

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

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

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

**COUNCIL MEETING**  
**MONDAY 20 SEPTEMBER 2021**

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
1.	APOLOGIES .....	5
2.	***CONFIRMATION OF MINUTES.....	5
3.	MAYOR’S COMMUNICATION .....	5
4.	***COUNCIL WORKSHOPS.....	5
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE.....	6
6.	***TABLING OF PETITIONS .....	7
7.	PUBLIC QUESTION TIME.....	8
7.1	PUBLIC QUESTIONS ON NOTICE .....	8
7.2	ANSWERS TO QUESTIONS ON NOTICE.....	9
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	9
7.4	QUESTIONS WITHOUT NOTICE .....	10
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC .....	11
9.	MOTIONS ON NOTICE – NIL ITEMS .....	12
10.	***REPORTS FROM OUTSIDE BODIES .....	13
10.1	***REPORTS FROM SINGLE AND JOINT AUTHORITIES.....	13
	• COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY	
	• TASMANIAN WATER CORPORATION	
	• GREATER HOBART COMMITTEE	
10.2	***REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES	13
11.	REPORTS OF OFFICERS .....	17
11.1	***WEEKLY BRIEFING REPORTS .....	17
11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS .....	18
11.2.1	PETITION – SEAMIST AND LONGVIEW WALKS, LAUDERDALE .....	18

**11.3 PLANNING AUTHORITY MATTERS**

11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2021/020548 – 24 VICTORIA ESPLANADE, BELLERIVE - FENCING.....	35
11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/020707 – 37 BASTICK STREET, ROSNY - ANCILLARY DWELLING AND ADDITIONS TO DWELLING .....	54
11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/019465 – 9 AMBLESIDE, LINDISFARNE – SINGLE DWELLING.....	91

**11.4 CUSTOMER SERVICE - NIL ITEMS****11.5 ASSET MANAGEMENT**

11.5.1 PROPOSED PURCHASE OF LED STREET LIGHTS WITHIN THE DISTRIBUTION NETWORK OF CLARENCE .....	116
--	-----

**11.6 FINANCIAL MANAGEMENT - NIL ITEMS****11.7 GOVERNANCE**

11.7.1 SUPPLEMENTARY LAND SUPPLY ANALYSIS RELATING TO REVIEW OF URBAN GROWTH BOUNDARY AT 52 RICHARDSONS RD, SANDFORD.....	125
11.7.2 WORLD HEALTH ORGANISATION GLOBAL REPORT ON AGEISM.....	153
11.7.3 RULES AMENDMENT – COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY .....	170
11.7.4 TREE VANDALISATION - ALEXANDRA ESPLANADE, BELLERIVE .....	216
11.7.5 DRAFT ACCESS AND INCLUSION PLAN 2021-2025 – COMMUNITY CONSULTATION .....	226
12. ALDERMEN’S QUESTION TIME .....	300
12.1 QUESTIONS ON NOTICE.....	300
12.2 ANSWERS TO QUESTIONS ON NOTICE.....	300
12.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING.....	300
12.4 QUESTIONS WITHOUT NOTICE .....	304

13.	CLOSED MEETING .....	305
13.1	APPLICATIONS FOR LEAVE OF ABSENCE	
13.2	JOINT AUTHORITY MATTER	
13.3	TENDER T1411/21 – ENGINEERING AND PROPERTY SURVEY SERVICES CONSULTANCY 2021-2022	
13.4	TENDER T1428-21- 2021 ANNUAL HARD WASTE COLLECTION SERVICE	
13.5	PROPERTY MATTERS	
13.6	JOINT AUTHORITY MATTER	

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

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



**1. APOLOGIES**

Nil.

**2. \*\*\*CONFIRMATION OF MINUTES****RECOMMENDATION:**

That the Minutes of the Council Meeting held on 30 August 2021 and the Special Council (Planning Authority) Meeting held on 6 September 2021, 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:

<b>PURPOSE</b>	<b>DATE</b>
Dog Policy Consultation Feedback	
Update on Implementation of Local Planning Provisions	6 September
Property Matters	
Stadium Tas Update Presentation	
Clarence Plains Master Plan Presentation	
Rosny Golf Course	
Access and Inclusion Plan	
Alexandra Esplanade Tree Vandalism	13 September

**RECOMMENDATION:**

That Council notes the workshops conducted.

<b>5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE</b>
--

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.

<b>6.      ***TABLING OF PETITIONS</b>
--

(Note: Petitions received by Aldermen are to be forwarded to the General Manager within seven days after receiving the petition).

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

**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.

Bruce Payne of Seven Mile Beach has given notice of the following questions:

**WALKING TRACK SEVEN MILE BEACH**

My questions are regarding the walking track located in between Aqua Place, Seven Mile Beach and the pine forest. I assume this is Council land being a walking track with council signs. My concern is that I am wanting to make sure the walking track I walk along regularly with my granddaughters is maintained and has some sort of schedule/plan so that it is not a fire risk/hazard to walk along but also for the houses in the area if there is not one in place already. Eight established houses currently back onto this walking track boundary. I believe this is a serious issue and is a fire risk to the community if no maintenance plan is in place and I assume the Clarence City Council have a duty of care to do so to keep the houses and people safe.

1. Is the walking track regularly maintained so it doesn't become a fire risk to the community?
2. If the walking track is maintained by council is there a schedule in place to make sure it is regularly maintained so it is not a danger/hazard to the community?

Lisa Culic of Seven Mile Beach has given notice of the following questions:

**WALKING TRACK SEVEN MILE BEACH**

My questions are in regards to the walking track at Seven Mile Beach backing onto Aqua Place and the pine forest.

1. Does Clarence City Council walking tracks in bush fire prone areas have to be kept to a low fuel state for the safety of people walking the tracks and houses in the area?
2. Are fire management plans in place for council land walking tracks to keep them from being a fire hazard? If no, why not?

**7.2 ANSWERS TO QUESTIONS ON NOTICE**

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

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

The General Manager provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

At Council's Meeting of 30 August 2021 Mr Victor Marsh of Bellerive asked the following question.

**BELLERIVE BEACH REGIONAL PARK**

The recent stage in the upgrading of the Bellerive Beach Regional Park costing \$600,000 has been completed. On 31 August 2020 Joanne Marsh asked a question without notice about an extensive pooling of water on the pathways and park surfaces along the length of the park after heavy rain. A council officer said in response "the proposed levels of the new pathway and adjacent transitions to the existing park land include contouring surface runoff towards new stormwater pits to help manage the issues of pooling water". I believe that this response was misleading because on 16 August 2021 after heavy rain the disappearing tarn beside the pathway leading from the playground to the toilets returned worse than ever. When is the Clarence City Council going to manage stormwater competently and fix this embarrassing mess?

**ANSWER**

As part of the Bellerive Beach Park Shared Cycle Path project, stormwater runoff was addressed with the installation of stormwater infrastructure including pipes, pits and grass lined overland flow paths. These works were focused on the grassed areas between the playground and beach as they are the most active areas for pedestrian movement and recreation on the grass. Existing grades and underground infrastructure in these areas allowed for efficient piping of stormwater.

With the above in mind, council prioritised providing an unobstructed path of travel and accepted that during significant rainfall events some parts of the grassed area of the park will be temporarily wet, which could include holding water in some areas.

Council will continue to monitor the impacts of stormwater in the park area. If it is deemed necessary to further remove stormwater from this area, these works will be considered for inclusion in a future stage of the park works.

**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**

(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.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker  
(Ald Luke Edmunds, Deputy Representative)

**Quarterly Reports**

The Copping Refuse Disposal Site Joint Authority has distributed the Quarterly Summary of its Meetings for the period ending 30 August 2021 (refer Attachment 1).

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Report for the period ending 30 June 2021.

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

**Representative Reporting**

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

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



## Copping Refuse Disposal Site Joint Authority

30 August 2021

Mr Ian Nelson  
General Manager  
Clarence City Council  
PO Box 96  
ROSNY PARK 7018

Mr Robert Higgins  
General Manager  
Sorell Council  
P O Box 126  
SORELL 7072

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

Ms Kim Hossack  
General Manager  
Tasman Council  
1713 Main Road  
NUBEENA 7184

Dear General Manager

### **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY REPORT: June 2021 Quarter**

Participating Councils and the Director, Local Government agreed to establish consistent reporting arrangements for the Authority. The following advice regarding matters discussed at recent Authority and Board meetings is now provided for inclusion in your routine report to your Council.

#### **Authority meeting held on 12 August 2021**

Material matters addressed in the open meeting:

- Endorsed the June 2021 Quarterly Report (attached) for distribution to participating councils
- Approved repayment of Clarence City Council's overpaid Gate Fee for \$144,961 for the period from April - June 2021
- Discussed the status of the composting business opportunity and the next steps required for consideration by participating councils
- Approved extension of the area leased to LMS Energy to accommodate a second power generation plant at Copping
- Approved a Delegations Policy and the updated Instrument of Delegation: Delegation of Powers to the Board
- Endorsed the role statement for the Authority Chair which is incorporated in the Board's Charter
- Noted the Board's timetable and process for its performance evaluation
- Approved, by special resolution, the amendment to Rule 219 in relation to Dividends
- An update on activities of the Boards of Southern Waste Solutions and C Cell Pty Ltd provided by Board Chair, Dr Christine Mucha.

In closed meeting, the Authority reappointed Director Michael Hunnibell for a second term from March 2022 – January 2025. The Authority also appointed Alderman James Walker to assist the

Authority Chair to review the performance of the Authority Secretary as required under the contract of appointment.

#### **SWS Board Meeting held on 28 April 2021 (not included in previous Report)**

Material matters addressed:

- Continued efforts to secure the lease and purchase of the Lutana site
- Recommended to the Authority that it approves the Early Contractor Involvement in the composting project at its May meeting
- Endorsed the Quarterly Report to the Authority for March 2021
- Approved the Business Plan 2021/22 – 2023/24 for tabling at the Authority’s meeting in May 2021
- Approved the Budget 2021/22 and gate fees for 2021/22
- Reviewed the Authority’s contractual obligations and statutory compliance and approved the report to be tabled at the Authority’s meeting in May 2021, as required under Rule 188.
- Assessed the refund of Clarence City Council’s overpaid Gate Fee of \$151,531 for months of January - March 2021
- Noted the updated business valuation prepared by MRA
- Noted SWS’s Monthly Operational Overview and Financial Report for the month of March 2021
- Endorsed the C Cell management report for the month of March 2021

#### **SWS Board Meeting held on 26 May 2021**

Material matters addressed:

- Ongoing efforts to secure the lease and purchase of the Lutana site
- Reviewed the development requirements of EPA and Sorell Council to undertake Stage 1B of the B cell at Copping
- Continued planning and assessment of the composting business opportunity
- Reviewed the final contract for the Early Contractor Involvement stage of the composting business opportunity
- Approved introduction of a green waste gate fee for non-contracted customers
- Agreed the timetable and process for evaluation of the Board’s performance
- Endorsed the C Cell Management Report for the month of April 2021
- Noted SWS’s Monthly Operational Overview and Financial Report for the month of April 2021

#### **SWS Board Meeting held on 30 June 2021**

Material matters addressed:

- Ongoing efforts to secure the lease and purchase of the Lutana site, including preliminary designs for a greenfield site if required
- Agreed the CEO’s Performance criteria for the current review period
- Commenced planning for CEO succession
- Continued planning and assessment of the composting business opportunity
- Appointed Glen Rowlands, PPM Pty Ltd as Principal’s Representative for the composting business opportunity

- Approved its Board Charter, subject to the Authority's endorsement of the role statement for the Authority Chair
- Endorsed the C Cell Management Report for the month of May 2021
- Noted SWS's Monthly Operational Overview and Financial Report for the month of May 2021

A meeting of the Board's Audit & Risk Committee was also held on 30 June 2021.

### **SWS Board Meeting held on 28 July 2021**

The Authority Chair attended the Board meeting as an observer.

Material matters addressed:

- Continued planning and assessment of the composting business opportunity
- Agreed to visit Dulverton Waste Management to meet with its Board and tour its current composting operation
- Noted the outcome of meetings with City of Hobart CEO, Minister Jaensch
- Endorsed the Quarterly Report to the Authority for June 2021
- Assessed the refund of Clarence City Council's overpaid Gate Fee of \$144,961 for the period from April - June 2021
- Reviewed the proposed amendments to the Authority's Instrument of Delegations: Delegation of Powers to the Board
- Approved the updated Board's Instrument of Delegations: Delegation of Powers to the CEO
- Recommended to the Authority the approval of the variation to LMS's sub-lease at Copping
- Endorsed the C Cell Management Report for the month of June 2021
- Noted SWS's Monthly Operational Overview and Financial Report for the month of June 2021
- Reviewed the Balanced Scorecard Report
- Noted the Waste to Energy Technologies Report prepared by LMS Energy and agreed to arrange a presentation to the Authority early in 2022.
- 

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

Yours sincerely



Carolyn Pillans  
**Secretary**

### **Attachment 1: Quarterly Report to the Authority June 2021**

**11. REPORTS OF OFFICERS****11.1 \*\*\*WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 30 August and 6 and 13 September 2021 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 30 August and 6 and 13 September 2021 be noted.

**11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS****11.2.1 PETITION – SEAMIST AND LONGVIEW WALKS, LAUDERDALE****EXECUTIVE SUMMARY****PURPOSE**

To consider a petition tabled at Council's Meeting of 30 August 2021 seeking consultation regarding the Seamist and Longview Walks, in Lauderdale.

**RELATION TO EXISTING POLICY/PLANS**

There are no relevant existing policies and plans.

**LEGISLATIVE REQUIREMENTS**

The Land Titles Act 1980 and Local Government (Building and Miscellaneous Provisions) Act 1993 are relevant.

**CONSULTATION**

Initial consultation with a small group of residents has occurred. The intention was to then survey all property owners adjoining the two Walks.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with the petition.

**RECOMMENDATION:**

- A. That Council notes the intent of the petition.
- B. That Council authorises the General Manager to undertake a survey of property owners adjacent to Seamist and Longview Walks to determine if there is support to amend the relevant land titles.

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

- 1.1.** Council received a complaint regarding vehicle use associated with one of the two Walks in Lauderdale including reinstatement of timber bollards that were previously in place (now cut off at ground level). Council officers initially wrote to residents (letter dated 20 July 2021) advising that the posts would be reinstalled.

- 1.2. Following council's initial advice, several residents contacted council expressing concern that access to each Walk would be restricted. Initial enquiries revealed that two or three caravans and trailers were being stored by residents in the Walks, and that some residents used the Walks to access their properties to deliver materials such as garden materials. Residents also raised the narrow width of Seamist, Longview and Sanddune Courts as a reason for needing access to their properties via the relevant Walk.
- 1.3. The General Manager and Deputy Mayor met with four local residents on 8 August 2021 to hold an initial discussion regarding the operation of the title conditions and the process for amendment. While there were some differing views on a way forward, there was general agreement that a survey of property owners was an appropriate first step.
- 1.4. The petition seeks consultation prior to any decision to block vehicular access to each Walk.

## **2. REPORT IN DETAIL**

- 2.1. The original subdivision plan (circa 1973) was based on the 'Radburn' design. Review of the original subdivision file indicates that there is considerable correspondence between council, the developer's solicitor, the Land Titles Office and the Town Planning Commission regarding the intent of the subdivision and how lots were to be accessed.
- 2.2. By way of a brief history:
  - The original developer proposed a modified Radburn style subdivision with the service roads to the rear of the lots and a 50 foot wide access at the front of the lots.

- During the period that houses were constructed, there was conjecture as to whether council could control the way houses were oriented. It appears the developer intended for houses to be built facing the Walks and the private open space of each lot to be situated at the rear of the lot to face the relevant Walk. As a consequence of objections, ultimately the developer and council determined that at that time there was no legislative mechanism to require a lot owner to build a dwelling facing a certain way. Consequently, some homes face the relevant Walk while others face the street.
- In 1980 council received a petition from concerned property owners stating *“No fear that if any landowner is allowed to break the rules, Long View Walk could degenerate into a back lane rather than a pleasant open look environ for which Council planned. Most owners of property in Long View Court sited their houses to look out on Long View Walk”*. This suggests that the use and purpose of the Walks has been discussed and contested previously.

**2.3.** The land titles relating to each Walk vests with council and include easements giving effect to how the Walks may be used. A copy of one of the land titles is attached (**Attachment 1**). The upshot of the easements is that, aside from service vehicles, no other vehicles are permitted to use the Walks as a means of access to a property or for any other purpose. This means there is no legal option for residents to drive their vehicles up either Walk, nor is there any option to park a vehicle, caravan or trailer in the relevant Walk.

**2.4.** To amend the easements would require a Petition to Amend process. There is no other option available. To gauge whether there is support for such a change, it is suggested that a survey of property owners that abut either Seamist or Longview Walks be undertaken. Proposed survey questions are attached (**Attachment 2**). A survey of property owners (as opposed to residents) is suggested given that a Petition to Amend process deals with changes to land titles, which vest with property owners.



Some residents may not be the property owner, and therefore do not have a sufficient interest in the land within this context.

**2.5.** In simple terms, the Petition to Amend process is as follows:

- A person who has an interest in the sealed plan, that is someone who has an estate or interest at law (ie an owner or a mortgagee) (“the applicant”) makes application to council requesting that a sealed plan be amended.
- The applicant has to notify all interested parties on the sealed plan with a copy of the application.
- An interested party has 28 days to indicate if they object and wish to be heard in respect to the application.
- If there are no objections, council may proceed to amend the sealed plan.
- If there are objections, council must hold a hearing to hear those objections. There is a hearing fee of \$1000 which must be paid for by the applicant.

**2.6.** Council has policy and procedures for applications to amend sealed plans which is attached (**Attachment 3**).

**3. CONSULTATION**

**3.1. Community Consultation**

A hold has been put on works to install bollards while consultation occurs. Initial consultation with a small group of residents has already occurred, with general support for a survey as an initial step.

**3.2. State/Local Government Protocol**

Nil

**3.3. Other**

Nil.

**3.4. Further consultation**

If the recommendation is supported, property owners will be contacted and advised of the survey. It is proposed that the survey be undertaken via council's "Have your say" site, with a report to council, property owners and residents following completion of the survey. At that time further steps, if any, can be assessed.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Not applicable.

**5. EXTERNAL IMPACTS**

Not applicable.

**6. RISK AND LEGAL IMPLICATIONS**

Not applicable.

**7. FINANCIAL IMPLICATIONS**

There are no financial implications associated with the petition.

**8. ANY OTHER UNIQUE ISSUES**

Not applicable.

**9. CONCLUSION**

Following a complaint regarding vehicle use of Seamist and Longview Walks in Lauderdale, it was proposed to block vehicular access in accordance with the easement on each title. That has been put on hold while consultation occurs. It is recommended that the first step in the consultation process be the conduct of a survey of property owners to assess their views on a number of possible options before determining what further consultation or actions might occur.

Attachments: 1. Copy of Land Title (3)  
2. Memo Setting Out Petition to Amend Process and Suggested Survey Questions (3)  
3. Copy of Council's Policy and Procedures for Applications to Amend Sealed Plans (5)

Ian Nelson  
**GENERAL MANAGER**

9



**SCHEDULE OF EASEMENTS**

**PLAN NO.**

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

**S.P.5152**

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

**EASEMENTS**

1. Each lot other than lots 88 and 89 is TOGETHER WITH full and free right for every person who is at any time entitled to an estate or interest in possession in such lot and every person authorised by him to go pass and repass on foot at all times and for all purposes without vehicles other than bicycles wheelbarrows and baby carriages to and from such lot over lot 88.
2. Lot 88 is SUBJECT TO full and free right for every person who is at any time entitled to an estate or interest in possession in any other lot on the plan excepting lot 89 and every person authorised by him to go pass and repass on foot at all times and for all purposes without vehicles other than bicycles wheelbarrows and baby carriages to and from such other lot except lot 89 over Lot 88.
3. Lots 88 and 89 are each SUBJECT TO the full and free right and liberty for the Warden Councillors and Electors of the Municipality of Clarence the Hydro Electric Commission and Her Majesty the Queen to enter thereon and to lay repair replace cleanse and maintain pipes wires and cables therein the said Warden Councillors and Electors of the Municipality of Clarence Hydro Electric Commission and Her Majesty the Queen making good any damage to the surface occasioned thereby.

**COVENANTS**

The owner of each lot shown on the plan except lots 88 and 89 covenants

Firstly with Greater Hobart Development Pty. Ltd. (the vendor) that the vendor shall not be required to fence and

Secondly with the vendor and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot and each and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot shown on the plan and with the residue of the land in Certificate of Title

*MM* Volume 5597 Folio 54

and each and every part thereof to observe the following stipulations -  
Not to erect any dwelling House or other habitation on any part of the lot within 30 feet of such common boundary as lot 89 on this plan or lot 87 on S.P. 4538 have with the lot.

The owner of each lot shown on the plan except lots 57-60 and 88 and 89 covenants with the vendor and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot and each and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot shown on the plan and with the residue of the land in Certificate of Title <sup>Volume 3307 Folio 34</sup> and each and every part thereof to observe the following stipulations:-

- (a) Not to erect any dwelling or other construction on the land marked ABCD on each lot or so use the said land as to prevent its full area being at all times available for the parking of vehicles;
- (b) Not to impede full vehicular access to the land marked ABCD on the lot from which ever of lots 89 on this plan or 87 on S.P. 4538 fronts the line BC on the lot by the erection of any fence or other obstruction on the said line BC.

THE COMMON SEAL of GREATER HOBART DEVELOPMENT PTY. LTD. as registered proprietor of all the land in the Certificate of Title was hereto affixed in the presence of:

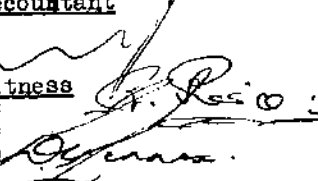
  
Director

  
Secretary

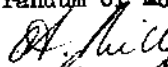
SIGNED for and on behalf of the National Bank of Australasia Limited mortgagees under Memorandum of Mortgage No. A400307 by its Attorneys under Power of Attorney Nos. 20452 and 2724 (who state that they hold the office in the Bank indicated under their signatures and who also declare that they have not received any information or notice of the revocation of the said Power) in the presence of:

  
Manager

  
Accountant

  
Witness

SIGNED by RUTH LENNOX PIERCE and DONALD GORDON LENNOX as mortgagees under Memorandum of Mortgage No. A400306 in the presence of:

  
R. Hill  
Law Clerk  
Rebent.

CERTIFIED correct for the purposes of the Real Property Act 1862, as amended

LOVIBOND VALENTINE ROACH & THIESSEN.

per: 



**To:** Mayor and Aldermen through General Manager  
**From:** Communications Officer  
**Subject:** **Seamist and Longview Walks Consultation Content**

**Date:** 14 September 2021

**Init:** GM

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**Seamist and Longview Walks consultation content is as follows:**

**Background**

Council received a complaint regarding vehicle use associated with one of the two walks in Lauderdale, seeking reinstatement of timber bollards that were previously in place (now cut off at ground level). Council officers initially wrote to residents (letter dated 20 July 2021) advising that the posts would be reinstalled.

Following council's initial advice, several residents contacted council expressing concern that access to each walk would be restricted. Initial enquiries revealed that two or three caravans and trailers were being stored by residents in the walks, and that some residents used the walks to access their properties to deliver materials such as garden materials. Residents also raised the narrow width of Seamist, Longview and Sanddune Courts as a reason for needing access to their properties via the relevant walk.

The General Manager and Deputy Mayor met with four local residents on 8 August 2021 to hold an initial discussion regarding the operation of the title conditions and the process for amendment. While there were some differing views on a way forward, there was general agreement that a survey of property owners was an appropriate first step.

The petition seeks consultation prior to any decision to block vehicular access to each walk.

The original subdivision plan (circa 1973) was based on the 'Radburn' design. Review of the original subdivision file indicates that there is considerable correspondence between council, the developer's solicitor, the Land Titles Office and the Town Planning Commission regarding the intent of the subdivision and how lots were to be accessed.

The land titles relating to each walk vests with council and include easements giving effect to how the walks may be used. A copy of one of the land titles is provided on this page. The upshot of the easements is that, aside from service vehicles, no other vehicles are permitted to use the walks as a means of access to a property or for any other purpose. This means there is no legal option for residents to drive their vehicles up either walk, nor is there any option to park a vehicle, caravan or trailer in the relevant walk.

To amend the easements would require a Petition to Amend process to be undertaken. There is no other option available. To gauge whether there is support for such a change, and the extent of any preferred change, it was suggested that a survey of property owners that abut either Seamist or Longview Walks be undertaken. A survey of property owners (as opposed to residents) was suggested given that a Petition to Amend process deals with changes to land titles, which vest with property owners. Some residents may not be the property owner, and therefore do not have a sufficient interest in the land within this context.

### **What is the process for a Petition to Amend?**

In simple terms, the Petition to Amend process is as follows:

1. A person who has an interest in the sealed plan, that is someone who has an estate or interest at law (ie an owner or a mortgagee) (“the applicant”) makes application to council requesting that a sealed plan be amended.
2. The applicant has to notify all interested parties on the sealed plan with a copy of the application.
3. An interested party has 28 days to indicate if they object and wish to be heard in respect to the application.
4. If there are no objections, council may proceed to amend the sealed plan.
5. If there are objections, council must hold a hearing to hear those objections. There is a hearing fee of \$1000 which must be paid for by the applicant.

Council has policy and procedures for applications to amend sealed plans which is provided in the documents section of this page.

### **Survey Questions**

1. What is your position on the current title and easement restrictions for Seamist and Longview Walks?
  - a. I agree with current restrictions and would like to see them retained
    - i. Why?
  - b. I don't agree with the current restrictions and would like to see them relaxed
    - i. Why?
2. (if you answered 1(b) above) Which option are you in favour of?
  - a. Access for resident vehicles only as a way of entering yards only and not for parking in the Walks
    - i. Why?
  - b. Parking of resident vehicles/trailers/campervans etc allowed in the Walks
    - i. Why?
  - c. Completely remove controls meaning unrestricted access for all
    - i. Why?
  - d. Another option
    - i. Please outline your suggested option and reasons for it

### **Supporting documents**

Seamist and Long View Walks – Example of Title

A handwritten signature in blue ink, appearing to read 'Callan Paske', with a stylized, flowing script.

Callan Paske

**Manager Communications and Strategic Development**





# Clarence City Council

## POLICY AND PROCEDURES FOR APPLICATIONS TO AMEND SEALED PLANS

The following provides an outline for the benefit of all parties associated with the amendment process, of the legislative background and Council's policy and procedures associated with applications to amend Sealed Plans.

### APPLICATIONS TO AMEND SEALED PLANS

#### **Local Government (Building and Miscellaneous Provisions) Act (1993)**

An applicant makes application to the Council by petition seeking consideration of their request to amend a Sealed Plan. In making application the applicant party is to notify (by serving a copy of the petition) all interested parties on the Sealed Plan.

An interested party has 28 days to indicate if they wish to be heard in respect to a petition to amend. As there are matter of statutory compliance in relation to this process, all applications to amend a Sealed Plan that are submitted to Council for consideration are also to be accompanied by details of service of the interested parties (ie details of the interested parties shown on the Seal Plan at time of service; details/evidence of which parties have been served with a copy of the petition; the date(s) of service; and, the method of service).

### COSTS ASSOCIATED WITH APPLICATIONS AND HEARINGS

#### **Application Fee**

Council has established a fee for applications made to Council to approve amendments to sealed plans. A portion of the fee is applicable at time of lodgement of the petition to amend the Sealed Plan. If, as a consequence of the petitioning process, the matter is to be heard, then the applicant party will be required to pay the balance fee of \$1000. This fee is reflective of the extensive work and legal and other professional advice that Council may need to obtain in order to facilitate the amendment and hearing process.

Council recognises that the primary party that is responsible for seeking an amendment to a Sealed Plan is the petitioning party. Notwithstanding whether it is the petitioner or a representor that asks the Council for a Hearing to be conducted, the party responsible for payment of the Council fees associated with conducting a Hearing is in every case to be the petitioning party.

## **APPLICATIONS AND PROPOSED AMENDMENTS WHERE NO REQUESTS TO BE HEARD HAVE BEEN RECEIVED**

Applications to amend Sealed Plans are routinely received by Council and Council may also on occasions, seek to amend sealed plans. These are assessed and considered under delegated authority:

- where there are no objecting parties;
- where the parties have agreed to the amendment; or
- in the event that no requests to be heard have been received during the petitioning process.

Although parties to an application to amend a Sealed Plan may be in agreement with the amendment being sought, the Council is under no obligation to approve such requests. All applications will be assessed on their merit and Council will exercise its discretion under the Act in this regard.

## **REQUESTS TO BE HEARD**

### **General Entitlement to be Heard**

Only those parties shown on the Sealed Plan are entitled to participate in the Hearing process as they are recognised as having a legal estate or interest in the land subject to the Sealed Plan.

### **Agreement of the Parties**

The Act enables Council to consider the approval of an amendment to a Sealed Plan where there is an agreement between the parties. This agreement can be reached at any stage during the process.

Where there are objecting parties who seek to be heard Council will encourage the applicant to make every endeavour to reach some form of agreement with the other parties and in so doing this will avoid additional imposition of time, fees and resources associated with the Hearing process.

The nature of the parties' objections will be provided to the applicant party to facilitate this outcome unless Council is expressly requested not to do so.

## **CONDUCT OF HEARINGS**

### **Pre Hearing Matters**

- Only those parties shown on the Sealed Plan are entitled to be part of the Hearing process as they are recognised as having a legal estate or interest in land subject to the Sealed Plan.
- Based on principles of procedural fairness, requests or submissions provided by other parties not shown on the Sealed Plan are not able to be considered by Council as part of the Petitions to Amend Hearing process.

- Prior to the Hearing the General Manager may arrange for the disclosure and exchange of documentation between the parties and to the Council or appointed Council Committee.
- Documentation provided by either party to the Council as part of these arrangements will form part of the agenda papers for the Hearing and will be distributed to all parties.

### **General Hearing Provisions**

- Council or its appointed Council Committee will hold formal Meetings to conduct Hearings for Petitions to Amend. As the subject matter of the petition and the representors' submissions relate to the personal affairs of the parties, the Hearings for Petitions to Amend will be conducted in Closed Meeting in accordance with the provisions of Regulation 15 of the Local Government (Meeting Procedures) Regulations 2005 (the Regulations).
- In addition, as the Petition to Amend Hearings will be conducted either by Council or the appointed Council Committee, these proceedings will be conducted within a formal meeting process and as such will be subject to the provisions of the Regulations, and the provisions of Council's policy for Council meetings.
- The Hearings are not bound by the rules of evidence and the Council or the appointed Council Committee may inform itself on any matter in any way it considers appropriate.
- The Council or the appointed Council Committee must observe the rules of natural justice in the conduct of Hearings.
- Where the meeting Chairperson or General Manager (or nominated principal Council officer attending), considers necessary, key/important details of professional officer advice will be recorded.
- In any other respect, the procedures of a Hearing are within the discretion of the Council or the appointed Council Committee.

### **Rules for Petitioners and Representors (Speakers)**

- Speakers will be treated as delegations in accordance with the provisions of the Regulations (ie there is no need to suspend standing orders to allow for discussion to occur on an interactive basis).
- Petitioners and Representors are permitted to be represented by professional advisors at the Hearing. (The details of who will be representing as advisers are to be provided to Council prior to the hearing).
- Speakers are required to follow the direction of the meeting Chairperson.
- Speakers are to be advised regarding:
  - non privileged nature of Council or Council Committee meetings;
  - the need to take care regarding defamatory or derogatory remarks; and
  - the need to take care regarding the disclosure of confidential and/or personal information.
  - the arrangements and procedures for speaking at the meeting.
- Each party will be provided with reasonable time (as advised by the Chairperson) to put forward their respective presentation and may receive questions and requests for clarification on their representation if required.
- Interactive discussion during the Hearing is to be limited to being between the members of the Council or the appointed Council Committee and the parties only (i.e. not directly between parties and Council's expert advisors and

officers unless facilitated by the meeting Chairperson) unless otherwise directed by the Chairperson.

## **Conduct of Hearing**

Each Hearing is to be dealt with in the following parts:

### **Part 1 - Deputations**

- The meeting Chairperson will invite firstly the petitioner presentation and then representor representation.
- At the conclusion of each speaker presentation, and, subject to the direction of the Chairperson, Aldermen and the other parties or their representatives may seek clarification and ask questions of the speaker.
- Aldermen may seek professional advice through the General Manager (or nominated principal Council officer attending) on any options and points of consideration that arise from the speaker presentations.

### **Part 2 - Discussion of Options**

- The Chairperson will invite the parties to give indication on any grounds that they consider may be appropriate/acceptable to achieve a common agreement on the proposed amendment.
- The Chairperson may elect to conduct this part of the hearing outside the rules of formal debate to facilitate an agreed outcome between the parties.
- The Committee may seek professional advice on any options and points of consideration put forward by the parties.
- If the parties are able to identify common ground upon which to resolve the petition matter then these grounds will be recorded.
- Where it is considered necessary, or at the request of the parties, the meeting Chairperson may adjourn the Hearing to a later date to enable the parties or the Council to obtain appropriate advice on matters arising from the hearing.
- If no agreement is reached between the parties, this is to be recorded.

### **Part 3 - Compensation**

The Council, as part of its deliberative processes does have discretion to give consideration to the question of compensation that may arise in the event that an amendment to the Sealed Plan may be approved. In such cases, Council will need to give consideration to and determine on the validity, adequacy and form of compensation required.

Council expects in such instances for the parties to engage valuers to establish the validity and value of injury, to assist Council in determining the amount of compensation that may reasonably be imposed as a condition should an amendment be supported. Where a difference of valuation opinion exists, the parties will be encouraged to reach a mediated outcome on this matter.

Notwithstanding this, Council reserves the right to obtain its own valuation advice in respect to compensation matters or to make a condition requiring the appointment of an independent valuer to determine the compensation payable.

#### **Part 4 - Conclusion**

The Chairperson will determine the conclusion of the Hearing.

### **COMMITTEE DELIBERATIONS**

- The Committee's will deliberate on the application and the evidence submitted.
- The Committee is to make a report, recommendations and reasons to the Council on its findings and the outcome of the Hearings as necessary.
- The Committee's report to Council will be confidential as it may contain details of a personal affairs nature and will therefore be dealt with in the Closed Meeting section of Council's Agenda.
- All parties will be notified of Council's determination in respect of the application.

### **COMPLETION OF AMENDMENT PROCESS**

- All amendment, agreement and lodgement documentation is to be prepared by the applicant party.
- An amendment to a Sealed Plan approved by the Council on the condition that compensation is payable will not be executed by Council until such time as confirmation is received of the applicant party's agreement to pay the compensation and/or confirmation of the receipt of the compensation by the injured party.
- To facilitate this, the amount of compensation payable may be paid to Council for on-payment to the injured party in exchange for executed documentation to effect the amendment.

### **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 PDPLANPMTD-2021/020548 – 24  
VICTORIA ESPLANADE, BELLERIVE - FENCING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for fencing at 24 Victoria Esplanade, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Historic Heritage and Parking and Access 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.

Council is required to exercise a discretion within the statutory 42-day period which expires with the written consent of the applicant on 22 September 2021.

**CONSULTATION**

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

- impact on heritage values;
- inconsistency with Planning Scheme requirements;
- compromise of connection to foreshore;
- overshadowing;
- insufficient plan detail; and
- reduction in height.

**RECOMMENDATION:**

A. That the Development Application for fencing at 24 Victoria Esplanade, Bellerive (C1 Ref PDPLANPMTD-2021/020548) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. The external surfaces of the structure must be finished in white, to the satisfaction of Council's Manager City Planning.

**ADVICE**

Advice should be sought from a building surveyor as to the requirements for certification for building approval.

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

**DEVELOPMENT APPLICATION PDPLANPMTD-2021/020548 – 24 VICTORIA ESPLANADE, BELLERIVE – FENCING /contd...**

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

Two recent planning permits have been granted for the site. Development Application D-2012/343 was approved on 23 November 2012 for alterations to the front fencing at the site, and D-2007/381 was approved on 12 November 2007 for additions to the dwelling and a pool equipment storage area.

**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 7.5 – Compliance with Applicable Standards;
- Section 8.10 – Determining Applications;
- Section 10.0 – General Residential Zone;
- Section E6.0 – Parking and Access Code; and
- Section E13.0 – Historic Heritage 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 comprised of a single, corner lot at 24 Victoria Esplanade, with an area of 1441m<sup>2</sup>. The site has 30.32m frontage to Victoria Esplanade and 45.09m frontage to Dillon Street, and is located within an established residential area at Bellerive.

The site supports a dwelling, garage, pool and associated landscaped gardens, and slopes gradually down to the west. Existing parking areas are located to the north/north-east existing dwelling, and the pool is adjacent the north-eastern boundary. The location of the site is shown in the Attachments.

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

The proposal is for the development of fencing adjacent the north-eastern property boundary.

The proposal is for a 14.1m fence running along the side boundary from Dillon Street, proposed to screen the length of the existing pool and deck area. The fence would be setback 8.4m from the north-western (Dillon Street) boundary, 0m from the north-eastern (side) boundary and 6.7m from the south-eastern (side) boundary.

The fence would be 3m in height where directly adjacent the boundary and would incorporate a 2m wide louvre privacy screen at a 20 degree pitch to a maximum height above the pool deck of 3.7m as shown by the plans. The structure would cover an area of 32m<sup>2</sup>. The proposed plans are provided in the Attachments.

### **4. PLANNING ASSESSMENT**

#### **4.1. Compliance with Applicable Standards [Section 7.5]**

*“7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.*

*7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.”*

**4.2. 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.”*

References to these principles are contained in the discussion below.

**4.3. Compliance with Zone and Codes**

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

**General Residential Zone**

- **Clause 10.4.2 (A3) setbacks and building envelope for all dwellings**
  - it is proposed that the development would be 14.1m in length where adjacent the north-eastern (side) boundary, which exceeds the 9m maximum length prescribed by the acceptable solution for development associated with a dwelling.

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

Clause	Performance Criteria	Assessment
10.4.2 P3	<p><i>“The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause unreasonable loss of amenity by:</i></p> <p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>See below.</p> <p>The adjoining site at 1 Dillon Street is located on the side boundary at the north-east of the site. It would not cause overshadowing given its orientation. The adjoining site at 26 Victoria Esplanade is located to the south-east of the development site and would not be compromised by the proposal.</p>

	<p>The impact is therefore not considered unreasonable and meets this test of the performance criteria in that all habitable areas of both adjacent dwellings would have in excess of three hours of sunlight at Winter Solstice.</p> <p>The proposal will cause limited overshadowing to parts of the ground level private open space at the rear of the site at 26 Victoria Esplanade early in the day at Winter Solstice.</p> <p>(ii) <i>overshadowing the private open space of a dwelling on an adjoining lot; or</i></p> <p>(iii) <i>overshadowing of an adjoining vacant lot; or</i></p> <p>(iv) <i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p>	<p>The impacted area of private open space area would be limited to early morning at Winter Solstice. The extent of the overshadowing impact is therefore not unreasonable, in that in excess of three hours of sunlight would also be available to these areas.</p> <p>Not relevant.</p> <p>The proposed fencing would be 3m in height above the existing ground level at the north-eastern boundary and would increase at a 20 degree angle to a maximum of 3.7m with louvre section over the existing pool/deck area. The setback would be consistent with the setbacks in the area, ranging from 0m to 2.1m, providing for separation consistent with the surrounding area. Height is similarly compatible with that of surrounding development.</p> <p>The immediate area is largely characterised by single dwellings on each lot with a combination of single and double-storey development. The proposed fencing would be consistent with the scale and bulk when viewed from nearby sites, and adjacent public places.</p> <p>On this basis, the development is not considered to have an unreasonable visual impact on the adjoining properties.</p>
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	<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.”</i>	There are many examples in the surrounding area where dwellings and associated development are located in proximity to the rear and side boundaries of lots. The slope of the site (down to the south-west) provides for visual separation and on this basis, the separation between the proposed development and boundary is considered compatible with that prevailing in the surrounding area.
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### **Historic Heritage Code**

- **Clause E13.7.2 (A1, A2, A3 and A4) buildings and works (other than demolition) for a heritage place** - in that there are no associated acceptable solutions.

The proposed variation must therefore be considered pursuant to the Performance Criteria (P1, P2, P3 and P4) of Clause E13.7.2 as follows:

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
E13.7.2 P1	<p><i>“Development must not result in any of the following:</i></p> <p><i>(a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;</i></p>	<p>See below assessment.</p> <p>Council’s Heritage Adviser considers that the proposal would be sympathetic to the principal heritage-built forms upon the subject site, and within the broader precinct by virtue of its simplistic and subservient design. Colours are also considered appropriate, with a condition to require the development to be white to match the existing white weatherboard colour of the dwelling. This condition has been discussed with the applicant and included in the recommended conditions above.</p> <p>The proposal was referred to Heritage Tasmania as required, being that the site is a Heritage Place identified by the Tasmanian Heritage Register. The Tasmanian Heritage Council advised it has no interest in the application because a Certificate of Exemption has been issued. A copy is included in the Attachments.</p>

	<p><i>(b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.</i></p>	<p>It is considered that this proposal does not affect any streetscape elements. For this reason and those discussed above, it is considered that the proposal meets those tests of this clause of the Scheme.</p>
E13.7.2 P2	<p><i>Development must be designed to be subservient and complementary to the place through characteristics including:</i></p> <p><i>(a) scale and bulk, materials, built form and fenestration;</i></p> <p><i>(b) setback from frontage;</i></p> <p><i>(c) siting with respect to buildings, structures and listed elements;</i></p> <p><i>(d) using less dominant materials and colours.</i></p>	<p>See below assessment.</p> <p>Council's Heritage Adviser considers that the scale, colour and form of this proposal are considered to have minimal impact upon the heritage values of the place. Whilst further mitigation of visual impact from neighbouring properties may be assisted by reduction of overall height of this proposal, it is not considered necessary in this instance given the limited visual impact of the structure at the height proposed from both Dillon Street, and neighbouring properties.</p> <p>The proposal is set well back from the street frontage.</p> <p>The proposal is set well away from existing heritage building elements.</p> <p>The proposal has adopted compatible colours to that of existing buildings upon the site as discussed above and is considered to be consistent with the tests of this clause, as required.</p>
E13.7.2 P3	<p><i>Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.</i></p>	<p>This proposal appears unambiguously modern whilst maintaining clear visual separation from existing heritage forms, thus satisfying this test of the Scheme.</p>

E13.7.2 P4	<i>Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.”</i>	Not applicable.
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### Historic Heritage Code

- **Clause E13.8.2 (A1, A2, A3 and A5) buildings and works (other than demolition) within a heritage precinct** - in that there is no associated acceptable solution.

The proposed variation must therefore be considered pursuant to the Performance Criteria (P1, P2, P3 and P5) of Clause E13.8.2 as follows.

Clause	Performance Criteria	Assessment
E13.8.2 P1	<i>“Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.</i>	Council’s Heritage Adviser considers this proposal to be sympathetic to the principal heritage-built forms upon the subject site and within the broader precinct by virtue of its simplistic and subservient design.  Colours are also considered appropriate, with a condition to require the development to be white to match the existing white weatherboard colour of the dwelling. This condition has been discussed with the applicant and included in the recommended conditions above.
E13.8.2 P2	<i>Design and siting of buildings and works must comply with any relevant design criteria/ conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.</i>	It is considered by Council’s Heritage Adviser that the proposal would be visually recessive to the existing heritage place and is sufficiently separated from existing heritage elements, thus satisfying this test of the Scheme.
E13.8.2 P3	<i>Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.</i>	Not applicable.

<p>E13.8.2 P5</p>	<p><i>The design of new development must be sympathetic to the heritage locality in terms of bulk, setbacks, materials, colour scheme, form, and character of the place, streetscape and surrounding area. It therefore must:</i></p> <ul style="list-style-type: none"> <li><i>a. not be confused with the original historic fabric associated with nearby historic places in the locality;</i></li> <li><i>b. be compatible with the architectural design, colour and aesthetic characteristics of the historic places in the area;</i></li> <li><i>c. not visually dominate an existing heritage place or street in terms of size, height and bulk when viewed from the street frontage or frontages;</i></li> <li><i>d. adopt a contemporary architectural character of an understated appearance to minimise the visual dominance over adjacent contributory buildings, the heritage place or historic places in the locality, in terms of size, height or bulk;</i></li> <li><i>e. repeats the particular rhythm, spatial characteristics and character of historic places and other contributory buildings in the area;</i></li> </ul>	<p>See below assessment.</p> <p>Council's Heritage Adviser consider this proposal to be unambiguously modern whilst maintaining clear visual separation from existing heritage forms.</p> <p>This proposal appears to be compatible to the principal heritage-built forms upon the subject site and within the broader precinct by virtue of its simplistic and subservient design. Colour has been addressed and is discussed above as being white as part of the recommended conditions.</p> <p>The scale, colour and form of this proposal are considered to have minimal impact upon the heritage values of the place.</p> <p>As noted above in reference to (a), it is considered that this proposal would be an unambiguously modern response to the existing site elements, whilst maintaining clear visual separation from existing heritage forms.</p> <p>It is considered that this proposal incorporates existing roof forms of contemporary additions that currently exist upon the subject site, thus meeting this test.</p>
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	<p><i>f. relates to and uses as reference points the materials, front and side setbacks, roof form, colours and details of adjacent buildings and the surrounding precinct;</i></p> <p><i>g. avoid blank walls at ground and upper floor levels when viewed from surrounding streets;</i></p> <p><i>h. utilise landscaping, fencing or other techniques to enhance the property and to reduce conflict with historic streetscapes.”</i></p>	<p>The proposal is considered by Council’s Heritage Adviser to be an appropriate (modern) response to the existing site elements, together with the recommended use of white as a colour palette consistent with the existing building fabric.</p> <p>Not applicable.</p> <p>This proposal appears as an extension to existing boundary walls associated with the subject property and is located well away from relevant street frontages. It is therefore considered that the relevant tests of the Historic Heritage Code are met by the proposal.</p>
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## **5. REPRESENTATION ISSUES**

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

### **5.1. Impact on Heritage Values**

Concern was raised by the representations that the proposed development would compromise the heritage values of the area and adjacent land, the site itself and the existing dwelling.

- **Comment**

Council’s Heritage Adviser has considered the proposal together with those provisions of the Historic Heritage Code of the Scheme relevant to the development. For the reasons described above, it is considered that the proposal is for a modern design consistent with the heritage values of the site, dwelling and area more broadly.

The proposal was referred to Heritage Tasmania as required, and the Tasmanian Heritage Council advised it has no interest in the application because a Certificate of Exemption has been issued. This issue is therefore not of determining weight.



**5.2. Inconsistency with Planning Scheme Requirements**

The representations raise concerns that there has been insufficient detail provided by the application and design in response to the Historic Heritage Code of the Scheme. It is submitted that the height of the structure contrasts with the existing site development and is inconsistent with the provisions of the General Residential Zone.

- **Comment**

As discussed above, it is considered that the proposal provides an appropriate design response to the heritage values of the site and precinct, and that the application is supported by Council's Heritage Adviser on the basis of consistency with those applicable provisions of the Historic Heritage Code. The requirements relating to building envelope within the General Residential Zone at Clause 10.4.2 (P3) are met, for the reasons discussed above.

**5.3. Compromise of Connection to Foreshore**

Concerns are raised by the representations that the proposed development would compromise the connection from the foreshore to the ridge to the north-east of the site, and the sense of community in the area.

- **Comment**

The impact of the proposal upon views from the foreshore to the ridgeline is not a relevant consideration under the Scheme. Visual impact has been assessed above in relation to both building envelope in relation to both the General Residential Zone provisions and Historic Heritage Code provisions, and is considered to be reasonable, thus meeting those relevant tests of the Scheme. This issue is therefore not of determining weight.

**5.4. Overshadowing**

The representations raise overshadowing as a concern in relation to nearby indoor and outdoor living areas and the associated impact on solar access as a result of the proposal.

- **Comment**

It is considered that the proposed development meets those tests of Clause 10.4.2 (P3), addressed above, in relation to building envelope and overshadowing. The adjoining sites at 1 Dillon Street is located to the north-east of the development site and would not be impacted by overshadowing associated with the proposed structure given its orientation. The adjoining site at 26 Victoria Esplanade is located to the south-east of the development site, and the dwelling on that site located to the south-west of that lot meaning that it would not be compromised by the proposal. The impact is therefore not considered unreasonable and meets this test of the performance criteria in that all habitable areas of both adjacent dwellings would have in excess of three hours of sunlight at Winter Solstice. This issue is therefore not of determining weight.

#### **5.5. Insufficient Plan Detail**

The lack of sufficient detail on the plans is raised as a concern in relation to the proposal. Specific concerns are in relation to the louvre section of the proposal, where extending over the pool/deck area.

- **Comment**

The plans accurately describe the height of the proposed structure and provide suitable detail on the proposed construction method and louvre arrangement. The mandatory requirements of the Scheme are met insofar as detail, and this issue is therefore not of determining weight.

#### **5.6. Reduction in Height**

It is submitted by the representations that the proposal should be reduced in height to 2.45m above the pool/deck surface level, the reason being that this would reduce the bulk of the structure and be more in-keeping with the character of the area.

- **Comment**

For the reasons described above, a reduction in height is not recommended in relation to the proposed development. The relevant tests of the Scheme are met by the proposal.

## **6. EXTERNAL REFERRALS**

The proposal was referred to Heritage Tasmania as required, being that the site is a Heritage Place identified by the Tasmanian Heritage Register. The Tasmanian Heritage Council advised it has no interest in the application because a Certificate of Exemption has been issued. A copy is included in the Attachments.

## **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**

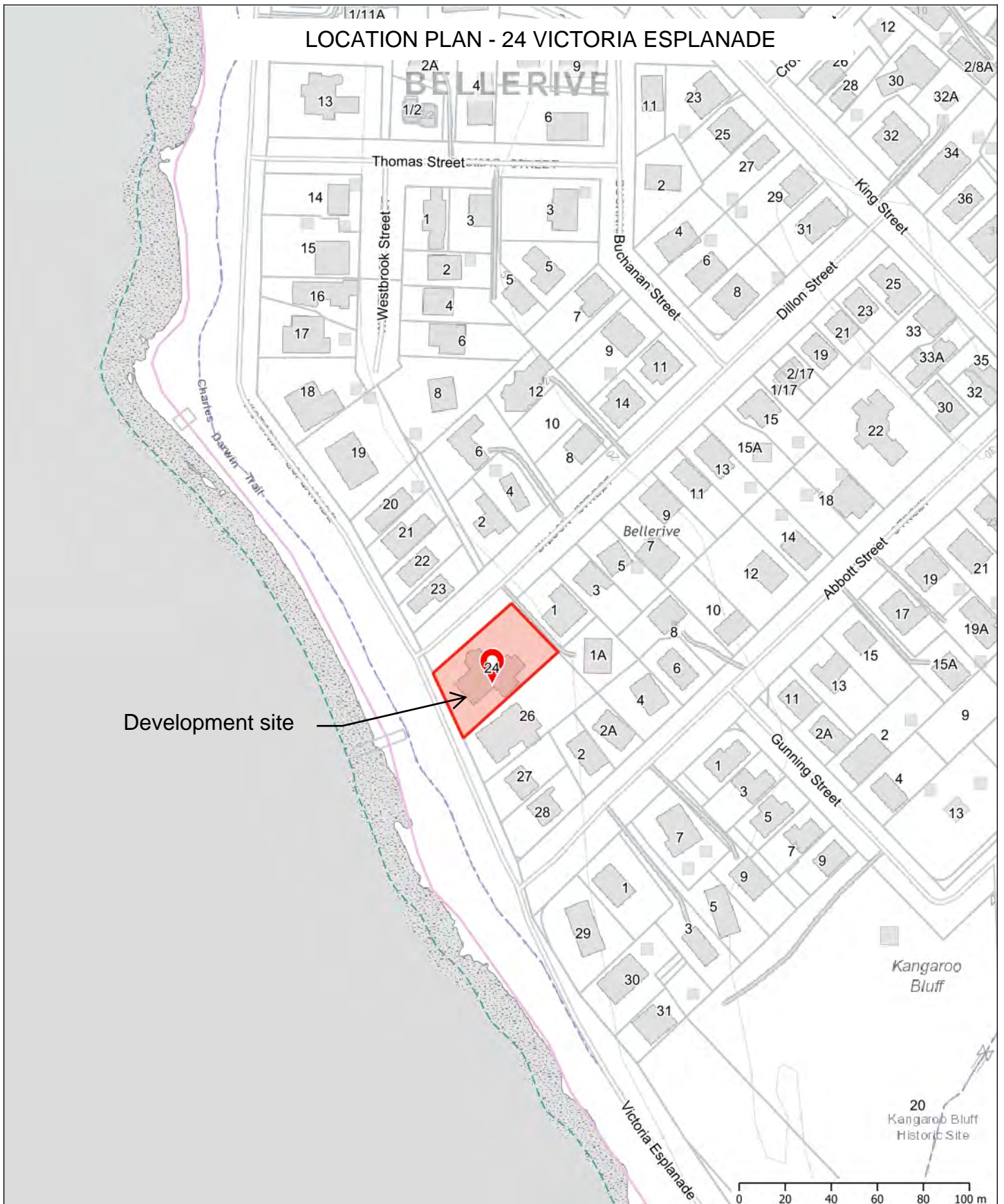
There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant Council Policy.

## **9. CONCLUSION**

The proposal is for the development of fencing at 24 Victoria Esplanade, Bellerive. The proposal satisfies the relevant requirements of the Scheme and is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (2)  
3. Certificate of Exemption – Tasmanian Heritage Council (1)  
4. Site Photo (2)

Ross Lovell  
**MANAGER CITY PLANNING**

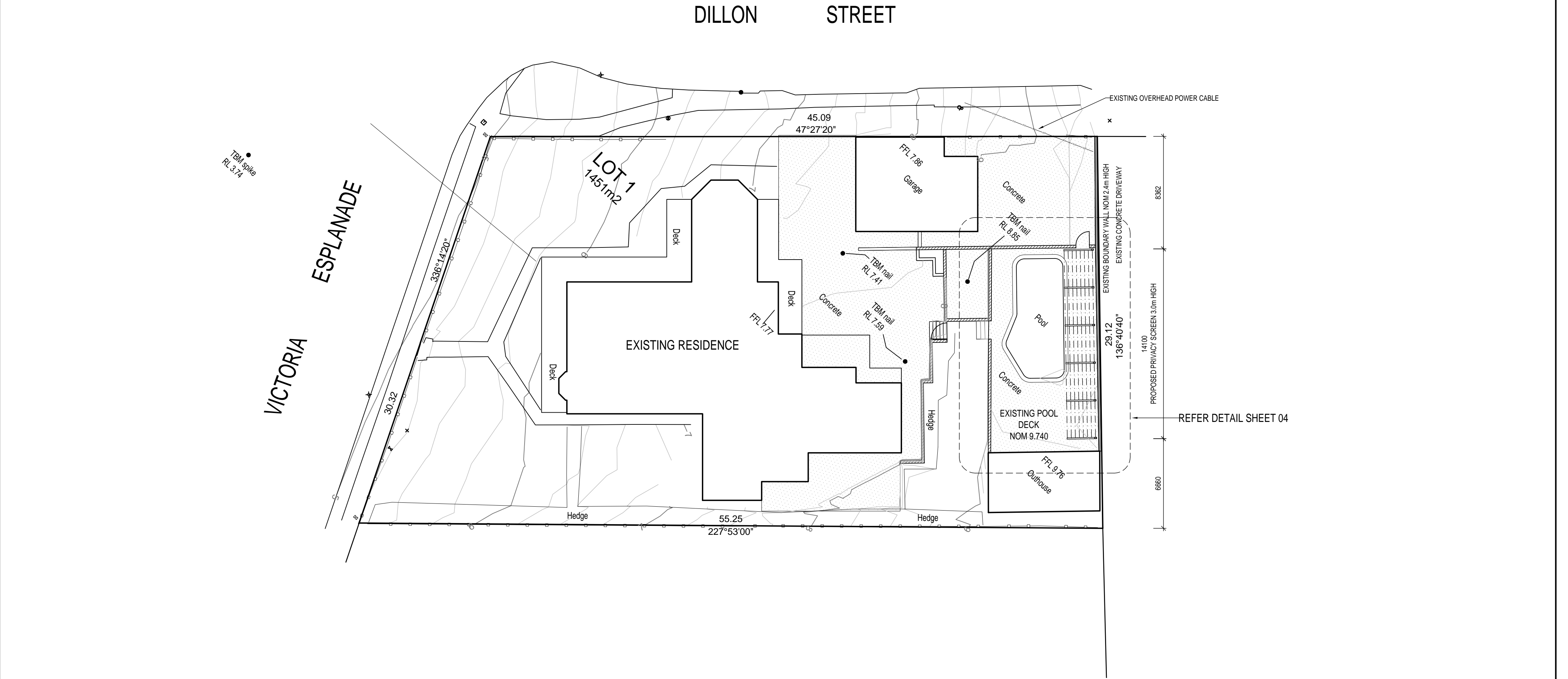


This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

9/7/2021

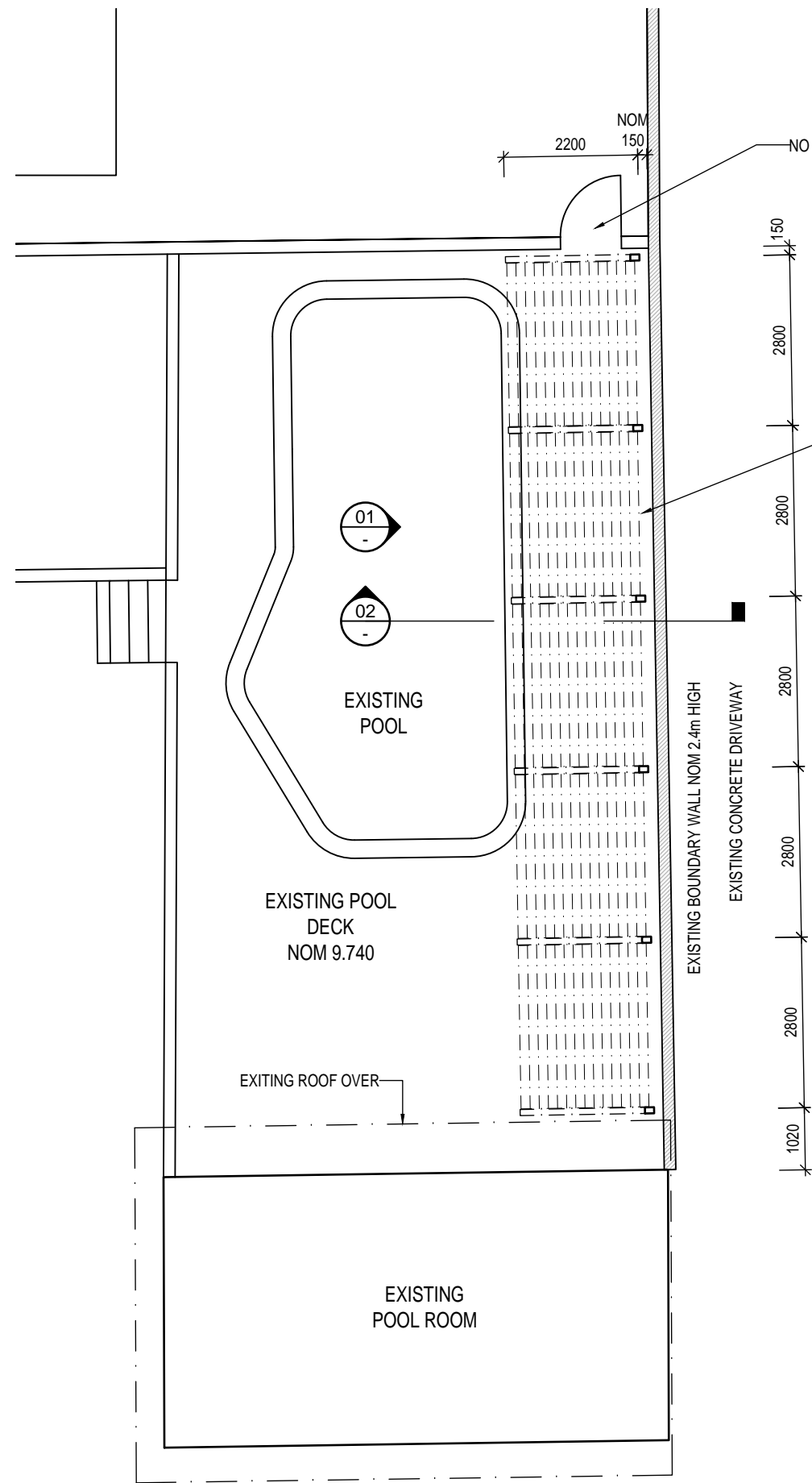
1:2257



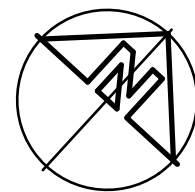


AMENDMENT SCHEDULE		
DATE	REV No	DETAILS
22.06.21	00	Building Application



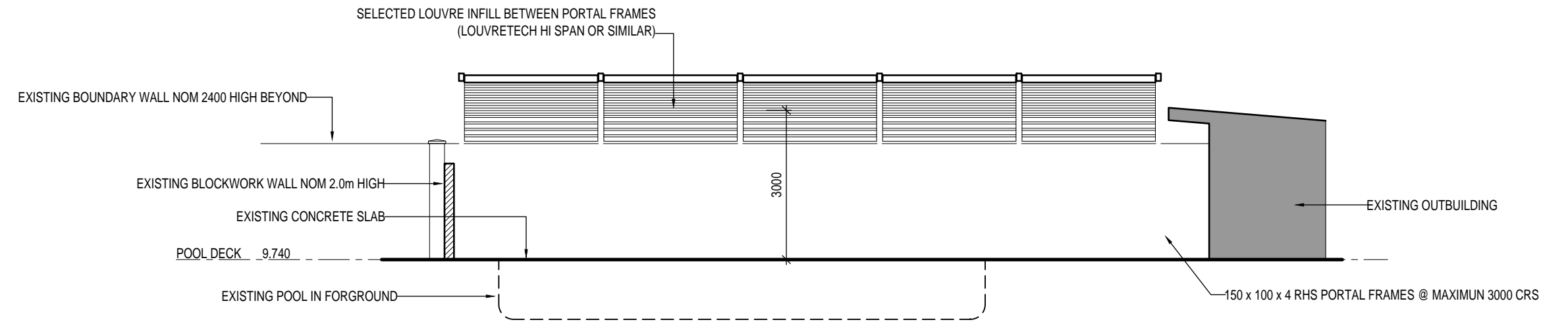


FLOOR PLAN SCALE 1:100

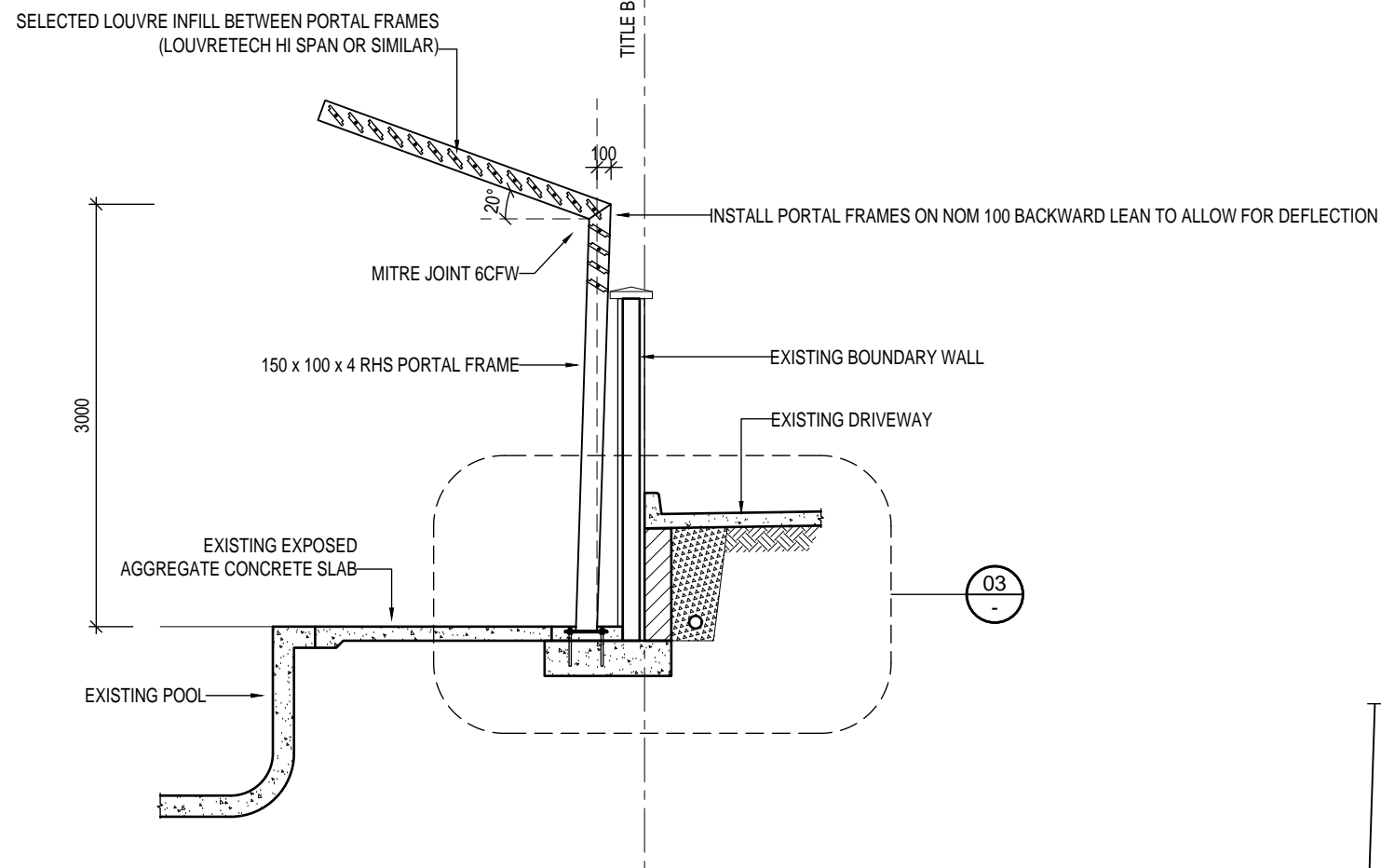


PROPOSED PRIVACY SCREEN NOM 3000 HIGH ABOVE POOL DECK  
150 x 100 x 4 RHS PORTAL FRAMES @ MAXIMUM 3000 CRS  
WITH SELECTED LOUVRE INFILL (LOUVRETECH HI SPAN OR SIMILAR)

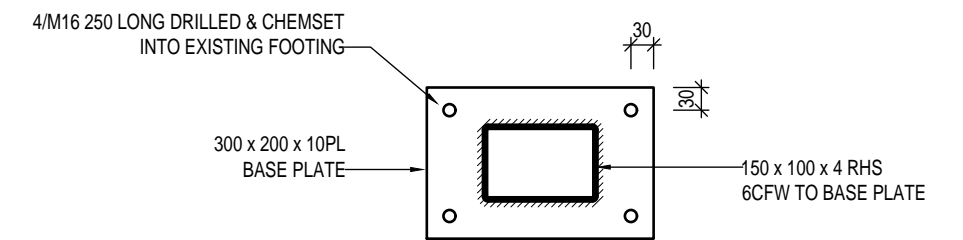
NO CHANGES PROPOSED TO EXISTING POOL FENCING AND ACCESS GATES



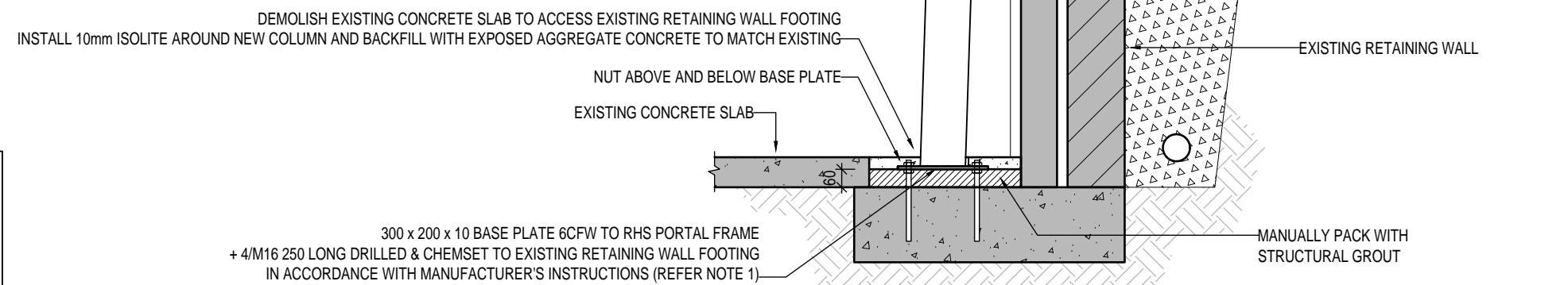
01 - SOUTHWEST ELEVATION SCALE 1:100



02 - TYPICAL SECTION SCALE 1:50



BASE PLATE DETAIL SCALE 1:10



03 - FOOTING / BASE PLATE DETAIL SCALE 1:20

**NOTE 1:**  
BASE PLATE DESIGN TO BE CONFIRMED BY ENGINEER.  
LOCATION OF EXISTING RETAINING WALL FOOTING TO BE CONFIRMED BY PARTIAL DEMOLITION OF EXISTING SLAB AND EXCAVATION AS DIRECTED BY THE ENGINEER.  
IF THE BUILDER WISHES TO UTILISE AN ALTERNATIVE ATTACHMENT METHOD, BUILDER TO CONSULT WITH ENGINEER.

**CORROSION PROTECTION NOTE**  
PROVIDE PROTECTIVE COATINGS TO STEELWORK IN ACCORDANCE WITH BCA TABLE 3.4.4.7 FOR SEVERE ENVIRONMENTS:  
  
INTERNAL STEELWORK:  
OPTION 1. 2 COATS ALKYD PRIMER  
OPTION 2. 2 COATS ALKYD GLOSS  
  
EXTERNAL STEELWORK:  
OPTION 1. INORGANIC ZINC PRIMER PLUS 2 COATS VINYL GLOSS  
OPTION 2. HOT DIP GALVANISE 300 g/m2 MIN  
OPTION 3. HOT DIP GALVANISE 100 g/m2 MIN PLUS:-  
(a) 2 COAT SOLVENT BASED VINYL PRIMER; OR  
(b) 2 COAT VINYL GLOSS OR ALKYD  
  
ALTERNATIVE COATING SYSTEMS TO BE APPROVED BY ENGINEER.  
  
CLEAN ALL STEELWORK TO REMOVE SURFACE RUST AND SCALE BEFORE APPLYING PROTECTIVE COATINGS.  
  
CLEAN AND PRIME ALL SITE WELDS.  
  
ALL EXTERNAL BOLTS AND PROPRIETARY BRACKETS ETC TO BE GALVANISED.

Accredited Professional Engineer CC58651  
**Mr Matthew Horsham**  
BE MIEAust CPEng NER RPEQ  
Signature ... Date: Jul 01, 2021  
Accredited in the category of Engineer Civil  
Phone: 03 6224 5625

AMENDMENT SCHEDULE		
DATE	REV No	DETAILS
22.06.21	00	Building Application

**DWA** David Wakefield And Associates  
122 murray street  
po box 4564 bathurst street, hobart 7000  
tel : 03 62 348777

PROPOSED PRIVACY SCREEN  
24 VICTORIA ESPLANADE  
BELLERIVE

Drawing Title:  
GROUND FLOOR PLAN

Revision No.: 00	Designer: X. Wakefield CC1660	Scale: 1:100, 1:50 (A2)	Drawing No.: 04
Date: 22.06.21			Dwgs in Set: 04



Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7001  
Tel: 1300 850 332  
[enquiries@heritage.tas.gov.au](mailto:enquiries@heritage.tas.gov.au)  
[www.heritage.tas.gov.au](http://www.heritage.tas.gov.au)

PLANNING REF: PDPLANPMTD-2021/020548  
EXEMPTION: 3516  
REGISTERED PLACE: 1004  
FILE: 07-87-21THC  
APPLICANT: DWA Design  
DATE: 2 August 2021

## CERTIFICATE OF EXEMPTION

*(Historic Cultural Heritage Act 1995)*

**The Place:** 24 Victoria Esplanade, Bellerive.

A Certificate of Exemption has been approved by the Heritage Council under section 42(3)(a) of the *Historic Cultural Heritage Act 1995* for the following works:

**Works:** New boundary fence/privacy screen to the rear of the site.

**Documents:** Documentation lodged with Clarence City Council for discretionary permit application PDPLANPMTD-2021/020548.

**Comments:** The new privacy screen will be located along the rear boundary and will be 14.1m long and approximately 3m high. The screen comprises of steel portal frames with infill louvres.  
The proposed work is considered to meet with the eligibility criteria for a certificate of exemption for *Adding freestanding structures*, as described in Section 8.3 of the Heritage Council's *Works Guidelines*.

A copy of this certificate will be forwarded to the local planning authority for their information. Please note, this certificate of exemption is an approval under the *Historic Cultural Heritage Act 1995* only. This certificate is not an approval under any other Act. Further approvals such as planning, building or plumbing may be required. For information regarding these or any other approval, contact your local Council.

Further information on the types of work that may be eligible for a certificate of exemption is available in the Heritage Council's *Works Guidelines for Historic Heritage Places*. The Works Guidelines can be downloaded from [www.heritage.tas.gov.au](http://www.heritage.tas.gov.au)

Please contact Deirdre Macdonald on 0419 589 283 or 1300 850 332 if you require further information.

A handwritten signature in black ink that reads "D. J. Macdonald".

Deirdre Macdonald

**Heritage Advisor – Heritage Tasmania**

*Under delegation of the Tasmanian Heritage Council*

**24 VICTORIA ESPLANADE, BELLERIVE**

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**Photo 1:** *Development site viewed from Victoria Esplanade, looking northeast.*



**Photo 2:** *Site viewed from Dillon Street, viewed looking southeast.*





**Photo 3:** *Site viewed looking southeast from Dillon Street.*

**11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/020707 – 37 BASTICK STREET, ROSNY - ANCILLARY DWELLING AND ADDITIONS TO DWELLING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an Ancillary Dwelling and Additions to Dwelling at 37 Bastick Street, Rosny.

**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.

Council is required to exercise a discretion within the statutory 42-day period which expires on 23 September 2021.

**CONSULTATION**

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

- inconsistent front boundary setback;
- side boundary setbacks too close;
- loss of views;
- unreasonable bulk and mass of additions and extension;
- proposed private open space will not be private;
- loss of privacy;
- overshadowing;
- no plan for lower ground floor;
- extension to the rear does not meet definition of Ancillary Dwelling;
- visitor accommodation parking concerns; and
- traffic congestions and safety concerns.

**RECOMMENDATION:**

A. That the Development Application for Ancillary Dwelling and Additions to Dwelling at 37 Bastick Street, Rosny (CI Ref PDPLANPMTD-2021/020707) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

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

**DEVELOPMENT APPLICATION PDPLANPMTD-2021/020707 – 37 BASTICK STREET, ROSNY - ANCILLARY DWELLING AND ADDITIONS TO DWELLING /contd...**

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

No relevant background.

**2. STATUTORY IMPLICATIONS**

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

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

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

- Section 7.5 – Compliance with Applicable Standards;
- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zones;
- 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 801m<sup>2</sup> urban residential lot, located on the western side of Bastick Street, some 360m south of the intersection with Riawena Road, and just north of the entry to the public facilities east of Bastick Street, including Rosny Park Tennis Club, Rosny Park Lawn Bowls Club and Rosny College.

The subject site and surrounding properties are all developed with existing residential dwellings, with directly adjoining properties containing single dwellings. Multiple dwellings exist at 41 Bastick Street (2 properties to the south) and are under construction at 31 Bastick Street (3 properties to the north).

The existing development on the subject site comprises a single one storey dwelling with a lower ground floor built into the slope of the lot, and gardens. The footprint of the dwelling is contained within the eastern half of the lot, being setback approximately 5.3m from the front boundary and approximately 30m from the rear boundary and is designed to follow the slope of the land to the west.

The existing dwelling contains an undercover parking space on the lower ground floor adjacent to the study, with an additional tandem car parking space in front.

### **3.2. The Proposal**

The proposal is for conversion of the existing dwelling to provide for a single dwelling comprised of a main dwelling and an ancillary dwelling through partial demolition, additions and alterations. The resulting development will provide:

- The main dwelling located at the front of the property, with a reconfigured dining room, lounge room, covered deck to the south and uncovered deck to the north; extending to a 4.5m setback from the front boundary. The existing three bedrooms and single bathroom will be reconfigured to an ensuite bedroom, a second bedroom and a relocated main bathroom to the northern elevation. Lower ground laundry facilities will be moved and located along the hallway to the rear door. The lower ground floor study and existing car parking arrangements remain unchanged.
- The addition of an extension to the west that is intended to act as an ancillary dwelling, comprising an ensuite bedroom, and an open plan self-contained living area opening onto a northern deck area. The extension is connected to the main dwelling by an enclosed hallway with a separate side door entrance and covered deck to the north.

The proposed ancillary unit is considered to commence at the western extent of the connecting hallway, as this is the ‘self-contained area’ of the proposed building extension. The self-contained extension has a floor area of approximately 57m<sup>2</sup>; shares access and parking, and all service connections with the main dwelling; and is considered appurtenant to the main dwelling.

The additions and extension adopt the style of the existing dwelling, with external timber cladding, skillion roof lines, and the single storey ancillary unit extension set into the slope of the hill. The form of the buildings is broken up through the articulation of the building with varying side boundary setbacks and integration of privacy screening along the proposed southern roofed deck.

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

##### **4.1. Compliance with Applicable Standards [Section 7.5]**

*“7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.*

*7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.”*

##### **4.2. 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.”*

References to these principles are contained in the discussion below.

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

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

**General Residential Zone**

- **Clause 10.4.2 Setbacks and building envelope for all dwellings** – the proposal does not comply with Acceptable Solution A3 (a) (ii) as a portion of the northern dining room wall extends outside the prescribed side boundary building envelope.

The proposed variation must be considered pursuant to the Performance Criteria P3 of Clause 10.4.2 Setbacks and building envelope for all dwellings as follows.

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
10.4.2 P3	<i>“The siting and scale of a dwelling must:</i>	
	<i>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i>	It is considered that the siting and scale of the dwelling does not cause an unreasonable loss of amenity to adjoining properties, because:
	<i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i>	Of the three adjoining properties, there is only 1 that is impacted by overshadowing from the proposed development, namely 39 Bastick Street, which is located to the south of the subject site. The dwelling at 39 Bastick Street, has a number of windows along its northern elevation. The applicant provided a floor plan for the adjoining dwelling, which indicated that the habitable room windows (other than bedroom windows) along the northern elevation, include the study/office, and dining/kitchen windows located closest to the frontage. The shadow diagrams provided with the proposal plans, demonstrate that the additional shadow cast by the proposed extensions do not unreasonably increase the already shadowed areas.

		<p>The shadow diagrams demonstrate that the property at 39 Bastick Street, receives sunlight to more than 50% of its habitable room windows for at least three hours between 11am and 2pm on 21 June – the Winter Solstice.</p> <p>In addition to the sunlight to these northern habitable room windows, the dwelling at 39 Bastick Street, also receives unimpeded sunlight into one of its eastern habitable room windows between 10am and 2pm (four hours).</p> <p>Similar to the reasonable test for sunlight to private open space (POS), receiving sunlight to more than 50% of habitable room windows for at least three hours is considered to achieve a reasonable level of amenity.</p>
	<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining property;</i></p>	<p>Of the three adjoining properties, there is only 1 that is impacted by overshadowing from the proposed development, namely 39 Bastick Street, which is located to the south of the subject site.</p> <p>The POS for 39 Bastick Street, is predominantly located to the west, south and east of its dwelling. Hence, the dwelling at 39 Bastick Street, creates its own overshadowing effect on its POS. The shadow diagrams provided with the proposal plans, demonstrate that the additional shadow cast by the proposed extensions do not unreasonably increase the already shadowed areas.</p> <p>The shadow diagrams demonstrate that the property at 39 Bastick Street, receives sunlight to more than 50% of its POS for more than three hours as follows:</p>

		<ul style="list-style-type: none"> <li>• 9am to 10am to both western and eastern POS areas (one hour);</li> <li>• 11am to 12 Noon to both western and eastern POS areas (one hour); and</li> <li>• 1pm to 3pm to western POS area (two hours) resulting in a total of 4 hours of sunlight to POS on 21 June – the Winter Solstice.</li> </ul> <p>Receiving sunlight to more than 50% of POS for at least three hours is considered to achieve a reasonable level of amenity for dwellings, as per Acceptable Solution A1 (b) of <i>clause 10.4.4 sunlight and private open space for multiple dwellings</i>.</p>
	<i>(iii) overshadowing of an adjoining vacant property; or</i>	Not applicable – there is no adjoining vacant property.
	<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i>	<p>The proposed dining room extension replaces an existing uncovered deck along the northern side of the building and will be setback 1.3m from the side boundary. It is noted that the dining room roof is lower than the living room roof, minimising the visual bulk of extension in comparison to the existing building.</p> <p>Refer to proposal plans Sketches 1 – Ext 2 – NE, in Attachment 2 – Proposal Plans. In this sketch it can be seen that the existing retaining wall along the side boundary, is softened with the addition of a pergola before the dining room structure starts. In addition, the northern dining room wall is clad in timber, which will create shadow and patterning effect during the day and is broken up by the row of privacy windows 1.7m above the finished floor level.</p>



		<p>The proposed dining room extension is located in front of the adjoining dwelling's building line and is adjacent to vehicle manoeuvring and parking areas. It is considered that the combination of the low-profile design, timber cladding and windows create articulation of the structure and its location will not result in significant visual impact when viewed from the adjoining property to the north. The other proposed additions and alterations are all contained within the acceptable solution building envelope. Notwithstanding, the southern side boundary setback ranges from 900mm to 2.9m (existing dwelling) as shown on Proposed Floor Plan A-04.</p> <p>The new elements of the building include the single storey ancillary unit development to the west. Here the design is built into the hill side and the use of external timber cladding again combine to reduce the visual impact.</p> <p>The southern deck extension predominantly presents as an open structure, with the exception of the privacy screening batons along the south-western elevations.</p> <p>The southern deck overlooks the vehicle parking and manoeuvring areas at the front of 39 Bastick Street.</p> <p>It is considered that the combination of the single storey design, timber cladding, and timber slat screening provides articulation to minimise the visual impact of the proposed additions and alterations along the southern elevation.</p>
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		Based on the above it is considered that the proposal will not result in a significant visual impact.
	<i>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</i>	The proposed side boundary setbacks on both side boundaries, ranging between 900mm and 2.9m are generally consistent with the many existing dwellings in the area including: <ul style="list-style-type: none"> <li>• 33 Bastick Street (1.5m southern side boundary setback);</li> <li>• 35 Bastick Street (1.5m northern side boundary);</li> <li>• 43 Bastick Street (200mm northern and southern side boundaries); and</li> <li>• 45 Bastick Street (500mm southern side boundary).</li> </ul>
	<i>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</i>	The proposal does not cause an unreasonable reduction in sunlight to an existing solar installation because:
	<i>(i) an adjoining property; or</i>	(i) there are no solar energy installations on adjoining properties;
	<i>(ii) another dwelling on the same site.”</i>	(ii) there is no other dwelling on the same site.

- **Clause 10.4.3 Site coverage and private open space for all dwellings**– the proposal relies on the provision of private open space via decks off both the main dwelling and ancillary dwelling living areas. The deck from the main dwelling is not compliant with the minimum area of 24m<sup>2</sup> stipulated by Acceptable Solution A2 (a) (i); and the garden areas accessed via both decks have gradients steeper than 1 in 10 so that Acceptable Solution A2 (d) is not met.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause 10.4.3 Site coverage and private open space for all dwellings as follows.

Clause	Performance Criteria	Assessment
10.4.3 P2	<i>“A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and is:</i>	The proposal meets the performance criteria as follows:
	<i>(a) conveniently located in relation to a living area of the dwelling; and</i>	(a) The proposed alterations and additions provide the single dwelling with a number of private open space areas including the three north facing decks adjacent to and directly accessible from the ancillary dwelling unit, the connecting corridor between the main dwelling and ancillary unit, the dining room extension, and a south-east facing deck. Three of the four decks are directly accessible from habitable rooms, with two providing access into the garden areas. The deck dimensions of 26.6m <sup>2</sup> , 9m <sup>2</sup> , 11.5m <sup>2</sup> and 11.53m <sup>2</sup> provide sufficient area to be used for outdoor relaxation, dining, entertaining and children’s play.
	<i>(b) orientated to take advantage of sunlight.”</i>	Three of the decks are north facing and are oriented to take advantage of sunlight.

- Clause 10.4.6 Privacy for all dwellings** – the proposal includes a southern covered deck which has a finished floor level (FFL) ranging from 2.4m to 2.9m above natural ground level (NGL) with a side boundary setback ranging from 2m to 2.5m. The proposed permanently fixed screen does not extend for the full length of the southern deck elevation and is therefore not compliant with Acceptable Solution A1 (a).

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 10.4.6 Privacy for all dwellings as follows.

Clause	Performance Criteria	Assessment
10.4.6 P1	<i>“A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:</i>	The proposed southern deck potentially impacts privacy of the dwelling to the south, namely 39 Bastick Street.  The proposal is considered to satisfy the performance criteria as it is designed to minimise overlooking outlined below:
	<i>(a) a dwelling on an adjoining property or its private open space; or</i>	The deck will be located to the east of and at a lower elevation than the building on the adjoining lot. The proposed design includes timber slat screening to the western areas of the deck, ranging in height from 2.5m to 1.2m to minimise potential overlooking into the habitable room windows and private open space of the dwelling to the south. The proposed level of screening is considered appropriate as the unscreened areas of the deck are adjacent to vehicle parking and manoeuvring areas of 39 Bastick Street, rather than areas relied upon to provide private open space for 39 Bastick Street.
	<i>(b) another dwelling on the same site or its private open space.”</i>	(b) is not applicable as the proposal is for a single dwelling, not multiple dwellings.

## 5. REPRESENTATION ISSUES

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

**5.1. Inconsistent front Boundary Setback**

Three of the representors noted that “the proposed dining room is a bare 4.5m from the front boundary, which while this meets the front setback provisions, is inconsistent with the front setbacks of neighbouring dwellings. The proposed extension to the dwelling could have been designed to sit further off the shared side and front boundary”.

- **Comment**

The proposal’s front setback complies with Acceptable Solution A1 of clause 10.4.2 Setbacks and building envelope for all dwellings. Accordingly, this matter has no determining weight.

**5.2. Side Boundary Setbacks too Close**

Three representors raised concerns that the rear extension and covered deck to the south are too close to the side boundary, and that due to the size and shape of the block, there is no reason for the proposed development to be so close to a shared boundary. The representors expressed the opinion that the extension has no reason to be located this close to boundaries and should be setback at least 3m to minimise impacts on adjoining neighbours.

- **Comment**

As detailed in the earlier assessment against the Performance Criteria P3 of clause 10.4.2 Setbacks and building envelope for all dwellings, the proposed side boundary setbacks are generally consistent with established properties in the area, and the proposal is considered to comply with Scheme requirements.

**5.3. Loss of Views**

Three representors raised concern that the proposed dining room extension will impact the view lines from the kitchen and dining/living area windows of 35 Bastick Street, removing the current enjoyment of looking towards Kangaroo Bay. The representors considered this unacceptable and that it did not protect the amenity of residents.

- **Comment**

Views are not protected by the planning scheme and the predominantly single storey (with an existing lower ground floor only at its eastern section) development is generally consistent with the scale of development provided for in the General Residential Zone. The development proposed is not excessive given its skillion roof design, and its height of 6.5m above existing ground level, which is 2m lower than the height the planning scheme would otherwise provide for in the area.

#### **5.4. Unreasonable Bulk and Mass of Additions and Extensions**

Three of the representors raised the concern that the proposed dining room extension will when viewed from 35 Bastick Street presents as a “visually bulky and unimaginative dwelling that is outside of the building envelope and built too close to the shared side boundary”.

- **Comment**

As detailed in the earlier assessment against the Performance Criteria P3 of clause 10.4.2 Setbacks and building envelope for all dwellings, the visual impacts caused by the apparent scale, bulk or proportions of the dwelling have been assessed and are considered to comply with Scheme requirements.

#### **5.5. Proposed Private Open Space will not be Private**

All representors commented on the proposed decks along the northern elevation, stating that the deck adjacent to the ancillary dwelling unit while not compliant with Acceptable Solution A2 of clause 10.4.3 Site coverage and open space for all dwellings, “however [satisfies] the performance criteria given it is accessed from a living area and is north facing, taking advantage of sunlight.”

The representors continue with the observation that “it is not considered that this area will be private however as it will have view lines directly into the private open space of 35 Bastick Street, next door.”

- **Comment**

As detailed in the earlier assessment against the Performance Criteria P2 of clause 10.4.2 Site Coverage and open space for all dwellings, the proposal is considered to comply with the Scheme Performance Criteria, as accepted by the representors.

The issue of privacy is not addressed via this clause but has been considered in the earlier assessment against the Performance Criteria P1 of clause 10.4.6 Privacy for all dwellings. The only proposed deck that requires assessment against the privacy clause is the one along the southern elevation, as it is the only one with a finished floor level higher than 1m above natural ground level and is assessed as satisfying the applicable Performance Criteria.

Accordingly, the northern deck privacy concerns do not have any material weight.

#### **5.6. Loss of Privacy**

The representors noted that “the deck on the northern side, which faces the shared boundary between 35 and 37 Bastick Street, does not sit more than 1m from existing ground level, however it will still allow for overlooking opportunities into the private open space of 35 Bastick Street.”

- **Comment**

As detailed in the above assessment (s5.5) the northern deck privacy concerns do not have any material weight.

#### **5.7. Overshadowing**

The three representors noted that it is not possible to undertake an assessment of the impact on habitable room windows as the shadow diagrams do not show them. The potential loss of sunlight to northern facing windows and the POS immediately adjacent to the dwelling at 39 Bastick Street, were thought to reduce the residential amenity and enjoyment of the premises.

- **Comment**

As detailed in the earlier assessment against the Performance Criteria P3 of clause 10.4.2 Setbacks and building envelope for all dwellings, the potential overshadowing of habitable room windows was able to be assessed as the applicant provided council with a floor plan of the adjoining dwelling. The scheme does not differentiate between areas of private open space. It is noted that 39 Bastick Street, has a deck along its southern elevation directly accessible from its habitable rooms and that the rooms to the west are bedrooms. For the reasons previously outlined, the proposal is considered to comply with Scheme requirements, with respect to both overshadowing on windows and private open space.

#### **5.8. No Plan for Lower Ground Floor**

The three representors had concerns that the elevations were not clearly demonstrating the overall height of the proposed development and thought that a floor plan of the lower level should be requested from the applicant.

- **Comment**

Proposal plans provided to Council provided sufficient information to determine the elevation of the existing and proposed building. Refer to Attachment 2 – Proposal plans, in particular:

- Existing and Demolition Floor Plans – A-02;
- Existing Elevations – A-03;
- Proposed Elevations – A-06;
- Proposed Elevations – A-07; and
- Nominal Section – A-08.

The provided plans show the proposed development in context of both the existing (solid line) and natural ground level (dashed line) and plans provide sufficient information to make an assessment and comply with the Scheme Application Requirements of clause 8.1.2. and 8.1.3.

The concerns are not considered to have any determining weight.



**5.9. Extension to the Rear does not meet the Definition of Ancillary Dwelling**

The representors raised concern that the proposed ancillary unit to the west does not meet the definition of an Ancillary dwelling as it is not an additional dwelling by virtue of the connecting hallway to the existing dwelling.

- **Comment**

As detailed earlier in s3.2 the proposed ancillary unit is considered to commence at the western extent of the connecting hallway, as this is the “self-contained area” of the proposed building extension. The self-contained extension has a floor area of approximately 57m<sup>2</sup>; shares access and parking, and all service connections with the main dwelling; and is considered appurtenant to the main dwelling.

To clarify, it is relevant to consider the scheme definition of dwelling, namely dwelling (emphasis added) *means a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling.*

Hence an additional dwelling can be a dwelling that forms part of a building. As outlined above, it is considered that the proposed extension to the west is consistent with the Scheme requirement of an Ancillary Dwelling.

**5.10. Visitor Accommodation Parking Concerns**

All representors raised concerns that “the dwelling extension to the rear could be used for visitor accommodation purposes.” The representor concern is that there would be insufficient on-site car parking for visitor accommodation uses and that this would have an adverse impact on the local area amenity.

- **Comment**

The application before Council is for developments associated with Residential Use.

Any proposed Visitor Accommodation use would be subject to a further application, and then only if the proposed Visitor Accommodation use did not comply with section 3.1 of Planning Directive No. 6 *Exemption and Standards for Visitor Accommodation in Planning Schemes*, which exempts the use from requiring a planning permit when *Visitor Accommodation [is] in a dwelling (including an ancillary dwelling) if:*

- (i) *the dwelling is used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent; or*
- (ii) *the dwelling is used by the owner or occupier as their main place of residence, and visitors are accommodated in not more than 4 bedrooms.*

Accordingly, this concern is not considered to have any material weight.

#### **5.11. Traffic Congestions and Safety Concerns**

The representors observed that any parking overspill from 37 Bastick Street onto the street would make it more difficult for nearby residents to enter or exit their properties, given the business of Bastick Street.

- **Comment**

The proposal does not generate the requirement for any additional on-site car parking requirement, and the existing provision of two on-site spaces is compliant with the Acceptable Solution A1 of clause E6.6.1 Number of Car Parking Spaces.

Council's engineer has reviewed the application and advised that the proposed development retains the single residential status, and hence does not trigger assessment against any Scheme provisions in either the Road and Railway Assets Code or the Parking and Access Code. While it is understood that part of Bastick Street and access to the College gets busier during start and finish time, the impact is within the capacity of the road and junction.

Accordingly, this concern is not considered to have any material weight.

**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 2021-2031 or any other relevant Council Policy.

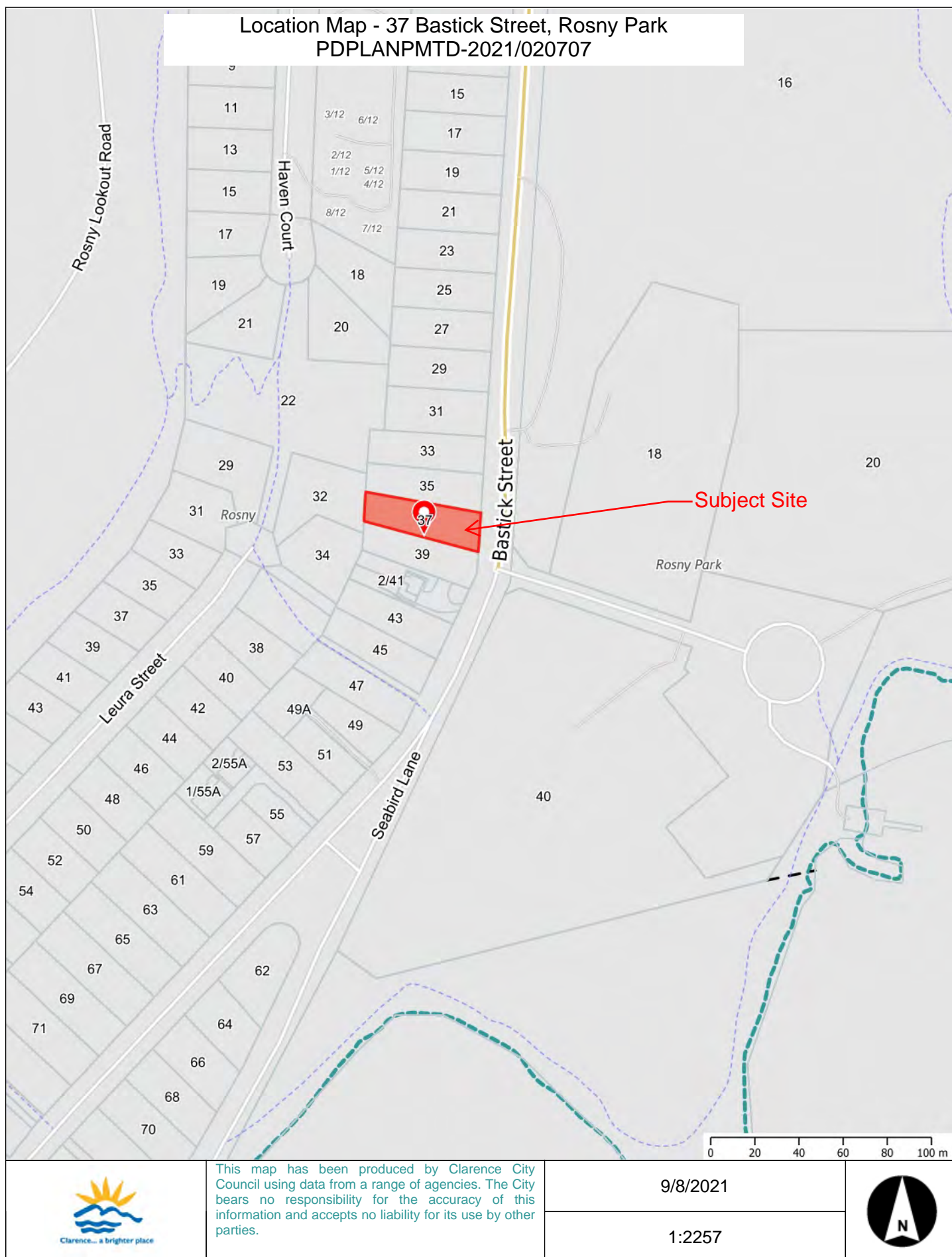
**9. CONCLUSION**

The proposal is for conversion of the existing dwelling to provide for a single dwelling comprising a main dwelling and an ancillary dwelling. The land is within the General Residential Zone and is surrounded by existing developed residential lots. The proposed use is a No Permit Required use in the Zone.

The application has been assessed against the applicable provisions of the Zone and relevant Codes and is considered to meet all the use and development standards, including where the development relies on performance criteria.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (15)  
3. Site Photo (3)

Ross Lovell  
**MANAGER CITY PLANNING**





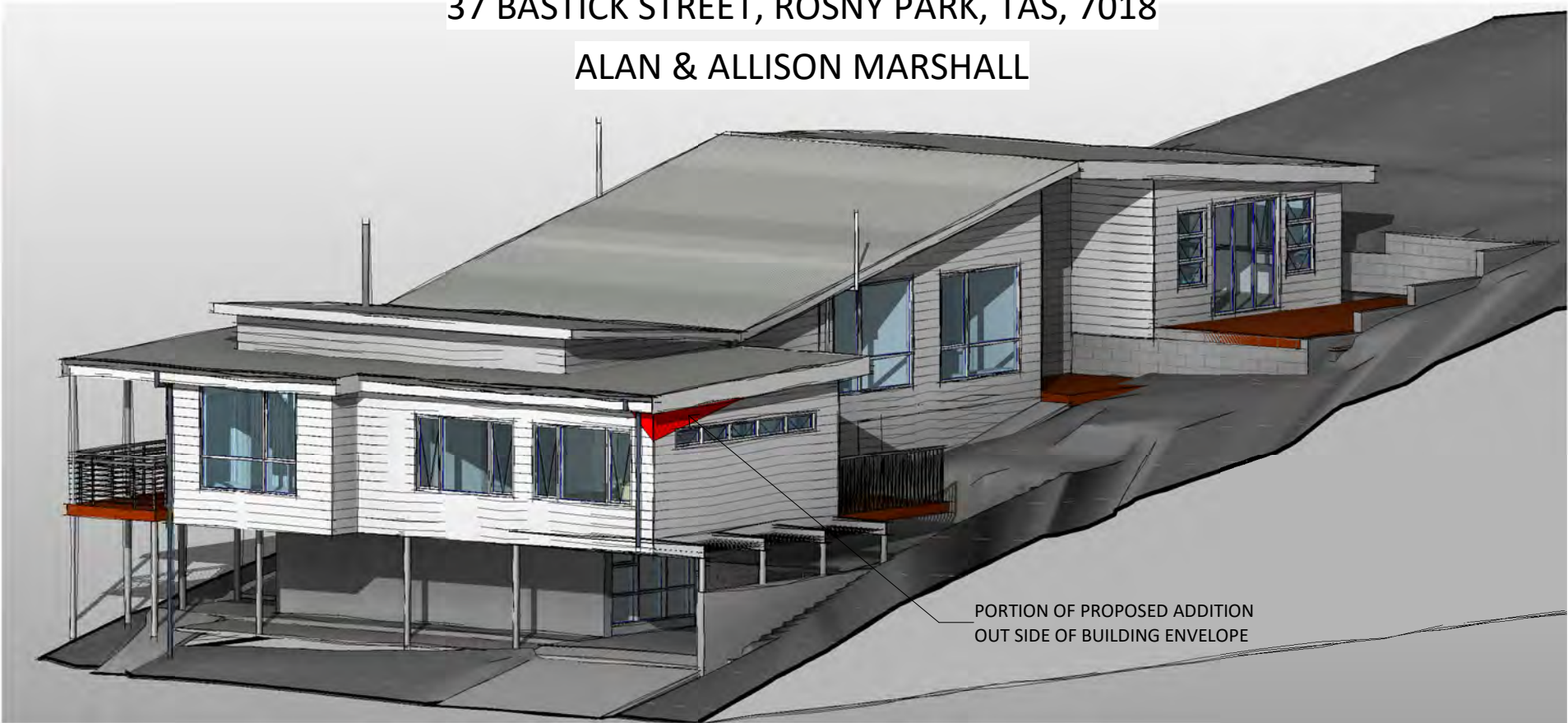
# DEVELOPMENT APPLICATION

PDPLANPMTD-2021/02070

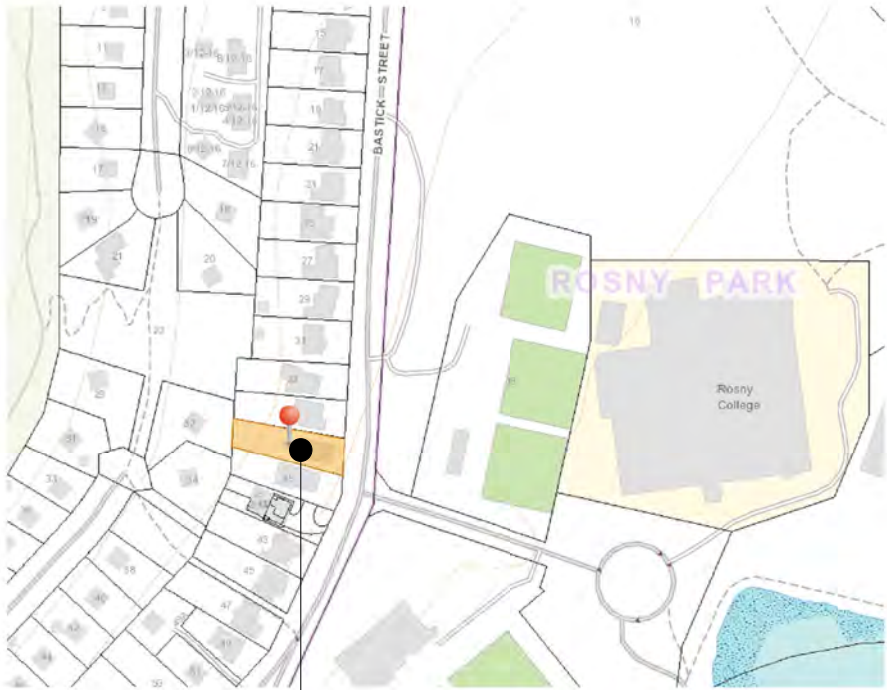
ALTERATIONS & ADDITIONS TO EXISTING DWELLING

37 BASTICK STREET, ROSNY PARK, TAS, 7018

ALAN & ALLISON MARSHALL



PORTION OF PROPOSED ADDITION  
OUT SIDE OF BUILDING ENVELOPE



LOCALITY GUIDE

NTS  
(SOURCE: THE LIST)

37 BASTICK STREET, ROSNY PARK  
PID: 5071932  
TITLE REF: 60712/80

GENERAL NOTES

- 1. THESE PLANS HAVE BEEN PREPARED FOR THE PURPOSE OF OBTAINING APPROVAL FROM RELEVANT STATUTORY AUTHORITIES AND ARE SUBJECT TO THAT APPROVAL.
- 2. LEVEL DATUM IS ARBITRARY.
- 3. ALL BOUNDARIES & ADJACENT OFFSETS ARE SUBJECT TO ON-SITE CONFIRMATION BY A LICENSED SURVEYOR.
- 4. DO NOT SCALE. WRITTEN DIMENSIONS HAVE PRECEDENCE.
- 5. ALL WORK TO BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT BUILDING CODE OF AUSTRALIA (NCC), AUSTRALIAN STANDARDS AND ANY BY-LAWS AND REGULATIONS THAT MAY APPLY.
- 5.1. ALL SLABS & FOOTING TO COMPLY WITH CURRENT AS2870.
- 5.2. ALL TIMBER FRAMING TO COMPLY WITH CURRENT AS1684.
- 5.3. ALL GLAZING TO COMPLY WITH CURRENT AS1288.
- 5.4. ALL SMOKE ALARMS TO BE INSTALLED IN ACCORDANCE WITH CURRENT NCC 3.7.2
- 5.5. ALL STAIRS & BALUSTRADES TO COMPLY WITH CURRENT NCC 3.9
- 5.6. ALL EXTERNAL DOORS, WINDOWS & BUILDING PENETRATIONS GENERALLY TO BE SEALED IN ACCORDANCE WITH CURRENT NCC 3.12.3.3
- 5.7. ALL WET AREAS TO BE WATERPROOFED IN ACCORDANCE NCC 3.8.1 & AS3740.
- 5.8 ALL WORK TO COMPLY WITH CURRENT AS3959.
- 6. CONTRACTORS TO CONFIRM ALL AREAS, DIMENSIONS & LEVELS WITH DESIGNER PRIOR TO COMMENCING ANY WORK.
- 7. CONTRACTORS TO CHECK ALL OPENINGS BEFORE ORDERING WINDOWS & DOORS.
- 8. ALL PROPRIETARY ITEMS SPECIFIED ARE TO BE INSTALLED TO MANUFACTURERS INSTRUCTION.

THE LOCATION OF UNDERGROUND SERVICES SHOWN IS APPROXIMATE ONLY.  
ALL SERVICES MAY NOT BE SHOWN. EXACT LOCATION OF ALL SERVICES SHOULD  
BE POSITIVELY ESTABLISHED PRIOR TO COMMENCEMENT OF ANY WORKS.



SHEET NUMBER	REVISION	SHEET NAME
A-00	B	TITLE
A-01	A	SITE PLAN
A-02	A	EXISTING & DEMOLITION FLOOR PLANS
A-03		EXISTING ELEVATIONS
A-04	A	PROPOSED FLOOR PLAN
A-06	A	PROPOSED ELEVATIONS 1
A-07	A	PROPOSED ELEVATIONS 2
A-08		NOMINAL SECTION

SHEET NUMBER	REVISION	SHEET NAME
FIR#1-01	A	PARKING & SKETCHES FROM NORTH
FIR#2-01	B	SHADOW DIAGRAMS - 09&10
FIR#2-02	B	SHADOW DIAGRAMS - 11&12
FIR#2-03	B	SHADOW DIAGRAMS - 13&14
FIR#2-04	B	SHADOW DIAGRAMS - 15
FIR#2-05	B	SOUTH DECK SCREENING
SK-01	B	SKETCHES 1

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATION, CERTIFICATE OF LIKELY COMPLIANCE AND ASSOCIATED DOCUMENTATION

DRAWINGS TO BE PRINTED & READ IN FULL COLOUR

No.	Description	Date
	PRELIMINARIES	13/05/21
	PRELIMS V2	15/07/21
	DA	27/07/21
A	CCC FIR#1 RESPONSE	09/08/21
B	CCC FIR#2 RESPONSE	16/08/21

MICHAEL KINSELLA  
INTEGRAL DESIGN & DRAFTING SERVICES  
ACCREDITED BUILDING PRACTITIONER  
ACCREDITATION: CC5699V  
ACCREDITED BUSHFIRE PRACTITIONER  
ACCREDITATION: BFP-133



ALAN & ALLISON (nee Connolly) MARSHALL

ALTERATIONS & ADDITIONS

37 BASTICK STREET, ROSNY PARK, TAS, 7018

TITLE

Project number	MARS-A-01
Date	29/04/21
Designed by	Michael Kinsella
Drawn by	MK

A-00

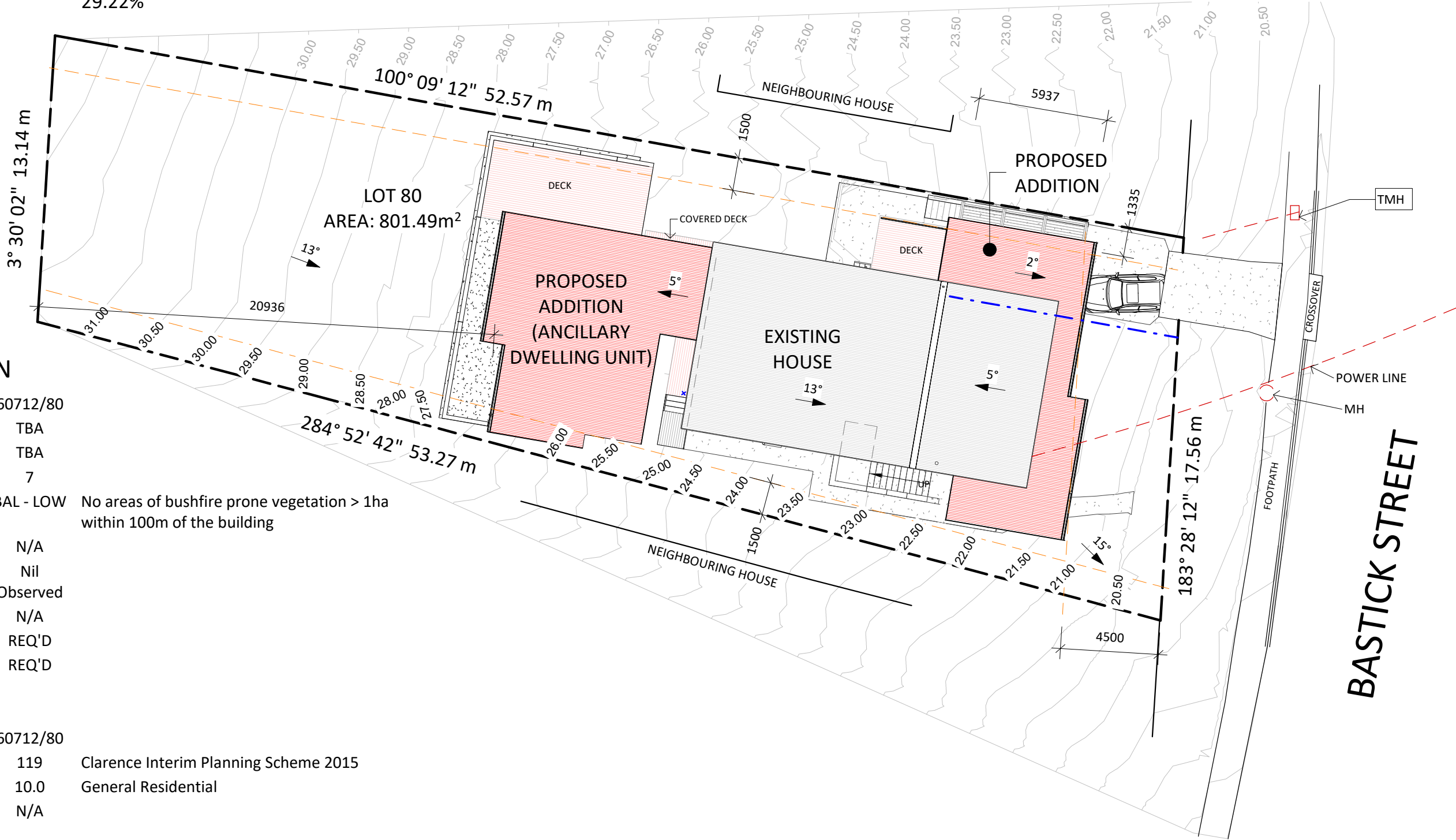
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LOT AREA: 801.49m<sup>2</sup>  
EXISTING HOUSE AREA: 110.50m<sup>2</sup>  
EXISTING DECKED AREA: 34.25m<sup>2</sup>  
PROPOSED TOTAL FLOOR AREA: 227.18m<sup>2</sup>  
PROPOSED ADU FLOOR AREA: 60.00m<sup>2</sup>  
PROPOSED DECKED AREA: 65.19m<sup>2</sup>

SITE COVERAGE: 234.23m<sup>2</sup>  
PLOT RATIO: 29.22%

ANCILLARY DWELLING UNIT TO SHARE ALL SERVICES WITH PRIMARY DWELLING INCLUDING PARKING, AND WATER, SEWERAGE, GAS, ELECTRICITY AND TELECOMMUNICATIONS CONNECTIONS AND METERS

STORMWATER TO GRAVITY FEED TO EXISTING COUNCIL APPROVED STORMWATER OUTLET



SITE INFORMATION

Title Reference Number: 60712/80  
Wind Classification: TBA  
Soil Classification: TBA  
Climate Zone: 7  
BAL RATING: BAL - LOW No areas of bushfire prone vegetation > 1ha within 100m of the building  
Alpine Area: N/A  
Other Hazards: Nil  
Energy Efficiency: N/A  
Geo - Tech Report: REQ'D  
Structural: REQ'D

PLANNING INFORMATION

Title Reference Number: 60712/80  
Planning Scheme: 119 Clarence Interim Planning Scheme 2015  
Zone: 10.0 General Residential  
Overlays: N/A

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MICHAEL KINSELLA  
INTEGRAL DESIGN & DRAFTING SERVICES  
ACCREDITED BUILDING PRACTITIONER  
ACCREDITATION: CC5699V  
ACCREDITED BUSHFIRE PRACTITIONER  
ACCREDITATION: BFP-133

bda  
BUILDING DESIGNERS  
ASSOCIATION OF AUSTRALIA

CHARTERED  
BUILDING DESIGNERS

ALAN & ALLISON (nee Connolly) MARSHALL  
ALTERATIONS & ADDITIONS  
37 BASTICK STREET, ROSNY PARK, TAS, 7018

SITE PLAN

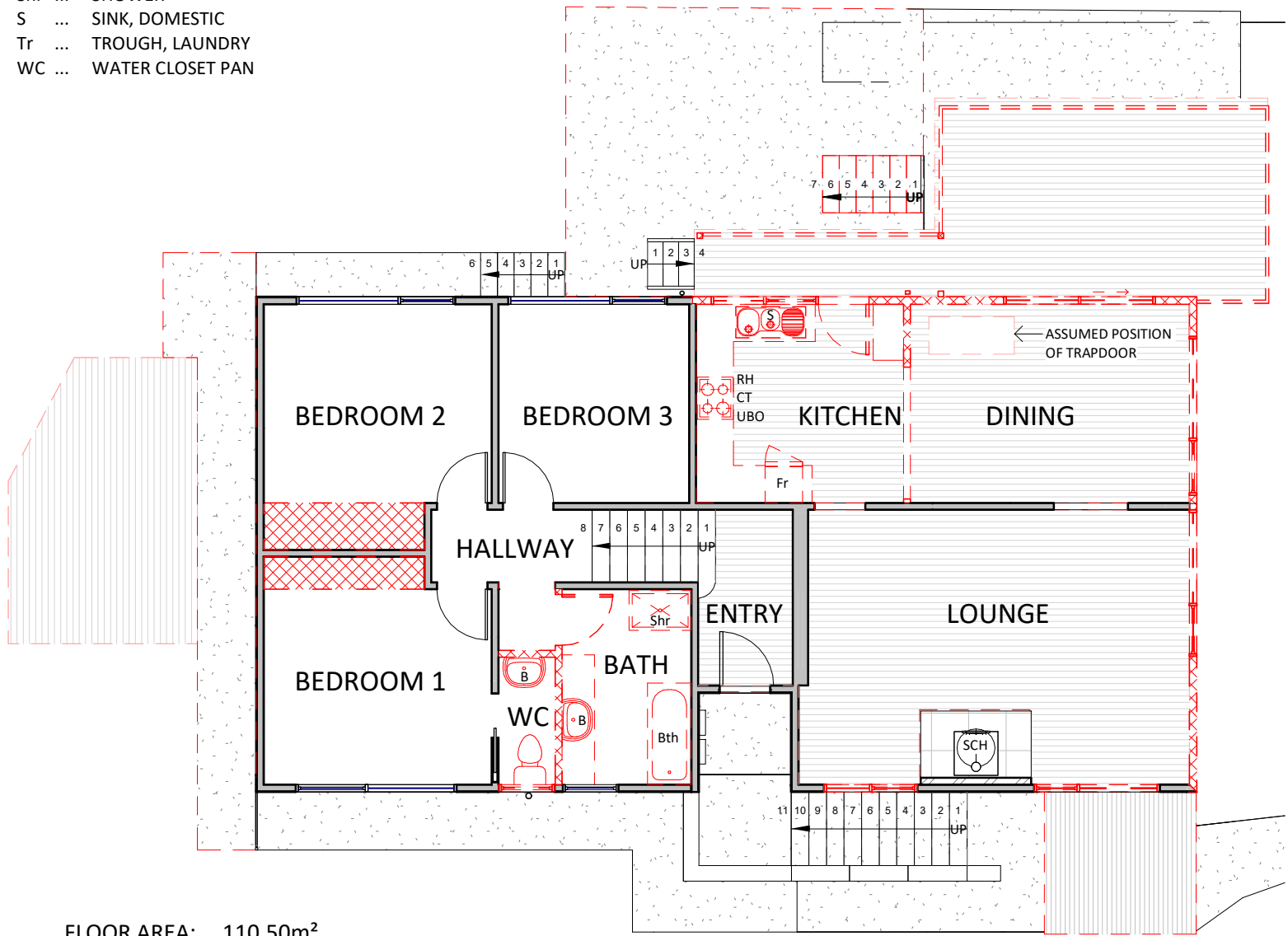
Project number	MARS-A-01	A-01
Date	29/04/21	
Designed by	Michael Kinsella	
Drawn by	MK	
Scale	1 : 200	@ A3



FIXTURES LEGEND

- B ... BASIN  
Bth ... BATH  
CWM... CLOTHES WASHING MACHINE  
CT ... COOK TOP  
DP ... DOWN PIPE  
Fr ... REFRIGERATOR  
HWC ... HOT WATER CYLINDER  
ORG... OVERFLOW RELIEF GULLY  
P ... PANTRY  
RH ... RANGE OR CANOPY HOOD  
SCH ... SLOW COMBUSTION HEATER  
Shr ... SHOWER  
S ... SINK, DOMESTIC  
Tr ... TROUGH, LAUNDRY  
WC ... WATER CLOSET PAN

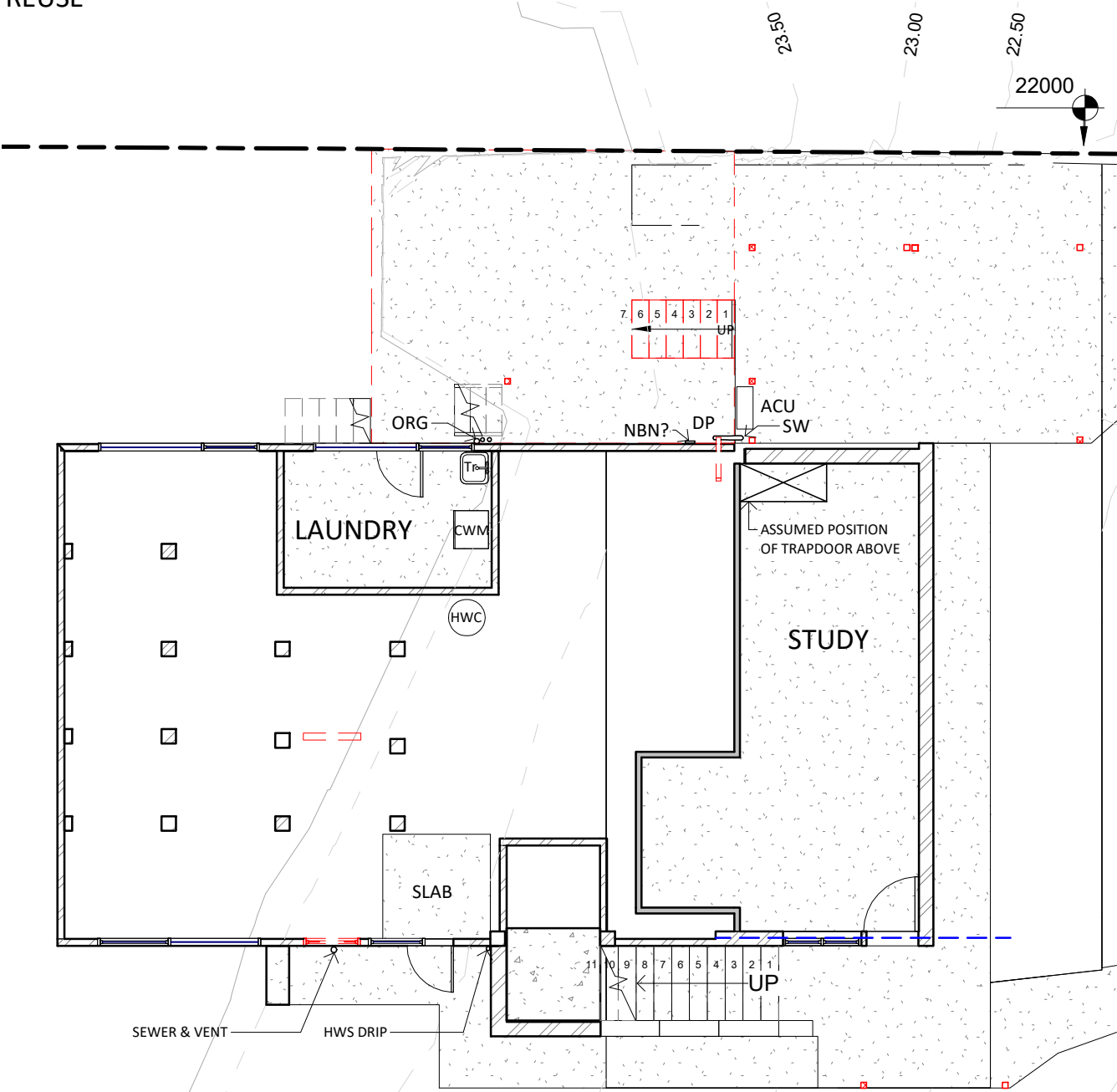
DEMOLISH & REMOVE ALL WALLS, DECK, WINDOWS, DOORS, JOINERY, FITTINGS & FIXTURES DASH RED.  
RETAIN SERVICEABLE ITEMS FOR REUSE



FLOOR AREA: 110.50m<sup>2</sup>  
DECK AREA: 34.25m<sup>2</sup>

03 EUFP

1 : 100



LOWER FLOOR AREA: 33.58m<sup>2</sup>

02 ELFP

1 : 100

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	DA	27/07/21
A	CCC FIR#1 RESPONSE	09/08/21

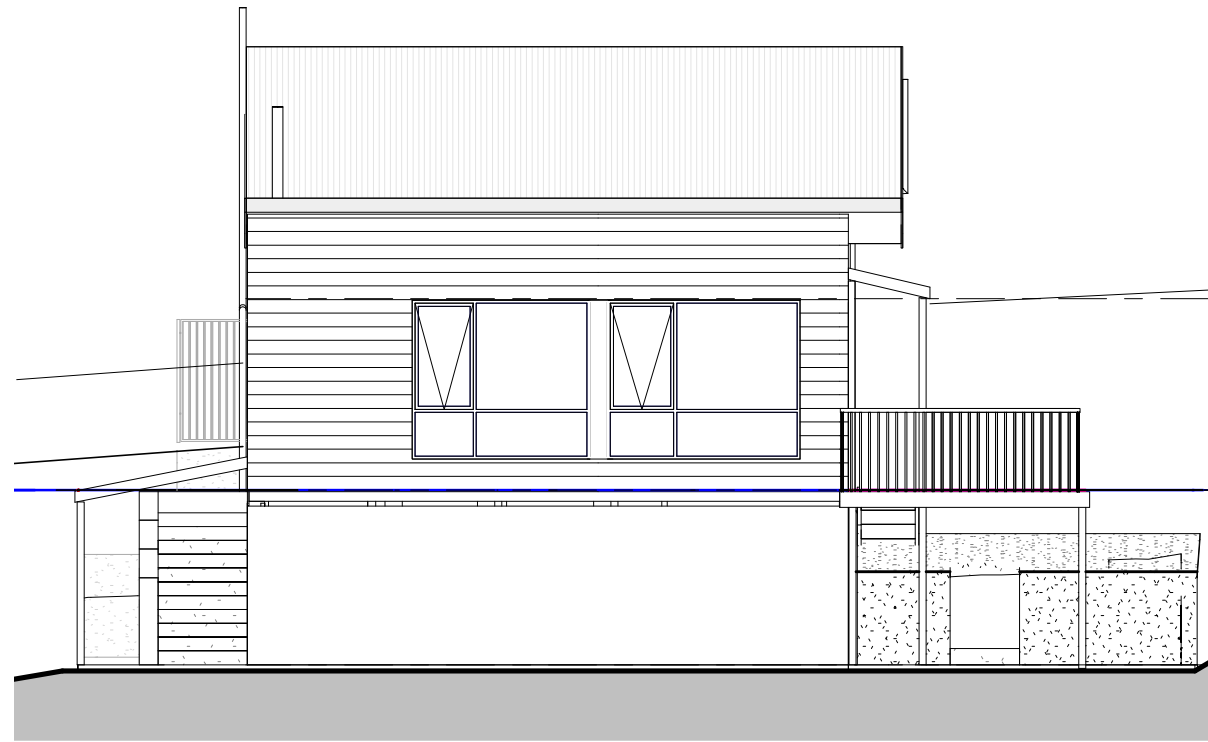
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ALAN & ALLISON (nee Connolly) MARSHALL  
ALTERATIONS & ADDITIONS  
37 BASTICK STREET, ROSNY PARK, TAS, 7018

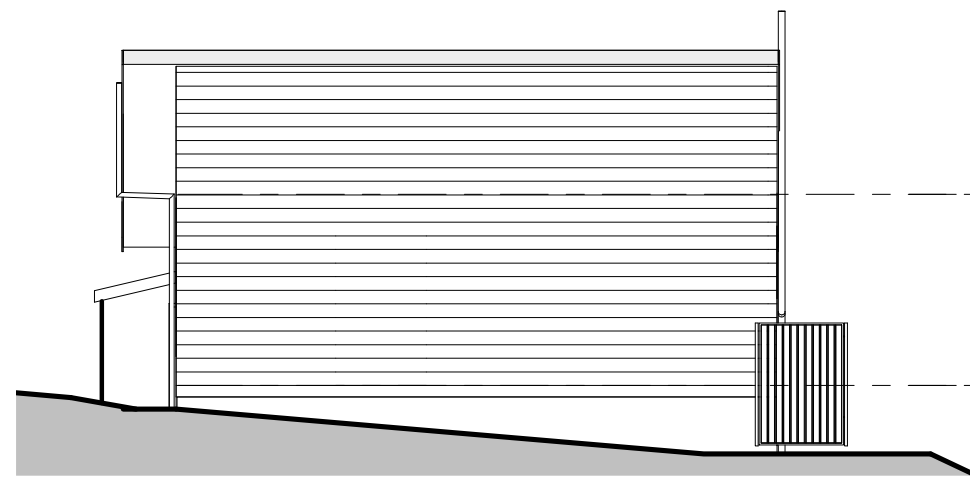
EXISTING & DEMOLITION FLOOR PLANS

Project number	MARS-A-01	A-02
Date	29/04/21	
Designed by	Michael Kinsella	
Drawn by	MK	
Scale	1 : 100	@ A3



-EAST ELEVATION-

1 : 100



-WEST ELEVATION-

1 : 100



-NORTH ELEVATION-

1 : 100



-SOUTH ELEVATION-

1 : 100

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No.	Description	Date
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	PRELIMS V2	15/07/21
	DA	27/07/21

MICHAEL KINSELLA  
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ACCREDITED BUILDING PRACTITIONER  
ACCREDITATION: CC5699V  
ACCREDITED BUSHFIRE PRACTITIONER  
ACCREDITATION: BFP-133

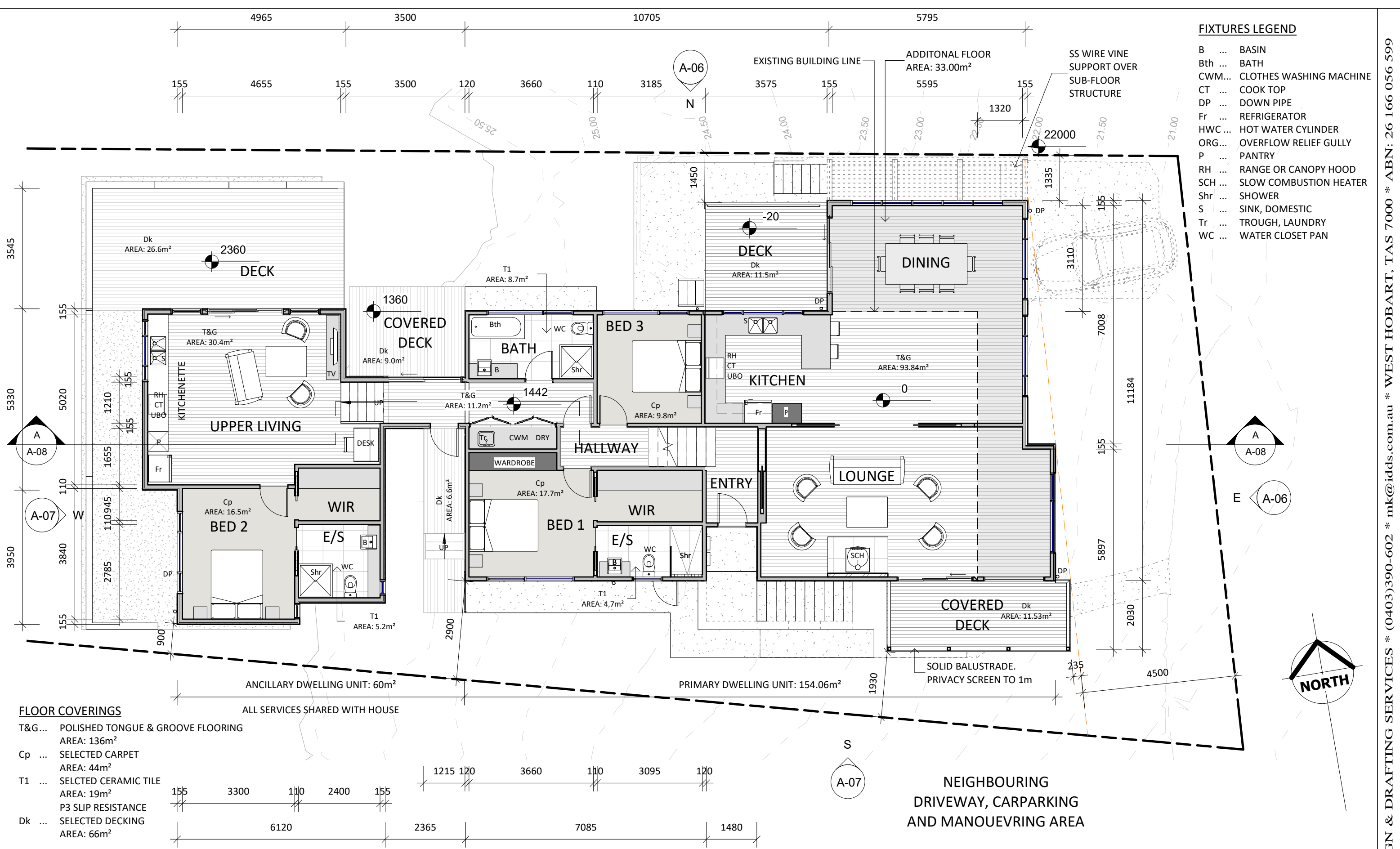


ALAN & ALLISON (nee Connolly) MARSHALL  
ALTERATIONS & ADDITIONS  
37 BASTICK STREET, ROSNY PARK, TAS, 7018

EXISTING ELEVATIONS

Project number	MARS-A-01	A-03
Date	29/04/21	
Designed by	Michael Kinsella	
Drawn by	MK	
Scale	1 : 100	@ A3




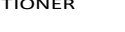


- FIXTURES LEGEND**
- B ... BASIN
  - Bth ... BATH
  - CWM... CLOTHES WASHING MACHINE
  - CT ... COOK TOP
  - DP ... DOWN PIPE
  - Fr ... REFRIGERATOR
  - HWC ... HOT WATER CYLINDER
  - ORG... OVERFLOW RELIEF GULLY
  - P ... PANTRY
  - RH ... RANGE OR CANOPY HOOD
  - SCH ... SLOW COMBUSTION HEATER
  - Shr ... SHOWER
  - S ... SINK, DOMESTIC
  - Tr ... TROUGH, LAUNDRY
  - WC ... WATER CLOSET PAN

- FLOOR COVERINGS**
- T&G... POLISHED TONGUE & GROOVE FLOORING  
AREA: 136m²
  - Cp ... SELECTED CARPET  
AREA: 44m²
  - T1 ... SELECTED CERAMIC TILE  
AREA: 19m²
  - Dk ... SELECTED DECKING  
AREA: 66m²
- ALL SERVICES SHARED WITH HOUSE

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATION, CERTIFICATE OF LIKELY COMPLIANCE AND ASSOCIATED DOCUMENTATION

DRAWINGS TO BE PRINTED & READ IN FULL COLOUR

<div>Document Set ID: 4630425</div>			<div><div><div>MICHAEL KINSELLA INTEGRAL DESIGN &amp; DRAFTING SERVICES ACCREDITED BUILDING PRACTITIONER ACCREDITATION: CC5699V ACCREDITED BUSHFIRE PRACTITIONER ACCREDITATION: BFP-133</div><div> BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA</div><div></div></div></div>	<div>ALAN &amp; ALLISON (nee Connolly) MARSHALL</div> <div>ALTERATIONS &amp; ADDITIONS</div> <div>37 BASTICK STREET, ROSNY PARK, TAS, 7018</div>	<div>PROPOSED FLOOR PLAN</div> <table><tr><td>Project number</td><td>MARS-A-01</td><td rowspan="3">A-04</td></tr><tr><td>Date</td><td>29/04/21</td></tr><tr><td>Designed by</td><td>Michael Kinsella</td></tr><tr><td>Drawn by</td><td>MK</td><td>Scale As indicated @ A3</td></tr></table>	Project number	MARS-A-01	A-04	Date	29/04/21	Designed by	Michael Kinsella	Drawn by	MK	Scale As indicated @ A3
Project number	MARS-A-01	A-04													
Date	29/04/21														
Designed by	Michael Kinsella														
Drawn by	MK	Scale As indicated @ A3													

MATERIALS SCHEDULE

- 1

...

ROOF:

COLORBOND CUSTOM ORB ROOF SHEETING.
- 2

...

FASCIA:

COLORBOND NOVA LINE FASCIA SYSTEM
- 3

...

GUTTERS:

COLORBOND QUAD GUTTERING
- 4

...

CLADDING:

WEATHERBOARDS TO MATCH EXISTING
- 5

...

WINDOWS:

CLEAR DOUBLE GLAZING W/ WHITE AL FRAMES
- COLOUR:

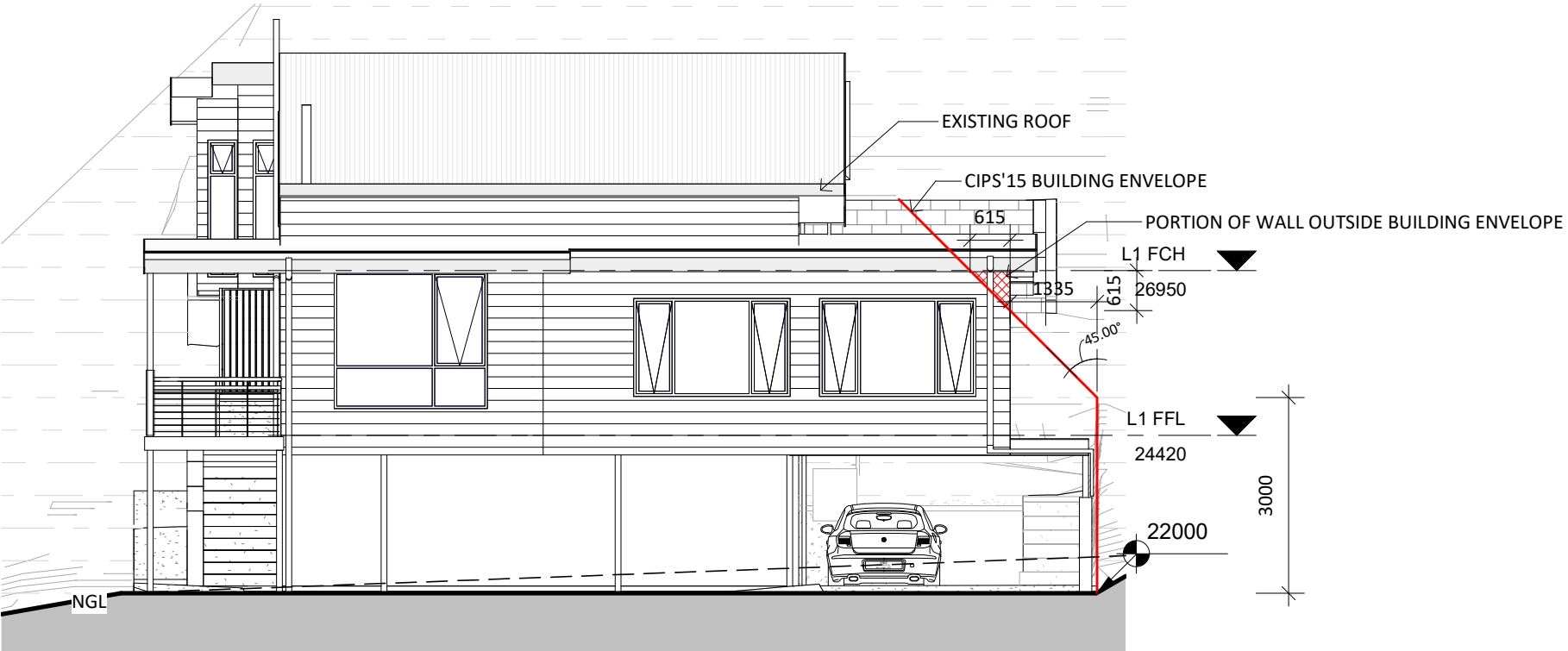
TO MATCH EXISTING
- COLOUR:

WHITE
- COLOUR:

TO MATCH ROOFING
- COLOUR:

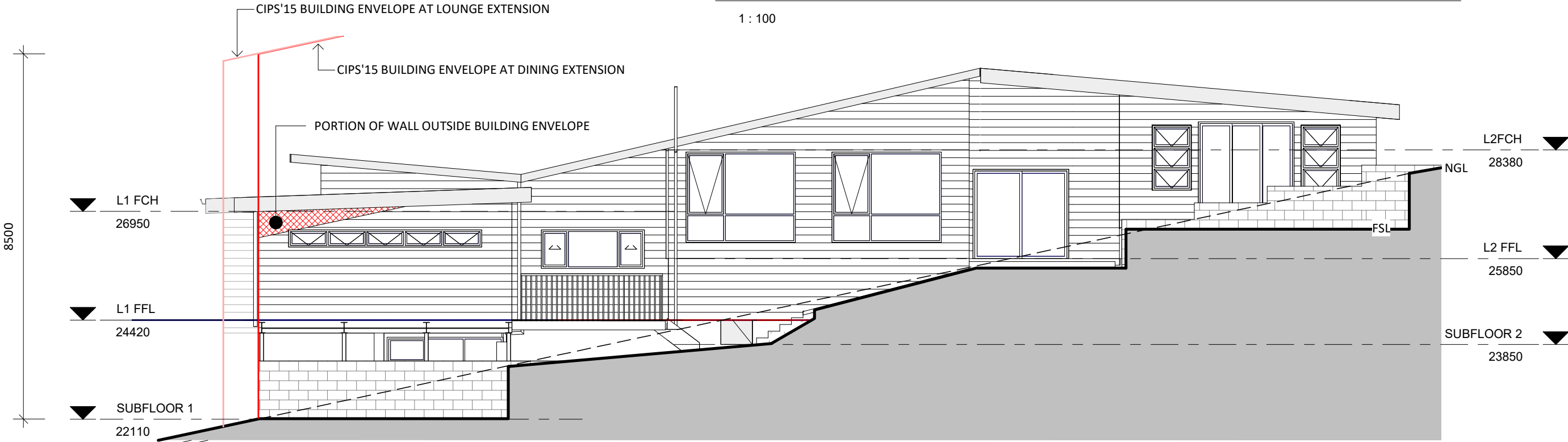
TO MATCH EXISTING
- COLOUR:

WHITE FRAMES



EAST ELEVATION

1 : 100



NORTH ELEVATION

1 : 100

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MICHAEL KINSELLA  
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ACCREDITATION: BFP-133



ALAN & ALLISON (nee Connolly) MARSHALL  
ALTERATIONS & ADDITIONS  
37 BASTICK STREET, ROSNY PARK, TAS, 7018

PROPOSED ELEVATIONS 1

Project number	MARS-A-01
Date	29/04/21
Designed by	Michael Kinsella
Drawn by	

A-06

AuthorScale 1 : 100 @ A3

MATERIALS SCHEDULE

- 1

...

ROOF:

COLORBOND CUSTOM ORB ROOF SHEETING.
- 2

...

FASCIA:

COLORBOND NOVA LINE FASCIA SYSTEM
- 3

...

GUTTERS:

COLORBOND QUAD GUTTERING
- 4

...

CLADDING:

WEATHERBOARDS TO MATCH EXISTING
- 5

...

WINDOWS:

CLEAR DOUBLE GLAZING W/ WHITE AL FRAMES
- COLOUR:

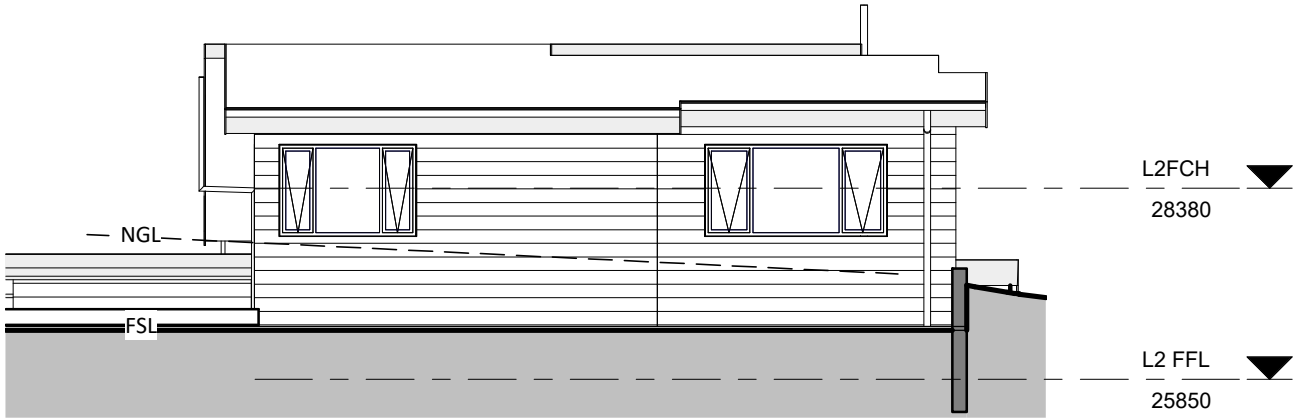
TO MATCH EXISTING
- COLOUR:

WHITE
- COLOUR:

TO MATCH ROOFING
- COLOUR:

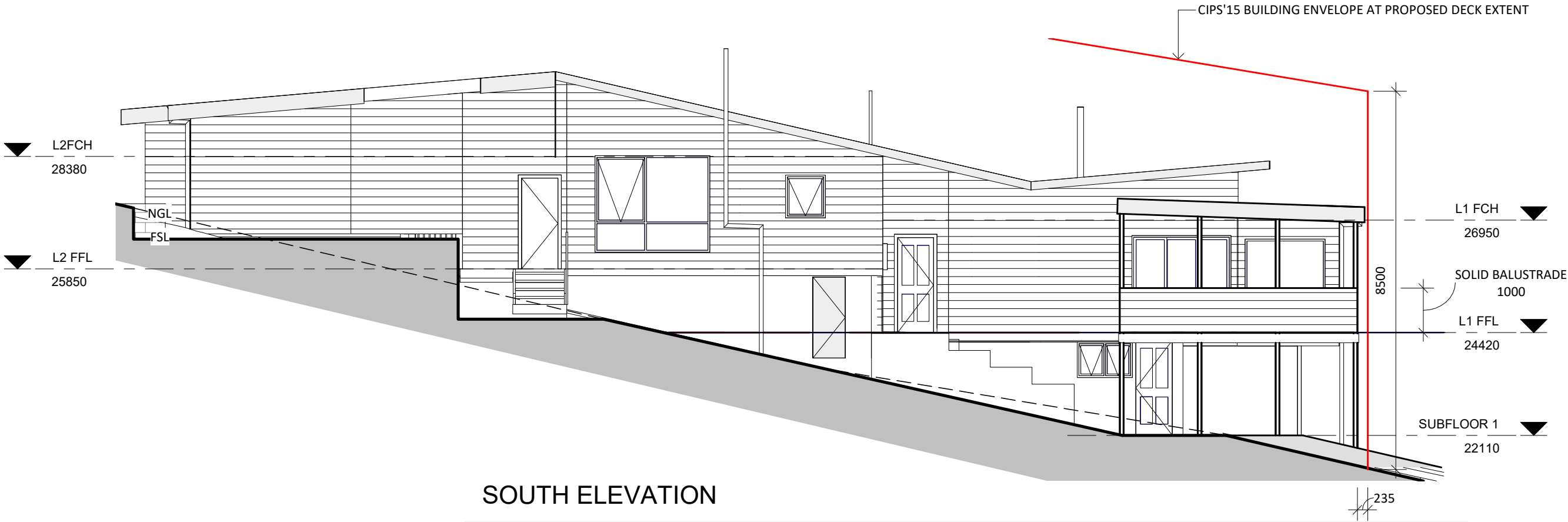
TO MATCH EXISTING
- COLOUR:

WHITE FRAMES



WEST ELEVATION

1 : 100



SOUTH ELEVATION

1 : 100

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DRAWINGS TO BE PRINTED & READ IN FULL COLOUR

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	DA	27/07/21
A	CCC FIR#1 RESPONSE	09/08/21

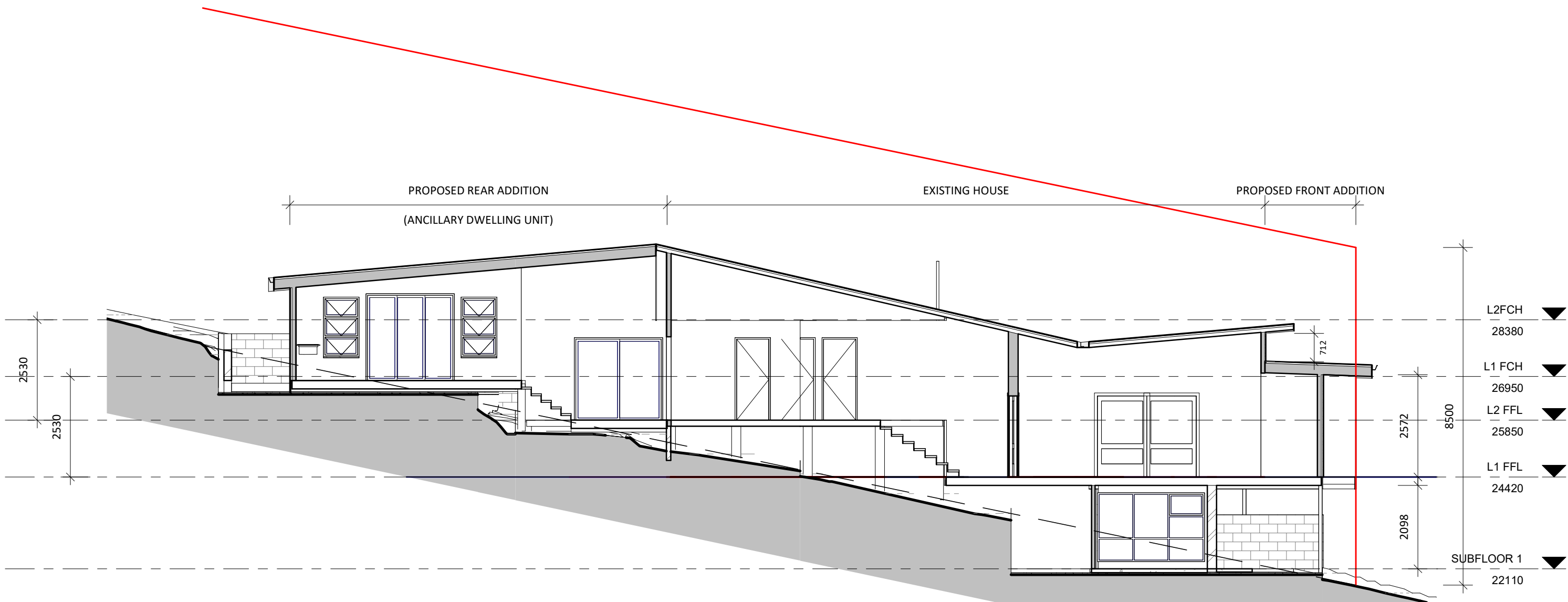
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ACCREDITATION: BFP-133



ALAN & ALLISON (nee Connolly) MARSHALL  
ALTERATIONS & ADDITIONS  
37 BASTICK STREET, ROSNY PARK, TAS, 7018

PROPOSED ELEVATIONS 2

Project number	MARS-A-01	A-07
Date	29/04/21	
Designed by	Michael Kinsella	
Drawn by	MK	
Scale	1 : 100	@ A3



SECTION AA

1 : 100

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATION, CERTIFICATE OF LIKELY COMPLIANCE AND ASSOCIATED DOCUMENTATION

DRAWINGS TO BE PRINTED & READ IN FULL COLOUR

No.	Description	Date
	PRELIMINARIES	13/05/21
	PRELIMS V2	15/07/21
	DA	27/07/21

MICHAEL KINSELLA  
INTEGRAL DESIGN & DRAFTING SERVICES  
ACCREDITED BUILDING PRACTITIONER  
ACCREDITATION: CC5699V  
ACCREDITED BUSHFIRE PRACTITIONER  
ACCREDITATION: BFP-133



ALAN & ALLISON (nee Connolly) MARSHALL  
ALTERATIONS & ADDITIONS  
37 BASTICK STREET, ROSNY PARK, TAS, 7018

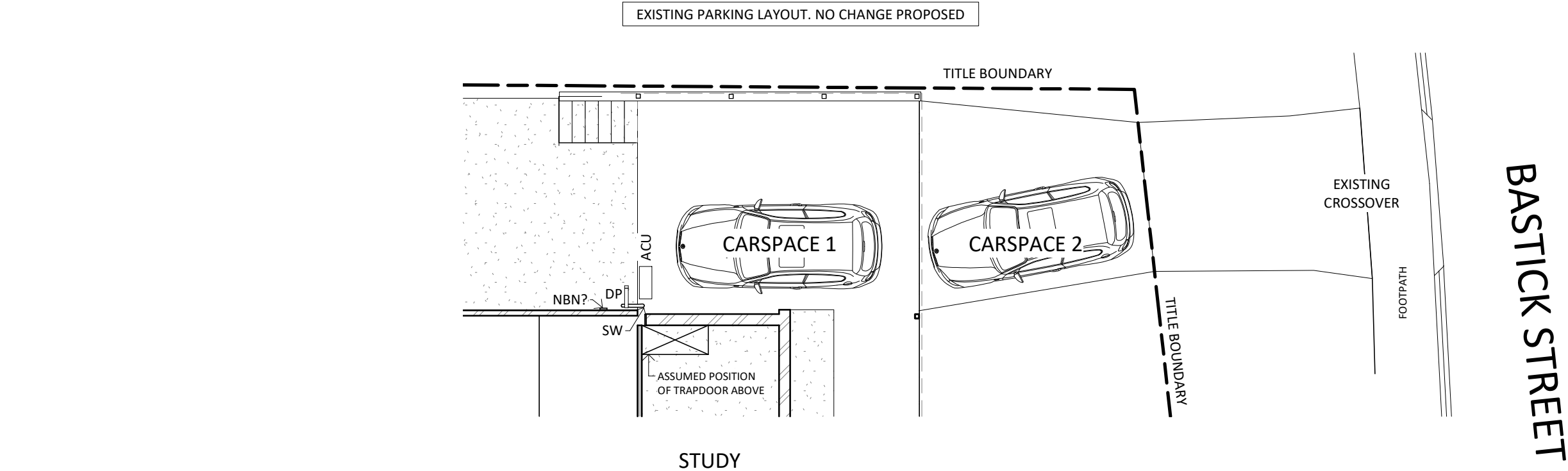
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Project number	MARS-A-01
Date	29/04/21
Designed by	Michael Kinsella
Drawn by	

A-08

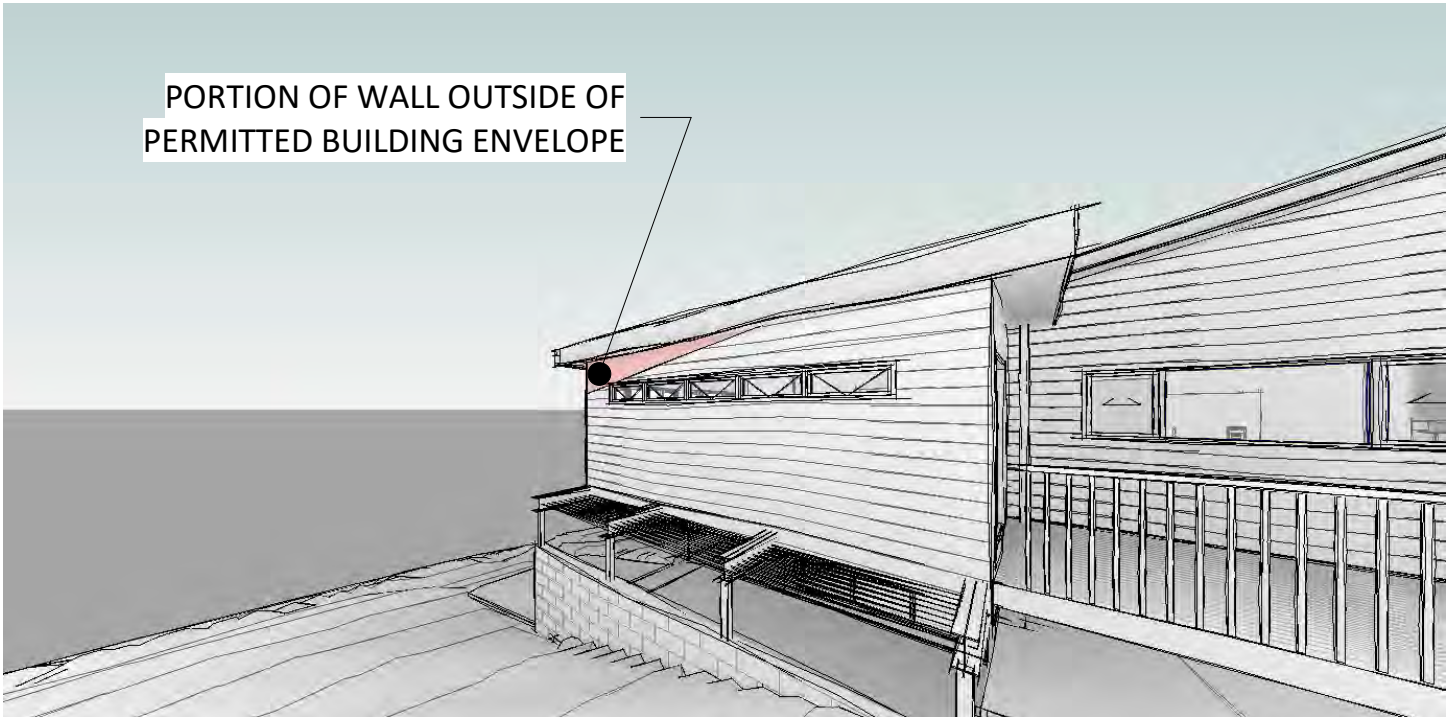
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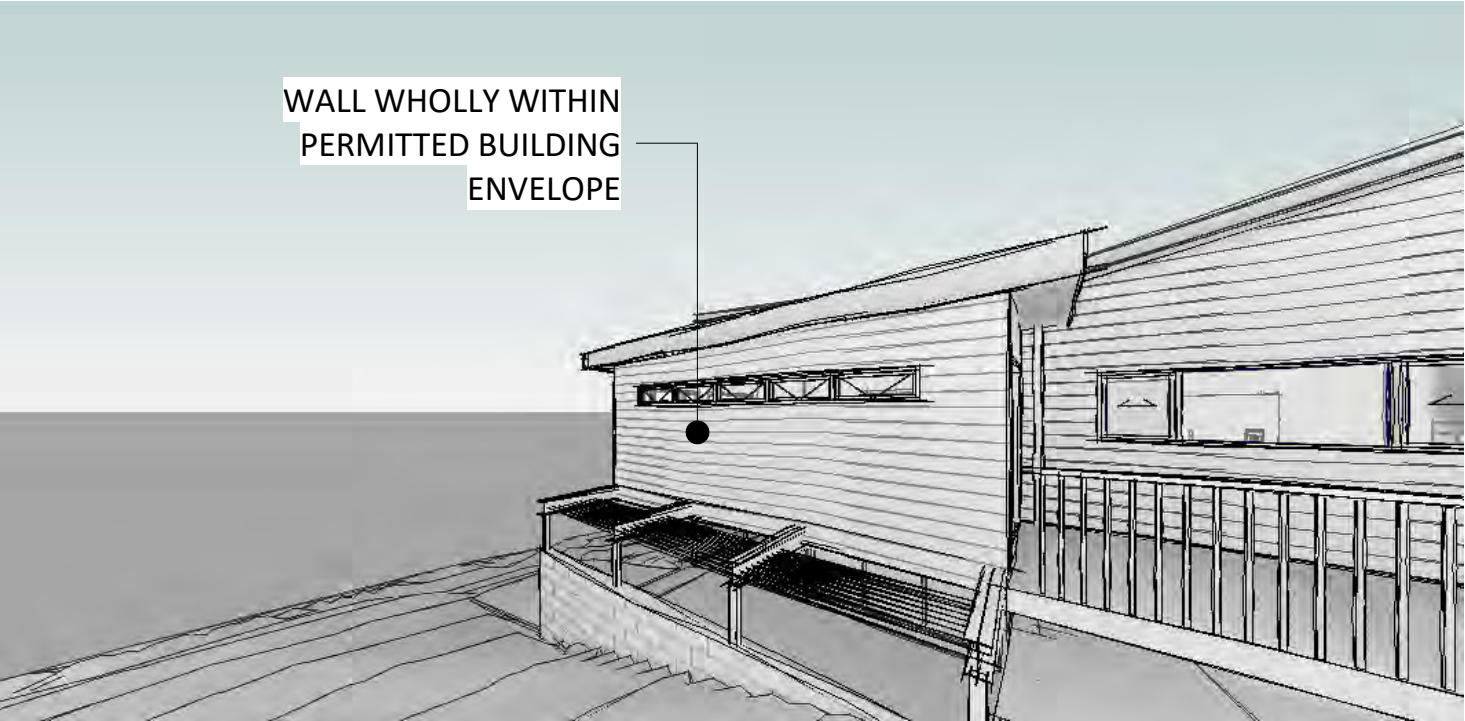


PARKING LAYOUT

1 : 100





ADDITION AS VIEWED FROM 35 BASTICK ST AS PROPOSED



ADDITION AS VIEWED FROM 35 BASTICK ST IF WHOLLY WITHIN BUIDLING ENVELOPE

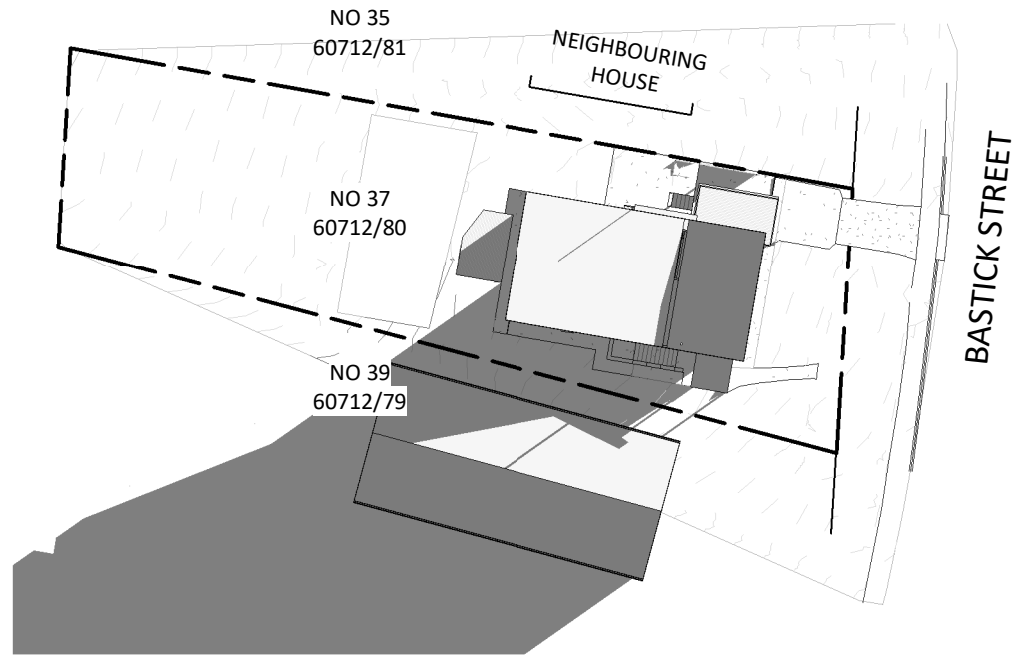
THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATION, CERTIFICATE OF LIKELY COMPLIANCE AND ASSOCIATED DOCUMENTATION

DRAWINGS TO BE PRINTED & READ IN FULL COLOUR

<table><tr><th>No.</th><th>Description</th><th>Date</th></tr><tr><td>A</td><td>CCC FIR#1 RESPONSE</td><td>09/08/21</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table> <p>Document Set ID: 4630425</p> <p>Version: 1 Version Date: 09/08/2021</p>	No.	Description	Date	A	CCC FIR#1 RESPONSE	09/08/21										<p>MICHAEL KINSELLA INTEGRAL DESIGN &amp; DRAFTING SERVICES ACCREDITED BUILDING PRACTITIONER ACCREDITATION: CC5699V ACCREDITED BUSHFIRE PRACTITIONER ACCREDITATION: BFP-133</p> <p> BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA</p> <p></p>	<p>ALAN &amp; ALLISON (nee Connolly) MARSHALL</p> <p>ALTERATIONS &amp; ADDITIONS</p> <p>37 BASTICK STREET, ROSNY PARK, TAS, 7018</p>	<table><tr><th colspan="2">PARKING &amp; SKETCHES FROM NORTH</th></tr><tr><td>Project number</td><td>MARS-A-01</td></tr><tr><td>Date</td><td>29/04/21</td></tr><tr><td>Designed by</td><td>Michael Kinsella</td></tr><tr><td>Drawn by</td><td>MK</td></tr><tr><td>Scale</td><td>1 : 100 @ A3</td></tr></table> <p>FIR#1-01</p> <p>Agenda Attachments - 374 Bastick Street, Rosny Page 10 of 19</p>	PARKING & SKETCHES FROM NORTH		Project number	MARS-A-01	Date	29/04/21	Designed by	Michael Kinsella	Drawn by	MK	Scale	1 : 100 @ A3
No.	Description	Date																												
A	CCC FIR#1 RESPONSE	09/08/21																												
PARKING & SKETCHES FROM NORTH																														
Project number	MARS-A-01																													
Date	29/04/21																													
Designed by	Michael Kinsella																													
Drawn by	MK																													
Scale	1 : 100 @ A3																													

10 SOLAR STUDY JUNE 21 0900 - EXISTING

1 : 500



10 SOLAR STUDY JUNE 21 1000 - EXISTING

1 : 500



11 SOLAR STUDY JUNE 21 0900 - PROPOSED

1 : 500



11 SOLAR STUDY JUNE 21 1000 - PROPOSED

1 : 500



THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATION, CERTIFICATE OF LIKELY COMPLIANCE AND ASSOCIATED DOCUMENTATION

DRAWINGS TO BE PRINTED & READ IN FULL COLOUR

No.	Description	Date
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B	CCC FIR#2 RESPONSE	16/08/21

MICHAEL KINSELLA  
INTEGRAL DESIGN & DRAFTING SERVICES  
ACCREDITED BUILDING PRACTITIONER  
ACCREDITATION: CC5699V  
ACCREDITED BUSHFIRE PRACTITIONER  
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ALAN & ALLISON (nee Connolly) MARSHALL  
ALTERATIONS & ADDITIONS  
37 BASTICK STREET, ROSNY PARK, TAS, 7018

SHADOW DIAGRAMS - 09&10

Project number	MARS-A-01	FIR#2-01
Date	29/04/21	
Designed by	Michael Kinsella	
Drawn by	MK	
Scale	1 : 500	@ A3



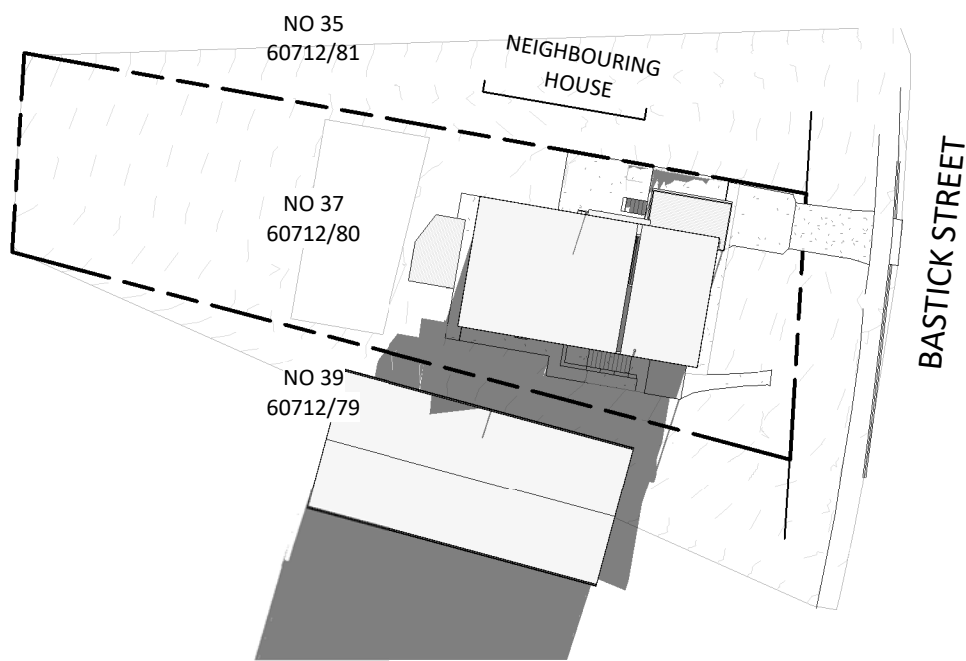
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10 SOLAR STUDY JUNE 21 1200 - EXISTING

1 : 500



11 SOLAR STUDY JUNE 21 1100 - PROPOSED

1 : 500



11 SOLAR STUDY JUNE 21 1200 - PROPOSED

1 : 500



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DRAWINGS TO BE PRINTED & READ IN FULL COLOUR

No.	Description	Date
A	CCC FIR#1 RESPONSE	09/08/21
B	CCC FIR#2 RESPONSE	16/08/21

MICHAEL KINSELLA  
INTEGRAL DESIGN & DRAFTING SERVICES  
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ACCREDITATION: CC5699V  
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ALAN & ALLISON (nee Connolly) MARSHALL  
ALTERATIONS & ADDITIONS  
37 BASTICK STREET, ROSNY PARK, TAS, 7018

SHADOW DIAGRAMS - 11&12

Project number	MARS-A-01
Date	29/04/21
Designed by	Michael Kinsella
Drawn by	MK

FIR#2-02

Scale 1 : 500 @ A3

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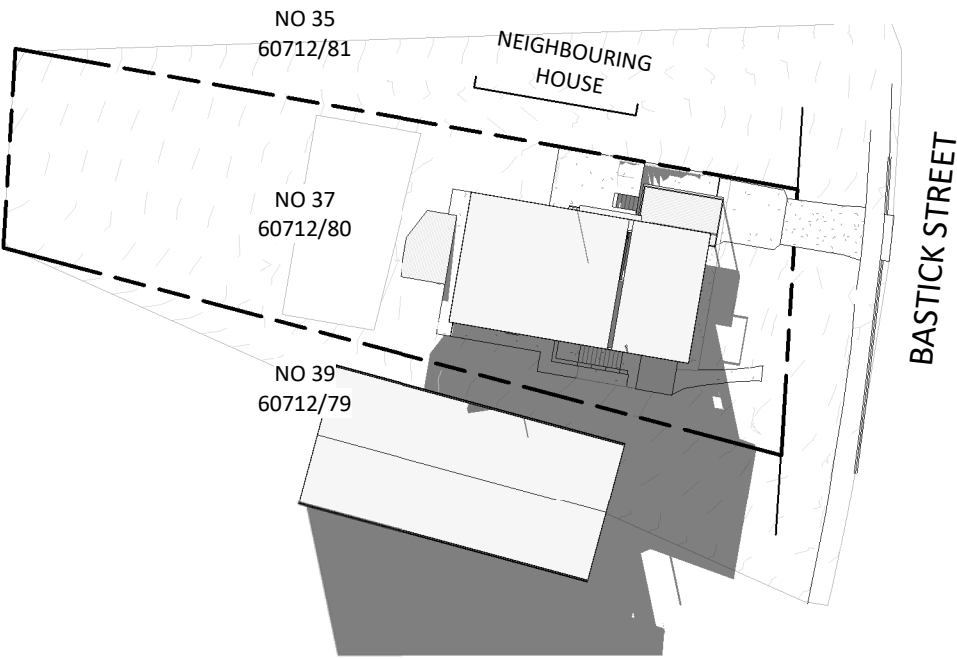
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10 SOLAR STUDY JUNE 21 1400 - EXISTING

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1 : 500



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DRAWINGS TO BE PRINTED & READ IN FULL COLOUR

No.	Description	Date
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B	CCC FIR#2 RESPONSE	16/08/21

MICHAEL KINSELLA  
INTEGRAL DESIGN & DRAFTING SERVICES  
ACCREDITED BUILDING PRACTITIONER  
ACCREDITATION: CC5699V  
ACCREDITED BUSHFIRE PRACTITIONER  
ACCREDITATION: BFP-133



ALAN & ALLISON (nee Connolly) MARSHALL  
ALTERATIONS & ADDITIONS  
37 BASTICK STREET, ROSNY PARK, TAS, 7018

SHADOW DIAGRAMS - 13&14

Project number	MARS-A-01
Date	29/04/21
Designed by	Michael Kinsella
Drawn by	MK

FIR#2-03

Scale 1 : 500 @ A3



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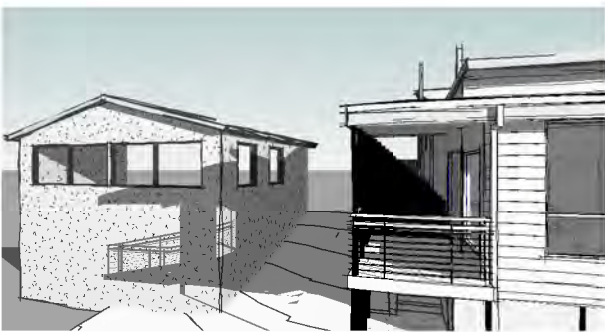
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SS EX 2106 1400



SS PROP 2106 1000



SS PROP 2106 1200



SS PROP 2106 1400

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B	CCC FIR#2 RESPONSE	16/08/21

MICHAEL KINSELLA  
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ACCREDITED BUILDING PRACTITIONER  
ACCREDITATION: CC5699V  
ACCREDITED BUSHFIRE PRACTITIONER  
ACCREDITATION: BFP-133



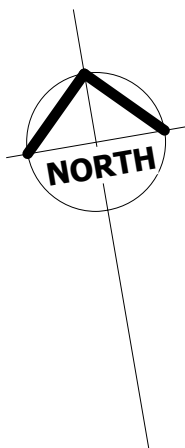
ALAN & ALLISON (nee Connolly) MARSHALL  
ALTERATIONS & ADDITIONS  
37 BASTICK STREET, ROSNY PARK, TAS, 7018

SHADOW DIAGRAMS - 15

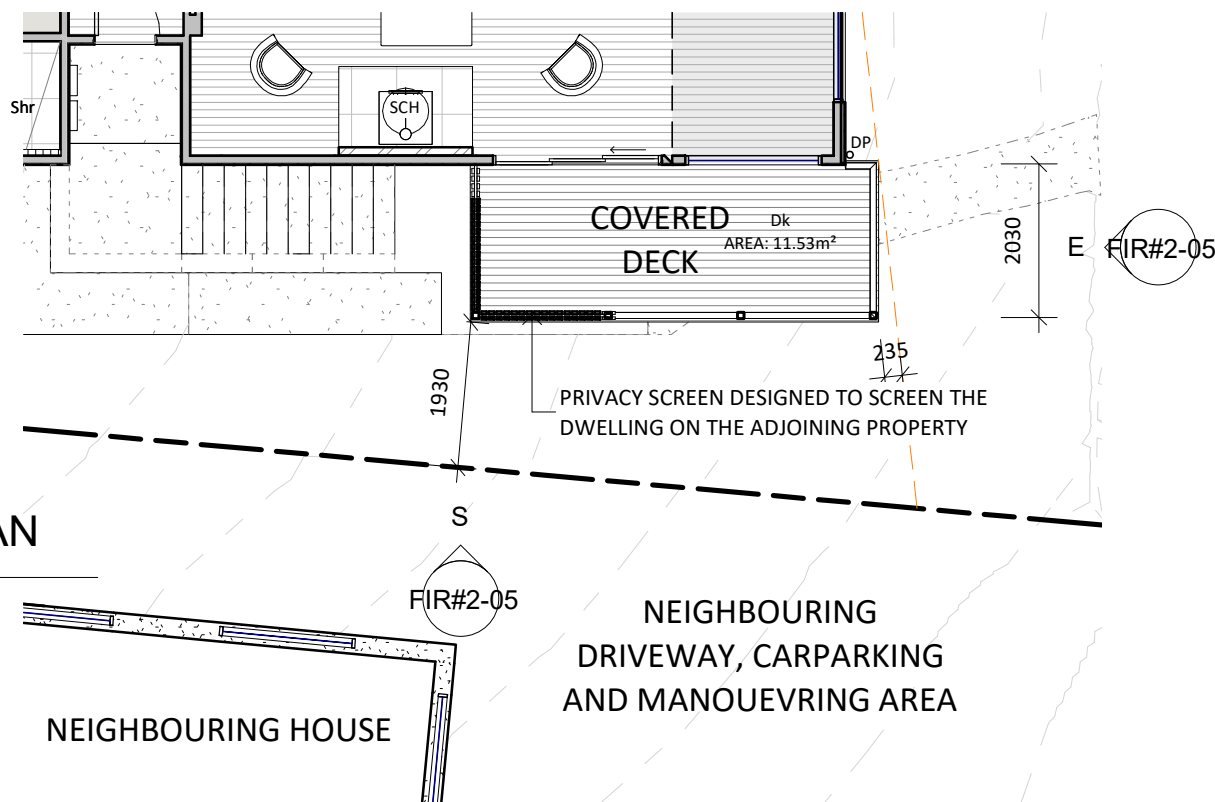
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Date	29/04/21
Designed by	Michael Kinsella
Drawn by	MK

FIR#2-04

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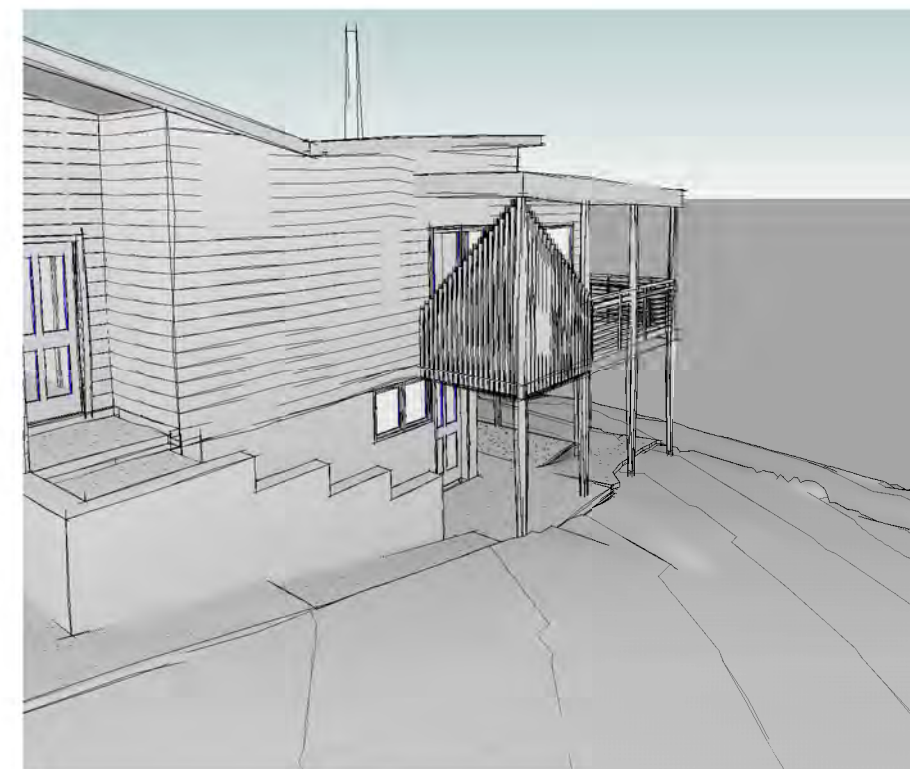


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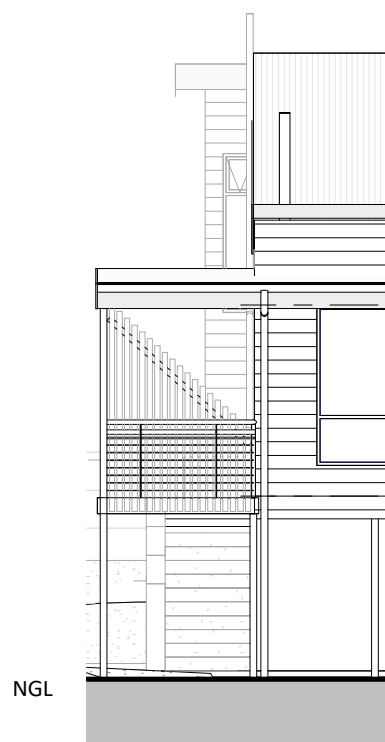


40 SOUTH DECK PLAN

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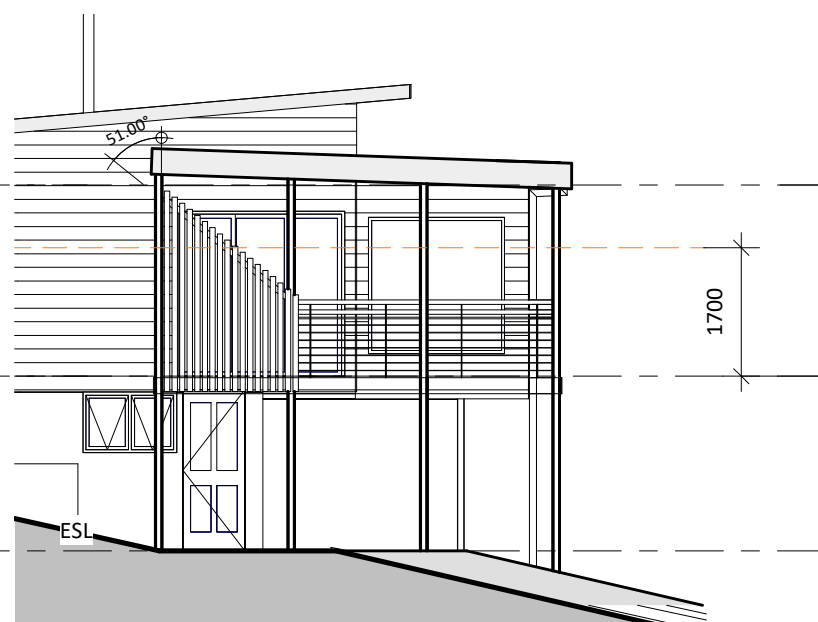


SCREEN AS VIEWED BY NEIGHBOURS



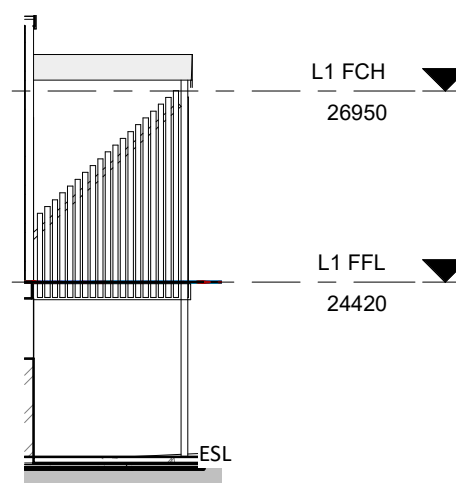
SOUTH DECK EAST ELEVATION

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SOUTH DECK SOUTH ELEVATION

1 : 100



SOUTH DECK WEST ELEVATION

1 : 100

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATION, CERTIFICATE OF LIKELY COMPLIANCE AND ASSOCIATED DOCUMENTATION

DRAWINGS TO BE PRINTED & READ IN FULL COLOUR

No.	Description	Date
A	CCC FIR#1 RESPONSE	09/08/21
B	CCC FIR#2 RESPONSE	16/08/21

MICHAEL KINSELLA  
INTEGRAL DESIGN & DRAFTING SERVICES  
ACCREDITED BUILDING PRACTITIONER  
ACCREDITATION: CC5699V  
ACCREDITED BUSHFIRE PRACTITIONER  
ACCREDITATION: BFP-133



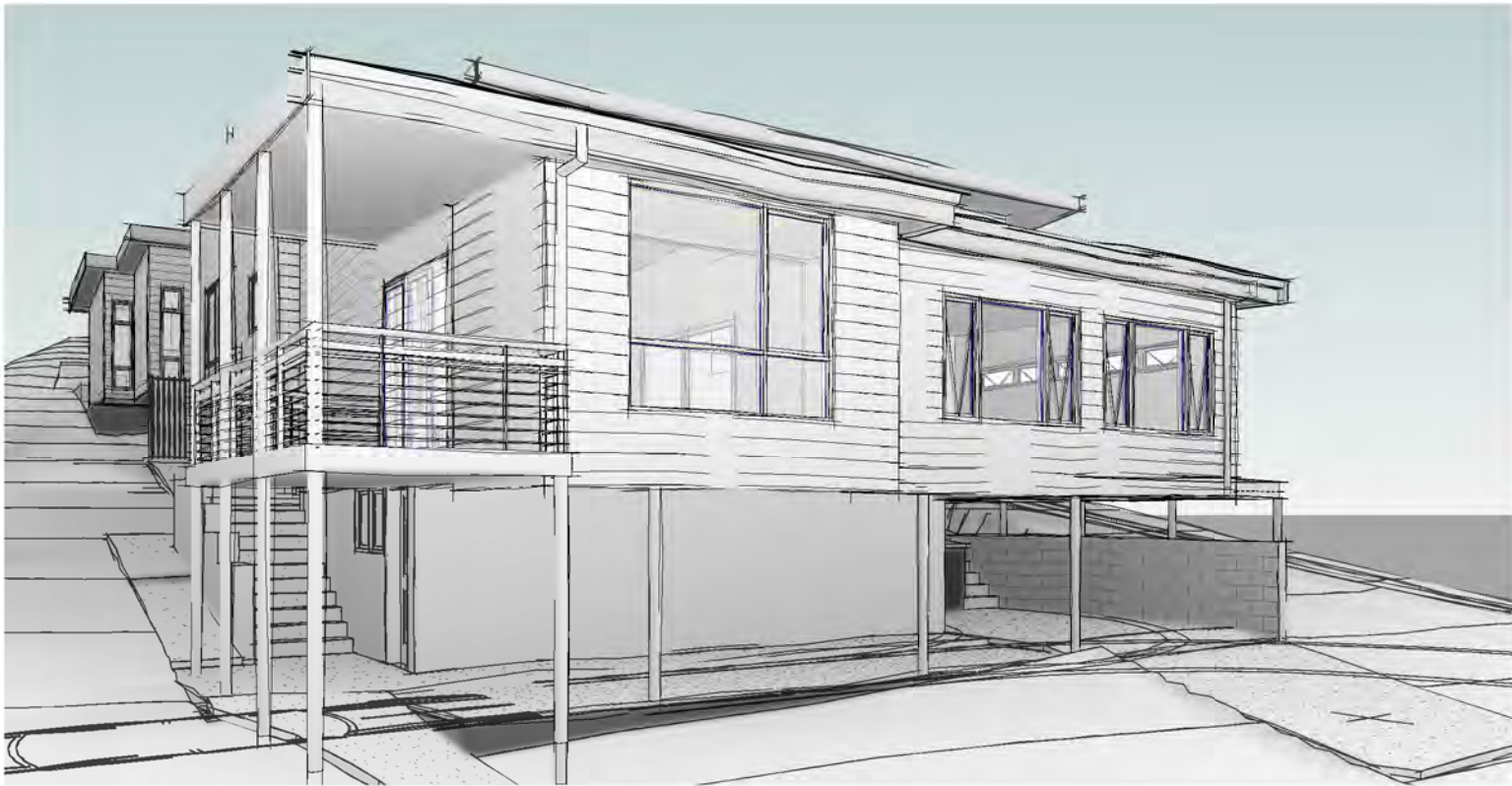
ALAN & ALLISON (nee Connolly) MARSHALL  
ALTERATIONS & ADDITIONS  
37 BASTICK STREET, ROSNY PARK, TAS, 7018

## SOUTH DECK SCREENING

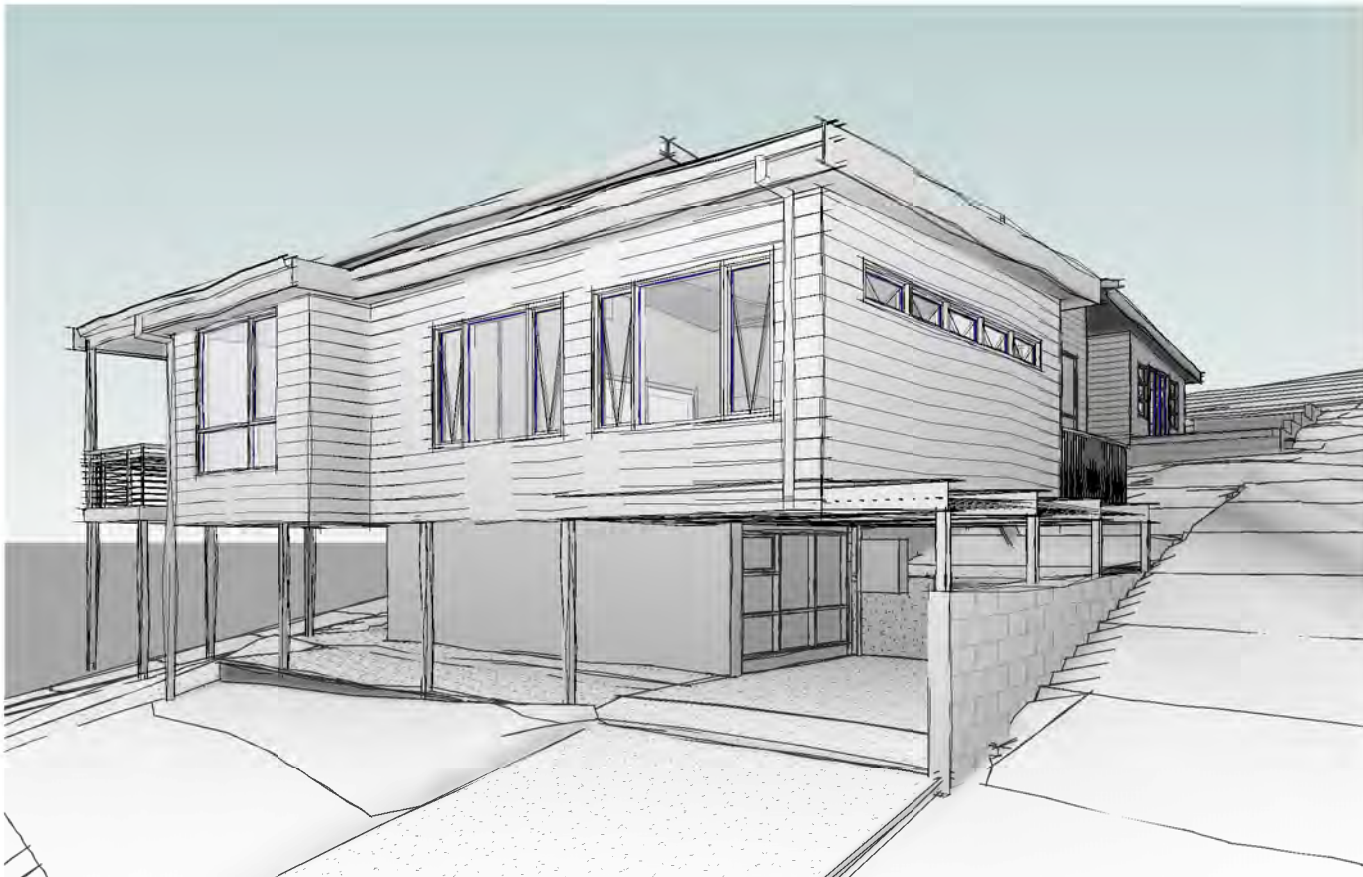
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Date	29/04/21	
Designed by	Michael Kinsella	
Drawn by	MK	
Scale	1 : 100	@ A3

Agenda Attachments - 374 Bastick Street, Rosny, Page 15 of 19





EXT 1 - SE



EXT 2 - NE

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATION, CERTIFICATE OF LIKELY COMPLIANCE AND ASSOCIATED DOCUMENTATION

DRAWINGS TO BE PRINTED & READ IN FULL COLOUR

No.	Description	Date
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	PRELIMS V2	15/07/21
	DA	27/07/21
Document Set ID: 4623107		

MICHAEL KINSELLA  
INTEGRAL DESIGN & DRAFTING SERVICES  
ACCREDITED BUILDING PRACTITIONER  
ACCREDITATION: CC5699V  
ACCREDITED BUSHFIRE PRACTITIONER  
ACCREDITATION: BFP-133



ALAN & ALLISON (nee Connolly) MARSHALL  
ALTERATIONS & ADDITIONS  
37 BASTICK STREET, ROSNY PARK, TAS, 7018

SKETCHES 1

Project number	MARS-A-01
Date	29/04/21
Designed by	Michael Kinsella
Drawn by	MK

SK-01

Scale @ A3



## Attachment 3

### Attachment 3 – Site Photos – 37 Bastick Street, Rosny



View of subject site from the north east, taken from Bastick Street footpath



View of 37 Bastick St, showing area of proposed southern covered deck in context of 39 Bastick St



View of northern side boundary to 35 Bastick St, from approx. location of ancillary unit deck





View from rear garden of 37 Bastick St to proposed ancillary unit development area. Western elevation will be lower than existing building.



View from parking area in front of 35 Bastick St, looking south to 37 Bastick Street.





View from east facing living room window of 35 Bastick Street.



View from western covered patio of 35 Bastick St, looking south towards proposed ancillary dwelling area at 37 Bastick St

**11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/019465 – 9  
AMBLESIDE, LINDISFARNE – SINGLE DWELLING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a Consent Agreement regarding an appeal against council's decision to refuse the development application at 9 Ambleside, Lindisfarne.

**RELATION TO EXISTING POLICY/PLANS**

The land is zoned General Residential and subject to the Parking and Access, Stormwater Management and Potentially Contaminated Land Codes under the Clarence Interim Planning Scheme 2015 (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 and the Resource Management and Planning Appeal Tribunal Act, 1993.

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.

**RECOMMENDATION:**

- A. That Council authorises the General Manager to sign the Consent Agreement to grant a permit in accordance with the terms of the draft permit contained in Attachment 1 of the Associated Report.
- 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**

Development Application PDPLANPMTD-2021/019465 for a Single Dwelling was considered at council's meeting on 9 August 2021.

The proposal was refused as it was considered that it would cause an unreasonable adverse impact on the road by increasing risk to adjoining properties and other road users. This was on the basis that the proposed new access would not provide for adequate sight distance and was considered to increase risk to vehicles and pedestrians on Ambleside.

The applicant subsequently appealed council's decision to the Resource Management and Planning Appeals Tribunal (Appeal 140/21P) on the grounds that the proposal met Clauses E6.7.2 and E6.7.14 of the Scheme.

To resolve council's grounds for refusal, the appellant has submitted a S22(3) application to amend the proposal by retaining the existing access. In doing so, Clauses of the Scheme E6.7.2 and E6.7.14 would not be enlivened.

Attachment 1 includes an amended site plan.

The new information provided by the appellant shows the location of the access in the same location as the existing access. The dwelling and rest of the development associated with the dwelling remains largely unchanged aside from widening the garage door to enable vehicle manoeuvring on-site.

Council's development engineers are satisfied with the amended plans and the retention of the existing access.

A consent agreement signed by the appellant is provided at Attachment 1. The consent agreement resolves council's reasons for refusal and provides for the Tribunal to direct council to issue a planning permit.



**2. CONCLUSION**

That council, based on additional information and amended plan provided during the appeal, council agrees to a Consent Agreement which approves the development with suitable conditions.

Attachments: 1. Consent Agreement including Draft Permit and Plans (21)

Ross Lovell  
**MANAGER CITY PLANNING**

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

**CONSENT AGREEMENT**  
**IN THE RESOURCE MANAGEMENT AND PLANNING APPEAL TRIBUNAL**

**Tribunal reference number:** 104/21P

**Appellant:** Maverick Builders Pty Ltd

**Respondent:** Clarence City Council

**Address of site:** 9 Ambleside, Lindisfarne

**Description of proposal:** Single Dwelling

The Parties to this appeal agree that the appeal be resolved in the following terms:

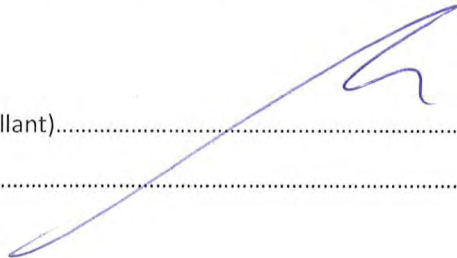
1. That development application PDPLANPMTD-2021/019465 be amended under Section 22(3) of the Resource Management and Planning Appeals Tribunal Act 1993 to substitute the plans with the following plans and as set out in Annexure "A";

Drawing Number	Description	Prepared by	Dated
A00	Cover Page	Maverick Builders	4/05/2021
A01	Site Plan	Maverick Builders	25/08/2021
A01a	Ease of Access	Maverick Builders	25/08/2021
A02	Drainage Plan	Maverick Builders	20/08/2021
A02a	First Floor Drainage Plan	Maverick Builders	2/06/2021
A03	Floor Plan	Maverick Builders	20/08/2021
A04	Roof Plan	Maverick Builders	25/05/2021
A05	Section	Maverick Builders	10/06/2021
A06	Elevations	Maverick Builders	20/08/2021
A07	Electrical Plan - Ground Floor	Maverick Builders	20/08/2021
A07a	Electrical Plan - First Floor	Maverick Builders	2/06/2021
A08	Setout Plan	Maverick Builders	25/05/2021
A09	BAL Plan	Maverick Builders	26/08/2021
B01	Stair Notes	Maverick Builders	23/04/2021
B02	Balustrade Notes	Maverick Builders	23/04/2021
B03	Wet Area Notes	Maverick Builders	23/04/2021
B04	General Notes	Maverick Builders	23/04/2021

2. That the Clarence City Council be directed to issue a permit in the form set out in Annexure "A" within 14 days of any order issued by the Tribunal; and
3. That each party is to bear their own costs of and incidental to this appeal.

Signed (Appellant).....

Date: .....

 9/9/2021

Signed (Respondent).....

Date: .....

# PROPOSED DWELLING AT 9 AMBLESIDE, LINDISFARNE C.T. 167001-1

## DRAWING NUMBER

A00	COVER PAGE
A01	SITE PLAN
A01a	EASE OF ACCESS
A02	DRAINAGE PLAN - GROUND FLOOR
A02a	DRAINAGE PLAN - FIRST FLOOR
A03	FLOOR PLAN
A04	ROOF PLAN
A05	SECTION
A06	ELEVATIONS
A07	ELECTRICAL PLAN - GROUND FLOOR
A07a	ELECTRICAL PLAN - FIRST FLOOR
A08	SETOUT PLAN
A09	BAL PLAN

## COMPLIANCE NUMBER:

B01	STAIR NOTES
B02	BALUSTRADE NOTES
B03	WET AREA NOTES
B04	GENERAL SPEC NOTES

<b>Revision notes:</b> <table border="1"> <thead> <tr> <th>Rev:</th> <th>Date:</th> <th>Notes:</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>20/08/2021</td> <td>Additional Page A01a</td> </tr> </tbody> </table>			Rev:	Date:	Notes:	01	20/08/2021	Additional Page A01a	<b>Job Number:</b> 20004	<b>Drawn by:</b> AYY	<b>Project:</b> 9 AMBLESIDE, LINDISFARNE	<b>Date:</b> 04/05/2021	 14 Mertonvale Circuit, Kingston sales@mavericbuilders.com.au 6229 1430
Rev:	Date:	Notes:											
01	20/08/2021	Additional Page A01a											
			<b>Client:</b> RICHARD & RUTH HERWEYNEN	<b>Drawing Title:</b> COVER PAGE	<b>Scale @ A3:</b> NA								
				<b>Page Number:</b> A00									

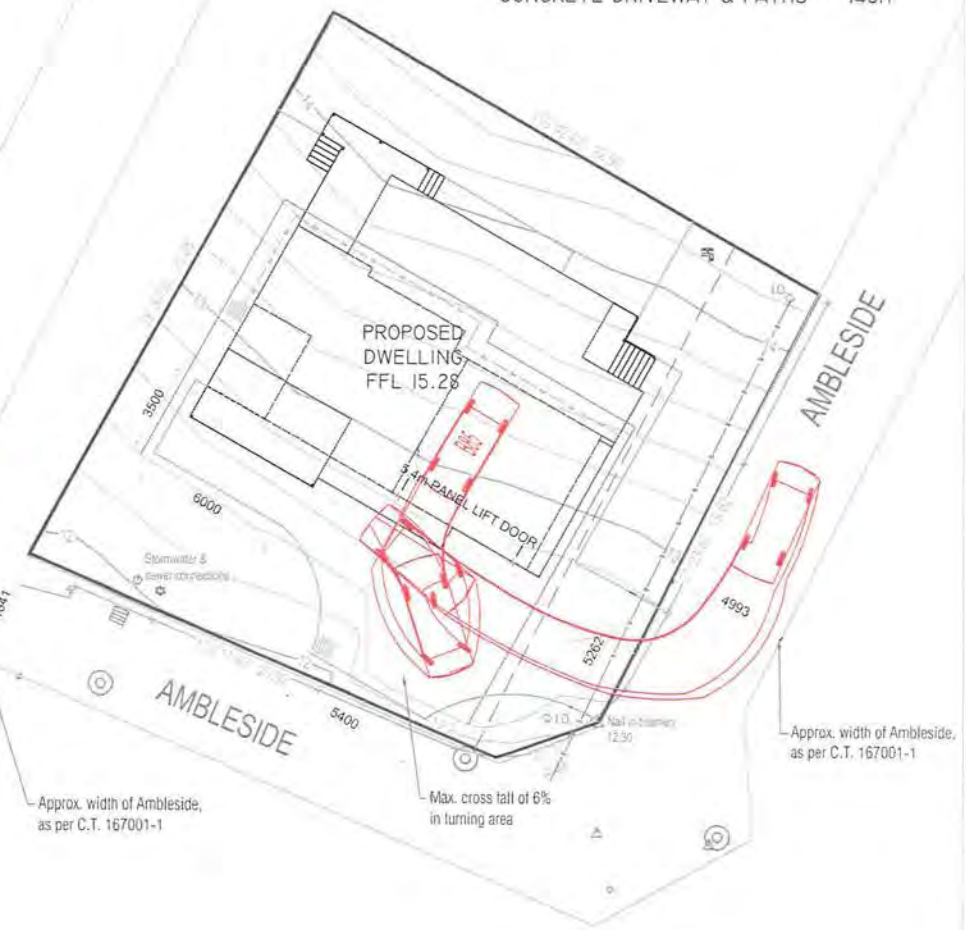
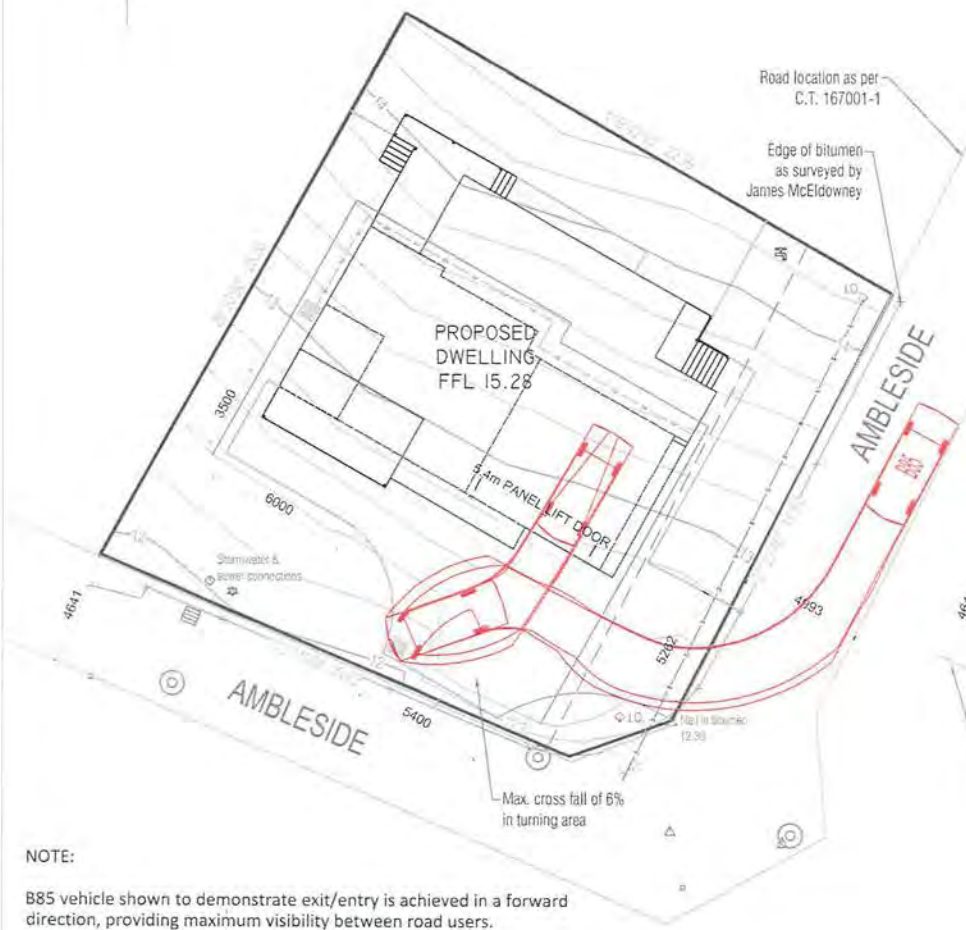






C.T.167001-1

SITE AREA	558M <sup>2</sup>
TOTAL ROOF AREA (EXCL. EAVES)	156.3M <sup>2</sup>
TOTAL SITE COVERAGE	28%
CONCRETE DRIVEWAY & PATHS	143M <sup>2</sup>



NOTE:

B85 vehicle shown to demonstrate exit/entry is achieved in a forward direction, providing maximum visibility between road users.



Revision notes:		
Rev:	Date:	Notes:

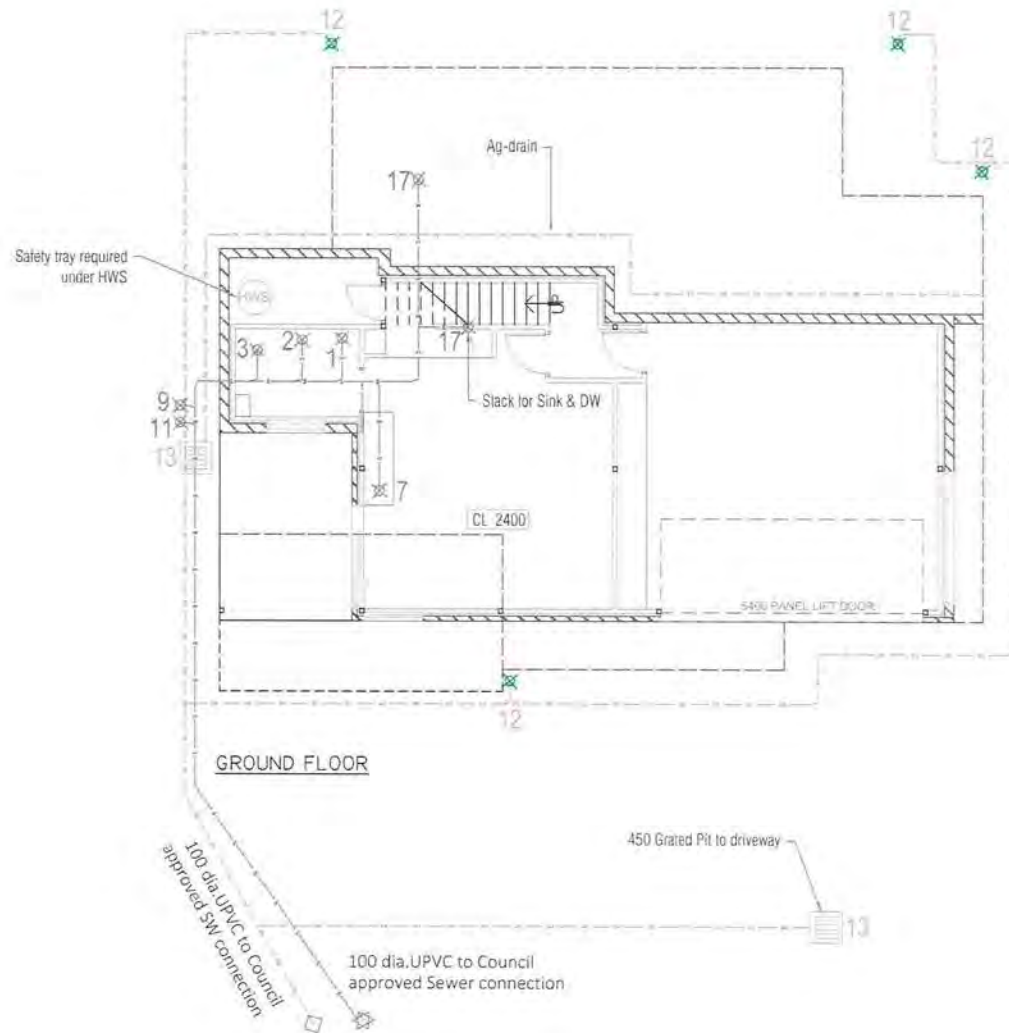
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Client:	RICHARD & RUTH HERWEYNE

Project:	J2004 - 9 AMBLESIDE, LINDISFARNE
Drawing Title:	EASE OF ACCESS

Date:	25/08/2021
Scale @ A3:	1:200
Page Number:	A01a



14 Mertonvale Circuit, Kingston  
sales@mavericbuilders.com.au  
6229 1430



#### DRAINAGE LEGEND

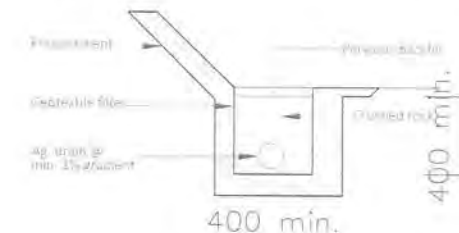
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- 2 HANDBASIN-40mm
- 3 SHOWER-50mm
- 4 BATH-40mm
- 5 LAUNDRY TROUGH-50mm
- 6 WASHING MACHINE
- 7 KITCHEN SINK-50mm
- 8 VENT-50mm
- 9 TAP CHARGED ORG min 150mm below FFL
- 10 RAIN/WATER PIPE
- 11 INSPECTION OPENING TO GROUND LEVEL-100mm
- 12 DOWNPIPE-75/90mm
- 13 450mm GRATED PIT
- 14 SPREADER PIPE-75/90mm
- 15 450mm grated pit with 150mm grated drain
- 16 DGH WASH-ER
- 17 STACK
- 18 ORG FOR HWS/AR CONDITIONER

Gutters & Downpipes to comply with BCA part 3.5.2

PLUMBER TO CONFIRM ALL DETAILS ON SITE PRIOR TO COMMENCING ANY WORK AND BE INSPECTED AND APPROVED BY A QUALIFIED ENGINEER.

#### NOTE -

Location of drainage pipes indication only of type and direction.  
Contractor to verify the location of drainage pipes within existing boundary of site.



All materials and construction to comply with AS/NZS3500, 3.2, 2003 and to be inspected and approved by a qualified engineer

AG DRAIN DETAIL  
Not to scale

#### Revision notes:

Rev.	Date	Notes
D1	20/08/2021	Increase Panel Lift door width to aide in driveway manoeuvring

#### Drawn by:

AW

#### Client:

RICHARD & RUTH HERWEYNEN

#### Project:

J2004 - 9 AMBLESIDE, LINDISFARNE

#### Drawing Title:

DRAINAGE PLAN - GROUND FLOOR

#### Date:

20/08/2021

#### Scale @ A3:

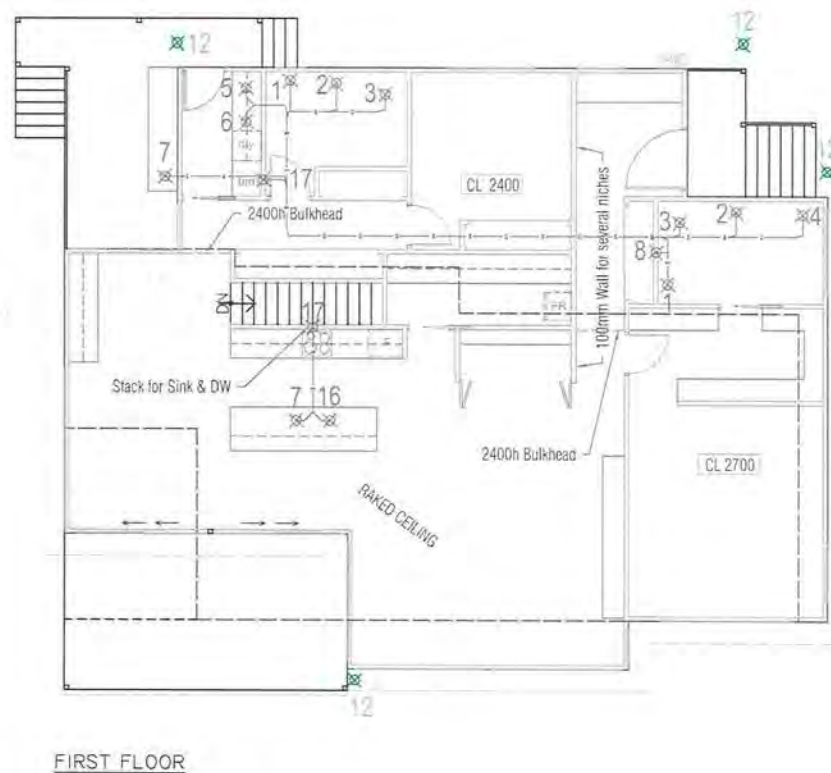
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#### Page Number:

A02



14 Mertonvale Circuit, Kingston  
sales@mavericbuilders.com.au  
6229 1430



#### DRAINAGE LEGEND

- 1 WC-100mm
- 2 HANDBASIN-40mm
- 3 SHOWER-50mm
- 4 BATH-40mm
- 5 LAUNDRY TROUGH-50mm
- 6 WASHING MACHINE
- 7 KITCHEN SINK-50mm
- 8 VENT-50mm
- 9 TAP CHARGED ORG min 150mm below FFL
- 10 RAIN WATER PIPE
- 11 INSPECTION OPENING TO GROUND LEVEL-100mm
- 12 DOWNPIPE-75/90mm
- 13 450mm GRATED PIT
- 14 SPREADER PIPE-75/90mm
- 15 450mm grated pit with 150mm grated drain
- 16 DSH WASH-BER
- 17 STACK
- 18 ORG FOR HWS / AIR CONDITIONER

Gutters & Downpipes to comply with BCA part 3.5.2

PLUMBER TO CONFIRM ALL DETAILS ON SITE PRIOR TO COMMENCING ANY WORK AND BE INSPECTED AND APPROVED BY A QUALIFIED ENGINEER.

#### NOTE -

Location of drainage pipes indication only of type and direction.  
Contractor to verify the location of drainage pipes within existing boundary of site.



#### Revision notes:

Rev	Date	Notes

#### Drawn by:

AW

#### Project:

J2004 - 9 AMBLESIDE, LINDISFARNE

#### Date:

02/06/2021

#### Scale @ A3:

1:100

#### Page Number:

A02a

#### Client:

RICHARD & RUTH HERWEYNEN

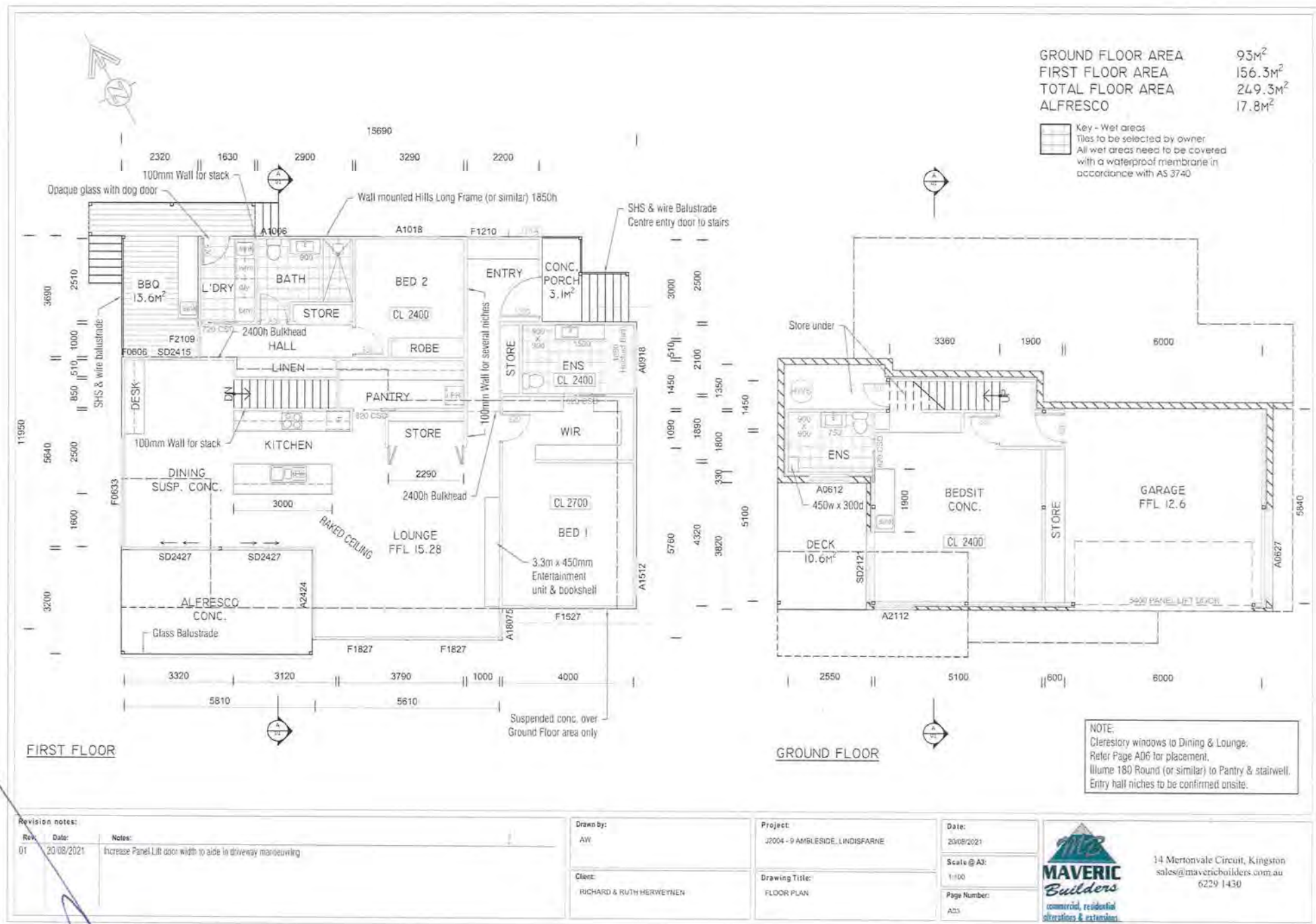
#### Drawing Title:

DRAINAGE PLAN - FIRST FLOOR



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## ROOFWATER DRAINAGE

Refer to Part 3.5.3 BCA Gutters and Downpipes for more details

Rainfall intensity (Hobart) - eaves gutters - 99ml/hour (1 in 20 years)  
- valley/box gutters - 155ml/hour (1 in 100 years)

Size of downpipes (max.12m spacings) - 90mm dia. min.

Size of eaves gutter (min 1:500 fall) - 115D min.

Size of box gutter (min 1:100 fall), not more than 12.5 % pitch.

Valley gutters - 400mm min.width not less than 150mm roof covering overhang each side of the gutter or not more than 12.5 % - must be designed as a box gutter.

Number of downpipes required - 4 minimum

\*DP denotes Downpipe


\*SP denotes Spreader to lower roof


\*All RH's (rainwater heads) to be fitted with overflow protectors and to be set 25mm below freeboard of box gutter for additional protection Min. dimensions 400 width x 150 length x100 depth


ROOF A 194m<sup>2</sup> ROOF B 18.6m<sup>2</sup>

### KEY:

 denotes roofing area

 denotes down pipe

 denotes spreader

 denotes direction of fall

## ROOF VENTILATION

Refer to CBOS - Condensation in Buildings - Tasmania Designers Guide - Version 2 April 2019

Permastop® Building Blanket, installed over HW roof battens, ventilated ridge, along with eave vents as calculated. Vents to be evenly spaced.

### Roof Vent

The minimum vent area should be:

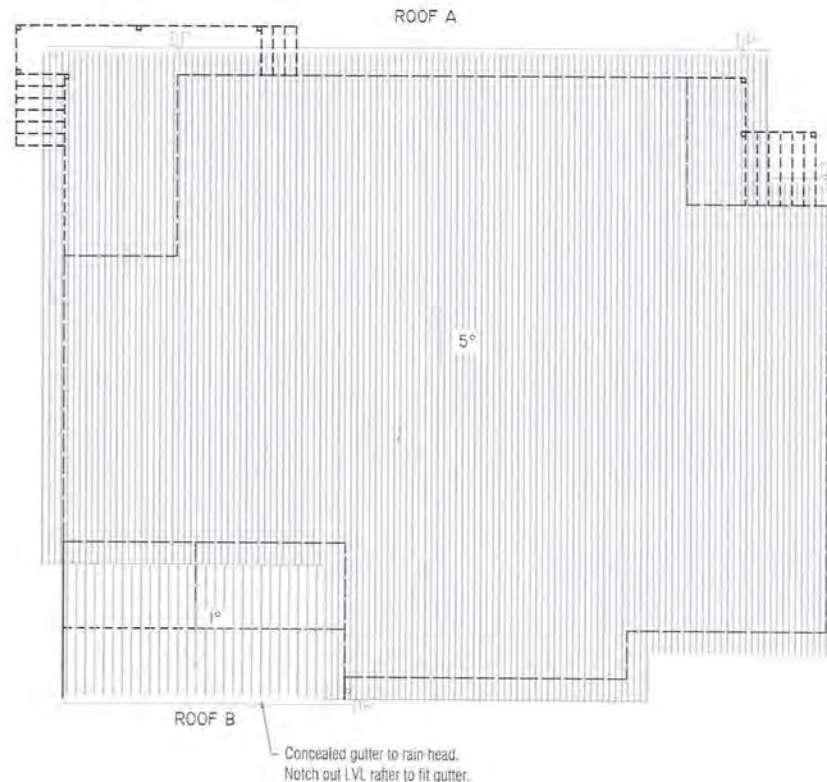
- a) Ceiling area/150 for <16° pitch, or
- b) Ceiling area/300 for >16° pitch

Supply	Exhaust
75% of ventilation should be supply	25% of ventilation should be exhaust

Ventilation of standard 400x200 eave vent is .08m<sup>2</sup>

$156.3\text{m}^2/150=1.042$

$1.042/.08 = 13 = \text{Number of Vents required } 13$



### Revision notes:

Rev:	Date:	Notes:

### Drawn by:

AW

### Project:

J2004 - 9 AMBLESIDE, LINDISFARNE

### Date:

25/05/2021

### Client:

RICHARD & RUTH HERWEYNEN

### Drawing Title:

ROOF PLAN

### Scale @ A3:

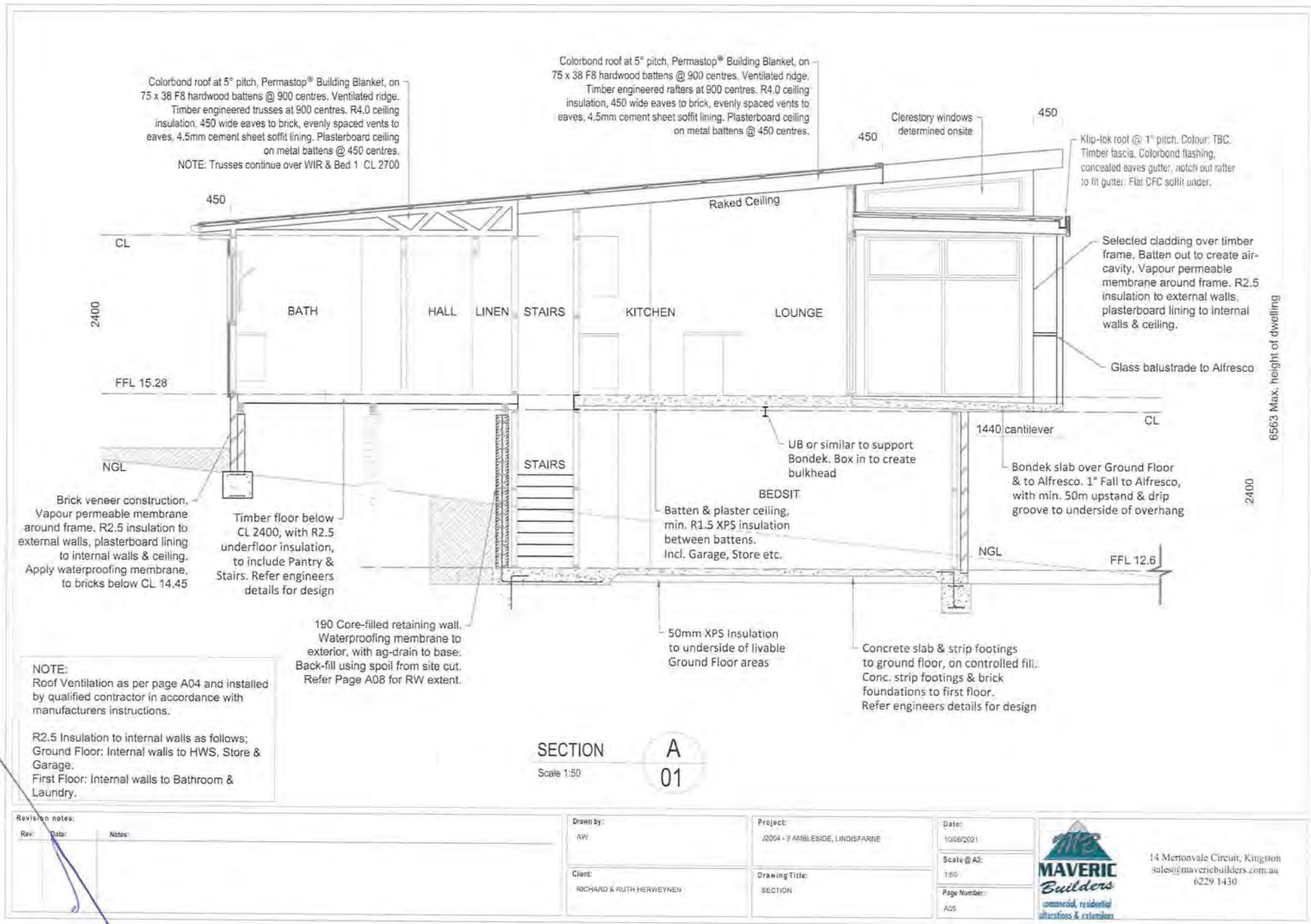
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### Page Number:

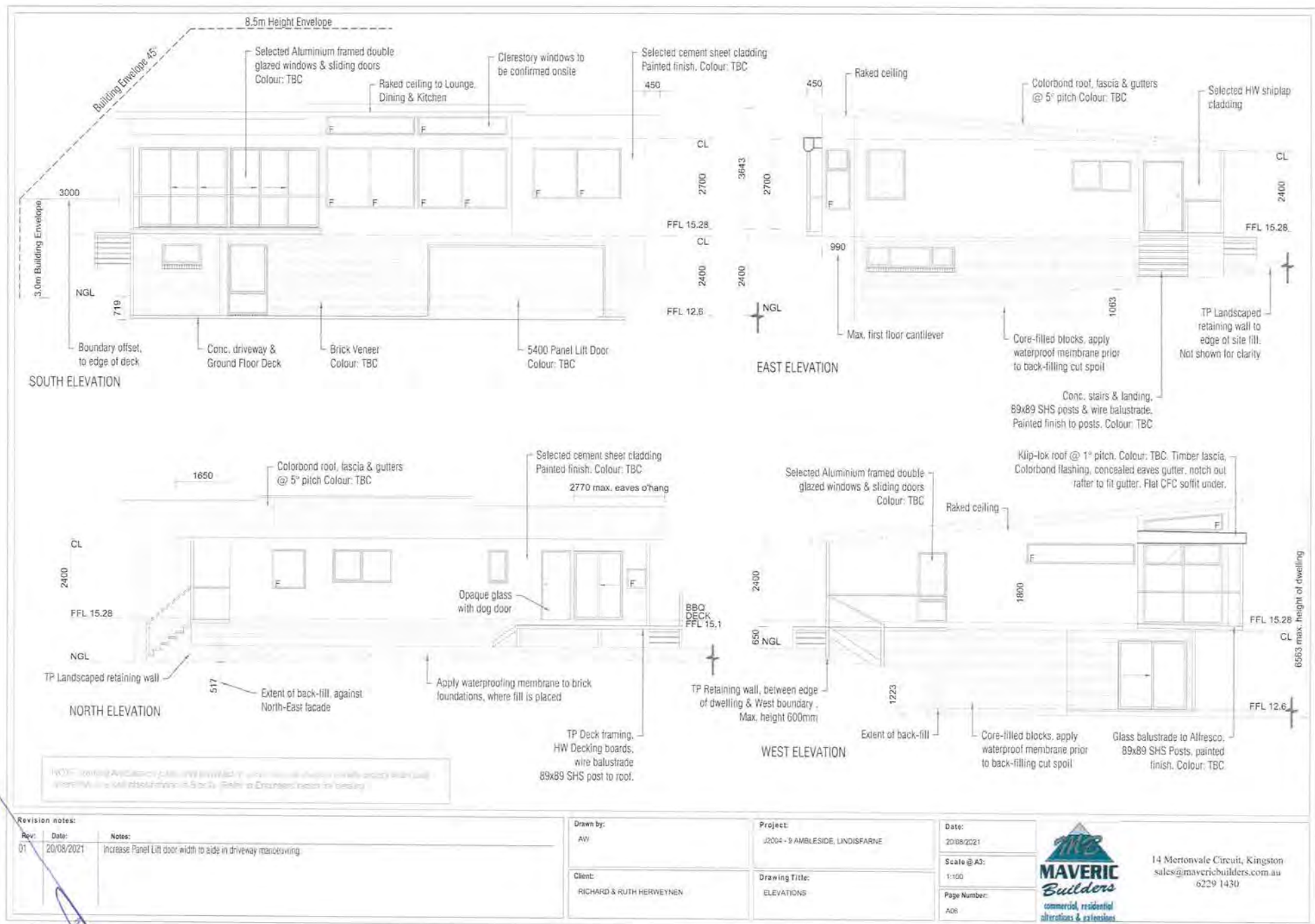
A04

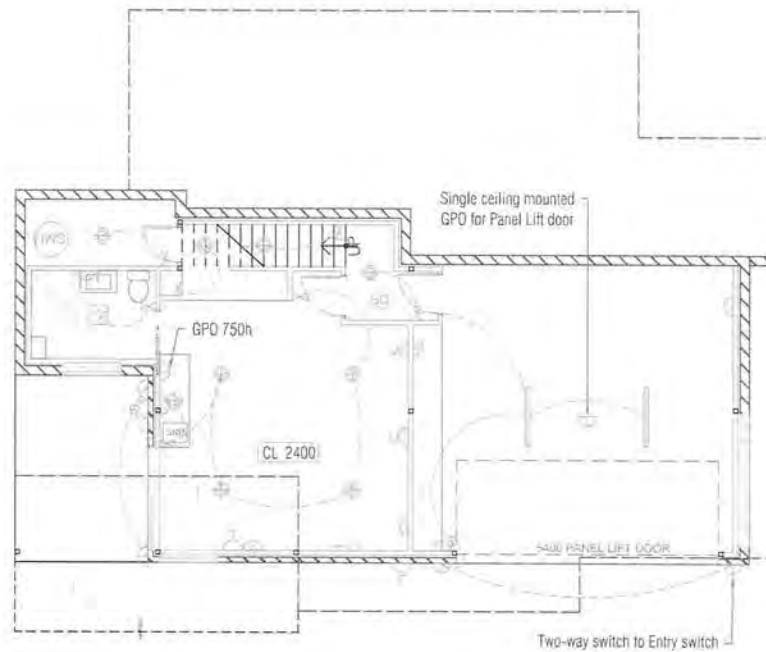


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GROUND FLOOR

- FLOOR MOUNT LIGHT
- WALL MOUNT LIGHT
- LIGHT BATTEN HOLDER
- DOWNLIGHT (LED)
- LED SLIMLINE TUBE
- LIGHT SWITCH
- LIGHT SWITCH WITH DIMMER
- SINGLE GPO
- DOUBLE GPO
- EXHAUST FAN
- LIGHT / HEAT / EXHAUST
- SMOKE DETECTOR
- WALL MOUNTED AIR CONDITIONER
- PANEL HEATER
- TELEVISION POINT
- PHONE POINT / NBN
- TWIN ADJUSTABLE SPOTLIGHT FITTING
- SENSOR LIGHT
- METER BOX
- EXTERNAL GPO
- STAIR TREAD LIGHT
- DOUBLE GPO WITH USB SOCKET

Revision notes:

Rev:	Date:	Notes:
01	20/08/2021	Increase Panel Lift door width to aid in driveway manoeuvring

Drawn by:

AW

Client:

RICHARD & RUTH HERWEYNE

Project:

22004 - 9 AMBLESIDE, LINDISFARNE

Drawing Title:

ELECTRICAL PLAN - GROUND FLOOR

Date:

20/08/2021

Scale @ A3:

1:100

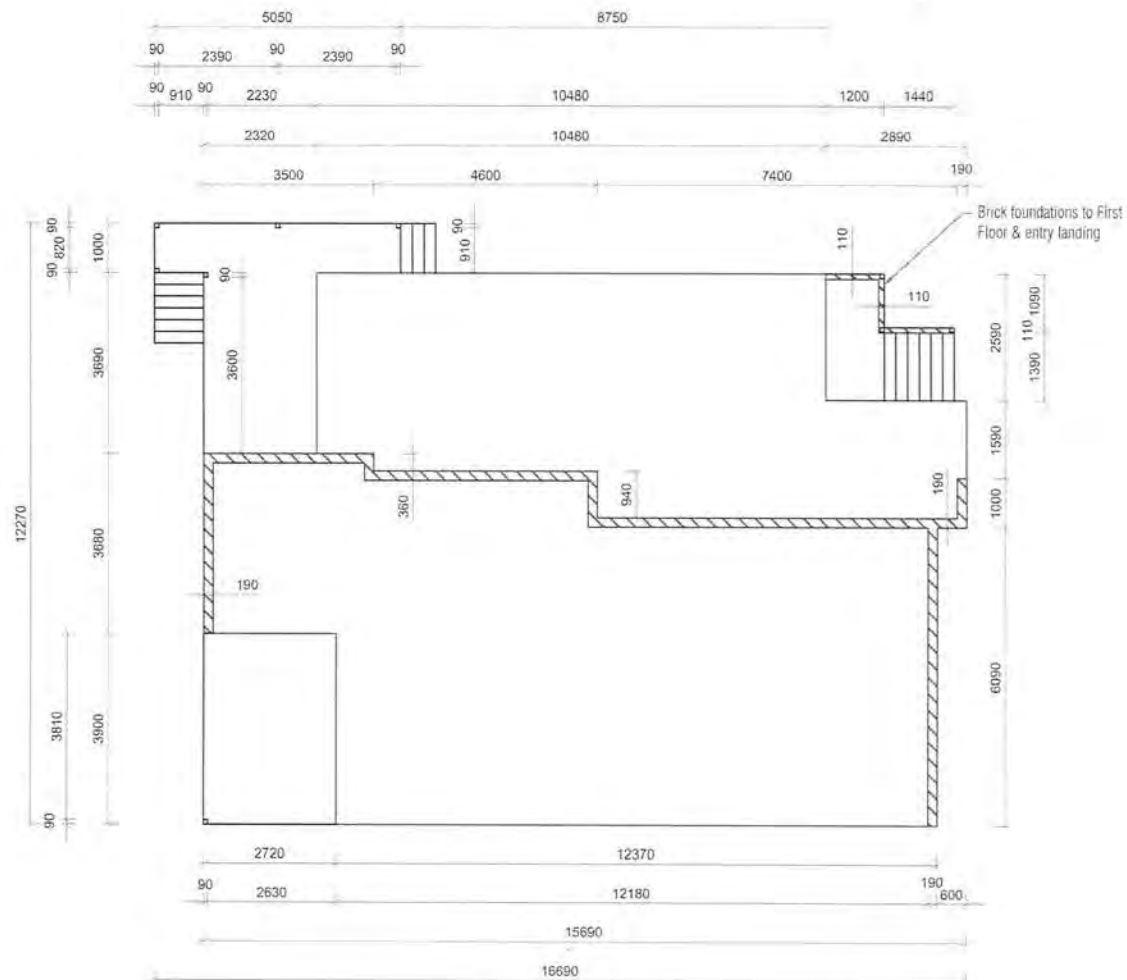
Page Number:

A07



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#### Revision notes:

Rev: Date: Notes:

#### Drawn by:

AW

#### Project:

J2004 - 9 AMBLESIDE, LINDISFARNE

#### Date:

25/05/20/21

#### Scale @ A3:

1:100

#### Page Number:

A08

#### Client:

RICHARD & RUTH HERWEYNEN

#### Drawing Title:

SETOUT PLAN



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THE BUSHFIRE ATTACK  
LEVEL FOR THIS  
SITE HAS BEEN CATEGORISED  
AS:  
**BAL - NA**  
IN ACCORDANCE WITH AS  
3959-2009  
"CONSTRUCTION OF  
BUILDINGS IN BUSHFIRE  
PRONE AREAS".

#### Revision notes:

Rev:	Date:	Notes:
01	26/08/2021	Amend crossover

#### Drawn by:

AW

#### Client:

RICHARD & RUTH HERWEYNEN

#### Project:

J2004 - 9 AMBLESIDE, LINDISFARNE

#### Drawing Title:

BAL PLAN

#### Date:

26/08/2021

#### Scale @ A3:

1:1000

#### Page Number:

A09



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# TIMBER DECKING SPECIFICATIONS

TIMBER TYPE	THICKNESS (mm)	RECOMMENDED MAXIMUM JOIST SPACING (mm)
Kwila, Jarrah, other hardwoods	90	500
Treated Pine	22 Dressed	400
	19 Swan (25 actual thickness)	500
Cypress	21	400
	25	500

## TIMBER STAIR TREADS

TIMBER TYPE	STAIR WIDTH				
	750	1000	1200	1500	1800
RECOMMENDED THICKNESS OF TREAD (mm)					
Treated Pine, Cypress	45	50	55	65	80
Jarrah, other hardwoods	45	45	45	55	60

## BOLTS FOR BEARER TO STUMP / POSTS CONNECTIONS

### MAXIMUM ALLOWABLE DECK AREA SUPPORTED PER BOLT (m²) - REFER NOTES

BOLT TYPE	Seasoned Hardwood (F17) Min. timber thickness: 35mm		Treated Pine (F5) Min. timber thickness: 35mm	
	Bearer to one side only (fig. 18)	Spaced Bearer (fig. 19)	Bearer to one side only (fig. 18)	Spaced Bearer (fig. 19)
M10	1.0	1.7	0.8	1.3
M12	1.3	2.0	1.0	1.5
M16	1.7	2.7	1.2	2.0
M20	2.1	3.4	1.5	2.5

## 19mm THICK DECKING BOARD FIXING REQUIREMENTS

DECKING SPECIES	JOIST SPECIES	NAILING	
		Machine Driven	Hand Driven
Hardwood, Cypress	Hardwood, Cypress	50 x 2.5 Flat Head	50 x 2.5 Flat Head
	Seasoned Treated Pine, Oregon	50 x 2.5 DS Flat head	50 x 2.5 DS Flat head
Seasoned Treated Pine	Hardwood, Cypress	50 x 2.5 Flat Head	50 x 2.5 Flat Head
	Seasoned Treated Pine, Oregon	50 x 2.5 DS Flat head	50 x 2.5 DS Flat head

## NOTES:

- DS - Deformed shank
- Nails to be hot dipped galvanized or stainless steel (mechanical galvanized plated not recommended).
- In areas subjected to extreme wetting and drying conditions (e.g. around swimming pools), consideration should be given to increasing the nail diameter and/or length.
- Dome head nails may be used in lieu of flat head nails.

## Revision notes:

Rev: Date: Notes:

## Drawn by:

AW

## Client:

RICHARD & RUTH HERWEYEN

## Project:

2004 - 9 AMBLESIDE, LINDISFARNE

## Drawing Title:

STAIR NOTES

## Date:

23/04/2021

## Scale @ A3:

NA

## Page Number:

001



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2000crs max

125mm sphere must not pass through tread & balustrade

Wine handrails as per clause 3.9.2.3 of N.C.C.  
stair balustrade min. 865mm above nose of stair tread.

## SCREW FIXING TABLE

STAIR WIDTH (mm)				
750	1000	1200	1500	1800
SCREW TYPE / NUMBER				
3#10	3#10	3#10	3#12	3#12



Timber deck, Stairs and structure - refer to details.

## TREAD TO STRINGER FIXING OPTIONS



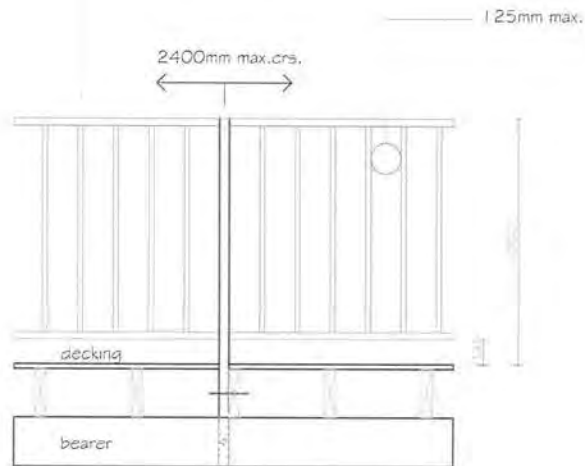
## STRINGER TO WALL FIXING

INTERNAL - 140 75mm bugle screws into wall studs

EXTERNAL - M12 masonry anchors into masonry at 600 crs.

# STEEL

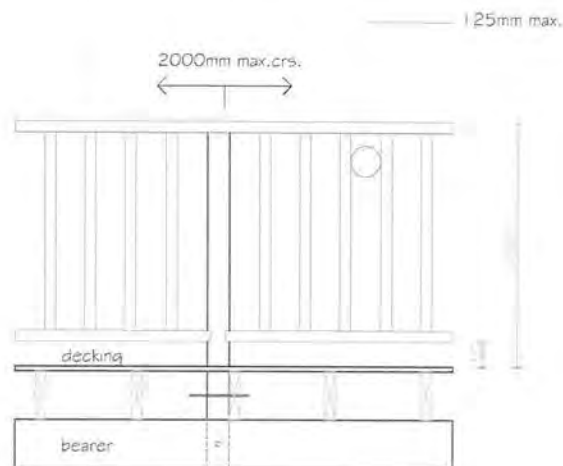
38x25x1.6 RHS rails & end verticals  
End verticals fixed to posts with 3-M8 s/s screws  
Balusters 19x19x1.2 RHS at 110 cns  
All members powdercoated



40x40x1.6 uprights at 2400 cns carried down beside joist and through bolted with 2-M10 S/S bolts

# TIMBER

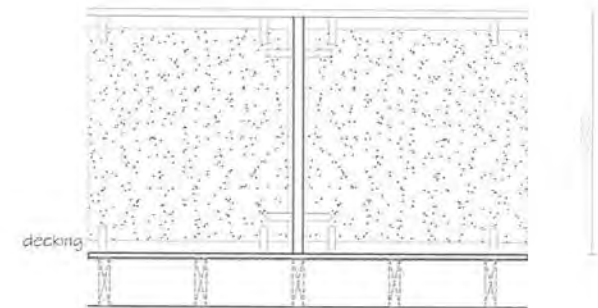
90x45 F5 TRP top / bottom rails housed into posts  
Intermediate newell posts 90x90 F5 TRP  
Balusters 42x35 screwed to rails (1-No 8 Class 3 t4b)  
Alternative balusters 70x19 F5 TRP housed and screwed  
(2-No 8 Class 3 t4b) into pre-formed handrail and bottom rail  
All balusters max aperture of 125mm



refer to engineer detail

# GLASS

Proprietary glass balustrade and support system  
to relevant Australian Standards.



\* WIRE HANDRAILS AS PER CLAUSE 3.3.3 OF PCA  
\* STAIR BALUSTRADES MIN 825mm ABOVE NOSE OF STAIR TREAD

## Revision notes:

Rev: Date: Notes:

## Drawn by:

AW

## Project:

J2004 - 9 AMBLESIDE, LINDISFARNE

## Date:

23/04/2021

## Scale @ A3:

NA

## Page Number:

BC2

## Client:

RICHARD & RUTH HERWEYNEN

## Drawing Title:

BALUSTRADE NOTES



14 Mertonvale Circuit, Kingston  
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Vessels or area where the fixture is installed	Floors & horizontal surfaces	Walls	Wall junctions & joints	Penetrations
Enclosed shower with top	Waterproof entire enclosed shower area, including the top	Waterproof to not less than 150mm above the shower floor substrate or not less than 25mm above the maximum finished floor level which ever is the greater with the waterproof being water resistant to a height of not less than 1800mm above the finished floor level	Waterproof internal and external corners and horizontal joints within a height of 1800mm above the floor level with not less than 40mm width either side of the junction	Waterproof all penetrations
Enclosed shower without top	Waterproof entire enclosed shower area, including waterproof	Waterproof is not less than 150mm above the shower floor substrate with the remainder being water resistant to a height of not less than 1800mm above the finished floor level	Waterproof internal and external corners and horizontal joints within a height of 1800mm above the floor level with not less than 40mm width either side of the junction	Waterproof all penetrations
Enclosed shower with step down	Waterproof entire enclosed shower area, including the step down	Waterproof is not less than 150mm above the shower floor substrate or not less than 25mm above the maximum finished floor level which ever is the greater with the waterproof being water resistant to a height of not less than 1800mm above the finished floor level	Waterproof internal and external corners and horizontal joints within a height of 1800mm above the floor level with not less than 40mm width either side of the junction	Waterproof all penetrations
Enclosed shower with preferred shower base	N/A	Water resistant to a height of not less than 1800mm above finished floor level	Waterproof internal and external corners and horizontal joints within a height of 1800mm above the floor level with not less than 40mm width either side of the junction	Waterproof all penetrations
Unenclosed shower	Waterproof entire enclosed shower area	Waterproof is not less than 150mm above the shower floor substrate or not less than 25mm above the maximum finished floor level which ever is the greater with the waterproof being water resistant to a height of not less than 1800mm above the finished floor level	Waterproof internal and external corners and horizontal joints within a height of 1800mm above the floor level with not less than 40mm width either side of the junction	Waterproof all penetrations
Areas outside the shower area for concrete and compressed fibre cement	Water resistant to entire floor	N/A	Waterproof all wall / floor junctions. Where a flashing is used the waterproofing must be not less than 40mm	N/A
Areas outside the shower area for timber floors including particleboard, plywood, and other timber based flooring materials	Waterproof entire floor	N/A	Waterproof all wall / floor junctions. Where a flashing is used the waterproofing must be not less than 40mm	N/A

Vessels or area where the fixture is installed	Floors & horizontal surfaces	Walls	Wall junctions & joints	Penetrations
Areas adjoining baths and spas for concrete and compressed fibre cement	Water resistant to entire floor	Water resistant to a height of not less than 150mm above the vessel and exposed surfaces below the vessel up to the floor	Waterproof edges of the vessel and junction of bath enclosure with floor. Where the top of the bath is supported by a horizontal surface, this must be waterproof for showers over bath and water resistant for all other cases	Waterproof all top and joint penetrations where they occur in a horizontal surface
Areas adjoining the bath and spa (see note 1 for timber floors including particleboard, plywood and other timber based flooring materials)	Waterproof entire floor	Water resistant to a height of not less than 150mm above the vessel and exposed surfaces below the vessel up to the floor	Waterproof edges of the vessel and junction of bath enclosure with floor. Where the top of the bath is supported by a horizontal surface, this must be waterproof for showers over bath and water resistant for all other cases	Waterproof all top and joint penetrations where they occur in a horizontal surface
Enclosed baths	N/A for water bath. Waterproof entire and waterproofing waterproof under the bath top and plywood not less than 1800mm above the finished floor level	N/A for wall under bath. Waterproof to not less than 150mm above the vessel of the vessel to within 75mm of the wall	N/A for water bath	Waterproof all top and joint penetrations where they occur in a horizontal surface
Water adjoining into vessels (eg. sinks, trays, bidet, etc.)	N/A	Water resistant to a height of not less than 150mm above the vessel if the vessel is within 75mm of the wall	Where the vessel is fixed to a wall, waterproof edges for entire of vessel	Waterproof all top and joint penetrations where they occur in a horizontal surface
Landings and WCs	Water resistant to entire floor	Waterproof all wall / floor junctions to not less than 25mm above the finished floor level, sealed in floor	Waterproof all wall / floor junctions. Where flashing is used the waterproofing must be not less than 40mm	N/A

#### NOTES

1. If a fixture is installed above a door, refer to the requirements for showers and wall penetrations
2. N/A means not applicable
3. Detailing to be provided to the building surveyor
4. Designer is to determine the appropriate waterproofing in accordance with AS2743 Part 3.4.1 and Table 3.4.1 of NCC and to verify the Building Surveyor for respective requirements during construction

#### IMPORTANT

The above information is for general guidance only. Waterproofing installers to comply with all current codes of legislation which supersede or vary this specification.

#### Revision notes:

Rev: Date: Notes:

#### Drawn by:

AN

#### Client:

RICHARD & RUTH HERWEYNE

#### Project:

J2004 - 9 AMBLESIDE, LINDISFARNE

#### Drawing Title:

WET AREA NOTES

#### Date:

23/04/2021

#### Scale @ A3:

NA

#### Page Number:

BC3



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#### ROOF AND WALL CLADDING

Generally to be in accordance with BCA 3.5

Roof Cladding to be in accordance with BCA 3.5.1, BCA 3.5.2 and;

Roof Tiles AS 2049 & AS 2050.

Metal sheet roofing AS 1562.1.

Plastic sheet roofing AS/NZS 4256.1, 2, 3 & 5 & AS 1562.3.

Gutters and downpipes, generally to be in accordance with BCA 3.5.3 & AS/NZS 3500.3.2 & The Tasmanian Plumbing Code.

Eaves, internal and valley guttering to have cross sectional area of 6500mm<sup>2</sup>.

Downpipes to be 900 or 100 x 50 rectangular section to max. 12000 c/s; and to be within 1000 of internal/valley gutter.

Wall cladding to be installed in accordance with BCA 3.5.4, BCA 3.5.5 & Manufacturers specifications.

Flashings to BCA 3.5.1.7.

#### GLAZING

Generally glazing to be in accordance with AS 1288.

Refer to window legend for sizes and type.

Windows to comply with BCA 3.5

#### SERVICES

Generally in accordance with 3.12.5.

Hot water supply system designed and installed in accordance with AS/NZS 3500.

#### FIRE SAFETY

Generally to be in accordance with BCA 3.7.

Fire separation to be in accordance with BCA 3.7.2.

External walls and gable ends constructed within 900 of boundary are to extend to underside of non-combustible roofing / eaves & are to be of a masonry skin 90 thick with FRL 60/60/60.

Sarking to have a flammability index less than 5.

Roof lights not to be placed closer than 900 from boundary.

Installations of smoke alarms to be in accordance with BCA 3.7.5.2. Locations indicated on floor plan. Smoke alarms are to be interconnected where more than 1 smoke alarm is installed.

Installation locations:

Ceilings - 300 away from wall junction.

Cathedral ceiling - 500 down from apex.

Walls - 300 down from ceiling junction.

Heating appliances generally to be in compliance with BCA 3.10.7 & AS 2918.

Fireplace - extend hearth 150 to side of opening, 300 in front of opening.

Freestanding - extend hearth 400 beyond unit.

Freestanding appliance to be 1200 from combustible wall surface, 50 from masonry wall. Heat shield - 90 masonry with 25 air gap to combustible wall, extend 600 above unit.

Flue installation to BCA Figure 3.10.7.5 & BCA 3.12.3.1

Top of chimney / flue to terminate 300 above horizontal plane 3600 away from roof.

Construction in Bush Fire Area to be in accordance with BCA 3.10.7 & AS 3959.

#### HEALTH AND AMENITY

Generally wet area waterproofing to be in accordance with AS 3740 and BCA 3.8.1.

Waterproofing of surface adjacent to open shower, including shower over bath, to extend 1.5 from vertical line projected from shower rose, to a height of 1.8 above finished floor. Wall surfaces adjacent to plumbing fixtures, bath etc. to be protected to a height 150 above fixture.

Ceiling heights to be in accordance with BCA 3.8.2. Refer to drawing.

#### FACILITIES

Generally to be in accordance with BCA 3.8.3.

Required facilities in accordance with BCA 3.8.3.2. Refer to plan for locations.

Sanitary compartment to be in accordance with BCA 3.8.3.3. Refer to plan for detail.

Provision of natural light to be in accordance with BCA 3.8.4.2.

Windows / rooflights to provide light transmission area equal to 10% of floor area of room.

Ventilation to be in accordance with BCA 3.8.5 or AS 1668.2 for mechanical ventilation. Exhaust fan from bathroom / WC to be vented to outside for steel roof and roof space for tiled roof.

Natural ventilation to be provided at a rate of 5% of room area, in accordance with BCA 3.8.5.2.

#### STAIR CONSTRUCTION

Generally to be in accordance with BCA 3.9.1.

Stairs;

Maximum 18 risers to each flight.

Riser openings to be less than 125.

Treads to have non-slip surface or nosing.

Risers - min. 115 - max. 190.

Tread - min. 240 - max. 355.

Balustrade;

Generally in accordance with BCA 3.9.2.

Balustrade required where area is not bounded by a wall or where level exceeds 1000 above floor level or ground level.

865 high on stairs - measured from line of stair nosing.

1000 high above floor or landing.

Openings between balusters / infill members to be constructed so as not to allow 125 sphere to pass between members. Where floor level exceeds 4000 above lower level, infill members between 150 and 760 above floor level, to be constructed so as to restrict climbing.

#### SWIMMING POOLS

Generally swimming pools and safety fences to be constructed in accordance with BCA 3.10.1 and AS 1926.1.

#### ENERGY EFFICIENCY

Generally in accordance with BCA 3.12. Climate Zone 7, applicable to Tasmania. (Zone 8 applicable to Alpine areas).

#### BUILDING FABRIC

Generally in accordance with BCA 3.12.1.

BUILDING FABRIC INSULATION

Insulation to be fitted to form continuous barrier to roof / ceiling, walls and floors.

REFLECTIVE BUILDING MEMBRANE

To be 'vapour permeable' with a min. value of 4ug/s, installed to form 20mm airspace between reflective faces and external lining / cladding, fitted closely up to penetrations / openings, adequately supported and joints to be lapped min. 150.

BULK INSULATION

To maintain thickness and position after insulation. Continuous cover without voids except around services / fittings.

ROOF INSULATION

Roof construction to achieve min. additional R Value of R4.

Roof lights to comply with BCA 3.12.1.3.

EXTERNAL WALLS

External wall construction to achieve min. R Value of R2.8.

Wall surface density min. - 220kg/m<sup>2</sup>.

FLOORS

Generally in accordance with BCA 3.12.1.5.

Suspended timber floor with single skin masonry perimeter required to achieve a min. total R value of R0.88.

Concrete slab on ground with an in-slab heating system to be insulated to R1.0 around vertical edge of slab perimeter.

ATTACHED CLASS 10a BUILDING

Must have an external fabric that achieves the required thermal level of a Class 1 building.

#### EXTERNAL GLAZING

Generally in accordance with 3.12.2.

To AS 3959 - 2009 Section 3.8 (Construction of Buildings in Bushfire-prone Areas) where applicable.

Windows to comply with BCA 3.9.2.6 Protection of Openable Windows.

#### BUILDING SEALING

Generally in accordance with BCA 3.12.3.

Chimneys or flues to be fitted with sealing damper or flap.

Roof lights to habitable rooms to be fitted with operable or permanent seal to minimise air leakage.

External windows and doors to habitable rooms / conditioned spaces, to be fitted with air seal to restrict air infiltrations.

Exhaust fans to habitable rooms / conditioned spaces to be fitted with self closing damper or filter.

Building envelope to be constructed to minimise air leakage. Construction joints and junctions, or adjoining surfaces to be tight fitting and sealed by caulking, skirting, architraves and cornices.

#### AIR MOVEMENT

Generally in accordance with BCA 3.12.4.

Windows to comply with BCA 3.9.2.6. Protection of Openable Windows.

#### SITEWORKS

Excavation and filling of site to be in accordance with BCA 3.1 and AS 2870.

Drainage works to be in accordance with BCA 3.1.3 and AS/NZS 3500.3

Surface drainage - finished ground to fall away from building 50mm in 1000mm.

Finished slab level to be:

-150 above finished ground.

-50 above paved surfaces.

Prevent ponding of water under suspended floors.

#### FOOTINGS AND SLAB

Generally in accordance with BCA 3.2 and AS 2870.

Preparation for placement of concrete and reinforcement to be in accordance with AS 2870.

Concrete and steel reinforcement to be in accordance with AS 2870 and AS/NZS 3500.

The site classification to be in accordance with AS 2870.

Alternatively footings and slabs to be in accordance with structural engineers design and specification.

#### MASONRY

Generally masonry walls to be constructed in accordance with BCA 3.3 and AS 3700.

Un-reinforced masonry to BCA 3.3.1.

Reinforced masonry to BCA 3.3.2.

Masonry accessories to BCA 3.3.3.

Weatherproofing of masonry to BCA 3.3.4.

#### FRAMING

Timber framing to be in accordance with BCA 3.4.3 and AS 1684.

Manufactured timber members to be in accordance with prescribed framing manual.

Sub-floor ventilation in accordance with BCA 3.4.1. Sub-floor area to be clear of organic materials and rubbish.

Provide vent openings in substructure walls at a rate of not less than 6000mm<sup>2</sup> per meter of wall length, with vents not more than 600mm from corners.

150mm clearance required to underside by floor framing members unless specified otherwise by flooring material specification.

Tie-down and bracing of frame to be in accordance with AS 1684 and AS 4055.

Structural steel framing to be in accordance with BCA 3.4.2, BCA 3.4.4 and AS 1250, AS 4100 and structural steel engineers design and specifications.

#### Revision notes:

Rev: Date: Notes:

Drawn by:

AW

Project:

J2004 - 9 AMBLESIDE, LINDISFARNE

Date:

23/04/2021

Scale @ A3:

N/A

Page Number:

6/4

Client:

ROBERT & RUTH HERWEYNEN

Drawing Title:

GENERAL SPEC NOTES



14 Merrivale Circuit, Kingston  
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6229 1430



## PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

**Development No:** PDPLANPMTD-2021/019465

**Approval Date:** 00 Month 2021

---

**Description:** Single Dwelling

**Address:** 9 Ambleside, Lindifarne

---

This permit is granted, subject to the following conditions:

**General Conditions:**

- 1 The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions and must not be altered without the consent of Council. The endorsed plans being titled PROPOSED DWELLING AT 9 AMBLESIDE, LINDISFARNE CT. 167001- 1
  - DRG No A00 04/05/2021 Cover Page;
  - DRG No A01 25/08/2021 Site Plan;
  - DRG No A01a 25/08/2021 Ease of Access;
  - DRG No A02 20/08/2021 Drainage Plan;
  - DRG No A02a 02/06/2021 First Floor Drainage Plan;
  - DRG No A03 20/08/2021 Floor Plan;
  - DRG No A04 25/05/2021 Roof Plan;
  - DRG No A05 10/06/2021 Section;
  - DRG No A06 20/08/2021 Elevations;
  - DRG No A07 20/08/2021 Electrical Plan – Ground floor;
  - DRG No A07a 02/06/2021 Electrical Plan – First Floor;
  - DRG No A08 25/05/2021 Setout Plan;
  - DRG No A09 26/08/2021 BAL Plan;

- DRG No B01 23/04/2021 Stair Notes;
- DRG No B02 23/04/2021 Balustrade Notes;
- DRG No B03 23/04/2021 Wet Area Notes; and
- DRG No B04 23/04/2021 General Notes.

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The following advice is also provided:

- a. This Permit will lapse after 2 years from the date on which it is granted unless the development / use has been substantially commenced. Upon request, under Section 53(5A) of the Land Use Planning and Approvals Act 1993 Council may grant an extension of time for a further 2 years. A further 2 years may be granted upon request under Section 53(5B) of the Land Use Planning and Approvals Act 1993. Any such requests must be made in writing and within 6 months of the day on which the permit has lapsed.
- b. This is a town planning permit only. Please be aware that a building permit and / or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.
- c. Non-compliance with this permit is an offence under Section 63 of the Land Use Planning and Approvals Act 1993 and may result in enforcement action under Division 4A of the Land Use Planning and Approvals Act 1993 which provides for substantial fines and daily penalties.
- d. Future frontage fencing is not part of this approval and must meet the requirements of the relevant planning scheme at the time.

Ross Lovell

**MANAGER CITY PLANNING**

*THIS APPROVAL IS GIVEN UNDER DELEGATION GRANTED BY COUNCIL ON 14 DECEMBER 2020*



<b>11.4 CUSTOMER SERVICE</b>
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Nil Items.



**11.5 ASSET MANAGEMENT****11.5.1 PROPOSED PURCHASE OF LED STREET LIGHTS WITHIN THE DISTRIBUTION NETWORK OF CLARENCE****EXECUTIVE SUMMARY****PURPOSE**

To consider the purchase of LED streetlights from TasNetworks, currently installed on their distribution network within the Clarence area, to augment the LED street lights which council already own through the “Great Southern Lights” project.

**RELATION TO EXISTING POLICY/PLANS**

Council’s Strategic Plan 2021-2031 goals are relevant - to be a well-planned, liveable city with services and infrastructure to meet current and future needs of our growing and vibrant community.

**LEGISLATIVE REQUIREMENTS**

This report has been listed in the Closed Meeting section of the Council Agenda pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* (Tas) as this report relates to contracts and tenders for the supply and purchase of goods and services.

The *Local Government Act 1993* (Tas) and the associated *Local Government (General) Regulations 2015* (Tas) relating to tendering and contracting requirements are relevant.

This report details the basis for the recommendation. Any alternative decision by council will require a full statement of reasons to maintain the integrity of the Tender process and to comply with the requirements of the *Judicial Review Act 2000* (Tas).

**CONSULTATION**

No community consultation has occurred on this matter.

**FINANCIAL IMPLICATIONS**

Financial implications are dependent on the option selected as described in the body of this report. Options other than “do nothing” require financial outlay by council and deliver different on-going savings to council.

**RECOMMENDATION:**

That Council authorises the General Manager to enter into negotiations with TasNetworks for the purchase of all LED street lights currently under TasNetworks ownership on their distribution network within the Clarence municipal area, in accordance with Option 2 as detailed within the associated report.

**PROPOSED PURCHASE OF LED STREET LIGHTS WITHIN THE DISTRIBUTION NETWORK OF CLARENCE /contd...**

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

- 1.1.** In July 2019, council approved the procurement of goods and services and entering into the necessary contracts for the implementation of the “Great Southern Lights” project, being the replacement of residential streetlights, within the Clarence area, with energy efficient LED lights.
- 1.2.** This project is funded through a five-year interest free loan facility from the State Government “Accelerated Local Government Capital Program” (ALGCP), with the overall loan amount being drawn down for \$2.34M, noting that the project to date has cost considerably less than this amount, at approximately \$1.2M. The lower than expected project cost to date is due to fewer lights being replaced than anticipated, and lower supply and installation costs than expected at the scoping stage of the project.
- 1.3.** Initially the project was scoped for the replacement of in excess of 3,000 streetlights in Clarence, with predicted \$12.3M net energy and operational cost savings to council over the 20-year life of the lights. Clarence’s total greenhouse gas emissions were predicted to reduce by 4,022t over the 20-year life of the streetlights. Typically, street lighting contributes between 10 to 30% of a local council’s total greenhouse gas emissions.
- 1.4.** During progress of the project, council was informed that TasNetworks had, contrary to agreements made at the project commencement, continued with their ongoing street light maintenance activities in Clarence and replaced 760 older lights with new LEDs, outside the parameters of the “Great Southern Lights” project. Subsequently TasNetworks have advised that this work was done to “address public safety concerns and a duty of care to the community”. It is difficult to verify the veracity of this statement.

- 1.5.** Under the “Great Southern Lights” project, the new LEDs installed were kept in council ownership, rather than being vested with TasNetworks. By holding ownership of the new lights, reduced operational costs make up a significant portion of the projected savings. However, for the 760 lights which TasNetworks had already replaced, these new LEDs stayed in TasNetworks ownership, so that while savings do flow to council for the lower energy use, they fall short of the savings which flow to council where council holds ownership of the LED.
- 1.6.** For a typical 80-Watt mercury vapour streetlight which is replaced by TasNetworks, as part of their ongoing maintenance regime, the saving to council is approximately \$60 per light, per year. For the same light replaced under the “Great Southern Lights” project, and where ownership of the LED is retained by council, the saving is approximately \$145 per light per year.
- 1.7.** Through TasNetworks replacing 760 lights under their maintenance regime, council foregoes approximately \$60,000 in operational savings per year: totalling more than \$1M over the 20-year life of the LEDs.
- 1.8.** While council proceeded with the “Great Southern Lights” project and ultimately replaced 2,158 lights with new LEDs, resulting in an annual operational saving of the order of \$310,000 per year, council also approached TasNetworks seeking recompense for the loss of savings opportunity, due to their replacement of 760 lights outside the council project. This approach was rejected by TasNetworks.
- 1.9.** In the alternative, TasNetworks have responded with an offer for council to purchase the 760 LEDs which they installed during the life of the “Great Southern Lights” project (referred to as Option 1 in this report) and a further offer for council to purchase an additional 676 LEDs on their distribution network, within the Clarence area, which were already in place prior to commencement of council’s project (referred to as Option 2 in this report).

## 2. REPORT IN DETAIL

**2.1.** The price offered by TasNetworks for purchase of each LED from their network is \$622 excluding GST (including purchase of the bracket), as compared to the supply and installation cost of a new LED under the “Great Southern Lights” project of approximately \$550 (inclusive of the written down value of the replaced light and bracket). So effectively, for council to own a LED installed by TasNetworks the cost is 13 percent higher than if council had replaced the light with an LED under the “Great Southern Lights” project.

**2.2.** Council staff have queried TasNetworks on the make-up of their pricing offer and while TasNetworks have provided this information they have also stated that *“the cost per light type is approved by the Australian Energy Regulator (AER) to determine the revenue that can be recovered from the customer. These amounts present the estimated average cost per light regardless of its location in the State. With this in mind TasNetworks have not applied a margin to the price in support of the council achieving the long term benefits of the project. As the council transitions to the contract network lighting tariff, the ongoing savings will be recognised.”* An external consultant, Ironbark, reviewed the information from TasNetworks and advised based on these factors, the purchase price is considered to be a reasonable representation of the cost to TasNetworks.

**2.3.** Notwithstanding the above, TasNetworks did review their initial costings and offered to factor in a reduction based on one year’s depreciation of the LEDs and to waive administration fees, to arrive at the price of \$622 per LED.

**2.4.** The offers to purchase existing LEDs on the distribution networks are then:

Option 1 – Purchase 760 LEDs	\$472,720
Option 2 – Purchase 760 plus 676 LEDs	\$905,964

**2.5.** In terms of savings to council resulting from the options above, over the 20-year life of the LEDs, the net savings are anticipated to be of the order:

Option 1 – Purchase 760 LEDs	\$1.3M
Option 2 – Purchase 760 plus 676 LEDs	\$2.4M

- 2.6.** Under Option 1, for an outlay of \$472,720, council could expect to recover \$1.3M over the 20-year life of the LEDs, or a “payback period” of approximately seven years. This compares to the “pay back” period of approximately 3.5 years for LEDs installed under the “Great Southern Lights” project.

Under Option 2, for an outlay of \$905,964, council could expect to recover \$2.4M over the 20-year life of the LEDs, with the same “pay back” period as Option 1 (approximately seven years).

- 2.7.** On a cost benefit analysis, it is therefore recommended to proceed with Option 2.

### **3. CONSULTATION**

#### **3.1. Community Consultation Undertaken**

No community consultation has occurred in relating to this report. Council staff have been involved in negotiations with TasNetworks and have sought advice from a specialist consultant in public street lighting.

#### **3.2. State/Local Government Protocol**

The “Great Southern Lights” project is funded through a loan facility from the State Government “Accelerated Local Government Capital Program” (ALGCP). It is expected that the purchase of LEDs from TasNetworks can be funded through the loan arrangement as an extension of the project. This will be confirmed prior to proceeding and depending on council’s decision.

#### **3.3. Other**

Nil.

#### **3.4. Further Community Consultation**

Subject to the purchase of LEDs from TasNetworks proceeding, information to the community could be disseminated via council’s website and media platforms.

- **Consultation Plan**

As specified below.

- **Consultation Aim**

Inform the community of the financial benefits of purchasing LEDs from TasNetworks. It is noted that there are no greenhouse gas emission benefits in purchasing the LEDs as the LEDs are already in place and the replacement of older technology lights has already occurred.

- **Community Engagement Tools**

In accordance with Clause 8 of the Community Engagement Policy 2020, this consultation will use:

- City of Clarence website;
- Media release.

- **Consultation Timing**

Consultation would be dependent on progress of negotiations with TasNetworks around purchase of the LED's.

#### **4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Clarence City Council's Strategic Plan 2021-2031 under the Strategy - *A Well Planned Liveable City* – has the goal: *“Clarence will be a well-planned liveable city with services and infrastructure to meet current and future needs of our growing and vibrant community.”*

#### **5. EXTERNAL IMPACTS**

Purchase of LEDs from TasNetwork's distribution network will require negotiation with TasNetworks and is expected to be formalised as an asset sale agreement.



**6. RISK AND LEGAL IMPLICATIONS**

- 6.1.** Should the purchase of LEDs from TasNetworks proceed council's legal and governance team will be involved in negotiations for any asset sale agreement. Terms and conditions will need to be agreed between the parties on management and allocation of risk and levels of legal and insurance protection for each party. The transfer of existing product warranties for assets transferred to council should also be included in any agreement.
- 6.2.** While the 760 LEDs described in Option 1 are in the very early period of their asset life, the additional 676 LEDs described in Option 2 are older lights, with some potentially nearing the end of their warranty period. Nonetheless, advice from council's specialist lighting consultant is that even with a model based on pessimistic assumptions of LED failure rates, council could still expect a positive return on the outlay for these additional, older LED's.
- 6.3.** New assets should be recognised within council's asset management system, so the ongoing depreciation of these new assets is appropriately funded over their life and provision is made for replacement at end of life.

**7. FINANCIAL IMPLICATIONS**

This project is funded through a five-year interest free loan facility from the State Government "Accelerated Local Government Capital Program" (ALGCP), with the overall loan amount being drawn down for \$2.34M. Project costs to date are approximately \$1.2M. There is capacity within the loan funds to support the purchase of LEDs for either Option 1 (\$472,720) or Option 2 (\$905,964). The purchase of additional LED's will generate additional operational cost savings to deliver a "payback" period within approximately seven years. With ongoing operational savings for the life of the LED's.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

It is recommended council enters into negotiations with TasNetworks for the purchase of all LEDs under TasNetworks ownership on their distribution network within the Clarence municipality, being Option 2. While this is the higher cost option, it will also deliver higher savings to council. In simple terms, the more LEDs which council purchase, the more savings result.

Attachments: Nil

Ross Graham  
**GROUP MANAGER ENGINEERING SERVICES**

<b>11.6 FINANCIAL MANAGEMENT</b>
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Nil Items.

**11.7 GOVERNANCE****11.7.1 SUPPLEMENTARY LAND SUPPLY ANALYSIS RELATING TO REVIEW OF URBAN GROWTH BOUNDARY AT 52 RICHARDSONS RD, SANDFORD****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a response from the applicant relating to their request to modify the Southern Tasmanian Regional Land Use Strategy's (STRLUS) Urban Growth Boundary (UGB) at 52 Richardsons Road, Sandford.

**RELATION TO PLANNING PROVISIONS**

Under the Clarence Local Provision Schedule, the land at 52 Richardsons Road, Sanford will be zoned Landscape Conservation and Rural and subject to a range of Code Overlays.

The site is located outside of the STRLUS UGB.

**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.

**CONSULTATION**

The request to amend the STRLUS has not been exhibited and there is no requirement to do so.

**RECOMMENDATION:**

- A. That in response to the matters raised by the Minister for Planning in his letter dated 15 March 2021, council notes the response provided by JMG Engineers and Planners.
- B. That council undertakes the further steps recommended as Option 3 within this report, including a public consultation of five weeks duration.
- C. That at the conclusion of the referral and public consultation processes, a report be prepared for council's consideration of the outcomes of recommendation B above.
- D. That the details and conclusions included in the Associated Report be recorded as the reasons for council's decision in respect of this matter.

**SUPPLEMENTARY LAND SUPPLY ANALYSIS RELATING TO REVIEW OF URBAN GROWTH BOUNDARY AT 52 RICHARDSONS RD, SANDFORD /contd...**

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

- 1.1.** Council, at its meeting on 9 February 2021 resolved *“to support the proposed expansion of the UGB to include the land at 52 Richardsons Road, Sandford and requests the Minister for Planning to approve the necessary amendment to the Southern Tasmanian Regional Land Use Strategy.”*
- 1.2.** On 3 March 2021, council provided the Minister for Planning with a copy of the application, all supporting documentation and council’s decision.
- 1.3.** In a letter dated 15 March 2021, the Minister advised that the request had been received and that he was unable to progress the matter until council provided a direct response to the requirements set out in the Planning Policy Unit’s Information Sheet RLUS1 - Reviewing and Amending the Regional Land Use Strategies.
- 1.4.** At its meeting on 22 March 2021, in accordance with its Community Engagement Policy 2020, council resolved:
  - “1. that prior to considering any further Council requests to the Minister for Planning to amend the Southern Tasmanian Regional Land Use Strategy (STRLUS), including any extension to the Urban Growth Boundary (UGB) within Clarence, Council as a matter of policy and best practice, undertakes broad public consultation before determining whether or not to support a particular request; and*
  - 2. that the feedback received be included in any report to Council in the same manner as a land use planning application.”*

- 1.5.** At a workshop relating to the Minister’s letter and request for a direct response to the RLUS1 it was considered that the applicant was best placed to provide the required information. On 12 April 2021, council advised the applicant of the Minister’s decision and requested a report to address the requirements set out the information sheet in a form that council could adopt as its response to the Minister (a copy of the letter is included in the attachments).
- 1.6.** In a letter received 27 July 2021, (included in the attachments) the applicant provided their response. Following an assessment against the RLUS1 requirements, on 7 September 2021 the applicant provided clarification of several matters but did not provide any substantially new information. The applicant’s response is the subject of this report.

## **2. STATUTORY IMPLICATIONS**

- 2.1.** The statutory implications associated with this proposal were detailed in the report considered by council at its meeting on 9 February 2021.
- 2.2.** The most relevant consideration is that proposals requesting an amendment to the STRLUS are required to be assessed against the Information Sheet RLUS1 - *Reviewing and Amending the Regional Land Use Strategies* issued by the Department of Justice, Planning Policy Unit. A copy of the Information Sheet RLUS1 is included in the attachments.

## **3. THE SITE AND CONTEXT**

### **3.1. The Site**

The subject site is 52 Richardsons Road, Sandford (CT 158742/9), a 73Ha irregular shaped vacant lot located to the south of Lauderdale. A detailed description, location plan and site photographs were included in 9 February 2021 council report.

### **3.2. Planning Controls**

The 9 February 2021 council report identified that the site is zoned Rural Resource and Environmental Living and subject to a range of Codes under the provisions of Clarence Interim Planning Scheme 2015 (CIPS2015).



These provisions have now been replaced with the implementation of the Clarence Local Provision Schedule (LPS). Under the LPS the land will be zoned Landscape Conservation and Rural and subject to the following Code Overlays:

- Bushfire Prone Areas;
- Landslide Hazard Area;
- Coastal Inundation Hazard Area;
- Flood Prone Areas;
- Coastal Erosion Hazard Area;
- Natural Assets; and
- Potentially Contaminated Land.

The northern boundary of the site adjoins the UGB however the entire site is outside of it.

#### **4. THE PROPOSAL**

The applicant requests an amendment to the STRLUS by expanding the UGB to include a 12.1Ha portion of the subject land to provide for a residential development. A detailed description of the proposal was included on 9 February 2021 council meeting agenda.

Should the requested UGB expansion ultimately be approved, the applicant foreshadows the submission of a subsequent combined application seeking a planning scheme amendment and subdivision permit.

#### **5. PLANNING ASSESSMENT**

**5.1.** The PPU's Information Sheet RLUS1 (attached) prescribes the minimum information required to be submitted in order to consider an amendment request.

**5.2.** Noting the progress outlined in the Background section of this report, an assessment against the applicant's response to the requirements of the PPU's Information Sheet RLUS1 is outlined below.

<b>1. Minimum information requirements to support an amendment request</b>	
<b>RLUS1 Information Requirement</b>	<b>Officer Comments</b>
1. All requests for an amendment to a regional land use strategy should first be directed to the relevant local planning authority or regional body representing the local planning authorities in the region.	The proposed amendment to the STRLUS was made to council as required. This requirement has been addressed.
2. All draft amendments to a regional land use strategy should be submitted in writing to the Minister for Planning by the relevant local planning authority or regional body representing the local planning authorities in the region.	Following its resolution on 9 February 2021 Council wrote to the Minister for Planning as required. This requirement has been addressed.
3. The supporting documentation should include details on why the amendment is being sought to the regional land use strategy.	Section 2.2 of the JMG Planning Report identifies why the amendment to the STRLUS was requested/required. Specifically, it foreshadows a future planning scheme amendment comprising of a rezoning and a Specific Area Plan. This requirement has been addressed.
4. The supporting documentation should include appropriate justification for any strategic or policy changes being sought and demonstrate how the proposed amendment: (a) furthers Schedule 1 objectives of LUPAA; (b) is in accordance with the State Policies; (c) is consistent with the Tasmanian Planning Policies once they are made; and (d) meets the overarching strategic directions and related policies in the regional land use strategy.	References to the Tasmanian Planning Policies are not relevant as the policies have not yet been made. The JMG Planning Report responds to each of the other matters at Section 2.3. While each of these matters have been considered, JMG submit that the updated May 2021 land supply figures did not provide a breakdown of residential infill/green field ratios. For this reason, they submit that there is no basis to consider this STRLUS policy based on the regional information available. It is considered that this requirement is not addressed at the regional level, this is explored in further detail below.

<b>2. Amendment requests that seek to modify the UGB should be accompanied by the following:</b>	
<b>RLUS1 Information Requirement</b>	<b>Officer Comments</b>
1. Justification for any additional land being required beyond that already provided for under the existing regional land use strategy. This analysis should include the current population growth projections prepared by the Department of Treasury and Finance.	<p>Section 3.1 of the JMG Planning Report addresses the STRLUS and articulates the case for additional residential land supply in Clarence. This matter addressed in further detail in JMG's supplementary supply and demand response dated 27 July 2021 utilising council's updated May 2021 Clarence land supply figures.</p> <p>The limitation is that the land supply figures and observations are based exclusively on the land within Clarence and there is no analysis of land availability at the regional level. For this reason, it is considered that this requirement has not been addressed.</p>
2. Analysis and justification of the potential dwelling yield for the proposed additional area of land.	<p>Appendix B of the JMG Planning Report contains a concept subdivision plan providing an indication of likely yield. The other appendices C-J reflect site analysis informing the concept subdivision plan.</p> <p>This requirement has been addressed.</p>
3. Analysis of land consumption (i.e. land taken up for development) since the regional land use strategy was declared.	<p>Section 3.1 of the JMG Planning Report provided details of population growth in Greater Hobart and presented a case for land consumption/need in Clarence, and Lauderdale specifically.</p> <p>This matter is addressed in further detail in JMG's supplementary supply and demand response dated 27 July 2021 utilising council's updated May 2021 land supply figures and land consumption rates. Note: land consumption rates were established based on the increase in the number of domestic bin services over time. It is considered that this method closely correlates with the increase in the number of constructed dwellings.</p> <p>The response is generally limited to Clarence rather than the regional context as no regional data is available. For this reason, it is considered that this requirement has been addressed in respect of Clarence but the requirement to provide an analysis at the regional level has not been addressed.</p>
4. Justification for any additional land being located in the proposed area, considering the suitability of the area in terms of access to existing physical infrastructure, public transport, and activity centres that provide social services, retail and employment opportunities.	<p>The original JMG Planning Report (supported by council's previous decision) outlines the rationale for the development of Greenfield land at Section 3.2. This section addresses these matters as well as the eight other areas that should be considered where an amendment is proposed to a regional land use strategy to develop "greenfield" land.</p> <p>This requirement has been addressed.</p>

<p>5. Consideration of appropriate sequencing of land release within the local area and region.</p>	<p>The applicant submits that this is not a relevant consideration as “<i>this part of STRLUS has not been acted upon</i>”.</p> <p>It is submitted that the applicant is incorrect. The STRLUS identifies greenfield precincts shown on Map 10 and listed in Regional Policy SRD2.3. At the time of approval, the STRLUS foreshadowed that these areas would be zoned for urban purposes at a future date. Given the lapse of time since the STRLUS was approved, many of the identified greenfield sites have now been rezoned. Once rezoned it is agreed that the STRLUS does not guide the sequencing of land release at neither the local nor regional level.</p> <p>The STRLUS SRD2.5 identifies the need to implement a land release program and a 5-step process required to achieve it. Following the identification of greenfield targets with the UGB, the second step is to develop a Concept Sequencing Plan. The Concept Sequencing Plan is not contained within the STRLUS and has not been developed at the local level. Indeed, no southern council has implemented a concept sequencing plan for their local area.</p> <p>Despite this, under the RLUS1 the sequencing of land release at the local and regional level remains a relevant consideration to any proposal seeking an amendment to the UGB. This requirement has not been addressed.</p>
<p>6. Consideration of any targets for infill development required by the regional land use strategy.</p>	<p>Section 3.1 of the JMG Planning Report outlines the rationale for the proposed amendment. This section specifically addresses local and regional population trends, existing housing stock and market segments, and take up of greenfield precincts.</p> <p>The applicant provided further commentary on infill/greenfield targets. They submitted that council’s updated May 2021 land supply figures did not provide a breakdown of residential infill/greenfield take-up rates and for this reason there is no basis to consider the STRLUS infill/greenfield targets.</p> <p>To assist the proponents, council officers subsequently provided JMG with additional data establishing an indication of infill/greenfield take up in Clarence for the 2020 calendar year.</p> <p>In summary, during the 2020 calendar year (based on Building Applications and notifiable works) 84% Single Dwellings in Clarence were within the UGB. Of these, 27% would be considered infill and the remaining 73% were in greenfield areas.</p>

	<p>Similarly, (based on planning applications), in the 2020 calendar year in Clarence, 72% of approved multiple dwellings were in infill areas while the remaining 28% were in greenfield areas. These figures provide a snapshot of infill/greenfield take up rates in Clarence. The applicant provided no further commentary on these figures other than they ought to be included in this report. While an indication of infill/greenfield ratios have been established in respect of Clarence, the proponents found it was not possible to satisfy the requirement at the regional level.</p>
7. Potential for land use conflicts with use and development on adjacent land that might arise from the proposed amendment.	<p>Section 3.2 of the JMG Planning Report outlines the rationale for the proposed amendment in terms of constraints and opportunities. This section of the report specifically addresses the potential for land use conflict.</p> <p>This requirement has been addressed.</p>

<b>3. The following matters must be considered if an amendment is proposed to a regional land use strategy to develop 'greenfield' land.</b>	
<b>RLUS1 Information Requirement</b>	<b>Officer Comments</b>
<ol style="list-style-type: none"> <li>1. How the amendment accords with the other strategic directions and policies in the relevant regional land use strategy.</li> <li>2. Impacts on natural values, such as threatened native vegetation communities, threatened flora and fauna species, wetland and waterway values, and coastal values.</li> <li>3. Impacts on cultural values, such as historic heritage values, Aboriginal heritage values and scenic values.</li> <li>4. The potential loss of agricultural land from Tasmania's agricultural estate (including but not limited to prime agricultural land and land within irrigation districts) or land for other resource-based industries (e.g. extractive industries).</li> </ol>	<p>These matters are identified and addressed in Section 3.2 of the JMG Planning Report.</p> <p>The proposal was accompanied by the following reports addressing these requirements:</p> <ul style="list-style-type: none"> <li>• a Natural Values Assessment;</li> <li>• an Aboriginal Heritage Assessment;</li> <li>• an Agricultural/Geotechnical Assessment;</li> <li>• a Visual Impact Assessment;</li> <li>• a Traffic Impact Assessment; and</li> <li>• a Bushfire Hazard Assessment.</li> </ul> <p>Each of the proponent's reports conclude the proposal is acceptable subject to their respective recommendations.</p> <p>This requirement has been addressed.</p>

<ol style="list-style-type: none"> <li>5. The potential for land use conflicts with adjoining land, such as agricultural land and nearby agricultural activities, other resource-based industries (e.g. forestry and extractive industries) and industrial land taking into account future demand for this land.</li> <li>6. Risks from natural hazards, such as bushfire, flooding, coastal erosion and coastal inundation, and landslip hazards.</li> <li>7. Risks associated with potential land contamination.</li> <li>8. The potential for impacts on the efficiency of the State and local road networks (including potential impacts/compatibility with public transport and linkages with pedestrian and cycle ways), and the rail network (where applicable).</li> </ol>	
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## 6. CONSULTATION

- 6.1. The request to amend the STRLUS has not been exhibited and there is no requirement to do so.
- 6.2. Following the decision to support the proposal, at its meeting on 22 March 2021 council resolved that future applications involving an amendment to the STRLUS be publicly exhibited. On this basis, should council wish to do so, broad consultation within the Lauderdale and Sandford communities could be undertaken prior to responding to the Minister's request for additional information.
- 6.3. The RLUS1 outlines that, as a minimum, the Minister for Planning will consult with the TPC, all planning authorities within the region and the relevant State Service Agencies and Authorities for a period of at least five weeks.

Subject to the Minister's discretion, requests seeking to incorporate broader strategic changes are likely to require public input through a public exhibition process. In this instance, it is understood that the Minister has advised several concerned residents that the proposal would require exhibition prior to any determination. However, the timing, form and reporting of that consultation process is not known. With this in mind, broad public consultation (initiated by council) may assist to expedite the RLUS1 process. A community consultation process in this case could include notification to landowners accessing Richardsons and Bayview Road/Bayside Drive, newspaper and council social media platforms, combined with the use of "Your Say" for making submissions.

## **7. EXTERNAL REFERRALS**

As detailed on 9 February 2021 council report, the initial proposal was referred to TasWater and the Department of State Growth.

## **8. COUNCIL COMMITTEE RECOMMENDATION**

The proposal was not referred to any council committees.

## **9. STRATEGIC PLAN/POLICY IMPLICATIONS**

To achieve a "well-planned liveable city", the Strategic Plan 2021-2031 provides objectives, including *"2.12 - Undertaking best practice land use policy development and active participation in regional planning processes"*.

The 9 February 2021 council report also contained an assessment against the relevant State Policies.

## **10. OPTIONS**

It is considered that JMG is unlikely to be able to provide additional land supply and demand analysis at the regional level beyond that already provided.

This being the case there are four main options available to council outlined below.



**10.1. Option 1 – Respond to Minister and Referral**

1. Receive the response provided by JMG.
2. Provide each of the southern councils with a copy of the proposal and all of the associated supporting information and request them to provide their comments directly to the Minister for Planning.
3. Forward the supplementary information to the Minister for Planning and advise that the proposal has been referred to each of the southern councils and that they had been requested to provide any feedback directly to the Minister's office.

**10.2. Option 2 – Referral and Report**

1. Receive the response provided by JMG.
2. Provide each of the southern councils with a copy of the proposal and all the associated supporting information and request them to provide feedback to council.
3. Consider a subsequent report identifying any issues raised by the councils before resolving whether to advise the Minister.

**10.3. Option 3 – Referral, Exhibition and Report**

1. Receive the response provided by JMG.
2. Provide each of the southern councils with a copy of the proposal and all the associated supporting information and request them to provide feedback to council.
3. Take opportunity to undertake public exhibition concurrently with the referral to the southern councils.
4. Consider a subsequent report identifying any issues raised during the exhibition/referrals before resolving how to advise the Minister of council's position.

**10.4. Option 4 – Not to Progress**

1. Receive the response provided by JMG
2. Resolve that the response does not satisfy the RLUS1 requirements and not respond to the Minister.

## 11. CONCLUSION

It is recommended that council resolve to adopt the approach outlined in Option 3 – “Referral, Exhibition and Report”. This approach would enable council to establish the level of support (or otherwise) from each of the southern councils while concurrently engaging with the community consistent with Council’s Community Engagement Policy 2020, and resolution at its 22 March 2021 meeting.

Attachments: 1. Information Sheet RLUSI (7)  
2. JMG Response to CCC – 27 July 2021 (7)  
3. Letter to JMG regarding Minister’s Concerns – 12 April 2021 (2)

Ian Nelson  
**GENERAL MANAGER**

# REVIEWING AND AMENDING THE REGIONAL LAND USE STRATEGIES

## Purpose

This information sheet is issued by the Department of Justice, Planning Policy Unit and provides information on when and under what circumstances the regional land use strategies are reviewed and amended. It also provides information on the requirements and processes for reviewing and considering amendments to the regional land use strategies.

## Background

The *Land Use Planning and Approvals Act 1993* (LUPAA) provides for the preparation and declaration of regional land use strategies, which provide an important high-level component of the planning system. Essentially, the regional land use strategies provide the linkage between the Schedule 1 objectives of LUPAA, State Policies established under the *State Policies and Projects Act 1993*, and the future Tasmanian Planning Policies with the current interim and future Tasmanian planning schemes. They provide the mechanism by which the strategic directions of the State and each region are implemented through the land use planning system.

The regional land use strategies set out the key agreed strategic directions for a region over the medium to longer-term. They aim to provide certainty and predictability for Government, local councils, developers and the community on where, when and what type of development will proceed.

Three regional land use strategies are currently in place in Tasmania. The Minister for Planning<sup>1</sup> originally declared the Cradle Coast, Northern and Southern regional land use strategies on 27 October 2011<sup>2</sup>.

The three regional land use strategies provide the strategic direction for future land use and development in each region over a 25-year time horizon. The strategic directions, policies and actions contained within the regional land use strategies aim to deliver sustainable settlements that are integrated across each region, integrated with services and infrastructure, and complemented

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<sup>1</sup> Minister for Planning, the Hon Bryan Green MP.

<sup>2</sup> The three regional land use strategies are: Living on the Coast – The Cradle Coast Regional Land Use Planning Framework; Northern Tasmania Regional Land Use Strategy; and Southern Tasmania Regional Land Use Strategy 2010-2035.

by built and open space environments. They also provide directions, policies and actions to protect Tasmania's agricultural estate and other resource-based industries and protect the State's cultural and natural environments.

Regional land use strategies may also incorporate or reference specific local strategic documents for the purposes of reflecting the application of each strategy within a particular municipal area or sub-regional area.<sup>3</sup>

Since their declaration, a number of subsequent amendments have been made to both the northern and southern regional land use strategies. The amendments range from minor revisions and refinements to improve consistency and revisions to align with the latest planning reforms, through to broader reviews to implement more strategic changes, such as the review of the Northern Tasmania Regional Land Use Strategy to allow for components of the Greater Launceston Plan.

The regional land use strategies are currently implemented in the land use planning system through statutory zoning and planning provisions in interim planning schemes. They are a key consideration when amendments to the interim planning schemes and other existing planning schemes are being assessed. The regional land use strategies will similarly be implemented through the Local Provisions Schedules (LPSs) that form part of the Tasmanian Planning Scheme.

## Legislative context

The regional land use strategies are given legal effect through section 5A of LUPAA.

The Minister for Planning may declare a regional land use strategy for a regional area. Amendments to a regional land use strategy may also be made by the Minister declaring an amended strategy and the Minister is also responsible for keeping the strategies under regular and periodic review.

In addition, comprehensive reviews of all three regional land use strategies will be undertaken following the implementation of the future Tasmanian Planning Policies.

When declaring a regional land use strategy under section 5A of LUPAA, the Minister must first consult with the:

- Tasmanian Planning Commission;
- planning authorities; and
- relevant State Service Agencies and State authorities.

LUPAA specifically requires all planning schemes and any amendments to a planning scheme to be, as far as practicable, consistent with the relevant regional land use strategy.

Before certifying and publicly exhibiting a draft planning scheme amendment, a local council, acting as a planning authority, needs to be satisfied that the draft amendment is consistent with the relevant regional land use strategy.

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<sup>3</sup> Before being incorporated into (or referenced in) a regional land use strategy, local strategic documents would need to be based on verifiable evidence, supported by Government and demonstrate how they reflect the strategic application of a relevant strategy.

Equally, the Tasmanian Planning Commission must be satisfied that a draft planning scheme amendment is consistent with the relevant regional land use strategy before approving the amendment. Similar legislative requirements apply to all future LPSs, and amendments to LPSs that will be in place under the Tasmanian Planning Scheme.

## Reviewing and amending the regional land use strategies

Regional land use strategies have a significant role to play in setting the medium to longer-term strategic directions for each region. Therefore, it is important that the strategic directions, policies and actions contained within each strategy appropriately address both current and emerging land use planning issues. To achieve this, the Minister for Planning is committed to regularly and periodically reviewing the strategies.

Amendments to regional land use strategies will need to be considered over time for a number of reasons. Importantly, amendments to the strategies will generally occur as part of the reviews that are conducted by the Minister for Planning. The Minister for Planning may consider an amendment to a strategy outside the normal review periods under exceptional circumstances.

Any amendment to a regional land use strategy that is requested by an individual or a planning authority would need to be supported by documentation that identified and justified the need for the amendment. Moreover, as the regional land use strategies are a regional plan, it would require the general support from all councils within the region.

The request would also be subject to a rigorous assessment process to ensure that the agreed medium and longer-term strategic directions contained in the relevant strategy are not undermined. This is necessary to ensure that any site-specific amendments to a regional land use strategy do not lead to unintended regional planning outcomes.

An amendment to a regional land use strategy may need to be considered for purposes such as:

- implementing broader legislative reform or overarching State policies or strategies (e.g. the future Tasmanian Planning Policies);
- implementing any revised background analysis of issues in response to changes such as demographics, emerging planning issues, housing supply and demand, or population growth projections;
- incorporating or referring to local or sub-regional strategy planning work that is based on verifiable and agreed evidence and reflects the application of a regional land use strategy in a municipal area or sub-regional area;
- incorporating contemporary community expectations; or
- making minor refinements to correct errors or clarify the operation of a strategy.

It is also important to consider that amending a regional land use strategy is not always the most appropriate course of action to facilitate use and development within a region. This is because the strategies represent the agreed and approved strategic directions for each ‘entire’ region and provide certainty to the broad community, infrastructure providers and governments as to medium and long-term investment decisions. Consequently, use and development should be directed in the first instance to those agreed areas identified in the relevant strategy.<sup>4</sup>

## Information requirements to support an amendment request

The information requirements for considering a request to amend a regional land use strategy will be dependent on the nature of the proposed amendment.

Before an individual or a planning authority considers whether or not to make a request to amend a regional land use strategy, it is recommended that early discussions take place with the Planning Policy Unit within the Department of Justice to determine if specific information requirements will be required to enable the consideration of the proposed amendment.

All requests to amend a regional land use strategy should include, as a minimum, the following information.

### Minimum information requirements to support an amendment request

1. All requests for an amendment to a regional land use strategy should first be directed to the **relevant local planning authority** or **regional body representing the local planning authorities in the region**.
2. All draft amendments to a regional land use strategy should be submitted in writing to the Minister for Planning by the **relevant local planning authority** or **regional body representing the local planning authorities in the region**.
3. The supporting documentation should include details on why the amendment is being sought to the regional land use strategy.
4. The supporting documentation should include appropriate justification for any strategic or policy changes being sought and demonstrate how the proposed amendment:
  - (a) furthers the Schedule 1 objectives of LUPAA;
  - (b) is in accordance with State Policies made under section 11 of the *State Policies and Project Act 1993*;
  - (c) is consistent with the Tasmanian Planning Policies, once they are made; and
  - (d) meets the overarching strategic directions and related policies in the regional land use strategy.

<sup>4</sup> For example, the Northern Tasmania Regional Land Use Strategy and Southern Tasmania Regional Land Use Strategy 2010-2035 direct residential development in areas within a relevant Urban Growth Boundary or growth corridors.

As the regional land use strategies represent the agreed and approved strategic directions for the planning authorities that are located in a particular region and the State, any proposed amendments need to consider the impacts on these entities and should be based on an agreed position.

To assist with the consideration of an amendment to a regional land use strategy, it is strongly recommended that written endorsement for the proposed change is sought from all the planning authorities in the relevant region.

It is also strongly recommended that consultation with relevant State Service agencies, State authorities and other infrastructure providers be undertaken before making a request for an amendment to ensure that any significant issues are avoided when the Minister for Planning consults as part of considering the merits of the amendment request.

In addition, amendments that seek to modify an urban growth boundary (or equivalent), settlement growth management strategies, or seek other modifications to a regional settlement strategy, will usually require additional supporting information such as an analysis of current residential land supply and demand, using accepted contemporary and verifiable data sources, that considers the region in its entirety.

The following additional supporting information should also be included.

1. Justification for any additional land being required beyond that already provided for under the existing regional land use strategy. This analysis should include the current population growth projections prepared by the Department of Treasury and Finance.
2. Analysis and justification of the potential dwelling yield for the proposed additional area of land.
3. Analysis of land consumption (i.e. land taken up for development) since the regional land use strategy was declared.
4. Justification for any additional land being located in the proposed area, considering the suitability of the area in terms of access to existing physical infrastructure, public transport, and activity centres that provide social services, retail and employment opportunities.
5. Consideration of appropriate sequencing of land release within the local area and region.
6. Consideration of any targets for infill development required by the regional land use strategy.
7. Potential for land use conflicts with use and development on adjacent land that might arise from the proposed amendment.



The following matters must be considered if an amendment is proposed to a regional land use strategy to develop ‘greenfield’ land<sup>5</sup>. These matters may also need to be considered for amendments relating to some infill development (such as ‘brownfield’ and ‘greyfield’ development<sup>6</sup>).

The following matters should be considered.

1. How the amendment accords with the other strategic directions and policies in the relevant regional land use strategy.
2. Impacts on natural values, such as threatened native vegetation communities, threatened flora and fauna species, wetland and waterway values, and coastal values.
3. Impacts on cultural values, such as historic heritage values, Aboriginal heritage values and scenic values.
4. The potential loss of agricultural land from Tasmania’s agricultural estate (including but not limited to prime agricultural land and land within irrigation districts) or land for other resource-based industries (e.g. extractive industries).
5. The potential for land use conflicts with adjoining land, such as agricultural land and nearby agricultural activities, other resource-based industries (e.g. forestry and extractive industries) and industrial land taking into account future demand for this land.
6. Risks from natural hazards, such as bushfire, flooding, coastal erosion and coastal inundation, and landslip hazards.
7. Risks associated with potential land contamination.
8. The potential for impacts on the efficiency of the State and local road networks (including potential impacts/compatibility with public transport and linkages with pedestrian and cycle ways), and the rail network (where applicable).

## Process for considering an amendment request

The process for considering an amendment request to a regional land use strategy will depend on the nature and scope of the request and the adequacy of the supporting documentation.

As a minimum, the Minister for Planning is required to consult with the Tasmanian Planning Commission, planning authorities, and relevant State Service agencies (e.g. Department of State

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<sup>5</sup> Greenfield land is generally former agricultural or undeveloped natural land on the periphery of towns and cities that has been identified for urban development

<sup>6</sup> Brownfield sites are underutilised or former industrial or commercial sites in an urban environment characterised by the presence of potential site contamination. Greyfield sites are underutilised, derelict or vacant residential or commercial sites in an urban environment that are not contaminated.

Growth) and State authorities (e.g. TasNetworks) on all amendments to regional land use strategies).

The Minister will consult with these relevant entities for a period of at least 5 weeks. The Minister may also need to consult with other infrastructure providers, where relevant, such as TasWater and TasGas.

For amendments seeking to incorporate broader strategic changes to a regional land use strategy, the Minister for Planning is also likely to seek public input through a formal public exhibition process during this 5 week consultation period. Broader strategic changes have the potential to affect property rights and the community should be afforded natural justice before the Minister declares an amended strategy.

The Minister for Planning will also require all planning authorities in the relevant region to agree to the proposed amendment.

Following the consultation period, the Minister for Planning will consider any submissions received and seek advice from the Department of Justice, Planning Policy Unit before determining whether or not to declare an amended regional land use strategy and whether any modifications are required to the amendment prior to declaration. Procedural fairness will be afforded to all parties prior to making a decision on the amendment request.

## Where can I get more information?

General enquiries about the requirements and process for considering amendments to the regional land use strategies should be directed to:

Planning Policy Unit  
Department of Justice  
GPO Box 825  
HOBART TAS 7001

Telephone (03) 6166 1429  
Email: [planning.unit@justice.tas.gov.au](mailto:planning.unit@justice.tas.gov.au)

January 2019

JMG Ref: 173112PH

27<sup>th</sup> July 2021

The General Manager  
Clarence City Council  
PO Box 96  
Rosny Park 7018

Attention: Ross Lovell - Manager City Planning

Dear Ross,

52 RICHARDSONS ROAD SANDFORD - URBAN GROWTH BOUNDARY  
AMENDMENT

Further to your letter of the 12<sup>th</sup> April 2021 and email of the 21<sup>st</sup> May 2021, we respond as follows:

Executive Summary

**The Council's seeks further information to respond to the Minister's request** for further analysis on the need for additional residential land supply outside the Urban Growth Boundary. The additional information is to include clarification of statements regarding excessive lot supply in the Council **officer's** report, assessment against the departments *Reviewing and Amending Regional Land Use Strategies* - Information Sheet, an analysis of local impacts and the requirement for consulting with other Councils in the region.

Council have requested we provide a submission to support **Council's** consultation process with the other regional Councils by responding to the **policy and Clarence Council's current land supply data**. On reviewing the provided data we found:

- The Department of Treasury and Finance high growth scenario for population projections are a fairly accurate representation of the current and projected population growth for Clarence to 2032.
- Based on these predictions there will be a need for 3900 additional dwellings in Clarence over the next 15 years. If the STRLUS target of 50:50 infill/greenfield is achieved this will mean around 2000 greenfield dwellings over this period.
- Whilst theoretically there may be a sufficient supply of land zoned for either residential or future residential purposes, it is evident there is a significant under supply in the delivery of sealed lots to the market. The reasons for this vary from site to site.

117 Harrington Street  
Hobart 7000

Phone (03) 6231 2555

Fax (03) 6231 1535

infohbt@jmg.net.au

49-51 Elizabeth Street  
Launceston 7250

Phone (03) 6334 5548

Fax (03) 6331 2954

infoftrn@jmg.net.au

Johnstone McGee &  
Gandy Pty Ltd  
ABN 76 473 834 852  
ACN 009 547 139  
as trustee for Johnstone  
McGee & Gandy  
Unit Trust

[www.jmg.net.au](http://www.jmg.net.au)

- It is also clear from the data that there is an extremely limited potential supply of lots in Lauderdale.
- The data provided does not provide a basis to consider the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS) policies as it does not differentiate residential infill development verses greenfield ratio within Clarence; and
- 52 Richardsons Road will have no significant impact on the supply chain for at least 2-3 years and even then less than an expected 20 lots per annum or 6% of the required supply.

The requirements of the Information Sheet (excluding the consultation with Councils in the region) are covered by the submission report put to Council as part of the application.

The applicant has undertaken local community **consultation with a ‘drop in’** session on the 27th April 2021 at the Lauderdale Tavern. Approximately 70 people attended and discussed a range of views with the project team.

#### Reviewing and Amending the Regional Land Use Strategies - Information Sheet RLUS1

The information requirements of the information sheet are as follows:

<i>Information Requirement</i>	<i>Response</i>
Details on why the amendment is being sought	Refer to Section 2.2 of the Planning Report
Schedule 1 objectives of LUPAA	Refer to Section 2.3 of the Planning Report
State Policies	Refer to Section 2.3 of the Planning Report
Tasmanian Planning Policies	N/A
Overarching strategic directions and related policies in the regional land use strategy	Refer to Section 2.3 of the Planning Report
Current population growth projections prepared by the Department of Treasury and Finance	Refer to Section 3.1 of the Planning <b>Report and the response to Council’s</b> figures below.
Analysis of land consumption	Refer to Section 3.1 of the Planning <b>Report and the response to Council’s</b> figures below.
Suitability of the area in terms of access to existing physical infrastructure	Refer to Section 3.2 of the Planning Report.
Consideration of appropriate sequencing of land release	N/A - this part of STRLUS has not been acted upon.
Consideration of any targets for infill development	Refer to Section 3.1 of the Planning Report.
Potential for land use conflicts with use and development on adjacent land	Refer to Section 3.2 of the Planning Report.

The requirements of the RLUS1 Information Sheet have been provided in the application documentation together with further analysis below.

## Context of the Southern Tasmanian Regional Land Use Strategy and its Urban Growth Boundary

The Southern Tasmanian Regional Land Use Strategy (STRLUS) was declared on 27 October 2011. The Regional Strategies were intended to be periodically reviewed in line with changing population indicators and demographics. To date a comprehensive review has not occurred but there have been a number of amendments in response to various requests. The STRLUS provides an overall settlement network and growth strategy for all settlements within the southern region including Greater Hobart by way of an Urban Growth Boundary (UGB).

The UGB was developed to include around a 15 year supply of residential lots and was intended to be amended to accommodate changes to population and demographics under a regular review process. Maintaining the supply of new residential lots is a significant factor in meeting demand to avoid unsustainable price increases due to constrained supply. The UGB is intended to take into account the relatively long lead times required to process land through the rezoning, subdivision and construction phases.

Potential residential land supply within the 2010 Urban Growth Boundary was based on the medium level population growth scenario which is 30% less than what has been experienced to date and is predicted to continue to 2032

## Population Growth

To assess the appropriateness of the STRLUS policy the amount of land within the Urban Growth Boundary needs to be considered by reference to the population growth of the municipality and ideally the region.

The population of Clarence is currently around 58,965. The Department of Treasury and Finance (DTF) 2019 projections suggested a high growth scenario would see a population for Clarence this year of 58,688 - this is close to the actual figure in 2021. This suggests that the DTF high scenario projection is a fair representation of the projected population growth in Clarence.

According to the DTF high level scenario, the population projection is around 67,931 or another 9000 people settling in Clarence between 2021 and 2032. Based on the occupancy rate of 2.3 people per dwelling this equates to around 3900 additional dwellings in Clarence (note this is slightly above the 295 new dwellings per year based on new bin services which would total 3,245 dwellings over the same 11 year period). Assuming the STRLUS aim of moving to a ratio of 50/50 infill to greenfield (which is probably ambitious) this equates to 1956 new greenfield dwellings in this period.

## Clarence Council Land Supply Analysis

The two sets of data provided are dated July 2020 (Attachment 7 of the 9<sup>th</sup> February 2021 Council Agenda) and May 2021 (for the Hobart Metropolitan Plan).

The July 2020 figures suggested a lot yield of 2820 available lots and an additional 2311 potential lots within the Urban Growth Boundary - total 5131 lots. The May 2021 figures suggest a potential yield of 7899 lots in vacant land and an additional 2642 lots in underutilised land - totalling 10,541 lots. It further notes, based on 'new domestic bin services' the number of new dwellings is 295 dwellings per year on a 10 year average.

The two sets of figures are difficult to compare because the May 2021 figures include both infill development and greenfield development, whereas the July 2020 only considers greenfield sites. This explains the significant difference in **the totals. Note also that technically under STRLUS 'infill' is any development** within the Urban Growth Boundary outside the defined greenfield areas not just underutilised lots generally.

It is important to appreciate the assessment of available lots available in terms of land supply does not equate to actual supply. For example based on Council's July 2020 figures:

- of the 411 lots approved in Clarence Heights in 2010 only one lot has been sealed;
- of the 498 lots approved in 81-93 Pass Road in 2016-18 none have been sealed; and
- of the 217 lots approved in 6 Aralia/74 Sugarloaf Road and 1 Elaia Drive in 2017-18 none have been sealed.

Understanding these figures are not current, it shows that relying on the area of zoned land or the number of lots in active permits is an unreliable and inaccurate way of understanding actual residential lot supply. Likewise, the inclusion of vast amounts of Future Urban land is also misleading. The Droughty Point (Carr Estate) Future Urban zoned land of 100Ha for example is unlikely to be realised in any substantial way within a 15 year period given the current stage rezoning approved in 2010 for 95 lots is still incomplete. Thus only a small fraction of the 1771 lots forecast will be completed in the 15 year supply horizon. The rate of actual development is an important consideration in considering and analysing land supply.

Based on the figures in the Councils July 2020 assessment but excluding those developments that either have not progressed in 10 years (such as Clarence Heights) or don't have a planning permit (such as Lindhill Avenue) the supply of available lots at July 2020 was 1966 lots.

The lot yield in the updated Council July 2020 figures is based on the 960m<sup>2</sup> gross figure from the JMG Lauderdale Urban Expansion Study, but this is an approximate measure only. The recently submitted 22 Atkins Street application (PDPLANPMTD-2021/019000) was estimated in the July 2020 figures to produce 69 lots, but in reality produced 59 lots (due to bushfire and other site constraints) - 15% lower. There are also overlaps in the July 2020

figures. For example the 125 lot - 170 Sugarloaf Road application (SD-2015/49) and the 98 Lot - 1 Elaia Drive (PDPLANPMTD-2020/008974) application have 45 lots in common. These examples illustrate only that it is difficult to accurately calculate available lot numbers and that a margin for approximation needs to be factored into the calculation of land supply.

Whilst it is difficult to draw conclusions based on the data at hand, it is evident that theoretically there may be sufficient land zoned for either residential or future residential purposes, however anecdotally there is an inadequate supply of sealed lots being delivered to the market. If the ratio of infill to greenfield development is under 50/50 the amount of greenfield supply could be substantially under demand. Note, the Council data provided does not provide a basis to consider the STRLUS policies as there is no data comparing residential infill development verses greenfield development within Clarence. In our experience this is common to many Councils.

It is also clear from the data that there is no supply of lots in Lauderdale. The proposal at 52 Richardsons Road will have no significant impact on the supply chain for at least 2-3 years and even then, less than 20 lots per annum. This is only 6% of the suggested annual dwelling supply based on the bin service growth numbers.

## Consultation

The applicants **had a ‘drop in’ session with the local community on the 27<sup>th</sup>** April 2021 at the Lauderdale Foreshore Tavern. Approximately 70 people attended and spoke with the facilitators on an informal basis. Attendees were both opposed and in support of the proposal, but others were simply wanting to understand the process of the application. Issues raised were as follows:

### Traffic

- Via Bayview Road;
- Via Richardsons Road onto highway via Forrest Hill Rd;
- Peak Hour;
- School/Acton Turnoff;
- Concern about 300 extra cars and ~1300 car movements;

### School

- Unable to accommodate more potential students;
- Claims Lauderdale Primary it is already at capacity;

### Environment

- Questions about the bush & animals, but no specific complaints about the plans/studies in the Planning Report;

### Bayside Drive Houses

- Closeness of houses and potential units;



- View into their backyard (privacy);
- Number of houses behind them (Mainly the 2 large blocks at the top of Bayside Drive);

#### Richardsons Road

- Appreciated the 5-acre rural residential block & landfill buffer;
- Some concerned about majority of traffic via Richardsons Rd onto Forest Hill to South Arm Highway;

#### Services

- Sewerage capacity;
- Water capacity;
- Power underground or overhead;
- Misunderstood the connection between the existing Bayside Drive and the South Arm Highway or were concerned with its capacity for the intended traffic; and
- **Shop's capacity (cars, stock, etc).**

As a result of the consultation, a number of design changes were considered, particularly with respect to the interface with existing houses on Bayside Drive and rural residential properties to the north-east of the site.

Attendees were advised that modelling based on the indicative concept plan and discussions with the Taswater have confirmed that any future residential subdivision within the proposed change to the UGB could be serviced via the existing mains water supply and pressure sewer network.

Further, attendees were directed to the Traffic Impact Assessment which shows that Council, State Roads would not be negatively impacted by a future development based on the indicative concept layout. The Traffic Impact Assessment included modelling of the roads and intersections and concluded **“traffic volumes will not create any operational issues along each of the three roads including junctions along Forest Hill Road, Richardsons Road and Bayview Road”**.

**Further to the initial “drop in”** session a dedicated website ([www.richardsonsroad.com.au](http://www.richardsonsroad.com.au)) has been established to provide information on the application for the community and other stakeholders. Included are links to consultant reports including a Traffic Impact Assessment. The website also provides an opportunity for stakeholders to directly contact the applicants to raise any concerns, provide feedback and make suggestions for the concept masterplan. It is proposed to hold additional consultation and feedback sessions with the community as the application progresses.

We trust the above information responds adequately to your request and the Ministers query about land supply data in the Council agenda.

Yours faithfully  
JOHNSTONE MCGEE & GANDY PTY LTD

A handwritten signature in blue ink, appearing to read 'Mat Clark', is positioned below the company name. The signature is fluid and cursive, with a small dot at the end.

Mat Clark  
PRINCIPAL



**Clarence City Council**

38 Bligh Street / PO Box 96  
Rosny Park Tasmania Australia  
Telephone 03 6217 9500  
Dx 70402  
Email [clarence@ccc.tas.gov.au](mailto:clarence@ccc.tas.gov.au)  
Website [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au)

12 April 2021

Mr Mathew Clark  
Principal  
JMG Engineers & Planners  
Email: [mclark@jmg.net.au](mailto:mclark@jmg.net.au)

Dear Mr Clark,

**52 Richardsons Road, Sandford**

I refer to our recent discussion regarding your application and confirm that Council requested the Minister for Planning to approve an amendment to the UGB, to allow for rezoning of the property. Council's request included a full copy of your reports, as the case for supporting the request.

As discussed, the Minister has considered the matter and advised that he is unable to progress the request without a direct response to the requirements set out in the information sheet. In coming to this position, the Minister advised that he was aware of the content of the Council agenda report on this matter, including the urban land supply figure estimates within the City's current UGB. In this regard, the Minister drew attention to the requirement that to consider an amendment to the UGB, it would need to be clearly demonstrated that additional residential land is required, beyond that already available in the region.

Council has also discussed its options for responding to the Minister's direction. The outcome is to request that you, as the applicant, provide a report to address the information sheet, in a form that Council can adopt as its response to the Minister.

Assuming that you will prepare a report documenting how the information sheet is satisfied, it is evident that the land supply issue will be an important element. To assist you, we can provide details of latest estimates for Clarence, but I regret that is the limit of our information. The current estimates are in Attachment 7 of the relevant council agenda report. They can be accessed at: <https://www.ccc.tas.gov.au/wp-content/uploads/2021/02/Clarence-Meeting-Agenda-9-February-2021.pdf>. I can also advise that we are currently completing an updated supply estimate and to assist you, we will be happy to provide a copy when it is completed.

From our discussion, you will also recall that the Minister reminded council that the information sheet strongly recommends written endorsement from the other councils and relevant agencies. While we have discussed the timing of this and your preference for the process to begin now, it has been decided instead to do so after council has your supporting documentation. This approach will allow council to provide those organisations with the information they will likely need in order to properly determine their positions. It is also worth noting here that this is the approach taken by other councils in recent similar applications.

Should you require further clarification please contact either Dan Ford or myself on 6217 9546.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ross Lovell', written in a cursive style.

Ross Lovell

**MANAGER CITY PLANNING**

**11.7.2 WORLD HEALTH ORGANISATION GLOBAL REPORT ON AGEISM****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to present the Discussion Paper: World Health Organisation (WHO) Global Report on Ageism and associated recommendations, for council endorsement.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2021-2031.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Council's Clarence Positive Ageing Advisory Committee (CPAAC) met twice to discuss the WHO Global Report on Ageism. From these meetings, the discussion paper was produced. The paper with recommendations was tabled at a formal CPAAC meeting on 20 May, before being presented to the Mayor and Aldermen through a Briefing Memo on 22 July 2021.

**FINANCIAL IMPLICATIONS**

Nil.

**RECOMMENDATION:**

That Council:

- Endorse the Discussion Paper: World Health Organisation (WHO) Global Report on Ageism and provide through the Mayor, a copy of this paper to the WHO Global Age Friendly Cities and Communities Network; and
- Give consideration to pledging at a council meeting to "EveryAGE Counts", a national advocacy campaign aimed at tackling ageism against older Australians.

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

**1.1.** In 2016, the World Health Assembly asked the World Health Organisation (WHO) to lead a global campaign to combat ageism. In May 2021, WHO released the Global Report on Ageism. The report contains key strategies and recommendations to enable organisations, individuals, and governments around the world to address ageism.

- 1.2. Council's Special Committee, the Clarence Positive Ageing Advisory Committee (CPAAC) worked collaboratively to put together a discussion paper to brief council on this report. The paper provides a snapshot of council's achievements against the WHO global strategies, and opportunities for future council action based on the WHO recommendations.
- 1.3. CPAAC has also recommended council provide through the Mayor, a copy of this paper to the WHO Global Age Friendly Cities and Communities Network.

## **2. REPORT IN DETAIL**

- 2.1. WHO collaborated with the Office of the High Commissioner for Human Rights, the United Nations Department of Economic and Social Affairs, and the United Nations Population Fund, to develop the Global Report on Ageism.
- 2.2. While COVID-19 has affected people of all ages, it has also amplified the attitudes and behaviours that existed prior to the pandemic i.e., older people being seen as uniformly frail and vulnerable, and younger people being seen as invincible, or as reckless and irresponsible.
- 2.3. Ageism takes on different forms across the life course or lifetime:
  - Stereotyping i.e., how we think;
  - Prejudice i.e., how we feel; and
  - Discrimination i.e., how we act.
- 2.4. Ageism is a widespread global problem. Combatting ageism is important because it starts early and is reinforced over time.
- 2.5. Ageism is used to categorise and divide people in ways that lead to harm, disadvantage and injustice, and erode solidarity across generations. It damages our health and wellbeing and is a major barrier to enacting effective policies and taking action on healthy ageing.

- 2.6.** The vision in the report is a world for all ages, one in which age-based stereotypes, prejudice and discrimination do not limit our opportunities, health, wellbeing and dignity.
- 2.7.** We all have a role to play in preventing and responding to ageism. The report provides the evidence for stakeholders including governments, to help the WHO vision become a reality through concrete actions.
- 2.8.** To achieve this, the WHO has identified three strategies to reduce ageism:
- Policy and law;
  - Educational interventions; and
  - Intergenerational contact interventions.
- 2.9.** To implement these strategies, the WHO identified three key recommendations for action:
- Invest in evidence-based strategies to prevent and tackle ageism;
  - Improve data and research to gain a better understanding of ageism and how to reduce it; and
  - Build a movement to change the narrative around age and ageing.
- 2.10.** Clarence City Council was the first Tasmanian council to be recognised as a WHO Age Friendly City and Community. As an ongoing commitment to this status, the Clarence Positive Ageing Advisory Committee (CPAAC) compiled a discussion paper to brief council on the WHO Ageism Report.
- 2.11.** The paper includes actions that can be undertaken within the existing *Age Friendly Clarence Plan 2018-2022*, actions for future consideration of council, and a snapshot of council's current achievements against the strategies and recommendations of the WHO report.



**2.12.** The snapshot indicates that council has already achieved a considerable amount in helping to reduce discrimination and inequality. In summary:

- Council's long-term support of an inclusive community governance practice has a proven track record of positive results (i.e., Special Committees of Council and Network Forums). This model allows younger and older adults of all ages and abilities to work together with council on policy, program development and implementation, benefiting the wider community and meeting the objectives of council's Strategic Plan 2021-2031.
- Strategic engagement with educational institutions, businesses and community groups has strengthened council's community of practice and demonstrated great outcomes. There are better partnerships and networks, increased capacity across council to plan and respond to age inclusiveness, and increased capacity amongst individuals and communities to contribute their expertise.
- A key achievement is the promotion of empathy toward people of all ages and abilities, including investing in intergenerational (Our Shared Space Program) and other programs, targeted at breaking down ageist barriers between and against older and younger people.

**2.13.** The "EveryAGE Counts" campaign is a national advocacy campaign aimed at tackling ageism against older Australians. This campaign is very important. Ageism is not benign or harmless. Ageism is pervasive but often hidden. It impacts on our confidence, quality of life, job prospects, health, and control over life decisions.

**2.14.** The campaign was initially conceived by the Benevolent Society in March 2017. Following this, research was developed supported by key stakeholders, policy and advisory experts. This research, the *Drivers of Ageism*, was launched in September 2017.

- 2.15.** A Coalition of members formed to develop, implement, and collectively drive the campaign, with members including: COTA Australia, Australian Association of Gerontology; Australian Human Rights Commission; National Seniors Australia; The Australian Centre for Social Innovation; Anglicare Australia; and Aged and Community Services Australia.
- 2.16.** The Benevolent Society co-funds the campaign together with a substantial grant received over five years by the JO and JR Wicking Trust.
- 2.17.** The ultimate goal of the campaign is to: shift those deeply entrenched negative social norms about ageing and older people; reimagine what it means to grow older and be an older person; reframe our older years as a valid, positive and meaningful part of life; and drive a political and societal response to the opportunities presented by our ageing population.
- 2.18.** To lend support to the campaign, the process is simple. You can either take an individual or an organisational pledge, by uploading the organisation name and contact details on the “Every AGE Counts” website. The pledge reads as follows:
- “I/We stand for a world without ageism where all people of all ages are valued and respected and their contributions are acknowledged. I/We commit to speak out and take action to ensure older people can participate on equal terms with others in all aspects of life.”*
- 2.19.** Australia’s first Ageism Awareness Day will be held 1 October 2021, coinciding with International Day of Older Persons. This is a timely opportunity for council to consider taking the pledge.

### **3. CONSULTATION**

#### **3.1. Community Consultation**

Council’s Clarence Positive Ageing Advisory Committee (CPAAC), consisting of 12 residents from across the city and two service providers, met twice to discuss the WHO Global Report on Ageism.

**3.2.** From these meetings, the discussion paper was produced reflecting on council’s progress, and what more could be done within the strategic context of council’s existing *Age Friendly Clarence Plan 2018-2022* strategies and actions.

**3.3.** The Discussion Paper with recommendations was tabled at a formal CPAAC meeting on 20 May, before being presented to the Mayor and Aldermen through a Briefing Memo on 22 July.

**3.4. State/Local Government Protocol**

Nil.

**3.5. Other**

Nil.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Council’s Strategic Plan 2021 – 2031 under the Goal Area “A people friendly city” includes the following goals:

*“1.2 Building upon Clarence’s status as a World Health Organisation Age Friendly City and Community.*

*1.5 Continuing to deliver and review a community Health and Wellbeing Strategy and associated supporting plans to strengthen and improve the physical, mental and social wellbeing of the community.*

*1.7 Supporting the community to build capacity and resilience.*

*1.12 Facilitating opportunities for community connections and growth through a range of programs, activities and events.”*

**5. EXTERNAL IMPACTS**

Nil.

**6. RISK AND LEGAL IMPLICATIONS**

Nil.

**7. FINANCIAL IMPLICATIONS**

There are no defined financial implications for council.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

**9.1.** Proudly Tasmania's first WHO Age Friendly City and Community, this report shows how council is tracking against WHO Ageism Global Report 2021. Council is demonstrating consistent progress and achievements against the WHO strategies to reduce ageism.

**9.2.** The WHO recommendations for action align with the opportunities council has to continue to combat ageism. Council is already committed to evidence-based strategies, research and data collaborations, and working toward changing the narrative around age and ageing. Of importance, is council's investment in supporting a community governance model. The CPAAC is one example of how council is working effectively with residents and achieving results that are meaningful and impact positively on the social capital of the communities in Clarence.

**9.3.** Pledging to the "EveryAGE Counts" National campaign aimed at tackling ageism against older Australians and communicating council's achievements and future planning opportunities to the WHO, strengthens council's place in the WHO Global Network of Age Friendly Cities and Communities.

Attachments: 1. Discussion Paper: World Health Organisation Global Report on Ageism (10)

Ian Nelson  
**GENERAL MANAGER**



Clarence... a brighter place

# Discussion Paper

World Health Organisation

Global Report on Ageism

May 2021

## Purpose

The purpose of this report is for the Positive Ageing Advisory Committee (CPAAC) to brief Council on the World Health Organisation (WHO) Global Report on Ageism, including the global strategies and recommendations for action.

Ageing is a natural and lifelong process. From the day that we are born, to the day that we die, we are all ageing. Which ages are considered youthful or old, and the perceptions of these, all contribute to how segregating ageism can be across a lifetime.

Proudly Tasmania's first WHO Age Friendly City and Community, this report shows how council is tracking against these strategies and provides recommendations to council for future action.

## Background

- In 2016 the World Health Assembly asked World Health Organisation (WHO) to lead a global campaign to combat ageism.
- WHO collaborated with the Office of the High Commissioner for Human Rights, the United Nations Department of Economic and Social Affairs, and the United Nations Population Fund, to develop the Global Report on Ageism 2021.<sup>1</sup>
- While COVID-19 has affected people of all ages, it has also amplified the attitudes and behaviours that existed prior to the pandemic i.e. older people being seen as uniformly frail and vulnerable, and younger people being seen as invincible, or as reckless and irresponsible.
- Ageism takes on different forms across the life course or lifetime:
  - Stereotyping = how we think
  - Prejudice = how we feel
  - Discrimination = how we act
- The vision of this report is a world for all ages, one in which age-based stereotypes, prejudice and discrimination do not limit our opportunities, health, wellbeing and dignity.
- We all have a role to play in preventing and responding to ageism. This report provides the evidence for stakeholders including governments, to help the WHO vision become a reality through concrete actions.

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<sup>1</sup> <https://www.who.int/teams/social-determinants-of-health/demographic-change-and-healthy-ageing/combating-ageism/global-report-on-ageism> ISBN 978-92-4-001686-6 (electronic version) ISBN 978-92-4-001687-3 (print version)



## Why is combatting ageism so important?

- Age is one of the first things we notice about other people.
- Ageism arises when age is used to categorise and divide people in ways that lead to harm, disadvantage and injustice and erode solidarity across generations.
- Ageism starts early and is reinforced over time.
- Ageism damages our health and wellbeing and is a major barrier to enacting effective policies and taking action on healthy ageing. The impact is associated with:
  - shorter life span
  - poorer physical and mental health
  - slower recovery from disability and cognitive decline
  - reduction in quality of life and increase in social isolation and loneliness (both of which are associated with serious health problems)
  - restricts ability to express sexuality
  - may increase violence and abuse
  - contributes to poverty and financial insecurity
  - reduces younger people's commitment to the organisation they work for
  - costs society economically
- Ageism often intersects and interacts with other forms of stereotypes, prejudice and discrimination, including ableism, sexism and racism.

## How big is the problem?

- Ageism pervades many institutions and sectors of society, including health and social care, the workplace, the media and the legal system. Some examples include:
  - Health care rationing on the basis of age is widespread.
  - Older adults tend to be excluded from research and data collection efforts.
  - Older and younger adults are often disadvantaged in the workplace.
  - People get angrier about crimes committed by younger offenders, rather than older, and see these crimes as more serious.
  - Ageism shapes how statistics and data, on which policies are based, are collected.
- Globally, one in two people are ageist and against older people.
- In Europe, the only region that collects data, one in three report having been the target of ageism, and younger people report more perceived age discrimination than other groups.



- Factors increasing the risk of being ageist against older people: being younger, male, anxious about death, less educated.
- Factors increasing the risk of being a target of ageism: being older, care dependant, having a lower life expectancy in your country and the types of work you do. A risk factor if you are a younger person is being female.
- Factors reducing the risk of being ageist against older and younger people: certain personality traits and more intergenerational contact.

## WHO Strategies to reduce Ageism

- Policy and law – discrimination, inequality, human rights
- Educational interventions – empathy, misconceptions, prejudice
- Intergenerational contact interventions – most effective strategy is investment in interactions between the ages, in particular in reducing ageism against younger people.

## WHO Recommendations for Action

- ✓ Invest in evidence based strategies to prevent and tackle ageism – priority given to the strategies above and scaled up.
- ✓ Improve data and research to gain a better understanding of ageism and how to reduce it.
- ✓ Build a movement to change the narrative around age and ageing.

## How council is tracking

Clarence City Council has actively been working with the community since 2002 in planning for and addressing population ageing in Clarence. Council became Tasmania's first WHO Global Age Friendly City and Community (AFCC) in 2014, in recognition of the well-considered future planning for its ageing population. There are thirty five WHO Global AFCC's in Australia.

Council's third and current plan, *Age Friendly Clarence Plan 2018-2022*<sup>2</sup> builds on these collaborative achievements, adopting a life course approach to age inclusiveness from birth to death. Continuous improvement, including progress reports back to the World Health Organisation are in-built in council's measures of success.

During May, the Clarence Positive Ageing Advisory Committee (CPAAC), a Special Committee of Council consisting of residents and some service providers, met to discuss the WHO Global Report on Ageism. Discussion were about how the report reflected on

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<sup>2</sup> <https://www.ccc.tas.gov.au/community/community-services/age-friendly-city/>

council's progress, and what more could be done within the strategic context of council's existing *Age Friendly Clarence Plan 2018-2022* strategies and actions.

A snapshot of council's achievements against the WHO global strategies, and opportunities for future council action based on the WHO recommendations is attached to this report (attachment 1).

The snapshot indicates that council has already achieved a considerable amount in helping to reduce discrimination and inequality. In summary:

- Council's long term support of an inclusive community governance practice has a proven track record of positive results (i.e. Special Committees of Council and Network Forums). This model allows younger and older adults of all ages and abilities to work together with council on policy, program development and implementation, benefiting the wider community and meeting the objectives of council's Strategic Plan.
- Strategic engagement with educational institutions, businesses and community groups has strengthened council's community of practice and demonstrated great outcomes. We have better partnerships and networks, increased capacity across council to plan and respond to age inclusiveness, and increased capacity amongst individuals and communities to contribute their expertise.
- The promotion of empathy toward people of all ages and abilities, including investing in intergenerational and other programs targeted at breaking down ageist barriers between and against older and younger people, is a key achievement.

## Discussion

Across our lifetime, it is reasonable to expect that most of us will experience and spread ageist attitudes. How we think, feel and act all contribute to this, especially when age is one of the first things we notice about people.

To help prevent division that breaks down harmony across the generations, council is demonstrating consistent progress and achievements against the WHO strategies to reduce ageism. The WHO recommendations for action align with the opportunity's council has to continue to combat ageism.

Council is already committed to evidence based strategies, research and data collaborations, and working toward changing the narrative around age and ageing. Of importance, is council's investment in supporting a community governance model. The CPAAC is one example of how council is working effectively with residents and achieving results that are meaningful and impact positively on the social capital of the communities in Clarence.

Additionally, it is worthy to note council's learnings over the past 18 months through the COVID-19 pandemic. Restrictions during this time resulted in a new way of working that were challenging but rewarding. While council is still in a COVID-19 state of response, we

have remained nimble in our responsiveness to managing the unknown, to ensure methods of communication, adaptations to and new programs are provided.

There is always more to be done, and council is in the perfect position to capitalise on the strong foundations that have been laid. On this basis, a number of recommendations have been put forward for council consideration.

## Recommendations

1. Council endorses this paper and provides through the Mayor, a copy to the WHO Global Age Friendly Cities and Communities Network.
2. Council gives consideration to pledging at a council meeting to 'EveryAGE Counts', an advocacy campaign aimed at tackling ageism against older Australians. <https://www.everyagecounts.org.au/>
3. That the opportunities outlined in attachment 1 are prioritised for future council action against the *Strategic Plan 2021-2031*<sup>3</sup>, and embodied in future planning for the next *Age Friendly Clarence Plan 2023-2027*.

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<sup>3</sup> [https://www.ccc.tas.gov.au/wp-content/uploads/2021/05/1639-CCC-Strategic-Plan-2021-V07\\_DIGITAL-VERSION.pdf](https://www.ccc.tas.gov.au/wp-content/uploads/2021/05/1639-CCC-Strategic-Plan-2021-V07_DIGITAL-VERSION.pdf)

## Attachment 1

### Council's achievements against the WHO global strategies, and opportunities for future council action based on the WHO recommendations

WHO strategies	Council achievements	Opportunities
<b>Policy and law</b>	<ul style="list-style-type: none"> <li>• Positive/Age Friendly planning 2007-2022</li> <li>• WHO AFCC status 2014</li> <li>• Supported presentations at conferences and forums including International Federation of Ageing (IFA) Global Conference in Canada 2019</li> <li>• Research partnerships UTAS/Wicking/QUT</li> <li>• Workplace legislation e.g. Anti-discrimination age in workplace, transition to retirement</li> <li>• Built environments and public open space – become more age and ability inclusive from a universal design perspective e.g. Access and Inclusion Toolkit</li> <li>• Supporting Federal and State resources to deliver the Clarence Community Volunteer Service (older adults and people with disabilities/chronic illness) and contributing council resources.</li> <li>• Universal Information – starting to develop inclusive and accessible information</li> <li>• Homelessness Project Stage 1 and 2</li> </ul>	<ul style="list-style-type: none"> <li>• Provide WHO this discussion paper/report</li> <li>• Re-focus next plan as <i>All Ages Clarence Plan 2023-2027</i></li> <li>• Complete council's Indicators of Success project (UTAS), Social Inclusion and Child and Family Strategies</li> <li>• Ensure council's Workforce Development Plan includes vision on supporting all ages, all abilities – transition into and exiting the workplace</li> <li>• Ensure council's new Economic Development Plan incorporates the importance of council's Age Friendly City and Community status and what this stands for</li> <li>• Continue the conversations and advocacy for transport models that build on environment/public open space and adopt The Whole Journey continuous path of travel</li> <li>• Ensure the City Heart project supports council's life course approach to ageing well</li> <li>• Use the recommendations from Dr Peta Cook's Report 'Intergenerational needs and wants' UTAS</li> <li>• Build on LGAT and State Government partnerships – data/research</li> <li>• Housing models urban design – look to the future in housing models inclusive of younger and older people</li> <li>• Southern Regional Land Use Strategy (SRLUS) council has asked for a review of this – opportunity to look at the Planning Scheme, think</li> </ul>

WHO strategies	Council achievements	Opportunities
		<p>outside the box on where housing goes and what types, to prevent urban sprawl</p> <ul style="list-style-type: none"> <li>• Work on recommendations and actions arising from Dr Lisa Stafford 'Planning Inclusive Communities' project QUT</li> <li>• Delivering the Inclusive Universal Information project for council</li> <li>• Future funding for the Clarence Community Volunteer Service is secured</li> </ul>
<b>Educational and Intergenerational interventions</b>	<ul style="list-style-type: none"> <li>• Supporting and facilitating council's CPAAC and YNAG volunteer ambassadors and Networks</li> <li>• Be Connected – digital literacy</li> <li>• aWake Before Death - end of life care</li> <li>• Our Shared Space program – Play Through the Ages/More Shared Stories Playback Theatre/intergenerational events</li> <li>• Food Connections Clarence - school/older community programs</li> <li>• Thursdays at Alma's programs – information and support including awareness and prevention of elder abuse</li> <li>• Graffiti reduction program including Piecing it Together project with COTA Tasmania</li> <li>• Aged Care Stigma/Ageism project (UTAS)</li> <li>• Community centres – more focus on all ages and abilities</li> </ul>	<ul style="list-style-type: none"> <li>• Greater leveraging of council's WHO status</li> <li>• Consider Every Age Counts pledge</li> <li>• Develop an All Ages event bookended by Youth and Seniors Week</li> <li>• Build on UTAS project aged care and ageism and capitalise on connections with residential aged care facilities for further educational programs</li> <li>• Increasing dementia inclusivity</li> <li>• Seek to establish an annual World Elder Abuse Day activity in Clarence</li> <li>• Action the Safeguarding Volunteering in Clarence Strategy</li> <li>• Progress Alma's Activity Centre proposal</li> <li>• Continue to provide a focus on gentle exercise for all ages/abilities within individuals functional capacity</li> <li>• Neighbourhood watch – increase all ages opportunities</li> <li>• Aboriginal/First Nations and Migrant Elders – progressing community development programs and projects</li> <li>• Inclusive programs for older people with intellectual disability</li> <li>• Ensuring older adults and people with disability are adequately supported if experiencing homelessness</li> </ul>

WHO strategies	Council achievements	Opportunities
	<ul style="list-style-type: none"> <li>• Dementia Inclusive Cafes</li> <li>• Live Well. Live Long Program – health prevention</li> <li>• Increasing volunteering opportunities for younger people through the CCVS</li> <li>• Staying Stronger and Gentle Movement exercise classes in Rokeby and Risdon Vale – older adults/chronic illness</li> <li>• Fitness in the Park – predominately older adults</li> <li>• Awake Before Death – end of life care</li> <li>• All Ages Business project with COTA Tasmania</li> <li>• Get Going Guide – hard copy information on services available</li> <li>• Community gardens – i.e. Warrane Community Garden, Intergenerational Mosaic workshops</li> </ul>	<ul style="list-style-type: none"> <li>• Build on place based project collaborations with community groups, organisations, and businesses</li> <li>• Work on recommendations that arise from the Aged Care Stigma/Ageism with UTAS</li> </ul>





**11.7.3 RULES AMENDMENT – COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to provide council the opportunity to consider a proposed amendment to the Copping Refuse Disposal Site Joint Authority (CRDSJA) Rules.

**RELATION TO EXISTING POLICY/PLANS**

Nil.

**LEGISLATIVE REQUIREMENTS**

Section 38(5) (b) of the Local Government Act requires rule amendments to be agreed by the majority of the participating councils.

**CONSULTATION**

The proposed Rule amendment was advertised in “The Mercury” newspaper on 12 June 2021, a notice displayed in the council foyer and a copy of the proposed amended rules provided to the Director of Local Government in accordance with the Local Government Act requirements. There were no submissions or responses received. Consultation has also occurred with the four CRDSJA member Councils.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications for council in agreeing to the proposed Rule Amendment.

**RECOMMENDATION:**

That Council adopts the proposed amendment to Copping Refuse Disposal Site Joint Authority’s Rule 219 dated August 2021 and as certified by a legal practitioner and the General Manager attached as Attachment 1 to the Associated Report.

---

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

- 1.1.** At its meeting on 13 August 2020, the Authority approved a Dividend Policy. Amongst other things, this approval was subject to amending the Authority’s Rule 219 to be consistent with the intent of the policy.
- 1.2.** The extract from the meeting minutes and a copy of the new Dividend Policy were provided to participating councils in March 2021.

- 1.3.** After receiving approval from the participating councils, the proposed amendment was advertised in “The Mercury” on Saturday, 12 June 2021 and a notice displayed in the council foyer in accordance with the Local Government Act requirements. No submissions or responses were received.

## **2. REPORT IN DETAIL**

- 2.1.** The existing Authority Rules provide at Rule 219:

*“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 the following financial year.”*

- 2.2.** In order for the Authority Rules to be consistent with the newly approved Dividend Policy, Rule 219 is required to be amended to provide (amendments underlined)

*“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 Authority may not declare a dividend in excess of the amount recommended by the Board. The dividend is to be paid by the end of the following financial year.”*

- 2.3.** The Authority has received legal advice that the proposed amendment to Rule 219 is a material change and, therefore, requires approval and certification in accordance with section 32 of the Local Government Act 1993.
- 2.4.** The proposed amendment has been certified by a legal practitioner and by council’s General Manager as required under the Local Government Act.
- 2.5.** The Authority has circulated the proposed Rule amendment to each of the participating councils for approval.

- 2.6.** Once the proposed Rule amendment has been approved by each of the participating councils, the proposed Rule amendment is again certified by a legal practitioner and council's General Manager before being signed by the participating councils. A copy of the new Rules is then provided to the Director of Local Government and the amendment comes into effect.

### **3. CONSULTATION**

#### **3.1. Community Consultation Undertaken**

The proposed Rule amendment was advertised in "The Mercury" newspaper on 12 June 2021, and a notice displayed in the council foyer in accordance with the Local Government Act requirements.

#### **3.2. State/Local Government Protocol**

Nil.

#### **3.3. Other**

Consultation has occurred with the four member Councils. A copy of the proposed amended rules was provided to the Director of Local Government.

#### **3.4. Further Community Consultation**

Nil.

### **4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Nil.

### **5. EXTERNAL IMPACTS**

Nil.

### **6. RISK AND LEGAL IMPLICATIONS**

There are no additional risk or legal implications than currently already apply in relation to council's involvement with the CRDSJA.

**7. FINANCIAL IMPLICATIONS**

There are no direct financial implications for council in agreeing to the proposed Rule amendment.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

The proposed Rule amendment is necessary and appropriate to ensure consistency with the adopted Dividend Policy.

Attachments: 1. Copping Refuse Disposal Site Joint Authority Rules – Tracked Change Version (42)

Ian Nelson  
**GENERAL MANAGER**

# RULES of the

## COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY

### Table of Provisions

Table of Provisions.....	i
PART 1 - PRELIMINARY .....	<u>14</u>
Name.....	<u>14</u>
Establishment and Commencement of the Authority .....	<u>14</u>
Body Corporate.....	<u>14</u>
Definitions .....	<u>14</u>
Interpretation.....	<u>55</u>
PART 2 - PRINCIPAL OBJECTIVES, FUNCTIONS AND POWERS .....	<u>55</u>
Principal Objectives and Goals of the Authority .....	<u>55</u>
Functions of the Authority and of the Board .....	<u>66</u>
Powers of the Authority .....	<u>88</u>
Powers of the Board.....	<u>88</u>
Delegations .....	<u>88</u>
PART 3 - COMPOSITION OF THE AUTHORITY AND OF THE BOARD.....	<u>99</u>
Members .....	<u>99</u>
Cessation and Withdrawal of Participation – Members.....	<u>104</u>
Disciplinary Action – Members .....	<u>114</u>
Cessation and Withdrawal of Land Ownership - Owner Councils.....	<u>144</u>
Amalgamation of Councils.....	<u>154</u>
Membership of the Authority - Representatives .....	<u>154</u>
Membership of the Board .....	<u>164</u>
PART 4 - DUTIES OF MEMBERS, REPRESENTATIVES, PROXIES AND DIRECTORS .....	<u>184</u>
Duties of Members, Representatives, Proxies and Directors .....	<u>184</u>
Duty to Prevent Insolvent Trading.....	<u>184</u>
Disclosure of Interests .....	<u>184</u>
Adverse Developments.....	<u>194</u>
Authority Registers.....	<u>194</u>
PART 5 - MEETINGS OF THE AUTHORITY AND OF THE BOARD.....	<u>202</u>
Annual General Meeting of the Authority .....	<u>202</u>
General Meetings of the Authority .....	<u>202</u>
Meetings of the Board .....	<u>202</u>
Notice of General Meetings of the Authority and Meetings of the Board.....	<u>212</u>
Notices and Material to be Provided to Adjoining Landowners.....	<u>212</u>
Committees of the Authority or of the Board .....	<u>222</u>
Convening of Meetings.....	<u>222</u>
Attendance .....	<u>222</u>
Quorum.....	<u>232</u>
Chair .....	<u>232</u>
Board Chair.....	<u>242</u>
Conduct of Meetings of the Authority .....	<u>242</u>
Adjournment of a Meeting of the Authority .....	<u>242</u>
Voting at Meetings of the Authority and of the Board .....	<u>252</u>

Declaration of Vote.....	<a href="#">2525</a>
Resolution in Writing or by Electronic Means .....	<a href="#">2525</a>
Special Resolutions.....	<a href="#">2525</a>
Minutes and Papers.....	<a href="#">2626</a>
Exclusion of Chief Executive Officer and Others from Certain Deliberations.....	<a href="#">2727</a>
Validity of Proceedings .....	<a href="#">2727</a>
<b>PART 6 - CHIEF EXECUTIVE OFFICER AND OTHER EMPLOYEES.....</b>	<a href="#">2727</a>
Appointment and Removal of Chief Executive Officer.....	<a href="#">2727</a>
Remuneration of Chief Executive Officer .....	<a href="#">2828</a>
Travel and Other Expenses .....	<a href="#">2828</a>
General Powers and Responsibilities of Chief Executive Officer .....	<a href="#">2828</a>
Particular Responsibilities .....	<a href="#">2929</a>
Strategic and Business Plans.....	<a href="#">3030</a>
Quarterly and Other Reports.....	<a href="#">3131</a>
Quarterly Report to Authority .....	<a href="#">3131</a>
Compliance with Statutory Requirements .....	<a href="#">3232</a>
Contractual Obligations.....	<a href="#">3232</a>
Policy Development.....	<a href="#">3232</a>
Employees of the Authority.....	<a href="#">3232</a>
Secretary .....	<a href="#">3232</a>
Duty to Notify Authority of Adverse Developments and Reports.....	<a href="#">3333</a>
<b>PART 7 - FINANCIAL ARRANGEMENTS, ACCOUNTS &amp; AUDIT .....</b>	<a href="#">3333</a>
Authorised deposit taking institution accounts .....	<a href="#">3333</a>
Financial Contributions and Revenue .....	<a href="#">3333</a>
Investment .....	<a href="#">3333</a>
Borrowing.....	<a href="#">3333</a>
Accounting records.....	<a href="#">3434</a>
Financial statements.....	<a href="#">3434</a>
Audit.....	<a href="#">3434</a>
<b>PART 8 - DIVIDENDS AND OTHER PAYMENTS .....</b>	<a href="#">3434</a>
<b>Declaration of Dividend.....</b>	<a href="#">3434</a>
Distribution of Dividends .....	<a href="#">3534</a>
Distribution of Other Payments .....	<a href="#">3535</a>
<b>PART 9 - MISCELLANEOUS .....</b>	<a href="#">3535</a>
Immunity from Liability .....	<a href="#">3535</a>
Insurance Premiums.....	<a href="#">3535</a>
Notices.....	<a href="#">3636</a>
Seal and Execution of Sealed Documents.....	<a href="#">3636</a>
Amendment of Rules .....	<a href="#">3636</a>
Winding Up .....	<a href="#">3737</a>
Surplus .....	<a href="#">3737</a>
Insolvency.....	<a href="#">3737</a>
Liabilities of the Authority .....	<a href="#">3737</a>
Rates .....	<a href="#">3737</a>
Ownership and Lease of the Copping Refuse Disposal Site.....	<a href="#">3737</a>
Documentation.....	<a href="#">3737</a>
Business Name of the Authority .....	<a href="#">3838</a>
<b>SCHEDULE 1: PROPORTIONATE PAYMENTS AND SHARES.....</b>	<a href="#">3939</a>
Proportionate Payments .....	<a href="#">3939</a>
Interests.....	<a href="#">3939</a>
<b>EXECUTION BY THE SUBSCRIBING COUNCILS.....</b>	<a href="#">4040</a>

## 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;
- (l). 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;
  - (l). 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;
  - (o). 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 purchase money on behalf of the Withdrawing Member and enter the name of the purchaser or purchasers in the Equity Interest Register as holder by transfer of the share/interest in equity purchased by the purchaser or purchasers.

34. If the whole of the WPC Equity is not sold under Rule 33 then, subject to these Rules, at any time before the 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 purchase money on behalf of the expelled Member and enter the name of the purchaser or purchasers in the Equity Interest Register as the holder by transfer of the share/interest purchased by the purchaser or purchasers.
49. If the whole of the expelled 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 of the Authority.

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 Authority may not declare a dividend in excess of the amount recommended by the Board. 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 Members in 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's 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

<p>The Common Seal of the CITY OF CLARENCE was affixed this _____ day of _____ <del>2017</del> <u>2021</u> pursuant to a resolution of the Council made the _____ day of _____ <del>2017</del> <u>2021</u> in the presence of:</p>	<p>Corporate Secretary and/or Mayor and/or General Manager</p>
<p>The Common Seal of the KINGBOROUGH COUNCIL was affixed this _____ day of _____ <del>2017</del> <u>2021</u> pursuant to a resolution of the Council made the _____ day of _____</p>	<p>Corporate Secretary and/or Mayor and/or General Manager</p>
<p>The Common Seal of the SORELL COUNCIL was affixed this _____ day of _____ <del>2017</del> <u>2021</u> pursuant to a resolution of the Council made the _____ day of _____ <del>2017</del> <u>2021</u> in the presence of:</p>	<p>Corporate Secretary and/or Mayor and/or General Manager</p>
<p>The Common Seal of the TASMAN COUNCIL was affixed this _____ day of _____ <del>2017</del> <u>2021</u> pursuant to a resolution of the Council made the _____ day of _____</p>	<p>Corporate Secretary and/or Mayor and/or General Manager</p>



**11.7.4 TREE VANDALISATION - ALEXANDRA ESPLANADE, BELLERIVE****EXECUTIVE SUMMARY****PURPOSE**

To consider a response to significant tree vandalism at Alexandra Esplanade, Bellerive.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2021-2031 and draft Tree Policy 2021 are relevant.

**LEGISLATIVE REQUIREMENTS**

Public Places Bylaw No.1 of 2018 is applicable.

**CONSULTATION**

This vandalism has been subject to media reporting. The community will be informed of council's decision via usual media and social media channels.

**FINANCIAL IMPLICATIONS**

Estimated funds of \$28,000 from council's vandalism recurrent budget is required to undertake the proposed revegetation and associated works to rectify the vandalism.

**RECOMMENDATION:**

That Council authorises the General Manager to:

- A. Coordinate the replanting of the poisoned trees, as outlined in the associated report.
- B. Subject to the Crown providing landowner consent:
  - install large screens (3m high, between 4 – 6m long) comprising steel poles, chain wire and shade-cloth in key areas where the vandalised trees are dying, with the intention of interrupting views of the Derwent River created by the loss of trees; and
  - install signs on each screen explaining why the screens are in place and offering a reward for information leading to a successful conviction.
- C. Offer a confidential reward of \$10,000 for information leading to a successful conviction of the perpetrator(s) of the vandalism; and
- D. Require that the screens and signage remain in place until all newly planted trees are at least 4 metres tall and permanently re-established in the area.

**TREE VANDALISATION - ALEXANDRA ESPLANADE, BELLERIVE /contd...**

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

- 1.1.** Council was recently informed of vandalism to several trees adjacent Alexandra Esplanade near Bellerive second bluff. A mature stand of Tasmanian White Gums and Coastal Wattles located within the sand dunes of Alexandra Esplanade were poisoned by unknown person/s. An independent arborists report has confirmed 11 trees are affected. The wilful vandalism is estimated to have occurred around four weeks prior to the arborist's inspection on 30 August 2021.
- 1.2.** This area of the Bellerive coastline has in the past been stabilised for protection from coastal erosion. Measures taken included sand bagging, rock armouring and planting of native vegetation to stabilise the sand dunes. Coastal vegetation is vitally important in stabilising sand dunes and protecting vulnerable land from coastal erosion.
- 1.3.** Council officers inspected the area on 6 September 2021 in response to a report of vandalism by a member of the public. The area has a healthy and continuous understorey of low and mid storey vegetation. However, it is obvious that many mature trees once formed the upper canopy. Some of these mature trees have been lost over time and not replaced. The recent loss of more trees to vandalism exposes the area further and leaves it vulnerable to weed invasion, prevailing winds, erosion and trampling as the area will become more open and accessible to pedestrians. The trees also provide important habitat for native fauna, which is diminished or lost by the vandalism.
- 1.4.** Council, at its meeting on 30 August 2021 approved consultation on a draft Tree Policy. The draft policy encourages tree planting and includes the following provisions in relation to vandalism:

Where an act of vandalism is identified, council will:

- investigate the vandalism to identify those responsible, and issue fines (infringement notice);
- install tree vandalism signage at the site of the vandalised tree;
- replant trees to restore the streetscape or landscape to the condition it was in prior to the vandalism; and
- replant trees in accordance with the Urban Forest Strategy and Precinct Planting Plans.

**1.5.** The outcome of the Tree Policy consultation will be separately reported to council.

## **2. REPORT IN DETAIL**

**2.1.** The area requiring revegetation because of the tree vandalism is approximately 3,000m<sup>2</sup>. It is recommended 20 trees be planted, 11 to replace the vandalised trees and nine to provide infill to reinstate the lost canopy. Photos of the affected area and specific trees are shown in **Attachment 1**.

**2.2.** The area is Crown land leased by council.

**2.3.** The poisoned trees will require crown reduction and some removal to make the site safe. It is proposed, where possible, the trunks of larger trees be retained (with scaffold limbs removed to make them safe) to provide habitat.

**2.4.** The proposed replacement tree species (Tasmanian White Gums, Silver Banksia and Bull Oak) are in keeping with the existing vegetation and provide some diversity of species in the area. The inclusion of 10 semi-mature Tasmanian White Gums will also assist in the restoration of this endangered species.

- 2.5.** It is also proposed to install fencing as a visual screen adjacent to the footpath. The proposed fencing (likely to be in three sections) will comprise steel poles approximately 3m high with chain wire fencing installed at a height of 1m off the ground (leaving ground level plants undisturbed), with steel backstays if required. The chain wire fencing will allow signage to be installed. Each section of fencing will be between 4 – 6m long and be covered with shade cloth to obscure views resulting from tree removal or loss of foliage. Sections of fencing will be placed to minimise disturbance of existing plants.
- 2.6.** It is intended the fencing will remain until the replanted trees have achieved a height slightly higher than the fencing – approximately 4m tall.
- 2.7.** It is proposed that signage installed will include council’s logo and a message in two key parts:
- (a) advice to the community indicating that tree vandalism has occurred in this area; and
  - (b) that a confidential reward is offered for information leading to the conviction of any person(s) involved in the vandalism.
- 2.8.** The approximate cost estimate for the revegetation, fencing and signage is:
- |                                       |                        |
|---------------------------------------|------------------------|
| • Tree maintenance work               | \$ 6,000               |
| • Tree planting with stakes and cages | \$10,000               |
| • Signage                             | \$ 2,000               |
| • Fencing                             | <u>\$10,000</u>        |
| <b>Total</b>                          | <b><u>\$28,000</u></b> |
- 2.9.** The Tasmanian Police are investigating the vandalism.
- 2.10.** The land is owned by the Crown and is under lease to council. As such, any installation of fencing and signage on the site will require landowner consent from the Crown. Initial communication with Tasmania Parks and Wildlife Service indicates in-principle support for the recommended approach, subject to final plans being presented and accepted.

**2.11.** It will also be necessary to undertake an aboriginal heritage assessment to ensure chosen locations do not disturb any artifacts in the area (should they be found to be present).

**2.12.** From a planning perspective, initial advice is that the fence and signs are likely to be exempt from the requirement for a development application. Council officers will form a final view on this once the size, design and locations are confirmed following council's consideration of this report.

### **3. CONSULTATION**

#### **3.1. Community Consultation Undertaken**

The incidence of vandalism was reported on the daily news and broadcast on all local television channels on 6 September 2021.

Council has received many feedback comments expressing disappointment on the treatment of these mature trees.

#### **3.2. State/Local Government Protocol**

Preliminary discussion has occurred at a senior level with a Tasmania Parks and Wildlife Service representative, who has indicated in-principle support for screens and signs being installed.

Council has referred the vandalism to Tasmania Police, who are investigating.

#### **3.3. Other**

Nil.

#### **3.4. Further Community Consultation**

The community will be informed of the proposed response and revegetation works prior to physical works being undertaken, in accordance with council's Community Engagement Policy 2020.

- **Consultation Plan**  
As specified below.
- **Consultation Aim**  
Inform the community of the local area revegetation, fencing and signage as a result of the vandalism of the trees.
- **Communication Engagement Tools**  
In accordance with Clause 8 of the Community Engagement Policy 2020, the consultation will use council's website and social media platforms.
- **Consultation Timing**  
The media will be released prior to the revegetation, fencing and signage works commencing.

#### 4. **STRATEGIC PLAN/POLICY IMPLICATIONS**

Council's Strategic Plan 2021-2031 under the objective *A people friendly city, Liveability*:

*"1.11 Continuing to develop and maintain a quality open space network"*

Also, under the objective of *A well-planned liveable city, land use and urban planning*:

*"2.15 Ensuring neighbourhoods have pleasant streetscapes and access to recreational spaces and appropriate neighbourhood facilities".*

#### 5. **EXTERNAL IMPACTS**

By revegetating, fencing and signing the area council is showing the community vandalism is not acceptable.

**6. RISK AND LEGAL IMPLICATIONS**

The Public Places Bylaw No.1 of 2018 is relevant to this matter. The bylaw provides for infringement notices to be issued in certain circumstances, including vandalism of council property.

**7. FINANCIAL IMPLICATIONS**

**7.1.** Council's 2021-2022 recurrent budget for vandalism is \$103,000, with expenditure at the end of August 2021 being \$23,221.

**7.2.** Funds are available to undertake the estimated \$28,000 tree revegetation, fencing and signage plan from the vandalism operational budget.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

The vandalism of significant trees in our city is unacceptable. Council has developed a draft Tree Policy which includes response measures related to vandalism such as this. This report provides a comprehensive revegetation, fencing, signage and reward for information plan to indicate to the community tree vandalism is not acceptable and that council will respond robustly to such acts.

Attachments: 1. Site Photos (2)  
2. Replanting Plan (1)

Ian Nelson  
**GENERAL MANAGER**

## Attachment 1

### The Site

The area to be revegetated  
(approx. 3,000m<sup>2</sup>)



The area in 2021 (after the wilful vandalism), all trees with a red X are dead or dying as a result of the poisoning.



The area in 2019 (Source: Google Earth)



## Attachment 1

Drill holes in various trees



## Attachment 2

### Replanting Works

Tree species (20 trees in total)



*Eucalyptus viminalis* (Manna Gum) x10



*Banksia marginata* (Silver Banksia) x5



*Allocasuarina littoralis* (Bull Oak) x5

**11.7.5 DRAFT ACCESS AND INCLUSION PLAN 2021-2025 – COMMUNITY CONSULTATION****EXECUTIVE SUMMARY****PURPOSE**

To seek approval to consult with the community on the draft Access and Inclusion Plan 2021-2025.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2021-2031 is relevant.

**LEGISLATIVE REQUIREMENTS**

- Disability Discrimination Act 1992 (Cth)
- National Building and Construction Codes of Australia 2019
- Anti-Discrimination Act 1998 (Tas)
- Disability Services Act 2011 (Tas)
- Disability Services Regulations 2015 (Tas)
- Land Use Planning and Approvals Act 1993 (Tas)

**CONSULTATION**

Development of the draft Access and Inclusion Plan has involved a thorough engagement process using multiple methods, in consultation with council's Disability Access Advisory Committee (DAAC).

**FINANCIAL IMPLICATIONS**

Actions and projects identified in the five-year plan will be subject to council's annual budget discussions and allocation, including council's capital work program, and any external funding grants or partnerships.

**RECOMMENDATION:**

That Council:

- A. Approve the draft Access and Inclusion Plan 2021-2025 for city-wide community consultation.
- B. Authorise the General Manager to coordinate city-wide community consultation to obtain feedback on the draft Access and Inclusion Plan 2021-2025 and to report the consultation outcomes to a future workshop.

**DRAFT ACCESS AND INCLUSION PLAN 2021-2025 – COMMUNITY CONSULTATION /contd...**

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

- 1.1.** In 2018, council's third *Access Plan 2014-2018* expired and resources were allocated by council to assist in the review and development of a new plan.
- 1.2.** During 2019, a thorough engagement process using multiple methods was undertaken across the city.
- 1.3.** While a draft plan was developed, the impact of the COVID-19 pandemic during 2020 delayed progress considerably.
- 1.4.** On a positive note, this provided the opportunity for the DAAC to work on fine tuning the plan based on feedback from the organisation and elected members.

**2. REPORT IN DETAIL**

- 2.1.** Council's third *Access Plan 2014-2018* expired in 2018 and resources were allocated by council to assist in the review and development of a new plan.
- 2.2.** During 2019, a thorough engagement process using multiple methods was undertaken across the city.
- 2.3.** The impact of the COVID-19 pandemic during 2020 delayed progress considerably, however provided the opportunity to further fine tune the plan.
- 2.4.** The community engagement process identified widespread recognition for the visible achievements council has made to progress accessibility and inclusivity in Clarence. These achievements were tracked against the *National Disability Strategy (NDS) 2010-2020* goal areas, with progress being made under all six goals.



**2.5.** The new five-year plan has been developed with its focus based extensively on what the community told us as opportunities and emerging priorities. The following key theme areas support all of council's strategic goal areas and key strategies:

- Lead;
- Create; and
- Deliver.

**2.6.** The key theme of Lead supports strategies and actions for council to lead a culture of continuous improvement; continue to engage with the community; and connect with services and organisations to build on critical partnerships.

**2.7.** The key theme of Create supports strategies and actions for council to ensure its information, communications and events are accessible; provision of and promotion of available services and opportunities; and increased participation in the cultural life of the city.

**2.8.** The key theme of Develop supports strategies and actions that build on universally inclusive environments, recreational facilities, amenities, activity areas, and in partnership with others improved access to transport and housing.

**2.9.** In line with council's *Community Engagement Policy* and *Guidelines for Community Engagement 2020*, a final round of community engagement is a key element to ensure that the draft plan has incorporated what the community told us was important.

### **3. CONSULTATION**

#### **3.1. Community Consultation**

During 2019, Council's Disability Access Advisory Committee (DAAC) worked on evaluating the outcomes achieved in the previous plan and scoping a recommended process for the development of the new plan using a co-design process.

This process included engaging a consultant to support the initial planning and facilitation of community engagement and working with the DAAC on putting together the first draft of the plan.

A thorough engagement process using multiple methods was undertaken during 2019 which included staff, service providers, and community from across the city. One hundred and twenty-four individuals and service providers in the community engaged with council:

- Service provider workshop Clarence Access Network (CAN) Forum – 21 services
- Neighbourhood House workshop – Clarendon Vale
- Market Stall – South Arm
- Your Say online engagement portal - open for 6 weeks
- Hard copy surveys
- Reply paid postcards

### **3.2. State/Local Government Protocol**

Nil.

### **3.3. Other**

The following methods were used to consult internally within council:

- Five staff workshops conducted across the organisation – 39 staff
- Two more opportunities for staff to provide further input
- Two workshops with senior staff
- Two workshops with Aldermen
- Survey of Aldermen, including the opportunity to meet individually

### **3.4. Further Community Consultation**

Community consultation will be undertaken in accordance with the proposed community consultation plan outlined in Attachment 2 and consistent with council's Community Engagement Policy 2020.

- **Consultation Plan**

As specified below.

- **Consultation Aim**

To engage the city-wide community on council's draft Access and Inclusion Plan 2021 - 2025 and obtain feedback.

- **Community Engagement Tools**

In accordance with Clause 8 of the Community Engagement Policy 2020, this consultation will be advertised in the Eastern Shore Sun, social media platforms and "Your Say Clarence". The consultation will be provided online via the "Your Say Clarence" website.

- **Consultation Timing**

The consultation is anticipated to commence in September 2021 and be open for four weeks.

#### **4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Council's Strategic Plan 2021 – 2031 under the Goal Area "A people friendly city" includes:

- "1.2 Building upon Clarence's status as a World Health Organisation 'Age Friendly City and Community'.*
- 1.5 Continuing to deliver and review a community Health and Wellbeing Strategy and associated supporting plans to strengthen and improve the physical, mental and social wellbeing of the community.*
- 1.7 Supporting the community to build capacity and resilience.*
- 1.10 Promoting active and healthy lifestyles through provision and support of programs that improve physical and mental health.*
- 1.12 Facilitating opportunities for community connections and support of programs that improve physical and mental health."*

#### **5. EXTERNAL IMPACTS**

Nil.

## **6. RISK AND LEGAL IMPLICATIONS**

Council has the following legislative and regulatory obligations are relevant to the plan:

- Disability Discrimination Act 1992 (Cth)
- National Building and Construction Codes of Australia 2019
- Anti-Discrimination Act 1998 (Tas)
- Disability Services Act 2011 (Tas)
- Disability Services Regulations 2015 (Tas)
- Land Use Planning and Approvals Act 1993 (Tas)

## **7. FINANCIAL IMPLICATIONS**

**7.1.** Actions and projects identified in the five-year plan are subject to council's annual budget discussions and allocation, including council's capital work program, and any external funding grants or partnerships.

**7.2.** The need for a funding resource allocation is identified in the plan, and to further to assist council in its decision-making process, the plan breaks down the priorities into short-, medium- and long-term goals defined by timeframes:

- Short term = 12 to 18 months
- Medium = 18 months to three years
- Long term = three to five years

## **8. ANY OTHER UNIQUE ISSUES**

The plan will be available to access in alternative formats, such as an easy read version, plain English summary, and visual poster. These formats will be developed with council's DAAC and in collaboration with other organisations.

## **9. CONCLUSION**

**9.1.** The review of council's previous plan and development of a new draft Access and Inclusion Plan is a significant milestone in the history of council's role and involvement in leading continuous improvement for people with a disability in Clarence.



- 9.2.** The five-year plan was developed using a co-design process with council's DAAC including the support of an external consultant, and input from staff, Aldermen and the community.
- 9.3.** The three key themes of Lead, Create and Develop have been used to reflect what the community told us were emerging priorities and opportunities, consistent with council's Strategic Plan goal areas and key strategies.
- 9.4.** A final round of community engagement will provide council with further feedback on the plan, which will be presented to a future council workshop for discussion before the plan is finalised for formal consideration by council.

Attachments: 1. Draft Access and Inclusion Plan 2021-2025 (64)  
2. Draft Access and Inclusion Plan consultation plan (3)

Ian Nelson  
**GENERAL MANAGER**



# CLARENCE CITY COUNCIL ACCESS AND INCLUSION PLAN 2021-2025

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Clarence... a brighter place

# ACKNOWLEDGEMENTS

The City of Clarence acknowledges the palawa, Tasmanian Aboriginal People as the Traditional Owners and ongoing custodians of lutruwita, Tasmania. We pay our respects to all Aboriginal and Torres Strait Islander people and to their Elders, past and present, and their continued connection to the land, sky and waterways.

Council acknowledges and appreciates the support and advice provided to the project from council staff and the community members who volunteer on council's Disability Access Advisory Committee (DAAC) in particular, community members of the Project Advisory Group: Vanessa Clark, Lee Jordan, John Stevens and Tamar Cordover.

Council also acknowledges the work of independent consultant Morven Andrews, who provided advice and assistance in reviewing the previous Access Plan and providing a first draft of this plan. Morven has extensive experience in the community and health sectors and in social research. She is passionate about equity and social justice.

*Front Cover Image: Bellerive All Abilities Playground, Bellerive Beach*

**This plan can be accessed in alternative formats.**

If you do need to access an alternative format, such as an easy read version, summary or visual poster, please contact council on 03 6217 9500.

You can also contact the National Relay Service to communicate with council for further information.

<b>Voice</b>	1800 555 660 (free from landlines)
<b>TTY</b>	1800 555 630 (free)
<b>Fax</b>	1800 555 690 (free)
<b>SMS</b>	0416 001 350

PO Box 96, Rosny Park TAS 7018  
**Ph:** 03 6217 9500 **F:** 03 6217 8700  
**E:** [clarence@ccc.tas.gov.au](mailto:clarence@ccc.tas.gov.au)  
**www.ccc.tas.gov.au**  
 **Clarence City Council**

# CONTENTS

Acknowledgements .....	2
Executive summary.....	5
The plan in brief .....	7
Strategic context.....	8
Legislation, policy, and planning frameworks	
Council's role in continuous improvement	
City of Clarence Access and Inclusion Policy	
What is disability? .....	16
Why are access and inclusion important?	
Disability across the life-course	
Disability and its impact	
Disability: a snapshot	
The review .....	24
Approach	
What the community told us	
Challenges, opportunities, and emerging priorities	
The Five-Year Action Plan .....	30
Key themes: Lead, Create, Develop	
Snapshot .....	55
Appendix.....	56
Background Information	
What we have achieved since 2014	
References.....	62





*International Day of People with Disability (IDPwD) event in Clarence*

# EXECUTIVE SUMMARY

People of all abilities should be able to access built, natural, social and cultural environments equally. This is driven by the International United Nations Convention on the Rights of Persons with Disabilities (CRPD)<sup>1</sup>, ratified in 2007. Australia is a signatory to the CRPD, and this drives federal and state legislation, building standards, the National Disability Strategy (NDS), and the National Disability Insurance Scheme (NDIS).

Inclusion benefits the whole community. This plan focuses on access and inclusion from the perspective of people with a disability, but it is about the lived experiences of all of us. Our friends, relatives or neighbours may have recognised impairment; and it is possible that we may all experience a temporary disability through accident or illness at least once in our lives. It is also possible that we may all experience mobility or sensory impairment as we age.

Access and inclusion for people with disability within the Clarence community is a priority for council. We are welcoming and inclusive of all people. In the past 20 years, council has actioned three plans and continues to ensure that all residents are able to participate in all aspects of civic life. This plan builds on our achievements to date and demonstrates continuous excellence and commitment to all residents, for which council is recognised as a leader. It also aims to celebrate diversity and enhance social inclusion of all people, by taking a proactive approach to develop a focus on people who may feel marginalised due to their ethnicity, Aboriginality, gender identity, age, economic circumstances, or abilities.

The development of the plan has been led by council's Disability Access Advisory Committee and informed through extensive consultation with people living with disability and their carers, organisations providing services to people with disabilities, and council staff. Building on the strengths of individuals, families, communities and cultures, the key themes identified focus on the role of council to lead, create and develop universally inclusive and accessible information, communication, services, programs, and environments.

Of importance is council's leadership role in continuing to strengthen and support the community governance approach of working together with people with disability to achieve good outcomes.

The plan will be monitored and reviewed regularly to ensure council is actively making life easier, safer, and more enjoyable for people living with disability in Clarence.

<sup>1</sup> United Nations Convention on the Rights of Persons with Disabilities (CRPD).

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>





*Postcard Project with Mosaic Services*

# THE PLAN IN BRIEF

Proposed actions by the City of Clarence between 2021 and 2025 to address access and inclusion are detailed from page 32 of the plan.

Key themes and strategies are as follows.

Theme	Strategies
<b>Lead</b>	<ul style="list-style-type: none"><li>• Leading a culture of continuous improvement.</li><li>• Engaging with the community.</li><li>• Connecting with services and organisations.</li></ul>
<b>Create</b>	<ul style="list-style-type: none"><li>• Ensuring council information, communications, and events are inclusive and accessible.</li><li>• Providing and promoting services and opportunities.</li><li>• Increasing participation in the cultural life of the city.</li></ul>
<b>Develop</b>	<ul style="list-style-type: none"><li>• Designing universally inclusive environments.</li><li>• Ensuring active and passive recreational facilities are inclusive for all abilities.</li><li>• Providing all abilities access to beaches.</li><li>• Advocating transport for all abilities.</li><li>• Providing adequate accessible parking.</li><li>• Improving pedestrian crossings.</li><li>• Enhancing activity areas.</li><li>• Improving street lighting.</li><li>• Upgrading footpaths and pavements for accessibility.</li><li>• Improving waste management for all abilities.</li></ul>



# STRATEGIC CONTEXT

## Legislation, policy, and planning frameworks

Council's planning and response to access and inclusion is guided by a range of international, national, state, and local policies, guidelines, and legislation.

Key frameworks are the *International United Nations Convention on the Rights of Persons with Disabilities (CRPD, ratified 2007)*<sup>2</sup>, *National Disability Strategy 2010-2020*<sup>3</sup>, *Accessible Island: Tasmania's Disability Framework for Action 2018-2021*<sup>4</sup> and the *City of Clarence Strategic Plan for 2021-2031*<sup>5</sup>.

Contemporary government planning is based on a social model of disability which recognises the rights of individuals to live in accessible and inclusive communities, free from discrimination and with optimal quality of life.

The development of the *National Disability Strategy (NDS) 2010-2020* was the first time in Australia's history that all governments committed to a unified, national approach to improving the lives of people with disability, their families, and carers, and to providing leadership for a community-wide shift in attitudes.

The NDS covers six policy areas: inclusive and accessible communities; rights protection, justice, and legislation; economic security; personal and community support; learning and skills; health and wellbeing.

<sup>2</sup> United Nations Convention on the Rights of Persons with Disabilities (CRPD).

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

<sup>3</sup> Commonwealth of Australia (2011). National Disability Strategy, 2010-2020.

<https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020>

<sup>4</sup> Accessible Island: Tasmania's Disability Framework for Action 2018-2021.

[http://www.dpac.tas.gov.au/divisions/csr/policy/Policy\\_Work/accessible\\_island\\_tasmanias\\_disability\\_framework\\_for\\_action\\_2018-2021\\_dfa](http://www.dpac.tas.gov.au/divisions/csr/policy/Policy_Work/accessible_island_tasmanias_disability_framework_for_action_2018-2021_dfa)

<sup>5</sup> City of Clarence Strategic Plan 2021-2031.

<https://www.ccc.tas.gov.au/wp-content/uploads/2018/10/Strategic-Plan-2016-2026-1.pdf>



*Consultation with Clarence Access Network (CAN) Forum*

Currently the NDS is under review. The full consultation report to help shape the next strategy, *Right to opportunity: Consultation report to help shape the next national disability strategy December 2019*<sup>6</sup>, indicates 12 current issues for people surveyed with disability that are severe/major challenges for them.

From this, the consultation report identifies six priorities for action to promote an accessible and inclusive community. In summary these issues include: employment, assistive technology, access to quality supports, services and programs, housing and transport.

<sup>6</sup> <https://www.dss.gov.au/disability-and-carers-a-new-nationaldisability-strategy-reports/right-to-opportunity-consultation-report-tohelp-shape-the-next-national-disability-strategy-full-report>



*Postcard Project*

The disability sector in Tasmania is experiencing significant change due to the rollout of the National Disability Insurance Scheme (NDIS). This presents both opportunities and challenges for local government.

The NDIS provides increased support to people living with a permanent disability. It has been designed to enhance the quality of life of participants by increasing their ability to be involved in the community through everyday activities and giving them control over the support they receive.

The NDIS allocates funding directly to people with disability rather than to service providers. This change is fundamentally affecting how services are delivered to people living with disability and who can access services.

In Tasmania, the NDIS estimates 10,600 people are eligible to participate in the NDIS. This is only eight percent of people with a disability and only one quarter of those with a severe or profound disability. Most people who are eligible have sensory, intellectual, or mental health issues.

As a result of the NDIS, some current services may face closure, leaving support gaps for people not eligible for the NDIS. There may be increased local employment in meeting the needs of NDIS participants.

**“With the continued roll-out of the NDIS, the local government sector has an important role to support people with disability achieve greater social and economic participation in their community.”**

**Professor Roberta Ryan, Director, Institute for Public Policy and Governance<sup>7</sup>**

Councils will have a role in providing social inclusion initiatives, linking people with disability into their communities. There are partnership funding opportunities through NDIS Information, Linkages and Capacity (ILC) Building Grants. Clarence City Council will continue to monitor the impact of the NDIS and any new priorities and emerging needs, in collaboration with other organisations.

*Accessible Island: Tasmania's Disability Framework for Action 2018-2021<sup>8</sup>* is a guide for government to act against the six policy areas identified in the NDS against the backdrop of three key principles:

- Ensuring access and inclusion for government services.
- Infrastructure, and communications; collaboration and consultation.
- Improving employment outcomes in the State Service.

Council's *Strategic Plan 2021-2031* takes a 'whole-of-council' approach to planning for all aspects of council business, including access and inclusion. These include the following four overarching goals.

A people friendly city – Clarence values diversity and encourages equity, inclusiveness and accessibility. We aspire to create high quality public places for all people to live actively, engage socially and enhance our health and wellbeing.

<sup>7</sup> <https://www.uts.edu.au/research-and-teaching/our-research/institute-public-policy-and-governance/news/new-disability-inclusion-framework-local-government>

<sup>8</sup> *Accessible Island: Tasmania's Disability Framework for Action 2018-2021*.  
[http://www.dpac.tas.gov.au/divisions/csr/policy/Policy\\_Work/accessible\\_island\\_tasmanias\\_disability\\_framework\\_for\\_action\\_2018-2021\\_dfa](http://www.dpac.tas.gov.au/divisions/csr/policy/Policy_Work/accessible_island_tasmanias_disability_framework_for_action_2018-2021_dfa)

A well-planned liveable city – Clarence will be a well-planned liveable city with services and infrastructure to meet current and future needs of our growing and vibrant community.

A prosperous and creative city – Clarence encourages creativity, innovation and enterprise and will develop the local economy by enabling opportunities for all people.

An environmentally responsible city – Clarence is environmentally responsible, valuing and protecting the natural environment for a sustainable and liveable future.

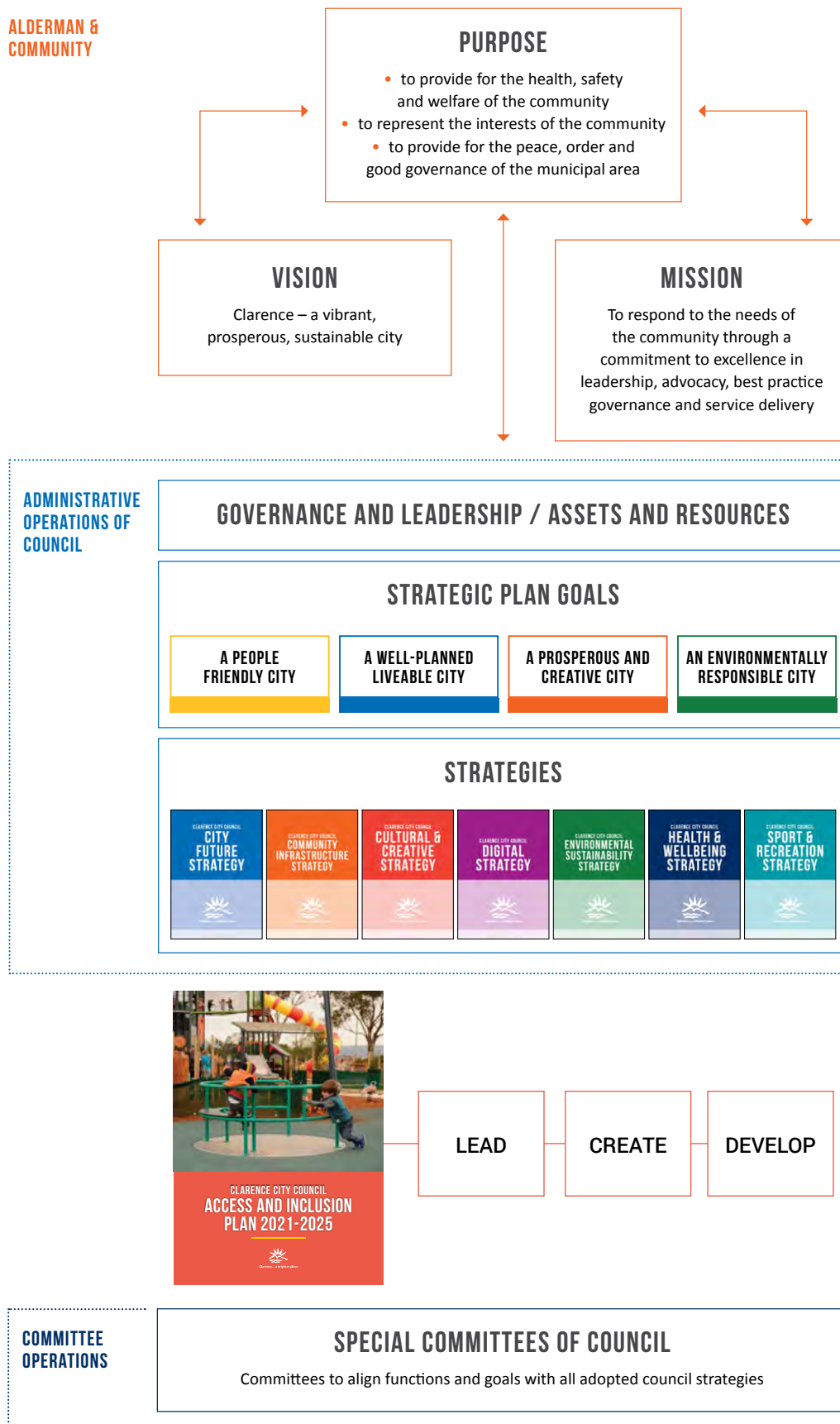
Underpinning council's goals are the operational areas of: governance and leadership – to act with the highest ethical standards and foster trusting and respectful relationships, demonstrating leadership and accountable transparent governance of the city; and council's assets and resources – to efficiently and effectively manage financial, human and property resources to attain our strategic goals and meet statutory obligations.

There are seven key strategies supporting council's goal areas:

- ✓ Sport and recreation
- ✓ Health and wellbeing
- ✓ Arts and cultural events
- ✓ Community infrastructure
- ✓ Financial management
- ✓ City future
- ✓ Digital



Planning for, creating, and designing accessible and inclusive communities support all of council's strategic goal areas and key strategies.



## Council's role in continuous improvement

Clarence City Council has long demonstrated a commitment to improving access and inclusion, with focused plans in place since 1999. Over the past 21 years, the journey of continuous improvement has seen the transformation from a culture of legislative compliance, toward an approach that recognises the importance of accessible and inclusive communities and environments, because they benefit everyone in the community.

Part of this commitment is the importance council has placed on working together with the community and supporting a community governance approach with the Disability Access Advisory Committee (DAAC). The DAAC is one of council's longest operating special committee, forming a direct link with residents with a disability across the city.

A key achievement over the last few years has been the development of common approaches between council's all ages and abilities focus, and accessible and inclusive communities and environments. The City of Clarence has been a member of the World Health Organisation (WHO) Global Age-Friendly Communities Network since 2014.



*Postcard Project with Sailability*

## City of Clarence Access and Inclusion Policy

Council will continue to build on the positive outcomes of previous plans, partnering with community and other relevant organisations to create an accessible and inclusive community for people of all ages and abilities.

Access and inclusion for people of all ages and abilities is reflected in council's adopted life course approach to ageing and disability. Council's access and inclusion policy also aligns with current international, national, and state policies and frameworks.

Council adopts the definition of persons with disabilities contained in the United Nations Convention on the Rights of Persons with Disabilities (CRPD)<sup>9</sup>:

**"Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."**

Council also endorses the principles agreed in the CRPD:

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons.
- Non-discrimination.
- Full and effective participation and inclusion in society.
- Respect for difference and acceptance of persons with disability as part of human diversity and humanity.
- Equality of opportunity.
- Accessibility.
- Equality between men and women.
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disability.

<sup>9</sup> United Nations Convention on the Rights of Persons with Disabilities (CRPD).

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>



# WHAT IS DISABILITY?

A disability is any condition that restricts a person's mental, sensory or mobility functions. It may be caused by accident, trauma, genetics, or disease. A disability may be temporary or permanent, total or partial, lifelong or acquired, visible or invisible<sup>10</sup>.

The social model of disability recognises that disability is the result of the interaction between people with impairments and the barriers that prevent their full participation in society on an equal basis with others<sup>11</sup>.

**"People are disabled by society, not individual impairments, and thus society, not disabled people, needs changing and 'fixing.' A sustained effort is required from all of us to embed this conviction throughout society, policy, and politics."**<sup>12</sup>

Dr Lisa Stafford, 2019

## Why are access and inclusion important?

People with disability have the right to live full and productive lives in our community but many are unable to do so because of the additional restrictions they face each day. These restrictions can affect people's ability to move freely around the community, to find meaningful work, to be self-sufficient, to have good health and wellbeing, and to fully participate in recreation, social and cultural life. These restrictions may be overcome to some extent, by altering the way we plan and design our environment and the way we think about disability.

An accessible and inclusive community is a place for people of 'all-abilities', and an equitable society is one in which everyone is given the support they need to fulfil their potential, free from attitudinal barriers or discrimination.

In an accessible community, people with disability have the same opportunities as other people to move around the community, enter buildings, get information and services, and be involved in work, education, social life, sports, and recreational activities.

<sup>10</sup> Australian Network on Disability.

<https://www.and.org.au/pages/what-is-a-disability.html>

<sup>11</sup> People with Disability Australia.

<https://pwd.org.au/resources/disability-info/social-model-of-disability/>

<sup>12</sup> Ableism and the struggle for spatial justice, 15 October 2019, Dr Lisa Stafford

<https://www.opendemocracy.net/en/transformation/ableism-and-struggle-spatial-justice/>



Inclusion is a driver to increase equity across the community. It affects everyone, and it is everyone's responsibility. In inclusive communities, everyone has a role in ensuring people with disability are welcomed, valued, and included in all aspects of civic life. Participation of people with disability in the design of policies, services and facilities increases the efficacy of these outputs, while also increasing the skills and capacity of people with disability to advocate for their needs.

Access and inclusion of people with disability is part of a broader agenda of governments to embrace diversity and increase social inclusion. Increasing social inclusion involves working to change the structural barriers and social determinants that limit participation in everyday life.

Planning for access and inclusion involves listening to the stories and experiences of people in our local communities and what designs and environments work best for them. The best plans are produced with the active participation of the people they affect. 'Nothing about us, without us' has long been the call of the disability rights movement.

## Disability across the life-course

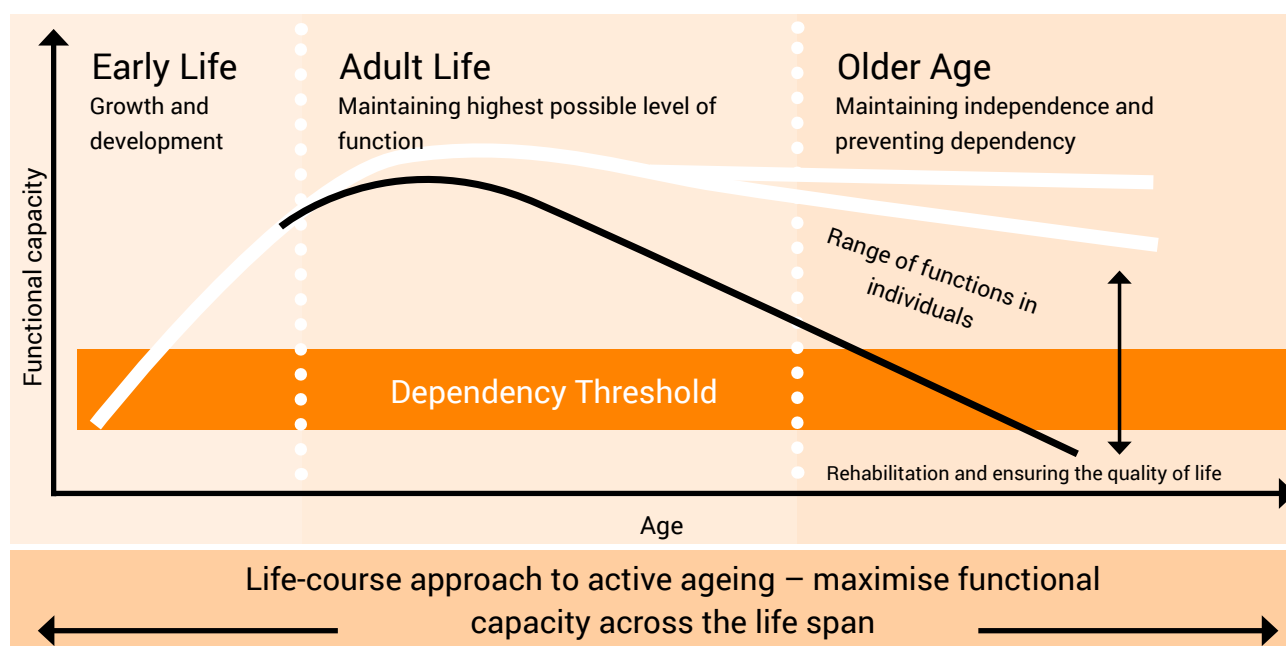
A life-course approach looks at the changing capabilities of people as they move through early life, adulthood and into older age. Looking at disability through a life course lens helps council to identify, plan and provide services and amenities for people born with, or with an acquired disability, throughout their early, adult, or older years.

For all levels of government and support organisations, this means that responding to the changing needs of people with disability over the lifespan and intervening early years can optimise functional capacity as people age, and therefore reduce dependency on public resources.

A social determinants perspective on disability recognises the complexity of peoples' lives. Our health and wellbeing are influenced by our gender and culture, our physical environment, our social and economic circumstances, our health and access to support services, and our behavioural and personal circumstances. Functional capacity, which may be diminished by illness or disability, may be further affected either negatively or positively by the social determinants of health.

Council has adopted a life-course approach in planning for age inclusiveness, recognising our critical role in influencing the social determinants of health - the 'causes of the causes' that create optimal conditions for people to thrive, be happy and be healthy. Adopting this life-course approach for access and inclusion is a natural progression toward a consistent council practice.

*Life-course diagram*



Source: Adapted from Kalache and Kickbusch 1997 (138) and WHO 2002 (1)

## Disability and its impact

**“Disability is not inability. Let us work together for a world of opportunity and dignity for all, a future of inclusion, one in which we all gain by leaving no one behind.”<sup>13</sup>**

**Ban Ki-moon, United Nations Secretary-General**

Access and inclusion for people with disability is not an ‘us and them’ scenario. Statistics amply illustrate that we are all either directly affected by disability, or likely to be so at some stage of our lives. Most of us have friends, relatives, colleagues, or neighbours with disabilities. All of us are likely to experience reduced functionality from chronic conditions and illnesses such as coronary heart disease, dementia, cancers, diabetes, or osteoarthritis as we age.

The Burden of Disease (measured by ‘disability-affected life years’, or DALY) disproportionately affects lower socioeconomic groups and those living in remote areas<sup>14</sup>. Research indicates that people with disability are much more likely to:

- Be unemployed
- Be living on a low income
- Be living in public housing
- Be experiencing sustained and repeated episodes of violence and abuse
- Have anxiety and depression related to social isolation, lack of employment opportunities, financial difficulties, or discrimination<sup>15</sup>

Some functional restrictions, such as those related to chronic conditions, can be mitigated to some extent by altering individual behaviours such as diet, smoking cessation and physical activity, but all levels of government have a critical role to play in removing systemic barriers to health and wellbeing and reducing the impact of disability. Increasing access, equity, and inclusion in our community benefits all of us.

<sup>13</sup> Ban Ki-moon United Nations Secretary-General, marking the tenth anniversary of the CRPD, 14 June 2016

<sup>14</sup> Australian Institute of Health and Welfare (2019). Australian Burden of Disease Study: Impact of illness and death in Australia 2015.

<sup>15</sup> Beyond Blue.

<https://www.beyondblue.org.au/personal-best/pillar/in-focus/looking-after-your-mental-health-while-living-with-a-disability>

There is increasing prevalence of dementia worldwide, with an estimated 10.2 percent of Tasmanians aged 65+ now living with dementia and 0.2 percent of adults under the age of 65 having younger onset dementia<sup>16</sup>. Council's Age Friendly Clarence Plan 2018-2022 identifies the key theme of 'Being Positive and Resilient' by supporting health and wellness across the life course within people's functional capacities. An important action of this plan is to continue partnering with relevant institutions, organisations, and the community, on dementia-friendly projects and initiatives, and that council continues to support investigations into making Clarence more dementia inclusive.

The *Interim Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability 2020*, identifies the cumulative disadvantages experienced by particular groups of people with disability, especially Tasmanian Aborigines or palawa/pakana people and members of culturally and linguistically diverse communities.<sup>17</sup> There is some way to go in working collectively on improving the disadvantages. That council has embarked on a Reconciliation Action Plan (RAP)/Aboriginal Commitment and Action Plan, is a first step.

Homelessness has many causes and impacts including a lack of affordable housing; loss of employment; family breakdown and domestic violence; transition from care or custody; mental health issues; and substance abuse. The connection between people experiencing homelessness who also have a disability is well established. This affects people of all ages and abilities, with people affected by mental illness or psychosocial disabilities often the most vulnerable.<sup>18</sup> People experiencing homelessness in Clarence is a growing issue of concern. In the *Final Report on Homelessness in Clarence Project Stage 1: Collecting Information November 2019* it was estimated that 45 people were sleeping rough in the city. According to Census estimates, sleeping rough only accounts for approximately eight percent of total homelessness. Using these percentages, around 562 people may have been experiencing some form of homelessness in Clarence at the time of the report.<sup>19</sup>

The number of carers in Clarence supporting people with a disability, including mental health, or chronic health issues, is 12.3 percent exceeding the national average of 11.3 percent.<sup>20</sup> While there is a growing number of younger carers, ageing parents or carers often have disabilities and chronic health issues themselves.

<sup>16</sup> Dementia in Australia, prevalence estimates 2019-2058; ABS Population by Age and Sex (released 29 August 2019).

<sup>17</sup> <https://disability.royalcommission.gov.au/system/files/2020-10/Interim%20Report.pdf>

<sup>18</sup> [https://www.pc.gov.au/\\_\\_data/assets/pdf\\_file/0020/240419/sub196-mental-health.pdf](https://www.pc.gov.au/__data/assets/pdf_file/0020/240419/sub196-mental-health.pdf)

<sup>19</sup> Homelessness Estimates, Census 2001-2016

<sup>20</sup> Data derived from the 2015 ABS survey of Disability, Ageing and Carers and 2016 census data.

Volunteers are a vital part of the in Clarence community. Volunteers support people with disability and chronic health issues through council's Community Volunteer Service, funded by the Commonwealth Home Support Program (CHSP for over 65 years), state Home and Community Care Program (HACC for under 65 years), and council. There is an increasing need in the community for the type of support volunteers are providing, in particular, transport, domestic assistance, gardening, and social support. These supports help keep people independent, living at home, and ageing in place.

## Disability: a snapshot<sup>21</sup>

It is important to collect and to recognise data on disability. While many sources of data exist, there are constraints that mean the data is not as comprehensive as it could be. This is particularly the case for some vulnerable groups of people with disability, and on how well survey respondents understand the questions and trust the survey.<sup>22</sup>

Not all people identify as having a disability. For example, people with mental health or psychosocial disabilities, and people with chronic health conditions such as diabetes. While the percentage of the Australian population with disability has decreased over time, the actual number of people with disability has increased as the population has grown.<sup>23</sup>

It is reported that 4.4 million Australians have a disability, with another 22 percent identifying having long-term health conditions.<sup>24</sup> One in two people over the age of 65 years have a disability.<sup>25</sup>

<sup>21</sup> Data derived from the 2015 ABS survey of Disability, Ageing and Carers and 2016 census data.

<sup>22</sup> <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/key-data-gaps/existing-data-sources-and-challenges>

<sup>23</sup> Australian Bureau of Statistics, Disability, Ageing and Carers, Australia: Summary of Findings, 2018, Catalogue number 4430, 24 October 2019, Table 1.1.

<sup>24</sup> Australian Bureau of Statistics. (2019, October 24). Disability, Ageing and Carers, Australia: Summary of Findings. Australian Bureau of Statistics. <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release>

<sup>25</sup> Australian Bureau of Statistics, 2009





*Postcard Project with Mosaic Services*

Tasmania has the highest percentage of people with disability in Australia, with 26 percent of the total population.

In Clarence:

- There are 20.1 percent of people who identify as having a disability, with more than six percent report having a need for assistance because of disability, which is above the national rate of five percent.
- The percentage of carers of people with a disability in Clarence is 12.3 percent, also above the national average.
- Nearly 50 percent of the population in Clarence is 45+ years and rising.<sup>26</sup>
- There is 3.5 percent of people in Clarence identify as Aboriginal/Torres Strait Islander.
- There are 5.6 percent of households in Clarence speak another language other than English.

All of these factors should be taken into account when considering data on the percentage of people who identify as having a disability in Clarence. It is likely that the percentages do not show a true reflection of the actual numbers.

<sup>26</sup> Australian Bureau of Statistics Regional Summary LGA data 2016  
<https://dbr.abs.gov.au/region.html?lyr=lga&rgn=61410>

**20%****People with disability in Australia****5%**

of people with a disability use a wheelchair

**6%**

have a severe or profound disability

**50%**

of people 65 and over live with a disability

**45%**

of adults will have experienced a mental health condition during their lifetime

**26%****People with disability in Tasmania**

Highest rate in Australia

**30%**

of people have a severe or profound disability

**8%**

of people are eligible to participate in the NDIS

**20.1%****People with disability in Clarence<sup>27</sup>****6%**

of people have a severe or profound disability

**12.9%**

of people are carers for a person with a disability

**25%**

of the population is 65 and over

<sup>27</sup> Clarence Local government Area Regional Summary 2018  
<https://dbr.abs.gov.au/region.html?lyr=lga&rqn=61410>



# THE REVIEW

## Approach

Council established a working group through the Disability Access Advisory Committee (DAAC) in April 2019 to oversee the review of the Access Plan 2014-2018 and the development of a new plan. A consultant was engaged to assist with this process, and to draft the first iteration of the plan.

As part of this process, measures of success were reviewed. To view key achievements against the National Disability Strategy 2010-2020 goal areas, please see the background information on page 56.

The methods used to engage the community reflected that face-to-face was the most successful way to connect with the majority of people, followed by interaction through the reply paid postcards, where people could draw and write their responses. The use of council's Your Say engagement platform was low and can be largely attributed to the fact that this was the first project council launched using this platform.

Of the 124 participants, eight percent identified as having a disability while 59.7 percent did not want to disclose disability. Continuing to build trust and respectful connections, together with awareness raising, is a key priority in future engagement that is meaningful and captures community needs.



Lee Jordan member of council's Disability Access Advisory Committee (DAAC) and Morven Andrews consultant, discussing consultation outcomes



An internal review of council achievements since **2014** was undertaken.



Extensive consultations **conducted** with people living with disability and their carers, organisations providing services to people with disabilities, and council staff.



Consultation methods included:

Five **group consultations** with council staff representing all aspects of Council business.



One consultation with people at a **neighbourhood house**.



A Sunday **market stall** in a rural community.



An **online survey** via council's 'Your Say Clarence' website.



**Paper-based** surveys distributed in key locations.



Post Paid **postcards** distributed widely in the community.



Invitations to submit **information** via letter, drawing, video, or by contacting members of the DAAC working group directly.



**Interviews** with individuals.



Consultation questions varied according to the audience but included:  
What does an accessible community **look like** to you?



What makes Clarence a **good place** to live for people with disability?



What would make Clarence a **better place** to live for people with disability?



Are you aware of any **improvements** that have happened over the past five years in Clarence regarding access and inclusion?

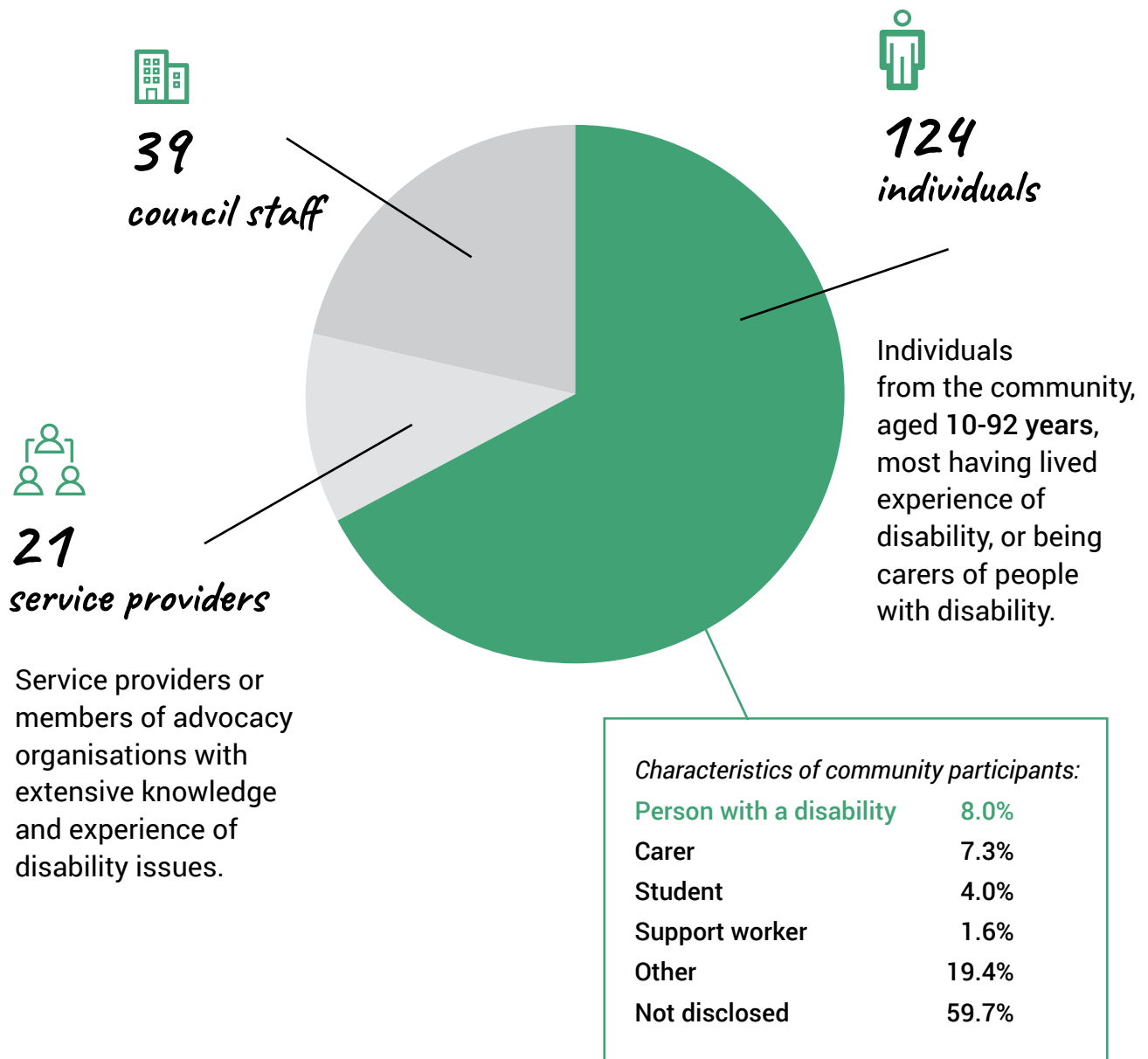


What are your top priorities for Clarence for the next **five years**?



What should **council do** to progress these priorities?

## Direct Input into the Plan



## Across Clarence and Greater Hobart

### Across 15 suburbs in Clarence:

South Arm, Bellerive, Warrane, Geilston Bay, Lindisfarne, Tranmere, Opossum Bay, Howrah, Rosny, Lauderdale, Acton, Risdon Vale, Mornington, Clarendon Vale and 12 outside of Clarence:

Hobart, New Town, Dover, Kempton, Berridale, Midway Point, Glenorchy, North Hobart, Sandy Bay, Old Beach, New Norfolk, Mount Nelson.



## Disclosure

Disclosure of having a disability was low. Only eight per cent of people said they were a person with a disability (of this total 2.4% also carers), while 59.7% of people did not disclose.

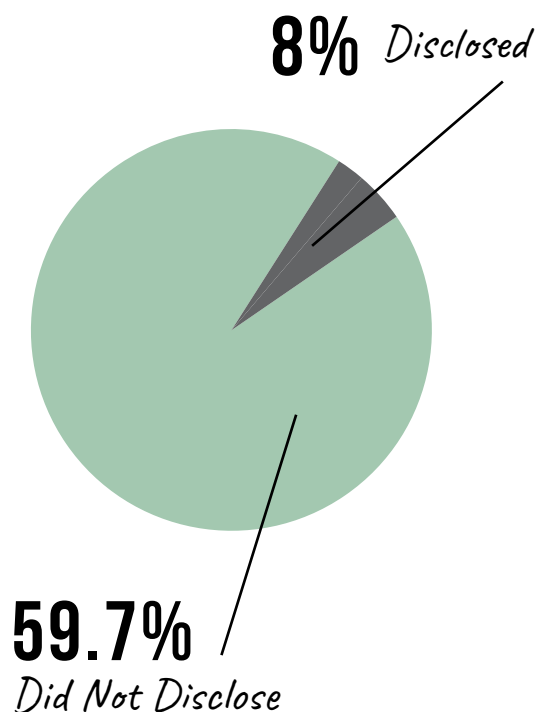
It is traditionally quite difficult to engage with people with a disability. **Stigma** and **misunderstanding** are still strong reasons not to openly talk about disability. Continuing to ensure there are multiple and innovative ways to build **trust**, develop **relationships**, and ensure respectful connections are built is a priority.

✗ STIGMA

✗ MISUNDERSTANDING

✓ TRUST

✓ RELATIONSHIPS



Disclosure of having a disability

## What the community told us

The community provided widespread recognition for the visible achievements council has made to progress accessibility and inclusivity in Clarence. Some examples of recognition from the community included:

Continuing the role of council's Disability Access Advisory Committee (DAAC) in providing advice and partnership opportunities in the design of infrastructure, inclusive environments, and community projects.

Developing the Access and Inclusion Assessment Toolkit – universal design for buildings, facilities, streetscapes, and recreational spaces.

Building 'Changing Places' amenities that cater for users with high support needs, their families and carers.

Upgrading, connecting, and creating multi-purpose pathways.

Auditing council buildings and facilities.

Upgrading council signage for people who are visually impaired.

Developing inclusive spaces and an all abilities play park.

Using sign language interpreters at events and activities.

Establishing the Clarence Access Network (CAN) Forum with local service providers and DAAC representatives.

Celebrating International Day of People with Disability annually.

Providing inclusive community activities and projects, in partnership with other organisations, such as the I Can! Radio Podcasts.

**What does an accessible community look like to you?**  
Please draw us a picture, or tell us, below.

OPPORTUNITY  
ACCESSIBILITY  
RESPECT  
SUPPORT

**What makes Clarence a good place to live for people with disability?**  
IT HAS THE POTENTIAL TO BE A TRULY INCLUSIVE COMMUNITY

**What would make Clarence a better place to live for people with disability?**  
TO REMOVE THE STIGMA ASSOCIATED WITH DISABILITY AND ENDED THE ETHOS OF CARE, SHARE AND RESPECT THROUGHOUT THE COMMUNITY

I am ☐ a person with a disability ☒ a carer ☒ other PARENT  
Age 62 Gender MALE Suburb 7023

PLEASE POST THIS CARD TO US (REPLY PAID) BY 12 JULY 2019

## Challenges, opportunities, and emerging priorities

Some of the factors limiting the ability of council to plan and respond to access and inclusion priorities, but are also opportunities, that were noted in the consultation include:

---

Population growth and an ageing population.

---

Increasing prevalence of dementia.

---

Statewide and regional planning schemes.

---

Improving communication channels and processes involving staff and people with lived experience in planning and design.

---

Old infrastructure.

---

Creating better beach access.

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Helping to improve transport options that align with the Whole Journey Guide for thinking beyond compliance, encompassing the Transport Standards 2002 under the Disability Discrimination Act 1992<sup>28</sup>.

---

Increasing accessible parking.

---

Defining a clear policy and vision for council addressing social inclusion issues, including demonstrating a commitment to access and inclusion for people with disabilities.

---

Emerging priorities for council such as homelessness, mental health issues and suicide that impact on access and inclusion.

---

Helping to break down perceptions of disability and raise awareness about what community services and supports are available.

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Consolidating council's role in the continued provision of services for people with a disability or chronic health issues through the Clarence Community Volunteer Service, funded by the Commonwealth Home Support Program (CHSP), state Home and Community Care Program (HAAC), and council.

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<sup>28</sup> [https://www.infrastructure.gov.au/transport/disabilities/whole-journey/files/whole\\_of\\_journey\\_guide.pdf](https://www.infrastructure.gov.au/transport/disabilities/whole-journey/files/whole_of_journey_guide.pdf)



# THE FIVE-YEAR ACTION PLAN

The actions identified in the plan are based extensively on what people have told us during the consultation period. They support council's Strategic Plan, other key council plans and strategies, and international, national, state, and local policies, guidelines and legislation outlined in the background material from page 56.

The International United Nations Convention on the Rights of Persons with Disabilities (CRPD, ratified 2007)<sup>29</sup>, National Disability Strategy 2010-2020<sup>30</sup>, National Disability Strategy full consultation report Right to opportunity: Consultation report to help shape the next national disability strategy December 2019<sup>31</sup>, and the City of Clarence Strategic Plan for 2021-2031<sup>32</sup> are of particular relevance.

There are three key themes and 16 strategies to the plan, containing multiple key actions.

Council's role in progressing each of these actions is to advocate, deliver, facilitate, or partner. These roles are described below.

ADVOCATE	Take a leadership role in the community, across all tiers of government, and peak community organisations.
DELIVER	Direct service provision including in partnership – programs, information, education, support, activities and events etc.
FACILITATE	Provide key engagement, connections and planning to help progress outcomes.
PARTNER	Work collaboratively with other committees, agencies and organisations including accessing funding.

<sup>29</sup> United Nations Convention on the Rights of Persons with Disabilities (CRPD).  
<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

<sup>30</sup> Commonwealth of Australia (2011). National Disability Strategy, 2010-2020.  
<https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020>

<sup>31</sup> <https://www.dss.gov.au/disability-and-carers-a-new-national-disability-strategy-reports/right-to-opportunity-consultation-report-to-help-shape-the-next-national-disability-strategy-full-report>

<sup>32</sup> City of Clarence Strategic Plan 2021-2031.  
<https://www.ccc.tas.gov.au/wp-content/uploads/2018/10/Strategic-Plan-2016-2026-1.pdf>

THEME 1 LEAD				
STRATEGY 1 Leading a culture of continuous improvement				
ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$	
1 Implement a change of language culture in how disability is described across council i.e. move away from use of DDA (Disability Discrimination Act) to 'access for all'.	Deliver NEW	Short		
2 Review and adopt council's draft Working Together Structure (WTS) to embed a culture of collaboration into all aspects of council planning and design so that relevant work areas have input into decisions at the outset.	Deliver	Short	\$	

The plan is divided into **themes**: Lead, Create, and Develop, each with measures of success to ensure council is achieving the implementation of the plan effectively and efficiently.

**Actions and projects** identified in the five-year plan are subject to council's annual budget discussions and allocations, including council's capital work program, and any external funding grants or partnerships.

**New actions** are identified by **NEW** against them.

The need for a **resource allocation** is identified as a dollar (\$) sign meaning unfunded and requires funding. Where there is no \$ sign against an action, this means it does not require any funding.

To further assist council in its decision-making process, the plan breaks down the priorities into **short, medium and long-term** goals defined by timeframes:

- Short term = 12 to 18 months
- Medium = 18 months to three years
- Long term = three to five years





# THEME 1 LEAD

*Council's Disability Access Advisory Committee members Lee Jordan, John Bates and Ross Park on the launch of council's Access and Inclusion Assessment Toolkit*

## STRATEGY 1

## Leading a culture of continuous improvement

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
1 Implement a change of language culture in how disability is described across council i.e. move away from use of DDA (Disability Discrimination Act) to 'access for all'.	Deliver NEW	Short	
2 Review and adopt council's draft Working Together Structure (WTS) to embed a culture of collaboration into all aspects of council planning and design so that relevant work areas have input into decisions at the outset.	Deliver	Short	
3 Conduct education across council on the WTS to establish knowledge and mechanisms on inclusive collaborative processes.	Deliver NEW	Short	
4 Conduct staff information/awareness sessions, tailored to work areas, to rollout the new plan and engage staff in its implementation.	Deliver NEW	Short	
5 Renew council's Social Inclusion Policy and develop an integrated policy that raises awareness, and addresses some of the additional barriers faced by people with disability in obtaining quality of life and accessing facilities, services, and support.	Deliver NEW	Short	
6 In line with the development of all council's seven supporting strategies to the Strategic Plan 2021-2025: <ul style="list-style-type: none"> <li>Embed access and inclusivity across each strategy; and</li> <li>Work with all relevant special committees of council on creating specific priority lists, by holding collaborative forums to improve and support disability access and inclusivity for city infrastructure.</li> </ul>	Deliver NEW	Medium	

\$ = funding required



7	Review council's standard project requirement that adopts a life course lens approach to ageing, to include disability access and inclusion.	Deliver NEW	Short	
8	In line with council's renewed Social Inclusion Policy, and Infrastructure Strategy, develop a useful guide and procedures for the strategic allocation and reasonable distribution of resources. This will support all of council's audits and master plans (internal or contacted) for new and re-developed infrastructure, facilities, public open spaces and environments, and urban development master plans.	Deliver NEW	Short	
9	Work across council to address people experiencing homelessness in Clarence, including allocating resources to progress council's Homelessness Report and Action Plan.	Deliver	Short	\$
10	Work across council and with the community to support the voice and inclusion of Tasmanian Aborigines or palawa people, who identify as having a disability, to access council programs and services.	Partner Deliver NEW	Long	
11	Continue to participate in the Queensland University of Technology (QUT) three-year research project 'Inclusive community planning for people with disabilities in regional areas' in collaboration with Gympie Regional Council (Qld). Participation includes working with people living with disability, urban and regional planners, designers and architects, developers and builders, and community organisations, businesses, and other stakeholders. The collaboration will help understand what inclusive community means, what makes a community inclusive, and how council can better plan to achieve this.	Partner	Medium	

\$ = funding required

## STRATEGY 2

## Engaging with the community

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
1 Continue to support a community governance approach to working together with the community through council's Disability Access Advisory Committee (DAAC).	Facilitate	Long	\$
2 Review the DAAC name and terms of reference, expansion of membership, and filling any skills/ experience gaps identified.	Deliver	Short	
3 Improve engagement with the community through DAAC by working with builders and designers in the pre-planning stage and providing the DAAC with early access to building plans and other proposals to enable input and advice, before regulatory and statutory requirements.	Facilitate	Medium	
4 Seek regular feedback from the community on accessibility of council buildings, facilities, services, signage, events, as well as encourage input of ideas for possible barrier free solutions, by promoting and encouraging use of the reporting and communication avenues available.	Facilitate	Long	

\$ = funding required

## STRATEGY 3

## Connecting with services and organisations

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
1 Continue strengthening the role of the Clarence Access Network (CAN) Forum for service providers, as an avenue for sharing ideas about access and inclusion, developing partnerships, and implementing collaborative initiatives.	Partner	Long	\$
2 Continue collaboration with other local councils (Kingborough, Hobart, and Glenorchy) and key stakeholders (Stage Government, Local Government Association Tasmania, community sector), through the regional partnership group VIBE -Valuing Inclusive Buildings and Environments.	Partner	Long	
3 Seek new partnerships to promote access and inclusion initiatives across government, community, and local businesses.	Partner NEW	Long	
4 Engage with specialised support organisations to help inform solutions to people with disability experiencing homelessness.	Facilitate	Long	
5 Lead and participate in relevant events and forums. As part of this action, deliver specific forums on housing and transport in partnership with the Queensland University of Technology on Planning Inclusive Communities project for people with a disability.	Partner	Medium	
6 Work with businesses, tourism and arts organisations, to promote Clarence as an accessible and inclusive city, including consideration of business initiatives and awards.	Partner	Medium	

\$ = funding required

## Measures of success

- ✓ There is a demonstrated change of language away from 'DDA' to describe access for all.
- ✓ The Working Together Structure has been adopted and implemented across the organisation.
- ✓ All staff have an awareness and understanding of the Access and Inclusion Plan.
- ✓ Council's standard project requirements include accessibility and inclusivity.
- ✓ A Social Inclusion Policy has been developed and endorsed.
- ✓ Access and inclusivity is embedded across all council's seven supporting strategies to the Strategic Plan 2021-2031.
- ✓ A methodology has been created and implemented to assess equity in the allocation and distribution of council's audits and master plans.
- ✓ A collaborative whole-of-council approach to addressing people experiencing homelessness in Clarence has been established and resourced.
- ✓ Access to council programs and services has been improved for Tasmanian Aboriginal people and people from culturally and linguistically diverse communities.
- ✓ The partnership with Queensland University of Technology (QUT) Planning for Inclusive Communities project has produced demonstrable outcomes for council, which have contributed to planning liveable communities.
- ✓ That the Clarence Access Network (CAN) has met at least 20 times during the life of the plan and there are continued collaborative initiatives arising from this forum.
- ✓ That the regional partnership group Valuing Inclusive Buildings and Environments (VIBE) has continued to meet and demonstrated its impact through projects and advocacy.



*Postcard Project*

- ✓ Council has continued to support the Disability Access Advisory Committee (DAAC) and reviewed the name, terms of reference, and membership.
- ✓ Council sees an improvement in the design of submissions to building plans and proposals that align with regulatory and statutory requirements as well as universally designed i.e. fewer requests to improve designs and retro fitting.
- ✓ Increased feedback and ideas have been received from the community on accessibility and barrier-free solutions.





## THEME 2 CREATE

*International Day of People with  
Disability (IDPwD) collaborative  
celebration in Hobart*



## THEME 2

## CREATE

## STRATEGY 1

## Ensuring council information and communications are inclusive and accessible

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
1 Undertake a review of information and communications across council to ensure there is a range of formats/media that are accessible and inclusive to everyone.	Deliver NEW	Short	
2 Progress the review of council's mobility map and consider alternative options for producing a combined city-wide mobility, tourism resource e.g. paper-based, web, apps etc.	Deliver	Short	
3 Explore/research the need for hearing/visual augmentation in council chambers and offices, including satellite offices.	Deliver NEW	Short	\$

## STRATEGY 2

## Providing and promoting services and opportunities

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
1 Continue to sponsor the Clarence Community Volunteer Service to provide support for older adults and people with disabilities, by connecting them with volunteers who help them to live independently at home. As part of this sponsorship, council will work with the Australian and Tasmania governments on the ongoing funding of the core services provided.	Deliver Partner	Long	\$

\$ = funding required

2	<p>Continue to develop and deliver existing and new targeted programs, in partnership with other organisations, including promoting the availability of local activities and programs for:</p> <ul style="list-style-type: none"> <li>• Parents with disability.</li> <li>• Children with intellectual disabilities, autism etc.</li> <li>• Young people with disability.</li> <li>• Older people with restricted mobility, or intellectual disability.</li> <li>• People with dementia.</li> <li>• Those who are housebound and/or isolated in some way.</li> <li>• Carers, including young carers.</li> <li>• Aboriginal/Torres Strait Islander people.</li> <li>• People from culturally and linguistically diverse communities.</li> </ul>	<p>Deliver</p> <p>Facilitate</p>	Long	\$
3	Where possible provide services and programs locally in communities, to enable access by people who find it difficult to access transport and/or travel on public transport to centralised services.	Deliver	Long	
4	Continue to promote and facilitate inclusion of people with disability in community gardens.	Facilitate	Long	
5	Support the continuation of outreach services to local communities to ensure children and families have full access to council's immunisation program.	Deliver	Long	\$

\$ = funding required

## STRATEGY 3

## Increasing participation in the cultural life of the city

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
1 Provide and promote events that are responsive to the needs of people with psychological and sensory disabilities such as quiet areas and open spaces, arts and events, live music, and opportunities to connect with the natural environment.	Deliver Partner NEW	Long	\$
2 Source funding for community-led arts and creativity projects with incentives to engage people with disability.	Partner	Long	\$
3 Continue to collaborate and deliver an annual International Day for People with Disability event in partnership with people with disability and other participating organisations.	Deliver Partner	Long	\$
4 Review council's Planning a Better Event guide to ensure access and inclusion provisions are fully covered.	Deliver NEW	Short	
5 Develop an internal event approval process to include a checklist by relevant areas that includes accessibility. (commenced)	Deliver NEW	Short	
6 Provide accessibility information in all council community event listings.	Deliver NEW	Short	

\$ = funding required



*Postcard Project*

## Measures of success

- ✓ A review has been completed of all information and communications across council and a report provided with recommendations that increase the availability of a range of formats that are accessible and inclusive to everyone.
- ✓ A review of the mobility map has been completed and an alternative product produced.
- ✓ Hearing/visual augmentation in council chambers and offices has been decided on.
- ✓ An internal events checklist has been developed, all council community events have an accessibility listing, and the Planning a Better Event guide reviewed.
- ✓ Council has continued to sponsor, and partly fund the Clarence Community Volunteer Service, and there is clarity from the Australian and Tasmania governments on their ongoing funding to the service.
- ✓ There is demonstrable increased access to council programs and services for all people with disabilities, including the development of new programs in partnership with other organisations, and funding sourced for arts and creativity projects.
- ✓ Five events have been held in partnership with the community to celebrate International Day of People with Disability.





# THEME 3 DEVELOP

*Postcard Project with Sailability*

## STRATEGY 1

## Designing universally inclusive environments

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
<p>Use the Access and Inclusion Assessment Toolkit to:</p> <ul style="list-style-type: none"> <li>Audit and assess council buildings and public facilities, streetscapes, and active and passive recreational facilities, to ensure they are accessible for all.</li> <li>Develop a 10-year capital upgrade program for council buildings and facilities.</li> <li>Audit and fund upgrades to ensure accessibility to key facilities across the city that provide social, cultural, recreational, and sporting access. E.g.: <ul style="list-style-type: none"> <li>Install accessible changerooms for both female and male participants.</li> <li>Provide accessible parking close to venues.</li> <li>Install accessible wheelchair seating in viewing areas.</li> <li>Upgrade and install council signage from 'disabled' to 'accessible' e.g. public toilets, car parks, council buildings and facilities.</li> </ul> </li> <li>Where there are deficiencies, include upgrades in the 10-year capital upgrade program.</li> </ul>	Deliver	Long	\$

\$ = funding required

2	Distribute the toolkit to developers and architects as standard practice.	Deliver NEW	Long	
3	Ensure the toolkit is provided in all tender documentation where applicable.	Deliver NEW	Long	
4	Overlay the toolkit in council's urban planning and renewal plans and projects.	Deliver NEW	Long	
5	Where applicable, advocate for the use of the toolkit in all statutory planning.	Advocate NEW	Long	
6	Continue to advocate and plan for 'affordable living' i.e. affordable housing that is intertwined with transport and services.	Advocate	Long	
7	Evaluate the use and application of the toolkit on an annual basis, contributing to continuous improvement and budget for any updates required.	Deliver NEW	Long	\$

\$ = funding required



## STRATEGY 2

## Advocating transport for all abilities

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
1 Adopt the use of the Whole Journey Guide to help create complete, seamless door-to-door journeys for public transport users, and to inform on transport solutions.	Deliver NEW	Short	
2 As part of the Disability Standards for Accessible Public Transport, where all public transport services are to be fully compliant by 31 December 2022, lobby Metro and other transport providers to adopt an inclusive design approach to bus stops and stations.	Advocate	Medium	
3 Work with Metro, Department of State Growth, and other operators on the review of all stops and stations throughout the city and provide recommendations to transport service providers for upgrades in priority areas.	Partner NEW	Medium	
4 Advocate for more frequent, accessible, and user-friendly public transport, connecting non-urban areas, and frequently used routes e.g. South Arm, Lindisfarne shopping area.	Advocate	Medium	
5 Complete a review of council's community bus policy in collaboration with the Disability Access and Positive Ageing Advisory Committees.	Deliver NEW	Short	

\$ = funding required

## STRATEGY 3

## Ensuring active and passive recreational facilities are inclusive for all abilities

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
<p>Collaborate with the Open Space team to:</p> <ul style="list-style-type: none"> <li>Address competing priorities and safety issues of multi-use tracks.</li> <li>Design development of 'all abilities' playgrounds.</li> </ul>			
<p>1 • Design development of Wentworth Park Master Plan to include universally-designed facilities.</p> <p>• Design development and functional access at Natone Hill track, Rosny Hill track, Waverley Flora Park, and Risdon Vale Circuit track.</p> <p>• Design development of parks and open spaces to incorporate intimate quiet spaces for people with psychological and sensory disabilities.</p>	Deliver	Long	\$
<p>2 Review public toilet facilities to ensure equitable distribution of compliant and functional unisex facilities. Where there are deficiencies, include upgrades in the 10-year capital upgrade program.</p>	Deliver	Long	\$

\$ = funding required

## STRATEGY 4

Providing universally-designed  
access to beaches

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
1 Collaborate across council to develop a Clarence Accessible Beaches Policy as part of a Citywide Coastal Access (Beach/Foreshore) Plan.	Deliver NEW	Medium	\$
2 Explore opportunities to partner with organisations, business, and government stakeholders to undertake a pilot beach access project to inform the development of the above policy and plan.	Partner NEW	Medium	
3 Investigate and implement best practice beach access systems that comply with relevant Australian Standards i.e. purchase/hire of beach accessible matting and wheelchairs.	Facilitate NEW	Long	

\$ = funding required

## STRATEGY 5

## Providing adequate accessible parking

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
<p>Audit council buildings and facilities to establish equitable distribution of accessible and compliant parking facilities, where there are deficiencies include upgrades in the 10-year capital upgrade program.</p> <p>1 Provide recommendations for improved accessible car parking including ramped kerb access, longer parking times, and oversized car parking bays for vans and ramps.</p> <p>Review parking access and safety issues at the Clarence Integrated Care Centre parking times, and oversized car parking bays for vans with ramps.</p> <p>Increase accessible car parking in activity centres across the city.</p>	Deliver	Medium	\$
<p>2 Collaborate with the Open Space team in the design and development of street tree planting plans.</p>	Deliver	Medium	\$

## STRATEGY 6

## Improving pedestrian crossings

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
<p>1 Install Braille, pulse sounds and time signal on major traffic light crossings as part of the 10-year capital upgrade program.</p>	Advocate Partner	Long	\$
<p>2 Improve pedestrian safety for all traffic lights in the Rosny CBD activity centre.</p>	Advocate Partner	Long	

\$ = funding required

## STRATEGY 7

## Enhancing activity areas

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
<p>Advocate for:</p> <ul style="list-style-type: none"> <li>• Accessible internal elevators (in multi-story centres).</li> <li>• More inclusive rest areas.</li> <li>1 • Easy access, wheelchair-friendly shop entrances.</li> <li>• Clear pathways for wheelchair/walker access shops.</li> <li>• Supermarkets to provide low sensory/autism friendly shopping.</li> </ul>	<p>Advocate</p> <p>NEW</p>	Long	

## STRATEGY 8

## Improving street lighting

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
<p>Review street lighting in key activity centres and develop recommendations for wayfinding lighting where required.</p> <p>As part of the review:</p> <li>1 • Engage a lighting consultant to collaborate across all council areas, to develop specific lighting designs, where they are required (in keeping with streetscape strategies and urban design frameworks) in key activity centres.</li>	<p>Deliver</p> <p>NEW</p>	Medium	\$

\$ = funding required

## STRATEGY 9

## Upgrading footpaths and pavements for accessibility

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
<p>1 Review the Footpath Replacement Program to develop a framework for future upgrades that:</p> <ul style="list-style-type: none"> <li>Establish a hierarchy of use/need and links with council's Walkability Project (defining key walking zones, seating, and rural community need).</li> <li>Ensure paths are connected, safe, accessible, well-lit, and maintained, that those in key locations (e.g. Milford/Lincoln Street, Lindisfarne) have kerb ramps, are clear of impediments and are easy to navigate with walking aids or manual/electric wheelchairs (especially near aged care residential facilities).</li> <li>Ensure paths are wide enough and safe for wheelchairs, mobility scooter, prams etc.</li> <li>Investigate use/installation of wayfinding lighting.</li> <li>Consider the needs of people with vision impairment or dementia when designing footpaths – e.g. people with dementia may perceive dark areas as holes, or jagged lines as sharp edges, causing anxiety and safety issues.</li> </ul>	<p>Deliver NEW</p>	<p>Medium</p>	<p>\$</p>

\$ = funding required

2	Advocate for the Tasmanian Standard Drawings and relevant council by-laws to be reviewed to reflect contemporary best practice in footpath design e.g. all new sub-divisions to include two-metre-wide footpaths on both sides of the road.	Advocate NEW	Long	
3	Continue to develop the path network (based on wayfinding principles) to connect neighbourhoods in Clarendon Vale and Rokeby.	Deliver	Long	\$
4	Review the Footpath Trading Policy and design guide in reference to relevant Australian Standards and inclusive design principles for key activity centres, that ensures a barrier free and continuous accessible path of travel.	Deliver NEW	Medium	\$

## STRATEGY 10

## Improving waste management for all abilities

ACTIONS	COUNCIL'S ROLE	TIME FRAME	\$
1 Investigate alternative universally-designed and compliant rubbish bins.	Partner NEW	Long	
2 Collaborate with council's waste management team regarding placement of bins for collection, and return of bins after emptying, in consideration of people with short stature or limited mobility.	Deliver NEW	Long	\$

\$ = funding required





*Bayfield Street, Rosny Park*

## Measures of success

- ✓ Use of the Access and Inclusion Toolkit has increased universally designed inclusive and liveable environments in Clarence.
- ✓ An Accessible Beaches Policy and Coastal Access Plan has been developed.
- ✓ Advocacy and lobbying have helped to improve transport options.
- ✓ Council's Community Bus Policy has been reviewed.
- ✓ Public open space, amenities and facilities are developed with access and inclusion as a standard procedure.
- ✓ Parking, lighting and footpath infrastructure has been consistently improved with accessibility and inclusivity front and centre.

# SNAPSHOT – NEW ACTIONS

Theme	Strategy	Action	Timeframe	Resources
LEAD	1	1	Short	
		3 - 5	Short	
		6	Medium	
		7-8	Short	
		10	Long	
	2	3	Long	
CREATE	1	1	Short	\$
		3	Short	\$
	3	1	Long	\$
		4 - 6	Short	\$
DEVELOP	1	2 - 5	Long	
		7	Long	\$
	2	1	Short	
		3	Medium	
		5	Short	
	4	1 - 2	Medium	
		3	Long	
	7	1	Long	
	8	1	Medium	\$
	9	1	Medium	\$
		2	Long	
		4	Medium	\$
	10	1	Long	
		2	Long	\$

# APPENDIX

## Background Information

### The legislative and policy context

International, national, state, and local frameworks guiding council's response to access an inclusion are as follows.

#### *International*

UN Convention on the Rights of Disabled Persons (ratified 2007)

#### *National*

Disability Discrimination Act 1992 (DDA)

National Disability Strategy 2010-2020

Building Code of Australia and National Construction Code 2019

Disability Standards for Accessible Public Transport 2002

Disability (Access to Premises-Buildings) Standards 2010

National Standards for Disability Services 2012

National Disability Insurance Scheme 2013

The Roadmap for National Mental Health Reform 2012-2022

#### *State*

Tasmanian Anti-Discrimination Act 1998

Tasmanian Disability Services Act 2011

Tasmanian Disability Services Regulations 2015

Tasmania's Disability Framework for Action 2018-2021

Tasmanian Carer Action Plan 2017-2020

Land Use Planning and Approvals Act 1993

#### *Local*

Southern Tasmania Regional Land Use Strategy 2010-2035

Clarence Interim Planning Scheme 2015

## National Disability Strategy Consultation 2019

The NDS covers six policy areas:

1. **Inclusive and accessible communities**—the physical environment including public transport; open space and parks, buildings, and housing; digital information and communications technologies; civic life, including social, sporting, recreational and cultural life.
2. **Rights protection, justice, and legislation**—statutory protections such as anti-discrimination measures, complaints mechanisms, advocacy, the electoral and justice systems.
3. **Economic security**—jobs, business opportunities, financial independence, adequate income support for those not able to work, and housing.
4. **Personal and community support**—inclusion and participation in the community, person-centred care and support provided by specialist disability services and mainstream services, informal care, and support.
5. **Learning and skills**—early childhood education and care, schools, further education, vocational education; transitions from education to employment; life-long learning.
6. **Health and wellbeing**—health services, health promotion and the interaction between health and disability systems; wellbeing and enjoyment of life.

<sup>6</sup> <https://www.dss.gov.au/disability-and-carers-a-new-national-disability-strategy-reports/right-to-opportunity-consultation-report-to-help-shape-the-next-national-disability-strategy-full-report>

<sup>7</sup> <https://www.uts.edu.au/research-and-teaching/our-research/institute-public-policy-and-governance/news/new-disability-inclusion-framework-local-government>

In summary these issues include: employment, assistive technology, access to quality supports, services and programs, housing, transport, specifically:

- ✓ Finding and keeping a job.
- ✓ Work and career opportunities.
- ✓ Availability or cost of aids, equipment, and assistive technology.
- ✓ Access to quality disability supports and services.
- ✓ Having enough money to pay for daily expenses.
- ✓ Support for carers.
- ✓ Access to health services and programs.
- ✓ Safe and accessible housing and accommodation.
- ✓ Education and learning opportunities.
- ✓ Safe, accessible, and affordable transport.
- ✓ Negative community attitudes towards disability.
- ✓ Access to sport, arts, recreation, and leisure.

#### **Council's Strategic Plan 2021-2031**

- A people friendly city
- A well-planned liveable city
- A prosperous and creative city
- An environmentally responsible city

## What we have achieved since 2014

Council's key progress against the National Disability Strategy (NDS) 2010-2020 goal areas:

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### NDS goals 2010-2020

**Inclusive and accessible communities**—the physical environment including public transport; parks, buildings, and housing; digital information and communications technologies; civic life including social, sporting, recreational and cultural life.

**Rights protection, justice, and legislation**—statutory protections such as anti-discrimination measures, complaints mechanisms, advocacy, the electoral and justice systems.

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### Council key progress 2014-2020

**Advocacy** – public transport, City Deal.

**Deliver** – Access and Inclusion Toolkit, universal design assessment/reference tool for building facilities streetscapes and recreational spaces.

**Deliver** – Changing Places facilities Simmons Park and Kangaroo Bay, All Abilities Playground Bellerive, kerb/ footpath/crossover additional funding

**Facilitate** – civic life, Disability Access Advisory Committee.

**Facilitate** – Clarence Access Network (CAN) Forum with service providers and community.

**Partner** – VIBE (Valuing Inclusive Buildings and Environments) Regional partnership.

**Partner** – Planning Inclusive Communities project Queensland University of Technology.

**Deliver** – Arts Project, All Abilities Playground Bellerive.

**Deliver/Partner** – International Day of People with Disability events.

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**Deliver** – HR Anti-Discrimination Act 1998, Building Code and National Construction Code 2019, Premises Standards 2010.

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**Economic security**—jobs, business opportunities, financial independence, adequate income support for those not able to work, and housing.

**Partner** – HR and Disability Employment Services (DES) training, employment opportunities.

**Advocacy** – housing, City Deal.

**Partner/Deliver** – Southern Support School, Out of the Box Market, showcasing micro-businesses and occupations for people with disability.

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**Personal and community support**—inclusion and participation in the community, person-centred care and support provided by specialist disability services and mainstream services, informal care, and support.

**Deliver** – Community Volunteer Service supporting people with disability.

**Deliver** – practical assistance to residents who have a health issue and/or disability preventing them from taking out their waste bins.

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**Learning and skills**—early childhood education and care, schools, further education, vocational education, transitions from education to employment, life-long learning.

**Deliver** – support for children with disability in council's childcare and youth services programs

**Partner** – I Can! Radio Podcast Program including people with disability in the design and delivery of the program.

**Deliver** – Community Volunteer Service review of access for people with disability, new promotional material developed with people with disability, increased usage.

**Deliver** – TAFE student placement in Community Development who contributed to the new promotional material for the Community Volunteer Service.

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**Health and wellbeing**—health services, health promotion and the interaction between health and disability systems, wellbeing and enjoyment of life.

**Deliver** – sharps disposal and sharps container replacement service for people with medical conditions and diabetes.

**Deliver** – outreach immunisation programs for children and families.

**Partner** – Li-Ve Tasmania consortium grant application for ILC (Independent Living and Capacity) NDIS funding to address barriers to accessing community programs in Clarence for older adults with an intellectual disability (outcome known in May 2021).

**Deliver** – Gentle Exercise and Staying Stronger classes in Risdon Vale and Rokeby for older adults with chronic health disabilities.

**Deliver** – Live Well. Live Long Program for older adults with chronic health issues.

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**Clarence... a brighter place**

PO Box 96, Rosny Park TAS 7018  
**Ph:** 03 6217 9500 **F:** 03 6217 8700  
**E:** [clarence@ccc.tas.gov.au](mailto:clarence@ccc.tas.gov.au)  
**[www.ccc.tas.gov.au](http://www.ccc.tas.gov.au)**  
 **Clarence City Council**

# Consultation Plan

## Access and Inclusion Plan

### Attachment 2

#### Purpose:

The purpose of the consultation is to inform the community of council's draft Access and Inclusion Plan and obtain their feedback.

**Anticipated start date:** 4/10/2021

**Anticipated end date:** 1/11/2021

Promotion tool	Platform	Y	N	Target audience	Proposed timeframe*	Primary comms	Follow-up comms	Statutory requirement	Comments
Media:	Media release	✓		Clarence Residents	Early October	✓			Pitch story on policy to The Mercury, highlighting areas of importance for access and inclusion
	Photo/vision opportunity	✓							As above
	Radio interviews		✗						
	Eastern Shore Sun	✓		Clarence residents	October (distribution 13 October)	✓			Short article informing of the consultation and directing community members to participate and provide feedback via Your Say Clarence.
Council publications	Clarence News		✗						
	Other (please	✓		Access and inclusion newsletter	October				Short article informing of the consultation and directing

**\*NOTE:** Timeframes and start and end dates are indicative only and may be subject to change based on resourcing, publication deadlines and unforeseen external factors

Promotion tool	Platform	Y	N	Target audience	Proposed timeframe*	Primary comms	Follow-up comms	Statutory requirement	Comments
	specify)								community members to participate and provide feedback via Your Say Clarence.
Advertisement	Mercury		✗						
	Eastern Shore Sun	✓		Clarence residents	Distributed 13 October				
	Facebook		✗						
Social Media	CCC Facebook page	✓		Followers of the CCC Facebook page.	Start of consultation, followed by bi-weekly reminders.	✓			Provide CCC Facebook followers with information and updates on the project's progress. Include a call to action / regular reminders to visit Your Say Clarence and engage in the consultation.
	Facebook groups	✓		Broad community. People not following CCC Facebook page.	Start and end of consultation		✓		Only share key Facebook posts to avoid over-saturating community groups pages.
Online	Your Say website	✓		Your Say Clarence registered users and visitors to the site.	4/10 – 1/11 to run throughout consultation	✓	✓		Tile will be placed on the main page of the Your Say Clarence website.
	CCC website	✓		Visitors to the CCC website	4/10- 1/11 to run throughout consultation	✓	✓		Tile will be placed on the main page of the Clarence City Council webpage, linking

Promotion tool	Platform	Y	N	Target audience	Proposed timeframe*	Primary comms	Follow-up comms	Statutory requirement	Comments
					(depending on availability of tiles)				through to the consultation page.
Signage	Corflute signage		✗						
	Promotional posters		✗						
Stakeholder engagement	Consult stakeholders	✓		Send notification of consultation to relevant committees and key stakeholders					
On-site promotion	Pop up stall		✗						



**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 QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING****Ald Mulder**

I refer to the Tree Management Policy, just for the record the policy says “tree removal – trees will not be removed because they... trees are permitted to be removed under exceptional circumstances” and it’s just that the initial wording despite the definitions and things would appear to fetter council’s decision in the policy says this, that trees can be removed. As part of the community consultation would the General Manager advise of his intention to tidy up those words so that trees would not be recommended for removal because they...

**ANSWER**

(Mayor) I’m afraid we have endorsed the draft policy as it is for consultation so...

Question contd

I was just putting that in as a consultation mechanism.

(Mayor) I don’t know that the general manager has discretion to change what we have agreed to go out however you have every right during the consultation to inject that very wise thought.

**Ald Kennedy**

Following the Food Van Policy what has the take up been for permanent sites? It would be good to get an understanding of feedback as to whether the locations are actually correct or appealing to those people who may be considering applying

**ANSWER**

(Mayor) I understand that we introduced the idea for a twelve-month trial and hopefully we will get a report back that must be nearly due.

[Further information]

Applications originally opened in February/March however only two applications were received. There are now six applications received with the last received only two weeks ago.

It has just come to our attention that the area nominated for Bellerive Beach is within the TCA lease area. Council officers have visited the area and determined that due to the recent upgrade to the Bellerive Beach park and pathway (Derwent Street end) there is no suitable space as an alternative. Asset Management have advised there is a long-term plan to develop the public open space at the end of Beach Street and that there will be a hard area provided for a food van to be situated. On that basis it is recommended that Bellerive Beach be put on hold until that is developed.

In relation to the other sites, council officers have now determined the location for the mobile food vans and each application for each site is being assessed internally in relation to food requirements, traffic and sight distance and risk. It is expected this process will be completed in 2 weeks and permits can then be issued.

#### **Ald Walker**

I am reminded given the frequency and duration of a Hyundai that is parked in the charging bay for electric vehicles. I am just wondering have we now started charging users for the electricity or is it still ratepayer funded at this stage?

#### **ANSWER**

Council is paying for the charging of the electric vehicles. Usage data for 12 months July 2020 – June 2021 indicates 1.2 Megawatts hours of electricity with a cost to council of \$120. Charging was provided to vehicles registered mostly from the Clarence area, however some were registered from Dodges Ferry, Blackmans Bay, Woodbridge, Northern Tasmania, North-west Tasmania and Warrandyte in Victoria.

At present Huon Valley, Brighton and Clarence are providing free charging, plus Hobart and Launceston provide this free at some sites.

Others have introduced a fee for service: Launceston \$0.45 per kWh at the central city car park, Devonport City Council \$0.25 per kWh and Hobart City Council \$20/hour for a 50kW charger which includes parking fees.

For council to cover costs it would need to implement a fee of \$0.45/kWh. There appears to be no consistency across the State. This is a matter for council.

#### **ALD Peers**

1. I have raised trees in Bayfield Street and I think our staff have done a really great job. My question is when will the centre aisle be maintained and a bit of work done there because it really needs it?

#### **ANSWER**

The gravel area in the central median will be addressed by the end of September. Three missing trees will be replanted at this time and we are trying to source a fourth tree.

2. We have the tree policy I wonder with the maintenance of trees when they are in certain areas like our main streets are we going to have a slightly different policy for that than if they are in a park out of the way?

**ANSWER**

A higher level of service is required during the initial years of tree growing for street trees, as well as maintenance requirements depending on the particular local area. An area maintenance plan for the earlier years following street tree planting in a particular area will be developed for future streetscape projects.

**Ald Edmunds**

1. As part of the Government's election promises from the last election the local football side Clarence Zebras was promised money for portable goal posts and portable dug outs. The club is ready to purchase these from the UK but is awaiting final approval from the council. Could I be advised when the club can expect this approval so that it can place the order?

**ANSWER**

A recent meeting has been held with the Club presidents and we agreed to continue to work through several issues. Portable goals are particularly problematic from a risk/safety perspective, and this has been discussed with club representatives. Council officers continue to work with the club.

2. There is a bit of scuttlebutt that is going around I hadn't heard anything then all of a sudden at the weekend I heard from a few people who were concerned about an extra year being added to this term of local government. Is that anything that has been raised in your discussions with the Minister?

**ANSWER**

(Mayor) At this stage it remains entirely academic. Aldermen will be aware that the Premier has been talking about a review of local government and that could possibly involve a change of local government areas. He is hoping to take a parliamentary approach to that which would involve co-operation with the opposition and indeed the Greens and Independent, Kristie Johnston. Until we know first of all whether that process is going to go ahead and what shape it is going to take it is purely speculation at this stage as to whether there is going to be an extra year or not. We will not know anything until we know where this review is going to take us. It is speculation but there has been nothing announced yet it was raised at the LGAT general meeting but once again the same answer was provided.

**Ald von Bertouch**

1. What dates were the permits approved for the Arm End golf course development and the Arm End golf course pipeline?

**ANSWER**

The golf course was approved under permit 2015/235 in 2015. It has been extended to its maximum term. It now expires on 1 April 2022 and there are no further extensions to the permit possible under LUPAA.

The pipeline permit was granted under D-2018/455. It expires on 23 April 2023. One further extension to the permit is possible under the Act.

2. Has there been technical substantial commencement under the permit of the Arm End golf course?

**ANSWER**

It does not appear that substantial commencement has been achieved and this status would mean undertaking meaningful progress in accordance with the relevant permit conditions. This would involve more than preparatory works.

**Ald James**

1. Council approved the maze, Richmond development some time ago and my question is has there been any progress and discussion with the developer to adhere to the conditions of the original approval or in relation to the original development and by that I mean the reduction in the 8m lights and some baffling around those particular lights?

**ANSWER**

The lights were approved 6m in height but they were constructed at 8m. They are being reduced back to the approved 6m in height. Can I also say that in accordance with the permit they will be baffled in accordance with Australian Standards to ensure that light does not spill out onto other properties.

2. In relation to the LPS and the introduction of the Statewide planning scheme in particular, Clarence's planning scheme, where are we at with consideration by the Commission in relation to two matters - first the Acton corridor and second the Spitfarm Road proposal that was supported by this council?

**ANSWER**

In relation to the first matter, I cannot advise you. I do not have the decision of the commission on this. We only know those things they wish to have changed - the eight things I referred to earlier in the meeting. We will however know when we get the decision on 1 September and when we do, we will email you as soon as we can with a copy of that for your information

In relation to the Spitfarm Road proposal, there have been several proposals involving Spitfam Road, which council has supported. However, we need more information in order to investigate the particular matter. The best approach may be an alderman's request with the relevant details, which would then provide the basis for a more detailed response.

**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 be recorded in the following Agenda.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

**13. CLOSED MEETING**

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 JOINT AUTHORITY MATTER

13.3 TENDER T1411/21 – ENGINEERING AND PROPERTY SURVEY SERVICES CONSULTANCY 2021-2022

13.4 TENDER T1428/21 – ANNUAL HARD WASTE COLLECTION SERVICE

13.5 PROPERTY MATTERS

13.6 JOINT AUTHORITY MATTER

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:

- commercial information of a confidential nature that, if disclosed, is likely to prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council; or reveal a trade secret;
- contracts and tenders for the supply of goods and services;
- proposals to acquire land or an interest in land or for the disposal of land;
- applications by Aldermen for a Leave of Absence;

**Note: The decision to move into Closed Meeting requires an absolute majority of Council.**

**The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.**

**PROCEDURAL MOTION**

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.