaces, including:

- *Future needs for public open space and recreational facilities".*

- 4.3.** Council's Strategic Plan 2010-2015 within the Goal Area Social Inclusion contains the following Community Safety and Well-being Strategy to:
- "Provide essential infrastructure to support, sustain and enhance community safety and social well-being".*

- 4.4.** Council's Strategic Plan 2010-2015 within the Goal Area Governance contains the following Internal Operating Systems Strategy to: *"Ensure appropriate management of risk associated with Council's operations and activities".*

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

The final design of the Bellerive Beach Park All Abilities Play Space will take into account the guiding principles and objectives of Australian Standards AS/NZS 4485.Parts 1-6.2014 and AS/NZS 4486.1.1997.

7. FINANCIAL IMPLICATIONS

The estimated total cost for Stages 2A and 2B is \$900,000. There is \$1.13M of existing funding approved by Council to complete Stages 2A and 2B.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. The response to the original Bellerive Beach Park Master Plan indicates that the community values this park and has indicated strong views for its development. In response to Council's funding allocation, Council officers commenced the design process to flesh out the concept plan for the All Abilities Play Space.

9.2. The adoption of the Bellerive Beach Park All Abilities Play Space – Concept Design will allow Council's design staff to progress with detailed design in preparation for calling tenders for the supply and construction of the All Abilities Play Space.

Attachments: 1. Bellerive Beach Park All Abilities Play Space – Concept Design (6)

Ross Graham

ACTING GROUP MANAGER ASSET MANAGEMENT

“A playspace should
make us get curious”

Student - Eastside Lutheran College

BELLERIVE BEACH PARK PLAYSPACE

Spinning, climbing, sliding, racing, running, rocking, rolling, tumbling, leaping, ...

- A playground for all ages and abilities
- A safe place to explore, learn and take play risks
- A balance of formal and informal equipment
- A wild place for imagination
- A unique place for natural play
- A place to play alone or to make new friends

SEATING

Park seats with back and arm rests for ease of use by visitors of all ages and abilities. Free space beside seats for prams, mobility frames or wheelchairs to 'park' off the main path.

NATIVE PLANTING

Mix of shrubs, grasses and groundcovers to soften and green playground edges.

BARRIER / FENCE

Timber post and rail and boulder barrier 'fence' to prevent children crossing easily through swing zone.

FENCE / BARRIER

1.2m high fence or barrier to perimeter of playground. Design and materials to reduce visual presence of fencing. Soften with planting and a mix of timber, steel/aluminium and feature art panels.

GATES

Provide universally accessible gated access to playground. Option to create feature gate panels incorporating colour and art.

PICNIC FACILITIES

Picnic shelter within fenced playspace with BBQ facilities, sink and potable water, bins and picnic table settings. Suitable for small or large groups. Strong visual surveillance across playground area.

LOW NATIVE PLANTING

Mix of low growing grasses and groundcovers to surrounds of picnic area.



GRAVEL PATH

Compacted gravel path with edging provides pedestrian link around perimeter of playground to lower passive lawns.

TIMBER FEATURE POSTS

Upright timber posts break up continuous fenceline and create visual interest for users within open space of park.

LEGEND

	EXISTING TREE		SOFTFALL - RUBBER Impact tested, various colours
	PROPOSED TREE		SOFTFALL - MULCH Organic softfall mulch (woodchip)
	PLANTING		COMPACTED GRAVEL Informal footpath
	LAWN		CONCRETE Formal footpaths of various colours and finishes
			DECK / BRIDGE Timber or concrete sleepers

KEY

● - Equipment to be fully accessible ● - Equipment/play zone to have accessible elements

- SAND PLAY AREA** ●
Provide sand play area for safe and secure 'messy' play within fenced playground. Provide accessible diggers and sand play table for wheeled and all abilities access. Families BYO buckets and shovels to activate space and integrate water into sand zone.
- WATER PLAY AREA** ●
A water pump (low and controlled flow) feeds water into a series of rills and troughs that children can manipulate flow and direction. A concrete and river rock lined channel with weirs carries water to a lower drainage point. Surrounding hardstand provides all abilities access and ease of maintenance/cleaning. (Note: Water play zone is low flow, free draining and the area contains no standing or permanent water)
- IMAGINATION PLAY - 'BOAT WRECK'** ●
A timber structure set against boulders alludes to a ship wreck and triggers imagination and role play for children. Low softfall mounds evoke a sense of 'swell' and provide opportunities for wheeled play and rolling/tumbling.
- WHEEL CHAIR CAROUSEL** ●
Spinning carousel set flush with ground level provides group spinning play for all children and is fully wheelchair accessible.
- ROCKERS / SPRINGERS** ●
Themed rockers / spring toys for individual play.
- SMALL COMBINATION UNIT** ●
Play unit for smaller or less confident children with opportunities for climbing, sliding, hiding, role play and sensory play.
- LITTLE KIDS SWINGS** ●
Small scale swings for little kids - physically separated from larger swing set yet visually connected for a sense of group/interactive play.
- FOURWAY SWING** ●
Swing set (4 seats) designed for interactive swinging play as children 'meet' in the centre. Rubber softfall selectively placed to allow for all abilities access to accessible swing seat.
- BASKET SWING** ●
Suitable for multiple children to play together. Allows for transfer of children with mobility issues into basket to enjoy sensation of swinging.
- MAZE / FORT IMAGINATION PLAY ZONE** ●
A series of low sandstone blockwork walls beneath existing Eucalypts allude to a ruined castle/fort/maze and allows children to explore, role play and create play circuits. Walls are low enough to maintain parental surveillance but high enough for children to have a sense of enclosure and 'hiding'. Play items such as a telescope, raised deck or sound play equipment activates the smaller spaces within the zone. Compacted gravel surfacing maintains a soft and natural surface beneath the trees and allows for wheeled access.
- DRY CREEK BED PLAY ZONE** ●
A shallow swale with river rocks, soft grass planting, boulders and trees creates a natural zone for imagination play and exploring. Placed boulders allow children to balance across the 'creek' and connects adjacent playspaces. (Note: Creek bed does not contain water)
- NATURE PLAY ZONE** ●
A series of boulders, stepping stones, stepping posts and balance beams create opportunities for imagination play, balancing, circuit play and nature play. Soft plantings and trees will create a sense of enclosure when mature.
- SENSORY PATH** ●
Arc path with various colours, textures, patterns and finishes for small wheels, feet and eyes to explore. Sensory planting adjacent to path.
- CLOUD GAZING LAWN** ●
Open lawn area with low mounding for picnics, passive play, rolling, tumbling and cloud/star gazing.
- BIGGER, FASTER, HIGHER PLAY ZONE (to be designed)** ●
Area for custom/iconic play equipment item that provides opportunities for elevated play, climbing, sliding, swinging, racing, hanging-out and group play. Equipment to provide points of prospect and refuge with a fully wheel-chair accessible level including wide-slide and transfer facilities. Structure to be a mix of timber, rope and steel with natural colour tones and references to the unique water-side setting of the park.
- LOOP PATH** ●
Concrete footpath to full perimeter of playspace creates an accessible circuit for all abilities and ages. All abilities equipment is connected to the loop path via footpaths, pavements or rubber softfall. Seating options are set along perimeter to provide frequent passive surveillance positions for parents/carers. Path is suitable for small bikes/scooters. Planting adjacent path to consider sensory stimulation.



NOTE: All equipment items shown (including design and manufacturers) are indicative only.



BELLERIVE BEACH PARK
ALL ABILITIES PLAYGROUND - CONCEPT DESIGN

AUGUST 2015



Log and rock balance trails



Balance trail - custom built



Stepping posts



DETAIL PLAN
NATURE PLAY ZONE & SENSORY PATH

NTS

SEATING

TEXTURE BANDING

Various materials such as bricks, stone, cobblestones and pavers set into path to provide texture, colour and sensory contrasts (especially for wheels)

FENCELINE

Mix of timber posts and standard fence

BALANCE BEAMS

Timber beams and 'fallen logs' arranged to test balance and create a play circuit

BOULDERS / STEPPING STONES

Large format boulders set apart as stepping stones for balancing and leaping

NATIVE GRASSES

Planting of soft, native grasses to create spaces to explore and discover new paths

MULCHED AREA

Soft, organic woodchip mulch enhances natural aesthetics and play opportunities

NOTE:

All balance and stepping elements to be have a fall height within the range of 0-600mm above finished ground level.



Low log steppers creating a trail



Timber balance beams connecting zones



'Fallen log' balance beam



Telescope



Dry creek bed



Stone blocks arranged for play

PLAY DECK

Small raised deck for imaginative play

SANDSTONE BLOCKWORK

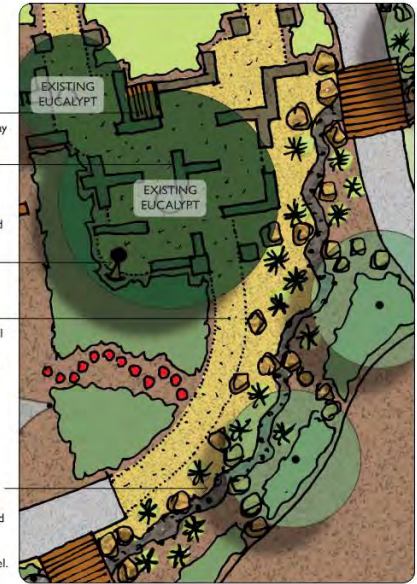
Blockwork arranged to form low 'walls' that reference a fort or maze structure. Provide places for climbing, hiding, balancing, racing and group / role play.

TELESCOPE

A prop for role play and surveying wider playground

GRAVEL PATH

Compacted gravel provides informal pathways through the 'fort' and allows for wheel access. Edge with timber where required.



DETAIL PLAN
MAZE / FORT AND DRY CREEK BED

NTS

Child friendly places are places . . .
“ where children and young people can enjoy spending time, be physically active, interact with their natural surroundings, experience change and continuity, take risks in an environment they feel safe...and play ”

Play England, 2008.

SAND TABLE
Accessible table height allows children to wheel beneath and encourages group play

SAND DIGGERS
Set on footpath edge for access by children of all abilities

BOULDERS
Props for informal sand play and seating

SEATING
Under shade of existing Eucalypt. Seating with back and arm rests and free space either side for prams/wheelchairs etc.



DETAIL PLAN
WATER AND SAND PLAY ZONE

NTS

BRIDGE CROSSING

Timber or concrete sleepers form bridge crossing dry creek bed

DRAIN

Set at lowest point in channel for capture of water flow. Screened from view and access with river rocks.

WEIR

Weir mechanism to manipulate water flows. Accessible by pavement.

CONCRETE CHANNEL

Concrete channel lined with river rocks and boulders

PAVEMENT

Hardstand to surrounds of channel for ease of access and maintenance

WATER TROUGH

Connected water troughs with options for manipulating flows

WATER PUMP

Accessible, low flow water outlet



Accessible sand play table



Water troughs



Accessible sand digger



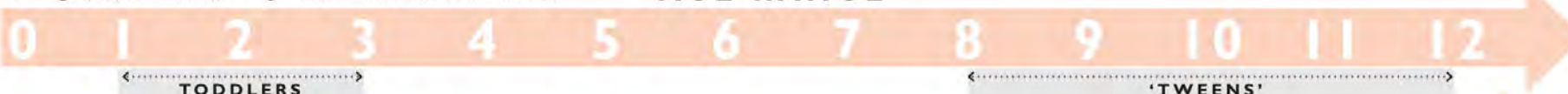
Bridge crossing



BELLERIVE BEACH PARK
ALL ABILITIES PLAYGROUND - DETAIL PLANS
AUGUST 2015

KEY: (E) Play equipment item to be supplied (L) Landscape infrastructure designed and constructed for play

AGE RANGE



SAND PLAY

- (E) Diggers - accessible
- (E) Sand table - accessible
- (E) Sand pulley system - accessible
- (L) Natural play elements - rocks, boulders, logs



WATER PLAY

- (E) Weirs - accessible
- (E) Water pump - accessible
- (E) Water trough - accessible
- (L) Natural play elements - river rocks, boulders



SMALL COMBINATION UNIT

- (E) Play unit with climbing, sliding, hiding, social, clambering, hanging and role play options.



'BOAT WRECK'

- (L) Boat frame structure
- (L) Softfall mound 'swells'



WHEELCHAIR CAROUSEL

- (E) Spinning carousel with seats and full wheelchair access



ROCKER / SPRINGER

- (E) Themed rocker / springer



TODDLER SWINGS

- (E) Sling seat
- (E) Baby seat swing



FOUR WAY SWINGS

- (E) Sling seats



BASKET SWING

- (E) Nest/basket seat - accessible



"A playspace should make us get curious"

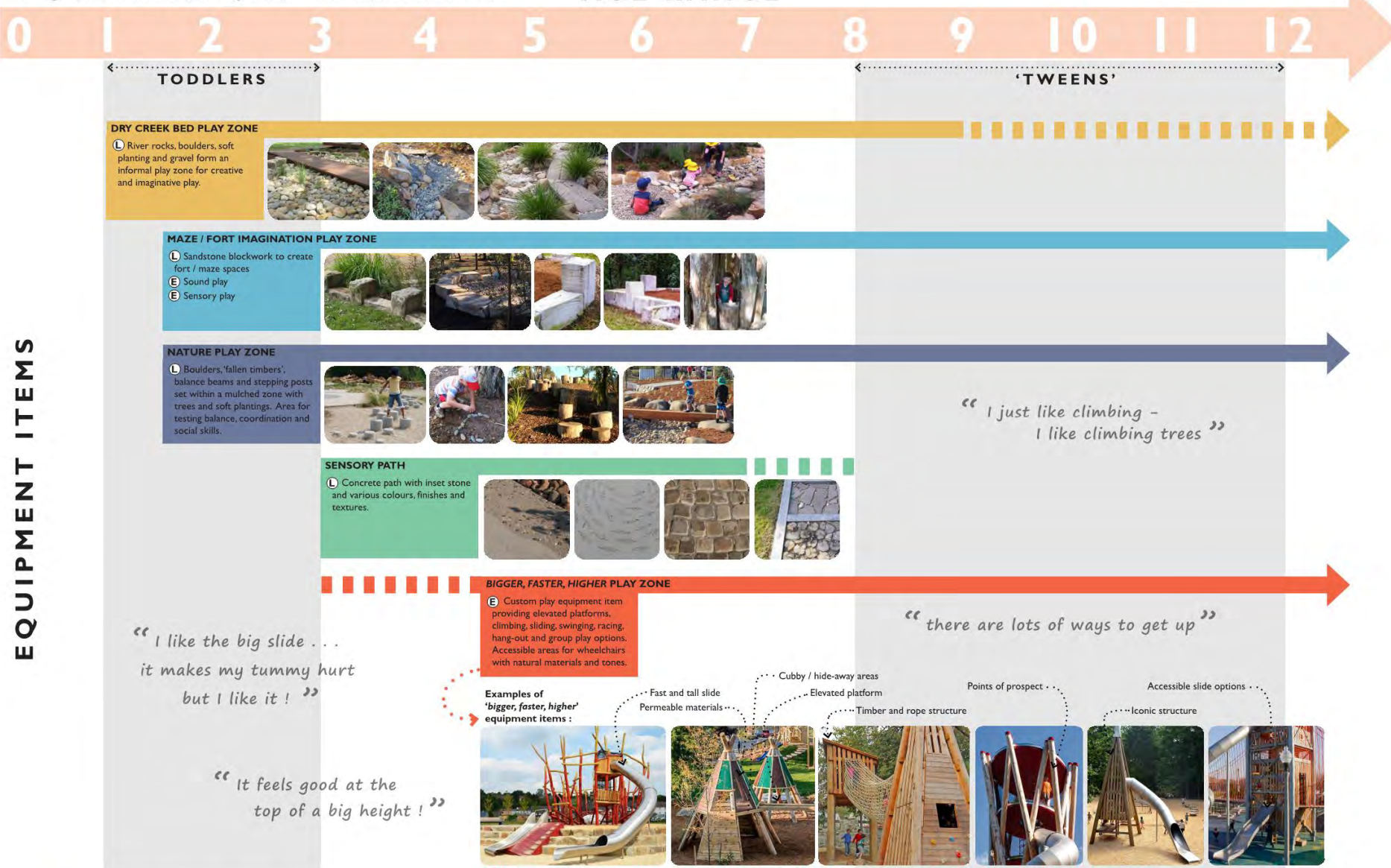
"If you close your eyes it feels like you are flying . . ."



BELLERIVE BEACH PARK
ALL ABILITIES PLAYGROUND - EQUIPMENT OPTIONS
AUGUST 2015

KEY: (E) Play equipment item to be supplied (L) Landscape infrastructure designed and constructed for play

AGE RANGE



NOTE: All equipment items shown (including design and manufacturer) are **indicative only**. Images demonstrate elements of play that may be included. Final equipment selection pending custom design and costings.



BELLERIVE BEACH PARK
ALL ABILITIES PLAYGROUND - EQUIPMENT OPTIONS

AUGUST 2015



Telescope



Dry creek bed



Stone blocks arranged for play

PLAY DECK
Small raised deck for imaginative play

SANDSTONE BLOCKWORK
Blockwork arranged to form low 'walls' that reference a fort or maze structure. Provide places for climbing, hiding, balancing, racing and group / role play.

TELESCOPE
A prop for role play and surveying wider playground

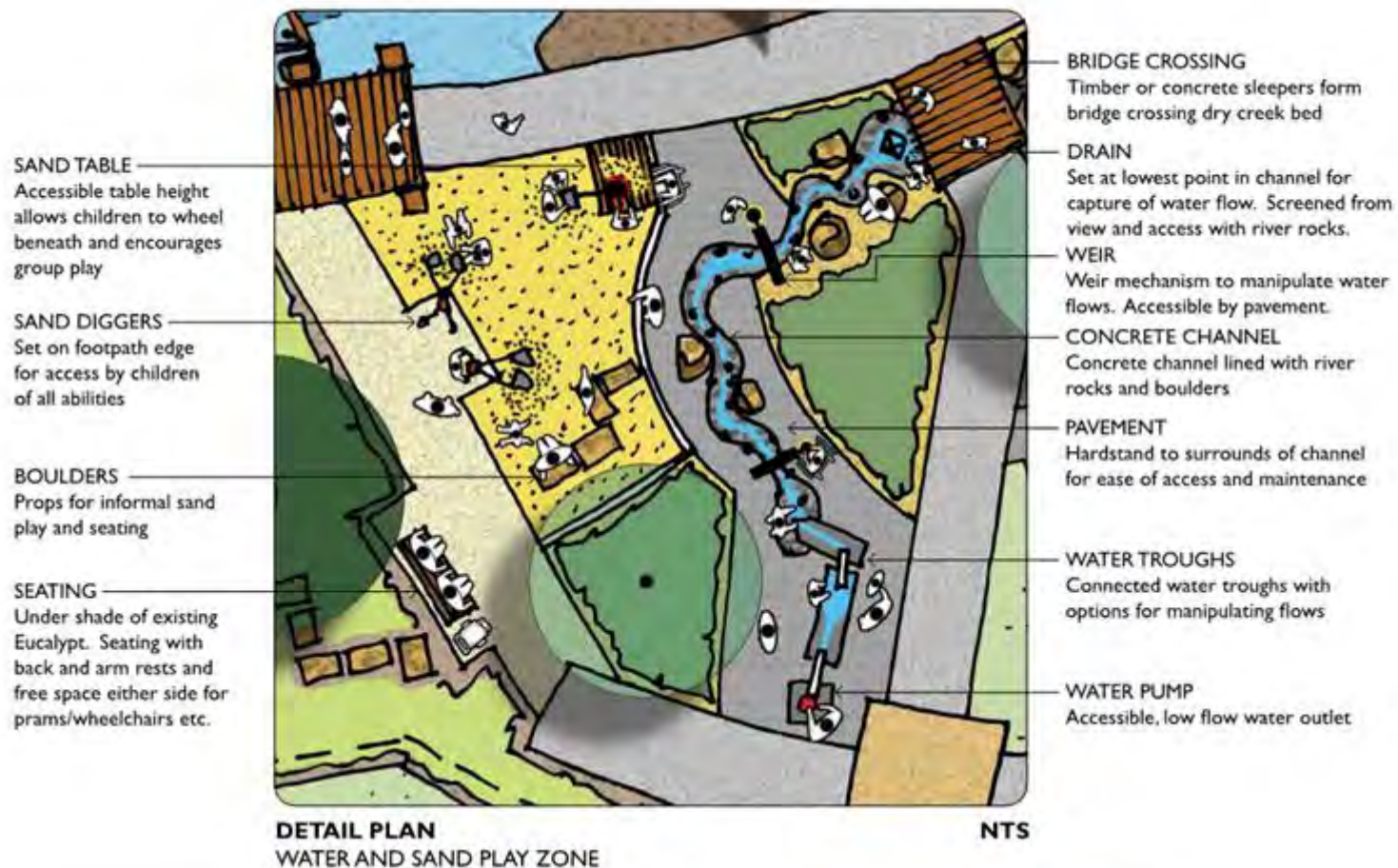
GRAVEL PATH
Compacted gravel provides informal pathways through the 'fort' and allows for wheel access. Edge with timber where required.

DRY CREEK BED
Rock lined swale for imagination and nature play. Mix of river stones, boulders and gravel.



DETAIL PLAN
MAZE / FORT AND DRY CREEK BED

NTS



Accessible sand play table



Water troughs



Accessible sand digger



Bridge crossing

11.5.3 BAYFIELD STREET STREETSCAPE RENEWAL

(File No 20-09-37)

EXECUTIVE SUMMARY**PURPOSE**

This report provides for the consideration the consultation process on the Bayfield Street project, appropriate revisions and adoption of the concept plan, as well as the next stage of implementation.

RELATION TO EXISTING POLICY/PLANS

Undertaking plans and strategies to guide the future planning and economic development of the City is consistent with Council's adopted Strategic Plan 2010-2015.

LEGISLATIVE REQUIREMENTS

There is no legislative requirement associated with consideration of this plan.

CONSULTATION

This report considers the outcomes of a staged public consultation process seeking input from all parties with an interest in the future development of this streetscape.

FINANCIAL IMPLICATIONS

Funding has been set aside for the development of the redevelopment of the streetscape.

RECOMMENDATION:

- A. That the concept plan be adopted with modifications outlined in Attachment 1 to the Associated Report.
- B. That the project proceeds to the Design Tender phase.
- C. That submitters be thanked for their input and be kept informed of the progress of the project.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1. Council has recognised that Bayfield Street is in a generally poor state and therefore commissioned this project to develop a plan for providing safe access and a level of amenity that can attract people and business to the precinct.

1.2. The design process has begun with the premise that look and feel of streetscapes in commercial centres are very important determinants of the success of traditional centres, because they:

- provide for a place for public activity, meeting and enjoyment;
- encourage building owners to improve the quality of buildings - when framed by good paving, landscaping, public furniture and art;
- enhance property values and the profitability of businesses by creating exposure in a place that people are attracted to;
- ensure the orderly, efficient and safe movement of people, goods and services;
- provide for personal safety, through good lighting, clearer sight lines and slower or separated traffic;
- promote less reliance on cars when people are encouraged to walk more; and
- reduce amenity problems associated with the night time business.

1.3. Council has considered the progress of this project through workshops and most recently reviewed the feedback from owners, businesses, community groups and interested people. The project stages are outlined below, with the elements subject to this report highlighted.

Project Stage	Description
Decision to plan	Allocation of funding made
Design principles report	Streetscape assessment of streetscape issues and concepts
Concept Plan	Draft streetscape plan showing paving, landscaping, amenities and traffic management concepts
Consultation	Testing draft concept plan; generating improvements with interested people
Adopt refined concept plan	Modify and adopt concept plan following consultation input
Design tender	Appoint designer to translate the concept plan into working drawings
Construct tender	Appoint firm to construct streetscape from working drawings
Implementation	Construction of streetscape and implement on-going management

2. REPORT IN DETAIL

2.1. The current state of the streetscape has been well documented and considered in Council Workshops. However, it is important to this process to acknowledge the unusual situation in Bayfield Street, where due to longstanding building setback standards, the forecourt of many buildings (especially west of the Winkleigh Place corner) are effectively part of the pedestrian footpath, even though they remain privately owned.

2.2. A concept plan has been prepared to achieve the objectives summarised above. Although not a final plan, the concept plan was detailed enough to give people enough information to appreciate the scope of the project by indicating a range of possible treatments and solutions. The concept plan shows:

- re-grading of pedestrian footpaths and private forecourts to facilitate universal access;
- revitalisation of street aesthetics through materiality and street furniture;
- integration of existing services/facilities into streetscape design;
- “greening” of the street through tree plantings, landscaping and water sensitive urban design initiatives;
- prioritisation of pedestrian movement, safety and comfort;
- rationalisation of parking provision and vehicle movement; and
- promotion and integration of public art and City branding opportunities.

2.3. A staged consultation process has been undertaken, which had regard to the relative weighting that must be given to different levels of financial and physical interest parties and the desirability of reviewing inputs from the most impacted parties first (the property owners and traders). Hence the process was:

- Stage 1 - direct consultation with landowners and then traders;
- Stage 2 - consultation with all other interested groups. Including the Disability Access Advisory Committee and the Positive Ageing Advisory Committee and the general community.

- 2.4.** Council considered the outcomes of Stage 1 and made a number of modifications to the concept plan, before recommitting the plan to consultation in Stage 2. Summaries of the comments and the associated responses are attached.
- 2.5.** As the attached Tables reveal, the consultation process produced some very constructive ideas for the treatment of traffic management, pedestrian infrastructure for people of all ages and needs, as well as support for generally upgrading the appearance of the streetscape.
- 2.6.** As noted earlier, much of the streetscape's public domain, west of Winkleigh Place is shared between Council and private landowners. Their acceptance of the final design and agreement for Council to undertake the improvements on their land, incorporating them into the streetscape redevelopment will be vital. As this support has been received from most owners, either directly or through their property manager who has confirmed authority to act on their behalves. Nevertheless, further negotiation with owners to obtain final consent will be required during the design tender phase, as appropriate agreements will need to be put in place before the construction tender can be finalised. Such agreements will need to cover the authority to do the works within the private land, but also on-going management and maintenance, arrangements for access during construction and so on.
- 2.7.** It is recommended that the comments in the attached tables be noted and where proposed, alterations be made to the concept plan, to then be adopted as the basis for a Design Tender. The design Tender will be the subject of a further Council report, at the point of selection and it is expected that a workshop on the design will also be required before it can be finalised.

3. STRATEGIC PLAN/POLICY IMPLICATIONS

Sound consultation is integral to the successful streetscaping of Bayfield Street and this is consistent with the adopted Strategic Plan. In this case a comprehensive process has been implemented resulting in useful feedback, although several concerns cannot be fully satisfied.

4. EXTERNAL IMPACTS

Not applicable.

5. RISK AND LEGAL IMPLICATIONS

Not applicable.

6. FINANCIAL IMPLICATIONS

Council has made an appropriate budgetary allowance for the project.

7. ANY OTHER UNIQUE ISSUES

Not applicable.

8. CONCLUSION

This report recommends adoption of a revised concept plan and moving to the next stage of design. Submitters would be thanked for their contributions and kept informed of the progress of the project.

Attachments: 1. Consultation Summary Tables (5)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Source	SUBMISSION	REVIEW
Land/ Business Owners	<p>Strong in principle support for cooperating with Council in doing the work on private and public land. Specifically:</p> <ul style="list-style-type: none"> • Bayfield St needs major over haul. Mixture of levels, pavements, gardens, paving – all very poor. • NBN connections restricted by lack of size of conduits under path • Attractive shopper court yards to Bayfield St supported • Redeveloping forecourts to match footpath and to remove pedestrian hazards. • Planting footpaths supported • Winkleigh/ clinic intersection is now dangerous - traffic lights are required. 	Support noted and design issues can be addressed during design and construction stages
	Concern about interruption to trade while works underway	Construction planning will need to ensure this is avoided. It will require close consultation with businesses regarding timing and provision of access during construction.
	Concerned if plantings would restrict signage and building visibility – impact on businesses if these are blocked. Also, impact on road safety if visibility reduced.	Plant locations and species were reviewed and concept plan revised before stage 2 of the consultation process, to find balance with building visibility and amenity, with species and planting criteria defined.
	Good footpath is needed in front of 30 Bayfield to lower level of 2 Gordons Hill Rd (Vinnies) and safe pedestrian crossing to Super clinic.	This has recently been completed.
	Parking - easy/ adequate on street parking vital and off street parks must be expanded/ decked so Rosny Park remains important attractor.	Intention to retain overall on street parking numbers – off street parking is part of a larger and separate Council project.
	Pedestrian link to cinema car park should be facilitated by Council, by removing rear boundary fencing.	This is consistent with the concept plan, as this is an outcome of building over land currently used as a driveway from Bayfield Street, between No.s 3 & 5
	Should be more seats in the street.	This is supported by the concept plan
	Issues around Cnr Bayfield and Winkleigh – recommend a roundabout rather than lights as this – would slow traffic and prevent accidents	Traffic lights are the appropriate solution given the uneven traffic flows and space restrictions and pedestrian

		safety requirements. It should also be noted that the Superclinic has already made a substantial contribution to the cost of lights.
	Issues around Cnr Bayfield and Winkleigh - delete central median to allow a left turn in to Winkleigh, leaving spaces for optometrist and chemist patients and to improve visibility. Car parking can be retained on southern side by shifting the median and lanes over.	This would entail realignment of street and alterations to the design of the signalised intersection, which cannot be achieved in view of traffic engineering and safety standards. Loss of immediate car parking inevitable due to signalised intersection design.
	Loss of the 5 min. car space in front of 13 Bayfield will cause a significant hit on the adjacent business	<p>Loss of Council's car space is an unavoidable outcome of the design of the signalised intersection. However, the concept plan was modified with a compromise involving a replacement car space approx. 6m back from the existing space.</p> <p>As a further offset, the traffic lights will provide customers with safer/ easier pedestrian access from the north side of the road and opposite corner of Winkleigh Place.</p>
	Beautification of the street is a good idea.	Support noted
	Inadequate access to the intersection from the Super clinic car park.	This will be addressed through introduction of a signalised intersection.
	Access into properties near Cambridge Road intersection needs to be improved – currently cars slowing to enter properties are at risk of a rear end collision with cars speeding to make green light while assuming car ahead doing the same (rather than entering property)	Risk is inherent in this corner location due to proximity of the intersection. However, crossover redesign could reduce risk, while introduction of street trees and medians should slow traffic and improve safety.
	Residential crossovers required for each property – or 1 large crossover if commercial redevelopment approved before streetscape works begin.	Relates to retaining access to future development sites. Access must be provided and the form of crossover construction will be addressed in the design stage.
	Provide details of palette of materials so they can be replicated on the property when developed.	This simply requires keeping owners of abutting development sites informed of design – as they wish to carry through standards into their own properties.
	People will continue to cross Bayfield St at random	With carefully located crossing

	locations – they will not use a designated crossing point and so median street trees will reduce visibility to drivers, resulting in car/ pedestrian accidents.	points punctuating less penetrable medians, people will be effectively encouraged to cross at safe points.
	Median street trees will restrict space and prevent cars reversing into car parks without interrupting traffic flow.	The design will ensure that legal vehicle manoeuvring is achievable.
	Beatification is a waste of ratepayer's money on a commercial street.	This is not the overriding view from consultation.
Residents and others	Can there be a footpath access out of the super clinic car park?	Although this relates to the private car park, it is a flaw in the current layout. This can be investigated as part of the signalised intersection design and in consultation with the Superclinic.
	Car park entrance on the east side Superclinic should be improved by: <ul style="list-style-type: none"> allowing cars to enter/ leave simultaneously; providing queuing space for vehicles turning right into the car park (currently a safety risk from cars speeding downhill); and removing restrictive central traffic islands Or this entrance could be closed and the main car park entrance moved down to new signalised intersection.	Car park entrance : <ul style="list-style-type: none"> Widening not required - lane marking only. Adequate length to Cambridge Rd exists for safe queuing – verify in detailed design To service businesses, eastern entrance must remain open, but the new intersection will naturally become the main one due to efficiency of lights. Internal traffic to be monitored.
	Leave Bayfield St as is – use the funds elsewhere	This is not the overriding view from consultation.
	Support for new traffic lights Traffic lights - but super clinic entrance to be main entry, widened and restrictive islands removed	The design stage will provide for the safe design and traffic management around the new intersection.
	No trees in the middle of the street – they impede vision and reduce safety – especially elderly drivers.	Plants have been selected to ensure minimal impact on view lines at driver level. However it should also be noted that the proposed works are intend to calm traffic and make it safer for drivers and pedestrians. The aim is to produce a multi user system: cars are not the primary role of this commercial street.
Positive Ageing Committee Positive Ageing Committee	Seating - suitably spaced public seating, with hand rails, on both sides of street.	Noted – should be specified in design brief
	Support for replacing tree grates, kerbs and new paving. Pavement should be non-slip and any pavement features and tree gates are not trip hazards	Noted – should be specified in design brief
	Recommend providing handrails in the centre of	Noted – should be specified in

	stairs.	design brief
	Concerning the overall concept – consider a method of branding uniqueness of the street, perhaps related to history of the area.	This is intended to form part of the overall aesthetic – the form of the street means the solutions will deliver a unique setting.
	Common services trench will avoid need to dig up path for maintenance.	Noted – this can be examined as part of the engineering design
	Accessible parking should be installed at the end or start of the series of parking bays. These make it is easier for older/ disabled people to enter or leave the bays.	Noted – this can be examined as part of the design stage.
	Support for paths on either side of super clinic car park entrance	Although this relates to the private car park, it is a flaw in the current layout. This can be investigated as part of the signalised intersection design and in consultation with the Superclinic.
	Concerning street art and forecourt design: <ul style="list-style-type: none"> • Supports forecourt upgrades – especially with more seating. And fun, safe, interactive design, such as swing seats to create more enjoyable meeting spaces. • Consider overall design reference to: <ul style="list-style-type: none"> • cultural and environmental aspects of Rosny, its setting against surrounding landscapes • Public artworks that conceptualise this theme and themes of sporting culture, music, festivals, botanical beauty (sheoaks), birdlife, water activity including ferries, whaling history etc 	Suggestions are noted, and can be considered in the design stage. Public Art themes and content to be assessed via Arts and Cultural Development Coordinator.
	External issues – the Bellerive roundabout has visibility issues caused by plantations.	The plants are a planned traffic management element of the roundabout – although this is outside the study area.
Disability Access Advisory Committee	Concerning seating – it should be accessible and have hand rails in the centre of the seats. Spacing and placement are important: keep out of the corridor of movement so that the seats are not obstructing a clear pathway.	Noted - these requirements can be addressed during design stage.
	Concerning Pavement and Tree Grates – same views as PAC and also observes that contrasting paving colours can be challenging for dementia sufferers – but can also be useful to prevent entry to dangerous areas	Selection of paving and ensuring well laid to avoid future hazard is noted for the design stage.
	Concerning stairs – same view as PAC	As PAC above
	Provide access to shop fronts – using ramps and stairs avoiding obstructions	Noted - design issues can be addressed during design stage.
	Forecourts design and planting - <ul style="list-style-type: none"> • Low level planting • Rubbish bin location not to obstruct 	Consistent with plan's aims. The design of forecourts will combine engineering,

	<ul style="list-style-type: none"> • Forecourts to have space for bikes, prams, mobility scooters, shopping carts etc • Design part of an arts project? 	landscape architecture with input from Arts and Cultural Devt Coordinator
	<p>Consider the location and number of accessible parking bays in the street to ensure accessibility to businesses. Cutaways are supported for ease of access from parking bays to cross the road</p> <p>While there are formal crossover points located in the street, ambulant pedestrians will still cross over the street informally (as they currently do in the bus mall). Consider formalising at least another 2 crossover points which will make the street more pedestrian friendly in general, and create increased access for people with mobility issues. While there may be a loss of a few parking bays, it will be more pedestrians friendly for ambulant and non-ambulant people. aces</p>	Noted - these design ideas will inform the design stage. However, as discussed elsewhere, introduction of medians with street trees will discourage unsafe/ random crossing, while formalised refuges between the “cutaways” will assist all pedestrians.
	Traffic management – after installation of lights, consider allowing on only service vehicles in “car Parking lane”	As this would unnecessarily reduce customer parking and detrimentally effect business. It should not be included.
CHAWA – Liveability / Environment Working Group	Conflicts for walking and cycling should be avoided – there is no provision for bikes and multi user path	The proposed improvements will greatly reduce conflicts/ risks – but this is not a major bike link and so a multi user path is not required (and could not be accommodated)
	Design speed max 30kph – low design speed adds to safety and supports patronage of adjacent businesses	Lower speeds are encouraged by the proposed treatments, introduction of medians, street trees and refuges will calm traffic.
	Pavement treatments for crossovers and footpaths should match	This is incorporated in the concept plan.
	Flat street and low speed design should allow signalised intersections at Winkleigh to be avoided.	The signalised intersection is a funded and vital element of future traffic management and a substantial contribution towards has been made by the Superclinic.
	Infilling sites is consistent with improving commercial viability	This is incorporated in the concept plan and documented in earlier background reports.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY (AUTHORITY) – AMENDMENT OF RULES**

(File No 30-05-00)

EXECUTIVE SUMMARY**PURPOSE**

To gain Council endorsement of proposed amendments to the Rules governing the Copping Refuse Disposal Site Joint Authority.

RELATION TO EXISTING POLICY/PLANS

The proposed amended Rules are consistent with existing policies and plans.

LEGISLATIVE REQUIREMENTS

The amendment of the Rules must comply with the certification requirements set out at Sections 31 and 32 of the Local Government Act, 1993 (Tas).

CONSULTATION

There has been extensive consultation undertaken regarding the proposed amendments to the Rules. Internal consultation has included regular updates provided at Authority Meetings, a workshop session (attended by Authority members, Board members and General Managers) and circulation of draft versions of the proposed amended Rules. In addition to internal consultation, the proposed amended Rules have been advertised for public review and comment in accordance with the requirements of the Local Government Act, 1993 (Tas) with no submissions received.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the proposed amended Rules, noting the arrangements related to Proportional Payments approved by the Participating Councils in 2014.

The proposed amended Rules build on the previous version of the Rules approved in 2014 by Participating Councils. The proposed amended Rules address a number of potential compliance issues as well as “future proofing” the Rules by allowing for admission of new Participating Councils (with the Participating Council’s approval), changes in equity and other related matters to occur without the requirement to “formally” amend the Rules when those events occur.

RECOMMENDATION:

That Council approve the amended Rules governing the Copping Refuse Disposal Site Joint Authority and authorise the affixing of the Council’s seal to the amended Rules.

**COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY (AUTHORITY) –
AMENDMENT OF RULES /contd...**

ASSOCIATED REPORT**1. BACKGROUND****Summary of Rule Changes**

A number of changes have been made to the current Rules. These changes are summarised as:

1. Changes to definitions (Rule 6): Changes include minor amendments to clarify terms used, expand the definition of “Permit” to provide for “any planning permit” issued and not just the initial permit and the addition of a number of terms related to municipal waste. These changes assist to clarify changes previously agreed in respect to contractual and financial arrangements relevant to Participating Councils.
2. The Principal Objectives and Goals (Rule 8): This Rule was broadly drafted and has been amended to provide guidance in relation to the potential range of activities at the landfill site.
3. Changes arising from amalgamations, new Councils joining, etc: The changes seek to ensure that there is a framework to address changes to Participating Councils (by amalgamation or changes in municipal boundaries) in addition to Councils joining or withdrawing as Participating Councils or Owner Councils disposing of their interest in the land. Changes have also been made to safeguard composition of the Authority. These changes include:
 - a) A new Participating Council who is admitted acquires their interest from the existing Participating Councils with the transfer subject to the amount of equity that the existing Participating Councils wish to transfer. The new Participating Council is only permitted to purchase equity up to its forecasted annual share of municipal waste at the date of admission. Importantly:

- i. Rule 16 is amended to reflect that each Participating Council may use the Site as its principal refuse disposal site subject to entering into a written agreement with the Authority. These changes address a potential competition issue and formalize the requirement for a written agreement regarding waste disposal as a condition precedent (to a new Participating Council joining the Authority);
 - ii. Rule 17 limits the maximum equity share of a Participating Council to 49%. This provides a safeguard against one Participating Council gaining a controlling interest in the Authority;
 - iii. Rule 18 provides for existing Participating Councils to approve the admission of a new Participating Council subject to any requirements specified by the existing Participating Councils in accordance with the Rules. This change provides the opportunity to negotiate entry terms in a more flexible manner; and
 - iv. Rule 19 limits the quantum of equity a new Participating Council can purchase to the Independently Verified Annual Share of Municipal Waste (a defined term) from that new participating Council as at the admission date.
4. Withdrawal from the Authority (Rules 29 – 39): A withdrawing Participating Council's share/interest in the equity of the Authority must first be offered to other current Participating Councils in proportion to their current share at a price agreed by the withdrawing Participating Council and the Authority or failing agreement by valuation. If the other Participating Councils do not acquire the full share/interest it can then be offered to other Councils (subject to them being approved). Where the whole interest is not sold the withdrawing Participating Council will continue to be a Member of the Authority with their share reduced by the amount of the interest sold.

5. Disciplinary action against a Participating Council (Rules 40 – 49): New rules have been inserted to provide a process to reprimand, suspend or expel a Participating Council in circumstances where there has been either a material and persistent breach of the Rules, or they have repudiated the principles, objectives or goals of the Authority. The process includes a right of appeal which includes a hearing at a general meeting. This type of provision is standard in rules of associations and company constitutions.
6. Amalgamation of Councils (Rules 57 – 60): These rules provide a mechanism to address equity issues following amalgamations, including situations where a Council was not a Participating Council prior to the amalgamation or where the equity share of the newly amalgamated Participating Councils exceeds 49%.
7. Membership of the Authority (Rules 61 – 70): These rules deal with the number of votes each Member of the Authority has. The rules have been amended to allow for variation in membership over time. The total number of votes is still 9 with these 9 votes allocated between the Members based upon their percentage share/interest in the equity (set out in the Equity Interest Register). The minimum number of votes for any Participating Council is 1 and the maximum is 4. Details of the number of each Participating Council's votes are set out in the Voting Rights Register.
8. Rules dealing with Directors, Secretary and CEO: The Rules approved by Participating Councils in 2014 dealing with performance review of Directors, the Secretary and the Chief Executive Officer have been removed. It was not considered appropriate to have these within the Rules and instead they are included in separate agreements between the Authority and the respective officers.
9. Registers (Rule 96 and Schedule 1): A number of new registers have been created to allow for the recording of various information relevant to the ownership and operation of the Authority, being:
 - Equity Interest Register;

- Ownership Percentage Register;
- Annual Share of Municipal Waste Register; and
- Voting Rights Register.

The above Registers have been created to allow the Authority to address the identified changes without the need to undertake formal consultation and other processes required by the Local Government Act, 1993 (Tas), where the changes are, but for the change in the relevant Register, within the scope of the existing Rules.

2. CONSULTATION

2.1. Community Consultation

The proposed amended Rules have been advertised in accordance with the requirements of Section 31 of the Local Government Act, 1993 (Tas). The proposed amended Rules were advertised in “The Mercury” on Tuesday, 28 July 2015. A 21 day period was provided for submissions. No submissions were received.

2.2. State/Local Government Protocol

Not relevant.

2.3. Other

Discussions have been held with relevant Authority members to ensure that they are fully appraised of the proposed changes. Copies of the proposed amended Rules were circulated to Authority Members and General Managers for internal consultation and discussion at a workshop.

3. STRATEGIC PLAN/POLICY IMPLICATIONS

The proposed changes do not change the current strategic direction of the Authority.

4. EXTERNAL IMPACTS

Nil.

5. RISK AND LEGAL IMPLICATIONS

Nil.

6. FINANCIAL IMPLICATIONS

There are no other financial implications arising from the latest proposed amendments to the Rules.

7. ANY OTHER UNIQUE ISSUES**Final Certification Requirements**

Section 32 of the Local Government Act, 1993 (Tas) provides the certification requirements in respect to amendment of Authority Rules. Unfortunately the approval processes required by Section 32 contain a drafting error that results in duplication in the approval process steps. The following approval process, recommended by the Authority's legal advisors, is required:

Procedural Step	Status	Comment
1. Proposed amended Rules advertised and submissions received.	Completed	No submissions received
2. Proposed Rules approved by special resolution of the Authority in accordance with existing Rules and requirements of Local Government Act 1993	Completed	See attached Rules as approved by the Authority on 20 August 2015 (Attachment 1)
3. Amended Rules certified as being in accordance with the law by a legal practitioner	Completed	See attached certification (Attachment 2)
4. Amended Rules certified by a General Manager as having been made in accordance with the Local Government Act 1993	Completed	See attached certification (Attachment 3)
5. Each Participating Council approves the amended Rules.	Pending	This report seeks approval of the amended Rules in accordance with Section 32 of the Local Government Act, 1993.
6. The Authority re-approve the certified amended Rules by a Special Resolution	Pending	

7. The approved Rules are again certified as being in accordance with the law by a legal practitioner	Pending	
8. The approved Rules are again certified by a General Manager as having been made in accordance with the Local Government Act 1993	Pending	
9. A General Manager causes a copy of the approved and certified Rules to be provided to the Director of Local Government.	Pending	

8. CONCLUSION

The proposed amended Rules address a number of issues relevant to preparing the Authority for admission of a new Participating Council, address a number of emerging and potential “future” issues and seek to “future-proof” the Rules against the need to undertake public consultation and complex approval procedures where minor amendments to the Rules are required.

This report has been circulated by the Authority Secretary to participating Councils for their formal consideration.

Attachments: 1. Proposed Amended Rules as approved by the Authority on 20 August 2015 (52)
 2. Legal Practitioner Certification (1)
 3. General Manager Certification (1)

Andrew Paul
GENERAL MANAGER

RULES of the COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY

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PART 1 - PRELIMINARY

Name

1. The name of the Authority is Copping Refuse Disposal Site Joint Authority.

Establishment and Commencement of the Authority

2. The Authority is established as a joint authority under the Act.
3. These Rules come into effect on and from the commencement date agreed to by resolution of the Authority as constituted immediately before the coming into effect of these Rules.
4. These Rules replace the initial Rules of the Authority that came into effect with the publication of a notice in the Tasmanian Government Gazette on 21 March 2001, and that were amended on 19 March 2008, 1 July 2009 and 23 August 2012.

Body Corporate

5. The Authority is a body corporate and has the powers and functions specified in these Rules.

Definitions

6. In these Rules the following words and expressions have the following meaning unless there is something in the subject or context of use inconsistent with that meaning.

“Act” means the Local Government Act 1993;

“Adjoining Land-Owner” means the owner of any land which immediately adjoins the Land;

“Annual Share of Municipal Waste Register” means the Register with that name maintained by the Authority in accordance with these Rules;

“Auditor” means the auditor of the Authority;

“Authority” means the Copping Refuse Disposal Site Joint Authority;

“Balance Area” has the meaning set out in the Lease;

“Board” means the Board of Directors appointed by the Authority;

“Board Chair” means the person appointed by the Authority as Chair of the Board under Rule 72;

“Business Plan” means the Business Plan referred to in Rules 181 and 182;

“Chair” means the Chair of the Authority elected by the Members under Rule 98 or Rule 132;

“Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under Part 6;

“Close Associate” has the meaning set out in Section 51 of the Act;

“Competitive Neutrality Principles” means the competitive neutrality principles referred to in the Act;

“Comptroller” means the person appointed by the Authority under Rule 98, 99, 100 and 178 to administer guarantee fees on behalf of members;

“Council” means a Council established under Section 18 of the Act;

“Councillor” means a person elected to a Council and includes the mayor, deputy mayor and alderman;

“Deputy Representative” means a person appointed as such under Rule 64;

“Director” means a person appointed under these Rules as the Board Chair or as a member of the Board;

“EMP” means the Development Proposal and Environmental Management Plan for the Sub-regional Refuse Disposal Facility at Copping, Tasmania, and any other Environmental Management Plan approved by the EPA or the relevant planning authority in relation to the Land;

“Environmental Approval” means all permits, licences, approvals and authorities issued in relation to the Land from time to time, authorising any activities carried out on the Site for the purposes of waste treatment, disposal, resource recovery, energy generation and transmission off the Site to the grid and/or any other purposes, and includes:

- (a). an EMP approved by a planning authority or the EPA or both;
- (b). a Permit issued by the planning authority;
- (c). an EPN or other notice, direction or directive issued by the EPA Director, issued in relation to the Land including any amendments, amended conditions or approved changes made from time to time and the associated conditions as modified or amended from time to time;

“EPA” means the Environment Protection Authority Tasmania;

“EPA Director” means the director appointed under section 18 of the *Environmental Management and Pollution Control Act 1994*;

“EPN” means the Environment Protection Notice 690/1 and any subsequent

environmental protection notices issued by the EPA Director in relation to the Land, and any amended conditions or approved changes made from time to time to the EPNs;

“Equity Interest Register” means the Register with that name maintained by the Authority in accordance with these Rules;

“General Manager” means the General Manager of a Council or the General Manager’s nominee;

“General Meeting” means a meeting of Members;

“Independently Verified Annual Share of Municipal Waste” means the applicable Participating Council’s PCFAW as a proportion of the total of all Participating Councils PCFAW;

“Interest” has the meaning set out in the Act;

“Infrastructure” has the meaning set out in the Lease;

“Land” means all that land comprised in Certificates of Title Volume 126073 Folios 1, 3, and 4 excluding that part of Folio 4 leased to Robert Bruce Downie as set out in registered lease B996834;

“Lease” means lease registered number C837468 entered into by the Authority and the Owner Councils as amended by any deed of variation;

“Lease Administrator” has the meaning set out in the Lease;

“Member” means a Member of the Authority appointed in accordance with these Rules;

“Minister” means the Minister responsible for the administration of the Act;

“Municipal Area” has the meaning set out in the Act;

“Municipal Waste” means waste arising from:

- (a). kerbside domestic waste (household solid and inert waste placed out for kerbside collection);
- (b). other domestic waste (residential solid and inert wastes);
- (c). residual domestic waste (non-recyclables) from Council operated or Council contracted waste transfer stations operated for the purpose of receiving waste from local residents within a relevant Participating Council municipality;
- (d). other Council waste (Council generated solid and inert waste arising from street

sweepings, litter bins, incidental green waste material), and includes:

- (i). household domestic garbage set aside for kerbside collection;
- (ii). food waste from industrial or commercial sources such as restaurants, food markets, supermarkets and the like set aside for kerbside collection;
- (iii). paper and cardboard included as part of household collection of household domestic garbage; and
- (iv). green waste included as part of household collection of household domestic garbage;

“Office” means the principal business office of the Authority;

“Owner Councils” means the Councils that own the Land;

“Ownership Interest Register” means the Register with that name maintained by the Authority in accordance with these Rules;

“Participating Councils” has the same meaning as in the Act and includes those Councils who have subscribed to these Rules;

“PCFAW” means a Participating Council’s forecasted annual Municipal Waste which is to be calculated as follows:

- (a). for a new Participating Council admitted in accordance with Rule 18 it is to be an independently verified estimate of the new Participating Council’s annual Municipal Waste that will be received at the Site until that Council’s PCIVAMW for a complete financial year is available; and
- (b). for a Participating Council where there has been a variation in that Council’s gazetted Municipal Area of 10% or more of total land area it is to be an independently verified estimate of that Council’s annual Municipal Waste that will be received at the Site until that Council’s PCIVAMW for a complete financial year following the variation is available; and
- (c). for all other Participating Councils it is to be the most recent PCIVAMW;

“PCIVAMW” means a Participating Council’s independently verified annual Municipal Waste received at the Site for a financial year;

“Permit” means any planning permit issued in relation to the Land under the *Land Use Planning & Approvals Act 1993* and the associated conditions as amended from time to time;

“Principal Objectives and Goals” means those objectives and goals set out in Rule 8;

“Proportionate Payments” means any financial contributions required to be made by Participating Councils to the operational and/or capital costs and expenses of the Authority calculated in accordance with their current Independently Verified Annual Share of Municipal Waste recorded in the Annual Share of Municipal Waste Register;

“Representative” means a person appointed by a Participating Council to be a Member and includes, in the case of a Member who is a Councillor, the properly appointed Deputy Representative of that Member;

“Register” means a register referred to in these Rules;

“Rules” means these Rules as altered or added to from time to time;

“Seal” means the common seal of the Authority;

“Secretary” means a person appointed as Secretary of the Authority under Rule 204;

“Simple Majority” means more than half of the total number of votes cast by Members or Directors present at the meeting;

“Site” means that portion of the Land used or reserved for waste treatment, landfill disposal, resource recovery and/or energy generation and transmission off the Site into the grid and other related purposes;

“Special Resolution” means a resolution of Members under Rules 153 and 154;

“Strategic Plan” means the Strategic Plan referred to in Rule 181; and

“Treasurer” means the Treasurer for the State of Tasmania.

Interpretation

7. In these Rules except to the extent that the context requires otherwise or the contrary intention appears:

- (a). words and phrases which are defined in the Act have the same meaning in these Rules;
- (b). words in the singular include the plural and vice versa;
- (c). words importing a gender include the other gender;
- (d). a reference to the Act or any other statute or regulations or to any section or clause of the Act or any other statute or regulations is to be read as though the words “as modified or substituted from time to time” were added to the reference;
- (e). headings do not affect the construction of these Rules; and

- (f). where a word or a phrase is given a particular meaning other cognate parts of speech and grammatical forms of that word or phrase shall have a corresponding meaning.

PART 2 - PRINCIPAL OBJECTIVES, FUNCTIONS AND POWERS

Principal Objectives and Goals of the Authority

- 8. The Principal Objectives and Goals of the Authority are:
 - (a). to manage and operate the Site for the purposes of waste treatment, landfill disposal, resource recovery, and/or energy generation and for related purposes and in a manner which conforms to the Environmental Approvals and to manage the Balance Area;
 - (b). to manage successfully the operation of the Site and Balance Area, which may be by or involve third parties by:
 - (i). operating efficiently in accordance with sound commercial practice;
 - (ii). maximising the net worth of the Authority's assets; and
 - (iii). operating and managing both to maximise benefits to Participating Councils; and
 - (c). to perform such other functions and provide such other services and facilities either on or off the Site as are necessary for achieving the Principal Objectives and Goals, which may be by or involve third parties, including but not limited to waste transfer stations and waste transport services.
- 9. In pursuing its Principal Objectives and Goals, the Authority shall concentrate the exercise of its powers and duties on:
 - (a). representing the best interests of all Participating Councils;
 - (b). setting the goals and objectives of the Authority to be reflected in the Strategic Plan;
 - (c). the approval of the Strategic Plan and the Business Plan and Budget;
 - (d). the setting of the terms of office and the remuneration of Directors; and
 - (e). the periodic review of the performance of the Board and of individual Directors.

Functions of the Authority and of the Board

10. The Authority has the following functions:

- (a). to set the goals and objectives of the Authority in pursuing the Principal Objectives and Goals referred to in Rule 8;
- (b). the establishment, maintenance and operation of the Site for the purposes of waste treatment, landfill disposal, resource recovery and/or energy generation, which may be by or involve third parties, in accordance with the Environmental Approvals and other relevant laws and statutes;
- (c). to facilitate the operation of the Site and the Balance Area in accordance with the Principal Objectives and Goals of the Authority;
- (d). to perform waste management functions outside the boundaries of the Municipal Areas of the Participating Councils which are consistent with these Rules and which are to be exercised in accordance with the Competitive Neutrality Principles;
- (e). to perform any function specified in the Act or any other act or in these Rules consistent with the Principal Objectives and Goals of the Authority;
- (f). to perform any function duly granted to, or imposed on any municipal, regional or public authority by any Act or Regulation (Federal or State) with respect to the treatment of waste, disposal of waste, resource recovery and/or energy generation from waste in Tasmania consistent with the Principal Objectives and Goals of the Authority;
- (g). to have regard to the obligations of Participating Councils in relation to national competition agreements and their impact on future policies, procedures and practices concerning the waste management industry;
- (h). to provide a copy of the annual report of the Authority to Participating Councils before the end of November in each year. The annual report is to include the following information and documents:
 - (i). a statement of the activities of the Authority during the preceding year;
 - (ii). a statement of the performance of the Authority in relation to the Principal Objectives and Goals set for the preceding financial year;
 - (iii). the financial statements of the Authority for the preceding financial year;
 - (iv). a copy of the audit opinion for the preceding financial year;

- (v). any other information the Authority considers appropriate or necessary to inform Participating Councils of its performance and progress during the financial year; and
- (vi). reports of the Chair and of the Board Chair;
- (i). to notify the Participating Councils as soon as practicable after becoming aware of any development which, in the opinion of the Authority, may:
 - (i). significantly affect the financial viability or operating ability of the Authority; or
 - (ii). significantly affect the Authority in an adverse manner;
- (j). to provide Participating Councils with quarterly reports as soon as practicable after the end of March, June, September, and December in each year which comply with the requirements set out in Rules 193 to 197;
- (k). to provide Participating Councils with a report by 30 September in each financial year containing an audit by a qualified waste management specialist of each Participating Council's PCIVAMW and their Independently Verified Annual Share of Municipal Waste as required under Rule 26;
- (l). to consult with the Board and with Participating Councils on the strategic direction to be taken by the Authority; and
- (m). to comply with the Environmental Approvals, all applicable legislation, standards and codes, and the requirements of the Business Plan.

11. The Board has the following functions:

- (a). to ensure that the business and affairs of the Authority and that the functions and powers of the Authority that the Authority has delegated to be carried out by the Board are conducted and performed in a manner that is:
 - (i). in accordance with sound commercial practice;
 - (ii). consistent with the approved Strategic and Business Plans of the Authority and the Principal Objectives and Goals set out in Rule 8; and
 - (iii). in accordance with the Environmental Approvals, and all other permits, licences and governing legislation;
- (b). to provide such advice, information and assistance to the Authority concerning its specified functions and powers as the Authority may require;

- (c). to carry out any necessary schemes, works and undertakings;
- (d). to provide both on and off the Site all manner of facilities and services incidental to the Authority's Principal Objectives and Goals including, but not limited to waste transfer stations and transport services;
- (e). to have regard to the economic and social well-being of its customers, staff and the community generally;
- (f). to follow environmentally sound principles in its development and resource management activities;
- (g). to prepare a Strategic Plan and a Business Plan for the Authority in accordance with Rules 181 and 182;
- (h). to provide the Authority with quarterly reports as soon as practicable after the end of March, June, September, and December in each year which comply with the requirements set out in Rules 193 to 197;
- (i). to be responsible for the employment of the senior staff member and the determination of the terms and conditions of that employment;
- (j). to manage the resources of the Authority;
- (k). to establish and maintain appropriate policies and procedures concerning employees of the Authority; and
- (l). to invite the General Managers of Participating Councils to attend an information-sharing and briefing meeting at least twice in each year.

Powers of the Authority

12. In carrying out its objectives and functions the Authority has the following powers:
 - (a). to acquire, hold, lease, licence, dispose of and otherwise deal with property;
 - (b). to enter into contracts provided that any contract that is entered into does not extend beyond the term of the Lease, or give rise to any contractual responsibilities or commitments of Participating Councils or Owner Councils after the date of the termination or expiration of the Lease;
 - (c). to appoint staff, agents and attorneys;
 - (d). to enter into contracts for the performance or exercise of any of its functions or powers jointly with another person or body;
 - (e). to set fees, charges, terms and conditions relating to work done, or services,

goods or information supplied by it except any fee or charge referred to in section 205 of the Act or any rate or charge referred to in Part 9 of the Act;

- (f). to engage consultants and provide consultancy services;
- (g). subject to these Rules to raise loans and other financial accommodation;
- (h). to give security for loans and financial accommodation;
- (i). to transfer assets and liabilities from the Authority to a Council, or from a Council to the Authority;
- (j). to transfer employees and the rights of employees from a Council to the Authority, or from the Authority to a Council;
- (k). to exercise any power specified in the Act or any other act or in these Rules consistent with its Principal Objectives and Goals and functions;
- (l). to make by-laws under Part 11 of the Act as if it were a Council;
- (m). to do all things necessary or convenient to be done in connection with, or incidental to, the performance and exercise of its functions and powers;
- (n). to perform its powers outside the boundaries of the municipal area of the Participating Councils which are consistent with these Rules and which are to be exercised in accordance with national competition principles; and
- (o). to require the Board to carry out specified powers of the Authority.

Powers of the Board

13. The Board may exercise all powers and functions delegated to it by the Authority in writing.

Delegations

14. Except as provided in Rule 211(b), the Authority may delegate to the Board, with or without conditions, any of the functions and powers that are within the power of the Authority (including any specified power of on-delegation of those functions and powers) and are not by these Rules or by legislation directed or required to be exercised or done by the Authority in General Meeting.
15. The Board may delegate to the Chief Executive Officer, with or without conditions:
 - (a). any of the functions and powers delegated to it by the Authority in writing (including any specified power of on-delegation of those functions and powers); and

- (b). any of the functions and powers conferred upon it under these Rules.

PART 3 - COMPOSITION OF THE AUTHORITY AND OF THE BOARD

Participating Councils

- 16. Each Participating Council may use the Site as its sole or principal landfill refuse disposal site for its Municipal Waste subject to the Participating Council entering into a written agreement with the Authority.
- 17. No Participating Council shall be permitted to have a share/interest in equity in the Authority in excess of 49% of the total equity in the Authority and all Rules in this Part 3 are subject to this restriction.
- 18. Other Councils may be admitted to the Authority as Participating Councils:
 - (a). if approved by a Simple Majority of the then current Participating Councils;
 - (b). subject to the applicant Council meeting any requirements that are specified by the then current Participating Councils; and
 - (c). in accordance with the provisions of these Rules.
- 19. Any new Participating Council shall be permitted to purchase the share/interest in equity in the Authority only up to its Independently Verified Annual Share of Municipal Waste at the date of its admission to the Authority.
- 20. The Authority must as soon as possible after determining the permitted share/interest in equity under Rule 19 for a new Participating Council give notice ("the Purchase Notice") to all other Participating Councils inviting each of them to state in writing within 60 days from the date of the Purchase Notice whether they are willing to sell part of the share/interest in equity referred to in the Purchase Notice.
- 21. At the expiration of 60 days from the date of the Purchase Notice the Authority must allocate the share/interest in equity referred to in the Purchase Notice to or amongst the other Participating Councils who have expressed a willingness to sell and (if more than one) so far as possible pro rata according to the Participating Council's equity interest in the Authority provided that no Participating Council is obliged to dispose more than the share/interest in equity they have indicated a willingness to sell.
- 22. If the whole of the new Participating Council's share/interest in equity referred to in the Purchase Notice is not satisfied by sales under Rule 21 the new Participating

Council's share/interest in equity is to be reduced by the amount not sold.

23. All changes to the share/interest in equity of the Participating Councils shall be recorded in the Equity Interest Register.
24. Any additional operational and/or capital costs that arise as a result of an increase in the volume of Municipal Waste deposited at the Site arising from the admission of a new Participating Council shall, subject to the provisions of Rule 208, be met by way of a Proportionate Payment from all Participating Councils, including the newly admitted Council.
25. An applicant Council's decision to purchase a share/interest in equity in the Authority less than its Independently Verified Annual Share of Municipal Waste shall not affect or reduce that Council's liability to make any Proportionate Payment required to be made by Participating Councils with respect to the operational and/or capital costs and expenses of the Authority, with all Proportionate Payments to be based on a Participating Council's Independently Verified Annual Share of Municipal Waste.
26. The Authority shall ensure that by 30 September in each year it obtains and submits for the information of each Participating Council a report from the Board in accordance with the provisions of Rules 10(k).
27. The Independently Verified Annual Share of Municipal Waste shall form the basis of any Proportionate Payments charged to each Participating Council at the relevant time.
28. The Act in so far as it applies to a joint authority established under the Act applies to Participating Councils of the Authority and to the responsibilities of Participating Councils and Representatives of Participating Councils unless otherwise provided for in these Rules.

Cessation and Withdrawal of Participation – Participating Councils

29. Subject to any requirements of the Act and of these Rules, a Participating Council may cease to participate in the Authority and withdraw as a Participating Council.
30. A Participating Council that intends to withdraw from the Authority ("Withdrawing Participating Council") is to give the Authority not less than 12 months written notice of its intention to withdraw from the Authority in which it shall advise a date from which it no longer wishes to be a Participating Council ("the Participating Council's Termination Date").

31. By giving a notice to the Authority under Rule 30 the Withdrawing Participating Council appoints the Authority as its agent for the sale of their share/interest in the equity of the Authority (“WPC Equity”) in one or more lots at the discretion of the Authority at a price to be agreed between the Withdrawing Participating Council and the Authority or failing agreement as to such price, at a price determined by valuation by a valuer appointed by mutual agreement between the Withdrawing Participating Council and the Authority. If the Withdrawing Participating Council and the Authority fail to agree to the appointment of a valuer, then the valuation will be undertaken by a valuer appointed by the president for the time being of the Law Society of Tasmania or that person’s nominee at the request of either the Withdrawing Participating Council and the Authority. The Withdrawing Participating Council and the Authority will bear the cost of the valuation equally.
32. The Authority must as soon as possible, after determination of the price for the WPC Equity in accordance with Rule 31 (“Sale Price”), give written notice (“the Sale Notice”) to all other Participating Councils inviting each of them to state in writing within 60 days from the date of the Sale Notice whether they are willing to purchase any, and if so, what maximum part of the WPC Equity referred to in the Sale Notice.
33. At the expiration of 60 days from the date of the Sale Notice the Authority must allocate the WPC Equity referred to in the Sale Notice or amongst the other Participating Councils who have expressed a willingness to purchase and (if more than one) so far as may be possible pro rata according to the Withdrawing Participating Council’s equity interest in the Authority provided that no Participating Council is obliged to take more than the share/interest in equity they have indicated a willingness to purchase. The Withdrawing Participating Council is bound on payment of the Sale Price fixed to transfer the WPC Equity to the purchaser or purchasers and, in default, the Authority may receive and give a good discharge for the purchase money on behalf of the Withdrawing Participating Council and enter the name of the purchaser or purchasers in the Equity Interest Register as holder by transfer of the share/interest in equity purchased by the purchaser or purchasers.
34. If the whole of the WPC Equity is not sold under Rule 33 then, subject to these Rules, at any time before the Participating Council’s Termination Date the Authority may transfer any part of the WPC Equity not sold, to a Council approved by the other Participating Councils acting reasonably and who meets the admission criteria for a Participating Council, at a price determined by a valuer appointed by mutual agreement

between the Withdrawing Participating Council and the Authority. If the Withdrawing Participating Council and the Authority fail to agree on the appointment of a valuer, then the valuation will be undertaken by a valuer appointed by the president for the time being of the Law Society of Tasmania or that person's nominee at the request of either the Withdrawing Participating Council or the Authority. The Withdrawing Participating Council and the Authority will bear the cost of the valuation equally, and in the event of any such sale the Authority must note in the Equity Interest Register the transfer of the share/interest in equity so sold.

35. If the whole of the WPC Equity is not sold under Rules 33 and 34, the Withdrawing Participating Council will continue to be a Participating Council with a share/interest in equity in the Authority reduced by the amounts sold.
36. The Authority may in their absolute and uncontrolled discretion refuse to register any proposed transfer of share/interest in equity in the Authority without assigning any reason for such refusal.
37. Subject to Rule 35, the Participating Council giving notice pursuant to Rule 30 shall be deemed to have withdrawn from the Authority with effect from the Participating Council's Termination Date. Such withdrawal will be without prejudice to any obligations on the part of the Participating Council up to, and the rights or entitlements due to it under these Rules following, the Participating Council's Termination Date.
38. A Participating Council that withdraws from the Authority pursuant to Rule 37 is not entitled to a refund of any Proportionate Payments made prior to the Participating Council's Termination Date or return of any other capital or assets it has provided to the Authority after the Participating Council's Termination Date.
39. In the event of a withdrawal from the Authority pursuant to Rule 37, the Council which has withdrawn remains liable to contribute in respect of any liabilities of the Authority incurred while it was a Participating Council for a period of 12 months after the Participating Council's Termination Date such liability calculating using the Withdrawing Council's Independently Verified Annual Share of Municipal Waste at the Participating Council's Termination Date.

Disciplinary Action – Participating Councils

40. The Authority may take disciplinary action against a Participating Council if a Simple Majority of Members determine there has been either:
 - (a). a material and persistent breach of a requirement(s) of these Rules by the Participating Council; or
 - (b). a repudiation of the principles, objectives or goals of the Authority, as provided in Rule 8, by the Participating Council.
41. Where the Authority has made a determination under Rule 40, the Authority must determine to either:
 - (a). reprimand the Participating Council;
 - (b). suspend the participation of the Participation Council for a specified period; or
 - (c). expel the Participating Council.
42. The disciplinary action against a Participating Council under Rule 41 does not take effect until the later of the following:
 - (a). the fourteenth day after the day on which a written notice is served on the Participating Council of the decision under Rule 43; or
 - (b). if the Participating Council exercises their right of appeal under Rule 45, the General Meeting convened to hear the appeal confirms the disciplinary action decision then the date of that meeting.
43. If the Authority makes a disciplinary action determination against a Participating Council, the Chair of the Authority, without undue delay, is to cause to be served on the Participating Council a notice in writing:
 - (a). stating the disciplinary action determination under Rule 41 against the Participating Council;
 - (b). specifying the grounds for the disciplinary action determination; and
 - (c). informing the Participating Council of the right to appeal the decision Under Rule 45.
44. Where the Authority suspends the participation of a Participating Council under Rule 41 all rights and benefits of being a Participating Council under these Rules are suspended for the specified period but the Participating Council's obligations continue.
45. A Participating Council may appeal against a disciplinary action determination under

Rule 41 as follows:

- (a). by serving on the Chair of the Authority, within fourteen days after the service of a notice under Rule 43, a requisition in writing demanding the convening of a General Meeting for the purpose of hearing the appeal;
- (b). on receipt of a requisition, the Chair of the Authority is to immediately notify the Authority of the receipt;
- (c). the Authority is to cause a General Meeting to be held within 14 days after the day on which the requisition is received;
- (d). at a General Meeting convened for the purpose of hearing an appeal under this Rule:
 - (i). no business other than the question of the disciplinary action determination is to be transacted;
 - (ii). the Authority may place before the meeting details of the grounds of the disciplinary action determination and the Authority's reason for the disciplinary action determination;
 - (iii). the disciplined Participating Council must be given an opportunity to be heard;
 - (iv). the disciplined Participating Council's appointed Member has no votes; and
 - (v). the Members who are present are to vote by secret ballot on the question of whether the disciplinary action determination should be lifted or confirmed;
- (e). if at the General Meeting a Simple Majority of the Members present and entitled to vote, vote in favour of:
 - (i). the lifting of the disciplinary action determination;
 - (A) the disciplinary action is to be lifted; and
 - (B) the disciplined Participating Council is entitled to continue as a Participating Council of the Authority;
 - (ii). the confirmation of the disciplinary action determination:
 - (A) the disciplinary action takes effect; and
 - (B) where the disciplinary action determination is to expel the

Participating Council, the expelled Participating Council ceases to be a Participating Council of the Authority.

46. The Authority is deemed to be the expelled Participating Council's agent for the sale of their share/interest in the equity of the Authority in one or more lots at the discretion of the Authority at a price to be determined by independent valuation.
47. The Authority must as soon as possible after the expulsion of a Participating Council give notice ("the Expulsion Notice") to all other Participating Councils inviting each of them to estate in writing within 60 days from the date of the Expulsion Notice whether they are willing to purchase any, and if so, what maximum part of the share/interest referred to in the Expulsion Notice.
48. At the expiration of 60 days from the date of the Expulsion Notice the Authority must allocate the share/interest in the equity referred to in the Expulsion Notice to or amongst the other Participating Councils who have expressed a willingness to purchase and (if more than one) so far as may be possible pro rata according to the Participating Council's share/interest in the equity of the Authority provided that no Participating Council is obliged to take more than the share/interest in equity they have indicated a willingness to purchase. The expelled Participating Council is bound on payment of the price determined by independent valuation in accordance with Rule 46 to transfer its equity interest to the purchaser or purchasers and, in default, the Authority may receive and give a good discharge for the purchase money on behalf of the expelled Participating Council and enter the name of the purchaser or purchasers in the Equity Interest Register as the holder by transfer of the share/interest purchased by the purchaser or purchasers.
49. If the whole of the expelled Participating Council share/interest in equity is not sold under Rule 48 then, subject to these Rules, the Authority may transfer that share/interest in equity not sold to the Participating Councils pro rata according to the Participating Council's equity interest in the Authority at that time and in the event of any such transfer the Authority must note in the Equity Interest Register the transfer of the share/interest in equity so transferred.

Cessation and Withdrawal of Land Ownership - Owner Councils

50. If an Owner Council ("the Withdrawing Owner Council") wishes to dispose of its interest in the Land, it shall provide the other Owner Councils and the Authority not less than 15 months prior written notice of its decision that it no longer wishes to be

an Owner Council including the date from which it wishes this to apply (“the Owner Council’s Termination Date”).

51. The Withdrawing Owner Council shall transfer its legal and equitable interest in the Land to the remaining Owner Councils prior to or on the Owner Council’s Termination Date.
52. The Withdrawing Owner Council shall transfer its legal and equitable interest in the Land free of any encumbrance, mortgage, lien, caveat, dealing or any other restriction on the title of the Land it has created or a person on its behalf has created, and which has been registered on the title of the Land and which the other Owner Councils require to be removed prior to the Owner Council’s Termination Date.
53. On or before the effective date of the transfer of the Withdrawing Owner Council’s interest in the Land to the other Owner Councils in accordance with these Rules (“the Transfer Date”), the remaining Owner Councils shall pay to the withdrawing Owner Council a sum of money (“the Reimbursement Sum”) that represents the fair market value (or such other value agreed to by the parties in writing) of the legal and equitable interest in the Land of the Withdrawing Owner Council at the Transfer Date.
54. The Reimbursement Sum is to be calculated as follows:
 - (a). if the Tasman Council withdraws from the Authority then the Clarence City Council is to pay two thirds of the Reimbursement Sum and Sorell Council is to pay one third;
 - (b). if the Sorell Council withdraws from the Authority then the Clarence City Council is to pay six sevenths of the Reimbursement Sum and Tasman Council is to pay one seventh; and
 - (c). if the Clarence City Council withdraws from the Authority then the Sorell Council is to pay three quarters of the Reimbursement Sum and Tasman Council is to pay one quarter.
55. If the Owner Councils are not able to agree on the amount of the Reimbursement Sum within 15 months of the date of the notice given pursuant to Rule 50, the amount is to be determined by an independent valuer (“the Valuer”) who is either agreed to by the Owner Councils or in default of agreement, appointed by the President of the Law Society of Tasmania.
56. The determination of the Valuer is to be final as between the Owner Councils in relation to the amount of the Reimbursement Sum, and the Owner Councils shall pay to

the Withdrawing Owner Council the Reimbursement Sum so determined within two months (or such other period of time agreed in writing by all the Owner Councils) of the date of the Valuer's determination. The Valuer's fee and costs are to be shared equally between the Owner Councils.

Amalgamation of Councils

57. If any of the Participating Council's share/interest in equity in the Authority is transferred to another Council as a result of any change or amalgamation of Municipal Areas, including but not limited to a transfer under Part 12A of the Act, the Authority must note in the Equity Interest Register the share/interest in equity so transferred.
58. Where the transferee under Rule 57 is not a Participating Council at the time immediately before the transfer date the transfer is subject to the admission of the transferee as a Participating Council under Rule 18.
59. Where the transfer under Rule 57 results in a share/interest in equity in the Authority in excess of the limit provided under Rule 17 the excess share/interest in the Authority above that limit ("Excess Share/Interest") must be disposed of as follows:
 - (a). the Authority is deemed to be the Participating Council's agent for the sale of the Excess Share/Interest in one or more lots at the discretion of the Authority at a price to be determined by independent valuation;
 - (b). the Authority must as soon as possible after the transfer that resulted in the Excess Share/Interest give notice ("the Excess Notice") to all other Participating Councils inviting each of them to state in writing within 60 days from the date of the Excess Notice whether they are willing to purchase any, and if so, what maximum part of the share/interest in the equity referred to in the Excess Notice;
 - (c). at the expiration of 60 days from the date of the Excess Notice the Authority must allocate the share/interest in the equity referred to in the Excess Notice to or among the other Participating Councils who have expressed a willingness to purchase and (if more than one) so far as may be possible pro rata according to the Participating Council's share/interest in the equity of the Authority provided that no Participating Council is obliged to take more than the share/interest in equity they have indicated a willingness to purchase. The Participating Council with the Excess Share/Interest is bound on payment of the price determined by independent valuation in accordance with paragraph (a). of this Rule 59 to transfer the Excess Share/Interest to the purchaser or purchasers, and in default,

the Authority may receive and give a good discharge for the purchase money on behalf of the Participating Council with the Excess Share/Interest and enter the name of the purchaser or purchasers in the Equity Interest Register as the holder by transfer of the share/interest in equity purchased by the purchaser or purchasers;

- (d). if the whole of the Participating Councils Excess/Share Interest is not sold in accordance with paragraph (c). of this Rule 59 then, subject to these Rules, the Authority may transfer that part of the Excess Share/Interest not sold to the other Participating Councils pro rata according to the Participating Council's share/interest in the equity of the Authority at that time at the price determined by independent valuation in accordance with paragraph (a). of this Rule 59 and in the event of any such sale the Authority must note in the Equity Interest Register the transfer of the share/interest in equity so sold.

60. If any of an Owner Council's interest in the Land is transferred to another Council as a result of any change or amalgamation of Municipal Areas, including but not limited to a transfer under Part 12A of the Act, the Authority must note in the Ownership Percentage Register the interest so transferred.

Membership of the Authority

61. The Authority shall consist of Members appointed by Participating Councils within 60 days of ordinary Council elections or being admitted as a Participating Council and in accordance with Rules 62 to 70.
62. Each Participating Council is entitled to appoint one Member, who may be either an elected Councillor or a Council employee.
63. Each Member is entitled to exercise the number of votes determined in accordance with the following table:

Participating Council's share/interest as recorded in the Equity Interest Register	Votes
Greater than 0 – 15%	1
16 – 25%	2
26 – 40%	3
41% and over	4, subject to the sum of votes of

	all other Participating Councils being greater than 4 and where it is a number less than 4 that number minus 1, but not being less than 1.
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64. A Participating Council may appoint a Councillor or Council employee as a Deputy Representative to act in place of any Councillor appointed by the Participating Council as a Member.
65. No Representative or Deputy Representative may be a Director or hold any remunerated position with the Authority.
66. Subject to Rule 61, the maximum term of office of a Representative or Deputy Representative shall be four years unless removed or replaced by the Participating Council.
67. A Participating Council may, subject to the provisions of Rule 62, remove a Representative or Deputy Representative and appoint a replacement at any time.
68. Written notice shall be given by each Participating Council to the Authority and to each Participating Council at the time of the appointment, removal or replacement of any Member by the notifying Participating Councils.
69. A Member who is a Councillor or a full-time employee of a Participating Council is not entitled to any remuneration from the Authority.
70. Any Deputy Representative not acting in the place of an appointed Representative may attend any meeting of the Authority, but shall not be entitled to vote at any meeting of the Authority.

Membership of the Board

71. The Board of Directors shall consist of:
 - (a). the Board Chair; and
 - (b). two other Directors.
72. The Board Chair and the other Directors shall be appointed by the Authority at a General Meeting.
73. The Authority shall, in the appointment of the Board Chair and other Directors, take into account the powers, functions and responsibilities of the Board and

shall appoint persons who collectively have the skills and expertise to carry out those powers, functions and responsibilities, drawn from persons with expertise and/or experience in one or more of the following relevant fields:

- (a). financial management and administration;
- (b). civil or mechanical engineering or related disciplines;
- (c). waste management;
- (d). transport; and/or
- (e). environmental management.

- 74. A Director shall be appointed for a term of office not exceeding three years.
- 75. The Authority shall ensure that in appointment of Directors, terms of office shall be set so as to ensure that the term of office of only one Director concludes in each calendar year.
- 76. A Director whose term has expired may be reappointed, but no Director may be appointed for more than three consecutive three year terms or nine years, whichever is the greater.
- 77. The Authority may by special resolution at a general meeting remove a Director from office and may appoint another person in place of the Director so removed, and that person shall be appointed for the residual term of office of the removed Director.
- 78. The Chair of the Authority and any member or members delegated by the Authority may consult with the Board Chair and such other persons as is considered appropriate in relation to the appointment of Directors.
- 79. The office of a Director is vacated if the Director:
 - (a). is convicted on indictment of an offence that concerns the making, or participation in making, of decisions that affect the whole or a substantial part of the business of the Authority, or concerns an act that has the capacity to affect significantly the Authority's financial standing;
 - (b). is convicted of an offence that is punishable by imprisonment for a period greater than 12 months or involves dishonesty and is punishable by imprisonment for at least 3 months;
 - (c). is an undischarged bankrupt under the law of Australia, its external territories or

another country;

- (d). has executed a personal insolvency agreement under Part X of the *Bankruptcy Act 1966* or a similar law of an external Territory or a foreign country, and the terms of the agreement have not been fully complied with;
 - (e). is removed from office under Rule 77;
 - (f). is absent from meetings of the Board for three consecutive meetings without leave of absence from the Board;
 - (g). resigns office by notice in writing to the Secretary of the Authority;
 - (h). is prohibited from being a director of a company under the Corporations Act; or
 - (i). is elected as a councillor of a Participating Council or is appointed as the Chief Executive Officer, the Secretary, or an employee of the Authority or of a Participating Council or provides remunerated services to the Authority (other than the performance of the duties and responsibilities of Director).
80. The Board Chair and the Directors shall be paid such remuneration as the Authority in General Meeting from time to time determines.
81. In making such determination, the Chair and any member or members delegated by the Authority may consult with the Board Chair and such other persons as it considers appropriate.
82. Each Director is entitled to be reimbursed from Authority funds for all reasonable travel, accommodation and other expenses incurred by the Director while engaged on the business of the Authority.

PART 4 - DUTIES OF MEMBERS OF THE AUTHORITY AND OF THE BOARD

Duties of Members and Directors

83. A Member or Director shall, in the exercise of the functions and powers of a Member or Director:
- (a). act honestly;
 - (b). exercise a degree of care and diligence that a reasonable person in a like position would exercise in the circumstances;
 - (c). not make improper use, in Tasmania or elsewhere, of information acquired

because of his or her office on the Authority to gain directly or indirectly, an advantage for himself or herself or another person, or to cause damage to the Authority or any other person, or to avoid, directly or indirectly, a disadvantage;

- (d). avoid conflict of interest.

Duty to Prevent Insolvent Trading

84. A Member or Director shall take all reasonable steps to prevent the Authority from incurring a debt if:
- (a). at the time the debt is incurred, or by incurring the debt, the Authority is or will not be able to pay all its debts as and when they become due and payable; or
 - (b). at the time the debt is incurred, the Member or Director is aware, or a person in the Member's or Director's position should be aware, that there are reasonable grounds for suspecting that the Authority is not able to pay all its debts as and when they become due and payable.

Disclosure of Interests

85. A Member or Director, as soon as practicable after becoming aware of the same, shall disclose to the Authority any of the following:
- (a). a direct or indirect pecuniary or other interest in a matter being considered, or about to be considered, by the Authority; and/or
 - (b). an interest of the Member or Director in a matter that may conflict with the proper performance of the Member's or Director's duties on a matter.
86. At any meeting of the Authority or of the Board, a Member or Director shall not participate in any discussion, or vote on any matter in respect of which the Member or Director:
- (a). has an interest; or
 - (b). is aware or ought to be aware that a Close Associate has an interest.
87. A Member or Director shall declare any interest in a matter before any discussion on that matter commences.
88. On declaring an interest, a Member or Director is to leave the room in which the meeting is being held until the matter in which the Member or Director has an interest has been concluded. The Member or Director may thereafter return to the meeting.

89. A Member or Director shall, in accordance with the Act, advise the Secretary in writing of the details of any interest declared in accordance with these Rules within 7 days of that declaration.
90. The Secretary is to ensure that any declaration of interest is recorded in the Minutes of the meeting at which the declaration is made.
91. The Chief Executive Officer shall ensure that an employee of the Authority notifies him or her, in writing, of any interest of the employee in any matter in respect of which he or she:
 - (a). provides advice to the Authority or to the Board;
 - (b). makes a decision or determination; or
 - (c). makes a recommendation to the Authority or to the Board.
92. The Chief Executive Officer shall advise the Secretary of any interest of any employee that has been declared or notified to the Chief Executive Officer.
93. The Secretary shall keep a Register of Interests of the Members or Directors and of any employees of the Authority that have been declared or notified to the Chief Executive Officer or the Secretary.
94. The Secretary shall advise the Chief Executive Officer of any interest of any Member or Director that has been declared or notified to the Secretary.

Adverse Developments

95. The Board shall immediately notify the Authority if the Board becomes aware of any development that may:
 - (a). significantly affect the financial viability or operating ability of the Authority; or
 - (b). significantly affect the Authority in an adverse manner.

Authority Registers

96. The Secretary must cause the Authority to keep and maintain the following registers:
 - (a). a register of each Participating Council's share/interest in the equity of the Authority ("Equity Interest Register"), with each Participating Council's share/interest being recorded as a percentage share of the Authority's total equity;

- (b). a register of each Owner Council's percentage share in the Land ("Ownership Percentage Register"), with each Owner Council's percentage share being recorded as a percentage share of the Land;
- (c). a register of each Participating Council's Independently Verified Annual Share of Municipal Waste ("Annual Share of Municipal Waste Register");
- (d). a register of each Participating Council's membership voting entitlement ("Voting Rights Register"), with the total number of voting entitlements of nine being allocated to Participating Councils on the basis determined in Rule 63; and
- (e). the register required by Rule 93.

PART 5 - MEETINGS OF THE AUTHORITY AND OF THE BOARD

Annual General Meeting of the Authority

- 97. An Annual General Meeting of the Authority shall be held in every calendar year between the months of July and November (inclusive).
- 98. The Annual General Meeting is to:
 - (a). receive the financial statements and reports of the Directors, the Chief Executive Officer, the auditor and the comptroller for the last financial year;
 - (b). elect the Chair of the Authority every two years for a term of office of two years;
 - (c). appoint and fix the remuneration of the auditor;
 - (d). appoint and fix the remuneration of the comptroller;
 - and
 - (e). receive the Strategic and Business Plans.

General Meetings of the Authority

- 99. A General Meeting of the Authority may:
 - (a). transact any business specified in the notice;
 - (b). appoint the Directors and fix or review their terms and conditions of appointment;
 - (c). review the performance of the Board and the Directors;
 - (d). review any of its functions and powers that have been specified to be carried

out by the Board or any other person;

(e). declare a dividend subject to the provisions of Rules 217 and 218;
and

(f). appoint a comptroller.

100. The Chair of the Authority and any members or members delegated by the Authority may consult with such other persons as is considered appropriate in relation to the obligations of the Authority regarding the appointment of a comptroller. If a comptroller is appointed, the comptroller is to be required to carry out those matters referred to in the Act that relate to the comptroller.

101. In addition to the Annual General Meeting and subject to Rule 135, there will be held such other General Meetings in each year as the Members determine necessary.

102. The Chair or a majority of Members may convene a General Meeting of the Authority at any reasonable time by providing appropriate notice in accordance with these Rules.

Meetings of the Board

103. The Board shall meet at such times and places as are determined by the Board as often as is necessary to properly discharge its responsibilities and functions under these Rules, and shall meet at least ten times in each year.

104. The Board Chair, after giving each Director reasonable notice of a meeting, may convene a meeting at any time.

105. The Board Chair shall convene a meeting when requested to do so by two or more Directors.

106. A Board member may participate in a meeting of the Board by telephone or television conference or any other means of communication provided by the Board. A Board Member who participates by such means shall be taken to have been present at the meeting.

Notice of General Meetings of the Authority and Meetings of the Board

107. Fourteen days' notice of the Annual and any other General Meeting of the Authority shall be given by the Secretary to:

(a). each Member,

(b). the Directors,

(c). the General Manager of any Participating Council who is not a

Member,

- (d). the Chief Executive Officer,
- (e). the comptroller (if any), and
- (f). the auditor.

108. The notice shall specify the place, the day, and the hour of the meeting and the general nature of the business to be transacted at the meeting of the Authority.
109. The Authority may call the Annual and any other General Meeting on shorter notice if all the Members entitled to attend and vote at the meeting agree to the shorter notice before the meeting.
110. Directors, Deputy Participating Council Representatives, and Participating Council General Managers who are not Members of the Authority shall be provided with Agendas, Minutes and papers relating to Authority meetings, and be invited to attend all meetings of the Authority, but shall not be entitled to vote at any meeting of the Authority.
111. Seven days' notice of any meeting of the Board shall be given by the Secretary to:
 - (a). each Director, and
 - (b). the Chief Executive Officer.
112. The notice shall specify the place, the day, and the hour of the meeting and the general nature of the business to be transacted at the meeting of the Board.

Notices and Material to be Provided to Adjoining Landowners

113. Unless the owner advises the Secretary that the owner does not require the notice and/or material to be provided, the Secretary shall give to each Adjoining Land-Owner:
 - (a). a copy of the agenda for the annual and any other General Meeting of the Authority; and
 - (b). a copy of the results of all sampling analysis referred to in condition M1(d) of Attachment 1 to the permit issued by Sorell Council on 7 September 1999 in relation to the Land as modified by the Resource Management and Planning and Appeal Tribunal on 10 December 1999, not including the records described in condition M1(c), at the time that they are submitted to the EPA Director; and
 - (c). a copy of the annual volumetric surveys of the Landfill referred to in condition G7 of Attachment 1 to the permit issued by Sorell Council on 7

September 1999 in relation to the Land as modified by the Resource Management and Planning and Appeal Tribunal on 10 December 1999 at the time that they are submitted to the EPA Director; and

- (d). a copy of all other information required to be provided to the Adjoining Land-Owner under any Environmental Approval or other relevant permit, licence or notice or for the purpose of complying with an Environmental Approval or any other relevant permit, licence or notice.

Committees of the Authority or of the Board

- 114. The Authority may establish such committees as they consider appropriate and determine the requirements for the Membership of those committees.
- 115. The Board may establish such committees as they consider appropriate.
- 116. A committee may consist of any persons the Authority or the Board considers appropriate.
- 117. A committee shall conform to any requirements imposed by the Authority or the Board including any reporting or other functions that are required by the Authority or the Board.
- 118. The meetings and proceedings of committees shall be governed by these Rules as far as applicable and not superseded by any requirements imposed by the Authority or the Board under these Rules.

Convening of Meetings

- 119. Meetings of the Authority are to be held at the times and places determined by the Authority subject to Rules 139 and 150.
- 120. Meetings of the Board are to be held at the times and places determined by the Board.

Attendance

- 121 (a). The Board Chair shall attend meetings of the Authority and shall provide information as required.
- (b). The auditor and the comptroller (if any) are entitled to attend General Meetings of the Authority and be heard on any part of the business of the meeting which relates to their responsibilities.
- 122. Any Councillor or General Manager of a Participating Council who is not a Member and any member of the staff of a Participating Council and any Director is entitled

to attend the Annual General Meeting of the Authority but is not entitled to vote.

123. A General Meeting of the Authority and a meeting of the Board will not be open to the public.
124. The Chief Executive Officer shall attend meetings of the Board and shall provide information as required.

Quorum

125. There is a quorum at a General Meeting of the Authority if a minimum of three Members are present in person at the meeting and who collectively are entitled to exercise 50% or more of the votes.
126. There is a quorum at a meeting of the Board if a more than half of the members of the Board are present at the meeting.
127. The only business that may be transacted at a meeting if the requisite quorum is not present is:
- (a). the election of a person to chair the meeting if the Chair is absent;
 - and
 - (b). the adjournment of the meeting.
128. If within 30 minutes after the time specified for a General Meeting of the Authority or for a meeting of the Board a quorum is not present, the meeting is to be adjourned to the same day in the next week (or, where that day is not a business day, the business day next following that day) at the same time and place and if, at the adjourned meeting, a quorum is not present within 30 minutes after the time specified for holding the meeting, the meeting is to be dissolved.
129. If a Member or Director is excluded under Rule 88 from being present at a meeting of the Authority or of the Board and taking part in the consideration and decision of the Authority or the Board in relation to a matter, a quorum for the purposes of considering and making a decision in relation to that matter is constituted by the number of Members votes or Directors specified as constituting a quorum less the number of Members votes or Directors so excluded.

Chair of the Authority

130. The Chair of the Authority holds office for a term of two years until the second Annual General Meeting after appointment unless the Members at a General Meeting earlier remove the Chair by special resolution.

131. The Chair is entitled to chair every General Meeting of the Authority.
132. If the Chair is not present for the meeting, the meeting is to elect a Chair for that meeting.
133. The Board Chair is entitled to chair every meeting of the Board.
134. If the Board Chair is not present, the meeting is to elect a Chair for that meeting.

Conduct of Meetings of the Authority

135. At least one General Meeting of the Authority is to be held in each quarter of the year.
136. Subject to the provisions of these Rules, the Chair is to determine the general conduct of and procedure at General Meetings of the Authority.
137. If the Chair considers it necessary or desirable for the proper and orderly conduct of the meeting, the Chair may demand the cessation of debate or discussion on any business, question, motion or resolution being considered by the meeting and require the business, question, motion or resolution to be put to a vote.
138. The Members are to adopt procedures which are considered necessary or desirable for the proper and orderly conduct of meetings including the proper and orderly casting or recording of votes at any General Meeting of the Authority. In the absence of such procedures the Chair may require the adoption of any procedures which the Chair considers necessary or desirable for the proper and orderly casting or recording of votes at any General Meeting of the Authority.
139. A Member may participate in a meeting of the Authority by telephone or television conference or any other means of communication approved by the Authority. A Member who participates by such means shall be taken to have been present at the meeting.
140. The Authority may allow a person who is not a Member to attend and participate in (but not to vote at) a meeting of the Authority for the purpose of advising or informing it on any matter.

Adjournment of a Meeting of the Authority

141. The Chair during the course of a General Meeting of the Authority may, with the approval of a majority of the Members present, adjourn the meeting to another time or place.
142. The Chair may, with the approval of a majority of the Members present, adjourn or defer any business, motion, question or resolution being considered or remaining to be considered by the meeting or any debate or discussion and may adjourn any business, motion, question, resolution, debate or discussion either to a later time at the same meeting or to an adjourned meeting.
143. No business may be transacted at any adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
144. Any adjourned meeting shall be held within 14 days of the adjourned meeting unless the Members agree otherwise. If the adjournment is for more than 30 days, notice shall be given of the adjourned meeting.

Voting at Meetings of the Authority and of the Board

145. Each:
 - (a). particular Member is entitled to cast the number of votes determined in accordance with Rule 63 on each matter considered at meetings of the Authority;
 - (b). Director is entitled to cast one vote on each matter considered at meetings of the Board.
146. A question arising at a meeting is determined by a Simple Majority of the votes of Members or Directors present and able to vote at the meeting unless otherwise specified in the Rules.
147. A tied vote results in the question being determined in the negative.
148. A vote is to be taken in such manner as the Chair or the Board Chair directs.

Declaration of Vote

149. The Chair or the Board Chair may declare that a resolution has been carried or lost by:
 - (a). a declaration by the Chair or the Board Chair that a resolution has been carried, carried by a specified majority, or lost; and
 - (b). an entry to that effect in the Minutes of the meeting,

which is conclusive evidence of the fact without proof of the number or proportion of the votes in favour of or against the resolution.

Resolution in Writing or by Electronic Means

150. A resolution in writing signed by a Simple Majority of Members or Directors entitled to vote on a resolution or a resolution transmitted to the Secretary by electronic mail or other electronic means is taken to have been passed at a duly called and constituted General Meeting of the Authority or meeting of the Board. The resolution is taken to have been determined on the day upon which it is transmitted by the Secretary to the Members or Directors.
151. A resolution of the type referred to in Rule 150 may consist of several documents in the same form, each signed by one or more Members or Directors.
152. If a majority of Members or Directors do not agree to the procedure in Rule 150, no resolution can be passed in this manner.

Special Resolutions

153. The Authority shall resolve a matter by special resolution if required by these Rules.
154. A matter may be resolved by special resolution only if:
 - (a). it is passed at a General Meeting of the Authority, of which at least 14 days' written notice has been given specifying the intention to propose the resolution as a special resolution; and
 - (b). it is passed by a majority of at least 75% of the votes which may be cast at the meeting.

Minutes and Papers

155. The Authority and the Board are to ensure that Minutes of their meetings are duly recorded by the Secretary.
156. The Minutes are to include:
 - (a). the names of the Members or Directors present at General Meetings or meetings of the Board; and
 - (b). the persons present at any committee meeting.
157. The Minutes are to also include a record of:

- (a). resolutions and proceedings of General Meetings of the Authority and meetings of the Board; and
 - (b). meetings of any committee.
158. The Minutes of any meeting, signed by the Chair of the relevant meeting or by the Chair of the next succeeding meeting of the Authority or the Board or the committee, are evidence of the matters stated in the Minutes.
159. The Minutes of Authority and Board meetings and all papers and reports considered by the Authority and by the Board are to be classified (in whole or in part) by the Secretary as “Open” or “Commercial-in-Confidence”.
160. Minutes, papers and reports marked “Commercial-in-Confidence” are, unless the Authority or the Board agrees otherwise, to be made available only to Members of the Authority and Directors and, through the ‘closed agenda’, to Participating Councils.
161. A copy of all papers and reports considered by the Authority or the Board and the Minutes of Authority and Board meetings are to be provided as soon as practicable after each meeting of the Authority and the Board by the Secretary to:
- (a). Members of the Authority;
 - (b). Directors;
 - (c). Deputy Representatives;
 - (d). General Managers of Participating Councils for the information of Councillors and relevant staff;
 - (e). the Auditor;
 - (f). the Chief Executive Officer.

Exclusion of Chief Executive Officer and Others from Certain Deliberations

162. A person under consideration by the Authority for appointment or re-appointment as the Secretary or by the Board for appointment or re-appointment as Chief Executive Officer shall not be present during any deliberation of the Authority or the Board or at the time the Authority or Board makes a decision, in relation to:
- (a). the appointment or re-appointment; or
 - (b). the determination or application of any terms or conditions on which the Secretary or the Chief Executive Officer holds office; or
 - (c). the approval of the Chief Executive Officer engaging in paid employment outside

- the duties of the office of Chief Executive Officer; or
- (d). the termination of the appointment of the Secretary or the Chief Executive Officer.

163. The Board may in its discretion request the Chief Executive Officer to leave the meeting at other times.

Validity of Proceedings

164. An act or proceeding of the Authority or the Board or of any person acting under any direction of the Authority or the Board is not invalid by reason only that at the time the act or proceeding was done, taken or commenced, there was a vacancy in the membership of the Authority or the Board.

165. Any act and proceeding of the Authority or the Board or of any person acting under any direction of the Authority or the Board is valid even if:

- (a). the appointment of a Member or Director was defective; or
- (b). any person appointed as a Member or Director was disqualified from acting as, or incapable of being, a Member.

PART 6 - CHIEF EXECUTIVE OFFICER AND OTHER STAFF

Appointment and Removal of Chief Executive Officer

166. The Board may appoint a person to be Chief Executive Officer.

167. The Chief Executive Officer is to be appointed by the Board at a duly constituted meeting

168. The Chief Executive Officer may be an employee of a Participating Council.

169. The office of the Chief Executive Officer is vacated upon the Chief Executive Officer:

- (a). being convicted on indictment of an offence that concerns the making, or participation in making, of decisions that affect the whole or a substantial part of the business of the Authority, or concerns an act that has the capacity to affect significantly the Authority's financial standing;
- (b). being convicted of an offence that is punishable by imprisonment for a period greater than 12 months or involves dishonesty and is punishable by imprisonment for at least 3 months;
- (c). becoming an undischarged bankrupt under the law of Australia, its external

- territories or another country;
- (d). executing a personal insolvency agreement under Part X of the *Bankruptcy Act 1966* or a similar law of an external Territory or a foreign country, and the terms of the agreement have not been fully complied with;
 - (e). resigning office by notice in writing to the Board Chair;
 - (f). being prohibited from being a director of a company under the Corporations Act;
or
 - (g). being elected as a councillor of a Participating Council.

Remuneration of Chief Executive Officer

170. The Chief Executive Officer will be paid such remuneration as the Board at a duly constituted meeting from time to time determines.

Travel and Other Expenses

171. The Chief Executive Officer is entitled to be paid from Authority funds all reasonable travel, accommodation and other expenses incurred by the Chief Executive Officer while engaged on the business of the Authority.

General Powers and Responsibilities of Chief Executive Officer

172. The Chief Executive Officer is responsible to the Board Chair for the general administration and management of the Authority and, in particular, for the determination of the number of staff and the terms and conditions of employment, consistent with the approved budget.
173. The Board may delegate to the Chief Executive Officer, with or without conditions, any of the functions and powers that are within the power of the Board or that have been delegated to the Board by the Authority (including any specified power of on-delegation of those functions and powers) and are not by these Rules or by legislation directed or required to be exercised or done by the Authority in General Meeting.
174. The Chief Executive Officer is to exercise all powers and functions delegated by the Board in writing to be performed by the Chief Executive Officer.
175. The Chief Executive Officer may delegate any of his or her functions and powers as authorised by the Board to any person that has been appointed to assist the Board in performing and exercising its functions and powers.
176. The Chief Executive Officer shall ensure that the business and affairs and those

functions and powers of the Board that the Board has specified are to be carried out by the Chief Executive Officer are managed and conducted in a manner that is in accordance with the Principal Objectives and Goals set out in Rule 8, with the Business Plan of the Authority, and with sound commercial practice.

177. The Chief Executive Officer shall provide advice information and assistance to the Board concerning its specified functions and powers (including and functions and powers delegated to it by the Authority), including such assistance as the Board may require with preparation of the Business Plan.
178. The Chief Executive Officer is to manage the resources of the Authority, and may be appointed as comptroller.
179. The Board may require the Chief Executive Officer to attend all meetings of the Board.

Particular Responsibilities

180. The Chief Executive Officer shall undertake the following particular responsibilities to the satisfaction of the Board:
 - (a). provide advice to the Board with respect to its functions and powers;
 - (b). coordinate and implement the objectives, policies, programs and decisions of the Authority and of the Board;
 - (c). prepare or assist in the preparation of strategic, business, marketing and operational plans for the Board;
 - (d). identify, pursue and implement development and commercial opportunities to the betterment of the organisation;
 - (e). manage the day-to-day business operations of the Board;
 - (f). prepare or oversee preparation of financial and other reports and maintain records/reports requested by the Board;
 - (g). provide public or media statements on matters relating to the organisation;
 - (h). represent the organisation on State or Regional committees regarding waste management;
 - (i). initiate, develop and promote policies, practices and processes for the effective and efficient allocation and control of resources (human and financial) for the Board's operational activities;
 - (j). undertake risk management, environmental management and community liaison;

- (k). establish, and review and update where necessary, preventative maintenance programs for all machinery, plant and infrastructure associated with the organisation;
- (l). provide leadership and management of employees and contractors involved, manage performance, and provide support for employees supervised;
- (m). implement and monitor the organisation's Work Health and Safety policies environmental policies, procedures and programs;
- (n). adhere to all policies and procedures in relation to environment, Work Health and Safety, and administration;
- (o). ensure that environmental management is established and maintained in accordance with relevant legislation, Environmental Approvals, and other permits, licences and notices;
- (p). review and report on the performance of environmental management, including recommendations for improvement and compliance with relevant legislation, Environmental Approvals, and other permits, licences and notices;
- (q). provide induction training for newly appointed Members;
- (r). report to the Board on operations and performance against the Business Plan in general terms and on specific current initiatives; and
- (s). perform other duties that are within the limits of his or her skill, competence and training.

Strategic and Business Plans

181. Under the direction of the Board:

- (a). the Chief Executive Officer shall, by 31 May in each year, prepare and annually update a Strategic Plan that sets out the strategic priorities of the Authority for the forthcoming five years for the endorsement of the Authority by 30 June in each year;
- (b). the Chief Executive Officer shall, by 31 May in each year, prepare a draft Business Plan for the financial year commencing on the following 1 July for the endorsement of the Authority by 30 June in each year.

182. The Business Plan shall:

- (a). contain a summary of the projected financial results of the Authority in respect

- of the current financial year and the financial year covered by the Plan;
 - (b). include a draft budget for the financial year covered by the Plan;
 - (c). include an estimate of any dividend that is likely to be recommended in respect of the current financial year;
 - (d). specify the undertakings and assets that are the main undertakings of the Authority, and include a list of all major current contracts and proposed tenders and major contracts;
 - (e). include an estimate of any financial commitments likely to be required from Participating Councils in the financial year following the year covered by the Plan which is to be supplied to Participating Councils by 28 February of each financial year;
 - (f). be in a form and contain all such information that a reasonable Authority would require to be contained in a Business Plan in respect of a business of similar size and nature; and
 - (g). be consistent with the Principal Objectives and Goals.
183. The Business Plan shall include performance measures, and reflect these measures in reporting the achievement of strategic outcomes and objectives for the year.
 184. The Business Plan shall be developed in full consultation with Participating Councils.
 185. The Chief Executive Officer shall provide the draft budget to Participating Councils before 31 March in each year for information, comment and feedback prior to the preparation of the final Business Plan for submission to the Board.
 186. Following receipt of any comments from Participating Councils, the Chief Executive Officer shall, if necessary, revise the draft Business Plan and shall present the revised Business Plan to the Board for consideration.
 187. The Chief Executive Officer shall review the draft Business Plan in accordance with any comments from the Board prior to its submission to the Authority for endorsement.
 188. Once approved by the Board, the Business Plan shall be transmitted by the Chief Executive Officer to the Authority for endorsement.
 189. A General Meeting of the Authority shall review the Business Plan prepared by the Chief Executive Officer for the succeeding financial year before 30 June in each year.
 190. Once endorsed by the Authority, the Business Plan shall be submitted to the Annual

General Meeting.

191. Subject to any commercially sensitive aspects being separated into a separate section, the Plan shall be made fully accessible to stakeholders and to the public.
192. The 'open' sections of the Authority's Annual Reports and Business Plan shall be made available for publication in the public domain on Participating Council websites.

Quarterly and Other Reports

Quarterly Report to Authority

193. The Chief Executive Officer is to provide the Board with a quarterly report which includes a statement of the Authority's:
 - (a). general performance;
 - (b). financial performance;
 - (c). performance in meeting the Principal Objectives and Goals; and
 - (d). performance under its Business Plan,and a report on performance in meeting the Chief Executive Officer's specified functions and powers.
194. Once approved by the Board, the Quarterly Report shall be transmitted to the Authority for endorsement.
195. The quarterly report shall encompass and provide information on all legislatively mandated actions and environmental management and corporate compliance issues.
196. Quarterly financial reporting shall include budget analysis and comparisons.
197. The Chief Executive Officer is required to submit to the Board the report referred to in Rule 193 as soon as practicable after the end of March, June, September, and December in each year.

Compliance with Statutory Requirements

198. The Chief Executive Officer shall include in the first quarterly report in each financial year a report on compliance in the preceding financial year with statutory requirements, including performance in meeting stated functions and objectives.

Contractual Obligations

199. The Chief Executive Officer shall prepare, maintain and adhere to guidelines and negotiating parameters approved by the Authority or by the Board for the conduct of

contract negotiations.

200. The Board, in April of each financial year, shall review its contractual obligations, with a subsequent report by the Authority to Participating Councils on compliance.

Policy Development

201. In the development of strategic policy, the Authority, through the Secretary, shall provide draft papers for consideration and comment by Participating Councils with any comment received being taken into account in the preparation of final proposals for endorsement by the Authority.

Staff of the Authority

202. The Chief Executive Officer may if authorised by the Board appoint a person or persons to assist the Authority and the Board in performing and exercising their functions and powers.
203. The Chief Executive Officer is to establish and maintain appropriate policies and procedures concerning employees of the Authority.

Secretary

204. The Authority is to appoint a person to be Secretary of the Authority, and that person shall also be Secretary of the Board.
205. The Secretary may be the Chief Executive Officer or an employee of a Participating Council.

Duty to Notify Authority of Adverse Developments and Reports

206. The Chief Executive Officer shall immediately notify the Board after the Chief Executive Officer becomes aware of any development that may:
- (a). significantly affect the financial viability or operating ability of the Authority;
or
 - (b). significantly affect the Authority in an adverse manner.

PART 7 - FINANCIAL ARRANGEMENTS, ACCOUNTS & AUDIT

Bank Accounts

207. The Board may open and operate any bank accounts it considers necessary.

Financial Contributions and Revenue

208. Other than payments for gate fees based on tonnage for waste or refuse disposal at the Site, Participating Councils are not required to make any Proportionate Payment to the Authority, unless the Authority on the advice of the Board directs that this is necessary for the operational needs of the Authority.

Investment

209. The Board may invest money in accordance with an investment policy approved by the Authority:
- (a). in any manner in which a trustee is authorised by law to invest trust funds;
 - (b). in any investment the Treasurer approves; or
 - (c). in any other manner or investment that satisfies the provisions of the Act for the investment of money by Councils.

Borrowing

210. The Authority may not raise a new loan in any financial year exceeding any amount the Treasurer determines for that financial year.
211. (a) The Authority shall not raise a loan or obtain any form of financial accommodation unless the proposed loan or financial accommodation is first approved by special resolution.
- (b). The Board may not raise any loan or obtain any form of financial accommodation without the express consent of the Authority.

Accounting records

212. The Board shall keep accounting records in accordance with the *Financial Management and Audit Act 1990*.
213. The Board shall keep such accounting records that correctly record and explain its transactions and financial position and keep those records in a manner that:
- (a). allows true and fair accounts of the Authority to be prepared from time to time;
 - (b). allows the Authority's accounts to be conveniently and properly audited or reviewed; and
 - (c). complies with Australian Accounting Standards and other mandatory professional reporting requirements.

Financial statements

214. Within 60 days after the end of each financial year the Chief Executive Officer shall prepare the financial statements of the Authority relating to that financial year including:

- (a). an operating statement for the financial year; and
- (b). a statement of financial position as at the end of the financial year; and
- (c). a statement of cash flows for the financial year; and
- (d). statements, reports and notes attached to or intended to be read with the financial statements.

Audit

215. The accounts and financial reports of the Authority are subject to the *Financial Management and Audit Act 1990*.

216. The accounts and financial reports of the Authority are to be audited in accordance with the *Financial Management and Audit Act 1990*.

PART 8 - DIVIDENDS AND OTHER PAYMENTS

Declaration of Dividend

217. The Members in General Meeting may, on the advice of the Board, declare a dividend in respect of the results of the financial transactions of the Authority during each financial year that is to be distributed to the Participating Councils. The dividend is to be paid by the end of each following financial year.

218. The dividend may be paid only out of profits in accordance with the principle of real capital maintenance and after payment of guarantee fees and tax equivalents.

Distribution of Dividends

219. The dividend shall be distributed only to the Participating Councils in proportion to their respective shares or interest in the equity of the Authority as set out in the Equity Interest Register.

Distribution of Other Payments

220. Any payments the Authority receives from the Treasurer or the comptroller are to be distributed in accordance with Rule 221 after deduction therefrom of any amount of such payment to which the Authority is entitled.

221. If any payment referred to in Rule 220 can reasonably be categorized as being referable to the Land, the balance of the payment, after any entitlement due to the Authority, is to be distributed between the Owner Councils in proportion to their respective interests in the Land set out in the Ownership Interest Register. If such payments can reasonably be categorized as being referable to the operations of the Authority, the balance of the payment, after any entitlement due to the Authority, is to be distributed between the Participating Councils in the same proportions to their respective shares/interest in equity set out in the Equity Interest Register.

PART 9 - MISCELLANEOUS

Immunity from Liability

222. The Authority may indemnify a person who is, or has been, an officer against any liability incurred by that person in his or her capacity as an officer to a person other than the Authority.
223. To the extent permitted by law, the Authority indemnifies each officer against:
- (a). liability incurred by the officer in his or her capacity as an officer of the Authority to a person other than the Authority unless the liability arises out of conduct on the part of the officer which involves a criminal act, lack of good faith, or a malicious act or omission; and
 - (b). any liability for costs and expenses incurred by the officer in his or her capacity as an officer of the Authority:
 - (i). in defending any proceedings in which judgment is given in favour of the person or in which the person is acquitted; or
 - (ii). in connection with an application, in relation to those proceedings, in which a court granted relief to the person,except where such proceedings or application arises out of or is connected with conduct of the type referred to in Rule 223 (a).
224. In Rules 222, 223 and 225 “officer” includes a Member, a Director, the Chief Executive Officer, the Secretary, the auditor, the comptroller, and any other person employed by the Authority.

Insurance Premiums

225. The Authority may, on the advice of the Board, pay a premium on a contract insuring

a person who is, or has been, an officer against liability other than a liability arising out of the type referred to in Rule 223(a).

Notices

226. Any notice required to be given to a person under these Rules is effectively given and is taken to be received if it is:

- (a). delivered by hand to the person; or
- (b). left at, or sent by post to, the person's postal or residential address or place of business or employment last known to the giver of the document; or
- (c). sent by way of electronic mail or facsimile transmission to the person's electronic mail address or facsimile number last known to the giver of the document.

227. Any notice required to be given to a Participating Council under these Rules is effectively given and taken to be received if it is:

- (a). left at, or sent by post to, the Council Offices of a Participating Council;
or
- (b). sent by way of electronic mail or facsimile transmission to the Participating Council's electronic mail address or facsimile number.

Seal and Execution of Sealed Documents

228. (a). The seal of the Authority is to be in the form of a rubber stamp, inscribed with the name of the Authority and the words "Common Seal".

(b). The seal shall remain in the custody of the Secretary.

(c). The seal of the Authority shall not be affixed to any instrument except by resolution of the Authority.

(d). Documents that are sealed by the Authority are to be attested by the signatures of a member of the Authority appointed for that purpose by the Authority and of the Secretary, and that attestation is sufficient for all purposes that the seal was affixed by resolution of the Authority.

Amendment of Rules

229. Subject to the requirements of the Act, these Rules may be amended only by a special resolution of Members.

230. The Rules shall be subject to a review every five years and be updated to

reflect contemporary best practice and the requirements of Participating Councils.

Winding Up

231. The Authority may be wound up:

- (a). as provided in the Act; or
- (b). if no provision is made in the Act, where a General Meeting resolves by special resolution that it be wound up.

Surplus

232. On the winding up of the Authority, the person appointed to administer the winding up shall distribute any assets or proceeds between the Participating Councils that remain after payment of the expenses of the Authority.

233. The assets to be distributed to Participating Councils are to be apportioned according to their share/interest in equity set out in the Equity Interest Register.

Insolvency

234. In the event of the insolvency of the Authority, the Participating Councils are responsible for the liabilities of the Authority. The liability of each Participating Council to be calculated using their Independently Verified Annual Share of Municipal Waste disposed of at the Site at the earlier date of:

- (a). the resolution or decision to wind up;
- (b). the decision, direction or approval of the Minister for the winding up.

Liabilities of the Authority

235. Each Participating Council is responsible for any liabilities of the Authority apportioned according to their Independently Verified Annual Share of Municipal Waste at the date when the liability was incurred.

Rates

236. The Authority is to pay to the Sorell Council the rates and charges associated with the Land whether or not it leases all of the Land and whether or not all the Land is used as a landfill disposal site.

Ownership and Lease of the Copping Refuse Disposal Site

237. The Owner Councils are to lease to the Authority the Land on the following terms:

- (a). for an initial term of fifty (50) years;
- (b). at a rental (determined, if necessary, by an independent qualified valuer) representing the fair market rental for the Site; and
- (c). such other usual terms and conditions as would be usual and appropriate for such a lease.

Documentation

238. All of the Authority's and the Board' electronic and hardcopy documentation ("documentation") shall be adequately secured by appropriate means including appropriate back-up arrangements off site in a location agreed by the Authority and Lease Administrator to ensure the information is safely secured and may be retrieved if for any reason it is not available from other business records. If the parties are not able to agree on a suitable location then, the documentation is to be stored at the Clarence City Council's offices.

239. The Authority grants the Participating Councils a licence to copy, reproduce and distribute in whole or in part to any person acting on behalf of the Participating Councils any documentation that is provided to the Participating Councils by the Authority.

Business Name of the Authority

240. The Authority and the Board are to use a business name for the Authority (the "approved business name"), and shall not use any other name for the Authority other than that name.

241. Until determined otherwise by special resolution of the Authority, the approved business name shall be 'Southern Waste Solutions'.

242. The approved business name is to be used by the Authority and the Board on formal documentation, and in advertising, promotion, sponsorship, marketing of the Authority and related activities.

243. The approved business name is to be registered by the Authority (whether as a business name, domain name, or other registered name) in the name of the Authority or the Participating Councils as required by the Lease Administrator.

244. The Authority and the Board shall not sub-license, sub-let, transfer or otherwise enter

into any commercial arrangement or understanding with any other person regarding the approved business name, without the prior written approval of the Lease Administrator.

SCHEDULE 1: PROPORTIONATE PAYMENTS AND SHARES

Proportionate Payments

- 1 Each Participating Council will on the Authority's request pay their applicable Proportionate Payments calculated in accordance with their Independently Verified Annual Share of Municipal Waste disposed at the Site.

2 Interests

At [insert date] the relevant interest of Participating Councils are as follows:

Equity Interest Register

Participating Council	Share/Interest
Clarence City Council	48%
Sorell Council	24%
Tasman Council	8%
Kingborough Council	20%

Ownership Percentage Register

Owner Council	Percentage/Share
Clarence City Council	60%
Sorell Council	30%
Tasman Council	10%

Annual Share of Municipal Waste Register

Participating Council	Share/Interest
Clarence City Council	
Sorell Council	
Tasman Council	
Kingborough Council	

Voting Rights Register

Participating Council	Votes
Clarence City Council	4
Sorell Council	2
Tasman Council	1
Kingborough Council	2

EXECUTION BY THE SUBSCRIBING COUNCILS

<p>The Common Seal of the CITY OF CLARENCE was affixed this _____ day of _____ 2015 pursuant to a resolution of the Council made the _____ day of _____ 2015 in the presence of:</p>	<p>Corporate Secretary and/or Mayor and/or General Manager</p>
<p>The Common Seal of the KINGBOROUGH COUNCIL was affixed this _____ day of _____ 2015 pursuant to a resolution of the Council made the _____ day of _____ 2015 in the presence of:</p>	<p>Corporate Secretary and/or Mayor and/or General Manager</p>
<p>The Common Seal of the SORELL COUNCIL was affixed this _____ day of _____ 2015 pursuant to a resolution of the Council made the _____ day of _____ 2015 in the presence of:</p>	<p>Corporate Secretary and/or Mayor and/or General Manager</p>
<p>The Common Seal of the TASMAN COUNCIL was affixed this _____ day of _____ 2015 pursuant to a resolution of the Council made the _____ day of _____ 2015 in the presence of:</p>	<p>Corporate Secretary and/or Mayor and/or General Manager</p>

**CERTIFICATION
OF THE RULES OF THE
COPPING REFUSE DISPOSAL SITE
JOINT AUTHORITY
PURSUANT TO SECTION 32
OF THE LOCAL GOVERNMENT ACT 1993**

I, SUSAN LARSEN-SCOTT of 59 Harrington Street, Hobart in Tasmania, qualified legal practitioner, HEREBY CERTIFY that the Rules of the Copping Refuse Disposal Site Joint Authority (a copy of which are annexed hereto and marked with the letter "A") are in accordance with the law.

This certificate is given in accordance with Section 32(3)(a) of the Local Government Act 1993.

DATED this 3rd day of September 2015

SIGNED by SUSAN LARSEN-SCOTT

S. Larsen Scott

in the presence of:

Witness Signature:

Alex

Print full name:

Alexander Ian Bobbi

Occupation:

Lawyer

Full Address:

59 Harrington st Hobart TAS 7000

**CERTIFICATION
OF THE RULES OF THE
COPPING REFUSE DISPOSAL SITE
JOINT AUTHORITY
PURSUANT TO SECTION 32 (3) (b)
OF THE LOCAL GOVERNMENT ACT 1993**

I ANDREW PAUL of 38 Bligh Street, Rosny Park in Tasmania, General Manager for the Clarence City Council (a Participating Council of the Authority), HEREBY CERTIFY that the Rules of the Copping Refuse Disposal Site Joint Authority (a copy of which are annexed hereto and marked with the Letter "A") have been made in accordance with the Local Government Act, 1993.

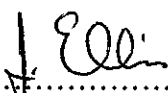
This certificate is given in accordance with Section 32 (3) (b) of the Local Government Act 1993.

DATED this 2nd day of September 2015



SIGNED by ANDREW PAUL

In the presence of

Witness signature.....
Print full name.....JILL ELLIS
Occupation.....MUNICIPAL OFFICER
Full address.....438 BLIGH STREET
ROSNY PARK

11.7.2 INTERIM CAR PARKING PLAN

(File No)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the adoption of an Interim Car Parking Plan for the City's business zones.

RELATION TO PLANNING PROVISIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015.

LEGISLATIVE REQUIREMENTS

Not Applicable.

CONSULTATION

If adopted, the Interim Car Parking Plan would be advertised and displayed on Council's web site.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

- A. That Council adopts the Interim Car Parking Plan Policy attached to the Associated Report.
- B. That Council develop detailed Car parking Plans for its business zones as soon as practicable.
- C. 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 need for an Interim Car Parking Plan was considered at a Council Workshop held on 7 September 2015, where the consensus was to refer the matter to a Council Meeting for decision.

2. STATUTORY IMPLICATIONS

The Car Parking Code at E6.0 of the Clarence Interim Scheme 2015 (CIPS) provides for a Car Parking Plan to over-ride relevant parts of the car parking requirements of the scheme.

3. CONSULTATION

There is no requirement to consult, however, notice of approval should be given and a copy of the policy displayed on Council's web site. The attached policy would limit the requirements of the Parking Code on owners/developers and would not introduce new or onerous demands.

4. REPORT IN DETAIL

4.1. The CIPS introduced new car parking requirements, which have been raised as issues in relation to new proposals. Comparison of the rates for typical businesses in the Business Zones under the CIPS and the former Clarence Planning Scheme 2007 (CPS) are shown below. In general, the new rates exceed the rates required by the CPS 2007. There is no documented justification to explain the new rates.

4.2. Specifically the zones are:

- Central Business (Rosny Park);
- General Business (Shoreline, Lindisfarne, Bellerive);
- Local Business (Gordons Hill Road, Clarence St etc); and
- Commercial Zone (Homemaker Centre precinct).

Table 1: Car Comparison Parking Rates

Use	CIPS	CPS	Change
Use Class: Business & Professional Services			
Office	1 space per 30m ² of floor area	1 space per 45m ² of floor area	50% increase
Medical Centre	5 spaces per practitioner	5 spaces per practitioner	No change
Use Class: Community Meeting & Entertainment			
Community meeting & entertainment etc	At least 1 space per 3 seats	1 space per 5 seats	67% increase

Use Class: Food Services			
Restaurant	At least 1 space per 6.66m ² (15 per 100m ²)	1 space per 10m ² of floor area	50% increase
Take-away Food Premises	At least 1 space per 6.66m ² (15 per 100m ²)	1 space per 15m ² of floor area	125% increase
Use Class: General Retail & Hire			
Convenience store	1 space per 20m ² of floor area	1 space per 35m ² of floor area	75% increase
General retail and hire (shops)	1 space per 30m ² of floor area	1 space per 35m ² of floor area	16% increase
Use Class: Bulky Goods Sales			
Bulky goods	1 space per 50m ²	2 space per 100m ²	No change

- 4.3.** What are the implications of this? Clause E6.6.1 - Acceptable Solution (AS) provides that the number of car spaces must be no less than the number specified in the table – unless another number is set in an adopted Parking Plan for the area.

The relevant Performance Criteria (PC) provides a range of matters that can be taken into account when deciding to reduce or waive parking requirements. These include factors such as demand; the availability of parking in the area; and potential to take cash-in-lieu etc.

The Problem with this is two-fold:

- Without car parking plans in place, the AS can require a discouraging increase in the number of required spaces.
- The PC does not provide quantitative guidance as to what level of car parking would be appropriate and therefore is likely to produce inconsistent and inequitable outcomes.

- 4.4.** The fairest resolution is to prepare Car Parking Plans specific to the particular needs of the City's business zones. However, this is a major task which will take some time to complete. While Council has already done a lot of work in recent times that could form the basis of these plans, in the short term, an Interim Car Parking Plan could be adopted as policy to provide for the implementation of the new code in the business zones, subject to the maximum number of spaces not exceeding the applicable requirements of the CPS.

5. STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015.

6. EXTERNAL IMPACTS

No significant impacts.

7. CONCLUSION

It is considered that the adoption of an Interim Car Parking Plan will provide a reasonable and equitable method of reducing car parking requirements in the Business zones, in the implementation of the CIPS Parking Code.

Attachments: 1. Interim Car Parking Plan Policy (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

CLARENCE INTERIM CAR PARKING PLAN

1. Policy Basis

The Clarence Interim Planning Scheme 2015 (CIPS) has introduced new car parking requirements, including new quotas for each use category. For typical businesses in the Business Zones, the rates of car parking provision have increased, although there is no documented justification to explain the changes.

In the circumstances, there are concerns about the fairness of the increase, the need for the higher rates and the impact on business growth.

The new performance Criteria does allow Council to vary the required numbers, although in making such planning decisions it is important to remain consistent and objective in order to preserve fairness and ensure the long term stability of those decisions.

Clause E6.6.1 - Acceptable Solution (A1) provides that the number of car spaces must be no less than the number specified in the table – unless another number is set in an adopted Car Parking Plan for the area. It follows that establishing a Parking Plan for the City's activity centres is a desirable means of resolving the above dilemma.

While a longer term solution should be a detailed Car Parking Plan for each activity centre, it is possible to implement an interim measure to at least ensure that no business or developer will be more impacted on than under the former long standing arrangements.

2. Objective

To encourage new use development which builds on the role of the activity centres as important components of the City's retail hierarchy by:

- Providing for certainty in the provision of car parking in planning applications;
- Encouraging investment; and
- Ensuring adequate car parking facilities in the centre to serve staff and customers.

3. Policy

It is planning policy that the Clarence Interim Car Parking Plan:

- Constitute a "Car Parking Plan" for the purposes referred to in Clause E6.6.1 - Acceptable Solution A1;
- Apply to the Central Business, General Business, Local Business or Commercial zones;
- Provide that despite the car parking rate specified for a particular use within Table E6.1 to Clause E 6.0 Parking and Access Code, the maximum number of car spaces required shall be no more than would have been required for that use under the Clarence Planning Scheme 2007.

11.7.3 HOWRAH MEN'S SHED – VARIATION OF LEASE

(File No H023-11)

EXECUTIVE SUMMARY**PURPOSE**

To consider a request from the Howrah Men's Shed Inc to extend its lease area to provide vehicle access and hard-standing area for projects.

RELATION TO EXISTING POLICY/PLANS

Council's Leased Facilities Pricing and Term of Lease Policy are applicable.

LEGISLATIVE REQUIREMENTS

Section 177 of the Local Government Act, 1993 is applicable

CONSULTATION

Consultation has occurred between Council officers and representatives of the Howrah Men's Shed Inc. No public consultation has occurred in regard to the proposal.

FINANCIAL IMPLICATIONS

Recommendation has no direct implications on Council's Annual Plan.

RECOMMENDATION:

- A. That in accordance with Section 177 of the Local Government Act 1993, Council gives notice of intention to extend the Howrah Men's Shed lease area to accommodate vehicular access and hard-standing project area.
- B. That provided the notice of intention process to lease is finalised and no objections are received, Council varies the area of the existing lease agreement.

NB: An Absolute Majority is required for a decision on this matter.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Howrah Men's Shed Inc has requested to extend its lease area to provide vehicular access to the shed and to provide a hard-standing area for projects.
- 1.2.** To accommodate the extension an additional 92m² area of Council land is required. The site showing the additional area is shown on Attachment 1.

2. REPORT IN DETAIL

- 2.1.** The Howrah Men's Shed Inc has been granted a lease of Council land as shown on Attachment 2 adjacent to the Howrah Recreation Centre for the development of a men's shed.
- 2.2.** The lease is for a term of 10 years commencing 1 September 2014 with an option for a further term of 10 years.
- 2.3.** To enable the shed to be built the Council land required some excavation and this has created an embankment.
- 2.4.** The Howrah Men's Shed Inc would like to extend the lease area to the top of the embankment which will provide them with an additional 2m of land which will allow better vehicular access and a hard-standing project area.
- 2.5.** The lease area will be fully fenced and the bank outside of the lease area will be planted for screening in accordance with the building approval.
- 2.6.** In accordance with the Local Government Act, 1993 a Notice of Intention to lease was advertised for the current lease area and no objections were received.
- 2.7.** The development of the men's shed has Council planning and building approval.

3. CONSULTATION

3.1. Community Consultation

If approval is given to vary the lease area it will be advertised in accordance with the Local Government Act, 1993.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Consultation has occurred between Council officers and representatives of the Club.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The extension of the lease area will not have any implications on Council's Strategic Plan 2010-2015 or any adopted policies and the general public's use of the land.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

6.1. In accordance with the Local Government Act 1993, a Notice of Intention to lease will be required for the leasing of the additional land area of approximately 96m².

6.2. The Howrah Men's Shed will be required to sign a variation to the existing lease agreement to include the additional land.

7. FINANCIAL IMPLICATIONS

The extra area to be leased is not considered sufficient to change the current rental amount.

8. ANY OTHER UNIQUE ISSUES

8.1. The Howrah Men's Shed Inc is a not for profit organisation that provides a safe environment for men of all ages to connect with each other, share skills and participate in many activities.

8.2. The Incorporation has become an affiliated organisation of the Howrah Recreation Centre which will enhance the existing diverse range of activities already on offer at the Centre.

8.3. Members of the Howrah Men's Shed Inc are encouraged to become members of the Howrah Recreation Centre.

9. CONCLUSION

- 9.1.** The Howrah Men's Shed lease Council land for development of a men's shed for the Eastern Shore community.
- 9.2.** The development has obtained planning and building approval and the shed has been constructed.
- 9.3.** Excavation of the site to construct the shed has created an embankment and approval has been requested to extend the lease area to the top of the bank.
- 9.4.** The extension of the lease area is supported as it will provide better vehicular access to the shed and a hard-standing area for projects.

Attachments: 1. Lease Area (1)
2. Additional Area (1)

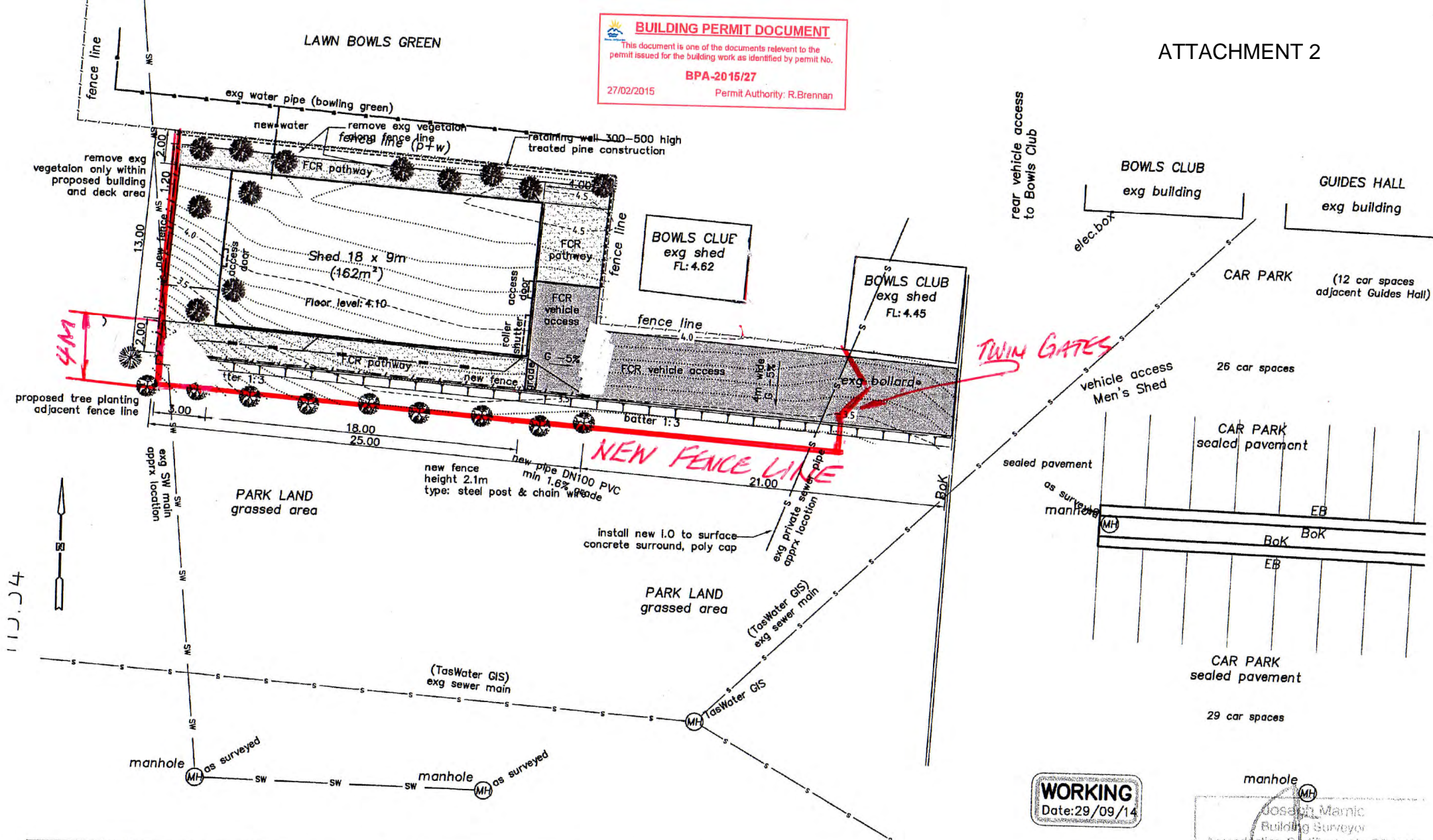
Andrew Paul
GENERAL MANAGER

HOWRAH MENS'S SHED



PROPOSED LEASE AREA

Howrah Road



WORKING
 Date: 29/09/14

manhole (MH) as surveyed
 Joseph Mamic
 Building Surveyor
 Accreditation Certificate No CC411N



Engineering Consultants
 Civil & Environmental & Surveying
 Floor 1, 176 Macquarie St
 HOBART TAS 7000
 p 03 6224 4869
 f 03 6224 4907
 e gcarpenter@ecja.com.au

CLIENT	Howrah Men's Shed Incorporated	Scale	1:200	Drawn	GC
PROJECT	Howrah Men's Shed 9 Howrah Rd HOWRAH	Date	23/09/2014	Design	
DRAWING	SITE PLAN Proposed New Building	Job no:	2014-46	Checked	
	Rev.A	Dwg no:	BA.S2		
				A3	
				REV.	AMENDMENTS
				DRWN	DATE

11.7.4 DOG MANAGEMENT POLICY REVIEW

(File No 05-02-05)

EXECUTIVE SUMMARY**PURPOSE**

To obtain endorsement by Council of the draft revision of Council's Dog Management Policy, including a Schedule of Declared Areas, to initiate a 4 week period of public consultation.

RELATION TO EXISTING POLICY/PLANS

The Policy is congruent with Council's adopted Strategic Plan 2010-2015 and existing policy on user pays fees and charges.

LEGISLATIVE REQUIREMENTS

The Dog Control Act, 2000 requires Council to review its Dog Management Policy every 5 years. The Policy contains a code of responsible dog ownership, a fee structure, the provision of declared areas and any other relevant matters.

CONSULTATION

Workshops were held with Aldermen, a forum was held with relevant organisations and public submissions were invited.

FINANCIAL IMPLICATIONS

The fee structure contained within the policy will lessen the reliance on the general rate contribution to dog management.

RECOMMENDATION:

That Council endorses the revised draft Dog Management Policy including the Schedule of Declared Areas (September 2015) and authorises its release to initiate a 4 week period of public exhibition.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Dog Control Act, 2000 requires Council to develop and implement a policy relating to dog management in its municipal area and states that this policy must be reviewed every 5 years. The Act requires Council to invite public submissions relating to the policy and to consult with any appropriate organisation or body. Any submissions and outcomes of consultation are to be considered prior to adopting the policy.

- 1.2.** Council last adopted its Dog Management Policy after extensive public consultation in 2008 and it is due for review.

2. REPORT IN DETAIL

- 2.1.** The Dog Control Act was proclaimed on 4 April 2001 and the first Dog Management Policy was formally adopted by Council on 14 January 2002, and a revised Policy was adopted on 25 February 2008.

- 2.2.** The Policy is required to include a code relating to responsible dog ownership, a fee Structure, the provision of declared areas and any other relevant matter.

- 2.3.** The Code of Responsible Dog Ownership is a voluntary code that defines best practice principles for people considering dogs as companion animals. The code includes suggested actions pre and post purchase of a dog.

One minor change has been proposed and this is to incorporate a reference to the microchipping of dogs.

- 2.4.** The fee structure provides guidelines within which Council can set annual fees for dog management. This fee structure is congruent with existing policies relating to user pays fees and charges and recognises efforts that owners have taken that signify responsible dog ownership.

Several minor administrative and 3 main changes have been proposed, these are:

- increase the registration fee for dangerous dogs from 5 to 10 times in respect to dogs that are declared dangerous following the adoption of the new policy;
- extend free registration for the year in which a dog is adopted from the Greyhound Adoption Program (GAP); and
- change the fee incentives for a trained dog; to providing a one-off 25% discount for Level 3 and a life-time 50% discount for level 4 trained dogs.

2.5. The Dog Control Act provides for 4 types of declared areas:

- exercise areas which can be either on or off lead;
- training areas, specifically for areas designated for training such as obedience classes;
- prohibited areas, within which dogs are excluded as the area is a sensitive habitat for native fauna; and
- restricted areas, where dogs can be restricted from entering during specified areas, days or seasons. These restrictions can also be classified as either on or off lead.

Several changes have been proposed to the declared areas, these are as follows:

- Simmons Park in Lindisfarne changed to on-lead at all times due to the changed focus of Simmons Park and the increased community use;
- the area behind Luttrell Avenue known as 1a Beach Street changed to on-lead at all times as it is a narrow area with a multi-user pathway through it;
- Wentworth Park changed to on-lead at all times due to the presence of play equipment, BBQ areas, cycle path and proximity to sporting grounds and school zones;
- Bellerive Boardwalk perimeter changed from prohibited to on-lead, which will allow dogs to remain on the multi-user pathway from Victoria Esplanade to Kangaroo Bay Drive. The open boardwalk area would remain prohibited to dogs;
- Clarence Coastal Trail from Roches Beach to Seven Mile Beach changed to on-lead. This track is popular with a variety of users and is narrow in places with some steep sections;
- Rosny Hill Nature Recreation area changed to on-lead owing to the existing wildlife and future development on the site;
- all dune tracks and beach access points changed to on-lead to protect wildlife and minimise erosion. Dogs are already prohibited from entering the dune systems under current policy;

- Lauderdale Beach changed to off-lead at all times from the canal boat ramp, south to Mays Point, that is no summer restrictions would apply; and
- Bellerive Beach and Play Park - dogs will be restricted from entering the Bellerive Play Park at any time on any day of the year, due to numerous family orientated facilities in this park. However, dogs may be walked on-lead through this area on the multi-user pathway only. Dogs will not be allowed on Bellerive Beach from the First Bluff up to the beach access track at Beach Street (the western end) – this will provide a dog free area. The remainder of Bellerive Beach (ie east of the Beach Street access track to the Second Bluff) will be an off-lead area at all times, this will provide dog owners with an exercise area to take their dogs provided they are under effective control.

- 2.6.** The revised policy now incorporates kennel licence conditions. It identifies areas where kennels are allowed and introduces guidelines for the keeping of dogs on private premises.
- 2.7.** An analysis of community demographics, history of dog registration, financing issues and existing policies and procedures has been undertaken. Input from the community and relevant organisations have also been sought. Council's current policy document has been revised on the basis of this analysis and the feedback it received; it is provided as an attachment to this report.
- 2.8.** Council's endorsement is sought for commencing a period of public exhibition to seek feedback on the revised Policy and Schedule of Declared Areas.
- 2.9.** Following this exhibition period, the Dog Management Policy and Schedule of Declared Areas will be reviewed in light of comments received. A final Dog Management Policy and Schedule of Declared Areas will be presented to Council for adoption.

3. CONSULTATION**3.1. Community Consultation**

Community consultation was open for submissions from 1 July to 17 August 2015. One petition and 302 submissions were received.

3.2. State/Local Government Protocol

Parks and Wildlife Service were consulted.

3.3. Other

Relevant organisations including the Hobart Dog Walking Club, Dogs Homes of Tasmania, Tasmanian Canine Association, Eastern Shore Dog Club, RSPCA and Birdlife Tasmania were consulted and workshops were held with Aldermen in respect to the policy review.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The policy is congruent with existing strategic plans and financial policies.

5. EXTERNAL IMPACTS

It will impact on the community, however, the revised policy represents a responsible, practical and balanced approach to the management of dogs in the City.

6. RISK AND LEGAL IMPLICATIONS

Council is required to review its Dog Management Policy every 5 years.

7. FINANCIAL IMPLICATIONS

Dog management is currently deficit funded through the general rate. This is provided as a community service obligation. The policy aims to reduce this contribution to 20%.

8. ANY OTHER UNIQUE ISSUES

There are no other unique issues.

9. CONCLUSION

9.1. This policy aims to provide a realistic approach to dog management in Clarence which balances the needs of both dog and non-dog owners. Public consultation is an important part of this process to enable a considered outcome and is a legislative requirement.

9.2. Changes have been proposed to the Code of Responsible Dog Ownership, the fee structure, kennel licence requirements and declared areas.

Attachments: 1. Draft of the Revised Dog Management Policy (14)
2. Draft of the Revised Schedule of Declared Area (6)

Andrew Paul
GENERAL MANAGER

CLARENCE CITY COUNCIL DOG MANAGEMENT POLICY

DRAFT
September 2015



Clarence... a brighter place

Vision for the City of Clarence

Clarence...communities working together for a vibrant and prosperous city.

Dog Management Policy

Aim

To achieve a harmonious relationship between people, dogs and the environment.

Council's role in achieving this aim

Council will within available resource allocation, and consistent with its priorities for service provision, provide:

- Information for dog owners and non-dog owners of their rights and responsibilities under the Dog Control Act 2000;
- Exercise areas that recognise the needs of people and dogs, taking into account any impacts on the environment, fauna and amenity;
- For the needs of dog owners and non-dog owners in the development of future recreation and urban management planning processes; and
- Administer the provisions of the Dog Control Act 2000.

Direction Statements

- That the importance of dog companionship is recognised.
- That benefits to the health and welfare of dogs, and benefits to the owner through exhibiting responsible dog ownership is recognised.
- That the value of education, for dog owners and non-dog owners, is the first guiding principle for dog management issues in Clarence.
- That regulatory measures are used where education has previously been provided and a subsequent offence is detected, or where a serious offence has occurred.

Fee Structure

Objectives

- To minimise the reliance on the general rate contribution to dog management costs.
- To maximise the level of dog registration in the City of Clarence.
- To maintain total revenue received from dog registration fees in real terms.
- To recognise responsible dog ownership in establishing a scale of fees.

Policy

That Council aim to reduce the reliance on the general rate to 20%.

- This will be achieved through a combination of setting appropriate registration fees, ensuring that all dogs are registered, and in containing costs.

Categories for registration

That registration fees be set in line with these objectives and with the following categories of fees being identified:

- Entire Dog
- Guide Dogs/Hearing Dogs
- Desexed Dog
- Working Dogs
- Greyhounds
- Pure Bred Dog
- Guard Dog
- Dangerous Dog

Evidence required prior to registration of a dog in a particular category

That the evidence required in each category be as follows:

1. **Guide Dog/Hearing Dog** – Same meaning as provided under the Guide Dogs and Hearing Dogs Act 1967 or subsequent relevant legislation.
2. **Desexed Dog** - Certificate of Sterilisation from a veterinary surgeon or other documentation confirming that the dog is sterilised, or the provision of a statutory declaration.
3. **Working Dog** – Provision of evidence which proves to the satisfaction of the City Rangers that the dog is a true working dog as defined under the Dog Control Act 2000. For stock working dogs this may include a demonstration of stock working abilities. For working dogs other than stock working dogs, supporting documentation is required from that organisation or business.
4. **Greyhound** – Racing Services Tasmania ID card or appropriate paperwork from Racing Services Tasmania

5. **Pure Bred Dog** - Certificate of registration and pedigree issued by the Tasmanian Canine Association (TCA) trading as Dogs Tasmania, or equivalent interstate certification, together with a current membership card of Dogs Tasmania.

Level of Fees

1. That Guide Dogs and Hearing Dogs are not charged for registration.
2. That a lesser rate be provided for a desexed dog in recognition of the responsible attitude shown by owners in relation to breeding. This rate to be set at 30% of the rate for an entire dog.
3. That a lesser rate be provided for a working dog and for a greyhound in recognition that these categories have been recognised in previous legislation since 1987. Further dogs in this category are likely to be well trained which would reflect the outcomes relating to responsible dog ownership. A high number of these dog owners would have an association with formal breeding and event organisations that would further enhance ethical issues covered under the Pure Bred dog category. This rate to be set at 40% of the rate for an entire dog.
4. That a lesser rate be provided for a Pure Bred Dog in recognition that dog owners are members of and have registered their dog with the Tasmanian Canine Association Inc (Dogs Tasmania). This involves considerable expense and requires adherence to the Association's Code of Ethics relating to responsible dog ownership, including the keeping, welfare, breeding, selling and disposing of dogs by members. This rate to be set at 40% of the rate for an entire dog.
5. That the fee for a Guard dog be set at twice the rate of an entire dog in recognition that it is declared dangerous for reason of its duties.
6. That the fee for a Dangerous Dog be set at ten times the level of that for an entire dog and that no discount is provided for early payment. Any declaration of a Dangerous Dog made prior to the adoption of this Dog Management Policy (2015) the fee is to be set at five times the entire dog rate.

For any pensioner registering a dog, a 20% discount will apply to the appropriate category of dog registration. The discount will only apply to one dog. A pensioner, for the purpose of this discount, is a prescribed pensioner under the meaning of the Local Government (Rates and Charges) Remissions Act 1991.

Payment and setting of fees

1. That registration fees be paid annually.
2. All fees will be rounded to the nearest 10c.
3. That registration fees in all categories be increased by a minimum of CPI (Hobart) for the twelve-month preceding period, to the end of the March quarter.
4. That a discount of \$5 will apply to all registrations paid before the 1st of August each year.
5. That registration charges be due and payable before the 1st of August each year.
6. That kennel licence fees be established annually on the basis of a single fee for application and for renewal. That these fees be increased by a minimum of CPI (Hobart) to the end of the March quarter.

7. That a discount of \$20 apply to all kennel renewals paid before the 1st of August each year.

Reductions and Reimbursements

- **Applications for registration made after 31st December**

1. A 50% reduction be applied to the applicable registration fee provided the dog has attained the age of six months in the preceding four weeks, or the dog is registered within four weeks of purchase, and the registration application is made voluntarily.
2. Where registration is made at the direction of an authorised officer, no reduction is to apply.

- **Reimbursement of Dog Registration on Death of Dog**

On receipt of a certificate of euthanasia from a recognised veterinary clinic or submission of a Statutory Declaration, refund of dog registration charges will be provided according to the rates given under:

1. dog deceased within 3 months of date of registration - 75% refund of registration fee paid;
2. dog deceased after 3 months and within 6 months of date of registration - 50% refund of registration fee paid;
3. dog deceased after 6 months and within 9 months of date of registration - 25% refund of registration fee paid;
4. dog deceased after 9 months - no refund.

Refunds are only to apply if application is made in the same financial year as registration has been paid.

- **Reimbursement of Dog Registration Fee in the event of Spayed Dog**

This reimbursement is to apply to all registered dogs that are subsequently spayed, and is based on the difference between the registration fee paid and the spayed rate.

On receipt of a certificate of neutering from a recognised veterinary clinic, refund of dog registration rates will be allowed according to the rates given under:

1. dog spayed within 3 months of registration - 75% refund of difference;
2. dog spayed after 3 months and within 6 months of registration - 50% refund of difference;
3. dog spayed after 6 months of registration - 25% refund of difference;
4. dog spayed after 9 months of registration - no refund.

Refunds are only to apply if application is made in the same financial year as registration has been paid.

- **Reduced Fees for Obedience Trained Dogs**

Where the owner of a dog presents evidence that the dog has satisfactorily completed an obedience course run by an accredited officer, a one off discount will apply at the rate specified.

Grade	Description	Reduction	Period of discount
3	Some off-lead training	25%	One off discount
4	All off-lead training	50%	Applies for the life of the dog

The principle behind this fee reduction is to encourage and support owners to have well trained dogs when in an off-lead environment.

Dogs adopted from the Dogs' Home of Tasmania, R.S.P.C.A and G.A.P.

Dogs adopted from the Dogs' Homes of Tasmania, the R.S.P.C.A and the Greyhound Adoption Program (G.A.P.) will have free registration until 30th June following the date of purchase. This is in recognition of:

- the responsible behaviour of the owner in adopting a dog that is desexed, wormed, fully vaccinated and microchipped; and
- the valuable work undertaken by the Dog's Homes of Tasmania, the R.S.P.C.A. and G.A.P. in all areas of dog management.

Implementation

- The policies are to commence from the adoption of the revised policy by Council.
- Fees are to be set annually by Council, under Section 80 of the Dog Control Act and the Local Government Act.
- Approaches are to be made to organisations that offer neutering of dogs to encourage a discount rate for pensioners in order to facilitate neutering of dogs.
- Publicity of the policy is to be undertaken.

Declared Areas

Classes of Declared Areas

The Dog Control Act 2000 defines specific classes of declared areas:

1. Exercise Areas

An area where a dog may be exercised subject to any specified conditions. The two types of exercise areas are:

- **On-lead exercise area**
A dog can only be exercised on-lead, subject to any restrictions specified.
- **Off-lead exercise area**
A dog can be exercised off-lead, subject to any restrictions specified. Dogs must remain within reasonable proximity, sight and be immediately responsive to the controller's commands.

2. Restricted Area

An area where dogs are restricted from entering during specified days, hours or seasons; or during specified hours, days or seasons unless they are on a lead.

3. Training Areas

An area where a dog may be trained subject to any specified conditions.

4. Prohibited Areas

An area containing sensitive habitat for native wildlife.

Declared Areas Policy

Objectives

- To recognise the needs of people in Clarence who own dogs.
- To facilitate responsible dog ownership and support compliance to leash laws by providing a range of opportunities for dog exercise in the City of Clarence.
- To consider the provision of dog exercise areas in planning for future public recreation areas.
- To provide training areas where dog training is conducted on a formal basis.
- To protect sensitive areas including areas of cultural significance, native flora and native fauna.
- To recognise the needs of non-dog owners and the general public in the appropriate declaration of areas.

Process of Declaration

1. Council is the only authority with the ability to declare areas for the exercise, restriction or prohibition of dogs under the Dog Control Act 2000.
2. That Council will primarily exercise this authority on parcels of land under its ownership.
3. That Council may, where it is considered appropriate, enter into negotiations with the owners of other parcels of land for the declaration of their land, in relation to exercise, restriction or prohibition of dogs.
4. That where negotiations are conducted, discussions will also be held in relation to management, policing and provision of signage for that land. In conducting such negotiations, Council will only exercise those functions over its own land, unless there is mutual benefit in deciding otherwise.
5. For areas seen by the public as a single parcel of land, but under management by different authorities, a consistent pattern of use in relation to dog exercise will be maintained over the entire parcel of land if feasible. For areas where this is not feasible, separation of restrictions is to be visually obvious to the user.

Principles for declaration

Subject to above, areas will be declared according to the following principles:

- Where possible the provision of either an on-lead or off-lead area within reasonable walking distance of the majority of residences in each suburb;
- Recognition of the community's desire to exercise their dogs in natural areas;
- Protection of natural flora and fauna, and areas of cultural significance;
- Recognition of the community's desire to exercise their dogs in beach environments;
- Shared and restricted access rights to beaches during summer school holiday periods;
- Consistency of restriction provisions across parcels of land;
- Recognition of the need to retain some areas as dog free, due to the use of those areas by other groups in the community, eg. sporting fields and perimeters, play equipment; and
- Consistency with land management and development plans, recognised by the Council.

Priorities for development of future exercise areas

If it is not possible to provide exercise areas within reasonable walking distance, future plans for the development of exercise areas within suburbs be prioritised on the basis of:

- Areas of urban consolidation, and where registration levels are above the average registration level for the population of that suburb;
- Areas in which there is a high level of population growth, in which case the provision of exercise areas should be considered in relation to public open space requirements for any subdivisions; and

- Lower priority will be given to those areas where there is low residential density and large lot sizes.

Criteria and level of declaration

Beaches

1. Where possible, beaches in the Clarence Municipal Area will be subject to shared and restricted usage by dog owners.
2. Where appropriate during the approximate summer school holiday period, 1 December to 1 March, some Council beaches will be prohibited to dog use between the hours of 10.00 am and 6.00 pm.
3. At all other times of the year, effective control provisions will apply to dogs on beaches unless separately declared otherwise.
4. The definition of beach will include the foreshore area of the beach only, and not extend to the dune system, or tracks on dunes parallel to the beach. Access ways are excepted.

Horse Trails

Tangara Trail to be subject to effective control provisions under Dog Control Act 2000.

Multi User Pathway

Will be designated as being an on-lead exercise area. Under the provisions of the Dog Control Act 2000, all dogs in road or road-related areas in a built up area, are required to be on lead. The definition of road-related area includes any footpath or track that is designed for use by cyclists or pedestrians. This declaration includes areas immediately adjacent to the track to a distance of 2 metres.

Natural Recreation Areas

Where there is a need to protect natural flora, fauna and/or areas of cultural significance, on-lead exercise will be allowed for dogs provided, exercise is limited to defined track areas.

Natural Areas Managed by Parks and Wildlife

On request by Parks and Wildlife, Council may consider the declaration of areas under the management of Parks and Wildlife.

Regional Parks

Depending on the use and facilities provided in the park dogs may be restricted, on lead or effective control provisions will apply.

Sporting Recreation Grounds and Perimeters

Will be designated as prohibited to dogs at all times.

Other Public Recreation Areas

Other public recreation areas under Council control will be considered on a case by case basis having consideration to the needs of the community, any management plans existing for the area. In areas that have not been declared, effective control provisions shall apply.

Training Areas

Those areas that are utilised by a recognised obedience club for formal obedience classes will be designated off-lead training areas. A dog in these areas is regarded as being under effective control of a person if they are actively engaged in training or agility or obedience trials.

Prohibited Areas under the Dog Control Act

In addition to the list provided above, the Dog Control Act 2000 requires the following areas be prohibited to dogs:

- Any grounds of a school, preschool, crèche or other place for the reception of children without the permission of the person in charge of the place;
- Any shopping centre or any shop;
- The grounds of a public swimming pool;
- Any playing area of a sportsground on which sport is being played; or
- Any area within 10 metres of a children's playground.

Areas where restrictions are not defined

When restrictions are not defined normal effective control provisions apply.

For road or road related areas in most residential areas, this means a dog is required to be on a lead.

Implementation

Following adoption of this policy, the Council is required to formally notify by public notice the declaration of areas. The public then has a period of 15 working days during which time, formal submissions can be made. This notice is also to include the date from which the declaration is to take effect.

A list of the areas to be declared is provided as an attachment to this policy.

Signage of Declared Areas

It is a requirement under the Act for Council to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.

Code of Responsible Dog Ownership

Purpose

To provide guidelines for dog owners, and prospective owners on actions that will assist in producing healthy and happy dogs, and provide a harmonious community for all residents.

Objectives

Dogs are an important part of society and many value their companionship. As with any animal there are standards of care and welfare that need to be observed. The views and concerns of neighbours and other members of the community need to be considered.

Responsible dog ownership requires accepting full responsibility for dogs, in terms of their needs and the standards for dog management that are expected by the community.

The following code has been developed to help owners maximise:

- Appropriate dog behaviours;
- Understanding of dog control regulations; and
- The health and welfare of dogs

Adherence to Code

The code is a voluntary code, which defines best practice actions to achieve the aim and objectives of the code.

Pre- Purchase Guidelines

Dogs are valuable companion animals that require a commitment to their welfare over their entire lifespan. In order to fully understand the obligation, research should be undertaken prior to making the final purchase decision.

Some issues that need to be considered before purchasing a dog are:

- The breed of the dog, and its suitability to the home environment e.g. the number and age of family members, compatibility with other pets, size of the yard, adequacy of fencing, proximity of neighbours, housing of dog;
- Vaccinations and ongoing veterinary requirements;
- Dietary requirements;
- Arrangements if going on holidays - proximity and cost of kennels;
- Familiarisation with the community environment - e.g. proximity and location of dog exercise areas, areas in which dogs are prohibited, location of veterinary clinics, location of pet shops, availability of obedience classes;

- Initial and continuing costs - purchase, vaccination, microchipping, desexing, veterinary costs, registration costs, dietary requirements, obedience classes, grooming; and
- Regulations governing dog management - Dog Control Act 2000, Dog Management Policy, Animal Welfare Act 1993.

Post-Purchase Guidelines (First Six Months)

Having made the decision to purchase a companion animal, the following actions are recommended to ensure a healthy and happy dog:

- Socialisation and education of your dog, providing access and exposure to a variety of experiences;
- Appropriate vaccination and veterinary checks;
- Access to training and opportunities for playing;
- Microchipping
- Identification for the dog prior to registration;
- Desexing if being undertaken;
- Appropriate diet; and
- Registration by six months of age.

The previous actions are important in the first six months, but an ongoing commitment in the following areas is important to ensure the happiness and safety of your dog and to add to your enjoyment:

- Health and welfare aspects;
- Ongoing obedience training;
- Opportunities for exercise and play; and
- Adherence to regulatory requirements.

Consideration of Others

As a member of the broader community, there are obligations for us all in considering the impact of our actions on others. For the dog owner this includes taking action to:

- Ensure your dog does not bark excessively;
- Ensure your dog does not wander off your property boundary;
- Clean up after your pet;
- Keep no more than two dogs on your property without a kennel licence;
- Ensuring your dog is under effective control at all times; and
- Not allowing your dog to jump at, or lick others. This playful nature might not be accepted by all persons.

Lost Dogs

If your dog is lost, it may have been collected by the City Rangers and transported to the Dogs' Home. Owners should make every effort to locate missing dogs by contacting the Council or the Dogs' Home.

Implementation

Implementation of the code and ongoing awareness will be provided through the following mechanisms:

- Distribution to owners of newly registered dogs;
- Promotion by City Rangers in daily activities;
- Promotion through participating organisations; and
- Education through schools and community events.

Other Matters

Kennel Licences

The Dog Control Act 2000 provides that a kennel licence is necessary if more than 2 dogs over the age of 6 months are to be kept at a property; in the case of working dogs this is higher at 4 dogs.

An application for a Kennel licence will only be considered in the following circumstances:

- The premises are in non-residential styled zoning;
- The property has an area equal to or greater than 2 hectares; and
- The dogs are kept more than 100 metres from an adjacent property that is residential styled zoned.

Council's assessment of a kennel licence will include consideration of issues such as zoning of the land, local amenity, environmental health issues and animal welfare. Council will be taking into consideration the kennel standards for dogs which reflect the State Government's proposed Animal Welfare Standards and Guidelines for Dogs in respect to the keeping of dogs on private premises.

A kennel licence will not be granted if the premises to which the licence relates is unfit for the purpose for which it is to be used, if it is not in the public interest or it is not compatible with the principles of the Code of Responsible Dog Ownership.

In the event of extenuating circumstances a short term exemptions may be issued for a kennel licence to be granted in residential styled zoned premises. This would be at the discretion of the General Manager and apply for a set period only.

Measurement Systems

Fee Structure

- Total Revenue.
- Total Costs.
- Revenue and Costs by cost/revenue category.
- The total revenue received through registrations.
- The total revenue received per registration category.
- General Rate contribution to Dog Management as a percentage of total costs.

Declared Areas

- Usage of declared areas (largely anecdotal).
- Number of complaints received.
- Number of infringements served.
- Changes in registration levels per suburb.
- Cost of maintaining declared areas.

General Indicators of Dog Ownership in Clarence

- Total number of registrations each year.
- The total number of registrations per registration category.
- Number of dwellings with registered dogs.
- Registration levels per suburb.
- Number of infringements issued by nature of offence.
- Number of complaints by nature of complaint.
- Number of dogs delivered to dogs home.

General Review

A review of this policy will be undertaken within five years of the adoption of this policy.



Schedule of Declared Areas

DRAFT SEPTEMBER 2015

Land to be declared under the Dog Control Act 2000

Under the provisions of the Dog Control Act 2000 land can be classified into one of 4 categories:

Off-Lead Exercise Areas

The following areas will be declared as “Off-Lead Exercise Areas” under the provisions of Section 20 of the Dog Control Act 2000.

- **Mortimer Bay Recreation Area (not including beach area)**
- **Shelly Beach, Opossum Bay**
Bangor Road entrance east to Icehouse Bluff.
- **Charles Hand Park, Rosny**
- **Anzac Park, Lindisfarne**
- **Tranmere Foreshore Reserve**
Tranmere Road entrance south to Tranmere Point.
- **Richmond Recreation Ground, Richmond**
- **6a Sugarloaf Road, Risdon Vale**
East of Sugarloaf Road, bounded by Grass Tree Hill Road.
- **Montagu Bay Foreshore Reserve**
Rosny Esplanade.
- **45 Goodwins Road, Clarendon Vale,**
Council land between Goodwins and Reynolds Road, excluding sports oval.
- **Oakdowns Park, Oakdowns**
- **Roches Beach, Lauderdale**
From the Canal boat ramp south to Mays Point (1KM)
- **Bellerive Beach**
From the Beach Street access east to Second Bluff
- **Seven Mile Beach**
From Day Use Area 1 through to Day Use Area 2 dogs may be off-lead from 1 March to 30 November each year. This area is managed by the Parks and Wildlife Service.

On-Lead Exercise Areas

The following areas will be declared as “On-Lead Exercise Areas” under the provisions of Section 20 of the Dog Control Act 2000.

- **Roches Beach**
From Bambra Street entrance, north to a point opposite number 11 Kirra Road (approximately from Reef to Reef).
- **Multi-User Pathways**
This declaration includes the multi-user pathway and areas immediately adjacent to a distance of 2 metres. These are paths used mainly by pedestrians and cyclists in or near built up areas.
- **Chipmans Road, Rokeby**
This area has been defined as on-lead as it lies adjacent to significant wetland area.
- **Simmons Park, Lindisfarne**
This area has been designated as an on-lead exercise area due to numerous family orientated facilities in this park.
- **Wentworth Park, Howrah**
This area has been designated as an on-lead exercise area due to numerous family orientated facilities in this park, proximity of schools and child care facilities and sporting grounds.
- **Richmond Riverbanks**
This area has been designated as an on-lead exercise area due to the resident duck population.
- **1a Beach Street Bellerive**
This area east of Beach Street immediately behind Luttrell Avenue has been declared on-lead due to the multi-user pathway which cuts through this narrow area.
- **Bellerive Boardwalk Perimeter**
Dogs will be permitted on-lead on the perimeter only, to allow dogs to remain on the multi-user pathway from Victoria Esplanade to Kangaroo Bay Drive.
- **Clarence Coastal Trail**
The coastal track from Roches Beach to Seven Mile Beach has been declared on-lead due to the variety of users and the physical characteristics of the track.
- **Rosny Hill Nature Recreation Area**
Has been declared on-lead due to the existing wildlife and future development in this area.
- **Nature Recreation Areas**
All Nature Recreation Areas declared by Parks and Wildlife Service are declared to be on-lead exercise areas at all times, includes Gordons Hill Nature Recreation Area.

- **Seven Mile Beach**
Day Use Area 4 east to Sandy Point.
Day Use Area 3 to Day Use Area 4 from 1 March to 30 September dogs must be on-lead.
Day Use Area 1 to Day Use Area 2 dogs must be on-lead from 1 December to 1 March each year.

This area is managed by the Parks and Wildlife Service.
- **All Dune tracks**
All access ways onto council beaches declared on-lead until the dog reaches the beach proper, to minimise damage to the dune systems, and protect wildlife in the area.

Restricted Areas

The following areas will be declared as “Restricted Areas” under the provisions of Section 23 of the Dog Control Act 2000, except in relation to guide or hearing dogs.

Beaches

Dogs will be restricted from entering the following beaches between the hours of 10.00am and 6.00pm during the period from 1 December to 1 March each year:

- **Howrah Beach**
- **Cremorne Beach**
- **Opossum Bay Beach**
- **South Arm Beach**
- **Roches Beach**
From Bambra Street entrance the boat ramp.
- **Seven Mile Beach**
Council owned section from Esplanade to Day Use Area 1.
Day Use Area 3 east to Day Use Area 4.
- **Middle Clifton Beach**

The reason for this restriction is because the above beaches are popular with families during the summer period. At all other times dogs will be subject to “effective control” provisions as defined in the Dog Control Act 2000.

Dogs will be restricted from entering the following beaches at any time on any day of the year:

- **Little Howrah Beach**

The reason for declaring this beach to be restricted is due to its size and sheltered nature and its historical use.

- **Bellerive Beach**

From the beach access at Beach Street west to First Bluff to provide dog free alternative in an area which is popular with families.

Sporting Recreation Grounds and Perimeters

Dogs will be restricted from entering all Council sports grounds and perimeters at any time on any day of the year. The reason for this restriction is in order to assist in maintaining the grounds to an acceptable level.

In Kangaroo Bay access will be allowed on-lead on Council land directly adjacent to Rosny College for the purpose of accessing the multi-user pathway.

Bellerive Board Walk

Dogs will be restricted from entering all areas beyond the perimeter of the Bellerive Boardwalk multi-user pathway at any time on any day of the year. The recreation of dogs on this area is contrary to development plans for the area and inconsistent with the use of this area for outdoor dining.

Village Green, Richmond

Dogs will be restricted from entering The Village Green at Richmond at any time on any day of the year. This area is used by residents and visitors to enjoy the facilities nearby and traditionally dogs have not been permitted in this area.

Bellerive Beach Play (Apex) Park

Dogs will be restricted from entering the Bellerive Play Park at any time on any day of the year, due to numerous family orientated facilities in this park, and that adjoining section of Bellerive Beach that is restricted to dogs at all times. However dogs may be walked on-lead through this area on the multi-user pathway only.

Pipe Clay Lagoon, Clifton Beach

Parks and Wildlife managed foreshore of Pipe Clay Lagoon, Clifton Beach is restricted at any time on any day to Dogs from 1 October to 31 March each year. At all other times dogs must be on-lead.

Five Mile Beach

Parks and Wildlife managed foreshore of Five Mile Beach is restricted at any time on any day to Dogs from 1 October to 31 March each year. At all other times dogs must be on-lead.

Dune Access Tracks

Dogs will be restricted from entering the dune areas of a beach and any dune track that runs parallel to the foreshore at any time on any day of the year. The reason for this restriction is in order to protect the dune environment from excessive erosion.

Clifton Beach

Dogs will be restricted from entering the following beach between the hours of 10.00am and 6.00pm during the period from 1 December to 1 March each year and for all other hours and days unless they are on-lead:

- South Clifton Beach

Training Areas

The following parcel of land will be declared as a “Training Area” under the provisions of Section 21 of the Dog Control Act 2000.

- **South Street Reserve, Bellerive**

Prohibited Areas

The following areas will be declared as a “Prohibited Area” under the provisions of Section 22 of the Dog Control Act 2000.

- **Pipe Clay Lagoon**

The Council owned area of Pipe Clay Lagoon, from a point opposite number 91 Cremorne Avenue west to a point adjacent to number 201 Cremorne Avenue, dogs will be prohibited at all times from entering as it provides an important habitat for resident and migratory wading birds.

- **Racecourse Flats**

The Council owned area east of South Arm Road known as Racecourse Flats, dogs will be prohibited at all times from entering as it provides an important habitat for resident and migratory wading birds.

- **North Clifton**

Prohibited to dogs at all times due to wildlife in this area. This area is managed by the Parks and Wildlife Service.

- **Five Mile Beach**

Prohibited to dogs at all times from Pittwater Bluff south for approximately 3km where sign posted due to wildlife in this area. This area is managed by the Parks and Wildlife Service.

- **Sandy Point, Seven Mile Beach**

Prohibited to dogs at all times from for 1km on each side of the point where sign posted due to wildlife in this area. This area is managed by the Parks and Wildlife Service.

- **Nature Reserves**

All Nature Reserves declared by Parks and Wildlife Service are prohibited to dogs at all times due to wildlife in this area.

Public Areas subject to Effective Control Provisions

For public land not specifically declared under the provisions of the Dog Control Act 2000, and where land is not already defined under Section 28 of the Act as a prohibited public area, a dog is required to be under “effective control”.

Effective control is a term defined under Section 4 of the Dog Control Act 2000. For public space areas a dog is under effective control if it is on a lead not exceeding 2 metres long held by a person of sufficient age and strength to control the dog; or off the lead and within sight, in close proximity and immediately responsive to the person’s commands; or tethered to a fixed object by a lead not exceeding 2 metres long for a period not exceeding 30 minutes. It is not intended that these areas be declared under the Dog Control Act, as this provision of the legislation is sufficient to cover their intended use.

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 TENDER T1048-15 – WENTWORTH PARK SPORTS COMPLEX – CHANGE ROOMS UPGRADE
- 13.3 TENDER T1052-15 – ROAD REHABILITATION 2014/15 STAGE 2
- 13.4 TENDER T1057-15 – PUBLIC TOILET FACILITIES AND SHADE STRUCTURE – PERFORMANCE STAGE AT SIMMONS PARK
- 13.5 TENDER T1035-15 – 15 KANGAROO BAY SKATE PARK FACILITY
- 13.6 PROPERTY MATTER - ROKEBY

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;
- proposals to acquire land or an interest in land or for the disposal of land;
- 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”.