

COUNCIL MEETING
MONDAY 23 MAY 2022

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

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

1. ACKNOWLEDGEMENT OF COUNTRY

The Mayor will:

- make the following statement:

“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”.

- recite the Council prayer; and
- 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. The meeting is not protected by privilege. A link to the Agenda is available via Council’s website.

2. APOLOGIES

Ald Chong (Leave of Absence)

3. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

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.

4. OMNIBUS ITEMS**4.1 CONFIRMATION OF MINUTES****RECOMMENDATION:**

That the Minutes of the Council Meeting held on 2 May 2022, as circulated, be taken as read and confirmed.

4.2 MAYOR'S COMMUNICATION**4.3 COUNCIL WORKSHOPS**

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

PURPOSE

Budget

DATE

9 May

Budget

16 May

RECOMMENDATION:

That Council notes the workshops conducted.

4.4. TABLING OF PETITIONS

(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.

4.5 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.

4.6 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

March Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

TasWater Corporation has distributed its Quarterly Report for the period ending 31 March 2022 (Refer Attachment 1).

- **GREATER HOBART COMMITTEE**

4.7 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES



Quarterly Report to Owners' Representatives

Progress update to 31 March 2022



Pictured: Walter Smart and Friends, a pilot water conservation program delivered to primary schools during March 2022.

Document Approval and Issue Notice

This is a managed document. For identification of amendments each page contains a release number and a page number.

Changes will only be issued as a complete replacement document. Recipients should remove superseded versions from circulation. This document is authorised for release once all signatures have been obtained.

PREPARED:
(For release) Jonathon Bellette, Department Manager Business Performance Date: 29 April 2022

APPROVED:
(For acceptance) Matthew Pigden, Chief Financial Officer Date: 11 May 2022

APPROVED:
(For acceptance) George Theo, Chief Executive Officer Date: tbc

Build Status:

Version	Date	Author	Reason	Sections
0.1	29/04/2022	Jonathon Bellette	Endorsed	All
0.2	11/05/2022	Matthew Pigden	Submission for Approval	All
1.0	tbc	George Theo	Approval to issue	All

Amendments in this release:

Section Title	Section Number	Amendment Summary

Distribution:

Copy No	Version	Issue Date	Issued To

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1. Introduction

TasWater is pleased to present its third quarter (Q3) FY2021/22 Quarterly Report to Owners' Representatives in accordance with the requirements of the Shareholders' Letter of Expectations.

Outlined within the report are key aspects of TasWater's performance for the quarter ended 31 March 2022. This includes performance against key performance indicators outlined in the FY2022-26 Corporate Plan as well as financial performance compared to the FY2021/22 Budget.

Consistent with the approach taken in FY2020/21, the report also includes a dedicated section outlining TasWater's performance against a range of operational key performance indicators.

2. Executive Summary

2.1 Operating performance

Key points to note for the quarter include:

- Both net profit and capital expenditure are favourable to budget as at 31 March 2022
- There has been continued strong performance against the majority of customer metrics
- A number of spills have occurred due to breaks and chokes in our network and wet weather events
- An external review was undertaken into the incident that led to a Temporary Boiled Water Alert being issued for Penguin and surrounds. The findings have been received and are currently being considered.

2.2 Innovations

Intelligent Water Network

The Intelligent Water Network (IWN) is a collaboration between 15 Victorian-based utilities to trial and showcase new technologies, innovations and thinking between members. TasWater recently joined the IWN as the first non-Victorian member, providing the opportunity to: participate in low-risk trials of new and innovative technologies, extend our network of collaboration with other utilities, leverage learnings from other utilities and make career development opportunities for TasWater staff and provide benefits to our customers.

TasWater is already observing a trial organised jointly through the IWN and W-Lab¹ that involves the installation of a new sensor (bio-electrode) at a sewage treatment plant (STP) to detect variations in the behaviour of biological systems. Whilst further testing and assessment is required to confirm the value proposition for TasWater, this type of sensor could potentially allow us to better understand and monitor our STPs further reducing the risk of non-compliance.

TasWater also recently became a member of the SWAN Asia Pacific Alliance which is a non-profit organisation that aims to bring together key players in the public and private water sector to achieve tangible outcomes in research and technology adoption in the pursuit of digital transformation.

2.3 Customer Experience Initiatives

Walter Smart and Friends – Water Conservation Schools Visits

During March 2022, TasWater piloted a series of presentations to ten primary schools across Tasmania called 'Walter Smart and Friends'. The program included a pantomime-style presentation collaboratively developed by the Water Conservancy, WSAA and Gibber Educational (a Victorian theatre company).

¹ W-lab is an initiative of the Water Services Association of Australia (WSAA) that showcases innovative technologies from around the world to its member utilities such as TasWater.

The aim of the pilot was to gauge the level of interest in programs of this nature as well as the style of presentation as schools adapt to COVID-19 safe practices. Once all feedback is gathered and assessed, TasWater will consider the next steps with options including: not continuing the program, continuing the program as is, or creating a program locally in collaboration with a Tasmanian theatre company.

Subsequent to the end of the quarter, the “Let’s Love our Water” campaign commenced on 9 May 2022 seeking to reposition our brand around water surety. Over the first two years, the intent of the campaign is to improve understanding and value of water in Tasmania, as well as strengthen relationships with stakeholders and peer organisations. The campaign will also be linked to measures such as a reduction in average annual usage per households a key benefit to be realised.

2.4 Diversity and Inclusion

International Women’s Day (IWD)

On IWD, TasWater recognised the many women who play a vital part across our business and that this day represents an opportunity to make a call to action for accelerating women’s equality. This year’s theme was ‘Break the Bias’, which complemented the recent release of Unconscious Bias training aimed at raising awareness of conscious and unconscious/implicit biases that exist in our workplace.

Employees participated in several IWD initiatives and were also encouraged to consider supporting the Dress For Success Empower Hour campaign, which involved pledging one hour of pay to directly help a woman on her path to employment and financial security for herself and her family.

The CDO also celebrated IWD with a ‘CDO – Our Women in Construction’ campaign. The campaign was launched with a state-wide morning tea including a presentation from the CDO Alliance Program Manager, Ian Dunbabin. Key activities included a targeted social media campaign as well as a radio interview on ABC Drive time with Kate Blizzard, CDO People Lead, to discuss the campaign.

Women currently represent around 23.7 per cent of the workforce in the TasWater Capital Delivery Office (CDO), which is well above observable comparative figures across the Australian construction industry. Across the wider organisation, this figure is 25.9 per cent, which continues to increase and remains a focus for TasWater, as it is recognised that there is still more to do to achieve our aspiration of reflecting our community demographic.

3. Performance Results for the Quarter

3.1 Strategic performance summary

Customer priorities	Key Performance Indicators	RESULT	TARGET	RESULTS
Customer and Community – Deliver a positive customer experience to you		FY2020/21	FY2021/22	Q3 FY2021/22
Identify and close critical customer service gaps	Customer experience percentage	62%	64%	67%
	Customer satisfaction percentage	69%	68%	74%
	Brand perception percentage	54%	60%	56%
Improve our community engagement and understanding	Community and stakeholder satisfaction percentage	62%	68%	Annual survey to be completed during Q4
Water and Environment – Provide you with safe drinking water and responsibility manage your sewage		FY2020/21	FY2021/22	Q3 FY2021/22
Meet agreed regulatory compliance targets	Customers supplied by drinking water systems meeting best practice risk mitigation (per cent)	4.1%	10.7%	4.8%
	Number of dams above the ANCOLD Limit of Tolerability	4	2	4
	Number of wastewater systems considered high risk to the environment	22	20	22
	Real losses: water mains (KL/km water main/day)	8.9	10	8.9
Optimise system performance	Number of critically notifiable spills (less than or equal to)	8	4	20
	Treated wastewater compliant with EPA requirements (flow-weighted)	90.4%	89.0%	87.3%
People and Culture – Build culture and skills for the long-term benefits of Tasmania		FY2020/21	FY2021/22	Q3 FY2021/22
Enhance workforce capability and culture	Fifty per cent constructive leadership styles by 2023	Material improvement in pulse cultural survey results	Constructive styles between the 25 th and 50 th percentile. Defensive styles at or below the 50 th percentile.	1 of 4 Constructive styles between the 25 th and 50 th percentile. 5 of 8 Defensive styles below the 50 th percentile.
Relentless focus on safety (Zero Harm)	Total recordable injury frequency rate (TRIFR) – (less than or equal to)	9.4	8.5	10.9
	Notifiable injury frequency rate	2.5	1.1	2.1
Commercial and Economic – Give you value for money		FY2020/21	FY2021/22	Q3 FY2021/22
Deliver Price and Service Plan commitments	Capital Expenditure	\$177.6M	\$229.9M	\$175.8M
Achieve further efficiencies	EBITDA	\$155.7M	\$163.7M	\$133.2M
	Interest cover ratio	3.2	3.3	4.4

3.2 Operational performance summary

Key performance indicators	RESULT	TARGET	RESULT
Customer and Community – Deliver a positive customer experience to you	FY2020/21	FY2021/22	Q3 FY2021/22
Total complaints	2,800 ²	2,500	2,023
First point resolution percentage for calls	95.1%	90%	94.9%
Percentage of calls answered by an operator within 30 seconds	92.1%	85%	86.7%
Percentage of response times within 60 minutes to attend priority 1 bursts and leaks	90.0%	90%	100.0%
Water and Environment – Provide you with safe drinking water and responsibly manage your sewage	FY2020/21	FY2021/22	Q3 FY2021/22
Number of BWAs and DNCs throughout the year	0	≤1	1
Percentage of customers where microbiological compliance has been achieved	100%	100%	100%
Percentage of trade waste volume covered by a meaningful agreement	58%	70%	75%
Percentage of industrial customers on a long term agreement	13%	20%	N/A ³
People and Culture – Build culture and skills for the long-term benefits of Tasmania	FY2020/21	FY2021/22	Q3 FY2021/22
Lost-time injury frequency rate (LTIFR)	2.8	2.4	2.4
Number of lost-time injuries (LTIs)	9	7	6
Number of notifiable incidents	8	3	3
Number of full time equivalent (FTE) ⁴	919	932.3	930
Commercial and Economic – Give you value for money	FY2020/21	FY2021/22	Q3 FY2021/22
Productivity – savings realised	\$3.7M	\$2.2M	\$0.9M
Productivity – Increased revenue initiatives	\$10.3M	\$6.5M	\$7.0M
Total overdue debtors as a percentage of revenue at end of year	4.7%	4.0%	4.4%

² This figure was reported as 1,012 in the June 2021 report but has been adjusted to reflect a revised interpretation of water quality complaints to enable a meaningful comparison with FY2021/22 results.

³ A recent internal review has identified challenges with determining an accurate result for this KPI, partly due to the treatment of automatic extensions. It has therefore been decided to no longer report against this measure for the remaining quarters of FY2021/22. The trade waste KPIs to be reported in the ORG report will be reviewed for FY2022/23.

⁴ Includes TasWater FTEs in the Capital Delivery Office

3.3 KPI Gaps and Responses

Table 1: Gaps and responses

Gap	Cause and response
Brand perception percentage at 56% against target of 60%	The KPI is an aggregate of three perception metrics – ‘Trust’, ‘Respect’ and ‘Keeps me informed’. We currently have a relatively low score for ‘Trust’ (44%) which is impacting the overall metric. Until July 2020, this score had been increasing, however it has softened since the onset of COVID-19 and pausing of in-person community engagement. Community engagement activities will increase over coming quarters and this is expected to drive improvement in the overall metric.
Customers supplied by drinking water systems meeting best practice risk mitigation (per cent) at 4.2% against a target of 10.7%	As outlined in Table 4, some minor delays have been experienced with Stage 1 of the UV Program. Including the additional scope item of the Smithton water supply, this stage is now expected to be completed by 30 September 2022, which means we do not expect to meet the full-year target by 30 June 2022.
20 critically notifiable spills against a target of 8	During the quarter, six (6) dry weather spills occurred related to breaks and/or chokes and a further five (5) occurred during wet weather events. Further information on major spills is provided in section 3.5.
1 of 4 Constructive styles between the 25 th and 50 th percentile against a target of fifty per cent constructive leadership styles by 2023	The 2022 Organisational Cultural Inventory (OCI) results were received during the quarter. Whilst some positive improvement was seen, challenges faced over the last two years and the suspension of the Blue Bus Revolution Program (due to COVID-19) have impacted the level of improvement. The Blue Bus Revolution Program has now recommenced and is expected to drive further improvement in coming years.
Total recordable injury frequency rate (TRIFR) at 10.9 against a target of 8.5	Achievement of the full-year target for this KPI is currently at risk due to the number of recordable injuries experienced YTD. A review of the health and safety function has been undertaken that identified opportunities for improvement. The findings from the review have been reflected in a revised Health and Safety Strategy.
Notifiable injury frequency rate at 2.1 against a target of 1.1.	Achievement of the full-year target for this KPI is currently at risk due to the number of notifiable injuries experienced YTD. We are continuing to focus on the identification of potential Level 3 Hazards to prevent these from becoming incidents and raising the profile and awareness of fatal risks and hazards across the business.
\$0.9M productivity savings have been realised against a target of \$2.2M	Achievement of the full-year target for productivity savings is at risk due to changes in the expected benefits and timeframes of pipeline initiatives. We are continuing to explore areas where additional savings can be made.

3.4 Financial Performance

Table 2: Financial summary

KPI	FY2020/21		FY2021/22	
	Actual Result	Q3 Target	Q3 Result	Q3 Variance
Net Profit (\$M)	43.5	45.8	53.4	7.6
Underlying Net Profit ⁵ (\$M)	16.3	24.0	29.3	5.3
Ordinary Dividends (\$M)	10.0	15.0	15.0	-
Special Dividend Target (\$M)	-	-	-	-
Debt (\$M)	619.8	706.7	696.1	10.6
Gearing ratio	39.1%	45.0%	41.9%	3.1%
Interest cover ratio (times)	3.2	3.6	4.4	0.8

⁵ Underlying net profit adjusted for contributed asset revenue

TasWater's net profit of \$53.4 million as at 31 March 2022 is \$7.6 million favourable to budget. This is primarily driven by a favourable variance in contributed asset revenue (\$2.3M) and services and consulting revenue (\$1.5M). Underlying net profit of \$29.3 million is \$5.3 million above budget.

Three interim dividends of \$5.0 million each were paid to Owner Councils on 30 September 2021, 17 December 2021 and 31 March 2022 as planned. The final ordinary dividend and special dividend payments for FY2021/22 will be considered by the TasWater Board prior to the end of the financial year.

As at 31 March 2022, total debt of \$696.1 million was \$10.6 million lower than budget, predominantly due to the opening debt position in FY2021/22 being lower than originally forecast. Total debt is currently within TasWater's approved facility limit.

3.5 Significant incidents

Coronavirus (COVID-19) pandemic

During the March quarter, TasWater has continued to operate within COVID-safe guidelines and government requirements. A risk assessment of workplace risk control requirements was undertaken during the quarter and resulted in the following changes:

- Removal of the requirement to check-in at TasWater locations from 28 February 2022
- Reinstatement of the expectation for on-site attendance of a minimum of two days per week from 7 March 2022
- Removal of mask requirements in office settings and vehicles from 11 March 2022.

Sewage spills impacting shellfish leases

Tasmania experienced a number of significant and intense (some events were intense but not all) rainfall events during the quarter. This resulted in shellfish lease closures across the harvest areas of Dover, Pittwater (two spills occurring in January and March) and Cygnet during the quarter. We are continuing to investigate and resolve identified issues affecting shellfish areas and communicate proactively with shellfish growers regarding planned Sewage Pump Station (SPS) upgrades and notifications.

During the quarter, TasWater met with Senator Jonathon Duniam to discuss sewer spills in Pittwater and the impact on shellfish. Senator Duniam acknowledged our approach to capital upgrades in the area and efforts to work with the industry. An introductory meeting was also held with TasWater Department Manager System Performance and Productivity and the new CEO of Oysters Tasmania to discuss TasWater's ongoing working relationship with the industry.

Ulverstone beach closures

On 30 January 2022, a large burst in the rising main which delivers sewage from Helen Street SPS to the Ulverstone STP resulted in raw sewage discharge into the Leven River. This resulted in Central Coast Council closing nearby beaches and placing 'Do Not Swim' signs to warn recreational users.

TasWater immediately diverted the raw sewage flow to an outfall pipe that discharges approximately 800 meters offshore into Bass Strait to minimise the impact of the burst and undertake repairs. The Council's sampling team took a series of water samples to monitor water quality and the beaches and river were declared safe to reopen on 10 February 2022.

Separately, on 30 March 2022, the Council announced that it had closed beaches at Picnic Point in West Ulverstone due to very high bacterial levels discovered during testing on 29 March 2022. The high bacterial levels were due to discharge by a large trade waste customer in the area that goes through the outfall pipe from Picnic Point without going through our STP.

Both short and medium-term actions are underway to reduce future beach closure risks. Upgrade works at the Ulverstone STP (\$10.5 million) are also due for completion in FY2023/24 to increase the capacity of the STP and improve treatment outcomes of existing flows.

We are also working with the large trade waste customer to determine the cause of the high *E.coli* levels from its trade waste and are in early discussions to renegotiate the Trade Waste Agreement, with the current agreement due to expire in December 2022. These discussions will need to be managed with sensitivity to ensure that the expectations of TasWater and the Tasmanian community are met; and that the company reaches full compliance within a reasonable timeframe.

Penguin, and surrounds Temporary Boiled Water Alert (TBWA)

On 4 March 2022, high turbidity within the Whitehills Water Treatment Plant (WTP), which supplies Penguin, Heybridge, Sulphur Creek and Preservation Bay in the North West, exceeded the Critical Control Point (CCP) limits. This resulted in potentially non compliant drinking water entering the clear water storage (CWS) tank. Efforts to bring the WTP back online were not successful, resulting in water storage dropping to critical levels across the supply system.

On 8 March 2022, a TBWA was placed on 36 customers who were directly supplied via the CWS. The TBWA was later extended to the entire supply system (around 2,000 customers) due to ongoing water quality concerns relating to the recharging of the system. The TBWA was lifted on 11 March 2022 and an external review has commenced focusing on our response to the CCP breach and subsequent incident. The findings from the external review have been received and are being considered.

Environment Protection Authority (EPA) Warning Letter

On 4 February 2022, a failure of the chlorine dosing at Macquarie Point STP resulted in 1.23ML of partially treated unchlorinated effluent being discharged into the Derwent River over a period of approximately 2.5 hours.

TasWater is required to notify the EPA within 24 hours after becoming aware of the release of a pollutant. Whilst the issue was quickly rectified, the EPA was not notified until 6 February 2022. The EPA subsequently issued a Warning Letter to TasWater, however no penalty was applied.

Kingston Beach Spill

On 17 March 2022, untreated sewage spilt into the stormwater system at Kingston Beach due to tree root blockages within our network. Whilst we repaired the blocked pipe sections within 30 minutes, the Kingborough Council issued a temporary warning against swimming at the southern end of Kingston Beach. Water testing results on 20 March 2022 indicated that the beach was safe for recreational use.

3.6 Capital expenditure

Summary

As at 31 March 2022, capital expenditure at \$175.8M was above the YTD budget of \$171.8M. Based on this positive position, TasWater is confident of exceeding the full year target of \$229.9M.

Of note, the Bryn Estyn WTP upgrade is progressing well towards planned commissioning in mid-2023, with construction of all main structures now underway. The Strategic Business Case (SBC) for the Launceston Sewerage Improvement Project (LSIP) is also well advanced and is expected to be presented to the TasWater Board mid this year. The SBC covers the potential for rationalisation of seven STPs within the greater Launceston area and potential optimisation of systems alongside the Tamar Estuary River Health Action Plan (TERHAP) projects.

During the quarter, construction of the Longford STP was also completed and will result in improved effluent quality and a reduction in odour at the site. The STP features innovative aerobic Nereda® technology which contributes to an improved carbon footprint. It is only the second plant in the country to use this technology. The opening attracted positive media stories both nationally and state-wide.

Good progress has also been made on a number of other major projects with the construction of the new Henderson Dam reaching completion, works on the Lake Mikany Dam project in Smithton is progressing well and also the completion of three sites (Westbury, Deloraine and Bracknell) under Stage 1 of the UV Disinfection Program.

During the quarter, TasWater extended the Program Alliance Agreement (PAA) between the CDO partners by a further two years. This extension was an option included in the current PAA and will see the CDO continue to deliver the accelerated capital program until June 2025. This arrangement has boosted local employment, with about 93 per cent of all contracts to upgrade or build new infrastructure going to Tasmanian businesses.

The current status of the Top 25 projects by total project budget are shown in Table 3 below, including changes in budget estimates and completion dates since the previous quarterly report.

Table 3: Status updates - Top 25 by total project budget

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
1	Bryn Estyn WTP Major Upgrade	Project Delivery	May-23 Jul-23	243,944	Construction of all main structures now underway
2	Northern Midlands Sewerage Improvement Plan - Longford STP Upgrade	Project Delivery	Apr-22	33,672	Project completed
3	UV Program – Burnie, Chimney Saddle, Distillery Creek, Mt Leslie & West Tamar (Stage 2a)	Target Out-turn Cost/Project Budget Estimate	Jun-23	5,032	On track
4	Lake Mikany Dam Upgrade	Project Delivery	Jun-22	20,067	On track
5	Tamar Estuary River Health Action Plan (TERHAP)	Project Delivery	Mar-25 Mar-26	128,500	Project completion date extended to reflect greater understanding of project requirements and sequencing.
6	Rosebery, Triabunna, Tunbridge and Coles Bay Reservoirs	Project Delivery	Dec-22 Feb-23	12,821	Minor delays to tank construction work experienced.
7	Upper Reservoir Dam Upgrade	Completed	Nov-21	6,085	Project completed
8	UV Program – Campbell Town/Ross, Fingal, Queenstown, South Esk, Swansea, Triabunna, Tullah, West Tamar and Zeehan (Stage 2b)	Target Out-turn Cost/Project Budget Estimate	Jul-23 Sep-23	8,513	Procurement activities for the project are underway, however some minor delays have been experienced.
9	Davis St, Smithton SPS Upgrade	Project Development	Sep-23 Apr-24	17,628	Schedule revised as part of progression to TOC/PBE stage.

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
		Target Out-turn Cost/Project Budget Estimate			
10	Geeveston Outfall	Target Out-turn Cost/Project Budget Estimate	Nov-23 Mar-24	9,890	Minor delays in procurement experienced.
11	Tasman Highway, Orford - Trunk main	Project Development	Feb-23 Sep-23	2,358	Project schedule revised following a value engineering exercise.
12	Lake Fenton Pipeline (Gateway), New Norfolk Water Main Renewal	Project Delivery	Jun-22	2,238	On track
13	North West Water Supply Upgrade - NWWS (Old Forth Leven)	Project Development	Jun-28 Oct-29	Not yet approved	Methodology for the next stage is under consideration and will involve development of a Staging Plan for the implementation of the recommended solution.
14	Bicheno STP Recycled Water Scheme expansion (EPA Top 20)	Project Development	Feb-25 Apr-25	7,380	Development of Detailed Business Case to begin in May 2022 with forecast completion in October 2022.
15	Bridport Water Supply Improvements	Project Development	Oct-25	30,160	On track
16	Ridgeway Upgrade	Strategy	Jun-26 Jun-27	Not yet approved	Change to project timing reflects ongoing development of schedule.
17	Upper Prosser scour valve	Project Delivery	Feb-22 Apr-22	1,521	Project schedule updated to reflect ability to access weir during low flows.
18	Hamilton STP Relocation	Project Development Removed	Jan-22	TBD	Project no longer considered prudent and has been removed from the program.
19	Macquarie Point Relocation	Project Development	TBD	Estimate to be updated as part of the detailed design phase	Preliminary cost estimations underway and land acquisition discussions are progressing. Scoping on detailed design and preparations on contract documents commenced.
20	Turriff Lodge STP Outfall Relocation (EPA Top 20)	Project Delivery	May-22 Sep-22	2,225	Tender submissions were above budget. Work has been repackaged under a change in delivery methodology to enable the project to be delivered within budget.
21	Chimney Saddle Clarifier & Flocc Tank	Completed	Aug-21	2,832	Project completed
22	Queenstown STP remediation	Project Delivery	Jun-22	2,659	On track
23	Zeehan Raw Water Pump Station Replacement	Project Delivery	Mar-22 Apr-22	1,755	On track
24	UV Program Stage 1 (Glen Huon, Westbury, St Helens, Scottsdale, Bridport, Deloraine, Longford, Bracknell)	Project Delivery	May-22 Sep-22	10,481	Westbury, Deloraine and Bracknell are now completed. Revised completion date reflects a scope increase associated with the inclusion of the Smithton WTP into the wider program.

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
25	Whitemark raw water storage upgrade - Henderson Dam raising	Project Delivery	Apr-22 May-22	11,868	Reconstruction of the Dam is now complete with project close-out activities underway.

Table 4: CDO contract information as at 1 April 2022

No. of work packages awarded since inception of CDO 1 July 2019	Total value of CDO work packages awarded since the inception	% of packages awarded to Tasmanian based companies	Total value and % of packages awarded to Tasmanian-based companies	Number of packages pending award	Total value of packages pending award
753 individual work packages	\$187.96M	705 (94%)	\$157.58M (84%)	12	\$8M

3.7 Externally funded major projects

Macquarie Point STP Relocation

The Detailed Business Case (DBC) for the relocation of the Macquarie Point STP is expected to be delivered to the TasWater Board in June 2022. Subject to approval, it is expected that the DBC will be made available to the State Government in July 2022.

3.8 Matters of public and key stakeholder interest

Water Supply Update

Rainfall over the late spring and summer was mixed over the State, with areas of the East Coast experiencing above average rainfall and parts of the West Coast receiving the lowest rainfall on record for the period November to March.

Stage 1 water restrictions were in place for Greater Hobart between 14 December 2021 and 28 February 2022 following periods of heavy rainfall in late spring, which compounded existing constraints at Bryn Estyn WTP and Ridgeway Dam. The combination of mild conditions and water restrictions saw consumption reduce across December and January compared to recent years. February saw water consumption increase as warmer, drier weather in the south-east led to higher water use. However, with some storages improving in quality over the summer, further restrictions were not required.

Whitemark on Flinders Island also had water restrictions introduced from 15 January 2022 as part of measures to achieve reduced raw water storage volumes whilst Henderson Dam upgrade works were underway. Despite periods of very dry weather and the requirement for some customers to maintain important outdoor water uses, water consumption for Whitemark was lower compared with recent years of water restrictions. Water restrictions at Whitemark concluded on 30 April 2022 as conditions improved and preparations for dam filling begin.

Despite very low rainfall in the State's west (in some parts the worst on record), water supplies have generally performed well. Whilst lower streamflow and dam levels have been observed to date, no interruptions or restrictions to customers have occurred as a result of these conditions. Close monitoring of West Coast water supplies will continue whilst dry conditions are experienced.

Enterprise Agreement Negotiations

All three General Employee Agreements were approved by TasWater employees on 8 February 2022 and received formal approval by the Fair Work Commission on 15 March 2022. The Agreements include:

- Base wage increases of: 2.5 per cent in FY2021/22, 2.5 per cent or CPI capped at 3.0 per cent in FY2022/23 and 2.8 per cent or CPI capped at 3.0 per cent in FY2023/24
- A 0.5 per cent increase to superannuation each year to maintain the current 3.5 per cent gap between the Superannuation Guarantee and employer contributions was agreed.

Tolosa Dam Decommissioning and Rehabilitation

TasWater and Glenorchy City Council recently reached an agreement to jointly fund the first stage of works in the Master Plan to remediate the Tolosa Dam Reservoir site into an open parkland. Under the agreement, TasWater will contribute \$3.2M of the estimated \$6.2M for initial works with the Council to fund the balance.

This stage of works will see the 20-metre-high dam wall partially demolished with the fill from the wall to be used to create an open parkland, additional usable areas, water features and future walking trails (to be completed in further stages). Once the first stage of works are complete TasWater will hand the area back to the Glenorchy City Council to deliver the subsequent stages of the Master Plan. Works are due to commence in 2022 and are expected to be completed by April 2024.

4. Key policy, risk and strategy matters

4.1 Price and Service Plan 4 (PSP4) update

On 28 February 2022, the Tasmanian Economic Regulator (TER) released its draft determination on our PSP4 proposal for public consultation. The draft determination included material reductions in both capital and operating expenditure allowances and a uniform price increase of 3.07 per cent (below our proposed price increase of 3.50 per cent).

TasWater provided a submission to the TER on 28 March 2022 outlining a number of areas for the TER to consider increased expenditure allowances. Subsequent to the end of the quarter, the TER released its final determination on 10 May 2022, which provided for a maximum price increase of 3.71 per cent each year. However, consistent with its original proposal and the Shareholders Letter of Expectations, TasWater will only apply an annual price increase of 3.50 per cent over this period.

The financial projections in the draft Corporate Plan FY2023-27 that was distributed to Owners' for feedback in April 2022 will be updated to reflect the TER's final determination. An overview of the final determination will be provided at the June 2022 General Meeting.

4.2 Rural Water Use Strategy

The Rural Water Roundtable met for the fourth time in February 2022 to consider and discuss the draft implementation plan for the Rural Water Use Strategy. The finalised version was released publicly in March 2022. The Strategy focuses on maximising opportunities from Tasmania's water resources through sustainable management and strategic development, including effective and strong regulation, entitlements, planning, and optimisation of services.

4.3 National Water Grid Funding (NWGF)

The NWGF is an Australian Government program aimed at supporting the development of rural water infrastructure across Australia.

As part of the Mid-year Economic Fiscal Outlook (MYEFO) process, TasWater submitted a funding application for the Bicheno STP and reuse upgrade project. In early February 2022, it was announced the project was granted funding of \$5 million. The project is currently in DBC phase and TasWater has been working with Natural Resources and Environment Tasmania (NRET) on the funding agreement and project milestones.

In March 2022, TasWater met with NRET to review the capital works program and identify any potential additional projects which may attract funding from the NWGF. To date, four projects have been identified: the North West Water Supply (NWS) Upgrade, Westbury STP Upgrade, Wynyard STP Upgrade and the Bothwell Town Water Supply project. Following further discussions with NRET, attention is being focussed on the NWS upgrade project. TasWater will supply supporting information on the project to NRET prior to the NWGF visiting Tasmania in May 2022.

4.4 Hydrogen

The Federal Government has announced funding of \$70 million towards development of the Tasmanian Green Hydrogen Hub project at Bell Bay. Renewables, Climate and Future Industries (ReCFIT) have advised that it will work with stakeholders on the detailed planning and implementation of the project. TasWater are working cooperatively and closely with ReCFIT, noting that any water supply arrangements with TasWater must be made on a commercial basis.

5. Responses to queries from prior updates

Date	Region	Issue	Raised by	Response
4 November 2020	All	Publish the Water Surety Strategy on TasWater's website	Gary Arnold (Kingborough Council)	This had initially been scheduled to be addressed at the ORG General Meeting (Planning) on 24 June 2021. However, key elements of the overarching strategy continue to be developed and are expected to be completed by the end of FY2021/22.
24 June 2021	All	Consider the structure of future Corporate Plans in relation to compliance with the Shareholders' Letter of Expectations (SLE).	Gary Arnold (Kingborough Council)	This is an ongoing action and will be addressed in the process of development of future Corporate Plans.
10 November 2021	All	Further information to be provided regarding the calculation of TasWater's greenhouse gas emissions, specifically in relation to electricity	Ian Nelson (Clarence City Council)	Addressed in the quarterly meetings on 2-3 February 2022.
10 November 2021	All	Advising any learnings in relation to the process of utilising TasWater's enforcement powers regarding unauthorised connections	Mayor Peter Freshney (Latrobe Council)	Update to be provided to the General Meeting (Planning) in June 2022
3 February 2022	N	Provide a breakdown of expenditure in relation to the various TERHAP projects	All	Update to be provided to the General Meeting (Planning) in June 2022
3 February 2022	N	Provide a further update in relation to the LSIP project – overview and current status	All	Update to be provided to the next Northern Owners briefing



Quarterly Report to Owners' Representatives

Progress update to 31 March 2022

4.8 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 2, 9 and 16 May 2022 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 2, 9 and 16 May 2022 be noted.

5. 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.

5.1 PUBLIC QUESTIONS ON NOTICE

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

Nil.

5.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

5.4 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.

6. 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)

7 PLANNING AUTHORITY MATTERS
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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:

7.1 DEVELOPMENT APPLICATION PDPLANPMTD-2022/026914 – 224 CARELLA STREET, HOWRAH - CHANGE OF USE TO VISITOR ACCOMMODATION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use to Visitor Accommodation at 224 Carella Street, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Landslip Code, Safeguarding of Airport Assets and Parking and Sustainable Transport Code under the Tasmanian Planning Scheme - Clarence (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 25 May 2022, extended with approval from the applicant.

CONSULTATION

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

- on-site parking;
- street parking;
- number of people occupying the visitor accommodation;
- noise;
- building Code requirements;
- definition of visitor accommodation;
- title restrictions; and
- amenity.

RECOMMENDATION:

A. That the Development Application for Change of Use to Visitor Accommodation at 224 Carella Street, Howrah (CI Ref PDPLANPMTD-2022/026914) 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-2022/026914 - 224 CARELLA STREET, HOWRAH - CHANGE OF USE TO VISITOR ACCOMMODATION /contd...

ASSOCIATED REPORT**1. BACKGROUND**

The planning history of the subject property is as follows:

- Planning Permit D-2007/519 – approval was granted for an addition to the garage.
- Planning Permit D-1995/290 – approval was granted for an extension to the existing single dwelling.

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 Scheme are:

- Clause 7.5 – Compliance with Applicable Standards;
- Clause 8.10 – Determining Applications;
- Clause 10 – General Residential Zones;
- Clause C2.0 – Parking and Sustainable Transport Code;
- Clause C15.0 – Landslip Hazard Code; and
- Clause C16.0 – Safeguarding of Airport Assets 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 property is a 627m² residential lot that supports a large three storey single dwelling in an established neighbourhood. The property is located on the high side of Carella Street with access via a gentle sloping driveway from Carella Street.

There are five parking spaces on the site. Two spaces are located within the double garage, one space is off to the northern side of the garage and two located directly in front of the garage.

3.2. The Proposal

The proposal is for a change of use of the existing dwelling to Visitor Accommodation. The owners will occupy the lower floor, while the upper two floors will be used as visitor accommodation. The applicant intends to rent the accommodation out as one booking only at a time, not per bedroom, and aims to promote the property to families.

The upper two floors consist of 1 kitchen, 2 bathrooms and an ensuite, 2 living areas and 5 bedrooms.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 5.6]

“5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.”

4.2. Determining Applications [Section 6.10]

“6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(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 section 57(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. General Provisions

The Scheme contains a range of General Provisions relating to specific circumstances not controlled through the application of Zone, Code or Specific Area Plan provisions.

There are no General Provisions relevant to the assessment of this proposal.

4.4. Compliance with Zone and Codes

The proposal is exempt from the safeguarding of the Airport Code as the use is not within the airport noise exposure area as stated under Clause C16.2.1(a).

The proposal is exempt from an assessment under the Landslip Hazard Code due to the application being for visitor accommodation that accommodates less than 12 guests under Clause C15.4.1(a).

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

General Residential Zone

- **Clause 8.3.2 A1** – in relation to visitor accommodation it must have a gross floor area of not more than 200m², however the subject dwelling has a gross floor area of 440m².

The proposal must be considered pursuant to the Performance Criteria P1 of Clause 8.3.2 P1 as follows.

Clause	Performance Criteria	Assessment
8.3.2 P1	<p><i>“Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</i></p> <p><i>(a) the privacy of adjoining properties;</i></p> <p><i>(b) any likely increase in noise to adjoining properties;</i></p>	<p>The proposed visitor accommodation will not result in any changes to the current building, therefore there will be no change to the current privacy for the adjoining properties from the windows, decks or raised areas greater than 1m from natural ground level.</p> <p>The subject property is a three-storey dwelling where the owners will occupy the lower level and convert the upper two storeys into visitor accommodation. The property will be booked out to one booking at a time, not to rent individual rooms separately, and is intended for families. Due to the proposed scale of the use and that the owners will be living on-site, the proposed use would unlikely result in an increase in noise generation.</p> <p>Furthermore, the noise generated by the visitor accommodation use would be consistent with residential use, however, any impacts upon residential amenity in the neighbouring zone due to noise or other impacts would be dealt with under the powers of EMPCA 1994.</p>

	<p>(c) <i>the scale of the use and its compatibility with the surrounding character and uses within the area;</i></p> <p>(d) <i>retaining the primary residential function of an area;</i></p> <p>(e) <i>the impact on the safety and efficiency of the local road network; and</i></p> <p>(f) <i>any impact on the owners and users rights-of-way.”</i></p>	<p>The proposed use is a small-scale residential accommodation, that would be of a similar nature to residential use. Therefore, the proposed use would be appropriate within the surrounding residential setting.</p> <p>The owners will be occupying the lower level of the dwelling which will retain some of the residential function of the property. Furthermore, the surrounding area consists of only a few visitor accommodation properties with residential use being the overwhelming dominant use. Therefore, the proposed use will not result in a loss of the residential function of the area.</p> <p>The proposal has been referred to Council’s Traffic Engineers that have not raised concerns. The use is compatible within a residential setting and is not likely to result in a noticeable increase in traffic.</p> <p>The site is not burdened with any relevant encumbrances or rights-of-way.</p>
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5. REPRESENTATION ISSUES

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

5.1. On-Site Parking

Concern was raised with respect to the provision of on-site parking and that the parking plan provided is incorrect as three parking spaces would not be possible outside the garage due to there being a pole located at the northern side of the garage.

- **Comment**

The Parking and Sustainable Transport Code of the Scheme requires the provision of one car parking space for the proposed use in order to comply with the Acceptable Solution, and two parking spaces for the dwelling component on the lower floor. The building has a double garage and at least one other car would be able to be parked on the driveway. Should the parking plan be incorrect showing five parking spaces, the application only requires three spaces and therefore complies with the requirements of the code.

5.2. Street Parking

Concern was raised that the guests would park their cars on the street and that there is limited availability of street parking, particularly in the vicinity of the subject site and the safety of increased cars parked on the street.

- **Comment**

As mentioned above, the proposed use meets the on-site car parking requirements of the Parking and Sustainable Transport Code, therefore the need for a vehicle to be parked on the street should be minimised. Furthermore, there is no relevant Clause in the Scheme related to the provision of on-street car parking with respect to a change of use on a privately owned site for Council to consider. This issue therefore has no determining weight.

5.3. Number of Guests

Several representors raised concern that the application did not include information in relation to the number of guests that will be accommodated, and one representor proposes the use could result in up to 14 to 20 people.

- **Comment**

There are no relevant Clauses in the Scheme regarding the number of guests that will be accommodated within the building for Council to consider. The scale of the use has been considered appropriate in the assessment section above.

5.4. Noise

Concern was raised that the proposed use would generate an unreasonable amount of noise.

- **Comment**

As discussed in the assessment section within this report, the proposed use was deemed to not generate an unreasonable amount of noise, due to the scale of the use and that the owners will occupy the lower level of the dwelling. Therefore, the use of visitor accommodation would generate noise that is consistent with that of a residential use.

5.5. Building Code Requirements

Two of the representors raised concern in relation to the building meeting the Building Code requirements for visitor accommodation.

- **Comment**

The requirements of the Building Code and National Construction Code will be dealt with under building legislation and not at the planning application stage.

5.6. Definition of Visitor Accommodation

Concern was raised in relation to what visitor accommodation means, is it AirBNB, student accommodation, backpackers or seasonal workers?

- **Comment**

Under the Scheme visitor accommodation is defined as follows:

“use of land for providing short or medium-term accommodation for persons away from their normal place of residence on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, camping and caravan park, holiday cabin, motel, overnight camping area, residential hotel and serviced apartment complex.”

The type of visitor accommodation is not a material consideration under the Scheme. However, the applicant has advised the property will be marketed towards families and that one booking at a time would occupy the premises.

5.7. Title Restrictions

A representor raised concern that the title contains restrictive covenants that prevents a dwelling being used as anything other than a dwelling or operate a business (Attachment 4).

- **Comment**

The Title contains two restrictive covenants in relation to the use of the property, in particular the property is not to be used for any business of any kind and the dwelling is not to be used for anything other than a dwelling. Council is not a party to these covenants. The covenants are between the original developer and the owners of each lot. Therefore, it is the owner’s legal responsibility to abide by these covenants. Irrespective of these covenants, Council as the relevant Planning Authority, must still consider the development application in accordance with the Scheme requirements.

5.8. Amenity of the Area

A representor raised concern that the proposed visitor accommodation has the potential to affect the quality of life of the neighbourhood in relation to noise, rubbish, vehicles, scale and intensity. Furthermore, the frequency of visitors coming and going from the property must be taken into account.

- **Comment**

As discussed in the above assessment section of this report, the proposed use is considered to not have an unreasonable impact on the surrounding amenity in relation to noise, vehicles, scale and intensity. The coming and going of guests to the premises is considered to be comparable to what the residential use could generate. Therefore, the use will not have an unreasonable impact on the amenity. Rubbish is not a consideration under the Scheme.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

7.1. The proposal is consistent with the outcomes of the State Policies.

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.

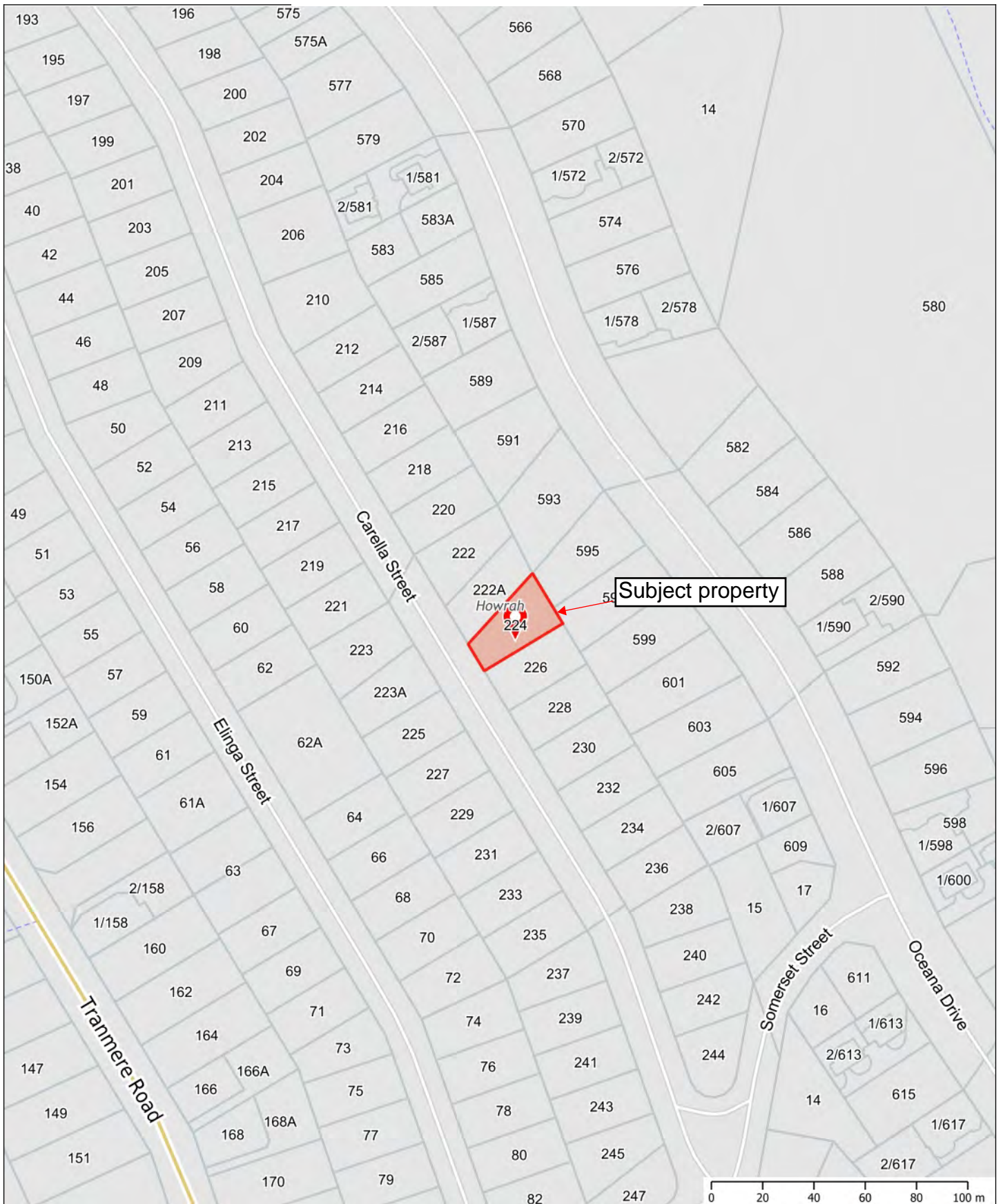
9. CONCLUSION

The proposal is recommended for approval, subject to conditions.

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

Bruce Gibbs
ACTING MANAGER CITY PLANNING

Location Plan - 224 Carella Street, Howrah





	<p>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.</p>	<p>12/05/2022</p> <p>1:2036</p>	
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DIAGRAM FROM ACTUAL SURVEY

TOWN OF HOWRAH

No. OF APPLICATION *Part of 730 acres sld. to F. Butler & J. M. Browne The Perpetual Trustees etc. Tasmania Ltd. 1000-15-1*

Scale *50 feet*

REGISTERED NUMBER **61854**

S.P.854
65077

Filed by *CLARENCE MUN.*

Lodged at the Lands Titles Office on *25-5-66* at *11-10*

Receipt No. *1194*

Receiving Clerk

REFERENCE TO CORNERS

COR.	BEARING	DISTANCE IN LINKS	FROM
NEW	BEARS	SEE OWNER	

SEALER PLAN No. *854*

EFFECTIVE FROM *24-6-66*

DEPUTY RECORDER OF TITLES *Whitthorn*

Co of Tasmania Ltd. Owner

Local Government Act 1962. Section 46B (7A).

Land delineated hereon as Embankment Basement and coloured green is subject to a licence under the Highway Act 1951 to embank the adjoining highway to a height which will not exceed the level of now existing constructed kerb along and adjoining that easement.

1. *Ladislav Veska* of *Lindistarne* Registered Surveyor, of Tasmania, do hereby certify that this plan has been made from surveys executed by me or under my own personal supervision, inspection, and field check, and that both plan and survey are correct, and have been made in accordance with the Land Surveyors' By-Law No. 2, dated 3rd July, 1946.

L. Veska Authorized Surveyor.

Dated this *29th* day of *November*, 1965

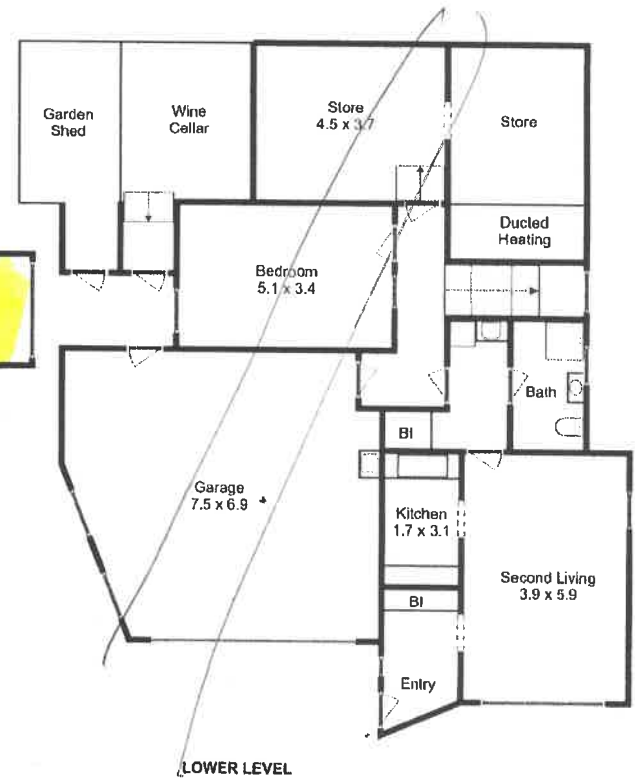
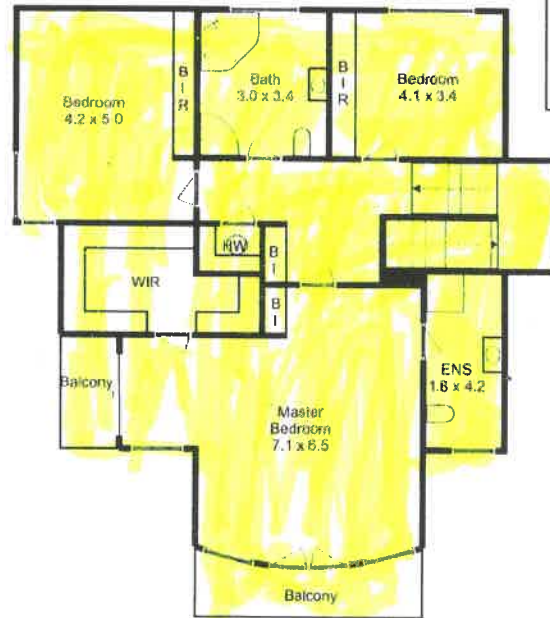
APPROVAL BY LOCAL AUTHORITY - 1608

APPROVED UNDER SECTION 26-1 OF THE LOCAL GOVT. ACT 1962 AND AMENDMENTS (2) CLARIFICATIONS SEE BACK

The Common Seal of the Municipality of Clarence has been hereunto affixed in the presence of us this *12th* day of *May* one thousand nine hundred and *sixty six* In pursuance of authorization given at a meeting of the Commissioners held on the *12th* day of *May* 1966

Chairman
Commissioner
Secretary

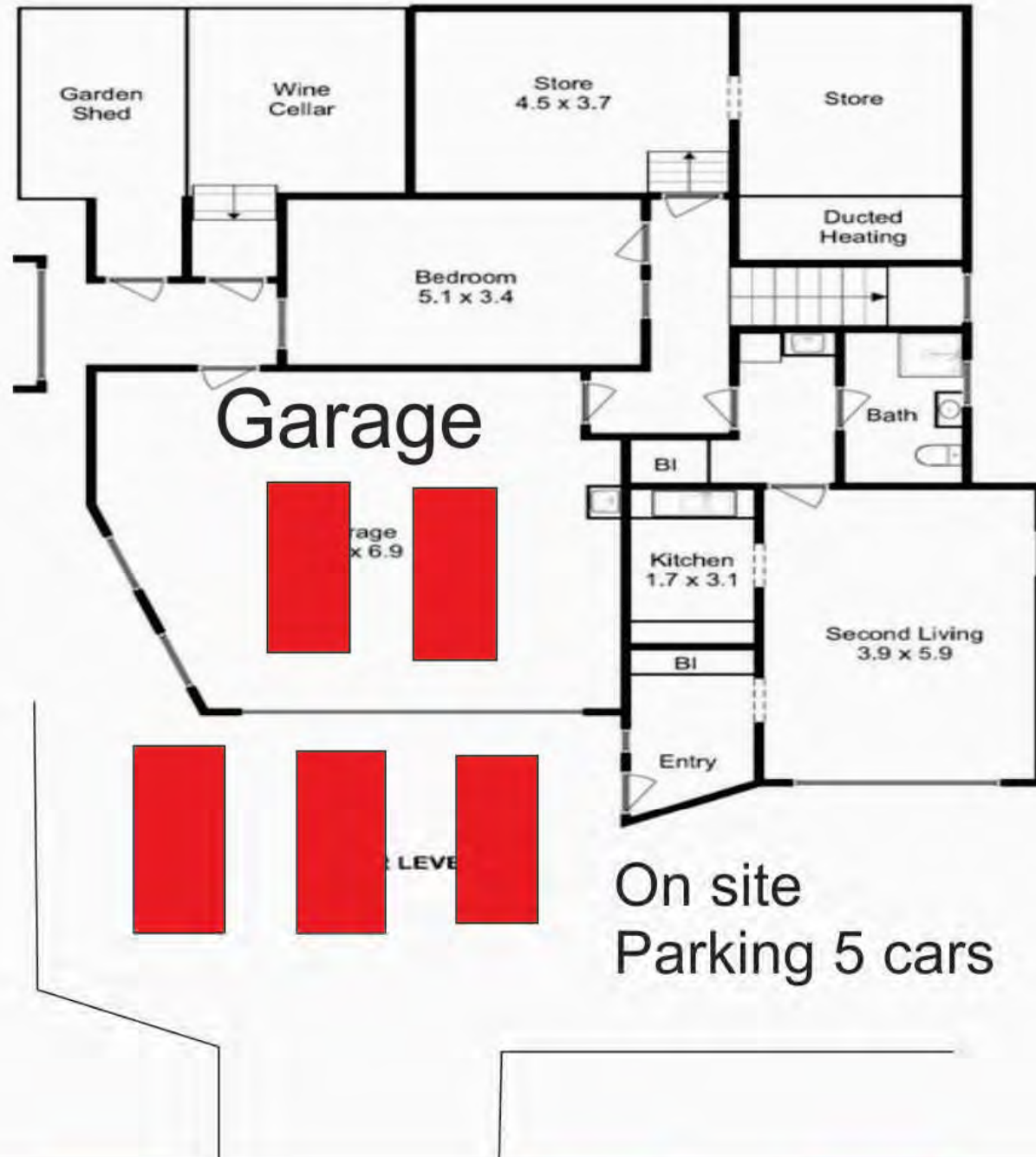
Change of use Part of the building to visitor accommodation, where guests are accommodated in existing building of the whole ground floor and upper level. We will occupy the lower level of the property



Parking in the Garage & Drive way.

Please Note : This floor plan is for marketing purposes and is to be used as a guide.
Produced by Promote Property Marketing

Parking





Subject property at 224 Carella Street, Howrah



View looking northwest up towards 224 Carella Street, Howrah



View looking southeast toward 224 Carella Street, Howrah



SCHEDULE OF EASEMENTS

PLAN NO.

S.P.854

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

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

NO easements or profits a prender are created to benefit or burden any Lots shown on the plan. The owner of each Lot shown on the plan covenants: FIRSTLY with Perpetual Trustees Executors and Agency Company of Tasmania Limited (hereinafter called "the Company") that the said Company^{as vendor} shall not be required to fence".

SECONDLY with the Company 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 every part thereof and devolve with each and every part of every other Lot shown on the plan (and with the residue of the land comprised in Certificate of Title Volume 1000 Folio 15 and each and every part thereof) to observe the following stipulations:

1. THAT he will not erect on any one Lot more than one private dwelling house with the usual and necessary outbuildings and such dwelling house shall cost not less than Two thousand five hundred pounds unless the plans and specifications of the proposed dwelling house shall have been previously approved by the Company in writing.
2. THAT he will not set up carry on or conduct in or upon any Lot or in any building or outbuildings situate thereon any trade manufacture or business of any kind whatsoever.
3. THAT he will not erect or permit to be erected on any Lot or any part thereof or to attach or permit to be attached to any dwelling house or outbuilding erected thereon any advertisement hoarding bill or poster or any other similar erection.
4. THAT he will not use the dwelling house for any other purpose than a private dwelling house.

5. INTERPRETATION: The words "shall not be required to fence" shall imply the covenant implied by the use of these words in accordance with Section 27-F of the Real Property Act 1886.

THIS COPY SCHEDULE CONSISTS OF 1 PAGE/S

7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/006697 – 23 AND 25 HILL STREET, BELLERIVE - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW) AND BOUNDARY ADJUSTMENT**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider legal advice to resolve an appeal against Council's decision to refuse the development application made for 3 Multiple Dwellings (1 existing + 2 new) and Boundary Adjustment at 23 and 25 Hill Street, Bellerive.

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).

RECOMMENDATION:

- A. That Council authorises the General Manager to enter into a Consent Agreement to grant a permit.
- 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-2020/006697 for 3 Multiple Dwellings (1 Existing + 2 New) and Boundary Adjustment was considered at Council's Meeting of 7 February 2022. The proposal was refused on the basis that the proposal would cause an unreasonable impact on the residential amenity of the adjoining property at 2/28 Stanley Street, Bellerive from overshadowing, and privacy impacts. The applicants subsequently appealed Council's decision to the Tasmanian Civil & Administrative Tribunal (Appeal 19/22P) on the grounds that the proposal met Clause 10.4.2 P3 (a) and Clause 10.4.6 P2 of the Clarence Interim Planning Scheme 2015.

On 4 March 2022, Council was directed by the Tribunal to file revised grounds of refusal to comply with the Tribunal's requirements. Those revised grounds of refusal were provided on 9 March 2022 and are included at Attachment 1.

All representors were notified of the appeal being lodged. The only party joined was TasWater.

2. ISSUES

The appellants challenged the grounds of refusal on the basis that the application complied with the relevant Performance Criteria.

At mediation, the appellants proposed amended plans to achieve greater conformity with the Clarence Interim Planning Scheme 2015.

Revised plans were provided by the appellants following on-site mediation and discussions, which incorporate a series of changes to the original proposal plans refused by Council. These changes are summarised as follows:

- Upper level of Unit 3 shifted 700mm away from the rear boundary creating a setback of 4.17m from the rear boundary;
- Upper level of Unit 2 shifted 800mm away from the rear boundary creating a rear setback of 4.17m from the rear boundary;
- Unit 2 roof pitch reduced to 3°;
- Unit 3 roof pitch reduced to 3°;
- Habitable room windows for the upper level of Unit 2 moved back from the rear boundary to comply with the acceptable solution related to privacy;
- Habitable room windows for the upper level of Unit 3 moved back from the rear boundary to comply with the acceptable solution related to privacy;
- Upper level deck on Unit 3 moved back from the rear boundary to comply with the acceptable solution related to privacy;
- Slight change to shape of the deck on Unit 3 (previously had a shaved corner, now square).

The amended plans have been agreed upon by the appellants with TasWater indicating that the application would require a separate approval for the works near the infrastructure easement at the south and west of the block. The amended development plans are included at Attachment 2.

Council has received expert legal advice from Simmons Wolfhagen. In summary, the legal advice provides:

“...amended plans demonstrate that the proposal would be deemed to comply with the requirements of the now applicable Tasmanian Planning Scheme – Clarence in respect of the issues raised by ground of refusal 1.”

While the application was considered and determined under the previous provisions of the Clarence Interim Planning Scheme 2015, prior to Interim Planning Directive No. 4 taking effect, if the amended application was lodged afresh under the current Tasmanian Planning Scheme – Clarence, the design would comply with the new prescribed building envelope and privacy standards.

The expert legal advice recommends Council enters into a consent agreement to resolve the appeal, given that were the application lodged afresh under the Tasmanian Planning Scheme – Clarence, the design would satisfy the relevant Acceptable Solutions and thus be a “permitted” application.

The appellants advise that they are willing to enter into a consent agreement to resolve the appeal on the basis of the amended plans. Should a consent agreement to resolve the appeal not be entered into, the appeal would proceed to a full hearing. If Council is agreeable to the appeal being resolved on the basis of the amended plans, Simmons Wolfhagen will be instructed to prepare the consent agreement.

3. CONCLUSION

It is recommended that based on the revised proposal plans provided during the appeal and the confirmation of the other parties, that Council agrees to a Consent Agreement which approves the development subject to conditions.

Attachments: 1. Revised Grounds of Refusal (1)
2. Amended Proposal Plans (23)

Bruce Gibbs
ACTING MANAGER CITY PLANNING

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

**TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
IN THE RESOURCE AND PLANNING STREAM**

No. 19/22P

PINNACLE DRAFTING & DESIGN

Appellant

CLARENCE CITY COUNCIL

Respondent

TASMANIAN WATER AND SEWERAGE CORPORATION PTY LTD

Joined Party

REVISED GROUNDS OF REFUSAL

1. The proposal does not meet the acceptable solution with respect to clause 10.4.2 A3 of the *Clarence Interim Planning Scheme* 2015 ('**Scheme**') as the dwellings are not contained within the applicable building envelope. The proposal does not meet the performance criterion with respect to clause 10.4.2 P3(a) of the Scheme in that the siting and scale of the dwellings will cause an unreasonable loss of amenity to the property at unit 2/28 Stanley Street, Bellerive in Tasmania, having regard to the:
 - (a) reduction in sunlight to a habitable room (kitchen); and
 - (b) overshadowing of the private open space.
2. The proposal does not meet the acceptable solution with respect to clause 10.4.6 A2 of the Scheme as both units 3 and 4 have two (2) large south facing windows on the second storey, more than 1 metre above the existing ground level. These windows will not be setback 4 metres from the rear boundary, will not be offset horizontally from existing windows of another dwelling, do not have a sill height of 1.7 metres or have fixed obscure glazing and is not screened for the full length of the window.

The proposal does not meet the performance criteria with respect to clause 10.4.6 P2 of the Scheme in that both units 3 and 4 have two (2) large south facing windows in a habitable room of the dwellings that has a floor level of more than 1m above the existing ground level that are not screened or otherwise located or designed to minimise direct views to a window or glazed door to a habitable room of another dwelling or the private open space of another dwelling.

Particulars

- (a) The dining room window for unit 2 would provide direct views to the north facing kitchen and living room windows of unit 2/28 Stanley Street, Bellerive in Tasmania.
- (b) The lounge room window of unit 3 would provide direct views to the glazed door of the lounge room of unit 3/25A High Street Bellerive in Tasmania.
- (c) The Dining room window of Unit 3 would provide direct views to the private open space of unit 2/28 Stanley Street, Bellerive in Tasmania.

Clarence City Council

Filed on behalf of the Clarence City Council

Simmons Wolfhagen Lawyers
Level 4, 99 Bathurst Street
HOBART TAS 7000

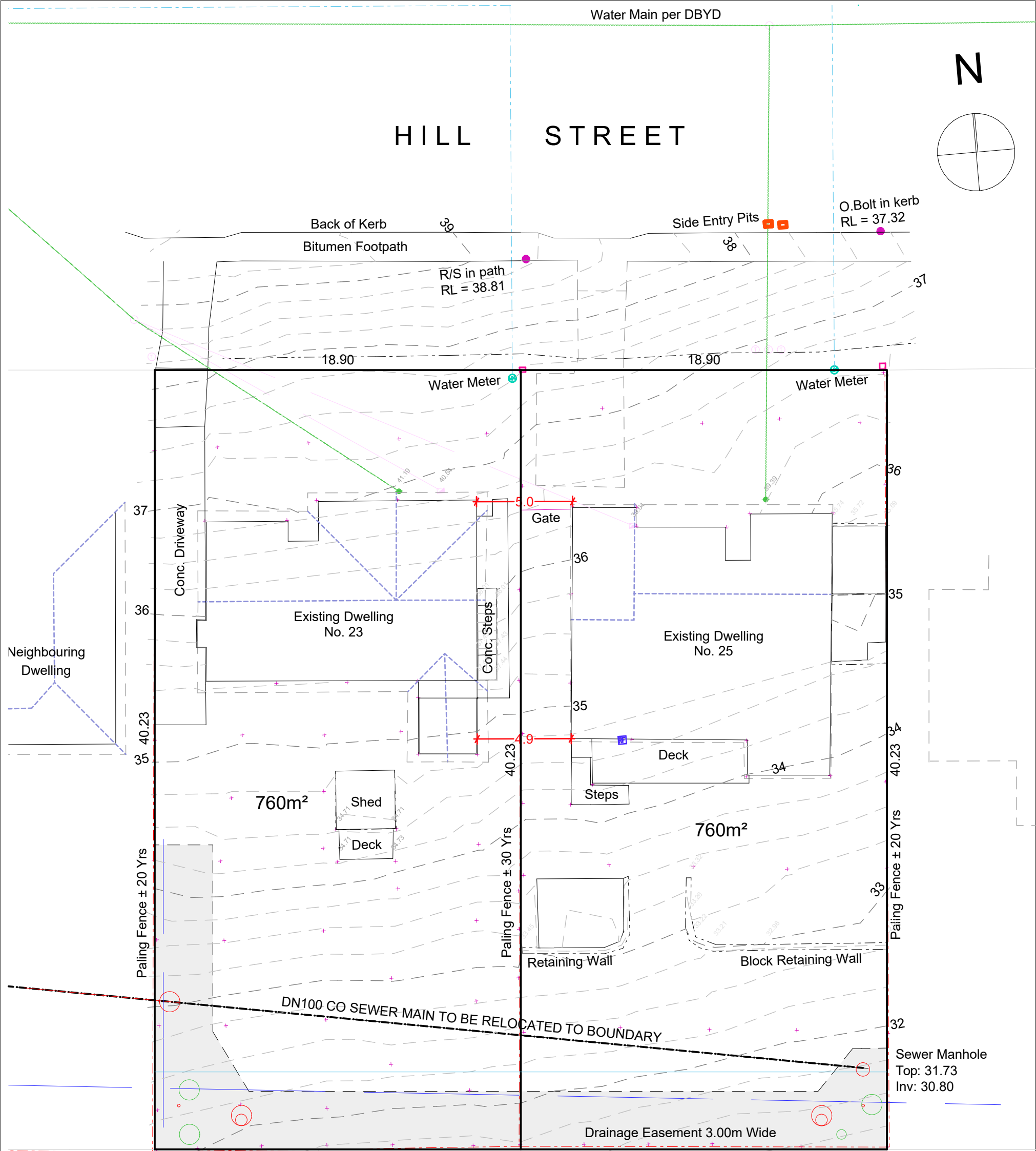
DX 114, Hobart
Tel: 03 6226 1200
Fax: 03 6226 1292
Ref: Nathan Street - 220786

23 & 25 Hill St, Bellerive

General Information	
Designer	Jason Nickerson CC6073Y
Owner(s) or Clients	Brent McDermont & Belinda Collis
Building Classification	1a
Title Reference	20241/3
Climate Zone	7
Zoning	General Residential



Drawing No:	Description
DA.01	Existing Site Plan
DA.02	Site Plan
DA.03	Landscaping Plan
DA.04	23 Hill Street Existing H...
DA.05	Unit 1 - 25 Hill Street
DA.06	Unit 2 Lower Floor Plan
DA.07	Unit 2 Upper Floor Plan
DA.08	Unit 3 Lower Floor Plan
DA.09	Unit 3 Upper Floor Plan
DA.10	Sections
DA.11	Elevations
DA.12	Elevations
DA.13	Elevations
DA.14	Elevations
DA.15	3D Building Envelope
DA.16	Shadow Study 01
DA.17	Shadow Study 02
DA.18	Shadow Study 03
DA.19	Shadow Study 04
DA.20	Shadow Study 05
DA.21	3D Sun Study June 21
DA.22	3D Sun Study Sep 21



Existing Site Plan

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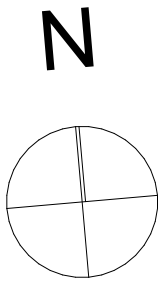
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Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	

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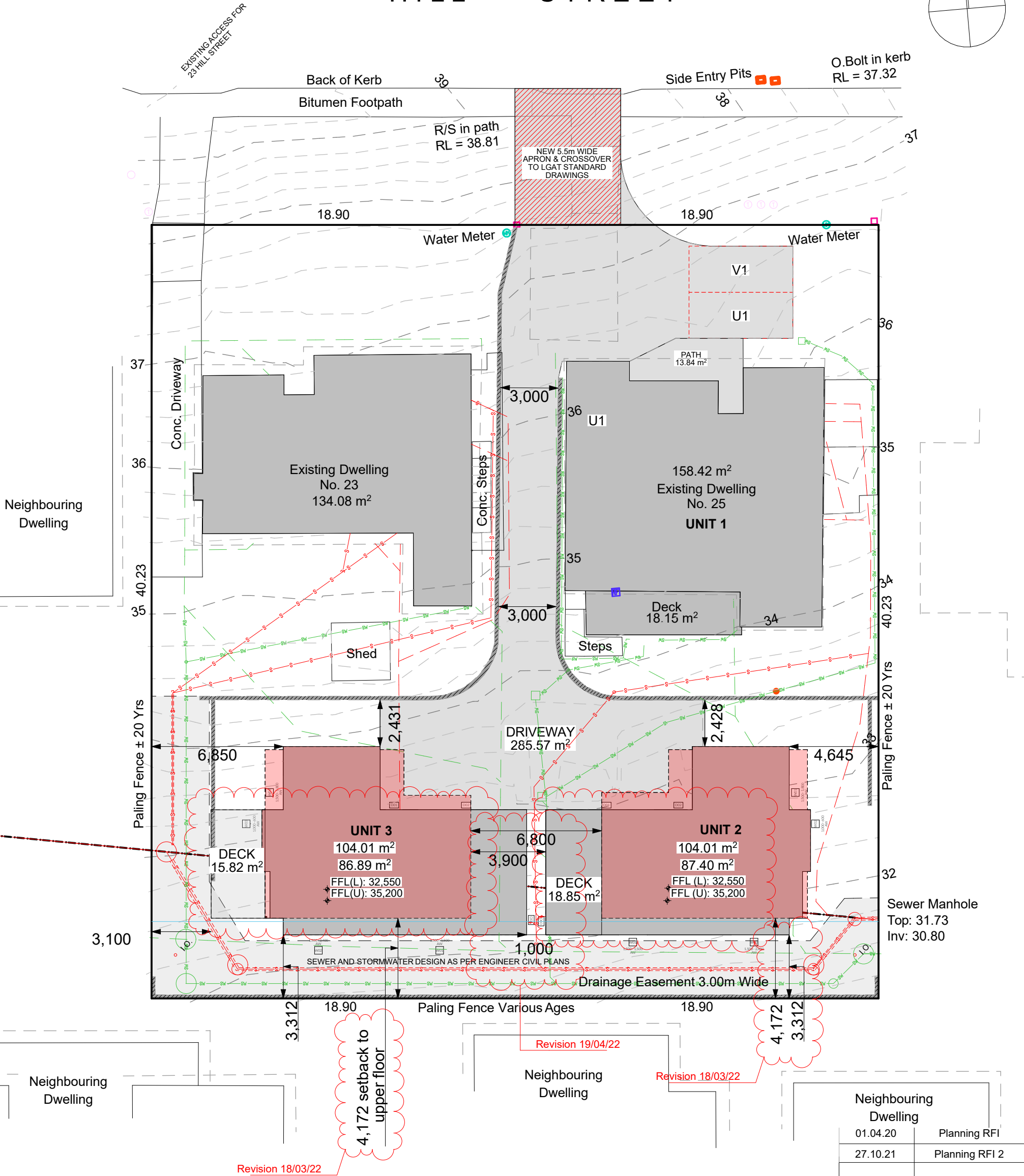
Amendments	
Date	Description
01.04.20	Planning RFI
27.10.21	Planning RFI 2



Site Areas	
Site area	1069.51 sqm
Total Building Area	389.02 sqm
Total Site Coverage	36.37%



HILL STREET



Site Plan

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Proposal:	Unit Development	Scale:	Job No: 164-2019	Pg No: DA.02
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
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Neighbouring Dwelling

01.04.20	Planning RFI
27.10.21	Planning RFI 2

bdca

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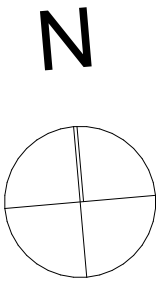
pinnacle

DRAFTING&DESIGN

E6.0 Parking & Access Code	
minimum 6 + 1 visitor parking	2 plus 1 visitor per 4 dwellings

Parking	
6+1 visitor	Total Provided
Impervious Areas	
1069.51 sqm	Site area
389.02 sqm	Total Building Area
281.73 sqm	Driveway Area
670.75 sqm	Total Area
37.28%	Impervious Free

HILL STREET



Landscaping Plan

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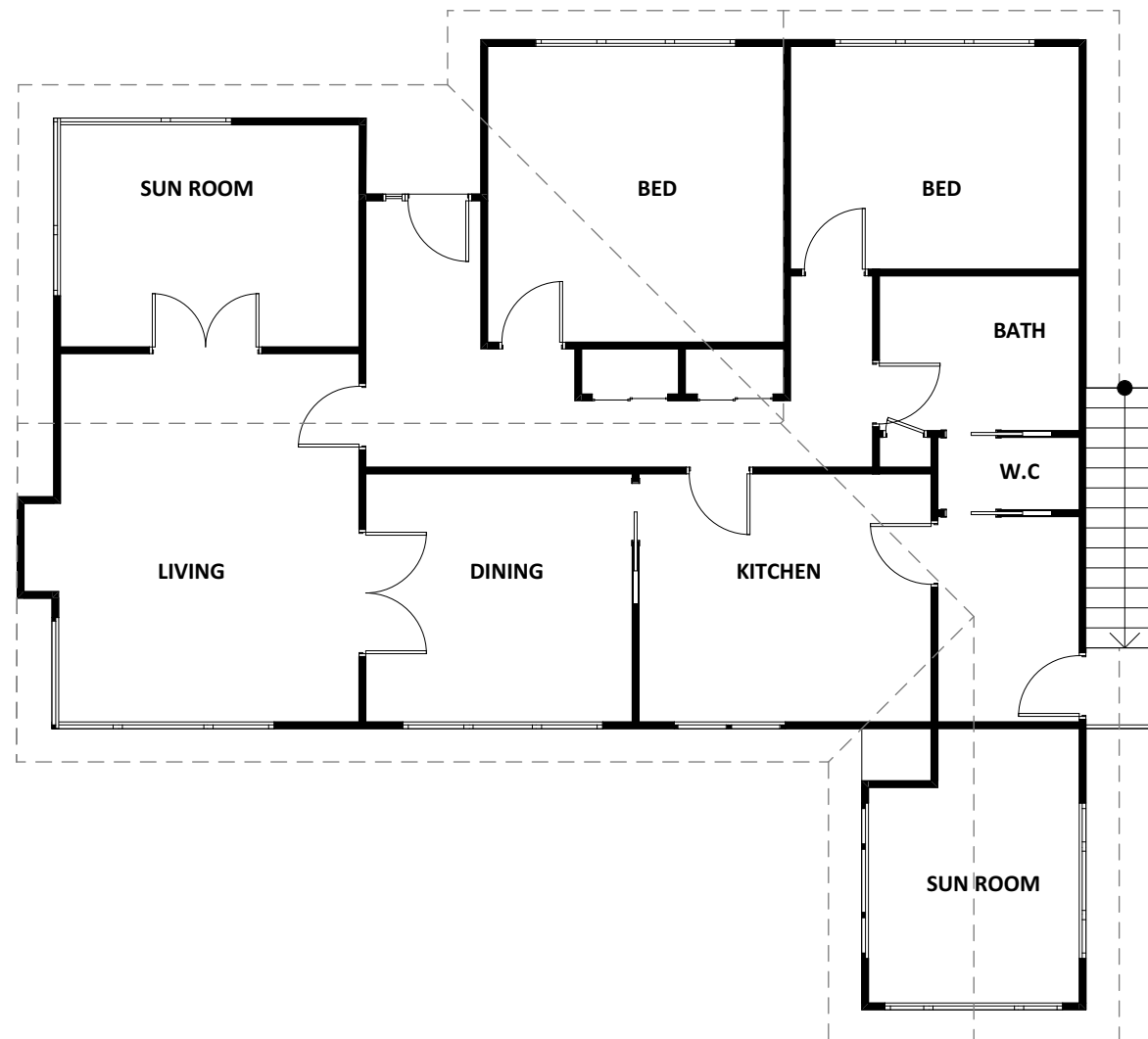
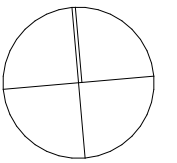
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Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	

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Amendments	
Date	Description
01.04.20	Planning RFI
27.10.21	Planning RFI 2



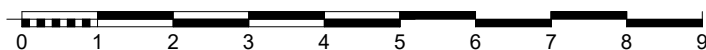
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Total	134 sqm
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23 Hill Street Existing House



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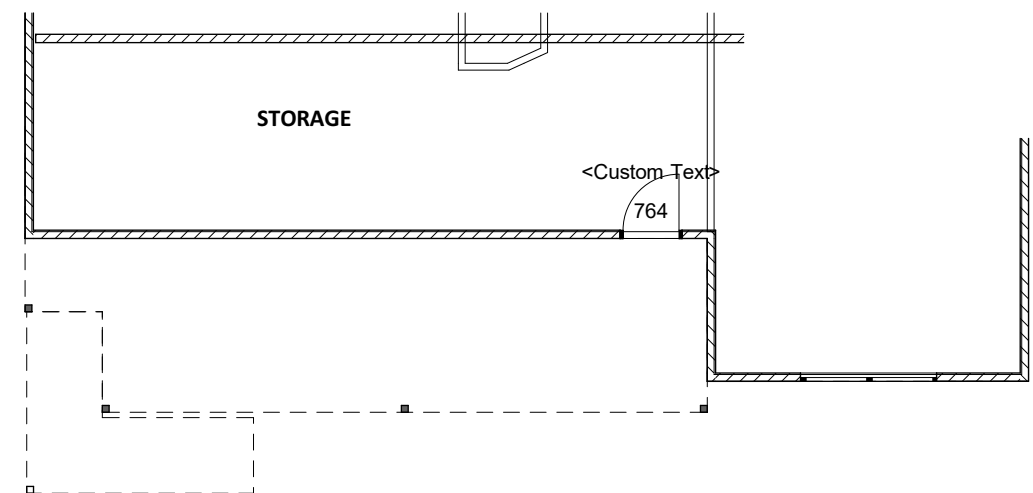
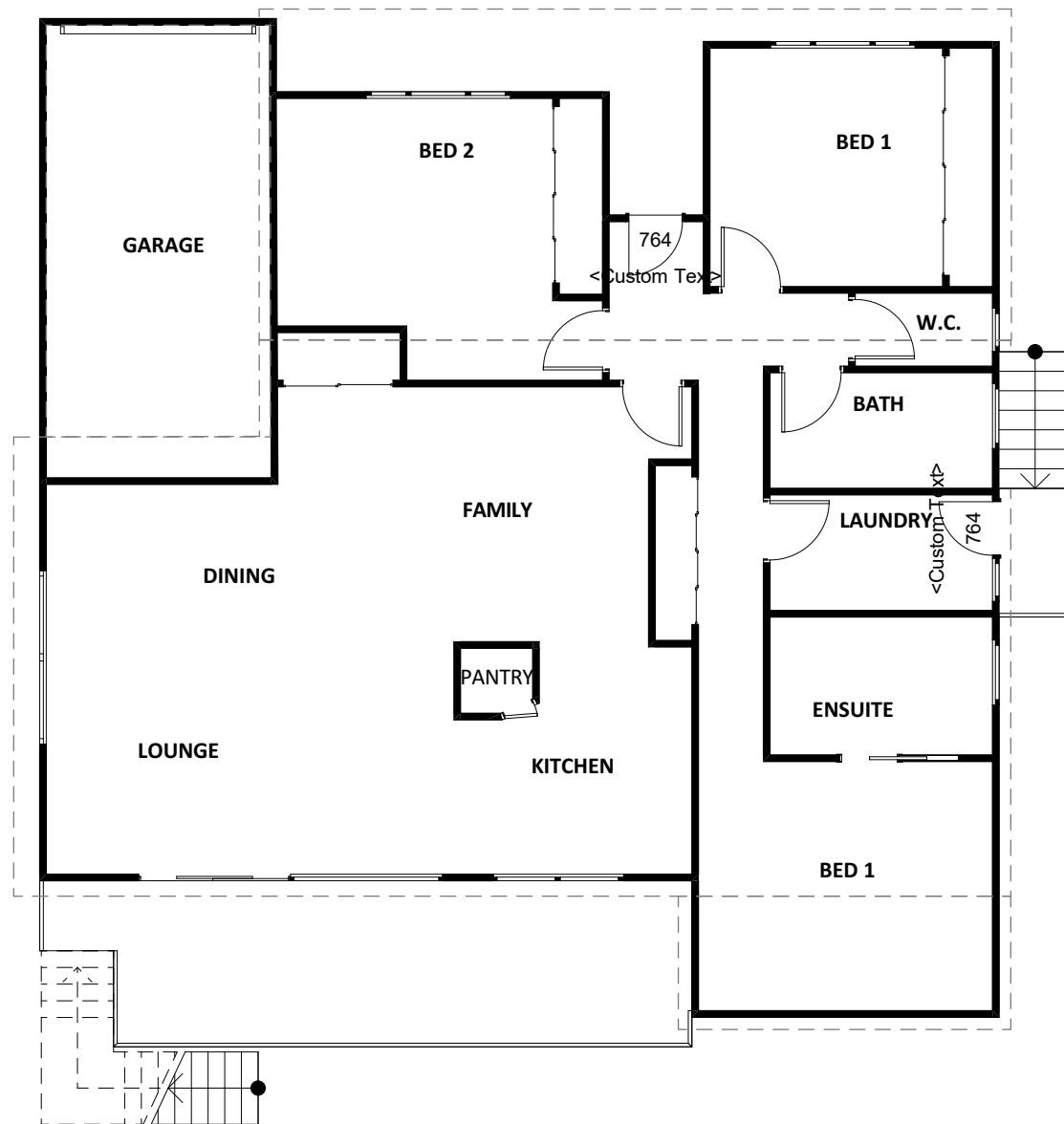
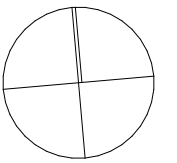
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Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	

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Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2
18.03.22	Tribunal Further Info



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Total	158.52 sqm
Deck	18.15 sqm

Unit 1 - 25 Hill Street



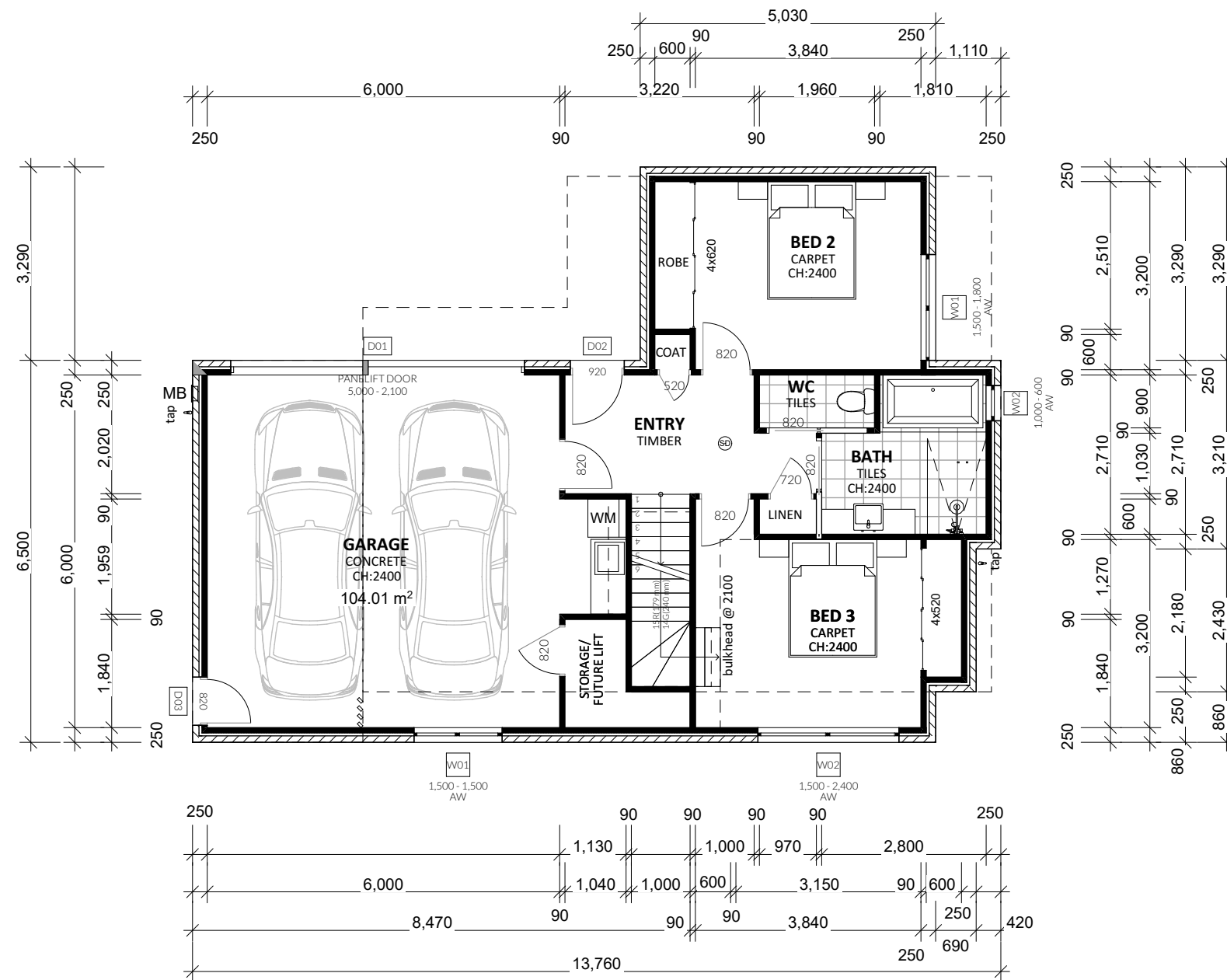
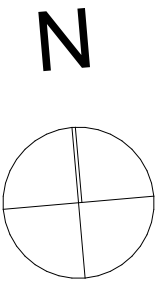
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Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
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18.03.22	Tribunal Further Info





Floor Areas	
Lower Floor	102.34 sqm
Upper Floor	93.31 sqm
Total	195.65 sqm
Deck	18.85 sqm

Unit 2 Lower Floor Plan



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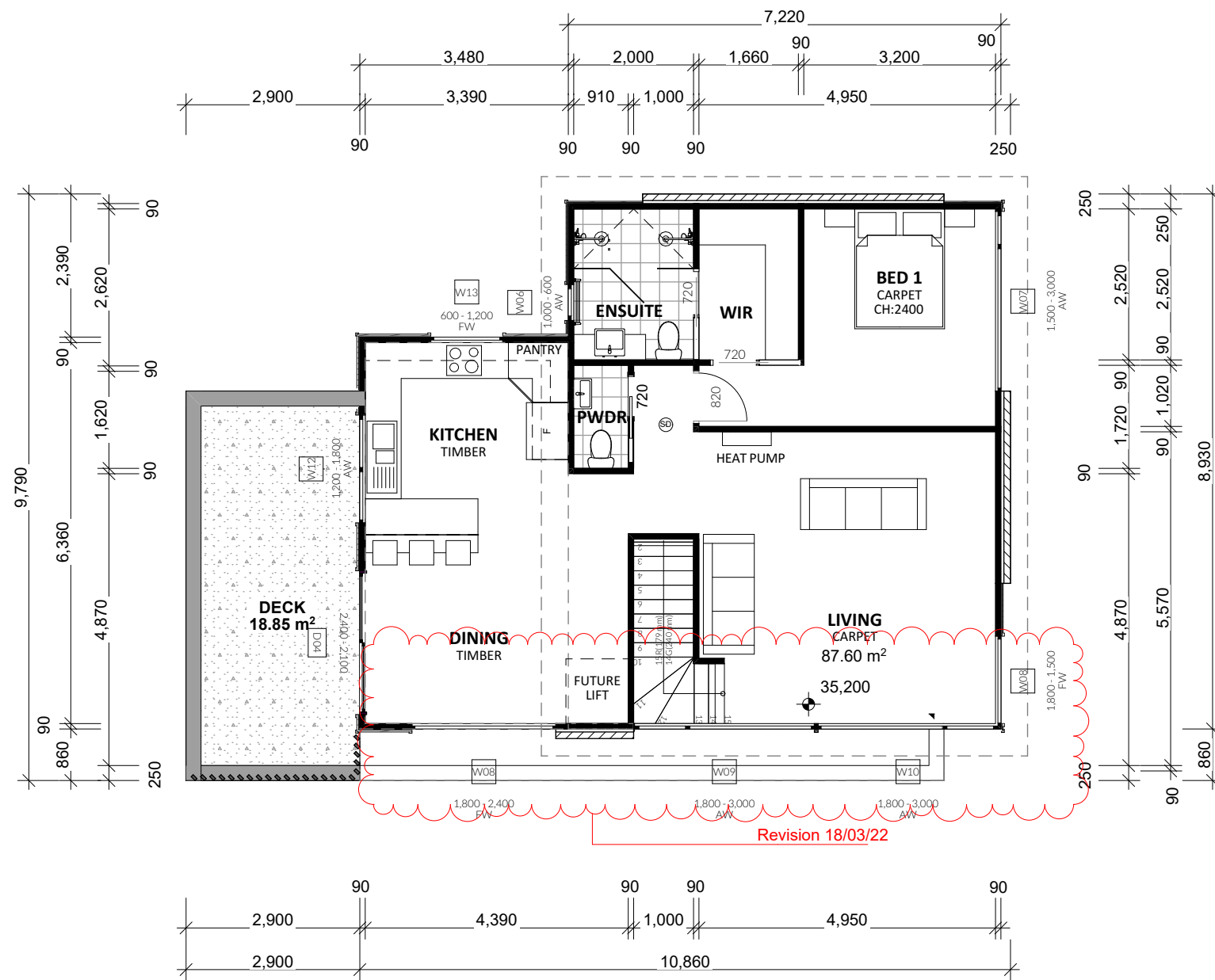
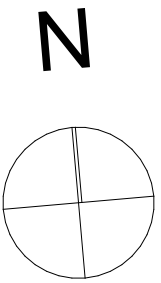
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18.03.22	Tribunal Further Info



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Floor Areas	
Lower Floor	104.01 sqm
Upper Floor	87.60 sqm
Total	191.61 sqm
Deck	18.85 sqm

Unit 2 Upper Floor Plan



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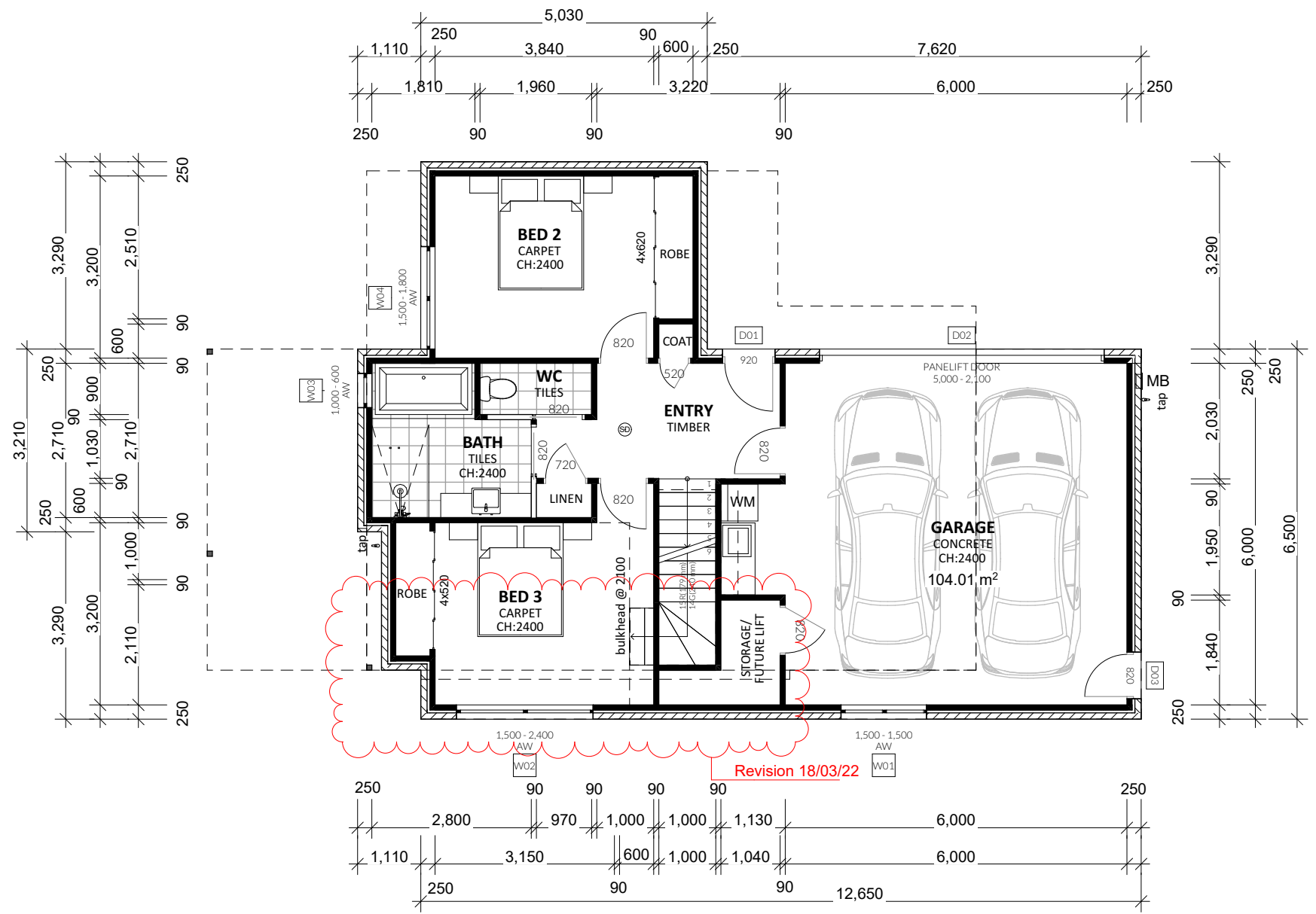
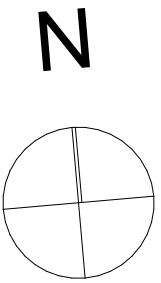
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Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
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18.03.22	Tribunal Further Info



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Floor Areas	
Lower Floor	104.01 sqm
Upper Floor	87.09 sqm
Total	191.10 sqm
Deck	15.79 sqm

Unit 3 Lower Floor Plan



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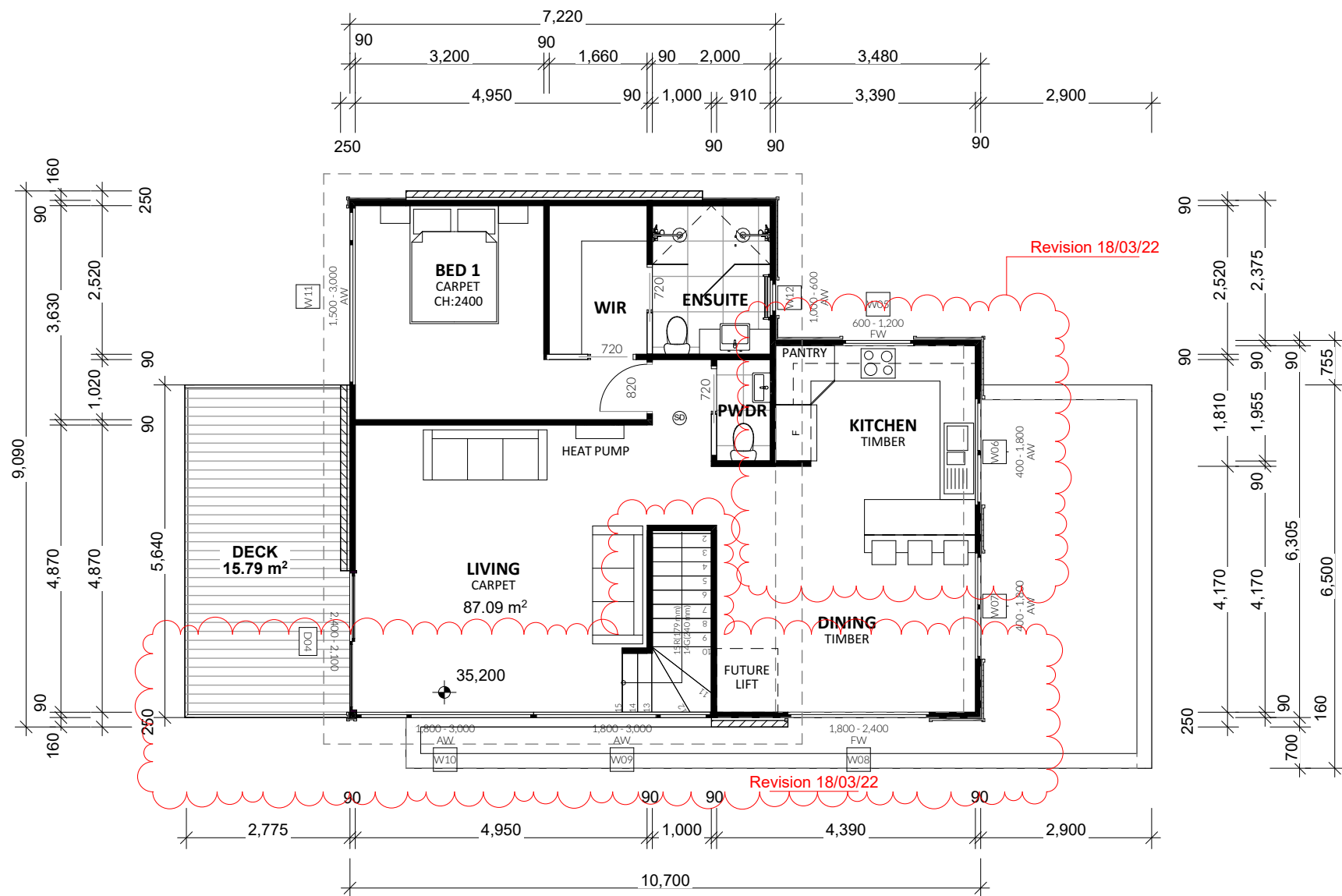
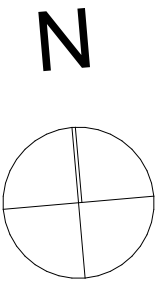
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Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
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18.03.22	Tribunal Further Info


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Floor Areas	
Lower Floor	104.01 sqm
Upper Floor	87.09 sqm
Total	191.10 sqm
Deck	15.79 sqm

Unit 3 Upper Floor Plan

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Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
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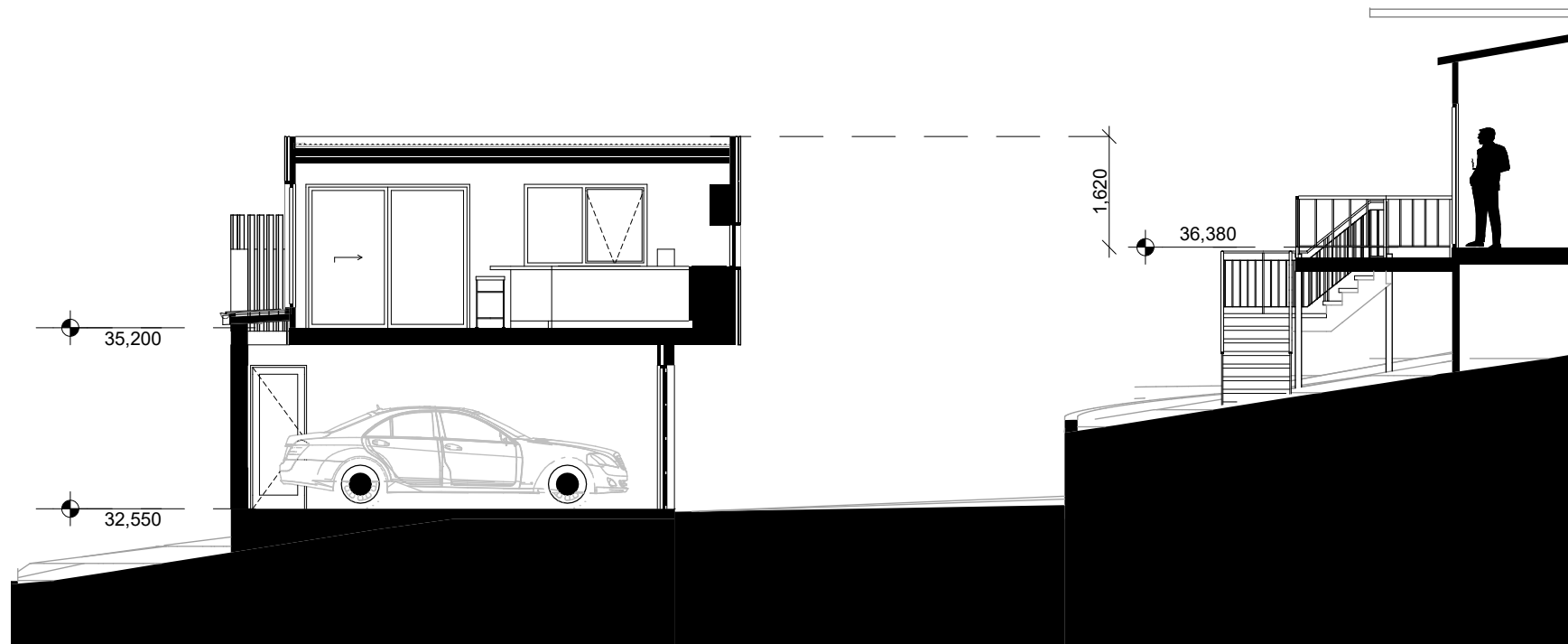
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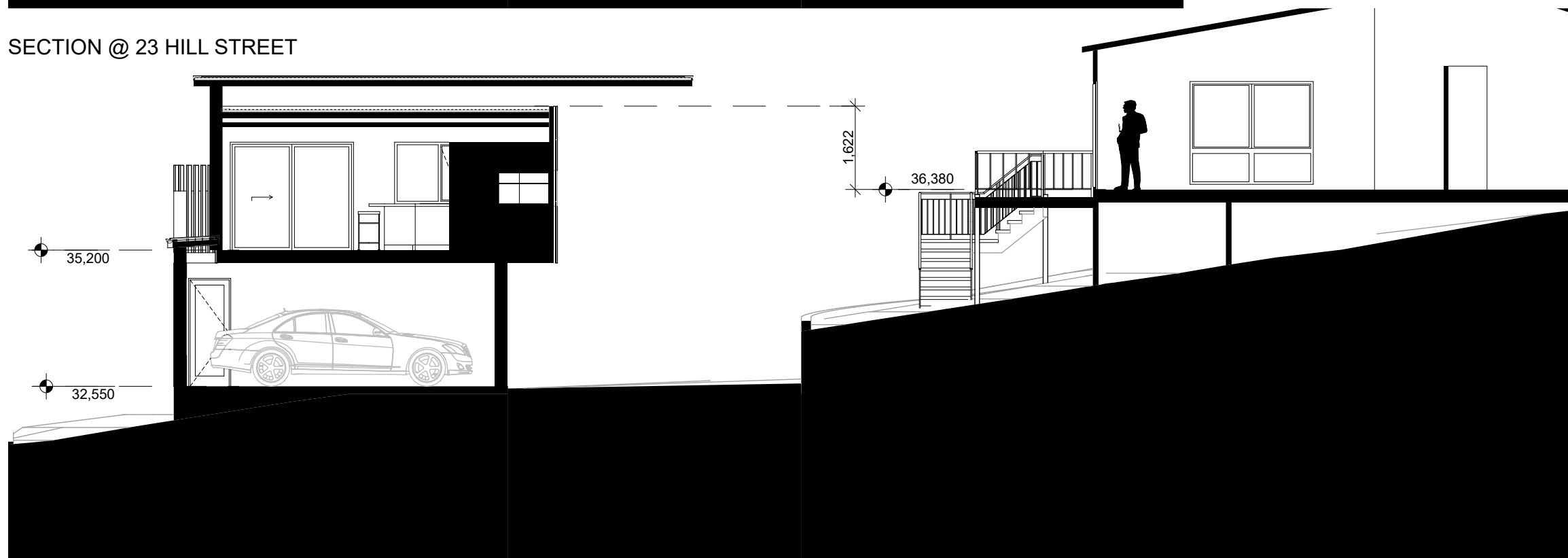


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SECTION @ 23 HILL STREET



SECTION @ 25 HILL STREET

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Sections

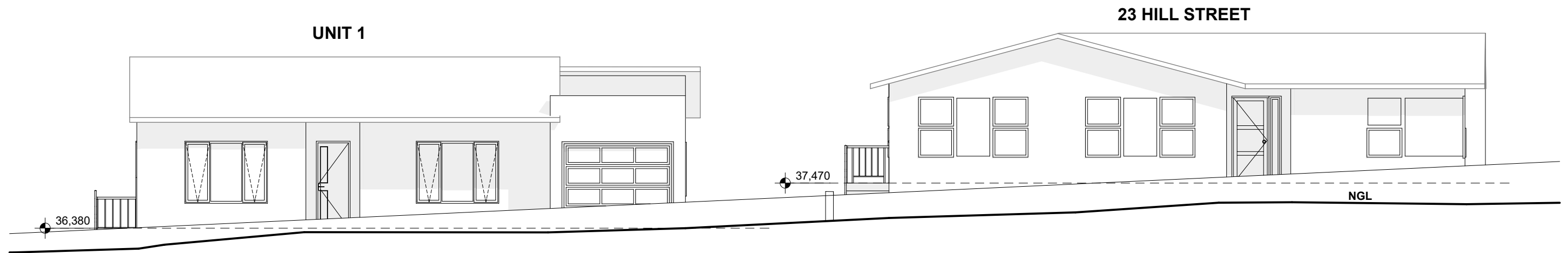


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Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	

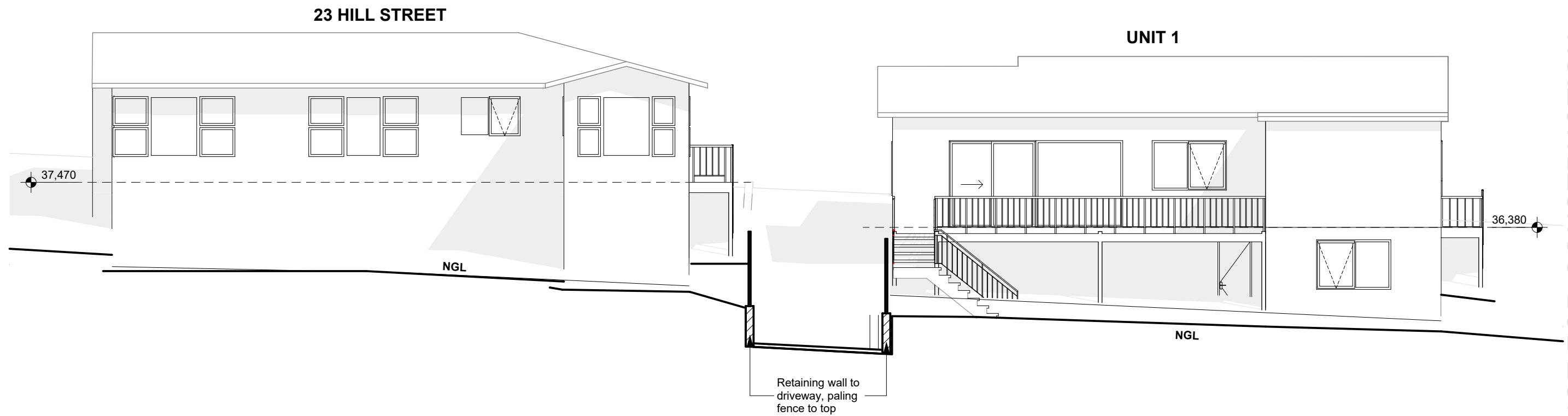
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27.10.21	Planning RFI 2
18.03.22	Tribunal Further Info





U1 & 23 Hill Street North Elevation



U1 & 23 Hill Street South Elevation

Elevations

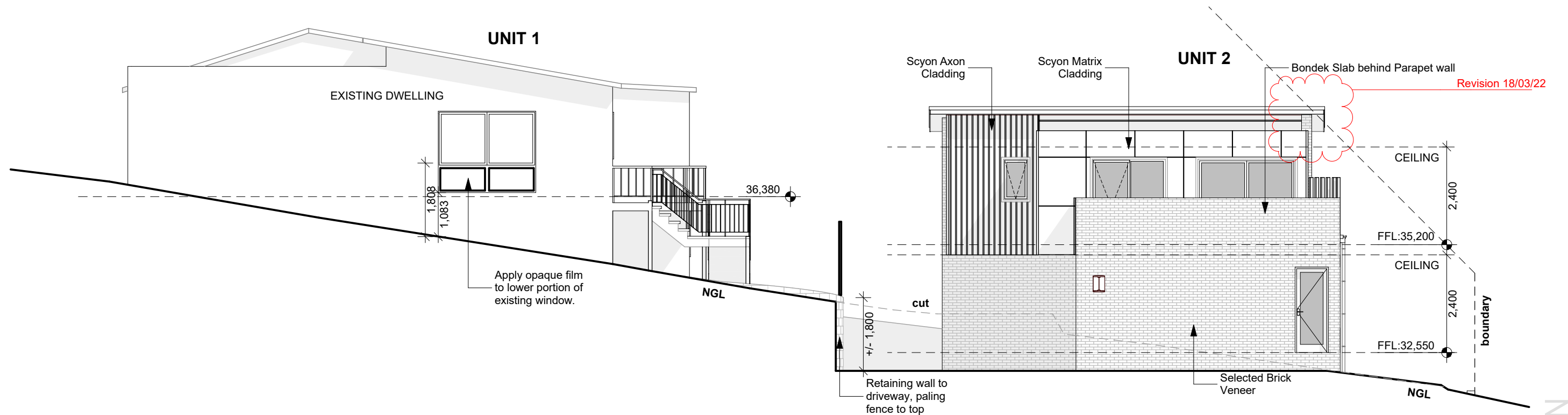


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Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	

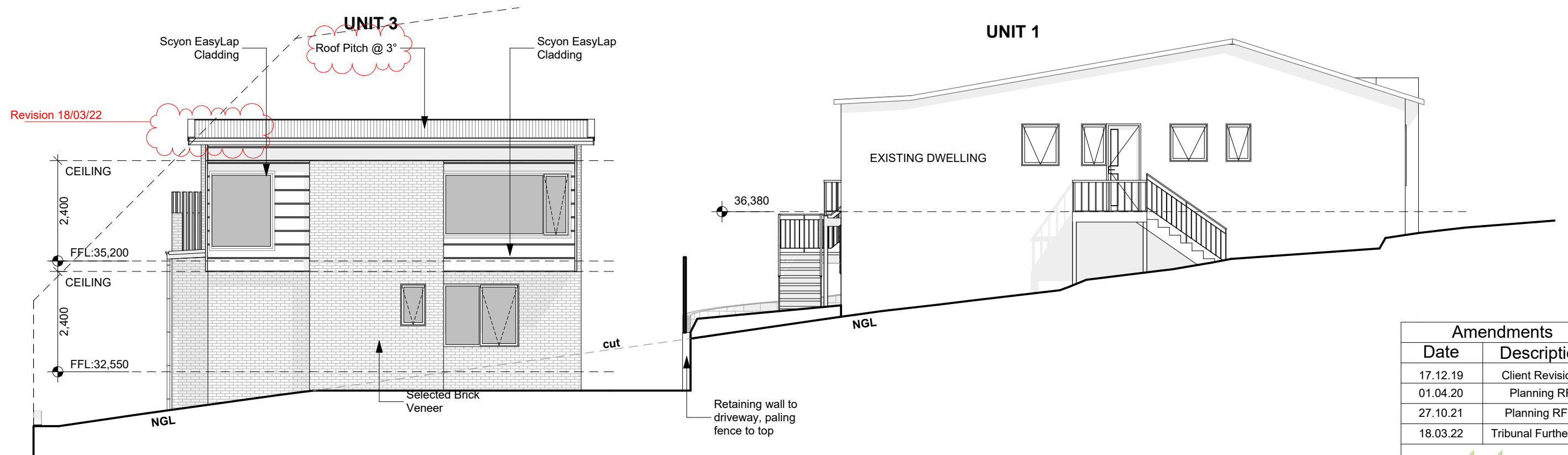
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17.12.19	Client Revisions
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U1 & U2 West Elevation



U1 & U3 East Elevation

Elevations



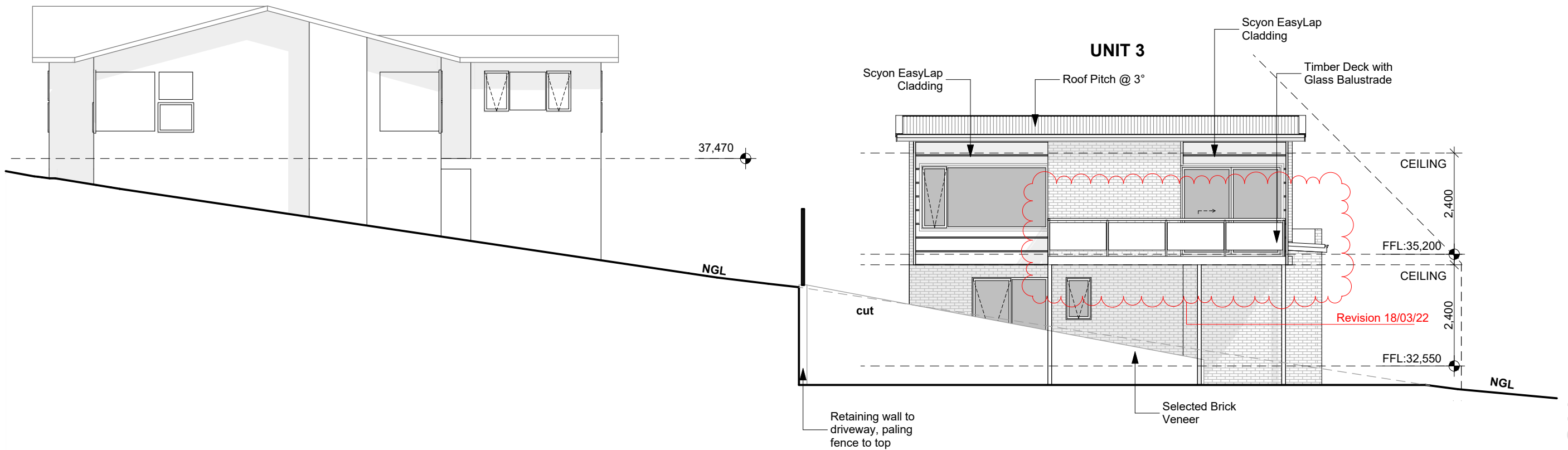
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Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
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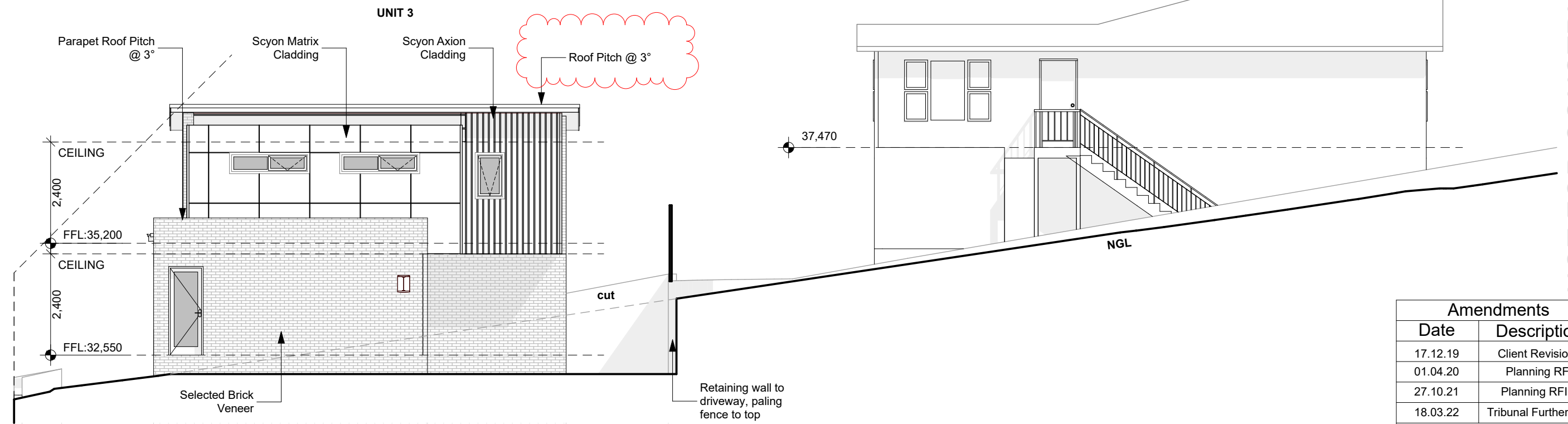
Amendments	
Date	Description
17.12.19	Client Revisions
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18.03.22	Tribunal Further Info



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23 Hill St & U3 West Elevation



23 Hill Street & U3 East Elevation

Elevations



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Proposal:	Unit Development	Scale: 1:100 @ A3	Job No: 164-2019	Pg No: DA.13
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	

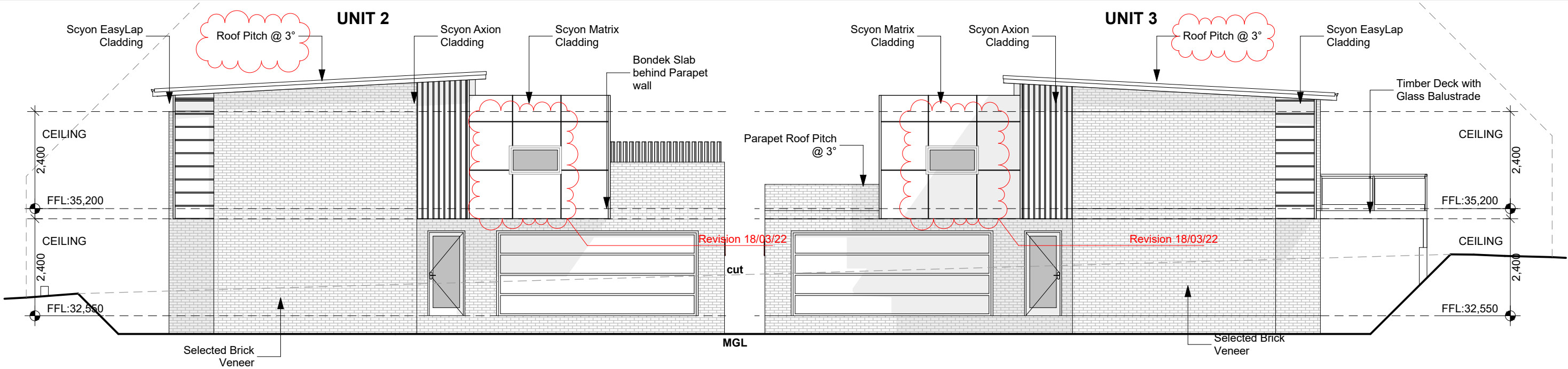
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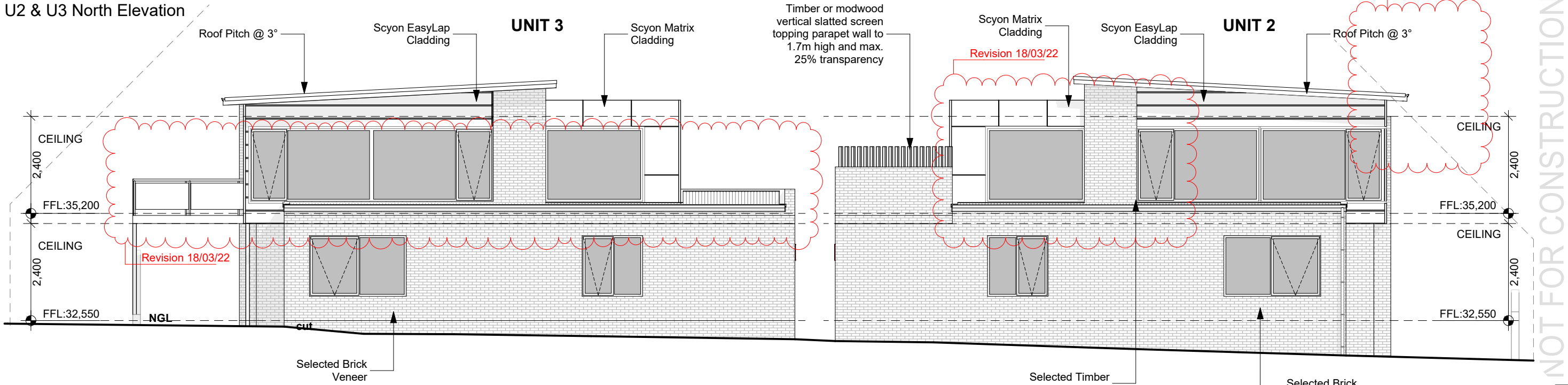
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U2 & U3 North Elevation



U2 & U3 South Elevation

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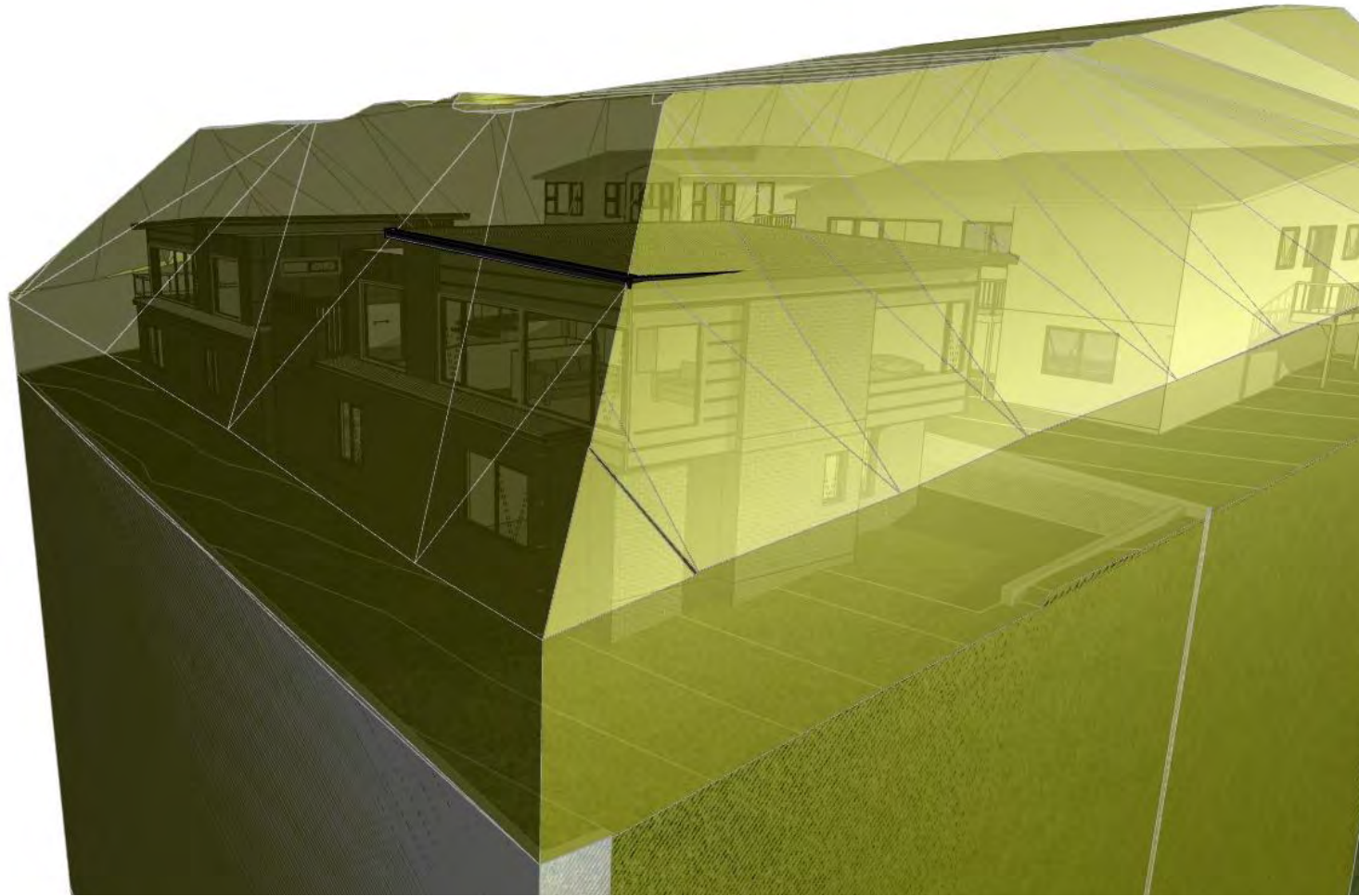
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Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au				

Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2
18.03.22	Tribunal Further Info

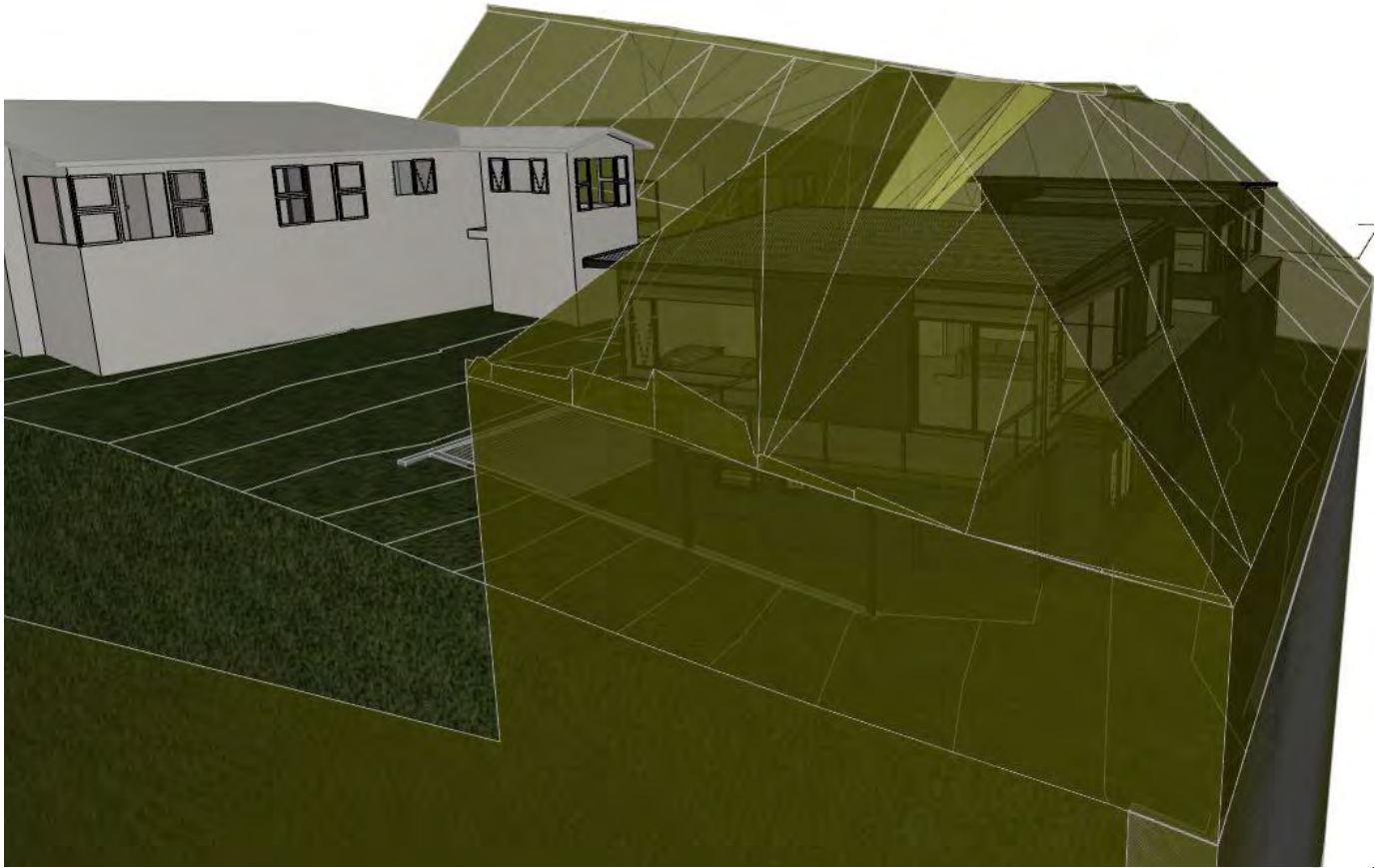


Elevations





BUILDING ENVELOPE



BUILDING ENVELOPE

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3D Building Envelope



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Proposal:	Unit Development	Scale: 1:204.37 @ A3	Job No: 164-2019	Pg No: DA.15
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	

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Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2
18.03.22	Tribunal Further Info





SHADOWS @ 0900 ON JUNE 21st



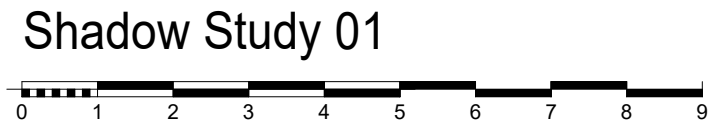
SHADOWS @ 1000 ON JUNE 21st



SHADOWS @ 1100 ON JUNE 21st



SHADOWS @ 1200 ON JUNE 21st



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Proposal:	Unit Development	Scale:	@ A3	Job No: 164-2019	Pg No: DA.16
Client:	Brent McDermont & Belinda Collis	Date:	14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn:	JRN	Building Surveyor:	
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Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2
18.03.22	Tribunal Further Info



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SHADOWS @ 1300 ON JUNE 21st



SHADOWS @ 1400 ON JUNE 21st



SHADOWS @ 1500 ON JUNE 21st

Shadow Study 02



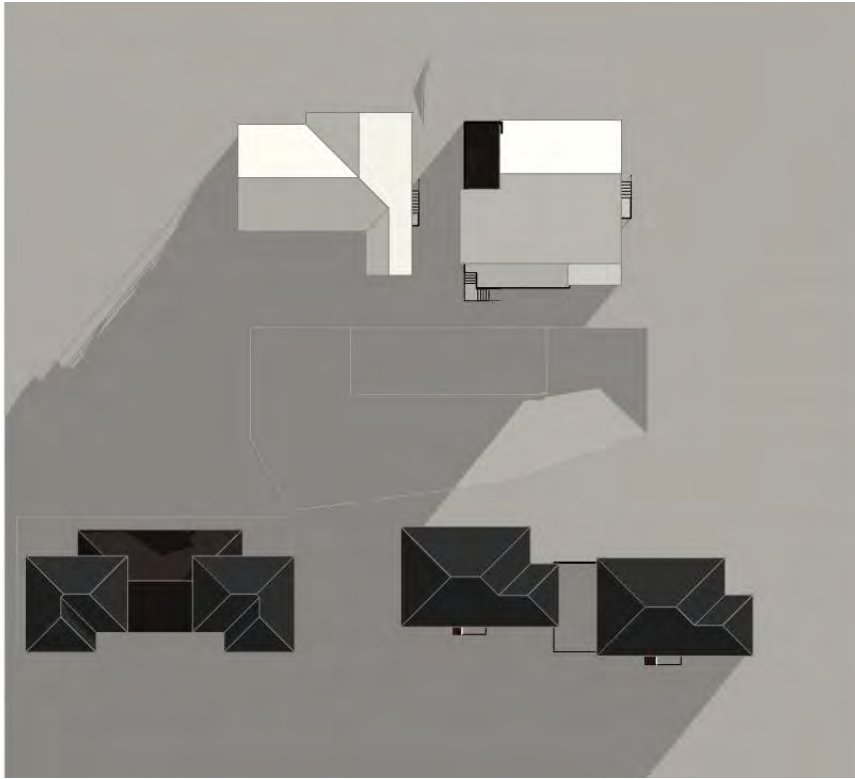
Proposal:	Unit Development	Scale:	@ A3	Job No: 164-2019	Pg No: DA.17
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:		
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:		
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Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2
18.03.22	Tribunal Further Info


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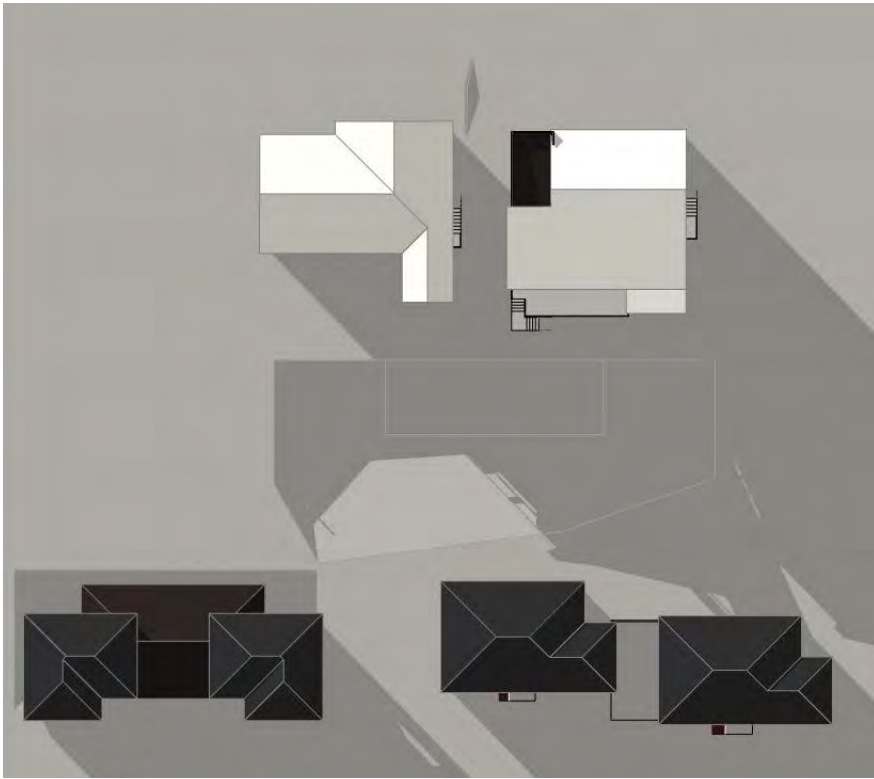
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SHADOWS @ 0900 ON JUNE 21st



SHADOWS @1200 ON JUNE 21st



SHADOWS @ 1500 ON JUNE 21st

Shadow Study 03



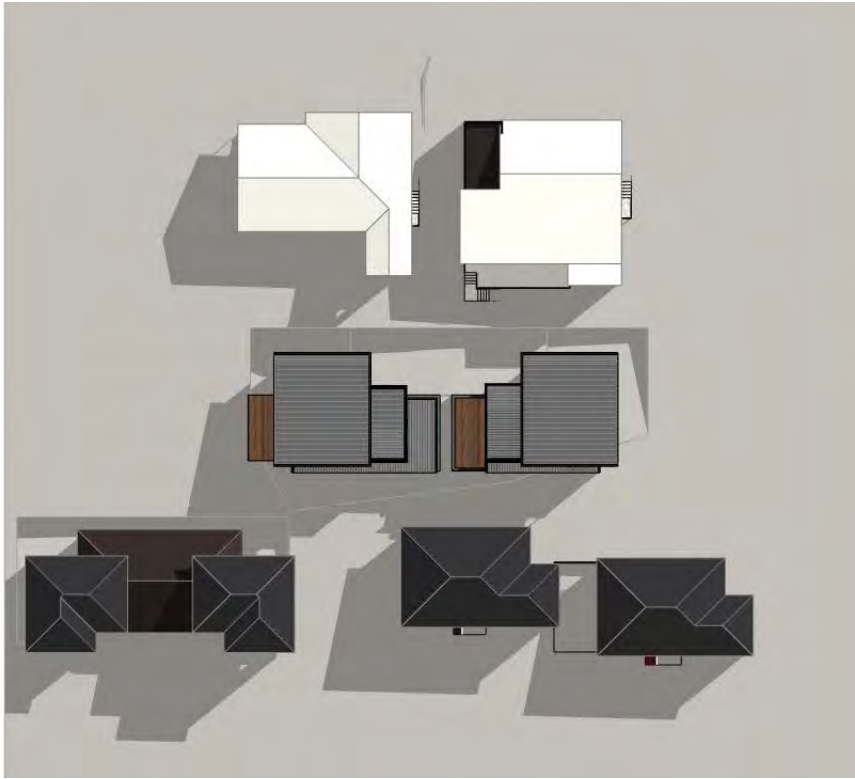
Proposal:	Unit Development	Scale:	@ A3	Job No: 164-2019	Pg No: DA.18
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:		
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:		
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Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
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18.03.22	Tribunal Further Info


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SHADOWS @ 0900 ON SEPTEMBER 21st



SHADOWS @ 1000 ON SEPTEMBER 21st



SHADOWS @ 1100 ON SEPTEMBER 21st




SHADOWS @ 1100 ON SEPTEMBER 21st

Shadow Study 04



Proposal:	Unit Development	Scale:	@ A3	Job No: 164-2019	Pg No: DA.19
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:		
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:		
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au					

Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
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18.03.22	Tribunal Further Info



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SHADOWS @ 1300 ON SEPTEMBER 21st



SHADOWS @ 1400 ON SEPTEMBER 21st



SHADOWS @ 1500 ON SEPTEMBER 21st

Shadow Study 05



Proposal:	Unit Development	Scale:	@ A3	Job No:	164-2019	Pg No:	DA.20
Client:	Brent McDermont & Belinda Collis	Date:	14.11.19	Engineer:			
Address:	23 & 25 Hill St, Bellerive	Drawn:	JRN	Building Surveyor:			

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Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2
18.03.22	Tribunal Further Info


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JUNE 21 9 AM



JUNE 21 10 AM



JUNE 21 11 AM



JUNE 21 NOON



JUNE 21 1 PM



JUNE 21 2 PM



JUNE 21 3 PM



JUNE 21 4 PM



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JUNE 21 1 PM



JUNE 21 2 PM

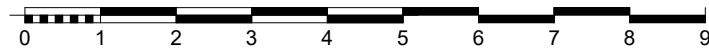


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3D Sun Study June 21




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Proposal:	Unit Development	Scale:	@ A3	Job No:	164-2019	Pg No:	DA.21
Client:	Brent McDermont & Belinda Collis	Date:	14.11.19	Engineer:			
Address:	23 & 25 Hill St, Bellerive	Drawn:	JRN	Building Surveyor:			
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18.03.22	Tribunal Further Info



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SEP 21 9 AM



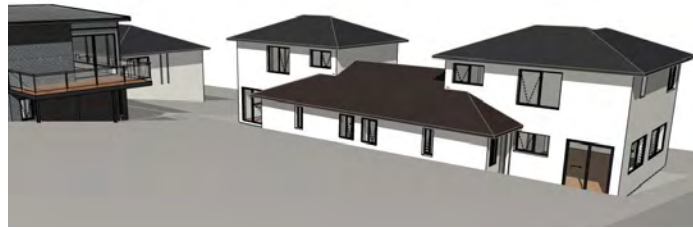
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SEP 21 4 PM

3D Sun Study Sep 21



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Proposal:	Unit Development	Scale:	@ A3	Job No:	164-2019	Pg No:	DA.22
Client:	Brent McDermont & Belinda Collis	Date:	14.11.19	Engineer:			
Address:	23 & 25 Hill St, Bellerive	Drawn:	JRN	Building Surveyor:			

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18.03.22	Tribunal Further Info



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8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS
--

Nil Items.

8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 QUARTERLY REPORT TO 31 MARCH 2022****EXECUTIVE SUMMARY****PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 January 2022 to 31 March 2022.

RELATION TO EXISTING POLICY/PLANS

The Report uses as its base the Annual Plan adopted by Council and is consistent with Council's adopted Strategic Plan 2021-2031.

LEGISLATIVE REQUIREMENTS

There is no specific legislative requirement associated with regular internal reporting.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

The Quarterly Report provides details of Council's financial performance for the period.

RECOMMENDATION

That the Quarterly Report to 31 March 2022 be received.

ASSOCIATED REPORT

The Quarterly Report to 31 March 2022 has been provided under separate cover.

Ian Nelson

GENERAL MANAGER

8.4.2 DELEGATION UNDER THE LOCAL GOVERNMENT ACT (TAS.) 1993**EXECUTIVE SUMMARY****PURPOSE**

To consider the addition of a council delegation under the Local Government Act 1993.

RELATION TO EXISTING POLICY/PLANS

The delegation sought is specifically to deal with daily operational matters and will not impact on any pre-existing policies or strategies of Council.

LEGISLATIVE REQUIREMENTS

Section 22 of the Local Government Act 1993 provides that a Council, in writing, may delegate with or without conditions to the General Manager, any of its functions or powers under any Act.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council resolves that the following delegation be approved and added to the Schedule of Delegations in respect to the Local Government Act 1993 (Tas.).

NO.	ACT REF	DETAILS OF DELEGATION	DELEGATION
182	Local Government Act 1993 s.175	To lease land for any purpose which the General Manager considers to be of benefit to the council or to the community.	General Manager

ASSOCIATED REPORT**1. BACKGROUND**

Council regularly approves a range of delegations under various legislation as a means of better effecting the provision of services to its community. Section 22 of the Local Government Act 1993 (Tas.) ("LGA") enables Council to delegate its functions and powers to the General Manager.

2. REPORT IN DETAIL

2.1. Section 175 of the LGA provides:

“175. Purchase or lease of land

A council may purchase or lease land for any purpose which it considers to be of benefit to the council or the community.”

- 2.2.** Council does not currently have a delegation in respect of section 175. This means that if Council wishes to lease land (which includes buildings) from another party, it must seek a Council decision to do so. Council regularly enters into leases with the Crown for sections of foreshore, multi-user pathways, reserved land and other sections of Crown land. It is administratively more efficient if the power contained in section 175 for Council to lease land from another party is delegated to the General Manager.
- 2.3.** The delegation will also cover circumstances where Council wishes to lease land or buildings for its own operational purposes. Such circumstances will ordinarily include a budget allocation dealing with costs, which Council would approve in accordance with its budget Estimates.
- 2.4.** The proposed delegation has been confined so that the General Manager can only lease land. Purchase of land will still require a Council decision.
- 2.5.** The General Manager already has delegation under the LGA to lease land to another party in accordance with section 179 of the LGA. This includes leasing Council land and/or buildings to another party for residential, exclusive benefit, domestic, cultural and recreational uses for a maximum period of nine years for non-public land or up to five years for public land. Some examples where Council leases land and/or buildings under this delegation are domestic licences in Lauderdale where a section of Council land is fenced in with residential properties and short-term leases to sporting clubs to lease a clubroom. This delegation excludes the General Manager from leasing major community and recreation facilities such as Bellerive Oval or the Clarence Aquatic Centre which still requires a Council decision.

- 2.6.** Requirement for delegation under section 175 has come to light as a consequence of the General Manager's proposal to lease office space at 10 Bayfield Street, Rosny Park.
- 2.7.** By way of background, Council's current office at 38 Bligh Street, Rosny Park is at capacity and has been for some time. It is no longer possible to accommodate additional staff within the available space. Further, the number of staff accommodated within areas of the current building does not meet contemporary work area requirements, presenting a WHS risk. The proposed lease (for three years) will provide additional temporary office and meeting space for staff while plans are developed to expand and renovate the 38 Bligh Street Council Chambers building. Any upgrade or expansion of the Council Chambers site will be subject to separate Council decision.
- 2.8.** The lease of the office space will assist Council to meet its WHS obligations while also responding to the growth in services and programs required in response to significant growth within the City.

3. CONSULTATION

3.1. Community Consultation Undertaken

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

3.4. Further Community Consultation

Nil

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The change sought is specifically to deal with operational requirements and will not impact on any pre-existing policies or strategies of Council.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

The proposed delegation will assist in the efficient administration of Council's leasing of land such as Crown land as well as other operational leasing matters where Council has approved a budget allocation or where there is no budget impact.

7. FINANCIAL IMPLICATIONS

The Recommendation has no direct implications on Council's Annual Operating Plan.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. The LGA sets out the functions and powers of the Council, including the power under section 175 to lease and purchase land from another party for any purpose which it considers to be of benefit to Council or the community.

9.2. Council regularly enters into leases for the lease of land, for example, the lease of Crown land. It is administratively efficient that the General Manager be delegated the power to enter into a lease of another party's land and/or buildings on behalf of Council. It is not proposed to delegate the power to purchase land to the General Manager as the decision to purchase land should remain a Council decision.

Attachments: Nil.

Ian Nelson
GENERAL MANAGER

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD WALKER
VICTORIA ESPLANADE**

In accordance with Notice given, Ald Walker intends to move the following motion:

“That this Council:

- A. Acknowledges the length of elapsed time from the formulation of the Bellerive Bluff Foreshore Masterplan and the 2019 review motion.
- B. Notes that the Victoria Esplanade and Queen Street Masterplan is now significantly progressed and will come to council in June for discussion at a workshop.
- C. Following the workshop, expedite a community consultation of the draft Masterplan as soon as possible.
- D. Prioritise the design work for the Pier / Victoria Esplanade precinct as part of FY2022-23 budget deliberations in order for the project to be shovel ready and considered for commencement of tendering and construction in FY2023/24.
- E. Update the community and coast care groups on the way forward.”

EXPLANATORY NOTES

At the Council Meeting of 8 April 2019, the following motion was passed unanimously:

“That council undertakes a review of the 2013 Bellerive Bluff Foreshore Masterplan and a suspension of associated works is put in place until completion of the review. The review is to be concluded prior to the end of the of the 2019 calendar year.”

The original Bellerive Bluff Masterplan 2013 is nearly a decade old.

The Area is becoming increasingly activated with upgrades to Blundstone Arena and Bellerive Beach Park occurring since the plan’s adoption. At the other end a weekday ferry passenger service is in operation. Furthermore, since COVID there continues to be increased utilisation and appreciation of coastal walks.

In the intervening time council contracted Inspiring Place to undertake a new plan for this area and Queen Street. The Victoria Esplanade suggestions should be prioritised to meet reasonable community expectations, because they will lead to significant improvements in this highly utilised area of our city.

J Walker
ALDERMAN

GENERAL MANAGER'S COMMENTS

Council is completing its FY2022/23 budget at present. Subject to funding within the capital budget, design work can be commenced this year.

9.2 NOTICE OF MOTION - ALD EDMUNDS DOG MANAGEMENT POLICY 2021
--

In accordance with Notice given, Ald Edmunds intends to move the following motion:

“That this Council:

- A. Proposes to amend the Dog Management Policy 2021, Fee Structure, to reintroduce categories and fees for ‘Racing Greyhound’ and ‘Working Dog’ as follows.

Definitions

Working Dog – Provision of evidence which proves to the satisfaction of the City Rangers that the dog is a true working dog as defined under the Dog Control Act 2000. For stock working dogs this may include a demonstration of stock working abilities. For working dogs, other than stock working dogs, supporting documentation is required from that organisation or business.

Racing Greyhound – Racing Services Tasmania ID card or appropriate paperwork from the Office of Racing Integrity (ORI).

Level of Fees

That a lesser rate be provided for a Working Dog or Racing Greyhound, at 50 per cent of the rate for an entire dog.

- B. Undertakes consultation regarding the proposed change at Recommendation A, in accordance with the Dog Control Act 2000.
- C. Subject to approval of an amendment to the Dog Management Policy 2021, the fees for Working Dogs and Racing Greyhounds:
1. Apply to dogs registered within each category in financial year 2022/23;
 2. Fees paid in financial year 2022/23 in excess of the new fee amounts be deducted or rebated from fees to be paid by each relevant dog owner in financial year 2023/24; and
 3. That the new fee categories be included in the financial year 2023/24 Fee Schedule.”

EXPLANATORY NOTES

- Historically, Clarence City Council gave registered racing greyhounds and working dogs a discount for license fees.
- The removal of this concession has created significant bill shock for owners – (\$119.10 up from \$46.80 last financial year). Under the new schedule of fees, Greyhounds are no longer identified as a special class as they have been for past decades.

- Fees set at 50% of the entire dog rate is consistent with the rate set for Tasmanian Canine Association.

L Edmunds
ALDERMAN

GENERAL MANAGER'S COMMENTS

The Dog Control Act requires Council to consult with the community before making any change to its policy, including in relation to fees.

Council will incur some costs associated with changing its systems and pricing structures to accommodate the change (if approved). Those costs can be accommodated within existing budget allocations.

**9.3 NOTICE OF MOTION - ALD MULDER
FUTURE OF LOCAL GOVERNMENT REVIEW – SOUTH-EAST REGIONAL
COUNCIL**

In accordance with Notice given, Ald Mulder intends to move the following motion:

“That Clarence Council:

- (1) Submits the following proposal to the Future of Local Government Review:

“That local government boundaries in south-eastern Tasmanian be adjusted to create a single local government area comprising the current council areas of Clarence, Sorell, Tasman and the southern part of Glamorgan Spring Bay to ensure that Tasmanians living in the south east of the State are served by a local government entity which is sufficiently robust and capable of meeting the challenges and opportunities of the future.”

- (2) That the following reasons, along with Council’s debate, be included as part of this submission.”

EXPLANATORY NOTES

Centralising administration provides:

1. Improved administrative efficiency by centralising duplicated systems, processes and senior staff;
2. Consolidated engineering, planning and other expert advice and resources;
3. Centrally managed but decentralised operations and local works depots; and
4. Improving financial return across the entire region for the cost of local government, improving the levels of service and enhancing the power and financial status of local government.

T Mulder
ALDERMAN

GENERAL MANAGER’S COMMENTS

1. *In the 2016 report titled ‘South East Councils Feasibility Study, 30 September 2016’, KPMG investigated the establishment of a south-east regional council.*
2. *The proposal contemplated by the motion reflects Option 1 from the KPMG report, with the exception that option 1 contemplated inclusion of all of the Glamorgan Spring Bay municipality rather than part of it.*
3. *In 2017, Council undertook community consultation regarding amalgamation options. That did not give rise to a definitive amalgamation preference.*

10. 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.

10.1 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.

10.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Ald James

1. In relation to Council's decision regarding the Boulevard, is Council expecting to receive a large monetary windfall as and when the sale of these blocks will actually eventuate?

ANSWER

(Mayor) Council has negotiated when the land gets sold that we be able to sell that land for the value the valuer general places on it. In that sense it has been well and truly planned for a long time.

2. In relation to the golf course development at Arm End, could you advise whether the extension of time will be granted for this given at October 2022 they run out of their timely permit?

ANSWER

The golf course development has had its last extension of time. I cannot remember the exact date but October sounds right. The only possibility for the golf course to continue is if substantial commencement of the project as defined under the Act is reached by that time.

Ald Edmunds

1. Regarding the Eastside Lutheran School have we ever had issues raised around safety of students outside that school previously?

ANSWER

I do not recall any in recent times.

(Further information) Council officers do not have a record of receiving enquiries in relation to this issue.

2. Regarding the development of the Salamanca Fresh supermarket do we have an idea when the work will end in that part of Bellerive?

ANSWER

Taken on notice.

(Further information) Salamanca Fresh works should be completed by late June 2022. TasWater are yet to sign off and issue a Compliance Certificate. There are some issues related to land title adhesion and boundary adjustment to be finalised, but these matters do not impact finalisation of the works.

Ald Peers

Where the water carriers fill up at Lauderdale there is that much water on the ground can something be done? I am not sure if it is our land. It has got to the stage where before there was a little bit of water, now it is just like a river it is not looking good?

ANSWER

Taken on Notice.

(Further information) There has been a history of water pooling in this area. The carpark area is very flat with little stormwater infrastructure. Council officers are investigating possible solutions and will advise.

Ald Walker

1. Regarding reviews of committees, when do you deem it an optimal time to do this and is this something that has the remotest possibility of occurring in this term of Council.

ANSWER

The review has not commenced. It is normal practice to review membership of committees after an election however the question pertains to actually reviewing the committees to see if we are satisfied with their constitution and satisfied with their purpose.

2. Now that we have ticked over to May, it has been three years since Council unanimously passed a motion I moved in April 2019 being that “council undertakes a review of the 2013 Bellerive Bluff foreshore master plan and a suspension of associated scheduled works is put in place until completion of the review. The review is to be concluded prior to the end of the 2019 calendar year”. I understand that things have morphed into something more substantive, but can I have an idea of when we might be doing something around that particular part of the section because good faith was entered into by the Landcare group, and it is now three years since?

ANSWER

The next phase of the master plan is a workshop with Council scheduled for June.

Question contd...

Will that still be within our budgeting parameters to be considering that?

(Mayor) Mr Graham are there any projects listed in the draft budget that pertain to implementation of work around the Bellerive Bluff?

ANSWER

I don't recall any in the draft capital program that has gone to Council but we will review that in terms of when the next budget pack goes out.

(Further information) Funding for detailed design of the Pier / Victoria Esplanade (Stage 1) area has been proposed for inclusion in the FY22/23 budget. The draft master plan will be discussed at a workshop in June and, subject to any feedback received, provided to Council with a recommendation to commence public consultation shortly thereafter. Subject to Council approving the finalised master plan later this year, the proposed funding will allow for detailed design of Stage 1. This will inform any requests for construction funding in subsequent years.

Ald Mulder

1. In 2021-2022 what was Council's projected wages and salary bill by class of employee that is team leader, co-ordinators, business unit officers and project management staff and what was the total of budget allocation for 2021-22 capital expenditure works programs and what was the grant funding for other sources for the capital works program that is, what was Council's contribution or expected contribution towards these projects?

ANSWER

Council's total wages budget for FY21/22 is \$29.4M. In respect to various leadership and management positions, the cost break up is as follows:

Executive - \$2,125,658

Senior Management – Indoor - \$321,117

Senior Management – outdoor - \$149,356

Manager – Indoor - \$829,082

Manager – Outdoor - \$137,659

Tech Officer Outdoor - \$495,424

The capital program for 2021-22 is \$2,145,000 of that 500,000 was grants received.

2. Regarding the demise of the ice skating rink and some of the deep concerns, given our capacity to find money for things like squash centres but not golf courses what is the criteria that we might think of handing out and making Clarence the ice skating capital of Tasmania?

ANSWER

(Mayor) Purely a matter for council.

Ald Chong

If we are going to be doing a review of the dog management policy in relation to a number of categories of dogs, so greyhounds and working dogs can we also look at assistance dogs?

ANSWER

(Mayor) A matter for council.

(Further information) We have previously sought a statutory definition of an “assistance dog” but as yet there is no such definition. It is considered important to have a definition that all organisations can apply in order to avoid confusion and inconsistency.

Ald von Bertouch

1. The first question is in two parts. Part A - Last Council Meeting I asked what uses and/or programs are taking place, or are going to take place, in the Alma’s Activity Centre building. The General Manager advised this matter would be discussed at the Aldermen’s Workshop on 26 April. At that workshop, apart from considering its use as staff accommodation, there was no other discussion of uses for the building. When will Alma’s start to be used again, and for what purposes, as it’s been empty on the ground floor for approximately a year? Part B - What is the status of the lease by Hobart FM Radio Station of the upstairs level of Alma’s Activity Centre?

ANSWER

Taken on notice.

(Further information) The General Manager, at the budget workshops, has advised that the Alma’s building is not appropriate for staff accommodation due to its location and the potential cost to convert it to that use. Contact has been made with a representative of the Department of Education to see if there is interest from the Department in leasing the ground floor of Alma’s for a school related purpose, which may compliment the Council operated services already on-site. We are awaiting a response. Beyond that, there is no other identified long-term use at this stage. However, in the interim we would consider occasional use if it was appropriate, which could include Council events, short term programs or projects. Within the same workshop, the General Manager advised that there was an officer preference toward leasing the site rather than any other option as this would ensure the Alma’s building remained in long term control of Council as an important community asset that could potentially realise future benefits.

There is no intention to enter into a new lease of the first floor (occupied by Hobart FM) due to DDA and building safety (lack of an appropriate fire escape) concerns.

The Hobart FM lease has concluded its term and now operates “at will”. That means that either party can provide notice of intent to vacate within a prescribed time. Council is actively engaging with Hobart FM to identify other premises which may be suitable.

2. Can the Aldermen be apprised on a weekly basis, via the written Aldermen’s Weekly Briefing, of staff who have left and joined the Council, and also the number and details of the unfilled positions within the organisation?

ANSWER

Taken on notice.

(Further information) De-identified information can be included either in the Weekly Briefing Report or under separate cover at appropriate times.

Ald Blomeley

Earlier last week I was contacted by a resident who is a regular user of the Rosny Golf Course, what was the Rosny golf Course, that wonderful green space in our city and I appreciate Monday was ANZAC Day, a public holiday but he sent me a photo of a collapsed culvert along one of the main walking tracks. I sent that through the elected member portal to be investigated and rectified. I was told that as of this afternoon it is still in a state of disrepair and quite dangerous nearly a week later. I am hoping that it is possible as a matter of urgency to have one of our crews go out to that area of the park and secure the collapsed culvert?

ANSWER

Taken on Notice.

(Further information) The collapsed culvert has been repaired.

10.4 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.

11. 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.

11.1 APPLICATIONS FOR LEAVE OF ABSENCE

11.2 TENDER T1309-19 – RISDON VALE OVAL – SPORTSGROUND LIGHTING CONSTRUCTION

11.3 TENDER T1435-21 – AMELIA STREET AND DERWENT AVENUE, LINDISFARNE ROAD RECONSTRUCTION

These reports have been listed in the Closed Meeting section of the Council agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulation 2015 as the detail covered in the report relates to:

- contracts and tenders for the supply of goods and services;
- applications by Aldermen for a Leave of Absence.

Note: The decision to move into Closed Meeting requires an absolute majority of Council.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

PROCEDURAL MOTION

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.