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

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

COUNCIL MEETING

MONDAY 25 SEPTEMBER

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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

Nil.

2. CONFIRMATION OF MINUTES (File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 4 September 2017, 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
Discussion re RMPAT decision in regards to POS Lauderdale Beach – Dunes and Groyne Update	11 September
Richmond Road Master Plan Briefing on new Planning Scheme	18 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.

6

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.

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.

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

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

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC (File No 10/03/04)

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

9. MOTIONS ON NOTICE

Nil

10. REPORTS FROM OUTSIDE BODIES

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

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

SOUTHERN TASMANIAN COUNCILS AUTHORITY

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports Not required.

Representative Reporting

• COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY Representatives: Ald Jock Campbell (Ald James Walker, Deputy Representative)

Quarterly Reports June Quarterly Report pending.

Representative Reporting

• TASWATER CORPORATION

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 4, 11 and 18 September 2017 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 4, 11 and 18 September 2017 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION D-2017/325 - 14 ALGONA STREET, SOUTH ARM - DWELLING

(File No D-2017/325)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for a dwelling at 14 Algona Street, South Arm.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Waterway and Coastal Protection, Inundation Prone Areas, Coastal Erosion Hazard, Parking and Access and On-site Wastewater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which now expires with the consent of the applicant on 27 September 2017.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 7 representations were received, 1 in support. An additional representation was received outside the advertising period. The representations received raised the following issues:

- stability of frontal dune;
- solar access;
- visual impact;
- loss of views;
- inconsistency with character of area; and
- objection on basis of applicable codes.

RECOMMENDATION:

- A. That the Development Application for a Dwelling at 14 Algona Street, South Arm (Cl Ref D-2017/325) be approved subject to the following conditions and advice.
 - 1. GEN AP1 ENDORSED PLANS.
 - 2. GEN AP3 AMENDED PLAN [a permanently fixed screen to a height of at least 1.7m above the finished floor level and with a uniform transparency of no more than 25% to the windows to Bed 3 and Bathroom].
 - 3. All site works and building design and construction must be undertaken in accordance with the recommendations and advice of the Coastal Vulnerability Assessment prepared by GES dated June 2017. These requirements include a soil and stormwater management plan and dwelling foundations being placed on the stable foundation layer.
 - 4. ADVICE An "Application for a permit to undertake works in or affecting a highway" is to be made to Council and approved prior to any works being undertaken within the road reservation, inclusive of driveway construction.
- 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

No relevant background.

2. STATUTORY IMPLICATIONS

- **2.1.** The land is zoned Village under the Scheme.
- **2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- **2.3.** The relevant parts of the Planning Scheme are:
 - Section 8.10 Determining Applications;
 - Section 16.0 Village Zone;

- Section E6.0 Parking and Access Code;
- Section E11.0 Waterway and Coastal Protection Code;
- Section E15.0 Inundation Prone Areas Code;
- Section E16.0 Coastal Erosion Hazard Code; and
- Section E23.0 On-Site Wastewater Management Code.
- 2.4. Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 463m² parcel with frontage to Algona Street and adjacent Half Moon Bay to the south-west. The site slopes gradually down to the south-east and is clear of buildings and significant vegetation.

The site is bounded by residential properties adjoining the remaining boundaries. The surrounding area contains residential properties consisting primarily of detached Single Dwellings, similar in nature to the subject site.

3.2. The Proposal

The proposal is for the development of a 3 bedroom, 2 storey Single Dwelling at the subject property. The dwelling would be located parallel with the side (north-eastern) boundary and would maintain a 2.0m setback. It would be setback 3.35m from the south-western (side), 6.43m from the south-eastern (rear) and 5.0m from the north-western (front) property boundaries.

The development would have floor area of $223m^2$ and would be 7.6m at its highest point above natural ground level. The lower level would incorporate a 2 car garage, laundry, office and storage areas, whilst the upper level would incorporate the bedrooms and living areas.

A 48m² upper level deck is proposed on the south-western elevation and it is proposed that the on-site wastewater system would be located to the rear (south-east) of the dwelling. The dwelling would be clad using a combination of horizontal weatherboard cladding, glazing, timber and metal roof sheeting.

It is proposed to construct a crossover from Algona Street to the front property boundary and to construct a non-permeable driveway surface.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

- "8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:
 - (a) all applicable standards and requirements in this planning scheme; and
 - (b) any representations received pursuant to and in conformity with ss57(5) of the Act;

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme's relevant Acceptable Solutions of the Village Zone and the Waterway and Coastal Protection, Inundation Prone Areas, Coastal Erosion Hazard, Parking and Access and On-site Wastewater Management Codes with the exception of the following.

Clause	Standard	Acceptable Solution	Proposed
16.4.2 A2	Setback	Building setback from side and rear boundaries must be no less than:	Doos not comply well
		(a) 2m;(b) half the height of the wall,	Does not comply – wall height of 5.8m, so 2.9m setback from north-eastern boundary required. Proposed
		whichever is the greater.	setback from north-eastern boundary of 2.0m.

Village Zone

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

Performance Criteria	Proposal
 "Building setback from side and rear boundaries must satisfy all of the following: (a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: 	See below
(i) overlooking and loss of privacy;	The proposed dwelling would be setback 2.0m from the north-western boundary and separated from the neighbouring dwelling to the north-west at 12 Algona Street by 4.5m. Windows to both the kitchen and stairwell areas are proposed on the north-western side of the dwelling. The stairwell windows are unlikely to compromise privacy given the limited time in which the space would likely be used and the kitchen window would have a depth of 300mm only, at a height of 1.14m above the finished floor level of the dwelling meaning that direct overlooking of the neighbouring property would not occur. The rooms on the north-western elevation of the dwelling include a bedroom and associated amenities.

(ii) overshadowing and reduction of sunlight to habitable rooms and private	A 1370mm x 2170mm window is proposed to the bedroom and a 1200 x 1570mm window proposed to the bathroom. Both may potentially create overlooking issues for the adjacent property to the north-west, and it is therefore considered a reasonable response to require that the windows be treated or screened to a height of at least 1.7m above natural ground level. This would protect the privacy of both the subject and neighbouring properties and an appropriate condition has been included above. The proposed dwelling is located on the northern part of the subject lot. It is separated from the adjacent dwelling at 11
open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;	Jervis Street to the south-east by in excess of 10m. In response to the representations, the applicant provided shadow diagrams that illustrate the impact of the proposed dwelling at Winter Solstice. The diagrams are included as Attachment 4 and show that the only impact would be upon the neighbouring property at 11 Jervis Street. They conclude that solar access of both habitable rooms and private open space of that property would not be affected until after 12pm as a result of the proposed dwelling, meaning that both open space and habitable rooms would retain in excess of 3 hours of sunlight from early morning until 12pm. This part of the performance criteria is therefore met.
 (iii) visual impact, when viewed from adjoining lots, through building bulk and massing; taking into account aspect and 	The proposed dwelling is consistent with the relevant acceptable solution for height, in that the building would not exceed 7.6m in height at its highest point above natural ground level.
slope".	The area is characterised by a range of dwelling styles, including a number of double storey dwellings. These include the neighbouring property to the south-east at 11 Jervis Street and opposite properties to the north-west at 11 and 13 Algona Street which are of a comparable size.

On the basis that the proposed dwelling incorporates a partially open lower level it is considered that the bulk of the building is reduced, in that it would partially allow visibility on the ground level. On this basis it is considered that the visual impact
of the building would not have an unreasonable impact upon residential amenity, as required by this performance criterion.

Waterway and Coastal Protection Code

Clause	Standard	Acceptable Solution	Proposed
E11.7.1 A1	Buildings and works	Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.	building envelope on the subject lot

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E11.7.1 as follows.

Performance Criteria	Proposal
"Building and works within a Waterway and Coastal Protection Area must satisfy all of the following: (a) avoid or mitigate impact on natural values;	The Waterway and Coastal Protection Code affects the southwestern 66 percent of the site, adjacent Half Moon Bay. Council's Engineers are satisfied that the proposal would not adversely impact natural values associated with the bay on the basis that the wastewater system has been appropriately designed to protect the significance of the lagoon and dune systems within proximity of the site.
(b) mitigate and manage adverse erosion, sedimentation and run- off impacts on natural values;	Council's Engineers are satisfied that the natural values of the site would not be compromised in relation to erosion or sedimentation – on the basis that a condition is included requiring detailed design for management of soil and stormwater.
(c) avoid or mitigate impacts on riparian or littoral vegetation;	Not applicable: there is none contained within the boundaries of the lot, or externally that would be adversely affected.
(d) maintain natural streambank and streambed condition, (where it exists);	not applicable

CLARENCE CITY COUNCIL - PLANNING AUTHORITY MATTERS- 25 SEP 2017

(e)	maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;	not applicable
(f)	avoid significantly impeding natural flow and drainage;	not applicable
(g)	maintain fish passage (where applicable);	not applicable
<i>(h)</i>	avoid landfilling of wetlands;	not applicable
(i)	works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided".	Council's Engineers are satisfied that the proposed development would meet the relevant requirements of the Manual, noting that an appropriate condition would be included above in relation to the management of construction associated with the proposal.

Inundation Prone Areas Code

Clause	Standard	Acceptable Solution	Proposed
E15.7.2 A1		For a new habitable building there is no Acceptable Solution.	does not comply

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E15.7.2 as follows.

Performance Criteria	Proposal
"A new habitable building must satisfy	The subject property is identified partly
all of the following:	as low risk under the Inundation Prone
	Areas Code, with $133m^2$ at the southern
(a) floor level of habitable rooms, and	part of the site also identified as medium
rooms associated with habitable	risk.
buildings (other than a dwelling)	
that are either publically accessible,	The lower level of the proposed dwelling
used frequently or used for extended	is outside the part of the site identified as
periods, must be no lower than the	medium risk (and the upper level
Minimum Level for the Coastal	habitable areas clearly compliant),
Inundation Low Hazard Area in	meaning that the finished floor level
Table E15.1;	requirement is not applicable.

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(b)	risk to users of the site, adjoining or nearby land is acceptable;	A coastal vulnerability assessment prepared by GES was submitted in support of the proposed development. The conclusions and recommendations are accepted by Council's Engineers, in that the risk to users of the site and adjoining and nearby land is considered acceptable.
(c)	risk to adjoining or nearby property or public infrastructure is acceptable;	The submitted assessment concludes that the risks associated with the proposal are acceptable (and low), both for inhabitants of the site and property within the lifetime of the proposed development.
(d)	risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;	Council's Engineers are satisfied that the risk associated with wave run-up in relation to the buildings and works would be appropriately addressed through the design and foundations of the proposed development.
(e)	need for future remediation works is minimised;	It is similarly considered that the proposed development would not necessitate remediation works.
(f)	access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site;	Both Council's Engineers and the coastal vulnerability assessment conclude that access would not be substantially compromised by the proposed development.
	contribution required pursuant to policy adopted by Council for coastal protection works;	No developer contributions are required in relation to the proposed development.
	ept if it is development dependent on pastal locationR1".	

Coastal Erosion Hazard Code

Clause	Standard	Acceptable Solution	Proposed
E16.7.1 A1	Buildings and works	No Acceptable Solution	does not comply

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E16.7.1 as follows.

Performance Criteria	Proposal		
 "Buildings and works must satisfy all of the following: (a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby 	Both Council's Engineers and the coastal vulnerability assessment conclude that there would not be an increase to risk of life to either users of the site, neighbouring properties or public infrastructure.		
 (b) erosion risk arising from wave run- up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works; 	It is considered by Council's Engineers that the proposed construction methods referred to by the coastal vulnerability assessment are an appropriate response to erosion risk, and on that basis a condition has been included above requiring that the footings be appropriately designed as recommended by the assessment.		
(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;	The submitted coastal vulnerability assessment was prepared to the satisfaction of Council's Engineers by a suitably qualified engineer, in response to this criterion.		
(d) need for future remediation works is minimised;	No future remediation works are identified as necessary by the assessment or Council's Engineers.		
(e) health and safety of people is not placed at risk;	Council's Engineers are satisfied that the proposal would not have any adverse impact upon health and safety.		
(f) important natural features are adequately protected;	There are no natural features within proximity of the site that would be affected by the proposed dwelling.		
(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;	Public access would not be compromised by the proposed dwelling, which would be contained entirely within the boundaries of the subject lot.		
 (h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site; 	Both Council's Engineers and the coastal vulnerability assessment conclude that future erosion would not isolate the site and proposed development.		
 (i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works; 	No developer contributions are required in relation to the proposal.		

(j)	not be located on an actively mobile	The site is not identified as an actively
	landform".	mobile landform.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 7 representations were received, 1 of which was in support. An additional representation was received outside the advertising period. The following issues were raised by the representors.

5.1. Stability of Frontal Dune

The representations raise the stability of the frontal dune and adjacent bank at the top of the beach, in relation to the proposal. Specifically, it is submitted that storm and tidal recession has historically affected this area and collapses have occurred, and that the proposal must be controlled in relation to the impact upon these areas.

• Comment

As discussed above, a detailed coastal vulnerability assessment was submitted in support of the proposal that concludes the proposal would not be adversely affected by erosion and coastal recession provided that all foundations are established within the stable foundation zone, as detailed. Council's Engineers accept these conclusions and have included appropriate conditions above, in response.

5.2. Solar Access

Concerns are raised that the proposed dwelling would risk overshadowing neighbouring dwellings.

• Comment

Solar access has been addressed by this report in relation to Clause 16.4.2 above. Shadow diagrams were provided in response to the representations which are included in the attachments and clearly illustrate that the neighbouring dwelling to the south-east would have in excess of 3 hours sunlight at Winter Solstice, as required by the Scheme.

5.3. Visual Impact

The appearance of the proposed dwelling as having a negative impact upon residential amenity is raised as a concern, in relation to the height and setback of the proposed dwelling. Specifically, it is submitted that the dwelling would dwarf neighbouring dwellings and that its bulk and mass is unreasonable. Reduction in the size of the dwelling is suggested and shifting of the dwelling to the rear (south-east) part of the lot.

• Comment

Visual impact has been addressed by this report in relation to the performance criteria P2 (iii) to Clause 16.4.2 above. As discussed, it is considered that the relevant performance criteria are met by the proposal. It is noted that the dwelling would incorporate a partially open lower level and would therefore allow some visibility through towards the bay, at ground level. On the basis that the relevant performance criteria are met, this issue does not warrant refusal.

5.4. Loss of Views

Concerns are raised by the representations that views to the south-west would be blocked by the proposed dwelling.

• Comment

The obstruction of views is not a relevant consideration under the Scheme, in relation to this proposal.

5.5. Inconsistency with Character of Area

The representations raise the inconsistency of the proposed dwelling with the character of the area as a concern, in that the dwelling would be much larger than the surrounding dwellings and not in-keeping with the "non-suburban 'village' community". It is submitted that the value, quality and character of the area would be compromised and that the amenity of the beach area would further be affected.

• Comment

The proposed development relies upon the performance criteria in relation to side setback within the Village Zone, which does not require that the dwelling be consistent with any identified character.

That said, the area is characterised by a range of dwelling styles, including a number of double storey dwellings. These include the neighbouring property to the south-east at 11 Jervis Street and opposite properties to the north-west at 11 and 13 Algona Street, which are of a comparable size. This issue is therefore not of determining weight.

5.6. Objection on Basis of Applicable Codes

One representation submits that the proposed development should not proceed on the basis that the site is affected by the Waterway and Coastal Protection, Inundation Prone Areas and Coastal Erosion Hazard Codes under the Scheme.

• Comment

The relevant requirements of the codes described are met by the proposal, the reasons for which are discussed above at Section 4.2 of this report.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

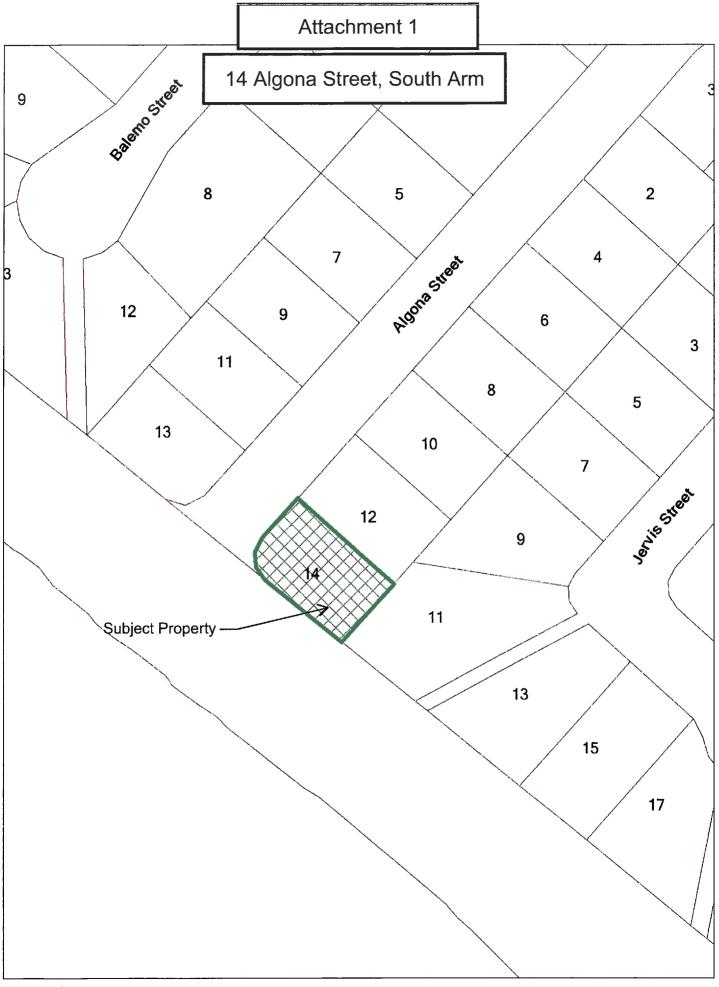
The proposal seeks approval for a Single Dwelling at 14 Algona Street, South Arm. The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme.

The proposal is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)

- 2. Proposal Plan (7)
- 3. Site Photo (1)
- 4. Shadow Diagrams (3)

Ross Lovell MANAGER CITY PLANNING





Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Tuesday, 5 September 2017 Scale: 1:774.3 @A4

PROPOSED NEW RESIDENCE FOR KIRSTIE JUDD AT: 14 ALGONA STREET, SOUTH ARM TAS 7022

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A01 - COVER PAGE A02 - SITE PLAN A03 - GROUND FLOOR PLAN A04 - FIRST FLOOR PLAN A05 - ELEVATIONS A06 - SECTIONS A07 - 3D VIEWS S01 - SLAB AND FOOTING LAYOUT S02 - FLOOR FRAME AND GF LINTEL LAYOUT **S03 - GF BRACING LAYOUT S04 - ROOF FRAME AND FF LINTEL LAYOUT** S05 - FE BRACING LAYOUT

RELATED DOCUMNETS

ENGINEERING DETAILS / SPECIFICATIONS - JSA CONSULTING ENGINEERS ENERGY RATING REPORT - TRC SITE & WASTEWATER ASSESSMENTS - GEO ENVIRONMENTAL SOLUTIONS SURVEY - JUDDK02 10288-01

SITE DETAILS

LEGEND

FINISHED FLOOR LEVEL NATURAL GROUND LEVEL CEILING

BOTTOM OF WALL MANHOLE DOWNPIPE SHELF AND RAIL @ 1650 HIGH 4 x 450 DEEP SHELVES @ 450, 850, 1250 & 1650 HIGH SLIDING DOOR AWNING WINDOW

TOP OF WALL

BOTTOM OF WALL

FIXED WINDOW

CENTERS

DOOR HEIGH OPENING

UNLESS NOTED OTHERWISE

FFI

NGL CL

TOW BOW

MH S&R 4xSH SD

AF

DHO

FHO

CTS

LINO

MUNICIPALITY - CLARENCE CITY COUNCIL ZONING - 29.0 ENVIRONMENTAL MANAGEMENT LAND SIZE - 462 m² TITLE REFERENCE - 79345/26 SITE CLASS - TBC WIND CLASS - TBC BAL RATING: N/A (NO AREAS OF BUSHFIRE PRONE VEGITATION >1ha WITHIN 100m OF THE BUILDING)

NOTES:

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE BCA (BUILDING CODES OF AUSTRALIA) AND ALL RELEVANT AUSTRALIAN STANDARDS.

THE BUILDER IS TO VARIEY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION OR ORDERING MATERIALS.

DIMENSIONS ARE TO TAKE PRECEDENCE OVER SCALED MEASURMENTS. THE SCALE OF THIS DRAWING MAY BE AFFECTED BY PRINTING / COPYING AND SHOULD NOT BE RELIED ON

DIMENSIONS ARE SHOWN IN MILLIMETRES AND DO NOT INCLUDE PLASTER OR OTHER FINISHES

ALL STRUCTURAL DETAILS MUST BE CERTIFIED OR PROVIDED BY A STRUCTURAL ENGINEER. THE ENGINEERS DRAWINGS OR SPECIFICATIONS ARE TO TAKE PRECEDENCE OVER THESE DRAWINGS WHERE CONFLICTING

ALL PLUMBING WORKS TO BE CARRIED OUT BY A LICENCED PLUMBER IN ACCORDANCE WITH AS 3500.

ALL FLECT/CAL WORK TO BE CARRIED OUT BY A LICENCED ELECTICIAN IN ACCORDANCE WITH AS 3000

ALL WET AREAS (AS DEFINED BY BCA 3,8,1.2) TO COMPLY WITH AS3740, USE APPROVED WALL AND FLOOR MATERIALS ONLY AND PROVIDE APPROVED FLASHINGS AND SEALANTS TO ALL JUNCTIONS AND AROUND FITTINGS

INSULATION TO COMPLY WITH ENERGY RATING REPORT (R4.1 TO CEILINGS, R2.5 TO EXTERNAL WALLS, R2.0 TO SUSPENDED FLOORS)

ALL WINDOWS & GLAZING TO COMPLY WITH AS 1268, AS 2047 AND NCC VOL. 2 PART 3.8, GLAZING SHGC AND U-VALUES TO COMPLY WITH ENERGY RATING REPORT (4.6 U-VALUE & 0.54 SHGC)

CFILING PENERTRATIONS, EXHAUST FANS AND LIGHTING TO COMPLY WITH ENERGY RATING REPORT

ALL DOORS AND WINDOWS TO BE SEALED IN ACCORDANCE WITH NCC VOL. 2 PART 3.12.3

EXTERNAL CLADDING AS SHOWN ON PLANS TO BE INSTALLED TO MANUFACTURERS SPECIFICATIONS

ROOF COVER AS SHOWN ON PLANS TO BE INSTALLED TO MANUFACTURERS SPECIFICATIONS

10mm PLASTERBOARD LINING TO ALL INTERNAL WALLS AND CEILINGS U.N.O. (WET AREA PLASTERBOARD TO ALL WET AREAS)

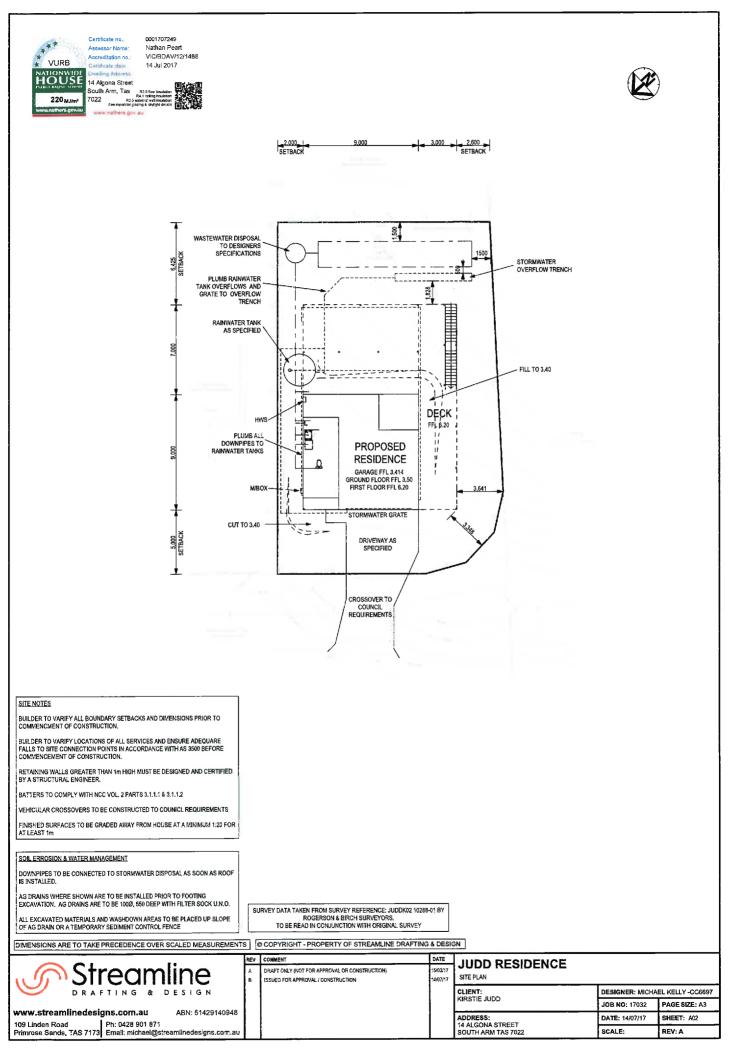
FIBRECEMENT LINING TO ALL EAVES IN ACCORDANCE WITH NCC VOL. 2 PART 3.5.3.5

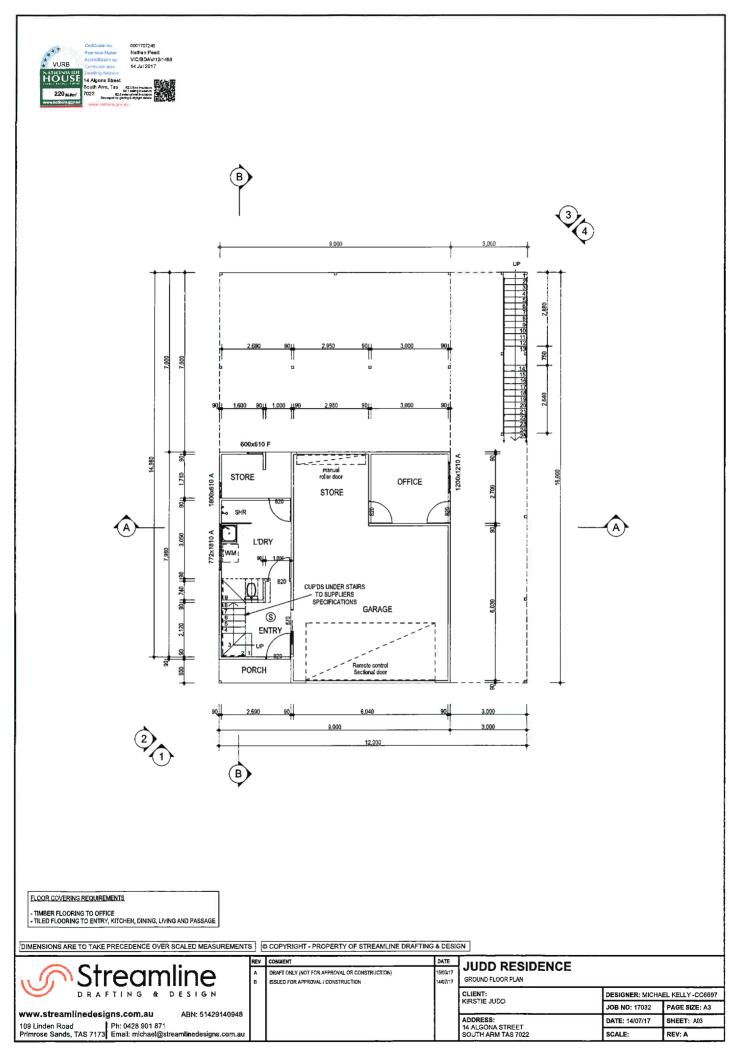
(S) DENOTES SMOKE ALARM, HARD WIRED WITH BATTERY BACKUP TO AS 3786 & NCC VOL. 2 PART 3.7.2

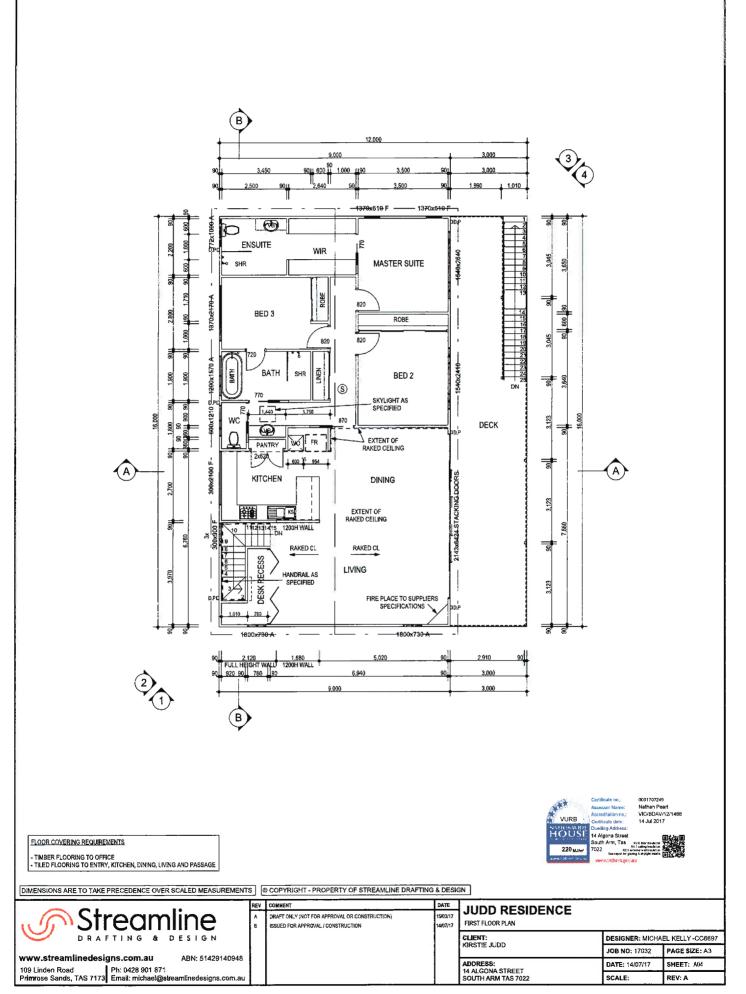
Hous	e Areas	
GROU	JND FLOOR	
	Porch Area	2.59
	House Area	26.05
	Garage Area	52.36
UPPE	R FLOOR	
	Balcony Area	48.00
	House Area	144.00

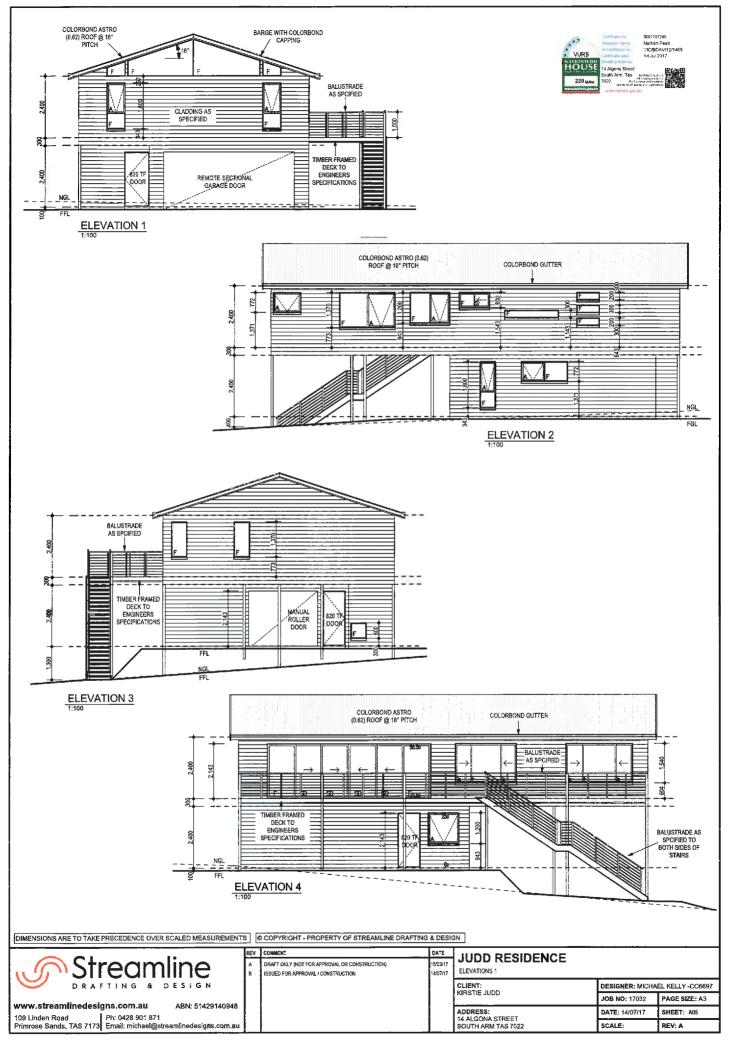


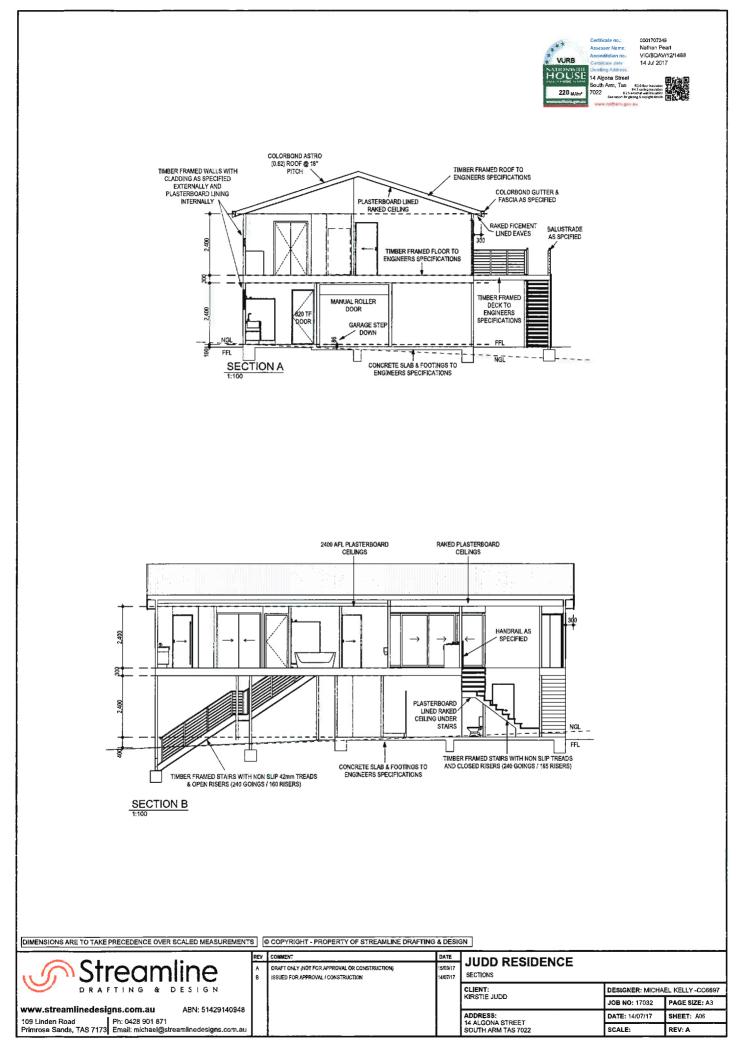
DIMENSIONS ARE TO TAKE PRECEDENCE OVER SCALED MEASUREMENTS DATE REV COMMENT JUDD RESIDENCE DRAFT ONLY (NOT FOR APPROVAL OR CONSTRUCTION) Streamline 5/03/1 COVER PAGE ISSUED FOR APPROVAL / CONSTRUCTION 4/07/17 DRAFTING & DESIGN CLIENT: KIRSTIE JUDD DESIGNER: MICHAEL KELLY -CC6697 JOB NO: 17032 PAGE SIZE: A3 www.streamlinedesigns.com.au ABN: 51429140948 ADDRESS: 14 ALGONA STREET DATE: 14/07/17 SHEET: A01 9 Linden Road Ph: 0428 901 871 imrose Sands, TAS 7173 Email: michael@streamlinedesigns.com.a 109 Linden Road SOUTH ARM TAS 7022 SCALE: REVIA











	(*)				
DIMENSIONS ARE TO TAKE PRECEDENCE OVER SCALED MEASUREMENT Streamline Draft in G & Design www.streamlinedesigns.com.au ABN: 51429140948 109 Linden Road Primrose Sands, TAS 7173 Email: michael@streamlinedesigns.com.au	REV COMMENT A DRAFT ONLY (NOT FOR APPROVAL OR CONSTRUCTION) B ISSUED FOR APPROVAL / CONSTRUCTION	5 & DESIG DATE 15/03/17 14/D7/17	SN JUDD RESIDENCE 30 VIEWS CLIENT: KIRSTIE JUDD ADDRESS: 14 ALGONA STREET SOUTH ARM TAS 7022	DESIGNER: MICHA JOB NO: 17032 DATE: 14/07/17 SCALE:	EL KELLY-CC6697 PAGE 812E: A3 SHEET: A07 REV: A

Attachment 3

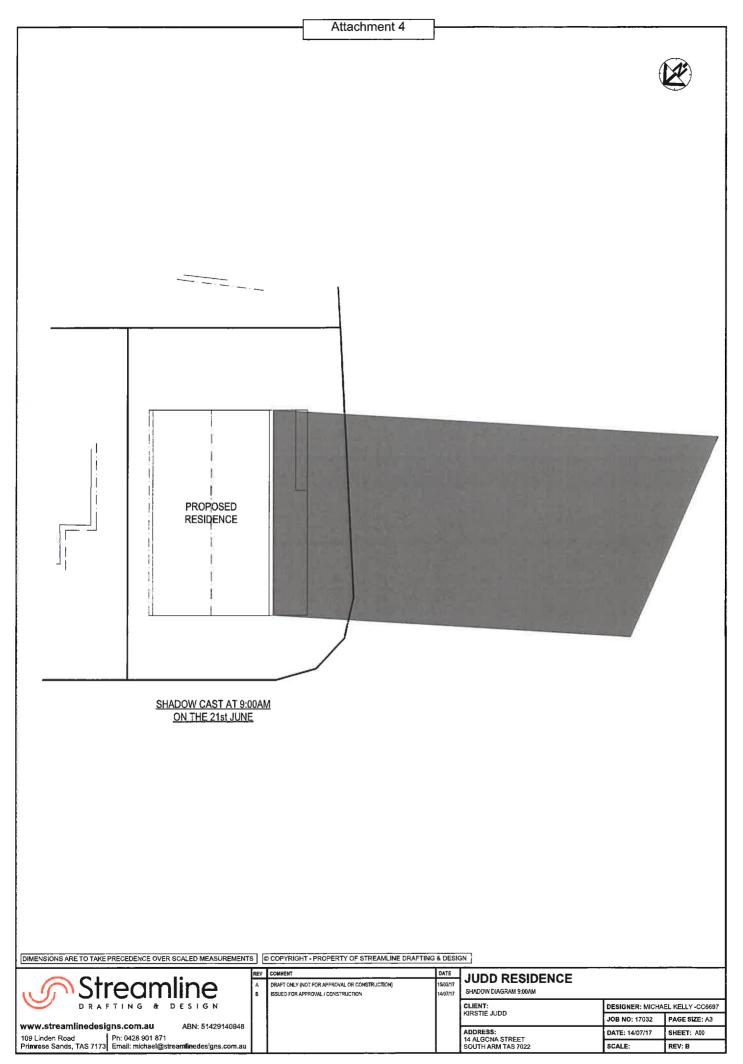
14 Algona Street, SOUTH ARM

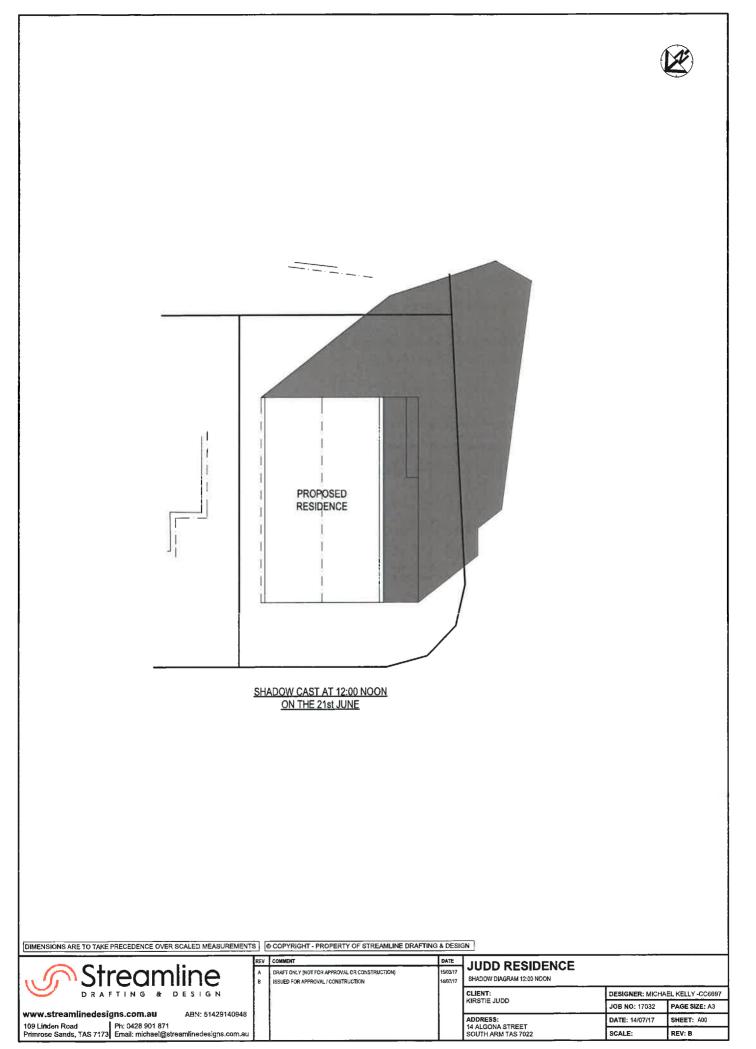


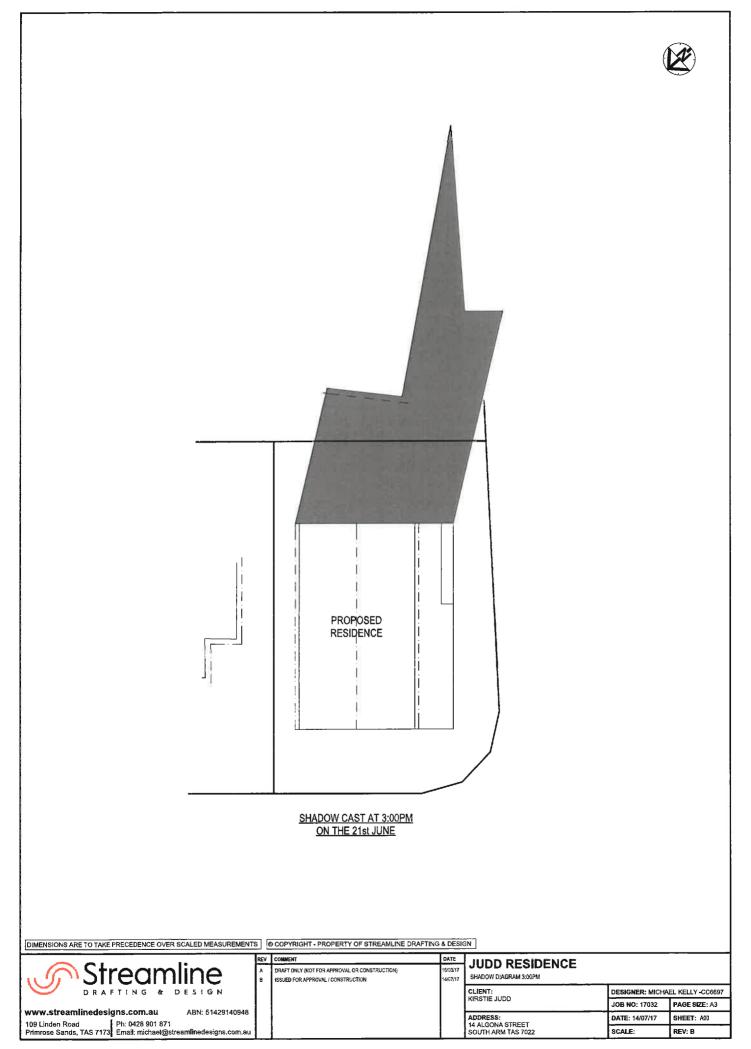
Site viewed from Algona Street, looking southeast



Site viewed from rear of subject property, looking northwest towards Algona Street







11.3.2 DEVELOPMENT APPLICATION D-2017/270 - 14 PARSONAGE PLACE, **ROKEBY - OUTBUILDING - RETROSPECTIVE APPROVAL** (File No D-2017/270)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made to authorise an outbuilding already constructed at 14 Parsonage Place, Rokeby.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended with the applicant's consent until 27 September 2017.

CONSULTATION

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

- the outbuilding has been built not in accordance with previous Development • Permit D-2017/156; and
- the outbuilding to be removed and re-assembled in accordance with D-2017/156.

RECOMMENDATION:

- A. That the Development Application for Outbuilding - retrospective approval at 14 Parsonage Place, Rokeby (Cl Ref D-2017/270) be approved subject to the following conditions and advice.
 - GEN AP1 ENDORSED PLANS. 1.

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

Planning permit D-2017/156 was approved on 31 May 2017 for an outbuilding at 14 Parsonage Place. A representation was received in regard to the proposed 1.5m side (south-west) boundary setback. The applicant agreed to move the outbuilding to have a 4m side (south-west) boundary setback. The representor withdrew their objection on the basis the outbuilding would have a 4m side setback.

The outbuilding was constructed not in accordance with the approved planning permit. The side south-west setback is 3m at the front edge of the outbuilding and 4m at the back edge. Approval was also given for the outbuilding to have a maximum height of 2.8m but has been built to 3.2m.

Approval is now sought for the retrospective outbuilding in its varied position and amended height.

2. STATUTORY IMPLICATIONS

- **2.1.** The land is zoned General Residential under the Scheme.
- **2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions in respect of building envelope under the Scheme.
- **2.3.** The relevant parts of the Planning Scheme are:
 - Section 8.10 Determining Applications;
 - Section 10 General Residential Zone;
 - Section E6.0 Parking and Access Code; and
 - Section E7.0 Stormwater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site has an area of $705m^2$ and no significant slope. The lot has frontage and vehicle access to Parsonage Place and contains an existing dwelling along the northern side boundary and the subject outbuilding at the rear of the site along the south-west side boundary.

The area surrounding the subject site is zoned predominately General Residential and developed with a mix of Single and Multiple Dwellings. The Grace Community Centre borders the rear of the site and is zoned Local Business.

3.2. The Proposal

The proposal seeks retrospective approval of the outbuilding at the rear of the subject site. The outbuilding has a gross floor area of $35.7m^2$ and has a skillion roof that is 3.2m at its highest point above natural ground level and slopes down to a height of 2.4m along the south-west elevation. It has a setback from the side south-west boundary that varies from 4m at the rear corner of the building to 3m at the front of the building.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

- "8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:
 - (a) all applicable standards and requirements in this planning scheme; and
 - (b) any representations received pursuant to and in conformity with ss57(5) of the Act;

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Setbacks and building envelope for all dwellings.	A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:	
		 (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and 	not applicable
		 (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and 	does not comply – within 4m of rear boundary

 (b) only have a setback within 1.5m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or 	not applicable
 (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser). 	not applicable

The proposed variation can be supported pursuant to the following Performance Criteria for the following reasons.

Performance Criterion	Comment
<i>"The siting and scale of a dwelling must:</i>	
 (a) not cause unreasonable loss of amenity by: (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or 	The dwelling most affected by this outbuilding is located to the south-west at 2/10 Parsonage Place. The kitchen, living/dining room is one large room that comprises the side (north-east) part of the unit, which has windows facing north- east, north-west and south-east. The outbuilding would only have minimal impact on sunlight to the kitchen north- east window, which would receive full sun from 11am at Winter Solstice on 21 June. Therefore this would provide in excess of 3 hours of direct sunlight at Winter Solstice.
	Furthermore, the outbuilding has been designed with a low pitched skillion roof with the lower roof section forming the south-west elevation of the outbuilding. The overall height of this section of the outbuilding above natural ground level would be 2.4m above natural ground level, which is considered sufficiently low to ensure minimal loss of sunlight to the habitable room window on the adjoining residence, which is approximately 7m from the outbuilding.

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	Solar access to habitable rooms would not be compromised given the height of the outbuilding.
(ii) overshadowing the private open space of a dwelling on an adjoining lot; or	The wall along the side elevation of the outbuilding that is parallel to the adjoining lot would have a maximum height of 2.4m above natural ground level, which is the height limit applied to excluded outbuildings within the Acceptable Solution. Therefore it is considered the proposed outbuilding will not significantly increase the amount of overshadowing that would occur with a compliant shed.
	On this basis, it is considered that the impact of the outbuilding upon private open space would not be unreasonable in terms of the loss of amenity.
(iii) overshadowing of an adjoining vacant lot; or	not relevant
(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and	The visual impact of the outbuilding wall adjacent the south-west boundary is considered reasonable, in that the wall would be 2.4m in height at a distance of between 3m and 4m from the property boundary. This wall is finished in Colorbond, which is consistent with the range of cladding types of outbuildings within the vicinity of the site.
(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area".	The surrounding area is characterised by a range of separation distances between dwellings, multiple dwellings and outbuildings. The outbuilding distance to the adjoining dwelling is considered consistent with the neighbourhood development.

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. The Outbuilding is not in Accordance with Previous Planning Permit D-2017/156

The representor raised concerns that the outbuilding has been built not in accordance with planning permit D-2017/156 that was approved on 31 May 2017.

• Comment

As discussed in the background section of this report, the outbuilding has not been built in accordance with approved planning permit D-2017/156. The side south-west boundary setback should be 4m with a maximum height of 2.8m.

The applicant is seeking a variation of 1m to the side south-west boundary and 0.8m to the maximum height. It is considered that the variation to the setback and height would have negligible impact compared to the already approved outbuilding, particularly in relation to a reduction in sunlight to habitable rooms, overshadowing the private open space of the adjoining dwelling, and the visual impacts. All of these points have been discussed and can be supported in the assessment section of this report.

5.2. The Outbuilding to be Removed and Re-assembled in Accordance with Previous Planning Permit D-2017/156

• Comment

Should the outbuilding be relocated in accordance with the previous planning permit, the building would be moved 1m further away from the side south-west boundary, and the maximum height reduced by 0.4m. These changes would not result in a significant change to the level of overshadowing and sunlight to habitable rooms and the private open space on the adjoining property. Therefore it is considered removing and re-assembling the outbuilding to be in accordance with the previous planning permit D-2017/156 is not necessary.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

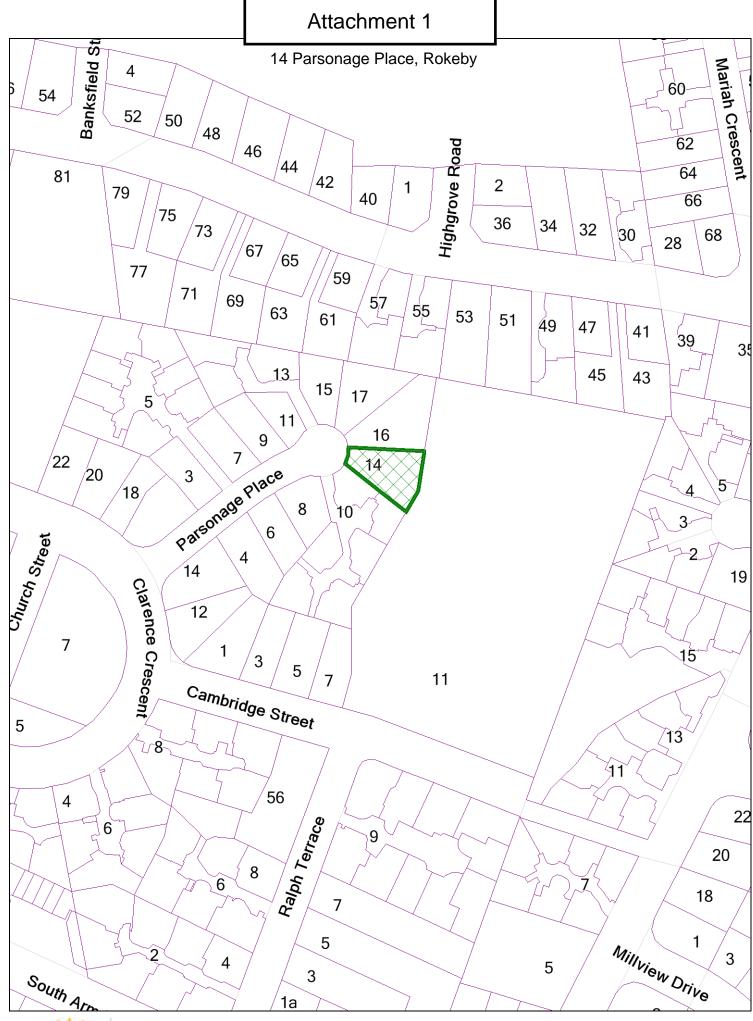
9. CONCLUSION

The proposal is for a retrospective outbuilding at 14 Parsonage Place, Rokeby. The development satisfies the relevant requirements of the Scheme and is therefore recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)

- 2. Retrospective Outbuilding Plan (3)
- 3. Site Photos (1)

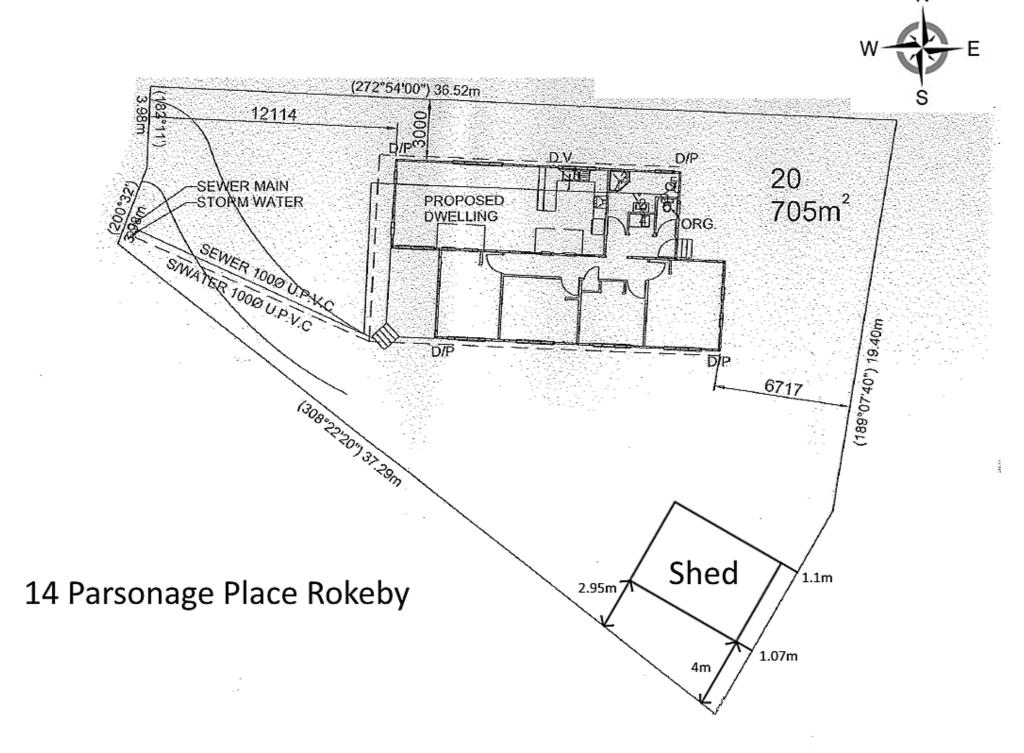
Ross Lovell MANAGER CITY PLANNING



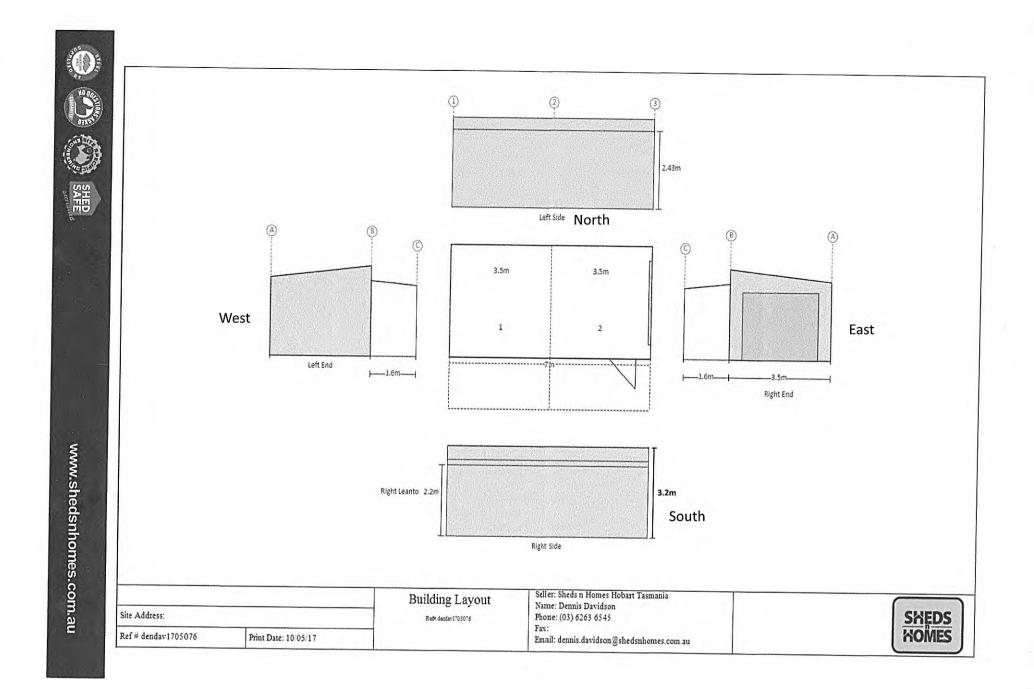


Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. Date: Friday, 8 September 2017 Scale: 1:1,810 @A4





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Attachment 3



11.3.3 DEVELOPMENT APPLICATION D-2017/307 - 55A BASTICK STREET, ROSNY - 2 MULTIPLE DWELLINGS

(File No D-2017/307)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 55A Bastick Street, Rosny.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the consent of the applicant on 27 September 2017.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 5 representations were received raising the following issues:

- privacy;
- solar access;
- inconsistency with character of area;
- insufficient application documentation;
- stormwater run-off and disposal;
- construction impacts;
- bulk earthworks and retaining;
- legality of subdivision that created subject lot; and
- restriction on future development of neighbouring land.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings at 55A Bastick Street, Rosny (Cl Ref D-2017/307) be approved subject to the following conditions and advice.
 - 1. GEN AP1 ENDORSED PLANS.
 - 2. GEN AP3 AMENDED PLAN [boundary fencing reduced to a maximum height of 2.1m in total above natural ground level].
 - 3. ENG A5 SEALED CAR PARKING.
 - 4. ENG S1 INFRASTRUCTURE REPAIR.
 - 5. ENG M1 DESIGNS DA.
 - 6. All stormwater run-off from impervious surfaces within the site must be treated and discharged from site using Water Sensitive urban Design principles or achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010.

Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) and a Maintenance Management Schedule/Regime must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. The facility must be maintained in accordance with this schedule.

- 7. ENG M5 EROSION CONTROL.
- 8. The development must meet all required Conditions of Approval specified by TasWater notice dated 28 July 2017 (TWDA 2017/01175-CCC).
- 9. ADVICE A construction management plan must be provided and approved by Council's Group Manager Engineering Services prior to the issue of a building permit for the works.
- 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 subject lot was created by subdivision approved by Council on 15 November 2012 under SD-2015/22 and registered 23 February 2017.

2. STATUTORY IMPLICATIONS

- **2.1.** The land is zoned General Residential under the Scheme.
- **2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- **2.3.** The relevant parts of the Planning Scheme are:
 - Section 6.0 Limited Exemptions;
 - Section 8.10 Determining Applications;
 - Section 10.0 General Residential Zone;
 - Section E6.0 Parking and Access Code; and
 - Section E7.0 Stormwater Management Code.
- 2.4. Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is an internal lot with a land area of 968m² and has 4.0m frontage and vehicular access onto Bastick Street. The site slopes down to the south-east at an average gradient of 1 in 4 and is clear of significant vegetation. An existing outbuilding is located on the north-western part of the lot and is proposed to be demolished.

The surrounding area is similarly zoned General Residential and is characterised by single detached dwellings located within the established residential area at Rosny.

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It is noted that a right-of-way benefitting 55 Bastick Street exists over the access strip to the subject lot and a right-of-way benefitting the subject property (shown as Right-of-Way B on the proposal plans in the attachments) exists over 55 Bastick Street. This is for the purpose of a passing bay for vehicles accessing the site.

3.2. The Proposal

The proposal is for the construction of 2 Multiple Dwelling units on the subject property. Both units would have the same floor plan and would contain 3 bedrooms, shared kitchen/dining areas, kitchen, amenities, double-car garage and outdoor living areas to the north and north-east of each unit. A copy of the proposal is included in the attachments.

The building footprint of each dwelling unit would be $116m^2$, each would have a total floor area of $152m^2$ and the units would be 6.19m in height above natural ground level at their highest point. Paved, outdoor living areas are proposed to the north-west of each of the dwelling units, each with an area of $34m^2$.

Unit 1 would be setback 2.7m from the south-eastern (side) property boundary, both Units 1 and 2 would be setback 8.01m from the north-western (rear) boundary and Unit 2 would be setback 3.5m from the north-eastern (side) boundary. A setback distance from the south-eastern (front) boundary of 6.0m is proposed, enabling the construction of the proposed driveway and vehicular manoeuvring areas associated with the development.

The units would be clad using a combination of light grey Colorbond roofing, dark grey horizontal weatherboard cladding, rendered (light grey concrete block and oiled hardwood for the proposed timber decking.

Privacy screening is proposed as part of the development. An indicative elevation of the screening has been included in the application documentation that shows a 1.8m high pine fence above the paved driveway height.

Fencing formed part of the advertised DA and is discussed in further detail in Section 4.2 of this report.

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

Firstly, it is necessary to address the boundary fencing proposed as part of the development. The proposal plans show a built privacy screen of 1.8m in height to be constructed along part of the north-eastern, south-western and south-eastern boundaries. The section shown includes a retaining structure and whilst it does not clearly indicate natural ground level it appears that the fence would be up to 2.6m in total height (including the retaining wall) above natural ground level.

Section 6.4 of the Scheme provides an exemption from planning approval for boundary fencing for side and rear boundaries, provided it is not more than 2.1m in height above natural ground level and is not located within 4.5m of the primary frontage. The primary frontage for the site is where the driveway meets Bastick Street at its south easternmost point.

This was raised with the applicant as part of the assessment, who has submitted as part of the application that it is their intention to construct a fence that does not exceed 2.1m in total height above natural ground level. On this basis, it is appropriate that any approval include a condition requiring the provision of amended plans to ensure this occurs.

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

Clause	Standard	Acceptable Solution	Proposed
10.4.2 A3	Setbacks and building envelope for all dwellings	A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:	
		 (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and 	of Unit 1 would extend beyond
		 (b) only have a setback within 1.5m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser). 	-

The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.2 for the following reasons.

Performance Criteria	Comment
"P3 – The siting of a dwelling must:	see below
(a) Not cause any unreasonable loss of	
amenity by:	
(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or	The proposal plans show the location of the building envelope in relation to the dwelling units proposed, and identify the extent of the parts of Unit 1 outside the prescribed building envelope. Diagrams illustrating the extent of shadows likely to be cast at Winter Solstice were provided with the application and included in the advertised plans.
	During advertising it was found that the shadow diagrams were incorrectly labelled in relation to hours. Revised plans were submitted and show a decreased impact upon the neighbouring properties to the south of the site.
	The subject properties most affected by the proposed development are 55, 57 and 59 Bastick Street, located to the south of the subject property. The shadow diagrams indicate that the dwelling at 53 Bastick Street would be unaffected by overshadowing.
	The rooms at the rear of the dwelling at 59 Bastick Street include bedrooms and to the north-eastern side of the dwelling a roofed outdoor dining area, which would not be impacted by the proposed Unit 1 until after 1pm at Winter Solstice. This impact is considered reasonable, in that at least 3 hours of sunlight would exist to the habitable parts of that dwelling, at Winter Solstice.
	Shadow diagrams show that part of 57 Bastick Street would lose sunlight after 1pm. However, this leaves over 3 hours of sunlight to the habitable parts of that dwelling at Winter Solstice, as required.

(ii) overshadowing the private open space of a dwelling on an adjoining lot; or	Immediately to the south-east of the development site is 55 Bastick Street containing a 2 storey dwelling on the front part of the lot - with the living/kitchen areas and a bedroom on the upper level and oriented to the south-east, with views towards the river and mountain. A pergola was constructed at the north-eastern corner of the dwelling in 2010 (which is not a habitable room, as defined by the Scheme) and no other habitable rooms exist at the north-western part of that dwelling. The shadow diagrams demonstrate that the north-western part of that dwelling would be similarly unaffected by overshadowing as a result of the proposal until after 1pm at Winter Solstice. On the basis of the shadow diagrams submitted, the impact is therefore considered to be reasonable. In relation to 59 Bastick Street, the diagrams show that overshadowing of parts of the private open space to the rear of the dwelling would occur at Winter Solstice but that there would be in excess of 3 hours of sunlight available. This parcel has an area of 1029m ² and the dwelling is on the south-eastern part of the lot, meaning that the impact upon solar access to the outdoor living areas would be reasonable. No 57 Bastick Street is located to the south-east of the development site and has a lot size of 590m ² with an area of approximately 165m ² comprising the open space to the rear of the dwelling. The shadow diagrams indicate that there would be an impact upon this area from after 12pm, as a result of the proposal. This impact is similarly considered reasonable, in that at least 3 hours of sunlight would exist to the private open space associated with that dwelling, at Winter Solstice.
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(iii) overshadowing of an	The diagrams show that the outdoor living area (and pergola) at 55 Bastick Street would be unaffected from 9am until 12pm and that limited sunlight to the outdoor living area would exist from 1pm till 2pm, at which point the site is overshadowed in its entirety by the slope of the site and residential development to the north-west, at Leura Street. Though the site is impacted, it is considered a reasonable impact upon residential amenity under this performance criterion. not relevant
(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and	Given the gradient of the land in the vicinity of the site, the surrounding area generally contains Single Dwellings on multiple levels. Neighbouring dwellings are typically oriented to the south to obtain views of the river and mountain. The visual impact of the proposed units is considered reasonable, in that the building height at their highest point would be 6.19m above natural ground level. The proposed units would be single storey at the rear and 2 storey on the lower part of the site. This would be significantly less obtrusive in terms of visual impact than several neighbouring properties that have 2 storey buildings. It is considered that the variation to the building envelope is relatively minor and the excavation into the slope is a reasonable response to the constraints of the site. For the above reasons, it is therefore considered that the proposal would not cause a loss of amenity to the adjoining properties through visual bulk and scale of the development.
(b) Provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area".	Development within proximity of the subject property is characterised by setbacks ranging from 6.0m (to rear boundaries), to side boundary setbacks of 1.5m to 0m. The proposed dwelling separation distances at 3.5m, 2.7m and 8.01m from the rear boundary are therefore compatible with the separation distances evident in the surrounding area.

Clause	Standard	Acceptable Solution	Proposed
10.4.4 A1	U	A dwelling must have at least 1 habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	both units to be oriented at 47 degrees west of

General Residential Zone

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.4 for the following reasons.

Performance Criteria	Comment	
"A dwelling must be sited and designed	The proposed dwelling units would each	
so as to allow sunlight to enter at least	be oriented at 47 degrees west of north	
one habitable room (other than a	and would have large outdoor living	
bedroom)".	areas on the north-western side of each	
	dwelling. The units would each have	
	large windows from the living areas to	
	the north and north-eastern elevations,	
	meaning that both units would	
	experience high levels of natural	
	sunlight and residential amenity.	

Stormwater Management Code

Clause	Standard	Acceptable Solution	Proposed
E7.7.1 A2	Stormwater drainage and disposal	A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater, if any of the following apply:	
		 (a) the size of new impervious area is more than 600m²; 	does not comply – impervious area of 732m ²
		(b) new car parking is provided for more than 6 cars;	complies
		(c) a subdivision is for more than 5 lots.	complies

Comment **Performance Criteria** "A Council's Engineers are satisfied that the stormwater system for a new proposed development and driveway development must incorporate а stormwater drainage system of a size and configuration is a reasonable response to sufficient to achieve the site constraints and that stormwater design the stormwater quality and quantity targets be appropriately drained can to in accordance with the State Stormwater existing network Council's whilst Strategy 2010, as detailed in Table E7.1 achieving the targets established by the unless it is not feasible to do so". State Stormwater Strategy 2010, as required by this performance criterion. An appropriate condition has been included above to reflect this requirement.

The proposed variation must be considered pursuant to the Performance

Criteria (P2) of the Clause E7.7.1 for the following reasons.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 5 representations were received. The following issues were raised by the representors.

5.1. Privacy

Concerns were raised that the privacy of neighbouring properties would be compromised as a result of the proposed development. Specifically, the location of the parking and vehicular turning bays would have an impact on neighbouring properties in terms of light intrusion and that the proposed "built privacy screen" fencing, which would be 25 percent transparent would not provide for privacy between properties. It is submitted that a solid fence would be a more appropriate response.

• Comment

Boundary fencing does not require a permit under the Scheme provided it is not more than 2.1m in height above natural ground level and is not located within 4.5m of the primary frontage. As discussed at Section 4.2 above, the applicant proposes that the boundary fencing would not exceed 2.1m in height above natural ground level, meaning that it is exempt from planning approval. Where boundary fencing meets the exemption under the Scheme, the style it is a civil matter addressed between landowners. That said, the concerns regarding privacy have been raised with the applicant who has proposed to construct the new boundary fencing using a solid, non-transparent finish, in response to the representations.

5.2. Solar Access

Concerns are raised by the representations in respect of the likely overshadowing to be cast by the proposed development and the accuracy of the shadow diagrams submitted as part of the application, in that the full extent of the impact is not clearly shown. The impact of the proposal on solar access of habitable rooms and bedrooms of neighbouring dwellings is raised by the representations and the related impacts upon heating costs, should the proposal be approved.

The representations raise concerns that the overall appearance of the height of the structure may be greater than shown by the plans. The likely impact of this fencing proposed in relation to overshadowing was also raised as a concern.

• Comment

The proposal is reliant upon the performance criteria in relation to building envelope (Clause 10.4.2, P3). Both have been discussed above and it is considered that the proposed development meets the relevant tests under both performance criteria.

As noted above, the proposed boundary fencing condition will ensure that the fencing is exempt from planning approval and is therefore not a relevant consideration under the Scheme.

5.3. Inconsistency with Character of Area

The representations raise concerns that the proposed development would be inconsistent with the character of Bastick Street and the broader Rosny area. It is submitted that the separation distances are inconsistent with surrounding properties and that a Single Dwelling would be a more appropriate use of the site. The visual impact of the proposal in relation to the proposed dark Colorbond wall finish is also raised as being inconsistent with the neighbourhood.

• Comment

The proposal is reliant upon the performance criteria in relation to building envelope (Clause 10.4.2, P3) and sunlight and overshadowing for all dwellings (Clause 10.4.4, P1). Both have been discussed above and it is considered that the proposed development meets the relevant tests under both performance criteria.

5.4. Insufficient Application Documentation

The representations raise concerns that the application documentation submitted does not meet the requirements of Clause 8.1.3 of the Scheme. Specifically, it is submitted that documentation has not been provided as required in relation to soil testing and utility connection points for the development.

• Comment

Clause 8.1.2 of the Scheme identifies the mandatory information that must be included when making application for use or development, and the items identified by this clause have been provided.

Clause 8.1.3 identifies items that the Planning Authority may, in order to enable it to consider an application, request of the applicant as part of the assessment. Detail of the soil type was not considered necessary by Council's Engineers in relation to the proposal because there is no known history of instability on or in the vicinity of the site. Similarly, information identifying the proposed service connection points was not required because both Council's Engineers and TasWater are satisfied that the proposal can be connected to the existing infrastructure networks. This issue is therefore not of determining weight in respect of the application.

5.5. Stormwater Run-off and Disposal

The representations raise concerns that stormwater run-off would, from the development and driveway works, risk compromising the integrity of adjacent development.

• Comment

The detailed building (and engineering) design plans required as part of a building and plumbing application for the development would require detailed consideration of stormwater management. Council's Engineers are satisfied this can be appropriately addressed within the boundaries of the site to enable the proposal to be drained to Council's system, which would satisfy the requirements of Clause E7.7.1 of the Scheme.

5.6. Construction Impacts

The representations raise concerns in relation to impacts associated with construction works, including an apparent necessity for a timetable for commencement and completion of the various stages of the work. Specific concerns in relation to construction noise, damage to neighbouring properties to be caused by excavation and rock breaking and works in proximity of existing property boundaries are raised. Security of pets and children in relation to fencing works is also raised.

• Comment

A planning permit for the development, if granted, would be valid for a period of 2 years from the date of issue and can be extended upon request of Council. The timing and method of construction is not a relevant consideration under the Scheme, but relevant to the building permit application process.

Advice has been included above alerting the applicant to the necessity for a construction management plan, which would deal as part of the building permit application with the issues raised by the representors.

5.7. Bulk Earthworks and Retaining

Concerns are raised in relation to the design of the retaining structures required for the development. The integrity of a pine sleeper retaining wall, as shown, is questioned and the potential for encroachment onto neighbouring properties is raised as a concern. It is also submitted that crash barrier fencing may also be warranted for the shared boundary fence with the properties to the south of the site.

• Comment

The proposed development must be contained within the lot boundaries, and the design and construction of any retaining structures is not a relevant consideration under the Scheme. That said, the construction of the proposed retaining structures (where over 1m in height above natural ground level) would form part of a future building permit application.

5.8. Legality of Subdivision that Created Subject Lot

Concern was raised by 1 representor that the original subdivision that created the subject lot may have been approved in contravention to an original title of the parent lot, at 55 Bastick Street. Being that the legality of the original subdivision is questioned, it is submitted that the proposed development may not be permitted. The detail of this is not provided by the representation.

• Comment

The representors' claim is unsubstantiated and the subdivision that created the subject lot is not a relevant consideration to this application. The lot has been registered by the Land Titles Office and recognised with its own title. That said, there were no covenants identified on the parent title that prevented the approval of the original subdivision. This issue is therefore not a relevant consideration in relation to the proposal.

5.9. Restriction on Future Development of Neighbouring Land

The representations raise concern that the proposed development would restrict the future capacity of the existing dwellings at 55 and 57 to be extended. Specifically, the concern is that future residents of the proposed units would oppose any upper level additions to 55 and 57 Bastick Street, on the basis of views being restricted and there being an impact upon amenity.

• Comment

The Scheme allows development of land in a manner compliant with the relevant acceptable solutions and performance criteria. The future development capacity of adjoining lots is not a relevant consideration in relation to the proposal.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal seeks approval for 2 Multiple Dwellings at 55A Bastick Street, Rosny. The application meets the relevant acceptable solutions and performance criteria of the Scheme.

The proposal is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)

- 2. Proposal Plan (13)
- 3. Site Photo (1)
- 4. Amended Shadow Diagrams (1)

Ross Lovell MANAGER CITY PLANNING

Location Plan - 55A Bastick Street

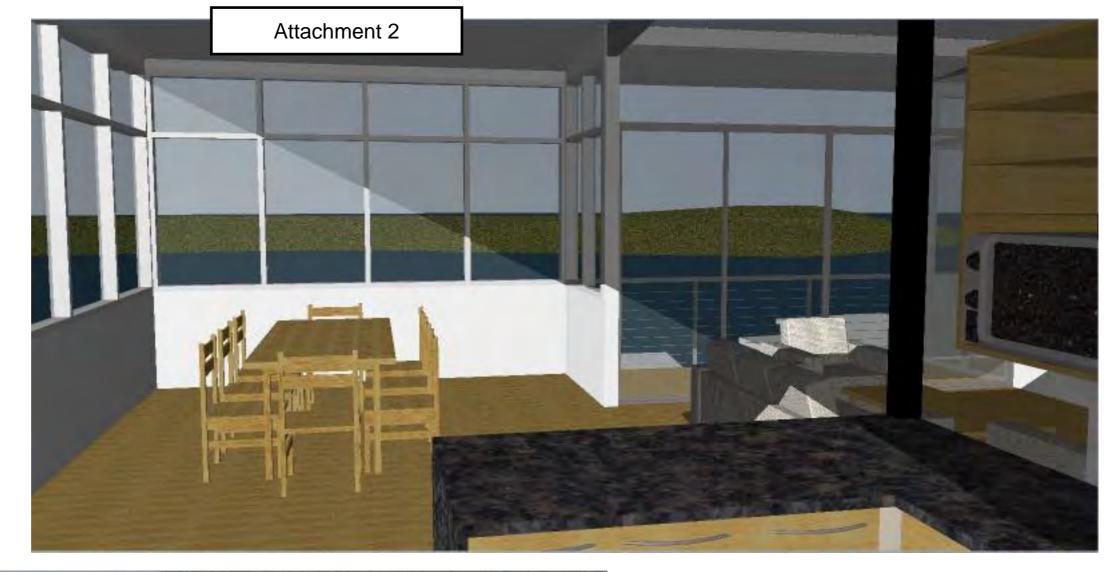




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DRAWING INDEX

Dwg.No.	Drawing name	Scales
DA 100	Cover, perspectives	1:1
DA 101	Location plans	1:1000, 1:30000
DA 102	Site plan	1:200
DA 103	Site elevations, section	1:200
DA 104	Car turning & parking plan	1:200
DA 105	Site analysis plan	1:500, 1:1000, 1:50
DA 106	Sun study for 21st June	1:500
DA 107	Contour plan	1:200
DA 108	Bulk earthworks plan	1:200
DA 109	Strata title plan - prelim.	1:200
DA 201	Ground floor plan	1:100
DA 202	First floor plan	1:100
DA 203	Elevations, Section, Res 1	1:100
DA 204	Elevations, Section, Res 2	1:100





Residential Development at 55A Bastick Street Rosny Tas. 7018 for P & A Cox

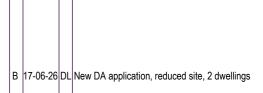


1001-DA 100

ph. 07 3846 5216 m. 0423 962 432 d.lindahl@live.com Agenda Attachments -55a Bastick Street, RosnyPage 2 of 16



REAL PROPERTY DESCRIPTION Lot 2 on SP 172844 City of CLARENCE



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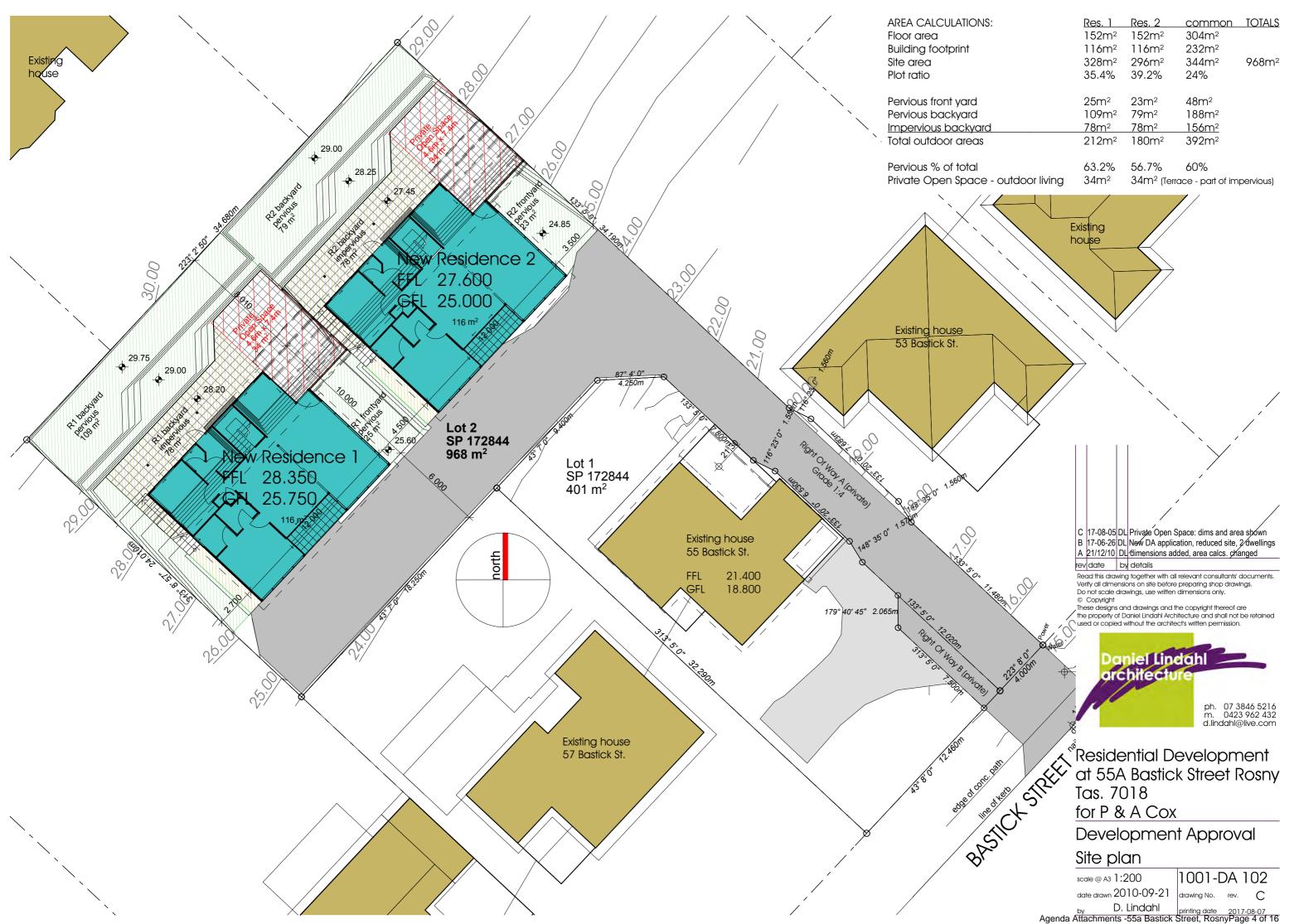
Residential Development at 55A Bastick Street Rosny Tas. 7018

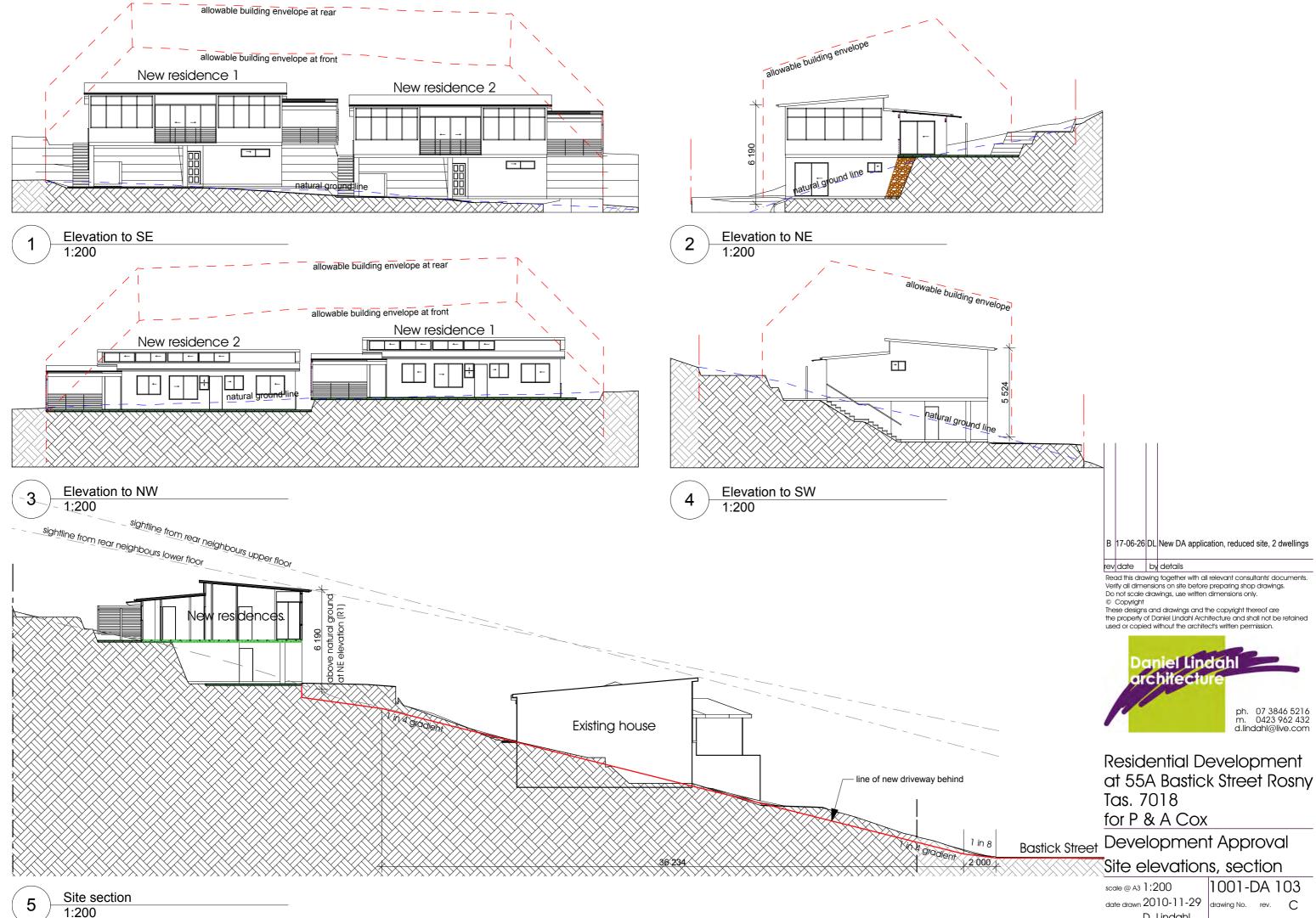
for P & A Cox

Development Approval

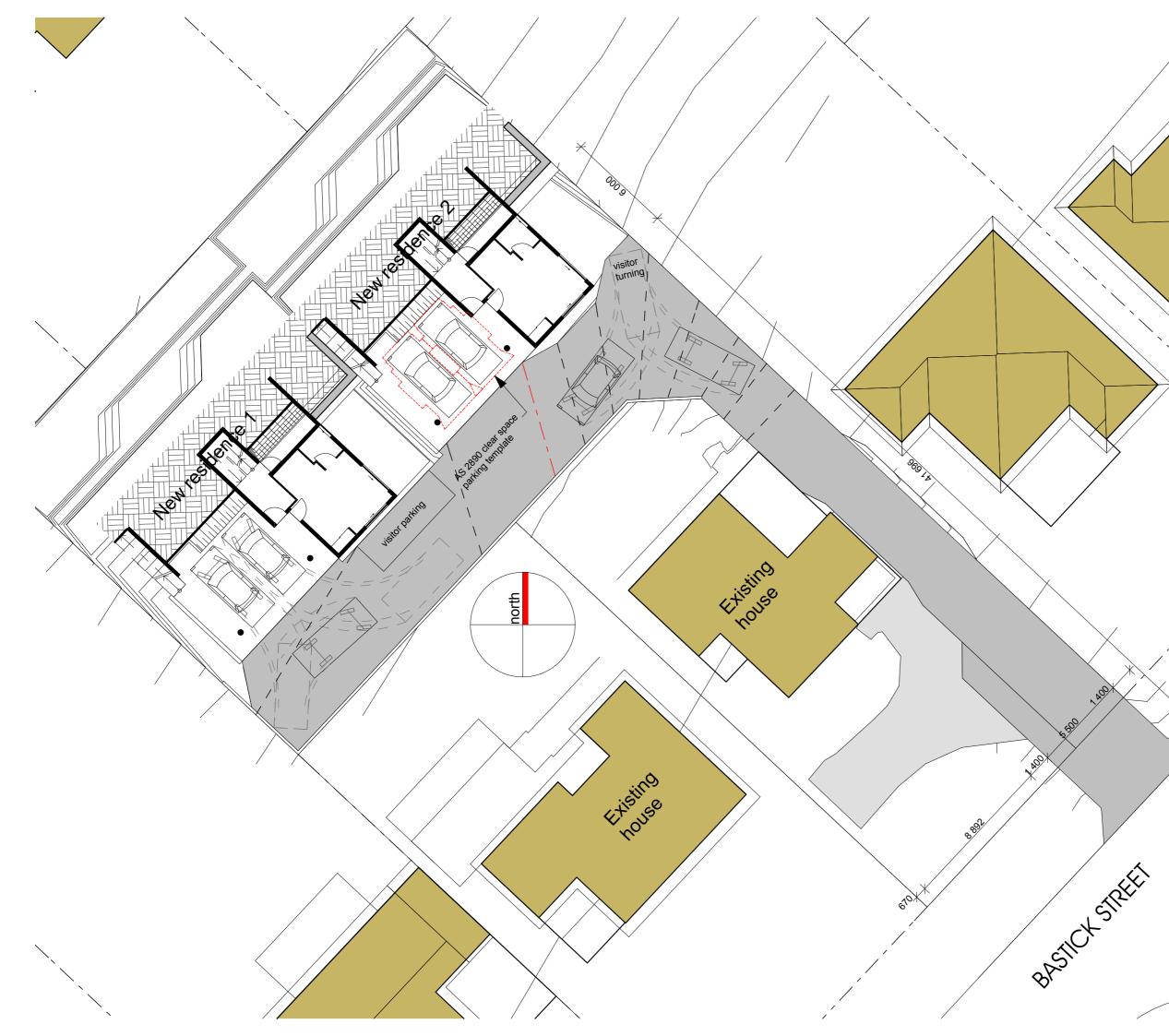
Location plans

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date drawn 2010-11-29 drawing No. rev. C D. Lindahl by D. Lindahl |printing date 2017-08-07 Agenda Attachments -55a Bastick Street, RosnyPage 5 of 16



B 17-06-26 DL New DA application, reduced site, 2 dwellings

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J.C.



Residential Development at 55A Bastick Street Rosny Tas. 7018 for P & A Cox **Development Approval** Car turning & parking plan 1001-DA 104 scale @ A3 1:200 - date drawn 2010-12-01 drawing No. rev. C

Agenda Attachments -55a Bastick Street, RosnyPage 6 of 16

SITE ANALYSIS

Sunlight and shade

Sun shadow diagrams at 2-hourly intervals from 9:00am for the 21st June are shown on drawing SD106.

Due to the 1 in 4 general gradient of the area, at 3:00pm the hillside is already in complete shadow, so a 2:00pm plan has been included for a meaningful study of the shadow patterns

For most of the daylight hours the development's shadows have minimal impact on adjoining backyards.

Neighbouring houses to the south are partially shaded by the new development for only one hour, between 1:00 and 2:00pm. After that, existing houses in Leura St. to the north already shade the houses to the south completely so the new development has no additional impact.

Views

The significant views from the area are of Kangaroo Bay and Bellerive Bluff to the south/south-east, through to Sandy Bay to the south-west, with distant views of Storm Bay and the Tasman Sea to the south.

The general site gradient ensures that these views remain unimpeded by the new development for all properties. The sightline section shows that there are clear sight lines from the houses behind the development to the near shoreline of Kangaroo

There are no large trees or other tall vegetation existing or planned for the site, so there will also be no future impact on views.

Amenity of adjoining properties

The buildings in the immediate area are single family residences on sites ranging from 570 to 1030m². The development consists of 2 new residences on 968m² of land for a site density of 484m² per residence. This infill development is contained to the large backyard areas prevalent in Bastick Street, so there is negligible visual increase in site density from the street

As a precedent, a similar infill development has been done several years ago nearby to the north-east

The predominant built form in the area consists of a weatherboard upper storey with a corrugated skillion roof over a masonry lower floor covering half the building area. The development is completely consistent with the prevailing building form. Privacy screening to 1.8m height by the use of fences, built screens and landscaping ensures that privacy between the development and adjoining properties is appropriately maintained. The SW wall of New Residence 1 is the only wall closer than 3m from a side boundary. This wall has only one window with a sill height of 1700mm.

Vegetation

Where appropriate and practical, existing vegetation will be retained. There is one 3m apple tree which has to be removed, but no other large trees on the property. Thus, with the new landscaping the development will not reduce the extent of vegetation for the area.

Public space impact

The new buildings are uphill and behind the existing buildings along the street, so will be largely unnoticed from the street. Two additional households will not add significantly to the street traffic There are no other public spaces in the vicinity. From a distance the new buildings will be consistently in line with the existing infill development to the north-east.

Site access

The driveway is 4m wide generally, widened at the entry point to 5.5m by a 7.5m-9m long right-of-way on the adjoining site at 55 Bastick St for safe access to and from the site. This also allows for passing traffic within the site. After a further 20m the driveway turns, levels out, and again widens out to 5.5m to allow passing traffic in the upper more level portion of the site. The bend is configured as a T to provide for on-site turning for visitors' cars.

Orientation, Passive energy

The orientation of the new houses is largely governed by the site constraints. While living areas are facing the significant views to the south and south-east, they also extend through to the north for good through ventilation.

Large windows to the south-east and north-east as well as clerestorey windows at roof level to the north-west ensure that these south facing living areas have a high level of natural light, winter sun for passive heating, and cross ventilation in summer

Outdoor entertaining areas are located on the northern corner of each house with optimum access to sunlight and shelter from prevailing winds.

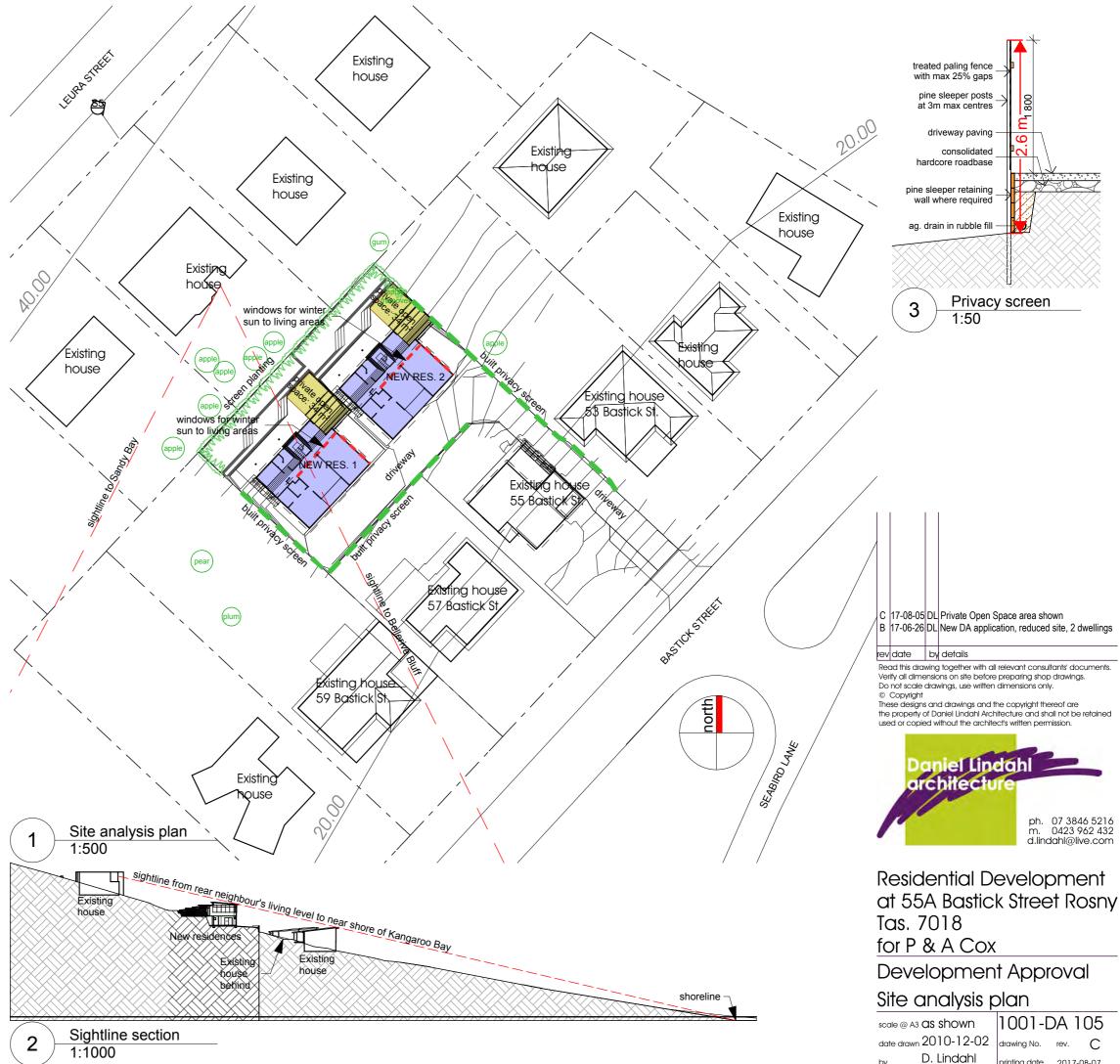
To minimise energy use roofs and walls will be well insulated. The suspended floor to the open carport undercroft will be constructed using thermally efficient lightweight concrete or an insulated timber floor system

Bushfire risk

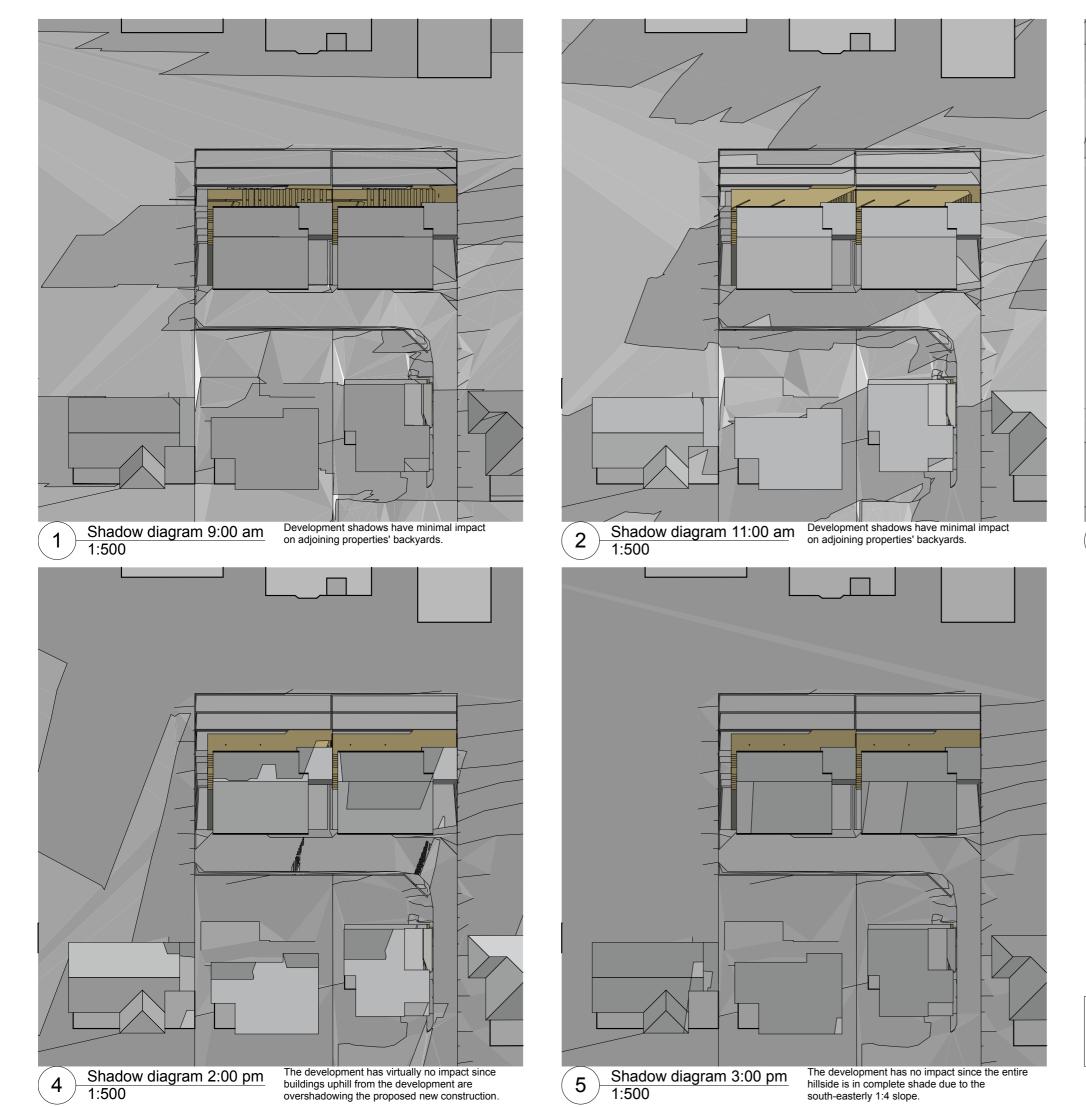
The north-western boundary of the site is 88m from the bushland precinct at the top of Rosny Hill, so is technically within the bushfire risk area.

However, the Rosny Hill bushland has a 12m wide cleared buffer along its edge. making the distance of the property to standing bushland 100m. This bushland is up the hill, and to the leeward side of prevailing winds, so there is very low risk of a bushfire migrating down the hill towards Bastick Street.

Apart from a 4m gum tree on the adjoining site to the north there are no large trees or standing vegetation in the immediate neighbourhood. The development has no valley gutters to trap fallen leaves, there will be no new vegetation close to the buildings, and low fire-risk species will be selected for the site landscaping vegetation. Thus the risk from bushfires will be minimal.



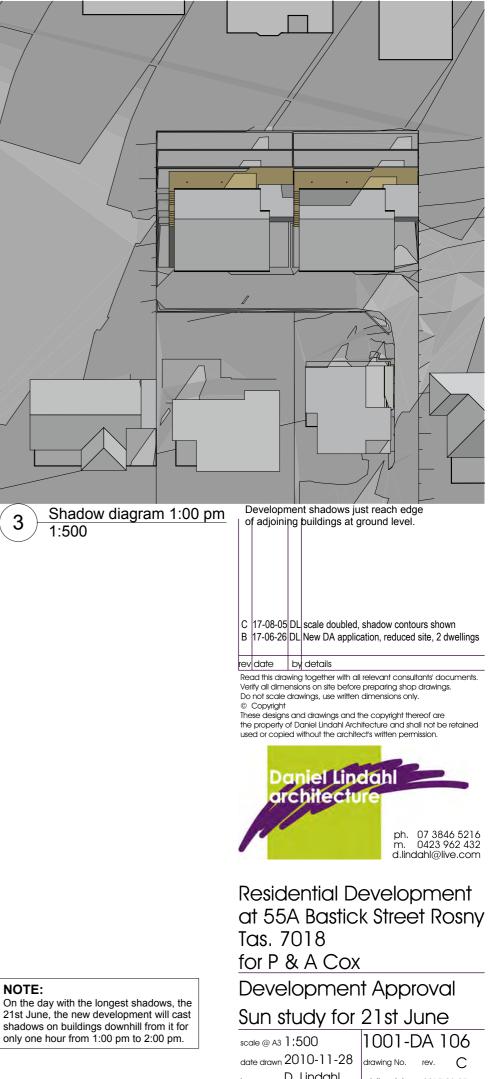
Agenda Attachments -55a Bastick Street, RosnyPage 7 of 16



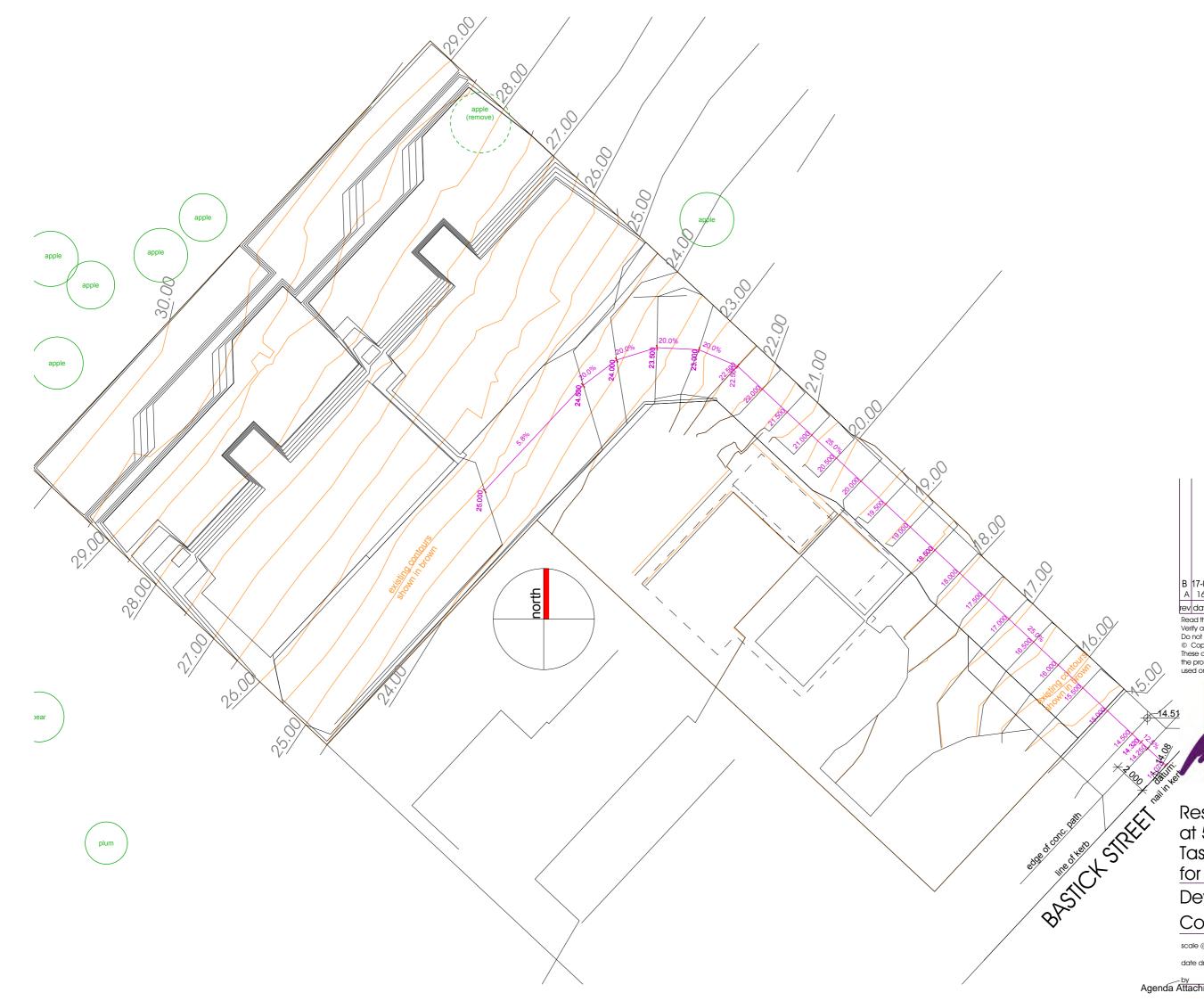
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NOTE:

21st June, the new development will cast shadows on buildings downhill from it for only one hour from 1:00 pm to 2:00 pm.



Agenda Attachments -55a Bastick Street, RosnyPage 8 of 16



B 17-06-26 DL New DA application, reduced site, 2 dwellings A 160211 DL datum point, driveway gradients shown

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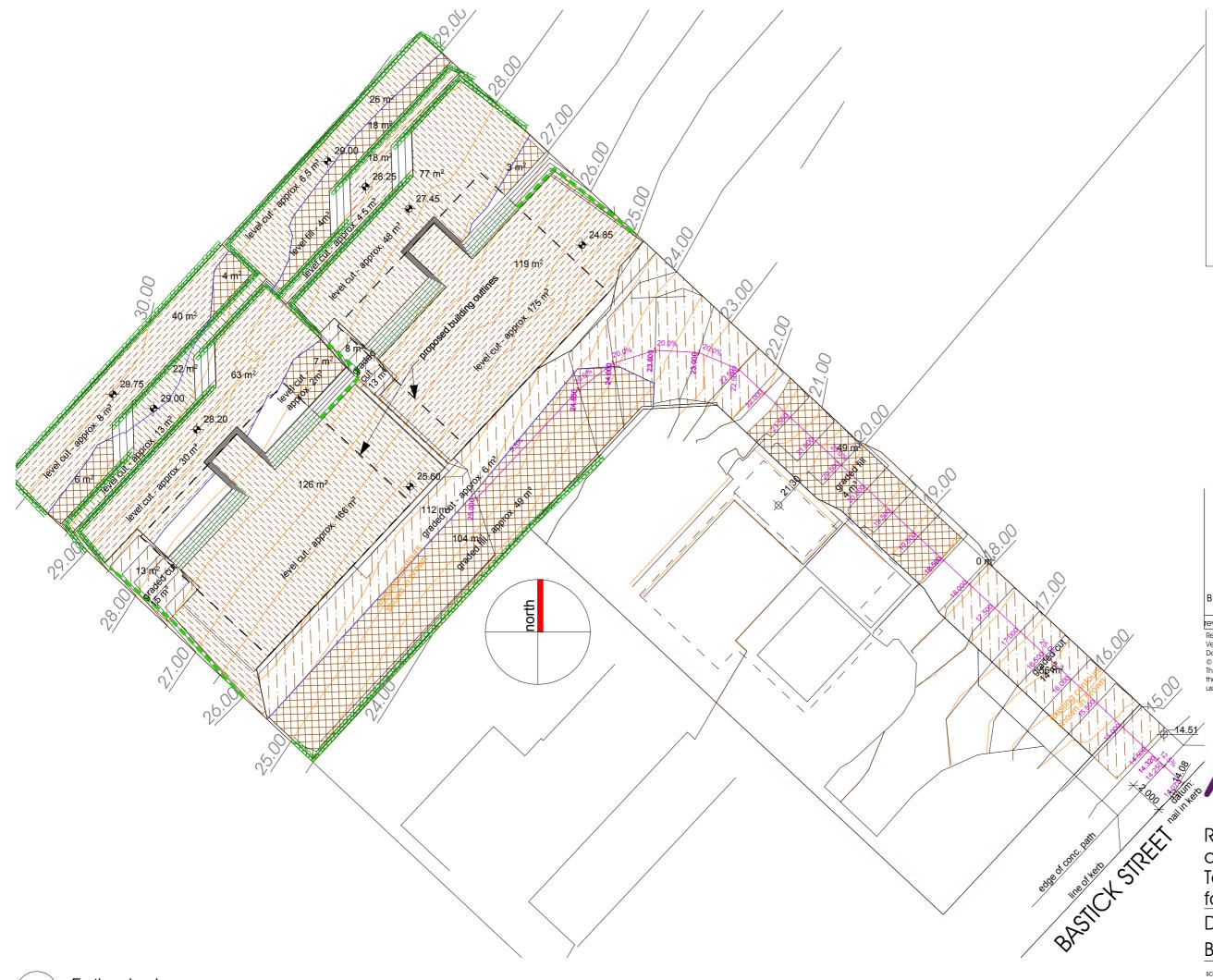
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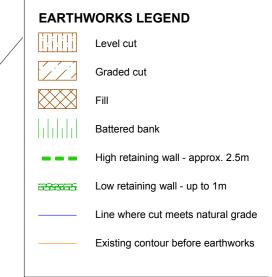
Residential Development at 55A Bastick Street Rosny Tas. 7018 for P & A Cox **Development Approval** Contour plan

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Earthworks plan

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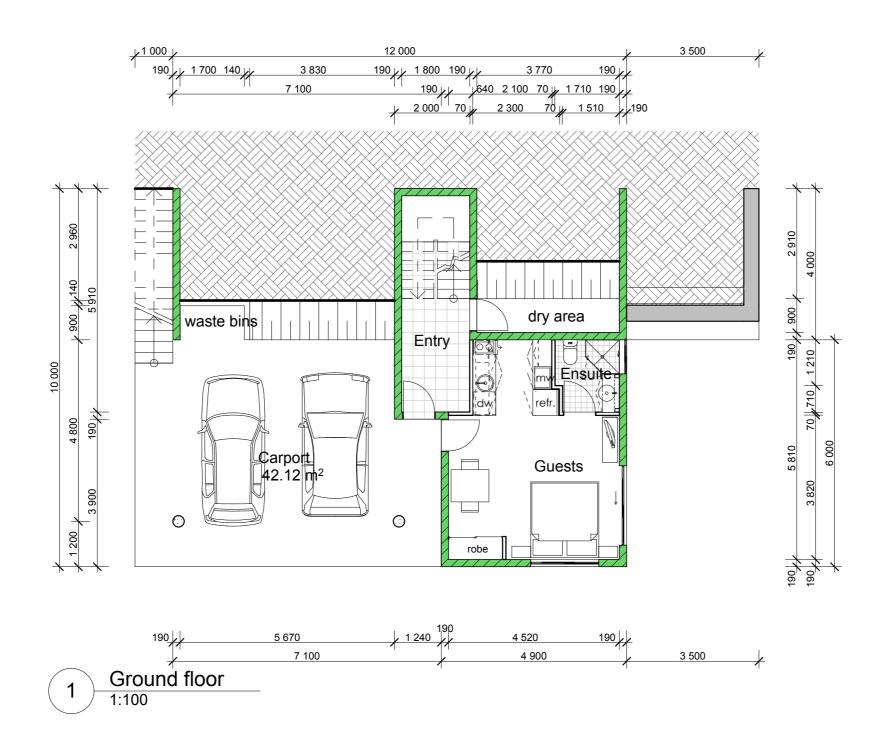
Residential Development at 55A Bastick Street Rosny Tas. 7018 for P & A Cox

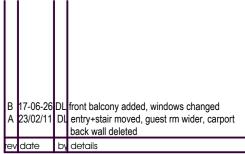
Development Approval

Bulk earthworks plan

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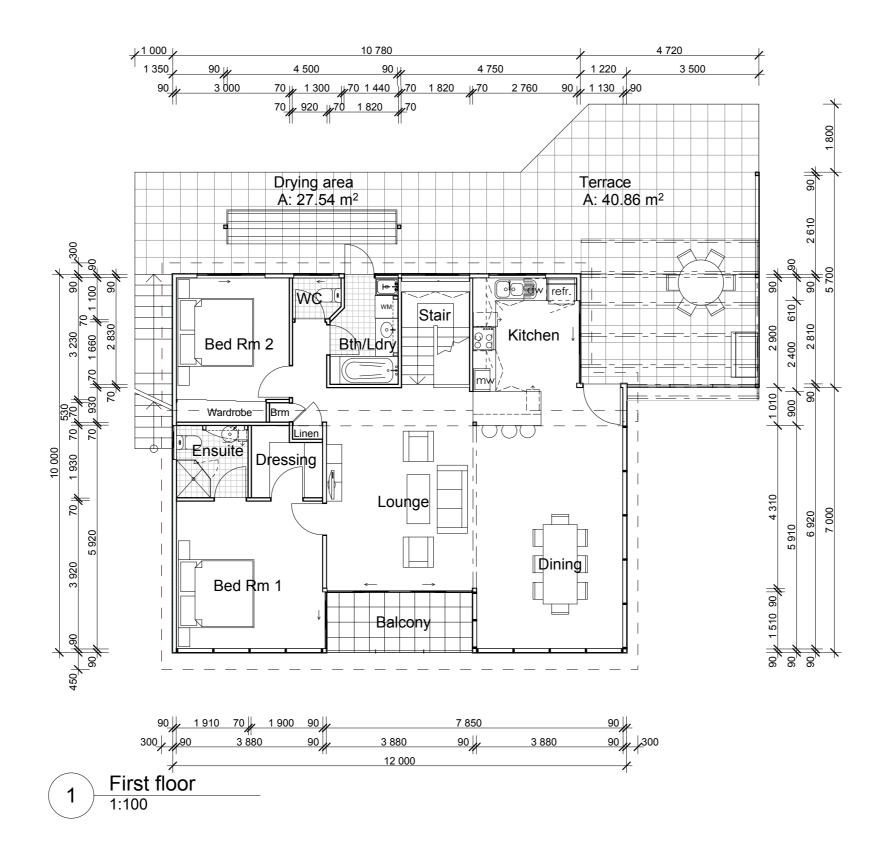
Residential Development at 55A Bastick Street Rosny Tas. 7018

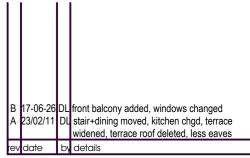
for P & A Cox

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Ground floor plan

1001-DA 201 scale @ A3 1:100 date drawn 2010-09-17 drawing No. rev. В D. Lindahl by D. Lindahl printing date 2017-08-07 Agenda Attachments -55a Bastick Street, RosnyPage 11 of 16





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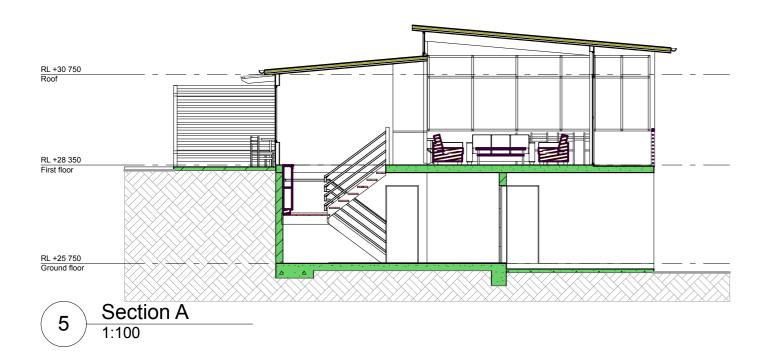
Residential Development at 55A Bastick Street Rosny Tas. 7018 for P & A Cox

Development Approval

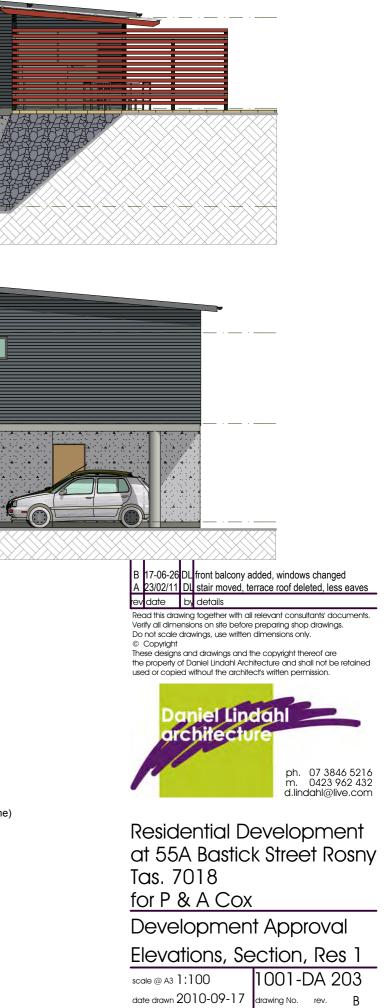
First floor plan

1001-DA 202 scale @ A3 1:100 date drawn 2010-09-17 drawing No. В rev D. Lindahl by D. Lindahl printing date 2017-08-07 Agenda Attachments -55a Bastick Street, RosnyPage 12 of 16



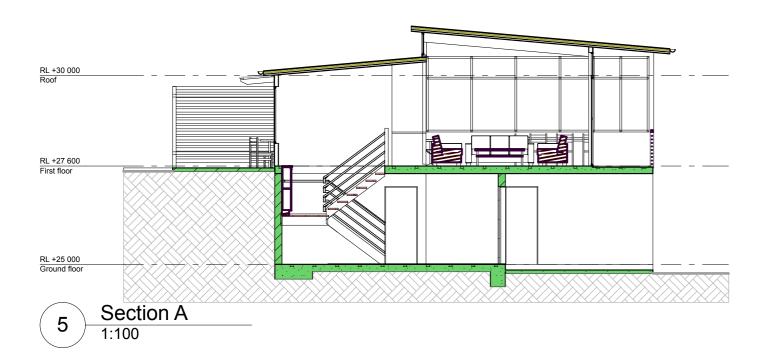


MATERIALS	COLOURS
Roof Colorbond CustomOrb roofing	Windspray
Walls, upper storey Hardies PrimeLine Newport weatherboard	Dulux Grid (Ironstone
Walls, lower storey Rendered concrete blockwork	light grey
Posts	galvanised finish
Trim	White
Upper floor Hebel floor panels Lower floor Concrete slab on ground	natural underside to carport charcoal coloured
Screens Hardwood decking fixed horizontally	oiled finish



by D. Lindahl printing date 2017-08-07 Agenda Attachments -55a Bastick Street, RosnyPage 13 of 16





MATERIALS	COLOURS
Roof Colorbond CustomOrb roofing	Windspray
Walls, upper storey Hardies PrimeLine Newport weatherboard	Dulux Grid (Ironstone)
Walls, lower storey Rendered concrete blockwork	light grey
Posts	galvanised finish
Trim	White
Upper floor Hebel floor panels Lower floor Concrete slab on ground	natural underside to carport charcoal coloured
Screens Hardwood decking fixed horizontally	oiled finish



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for P & A Cox

date drawn 2017-07-24

Development Approval

Elevations, Section, Res 2 scale @ A3 1:100 1001-DA 204

drawing No. rev.

by D. Lindahl printing date 2017-08-07 Agenda Attachments -55a Bastick Street, RosnyPage 14 of 16

Attachment 3

55A Bastick Street, ROSNY



Site viewed from Bastick Street, looking northwest over access



Site viewed from end of access strip, looking northwest towards rear boundary



Site viewed from end of access strip, looking west across site



11.3.4 DEVELOPMENT APPLICATION D-2017/319 - 42 KING STREET, BELLERIVE - OUTBUILDING

(File No D-2017/319)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for an outbuilding at 42 King Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Road and Railway Assets, Parking and Access, Stormwater Management, and Historic Heritage codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the applicant seeks variations to the building envelope and heritage requirements of the Scheme.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 27 September 2017 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations were received (2 from the same representor) raising the following issues:

- rear setback;
- Australian Building Code compliance;
- building height;
- removal of tree;
- location of sewer main; and
- cubby house.

RECOMMENDATION:

A. That the Development Application for an Outbuilding at 42 King Street, Bellerive (Cl Ref D-2017/319) be approved subject to the following conditions and advice.

- 1. GEN AP1 ENDORSED PLANS.
- 2. GEN AP3 AMENDED PLANS [walls of the outbuilding with a minimum setback of 1m from the rear property boundary].
- 3. The development must meet all required Conditions of Approval specified by TasWater notice dated 24 August 2017 (TWDA 2017/01208-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

No relevant background.

2. STATUTORY IMPLICATIONS

- **2.1.** The land is zoned General Residential under the Scheme.
- **2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions for building envelope and works on a heritage listed site under the Scheme.
- **2.3.** The relevant parts of the Planning Scheme are:
 - Section 8.10 Determining Applications;
 - Part D General Residential Zone; and
 - Part E Road and Railway Assets, Parking and Access, and Stormwater Management, and Historic Heritage codes.
- 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 has an area of 855m² with a slope of approximately 1 in 7 towards the rear of the land. The lot has frontage and vehicle access to King Street and contains an existing heritage listed dwelling known as "Kiaora" (the site was previously listed on the Tasmanian Heritage Register but has recently been removed). A TasWater sewer main is located alongside the rear boundary approximately located between 1.6m and 2m from the boundary.

The area surrounding the subject site is similarly zoned General Residential and developed with Single Dwellings. One of the properties adjoining the rear boundary of the site (3 Chapman Street) contains an outbuilding constructed along the common boundary with the subject site.

3.2. The Proposal

The proposal is for a new outbuilding at the rear of the existing dwelling. The outbuilding would have a gross floor area of $36m^2$ and a height of 4.06m at its highest point above natural ground level. The building would have a minimum setback of 1.5m from the southern side boundary and 0.23m from the rear boundary.

The building footings and slab would be designed to overarch the existing sewer main, which would be located underneath the proposed building. The proposal was referred to TasWater, which is satisfied that this could be achieved through appropriate engineering/building design.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

- "8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:
 - (a) all applicable standards and requirements in this planning scheme; and
 - (b) any representations received pursuant to and in conformity with ss57(5) of the Act;

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme's relevant Acceptable Solutions of the General Residential Zone and the Road and Rail Assets, Parking and Access, Stormwater Management, and Historic Heritage codes with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
		(extract)	
10.4.2	Building	A dwelling must be contained	Rear boundary setback of
A3	Envelope	within a building envelope	0.23m – setback of 5.1m
		determined by projecting a	required (variation of
		line at an angle of 45 degrees	4.87m).
		from the horizontal at a	
		height of 3m above natural	
		ground level at the side	
		boundaries and at a distance	
		of 4m from the rear boundary	
		to a building height of not	
		more than 8.5m above natural	
		ground level.	

The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.2 as follows.

Performance Criteria	Comment
"P3 - The siting and scale of a	see below
dwelling must:	
(a) not cause unreasonable loss of	The proposed building is located in the
amenity by:	northernmost corner of the land with the
(i) reduction in sunlight to a	setback variation relating to the rear
habitable room (other than	boundary only. Due to the orientation of the
a bedroom) of a dwelling on	lot, there would be no overshadowing of the
an adjoining lot; or	2 properties adjacent the rear boundary (3
(ii) overshadowing the private	and 5 Chapman Street) between 9am and
open space of a dwelling on	3pm on 21 June (access to 3 hours direct
an adjoining lot; or	sunlight on 21 June is accepted in other
(iii) overshadowing of an	clauses within the Zone, as achieving a
adjoining vacant lot; or	reasonable level of amenity).

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(iv) visual impacts caused by	The proposed building is single storey and
the apparent scale, bulk or	of a maximum height (4.06m), which is
proportions of the dwelling	commensurate with surrounding residential
when viewed from an	buildings. As discussed, the proposed
ů v	e i i i
adjoining lot; and	outbuilding would be positioned alongside
	another outbuilding at 3 Chapman Street.
	Such positioning would act to partly screen
	the building from other properties. On this
	basis, it is considered that the visual impact
	of the building would not be unreasonable.
(b) provide separation between	As discussed, the building would be
dwellings on adjoining lots that is	positioned alongside another outbuilding
compatible with that prevailing in	constructed at 3 Chapman Street. Aerial
	Ĩ
the surrounding area".	photography of the surrounding area shows
	that similar levels of separation between
	some buildings are evident. Accordingly,
	the positioning of the building is considered
	to be compatible (and comparable) with
	1 1 <i>1</i>
	building separation in the surrounding area.

Historic Heritage Code

Clause	Standard	Acceptable Solution (extract)	Proposed
E13.7.2 A1	Development Standards for Heritage Places	No Acceptable Solution.	New building on a heritage listed place.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause E13.7.2 as follows.

Performance Criteria	Comment
"P1 - Development must not result in	Council's Heritage Officer has made the
any of the following:	following assessment of the proposal.
(a) loss of historic cultural heritage	The proposed building generally
significance to the place through	conforms to the design characteristics of
incompatible design, including in	the existing dwelling and as such, would
height, scale, bulk, form,	have little adverse impact on the heritage
fenestration, siting, materials,	values of the place and precinct. On this
colours and finishes;	basis, the historic cultural significance of
	the subject property would not be
	diminished.

<i>(b)</i>	substantial	diminution	of i	the	The outbuilding would be located to the
	historic	cultural	herita	age	rear of the existing dwelling and would
	significance	of the place	e throu	ıgh	not be highly visible from the street.
	loss of s	significant st	treetsca	ipe	The applicant does not propose any
	elements in	cluding plan	ts, tre	ees,	modifications that would significantly
	fences, wal	ls, paths, ou	tbuildir	ngs	affect streetscape values.
	and other is	tems that con	tribute	to	
	the significat	nce of the plac	e".		

Historic Heritage Code

Claus	se Standard	Acceptable Solution (extract)	Proposed
E13.7 A2	2 Development Standards for Heritage Places	No Acceptable Solution	New building on a heritage listed place.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause E13.7.2 as follows.

Performance Criteria	Comment
"P1 - Development must be designed to	Council's Heritage Officer has made the
be subservient and complementary to the	following assessment of the proposal.
place through characteristics including:	
(a) scale and bulk, materials, built form	The scale, materials, and form of the
and fenestration;	building would complement the heritage
	characteristics of the place.
(b) setback from frontage;	The outbuilding would be located to the rear of the existing dwelling. The positioning would ensure that the outbuilding is subservient to the dwelling.
(c) siting with respect to buildings, structures and listed elements;	As above
(d) using less dominant materials and colours".	The building would be clad using weatherboards on the walls and corrugated iron in the roof. Colours would be charcoal, white and grey. The materials and colours of the building would be complimentary to the heritage characteristics of the place.

Clause	Standard	Acceptable Solution (extract)	Proposed
E13.7.2 A3	Development Standards for Heritage Places	No Acceptable Solution	New building on a heritage listed place.

Historic Heritage Code

The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause E13.7.2 as follows.

Performance Criteria	Comment
"P3 - Materials, built form and	Council's Heritage Officer has advised
fenestration must respond to the	that the materials, form and colour of the
dominant heritage characteristics of the	building would be complimentary to the
place, but any new fabric should be	heritage characteristics of the place, and
readily identifiable as such".	would not be confused as part of its
	heritage significance.

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. Rear Setback

The representors are concerned that the building would be located too close to the rear boundary fence between 42 King Street and 3 and 5 Chapman Street, causing issues for construction and maintenance of the building, and future maintenance of the boundary fence.

• Comment

As discussed, the proposal satisfies the Performance Criteria for building envelope, which does not require the consideration of construction methods, or issues to do with the maintenance of buildings and boundary fences. Notwithstanding, in response to the representor's concerns, the applicant has advised that they proposed to relocate the building so that its walls would have a minimum setback of 1m from the rear property boundary. However, it should be noted that due to the location of the sewer main, the location of the building footings would need to remain in the proposed location in order to overarch the existing sewer as required by TasWater. A condition requiring the submission of amended plans is recommended.

5.2. Australian Building Code Compliance

A representor has raised concern that the building would not comply with the Australian Building Code in relation to fire separation between buildings.

• Comment

The Scheme does not require the consideration of Building Code separation requirements. Nevertheless, Council's Building Officer has advised that the building would satisfy Building Code requirements for building separation.

5.3. Building Height

A representor has raised concern that the building height would cause overshadowing of the property at 5 Chapman Street and would appear to be visually bulky when viewed from the same property.

• Comment

As discussed, the proposal satisfies the Performance Criteria for building envelope, which requires the consideration of the visual and overshadowing impacts the building.

5.4. Removal of Tree

A representor has raised concern that an existing gum tree near the rear of the subject site has not been shown on the site plan and asked whether the tree would be removed.

• Comment

The Scheme does not control the removal of vegetation on the property either because of natural or heritage values. As the tree is not a feature relevant to the proposal it was not required to be shown on the site plan. The owner has not advised whether the tree would be removed.

5.5. Location of Sewer Main

Concern is raised that the building would be located over the existing sewer main.

• Comment

As discussed, TasWater is supportive of the proposed building location subject to conditions.

5.6. Cubby House

A representor is concerned that an existing cubby house on the subject site has not been shown on the site plan and has questioned whether the structure requires approval.

• Comment

Aerial photographs of the site show that the cubby house has been in existence in excess of 10 years, and Council's property records do not contain any evidence to suggest that the cubby house has been established unlawfully. The cubby house is minor backyard equipment, which was not required to be shown on the site plan as its existence is inconsequential to the assessment.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

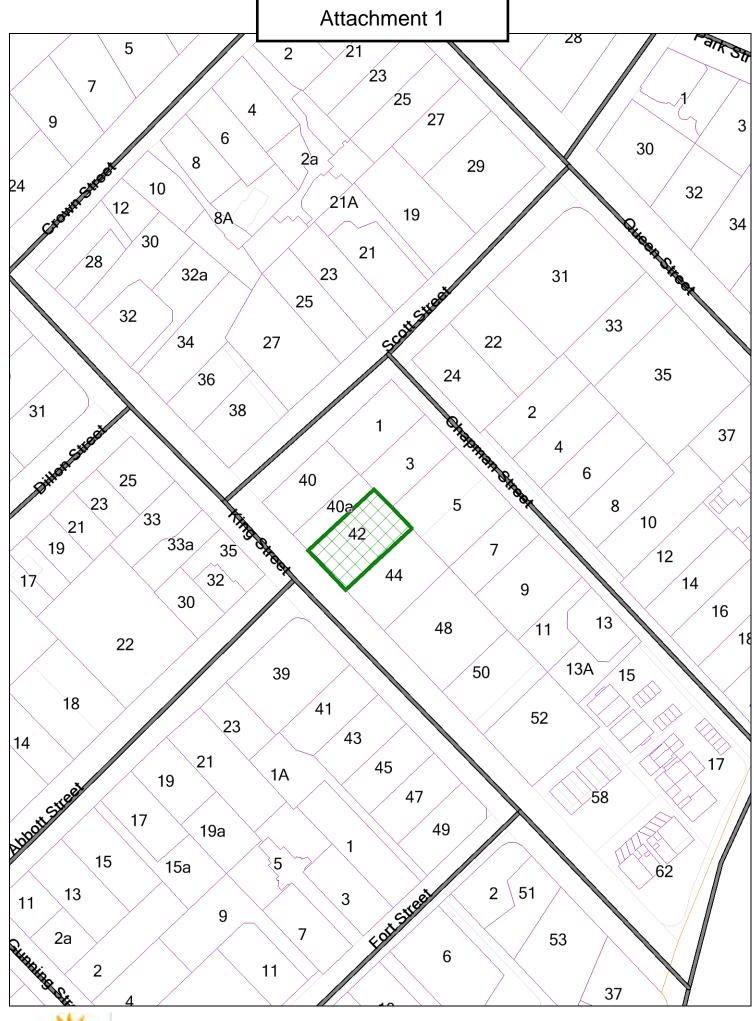
The proposal seeks approval for an outbuilding at 42 King Street, Bellerive. The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme.

The proposal is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)

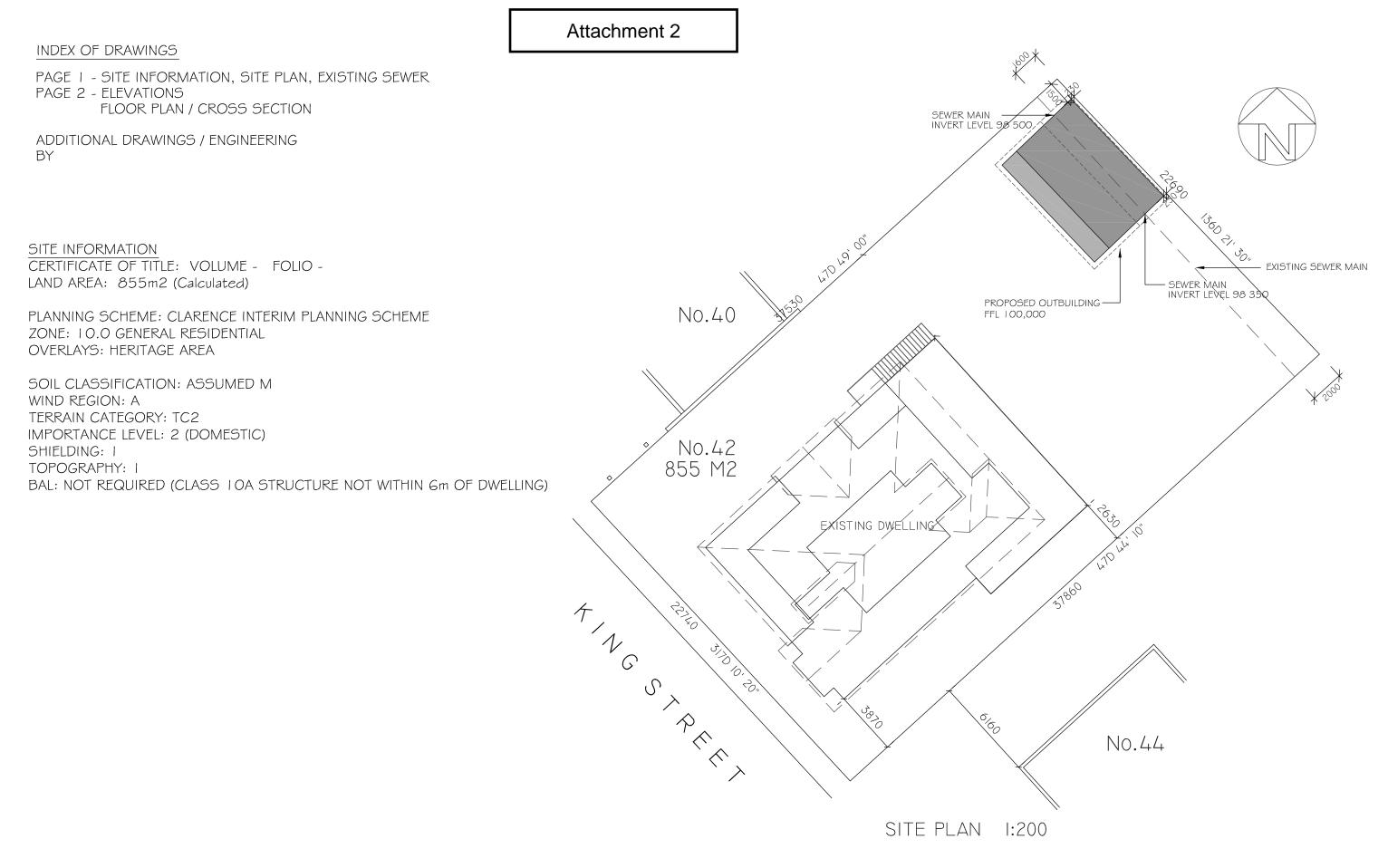
- 2. Proposal Plan (2)
- 3. Site Photo (1)

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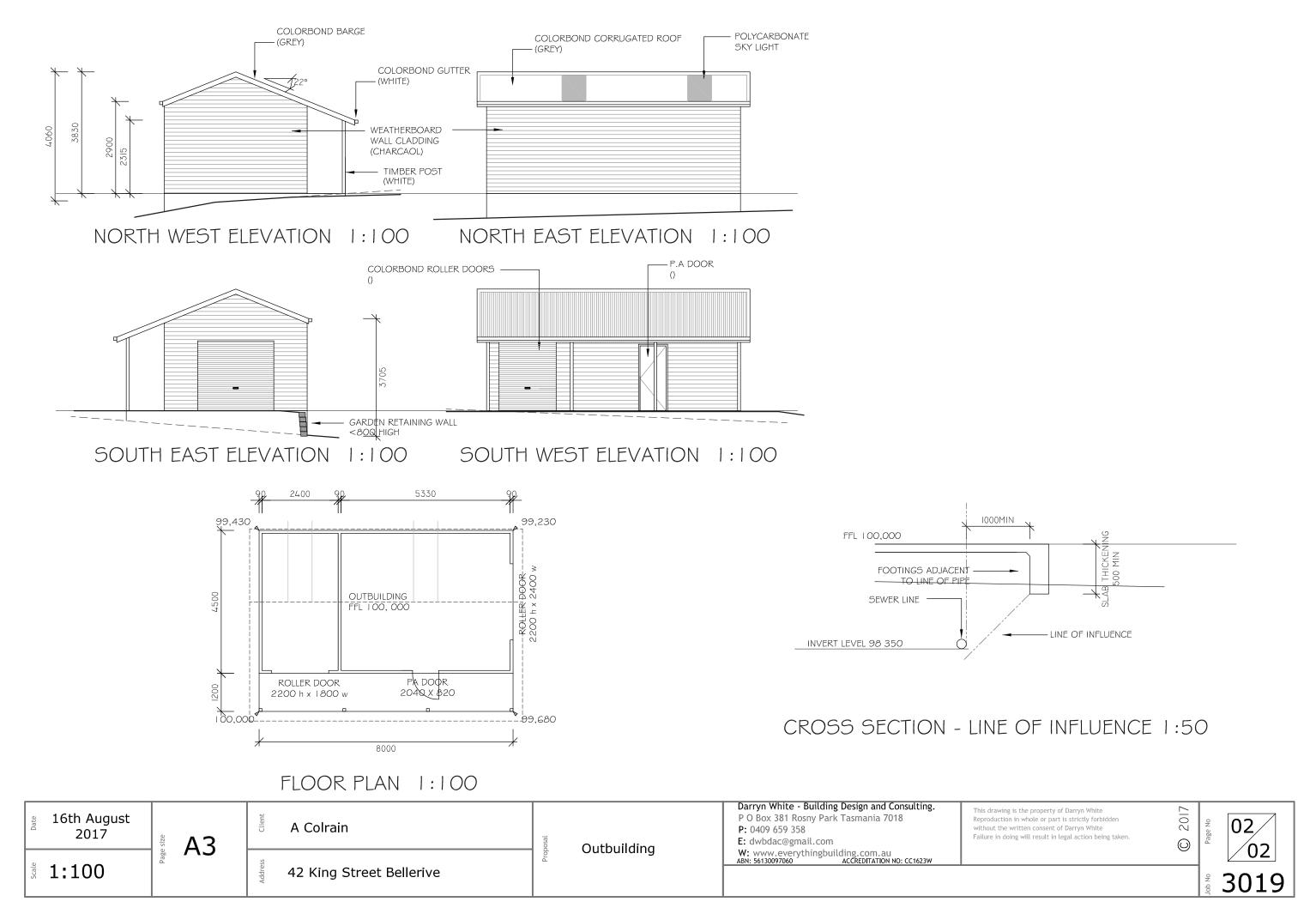


Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. Date: Tuesday, 5 September 2017 Scale: 1:1,579 @A4



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2cale 2		42 King Street Bellerive		W: www.everythingbuilding.com.au ABN: 56130097060 ACCREDITATION NO: CC1623W	





Attachment 3

42 King Street, BELLERIVE



Site viewed from King Street showing the existing heritage listed dwelling 'Kiora'



Building site viewed from driveway showing adjacent buildings

11.3.5 DEVELOPMENT APPLICATION D-2017/58 - 9 PARK STREET, BELLERIVE - MULTIPLE DWELLINGS (1 EXISTING + 1 NEW)

(File No D-2017/58)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for multiple dwellings (1 existing + 1 new) at 9 Park Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the consent of the applicant on 27 September 2017.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- privacy;
- solar access;
- inconsistency with building envelope requirements; and
- visual impact.

RECOMMENDATION:

- A. That the Development Application for Multiple Dwellings (1 existing + 1 new) at 9 Park Street, Bellerive (Cl Ref D-2017/58) be approved subject to the following conditions and advice.
 - 1. GEN AP1 ENDORSED PLANS.

- 2. The private open space assigned to the new dwelling unit is to be screened from neighbouring dwellings by fencing or screen planting of between 1.7m and 2.1m in height, to the satisfaction of Council's Manager City Planning.
 - 3. ENG A2 CROSSOVER CHANGE [5.5m].
 - 4. ENG A5 SEALED CAR PARKING.
 - 5. ENG S1 INFRASTRUCTURE REPAIR.
 - 6. ENG M1 DESIGNS DA.
 - 7. The development must meet all required Conditions of Approval specified by TasWater notice dated 22 February 2017 (TWDA 2017/00222-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

No relevant background.

2. STATUTORY IMPLICATIONS

- **2.1.** The land is zoned General Residential Zone under the Scheme.
- **2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- **2.3.** The relevant parts of the Planning Scheme are:
 - Section 8.10 Determining Applications;
 - Section 10 General Residential Zone; and
 - Section E6.0 Parking and Access Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site has a land area of 824.3m², has frontage and vehicular access onto Park Street and is generally level. The site is developed with a double storey, weatherboard and Colorbond dwelling fronting Park Street. Two existing outbuildings are located on the southern part of the lot at distances of approximately 1m from the rear boundary.

The surrounding area is similarly zoned General Residential and is characterised by a combination of both single detached and Multiple Dwellings located within the established residential area at Bellerive.

3.2. The Proposal

The proposal is for the construction of 1 additional dwelling (Unit 2) to the rear of the existing dwelling (Unit 1). Unit 2 would be located parallel with the rear (southern) boundary and would be setback 2.53m from that boundary. It would be setback 1.29m at its closest point from the western boundary and 3.0m from the eastern boundary. The outbuildings would be demolished to make way for the new dwelling.

The proposed dwelling would be separated from the existing dwelling by 6.7m at its closest point. Unit 2 would have a building area of 216.3m², would contain 2 bedrooms, rumpus, bathroom and laundry areas and a single car garage on the lower level. The upper level would provide shared kitchen/dining and living areas, 1 bedroom and associated ensuite and outdoor deck on the eastern elevation.

Unit 2 would be constructed from a combination of face brick and horizontal timber cladding, with "Colorbond" roofing in a low pitched skillion profile.

Unit 2 would have a maximum height of 7.18m and would incorporate a 24.1m² roofed deck on the upper level of the eastern elevation of the unit.

It is proposed to widen the existing crossover to 5.5m and construct a 3m sealed driveway alongside the eastern side property boundary with 11 Park Street and 42 Queen Street. One shared visitor parking space is proposed to the rear (south) of the existing dwelling and the second car parking space for Unit 2 would be between the eastern boundary and proposed dwelling unit. The 2 parking spaces for Unit 1 would be located to the north of Unit 1, between the dwelling and Park Street frontage.

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

Under Clause 7.5.1 of the Scheme, a use or development must comply with each applicable standard in a zone, specific area plan or code. Compliance for the purposes of Subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.

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

General Residential Zone					
Clause	Standard	Acceptable Solution	Proposed		
10.4.2 A3	Setbacks and building envelope for all dwellings	A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and	complies Does not comply - the rear (northern) elevation of the proposed unit would be located 2.53m from the rear boundary rather than the 4m, and the unit would extend beyond the prescribed building envelope by 700mm and 1000mm at its western and eastern corners.		
		 (b) only have a setback within 1.5m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser). 	complies – wall length within 1.5m of side (eastern) boundary of less than 9m.		

General Residential Zone

The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.2 for the following reasons.

Comment	
See below	
The proposal plans show the location of the building envelope for the new dwelling and identify the extent of the parts outside the prescribed building envelope. Diagrams illustrating the extent of shadows likely to be cast at Winter Solstice were included in the advertised plans. Additional 3D diagrams illustrating the impact of the proposed dwelling in comparison to the 2 outbuildings on the site on solar access were also included.	
The properties most affected by the proposed development are 38 Queen Street and 5/42 Queen Street, located to the south-west of the subject property. The shadow diagrams indicate that the dwelling at 4/42 Queen Street would be unaffected by overshadowing.	
In relation to 5/42 Queen Street, there is 1 window only at the rear of the dwelling which is to a living area. The 3D shadow diagrams conclude that the impact of the new dwelling upon solar access to that window would be no greater than that existing as a result of the 2 existing outbuildings on the subject property. Additionally, the diagrams show that there would be in excess of 3 hours of sunlight at Winter Solstice from 12pm to 3pm, meaning that there would not be an unreasonable impact on solar access to that room.	

		In relation to 38 Queen Street, the
		diagrams indicate that solar access to the rear of that dwelling would not be affected by the proposed dwelling unit, in that the neighbouring development and existing outbuildings on the subject property have an existing impact.
		The diagrams clearly indicate that the impact is reasonable, in that there would be in excess of 3 hours of sunlight available to the dwelling at Winter Solstice from 12pm until after 3pm.
		On the basis of the shadow diagrams submitted, the impact of the proposal is considered to satisfy the Performance Criteria.
(vi)	overshadowing the private open space of a dwelling on an adjoining lot; or	The shadow diagrams demonstrate that the proposed dwelling would cast a shadow upon the part of the private open space to the rear of the dwelling at 38 Queen Street, to the south-west of the site. The open space of 4/42 Queen Street is located to the south of that unit and unaffected.
		It is noted that 38 Queen Street is 698m ² and has private open space both to the front and rear of the existing dwelling on that lot. The smaller and more private of these areas is located at the rear of the site and adjacent to the proposed dwelling unit.
		The impact upon solar access to the rear part of the private open space at 38 Queen Street would be consistent with the existing overshadowing caused by surrounding structures and fencing.
(vii)	overshadowing of an adjoining vacant lot; or	not relevant
(viii)	visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and	The area surrounding the development site is characterised by a combination of both single detached (single and double storey) and Multiple Dwellings located within the established residential area at Bellerive. The existing dwelling on the site is also double storey.

	The visual impact of the proposed unit is considered reasonable, in that the building height at its highest point would be 7.18m above natural ground level and the upper level stepped in 2.8m from the lower level, meaning that it would be single storey at the rear part of the dwelling unit.
	This would be significantly less obtrusive in terms of visual impact than several properties within the vicinity of the site that have 2 storey buildings.
	It is considered that the stepped design of the upper level of the proposed dwelling unit is a reasonable response to the rear setback proposed, and provides breaks up the mass of the building which reduces its impact.
	For the above reasons, it is therefore considered that the proposal would not cause a loss of amenity to the adjoining properties through visual bulk and scale of the development.
(d) Provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area".	Development within proximity of the subject property is characterised by setbacks ranging from 0m to 2.0m to side and rear boundaries. The proposed dwelling separation distances are therefore compatible with the separation distances evident in the surrounding area.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements on 2 occasions. The proposal was first advertised in May 2017 and 3 representations were received in response. The proposal was then substantially modified and advertised for a second time in September 2017 and 1 representation was received in response to the amended proposal. The following issues are summarised as follows.

5.1. Privacy

The representations raise privacy as a concern, specifically in relation to the upper level of the dwelling and the risk of overlooking of both the indoor and outdoor living areas of neighbouring properties.

• Comment

The proposed development meets the relevant acceptable solutions in relation to privacy at Clause 10.4.6 of the Scheme, in that the proposed decks and windows have been designed to achieve the required setbacks, separation distances and sill heights.

5.2. Solar Access

One representation raises the impact upon solar access of both habitable rooms and outdoor living areas as a concern, with submissions that the proposal would have a significant impact upon available sunlight at Winter Solstice and therefore a detrimental impact upon residential amenity. It is further submitted that a "granny flat" located within proximity of the site would be adversely affected by the proposal, and that the dwelling unit would compromise the available sunlight to that space also.

• Comment

The proposed development meets the relevant tests of the Scheme in relation to overshadowing as discussed in relation to Clause 10.4.2. Specifically, the overshadowing would not be greater than that existing upon the habitable parts of the neighbouring dwellings to the south (at both 38 Queen Street and 5/42 Queen Street), which the Scheme considers to be reasonable impact. This is because the 2 existing outbuildings on the rear part of the subject property cast significant shadows at Winter Solstice.

It is also noted in relation to the "granny flat" referred to by the representations; Council has no record of approval being granted for use other than an outbuilding. As the standard refers to habitable rooms, this concern cannot have determining weight.

5.3. Inconsistency with Building Envelope Requirements

One representation raises the failure of the proposal to comply with the building envelope requirements as justification for refusal of the application, in that it is submitted that the building would overshadow and overlook neighbouring properties.

• Comment

The proposed development satisfies the relevant acceptable solutions of the Scheme with the exception of Clause 10.4.2 A3, and the proposal meets the Performance Criterion P3 to that clause for the reasons discussed above in Section 4.2 of this report.

5.4. Visual Impact

The representations raise visual impact of the proposal as a concern, in that the apparent scale and bulk would cause a "loss of skyline" from adjacent properties. A second of the representations on the first plans advertised also suggests landscaping adjacent the western property boundary (from which the proposed building would be setback 1.29m at its closest point) as potentially mitigating the impact.

• Comment

The proposed development has been assessed in relation to the Performance Criterion P3 of Clause 10.4.2 of the Scheme and it is considered that the development would meet the relevant tests, the details of which are outlined in Section 4.2 above.

The upper level of the proposed dwelling unit would be stepped in 2.8m from the lower level and the upper level setback 3.63m from the rear boundary. This would be significantly less obtrusive in terms of visual impact than several properties within the vicinity of the site that have 2 storey buildings.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal seeks approval for Multiple Dwellings (1 existing + 1 new) at 9 Park Street, Bellerive. The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme.

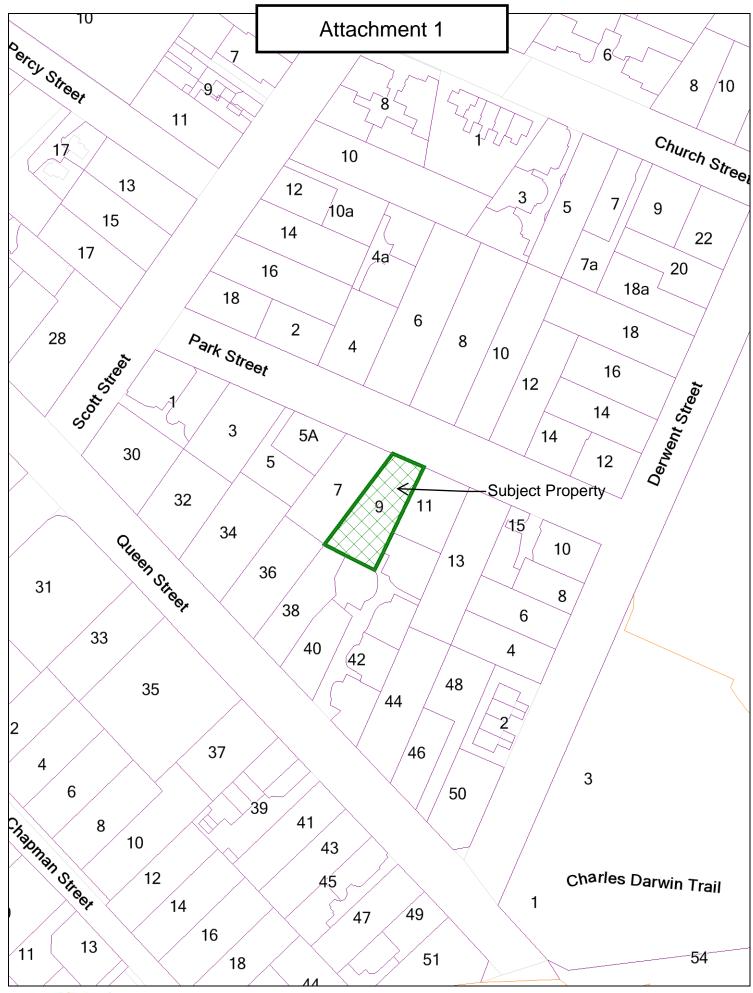
The proposal is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)

- 2. Proposal Plan (10)
- 3. Site Photo (1)

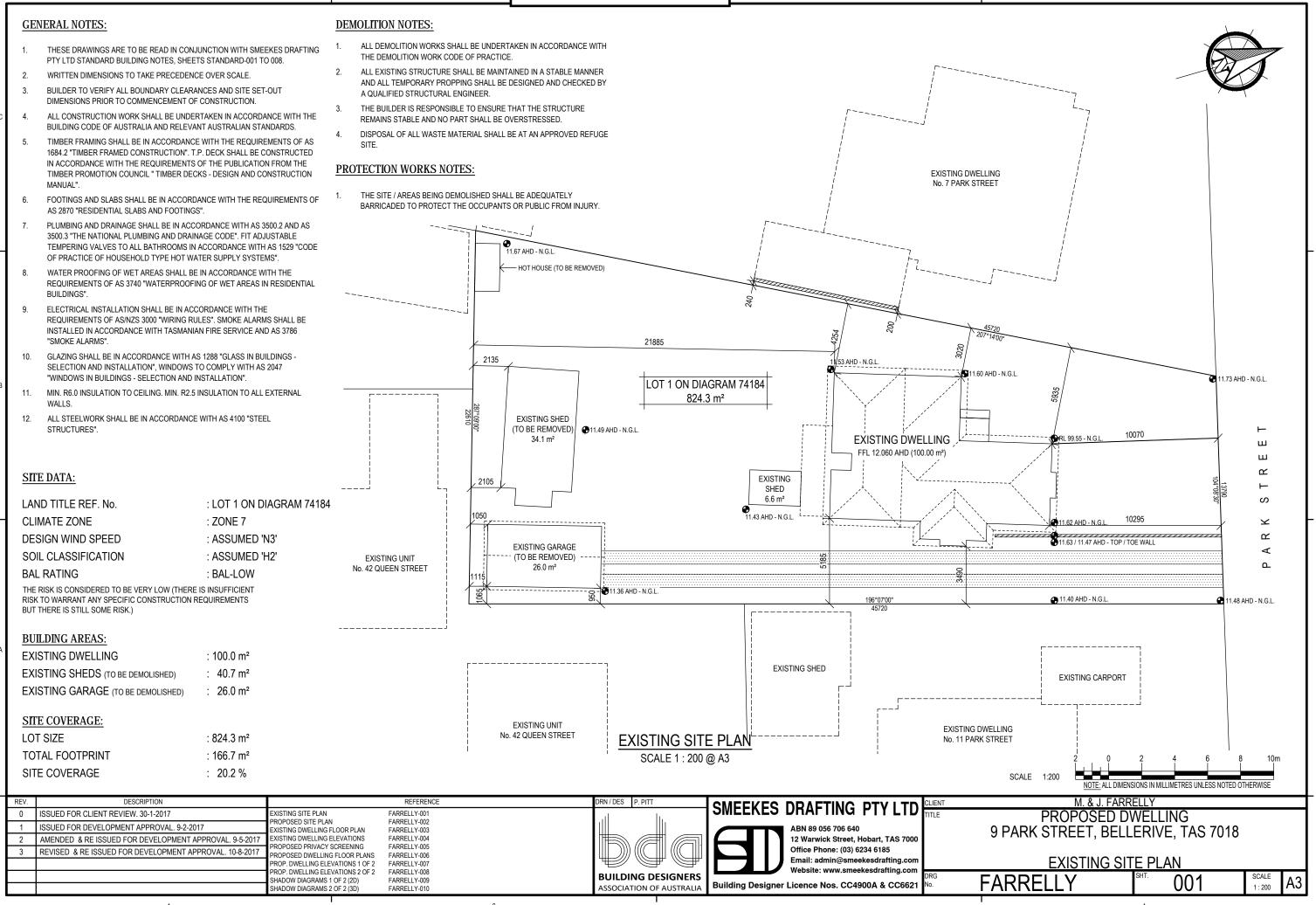
Ross Lovell MANAGER CITY PLANNING

Location Plan - 9 Park Street





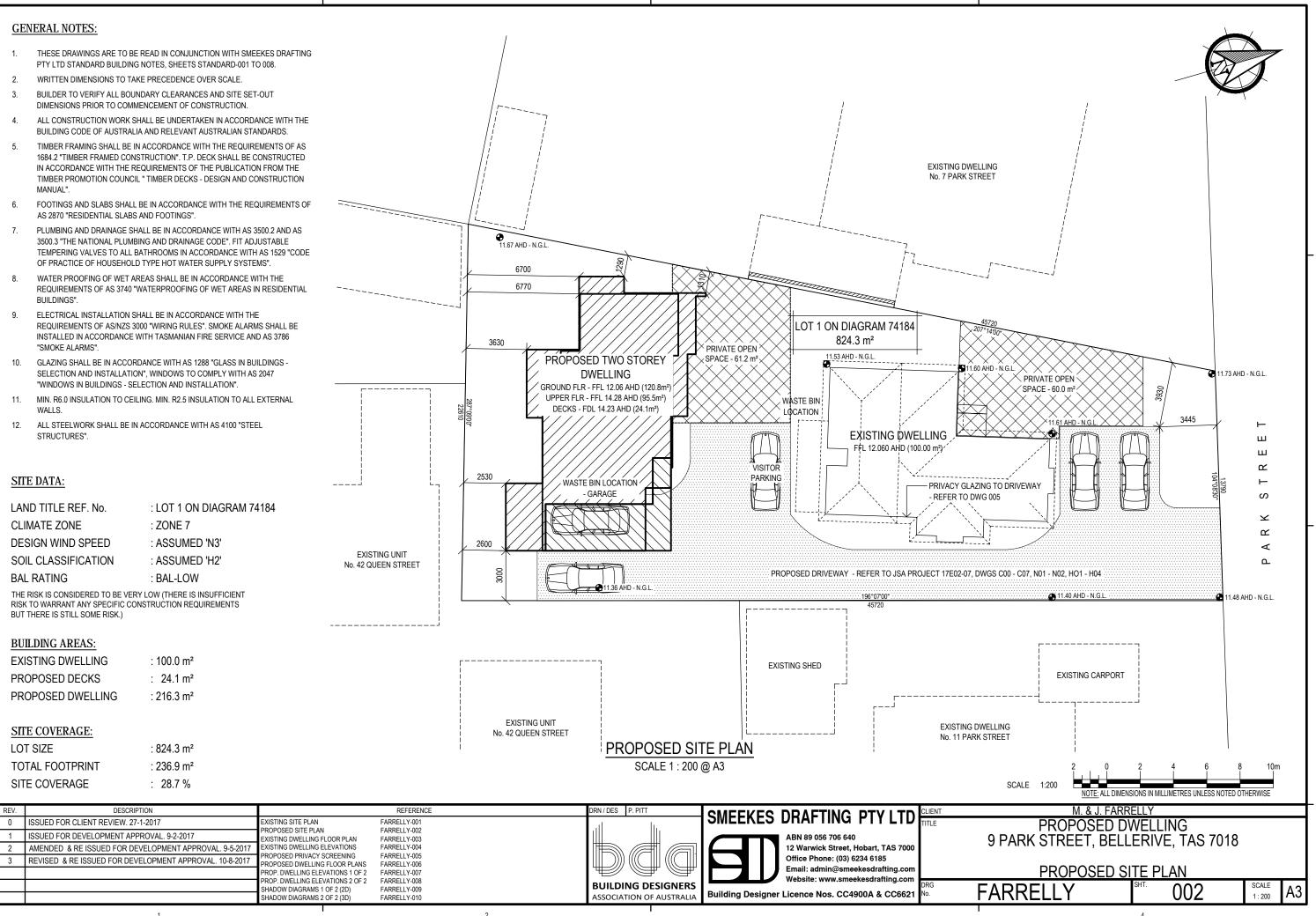
Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. Date: Monday, 11 September 2017 Scale: 1:1,519 @A4

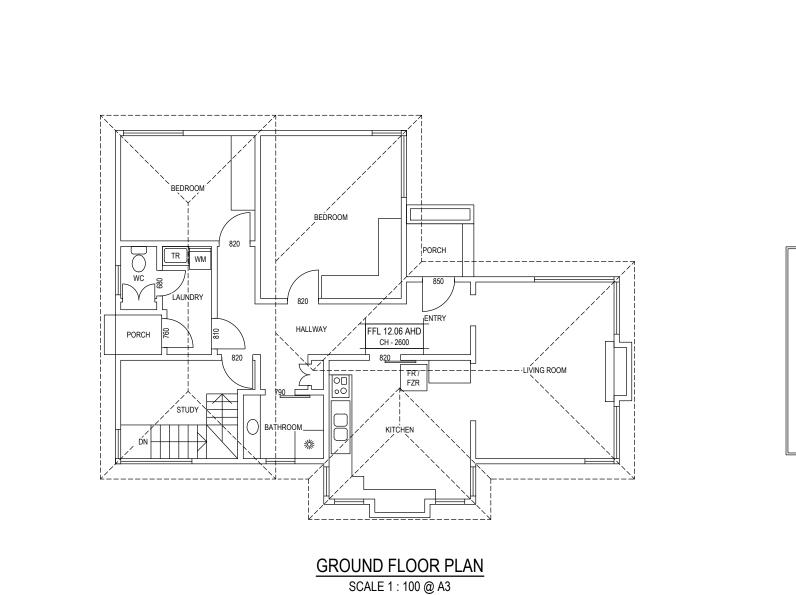


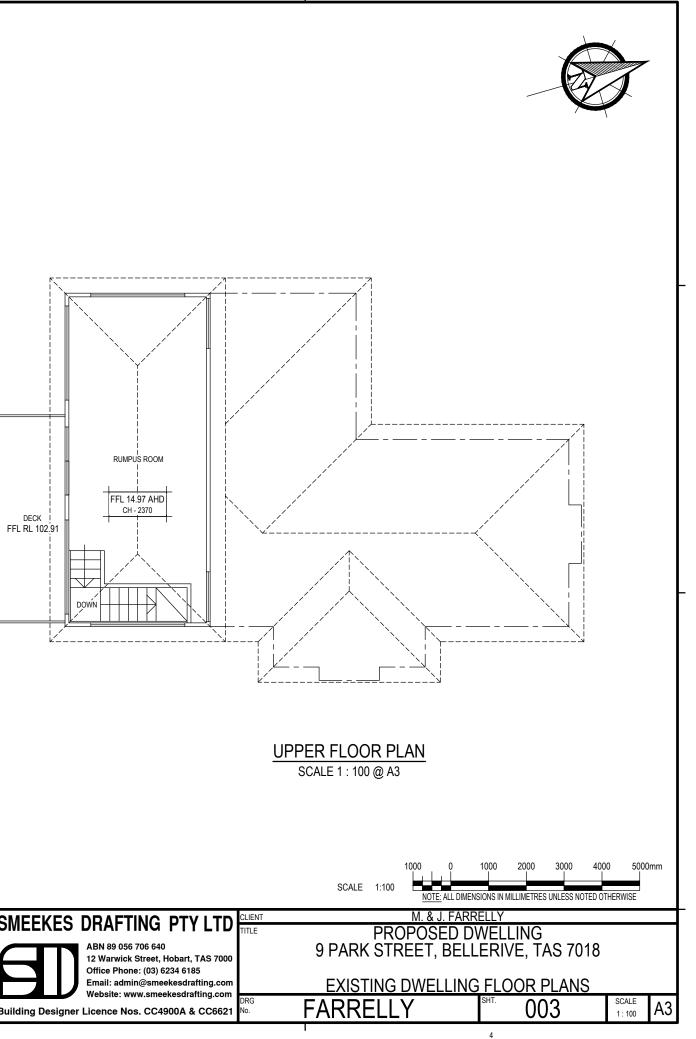
Attachment 2

2

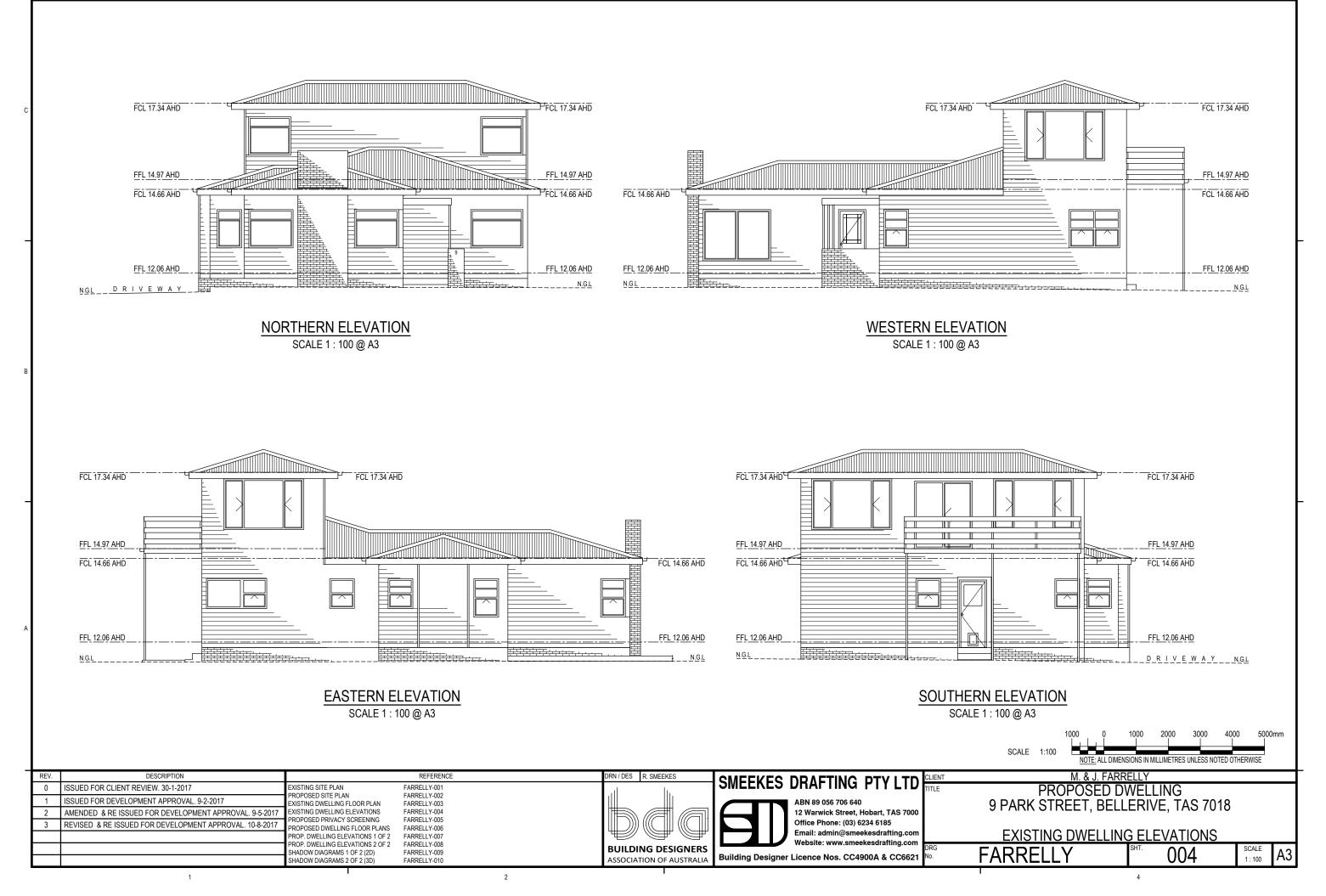
- PTY LTD STANDARD BUILDING NOTES, SHEETS STANDARD-001 TO 008.
- 2.
- 3 DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- 4 BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS.
- 5. 1684.2 "TIMBER FRAMED CONSTRUCTION". T.P. DECK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLICATION FROM THE TIMBER PROMOTION COUNCIL "TIMBER DECKS - DESIGN AND CONSTRUCTION MANUAL"
- 6. AS 2870 "RESIDENTIAL SLABS AND FOOTINGS".
- PLUMBING AND DRAINAGE SHALL BE IN ACCORDANCE WITH AS 3500.2 AND AS 3500.3 "THE NATIONAL PLUMBING AND DRAINAGE CODE". FIT ADJUSTABLE OF PRACTICE OF HOUSEHOLD TYPE HOT WATER SUPPLY SYSTEMS".
- 8. BUILDINGS"
- 9 ELECTRICAL INSTALLATION SHALL BE IN ACCORDANCE WITH THE INSTALLED IN ACCORDANCE WITH TASMANIAN FIRE SERVICE AND AS 3786 "SMOKE ALARMS"
- GLAZING SHALL BE IN ACCORDANCE WITH AS 1288 "GLASS IN BUILDINGS -10. SELECTION AND INSTALLATION", WINDOWS TO COMPLY WITH AS 2047 "WINDOWS IN BUILDINGS - SELECTION AND INSTALLATION"
- MIN. R6.0 INSULATION TO CEILING. MIN. R2.5 INSULATION TO ALL EXTERNAL 11 WALLS.
- 12. STRUCTURES"

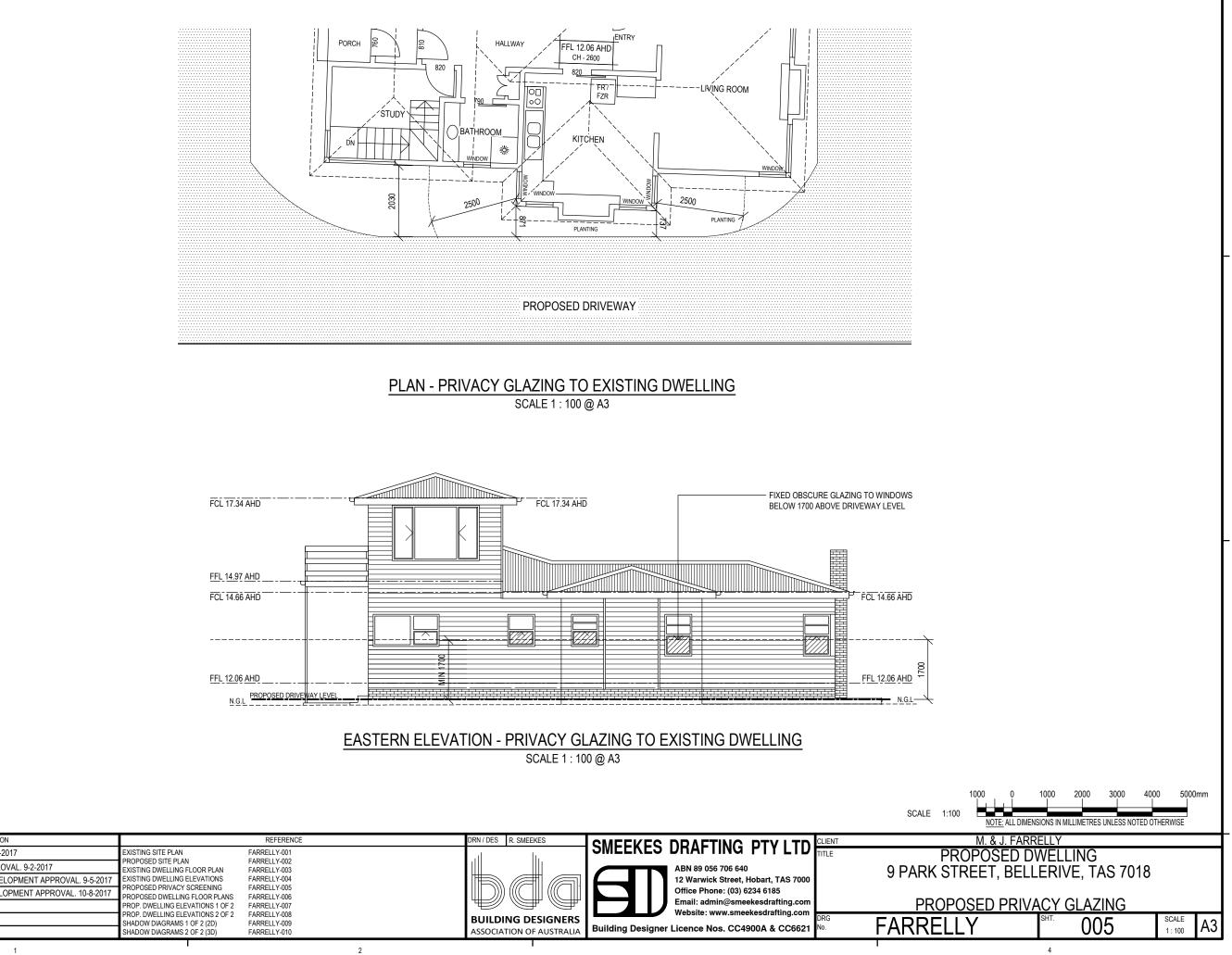




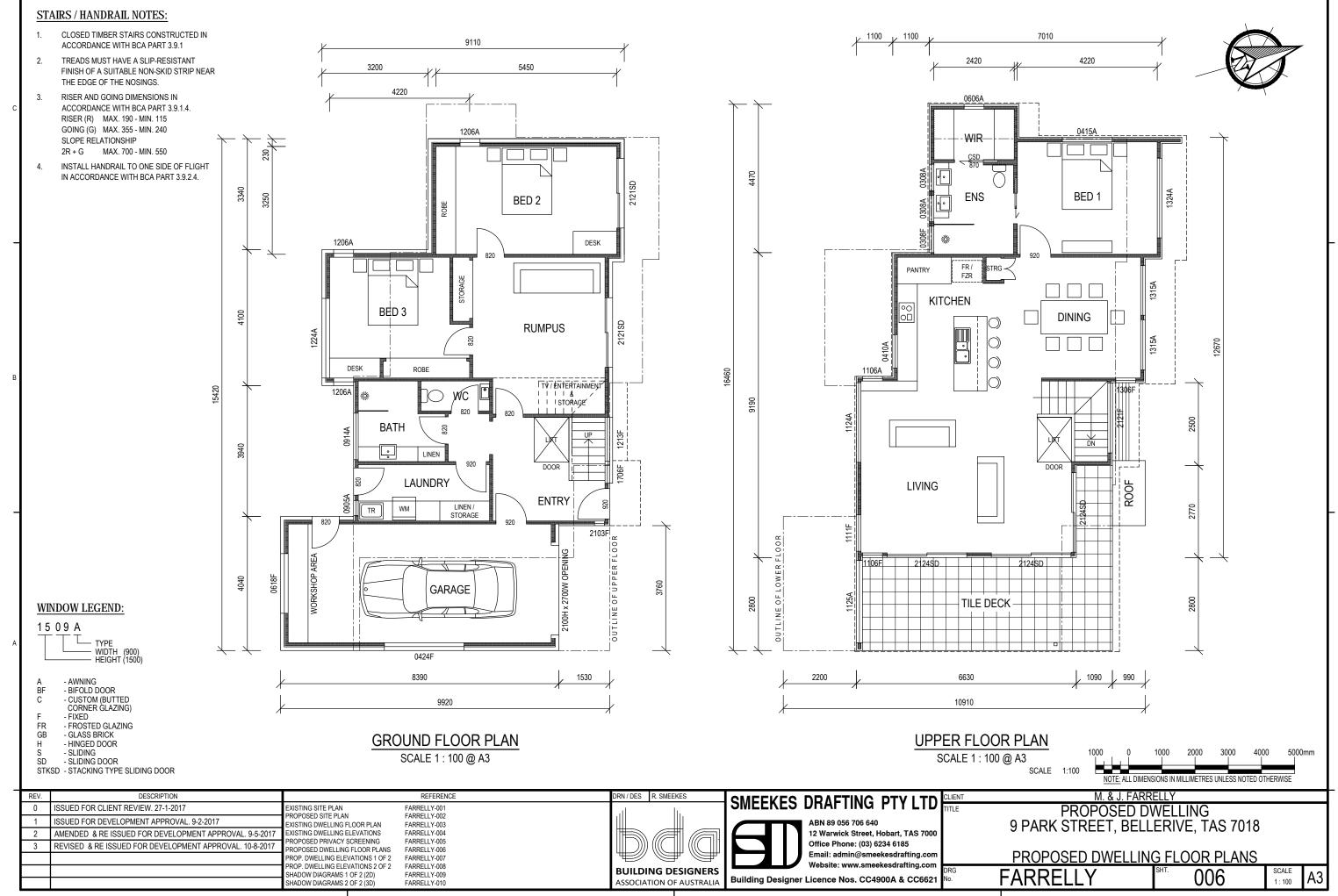


REV.	DESCRIPTION		REFERENCE		DRN / DES R. SME	IEEKES	OMEENEO	DRAFTING PTY LTD	CLIENT	
0	ISSUED FOR CLIENT REVIEW. 30-1-2017	EXISTING SITE PLAN	FARRELLY-001		al	1.	JIVIEENES	DRAFING PITLID	TITLE	
1	ISSUED FOR DEVELOPMENT APPROVAL. 9-2-2017	PROPOSED SITE PLAN EXISTING DWELLING FLOOR PLAN	FARRELLY-002 FARRELLY-003					ABN 89 056 706 640		9 PAF
2	AMENDED & RE ISSUED FOR DEVELOPMENT APPROVAL. 9-5-2017		FARRELLY-004					12 Warwick Street, Hobart, TAS 7000		
3	REVISED & RE ISSUED FOR DEVELOPMENT APPROVAL. 10-8-2017	PROPOSED PRIVACY SCREENING PROPOSED DWELLING FLOOR PLANS	FARRELLY-005 FARRELLY-006					Office Phone: (03) 6234 6185		
		PROP. DWELLING ELEVATIONS 1 OF 2	FARRELLY-007 FARRELLY-008			F SF		Email: admin@smeekesdrafting.com Website: www.smeekesdrafting.com		EXIS
		PROP. DWELLING ELEVATIONS 2 OF 2 SHADOW DIAGRAMS 1 OF 2 (2D)	FARRELLY-000		BUILDING D		D. IL II		DRG	FARF
		SHADOW DIAGRAMS 2 OF 2 (3D)	FARRELLY-010		ASSOCIATION C	OF AUSTRALIA	Building Designe	r Licence Nos. CC4900A & CC6621	NO.	
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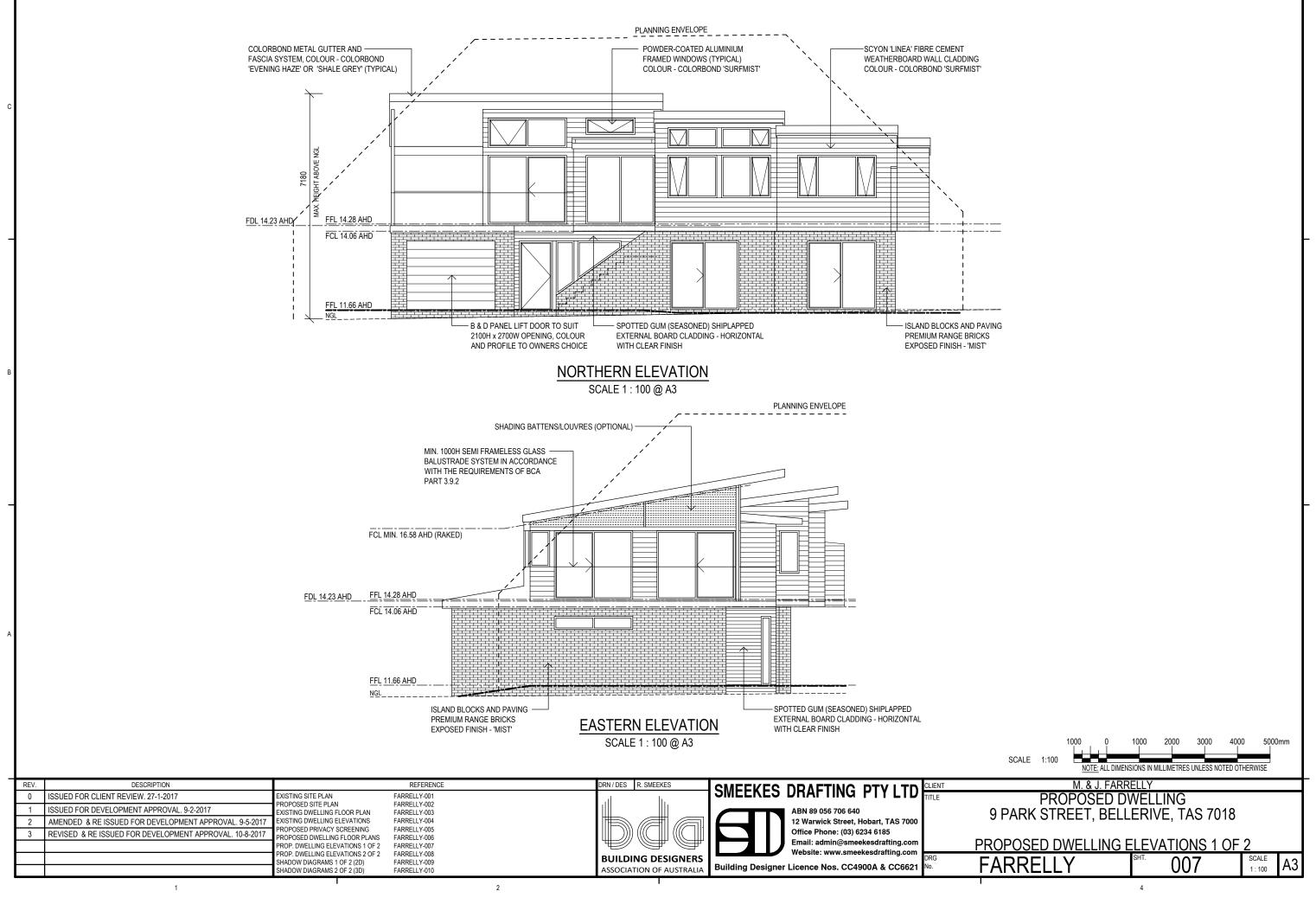


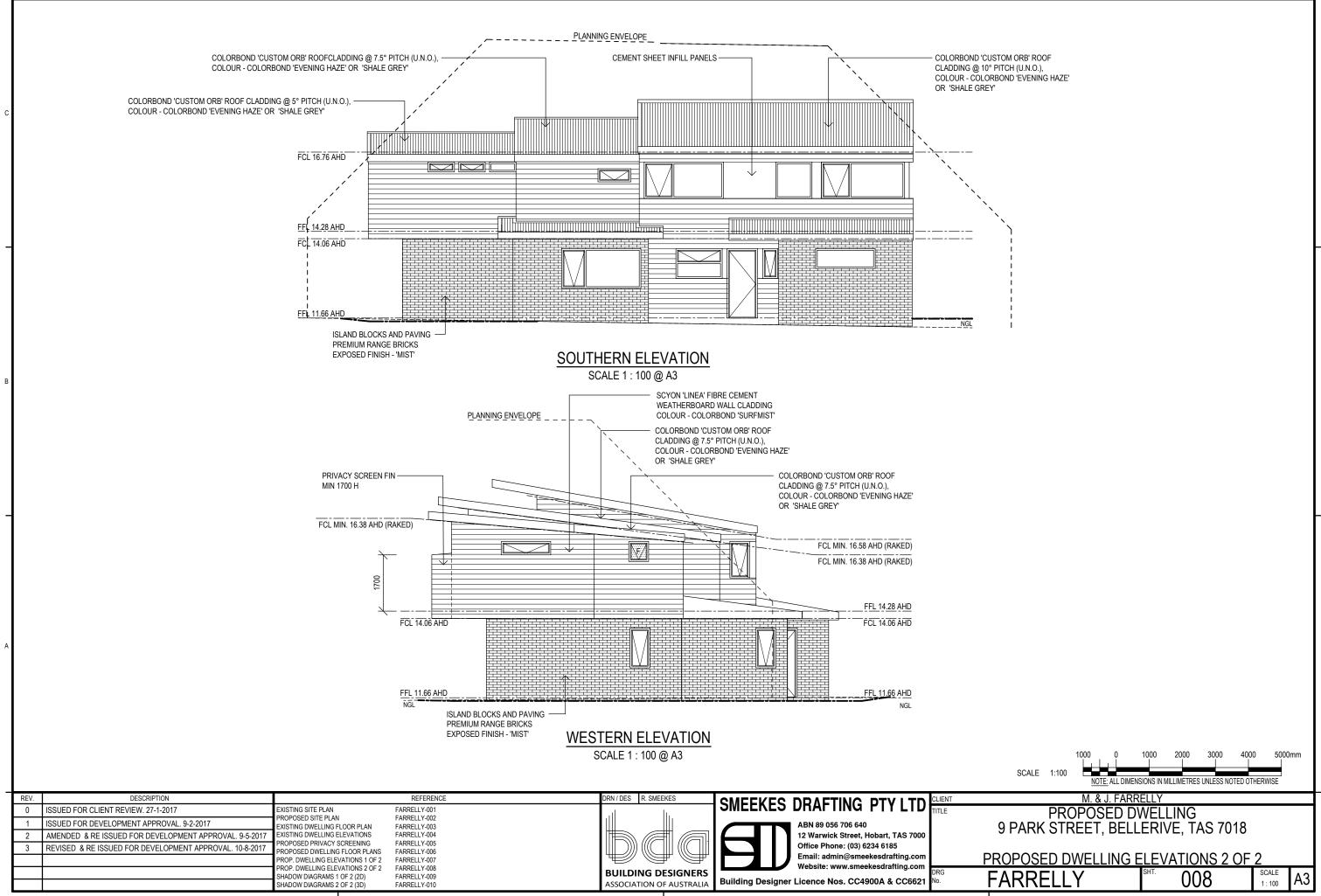


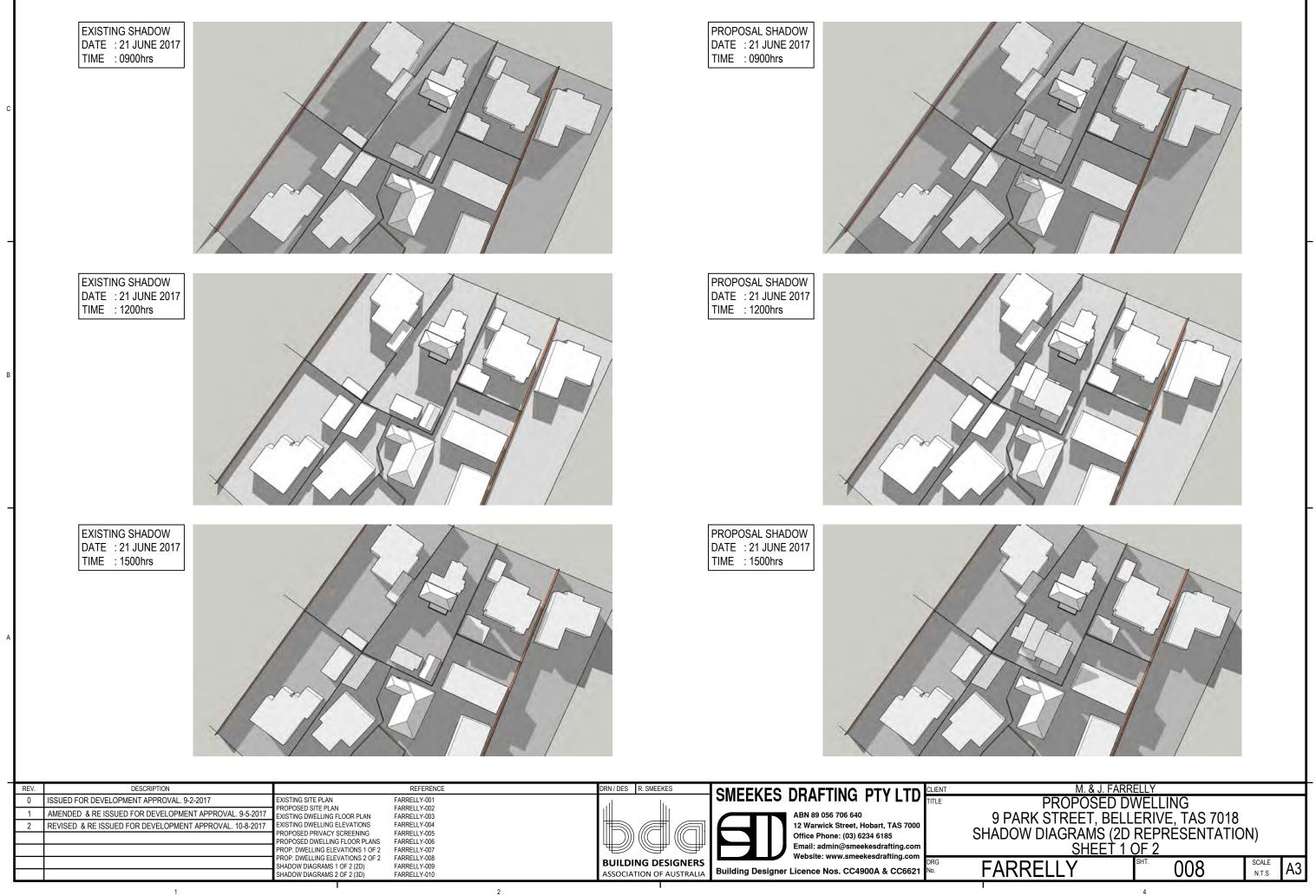
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3	REVISED & RE ISSUED FOR DEVELOPMENT APPROVAL. 10-8-2017	PROPOSED PRIVACY SCREENING PROPOSED DWELLING FLOOR PLANS	FARRELLY-005 FARRELLY-006)) ((((((((]		Office Phone: (03) 6234 6185	
		PROP. DWELLING ELEVATIONS 1 OF 2	FARRELLY-007				Email: admin@smeekesdrafting.com	
		PROP. DWELLING ELEVATIONS 2 OF 2 SHADOW DIAGRAMS 1 OF 2 (2D)	FARRELLY-008 FARRELLY-009	BUILD	ING DESIGNERS		Website: www.smeekesdrafting.com	
		SHADOW DIAGRAMS 2 OF 2 (2D)	FARRELLY-010	ASSOCI	ATION OF AUSTRALIA	Building Designe	er Licence Nos. CC4900A & CC6621	

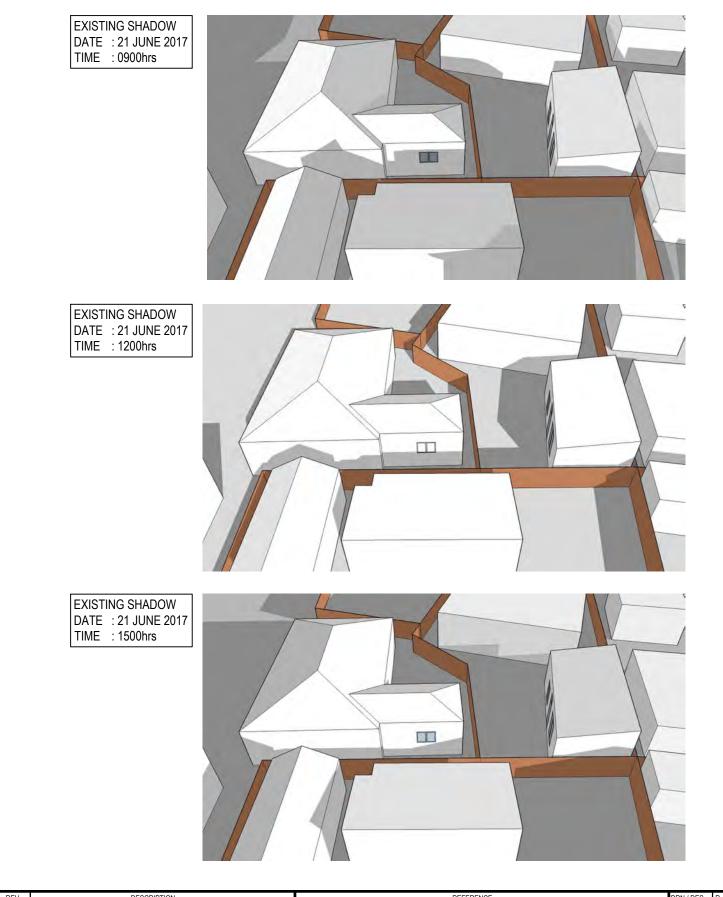


Agenda Attachments - 9 Park Street, Bellerive Page 7 of 12

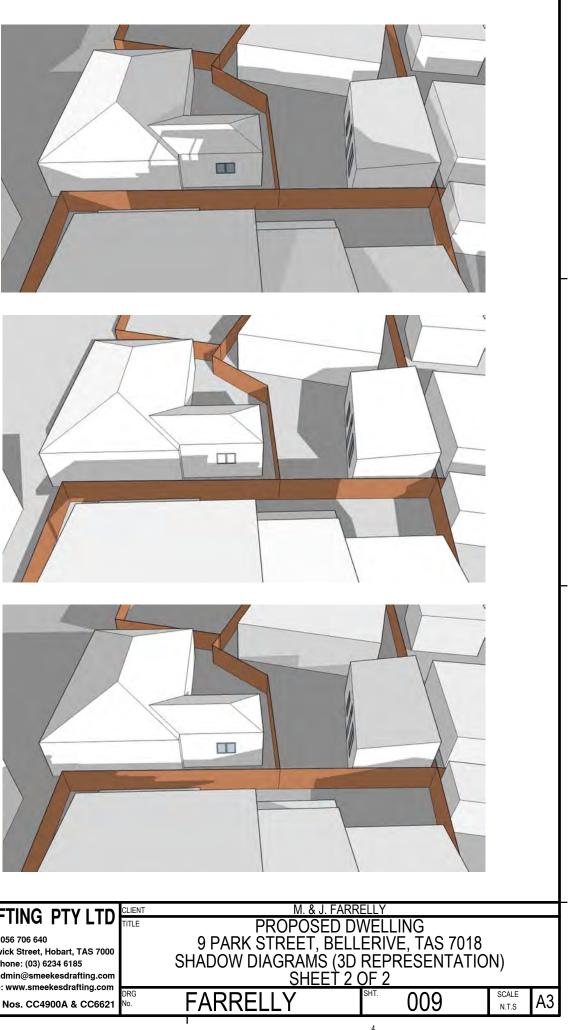




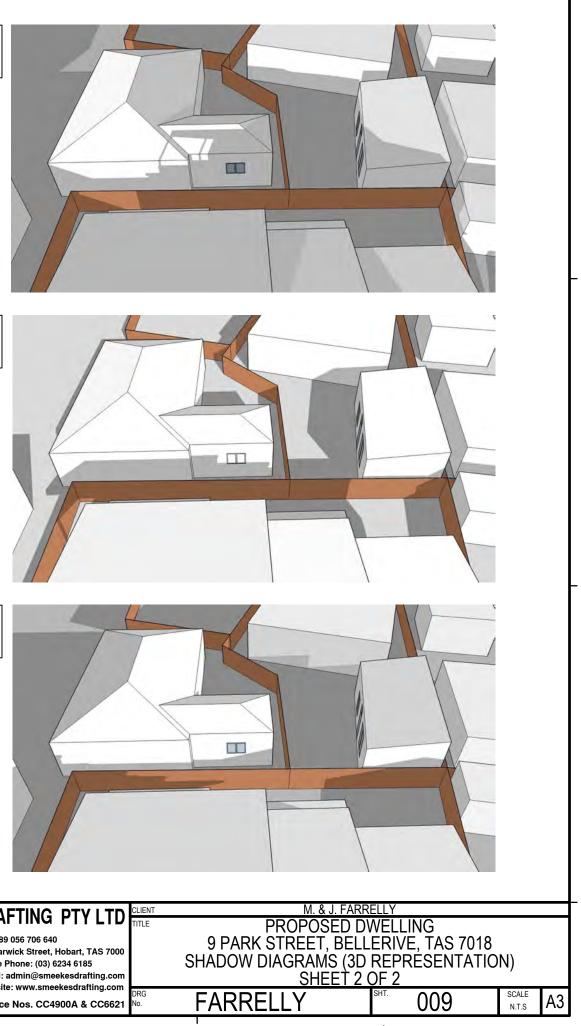




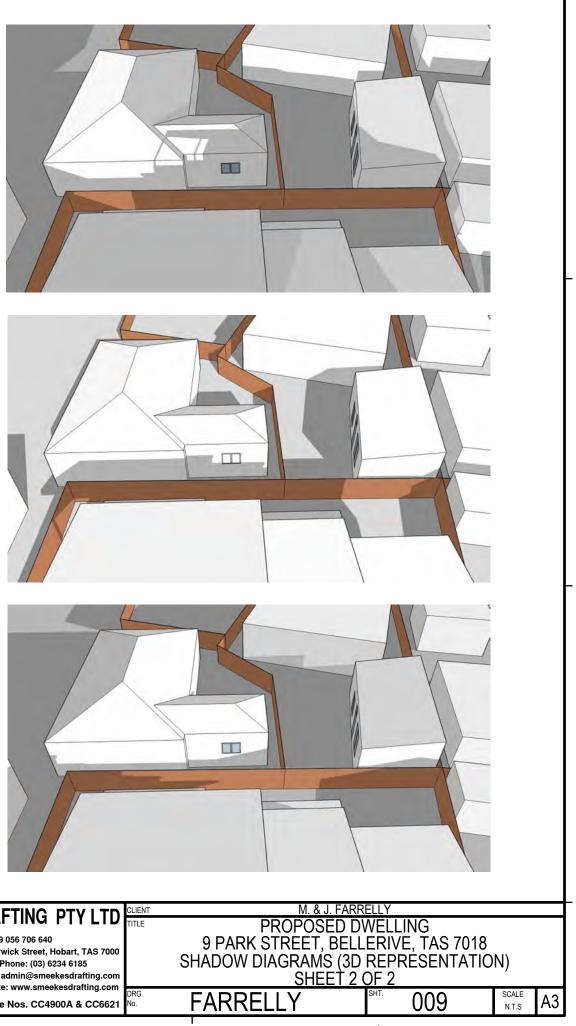
PROPOSAL SHADOW DATE : 21 JUNE 2017 TIME : 0900hrs



PROPOSAL SHADOW DATE : 21 JUNE 2017 TIME : 1200hrs



EXISTING SHADOW DATE : 21 JUNE 2017 TIME : 1500hrs



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_	REV.	DESCRIPTION	REFERENCE	DRN / DES		KES DRAFTING PTY LTD	CLIENT
	0	ISSUED FOR DEVELOPMENT APPROVAL. 9-2-2017	EXISTING SITE PLAN FARRELLY-001			RES DRAFTING FITLID	TITLE
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	2		EXISTING DWELLING ELEVATIONS FARRELLY-004			12 Warwick Street, Hobart, TAS 7000	
			PROPOSED PRIVACY SCREENING FARRELLY-005 PROPOSED DWELLING FLOOR PLANS FARRELLY-006)) ((((((((Office Phone: (03) 6234 6185	SHADO
			PROP. DWELLING ELEVATIONS 1 OF 2 FARRELLY-007			Email: admin@smeekesdrafting.com Website: www.smeekesdrafting.com	
			PROP. DWELLING ELEVATIONS 2 OF 2 FARRELLY-008 SHADOW DIAGRAMS 1 OF 2 (2D) FARRELLY-009	BUILD	ING DESIGNERS		
			SHADOW DIAGRAMS 2 OF 2 (3D) FARRELLY-010	ASSOCIA	ATION OF AUSTRALIA Building D	Designer Licence Nos. CC4900A & CC6621	
		1		2	I		
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Attachment 3

9 Park Street, BELLERIVE



Site viewed from Park Street, looking south



Site of proposed dwelling unit, viewed from rear of existing dwelling looking south



Site access viewed from Park Street, looking south

11.3.6 DEVELOPMENT APPLICATION D-2016/517 - 1 CREMORNE AVENUE, CREMORNE - 5 MULTIPLE DWELLINGS

(File No D-2016/517)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for a 4 storey building containing 5 Multiple Dwellings at 1 Cremorne Avenue, Cremorne.

RELATION TO PLANNING PROVISIONS

The land is zoned Local Business and subject to the Inundation Prone Areas, Parking and Access, Stormwater Management Code, On-site Wastewater Management and Road and Railway Assets Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 27 September 2017.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 126 representations were received raising the following issues:

- inconsistent with residential strategy;
- inconsistent with Village zone;
- height;
- visual impact;
- setbacks;
- loss of privacy;
- wastewater;
- inundation;
- internal heights;
- parking;
- traffic;
- bore water contamination;
- contamination;
- lack of geotechnical assessment;

- noise pollution;
- inconvenience during construction;
- excavation;
- parking areas not compliant with AS;
- water supply;
- garden area unsuitable;
- stormwater;
- infrastructure inadequate; and
- devaluation of properties.

RECOMMENDATION:

- A. That the Development Application for 5 Multiple Dwellings at 1 Cremorne Avenue, Cremorne (Cl Ref D-2016/517) be refused for the following reasons:
 - 1. The proposal does not comply with Clause 16.4.1 P1, as the proposal will cause an unreasonable adverse impact on the residential amenity when viewed from adjoining lots through its bulk and height and does not allow for a transition in height between adjoining buildings.
 - 2. The proposal does not comply with Clause 16.4.2 P1, as the building setback from Frederick Henry Parade is not compatible with the setback of adjoining buildings and does not enhance the characteristics of the site, adjoining lots and the streetscape.
 - 3. The proposal does not comply with Clause 16.4.2 P2, as the proposal will cause an unreasonable adverse impact on the residential amenity of the adjoining lots by the visual impact when viewed from adjoining lots through building bulk and massing.
- 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 most recently used for a shop and takeaway shop and service station. Council's records indicate that this use ceased operation in July 2011. The most recent permit granted for the site was issued by Council in November 1997 for additions to the shop and takeaway. The service station was de-commissioned and the fuel tanks removed from the site. The removal of the de-commissioned fuel tanks was controlled by the Government Department, the Environment Protection Authority (EPA). In January 2016, Council was advised that the fuel tanks had been removed and a report was undertaken which concluded that there is no vapour risk to residents at the site. However, further work was required to determine the risk to neighbouring residences that access groundwater through private bored or spears. There has not been any further correspondence from the EPA on this issue.

2. STATUTORY IMPLICATIONS

- **2.1.** The land is zoned Village under the Scheme.
- **2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- **2.3.** The relevant parts of the Planning Scheme are:
 - Section 8.10 Determining Applications;
 - Section 16 Village Zone;
 - Section E5.0 Road and Railway Assets Code;
 - Section E7.0 Stormwater Management Code;
 - Section E6.0 Parking and Access Code;
 - Section E15.0 Inundation Prone Areas Code; and
 - Section E23.0 On-site Wastewater Management Code.
- 2.4. Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a $601m^2$ lot containing 2 buildings, 1 formerly used as a shop, takeaway food and service station and the other used as a dwelling. The site is located on the corner of Frederick Henry Parade and Cremorne Avenue. A residential property adjoins the site to the west and a public walkway to the north. To the east, on the opposite side of Frederick Henry Parade is a public park and the beach.

The site has existing access and egress from Frederick Henry Parade.

The surrounding area is residential and properties typically containing 1 and 2 storey Single Dwellings. Reticulated sewer and water are not provided to the area.

3.2. The Proposal

The proposal is to demolish the existing buildings and construct a 4 storey residential building with a shared entry from Frederick Henry Parade. A parking garage containing 10 spaces is to be located on the ground floor with 2 accesses from the street.

The building contains 5 dwellings with 2 located on each of the first and second floors and a fifth located on the third floor. The building has a maximum height of 9.5m above natural ground level. The building has a 0m setback to the north and west boundary, a 1.3m setback to Frederick Henry Parade, and a 6.9m setback to Cremorne Avenue.

The dwellings are orientated to the east and each has large windows and a balcony on the eastern elevation.

The northern elevation contains small windows which use frosted glass bricks. The western elevation contains windows to bedrooms and bathrooms and the applicant has proposed that all glazing on this elevation be fitted with permanently fitted external screens for a full height of 1.7m above the finished floor level with a uniform transparency of 25%.

It is noted that the elevations show a building envelope in accordance with the requirements of the General Residential zone and is not relevant to the assessment of this application.

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

Under Clause 7.5.1 of the Scheme, a use or development must comply with each applicable standard in a zone or code. Compliance for the purposes of Subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.

The proposal meets the Scheme's relevant Acceptable Solutions of the Village Zone and Inundation Prone Areas, Road and Railway Assets, Parking and Access, Stormwater Management, On-site Wastewater Management and Road and Railway Assets Codes with the exception of the following.

Village Zone

Clause	Standard	Acceptable Solution	Proposed
		(Extract)	
16.4.1	Building	Building height must be no	Maximum building height
A1	Height	more than 8.5m.	of 9.5m.
	_		

The proposal must be considered pursuant to the Performance Criteria P1 of the Clause 16.4.1 as follows.

Performance Criteria	Proposal
"Building height must satisfy all of the	
following:	
(a) be consistent with any Desired Future Character Statements provided for the area;	none provided
(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:	
(i) overlooking and loss of privacy;	The only adjoining residential property is 3 Cremorne Avenue. The applicant is proposing that all glazing on this elevation be fitted with permanently fitted external screens for a full height of 1.7m above the finished floor level with a uniform transparency of 25%. These measures would be sufficient to meet the Acceptable Solution in other residential zones in the Scheme and on this basis is considered that the proposal will not result in a loss of privacy or overlooking to the adjoining property to the west.
(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;	The applicant has provided overshadowing diagrams which show that the property to the west at 3 Cremorne Avenue will be overshadowed by the development between 12pm and 3pm on 21 June but will not be affected for the remainder of the day. On this basis, the proposal meets the Performance Criteria.
(iii) visual impact when viewed from adjoining lots, due to bulk and height;	When viewed from the property at 3 Cremorne Avenue the proposal would be 9.5m in height.

		The aspect from the habitable rooms and the private open space to the rear of the adjoining dwelling would be dramatically impacted by the bulk and
		height of the proposal. The impact is compounded by the proximity of the proposed building to the boundary. The dominant mass of the proposal to 3 Cremorne's eastern boundary is considered to result in substantial visual impact, in terms of both bulk and height.
		Furthermore, the prevailing character of the Cremorne area is low density coastal development, consisting almost exclusively of single or 2 storey Single Dwellings. It is considered that the proposed development would not be reasonably expected in this residential area.
		Based on these concerns, it is considered the proposal would constitute a significant loss of the residential amenity of the adjoining property owner. The proposal is recommended for refusal on this basis.
(/	not unreasonably overshadow adjacent public space;	The public walkway to the north and the park located to the east will not be overshadowed by the development.
b	llow for a transition in height between adjoining buildings, where appropriate;	0
		The height of the proposed building is significantly more imposing than the existing building stock, yet the design does not sufficiently transition from the existing scale to the proposed height, resulting in an abrupt disruption to the contextual datum.
		Therefore, it is considered that the proposal does not provide for a reasonable transition in height between adjoining buildings and is recommended for refusal on this basis.
(a) h	pe no more than 95 m	complies

complies

(e) be no more than 9.5 m.

Clausa	Standard	Accontable Solution	Dropogod
Clause	Stanuaru	Acceptable Solution (Extract)	Proposed
16.4.2 A1	Setback	 Building setback from frontage must be parallel to the frontage and must be: no less than 6m, if fronting South Arm Road; or 	The setback from Cremorne Avenue complies.
		• no less than 4.5m, if fronting any other road.	The setback to Frederick Henry Parade does not comply as the main wall of the building is located 2.5m from the front boundary to Frederick Henry Parade with the entry on the ground floor located 1.3m from the front boundary.

Village Zone

The proposal must be considered pursuant to the Performance Criteria P1 of the Clause 16.4.2 as follows.

Performance Criteria	Proposal
"Building setback from frontage must satisfy all of the following:	
(a) be consistent with any Desired Future Character Statements provided for the area;	none provided
(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;	The majority of dwellings along Frederick Henry Parade are set back between 4m and 15m from the street frontage, with 2 examples of buildings located approximately 2m from the frontage, which are on the eastern side of Frederick Henry Parade. Existing buildings adjacent to the site, on the western side of Frederick Henry Parade, are setback a distance of at least 8m The proposed building would be set back 1.3m from the street frontage- significantly less than the adjacent properties.

	The proposed setback is considered incompatible with the prevailing setbacks in the immediate area, therefore, the proposal is recommended for refusal.
(c) enhance the characteristics of the site, adjoining lots and the streetscape.	The proposed building is of a height and mass not currently exhibited in the area. It is considered that the departure from the prevailing scale of existing building stock would diminish the contextual characteristics of the street.
	Furthermore, the proposed setback is significantly less than that of adjacent properties and creates a disjuncture which exacerbates the concerns arising from the proposal's bulk.
	It is considered that the combination of bulk, height and reduced setback results in proposal incompatible with the contextual characteristics of the area. On this basis, the proposal is recommended for refusal.

Village

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.4.2	Setback	Building setback from side and	
A2		rear boundaries must be no less	
		than:	
			Does not comply as the
		(a) 2m;	building has a Om
			setback to northern and
		(b) half the height of the wall,	western boundary.
			Required setbacks are:
		whichever is the greater.	• Northern boundary:
			3.7m;
			• Western boundary:
			4.55m.

The proposal must be considered pursuant to the Performance Criteria P2 of the Clause 16.4.2 as follows.

Performance Criteria	Proposal
 "Building setback from side and rear boundaries must satisfy all of the following: (a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: 	
(i) overlooking and loss of privacy;	As discussed above, the development should not result in an unreasonable loss of privacy to the adjoining residential lot to the west.
(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;	As discussed above, the proposal is not considered to result in an unreasonable loss of amenity to the adjoining lots by overshadowing.
 (iii) visual impact, when viewed from adjoining lots, through building bulk and massing; taking into account aspect and slope". 	The building has a boundary wall between the site and 3 Cremorne Avenue which has a length of 26.6m. However, due to the excavation proposed, this wall ranges in height between 09m and 1.55m from natural ground level, which is less than a standard boundary fence. The second and third floors of the building are then setback 1.5m from the boundary and extend to a maximum height of 7.1m. The fourth floor is stepped again and is located 2.8m from the shared boundary. It is considered that the visual impact of the proposal when viewed from the habitable rooms and private open space would be significant and exacerbated by the close proximity of the building to the boundary.
	the Cremorne area is low density coastal development, consisting almost exclusively of single or 2 storey Single Dwellings.

It is considered that the proposed development would not be reasonably expected in this residential area, especially in such close proximity.
Based on these concerns, it is considered the proposal would constitute a significant loss of the residential amenity of the adjoining property owner. The proposal is recommended for refusal on this basis.

Parking and Access Code

Clause	Standard	Acceptable Solution	Proposed
		(Extract)	
E6.6.1 A1	Number of car parking spaces	Two car spacer per dwelling and 1 dedicated visitor parking space per 4 dwellings (rounded up to the nearest whole number) making a total of 12 spaces.	within the building, no visitor spaces are

The proposal must be considered pursuant to the Performance Criteria P1 of the Clause E6.6.1 as follows.

Performance Criteria	Proposal
"The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:	
(a) car parking demand;	The proposal provides 2 spaces for each of the dwellings which is considered to meet the demand of the residents.
(b) the availability of on-street and public car parking in the locality;	There is on street parking available along Frederick Henry Parade and opposite the site in the Council car park. Whilst the number of visitors to the area would increase in the summer months, it is considered that there is sufficient public and on street parking in the area.

<i>(c)</i>	the availability and frequency of	The Metro bus service provides a service
	public transport within a 400m	to the area and the bus stop is located
	walking distance of the site;	immediately outside the building.
(d)	the availability and likely use of	It is likely that most visitors to the site
	other modes of transport;	would come by car or bus.
<i>(e)</i>	the availability and suitability of	none proposed
	alternative arrangements for car	
	parking provision;	
(f)	any reduction in car parking	not applicable
•	demand due to the sharing of car	
	parking spaces by multiple uses,	
	either because of variation of car	
	parking demand over time or	
	because of efficiencies gained from	
	the consolidation of shared car	
	parking spaces;	
(g)		not applicable
(0)	surplus associated with the existing	
	use of the land;	
<i>(h)</i>	any credit which should be allowed	not applicable
	for a car parking demand deemed	
	to have been provided in	
	association with a use which existed	
	before the change of parking	
	requirement, except in the case of	
	substantial redevelopment of a site;	
<i>(i)</i>		not applicable
	contribution in-lieu of parking	r r
	towards the cost of parking	
	facilities or other transport	
	facilities, where such facilities exist	
	or are planned in the vicinity;	
(j)		not applicable
()/	financial contribution in-lieu of	···· r r
	parking for the land;	
(<i>k</i>)	any relevant parking plan for the	no car parking plan for the area
	area adopted by Council;	no cal parking prairior the area
(1)		not applicable
(1)	heritage significance of the site if	not application
	subject to the Local Heritage	
	Code".	
	coue.	

Clause	Standard	Acceptable Solution	Proposed
		(Extract)	
E15.7.3	Coastal	A non-habitable building, an	The ground floor garage
A3	Inundation	outbuilding or a Class 10b	has an area of 386m ² .
	Low Hazard	building under the Building	
	Areas	Code of Australia, must have	
		a floor area no more than	
		60m ² .	

Inundation Prone Areas Code

The proposed variation must be considered pursuant to the Performance Criteria P3 of the Clause 15.7.3 as follows.

Performance Criteria	Proposal
"A non-habitable building must satisfy all of the following:	
(a) risk to users of the site, adjoining or nearby land is acceptable;	Council's Engineers have assessed the proposal and consider that as the garage level is a non-habitable area the risk to users is acceptable.
(b) risk to adjoining or nearby property or public infrastructure is acceptable;	There is no increased risk to nearby property or public infrastructure.
(c) need for future remediation works is minimised;	not applicable
(d) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works;	not applicable
except if it is a building dependent on a coastal locationR1".	

On-site Wastewater Management Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
A1	-	A new dwelling must be provided with a land application area that complies with Table E23.1.	is less than stated in

Performance Criteria	Proposal
"The land application area is of sufficient size to comply with the requirements of AS/NZ1547".	The applicant submitted a Site and Soil Evaluation Report (Richard Mason, Onsite Assessments Tas) which proposed a design for a system in accordance with the standards (AS/NZ1547). The applicant also provided a review of the design by Whitehead and Associates, Environmental Consultants Pty Ltd, which concluded that the system is a stand-alone system for which there is sufficient space available and that in the event of a breakdown, the system would not require decommissioning as there is adequate inbuilt storage to enable the system to operate as a pump-out system for the duration of repairs.
	Council's Environmental Health Officer has assessed the information provided and is satisfied that there is sufficient information to demonstrate compliance with the standards.

The proposal must be considered pursuant to the Performance Criteria P1 of the Clause E23.7.1 as follows.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 126 representations were received. The following issues were raised by the representors.

5.1. Inconsistent with Residential Strategy

Concern was raised that the proposal is inconsistent with Clause 2.2.3 of the Scheme being the residential strategy and include holistically managing residential growth, supporting strong and healthy communities, improving management of our water resources and creating liveable communities.

• Comment

The development standards are intended to reflect the objectives and purpose of the zone and therefore compliance with these standards is indicative that the over-riding objectives and purposes of the Scheme have been met. Notwithstanding, Clause 8.10.3 states that in determining an application for any permit the planning authority must not take into consideration matters referred to in Clauses 2.0 and 3.0 of the planning scheme.

5.2. Inconsistent with Village Zone

Concern was raised that the proposal is inconsistent with the character of the area and the Village zone and will set a precedent for similar developments in the area, if approved.

• Comment

As discussed above, the proposal is considered to have a detrimental impact on the streetscape and amenity of the area and is recommended for refusal. It is not considered that a precedent will be set, if approved, as all discretionary development applications are assessed on their merits and because opportunities for this type of infill developments appear limited. In addition, it is likely that in the longer term, the State Planning Provisions will see a different suite of planning provisions relating to the site and surrounding area.

5.3. Height

Concern was raised that the proposal, which exceeds the maximum height allowed in the zone, is inconsistent with the character of the area and will overshadow the park space opposite and the adjoining public walkway. There was also concern that the plans incorrectly show natural ground level and therefore the bulk and mass of the building is misrepresented.

• Comment

As discussed above, the proposed height of the building is considered to result in a loss of residential amenity to the adjoining property and therefore is recommended for refusal. Notwithstanding the above, the public walkway which is due north of the development, and the park which is separated by a road and car park, will not be overshadowed by the development. There is no reason to believe that the plans are incorrect and it is the obligation of the applicant and their designer to ensure that the plans are correct.

5.4. Visual Impact

Concern was raised that the proposal will result in a detrimental visual impact.

• Comment

As discussed, it is considered that the height, bulk and mass of the building will result in an unreasonable visual impact.

5.5. Setbacks

Concern was raised that the proposal does not meet the Performance Criteria regarding setbacks as it will not enhance the characteristics of the site, adjoining lots or the streetscape.

• Comment

As discussed, it is considered that the variation to the side boundary setbacks will result in a detrimental impact on the amenity of the adjoining property and streetscape and is recommended for refusal on this basis.

5.6. Loss of Privacy

Concern was raised that the proposal will result in a loss of privacy to adjoining properties.

• Comment

As discussed above, loss of privacy to the adjoining lots must be considered. Three Cremorne Avenue is the only adjoining residential property and the proposal incorporates screening on all windows on the western elevation. On this basis, the proposal is not considered to result in an unreasonable loss of privacy.

5.7. Wastewater

Concern was raised that the proposal does not provide adequate land application area for on-site wastewater. In particular, no secondary area is provided and the ABS statistics used in the report to determine occupancy levels is not a reasonable basis to calculate loading.

• Comment

As discussed previously in the report, the applicant has provided sufficient information from a suitably qualified person to demonstrate compliance with the relevant standards.

5.8. Inundation

Concern was raised that the proposal is not appropriate in an area subject to inundation.

• Comment

Council's Engineers have assessed the proposal and consider that the proposal does not result in an unacceptable risk to users of the site from inundation. The residential part of the building exceeds the minimum floor level required for the Inundation Prone Areas Code and therefore is acceptable.

5.9. Internal Heights

Concern was raised that the internal heights shown on the plans do not allow for the provision of floor coverings, linings, ducting, plumbing, insulation or cabling and therefore the Australian Standard ceiling height for habitable rooms of 2.4m cannot be met.

• Comment

The proposal plans show a ceiling height of 2400mm and a floor plate of 150mm. Detailed constructed drawings would be required when a building application is submitted in compliance with the Australian Standard and any modifications made to the internal heights which resulted in the external height of the building being increased would not be approved in a building permit, if the planning permit could not be complied with.

5.10. Parking

Concern was raised that visitor parking has not been provided on-site.

• Comment

The proposal provides 2 car parking spaces per dwelling, however, does not provide 2 additional spaces on-site for visitor accommodation.

As discussed above, it is considered that there is adequate on street parking along Frederick Henry Parade and in Council car parking areas which, for the majority of the year provides adequate visitor parking spaces in close proximity to the site. The increased numbers in visitors to the area during the summer months reduces the amount of spaces available, however, this concern does not carry sufficient weight to warrant refusal.

5.11. Traffic

Concern was raised that the proposal will result in additional traffic to the area, particularly as the Lauderdale boat ramp has been closed, interference with the bus stop and safety concerns regarding the location of access near the corner.

• Comment

Council's Engineers consider that the traffic generated by the proposal is considered to be less or similar to the previous use of a shop and service station and the existing road network to the site is of a suitable standard.

The location of the access to the garage is similar to the existing access to the site and is not considered to pose a safety risk.

The location of bus stops is not a Council matter, and if the development is approved, Metro can consider whether the current location of the bus stop directly outside the building is appropriate.

5.12. Bore Water Contamination

Concern was raised that the wastewater system will have a detrimental effect on the bore water.

• Comment

The wastewater system is required to be designed and constructed so that it is contained within the site boundaries and therefore must not affect the surrounding area.

5.13. Contamination

Concern was raised the site is contaminated following the removal of the fuel tanks.

• Comment

The removal of the de-commissioned fuel tanks is controlled by the Environment Protection Authority (EPA). In January 2016, Council was advised that the fuel tanks had been removed and a report was undertaken which concluded that there is no vapour risk to residents at the site. However, further work was required to determine the risk to neighbouring residences that access groundwater through private bore or spears. There has not been any further correspondence from the EPA on this issue. If approved, Council's Environmental Health Officers have recommended that advice be provided on the permit that the groundwater cannot be used by future residents of the site until further testing has been undertaken to the satisfaction of the EPA.

5.14. Lack of Geotechnical Assessment

Concern was raised that a geotechnical assessment was undertaken as part of the development application.

• Comment

An application for a building permit would require the submission of a soil test engineering details to ensure that the construction method is suitable for the site conditions. A geotechnical assessment is not required as part of the development application and therefore this issue cannot have determining weight.

5.15. Noise Pollution

Concern was raised that the proposal will result in noise pollution due to the lack of buffer between the development and adjoining properties and the park and due to air conditioners that are likely to be installed on the exterior of the building.

• Comment

The site was previously used as a service station and shop which would be expected to have generated more traffic movements than the proposed residential development. On this basis, it is not considered that the occupants of 5 Multiple Dwellings would have a detrimental impact on the amenity due to noise from residents themselves or vehicles entering the site.

Air conditioners and the like are exempt from requiring planning approval under Clause 6.1.3 of the Scheme and therefore this issue cannot have determining weight.

5.16. Inconvenience During Construction

Concern was raised that the development would result in stress and inconvenience to residents of Cremorne during construction.

• Comment

Inconvenience during construction is of a temporary nature and therefore this issue does not have relevant determining weight. If approved, this issue could be addressed by a condition requiring a construction management plan.

5.17. Excavation

Concern was raised that the excavation required for the development will undermine the foundations of the pool on the adjoining property.

• Comment

Engineering details of the building will be required as part of a building application and must be designed so that the adjoining properties are not impacted by the development.

5.18. Parking Areas not Compliant with AS

Concern was raised that the parking garage is not compliant with the relevant Australian Standard.

• Comment

Council's Engineers have assessed the proposal and consider that the information submitted demonstrates that the dimensions of the parking spaces and manoeuvring areas meet the relevant Australian standard.

5.19. Water Supply

Concern was raised that the proposed water storage and supply is not suitable for 5 dwellings and that the development will rely on purchasing water, which means many water tankers during the year delivering water to the site.

• Comment

The provision of water trucks may be anticipated. However, the supply of water to the dwellings in this manner is not a relevant planning consideration.

5.20. Garden Area Unsuitable

Concern was raised that the garden shown on the plans is not suitable for a recreation area for the residents.

• Comment

The garden area to the south of the building contains the waste disposal system and leachate area and whilst it can be planted with suitable plant species, it is not suitable for use as private open space for the residents.

5.21. Infrastructure Inadequate

Concern was raised that the infrastructure in the area, including road and stormwater systems, are not adequate if similar developments are to occur in the future.

• Comment

As discussed previously, the road network is considered satisfactory. The proposal includes retention of all stormwater on-site which meets the Stormwater Management Code. Any future developments in the area will be assessed on their merits.

5.22. Devaluation of Properties

Concern was raised that the proposal will devalue properties in the area.

• Comment

Property valuation is not a relevant planning consideration.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

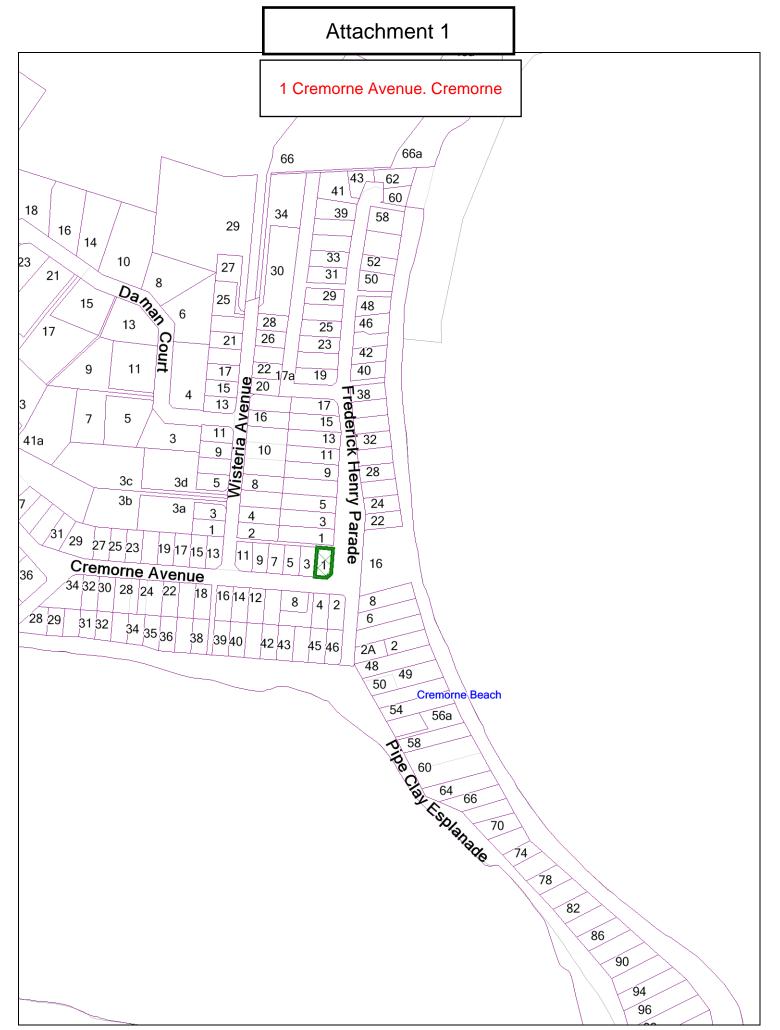
The proposal for a 4 storey residential building at 1 Cremorne Avenue is recommended for refusal as the height, bulk and scale is considered to have a detrimental impact on the amenity of the adjoining property owners, streetscape and the surrounding area.

Attachments: 1. Location Plan (1)

- 2. Proposal Plan (11)
- 3. Site Photo (2)

Ross Lovell MANAGER CITY PLANNING

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





Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date: Monday, 18 September 2017 Scale: 1:4,296 @A4**





View 01 (corner Cremorne Ave, Frederick Henry Parade)



Note: Steps omitted

View 03 (Approaching Cremorne Ave from Frederick Henry Parade)

KEY PROPOSAL STATISTICS PROJECT DATA

TITLE	VOLUME 58004	FOLIO 91
	EDITION 8	DATE OF ISSUE 12-FEB-2013
LOCATION	I CREMOR	NE AVE, CREMORNE
SITE AREA:		605m2
FOOTPRINT EXISTI	NG	265M2 (TWO BUILDINGS
FOOTPRINT PROPO	SED	409M2
SITE COVERAGE		68%
CROSSOVER WIDTH	[2 x 4,500
HIGHTEST POINT O	FBUILDING	10,200

COVER SHEET

PROJECT CONSULTANTS Note: Steps omitted

View 02 (Front - Frederick Henry Parade)

View 04 (From Right of Way)

DRAWING LIST

SHEET DA01	COVER SHEET/KEY DATA
SHEET DA02	EXISTING CONDITIONS
SHEET DA03	SITE ANALYSIS
SHEET DA04	DESIGN PROCESS
SHEET DA05	SITE PLAN
SHEET DA06	PROPOSED FLOOR PLANS LEVEL 1/2
SHEET DA07	PROPOSED FLOOR PLANS LEVEL 3/4
SHEET DA08	ELEVATIONS
SHEET DA09	BUILDING ENVELOPE/VIEW LINES/PARKING
SHEET DA10	SHADOW DIAGRAMS
SHEET DA11	LANDSCAPE DESIGN/PLANTING SCHEDULE

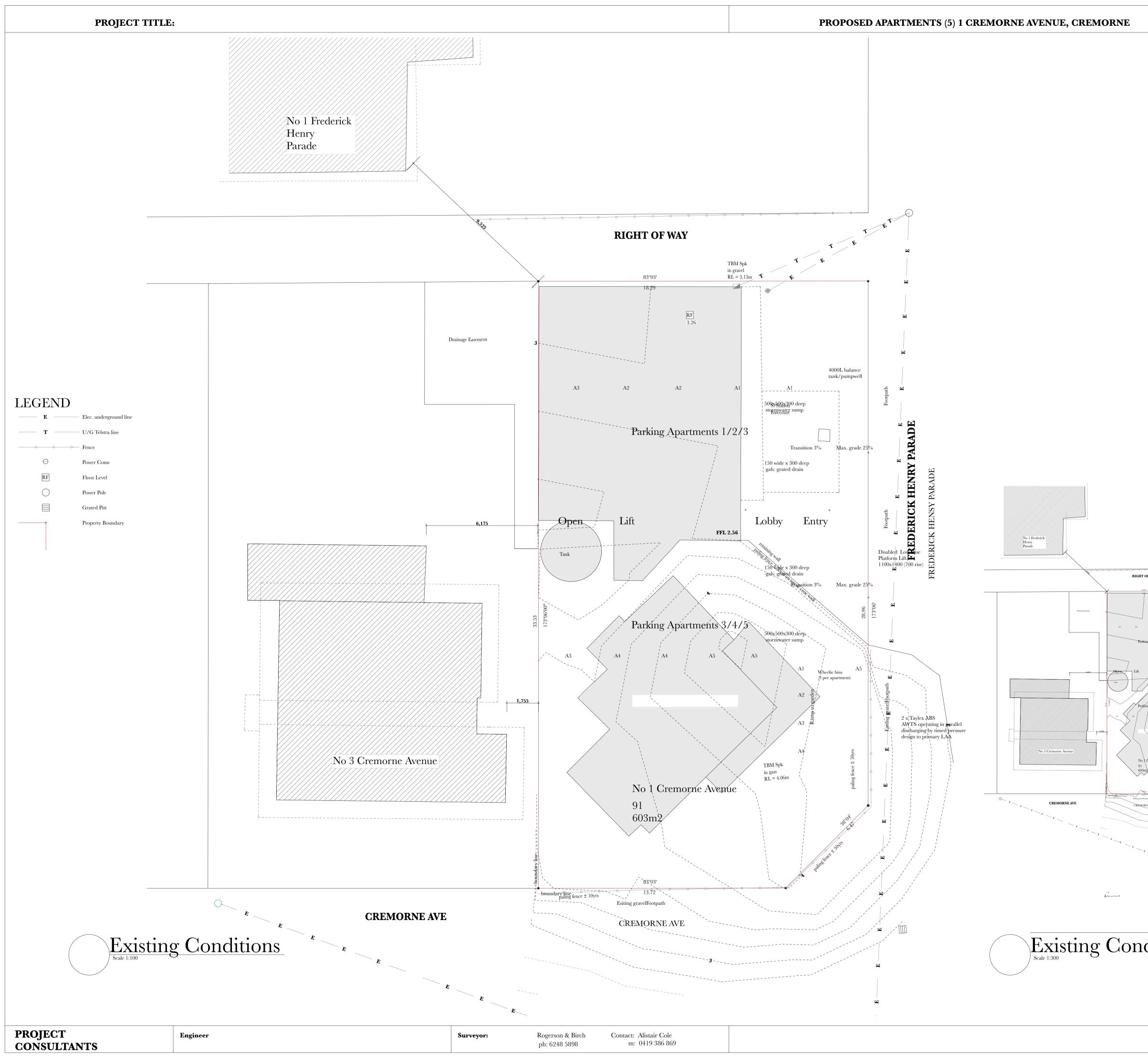
FINISHES

CONCRETE PANELS	'DULUX' LEXICON HALF
PERGOLAS OVER DECKS	'DULUX' LEXICON QUATER
RAKED FASCIA	'DULUX' WHITE ON WHITE
WINDOW SURROUNDS	COR TEN
LEVEL 4 (PENTHOUSE)	COR TEN
ALUMINIUM WINDOWS	CHARCOAL GREY
ROOF	SURFMIST
PERFORATED MESH	'DULUX' LEMON DRIZZLE

Contact: Alistair Cole m: 0419 386 869

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DA APPLICATION



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Site Analysis - Check List

On-site features that provide opportunities or constraints, such as orientation of the allotment, drainage,trees,views or soil types

Contours and existing vegetation

View to and from site

Sun path winter and summer

Existing drainage, services and easements

Contaminated soils and filled areas.

Existing buildings, especially any that should be retained

Access and connection points

Orientation and microclimate

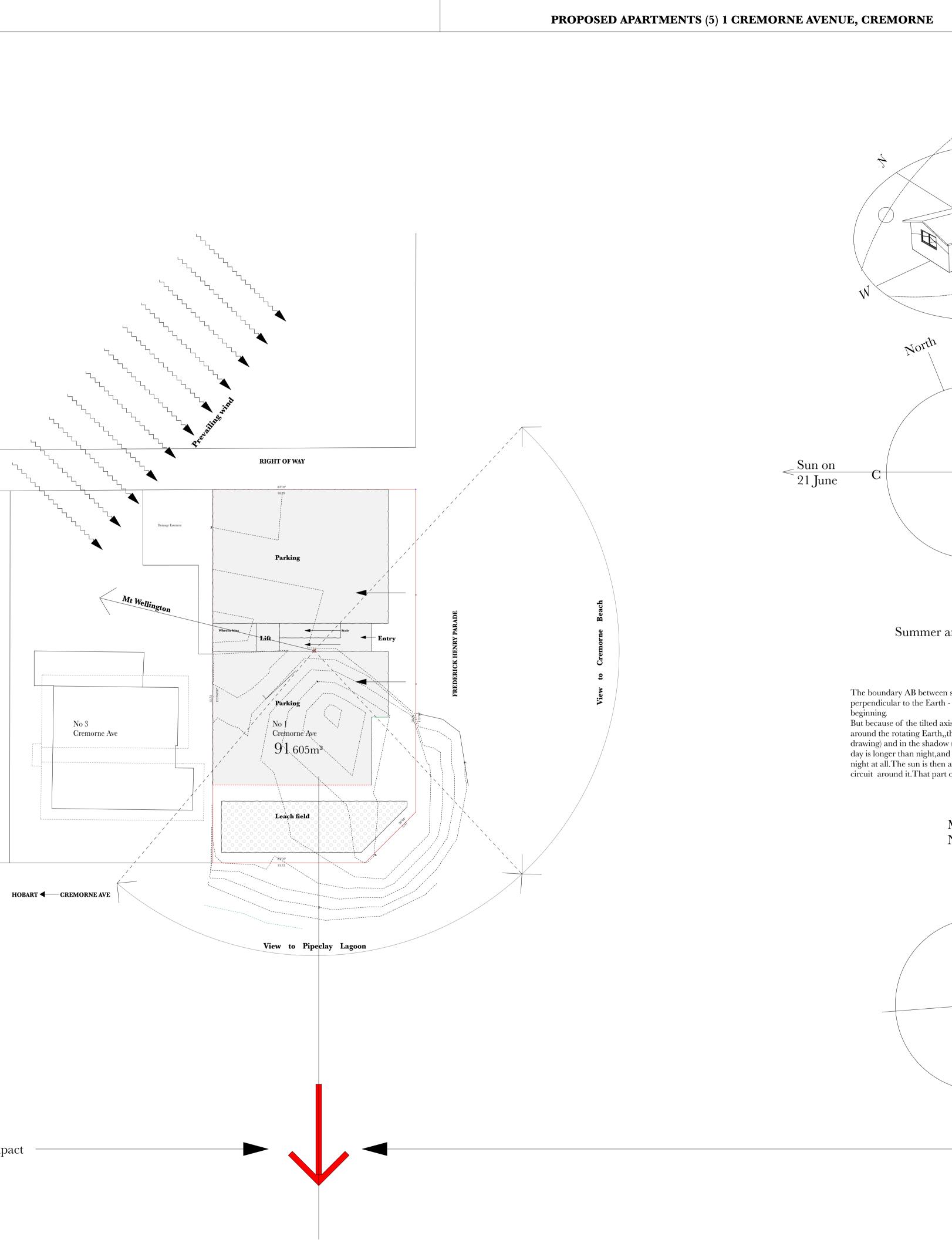
Noise sources

Fences (existing and proposed), boundaries & easements.

Location of existing adjoining buildings

Views and solar access enjoyed by adjacent residents

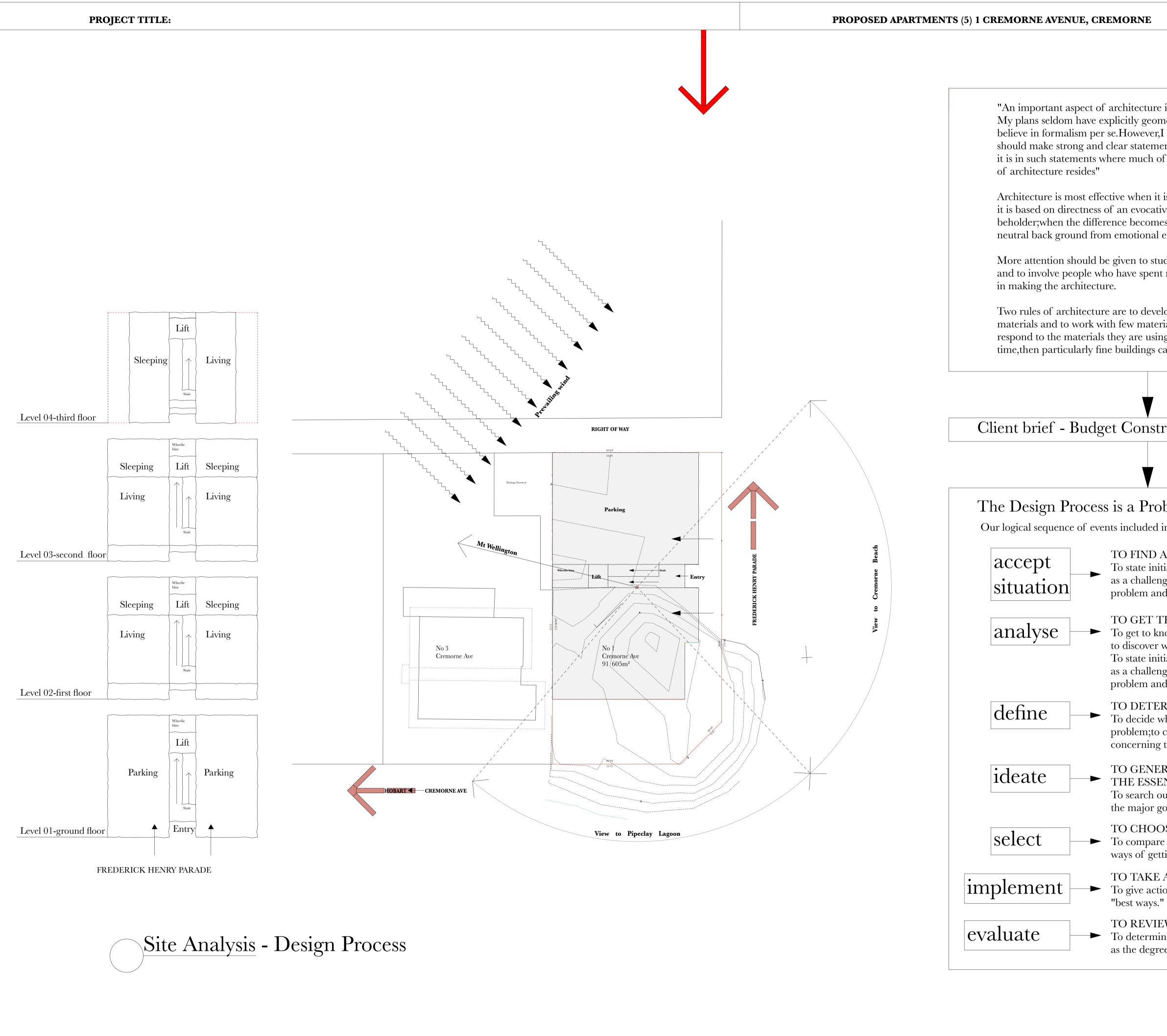
Existing tree cover and bush fire assessment



Site Analysis -Site Factors - Physical Context - Environmental Impact

Rogerson & Birch Contact: Alistair Cole m: 0419 386 869

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	Client: Chris Boland	
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Engineer

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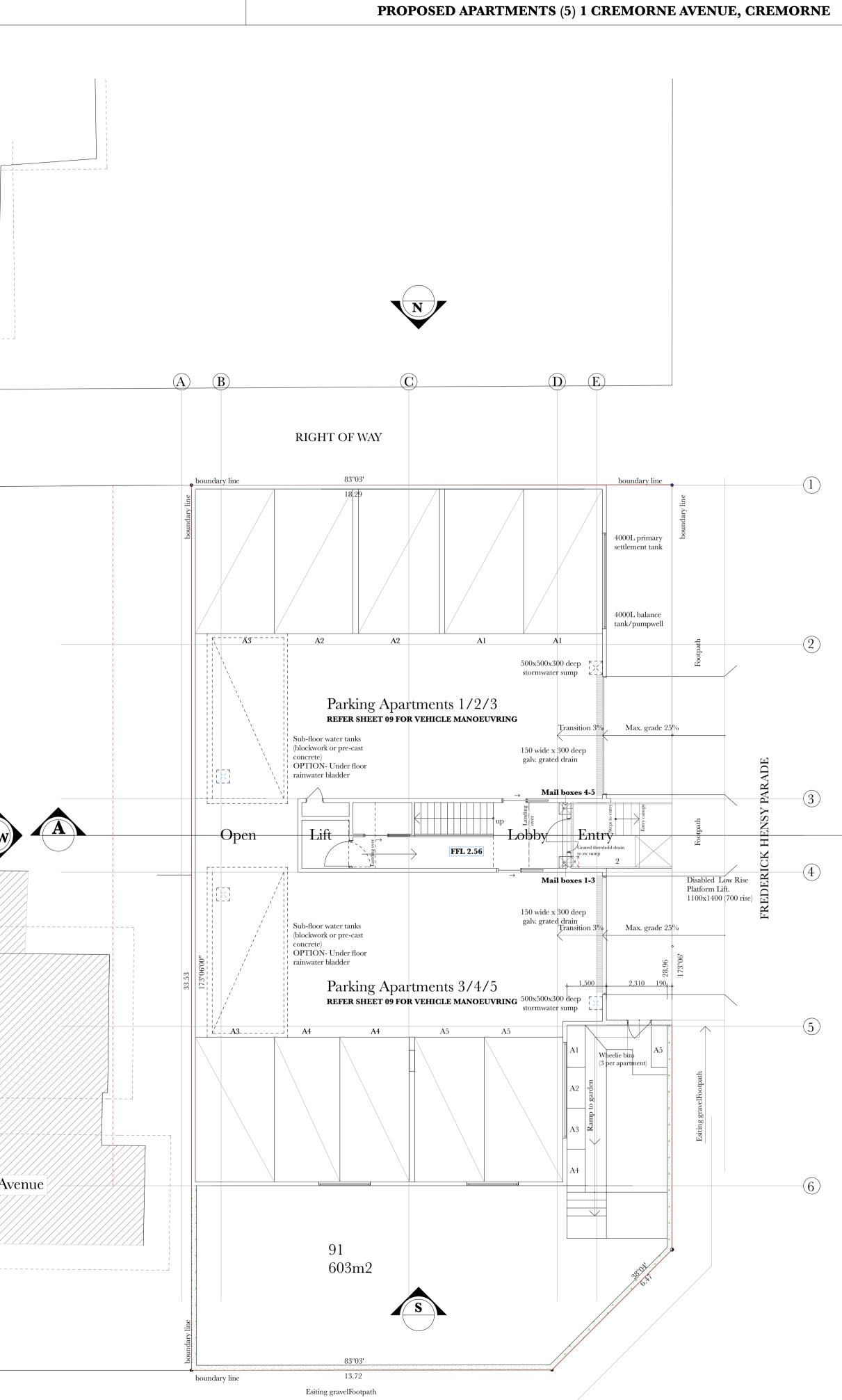
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PROJECT CONSULTANTS

Engineer

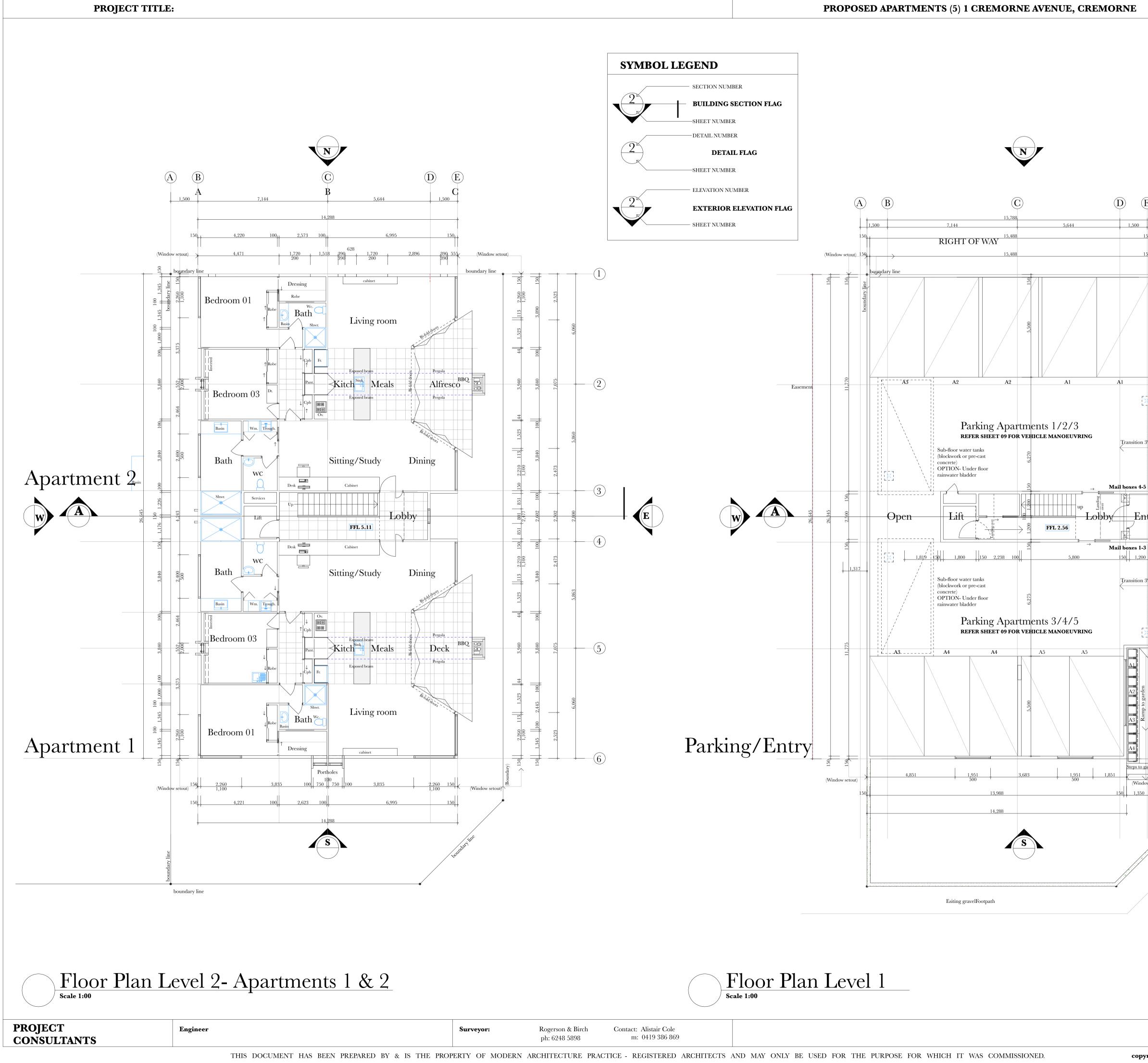
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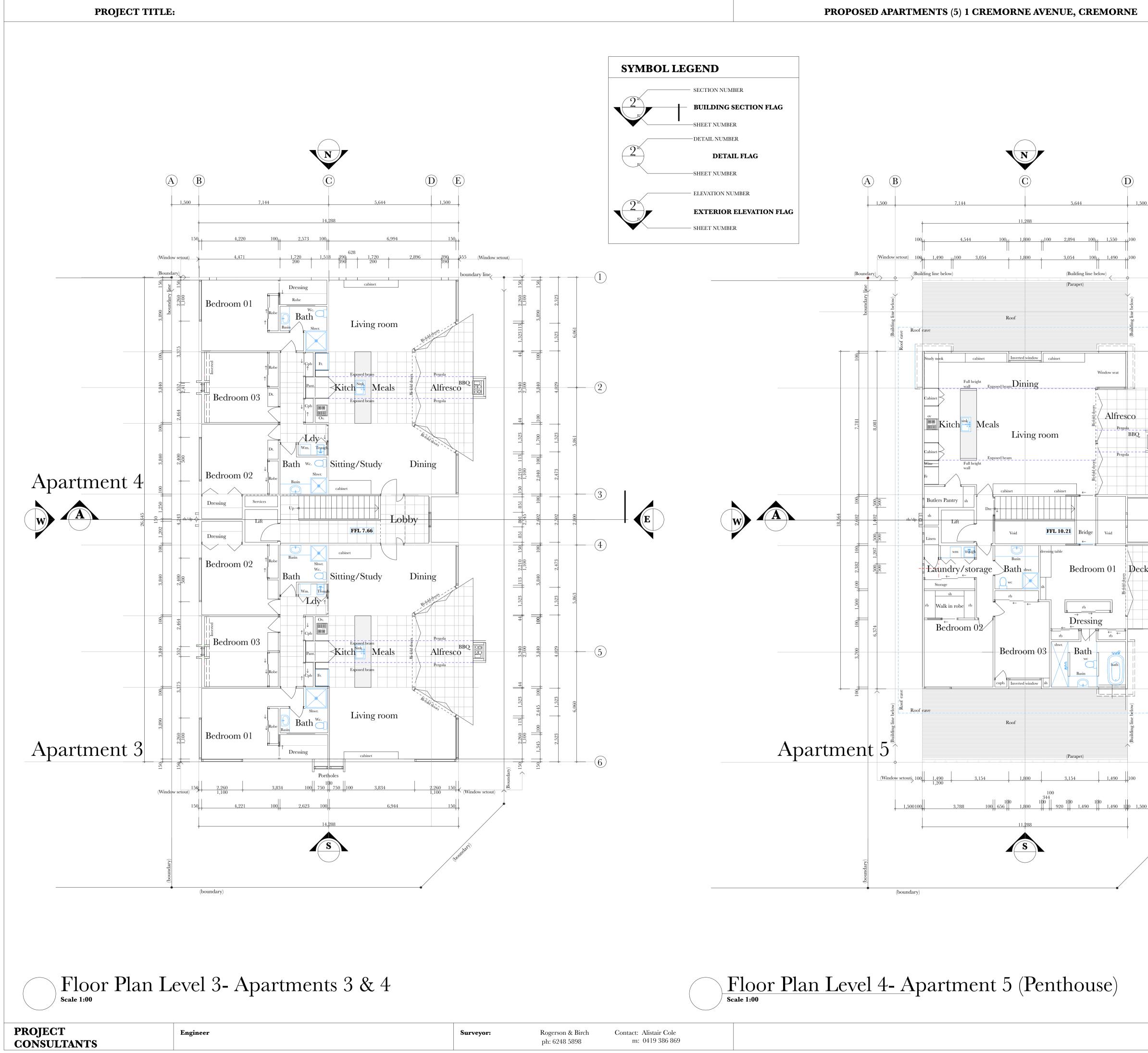


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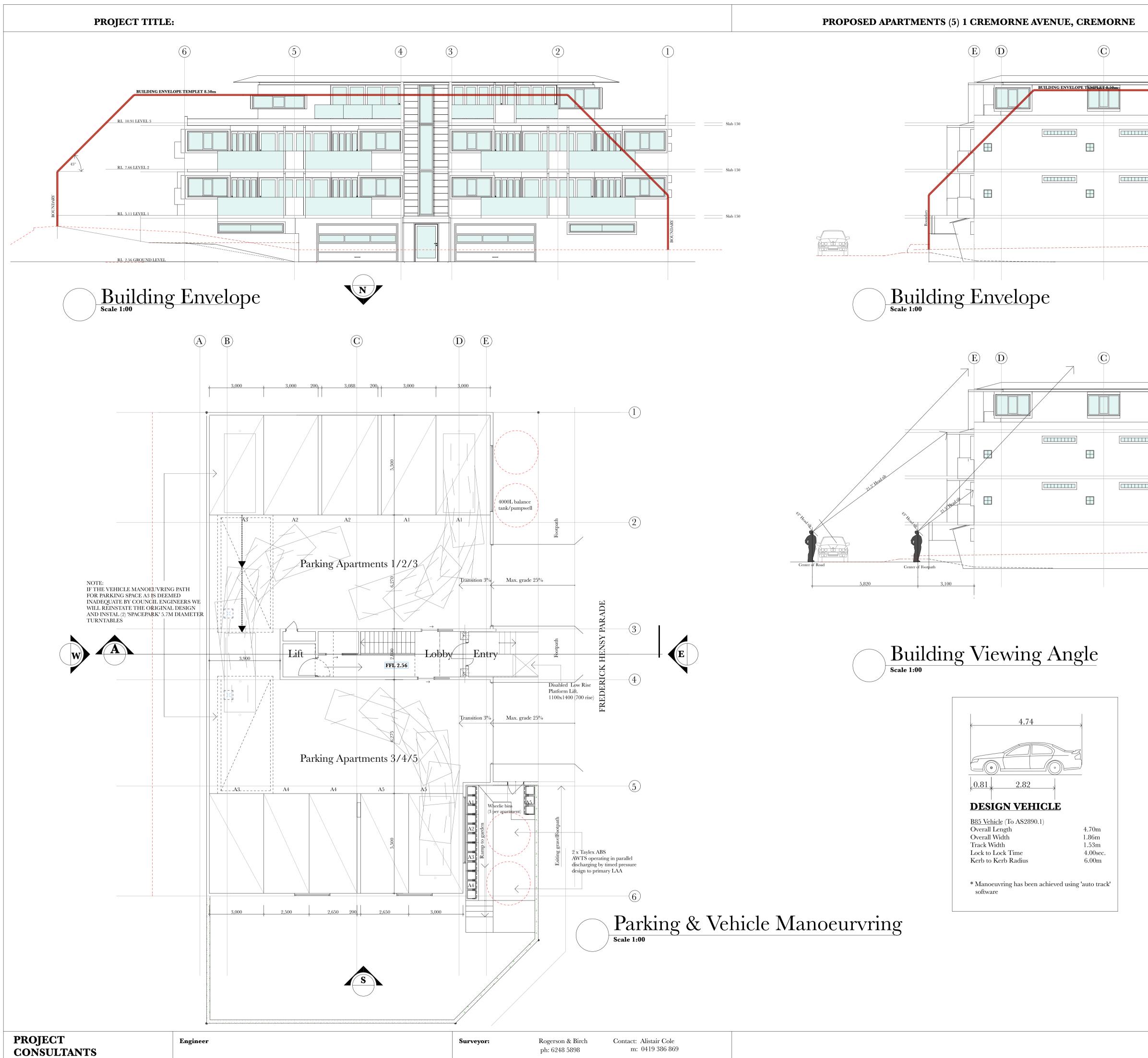
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PROPOSED APARTMENTS (5) 1 CREMORNE AVENUE, CREMORNE

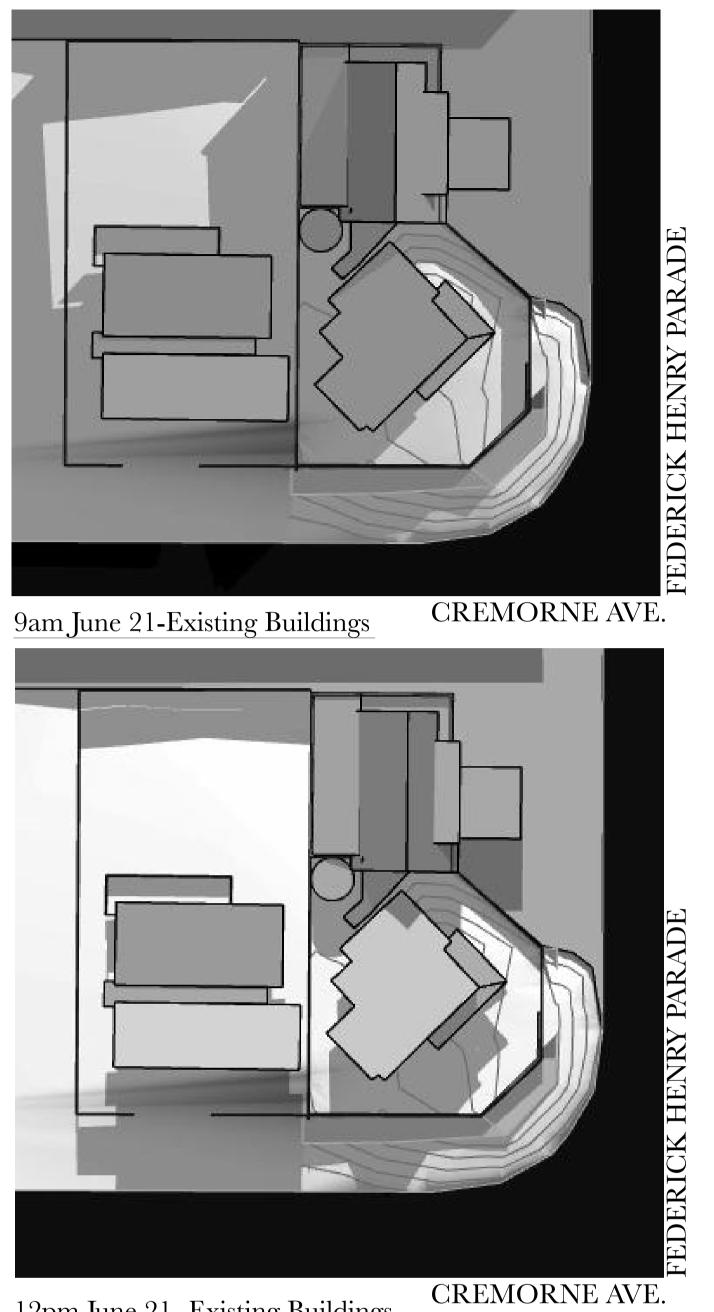
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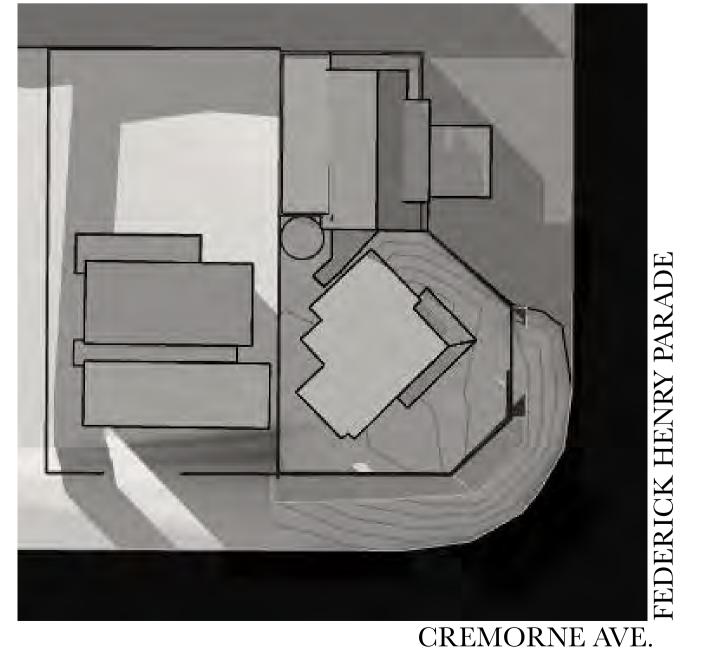


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12pm June 21- Existing Buildings

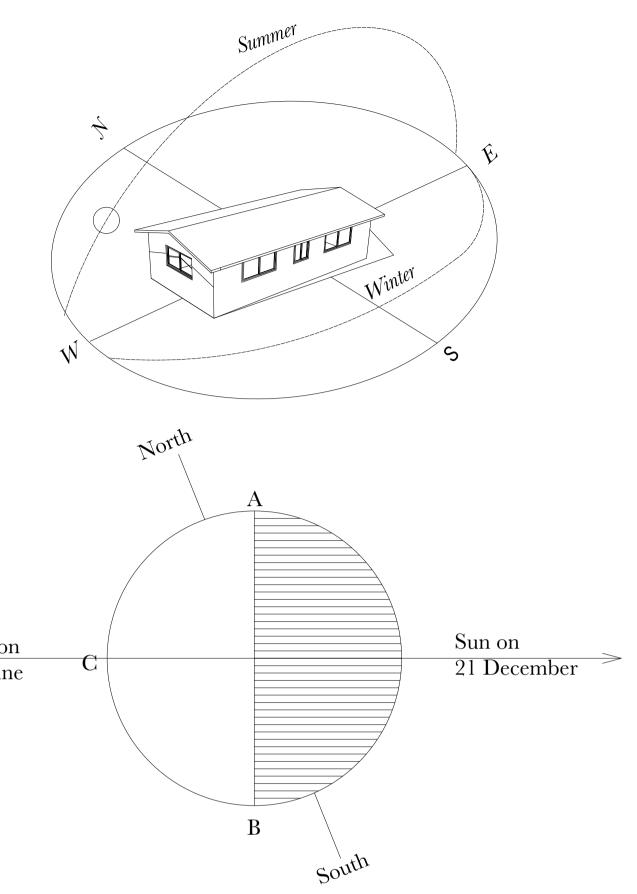


3pm June 21- Existing Buildings

 $< \frac{\text{Sun on}}{21 \text{June}}$

Engineer

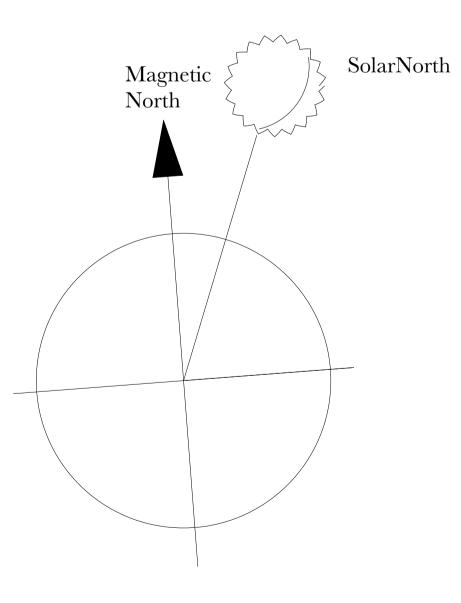
PROPOSED APARTMENTS (5) 1 CREMORNE AVENUE, CREMORNE



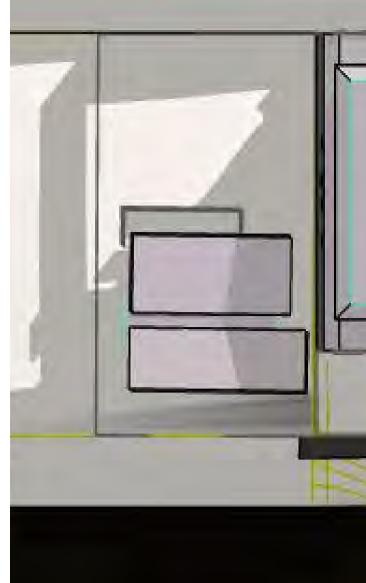
Summer and Winter

The boundary AB between sunlight and shadow - between day and night - is always perpendicular to the Earth - Sun line, as it was in the example shown at the beginning.

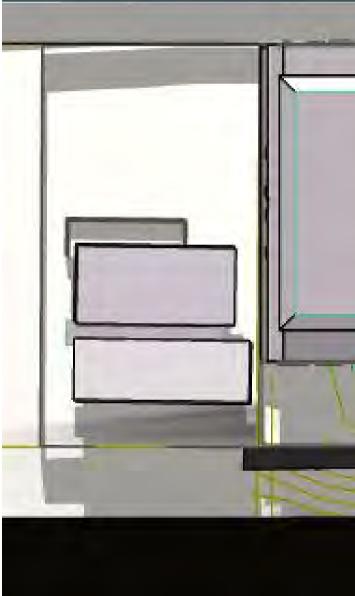
But because of the tilted axis, as each point on Earth is carried on its daily trip around the rotating Earth, the part of the trip spent in daylight (unshaded part of the drawing) and in the shadow (shaded) are usually not equal. North of the equator, day is longer than night, and when we get close enough to the north pole, there is no night at all. The sun is then always above the horizon and it just makes a 360-degree circuit around it. That part of Earth enjoys summer.



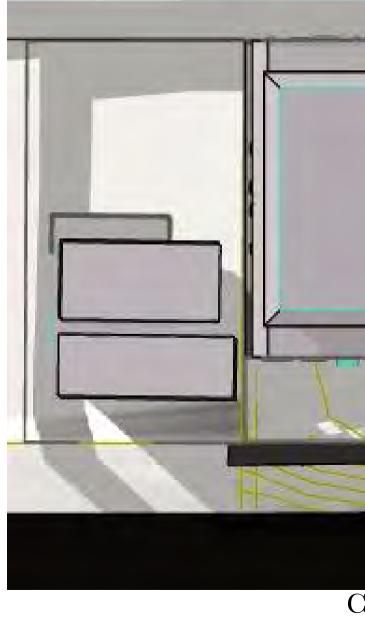




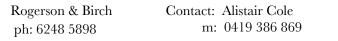
9am June 21-Proposed Building



12pm June 21- Proposed Buildi



3pm June 21- Proposed Buildin

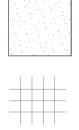


	Date:	29/11/16		
	Client: Chris Boland			
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PLANTING SCHEDULE

	Key	Botanical Name	Common Name	Mature Height	Mature Width	Pot Si	ze
	$\mathbf{C}\mathbf{b}$	Callistemon 'Betka Beauty' Crimson bushes	1.2-1.6high		1.5m	200mm	
0	Om	Olga' Mediterranean Olive	1.5-1.8high		1.5m	200mm	
	Wjg	Westringer 'Jervis Gem'	Westringer	lm	lm	200mm	
\bigcirc	Chp	Callistermon 'Hot Pink'	Bottlebrush	1.5m	1.5m	200mm	
	As	Acmena smithii'Moonlight	Flame' Lilly Pilly	1.0m	0.7m	200mm	
	Dtr	Dianalle Tas Red 1L purple berries	1.0 high		0.8m	200mm	

LEGEND



Lawn Area-Roll turf

Entry Pavers (600x600x60)

NOTE: 100mm Black Gum Bark base to all planting areas

No 3 Cremorne Avenue



PROJECT CONSULTANTS



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Attachment 3

1 Cremorne Avenue, CREMORNE



View of site from Frederick Henry Parade.



View of site and laneway from Frederick Henry Parade.



View of the rear of 3 Cremorne Avenue and the site taken from the laneway looking east.



View of the site and adjoining dwelling at 3 Cremorne Avenue taken from Cremorne Avenue.

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

11.5.1 RECREATIONAL NEEDS ANALYSIS (File No)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is for Council to consider the process, scope and cost of a Recreational Needs Analysis for Clarence.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026.

LEGISLATIVE REQUIREMENTS

There are no specific legislative requirements.

CONSULTATION

No public consultation has been undertaken on this matter at present.

FINANCIAL IMPLICATIONS

Council to consider an amendment to the 2017/2018 Estimates by allocating funding of \$45,000 to undertake a Recreational Needs Analysis for the City of Clarence.

RECOMMENDATION:

That the adopted Estimates for 2017/2018 be amended by \$45,000 to allow for the completion of the Recreational Needs Analysis to be funded from unallocated cash.

NB: A decision on this Item requires an Absolute Majority of Council.

ASSOCIATED REPORT

1. BACKGROUND

- **1.1.** In 2004, Council engaged Pitt & Sherry to undertake a Sports Facilities Assessment which focussed on risk and compliance with current standards at that time. There was no analysis relating to need or growth of each sport and therefore the report guided facility compliance only.
- **1.2.** Council has adopted a number of Guiding Principles which align with undertaking future planning and consultation for the needs of the community.

- **1.3.** At its Meeting of 5 May 2014, Council adopted Guiding Principles as the basis for the strategies and actions associated with the Sport and Active Recreation Strategy. This included:
 - "• Council responds to the needs of its community;
 - *Our Community health and well-being are important;*
 - Council will provide for the future needs for public open space and recreation facilities; and
 - Council will provide equitable access and pricing policies for services in the context of the community's capacity to pay".
- **1.4.** At its Meeting of 24 February 2014, Council resolved as follows:
 - "A. That Council adopts the following classifications for Council's Public Open Spaces:
 - Linear Park: an area whose prime function is to serve as a link between areas of Public Open Space;
 - Sportsground: an area with a formal sports function;
 - Natural Area: an area whose prime function is the protection of habitat for flora and fauna;
 - Community Park: an area that provides informal recreation space opportunities, generally a 'green space' in urban areas.
 - B. That Council adopts the following significance ratings for Council's Public Open Spaces:
 - Regional: an area with major conservation, cultural or sport/recreation/leisure values and/or high visitor numbers or strategic location; typically people will travel to this area from within and outside of the City;
 - District: an area with lower level features than an area that has Regional significance; typically people will travel more than 'walking distance' to visit this area; and
 - Local: an area that receives visitors primarily from the local area only typically within walking distance of the area.
 - C. That Council authorises the General Manager to implement the classification and significance rating for Council's Public Open Spaces.

- D. That Council adopts the following draft Levels of Service for Regional, District and Local significance rating Public Open Spaces as a basis to engage the community through a collaborative consultation process using focus groups to refine and develop Levels of Service for Council's Public Open Space:
 - Regional Level of Service: given the high visitor numbers or strategic location and that people will travel to this type of Public Open Space from within and outside of the City the levels of Service for this Public Open Space will contain a high level of facility to encourage sustained visit duration such as; BBQ's, shelters, appropriate landscaping and car parks, considerable play equipment and toilets;
 - District Level of Service: Public Open Space that meets needs of several suburbs where people would travel more than "walking distance" to visit. The Levels of Service would be lower level/concentration of facility than the Regional significant Public Open Space; BBQ's, shelters, play equipment and toilets; and
 - Local Level of Service: Public Open Space would have visitors primarily from the local area only e.g. within walking distance. Develop vegetation for parkland with turfed areas, scattered trees, seating, minor play equipment such as a swing set and walking paths in larger parks.
- E. That Council adopts the principle that Management Plans will be developed for all Council's Public Open Space holdings. The Management Plans are documents which set out the history, uses, objectives and development for the Public Open Space and are generally reviewed every 5 years.
- F. That once the collaborative community consultation is complete a further report be presented to Council on the results of the consultation program and the developed draft Levels of Service for Council's Public Open Spaces".
- **1.5.** At its Meeting of 24 July 2017, Council resolved as follows: *"That Council receive a report from Officers within 2 months, outlining a process, cost and scope of a recreational needs analysis for Clarence".*
- **1.6.** This report is to address this matter.

2. REPORT IN DETAIL

- **2.1.** A Recreational Needs Analysis is a strategic review (ie point in time capture) of the current and projected demand, participation, planning and provision for sport and recreation across the City of Clarence.
- **2.2.** The strategic review would include all indoor and outdoor sport and recreation facilities that are Council owned or managed. Below is a sample, but not limited to, of the codes/activities which would be included in the project.

Basketball	Golf
Cricket	Mountain Biking
Cycling	Tennis
Equestrian	Touch Football
Football (AFL)	Triathlon
Football (Soccer)	Walking

- **2.3.** The Recreational Needs Analysis would stipulate the difference between Sport (ie established set of rules; competitive in nature) and Recreation (ie unstructured; activity undertaken for enjoyment) and consider current and projected population growth, local and national trends in participation, the condition of existing infrastructure and future infrastructure requirements.
- 2.4. To undertake the review, extensive consultation will be required with all Clarence based sport and recreation organisations (clubs), State Sporting Organisations (SSO's), Sporting Associations, relevant State Agencies (e.g. Department of Education, Crown Land Services) and the wider community.
- **2.5.** Consultation could be undertaken via varying means including formal stakeholder interviews; telephone interviews; survey (hard copy/online); community workshops; and/or via social media/project website.
- **2.6.** In addition to the findings and data from the review of recreation needs for Clarence, it would be expected that a supporting plan is formulated to provide strategic direction to Council and staff. It is envisaged that the plan would identify key issues for Council in relation to Sport and Recreation and recommend how to address these challenges over time.

2.7.

- forward planning for sport and recreation facilities;
- develop policy relating to Council investment for sport and recreation;
- consider Council's capacity to provide operational support to clubs (ie improve governance to ensure sustainable and viable clubs);
- review the Leasing/Hiring Policy for Council sporting facilities; and
- review/develop Asset Management Plans relating to sport and recreation.
- **2.8.** It is anticipated that the development of a Recreational Needs Analysis would take 8 to 9 months to complete.
- **2.9.** The Recreational Needs Analysis is considered to be the only rational method for Council to future plan and prioritise the Active Recreation capital program to meet the needs of the community.
- **2.10.** Council officers do not have capacity to undertake the Recreational Needs Analysis but would closely work with a consultant undertaking the work.

3. CONSULTATION

3.1. Community Consultation

No consultation has been undertaken at present. However, should Council proceed with the Recreational Needs Analysis, extensive consultation is a key component of the methodology.

3.2. State/Local Government Protocol

No consultation has been undertaken at present with the State Government. However, this would occur with a number of State Government Departments should Council proceed with the Recreational Needs Analysis.

3.3. Other

Nil.

Council's Strategic Plan 2016 - 2026 under the Strategy – Parks and recreation facilities has the following:

"Develop and implement a sport and active recreation strategy to monitor trends and changing needs, and provide sport and recreation infrastructure through a planned approach which encourages partnerships with local clubs, state or regional sporting organisations, and other levels of government".

"Planning for and providing new sporting and recreation facilities to meet community demand".

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Not applicable at this stage of the process.

7. FINANCIAL IMPLICATIONS

- **7.1.** When considering similar strategic projects that have been undertaken in recent times and the funds allocated by Council, it is envisaged an amount of \$45,000 \$50,000 would be required to undertake an extensive and consultative review of recreation needs, and the formulation of a supporting plan.
- **7.2.** This report seeks approval to amend the 2017/2018 Estimates by \$45,000, which will be achieved by an allocation of funds from Council's unallocated cash (which is approximately \$1.6 Million) to allow for the completion of the Recreational Needs Analysis.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

- **9.1.** Council is experiencing pressure from a variety of sporting organisations and clubs to provide additional or improved facilities.
- **9.2.** The number of requests is beyond Council's current financial, land and resource capacity to deliver.
- **9.3.** Some existing facilities are at capacity while others are under-utilised.
- **9.4.** A Recreational Needs Analysis is the best rational method for Council to future plan and prioritise its Active Recreation capital development program.

Attachments: Nil.

Ross Graham GROUP MANAGER ENGINEERING SERVICES

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE

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

(File No 30-05-01)

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

Consultation has been undertaken regarding the proposed amendments to the Rules. Internal consultation has included regular updates provided at Authority Meetings and circulation of draft versions of the proposed amended Rules to General Managers and Authority Representatives. 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. The proposed amended Rules build on the previous version of the Rules approved in 2015 by Participating Councils.

RECOMMENDATION

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

ASSOCIATED REPORT

1. BACKGROUND

Summary of Rule Changes

The proposed Rule changes include substantive changes and minor drafting improvements. The changes to the Rules are summarised as follows.

CLARENCE CITY COUNCIL - GOVERNANCE - 25 SEP 2017

- (i) Rule 6 Definitions a number of definitions have been amended including:
 - i. "Comptroller";
 - ii. "Deputy Representative" replaced by "Proxy";
 - iii. "Member";
 - iv. "Participating Councils";
 - v. "Simple Majority".

Further, a small number of new definitions have been inserted including:

- i. Proxy; and
- ii. Representative.
- (ii) Amendments to "Member" (has the same meaning as "Participating Council"), and the new definitions "Representative" and "Proxy" (replace "Deputy Representative") have been made to standardise terms that had been used interchangeably and, in some instances, incorrectly.
- (iii) Throughout the Rules references to "staff" have been replaced by references to "employees".
- (iv) Rule 9(b) has been removed because it is duplicated at Rule 10(a) and is therefore not required.
- (v) Rule 11(i) has been amended to refer directly to the CEO rather than "senior staff member" – to improve clarity.
- (vi) Rule 10(1) has been amended to remove the "twice yearly" briefing requirement which has not been utilised, replacing it with the ability for a GM to request a briefing.
- (vii) Rules 12(a) and (b) have been amended to distinguish between "real" and "other" property. This allows the Authority to retain its power to deal with real property (because it cannot delegate that power under the Local Government Act) and to delegate its powers to the Board in respect to all other property (such as equipment and other property required to operate the SWS business).

- (viii) Rule 12(f) (previously 12(e)) has been amended to correct an anomaly in the previously drafted Rules.
- (ix) Rule 14 now prohibits the Authority from delegating its power under Rule 12(a) – in accordance with the LG Act.
- Rule 17 has been deleted and the words "intentionally omitted" inserted.
 The previous words set an "equity cap" of 49% on the ownership held by a
 Participating Council. The equity cap has now been removed at the request of Participating Councils.
- (xi) Rule 59 has been deleted and the words "intentionally omitted" inserted.
 The previous words related to the equity cap set out by Rule 17 and is no longer required because Rule 17 has been omitted.
- (xii) Rule 61 has been updated to clarify when Representatives and Proxies are to be appointed by a Participating Council (using the Member terminology).
- (xiii) Rule 63 the table in this rule has been updated. The amended table addresses the voting entitlement for a Participating Council that holds equity of 50% or more.
- (xiv) Rule 64, now 62, has been redrafted to reflect that a reference to a Representative includes a Proxy acting during the absence of the relevant Representative.
- (xv) Rule 66 has been intentionally omitted because it imposes a strict 4 year term on Representatives and Proxies, which we understand was not the intention of the Participating Councils. As we understand things, the intention was to limit terms to the 4 year appointment term for a Councillor with re-appointment for additional terms as an option.
- (xvi) Rule 67 has been amended to make it clear that a Member can replace a Representative or Proxy at any time and for the remainder of the period up to the appointment period required by Rule 61.
- (xvii) Rule 71 has been amended to allow the total Board size to be between 3 and 5 Directors (including the Board Chair).

- (xviii) Rule 73(a) the words "business management" have been added to the list of "relevant fields" of expertise that may apply to Board members.
- (xix) Rule 75 has been amended to require "at least" 1 director appointment to conclude each year – maintaining the aim of the original requirement but addressing a technical compliance issue that arises if there are more than 3 directors on the Board.
- (xx) Rule 76 has been amended to remove the reference to 3 year terms, simplifying the maximum term requirement to 9 years. This will allow the Authority to make appointments for less than 3 year terms without causing later complications.
- (xxi) Rules 83 to 94 have been amended to include Representatives and Proxies because they also owe personal duties to disclose, etc.
- (xxii) Rule 98(b) has been amended to resolve a possible conflict with Rule 130 in respect to the length of the Authority Chair appointment.
- (xxiii) Rule 96(d) has been amended to be consistent with the voting entitlements provided by Rule 63.
- (xxiv) Rule 103 has been amended to include electronic meetings of the Board as recognised meetings for the purpose of achieving 10 meetings per year.
- (xxv) Rule 106 has been updated to reflect that electronic mail and "other electronic means" are permitted attendance options for Board members, while removing "television conference" as old terminology.
- (xxvi) Rule 113 has been amended to remove ambiguity in respect to requirements to communicate with Adjoining Land Owners, and to reflect current practices.
- (xxvii) Rules 125 and 126 have been amended to address quorum requirements dependent on the size of the Authority or Board at the relevant time. The amendment to the Authority quorum seeks to deal with changes in quorum size if new participating councils join the Authority.
- (xxviii) Rule 128 has been amended to provide a more flexible approach to rescheduling an adjourned meeting.

- (xxix) Rule 130 has been amended to provide a degree of flexibility in terms of the appointment of the Authority Chair.
- (xxx) Rules 132 and 134 have been amended to provide a "proxy" Chair the same authority as the Chair for the relevant meeting.
- (xxxi) Rule 139 has been amended to be consistent with Rule 106.
- (xxxii) Rule 144 has been amended to allow for "a majority" of Members to approve an adjournment of a meeting, rather than requiring all Members to agree.
- (xxxiii) Rule 161 has been split to address the different recipients of Board and Authority papers – to reflect current practices and to ensure "commercial in confidence" requirements are adequately maintained.
- (xxxiv) Rule 180 has been updated to clarify the CEO's particular responsibilities.
- (xxxv) Rule 184 has been omitted because the requirement to consult is inconsistent with other strategic and business plan requirements. The omission does not materially change current consultation practices.
- (xxxvi) Rule 191 has been omitted because the Business Plan is a commercial in confidence document and is not "fully accessible to stakeholders".
- (xxxvii) Rule 192 has been amended to reflect that the Authority's annual report is to be published on the SWS website but the Business Plan will not be published.
- (xxxviii) Rule 193 has been amended to reflect that the CEO's quarterly report should include any matter specifically identified by the Authority or that is a significant issue arising from the CEO's delegated functions. Rule 195 has been relocated to Rule 193(c).
- (xxxix) Rule 194 has been updated to reflect current practices.
- (xl) Rule 195 has been included at Rule 193(c).
- (xli) Rule 196 has been amended to reflect actual practice the quarterly financial report compares actual performance against budget.

- (xlii) Rule 198 has been amended to reflect the compliance report is provided in April rather than included in "the first quarterly report" – this reflects actual practice.
- (xliii) Rule 200 has been amended to reflect the nature of the report the Authority is the holder of the relevant contracts.
- (xliv) Rule 202 has been amended to reflect that the Authority, not the Board, will authorise the appointment of a person to assist the Authority and the Board.
- (xlv) A new Rule (Rule 206) has been included to permit the appointment of an Acting Secretary if required.
- (xlvi) A new Rule (Rule 207) provides a requirement for the appointment of an Acting Secretary to be ratified by the Authority (at its next meeting) if the acting appointment is for more than 1 month.
- (xlvii) Rule 229 has been amended to reflect that all amendments to the Rules must be passed by a special resolution of Authority Members and a majority of Participating Councils. The amendments also clarify when the approval requirements of the LG Act must be applied (to resolve a drafting anomaly in the LG Act).
- (xlviii) Rule 230 has been amended to permit 2 Members of the Authority to attest a document if the Secretary is a party to that document.
- (xlix) Details of each Authority Member's Annual Share of Municipal Waste has been inserted in Schedule 1.

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 2 August 2017. A 21 day period was provided for submissions (until COB, 24 August 2017). No submissions were received.

2.2. State/Local Government Protocol

Not relevant.

2.3. Other

Discussions have been held with Authority Representatives and General Managers to ensure that they are fully apprised of the proposed changes. Copies of the proposed amended Rules were circulated to Authority Representatives and General Managers for internal consultation and discussion. Feedback indicates that the proposed amendments are supported.

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 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 contains 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 the Local Government Act 1993	Completed	See attached Rules as approved by the Authority on 31 August 2017 (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 raised by Participating Councils and also address a number of minor drafting issues identified since the Rules were last amended.

Attachments: 1. Proposed Amended Rules as approved by the Authority on 31 August 2017 (45)

- 2. Legal Practitioner Certification (2)
- 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, 23 August 2012 and 8 October 2015.

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 (Tas);

"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 income tax equivalents, guarantee fees and other relevant matters on behalf of Members and in accordance with Part 3A of the Act;

"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;

"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

Member's PCFAW as a proportion of the total of all Members 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 Participating Council;

"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 Member 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" means those Councils that established the Authority in accordance with the Act or were admitted to the Authority after its establishment in accordance with these Rules but does not include a Council that has withdrawn from the Authority or has been expelled from the Authority in accordance with these Rules;

"PCFAW" means a Member's forecasted annual Municipal Waste which is to be calculated as follows:

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

"PCIVAMW" means a Member'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 Members 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;

"Proxy" means a natural person appointed by a Member to act as its representative, with the same powers and functions as its Representative, when its Representative is absent, in accordance with Rule 61;

"Representative" means a natural person appointed by a Member to be the Representative of the Member in accordance with Rule 61;

"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 Directors present at the meeting, each Director having one vote, or Members represented at the meeting by their Representative, a Member having the number of votes determined in accordance with Rule 63;

"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 Members; 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 Members;
 - (b). the approval of the Strategic Plan and the Business Plan and Budget;
 - (c). the setting of the terms of office and the remuneration of Directors; and
 - (d). 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 Members 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 Members 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 Members 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 Members of its performance and progress during the financial year; and
- (vi). reports of the Chair and of the Board Chair;
- (i). to notify the Members 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 Members 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 Members with a report by 30 September in each financial year containing an audit by a qualified waste management specialist of each Member's PCIVAMW and their Independently Verified Annual Share of Municipal Waste as required under Rule 26;
- (1). to consult with the Board and with Members 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, employees 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 Chief Executive Officer and the determination of the terms and conditions of that employment;
- (j). to manage the resources of the Authority;
- (k). to ensure appropriate policy frameworks are in place; and
- (l). to provide a briefing at any reasonable time in respect to the performance of the Board's functions to one or more General Managers of Members upon request.

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 real property;
 - (b). to acquire, hold, lease, licence, dispose of and otherwise deal with personal property;
 - (c). 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 Members or Owner Councils after the date of the termination or expiration of the Lease;
 - (d). to appoint employees, agents and attorneys;
 - (e). to enter into contracts for the performance or exercise of any of its functions or powers jointly with another person or body;
 - (f). 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(2) of the Act or any rate or charge referred to in Part 9 of the Act;
 - (g). to engage consultants and provide consultancy services;
 - (h). subject to these Rules to raise loans and other financial accommodation;
 - (i). to give security for loans and financial accommodation;
 - (j). to transfer assets and liabilities from the Authority to a Council, or from a Council to the Authority;
 - (k). to transfer employees and the rights of employees from a Council to the

Authority, or from the Authority to a Council;

- (1). 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;
- (m). to make by-laws under Part 11 of the Act as if it were a Council;
- (n). 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;
- to perform its powers outside the boundaries of the municipal area of the Members which are consistent with these Rules and which are to be exercised in accordance with national competition principles; and
- (p). 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 for the power under Rule 12(a) and as provided in Rule 213(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

Members

- 16. Each Member may use the Site as its sole or principal landfill refuse disposal site for its Municipal Waste subject to the Member entering into a written agreement with the Authority.
- 17. Intentionally Omitted.
- 18. Other Councils may be admitted to the Authority as Members:
 - (a). if approved by a Simple Majority of the then current Members;
 - (b). subject to the applicant Council meeting any requirements that are specified by

the then current Members; and

- (c). in accordance with the provisions of these Rules.
- 19. Any new Member 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 Member give notice ("the Purchase Notice") to all other Members 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 Members who have expressed a willingness to sell and (if more than one) so far as possible pro rata according to the Member's equity interest in the Authority provided that no Member 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 Member's share/interest in equity referred to in the Purchase Notice is not satisfied by sales under Rule 21 the new Member'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 Members 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 Member shall, subject to the provisions of Rule 210 be met by way of a Proportionate Payment from all Members, 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 Members with respect to the operational and/or capital costs and expenses of the Authority, with all Proportionate Payments to be based on a Member'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 Member a report from the Board in accordance with the provisions of Rule 10(k).
- 27. The Independently Verified Annual Share of Municipal Waste shall form the basis of any Proportionate Payments charged to each Member at the relevant time.
- 28. The Act in so far as it applies to a joint authority established under the Act applies to Members of the Authority and to the responsibilities of Members and Representatives of Members unless otherwise provided for in these Rules.

Cessation and Withdrawal of Participation – Members

- 29. Subject to any requirements of the Act and of these Rules, a Member may cease to participate in the Authority and withdraw as a Member.
- 30. A Member that intends to withdraw from the Authority ("Withdrawing Member") 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 Member ("the Member's Termination Date").
- 31. By giving a notice to the Authority under Rule 30 the Withdrawing Member 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 Member 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 Member and the Authority. If the Withdrawing Member 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 Member and the Authority. The Withdrawing Member 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 Members 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 Members who have expressed a willingness to purchase and (if more than one) so far as may be possible pro rata according to the Withdrawing Member's equity interest in the Authority provided that no Member is obliged to take more than the share/interest in equity they have indicated a willingness to purchase. The Withdrawing Member 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 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 Member's Termination Date the Authority may transfer any part of the WPC Equity not sold, to a Council approved by the other Members acting reasonably and who meets the admission criteria for a Member, at a price determined by a valuer appointed by mutual agreement between the Withdrawing Member and the Authority. If the Withdrawing Member 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 Member or the Authority. The Withdrawing Member 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 Member will continue to be a Member 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 Member giving notice pursuant to Rule 30 shall be deemed to have withdrawn from the Authority with effect from the Member's Termination Date. Such withdrawal will be without prejudice to any obligations on the part of the Member up to, and the rights or entitlements due to it under these Rules following, the Member's Termination Date.
- 38. A Member that withdraws from the Authority pursuant to Rule 37 is not entitled to a refund of any Proportionate Payments made prior to the Member's Termination Date or return of any other capital or assets it has provided to the Authority after the Member'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 Member for a period of 12 months after the Member's Termination Date such liability calculated using the Withdrawing Member's Independently Verified Annual Share of Municipal Waste at the Member's Termination Date.

Disciplinary Action – Members

- 40. The Authority may take disciplinary action against a Member if a Simple Majority of Representatives determine there has been either:
 - (a). a material and persistent breach of a requirement(s) of these Rules by the Member; or
 - (b). a repudiation of the principles, objectives or goals of the Authority, as provided in Rule 8, by the Member.
- 41. Where the Authority has made a determination under Rule 40, the Authority must determine to either:
 - (a). reprimand the Member;
 - (b). suspend the participation of the Member for a specified period; or
 - (c). expel the Member.

- 42. The disciplinary action against a Member 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 Member of the decision under Rule 43; or
 - (b). if the Member 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 Member, the Chair, without undue delay, is to cause to be served on the Member a notice in writing:
 - (a). stating the disciplinary action determination under Rule 41 against the Member;
 - (b). specifying the grounds for the disciplinary action determination; and
 - (c). informing the Member of the right to appeal the decision under Rule 45.
- 44. Where the Authority suspends the participation of a Member under Rule 41 all rights and benefits of being a Member under these Rules are suspended for the specified period but the Member's obligations continue.
- 45. A Member may appeal against a disciplinary action determination under Rule 41 as follows:
 - (a). by serving on the Chair, 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 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 Member must be given an opportunity to be heard;
 - (iv). the disciplined Member's Representative has no votes; and
 - (v). subject to Rule 45(d)(iv) the Representatives of 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 Representatives 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 Member is entitled to continue as a Member 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 Member, the expelled Member ceases to be a Member of the Authority.
- 46. The Authority is deemed to be the expelled Member'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 Member give notice ("the Expulsion Notice") to all other Members inviting each of them to state 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 Members who have expressed a willingness to purchase and (if more than one) so far as may be possible pro rata according to the Member's share/interest in the equity of the Authority provided that no Member is obliged to take more than the share/interest in equity they have indicated a willingness to purchase. The expelled Member 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 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 Member 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 Members pro rata according to the Member'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 Member'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 Member at the time immediately before the transfer date the transfer is subject to the admission of the transferee as a Member under Rule 18.
- 59. Intentionally Omitted.
- 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 - Representatives

- 61. Subject to Rules 63 to 70, each Member will appoint, which may be a reappointment, within 60 days of ordinary Council elections or being admitted as a Member:
 - (a). a Representative, who may be either an elected Councillor or a Council employee; and
 - (b). a Proxy who may be either an elected Councillor or a Council employee, to act in place of the Representative during any absence of the Representative.
- 62. References to a Representative in these Rules include a Proxy appointed to act in the Representative's place in accordance with the Rules during the period of their absence.
- 63. Each Member is entitled to exercise the number of votes determined in accordance with the following table:

Member's share/interest as recorded in the Equity Interest Register	Votes	
Greater than $0 - 15\%$	1	
Greater than 15% – 25%	2	
Greater than 25% - 40%	3	
Greater than 40% - less than 50%	4	
50% and over	Where there are 3 or more Members	Number of Votes equal to the sum of votes of all other Members minus 1
	Where there are 2 Members	Number of votes equal to that of the other Member and where both have 50% 4 votes each
	Where there is 1 Member	9

- 64. Intentionally Omitted
- 65. No Representative or Proxy may be a Director or hold any remunerated position with the Authority.
- 66. Intentionally omitted.
- 67. A Member may, subject to the provisions of Rule 61, apart from the obligation to make the appointment within 60 days of ordinary Council elections or being admitted as a Member, remove a Representative or Proxy and appoint a replacement Representative or Proxy at any time for the remainder of the term of the original appointment.
- 68. Written notice shall be given by each Member to the Authority and to each other Member at the time of the appointment, removal or replacement of any Representative or Proxy by the notifying Member.
- 69. Representatives and Proxies are not entitled to any remuneration from the Authority.
- 70. Any Proxy not acting in the place of an appointed Representative who is absent, at the relevant time, 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). at least two and no more than four 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, business 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 at least one Director concludes in each calendar year.
- 76. A Director whose term is due to expire may be reappointed provided that no Director shall be appointed for more than nine consecutive years.
- 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. Intentionally Omitted.
- 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 (Cth) 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* 2001 (Cth); or
- (i). is elected as a Councillor of a Member or is appointed as the Chief Executive Officer, the Secretary, or an employee of the Authority or of a Member 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 Representative 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, REPRESENTATIVES, PROXIES AND DIRECTORS

Duties of Members, Representatives, Proxies and Directors

- 83. A Member, Representative, Proxy or Director shall, in the exercise of the functions and powers of a Member, Representative, Proxy or Director as applicable:
 - (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; and
 - (d). avoid conflict of interest.

Duty to Prevent Insolvent Trading

- 84. A Member, Representative, Proxy 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, Representative, Proxy or Director is aware, or a person in the Member's, Representative's, Proxy'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, Representative or Director, as soon as practicable after becoming aware of the same, and a Proxy while acting as a Representative in accordance with Rule 62 at the start of the applicable meeting, 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, Representative, Proxy or Director in a matter that may conflict with the proper performance of the Member's, Representative's, Proxy's or Director's duties on a matter.
- 86. At any meeting of the Authority or of the Board, a Representative, Proxy or Director shall not participate in any discussion, or vote on any matter in respect of which the Representative, Proxy 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, Representative, Proxy or Director shall declare any interest in a matter before any discussion on that matter commences.
- 88. On declaring an interest, a Representative, Proxy or Director is to leave the room in which the meeting is being held until the matter in which the Representative, Proxy or Director has an interest has been concluded. The Representative, Proxy or Director may thereafter return to the meeting.
- 89. A Member, Representative, Proxy 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, Representatives, Proxies 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, Representative, Proxy 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 Member's share/interest in the equity of the Authority ("Equity Interest Register"), with each Member'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 Member's Independently Verified Annual Share of Municipal Waste ("Annual Share of Municipal Waste Register");
 - (d). a register of each Member's membership voting entitlement ("Voting Rights Register"), with the total number of voting entitlements allocated to Members 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 in accordance with Rule 130;
 - (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 219 and 220; and
 - (f). appoint a comptroller.
- 100. The Chair and any Representative 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, which includes by electronic mail or other electronic means, 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, electronic mail or other electronic means, 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, Representative and Proxy;
 - (b). the Directors;
 - (c). the General Manager of any Member who is not a Representative;
 - (d). the Chief Executive Officer;
 - (e). the Comptroller, 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 General Meeting and any other General Meeting on shorter notice if all Representatives entitled to attend and vote at the meeting agree to the shorter notice before the meeting.
- 110. Directors, Proxies, and General Managers of a Member who are not a Representative or a Proxy acting as a Representative 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.

Notice of meetings of the Board

- 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
 - (a). the Secretary shall provide to each Adjoining Land-Owner, a copy of the agenda for the annual and any other General Meeting of the Authority; and
 - (b). the Chief Executive Officer (or a person delegated by the Chief Executive Officer) shall provide to each Adjoining Land-Owner:
 - (i) 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

- (ii). 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
- (iii). 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 it considers 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 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 Member who is not a Representative or Proxy and any employee of a Member 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). where the total number of Representatives is four or more, a minimum of three Representatives are present in person at the meeting and who collectively are entitled to exercise 50% or more of the votes; or
 - (b). where the total number of Representatives is three or fewer, all Representatives are present at the meeting.
- 126. There is a quorum at a meeting of the Board if:
 - (a). where the total number of Directors is four or less, at least two Directors are present at the meeting; or
 - (b). where the total number of Directors is five, 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 or Board Chair, as appropriate, 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 a date, time and place as determined by the Chair or Board Chair, as appropriate, within 14 days of the adjourned meeting. 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 Representative, Proxy 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

130. (a). Subject to subrule (b), the Chair holds office for a term commencing at one Annual General Meeting and concluding at the Annual General Meeting in the calendar year two years after the appointment unless the Members at a General Meeting earlier remove the Chair by special resolution.

- (b). The Chair may be appointed at any time other than as provided in subrule (a), with the appointment concluding at the second Annual General Meeting after the appointment.
- 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 with authority to conduct the meeting as if they were the Chair.

Board Chair

- 133. The Board Chair is entitled to chair every meeting of the Board.
- 134. If the Board Chair is not present for the meeting, the meeting is to elect a chair for that meeting with authority to conduct the meeting as if they were the Board Chair.

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 Representatives 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.
- 139. A Representative may participate in a meeting of the Authority by telephone, electronic mail or other electronic means, or any other means of communication provided by the Authority. A Representative 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 Representative 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 Representatives present, adjourn the meeting to another time or place.
- 142. The Chair may, with the approval of a majority of the Representatives 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 majority of Representatives present 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 by its Representative 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 Representatives 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 Representatives 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 Representatives 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 Representatives or Directors.
- 152. If a majority of Representatives 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 Representatives 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, is 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 Representatives, Proxies and Directors and, through the 'closed agenda', to Members.
- 161. The Secretary will provide:
 - (a). in respect to each Authority meeting:
 - (i). prior to each meeting, a copy of all papers and reports to be considered by the Authority; and
 - (ii). as soon as practicable after each meeting, a copy of the draft Minutes,
 - to:
- A. Representatives and Proxies;

- B. Directors;
- C. General Managers of Members for the information of Councillors and relevant Member employees;
- D. the auditor;
- E. the Chief Executive Officer.
- (b). in respect to each Board meeting:
 - (i). prior to each meeting, a copy of all papers and reports to be considered by the Board; and
 - (ii). as soon as practicable after each meeting, a copy of the draft Minutes,
 - to:
- A. Directors; and
- B. 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 Representative, Proxy or Director was defective; or
 - (b). any person appointed as a Representative, Proxy or Director was disqualified from acting as, or incapable of being, a Representative, Proxy, Director as

applicable.

PART 6 - CHIEF EXECUTIVE OFFICER AND OTHER EMPLOYEES

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 Member.
- 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* 2001 (Cth); or
 - (g). being elected as a Councillor of a 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 and types of employees 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 any 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 trading activities of the Authority;
 - (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 treatment and management and other matters related to the Authority's trading activities;
- (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 Representatives, Proxies and Directors;
- (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 approval 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 approval 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. Intentionally Omitted.
- 185. The Chief Executive Officer shall provide the draft budget to Members 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 Members, 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 approval.
- 188. Once approved by the Board, the Business Plan shall be provided by the Secretary to the Authority at its next meeting for review and approval.
- 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 approved by the Authority:
 - (a). subject to any commercially sensitive aspects being separated into a separate section and marked 'commercial in confidence', the Business Plan shall be provided to each Member; and
 - (b). the Strategic Plan and the Business Plan shall be submitted to the Annual

General Meeting for noting.

- 191. Intentionally omitted.
- 192. The Authority's Annual Reports shall be made available to the public on the Authority's website.

Quarterly and Other Reports

Quarterly Report to Authority

- 193. The Chief Executive Officer is to provide the Board with a quarterly report which includes, in relation to the Authority:
 - (a). a report on general performance;
 - (b). a report on financial performance;
 - (c) a statement of statutory and environmental compliance;
 - (d). a report on performance in meeting the Principal Objectives and Goals;
 - (e). a report on performance under its Business Plan; and
 - (f). a report on any matters specifically identified by the Authority or significant issues arising from delegated functions.
- 194. Once approved by the Board, the Quarterly Report shall be provided to the Authority at its next meeting for endorsement.
- 195. Intentionally omitted.
- 196. Quarterly financial reporting shall include a comparison of actual performance against the budget.
- 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, in April of each financial year, shall provide 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 the Authority's compliance with its contractual obligations, with a subsequent report by the Authority to Members 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 Members with any comment received being taken into account in the preparation of final proposals for endorsement by the Authority.

Employees of the Authority

- 202. The Chief Executive Officer may if authorised by the Authority 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 related to 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 Member.
- 206. Subject to Rule 207:
 - (a). the Chair may appoint a person as Acting Secretary, if the Secretary is absent or otherwise unable to perform the functions of Secretary, for the period the Secretary is absent or unable to perform the functions of Secretary; and
 - (b). the Acting Secretary has the powers and functions of the Secretary for the period of the appointment.
- 207. If the Secretary is absent or intends to be absent for more than a calendar month the Chair's decision to appoint an Acting Secretary in accordance with Rule 206 is to be ratified at the next meeting of the Authority.

Duty to Notify Authority of Adverse Developments and Reports

- 208. 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

Authorised deposit taking institution accounts

209. The Board may open and operate any authorised deposit taking institution accounts it considers necessary, provided that:

- (a). those authorised deposit taking institution accounts comply with the requirements in Section 81 of the Act; and
- (b). the opening of the authorised deposit taking institution account is reported to the next General Meeting of the Authority.

Financial Contributions and Revenue

210. Other than payments for gate fees based on tonnage for waste or refuse disposal at the Site, Members 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

- 211. 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

- 212. The Authority may not raise a new loan in any financial year exceeding any amount the Treasurer determines for that financial year.
- 213. (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

- 214. The Board shall keep accounting records in accordance with the *Financial Management and Audit Act 1990* (Tas).
- 215. 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

216. 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

- 217. The accounts and financial reports of the Authority are subject to the *Financial Management and Audit Act 1990* (Tas).
- 218. The accounts and financial reports of the Authority are to be audited in accordance with the *Financial Management and Audit Act 1990* (Tas).

PART 8 - DIVIDENDS AND OTHER PAYMENTS

Declaration of Dividend

- 219. The Representatives 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 Members. The dividend is to be paid by the end of each following financial year.
- 220. 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

221. The dividend shall be distributed only to the Members 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

- 222. Any payments the Authority receives from the Treasurer or the Comptroller are to be distributed in accordance with Rule 223 after deduction therefrom of any amount of such payment to which the Authority is entitled.
- 223. If any payment referred to in Rule 222 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 Same proportions to their respective shares/interest in equity set out in the Equity Interest Register.

PART 9 - MISCELLANEOUS

Immunity from Liability

- 224. The Authority shall, to the extent permitted by law, 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.
- 225. 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 225(a).

226. In Rules 224, 225 and 227 "officer" includes a Representative, a Director, the Chief Executive Officer, the Secretary, the auditor, the Comptroller, and any other person employed by the Authority.

Insurance Premiums

227. 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 225(a).

Notices

- 228. 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 to the person's electronic mail address last known to the giver of the document.
- 229. Any notice required to be given to a Member 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 that Member; or

(b). sent by way of electronic mail to that Member's electronic mail address.

Seal and Execution of Sealed Documents

- 230. (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:
 - (i). the signatures of one Representative appointed for that purpose by the Authority and of the Secretary; or
 - (ii). if the Secretary is a party to the document to be sealed, two Representatives of the Authority appointed for that purpose by the Authority,

and that attestation is sufficient for all purposes that the seal was affixed by resolution of the Authority.

Amendment of Rules

- 231. (a). These Rules may only be amended by a special resolution of Representatives and subsequently by a majority of Members.
 - (b). In addition to the requirements in sub-rule (a) the Authority must comply with the requirements of sections 31 and 32 of the Act unless the amendments are:
 - (i). of a technical or administrative nature; and
 - (ii). do not significantly alter the purpose or objectives of the Authority; and
 - (iii). do not significantly alter the interaction between the Authority and the public.
- 232. The Rules shall be subject to a review at least every five years and be updated to reflect contemporary best practice and the requirements of Members.

Winding Up

- 233. 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

234. On the winding up of the Authority, the person appointed to administer the winding up shall distribute any assets or proceeds between the Members that remain after payment of the expenses of the Authority.

235. The assets to be distributed to Members are to be apportioned according to their share/interest in equity set out in the Equity Interest Register.

Insolvency

- 236. In the event of the insolvency of the Authority, the Members are responsible for the liabilities of the Authority. The liability of each Member 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

237. Each Member 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

238. 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

- 239. 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

- 240. 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.
- 241. The Authority grants the Members a licence to copy, reproduce and distribute in whole or in part to any person acting on behalf of the Members any documentation that is provided to the Members by the Authority.

Business Name of the Authority

- 242. 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.
- 243. Until determined otherwise by special resolution of the Authority, the approved business name shall be 'Southern Waste Solutions'.
- 244. 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.
- 245. 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 Members as required by the Lease Administrator.
- 246. 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 Member 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.

Interests

At 1 July 2017 the relevant interest of Members are as follows:

Equity Interest Register

Member	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

Member	Share/Interest	
Clarence City Council	50%	
Sorell Council	16%	
Tasman Council	5%	
Kingborough Council	29%	

Voting Rights Register

Member	Votes
Clarence City Council	4
Sorell Council	2
Tasman Council	1
Kingborough Council	2

EXECUTION BY THE SUBSCRIBING COUNCILS

The Common Seal of the CITY OF	Corporate Secretary and/or Mayor and/or
CLARENCE was affixed this	General Manager
day of2017 pursuant to a	
resolution of the Council made the	
day of2017 in the	
presence of:	
The Common Seal of the KINGBOROUGH	Corporate Secretary and/or Mayor and/or
COUNCIL was affixed this day	General Manager
of2017 pursuant to a resolution	
of the Council made theday of	
2017 in the presence of:	
The Common Seal of the SORELL COUNCIL	Corporate Secretary and/or Mayor and/or
was affixed thisday of	General Manager
2017 pursuant to a resolution of	
the Council made theday of	
2017 in the presence of:	
The Common Seal of the TASMAN	Corporate Secretary and/or Mayor and/or
COUNCIL was affixed thisday	General Manager
of2017 pursuant to a resolution	
of the Council made theday of	
2017 in the presence of:	

ATTACHMENT 2

COMMERCIAL LITIGATION PROPERTY LAWYERS

Dobson Mitchell Allport.

13 September 2017

Mr John Toohey Acting General Manager Clarence City Council 38 Bligh Street ROSNY PARK TAS 7018

Delivered by hand

Dear John

Copping Refuse Disposal Site Joint Authority – Amendment of Rules

I refer to your letter of 5 September 2017 and as requested, enclose my certification, in accordance with Section 32(3)(a) of the *Local Government Act 1993*, that the amendments to the Rules of the Copping Refuse Disposal Site Joint Authority are in accordance with the law.

Yours sincerely

ansen Scott

Susan Larsen-Scott PRINCIPAL **Dobson Mitchell Allport** T. +61 3 6210 0031 susan.larsen-scott@doma.com.au Enc.

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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 13th day of September 2017

SIGNED by SUSAN LARSEN-SCOTT SCOTT
in the presence of:
Witness Signature:
Print full name: Alexander Jan Bobbi
Occupation:lawger
Full Address: 59 Harrington Street, Hobart TAS 7000

CERTIFICATIONOF THE RULES OF THE COPPING REFUSE DISPOSAL SITE JOINT AUTHORTY PURSUANT TO SECTION 32(3)(b) OF THE LOCAL GOVERNMENT ACT 1993

I, JOHN TOOHEY, of 38 Bligh Street, Rosny Park in Tasmania, Acting 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 (Tas).

This certificate is given in accordance with Section 32(3)(b) of the Local Government Act 1993.

DATED this fifth day of September 2017

SIGNED by JOHN TOOHEY

In the presence of:	
Witness signature	JAN coley
Print full name	HELEN ANNE POOLEY
Occupation	PERSONAL ASSISTANT
Full address	71 LELJSHAM SCENIC BRIVE
	LEWISHAM TAS 1173

11.7.2 ANNUAL PLAN 2017/2018

(File No 10-02-04)

EXECUTIVE SUMMARY

PURPOSE

To consider the Annual Plan for the 2017/2018 financial year.

RELATION TO EXISTING POLICY/PLANS

Consistent with Council's adopted Strategic Plan and adopted Estimates.

LEGISLATIVE REQUIREMENTS

Council is required to adopt an Annual Plan for each financial year.

CONSULTATION No issues to be addressed.

FINANCIAL IMPLICATIONS

No direct financial implications, however the draft Annual Plan reflects the Estimates adopted by Council for 2017/2018.

RECOMMENDATION:

That the Annual Plan for 2017/2018 attached as Attachment 1 be adopted.

ASSOCIATED REPORT

1. BACKGROUND

- **1.1.** Council's Estimates, Capital Expenditure Programme, and list of fees and charges for 2017/2018 were adopted by Council at its Meeting of 5 June 2017.
- **1.2.** In addition to its annual Estimates, Council is required to adopt an Annual Plan for each financial year.

2. REPORT IN DETAIL

2.1. The draft Annual Plan (refer Attachment 1) establishes the business framework for Council's operations for the new financial year. It presents both financial information and detailed commentary on Council's business functions and strategies for the year. It also provides detailed schedules of key initiatives and capital expenditure, and various tables and graphs detailing key financial and business information.

- **2.2.** The Annual Plan was first adopted in the current format for 2007/2008. The model format was originally prepared by the Institute of Chartered Accountants for Victorian Local Government, and has subsequently been modified for Tasmanian Councils. In the past, it has been recommended by the Auditor General as a model available to Tasmanian Councils. It is not a mandatory format, but issued only on an advisory basis as an example of best practice.
- **2.3.** The format of many schedules of the draft plan is (with some modification) presented broadly in accordance with Australian Accounting Standards, on the same basis as Council's financial statements. This means that a number of items are treated very differently compared with the traditional Estimates or "funding" budget (which establishes, amongst other things, the level of rates required for the year). For example, full accounting depreciation is recognised in the Annual Plan and funding such as Roads to Recovery and Grants Commission is recognised as revenue without a corresponding offset in expenditure (since this expenditure is capital in nature and is only reflected in the Balance Sheet). Due to timing, estimated year end outcomes are likely to vary from final audited accounts.
- **2.4.** The draft Annual Plan is not structured according to Council's adopted Strategic Plan, but rather according to functional service delivery areas which are consistent with the adopted Estimates. The Infrastructure programme has been detailed at sub-programme level to provide a more detailed level of financial information.
- **2.5.** The Annual Plan is consistent with the key initiatives and policies determined by Council through its development of the annual Estimates.
- 2.6. Where appropriate, the Annual Plan reflects past financial statements and Council's adopted 10 Year Financial Management Plan and Asset Management Plans.

3. CONSULTATION

3.1. Community Consultation

No issues to be addressed.

3.2. State/Local Government Protocol

No issues to be addressed.

3.3. Other

No issues to be addressed.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The Local Government Act requires the Annual Plan to be consistent with the Strategic Plan. This is reflected in the content of the Annual Plan.

5. EXTERNAL IMPACTS

No issues to be addressed.

6. RISK AND LEGAL IMPLICATIONS

No issues to be addressed beyond meeting the statutory obligation to adopt an Annual Plan.

7. FINANCIAL IMPLICATIONS

No direct financial implications, however the draft Annual Plan reflects the Estimates adopted by Council for 2017/2018.

8. ANY OTHER UNIQUE ISSUES

No issues to be addressed.

9. CONCLUSION

Council is required to adopt an Annual Plan each year which is consistent with its Strategic Plan. The attached Annual Plan reflects a range of initiatives and policy decisions established in Council's adopted Estimates for 2017/2018.

Attachments: 1. Annual Plan 2017-2018 (73)

Andrew Paul GENERAL MANAGER

ATTACHMENT 1



CLARENCE CITY COUNCIL Annual Plan – 2017/2018

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1 Executive summary

Under the *Local Government Act 1993* as amended (the Act), Council is required to prepare and adopt an Annual Plan together with estimates of its revenue and expenditure for each financial year. The Estimates are to contain details of estimated revenue, expenditure, borrowings, capital works and any other detail required by the Minister. They must be adopted by 31 August each year, but cannot be adopted more than one month before the start of the financial year to which they relate.

The 2017/18 Estimates are based on a balanced budget position in respect of recurrent and capital expenditure and provide for an accounting surplus which provides for the enhancement of, and addition to, Council's infrastructure assets.

The City's financial position is strong in terms of its cash holdings, liquidity, and recent performances against budget.

Some of the major issues addressed in the Estimates include:

- No increase in the amount of dividend payments received from TasWater;
- No additional borrowings;
- A significant appropriation of infrastructure renewal funds for capital refurbishment;
- Continued strategic funding for infrastructure renewal;
- Increased employee costs primarily due to enterprise agreement obligations; and
- Increased maintenance costs associated with new facilities.

In order to deal with these issues whilst maintaining service levels and extending the capital expenditure programme, the overall increase in rates is 2.3% net of growth and State Government charges.

The total capital expenditure programme for additional projects (excluding salaries capitalised) is \$17.615 million and is fully funded from identified sources. Sources of capital funds include:

- \$9.570 million from Council's infrastructure renewal reserve;
- \$2.513 million from grants allocated through the State Grants Commission;
- \$2.020 million from other grants and contributions;
- \$1.963 million from Council's rating effort;
- \$0.659 million from property sales; and
- \$0.890 million from reserves/other sources.

The total capital expenditure programme for both additional and carried forward projects (excluding salaries capitalised) is expected to be \$28.404 million, with \$10.789 million related to projects to be carried forward from the 2016/17 year. The carried forward component is fully funded from the 2016/17 Estimates.

Clarence City Council – Annual Plan 2017/2018

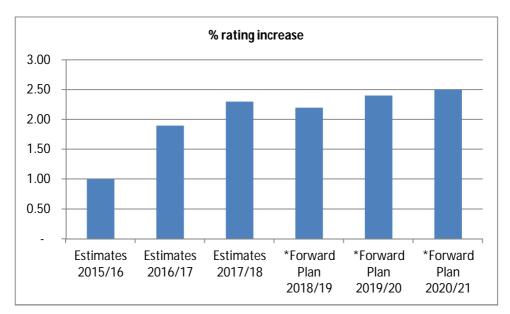
The 2017/18 Estimates forecast an accrual based operating surplus of \$5.50 million (excluding contributions of subdivision assets), after raising rates and charges of \$47.95 million (including supplementary rates). This surplus is broadly consistent with the strategy set out in Council's adopted 10 Year Financial Management Plan, although slightly lower than the surplus in that document due to the effect of contributed assets. Council plans to generate a surplus each year to provide funding for capital expenditure needs, including enhancement of existing infrastructure and provision of new infrastructure and facilities.

The operating result for 2016/17 is projected to be a surplus of \$8.50 million. This result is slightly more than the adopted 10 year plan, and consistent with the adopted Estimates (including Council approved amendments).

Council's 2017/18 Estimates include an amount of \$3.3 million for dividends expected to be received from TasWater. This amount is expected to reduce to \$2.2 million in 2018/19 and remain at that level in the medium term.

2 Estimates key data

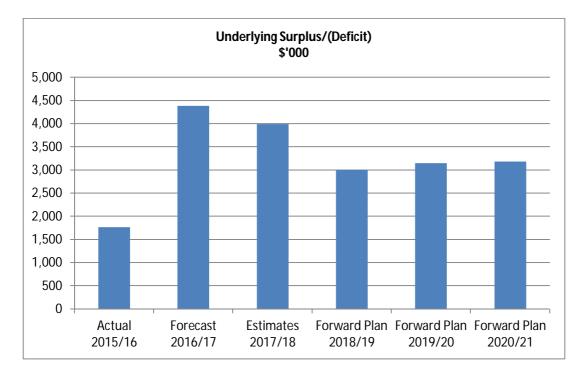
Council has prepared Estimates for the 2017/18 financial year which seek to balance the demand for services and infrastructure with the community's capacity to pay. Key Estimates information is provided below about the rate increase, operating result, service levels, cash and investments, capital works, financial position, financial sustainability and where rates are spent.



2.1 Rates

The increase in net rating requirement is 2.3% for the 2017/18 financial year, raising total rates of \$47.95 million. The 2.3% increase will assist in funding capital works, maintaining service levels and meeting a number of external influences affecting the Estimates. Major external influences include the continuation, and amount of, dividends from TasWater and the current level of inflation.

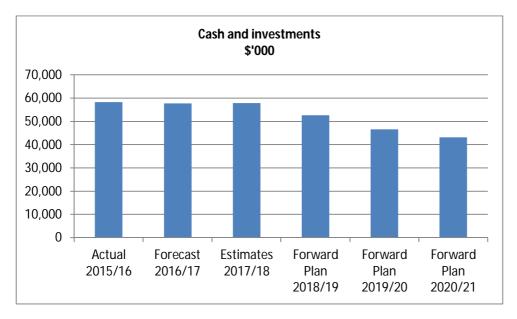
2.2 Operating result



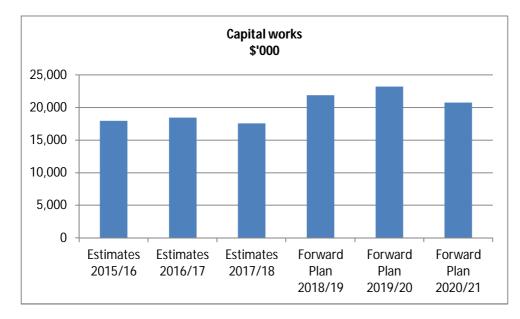
The underlying operating result is the preferred measure due to it excluding non-structural items such as specific purpose capital grants. This measure is consistent with that used by the Auditor General, with the exception of movements in the equity of associates which has been excluded in the actual and forecast results (providing a more conservative result). For 2017/18 is estimated to be a surplus of \$3.99 million, which is a decrease of \$0.39 million compared with the forecast result for 2016/17. The decrease in comparative operating result is due to the net result of normal business operations.

A high level 10 Year Financial Management Plan has been adopted by Council to assist it to adopt Estimates within a longer term financial framework. This 10 year plan shows the underlying surplus at approximately \$3.0 million in 2018/19 and rising steadily to approximately \$4.1 million in 2025/26.

2.3 Cash and investments



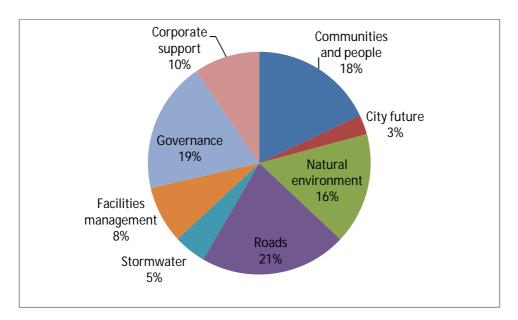
During the 2017/18 financial year cash and investments are not expected to materially differ from the prior year.



2.4 Capital works

The 2017/18 capital works programme is estimated to be \$17.615 million, a decrease of \$0.872 million compared with the estimate for the 2016/17 financial year. The increased level of expected capital works from 2018/19 relates to a potential sporting precinct at Seven Mile Beach. In general, more than 50% of Council's capital works expenditure is on asset renewal and/or enhancement rather than on new assets.

2.5 Where rates are spent



The above chart provides an indication of the allocation of rates raised in respect of Council's various programmes.

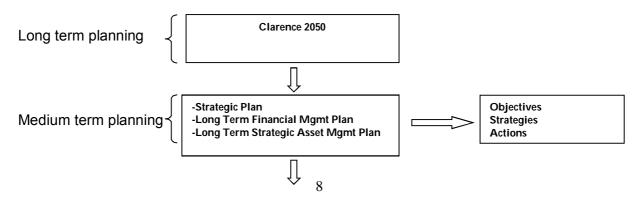
3 Estimates overview

3.1 Strategic planning framework

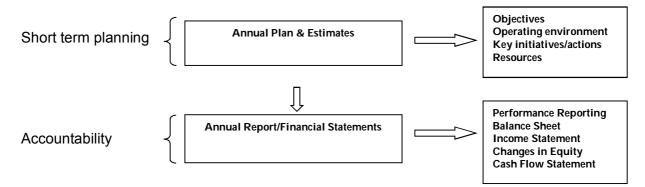
The Estimates have been developed within an overall planning framework that guides the Council in identifying and meeting community needs and aspirations over the long term (Clarence 2050). This is supported by medium term (10 year) objectives in the Strategic Plan, Long Term Financial Management Plan and the Strategic Asset Management Plan; and short term objectives in the Annual Plan. The annual Estimates quantify the resources needed to achieve the objectives of the Annual Plan. Council then holds itself accountable for the use of these resources by way of its audited Financial Statements.

The Strategic Plan summarises the key objectives, strategies and actions that Council plans to pursue over the coming 10 year planning period. The Strategic Plan is currently under review and the revised document is expected to be adopted early in the 2017/2018 financial year. The Annual Plan is framed within the Strategic Plan. It outlines the operating environment, key initiatives/actions and resource requirements for each of Council's programme areas. The Annual Plan then forms the basis of the annual Estimates.

The diagram below depicts the strategic planning framework of Council:



Clarence City Council – Annual Plan 2017/2018



The timing of each component of the planning framework is important to the successful achievement of the planned outcomes. Reviews of the Strategic Plan are undertaken at appropriate intervals, normally following each Council election to allow the new Council to consider the organisation's longer term objectives. These objectives inform the development of subsequent Estimates and Annual Plans.

3.2 Strategic plan outcomes

The Annual Plan includes the initiatives and actions to be funded that will contribute to achieving the strategic objectives specified in the Strategic Plan. It identifies both the physical and financial resources required to undertake these initiatives and actions. The Estimates convert these resource requirements into financial terms to allow Council to make fully informed decisions when allocating scarce resources. The Annual Plan is built around programme objectives aimed at giving an operational framework to the Strategic Plan and these are set out below. Appendix D 'Activities and Initiatives' includes more detail relating to the Strategic Plan.

Programme	Programme Objectives
COMMUNITIES AND PEOPLE	Goal: To participate, celebrate, engage and contribute to the life and growth of the City
	This programme provides the following services:
	Customer services to Council's external and internal customers.
	Health services, including inspection of food premises, water sampling etc.
	Ranger services including control and monitoring of fire hazards, litter, water restrictions, parking, trees.
	Animal control.
	Youth services.
	Accessibility to cultural and social activities.
	Services to seniors, community safety initiatives and maintenance of a community directory.
	Child care including Family Day Care, Vacation Care and Outside School Hours Care.
	Coordination of a volunteer programme to assist people to access services.
	Access to active recreational opportunities (sports grounds etc) and passive recreational facilities (parks and gardens etc).
	Development and promotion of civic activities and events.
	Increase awareness of Council services and encourage participation in community affairs, activities and events.

Programme	Programme Objectives
CITY FUTURE	Goal: To plan, lead and provide for the growth of the City
	This programme provides the following services:
	Administration of Council's Planning Schemes.
	Services associated with building and plumbing approvals and inspections.
	Maximisation of the economic benefits of tourism.
	Enhancement of the vibrancy and profile of the City.
	Encouragement of broadly based economic growth within the City.
NATURAL ENVIRONMENT	Goal: Care for the Natural Environment.
	This programme provides the following services:
	Enhancement and protection of the City's natural assets.
	Preparation for the effective management of natural events and other emergencies.
	Encouraging and facilitating water reuse activities.
	Managing waste within the City, including ensuring the availability of waste disposal services to residents and businesses.
	Monitoring air quality.
	Ensuring that natural areas within the City meet and satisfy long term needs of the community.
	Monitoring and controlling weeds within the municipality.
INFRASTRUCTURE	Goal: To provide infrastructure that underpins and enhances the life and growth of the City.
	This programme provides the following services:
	Adequate infrastructure for the effective and safe transport of goods and people through the City.
	Adequate footpaths for the safety of pedestrians within the City.
	Appropriate stormwater infrastructure to ensure the safety of the built and natural environments, and the public.
	Ensuring that waterways within the City meet appropriate environmental obligations and standards.
	Equitable access for the community to active and passive recreational opportunities, and to civic buildings.

Programme	Programme Objectives
GOVERNANCE	Goal: To represent the community through leadership in a consistent, accountable and financially responsible manner.
	This programme provides the following services:
	A clear strategic direction for the future of the City together with leadership in representing the interest of the City; and to ensuring the operations of the Council are conducted in a responsible and accountable manner.
	Minimising Council's exposure to financial risk; maintaining Council's sound financial position; optimising use of resources; developing / protecting Council's financial sustainability.
	Strategic direction for the City in the area of marketing and associated activities.
	Engaging the community in Council activities and issues.
	Ensuring that the operations of the Council include the effective management of risk.
CORPORATE SUPPORT	Goal: to provide support services to other business areas of the Council.
	This programme provides the following services:
	Providing leadership and management to all aspects of the organisation.
	Providing human resource management, industrial relations, payroll and related services.
	Providing hardware and software services and support; and record management services to Council.

3.3 Estimates preparation and Annual Plan Overview

Under the Act, Council is required to prepare and adopt both an Annual Plan and Estimates for each financial year. The Estimates are required to include estimated revenue, expenditure, borrowings, capital works and any other detail required by the Minister. Estimates must be adopted before 31 August but not more than one month before the start of any financial year. The related Annual Plan must be provided to the Director of Local Government and the Director of Public Health.

The first step in the Estimates process is for Council's Officers to prepare a draft, together with explanatory material, for discussion by Council in a workshop environment. Several workshops are held to discuss key issues. Aldermen may tour the City to examine the sites where capital expenditure is proposed. Council makes amendments to the draft Estimates as it thinks fit and adopts the Estimates at a formal Council meeting.

The 2017/18 Estimates were adopted by Council at its meeting of 5 June 2017.

The 2017/18 Estimates, which are included in this Plan, are for the year 1 July 2017 to 30 June 2018 and have been prepared in accordance with the Act. The Annual Plan also includes an estimated Balance Sheet, Income Statement, Cash Flow Statement and schedule of estimated capital works. To the extent practicable, these statements have been prepared for the year ending 30 June 2018 to reflect applicable accounting standards, other mandatory professional reporting requirements and the Act.

The Annual Plan also includes a description of the activities and initiatives to be funded and how they will contribute to achieving the strategic objectives specified in the Strategic Plan. It also includes detailed information about the rates and charges to be levied, the capital works programme to be undertaken and other relevant financial information.

The estimates process includes reference to a number of long term strategies to assist Council in considering the Estimates in a proper financial management context. These include a Long Term Financial Management Plan, a Strategic Asset Management Plan, a Rating Strategy (Section 8), Borrowing Strategy (Section 9) and Infrastructure Strategy (Section 10).

The Estimates, prepared on a programme basis, are included in Appendix B. These Estimates provide the detail required by statute in a form which allows Council officers to implement Council's Estimates.

3.4 Estimates processes

The typical timing of key activities in the Estimates process is summarised below:

Estimates process	Month
1. Commence drafting estimates	January
2. Council workshops to consider budget detail	February - May
3. Annual Plan and Estimates adopted by Council	June
4. Adopt rates and charges required by the Estimates/Annual Plan	June
5. Advertise new rates and charges within 21 days	June/July
6. Issue rates notices for financial year	July
7. Provide Director of Local Government with copy of rating resolution	June/July

3.5 Estimates influences

External influences

In preparing the 2017/18 Estimates a number of external influences likely to impact significantly on the services delivered by Council have been taken into consideration. These include:

- Dividend receipts from TasWater, which are frozen at 2015/16 levels;
- Consumer Price Index (CPI) increases on goods and services of 2.3% per annum (March 2017);
- LGAT Local Government Cost Index of 1.5% as at 31 December 2016;
- The level and trend of interest rates; and
- Growth in the rate base of 1.46%.

Internal influences

There are several internal influences arising from the 2016/17 financial year and Council policy that have had a significant impact on the Estimates for 2017/18. These include:

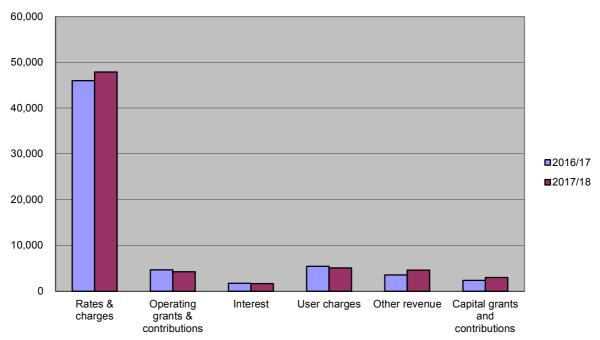
- Continued implementation of Council's infrastructure renewal funding strategy;
- Continuing implementation of key development plans including capital expenditure on the Kangaroo Bay precinct;
- Ongoing renewal of Council's infrastructure assets;
- Additional maintenance arising from the establishment/enhancement of new facilities;
- Enterprise agreement obligations;
- Implementation of corporate strategies including Positive Ageing and Health & Wellbeing; and
- Maintenance of new facilities.

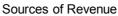
4 Analysis of Operating Estimates

This section analyses the expected revenues and expenses of the Council for the 2017/18 year. It also includes analysis of service unit financial performance in a format which aligns with Council's organisational structure.

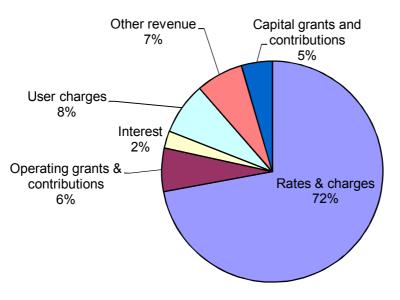
4.1 Operating Revenue

Revenue Types	Reference	Estimates 2016/17 \$'000	Estimates 2017/18 \$'000	Increase (Decrease) \$'000
Rates & charges	4.1.1	46,043	47,947	1,904
Operating grants & contributions	4.1.2	4,684	4,228	(456)
Interest	4.1.4	1,720	1,675	(45)
User charges	4.1.5	5,447	5,075	(372)
Proceeds from sale of assets	4.1.7	0	0	0
Other revenue	4.1.8	3,515	4,566	1,051
Operating revenue before capital		61,409	63,491	2,082
Capital grants and contributions	4.1.3	2,349	3,013	664
Total operating revenue		63,758	66,504	2,746





Source: Appendix A



Sources of Revenue

4.1.1 Rates and Charges (\$1,904,000 increase)

It is estimated that rate income will increase by 2.3% net of the effects of growth in the rate base, State Government charges and the effect of Council rebates. Total rate income is estimated to increase by \$1.819 million budget to budget. The increase is due to a combination of this percentage increase and growth in the rates base through development. Section 8 Rating Strategy includes a more detailed analysis of the rates and charges to be levied for 2017/18.

4.1.2 Operating Grants and Contributions (\$456,000 decrease)

Operating grants and contributions includes monies received from State and Commonwealth governments for the purposes of funding delivery of services to ratepayers. The reduction reflects movements in child care funding and a "freezing" of the level of State Grants Commission funding from the Australian Government.

4.1.3 Capital Grants and Contributions (\$664,000 increase)

Capital grants and contributions include all monies received from State, Commonwealth and private developers for the specific purpose of funding capital works. It is expected that such funding will fluctuate from year to year.

4.1.4 Interest Revenue (\$45,000 decrease)

Interest revenue includes interest on investments and rate arrears. It is forecast to decrease due to a lower interest rate environment.

4.1.5 User Charges (\$372,000 decrease)

User charges relate mainly to the recovery of service delivery costs through charging fees to users of Council's services. These services include assessing development, building and related permits, hire of halls and sports grounds and providing human services such as childcare.

The decrease is due to an expected slight decreased demand for use of some of Council's services, partially offset by an increase in the level of user charges.

User charges are budgeted on a conservative basis because they are significantly demand driven. A detailed listing of fees and charges is available on Council's web site and can also be inspected at the Council offices.

4.1.6 Proceeds from Sale of Assets

No material proceeds have been identified in either 2016/17 or 2017/18.

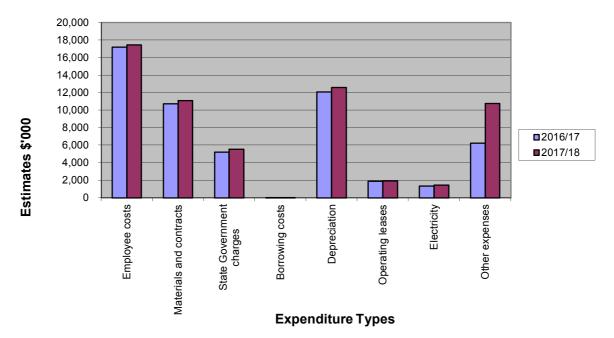
4.1.7 Other Revenue (\$1,051,000 increase)

Other revenue relates to a broad range of unclassified items including dividends from TasWater, private works, cost recoups and other miscellaneous income items. Dividends from TasWater have remained at 2016/2017 levels and will decrease in nominal terms in subsequent years. The significant movement in this item arises from an expected specific developer contribution in respect of car parking for \$840,000.

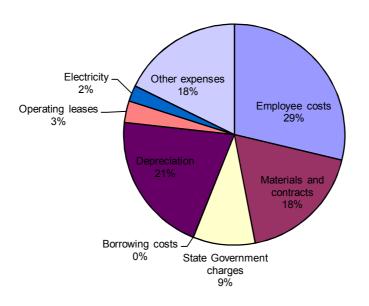
4.2 Operating Expenditure

Expenditure Types	Reference	Estimates 2016/17 \$'000	Estimates 2017/18 \$'000	Increase (Decrease) \$'000
Employee costs	4.2.1	17,190	17,456	266
Materials and contracts	4.2.2	10,719	11,078	359
State Government charges	4.2.3	5,221	5,527	306
Borrowing costs	4.2.4	20	10	(10)
Depreciation	4.2.5	12,077	12,812	735
Operating leases	4.2.6	1,897	1,915	18
Electricity	4.2.7	1,352	1,437	85
Other expenses	4.2.8	6,221	10,766	4,545
Total operating expenditure		54,697	61,001	6,304

* A lower amount for Depreciation has been included in the adopted Estimates.



Estimated Expenditure



Operating Expenditure

Source: Appendix A

4.2.1 Employee Costs (\$266,000 increase)

Employee costs include all labour related expenditure such as wages and salaries and oncosts including payroll tax, allowances, leave entitlements, employer superannuation etc. Employee costs capitalised are not included in this total.

Employee costs are forecast to increase by \$266,000 compared to the 2016/17 Estimates. This increase primarily relates to the effects of Council's Enterprise Bargaining Agreement (EBA) commitments which provides for a general increase in pay rates. Council has also budgeted for new positions (refer below).

Average staff numbers during the Estimates period are as follows:

Type of employment	Number of Employees		
	2016/17	2017/18	
Permanent	236	239	
Casual	75	62	
Total	311	301	

Additional resources approved as part of the Estimates process are:

Program	Position	Purpose
Asset Management	Engineer	Project Management
Asset Management	Project Manager	Project Management
	Manager Customer	
Governance	Contact	Customer Liaison

4.2.2 Materials & Contracts (\$359,000 increase)

The change in the budget for Materials and Contracts is immaterial and not significantly above annual inflation.

4.2.3 State Government Charges (\$306,000 increase)

These charges consist of the State Fire Services Contribution, valuation fees and Land Tax. The net outcome of this item is a direct result of government policy.

4.2.4 Borrowing Costs (\$10,000 decrease)

Borrowing costs relate to interest charged by financial institutions on funds borrowed.

4.2.5 Depreciation (\$735,000 increase)

Depreciation relates to the usage of Council's property, plant and equipment including infrastructure assets such as roads and underground services. Assets will be revalued and added to during the year.

The estimate is driven by assumptions adopted as part of Council's 10 Year Financial Management Plan, including asset revaluations to be reflected in Council's 2016/2017 financial statements.

The current Estimates year increase relates to increases in Council's asset values resulting from revaluations, combined with additions during the year.

4.2.6 Operating Leases (\$18,000 increase)

Council leases its light vehicle fleet and plant. Costs are primarily affected by interest rates, vehicle prices, and fluctuations in the used vehicle market. There is no significant change.

4.2.7 Electricity (\$85,000 increase)

Council's major electricity consumption is for street lighting and operation of sporting and community facilities. There is no significant change.

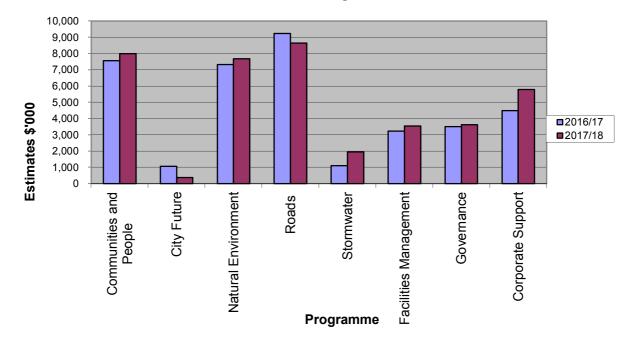
4.2.8 Other Expenses (\$4.55 million increase)

Other expenses relate to a range of unclassified items including contributions to community groups, advertising, insurances, motor vehicle registrations and other miscellaneous expenditure items. Being a "balancing item" it is subject to changes in classification of individual expenditure items. This item includes costs associated with the implementation of new core business software, including amounts carried forward from prior years.

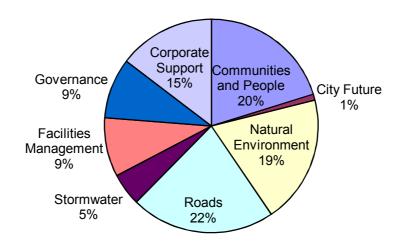
4.3 Organisational analysis

The following is a summary of the Net Expenses of each programme. Net Expenses represents the rating effort required to fund ongoing operations taking into account operational expenditure and income. It includes expenses which are expected to be capitalised, and includes grants and other revenue which are used for capital purposes. Net expenses does not include full accounting depreciation, only the amount specifically funded through rates.

Program	Reference	Estimates 2016/17 \$'000	Estimates 2017/18 \$'000	Increase (Decrease) \$'000
Communities and People	4.3.1	7,565	7,994	429
City Future	4.3.2	1,060	367	(693)
Natural Environment	4.3.3	7,339	7,678	339
Infrastructure:	4.3.4			
Roads	4.3.4.1	9,232	8,656	(576)
Stormwater	4.3.4.2	1,112	1,950	838
Facilities Management	4.3.4.3	3,231	3,551	320
Governance	4.3.5	3,502	3,617	115
Corporate Support	4.3.6	4,485	5,786	1,301
Net Expenses		37,526	39,599	2,073



Net Expenses



Net Expenses by Programme

4.3.1 Communities and People (\$429,000 increase)

The net expense for Communities & People has increased due to maintenance costs in respect of major new facilities, and due to the implementation of adopted Council strategies including Positive Ageing and Health & Wellbeing.

4.3.2 City Future (\$693,000 decrease)

The net decrease in 2017/18 reflects a combination of a modest increase in revenues and reduced costs, particularly in terms of special projects.

4.3.3 Natural Environment (\$339,000 increase)

Net operating costs in Natural Environment have increased in line with inflation.

4.3.4 Infrastructure (\$582,000 increase)

This programme includes a number of Council's major expenditure areas:

4.3.4.1 Roads (\$576,000 decrease)

Net expenses has decreased primarily due to the allocation/recognition of revenues, in particular an increase of \$588,000 in allocation of State Grants Commission funding.

4.3.4.2 Stormwater (\$838,000 increase)

Net expenditure on stormwater has increased primarily due to the allocation/recognition of revenues, in particular a decrease in allocated Grants Commission funding of some \$687,000.

4.3.4.3 Facilities Management (\$320,000 increase)

Net expenditure in this area has increased primarily due to a change in attributed capital income.

4.3.5 Governance (\$115,000 increase)

This programme contains a range of corporate items which affect the 2017/18 Estimates. The most significant item this year is an increase in the State Fire Commission Levy of \$256,000.

4.3.6 Corporate Support (\$1,301,000 increase)

Estimates in this programme have generally increased in line with inflation. The item subject to significant change in the current Estimates period is the cost of implementation of Council's new core IT suite.

5 Analysis of estimated cash position

This section analyses the expected cash flows for the 2017/2018 year. The analysis is based on three main categories of cash flow. In summary these are:

- Operating activities these activities refer to the cash generated or used in the normal service delivery functions of Council;
- Investing activities these activities refer to cash used or generated in the acquisition, creation, enhancement or disposal of Council's infrastructure, property and other assets;
- Financing activities these activities refer to cash generated or used in the financing of Council functions and essentially comprise of borrowings from financial institutions and the repayment of those borrowings.

Actual outcomes are likely to vary from these Estimates according to the rate at which planned capital projects are achieved and the introduction of new programmes or projects, for example those associated with specific purpose Government grants.

5.1 Estimated cash flow statement

	Reference	Forecast Actual 2016/17 \$'000	Estimates 2017/18 \$'000	Variance Inflow (Outflow) \$'000
Operating Activities	5.1.1			
Receipts		72,250	74,825	2,575
Payments		(50,598)	(50,660)	(62)
Net cash inflow (outflow)		21,652	24,165	2,513
Investing Activities	5.1.2			
Receipts		10	0	(10)
Payments		(23,790)	(23,513)	277
Net cash inflow (outflow)		(23,780)	(23,513)	267
Financing Activities	5.1.3			
Receipts (Specific Purpose Grants)		1,774	1,986	212
Payments		(180)	(2,591)	(2,411)
Net cash inflow (outflow)		1,594	(605)	(2,199)
Net increase (decrease) in cash held		(534)	47	581
Cash at beginning of year		58,384	57,850	(534)
Cash at end of year	5.1.4	57,850	57,897	47

Source: Appendix A

5.1.1 Operating Activities (\$2,513,000 increase inflow)

The change in net cash inflow from operating activities is the result of normal operations including funds raised for capital purposes.

5.1.2 Investing Activities (\$267,000 increase outflow)

Planned capital works expenditure is disclosed in Appendix C. The movement in payments relating to investment activities primarily represents the timing of major projects, in particular redevelopment of the Kangaroo Bay precinct.

5.1.3 Financing activities (\$2,199,000 increase outflow)

The Estimates contain no proceeds from new debt in 2017/18. Loan repayments increasingly become principal rather than interest as Council's loans continue to mature. This item includes a loan of \$2.4 million to be made by Council in respect of further development at the Copping landfill site.

5.1.4 Cash at end of the Year (\$47,000 increase)

The movement in total cash and investments forecast by 30 June 2018, reflects the net effects of capital funding and expenditure (and related timing) during the year (refer above) and capital flows expected in respect of development at the Copping landfill site.

5.2 Reserve cash and investments and working capital

The cash flow statement above indicates that at 30 June 2018 it is estimated Council will have cash and investments of some \$57.90 million, with some of this cash earmarked as follows:

- Statutory purposes (\$4.30 million) These funds must be applied for specified statutory purposes in accordance with various legislative and contractual requirements. Specific amounts are identified in respect of specific purpose Government funding, public open space contributions and car parking contributions.
- Specific purpose reserves (\$30.75 million) While these funds are technically available for whatever purpose Council determines, they are significantly comprised of the Infrastructure Renewal Reserve (which is the subject of a specific strategic objective) and other reserves which have specific purposes.
- Working capital (\$22.85 million) These funds generally relate to capital works in progress, but also represent funds available to meet daily cash flow requirements and unexpected short term needs. In the context of normal treasury operations, this item is essentially a "balancing item" since normal cash flow requirements are clearly available through the full quantum of cash held.

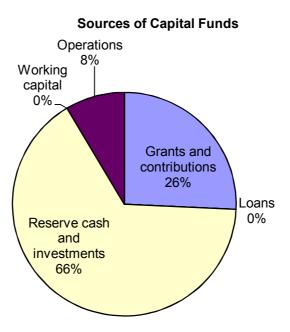
In considering its cash management, Council recognises items for which funds have been raised but may not be utilised in the short term. These include provisions for employee entitlements and approved capital projects which have yet to be undertaken.

6 Analysis of capital works programme

This section analyses planned capital expenditure for the 2017/18 year and the sources of funding for that expenditure.

6.1 Funding sources

Sources of Funding	Reference	Estimates 2016/17 \$'000	Estimates 2017/18 \$'000	Increase (Decrease) \$'000
External				
Grants and contributions	6.1.1	6,009	4,533	(1,476)
Loans	6.1.2	0	0	0
Sub total		6,009	4,533	(1,476)
Internal				
Reserve cash and investments	6.1.3	10,986	11,571	585
Working capital	6.1.4	0	0	0
Operations	6.1.5	1,492	1,511	19
Sub total		12,478	13,082	604
Total funding sources		18,487	17,615	(872)



Source: Appendix C

6.1.1 Grants and contributions (\$4.533 million)

Grants and contributions used to fund the capital works programme include payments received through the State Grants Commission (\$2.513 M), Roads to Recovery Grants (\$0.953 M), and other specific purpose grants (\$1.067 M).

6.1.2 Loans (\$0.00 million)

No new debt is included in the Estimates for the financial year.

6.1.3 Reserves, cash & investments (\$11.571 million)

Reserves are used in a structured manner to support the capital programme. Decreased use of the Infrastructure Renewal Reserve has been made in the Estimates being \$9.570 M or a decrease of \$0.052 M from the previous year. Reserve funds also include certain contributions from external parties and proceeds held from property sales.

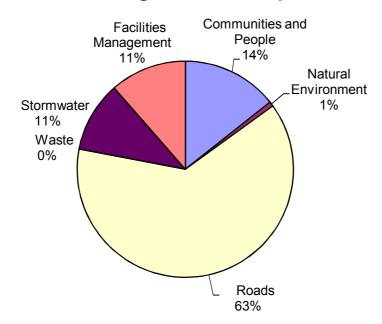
6.1.4 Operations (\$1.511 million)

Direct rating support for the capital works programme is based on a policy position taken in the 2006/07 and successive Estimates. This support is planned to continue (indexed) into the future.

6.2 Capital works

Capital Works Areas	Reference	Estimates 2016/17 \$'000	Estimates 2017/18 \$'000	Increase (Decrease) \$'000
Works carried forward from prior years	6.2.1	9,404	10,789	1,385
New works				
Communities and People	6.2.2	2,762	2,283	(479)
City Future	6.2.3	0	0	0
Natural Environment	6.2.4	82	67	(15)
Infrastructure:	6.2.5			
Roads	6.2.5.1	13,200	11,540	(1,660)
Waste	6.2.5.2	0	0	0
Stormwater	6.2.5.3	1,772	1,580	(192)
Facilities Management	6.2.5.4	671	2,145	1,474
Governance	6.2.6	0	0	0
Corporate Support	6.2.7	0	0	0
Sub total		18,487	17,615	(872)
Total capital works		27,891	28,404	513
New works				
represented by:				
New assets		8,865	9,570	705
Existing asset improvements		9,622	8,045	(1,577)
		18,487	17,615	(872)

Note: Amounts exclude salaries capitalised



Budgeted New Capital Works

Source: Appendix C

6.2.1 Carried forward works (\$10.789 million)

At the end of each financial year there are projects that are either incomplete or not commenced due to planning issues, weather delays, extended consultation etc. For the 2016/17 year it is forecast that \$10.789 million of capital works will be carried forward into the 2017/18 year. Refer also Section 8.4.

6.2.2 Communities and People (\$2.283 million)

This programme is responsible for recreation, youth services, childcare, health, building control, arts, rangers and a number of other functions. Major projects include Bellerive Beach Park (\$0.480 M), Kangaroo Bay Sportsground drainage (\$0.230 M) and Lauderdale Oval lighting and infrastructure (\$0.205 M).

6.2.3 City Future (\$nil)

City future is primarily concerned with providing for the growth of the City through strategic land use planning and development control. Its expenditure is generally operational in nature.

6.2.4 Natural Environment (\$0.067 million)

This program is responsible for environmental management, emergency management, waste collection and disposal and natural areas. No major projects are budgeted in this area for 2017/18.

6.2.5 Infrastructure (\$15.265 million)

The decrease in proposed projects reflects both new infrastructure and renewal/enhancement projects, with major new projects typically being subject to a process

of master planning and community consultation. The small decrease in planned renewal expenditure is consistent with Council's strategies in this area. The Infrastructure Programme includes:

6.2.5.1 Roads (\$11.54 million)

Major projects in this area include major digouts and reconstruction (\$2.000 M), road resealing (\$2.500 M), footpath/kerb and gutter renewal (\$1.250 M), Bellerive public pier (\$1.350 M), Kangaroo Bay Drive car park (\$1.300 M), Bayfield Street streetscape (\$0.500 M) and Clarendon Vale greenbelt pathway and lighting (\$0.360 M)

6.2.5.2 Waste (\$nil)

There are no waste management projects of a capital nature proposed in 2017/18.

6.2.5.2 Stormwater (\$1.58 million)

Major stormwater projects include Cambridge Oval stormwater harvesting stage 2 0.270 M), catchment management plan (\$0.250 M), Seven Mile Beach stormwater (\$0.200 M), South Terrace drain construction (\$0.200 M) and Houston Drive erosion remediation (\$0.200 M).

6.2.5.3 Facilities Management (\$2.145 million)

Facilities Management projects include Risdon Vale change room and public toilets (\$0.970 M), Alma Street Senior and Citizens Centre DDA toilet (\$0.300 M), Seven Mile Beach day area DDA toilet (\$0.280 M) and Bellerive boardwalk deck renewal (\$0.220 M).

6.2.6 Governance (\$nil)

No capital expenditure will be made under the Governance programme during 2016/17.

6.2.7 Corporate Support (\$nil)

No additional capital expenditure has been budgeted under the Corporate Support programme during 2017/18 however a major upgrade of Council's ICT platform approved in 2015/16 will continue to be implemented.

7 Analysis of estimated balance sheet

This section analyses the movements in Estimates for assets, liabilities and equity between 2016/17 and 2017/18.

7.1 Estimated balance sheet

	Reference	Estimates 30 Jun 17 \$'000	Estimates 30 Jun 18 \$'000	Increase/ Decrease \$'000
Current				
Assets	7.1.1	64,760	65,397	637
Liabilities	7.1.2	(10,419)	(10,433)	(14)
Net current assets		54,341	54,964	623
Non-Current				
Assets	7.1.3	739,126	726,611	(12,515)
Liabilities	7.1.4	(751)	(766)	(15)
Net non-current assets		738,375	725,845	(12,530)
Net assets		792,716	780,809	(11,907)
Equity	7.1.5			
Cash Backed Reserves		35,347	36,954	1,607
Other Reserves and Equity		757,369	743,855	(13,514)
Total equity		792,716	780,809	(11,907)

7.1.1 Current Assets (\$0.637 million increase)

Council's current asset position is expected to increase compared to the 2016/17 Estimates due to the original estimate for cash holdings at 30 June 2017 being lower than the forecast actual. This is primarily due to receipt in advance of 2016/17 Grants Commission funds and timing of capital expenditure.

7.1.2 Current Liabilities (\$0.014 million increase)

Current liabilities are expected to show a slight increase against the prior year Estimates in line with normal operations. No additional short term debt is expected to be drawn.

7.1.3 Non-Current Assets (\$12.515 million decrease)

Council's non-current asset position as at June 2018 is expected to decrease compared to the 2016/17 Estimates by approximately \$12.515 million. This decrease between Estimates years is due to an overestimation in the prior year.

7.1.4 Non-Current Liabilities (\$0.015 million increase)

The increase in non-current liabilities is in line with normal operations, including attribution of loan balances.

7.1.5 Equity (\$11.907 million decrease)

The net decrease in equity is primarily a function of changes in non-current assets as described above.

7.2 Key assumptions

In preparing the Estimated Balance Sheet as at 30 June 2018 it was necessary to make a number of assumptions about key assets, liabilities and equity balances. To the extent possible, these reflect items included in the adopted Estimates. The major variable factors are the effect of inflation on future asset revaluations, the extent to which the anticipated capital works are completed, and the effects of accounting policy changes including asset revaluations.

8 Rating strategy

8.1 Strategy development

Rates and charges are Council's principal source of revenue, accounting for some 75% of Council's annual revenue. Planning for future rate requirements is therefore an important process.

It has been necessary to balance the importance of rate revenue as a funding source with community sensitivity to rate increases including rates affordability to the general community, and the level of service demanded by the community.

The following table shows a comparison for the last five years.

2.06%
2.30%
1.90%
1.00%
2.80%
2.30%

N.B. Increases shown are net of increase in growth, State Government charges and special rebates.

8.2 Current year rate increase

Council's own increase in its net rating requirement is 2.3% against 2016/17. This increase is set in the context of the LGAT Council Cost Index of 1.5% (December 2016) and CPI of 2.3% (March 2017). In addition, there is a range of cost pressures on Council including increased demand for greenwaste and hardwaste kerbside collection, maintenance costs associated with new/upgraded facilities and infrastructure, together with various initiatives and resource additions contained within the Estimates. Growth in the rates base provided support to total rate revenue.

8.3 Rating structure and policy

Council has a rating structure consisting of numerous components. This structure complies with the Act. The key components are:

- a general rate calculated as a rate in the dollar applied to the Capital Value (CV) of the rateable property, with a fixed amount. This component supports a broad range of Council's services including roads, parks, recreational facilities, regulatory services and community services;
- a service charge in respect of solid waste collection. This component is charged where the service is available to a property and varies according to the level of service provided;
- a fire service rate in respect of the Fire Service Contribution payable directly to the State Government, calculated as a rate in the dollar applied to the CV of the rateable property, with a minimum amount payable. The amount to be collected in each fire district and the minimum amount to be paid in respect of each property is set by the State Fire Commission;
- a stormwater service rate calculated as a rate in the dollar applied to the CV of rateable properties to which a service is available, with a minimum amount payable. This

component relates to the provision of stormwater services across much of the City by way of stormwater mains, kerb and gutter infrastructure, maintenance of creeks and drainage easements, and gross pollutant trap infrastructure.

In respect of service rates, the rate amounts are set so that the full cost of providing the service is recovered. Amounts of each rate type may vary based on the level of service provided or on the location or use of the property. For instance, the fire service rate differs between urban areas and rural areas.

The CV is determined by the Valuer-General, as required by the Act. Properties within the municipality are revalued on a periodic basis, currently each six years. Council's most recent general revaluation took effect from 1 July 2013. The Valuer General has issued adjustment factors effective 1 July 2017.

Where appropriate, Council provides rebates to certain classes of ratepayers. These typically include pensioners and holders of certain rural land, and, where extreme movements occur, rebates to cap the level of rate increases which otherwise may have been experienced by certain property owners.

The structure of Council's rates and the underlying policy rationale is set out in Council's adopted rates and charges policy as required by the Act.

9 Borrowing strategy

9.1 Strategy fundamentals

Borrowings can be an important funding source for the capital expenditure programme. Borrowings are typically used in support of the construction of a major asset rather than providing general support to the capital expenditure programme.

While there is a general industry trend towards debt reduction and, while Council's own debt is currently negligible, Council views a controlled use of debt as an important tool for the management of infrastructure improvement and expansion. It provides access to an alternative source of capital, minimises pressure on cash flows and income streams at the point of construction, and ensures that the cost of long life assets is spread over time and therefore better met by those deriving the benefit from those assets.

Year	Total Borrowings 30 June \$'000	Liquidity CA/CL Ratio	Debt Mgt Debt/Rates %	Cost of Debt Interest / Operating Revenue
2012	1,001	664.1%	2.6%	0.1%
2013	856	682.6%	2.1%	0.1%
2014	703	607.9%	1.6%	0.1%
2015	542	634.2%	1.2%	0.1%
2016	371	662.6%	0.8%	0.0%
2017	191	633.2%	0.4%	0.0%

The table shows that Council's borrowing reduced during the period. Council currently has one loan which is reducing in accordance with agreed payment terms. At 30 June 2017 net borrowings are expected to be \$0.191 million, and at 30 June 2018 the loan will be paid in full.

Council's liquidity position has been consistently strong, with cash and investments well in excess of current liabilities in all years.

9.2 Current year borrowings

Council has not provided for additional borrowings in its 2017/18 Estimates.

Year	New Borrowings \$'000	Loan Principal Paid/Transferred \$'000	Loan Interest Paid \$'000	Balance 30 Jun \$'000
2013	0	145	54	856
2014	0	153	46	703
2015	0	161	37	542
2016	0	171	28	371
2017	0	180	18	191
2018	0	191	8	0

10 Infrastructure strategy

10.1 Strategy development

Council's infrastructure strategy centres around the two key imperatives of maintaining the capital adequacy of the existing infrastructure base, and providing additional infrastructure to improve the level of service provided to the community and to meet the needs of expanding areas.

Capital adequacy has received close attention since the early 1990's at which time Council embarked on a long term strategy to fully fund its future infrastructure renewal. To meet long term financial sustainability imperatives, Council applies a range of funding to its Infrastructure Renewal Reserve, including a capital contribution from rates (\$1.963 million 2017/2018), dividends received from TasWater, and interest earned on accumulated infrastructure renewal funds.

Based on its adopted Asset Management Strategy, Asset Management Plans, and 10 Year Financial Management Plan, Council believes its funding effort in respect of infrastructure renewal is sustainable into the future providing current levels are maintained in real terms.

Consistent with the high level strategy established by its 10 Year Financial Management Plan, Council has progressively increased the amount appropriated from renewal funding to physical works, subject to condition assessments made under Council's Asset Management Plans.

Year	Renewal Funding Appropriated \$'000
2011/12	8,342
2012/13	9,940
2013/14	8,827
2014/15	9,340
2015/16	9,383
2016/17	9,622
2017/18	9,570

Formal asset management plans have been updated for all major asset classes. These are supported by a 10 year Financial Management Plan aimed at providing an indication of likely outcomes of Council's policy positions. The 10 year financial management plan was reviewed in April 2017.

Council is also committed to providing new infrastructure where it is consistent with Council's strategic direction, including enhancing the community's lifestyle, providing for new and expanded business opportunities, and meeting legislative, social, and environmental responsibilities.

New and upgraded infrastructure and initiatives contained within the Capital Expenditure Programme are detailed in Appendix C.

10.2 Key influences for 2017/18

The following influences had a significant impact on the Infrastructure Strategy for the 2017/18 year:

- Requirements of Asset Management Plans for all major asset classes;
- Continued demand throughout the community for improved standards in footpath condition;
- Continued demand throughout the community for improved standards in road condition;
- Council's continued commitment to providing for future infrastructure renewal;
- Ongoing development and upgrade of sporting and recreational facilities throughout the City;
- Implementation of major development plans including Kangaroo Bay, Bellerive Beach Park and urban catchment management.

10.3 Future capital works

The following table summarises Council's likely forward programme of capital expenditure including funding sources for the next four years, as per the adopted 10 Year Financial Management Plan.

Year	Grants & Contributions \$'000	Borrowings \$'000	Renewal Funding, Investments & Reserves \$'000	Working Capital \$'000	Council Operations \$'000	Capital Program \$'000
2015	4,229		9,840		2,395	16,464
2016	3,773		11,615	_	2,582	17,970
2017	6,009	_	10,986	_	1,492	18,487
2018	4,533	-	13,705	-	1,511	19,749
2019	5,895	-	13,865	-	2,156	21,916
2020	5,460		13,990	-	3,818	23,268
2021	5,060	-	14,010	-	1,703	20,773

Future amounts are indicative, and may vary according to a range of factors including the assessment of physical asset conditions, funding availability, project priorities, project scheduling, and community demand.

The major funding sources identified include government grants, use of infrastructure renewal funds, and additional rating effort. Borrowings are applied on a specific project basis where appropriate. Accelerated use of infrastructure renewal funding may be applied. Specific additional funding is likely to become available in the form of specific purpose government grants; rates arising from major new developments may also be applied by Council in support of its capital base. Council also holds specific purpose reserves arising from cash collected for public open space and car parking.

Overview to Appendices

The following appendices include disclosures of information which provide support for the analysis contained in sections 1 to 10 of this report.

This information has not been included in the main body of the Estimates report in the interests of clarity and conciseness. Council has decided that, while the Annual Plan needs to focus on the important elements of the Estimates and provide appropriate analysis, the detail upon which the annual Estimates are based should also be provided in the interests of open and transparent local government.

The contents of the appendices are summarised below:

Appendix	Nature of information
А	Estimates statements
В	Statutory disclosures
С	Capital works program
D	Activities and initiatives

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Estimates statements Appendix A

Income statement Balance sheet Cash flow statement Capital works programme Investment reserves

This section sets out the Estimates statements for 2016/17 in detail. This information is the basis of the disclosures and analysis of the annual Estimates in this report.

CLARENCE CITY COUNCIL Estimated Income Statement For the year ending 30 June 2018

	Estimates	Estimates	Increase
	2016/17	2017/18	(Decrease)
_	\$'000	\$'000	\$'000
Revenue			
Rates	46,043	47,947	1,904
User charges	5,447	5,075	(372)
Interest	1,720	1,675	(45)
Government subsidies & grants	6,742	7,241	499
Dividends	3,300	3,300	
Contributions of capital	291	1,107	816
Other revenue	215	159	(56)
TOTAL REVENUE	63,758	66,504	2,746
Expenses			
Employee costs	17,190	17,456	266
Materials and contracts	10,719	11,078	359
State Government charges and			
levies	5,221	5,527	306
Borrowing costs	20	10	(10)
Depreciation and amortization	12,077	12,812	735
Operating leases	1,897	1,915	18
Electricity	1,352	1,437	85
Other expenses	6,221	10,766	4,545
TOTAL EXPENSES	54,697	61,001	6,304
Net surplus (deficit)	9,061	5,503	(3,558)

CLARENCE CITY COUNCIL Estimated Balance Sheet As at 30 June 2018

	Estimates	Estimates	Increase
	2017	2018	(Decrease)
	\$'000	\$'000	\$'000
Current assets			
Cash assets	57,371	57,897	526
Other current assets	7,389	7,500	111
Total current assets	64,760	65,397	637
Non-current assets			
Infrastructure assets	551,292	552,547	1,255
Other non-current assets	187,834	174,064	(13,770)
Total non-current assets	739,126	726,611	(12,515)
Total assets	803,886	792,008	(11,878)
Current liabilities			
Current borrowings	191	0	(191)
Other current liabilities	10,228	10,433	205
Total current liabilities	10,419	10,433	14
Non-current liabilities			
Non-current borrowings	0	0	
Other non-current liabilities	751	766	15
Total non-current liabilities	751	766	15
Total liabilities	11,170	11,199	29
Equity			
Infrastructure renewal reserve	28,614	29,790	1,176
Other cash backed reserves	6,733	7,164	431
Other reserves and equity	757,369	743,855	(13,514)
Total equity	792,716	780,809	(11,907)
Total liabilities and equity	803,886	792,008	(11,878)
· ·			

CLARENCE CITY COUNCIL Estimated Cash Flow Statement For the year ending 30 June 2018

	Estimates	Estimates	Increase
	2016/17 \$'000	2017/18 \$'000	(Decrease) \$'000
	Inflows	Inflows	\$ 000
	(Outflows)	(Outflows)	
Cash flows from operating activities	(,	(,	
Rates	45,582	48,010	2,428
User Charges	6,108	5,675	(433)
Interest received	1,860	1,785	(75)
Receipts from government	4,892	8,140	3,248
Net GST refund (payment)	3,685	3,955	270
Other income	2,550	7,260	4,710
Wages & salaries	(15,905)	(16,990)	(1,085)
Interest paid	(15,905) (20)	(10,330) (10)	(1,085)
Payments to suppliers	(29,401)	(33,660)	(4,259)
Net cash inflow from operating activities	19,351	24,165	4,814
		·	<u> </u>
Cash flows from investing activities			
Payments for property plant &	(40,500)	(00 540)	(4.050)
equipment Proceeds from sale of prop, plant &	(18,560)	(23,513)	(4,953)
equip			
Investment in associates	(1,600)		1,600
Net cash flow from investing activities	(20,160)	(23,513)	(3,353)
Cash flows from financing activities			
Repayment of borrowings	(180)	(191)	(11)
Government grants - capital	1,858	1,986	128
Loans to associates	(2,400)	(2,400)	
Net cash flow from financing activities	(722)	(605)	117
Net change in cash held	(1,531)	47	1,578
Cash at the beginning of the year	58,902	57,371	(1,531)
Cash at the end of the year	57,371	57,418	47
	01,011	•.,•	

CLARENCE CITY COUNCIL Estimated Capital Works Programme For the year ending 30 June 2018

	Estimates 2016/17 \$'000	Estimates 2017/18 \$'000	Increase (Decrease) \$'000
Capital works by programme			
Communities and People	3,286	2,830	(456)
Natural Environment	150	137	(13)
Infrastructure:			
Roads	13,977	12,436	(1,541)
Waste			
Stormwater	2,186	2,084	(102)
Facilities Management	778	2,262	1,484
Governance			
Corporate Support			
Total capital works	20,377	19,749	(628)
Represented by			
New Assets	9,771	10,729	958
Existing Asset Improvements	10,606	9,020	(1,586)
Total capital works	20,377	19,749	(628)

NB: Works on order are not included in this schedule. Salaries attributed to capital projects are included in this schedule.

CLARENCE CITY COUNCIL Reserves For the year ending 30 June 2018

	Estimates 2016/17 \$'000	Estimates 2017/18 \$'000
Statutory or Restricted Use		
Public Open Space	1,610	1,631
Car Parking	985	1,169
Rosny Park Child Care	212	266
Commonwealth Funded Programmes	1,010	1,234
	3,817	4,300
Discretionary		
General	2,916	2,864
Infrastructure Renewal	28,614	29,790
	31,530	32,654
Total Reserves	35,347	36,954

Statutory disclosures Appendix B

The information in this Appendix corresponds with that which is required under the Act to be disclosed in the Council's annual Estimates.

1 Estimated revenue

Refer also to Appendix A – Estimated Income Statement.

2 Estimated expenditure

Refer also to Appendix A – Estimated Income Statement.

3 Estimated borrowings

Refer also to Appendix A – Estimated Income Statement and Estimated Cash Flow Statement which discloses the total amount proposed to be borrowed for the year, the total amount of debt redemption for the year and the projected debt servicing cost for the year.

4 Estimated capital works

Refer also to Appendix A – Estimated Statement of Capital Works and Appendix D – Capital Works Programme. Note that the amounts in Appendix B include the amount of salary costs expected to be capitalised as part of project costs.

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CLARENCE CITY COUNCIL ANNUAL ESTIMATES 2017/2018

(\$000)

GOVERNANCE and COMMUNITY	EXPENSES	REVENUES	NET EXPENSES	ASSET PURCHASES	EXPENSES CAPITALISED	TFRS TO RESERVES	TFRS FROM RESERVES	NET RATING REQU'T
Communities and People	13,844	5,850	7,994	2,829	568	-	1,711	8,544
City Future	2,704	2,337	367			1,070	90	1,347
Natural Environment	7,813	135	7,678	136	69		27	7,718
Governance	9,704	6,087	3,617			5,452	20	9,049
Corporate Support	5,794	8	5,786	-	-		1,224	4,562
INFRASTRUCTURE								
Roads & Transport	11,823	3,167	8,656	12,436	2,468		8,452	10,172
Stormwater	2,360	410	1,950	2,085	625		1,170	2,240
Facilities Management	4,489	938	3,551	2,262	117		1,752	3,944
Plant	2,710	2,710	-			-		-
								-
								_
								_
TOTAL RATING REQUIREMENT	61,241	21,642	39,599	19,748	3,847	6,522	14,446	47,576
Less additional Council remissions Net Rating Requirement Rates Raised 2016/17 Plus Growth Net Increase Including Government Charges Increase Due to Govt Charges NET INCREASE								47,576 46,425 2.5% 0.2% 2.3%

Capital works programme Appendix C New works and works carried forward from 2016/17

This section provides a more detailed analysis of the capital works programme for 2017/18 including those projects approved in the 2016/17 year that will be incomplete at 30 June 2017.

CLARENCE CITY COUNCIL Capital Works Programme For the year ending 30 June 2018

1 New works

Clarence City Council - Capital Programme	Total Cost 2017/18
ROADS	
Bayfield Street Streetscape	
Plasten et reduction - Collibrand Drive / Diffe Dense Dd	500,000
Blackspot reduction - Gellibrand Drive / Rifle Range Rd.	250,000
Clarence Foreshore Trail between Tasman Bridge & Montagu Bay Park	100,000
Clarence Foreshore Trail from Simmons Park to Anzac Park - Stage 2	
Clarendon Vale Greenbelt - Pathway and Lighting - Mockridge Road to	150,000
Marsden St	360,000
Construct a rural footpath on low side of Acton Road between Estate Drive Roundabout and bend at 904 Acton Road	150,000
Construction of Bellerive public pier	
DDA Ramps	1,350,000
DDA Ramps	50,000
Development of a car park at 138 East Derwent Highway	130,000
Feasibility study for a path along the Tasman Highway from Rosny Park to the	
Mornington Overpass	25,000
Footpath/ Kerb & Gutter Renewal	1,250,000
Gravel Road Re-Sheeting	75,000
Harmony Lane Widening	
Improvements of laneway between Franklin & Bridge Streets Richmond	30,000
Improvements of laneway between Franklin & Bruge Streets Richmond	85,000
Kangaroo Bay Drive Car Park (Lot 4)	
Kerb Replacement - Major Digouts Program	1,300,000
Replacement - Major Digous r rogram	500,000
Kerria/Lantana Rds Traffic Island	20.000
Major Digouts/ Reconstruction - Annual Program	30,000
	2,000,000
Multi User path Tasman H.Way From Overpass towards Montagu Bay Road . Dependent on joint funding from DSG	50,000
Potters Hill - Gravel car parking area construction for a minimum of 4 parking	20.000
spaces Road reseal programme	30,000
	2,500,000
Road safety improvements to Charles Street Richmond including widening, due to use by heavy vehicles.	25,000
Roches Beach Bus Turning Circle	
	35,000

Rosny Park construct multi-storey car park - Investigation of funding options	100,000
Saundersons Rd Traffic Island	20,000
Seal the Charles Hand Park car park off Bastic Street, including base, sealing and line marking	70,000
Upgrade parking (approx 25 spaces) and minor road works at Simmons Park including footpath extension	350,000
Victoria Street Richmond Footpath (Recreation Ground side)	25,000
	11,540,000
STORMWATER	
Cambridge Oval Stormwater Harvesting - Construction Stage 2	270,000
Construct SW pipe 10 Thoona St G.Bay	100,000
Cremorne Drainage Improvements - Design	20,000
Houston Drive - Erosion Remediation	200,000
Kellatie Road - Upgrade	70,000
Lower River Street, remedial work	50,000
Ongoing - Drainage Minor Construction	50,000
Seven Mile Beach - Sub branch of Acton Creek , SW issues	200,000
South Terrace Drain Construction	200,000
Stormwater Survey / Review of the Howrah Area	50,000
Stormwater Upgrade - Bastick Street	120,000
Urban Drainage Act - Catchment Management Plan - Lindisfarne to Rosny, Geilston Bay and Barilla Bay	250,000
	1,580,000

ACTIVE RECREATION	
Seven Mile Beach Sporting Precinct - Building Plans/approvals and site establishment	600,000
Active Recreation Master Plans - Geilston Bay	25,000
Kangaroo Bay Oval - bowlers run up area	20,000
Nth Warrane / Geilston Bay cricket wicket additional synthetic	30,000
Risdon Vale Bike Path - Increase the flat area at the top to the starting ramp. Adding two bigger, longer jumps down the oval side of the pump track	16,500
Supply and install coaches boxes at ovals - Clarendon Vale .	15,000
Wentworth Park - Construct ball catching fence on the southern end of #2	50,000
soccer pitch Wentworth Park - Replace current irrigation system with new on WWP Soccer	
Ovals 1,2,3.	270,000
	1,026,500
PASSIVE RECREATION	
Banyall Reserve - replacement of play equipment within park	50,500
Carella Park - upgrade Irrigation system	50,000
Design Concept Plans & Consultation for the development of the Bellerive Rifle Range Avenue of Honour	166,000
Full rehabilitation of the South Street Reserve including installing irrigation, top soiling where necessary and seeding with a grass resilient to salinity.	100,000
Implementation of Pindos Park Master Plan - Stage 1. Including playground	,
equipment,playground landscaping, playground fencing , signage and main entry footpath	200,000
Natone/Anzac Park - Replacement of play equipment within park	56,200
Nielson Park - Replacement of play equipment within park	100,275
Purchase & install 2 bottle fill stations beside the multi user path @ WWP and near toilet block - Little Howrah Beach. @ Water fill stations \$6,000 , Connection to water & concrete slabs \$8,500.	14,500
Social Heart - Replacement of play equipment within park	143,500
South Street Reserve - fence half the reserve to allow for better maintenance control of the grassed area	10,000
South Street Tap installation	8,000
Sth Arm Masterplan Stage 3 Implementation : Works including, Nature play space & explore track, basketball half court, native plantings to boundaries, Carpark works adjacent to community centre. Harmony lane pedestrian entry improvements. Community market space & gravel road, fitness path around oval, landscaped entry & feature trees, passive games area.	222,000
Track & Trails signage within the Municipality	10,000
Tracks & Trails - Construct Coastal Trail between Mays Point & Cremorne	60,000
Tracks & Trails - Construct track in the Meehan Range between Flagstaff Hill & Caves Hill	25,000
Tracks & Trails - Construction of Stage 1 of the South Arm Neck section of the Tangara Trail from Palana to Goats Bluff	40,000

	1,255,975
NATURAL ENVIRONMENT	
Clarendon Vale Tree Replacement programme	6,000
Upgrading of fire trails	
Victoria Esp erosion protection, opposite Thomas Street on Kangaroo Bluff	21,000
	40,000
	67,000
FACILITIES MANAGEMENT	
Seven Mile Beach Day Area - DDA Public Toilet	280,000
Alma Street Senior Citizens Centre - Construction of DDA Toilet	
Bellerive Boardwalk - deck renewal	300,000
	220,000
Building Trade Waste Compliance at various council buildings	60,000
Councils master key security system upgrade	
Demolition of "Old" Ferry Terminal	25,000
Denet Week Devillergrede	57,000
Depot Wash Bay Upgrade	30,000
Geilston Bay Playgroup Centre - DDA Compliance Works	16,500
Howrah Community Centre - DDA Compliance Works	
Howrah Community Centre - Develop a plan for the upgrade of signage &	11,800
facilities at the Howrah Community Centre	30,000
Howrah Community Centre - Development Masterplan	75,000
Lindisfarne Activity Centre - DDA Compliance works	
Risdon Vale - change rooms and public toilets	10,000
	970,000
Rosny Transit Mall - security camera upgrade	20,000
Simmons Park- Retrofit - Changing Places Facility with " Ceiling Hoist &	
Adjustable Change Tables and fittings Warrane Sports Centre - DDA Compliance works	32,400
· · ·	7,000
	2,144,700
GRAND TOTAL	17,614,175

2 Works carried forward from 2016/17

(N.B. Actuals include tenders accepted/orders placed. A range of projects which are effectively deferred due to issues such as public consultation, funding over multiple years, and awaiting approval of government grants is included. Estimates include amounts from prior financial years. Several major projects are being funded over multiple years and therefore have large funding approvals in anticipation of works in a future financial year. Projects completed during the year are excluded.)

Carried Forward Capital Projects	Estimate 2016/2017 \$	Actual 2016/2017 \$	Balance \$
Deferred Projects		Ŧ	•
Kangaroo Bay Public Ferry Wharf	1,600,000	0	1,600,000
Rosny Farm/Golf Course Access	16,000	0	16,000
Bridge St - Richmond	169,000	0	169,000
Bridge St Reconstruction	350,000	12,008	337,992
Bridge St Drainage Imp - GP & SW Main	60,000	0	60,000
Construction of Aldermen's Room	94,000	15,837	78,163
Risdon Vale Oval Pavilion	51,100	0	51,100
Cambridge Oval Development	48,300	0	48,300
Pindos Park	21,000	1,034	19,966
Duke Park	16,000	1,867	14,133
	2,425,400	30,746	2,394,654
Roads			
Bayfield St Scape Redevelopment	1,557,500	97,987	1,459,513
Major Digouts	2,732,680	1,177,481	1,555,199
Renewal - Road Resealing	2,345,500	2,318,055	27,445
Footpath Inspection Rectification	2,017,000	2,028,613	-11,613
Resheeting Gravel Roads	75,000	62,360	12,640
Black Spot Federal (Difference represents timing of funding receipt only)	706,155	1,217,902	-511,747
DDA Works	132,830	58,675	74,155
Bus Bays	104,330	126,256	-21,926
Bridge Works	124,930	122,403	2,527
Lindisfarne Streetscape	400,000	7,926	392,074
Cycle Way	599,900	514,138	85,762
Kangaroo Bay Road	65,800	63,339	2,461
Bayfield St Traffic Management	300,500	0	300,500
Laneway Sealing - Various	40,000	34,837	5,163
Tranmere Foreshore & Pindos Park Path	25,980	10,316	15,664
Victoria Esp Car Park Seal	180,700	145,669	35,031
Bellerive Park - Car Park Construction	33,700	6,723	26,977
Dorans Rd - Boat Ramp Car Park	14,700	0	14,700
Cambridge Rd Line Marking	50,000	233	49,767
Surf Road Master Plan Design	240,800	191,056	49,744
7MB Path - Acton Rd to Ovata Cl	3,000	0	3,000

Carried Forward Capital Projects	Estimate	Actual	Balance
	2016/2017	2016/2017	
	\$	\$	\$
Clarence St Safety Assessment	369,700	52,210	317,490
Kangaroo Bay - Road & Car Park	311,470	114,147	197,323
Seven Mile Beach Upgrade	526,370	401,725	124,645
Kennedy Dr/Runway PI-Blackspot	41,680	41,622	58
Tollard Dr-Kerb & Line Marking	54,210	79,498	-25,288
Percy Street - Kerb & Gutter	259,335	258,812	523
Dumbarton Dr-Bank Stabilisation	29,834	0	29,834
Geilston Bay Road - Guard Rail	37,200	37,137	63
Clarendon Vale - Pathway & Lighting	525,565	24,623	500,942
Silwood Ave - Track Upgrade	19,996	3,416	16,580
Acton Rd Rural Footpath	21,700	0	21,700
North Tce Bollards	47,300	29,237	18,063
Bellerive Beach - Promenade	450,000	308	449,692
Cambridge Rd - K&G	300,000	503,084	-203,084
Bridge St - Police Car park	25,300	25,535	-235
Gordons Hill Rd K&G	120,000	0	120,000
Bligh St - Turning Head Warrane	35,000	342	34,658
Clarence/Cambridge Intersection Design	25,000	7,335	17,665
Rosny Microsimulation Model	65,000	28,998	36,002
Fitzgeralds Rd - 3 Passing Bay	60,000	450	59,550
Cambridge Rd - Footpath	50,000	27,939	22,061
Howrah Rd Cycle Way	10,000	90	9,910
Franklin St Car Cark - Pedestrian Upgrade	75,000	0	75,000
Lindisfarne Activity Centre Footpath	4,000	0	4,000
Permanent Track Counters	8,000	0	8,000
Flagstaff Gully Rd Foot Path Design	20,000	17,790	2,210
Grahams Rd Pavement Seal	100,000	14,943	85,058
School Rd Construction	400,000	5,100	394,900
Lauderdale Canal Footbridge	15,000	5,364	9,636
	15,757,665	9,863,671	5,893,994
Stormwater			
Minor Stormwater Projects	125,000	78,760	46,240
Lindisfarne Bay Sediment	201,420	218,053	-16,633
Capacity Augmentation Works	34,995	6,031	28,964
WSUD creek remediation	84,900	65,058	19,842
Cremorne Storm Water Imp Works	19,220	7,352	11,868
Roches Beach Rd - Bank Stab	79,990	8,816	71,174
Luttrell Ave Storm Water Upgrade	49,356	3,578	45,778
Lauderdale Drainage - Structural Plan	170,640	9,639	161,001
Cambridge Rd/Shackleton Upgrade Retic	32,000	4,700	27,300
Kangaroo Bay Dr SW Upgrade	99,120	582	98,538
Faggs Creek Remediation	50,800	8,491	42,309

Carried Forward Capital Projects	Estimate	Actual	Balance	
	2016/2017	2016/2017		
	\$	\$	\$	
Urban Drainage Act	444,917	269,089	175,828	
Wetland Management Plans	15,000	14,934	66	
Bridge St Drainage Imp	310,150	307,618	2,532	
Radiata Dr - Increase Capacity	97,630	89,669	7,961	
Somerset St - Upgrade	214,400	230,484	-16,084	
Riawena Road - Shotcrete	30,000	23,485	6,515	
7MB/Lewis Ave/Winston Ave - Roadside SW	58,000	53,994	4,006	
Seven Mile Beach - Upgrade Culvert	276,600	245,302	31,298	
Mortyn Place System Upgrade	54,648	52,857	1,791	
Nelumie St System Upgrade	155,000	1,479	153,521	
Elinga/Tranmere Rd Upgrade	270,000	312,385	-42,385	
Kellatie Road System Upgrade	200,000	223,177	-23,177	
Bathurst St SW Main & Outfall	55,000	66,450	-11,450	
673-691 East Derwent Hwy	165,000	12,321	152,679	
South Arm Rd - SW Main Design	10,000	0	10,000	
Dorans Road 730 - Culvert	50,000	1,295	48,705	
Rifle Range/Prospect Culvert	25,000	33,299	-8,299	
Lynrowan Rd Roadside Drains	95,000	21,268	73,732	
South Arm Rd - SW System	200,000	178,925	21,075	
Percy Street Richmond	50,000	50,000	0	
	3,723,786	2,599,092	1,124,694	
Facilities Management				
Howrah Recreation Centre	17,700	18,736	-1,036	
Barn Complex Redevelopment	5,280	1,790	3,490	
Public Toilets	1,072,294	523,822	548,472	
Kangaroo Bay Plan Implementation	18,236	18,236	0	
Rosny Historic Centre	63,800	67,990	-4,190	
Council Chambers Chiller Upgrades	50,520	44,455	6,065	
Bellerive Boardwalk Decking & Fencing	90,600	0	90,600	
Clarence Senior Citizens	80,000	22,400	57,600	
Clarence Council Depot	18,400	7,843	10,557	
Bellerive Community Arts Centre	8,500	0	8,500	
Men's Shed Howrah	6,600	4,700	1,900	
Cambridge Oval - Repair Gates	1,000	1,880	-880	
Clarendon Oval Pavilion	24,400	0	24,400	
Security Master Key Upgrade	39,626	40,193	-567	
Demolition - 92 Cambridge Rd	20,000	0	20,000	
Risdon Vale Community Centre	95,000	33,344	61,656	
Equestrian Centre - Water Jump	7,300	0		
Lauderdale Hall	11,000	8,630	7,300	
Eastern Shore Obedience Clubrooms - Extension	80,000	8,630	2,370 -1,689	

Carried Forward Capital Projects	Estimate	Actual	Balance
	2016/2017	2016/2017	
Edgewerth St. Devillion Ungrade	\$	\$	\$
Edgeworth St - Pavillion Upgrade	55,000	0	55,000
Communities 9 Decele	1,765,256	875,707	889,549
Communities & People Tranmere Hall	40 747	40 747	
	43,747	43,747	0
Anzac Park	4,747	1,537	3,210
Regional Park Development Acton Court	33,315	0	33,315
Cambridge Oval Sports Ground	481,500	500,882	-19,382
Lauderdale Oval	460,700	477,160	-16,460
Positive Ageing Plan Outcomes	65,900	18,960	46,940
Youth Plan	8,100	4,200	3,900
DDA Plan Review	57,475	5,449	52,026
Irrigation Systems Efficiency Upgrade	15,000	14,377	623
Dampier Street Sportsground	75,000	74,863	137
Development of Tracks & Trails	625,510	378,045	247,465
Clarence Mountain Bike Path	1,300	0	1,300
Shade Structures	22,000	0	22,000
Aquatic Cent Upgrade	100,000	69,114	30,886
Richmond Village Green	10,000	9,364	636
Public Art	93,190	66,562	26,628
Cambridge Oval Cricket Wickets	55,000	64,973	-9,973
Clarendon Vale Oval	100,000	64,300	35,700
Kangaroo Bay Ovals	2,397,400	2,389,571	7,829
Lindisfarne Oval - No 1	348,700	80,002	268,698
Lindisfarne Oval - No 2	118,820	104,099	14,721
Richmond Oval	19,500	19,772	-272
South Arm Oval	200,000	14,047	185,953
Wentworth Park Ovals	25,000	24,158	842
Geilston Bay High Ovals	9,275	9,242	33
Seven Mile Beach - Recreation Master Plan	263,780	170,375	93,405
Bellerive Beach Park	1,364,890	1,206,075	158,815
Beltana Park	58,700	192	58,508
Clifton Beach Reserve Park	17,200	16,311	889
Kangaroo Bay Park	1,592,400	1,393,257	199,143
Lewis Park	3,500	4,282	-782
Richmond Riverbank Park	75,000	782	74,218
Shoreline Park Lighting & Play Equipment	30,400	35,547	-5,147
Simmons Park	259,200	97,780	161,420
Wentworth Park Play Park	1,800	1,842	-42
South Street Reserve	5,000	3,760	1,240
Howrah Bowls Club Base	197,100	205,548	-8,448
Montagu Bay Boat Ramp	97,600	2,530	95,070
Seating On Bus Routes	14,980	6,793	8,187

Carried Forward Capital Projects	Estimate 2016/2017	Actual 2016/2017	Balance
	\$	\$	\$
Clarence High Oval Development	238,320	221,425	16,895
Howrah Rec Centre Playground	4,100	4,097	3
ICT System Upgrade	1,571,500	1,211,788	359,712
Additions to Family Day Care building	147,586	232,056	-84,470
Active Recreation Master Plan	25,000	3,727	21,273
Warrane Community Garden	46,524	18,153	28,371
Rosny Park Green Belt Plan	25,000	0	25,000
Roscommon Res-Dry Stone	15,000	15,000	0
Rifle Range Avenue of Honour	15,000	13,827	1,173
	11,440,759	9,299,569	2,141,190
Natural Environment			
Beach Erosion Protection	654,540	35,559	618,981
Upgrading Fire Trails	27,795	20,696	7,099
Lauderdale Canal Dune Rebuild	127,900	119,786	8,114
Opossum Bay Beach Access	35,000	13,139	21,861
Roscommon Reserve	3,000	0	3,000
Clarendon Vale Fencing & Trees	55,125	0	55,125
Little Howrah Beach - DDA	25,000	0	25,000
Lindhill Bushland Res Access	15,000	14,857	143
Mountain Bike Track Armouring	15,000	14,750	250
	958,360	218,787	739,573
TOTAL	33,645,826	22,856,827	10,788,999

Activities and initiatives Appendix D

This section sets out the activities and initiatives to be funded in the Estimates for the 2017/18 year, and how these will contribute to achieving the strategic objectives specified in the Strategic Plan.

CLARENCE CITY COUNCIL Activities and Initiatives For the year ending 30 June 2018

Program	Activities and Initiatives		
Civic Activities	Objective:		
& Events	To enhance and increase the opportunities for all people in the community to participate in cultural and social activities.		
	Initiatives		
	 Conduct Council's annual events program including: Australia Day; Jazz Festival; Seafarers Festival and Carols by Candlelight. 		
	 Support and conduct other events including: World Games Day, Heritage Month, Dogs Day Out, Youth Events and Community Festivals. 		
	 Continue relationships with other major events including Festival of Voices, Dark MOFO and Ten Days on the Island. 		
Community	Objective:		
Awareness & Marketing	To promote awareness of Council services and to encourage participation in community affairs, activities and events.		
	Initiatives		
	 Implementation of the Council's Community Participation Policy. 		
	Redesign Council's website		
	 Investigate an online Community Directory on Council's website that details community services and organisations. 		
	Review and update existing publications where necessary.		
	 Provide timely and relevant information via Council's website; the ; quarterly Rates News ; print and digital media; and various special interest publications. 		
	Promote sister city relations.		
	Provide support to the City Band.		
	Publish events in the City on Council's website.		
Recreation	Objective:		
	To ensure community access to passive and active recreational opportunities throughout the City.		
	Initiatives		
	 Ongoing partnership arrangements with government and community organisations to target funds to develop and expand recreational facilities. 		

Program	Activities and Initiatives
	Develop partnership arrangements with government and community organisations to better utilise available recreational facilities.
	Finalise Recreation and Facilities Management Plan for Risdon Vale
	Ongoing regulatory processes for Development Plans for proposed Seven Mile Beach regional recreation facility.
	Manage major recreational facility leases such as Bellerive Oval and the Clarence Aquatic Centre.
	Undertake the following actions:
	 Seven Mile Beach Sporting Precinct - Building Plans/approvals and site establishment Active Recreation Master Plans - Geilston Bay Kangaroo Bay Oval - bowlers run up area Nth Warrane / Geilston Bay cricket wicket additional synthetic Risdon Vale Bike Path upgrade Supply and install coaches boxes at ovals - Clarendon Vale . Wentworth Park - Construct ball catching fence on the southern end
	 of #2 soccer pitch Wentworth Park - Replace current irrigation system with new on WWP Soccer Ovals 1,2,3. Banyall Reserve - replacement of play equipment within park Carella Park - upgrade Irrigation system Design Concept Plans & Consultation for the development of the Bellerive Rifle Range Avenue of Honour Full rehabilitation of the South Street Reserve including installing irrigation, top soiling where necessary and seeding with a grass resilient to salinity.
	 Implementation of Pindos Park Master Plan - Stage 1. Including playground equipment, playground landscaping, playground fencing , signage and main entry footpath Natone/Anzac Park - Replacement of play equipment within park Nielson Park - Replacement of play equipment within park Purchase & install 2 bottle fill stations beside the multi user path @ WWP and near toilet block
	 Social Heart - Replacement of play equipment within park South Street Reserve - fence half the reserve to allow for better maintenance control of the grassed area South Street Tap installation South Arm Masterplan Stage 3 Implementation : Works including, Nature play space & explore track, basketball half court, native
	 plantings to boundaries, Carpark works adjacent to community centre. Harmony lane pedestrian entry improvements. Community market space & gravel road, fitness path around oval, landscaped entry & feature trees, passive games area. Track & Trails signage within the Municipality Tracks & Trails - Construct Coastal Trail between Mays Point & Community
	 Cremorne Tracks & Trails - Construct track in the Meehan Range between Flagstaff Hill & Caves Hill Tracks & Trails - Construction of Stage 1 of the South Arm Neck

Program	Activities and Initiatives
	section of the Tangara Trail from Palana to Goats Bluff
	Upgrade boat ramp at Montagu Bay Reserve.
	Lauderdale Oval Lighting
Childcare	Objective:
Services	To deliver a variety of childcare services, all of which aim to develop, coordinate and deliver a range of accessible and cost effective quality child care services for the City.
	Initiatives
	Improve service coordination, childcare options and viability.
	Maintain accreditation, licensing and registration requirements.
	• Establish new Outside School Hours Care service at Eastside Lutheran and Before School Care at North Lindisfarne.
Community	Objective:
Services & Programs	To enhance the health, wellbeing, safety and accessibility to services for all people in the community. To identify and respond to specific needs of different age groups within the community.
	Initiatives
	 Implement the Health and Wellbeing Plan including a communications plan and website, health promotion projects, liveability & environment projects and continuing fitness in the park program.
	 Implement the Community Safety Plan including the development and implementation of a Graffiti Management Strategy.
	Continue with the trial of the organisational community development framework.
	Implement the Events Plan including promoting the Arts/Events website, growing Jazz Festival, attracting new events and improving promotion/marketing.
	• Implement the strategies and actions of the Access Plan .
	• Revise and implement the Positive Ageing Plan including supporting Men's Shed, health projects, Food Connections program and produce age-friendly publications which promote the City's age friendly status.
	• Implement the recommendations from the review of the Volunteer program and continue the Planting Ahead, Live Well Live Long projects.
	Implement the strategies and actions of the Cultural History Plan.
	Continue to support the interpretative signage projects.

Program	Activities and Initiatives
	Finalise the Bellerive, Kangaroo Bay, Rosny Park Cultural/Creative Precinct Policy Framework.
	• Review the Cultural Arts Plan including commissioning public art works, conducting exhibitions, Open Art, Clarence Prize, Artist in Residence programs and improving facilities at Rosny Farm.
	• Finalise the review the Youth Plan and continue to support YNAG and anti-graffiti project, outreach, bike & workshop programs and further develop Youth Assist.
	Review work processes and improve performance reporting in the Ranger Services group.
	Implement revised food risk management regime.
	 Develop and implement an Environmental Health plan including reviewing work processes and improve performance reporting.
Civic Space and	Objective:
Amenity	To create a community focal point for the City.
	Initiatives
	Continue the development of the Kangaroo Bay Development Precinct .
Economic	Objective:
Development	To encourage broadly based economic growth within the City.
	Initiatives
	Undertake the implementation of the 2016-2021Economic Development Plan for the City.
	Undertake economic development activities including:
	 Provide support services to new and existing business operators within the City to develop or expand their business interests within the City.
	 Identify suitable sites within the City to establish new business activities in association with prospective developers.
	 Distribution of the Clarence Business Opportunities Prospectus.
	Continue Expression of Interest processes for Kangaroo Bay Development Precinct and Rosny Hill Nature Recreation Area.
Tourism	Objective:
	To maximise the economic benefits of tourism to the City.

Program	Activities and Initiatives
	 Initiatives Participate in, and contribute to the ongoing operation of Destination Southern Tasmania and associated strategies. Work with Cricket Tasmania to maintain and further promote the Bellerive Oval as an international sporting venue, including the Cricket Museum. Publish, distribute and update recreational brochures as
	 required In association with the Richmond and Coal River Valley Promotions Association, promote the Richmond and the Coal River Valley region.
City Profile	 Objective: To enhance the vibrancy and profile of the City. <i>Initiatives</i> Review and update Council's Marketing Plan to identify promotional opportunities for the City. Creation of a sound database of stock images and short videos to promote visitation to the Richmond and Coal River Valley area, and to showcase the lifestyle of living in, and visiting, the city. Update banners and infrastructure at Rosny Bus Mall. Promote the Clarence Prospectus which details investment opportunities within the City. Identify and secure sponsorship opportunities of major events, including promotion of venues and facilities within the City. Distribute brochures to promote existing cultural and recreational facilities within the City. Through prospectus publications and networking, promote
	 opportunities for the establishment of restaurant and hospitality services within commercial precincts of the City. Identify and develop opportunities for the acquisition and installation of public art within the City; and incorporate public art into major streetscape plans for the City.
Planning	 <i>Objective:</i> To provide for and encourage land use planning based on community values and needs. <i>Initiatives</i> Maintain a contemporary Planning Scheme for the City. Implement the provisions of the relevant legislation and in particular ensure timely issue of approvals.

Program	Activities and Initiatives
	 Ensuring continuous improvement of electronic lodgement, approval and recording process for planning applications and subdivisions and strata sealing processes.
	 Ensure Council decisions are properly supported in planning appeals.
	• Provide a free preliminary assessment service for prospective developers, to assist them to efficiently prepare suitable planning applications.
	• Provide a free Heritage Advisory Service for the City, including a Heritage Architect and information sheets to assist property owners.
	 Provide ongoing enforcement of Council's planning scheme and planning permits and investigation of complaints about land use and development in the City.
	 Implement the Southern Tasmanian Regional Land Use Strategies.
	 Provide input into the Tasmanian Planning Scheme process to ensure optimum outcomes for the City.
	 Provide timely and considered submissions on proposed changes to planning and subdivision legislation and State planning system proposals.
	 Implement the retail development strategy for the City, including undertaking any necessary reviews.
	 Overviewing implementation of the Richmond Townscape Study and introduce necessary improvements.
	 Completing and implementing a streetscape plan for Bayfield Street.
	Undertake an urban design framework plan for Rosny Park.
	 Undertaking the Bellerive Bluff Precinct Neighbourhood Character and Urban Design Framework Study.
	Completing the Lauderdale Urban Expansion Feasibility Study.
Building &	Objectives:
Plumbing	 Act as a permit Authority through the issuing of permits, certificates, notices, orders; and by maintaining building / plumbing registers.
	 Provide information, assistance and support in regard to building / plumbing matters.
	• Ensure compliance so that buildings are safe, energy efficient and meet permit conditions and relevant standards.
	Review work processes and improve performance reporting.

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Program	Activities and Initiatives
Emergency Management	Objective:
	To prepare for the effective management of natural events or emergencies within the city.
	Initiatives
	• Further develop the emergency planning framework for the City including completion/review of a Recovery Plan, Business Continuity Recovery Plan, and Pandemic Plan.
	• Develop and implement an emergency management exercise program for the City, including liaison with relevant agencies to ensure proper operation of coordinated response mechanisms.
	Implement the Fire Management Strategy for the City.
	 Investigate and monitor climate change impacts, including storm surge and sea level rise, identifying opportunities to protect property and ensure personal safety.
	Undertake necessary environmental monitoring.
Environmental	Objective:
Management	To enhance and protect the City's natural assets.
	Initiatives
	Implement priority recommendations from "Climate Change Impacts on Clarence Coastal Areas" report including dune nourishment for Roches Beach, Lauderdale and Ocean Beach Cremorne and Roches Beach - Bambra Reef Extension.
	 Ongoing partnership arrangements with government and community organisations to target funds to better manage and sustain the environment.
	• Provide support and leadership to key community groups, including Land Care and Coast Care programs, in order to manage and enhance our natural environment and respond to emerging issues.
	Provide support to NHT programs.
	Develop Natural Areas Rehabilitation Plans.
	 Implement Council's Tracks and Trails Strategy and associated action plan.
	Commence community information and awareness programme on energy management and climate change.
	Rehabilitate potential contaminated sites on Council land.
	• Continue the development of a risk management framework for recreational waters, waterways particularly in sensitive areas.

Program	Activities and Initiatives
	Upgrading of fire trails.
	 Install DDA access ramp to Little Howrah Beach. Lindhill Bushland Reserve access.
	 Clarence Mountain Bike Park track work.
Waste	Objective:
	To establish environmentally sustainable practices in relation to waste management within the City.
	Initiatives
	Manage 7 year contract for wheelie bin based Green Waste, Residual Waste and Recyclables collection service.
	Manage 7 year contracts for the disposal and treatment of kerbside collected green waste, residential waste and recyclables.
	Ongoing liaison with the State Government and community organisations regarding the implementation of Council's Waste Management Strategy.
	Continued collection of public place recycling bins in the City.
	Contribute to the governance of the Copping Refuse Disposal Site Joint Authority.
	Participate as a member of the Southern Councils Association of Tasmania to improve waste management within Southern Tasmania.
Weeds	Objective:
	To effectively manage declared weeds within the City.
	Initiatives
	Adopt a Weed Management Strategy for the City.
	Implement a rolling 3 year priority weed management plan for Council land.
	Implement work practices to minimise the impacts of Council's operations on the environment.
	Respond to public complaints and provide information to assist with weed eradication within the City.
Natural Areas	Objective
	To ensure that natural areas within the City meet and satisfy the long term needs of the community.
	Initiatives
	Upgrading Fire Trails Clarandan Vala Trae Daplacement Program
	Clarendon Vale - Tree Replacement Program

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Program	Activities and Initiatives
	Victoria Esplanade erosion protection, opposite Thomas St on Kangaroo Bluff
Roads	Objective:
	To provide adequate infrastructure for the effective and safe transport of people and goods through the City.
	Initiatives
	Develop partnership arrangements with government and community organisations to target funds to develop and expand Council's road networks.
	Conduct hazard and condition assessment programs and deliver annual replacement works programs for reseal, pavement and footpath assets in accordance with Council's Roads and Transport Asset Management Plan.
	Pursue federal funding opportunities as part of the Roads to Recovery Initiative and 'black spot' funding programs.
	Investigate and assess major development proposals impacts on Council's Roads and Transport Infrastructure.
	Undertake traffic management and road safety investigations as required.
	Undertake development projects including:
	Improve Disability Access to City infrastructure.
	Construct new footpaths and kerb & gutter.
	Extend cycle way network on programmed basis.
	 Continue construction of the Foreshore Reserve path network in the Tranmere area.
	 Bayfield Street Streetscape Redevelopment – Implementation Stage 3.
	Clarendon Vale Greenbelt Pathway construction.
	 Bayfield Street Streetscape Blackspot reduction - Gellibrand Drive / Rifle Range Rd.
	Clarence Foreshore Trail between Tasman Bridge & Montagu Bay Park Clarence Foreshore Trail from Simmone Bark to Anzae Bark
	 Clarence Foreshore Trail from Simmons Park to Anzac Park - Stage 2 Construct a rural footpath on low side of Acton Road between
	 Estate Drive Roundabout and bend at 904 Acton Road Construction of Bellerive public pier DDA Ramps
	 DDA Ramps Development of a car park at 138 East Derwent Highway Feasibility study for a path along the Tasman Highway from Rosny Park to the Mornington Overpass

Program	Activities and Initiatives
	 Footpath/ Kerb & Gutter Renewal Gravel Road Re-Sheeting Harmony Lane Widening Improvements of laneway between Franklin & Bridge Streets Richmond Kangaroo Bay Drive Car Park (Lot 4) Kerb Replacement - Major Digouts Program Kerria/Lantana Rds Traffic Island Multi User path Tasman H'way From Overpass towards Montagu Bay Road . Dependent on joint funding from DSG Potters Hill - Gravel car parking area construction for a minimum of 4 parking spaces Road safety improvements to Charles Street Richmond including widening, due to use by heavy vehicles. Roches Beach Bus Turning Circle Rosny Park construct multi-storey car park - Investigation of funding options Saundersons Rd Traffic Island Seal the Charles Hand Park car park off Bastick Street, including base, sealing and line marking Upgrade parking (approx 25 spaces) and minor road works at Simmons Park including footpath extension Victoria Street Richmond – Henry Street to Franklin Street – Reconstruction. School Road – Construction. Road Reseal Programme – Ongoing.
Stormwater	 Objective: To protect life, property and community amenity by the effective collection and disposal of stormwater. Initiatives Develop Stormwater Catchment Management Plans for the City, in accordance with the Urban Drainage Act. Develop an asset renewal and extension program for stormwater assets that meets the needs of the City in accordance with the Stormwater Asset Management Plan. Develop stormwater software models and associated database to support the asset renewal and extension program. Develop a Headworks Policy for stormwater based on the Stormwater Asset Management Plan for the City. Pursue major specific stormwater initiatives consistent with the adopted Capital Expenditure Programme, including:

Program	Activities and Initiatives
	 Kellatie Road – stormwater main upgrade. Cambridge Oval Stormwater Harvesting - Construction Stage 2 Construct SW pipe 10 Thoona St G.Bay Cremorne Drainage Improvements - Design Houston Drive - Erosion Remediation Lower River Street, remedial work Ongoing - Drainage Minor Construction Seven Mile Beach - Sub branch of Acton Creek , SW issues South Terrace Drain Construction Stormwater Survey / Review of the Howrah Area Stormwater Upgrade - Bastick Street Urban Drainage Act - Catchment Management Plan - Lindisfarne to Rosny and Geilston Bay
Facilities Management	<i>Objective:</i> To provide the community with equitable access to active and passive recreation opportunities, and to civic buildings. <i>Initiatives</i>
	• Develop an asset renewal and extension program for community facilities and buildings that meets the needs of the City in accordance with the Council's Buildings Asset Management Plan and promotes the efficient and effective management of those facilities.
	 Seven Mile Beach Day Area - DDA Public Toilet Risdon Vale - Changerooms and public toilets Alma Street Senior Citizens Centre - Construction of DDA Toilet Building Trade Waste Compliance at various council buildings
	 Councils master key security system upgrade Deck renewal for Bellerive Boardwalk Demolition of "Old" Ferry Terminal
	 Rosny Transit Mall - security camera upgrade Simmons Park- Retrofit - Changing Places Facility with " Ceiling Hoist & Adjustable Change Tables and fittings Depot Wash Bay Upgrade Geilston Bay Playgroup Centre - DDA Compliance Works Howrah Community Centre - DDA Compliance Works Howrah Community Centre - Develop a plan for the upgrade of signage & facilities at the HCC Howrah Community Centre - Development Masterplan Lindisfarne Activity Centre - DDA Compliance works Warrane Sports Centre - DDA Compliance works
Governance	 Objective: To provide clear strategic direction for the future of the City; to provide leadership in representing the interests of the City; and to ensure the operations of the Council are conducted in

Program	Activities and Initiatives
	a responsible and accountable manner.
	Initiatives
	• Develop/review policies (including local laws and procedures) to guide the responsible management of the City.
	• Develop relationships and partnership arrangements with Federal and State Governments, and other representative bodies, in order to promote and represent the City's interests.
	Promote accountable and transparent governance through conduct of Council Meetings and the Annual General Meeting.
	Conduct an Internal Audit Program to review and improve key operational areas within Council.
	Maintain the Code of Conduct for Aldermen including the administrative arrangements.
	Maintain a Pecuniary Interest Register and other interests registers in respect of Aldermen and staff.
	 Participate in, and review, Council's performance through various review mechanisms including Local Government Board Reviews, KPI Projects, etc.
Finance	Objective:
	To minimise Council's exposure to financial risk; to maintain Council's sound financial position; and to optimise the use of available resources for community benefit.
	Initiatives
	Undertake the current cycle of revaluation of Council assets.
	 Implement, monitor and review 10 Year Financial Management Plan.
	Implement control and efficiency enhancements arising from reviews undertaken by Auditor General and Council's Audit Panel.
Strategic	Objective:
Marketing	To provide strategic direction for the City in the area of marketing and associated activities.
	Initiatives
	Review and update Council's Marketing Strategy.
	Review of social media including social media strategy, guidelines, procedure and usage.
Customer Service	• Implement Council's adopted Customer Service Charter, including distribution of the Charter to the community through brochures and the internet.

Program	Activities and Initiatives
	 Implementation of a customer request tracking system for animal control, fire hazards, health and other key areas.
	 Review management of customer contacts, associated structures, systems and procedures
Council	Objective:
Consultation & Communication	To actively engage the community in Council activities, projects and issues.
	Initiatives
	• Review the Community Participation Policy 2010 to ensure procedures and practices are in place to communicate and inform the community on major policy issues and projects.
	Produce the Annual Report for presentation at the Annual General Meeting.
	Produce the Quarterly Report.
Risk	Objective:
Management	To ensure Council's operations are conducted in a reasonable and accountable manner through the use of effective risk management techniques.
	Initiatives
	Implement the Council's Risk Management policy and the Risk Management System Implementation Plan.
	• Further develop Council's Corporate Risk Register to ensure the effective management and review of risks.
	• Provide risk management and health and safety training and equipment to ensure Council's workforce and the general public are not adversely affected by Council's work undertakings.
	Facilitate the conduct of Biennial Risk Audits by Council's Insurers.
	Undertake business systems reviews to ensure best practice standards are identified and incorporated into normal work processes and practices.
	Maintain Council's insurance portfolio to ensure appropriate insurance coverage for identifies risks and exposures.
Information	Objective:
Management	To provide information management hardware, software, physical record and support services to Council's operations.
	Initiatives
	 Implement Council's strategic review of ICT through full replacement of core ICT applications.

Program	Activities and Initiatives
	Manage support of Councils' existing core software application systems.
Human Resources	Objective:
	To ensure the necessary programmes, processes and policies are in place to:
	• Support the achievement of the organisation's operating plan within a framework of effective risk management and legislative compliance;.
	• Provide for a supportive culture that promotes the well-being of staff and their families.
	Provide market competitive remuneration and benefits.
	Ensure safe and healthy workplaces.
	Facilitate the development of a capable and engaged workforce.
	Initiatives
	• Delivery of programs aimed at retaining and developing a workforce with the appropriate skills, knowledge and capabilities necessary to achieve our existing and emerging objectives.
	• Investigation, review and implementation of work practices and policies to ensure work health and safety compliance and management of risks.
	Provision of competitive conditions of employment.
	Negotiation and implementation of certified agreements.
	• Continuing review and development of Human Resource policies which provide a framework for workers to make decisions and reflect Council's commitment to the highest standards of honesty and integrity.
Corporate Management	Objective:
	 To provide leadership and management to all aspects of the organisation through pro-active and timely senior management involvement and direction.
	Initiatives
	Prepare the Annual Plan and Estimates for consideration and approval of Council.
	Provide quarterly reports to Council in regard to achievement of the Annual Plan and Estimates.
	Provide legal advice to Council; represent Council's interests in court or tribunal proceedings where required.

Program	Activities and Initiatives
	 Update Asset Management Plans for Council's Asset and Renewal Strategic Asset Plan.

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 T1181-17 – SUGARLOAF ROAD RECONSTRUCTION

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;
- 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".