

# Kingborough



## COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on  
Monday, 7 October 2024 at 5.30pm

# Kingborough Councillors 2022 - 2026



**Mayor**  
**Councillor Paula Wriedt**



**Deputy Mayor**  
**Councillor Clare Glade-Wright**



**Councillor Aldo Antolli**



**Councillor David Bain**



**Councillor Gideon Cordover**



**Councillor Kaspar Deane**



**Councillor Flora Fox**



**Councillor Amanda Midgley**



**Councillor Mark Richardson**



**Councillor Christian Street**

# QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports contained in Council Meeting Agenda No. 18 to be held on Monday, 7 October 2024 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



Dave Stewart  
CHIEF EXECUTIVE OFFICER  
being the General Manager as appointed by the  
Kingborough Council pursuant to section 61 of the  
*Local Government Act 1993* (TAS)

Tuesday, 1 October 2024

# Table of Contents

Item	Page No.
Open Session	
1 Audio Recording	1
2 Acknowledgement of Traditional custodians	1
3 Attendees	1
4 Apologies	1
5 Confirmation of Minutes	1
6 Workshops held since Last Council Meeting	1
7 Declarations of Interest	2
8 Transfer of Agenda Items	2
9 Questions without Notice from the Public	2
10 Questions on Notice from the Public	2
10.1 112 Tinderbox Road	2
10.2 Delegation	2
11 Questions without Notice from Councillors	3
12 Questions on Notice from Councillors	3
12.1 Mary's Grange Development Application	3
12.2 Compostable Dog Poo Bags	3
13 Officers Reports to Planning Authority	4
13.1 Request for Consent to Remove One (1) Large Eucalyptus Ovata Tree on CT 162233/201, to Remove One (1) Large Eucalyptus Ovata Tree and to Build Outside the Building Envelope on CT 179428/1 at 14 Bonnie Vale Drive, Howden	4
13.2 DA-2024-276 - Development Application for Demolition of Existing Building and Construction of 22 Warehouses and Associated Infrastructure and Works at 65 and 12 Patriarch Drive, Huntingfield	75
14 Petitions still being Actioned	155
15 Petitions Received in Last Period	155
16 Officers Reports to Council	155
16.1 Exhibition of the Kingborough Draft Local Provisions Schedule	155
16.2 Copping Refuse Disposal Site Joint Authority - Proposed Rule Changes	161
16.3 Appendices	223
17 Notices of Motion	223
18 Confirmation of Items to be Dealt with in Closed Session	223
Appendices	
A Mayor's Activities 15 August 2024 to 2 October 2024	226

## **GUIDELINES FOR PUBLIC QUESTIONS**

### **Section 31 of the *Local Government (Meeting Procedures) Regulations 2015***

---

Questions from the public may either be submitted to the General Manager in writing or asked verbally at an Ordinary Council meeting. Any question asked must only relate to the activities of Council [Section 31(2)(b)].

This guideline is provided to assist the public with the requirements of Public Question Time as set out in the *Local Government (Meeting Procedures) Regulations 2015* as well as determinations made by Council. You are reminded that the public question forum is designed to accommodate questions only and neither the questions nor answers will be debated.

#### **Questions on Notice**

Written questions on notice must be received at least seven (7) days before an Ordinary Council meeting [Section 31(1)] and must be clearly headed 'Question/s on Notice'. The period of 7 days includes Saturdays, Sundays and statutory holidays but does not include the day on which notice is given or the day of the Ordinary Council meeting [Section 31(8)].

#### **Questions Without Notice**

The Chairperson of an Ordinary Council meeting must ensure that, if required, at least 15 minutes is made available for public questions without notice [Section 31(3)]. A question without notice must not relate to any matter that is listed on the agenda for that meeting.

A question by any member of the public and an answer to that question is not to be debated at the meeting [Section 31(4)]. If a response to a question cannot be provided at the meeting, the question will be taken on notice and will be included in the following Ordinary Council meeting agenda, or as soon as practicable, together with the response to that question.

There is to be no discussion, preamble or embellishment of any question asked without notice, and the Chairperson may require that a member of the public immediately put the question.

The Chairperson can determine whether a question without notice will not be accepted but must provide reasons for refusing to accept the said question [Section 31 (6)]. The Chairperson may require a question without notice to be put on notice and in writing.

The Chairperson may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, offensive or relates to any matter which would normally be considered in Closed Session. The Chairperson may require that a member of the public immediately put the question.

AGENDA of an Ordinary Meeting of Council  
Kingborough Civic Centre, 15 Channel Highway, Kingston  
Monday, 7 October 2024 at 5.30pm

---

**1 AUDIO RECORDING**

---

The Chairperson will declare the meeting open, welcome all in attendance and advise that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson will request confirmation that the audio recording has commenced.

---

**2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

---

The Chairperson will acknowledge the traditional custodians of this land, pay respects to elders past and present, and acknowledge today's Tasmanian Aboriginal community.

---

**3 ATTENDEES**

---

**Councillors:**

Mayor Councillor P Wriedt  
Councillor A Antolli  
Councillor D Bain  
Councillor G Cordover  
Councillor K Deane  
Councillor F Fox  
Councillor A Midgley  
Councillor C Street

---

**4 APOLOGIES**

---

Deputy Mayor Councillor C Glade-Wright  
Councillor M Richardson

---

**5 CONFIRMATION OF MINUTES**

---

**RECOMMENDATION**

That the Minutes of the open session of the Council Meeting No. 17 held on 16 September 2024 be confirmed as a true record.

---

**6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

---

Date	Topic	Detail
23 September	Tree By-Law	Provision of information and consultation outcomes for the proposed Tree By-law
30 September	Planning Scheme	Provision of information and summary of the consultation plan for the Kingborough LPS exhibition period.

---

## 7 DECLARATIONS OF INTEREST

---

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.

---

## 8 TRANSFER OF AGENDA ITEMS

---

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

---

## 9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

---

---

## 10 QUESTIONS ON NOTICE FROM THE PUBLIC

---

*Council has determined that questions on notice or questions taken on notice from a previous meeting should not contain lengthy preambles or embellishments and should consist of a question only. To this end, Council reserves the right to edit questions for brevity so as to table the question only, with some context if need be, for clarity.*

### 10.1 112 Tinderbox Road

At the Council meeting on 16 September 2024, **Ms Valeska Winter** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

*Could you confirm what action has been taken by the planning authority to address the failed landscaping at the site following my request for investigation and action on 28 May.*

#### **Officer's Response:**

To date, Council has not taken any compliance action regarding the alleged breach of Condition 5 for the plantings and maintenance related to the landscaping plan under DA2016-423. The matter has been referred to Planning Compliance for further investigation.

*Tasha Tyler-Moore, Manager Development Services*

### 10.2 Delegation

At the Council meeting on 16 September 2024, **Ms Valeska Winter** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

*Who holds the delegation to maintain Kingborough Council's municipal map under Section 208 of the Local Government Highways Act 1982?*

#### **Officer's Response:**

As outlined in Section 208 of the *Local Government Act 1993* the General Manager is to keep up to date the map of the municipal area, showing in particular the various roads within the

municipality. For Kingborough Council this is not a delegation from Council but rather a requirement for the General Manager as set out within act.

*David Reeve, Director Engineering Services*

---

## 11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

---

## 12 QUESTIONS ON NOTICE FROM COUNCILLORS

---

*Council has determined that questions on notice or questions taken on notice from a previous meeting should not contain lengthy preambles or embellishments and should consist of a question only. To this end, Council reserves the right to edit questions for brevity so as to table the question only, with some context if need be, for clarity.*

### 12.1 Mary's Grange Development Application

At the Council meeting held on 16 September 2024, **Cr Deane** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

*Could we get an update on how the nursing home redevelopment is coming along?*

#### **Officer's Response:**

The initial assessment of the application (DA2024-245) has been undertaken and a 'request for further information' has been made by Council. In accordance with the Act, the applicant has up to two years to provide a response. The application cannot proceed to advertising to decision making stage until the request has been satisfied. We are aware that the applicant has advised the local community directly that they intend to change the proposal that has been put forward to Council for assessment.

*Tasha Tyler-Moore, Manager Development Services*

### 12.2 Compostable Dog Poo Bags

At the Council meeting held on 16 September 2024, **Cr Midgley** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

*Are we doing any comms around the fact that we've got compostable dog poo bags and that you can put them in your Fogo bin?*

#### **Officer's Response:**

Council Officers will look at some additional stickers for the dog poo bag dispensers outlining that the bags are compostable.

*David Reeve, Director Engineering Services*

---

**OPEN SESSION ADJOURNS**

---

## PLANNING AUTHORITY IN SESSION

### 13 OFFICERS REPORTS TO PLANNING AUTHORITY

#### 13.1 REQUEST FOR CONSENT TO REMOVE ONE (1) LARGE EUCALYPTUS OVATA TREE ON CT 162233/201, TO REMOVE ONE (1) LARGE EUCALYPTUS OVATA TREE AND TO BUILD OUTSIDE THE BUILDING ENVELOPE ON CT 179428/1 AT 14 BONNIE VALE DRIVE, HOWDEN

**File Number:** 9283515

**Author:** Camilo Miranda, Planner

**Authoriser:** Tasha Tyler-Moore, Manager Development Services

#### 1. PURPOSE

- 1.1 The purpose of this report is for Council to consider granting consent to remove two (2) *Eucalyptus ovata* trees, one located on CT 162233/201, and one located on CT 179428/1; and to enable the construction of part of a dwelling, retaining wall and an outbuilding (shed) outside the building envelope in accordance with the covenants that apply to CT 179426/1, known as 14 Bonnie Vale Drive, Howden (the subject site). Refer to aerial imagery of the site and a photo of the two trees in Figure 1 below.



Figure 1 The subject site highlighted in yellow (Source Spectrum, 2024), the two trees proposed to be removed (photo taken during site visit)

- 1.2 The applicant proposed to construct part of a habitable building, a retaining wall, and an outbuilding outside the building area on the title for CT 179428/1. Only a part of the rear section of the proposed single storey dwelling sits outside the envelope. The dwelling's footprint that sits outside is approximately 14m<sup>2</sup> which is part of a designated bedroom and study/rumpus. The proposed retaining wall is a 46m long retaining wall that will sit on the southern side boundary under natural ground level (NGL) as a result of the proposed cut for the dwelling. The proposed outbuilding (shed), with a floor area of 54m<sup>2</sup>, sits wholly outside the building area.

The proposed development includes construction of a new driveway/hardstand and cut and fill for the dwelling. The footprint of the cut will impact two *Eucalyptus ovata* trees that are recommended to be removed according to the Arboricultural Impact Assessment prepared by Philip Jackson, May 2024 (see Attachment 3). One of these trees sits on the neighbouring property, CT 162233/201, which is not part of the same sealed plan but has been included in the planning application since this tree is protected under the covenant that applies to CT 179428/1 and any impacts on this tree is controlled under the covenants (see Figure 2). Note that as a result of discussions with Council, the applicant amended the location of the proposed dwelling in order to retain Tree 21 on Figure 2 (Tree 1 on DA plans, see Attachment 2). The tree removal

requires approval from Council under the covenant, separate to Council's approval as the Planning Authority. Accordingly, the applicant has submitted a request for Council consent to the removal of the two trees under the application TREE-2024-72.

## 2. BACKGROUND

- 2.1 The subject site CT 179428/1 was created under DAS-2018-19, which approved the subdivision of five lots and balance.
- 2.2 The five new lots, including the subject site, created under the subdivision are all zoned Low Density Residential (Area C) and the balance lot, abutting the rear boundary of the subject lot is zoned Environmental Living. All lots in the sealed plan have building areas on their titles.
- 2.3 The lots are subject to a number of covenants listed in the Schedule of Easements for SP 179428.
- 2.4 Covenant 5 stipulates *"not to ring bark, cut down, top or lop or remove any eucalypt trees with a diameter of over 250mm without the approval of the Kingborough Council"*. Also, Covenant 10 in respect to Lots 1, 2, 4 and 6 stipulates *"not to undertake development and works (including buildings, access, services, and stormwater) unless such is designed and located to avoid and mitigate impacts on trees numbered 5-22 identified for retention in Table 1 of the Natural Values Report (Enviro-dynamics, June 2018) to the extent feasible"* (refer to Figure 2 for location of referenced trees).



Figure 2 Extract of the Natural Values Report referenced above showing the Trees 13-22 (Source Enviro-dynamics, June 2018). Trees 19 & 20 circled are the trees proposed to be removed.

- 2.5 Covenant 7 on the title states: *"In respect to Lots 1, 2, 3 and 4 not to construct a building outside the areas marked HIJK on the respective lots on the plan without approval of the Kingborough Council."* (refer to Figure 3 for location of building area on Lot 1)

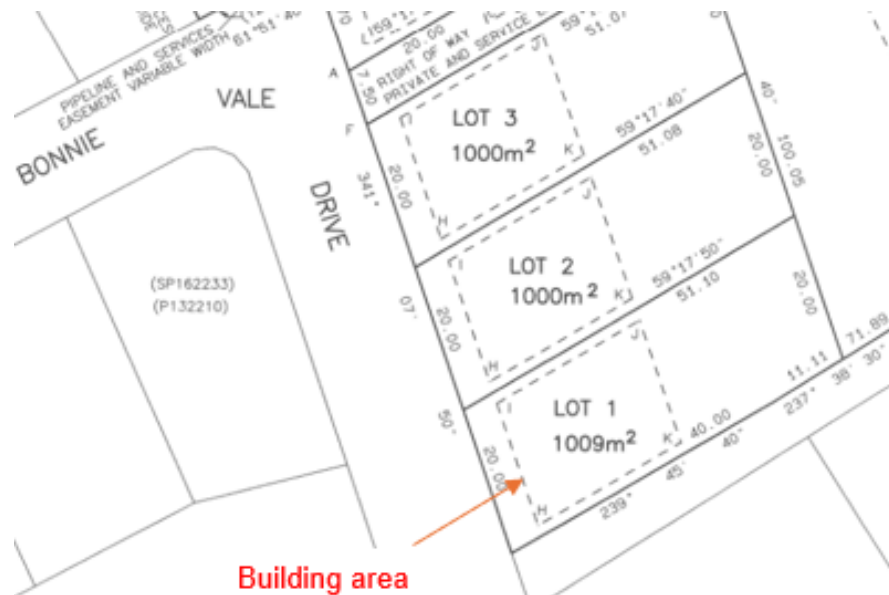


Figure 3 Folio Plan CT 179428/1 showing the building area

- 2.6 A development application for a dwelling and outbuilding on Lot 1 on SP 179428 was received on 20 March 2024 (DA-2024-83).
- 2.7 Further information was requested of the applicant on 09 April 2024. The information requested was for the applicant to either amend the plans to show that all proposed buildings would be fully contained within the building area on the title and that all trees will be retained; or seek Council consent for the removal of the trees and building outside the building area as provided for in the covenants on the title.
- 2.8 As detailed above, the applicant submitted amended plans which provided for the retention of one of the three trees initially impacted, however removal, of the two remaining trees cannot be avoided. Accordingly, the applicant has made a request in writing seeking Council approval to remove two *Eucalyptus ovata* trees and to build outside the building area.

### 3. STATUTORY REQUIREMENTS

- 3.1 The covenants on the Certificate of Title prevents impacts on protected trees (Figure 2), and construction of buildings outside the building area on the site marked on the Folio Plan, without the prior consent of the Kingborough Council.
- 3.2 Section 94(5)(b) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* provides that:

*“(5) When a plan has taken effect a person must not*

*(a) obstruct the exercise by the owner or occupier of land of a right shown on the plan; or*

*(b) contravene a restriction on the use of land shown on the plan.*

*A fine not exceeding 10 penalty units may apply to a contravention of this section.”*

- 3.3 Therefore, prior to Council, as a Planning Authority, processing a development application with a proposed habitable building and an outbuilding outside the building area and that will require the removal of two *Eucalyptus ovata* trees, a decision must be made by Council whether to grant consent in accordance with the requirements of the covenants on the title.

#### 4. DISCUSSION

- 4.1 The original subdivision application was approved under the *Kingborough Interim Planning Scheme 2015* (the Scheme), which is the same planning scheme that currently controls use and development on land within the Kingborough municipality. The subject site (Lot 1) is one of the resultant residential lots from the approved subdivision of five lots and balance at 12 Bonnie Vale Drive, Howden (DAS-2018-19); for which a planning permit was issued on 16 January 2019.
- 4.2 Under the Scheme, a proposed residential use (single dwelling) would have a “No Permit Required” (NPR) use status as the subject site is located within Low-Density Residential Zone (Area C). The development must comply with all relevant Acceptable Solutions of the applicable Zone and Codes for the status of the application to remain NPR.
- 4.3 The proposed development does not meet all the relevant Acceptable Solutions. It relies in the Performance Criteria for the zone development standards under Clause 12.4.2 – setbacks and building envelope - A1, A3 and A4; Clause 12.4.3 – Site coverage and private open space - A1, and Clause 12.4.4 – sunlight and overshadowing - A1 and the development therefore has a “Discretionary” status. Accordingly, the application is a discretionary application type and is subject to advertising and public representation.
- 4.4 The owner has requested Council to allow the removal of the two trees protected by the covenants on the title, and the construction of the proposed dwelling, which will be located partially outside the building envelope, the retaining wall that will sit on the southern side boundary, and the outbuilding sited wholly outside the building envelope.
- 4.5 The subject site is rectangular in shape and 1009m<sup>2</sup> in area, and has a frontage to Bonnie Vale Drive at the west. The site slopes down gently from the southeastern corner towards the northwestern corner. There are two trees at the front of the property, one of them is a high conservation value tree. There is another tree on the adjacent lot (southeast lot). These three trees are *Eucalyptus ovata* (black gum trees), with only one of them having a diameter at breast height (DBH) more than 0.4m. These trees are protected under the covenants on the title since they have a diameter more than 0.25m (Covenants 5 and 10), and one of them is high conservation value tree and protected under the Scheme. In addition, there are two small *Allocasuarina* (she oak) trees towards the rear boundary.
- 4.6 The applicant submitted an Arboricultural Impact Assessment, prepared by Philip Jackson (May 2024). The arborist recommended removal of the three trees mentioned due to the impact of the cut for the driveway, and the fill required for the dwelling.
- 4.7 A meeting took place on 27 May 2024 between the applicant, Willbuild, the arborist, Philip Jackson, and Council planning and environmental planning officers to discuss options to reduce the impact on trees. As a result of the discussions, the applicant agreed to move the siting of the dwelling towards the northeast thereby reducing the impact on Tree 21 as shown in Figure 2. The applicant sent final amended plans on 25 September 2024 showing that the dwelling now sits in a location that reduces the impact to Tree 21 (Tree 1 on DA plans, see Attachment 2). The arborist (Philip Jackson) confirmed that the encroachment on this tree by the proposed development is acceptable to enable the tree to be retained. However, the other two trees still need to be removed since the level of encroachment of the cut is not acceptable to retain these trees.
- 4.8 Covenant 10 states as follows:

*“In respect to lots 1, 2, 4, and 6, not to undertake development and works (including buildings, access, services and stormwater) unless such is designed and located to*

avoid and mitigate impacts on trees numbered 5-22 identified for retention in Table 1 of the Natural Values Report (enviro-dynamics, June 2018) to the extent feasible. Approval of the Kingborough Council to impact such trees will not be given unless:

- a. it can be demonstrated that based on the advice of a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment), the trees are unable to be retained because either:
  - i. the health and viability of these trees is such that they represent a danger; and/or
  - ii. there is no feasible alternative location and design which avoids or mitigate the impacts of the development on the health of these trees while also allowing the lot to be developed for this intended purpose; and
- b. any loss of these trees is offset to the satisfaction of Kingborough Council

Based on the topography of the lot, location of the crossover in relation to the building area and trees, and consideration of the necessity of a driveway as a common element of residential development and use; as well as the advice of Philip Jackson, suitably qualified arborist, that there is no other feasible location to minimise impacts on these trees; it is accepted that there is no feasible alternative to locate the proposed development in a way that the impacts on trees are further mitigated. It is also accepted that the removal of Trees 19, and 20 (refer to Figure 2) is required to allow the lot to be developed. The removal of these trees will require an offset only for Tree 20 (refer Figure 2) of \$340.00, the offset will be paid into the Kingborough Environmental Fund to contribute to protecting swift parrot habitat in the municipality. The offset is in accordance with the Kingborough Biodiversity Offset Policy (Policy No. 6.10, 2023).

- 4.9 The proposed dwelling would extend outside the building envelope to the northeast towards the rear of the block with approximately 14m<sup>2</sup> of the building footprint sitting outside the building area. The area outside the envelope includes a partial section of the bedroom and the study/rumpus. A retaining wall is proposed to sit on the southern side boundary extending from the frontage to the rear of the proposed outbuilding. A detached Class 10a building (shed) with an area of 54m<sup>2</sup> sits completely outside the building area, being located at the southeast of the site (see Figure 4 for full details).

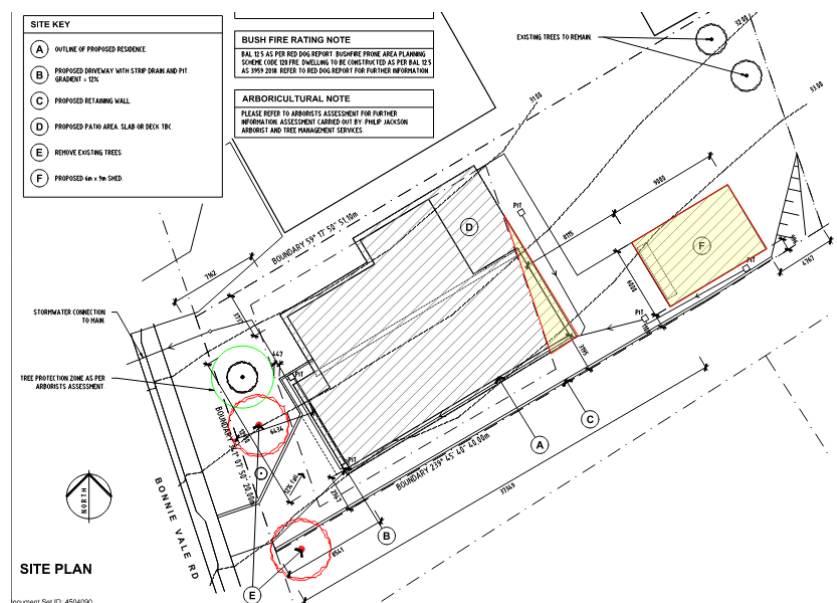


Figure 4 Extract of the proposed site plan. Highlighted building areas sitting outside the building envelope.

- 4.10 The purpose of the building area at the subdivision stage was to enable retention of trees and containment of the bushfire hazard management area (BHMA) within the lot boundary. The bushfire management plan submitted in response to a further information request for DA-2024-83, demonstrates that the location of the dwelling enables the BHMA to be contained within the lot boundary (see Attachment 4). The Arboricultural Impact Assessment submitted in support of the application (see Attachment 3) confirmed that there would be no other feasible alternative location for the development, and that two trees must be removed and only one can be retained, as shown in Figure 4.
- 4.11 It is considered that the design and siting of the proposed buildings in which only a small section of the rear of the habitable building, a retaining wall sitting on the southern side boundary, and the outbuilding sitting outside the building area, is a pragmatic solution to the limitations of the building area and lot characteristics.
- 4.12 As the bushfire and vegetation protection issues have been addressed, there is no other planning reason to refuse consent under the covenant as the provisions of the Scheme will control whether a residential building is appropriate for the site and the form in which it is built.

## 5. CONCLUSION

- 5.1 The Council's approval or otherwise is required under the covenant to enable an existing development application to be considered against the provisions of the Scheme. The Council therefore has two choices as follows:
- (a) Grant consent under the covenants on the title for the removal of two (2) *Eucalyptus ovata* trees and the construction of part of the habitable building, retaining wall and the whole of the non-habitable building outside the building area marked on Lot 1 on Sealed Plan 179428, in accordance with the requirements of the Scheme.
  - (b) Refuse to grant consent under the covenants on the title for the removal of two (2) *Eucalyptus ovata* trees and the construction of part of the habitable building, retaining wall and the whole of the non-habitable building outside the building area marked on Lot 1 on Sealed Plan 179428 and thereby restrict the removal of trees and restrict the location of buildings only as originally intended by the conditions on the subdivision.
- 5.2 Given the lot size of 1,009m<sup>2</sup>, and the size of the building area (which is less than 20m x 20m), it is not reasonable that both the dwelling and outbuilding (shed) must be contained within the building area. The dwelling and outbuilding have reasonable floor areas of 248m<sup>2</sup> and 54m<sup>2</sup> respectively.
- 5.3 Given the topography of the lot, the location of the existing access point and building area, and the recommendation of the arboricultural report prepared by Phillip Jackson, there is no other feasible location for the dwelling that would minimise the impacts on trees protected by the covenant. It is reasonable to consider the removal of the trees as necessary to allow the lot be developed.

## 6. RECOMMENDATION

That Council:

- (a) determine to grant consent under the covenant on Sealed Plan No. 179428 to allow a development application, under the provisions of the *Land Use Planning and Approvals Act 1993* and the Kingborough Interim Planning Scheme 2015, to be considered for the removal of two (2) *Eucalyptus ovata* trees and construction of a habitable building, retaining wall and an outbuilding outside the building area on Lot 1, generally in

accordance with the plans submitted under DA-2024-83 and as shown in Attachment 2, and

- (b) advise the applicant that this consent does not imply approval for the development which will be subject to an assessment of the application under the above Act and Scheme.

#### **ATTACHMENTS**

- 1. Title documents**
- 2. Proposed plans**
- 3. Arboricultural Impact Assessment, prepared by Philip Jackson, May 2024**
- 4. Amended Bushfire Hazard Management Area, prepared by Jason Van Zetten, August 2024**

Public Copy

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## SEARCH OF TORRENS TITLE

VOLUME 179428	FOLIO 1
EDITION 5	DATE OF ISSUE 31-Jan-2022

SEARCH DATE : 29-Aug-2024

SEARCH TIME : 03.28 PM

DESCRIPTION OF LAND

Parish of KINGBOROUGH Land District of BUCKINGHAM  
 Lot 1 on Sealed Plan 179428  
 Derivation : Part of Lot 28811, 222A-1R-38P Gtd. to Henry  
 James House  
 Prior CT 162233/200

SCHEDULE 1

M931771 TRANSFER to DYLAN ELLIOTT PERRYMAN and RENEE MARGARET  
 PERRYMAN Registered 31-Jan-2022 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP179428 EASEMENTS in Schedule of Easements  
 SP179428 COVENANTS in Schedule of Easements  
 SP179428 FENCING COVENANT in Schedule of Easements  
 SP162233 COVENANTS in Schedule of Easements  
 SP162233 FENCING COVENANT in Schedule of Easements  
 E26969 AGREEMENT pursuant to Section 71 of the Land Use  
 Planning and Approvals Act 1993 Registered  
 26-Nov-2015 at noon  
 E286587 MORTGAGE to AMP Bank Limited Registered 31-Jan-2022  
 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



# FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p>OWNER: DREIMANN DEVELOPMENTS PTY LTD AND AJ &amp; JA BEADLE PTY LTD.</p> <p>FOLIO REFERENCE: CT 162233/200</p> <p>GRANTEE: PART OF LOT28811, 222A-1R-38P GRANTED TO HENRY JAMES HOUSE.</p>	<p><b>PLAN OF SURVEY</b></p> <p>BY SURVEYOR NEVILLE CHARLES MCGUIRE OF N.C.MCGUIRE &amp; ASSOCIATES PTY.LTD. 19 JOHN STREET, KINGSTON.</p> <p>LOCATION <b>LAND DISTRICT – BUCKINGHAM PARISH – KINGBOROUGH</b></p> <p>SCALE 1:1000      LENGTHS IN METRES</p>	<p>REGISTERED NUMBER <b>SP179428</b></p> <p>APPROVED EFFECTIVE FROM 12 AUG 2020</p> <p><i>Denise</i> Recorder of Titles</p>
<p>CONTINUATION OF BENEFITING EASEMENTS PER SP162233 FOR LOTS SHOWN ON THIS PLAN. SCALE 1:1000</p> <p>(SP162233)      (SP162233)      (SP162233)</p> <p>DRAINAGE EASEMENT 3.30 WIDE      FIRE TRAIL EASEMENT 6.00 WIDE      DRAINAGE EASEMENT 4.00 WIDE</p> <p>(SP11961)      (SP162233)      (SP162233)</p> <p>(SP132209)      (SP162233)      (SP162233)</p> <p>LOT 4      LOT 5      LOT 6</p>		
<p>CONTINUATION OF BENEFITING EASEMENTS PER SP162233 FOR THE LOTS SHOWN ON THIS PLAN – REFER ABOVE.</p> <p>(SP162233)      (P132210)      (SP162233)      (P132210)</p> <p>FIRE TRAIL EASEMENT 6.00 WIDE      DRAINAGE EASEMENT 3.30 WIDE      FIRE EASEMENT 4.00 WIDE</p> <p>(SP162233)      (SP162233)      (SP162233)</p> <p>ANNEXURE SHEET No.2      LOT 4      LOT 5      LOT 6</p> <p>(SP162233)      (P132210)      (SP162233)      (P132210)</p> <p>BONNIE VALE DRIVE      LOT 3      LOT 2      LOT 1</p> <p>(SP162233)      (SP162233)      (SP162233)      (P132210)</p> <p>(SP162233)      (SP127460)      (SP175199)      (SP1294)</p> <p>(SP175199)      (SP1294)</p> <p>Creek</p> <p>ANNEXURE SHEET No.1</p> <p>ANNEXURE SHEET No.2</p> <p>MGA94</p> <p>INDEX PLAN</p> <p><i>Neville McGuire</i>      1/7/2020      Date</p> <p>Registered Land Surveyor</p> <p><i>Denise</i>      22/7/2020      Date</p> <p>Council Delegate</p>		

Search Date: 29 Aug 2024

Search Time: 03:28 PM

Volume Number: 179428

Revision Number: 01

Page 1 of 3

Department of Natural Resources and Environment Tasmania  
Version: 1, Version Date: 12/09/2024

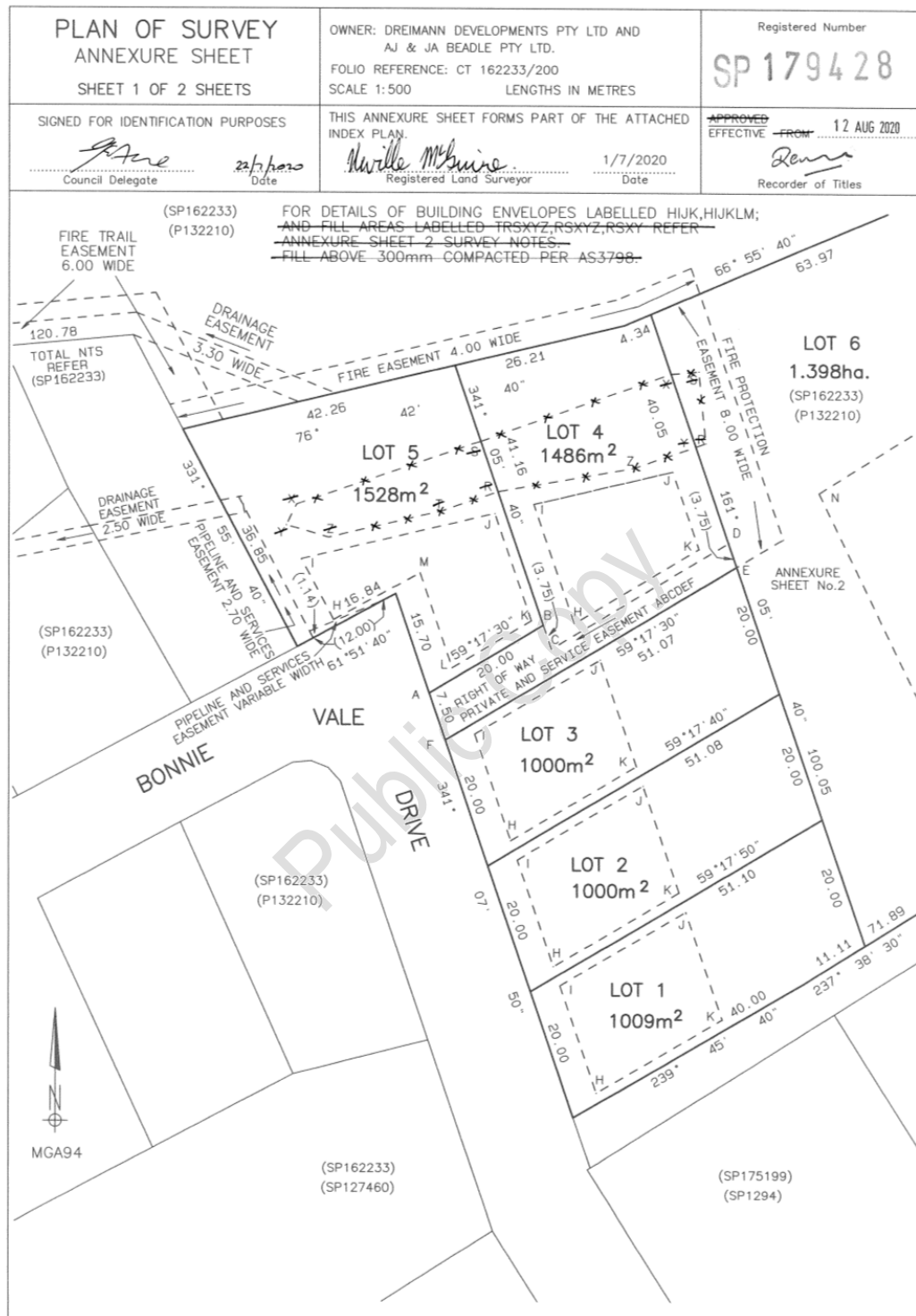
[www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)



# FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Search Date: 29 Aug 2024

Search Time: 03:28 PM

Volume Number: 179428

Revision Number: 01

Page 2 of 3

Department of Natural Resources and Environment Tasmania  
Version: 1, Version Date: 12/09/2024

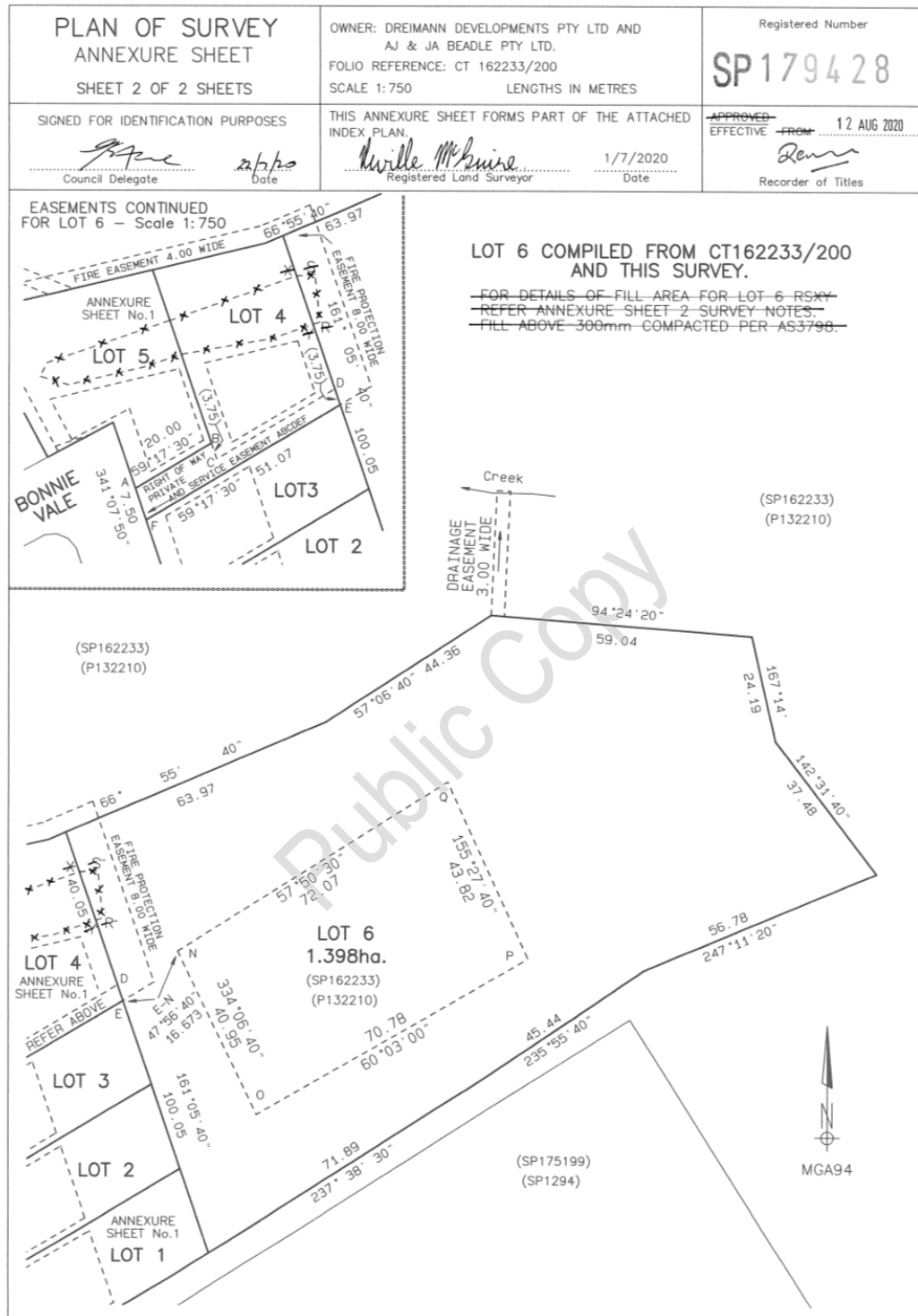
[www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)



# FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p align="center"><b>SCHEDULE OF EASEMENTS</b></p> <p><b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS &amp; MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 179428</b></p>
--	--

PAGE 1 OF 7 PAGE/S

## EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

## EASEMENTS

### Lot 4 on the plan is

Together with a Fire Protection Easement over Fire Protection Easement 8.00 Wide shown on the Plan.

Subject to a right of carriage way, appurtenant to lot 6 on the plan, over Right of Way Private and Service Easement ABCDEF shown on the Plan.

Subject to<sup>a</sup> Private Services Easement, appurtenant to lot 6 on the plan, over Right of Way Private and Service Easement ABCDEF shown on the Plan.

### Lot 5 on the plan is

Lot 5 on the Plan is subject to a right of drainage in favour of Kingborough Council & TasWater over the land marked Drainage Easement 2.50 wide shown passing through such Lot.

Subject to a Pipeline and Services Easement in gross in favour of TasWater over Pipeline and Services Easement 2.70 Wide shown on the Plan as more fully defined in E109512.

Subject to a Pipeline and Services Easement in gross in favour of TasWater over Pipeline and Services Easement Variable Width shown on the Plan.

### Lot 6 on the plan is

Subject to a Fire Protection Easement, appurtenant to lot 4 on the plan, over Fire Protection Easement 8.00 Wide shown on the Plan.

Together with a right of carriage way over Right of Way Private and Service Easement ABCDEF shown on the Plan.

(USE ANNEXURE PAGES FOR CONTINUATION)

<p>SUBDIVIDER: AJ &amp; JA Beadle Pty Ltd &amp; Dreimann Developments Pty Ltd</p> <p>FOLIO REF: CT162233/200</p> <p>SOLICITOR &amp; REFERENCE: Ogilvie Jennings - Anthony Laning</p>	<p>PLAN SEALED BY: Kingborough Council</p> <p>DATE: 22/7/2020</p> <p>DAS-2018-19</p> <p>REF NO. _____</p> <p align="right">_____ Council Delegate</p>
<p><b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.</p>	



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 2 OF 7 PAGES	Registered Number <b>SP 179428</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd FOLIO REFERENCE: CT 162233/200	

Together with a right of drainage over Drainage Easement 3.00 wide created by SP 162233 burdening lot 201 on SP 162233 & shown on the Plan.

Together with a Private Services Easement over Right of Way Private and Service Easement ABCDEF shown on the Plan.

Each lot on the plan is

Together with a fire trail easement (as defined in SP 162233) created by SP 162233 over Fire Trail Easement 6.00 Wide burdening lot 201 on SP 162233 & shown on the Plan.

Together with a right of drainage over Drainage Easement 3.30 wide created by SP 162233 burdening lot 201, 8, 9 and 11 on SP 162233 & shown on the Plan.

Together with a right of drainage over Drainage Easement 2.50 wide created by SP 162233 burdening lot 8, 9, 11, 12, and on SP 162233 & shown on the Plan.  
 13 14

Together with a right of drainage over Drainage Easement 4.00 wide created by SP 162233 burdening lot 201 and 8 on SP 162233 & shown on the Plan.

Together with a fire easement (as defined in transfer E215495) created by transfer number E215495 over Fire Easement 4.00 Wide burdening lot 201 on SP 162233 & shown on the Plan.

Each Lot on the Plan is burdened by restrictive covenants points 4 & 7 as created by Sealed Plan 162233.

### COVENANTS

The owner or owners of each lot on the plan covenant with the Kingborough Council to the intent that the burden of these covenants may run with and bind the covenantor's lot and every part thereof, and the benefit shall be in favour of the Kingborough Council, to observe the following stipulations:

1. Not to erect a buildings (including outbuildings) unless they have been designed and constructed to minimise bird strike as far as reasonably practicable to the satisfaction of the Kingborough Council. Nevertheless, buildings will be deemed to have been so designed and constructed to the satisfaction of the Kingborough Council if the glazed surfaces of the building meet any one of the following :
  - a. the glazed surface of a window does not have a total surface area greater than 2 m<sup>2</sup> and does not result in a site line through the building from one window to another, such as corner windows;
  - b. the glazed surface of a window is treated to include visual markers or muted reflections, the purpose of which is to give them the appearance of an impenetrable surface. Surfaces treated to include "visual or muted reflections" include, but are not limited to,

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 3 OF 7 PAGES	Registered Number <b>SP 179428</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd FOLIO REFERENCE: CT 162233/200	

surfaces treated with any one of the following types of treatments: the use of low reflectivity glass (0-10% reflectivity); films; coatings; decals; or fritted glass; or

c. the glazed surface of a window is installed at a minimum of 20% from vertical.

2. Not to erect fencing unless the fencing has been designed and constructed to minimise bird strike as far as reasonably practicable to the satisfaction of the Kingborough Council. Fencing will, nevertheless, be deemed to have been so designed and constructed to the satisfaction of the Kingborough Council if the fence meets any one of the following:

a. the fence is not transparent; or

b. the fence is transparent, such as chain wire mesh fencing, but the fencing is PVC coated and coloured other than black or green.

3. Not to plant vegetation, unless vegetation includes species native to Tasmania or are non invasive exotics.

4. Not to plant vegetation species which are non-declared priority weeds listed in the Kingborough Weed Management Strategy.

5. Not to ring bark, cut down, top or lop or remove any eucalypt trees with a diameter of over 250 mm without the approval of the Kingborough Council.

6. In respect to lot 6 not to remove or destroy native understory vegetation around the base of trees with a diameter of over 400mm without the approval of the Kingborough Council, whose approval will not be given unless removal or destruction is necessary to comply with bushfire management requirements.

7. In respect to lots 1, 2, 3 and 4 not to construct a building outside the areas marked HIJK on the respective lots on the plan without the approval of the Kingborough Council;

8. In respect to lot 5 not to construct a building outside the area marked HIJKLM on the plan without the approval of the Kingborough Council.

9. In respect to lots lot 6 not to construct a building outside the area marked NOPQ on the plan without the approval of the Kingborough Council.

10. In respect to lots 1, 2, 4 and 6, not to undertake development and works (including buildings, access, services and stormwater) unless such is designed and located to avoid and mitigate impacts on trees numbered 5-22 identified for retention in Table 1 of the Natural Values Report (Enviro-dynamics, June 2018) to the extent feasible. Approval of the Kingborough Council to impact such trees will not be given unless:

a. it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment), the trees are unable to be retained because either:

i. the health and viability of these trees is such that they represent a danger; and/or,

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 4 OF 7 PAGES	Registered Number <b>SP 179428</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd FOLIO REFERENCE: CT 162233/200	

- ii. there is no feasible alternative location and design which avoids or mitigate the impacts of the development on the health of these trees while also allowing the lot to be developed for its intended purpose; and
- b. any loss of these trees is offset to the satisfaction of Kingborough Council.

### FENCING COVENANT

The owner or owners of the lots shown on the plan covenant with the Vendors Dreimann Developments Pty Ltd and AJ and JA Beadle Pty Ltd that the Vendor shall not be required to fence.

### INTERPRETATION

**"Private Services Easement"** means the full right for the owner for the time being of the dominant tenement to lay use and maintain forever water mains, pipes, drains, mains, channels, gutters, sewers, wires, cables and other conducting media beneath the ground of such size and number as shall from time to time be required and the right for their surveyors and workmen from time to time and at all times hereafter to enter into and upon the said strips of land with such material, machinery and other things as it shall think fit to inspect the condition thereof and to repair, amend and cleanse PROVIDED THAT any damage occasioned thereby shall be made good.

**"Fire Protection Easement"** means full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominate tenement or any part thereof with which the right shall be capable of enjoyment, and every person authorised by him/her to use, go on, pass and re pass, with or without machinery for the purposes of: (a) cutting down or otherwise removing vegetation, (b) for drawing water; or (c) for any other purpose associated with minimising a bush fire or the threat of a bushfire; from time to time and at all times hereafter if he/she or they should think fit PROVIDED ALWAYS THAT native understory vegetation is not removed around the base of trees with a diameter >40cm where practicable, taking into consideration bushfire management requirements, unless otherwise approved by the Kingborough Council.

**"TasWater"** means Tasmanian Water & Sewerage Corporation Pty Ltd.

**"Pipeline and Services Easement"** means THE FULL RIGHT AND LIBERTY for TasWater at all times to:

(1) enter and remain upon the Easement Land with or without employees, contractors, agents and all other persons duly authorised by it and with or without machinery, vehicles, plant and equipment;

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 5 OF 7 PAGES	Registered Number <b>SP 179428</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd FOLIO REFERENCE: CT 162233/200	

- (2) investigate, take soil, rock and other samples, survey, open and break up and excavate the Easement Land for any purpose or activity that TasWater is authorised to do or undertake;
  - (3) install, retain, operate, modify, relocate, maintain, inspect, cleanse and repair the Infrastructure;
  - (4) remove and replace the Infrastructure;
  - (5) run and pass sewage, water and electricity through and along the Infrastructure;
  - (6) do all works reasonably required in connection with such activities or as may be authorised or required by any law:
    - i. without doing unnecessary damage to the Easement Land; and
    - ii. leaving the Easement Land in a clean and tidy condition; and
  - (7) if the Easement Land is not directly accessible from a highway, then for the purpose of undertaking any of the preceding activities, TasWater may with or without employees, contractors, agents and all other persons authorised by it, and with or without machinery, vehicles, plant and equipment enter the lot from the highway at any then existing vehicle entry and cross the lot to the Easement Land; and
  - (8) use the Easement Land as a right of carriageway for the purpose of undertaking any of the preceding purposes on other land, TasWater reinstating any damage that it causes in doing so to any boundary fence of the lot.
- PROVIDED ALWAYS THAT:**
- (1) The registered proprietors of the lot in the folio of the Register ("the Owner") must not without the written consent of TasWater first had and obtained and only in compliance with any conditions which form the consent:
    - (a) alter, excavate, plough, drill or otherwise penetrate the ground level of the Easement Land;
    - (b) install, erect or plant any building, structure, fence, pit, well, footing, pipeline, paving, tree, shrub or other object on or in the Easement Land;
    - (c) remove any thing that supports, protects or covers any Infrastructure on or in the Easement Land;
    - (d) do any thing which will or might damage or contribute to damage to any of the Infrastructure on or in the Easement Land;
    - (e) in any way prevent or interfere with the proper exercise and benefit of the Easement Land by TasWater or its employees, contractors, agents and all other persons duly authorised by it; or
    - (f) permit or allow any action which the Owner must not do or acquiesce in that action.
  - (2) TasWater is not required to fence any part of the Easement Land.
  - (3) The Owner may erect a fence across the Easement Land at the boundaries of the lot.
  - (4) The Owner may erect a gate across any part of the Easement Land subject to these conditions:
    - (a) the Owner must provide TasWater with a key to any lock which would prevent the opening of the gate; and
    - (b) if the Owner does not provide TasWater with that key or the key provided does not fit the lock, TasWater may cut the lock from the gate.
  - (5) If the Owner causes damage to any of the Infrastructure, the Owner is liable for the actual cost to TasWater of the repair of the Infrastructure damaged.
  - (6) If the Owner fails to comply with any of the preceding conditions, without forfeiting any right of action, damages or otherwise against the Owner, TasWater may:
    - (a) reinstate the ground level of the Easement Land; or
    - (b) remove from the Easement Land any building, structure, pit, well, footing, pipeline, paving, tree, shrub or other object; or
    - (c) replace any thing that supported, protected or covered the Infrastructure.

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

*[Handwritten signatures]*



# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 6 OF 7 PAGES	Registered Number <b>SP 179428</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd FOLIO REFERENCE: CT 162233/200	

**"Infrastructure"** means infrastructure owned or for which TasWater is responsible and includes but is not limited to:

- (a) sewer pipes and water pipes and associated valves;
- (b) telemetry and monitoring devices;
- (c) inspection and access pits;
- (d) power poles and lines, electrical wires, electrical cables and other conducting media (excluding telemetry and monitoring devices);
- (e) markers or signs indicating the location of the Easement Land, the Infrastructure or any warnings or restrictions with respect to the Easement Land or the Infrastructure;
- (f) any thing reasonably required to support, protect or cover any of the Infrastructure;
- (g) any other infrastructure whether of a similar nature or not to the preceding which is reasonably required for the piping of sewage or water, or the running of electricity, through the Easement Land or monitoring or managing that activity; and
- (h) where the context permits, any part of the Infrastructure.

Executed by **Dreimann Developments Pty Ltd** )  
 In accordance with s127 of the Corporations Act 2001 )

Mark Andrew Dreimann  
 Director/Secretary

Susan Marguerite Dreimann  
 Director

Executed by **AJ & JA Beadle Pty Ltd** )  
 In accordance with s127 of the Corporations Act 2001 )

Julie Ann Beadle  
 Director/Secretary


**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 7 OF 7 PAGES	Registered Number <b>SP 179428</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd	
FOLIO REFERENCE: CT 162233/200	

  
.....  
Andrew John Beadle  
Director

Public Copy

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980***SEARCH OF TORRENS TITLE**

VOLUME 162233	FOLIO 201
EDITION 5	DATE OF ISSUE 26-Jun-2021

SEARCH DATE : 29-Aug-2024

SEARCH TIME : 03.09 PM

DESCRIPTION OF LAND

Parish of KINGBOROUGH Land District of BUCKINGHAM  
 Lot 201 on Sealed Plan 162233  
 Derivation : Part of Lot 28811, 222A-1R-38P Gtd. to Henry  
 James House  
 Prior CT 132210/1

SCHEDULE 1

M358793 TRANSFER to BRIAN CHARLES HILLIARD and LEENA JOHANNA  
 LAVONIUS Registered 12-Jan-2012 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP162233 EASEMENTS in Schedule of Easements  
 SP162233 COVENANTS in Schedule of Easements  
 SP162233 FENCING COVENANT in Schedule of Easements  
 E215495 BURDENING EASEMENT: fire easement (appurtenant to Lot  
 200 on Sealed Plan 162233) over the land marked Fire  
 Easement 4.00 wide on Sealed Plan 162233 Registered  
 28-Jul-2020 at noon  
 D5956 AGREEMENT pursuant to Section 71 of the Land Use  
 Planning and Approvals Act 1993 Registered  
 03-Nov-2011 at noon  
 E264872 MORTGAGE to National Australia Bank Limited  
 Registered 26-Jun-2021 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



# FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



OWNER: AJ & JA BEADLE PTY. LTD. AND DREIMANN DEVELOPMENTS PTY. LTD.; KIM MAREE RETTIG AND JOHN WILLIAM RETTIG; YVONNE EDNA HILARY HOUSE; BRUCE SAMUEL HOUSE. FOLIO REFERENCE: CT132210/1; CT157536/1 CT127460/1; CT132209/1. GRANTEE: PART OF LOT 28811, 222A1R3BP GRANTED TO HENRY JAMES HOUSE.		<b>PLAN OF SURVEY</b> BY SURVEYOR NEVILLE CHARLES MCGUIRE of 19 John Street, Kingston. LOCATION <b>BUCKINGHAM KINGBOROUGH</b> SCALE 1: 3000 (SP157536) LENGTHS IN METRES		REGISTERED NUMBER <b>SP162233</b> APPROVED - 3 NOV 2011 EFFECTIVE FROM <i>Alice Kawa</i> Recorder of Titles
MAPSHEET MUNICIPAL CODE No. 117 (5223-21,22)	LAST GNL65, GYP83 UPI No GGF31, GGF32	LAST PLAN (SP127460) No (P132210) (SP132209)	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	

INDEX PLAN

201.  
(P132210)  
(P127461)  
(D40899)

200.

100. ROAD

BRIGHTWATER ROAD

FENTON COURT

SP151743  
SP127546  
P121863  
SP1405  
SP133046  
SP104155  
SP40347  
SP104155  
SP32736  
SP51 639  
SP1294  
SP127460  
SP14 44  
SP1 5017  
SP1 428, 67  
SP1 21350  
SP 57536  
SP13 2209  
SP14 7102  
SP15 7536  
SP132209  
SP11961  
SP115833  
SP8026  
SP151743

FIRE EASEMENT  
4.00 WIDE  
(CREATED BY E215495)

SP157536

SP132209

SP13 2209  
SP14 7102  
SP15 7536

SP11961

SP115833  
SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

SP8026

SP151743

SP133046

SP104155

SP40347

SP104155

SP32736

SP51 639

SP1294

SP127460

SP14 44

SP1 5017

SP1 428, 67

SP1 21350

SP 57536

SP13 2209

SP14 7102

SP15 7536

SP132209

SP11961

SP115833

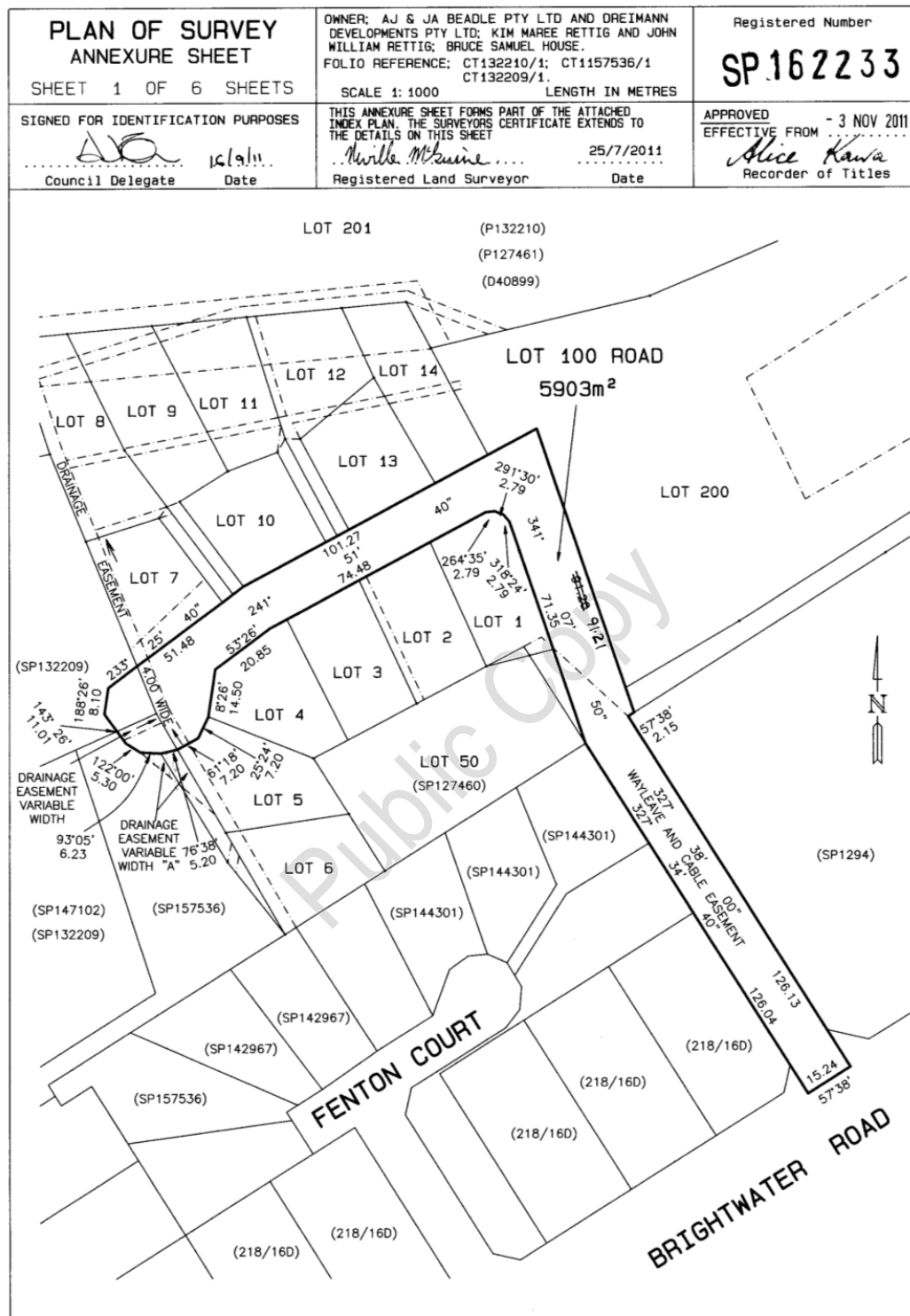
SP8026



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Search Date: 29 Aug 2024

Search Time: 03:10 PM

Volume Number: 162233

Revision Number: 04

Page 2 of 7

Department of Natural Resources and Environment Tasmania  
 Version: 1, Version Date: 12/09/2024

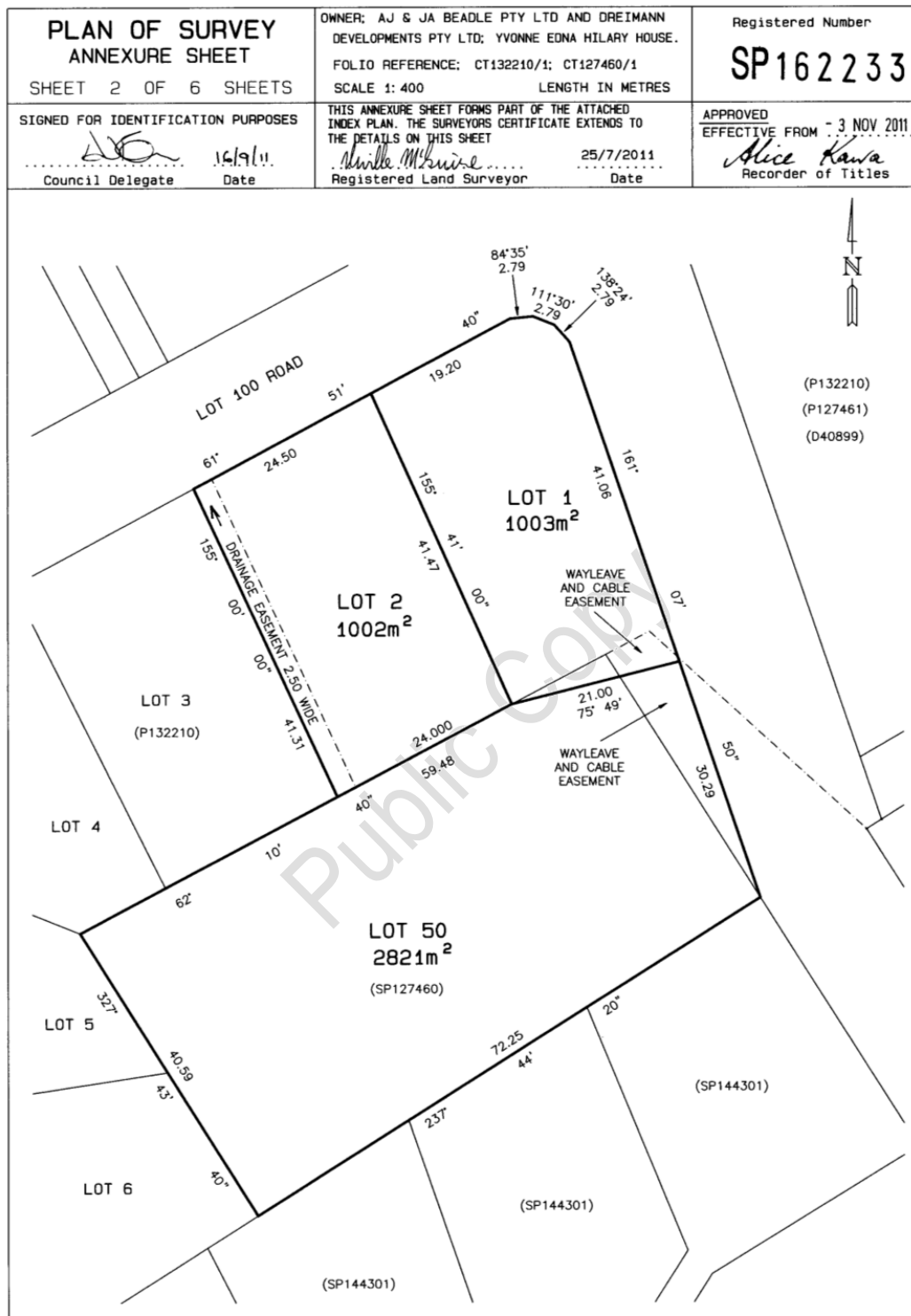
[www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Search Date: 29 Aug 2024

Search Time: 03:10 PM

Volume Number: 162233

Revision Number: 04

Page 3 of 7

Department of Resources and Environment Tasmania  
 Version: 1, Version Date: 12/09/2024

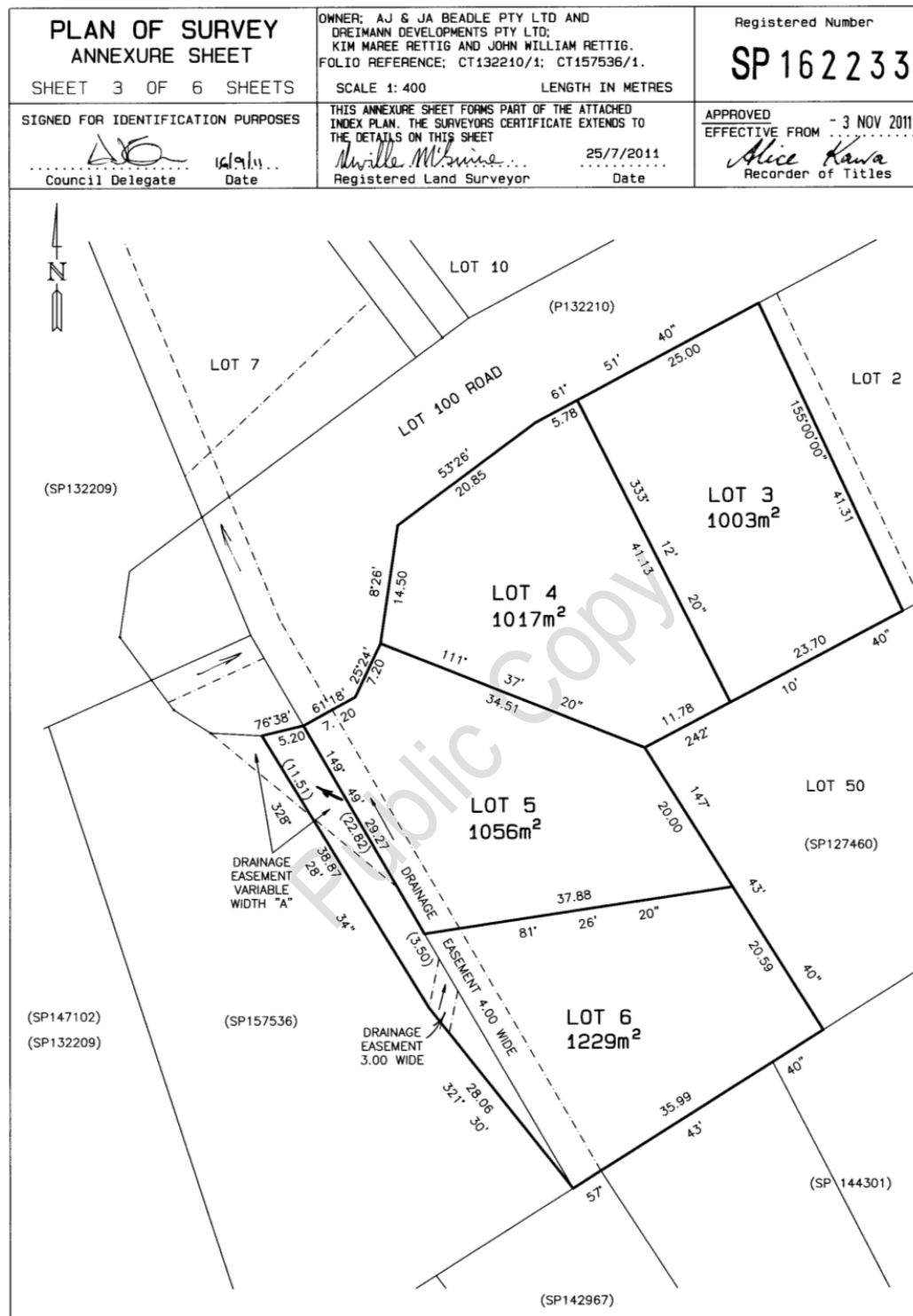
[www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Search Date: 29 Aug 2024

Search Time: 03:10 PM

Volume Number: 162233

Revision Number: 04

Page 4 of 7

 Department of Natural Resources and Environment Tasmania  
 Version: 1, Version Date: 12/09/2024

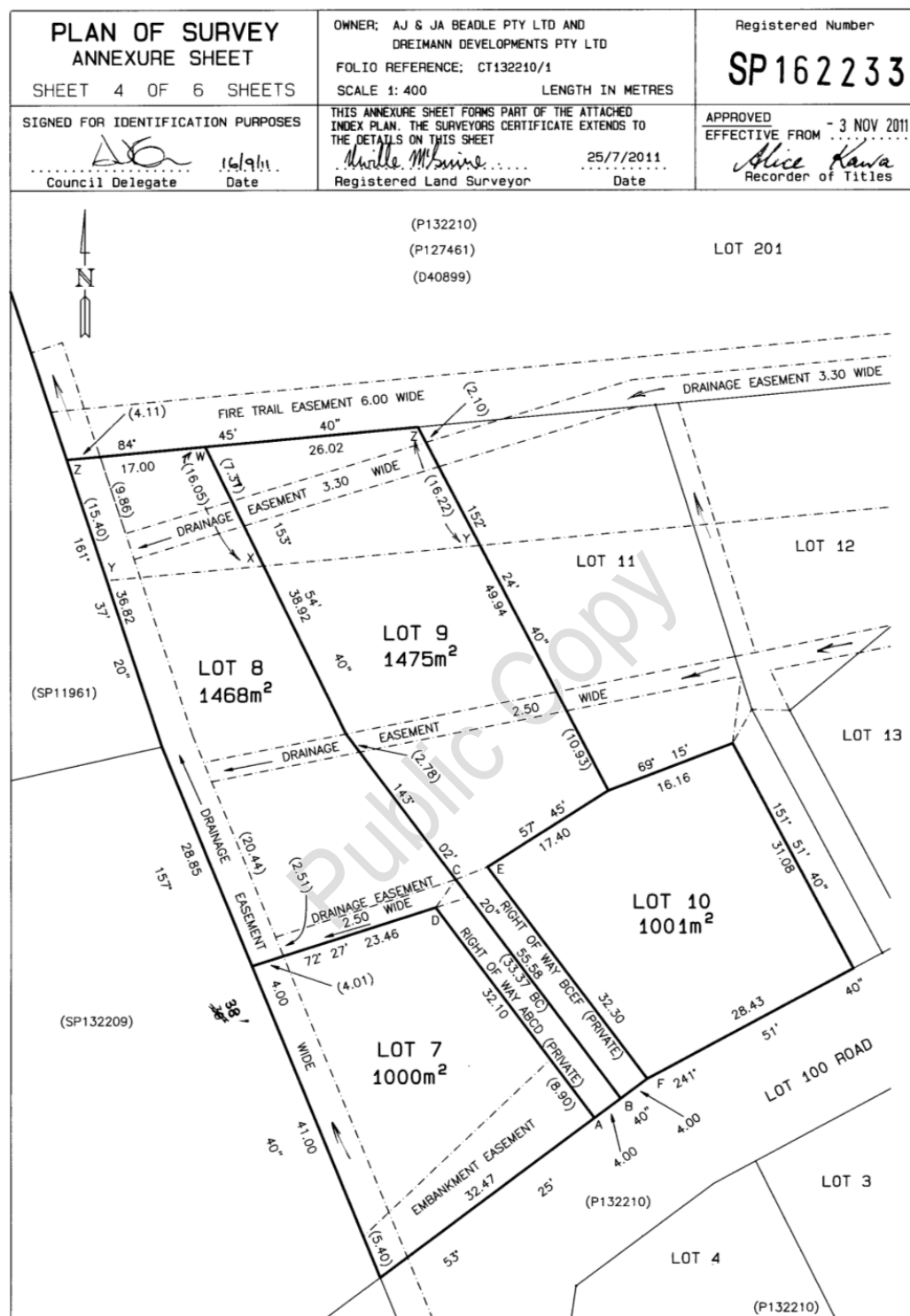
[www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Search Date: 29 Aug 2024

Search Time: 03:10 PM

Volume Number: 162233

Revision Number: 04

Page 5 of 7

Department of Natural Resources and Environment Tasmania  
 Version: 1, Version Date: 12/09/2024

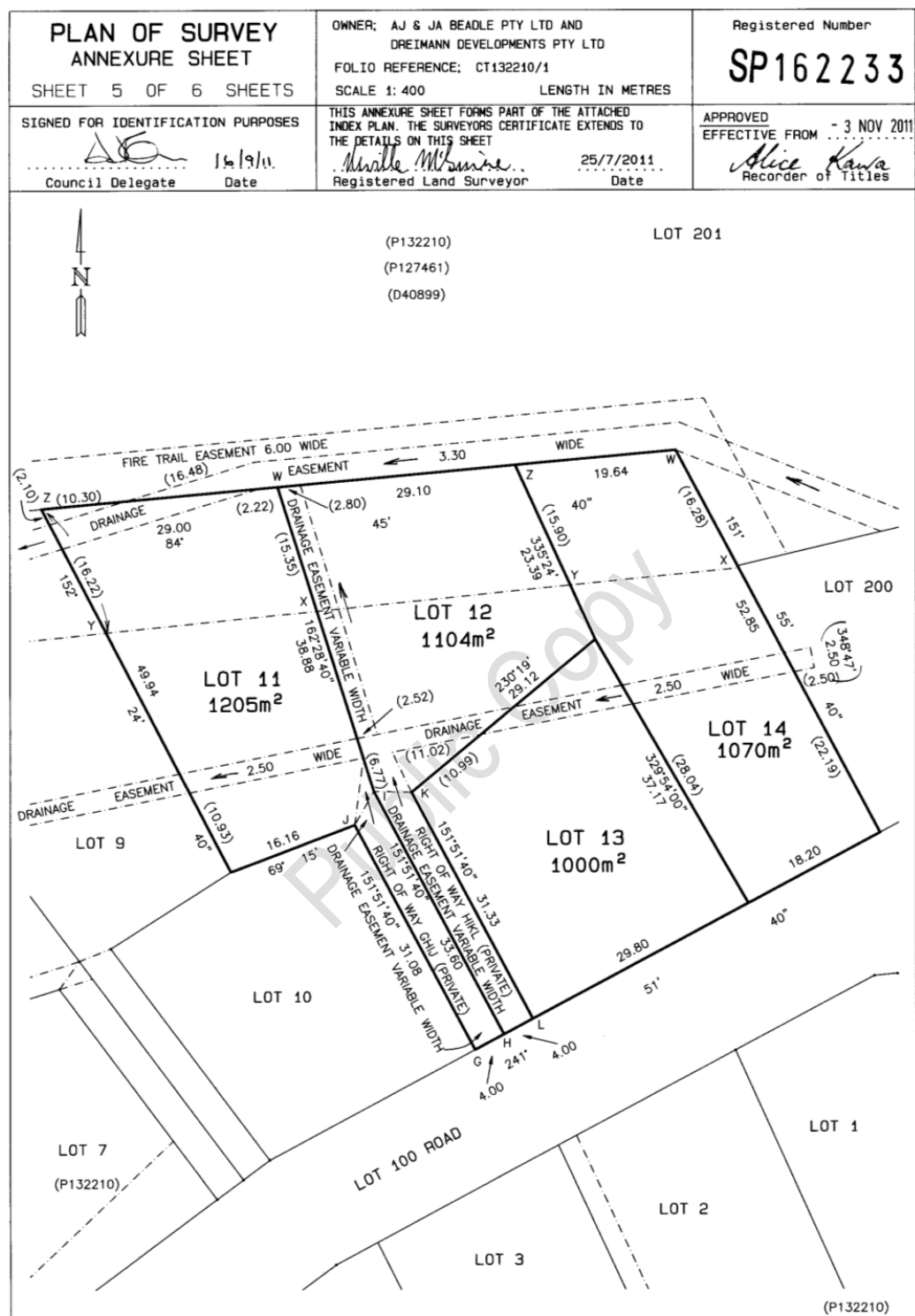
[www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Search Date: 29 Aug 2024

Search Time: 03:10 PM

Volume Number: 162233

Revision Number: 04

Page 6 of 7

Department of Natural Resources and Environment Tasmania  
 Version: 1, Version Date: 12/09/2024

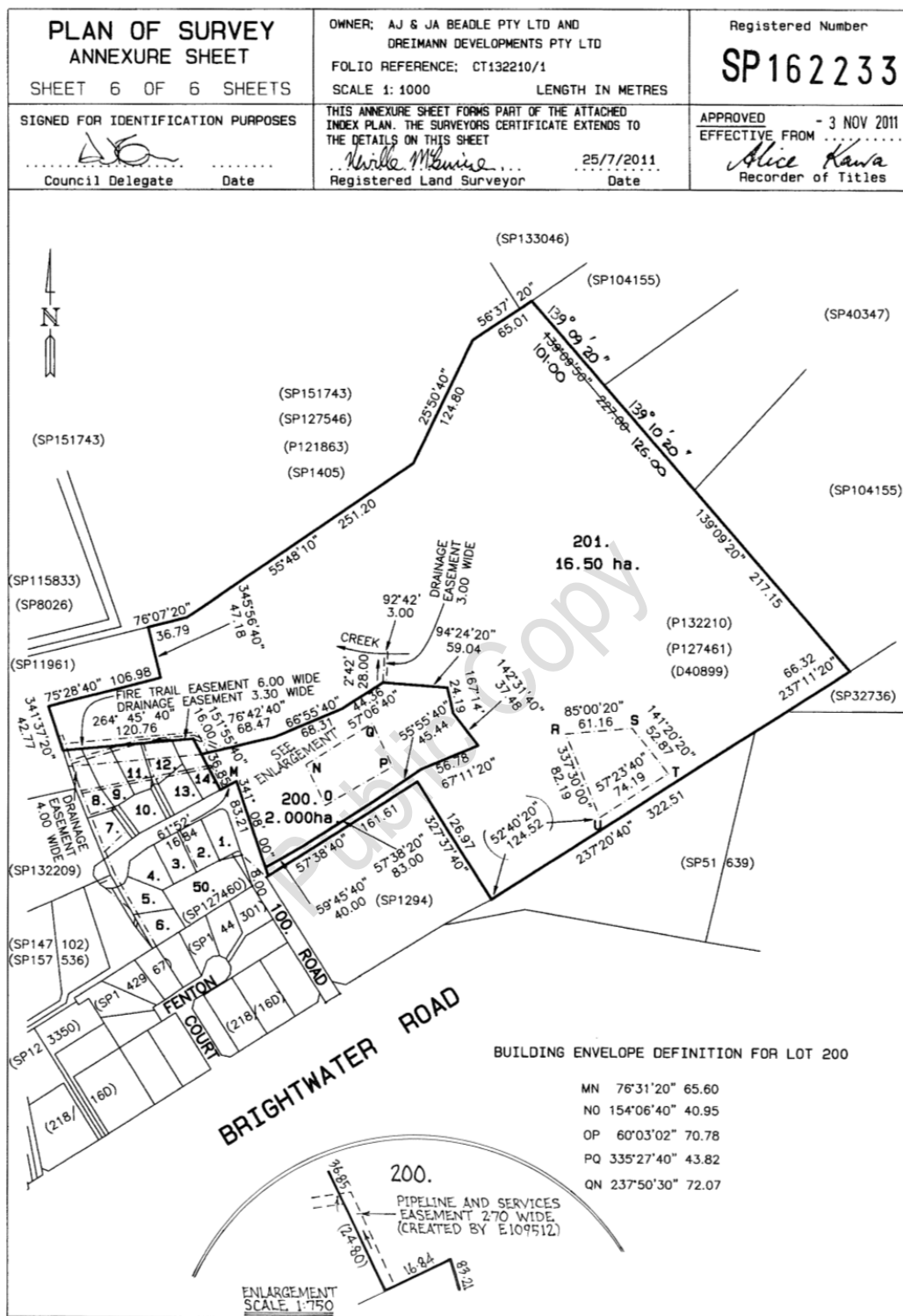
[www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Search Date: 29 Aug 2024

Search Time: 03:10 PM

Volume Number: 162233

Revision Number: 04

Page 7 of 7

Department of Natural Resources and Environment Tasmania  
Version: 1, Version Date: 12/09/2024

[www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)



# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p align="center"><b>SCHEDULE OF EASEMENTS</b></p> <p><b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS &amp; MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 162233</b></p>
--	--

PAGE 1 OF 10 PAGE/S

## EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

## EASEMENTS

Each lot on the plan is:

Subject to a right of drainage (for the benefit of the Kingborough Council and Tasmanian Sewerage Corporation (Southern Region) Pty Ltd) over drainage easements shown on the plan (if any) as passing through such lot.

Lots 7, 10, and 13 on the plan are:

Subject to an Embankment Easement (for the benefit of the Kingborough Council) over Embankment Easement shown on the plan (if any) over such lot of.

Lot 1 is:

Subject to a Wayleave Easement with a restriction as to user of land (for the benefit of Aurora Energy Aust. Pty Ltd) over Wayleave and Cable Easement shown on the plan.

Subject to a Cable Easement (for the benefit of Telstra Corporation Limited, The Crown, Aurora Energy Pty Ltd and the Kingborough Council) over Wayleave and Cable Easement shown on the plan.


~~Lots 7, 10, and 13 are:~~

~~Subject to an Embankment Easement (for the benefit of the Kingborough Council) over Embankment Easement shown on the plan (if any) over such lot.~~

Lot 8 is:

Subject to a right of carriageway (appurtenant to Lot 9 on the plan) over Right of Way ABCD (Private) shown on the plan.

(USE ANNEXURE PAGES FOR CONTINUATION)

<p>SUBDIVIDER: AJ &amp; JA Beadle Pty Ltd &amp; Dreimann Developments Pty Ltd</p> <p>FOLIO REF: CT132210/1; CT157536/1; CT127460/1; CT132209/1</p> <p>SOLICITOR &amp; REFERENCE: Ogilvie Jennings - Anthony Laning</p>	<p>PLAN SEALED BY: Kingborough Council</p> <p>DATE: 16<sup>th</sup> September 2011</p> <p>16/09/2011 REF NO.</p> <p> Council Delegate</p>
<p><b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.</p>	



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p align="center"><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p align="center">PAGE 2 OF 10 PAGES</p>	<p align="center">Registered Number</p> <p align="center"><b>SP 162233</b></p>
<p>SUBDIVIDER: AJ &amp; JA Beadle Pty Ltd &amp; Dreimann Developments Pty Ltd</p> <p>FOLIO REFERENCE: CT132210/1; CT157536/1; CT127460/1; CT132209/1</p>	

Together with a right of carriageway over Right of Way BCEF (Private) shown on the plan.  
Together with a Fire Trail Easement over Fire Trail Easement 6 Wide shown on the plan .

Lot 9 is:

Subject to a right of carriageway (appurtenant to Lot 8 on the plan) over Right of Way BCEF (Private) shown on the plan.

Together with a right of carriageway over Right of Way (Private) ABCD shown on the plan.

Together with a Fire Trail Easement over Fire Trail Easement 6 Wide shown on the plan .

Lot 11 is:

Subject to a right of carriageway (appurtenant to Lot 12 on the plan) over Right of Way GHIJ (Private) shown on the plan.

Together with a right of carriageway over Right of Way HIKL (Private) shown on the plan

Together with a Fire Trail Easement over Fire Trail Easement 6 Wide shown on the plan .

Lot 12 is:

Subject to a right of carriageway (appurtenant to Lot 11 on the plan) over Right of Way HIKL (Private) shown on the plan.

Together with a right of carriageway over Right of Way (Private) GHIJ shown on the plan.

Together with a Fire Trail Easement over Fire Trail Easement 6 Wide shown on the plan .

~~Lot 14 is:~~

~~Subject to an Embankment Easement (for the benefit of the Kingborough Council) over Embankment Easement shown on the plan (if any) over such lot of.~~

Lot 14 is:

Together with a Fire Trail Easement over Fire Trail Easement 6 Wide shown on the plan .

Lot 50 is:

Subject to a Wayleave Easement with a restriction as to user of land (for the benefit of Aurora Energy Aust. Pty Ltd) over Wayleave and Cable Easement Shown on the plan.

Subject to a Cable Easement (for the benefit of Telstra Corporation Limited, The Crown, Aurora Energy Pty Ltd and the Kingborough Council) over Wayleave and Cable Easement shown on the plan.

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 3 OF 10 PAGES	Registered Number <b>SP 162233</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd FOLIO REFERENCE: CT132210/1; CT157536/1; CT127460/1; CT132209/1	

Lot 100 is:

Subject to a Wayleave Easement with a restriction as to user of land (for the benefit of Aurora Energy Aust. Pty Ltd) over Wayleave and Cable Easement Shown on the plan.

Subject to a Cable Easement (for the benefit of Telstra Corporation Limited, The Crown, Aurora Energy Pty Ltd and the Kingborough Council) over Wayleave and Cable Easement shown on the plan.

Right of Drainage  
 Subject to a ~~drainage easement~~ over drainage easements Variable Width for the benefit of the Kingborough Council as passing through such Lot.

Lot 200 is

Together with a Fire Trail Easement over Fire Trail Easement 6 Wide shown on the plan .

Lot 201 is:

Subject to a Fire Trail Easement (appurtenant to Lots 8, 9, 11, 12<sup>14</sup> and 200) over Fire Trail Easement 6 Wide shown on the plan

### COVENANTS

The owner or owners of each Lot shown on the plan, other than Lots 50 and 100, covenant with the Kingborough Council to the intent that the burden of these covenants may run with and bind the covenantor's Lot and every part thereof, and the benefit shall be in favour of the Kingborough Council, to observe the following stipulations:

1. Not to erect a buildings (including outbuildings) unless they have been designed and constructed to minimise bird strike as far as reasonably practicable to the satisfaction of the Kingborough Council. Nevertheless, buildings will be deemed to have been so designed and constructed to the satisfaction of the Kingborough Council if the glazed surfaces of the building meet any one of the following :
  - a. the glazed surface of a window does not have a total surface area greater than 2 m<sup>2</sup> and does not result in a site line through the building from one window to another, such as corner windows;
  - b. the glazed surface of a window is treated to include visual markers or muted reflections, the purpose of which is to give them the appearance of an impenetrable surface. Surfaces treated to include "visual or muted reflections" include, but are not limited to, surfaces treated with any one of the following types of treatments: the use of low reflectivity glass (0-10% reflectivity); films; coatings; decals; or fritted glass; or
  - c. the glazed surface of a window is installed at a minimum of 20% from vertical.

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 4 OF 10 PAGES	Registered Number <b>SP162233</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd FOLIO REFERENCE: CT132210/1; CT157536/1; CT127460/1; CT132209/1	

2. Not to erect fencing unless the fencing has been designed and constructed to minimise bird strike as far as reasonably practicable to the satisfaction of the Kingborough Council. Fencing will, nevertheless, be deemed to have been so designed and constructed to the satisfaction of the Kingborough Council if the fence meets any one of the following:
  - a. the fence is not transparent; or
  - b. the fence is transparent, such as chain wire mesh fencing, but the fencing is PVC coated and coloured other than black or green.
3. Not to plant vegetation, unless vegetation includes species native to Tasmania or are non invasive exotics.
4. Not to plant vegetation species which are noxious weeds as defined in Schedule 9 of the Kingborough Planning Scheme 2000.
5. In respect to lots 8, 9, 11, 12, and 14, not to plant vegetation within the area marked ~~W XYZ~~ <sup>W XYZ</sup> on the plan unless such vegetation is low combustion vegetation.
6. In respect to lots 8, 9, 11, 12, and 14 not to erect a dwelling within the area marked ~~W XYZ~~ <sup>W XYZ</sup> on the plan.
7. In respect to lot 200 not to ring bark, cut down, top or lop or remove any trees without the approval of the Kingborough Council unless the vegetation is a noxious weed as specified in Schedule 9 of the Kingborough Planning Scheme 2000.
8. In respect to lot ~~204~~ <sup>200</sup>, not to construct a building outside the area marked NOPQ on the plan without the approval from the Kingborough Council.
9. In respect to lot ~~200~~ <sup>201</sup> not to construct a building outside the area marked RSTU on the plan without the approval from the Kingborough Council.
10. In respect to lots 8,9,11,12 and 14, not to construct a building with sewerage discharge plumbing elements, unless such sewerage is capable of being discharged via a gravity feed line into the sewerage infrastructure provided by Tasmanian Sewerage Corporation (Southern Region) Pty Ltd.

### COVENANTS CONTINUED ON PAGE 6

#### FENCING COVENANT

The owner or owners of the Lots shown on the plan covenant with the Vendors Dreimann Developments Pty Ltd and AJ and JA Beadle Pty Ltd that the Vendor shall not be required to fence.

#### INTERPRETION

"Wayleave Easement and Restriction as to User of Land" means

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p align="center"><b>ANNEXURE TO SCHEDULE OF EASEMENTS</b></p> <p align="center">PAGE 5 OF 10 PAGES</p>	<p align="center">Registered Number</p> <p align="center"><b>SP162233</b></p>
<p>SUBDIVIDER: AJ &amp; JA Beadle Pty Ltd &amp; Dreimann Developments Pty Ltd</p> <p>FOLIO REFERENCE: CT132210/1; CT157536/1; CT127460/1; CT132209/1</p>	

**FIRSTLY** all the full and free right and liberty for Aurora Energy Pty Ltd and its successors and its and their servants agents and contractors at all times hereafter:-

- a) TO clear the lands shown as "WAYLEAVE EASEMENT" on the plan (hereinafter called "the servient land") and to erect construct place inspect alter repair renew maintain and use in upon over and along and remove from the servient land towers poles wires cables apparatus appliances and other ancillary work (all of which are hereinafter collectively referred to as "the said lines") for the transmission and distribution of electrical energy and for purposes incidental thereto;
- b) TO cause or permit electrical energy to flow or be transmitted through and along the said lines;
- c) TO cut away remove and keep clear of the said lines all trees and all other obstructions or erections of any nature whatsoever which may at any time overhang encroach or be in or on the servient land and which may in any way endanger or interfere with the property operation of the said lines; and
- d) To enter into and upon the servient land and if necessary to cross the remainder of the said land for the purpose of access and regress to and from the servient land for all or any of the above purposes with or without all necessary plant equipment and vehicles of every kind.

**SECONDLY** the benefit of a covenant for Aurora Energy Pty Ltd and its successors with the registered proprietor's for themselves and their successor in title of the servient land not to erect any buildings or place any structures or objects that could interfere with the proper and safe operation of the said lines to the intent that the burden of the covenant may run with and bind the servient land and every part thereof and that the benefit thereof may be annexed to the easement first hereinbefore described.

"Cable Easement" means the full right for Kingborough Council, Telstra Corporation Limited (ACN 051775556), Aurora Energy Pty Ltd (ACN 082464622) and the Crown to lay use and maintain forever water mains, pipes, drains, mains, channels, gutters, sewers, wires, cables and other conducting media such size and number as shall from time to time be required in the strips of land marked "Wayleave and Cable Easement" and the right for their surveyors and workmen from time to time and at all times hereafter to enter into and upon the said strips of land marked "Wayleave and Cable Easement" such material, machinery and other things as it shall think fit to inspect the condition thereof and to repair, amend and cleanse PROVIDED THAT any damage occasioned thereby shall be made good.

"Embankment Easement" means the right for a highway authority to maintain the slope or bank and the stability of adjoining land below a highway to ensure the highway does not collapse onto that land.

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 6 OF 10 PAGES	Registered Number <b>SP162233</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd FOLIO REFERENCE: CT132210/1; CT157536/1; CT127460/1; CT132209/1	

"Fire Trail Easement" means full and free right for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominate tenement or any part thereof with which the right shall be capable of enjoyment, and every person authorised by him/her to use, go on, pass and re pass, with or without machinery for the purposes of: (a) cutting down or otherwise removing vegetation, (b) for drawing water; or (c) for any other purpose associated with minimising a bush fire or the threat of a bushfire; from time to time and at all times hereafter if he/she or they should think fit.

Covenants hereon deleted by me pursuant to Request to Amend No. C967108 made under Section 103 of the Local Government (Building & Miscellaneous Provisions) Act 1993

## COVENANTS

10 / 12 / 2012 *Misc Kawa*  
Recorder of Titles

~~Lots 6 & 100 on the plan formerly comprised in Lot 1 on SP157536 are each subject to the restrictive covenants created by and more fully set forth in Sealed Plan 157536.~~

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 7 OF 10 PAGES	Registered Number <b>SP162233</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd FOLIO REFERENCE: CT132210/1; CT157536/1; CT127460/1; CT132209/1	

Executed by **Dreimann Developments Pty Ltd** )  
 one of the registered proprietors of the land comprised in )  
 Certificate of Title Volume 132210 Folio 1 )  
 In accordance with s127 of the Corporations Act 2001 )

Mark Andrew Dreimann  
Director/Secretary

Susan Marguerite Dreimann  
Director

Executed by **AJ & JA Beadle Pty Ltd** )  
 one of the registered proprietors of the land comprised in )  
 Certificate of Title Volume 132210 Folio 1 )  
 In accordance with s127 of the Corporations Act 2001 )

Julie Ann Beadle  
Director/Secretary

Andrew John Beadle  
Director

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 8 OF 10 PAGES	Registered Number <b>SP162233</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd FOLIO REFERENCE: CT132210/1; CT157536/1; CT127460/1; CT132209/1	

Signed by **KIM MAREE RETIG**  
 one of the registered proprietors  
 of the land comprised in  
 Certificate of Title Volume 147102 Folio 1  
 In the presence of

*(Kim Maree Retig)*

Witness:

Name:

Address:

Occupation:

*N.E. Osborn*

*NICHOLAS E. OSBORN*

*326 HOWDEN RD HOWDEN*

*Comp. DIRECTOR*

Signed by **JOHN WILLIAM RETIG**  
 one of the registered proprietors  
 of the land comprised in  
 Certificate of Title Volume 147102 Folio 1  
 In the presence of

*(John William Retig)*

Witness:

Name:

Address:

Occupation:

*N.E. Osborn*

*NICHOLAS E. OSBORN*

*326 HOWDEN RD HOWDEN*

*Comp. DIRECTOR*

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 9 OF 10 PAGES	Registered Number <b>SP162233</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd FOLIO REFERENCE: CT132210/1; CT157536/1; CT127460/1; CT132209/1	

Signed by **BRUCE SAMUEL HOUSE** )  
 the registered proprietor )  
 of the land comprised in )  
 Certificate of Title Volume 132209 Folio 1 )  
 In the presence of )

Witness: *Rebecca Lodge*

Name: Rebecca Lodge

Address: 50 Victoria Street, Hobart

Occupation: law clerk

Public Copy

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 10 OF 10 PAGES	Registered Number <b>SP162233</b>
SUBDIVIDER: AJ & JA Beadle Pty Ltd & Dreimann Developments Pty Ltd FOLIO REFERENCE: CT132210/1; CT157536/1; CT127460/1; CT132209/1	

Signed by YVONNE EDNA HILARY HOUSE )  
 the registered proprietor )  
 of the land comprised in )  
 Certificate of Title Volume 127460 Folio 1 )  
 In the presence of )

Witness:

Name:

Address:

Occupation:

D.J.L.

David Lees

9 Victoria street  
Hobart TAS

Legal Practitioner

House -

Public Copy

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

PROPOSED NEW DWELLING  
at No. 14 BONNIE VALE RD  
HOWDEN, 7000  
for CLIENT

DE JOB #  
0000

ISSUE: PLANNING APPROVAL SET - 22.02.2024

DWG. No.	DRAWING	ISSUE
0000 - A01	DRAWING INDEX	C
0000 - A02	SITE PLAN	C
0000 - A03	PROPOSED SITE COVERAGE PLAN	C
0000 - A04	PROPOSED FLOOR PLAN	C
0000 - A05	ELEVATIONS 01 OF 02	C
0000 - A06	ELEVATIONS 02 OF 02	C
0000 - A07	PROPOSED SHED PLAN & ELE	C

WILLDESIGN

AWARD WINNING DESIGNERS

CONTACT DETAILS  
PO BOX 471  
KINGSTON, TAS, 7051  
PHONE: 0427 866 789

THIS DESIGN IS COPYRIGHT WILLDESIGN.  
THIS DESIGN IS PROTECTED UNDER  
COPYRIGHT LAWS AND CANNOT BE  
REPRODUCED WITHOUT THE WRITTEN  
CONSENT OF WILLDESIGN.

NOTES  
WET AREAS TO COMPLY WITH BCA PART 3.8.1  
BRICKWORK TO COMPLY WITH AS 3700 AND BCA PART 3.3.  
WC DOORS TO COMPLY WITH BCA PART 3.8.3.3.  
DOWNPIPES, HWS, AND SIMILAR 25mm CLEAR OF PART "B".  
ALL EXTERNAL CONCRETE SLABS OR PAVING 75mm BELOW WEEPHOLES.  
WINDOW & DOOR SIZES NOMINAL ONLY. REFER TO WINDOW MANUFACTURES SPECIFICATION

CONTRACT APPROVAL  
AS PER CONDITIONS OF CONTRACT, THESE DRAWINGS ARE A PRECISE REPRESENTATION OF WHAT IS TO BE BUILT AND ITEMS NOT SHOWN ON THIS DOCUMENT OR IN SPECIFICATION ARE DEEMED NOT TO BE PART OF THE CONTRACT.  
  
I/WE APPROVE THESE DRAWINGS CORRECT AS PER CONTRACT  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

AMENDMENTS

NO	DATE	DRAWN	REVISION
1.	22.10.2023	TW	A
2.	21.05.2024	TW	B
3.	08.06.2024	TW	C
4.	10.09.2024	TW	D

CLIENT  
Dylan and Renee Perryman

ADDRESS  
14 BONNIE VALE RD  
HOWDEN, 7000

HOME DESIGN

DESIGNER	LICENCE NO.	DATE
---	---	22.02.2024

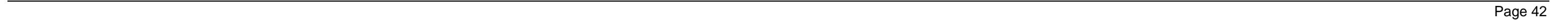
SCALE	PLEASE NOTE:
N/A	DO NOT SCALE DRAWINGS. DIMENSIONS TAKE PRECEDENCE




SHEET NO.	JOB NO.
A01	0000

Document Set ID: 4511286  
Version: 1, Version Date: 11/09/2024


Page 40

Document Set ID: 4516579  
Version: 1, Version Date: 24/09/2024



LEGEND	
MARK	DESCRIPTION
	90mm STUDWORK WALL (internal wall).
	140mm STUDWORK WALL (external wall).
	BRICK VENEER WALL (external wall).

PROPOSED FLOOR AREA	
PROPOSED FLOOR (USABLE) AREA	± 248 sqm.

KEY	
MARK	DESCRIPTION
 smoke alarm	PHOTOELECTRIC SMOKE ALARM (HARD WIRED) TO COMPLY WITH BCA 3.7.2 & AS 3786 (must be interconnected where there is more than one alarm).

SETOUT NOTES	
1. USE WRITTEN DIMENSIONS ONLY, DO NOT SCALE DRAWINGS. 2. ALL LEVELS, DATUMS & DIMENSIONS SHALL BE VERIFIED ON-SITE BEFORE COMMENCING ANY WORK OR SHOP DRAWINGS. ANY ANOMALIES ARE TO BE DIRECTED TO THE DESIGNER.	

FLOOR FINISHES	
MARK	DESCRIPTION
CP	CARPET. FINISH: TBC
BC	BRUSHED CONCRETE
FTF	FLOATING TIMBER FLOORING. FINISH: TBC
Ti	TILES FINISH: TBC

PROPOSED FLOOR PLAN

WILLDESIGN

AWARD WINNING DESIGNERS

CONTACT DETAILS

PO BOX 471  
KINGSTON, TAS, 7051  
PHONE: 0427 866 789

THIS DESIGN IS COPYRIGHT WILLDESIGN.  
THIS DESIGN IS PROTECTED UNDER  
COPYRIGHT LAWS AND CANNOT BE  
REPRODUCED WITHOUT THE WRITTEN  
CONSENT OF WILLDESIGN.

NOTES

WET AREAS TO COMPLY WITH BCA PART 3.8.1  
BRICKWORK TO COMPLY WITH AS 3700 AND BCA PART  
3.3.  
WC DOORS TO COMPLY WITH BCA PART 3.8.3.3.  
DOWNPIPES, HWS, AND SIMILAR 25mm CLEAR OF PART  
"B".  
ALL EXTERNAL CONCRETE SLABS OR PAVING 75mm  
BELOW WEEPHOLES.  
WINDOW & DOOR SIZES NOMINAL ONLY. REFER TO  
WINDOW MANUFACTURES SPECIFICATION

CONTRACT APPROVAL

AS PER CONDITIONS OF CONTRACT, THESE DRAWINGS  
ARE A PRECISE REPRESENTATION OF WHAT IS TO BE  
BUILT AND ITEMS NOT SHOWN ON THIS DOCUMENT OR  
IN SPECIFICATION ARE DEEMED NOT TO BE PART OF  
THE CONTRACT.

I/WE APPROVE THESE DRAWINGS CORRECT AS PER  
CONTRACT

SIGNATURE	DATE
SIGNATURE	DATE

AMENDMENTS

NO	DATE	DRAWN	REVISION
1.	22.10.2023	TW	A
2.	21.05.2024	TW	B
3.	08.06.2024	TW	C
4.	10.09.2024	TW	D

CLIENT

Dylan and Renee Perryman

ADDRESS

14 BONNIE VALE RD  
HOWDEN TAS 7054

HOME DESIGN

PROPOSED NEW DWELLING

DESIGNER	LICENCE NO.	DATE
TW	---	22.02.2024
SCALE	PLEASE NOTE:	
AT A3 1:100	DO NOT SCALE DRAWINGS. DIMENSIONS TAKE PRECEDENCE	
SHEET NO.	JOB NO.	
A04	0000	

[illegible]

EXTERNAL FINISHES	
1	PROPOSED 13° COLORBOND ROOF. FINISH: NIGHT SKY.
2	PROPOSED 5° COLORBOND ROOF. FINISH: NIGHT SKY.
3	PROPOSED SILVERTOP ASH SHIPLAP CLADDING OR SIMILAR.
4	PROPOSED F.C. FINE TEXTURE CLADDING. FINISH: SURF MIST.
5	PROPOSED 1200 ± HIGH BLOCKWORK RETAINING WALL.
6	PROPOSED TILT UP PANEL GARAGE DOOR. FINISH: NIGHT SKY.
7	PROPOSED DOUBLE GLAZED DOOR AND WINDOWS. FINISH: NIGHT SKY.
8	PROPOSED PERGOLA SYSTEM. HARDIE TEX BASE SHEET. CLADDING. FINE TEXTURE. FINISH: BLACK.
9	PROPOSED BRICKWORK. FINISH: WHITE BRICK. LIGHT GREY MORTAR.
10	PROPOSED ENTRY DOOR - TIMBER. FINISH: NATURAL FINISH.
11	PROPOSED VERTICAL AXON CLADDING. FINISH: NIGHT SKY.
12	PROPOSED TINT. PREVENTATIVE BIRD STICK TINTING AS PER COVENANT 1.
13	TIMBER PRIVACY SCREEN 1700mm HIGH.
14	BALUSTRADE AT 1000mm Min.

LEGEND	
ex.	- EXISTING WINDOW / DOOR.
F.	- FIXED WINDOW.
A.	- AWNING WINDOW.
G.	- GLAZED HINGED DOOR.
S.	- SLIDING WINDOW.
Op.	- OPAQUE GLAZING.

**PROPOSED ELEVATION 02 OF 02**

**PROPOSED ELEVATION 03**

**LEGEND**


- ex. - EXISTING WINDOW / DOOR.
- F. - FIXED WINDOW.
- A. - AWNING WINDOW.
- G. - GLAZED HINGED DOOR.
- S. - SLIDING WINDOW.
- Op. - OPAQUE GLAZING.

**NOTES**

- PROPOSED 13° COLORBOND ROOF. FINISH: NIGHT SKY.
- PROPOSED 5° COLORBOND ROOF. FINISH: NIGHT SKY.
- PROPOSED SILVERTOP ASH SHIPLAP CLADDING OR SIMILAR.
- PROPOSED F.C. FINE TEXTURE CLADDING. FINISH: SURF MIST.
- PROPOSED 1200 ± HIGH BLOCKWORK RETAINING WALL.
- PROPOSED TILT UP PANEL GARAGE DOOR. FINISH: NIGHT SKY.
- PROPOSED DOUBLE GLAZED DOOR AND WINDOWS. FINISH: NIGHT SKY.
- PROPOSED PERGOLA SYSTEM. HARDIE TEX BASE SHEET. CLADDING. FINE TEXTURE. FINISH: BLACK.
- PROPOSED BRICKWORK. FINISH: WHITE BRICK. LIGHT GREY MORTAR.
- PROPOSED ENTRY DOOR - TIMBER. FINISH: NATURAL FINISH.
- PROPOSED VERTICAL AXON CLADDING. FINISH: NIGHT SKY.
- PROPOSED TINT. PREVENTATIVE BIRD STICK TINTING AS PER COVENANT 1.
- TIMBER PRIVACY SCREEN 1700mm HIGH.
- BALUSTRADE AT 1000mm Min.

<b>WILLDESIGN</b> AWARD WINNING DESIGNERS																						
<b>CONTACT DETAILS</b> PO BOX 471 KINGSTON, TAS, 7051 PHONE: 0427 866 789																						
<b>THIS DESIGN IS COPYRIGHT WILLDESIGN. THIS DESIGN IS PROTECTED UNDER COPYRIGHT LAWS AND CANNOT BE REPRODUCED WITHOUT THE WRITTEN CONSENT OF WILLDESIGN.</b>																						
<b>NOTES</b> WET AREAS TO COMPLY WITH BCA PART 3.8.1 BRICKWORK TO COMPLY WITH AS 3700 AND BCA PART 3.3. WC DOORS TO COMPLY WITH BCA PART 3.8.3.3. DOWNPIPES, HWS, AND SIMILAR 25mm CLEAR OF PART "B". ALL EXTERNAL CONCRETE SLABS OR PAVING 75mm BELOW WEEPHOLES. WINDOW & DOOR SIZES NOMINAL ONLY. REFER TO WINDOW MANUFACTURES SPECIFICATION																						
<b>CONTRACT APPROVAL</b> AS PER CONDITIONS OF CONTRACT, THESE DRAWINGS ARE A PRECISE REPRESENTATION OF WHAT IS TO BE BUILT AND ITEMS NOT SHOWN ON THIS DOCUMENT OR IN SPECIFICATION ARE DEEMED NOT TO BE PART OF THE CONTRACT. I/WE APPROVE THESE DRAWINGS CORRECT AS PER CONTRACT SIGNATURE _____ DATE _____ SIGNATURE _____ DATE _____																						
<b>AMENDMENTS</b> <table><tr><th>NO</th><th>DATE</th><th>DRAWN</th><th>REVISION</th></tr><tr><td>1.</td><td>22.10.2023</td><td>TW</td><td>A</td></tr><tr><td>2.</td><td>21.05.2024</td><td>TW</td><td>B</td></tr><tr><td>3.</td><td>08.06.2024</td><td>TW</td><td>C</td></tr><tr><td>4.</td><td>10.09.2024</td><td>TW</td><td>D</td></tr></table>			NO	DATE	DRAWN	REVISION	1.	22.10.2023	TW	A	2.	21.05.2024	TW	B	3.	08.06.2024	TW	C	4.	10.09.2024	TW	D
NO	DATE	DRAWN	REVISION																			
1.	22.10.2023	TW	A																			
2.	21.05.2024	TW	B																			
3.	08.06.2024	TW	C																			
4.	10.09.2024	TW	D																			
<b>CLIENT</b> <b>Dylan and Renee Perryman</b>																						
<b>ADDRESS</b> <b>14 BONNIE VALE RD</b> <b>HOWDEN TAS 7054</b>																						
<b>HOME DESIGN</b> <b>PROPOSED NEW DWELLING</b>																						
<b>DESIGNER</b> TW	<b>LICENCE NO.</b> ---	<b>DATE</b> 22.02.2024																				
<b>SCALE</b> AT A3 1:100	<b>PLEASE NOTE:</b> DO NOT SCALE DRAWINGS. DIMENSIONS TAKE PRECEDENCE																					
<b>SHEET NO.</b> <b>A06</b>	<b>JOB NO.</b> <b>0000</b>																					

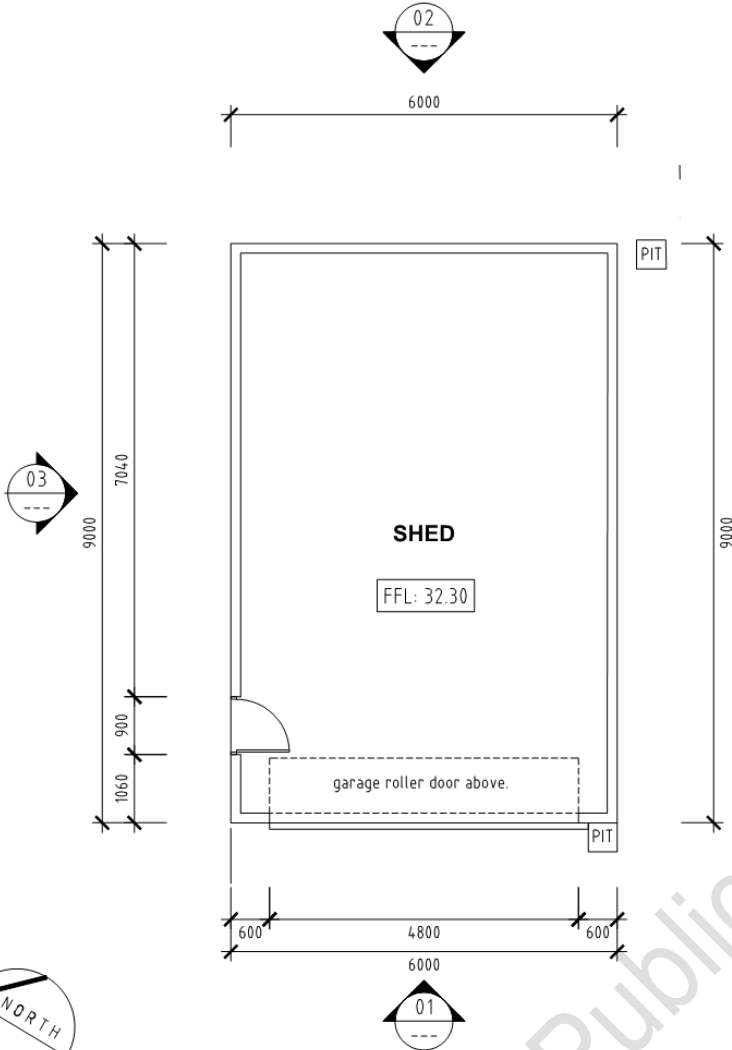
Document Set ID: 4511286

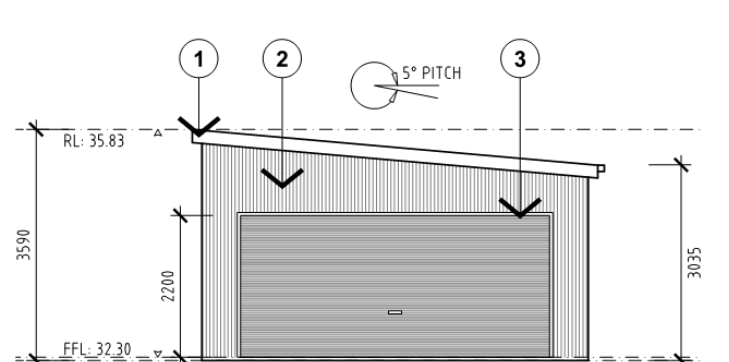
LEGEND	
MARK	DESCRIPTION
	90mm STUDWORK WALL (external wall).

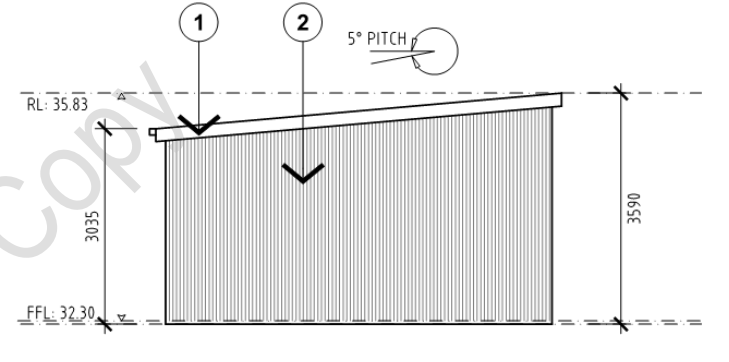
PROPOSED SHED FLOOR AREA
PROPOSED FLOOR (USABLE) AREA    = ± 54 sqm.

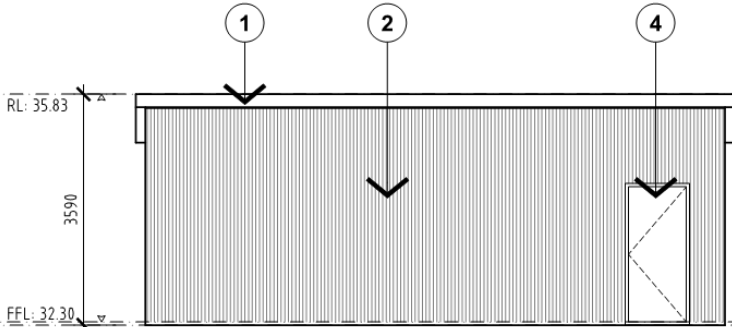
SETOUT NOTES
1. USE WRITTEN DIMENSIONS ONLY, DO NOT SCALE DRAWINGS. 2. ALL LEVELS, DATUMS & DIMENSIONS SHALL BE VERIFIED ON-SITE BEFORE COMMENCING ANY WORK OR SHOP DRAWINGS. ANY ANOMALIES ARE TO BE DIRECTED TO THE DESIGNER.

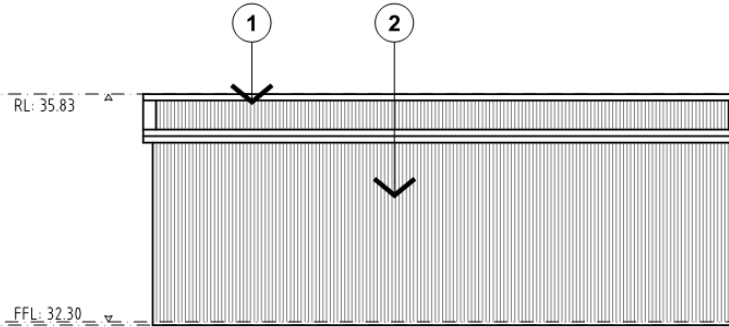
EXTERNAL FINISHES
<div>1</div> PROPOSED 5° COLORBOND ROOF. FINISH: NIGHT SKY.
<div>2</div> PROPOSED 5° COLORBOND CLADDING. FINISH: NIGHT SKY.
<div>3</div> PROPOSED GARAGE ROLLER DOOR.
<div>4</div> PROPOSED DOOR.

PROPOSED SHED FLOOR PLAN


PROPOSED ELEVATION 01


PROPOSED ELEVATION 02


PROPOSED ELEVATION 03


PROPOSED ELEVATION 04


<div>WILLDESIGN</div> <div>AWARD WINNING DESIGNERS</div>																				
<div>CONTACT DETAILS</div> <div>PO BOX 471 KINGSTON, TAS, 7051 PHONE: 0427 866 789</div>																				
<div>THIS DESIGN IS COPYRIGHT WILLDESIGN. THIS DESIGN IS PROTECTED UNDER COPYRIGHT LAWS AND CANNOT BE REPRODUCED WITHOUT THE WRITTEN CONSENT OF WILLDESIGN.</div>																				
<div>NOTES</div> <div> WET AREAS TO COMPLY WITH BCA PART 3.8.1  BRICKWORK TO COMPLY WITH AS 3700 AND BCA PART 3.3.  WC DOORS TO COMPLY WITH BCA PART 3.8.3.3.  DOWNPIPES, HWS, AND SIMILAR 25mm CLEAR OF PART "B".  ALL EXTERNAL CONCRETE SLABS OR PAVING 75mm BELOW WEEPHOLES.  WINDOW &amp; DOOR SIZES NOMINAL ONLY. REFER TO WINDOW MANUFACTURES SPECIFICATION </div>																				
<div>CONTRACT APPROVAL</div> <div> AS PER CONDITIONS OF CONTRACT, THESE DRAWINGS ARE A PRECISE REPRESENTATION OF WHAT IS TO BE BUILT AND ITEMS NOT SHOWN ON THIS DOCUMENT OR IN SPECIFICATION ARE DEEMED NOT TO BE PART OF THE CONTRACT.   I/WE APPROVE THESE DRAWINGS CORRECT AS PER CONTRACT  SIGNATURE _____ DATE _____  SIGNATURE _____ DATE _____ </div>																				
<div>AMENDMENTS</div> <table> <tr> <th>NO</th><th>DATE</th><th>DRAWN</th><th>REVISION</th></tr> <tr> <td>1.</td><td>22.10.2023</td><td>TW</td><td>A</td></tr> <tr> <td>2.</td><td>21.05.2024</td><td>TW</td><td>B</td></tr> <tr> <td>3.</td><td>08.06.2024</td><td>TW</td><td>C</td></tr> <tr> <td>4.</td><td>10.09.2024</td><td>TW</td><td>D</td></tr> </table>	NO	DATE	DRAWN	REVISION	1.	22.10.2023	TW	A	2.	21.05.2024	TW	B	3.	08.06.2024	TW	C	4.	10.09.2024	TW	D
NO	DATE	DRAWN	REVISION																	
1.	22.10.2023	TW	A																	
2.	21.05.2024	TW	B																	
3.	08.06.2024	TW	C																	
4.	10.09.2024	TW	D																	
<div>CLIENT</div> <div>Dylan and Renee Perryman</div>																				
<div>ADDRESS</div> <div>14 BONNIE VALE RD HOWDEN TAS 7054</div>																				
<div>HOME DESIGN</div> <div>PROPOSED SHED PLAN &amp; ELE</div> <table> <tr> <th>DESIGNER</th><th>LICENCE NO.</th><th>DATE</th></tr> <tr> <td>TW</td><td>---</td><td>22.02.2024</td></tr> </table>	DESIGNER	LICENCE NO.	DATE	TW	---	22.02.2024														
DESIGNER	LICENCE NO.	DATE																		
TW	---	22.02.2024																		
<div>SCALE</div> <div>AT A3 1:100</div>	<div>PLEASE NOTE:</div> <div>DO NOT SCALE DRAWINGS. DIMENSIONS TAKE PRECEDENCE</div>																			
<div>SHEET NO.</div> <div>A07</div>	<div>JOB NO.</div> <div>0000</div>																			

Document Set ID: 4511286



PHILIP JACKSON-*Arborist & Tree Management Services*

Ref: howden.bonnievale14.aia

# ARBORICULTURAL IMPACT ASSESSMENT

## NEW DWELLING & ASSOCIATED INFRASTRUCTURE

14 BONNIE VALE DRIVE  
HOWDEN 7054

MAY 2024

Prepared for: DYLAN PERRYMAN

Prepared by: PHILIP JACKSON



P: 0447 759865

E: [tastreereports@gmail.com](mailto:tastreereports@gmail.com)

W: [www.tastreereports.com](http://www.tastreereports.com)

ABN 36 943 862547

Arboricultural Impact Assessment- 14 Bonnie Vale Drive, Howden

May 2024

## TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
1.0 INTRODUCTION	5
1.1 BACKGROUND	5
1.2 DOCUMENTS & PLANS REFERENCED	5
1.3 REPORT LIMITATIONS	5
2.0 THE SITE	6
3.0 THE SUBJECT TREES	7
3.1 TREES SUBJECT TO THE PROTECTION	7
4.0 TREES AND DEVELOPMENT (AS-4970)	7
4.1 TREE PROTECTION & STRUCTURAL ROOT ZONES	7
4.2 ACCEPTABLE INCURSIONS TO THE TREE PROTECTION ZONE.	8
4.3 ACCEPTABLE ENCROACHMENTS TO THE CANOPY	9
5.0 THE PROPOSED DEVELOPMENT	10
5.1 THE PROPOSAL	10
5.2 IMPACT ASSESSMENT	10
5.2.1 TREES TO BE REMOVED	10
5.2.2 TREES TO BE RETAINED	10
5.3 RECOMMENDATIONS	11
6.0 TREE PROTECTION SPECIFICATION	11
6.1 ARBORICULTURAL SUPERVISION	11
6.2 TREE REMOVAL	11
6.3 TREE PROTECTION	12
6.4 WORKING WITHIN TREE PROTECTION ZONES	14
6.5 CANOPY AND ROOT PRUNING	15
6.6 CONSTRUCTION OF VEHICULAR ACCESS WITHIN TPZs	15
6.7 INSTALLING SERVICES WITHIN TPZs	16
6.8 POLLUTION CONTROL WITHIN TPZs	17
6.9 LANDSCAPING WITHIN TPZ	17
APPENDIX 1: TREE PROTECTION PLAN	18
APPENDIX 2 – TREE SCHEDULE	20
APPENDIX 3 - ACCEPTABLE INCURSIONS TO THE TREE PROTECTION ZONE (TPZ)	22
APPENDIX 4 – METHODOLOGY	23
A1.0 QUALIFICATIONS	23
A1.1 GENERAL	23
A1.2 TREE HEALTH ASSESSMENT	23
A1.3 TREE STRUCTURE ASSESSMENT	24
A1.4 REMAINING LIFE EXPECTANCY (RLE)	24
REFERENCES	25
DISCLAIMER, ASSUMPTIONS, LIMITATIONS & COPYRIGHT	26

## EXECUTIVE SUMMARY

This Arboricultural Impact Assessment (AIA) has been prepared for Dylan Perryman, property owner of 14 Bonnie Vale Drive, Howden (the site) to support Council assessment of the proposed construction of a new dwelling & associated infrastructure at the site.

Five (5) individual trees at/adjacent to the site were assessed & are subject to this report. The subject trees comprise the Tasmania/Australian native tree species Black Gum (*Eucalyptus ovata*) & Black Sheoak (*Allocasuarina littoralis*).

All of the subject trees have a sufficiently large trunk diameter (>25cm) to be subject to the provisions of Covenant 5 of the subject property title. Accordingly all trees require Council approval before being removed. In addition **tree 2** has a sufficiently large trunk diameter (DBH) to be ascribed a "High/Very High Conservation Value" (HCV) as described in Kingborough Council Policy 6.10 "Biodiversity Offset Policy"

## RECOMMENDATIONS

1. **Remove trees 1, 2 & 3**
2. **Retain trees 4 & 5 and protect them accordance with the Tree Protection Specification in Section 6.**
3. **Conduct excavations for fence post footings by hand within the TPZ of tree 5, allowing sufficient flexibility in the fence design to allow for slight relocation of footing pads if roots are encountered that should not be cut (ie >40mm in diameter).**

## SUMMARY OF SITE ACTIVITIES REQUIRING ARBORICULTURAL INPUT

In accordance with the *Australian Standard, AS 4970-2009, Protection of Trees on Development Sites*, inspections should be conducted by the project arborist at the following key project stages:

- Prior to any work commencing on-site (including demolition, earthworks, or site clearing) and following the installation of tree protection.
- During any excavations, building works, and any other activities carried out within the TPZ of any tree to be retained & protected.
- A minimum of once per month during the construction phase.
- After all major construction has ceased, following the removal of tree protection.

It shall be the responsibility of the project manager to notify the Project Arborist prior to any works within the TPZ of any protected tree at a minimum of 48 hours' notice. To ensure the tree protection plan is implemented, hold points have been specified in the schedule of work below..

Construction Stage	Hold Point	Activity Summary	Trees Affected
Pre-Construction	1	<b>Pre-commencement meeting:</b> Meeting on site with all parties to agree protective measures. <i>Will be carried out before any significant site works begin.</i>	All trees
	2	<b>Installing/Altering Tree Protection:</b> Agreed tree protection measures will be installed and checked. Project Arborist advice will be sought before altering the position of tree protection. <i>Will be before any significant site works begin.</i>	Tree 4,5
Construction	3	Scheduled inspection of trees by the project arborist should be undertaken monthly during the construction period.	Tree 4,5
	4	<b>Excavation and works with SRZ/TPZs:</b> Project Arborist advice before any works, excavation, or significant roots are cut within TPZs	Tree 4
Post Construction	5	<b>Removing Tree Protection:</b> Tree Protection and fencing can only be removed when there is no risk of damage to retained tree	Tree 4,5

## 1.0 INTRODUCTION

### 1.1 Background

- 1.1.1 This Arboricultural Impact Assessment (AIA) has been prepared for Dylan Perryman, property owner of 14 Bonnie Vale Drive, Howden (the site) to support Council assessment of the proposed construction of a new dwelling & associated infrastructure at the site.
- 1.1.2 The purpose of this report is to determine the potential impact of the proposed works on relevant trees growing in the vicinity of the proposed works and where appropriate, make recommendations for amendments to the design or construction methods to minimise adverse impacts on them.
- 1.1.3 This report has been prepared in accordance and with reference to the objectives of the *Kingborough Interim Planning Scheme 2015* (The Scheme), *Kingborough Biodiversity Offset Policy 6.10, Nov. 2016* and the *Australian Standard for Protection of Trees on Development Sites AS4970* (The Standard). This report complies with '2.3.5 Arboricultural Impact Assessment' of The Standard.
- 1.1.4 I conducted a site inspection on 10<sup>th</sup> May 2024. Relevant inspection methods and background administrative information are presented in **Appendix 4**.

### 1.2 Documents & Plans Referenced

- 1.2.1 The conclusions and recommendations in this report are based on the findings from the site inspection, discussions with the client, and analysis of the following plans and documents:
- Architectural drawing set “ **Proposed New Dwelling - 14 Bonnie Vale Rd, Howden Tas 7054**” Prepared by: Willdesign; Dated: 12/06/23

### 1.3 Report Limitations

- 1.3.1 All plans are based on provided information, are illustrative and intended for design purposes only. They should only be used relating to tree issues and are not suitable for any other purpose. Although all data have been verified as far as possible there is no guarantee, nor responsibility for the accuracy of information provided by others.
- 1.3.2 Although a basic visual tree health and structural condition assessment was conducted as part of the site tree inspections, many factors may contribute to tree failure and cannot always be predicted and accordingly a tree's internal structural condition may not always correlate to visible external indicators. Where relevant, further detailed structural assessment of specific trees is recommended in the Tree Schedule (Appendix 2).
- 1.3.3 There is no warranty or guarantee, expressed or implied that problems or deficiencies regarding the subject tree(s) or the site may not arise in the future. Information contained in this report covers only the subject tree(s) assessed and reflects their health and structural condition at the time of inspection.

## 2.0 THE SITE



**Figure 1:** The Subject Site. Recent water & sewer mains installations are indicated in the council verge and the subject trees are indicated (Source –[www.maps.thelist.tas.gov.au](http://www.maps.thelist.tas.gov.au))

<b>Address</b>	14 Bonnie Vale Drive, Howden 7054
<b>Planning Scheme (The Scheme)</b>	<i>Kingborough Interim Planning Scheme 2015</i>
<b>Status</b>	Modified, Undeveloped
<b>PID/Title Ref</b>	9283515/ 55854/37 & 179428/1
<b>Zoning</b>	12.0 Low Density Residential
<b>Scheme Code Overlays</b>	<ul style="list-style-type: none"> <li>• Biodiversity Protection Area</li> <li>• Bushfire Prone Areas</li> </ul>

### 3.0 THE SUBJECT TREES

- 3.0.1 Five (5) individual trees at/adjacent to the site were assessed & are subject to this report. The subject trees comprise the Tasmania/Australian native tree species Black Gum (*Eucalyptus ovata*) & Black Sheoak (*Allocasuarina littoralis*) Relevant observations regarding the age class, dimensions, health, structural condition, Remaining Life Expectancy of the subject trees are presented in the Tree Schedule in **Appendix 2**.

#### 3.1 Trees Subject to the Protection

- 3.1.1 All of the subject trees have a sufficiently large trunk diameter (>25cm) to be subject to the provisions of Covenant 5 of the subject property title. Accordingly all trees require Council approval before being removed. In addition **tree 2** has a sufficiently large trunk diameter (DBH) to be ascribed a "High/Very High Conservation Value" (HCV) as described in Kingborough Council Policy 6.10 "Biodiversity Offset Policy" (Section A1.5 in **Appendix 4**). Accordingly this tree is also considered to have 'Moderate Priority Biodiversity Values' as set out in Table "E10.1- Priority Biodiversity Values" of The Scheme and should be retained and protected wherever practicable as prescribed in "E10.0 - Biodiversity Code" of The Scheme.

### 4.0 TREES AND DEVELOPMENT (AS-4970)

#### 4.1 Tree Protection & Structural Root Zones

- 4.1.1 *Australian Standard 4970 Protection of Trees on Development Sites (2009) (AS-4970)* outlines that a **Tree Protection Zone** (TPZ) should be created to protect a tree and its growing environment throughout the development process. The theoretical TPZ is calculated as a radial measurement based on twelve (12) times the tree's diameter at breast height (DBH) ( see figure 2 below). This formula is based on extensive research and is generally accepted within the arboricultural industry as being suitable for calculating areas designed to maintain the long term viability of trees on development sites.
- 4.1.2 The intention of the TPZ is to ensure protection of the root system and canopy from potential damage from construction works and ensure the long-term health and stability of each tree to be retained. Incursions to the root zone often occur due to excavations, changes in ground levels, (either lowering or raising the grade), trenching or other forms of soil disturbance such as ripping, grading or inverting the soil profile. Such works can cause damage or loss of part of the root system, leading to an adverse impact on the tree.
- 4.1.3 Ideally works should be avoided within the TPZ. Where works within the TPZ are unavoidable, exploratory excavation and/or root mapping can be undertaken to provide information on the size and number of roots located along a specified line of excavation. This information helps to identify the level of root damage that would result from an excavation and therefore the potential impact the works may have on the tree. Root sensitive design and construction techniques can then be specified based on the results of exploratory root trenching/mapping.

- 4.1.4 In addition to the TPZ, AS-4970 provides calculations to determine a tree's **Structural Root Zone (SRZ)**. The SRZ is described in AS-4970 as *"the area around the base of a tree required for the tree's stability in the ground. This zone considers a tree's structural stability only, not the root zone required to maintain the trees vigour and long-term viability, which will usually be a much larger area"*. Severance of structural roots (>25mm Ø) within the SRZ is not recommended as it may lead to the destabilisation and/or decline of the tree.
- 4.1.5 The TPZ & SRZ of the subject trees have been calculated in accordance with the AS-4970 and are included in the Tree Assessment Schedule (**Appendix 2**).

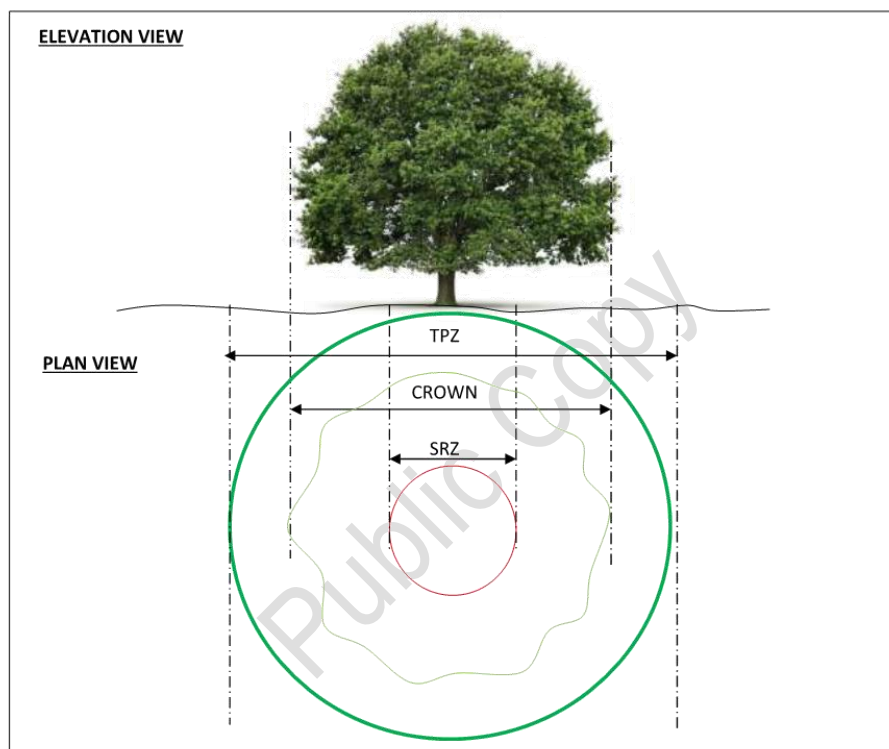


Figure 2: Indicative Tree Protection Zone and Structural Root Zone (AS-4970)

## 4.2 Acceptable Incursions to the Tree Protection Zone.

- 4.2.1 Where encroachment to the TPZ is unavoidable, an incursion to the TPZ of not exceeding 10% of the area of the TPZ and outside the SRZ can be acceptable. Greater incursions to the TPZ may result in an adverse impact on the tree. Indicative levels of root zone encroachment are shown in figure 3 below. Various examples of acceptable incursions are also shown in **Appendix 3**.
- 4.2.2 Where incursions greater than 10% of the TPZ are unavoidable, exploratory excavation using non-destructive methods may be required to evaluate the extent of the root system affected and determine whether or not the tree can remain viable.

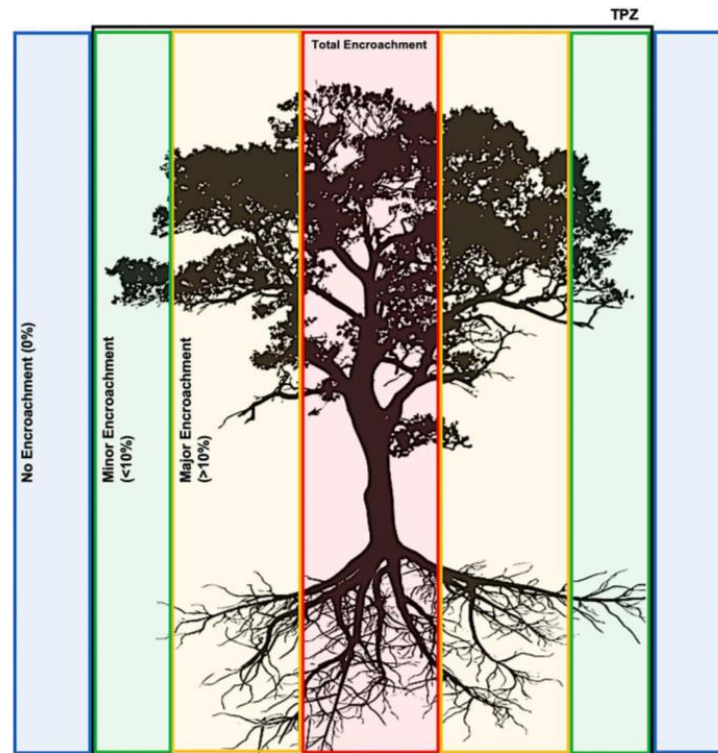


Figure 3: Indicative levels of root zone encroachment

- 4.2.3 Trees wholly within proposed construction footprints are generally recommended for removal. Similarly, trees with their SRZ and/or with greater than 25% of their TPZ impacted by construction are also generally recommended for removal unless they are subject to regulatory protection. **However different types of construction incursions (e.g. fill, cut, services, pavement type, retaining walls) produce varying likely tree impacts and each situation must be assessed in its own context and with consideration of the possible application of alternative construction method.** Existing constraints to root development also vary the TPZ. Compacted fill can be equally as damaging to tree longevity as root development is restricted within heavily compacted soils.

### 4.3 Acceptable Encroachments To The Canopy

- 4.3.1 The removal of a small portion of the crown (foliage and branches) is generally tolerable provided that the extent of pruning required is less than 10% of the total foliage volume of the tree and the removal of branches does not create large wounds or disfigure the natural form and habit of the tree. All pruning cuts must be undertaken in accordance with AS 4373-*Pruning of Amenity Trees*. This generally involves reduction of the affected branches back to the nearest branch collar at the junction with the parent branch, rather than at an intermediate point. The latter is referred to as "lopping" and is not an acceptable arboricultural practice. Generally speaking, the minimum pruning required as possible to accommodate any proposed works is desirable. Extensive pruning can result in a detrimental impact on tree health and may lead to exposure of remaining branches to wind forces that they were previously sheltered from, leading to a greater risk of branch failure.

## 5.0 THE PROPOSED DEVELOPMENT

### 5.1 The Proposal

5.1.1 The components of the proposed development relevant to this AIA include:

- Construction of a new driveway/hardstand including cut & fill to achieve design levels, subgrade material deposition & compaction, new surfacing.
- Construction of a blockwork retaining wall at the extent of the proposed cut along the sites northeastern property boundary

### 5.2 Impact Assessment

5.2.1 The intention of this assessment is to evaluate the likely impact of the proposed works on the subject tree(s). A summary of the likely impact of the proposed works on the subject trees is shown in the Tree schedule **Appendix 2**. The following details have been considered as part of this assessment:

- Existing Relative Levels (R.L);
- Tree Protection Zone (TPZ);
- Structural Root Zone (SRZ);
- Footprint and envelope of the proposed works;
- Incursions to the TPZ & SRZ,
- Incursions to the tree canopy;
- Assessment of the likely impact of the works on existing tree(s).

#### 5.2.1 Trees To Be Removed

5.2.1.1 The proposed fill area at the new dwelling front entrance will result in an **unacceptable** level of encroachment (>40%) on the TPZ area of tree 1. The fill deposition will result in a change in soil level of up to 600mm across the tree's root zone leading to an adverse impact & the likely decline of the tree. **Accordingly tree 1 should be removed.**

5.2.1.2 Trees 2 & 3 are entirely within the proposed cut footprint. **Accordingly trees 2 & 3 should be removed.**

#### 5.2.2 Trees To Be Retained

5.2.2.1 Presumably a standard paling boundary fence will be constructed along the rear boundary of the subject property. If so, excavation for the fence post footings will occur within the TPZ of trees 4 & 5 including within the SRZ of tree 5. The level of encroachment on **tree 4** will be **acceptable**, with negligible impact. However, the works will have the potential to sever/damage significant roots of tree 5 leading to an adverse impact. In order to avoid root damage to tree 5 excavations for the fence post footings should be undertaken by hand in accordance with sub-item 6.4.1 of the Tree Protection Specification in Section 6. ***Specifically there should be sufficient flexibility in the fence design/ post locations to allow for slight relocation of footing pads if roots are encountered that should not be cut (ie >40mm in diameter).***

### 5.3 Recommendations

#### 5.3.1 Remove trees 1, 2 & 3

#### 5.3.2 Retain trees 4 & 5 and protect them accordance with the Tree Protection Specification in Section 6.

#### 5.3.3 Conduct excavations for fence post footings by hand within the TPZ of tree 5, allowing sufficient flexibility in the fence design to allow for slight relocation of footing pads if roots are encountered that should not be cut (ie >40mm in diameter).

## 6.0 TREE PROTECTION SPECIFICATION

6.0.1 The tree protection measures set out in this specification are supplemented by detailed general explanations and descriptions outlined in the compilation of “*Site Guidance Notes*” produced by Barrell Tree Consultancy and located on their website at <https://www.barrelltreecare.co.uk/resources/technical-guidance/>. These Site Guidance Notes (SGN) address a range of tree protection and management issues that regularly arise in the construction phase of development. Although the content of the SGNs is generally applicable to tree protection on construction sites worldwide, it should be noted that they are British documents and some terminology and/or references may differ or not be relevant to local conventions, standards and/or legislation. Where relevant, hyperlinks and QR codes to the relevant SGNs are provided at the end of particular sections.

### 6.1 Arboricultural Supervision

6.1.1 An Arborist (the Project Arborist) experienced in tree protection on construction sites and having gained a minimum arboricultural qualification of Australian Qualifications Framework (AQF) Certificate Level 5 (i.e diploma) should be engaged and the site specific requirements for tree protection fencing, temporary TPZ/SRZ access, and other specific tree protection measures confirmed through consultation between the Site Manager and the Project Arborist prior to the commencement of site establishment and construction work on the site. In addition the Project Arborist should oversee any excavation, machine trenching, compacted fill placement and other designated site specific activities within the TPZ/SRZ of all retained trees.

### 6.2 Tree Removal

6.2.1 Trees approved for removal as part of the Development Consent Conditions shall be removed prior to the establishment of the tree protection measures. Tree removal shall not damage the trees to be retained. Stumps located within the TPZs of trees to be retained shall be grubbed-out where required using a mechanical stump grinder (or by hand where less than 150mm in diameter) without damage to the root system of other trees. Where trees to be removed are within the SRZ of any trees to be retained, consideration should be given to cutting the stump close to ground level and retaining the root crown intact. **Stumps within the Tree Protection Zone of other trees to be retained shall not be pulled out using excavation equipment or similar.**

- 6.2.2 Tree removal works shall be undertaken in accordance with the Safe Work Australia “Guide To Managing Risks of Tree Trimming and Removal Work” (2016).

### 6.3 Tree Protection

- 6.3.1 The TPZ is the area surrounding retained trees that must be protected from any disturbance by the construction activity. In practice, TPZ establishment can be done by any combination of fencing, trunk protection &/or ground protection to be finalised and agreed to by the Project Arborist. Whether the TPZ is protected by fencing or trunk/ground protection, all the protective measures should be installed before the start of any site works that could affect trees. **No protective measures should be removed or temporarily dismantled without consulting the Project Arborist.** Furthermore, the condition of all the protective measures should be regularly monitored to ensure they remain fit for purpose. The main means of preventing damage to trees and their root zones in the TPZ/SRZ are fencing, barriers and ground protection. Where possible following activities should be avoided within specified Tree Protection Zones:-

- Excavations and trenching (with exception of approved works);
- Ripping or cultivation of soil;
- Mechanical removal of vegetation;
- Soil disturbance or movement of natural rock;
- Soil level changes including the placement of fill material
- Movement and storage of plant, equipment & vehicles;
- Erection of site sheds;
- Affixing of signage or hoardings to trees;
- Storage of building materials, waste and waste receptacles;
- Disposal of waste materials and chemicals including paint, solvents, cement slurry, fuel, oil and other toxic liquids;
- Other physical damage to the trunk or root system; and
- Any other activity likely to cause damage to the tree.

- 6.3.2 **Tree Protection Fencing:** Protective fencing shall be installed at the locations shown on the Tree Protection Plan in **Appendix 1** by a blue line. Where Tree Protection Zones merge a single fence encompassing the area is deemed to be adequate. The actual form of the fencing can vary, provided it is fit for purpose in that it **effectively physically restricts access and damaging activities within the TPZ/SRZ that it encloses for the duration of the proposed works** (see figure 4 below) and it is approved by the Project Arborist.

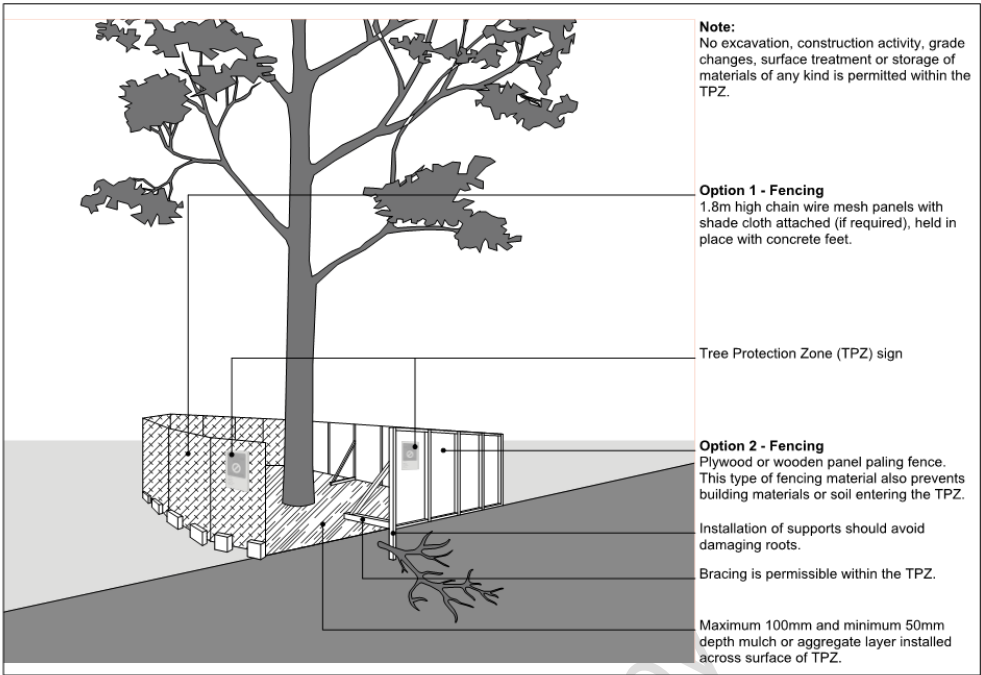


Figure 4- Tree Protection Fencing

6.3.3 **Tree Signage:** Appropriate signage shall be installed on the fencing to prevent unauthorised movement & or storage of plant and equipment or entry to the TPZ/SRZ (see figure 5 below). A sample Tree Protection Zone sign is attached to the back of this document.

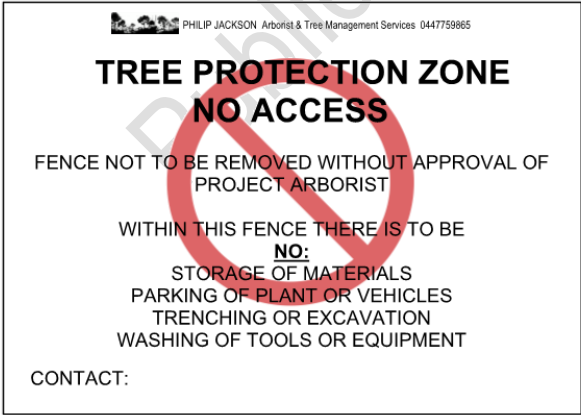


Figure 5- Appropriate Tree Protection Zone Signage

6.3.4 **Ground Protection:** If temporary access for machinery is required within the TPZ ground protection measures will be required. The purpose of ground protection is to prevent root damage and soil compaction within the TPZ. A range of methods can be used, including retaining existing hard surfacing or structures that already protect the soil, installing new materials, or a combination of both. Commonly employed methods include a permeable

membrane such as geotextile fabric beneath a 100mm layer of hardwood mulch or crushed rock below rumble boards. **Whatever the choice of method, the end result must be that the underlying soil (rooting environment) remains undisturbed and retains the capacity to support existing and new roots.**

- 6.3.5 More detailed illustrative guidance on ground protection in TPZs can be accessed via the following hyperlink and QR codes:

<https://www.barrelltreecare.co.uk/resources/technical-guidance/sgn03?stage=Stage>

- 6.3.6 **Tree damage:** In the event of a protected tree becoming damaged for any reason during the works period the Project Arborist shall be required to inspect and provide advice on any remedial action to minimise any adverse impact. Such remedial action shall be implemented as soon as practicable and certified by the arborist.

## 6.4 Working Within Tree Protection Zones

- 6.4.0 In some cases works within the TPZ may be authorized. **These works shall be supervised by, or at a minimum notified to, the Project Arborist.** When undertaking works within the TPZ, care should be taken to avoid damage to the tree's root system, trunks and lower branches.

### 6.4.1 General Excavation & Dealing With Roots

- 6.4.1.1 **Prior to any mechanical excavations for building/wall or post footings or foundations, batter cuts or pavement sub-grade** within the Tree Protection Zone of all trees nominated for retention, exploratory excavation using non-destructive techniques shall be undertaken at the proposed footing site or along the perimeter of the structure or pavement within the TPZ. Non-destructive excavation techniques may include the use of hand-held implements, air pressure (using an Air-spade® device) or water pressure. For walls or slabs the exploratory excavation shall be undertaken along the perimeter of the foundation or pavement (within the TPZ) to the depth of the foundation or to a maximum of 800mm from surface levels, to locate and expose any woody roots prior to any mechanical excavation. All care shall be undertaken to preserve woody roots intact and undamaged during exploratory excavation.
- 6.4.1.2 Any located roots less than 40mm in diameter can be cleanly severed with clean sharp pruning implements 10–20cm behind the final face of the excavation. The root zone in the vicinity of the excavation shall be kept moist following excavation for the duration of construction to minimise stress on the tree. **Where large woody roots (greater than 40mm diameter) are encountered during excavations, further advice from the Project Arborist shall be sought prior to severance.**
- 6.4.1.3 Where necessary, (to avoid severing large amounts of woody and or fibrous roots) consideration should be given to the installation of an elevated structure (e.g. pier and beam footing, suspended slab or floor supported on piers, cantilevered slab, up-turned edge beam etc) in preference to structures requiring a deep edge beam or continuous perimeter strip footing. The beam section of any pier and beam footing should be placed **above** grade to avoid excavation within the SRZ. Pier footings intersecting large woody roots should be slightly offset where necessary to avoid root severance.

#### 6.4.2 Fill Material

- 6.4.2.1 Placement of fill material within the Tree Protection Zone of trees to be retained should be avoided wherever possible. Where placement of fill is unavoidable, the material should be a well-drained friable material, equivalent in texture to the existing site topsoil material (heavy clay or shale sub- soil material is unacceptable). The fill should be free from rocks, vegetation and other extraneous material complying with AS 4419:2003 (*Soils for Landscaping and Garden Use*). The fill may be consolidated but should not be compacted to engineering standards. No fill material should be placed in direct contact with the trunk. Plant and equipment used to place and spread fill material should be stationed outside the TPZ where possible. Where not possible, suitable ground protection should be installed in accordance to avoid compaction of the underlying soil.

#### 6.5 Canopy And Root Pruning

- 6.5.1 All pruning work required shall be carried out in accordance with Australian Standard 4373- – *Pruning of Amenity Trees*. The arborist undertaking the pruning works shall possess a minimum arboricultural qualification of Australian Qualifications Framework (AQF) Level 3 or its recognised equivalent. The arborist should have a minimum of 3 years' experience in practical Arboriculture. Pruning work should be undertaken in accordance with *Australian Standard 4373: Pruning of Amenity Trees (2007)*, *Workcover Code of Practice for the Amenity Tree Industry (1998)* and other applicable legislation and codes.
- 6.5.2 Care shall be taken when operating cranes, excavators, drilling rigs and similar equipment near trees to avoid damage to tree canopies (foliage and branches). ***Under no circumstances shall branches be torn-off by construction equipment. Where there is potential conflict between tree canopy and construction activities, the advice of the Project Arborist must be sought.***
- 6.5.3 Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using Hessian material or mulch where practical.

#### 6.6 Construction of Vehicular Access Within TPZs

- 6.6.1 ***Basic principles:*** New vehicle accesses & footpaths are potentially damaging to trees because it may require changes to existing ground levels, result in localised soil structure degradation and/or disrupt the efficient exchange of water and gases in and out of the soil. Mature and over-mature trees are much more prone to suffer because of these changes than young and maturing trees. Adverse impact on trees can be reduced by minimising the extent of these changes in TPZs. Generally, the most suitable surfacing will be relatively permeable to allow water and gas movement, load spreading to avoid localised compaction and require little or no excavation to limit direct damage. ***The actual specification of the access material is an engineering issue that needs to be considered in the context of the bearing capacity of the soil, the intended loading and the frequency of loading. The detail of product and specification are beyond the scope of this guidance and must be provided separately by the appropriate specialist.***
- 6.6.2 ***Establishing the depth of excavation and surfacing gradient:*** The precise location and depth of roots within the soil is unpredictable and will only be known when careful digging starts on site. Ideally, all new surfacing in TPZs should be no-dig, i.e. requiring no excavation whatsoever, but this is rarely possible on undulating surfaces. New surfacing normally

requires an evenly (gap) graded sub-base layer, which can be made up to any high points with granular, permeable fills such as crushed stone or sharp sand. This sub-base must not be compacted as would happen in conventional surface installation. Some limited excavation is usually necessary to achieve this and need not be damaging to trees if carried out carefully and large roots are not cut. On undulating surfaces, finished gradients/levels must be planned with sufficient flexibility to allow on-site adjustment if excavation of any high points reveals large unexpected roots near the surface.

- 6.6.3 If the roots exposed are less than 50mm in diameter, it would normally be acceptable to cut them and the gradient formed with the preferred minimal excavation of up to 50mm. However, if roots over 50mm in diameter are exposed, cutting them may be too damaging and further excavation may not be possible. If that is the case, the surrounding levels must be adjusted to take account of these high points by filling with suitable material. If this is not practical and large roots have to be cut, the situation should be discussed with the Project Arborist before a final decision is made.
- 6.6.4 **Base and finishing layers (Fill Material):** Sub-base should be formed from coarse, gap-graded material such as 20–50mm crushed basalt (Blue Metal) or equivalent to provide some aeration to the root zone. Note that road-base or crushed sandstone or other material containing a high percentage of fines is unacceptable for this purpose. The fill material should be consolidated with a non-vibrating roller to minimise compaction of the underlying soil. A permeable geotextile may be used beneath the sub-base to prevent migration of the stone into the sub-grade. Suitable surface finishes usually include washed gravel, permeable tarmac such as asphalt or permeable block paving set on a sand base. In certain circumstances the load spreading sub-base will be cellular and filled with suitable materials. ***(See below for illustrative guidance for installing cellular confinement surfacing within TPZs).***
- 6.6.5 **Edge retention:** Conventional kerb edge retention set in concrete filled excavated trenches is likely to result in damage to roots and should be avoided. Effective edge retention in TPZs must be custom designed to avoid any significant excavation into existing soil levels. For most surfaces, the use of pre-formed edging secured by metal pins or wooden pegs is normally an effective way of minimising any adverse impact on trees from the retention structure. Railway sleepers pinned in place or wooden boards offer alternative options, depending on the expected loading of the surfacing. If the edge retention needs to be battered down to lower surrounding ground levels, a permeable soil fill will be used, as agreed with the Project Arborist.
- 6.6.6 **New Surfacing Near Trunks:** All new surfacing should be set back from trunks and buttress roots by at least 50cm to allow space for future growth and minimise the risk of distortion.
- 6.6.7 More detailed illustrative guidance on installing/upgrading surfacing in TPZs can be accessed via the following hyperlink and/or QR code:

<https://www.barrelltreecare.co.uk/resources/technical-guidance/sgn09?stage=Stage>

## 6.7 Installing Services Within TPZs

- 6.7.1 All proposed stormwater lines and other underground services should be located outside TPZs of trees proposed to be retained wherever possible or installed by alternative measures. Alternative measures include suspending pipelines beneath the floor of a building or structure

(to avoid excavation with the TPZ), non-destructive excavation methods or Horizontal Directional Drilling (HDD). Where the installation of service lines within TPZs is unavoidable, the pipelines or conduits should be installed as follows:

- 6.7.2 Where the extent of the incursion to the root zone is less than 10% of the TPZ including any excavations for benching and shoring the trench, the pipeline or conduit may be installed by open trenching using standard construction methods (excavator or trenching machine).
- 6.7.3 Where the extent of the incursion to the root zone exceeds 10% of the TPZ, but is outside the SRZ, non-destructive excavation methods must be adopted in accordance with paragraph 6.5.1. Where large woody roots are encountered during excavation or trenching (root diameter greater than 50mm), these shall be retained intact wherever possible (e.g. by tunnelling beneath roots and inserting the pipeline or conduit beneath or re-routing the service etc). Where this is not practical and root pruning is the only alternative, proposed root pruning should be assessed by a qualified arborist [AQF 5] to evaluate the potential impact on the health and stability of the subject tree.
- 6.7.4 More detailed illustrative guidance on installing services in TPZs can be accessed via the following hyperlink and/or QR code

<https://www.barrelltreecare.co.uk/resources/technical-guidance/sgn11?stage=Stage>

## **6.8 Pollution Control Within TPZs**

- 6.8.1 Detailed illustrative guidance on pollution control in TPZs can be accessed via the following hyperlink and/or QR code:

<https://www.barrelltreecare.co.uk/resources/technical-guidance/sgn4-v3/>

## **6.9 Landscaping Within TPZ**

- 6.9.1 Detailed illustrative guidance on landscaping in TPZs can be accessed via the following hyperlink:

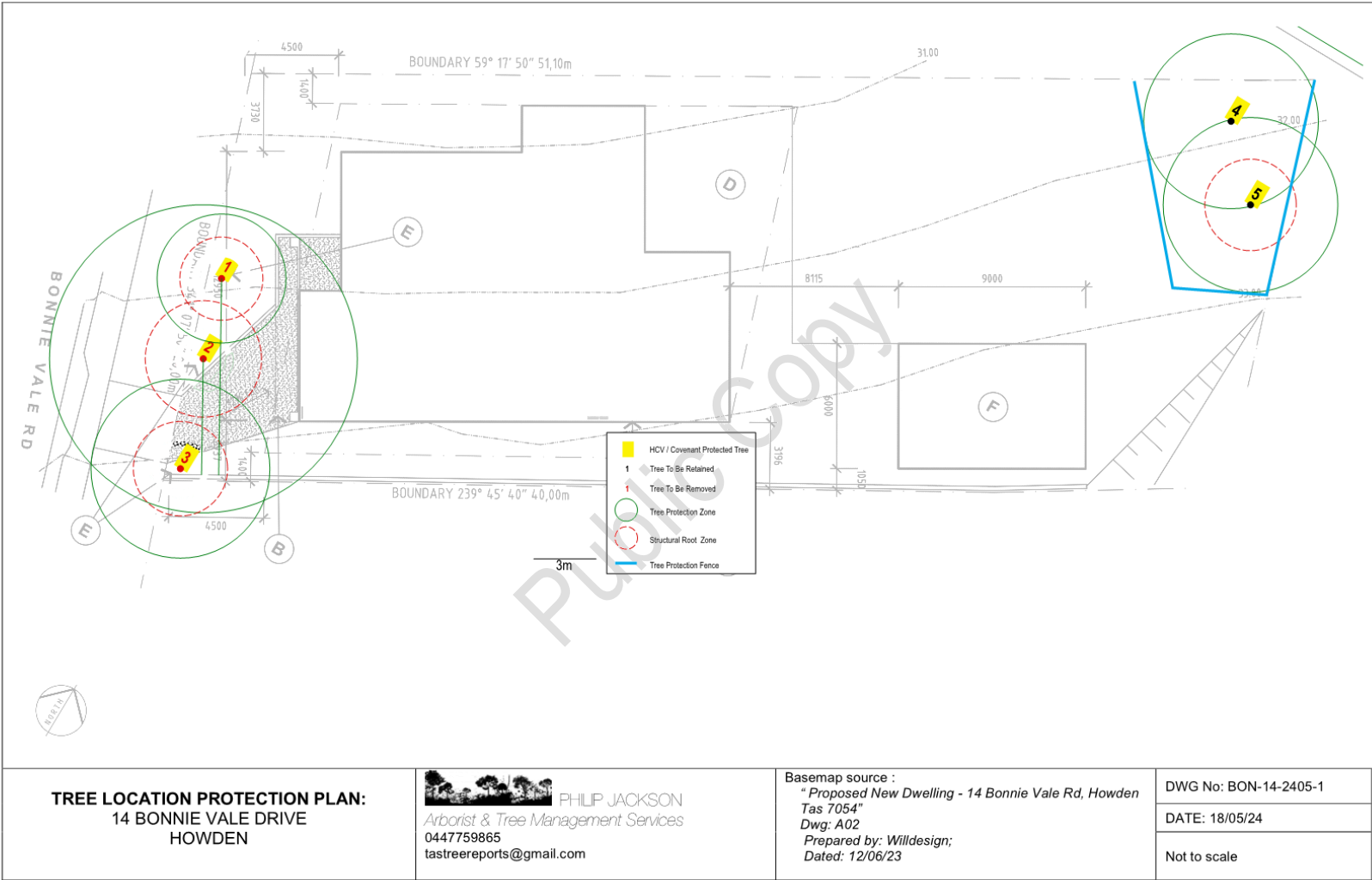
<https://www.barrelltreecare.co.uk/resources/technical-guidance/sgn12-v3/>

## APPENDIX 1: TREE PROTECTION PLAN

Public Copy

Arboricultural Impact Assessment- 14 Bonnie Vale Drive, Howden

May 2024



Arboricultural Impact Assessment- 14 Bonnie Vale Drive, Howden

May 2024

## APPENDIX 2 – TREE SCHEDULE

### NOTES:

**Age Class:** Y = young, SM = semi-mature, EM = early-mature, M = mature, PM = post-mature (senescent)

**Height: Class:** 0-5m; 6-10m; 11-15m; 16-20m; 21-25m; >25m

**DBH:** Diameter at Breast Height

**DAB:** diameter of base measure at point above basal flare

**TPZ** = Tree Protection Zone

**SRZ** = Structural Root Zone

**Overall Vitality:** G= Good; M=Moderate; P=Poor; Mo= Moribund; D= Dead

**Overall Structure:** G = Good; F = Fair; P = Poor; D= Dead.

**Remaining Life Expectancy** L =Long (>40 years); M=Medium (15-40 years); S=Short (5-15 years) ; T=Transient (< 5 years)

**Conservation Value &/or Covenant Protection** VH= Very High; H= High (see Section A1.5 in Appendix 4); C5= Covenant 5 on Property Title

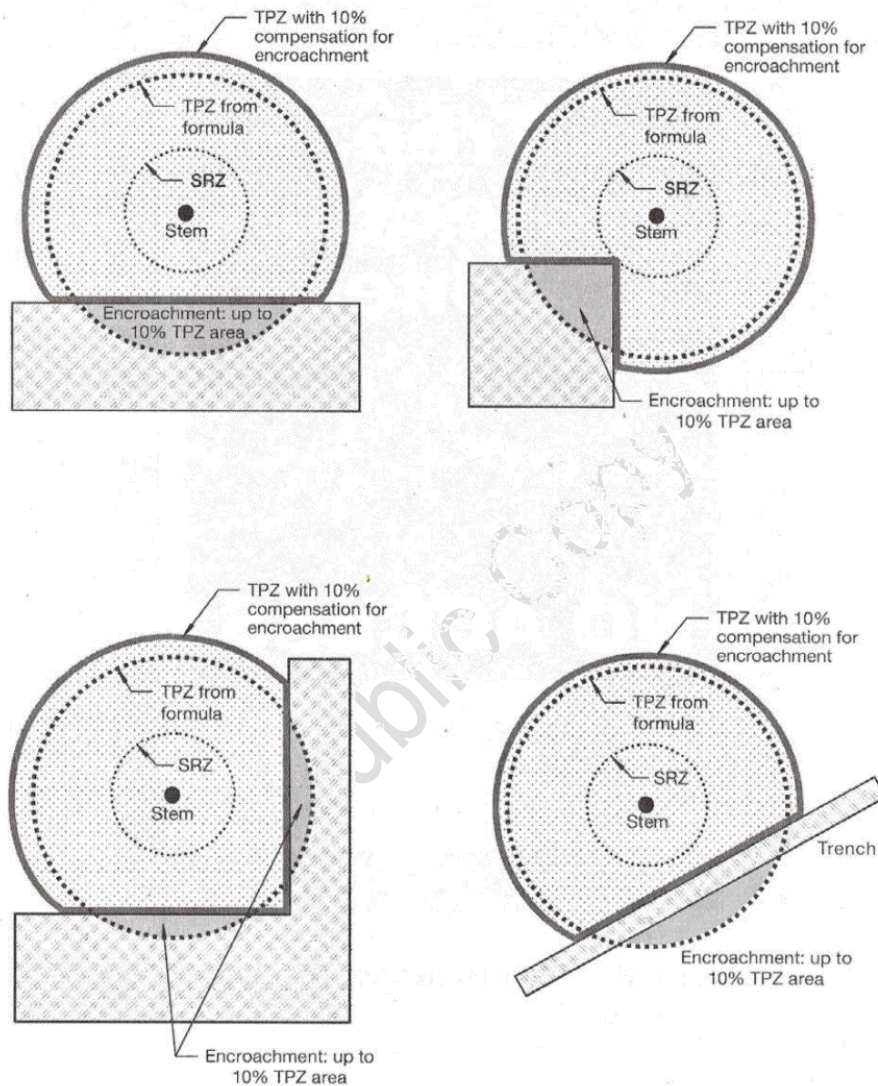
**Recommendations:** **Rm**= Remove, **Rt**= Retain, **Rt+** = Retain by designing and/or employing alternative non-destructive construction methods

Arboricultural Impact Assessment- 14 Bonnie Vale Drive, Howden

May 2024

Identifier	Species	Age Class	Height (m)	Spread (m)	DBH (m)	Basal Diam(m)	Overall Vitality	Overall Structure	Life expectancy	Conservation Value &/or Covenant Protection	TPZ(m)	SRZ(m)	TPZ/SRZ Encroachment	Likely Impact	Recommendation	Comments
1	Black Gum ( <i>Eucalyptus ovata</i> )	M	11-15m	5	0.26	0.29	G	F	M	C 5	3.1	2.0	>40%	unacceptable level of encroachment for fill deposition leading to adverse impact & decline	Rm	Suppressed by tree 2. Service trenching within TPZ
2	Black Gum ( <i>Eucalyptus ovata</i> )	M	16-20m	12	0.62	0.68	G	G	M	H/C5	7.4	2.8	100%	Tree entirely within footprint of proposed cut	Rm	Twin stems. Service trenching within TPZ
3	Black Gum ( <i>Eucalyptus ovata</i> )	M	11-15m	6	0.36	0.40	G	G	M	C5	4.3	2.2	100%	Tree entirely within footprint of proposed cut	Rm	On neighbouring property. Service trenching within TPZ
4	Black Sheoak ( <i>Allocasuarina littoralis</i> )	M	6-10m	4	0.35	0.39	G	G	M	C 5	4.2	2.2	<10%	Acceptable level of encroachment. Negligible impact	Rt	Location approximated
5	Black Sheoak ( <i>Allocasuarina littoralis</i> )	M	6-10m	4	0.35	0.39	G	G	M	C 5	4.2	2.2	~25% + SRZ	Excavations for post footings may damage significant roots	Rt	Location approximated. <b>Conduct post footing excavations by hand in TPZ</b>

## APPENDIX 3 - ACCEPTABLE INCURSIONS TO THE TREE PROTECTION ZONE (TPZ)



NOTE: Less than 10% TPZ area and outside SRZ. Any loss of TPZ compensated for elsewhere.

REF:- Council of Standards Australia (August 2009)  
**AS 4970 – 2009 – Protection of Trees on Development Sites**  
 Standards Australia, Sydney.

## APPENDIX 4 – METHODOLOGY

### A1.0 Qualifications

1.0.1 I have based this report on my site observations and the information provided to me. I have over fifteen years' experience in the field of tree management and arboricultural practice. A summary of my relevant qualifications includes:

- Bachelor of Science (Hons) – Plant Ecology - University of NSW
- Bachelor of Science – Botany/Environmental. Studies - Tasmania University
- Diploma of Horticulture - Arboriculture - Ryde TAFE
- VALID Tree Risk-Benefit Assessment certified validator
- Quantified Tree Risk Assessment certified advanced practitioner - Lic. No. 4148

### A1.1 General

1.1.1 I conducted a survey and basic inspection of the subject trees from the ground. No aerial or climbing inspections, core testing, drilling or ultrasound diagnosis were undertaken. No excavations to determine the location and/or condition of roots were conducted. No plant samples were analysed for formal identification of any pests or disease.

1.1.2 The biological and mechanical features of the trees were assessed for health & vitality, structural condition and defects.

1.1.3 Tree trunk diameter at breast height (DBH) was measured or estimated at 1.4 metres above ground level and rounded to the nearest 0.10 metres. Tree Basal diameter was estimated to be 0.1x greater than the DBH. Tree height was estimated. All distances were taken from the centre of the trunk unless otherwise indicated.

### A1.2 Tree Health Assessment

1.2.1 The overall health of the trees was rated as follows:

	Description
<b>Good</b>	<b>Good</b> health and vitality - exhibiting minor pest/disease, good extension growth, minor abnormalities in foliage size, colour or density.
<b>Moderate</b>	<b>Moderate</b> health and vitality - containing defects and/or damage that may be able to be remediated to provide an acceptable level of risk.
<b>Poor</b>	<b>Poor</b> health and vitality - exhibiting extensive or untreatable pest/disease, poor extension growth, significant deadwood and dieback, evidence of rapid decline, sparse foliage cover, abnormal foliage colour or size.
<b>Moribund</b>	Tree is in terminal decline, Lacking vitality or vigour
<b>Dead</b>	Tree is dead

### A1.3 Tree Structure Assessment

1.3.1 The overall structure of the tree was rated as follows:

	Description
<b>Good</b>	Good structure - may contain minor defects and/or damage that can be successfully remediated or do not require treatment with an acceptable level of risk.
<b>Fair</b>	Fair structure - containing defects and/or damage that may be able to be remediated to provide an acceptable level of risk.
<b>Poor</b>	Poor structure - Evidence of instability or contains defects and/or damage which render the tree potentially hazardous/ prone to failure or cannot be successfully remediated.
<b>Dead</b>	Tree is dead

### A1.4 Remaining Life Expectancy (RLE)

1.4.1 The RLE is an estimate of the sustainable longevity of the subject tree(s) in its growing environment. The RLE is modified where necessary to take in consideration tree(s) health, structural condition and site suitability. The tree(s) has been allocated one of the following ULE categories (Modified from Barrell, 2001):

- I. Long (>40 years)
- II. Medium (15-40 years)
- III. Short (5-15 years)
- IV. Transient (< 5 years)

The estimated RLE of the subject tree is shown in the Tree Schedule in **Appendix 2**.

## REFERENCES

Barrell, J 2001, "SULE: Its use and status into the new millennium" in *Management of mature trees*. Proceedings of the 4<sup>th</sup> NAAA Tree Management Seminar, NAAA, Sydney.

Barrell Tree Consultancy (2020) *"Manual For Managing Trees on Development Sites"* (2020)  
<https://www.barrelltreecare.co.uk/resources/technical-guidance>

Council of Standards Australia (2009) **AS 4970– Protection of Trees on Development Sites**  
Standards Australia, Sydney.

Council of Standards Australia (2007) **AS 4373 – Pruning of Amenity Trees**  
Standards Australia, Sydney.

Public Copy

## DISCLAIMER, ASSUMPTIONS, LIMITATIONS & COPYRIGHT

### Disclaimer:

*Although The Author (Philip Jackson) uses all due care and skill in providing you information made available in this report, to the extent permitted by law The Author otherwise excludes all warranties of any kind, either expressed or implied.*

*To the extent permitted by law, you agree The Author is not liable to you or any other person or entity for any loss or damage caused or alleged to have been caused (including loss or damage resulting from negligence), either directly or indirectly, by your use of the information (including by way of example, arboricultural advice) made available to you in this report. Without limiting this disclaimer, in no event will The Author be liable to you for any lost revenue or profits, or for special, indirect, consequential or incidental damage (however caused and regardless of the theory of liability) arising out of or related to your use of that information, even if The Author has been advised of the possibility of such loss or damage.*

*This disclaimer is governed by the law in force in the State of Tasmania, Australia.*

### General Report Assumptions:

- Any legal description provided to The Author is assumed to be correct. Any titles and ownerships to any property are assumed to be correct. No responsibility is assumed for matters outside the consultant's control.
- The Author assumes that any property or project is not in violation of any applicable codes, ordinances, statutes or other local, state or federal government regulations.
- The Author shall take care to obtain all information from reliable sources. All data shall be verified insofar as possible; however The Author can neither guarantee nor be responsible for the accuracy of the information provided by others not directly under The Author's control.
- The Author shall be not required to give testimony or to attend court by reason of the report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.
- Loss of the report or alteration of any part of the report not undertaken by The Author invalidates the entire report.
- Possession of the report or a copy thereof does not imply right of publication or use for any purpose by anyone but The Client or their directed representatives, without the prior consent of The Author.
- The report and any values expressed therein represent the opinion of The Author and The Author's fee is in no way conditional upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
- Sketches, diagrams, graphs and photographs used in the report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural drawings, reports or surveys.
- Unless expressed otherwise:
  - i) Information contained in the report will cover those items that were outlined in the project brief or that were examined during the assessment and reflect the condition of those items at the time of inspection; and
  - ii) The inspection is limited to visual examination of accessible components without dissection, excavation or probing unless otherwise stipulated.
- There is no warranty or guarantee, expressed or implied by The Author., that the problems or deficiencies of the plants or site in question may not arise in the future.
- All instructions (verbal or written) that define the scope of the report have been included in the report and all documents and other materials that The Author has been instructed to consider or to take into account in preparing the report have been included or listed within the report.

To The Author's knowledge all facts, matter and all assumptions upon which the report proceeds have been stated within the body of the report and all opinion contained within the report will be fully researched and referenced and any such opinion not duly researched is based upon the writers experience and observations.

### Copyright notice:

©Philip Jackson 2024. All rights reserved, except as expressly provided otherwise in this publication.



PHILIP JACKSON Arborist & Tree Management Services 0447759865

# TREE PROTECTION ZONE NO ACCESS

FENCE NOT TO BE REMOVED WITHOUT APPROVAL OF  
PROJECT ARBORIST

WITHIN THIS FENCE THERE IS TO BE

**NO:**

STORAGE OF MATERIALS

PARKING OF PLANT OR VEHICLES

TRENCHING OR EXCAVATION

WASHING OF TOOLS OR EQUIPMENT

CONTACT:



**13.2 DA-2024-276 - DEVELOPMENT APPLICATION FOR DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 22 WAREHOUSES AND ASSOCIATED INFRASTRUCTURE AND WORKS AT 65 AND 12 PATRIARCH DRIVE, HUNTINGFIELD**

**File Number:** DA-2024-276  
**Author:** Timothy Donovan, Senior Planner  
**Authoriser:** Tasha Tyler-Moore, Manager Development Services

<b>Applicant:</b>	Phoenix Construction and Development Services
<b>Owner:</b>	Bell Quest Holdings Pty Ltd and Kingborough Council
<b>Subject Site:</b>	65 & 12 Patriarch Drive, Huntingfield (CT 155087/41 and CT 148137/102)
<b>Proposal:</b>	Demolition of existing building and construction of 22 warehouses and associated infrastructure and works
<b>Planning Scheme:</b>	Kingborough Interim Planning Scheme 2015 <i>Assessment is based on KIPS2015 and provisions of PD8 (which commenced 22 Feb 2022)</i>
<b>Zoning:</b>	Light Industrial Environmental Management
<b>Codes:</b>	E1.0 Bushfire Prone Areas E5.0 Road and Railway Assets E6.0 Parking and Access E7.0 Stormwater Management E9.0 Attenuation E10.0 Biodiversity E17.0 Signs
<b>Use Class/Category:</b>	Storage
<b>Discretions:</b>	Light Industrial Zone Clause 24.4.2 – Setback A2 Clause 24.4.3 – Design A1 Clause 24.4.8 – Environmental Values A1 Environmental Management Zone Clause 29.4.3 – Design A3 E5.0 Road and Railway Assets Code Clause E5.5.1 – Existing road accesses and junctions A3 E6.0 Parking and Access Code Clause E6.6.1 - Number of car parking spaces A1 Clause E6.6.2 – Number of Accessible Car Parking Spaces for People with a Disability A1 E10.0 Biodiversity Code Clause E10.7.1 - Buildings and works A1 E17.0 Signs Code Clause E17.7.1 - Standards for Signs A1

<b>Public Notification:</b>	Public advertising was undertaken between 31 August 2024 and 13 September 2024 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i> .
<b>Representations:</b>	Three (3) representations were received during the advertising period. The following issues were raised in the submissions: <ul style="list-style-type: none"> <li>• Proposed Storage Use.</li> <li>• Impact on trees on adjacent land.</li> <li>• Feasible use of proposed parking spaces</li> <li>• Compliance with E6.0 Parking and Access Code</li> <li>• Works outside title boundaries</li> </ul>
<b>Recommendation:</b>	Approval with Conditions

## 1. PROPOSAL

### 1.1 Description of Proposal

The application is for the demolition of the existing building on the site and construction of 22 new warehouses with a total floor area of 3620m<sup>2</sup>. The tenancies will range in size from 140-208m<sup>2</sup>. The warehouses will be supported with a small ancillary office floor area, 40 on-site car parking spaces and two (2) motorcycle parking spaces, with all loading and unloading activities to occur within the site. The existing vehicular access to Patriarch Drive will be retained. The site will be landscaped as shown on the site plan. The proposed warehouses will operate between the hours of 7am and 7pm Monday to Friday and 9am to 5pm Saturdays except for administrative tasks. They will not operate on Sundays or public holidays.

The proposed development includes the removal of seven (7) trees, including five (5) Very High Conservation Value (VHCV) *Eucalyptus viminalis* (white gums). The trees to be removed are as follows:

- Tree 3 – *Exocarpus cupressiformis* – native cherry
- Tree 12 – *E. viminalis* – white gum (DBH 60cm) VHCV
- Tree 13 – *E. viminalis* – white gum (DBH 45cm) VHCV
- Tree 14 – *E. viminalis* – white gum (DBH 60cm) VHCV
- Tree 15 – *E. viminalis* – white gum (DBH 30cm) VHCV
- Tree 16 – *E. viminalis* – white gum (DBH 50cm) VHCV
- Tree 28 – *E. amygdalina* – black peppermint (DBH 35cm)

There is a 1.8m high safety fence to the building perimeter notated on the plans where the wall panels are less than 2.1m above finished ground level of the adjacent land to prevent access from passers by onto the roof structure.

The application includes connection of infrastructure (sewer and stormwater) to the existing infrastructure located in the adjoining Council land No 12 Patriarch Drive, Huntingfield (CT 148137/102).

The proposal includes signage involving a large Wall Sign facing the street, a 5.3m x 3.3m free standing directory sign within the landscaped front setback, and transom signs on the individual tenancies.



Figure 1 - Proposed site plan.

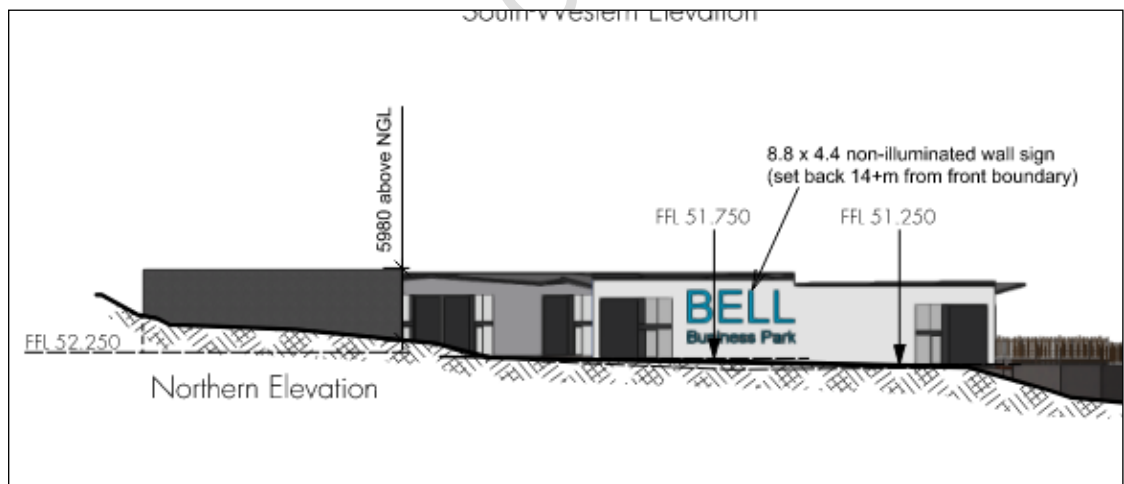


Figure 2 - Proposed northern elevation (street view).

## 1.2 Description of Site

The proposal relates to 65 Patriarch Drive, Huntingfield, CT 155087/41. The site has an area of approximately 7170m<sup>2</sup>. The site contains an existing warehouse and an area of container storage and is relatively level and cleared with existing trees and vegetation along the western and southern boundaries.

The council land Lot 102 on SP 148137 forms part of an area identified as No 12 Patriarch Drive and was obtained through the subdivision of the estate. It provides pedestrian connections between Ascot Drive and Patriarch Drive, and also to the Coffee Creek Trail to the Peter Murrell Conservation Area to the south. The lot

contains a footpath, infrastructure (sewer and stormwater) and a range of vegetation including established trees and bushland.

The Peter Murrell Reserve adjoins the site to the south.



Figure 3 - Aerial photo of 65 Patriarch Drive.

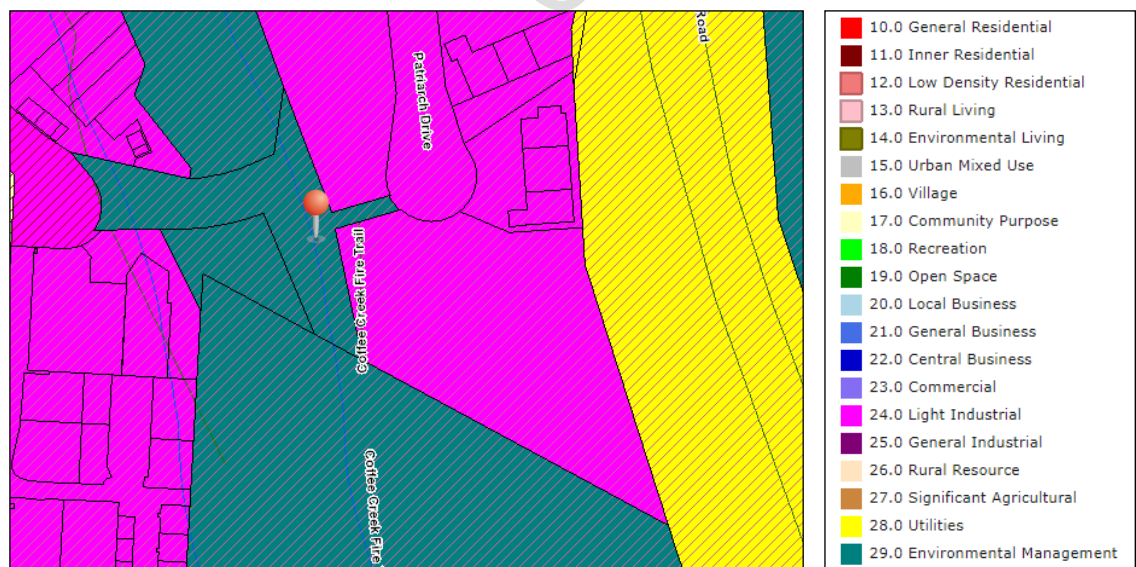


Figure 4 - Zoning map of area with No. 12 Patriarch Drive (Council land) highlighted.

### 1.3 Background

DAS-2005-40 Subdivision at Lot 203 Huntingfield Avenue, Huntingfield.

A subdivision Permit DAS-2005-40 for 16 lots was issued on 14 September 2005.

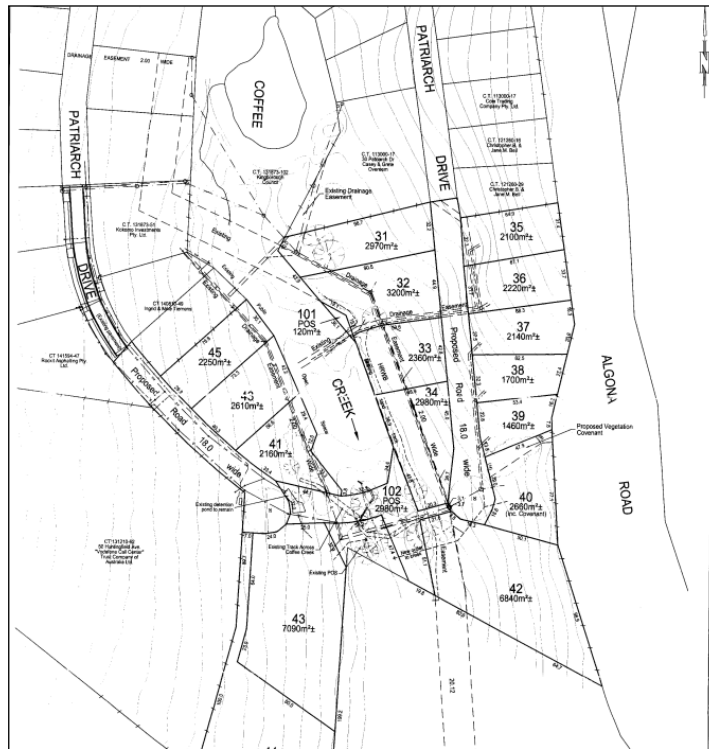


Figure 5 - Plan of Subdivision DAS-2005-40.

DA-2008-53 Warehouse to be used for storage with on site truck and container storage

A Permit DA-2008-53 was issued for the Warehouse to be used for storage with on site truck and container storage on 1 April 2008. The Permit included conditions that:

17. The developer must enter into an agreement with Council under Part 5 of the *Land Use Planning and Approvals Act 1993* to the effect that vehicle traffic areas at the rear of the subject land shall be imperviously sealed or paved to the satisfaction of Council within 24 months of Council issuing a building permit.

The applicant is to arrange for the drafting of the agreement and is to arrange for it to be registered with the Recorder of Titles. The applicant is to cover all costs associated with the agreement including drafting and registration with the Recorder of Titles.

DA-2008-227 Warehouse and Container Storage

A Permit DA-2008-227 was issued for the Warehouse and Container Storage on 10 June 2008. The Permit included conditions that:

12. The application is approved on the basis that there will be no removal of any *Eucalyptus viminalis* from the site. As these trees provide habitat for Forty Spotted Pardalotes of which there are a colony in the area (one of only 2 sites in Tasmania, the other being Bruny Island), these trees are to remain and must not be lopped. Removal of these trees will require a permit from the Threatened Species Unit as well as a Tree Removal Application from Council prior to any vegetation disturbance.
21. The developer must enter into an agreement with Council under Part 5 of the *Land Use Planning and Approvals Act 1993* to the effect that vehicle traffic areas at the rear of the subject land shall be imperviously sealed or paved to the satisfaction of Council within 24 months of Council issuing a building permit. The applicant is to arrange for the drafting of the agreement

and is to arrange for it to be registered with the Recorder of Titles. The applicant is to cover all costs associated with the agreement including drafting and registration with the Recorder of Titles.

The Part 5 agreement was executed on 21 November 2008.

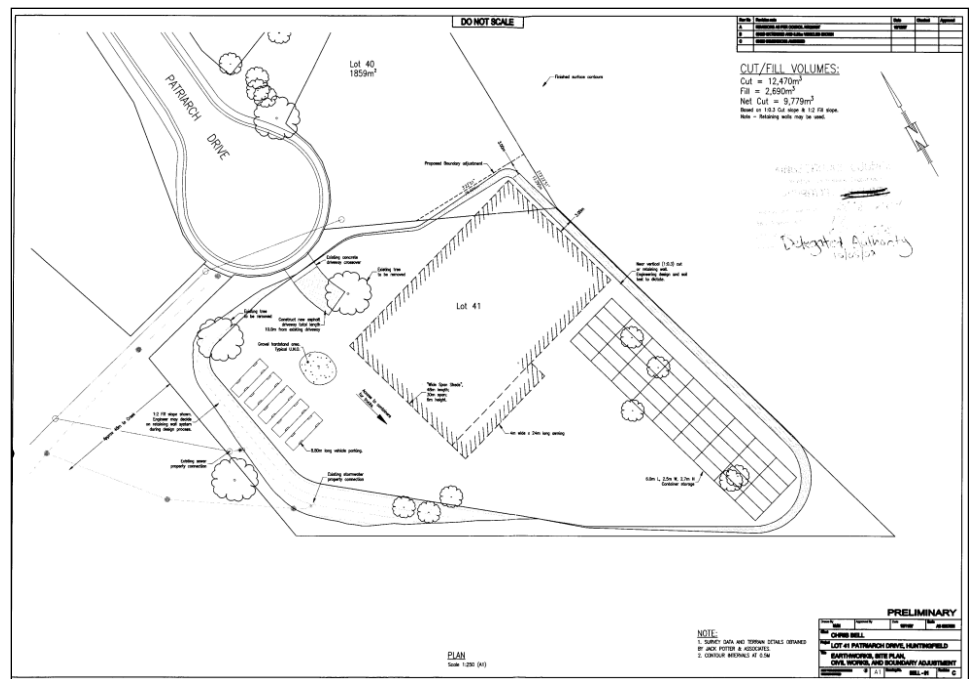


Figure 6 - Approved Site plan DA-2008-227.

#### SPA-2022-7 - Sealed Plan amendment

An application to amend Sealed Plan No. 155087 (CT 155087/41) for 65 Patriarch Drive, Huntingfield was lodged on 22/06/2022. This application was for the deletion of several easements and associated notations on the Plan and title as these were now considered obsolete or no longer required. These were in relation to:

- Cable easement (Kingborough Council)
- Pipeline easement (TasWater)
- Drainage easements (Kingborough Council for stormwater)
- Embankment easement (Kingborough Council)

The applicant was advised by Council on 1/08/2022 that in relation to the drainage easements that Council was not prepared to remove its drainage easements as they were still required and should be retained.

Following further discussions with the applicant it was agreed that the proposed amendment to the Council drainage easement would be considered in association with a Development Application for the site. This would enable the issues associated with the stormwater to be addressed fully and for Council to be satisfied that stormwater from the site was properly disposed of and conditioned. This would then allow for the Sealed Plan to be amended.

The Sealed Plan Amendment (SPA-2022-7) will be determined after the issue of any Permit for the current application DA-2024-276.

## 2. ASSESSMENT

### 2.1 State Policies and Act Objectives

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

The proposal is consistent with the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

### 2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

#### 24.1.1 Zone Purpose Statements of the Light Industrial zone

The relevant zone purpose statements of the Light Industrial zone are to:

- 24.1.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.
- 24.1.1.2 To promote efficient use of existing industrial land stock.
- 24.1.1.3 To minimise land use conflict in order to protect industrial viability and the safety and amenity of sensitive land uses in adjacent zones.
- 24.1.1.4 To provide industrial activity with good access to strategic transport networks

#### Clause 24.1.2 – Local Area Objectives and Desired Future Character Statements

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area.

Local Area Objectives	Implementation Strategy
There are no Local Area Objectives for the area.	
Desired Future Character Statements	Implementation Strategy
There are no Desired Future Character Statements for the area.	

#### 29.1.1. - Zone Purpose Statements of the Environmental Management Zone.

The relevant zone purpose statements of the *Environmental Management Zone* are to:

- 29.1.1.1 To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.
- 29.1.1.2 To only allow for complementary use or development where consistent with any strategies for protection and management.
- 29.1.1.3 To facilitate passive recreational opportunities which are consistent with the protection of natural values in bushland and foreshore areas.
- 29.1.1.4 To recognise and protect highly significant natural values on private land.
- 29.1.1.5 To protect natural values in un-developed areas of the coast

*Clause 29.1.1.2 – Local Area Objectives and Desired Future Character Statements*

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area.

Local Area Objectives	Implementation Strategy
There are no Local Area Objectives for the area.	
Desired Future Character Statements	Implementation Strategy
There are no Desired Future Character Statements for the area.	

The proposal complies with the above-mentioned statements and objectives as follows:

- The proposed development in the Light Industrial Zone:
  - Provides for storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.
  - Promotes the efficient use of existing industrial land stock.
  - Minimises land use conflict in order to protect industrial viability and the safety and amenity of sensitive land uses in adjacent zones.
- The proposed infrastructure in the Environmental Management Zone:
  - Does not impact on the protection, conservation and management of the adjacent areas with significant ecological, scientific, cultural or aesthetic values.
  - Allows for complementary uses or developments to operate or be established where consistent with any strategies for protection and management.
  - Does not impact on or effect the facilitation of passive recreational opportunities which are consistent with the protection of natural values in bushland area.

## 2.3 Statutory Planning

The use is categorised as Storage under the Scheme, which is a use that requires discretionary assessment in the Light Industrial Zone.

The only development occurring in the Environmental Management Zone is the sewer and stormwater infrastructure connections. This would normally be classified as Utilities that are discretionary in the Zone. However, as the infrastructure is associated with the Storage Use it is assessed as ancillary to that use (Storage) which is also prohibited in the Environmental Management Zone. Clause 9.7 - Access and Provision of Infrastructure Across Land in Another Zone, of the Planning Scheme allows an application to be made as follows:

9.7.1 *If an application for use or development includes access or provision of infrastructure across land that is in a different zone to that in which the main part of the use or development is located, and the access or infrastructure is prohibited by the provisions of the different zone, the planning authority may at its discretion approve an application for access or provision of infrastructure over the land in the other zone, having regard to:*

- (a) *whether there is no practical and reasonable alternative for providing the access or infrastructure to the site;*

- (b) *the purpose and provisions of the zone and any applicable code for the land over which the access or provision of infrastructure is to occur; and*
- (c) *the potential for land use conflict with the use or development permissible under the planning scheme for any adjoining properties and for the land over which the access or provision of infrastructure is to occur.*

The proposal complies with Clause 9.7.1 as follows:

- In light of the existing location of the infrastructure and the design parameters for the site there is considered to be no practical and reasonable alternative for providing the infrastructure for the site;
- The infrastructure has been assessed against the purpose and provisions of the zone and codes in the Assessment Checklist (attached) for the land over which the provision of infrastructure is to occur, and it complies with the zone purpose and the Acceptable Solutions and Performance Criteria in the Development Standards; and
- There is no potential for land use conflict with uses or development permissible under the planning scheme for any adjoining properties and for the land over which the provision of infrastructure is to occur.

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

## 2.4 Use and Development Standards.

The proposal satisfies the relevant Acceptable Solutions of the Scheme (see checklist in Attachment 1), with the exception of the following:

### Light Industrial Zone Clause 24.4.2 – Setback

<b>Acceptable Solution A2</b>
Building setback from frontage must be parallel to the frontage and must be no less than:  10 m.
<b>Performance Criteria P2</b>
Building setback from frontage must satisfy all of the following: (a) be consistent with any Desired Future Character Statements provided for the area; (b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape; (c) enhance the characteristics of the site, adjoining lots and the streetscape; (d) provide adequate opportunity for parking.
<b>Proposal</b>
The applicant states in the Planning Report (All Urban Planning dated 10/12//2023) submitted with the application that the “ <i>proposed buildings will be setback a minimum of 12.8m from the front boundary, be arranged approximately parallel to the front boundary and considered to comply with A1</i> ”.  However, the proposed buildings, while setback a minimum of 12.8m from the front boundary, are not parallel to the front boundary. The proposal must be assessed against the performance criteria.

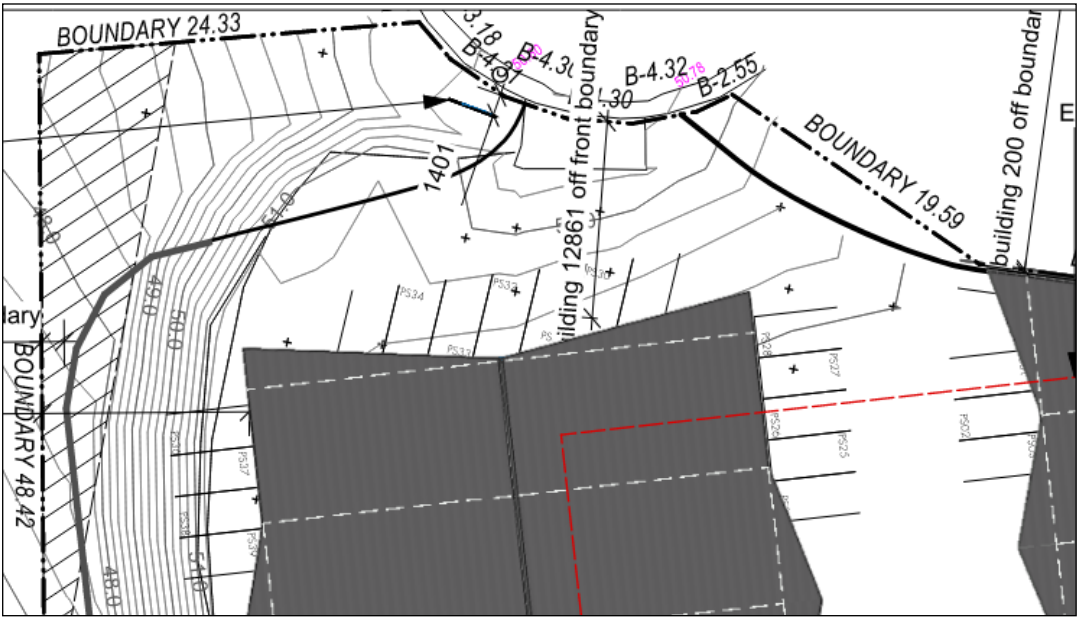


Figure 7 - - Detail of front of site showing front boundary setbacks for the front façade and awnings.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- There are no Desired Future Character Statements provided for this area. It is noted that the proposed development will be consistent with the Zone Purpose Statements as it will provide for the storage and distribution of goods and materials, and will promote the efficient use of existing industrial land stock.
- The site is located at the end of the Patriarch Drive cul-de-sac and it has a semi-circular frontage. In this regard any straight building facade will not be parallel to the frontage. The design is compatible with the setback of adjoining buildings, generally maintaining a continuous building line.
- The proposed building has been designed to enhance the characteristics of the site, the adjoining industrial lots, the streetscape, and also has taken into account the adjacent Peter Murrell Reserve and Council footpath.
- The proposal provides adequate parking on site. Note is made that the development requires 41 car parking specs and there are 40 on site. The provision of parking has been assessed against the Development Standards in the Parking and Access Code and considered adequate for the proposed development.

**Industrial Zone**  
**Clause 24.4.3 – Design**

Acceptable Solution A1
Building design must comply with all of the following: <ul style="list-style-type: none"><li>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</li><li>(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade ;</li><li>(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade;</li></ul>

- (d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;
- (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;
- (f) provide awnings over the public footpath if existing on the site or on adjoining lots;
- (g) not include security shutters over windows or doors with a frontage to a street or public place.

#### Performance Criteria P1

Building design must enhance the streetscape by satisfying all of the following:

- (a) provide the main access to the building in a way that is visible from the street or other public space boundary;
- (b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;
- (c) treat very large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;
- (d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is limited when viewed from the street;
- (e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have limited visual impact;
- (f) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;
- (g) be consistent with any Desired Future Character Statements provided for the area.

#### Proposal

The application does not comply with A1 (b) and (c). It complies with the remaining criteria.

The applicant states that *“the proposal includes windows and main entry doors in the northern, street facing façade of the storage complex. These are less than 40% of the surface area of the wall and don’t comply with A1. However, it is considered that the proposed arrangement will satisfy P1 in that:*

- *the main accesses will be clearly visible from the street front,*
- *the glazed doors and windows will provide for passive surveillance of the street and*
- *the façade is detailed to avoid the creation of a large expanse of blank wall.*
- *No security shutters are proposed.*

*Mechanical plant will be positioned or screened to avoid views from the street.”*

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- In light of the 22 tenancies and their small size, the design of the front tenancy is considered to provide visibility to visitors and users of the site from the street frontage.



Figure 8 - View of front tenancy from the street.

- The glazed doors and windows in the front of tenancies near the frontage – Tenancy No’ s 1, 2, 3, 18 and 19 - will provide for some passive surveillance of the street.
- The façade is detailed to avoid the creation of a large expanse of blank wall. The number of smaller tenancies will provide for variations in the facades due to their doors, windows etc.
- There are no security shutters proposed.
- Any mechanical plant will be positioned or screened to avoid views from the street. A condition is recommended for inclusion in any permit issued.
- The plans do not indicate any rooftop service infrastructure, including service plants and lift structures. However, these elements may appear with detailed building and civil designs and a condition is recommended for inclusion in any permit issued to ensure that any rooftop service infrastructure is screened so as to have limited visual impact to the satisfaction of Council.
- There are no Desired Future Character Statements provided for the area. It is noted that the proposed development will be consistent with the Zone Purpose Statements as it will provide for the storage and distribution of goods and materials, and will promote the efficient use of existing industrial land stock.

**Industrial Zone**  
**Clause 24.4.8 – Environmental Values**

<b>Acceptable Solution A1</b>
No trees of high conservation value will be impacted.
<b>Performance Criteria P1</b>
Buildings and works are designed and located to avoid, minimise, mitigate and offset impacts on trees of high conservation value.
<b>Proposal</b>
<p>There are trees of very high conservation value that will be impacted and they must be assessed against the performance criteria.</p> <p>The proposed development includes the removal of seven (7) trees, including five (5) Very High Conservation Value (VHCV) <i>Eucalyptus viminalis</i> (white gums). The trees to be removed are as follows:</p> <ul style="list-style-type: none"><li>• Tree 3 – <i>Exocarpus cupressiformis</i> – native cherry</li><li>• Tree 12 – <i>E. viminalis</i> – white gum (DBH 60cm) VHCV</li></ul>

- Tree 13 – *E. viminalis* – white gum (DBH 45cm) VHCV
- Tree 14 – *E. viminalis* – white gum (DBH 60cm) VHCV
- Tree 15 – *E. viminalis* – white gum (DBH 30cm) VHCV
- Tree 16 – *E. viminalis* – white gum (DBH 50cm) VHCV
- Tree 28 – *E. amygdalina* – black peppermint (DBH 35cm)

It should be noted that the Arboricultural Impact Assessment (P Jackson, November 2022) has assessed Trees 12, 13, 14, 15, and 16 as High Conservation Value only. However, due to these trees being within and directly adjacent to Forty-Spotted Pardalote habitat, they have been determined to be Very High Conservation Value by Council's Environmental Planner. All other *E. viminalis* trees with a DBH over 25cm on or adjacent to the subject site have been similarly determined to be VHCV, where the Arboricultural Impact Assessment states that they are HCV only.

The Arboricultural Impact Assessment (P Jackson, November 2022) has also determined that excavations for the footings of the proposed retaining wall will result in an encroachment of approximately 13% of the tree protection zone (TPZ) of VHCV trees T6 and T10.

A phone conversation between Council's Environmental Planner and the Arborist on 15 August 2024 confirmed that the impacts from proposed stormwater and sewer lines at the front of the property encroaching into the TPZ of Tree 1 are minimal, and no further Arborist input is required on civil drawings.

Finally, Amendment to Section 6.0: Tree Protection Specification (P Jackson July 2024) and the applicant (through discussions with Council) have stated that all tree pruning works required shall be contained within the subject lot property boundary. Prior to the installation of the tilt up walls along the south-west boundary which may impact Trees 22, 23, 24, 27, and 30, consultation with the Project Arborist is required to confirm the extent of pruning (to be in accordance with AS4373). If the Project Arborist recommends that pruning would need to take place on the neighbouring lot (Peter Murrell Reserve), the applicant has been advised Council would not approve this.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The current conservation advice for the forty-spotted pardalote states that the loss of white gums within forty-spotted pardalote habitat including individual trees (such as the subject lot, adjacent Peter Murrell Reserve and along the Coffee Creek track), can compromise the viability of the species and is to be avoided. Therefore, it is critical that the proposed development is designed to avoid, minimise and mitigate the loss of white gums to the maximum extent possible and approval should only be considered where this is not feasible.
- The applicants sought pre-lodgement advice from Council which resulted in some design changes to be further away from the HCV and VHCV trees on the site and further outside of some of the TPZs of trees in proximity to the proposal. Even with these design changes, the proposal does not completely avoid the impacts on the trees of high or very high conservation, but does aim to minimise where possible.
- With Arborist recommendations for tree protection for the remaining HCV and VHCV trees on site and on the adjacent lot, some of the impacts can be mitigated.
- While the encroachment into TPZs of T6 and T10 exceeds the acceptable level of encroachment, the arborist assessment confirms that both trees should tolerate the incursion if the wall is constructed using alternative 'pier & beam' methodology within their TPZs to avoid severing significant fibrous roots. If the

works are conducted in accordance with the Arborist recommendations, there should be negligible long term adverse impact on these trees.

- The Arborist is satisfied that the design changes reflected in the current civil engineering drawings will result in less encroachment into the TPZ of T1 from works and installation of services such as stormwater and sewer lines.
- Where works are occurring on Council land, the developer will require a By-Law Permit under the *Parks Recreation and Natural Areas By-law No. 3 of 2021* prior to construction. Conditions in this permit will ensure vegetation on Council land is protected throughout construction.
- The retaining wall and warehouse footing excavations will result in an encroachment of 10% or less of the TPZ area of VHCV trees T1, T2, T4, T9, T17 and T22. This level of encroachment is within the acceptable threshold and no adverse impact is expected from the works if the trees are protected in accordance with the Arborist recommendations. In addition, the proposed works will result in a 10% or less TPZ area encroachment of trees T23 and T27, with no expected impacts on these trees.
- While the trees proposed for removal are not a safety hazard, the trees will be directly impacted by the proposal (up to 100% encroachment), with the Arboricultural Impact Assessment confirming that due to the impacts the trees cannot be retained. However, the larger trees of Very High Conservation Value (VHCV) numbered T1 and T2 will be retained, and all other HCV and VHCV trees in proximity to the development being located offsite, in the adjacent Peter Murrell Reserve to the south, and along the Coffee Creek track to the west (Trees 4 – 11, and 17 – 22) will also be retained.
- All pruning work is required to be contained within the lot boundary, with Project Arborist advice sought if Trees 22, 23, 24, 27 and 30 are required to be pruned for the installation of the walls along the south west boundary.
- Should the application be approved, the loss of the trees must be offset in accordance with Kingborough Council Policy 6.10 - Biodiversity Offset Policy November v2.1 2023 at a cost of \$570.00 per tree of VHCV (5 x \$570.00 = \$2,850.00).

Permit conditions are recommended for inclusion in any permit issued approving the proposed tree removal, requiring the retention of remaining trees, requiring Arborist consultation prior to the installation of the walls that may require the pruning of the trees along the south-west boundary, requiring implementation of tree protection measures and mitigation measures for installing services within the TPZ in accordance with the Arborist recommendations (P Jackson, November 2022), requiring building plans to demonstrate the use of pier and beam footings within the TPZs of T6 and T10, requiring the financial offset and requiring all works to be contained within the property boundary. Advice should also be included in any permit issued which advises the requirement that the developer obtain a By Law Permit under the *Parks Recreation and Natural Areas By-law No. 3 of 2021* prior to construction.

The proposal includes a landscaping plan which incorporates the planting of nine (9) mature *E. viminalis*. A condition is recommended for inclusion in any permit issued requiring implementation of this plan to ensure the VHCV trees proposed for retention and the *E. viminalis* plantings are retained and protected into the future, a condition is also recommended for inclusion in any permit issued requiring a Part 5 Agreement to this effect. This Part 5 Agreement can replace the existing Part 5.

## Environmental Management Zone

### Clause 29.4.3 - Design

#### Acceptable Solution A3

Fill and excavation must comply with all of the following:

- (a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations;
- (b) extent is limited to the area required for the construction of buildings and vehicular access.

#### Performance Criteria P3

Fill and excavation must satisfy all of the following:

- (a) there is no adverse impact on natural values;
- (b) does not detract from the landscape character of the area;
- (c) does not impact upon the privacy for adjoining properties;
- (d) does not affect land stability on the lot or adjoining land.

#### Proposal

The underground infrastructure (stormwater, sewer) within the Environmental Management Zone will require excavation greater than 1m from natural ground level in light of the depth of the existing infrastructure.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The works are minimal within the Environmental Management Zone which already contains existing stormwater and sewer infrastructure. The works have been assessed and conditioned to ensure that there is no unreasonable impact from the development on natural values.
- There is no permanent impact on the landscape character of the area.
- The underground infrastructure will have no impact on the privacy for the adjoining properties.
- The recommended conditions relating to the construction activities address the engineering standards required on the subject site (No. 65 Patriarch Drive) and the council land (No. 12 Patriarch Drive) and there are no impacts on the land stability on the lots.

## E5.0 Road and Railway Assets Code

### Clause E5.5.1 – Existing road accesses and junctions

#### Acceptable Solution A3

The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

#### Performance Criteria P3

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- (a) the increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature and efficiency of the access or the junction;
- (d) the nature and category of the road;
- (e) the speed limit and traffic flow of the road;
- (f) any alternative access to a road;
- (g) the need for the use; (h) any traffic impact assessment; and
- (i) any written advice received from the road authority.

#### **Proposal**

The existing site has approx. 2121m<sup>2</sup> of storage use currently which according to the Traffic Impact Assessment (TIA) submitted with the application would result in 84 vehicle movements per day. The proposed floor area for the 22 warehouses is 3620m<sup>2</sup> which will result in 153 vehicle movements per day. This is an increase in annual average daily traffic by more than 20% and the application therefore requires assessment against the performance criteria.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The application is supported by a TIA (Hubble Traffic, November 2023) which provides the following statements on the performance criteria:
  - (a) *The RTA Guide estimates that the 22 warehouses has the potential to generate 153 daily vehicle trips on a normal weekday, with 19 trips likely to occur during the morning and evening peak periods.*
  - (b) *The warehouses are expected to generate both light and heavy vehicles, with employee vehicles expected to be less than 5.5 metres in length. The primary delivery vehicle is expected to be a single rigid vehicle, while the design will accommodate medium rigid vehicle to enter and leave the site in a forward driving direction.*
  - (c) *The existing six metre wide crossover with Patriarch Drive will be used by the development. This is wide enough to accommodate two-way traffic movements, while maintaining safe and efficient access.*
  - (d) *The development site is located within an established light industrial estate, with surrounding properties operating as light industrial businesses. Vehicles accessing the development site will need to use both Patriarch Drive and Huntingfield Avenue, both are of urban construction standard and suitable to accommodate the type of vehicles expected to be generated, without causing any adverse impact.*
  - (e) *There is no posted speed limit on Patriarch Drive, so the default urban 50 km/h speed limit applies. A recent manual traffic survey found that Patriarch Drive is lightly trafficked with 128 two-way traffic movements during the morning peak hour and 159 two-way traffic movements in the evening peak hour. Huntingfield Avenue is moderately trafficked with 494 two-way traffic movements in the morning peak hour and 550 two-way traffic movements in the evening peak hour. This assessment found there is sufficient spare capacity to absorb the extra movements generated by the development without causing an adverse impact to Huntingfield Avenue or Patriarch Drive users.*
  - (f) *There is only one route to the development site, this assessment found this route is suitable to cater for the traffic movements, with the existing access*

*to the development expected to provide safe and efficient vehicle movements.*

- (g) *Warehouse storage units support the increase in economic development and create local employment.*
- (h) *A traffic impact assessment has found no reason for this development not to proceed.*
- (i) *Aware of none.*
- The Development Engineer has reviewed the TIA and supports the statements and is satisfied that the proposed meets the requirements of the Performance Criteria.

## **E6.0 Parking and Access Code**

### **Cause E6.6.1 - Number of car parking spaces**

#### **Acceptable Solution A1**

The number of on-site car parking spaces must be:

- (a) no less than the number specified in Table E6.1;  
except if:
  - (i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan.

#### **Performance Criteria P1**

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand;
- (b) the availability of on-street and public car parking in the locality;
- (c) the availability and frequency of public transport within a 400m walking distance of the site;
- (d) the availability and likely use of other modes of transport;
- (e) the availability and suitability of alternative arrangements for car parking provision;
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;
- (g) any car parking deficiency or surplus associated with the existing use of the land;
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;
- (k) any relevant parking plan for the area adopted by Council;
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;
- (m) whether the provision of the parking would result in the loss, directly or

indirectly, of one or more significant trees listed in the Significant Trees Schedule.
<b>Proposal</b>
<p>Under Table E6.1 Number of car parking spaces required, the proposed development is categorised under the Storage use class and is required to provide 41.65 – rounded up to 42 - car parking spaces and two (2) motorcycle spaces based on the total available floor area of the warehouses and ancillary office floor area.</p> <p>There are 40 on-site car parking spaces and two (2) motorcycle spaces provided.</p> <p>The Traffic Impact Assessment (TIA) provided with the application in summary states that the 40 on-site parking spaces are expected to meet the reasonable parking demand and are assessed as satisfying the relevant performance criteria P1.</p>

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The proposed development is two (2) spaces short and provides 40 of the 42 required spaces on site. The demand for car parking is likely to be intermittent for the storage uses and unlikely to generate any issues in the area or on the site.
- In light of the cul-de-sac and existing driveways there is limited on street car parking available. However, there is space for three (3) cars to park outside the front of the site.
- The site is more than 400m walking distance from existing public transport in Huntingfield Avenue.
- There are no other available modes of transport.
- There are no other available alternative arrangements for car parking provision.
- The site will contain 22 multiple tenancies and it is likely that there will be significant variation of car parking demand over time in light of the number of tenancies.
- The site is being completely redeveloped and therefore there is no surplus.
- It is not appropriate to take a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, as there are no such facilities existing or planned by Council in the vicinity. There is no parking plan for the area adopted by Council.
- There are no significant trees listed in the Significant Trees Schedule on the site.

In conclusion the proposed car parking on site is expected to meet the reasonable needs of all users and the storage uses will not detract from the amenity of users or the locality through parking overspill; nor is there any impact on local character.

## **E6.0 Parking and Access Code**

### **Clause E6.6.2 – Number of Accessible Car Parking Spaces for People with a Disability**

<b>Acceptable Solution A1</b>
<p>Car parking spaces provided for people with a disability must:</p> <ul style="list-style-type: none"> <li>(a) satisfy the relevant provisions of the Building Code of Australia;</li> <li>(b) be incorporated into the overall car park design;</li> <li>(c) be located as close as practicable to the building entrance.</li> </ul>

<b>Performance Criteria P1</b>
No Performance Criteria.
<b>Proposal</b>
<p>No disabled parking shown on the plans.</p> <p>The Traffic Impact Assessment provided with the application comments that:</p> <p><i>“Accessible parking spaces are considered unwarranted for this development, as the development site is for storage warehouses, with there likely to be no customers on-site”.</i></p>

The proposed variation is not supported for the following reasons:

- The National Disability (Access to Premises — Buildings) Standards 2010 have been prepared with regard to the following objectives:
  - (a) *to ensure that dignified, equitable, cost-effective and reasonably achievable access to buildings, and facilities and services within buildings, is provided for people with a disability; and*
  - (b) *to give certainty to building certifiers, building developers and building managers that, if access to buildings is provided in accordance with these Standards, the provision of that access, to the extent covered by these Standards, will not be unlawful under the Act.*

The Traffic Impact Assessment provided with the application comments that:

*Accessible parking spaces are considered unwarranted for this development, as the development site is for storage warehouses, with their likely to be no customers on-site.*

However, this view is considered simplistic in light of current modern standards and practices for people with disabilities. Also, the building will be required to comply with the relevant standards in the Building Code of Australia. These will need to be assessed at the building approval stage by the Building Surveyor.

- There are no Performance Criteria to assess this issue against and in such situations the Acceptable Solution is required to be complied with for an application to demonstrate compliance with the Planning Scheme Development Standards.
- Note is made of the applicant’s submission that there may be a lower demand for disabled parking in light of there being low customer numbers. In this regard it is considered that the disabled parking space can be provided within the 40 car parking spaces provided on site, and that all these provided parking spaces will be sufficient to meet the reasonable needs of users.

A condition is recommended for inclusion in any permit issued in relation to the provision of car parking spaces for people with a disability in accordance with the relevant provisions of the Building Code of Australia.

## **E10.0 Biodiversity Code**

### **Clause E10.7.1 - Buildings and works**

<b>Acceptable Solution A1</b>
Clearance and conversion or disturbance must be within a Building Area on a plan of subdivision approved under this planning scheme.

**Performance Criteria P1**

Clearance and conversion or disturbance must satisfy the following:

(a) if low priority biodiversity values:

- (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development; and
- (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings; and/or

(b) if moderate priority biodiversity values:

- (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development; and
- (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings; and
- (iii) remaining moderate priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values; and
- (iv) residual adverse impacts on moderate priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority, April 2013 and Kingborough Biodiversity Offset Policy 6.10, November 2023; and/or

(c) if high priority biodiversity values:

- (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development; and
- (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings; and
- (iii) remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values; and
- (iv) special circumstances exist; and
- (v) residual adverse impacts on high priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority, April 2013 and Kingborough Biodiversity Offset Policy 6.10, November 2023; and
- (vi) clearance and conversion or disturbance will not substantially detract from the conservation status of the biodiversity value(s) in the vicinity of the development.

**Proposal**

The proposal is unable to meet A1 as there is no such building area on the title. As the proposal impacts upon high priority biodiversity values, the proposal requires assessment against P1 (c).

The proposal will impact on high biodiversity values, being trees of high and very conservation value, which provide significant habitat for the endangered forty-spotted pardalote, which is a high priority biodiversity value.

Tree 2 (*E. viminalis*, DBH 70cm), Tree 4 (*E. viminalis*, DBH 105cm), and Tree 6 (*E. viminalis*, DBH 45cm) are the only trees on the site within the Biodiversity Protection Area.

There will be some impacts from the proposed retaining wall - the wall will encroach in the TPZ of Tree 6 approximately 13%. These trees are being retained.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- While some tree removal is required to facilitate the development which will be offset, the majority of the proposed development has been designed and located to minimise (to the extent feasible) and mitigate impacts on individual trees of High and Very High Conservation Value, and the VHCV tree located within the Biodiversity Protection Area is proposed for retention.
- No clearing for bushfire hazard management purposes is required.
- Where encroachment is to occur into the Tree Protection Zones of retained HCV and VHCV trees within the Biodiversity Protection Area, the Arboricultural Impact Assessment (P Jackson, November 2022) confirms that any long term adverse impacts can be minimised and/or mitigated with pier and beam footings where required, and tree protection measures/fencing during construction. Additionally, the trees will be maintained and protected into the future with proposed surrounding landscaping.
- Special circumstances exist as the extent of tree removal is limited relative to what is being retained, with all white gums within the overlay being retained and all white gum removal proposed being outside the Biodiversity Protection Area. All Very High Conservation Value trees on site within the Biodiversity Code overlay are being retained.
- No offsets are required under the Biodiversity Code as there is no loss of priority biodiversity values within the Code overlay area.
- Disturbance will not substantially detract from the conservation status of the forty spotted pardalote in the vicinity of the development, as the significant forty-spotted pardalote habitat within the Biodiversity Protection Area is being retained.

To ensure compliance with the performance criteria, it is recommended that the following conditions are included in any permit issued:

- limiting clearing to seven (7) trees including five (5) white gums;
- retaining the remaining High and Very High Conservation Value trees;
- requiring a Part 5 Agreement to protect remaining trees;
- requiring tree protection measures and fencing in accordance with the Arborist recommendations (P Jackson, November 2022);
- requiring appropriate hygiene; and
- requiring a soil and water management plan to be submitted, and requiring tree protection measures during construction.

**E17.0 Signs Code****Clause E17.7.1 - Standards for Signs****Acceptable Solution A1**

A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.

Wall Sign

- (a) Message on the front face only;
- (b) Projection from the face of the wall or fence no more than 450mm;
- (c) Does not extend laterally beyond the wall or above the top of the wall to which it is attached;
- (d) Area of sign no more than 2m<sup>2</sup>.

Business Directory

- (a) No more than 1 sign per building;
- (b) Vertical dimension no more than 2000mm;
- (c) Horizontal dimension no more than 600mm.

Transom Sign

- (a) Extends no more than 200mm beyond building alignment;
- (b) Does not extend beyond or below the level of the head of the doorway or window above which it is attached;
- (c) No more than 3600mm above the ground to the highest point of the sign;
- (d) Depth no more than 500mm.

**Performance Criteria P1**

A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:

- (a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;
- (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;
- (c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;
- (d) not result in loss of amenity to neighbouring properties;
- (e) not involve the repetition of messages or information on the same street frontage;
- (f) not contribute to or exacerbate visual clutter;
- (g) not cause a safety hazard.

**Proposal**

**Not Complying** – while all signs are Permitted in the Light Industrial Zone, they do not comply with the size standards, as follows:

- wall sign – 8.8m x 4.4m (38m<sup>2</sup>) non illuminated

**Not Complying** – as more than 2m<sup>2</sup>

[Note – see transom sign below – there may be additional wall signs on each tenancy. If so, these would comply as there is 1 per tenancy].

- business directory sign - 5.3m x 3.3m

**Not Complying** – as more than 2m high and more than 0.6m wide

- transom signs –

**Not Complying** - May extend 5.0 m above the ground. Also, there may be more than 1 per tenancy as the plans have a notation that horizontal and vertical

signs may be placed on each tenancy. The vertical signs would be defined as a wall sign.

The Planning Report submitted with the application states that “the proposed wall sign and business directory signs are Permitted sign types in the Light Industrial Zone. Both signs exceed the permitted dimensions however are considered to satisfy the provisions of the Code including E17.7.1, P1 in that both the “Bell business park” wall sign and directory sign are integrated into the design of the premises, will not dominate the streetscape, lead to repetition of message, visual clutter or a safety hazard.”

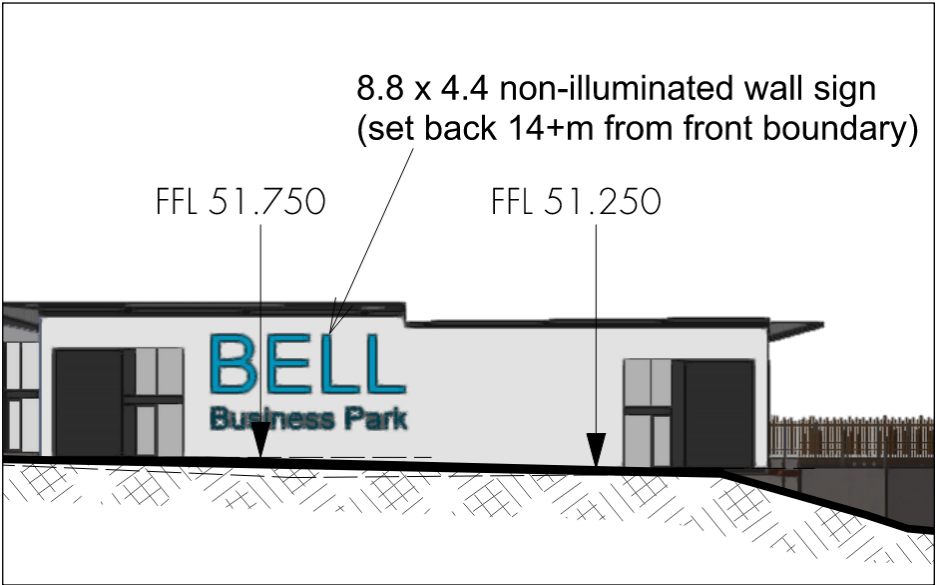


Figure 9 - Proposed Wall Sign.

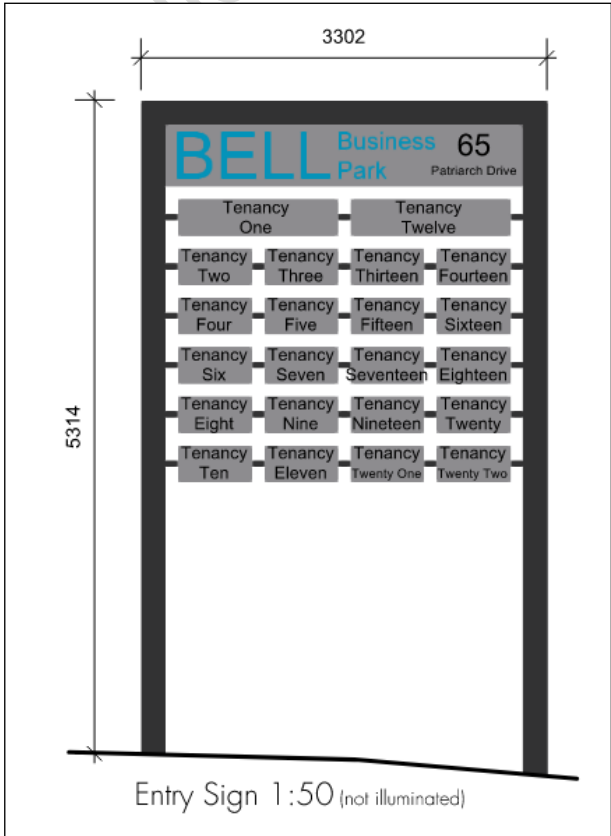


Figure 10- Proposed Business Directory Sign

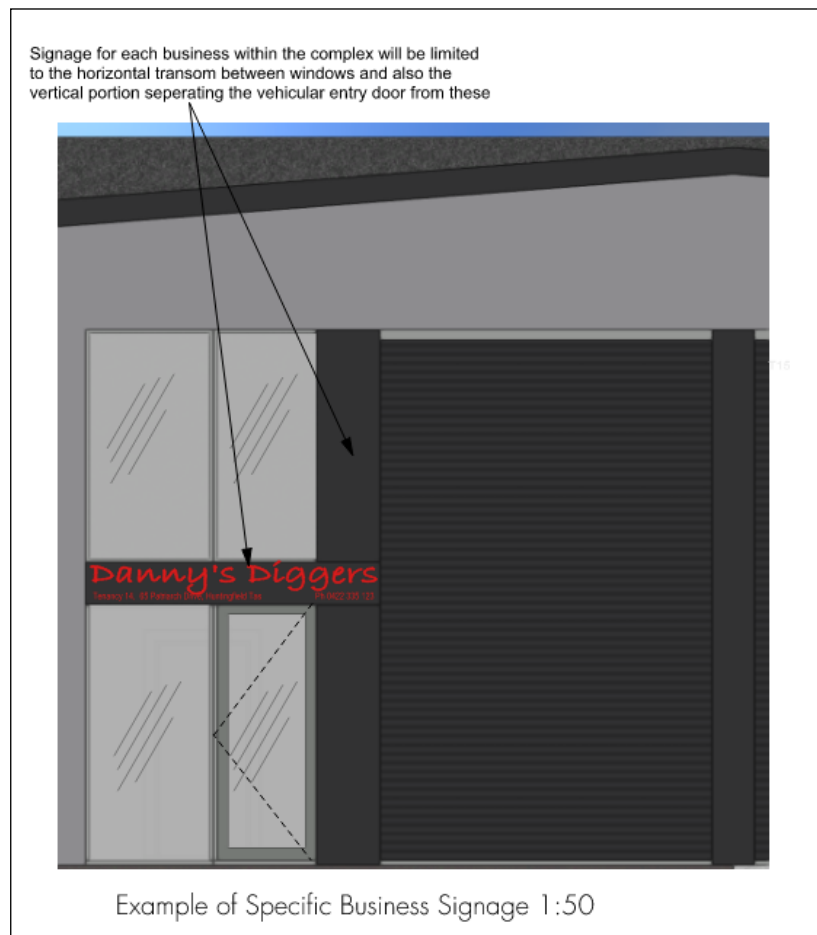


Figure 11 details on proposed transom signs per tenancy.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The business directory sign is located at the entrance of the site. Its size is determined by the 22 tenancies on the site. In this regard it needs to be of a size to accommodate the 22 tenancy names. It is located at the end of the cul-de-sac and has the building complex behind it. It is considered that it is in keeping with other similar signs in the street and is informative and it will not dominate the streetscape or buildings.
- The large wall sign on Tenancy 18 is integrated into the design and due to its location and the size of the buildings will not dominate the building or streetscape.
- The location of the business directory sign and wall sign at the end of the cul-de-sac will not impact on the streetscape or the building.
- The signs are constructed of materials which are able to be maintained in a satisfactory manner at all times.
- There is no impact on neighbouring properties. The signs are located so that they will not impact on the adjacent Council footway and the Peter Murrell Reserve.
- In light of the number of tenancies the two signs are not considered to be repetitive, and they will serve a function in identifying the complex. However, the

plans have a notation that horizontal and vertical signs may be placed on each tenancy. If all the transoms are used and also vertical wall signs included then undesirable visual clutter and repetition of signs may occur. While the Signs Code allows one type of sign per premises, a condition is recommended for inclusion in any permit issued in relation to approving only one type of sign (i.e. only 1 transom sign and 1 wall sign) per premises and any further signs will require the further approval of Council.

- None of the signs will cause a safety hazard.

## 2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* (from 31 August 2024 to 13 September 2024). A total of 5 submissions were received of which there were 4 during the advertising period – one of the submitters has lodged two submissions with similar issues. Therefore, the submissions have been counted as three. There was also one submission received out of time.

### 2.1.1 Issue - Proposed Storage Use

The planning report notes that the proposed use for the 22 warehouses is 'Storage'. This appears to contradict the description elsewhere of the proposal which is referred to as a 'Business Park'. This suggests likely business and retail uses being intended to occupy the development in the future. The application is otherwise evasive about uses likely to be accommodated at the 'business park'.

It is considered that to avoid such a scenario Council should only approve the proposal with a permit condition requirement for a Part 5 agreement with respect to the future use of tenancies that restricts future use of the proposed tenancies to the Storage use class only.

#### *Response*

This issue was raised with the applicant by Council in the Further Information Request. The applicant has confirmed that the application is for Storage. A condition is recommended to be included in any permit issued in relation to this issue.

### 2.1.2 Issue - Impact on trees on adjacent land

A representation was made with concerns that trees will be pruned due to building proximity and these impacts were not assessed by the consulting arborist. The concerns were that canopy lopping would be required.

#### *Response*

The Planner and Environmental Planner advised the applicant to obtain further information from the consulting Arborist (P Jackson) on this issue. Council also sought confirmation that all works could be undertaken within the subject lot.

The Arborist has confirmed that all pruning works will need to be in accordance with AS4373, and shall be contained within the subject lot. The Arborist also recommended that Council includes a condition in any permit issued that requires the applicant to get the Project Arborist to consult on the extent of pruning required for Trees 22, 23, 24, 27 and 30 prior to the installation and erection of the tilt up walls along the south-west boundary.

The development plans to replace the trees removed with mature specimen white gums, and is retaining the largest High and Very High Conservation Value *E. viminalis* trees on site, and removing only 5 of the small trees.

An additional representation was made which was concerned about the removal of Trees 12 to 16 resulting in a loss of amenity for the adjacent walking track. The landscaping condition will make recommendations that the proposed landscaping plan includes moving some of the nine proposed white gums to be planted along the western side of the development to replace the trees that are being removed.

#### 2.1.3 Issue - Feasible use of proposed parking spaces

- The parking spaces are all for single light vehicles. No manoeuvring paths are shown on the proposal plans with some spaces appearing not to have adequate on site turning available, due to the intensity and extent of the proposed development.
- No parking spaces are available for heavy vehicles as might be expected for proposed 'Storage' uses.
- There appear to be no loading or unloading areas set aside across the entirety of the development site.
- For 'Storage' uses, loading and unloading areas would be required in at least one area within the subject site. For 22 tenancies to have no loading or unloading areas at all available for their use, it is questioned how the traffic and parking generation will not spill outside of the site into the adjacent cul-de-sac where there are already serious on street parking deficiencies.

#### *Response*

The proposal complies with the Acceptable Solutions and Performance Criteria in the Parking and Access Code. A condition is recommended to be included in any permit issued in relation to no unloading on the street.

#### 2.1.4 Issue - Compliance with E6.0 Parking and Access Code

The proposal does not seem to include disabled spaces, motorcycle spaces or any loading facilities. All of the tenancies include an ancillary office space. When taking into account at least 1 space per tenancy for this ancillary office space and then calculating the number of spaces for remaining floor space to be used for 'Storage' (rounded up, as you cannot provide half a space), the nominated requirement of 41 spaces would be deficient by more than a single parking space.

#### *Response*

The Application is supported by a TIA. The Council's Development Engineer has assessed the application, and the TIA, and is satisfied that it meets the Acceptable Solutions and Performance Criteria in relation to car parking. The Code requires car parking based on the storage area and the ancillary office areas. For Storage use, the on-site parking requirement is one space per 100 square metres of floor area and one for each 40 square metres of ancillary office floor area. The combined total floor area of the office space is calculated at 378 square metres, while the combined total floor area of the storage area is calculated at 3,220 square metres. Under the planning scheme requirements, this development is required to provide 41.65 car parking spaces – rounded up to 42 spaces.

The shortfall of two car parking space is addressed in the report. There are two motorcycle parking spaces provided. A condition is also recommended for disabled parking spaces to be provided.

Any future change in use to uses with different car parking requirements will be required to comply with the Parking and Access Code and demonstrate compliance with the Development Standards.

**2.1.5 Issue – Graffiti and vandalism**

A large, concrete slab retaining wall faces public space to the west providing an excellent canvas for graffiti and vandalism if not addressed in some way. A condition should be required for the developer to address both the loss of amenity to the walking track and mitigate the risk of graffiti attacks and vandalism that the public will suffer from.

*Response*

While there are no development standards in the Planning Scheme in relation to graffiti and vandalism of buildings in the interest of minimising public amenity concerns, a condition is recommended for inclusion in any permit issued, on the management of any graffiti if it occurs.

**2.1.6 Issue - Distance to residential zones**

There are some statements in the Planning Report that appear to be inaccurate, regarding distance to residential zones. The distance between this lot and the nearest residential lot is 178m from Booyaa Street. Similarly, there is a lot 200m away on Kingsgate Circle.

*Response*

The distances to residential zones has been measured from the Council's mapping system to enable their assessment against the Development Standards. The application complies to all required Acceptable Solutions in relation to setbacks for residential zones.

**2.1.7 Issue - Noise Impacts**

Concerned about how noise (24.3.2) will be addressed and prevented. The design of the development indicates manufacturing, mechanical works, large vehicles and the use of power tools is likely.

*Response*

The application has been assessed against the requirements of Clause 24.3.2 – Noise of the Light Industrial Zone and E9.0 Attenuation Code (see Assessment Checklist). The proposal complies with the Zone requirements. The use in the Light Industry Zone is exempt in the Attenuation Code.

A condition is recommended for inclusion in any permit issued in relation to ensuring the noise levels comply with the required noise emission levels for the Zone. Noise nuisance is not expected from the storage activities. Any future change in use (for permitted and discretionary uses) for activities that generate noise nuisance will be required to demonstrate compliance with the Planning Scheme development standards.

**2.1.8 Issue – Waste Disposal**

There is not enough room on the road (cul de sac) to store the 22 general rubbish bins, and potentially 44 on every second week for recycling) for the tenancies.

*Response*

The site will not be serviced by the Council contractors and bins will not be placed on the roadside for collection. The site will require regular private waste collection services (including recyclables).

A condition to ensure that waste management on site during construction is undertaken is recommended for inclusion in any permit issued.

A condition requiring a private waste collection service for the site is also recommended for inclusion in any permit issued.

**2.1.9 Issue - Works outside title boundaries**

Despite the application documentation stating otherwise, plan C102 states that a new crossover and service connection works (as well as light pole removal) will occur within the road reservation.

*Response*

The application has obtained Council Consent for the infrastructure works on Council Land.

**2.1.10 Issue – Aboriginal heritage**

With the inclusion of the Council land, No 12 Patriarch Drive, in the application there are no reports from Aboriginal Heritage Tasmania in the proposal.

*Response*

There are no Development Standards in the Planning Scheme that relate to Aboriginal Heritage, and it therefore is not able to be assessed as part of the application under the *Land Use Planning and Approvals Act 1993*. The requirements of the *Aboriginal Heritage Act 1975* are a separate matter.

**2.1.11 Late Submission**

A late submission was received on Monday 16/09/2024. The issues raised by the submitter have been considered in relation to the three (3) submissions made on time above.

**2.6 Other Matters****Best Practice Hygiene Measures**

In accordance with clause 8.11.3, a condition should be included in any permit issued requiring implementation of best practice hygiene measures.

**Easements And Covenants**

The property contains a number of easements and covenants:

- SP155087 EASEMENTS in Schedule of Easements
- SP155087 COVENANTS in Schedule of Easements
  - not to construct or permit to be constructed or allow any direct vehicular access to Algona Road from the Lots on the plan.
  - not to lop or remove any trees on such Lots without the prior consent in writing from Kingborough Council.

- SP155087 FENCING COVENANT in Schedule of Easements
- SP146700, SP148137 & SP153698 COVENANTS in Schedule of Easements
- SP31944, SP143354 & SP153698 FENCING COVENANT in Schedule of Easements
- B96406 PROCLAMATION under Section 9A and 52A of the *Roads and Jetties Act 1935* Registered 09-Apr-1987 at 12.01 PM
- C716790 AGREEMENT pursuant to Section 71 of the *Land Use Planning and Approvals Act 1993*

Part 5 requiring that no trees lopped or removed without consent from Council, no direct vehicle access to Algona Road. The issue of tree lopping and removal has been assessed by Council in the current application. There is no access to Algona Road proposed with all access being from Patriarch Drive.

- C877798 AGREEMENT pursuant to Section 71 of the *Land Use Planning and Approvals Act 1993*

Part 5 relates to the requirement on DA-2008-227 that the vehicle traffic areas at the rear of the subject land were to be imperviously sealed or paved. The proposed redevelopment of the site and the approved driveway and parking areas will require all vehicle traffic areas to be paved in accordance with the standards in the Parking and Access Code.

All easements and covenants have been considered in the assessment of the application.

A number of the elements are obsolete or no longer required and these need to be removed from the title. The covenants are no longer required as there is adequate protection and requirements on clearing, traffic and parking in the Planning Scheme provisions.

A condition is recommended for inclusion in any permit issued in relation to amendment to the Sealed Plan for the deletion of the current obsolete easements and Covenants. In effect this will require that SPA-2022-7 be finalised and the Sealed Plan amended prior to the commencement of works.

#### TasWater

TasWater have provided a Submission to Planning Authority. A condition is recommended for inclusion in any permit issued.

### **3. CONCLUSION**

The application has demonstrated compliance to all relevant Acceptable Solutions and Performance Criteria for the Light Industrial Zone and relevant Codes and is recommended for approval with conditions reflecting the above discussion.

### **4. RECOMMENDATION**

That the Planning Authority resolves that the development application for demolition of existing building and construction of 22 warehouses and associated infrastructure and works at 65 & 12 Patriarch Drive, Huntingfield for Phoenix Construction and Development Services be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2024-276 and Council Plan Reference No. P1 submitted on 16 August 2024.

This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. Prior to the permit coming into effect and the commencement of any on-site works, the owner must concurrently end the existing Part 5 Agreement (Dealing No. C716790) and enter into a new Part 5 Agreement under the *Land Use Planning and Approvals Act 1993* with and to the satisfaction of Kingborough Council. This new Part 5 Agreement must:
  - (a) define and map protected trees, which includes T1 and T2 as shown in Council Plan Reference P1 submitted on 16 August 2024 and all replacement plantings identified in the endorsed Landscaping Plan required under condition 6;
  - (b) require the ongoing retention, protection and maintenance of these trees;
  - (c) require use and development, including buildings, structures, services and utilities, boundary fences and any other works, to be designed, located and constructed to:
    - (i) ensure individual protected trees are able to be retained and any impacts are tolerable;
    - (ii) minimise encroachment into the tree protection zone of protected trees through the design and location of development;
    - (iii) ensure there is no cut, fill or placement of materials within the tree protection zones of protected trees.
  - (d) specify that Council will only approve impacts on protected trees, including encroachment into the tree protection zone or lopping, where it can be demonstrated that the impacts are tolerable, the trees are capable of retention and any impacts will not compromise the long-term viability or expected life of the trees; and
  - (e) specify that Council will only approve removal of protected trees where:
    - (i) it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert V Arboriculture and qualified in QTR Assessment), the trees are unable to be retained because the health and viability of the trees is such that they represent an unacceptable safety risk;
    - (ii) the written consent of the landowner has been obtained;
    - (iii) the loss of the trees is mitigated through replacement plantings at a ratio of 3:1; and
    - (iv) loss of these trees is offset to the satisfaction of Council.
  - (f) be drafted using Council's template Part 5 Agreement; and
  - (g) be executed and registered on the title prior to acting on the planning permit, commencement of any on-site works and approval of an 'Application for Approval of Planning Start of Works Notice'.

The concurrent ending of the existing agreement and new agreement must be executed and registered on the title prior to the permit coming into effect.

All costs associated with ending, drafting and registering the Part 5 Agreements on the title must be borne by the developer. All terms of this Agreement must be complied with once executed.

*Please note, planning permits containing a requirement for a Part 5 Agreement are not effective until such time as the Agreement is executed, as specified in s53(6) of the Land Use Planning and Approvals Act 1993. Therefore, the above Agreement must be signed and sealed, and proof of lodgement of the Agreement with the Land Titles Office for registration on the property title provided to Council, prior to the Permit coming into effect and commencement of works. The template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.*

3. No more than seven (7) trees numbered 3, 12, 13, 14, 15, 16 and 28 and as shown in Council Plan Reference P1 (submitted on 16 August 2024) and the Arboricultural Impact Assessment (P Jackson, November 2022), are approved for removal for the purposes of this development.

This vegetation must not be removed prior to building approval, securing the conservation offset and approval of an 'Application for Approval of Planning Start of Works Notice'.

No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without the prior written permission of Council.

4. Prior to the removal of any individual trees and the commencement of on-site works, the loss of five (5) very high conservation value *Eucalyptus viminalis* trees must be offset by a financial contribution totalling \$2,850.00 (\$570.00 per tree). This contribution must be paid to Council's Environmental Fund and used solely for the protection and management of *Eucalyptus viminalis* and Forty-spotted Pardalote habitat within the municipality.
5. Prior to the installation and erection of the walls within the tree protection zones of the trees along the south-west boundary, numbered 22, 23, 24, 27 and 30 as shown on Council Plan Reference P1 (submitted on 16 August 2024) and the Arboricultural Impact Assessment (P Jackson, November 2022), advice and recommendations must be sought from the Project Arborist to confirm the requirement and extent of tree pruning to install the walls without damage to these trees.

All pruning work required for the installation must be in accordance with AS4373, the Arboricultural Impact Assessment (P Jackson, November 2022) and the Amendment to Section 6.0: Tree Protection Specification (P Jackson, July 2024). All pruning must be contained within the subject land. No pruning is approved from or within the neighbouring lots (CT 129737/1, CT 148137/102 and CT 20222/1) as part of this permit.

Evidence of the Project Arborist consultation and recommendations, and compliance with this condition must be provided to Council prior to the installation of the walls.

6. Landscaping must be provided prior to occupation of the new buildings to the satisfaction of the Council's Manager Development Services.

The landscaping areas shown on the endorsed plan, Landscaping Plan, Glanville Architects, Drawing No. A-03 dated 31/01/2024 (Council Plan Reference P1 submitted on 16 August 2024) must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Manager Development Services, including that any dead, diseased or damaged plants are to be replaced.

No weeds listed under the *Tasmanian Biosecurity Act 2019* or/and identified as non-declared priority weeds in the Kingborough Weed Management Strategy are to be planted on the property.

7. All remaining native vegetation including individual trees identified for retention in Council Plan Reference P1 (submitted on 16 August 2024) and the Arboricultural Impact Assessment (P Jackson, November 2022) must be appropriately protected during and after construction in accordance with all the recommendations in the Arboricultural Impact Assessment. This includes but is not limited to implementation of the following measures:

A. Prior to Construction:

Prior to the commencement of on-site works (including but not limited to demolition, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings):

- (a) Appointing a Project Arborist.
- (b) Conducting a site briefing between the Project Arborist and the project manager and site supervisor or equivalent for the development, including provision of the Tree Protection Plan (TPP).
- (c) Installing trunk protection measures, and tree protection fencing in accordance with the Arboricultural Impact Assessment, Tree Protection Plan and Condition 8.
- (d) Providing certification by the Project Arborist of satisfactory implementation of these tree protection measures to the Manager Development Services prior to the commencement of on-site works.

B. During Construction:

- (a) Maintaining trunk, ground and tree protection measures required above for the duration of the construction.
- (b) Ensuring the Project Arborist conducts a site audit during construction to check compliance against the tree protection plan and permit conditions.
- (c) Ensuring the Project Arborist advises on the extent of pruning required for Trees 22, 23, 24, 27 and 30 prior to the installation of the walls along the south-west boundary in accordance with Condition 5.
- (d) Ensuring Project Arborist oversees any excavation, machine trenching, compacted fill placement and other designated site specific activities within the Tree Protection Zones and Structural Root Zones of all retained trees.
- (e) Ensuring that the retaining wall is constructed with pier and beam footings within the TPZs of Tree 6 and 10 in accordance with Condition 11.
- (f) Installing all services and sewer lines in accordance with section 6.5 of the Arboricultural Impact Assessment, including but not limited to locating all underground services and stormwater lines outside the TPZs of trees proposed for retention wherever possible, and where not possible using alternative measures such as non-destructive excavation.
- (g) Installing all services and sewer lines within TPZs (only if unavoidable) in accordance with section 6.5.2 of the Arboricultural Impact Assessment, ensuring large woody roots are retained intact wherever possible.

- (h) Pruning of woody roots only where no other alternative location of underground service lines is feasible, and ensuring the pruning is guided and assessed by a suitably qualified Arborist (AQF 5).
- (i) Providing written certification by the Project Arborist of satisfactory implementation of these measures to the Manager Development Services upon completion of the site audit.

C. Post Construction:

- (a) Ensuring the Project Arborist oversees the removal of the tree protection measures and fencing, and only removing tree protection when there is no risk of damage to the trees.
- (b) Adhering to the following tree management measures post construction for all areas within the tree protection zone but outside the footprint of the approved works:
  - (i) the existing soil level must not be altered around the tree protection zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil);
  - (ii) the tree protection zone must be free from the storage of fill, contaminates or other materials;
  - (iii) machinery and vehicles are not permitted to access the tree protection zone; and
  - (iv) development and associated works are not permitted unless otherwise approved by Council in writing or otherwise in accordance with the law.
- (c) Providing written certification by the Project Arborist of satisfactory implementation of these measures to the Manager Development Services upon completion of construction.

8. Tree protection fencing required under Condition 7 must:

- (a) Be in accordance with Appendix 1: Tree Protection Plan of the Arboricultural Impact Assessment (P Jackson, November 2022). The location of the protection fencing in the Tree Protection Plan has been derived on the assumption that the existing chain-link property boundary fence will remain intact for the duration of the construction works. Should this fence be removed at any point during construction, Council must be advised and Project Arborist advice must be sought in relation to the location of tree protection fencing.
- (b) Exclude the following from the tree protection zones:
  - (i) Machine excavation including trenching.
  - (ii) Machinery movement.
  - (iii) Excavation of silt fencing.
  - (iv) Cultivation.
  - (v) Storage.
  - (vi) Preparation of chemicals, including preparation of cement products.
  - (vii) Parking of vehicles and plant.

- (viii) Refuelling.
- (ix) Dumping waste.
- (x) Placement of fill.
- (xi) Lighting of fires.
- (xii) Soil level changes.
- (xiii) Temporary or permanent installation of utilities and signs.
- (xiv) Physical damage to the trees.

(c) Be constructed in accordance with the following requirements:

Tree protection fencing must:

- (i) Utilise barrier mesh and star pickets fencing unless otherwise approved in writing.
- (ii) Form a visual and physical barrier.
- (iii) Be a minimum height of 1.5 metres above ground level.
- (iv) Include signage clearly marked "Tree Protection Zone - No Entry" on all sides.

Tree trunk protection must:

- (v) Be in accordance with the specifications in section 6.2.3 of the Arboricultural Impact Assessment.
- (vi) Be erected around nominated trees to avoid accidental damage, as indicated by a pink tree dot on the Tree Protection Plan.
- (vii) Be installed prior to any site works and maintained in good condition for the duration of the construction period.

9. Prior to the commencement of on-site works a soil and water management plan must be submitted to Council for approval. The plan must be to the satisfaction of the Manager Development Services and be in accordance with the Soil and Water Management of Construction Sites – Guidelines.

Documentation submitted for Council approval must demonstrate the soil and water management measures and associated works do not result in additional encroachment into the tree protection zone of trees identified for retention in Council Plan Reference P1 (submitted on 16 August 2024) and the Arboricultural Impact Assessment (P Jackson, November 2022).

All measures identified in the plan must be satisfactorily implemented and a site inspection of the implemented plan undertaken by Council with the principal contractor prior to commencement of on-site works.

10. Prior to commencement of on-site works, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer. Plans must be to satisfaction of the Director Engineering Services and comply with:
  - Tasmanian Standard Drawings
  - Austroads Standards and Australian Standards

- Australian Rainfall and Runoff Guidelines

The Plans must include, but are not limited to:

- (a) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:
  - (i) Longitudinal and cross sections of the driveway/access road
  - (ii) Contours, finish levels and gradients of the driveway/access road
  - (iii) Provision of vehicle access (crossovers) with notation to be constructed in standard grey concrete with a broomed non-slip finish
  - (iv) Provision of passing bays (if applicable)
  - (v) 'No parking/keep clear' signage for turning bay areas
  - (vi) Wheel stops for parking bays
  - (vii) Surface treatment and stormwater drainage
  - (viii) Provision of landscaping of the parking and circulation areas must be provided. This landscaping must be no less than 5 percent of the area of the car park
  - (ix) Lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting
  - (x) The provision of a total of forty (40) car parking spaces and two (2) motor cycle parking spaces must be provided on the land for the uses permitted, to the satisfaction of the Manager Development Services. The area set aside for parking of vehicles including disabled parking and so delineated on the approved engineering design drawings must be made available for such use and must not be used for any other purpose
  - (xi) The provision of motorcycle parking areas located, designed and constructed to comply with section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking
  - (xii) The provision of car parking spaces provided for people with a disability in accordance with the relevant provisions of the Building Code of Australia
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
  - (i) Layout details
  - (ii) A water sensitive urban design system to achieve the acceptable stormwater quality and quantity targets required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 including MUSIC modelling
  - (iii) A reticulated stormwater system sized to accommodate at least the estimated 5% AEP (Annual Exceedance Probability) flow. Any on-site stormwater detention must be detailed including how the on-site detention will be serviced to prevent blockages while maintaining its capacity
- (c) A Tree Protection Plan which:

- (i) identifies all individual native trees with a diameter >25cm at 1.4m from natural ground level and their associated tree protection zones relative to the works
- (ii) identifies which trees are to be removed and which are to be retained for the purpose of the works, in accordance with Council Plan Reference P1 (submitted on 16 August 2024) and the Arboricultural Impact Assessment (P Jackson, November 2022)
- (iii) demonstrates encroachment is no greater than that shown in Council Plan Reference P1 (submitted on 16 August 2024) and assessed in the Arboricultural Impact Assessment (P Jackson, November 2022)
- (iv) demonstrates all works are designed, located and constructed to minimise impacts on trees, and enable retention of trees in accordance with Appendix 1: Tree Protection Plans of the Arboricultural Impact Assessment (P Jackson, November 2022)
- (v) demonstrates that all underground services and sewer lines have are proposed to be installed in accordance with section 6.5 of the Arboricultural Impact Assessment, including but not limited to locating all underground services and stormwater lines outside the TPZs of trees proposed for retention where possible, and/or using alternative measures such as Horizontal Directional Drilling (HDD)
- (vi) details the mitigation and protection measures to be implemented before, during and after construction in accordance with Australian Standard 4970-2009 for the protection of trees on development sites, including incorporation of the recommendations in the Arboricultural Impact Assessment (P Jackson, November 2022) and Conditions 7 and 11

Once endorsed the plans will form part of the permit.

11. Plans submitted for building approval must incorporate:

- (a) the construction recommendations in the Geotechnical Site Investigation prepared by GES October 2022, including:
  - (i) all proposed shallow foundations must penetrate through any fill material & topsoils and onto sedimentary bedrock;
  - (ii) the excavation of conventional pad footings must be to a sufficient depth and bearing;
  - (iii) the driving or boring into underlying well consolidated natural soil where pile foundations are required;
  - (iv) the levelling and compaction of footprints with either natural rock fill or imported Class 1 fill in accordance with AS 1289 5.1.1;
  - (v) all earthworks onsite must be compliant with AS3798-2007 *"Guidelines for Earthworks on commercial and residential subdivision"*;
  - (vi) connecting stormwater as soon as any roofing is sealed; and
  - (vii) the drainage for ground surface and pavements is designed to flow away from footing areas and towards stormwater discharge points.
- (b) the construction recommendations in the Arboricultural Impact Assessment (P Jackson, November 2022), including:

- (i) the retaining wall footings must be constructed using alternative 'non-destructive' methods such as 'pier and beam' footings within the TPZ of Trees 6 and 10.

All mitigation measures identified in the approved building plans must be satisfactorily implemented.

- 12. Prior to the commencement of on-site works, SP 155087 must be amended to remove and/or amend the location of the existing drainage, pipeline, cable and embankment easements affecting Lot 41.

*For Advice: Council notes that a Sealed Plan Amendment application, SPA-2022-7, has been submitted in respect of the subject lot. This application will be determined by Council following the issue of a permit for DA-2024-276 and the taking effect of that Permit.*

- 13. Before any works commence, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Manager Development Services. No works are permitted to occur until the Plan has been endorsed. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Manager Development Services. The plan must include, as a minimum:
  - (a) Hours for construction activity in accordance with any other condition of this Permit;
  - (b) Measures to control noise, dust, water and sediment laden runoff;
  - (c) Measures relating to removal of hazardous or dangerous material from the site, where applicable.
  - (d) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises;
  - (e) A Traffic Management Plan including any truck routes to and from the site;
  - (f) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
  - (g) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
  - (h) Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - (i) Contact details of key construction site staff;
  - (j) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves.
- 14. Prior to the commencement of any on-site works, including vegetation removal or modification, demolition, construction, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings, an 'Application for Approval of Planning Start of Works Notice' must be lodged with Council's Planning Department.

This application must be lodged a minimum of 14 days prior to commencement of on-site works and works must not commence until this notice has been approved by the Manager Development Services.

*For Advice: This Planning Start of Works Notice is not the same as the Form 39 Building Start Works Notice. As such, lodgement of a Form 39 will not satisfy this condition and a separate 'Application for Approval of Planning Start of Works Notice' must be lodged with Council's Planning Department. A copy of the application form is available on Council's website.*

15. The construction works must be undertaken in accordance with the approved drawings. Works must be to the satisfaction and approval of the Director Engineering Services and include the following:
  - (i) 'No Parking'/'Keep Clear' signage must be installed for the turning bay;
  - (ii) all the parking spaces must be properly line marked;
  - (iii) wheel stops for parking bays must be installed;
  - (iv) on-site stormwater detention must be installed; and
  - (v) stormwater discharge from all new impervious areas must be disposed of by gravity to Council's stormwater infrastructure.
16. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Weed and Disease Planning and Hygiene Guidelines 2015 produced by the Department of Primary Industries, Parks, Water and Environment.

Any imported fill materials must be from a weed and pathogen free source to prevent introduction of new weeds and pathogens to the area.
17. During construction, all use and works, including stockpiling and storing of materials, vehicular access and parking, pruning of trees and works, must be contained within the subject land.
18. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Director Engineering Services.
19. The stormwater runoff from all new impervious areas must be disposed of by gravity to Council's reticulated stormwater system to the satisfaction and approval of the Director Engineering Services.
20. To ensure that the building contributes positively to the streetscape and the amenity and safety of the public and adjoining land is protected the owner/developer must ensure that:
  - (a) mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces is screened from view; and
  - (b) roof-top service infrastructure, including service plants and lift structures are incorporated within the design of the roof.
21. The external building materials of all buildings applying to this development must be of types and colours that are sympathetic to the environment and must be to the satisfaction of the Manager Development Services. The cladding and roof is to be Colorbond 'Monument' or similar material and with a light reflectance value not greater than 40 percent. Unpainted metal surfaces will not be approved. Plans submitted for

building approval must indicate the proposed colour and type of the external building materials.

22. The permit holder must promptly remove or obliterate any graffiti on the subject site which is visible to the public and keep the site free from graffiti at all times to the satisfaction of the Council.
23. Adequate provision must be made for the storage and collection of garbage and other solid wastes within the curtilage of the site, for periodic removal to a licensed disposal site by a private contractor.

All waste material generated by the development or from other sources must be contained in appropriate building waste containers. The containers must be of a size to adequately contain the amount of waste generated and must be appropriately located on the subject site and screened from public view to the satisfaction of the Manager Development Services.

24. Noise emissions measured at the boundary of a residential zone must not exceed the following:
  - (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;
  - (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;
  - (c) 65dB(A) (LAm<sub>ax</sub>) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

Noise levels are to be averaged over a 15 minute time interval.

25. Hours of operation of a use must be within:
  - (a) 7.00 am to 7.00 pm Mondays to Fridays inclusive;
  - (b) 9.00 am to 5.00 pm Saturdays;
  - (c) nil Sundays and Public Holidays.

except for office and administrative tasks.

26. The loading and unloading of vehicles and storage of vehicles or materials shall be contained within the property boundaries and not on any part of any road reserve.

Delivery vehicles must park within the site boundaries and must not under any circumstances block vehicular access along any road or adjoining property access.

27. All signs on the Endorsed Plans shall comply with the following requirements:
  - (a) The location and details of the sign(s), including supporting structures, as shown on the endorsed plans, must not be altered unless with the prior written consent of the Manager Development Services.
  - (b) The sign(s) must not contain any flashing or moving light to the satisfaction of the Manager Development Services.
  - (c) The sign(s) must be constructed and maintained to the satisfaction of the Manager Development Services.
  - (d) Only one (1) Transom sign and one (1) Wall sign, in compliance with the standards in the Signs Code E17.0, are approved for each tenancy. Any further

signage will be required to comply with the Development Standards in the Signs Code E17.0 including when necessary, obtaining the approval of Council.

28. The Permit DA-2024-276 is for Storage (warehousing) as defined in the Kingborough Interim Planning Scheme 2015. Any further changes in use will be required to comply with the provisions of the Planning Scheme in force at the time including where relevant the lodgement of a development application and obtaining a Planning Permit.
29. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

### ADVICE

- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The approval in this permit is under the *Land Use Planning and Approvals Act 1993* and does not provide any approvals under other Acts including, but not limited to *Building Act 2016*, *Urban Drainage Act 2013*, *Food Act 2003* or Council by-laws.

If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the *Building Act 2016*. Change of use, including visitor accommodation, may also require approval under the *Building Act 2016*. Advice should be sought from Council's Building Department or an independent building surveyor to establish any requirements.

- C. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.
- D. A drainage design plan at a scale of 1:200, designed by a qualified Hydraulic Designer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.
- E. Prior to construction on Council land, a By-Law Permit under the Parks Recreation and Natural Areas By-law No. 3 of 2021 must be obtained.

### ATTACHMENTS

1. **Application Plans**
2. **Assessment Checklist**
3. **TasWater Submission to Planning Authority**

APPLICATION FOR PLANNING APPROVAL

**Application Number:** DA-2024-276

**Proposal:** Demolition of existing building and construction of 22 warehouses and associated infrastructure and works (including council land).

**Subject Site:** 65 Patriarch Drive and 12 Patriarch Drive, Huntingfield.

**Responsible Planning Officer:** Timothy Donovan

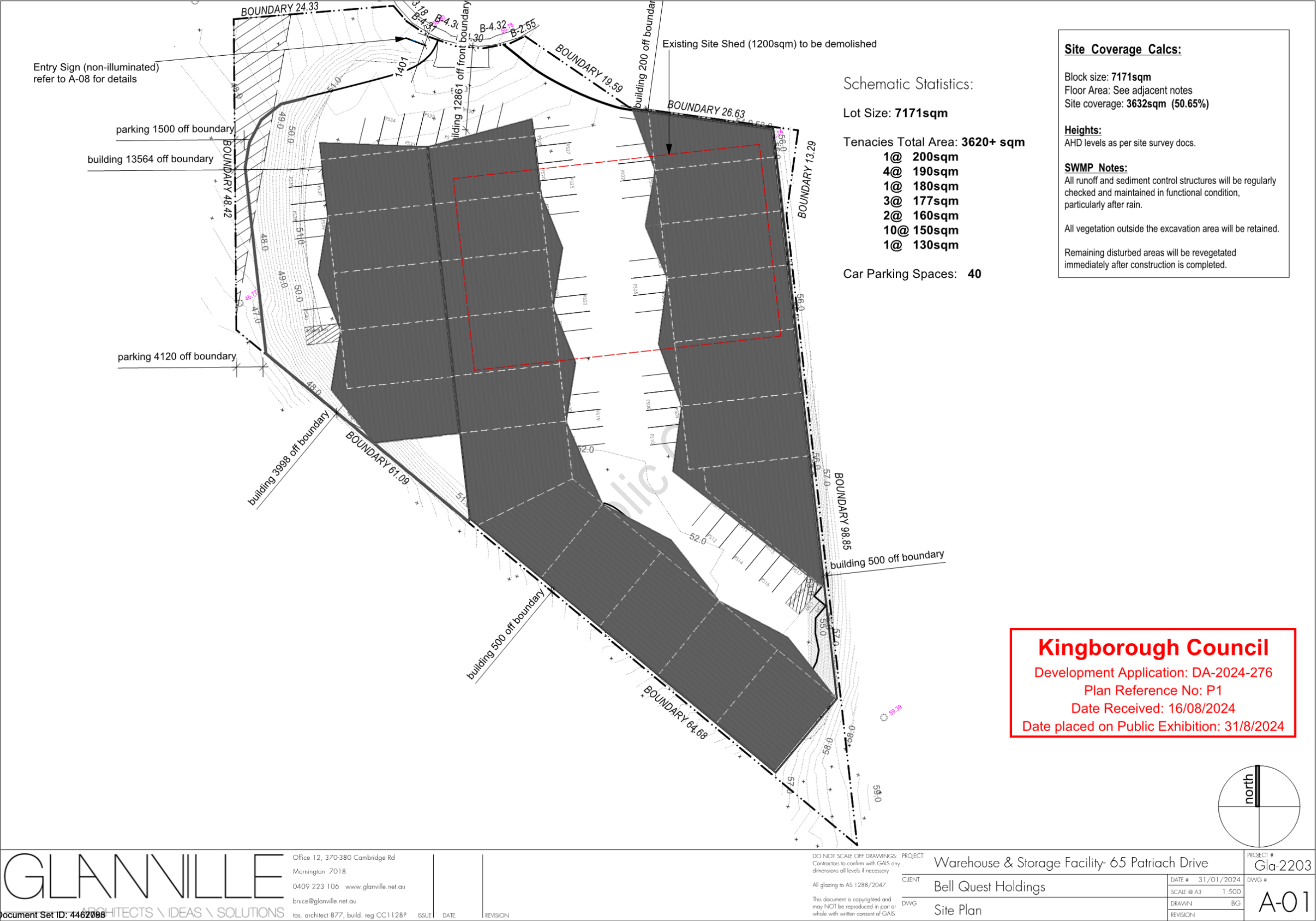
Advertised Documents:

- Application Plans
- Planning Report
- Traffic Impact Assessment
- Geotechnical Site Investigation
- Arboricultural Impact Assessment & Tree Protection Specification
- Stormwater Report

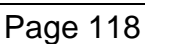
Available upon request:

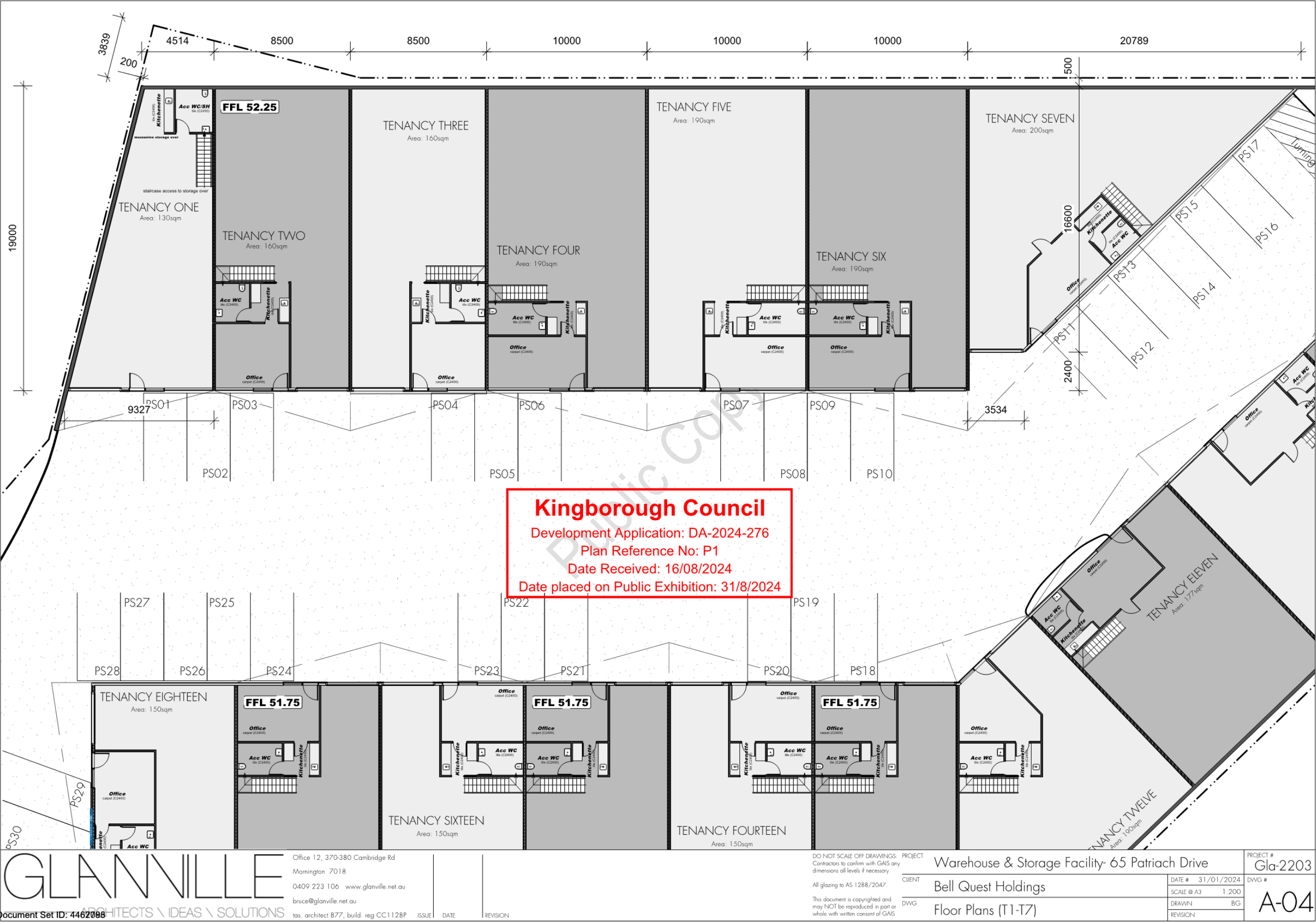
- Application Form
- Copy of Titles

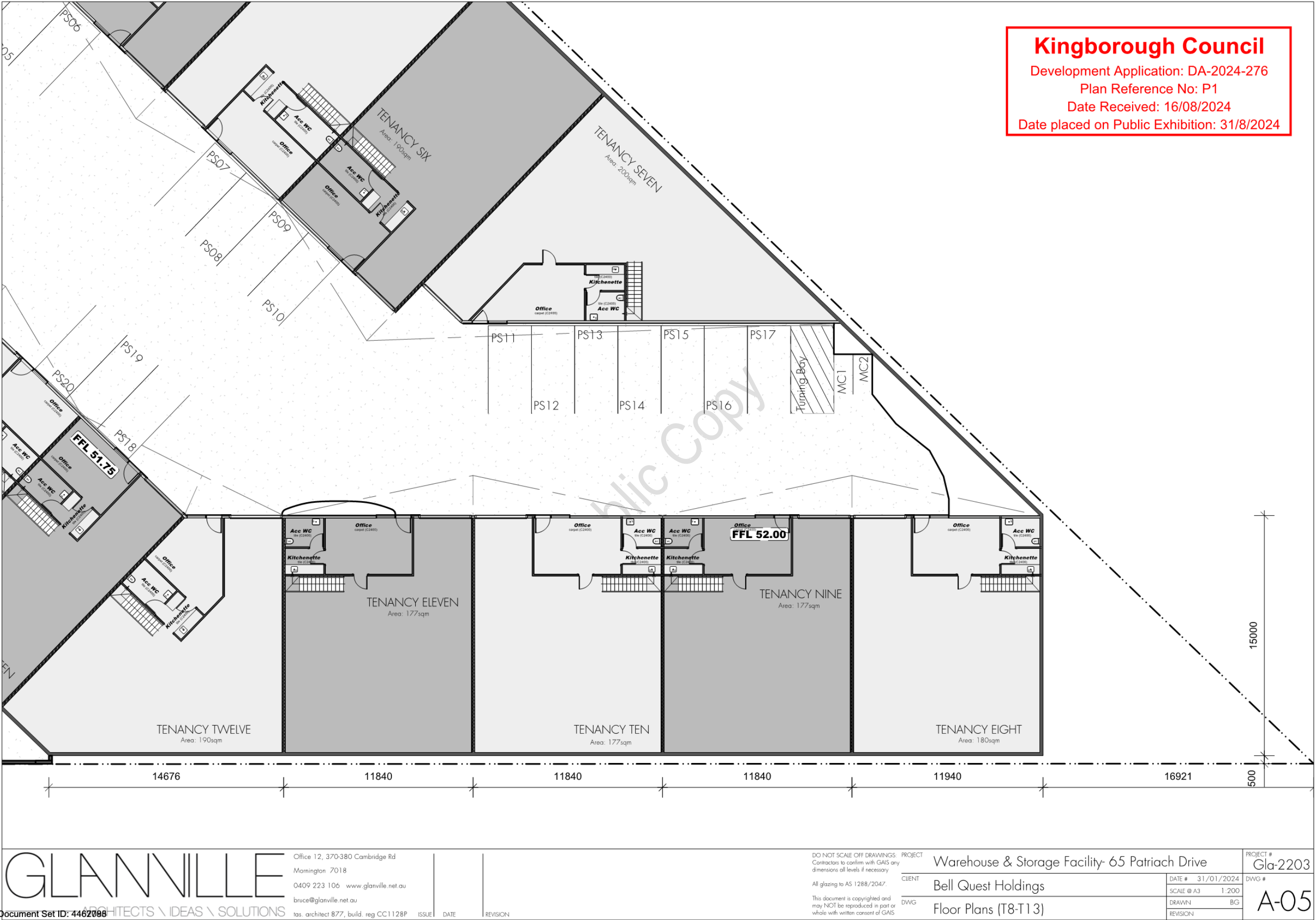
NOTE: The documents included for advertising (public notice) have been provided by the applicant. The advertising of the documentation does not confirm that Council agrees with, or endorses, the content or assessments.

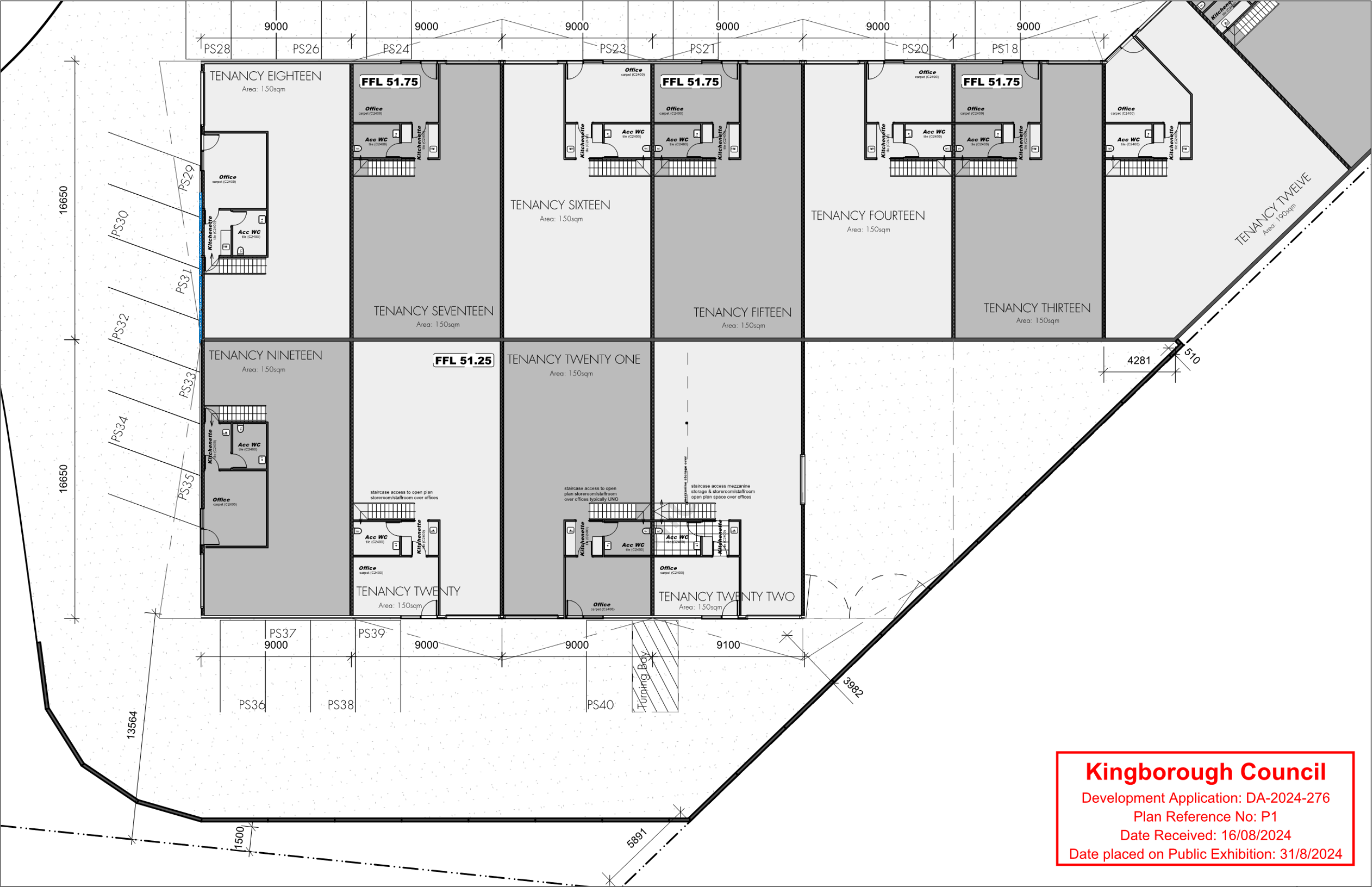


Page 117

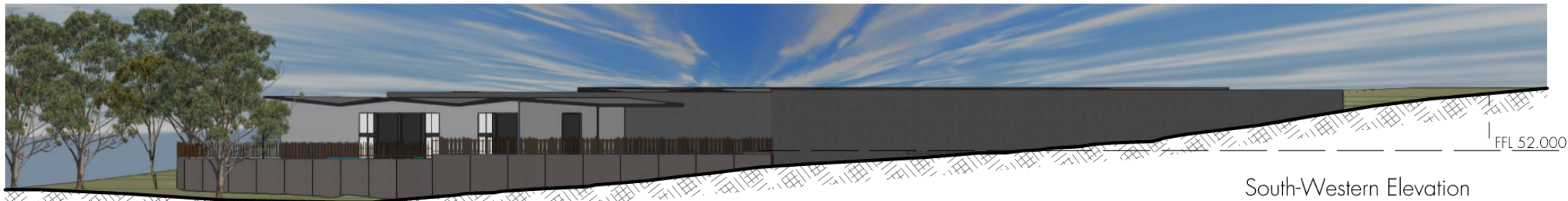








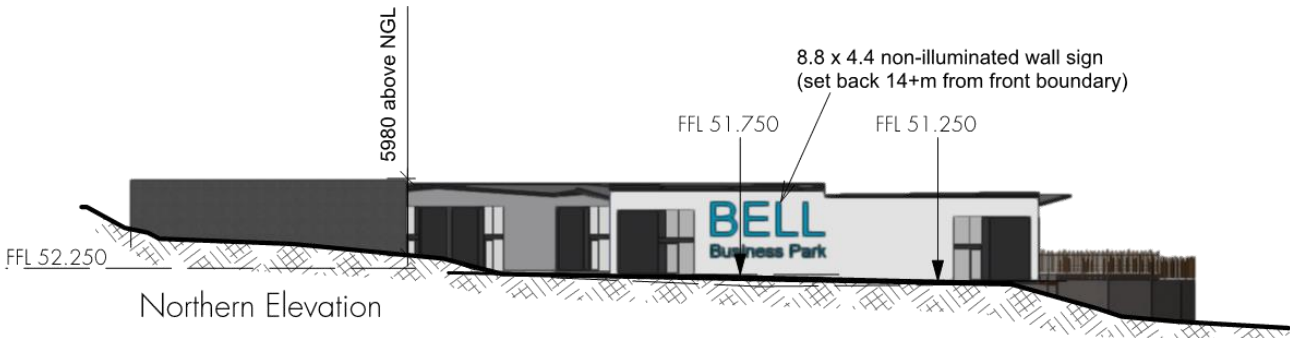
<div>GLANNILLE</div> <div>ARCHITECTS \ IDEAS \ SOLUTIONS</div> <div>Document Set ID: 4462098</div> <div>Version: 1, Version Date: 30/05/2024</div>	Office 12, 370-380 Cambridge Rd Morningside 7018 0409 223 106 www.glanville.net.au bruce@glanville.net.au		tas. architect 877, build. reg CC1128P		ISSUE	DATE	REVISION	DO NOT SCALE OFF DRAWINGS Contractors to confirm with GAIS any dimensions all levels if necessary All glazing to AS 1288/2047 This document is copyrighted and may NOT be reproduced in part or whole with written consent of GAIS	PROJECT Warehouse & Storage Facility- 65 Patriach Drive	CLIENT Bell Quest Holdings	DWG Floor Plans (T13-T23)	DATE # 31/01/2024 SCALE @ A3 1:200 DRAWN BG REVISION	PROJECT # Gla-2203 DWG # A-06



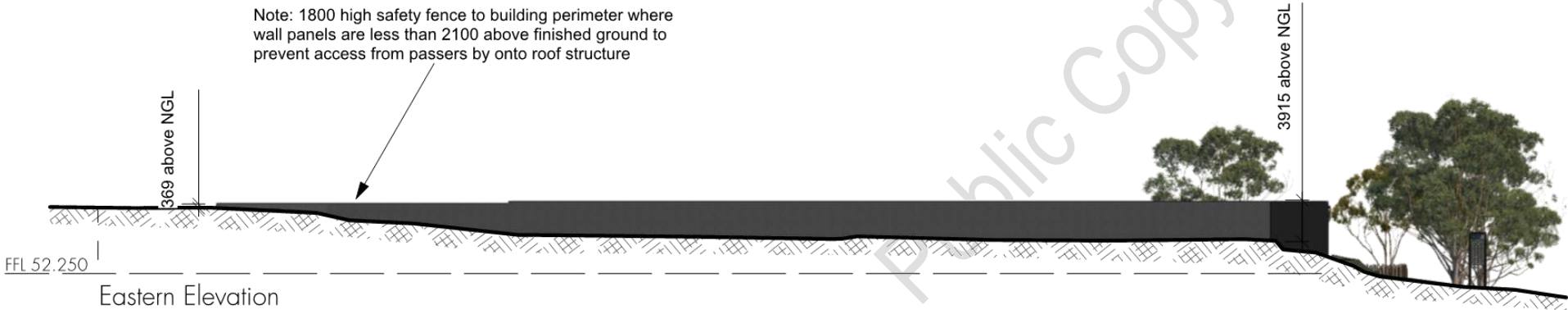
South-Western Elevation

Notes:

- Exposed Steelwork waterproof primed immediately after erection, then painted Monument
- Roof/Custom Fascia/Gutter in Colorbond "Monument"
- Windows and Doors Powdercoated Monument
- All external walls to have bulk insulation of R2.5 or higher and VapaWrap or similar installed prior to placement of EasyLap or Barestone (installed as per Part 3.5.3 BCA) etc.
- Line eaves with 6mm CFC Sheet, 2mm sealant joins, painted Dulux "White on White" UNO



Northern Elevation



Eastern Elevation

**Kingborough Council**  
Development Application: DA-2024-276  
Plan Reference No: P1  
Date Received: 16/08/2024  
Date placed on Public Exhibition: 31/8/2024

Concrete panels in this area forming structure for vehicle entry and hardstand continue up 600 beyond surface level as vehicle barrier, timber battened screen 1500 above for pedestrian safety and screening



Western Elevation

**Finishes Legend: Typical for all elevations UNO**

- External Walls around perimeter of boundary to be off form concrete panels
- Other External Walls to be James Hardie EasyLap, Texture Painted Wayward Grey
- Panels between Windows and Doors to be Colorbond Monument

**GLANNILLE**  
ARCHITECTS \ IDEAS \ SOLUTIONS

Office 12, 370-380 Cambridge Rd  
Marrington 7018  
0409 223 106 www.glanville.net.au  
bruce@glanville.net.au

tas. architect 877, build. reg CC1128P ISSUE DATE REVISION

DO NOT SCALE OFF DRAWINGS  
Contractors to confirm with GAIS any dimensions all levels if necessary

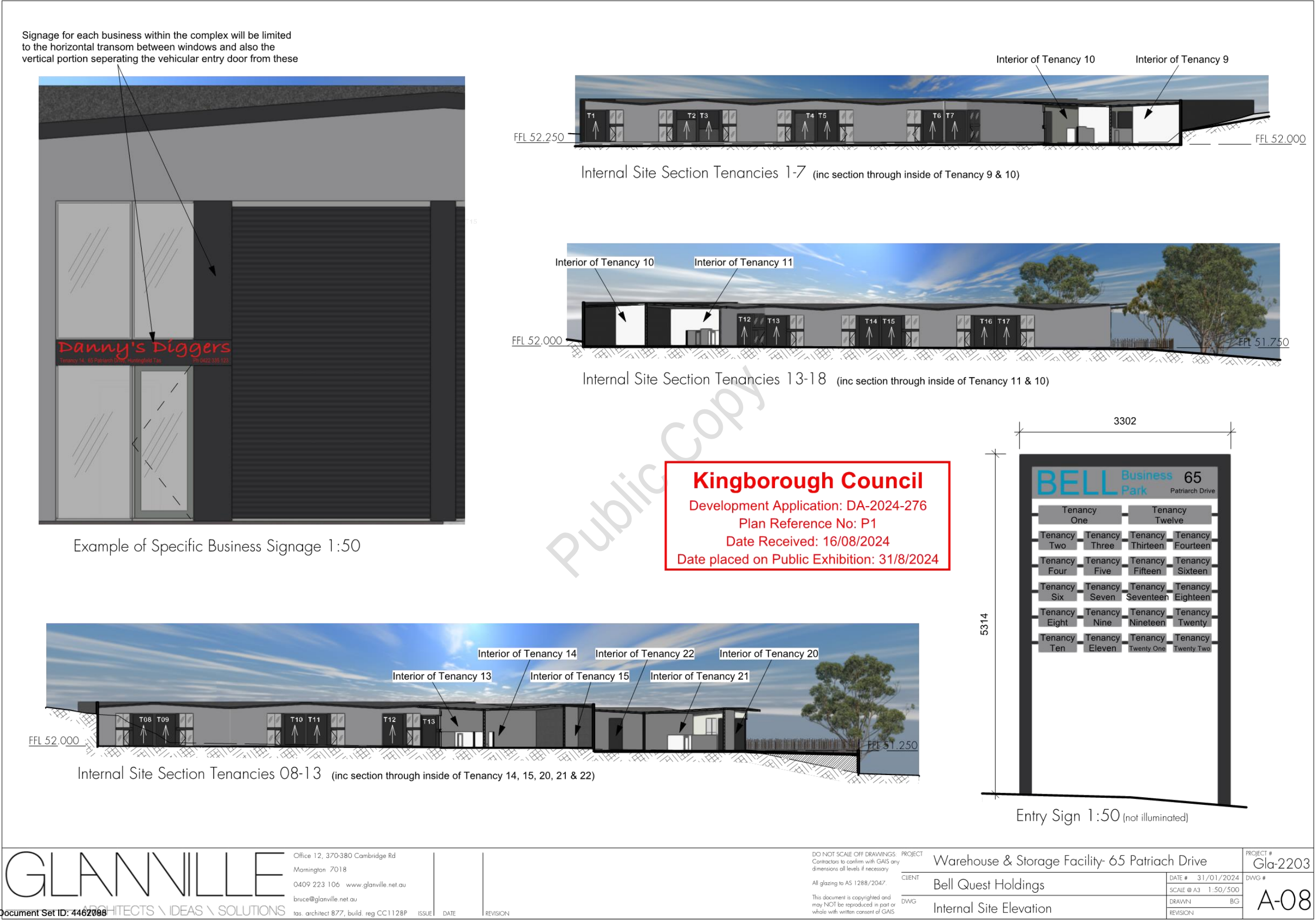
All glazing to AS 1288/2047

This document is copyrighted and may NOT be reproduced in part or whole with written consent of GAIS

PROJECT Warehouse & Storage Facility- 65 Patriach Drive  
CLIENT Bell Quest Holdings  
DWG Elevations  
DATE # 31/01/2024  
SCALE @ A3 1:500  
DRAWN BG  
REVISION

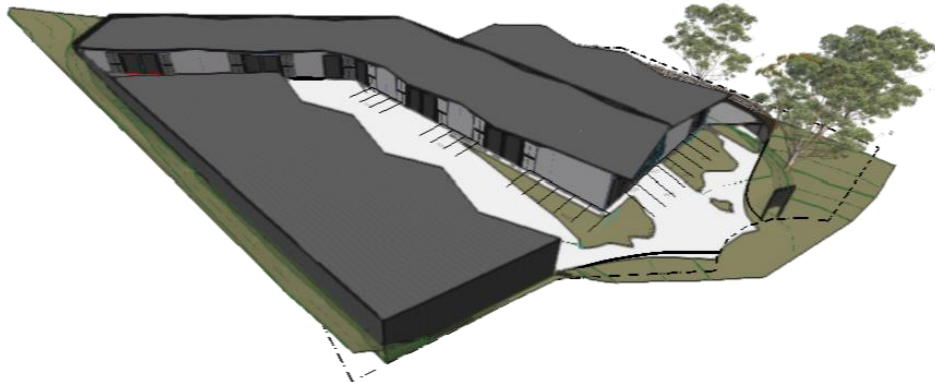
PROJECT # Gla-2203  
DWG # A-07

Document Set ID: 4462098  
Version: 1, Version Date: 30/05/2024





**Kingborough Council**  
Development Application: DA-2024-276  
Plan Reference No: P1  
Date Received: 16/08/2024  
Date placed on Public Exhibition: 31/8/2024



**GLANNILLE**  
ARCHITECTS \ IDEAS \ SOLUTIONS  
Document Set ID: 4462098  
Version: 1, Version Date: 30/05/2024

Office 12, 370-380 Cambridge Rd  
Marrington 7018  
0409 223 106 www.glanville.net.au  
bruce@glanville.net.au  
tas. architect 877, build. reg CC1128P  
ISSUE DATE REVISION

DO NOT SCALE OFF DRAWINGS  
Contractors to confirm with GAIS any  
dimensions all levels if necessary  
All glazing to AS 1288/2047  
This document is copyrighted and  
may NOT be reproduced in part or  
whole with written consent of GAIS

PROJECT	Warehouse & Storage Facility- 65 Patriach Drive		PROJECT #	Gla-2203
CLIENT	Bell Quest Holdings		DATE #	31/01/2024
DWG	3D Images		SCALE @ A3	N.T.S.
			DRAWN	BG
			REVISION	

DWG #  
**A-09**

CIVIL DRAWINGS  
PROPOSED WAREHOUSE  
65 PATRIARCH DRIVE  
HUNTINGFIELD

C001	COVER	C	16/02/2024
C101	SITE PLAN	C	16/02/2024
C102	STORMWATER AND GRADING	C	16/02/2024
C103	STORMWATER AND GRADING	C	16/02/2024
C104	STORMWATER AND GRADING	C	16/02/2024
C105	STORMWATER AND GRADING	C	16/02/2024
C106	SEWER AND WATER PLAN	C	16/02/2024
C301	SECTIONS 01	C	16/02/2024
C401	CONSTRUCTION DETAILS	C	16/02/2024
C402	CONSTRUCTION DETAILS	C	16/02/2024

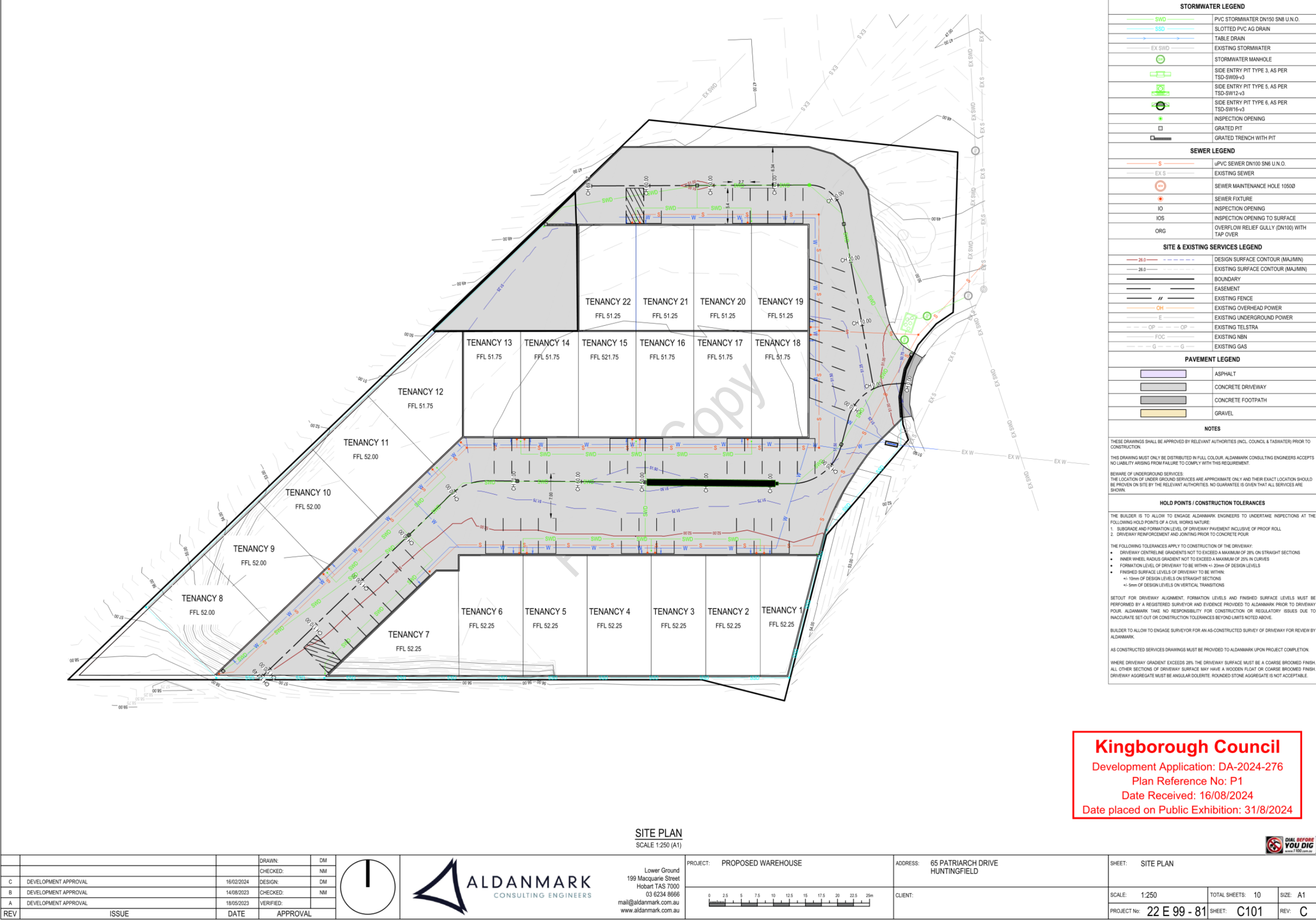
Public Copy

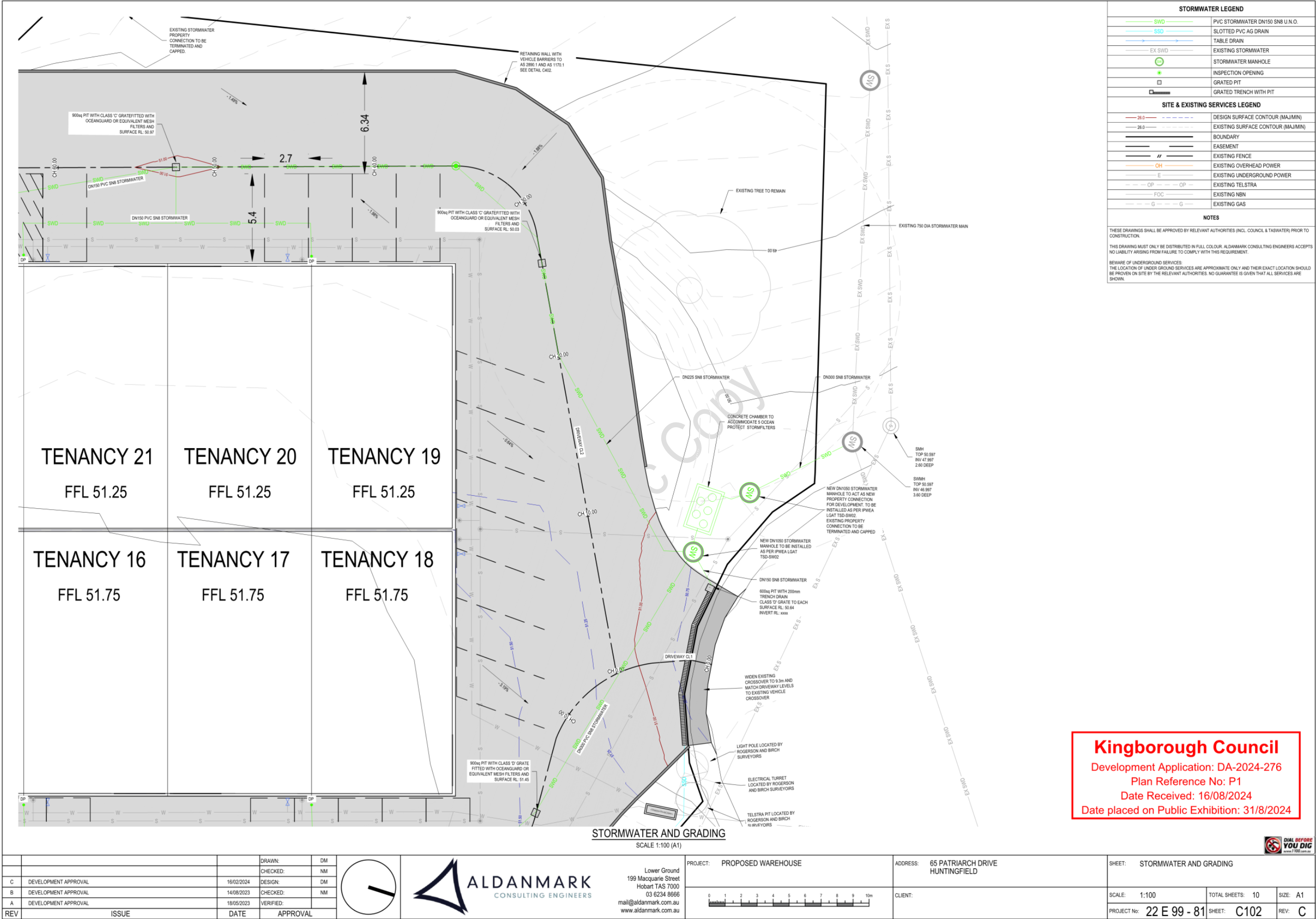
Kingborough Council

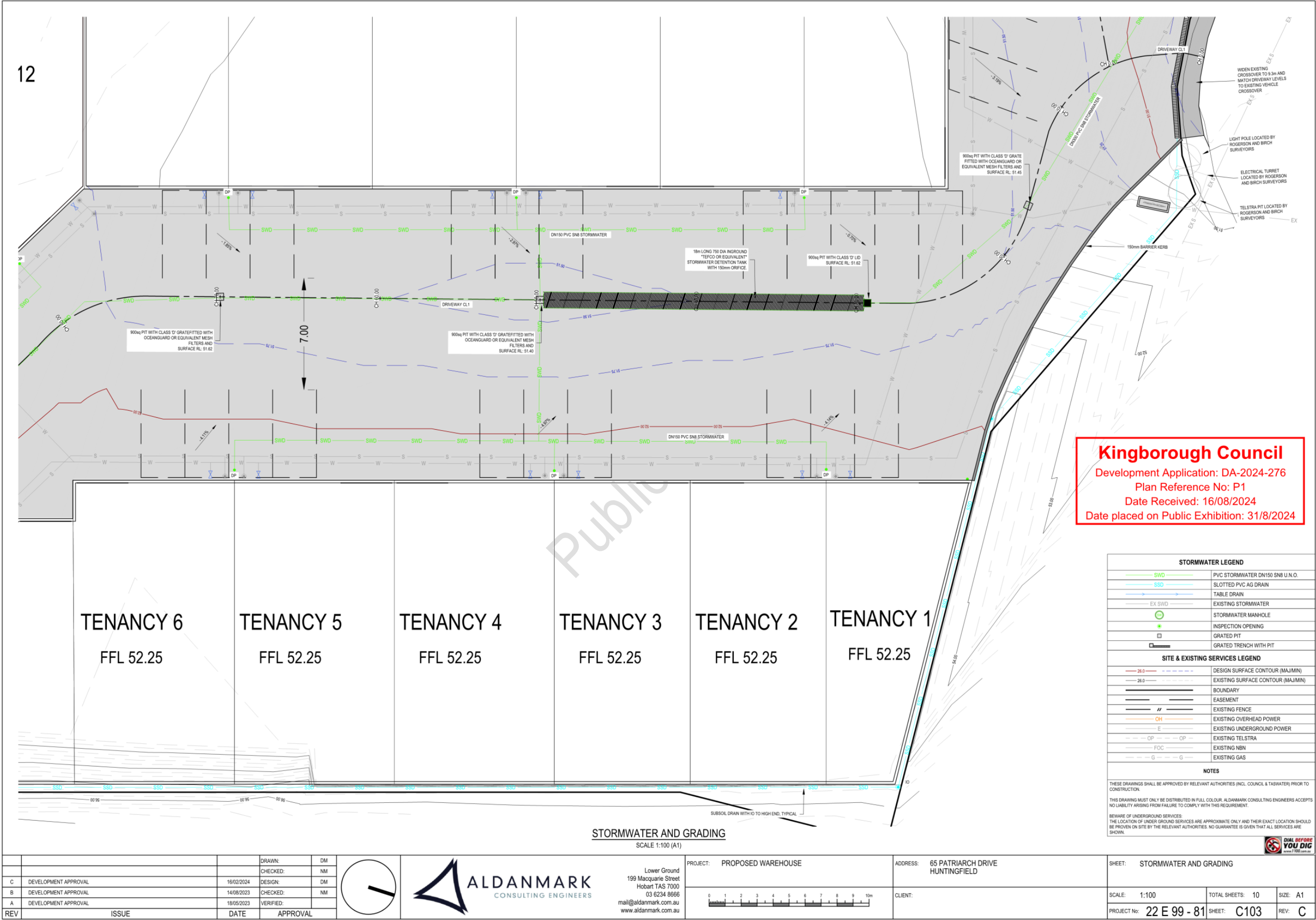
Development Application: DA-2024-276  
Plan Reference No: P1  
Date Received: 16/08/2024  
Date placed on Public Exhibition: 31/8/2024

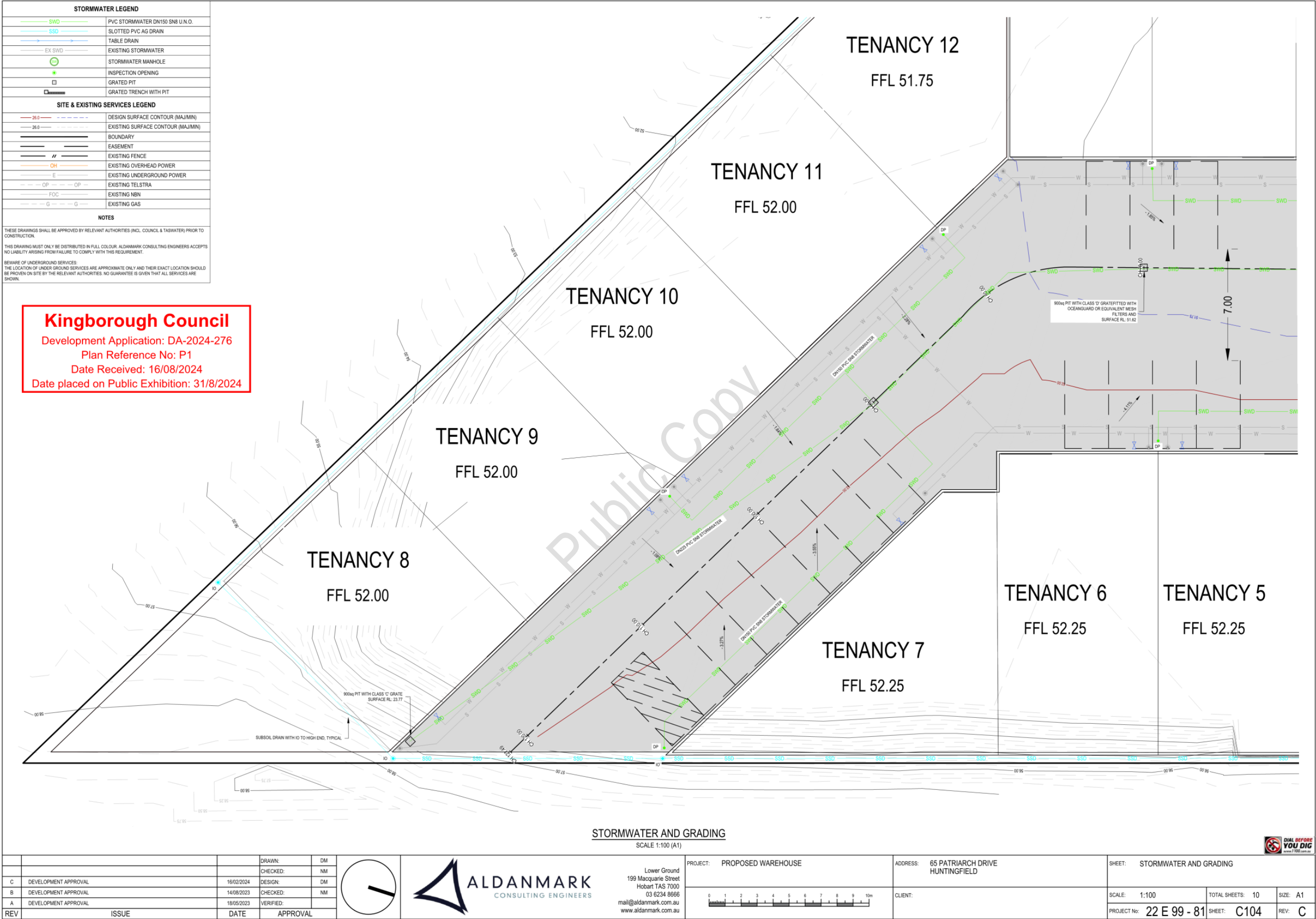
			DRAWN:	DM	<div><div></div><div>ALDANMARK CONSULTING ENGINEERS</div></div> <div>Lower Ground 199 Macquarie Street Hobart TAS 7000 03 6234 8666 mail@aldanmark.com.au www.aldanmark.com.au</div>	PROJECT: PROPOSED WAREHOUSE	ADDRESS: 65 PATRIARCH DRIVE HUNTINGFIELD	SHEET: COVER		
C	DEVELOPMENT APPROVAL	16/02/2024	CHECKED:	NM				SCALE:	TOTAL SHEETS: 10	SIZE: A1
B	DEVELOPMENT APPROVAL	14/08/2023	DESIGN:	DM						
A	DEVELOPMENT APPROVAL	18/05/2023	CHECKED:	NM			CLIENT:			
REV	ISSUE	DATE	VERIFIED:					PROJECT No: 22 E 99 - 81	SHEET: C001	REV: C

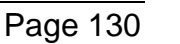
Document Set ID: 4462286  
Version: 1, Version Date: 26/05/2024

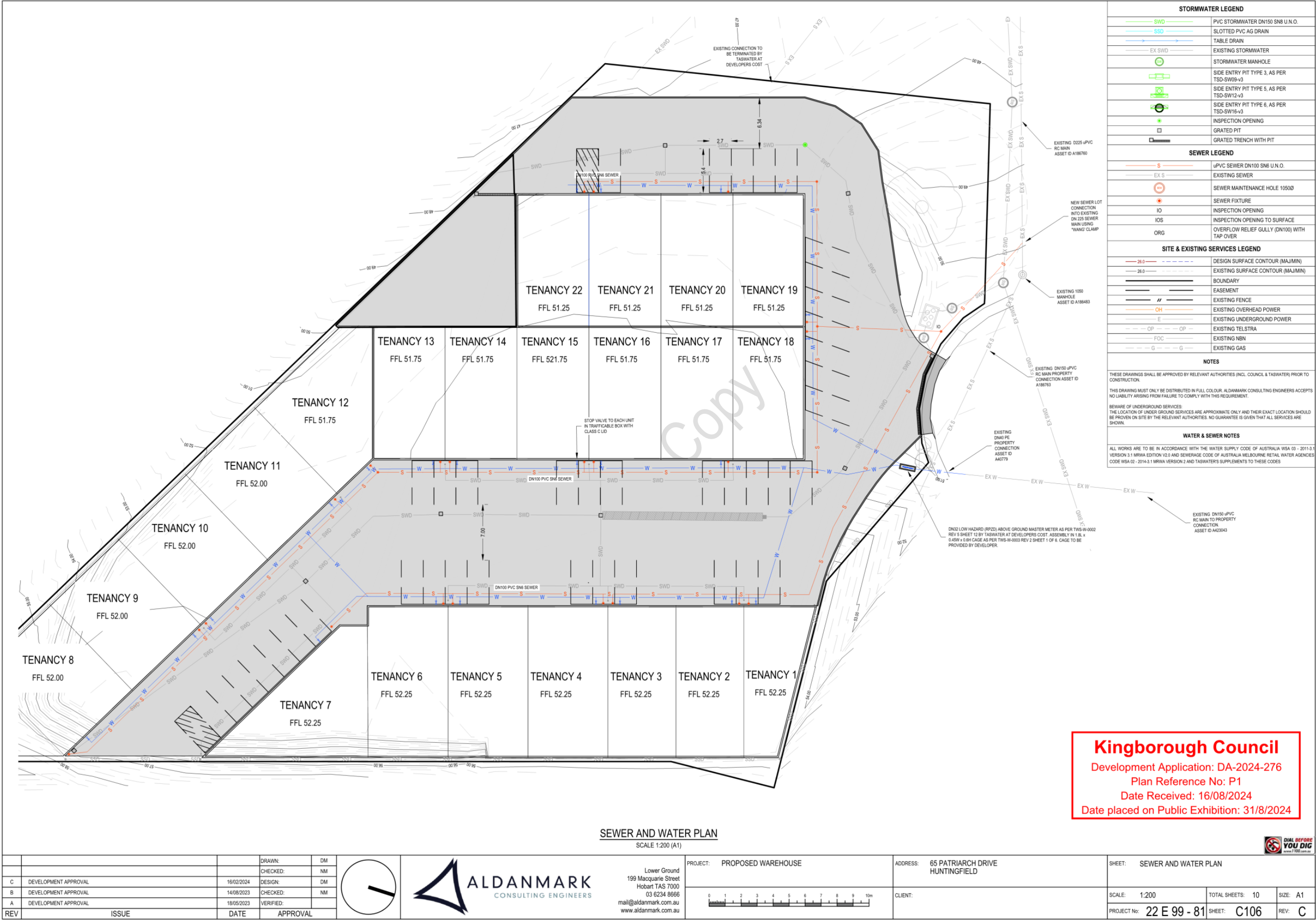










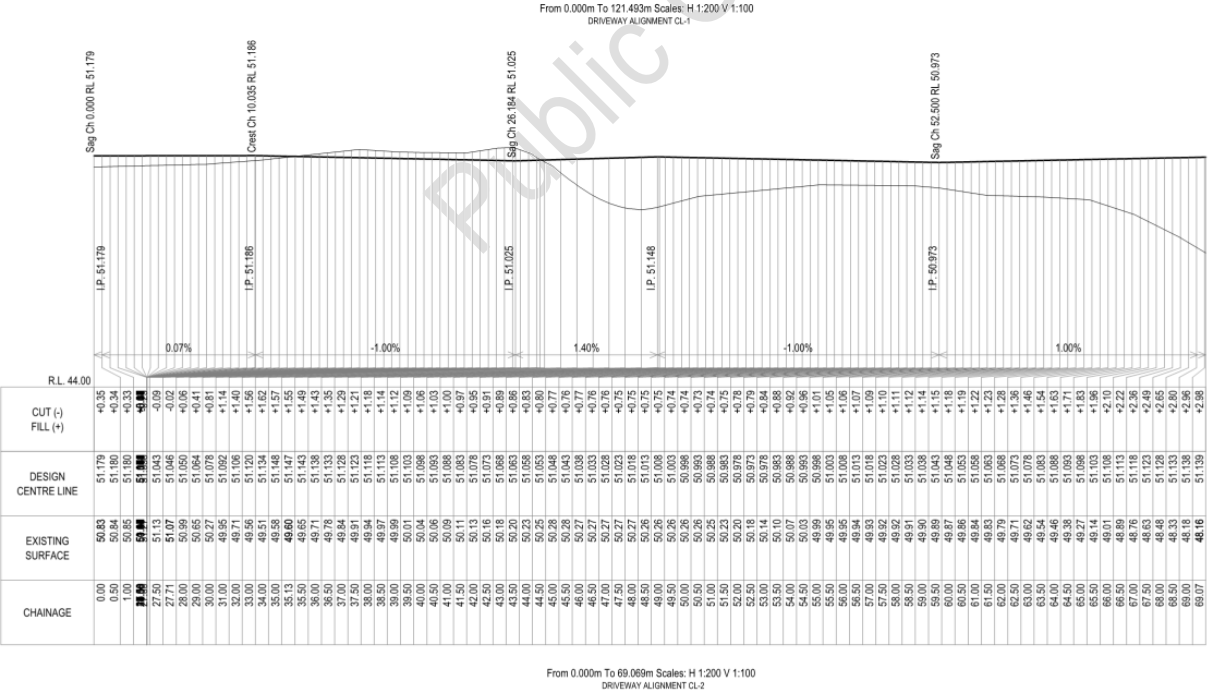
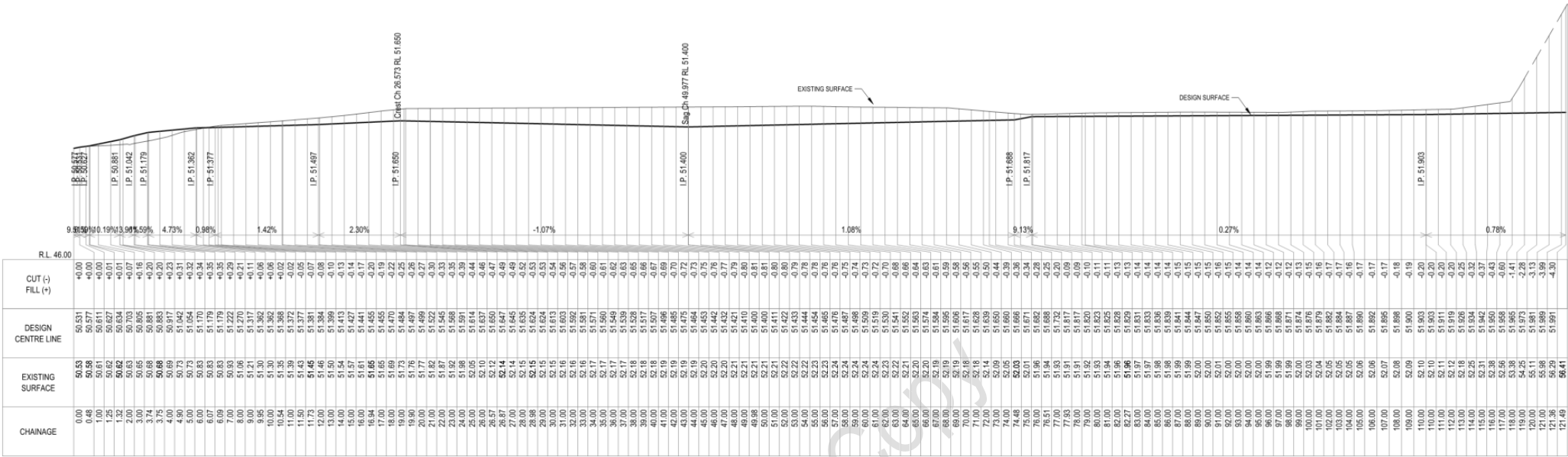


NOTES

THESE DRAWINGS SHALL BE APPROVED BY RELEVANT AUTHORITIES (INCL. COUNCIL & TASMATER) PRIOR TO CONSTRUCTION.

THIS DRAWING MUST ONLY BE DISTRIBUTED IN FULL COLOUR. ALDANMARK CONSULTING ENGINEERS ACCEPTS NO LIABILITY ARISING FROM FAILURE TO COMPLY WITH THIS REQUIREMENT.

BEWARE OF UNDERGROUND SERVICES:  
THE LOCATION OF UNDER GROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT LOCATION SHOULD BE PROVEN ON SITE BY THE RELEVANT AUTHORITIES. NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN.



SECTIONS 01  
SCALE H1:200 V1:100

			DRAWN:	DM
			CHECKED:	NM
C	DEVELOPMENT APPROVAL	16/02/2024	DESIGN:	DM
B	DEVELOPMENT APPROVAL	14/08/2023	CHECKED:	NM
A	DEVELOPMENT APPROVAL	18/05/2023	VERIFIED:	
REV	ISSUE	DATE	APPROVAL	

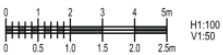


Lower Ground  
199 Macquarie Street  
Hobart TAS 7000  
03 6234 8666  
mail@aldanmark.com.au  
www.aldanmark.com.au

PROJECT: PROPOSED WAREHOUSE

ADDRESS: 65 PATRIARCH DRIVE  
HUNTINGFIELD

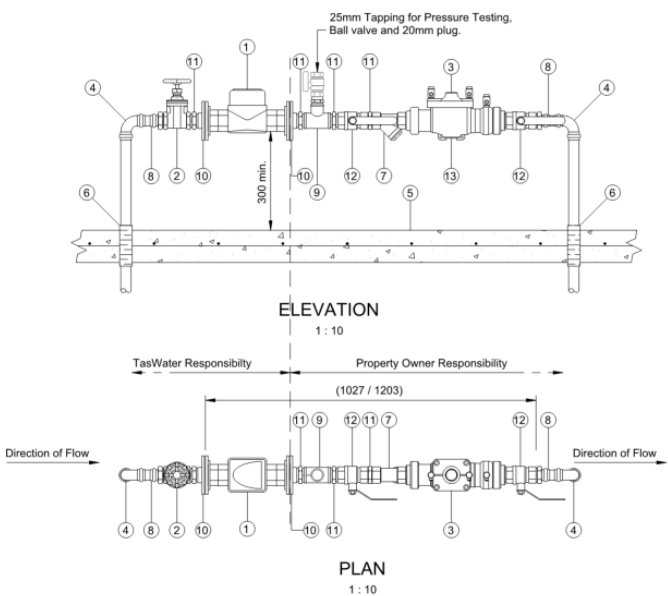
SHEET: SECTIONS 01



CLIENT:

SCALE: H 1:200 V1:100	TOTAL SHEETS: 10	SIZE: A1
PROJECT No: 22 E 99 - 81	SHEET: C301	REV: C

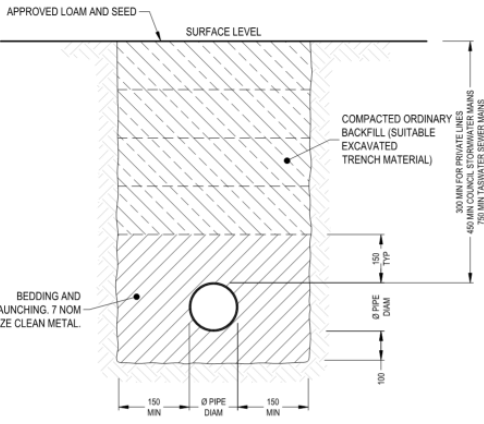
**Kingborough Council**  
Development Application: DA-2024-276  
Plan Reference No: P1  
Date Received: 16/08/2024  
Date placed on Public Exhibition: 31/8/2024



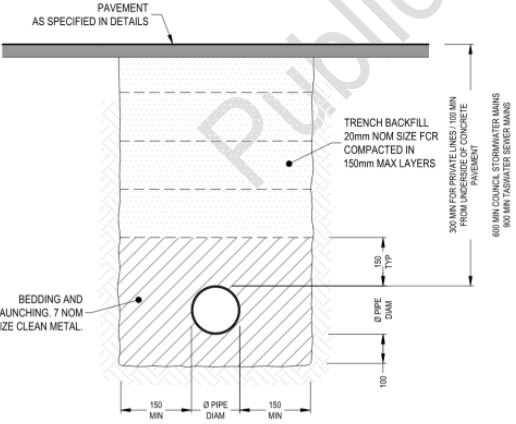
BOUNDARY CONNECTION PARTS LIST		
No.	DESCRIPTION	COMMENTS
1	DN.32 'Sensus' Iperl Water Meter with Dual Check Valve	Supplied by TasWater
2	DN.32 Gate Valve	Supplied by TasWater
3	Medium Hazard DN.32 'ValvCheQ' DC03 Double Check Valve High hazard DN.32 'ValvCheQ' RPZD RP03 Valve Only	Owned, operated and maintained by Property Owner
4	DN.32 Type 'A' Copper Pipework	
5	100mm (minimum) Reinforced Concrete Slab	SL72 placed central
6	Pipe Wrapped where Concrete will contact Pipe	(Refer Note 5)
7	DN.32 Strainer	Owned, operated and maintained by Property Owner
8	B-Press Fittings or Equivalent	
9	DN.32 x 25 Fem x Fem BSP Reducing Tee	
10	DN.32 BSP to Table E Flange Adaptor	
11	DN.32 Nipple	
12	DN.32 Ball Valve - Lockable Quarter Turn brass	
13	DZR with brass handle, resilient seated	
13	Vent only applies to RPZD	

REFER TWS-W-0002 PAGE 12 OF 19 REV 5 FOR FULL DETAIL AND ADDITIONAL NOTES

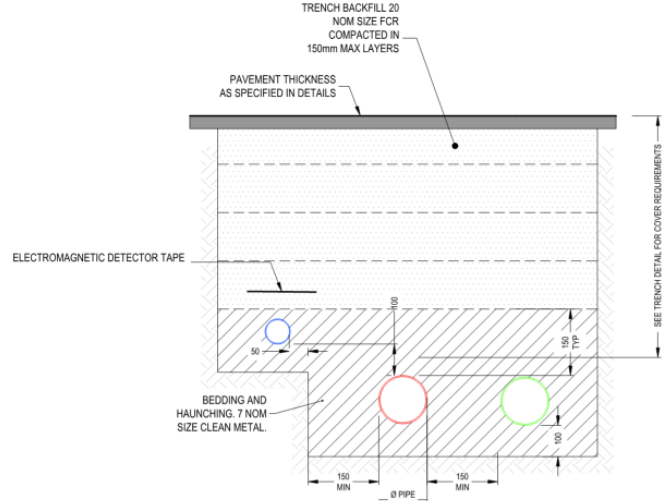
DN32 MASTER METER DETAIL (AS PER TWS-W-0002 PAGE 12 OF 19 REV 5)  
SCALE 1:10 (A1)



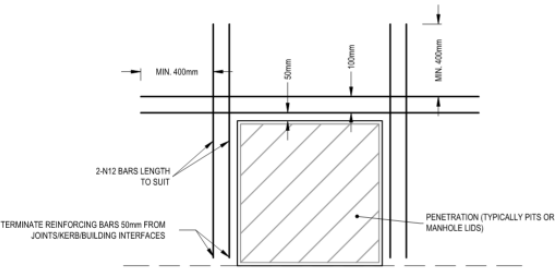
TYPICAL CROSS SECTION - NON TRAFFICABLE  
SCALE 1:10 (A1)



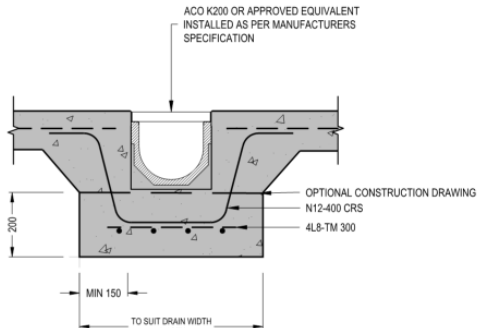
TYPICAL CROSS SECTION - TRAFFICABLE  
SCALE 1:10 (A1)



SHARED SERVICE TRENCH DETAIL - TRAFFICABLE  
SCALE 1:10 (A1)



DRIVEWAY PENETRATION DETAIL  
1:20



TRENCH DRAIN THICKENING DETAIL  
1:10

**NOTES**

THESE DRAWINGS SHALL BE APPROVED BY RELEVANT AUTHORITIES (INCL. COUNCIL & TASWATER) PRIOR TO CONSTRUCTION.

THIS DRAWING MUST ONLY BE DISTRIBUTED IN FULL COLOUR. ALDANMARK CONSULTING ENGINEERS ACCEPTS NO LIABILITY ARISING FROM FAILURE TO COMPLY WITH THIS REQUIREMENT.

BEWARE OF UNDERGROUND SERVICES:  
THE LOCATION OF UNDER GROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT LOCATION SHOULD BE PROVEN ON SITE BY THE RELEVANT AUTHORITIES. NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN.

CONSTRUCTION DETAILS  
AS INDICATED

REV	ISSUE	DATE	APPROVAL
C	DEVELOPMENT APPROVAL	16/02/2024	DM
B	DEVELOPMENT APPROVAL	14/08/2023	DM
A	DEVELOPMENT APPROVAL	18/05/2023	DM



Lower Ground  
199 Macquarie Street  
Hobart TAS 7000  
03 6234 6666  
mail@aldanmark.com.au  
www.aldanmark.com.au

PROJECT:	PROPOSED WAREHOUSE
ADDRESS:	65 PATRIARCH DRIVE HUNTINGFIELD
CLIENT:	

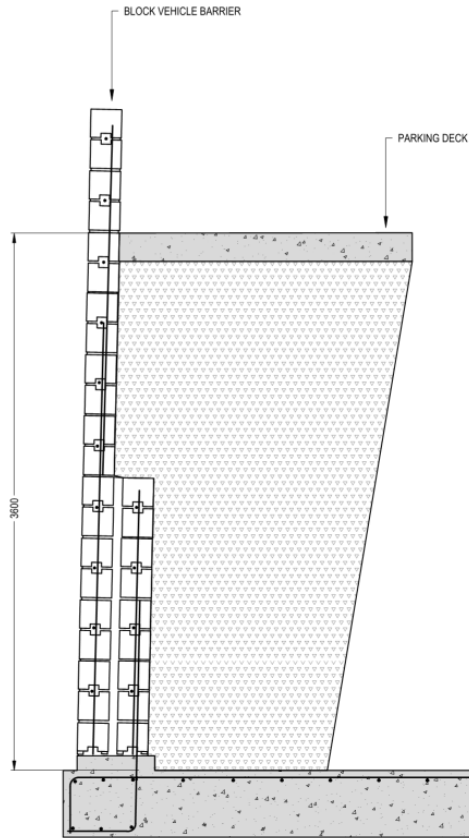


SHEET:	CONSTRUCTION DETAILS
SCALE:	AS INDICATED
TOTAL SHEETS:	10
SIZE:	A1
PROJECT No:	22 E 99 - 81
SHEET:	C401
REV:	C

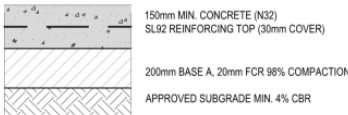
**Kingborough Council**  
Development Application: DA-2024-276  
Plan Reference No: P1  
Date Received: 16/08/2024  
Date placed on Public Exhibition: 31/8/2024

NOTES

THESE DRAWINGS SHALL BE APPROVED BY RELEVANT AUTHORITIES (INCL. COUNCIL & TSWATER) PRIOR TO CONSTRUCTION.  
THIS DRAWING MUST ONLY BE DISTRIBUTED IN FULL COLOUR. ALDANMARK CONSULTING ENGINEERS ACCEPTS NO LIABILITY ARISING FROM FAILURE TO COMPLY WITH THIS REQUIREMENT.  
BEWARE OF UNDERGROUND SERVICES:  
THE LOCATION OF UNDER GROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT LOCATION SHOULD BE PROVEN ON SITE BY THE RELEVANT AUTHORITIES. NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN.

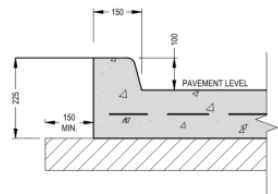


CONCEPT RETAINING WALL AND VEHICLE BARRIER DETAIL  
SCALE: NTS. CONCEPT ONLY. DETAILED DESIGN REQUIRED.

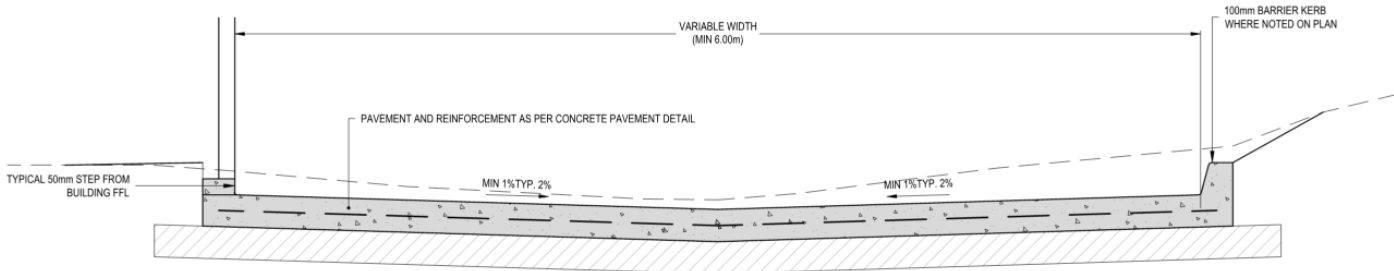


NOTE: CONCRETE PAVEMENT NOT DESIGNED FOR SPECIAL SURFACE FINISHES SUCH AS EXPOSED AGGREGATE.

CONCRETE PAVEMENT DETAIL



BARRIER KERB - 100mm  
SCALE 1:10 (A1)



TYPICAL DRIVEWAY SECTION  
SCALE 1:10 (A1)

CONSTRUCTION DETAILS  
AS INDICATED

			DRAWN:	DM
			CHECKED:	NM
C	DEVELOPMENT APPROVAL	16/02/2024	DESIGN:	DM
B	DEVELOPMENT APPROVAL	14/08/2023	CHECKED:	NM
A	DEVELOPMENT APPROVAL	18/05/2023	VERIFIED:	
REV	ISSUE	DATE	APPROVAL	



Lower Ground  
199 Macquarie Street  
Hobart TAS 7000  
03 6234 8666  
mail@aldanmark.com.au  
www.aldanmark.com.au

PROJECT: PROPOSED WAREHOUSE

ADDRESS: 65 PATRIARCH DRIVE  
HUNTINGFIELD

SHEET: CONSTRUCTION DETAILS



CLIENT:

SCALE: AS INDICATED

TOTAL SHEETS: 10

SIZE: A1

PROJECT No: 22 E 99 - 81

SHEET: C402

REV: C

**Kingborough Council**  
Development Application: DA-2024-276  
Plan Reference No: P1  
Date Received: 16/08/2024  
Date placed on Public Exhibition: 31/8/2024

## Assessment Checklist for Development Applications for Use and/or Development within the Light Industrial Zone

### Use Status

<b>Use Class</b>	<b>Storage</b> Storage - use of land for storage or wholesale of goods, and may incorporate distribution. Examples include boat and caravan storage, contractors yard, freezing and cool storage, liquid fuel depot, solid fuel depot, vehicle storage, warehouse and wood yard.
<b>Use Status</b>	<b>Light Industrial Zone – Permitted</b> <b>Environmental Management Zone - Prohibited</b>

### Light Industrial Zone Provisions (use and/or development)

*Checklist is based on KIPS2015 and provisions of PD8 (which commenced 22 Feb 2022)*

Clause	Compliance/Comments
<b>24.3 Use Standards</b>	
<b>Clause 24.3.1 – Hours of Operation</b> <b>A1</b> – Hours of operation of a use within 100 m of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), must be within: <ul style="list-style-type: none"> <li>(a) 7.00 am to 7.00 pm Mondays to Fridays inclusive;</li> <li>(b) 9.00 am to 5.00 pm Saturdays;</li> <li>(c) nil Sundays and Public Holidays.</li> </ul> except for office and administrative tasks.	<b>A1 – NA</b> - The proposed warehouses are located approximately 290m from the residential zoning at Nautilus Drive, 225m from Booyaa Street and 190m from Kingsgate Circle residential land . This Standard does not apply.  The applicant has advised that the proposed warehouses will operate between the hours of 7am and 7pm Monday to Friday and 9am to 5pm Saturdays except for administrative tasks. They will not operate on Sundays or public holidays.  While the site is more than 100m from a residential zone, submissions were received in relation to potential impacts on people using the adjacent Council land and Peter Murrell Reserve tracks. The applicant has indicated that they will operate within the Acceptable Solution Hours and a condition on hours is included in the permit to address any amenity impact concerns.
<b>Clause 24.3.2 – Noise</b> <b>A1</b> – Noise emissions measured at the boundary of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), must not exceed the following: <ul style="list-style-type: none"> <li>(a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</li> <li>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</li> <li>(c) 65dB(A) (LAm<sub>ax</sub>) at any time.</li> </ul> easurement of noise levels must be in accordance	<b>A1 – Complies</b> The proposed storage activities will not involve significant noise emissions and will not exceed the limits set out under A1. A condition is recommended for inclusion in any permit issued to ensure compliance.

Clause	Compliance/Comments
<p>with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	
<p><b>A2</b> – External amplified loud speakers or music must not be used within 50 m of a residential zone.</p>	<p><b>A2</b> – NA</p> <p>The proposed warehouses are located approximately 290m from the residential zoning at Nautilus Drive, 225m from Booyaa Street and 190m from Kingsgate Circle residential land. This Standard does not apply.</p>
<p><b>Clause 24.3.3 – External Lighting</b></p> <p><b>A1</b> – External lighting within 50 m of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) be turned off between 10:00 pm and 6:00 am, except for security lighting;</li> <li>(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.</li> </ul>	<p><b>A1</b> – NA</p> <p>The proposed warehouses are located approximately 290m from the residential zoning at Nautilus Drive, 225m from Booyaa Street and 190m from Kingsgate Circle residential land. This Standard does not apply.</p>
<p><b>Clause 24.3.4 – Commercial Vehicle Movements</b></p> <p><b>A1</b> – Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1), must be within the hours of:</p> <ul style="list-style-type: none"> <li>(a) 7.00 am to 7.00 pm Mondays to Saturdays inclusive;</li> <li>(b) 9.00 am to 5.00 pm Sundays and Public Holidays.</li> </ul>	<p><b>A1</b> – NA</p> <p>The proposed warehouses are located approximately 290m from the residential zoning at Nautilus Drive, 225m from Booyaa Street and 190m from Kingsgate Circle residential land. This Standard does not apply.</p>
<p><b>Clause 24.3.5 – Outdoor Work Areas</b></p> <p><b>A1</b> – Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilations fans must not be located within 50 m of a residential zone, except at 21 Patriarch Drive, Huntingfield (folio of the Register volume 34164 folio 1),</p>	<p><b>A1</b> – NA</p> <p>The proposed warehouses are located approximately 290m from the residential zoning at Nautilus Drive, 225m from Booyaa Street and 190m from Kingsgate Circle residential land .</p>
<p><b>24.4 Development Standards for Buildings and Works</b></p>	
<p><b>Clause 24.4.1 – Building Height</b></p> <p><b>A1</b> – Building height must be no more than: 9 m.</p>	<p><b>A1</b> – Complies</p> <p>The proposed warehouses will have a maximum height of 8.4m and will not exceed 9m.</p>

Clause	Compliance/Comments
<p><b>A2</b> – Building height within 10 m of a residential zone must be no more than 8.5 m.</p>	<p><b>A2</b> – NA The site does not adjoin a residential zone.</p>
<p><b>Clause 24.4.2 – Setback</b></p> <p><b>A1</b> – Building setback from frontage must be parallel to the frontage and must be no less than: 10 m.</p> <p><b>A2</b> – Building setback from a residential zone must be no less than:</p> <ul style="list-style-type: none"> <li>(a) 10 m;</li> <li>(b) half the height of the wall, whichever is the greater.</li> </ul>	<p><b>A1</b> – <b>Not Complying</b></p> <p>The applicant states in the Planning Report (All Urban Planning dated 10/12//2023) submitted with the application that the proposed buildings will be setback a minimum of 12.8m from the front boundary, be arranged approximately parallel to the front boundary and considered to comply with A1.</p> <p>However, the proposed buildings, while setback a minimum of 12.8m from the front boundary, are not parallel to the front boundary. The proposal must therefore be assessed against the Performance Criteria.</p> <p><b>A2</b> – NA The site does not adjoin a residential zone.</p>
<p><b>Clause 24.4.3 – Design</b></p> <p><b>A1</b> – Building design must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</li> <li>(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade;</li> <li>(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade;</li> <li>(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;</li> <li>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</li> <li>(f) provide awnings over the public footpath if existing on the site or on adjoining lots;</li> <li>(g) not include security shutters over windows</li> </ul>	<p><b>A1</b> - <b>Not Complying</b></p> <p><b>A1(a)</b> – Complies <b>A1(b)</b> – <b>Not Complying</b> <b>A1(c)</b> – <b>Not Complying</b> <b>A1(d)</b> – Complies <b>A1(e)</b> – Complies <b>A1(f)</b> – NA <b>A1(g)</b> – Complies</p>

Clause	Compliance/Comments
or doors with a frontage to a street or public place.	
<p><b>A2</b> – Walls of a building on land adjoining a residential zone must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) be coloured using colours with a light reflectance value not greater than 40 percent.;</li> <li>(b) if within 50 m of a residential zone, must not have openings in walls facing the residential zone, unless the line of sight to the building is blocked by another building.</li> </ul>	<p><b>A2</b> – NA – does not adjoin a residential zone.</p>
<p><b>Clause 24.4.4 – Passive Surveillance</b></p> <p><b>A1</b> – Building design must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</li> <li>(b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 20 % of the surface area of the ground floor level facade;</li> <li>(c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 10 % of the surface area of the ground floor level facade;</li> <li>(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;</li> <li>(e) provide external lighting to illuminate car parking areas and pathways;</li> <li>(f) provide well-lit public access at the ground floor level from any external car park.</li> </ul>	<p><b>A1</b> – Complying</p> <p><b>A1(a)</b> – Complies</p> <p>In light of the 22 separate tenancies the main pedestrian entrances for Tenancies 18 and 19 are clearly visible from the road. The remainder of the tenancies are clearly visible from publicly accessible areas on the site.</p> <p><b>A1(b)</b> – Complies – Tenancies 18 and 19 are considered to present the front façade of the building to the street and have provide more than 20% for windows and door openings.</p> <p><b>A1(c)</b> – Complies – The tenancies have provided at least 10% of the facade for windows and door openings at ground floor level facing public spaces.</p> <p><b>A1(d)</b> – Complies</p> <p><b>A1(e)</b> – Complies</p> <p><b>A1(f)</b> – Complies</p>
<p><b>Clause 24.4.5 – Landscaping</b></p> <p><b>A1</b> – Landscaping must be provided along the frontage of a site (except where access is provided) unless the building has nil setback to frontage.</p>	<p><b>A1</b> – Complies</p> <p>Landscaping is provided along the frontage of the site. The application is supported with a landscaping plan. The frontage area is to be mulched and planted with natives to be sympathetic with the adjacent Peter Murrell Reserve.</p> <p>A condition is included to ensure the landscaping is provided in accordance with the endorsed plan.</p>

Clause	Compliance/Comments
<p><b>A2</b> – Along a boundary with a residential zone landscaping must be provided for a depth no less than: 10 m.</p>	<p><b>A2</b> – NA The site does not adjoin a residential zone.</p>
<p><b>Clause 24.4.6 – Outdoor Storage Areas</b> <b>A1</b> – Outdoor storage areas for non-residential uses must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) be located behind the building line;</li> <li>(b) all goods and materials stored must be screened from public view;</li> <li>(c) not encroach upon car parking areas, driveways or landscaped areas.</li> </ul>	<p><b>A1</b> – Complies The proposal includes a storage yard to the rear of tenancy 22. This is located well behind the building line and will be enclosed in a courtyard space away from carparking and landscaping areas. The proposal is considered to comply with A1.</p>
<p><b>Clause 24.4.7 – Fencing</b> <b>A1</b> – Fencing must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) fences, walls and gates of greater height than 2.1m must not be erected within 10 m of the frontage;</li> <li>(b) fences along a frontage must be at least 50% transparent above a height of 1.2 m;</li> <li>(c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.</li> </ul>	<p><b>A1</b> – Complies The plans indicate that there will be a 1800 high safety fence built partially along the Algona Road frontage where the wall panels are less than 2100 above finished ground to prevent access from passers by onto the roof structure. This fence would also abut the Peter Murrell Reserve land. The fence complies for the Algona Road frontage:</p> <ul style="list-style-type: none"> <li>(a) it is 1.8m high</li> <li>(b) it is security mesh and has greater than 50% transparency above a height of 1.2 m</li> <li>(c) It does not involve a fence adjoining a residential zone.</li> </ul> <p>Note is made that the site is adjacent to the higher land at Algonda Road and there is a significant difference in levels. A safety fence would be desirable in this location. The fence is typical of other security fences in the adjacent industrial area and it would not be seen from Patriarch Drive. It is setback over 48m from the Algona Road lanes and there is thick vegetation on the road reserve. Therefore, there is no impact on Algona Road. The fence is screened from the footpath within the Perer Murrell reserve by trees and vegetation.</p>
<p><b>Clause 24.4.8 – Environmental Values</b> <b>A1</b> – No trees of high conservation value will be impacted.</p>	<p><b>A1</b> – <b>Not Complying</b> There are buildings and works that will impact on trees of high and very high conservation value.</p>

## Environmental Management Zone Provisions (use and/or development)

Clause	Compliance/Comments
<b>24.3 Use Standards</b>	
<b>Clause 29.3.1 Use Standards for Reserved Land</b> <b>A1</b> - Use is undertaken in accordance with a reserve management plan.	<b>A1 – NA – Not Reserved Land.</b> No 12 Patriarch Diver is land owned by Kingborough Council and is not part of the Peter Murrell Conservation Area under the control of Parks and Wildlife.
<b>29.4 Development Standards for Buildings and Works</b>	
<b>Clause 29.4.1 - Building Height</b> <b>A1</b> - Building height comply with any of the following: (a) as proscribed in an applicable reserve management plan; (b) be no more than 7.5 m.	<b>A1 – Complies</b> - there are no buildings within the zone.
<b>Clause 29.4.2 - Setback</b> <b>A1</b> - Building setback from frontage must comply with any of the following: (a) as proscribed in an applicable reserve management plan; (b) be no less than 30 m. <b>A2</b> - Building setback from side and rear boundaries must comply with any of the following: (a) as proscribed in an applicable reserve management plan; (b) be no less than 30 m. <b>A3</b> - Buildings and works must be setback from land zoned Environmental Living no less than 30 m. <b>A4</b> - Building setback for buildings for sensitive use (including residential use) must comply with all of the following: (a) be sufficient to provide a separation distance from land zoned Rural Resource no less than 100 m; (b) be sufficient to provide a separation distance from land zoned Significant Agriculture no less than 200 m.	<b>A1(a) – NA</b> - There are no buildings proposed. <b>A1(b) – NA</b> - There are no buildings within the Environmental Management Zone area. <b>A2 – NA</b> - There are no buildings within the Environmental Management Zone area. <b>A3 – Complies</b> – no Environmental Living zoned land within 30 m of site. <b>A4 – NA</b> – not a sensitive use.
<b>Clause 29.4.3 - Design.</b> <b>A1</b> - The location of buildings and works must comply with any of the following: (a) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline; (b) be located within a building area, if provided on the title; (c) be an addition or alteration to an existing building;	<b>A1 – Complies</b> <b>A1(a)</b> - Complies with A1(a) - The proposal does not require clearing of native vegetation for the land within the Environmental Management Zone for the underground infrastructure. The land is not on a skyline or ridgeline. <b>A2 – NA</b> – underground infrastructure only. <b>A3- Not Complying</b> –the underground infrastructure will involve excavation greater than 1m from natural ground level.

Clause	Compliance/Comments
<p>(d) as prescribed in an applicable reserve management plan.</p> <p><b>A2</b> - Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p> <p><b>A3</b> - Fill and excavation must comply with all of the following:</p> <p>(a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations;</p> <p>(b) extent is limited to the area required for the construction of buildings and vehicular access.</p>	

## Code Provisions

Clause	Compliance/Comments
<b>E1.0 Bushfire-Prone Areas Code</b>	
As the use class is Storage, and the development is for warehouses and storage facilities with associated offices, the building Classifications in accordance with the National Construction Code would be Class 5/7b from a Bushfire Hazard Management Planning perspective. Neither of these classifications are called up by the Planning Scheme or the <i>Building Act/Director's Determination – Requirements for Building in Bushfire-Prone Areas (transitional)</i> as requiring a Bushfire Hazard Management Plan (as per correspondence from Rhy Menadue, accredited bushfire practitioner 31 January 2024).	
<b>E5.0 Road and Railway Assets Code</b>	
<p><b>Clause E5.5.1 – Existing road accesses and junctions</b></p> <p><b>A1</b> – The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<b>A1</b> – NA
<p><b>A2</b> – The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<b>A2</b> – NA
<p><b>A3</b> – The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>	<p><b>A3</b> <b>Not complying</b></p> <p>The site has approx. 2121 m<sup>2</sup> of storage use currently which would require 21 parking spaces. The proposal provides 40 car parking spaces and 2 motorcycle spaces. This will increase vehicle movements by more than 20% per day.</p>

Clause	Compliance/Comments
<b>E5.5.2 Exiting level crossings</b> <b>A1</b> – Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	<b>A1</b> – NA
<b>Clause E5.6.1 - Development adjacent to roads and railways</b> <b>A1.1</b> – Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	<b>A1.1</b> – NA
<b>A1.2</b> – Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.	<b>A1.2</b> – NA
<b>Clause E5.6.2 - Road access and junctions</b> <b>A1</b> – No new access or junction to roads in an area subject to a speed limit of more than 60km/h.	<b>A1</b> – Complies - existing access.
<b>A2</b> – No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.	<b>A2</b> – Complies – One driveway access.
<b>Clause E5.6.3 – New level crossings</b> <b>A1</b> – No acceptable solution (requires assessment against performance criteria)	<b>A1</b> – Complies
<b>Clause E5.6.4 - Sight distance at accesses, junctions and level crossings</b> <b>A1</b> – Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.	<b>A1</b> – Complies – existing


Clause	Compliance/Comments
<b>E6.0 Parking and Access Code</b>	
<p><b>Clause E6.6.1 - Number of car parking spaces</b></p> <p><b>A1</b> - The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1;</p> <p>except if:</p> <p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p>	<p><b>A1 – Not Complying</b> – shortfall of 2 spaces.</p> <p>Under Table E6.1 Number of car parking spaces required, the development site falls under storage use and is required to provide 42 (rounded up figure) car parking spaces based on the total available floor area of the warehouses and ancillary office floor area.</p> <p>There are 40 on-site car parking spaces proposed.</p> <p>For storage Use, the on-site parking requirement is one space per 100 square metres of floor area and one for each 40 square metres of ancillary office floor area.</p> <p>All of the warehouses at the development site will be used for storage, while all the warehouses except warehouse 1, will operate with a small office area between 15 and 20 square metres in size.</p> <p>The combined total floor area of the office space is calculated at 378 square metres, while the combined total floor area of the storage area is calculated at 3,220 square metres. Under the planning scheme requirements, this development is required to provide 41.65 (rounded up to 42) car parking spaces.</p>
<p><b>Clause E6.6.2 – Number of Accessible Car Parking Spaces for People with a Disability</b></p> <p><b>A1</b> - Car parking spaces provided for people with a disability must:</p> <p>(a) satisfy the relevant provisions of the Building Code of Australia;</p> <p>(b) be incorporated into the overall car park design;</p> <p>(c) be located as close as practicable to the building entrance.</p>	<p><b>A1 – Not Complying</b> – No disabled parking shown on plans</p> <p>The Traffic impact Assessment provided with the application comments that:</p> <p>“Accessible parking spaces are considered unwarranted for this development, as the development site is for storage warehouses, with their likely to be no customers on-site”.</p> <p>However this view is considered simplistic in light of current modern standards and practices for people with disabilities.</p> <p>A condition is included in the Permit in relation to the inclusion of car parking Car parking spaces provided for people with a disability in accordance with the relevant provisions of the Building Code of Australia.</p>
<p><b>Clause E6.6.3 – Number of Motorcycle Parking Spaces</b></p> <p><b>A1</b> - The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where</p>	<p><b>A1 – Complies</b> – two (2) required motorcycle parking shown on the plan.</p>

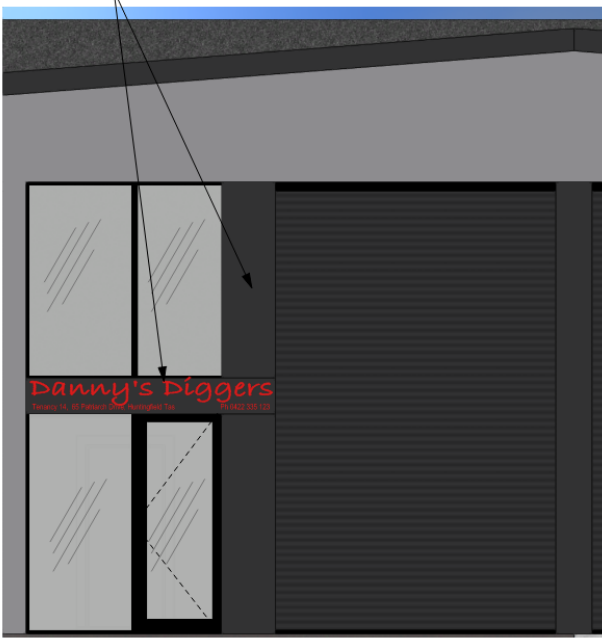
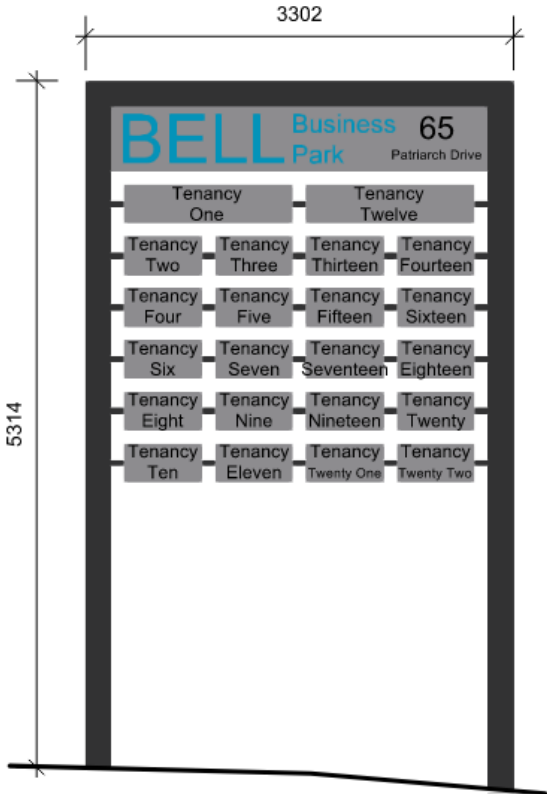
Clause	Compliance/Comments
an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.	
<b>Clause E6.6.4 – Number of Bicycle Parking Spaces</b> <b>A1</b> - The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.	<b>A1 – NA</b> There is no Bicycle Parking requirement for Storage Uses.
<b>Clause E6.7.1 - Number of vehicular accesses</b> <b>A1</b> – The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	<b>A1 – Complies</b> - Existing 1 access.
<b>Clause E6.7.2 - Design of vehicular accesses</b> <b>A1</b> – Design of vehicle access points must comply with all of the following: (a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.	<b>A1 – Complies</b>
<b>Clause E6.7.3 - Vehicular passing areas along an access</b> <b>A1</b> – Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) it meets a road serving more than 6000	<b>A1 – Complies.</b>

Clause	Compliance/Comments
<p>vehicles per day;</p> <p>(d) have the first passing area constructed at the kerb;</p> <p>(e) be at intervals of no more than 30 m along the access.</p>	
<p><b>Clause E6.7.4 - On-site turning</b></p> <p><b>A1</b> – On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:</p> <p>(a) it serves no more than two dwelling units;</p>	<b>A1</b> – Complies
<p><b>Clause E6.7.5 - Layout of parking areas</b></p> <p><b>A1</b> – The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.</p>	<b>A1</b> – Complies
<p><b>Clause E6.7.6 - Surface treatment of parking areas</b></p> <p><b>A1</b> – Parking spaces and vehicle circulation roadways must be in accordance with all of the following;</p> <p>(a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;</p> <p>(b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.</p>	<b>A1</b> – Complies
<p><b>Clause E6.7.7 - Lighting of parking areas</b></p> <p><b>A1</b> – Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.</p>	<p><b>A1</b> – Complies</p> <p>Included in Civil Drawings Condition.</p>
<p><b>Clause E6.7.8 - Landscaping of parking areas</b></p> <p><b>A1</b> – Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.</p>	<p><b>A1</b> – Complies</p> <p>The car parking area has a total area of approx. 2,518m<sup>2</sup>. There is approx. 532m<sup>2</sup> (21%) of landscaped area predominantly along the frontage and north west of the site.</p> <p>Included in Civil Drawings Condition.</p>

Clause	Compliance/Comments
<p><b>Clause E6.7.9 – Design of motorcycle parking areas</b></p> <p><b>A1</b> - The design of motorcycle parking areas must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) be located, designed and constructed to comply with section 2.4.7 “Provision for Motorcycles” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</li> <li>(b) be located within 30 m of the main entrance to the building.</li> </ul>	<p><b>A1</b> – Complies.</p> <p>Included in Civil Drawings Condition.</p>
<p><b>Clause E6.7.10 – Design of bicycle parking facilities</b></p> <p><b>A1</b> - The design of bicycle parking facilities must comply with all the following;</p> <ul style="list-style-type: none"> <li>(a) be provided in accordance with the requirements of Table E6.2;</li> <li>(b) be located within 30 m of the main entrance to the building.</li> </ul>	<p><b>A1</b> – NA</p>
<p><b>A2</b> - The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 “Design of Parking Facilities” and clauses 3.1 “Security” and 3.3 “Ease of Use” of the same Standard. R1</p>	<p><b>A2</b> – NA</p>
<p><b>Clause E6.7.11 – Bicycle end of trip facilities</b></p> <p><b>A1</b> - For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.</p>	<p><b>A1</b> – NA</p>
<p><b>Clause E6.7.12 – Siting of car parking</b></p> <p><b>A1</b> - Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.</p>	<p><b>A1</b> – NA</p>
<p><b>Clause E6.7.13 – Facilities for commercial vehicles</b></p> <p><b>A1</b> - Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless:</p> <ul style="list-style-type: none"> <li>(a) the delivery of all inward bound goods is by a single person from a vehicle parked in a</li> </ul>	<p><b>A1</b> – Complies</p> <p>The development site has been designed to cater for all commercial deliveries to occur on-site. Tenancies 8 and 22 have been designed to allow for loading and unloading, including turning of commercial vehicles, to occur</p>

Clause	Compliance/Comments
<p>dedicated loading zone within 50 m of the site;</p> <p>(b) the use is not primarily dependent on outward delivery of goods from the site.</p>	
<p><b>Clause E6.7.14 - Access to a road</b></p> <p><b>A1</b> – Access to a road must be in accordance with the requirements of the road authority.</p>	<p><b>A1</b> – Complies.</p>
<b>E7.0 Stormwater Management Code</b>	
<p><b>Clause E7.7.1 - Stormwater drainage and disposal</b></p> <p><b>A1</b> – Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</p>	<p><b>A1</b> – Complies - Stormwater disposed of by gravity to public stormwater infrastructure.</p>
<p><b>A2</b> – A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:</p> <p>(a) the size of new impervious area is more than 600 m<sup>2</sup>;</p> <p>(b) new car parking is provided for more than 6 cars;</p> <p>(c) a subdivision is for more than 5 lots.</p>	<p><b>A2</b> – Complies</p>
<p><b>A3</b> – A minor stormwater drainage system must be designed to comply with all of the following:</p> <p>(a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed;</p> <p>(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.</p>	<p><b>A3</b> – Complies</p>
<p><b>A4</b> – A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.</p>	<p><b>A4</b> – NA</p>
<p><b>E9.0 Attenuation Code</b></p> <p>The code does not apply as the application does not include a sensitive use and the code specifically does not apply to uses listed in the table where occurring in the Light Industrial zone- refer to Clause E9.2.1.</p> <p>E9.2.1 This code applies to:</p> <p>(a) development or use that includes the activities listed in Table E9.1 and E9.2 in a zone <b>other than the Light Industrial</b>, General Industrial or Port and Marine Zone;</p> <p>(b) development or use for sensitive use, including subdivision intended for sensitive use;</p> <p>(i) on land within an Attenuation Area shown on the planning scheme maps, or</p> <p>(ii) on land within the relevant attenuation distance from an existing or approved (permit granted) activity listed in Tables E9.1 and E9.2 if no Attenuation Area is shown on the</p>	

Clause	Compliance/Comments
planning scheme maps and that activity is not located in the Light Industrial, General Industrial or Port and Marine Zone.	
<b>E10.0 Biodiversity Code</b>	
<b>Clause E10.7.1 - Buildings and works</b> <b>A1</b> – Clearance and conversion or disturbance must be within a Building Area on a plan of subdivision approved under this planning scheme.	<b>A1 - Not Complying</b> The proposal is unable to meet A1 as there is no such building area on the title. As the proposal impacts upon high priority biodiversity values, the proposal requires assessment against P1 (c).
<b>E17.0 Signs Code</b>	
<p>The Planning Report submitted with the application states that the proposal includes a wall sign and a business directory sign.</p> <p>These are defined in the Planning Scheme as:</p> <p>Wall sign - means a sign painted on or attached parallel to the wall of a building or fence surrounding a building.</p> <p>Business Directory - means a sign for a building in multiple tenancies, which identifies the name of businesses and their location within the same building and does not contain any product or other advertising.</p> <p>[Not exempt as sign is placed on the exterior of a building and is not within a recessed entrance or doorway 90 degrees to the property boundary and is beyond the face of the building.]</p> <p>Plans indicate that each tenancy will have a signs on the transom between windows and also the vertical portion separating the vertical entry door. This will result in extensive signage in light of the 22 tenancies.</p> <p>Transom sign - means a sign attached to the transom of a doorway or display window of a building.</p> <p>[Is not exempt as it is indicated that there may be more than 1 Transom Sign per business]</p> <p>The Planning Report submitted with the application states:</p> <p>“The proposed wall sign and business directory signs are Permitted sign types in the Light Industrial Zone. Both signs exceed the permitted dimensions however are considered to satisfy the provisions of the Code including E17.7.1, P1 in that both the “Bell Business Park” wall sign and directory sign are integrated into the design of the premises, will not dominate the streetscape, lead to repetition of message, visual clutter or a safety hazard.”</p> 	

Clause	Compliance/Comments
<p>Signage for each business within the complex will be limited to the horizontal transom between windows and also the vertical portion separating the vehicular entry door from these</p>  <p>Example of Specific Business Signage 1:50</p>  <p>Entry Sign 1:50 (not illuminated)</p>	
<p><b>Clause E17.6.1 – Use of Signs</b></p> <p><b>A1</b> – A sign must be a permitted sign in Table E.17.3.</p>	<p><b>A1</b> – Complies</p> <p>Wall sign - Permitted</p> <p>Business directory sign - Permitted</p> <p>Transom sign - Permitted</p>
<p><b>A2</b> - A sign associated with the sale of goods or</p>	<p><b>A2</b> – Complies</p>

Clause	Compliance/Comments
services must relate directly to the use of the building or site to which it is affixed.	
<b>A3</b> - A sign must not contain flashing lights, moving parts or moving or changing messages or graphics, except if a Statutory Sign	<b>A3</b> – Complies
<b>A4</b> - An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign	<b>A4</b> – NA
<p><b>Clause E17.7.1 - Standards for Signs</b></p> <p><b>A1</b> - A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.</p> <p>Wall Sign –</p> <ul style="list-style-type: none"> <li>(a) Message on the front face only;</li> <li>(b) Projection from the face of the wall or fence no more than 450mm;</li> <li>(c) Does not extend laterally beyond the wall or above the top of the wall to which it is attached;</li> <li>(d) Area of sign no more than 2m<sup>2</sup>.</li> </ul> <p>Business Directory</p> <ul style="list-style-type: none"> <li>(a) No more than 1 sign per building;</li> <li>(b) Vertical dimension no more than 2000mm;</li> <li>(c) Horizontal dimension no more than 600mm.</li> </ul> <p>Transom Sign</p> <ul style="list-style-type: none"> <li>(a) Extends no more than 200mm beyond building alignment;</li> <li>(b) Does not extend beyond or below the level of the head of the doorway or window above which it is attached;</li> <li>(c) No more than 3600mm above the ground to the highest point of the sign;</li> <li>(d) Depth no more than 500mm.</li> </ul>	<p><b>A1</b> – <b>Not Complying</b></p> <p>❑ wall sign – 8.8m x 4.4m (38m<sup>2</sup>) non illuminated</p> <p><b>Not Complying</b> – as more than 2m<sup>2</sup></p> <p>[Note – see transom sign below – there may be additional wall signs on each tenancy. If so, these would comply as there is 1 per tenancy].</p> <p>❑ Business directory sign - 5.3m x 3.3m</p> <ul style="list-style-type: none"> <li>• <b>Not Complying</b> – as more than 2m high and more than 0.6m wide.</li> </ul> <p>❑ Transom signs –</p> <ul style="list-style-type: none"> <li>• <b>Not Complying</b> - May extend 5.0 m above the ground. There may be more than 1 per tenancy as the plans have a notation that horizontal and vertical signs may be placed on each tenancy. The vertical signs would be defined as a wall sign.</li> </ul>
<p><b>A2</b> - The number of signs per business per street frontage must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) maximum of 1 of each sign type;</li> <li>(b) maximum of 1 window sign per window;</li> <li>(c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3;</li> <li>(d) if the street frontage is 20 m in length or</li> </ul>	<p><b>A2</b> – Complies</p> <p>As there is limited street frontage, being Tenancies 18 and 19, the proposal complies as all other tenancies are internal.</p>

Clause	Compliance/Comments
<p>greater, the maximum number of signs on that frontage is 6.</p> <p>except for the following sign types, for which there is no limit;</p> <ul style="list-style-type: none"> <li>(i) Building Site,</li> <li>(ii) Name Plate,</li> <li>(iii) Newspaper Day Bill,</li> <li>(iv) Open/Closed,</li> <li>(v) Real Estate,</li> <li>(vi) Street Number,</li> <li>(vii) Temporary Sign.</li> </ul>	
<p><b>A3</b> - Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.</p>	<p><b>A3</b> – Complies</p>
<p><b>A4</b> - Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.</p>	<p><b>A4</b> – Complies</p>
<p><b>Clause E17.7.2 - Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts</b></p> <p><b>A1</b> - No acceptable solution (requires assessment against performance criteria)</p>	<p><b>A1</b> – NA</p>

Note: Codes not listed in this Checklist have been assessed as not being relevant to the assessment of this application.



Submission to Planning Authority Notice

Application details

Council Planning Permit No. DA-2024-276  
Council notice date 2/09/2024  
TasWater Reference No. TWDA 2024/01040-KIN  
Date of response 27/09/2024  
TasWater Contact Elio Ross  
Phone No. 0467 874 330

Response issued to

Council name KINGBOROUGH COUNCIL  
Contact details kc@kingborough.tas.gov.au

Development details

Address 65 PATRIARCH DR, HUNTINGFIELD  
Property ID (PID) 2917648  
Description of development Demolition of Ex building & Construction of 22 Warehouses

Schedule of drawings/documents

Prepared by	Drawing/document No.	Revision No.	Issue date
Glannville	Project: Gla2203 Sheets: A-01 to A09	--	31/01/2024
Aldanmark	Project: 22E99-81 Sheet: C101, C106	C	16/02/2024
Design East	Project: 4527 Sheet: A01 (Existing building layout)	--	Sept 2008



### Conditions

Pursuant to the *Water and Sewerage Industry Act 2008* (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:

#### CONNECTIONS, METERING & BACKFLOW

1. A suitably sized water supply with metered connection and sewerage system and connection to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.  
  
**Advice:** TasWater will not accept direct fire boosting from the network unless it can be demonstrated that the periodic testing of the system will not have a significant negative effect on our network and the minimum service requirements of other customers serviced by the network. To this end break tanks may be required with the rate of flow into the break tank controlled so that peak flows to fill the tank do not also cause a negative effect on the network.
2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.
3. Prior to commencing construction /use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.
4. Prior to undertaking any works related to water and sewerage, physical markers must be in place that clearly identify where water and/or sewer connections are to be made by any approved plan to TasWater's satisfaction.
5. In the event that a connection to the reticulated water supply for the purpose of firefighting coverage is required. The applicant must provide documents detailing the required fire flow rate in L/s and the required residual pressure (kPa) at the point of connection to allow TasWater to confirm the available capacity and boundary conditions prior to the issue of a Certificate for Certifiable Work (Building and/or Plumbing).  
NOTE: The pressures will need to include losses through the actual connection, the associated pipework and the elevation changes.

#### DEVELOPER CHARGES

6. Prior to TasWater issuing a Certificate(s) for Certifiable Work (Building) and/or (Plumbing), the applicant or landowner as the case may be, must pay a developer charge totalling \$13,353.20 to TasWater for water infrastructure for 7.6 additional Equivalent Tenements, indexed by the Consumer Price Index All groups (Hobart) from the date of this Submission to Planning Authority Notice until the date it is paid to TasWater.
7. Prior to TasWater issuing a Certificate(s) for Certifiable Work (Building) and/or (Plumbing), the applicant or landowner as the case may be, must pay a developer charge totalling \$20,029.80 to TasWater for sewerage infrastructure for 11.4 additional Equivalent Tenements, indexed by the Consumer Price Index All groups (Hobart) from the date of this Submission to Planning Authority Notice until the date it is paid to TasWater.
8. In the event Council approves a staging plan, prior to TasWater issuing a Certificate(s) for Certifiable Work (Building) and/or (Plumbing) for each stage, the developer must pay the developer charges commensurate with the number of Equivalent Tenements in each stage, as approved by Council.



#### DEVELOPMENT ASSESSMENT FEES

9. The applicant or landowner as the case may be, must pay a development assessment fee of \$775.39, to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.

The payment is required within 30 days of the issue of an invoice by TasWater.

#### Advice

##### General

For information on TasWater development standards, please visit

<https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit

<https://www.taswater.com.au/building-and-development/development-application-form>

##### Developer Charges

For information on Developer Charges please visit the following webpage -

<https://www.taswater.com.au/building-and-development/developer-charges>

##### Water Submetering

As of July 1 2022, TasWater's Sub-Metering Policy no longer permits TasWater sub-meters to be installed for new developments. Please ensure plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) reflect this. For clarity, TasWater does not object to private sub-metering arrangements. Further information is available on our website ([www.taswater.com.au](http://www.taswater.com.au)) within our Sub-Metering Policy and Water Metering Guidelines.

##### Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

- (a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.
- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit <https://www.taswater.com.au/building-and-development/service-locations> for a list of companies.
- (c) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

**NOTE:** In accordance with the WATER AND SEWERAGE INDUSTRY ACT 2008 - SECT 56ZB A regulated entity may charge a person for the reasonable cost of -

- (a) a meter; and
- (b) installing a meter.

#### Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

## OPEN SESSION RESUMES

### 14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

### 15 PETITIONS RECEIVED IN LAST PERIOD

At the time the Agenda was compiled no Petitions had been received.

### 16 OFFICERS REPORTS TO COUNCIL

#### 16.1 EXHIBITION OF THE KINGBOROUGH DRAFT LOCAL PROVISIONS SCHEDULE

**File Number:** 17.228

**Author:** Adriaan Stander, Senior Strategic Planner

**Authoriser:** Tasha Tyler-Moore, Manager Development Services

#### Strategic Plan Reference

**Key Priority Area:** 3 Sustaining the natural environment whilst facilitating development for our future.

**Strategic Outcome:** 3.4 Best practice land use planning systems are in place to manage the current and future impacts of development.

#### 1. PURPOSE

- 1.1 The purpose of this report to inform Council that the Tasmanian Planning Commission has directed Council to commence with the exhibition of the revised Kingborough Draft Local Provisions Schedule on Wednesday 9 October 2024 and that the exhibition period will conclude on Monday 9 December 2024.

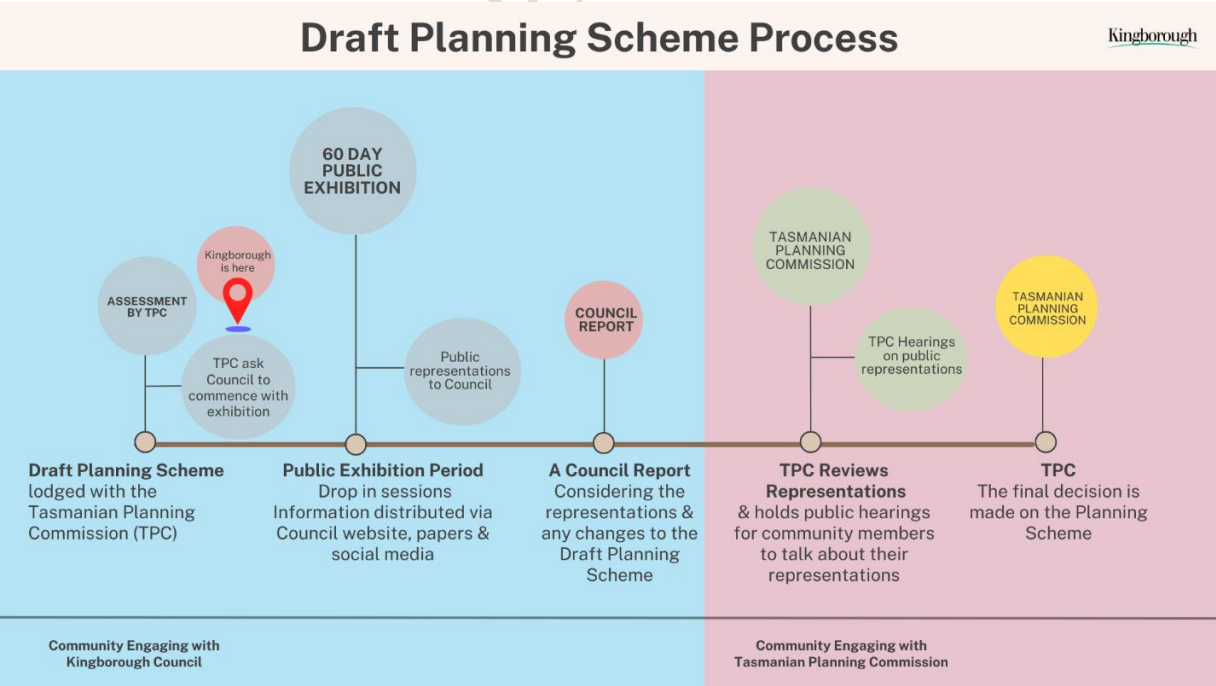
#### 2. BACKGROUND

- 2.1 In 2015 the Tasmanian State Government legislated to implement the Tasmanian Planning Scheme (TPS) across all local government areas in the state.
- 2.2 The Tasmanian Planning Scheme is made up of two parts, the State Planning Provisions (SPPs) and the Local Provisions Schedules (LPS).
  - The **State Planning Provisions**<sup>1</sup> provide a consistent set of planning provisions ('rules') for a series of standard zones and codes that can be applied across the state.
  - The **Kingborough Local Provision Schedule** (Draft LPS) indicates how the State Planning Provisions will apply in Kingborough including the written local

<sup>1</sup> State Planning Provisions came into effect on 2 March 2017 as part of the Tasmanian Planning Scheme, but they have no practical effect until the Local Provisions Schedule of a council area comes in force. The KIPS2015 will continue to apply until the Tasmanian Planning Commission has approved the Kingborough LPS and a date has been announced that it comes in force in the municipality.

provisions ('the rules that are unique to Kingborough') and the mapping that shows where the provisions of the scheme apply.

- 2.2 Kingborough Council submitted its first draft of the Kingborough LPS to the Tasmanian Commission in 2019.
- 2.3 The Tasmanian Planning Commission has completed its assessment, and it resulted in changes to the Draft LPS. The LPS supporting document provides an overview of the revised Draft LPS and explains how the revised Draft LPS meets the relevant requirements set by the State Government. The revised Draft LPS (the written part, associated mapping and all other supporting documents will be made available for viewing on the first day of the public exhibition period).
- 2.4 The Draft LPS will be exhibited for public comment for 60-days between Wednesday, 9 October 2024 and Monday, 9 December 2024.
- 2.6 For the duration of the exhibition period, people will be able make written representations to indicate support for or to raise objections or concerns with any part of the Draft LPS.
- 2.7 After the exhibition period a report will be presented to Council to provide feedback on representations received and it will include recommendations to the Tasmanian Planning Commission to consider. All submissions made during the exhibition period will be available (in full) to Council and the Tasmanian Planning Commission.
- 2.8 The Commission will hold public hearings in relation to all representations, before a final decision is made and before the Tasmanian Planning Scheme comes into force in Kingborough.
- 2.9 An overview of the process is provided below.



3. STATUTORY REQUIREMENTS AND PUBLIC EXHIBITION DETAILS

- 3.1 Section 43(2) of the Land Use Planning and Approval Act 1993 (LUPAA) provides the direction on how the LPS should be drafted.
- 3.2 In addition to the requirements of the LUPAA, the State Government released a set of Guidelines ([LPS guidelines](#)) to assist Councils in the zoning and code applications.

- 3.3 The State Government also provided practice notes for the drafting of the written part the planning scheme and compilation of the mapping (zone and code mapping).
- 3.4 LUPAA requires that the LPS must comply with State Policies and the directions of the Regional Land Use Strategies (i.e. the Southern Tasmanian Regional Land Use Strategy) and where appropriate Councils can utilise the situation under the interim planning scheme, local plans and strategic considerations to write their Draft LPSs.
- 3.5 Council's report 9 December 2019 (the date the first version of the Draft LPS was presented to Council), pre-empted that the Tasmanian Planning Commission would make modifications to the Kingborough Draft LPS prior to public exhibition. The resolution provided the Manager Development Services delegation to modify the Kingborough Draft LPS if such a notice is received from the Commission under section 35(5)(b) of LUPAA (or agree to such modifications being undertaken by the Commission under section 35(5)(c)) and to also exhibit the Kingborough Draft LPS in accordance with sections 35C and 35D of LUPAA.
- 3.6 The requirements for LPS exhibition are set out in section 35C of LUPAA and this is discussed in more detail under Section 7.

#### 4. BROAD OVERVIEW OF KEY CHANGES

- 4.1 The Tasmanian Planning Scheme has a standard set of zones and codes and the main aim of the Local Provisions Schedule is to interpret how these standard zones and codes will be utilised in the municipality.
- 4.2 Even though some zones under the new planning scheme will have the same name as zones in the Kingborough Interim Planning Scheme (KIPS2015), the provisions that will apply under those zones will be different in the new scheme.
- 4.3 In addition to the above, the way the zones will operate with the codes (and its overlays) will also be different under the new scheme. For example, is the Priority Vegetation Overlay will no longer apply to development in urban type zones.
- 4.4 The table below lists the existing zones and codes under the KIPS2015 and those under the Tasmanian Planning Scheme. The conversion of the zones is predominantly informed by the State Government's LPS Guidelines and the general intention of the zoning conversion is to keep the outcomes that are available under the KIPS2015 the same under the Tasmanian Planning Scheme.

KIPS2015 Zones (existing planning scheme)	Tasmanian Planning Scheme Zones (proposed planning scheme)
<a href="#">10.0 General Residential</a>	<a href="#">8.0 General Residential</a>
<a href="#">11.0 Inner Residential</a>	<a href="#">9.0 Inner Residential</a>
<a href="#">12.0 Low Density Residential</a>	<a href="#">10.0 Low Density Residential</a>
<a href="#">13.0 Rural Living</a>	<a href="#">11.0 Rural Living</a>
<a href="#">14.0 Environmental Living</a>	<a href="#">12.0 Village</a>
<a href="#">15.0 Urban Mixed Use</a>	<a href="#">13.0 Urban Mixed Use</a>
<a href="#">16.0 Village</a>	<a href="#">14.0 Local Business</a>
<a href="#">17.0 Community Purpose</a>	<a href="#">15.0 General Business</a>
<a href="#">18.0 Recreation</a>	<a href="#">16.0 Central Business</a>
<a href="#">19.0 Open Space</a>	<a href="#">17.0 Commercial</a>
<a href="#">20.0 Local Business</a>	<a href="#">18.0 Light Industrial</a>
<a href="#">21.0 General Business</a>	<a href="#">19.0 General Industrial</a>
<a href="#">22.0 Central Business</a>	<a href="#">20.0 Rural</a>
<a href="#">23.0 Commercial</a>	<a href="#">21.0 Agriculture</a>
<a href="#">24.0 Light Industrial</a>	<a href="#">22.0 Landscape Conservation</a>
<a href="#">25.0 General Industrial</a>	<a href="#">23.0 Environmental Management</a>

<a href="#">26.0 Rural Resource</a> <a href="#">27.0 Significant Agricultural</a> <a href="#">28.0 Utilities</a> <a href="#">29.0 Environmental Management</a> <a href="#">30.0 Major Tourism</a> <a href="#">31.0 Port and Marine</a> <a href="#">32.0 Particular Purpose Zone 1 (Urban Growth Zone)</a> <a href="#">33.0 Particular Purpose Zone 2 (Future Road Corridor)</a>	<a href="#">24.0 Major Tourism</a> <a href="#">25.0 Port and Marine</a> <a href="#">26.0 Utilities</a> <a href="#">27.0 Community Purpose</a> <a href="#">28.0 Recreation</a> <a href="#">29.0 Open Space</a> <a href="#">30.0 Future Urban</a>
<b>KIPS2015 Codes (existing planning scheme)</b>	<b>Tasmanian Planning Scheme Codes (proposed planning scheme)</b>
<a href="#">E1.0 Bushfire-Prone Areas</a> <a href="#">E2.0 Potentially Contaminated Land</a> <a href="#">E3.0 Landslide</a> <a href="#">E5.0 Road and Railway Assets</a> <a href="#">E6.0 Parking and Access</a> <a href="#">E7.0 Stormwater Management</a> <a href="#">E8.0 Electricity Transmission Infrastructure Protection</a> <a href="#">E9.0 Attenuation</a> <a href="#">E10.0 Biodiversity</a> <a href="#">E11.0 Waterway and Coastal Protection</a> <a href="#">E13.0 Historic Heritage</a> <a href="#">E14.0 Scenic Landscapes</a> <a href="#">E15.0 Inundation Prone Areas</a> <a href="#">E16.0 Coastal Erosion Hazard</a> <a href="#">E17.0 Signs</a> <a href="#">E18.0 Wind and Solar Energy</a> <a href="#">E19.0 Telecommunications</a> <a href="#">E20.0 Acid Sulfate Soils</a> <a href="#">E21.0 Dispersive Soils</a> <a href="#">E22.0 'Non-existent'</a> <a href="#">E23.0 On-Site-Wastewater Management</a> <a href="#">E24.0 Significant Trees</a> <a href="#">E25.0 Local Development Code</a>	<a href="#">C1.0 Signs</a> <a href="#">C2.0 Parking &amp; Sustainable Transport</a> <a href="#">C3.0 Road &amp; Railway Assets</a> <a href="#">C4.0 Electricity Transmission Infrastructure Protection</a> <a href="#">C5.0 Telecommunication</a> <a href="#">C6.0 Local Historic Heritage</a> <a href="#">C7.0 Natural Assets</a> <a href="#">C8.0 Scenic Protection</a> <a href="#">C9.0 Attenuation</a> <a href="#">C10.0 Coastal Erosion Hazard</a> <a href="#">C11.0 Coastal Inundation Hazard</a> <a href="#">C12.0 Flood Prone Areas Hazard</a> <a href="#">C13.0 Bushfire Prone Areas</a> <a href="#">C14.0 Potentially Contaminated Land</a> <a href="#">C15.0 Landslip Hazard</a> <a href="#">C16.0 Safeguarding of Airports</a>

- 4.5 As illustrated in the tables above, some zones that currently exist under KIPS2015 are not be available in the Tasmanian Planning Scheme and as such a zone change is required. For example, the Environmental Living Zone and Rural Resource Zone are not available in the new planning scheme and land within that zone must be allocated an appropriate alternative zoning. The table below provides an overview of the most suitable choices of zones for the Environmental Living Zone (ELZ) and Rural Resource Zone (RRZ) to the new zones available under the Tasmanian Planning Scheme. The Tasmanian Planning Scheme also introduces new zones such as the Rural Zone (RZ), Agriculture Zone (AZ) and Landscape Conservation Zone (LCZ) and as such the LPS Guidelines have also been utilised to select the most appropriate zoning to accommodate these new zones. The table below provides an overview of the relevant zoning choices for those zones no longer available.
- 4.6 Some of the codes that exist under the KIPS2015 will cease to exist under the Tasmanian Planning Scheme. For example, the Biodiversity Code, Acid Sulfate Soils Code, Dispersive Soils Code and Local Development Code will no longer exist under the Tasmanian Planning Scheme.

- 4.7 The Tasmanian Planning Scheme introduces new codes, for example the Natural Assets Code, Coastal Inundation Code and Flood Prone Code. Some codes will be similar to those in KIPS2015 whereas other will operate completely different.
- 4.8 The intention of the Tasmanian Planning Scheme is to provide a standard approach across the state; however, it is also acknowledged that the standard provisions may not be practical or appropriate everywhere. For this reason, the legislation, also allows Local Provisions Schedules to introduce unique rules, for example: Specific Area Plans (SAPs), Particular Purpose Zones (PPZs) and Site Specific Qualification (SSQs) to address those challenges. The Kingborough Draft LPS is introducing nine SAPs, three of which are carried over from the KIPS2015 and six are new proposed SAPs.

## **5. FINANCE**

- 5.1 There are costs associated with the exhibition period, these have been already budgeted for.

## **6. ENVIRONMENT**

- 6.1 There are no direct environmental implications associated with the exhibition of the Draft LPS.

## **7. COMMUNICATION AND CONSULTATION**

- 7.1 The requirements for LPS exhibition are set out in section 35C of LUPAA and include the following:
- A 60-day timeframe for public exhibition and receiving representations (the Commission has directed Council to commence with the public exhibition on Wednesday, 9 October 2024 and the exhibition period will conclude on Monday, 9 December 2024).
  - The exhibition notice must be published twice in a newspaper circulating generally in Tasmania (an advert in the Mercury will meet this requirement).
  - The TPC will identify which State Service Agencies, State Authorities and adjacent planning authorities to be notified.
  - The exhibition documents must be made available during the exhibition period at the offices of the planning authority and the Tasmanian Planning Commission's Offices. All relevant documents will be made available for viewing at the Civic Centre at 15 Channel Highway, Kingston, Council's Service Centre at Alonnah on Bruny Island and the Tasmanian Planning Commission's offices at Level 3, 144 Macquarie Street, Hobart.
  - The exhibition documents must be made available for downloading by the public, during the exhibition period at an electronic address specified in the exhibition notice.
- 7.2 In addition to the above standard exhibition requirements, Council will undertake the following actions to ensure that as many people as possible are made aware of the public exhibition of the Draft LPS:
- Additional media advertising and press release in the Chronicle, Council's website and social media.
  - Providing a dedicated [Council webpage](#), providing:

- Explanatory information and background in addition to the exhibited documents (this page will be updated on the first day of the public exhibition period with the revised Draft LPS).
- [An interactive mapping tool](#).

The above webpage and mapping will be updated the day before the commencement of the public exhibition period.

- Providing an ability to make an online formal representation/submission or the choice to print and complete a proforma document for submissions.
- Offering of public information sessions at various locations throughout the municipality. The locations will be made public on Council's website and through social media.
- Providing an ability to lodge an online enquiry or to speak to a Council officer on the phone.
- Having staff available for one-on-one consultations through appointments and/or as part of routine Duty Planner enquiries.
- Council staff will also make themselves available for after-hour consultations (by appointment) on Monday evenings during the exhibition period.

## 8. RISK

- 8.1 There is risk that some potentially interested landowners or general members of the community are not made aware of the upcoming planning scheme exhibition, however Council will communicate the start of the exhibition period widely. People who have signed up to be notified (that ability was provided on Council's website for the last two years) will be informed accordingly.
- 8.2 The Draft LPS information is very technical involving topics which are hard to understand. This includes mapping which could be difficult to navigate. An interactive tool has been developed to make it easier for people to look up zoning and relevant controls. A LPS supporting document that explains the Draft LPS, fact sheets and guides will help people to understand what the new planning scheme and what it means for them. Officers will be able to explain the information to individuals who struggle to understand the information.

## 9. RECOMMENDATION

That Council notes the commencement of the public exhibition of the Kingborough Draft LPS on Wednesday, 9 October 2024 for a 60-day period until Monday, 9 December 2024.

## ATTACHMENTS

Nil

## 16.2 COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY - PROPOSED RULE CHANGES

**File Number:** File#

**Author:** Dave Stewart, Chief Executive Officer

### Strategic Plan Reference

Key Priority Area: 3 Sustaining the natural environment whilst facilitating development for our future.

Strategic Outcome: 3.1 A Council that values and prioritises its natural environment, whilst encouraging investment and economic growth.

### 1. PURPOSE

- 1.1 To seek approval of the proposed amendments to the Rules of the Copping Refuse Disposal Site Joint Authority.

### 2. BACKGROUND

- 2.1 At its meeting on 23 May 2024, the Copping Refuse Disposal Site Joint Authority (Authority) approved, by special resolution, its intention to amend the Rules. The relevant extract from the meeting minutes is attached for reference (Attachment 1).
- 2.2 The proposed amendments permit the separation of the roles of Authority Secretary and the Board Secretary of Southern Waste Solutions.
- 2.3 Since then:
- all Participating Councils approved (including Kingborough Council on 1 July 2024), by resolution, advertising the proposed amendments.
  - the proposed amendments were advertised, and no comments were received; and
  - the Authority approved, by special resolution, the proposed amendments as advertised. The relevant extract from the draft meeting minutes is attached for reference (Attachment 2).
- 2.4 This report progresses the process of changing the Rules by seeking the approval of Kingborough Council of the proposed amendments as advertised.

### 3. STATUTORY REQUIREMENTS

- 3.1 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)*.

### 4. DISCUSSION

- 4.1 At its meeting on 23 May 2024, the Authority resolved to amend the rules as they apply to the roles of Authority Secretary and the Board Secretary of Southern Waste Solutions.
- 4.2 The proposed amendments aim to provide flexibility within the Rules to permit the separation of the roles of Authority Secretary and the Board Secretary of Southern Waste Solutions. This involves a considerable number of changes throughout the Rules. At the Authority's request, the proposed amendments retain safeguards for the Authority if it was to consider a proposal from the Board to separate the roles (Attachment 3).

- 4.3 The collective scale of the amendments to the Rules are considered material and so require 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 was required to approve advertising of the proposed rule change. One participating council acts as the "Nominated Council" to perform the roles required to undertake the actions to change the Rules. Clarence City Council agreed that they would act as the Nominating Council. This is consistent with past practice.

- **Step 2 - Completed**

The resolution to advertise was approved by the four Participating Councils, and the Nominating Council:

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

- **Step 3 – In progress**

- The publication was completed, and no submissions were received. A general meeting of the Authority was convened to consider, and deal with, any submissions (of which there were none). This occurred on 15 August 2024.
- There were no additional proposed amendments, and now Participating Councils approve the proposed amendments to the Rules before further steps are taken in accordance with the Local Government Act requirements.

- **Step 4**

The proposed amended Rules are then to be certified by both a legal practitioner and the Chief Executive Officer of the Nominating Council.

- **Step 5**

The certified, proposed Rules are provided to Participating Councils for formal adoption

- **Step 6**

Once approved by the participating councils, the amended Rules are to be certified (again) by both a legal practitioner and the Chief Executive Officer of the Nominating Council as prescribed in the Act.

- **Step 7**

- 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 (this will not be required as there were no submissions).

- **Step 8**

- The amendments come into effect.

4.4 As outlined in the previous paragraph, the process to amend the Rules of the Authority is a long process. This is the second of three times that the Authority rules will be reviewed by Kingborough Council in their adoption. No changes have been made to the proposed rules since they were approved to be advertised by Kingborough Council on 1 July 2024 (C4/12-2024)

4.5 The full Rules are attached as Attachment 4 with changes marked in red.

## **5. FINANCE**

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

## **6. ENVIRONMENT**

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

## **7. COMMUNICATION AND CONSULTATION**

7.1 As noted in paragraph 4.3 and step two, the proposed amendments to the Rules were publicly advertised. There were no submissions received on these proposed amendments.

7.2 As a Participating Council in the Authority, and following the process outlined in the Act, this is the second of three opportunities that Kingborough Council has to approve the progression in the proposed Rules of the Authority.

## **8. RISK**

8.1 There are no risks identified in the recommendation.

## **9. CONCLUSION**

9.1 The Authority is following the process outlined in the Act to make adjustments to their rules. These changes enable the separation of the roles of Authority Secretary and the Board Secretary of Southern Waste Solutions.

9.2 There were no submissions were received following advertisement of the amendments to Rules.

9.3 The next step to progress these is for the Participating Councils to approve them to proceed to the step of certification by both a legal practitioner and the Chief Executive Officer of the Nominating Council (Clarence City Council).

## **10. RECOMMENDATION**

That Council approves the proposed amendments to the Rules of the Copping Refuse Disposal Site Joint Authority as agreed by the Authority at its meeting on 15 August 2024.

## **ATTACHMENTS**

- 1. Extract from the minutes of the general meeting of the Copping Refuse Disposal Site Authority held on 23 May 2024**
- 2. Extract from the draft minutes of the general meeting of the Copping Refuse Disposal Site Authority held on 15 August 2024**
- 3. Table showing the proposed amendments to the Rules 2024: Role of the Secretary**
- 4. Rules of the Copping Refuse Disposal Site Authority with proposed changes marked in red**

## Attachment 1

Extract from the draft minutes of the general meeting of the Copping Refuse Disposal Site Authority held on 23 May 2024

**6.6 Proposed Rule Changes SPECIAL RESOLUTION**

The Secretary summarised the background to the proposed Rule change. The Authority noted that the proposed changes offered flexibility to appoint a Board Secretary separate from the Authority Secretary, however this would be an option not mandatory. The Authority retained discretion to approve or decline a request from the Board of Southern Waste Solutions on its merits.

The Secretary outlined the process, starting with the need for participating Councils to approve, by special resolution, the advertising of the proposed Rule changes. It was envisaged that the timeline for completion would be around February 2025.

**DECISION**

**Moved: Cr Cordover**

**Seconded: Cr Knott**

*That the Authority:*

- *approves by special resolution the proposal to amend the Rules of the Copping Refuse Disposal Site Joint Authority as outlined; and*
- *authorises the Secretary to do all things necessary to amend the Authority Rules accordingly.*

**CARRIED UNANIMOUSLY**

## Attachment 2

Extract from the draft minutes of the general meeting of the Copping Refuse Disposal Site Authority held on 15 August 2024

**6.5 Amendment to the Authority Rules – Role of the Secretary (special resolution)**

The Secretary summarised the history of the process for the most recent changes to the Rules. Ms Pillans noted that the amended Rules had been advertised, and that no comments had been received. The next step is for the Authority to approve the amended Rules by special resolution, after which Participating Councils will be asked to approve the changes.

The amendment is on track for completion in early calendar year 2025.

**DECISION**

**Moved: Mayor Gatehouse**

**Seconded: Mr Stewart**

*That the Authority:*

- *approves **by special resolution** the proposed amendments to the Rules of the Copping Refuse Disposal Site Joint Authority as outlined; and*
- *authorises the Secretary to do all things necessary to amend the Authority's Rules accordingly.*

**CARRIED UNANIMOUSLY**

**Attachment 3**  
**May 2024**

**Proposed amendments to the Rules 2024: Role of the Secretary****Purposes**

1. Enable flexibility in appointment of the Secretary
2. Correct minor typographical (or similar) errors identified in Rules 172, 180 and 190.

**Proposed amendments**

Black text = existing Rule wording

Red text = proposed change

Rule #	Proposed amendments	Reason/Notes/Comments
	<b>Definitions</b>	
6  AMEND (add new Definition)	<p>“Secretary” means a person appointed as Secretary of the Authority under Rule 204;</p> <p>ADD: “Board Secretary” means a person appointed as the Secretary of the Board of Southern Waste Solutions under Rule 204(b) and where no Board Secretary has been appointed means the person appointed as Secretary under Rule 204(a).</p>	<p>Retain the current Definition of Secretary but add a further definition for Board Secretary.</p> <p>DMA extended the wording of the new definition to clarify who is the Board Secretary if no separate appointment is made.</p>
15 AMEND	<p>The Board may delegate to the Chief Executive Officer or an individual director, a committee of the Board or the Board Secretary <del>in their capacity as Secretary to the Board</del>, with or without conditions:</p> <p>(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</p> <p>(b) any of the functions and powers conferred upon it under these Rules.</p>	<p>Board needs to have authority to delegate to the Board Secretary.</p> <p>Cannot delegate to the Authority Secretary (but, of course, may request assistance or support)</p> <p>No need for the Authority to have capacity to delegate to the Board Secretary.</p>
15A NEW	<p>By written agreement between the Board, the Chief Executive Officer and Board Secretary, the Secretary may delegate responsibilities</p>	<p>In the current Rules, the [Authority] Secretary has particular responsibilities. This new Rule is proposed as an alternative to changing all the individual applicable Rules to permit delegation.</p>

**Attachment 3**

	prescribed in these Rules to the Board Secretary.	<p>Some of these may be better managed by the Board Secretary when the appointee is an employee of SWS, eg the obligation to maintain the corporate registers of the Authority under Rule 96.</p> <p>Options for delegations include those under Rules 93, 94, 96, 107, 113, 161, 230.</p> <p>Regardless of any delegation, the Authority Secretary retains the statutory responsibility under the Rules. The Secretary needs to accept the risk and be suitable empowered to manage the risk.</p>
	<b>Membership of the Board</b>	
79 AMEND	<p>The office of a Director is vacated if the Director:</p> <p>(a)....(f)</p> <p>(g). resigns office by notice in writing to the Secretary of the Authority;</p> <p>(h)...</p> <p>(i) is elected as a Councillor of a Member or is appointed as the Chief Executive Officer, the Secretary, Board 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).</p>	<p>Most can be retained as is, except for the following.</p> <p>Re (g) - Directors are appointed by the Authority, so it is appropriate that notification of vacation of Director's role should be provided to the Authority Secretary.</p> <p>Re (i) – In small and closely-held proprietary limited companies, it is permissible for a Director to be appointed as Company Secretary. However, it is anticipated that appointment to the separate role of SWS's Board Secretary would likely be through an executive management position. Therefore, if a Director was to be appointed to the Board Secretary role, it would mean becoming an employee of the Authority, which would terminate the Director's role anyway.</p> <p>It is clearer to simply include the Board Secretary role in the list in (i)</p>
	<b>Disclosure of Interests</b>	
89 AMEND  SPLIT INTO (a) and (b)	<p>89(a) A Member, Representative, or Proxy <del>or Director</del> 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.</p>	<p>Splitting the Rule into two parts is the easiest and clearest way to separate out which secretary deals with what.</p> <p>Preferable to trying to weave into the one Rule.</p>

Attachment 3

	89(b) A Director, member of a Board committee, the Chief Executive Officer or the Secretary shall, in accordance with the Act, advise the Board Secretary in writing of the details of any interest declared in accordance with these Rules within 7 days of that declaration.	(b) captures member of Board Committee, CEO and the [Authority] Secretary's declarations.
90  AMEND  SPLIT INTO (a) and (b)	90(a) The Secretary is to ensure that any declaration of interest is recorded in the Minutes of the Authority meeting at which the declaration is made.  90(b) The Board Secretary is to ensure that any declaration of interest is recorded in the Minutes of the Board or Board committee meeting at which the declaration is made.	Split into (a) and (b) for same reason as 89 (above).  90(b) Have included members of Committees in case any external members are appointed in the future
92  AMEND	The Chief Executive Officer shall advise the Board Secretary of any interest of any employee that has been declared or notified to the Chief Executive Officer.	Amended to allow for changes to Rule 93
93  AMEND and ADD (b)	93(a) The Board Secretary shall keep a Register of Interests of the Members, Representatives, Proxies, <del>or</del> Directors, members of Board committees, Secretary and of any employees of the Authority that have been declared or notified to the Chief Executive Officer or the Board Secretary.  93(b) The Board Secretary shall advise the Secretary and provide access to, or a copy of, the Register of Interests kept under Rule 93(a) as soon as the Register is amended.	While Rule 96(e) prescribes the [Authority] Secretary shall cause the register of interests to be kept, changes to Rule 93 (a) propose that the Board Secretary administers this. Reasons: - most of the changes/amendments to the Register occur through Directors' updates to which the Board Secretary has immediate access; and - the safest place to keep the register is in SWS's IT system  93(b) added so that the Secretary has constant access to the register as updated, both for Authority purposes and to satisfy requirement of Rule 96(e).

**Attachment 3**

94 AMENDED	The Secretary shall advise the Chief Executive Officer <del>and Board Secretary</del> of any interest of any Member, Representative <del>or</del> Proxy that has been declared or notified to the Secretary.	To facilitate the Board Secretary maintaining the currency of the Register under Rule 93(a).
<b>Notice of General Meetings of the Authority and Meetings of the Board</b>		
107 AMEND	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 <del>and the Board Secretary</del> ; (c). the General Manager of any Member who is not a Representative; (d). the Chief Executive Officer; (e). the Comptroller, and (f). the auditor.	It would be useful to add the Board Secretary as a practical support to the Directors ; to maintain coordination and consistency between Board and Authority; and same level of coordination between Board Secretary and Authority Secretary.  Distribution of papers may well be a responsibility delegated from Authority Secretary to Board Secretary under proposed Rule 15A so permitting access to papers by Board Secretary would ensure consistency within the Rules.  Also, add apostrophe after <del>days</del> '.....
111 AMEND	Seven days' notice of any meeting of the Board shall be given by the <del>Board</del> Secretary to: (a). each Director, and (b). the Chief Executive Officer.	Board meeting notice would be a responsibility of the Board Secretary, not the Secretary.  Also, add apostrophe after <del>days</del> '.....
<b>Resolution in Writing or by Electronic Means</b>		
150 AMEND  SPLIT INTO (a) and (b)	150 (a) A resolution in writing signed by a Simple Majority of Representatives <del>or Directors</del> 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 <del>or meeting of the Board</del> . The resolution is taken to have been determined on the day upon which it is transmitted by the Secretary to the Representatives <del>or Directors</del> .  150 (b) A resolution in writing signed by a Simple Majority of Directors entitled to vote on a resolution or a resolution transmitted to the Board Secretary by electronic mail or other electronic means	Splitting the Rule into two parts is the easiest and clearest way to separate out who responds to whom for circulating resolution of the Authority or the Board.  This provides a better outcome than trying to weave into the one Rule which body deals with which Secretary.

Attachment 3

	is taken to have been passed at a duly called and constituted meeting of the Board. The resolution is taken to have been determined on the day upon which it is transmitted by the Board Secretary to the Directors.	
151 AMEND  SPLIT INTO (a) and (b)	<p>151(a) A resolution of the type referred to in Rule 150(a) may consist of several documents in the same form, each signed by one or more Representatives <del>or Directors</del> provided the resolution is identically worded.</p> <p>151(b) A resolution of the type referred to in Rule 150(b) may consist of several documents in the same form, each signed by one or more <del>Representatives or</del> Directors provided the resolution is identically worded.</p>	Split into two parts for same reason as Rule 150 (above)
152 AMEND  SPLIT INTO (a) AND (b)	<p>152(a) If a majority of Representatives <del>or Directors</del> do not agree to the procedure in Rule 150(a), no resolution can be passed in this manner.</p> <p>152(b) If a majority of <del>Representatives or</del> Directors do not agree to the procedure in Rule 150(b), no resolution can be passed in this manner.</p>	Split into two parts for same reason as Rule 150 (above)
	<b>Minutes and Papers</b>	
155 AMEND  SPLIT INTO (a) and (b)	<p>155(a). The Authority <del>and the Board are</del> is to ensure that Minutes of <del>their</del> its meetings are duly recorded by the Secretary.</p> <p>155(b). The <del>Authority and the Board are</del> is to ensure that Minutes of <del>their</del> its meetings are duly recorded by the <del>Board</del> Secretary.</p>	Split into two parts for same reason as Rule 150 (above)
159 AMEND  SPLIT INTO (a) and (b)	<p>159(a) The Minutes of Authority <del>and Board</del> meetings and all papers and reports considered by the Authority <del>and by the Board</del> are to be classified (in whole or in part) by the Secretary as “Open” or “Commercial-in-Confidence”.</p> <p>159(b) The Minutes of <del>Authority and</del> Board meetings and all papers and</p>	<p>Split into two parts for same reason as Rule 150 (above)</p> <p>159(b) allows for Board papers to be classified as needed, despite Board meeting protocols being different from those of Council and Authority meetings.</p>

Attachment 3

	reports considered by the <del>Authority and by the Board</del> <del>are to may</del> be classified (in whole or in part) by the Board Secretary as "Open" or "Commercial-in-Confidence".	
161 AMEND	<p>161(a) The Secretary will provide <del>-(a)-</del> in respect of each Authority meeting:</p> <p>(i). prior to each meeting, a copy of all papers and reports to be considered by the Authority; and</p> <p>(ii).as soon as practicable after each meeting, a copy of the draft Minutes;</p> <p>to:</p> <p>A. Representatives and Proxies;</p> <p>B. Directors <del>and Board Secretary</del>;</p> <p>C. General Managers of Members for the information of Councillors and relevant Member employees;</p> <p>D. the auditor;</p> <p>E. the Chief Executive Officer.</p> <p>161(b). The Board Secretary will provide in respect of each Board meeting:</p> <p>(i). prior to each meeting, a copy of all papers and reports to be considered by the Board; and</p> <p>(ii). as soon as practicable after each meeting, a copy of the draft Minutes;</p> <p>to:</p> <p>A. Directors; and</p> <p>B. the Chief Executive Officer.</p>	<p>Split in two parts for clarity and ease of understanding.</p> <p>Re part (a) and consistent with proposed amendment to Rule 107 (re the AGM), it is helpful to add the Board Secretary as support to the Directors ; to maintain coordination and consistency between Board and Authority, and same level of coordination between Board Secretary and Authority Secretary.</p> <p>Distribution of Authority papers could be a responsibility delegated from Secretary to Board Secretary under proposed Rule 15A so permitting access to papers by Board Secretary would ensure consistency within the Rules.</p>
	<b>Exclusion of Chief Executive Officer and Others from Certain Deliberations</b>	
162 AMEND	162 (a) A person under consideration by the Authority for appointment or re-appointment as the Secretary, <del>or by the Board for appointment or re-appointment as Chief Executive Officer,</del> shall not be present during any deliberation of the Authority <del>of</del>	<p>Split in two parts for clarity and ease of understanding.</p> <p>(b) Board Secretary included.</p>

6

Attachment 3

<p>SPLIT INTO (a) AND (b)</p>	<p><del>the Board</del> or at the time the Authority <del>or Board</del> makes a decision, in relation to:</p> <p>(ai). the appointment or re-appointment; or</p> <p>(bii). the determination or application of any terms or conditions on which the Secretary <del>or the Chief Executive Officer</del> holds office; or</p> <p>(eiii). <del>the approval of the Chief Executive Officer engaging in paid employment outside the duties of the office of Chief Executive Officer; or</del></p> <p>(div). the termination of the appointment of the Secretary <del>or the Chief Executive Officer</del>.</p> <p>162 (b) A person under consideration by the <del>Authority Board</del> for appointment or re-appointment as <del>the Secretary, or by the Board for appointment or re-appointment as</del> Chief Executive Officer <del>or Board Secretary</del>, shall not be present during any deliberation of <del>the Authority or</del> the Board or at the time the <del>Authority or</del> Board makes a decision, in relation to:</p> <p>(ai). the appointment or re-appointment; or</p> <p>(bii). the determination or application of any terms or conditions on which <del>the Secretary or</del> the Chief Executive Officer <del>or Board Secretary</del> holds office; or</p> <p>(eiii). the approval of the Chief Executive Officer engaging in paid employment outside the duties of the office of Chief Executive Officer; or</p> <p>(div). the termination of the appointment of <del>the Secretary or</del> the Chief Executive Officer <del>or the Board Secretary</del>.</p>	
-----------------------------------	---	--

Attachment 3

163 AMEND	At its discretion, the Board may <del>in its discretion</del> request the Chief Executive Officer <del>and/or the Board Secretary</del> to leave the meeting at other times.	Enabling the Board to meet without the Board Secretary as appropriate.
	<b>General Powers and Responsibilities of Chief Executive Officer</b>	
172 AMEND	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 <del>contract</del> contact with the Chief Executive Officer.	Correct minor typographical error
	<b>Particular Responsibilities [of the CEO]</b>	
180 AMEND	The Chief Executive Officer shall undertake the following responsibilities to the satisfaction of the Board: (a)....(l)... (m) implement and monitor the organisation's <del>ork</del> Work Health and Safety policies environmental policies, procedures and programs; (n)....(p).... (q) in conjunction with the <del>Secertary</del> , Secretary, provide induction training for newly appointed Representatives and Proxies; <del>and in conjunction with the Board Secretary</del> , provide induction training for newly appointed Directors;	Re (m) - correct minor typographical error  Re (q) – to separate roles and responsibilities for the induction of Representatives sand Proxies, and Directors; and correct minor typographical error.
	<b>Strategic and Business Plans</b>	
188 AMEND	Once approved by the Board, the Business Plan shall be provided by the <del>Secretary</del> -Board Secretary to the Authority at its next meeting for review and approval.	Remove the reference to the Secretary altogether. As the first approver, it is far simpler to require the Board to present the Business Plan to the Authority meeting.  DMA prefers that this should be the Board Secretary as the Board's 'arms and legs' to enact their responsibility.
190 AMEND	Once approved by the Authority: <del>-(a).</del> and subject to any commercially sensitive aspects being separated into a separate section and marked	Remove to be consistent with Rule 98.

**Attachment 3**

	<p>'commercial in confidence', the Business Plan shall be provided to each Member. <del>and</del>  <del>(b). — the Strategic Plan and the Business Plan shall be submitted to the Annual General Meeting for noting.</del></p>	<p>It appears that the reference in Rule 190(b) was not similarly removed in 2023. It should be removed now to retain the internal consistency of the Rules.</p> <p>Rule 190(b) should align with the requirements of Rule 98. Rule 98 addresses the content of the AGM agenda. In the 2023 review of the Rules, the need to present the Strategic and Business Plans at the AGM was removed because it was seen to be redundant given the AGM could be held up to 5+ months into the new financial year.</p>
	<b>Secretary</b>	
<p>204 AMEND  ADD FURTHER SUB-RULES</p>	<p>204(a) The Authority is to appoint a person to be Secretary of the Authority, and that person <del>shall</del> may also be appointed as the Board Secretary <del>of the Board</del>.</p> <p>204(b) The Authority may authorise the Board to appoint a Board Secretary who is not also the Secretary.</p> <p>204(c) If the Board is authorised under Rule 204(b) to appoint a Board Secretary, the Board shall determine the remuneration, terms and conditions of that appointment and manage the performance of the Board Secretary.</p> <p>204(d) At its discretion, the Authority may review the separate appointment of the Board Secretary and, subject to the conditions of the Board Secretary's employment, revoke the authority granted to the Board under Rule 204(b).</p> <p>204(e) The Authority will not appoint, review or revoke the authority to appoint a Board Secretary under Rule 204(b) during the period that commences two months before and ends four months after scheduled</p>	<p>(a) Provides flexibility for separate appointment to Board Secretary.</p> <p>Remaining changes in this Rule are required to support a separate appointment.</p> <p>(b) Authority can approve a request to appoint separate Board Secretary</p> <p>(c) If the Board does appoint separate role, it needs authority to determine terms and conditions etc, and responsibility to manage performance. This applies regardless of whether the appointee is an external contracted appointee or an employee.</p> <p>(d) Provides option for Authority to review the separate appointment and revoke if it decides to. Revoking the Board's authority to appoint Board Secretary needs to be subject to the appointment/employment contract of the appointed person.</p>

**Attachment 3**

	Local Government elections that are applicable to all Participating Councils.	(e) Avoiding the period around the LG elections is to avoid the (remote) risk of inappropriate decision making or leveraging an inexperienced Authority. Unlikely, but a safeguard.
205 AMEND  ADD FURTHER SUB-RULE	205(a) The Secretary may be the Chief Executive Officer or an employee of the Authority or a Member.  205(b) The Board Secretary may be an employee of the Authority.	Clarifying that the Authority Secretary could be an employee beyond only allowing it to be the CEO. This opens up the option of Board Secretary being the Acting Secretary (under Rule 207) as well as the possibility of an employee being appointed to both Authority and Board Secretary roles.  Also allows for the Board Secretary to be appointed on contract, but not as an employee.
206 AMEND  ADD FURTHER SUB-RULE & RENUMBER	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; <del>and</del> (b) the Board Secretary may be appointed as Acting Secretary under sub-Rule (a); <del>(b)</del> (c) the Acting Secretary has the powers and functions of the Secretary for the period of the appointment.	(b) Allows the Board Secretary to act in Secretary role, at Authority Chair/Authority's discretion, which provides a natural continuity option.
	<b>Immunity from Liability</b>	
226 AMEND	In Rules 224, 225 and 227 "officer" includes a Representative, a Director, the Chief Executive Officer, the Secretary, the Board Secretary, the auditor, the Comptroller, and any other person employed by the Authority.	Include Board Secretary, which is consistent with the COMMON LAW classification of the Board or Company Secretary as an 'officer' of the relevant corporate entity.  Note: Reference to Rule 227 relates to the ability of the Authority to organise insurance to cover officers against liability.

Attachment 4

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

as amended March 2023  
with proposed amendments 23 May 2024

T-T1727594-1

Legal practitioner's certification to go in here

PROPOSED AMENDMENTS  
Public Copy

T-T1727594-1

GM's certification to go in here

PROPOSED AMENDMENTS  
Public Copy

T-T1727594-1

"A"

**RULES of the****COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY****Table of Provisions**

Table of Provisions .....	1
PART 1 - PRELIMINARY .....	1
Name.....	1
Establishment and Commencement of the Authority .....	1
Body Corporate.....	1
Definitions .....	1
Interpretation.....	5
PART 2 - PRINCIPAL OBJECTIVES, FUNCTIONS AND POWERS .....	5
Principal Objectives and Goals of the Authority .....	5
Functions of the Authority and of the Board .....	6
Powers of the Authority .....	8
Powers of the Board.....	8
Delegations .....	9
PART 3 - COMPOSITION OF THE AUTHORITY AND OF THE BOARD.....	9
Members .....	9
Cessation and Withdrawal of Participation – Members.....	10
Disciplinary Action – Members .....	12
Cessation and Withdrawal of Land Ownership - Owner Councils.....	14
Amalgamation of Councils.....	15
Membership of the Authority - Representatives .....	15
Membership of the Board .....	16
PART 4 - DUTIES OF MEMBERS, REPRESENTATIVES, PROXIES AND DIRECTORS..	18
Duties of Members, Representatives, Proxies and Directors .....	18
Duty to Prevent Insolvent Trading.....	18
Disclosure of Interests .....	19
Adverse Developments .....	20
Authority Registers .....	20
PART 5 - MEETINGS OF THE AUTHORITY AND OF THE BOARD.....	20
Annual General Meeting of the Authority .....	20
General Meetings of the Authority .....	21
Meetings of the Board .....	21
Notice of General Meetings of the Authority and Meetings of the Board.....	21
Notices and Material to be Provided to Adjoining Landowners .....	22
Committees of the Authority or of the Board .....	23
Convening of Meetings.....	23
Attendance .....	23
Quorum .....	23
Chair .....	24
Board Chair.....	24
Conduct of Meetings of the Authority .....	25
Adjournment of a Meeting of the Authority .....	25
Voting at Meetings of the Authority and of the Board .....	25
Declaration of Vote.....	26
Resolution in Writing or by Electronic Means .....	26

Special Resolutions.....	26
Minutes and Papers.....	27
Exclusion of Chief Executive Officer and Others from Certain Deliberations.....	28
Validity of Proceedings .....	28
<b>PART 6 - CHIEF EXECUTIVE OFFICER AND OTHER EMPLOYEES.....</b>	<b>29</b>
Appointment and Removal of Chief Executive Officer.....	29
Remuneration of Chief Executive Officer.....	29
Travel and Other Expenses .....	29
General Powers and Responsibilities of Chief Executive Officer .....	29
Particular Responsibilities .....	30
Strategic and Business Plans.....	31
Quarterly and Other Reports.....	33
Quarterly Report to Authority .....	33
Contractual Obligations.....	33
Policy Development.....	33
Employees of the Authority.....	33
Secretary.....	34
Duty to Notify Authority of Adverse Developments and Reports.....	34
<b>PART 7 - FINANCIAL ARRANGEMENTS, ACCOUNTS &amp; AUDIT.....</b>	<b>34</b>
Authorised deposit taking institution accounts .....	34
Financial Contributions and Revenue.....	35
Investment .....	35
Borrowing.....	35
Accounting records.....	35
Financial statements.....	35
Audit .....	36
<b>PART 8 - DIVIDENDS AND OTHER PAYMENTS .....</b>	<b>36</b>
Declaration of Dividend.....	36
Distribution of Dividends .....	36
Distribution of Other Payments .....	36
<b>PART 9 - MISCELLANEOUS .....</b>	<b>36</b>
Immunity from Liability.....	36
Insurance Premiums.....	37
Notices.....	37
Seal and Execution of Sealed Documents.....	37
Amendment of Rules .....	38
Winding Up .....	38
Surplus.....	38
Insolvency.....	38
Liabilities of the Authority .....	39
Rates .....	39
Ownership and Lease of the Copping Refuse Disposal Site.....	39
Documentation.....	39
Business Name of the Authority .....	39
<b>SCHEDULE 1: PROPORTIONATE PAYMENTS AND SHARES .....</b>	<b>41</b>
Proportionate Payments .....	41
Interests.....	41
<b>EXECUTION BY THE SUBSCRIBING COUNCILS.....</b>	<b>42</b>

## 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;
  - “Board Secretary” means a person appointed as the Secretary of the Board of Southern Waste Solutions under Rule 204(b) and where no Board Secretary has been appointed means the person appointed as Secretary under Rule 204(a).
  - “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 Board 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.
- 15A By written agreement between the Board, the Chief Executive Officer and Board Secretary, the Secretary may delegate responsibilities prescribed in these Rules to the Board Secretary.

**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:

<b>Member's share/interest as recorded in the Equity Interest Register</b>	<b>Votes</b>
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, **Board 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) 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.
- (b) A Director, member of a Board committee, the Chief Executive Officer or the Secretary shall, in accordance with the Act, advise the Board Secretary in writing of the details of any interest declared in accordance with these Rules within 7 days of that declaration.
90. (a) The Secretary is to ensure that any declaration of interest is recorded in the Minutes of the ~~Authority~~ meeting at which the declaration is made.
- (b) The Board Secretary is to ensure that any declaration of interest is recorded in the Minutes of the Board or Board committee 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 ~~Board~~ Secretary of any interest of any employee that has been declared or notified to the Chief Executive Officer.

93. (a) The **Board** Secretary shall keep a Register of Interests of the Members, Representatives, Proxies, ~~or~~ Directors, ~~members of Board committees, Secretary~~ and of any employees of the Authority that have been declared or notified to the Chief Executive Officer or the **Board** Secretary.
- (b) The **Board Secretary** shall advise the **Secretary** and provide access to, or a copy of, the Register of Interests kept under Rule 93(a) as soon as the Register is amended.
94. The Secretary shall advise the Chief Executive Officer ~~and Board Secretary~~ of any interest of any Member, Representative, Proxy or ~~Director~~ Proxy 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<sup>\*</sup> 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 **and the Board Secretary**;
  - (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) 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~~
- (b) A resolution in writing signed by a Simple Majority of Directors entitled to vote on a resolution or a resolution transmitted to the Board Secretary by electronic mail or other electronic means is taken to have been passed at a duly called and constituted meeting of the Board. The resolution is taken to have been determined on the day upon which it is transmitted by the Board Secretary to the Directors.
151. (a) A resolution of the type referred to in Rule 150(a) may consist of several documents in the same form, each signed by one or more Representatives ~~or Directors~~ provided the resolution is identically worded.
- (b) A resolution of the type referred to in Rule 150(b) may consist of several documents in the same form, each signed by one or more Directors provided the resolution is identically worded.
152. (a) If a majority of Representatives ~~or Directors~~ do not agree to the procedure in Rule 150(a), no resolution can be passed in this manner.
- (b) If a majority of Directors do not agree to the procedure in Rule 150(b), 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. (a) The Authority ~~and the Board are~~ is to ensure that Minutes of their meetings are duly recorded by the Secretary.  
(b) The Board is to ensure that Minutes of its meetings are duly recorded by the Board 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. (a) 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”.  
(b) The Minutes of Board meetings and all papers and reports considered by the Board may be classified (in whole or in part) by the Board 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. (a) The Secretary will provide: ~~(a).~~—in respect ~~to~~ of 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 ~~and Board Secretary~~;
    - C. General Managers of Members for the information of Councillors and relevant Member employees;
    - D. the auditor;

E. the Chief Executive Officer.

- (b). **The Board Secretary will provide** 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) 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). (i) the appointment or re-appointment; or~~
  - ~~(b). (ii) 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). (iii) the termination of the appointment of the Secretary. or the Chief Executive Officer.~~
- (b) A person under consideration by the Board for appointment or re-appointment as the Chief Executive Officer or Board Secretary shall not be present during any deliberation of the Board or at the time the Board makes a decision, in relation to:
- ~~(a). (i) the appointment or re-appointment; or~~
  - ~~(b). (ii) the determination or application of any terms or conditions on which the Chief Executive Officer or Board Secretary holds office; or~~
  - ~~(c). (iii) the approval of the Chief Executive Officer engaging in paid employment outside the duties of the office of Chief Executive Officer; or~~
  - ~~(d). (iv) the termination of the appointment of the Chief Executive Officer or Board Secretary.~~
163. The Board may ~~in its discretion~~ request the Chief Executive Officer ~~and/or the Board Secretary~~ 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 ~~contact~~ **contact** 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 ~~ork~~ 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 ~~and~~ Proxies; and ~~in conjunction with the Board Secretary, provide induction for newly appointed~~ 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:

T-T1727594-1

- (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 **Board** 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).~~ **and** 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. (a) The Authority is to appoint a person to be Secretary of the Authority, and that person ~~shall~~ may also be appointed as the Board Secretary of the Board.
- (b) The Authority may authorise the Board to appoint a Board Secretary who is not also the Secretary.
- (c) If the Board is authorised under Rule 204(b) to appoint a Board Secretary, the Board shall determine the remuneration, terms and conditions of that appointment and manage the performance of the Board Secretary.
- (d) At its discretion, the Authority may review the separate appointment of the Board Secretary and, subject to the conditions of the Board Secretary's appointment, revoke the authority granted to the Board under Rule 204(b).
- (e) The Authority will not appoint, review or revoke the authority to appoint a Board Secretary under Rule 204(b) during the period that commences two months before and ends four months after scheduled Local Government elections that are applicable to all Participating Councils.
205. (a) The Secretary may be the Chief Executive Officer or an employee of the Authority or a Member.
- (b) The Board Secretary may be an employee of the Authority.
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 Board Secretary may be appointed as Acting Secretary under sub-Rule (a);
- (c). 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 Board 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**

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

**Ownership Percentage Register**

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

**Annual Share of Municipal Waste Register**

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

**Voting Rights Register**

<b>Member</b>	<b>Votes</b>
Clarence City Council	4
Sorell Council	2
Tasman Council	1
Kingborough Council	2

**EXECUTION BY THE SUBSCRIBING COUNCILS**

The Common Seal of the CITY OF CLARENCE was affixed this day of _____ 202_ pursuant to a resolution of the Council made the _____ day of _____ 202_ in the presence of:	Corporate Secretary and/or Mayor and/or Chief Executive Officer
The Common Seal of the KINGBOROUGH COUNCIL was affixed this _____ day of _____ 202_ pursuant to a resolution of the Council made the _____ day of _____ 202_ in the presence of:	Corporate Secretary and/or Mayor and/or General Manager
The Common Seal of the SORELL COUNCIL was affixed this _____ day of _____ 202_ pursuant to a resolution of the Council made the _____ day of _____ 202_ in the presence of:	Corporate Secretary and/or Mayor and/or General Manager
The Common Seal of the TASMAN COUNCIL was affixed this _____ day of _____ 202_ pursuant to a resolution of the Council made the _____ day of _____ 202_ in the presence of:	Corporate Secretary and/or Mayor and/or General Manager

**16.3 APPENDICES****RECOMMENDATION**

That the Appendices attached to the Agenda be received and noted.

**17 NOTICES OF MOTION**

---

At the time the Agenda was compiled there were no Notices of Motion received.

**18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

---

**RECOMMENDATION**

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015* Council, by absolute majority, move into closed session to consider the following items:

**Confirmation of Minutes**

Regulation 34(6) *In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.*

**Applications for Leave of Absence**

Regulation 15(2)(h) *applications by councillors for a leave of absence*

In accordance with the Kingborough Council *Meetings Audio Recording Guidelines Policy*, recording of the open session of the meeting will now cease.

Open Session of Council adjourned at

**OPEN SESSION ADJOURNS**

## OPEN SESSION RESUMES

### RECOMMENDATION

The Closed Session of Council having met and dealt with its business resolves to report that it has determined the following:

Item	Decision
Confirmation of Minutes	
Applications for Leave of Absence	

### CLOSURE

Public Copy

# APPENDICES

A Mayor's Activities 15 August 2024 to 2 October 2024

Public Copy

**A MAYOR'S ACTIVITIES 15 AUGUST 2024 TO 2 OCTOBER 2024**

DATE	LOCATION	ITEM
15 Aug 2024	Online	Attended LGAT CEO Performance Review meeting
19 Aug 2024	Kingston	Chaired Council meeting
21 Aug 2024	Civic Centre	Met with Mr Owen Whitton re Van Morey Road, Margate – with Director of Engineering Services.
26 Aug 2024	Civic Centre	Met with Ben Smith, CEO of Basketball Tasmania re basketball in Kingborough – with Director of Governance, Property and Recreation Daniel Smee
26 Aug 2024	Civic Centre	Met with Blackmans Bay Community Association along with the Deputy Mayor Cr Glade-Wright
26 Aug 2024	Civic Centre	Chaired Council workshop on Tasmanian Planning Scheme
29 Aug 2024	Civic Centre	Attended farewell for Chief Information officer, Mr Fred Moulton
29 Aug to 10 Sept		Acting President of Local Government Association of Tasmania
2 Sept 2024	Civic Centre	Chaired Council meeting
3 Sept 2024	Hobart	Attended LGAT General Meeting & Conference
3 Sept 2024	Hobart	Attended LGAT Conference Dinner & Presented Awards
3 Sept 2024	Hobart	Attended LGAT Conference
3 Sept 2024	Hobart	Met with Scott Spanton, CEO of Tippialea re Spring Farm Village development – accompanied by the CEO and Crs Bain, Midgley and Fox
6 Sept 2024	Hobart	Took part in Friday Forum on ABC Radio
9 Sept 2024	Online	Attended Special ALGA Board Meeting
9 Sept 2024	Civic Centre	Chaired workshop on Integrated Transport Strategy
11-15 Sept		Annual Leave
16 Sept 2024	Margate	Pets in Emergency event, Dru Point
16 Sept 2024	Civic Centre	Met with Isabella Briffa re musical theatre performances in Kingborough, accompanied by Cr Midgley
16 Sept 2024	Civic Centre	Chaired Council meeting
18 Sept 2024	Online	LGAT CEO Performance Sub Committee meeting
18 Sept 2024	Hobart	Chaired Greater Hobart Mayor's Forum, accompanied by the CEO
20 Sept 2024	Online	Attended LGAT Communities of Practice: Two Hats – Planning v Council.

DATE	LOCATION	ITEM
21 Sept 2024	Civic Centre	Attended Kingborough Community Forum along with Cr's Bain and Midgley
21 Sept 2024	Kingston	Called into Kingston Park Run 5 <sup>th</sup> Birthday celebrations with Cr. Bain
21 Sept 2024	Taroona	Opened the 24/25 Season of the Taroona Bowls Club – Cr Deane also in attendance.
21 Sept 2024	Blackmans Bay	Attended the Annual General Meeting of the Blackmans Bay Community Association
23 Sept 2024	Civic Centre	Chaired Workshop on Tree By Law
24 Sept 2024	Hobart	Attended meeting with President and CEO of LGAT
25 Sept 2024	Hobart	Attended meeting of LGAT CEO Performance Review Sub Committee
25 Sept 2024	Hobart	Met with CEO of LGAT re Communities of Practice
26 Sept 2024	Canberra	Attended ALGA Board dinner
27 Sept 2024	Canberra	Attended ALGA Board meeting
30 Sept 2024	Civic Centre	Chaired Council workshop on Tasmanian Planning Scheme
2 Oct 2024	Civic Centre	Met with General Manager (Tas), Telstra re services in Kingborough