

COUNCIL MEETING
MONDAY 24 APRIL 2023

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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:

“Before proceeding, I pay my respects to the Mumirimina people as the traditional and original custodians of the lands on which we meet, and I acknowledge the continuing connection of the Tasmanian Aboriginal people to the skies, land and waterways.

I pay respect to Elders past and present.”

- invite those present to pause for a moment of quiet reflection and respect before commencing the council meeting.
- 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

Cr Kennedy

3. DECLARATIONS OF INTERESTS OF COUNCILLORS 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 Councillors 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 20 March 2023, as circulated, be taken as read and confirmed.

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

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

PURPOSE**DATE**

Risdon Vale Structure Plan

Committees Structure/Constitutions

Debt Recovery – Unpaid Rates

Confidential Property Matter

Confidential Briefing

17 April

RECOMMENDATION:

That Council notes the workshops conducted.

4.4. TABLING OF PETITIONS

(Note: Petitions received by Councillors are to be forwarded to the Chief Executive Officer 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.

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**
Representative: Cr James Walker

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**
- **GREATER HOBART COMMITTEE**

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 20 and 27 March and 3, 10 and 17 April 2023 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 20 and 27 March and 3, 10 and 17 April 2023 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 a Councillor 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 Chief Executive Officer of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

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

Mrs Joanne Marsh of Bellerive has given notice of the following questions:

1. RECENT DEVELOPMENTS AND FUTURE DEVELOPMENT APPLICATIONS - BELLERIVE

Some recent construction developments and future development applications in Bellerive have no setback from the footpath resulting in direct impacts on the safety of pedestrians. Footpaths are damaged and access is obstructed by heavy machinery. Pedestrians may be directed to 'use the other footpath' putting them at further risk. This may go on for many months or years. Older people or pedestrians with a disability can be severely injured by falls.

What safety provisions such as covered boardwalks or barriers are required by law and who is responsible for their implementation?

2. BELLERIVE BEACH PARK

Bellerive Beach Park, All Abilities Playground and Beach welcome thousands of visitors each year. Many of these visitors are babies and toddlers and some are children with disabilities. Recently, limited change room facilities have been installed in the park. Baby changing facilities and an accessible private family and carer space are urgently required.

Why hasn't the provision of these facilities been prioritised by the Council?

5.2 ANSWERS TO QUESTIONS ON NOTICE

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

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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Nil Items.

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

8.2 ASSET MANAGEMENT**8.2.1 ADOPTION OF COUNCIL POLICY – INCLUSIVE PLAY POLICY 2023****EXECUTIVE SUMMARY****PURPOSE**

To consider the formal adoption of the Inclusive Play Policy.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 and Active Living Strategy 2022-2032 are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Internal consultation with key staff and departments has been undertaken to inform the Inclusive Play Policy content. No public consultation has occurred in relation to the policy. The community will be informed of the policy following adoption by Council.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of adopting this policy.

RECOMMENDATION:

That Council adopts the Inclusive Play Policy 2023.

ASSOCIATED REPORT**1. BACKGROUND**

1.1. At its meeting held on 1 November 2021, Council resolved:

“That Council recognises the importance and value of an all-abilities approach to play park design and delivery by:

- A. Requesting the General Manager develop a policy or guideline for development of parks in Clarence that ensures parks, whether new or renovated, provide all-abilities equipment and facilities, for presentation at an upcoming workshop.*
- B. As part of the FY2022-23 budget development, provides options for where all-abilities play equipment may be installed either as new standalone items or as part of already planned play park projects.*

- C. *As part of the Clarence Plains Master Plan project, considers Neilson Park in Rokeby for development as a regional all-abilities play park.”*

- 1.2.** During community consultation for the development of Council’s *Access and Inclusion Plan 2021-2025*, the importance of inclusive spaces was clearly identified. The final plan included as a key strategy that Council ensure its active and passive recreational facilities are inclusive for all-abilities, through developing a policy and procedures.
- 1.3.** A draft Inclusive Play Policy 2023 has been developed to ensure that, as far as practicable, Council’s play spaces will be inclusive and accessible and provide opportunities for people of all ages and abilities to participate in high value play. The draft Inclusive Play Policy 2023 is included as Attachment 1.

2. REPORT IN DETAIL

2.1. Development of the Draft Policy

Following Council’s resolution of 1 November 2021, an internal working group was established to prepare an Inclusive Play Policy.

- 2.2.** The working group was comprised of staff representatives from across various departments including Community Planning and Development Program Leader and Officer (Ageing, Access and Inclusion Program), Manager Environment and Recreation, Senior Landscape Architect, Principal Engineer and Active and Passive Recreation Coordinator.
- 2.3.** During the development of this policy, the working group pulled together the collective expertise and knowledge of staff, along with research and review of best practice documents and existing Council resources such as the Access and Inclusion Assessment Toolkit (2018).
- 2.4.** The policy sets inclusion and universal design as drivers for all projects undertaken by Council related to play and commits to continuous improvement across all aspects of play provision (maintenance, new capital projects, renewals, upgrades, consultation, strategic planning and the ongoing training of staff).

- 2.5.** A draft version of the policy was reviewed and supported by the Clarence Disability Access and Inclusion Advisory Committee.

2.6. Policy Objective and Details

The purpose of the policy is to ensure all play spaces designed, constructed, upgraded or renewed by Council are inclusive and provide opportunities for people of all ages and abilities to experience high value play through a universal design approach.

- 2.7.** If adopted, the policy will apply to:

- All new play spaces and any modification of existing play spaces owned or managed (or proposed to be owned or managed) by Council at all stages of scoping, funding, design, documentation and construction;
- Any proposal or application to transfer land to Council on which it is intended to construct a play space or modify an existing playspace, and
- All works associated with the ongoing maintenance of play equipment and play spaces.

- 2.8.** Council will achieve the purpose of the policy by:

- Incorporating industry best practice for universal and inclusive play space design into the delivery of all new play spaces and the renewal, upgrade and maintenance of existing play spaces;
- Continually improving Council's play space network, the delivery of new play spaces, and the renewal, upgrade and maintenance of existing play spaces and infrastructure with inclusivity as a key outcome and deliverable;
- Making access and inclusion a key objective in the development of strategic documents related to play spaces or public open space;
- Facilitating ongoing professional development and training in relevant fields to staff involved in the design, delivery or maintenance of play spaces; and

- Utilising public consultation as a tool for understanding community needs and aspirations around inclusive play.

2.9. Council's Manager Environment and Recreation is responsible for the implementation of the policy. The policy will be communicated via Council's website, internal circulation to staff and as part of any community engagement activities related to new or modified play spaces.

2.10. Reporting against the objectives of the policy will be provided to Council through the existing quarterly reporting process.

2.11. Consistent with Council's current practices, the policy is subject to review every five years or earlier if required.

3. CONSULTATION

3.1. Community Consultation

No consultation has been undertaken with the community in relation to the development of the policy. However, extensive consultation was undertaken during the development of the *Access and Inclusion Plan 2021-2025* which identified the need for the policy.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Internal consultation has been undertaken with key staff and departments in the development of the policy. The CDAIAC has reviewed a draft of the policy and provided support. No further consultation is required.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** Council's Strategic Plan 2021-2031 within the *A People Friendly City* area contains the following Strategies:

"1.1 Enhancing the liveability of activity centres, community hubs and villages through urban design projects.

1.11 Continuing to develop and maintain a quality open space network."

- 4.2.** Council's Strategic Plan 2021-2031 within the *A Well-Planned Liveable City* area contains the following Strategies:

"2.10 Ensuring quality civic architecture which is responsive to place and adaptable to the needs of the community.

2.11 In line with our Sport and Recreation Strategy, work with local clubs, state and regional organisations and other levels of government to meet the sport and recreation needs of our community.

2.13 Enhancing natural and built amenities to create vibrant, accessible activity centres and community hubs through quality urban design.

2.15 Ensuring neighbourhoods have pleasant streetscapes and access to recreational spaces and appropriate neighbourhood facilities."

- 4.3.** Council's *Active Living Strategy 2022* within *Priority 2: Great Spaces* identifies that Council will provide contemporary sport, recreation, exercise, and leisure (SREL) facilities and spaces, and specifically: *"Develop a policy that ensures facilities are designed to contemporary and legislative standards, incorporating universal design and inclusive approaches that have the capacity to meet current and future demand."*

5. EXTERNAL IMPACTS

- 5.1.** If implemented, the policy would guide all future planning and development of Council's playspaces and open space.

- 5.2.** Current playspaces that are either under construction or soon to be constructed are compliant with the policy and have been designed to be universally accessible and inclusive.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

- 7.1.** Costs associated with ensuring new play spaces comply with the policy will be incorporated into future funding submissions and forward planning. These are not expected to be significant, given the key objectives of the policy can be incorporated through design rather than additional features or infrastructure.

- 7.2.** Any costs associated with staff training in universal design or other skills required to implement the policy will be accommodated within existing training budgets.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The Inclusive Play Policy has been developed in recognition of the need for Council to ensure its play spaces are inclusive and accessible and provide opportunities for all members of the community to participate in high value play.

Attachments: 1. Draft Inclusive Play Policy 2023 (8)

Ross Graham
GROUP MANAGER ENGINEERING SERVICES

INCLUSIVE PLAY POLICY 2023

1. PURPOSE

The purpose of this policy is to ensure all play spaces designed, constructed, upgraded or renewed by Clarence City Council are inclusive and provide opportunities for people of all ages and abilities to experience high value play through a universal design approach.

2. SCOPE

This policy applies to:

- all new play spaces and any modification of existing play spaces owned or managed (or proposed to be owned or managed) by council at all stages of scoping, funding, design, documentation and construction
- any proposal or application to transfer land to council on which it is intended to construct a play space or modify an existing play space, and
- all works associated with the ongoing maintenance of play equipment and play spaces.

3. DEFINITIONS

The following definitions apply to this policy:

Inclusive	Means welcoming, valuing and including everyone in all aspects of life.
Play	Means any behaviour, activity or process that is freely chosen, self-directed and intrinsically motivated for fun and pleasure, either individually or in groups.
Play space	Means a dedicated public outdoor environment where play can take place on and around play equipment and other play items.

Inclusive play space	Means a play space that offers recreational and social opportunities for all people regardless of age, ability, culture or gender.
Play equipment	Means purposely designed, manufactured and installed equipment and structures that facilitate children to play either on or with. For example: swings, slides, climbing structures and rockers.
Play item	Means items that function the same as play equipment but are not manufactured (for example, logs, boulders and stepping stones).
Play value	Describes the range and quality of play opportunities and experiences offered collectively by a play space or individually by play items or equipment.
Universal design	Means an approach which focusses on the design and composition of the environment so that it may be accessed, understood and used by people of all ages and abilities, beyond minimum legislative compliance.
Life-course	Means taking an approach to ageing based on functional capacity and quality of life from birth to death.
Council	Means the Clarence City Council.
Policy	Means this policy.

4. POLICY STATEMENT

Council will ensure, as far as practicable, that its play spaces are inclusive and accessible and provide opportunities for people of all ages and abilities to participate in high value play.

Council will do this by:

- ☐ Incorporating industry best practice for universal and inclusive play space design into the delivery of all new play spaces and the renewal, upgrade and maintenance of existing play spaces.
- ☐ Continually improving council's play space network, the delivery of new play spaces, and the renewal, upgrade and maintenance of existing play spaces and infrastructure with inclusivity as a key outcome and deliverable.
- ☐ Making access and inclusion a key objective in the development of strategic documents related to play spaces or public open space.
- ☐ Facilitating ongoing professional development and training in relevant fields to staff involved in the design, delivery or maintenance of play spaces.
- ☐ Utilising public consultation as a tool for understanding community needs and aspirations around inclusive play.

Council recognises that there is no single way to provide access for every person or set of rules to make a play space accessible. Best outcomes are achieved when decision makers have a high level of awareness about different abilities and access to a wide range of information they can use strategically in the context of planning for inclusive play spaces.

5. RELATIONSHIP TO COUNCIL STRATEGIC PLAN

The following objectives are identified in the *Clarence City Council Strategic Plan 2021-2031*:

☐ **A people friendly city**

Promoting active and healthy lifestyles through provision and support of programs that improve physical and mental health.

Continuing to develop and maintain a quality open space network.

☐ **A well-planned and liveable city**

Developing and implementing contemporary, funded, asset management plans for all council asset types.

In line with our Sport and Recreation Strategy, work with local clubs, state and regional organisations and other levels of government to meet the sport and recreation needs of our community.

6. RELATED DOCUMENTS

The legislation and documents listed below form the framework to give effect to this Policy:

LEGISLATIVE (ACTS, REGULATIONS AND STANDARDS)

- ☐ *Disability Discrimination Act 1992 (Cth)*
- ☐ *Anti-Discrimination Act 1998 (Tas)*
- ☐ Australian Playground Standards (various)

COUNCIL POLICY, PLANS, PROCEDURES AND GUIDELINES

- ☐ Community Wellbeing Strategy 2022 – 2032
- ☐ Active Living Strategy 2022 - 2032
- ☐ Access and Inclusion Plan 2021-2025
- ☐ Access and Inclusion Assessment Toolkit 2018
- ☐ Age Friendly Clarence Plan 2018-2022
- ☐ Community Engagement Policy (2020)
- ☐ Public Open Space Policy (2013)

7. POLICY REQUIREMENTS

The purpose of this policy will be achieved through:

COMMITMENT TO BEST PRACTICE

Council's approach to inclusive and universal play space design will be guided by published guidelines and toolkits that provide the frameworks for delivery of best practice, inclusive play spaces.

All play space capital projects or maintenance activities will incorporate industry best practice principles into planning, design and delivery.

Council will ensure staff receive appropriate training and hold appropriate qualifications to deliver best practice outcomes.

Council will engage with professional organisations delivering best practice education and advocacy on inclusive open space and play space design.

COMMITMENT TO CONTINUOUS IMPROVEMENT

Council's play space network will have inclusivity and universal design principles as a key deliverable for new play infrastructure or renew, upgrade or maintain existing infrastructure.

NEW PLAY SPACES

All new capital play space projects will set inclusion and universal design as a key design driver.

Inclusion will inform all aspects of capital play space projects including scoping, funding, design, consultation, detail documentation, specification, construction and maintenance planning.

RENEWAL AND UPGRADE OF EXISTING PLAY SPACES

Council will seek to upgrade rather than renew (like for like) existing play spaces and playgrounds where opportunities exist to improve inclusive play value and outcomes.

Renewal and upgrade projects will be prioritised and scoped to consider their value and offering as part of the surrounding network of play spaces and in the context of strategic directions set out in future Open Space and Play Strategies.

MAINTENANCE OF PLAY SPACES

All maintenance works will consider inclusion and universal design.

Staff will work collaboratively to assess the opportunities and constraints of each site and project and seek to deliver best practice and universally designed outcomes

STRATEGIC PLAY PLANNING

Strategies and strategic plans adopted by council which relate to the provision of open space for passive recreation, or the development of council's play space networks will incorporate inclusivity as an objective and will incorporate the principles and requirements of this policy.

Strategies developed, as part of council's overall strategic framework to provide for strategic play planning across our city may include:

- ☐ Open Space Strategy to provide a framework for the provision of open space for passive recreation , and
- ☐ a Play Strategy to guide the ongoing renewal, upgrade and maintenance of existing play spaces and the planning and development of new play spaces.

STAFF TRAINING AND CONTINUING PROFESSIONAL DEVELOPMENT

Council will facilitate ongoing professional development and training in the fields of inclusion and universal design as well as best practice playground design, maintenance and management.

Relevant training and development opportunities will be offered to staff engaged in the design, construction and maintenance of play space projects.

COMMUNITY INVOLVEMENT AND CONSULTATION

Council recognises that consultation with the community and key stakeholders is critical for the successful delivery of inclusive play spaces.

Council will actively consult with the community in relation to play space projects and relevant plans or strategies in accordance with council's Community Engagement Policy 2020.

Consultation activities will seek specific feedback and comment on inclusive design requirements and will include, where possible, direct consultation with key stakeholders such as people with a disability (or their parents or guardians) and disability advocates.

8. IMPLEMENTATION AND COMMUNICATION

The Manager Environment and Recreation is responsible for the implementation of this policy.

This policy will be communicated via:

- ☐ council's website
- ☐ internal circulation to staff, and
- ☐ as part of any community engagement activities related to new or modified play spaces.

9. REPORTING

Reporting against the objectives of this Policy will be provided to council through the existing quarterly reporting process.

10. ADMINISTRATIVE ARRANGEMENTS

TABLE OF AMENDMENTS

No.	Date	Brief Details

APPROVAL

GM APPROVAL DATE	XX XXX
REVIEW	Every 5 years

RESPONSIBLE POSITION	Group Manager Engineering Services
ECM REFERENCE	

8.2.2 ESTABLISHING A GREENHOUSE GAS EMISSIONS REDUCTION TARGET FOR CLARENCE CITY COUNCIL**EXECUTIVE SUMMARY****PURPOSE**

To establish a greenhouse gas emissions target arising from Council operations of 40% of 2016-17 levels by 2030. This is an interim trajectory to net zero greenhouse gas emissions by 2050.

RELATION TO EXISTING POLICY/PLANS

The Sustainability Strategy 2023-2033 which supports the Strategic Plan 2021-2031, is relevant. The Sustainability Strategy includes an objective for Council to establish a greenhouse gas emissions reduction target for the organisation.

LEGISLATIVE REQUIREMENTS

The Climate Change (State Action) Amendment Act 2022 (Tas) amends the Climate Change (State Action) Act 2008 to establish an emissions reduction target of net zero greenhouse gas emissions, or lower, from 2030, for the State of Tasmania.

The Australian Government has increased its contribution under the Paris Agreement to 43% of 2005 levels by 2030 as a greenhouse gas emissions reduction target for the nation.

CONSULTATION

No community consultation has been undertaken.

FINANCIAL IMPLICATIONS

Funding will be required in the 2023/2024 financial year to produce a carbon reduction Action Plan. The Action Plan will quantify the emission reductions expected from the actions specified in the Plan. The Action Plan is estimated to cost \$25,000 and this work will need to be outsourced.

RECOMMENDATIONS:

That Council:

- A. Establishes a greenhouse gas emissions reduction target for the organisation of 40% of 2016-17 levels by 2030.
- B. Considers funding a Carbon Reduction Action Plan in the 2023-24 budget to understand how a reduction of 40% of 2016-2017 levels by 2030 may be achieved.

ESTABLISHING A GREENHOUSE GAS EMISSIONS REDUCTION TARGET FOR CLARENCE CITY COUNCIL /contd...

ASSOCIATED REPORT**1. BACKGROUND**

1.1. At its meeting held on 1 November 2021, Council resolved:

“That Council acknowledges:

- A. The planet warming findings of the report issued by the International Panel of Climate Change Experts;*
- B. The work of officers on the Environmental Strategy as part of Council’s Strategic Planning process, and*
 - a. requests an audit of greenhouse gas emissions arising from Council operations;*
 - b. Identifies actions and opportunities for reducing emissions; and*
 - c. presents its findings to a future workshop for the purpose of establishing a budget and target for reducing emissions arising from Council operations.”*

1.2. Many councils have committed to reducing operational greenhouse gas emissions and setting a target is a practical way to commence the process. Net zero emissions by 2050 is a common target as this relates to the global carbon budget.

1.3. In 2021, 89 of Australia’s 537 local bodies have made commitments to net zero emissions by 2050.

1.4. Reaching the global net zero emissions target will significantly reduce the risk and impacts of climate change on the health, safety, and welfare of the world’s communities.

1.5. Greenhouse Gas Inventory

In financial year 2016-2017, Council as an organisation generated 2,200 tonnes of carbon dioxide and equivalent greenhouse gas emissions from using energy (electricity, gas, petrol, and diesel) and estimated waste production (no data available) in our operations.

The energy emissions for Clarence as a community (not including waste and some other categories like agriculture and industry) amounted to 516,000,000 tonnes of carbon dioxide and equivalent greenhouse gas emissions (CO₂-e) in the same financial year 2016-17.

These inventories were provided to Council by Policy, Strategy, Research “Corporate and Community Greenhouse Gas Emissions Inventory” 2018 and Ironbark Sustainability “Corporate Science-Derived Targets for Greenhouse Gas Emissions” 2020).

Council has taken several actions to reduce the organisation’s greenhouse gas emissions since the inventory of 2016-17 was published.

- 1.6.** Workshops were held with Council on this subject on 28 March 2022 and 18 July 2022 where Council provided guidance for the subject matter to be brought back for the new Council to consider setting a carbon target. A workshop with the new Council was held on 27 March 2023.

2. REPORT IN DETAIL

There are several relevant issues for Council to consider in setting a carbon target and these are detailed as follows.

- 2.1.** The countries that signed the Paris Agreement have committed to responding to the threat of climate change by taking action to keep global average temperatures to well below 2 degrees Celsius above pre-industrial levels. In 2023, global average temperatures are already 1.1 degrees above pre-industrial levels.
- 2.2.** The leading international authority on climate science – the Intergovernmental Panel on Climate Change (IPCC) – developed a global carbon budget.

- 2.3.** The budget is derived from mathematical modelling of the maximum amount of greenhouse gases that can be released into the atmosphere with the likely (at 66% probability) outcome of keeping global average temperatures to less than 2 degrees increase.
- 2.4.** Australia signed up to the Paris Agreement in 2016 and has an established national carbon budget within which to operate if the country is to meet its international commitments.
- 2.5.** Carbon budgets help link emission targets to the underlying climate science.
- 2.6.** Municipal targets are scaled down from the national level, adjusting for factors such as socio-economic status and predicted population growth.
- 2.7.** When Council moves on to establishing a community target, the expected population growth is factored into the modelling that calculates the appropriate carbon target.
- 2.8.** The total carbon budget for Council as an organisation is 49 kilotonnes (0.049 megatonne) of carbon dioxide equivalent (CO₂-e). This means Council will need to steadily reduce emissions by about 3% per year to achieve the proposed interim target and ultimately net zero emissions by 2050 (Ironbark Sustainability “Corporate Science-Derived Targets for Greenhouse Gas Emissions” 2020).
- 2.9.** Given this budget (or limit) the appropriate target relates to Council’s share of the work to keep global average temperature increases to less than 2 degrees Celsius, in line with the Paris Agreement. The target is quantified from the budget.

- 2.10.** The recommended science-based carbon target of 40% of 2016-17 levels by 2030, on the way to net zero emissions by 2050, was derived from the global and national carbon budgets specifically for our organisation by specialist consultants Ironbark Sustainability in July 2020 (“Corporate Science Derived Targets for Greenhouse Gas Emissions”).
- 2.11.** Given that emissions in 2016-17 were 2,200 tonnes CO₂^e, emissions from Council operations should be no more than 1,320 tonnes in 2030.
- 2.12.** A target of 40% reduction of 2016-17 levels by 2030 is aspirational. Once adopted, Council will need to develop an Action Plan of identified tasks to reduce greenhouse gas emissions from Council’s operations.
- 2.13.** The target proposed for Council has similar numbers to the Australian government’s target because both are linked to the global carbon budget and the international methods of accounting for greenhouse gas emissions.
- 2.14.** Council’s carbon target should be similar but not the same as the Australian government’s target of 43% of 2005 levels by 2030. This is because the Australian government has the data available to use from 2005 as the base line, where Council does not. The base line for Council is 2016-17 from the last emissions inventory undertaken.
- 2.15.** Council’s target should not be the same as the Tasmanian Government’s target as Council does not have the large forest estates and wilderness areas to use as a carbon sink in the accounting.
- 2.16.** The state and national targets are community targets while the Council target is just for the organisation.
- 2.17.** Initiatives undertaken by Council since 2016/2017 can be included in the target reduction. A summary of these is as follows:

- **Street Lighting**

Council upgraded outdated inefficient (mostly mercury or sodium vapour) street lighting to innovative energy efficient and low maintenance LED lighting. Street lighting is a significant proportion of Council's operating budget and greenhouse gas emissions. The installation of 2,158 LED lamps (globes/luminaires) has already delivered significant financial and environmental returns. Clarence joined with five other councils to roll out the LED street lighting in 2020.

When the remaining 1,440 luminaires have been replaced with LEDs in stage 2 of the project, greenhouse gas emission savings are estimated to be 4,022 tonnes over the operational life of the lighting (about 20 years), or 200 tonnes per year. The capital cost of the project when all the city's lighting (3,600 lamps) has been replaced, will be paid for from the savings in about six years.

Lighting has been upgraded in several other small projects such as sports grounds and public open spaces, but no estimates of greenhouse gas emission reductions were calculated at the time.

- **Solar Systems Installed**

Council has installed 132 kilowatts of solar capacity on roof tops at the Clarence Aquatic Centre, Council Works Depot at Mornington and the Lindisfarne Community Activities Centre during 2019, 2020 and 2021. The estimated greenhouse gas emission savings are 80 tonnes of CO₂^e since the systems were commissioned.

Cost savings since commissioning are estimated to be \$113,000. A further 20 kilowatts of capacity was installed by the end of 2022 at Wentworth Park Sports Facility, Rosny Child Care Centre and Clarence Children Services at Alma Street Bellerive by the end of 2022.

- **Building Energy Efficiency**

The other action Council has taken is improving the energy efficiency of several council buildings in the 2021-22 financial year. Council invested \$60,000 and a payback of four years is expected. Emission reductions resulting from the improvements will be estimated in the 2022-23 financial year from the year's electricity invoices.

- **Electric Vehicles**

Council plugged into Tasmania's expanding electric highway with the installation of a public charging station for electric vehicles in July 2020. Greenhouse gas emission reductions from the avoided fossil fuel combustion since commissioning is 2.96 tonnes. These emission reductions can all be counted towards the proposed target.

3. CONSULTATION

3.1. Community Consultation Undertaken

No community consultation has been undertaken.

3.2. State/Local Government Protocol

The recommendation aligns with anticipated upcoming Australian Government and State Government climate change legislation.

3.3. Other

Council officers sought advice from Ironbark Sustainability to provide an evidence-based recommendation to Council.

3.4. Further Community Consultation

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2021-2031 within the Goal Area *An Environmentally Responsible City* contains the following Objective:

"4.5 Undertaking the development of an Environmental Sustainability Strategy."

The Sustainability Strategy has Objectives to:

“set a carbon target for the organisation that will quantify the greenhouse gas emission reductions we are aiming for”.

“reduce our greenhouse gas emissions to complement the net zero emission ambitions of the state and federal governments.”

5. EXTERNAL IMPACTS

The recommendation will assist Council in leading the community to reduce greenhouse gas emissions and the impact of climate change on the health and well-being of the community.

6. RISK AND LEGAL IMPLICATIONS

The Audit Panel identifies climate change as a strategic risk with the risk event being “Climate Change. Failure to plan for emerging Legal, Insurance and Planning risks associated with Climate Change events”.

7. FINANCIAL IMPLICATIONS

7.1. Funding of \$25,000 will be required in the 2023/2024 financial year to produce a Carbon Reduction Action Plan. The Action Plan will quantify the emissions reductions expected from the recommended actions.

7.2. The estimated costs for council to implement the recommended actions will be in the Action Plan. These costs are unknown at present. Some actions are likely to entail:

- Transitioning to an electric vehicle fleet where possible;
- Composting green material including food organics (FOGO);
- Improving energy efficiency; and
- Increasing carbon absorbency tree cover.

- 7.3.** International reports have been published indicating the economic benefits of a transition to a low carbon economy will far outweigh the costs of undertaking no actions.

8. ANY OTHER UNIQUE ISSUES

- 8.1.** The most recent United Nations Conference of the Parties was held in Glasgow in 2021, where the Paris Agreement was affirmed and signatories to the Agreement were asked to strengthen their contributions. It was recognised that limiting global warming requires rapid, deep and sustained reductions in global emissions, reducing to net zero around mid-century. This decade is considered critical and accelerated action is required.
- 8.2.** Hobart City Council, Launceston City Council and Kingborough Council have all set emissions reduction targets.

9. CONCLUSION

- 9.1.** It is recommended Council adopt a greenhouse gas emissions reduction target of 40% of 2016-2017 levels by 2030 and fund a Carbon Reduction Action Plan to work towards achieving the target.
- 9.2.** This target will put Council on a pathway to align with many local, state and national governments who have signed up to net zero emissions by 2050.

Attachments: Nil.

Ross Graham
GROUP MANAGER ENGINEERING SERVICES

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 COMMUNITY SUPPORT GRANTS****EXECUTIVE SUMMARY****PURPOSE**

To consider the Community Support Grants Assessment Panel's recommendations for the allocation of financial assistance in respect of the March 2023 round of Community Support Grants.

RELATION TO EXISTING POLICY/PLANS

Consistent with Council's Strategic Plan 2021-2031, Community Grants Policy and social strategies and plans including the Active Lifestyle Strategy, Youth Plan, Cultural Arts Plan, Age Friendly Clarence Plan, Community Wellbeing Strategy, Access and Inclusion Plan, Cultural History Plan, Community Participation Policy, Clarence Events Plan, Community Safety Plan, Reserve Activity Plans and Recreation Strategies.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

There is an annual budget of \$35,000 for the bi-annual Community Support Grants.

RECOMMENDATION:

That Council approves the distribution of financial grants totalling \$13,064.05 to community groups and organisations, as detailed in the schedule attached to the Associated Report.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** A funding round for bi-annual Community Support Grants closed on 15 March 2023. Fourteen applications were received (refer Attachment 1).
- 1.2.** The Community Support Grants Assessment Panel reviewed all applications and has recommended nine projects to be funded for varying amounts.

2. REPORT IN DETAIL

2.1. The Community Support Grants round was advertised in the Council Rates News, The Mercury, the Eastern Shore Sun and on Council's website. A notification was sent by email to known contacts of non-profit groups.

2.2. Applications for this round of the Community Support Grants closed on 15 March 2023 and a total of 14 applications was received totalling \$22,030.05.

2.3. Nine of these applications have been recommended for approval as they meet the eligibility criteria. The total requested funding amount for these applications is \$13,064.05.

- Richmond Picklers \$1,070.00
Equipment Purchase
- Pipe Clay Coast Care \$1,500.00
Be Snake Aware!
- Eastern Shore Jets Netball Club \$1,500.00
First Aid and CPR Training
- Gurkha Legends Cricket Club \$1,500.00
Equipment Purchase
- Eat Well Tasmania \$1,500.00
Food for Thought
- Dominoes Basketball Club \$1,500.00
Equipment Purchase – Senior Basketballs
- Clarence District Cricket Club \$1,494.05
DCDD Recycling Project

- Choral Productions \$1,500.00
Portable PA
- Warrane Neighbourhood Centre \$1,500.00
Resourceful Workshops

Refer to Attachment 1 for detailed information.

2.4. Five applications have not been recommended for approval.

Motor Yacht Club of Tasmania

Project: Visual Display \$1,500.00

When assessing this application, the grants assessment panel felt there was a lack of clear evidence demonstrating community demand and benefit. This application would have been enhanced with letters of support from community groups for the project, and due to the Club's commercial ventures, the Grants Assessment Panel wanted to see more detail around fees and charges, and specifically how the hire would be charged out to community groups.

This application was not supported for funding by the Grants Assessment Panel.

Hobart Malayali Association

Project: Easter, Vishu & Eid 2023 \$1,500.00

The request is for funds to host an Easter event on 15 April, however, while the Grants Assessment Panel is supportive of events which promote cultural diversity in Clarence, the project was assessed as ineligible as the project was commencing prior to Council meeting to review the applications.

The Grants Assessment Panel contacted the applicant to suggest alternative options in-lieu of a community support grant and redirected the applicant to the Council's sponsorship program for an eligibility assessment, given the imminent start date of the project. Unfortunately, the applicant was assessed as ineligible for sponsorship due to having received funds from that program within the last 12 months.

The panel encourages the applicant to apply to the September round of community support grants for projects starting in April of the year following.

This application was not supported for funding by the Grants Assessment Panel.

Risdon Vale Neighbourhood Centre

Project: Play Group

\$1,500.00

Funds were requested for the purchase of equipment and toys to deliver a playgroup session. However, the application was assessed as ineligible as:

- It did not adequately demonstrate to the Grants Assessment Panel that the project was a new initiative which sat outside of the scope of the Neighbourhood Centre's core business and funding; and
- There was a lack of detail around the proposed activity and its point of difference to other children's play programs in the area such as those run by Families Tasmania or via DECYP's Launch into Learning Program, for example.

This application could have been strengthened with letters of support from Families Tasmania, further project scope and detail, and evidence of it being a new initiative, as distinct from core business.

This application was not supported for funding by the Grants Assessment Panel.

Clarence Past Players and Officials

Project: CFC Changeroom Upgrade \$1,500.00

Funds were requested for a changerroom upgrade and visual display to recognise investment and support from volunteers, players and supporters of the club. However, the application was assessed as ineligible for the following reasons:

- While it indicated it had approval from the venue, it did not provide evidence of support to undertake the proposed modifications (Council cannot approve modifications to a venue or asset which it does not own without clear letters of support);
- There was an indication that the project had already commenced in March; and
- The project did not provide enough evidence to demonstrate the benefit to the community of Clarence. The panel had concerns that the display would only benefit a small group due to it not being visible to the public.

This application was not supported for funding by the Grants Assessment Panel.

Lindisfarne RSL sub-branch

Project: ANZAC Day Traffic Management \$2,966.00

Funds were requested to implement traffic management of the ANZAC Day parade at Lindisfarne. The Grants Assessment Panel reviewed the application but determined that the requested activity and funds were outside of the scope of the Community Support Grant Program guidelines.

The Panel recommended redirecting the applicant to submit a sponsorship request. Contact was made with the applicant, and they were redirected to the Economic Development team for a sponsorship eligibility assessment.

This application was not supported for funding by the Grants Assessment Panel.

3. CONSULTATION

3.1. Community Consultation Undertaken

Community consultation was undertaken as set out in Paragraph 2.1 above.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

3.4. Further Community Consultation

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. The Community Support Grants aim to support groups for amounts of up to \$1,500.00 for one-off activities or projects that benefit the Clarence community.

4.2. The Grants Program is a strategic investment tool, assisting the community to meet and respond to Council's priorities and vision as outlined in the Strategic Plan 2021-2031. It enables Council to contribute to the community by:

- supporting local communities to build on existing capacity and progress their health and wellbeing;
- supporting local communities to sustainably manage and enhance the natural and built environments of the City;
- supporting local communities to work together for a vibrant, prosperous and sustainable city; and
- encouraging engagement and participation in the community.

4.3. It operates in the context of other related Council Policies, Plans and activities, for example: Council's Strategic Plan 2021-2031, Active Lifestyle Strategy; Youth Plan; Cultural Arts Plan; Access and Inclusion Plan; Age Friendly Clarence Plan; Cultural History Plan; Community Participation Policy; Clarence Events Plan; Community Safety Plan; Reserve Activity Plans and Recreation Strategies.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

A budget of \$35,000.00 has been approved for the 2022/23 financial year. Nine applications are recommended for funding totalling \$13,064.05. If the recommendation is accepted this will leave \$11,068.95 remaining in the fund for this financial year.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The Community Supports Grants Assessment Panel has assessed the 14 applications and nine have been recommended to Council for approval for the amounts indicated as per the attached schedule.

Attachments: 1. Community Support Grants March 2023 Assessment Schedule (10)

Ian Nelson

CHIEF EXECUTIVE OFFICER

ATTACHMENT 1

Community Support Grants March 2023 Assessment Schedule – March 2023

Fourteen applications were submitted to Council in the March 2023 round of Community Support Grants:

Applicant	Project	Requested Amount
Risdon Vale Neighbourhood Centre	Playgroup	\$1,500.00
Richmond Picklers	Equipment purchase	\$1,070.00
Pipe Clay Coastcare Incorporated	Be Snake Aware!	\$1,500.00
Motor Yacht Club of Tasmania	Visual Display	\$1,500.00
Eastern Shore Jets Netball Club	First Aid and CPR training	\$1,500.00
Hobart Malayali Association	Easter, Vishu & Eid 2023	\$1,500.00
Gurkha Legends Cricket Club	Equipment purchase	\$1,500.00
Eat Well Tasmania	Food for Thought	\$1,500.00
Dominoes Basketball Club	Senior size 7 basketballs	\$1,500.00
Clarence Past Players and Officials	CFC Changeroom Upgrade	\$1,500.00
Clarence District Cricket Club	CDCC Recycling Project	\$1,494.05
Choral Productions	Portable PA Sound System	\$1,500.00
Warrane Mornington Neighbourhood Centre	Resourceful workshops	\$1,500.00
Lindisfarne RSL sub-branch Inc	Traffic management - Anzac Day	\$2,966.00
	Total	\$22,030.05

Applications supported for Grant Funding

Applicant:	Richmond Picklers
Project:	Equipment purchase
Funds Requested:	\$1,070.00
Project Description:	<p>Plain and simple, we have self-funded enough equipment to get Pickleball started in the community, but popularity has quickly grown to now require another set of gear and equipment.</p> <p>This will allow for the utilisation of the second court available to us in the Richmond Primary Hall and make Pickleball available to more and more locals.</p> <p>The initial group of participants (The Richmond Picklers) will be responsible for the continued management of the gear and availability.</p> <p>If successful, along with the CCC publicising the project, we will ensure that suitable exposure is provided via the Richmond Community News.</p> <p>While we are restricted to 2 courts, we are not limited by how many nights we can play, so as we get more participants, we will expand to offering additional nights /weekends to play.</p>

Comments:	The project demonstrates community initiative and benefits the community of Clarence through positive ageing and fitness, safe spaces for community connection and opportunities for local residents to participate.
Recommendation:	This application is supported for the amount of \$1,070.00 for the purchase of equipment

Applicant:	Pipe Clay Coastcare Incorporated
Project:	Be Snake Aware!
Funds Requested:	\$1,500.00
Project Description:	<p>Provide Snake Bite First Aid Training and Awareness with the intention to lead young people onto the path of further first aid training. (1 day training).</p> <p>This activity will improve volunteers' first aid skills. Our particular focus is the youth of our group as they are exceptionally physically active in our activities which are undertaken in areas where they are very likely to encounter snakes.</p> <p>Furthermore, our Cremorne youth volunteers are outdoor kids. They spend much time at the beach, mountain biking, hiking and just enjoying the outdoors. These areas are all habitats for snakes. We want to equip them in both their volunteer work and general enjoyment of our local outdoors to both avoid and manage snake bites.</p> <p>We see this day as being an engaging educational activity for our youth which hopefully will set them on the path to a lifetime of first aid training.</p> <p>Secondly, this is a day which will allow us to engage those volunteers who are not as regular as others and to widen our volunteer base.</p>
Comments:	This project is seeking to build capacity within its youth volunteer base, and encourage volunteerism within the municipality of Clarence, from a young age. This activity aligns with several of Council's strategic plans in the way that it seeks to build capacity and resilience within the community. Further, the activity will raise awareness of the local environment, snake and animal habitats and improve first aid skills in responding to potential snake bites.
Recommendation:	This application is supported for the amount of \$1,500.00 to conduct snake awareness first aid training.

Applicant:	Eastern Shore Jets Netball Club
Project:	First Aid and CPR training
Funds Requested:	\$1,500.00
Project Description:	Formal First Aid and CPR training for ten senior volunteers/coaches/umpires and committee members to ensure the safety and wellbeing of the players and those in the audience.
Comments:	The project demonstrates capacity building within the club and broader benefit to the Clarence community.
Recommendation:	This application is supported for the amount of \$1,500.00 to conduct first aid and CPR training.

Applicant:	Gurkha Legends Cricket Club
Project:	Equipment purchase
Funds Requested:	\$1,500.00
Project Description:	Purchase of new equipment to enhance the quality of cricket being played across its various teams, and to support the facilitation of a junior cricket program in collaboration with Cricket Tasmania
Comments:	The project demonstrates alignment with a number of Council strategic plans and objectives and encourages community participation and healthy living within the municipality of Clarence.
Recommendation:	This application is supported for the amount of \$1,500.00 for the purchase of new cricket equipment to support its programs.

Applicant:	Eat Well Tasmania
Project:	Food for Thought
Funds Requested:	\$1,500.00
Project Description:	<p>Located on the grounds of the Christian Family Centre and adjacent to Risdon Prison, Eat Well Tasmania are leading a community garden project where we'll aim to grow fresh, healthy vegetables to feed Tasmanian school students via School Food Matters meals in schools' program.</p> <p>In partnership with the Tasmanian Prison Service, identified inmates will be given the opportunity to be involved in the sewing, growing and harvesting of fresh home grown produce. In addition, inmates will be given formal and informal training on horticulture, landscaping and communication skills trainings which will assist with their rehabilitation and re-integration when released back into our community.</p>

	<p>Through EWT's partnership with School Food Matters, all produce grown will go directly to the School Food Matters program, which is now providing healthy, home cooked meals to over 6000 Tasmanian students every week across 30 schools including 4 primary schools within the Clarence Council municipality.</p> <p>EWT Tasmania will manage the project and look to form relationships with other community groups such as Risdon Vale Community House, Men's Sheds association and school groups to participate in the garden when appropriate.</p>
Comments:	This project aligned with several Council strategic plans and objectives with numerous outcomes to enhance health and wellbeing, community participation, built environment and volunteerism in the community of Clarence. The project will also provide hands-on training, healthy choices and up-skilling opportunities to inmates to assist with reintegration into the community once released from prison.
Recommendation:	This application is supported for the amount of \$1,500.00 to assist in the delivery of the Food for Thought program.

Applicant:	Dominoes Basketball Club
Project:	Senior basketballs (larger size 7 basketballs)
Funds Requested:	\$1,500.00
Project Description:	In 2020, after a 35 year hiatus, the Senior Mens program was reintroduced back into the club with Senior Div 1 and Div 2 joining the Tas Senior Basketball League rosters in southern Tasmania. With this new development, and growing player numbers in the Under 18 program, the number and quality of basketballs to service the demand is shown to be lacking. Funds are requested to purchase size 7 Molten Basketballs to be used across the Senior Men and Under 18 junior boys team programs, as demand continues to grow year on year.
Comments:	This project meets the criteria and aligns with Community Wellbeing strategy and Active Lifestyle strategy, and Youth Plan. Equipment will be used across a number of programs for Senior men and junior men, which will encourage social connectedness and participation.
Recommendation:	This application is supported for the amount of \$1,500.00 for the purchase of size 7 Molten Basketballs.

Applicant:	Clarence District Cricket Club
Project:	CDCC Recycling Project
Funds Requested:	\$1,494.05
Project Description:	Clarence District Cricket Club is seeking funding to introduce the CDCC Recycling Project as a means of raising awareness for the environment, encouraging recycling options, reducing waste and demonstrating the Club's commitment to the local environment. Funds will be used to pay for signage, a 660L Recycling service, 3 x 60L wheelie bins and a nominal amount towards the project administration.
Comments:	The panel supports this project as a one-off innovation grant and statistical gathering exercise to help inform future Council strategy in waste management. This work has been on council's waste management team's radar prior to the receipt of this application and will inform planning into the future.
Recommendation:	This application is supported for the amount of \$1,494.05 for the delivery of the CDCC Recycling Project.

Applicant:	Choral Productions
Project:	Portable PA Sound System
Funds Requested:	\$1,500.00
Project Description:	Choral Productions is seeking funding to enhance the capacity of the choir through the purchase of a new sound system. The portable PA sound system has been identified as a more mobile and efficient solution which can be used while performing at external events and rehearsals. The PA sound system will provide a superior sound for both the keyboard and choir, in contrast to an extension speaker, which would only have limited use with the keyboard. The intention too is that by upgrading the speaker equipment, this will bring a sense of pride to the choir and encourage participation.
Comments:	The Choral Productions Tasmania group provides opportunities for the improvement of community health and wellbeing, community connectedness, participation and general physical health, and is open to all ages, cultures and abilities. The submitted application was thorough, providing clear supporting documentation and evidence of demand. This project meets the criteria and aligns with the following strategic plans:
Recommendation:	This application is supported for the amount of \$1,500.00 for the purchase of a portable PA sound system.

Applicant:	Warrane Mornington Neighbourhood Centre
Project:	Resourceful Workshops
Funds Requested:	\$1,500.00
Project Description:	<p>The Warrane Mornington Neighbourhood Centre (WMNC) will offer a series of six free workshops engaging community with the WMNC and Warrane Community Garden (WCG) in topics of composting for beginners, nature's recyclers, upcycled crafting and nature play. The Resource Co-op, the leading educator in waste management in Southern Tas, will facilitate four workshops. Puddle Jumpers Tasmania's experienced and knowledgeable Early Childhood Educators will facilitate the Nature Play activities. The workshop series will offer some new activities that community members have expressed a desire to participate in. We also aim to engage members of the community who have not previously connected with the Centre or Garden through these activities. The workshops will increase opportunities for volunteers and community member to connect socially while learning about waste reduction, compost basics, and creative upcycled crafting. Participants will come away with an understanding of WMNC's services and opportunities to engage with the WMNC and WCG more regularly. Activities will be located at the WMNC, WCG and WMNC staff will administer and promote the workshops. Workshops will be facilitated by the Resource Work Co-op, WCG Community Garden Coordinator and Puddle Jumpers Tasmania.</p> <p>Workshops: Resource Co-op: Nature's Recyclers Resource Co-op: Composting Demystified Resource Co-op: Basket Making Resource Co-op: Hat-making Puddle Jumpers: Nature play for children</p>
Comments:	The project meets the criteria and aligns with the Community Health and Wellbeing Plan, Community Safety Plan, the Age Friendly Clarence Plan, and provides opportunities for enhanced social connection, upskilling, learning and community participation for a range of ages and abilities.
Recommendation:	This application is supported for the amount of \$1,500.00 to deliver the Resourceful Workshops project.

Applications not funded

Applicant:	The Motor Yacht Club of Tasmania
Project:	Visual Display
Funds Requested:	\$1,500.00
Project Description:	Provide drop-down screen in the meeting room. The screen will allow presentations to be conducted. Currently the club is the only space with all amenities provided for groups in the Lindisfarne catchment. It is a safe and warm environment for a range of age groups.
Comments:	When assessing this application, the grants assessment panel felt there was a lack of clear evidence demonstrating community demand and benefit. This application would have been enhanced with letters of support from community groups for the project, and due to the Club's commercial ventures, the Grants Assessment Panel wanted to see more detail around fees and charges, and specifically how the hire of the screen would be charged out to community groups.
Recommendation:	This application was not supported for funding by the Grants Assessment Panel.

Applicant:	Hobart Malayali Association
Project:	Easter, Vishu & Eid 2023
Funds Requested:	\$1,500.00
Project Description:	<p>Easter community gathering function can be a great way to bring people together to celebrate the holiday and strengthen the sense of community.</p> <p>Vishu is a traditional festival celebrated in the Indian state of Kerala which falls on April 15. Vishu is a time of renewal, hope, and new beginnings. The festival is celebrated with great joy and enthusiasm by the people of Kerala. Vishu is an important festival that celebrates the beginning of a new year and new beginnings. It is a time for family, food, and festivities. Eid ul-Fitr is a time of celebration, generosity, and forgiveness for Muslims around the world. It marks the end of the holy month of Ramadan and is an important occasion for family, friends, and community gatherings.</p> <p>Malayali community celebrates Easter, Vishu, and Eid ul-Fitr with great enthusiasm and joy. Each festival has its unique rituals and traditions, and they are an integral part of the cultural fabric of Kerala.</p> <p>We are planning to organise this event at Citywide Baptist church Hall, Mornington.</p>

Comments:	<p>The request is for funds to host an Easter event on 15 April. While the Grants Assessment Panel is supportive of events which promote cultural diversity, community connectedness and cohesion in Clarence municipality, and the project satisfied most of the key criteria, it was assessed as ineligible because it was commencing prior to Council meeting to review the applications.</p> <p>The Grants Assessment Panel got in contact with the applicant to suggest alternative options in-lieu of a community support grant and redirected the applicant to the Council's sponsorship program for an eligibility assessment, given the imminent start date of the project. Unfortunately, the applicant was assessed as ineligible for sponsorship due to having received funds from that program within the last 12 months.</p> <p>The panel encourages the applicant to apply to the September round of community support grants for projects starting in April of the year following.</p>
Recommendation:	This application was not supported for funding by the Grants Assessment Panel.

Applicant:	Risdon Vale Neighbourhood Centre
Project:	Playgroup
Funds Requested:	\$1,500.00
Project Description:	<p>We would like to start a playgroup program. We would like to give the community of Risdon Vale and surrounding areas the opportunity to bring their children 0-5 years of age to come together and spend quality time getting to know new people/families in the community. This will also give the children in our community a safe and happy space to learn, grow and thrive. This program will take place in our newly renovated Neighbourhood House in Risdon Vale.</p>
Comments:	<p>Funds were requested for the purchase of equipment and toys to deliver a playgroup session. However, the application was assessed as ineligible due to the fact that:</p> <ul style="list-style-type: none"> • It didn't adequately demonstrate to the Grants Assessment Panel that the project was a new initiative which sat outside of the scope of the Neighbourhood Centre's core business and funding; and • There was a lack of detail around the proposed activity and its point of difference to other children's play programs in the area such as those run by Families Tasmania or via DECYP's Launch into Learning program, for example.

	This application could have been strengthened with letters of support from Families Tasmania, further project scope and detail, and evidence of it being a new initiative, as distinct from core business.
Recommendation:	This application was not supported for funding by the Grants Assessment Panel.

Applicant:	Clarence Past Players and Officials
Project:	CFC Changeroom Upgrade
Funds Requested:	\$1,500.00
Project Description:	<p>The Clarence Football Club change rooms are located under the ‘David Boon’ stand Blundstone Arena. The Clarence Football Club currently sublet from Cricket Tasmania. The Clarence Past Players and Officials Association would like to improve locker facilities and add signage in the facilities to create our own identity. We would like to create x3 mural walls depicting our premiership success, acknowledging our rich history and contributions as well as assist in inspiring a pathway for our junior boys and girls. In doing this we are creating enthusiasm within the club as well as acknowledgment for past, present and future support. Volunteers, Players, Coaches, Supporter as well as members from the CPPOA are all contributing to this project and creating an exciting and motivating environment. Cricket Tasmania has approved our ideas as they will not be visible to the public from the external of the arena.</p>
Comments:	<p>Funds were requested for a changeroom upgrade and visual display to recognise investment and support from volunteers, players and supporters of the club. However, the application was assessed as ineligible for the following reasons:</p> <ul style="list-style-type: none"> • while it indicated it had approval from the venue, it didn’t provide evidence of support to undertake the proposed modifications (Council can’t approve modifications to a venue or asset which is not ours without clear letters of support); • there was an indication that the project had already commenced in March; and • The project didn’t provide enough evidence to demonstrate the benefit to the community of Clarence. The panel had concerns that the display would only benefit a small group, due to it not being visible to the public.
Recommendation:	This application was not supported for funding by the Grants Assessment Panel.

Applicant:	Lindisfarne RSL sub-branch
Project:	ANZAC Day Traffic Management
Funds Requested:	\$2966.00
Project Description:	<p>Due to the recently changed standards of controlling traffic on public roadways and additional conditions imposed by the new standards, the LRSL has to have a certified traffic management plan drawn up by a licensed Traffic Engineer and have qualified traffic controllers stationed at each intersection during the time whilst the flow of traffic is interrupted or closed. LRSL intends to close Park Road, Beltana Street and Ford Parade Lindisfarne.</p> <p>These new standards have forced the LRSL to consult an outside traffic management group and hire the required personnel to complete this activity. LRSL is only a small community group and finds it difficult to finance this important National and community event.</p>
Comments:	<p>Funds were requested to implement traffic management of the Anzac Day parade at Lindisfarne. The Grants Assessment Panel reviewed the application but determined that the requested activity and funds was outside of the scope of the Community Support Grant Program guidelines.</p> <p>The Panel recommended redirecting the applicant to submit a sponsorship request. Contact was made with the applicant, and they were redirected to the Economic Development team for a sponsorship eligibility assessment</p>
Recommendation:	This application was not supported for funding by the Grants Assessment Panel.

8.4.2 CITIZENSHIP AND AWARDS CEREMONIES 2024 ONWARDS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to table recommendations to alter the scheduling of Council's Citizenship and Awards ceremonies in 2024 and beyond, following notification by the Department of Home Affairs that there has been an amendment to the Australian Citizenship Ceremonies Code (the Code) allowing citizenship ceremonies to be held on Australia Day, or the three days prior or three days after Australia Day.

RELATION TO EXISTING POLICY/PLANS

The recommendations contained in this report are in alignment with the Strategic Plan 2021-2031, and the Cultural Creative Strategy 2022-2032, and are facilitated through the Reconciliation Action Plan Working Group (RAPWG) with endorsement by the Honours and Awards Committee (in relation to the timing and naming of the awards) and the Events Special Committee.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

- Reconciliation Action Plan Working Group;
- Honours and Awards Committee; and
- Events Special Committee.

FINANCIAL IMPLICATIONS

Funds are allocated in Council's annual operating budget to assist with Citizenship and awards ceremonies.

RECOMMENDATION:

That Council:

- Subject to D below, holds no community events or citizenship ceremonies on 26 January.
- In accordance with the Australian Citizenship Ceremonies Code, from 2024 the January citizenship ceremony is to be held in the three days prior to, or the three days after, 26 January, with a date for 2024 and beyond to be set by Council officers in accordance with the Code.
- That Council's Citizen of the Year awards ceremonies remain in the same format (inc. Citizen of the Year coupled with Volunteer recognition event now held in May in line with National Volunteer Week celebrations) however will be decoupled from Australia Day.

- D. Request the Reconciliation Action Plan Working Group to conduct further desktop research to present options at a future Council workshop on how Council may recognise and pay respect to Aboriginal and Torres Strait Islander peoples on 26 January, while it continues to be a national public holiday.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1.** Council's Reconciliation Action Plan Working Group (RAPWG) is working with Council and community representatives to develop a Reconciliation Action Plan for Clarence City Council as part of its commitment towards truth-telling.
- 1.2.** In December 2022, the Federal Government mandate for Local Government Authorities to hold Citizenship Ceremonies on 26 January was lifted, allowing citizenship ceremonies to be held three days either side of Australia Day.
- 1.3.** On 10 January 2023, the Chair of Clarence Council's (RAPWG), Cr. Beth Warren, received correspondence from the Mayor Brendan Blomeley (refer Attachment 1) requesting input from the RAPWG for: "How Council might undertake citizenship ceremonies around Australia Day from 2024 and beyond, given the mandate has been lifted".
- 1.4.** On 20 January, the RAPWG convened a special meeting to consider this correspondence and the lifting of the mandate and identified a set of recommendations and a process for endorsement, which involved collaboration and agreement from Council's Events Special Committee and the Honours and Awards Committee.

2. REPORT IN DETAIL

- 2.1.** In December 2022, the Federal Government mandate for Local Government Authorities to hold Citizenship Ceremonies on 26 January was lifted, allowing citizenship ceremonies to be held three days either side of Australia Day.

- 2.2.** On 10 January 2023, the Mayor wrote to the RAPWG Chair, Cr. Beth Warren, (refer Attachment 1) requesting input for how Council might undertake citizenship ceremonies around Australia Day from 2024 and beyond, given the mandate has been lifted.
- 2.3.** On 20 January, the RAPWG met to consider Mayor Blomeley's request for input. The group identified a set of recommendations for the consideration of the Honours and Awards and Events Special Committee Chairs before compilation of a report to Council. The following considerations were taken into account before finalising recommendations.
- With the Federal Government mandate lifted, there is growing support and momentum within Local Government Authorities to move citizenship ceremonies and community events away from 26 January as a mark of respect to Aboriginal and Torres Strait Islander peoples.
 - That Council's Citizenship and Awards ceremonies be de-coupled from the Australia Day brand reference in alignment with the strategic direction of Council's first Reconciliation Action Plan.
 - Further consultation with the Events Special Committee on event offerings in-lieu of an event on 26 January. However, it is noted that there is greater understanding within the community that 26 January is not a day of celebration for all citizens.
 - Further consultation and research is required to provide Council with options on how it acknowledges and pays respect to Aboriginal and Torres Strait Islander people on 26 January while it continues to be a national public holiday.
- 2.4.** The RAPWG is working with Council and community representatives to develop a Reconciliation Action Plan for Clarence City Council as part of its commitment towards truth-telling. The debate around 26 January and its associated implications is central to this plan, which is gathering momentum nationally. There is a groundswell of support within Local Government Authorities to move away from holding citizenship ceremonies on 26 January, as a formal mark of respect to Aboriginal and Torres Strait Islander peoples.

- 2.5.** Within the local context, several Local Government Authorities have already endorsed a move away from holding citizenship ceremonies on 26 January. For example, on 23 January 2023, the Hobart City Council voted in favour of moving its citizenship ceremony to 27 January 2024, joining the City of Sydney, and in December 2022, the City of Glenorchy agreed to move its citizenship ceremony to 24 January for ceremonies in 2023.
- 2.6.** Following the above considerations, and as part of its commitment towards truth-telling and shared learning through the Reconciliation Action Plan process, the RAPWG proposed to the Events Special and the Honours and Awards Committees the following recommendations.
- Subject to recommendation 2.6.3 below, that Council holds no community events or citizenship ceremonies on 26 January but remains compliant with Federal Government protocols to hold a ceremony within three days either side, with the date for future citizenship ceremonies to be set by Council officers.
 - That Council's Awards Ceremonies remain in the same format (inc. Citizen of the Year ceremony coupled with the Volunteer recognition event held in May), however are decoupled from the Australia Day reference.
 - The RAPWG will undertake further desktop research of what other councils in Australia are doing on 26 January public holiday to present options at a future workshop.
- 2.7.** It is important to note that the RAPWG recognises the larger question for the Council regarding how it acknowledges 26 January while it remains a national public holiday. As noted in the recommendations, further desktop research and consultation is to be undertaken and options will be provided at a future Council workshop to progress this, in line with the development of the Reconciliation Action Plan.

- 2.8.** Council's Events Special Committee and Honours and Awards Committees agreed to the recommendations as outlined in the Memo from the RAPWG (refer Attachment 2).

3. CONSULTATION

3.1. Community Consultation Undertaken

This issue has been discussed with the Events Special Committee, Honours and Awards Committee and Reconciliation Action Plan Working Group.

3.2. State/Local Government Protocol

This recommendation follows a change in mandate by the Federal Government on when Council's must hold citizenship ceremonies.

3.3. Other

Nil.

3.4. Further Community Consultation

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Strategic Plan 2021-2031 and Cultural Creative Strategy 2022-2032 are relevant.

5. EXTERNAL IMPACTS

There are no significant external impacts.

6. RISK AND LEGAL IMPLICATIONS

There are no significant risk or legal implications.

7. FINANCIAL IMPLICATIONS

Funds are allocated in Council's annual operating budget to assist with Citizenship and awards ceremonies. There are no additional funding impacts expected.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The recommendations are supported by the Reconciliation Action Plan Working Group, Honours and Awards Committee, and the Events Special Committee.

Attachments: 1. Letter to Councillor Warren from Mayor – RE Australia Day Ceremonies in Future (2)
2. RAPWG Citizenship Ceremonies and Australia Day Recommendations (2)

Ian Nelson

CHIEF EXECUTIVE OFFICER



Office of the Mayor

38 Bligh St Rosny Park
PO Box 96
Rosny Park TAS, 7018
Dx 70402
Ph 03 6217 9500
E clarence@ccc.tas.gov.au

10 January 2023

Councillor Beth Warren
Chair
Reconciliation Action Plan Working Group
Email: clr_bwarren@ccc.tas.gov.au

Dear Councillor Warren,

I write in relation to your role as Chair of Council's Reconciliation Action Plan Working Group and the changes made in December 2022 by the Federal Government, allowing Citizenship Ceremonies to be held three days either side of Australia Day.

Noting the sensitive nature for the aboriginal community of holding celebrations on Australia Day, balanced against the granting of citizenship as a moment of lifelong significance for many in our community, I write seeking input from the Reconciliation Action Plan Working Group on how council might now undertake citizenship ceremonies around the day. I am keen to see our council strike an appropriate balance in relation to this issue.

I note some of the reasons listed by the Minister for Immigration, Citizenship and Multicultural Affairs, the Hon. Andrew Giles MP, for the change in approach by the Department of Home Affairs were:

- A response to protests over what the day signifies for Aboriginal and Torres Strait Islander people, and
- A number of councils had indicated that they wanted to move away from holding the ceremonies on Australia Day because of higher costs for operating on a public holiday.

As you know, our 2023 citizenship ceremony is scheduled for Australia Day and given the significant planning that has already gone into the day, it will proceed on the 26th of January.

As you would appreciate, invitations for conferees and their guests have already been distributed and a date change this late would be unfair to them.

I would be grateful for this issue to be considered at your next working group meeting and following this discussion, I request that the working group makes a recommendation of options on how council might proceed with citizenship ceremonies on or around Australia Day in future years.

Beth, thank you and other members of the working group for your consideration and assistance with this matter.

Yours sincerely,

A handwritten signature in blue ink, reading "B.A. Blomeley". The signature is written in a cursive style with a small dot at the end.

Councillor Brendan Blomeley
MAYOR

To: Honours and Awards, and Events Special Committees through the Reconciliation Action Plan Working Group

From: Councillor Beth Warren – Chair RAPWG

Subject: Citizenship Ceremonies and Australia Day recommendations

Date: 21 February 2023 **File:** Reconciliation Action Plan Working Group **Init:** BW/JM

In December 2022, the Federal Government mandate for Local Government Authorities to hold Citizenship Ceremonies on 26 January was lifted, allowing citizenship ceremonies to be held three days either side of Australia Day.

As Chair of the Reconciliation Plan Working Group (RAPWG), I received correspondence from the Mayor on 10 January, 2023, requesting input from the RAPWG for:

- How council might undertake citizenship ceremonies around Australia Day from 2024 and beyond, given the mandate has been lifted.

On 20 January, the RAPWG met to consider Mayor Blomeley's request for input, identifying three key issues and a set of recommendations to be proposed to the Honours and Awards Committee and Events Special Committee Chairs for discussion and agreement before compilation of a report to Council on 27 February or 20 March.

The three key issues identified were:

1. Citizenship and Awards ceremonies are currently coupled to Australia Day brand reference;
2. Community event - striking an appropriate balance in community event offerings in lieu of an event on 26 January; and
3. How council plans to acknowledge 26 January into the future.

The RAPWG is working with council and community representatives to develop a Reconciliation Action Plan for Clarence City Council as part of its commitment towards truth-telling. The debate around 26 January and its associated implications is central to this plan, which is gathering momentum nationally. As such, there is a groundswell of support within the LGAs to move away from holding citizenship ceremonies on 26 January, as a formal mark of respect to Aboriginal and Torres Strait Islander peoples.

Locally, you'll note that on 23 January, the Hobart City Council voted in favour to move its citizenship ceremony to 27 January 2024, joining the City of Sydney, and in December 2022, the City of Glenorchy agreed to move its citizenship ceremony to 24 January for ceremonies in 2023.

As part of its commitment towards truth-telling, the RAPWG proposes that council holds no community events or citizenship ceremonies on 26 January but remains compliant with Federal Government protocols to hold three days either side, with confirmation of a date at a future Council meeting. Secondly, it is to be discussed and recommended by the Events Special Committee, what, if any, community events should be held in lieu of a formal community Australia Day event as held in previous years, pre-pandemic.

A further recommendation is that the Awards ceremonies which had been branded as Australia Day Awards be decoupled from the Australia Day reference and remain in the same format, being an evening cocktail style function held in May, given the success of recent years.

More broadly, it is important to note that the RAPWG recognises the larger question for the organisation regarding how council acknowledges 26 January while it remains a national public holiday. As noted in the recommendations below, further desktop research is to be undertaken and options will be provided at a future workshop to progress this.

As Chair, I am seeking your agreement on the below proposed set of recommendations which will inform a report to Council later this month.

For consideration of the Honours and Awards, and Events Special Committees, RAPWG is recommending:

1. Subject to recommendation three (3) below, that no council community events are held on 26 January in 2024 and beyond (including citizenship ceremonies and community events);
2. That Awards Ceremonies remain in the same format (inc. Citizen of the Year ceremony coupled with the Volunteer recognition event held in May), however are decoupled from the Australia Day reference; and
3. That RAPWG will undertake further desktop research of what other councils in Australia are doing on 26 January public holiday to present options at a future workshop.

Agreed process

If committees are in support of the above proposal, the recommendations will be workshopped with Elected Members, and then council officers will compile a report to Council at either the 27 February or 20 March Council meetings for endorsement by Elected Members.

For your information,



Councillor Beth Warren

8.4.3 COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY – APPROVAL OF RULE CHANGES**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to seek Council's approval of the certified amendments to the Copping Refuse Disposal Site Joint Authority (Authority) Rules.

RELATION TO EXISTING POLICY/PLANS

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

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

To progress the amendment of the Rules, Council advertised the proposed amendment through a public advertising process for a period of 21 days. Following the advertising period, the Authority was then to consider any submissions received before referring them to participating councils for final endorsement of the amended Rules. No submissions were received.

FINANCIAL IMPLICATIONS

There are no adverse financial implications arising from the proposed amendment to the Rules.

RECOMMENDATION:

That Clarence City Council approves the certified amended Rules of the Copping Refuse Disposal Site Joint Authority.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Under sub-Rule 232 of the Copping Refuse Disposal Site Joint Authority Rules, the Authority is required to review its Rules at least every five years. The last review of this nature was finalised in December 2017, although a minor Rule change in relation to dividends was finalised in September 2021.
- 1.2.** At its meeting on 11 August 2022, the Authority approved, by special resolution, its intention to amend the Rules.

- 1.3. The proposed amendments to the Rules cover a range of governance and administrative processes that aim to modernise the Authority's framework of corporate governance and oversight and reflect the enhanced business practices that have evolved over time. The proposed amendments do not change the purpose or functions of the Authority.
- 1.4. A summary of the proposed changes was considered by Council at its meeting on 20 March 2023.

2. **REPORT IN DETAIL**

- 2.1. The Authority has conducted a review of its Rules in accordance with Rule 232.
- 2.2. The collective scale of the amendments is considered material and so requires the full process prescribed under sections 31 and 32 of the *Local Government Act 1993* (Tas) (the Act). A summary of the process is provided below.
 - **Step 1 (Completed)**

A resolution of the Authority's participating councils is required to approve advertising of the proposed rule change. One Participating Council is to act as the "Nominated Council" to perform the roles required to undertake the actions to change the Rules. Council's Chief Executive Officer agreed that Clarence City Council was to act as the Nominating Council. This is consistent with past practice.
 - **Step 2 (Completed)**

If the resolution to advertise is approved by the four Participating Councils, the Nominating Council is to:

 - publish the complying notice in a local daily newspaper;
 - display the complying notice at its premises for at least 21 days;
 - provide a copy of the proposed Rule amendment to the Director of Local Government; and
 - make the proposed amendment available for inspection or purchase at its public offices.

- **Step 3 (Completed)**
 - After publication and any submissions are received, a general meeting of the Authority is convened to consider and deal with any submissions.
 - Subject to any changes to the proposed amendments, participating councils approve the proposed amendments to the Rules before further steps are taken in accordance with the Local Government Act requirements.
- **Step 4 (Current)**

The proposed amended Rules are then to be certified by both a legal practitioner and the General Manager of the Nominating Council before being provided to the participating councils for final approval.
- **Step 5 (Future)**

Once approved by the Participating Councils, the Authority will re-approve the amended Rules by Special Resolution.
- **Step 6 (Future)**

The amended Rules are then to be certified again by both a legal practitioner and the General Manager of the Nominating Council as prescribed in the Act.
- **Step 7 (Future)**
 - A copy of the new Rules is to be provided to the Director of Local Government.
 - Anyone who made a submission on the proposed amendment is to be advised of the final decision.
- **Step 8 (Future)**
 - The amendment comes into effect.

- 2.3.** No public submissions were received from the advertising period. However, several additional amendments were suggested at the Authority's general meeting in October 2022. Legal advice confirmed these to be technical or minor administrative amendments and did not require re-advertising.
- 2.4.** The Authority approved these minor amendments at its meeting on 9 February 2023 by special resolution.
- 2.5.** All Participating Councils approved the proposed amendments unchanged.
- 2.6.** The Rules have now been certified by a legal practitioner and the General Manager/CEO of the Nominating Council (Clarence). **Attachment 1** includes a certified copy of the proposed amended rules.
- 2.7.** All Participating Councils are now required to adopt the certified amended rules which will then be re-approved by the Authority and certified again by a legal practitioner and the General Manager/CEO of the Nominating Council as being in accordance with the law.

3. CONSULTATION

3.1. Community Consultation Undertaken

Council followed the required consultation process, consisting of:

- Council published a notice of the proposed amendment in "The Mercury";
- Council displayed the notice at its premises for 21 days; and
- Council made the notice available for inspection or purchase at its public offices.

3.2. State/Local Government Protocol

The Nominating Council is to provide a copy of the proposed Rule amendment to the Director of Local Government.

3.3. Other

Nil.

3.4. Further Community Consultation

No further community consultation is required.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

There are no strategic plan implications arising from the proposed rule amendment.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

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

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

Approval is being sought from Participating Councils to approve the certified amended Rules which is the fourth step in the amendment process.

Attachments: 1. Certified Amended Rules of the Copping Refuse Disposal Site Joint Authority (March 2023) (45)

Ian Nelson

CHIEF EXECUTIVE OFFICER

**Rules
of the
Copping Refuse Disposal Site Authority**

as amended March 2023

**CERTIFICATION OF THE RULES OF THE
COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Pursuant to Section 32 of the Local Government Act 1993 (Tas)

I, Darren James Sheen of 59 Harrington Street, Hobart in Tasmania, qualified legal practitioner, HEREBY CERTIFY that the Rules of the Copping Refuse Disposal Site Joint Authority (a copy of which are annexed hereto and marked with the letter "A") are in accordance with the law.

This certification is given in accordance with Section 32(2) of the *Local Government Act 1993* (Tas).

DATED this 28th day of March 2023

SIGNED by Darren James Sheen)

in the presence of:)

Witness Signature:

Print full name:

Leah Vailas

Solicitor (Commissioner for Declarations)

Occupation:

Dobson Mitchell Allport

59 Harrington Street Hobart Tasmania

Full Address:

**CERTIFICATION OF THE RULES OF THE
COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY
Pursuant to Section 32(3)(b) of the *Local Government Act 1993* (Tas)**

I, IAN NELSON, of 38 Bligh Street Rosny Park in Tasmania, Chief Executive Officer of the Clarence City Council (a Participating Council of the Authority), HEREBY CERTIFY that the Rules of the Copping Refuse Disposal Site Joint Authority (a copy of which are annexed hereto and marked with the Letter "A") have been made in accordance with the *Local Government Act 1993* (Tas).

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

DATEED this 28th day of MARCH 2023.

SIGNED by IAN NELSON
in the presence of:



Witness signature:

Sharon Gillon

Full name:

SHARON Gillon

Occupation:

Executive Assistant

Full address:

c/- 38 Bligh Street

Rosny Park 7018

RULES of the COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY

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PART 1 - PRELIMINARY

Name

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

Establishment and Commencement of the Authority

2. The Authority is established as a joint authority under the Act.
3. These Rules come into effect on and from the commencement date agreed to by resolution of the Authority as constituted immediately before the coming into effect of these Rules.
4. These Rules replace the initial Rules of the Authority that came into effect with the publication of a notice in the Tasmanian Government Gazette on 21 March 2001, and that were amended on 19 March 2008, 1 July 2009, 23 August 2012 and 8 October 2015.

Body Corporate

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

Definitions

6. In these Rules the following words and expressions have the following meaning unless there is something in the subject or context of use inconsistent with that meaning.
 - “Act” means the *Local Government Act 1993* (Tas);
 - “Adjoining Land-Owner” means the owner of any land which immediately adjoins the Land;
 - “Annual Share of Municipal Waste Register” means the Register with that name maintained by the Authority in accordance with these Rules;
 - “Auditor” means the auditor of the Authority;
 - “Authority” means the Copping Refuse Disposal Site Joint Authority;
 - “Balance Area” has the meaning set out in the Lease;
 - “Board” means the Board of Directors appointed by the Authority;
 - “Board Chair” means the person appointed by the Authority as chair of the Board under Rule 72;
 - “Business Plan” means the Business Plan referred to in Rules 181 and 182;
 - “Chair” means the Chair of the Authority elected by the Members under Rule 98 or Rule 132;
 - “Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under Part 6;
 - “Close Associate” has the meaning set out in Section 51 of the Act;
 - “Competitive Neutrality Principles” means the competitive neutrality principles referred to in the Act;
 - “Comptroller” means the person appointed by the Authority under Rule 98, 99, 100 and

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

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

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

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

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

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

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

“EPA” means the Environment Protection Authority Tasmania;

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

“EPN” means the Environment Protection Notice 690/1 and any subsequent environmental protection notices issued by the EPA Director in relation to the Land, and any amended conditions or approved changes made from time to time to the EPNs;

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

“General Manager” means the General Manager or Chief Executive Officer or equivalent position of a Council or the General Manager’s nominee;

“General Meeting” means a meeting of Members;

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

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

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

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

registered lease B996834;

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

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

“Member” means a Participating Council;

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

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

“Municipal Waste” means waste arising from:

- (a). kerbside domestic waste (household solid and inert waste placed out for kerbside collection);
- (b). other domestic waste (residential solid and inert wastes);
- (c). residual domestic waste (non-recyclables) from Council operated or Council contracted waste transfer stations operated for the purpose of receiving waste from local residents within a relevant Member municipality;
- (d). other Council waste (Council generated solid and inert waste arising from street sweepings, litter bins, incidental green waste material), and includes:
 - (i). household domestic garbage set aside for kerbside collection;
 - (ii). food waste from industrial or commercial sources such as restaurants, food markets, supermarkets and the like set aside for kerbside collection;
 - (iii). paper and cardboard included as part of household collection of household domestic garbage; and
 - (iv). green waste included as part of household collection of household domestic garbage;

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

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

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

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

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

- (a). for a new Member admitted in accordance with Rule 18 it is to be an independently verified estimate of the new Member’s annual Municipal Waste that will be received at the Site until that Member’s PCIVAMW for a complete financial year is available; and

(b). for a Member where there has been a variation in that Member's gazetted Municipal Area of 10% or more of total land area it is to be an independently verified estimate of that Member's annual Municipal Waste that will be received at the Site until that Member's PCIVAMW for a complete financial year following the variation is available; and

(c). for all other Members it is to be the most recent PCIVAMW;

"PCIVAMW" means a Member's independently verified annual Municipal Waste received at the Site for a financial year;

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

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

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

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

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

"Register" means a register referred to in these Rules;

"Rules" means these Rules as altered or added to from time to time;

"Seal" means the common seal of the Authority;

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

"Simple Majority" means more than half of the total number of votes cast by Directors present at the meeting, each Director having one vote, or Members represented at the meeting by their Representative, a Member having the number of votes determined in accordance with Rule 63;

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

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

"Strategic Plan" means the Strategic Plan referred to in Rule 181; and

"Treasurer" means the Treasurer for the State of Tasmania.

Interpretation

7. In these Rules except to the extent that the context requires otherwise or the contrary intention appears:
- (a). words and phrases which are defined in the Act have the same meaning in these Rules;
 - (b). words in the singular include the plural and vice versa;
 - (c). words importing a gender include the other gender;
 - (d). a reference to the Act or any other statute or regulations or to any section or clause of the Act or any other statute or regulations is to be read as though the words “as modified or substituted from time to time” were added to the reference;
 - (e). headings do not affect the construction of these Rules; and
 - (f). where a word or a phrase is given a particular meaning other cognate parts of speech and grammatical forms of that word or phrase shall have a corresponding meaning.

PART 2 - PRINCIPAL OBJECTIVES, FUNCTIONS AND POWERS

Principal Objectives and Goals of the Authority

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

Functions of the Authority and of the Board

10. The Authority has the following functions:

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

- (j). to provide Members with quarterly reports as soon as practicable after the end of March, June, September, and December in each year which comply with the requirements set out in Rules 193 to 197;
- (k). to provide Members with a report by 30 September in each financial year containing an audit by a qualified waste management specialist of each Member's PCIVAMW and their Independently Verified Annual Share of Municipal Waste as required under Rule 26;
- (l). to consult with the Board and with Members on the strategic direction to be taken by the Authority; and
- (m). to comply with the Environmental Approvals, all applicable legislation, standards and codes, and the requirements of the Business Plan.

11. The Board has the following functions:

- (a). to ensure that the business and affairs of the Authority and that the functions and powers of the Authority that the Authority has delegated to be carried out by the Board are conducted and performed in a manner that is:
 - (i). in accordance with sound commercial practice;
 - (ii). consistent with the approved Strategic and Business Plans of the Authority and the Principal Objectives and Goals set out in Rule 8; and
 - (iii). in accordance with the Environmental Approvals, and all other permits, licences and governing legislation;
- (b). to provide such advice, information and assistance to the Authority concerning its specified functions and powers as the Authority may require;
- (c). to carry out any necessary schemes, works and undertakings;
- (d). to provide both on and off the Site all manner of facilities and services incidental to the Authority's Principal Objectives and Goals including, but not limited to waste transfer stations and transport services;
- (e). to have regard to the economic and social well-being of its customers, employees and the community generally;
- (f). to follow environmentally sound principles in its development and resource management activities;
- (g). to prepare a Strategic Plan and a Business Plan for the Authority in accordance with Rules 181 and 182;
- (h). to provide the Authority with quarterly reports as soon as practicable after the end of March, June, September, and December in each year which comply with the requirements set out in Rules 193 to 197;
- (i). to be responsible for the employment of the Chief Executive Officer and the determination of the terms and conditions of that employment;
- (j). to manage the resources of the Authority;
- (k). to ensure appropriate policy frameworks are in place; and

- (l). to provide a briefing at any reasonable time in respect to the performance of the Board's functions to one or more General Managers of Members upon request.

Powers of the Authority

- 12. In carrying out its objectives and functions the Authority has the following powers:
 - (a). to acquire, hold, lease, licence, dispose of and otherwise deal with real property;
 - (b). to acquire, hold, lease, licence, dispose of and otherwise deal with personal property;
 - (c). to enter into contracts provided that any contract that is entered into does not extend beyond the term of the Lease, or give rise to any contractual responsibilities or commitments of Members or Owner Councils after the date of the termination or expiration of the Lease;
 - (d). to appoint employees, agents and attorneys;
 - (e). to enter into contracts for the performance or exercise of any of its functions or powers jointly with another person or body;
 - (f). to set fees, charges, terms and conditions relating to work done, or services, goods or information supplied by it except any fee or charge referred to in section 205(2) of the Act or any rate or charge referred to in Part 9 of the Act;
 - (g). to engage consultants and provide consultancy services;
 - (h). subject to these Rules to raise loans and other financial accommodation;
 - (i). to give security for loans and financial accommodation;
 - (j). to transfer assets and liabilities from the Authority to a Council, or from a Council to the Authority;
 - (k). to transfer employees and the rights of employees from a Council to the Authority, or from the Authority to a Council;
 - (l). to exercise any power specified in the Act or any other act or in these Rules consistent with its Principal Objectives and Goals and functions;
 - (m). to make by-laws under Part 11 of the Act as if it were a Council;
 - (n). to do all things necessary or convenient to be done in connection with, or incidental to, the performance and exercise of its functions and powers;
 - (o). to perform its powers outside the boundaries of the municipal area of the Members which are consistent with these Rules and which are to be exercised in accordance with national competition principles; and
 - (p). to require the Board to carry out specified powers of the Authority.

Powers of the Board

- 13. (a) The Board may exercise all powers and functions delegated to it by the Authority in writing.
- (b) The Board may access independent, expert advice, at the Authority's expense, as it determines necessary to exercise its powers and functions and satisfy the duties of directors.

Delegations

14. Except for the power under Rule 12(a) and as provided in Rule 213(b), the Authority may delegate to the Chair, Board or Secretary, with or without conditions, any of the functions and powers that are within the power of the Authority (including any specified power of on-delegation of those functions and powers) and are not by these Rules or by legislation directed or required to be exercised or done by the Authority in General Meeting.
15. The Board may delegate to the Chief Executive Officer, an individual director, a committee of the Board or the Secretary (in their capacity as secretary to the Board), with or without conditions:
 - (a). any of the functions and powers delegated to it by the Authority in writing (including any specified power of on-delegation of those functions and powers); and
 - (b). any of the functions and powers conferred upon it under these Rules.

PART 3 - COMPOSITION OF THE AUTHORITY AND OF THE BOARD

Members

16. Each Member may use the Site as its sole or principal landfill refuse disposal site for its Municipal Waste subject to the Member entering into a written agreement with the Authority.
17. Intentionally Omitted.
18. Other Councils may be admitted to the Authority as Members:
 - (a). if approved by a Simple Majority of the then current Members;
 - (b). subject to the applicant Council meeting any requirements that are specified by the then current Members; and
 - (c). in accordance with the provisions of these Rules.
19. Any new Member shall be permitted to purchase the share/interest in equity in the Authority only up to its Independently Verified Annual Share of Municipal Waste at the date of its admission to the Authority.
20. The Authority must as soon as possible after determining the permitted share/interest in equity under Rule 19 for a new Member give notice ("the Purchase Notice") to all other Members inviting each of them to state in writing within 60 days from the date of the Purchase Notice whether they are willing to sell part of the share/interest in equity referred to in the Purchase Notice.
21. At the expiration of 60 days from the date of the Purchase Notice the Authority must allocate the share/interest in equity referred to in the Purchase Notice to or amongst the other Members who have expressed a willingness to sell and (if more than one) so far as possible pro rata according to the Member's equity interest in the Authority provided that no Member is obliged to dispose more than the share/interest in equity they have indicated a willingness to sell.
22. If the whole of the new Member's share/interest in equity referred to in the Purchase Notice

is not satisfied by sales under Rule 21 the new Member's share/interest in equity is to be reduced by the amount not sold.

23. All changes to the share/interest in equity of the Members shall be recorded in the Equity Interest Register.
24. Any additional operational and/or capital costs that arise as a result of an increase in the volume of Municipal Waste deposited at the Site arising from the admission of a new Member shall, subject to the provisions of Rule 210 be met by way of a Proportionate Payment from all Members, including the newly admitted Council.
25. An applicant Council's decision to purchase a share/interest in equity in the Authority less than its Independently Verified Annual Share of Municipal Waste shall not affect or reduce that Council's liability to make any Proportionate Payment required to be made by Members with respect to the operational and/or capital costs and expenses of the Authority, with all Proportionate Payments to be based on a Member's Independently Verified Annual Share of Municipal Waste.
26. The Authority shall ensure that by 30 September in each year it obtains and submits for the information of each Member a report from the Board in accordance with the provisions of Rule 10(k).
27. The Independently Verified Annual Share of Municipal Waste shall form the basis of any Proportionate Payments charged to each Member at the relevant time.
28. The Act in so far as it applies to a joint authority established under the Act applies to Members of the Authority and to the responsibilities of Members and Representatives of Members unless otherwise provided for in these Rules.

Cessation and Withdrawal of Participation – Members

29. Subject to any requirements of the Act and of these Rules, a Member may cease to participate in the Authority and withdraw as a Member.
30. A Member that intends to withdraw from the Authority ("Withdrawing Member") is to give the Authority not less than 12 months written notice of its intention to withdraw from the Authority in which it shall advise a date from which it no longer wishes to be a Member ("the Member's Termination Date").
31. By giving a notice to the Authority under Rule 30 the Withdrawing Member appoints the Authority as its agent for the sale of their share/interest in the equity of the Authority ("WPC Equity") in one or more lots at the discretion of the Authority at a price to be agreed between the Withdrawing Member and the Authority or failing agreement as to such price, at a price determined by valuation by a valuer appointed by mutual agreement between the Withdrawing Member and the Authority. If the Withdrawing Member and the Authority fail to agree to the appointment of a valuer, then the valuation will be undertaken by a valuer appointed by the president for the time being of the Law Society of Tasmania or that person's nominee at the request of either the Withdrawing Member and the Authority. The Withdrawing Member and the Authority will bear the cost of the valuation equally.
32. The Authority must as soon as possible, after determination of the price for the WPC Equity in accordance with Rule 31 ("Sale Price"), give written notice ("the Sale Notice") to all

other Members inviting each of them to state in writing within 60 days from the date of the Sale Notice whether they are willing to purchase any, and if so, what maximum part of the WPC Equity referred to in the Sale Notice.

33. At the expiration of 60 days from the date of the Sale Notice the Authority must allocate the WPC Equity referred to in the Sale Notice or amongst the other Members who have expressed a willingness to purchase and (if more than one) so far as may be possible pro rata according to the Withdrawing Member's equity interest in the Authority provided that no Member is obliged to take more than the share/interest in equity they have indicated a willingness to purchase. The Withdrawing Member is bound on payment of the Sale Price fixed to transfer the WPC Equity to the purchaser or purchasers and, in default, the Authority may receive and give a good discharge for the purchase money on behalf of the Withdrawing Member and enter the name of the purchaser or purchasers in the Equity Interest Register as holder by transfer of the share/interest in equity purchased by the purchaser or purchasers.
34. If the whole of the WPC Equity is not sold under Rule 33 then, subject to these Rules, at any time before the Member's Termination Date the Authority may transfer any part of the WPC Equity not sold, to a Council approved by the other Members acting reasonably and who meets the admission criteria for a Member, at a price determined by a valuer appointed by mutual agreement between the Withdrawing Member and the Authority. If the Withdrawing Member and the Authority fail to agree on the appointment of a valuer, then the valuation will be undertaken by a valuer appointed by the president for the time being of the Law Society of Tasmania or that person's nominee at the request of either the Withdrawing Member or the Authority. The Withdrawing Member and the Authority will bear the cost of the valuation equally, and in the event of any such sale the Authority must note in the Equity Interest Register the transfer of the share/interest in equity so sold.
35. If the whole of the WPC Equity is not sold under Rules 33 and 34, the Withdrawing Member will continue to be a Member with a share/interest in equity in the Authority reduced by the amounts sold.
36. The Authority may in their absolute and uncontrolled discretion refuse to register any proposed transfer of share/interest in equity in the Authority without assigning any reason for such refusal.
37. Subject to Rule 35, the Member giving notice pursuant to Rule 30 shall be deemed to have withdrawn from the Authority with effect from the Member's Termination Date. Such withdrawal will be without prejudice to any obligations on the part of the Member up to, and the rights or entitlements due to it under these Rules following, the Member's Termination Date.
38. A Member that withdraws from the Authority pursuant to Rule 37 is not entitled to a refund of any Proportionate Payments made prior to the Member's Termination Date or return of any other capital or assets it has provided to the Authority after the Member's Termination Date.
39. In the event of a withdrawal from the Authority pursuant to Rule 37, the Council which has withdrawn remains liable to contribute in respect of any liabilities of the Authority incurred while it was a Member for a period of 12 months after the Member's Termination Date

such liability calculated using the Withdrawing Member's Independently Verified Annual Share of Municipal Waste at the Member's Termination Date.

Disciplinary Action – Members

40. The Authority may take disciplinary action against a Member if a Simple Majority of Representatives determine there has been either:
 - (a). a material and persistent breach of a requirement(s) of these Rules by the Member; or
 - (b). a repudiation of the principles, objectives or goals of the Authority, as provided in Rule 8, by the Member.
41. Where the Authority has made a determination under Rule 40, the Authority must determine to either:
 - (a). reprimand the Member;
 - (b). suspend the participation of the Member for a specified period; or
 - (c). expel the Member.
42. The disciplinary action against a Member under Rule 41 does not take effect until the later of the following:
 - (a). the fourteenth day after the day on which a written notice is served on the Member of the decision under Rule 43; or
 - (b). if the Member exercises their right of appeal under Rule 45, the General Meeting convened to hear the appeal confirms the disciplinary action decision then the date of that meeting.
43. If the Authority makes a disciplinary action determination against a Member, the Chair, without undue delay, is to cause to be served on the Member a notice in writing:
 - (a). stating the disciplinary action determination under Rule 41 against the Member;
 - (b). specifying the grounds for the disciplinary action determination; and
 - (c). informing the Member of the right to appeal the decision under Rule 45.
44. Where the Authority suspends the participation of a Member under Rule 41 all rights and benefits of being a Member under these Rules are suspended for the specified period but the Member's obligations continue.
45. A Member may appeal against a disciplinary action determination under Rule 41 as follows:
 - (a). by serving on the Chair, within fourteen days after the service of a notice under Rule 43, a requisition in writing demanding the convening of a General Meeting for the purpose of hearing the appeal;
 - (b). on receipt of a requisition, the Chair is to immediately notify the Authority of the receipt;
 - (c). the Authority is to cause a General Meeting to be held within 14 days after the day on which the requisition is received;

- (d). at a General Meeting convened for the purpose of hearing an appeal under this Rule:
 - (i). no business other than the question of the disciplinary action determination is to be transacted;
 - (ii). the Authority may place before the meeting details of the grounds of the disciplinary action determination and the Authority's reason for the disciplinary action determination;
 - (iii). the disciplined Member must be given an opportunity to be heard;
 - (iv). the disciplined Member's Representative has no votes; and
 - (v). subject to Rule 45(d)(iv) the Representatives of the Members who are present are to vote by secret ballot on the question of whether the disciplinary action determination should be lifted or confirmed;
 - (e). if at the General Meeting a Simple Majority of the Representatives present and entitled to vote, vote in favour of:
 - (i). the lifting of the disciplinary action determination;
 - (A) the disciplinary action is to be lifted; and
 - (B) the disciplined Member is entitled to continue as a Member of the Authority;
 - (ii). the confirmation of the disciplinary action determination:
 - (A) the disciplinary action takes effect; and
 - (B) where the disciplinary action determination is to expel the Member, the expelled Member ceases to be a Member of the Authority.
46. The Authority is deemed to be the expelled Member's agent for the sale of their share/interest in the equity of the Authority in one or more lots at the discretion of the Authority at a price to be determined by independent valuation.
47. The Authority must as soon as possible after the expulsion of a Member give notice ("the Expulsion Notice") to all other Members inviting each of them to state in writing within 60 days from the date of the Expulsion Notice whether they are willing to purchase any, and if so, what maximum part of the share/interest referred to in the Expulsion Notice.
48. At the expiration of 60 days from the date of the Expulsion Notice the Authority must allocate the share/interest in the equity referred to in the Expulsion Notice to or amongst the other Members who have expressed a willingness to purchase and (if more than one) so far as may be possible pro rata according to the Member's share/interest in the equity of the Authority provided that no Member is obliged to take more than the share/interest in equity they have indicated a willingness to purchase. The expelled Member is bound on payment of the price determined by independent valuation in accordance with Rule 46 to transfer its equity interest to the purchaser or purchasers and, in default, the Authority may receive and give a good discharge for the purchase money on behalf of the expelled Member and enter the name of the purchaser or purchasers in the Equity Interest Register as the holder by transfer of the share/interest purchased by the purchaser or purchasers.

49. If the whole of the expelled Member share/interest in equity is not sold under Rule 48 then, subject to these Rules, the Authority may transfer that share/interest in equity not sold to the Members pro rata according to the Member's equity interest in the Authority at that time and in the event of any such transfer the Authority must note in the Equity Interest Register the transfer of the share/interest in equity so transferred.

Cessation and Withdrawal of Land Ownership - Owner Councils

50. If an Owner Council ("the Withdrawing Owner Council") wishes to dispose of its interest in the Land, it shall provide the other Owner Councils and the Authority not less than 15 months prior written notice of its decision that it no longer wishes to be an Owner Council including the date from which it wishes this to apply ("the Owner Council's Termination Date").
51. The Withdrawing Owner Council shall transfer its legal and equitable interest in the Land to the remaining Owner Councils prior to or on the Owner Council's Termination Date.
52. The Withdrawing Owner Council shall transfer its legal and equitable interest in the Land free of any encumbrance, mortgage, lien, caveat, dealing or any other restriction on the title of the Land it has created or a person on its behalf has created, and which has been registered on the title of the Land and which the other Owner Councils require to be removed prior to the Owner Council's Termination Date.
53. On or before the effective date of the transfer of the Withdrawing Owner Council's interest in the Land to the other Owner Councils in accordance with these Rules ("the Transfer Date"), the remaining Owner Councils shall pay to the withdrawing Owner Council a sum of money ("the Reimbursement Sum") that represents the fair market value (or such other value agreed to by the parties in writing) of the legal and equitable interest in the Land of the Withdrawing Owner Council at the Transfer Date.
54. The Reimbursement Sum is to be calculated as follows:
- (a). if the Tasman Council withdraws from the Authority then the Clarence City Council is to pay two thirds of the Reimbursement Sum and Sorell Council is to pay one third;
 - (b). if the Sorell Council withdraws from the Authority then the Clarence City Council is to pay six sevenths of the Reimbursement Sum and Tasman Council is to pay one seventh; and
 - (c). if the Clarence City Council withdraws from the Authority then the Sorell Council is to pay three quarters of the Reimbursement Sum and Tasman Council is to pay one quarter.
55. If the Owner Councils are not able to agree on the amount of the Reimbursement Sum within 15 months of the date of the notice given pursuant to Rule 50, the amount is to be determined by an independent valuer ("the Valuer") who is either agreed to by the Owner Councils or in default of agreement, appointed by the President of the Law Society of Tasmania.
56. The determination of the Valuer is to be final as between the Owner Councils in relation to the amount of the Reimbursement Sum, and the Owner Councils shall pay to the

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

Amalgamation of Councils

57. If any of the Member's share/interest in equity in the Authority is transferred to another Council as a result of any change or amalgamation of Municipal Areas, including but not limited to a transfer under Part 12A of the Act, the Authority must note in the Equity Interest Register the share/interest in equity so transferred.
58. Where the transferee under Rule 57 is not a Member at the time immediately before the transfer date the transfer is subject to the admission of the transferee as a Member under Rule 18.
59. Intentionally Omitted.
60. If any of an Owner Council's interest in the Land is transferred to another Council as a result of any change or amalgamation of Municipal Areas, including but not limited to a transfer under Part 12A of the Act, the Authority must note in the Ownership Percentage Register the interest so transferred.

Membership of the Authority - Representatives

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

Member's share/interest as recorded in the Equity Interest Register	Votes
Greater than 0 – 15%	1
Greater than 15% – 25%	2
Greater than 25% - 40%	3
Greater than 40% - less than 50%	4

50% and over	Where there are 3 or more Members	Number of Votes equal to the sum of votes of all other Members minus 1
	Where there are 2 Members	Number of votes equal to that of the other Member and where both have 50% 4 votes each
	Where there is 1 Member	9

64. Intentionally Omitted
65. No Representative or Proxy may be a Director or hold any remunerated position with the Authority.
66. Intentionally omitted.
67. A Member may, subject to the provisions of Rule 61, apart from the obligation to make the appointment within 60 days of ordinary Council elections or being admitted as a Member, remove a Representative or Proxy and appoint a replacement Representative or Proxy at any time for the remainder of the term of the original appointment.
68. Written notice shall be given by each Member to the Authority and to each other Member at the time of the appointment, removal or replacement of any Representative or Proxy by the notifying Member.
69. Representatives and Proxies are not entitled to any remuneration from the Authority other than the Chair who may be remunerated subject to the following:
 - (a) notwithstanding Rule 65, Representatives, on the advice of the Secretary, may approve the payment of remuneration for the role of Chair;
 - (b) if Representatives approve any payment under Rule 69(a), the decision will be recorded in the minutes of the general meeting at which it was approved and the Secretary will advise Participating Councils in the Quarterly Report to Participating Councils; and
 - (c) any payments approved under Rule 69(a) will not be paid to any Council employee appointed or acting temporarily as the Chair.
70. Any Proxy not acting in the place of an appointed Representative who is absent, at the relevant time, may attend any meeting of the Authority, but shall not be entitled to vote at any meeting of the Authority.

Membership of the Board

71. The Board of Directors shall consist of:
 - (a). the Board Chair; and

- (b). at least two and no more than four other Directors.
- 72. The Board Chair and the other Directors shall be appointed by the Authority at a General Meeting.
- 73. The Authority shall, in the appointment of the Board Chair and other Directors, take into account the powers, functions and responsibilities of the Board and shall appoint persons who collectively have the skills and expertise to carry out those powers, functions and responsibilities, drawn from persons with expertise and/or experience in one or more of the following relevant fields:
 - (a). financial management, business management and administration;
 - (b). engineering, project management or related disciplines;
 - (c). waste management;
 - (d). transport;
 - (e). environmental management;
 - (f). any other fields relevant to the business strategy or Principal Objectives and Goals of the Authority.
- 74. A Director shall be appointed for a term of office not exceeding three years.
- 75. The Authority shall ensure that in appointment of Directors, terms of office shall be set so as to ensure that the term of office of at least one Director concludes in each calendar year.
- 76. A Director whose term is due to expire may be reappointed provided that no Director shall be appointed for more than nine consecutive years.
- 77. The Authority may by special resolution at a general meeting remove a Director from office and may appoint another person in place of the Director so removed, and that person shall be appointed for the residual term of office of the removed Director.
- 78. Intentionally Omitted.
- 79. The office of a Director is vacated if the Director:
 - (a). is convicted on indictment of an offence that concerns the making, or participation in making, of decisions that affect the whole or a substantial part of the business of the Authority, or concerns an act that has the capacity to affect significantly the Authority's financial standing;
 - (b). is convicted of an offence that is punishable by imprisonment for a period greater than 12 months or involves dishonesty and is punishable by imprisonment for at least 3 months;
 - (c). is an undischarged bankrupt under the law of Australia, its external territories or another country;
 - (d). has executed a personal insolvency agreement under Part X of the *Bankruptcy Act 1966* (Cth) or a similar law of an external Territory or a foreign country, and the terms of the agreement have not been fully complied with;
 - (e). is removed from office under Rule 77;

- (f). is absent from meetings of the Board for three consecutive meetings without leave of absence from the Board;
 - (g). resigns office by notice in writing to the Secretary of the Authority;
 - (h). is prohibited from being a director of a company under the *Corporations Act 2001* (Cth); or
 - (i). is elected as a Councillor of a Member or is appointed as the Chief Executive Officer, the Secretary, or an employee of the Authority or of a Member or provides remunerated services to the Authority (other than the performance of the duties and responsibilities of Director).
80. The Board Chair and the Directors shall be paid such remuneration as the Authority in General Meeting from time to time determines.
81. In making such determination, the Chair and any Representative may consult with the Board Chair and such other persons as it considers appropriate.
82. Each Director is entitled to be reimbursed from Authority funds for all reasonable travel, accommodation and other expenses incurred by the Director while engaged on the business of the Authority.

PART 4 - DUTIES OF MEMBERS, REPRESENTATIVES, PROXIES AND DIRECTORS

Duties of Members, Representatives, Proxies and Directors

83. A Member, Representative, Proxy or Director shall, in the exercise of the functions and powers of a Member, Representative, Proxy or Director as applicable:
- (a). act honestly;
 - (b). exercise a degree of care and diligence that a reasonable person in a like position would exercise in the circumstances;
 - (c). not make improper use, in Tasmania or elsewhere, of information acquired because of his or her office on the Authority to gain directly or indirectly, an advantage for himself or herself or another person, or to cause damage to the Authority or any other person, or to avoid, directly or indirectly, a disadvantage; and
 - (d). avoid conflict of interest.

Duty to Prevent Insolvent Trading

84. A Member, Representative, Proxy or Director shall take all reasonable steps to prevent the Authority from incurring a debt if:
- (a). at the time the debt is incurred, or by incurring the debt, the Authority is or will not be able to pay all its debts as and when they become due and payable; or
 - (b). at the time the debt is incurred, the Member, Representative, Proxy or Director is aware, or a person in the Member's, Representative's, Proxy's or Director's position should be aware, that there are reasonable grounds for suspecting that the Authority is not able to pay all its debts as and when they become due and payable.

Disclosure of Interests

85. A Member, Representative or Director, as soon as practicable after becoming aware of the same, and a Proxy while acting as a Representative in accordance with Rule 62 at the start of the applicable meeting, shall disclose to the Authority any of the following:
 - (a). a direct or indirect pecuniary or other interest in a matter being considered, or about to be considered, by the Authority; and/or
 - (b). an interest of the Member, Representative, Proxy or Director in a matter that may conflict with the proper performance of the Member's, Representative's, Proxy's or Director's duties on a matter.
86. At any meeting of the Authority or of the Board, a Representative, Proxy or Director shall not participate in any discussion, or vote on any matter in respect of which the Representative, Proxy or Director:
 - (a). has an interest; or
 - (b). is aware or ought to be aware that a Close Associate has an interest.
87. A Member, Representative, Proxy or Director shall declare any interest in a matter before any discussion on that matter commences.
88. On declaring an interest, a Representative, Proxy or Director is to leave the room in which the meeting is being held until the matter in which the Representative, Proxy or Director has an interest has been concluded. The Representative, Proxy or Director may thereafter return to the meeting.
89. A Member, Representative, Proxy or Director shall, in accordance with the Act, advise the Secretary in writing of the details of any interest declared in accordance with these Rules within 7 days of that declaration.
90. The Secretary is to ensure that any declaration of interest is recorded in the Minutes of the meeting at which the declaration is made.
91. The Chief Executive Officer shall ensure that an employee of the Authority notifies him or her, in writing, of any interest of the employee in any matter in respect of which he or she:
 - (a). provides advice to the Authority or to the Board;
 - (b). makes a decision or determination; or
 - (c). makes a recommendation to the Authority or to the Board.
92. The Chief Executive Officer shall advise the Secretary of any interest of any employee that has been declared or notified to the Chief Executive Officer.
93. The Secretary shall keep a Register of Interests of the Members, Representatives, Proxies or Directors and of any employees of the Authority that have been declared or notified to the Chief Executive Officer or the Secretary.
94. The Secretary shall advise the Chief Executive Officer of any interest of any Member, Representative, Proxy or Director that has been declared or notified to the Secretary.

Adverse Developments

95. The Board shall immediately notify the Authority if the Board becomes aware of any development that may:
- (a). significantly affect the financial viability or operating ability of the Authority; or
 - (b). significantly affect the Authority in an adverse manner.

Authority Registers

96. The Secretary must cause the Authority to keep and maintain the following registers:
- (a). a register of each Member's share/interest in the equity of the Authority ("Equity Interest Register"), with each Member's share/interest being recorded as a percentage share of the Authority's total equity;
 - (b). a register of each Owner Council's percentage share in the Land ("Ownership Percentage Register"), with each Owner Council's percentage share being recorded as a percentage share of the Land;
 - (c). a register of each Member's Independently Verified Annual Share of Municipal Waste ("Annual Share of Municipal Waste Register");
 - (d). a register of each Member's membership voting entitlement ("Voting Rights Register"), with the total number of voting entitlements allocated to Members on the basis determined in Rule 63; and
 - (e). the register required by Rule 93.

PART 5 - MEETINGS OF THE AUTHORITY AND OF THE BOARD

Annual General Meeting of the Authority

97. An Annual General Meeting of the Authority shall be held in every calendar year between the months of July and 15 December (inclusive).
98. The Annual General Meeting is to:
- (a). receive the financial statements and reports of the Directors, the Chief Executive Officer, the auditor and the Comptroller for the last financial year;
 - (b). elect the Chair in accordance with Rule 130;
 - (c). appoint and fix the remuneration of the auditor;
 - (d). appoint and fix the remuneration of the Comptroller.

General Meetings of the Authority

99. A General Meeting of the Authority may:
- (a). transact any business specified in the notice;
 - (b). appoint the Directors and fix or review their terms and conditions of appointment;
 - (c). review the performance of the Board and the Directors;
 - (d). review any of its functions and powers that have been specified to be carried out by

the Board or any other person;

- (e). declare a dividend subject to the provisions of Rules 219 and 220; and
- (f). appoint a comptroller.

- 100. The Chair and any Representative may consult with such other persons as is considered appropriate in relation to the obligations of the Authority regarding the appointment of a comptroller. If a comptroller is appointed, the Comptroller is to be required to carry out those matters referred to in the Act that relate to the Comptroller.
- 101. In addition to the Annual General Meeting and subject to Rule 135, there will be held such other General Meetings in each year as the Members determine necessary.
- 102. The Chair or a majority of Members may convene a General Meeting of the Authority at any reasonable time by providing appropriate notice in accordance with these Rules.

Meetings of the Board

- 103. The Board shall meet at such times and places, which includes by electronic mail or other electronic means, as are determined by the Board as often as is necessary to properly discharge its responsibilities and functions under these Rules, and shall meet at least quarterly in each year.
- 104. The Board Chair, after giving each Director reasonable notice of a meeting, may convene a meeting at any time.
- 105. The Board Chair shall convene a meeting when requested to do so by two or more Directors.
- 106. A Board member may participate in a meeting of the Board by telephone, electronic mail or other electronic means, or any other means of communication provided by the Board. A Board Member who participates by such means shall be taken to have been present at the meeting.

Notice of General Meetings of the Authority and Meetings of the Board

- 107. Fourteen days notice of the Annual and any other General Meeting of the Authority shall be given by the Secretary to:
 - (a). each Member, Representative and Proxy;
 - (b). the Directors;
 - (c). the General Manager of any Member who is not a Representative;
 - (d). the Chief Executive Officer;
 - (e). the Comptroller, and
 - (f). the auditor.
- 108. The notice shall specify the place, the day, and the hour of the meeting and the general nature of the business to be transacted at the meeting of the Authority.
- 109. The Authority may call the Annual General Meeting and any other General Meeting on shorter notice if all Representatives entitled to attend and vote at the meeting agree to the shorter notice before the meeting.

110. Directors, Proxies, and General Managers of a Member who are not a Representative or a Proxy acting as a Representative shall be provided with Agendas, Minutes and papers relating to Authority meetings, and be invited to attend all meetings of the Authority, but shall not be entitled to vote at any meeting of the Authority.

Notice of meetings of the Board

111. Seven days notice of any meeting of the Board shall be given by the Secretary to:
- (a). each Director, and
 - (b). the Chief Executive Officer.
112. The notice shall specify the place, the day, and the hour of the meeting and the general nature of the business to be transacted at the meeting of the Board.

Notices and Material to be Provided to Adjoining Landowners

113. Unless the owner advises the Secretary that the owner does not require the notice and/or material to be provided
- (a). the Secretary shall provide to each Adjoining Land-Owner, a copy of the agenda for the annual and any other General Meeting of the Authority; and
 - (b). the Chief Executive Officer (or a person delegated by the Chief Executive Officer) shall provide to each Adjoining Land-Owner:
 - (i) a copy of the results of all sampling analysis referred to in condition M1(d) of Attachment 1 to the permit issued by Sorell Council on 7 September 1999 in relation to the Land as modified by the Resource Management and Planning and Appeal Tribunal on 10 December 1999, not including the records described in condition M1(c), at the time that they are submitted to the EPA Director; and
 - (ii). a copy of the annual volumetric surveys of the Landfill referred to in condition G7 of Attachment 1 to the permit issued by Sorell Council on 7 September 1999 in relation to the Land as modified by the Resource Management and Planning and Appeal Tribunal on 10 December 1999 at the time that they are submitted to the EPA Director; and
 - (iii). a copy of all other information required to be provided to the Adjoining Land-Owner under any Environmental Approval or other relevant permit, licence or notice or for the purpose of complying with an Environmental Approval or any other relevant permit, licence or notice.

Committees of the Authority or of the Board

114. The Authority may establish such committees as they consider appropriate and determine the requirements for the membership of those committees.
115. The Board may establish such committees as it considers appropriate.
116. A committee may consist of any persons the Authority or the Board considers appropriate.
117. A committee shall conform to any requirements imposed by the Authority or the Board including any reporting or other functions that are required by the Authority or the Board.

118. The meetings and proceedings of committees shall be governed by these Rules as far as applicable and not superseded by any requirements imposed by the Authority or the Board under these Rules.

Convening of Meetings

119. Meetings of the Authority are to be held at the times and places determined by the Authority subject to Rules 139 and 150.
120. Meetings of the Board are to be held at the times and places determined by the Board.

Attendance

121. (a). The Board Chair shall attend meetings of the Authority and shall provide information as required.
- (b). The auditor and the Comptroller are entitled to attend General Meetings of the Authority and be heard on any part of the business of the meeting which relates to their responsibilities.
- (c). The Authority may request the Chief Executive Officer attend any meeting, or any part of a meeting, of the Authority and provide information as requested. The request may be a standing invitation.
122. Any Councillor or General Manager of a Member who is not a Representative or Proxy and any employee of a Member and any Director is entitled to attend the Annual General Meeting of the Authority but is not entitled to vote.
123. A General Meeting of the Authority and a meeting of the Board will not be open to the public.
124. The Chief Executive Officer shall attend meetings of the Board and shall provide information as required.

Quorum

125. There is a quorum at a General Meeting of the Authority if:
- (a). where the total number of Representatives is four or more, a minimum of three Representatives are present in person at the meeting and who collectively are entitled to exercise 50% or more of the votes; or
- (b). where the total number of Representatives is three or fewer, all Representatives are present at the meeting.
126. There is a quorum at a meeting of the Board if:
- (a). where the total number of Directors is four or less, at least two Directors are present at the meeting; or
- (b). where the total number of Directors is five, more than half of the members of the Board are present at the meeting.
127. The only business that may be transacted at a meeting if the requisite quorum is not present is:
- (a). the election of a person to chair the meeting if the Chair or Board Chair, as

appropriate, is absent; and

(b). the adjournment of the meeting.

128. If within 30 minutes after the time specified for a General Meeting of the Authority or for a meeting of the Board a quorum is not present, the meeting is to be adjourned to a date, time and place as determined by the Chair or Board Chair, as appropriate, within 14 days of the adjourned meeting. If, at the adjourned meeting, a quorum is not present within 30 minutes after the time specified for holding the meeting, the meeting is to be dissolved.
129. If a Representative, Proxy or Director is excluded under Rule 88 from being present at a meeting of the Authority or of the Board and taking part in the consideration and decision of the Authority or the Board in relation to a matter, a quorum for the purposes of considering and making a decision in relation to that matter is constituted by the number of Members votes or Directors specified as constituting a quorum less the number of Members votes or Directors so excluded.

Chair

130. (a). Subject to subrule (b), the Chair holds office for a term commencing at one Annual General Meeting and concluding at the Annual General Meeting in the calendar year two years after the appointment unless the Members at a General Meeting earlier remove the Chair by special resolution.
- (b). The Chair may be appointed at any time other than as provided in subrule (a), with the appointment concluding at the second Annual General Meeting after the appointment.
131. The Chair is entitled to chair every General Meeting of the Authority.
132. If the Chair is not present for the meeting, the meeting is to elect a chair for that meeting with authority to conduct the meeting as if they were the Chair.

Board Chair

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

Conduct of Meetings of the Authority

135. At least one General Meeting of the Authority is to be held in each quarter of the year.
136. Subject to the provisions of these Rules, the Chair is to determine the general conduct of and procedure at General Meetings of the Authority.
137. If the Chair considers it necessary or desirable for the proper and orderly conduct of the meeting, the Chair may demand the cessation of debate or discussion on any business, question, motion or resolution being considered by the meeting and require the business, question, motion or resolution to be put to a vote.
138. The Representatives are to adopt procedures which are considered necessary or desirable for the proper and orderly conduct of meetings including the proper and orderly casting or recording of votes at any General Meeting of the Authority. In the absence of such

procedures the Chair may require the adoption of any procedures which the Chair considers necessary or desirable for the proper and orderly casting or recording of votes at any General Meeting of the Authority.

139. A Representative may participate in a meeting of the Authority by telephone, electronic mail or other electronic means, or any other means of communication provided by the Authority. A Representative who participates by such means shall be taken to have been present at the meeting.
140. The Authority may allow a person who is not a Representative to attend and participate in (but not to vote at) a meeting of the Authority for the purpose of advising or informing it on any matter.

Adjournment of a Meeting of the Authority

141. The Chair during the course of a General Meeting of the Authority may, with the approval of a majority of the Representatives present, adjourn the meeting to another time or place.
142. The Chair may, with the approval of a majority of the Representatives present, adjourn or defer any business, motion, question or resolution being considered or remaining to be considered by the meeting or any debate or discussion and may adjourn any business, motion, question, resolution, debate or discussion either to a later time at the same meeting or to an adjourned meeting.
143. No business may be transacted at any adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
144. Any adjourned meeting shall be held within 14 days of the adjourned meeting unless the majority of Representatives present agree otherwise. If the adjournment is for more than 30 days, notice shall be given of the adjourned meeting.

Voting at Meetings of the Authority and of the Board

145. Each:
 - (a). particular Member by its Representative is entitled to cast the number of votes determined in accordance with Rule 63 on each matter considered at meetings of the Authority;
 - (b). Director is entitled to cast one vote on each matter considered at meetings of the Board.
146. A question arising at a meeting is determined by a Simple Majority of the votes of Representatives or Directors present and able to vote at the meeting unless otherwise specified in the Rules.
147. A tied vote results in the question being determined in the negative.
148. A vote is to be taken in such manner as the Chair or the Board Chair directs.

Declaration of Vote

149. The Chair or the Board Chair may declare that a resolution has been carried or lost by:
 - (a). a declaration by the Chair or the Board Chair that a resolution has been carried, carried by a specified majority, or lost; and

- (b). an entry to that effect in the Minutes of the meeting,
- which is conclusive evidence of the fact without proof of the number or proportion of the votes in favour of or against the resolution.

Resolution in Writing or by Electronic Means

- 150. A resolution in writing signed by a Simple Majority of Representatives or Directors entitled to vote on a resolution or a resolution transmitted to the Secretary by electronic mail or other electronic means is taken to have been passed at a duly called and constituted General Meeting of the Authority or meeting of the Board. The resolution is taken to have been determined on the day upon which it is transmitted by the Secretary to the Representatives or Directors.
- 151. A resolution of the type referred to in Rule 150 may consist of several documents in the same form, each signed by one or more Representatives or Directors provided the resolution is identically worded.
- 152. If a majority of Representatives or Directors do not agree to the procedure in Rule 150, no resolution can be passed in this manner.

Special Resolutions

- 153. The Authority shall resolve a matter by special resolution if required by these Rules.
- 154. A matter may be resolved by special resolution only if:
 - (a). it is passed at a General Meeting of the Authority, of which at least 14 days written notice has been given specifying the intention to propose the resolution as a special resolution; and
 - (b). it is passed by a majority of at least 75% of the votes which may be cast at the meeting.

Minutes and Papers

- 155. The Authority and the Board are to ensure that Minutes of their meetings are duly recorded by the Secretary.
- 156. The Minutes are to include:
 - (a). the names of the Representatives or Directors present at General Meetings or meetings of the Board; and
 - (b). the persons present at any committee meeting.
- 157. The Minutes are to also include a record of:
 - (a). resolutions and proceedings of General Meetings of the Authority and meetings of the Board; and
 - (b). meetings of any committee.
- 158. The Minutes of any meeting, signed by the chair of the relevant meeting or by the chair of the next succeeding meeting, is evidence of the matters stated in the Minutes.
- 159. The Minutes of Authority and Board meetings and all papers and reports considered by the Authority and by the Board are to be classified (in whole or in part) by the Secretary as

“Open” or “Commercial-in-Confidence”.

160. Minutes, papers and reports marked “Commercial-in-Confidence” are, unless the Authority or the Board agrees otherwise, to be made available only to Representatives, Proxies and Directors and, through the ‘closed agenda’, to Members.
161. The Secretary will provide:
- (a). in respect to each Authority meeting:
 - (i). prior to each meeting, a copy of all papers and reports to be considered by the Authority; and
 - (ii). as soon as practicable after each meeting, a copy of the draft Minutes, to:
 - A. Representatives and Proxies;
 - B. Directors;
 - C. General Managers of Members for the information of Councillors and relevant Member employees;
 - D. the auditor;
 - E. the Chief Executive Officer.
 - (b). in respect to each Board meeting:
 - (i). prior to each meeting, a copy of all papers and reports to be considered by the Board; and
 - (ii). as soon as practicable after each meeting, a copy of the draft Minutes, to:
 - A. Directors; and
 - B. the Chief Executive Officer.

Exclusion of Chief Executive Officer and Others from Certain Deliberations

162. A person under consideration by the Authority for appointment or re-appointment as the Secretary or by the Board for appointment or re-appointment as Chief Executive Officer shall not be present during any deliberation of the Authority or the Board or at the time the Authority or Board makes a decision, in relation to:
- (a). the appointment or re-appointment; or
 - (b). the determination or application of any terms or conditions on which the Secretary or the Chief Executive Officer holds office; or
 - (c). the approval of the Chief Executive Officer engaging in paid employment outside the duties of the office of Chief Executive Officer; or
 - (d). the termination of the appointment of the Secretary or the Chief Executive Officer.
163. The Board may in its discretion request the Chief Executive Officer to leave the meeting at other times.

Validity of Proceedings

164. An act or proceeding of the Authority or the Board or of any person acting under any direction of the Authority or the Board is not invalid by reason only that at the time the act or proceeding was done, taken or commenced, there was a vacancy in the membership of the Authority or the Board.
165. Any act and proceeding of the Authority or the Board or of any person acting under any direction of the Authority or the Board is valid even if:
 - (a). the appointment of a Representative, Proxy or Director was defective; or
 - (b). any person appointed as a Representative, Proxy or Director was disqualified from acting as, or incapable of being, a Representative, Proxy, Director as applicable.

PART 6 - CHIEF EXECUTIVE OFFICER AND OTHER EMPLOYEES

Appointment and Removal of Chief Executive Officer

166. The Board may appoint a person to be Chief Executive Officer.
167. The Chief Executive Officer is to be appointed by the Board at a duly constituted meeting.
168. The Chief Executive Officer may be an employee of a Member.
169. The office of the Chief Executive Officer is vacated upon the Chief Executive Officer:
 - (a). being convicted on indictment of an offence that concerns the making, or participation in making, of decisions that affect the whole or a substantial part of the business of the Authority, or concerns an act that has the capacity to affect significantly the Authority's financial standing;
 - (b). being convicted of an offence that is punishable by imprisonment for a period greater than 12 months or involves dishonesty and is punishable by imprisonment for at least 3 months;
 - (c). becoming an undischarged bankrupt under the law of Australia, its external territories or another country;
 - (d). executing a personal insolvency agreement under Part X of the *Bankruptcy Act 1966* or a similar law of an external Territory or a foreign country, and the terms of the agreement have not been fully complied with;
 - (e). resigning office by notice in writing to the Board Chair;
 - (f). being prohibited from being a director of a company under the *Corporations Act 2001* (Cth); or
 - (g). being elected as a Councillor of a Council.

Remuneration of Chief Executive Officer

170. The Chief Executive Officer will be paid such remuneration as the Board at a duly constituted meeting from time to time determines.

Travel and Other Expenses

171. The Chief Executive Officer is entitled to be paid from Authority funds all reasonable travel, accommodation and other expenses incurred by the Chief Executive Officer while engaged on the business of the Authority.

General Powers and Responsibilities of Chief Executive Officer

172. The Chief Executive Officer is responsible to the Board for the general administration and management of the Authority's business activities and, in particular, for the determination of the number and types of employees and the terms and conditions of employment, consistent with the approved budget. On behalf of the Board, the Board Chair is the primary contract with the Chief Executive Officer.
173. The Board may delegate to the Chief Executive Officer, with or without conditions, any of the functions and powers that are within the power of the Board or that have been delegated to the Board by the Authority (including any specified power of on- delegation of those functions and powers) and are not by these Rules or by legislation directed or required to be exercised or done by the Authority in General Meeting.
174. The Chief Executive Officer is to exercise, subject to any conditions imposed, all powers and functions delegated by the Board in writing to be performed by the Chief Executive Officer.
175. The Chief Executive Officer may delegate any of his or her functions and powers as authorised by the Board, together with any relevant conditions imposed by the Board, to any person that has been appointed to assist the Board in performing and exercising its functions and powers.
176. The Chief Executive Officer shall ensure that the business and affairs and those functions and powers of the Board that the Board has specified are to be carried out by the Chief Executive Officer are managed and conducted in a manner that is in accordance with the Principal Objectives and Goals set out in Rule 8, with the Business Plan of the Authority, and with sound commercial practice.
177. The Chief Executive Officer shall provide advice information and assistance to the Board concerning its specified functions and powers (including any functions and powers delegated to it by the Authority), including such assistance as the Board may require with preparation of the Business Plan.
178. The Chief Executive Officer is to manage the resources of the Authority, and may be appointed as Comptroller.
179. The Board may require the Chief Executive Officer to attend all meetings of the Board.

Particular Responsibilities

180. The Chief Executive Officer shall undertake the following particular responsibilities to the satisfaction of the Board:
- (a). provide advice to the Board with respect to its functions and powers;
 - (b). coordinate and implement the objectives, policies, programs and decisions of the

Authority and of the Board;

- (c). prepare or assist in the preparation of strategic, business, marketing and operational plans for the Board;
- (d). identify, pursue and implement development and commercial opportunities to the betterment of the organisation;
- (e). manage the day-to-day trading activities of the Authority;
- (f). prepare or oversee preparation of financial and other reports and maintain records/reports requested by the Board;
- (g). subject to any relevant policies approved by the Authority or Board, provide public or media statements on matters relating to the organisation;
- (h). represent the organisation on State or Regional committees regarding waste treatment and management and other matters related to the Authority's trading activities;
- (i). initiate, develop and promote policies, practices and processes for the effective and efficient allocation and control of resources (human and financial) for the Board's operational activities;
- (j). undertake risk management, environmental management and community liaison;
- (k). establish, and review and update where necessary, preventative maintenance programs for all machinery, plant and infrastructure associated with the organisation;
- (l). provide leadership and management of employees and contractors involved, manage performance, and provide support for employees supervised;
- (m). implement and monitor the organisation's Work Health and Safety policies environmental policies, procedures and programs;
- (n). adhere to all policies and procedures;
- (o). ensure that environmental management is established and maintained in accordance with relevant legislation, Environmental Approvals, and other permits, licences and notices;
- (p). review and report on the performance of environmental management, including recommendations for improvement and compliance with relevant legislation, Environmental Approvals, and other permits, licences and notices;
- (q). in conjunction with the Secretary, provide induction training for newly appointed Representatives, Proxies and Directors;
- (r). report to the Board on operations and performance against the Business Plan and Strategic Plan in general terms and on specific current initiatives; and
- (s). perform other duties that are within the limits of his or her skill, competence and training.

Strategic and Business Plans

181. Under the direction of the Board:
- (a). the Chief Executive Officer shall, by 31 May in each year, prepare and annually update a Strategic Plan that sets out the strategic priorities of the Authority for the forthcoming five years for the approval of the Authority by 30 June in each year;
 - (b). the Chief Executive Officer shall, by 31 May in each year, prepare a draft Business Plan for the financial year commencing on the following 1 July for the approval of the Authority by 30 June in each year.
182. The Business Plan shall:
- (a). contain a summary of the projected financial results of the Authority in respect of the current financial year and the financial year covered by the Plan;
 - (b). include a draft budget for the financial year covered by the Plan;
 - (c). include an estimate of any dividend that is likely to be recommended in respect of the current financial year;
 - (d). specify the undertakings and assets that are the main undertakings of the Authority, and include a list of all major current contracts and proposed tenders and major contracts;
 - (e). include an estimate of any financial commitments likely to be required from Participating Councils in the financial year following the year covered by the Plan which is to be supplied to Participating Councils by 28 February of each financial year;
 - (f). be in a form and contain all such information that a reasonable Authority would require to be contained in a Business Plan in respect of a business of similar size and nature; and
 - (g). be consistent with the Principal Objectives and Goals.
183. The Business Plan shall include performance measures, and reflect these measures in reporting the achievement of strategic outcomes and objectives for the year.
184. Intentionally Omitted.
185. If a current, enforceable waste services contract that includes the calculation of gate fees for the next financial year has not been agreed between the Authority and each Member, the Chief Executive Officer shall provide the draft budget to Members before 31 March in each year for information, comment and feedback prior to the preparation of the final Business Plan for submission to the Board.
186. If a draft budget is provided to Members under Rule 185 and comments are subsequently provided from Members, the Chief Executive Officer shall, if necessary, revise the draft Business Plan and shall present the revised Business Plan to the Board for consideration.
187. The Chief Executive Officer shall review the draft Business Plan in accordance with any comments from the Board prior to its submission to the Authority for approval.
188. Once approved by the Board, the Business Plan shall be provided by the Secretary to the Authority at its next meeting for review and approval.

189. A General Meeting of the Authority shall review the Business Plan prepared by the Chief Executive Officer for the succeeding financial year before 30 June in each year.
190. Once approved by the Authority:
- (a). subject to any commercially sensitive aspects being separated into a separate section and marked ‘commercial in confidence’, the Business Plan shall be provided to each Member; and
 - (b). the Strategic Plan and the Business Plan shall be submitted to the Annual General Meeting for noting.
191. Intentionally omitted.
192. The Authority’s Annual Reports shall be made available to the public on the Authority’s website.

Quarterly and Other Reports

Quarterly Report to Authority

193. The Chief Executive Officer is to provide the Board with a quarterly report which includes, in relation to the Authority:
- (a). a report on general performance;
 - (b). a report on financial performance;
 - (c). a statement of statutory, environmental and contractual compliance;
 - (d). a report on performance in meeting the Principal Objectives and Goals;
 - (e). a report on performance under its Business Plan; and
 - (f). a report on any matters specifically identified by the Authority or significant issues arising from delegated functions.
194. Once approved by the Board, the Quarterly Report shall be provided to the Authority at its next meeting for endorsement.
195. Intentionally omitted.
196. Quarterly financial reporting shall include a comparison of actual performance against the budget.
197. The Chief Executive Officer is required to submit to the Board the report referred to in Rule 193 as soon as practicable after the end of March, June, September, and December in each year.
198. Intentionally omitted.

Contractual Obligations

199. The Chief Executive Officer shall prepare, maintain and adhere to guidelines and negotiating parameters approved by the Authority or by the Board for the conduct of contract negotiations.
200. Intentionally omitted.

Policy Development

201. In the development of strategic policy, the Authority, through the Secretary, shall provide draft papers for consideration and comment by Members with any comment received being taken into account in the preparation of final proposals for endorsement by the Authority.

Employees of the Authority

202. The Chief Executive Officer may if authorised by the Authority appoint a person or persons to assist the Authority and the Board in performing and exercising their functions and powers.
203. The Chief Executive Officer is to establish and maintain appropriate policies and procedures related to employees of the Authority.

Secretary

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

Duty to Notify Authority of Adverse Developments and Reports

208. The Chief Executive Officer shall immediately notify the Board after the Chief Executive Officer becomes aware of any development that may:
- (a). significantly affect the financial viability or operating ability of the Authority; or
 - (b). significantly affect the Authority in an adverse manner.

PART 7 - FINANCIAL ARRANGEMENTS, ACCOUNTS & AUDIT

Authorised deposit taking institution accounts

209. The Board may open and operate any authorised deposit taking institution accounts it considers necessary, provided that:
- (a). those authorised deposit taking institution accounts comply with the requirements in Section 81 of the Act; and
 - (b). the opening of the authorised deposit taking institution account is reported to the next General Meeting of the Authority.

Financial Contributions and Revenue

210. Other than payments for gate fees based on tonnage for waste or refuse disposal at the Site, Members are not required to make any Proportionate Payment to the Authority, unless the Authority on the advice of the Board directs that this is necessary for the operational needs of the Authority.

Investment

211. The Board may invest money in accordance with an investment policy approved by the Authority:
- (a). in any manner in which a trustee is authorised by law to invest trust funds;
 - (b). in any investment the Treasurer approves; or
 - (c). in any other manner or investment that satisfies the provisions of the Act for the investment of money by Councils.

Borrowing

212. The Authority may not raise a new loan in any financial year exceeding any amount the Treasurer determines for that financial year.
213. (a). The Authority shall not raise a loan or obtain any form of financial accommodation unless the proposed loan or financial accommodation is first approved by special resolution.
- (b). The Board may not raise any loan or obtain any form of financial accommodation without the express consent of the Authority.

Accounting records

214. The Board shall keep accounting records in accordance with the *Financial Management and Audit Act 1990* (Tas).
215. The Board shall keep such accounting records that correctly record and explain its transactions and financial position and keep those records in a manner that:
- (a). allows true and fair accounts of the Authority to be prepared from time to time;
 - (b). allows the Authority's accounts to be conveniently and properly audited or reviewed; and
 - (c). complies with Australian Accounting Standards and other mandatory professional reporting requirements.

Financial statements

216. Within 60 days after the end of each financial year the Chief Executive Officer shall prepare the financial statements of the Authority relating to that financial year including:
- (a). an operating statement for the financial year; and
 - (b). a statement of financial position as at the end of the financial year; and
 - (c). a statement of cash flows for the financial year; and
 - (d). statements, reports and notes attached to or intended to be read with the financial statements.

Audit

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

PART 8 - DIVIDENDS AND OTHER PAYMENTS

Declaration of Dividend

- 219. The Representatives in General Meeting may, on the advice of the Board, declare a dividend in respect of the results of the financial transactions of the Authority during each financial year that is to be distributed to the Members. The Authority may not declare a dividend in excess of the amount recommended by the Board. The dividend is to be paid by the end of each following financial year.
- 220. The dividend may be paid only out of profits in accordance with the principle of real capital maintenance and after payment of guarantee fees and tax equivalents.

Distribution of Dividends

- 221. The dividend shall be distributed only to the Members in proportion to their respective shares or interest in the equity of the Authority as set out in the Equity Interest Register.

Distribution of Other Payments

- 222. Any payments the Authority receives from the Treasurer or the Comptroller are to be distributed in accordance with Rule 223 after deduction therefrom of any amount of such payment to which the Authority is entitled.
- 223. If any payment referred to in Rule 222 can reasonably be categorized as being referable to the Land, the balance of the payment, after any entitlement due to the Authority, is to be distributed between the Owner Councils in proportion to their respective interests in the Land set out in the Ownership Interest Register. If such payments can reasonably be categorized as being referable to the operations of the Authority, the balance of the payment, after any entitlement due to the Authority, is to be distributed between the Members in the same proportions to their respective shares/interest in equity set out in the Equity Interest Register.

PART 9 - MISCELLANEOUS

Immunity from Liability

- 224. The Authority shall, to the extent permitted by law, indemnify a person who is, or has been, an officer against any liability incurred by that person in his or her capacity as an officer to a person other than the Authority.
- 225. To the extent permitted by law, the Authority indemnifies each officer against:
 - (a). liability incurred by the officer in his or her capacity as an officer of the Authority to

a person other than the Authority unless the liability arises out of conduct on the part of the officer which involves a criminal act, lack of good faith, or a malicious act or omission; and

- (b). any liability for costs and expenses incurred by the officer in his or her capacity as an officer of the Authority:
 - (i). in defending any proceedings in which judgment is given in favour of the person or in which the person is acquitted; or
 - (ii). in connection with an application, in relation to those proceedings, in which a court granted relief to the person,

except where such proceedings or application arises out of or is connected with conduct of the type referred to in Rule 225(a).

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

Insurance Premiums

227. The Authority may, on the advice of the Board, pay a premium on a contract insuring a person who is, or has been, an officer against liability other than a liability arising out of the type referred to in Rule 225(a).

Notices

228. Any notice required to be given to a person under these Rules is effectively given and is taken to be received if it is:
- (a). delivered by hand to the person; or
 - (b). left at, or sent by post to, the person’s postal or residential address or place of business or employment last known to the giver of the document; or
 - (c). sent by way of electronic mail to the person’s electronic mail address last known to the giver of the document.
229. Any notice required to be given to a Member under these Rules is effectively given and taken to be received if it is:
- (a). left at, or sent by post to, the Council Offices of that Member; or
 - (b). sent by way of electronic mail to that Member’s electronic mail address.

Seal and Execution of Sealed Documents

230. (a). The seal of the Authority is to be in the form of a rubber stamp, inscribed with the name of the Authority and the words “Common Seal”.
- (b). The seal shall remain in the custody of the Secretary.
- (c). The seal of the Authority shall not be affixed to any instrument except by resolution of the Authority.
- (d). Documents that are sealed by the Authority are to be attested by:

- (i). the signatures of one Representative appointed for that purpose by the Authority and of the Secretary; or
 - (ii). if the Secretary is a party to the document to be sealed, two Representatives of the Authority appointed for that purpose by the Authority,
- and that attestation is sufficient for all purposes that the seal was affixed by resolution of the Authority.

Amendment of Rules

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

Winding Up

233. The Authority may be wound up:
- (a). as provided in the Act; or
 - (b). if no provision is made in the Act, where a General Meeting resolves by special resolution that it be wound up.

Surplus

234. On the winding up of the Authority, the person appointed to administer the winding up shall distribute any assets or proceeds between the Members that remain after payment of the expenses of the Authority.
235. The assets to be distributed to Members are to be apportioned according to their share/interest in equity set out in the Equity Interest Register.

Insolvency

236. In the event of the insolvency of the Authority, the Members are responsible for the liabilities of the Authority. The liability of each Member to be calculated using their Independently Verified Annual Share of Municipal Waste disposed of at the Site at the earlier date of:
- (a). the resolution or decision to wind up;
 - (b). the decision, direction or approval of the Minister for the winding up.

Liabilities of the Authority

237. Each Member is responsible for any liabilities of the Authority apportioned according to

their Independently Verified Annual Share of Municipal Waste at the date when the liability was incurred.

Rates

238. The Authority is to pay to the Sorell Council the rates and charges associated with the Land whether or not it leases all of the Land and whether or not all the Land is used as a landfill disposal site.

Ownership and Lease of the Copping Refuse Disposal Site

239. The Owner Councils are to lease to the Authority the Land on the following terms:
- (a). for an initial term of fifty (50) years;
 - (b). at a rental (determined, if necessary, by an independent qualified valuer) representing the fair market rental for the Site; and
 - (c). such other usual terms and conditions as would be usual and appropriate for such a lease.

Documentation

240. All of the Authority's and the Board's electronic and hardcopy documentation ("documentation") shall be adequately secured by appropriate means including appropriate back-up arrangements off site in a location agreed by the Authority and Lease Administrator to ensure the information is safely secured and may be retrieved if for any reason it is not available from other business records. If the parties are not able to agree on a suitable location then, the documentation is to be stored at the Clarence City Council's offices.
241. The Authority grants the Members a licence to copy, reproduce and distribute in whole or in part to any person acting on behalf of the Members any documentation that is provided to the Members by the Authority.

Business Name of the Authority

242. The Authority and the Board are to use a business name for the Authority (the "approved business name"), and shall not use any other name for the Authority other than that name.
243. Until determined otherwise by special resolution of the Authority, the approved business name shall be 'Southern Waste Solutions'.
244. The approved business name is to be used by the Authority and the Board on formal documentation, and in advertising, promotion, sponsorship, marketing of the Authority and related activities.
245. The approved business name is to be registered by the Authority (whether as a business name, domain name, or other registered name) in the name of the Authority or the Members as required by the Lease Administrator.
246. The Authority and the Board shall not sub-license, sub-let, transfer or otherwise enter into any commercial arrangement or understanding with any other person regarding the approved business name, without the prior written approval of the Lease Administrator.

SCHEDULE 1: PROPORTIONATE PAYMENTS AND SHARES

Proportionate Payments

- 1 Each Member will on the Authority's request pay their applicable Proportionate Payments calculated in accordance with their Independently Verified Annual Share of Municipal Waste disposed at the Site.

Interests

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

Equity Interest Register

Member	Share/Interest
Clarence City Council	48%
Sorell Council	24%
Tasman Council	8%
Kingborough Council	20%

Ownership Percentage Register

Owner Council	Percentage/Share
Clarence City Council	60%
Sorell Council	30%
Tasman Council	10%

Annual Share of Municipal Waste Register

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

Voting Rights Register

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

EXECUTION BY THE SUBSCRIBING COUNCILS

<p>The Common Seal of the CITY OF CLARENCE was affixed this day of _____ 2023 pursuant to a resolution of the Council made the _____ day of _____ 2023 in the presence of:</p>	<p>Corporate Secretary and/or Mayor and/or Chief Executive Officer</p>
<p>The Common Seal of the KINGBOROUGH COUNCIL was affixed this _____ day of _____ 2023 pursuant to a resolution of the Council made the _____ day of _____ 2023 in the presence of:</p>	<p>Corporate Secretary and/or Mayor and/or General Manager</p>
<p>The Common Seal of the SORELL COUNCIL was affixed this _____ day of _____ 2023 pursuant to a resolution of the Council made the _____ day of _____ 2023 in the presence of:</p>	<p>Corporate Secretary and/or Mayor and/or General Manager</p>
<p>The Common Seal of the TASMAN COUNCIL was affixed this _____ day of _____ 2023 pursuant to a resolution of the Council made the _____ day of _____ 2023 in the presence of:</p>	<p>Corporate Secretary and/or Mayor and/or General Manager</p>

8.4.4 SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY – DRAFT AMENDMENT TO THE REGIONAL SETTLEMENT AND RESIDENTIAL DEVELOPMENT STRATEGY – COUNCIL RESPONSE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for Council to formally endorse the response to the Minister for Planning, regarding draft amendments to the Regional Settlement and Residential Development Strategy (Map 10 and SRD 2.12).

RELATION TO EXISTING POLICY/PLANS

Council has previously considered an amendment to the Southern Tasmanian Regional Land Use Strategy (STRLUS) to introduce a new Regional Policy (SRD 2.12) that provides for limited urban rezoning outside of the Urban Growth Boundary.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

A letter has been received from the Minister for Planning seeking comment on a draft amendment to the Regional Settlement and Residential Development Strategy (Map 10 and SRD 2.12. and other matters relating to the STRLUS. The deadline for receipt of submissions was 14 April 2023.

Given the closing date for submissions and the timing of Council's meeting, the prepared response to the matters raised was circulated to Councillors for noting prior to forwarding to the Minister. Council's formal endorsement of the response is now sought.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the proposed amendments.

RECOMMENDATION:

That Council endorses the response provided to the Minister regarding proposed amendments to the Southern Tasmanian Land Use Strategy – Draft Amendment to the Regional Settlement and Residential Development Strategy as attached to the Associated Report.

ASSOCIATED REPORT**1. BACKGROUND**

In 2020 the Minister for Planning advised that he had released a “roadmap” in response to:

- concerns that the STRLUS is out of date and does not reflect current planning issues; and
- ongoing calls for adjustments to the UGB and to review the settlement policies.

The roadmap identified a range of short, medium and long-term projects/initiatives. Council considered the matter at its meeting on 9 February 2021.

The Minister has now sought feedback regarding a draft amendment to the Regional Settlement and Residential Development Strategy (Map 10 and SRD 2.12).

2. REPORT IN DETAIL

2.1. On 10 March 2023, the Minister wrote to all councils in the southern region, State agencies and the Tasmanian Planning Commission inviting comment on proposed amendments to the STRLUS and broader reforms relating to regional land use strategies.

2.2. The closing date for submissions was 14 April 2023. Given the timing in relation to this Council meeting, the prepared response to the matters raised was circulated to Councillors for feedback and noting prior to the letter being finalised and forwarded to the Minister. Council's formal endorsement of the response is now sought. A copy of Council's response is attached (Attachment 1).

3. CONSULTATION

3.1. Community Consultation Undertaken

Not applicable.

3.2. State/Local Government Protocol

The Minister wrote to all Southern region councils, State agencies and the Tasmanian Planning Commission inviting comment on the proposed amendments to the STRLUS.

3.3. Other

Nil.

3.4. Further Community Consultation

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

This matter is relevant to the Greater Hobart Plan and the Southern Tasmanian Regional Land Use Strategy.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

There are no financial implications arising from the proposed amendments.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

A submission has been made to the Minister on the proposed amendments. The draft response was provided to Councillors for feedback and noting before being finalised and forwarded to the Minister. Council's formal endorsement of the response is now sought.

Attachments: 1. Council's Response to Minister for Planning regarding draft Amendment to the Regional Settlement and Residential Strategy (2)

Ian Nelson
CHIEF EXECUTIVE OFFICER



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PO Box 96
Rosny Park TAS, 7018
Ph 03 6217 9500
E clarence@ccc.tas.gov.au

12 April 2023

The Hon. Michael Ferguson MP
Deputy Premier
Minister for Planning
Tasmanian Government
Email: michael.ferguson@dpac.tas.gov.au

cc: Mr David Palmer (david.palmer@dpac.tas.gov.au)
State Planning Office (stateplanning@dpac.tas.gov.au)

Dear Minister Ferguson,

I refer to your letter received 10 March 2023 advising draft amendments to the Regional Settlement and Residential Development Strategy (Map 10 and SRD 2.12) under the STRLUS.

On behalf of council, I provide the following advice.

Council supports the amendments to STRLUS Regional Policy SRD2.12, with the following suggested additional tests included:

- f. Was subject to constraints that may have prevented development and those constraints have been removed, whether that be by physical intervention, new technologies or new processes; and*
- g. May be activated because new technology or new processes have enabled previous impediments to development to be removed; or*
- h. Was limited by errors arising from inaccurate mapping or ground truthing of data.*

Council also supports the proposed amendment to the UGB at East Derwent Highway, Risdon as part of the proposed 'corrections'.

Council does not support the proposed amendment to the UGB at Rokeby Hills – Tranmere – Droughty Point, noting the following:

- a. That council has refused to support the Skylands Master Plan as a reason for amending the UGB in this area, for the reasons set out in its 6 March 2023 decision; and
- b. That council will continue to work with landowners and residents in that area to develop an acceptable master plan before, and as a part of, any rezoning and structure plan considerations for the land.

Separately to the issue of SRD 2.12, there are several southern councils with UGB requests pending. As you are aware, there is work currently underway as part of the Outer Hobart Residential Demand and Supply Study (the Study) which, once complete, will allow further consideration of these requests (and future requests) within a strategic context. We look forward to progressing and finalising the Study in concert with the State Planning Office and other relevant southern councils.

Yours sincerely,



Ian Nelson
Chief Executive Officer

8.4.5 REVIEW OF COUNCIL SPECIAL COMMITTEES**EXECUTIVE SUMMARY****PURPOSE**

To review the structure and operations of Council's special committees.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021 - 2031 is relevant.

LEGISLATIVE REQUIREMENTS

Special Committees are established under Sections 23 and 24 of the *Local Government Act* 1993.

CONSULTATION

Consultation has been undertaken with internal stakeholders and Council's committees.

FINANCIAL IMPLICATIONS

There will be minor financial implications in establishing a revised committee structure, limited to communication arrangements in seeking expressions of interest for committee positions and internal resourcing requirements.

RECOMMENDATION:

That Council:

- A. Adopt the revised Special Committee structure, including:
 - i. disbanding council's:
 - a. Sport and Recreation Committee
 - b. Natural Resource Management and Grants Committee
 - c. Community Health and Wellbeing Committee
 - d. Partnerships Grants Committee
 - e. Events Special Committee
 - f. Cultural History Advisory Committee
 - ii. establishing five new Special Committees under the Local Government Act 1993:
 - a. Active Living Advisory Committee
 - b. Community Wellbeing Advisory Committee
 - c. Cultural Creative Advisory Committee
 - d. City Development Advisory Committee, and
 - e. Sustainability Advisory Committee
 - iii. disbanding Council's Honours and Awards Committee upon conclusion of the current City of Clarence Citizen of the Year Awards ceremony and withdrawing appointments made to this Committee at that time.
 - iv. disbanding Council's Disability Access and Inclusion Advisory Committee and reforming it as a Standing Working Group under the City Development Advisory Committee
 - v. disbanding Council's Bicycle Advisory Committee and reforming it as a Standing Working Group under the City Development Advisory Committee

- vi. disbanding Council's Tracks and Trails Committee and reforming it as a Standing Working Group under the City Development Advisory Committee
 - vii. disbanding Council's Youth Advisory Working Group and reforming it as a Standing Working Group under the Community Wellbeing Advisory Committee
 - viii. disbanding Council's Clarence Positive Ageing Committee and reforming it as a Standing Working Group under the Community Wellbeing Advisory Committee
 - ix. retaining the Reconciliation Action Plan Working Group in its current format, reporting directly to the Council via the working group Chair
 - x. retaining Council's participation on the Richmond Advisory Committee
 - xi. retaining Council's participation on the Bellerive Community Arts Centre Committee, and
 - xii. as approved by Council at its meeting on 20 March 2023, forming a LGBTIQ+ Standing Working Group under the Community Wellbeing Special Committee.
- B. Adopt the Constitution for the:
- a. Active Living Advisory Committee
 - b. Community Wellbeing Advisory Committee
 - c. Cultural Creative Advisory Committee
 - d. City Development Advisory Committee
 - e. Sustainability Advisory Committee
- C. Amend the committee arrangements for Howrah Community Centre by:
- i. The Management Committee ceasing to operate from 30 June 2023 and management and operation of the centre returning to Council from that date.
 - ii. Council retaining all assets, liabilities and debts arising from the Management Committee's operation from 30 June 2023.
 - iii. The Management Committee being formally acknowledged for their commitment and significant effort over many years.
 - iv. Establishing an "Howrah Community Centre Advisory Committee" to support operations of the centre.
 - v. Inviting current members of the Management Committee to sit on the new Advisory Committee and work with Council officers to develop a new constitution based on the Model Constitution.
 - vi. The revised Howrah Community Centre Advisory Committee reporting to Council through the Manager Governance.
 - vii. Confirming Cr Goyne as Council's nominated representative on the Advisory Committee.
- D. Lindisfarne Community Activities Centre - Noting that the Committee disbanded in 2021, that the Centre continue to be managed and operated by Council.
- E. Risdon Vale Hall - Noting that the Committee disbanded in 2021, that the Hall continue to be managed and operated by Council.

- F. Geilston Bay Community Centre:
- i. The Centre continue to be managed and operated by the volunteer committee until determined otherwise by Council.
 - ii. The Geilston Bay Community Centre Committee report to Council on its activities through the Manager Governance.
 - iii. Confirm Cr Ritchie as Council's nominated representative.
- G. Clarence City Band Committee:
- i. That the current Committee (established as a committee of council) be disbanded with effect from 30 June 2023. This date may be extended at the discretion of the Chief Executive Officer to provide the Band sufficient time to enable transition to an appropriate structure independent of Council.
 - ii. That Council enter into a sponsorship agreement, terms to be agreed with the Band, including:
 - a. in-kind support of waiver of venue hire fees at the Lindisfarne Community Activities Centre at current agreed level of usage
 - b. financial support provided by Council to cover public liability insurance expenses
 - c. a performance commitment to Council
 - d. other terms as may be agreed.
- H. Endorse the Chief Executive Officer to proceed with the restructure arrangements as outlined in Recommendations A to G in this report.
- I. Confirm Cr Chong as Council's nominated representative on the Richmond Advisory Committee.
- J. Confirm Cr Kennedy as Council's nominated representative on the Bellerive Community Arts Centre.
- K. Confirm Council's withdrawal from participation on the National Fitness Recreation Association.
- L. Cycling South Committee:
- i. confirm Council's continued participation, and
 - ii. nominations be sought from Councillors for appointment to the committee as Council's nominated representative.
- M. Appointment made at Council on 19 December 2022 to the Events Special Committee be withdrawn.

NOTE A report will be provided to the next council meeting seeking nominations for appointment of councillor representatives on Advisory Committees.

REVIEW OF COUNCIL SPECIAL COMMITTEES /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council has previously established several special committees in accordance with Sections 23 and 24 of *the Local Government Act 1993* to support the achievement of Council's purpose, mission and vision.
- 1.2.** Following a workshop in July 2022, Council endorsed a review of the structure of its Special Committees.
- 1.3.** Council, following each ordinary Council election, deliberates on its appointments to committees and outside organisations. At its meeting on 19 December 2022, Council made appointments to committees outside the scope of this review process and where functions of the committee required appointments be made at that time; for example, the Events Special Committee and Australia Day Awards Committee.

2. REPORT IN DETAIL

- 2.1.** In July 2022, a council workshop was conducted for initial consideration of the review of Council special committees. This was followed by consultation with each of the current committees to obtain feedback on the proposed structure.
- 2.2.** The aim of the review was:
 - to improve alignment of planning, resources and delivery where goals and objectives have connections across key strategies
 - to consider a flexible system of working groups to support special committees
 - for committees to have a “view” across each strategy area, providing a stronger voice and alignment with strategies
 - to provide improved direction to each committee through revised constitutions, clear purpose and standardised templates

- to continue to build community capacity and develop strong partnerships
- to enable committees to continue to provide input at a strategic level where impact may be maximised, and
- to optimise the use of Council resources.

2.3. Community Centres

In undertaking the review, the following community centres and one hall were considered:

- Howrah Community Centre
- Geilston Bay Community Centre
- Lindisfarne Community Activities Centre, and
- Risdon Vale Hall.

- 2.4.** The Howrah Community Centre is a significant Council asset, operated by a volunteer management committee. Over recent years, there has been extensive communication between the Howrah Community Centre Committee and Council regarding its operations, primarily regarding a debt the centre is carrying arising from an industrial matter and GST liabilities dating back several years. The matter of the debt will be considered as part of Council's financial year 2023/2024 budget considerations and does not form part of this report. The committee has operated the Centre professionally and responsibly, with a considered approach to the diversity of its stakeholders. Notwithstanding this, given the management and financial responsibilities associated with operating the centre, it is considered appropriate that responsibility for management of the centre return to Council. It is proposed that the committee continue to operate in an advisory capacity under a revised constitution, thereby retaining ability to contribute to strategic decision-making and to provide input into the identification of key priorities for the centre and its stakeholders. The committee have indicated their support for this approach.

2.5. The Geilston Bay Community Centre is owned by Council and operated by a dedicated and engaged volunteer management committee. The committee undertakes all aspects of operations, including administration, cleaning and general maintenance. The committee contribute a significant number of hours to the centre and their effort and contribution is acknowledged. The centre primarily caters for young children, through operating as a family day care setting, and hosting children's birthday parties and similar. The building is considered nearing "end of life" status. It is anticipated this facility, and the site generally, will be considered as part of the Geilston Bay Master Plan. The Centre meets the needs of current users and fills a gap in the community for early childhood demographics. Until master planning is complete for this area, or the facility is deemed no longer fit for purpose, it is recommended that the committee continue to operate the centre. The committee has indicated, strongly, their preference to continue to manage this centre and their continued commitment to its operations.

2.6. The committees at the Lindisfarne Community Activities Centre (LCAC) and Risdon Vale Hall disbanded in late 2021. Council assumed management of these venues with a casual administration officer appointed at LCAC to oversee the centre two mornings each week. Bookings and financial operations for both venues are undertaken by Asset Management Group staff as part of Council's Facilities Program. It is considered appropriate for these arrangements to remain in place permanently and the venues continue to be managed directly by Council.

2.7. Clarence City Band

The Clarence City Band was formed as an initiative of Council in August 1988. The Band aspires to serve the community by fostering and performing music, providing opportunities for developing and accomplished musicians to participate in a supportive environment, share and advance their skills, and perform at civic and other community events.

- 2.8.** The Clarence City Band is based at the Lindisfarne Community Activities Centre and is administered by a committee, which is a special committee of Council. In return, the Band plays at community events such as, the Lindisfarne ANZAC Day Dawn Service, the Richmond Highland Gathering, as well as various carol services in the community.
- 2.9.** Council's current involvement is to provide financial support and general operational guidance from time-to-time. It is considered that the Band may benefit from operating as a separate entity, not overseen by Council. This would provide the Band independence to undertake their operations, fundraising and other activities without the constraints of Council requirements. However, recognising the contribution the Band has made and continues to make to our community, and its long history with Council, it is proposed that Council continue to fund the Band under an independent sponsorship arrangement equivalent to council's current arrangements plus additional funds to cover public liability insurance, along with a performance commitment to council. It is also proposed that the current council assets assigned to the Band be transferred to them.
- 2.10.** The Clarence City Council Band Committee has indicated they would support this transition subject to the sponsorship and asset transfer arrangements outlined above.
- 2.11. External Committees**
- Appointments outside the scope of this review were made at Council's meeting in December 2022. Further to this, to confirm workshop discussions of 30 January 2023:
- Cycling South – Councillor to continue to participate on this external committee. The recommendation seeks a councillor appointment to this committee.
 - National Fitness Southern Recreation Association – recommended that Council withdraw from participation / attendance.

- Bellerive Arts and Community Centre – Council to continue to participate on this external committee. Cr Kennedy’s appointment to stand.
- Richmond Advisory Committee – Council to continue to participate on this external committee. Cr Chong’s appointment to stand.

2.12. Other Committees of Council

A summary of consultation feedback is outlined at paragraph 3.1 below. Following review of the feedback, minor amendments were made to the draft structure, particularly around the formation of Standing Working Groups. The proposed revised structure is shown at Attachment 1.

It is proposed that the following current committees of Council cease to operate in their current format:

- Sport and Recreation Committee
- Natural Resource Management and Grants Committee
- Community Health and Wellbeing Committee
- Clarence Positive Aging Advisory Committee
- Partnership Grants Committee
- Events Special Committee
- Honours and Awards Committee (formerly Australia Day Awards Committee)
- Cultural History Advisory Committee
- Bicycle Advisory Committee
- Tracks and Trails Committee
- Natural Resource Management and Grants Committee
- Disability Access and Inclusion Advisory Committee (DAIAC), and
- Youth Advisory Committee.

In place of these committees, five Advisory Committees will be established to align with Council’s key strategies:

- Active Living Advisory Committee
- Community Wellbeing Advisory Committee

- Cultural Creative Advisory Committee
- City Development Advisory Committee, and
- Sustainability Advisory Committee.

2.13. Draft constitutions for the five new Advisory Committees are provided at Attachments 2 to 6 of this report. The constitutions are based on a model constitution that has been developed for the Advisory Committees, to ensure consistency and a contemporary approach.

2.14. Members of current committees will be invited to transfer to this new structure based on the alignment shown at Attachment 1. Where current committee numbers exceed that outlined in the revised committee constitution, existing members will be asked to “express interest” and appointments will be made on merit as outlined in the constitution. There is also opportunity for current committee members in these circumstances to continue to provide ongoing contribution through the formation of Standing Working Groups/Project Working Groups under the revised Advisory Committee structure. This was considered important in retaining community involvement, subject matter experts, relevant experience and recognising the contribution of our volunteer committee members. Working Groups also provide the opportunity to retain special interest membership, noting the broadening of Advisory Committee functions and subject scope.

2.15. It is also proposed that councillors will be able to sit on more than one committee but will only be able to chair one of the five Advisory Committees at a time. Given the leadership role required of the Chair of the proposed City Development Advisory Committee, it is proposed that the Mayor be appointed as Chair (as a standing appointment).

2.16. Following consultation in establishing a revised structure the “Standing Working Groups” identified at this time are:

- Disability Access and Inclusion Working Group – current DAIAC committee members to be invited to transfer to this working group – reporting to the City Development Advisory Committee.
- Bicycle Network Working Group – current Bicycle Advisory Committee members to be invited to transfer to this working group - reporting to the City Development Advisory Committee.
- Tracks and Trails Working Group – current Tracks and Trails Committee members to be invited to transfer to this working group – reporting to the City Development Advisory Committee.
- Youth Advisory Working Group – current Youth Advisory Committee members to be invited to transfer to this working group – reporting to the Community Wellbeing Advisory Committee.
- Clarence Positive Aging Working Group – current Clarence Positive Aging Committee members to be invited to transfer to this working group – reporting to the Community Wellbeing Advisory Committee.
- Reconciliation Action Plan Working Group – current arrangements to remain in place – reporting direct to Council.

2.17. Transition Arrangements

The proposed transition process to implement the revised Advisory Committee structure was outlined at a Council workshop in March 2023. In summary, it is proposed to:

- Seek expressions of interest (EOI) from existing committee members to fill the six community vacancies on each new Advisory Committee.
- Current members may also provide an indicative expression of interest to participate on any special interest working group at the same time.
- Where EOIs received exceed vacancies, a selection panel (comprising councillor representatives, executive leadership team member and staff subject matter expert) will be formed. Criteria for selection will include:
 - must live, work, study or volunteer in Clarence (this may be waived for subject matter experts)

- knowledge and experience relevant to the Advisory Committee
 - a passion for community development
 - an understanding of issues relevant to our community
 - good communication and interpersonal skills, and
 - sufficient time available to devote to responsibilities.
- Where vacancies remain after the EOI process a direct invitation may be forwarded to individuals with expertise to become committee members

3. CONSULTATION

3.1. Community Consultation Undertaken

Consultation was undertaken with special committees of council, councillors, and staff. Overall, there was support for a form of restructure and the proposed alignment was well-supported. Specific feedback is outlined below.

1.	What is important to retain?
	<ul style="list-style-type: none"> • Principles of co-design and working together • Community participation • Involvement in strategy implementation and working groups • Ability for committees to have input across other areas where there are synergies • Councillor representation on committees • Staff administration and research support
2.	Opportunities
	<ul style="list-style-type: none"> • Optimise how Council works with its community and allocates resources • Streamline consultation processes • Opportunity for committees to see the broader picture • May provide for more equitable distribution of resources and project delivery • Working together to achieve results • Provides a greater sense of purpose across strategies • Recognises diversity of stakeholders impacted across strategies
3.	Challenges
	<ul style="list-style-type: none"> • How to retain ability to impact across strategies • May increase staff resource demand if working across strategies, in some areas working groups may add an additional layer • Ensuring committees recognise role of working groups • Focussing on strategy and policy, rather than operational aspects • Not losing representation

<ul style="list-style-type: none"> • Ensuring meetings are effective given breadth of responsibilities • Establishing clear processes for provision of feedback
4. Thoughts on Proposed Alignment
<ul style="list-style-type: none"> • Generally, feedback was that the proposed alignment represents a good fit against current committees • Placing committees like CPAAC and CDAIAC within one strategy may limit remit • Retain committees who improve service delivery in their current form • Bicycle Advisory Committee may be best placed under city infrastructure • CDAIAC aligns with bicycle committee - could become an Active Transport Working Group • Support combining sport and recreation / tracks and trails • Consider combining Active Living and Community Wellbeing • Some appear to cut across a disparate range of interests that will make it hard to attract and retain members and to function effectively
5. Thoughts on Governance Arrangements
<ul style="list-style-type: none"> • Need a strong governance model • identify responsibility for administration support • Clarity around role of committees and capacity to impact • Likely to require more than four meetings each year given breadth of responsibilities • Keep councillor as chair • At least two councillors on each committee

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

3.4. Further Community Consultation

The Council decision will be communicated to all current committee representatives. Opportunities to transfer to the new committees and working groups will be provided, as set out in section 2 of this report.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. Council's Strategic Plan 2021-2031 under the Strategic goal area "*A people friendly city*":

"1.7 Supporting our community to build capacity and resilience."

"1.8 Recognising the significant impact volunteer involvement has on achieving our strategic goals and the delivery of our services and initiatives."

4.2. Council's Strategic Plan 2021-2031 under the Strategic goal area "*Governance and Leadership*":

"5.1 Responding to the changing needs of the community through leadership, advocacy and best practice governance."

"5.3 Continuing to focus on providing transparency in our decision-making processes."

"5.4 Communicating with our community about what we do."

5. EXTERNAL IMPACTS

There will be impacts associated with transition from the current structure to the revised structure. Foreseeable impacts include:

- Increased administration and organisation to facilitate transition to revised structure.

Impacts will be managed by a nominated Executive Leadership Team member for the relevant committee to minimise disruption and to ensure provision of appropriate transition support.

Manager People and Organisational Development will facilitate training and induction requirements.

- Potential for perceived reduction in community participation.

Committees have been consulted as part of this review, will require ongoing consultation as changes are implemented.

Vacant committee positions, following initial expressions of interest from existing members, will be advertised externally.

Continue to engage, inform and consult.

6. RISK AND LEGAL IMPLICATIONS

6.1. The establishment and operation of special committees is governed by section 24 of the *Local Government Act 1993*. Council may:

- establish, on such terms and for such purposes as it thinks fit, special committees
- appoint such persons as it thinks appropriate to special committees, and
- determine the procedures related to special committees.

6.2. The draft constitutions provided for the new special committees meet the requirements of the Act.

7. FINANCIAL IMPLICATIONS

Costs associated with operating the revised committee structure are anticipated to be comparable to current expenditure levels.

8. ANY OTHER UNIQUE ISSUES

8.1. Howrah Community Centre Debt

The Howrah Community Centre is currently carrying an operational debt totalling \$227,558. This debt has accumulated as a result of back-payment to staff following review of relevant industrial instruments in 2014 and accrued goods and services tax debts.

8.2. The circumstances of this debt have been subject of discussion between the current Howrah Community Centre Committee and Council representatives for some time. It is appropriate to note that the debt is not a reflection on the professional competency of the Committee nor their decision-making.

It is, as stated, a result of an industrial matter and accrued goods and service tax debts. Notwithstanding, the debt is a result of operating costs and reflects the actual financial position of the Centre.

- 8.3.** The Committee has previously requested that Council write-off the debt to enable the current operating environment to be reflected without the encumbrance of the long-term debt. Following review of the structure of Council's special committees and noting the recommendation that the Howrah Community Centre Special Committee cease to operate as a management committee, Council will retain all cash, assets, liabilities and debt from 30 June 2023. The status of the debt will be a matter for Council consideration as part of 2023/2024 budget deliberations and will be managed through internal accounting mechanisms to have repayment reflected over time, or as may be agreed by Council.

9. CONCLUSION

Council has established several special committees to support the achievement of Council's purpose, mission and vision. These committees make a significant contribution to council and the community. A review has been undertaken, seeking to provide committees with a strong voice and alignment with council's new key strategies. The proposed revised structure establishes five key advisory committees, while providing for a flexible system of working groups to support committee functions and responsibilities.

- Attachments:
1. Proposed Committee Structure Diagram (1)
 2. Active Living Advisory Committee Constitution (13)
 3. City Development Advisory Committee Constitution (13)
 4. Community Wellbeing Advisory Committee Constitution (13)
 5. Cultural Creative Advisory Committee Constitution (13)
 6. Sustainability Advisory Committee Constitution (13)

Ian Nelson
CHIEF EXECUTIVE OFFICER

Attachment 1STRATEGIC PLAN GOALS			A People Friendly City	A Well-planned Liveable City	A Prosperous and Creative City		An Environmentally Responsible City	
SPECIAL ADVISORY COMMITTEES	Committee Name	Active Living Advisory Committee	Community Wellbeing Advisory Committee	Cultural Creative Advisory Committee	City Development Advisory Committee		Sustainability Advisory Committee	
	Strategy Key Priorities	Fair and transparent planning and governance processes. Provide contemporary facilities and spaces to engage our community in active living. Activate our facilities and spaces to encourage increased participation in active living.	Promote wellbeing through planning and partnerships. Strengthen the capacity of places and spaces to support wellbeing. Expand opportunities for everyone to lead healthy and active lives.	Establishing and celebrating Clarence as a ‘Gateway to Tasmanian culture’. Reflecting, respecting and celebrating the Aboriginal community, their heritage and contemporary cultural practices within arts and cultural programs. Recognising the importance of the arts and culture to community and utilising the arts and culture within council strategies to achieve our vision and goals. Ensuring the economic benefits and social inclusion functions of the arts are considered in all council activities.	Enhance the liveability of our city. Support sustainable commercial opportunities. Protect and enhance our spaces and places. Develop and manage infrastructure assets sustainably and for the community's benefit. Establish a framework to assess community need and priorities and minimum acceptable standards. Combine human ingenuity with technology to enhance the quality of life for all. Connect our City socially, economically, and environmentally. Connect people with services, facilities and resources which enhance their quality of life.		Make our city inclusive, safe, resilient and sustainable. Support sustainable consumption and production patterns. Take action to combat climate change and its impacts. Sustainably manage our environment and minimise biodiversity loss. Ensure access to clean water and sanitation. Build resilient infrastructure, promote inclusive and sustainable industry and foster innovation.	
	Primary Strategy	Active Living Strategy	Community Wellbeing Strategy	Cultural Creative Strategy	Community Infrastructure Strategy	City Future Strategy	Digital Strategy	Sustainability Strategy
	Key Functions	In reference to the Active Living Strategy	In reference to the Community Wellbeing Strategy	In reference to the Cultural Creative Strategy	In reference to the Community Infrastructure, City Future and Digital Strategies		In reference to the Sustainability Strategy	
		To have input into the development, implementation and review of Council’s policies, strategies and initiatives relevant to the purpose of the Committee						
		To provide an opportunity for members of the community and other stakeholders to communicate views to Council on issues related to the purpose of the Committee						
		To act as a conduit for key stakeholders to have input into the implementation of the relevant strategy on behalf of the Clarence community						
To explore and promote opportunities within the municipality consistent with the purpose of the Committee								
To provide input into the annual goals of Council in relation to the purpose of the Committee								
To make recommendations to Council on strategic projects								
To provide suggestions for projects, programs and other initiatives as part of council’s annual budget processes								
STANDING WORKING GROUPS	Disability Access and Inclusion Working Group	Reporting to the City Development Advisory Committee						
	Tracks and Trails Working Group							
	Bicycle Advisory Working Group							
	Reconciliation Action Plan Working Group	Reporting Direct to Council						
	Richmond Advisory Working Group Retain current participation	Council nominated representatives reporting to council through the Cultural Creative Advisory Committee						
	Bellerive Community Art Centre Retain current participation							
	Youth Working Group Retain current structure	Reporting to the Community Wellbeing Advisory Committee						
	LGBTQI+ Working Group							
	Clarence Positive Aging Working Group Retain current structure							
	Other Working Groups	Special Advisory Committees may establish additional Standing Working Groups and/or Project Specific Working Groups at their discretion to efficiently deliver on the purpose of the Committee						
Working Groups must be established in accordance with the Committee's Constitution								
COMMUNITY CENTRES	Venues managed by council. Advisory input from Special Advisory Committee in regard to the Howrah Community Centre.						Howrah Community Centre	
							Risdon Vale Hall	
							Lindisfarne Community Activities Centre	
	Venue continue to be managed by volunteer committee until further notice.						Geilston Bay Community Centre	
OTHER	To operate as a separate entity, not managed by council. Council fund under an independent sponsorship arrangement with a performance commitment to council.						Clarence City Band	

CONSTITUTION FOR ACTIVE LIVING ADVISORY COMMITTEE

1. DEFINITIONS

Unless the contrary intention indicates otherwise, in this Constitution the following words and expressions have the following meanings:

CEO	means the Chief Executive Officer of Clarence City Council (or their delegate).
Committee	means the Active Living Advisory Committee.
Constitution	means this constitution.
Council	means the Clarence City Council.
Councillor	means an elected member of the Clarence City Council.
ELT	means Executive Leadership Team.

2. BACKGROUND TO SPECIAL COMMITTEES

Committees play an integral part in assisting and advising council to achieve its Strategic Plan, associated strategies, policies and decisions of Council. The *Local Government Act 1993 (Tas.)*, sections 23 and 24, empowers Council to establish committees and special committees on such terms and for such purposes as it thinks fit. Special committees can be made up of councillors, council staff and members of the public appointed to the committee.

3. PURPOSE OF ACTIVE LIVING ADVISORY COMMITTEE

The Active Living Advisory Committee has been established under the provisions of section 24 of the *Local Government Act 1993 (Tas.)*.

Within the scope of Council's Active Living Strategy, the Committee has responsibility for:

- a) aligning functions and objectives to the key priorities outlined in the Active Living Strategy which include:
 - i. promoting fair and transparent planning and governance processes
 - ii. providing contemporary facilities and spaces to engage our community in active living
 - iii. activating our facilities and spaces to encourage increased participation in active living
- b) facilitating internal and external stakeholder engagement to encourage quality decision making and achieving goals and strategies under Council's Strategic Plan and Active Living Strategy 2023 – 2033.

4. KEY FUNCTIONS

The Committee has the following key functions:

- a) to have input into the development, implementation and review of council's policies, strategies and initiatives relevant to the purpose of the Committee outlined under clause 3 of this Constitution
- b) to provide an opportunity for members of the community and other stakeholders to communicate views to Council on issues related to the purpose of the Committee
- c) to act as a conduit for key stakeholders to have input into the implementation of the Active Living Strategy on behalf of the Clarence community
- d) to explore and promote opportunities within the municipality consistent with the purpose of the Committee
- e) to provide input into the annual goals of Council in relation to the purpose of the Committee
- f) making recommendations to Council on strategic projects, and
- g) to provide suggestions for projects, programs and other initiatives as part of council's annual budget processes.

5. POWERS OF COMMITTEE

The Committee acts in an advisory capacity only and has no authority to make decisions on behalf of Council, to direct staff or engage in operational decision-making. Committee members must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor.

Council may request the Committee to consider issues within the purpose of the Committee and to provide specific advice and/or recommendations to Council.

The Committee is to operate at all times in accordance with this Constitution and the policies and procedures of Council.

6. COMMITTEE MEMBERSHIP

The Committee consists of:

- a) up to three (3) Councillors (with a minimum of two (2)) one of which is appointed as Chair
- b) one Executive Leadership Team member (or a manager reporting to an ELT member) plus one (1) council officer (subject matter expert), both appointed by the Chief Executive Officer, and
- c) community representation of up to six (6) community members.

7. APPOINTMENT

The method of appointment of Committee members will be as follows:

COUNCIL APPOINTEES

Council will appoint new Councillor representatives within three (3) months of each ordinary council election. Appointments will be for the term of council (4 years) and will automatically expire at the end of each term. Councillor appointments to the Committee may be varied during the term of Council by a council decision.

The ELT and council officer representation will be determined by the CEO, with appointments reviewed periodically by the CEO to ensure appropriate representation is maintained.

COMMUNITY APPOINTEES

Community appointees will be appointed for a period of four (4) years so that 50% of the community appointees will be appointed once every two (2) years. The aim is to ensure continuity of community representation and input over time.

Community appointees will be selected via a nomination process. The nomination process will be conducted as follows:

1. An advertisement will be placed in The Mercury and Council's social media networks
2. Nominations will be received in writing on a completed nomination form (Attachment 1, form yet to be updated), and
3. To be considered, nominees will be required to meet the following criteria for nomination:
 - i. Be a resident of Clarence
 - ii. Own a business based within Clarence, or
 - iii. Be a member of a recognised not-for-profit or sporting organisation based within Clarence, or
 - iv. Be a Tasmanian Government employee nominated by a government department with a clear interest relevant to the purpose and objectives of the Committee, and
 - v. Must have demonstrable experience, interest and/or skills relevant to the purpose of the Committee.

New community appointee membership is decided by the existing members of the Committee in consultation with the appointed ELT member and Chair. The Chair will recommend new appointees to the CEO. The CEO will provide each new community appointee with a letter of appointment that sets out, amongst other things, the term of appointment.

8. TERMS OF OFFICE – COUNCIL REPRESENTATIVES

Council will appoint up to three (3) Councillors (a minimum of two (2)) as its representative members on the Committee. Appointments are made following the conducting of ordinary Council elections and the appointments are for a term of the Council (currently 4 years).

The duration of appointment for the council officer representatives is at the discretion of the CEO.

9. TERMS OF OFFICE – COMMUNITY REPRESENTATIVES

The term of appointment for Community Committee members will be up to four (4) years. Community Committee members may only serve two (2) consecutive terms.

If a Community Representative position becomes vacant before the expiration of that representative's term, then the vacancy will be filled using the method of appointment described at clause 7 for Community Representatives. A Community Representative who is appointed to fill a casual vacancy will serve for the remainder of the term of the former representative.

A Community Committee member may resign by giving written notice to the Chair. Council may terminate an appointment if:

- a) the member fails to disclose a conflict of interest, or
- b) the member is absent from three (3) consecutive meetings of the Committee without informing the Chair of an official apology.

10. COMMITTEE WORKING GROUPS

The Committee has the following Standing Working Groups:

- Nil

The Committee may establish ad hoc working groups as required to address specific issues related to the purposes of the Committee. Working groups are required to undertake their work in accordance with this Constitution and act in accordance with Council policies and applicable legislation. A working group is to be chaired by a Councillor Representative. A working group must report on its activities through the meetings of the Committee.

11. MEETING PROCEDURES

PROVISION OF AGENDAS AND MINUTES

The council officer is responsible for providing an agenda in the standard format at Attachment 1 for each meeting at least 7 days before a scheduled meeting date.

The council officer is responsible for providing minutes in the standard format (Attachment 2) to the Committee via email within 14 days of a meeting. Minutes of each meeting are to be recorded and approved by the Committee at a subsequent meeting of the Committee.

The minutes of each meeting are to be confirmed by the Committee and signed by the Chair at the subsequent meeting of the Committee.

ROLE OF CHAIRPERSON

The Chair is responsible for:

- a) conducting committee meetings in an efficient, effective and inclusive manner, and
- b) acting as the Committee's spokesperson where required and in accordance with Council Policy C1.60 – "Policy and Operational Framework for Media Communications by Council "Special" Committees."

If the Chair is not present at a meeting of the Committee, a Committee Representative elected by the Representatives present at the meeting is to chair the meeting. If no person is elected to preside at the meeting, the meeting is adjourned to the time and place of the next scheduled meeting as notified by the council officer.

FREQUENCY OF MEETINGS

Meetings of the Committee must be held at least four (4) times per year to be scheduled on a regular basis in advance. Dates and possible venues for such meetings will be decided at the last meeting of the calendar year.

If an urgent meeting is necessary, the Chair is required to provide the notice of the meeting and the agenda at least five (5) days prior to the meeting date.

VENUE

Committee members may attend meetings electronically subject to appropriate resources being available. Committee meetings will be held at the Council Chambers unless the Committee otherwise decides.

VOTING

Where decisions are required by the Committee, the Chair will seek to bring Committee members to a consensus decision. Where a consensus cannot be reached, the issue will be put to the vote. Meeting observers will not have voting rights. Members must be present to be able to vote on an issue.

A vote is decided by a simple majority. A tied vote will result in the proposed decision being lost.

A Committee member present may request that their dissent be recorded within the Minutes.

QUORUM

A quorum will be half the number of members plus one.

At a meeting where a quorum is not present, the meeting can proceed with recommendations for decisions being carried forward to subsequent meetings where a quorum is present.

12. COMMITTEE CONDUCT

Committee members must act in accordance with all Council policies and applicable legislation, including work health and safety requirements, when carrying out their respective responsibilities on behalf of the Committee.

Committee members are expected to:

- a) actively participate in Committee discussions and offer their opinions and views
- b) treat all persons with respect
- c) act with integrity and act in the best interests of the community, and
- d) avoid conflicts of interest and the releasing of confidential information.

13. REPORTING REQUIREMENTS AND ARRANGEMENTS

The Committee is to provide its approved minutes through the Chair at the next available ordinary Council meeting.

Any other reports required will be on an as needed basis.

Provision of information to the community will occur through Council's Annual Report, Quarterly Reports and other means as appropriate such as Council's social media networks, Council rates newsletter and Council's website.

14. CONFLICT OF INTEREST

A Committee member who has a direct or indirect pecuniary interest in any matter before the Committee must disclose the nature of interest to the Committee. The conflict must be recorded in the Minutes.

15. CONFIDENTIALITY

Committee members must keep all information marked as confidential secure including taking all reasonable and necessary steps to ensure the security of that information.

16. DISPUTE RESOLUTION

If there is a dispute between members of the committee or another party which is unresolved, the Chairperson must notify the CEO. The CEO may nominate an independent person or staff member with appropriate skills to help resolve the dispute.

If the dispute remains unresolved, the matter may be referred to Council to make a decision. The final decision reached is binding on all parties to the dispute.

17. INSURANCE

Public liability insurance indemnifies the insured against legal liability resulting from damage to property, loss of use of property and death or bodily injury to members of the general public, where the loss, damage or injury to the property or third party was caused by a negligent act on the part of the insured.

Council is covered by public liability insurance which extends to all Council committees.

18. TRAINING AND INDUCTION PROCESS

Training will be provided to committee members where a particular need is identified. As a minimum, the following training will be provided:

- Required training – councillors
 - How to run effective meetings
- Required training – all committee members
 - WHS induction
 - general local government induction
 - understanding the constitution and role of the committee

19. REVIEW OF CONSTITUTION

The Committee may make recommendations to Council on the review of the Committee's responsibilities and this Constitution.

Amendments to this constitution must be approved by Council.

As a minimum timeframe the Constitution is to be reviewed every four (4) years by report to Council.

20. ADMINISTRATIVE ARRANGEMENTS

Table of Amendments		
No.	Date	Brief Details

Approval	
COUNCIL APPROVAL DATE	[insert date] 2023
REVIEW	Every 4 years
RESPONSIBLE POSITION	
ECM REFERENCE	

Active Living Advisory Committee

Agenda

Date:

Time:

At:

Formalities		
1	Acknowledgement of Country	
2	Welcome (including welcoming new members)	
3	Record of attendees	
4	Apologies	
5	Declaration of conflict of interest	
6	Confirmation of previous meeting minutes	

Matters arising from the minutes		
7	Matter 1	
8	Matter 2	
General business (including reports from 3Working Groups)		
9	Matters for decision (recommendations to council on strategy, policy, frameworks, budget submissions): <ul style="list-style-type: none"> Matter 1 Matter 2 	
10	Matters for discussion (update on issues, minutes or notes from established working groups): <ul style="list-style-type: none"> Matter 1 Matter 2 	
11	Matters for noting (correspondence) <ul style="list-style-type: none"> Matter 1 Matter 2 	
Concluding		
12	Review agreed actions	
13	Date, time and location of next meeting	
14	Meeting close	

Active Living Advisory Committee

Minutes

Date:

Time:

At:

Formalities			
1	Attendees		
2	Apologies		
3	Guests		
4	Declared Conflicts of Interest		
5	Confirmation of previous minutes		

Matters arising from the minutes		
6	Matter	Brief details of agreed action or position
7	Matter	Brief details of agreed action or position
General business (including reports from Working Groups)		
8	Matter	Brief details of agreed action or position
9	Matter	Brief details of agreed action or position
Summary of agreed actions		
10	Matter	Action
11	Matter	Action
Next meeting		
12	Date, time and location	

CONSTITUTION FOR CITY DEVELOPMENT ADVISORY COMMITTEE

1. DEFINITIONS

Unless the contrary intention indicates otherwise, in this Constitution the following words and expressions have the following meanings:

CEO	means the Chief Executive Officer of Clarence City Council (or their delegate).
Committee	means the City Development Advisory Committee.
Constitution	means this constitution.
Council	means the Clarence City Council.
Councillor	means an elected member of the Clarence City Council.
ELT	means Executive Leadership Team.

2. BACKGROUND TO SPECIAL COMMITTEES

Committees play an integral part in assisting and advising council to achieve its Strategic Plan, associated strategies, policies and decisions of Council. The *Local Government Act 1993 (Tas.)*, sections 23 and 24, empowers Council to establish committees and special committees on such terms and for such purposes as it thinks fit. Special committees can be made up of councillors, council staff and members of the public appointed to the committee.

3. PURPOSE OF CITY DEVELOPMENT ADVISORY COMMITTEE

The City Development Advisory Committee has been established under the provisions of section 24 of the *Local Government Act 1993 (Tas.)*.

Within the scope of Council's Community Infrastructure (to be drafted), Digital and City Future Strategies the Committee has responsibility for:

- a) aligning functions and objectives to the key priorities outlined in the Community Infrastructure, Digital and City Future strategies which include:
 - i. Enhancing the liveability of our city
 - ii. supporting sustainable commercial opportunities
 - iii. protecting and enhancing our spaces and places
 - iv. developing and managing infrastructure assets sustainably and for the community's benefit
 - v. establishing a framework to assess community need and priorities and minimum acceptable standards
 - vi. combining human ingenuity with technology to enhance quality of life for all
 - vii. connecting our City socially, economically, and environmentally, and
 - viii. connecting people with services, facilities and resources which enhance their quality of life
- b) facilitating internal and external stakeholder engagement to encourage quality decision making and achieving goals and strategies under Council's Strategic Plan and Community Infrastructure (to be drafted), Digital and City Future Strategies.

4. KEY FUNCTIONS

The Committee has the following key functions:

- a) to have input into the development, implementation and review of council's policies, strategies and initiatives relevant to the purpose of the Committee outlined under clause 3 of this Constitution
- b) to provide an opportunity for members of the community and other stakeholders to communicate views to Council on issues related to the purpose of the Committee
- c) to act as a conduit for key stakeholders to have input into the implementation of the Community Infrastructure Strategy, City Future Strategy and Digital Strategy on behalf of the Clarence community
- d) to explore and promote opportunities within the municipality consistent with the purpose of the Committee
- e) to provide input into the annual goals of Council in relation to the purpose of the Committee
- f) making recommendations to Council on strategic projects, and

- g) to provide suggestions for projects, programs and other initiatives as part of council's annual budget processes.

5. POWERS OF COMMITTEE

The Committee acts in an advisory capacity only and has no authority to make decisions on behalf of Council, to direct staff or engage in operational decision-making. Committee members must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor.

Council may request the Committee to consider issues within the purpose of the Committee and to provide specific advice and/or recommendations to Council.

The Committee is to operate at all times in accordance with this Constitution and the policies and procedures of Council.

6. COMMITTEE MEMBERSHIP

The Committee consists of:

- a) the Mayor (as a standing appointment) as Chair
- b) up to two (2) other Councillors (with a minimum of one (1))
- c) one Executive Leadership Team member (or a manager reporting to an ELT member) plus one (1) council officer (subject matter expert), both appointed by the Chief Executive Officer, and
- d) community representation of up to six (6) community members.

7. APPOINTMENT

The method of appointment of Committee members will be as follows:

COUNCIL APPOINTEES

Council will appoint new Councillor representatives within three (3) months of each ordinary council election. Appointments will be for the term of council (4 years) and will automatically expire at the end of each term. Councillor appointments to the Committee may be varied during the term of Council by a council decision.

The ELT and council officer representation will be determined by the CEO, with appointments reviewed periodically by the CEO to ensure appropriate representation is maintained.

COMMUNITY APPOINTEES

Community appointees will be appointed for a period of four (4) years so that 50% of the community appointees will be appointed once every two (2) years. The aim is to ensure continuity of community representation and input over time.

Community appointees will be selected via a nomination process. The nomination process will be conducted as follows:

1. An advertisement will be placed in The Mercury and Council's social media networks
2. Nominations will be received in writing on a completed nomination form (Attachment 1, form yet to be updated), and
3. To be considered, nominees will be required to meet the following criteria for nomination:
 - i. Be a resident of Clarence
 - ii. Own a business based within Clarence, or
 - iii. Be a member of a recognised not-for-profit or sporting organisation based within Clarence, or
 - iv. Be a Tasmanian Government employee nominated by a government department with a clear interest relevant to the purpose and objectives of the Committee, and
 - v. Must have demonstrable experience, interest and/or skills relevant to the purpose of the Committee.

New community appointee membership is decided by the existing members of the Committee in consultation with the appointed ELT member and Chair. The Chair will recommend new appointees to the CEO. The CEO will provide each new community appointee with a letter of appointment that sets out, amongst other things, the term of appointment.

8. TERMS OF OFFICE – COUNCIL REPRESENTATIVES

Council will appoint up to three (3) Councillors (a minimum of two (2)) as its representative members on the Committee. Appointments are made following the conducting of ordinary Council elections and the appointments are for a term of the Council (currently 4 years).

The duration of appointment for the council officer representatives is at the discretion of the CEO.

9. TERMS OF OFFICE – COMMUNITY REPRESENTATIVES

The term of appointment for Community Committee members will be up to four (4) years. Community Committee members may only serve two (2) consecutive terms.

If a Community Representative position becomes vacant before the expiration of that representative's term, then the vacancy will be filled using the method of appointment described at clause 7 for Community Representatives. A Community Representative who is appointed to fill a casual vacancy will serve for the remainder of the term of the former representative.

A Community Committee member may resign by giving written notice to the Chair. Council may terminate an appointment if:

- a) the member fails to disclose a conflict of interest, or
- b) the member is absent from three (3) consecutive meetings of the Committee without informing the Chair of an official apology.

10. COMMITTEE WORKING GROUPS

The Committee has the following Standing Working Groups:

- Disability Access and Inclusion Working Group
- Tracks and Trails Working Group
- Bicycle Advisory Working Group

The Committee may establish ad hoc working groups as required to address specific issues related to the purposes of the Committee. Working groups are required to undertake their work in accordance with this Constitution and act in accordance with Council policies and applicable legislation. A working group is to be chaired by a Councillor Representative. A working group must report on its activities through the meetings of the Committee.

11. MEETING PROCEDURES

PROVISION OF AGENDAS AND MINUTES

The council officer is responsible for providing an agenda in the standard format at Attachment 1 for each meeting at least 7 days before a scheduled meeting date.

The council officer is responsible for providing minutes in the standard format (Attachment 2) to the Committee via email within 14 days of a meeting. Minutes of each meeting are to be recorded and approved by the Committee at a subsequent meeting of the Committee.

The minutes of each meeting are to be confirmed by the Committee and signed by the Chair at the subsequent meeting of the Committee.

ROLE OF CHAIRPERSON

The Chair is responsible for:

- a) conducting committee meetings in an efficient, effective and inclusive manner, and
- b) acting as the Committee's spokesperson where required and in accordance with Council Policy C1.60 – "Policy and Operational Framework for Media Communications by Council "Special" Committees."

If the Chair is not present at a meeting of the Committee, a Committee Representative elected by the Representatives present at the meeting is to chair the meeting. If no person is elected to preside at the meeting, the meeting is adjourned to the time and place of the next scheduled meeting as notified by the council officer.

FREQUENCY OF MEETINGS

Meetings of the Committee must be held at least four (4) times per year to be scheduled on a regular basis in advance. Dates and possible venues for such meetings will be decided at the last meeting of the calendar year.

If an urgent meeting is necessary, the Chair is required to provide the notice of the meeting and the agenda at least five (5) days prior to the meeting date.

VENUE

Committee members may attend meetings electronically subject to appropriate resources being available. Committee meetings will be held at the Council Chambers unless the Committee otherwise decides.

VOTING

Where decisions are required by the Committee, the Chair will seek to bring Committee members to a consensus decision. Where a consensus cannot be reached, the issue will be put to the vote. Meeting observers will not have voting rights. Members must be present to be able to vote on an issue.

A vote is decided by a simple majority. A tied vote will result in the proposed decision being lost.

A Committee member present may request that their dissent be recorded within the Minutes.

QUORUM

A quorum will be half the number of members plus one.

At a meeting where a quorum is not present, the meeting can proceed with recommendations for decisions being carried forward to subsequent meetings where a quorum is present.

12. COMMITTEE CONDUCT

Committee members must act in accordance with all Council policies and applicable legislation, including work health and safety requirements, when carrying out their respective responsibilities on behalf of the Committee.

Committee members are expected to:

- a) actively participate in Committee discussions and offer their opinions and views
- b) treat all persons with respect
- c) act with integrity and act in the best interests of the community, and
- d) avoid conflicts of interest and the releasing of confidential information.

13. REPORTING REQUIREMENTS AND ARRANGEMENTS

The Committee is to provide its approved minutes through the Chair at the next available ordinary Council meeting. Any other reports required will be on an as needed basis.

Provision of information to the community will occur through Council's Annual Report, Quarterly Reports and other means as appropriate such as Council's social media networks, Council rates newsletter and Council's website.

14. CONFLICT OF INTEREST

A Committee member who has a direct or indirect pecuniary interest in any matter before the Committee must disclose the nature of interest to the Committee. The conflict must be recorded in the Minutes.

15. CONFIDENTIALITY

Committee members must keep all information marked as confidential secure including taking all reasonable and necessary steps to ensure the security of that information.

16. DISPUTE RESOLUTION

If there is a dispute between members of the committee or another party which is unresolved, the Chairperson must notify the CEO. The CEO may nominate an independent person or staff member with appropriate skills to help resolve the dispute.

If the dispute remains unresolved, the matter may be referred to Council to make a decision. The final decision reached is binding on all parties to the dispute.

17. INSURANCE

Public liability insurance indemnifies the insured against legal liability resulting from damage to property, loss of use of property and death or bodily injury to members of the general public, where the loss, damage or injury to the property or third party was caused by a negligent act on the part of the insured. Council is covered by public liability insurance which extends to all Council committees.

18. TRAINING AND INDUCTION PROCESS

Training will be provided to committee members where a particular need is identified. As a minimum, the following training will be provided:

- Required training – councillors
 - How to run effective meetings
- Required training – all committee members
 - WHS induction
 - general local government induction
 - understanding the constitution and role of the committee

19. REVIEW OF CONSTITUTION

The Committee may make recommendations to Council on the review of the Committee's responsibilities and this Constitution.

Amendments to this constitution must be approved by Council.

As a minimum timeframe the Constitution is to be reviewed every four (4) years by report to Council.

20. ADMINISTRATIVE ARRANGEMENTS

Table of Amendments		
No.	Date	Brief Details

Approval	
COUNCIL APPROVAL DATE	[insert date] 2023
REVIEW	Every 4 years
RESPONSIBLE POSITION	
ECM REFERENCE	



City Development Advisory Committee

Agenda

Date:

Time:

At:

Formalities		
1	Acknowledgement of Country	
2	Welcome (including welcoming new members)	
3	Record of attendees	
4	Apologies	
5	Declaration of conflict of interest	
6	Confirmation of previous meeting minutes	



Matters arising from the minutes		
7	Matter 1	
8	Matter 2	
General business (including reports from 3Working Groups)		
9	Matters for decision (recommendations to council on strategy, policy, frameworks, budget submissions): <ul style="list-style-type: none">Matter 1Matter 2	
10	Matters for discussion (update on issues, minutes or notes from established working groups): <ul style="list-style-type: none">Matter 1Matter 2	
11	Matters for noting (correspondence) <ul style="list-style-type: none">Matter 1Matter 2	
Concluding		
12	Review agreed actions	
13	Date, time and location of next meeting	
14	Meeting close	



City Development Advisory Committee

Minutes

Date:

Time:

At:

Formalities			
1	Attendees		
2	Apologies		
3	Guests		
4	Declared Conflicts of Interest		
5	Confirmation of previous minutes		



Matters arising from the minutes		
6	Matter	Brief details of agreed action or position
7	Matter	Brief details of agreed action or position
General business (including reports from Working Groups)		
8	Matter	Brief details of agreed action or position
9	Matter	Brief details of agreed action or position
Summary of agreed actions		
10	Matter	Action
11	Matter	Action
Next meeting		
12	Date, time and location	

CONSTITUTION FOR COMMUNITY WELLBEING ADVISORY COMMITTEE

1. DEFINITIONS

Unless the contrary intention indicates otherwise, in this Constitution the following words and expressions have the following meanings:

CEO	means the Chief Executive Officer of Clarence City Council (or their delegate).
Committee	means the Community Wellbeing Advisory Committee.
Constitution	means this constitution.
Council	means the Clarence City Council.
Councillor	means an elected member of the Clarence City Council.
ELT	means Executive Leadership Team.

2. BACKGROUND TO SPECIAL COMMITTEES

Committees play an integral part in assisting and advising council to achieve its Strategic Plan, associated strategies, policies and decisions of Council. The *Local Government Act 1993 (Tas.)*, sections 23 and 24, empowers Council to establish committees and special committees on such terms and for such purposes as it thinks fit. Special committees can be made up of councillors, council staff and members of the public appointed to the committee.

3. PURPOSE OF COMMUNITY WELLBEING ADVISORY COMMITTEE

The Community Wellbeing Advisory Committee has been established under the provisions of section 24 of the *Local Government Act 1993 (Tas.)*.

Within the scope of Council's Community Wellbeing Strategy, the Committee has responsibility for:

- a) aligning functions and objectives to the key priorities outlined in the Community Wellbeing Strategy which include:
 - i. promoting wellbeing through planning and partnerships
 - ii. strengthening the capacity of places and spaces to support wellbeing
 - iii. expanding opportunities for everyone to lead healthy and active lives, and
- b) facilitating internal and external stakeholder engagement to encourage quality decision making and achieving goals and strategies under Council's Strategic Plan and Community Wellbeing Strategy.

4. KEY FUNCTIONS

The Committee has the following key functions:

- a) to have input into the development, implementation and review of council's policies, strategies and initiatives relevant to the purpose of the Committee outlined under clause 3 of this Constitution
- b) to provide an opportunity for members of the community and other stakeholders to communicate views to Council on issues related to the purpose of the Committee
- c) to act as a conduit for key stakeholders to have input into the implementation of the Community Wellbeing Strategy on behalf of the Clarence community
- d) to explore and promote opportunities within the municipality consistent with the purpose of the Committee
- e) to provide input into the annual goals of Council in relation to the purpose of the Committee
- f) making recommendations to Council on strategic projects, and
- g) to provide suggestions for projects, programs and other initiatives as part of council's annual budget processes.

5. POWERS OF COMMITTEE

The Committee acts in an advisory capacity only and has no authority to make decisions on behalf of Council, to direct staff or engage in operational decision-making. Committee members must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor.

Council may request the Committee to consider issues within the purpose of the Committee and to provide specific advice and/or recommendations to Council.

The Committee is to operate at all times in accordance with this Constitution and the policies and procedures of Council.

6. COMMITTEE MEMBERSHIP

The Committee consists of:

- a) up to three (3) Councillors (with a minimum of two (2)) one of which is appointed as Chair
- b) one Executive Leadership Team member (or a manager reporting to an ELT member) plus one (1) council officer (subject matter expert), both appointed by the Chief Executive Officer, and
- c) community representation of up to six (6) community members.

7. APPOINTMENT

The method of appointment of Committee members will be as follows:

COUNCIL APPOINTEES

Council will appoint new Councillor representatives within three (3) months of each ordinary council election. Appointments will be for the term of council (4 years) and will automatically expire at the end of each term. Councillor appointments to the Committee may be varied during the term of Council by a council decision.

The ELT and council officer representation will be determined by the CEO, with appointments reviewed periodically by the CEO to ensure appropriate representation is maintained.

COMMUNITY APPOINTEES

Community appointees will be appointed for a period of four (4) years so that 50% of the community appointees will be appointed once every two (2) years. The aim is to ensure continuity of community representation and input over time.

Community appointees will be selected via a nomination process. The nomination process will be conducted as follows:

1. An advertisement will be placed in The Mercury and Council's social media networks
2. Nominations will be received in writing on a completed nomination form (Attachment 1, form yet to be updated), and
3. To be considered, nominees will be required to meet the following criteria for nomination:
 - i. Be a resident of Clarence
 - ii. Own a business based within Clarence, or
 - iii. Be a member of a recognised not-for-profit or sporting organisation based within Clarence, or
 - iv. Be a Tasmanian Government employee nominated by a government department with a clear interest relevant to the purpose and objectives of the Committee, and
 - v. Must have demonstrable experience, interest and/or skills relevant to the purpose of the Committee.

New community appointee membership is decided by the existing members of the Committee in consultation with the appointed ELT member and Chair. The Chair will recommend new appointees to the CEO. The CEO will provide each new community appointee with a letter of appointment that sets out, amongst other things, the term of appointment.

8. TERMS OF OFFICE – COUNCIL REPRESENTATIVES

Council will appoint up to three (3) Councillors (a minimum of two (2)) as its representative members on the Committee. Appointments are made following the conducting of ordinary Council elections and the appointments are for a term of the Council (currently 4 years).

The duration of appointment for the council officer representatives is at the discretion of the CEO.

9. TERMS OF OFFICE – COMMUNITY REPRESENTATIVES

The term of appointment for Community Committee members will be up to four (4) years. Community Committee members may only serve two (2) consecutive terms.

If a Community Representative position becomes vacant before the expiration of that representative's term, then the vacancy will be filled using the method of appointment described at clause 7 for Community Representatives. A Community Representative who is

appointed to fill a casual vacancy will serve for the remainder of the term of the former representative.

A Community Committee member may resign by giving written notice to the Chair. Council may terminate an appointment if:

- a) the member fails to disclose a conflict of interest, or
- b) the member is absent from three (3) consecutive meetings of the Committee without informing the Chair of an official apology.

10. COMMITTEE WORKING GROUPS

The Committee has the following Standing Working Groups:

- Youth Working Group
- LGBTQI+ Working Group
- Clarence Positive Aging Working Group

The Committee may establish ad hoc working groups as required to address specific issues related to the purposes of the Committee. Working groups are required to undertake their work in accordance with this Constitution and act in accordance with Council policies and applicable legislation. A working group is to be chaired by a Councillor Representative. A working group must report on its activities through the meetings of the Committee.

11. MEETING PROCEDURES

PROVISION OF AGENDAS AND MINUTES

The council officer is responsible for providing an agenda in the standard format at Attachment 1 for each meeting at least 7 days before a scheduled meeting date.

The council officer is responsible for providing minutes in the standard format (Attachment 2) to the Committee via email within 14 days of a meeting. Minutes of each meeting are to be recorded and approved by the Committee at a subsequent meeting of the Committee.

The minutes of each meeting are to be confirmed by the Committee and signed by the Chair at the subsequent meeting of the Committee.

ROLE OF CHAIRPERSON

The Chair is responsible for:

- a) conducting committee meetings in an efficient, effective and inclusive manner, and
- b) acting as the Committee's spokesperson where required and in accordance with Council Policy C1.60 – "Policy and Operational Framework for Media Communications by Council "Special" Committees."

If the Chair is not present at a meeting of the Committee, a Committee Representative elected by the Representatives present at the meeting is to chair the meeting. If no person is elected to preside at the meeting, the meeting is adjourned to the time and place of the next scheduled meeting as notified by the council officer.

FREQUENCY OF MEETINGS

Meetings of the Committee must be held at least four (4) times per year to be scheduled on a regular basis in advance. Dates and possible venues for such meetings will be decided at the last meeting of the calendar year.

If an urgent meeting is necessary, the Chair is required to provide the notice of the meeting and the agenda at least five (5) days prior to the meeting date.

VENUE

Committee members may attend meetings electronically subject to appropriate resources being available. Committee meetings will be held at the Council Chambers unless the Committee otherwise decides.

VOTING

Where decisions are required by the Committee, the Chair will seek to bring Committee members to a consensus decision. Where a consensus cannot be reached, the issue will be put to the vote. Meeting observers will not have voting rights. Members must be present to be able to vote on an issue.

A vote is decided by a simple majority. A tied vote will result in the proposed decision being lost.

A Committee member present may request that their dissent be recorded within the Minutes.

QUORUM

A quorum will be half the number of members plus one.

At a meeting where a quorum is not present, the meeting can proceed with recommendations for decisions being carried forward to subsequent meetings where a quorum is present.

12. COMMITTEE CONDUCT

Committee members must act in accordance with all Council policies and applicable legislation, including work health and safety requirements, when carrying out their respective responsibilities on behalf of the Committee.

Committee members are expected to:

- a) actively participate in Committee discussions and offer their opinions and views
- b) treat all persons with respect
- c) act with integrity and act in the best interests of the community, and
- d) avoid conflicts of interest and the releasing of confidential information.

13. REPORTING REQUIREMENTS AND ARRANGEMENTS

The Committee is to provide its approved minutes through the Chair at the next available ordinary Council meeting.

Any other reports required will be on an as needed basis.

Provision of information to the community will occur through Council's Annual Report, Quarterly Reports and other means as appropriate such as Council's social media networks, Council rates newsletter and Council's website.

14. CONFLICT OF INTEREST

A Committee member who has a direct or indirect pecuniary interest in any matter before the Committee must disclose the nature of interest to the Committee. The conflict must be recorded in the Minutes.

15. CONFIDENTIALITY

Committee members must keep all information marked as confidential secure including taking all reasonable and necessary steps to ensure the security of that information.

16. DISPUTE RESOLUTION

If there is a dispute between members of the committee or another party which is unresolved, the Chairperson must notify the CEO. The CEO may nominate an independent person or staff member with appropriate skills to help resolve the dispute.

If the dispute remains unresolved, the matter may be referred to Council to make a decision. The final decision reached is binding on all parties to the dispute.

17. INSURANCE

Public liability insurance indemnifies the insured against legal liability resulting from damage to property, loss of use of property and death or bodily injury to members of the general public, where the loss, damage or injury to the property or third party was caused by a negligent act on the part of the insured.

Council is covered by public liability insurance which extends to all Council committees.

18. TRAINING AND INDUCTION PROCESS

Training will be provided to committee members where a particular need is identified. As a minimum, the following training will be provided:

- Required training – councillors
 - How to run effective meetings
- Required training – all committee members
 - WHS induction
 - general local government induction
 - understanding the constitution and role of the committee

19. REVIEW OF CONSTITUTION

The Committee may make recommendations to Council on the review of the Committee's responsibilities and this Constitution.

Amendments to this constitution must be approved by Council.

As a minimum timeframe the Constitution is to be reviewed every four (4) years by report to Council.

20. ADMINISTRATIVE ARRANGEMENTS

Table of Amendments		
No.	Date	Brief Details

Approval	
COUNCIL APPROVAL DATE	[insert date] 2023
REVIEW	Every 4 years
RESPONSIBLE POSITION	
ECM REFERENCE	



Community Wellbeing Advisory Committee

Agenda

Date:

Time:

At:

Formalities		
1	Acknowledgement of Country	
2	Welcome (including welcoming new members)	
3	Record of attendees	
4	Apologies	
5	Declaration of conflict of interest	
6	Confirmation of previous meeting minutes	



Matters arising from the minutes		
7	Matter 1	
8	Matter 2	
General business (including reports from 3Working Groups)		
9	Matters for decision (recommendations to council on strategy, policy, frameworks, budget submissions): <ul style="list-style-type: none">Matter 1Matter 2	
10	Matters for discussion (update on issues, minutes or notes from established working groups): <ul style="list-style-type: none">Matter 1Matter 2	
11	Matters for noting (correspondence) <ul style="list-style-type: none">Matter 1Matter 2	
Concluding		
12	Review agreed actions	
13	Date, time and location of next meeting	
14	Meeting close	



Community Wellbeing Advisory Committee

Minutes

Date:

Time:

At:

Formalities			
1	Attendees		
2	Apologies		
3	Guests		
4	Declared Conflicts of Interest		
5	Confirmation of previous minutes		



Matters arising from the minutes		
6	Matter	Brief details of agreed action or position
7	Matter	Brief details of agreed action or position
General business (including reports from Working Groups)		
8	Matter	Brief details of agreed action or position
9	Matter	Brief details of agreed action or position
Summary of agreed actions		
10	Matter	Action
11	Matter	Action
Next meeting		
12	Date, time and location	

CONSTITUTION FOR CULTURAL CREATIVE ADVISORY COMMITTEE

1. DEFINITIONS

Unless the contrary intention indicates otherwise, in this Constitution the following words and expressions have the following meanings:

CEO	means the Chief Executive Officer of Clarence City Council (or their delegate).
Committee	means the Cultural Creative Advisory Committee.
Constitution	means this constitution.
Council	means the Clarence City Council.
Councillor	means an elected member of the Clarence City Council.
ELT	means Executive Leadership Team.

2. BACKGROUND TO SPECIAL COMMITTEES

Committees play an integral part in assisting and advising council to achieve its Strategic Plan, associated strategies, policies and decisions of Council. The *Local Government Act 1993 (Tas.)*, sections 23 and 24, empowers Council to establish committees and special committees on such terms and for such purposes as it thinks fit. Special committees can be made up of councillors, council staff and members of the public appointed to the committee.

3. PURPOSE OF CULTURAL CREATIVE ADVISORY COMMITTEE

The Cultural Creative Advisory Committee has been established under the provisions of section 24 of the *Local Government Act 1993 (Tas.)*.

Within the scope of Council's Cultural Creative Strategy, the Committee has responsibility for:

- a) aligning functions and objectives to the key priorities outlined in the Cultural Creative Strategy which include:
 - i. establishing and celebrating Clarence as a 'Gateway to Tasmanian culture'
 - ii. reflecting, respecting and celebrating the Aboriginal community, their heritage and contemporary cultural practices within arts and cultural programs
 - iii. recognising the importance of the arts and culture to community and utilising the arts and culture within council strategies to achieve its vision and goals, and
 - iv. ensuring the economic benefits and social inclusion functions of the arts are considered in all council activities.
- b) facilitating internal and external stakeholder engagement to encourage quality decision making and achieving goals and strategies under Council's Strategic Plan and Cultural Creative Strategy 2023 – 2033.

4. KEY FUNCTIONS

The Committee has the following key functions:

- a) to have input into the development, implementation and review of council's policies, strategies and initiatives relevant to the purpose of the Committee outlined under clause 3 of this Constitution
- b) to provide an opportunity for members of the community and other stakeholders to communicate views to Council on issues related to the purpose of the Committee
- c) to act as a conduit for key stakeholders to have input into the implementation of the Cultural Creative Strategy on behalf of the Clarence community
- d) to explore and promote opportunities within the municipality consistent with the purpose of the Committee
- e) to provide input into the annual goals of Council in relation to the purpose of the Committee
- f) making recommendations to Council on strategic projects, and
- g) to provide suggestions for projects, programs and other initiatives as part of council's annual budget processes.

5. POWERS OF COMMITTEE

The Committee acts in an advisory capacity only and has no authority to make decisions on behalf of Council, to direct staff or engage in operational decision-making. Committee members must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor.

Council may request the Committee to consider issues within the purpose of the Committee and to provide specific advice and/or recommendations to Council.

The Committee is to operate at all times in accordance with this Constitution and the policies and procedures of Council.

6. COMMITTEE MEMBERSHIP

The Committee consists of:

- a) up to three (3) Councillors (with a minimum of two (2)) one of which is appointed as Chair
- b) one Executive Leadership Team member (or a manager reporting to an ELT member) plus one (1) council officer (subject matter expert), both appointed by the Chief Executive Officer, and
- c) community representation of up to six (6) community members.

7. APPOINTMENT

The method of appointment of Committee members will be as follows:

COUNCIL APPOINTEES

Council will appoint new Councillor representatives within three (3) months of each ordinary council election. Appointments will be for the term of council (4 years) and will automatically expire at the end of each term. Councillor appointments to the Committee may be varied during the term of Council by a council decision.

The ELT and council officer representation will be determined by the CEO, with appointments reviewed periodically by the CEO to ensure appropriate representation is maintained.

COMMUNITY APPOINTEES

Community appointees will be appointed for a period of four (4) years so that 50% of the community appointees will be appointed once every two (2) years. The aim is to ensure continuity of community representation and input over time.

Community appointees will be selected via a nomination process. The nomination process will be conducted as follows:

1. An advertisement will be placed in The Mercury and Council's social media networks
2. Nominations will be received in writing on a completed nomination form (Attachment 1, form yet to be updated), and
3. To be considered, nominees will be required to meet the following criteria for nomination:
 - i. Be a resident of Clarence
 - ii. Own a business based within Clarence, or
 - iii. Be a member of a recognised not-for-profit or sporting organisation based within Clarence, or
 - iv. Be a Tasmanian Government employee nominated by a government department with a clear interest relevant to the purpose and objectives of the Committee, and
 - v. Must have demonstrable experience, interest and/or skills relevant to the purpose of the Committee.

New community appointee membership is decided by the existing members of the Committee in consultation with the appointed ELT member and Chair. The Chair will recommend new appointees to the CEO. The CEO will provide each new community appointee with a letter of appointment that sets out, amongst other things, the term of appointment.

8. TERMS OF OFFICE – COUNCIL REPRESENTATIVES

Council will appoint up to three (3) Councillors (a minimum of two (2)) as its representative members on the Committee. Appointments are made following the conducting of ordinary Council elections and the appointments are for a term of the Council (currently 4 years).

The duration of appointment for the council officer representatives is at the discretion of the CEO.

9. TERMS OF OFFICE – COMMUNITY REPRESENTATIVES

The term of appointment for Community Committee members will be up to four (4) years. Community Committee members may only serve two (2) consecutive terms.

If a Community Representative position becomes vacant before the expiration of that representative's term, then the vacancy will be filled using the method of appointment described at clause 7 for Community Representatives. A Community Representative who is appointed to fill a casual vacancy will serve for the remainder of the term of the former representative.

A Community Committee member may resign by giving written notice to the Chair. Council may terminate an appointment if:

- a) the member fails to disclose a conflict of interest, or
- b) the member is absent from three (3) consecutive meetings of the Committee without informing the Chair of an official apology.

10. COMMITTEE WORKING GROUPS

The Committee has the following Standing Working Groups:

- Nil

The Committee may establish ad hoc working groups as required to address specific issues related to the purposes of the Committee. Working groups are required to undertake their work in accordance with this Constitution and act in accordance with Council policies and applicable legislation. A working group is to be chaired by a Councillor Representative. A working group must report on its activities through the meetings of the Committee.

11. MEETING PROCEDURES

PROVISION OF AGENDAS AND MINUTES

The council officer is responsible for providing an agenda in the standard format at Attachment 1 for each meeting at least 7 days before a scheduled meeting date.

The council officer is responsible for providing minutes in the standard format (Attachment 2) to the Committee via email within 14 days of a meeting. Minutes of each meeting are to be recorded and approved by the Committee at a subsequent meeting of the Committee.

The minutes of each meeting are to be confirmed by the Committee and signed by the Chair at the subsequent meeting of the Committee.

ROLE OF CHAIRPERSON

The Chair is responsible for:

- a) conducting committee meetings in an efficient, effective and inclusive manner, and
- b) acting as the Committee's spokesperson where required and in accordance with Council Policy C1.60 – "Policy and Operational Framework for Media Communications by Council "Special" Committees."

If the Chair is not present at a meeting of the Committee, a Committee Representative elected by the Representatives present at the meeting is to chair the meeting. If no person is elected to preside at the meeting, the meeting is adjourned to the time and place of the next scheduled meeting as notified by the council officer.

FREQUENCY OF MEETINGS

Meetings of the Committee must be held at least four (4) times per year to be scheduled on a regular basis in advance. Dates and possible venues for such meetings will be decided at the last meeting of the calendar year.

If an urgent meeting is necessary, the Chair is required to provide the notice of the meeting and the agenda at least five (5) days prior to the meeting date.

VENUE

Committee members may attend meetings electronically subject to appropriate resources being available. Committee meetings will be held at the Council Chambers unless the Committee otherwise decides.

VOTING

Where decisions are required by the Committee, the Chair will seek to bring Committee members to a consensus decision. Where a consensus cannot be reached, the issue will be put to the vote. Meeting observers will not have voting rights. Members must be present to be able to vote on an issue.

A vote is decided by a simple majority. A tied vote will result in the proposed decision being lost.

A Committee member present may request that their dissent be recorded within the Minutes.

QUORUM

A quorum will be half the number of members plus one.

At a meeting where a quorum is not present, the meeting can proceed with recommendations for decisions being carried forward to subsequent meetings where a quorum is present.

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Committee members must act in accordance with all Council policies and applicable legislation, including work health and safety requirements, when carrying out their respective responsibilities on behalf of the Committee.

Committee members are expected to:

- a) actively participate in Committee discussions and offer their opinions and views
- b) treat all persons with respect
- c) act with integrity and act in the best interests of the community, and
- d) avoid conflicts of interest and the releasing of confidential information.

13. REPORTING REQUIREMENTS AND ARRANGEMENTS

The Committee is to provide its approved minutes through the Chair at the next available ordinary Council meeting.

Any other reports required will be on an as needed basis.

Provision of information to the community will occur through Council's Annual Report, Quarterly Reports and other means as appropriate such as Council's social media networks, Council rates newsletter and Council's website.

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A Committee member who has a direct or indirect pecuniary interest in any matter before the Committee must disclose the nature of interest to the Committee. The conflict must be recorded in the Minutes.

15. CONFIDENTIALITY

Committee members must keep all information marked as confidential secure including taking all reasonable and necessary steps to ensure the security of that information.

16. DISPUTE RESOLUTION

If there is a dispute between members of the committee or another party which is unresolved, the Chairperson must notify the CEO. The CEO may nominate an independent person or staff member with appropriate skills to help resolve the dispute.

If the dispute remains unresolved, the matter may be referred to Council to make a decision. The final decision reached is binding on all parties to the dispute.

17. INSURANCE

Public liability insurance indemnifies the insured against legal liability resulting from damage to property, loss of use of property and death or bodily injury to members of the general public, where the loss, damage or injury to the property or third party was caused by a negligent act on the part of the insured.

Council is covered by public liability insurance which extends to all Council committees.

18. TRAINING AND INDUCTION PROCESS

Training will be provided to committee members where a particular need is identified. As a minimum, the following training will be provided:

- Required training – councillors
 - How to run effective meetings
- Required training – all committee members
 - WHS induction
 - general local government induction
 - understanding the constitution and role of the committee

19. REVIEW OF CONSTITUTION

The Committee may make recommendations to Council on the review of the Committee's responsibilities and this Constitution.

Amendments to this constitution must be approved by Council.

As a minimum timeframe the Constitution is to be reviewed every four (4) years by report to Council.

20. ADMINISTRATIVE ARRANGEMENTS

Table of Amendments		
No.	Date	Brief Details

Approval	
COUNCIL APPROVAL DATE	[insert date] 2023
REVIEW	Every 4 years
RESPONSIBLE POSITION	
ECM REFERENCE	



Cultural Creative Advisory Committee

Agenda

Date:

Time:

At:

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1	Acknowledgement of Country	
2	Welcome (including welcoming new members)	
3	Record of attendees	
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5	Declaration of conflict of interest	
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Cultural Creative Advisory Committee

Minutes

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CONSTITUTION FOR SUSTAINABILITY ADVISORY COMMITTEE

1. DEFINITIONS

Unless the contrary intention indicates otherwise, in this Constitution the following words and expressions have the following meanings:

CEO	means the Chief Executive Officer of Clarence City Council (or their delegate).
Committee	means the Sustainability Advisory Committee.
Constitution	means this constitution.
Council	means the Clarence City Council.
Councillor	means an elected member of the Clarence City Council.
ELT	means Executive Leadership Team.

2. BACKGROUND TO SPECIAL COMMITTEES

Committees play an integral part in assisting and advising council to achieve its Strategic Plan, associated strategies, policies and decisions of Council. The *Local Government Act 1993 (Tas.)*, sections 23 and 24, empowers Council to establish committees and special committees on such terms and for such purposes as it thinks fit. Special committees can be made up of councillors, council staff and members of the public appointed to the committee.

3. PURPOSE OF SUSTAINABILITY ADVISORY COMMITTEE

The Sustainability Advisory Committee has been established under the provisions of section 24 of the *Local Government Act 1993 (Tas.)*.

Within the scope of Council's Sustainability Strategy, the Committee has responsibility for:

- a) aligning functions and objectives to the key priorities outlined in the Sustainability Strategy which include:
 - i. making our city inclusive, safe, resilient and sustainable
 - ii. supporting sustainable consumption and production patterns
 - iii. taking action to combat climate change and its impacts
 - iv. sustainably managing our environment and minimise biodiversity loss
 - v. ensuring access to clean water and sanitation
 - vi. building resilient infrastructure, promote inclusive and sustainable industry and foster innovation.
- b) facilitating internal and external stakeholder engagement to encourage quality decision making and achieving goals and strategies under Council's Strategic Plan and Sustainability Strategy 2023 – 2033.

4. KEY FUNCTIONS

The Committee has the following key functions:

- a) to have input into the development, implementation and review of council's policies, strategies and initiatives relevant to the purpose of the Committee outlined under clause 3 of this Constitution
- b) to provide an opportunity for members of the community and other stakeholders to communicate views to Council on issues related to the purpose of the Committee
- c) to act as a conduit for key stakeholders to have input into the implementation of the Sustainability Strategy on behalf of the Clarence community
- d) to explore and promote opportunities within the municipality consistent with the purpose of the Committee
- e) to provide input into the annual goals of Council in relation to the purpose of the Committee
- f) making recommendations to Council on strategic projects, and
- g) to provide suggestions for projects, programs and other initiatives as part of council's annual budget processes.

5. POWERS OF COMMITTEE

The Committee acts in an advisory capacity only and has no authority to make decisions on behalf of Council, to direct staff or engage in operational decision-making. Committee members must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor.

Council may request the Committee to consider issues within the purpose of the Committee and to provide specific advice and/or recommendations to Council.

The Committee is to operate at all times in accordance with this Constitution and the policies and procedures of Council.

6. COMMITTEE MEMBERSHIP

The Committee consists of:

- a) up to three (3) Councillors (with a minimum of two (2)) one of which is appointed as Chair
- b) one Executive Leadership Team member (or a manager reporting to an ELT member) plus one (1) council officer (subject matter expert), both appointed by the Chief Executive Officer, and
- c) community representation of up to six (6) community members.

7. APPOINTMENT

The method of appointment of Committee members will be as follows:

COUNCIL APPOINTEES

Council will appoint new Councillor representatives within three (3) months of each ordinary council election. Appointments will be for the term of council (4 years) and will automatically expire at the end of each term. Councillor appointments to the Committee may be varied during the term of Council by a council decision.

The ELT and council officer representation will be determined by the CEO, with appointments reviewed periodically by the CEO to ensure appropriate representation is maintained.

COMMUNITY APPOINTEES

Community appointees will be appointed for a period of four (4) years so that 50% of the community appointees will be appointed once every two (2) years. The aim is to ensure continuity of community representation and input over time.

Community appointees will be selected via a nomination process. The nomination process will be conducted as follows:

1. An advertisement will be placed in The Mercury and Council's social media networks
2. Nominations will be received in writing on a completed nomination form (Attachment 1, form yet to be updated), and
3. To be considered, nominees will be required to meet the following criteria for nomination:
 - i. Be a resident of Clarence
 - ii. Own a business based within Clarence, or
 - iii. Be a member of a recognised not-for-profit or sporting organisation based within Clarence, or
 - iv. Be a Tasmanian Government employee nominated by a government department with a clear interest relevant to the purpose and objectives of the Committee, and
 - v. Must have demonstrable experience, interest and/or skills relevant to the purpose of the Committee.

New community appointee membership is decided by the existing members of the Committee in consultation with the appointed ELT member and Chair. The Chair will recommend new appointees to the CEO. The CEO will provide each new community appointee with a letter of appointment that sets out, amongst other things, the term of appointment.

8. TERMS OF OFFICE – COUNCIL REPRESENTATIVES

Council will appoint up to three (3) Councillors (a minimum of two (2)) as its representative members on the Committee. Appointments are made following the conducting of ordinary Council elections and the appointments are for a term of the Council (currently 4 years).

The duration of appointment for the council officer representatives is at the discretion of the CEO.

9. TERMS OF OFFICE – COMMUNITY REPRESENTATIVES

The term of appointment for Community Committee members will be up to four (4) years. Community Committee members may only serve two (2) consecutive terms.

If a Community Representative position becomes vacant before the expiration of that representative's term, then the vacancy will be filled using the method of appointment described at clause 7 for Community Representatives. A Community Representative who is appointed to fill a casual vacancy will serve for the remainder of the term of the former representative.

A Community Committee member may resign by giving written notice to the Chair. Council may terminate an appointment if:

- a) the member fails to disclose a conflict of interest, or
- b) the member is absent from three (3) consecutive meetings of the Committee without informing the Chair of an official apology.

10. COMMITTEE WORKING GROUPS

The Committee has the following Standing Working Groups / External Committee Representation:

- Nil

The Committee may establish ad hoc working groups as required to address specific issues related to the purposes of the Committee. Working groups are required to undertake their work in accordance with this Constitution and act in accordance with Council policies and applicable legislation. A working group is to be chaired by a Councillor Representative. A working group must report on its activities through the meetings of the Committee.

11. MEETING PROCEDURES

PROVISION OF AGENDAS AND MINUTES

The council officer is responsible for providing an agenda in the standard format at Attachment 1 for each meeting at least 7 days before a scheduled meeting date.

The council officer is responsible for providing minutes in the standard format (Attachment 2) to the Committee via email within 14 days of a meeting. Minutes of each meeting are to be recorded and approved by the Committee at a subsequent meeting of the Committee.

The minutes of each meeting are to be confirmed by the Committee and signed by the Chair at the subsequent meeting of the Committee.

ROLE OF CHAIRPERSON

The Chair is responsible for:

- a) conducting committee meetings in an efficient, effective and inclusive manner, and
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9. MOTIONS ON NOTICE

Nil Items.

10. COUNCILLORS' QUESTION TIME

A Councillor 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, a Councillor may give written notice to the Chief Executive Officer of a question in respect of which the Councillor seeks an answer at the meeting).

Cr Hulme has given notice of the following question:

MORNINGTON ROUNDABOUT UPGRADE

Has Council received any advice from the Tasmanian Government about the progress of the Mornington Roundabout upgrade?

10.2 ANSWERS TO QUESTIONS ON NOTICE**10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING**

Cr Mulder

1. Recently Council approved an amended plan relating to the subdivision and rezoning of 50 Holland Court. That plan was amended but I understand that the plan that was put out for community consultation as Council's policy requires was actually the developer's plan and not the one council had amended. Could I have that clarified?

ANSWER

Taken on notice.

(Further advice) Application PDPSPAMEND-2021/019004 concerning 30 Holland Court, seeks an LPS amendment and combined permit. Discrepancies in advertised documentation has resulted in the application being readvertised. Representors are notified in that process.

2. Under the planning legislation the Council has a power to amend a previously approved subdivision plan. That has happened on a number of occasions, and I would like to ask what is the process where a subsequent minor amendment is made to a plan? Does that come back to Council or is that something which is delegated to an officer which I suspect is the case and is that appropriate considering that the amendment might be minor but some of the considerations are that it doesn't have a detrimental effect on neighbours so is an officer the best person to judge what is detrimental or not?

ANSWER

(Mr Lovell) I believe we are referring to amending plans associated with a planning permit rather than a subdivision, a sealed plan. They are dealt with in the same way as requests for minor amendments under section 56 of the Land Use Planning and Approvals Act 1993 in relation to any planning permits whether they be for a house or units etc. Subdivision is just another form of development. Those powers are delegated to the officers to deal with. We deal with a large number of amendments each year. The tests we use are the tests that are in the Act. It boils down to whether for example the minor amendment would introduce a new discretion and, in those cases, if it does introduce a new discretion, it would not be a minor amendment. We are talking about things that are generally minor and because they are not introducing a new discretion would not be the sort of things that are an advertised matter, so that is the current situation.

(Updated answer) The following updated, more detailed answer to the above question is provided.

Section 56 of the Land Use Planning and Approvals Act provides for applications to be made to approve minor amendments to permits. The process is set out in sub sections (1A), (2) and (4) of the Act. In summary these provide that an application must be determined within 28 days and all relevant parties, including adjoining owners, must be notified of any approval. This is followed by a 14-day appeal period.

For over 25 years, these applications have been determined under delegation.

To ensure amendments are minor, sub section (2) of the Act sets out the following tests to determine whether a proposal is indeed minor:

“...the amendment –

- (aa) is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
- (a) does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
- (b) will not cause an increase in detriment to any person; and*
- (c) does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.”*

When considering (b) above, the delegated officer is chiefly concerned with whether the change would introduce a new discretion, or quantitatively increase an existing discretion.

It is of course a matter for Council if it wishes to remove the delegation and determine these applications itself. But before doing so, Council should consider the practical implications including:

- In 2022, there were 127 minor amendment applications, concerning all forms of planning permits.
- The 28 statutory timeline would be unachievable in perhaps 50% of occasions, if required to be referred to Council meetings for decision.
- Many applications involve buildings in progress and lengthy delay in seeking minor amendment approval, may cause unwarranted increased costs for property owners and reputational damage to council.

- Agenda report writing is a substantially larger time commitment than delegated reporting. Considering the number of annual applications, additional professional staffing would be required to deal with the additional workload.
- To date there have been no appeals against a decision on a minor amendment application. This may be considered an indicator of the reliability of decision making over many years.

Cr James

1. What is the current situation in relation to the sublease arrangement with the proposed hotel development on Rosny Hill?

ANSWER

(Mr Paske) As councillors would be aware we are still in the process of negotiating terms of the sub lease with the proponent. We will bring it back to Council at a workshop and then the intention is to bring it to an open council meeting for consideration. Currently we are still working with the proponents and hope to have an update soon.

2. Following Council's decision on Chambroad in relation to initiating the buy back is the Chief Executive Officer in a position to make a strike of the pen and initiate the process at opening of business tomorrow or the earliest possible opportunity sometime this week?

ANSWER

(Chief Executive Officer) My intention is to exercise the buy back in accordance with the Sale and Development Agreement as soon as is reasonably possible.

Cr Hulme

I had a stall at the Tasmanian Produce Market at the weekend and a resident approached me and pointed out a couple of streetlights in the area which I understand are operated by Council. She said she put in a request to have them fixed in June last year and my understanding is they still haven't been repaired. Could I have an update please?

ANSWER

(Mr Graham) We investigated the matter this morning and were advised that they are our lights. The contractor took a bit of time to get to it but found that they were infested with ants. They have been repaired. We understand that there are some more lights out and will continue our investigation.

(Further information) As a further update, an investigation of the recent outage has found an infestation of ants within the switchboard. A pest controller has now been engaged to treat the switchboard to prevent further infestations and resultant damage.

Cr Walker

1. I took a weekend constitutional to Bedlam Walls on Saturday and was struck by not only the state of disrepair but the time the boardwalk outside the Geilston Bay Boat Club has been the way it has. Could we have an update on how we are progressing with our role with this? I don't want to load up too many sub parts to this question, but I think it might have even been Deputy Mayor Ritchie who helped facilitate a grant for some assistance with this matter. Is there a timeline in that we may be at risk of losing that state funding and can you shed some light on when this process of the repair might be undertaken or advertised for tender?

ANSWER

(Mr Graham) The State Government provided grant funding to Council to undertake removal of the boardwalk. Council officers over the last 18 months have been obtaining the necessary approvals as it is not our land or our structure. We have been assisting with the project and are hoping to advertise for contractors in the next month or two for the removal.

2. I put forward a notice of motion last year in relation to better co-ordination and Council extending its role in graffiti removal on state utilities' properties. Could we have an update on where this is at and how it is going?

ANSWER

Taken on Notice

The Notice of Motion was: "That council request the General Manager to seek service level agreements with other government utilities enabling council to remove graffiti on their infrastructure within Clarence."

The Chief Executive Officer made written approaches to TasWater, TasNetworks, Department State Growth (DSG) and NBN Co. seeking to initiate discussions on proposed service agreements on a cost recovery basis for Council to remove graffiti from infrastructure across the city.

In January 2023 officers met with representatives from TasWater, Department State Growth (DSG), Metro Tas and NBN Co. seeking to initiate discussions on proposed service agreements on a cost recovery basis for Council. Tas Networks declined the offer to participate in a Service Agreement noting that their current policy position is to only actively remove graffiti of a personal, political, racial, or offensive nature. They have provided permission for Council to clean or paint over graffiti on some assets but with the condition that a licensed electrical contractor must inspect their assets to ensure safety prior to any work. Given the added considerable expense this has previously made the costs prohibitive.

Preliminary discussions with NBN Co revealed that in the state of Victoria a 2-year trial MoU has been reached with several Councils through which the councils remove graffiti with costs recovered from the Victorian Government. This model may warrant further investigation in a Greater Hobart context.

From discussions it became apparent that a one-size fits all approach to a service agreement will prove challenging due to specific requirements and conditions for each provider and more likely individual agreements will be required. In addition, to establish such a framework will require significant allocation of council resources.

Officers are proposing that a model based on a collaborative approach across Greater Hobart councils may be worth investigating. The CEO will raise this with other Greater Hobart CEO's / General Managers for consideration.

Cr Goyne

My question is regarding a councillor request that I made in November regarding stormwater drains particularly in the Roches Beach area that were going to be cleared. I was speaking to a ratepayer today who believes they have not been cleared and we are coming up to the wet season and would expect inundation of that area and the State Equestrian Centre again and I hope not to have another season's worth of competitions cancelled. Could we have an update on when that is expected that to be addressed?

ANSWER

Taken on Notice

The request was related to stormwater drains within the Roscommon area reserve. Works in the reserve have been planned to be undertaken in two phases:

- Fire safety works including maintenance of vegetation along the boundary of properties on Roches Beach Road was carried out in January 2023.
- Council's open space crew are currently conducting further maintenance tasks in and around the Roscommon Reserve and the drain maintenance tasks are scheduled to commence from 19 April 2023.

It is noted while these works should allow water from Roscommon Reserve to be better controlled, this area is naturally very flat and has minimal crossfall between Roches Beach Road properties and the Reserve. For this reason, it is likely some water will continue to pool at times following periods of prolonged rainfall.

Cr Darko

I have been advised by a ratepayer of areas where people are putting out their hardwaste well before it is due and I wonder if we could have an update on whether Council is engaging with the community to reduce that issue?

ANSWER

(Mr Paske) Council's newly appointed Waste Manager has been very pro-active in providing as much up to date information as possible. Mass communication with the city on changes happening daily is very difficult. We are doing as best we can with social media, with information at the front desk and through other channels such as media outlets but it is a challenge. We continue our best efforts to give up to date information as quickly as we can.

Cr Warren

My question relates to the Mayor's meeting on 3 March with the Director of the Department of Defence in relation to disposal of Department of Defence land in Warrane. Could we have update on whether we are making any progress with that?

ANSWER

(Mayor) There is a tour of the site that the Chief Executive Officer and I will be attending with Department of Defence representatives, I believe next week.

(Chief Executive Officer) We sent a detailed submission to the Department of Defence regarding our preference for the site. They have come back with a detailed verbal response, and I will summarise. They have advised that the site is not suitable for a homeless and support facility. They have obviously had some detailed discussion with the State Government regarding affordable and social housing for the site and that seems to be progressing. As the Mayor has indicated they did invite us to inspect the site with them to see why they made their decision and that is scheduled for next week, so that is not finally closed off but at this point it looks like it will be offered to the State for social and affordable housing. We did use the opportunity to have discussions with Federal Government representatives about what our ambitions are for the city and why and they were quite supportive but at this time we do not have a firm pathway forward on those issues.

Question contd

It is good to see social and affordable housing might be an option but if it is not suitable may I ask that we all exercise our minds as to what location in Clarence might be suitable?

Cr Kennedy

Could we have a timeframe so that we can advise people when our elected member requests can be turned around, I know some are a bit more complicated than others, if we could just have a general idea?

ANSWER

(Chief Executive Officer) We aim to turn those around in ten working days but as you point out that might not always be possible due to a range of factors: resources, the availability of people or the complexity of a request. As you are aware we provide councillors with an update every week on Friday in terms of outstanding requests and the purpose of that is two-fold. It should enable you to advise anyone who is seeking an update but also to escalate if that request has become urgent or there are some other factors that you might need to bring to our attention.

10.4 QUESTIONS WITHOUT NOTICE

A Councillor may ask a Question without Notice of the Chairman or another Councillor or the Chief Executive Officer. 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, a Councillor or the Chief Executive Officer 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 FUNDING SUPPORT REQUEST – SPORTING FACILITY
- 11.3 PROPERTY MATTER - RICHMOND
- 11.4 PROPERTY MATTER - ROKEBY

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

- commercial information of a confidential nature that, if disclosed, is likely to prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council; or reveal a trade secret;
- proposals to acquire land or an interest in land or for the disposal of land;
- applications by Councillors 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”.