

Notice of Ordinary Council Meeting and

Agenda

17 SEPTEMBER 2018

To all Councillors

NOTICE OF MEETING

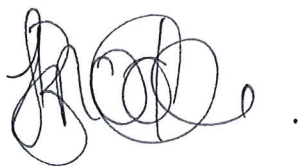
In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, notice is given of the next ordinary meeting of the Central Coast Council which will be held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 17 September 2018. The meeting will commence at 6.00pm.

An agenda and associated reports and documents are appended hereto.

A notice of meeting was published in The Advocate newspaper, a daily newspaper circulating in the municipal area, on 6 January 2018.

Dated at Ulverstone this 12th day of September 2018.

This notice of meeting and the agenda is given pursuant to delegation for and on behalf of the General Manager.



Lou Brooke
EXECUTIVE SERVICES OFFICER

Code of Conduct of Councillors

PART 1 – Decision making

1. A councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority.
2. A councillor must make decisions free from personal bias or prejudgement.
3. In making decisions, a councillor must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware.
4. A councillor must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.

PART 2 – Conflict of interest

1. When carrying out his or her public duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
2. A councillor must act openly and honestly in the public interest.
3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the Council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –
 - (a) declare the conflict of interest before discussion on the matter begins; and
 - (b) act in good faith and exercise reasonable judgement to determine whether the conflict of interest is so material that it requires removing himself or herself physically from any Council discussion and remaining out of the room until the matter is decided by the Council.

PART 3 – Use of office

1. The actions of a councillor must not bring the Council or the office of councillor into disrepute.
2. A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.
3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.

PART 4 – Use of resources

1. A councillor must use Council resources appropriately in the course of his or her public duties.
2. A councillor must not use Council resources for private purposes except as provided by Council policies and procedures.
3. A councillor must not allow the misuse of Council resources by another person or body.
4. A councillor must avoid any action or situation which may lead to a reasonable perception that Council resources are being misused by the councillor or any other person or body.

PART 5 – Use of information

1. A councillor must protect confidential Council information in his or her possession or knowledge, and only release it if he or she has the authority to do so.
2. A councillor must only access Council information needed to perform his or her role and not for personal reasons or non-official purposes.
3. A councillor must not use Council information for personal reasons or non-official purposes.
4. A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

PART 6 – Gifts and benefits

1. A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances.
2. A councillor must avoid situations in which the appearance may be created that any person or body, through the provision of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.
3. A councillor must carefully consider –
 - (a) the apparent intent of the giver of the gift or benefit; and
 - (b) the relationship the councillor has with the giver; and
 - (c) whether the giver is seeking to influence his or her decisions or actions, or seeking a favour in return for the gift or benefit.
4. A councillor must not solicit gifts or benefits in the carrying out of his or her duties.
5. A councillor must not accept an offer of cash, cash-like gifts (such as gift cards and vouchers) or credit.
6. A councillor must not accept a gift or benefit if the giver is involved in a matter which is before the Council.
7. A councillor may accept an offer of a gift or benefit that is token in nature (valued at less than \$50) or meets the definition of a token gift or benefit (if the Council has a gifts and benefits policy).
8. If the Council has a gifts register, a councillor who accepts a gift or benefit must record it in the relevant register.

PART 7 – Relationships with community, councillors and Council employees

1. A councillor –
 - (a) must treat all persons with courtesy, fairness, dignity and respect; and
 - (b) must not cause any reasonable person offence or embarrassment; and
 - (c) must not bully or harass any person.

2. A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.
3. A councillor must not influence, or attempt to influence, any Council employee or delegate of the Council, in the exercise of the functions of the employee or delegate.
4. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
5. A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

PART 8 – Representation

1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.
2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.
3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.
4. A councillor must clearly indicate when he or she is putting forward his or her personal views.
5. A councillor's personal views must not be expressed in such a way as to undermine the decisions of the Council or bring the Council into disrepute.
6. A councillor must show respect when expressing personal views publicly.
7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

PART 9 – Variation of Code of Conduct

1. Any variation of this model code of conduct is to be in accordance with section 28T of the Act.

QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* provides (in part) as follows:

- . A general manager must ensure that any advice, information or recommendation given to the council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- . A council is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council.

I therefore certify that with respect to all advice, information or recommendations provided to the Council in or with the following agenda:

- (i) the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- (ii) where any advice is directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.



Sandra Ayton
GENERAL MANAGER

AGENDA

COUNCILLORS ATTENDANCE

COUNCILLORS APOLOGIES

EMPLOYEES ATTENDANCE

GUEST(S) OF THE COUNCIL

MEDIA ATTENDANCE

PUBLIC ATTENDANCE

OPENING PRAYER

May the words of our lips and the meditations of our hearts be always acceptable in Thy sight, O Lord.

BUSINESS

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1 CONFIRMATION OF MINUTES OF THE COUNCIL

1.1 Confirmation of minutes

The Executive Services Officer reports as follows:

“The minutes of the previous ordinary meeting of the Council held on 20 August 2018 have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2015* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.

A suggested resolution is submitted for consideration.”

■ “That the minutes of the previous ordinary meeting of the Council held on 20 August 2018 be confirmed.”

2 COUNCIL WORKSHOPS

2.1 Council workshops

The Executive Services Officer reports as follows:

“The following council workshops have been held since the last ordinary meeting of the Council.

- . 27.08.2018 – Strata Plan Policy; Social Media Policy
- . 10.09.2018 – Impact of shadowing on neighbouring properties; No-Smoking CBD.

This information is provided for the purpose of record only. A suggested resolution is submitted for consideration.”

■ “That the Officer’s report be received.”

3 MAYOR'S COMMUNICATIONS

3.1 Mayor's communications

The Mayor to report:

3.2 Mayor's diary

The Mayor reports as follows:

"I have attended the following events and functions on behalf of the Council:

- . Dementia-Friendly Central Coast – Connect Cafés
- . Ulverstone Rowing Club – annual general meeting
- . Council-community morning tea – Turners Beach district
- . Radio community reports
- . Rethink Waste Tasmania – Garage Sale Trail media event with Cradle Coast Mayors (Burnie)
- . Cradle Coast Authority – Representatives Group meeting (Burnie)
- . Cradle Coast Mayors – dinner-meeting (Burnie)
- . Ulverstone Rowing Club – performed official opening of Antiques and Collectables Fair 2018
- . Switch Tasmania (Cradle Coast Innovation) – Board meeting
- . Penguin Meals on Wheels Association – 2018 National Meals on Wheels Day delivery run
- . Dementia-Friendly Central Coast – Council Roundtable Working Group meeting
- . Living+Learning Devonport – Festival of Learning launch (Devonport)

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- . Department of Health – meeting with Principal Project Officer re trialling new anticipatory care model
 - . Shane Broad MP, Labor Member for Braddon – official opening of new Devonport office
 - . Labor Tas Team tour of Braddon – breakfast-meeting (Ulverstone)
 - . University of Tasmania – presentation evening for Science and Engineering Investigation Awards 2018 (Burnie)
 - . Central Coast Chamber of Commerce and Industry – 2018 Business Awards, including Council presentation of Agricultural award
 - . Tasmanian Endurance Riders Club – Officiated commencement of race
 - . Ulverstone Poultry Club – meeting re Animal Control By-law
 - . Penguin District School – meeting with Principal re \$20m. redevelopment of School to include kindergarten to Year 12
 - . Mersey-Leven Emergency Management Committee – meeting (Sheffield)
 - . RAAF Association, North-West – Battle of Britain luncheon
 - . Lions Club of Ulverstone – meeting re Bale to Paddock Run.”

The Executive Services Officer reports as follows:

“A suggested resolution is submitted for consideration.”

- “That the Mayor’s report be received.”

3.3 Declarations of interest

The Mayor reports as follows:

“Councillors are requested to indicate whether they have, or are likely to have, a pecuniary (or conflict of) interest in any item on the agenda.”

The Executive Services Officer reports as follows:

“The *Local Government Act 1993* provides that a councillor must not participate at any meeting of a council in any discussion, nor vote on any matter, in respect of which the councillor has an interest or is aware or ought to be aware that a close associate has an interest.

Councillors are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a councillor must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

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3.4 Public question time

The Mayor reports as follows:

“At 6.40pm or as soon as practicable thereafter, a period of not more than 30 minutes is to be set aside for public question time during which any member of the public may ask questions relating to the activities of the Council.

Public question time will be conducted as provided by the *Local Government (Meeting Procedures) Regulations 2015* and the supporting procedures adopted by the Council on 20 June 2005 (Minute No. 166/2005).”

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4 COUNCILLOR REPORTS

4.1 Councillor reports

The Executive Services Officer reports as follows:

“Councillors who have been appointed by the Council to community and other organisations are invited at this time to report on actions or provide information arising out of meetings of those organisations.

Any matters for decision by the Council which might arise out of these reports should be placed on a subsequent agenda and made the subject of a considered resolution.”

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5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Leave of absence

The Executive Services Officer reports as follows:

“The *Local Government Act 1993* provides that the office of a councillor becomes vacant if the councillor is absent without leave from three consecutive ordinary meetings of the council.

The Act also provides that applications by councillors for leave of absence may be discussed in a meeting or part of a meeting that is closed to the public.

There are no applications for consideration at this meeting.”

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6 DEPUTATIONS

6.1 Deputations

The Executive Services Officer reports as follows:

“No requests for deputations to address the meeting or to make statements or deliver reports have been made.”

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7 PETITIONS

7.1 Petitions

The Executive Services Officer reports as follows:

“No petitions under the provisions of the *Local Government Act 1993* have been presented.”

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8 COUNCILLORS' QUESTIONS

8.1 Councillors' questions without notice

The Executive Services Officer reports as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide as follows:

'29 (1) A councillor at a meeting may ask a question without notice –

(a) of the chairperson; or

(b) through the chairperson, of –

(i) another councillor; or

(ii) the general manager.

(2) In putting a question without notice at a meeting, a councillor must not –

(a) offer an argument or opinion; or

(b) draw any inferences or make any imputations –

except so far as may be necessary to explain the question.

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- (3) The chairperson of a meeting must not permit any debate of a question without notice or its answer.
 - (4) The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.
 - (5) The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.
 - (6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.
 - (7) The chairperson may require a councillor to put a question without notice in writing.'

If a question gives rise to a proposed matter for discussion and that matter is not listed on the agenda, Councillors are reminded of the following requirements of the Regulations:

- '8 (5) Subject to subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.
- (6) A council by absolute majority at an ordinary council meeting, ..., may decide to deal with a matter that is not on the agenda if –
 - (a) the general manager has reported the reason it was not possible to include the matter on the agenda; and
 - (b) the general manager has reported that the matter is urgent; and
 - (c) in a case where the matter requires the advice of a qualified person, the general manager has certified under section 65 of the Act that the advice has been obtained and taken into account in providing general advice to the council.'

Councillors who have questions without notice are requested at this time to give an indication of what their questions are about so that the questions can be allocated to their appropriate Departmental Business section of the agenda."

<i>Councillor</i>	<i>Question</i>	<i>Department</i>
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8.2 Councillors’ questions on notice

The Executive Services Officer reports as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide as follows:

- ‘30 (1) A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.
- (2) An answer to a question on notice must be in writing.’

It is to be noted that any question on notice and the written answer to the question will be recorded in the minutes of the meeting as provided by the Regulations.

Any questions on notice are to be allocated to their appropriate Departmental Business section of the agenda.

No questions on notice have been received.”

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NOTES

9 DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

9.1 Central Coast Council's support of the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Community

■ Cr Diprose (having given notice) to move, "That the Central Coast Council show its support of the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Community by:

- 1 Having a tent at Out in the Park events;
- 2 Flying the Rainbow Flag during the week leading up to the annual Tas Pride Festival;
- 3 Lighting the Leven River Bridge in rainbow colours during local LGBTI pride festivals; and
- 4 Planting a tree and installing a plaque to commemorate how far we have come towards being an LGBTI inclusive community."

Cr Diprose, in support of her motion, submits as follows:

"My motion is about promoting inclusion and acceptance for lesbian, gay, bisexual, intersex and transgender people and their family and friends.

The Central Coast Council has an explicit commitment inclusion. This is because an inclusive community is a safer and more prosperous community. It is particularly important the young people feel that their energy and talents are welcomed. We as a community cannot afford to lose the contributions of any of our young people, including our young LGBTI people and the children of same sex couples.

In years past, Central Coast was ridiculed as the most homophobic place in Australia. This was because of the awful anti-gay rallies that occurred here, and the shameful anti-LGBTI statements of some community leaders. The homophobia that was supported by leaders in our community was deeply damaging especially to young people, some of whom took their own lives.

We have come a long way since then. Last year's marriage equality survey showed that a majority of North West Coasters back equality for LGBTI people. I believe it is time for us to celebrate that transformation. It's time for us to tell the world that Central Coast is a place for everyone.

Actions:

My motion has four elements. These have been developed in consultation with the LGBTI community to ensure our support for LGBTI inclusion doesn't die away but has a lasting impact (letters of support are appended to this report).

A regular presence at Out in the Park:

Out in the Park is the premier LGBTI public event in the Central Coast municipality. It is part of the state wide Tas Pride festival. A range of community groups, including local churches, regularly attend Out in the Park. I would like Central Coast to have a tent at successive Out in the Park events to show our support for the LGBTI community.

Flying the rainbow flag:

Many council's around Australia fly the rainbow flag during LGBTI pride events to show their support for the LGBTI community. The Hobart and Glenorchy City Councils have done this on a number of occasions. It would be fitting for the Central Coast to be the first North West Council to do this.

I propose we fly the rainbow flag outside the Council Chambers during the week leading up to the annual Tas Pride Festival.

Lighting the Leven Bridge in rainbow colours:

A number of local council's light landmarks in rainbow colours during local LGBTI pride festivals. For example, the Hobart City Council has lit the Franklin Square fountain and the Railway Roundabout Fountain in rainbow colours during Tas Pride. The Brisbane City Council lights the Storey Bridge in rainbow colours. The Sydney City Council lights the Harbour Bridge the same way.

I would like to see us light the bridge over the Leven River in rainbow colours. This will not only show our support for LGBTI inclusion, it will also symbolise the bridge we as a council want to build between all our residents regardless of their sexual orientation or gender identity.

Tree planting and plaque:

Finally, I would like to see Central Coast Council plant a tree and lay a plaque to commemorate how far we have come. Precedents for this include the art work funded by the Hobart City Council in 2008 to commemorate the gay rights arrests at Salamanca Place in 1988, and the apology given by Premier Will Hodgman to all those people impacted by Tasmania's former anti-gay laws.

After consultation with the LGBTI community, I put the following draft wording:

‘This tree was planted to mark the Central Coast and Tasmanian communities “Yes vote for marriage equality”, to commemorate how far we have come towards being an LGBTI inclusive community, to honour all those who took a stand for equality, and as a permanent reminder that our lives and contributions are all equally valuable.’”

The General Manager reports as follows:

“BACKGROUND

The Council does not have a formal position or Policy relating to this matter, however over the years the Council has lent support to varied organisations such as a flag raising ceremony during NAIDOC Week and lighting of the Leven Bridge in association with Breast Cancer awareness, the Cancer Council, Mental Health Week, Earth Day, Leukemia Foundation and National Blood Donor Week.

DISCUSSION

The Council provides services and support to the community and is supportive of community events where possible. Council staff are mindful of upholding a consistent approach in how it supports community organisations and their events. The Council’s support for such events stems from initial enquiries for support or services.

As previously stated the Council has supported NAIDOC Week by hosting a flag raising ceremony at the Administration Centre which was arranged and facilitated by the Aboriginal Health Centre in Ulverstone, however this has not happened in more recent years.

Most recently the Council supported the Leukemia Foundation and National Blood Donor Week by lighting up the Leven Bridge. This was a result of the organisations utilising the Council’s facilities and approaching the Council for support through the Council’s advertising and social media avenues.

It is acknowledged that the Hobart City Council (HCC) has participated in various events that support the LGBTI community. These are initiatives/actions that form part of the HCC’s Social Inclusion Strategy, which has been in place since 2014.

No formal approach from the LGBTI Community seeking support of community events has been received by the Council.

CONSULTATION

No formal consultation process has been undertaken by Council previously in relation to this specific matter.

RESOURCE, FINANCIAL AND RISK IMPACTS

If adopted, the Council would need to review its Events Policy and budget to ensure a consistent approach to all organisations. Additional costs would be incurred through Council resources and property.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

A Connected Central Coast

- Connect the people with services
- Improve community well-being.

CONCLUSION

The motion on notice from Cr Diprose is submitted for consideration.”

9.2 Minutes and notes of committees of the Council and other organisations

The General Manager reports as follows:

“The following (non-confidential) minutes and notes of committees of the Council and other organisations on which the Council has representation have been received:

- Dial Park Management Committee – meeting held 10 July 2018
- Central Coast Youth Engaged Steering Committee – meeting held 26 July 2018
- Central Coast Community Shed Management Committee – meeting held 6 August 2018
- Central Coast Council Audit Panel – meeting held 13 August 2018

- . Devonport city Council and Central Coast Council Shared Audit Panel – meeting held 13 August 2018
- . Cradle Coast Waste Management Group – meeting held 17 August 2018
- . Dial Park Management Committee – meeting held 22 August 2018
- . Cradle Coast Authority Representatives – meeting held 23 August 2018
- . Turners Beach Community Representatives Committee – meeting held 23 August 2018
- . Central Coast Community Safety Partnership Committee – meeting held 29 August 2018
- . Central Coast Youth Engaged Steering Committee – meeting held 30 August 2018.

Copies of the minutes and notes having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

- “That the (non-confidential) minutes and notes of committees of the Council be received.”

9.3 TasWater and State Government Memorandum of Understanding Implementation (134/2017 – 15.05.2017)

The General Manager reports as follows:

“PURPOSE

The purpose of this report is to provide the Council with additional information relating to the Memorandum of Understanding (MOU) between the State Government, Owner Councils and TasWater and to assist with determining a response as a shareholder to the proposal by the State Government, to assume an ownership stake in TasWater.

BACKGROUND

The ownership of TasWater has seen a period of unrest (longer than two years), after the State Government announced its intention to assume ownership of the Corporation.

Prior to the 2018 State Election, Legislation was presented to the Tasmanian Parliament; however, it was defeated in the Legislative Council.

Following the State Election on 1 May 2018, the State Government, the Treasurer, Chairman of the Board of TasWater and the Chief Owners Representative reached a compromise whereby the State Government would no longer pursue a 'takeover'. Instead it was agreed that an MOU would be entered into, which would see the State Government gain an ownership stake in TasWater going forward. The media release and MOU are appended to this report as Annexure 1.

The key principles of the agreement were:

- (a) The State Government to become a part owner of TasWater, involving revised governance arrangements, to enable Local Government and the State Government to work together to improve water and sewerage outcomes for the betterment of Tasmania;
- (b) TasWater will accelerate its water and sewerage infrastructure investment program;
- (c) Future regulated water and sewerage prices in Tasmania will be capped until 30 June 2025; and
- (d) TasWater continues to be a sustainable and financially viable corporation that delivers water and sewerage services in Tasmania effectively and efficiently.

DISCUSSION

TasWater issued a 'Notice to Shareholders' advising of a Special General Meeting (SGM) on 27 September 2018, to allow a vote on the implementation of the MOU with the State Government. The Information Memorandum dated 16 July 2018, includes three proposed resolutions. (The Notice of Meeting and Agenda is appended as Annexure 2 and the Information Memorandum – 16 July 2018 is appended as Annexure3).

The Information Memorandum provided by TasWater includes a number of Key Features within its proposal. The MOU between TasWater and the State Government will enable TasWater's customers to benefit from a reduction in forecast price increases, accelerated infrastructure upgrades and a joint focus on major projects of significance to Tasmania.

Under the proposal, the State Government will inject \$20 million of equity per year for the next 10 years into TasWater. In return, the State Government will become a 10 per cent shareholder of TasWater. The State Government will have a new class of

shares which will reflect the State's decision to not receive any dividends from TasWater.

Owner Councils will retain majority ownership of TasWater, albeit individual Owner Council's equity entitlements will be marginally reduced as State Government equity injections are received. New governance arrangements will facilitate State and Local Governments working on a collaborative basis.

The key features outlined in the Information Memorandum (Annexure 3) are set out below:

Ownership and governance

- Governance by an independent skills-based Board will continue;
- The State Government will contribute \$200 million over 10 years in new equity. For each \$20m contributed the State Government will receive 1% of the voting capital.
- The State Government shareholding will not receive dividends;
- The annual Corporate Plan will be jointly agreed between the Board, Owner Councils and the State Government, with defined arrangements in place in the event of a deadlock as specified in Appendix 2 – Part 8.4 of the Amended Shareholders' Letter of Expectation of the Information Memorandum;
- The State Government's representative will sit on the Board Selection Committee and will be consulted, along with the Chief Representative, on the appointment of the CEO. The State Government will not have the right to appoint a director;
- If the State Government does not meet its commitments to make equity injections, it will lose its rights in respect of:
 - the rights to jointly approve the draft Corporate Plan and to participate in the process to resolve any dispute regarding the adoption or amendment of the Corporate Plan
 - its seat on the Board Selection Committee and
 - its right to be consulted in relation to the appointment of the CEO.

These rights will be reinstated on receipt of the overdue equity injection(s). Any decisions made by the Board Selection Committee, Owners' Representatives or the Board during such a period will continue to be valid and to remain effective.

- The State Government's commitment to contribute equity will be formalised through a Share Subscription and Implementation Agreement between TasWater and the State Government. This Agreement will also reinforce the particular State Government rights referenced above, and the loss of those rights if contributions are not made;
- TasWater's obligation to maintain price increases within the cap and/or accelerate the capital program (referenced below) may be suspended in the event that unforeseen events arise (e.g. significant interest rate and/or inflation increases beyond that reasonably projected) or if the Government does not meet its commitment to maintain equity injections.

Water and sewerage pricing

- Prices will be frozen in FY2019/20.
- Annual price increases will not exceed 3.5 per cent from FY2020/21 through FY2024/25;
- The price determination process, via the independent Tasmanian Economic Regulator (TER), will continue as it does now to review TasWater's financial performance, including the prices, operational efficiency and investment program necessary to maintain sustainability;
- If the Regulator determines a price increase lower than 3.5 per cent, the Regulator's price increase will apply;

Infrastructure investment

- The parties will seek to accelerate the infrastructure investment program by at least one year, with TasWater using best endeavours to achieve capital expenditure over the 10 year period from FY2016/17 through FY2025/26 of \$1.8 billion by 30 June 2026;
- The parties will work cooperatively to progress major projects of special economic or environmental importance to Tasmania.

Other matters

- TasWater's obligation to pay income tax equivalents and loan guarantee fees to Shareholders will be removed. The \$20 million distribution to Owner Councils (indexed from FY2026/27) will be paid as dividends;
- The introduction of a community service obligation mechanism so that investment projects that are not commercial in their entirety can be considered in the context of broader benefits to the State and how these projects might be funded;
- Where the Board determines that, due to circumstances or events beyond TasWater's reasonable control, it cannot continue to maintain distributions, an accelerated capital program and annual price increases within the 3.5% cap while maintaining the financial sustainability of the business, TasWater will notify the Chief Owners' Representative and the State Government's Owner's Representative. TasWater must meet with the State Government's Owner's Representative to consider the impact of maintaining the accelerated capital program and price caps on the financial sustainability of the business. The State Government may, in its absolute discretion, provide additional financial support or comfort to TasWater in the form of grant funding, a pre-payment of equity, a guarantee or a letter of comfort. If the State Government decides not to provide adequate additional financial support or comfort to TasWater (as determined by the Board), the Board may amend the capital program or increase prices (within the regulator's determination);
- The parties will work together to monitor the effectiveness of recent announcements by TasWater on trade waste and to identify and implement any potential improvements;
- The State Government will introduce a bill into Parliament to give effect to the objectives set out in the MOU and to facilitate and support the proposed changes to TasWater's ownership and governance structure. The draft Bill is attached as Appendix 4 of the Information Memorandum. The proposed changes are not extensive, and the key matters are summarised as follows:
 - Changes to remove the current prohibition on ownership of shares in TasWater by anyone other than a Council – enabling the State Government to become a shareholder in return for its equity contributions;
 - Changes to the pricing determination process to clarify that the Tasmanian Economic Regulator can only set maximum prices for regulated services – enabling the Board to elect to pass through lower

price increases to customers to meet its commitment to freeze prices in FY2019/20 and to cap subsequent annual price increases until 30 June 2025;

- Changes to remove the current obligations to pay loan guarantee fees and tax equivalents – meaning that ‘distributions’ paid to Owner Councils will be solely in the form of dividends.

A Council Briefing summarising the Implementation of the MOU between TasWater and the State Government is appended as Annexure 4 – this summarises the detail contained within the Information Memorandum (Annexure 3).

CONSULTATION

The issue of TasWater and the proposed ‘takeover’ by the State Government has received significant public media attention. Whilst Community Consultation has not occurred at this stage, the MOU is designed to deliver better services for customers in Tasmania. A briefing session outlining the MOU’s implementation was facilitated by TasWater on 8 August 2018 in Devonport for all elected members.

RESOURCE, FINANCIAL AND RISK IMPACTS

The outcomes outlined within the MOU aims to minimise health risk to the community and deliver quality infrastructure, waters and services at affordable prices now and into the future.

The SGM agenda provides details of the risk assessment undertaken by TasWater as well as financial implications of the State Governments proposal.

Risks identified within section four of the Information Memorandum include:

- Resourcing risk for capital program delivery
- Non-payment risk of the State Government’s equity injection
- Risk of operational or performance impact if the resolution is not passed
- Inflation or interest rate risk impacting TasWater’s ability to deliver on the MOU.

TasWater advises that the State Government has agreed to guarantee TasWater’s debt and should it be requested, submit a letter of assurance to TasCorp. Furthermore, TasWater’s obligation to maintain price increases within the cap and/or accelerate the capital program may be suspended in the event that unforeseeable events arise that impact on the financial sustainability of the business.

Key risks identified by TasWater include:

RISK	CONTROL
Interest rates rise faster than expected, or other circumstances arise that threaten the financial sustainability of TasWater due to commitments in the MOU.	The Board can slow the capital program, increase prices and/or seek a letter of comfort from the State Government.
TasWater is lobbied to undertake a project that is not commercial.	The SLE allows for a shareholder to fund uncommercial projects. Any Corporate Plan amendments must be approved by shareholders.
The State Government seeks to alter TasWater's governance arrangements to suit their interest.	Changes to governance documents require certain thresholds to be met.
Sufficient resourcing is not available to deliver the capital program.	We are currently improving our capital delivery model to include an external partner that provides flexible resourcing.

Financial implications outlined in section two of the Information Memorandum include:

2.1 Key assumptions

The following key assumptions are common to all scenarios in the 20 Year Financial Model:

- Demand is assumed to grow at 0.7 per cent per annum in PSP3 (to FY2020/21), 0.6 per cent per annum in PSP4 (to FY2023/24) and 0.3 per cent per annum thereafter
- The average interest rate in each scenario is held constant at 4.1 per cent per annum through FY2022/23 and increases at 0.1 per cent per annum thereafter
- Inflation is assumed to be 2.5 per cent per annum
- Loan guarantee fees are set to zero from 1 January 2019 onwards and

- Distributions (paid as dividends) to Owner Councils are set at \$20 million per annum through FY2025/26 and are indexed to target tariff increases thereafter.

2.2 Financial model inputs and outputs

Two financial scenarios have been modelled for this Information Memorandum, namely a business as usual scenario and an MOU scenario, a table highlighting these scenarios is inserted below:

Parameter	Business as usual scenario	MOU scenario
Capital expenditure (\$M)		
FY2017 to FY2026	\$1,543	\$1,700 ¹
FY2027 to FY2036 ²	\$1,379	\$1,222
Capex (20 year total)	\$2,922	\$2,922
Annual price increase		
PSP3 (FY19 / FY20 / FY21)	4.1% / 4.1% / 4.1%	4.1% / 0% / 3.5%
PSP4 (FY22 to FY24)	3.7%	3.5%
PSP5 (FY25 to FY27)	3.1%	3.5%
PSP6+ (FY28 to FY36)	2.2%	2.5%
Equity Injection (\$M)	\$0	\$200

The impact on the Council's entitlement to dividends does not change under the modelling provided. The Council's share for dividend purposes will be 5.46% of the total amount available for distribution. The dividend has been fixed at \$20M until the 2025/26 financial year, therefore Council's entitlement will be \$1.092M per year. Beyond 2025/26 the Board will determine the dividend distribution; however it has been indicated that profitability on current modelling should enable indexation beyond this time.

If unforeseen circumstances occur, and there is a risk to the amount available for distribution to owner councils, it has been identified that the Board has a number of levers to ensure distributions are maintained.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

Council Sustainability and Governance

- Improve service provision
- Improve the Council's financial capacity to sustainably meet community expectations
- Effective communication and engagement.

CONCLUSION

It is recommended that the Council support the proposed resolutions at the TasWater Special General Meeting on 27 September 2018:

Resolution 1 – Adoption of a new Constitution

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,

to adopt the Constitution in the form as set out in Appendix 1 of the Information Memorandum dated 16 July 2018 to replace the existing Constitution of the Corporation, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

Resolution 2 – Adoption of a new Shareholders' Letter of Expectations

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,

to adopt the Shareholders' Letter of Expectations in the form as set out in Appendix 2 of the Information Memorandum dated 16 July 2018 to replace the existing Shareholders' Letter of Expectations, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

Resolution 3 – Approval to enter into the Share Subscription and Implementation Agreement, including approval for the issue of shares in the Corporation to the State Government

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2,

that the Corporation be authorised to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3 of the Information Memorandum dated 16 July 2018, including the issuing of shares in the Corporation to the Crown."

The Executive Services Officer reports as follows:

"A copy of the associated annexures having been circulated to all Councillors, a suggested resolution is submitted for consideration."

■ "That the Council support the proposed resolutions at the TasWater Special General Meeting on 27 September 2018:

Resolution 1 – Adoption of a new Constitution

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with

the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and

- (ii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,

to adopt the Constitution in the form as set out in Appendix 1 of the Information Memorandum dated 16 July 2018 to replace the existing Constitution of the Corporation, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

Resolution 2 – Adoption of a new Shareholders' Letter of Expectations

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,

to adopt the Shareholders' Letter of Expectations in the form as set out in Appendix 2 of the Information Memorandum dated 16 July 2018 to replace the existing Shareholders' Letter of Expectations, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

Resolution 3 – Approval to enter into the Share Subscription and Implementation Agreement, including approval for the issue of shares in the Corporation to the State Government

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2,

that the Corporation be authorised to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3 of the Information Memorandum dated 16 July 2018, including the issuing of shares in the Corporation to the Crown."

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9.4 Social Media Acceptable Use Policy and Community Guidelines

The General Manager reports as follows:

"The Strategy & Policy Officer has prepared the following report:

'PURPOSE

The purpose of this report is to consider the adoption by the Council of a Social Media Acceptable Use Policy and Social Media Community Guidelines dated September 2018.

BACKGROUND

The Social Media Acceptable Use Policy and Social Media Community Guidelines are grounded in the Communications and Engagement Policy –

January 2016. Social media covers a range of Web 2.0 Technology including Facebook. It is an open and dynamic environment that generally cannot be controlled.

The Council recognises that there are legitimate reasons for using social media at work or using corporate computing resources. To enable workplace participants to take advantage of the business value of these sites and to promote an open, trusting and collaborative workplace, the Social Media Acceptable Use Policy (the Policy) enables workplace participants to use social media within the specified guidelines.

The Social Media Community Guidelines (the Guidelines) set the ground rules by which the community may participate in online engagement initiatives on the Council's digital platforms. The Guidelines and moderation aim to discourage and manage anti-social, irrelevant, offensive, spam and/or other inappropriate posts.

DISCUSSION

The purpose of the Policy is to ensure the effective service delivery of Council business through the use of social media communication channels, while ensuring protection and proper use of the Council's social media services. The Policy promotes a common-sense approach to using social media and does not intend to discourage or unduly limit personal expression or online activities. However, it is important to set the ground rules, so workplace participants have an understanding and point of reference for the standards and their obligations relating to social media use.

The Guidelines and moderation are designed to protect all users of the Council's social media and digital platforms. The Guidelines aim not to discourage two-way conversations between the community and the Council but stipulate that participation on the Council's social media platforms need to comply with certain standards in order to assist the Council facilitate a welcoming space for intelligent discussion.

No disruptive technologies have emerged on the market that impact content of the Policy or Guidelines. The Policy and Guidelines are relevant to Council operations and are a comprehensive resource.

CONSULTATION

The updated Policy and Guidelines were presented to the Council's Senior Leadership Team (SLT) in February 2018, the Operational Leadership Team in March 2018 and then finalised at an SLT meeting in August 2018. The Policy and Guidelines were presented at a Councillor Workshop in August 2018.

RESOURCE, FINANCIAL AND RISK IMPACTS

Policies and guides are needed to ensure the effective use of the social media tools and to maintain the associated risks on service delivery and daily business. No additional human resources are needed for implementation.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

A Connected Central Coast

- Connect the people with services.

Council Sustainability and Governance

- Improve service provision
- Improve the Council's financial capacity to sustainably meet community expectations
- Effective communication and engagement.

CONCLUSION

It is recommended that the Social Media Acceptable Use Policy and Social Media Community Guidelines dated September 2018 be adopted.'

The Strategy & Policy Officer's report is supported."

The Executive Services Officer reports as follows:

"A copy of the Social Media Acceptable Use Policy and Social Media Community Guidelines dated September 2018 having been circulated to all Councillors, a suggested resolution is submitted for consideration."

- "That the Social Media Acceptable Use Policy and Social Media Community Guidelines dated September 2018 (copies being appended to and forming part of the minutes) be adopted."

COMMUNITY SERVICES

9.5 Statutory determinations

The Director Community Services reports as follows:

“A Schedule of Statutory Determinations made during the month of August 2018 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reports as follows:

“A copy of the Schedule having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

- “That the Schedule of Statutory Determinations (a copy being appended to and forming part of the minutes) be received.”
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9.6 Council acting as a planning authority

The Mayor reports as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide that if a council intends to act at a meeting as a planning authority under the *Land Use Planning and Approvals Act 1993*, the chairperson is to advise the meeting accordingly.

The Director Community Services has submitted the following report:

‘If any such actions arise out of Agenda Items 9.7, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Officer reports as follows:

“Councillors are reminded that the *Local Government (Meeting Procedures) Regulations 2015* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.

A suggested resolution is submitted for consideration.”

- “That the Mayor’s report be received.”

9.7 Resource development (pump shed and two x water tanks) – materials with reflectivity greater than 40% at 279 Nine Mile Road, Sulphur Creek – Application No. DA2018030

The Director Community Services reports as follows:

“The Land Use Planning Group Leader has prepared the following report:

‘DEVELOPMENT APPLICATION NO.:’	DA2018030
PROPOSAL:	Resource development (pump shed and two x water tanks) – materials with reflectivity greater than 40%
APPLICANT:	Costa Exchange Pty Ltd
LOCATION:	279 Nine Mile Road, Sulphur Creek
ZONE:	Rural Resource
PLANNING INSTRUMENT:	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
ADVERTISED:	25 August 2018
REPRESENTATIONS EXPIRY DATE:	10 September 2018
REPRESENTATIONS RECEIVED:	Three
42-DAY EXPIRY DATE:	10 October 2018
DECISION DUE:	17 September 2018
PURPOSE	

The purpose of this report is to consider an application for the installation of two (2) water tanks and the construction of a pump shed, integral to the existing agricultural use of the land as a berry farm.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations; and
- . Annexure 4 – photographs.

BACKGROUND

Development description –

Application is made for infrastructure that would be ancillary to an existing berry producing operation located at 279 Nine Mile Road, Sulphur Creek.

The application comprises two (2) “Zincalume” water tanks, each with a diameter of 14m and a height of 2.27m; and a 91m² pump shed that would be clad in “Pale Eucalypt” Colorbond material. The development is to provide additional watering capacity for the existing poly-tunnel berry farm.

Site description and surrounding area –

The land has an area of 59.98ha and comprises prime agricultural soil that produces berries under an intensive production facility, managed by Costa Exchange Pty Ltd. The land is cleared of native vegetation and constitutes a highly modified rural landscape that accommodates a dwelling, silos and extensive poly-tunnels under which berries are produced.

The land is located within the Dial Blythe Irrigation District and comprises Class 2 and Class 3 prime agricultural land. Irrigation water is used by the berry cropping enterprise.

The land has frontages to both Zig Zag Road and Nine Mile Road, Sulphur Creek. Zig Zag Road is primarily utilised to access the development site.

Surrounding land is also zoned Rural Resource and is used for agricultural purposes.

History –

No history relevant to this application.

DISCUSSION

The following table is an assessment of the relevant Scheme provisions:

26.0 Rural Resource Zone

CLAUSE	COMMENT
26.1.2 Local Area Objectives	
<p>(a) The priority purpose for rural land is primary industry dependent upon access to a naturally occurring resource;</p> <p>(b) Air, land and water resources are of importance for current and potential primary industry and other permitted use;</p> <p>(c) Air, land and water resources are protected against –</p> <p style="padding-left: 40px;">(i) permanent loss to a use or development that has no need or reason to locate on land containing such a resource; and</p> <p style="padding-left: 40px;">(ii) use or development that has potential to exclude or unduly conflict, constraint, or interfere with the practice of primary industry or any other use dependent on access to a naturally occurring resource;</p>	<p>Not applicable.</p> <p>Use is Resource development. Buildings would be subservient to existing Resource development use.</p>

<p>(d) Primary industry is diverse, dynamic, and innovative; and may occur on a range of lot sizes and at different levels of intensity;</p> <p>(e) All agricultural land is a valuable resource to be protected for sustainable agricultural production;</p> <p>(f) Rural land may be used and developed for economic, community, and utility activity that cannot reasonably be accommodated on land within a settlement or nature conservation area;</p> <p>(g) Rural land may be used and developed for tourism and recreation use dependent upon a rural location or undertaken in association with primary industry;</p> <p>(h) Residential use and development on rural land is appropriate only if –</p> <ul style="list-style-type: none"> (i) required by a primary industry or a resource based activity; or (ii) without permanent loss of land significant for primary industry use and without constraint or interference to existing and potential use of land for primary industry purposes. 	
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26.1.3 Desired Future Character Statements	
<p>Use or development on rural land –</p> <p>(a) may create a dynamic, extensively cultivated, highly modified, and relatively sparsely settled working landscape featuring –</p> <ul style="list-style-type: none"> (i) expansive areas for agriculture and forestry; (ii) mining and extraction sites; (iii) utility and transport sites and extended corridors; and (iv) service and support buildings and work areas of substantial size, utilitarian character, and visual prominence that are sited and managed with priority for operational efficiency <p>(b) may be interspersed with –</p> <ul style="list-style-type: none"> (i) small-scale residential settlement nodes; 	<p>Not applicable.</p> <p>Use is Resource development. Buildings would be subservient to existing Resource development use.</p>

<ul style="list-style-type: none"> (ii) places of ecological, scientific, cultural, or aesthetic value; and (iii) pockets of remnant native vegetation (c) will seek to minimise disturbance to – <ul style="list-style-type: none"> (i) physical terrain; (ii) natural biodiversity and ecological systems; (iii) scenic attributes; and (iv) rural residential and visitor amenity; (d) may involve sites of varying size – <ul style="list-style-type: none"> (i) in accordance with the type, scale and intensity of primary industry; and (ii) to reduce loss and constraint on use of land important for sustainable commercial production based on naturally occurring resources; 	
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<p>(e) is significantly influenced in temporal nature, character, scale, frequency, and intensity by external factors, including changes in technology, production techniques, and in economic, management, and marketing systems.</p>	
<p>26.3.1 Requirement for discretionary non-residential use to locate on rural resource land</p>	
<p>26.3.1–(P1) Other than for residential use, discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement; and</p> <p>(c) be required to locate on rural resource land for operational efficiency:</p> <p>(i) to access a specific naturally occurring resource on the site or on adjacent land in the zone;</p>	<p>Not applicable.</p> <p>Use is Resource development. Buildings would be subservient to existing Resource development use.</p>

<ul style="list-style-type: none"> (ii) to access infrastructure only available on the site or on adjacent land in the zone; (iii) to access a product of primary industry from a use on the site or on adjacent land in the zone; (iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the zone; (v) if required <ul style="list-style-type: none"> a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose; b. for security; c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if located on land in a zone intended for that purpose; (vi) to provide opportunity for diversification, innovation, and value-adding to secure existing or potential primary industry use of the site or of adjacent land; 	
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COMMUNITY SERVICES

<ul style="list-style-type: none">(vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or(viii) if a cost-benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and <p>(d) minimise likelihood for:</p> <ul style="list-style-type: none">(i) permanent loss of land for existing and potential primary industry use;(ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and(iii) loss of land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i> or land that may benefit from the application of broad-scale irrigation development.	
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26.3.2 Required Residential Use	
<p>26.3.2-(A1) Residential use required as part of a use must:</p> <ul style="list-style-type: none"> (a) be an alteration or addition to an existing lawful and structurally sound residential building; (b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling; (c) not intensify an existing lawful residential use; (d) not replace an existing residential use; (e) not create a new residential use through conversion of an existing building; (f) be an outbuilding with a floor area of not more than 100m² appurtenant to an existing lawful and structurally sound residential building; or (g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and 	<p>Not applicable.</p> <p>Not a residential use.</p>

(h) there is no change in the title description of the site on which the residential use is located.	
26.3.3 Residential use	
<p>26.3.3–(A1) Residential use that is not required as part of an other use must:</p> <ul style="list-style-type: none"> (a) be an alteration or addition to an existing lawful and structurally sound residential building; (b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling; (c) not intensify an existing lawful residential use; (d) not replace an existing residential use; (e) not create a new residential use through conversion of an existing building; (f) be an outbuilding with a floor area of not more than 100m² appurtenant to an existing lawful and structurally sound residential building; or (g) be home based business in association with occupation of an existing lawful and structurally sound residential 	<p>Not applicable.</p> <p>Not a residential use.</p>

building; and	
(h) there is no change in the title description of the site on which the residential use is located.	
26.4 Development Standards	
26.4.1 Suitability of a site or lot on a plan of subdivision for use or development	
26.4.1–(A1) A site or each lot on a plan of subdivision must:	(a) Compliant. Land has an area of 59.98ha.
(a) unless for agricultural use, have an area of not less than 1.0 hectare not including any access strip; and	(b)(i) Compliant. Total of proposed building area, including tanks, would be less than 2,000m ² . Pump shed would be 91m ² and each water tank would have a diameter of 14m and a height of 2.27m.
(b) if intended for a building, contain a building area	(b)(ii) Compliant. Development would be clear of applicable front, rear and side boundaries. The shed and water tanks would be sited approximately 600m from the front boundary and greater than 90m from side and rear boundaries.
(i) of not more than 2,000m ² or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use;	(b)(iii) Not applicable. No zone boundary setbacks apply.
(ii) clear of any applicable setback from a frontage, side or rear boundary;	(b)(iv) Compliant. Clear of burdening easement.
(iii) clear of any applicable setback from a zone boundary;	
(iv) clear of any registered right of way benefiting other land;	

<p>(v) clear of any restriction imposed by a utility;</p> <p>(vi) not including an access strip;</p> <p>(vii) accessible from frontage or access strip.</p>	<p>(b)(v) Not applicable. No right-of-way.</p> <p>(b)(vi) Not applicable. No restriction imposed by a utility.</p> <p>(b)(vii) Compliant. No access strip.</p> <p>(b)(viii) Compliant. Land has frontages to Zig Zag Road and Nine Mile Road.</p>
<p>26.4.1–(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road</p> <p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance</p>	<p>(a) Compliant. The land has a 524m wide frontage to Nine Mile Road.</p> <p>(b) Not applicable. Not an internal lot. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Compliant. The land has a 524m wide frontage to Nine Mile Road and access to Zig Zag Road.</p> <p>(e) Compliant. Existing access to the land is in accordance with <i>Local Government (Highways) Act 1982</i>.</p>

<p>with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</p> <p>(e) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	
<p>26.4.1–(A3) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p> <p>(a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) from a rechargeable drinking water system ^{R31} with a storage capacity of not less than 10,000 litres if:</p> <p>(i) there is not a reticulated water supply; and</p>	<p>Not applicable.</p> <p>The water tank installation is for agricultural use.</p>

<p>(ii) development is for:</p> <p>a. a single dwelling; or</p> <p>b. a use with an equivalent population of not more than 10 people per day.</p>	
<p>26.4.1–(A4) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste:</p> <p>(a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) by on-site disposal if:</p> <p>(i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development:</p> <p>a. is for a single dwelling; or</p> <p>b. provides for an equivalent population of not more than 10 people per day; or</p>	<p>Not applicable.</p> <p>The water tank installation is for agricultural use.</p>

<p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS 1547:2000 On-site domestic-wastewater management clear of any defined building area or access strip.</p>	
<p>26.4.1–(A5) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p> <p>(a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <p>a. the site has an area of not less than 5,000m²;</p> <p>b. the disposal area is not within any</p>	<p>Not applicable.</p> <p>The water tank installation is for agricultural use.</p>

<p>defined building area;</p> <p>c. the disposal area is not within any area required for the disposal of sewage;</p> <p>d. the disposal area is not within any access strip; and</p> <p>e. not more than 50% of the site is impervious surface.</p>	
<p>26.4.2 Location and configuration of development</p>	
<p>26.4.2–(A1) A building or a utility structure, other than a crop protection structure for an agriculture use, must be set back:</p> <p>(a) not less than 20.0m from the frontage; or</p> <p>(b) not less than 50.0m if the development is for sensitive use on land that adjoins the Bass Highway;</p> <p>(c) not less than 10.0m from each side boundary; and</p> <p>(d) not less than 10.0m from the rear boundary; or;</p> <p>(e) in accordance with any applicable building area shown on a sealed plan.</p>	<p>(a) Compliant. Development would be setback 600m from the frontage.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Compliant. Development would be greater than 90m to the nearest side boundary.</p> <p>(d) Compliant. Development would be greater than 90m to the rear boundary.</p> <p>Not applicable. No building area on a sealed plan.</p>

<p>26.4.2–(A2) Building height must be not more than 8.5m.</p>	<p>Compliant. Maximum building height would be 3.5m (pump shed).</p>
<p>26.4.2–A3.1</p> <p>A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <p>(a) not project above an elevation 15m below the closest ridgeline;</p> <p>(b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</p> <p>(c) be below the canopy level of any adjacent forest or woodland vegetation; and</p> <p>(d) clad and roofed with materials with a light reflectance value of less than 40%.</p> <p>A3.2</p> <p>(e) Wind power turbines and wind power pumps must not exceed 20m in height.</p>	<p>A3.1</p> <p>(a) Compliant. Tanks and pump shed would not project above the nearest ridgeline and would be lower than the surrounding crop protection structures.</p> <p>(b) Compliant. Proposed development would be setback greater than 30m from nearest watercourse.</p> <p>(c) Compliant. Proposed development would be below canopy level of nearest adjacent forest or woodland vegetation.</p> <p>(a) Non-compliant. Proposed water tanks would be constructed in “Zincalume” materials. The Building Code of Australia (BCA) CA colour on the basis of solar absorptance, which is deemed under the BCA to be the <i>inverse</i> of colour reflectivity.</p> <p>The BCA deems “Zincalume” to be a Medium colour, with absorptance <60%. This means reflectivity would be greater than 40%.</p>

	<p>A3.2</p> <p>(e) Not applicable. Not wind turbine or wind power pumps.</p>
26.4.3 Location of development for sensitive uses	
<p>26.4.3-(A1) New development for sensitive uses must:</p> <p>(a) be located not less than:</p> <ul style="list-style-type: none"> (i) 200m from any agricultural land; (ii) 200m from aquaculture, or controlled environment agriculture; (iii) 500m from extractive industry or intensive animal husbandry; (iv) 100m from land under a reserve management plan; (v) 100m from land designated for production forestry; (vi) 50.0m from a boundary of the land to the 	<p>Not applicable.</p> <p>Not a sensitive use.</p>

<p>Bass Highway, or to a railway line; and</p> <p>(vii) clear of any restriction imposed by a utility; and</p> <p>(b) not be on land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i>, or land that may benefit from the application of broad-scale irrigation development.</p>	
<p>26.4.4 Subdivision</p>	
<p>26.4.4-(A1)</p> <p>Each new lot on a plan of subdivision must be –</p> <p>(a) A lot required for public use by the State government, a Council, a statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Councilor by a statutory authority.</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>

26.4.5 Buildings for Controlled Environment Agriculture	
<p>26.4.5–(A1)</p> <p>A building for controlled environment agriculture use must be a crop protection structure and the agricultural use inside the building must satisfy one of the following:</p> <p>(a) rely on the soil as a growth medium into which plants are directly sown;</p> <p>(b) not alter, disturb or damage the existing soil profile if conducted in a manner which does not rely on the soil as a growth medium.</p>	<p>Not applicable.</p> <p>No controlled environment agriculture proposed.</p>
CODES	
E1 Bushfire–Prone Areas Code	Not applicable. Code does not involve a subdivision or a vulnerable or hazardous use.
E2 Airport Impact Management Code	Not applicable. No code in this Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of native vegetation proposed.
E4 Change in Ground Level Code	Not applicable. No change in ground level proposed.

E5 Local Heritage Code	Not applicable. No places of local significance listed in code.
E6 Hazard Management Code	Not applicable. Site not known or suspected of contamination and is not subject to coastal erosion or inundation or landslip.
E7 Sign Code	Not applicable. No signs proposed.
E8 Telecommunication Code	Not applicable. No telecommunications proposed.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Code applies to all development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme applies to the site.
E9.5 Use Standards	
E9.5.1 Provision for parking	
<p>E9.5.1-(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</p>	<p>Compliant.</p> <p>E9 Traffic Generating Use and Parking Code requires as many spaces as is required by the use.</p>

	The site is able to accommodate numerous car parking spaces.
E9.5.2 Provision for loading and unloading of vehicles	
E9.5.2-(A1) There must be provision within a site for:	Compliant by a Condition of a Permit.
<ul style="list-style-type: none"> (a) on-site loading area in accordance with the requirement in the Table to this Code; and (b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of one space for every 50 parking spaces. 	<ul style="list-style-type: none"> (a) Table requires provision of an on-site parking space for a small rigid truck. Such a space is not shown on the plan but there is sufficient land to accommodate this requirement. (b) Not applicable.
E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater	<p>Compliant by condition to a Permit.</p> <p>That the collection, drainage and disposal of stormwater be required as a condition of a Permit.</p>
E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential,	(a) Compliant by condition to a Permit.

<p>Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <ul style="list-style-type: none"> (a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking; (b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles; (c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities; (d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities; (e) Each parking space must be separately accessed from the internal circulation aisle within the site; (f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; (g) Be formed and constructed with compacted sub-base and an all weather surface. 	<ul style="list-style-type: none"> (b)–(d) Compliant. The site has sufficient area to accommodate this requirement. (e) Each parking space would be separately accessed from the driveway. (f) Vehicle manoeuvring area provides for the forward movement and passing of all vehicles within the site. (g) Compliant by condition to a Permit. That vehicle parking and manoeuvring areas would be formed and constructed with compacted sub-base and an all-weather surface.
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COMMUNITY SERVICES

E9.6.2–(A2) Design and construction of an access strip and vehicle circulation, movement and standing areas for use or development on land within the Rural Living, Environmental Living, Open Space, Rural Resource, or Environmental Management zones must be in accordance with the principles and requirements for in the current edition of Unsealed Roads Manual – Guideline for Good Practice ARRB.	Compliant by condition to a Permit.
E10 Water and Waterways Code	Not applicable. Site not within 30m of a watercourse or waterbody.

Issues –

1 Use of materials with reflectivity greater than 40% –

The Scheme's Acceptable Solution 26.4.2–(A3.1)(d) requires that all buildings (including structures) must be clad and roofed with materials with a light reflectance value of less than 40%.

The proposed water tanks, each with a diameter of 14m and a height of 2.27m would be of "Zincalume" materials and a 91m² pump shed that would be clad in "Pale Eucalypt" Colorbond material. The National Construction Code (NCC) deems "Zincalume" and "Pale Eucalypt" to be medium colours, with an absorptance rating of 60%. This means both colours on the cusp, with a reflectivity that would be greater than 40%.

The Scheme's Performance Criteria 26.4.2–(A3) states:

"The location, height and visual appearance of a building or structure except for wind power turbines or wind power pumps must have regard to –

- (a) minimising the visual impact on the skyline;*
- (b) minimising height above the adjacent vegetation canopy;*
- (c) minimising visual impact on the shoreline or marine or aquatic water body, water course, or wetland where possible; and*
- (d) minimising reflection of light from external surfaces".*

The Performance Criteria is addressed accordingly:

- (a) The site is on a small crest of a hill, below the highest elevation in this area. The height of the proposed water tanks would be 2.27m, located within a cluster of existing rural buildings and surrounded by poly-tunnel development. The pump shed would be 3.5m high. Both buildings satisfy the Scheme height requirements, where buildings can be up to 8.5m high. Tanks and the shed would both be of a much lesser height than existing silo development on the site. The proposed water tanks are unlikely to create any additional adverse visual impact on the skyline.

- (b) The land is cleared of native vegetation and constitutes a highly modified rural landscape that accommodates a dwelling, silos and extensive poly-tunnel development under which berries are produced. Native vegetation is located approximately 300m to the east, forming a buffer to a watercourse that runs through the property. The proposed water tanks would have no impact on any adjacent vegetation.
- (c) The development would be located over 300m from the watercourse that runs through the land. Development would not impede the visual appeal of the watercourse.
- (d) The NCC classifies roof colour on the basis of solar absorptance, which is deemed to be the *inverse* of colour reflectivity. The NCC deems “Zincalume” and “Pale Eucalypt” to be medium colours, with absorptance of 60%. This means that the reflectivity value would be greater than 40%. It is considered, given the location of the tanks would be within a cluster of other rural structures and poly-tunnels, and given the distance from Zig Zag Road, reflection or glare from the tanks is unlikely to cause any adverse effect on surrounding residents or road users.

Referral advice –

Referral advice from the various Departments of the Council and other service providers is as follows:

SERVICE	COMMENTS/CONDITIONS
Environmental Health	No comment.
Infrastructure Services	No comment.
TasWater	Not applicable.
Department of State Growth	Not applicable.
Environment Protection Authority	Not applicable.
TasRail	Not applicable.
Heritage Tasmania	Not applicable.

Crown Land Services	No comment.
Other	Not applicable.

CONSULTATION

In accordance with s.57(3) of the *Land Use Planning and Approvals Act 1993*:

- . a site notice was posted;
- . letters to adjoining owners were sent; and
- . an advertisement was placed in the Public Notices section of The Advocate.

Representations –

Three representations were received from the same representor. Copies of the representations are provided at Annexure 3.

The representations are summarised and responded to as follows:

MATTER RAISED	RESPONSE
1 Earthworks have begun on the site.	The developer rang and asked if the ground could be prepared to place the water tanks on the site. Works were to include placing gravel on an existing level surface. The works would not require any cut or fill and would not exceed 1m in depth and are works in the Rural Resource zone that would not require a Permit.
2 The representor is concerned that trucks accessing are using Zig Zag Road. The Council and the Federal Government jointly funded an upgrade of Nine Mile Road. Trucks should be using Nine Mile Road to access the site.	Zig Zag Road is a narrow and winding road, access from Hogarth Street, Sulphur Creek. Nevertheless, Zig Zag Road is a public road with no load limits imposed. Vehicles, other than B-double trucks are able to freely use the road without restriction.

<p>3 This is the first time the Council has formally advised residents of a planning application and it is welcome.</p>	<p>Notification in this instance, was required due to the reflectivity of materials used in the construction of the water tanks.</p> <p>Generally, the use and development of the land for berry production, and the erection of poly-tunnels, would not necessarily require public notification or even the issue of a Permit, providing all other standards articulated under the Scheme are able to be satisfied.</p>
<p>4 The applicant states that the tanks would be buffered by “existing vegetation and polytunnels”. The tank site is on a crest and line-of-sight from Zig Zag Road is not obscured.</p>	<p>The site is some distance from Zig Zag Road, approximately 1–1.2km to the west. As can be seen in the photographs taken from Zig Zag Road (refer to Annexure 4), the development site is rather insignificant when viewed from such a distance. It is considered, given the location of the tanks would be within a cluster of other rural structures and poly-tunnels, and given the distance from Zig Zag Road, reflection or glare from the tanks is unlikely to cause any adverse effect on surrounding residents or road users.</p>
<p>5 Would Council impose conditions on the development to minimise reflectivity, such as painting the tanks or a wood screen around the tanks?</p>	<p>Custom orb “Zincalume” is a vernacular rural material and is not considered to be offensive or highly reflective. Refer to Annexure 4 that shows existing tanks, also viewed from Zig Zag Road. It is considered unnecessary to require the applicant to paint or otherwise mask the tanks and pump shed with darker materials.</p>

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and possibly costs associated with an appeal against the Council's determination should one be instituted.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure

CONCLUSION

The representation does not contain sufficient merit to justify the addition of any restrictive condition to a Permit, or refusal of the proposed use and development of the land.

The proposal is considered to satisfy the Scheme's relevant Performance Criteria in that the development is to be within the curtilage of existing rural buildings on the site and the potential for visual impact on adjoining land or from the road network would be minimal.

Recommendation –

It is recommended that the application for Resource development (pump shed and two x water tanks) – materials with reflectivity greater than 40% at 279 Nine Mile Road, Sulphur Creek be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Site Plan by AK Consultants and plans by Heritage Water Tanks, Drawing No. 16045–CT80–001, Revision C, dated 19 September 2016 and Drawing Nos. CT80–5T–002, Revision A dated 26 October 2014 and shed plans as submitted, stamped 24 July 2018.
- 2 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 3 Vehicle parking and manoeuvring areas must be designed and constructed in accordance with the "Unsealed Roads Manual – Guideline for Good Practice ARRB".

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 “Substantial commencement” is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work of the proposed building and/or plumbing work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.’

The report is supported.”

The Executive Services Officer reports as follows:

“A copy of the Annexures referred to in the Land Use Planning Group Leader’s report having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

■ “That the application for Resource development (pump shed and two x water tanks) – materials with reflectivity greater than 40% at 279 Nine Mile Road, Sulphur Creek be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Site Plan by AK Consultants and plans by Heritage Water Tanks, Drawing No. 16045–CT80–001, Revision C, dated 19 September 2016 and Drawing Nos. CT80–5T–002, Revision A dated 26 October 2014 and shed plans as submitted, stamped 24 July 2018.
- 2 Stormwater, including from vehicle parking and manoeuvring areas, must be collected, drained and disposed of to an approved stormwater system.
- 3 Vehicle parking and manoeuvring areas must be designed and constructed in accordance with the ‘Unsealed Roads Manual – Guideline for Good Practice ARRB’.

Please note:

- 1 A Planning Permit remains valid for two years. If the use or development has not substantially commenced within this period, an extension of time may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 'Substantial commencement' is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work of the proposed building and/or plumbing work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required."

9.8 Strata, Staged Development and Community Development Scheme Policy

The Director Community Services reports as follows:

"The Land Use Planning Group Leader has prepared the following report:

'PURPOSE

The purpose of this report is to consider the adoption by the Council of the Strata, Staged Development and Community Development Scheme Policy. The Policy would assist in decision making when application is made for the division of land under the *Strata Titles Act 1998* (the Act) and articulate the development requirements that are to be in place for a Certificate for Strata Plan to be issued.

Accompanying the report are the following documents:

- . Annexure 1 – Strata, Staged Development and Community Development Scheme Policy – September 2018.
- . Annexure 2 – Procedure – Certificate of Approval for Strata Plan.

BACKGROUND

The Act was granted royal assent in 1998 and allows for the division of land, other than by subdivision under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

The Council does not have a policy to guide decision making in relation to the various scenarios that are available under the Act. The subject Policy and Procedure would provide clarity and assist staff in this process.

DISCUSSION

The Policy would ensure that the Council signs off on Strata Plan development through a transparent process involving the issue of a Certificate of Approval that the Strata Plan is substantially in accordance with a Planning Permit issued under the *Land Use Planning and Approvals Act 1993* and the *Central Coast Interim Planning Scheme 2013* and is compliant under the *Building Act 2016* and *Building Regulations 2017*.

CONSULTATION

The Policy has been reviewed by Council's Senior Leadership Team and Operational Leadership Team and presented to a workshop for elected members.

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has no likely impact on Council resources outside those usually required for assessment of development applications and proceeding Strata Plans.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

The Shape of the Place

- . Encourage a creative approach to new development

Community Capacity and Creativity

- Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

- Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- Improve service provision.

CONCLUSION

It is recommended that the Strata, Staged Development and Community Development Scheme Policy – September 2018 be adopted by the Council and be made known to the community.'

The Land Use Planning Group Leader's report is supported."

The Executive Services Officer reports as follows:

"A copy of the Strata, Staged Development and Community Development Scheme Policy dated September 2018 having been circulated to all Councillors, a suggested resolution is submitted for consideration."

- "That the Strata, Staged Development and Community Development Scheme Policy dated September 2018 be adopted by the Council and be made known to the community (a copy being appended to and forming part of the minutes)."

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NOTES

INFRASTRUCTURE SERVICES

9.9 Infrastructure Services determinations

The Director Infrastructure Services reports as follows:

“A Schedule of Infrastructure Services Determinations made during the month of August 2018 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reports as follows:

“A copy of the Schedule having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

- “That the Schedule of Infrastructure Services Determinations (a copy being appended to and forming part of the minutes) be received.”
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9.10 Annual Tender 2018–2019 – Coastal and rural roadside mowing

The Director Infrastructure Services reports as follows:

“The Engineering Group Leader has prepared the following report:

‘PURPOSE

The purpose of this report is to consider the tenders for the coastal and rural roadside mowing contract from 1 October 2018 to 30 September 2019.

BACKGROUND

The Central Coast Council controls and maintains the coastal and rural roadside mowing areas within the Central Coast municipal area. The rural road network is made up of approximately 450kms of sealed and unsealed roads and the coastal road network is made up of approximately 65kms of sealed and unsealed roads totalling 515km of roads.

The coastal and rural roadside mowing program consists of a first cut to a width of 3.4m both sides of the road, followed by a second cut later in the season on all main arterials to 5m wide (where possible) and a 3.4m wide cut on all other roads.

DISCUSSION

Tenders were called on 28 July 2018 and closed at 2.00pm on 22 August 2018.

Tenders were received from the following companies:

- Rodney Wright & Sons Contracting
- Statewide Contracting (TAS) Pty Ltd
- Mareeba Tas Pty Ltd.

The coastal and rural roadside mowing tender is a schedule of rates tender and tenderers were asked to provide an hourly rate along with a 3.4km wide cut per km (one side) rate and 5.0m wide cut per km (one side) rate in accordance with the coastal and rural roadside mowing manual.

The following rates (inclusive of GST) have been submitted by the tenderers.

TENDERER	HOURLY RATE (\$)	3.4M WIDE CUT RATE (\$)	5.0M WIDE CUT RATE (\$)
Mareeba Tas Pty Ltd	137.50	154.50	210.00
Rodney Wright & Sons Contracting	137.50	103.11	137.48
Statewide Contracting (TAS) Pty Ltd	148.87	148.87	148.87

In addition to the requested rates, Statewide Contracting (TAS) Pty Ltd provided a capped price of \$89,325 for mowing the entire Central Coast area (515km of road length both sides). Clarification was sought from Statewide Contracting (TAS) Pty Ltd with regards to the number of cuts per year for the capped price and the width of cut. Confirmation was received that the capped price amount accounted for the first cut of 515kms, for both sides. Additional discounts were offered; however, these were not considered due to not being part of the tender submission.

For the assessment, a 3.4m wide cut rate over the 515km network length has been used for Mareeba Tas Pty Ltd and Rodney Wright & Sons Contracting as

their first cut price. The capped price given by Statewide Contracting (TAS) Pty Ltd has been used as their first cut price.

Second cut totals for all tenders have been calculated based on their 3.4m and 5.0m wide cut rates for the relevant road lengths.

Below is a table showing these amounts:

INFRASTRUCTURE SERVICES

TENDERER	1ST CUT (\$) (515KM, BOTH SIDES) 3.4M	2ND CUT (\$) ARTERIAL ROADS (190KM, BOTH SIDES) 5.0M	2ND CUT (\$) OTHER ROADS (325KM, BOTH SIDES) 3.4M	TOTAL (\$)
Mareeba Tas Pty Ltd	159,135.00	79,800.00	100,425.00	339,360.00
Rodney Wright & Sons Contracting	106,203.30	52,242.40	67,021.50	225,467.20
Statewide Contracting (TAS) Pty Ltd	89,325.00	56,570.60	96,765.50	242,661.10
<i>BUDGET (INCLUSIVE OF GST)</i>				<i>244,200.00</i>

All submissions for coastal and rural roadside mowing meet the tender requirements and would be considered acceptable.

The Council uses a weighted tender assessment method based on:

- . value for money. compliance with tender documents;
- . experience;
- . personnel;
- . construction period;
- . design;
- . WHS system and record; and
- . tender price

Based on the evaluation, Rodney Wright & Sons Contracting was assessed as the preferred tenderer, based on this method.

CONSULTATION

This item has followed a public tendering process.

RESOURCE, FINANCIAL AND RISK IMPACTS

The tender from Rodney Wright & Sons Contracting can be accommodated within the budget (\$244,200.00 inc. GST).

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

Community Capacity and Creativity

- . Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- . Improve corporate governance
- . Improve the Council's financial capacity to sustainably meet community expectations

CONCLUSION

It is recommended that the tender from Rodney Wright & Sons Contracting for the coastal and rural roadside mowing program be accepted and approved by the Council.'

The Engineering Group Leader's report is supported."

The Executive Services Officer reports as follows:

"A copy of the confidential tender assessment having been circulated to all Councillors, a suggested resolution is submitted for consideration."

■ "That the conforming tender from Rodney Wright & Sons Contracting for the coastal and rural roadside mowing program be accepted and approved by the Council."

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ORGANISATIONAL SERVICES

9.11 Creation of a non-smoking precinct within the Ulverstone CBD

The Director Organisational Services reports as follows:

“PURPOSE

The purpose of this report is to create a smoke-free precinct in the CBD of Ulverstone.

BACKGROUND

The consequences of passive cigarette smoking have for some time been an issue discussed in the media. The general community expect to be able to go about their business without being exposed to cigarette smoke. The *Public Health Act 1997* (the Act) stipulates areas that are designated smoke-free areas. Some of these areas such as playgrounds and outdoor eating venues have been widely promoted through the media, but other areas are not as well known.

The Council has received public complaints regarding cigarette smoking in public areas. Some areas commented on are already covered by legislation, however, the Council in some instances has the ability under the Act to designate additional areas as smoke-free precincts.

DISCUSSION

The Council surveyed business operators in Reibey Street, Ulverstone regarding smoking in the CBD. Business owners, on the whole, expressed the view that cigarette smoking should be discouraged in the CBD area.

The Act states the following are smoke-free areas:

S.67B. Smoke-free areas

- (1) *A smoke-free area is any of the following:*
 - (a) *an enclosed public place;*
 - (b) *an enclosed workplace;*
 - (c) *any area, including, but not limited to including, a public street, that is not within private premises and is designated by the occupier of the area as a smoke-free area;*

- (d) *at an outdoor sporting venue during an organised sporting event being held at that venue, anywhere within 20 metres of –*

 - (i) *any permanently or temporarily erected public seating; or*
 - (ii) *any seating, marshall area, warm-up area, podium or other part of the venue reserved for the use of competitors or officials; or*
 - (iii) *any part of the venue used to conduct the actual organised sporting event;*
- (e) *anywhere within 3 metres of an entrance to or exit from any non-domestic building or multiple-use building;*
- (f) *anywhere within 10 metres of any air intake for ventilation equipment on or in a multiple-use building or a non-domestic building;*
- (g) *anywhere within 10 metres of any play equipment erected at a children's playground in a public place;*
- (h) *on a beach at which a surf-lifesaving organisation has temporarily erected a pair of red and yellow flags for the safety of beach users, the area "between the flags" (being the rectangular area bordered by the flags, the water's edge and the landward fringe of the beach);*
- (i) *anywhere at a public swimming pool, including the curtilage of the public swimming pool;*
- (j) *anywhere that the Director, by public notice, designates as a smoke-free area in connection with a public event or class of public events specified in that public notice;*
- (k) *anywhere in an outdoor dining area;*
- (l) *anywhere within 3 metres of an outdoor dining area that is not surrounded by a screen, or other barrier, that is at least 2.1 metres high and impervious to smoke;*

- (m) *a public street that the regulations declare to be a pedestrian mall;*
- (n) *a public street that the regulations declare to be a bus mall;*
- (o) *anywhere within 3 metres of a bus shelter on a public street.*

Taking into account S.67B parts (e), (g), (k) and (l), this means many parts of the commercial area of Ulverstone, including Apex Park are smoke-free areas.

If only these areas were to be considered smoke-free, then confusion could arise regarding where cigarette smoking would be allowed. To remove this confusion and to create a consistent approach, the Council as the occupier can use its powers under the Act [S.67B (1)(c)] to designate an area as being smoke-free. This area could be Reibey Street in its entirety, King Edward Street (between Reibey Street and Patrick Street) and Alexandra Road (between Reibey Street and Main Road) (a copy of the proposed smoke-free precinct map is appended to this report).

Once designated, appropriate signage must be displayed within the area to advise people of the area being designated as smoke-free. This is in accordance with S67E of the Act.

67E. Signs

- (1) *The occupier of a smoke-free area must display within that area any sign approved by the Director or containing wording or images approved by the Director for display in a smoke-free area or class of smoke-free area.*

Once the area has been designated, the following will apply with regards to penalties for smoking in a smoke-free area.

67C. Smoking in smoke-free areas prohibited

- (1) *A person must not smoke in a smoke-free area.*

Penalty: Fine not exceeding 20 penalty units.

- (2) *It is a defence in proceedings for an offence under subsection (1) for a person to prove that he or she -*

- (a) *did not know, and could not reasonably be expected to have known, that the place where the person was smoking was a smoke-free area; or*
 - (b)
 - (c) *in the case of a smoke-free area referred to in section 67B(1)(e), was unable to comply because there were less than 6 metres between entrances or exits of the building.*
- (3) *A nominated officer may require a person who is smoking in a smoke-free area to stop smoking.*
- (4) *A person must not fail or refuse to comply with a requirement of the nominated officer under subsection (3) .*

Penalty: Fine not exceeding 5 penalty units.

As part of a community awareness program it will be important that the Council conducts a media program in both print and electronic media. It is also important that in its initial phase that the Council's nominated officer be proactive in educating smokers. All properties which fall within this district will also be notified of the change and when it will take effect.

Existing smoking infrastructure such as cigarette butt containers will also be removed as part of the process to creating a smoke-free precinct.

The new smoke-free precinct will apply from 1 November 2018 to allow adequate communication and for signage to be put in place.

CONSULTATION

Three Councillors' Workshops have been held in relation to this matter over a period of 12 months. Following the creation of the smoke-free precinct, there will be a media campaign using both print and electronic media to advise of the smoke-free status of the area. The campaign will have an education-based focus. All property owners and occupiers will be notified.

RESOURCE, FINANCIAL AND RISK IMPACTS

The signage and advertising will be carried out as part of the Council's operational budget. No further resources will be required.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

A Connected Central Coast

- Improve community wellbeing.

CONCLUSION

This report recommends that the Council creates a smoke-free precinct in Ulverstone in the areas of Reibey Street (in its entirety), King Edward Street (between Reibey Street and Patrick Street) and Alexandra Road (between Reibey Street and Main Road), in accordance with S.67B (1)(c) of the *Public Health Act 1997*.”

The Executive Services Officer reports as follows:

“A copy of the map outlining the proposed smoke-free precinct having been provided to all Councillors, a suggested resolution is submitted for consideration.”

- “That the Council creates a smoke-free precinct in Ulverstone in the areas of Reibey Street (in its entirety), King Edward Street (between Reibey Street and Patrick Street) and Alexandra Road (between Reibey Street and Main Road), in accordance with S.67B (1)(c) of the *Public Health Act 1997*, from 1 November 2018 (a copy of the smoke-free precinct map being appended to and forming part of the minutes).”
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9.12 Contracts and agreements

The Director Organisational Services reports as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into during the month of August 2018 has been submitted by the General Manager to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reports as follows:

“A copy of the Schedule having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

- “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”
-
-
-

9.13 Correspondence addressed to the Mayor and Councillors

The Director Organisational Services reports as follows:

“PURPOSE

This report is to inform the meeting of any correspondence received during the month of August 2018 and which was addressed to the ‘Mayor and Councillors’. Reporting of this correspondence is required in accordance with Council policy.

CORRESPONDENCE RECEIVED

The following correspondence has been received and circulated to all Councillors:

- . A letter listing concerns that relate to the Devonport Hospital demolition, walkways and footpaths in Forth and Turners Beach, water in Furner’s Hotel/ Coles entrance, Penguin football oval, Ulverstone Showground rental on show day and a suggestion of hosting evening community meetings.
- . An email providing feedback in relation to the changes made to Apex Park.
- . A letter outlining concerns in relation to the Penguin miniature railway and seeking clarification of what role the Council wish the Engineering Society and its miniature railway to play in the community attraction area.

Where a matter requires a Council decision based on a professionally developed report the matter will be referred to the Council. Matters other than those requiring a report will be administered on the same basis as other correspondence received by the Council and managed as part of the day-to-day operations.”

The Executive Services Officer reports as follows:

“A suggested resolution is submitted for consideration.”

- “That the Director’s report be received.”

9.14 Common seal

The Director Organisational Services reports as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 21 August to 17 September 2018 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.

The Schedule also includes for information advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities.”

The Executive Services Officer reports as follows:

“A copy of the Schedule having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

- “That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document, and that the advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities be received.”

NOTES

10 CLOSURE OF MEETING TO THE PUBLIC

10.1 Meeting closed to the public

The Executive Services Officer reports as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide that a meeting of a council is to be open to the public unless the council, by absolute majority, decides to close part of the meeting because one or more of the following matters are being, or are to be, discussed at the meeting.

Moving into a closed meeting is to be by procedural motion. Once a meeting is closed, meeting procedures are not relaxed unless the council so decides.

It is considered desirable that the following matters be discussed in a closed meeting:

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential

A suggested resolution is submitted for consideration.”

- “That the Council close the meeting to the public to consider the following matters, they being matters relating to:

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential

The Executive Services Officer further reports as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, the fact that the matter was discussed and a brief description of the matter so discussed, and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.
- 2 While in a closed meeting, the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.
- 3 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.
- 4 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

Associated Reports And Documents

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17/8/2018

Cr Amanda Diprose
Central Coast Council

Dear Cr Diprose,

I understand you are proposing a motion of support and inclusion of LGBTIQ people within the Central Coast Council area.

I wish to support you in this, having grown up on the North-West Coast (attending Sheffield Area School, Latrobe High and Devonport Matric College in the 60s and 70s). I was also a Uniting Church Minister in Devonport from 1988-1996, which included the horror year of 1989 when hate rallies were held across the North-West, but primarily focussed on Central Coast. These rallies were also mirrored within some of our churches when the Synod of Tasmania called for the decriminalisation of male homosexual activity.

I was Minister in Penguin in 2007 when anti-gay rhetoric and graffiti were directed at a couple who had development plans that were not to everyone's approval. These messages have a harmful effect, not only on those to whom they are specifically directed, but on others in the community, particularly young people coming to terms with their sexuality

We are aware that things have vastly improved since then, with LGBTIQ groups holding regular events at Ulverstone.

As it happens, my partner and I are planning to be married in Penguin in 2019.

A motion of support from the Council would send a strong signal of inclusion and acceptance, assuring especially younger LGBTIQ people that they have a place in the community.

Yours sincerely,

Peter Weeks

28 August 2018

To Whom It May Concern,

With regard to Cr Amanda Diprose's motion to the Central Coast Council, Connect4Life Tasmania supports their motion of:

- Participation by CCC, with a stall, at our 'Out' in the Park for TasPride 2018 event, to be held at Otto's Grotto, Ulverstone, on the 18th November 2018
- To fly a rainbow flag in the week leading up to 'Out' in the Park for TasPride, both as a lead-up to the event and in recognition of the Yes vote by the Australian Federal Government 12 months prior
- To change the lights under the Leven Bridge, in the week leading up to 'Out' in the Park for TasPride, reflecting the colours of the LGBTI rainbow
- To propose a tree planting and memorial plaque to be unveiled in 2019, commemorating how far the NW region of Tasmania, in particular Ulverstone and greater Central Coast Council region, has progressed in the last 30 years¹ to being more inclusive and accepting of the LGBTI community.

The LGBTI community, relative to the general population, can experience increased levels of psychological stress, anxiety, depression, self-harm and suicide. Connect4Life began approx. 12 years ago to increase social activities and events throughout the north and north-west of the state to combat social isolation, a risk factor for many of the issues identified above. Five years ago, the Connect4Life Tasmania NW committee initiated 'Out' in the Park for TasPride, a free 4 hr event for members of the LGBTI community, their family, friends and allies. This event has grown from around 60 attendees in the first year, to over 300 in 2017. Feedback from the community indicates that Connect4Life are servicing a need in the community. Through Facebook and a mailing address, we reach over 500 people from the north-west and north of Tasmania with updates of upcoming events, information sessions, training etc.

We believe the motion proposed by Cr Diprose, when passed by the Central Coast Council, will illustrate to the LGBTI community, their family, friends and allies, that the council supports the LGBTI community by addressing stigma and discrimination, through education and acknowledging diversity.

Signed *AWhitehead*

Annie Whitehead, Secretary on behalf of Connect4Life Tasmania and the Tasmanian LGBTI community.

Connect4Life is a community based group dedicated to increasing the social opportunities within the LGBTIQ communities.

¹ Anti-gay rally in Ulverstone, 15 June 1989

Dial Park Management Committee

Minutes of the 2nd meeting held at the Dial Park Complex
Tuesday, 10 July 2018 – commencing at 6.30pm

1 PRESENT

Penguin Cricket Club: Maurice Jones, Mitchell Reid and Justin Porter

Penguin Football Club: Brian Lane (Chairman), Darren Emerton and Anthony White

Community Representative: Rachael Hull

Council: Cr Gerry Howard, Bill Hutcheson (CCC Director Organisational Services) and Chris Clark (CCC Community Development Group Leader)

Events and Marketing Manager: Andrew Carpenter

2 WELCOME/APOLOGIES

Brian Lane welcomed everyone to the meeting and noted Cr Gerry Howard's attendance as an observer.

3 MINUTES OF THE PREVIOUS MEETING

Rachael Hull noted some minor amendments to the previous minutes including;

- . The correct spelling of Rachael.
- . Nomination for chairman was made by Anthony White and seconded by Rachael Hull.

Action: Chris Clark to update the previous minutes.

■ Rachael Hull moved and Darren Emerton seconded that the minutes of the Dial Park Management Committee held on Tuesday, 29 May 2018 be confirmed.

Carried

4 MATTERS ARISING FROM PREVIOUS MINUTES

a Grant Funding

Chris Clark investigated what grant funding opportunities may be available to fund upgrades to the kitchen. Considering what the project would be, it will be challenging to obtain any external funding as there is limited community

benefit, and no direct contribution to increasing sport and recreation participation.

b Grandstand Safety Concerns

At the previous meeting concerns were raised with the grandstand stairs. Chris Clark spoke with Asset's Group Leader Greg Osbourne who informed him that work has commenced on the design of additional hand rails to assist patrons on the grandstand stairs.

5 REVIEW OF COMMITTEE TERMS OF REFERENCE

At the previous meeting the Committee reviewed the Terms of Reference and discussed a number of changes regarding meeting protocols and frequency. The Terms of Reference were amended in accordance with discussions and circulated to the committee prior to the meeting.

Brian Lane noted that any matter outside the Committee's responsibilities were to be referred directly to Council.

■ Maurice Jones moved and Anthony White seconded that the Dial Park Management Committee Terms of Reference be adopted.

Carried

6 FINANCE/TREASURERS REPORT

Anthony White tabled the finance report and circulated the budget forecasts contained in the Function Room Business Plan.

The Penguin Football Club has not been able to realise the forecast revenue with it considerably down compared to the same time last year. It is suspected the new location of the ground has been a contributing factor, and the expectation that the new facilities would generate greater interest in the games has not materialised.

The Penguin Football Club has some concerns regarding their ability to control access to the Complex on game days. It is suspected this is contributing to reduced revenue from gate takings.

■ Anthony White moved and Maurice Jones seconded, "That the treasurer's report as tabled be accepted."

Carried

Action: Chris Clark to forward building access concerns to Council's Building and Facilities Officer.

7 FACILITY MANAGEMENT REPORT

a Events and Marketing Manager Report

Andrew Carpenter tabled a list of issues he has identified with the function room, kitchen, bar and outside areas that require attention if the business plan financial forecasts are to be achieved. A summary of the issues and their status is as follows:

Kitchen

Issues relate to the size, design and equipment installed considering the capacity and functionality of the venue. These issues are being addressed with the builder and as part of ongoing discussion with the Council.

Bar

Issues relate to building design and capacity of cool room. These issues are being addressed with the builder and as part of ongoing discussion with the Council.

Function Room

Concerns relate to the quality of the dining tables, PA system and building materials used on the external doors. These issues are being addressed with the builder and as part of ongoing discussion with the Council.

Outside Area

The Facility Manager has received feedback regarding the limited number of seating in the grandstand. This issue will be resolved once the additional seats on order are installed.

At the conclusion of the discussions, Maurice Jones moved and Rachael Hull seconded that;

- . The Events and Marketing Manager submit a report to Council that identifies the issues with the Dial Park Function Room.
- . Council provide a response prior to the Committee's next meeting on 21 August 2018.

8 REPRESENTATIVE REPORTS

a Penguin Football Club

Nothing to report.

b Penguin Cricket Club

President Mitchell Reid made the following report:

- . The Club's lease has commenced.
- . Potentially looking to field three teams in the 2018/19 season, however numbers will not be known for some weeks.

c Community Representative

Nothing to report

d Council Representative

Nothing to report.

9 GENERAL BUSINESS

- . Anthony White asked for clarification on who can access the building. Recently several contractors have been on site for various reasons without the Club's knowledge. This is a concern given the equipment and stock kept in the Complex.

Action: Council's Building and Facilities Officer to be requested to contact PFC President Brian Lane and advise of building works to be undertaken.

10 NEXT MEETING

The next meeting will be held at 6:30pm on Tuesday, 21 August 2018, at the Dial Park Meeting Room.

8 MEETING CLOSED

As there was no further business to discuss the meeting closed at 7.32pm.

Central Coast
Youth Engaged Steering Committee
Minutes of a meeting held at

Central Coast Council, 19 King Edward Street, Ulverstone

Thursday, 26 July 2018 at 9.15am

Doc ID: 300458



PRESENT:

Philip Viney (Councillor/Accountant/Ulverstone Lions Club); **Kelly Conkie** (Community Engagement Coordinator – UHS); **Melissa Budgeon** (Community Wellbeing Officer – Central Coast Council [CCC]); **Glen Lutwyche** (Principal – UHS); **Rowane Edwida** Student Rep – UHS); **Nicholas Boersma** and **Ainsley Kinch** (Student Reps – LCS); **Matthew Grining** (Principal – PDS); **Joherty Revell**, **Millie Porter**, and **Piper Newton** (Student Reps – PDS); **Aaron Meldrum** (Business Relationship Manager, Collective Ed – UHS); **Dr Yolande Vandenberg** (Central Coast Chamber of Commerce and Industry [CCCCI]) and **Michael Walsh** (Leven Training Centre).

1 WELCOME

Cr Viney chaired the meeting and welcomed everyone and declared the meeting opened at 9.20am.

2 APOLOGIES

Sandra Ayton (General Manager – CCC); **Rowen Tongs** (Community Rep. /Councillor); **Glenn Mace** (Principal – LCS); **Robert Cruickshank** (Student Rep – LCS); **Belinda Gillard** (Work Placement Coordinator – UHS); **Adam Knaap** and **Ella Barron** (Student Reps – UHS); **Wayne Pepper** (Teacher – NWCS); **Jenna Kennedy** and **Emily Archer** (Student Reps – NWCS).

3 MINUTES OF THE PREVIOUS MEETING

Kelly Conkie moved, and Piper Newton seconded, "That the Minutes of the previous meeting held on 28 June 2018 be confirmed"

Carried

4 MATTERS FOR DISCUSSION FROM PREVIOUS MEETING

4.1 *Promoting 'All About the Arts' -24 August 2018*

Melissa reported that the 'All About the Arts' program is ready to go ahead and she has liaised with schools.

4.2 Business Breakfast – Update on speakers

Melissa put in an application to the Foundation for Young Australians to see if a guest speaker from this organisation could speak at the Business Breakfast. Aaron Meldrum spoke about attending a forum which was run by the Foundation. The forum spoke on how employers should rethink the way they employ young people in the future. Melissa is looking for a date in September 2018 to hold the Business Breakfast.

4.3 National Leadership Camp

Nicholas Boersma, Ainsley Kinch, Joherty Revell and Rowane Edwida gave an inspiring report on the National Youth Camp. All students reported on the great experience and the friendships they made at the camp. The students thanked the Council for allowing them to attend such a great event and will encourage future students to put up their hand to attend.

5 MEMBERS REPORTS

Penguin District School

- . Year 10's have finalised a leavers hoodie design and costings and their polo shirts have arrived.
- . We will be holding a school colour run in November – this has been planned between the parent group and student board.
- . There is a school World Cup futsal competition at the stadium that our student board are hosting.
- . Our school has our first meeting this afternoon looking in to the new school redevelopment.
- . Grade 9/10's involved in production went to Hellyer to see Godspell in the Burnie Theatre.
- . New applied learning classes have commenced this week including practical music, photography, Japanese, small engines, STEM, school magazine.
- . Grade 6's will start the SCAP program (secondary campus awareness program) next week. This involves student from Penguin and Riana Primary.
- . Our grade 7 information evening is next week.
- . Our school has secured a \$30,000 grant for specialist PE and outdoor education equipment.
- . Grade 8 students start SHINE and STRENGTH social programs this week in partnership with the chaplaincy program.

- . Our Art teachers are running an afterschool extension program starting off this term.
-

Leighland Christian School

- . Our school representatives competed really well at the All Schools Cross Country event at Symmons Plains; one of our Year 9 girls came in 9th in the Under 16 women's and a Year 8 girl came in 4th in the Under 15 women's event. We are waiting to hear if they have been selected for the National Titles in September.
- . On the last day of Term 2 the Primary and High School student leaders organised a casual clothes day. The primary student leaders asked for gold coin donations for Operation Christmas Child to support Samaritan's Purse in their efforts to distribute a box of Christmas gifts to children who otherwise would not receive a gift. The HS student leaders raised money for A21 to help end slavery and human trafficking.
- . Our Kinder students have been very busy in our school garden planting carrots, bok choy, cauliflower, spinach, parsley and more.
- . We have our new school coffee machine up and running enabling a group of HS students to undertake the first Hygiene and Barista training course. They learnt about the important aspects of making a great coffee and will be given plenty of opportunities to practice over the remainder of the year.
- . The Year 10 Aspire and 9/10 Materials, Design & Technology students featured on the front page of The Advocate for their participation in the recent '7 Day Makeover', an initiative of the Central Coast Council to improve the look of Ulverstone.
- . Our Year 5 and 6's from both campuses, along with Year 5 and 6 students from Devonport Christian School participated in the Year 5/6 Next Level Day. The day involved various activities and challenges with HS subjects to provide a High School experience.
- . Excursions included: Year 9/10 Design in Graphics students viewed contemporary style houses in the Devonport, Turners Beach and Ulverstone areas. The Year 7's walked on the Don walking track to Coles Beach and then went ten pin bowling; our Biology class visited NW Pathology at the Burnie Hospital; students in the Environmental Science class had two excursions in the same week, one to look at the Leven River from various vantage points along the river's edge and the second to farm land at the Forthside Vegetable Research Station.
- . Our 11/12's participated in their Mock Interviews. A panel of local employers generously donate their time to conduct the interviews and provide feedback to the students to assist in their future employment applications.
- . On Monday and Tuesday our teachers and administration team joined with staff from other CEN Christian Schools in Tasmania for the annual State Conference. This year it was hosted by the

Circular Head Christian School. This is a valuable time of professional learning for our staff.

- . Wednesday evening next week year 10 students have the opportunity to attend a year 11/12 information evening.

North West Christian School

- . Nil

Ulverstone High School

- . Cambodia trip
- . Kinmen Island students visit the school
- . Lion King production local primary school children in production
- . Hair Zone vet hairdressing trip to Melbourne
- . Trip to university
- . Doing It Differently conference sent five staff along to attend
- . Visit from the Education Minister re upgrades to the school
- . Provided a place to study
- . National vet conference – Hannah will be attending
- . Funding vet construction class
- . Funding vet hospitality classes
- . Invited Greens leader Cassie O'Connor, and Michelle O'Byrne to discuss what the school was doing in the year 11/12 space.

6 GENERAL BUSINESS

Central Coast Council Chamber of Commerce and Industry Business Award – nominations are now opened for anyone to nominate their favourite local business.

TastroFest – to be held from 2–4 August 2018, school bookings are available.

Guest Speaker at a Youth Engaged meeting – Yolande mentioned that Joshua Boon who is an apprentice at UCI in Ulverstone will be representing Australia in Russia at the WorldSkills competition. Yolande suggested that Josh would be the sort of person you would have speak to the students in the Committee.

Collective Ed program – Kellie and Glen spoke on the Collective Ed program and how it works in the community. This program is currently seeking community feedback and would like to have a conversations with students on their thoughts on what education means to them. There is a questionnaire that Kellie would like distributed through the schools enabling students to make comment. Kellie is happy to talk with schools regarding this in a group setting.

The Collective Ed program is looking at change within the schools and to make learning more exciting and inclusive. The program is exploring ways to deliver education, options and systems that encourage students to engage with education, to complete year 12. Encouraging business to also encourage students to complete year 12, gain maturity before considering apprenticeship or other forms of employment or career pathway.

Possible name change for Ulverstone High School – Glen reported that the school is looking at the name, Ulverstone High School as it does not reflect what the school actually offers. The school surveyed the students and the general consensus is that the name should include the mention of year 11 and 12.

7 Day Make Over in Ulverstone – Cr Viney thanked the Leighland Christian School teachers and students for participating in the 7 Day Make Over in Ulverstone. The Council will now consult with residents and shop owners in Penguin on a 7 Day Make Over for Penguin.

Cultural Precinct – Cr Viney reported that the Council has secured funding to commence the Cultural Precinct at the site of the Ulverstone History Museum. This will include a science hub.

Venue for Business Breakfast – Yolande suggested that for the Business Breakfast the Council use school facilities that can cater, e.g. Penguin District School who has hospitality students that could provide catering.

It was also mentioned that the community is slow to take up or respond to events and opportunities in our patch. It was suggested that maybe there is a better way of getting this information out into the community, something that the group could consider at a future meeting. Melissa responded by saying that school newsletters along with various social media platforms are a really good avenue for promotion to a broad range of people, but like all forms of communication it is only as good as the readers. Council's E-newsletter also promotes as much as it can about upcoming events, along with the Council's website.

7 REVIEW OF THE MEETING

The students that attended the meeting were asked if they would be interested in putting together a presentation about their experience to be shared with the Council. It was suggested that if each student would send via messenger a short 20-30 second snippet video about their highlight, point of interest (as shared at the meeting) then Rowane and Ella would be able to put together on behalf of the group – share it at the next Youth Engaged meeting, and the following Council meeting. Melissa to coordinate with Glenn Lutwyche for a future Council meeting.

8 NEXT MEETING

The next meeting to be held on Thursday 30 August 2018 at NW Christian School, 18 Ling Street, Penguin at 9.15am.

As there was no further business to discuss the meeting concluded at 10.10am.



**Central Coast Community Shed Management Committee
General Meeting – Minutes of Meeting held at the Community Shed
Monday, 6 August 2018 commencing at 1.05pm**

Doc. ID: 299376

1 PRESENT/APOLOGIES

Present: Rob McKenzie; Pam Brooks, Len Blair, Lynne Jarvis, Laine Willis, Sam Caberica; Kerry Hays, John Klop; Peggy Smith, David Dunn, Norm Frampton; Cr Philip Viney; and Len Carr.

Coordinator / Administrator: Melissa Budgeon (Central Coast Council)

Apologies: Jack Eaton, Merv Gee and Colin Perry.

2 CONFIRMATION OF MINUTES

It was resolved, "That the minutes of the general meeting held on Monday, 2 July 2018 be confirmed as correct."

Carried

3 BUSINESS ARISING FROM MINUTES

Pathway Project – additional funds have been received from the Tasmanian Community Fund, and completion of the path will be carried out in the coming weeks.

WiFi – newly installed, working much better – Rob McKenzie to arrange through the Ulverstone Sports & Leisure Centre for passwords for access by the various groups.

Fire Maintenance – further to the inspection carried out – it had been suggested that a safety exit gate be installed for emergencies (i.e. not requiring key access). Melissa to clarify with Building Maintenance officer.

4 FINANCIAL REPORT

Financial report for the 2017 – 2018 financial year, now finalised was tabled.

July 2018 Financial report tabled.

Utilisation – Men's Shed days –394, Tuesday sessions – 113 Coffin Club – 39.

5 GENERAL BUSINESS

- . **Coffin Club** – Lynne reported that 2 participants have almost completed projects, and that new participants would be starting in the coming weeks.
- . **Ladies Group** – Going well and attendance numbers are steady.
- . **Safety Officer Report** – Please ensure all members of each group sign in on each day and that members are signed off as competent to be able to use the equipment. An audit of all the equipment will be carried out over the coming months.
- . **Operational Guidelines** –Previously discussed, with an outline circulated. The document will be developed to include all operational details, OHS responsibilities and will form part of the Annual General Meeting to be reviewed each year at that time.
- . **Show Day** – Area for the show to be cleared ready for Show Day – animal nursery.
- . **RU Ok day** – Feedback received for the day was that it needs to be hosted in a more central location. Being that it was on a Tuesday there were fewer participants at the Shed.
- . **Supervisors** – All supervisors are to be inducted by the Councils' Work Safety Team. Supervisor can induct new participants of the shed, following the guidelines.
- . **7 Day Makeover** – The boxes/cubes made by the Men's Shed have been wearing poorly, with them splitting due to the inappropriate materials being used which have caused the volunteers of the Shed concerns that the Men's Shed will be labeled poor workmanship having made them. Suggested that they be removed. Cr Phil Viney take it to the Council meeting.

6 CLOSURE/NEXT MEETING

As there was no further business to discuss the meeting closed at 2.05pm. The next meeting will be held on 3 September 2018 commencing at 1.00pm.

CENTRAL COAST COMMUNITY SHED – FINANCIAL STATEMENT 2018–2019

as at 6 August 2018

Revenue		Estimates	Actual
		\$	\$
11413.03			
Membership Fees		3,500.00	–
Groups		–	–
Material Donations		–	–
Project Donations		2,500.00	–
GST allocation		–	–
	Estimate	\$6,000.00	\$0.00

Expenditure			
11481			
Aurora		–	–
Telstra/Internet		1,000.00	\$31.82
Office		100.00	–
Testing and Tagging		1,200.00	–
Petty Cash		850.00	–
Training – First Aid		400.00	–
Membership – AMSA, TMS		150.00	–
Insurance		200.00	–
Room Hire		–	–
Repairs and Maintenance		2,000.00	–
Safety Equipment		500.00	–
Project Materials		3,500.00	–
Water/Sewage		100.00	–
	Estimate	\$10,000.00	\$31.82

CENTRAL COAST COMMUNITY SHED – FINANCIAL STATEMENT 2017–2018

as at 31st July 2018

Year ending 30 June 2018

Revenue		<i>Estimates</i>	<i>Actual</i>
		\$	\$
11413.03			
Membership Fees		3,000.00	\$3,950.00
Groups		–	\$500.00
Material Donations		–	\$294.18
Project Donations		2,000.00	\$1,316.36
GST allocation		–	–
	<i>Estimate</i>	<u>\$5,000.00</u>	<u>\$6,060.54</u>
Grant AMSA – Solar Panels		7,700	–
Grant AMSA – Footpath		8,710.00	–
Expenditure			
11481			
1 Aurora		2,000.00	–
2 Telstra/Internet		610.00	\$609.83
3 Office		–	–
4 Bus		–	–
5 Testing and tagging		245.00	\$242.00
6 Petty Cash		500.00	\$515.08
7 Training		–	–
8 Membership		50.00	\$50.00
Insurance		150.00	\$157.87
9 Room Hire		–	–
10 Repairs and Maintenance		1,025.00	\$1,025.24
11 Safety Equipment		415.00	\$414.31
12 Project Materials		1,250.00	\$1,246.31
Water/Sewage		10.00	\$7.14
13 Inspections/Building maintenance Checks		960.00	\$1,051.60
Project		4,785.00	\$4,781.28
	<i>Estimate</i>	<u>\$12,000.00</u>	<u>\$10,100.66</u>
11413.06	Solar Panel	<u>\$7,700</u>	<u>\$7,720.71</u>

**CENTRAL COAST COUNCIL
AUDIT PANEL**



UNCONFIRMED MINUTES OF MEETING

Minutes of meeting held on Monday, 13 August 2018 at the Devonport City Council commencing at 1.02pm.

1 Present

Members – Robert Atkinson (Chairperson), John Howard, Cr Tony van Rooyen (proxy for Cr Gary Carpenter) and Cr Philip Viney.

Officers - Sandra Ayton (General Manager), Bill Hutcheson (Director Organisational Services) and Rosanne Brown (Minute Secretary).

2 Apology

Cr Carpenter.

3 Confirmation of Minutes

Moved by John Howard, seconded by Cr van Rooyen and resolved unanimously that the minutes of the meeting held on 4 June 2018 be confirmed as true and correct.

4 Business Arising

4.1 Rates – Fire Service Levy

A copy of a motion and supporting information which was passed at the LGAT General Meeting held on 25 July 2018 was circulated with agenda.

The Panel commended the motion.

4.2 Audit Panel Assessment Report

Recommendations from the Report had been considered at a Council workshop - Cr Viney and the General Manager gave a summary of the outcome of Council's workshop and general discussion followed.

Noted that consideration of both Council's feedback is listed on the agenda for the Shared Audit Panel meeting.

5 Risk Management

5.1 Claims Update – Director Organisational Services reported as follows:

“Executive Summary

The following provides detail of Workers Compensation Claims since the last Audit Panel Meeting.

Report

The first of the attached tables provides information which compares our claims history and premium paid on an annual basis. There are also a couple of graphs which show trends over the past five years. The second table provides details of any claims received since the last Audit Panel meeting. They have also been included in the first table. The third table provides details of claims that have been closed since the last Audit Panel Meeting and the final table provides details of all claims still open”.

The Workers Compensation Summary was circulated to all members.

The report was received with members commending the Council's low level and management of workers compensation claims.

5.2 Potential claims – none to report.

5.3 Strategic Risk Register

Panel noted that Council's Operational Leadership Team, under guidance of Director Organisational Services, are continuing to review the Strategic Risk Register at its monthly meetings. Once completed this will be presented to the Audit Panel.

6 Financial Report

6.1 Draft Annual Financial Statements for year ended 30 June 2018 had been circulated to the Panel with agenda.

General Manager clarified variances and meeting worked through questions of Panel members. Suggestions for minor amendments to notes to financials to be considered.

Meeting noted:

- (i) Panel members raising queries with Director and obtaining responses prior to meeting was beneficial;
- (ii) Delaying meeting an extra week to previous year had assisted greatly in provision of more accurate and reliable reports.

Meeting agreed unanimously that the Financial Statements had been considered by the Panel as required under the Annual Work Plan 2018 noting two items of significance being:

- (i) Council contribution to Coles/Furner's Car Park and the return of the assets to the owners; and***
- (ii) the takeover of Preservation Drive and Mission Hill Road assets.***

6.2 Capital Works Progress Report for year ended 30 June 2018 had been circulated with agenda. Discussion on determination of work being capital or non-capital expenditure and capacity to complete work listed each year.

6.3 Tasmanian Audit Office – Audit Findings Progress Report had been circulated with agenda.

Panel noted beneficial to receive the regular update.

7 Annual Audit & Reporting

- 7.1 General Manager advised that the Annual Report for year ended 30 June 2018 is currently being finalised and noted that some changes being made to improve information included in the Report based on Australasian Reporting Awards (ARA) criteria.

8 Major Projects

- 8.1 Ulverstone Cultural Precinct – the General Manager gave an outline of the project involving the development of the Visitor Information Centre, Ulverstone History Museum and a new science centre on the current History Museum site. The Council recently received funding from the Federal Government for the project.

9 General Business

Rob Atkinson advised the meeting of an information session held by the Tasmanian Audit Office for Audit Panel members.

Meeting Closed: 2.05pm

DEVONPORT CITY COUNCIL & CENTRAL COAST COUNCIL

SHARED AUDIT PANEL

Unconfirmed minutes of meeting held Monday 13 August 2018
at Devonport City Council commencing at 2:12pm

1. Attendance

Members – Robert Atkinson (Chair), John Howard, Ald Grant Goodwin, Ald Charlie Emmerton, Cr Phillip Viney and Cr Tony Van Rooyen (proxy)

Officers – Paul West (General Manager DCC), Kym Peebles (Executive Manager Organisational Performance DCC), Jeffrey Griffith (Executive Manager Corporate Services), Jacqui Surtees (Executive Officer DCC), Joshua Jackson (Finance Manager DCC) Sandra Ayton (General Manager CCC), Bill Hutcheson (Director Organisational Services CCC)

2. Apologies

Councillor Gary Carpenter and Cor Vander Vlist

3. Declarations of Interest

As previously recorded.

4. Confirmation of Minutes

Moved: Ald Goodwin

Seconded: Councillor Viney

That the minutes be accepted as correct. Carried Unanimously

4.1 Business Arising

- Follow up with LGAT regarding compliance register schedule and develop a subsidiary work plan based on those guidelines – carry forward.
- Reporting to be reviewed and expanded to greater support well documented process and policy around capitalization thresholds – carry forward.

5. Policies and Procedures

5.1 Draft LGAT Credit Card Policy

Feedback on the draft policy was provided to LGAT from CCC and DCC. The final version of the policy has now been approved, with only minor changes made to the draft, and is available for councils to adopt if required.

Action: The final version of the LGAT Credit Card Policy will be referred to the councils for formal consideration.

6. Legislative Compliance & Ethics

6.1 TPS Planning Changes and Compliance Arrangements

SA advised that CCC have submitted their Local Provisions Schedule to Hobart and are currently waiting for feedback. Their Planning and IT departments have been working together to refine processes which has resulted in a reduction in rework and duplication. They are moving to Open Office software in the future which will assist in auto-capturing information to records, cut out scanning and improve reporting. Once the feedback is received from Hobart, the next stage will be consultation.

PW advised the DCC planners have been working on the local provisions and local mapping. Three workshops have been held to date, however further progress will require allocation of additional resources. Provision of information from the State has had an impact on the process but the focus to date has been on mapping.

JH queried if this is something that could be progressed by the councils working together? PW advised that planners from NW councils and the Cradle Coast Authority have formed a group and worked on areas of commonality, however there are things that individual councils need to do themselves.

7 Annual Audit & Reporting

7.1 Review Draft Annual Reports

The Chair advised that CCC had discussed this at their individual audit panel meeting, and DCC agreed to do the same.

SA mentioned that it had been worthwhile for CCC to apply for an award through ARA. It gave them a good indication of what they should be doing and provided an opportunity for continuous improvement.

8 Governance

8.1 Self-Assessment Process

The panel had an open discussion regarding the common matters arising from the Chair's Audit Panel Evaluation.

General consensus was that the shared panel is a good idea, but not necessarily providing value for each council in the current arrangements.

Some members noted that they think more benefit would be gained from having longer individual panel meetings and only getting together from time to time as a Shared Panel to discuss common items.

The election cycle provides an opportune time to review the feedback and make a recommendation going forward.

The Chair noted the discussion had allowed everyone to have a say, and that further discussions will evolve over the next few months.

9 General Business

No items discussed.

Meeting Closed: 2:47pm

Next Meeting: Monday 19 November 2018 – at Central Coast Council.

CRADLE COAST WASTE MANAGEMENT GROUP MEETING

17 August 2018
Meeting Highlights

- The CCWMG welcomed Adam Gardener, who specialises in environmental health, as the Kentish and Latrobe Committee Member.
- The CCWMG accepted a new governance model and discussed actions to progress towards this model.
- Council's Quarterly Waste Reports were tabled.

DRAFT

CRADLE COAST WASTE MANAGEMENT GROUP

UNCONFIRMED MINUTES

Meeting held Friday, 17 August 2018
Cradle Coast Authority, 1-3 Spring Street, Burnie

1. WELCOME

The Acting Chair, Mr. Rowan Sharman, opened the meeting at 10:35 am and welcomed attendees including Adam Gardner, the new Kentish and Latrobe Committee Member.

Present at the meeting were:

• Mr. Rowan Sharman	Committee Acting Chair	Burnie City Council (BCC)
• Mr. James Brewer	Committee Member	Circular Head Council (CHC)
• Mr. Matthew Atkins	Committee Member	Devonport City Council (DCC)
• Mr. Adam Gardner	Committee Member	Kentish (KC) & Latrobe Councils (LC)
• Mr. Don Thwaites	Observer	CCA Representatives Group
• Mrs. Mel Pearce	Committee Project Manager	Dulverton Waste Management (DWM)
• Mr. Mat Greskie	Committee Project Manager	Dulverton Waste Management (DWM)
• Miss. Claire Smith	Committee Member	Cradle Coast Authority (CCA)

2. APOLOGIES

Apologies were received from:

• Ms. Sandra Ayton	Committee Chair	Central Coast Council (CCC)
• Ms. Dana Hicks	Committee Member	Waratah Wynyard Council (WWC)

3. GOVERNANCE

3.1. Waste Governance Project Update

The Waste Governance Project Coordinator, Mr Greg Preece, attended the meeting and tabled the draft Cradle Coast Waste Governance Project Interim Report. Greg summarised the recommendations within the report and the Chair opened discussion to Cradle Coast Waste Management Group (CCWMG).

After an in-depth discussion the CCWMG agreed that the preferred governance model is Option C, a project management/consulting unit within DWM. The CCWMG requested some amendments to the report including:

- That the reporting role be changed from the Cradle Coast General Managers Group (CCGMG) to a Members Group. The Members Group is to include the existing Owner Representatives of DWM and a General Manager and one other representative from each of BCC, CHC and WWC.
- The recommended governance model is to combine stages 1 and 2 into the same stage.
- The CCWMG to be retained only until the new structure is created.

ACTION

1. Greg Preece to make amendments to the report and provide to the Waste Governance Working Group for confirmation. A copy to be provided to the CCWMG.
2. Greg Preece to table the amended report at the General Managers meeting on the 7th September 2018 for approval and communicate this outcome to the CCWMG.
3. Greg Preece to work with the CCWMG to assist in implementing the agreed actions.

MOTION

That the Cradle Coast Waste Management Group (CCWMG):

- Accept the recommendation of Option C to include a project management/consulting unit within DWM.
- Support the recommendations detailed within the report once requested amendments have been made.

Moved: Matthew Atkins / Seconded: James Brewer / CARRIED

12:01pm Matthew Atkins and Greg Preece left the meeting. Due to Matthew leaving the meeting there was no longer a quorum in attendance, any further matters requiring a vote are to be re-tabled at the November meeting.

3.2. Confirmation of Minutes (12th February 2018)

The Unconfirmed Minutes of the 25 June 2018 meeting were presented at Item 3.2 of the Agenda.

The Cradle Coast Waste Management Group (CCWMG) **RESOLVED** that the Unconfirmed Minutes of the meeting of 12 February 2018 are a true and correct record.

3.3. Business Arising from Minutes

Nil.

3.4. Review of Action List

Mel Pearce advised that the Oyster Industry is currently undergoing a change in staff and that the funding requirements appear to be on hold at this stage. Should further information become available it will be communicated to the CCWMG.

The committee **NOTE** the actions list.

4. FOR DECISION

4.1. Financial Report – Briefing Note

The financial report briefing note as at 31 May 2018, was presented by the CCA to the CCWMG.

The CCWMG **NOTED** the briefing note.

4.2. Financial Report – Income Statement

The CCWMG income statement as at 30 June 2018, was presented by the CCA to the CCWMG.

The CCWMG **NOTE** the financial report.

4.3. Proposed 2019 CCWMG Meeting Timetable

The proposed meeting timetable was tabled for review by the CCWMG. It was requested that a calendar invite be forwarded for meetings up until 19th June 2019, at which time the governance works will have progressed and the requirement for ongoing meetings will be better understood.

ACTION

4. Mel Pearce to forward meeting invites up until the 19th of June 2019.

5. FOR DISCUSSION

5.1. Waste Levy Income Discussion

Mat Greskie advised that DWM have accepted an agreement to receive waste from an out of region council, who will be liable to pay the waste levy as part of their DWM gate fee. To enable the council to continue to receive benefits from their regional waste group, it was requested that the levy funds be transferred to back to their waste group.

It was agreed that all levy funds paid by the out of region council be transferred to their respective waste management group.

5.2. Waste & Recycling Round Table Meeting

The CCWMG will keep a watching brief on the progress of a state-wide waste strategy and the Waste Action Plan proposed by the Minister for the Environment.

6. FOR NOTING

6.1. CCWMG Project Task List 2017/18

The CCWMG congratulated Mel Pearce and the DWM team for their efforts and contribution to the successful year and **NOTED** the Project Task List for 2017/18.

6.2. CCWMG Project Task List 2018/19

Don Thwaites queried whether any work is schedule to communicate where recycling goes and what happens to the recycling collected in the region. Mel Pearce advised that this is a focus area for the state-wide waste communications team, with mini waste videos currently in progress and soon to be released on Facebook and the Rethink Waste website.

Mel Pearce provided a brief summary of the status of projects, including the recycling assessments which are due to commence in September. The CCWMG were reminded that the illegal dumping and best practice funding applications are now open.

The CCWMG **NOTED** the Project Task List for 2018/19.

6.3. Container Recovery Scheme (CSR) Framework Report

The Container Recovery Scheme (CSR) Framework Report was tabled for the CCWMG information. The CCWMG will undertake a review of the report and bring comments to the next meeting where the report is to be re-tabled.

ACTION

1. Mel Pearce to re-table the CSR report at the next meeting.

6.4. CCWMG Quarterly Waste Reports

The CCWMG praised the quality of the waste reports. Mel Pearce clarified that the current waste diversion rate is overstated due to missing data which is highlighted by the integrity table included with the reports.

The CCWMG **NOTED** the waste reports.

6.5. Oyster Industry

Discussed under item 3.4 Review of Action List.

6.6. Battery Recycling Information

The CCWMG **NOTED** the information provided by DWM.

6.7. Illegal Dumping Report

Mel Pearce summarised the report and advised that there has been an improvement in usage of the Illegal Dumping Reporting Database. Until there are consistent entries from Councils it is difficult to provide accurate reporting on the extent of illegal dumping in the region.

7. OTHER BUSINESS

Adam Gardner requested clarification on the application process of the illegal dumping and best practice funding, whether it was available only to councils or other land owners as well. Mel Pearce advised that the best practice funding is open to councils only and that the illegal dumping funding requires an application to be made by council, but councils may apply for funding assistance on behalf of a land owner.

James Brewer advised that the controlled waste service provided by Port Latta is temporarily unavailable.

ACTION

2. Mel Pearce to provide Adam with the funding application forms.

8. NEXT MEETING AND MEETING CLOSE

The next meeting will be held on Wednesday 28th November 2018 at the Cradle Coast Authority Offices.

Meeting closed at 12:35pm.

Dial Park Management Committee

Minutes of the 3rd meeting held at the Dial Park Complex

Tuesday, 22 August 2018 – commencing at 6.30pm

1 PRESENT

Penguin Cricket Club: Maurice Jones, Mitchell Reid and Justin Porter

Penguin Football Club: Darren Emmerton and Anthony White

Community Representative: Rachael Hull

Council: Chris Clark (CCC Community Development Group Leader) and Julie Kay (CCC Recreation Facilities Officer)

Events and Marketing Manager: Andrew Carpenter

2 WELCOME/APOLOGIES

Apologies: Brian Lane (Penguin Football Club President) and Bill Hutcheson (CCC Director Organisational Services).

Darren Emmerton chaired the meeting and welcomed those in attendance.

Chris Clark introduced the Council's Recreation Facilities Officer Julie Kay who will be assisting the clubs with the season change over and the development of the facility management plan for casual hirers.

3 MINUTES OF THE PREVIOUS MEETING

■ Maurice Jones moved and Rachael Hull seconded that the minutes of the Dial Park Management Committee held on Tuesday, 10 July 2018 be confirmed.

Carried

4 MATTERS ARISING FROM PREVIOUS MINUTES

a Council response to Penguin Football Club facility concerns

The Committee resolved that discussion on this matter be moved to the Facility Management Report.

5 FINANCE/TREASURER'S REPORT

Anthony White tabled the finance report. The report has been reformatted to align with the budget forecasts contained in the function room business plan. This will allow the Committee to monitor the financial performance of the function room in respect to the forecasted revenue and expenditure.

From the report it was evident that the function room was not meeting its forecast revenue targets. With the season almost over there was a significant decrease in revenue from the previous season.

■ Anthony White moved and Maurice Jones seconded that the treasurer's report as tabled be accepted.

Carried

6 FACILITY MANAGEMENT REPORT

a Events and Marketing Manager Report

Andrew Carpenter tabled his resignation from the position of Events and Marketing Manager with the Penguin Football Club. The decision was based on the challenges with the facility that have not been overcome during the first six months of the facility operating. The challenges have impacted the function rooms ability to stage large events and revenue generating potential.

■ Maurice Jones moved and Anthony White seconded that the Committee expresses its alarm and concern at the resignation of the Marketing Manager and asks that Council takes prompt action to resolve the matter.

Action: Rachael Hull to write a letter to the Central Coast Council on behalf of the Penguin Football Club and Penguin Cricket Club.

b Council's response to Penguin Football Club facility concerns

The Committee discussed the response by Council to the Penguin Football Club's concerns with the facility.

Rachael Hull noted the lack of solutions to some of the significant issues identified with the size of the kitchen and its functionality. These issues impact the ability of the function centre to generate revenue as can be seen in the financial report.

Some of the information provided regarding the consultation process to design the facility was disputed by the PFC.

Chris Clark responded that some of the issues raised would cost a considerable amount to resolve. Despite the disagreement on a number of matters, the Committee needs to move on and look for solutions.

Darren Emmerton noted that the PFC had written to Leoni Hiscutt MLC seeking financial support to resolve issues with the kitchen functionality.

7 REPRESENTATIVE REPORTS

a Penguin Football Club

No report.

b Penguin Cricket Club

No report.

c Community Representative

No report.

d Council Representative

No report.

8 GENERAL BUSINESS

a Penguin Cricket Club access to facility

Maurice Jones outlined the difficulties the PCC has had in obtaining keys to the facility. The Club's lease commenced in July but it was unable to access the kitchen area.

Chris Clark noted that the football season was yet to be completed and once it had there would be a change over completed between the clubs where the PCC could gain access to areas under their lease.

Darren Emmerton outlined that the PFC did not want the PCC to have access to the kitchen and kiosk area as there was considerable amount of stock on site.

Chris Clark outlined that being the first year at the facility issues would arise regarding how the facility functions that need to be worked out.

Action: Chris Clark to find out and update the Penguin Cricket Club on the status of key access to the facility.

b Venue Promotion

Rachael Hull suggested that the Committee promote good news stories with the facility, such as the new seating in the grandstand when it arrives.

It was resolved that members of the Committee take opportunities when presented to promote the positives about the Dial Park venue.

c Access Issues

Darren Emmerton noted the main door of the facility and door to the function room have had issues lately. Despite being disarmed they lock once the door closes.

Action: Chris Clark to forward maintenance request to Building and Facilities Maintenance Officer.

d Facility Cleaning

Darren Emmerton noted the challenge the PFC has with cleaning the venue considering its size and the number of windows. Darren asked what occurs at other Council sporting venues and whether Council would provide support.

Julie Kay outlined that most other sporting groups clean their facilities in accordance with their lease agreement. The two basketball centres are cleaned by Council staff.

e Agenda changes

Rachael Hull asked if the agenda could be modified to include information about the status of actions contained in the minutes. The Committee agreed this would be a good strategy to monitor their progress.

Action: Chris Clark to include a status report in the next meeting agenda.

9 NEXT MEETING

The next meeting will be held at 6:30pm on Tuesday, 9 October 2018, at the Dial Park Meeting Room.

10 MEETING CLOSED

As there was no further business to discuss the meeting closed at 7.40pm.

MEETING HIGHLIGHTS

Round table Panel – Education and Skills Development

The first of a new series of round table discussions focusing on issues of regional significance was conducted with representatives from the education and skills development sector. The interactive discussion explored the current and emerging challenges that need to be addressed to respond to the future needs of our business and community sector. With an estimated 12,000 vacancies over the next 5 years across the region, participants explored what role local government might have to ensure our community has the best chances to fill these roles. CCA will follow up on the actions arising from the discussion with councils and education and skills development sector.

The next round table discussion will focus on the importance of the visitor economy to the region and the role of local government to support this increasingly important sector for employment and economic activity.

Coastal Pathway

An engineering report commissioned to address outstanding issues to make the remaining sections of the coastal pathways development ready has been finalised. In close liaison with council engineers, the report has identified the preferred route and costings for sections between Latrobe and East Devonport, Don to Leith, Ulverstone to Penguin and Round Hill (Wivenhoe to Heybridge). With commitments from local government and the Australian Government, the project will commence once State Government funding is committed.

Cradle Mountain

Consultants have been engaged to develop a business case that will support an expression of interest to the market for private sector support for the construction of a new visitor centre and cable way.

Decision by Representatives

Representatives approved the appointment of expiring Board Directors for an interim term until 31 December 2018. The extension will enable CCA to complete a review of Rules for the NRM and Tourism Committees following the approval of new CCA Rules.

MEETING MINUTES

REPRESENTATIVES MEETING

Date: 23 August 2018
Time: 10 am
Location: 1-3 Spring Street, Burnie

1. PRESENTATIONS

1.1. Round table Discussion – Education and Skills Development

Cradle Coast Authority convened a round table discussion for the Representatives group with representatives from the education and skills development sector to explore the challenges, gaps and opportunities for the region to support the need for increased skills and training.

Mr Brett Smith welcomed attendees and introduced each panel member.

Education and skills development sector representatives in attendance were:

- Mr Anthony Wright, Executive Director Business Growth and Major Projects, TasTAFE
- Mr Nick Probert, State Manager, Beacon Foundation
- Ms Lesley Richardson, Manager Australian School Based Apprenticeships, Tasmanian Department of Education
- Ms Teresa Collins, Program Officer Australian School Based Apprenticeships, Tasmanian Department of Education
- Mr David Adams, Pro Vice Chancellor Community, Partnerships and Regional Development, UTAS
- Ms Angela Castles, General Manager of the Cradle Coast Campus, UTAS

Actions identified from discussions were:

- Explore the possibility of some localised initiatives such as Dream Big, being rolled out across the region.
- Explore the possibility of councils jointly supporting Beacon Foundation.
- Share information about current approaches to workforce planning.
- After CCA's "cluster week" program (week starting September 24), consider the notion of wrap around government services / providing investors with a single point of contact for skills, planning and other matters.

Areas for working together, identified by Professor David Adams

- Strengthening education and career pathways and increasing aspiration.
- Identifying future course offerings at Cradle Coast Campus.
- Contributing to the growth of the region through educational tourism.
- Shaping industry futures, through work on innovation and entrepreneurship

Attendees broke into six (6) groups and were asked to brainstorm statements / questions for discussion points. Those presented were:

1. Is this our space, if so, what?
2. Are there scholarships for school-based apprenticeships?
3. Youth ready employers
4. Forward planning for Local Government to be involved in apprenticeship training
5. FIFO replacement coordination on projects
6. Job design – innovation and reshaping
7. How do we ensure our most disadvantaged access future skills shortages?

Mr Smith thanked guests for attending the meeting.

The round table panellists left the meeting at 12:00 pm.

2. WELCOME/APOLOGIES

2.1. WELCOME/APOLOGIES/PROXIES

Chief Representative and meeting Chair, Mayor Jan Bonde, opened the meeting at 12:10 pm, welcoming attendees.

Attendees and apologies are noted at Attachment 1.

3. STANDING ITEMS

3.1. DECLARATIONS

Nil

3.2. CONFIRMATION OF MINUTES

Minutes of 24 May 2018 Representatives Meeting were provided at Agenda Item 3.2

Recommendation

That Representatives **ENDORSE** the 24 May 2018 Representatives Meeting Minutes.

Moved: Deputy Mayor Perry / Seconded: Mayor Walsh / CARRIED

3.3. ACTIVITY REGISTER

A schedule of activities was presented at Agenda Item 3.3

The Activity Register was discussed with edits noted.

Recommendation

That the Representatives **ACCEPT** and **NOTE** the Activity Register.

Moved: Mayor Vickers / Seconded: Deputy Mayor Sandra French / CARRIED

3.4. CORRESPONDENCE

A briefing note was presented at Agenda Item 3.4

All correspondence was circulated separately to reduce the size of the agenda.

Recommendation

That the Representatives **NOTE** the Correspondence.

Moved: Mayor Quilliam / Seconded: Mayor Vickers / CARRIED

4. CRADLE COAST AUTHORITY UPDATE

4.1. QUARTERLY REPORT & FINANCIAL STATEMENTS

The Quarterly Report and Financial Statements were presented at Agenda Item 4.1. The Quarterly Report was circulated as a separate attachment to the Agenda.

Deputy Mayor French noted that the Quarterly Report provided a comprehensive and informative outline of matters in the region and CCA's contribution.

Recommendation

That the Representatives **ACCEPT** and **NOTE** the Quarterly Report and June 2018 Financial Statements.

Moved: Mayor Walsh / Seconded: Mayor Vickers / CARRIED

5. FOR DECISION

5.1. APPOINTMENT OF BOARD DIRECTORS

A briefing note was presented at Agenda Item 5.1

Recommendation

That the Representatives **APPROVE** the appointment of expiring Board Directors for an interim term until December 31, 2018.

Moved: Mayor Walsh / Deputy Mayor Perry / CARRIED

6. FOR DISCUSSION

6.1. REGIONAL IMPORTANCE OF THE BASS HIGHWAY PRESENTATION FROM WARATAH-WYNYARD AND CIRCULAR HEAD COUNCILS

Waratah-Wynyard Mayor, Robby Walsh and Circular Head Mayor, Daryl Quilliam shared a presentation on the regional significance of the Bass Highway at 12:45 pm.

A copy of the presentation is attached.

ACTIONS

EA to circulate a copy of the presentation to Representatives.

Waratah-Wynyard & Circular Head Councils to provide more specific information on issues and projects / solutions to CCA to assist with advocacy.

7. FOR NOTING

7.1. COASTAL PATHWAY

A briefing note was presented at Agenda Item 7.1

Recommendation

That the Representatives **NOTE** the report.

Moved: Mayor Vickers / Seconded: Mayor Thwaites / CARRIED

7.2. CRADLE MOUNTAIN MASTERPLAN

A briefing note was presented at Agenda Item 7.1

Recommendation

That the Representatives **NOTE** the report.

Moved: Mayor Vickers / Seconded: Mayor Thwaites / CARRIED

8. LOCAL GOVERNMENT UPDATE

- *Wild-Mersey Mountain Bike Project*

Mayor Thwaites noted that the Wild-Mersey Mountain Bike project is almost at the implementation stage. Construction will start at Warrawee, Latrobe and then onto Kentish. The economic development opportunities are predicted to be significant, as well as providing great opportunities for tourism in the region. The Wild-Mersey and Derby tracks will enhance each other.

- *BioMar Project*

Mayor Freshney noted the recent announcement of the \$56M BioMar project at Wesley Vale that will produce fish feed for the Tasmanian and interstate aquaculture industry. The project will create 250 construction jobs and 50 full time jobs.

Deputy Mayor Perry left the meeting at 1:07 pm.

- *Dutch Mill - Smithton*

Mayor Quilliam noted that the Edith Creek Milk Factory, closed in November 2017, was being re-opened by Dutch Mill subject to a new licence being granted. It is predicted that up to 100 jobs within 12 months will be needed to produce long-life products at the plant.

9. GENERAL BUSINESS

- *Australian Masters' Games (AMG) Legacy Project Proposal*

On 22 August 2018, CCA CEO circulated to the Representatives, a proposal for the multi-purpose sporting and entertainment complex from Mr Wade and Mr Fairbrother and asked for feedback at the meeting.

It was noted that the proposal had been flagged at the February Representatives Meeting by Mr Scott Wade and Mr Royce Fairbrother as part of their post AMG report.

Representatives discussed the proposal and were concerned that further information was needed before presenting the proposal to individual councils. Representatives wanted further information regarding financial sustainability noting the reported issues with the Silver Dome (Launceston) and Derwent Entertainment Centre (Hobart).

ACTION

CEO to seek further information from Mr Wade and Mr Fairbrother.

- *Natural Resource Management (NRM) Committee*

Mr Sid Sidebottom, Chair of the CCA Board, advised that in June 2018, the NRM Committee wrote to the Board proposing to create an autonomous structure whereby the Committee would take on a management role, hire an Executive Officer (EO) and enter into a Heads of Agreement (HoA) arrangement with the CCA for services, or anyone else they saw fit to do so, to better on-ground outcomes. The Committee believe that projects can be better delivered through another organisation and that there would be less costs associated. It was noted that the Committee did not present any comparative information to support the assertion.

Mr Sidebottom noted that the State Government had appointed a consultant to work with the three NRM regions to address the role and governance of the NRM Committees and that there was goodwill within the Committee to work together to resolve the issue.

- *Regional Tourism Organisation (RTO) Letter*

In early August, Mr Sidebottom and the Tasmanian Premier received correspondence on behalf of nine (9) tourism industry stakeholders expressing concerns in relation to the structure and

function of the Cradle Coast RTO and proposed that it be re-established as a stand-alone entity. Tourism Tasmania (TTAS) and Tourism Industry Council Tasmania (TICT) leaders were copied into the letter.

Since the letter was received, a response was sent from CCA to the Premier. Mr Sidebottom is currently preparing a response to the authors of the letter.

CEO advised that CCA's Industry Development Manager, Mr Daryl Connelly will take on the role of Acting Regional Tourism Manager in the interim.

Mr Sidebottom left the meeting at 1:53 pm.

- *Futures Plan & Events Strategy*

A copy of the Futures Plan and Events Strategy reports were tabled at the meeting.

Mr Daryl Connelly advised that he has taken over the management of the Futures Plan. The Regional Australian Institute (RAI) workshops were held in June 2018. From those workshops, RAI has identified five (5) key actions. The next round of workshops will be focussed on skills and workforce relation issues.

Mr Connelly also noted that he is working to progress the Events Strategy for the region.

ACTION

EA to circulate the Futures Plan and Events Strategy documents to Representatives.

- *West Coast Council General Manager*

Mr Dirk Dowling advised that he has resigned from the position of West Coast Council General Manager. Mr Dowling will be engaged as a contractor for West Coast Council to deliver the Macquarie Heads Campground Expansion, Queenstown Mountain Bike Project and Aged Care Strategy.

10. MEETING CLOSE

Meeting closed at 2:16 pm.

The next meeting will be held on 22 November 2018 at Cradle Coast Authority.

Attachment 1: Attendees, Observers and Apologies

Representatives

Alderman Alwyn Boyd	Mayor, Burnie City Council
Alderman Sandra French	Burnie City Council
Councillor Jan Bonde	Mayor Central Coast Council (Chief Representative)
Councillor Daryl Quilliam	Mayor, Circular Head Council
Mr Scott Riley	General Manager, Circular Head Council
Alderman Leon Perry	Deputy Mayor, Devonport City Council
Councillor Peter Freshney	Mayor, Latrobe Council (Deputy Chief Representative)
Mr Shane Crawford	General Manager, Waratah-Wynyard Council
Councillor Robby Walsh	Mayor, Waratah-Wynyard Council
Councillor Tim Wilson	Kentish Council
Councillor Don Thwaites	Mayor, Kentish Council
Mr Dirk Dowling	General Manager, West Coast Council
Councillor Phil Vickers	Mayor, West Coast Council
Councillor Jim Cooper	Deputy General Manager, King Island Council

Cradle Coast Authority

Mr Sid Sidebottom	Chairperson
Mr Malcolm Wells	Director
Mayor Duncan McFie	Director
Mr Rod Stendrup	Director
Mr Brett Smith	Chief Executive Officer
Ms Cat Gale-Stanton	Manager, Media & Communications
Mr Daryl Connelly	Industry Development Manager
Mr Spencer Gibbs	Acting Manager NRM
Ms Lauren Clarke	Executive Assistant, Meeting Secretariat

Apologies

Councillor Mary Duniam	Deputy Mayor, Waratah Wynyard Council
Alderman Annette Rockliff	Director (CCA)
Mr Troy Brice	General Manager, King Island Council
Mr Gerald Monson	General Manager Kentish and Latrobe Councils
Mr Andrew Wardlaw	Director (CCA)
Ms Claire Smith	Manager, People Culture & Finance (CCA)
Ms Sandra Ayton	General Manager, Central Coast Council
Mr Paul West	General Manager, Devonport City Council

Observers

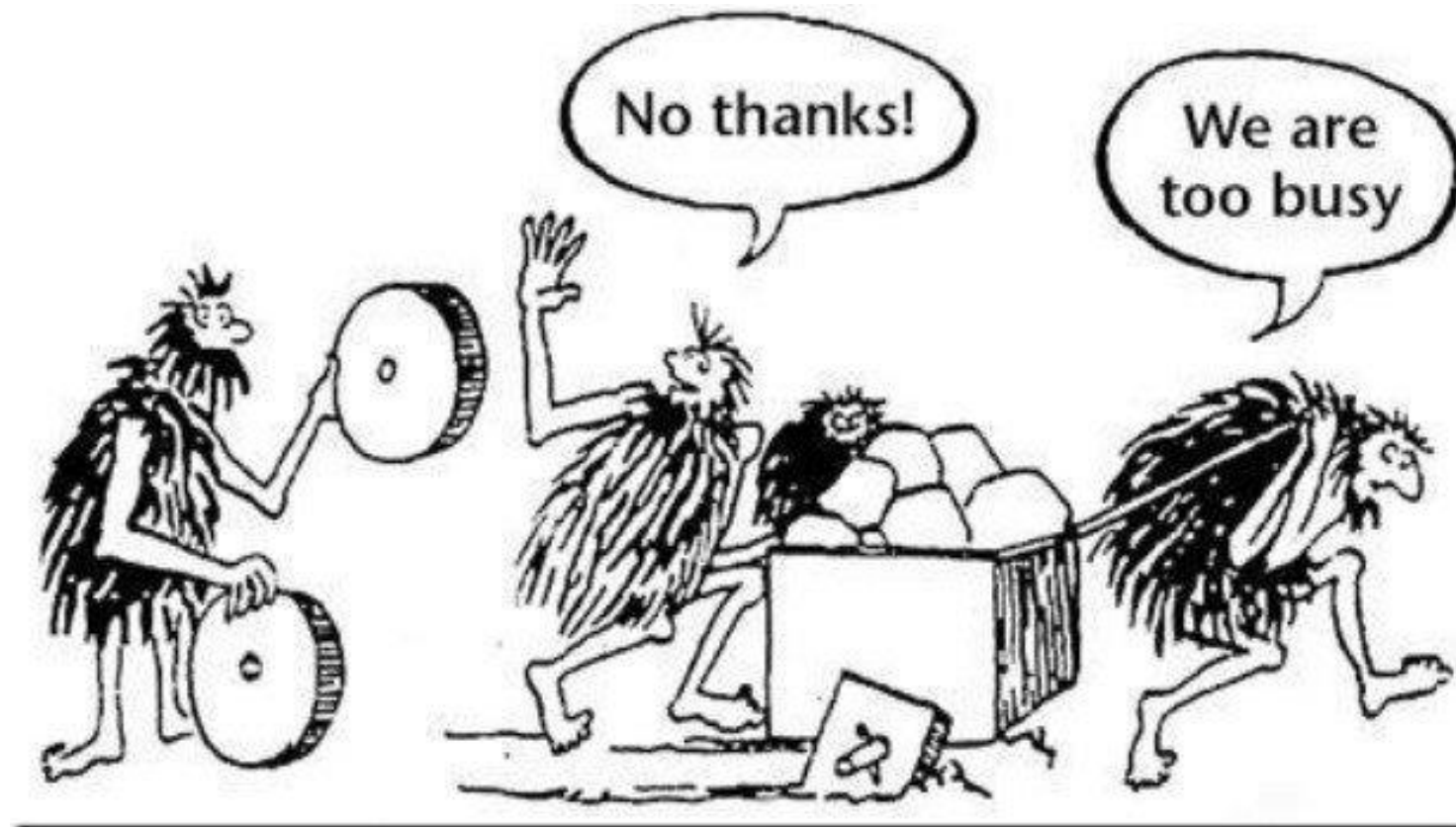
Mr Rodney Greene	Burnie City Council
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WWC & CHC Bass Highway Importance

CCA Workshop

23 August 2018

Knowledge Share



Introduction

Welcome

- * Acknowledgement of Key Factors that have lead to the change imperative for the Bass Highway west of Wynyard to Marrawah
- * Paul Arnold Consulting Report - 2015
 - * Upgrade of the Bass Highway, Its vital Link - Economic Importance and Strategic Road Significance, Smithton - Burnie

WWC Key Issues

- * Connecting to the urban areas of Burnie/Devonport
- * Need to improvements including overtaking lanes, curve realignments, road widening and junction improvements
- * Boat Harbour community traffic safety

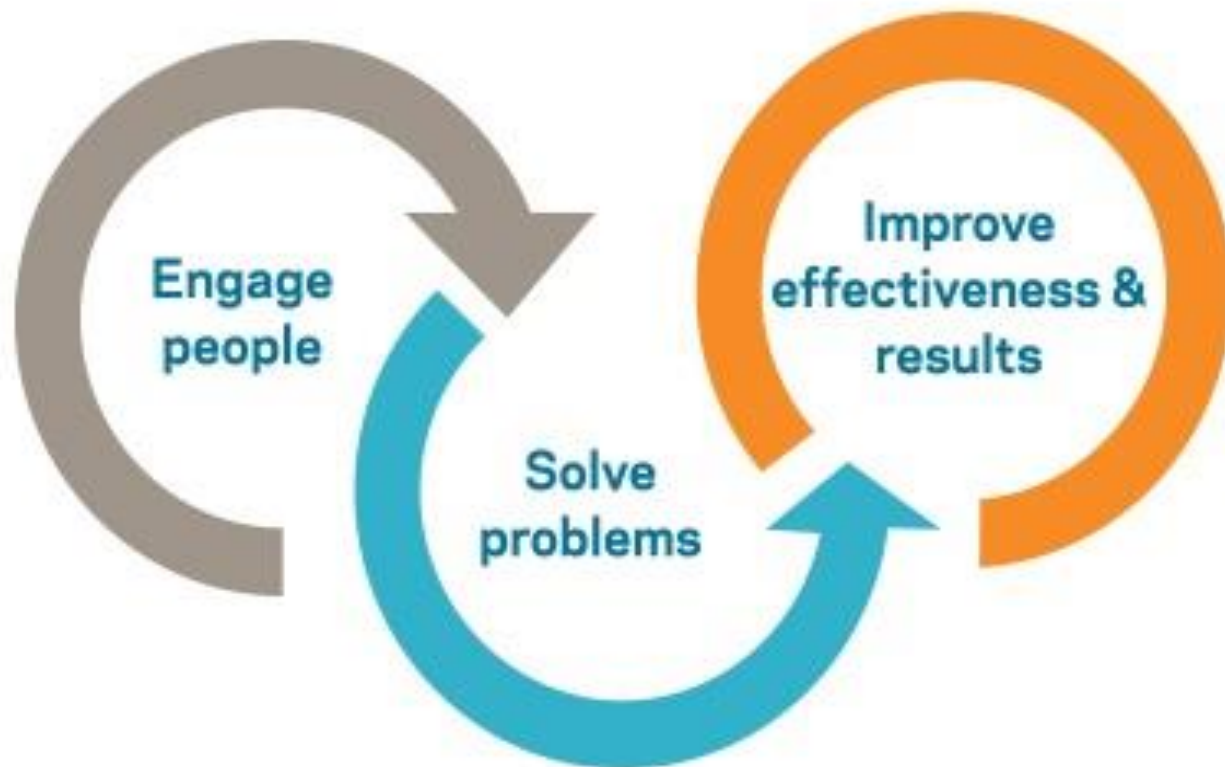
CHC Key Issues

- * Key Freight corridor
- * High numbers of heavy vehicles
- * Reconstruction of Bass Highway west of Smithton
 - * First priority of Britton's swamp
- * By pass of coastal villages
 - * Detention to Black River
 - * Development opportunity of coastal areas
- * Project a significant regional benefit in freight efficiency

Key Message

- * Maintaining the status quo in thinking or operations is not a sustainable or viable option;
- * There will be a requirement for greater investment in Collaboration, Team work, and problem solving at a new level;
- * This can produce efficiencies and savings, and help WWC & CHC to grow the regional economy.

Way Forward





Questions ?

End

Thank You

Notes to accompany verbal update To Representatives re: GM meeting on events and tourism held 09.08.18.

Date: Representatives Meeting, 23 August 2018
Prepared by: Daryl Connelly

Background:

The Sparrowly Group was recently engaged to develop an events strategy for the region. Their work included an analysis of the challenges we face as a region, best practices for councils, a toolkit for events staff and organisers, and an implementation plan. These were presented to elected representatives and General Managers at CCA on the 18th of July 2018 and resulted in good discussion about implementing the strategy and about the need to collectively address a range of challenges relating specifically to events as well as tourism more broadly. It was proposed that Daryl Connelly facilitate a workshop with General Managers to progress this conversation. This workshop was held on the 9th of August, with the following intended outcomes:

1. In relation to the events strategy, agree on next steps and propose a way forward for adoption at the next Representatives Meeting.
2. In relation to tourism more broadly, determine what can be done collectively to address the major challenges.
3. To share information about some of the good work being done or planned at the LGA level in relation to events and tourism.

Attendees: Gerald Monson, Shane Crawford, Sandra Ayton, Dirk Dowling, Claire Smith, Andrew Wardlaw, Matthew Atkins, Daryl Connelly.

Outcomes:

- While there was a lot of positive discussion around progressing the events strategy, it was agreed that it was premature to put forward a proposal for adoption at the next Representatives' Meeting, as the implementation plan developed by the consultants requires some revision.
- While the consultants involved envisaged an implementation plan which relied on an additional employee within CCA, it was agreed that in the short term, we should look at an approach which can be implemented by existing resource levels within the CCA and councils.
- To this end, it was decided that CCA should play a role in facilitating a working group made of council events staff. The working group should be empowered to implement some of the actions outlined in the events strategy, including the development of a suite of existing or new events which can be jointly marketed under a regional brand.
- This approach of empowering council officers to work together on regional issues, with CCA providing a facilitation and support role, should also be applied to council tourism officers as a means of addressing some of the broader issues in tourism.
- Consideration was given to the need to ensure that progress on the events strategy is not hindered by the complexity of working together on tourism challenges more broadly.
- Daryl Connelly will work with GMs to develop a revised implementation strategy and will take the lead in establishing and facilitating these working groups.

Notes to accompany verbal update

To Representatives re: Futures Plan



Date: Representatives Meeting, 23 August 2018
Prepared by: Daryl Connelly

Progress to date

The Regional Australia Institute (RAI) was engaged to apply its highly regarded "Pathfinder" methodology to the region. The resultant Pathfinder Report is a key input for the development of the Futures Plan. While it is not the Futures Plan, it provides the priority focus areas where our collective limited resources could be best served. It provides a suite of practical, achievable actions / interventions which RAI believes will put the region onto the right path to achieving the objective of more jobs / better jobs.

The Pathfinder Report has identified five inter-related priority areas, each contributing to the broader aim of creating more jobs and better jobs for the region:

1. Improving educational attainment so the local workforce has the skills to fill local jobs.
2. Enhancing innovation and entrepreneurship for a more vibrant business ecosystem.
3. Building on industries with a competitive advantage for economic growth.
4. Leverage regional strengths to develop tourism industry.
5. Capture employment opportunities from emerging service sector.

Related tasks completed during the project period, include preliminary work on a regional investment prioritisation framework and website improvements (not yet published) which will showcase the region and provide relevant information to people thinking about living, learning, visiting or investing here.

Daryl Connelly has recently taken over management of the project.

Next steps

- A final round of workshops will be held in October. Through a two-stage process, key stakeholders will narrow down what the region *could* do – as identified in the Pathfinder Report and other inputs – to what the region *should* do.
- Seeing as skills and workforce related issues have been identified as the highest priority and seeing as they underpin all of the other priorities, this will be the focus of the workshops.
- As such, the Futures Plan, when published, will contain a detailed implementation plan for skills and workforce related issues.
- Other priorities and potential actions will be outlined in the plan, however implementation of these other aspects of the Futures Plan will occur in waves, allowing the region to develop and fine-tune governance and implementation arrangements before broadening the focus.
- The plan needs to be published and governance arrangements in place, by the end of November 2018.

Turners Beach Community Representatives Committee

Minutes of the meeting held in the Turners Beach Hall

Thursday, 23 August 2018 commencing at 4.00pm

1 PRESENT

Community Representatives: Waine Whitbread, Andrew Leary, Merryn Gilham, Robert Best and Rod Priestly.

Central Coast Council (CCC) Representatives: Jackie Merchant (Community Development Officer), John Kersnovski (Director Infrastructure Services) and Cor Vander Vlist (Director Community Services)

2 APOLOGIES

Susan Spinks (Turners Beach Community Garden), Sandra Ayton (General Manager CCC) and Elaine Eiler (Friends of the Dunes Group)

3 MINUTES OF PREVIOUS MEETING

Waine Whitbread moved and Merryn Gilham seconded, "That the minutes for the meeting held on Thursday, 22 February 2018 be confirmed.

Amendment to previous minutes – that Esplanade be included in 5.2a regarding speeding traffic in Turners Beach

Carried

4 MATTERS ARISING FROM PREVIOUS MINUTES

a Railway bridge and shared pathway

An agreement for the lease of the bridge still hasn't been signed with TasRail. Meetings have been held with the Premier and TasRail to attempt to reach a solution. Council is currently waiting on the outcome.

b Damaged areas in asphalt on shared pathway near Camp Clayton

The reported damaged areas have been listed for works and will be done. Due to the extent of the work required they won't all be done at once but they are listed and will be started.

c Toilets for the area around community garden, scout hall

Council is again reviewing the provision of toilets in this area and considering options.

d Collapse of the riverbank

John Kersnovski reported that the riverbank is being monitored. There appears to be no need for intervention at this time, however retaining wall solutions currently being considered for the Penguin Beach wall will also help to inform options for treatment and materials on the river walls as well.

e Picnic Hut

Work has been done on the BBQ hut, but not the picnic hut. Repair work is planned and scheduled for the picnic hut also.

f Storage for the community garden

An enquiry was received as to whether the Scouts had relocated to Forth and if this meant storage at the Turners Beach Hall could be taken over by the community garden. Scouts are still located at Turners Beach Hall and using the storage, so this is not an option at this time.

5 MATTERS FOR CONSIDERATION

5.1 COUNCIL UPDATE

Service Station – Council is continuing to work with the receivers to try and arrange for the sale of the property to recover rates etc. At this stage it appears the receivers will retain whatever balance is left after sale.

5.2 COMMUNITY UPDATE

a Waive Whitbread

Mud and visibility on the side of the road at front of Caravan park – Mud on the roadside outside of Turners Beach Caravan Park is an ongoing issue. Cars are parking further out into the street to avoid the mud, which limits visibility of traffic already on the road and creates a safety hazard. Waive noted that since the mud has been very bad over winter cars have ceased to park there and are therefore parking elsewhere. He asked could the area be made a permanent no standing zone. John Kersnovski stated he would put it to the Parking Committee.

Line Marking in Turners Beach – The lines have faded to such a point as to be hazardous. Council has bought a line marking machine to undertake urgent jobs of a safety nature while waiting for the new contractor to be appointed.

b Andrew Leary

People overnight camping and not using toilet facilities – Cor reported that the State Government is currently working on a Policy around overnight camping. Once that comes out Council will review it and adjust ours accordingly. Council is also looking at putting in another dump point in Forth to cater for motorhomes and caravans.

Community Members – at the community morning tea there were a few complaints from the community about not knowing who the Committee representatives were. Cor informed the group that he is committed to tell the community who the members are. Council will consider how to get that information out. It was also noted that The Advocate Newspaper has ceased running Coast to Coast so Council will be looking at new ways to communicate with the community.

c Merryn Gilham

Toilets in Turners Beach – Council reported that the toilet cleaning schedule is the same, and the cleaner is the same, so the situation may have been simply unfortunate timing. Council will monitor.

d Robert Best

Area adjacent to the Service Station – There is money in the budget to look at it once the Service Station is resolved, and as for the steps and beach access, repair will be done and steps along the coast are getting new footings.

6 OTHER BUSINESS**7 NEXT MEETING**

As there was no further business to discuss the meeting closed at 5pm. The next meeting of the Committee will be held on Thursday, 22 November 2018 at 4.00pm in the Turners Beach Hall.

Central Coast Community Safety Partnership Committee

Minutes of a meeting held in the Central Coast Council Chamber,
19 King Edward Street, Ulverstone

Wednesday, 29 August 2018 – Commencing at 10.05am

PRESENT

Cor Vander Vlist (Acting General Manager CCC); **Melissa Budgeon** (Community Wellbeing Officer CCC); **Paul Breden** (Engineering Group Leader CCC); **Glen Lutwyche** (Principal Ulverstone High School [UHS] Schools Representative); **Insp. Shane Le Fevre** (Tasmania Police) and **Sgt Kym Turale** (Tasmania Police Ulverstone); **Julie Milnes** (Health Promotion Coordinator [Mersey] DHHS); and **Yolande Vandenberg** (Central Coast Chamber of Commerce & Industry [CCCCI])

1 WELCOME

Cor Vander Vlist welcomed everyone to the meeting.

2 APOLOGIES

Cr Jan Bonde (Mayor CCC); **Sandra Ayton** (General Manager CCC); **Simon Douglas** (Ulverstone Neighbourhood House); **Snr Sgt Simon Conroy** (Tasmania Police); **Barry Isaac** (Turners Beach/Leith Neighbourhood Watch); **Garth Johnston** (Penguin Neighbourhood Watch); **Kathryn Robinson** (Community Development Officer – Housing Choices Tasmania) and **John Deacon** (Central Coast Community Shed).

3 MINUTES OF PREVIOUS MEETING

■ Melissa Budgeon moved, and Yolande Vandenberg seconded, “That the minutes from the meeting held on Wednesday, 18 April 2018 be confirmed”.

Carried

4 MATTERS ARISING FROM PREVIOUS MEETING

a Crime Stoppers Project (Melissa Budgeon)

Melissa reported on the ‘School Community Safety Program’ project between the Council, Ulverstone High School and Crime Stoppers Tasmania, with support from the Central Coast Chamber of Commerce. The aim is to encourage the Central Coast community to report crime and keep their community safe, with a focus on preventing, reducing and reporting shoplifting. The project facilitates the development of leadership skills, civic and citizenship skills and community engagement between schools, businesses and the general community. The project involved UHS students filming in the community (business owners) to then share these stories in a short film presentation.

Discussion followed, and the idea was mentioned that major supermarkets serve as a training ground for thieves who move onto smaller businesses who cannot absorb the impact of these thefts as the larger supermarket can.

At this point Insp. Le Fevre commented on a low reporting rate and that the presentation will be a great way to promote the work of Crime Stoppers.

Yolande advised interviews of three different businesses were conducted by year 11 and 12 students, and year 9 and 10 students will be conducting shorter interviews of businesses in Reibey Street with Crime Stoppers Support Officers in early September. It was also mentioned that there is a common misconception that Crime Stoppers is the Police when in fact they are a separate organisation to the Police.

Insp. Le Fevre reported there had been seven reported thefts in the last two months in Ulverstone/Penguin. He also advised that crime can be reported without any action having to be taken by the Police.

The project is due for completion late September before the school term ends, to be followed by circulation of the film in the community and other schools etc.

Melissa requested that Glen pass onto Mr Rupert Hogan-Turner (teacher UHS) thanks for his enthusiasm regarding the program whilst working with UHS students and asked that the minutes record same.

b 7 Day Makeover (Cor Vander Vlist)

The Council has received both positive and negative response from the community regarding the Ulverstone Makeover and Cor advised that this will continue to be monitored, particularly in relation to placement of the container in Reibey Street.

Regarding the Penguin 7 Day Makeover there will be an Information Night held at Penguin District School on 25 September commencing at 6.30pm. The Makeover will commence on 20 October and conclude on 26 October.

Yolande suggested targeting Girl Guides or the like in Penguin to assist with the Makeover. She advised that the CCCCI had received feedback from community groups regarding the Ulverstone Makeover that not enough notice was given.

Cor advised that schools would be informed.

5 COMMUNITY SAFETY ACTION PLAN 2017-2022

5.1 Action Report updates (not available)

Will be provided next meeting. Crime Stopper Project was an update on the Action Plan.

6 REPRESENTATIVE REPORTS

6.1 Crime Report

Sgt Kym Turale

Sgt Turale reported the following:

- . Power tools in cars, houses and at construction sites have been a target recently. Also LED lights on cars.
- . Search warrant issued leading to recovery of stolen property, two people being charged, and more expected to be charged.
- . Thefts of fridges, beds and other large household items.
- . A number of lower end family violence calls received and cleared.
- . Fraud phone calls and internet scams still occurring however there has been a decrease in number of reports.

Sgt Turale also mentioned lost property advising the Police have a large quantity of phones and keys and that the Police seem to be the last place people tend to look for it. Glen will make mention of this on the school facebook page.

Traffic – Police continue to conduct rural and urban RBTs.

Complaints have been received of push bikes and scooters being ridden by children on footpaths. Cor mentioned the Council had noted an issue with adult offenders.

Yolande asked if Police could keep an eye on the Walker Street and Leven Street intersection as she personally has noticed cars not giving way on Leven Street and has witnessed and been involved in a number of near misses. Is very concerned by the driving she encounters on a regular basis in this area. Police agreed to monitor.

Police will look at and report back next meeting.

Paul advised the Council will look at the possibility of conducting a traffic count in this area.

Insp. Le Fevre reported the following:

Crash statistics – slight increase.

Family violence – last two months – halved from 27 to 13 reports.

Overall crime down 15%.

Unlocked cars – still an issue – items also stolen from unlocked cars parked in driveways.

Property offences – down.

Personal offences – down considerably.

Home, business and car burgs – struggling with.

Yolande suggested need to push message that Crime Stoppers is not Police, however, it was raised that after hours calls may be directed to the Police.

6.2 Central Coast Chamber of Commerce Report (CCCCI) Yolande Vandenburg

Yolande advised that the CCCCCI Business Awards will be held on 8 September 2018.

She also passed on that the CCCCCI would like to see an increase in time in 2 hour parking areas to 3 hours siting the older demographic of Central Coast.

In response, Paul advised another parking study will be undertaken in November.

6.3 Primary Health Report Julie Milnes

Julie shared Health promotion is focussing on literacy.

She also advised work being undertaken to improve writing and communication skills at Neighbourhood House.

Julie shared the new – “It’s OK to Ask” leaflet and distributed brochure for same to Committee members.

She also mentioned the following:

- . September – workshop on preparing a video on mobile phones.
- . Tomorrow free session, public meeting at Gawler Gallery 10am to 12.30pm – Creating Compassionate Communities – dealing with loss and grief.
- . Find Help Tasmania – website – Anglicare initiated. Organisations can place their information for free and are responsible to keep it updated.

6.4 Education (all schools) Report Glen Lutwyche

Glen advised the following:

- . Two digital signs at the School’s front yard not working – are going to be upgraded.
- . He will mention issue with scooters in assemblies.
- . School finish time has been changed from 3pm to 2.55pm shortening lunch by 5 minutes. Trialling this term and next.
- . Kinmen Island visit – fantastic experience – 20 students from Coast will be going to Kinmen Island for 10 days.
- . Clock Campus (offsite classroom in Alexandra Road) – is part of the work the school is facilitating.
- . Doing It Differently Conference held on the Gold Coast – mentioned that mental health issues for young people are a significant challenge to learning. As part of making kids feel safe UHS and other primary schools will be considering the Reboot Program which teaches kids

how to regulate their own emotions and behaviour. Will be looking at it for next year.

- . Health and Well Being Week – 10 September.
- . Claire Madden – Gen Z – spoke at Principals Conference – understanding future employees. Glen would like to arrange for her to conduct sessions in our area – approximate cost \$8,600 for three 1½ hour sessions including travel and accommodation. Julie offered to help spread the word. Yolanda advised CCCI could possibly help with airfares and accommodation and spread the word. Cor – will investigate Council helping with cost.

6.5 Ulverstone Neighbourhood House Report Simon Douglas

Nil

6.6 Housing Choices Tasmania Report Kathryn Robinson

Nil

6.7 Community Housing Report Tameka Dornauf

Nil

6.8 Community Reports Barry Issac

Nil.

6.9 Central Coast Community Shed John Deacon

Nil.

6.10 Council Report Cor Vander Vlist

Cor thanked Insp. Le Fevre and Sgt Turale for their assistance. He also advised as follows:

Turners Beach morning tea – speeding in Turners Beach was raised as a concern – asked if Police could investigate.

Glen questioned if caravan parked on road with power connected is a matter for concern. Cor will follow up. Police will investigate.

7 GENERAL BUSINESS:

Nil.

8 NEXT MEETING:

The next meeting and time – 31 October 2018 in the Council Chamber, 19 King Edward Street, Ulverstone, commencing at 10.00am.

Closure time 11.30am

Central Coast
Youth Engaged Steering Committee
Minutes of a meeting held at the
NW Christian School, 18 Ling Street, Penguin
Thursday, 30 August 2018 at 9.15am

Doc ID: 301305



PRESENT:

Philip Viney (Councillor/Accountant/Ulverstone Lions Club); **David McNeill** (Principal – NWCS); **Jenna Kennedy** and **Emily Archer** (Student Reps – NWCS); **Matthew Grining** (Principal – PDS); **Joherty Revell**, **Millie Porter** and **Piper Newton** (Student Reps – PDS); **Michael Walsh** (Leven Training Centre); **Nicholas Boersma**, **Robert Cruickshank** and **Ainsley Kinch** (Student Reps – LCS); **Tim Wilson** (Head of Secondary – LCS); **Tony O’Neil** (Cradle Coast Olives); **Dr Yolande Vandenberg** (Central Coast Chamber of Commerce and Industry [CCCCI]); **Glen Lutwyche** (Principal – UHS); **James Thompson** (Assistant Principal – Burnie HS); **Kelly Conkie** (Community Engagement Coordinator – UHS); **Adam Knaap**, **Rowane Edwida** and **Ella Barron** (Student Reps – UHS); and **Chris Clark** (CCC – Community Development Group Leader).

1 WELCOME

Philip Viney chaired the meeting and welcomed everyone and declared the meeting opened at 9.20am.

2 APOLOGIES

Sandra Ayton (General Manager – Central Coast Council [CCC]), **Melissa Budgeon** (Community Wellbeing Officer – Central Coast Council [CCC]) and **Belinda Gillard** (Acting School Business Manager – UHS)

3 MINUTES OF THE PREVIOUS MEETING

Michael Walsh moved, and Yolande Vandenberg seconded, “That the Minutes of the previous meeting held on 26 July 2018 be confirmed”

Carried

4 MATTERS FOR DISCUSSION FROM PREVIOUS MEETING

4.1 *Business Breakfast – Update on speakers*

Chris Clark reported in Melissa Budgeon's absence that the search for a guest speaker/s continues.

Glen Lutwyche suggested Claire Madden could be approached for the guest speaker role at the Business Breakfast. He advised she would cost approximately \$8000 for three sessions and suggested that in addition to the breakfast, sessions be held for teacher and community members/parents.

Yolande suggested the possibility of increasing the price of the breakfast to help towards Claire's fee. The Chamber is interested in holding more events for its members in Penguin, and would support the breakfast being held at the Penguin Community Centre.

Glen mentioned raising awareness of Claire's sessions by advising parents attending the school production of The Lion King.

Mat Grining advised the PDS production of Anastasia will be occurring from 19 November to 1 December and it would need to be considered when organising the date.

4.2 *National Youth Camp*

The video presentation by students almost complete and will be shown at the next meeting.

4.3 *All About Arts – report*

Chris Clark reported in Melissa Budgeon's absence on the recent All About Arts forum held last Friday 24 August. The forum focused on encouraging participants to consider a careers in the arts.

Students from Ulverstone High School and Penguin District School attending the forum from 11am until 2.30pm in the Gnomon Pavilion. In all, 27 students attended the day.

Artists involved with the day included:

- . Jackie Merchant – Author, Graphic Designer
- . Troy Ruffels – Fine Artist – UTAS Lecturer – international working artist
- . Kevin O'Daley – Photographer – magazine, fashion, landscapes
- . Jesse Pangas – Community Artist, Anthropologist
- . Asha Warren – Theatre Lecturer – Utas
- . Christopher Bradshaw – TV editor, Digital Media.

The artists spoke about their careers, how they came to be involved in an 'Arts' career – included study options, how they got to where they are today.

The group then split into smaller conversation groups, to be able to speak to the Artist, to look at works, ask questions and enquire about opportunities that they have been involved with.

5 MEMBERS REPORTS

Penguin District School

- . Our grade 7–10 girls participated in girls footy gala day and came runners-up.
- . We have confirmed a Vietnam trip for 2019 with more than 17 families attending.
- . Our school eSports team has won \$10,000 of gaming headsets for the school.
- . Our Student Board ran a Daffodil Day Fundraiser for the Cancer Council.
- . A Quarter of our grade 7–10's will be participating in the UTAS Science and Technology Awards next week.
- . Our production of Anastasia is progressing with rehearsals in full swing.
- . Book Week was a huge success with our secondary students organising treasure hunts for the primary students.
- . Building work has started in our grade 11/12 space.
- . Consultation for our new school design will start next term.
- . Our school is part of wellbeing survey trials for grade 6 and 7 students.
- . Yesterday we held a presentation assembly recognising students achievements with mid year reports.
- . 29 of our students are currently on work placements.
- . Brazil won our student board run soccer tournament!

Leighland Christian School

- . Students who completed their Hygiene and Barista training course have been practising their skills by selling coffees to staff during recess and lunch breaks. The proceeds will go towards our 2019 Mission Trip to Vanuatu. They will also help make coffees for our Father's Day breakfast tomorrow.
- . Our Senior Drama class put on a performance for Years 10, 11 and 12 and parents at an evening event. The performance was a documentary drama students had written themselves, based on the

real life events of Amanda Todd. It followed the decisions, difficulties and challenges that lead Amanda to end her life. Whilst it was a difficult and confronting topic, it gave a strong message of hope.

- . We celebrated NAIDOC week and were very privileged to have one of our school parents, Kerrie Shurley, talk at an assembly about what it means to her to be an Aboriginal woman in Tasmania in 2018. It was a very moving and thought provoking talk.
- . A group of HS girls entered the Chocolate Wearable Art Competition, with one of the students taking out first place with her creation based on the mint aero chocolate bar. All the girls did an outstanding job with their entries.
- . We were blessed to have a group of very talented African musicians visit the School to perform, using drums and other instruments. They called it the African Beat Performance. They brought with them many drums so that the students could also join in.
- . Excursions included a trip to the Burnie Magistrates court for our Legal Studies students to observe proceedings and an overnight trip to Hobart to attend the University of Tasmania's annual Lawfest; 11/12s attended UTAS Information sessions and our Outdoor Leadership group had the joy of snowboarding and skiing at Ben Lomond for 2 days.
- . Our Prep class celebrated 100 days of school on Friday 3 August. They had been counting to 100 all year and were very excited to celebrate with activities and a party. They completed challenges around the number 100 and particularly liked the trying to eat 100 cupcakes challenge!
- . Our Primary students participated in the 2018 Australian Antarctic Festival in Hobart by painting 50 plywood penguins. They, along with 8000 others from schools in NSW, Tasmania, Victoria and Queensland, have contributed to an application to the Guinness Book of Records.
- . Three of our Year 11 Animal Studies students enjoyed a day of work experience at a large dairy. They learnt how to repair a fence, put hay into the field, feed calves and even measured grass around the property to help the farmers determine which paddocks yield the best grass production. They got to see another side of farming on a large production scale and enjoyed the experience immensely.
- . Last week we celebrated Book Week. The highlight was Book Week Character Day on Friday where the entire school, staff and students, dressed up in their favourite book character for an assembly and

parade which was a huge amount of fun. Our Parents in Partnership Group also ran a Book Fair.

- . Our Student Leaders have organised a 'Zealous Girls' Night' for girls in Years 7 and 8. The aim of the night is to spend time building relationships between younger and older students in a positive and safe environment. A variety of activities and games will be organised by the senior team for the night, as well as guest speaker. The proceeds of the evening will go to Destiny Rescue which focuses on the plight of girls around the world who are sold into slavery or trafficked.

North West Christian School

- . This term we have been attending the Ulverstone Sports & Leisure Centre to play Badminton every Thursday.
- . This last semester we have been involved in kayaking in the Leven and Forth Rivers. This semester we will be involved in hiking and an overnight expedition in the snow.
- . Our sister school from Hong Kong joined us this year (for our 11th year) from July 23rd to the 3rd of August. We collectively enjoyed the best of the north-west coast travelling to Dip Falls, The Big Tree, Stanley, Cradle Coast Olives, Ashgrove Cheese Farm, Cherry Shed, Anvers, Wings Wild Life Park and the Launceston Museum. In October, next year we will be going to visit them in Hong Kong.
- . 'Farmers Drought Relief'. We fundraised for the 'farmers' with our middle and high school dressing up as 'farmers' to show our support.
- . Our primary dressed up as their favourite character for 'Book Week'. Some of their photos were placed in The Advocate.
- . We have commenced choir this semester.
- . The schools 'Strings Group' have been privileged to have a musical educator – David Sanzone from Hobart, visit the school on a regular basis providing 'full-day' workshops to further their skills.

Ulverstone High School

- . 11/12 media students came runners up in YFCC film competition and received \$500 for the school's media department.

- . During the last term holidays some students travelled to Cambodia for 10 days and Singapore for two days and had a wonderful time over there.
- . Wear It Purple Day on Friday to raise awareness and show acceptance of diversity.
- . School social was last Thursday and had the theme of Sizzling Summer with the money raised going towards the drought efforts.
- . The 11/12 media class is also working on a video for Crime Stoppers and is coordinating with some local businesses and organisations.
- . Students from Kinmen Islands returned home and there is a chance for four students to go over there later this year.
- . Student Georgia Cleaver headed to Canberra as a follow up for the Model United Nations Assembly (MUNA).
- . Lion King rehearsals are well underway and props, sets and costumes are all being worked hard on.
- . Schools open night is next Wednesday 4-6, open to anyone that wants to attend and have a tour around the school and the new 11/12 area.

6 GENERAL BUSINESS

- . Yolande advised Crime Stoppers video being created and to be circulated on Council facebook page amongst others. She also mentioned that year 9 and 10 students will be conducting a survey on 7 September. Crime Stoppers is keen to visit schools and she asked to be advised of interest in this happening.
- . Glenn made comment re the common misconception that Crime Stoppers is part of Tasmania Police which it is not.

7 REVIEW OF THE MEETING

- . Michael Walsh made a comment on the good layout for the meeting today and that he's very happy with the agendas and minutes content. He told the student representatives they are doing a great job and asked them to remember that they need to speak up a little more when speaking to a group.
- . Yolande suggested it would be good if representative reports were circulated prior to the meetings. This would enable those attending to be able to prepare questions.
- . Glen advised that the year 11/12 building will be handed over on Monday and that there will be an open night on Wednesday for the community.

- . Mat advised that PDS is looking forward to working with the Council on the Penguin 7 Day Makeover project.
- . Yolande informed that there will be an information night for the Penguin 7 Day Makeover on 25 September at PDS and that the actual event will occur 20—27 October.

GUEST SPEAKER – Tony O’Neil – Cradle Coast Olives

Tony provided a brief and very interesting overview of his business from its beginnings in 1996 to where it is this present day. During this time, they have been highly successful winning 1st prize for best oil in show in Tasmania in 2005, before going on to win best oil in Australia in 2007 and again in 2011 and 2015.

Tony and his wife have applied a best practice approach to all areas of their business and have collaborated with other businesses and organisations, i.e. Tourism Association, Visitor Centres and TT Line to promote their business.

8 NEXT MEETING

The next meeting to be held on Thursday 27 September 2018 at Leighland Christian School, Leighland Avenue, Ulverstone at 9.15am.

As there was no further business to discuss the meeting concluded at 10.10am.



Agreement reached on TasWater

Today an historic agreement has been reached between the State Government, the Local Government Owners Chief representative and TasWater to improve water and sewerage services in Tasmania.

An MoU (attached) will pave the way for a package of reforms that will be presented to council owners and, if supported by councils, tabled in Parliament.

Tasmanians will benefit from a partnership that will see a reduction in forecast price increases, accelerated infrastructure upgrades and a joint focus on major projects such as Macquarie Point, the Launceston combined system and MONA.

The Government and TasWater will also work together on trade waste and expanding water and sewerage services to parts of the State that aren't currently covered by TasWater's network.

Under the agreement, the Government will inject \$20 million per year for the next ten years into TasWater and in return will become a shareholder of TasWater.

Under the agreement, local government will retain majority ownership of TasWater and new governance arrangements will ensure that State and Local Government will work together with TasWater's board to deliver the capital program.

The Treasurer, Peter Gutwein, said it was pleasing to see all parties coming together with a clear focus on what is in the best interests of Tasmania.

"This package of reforms, if endorsed by Local Government owners and supported by Parliament, will allow the State Government to fulfil its commitments regarding prices and infrastructure investment."

Chief Owners Representative and Mayor of the Northern Midlands Council, David Downie said the agreement would allow TasWater to build on the excellent work done to date and Councils will be able to maintain a focus on local economic issues while continuing to have a major say on the direction of TasWater. This is particularly important given the impact of water and sewerage on local

communities. Importantly, dividends to Local Government owners will be guaranteed and the State Government will not receive a dividend.

Doug Chipman, President LGAT, and Mayor of Clarence City Council said it was extremely pleasing to see all levels of government come together in partnership on such an important matter for Tasmanians.

The Chairman of TasWater, Miles Hampton, said the Board was pleased that the State Government and Owner Councils had reached agreement to move forward in a cooperative and collaborative manner.

“The reform of the water and sewerage sector is arguably the single most important economic reform that has been undertaken in Tasmania for many decades and we can now focus our entire effort on ensuring the benefits expected from the reform are realised.”

Memorandum of Understanding made at Hobart on 1 May 2018

Progressing further reforms in Tasmania's water and sewerage industry

1. Key principles and objectives

- 1.1. The State Government, TasWater and the Chief Representative of the Owners' Representatives Group have reached in principle agreement to work together to further reform the important water and sewerage sector to achieve the following key outcomes:
- a. The State Government to become a part owner of TasWater, involving revised governance arrangements, to enable Local Government and the State Government to work together to improve water and sewerage outcomes for the betterment of Tasmania;
 - b. TasWater will accelerate its water and sewerage infrastructure investment program;
 - c. future regulated water and sewerage prices in Tasmania will be capped until 30 June 2025; and
 - d. TasWater continues to be a sustainable and financially viable corporation that delivers water and sewerage services in Tasmania effectively and efficiently.

2. Joint ownership of TasWater

- 2.1. The parties will work together to develop a joint ownership model with the objectives of ensuring that:
- a. the councils of Tasmania collectively will retain majority ownership of TasWater;
 - b. the State becomes an owner, through a new class of shares, which will reflect the State's decision to not receive any distributions from TasWater;
 - c. the councils will continue to receive payments as agreed between them and the corporation and the option of legislating this commitment will be jointly explored;
 - d. TasWater's corporate plan is jointly agreed between the Owners' Representatives and the State, with agreed arrangements in place in the event of deadlock;
 - e. the State to be included in the process for the appointment of the Board and both the Chief Owners Representative and the State to be consulted regarding the appointment of the CEO;
 - f. the Chief Owners Representative, Chair and the CEO of TasWater are to appear at the GBE Scrutiny Committee of the lower and upper house in alternate rotation;
 - g. TasWater provides financial and other information to the Department of Treasury and Finance which will allow the Department to provide advice to the owners as it does for State Government businesses;

- h. there are regular post Board meetings between Ministers (the Treasurer and the Minister for Primary Industries and Water) and the Chair and Chief Executive Officer of TasWater;
 - i. TasWater's corporate governance documents, including its Constitution and the Shareholders' Letter of Expectation, are amended to reflect the changed governance arrangements; and
 - j. the State will provide contributions to TasWater, to a total of \$200 million over the ten year period commencing on 1 January 2019, with the first contribution provided in the 2018-19 financial year. The parties will work cooperatively to develop a schedule for the State's contributions over the ten year period.
- 2.2. The State will introduce legislation into the Parliament to allow TasWater to be jointly owned by the councils of Tasmania and the State. The Bill will reflect the revised governance arrangements agreed by the parties.

3. TasWater's Infrastructure Investment Program

- 3.1. The parties acknowledge that TasWater continues to refine its long term infrastructure investment program in consultation with the Tasmanian Economic Regulator, the Environment Protection Agency, the Director of Public Health and the Dam Safety Regulator.
- 3.2. The parties will jointly develop an accelerated infrastructure investment program, ensuring that TasWater will use best endeavours to deliver over the remainder of its most recent 10 year infrastructure plan, sufficient investment to achieve a target of \$1.8 billion of total infrastructure investment.
- 3.3. The parties will investigate the introduction of a community service obligation mechanism so that investment projects that are not commercial in their entirety can be considered in the context of broader benefits to the State and how these projects might be funded.
- 3.4. The parties will work cooperatively to progress major investment projects of special economic or environmental importance to Tasmania, which includes all reasonable endeavours to secure Australian Government funding. These projects include:
- a. the Launceston sewerage/stormwater separation project; and
 - b. the works at the Macquarie Point waste water treatment plant necessary for the development of the Macquarie Point site.
- 3.5. The parties will investigate amendments to simplify TasWater's obligation to account for income tax equivalent payments and government guarantee fees, noting that Councils cannot be disadvantaged.

4. Water and Sewerage Pricing

4.1. Regardless of the outcome of the Tasmanian Economic Regulator's 2018 Price Determination or any subsequent Determination, TasWater provides in principle commitment to:

- a. freezing prices for regulated services for water and sewerage customers from 1 July 2019 to 30 June 2020;
- b. develop a future price profile for regulated water and sewerage services with annual price increases for target tariffs to be no greater than 3.5% commencing from 1 July 2020; and
- c. applying any subsequent Determination by the Regulator if it is below 3.5%.

4.2. The State, with the agreement of the other parties, will introduce the necessary legislative amendments to establish pricing arrangements for customers who are currently significantly below the target tariffs to ensure that they reach the target tariffs as soon as practicable, without facing significant price shocks.

4.3. Subject to any requirements arising from paragraph 4.2, the current economic regulatory arrangements as set out in *Water and Sewerage Industry Act 2008*, the *Economic Regulator Act 2009* and associated Regulations will continue to apply, noting that this will require the Tasmanian Economic Regulator to regularly review TasWater's financial performance, including the prices, operational efficiency and investment program necessary to maintain sustainability.

5. Trade Waste

5.1. The parties commit to monitor the effectiveness of recent announcements by TasWater on trade waste and work together if further enhancements are required.

6. Implementation

6.1. The parties will act in good faith and use their reasonable endeavours to implement the measures and deliver the key outcomes set out in this MOU.

6.2. Subject to paragraph 6.1, the parties will work together to develop by September 2018 the necessary Agreement(s) and documentation that will support endorsement of the proposed principles and objectives of this MOU by TasWater's owner councils and drafting of the necessary supporting Legislation.

6.3. The Agreement(s) and documentation will specify, amongst other terms:

- a. the contributions to TasWater from the State specified in paragraph 2.1;
- b. the commitment by TasWater to implement the pricing measures specified in paragraph 4;
- c. changes to TasWater's governance documents to reflect the changed ownership and governance arrangements for TasWater specified in paragraph 2;

- d. provisions to be included in a draft bill to amend the *Water and Sewerage Corporation Act 2012* to reflect agreed changes to the ownership and governance of TasWater; and
- e. commitments for the accelerated infrastructure program specified in paragraph 3.

7. General

- 7.1. This MOU can only be changed by the agreement of each of the parties in writing.
- 7.2. This MOU is not legally binding and does not give rise to legally enforceable obligations or legal liability.
- 7.3. Nothing contained in or implied by this MOU creates or is taken to create a partnership, joint venture, agency or trust.

Signing page

Signed for and on behalf of the Crown in Right of Tasmania by:

Hon William Hodgman MP, Premier

Hon Peter Gutwein, Treasurer

Signed for and on behalf on the Tasmanian Water & Sewerage Corporation Pty Ltd
ACN 162 220 653 by:

Mr Miles Hampton, Chair

Signed for and on behalf of the Owners' Representatives of the Tasmanian Water &
Sewerage Corporation Pty Ltd ACN 162 220 653 by:

Mayor David Downie

Dated:.....

Notice of Special General Meeting and Information Memorandum

27 September 2018

Notice of Special General Meeting

Notice is hereby given that a Special General Meeting of members of the Tasmanian Water and Sewerage Corporation Pty Limited (ACN 162 220 653) will be held at 11:30am on Thursday 27 September 2018 at Windsor Community Precinct, 1 Windsor Drive, Riverside 7250.

The business to be conducted at the Special General Meeting is set out in the attached Agenda.

Please confirm your attendance by email to ailsa.sypkes@taswater.com.au by 13 September 2018.

Issued by order of the Board on 12 July 2018.



Ailsa Sypkes

Company Secretary

Appointed Owners' Representatives (as at 12 July 2018):

Mayor Bridget Archer	Mayor Tony Foster AM OAM JP	Commissioner Adriana Taylor
Deputy Mayor Lana Benson	Mayor Peter Freshney	Mayor Don Thwaites
Mayor Tony Bisdee OAM	Alderman Grant Goodwin	Mayor Mick Tucker
Deputy Mayor Jan Bishop	Lord Mayor Alderman Ron Christie	Mayor Albert van Zetten
Mayor Jan Bonde	Mayor Greg Howard	Mayor Phil Vickers
Mayor Alwyn Boyd	Councillor Richard Ireland	Mayor Kerry Vincent
Mayor Doug Chipman	Mayor Kristie Johnston	Mayor Robby Walsh
Councillor Royce Conley	Mayor Michael Kent	Mayor Steve Wass
Mayor David Downie	Mayor Craig Perkins	Councillor Gerald Willis
Mayor Martyn Evans	Deputy Mayor Kelly Spaulding	

Enclosures:

1. Agenda
2. Form of Proxy
3. Information Memorandum

AGENDA

**Special General Meeting
Thursday 27 September 2018 at 11.30am – 1.00pm
at Windsor Community Precinct, 1 Windsor Drive, Riverside 7250**

1. Apologies

2. Declaration of Interests

3. Minutes of Previous Meeting

Minutes of the General Meeting – 10 May 2018

4. Introduction by Chief Owners' Representative

5. Presentation by Board Chairman

6. Proposed resolutions

Resolution 1 – Adoption of a new Constitution

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,

to adopt the Constitution in the form as set out in Appendix 1 of the Information Memorandum dated 16 July 2018 to replace the existing Constitution of the Corporation, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

Resolution 2 – Adoption of a new Shareholders' Letter of Expectations

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,

to adopt the Shareholders' Letter of Expectations in the form as set out in Appendix 2 of the Information Memorandum dated 16 July 2018 to replace the existing Shareholders' Letter of Expectations, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.

Resolution 3 – Approval to enter into the Share Subscription and Implementation Agreement, including approval for the issue of shares in the Corporation to the State Government

Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and
- (iii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2,

that the Corporation be authorised to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3 of the Information Memorandum dated 16 July 2018, including the issuing of shares in the Corporation to the Crown.

7. Other Business

Lunch will provided at the conclusion of the meeting



FORM OF PROXY

We,.....*[insert council name]*

of..... *[insert council address]*

being a member of Tasmanian Water and Sewerage Corporation Pty Limited (ACN 162 220 653)

hereby appoint.....*[insert name/s of proxy]*

as our proxy to vote for us and on our behalf at the Special General Meeting of the Corporation to be held on **Thursday 27 September 2018** and at any adjournment of that Special General Meeting.

Our proxy is authorised to exercise all of our voting rights. If no directions are given, our proxy may vote or abstain as the proxy thinks fit.

DATED this day of 2018

.....

[Member council to insert execution clause]

Important Notes:

In accordance with Section 6.9 of the Corporation's Constitution, each member has the right to appoint a proxy to act on its behalf. The proxy need not be a member of the Corporation. A member may also appoint a body corporate as its proxy and that body corporate may appoint a representative to exercise the powers of the body corporate on behalf of the member.

This proxy form should be signed and (where applicable) any power of attorney or a certified copy attached to this form and returned to the Corporation at its registered office or the email address set by below **by no later than 2:00pm on Monday 24 September 2018.**¹

Please send to the Company Secretary via email to ailsa.sypkes@taswater.com.au

¹ Any proxy form received after this time will not be valid for the scheduled meeting and the member will not be entitled to vote at the meeting.



Information Memorandum

16 July 2018



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Chairman's message

In March 2018 the President of the Local Government Association of Tasmania (LGAT) and TasWater's Chief Owners Representative commenced a dialogue with the State Government seeking to explore if a "compromise" to the "ownership debate" could be found.

As Board Chair I encouraged this dialogue believing it was time to seek to resolve the ownership debate.

It was my view that the debate was an unnecessary diversion to both Owner Councils and State Government. Further, the impact on TasWater was debilitating.

I had concluded that ending the debate was in the best interests of Councils, State Government and TasWater, but most especially the people of Tasmania.

TasWater's Chief Executive Officer, Mike Brewster, and I were invited to join the dialogue and on 1 May 2018 the signing of a Memorandum of Understanding (MOU) with the State Government was announced.

Like all compromises there had to be some concessions on all sides, but on balance I am confident it represents both a fair minded and sensible way forward.

After 10 years the State Government will have contributed equity of \$200 million, and Owner Councils' contributed equity will be unchanged (i.e. at \$1,528 million).

The MOU scenario will not have a material negative impact on TasWater's ongoing financial sustainability.

The policy to pay distributions to Owner Councils remains unchanged, albeit under the MOU scenario this will be solely in the form of dividends.

Most importantly TasWater and Councils will be working with the State Government to ensure that the water and sewerage services across the state are affordable, reliable and enhance economic development opportunities.

The TasWater Board endorsed the signing of the MOU and has authorized the release of this Information Memorandum to Owner Councils.

The TasWater Board unanimously recommends that Owner Councils vote in favour of the proposed resolutions.



Miles Hampton

Chairman

1. Key features of the proposal

The proposed features outlined in the MOU between TasWater and the State Government will enable TasWater's customers to benefit from a reduction in forecast price increases, accelerated infrastructure upgrades and a joint focus on major projects of significance to Tasmania.

Under the proposal, the State Government will inject \$20 million of equity per year for the next 10 years into TasWater. In return, the State Government will become a 10 per cent shareholder of TasWater. The State Government will have a new class of shares which will reflect the State's decision to not receive any dividends from TasWater.

Owner Councils will retain majority ownership of TasWater, albeit individual Owner Council's equity entitlements will be marginally reduced as State Government equity injections are received. New governance arrangements will facilitate State and Local Government working on a collaborative basis.

The key features of the proposal are set out below.

Ownership and governance

- Governance by an independent skills-based Board will continue.
- The State Government will contribute \$200 million over 10 years in new equity. For each \$20m contributed the State Government will receive 1% of the voting capital.
- The State Government shareholding will not receive dividends.
- The annual Corporate Plan will be jointly agreed between the Board, Owner Councils and the State Government, with defined arrangements in place in the event of a deadlock as specified in Part 8.4 of the Amended Shareholders' Letter of Expectation provided at Appendix 2.
- The State Government's representative will sit on the Board Selection Committee and will be consulted – along with the Chief Representative – on the appointment of the CEO. The State Government will not have the right to appoint a director.
- If the State Government does not meet its commitments to make equity injections it will lose its rights in respect of:
 - the rights to jointly approve the draft Corporate Plan and to participate in the process to resolve any dispute regarding the adoption or amendment of the Corporate Plan
 - its seat on the Board Selection Committee and
 - its right to be consulted in relation to the appointment of the CEO

These rights will be reinstated on receipt of the overdue equity injection(s). Any decisions made by the Board Selection Committee, Owners' Representatives or the Board during such a period will continue to be valid and to remain effective.

- The State Government's commitment to contribute equity will be formalised through a Share Subscription and Implementation Agreement between TasWater and the State Government. This Agreement will also reinforce the particular State Government rights referenced above, and the loss of those rights if contributions are not made.
- TasWater's obligation to maintain price increases within the cap and/or accelerate the capital program (referenced below) may be suspended in the event that unforeseen events arise (eg significant interest rate and/or inflation increases beyond that reasonably

projected) or if the Government does not meet its commitment to maintain equity injections.

Water and sewerage pricing

- Prices will be frozen in FY2019/20.
- Annual price increases will not exceed 3.5 per cent from FY2020/21 through FY2024/25.
- The price determination process, via the independent Tasmanian Economic Regulator (TER), will continue as it does now to review TasWater's financial performance, including the prices, operational efficiency and investment program necessary to maintain sustainability.
- If the Regulator determines a price increase lower than 3.5 per cent, the Regulator's price increase will apply.

Infrastructure investment

- The parties will seek to accelerate the infrastructure investment program by at least one year, with TasWater using best endeavours to achieve capital expenditure over the 10 year period from FY2016/17 through FY2025/26 of \$1.8 billion by 30 June 2026.
- The parties will work cooperatively to progress major projects of special economic or environmental importance to Tasmania.

Other matters

- TasWater's obligation to pay income tax equivalents and loan guarantee fees to Shareholders will be removed. The \$20 million distribution to Owner Councils (indexed from FY2026/27) will be paid as dividends.
- The introduction of a community service obligation mechanism so that investment projects that are not commercial in their entirety can be considered in the context of broader benefits to the State and how these projects might be funded.
- Where the Board determines that, due to circumstances or events beyond TasWater's reasonable control, it cannot continue to maintain distributions, an accelerated capital program and annual price increases within the 3.5% cap while maintaining the financial sustainability of the business, TasWater will notify the Chief Owners' Representative and the State Government's Owner's Representative. TasWater must meet with the State Government's Owner's Representative to consider the impact of maintaining the accelerated capital program and price caps on the financial sustainability of the business. The State Government may, in its absolute discretion, provide additional financial support or comfort to TasWater in the form of grant funding, a pre-payment of equity, a guarantee or a letter of comfort. If the State Government decides not to provide adequate additional financial support or comfort to TasWater (as determined by the Board), the Board may amend the capital program or increase prices (within the regulator's determination).
- The parties will work together to monitor the effectiveness of recent announcements by TasWater on trade waste and to identify and implement any potential improvements.
- The State Government will introduce a bill into Parliament to give effect to the objectives set out in the MOU and to facilitate and support the proposed changes to TasWater's ownership and governance structure. A draft Bill is attached as Appendix 4 of this Information Memorandum. The proposed changes are not extensive, and the key matters are summarised as follows:
 - Changes to remove the current prohibition on ownership of shares in TasWater by anyone other than a Council – enabling the State Government to become a shareholder in return for its equity contributions.

- Changes to the pricing determination process to clarify that the Tasmanian Economic Regulator can only set maximum prices for regulated services – enabling the Board to elect to pass through lower price increases to customers to meet its commitment to freeze prices in FY2019/20 and to cap subsequent annual price increases until 30 June 2025.
- Changes to remove the current obligations to pay loan guarantee fees and tax equivalents – meaning that ‘distributions’ paid to Owner Councils will be solely in the form of dividends.

2. Financial information

The financial statements in this Information Memorandum have been prepared using a 20 Year Financial Model based on the FY2019 - 23 Corporate Plan and informed by the Long Term Strategic Plan FY2018-2037 (LTSP).

2.1 Key assumptions

The following key assumptions are common to all scenarios in the 20 Year Financial Model:

- Demand is assumed to grow at 0.7 per cent per annum in PSP3 (to FY2020/21), 0.6 per cent per annum in PSP4 (to FY2023/24) and 0.3 per cent per annum thereafter²
- The average interest rate in each scenario is held constant at 4.1 per cent per annum through FY2022/23 and increases at 0.1 per cent per annum thereafter
- Inflation is assumed to be 2.5 per cent per annum
- Loan guarantee fees are set to zero from 1 January 2019 onward³ and
- Distributions (paid as dividends) to Owner Councils are set at \$20 million per annum through FY2025/26 and are indexed to target tariff increases thereafter.

These assumptions, and other financial uncertainties, could materially impact the forecasts provided in the tables below. A broader consideration of risk is discussed in Section 4.

2.2 Financial model inputs and outputs

Two financial scenarios have been modelled for this Information Memorandum, namely a business as usual scenario and an MOU scenario. Key parameters that differentiate the scenarios are shown in the table below.

Table 1: Key parameters in each financial model scenario

Parameter	Business as usual scenario	MOU scenario
Capital expenditure (\$M)		
FY2017 to FY2026	\$1,543	\$1,700 ⁴
FY2027 to FY2036 ⁵	\$1,379	\$1,222
Capex (20 year total)	\$2,922	\$2,922
Annual price increase		
PSP3 (FY19 / FY20 / FY21)	4.1% / 4.1% / 4.1%	4.1% / 0% / 3.5%
PSP4 (FY22 to FY24)	3.7%	3.5%
PSP5 (FY25 to FY27)	3.1%	3.5%
PSP6+ (FY28 to FY36)	2.2%	2.5%
Equity injection (\$M)	\$0	\$200

Key inputs and outputs for each scenario are shown in the tables below.

² Demand forecast are derived from a TasWater developed model that sources data from the State Government's latest population forecasts (by local government area) and Australian Bureau of Statistics householder data. Detail of the model and resultant forecasts are provided in Chapter 5 of Price and Service Plan 3.

³ If the resolutions in this Information Memorandum are not passed, there is a risk that loan guarantee fees will not be set to zero as modelled in the business as usual scenario.

⁴ The MOU requires TasWater to use best endeavours to achieve capital expenditure of \$1.8 billion over this period. At this time the Board of the Corporation has formed the view that \$1.7 billion is achievable while maintaining our targeted long term interest cover ratio.

⁵ The capital expenditure estimate in years 11 to 20 has less accuracy than in Years 1 to 10. However, any changes to capital investment requirements in Years 11 to 20 are expected to have a similar impact on both scenarios.

Table 2: Financial information – FY2016/17 through FY2025/26

Financial Summary	FY17 (actual)	FY18 (forecast)	FY19 (forecast)	FY20 (forecast)	FY21 (forecast)	FY22 (forecast)	FY23 (forecast)	FY24 (forecast)	FY25 (forecast)	FY26 (forecast)	10 Year Total
Business as usual scenario											
Inputs											
Price increases (%) ⁺	6.0%	6.0%	4.1%	4.1%	4.1%	3.7%	3.7%	3.7%	3.1%	3.1%	n/a
Capital expenditure (\$M)	103	139	145	140	183	178	183	170	166	135	1,543
Distributions (\$M)	30	30	20	20	20	20	20	20	20	20	220
Average interest rate (%)	4.5%	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%	4.2%	4.3%	4.4%	n/a
Equity injections (\$M)	0	0	0	0	0	0	0	0	0	0	0
Outputs											
Revenue (\$M)	315	330	341	356	371	388	405	421	435	449	3,810
Net profit before tax (\$M)	41	53	53	61	67	69	71	72	74	74	634
Interest expense (\$M)	19	20	20	21	24	28	32	29	29	30	252
Interest cover (times)	2.79	3.26	3.18	3.35	3.34	3.06	2.93	2.86	2.73	2.63	n/a
Borrowings (\$M)	475	519	581	625	706	777	844	874	899	888	n/a
Gearing (%)	29.8%	32.2%	35.3%	37.3%	41.2%	44.2%	46.9%	47.5%	47.7%	45.9%	n/a
Depreciation (\$M)	68	74	78	82	85	90	96	106	111	116	906
MOU scenario											
Inputs											
Price increases (%) ⁺	6.0%	6.0%	4.1%	0.0%	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%	n/a
Capital expenditure (\$M)	103	139	145	140	183	178	223	209	205	174	1,700
Distributions (\$M)	30	30	20	20	20	20	20	20	20	20	220
Average interest rate (%)	4.5%	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%	4.2%	4.3%	4.4%	n/a
Equity injections (\$M)	0	0	20	20	20	20	20	20	20	20	160
Outputs											
Revenue (\$M)	315	330	344	346	359	373	387	401	416	430	3,702
Net profit before tax (\$M)	41	53	56	52	55	54	53	51	51	49	515
Interest expense (\$M)	19	20	20	21	24	28	32	29	30	34	256
Interest cover (times)	2.79	3.26	3.32	2.97	2.89	2.59	2.42	2.29	2.07	1.93	n/a
Borrowings (\$M)	475	519	559	591	665	730	833	912	976	1,006	n/a
Gearing (%)	29.8%	32.2%	33.5%	34.5%	37.8%	40.5%	45.1%	48.3%	50.5%	51.0%	n/a
Depreciation (\$M)	68	74	78	82	85	90	96	107	113	119	913

+ Annual Increase in target tariffs excluding market growth rate (which is the same in both scenarios)

Table 3: Financial information – FY2026/27 through FY2035/36

Financial Summary	FY27 (forecast)	FY28 (forecast)	FY29 (forecast)	FY30 (forecast)	FY31 (forecast)	FY32 (forecast)	FY33 (forecast)	FY34 (forecast)	FY35 (forecast)	FY36 (forecast)	10 Year Total
Business as usual scenario											
Inputs											
Price increases (%) ⁺	3.1%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	2.2%	n/a
Capital expenditure (\$M)	124	158	133	132	134	132	136	139	143	148	1,379
Distributions (\$M)	21	21	22	22	22	23	23	24	25	25	228
Average interest rate (%)	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%	5.2%	5.3%	5.4%	n/a
Equity injections (\$M)	0	0	0	0	0	0	0	0	0	0	0
Outputs											
Revenue (\$M)	463	474	485	496	508	520	532	545	558	571	5,151
Net profit before tax (\$M)	76	76	73	72	72	72	72	68	67	67	715
Interest expense (\$M)	31	30	31	31	30	30	29	28	27	26	293
Interest cover (times)	2.67	2.68	2.57	2.57	2.57	2.59	2.63	2.57	2.59	2.62	n/a
Borrowings (\$M)	860	863	839	812	784	750	717	687	659	632	n/a
Gearing (%)	43.4%	42.5%	40.5%	38.4%	36.3%	34.1%	32.0%	30.1%	28.4%	26.9%	n/a
Depreciation (\$M)	120	123	128	132	136	140	144	148	152	156	1,379
MOU scenario											
Inputs											
Price increases (%) ⁺	3.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	n/a
Capital expenditure (\$M)	108	142	118	117	118	116	120	123	128	132	1,222
Distributions (\$M)	21	21	22	22	23	23	24	25	25	26	232
Average interest rate (%)	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%	5.2%	5.3%	5.4%	n/a
Equity injections (\$M)	20	20	0	0	0	0	0	0	0	0	40
Outputs											
Revenue (\$M)	446	457	469	482	494	507	521	535	549	563	5,023
Net profit before tax (\$M)	49	51	50	51	51	52	54	51	53	54	516
Interest expense (\$M)	36	35	35	35	35	35	34	33	32	31	342
Interest cover (times)	1.89	1.94	1.91	1.92	1.94	1.97	2.02	1.99	2.04	2.09	n/a
Borrowings (\$M)	964	952	932	908	881	849	816	786	756	727	n/a
Gearing (%)	47.9%	46.3%	44.8%	43.2%	41.5%	39.6%	37.7%	36.0%	34.3%	32.6%	n/a
Depreciation (\$M)	124	127	131	135	138	142	145	149	153	157	1,401

+ Annual Increase in target tariffs excluding market growth rate (which is the same in both scenarios)

2.3 Summary of key results

Selected key results for both scenarios are presented in the table below.

Table 4: Selected key results

Parameter	Business as usual scenario FY2017 – FY2036	MOU scenario FY2017 – FY2036
Total revenue (\$M)	\$8,961	\$8,724
Net profit before tax (\$M)	\$1,349	\$1,031
Equity injection (\$M)	\$0	\$200
Distributions (\$M)	\$448	\$452
Total capital expenditure (\$M)	\$2,922	\$2,922
Borrowings as at FY2036 (\$M)	632	727
Interest cover as at FY2036 (times)	2.62	2.09

In the MOU scenario, TasWater's borrowings will be higher and interest cover will be lower relative to the business as usual scenario. However, each of these measures will remain at a manageable level over the 20 year period. And, the injection of new equity in the MOU scenario helps to ameliorate the lower revenues that arise from lower prices in the first 10 years.

Importantly, the MOU scenario provides benefits to customers through a cap on price increases in the first 10 years and acceleration of the capital program. This enables the associated customer outcomes to be realised earlier.

3. Questions and answers

3.1 What consultation was undertaken with Owner Councils by the Chief Owners' Representative, LGAT and TasWater before the MOU was announced?

The level of consultation with Owner Councils was dictated by the circumstances of the proposal. LGAT had discussions at General Management Committee level, but it was not practical to consult with all mayors and owner representatives. This is why the MOU agreement is non-binding. Substantial consultation has occurred with Owner Councils subsequent to the MOU and the primary purpose of the Special General Meeting is to formally seek endorsement from Owner Councils.

3.2 What is the impact on distributions to Owner Councils including dividends, tax equivalent payments and loan guarantee fees?

Barring major unforeseen circumstances that cannot be mitigated, we do not expect any reduction in previously forecast distributions to Owner Councils. The financial model inputs described in Section 2.2 assumes distributions are indexed to target tariff increases beyond FY2025/26.

Further, TasWater's obligation to pay income tax equivalents and loan guarantee fees to Shareholders will be removed, resulting in distributions made up entirely of dividends.

3.3 What is the impact on the ownership interest of Owner Councils?

While Councils' percentage ownership will decline over time as the Government's equity increases from 0 per cent to 10 per cent between FY2018/19 and FY2027/28, the book value of that interest will not decline. However we note that normal valuation adjustments on book values may occur.

3.4 How much influence will the State Government have over TasWater's Board, strategy, operations and dividend decisions under this proposal?

The only involvement by State Government in strategy, operations and dividends is in relation to the annual Corporate Plan, which will be jointly agreed between the Board, Owner Councils and the State Government.

A dispute resolution mechanism is specified in Part 8.4 of the new Shareholders' Letter of Expectations provided at Appendix 2. Should the Board not agree to amend the draft Corporate Plan as requested, the Chairman will consult with the Chief Owners' Representative and the State Government Owner's Representative to determine a solution. If this group is unable to reach unanimous agreement as to a solution, it will be determined by a two thirds majority of the group. However, in the unlikely event that this would result in unlawful activity, or the directors being in breach of their fiduciary duties, the Board will not be obliged to adopt the relevant amendments.

3.5 Will the lower revenues under the MOU scenario in the 20 Year Financial projections affect the carrying value of TasWater's assets?

The lower net revenue projections in the MOU scenario may have an impact on the carrying values of our water and sewerage infrastructure assets. If an adjustment to the value is required it will be a non-cash adjustment and will necessitate a proportional non-cash adjustment to the carrying value of each Owner's investment in TasWater.

3.6 What will happen if the Tasmanian Parliament does not pass enabling legislation that is consistent with the draft legislation provided at Appendix 4?

The passage of the proposed Resolutions is subject to there being no material changes between the draft legislation provided at Appendix 4 and the final legislation enacted by the Tasmanian Parliament. In addition, the Share Subscription and Implementation Agreement contains the passing of the amending legislation in a form satisfactory to both the State Government and TasWater as a condition precedent. The materiality of changes, if any, is to be determined by the TasWater Board

after consultation with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania.

4. Risks

This section lists the risks associated with implementation of the proposed features outlined in the MOU between TasWater and the State Government. It does not discuss TasWater's ongoing organisational risks which will continue irrespective of this proposal and are provided in the FY2019-23 Corporate Plan.

The risks listed below are in addition to the key assumptions in the financial model discussed in Section 2.1.

4.1 Resourcing risk for capital program delivery

There is a risk that the required level of resourcing is not available to prudently and efficiently deliver the capital program in this proposal. However, in preparation for delivering the existing capital program outlined in Price and Service Plan 3 (PSP3), we have been reviewing our capital delivery model to ensure it is fit for purpose. The new capital delivery model will include an external partner to provide flexible resourcing that can increase as required to deliver increased capital investment.

4.2 Non-payment risk of the State Government's equity injection

There is a risk that the State Government does not make a \$20 million payment in accordance with the terms of the Share Subscription and Implementation Agreement provided at Appendix 3. However, as outlined in Section 1 of this Information Memorandum, if the State does not meet its commitments to make equity injections, it will lose its rights in relation to:

- The joint approval of the draft Corporate Plan and to participate in the process to resolve any dispute regarding the adoption or amendment of the Corporate Plan
- A seat on the Board Selection Committee and
- Consultation regarding the appointment of the CEO.

These rights will be reinstated on receipt of the overdue equity injection(s).

4.3 Risk of operational or performance impact if the resolution is not passed

If the resolutions in this Information Memorandum are not passed TasWater will proceed to deliver the outcomes under the business as usual scenario provided in the financial information section above. This would see the delivery of a \$2.9 billion capital program over 20 years and gradually reducing tariff increases from PSP to PSP. This will mean that tariff increases will be higher than they would have been in the first years of the MOU and it may impact on the ability of TasWater to secure funding for major projects from the Federal Government.

4.4 Inflation or interest rate risk impacting TasWater's ability to deliver on the MOU

The forward looking financial statements in this Information Memorandum are predictions based on our current expectations and assumptions regarding future events. Actual outcomes, financial results or levels of activity, performance or achievements may vary materially from those discussed in this Information Memorandum.

Notwithstanding these risks, the State Government has agreed to guarantee TasWater's debt by providing a letter of comfort to TasCorp should TasCorp requested it. Further, TasWater's obligation to maintain price increases within the cap and/or accelerate the capital program may be suspended in the event that unforeseeable events arise that impact on the financial sustainability of the business.

5. Proposed resolutions

In order to give effect to the MOU, the TasWater Constitution and Shareholders' Letter of Expectation will need to be changed and an agreement (the Share Subscription and Implementation Agreement) between TasWater and the State Government will need to be entered into. In addition, an Act to amend existing legislation must be passed by the Tasmanian Parliament.

Appendices 1 and 2 provide copies of the proposed new Constitution and Shareholders' Letter of Expectations. To enable the reader to clearly understand the extent of amendments to existing documents, 'tracked changes' versions have been provided.

Appendix 3 provides the proposed Share Subscription and Implementation Agreement between TasWater and the State Government, and the proposed draft legislation is at Appendix 4.

Resolutions to give effect to the MOU are provided below.

The TasWater Board of Directors unanimously recommends that members vote in favour of each resolution.

Under the current Constitution, the thresholds for approval of each resolution differ. To simplify the process, each of the resolutions will be required to meet the highest threshold i.e. 75% by members, 75% by equity.

5.1 Proposed resolutions

- **Resolution 1 – Adoption of a new Constitution**

To consider and, if thought fit, to pass the following resolution:

“Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and*
- (ii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2; and*
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,*

to adopt the Constitution in the form as set out in Appendix 1 to replace the existing Constitution of the Corporation, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation.”

The proposed new version of the Constitution is provided at Appendix 1.

- **Resolution 2 – Adoption of a new Shareholders' Letter of Expectations**

To consider and, if thought fit, to pass the following resolution:

“Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and taking effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with*

the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and

- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and*
- (iii) the passing of Resolution 3 authorising the Corporation to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3,*

to adopt the Shareholders' Letter of Expectations in the form as set out in Appendix 2 to replace the existing Shareholders' Letter of Expectations, with effect from the date the Crown first subscribes for shares in the Corporation in accordance with the Share Subscription and Implementation Agreement between the Crown and the Corporation."

The proposed new Shareholders' Letter of Expectations is provided at Appendix 2.

- **Resolution 3 – Approval to enter into the Share Subscription and Implementation Agreement, including approval for the issue of shares in the Corporation to the State Government**

To consider and, if thought fit, to pass the following resolution:

"Subject to:

- (i) the Water and Sewerage Legislation (Corporate Governance and Pricing) Bill 2018 passing into law and coming into effect in substantially the same terms as set out in Appendix 4, as determined by the Board of the Corporation, having consulted with the Chief Owners' Representative and the Secretary of the Department of Treasury and Finance for Tasmania; and*
- (ii) the passing of Resolution 1 adopting the Constitution in substantially the same form as set out in Appendix 1; and*
- (iii) the passing of Resolution 2 adopting the Shareholders' Letter of Expectations in substantially the same form as set out in Appendix 2,*

that the Corporation be authorised to enter into the Share Subscription and Implementation Agreement with the Crown in substantially the same form as set out in Appendix 3, including the issuing of shares in the Corporation to the Crown."

The proposed Share Subscription and Implementation Agreement is provided at Appendix 3.

6. Explanatory notes

6.1 Resolution 1 – Adoption of a new Constitution

The material changes to the existing Constitution are summarised below:

- **Rule 3 Share capital**
 - A new class of shares for the State Government is established.
 - Owner Councils' existing single shares will be converted to a proportionate number of shares out of 90,000,000 total shares on issue to Councils. The number of shares held by each Owner Council is calculated based on the voting percentages under Schedule 2 of the current Constitution.
 - It is noted that the voting percentages expressed in Schedule 2 of the current Constitution were rounded up to two decimal points for presentation purposes. To provide greater accuracy, the rounding effect has been removed.
 - On a winding up, any surplus will be divided amongst all owners in accordance with the proportion of their shares held at the time.
- **Rule 6 General meetings**
 - Under the new share capital structure, when voting, an Owner's Representative is entitled to one vote on a show of hands, or one vote per share on a poll.
 - Similarly, the State Government's Owner's Representative will be entitled to one vote on a show of hands, or one vote per share on a poll.
- **Rule 8 Shareholders' Letter of Expectations**
 - Changes to certain provisions in the Shareholders' Letter of Expectations will require support from both an Ordinary Majority of Council Owners' Representatives and the State Government's Owner's Representative: these relate to the key commitments in the MOU regarding approval of the Corporate Plan, an accelerated capital investment program and the price freeze and cap.
- **Rule 9 Owners' Representatives**
 - The State Government's Owner's Representative will be the Secretary of Treasury or their delegate.
- **Rule 10 Selection Committee**
 - The Board Selection Committee to be reduced to either six or seven, with one Council Owner's Representative from each of the North and North western regions, two Council Owners' Representatives from the Southern region, the Board Chairman, the State Government's Owner's Representative and the Chief Owners' Representative (if that person is not one of the regional representatives).
 - If the State Government does not meet its share subscription obligations, this right 'falls away' and the number of Selection Committee members decreases by one.
- **Rule 11 Directors**
 - A person who is employed by State Government cannot be appointed to the Board, reflecting the same rule that applies for Council employees. However, this will not operate to exclude a person who sits on the board of a State-owned Business, or who provides services to such a board as an independent contractor.
- **Rule 13 Executive officers**

- The appointment of the CEO continues to be the Board's decision, but there is a requirement that the Chief Owner's Representative and the State Government's Owner's Representative be consulted.
- If the State Government does not meet its share subscription obligations, this right 'falls away' and TasWater's obligation will be limited to consultation with the Chief Owner's Representative.
- **Rule 15 Distribution of profits**
 - The current obligations to pay loan guarantee fees and tax equivalent payments have been removed, meaning that the only distributions paid to Owner Councils are in the form of dividends.
- **Schedules 1 Dictionary**
 - A number of new definitions have been added reflecting the amendments to the Constitution.
- **Schedule 2 Equity proportions per member for voting purposes**
 - This Schedule reflects the changes to the share capital structure as outlined in relation to Rule 3 above and notes that the State Government's shareholding will increase in line with its ongoing equity contributions.
- **Schedule 3 Equity proportions per member for dividend purposes**
 - This Schedule is unchanged, save for the inclusion of the State Government as a shareholder – but receiving no dividend in line with the MOU.
- **Schedule 4 Priority distribution proportions**
 - This Schedule is deleted, noting it only applied in the first year of TasWater.
- **Schedule 5 Special majority members resolution**
 - Other than being renumbered as Schedule 4, this Schedule is unchanged.
- **Schedule 6 75% by member, 75% by equity resolution**
 - Renumbered as Schedule 5, the only changes to this Schedule are to ensure consistency with other provisions.
- **NEW Schedule 6 Government member resolution**
 - This Schedule has been inserted to enshrine the State Government's rights in relation to approval or amendment of the Corporate Plan (or resolution of disputes relating thereto), membership of the Board Selection Committee, and right to be consulted in relation to the appointment of the CEO.
 - The corresponding provisions in the Constitution also note that any change to those rights can only be effected with the State Government's Owner's Representative's support.

6.2 Resolution 2 – Adoption of a new Shareholders' Letter of Expectations

The material changes to the existing Shareholders' Letter of Expectations are summarised below:

- **Part 8 Corporate Plan**
 - The Corporate Plan process is amended by providing both Owner Councils and the State Government access to the draft Corporate Plan as endorsed by the Board and an opportunity to provide proposed amendments to the draft Plan in writing to the Board Chairman.

- The Board will consider any proposed amendments as soon as practicable, but is not obliged to accept any amendment that would create a risk of the directors breaching their directors' duties or any other regulatory obligations.
 - The Board will then either present a revised draft Corporate Plan (if amendments are accepted) or the draft Corporate Plan and a letter of explanation (if amendments are not accepted) to the shareholders for consideration at the Annual Planning General Meeting.
 - At the Annual Planning General Meeting, the shareholders can adopt the Corporate Plan presented to them. This will require both an Ordinary Majority of Council Owners' Representatives and an affirmative vote by the State Government Owner's Representative.
 - If the Corporate Plan as presented to the Annual Planning General Meeting is not adopted, but an Ordinary Majority of Owners' Representatives (not including the State Government's Owner's Representative) and the State Government's Owner's Representative agree amendments to the Plan, the Board must accept those amendments unless this would result in the directors being in breach of their fiduciary duties, the *Corporations Act 2001* (Cth) or result in unlawful activity. In such a case, the Corporate Plan as recommended by the Board will be deemed to have been adopted and the Chairman will advise the shareholders accordingly.
 - If the Corporate Plan as presented to the Annual Planning General Meeting is not adopted, and an Ordinary Majority of Owners' Representatives (not including the State Government's Owner's Representative) and the State Government's Owner's Representative cannot agree amendments to the Plan, a dispute resolution process is invoked.
 - This process involves consultation by the Board Chairman with the Chief Owner's Representative and the State Government's Owner's Representative to determine a solution. If the parties cannot reach a unanimous decision, a two-thirds majority will prevail, except where that result would cause directors to breach their fiduciary duties, or otherwise result in unlawful action.
 - If the State Government does not meet its share subscription obligations, the requirement for the State Government's Owner's Representative to approve the Corporate Plan, and to be included in any associated dispute resolution process 'falls away'. Approval of the Corporate Plan will require only the support of an Ordinary Majority of Owners' Representatives and the dispute resolution process will be limited to the Board Chairman and the Chief Owners' Representative.
- **Part 10 Shareholder Relationships**
 - The Board Chair and CEO will meet with relevant Ministers regularly as determined by mutual agreement.
 - **Part 18 Trade Waste**
 - TasWater, Councils and Government will work closely together to ensure that the recent initiatives by TasWater in relation to trade waste are working and to identify and implement any further improvements in trade waste management.
 - **Part 21 Dividends**
 - TasWater has committed to certain price increase constraints (see Part 27) and to use best endeavours to accelerate our capital program (see Part 29).

- If however, the Board determines that to maintain financial sustainability, it cannot continue to meet these commitments and maintain Owner Councils' dividends, it may, following consultation with State Government, determine to amend the capital program and/or the regulated pricing structure (noting that any price increases must still be within the prevailing pricing determination issued by the Tasmanian Economic Regulator).
- **Part 24 Whole of Government Reporting**
 - The Chief Owner's Representative, Chairman and CEO will appear at GBE Scrutiny Committee hearings if required.
- **Part 27 Pricing**
 - Prices will be frozen from 1 July 2019 until 30 June 2020. From 1 July 2020 until 30 June 2025 annual price increases will be capped at 3.5%, unless unforeseen circumstances arise.
- **Part 28 Community Service Obligation**
 - A mechanism has been included which enables a shareholder to request that TasWater undertake a project that is not contemplated either in its then current Corporate Plan, or in its long term investment plan.
 - A project may be deemed 'commercial' (i.e. one that be accepted by the Economic Regulator as prudent and efficient, and the costs of which may therefore be recovered through tariffs for regulated water and sewerage services) or 'uncommercial' (i.e. projects that will not meet this test).
 - If a project is deemed uncommercial, a shareholder may offer to fund it either directly or through a third party.
 - TasWater will consider the potential impact on its ability to deliver existing commitments in the then current Corporate Plan if it progresses the project (whether commercial or uncommercial) and whether this means that an amendment to the Corporate Plan is required.
 - Any amendment to the Corporate Plan will require approval from the shareholders.
 - TasWater must include information about any uncommercial projects that it undertakes in its Annual Report.
- **Part 29 Infrastructure Investment Program**
 - TasWater will use best endeavours to develop an accelerated capital program in consultation with its owners, which will target a total infrastructure investment of \$1.8 billion by 30 June 2026.

6.3 Resolution 3 – Approval to enter into the Share Subscription and Implementation Agreement, including the issue of shares in TasWater to the State Government

Under the Constitution, approval is required to issue new shares in the Corporation. The terms on which these shares are issued, and the particular rights attached to the relevant class of shares, are set out in the Share Subscription and Implementation Agreement.

The key features of the Agreement are as follows:

- The State Government will provide annual equity injections of \$20 million for a period of 10 years

- 1,000,000 “DD” class shares in the Corporation will be issued in return for each \$20 million contributed
- The rights attached to these shares are, in essential terms, the same as the other classes of shares held by Owner Councils except in relation to the role of the State Government’s Owner’s Representative in the following matters:
 - The approval of the Corporate Plan, and involvement in resolving any deadlock if the Board does not accept any requests from shareholders for amendment
 - The Board Selection Committee and
 - The right to be consulted in relation to the appointment of the CEO

and in that the State Government has no entitlement to receive dividends

- If the State Government does not meet its commitment to subscribe for shares (i.e. inject equity), it will lose these additional rights unless and until it rectifies that failure. Any decisions made by the Board Selection Committee, the Owners’ Representatives or the Board during such a period shall remain valid and in full effect notwithstanding those additional rights being reinstated at a later date.
- Whilst it is currently anticipated that the equity injections will be made on an annual basis, there is a mechanism for this to occur more frequently. Hence, the State Government’s shareholding may increase more rapidly, although it will not exceed a maximum of 10% of shares on issue.

7. Glossary

A list of terms and acronyms used in this Information Memorandum, and their meanings, is provided below.

Term	Meaning
Board	The Directors of the Corporation from time to time
CEO	The Chief Executive Officer appointed to that role pursuant to Rule 13.1 of the Constitution
Chief Representative	The Chief Owners' Representative as appointed pursuant to Rule 9.2 of the Constitution
Company	Tasmanian Water and Sewerage Corporation Pty Limited (ACN 162 220 653)
Constitution	The constitution of the Corporation as adopted on 5 February 2013, ratified on 16 May 2013 and subsequently amended
Corporations Act	The <i>Corporations Act 2001</i> (Cth)
Director	A person who is, for the time being, a director of the Company
Notice	The notice of the Special General Meeting
Proxy Form	The proxy form enclosed with the Notice

Appendix 1: Proposed Constitution

Tasmanian Water and Sewerage Corporation Pty Ltd

Constitution

Tasmanian Water and Sewerage Corporation Pty Ltd

ACN 162 220 653

A proprietary company limited by shares

Adopted on incorporation 5 February 2013

Ratified by general meeting 16 May 2013

Amended by general meeting 13 May 2014

Amended by general meeting 28 July 2015

[Amended by general meeting 27 September 2018](#)

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1 Principal –Objectives

The principal objectives of the Corporation are as follows:

- (a) to efficiently provide water and sewerage functions in Tasmania;
- (b) to encourage water conservation, the demand management of water and the re- use of water on an economic and commercial basis;
- (c) to be a successful business and, to this end:
 - (i) to operate its activities in accordance with good commercial practice;
 - (ii) to deliver sustainable returns to its members; and
 - (iii) to deliver water and sewerage services to customers in the most cost- efficient manner.

Each of the principal objectives of the Corporation is of equal importance.

2 Defined terms and interpretation

2.1 Definitions in the Dictionary

A term or expression starting with a capital letter:

- (a) which is defined in the Dictionary in Schedule 1 (Dictionary), has the meaning given to it in the Dictionary;
- ~~(b) — which is defined in rule 15.5, has the meaning given to it in rule 15.5;~~
- ~~(c)~~(b) which is used in the *Water and Sewerage Corporation Act 2012* (Tas) has the meaning given to it in the *Water and Sewerage Corporation Act 2012* (Tas); and
- ~~(d)~~(c) which is defined in the Corporations Act, but is not defined in the Dictionary ~~or in rule 15.5~~, has the meaning given to it in the Corporations Act.

2.2 Interpretation

The interpretation clause in Schedule 1 (Dictionary) sets out rules of interpretation for this constitution.

2.3 Act to prevail

- (a) The provisions of the *Water and Sewerage Corporation Act 2012* (Tas) prevail over any inconsistent provisions of this constitution.
- (b) The Corporation, its directors and members are expressly prohibited from exercising any of their powers in contravention of or in a manner inconsistent with any requirement of the *Water and Sewerage Corporation Act 2012* (Tas).

3 Share capital

3.1 Shares

The directors have the right to issue shares in accordance with, or to ensure compliance with, the *Water and Sewerage Corporation Act 2012* (Tas).

3.2 Certificates

Each member is entitled without payment to receive a certificate for shares issued as required under the Corporations Act.

3.3 Share class structure

Without prejudice to any special rights conferred on the holders of any shares or class of shares, the directors may, subject to the terms of the *Water and Sewerage Corporation Act 2012* (Tas), issue or allot or otherwise dispose of, shares in the Corporation including:

- (a) "A" ordinary shares;
- (b) "B" ordinary shares;
- (c) "C" ordinary shares;
- (d) "D" ordinary shares;
- (e) "E" ordinary shares;
- (f) "F" ordinary shares;
- (g) "G" ordinary shares;
- (h) "H" ordinary shares;
- (i) "I" ordinary shares;
- (j) "J" ordinary shares;
- (k) "K" ordinary shares;
- (l) "L" ordinary shares;
- (m) "M" ordinary shares;
- (n) "N" ordinary shares;
- (o) "O" ordinary shares;
- (p) "P" ordinary shares;
- (q) "Q" ordinary shares;
- (r) "R" ordinary shares;
- (s) "S" ordinary shares;
- (t) "T" ordinary shares;
- (u) "U" ordinary shares;
- (v) "V" ordinary shares;
- (w) "W" ordinary shares;
- (x) "X" ordinary shares;
- (y) "Y" ordinary shares;
- (z) "Z" ordinary shares;
- (aa) "AA" ordinary shares;

(bb) “BB” ordinary shares; ~~and~~

(cc) “CC” ordinary shares; and

(dd) “DD” ordinary shares,

which shall rank pari passu in all respects, except for:

(i) voting rights attaching to the shares are set out in rule 6.8; and

(ii) dividend rights attaching to the shares are set out in rule 15.

3.4 Equitable interests in shares

- (a) The Corporation may treat the registered holder of a share as the absolute owner of that share.
- (b) The Corporation is not bound by or compelled in any way to recognise an equitable, contingent, future, partial or other right or interest in a share or unit of a share, even if the Corporation has notice of that right or interest.
- (c) With the consent of the directors, shares held by a trustee may be marked in the register in such a way as to identify them as being held subject to the relevant trust.
- (d) Nothing in rule 3.4(c) limits rule 3.4(a).

4 Indemnities ~~and~~ ~~surrender~~

4.1 Indemnity for payments by the Corporation

- (a) A member or, if the member no longer exists, the member’s legal personal representative, must indemnify the Corporation against any liability which the Corporation has under any law to make a payment for or on account of that member including in respect of:
 - (i) shares held by that member;
 - (ii) a transfer or transmission of shares by a member; or
 - (iii) dividends, bonuses or other money owed to the member.
- (b) Rule 4.1(a) includes, without limitation, a payment arising from:
 - (i) the winding up of that member;
 - (ii) the non-payment of any income tax, income tax equivalents, capital gains tax, wealth tax or other tax by that member or the legal personal representative of that member; or
 - (iii) the non-payment of any duty by that member or the legal personal representative of that member.
- (c) The member or, if the member no longer exists, the member’s legal personal representative, must pay to the Corporation immediately on demand:
 - (i) the amount required to reimburse the Corporation for a payment described in rule 4.1(a); and
 - (ii) interest on any part of that amount which is unpaid from the date the Corporation makes the payment until the date the Corporation is reimbursed in full for that payment, at a rate determined under rule 4.4.

- (d) This rule is in addition to any right or remedy the Corporation may have under the law which requires it to make the payment.
- (e) The directors may:
 - (i) exempt a share from all or any part of this rule 4.1; and
 - (ii) waive or compromise all or any part of any payment due to the Corporation under this rule 4.1.

4.2 Surrender of shares

- (a) Subject to any applicable requirements of the *Water and Sewerage Corporation Act 2012* (Tas), the directors may accept a surrender of a share:
 - (i) by way of compromise of any claim as to whether or not that share has been validly issued;
 - (ii) where it is within the power of the Corporation to require a surrender; or
 - (iii) where accepting a surrender is necessary to ensure compliance with the *Water and Sewerage Corporation Act 2012* (Tas).
- (b) Any share surrendered under rule 4.2(a) may be reissued or otherwise disposed of in the same manner as set out in rule 4.3.

4.3 General provisions applicable to a disposal of shares under this constitution

- (a) A reference in this rule 4.3 to a disposal of shares under this constitution is a reference to cancellation of a share surrendered under rule 4.2.
- (b) Where any share is surrendered under rule 4.2(a), the Corporation may convene a general meeting of members to vote on a resolution to cancel that share under the Corporations Act (if required) and the member must take all action required to give effect to that cancellation except to the extent that doing so may cause non-compliance with the applicable requirements of the *Water and Sewerage Corporation Act 2012* (Tas).
- (c) The remedy of any person aggrieved by a disposal of shares under this constitution is limited to damages only and is against the Corporation exclusively.
- (d) A statement in writing signed by a director or secretary of the Corporation to the effect that a share in the Corporation has been surrendered under rule 4.2(a) on a date stated in the statement is conclusive evidence of the facts stated in the statement as against all persons claiming to be entitled to the share.

4.4 Interest payable by member

- (a) For the purposes of rule 4.1(c)(ii), the rate of interest payable to the Corporation is:
 - (i) if the directors have fixed a rate, that rate; or
 - (ii) in any other case, 10% per annum.
- (b) Interest payable under rule 4.1(c)(ii) accrues daily and may be capitalised monthly or at other intervals the directors think fit.

5 Transfer and transmission of shares

5.1 Transfer of shares

- (a) Subject to this constitution, the rights or restrictions attached to any shares or class of shares and to any applicable requirements of the *Water and Sewerage Corporation Act 2012* (Tas), a member may transfer all or any of the member's shares by an instrument in writing in any usual form or in any other form that the directors approve where the shares are:
 - (i) surrendered under rule 4.2(a); or
 - (ii) the subject of a Transmission Event under rule 5.4.
- (b) A transferor of shares remains the holder of the shares transferred until the transfer is registered and the name of the transferee is entered in the register of members in respect of the shares.
- (c) The Corporation must not charge a fee for the registration of a transfer of shares.
- (d) An instrument of transfer referred to in rule 5.1(a) must be signed by or on behalf of both the transferor and the transferee unless the transfer:
 - (i) relates only to fully paid shares and signature by the transferee has been dispensed with by the directors; or
 - (ii) is a sufficient transfer of marketable securities for the purposes of the Corporations Act.
- (e) An instrument of transfer referred to in rule 5.1(a) must be duly stamped if required by law to be stamped.
- (f) An instrument of transfer referred to in rule 5.1(a) must be lodged for registration at the registered office of the Corporation, or at such other place as the directors determine, accompanied by any evidence which the directors require to prove the title of the transferor or the transferor's right to the shares including the share certificate, if any, and to prove the right of the transferee to be registered as the owner of the shares.
- (g) Subject to the powers vested in the directors under rules 5.2 and 5.3, where the Corporation receives an instrument of transfer complying with rules 5.1(d), 5.1(e) and 5.1(f), the Corporation must register the transferee named in the instrument as the holder of the shares to which it relates.
- (h) The Corporation may retain any registered instrument of transfer received by the Corporation under rule 5.1(f) for any period as the directors think fit.
- (i) Except in the case of fraud, the Corporation must return any instrument of transfer received under rule 5.1(f) which the directors decline to register to the person who deposited it with the Corporation.
- (j) The directors may, to the extent permitted by law and subject to the *Water and Sewerage Corporation Act 2012*, waive all or any of the requirements of this rule 5.1.

5.2 Power to decline registration of transfers

Subject to any special rights conferred on the holders of any shares or class of shares, the directors may, in their absolute discretion, decline to register any transfer of shares provided that they may not do so in the case of a transfer of shares effected under the enforcement of any security interest

created over the relevant shares.

5.3 Power to suspend registration of transfers

The directors may suspend the registration of transfers at the times and for the period the directors think fit, but the period of suspension must not exceed a total of 30 days in any year provided that they may not do so in the case of a transfer of shares effected under the enforcement of any security interest created over the relevant shares.

5.4 Transmission of shares

- (a) This rule 5.4 is subject to all applicable provisions of the *Water and Sewerage Corporation Act 2012* (Tas).
- (b) In the case of a Transmission Event, the only person or entity that the Corporation may recognise as having any title to a member's shares or any benefits accruing in respect of those shares are:
 - (i) the legal personal representative of that member where the member no longer exists and was a sole holder; and
 - (ii) another Council.
- (c) Nothing in rule 5.4(b) releases the entity that has assumed the responsibilities of a member which no longer exists from any liability in respect of a share.
- (d) Only a person who becomes entitled to a share as a result of a Transmission Event may elect to be registered as the holder of the share and must do so by signing and serving on the Corporation a notice in writing stating that election after producing any evidence the directors require to prove that person's entitlement to the share, including the certificate for the share.
- (e) The provisions of this constitution relating to the right to transfer, and the registration of transfers of, shares apply, so far as they can and with the changes as are necessary, to any transfer under rule 5.4(b)(ii) as if the relevant Transmission Event had not occurred and the transfer were executed or effected by the registered holder of the share.
- (f) Despite rule 5.4(b), the directors may register a transfer of shares signed by a member before a Transmission Event even though the Corporation has notice of the Transmission Event.

5.5 Members to act in good faith on the occurrence of a Transmission Event

If a Transmission Event occurs, the members must act in good faith and use their best efforts to ensure that the equity percentages ~~for voting set out in Schedule 2 and~~ for distributions set out in Schedule 3 are amended, if necessary, to reflect the Transmission Event.

6 General -meetings

6.1 Convening general meetings

- (a) A general meeting may be convened by:
 - (i) the directors by resolution of the board; or
 - (ii) in accordance with sections 249E, 249F and 249G of the Corporations Act.
- (b) A general meeting must be convened by the directors in accordance with section 249D of the Corporations Act.
- (c) Subject to rule 6.1(e), the directors may postpone, cancel or change the venue for a general

meeting by giving notice not later than five business days before the time at which the general meeting was to be held to each person who is at the date of the notice:

- (i) a member;
 - (ii) a director; or
 - (iii) an auditor of the Corporation.
- (d) A notice postponing or changing the venue for a general meeting must specify the date, time and place of the general meeting.
- (e) A general meeting convened under section 249D of the Corporations Act may not be:
- (i) postponed beyond the date by which that section requires it to be held; or
 - (ii) cancelled without the consent of the member or members who requested it.

6.2 General meetings

- (a) The Corporation must hold a general meeting:
- (i) at least twice in each calendar year; and
 - (ii) subject to rule 6.2(b), the second general meeting for the calendar year must be held within 5 months after the end of the Corporation's financial year.
- (b) The members may extend the time referred to in rule 6.2(a)(ii).
- (c) The directors may attend a general meeting.
- (d) In addition to the notice of meeting, at least 21 days before the second general meeting for each calendar year, the Corporation must give the members a copy of the Corporation's annual report.

6.3 Notice of general meetings

- (a) Subject to this constitution and to the rights or restrictions attached to any shares or class of shares, notice of a general meeting must be given within the time limits prescribed by the Corporations Act and in the manner authorised by rule 19.1 to each person who is at the date of the notice:
- (i) a member;
 - (ii) a director; or
 - (iii) an auditor of the Corporation.
- (b) A notice of a general meeting must specify the date, time and place of the meeting and state the general nature of the business to be transacted at the meeting and any other matters required under the Corporations Act.
- (c) A person may waive notice of any general meeting by notice in writing to the Corporation.
- (d) The non-receipt of notice of a general meeting or proxy form by, or a failure to give notice of a general meeting or a proxy form to, any person entitled to receive notice of a general meeting under this rule 6.3 does not invalidate any act, matter or thing done or resolution passed at the general meeting if:
- (i) the non-receipt or failure occurred by accident or error; or
 - (ii) before or after the meeting, the person:

- (A) has waived or waives notice of that meeting under rule 6.3(c); or
 - (B) has notified or notifies the Corporation of the person's agreement to that act, matter, thing or resolution by notice in writing to the Corporation.
- (e) A person's attendance at a general meeting:
- (i) waives any objection that person may have to a failure to give notice, or the giving of a defective notice, of the meeting unless the person at the beginning of the meeting objects to the holding of the meeting; and
 - (ii) waives any objection that person may have to the consideration of a particular matter at the meeting which is not within the business referred to in the notice of the meeting, unless the person objects to considering the matter when it is presented.

6.4 Quorum at general meetings

- (a) No business may be transacted at any general meeting, except the election of a chair and the adjournment of the meeting, unless a quorum of members is present when the meeting proceeds to business and remains present throughout the meeting.
- (b) A quorum consists of:
 - (i) if the number of members entitled to vote is two or more - more than 50% of the total number of members entitled to vote (irrespective of the number of shares held by each member); or
 - (ii) if only one member is entitled to vote - that member.
- (c) If a quorum is not present within 30 minutes after the time appointed for a general meeting:
 - (i) where the meeting was convened by, or at the request of, a member or members, the meeting must be dissolved; or
 - (ii) in any other case:
 - (A) the meeting stands adjourned to the day, and at the time and place, as the directors determine or, if no determination is made by the directors, to the same day in the next week at the same time and place; and
 - (B) if, at the adjourned meeting, a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting must be dissolved.

6.5 Chair of general meetings

- (a) The Chief Representative, or if the Chief Representative is not present, the Deputy Chief Representative, must preside as chair at each general meeting if present at the time appointed for the meeting.
- (b) If neither the Chief Representative or the Deputy Chief Representative is present at the time appointed for the meeting, the members present must elect as chair of the meeting another person who is present and willing to act.

6.6 Conduct of general meetings

- (a) Any question arising at a general meeting relating to the order of business, procedure or conduct of the meeting must be referred to the chair of the meeting, whose decision is final.
- (b) The chair of a general meeting may, and must if so directed by the meeting, adjourn the meeting from time to time and from place to place, but no business may be transacted at any

adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

- (c) It is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

6.7 Decisions at general meetings

- (a) Except in the case of any resolution which as a matter of law requires a Special Majority Members Resolution and as otherwise provided for in this Constitution, questions arising at a general meeting are to be decided by a majority of votes cast by the members present at the meeting and that decision is for all purposes a decision of the members.
- (b) In the case of an equality of votes upon any proposed resolution:
 - (i) the chair of the meeting does not have a second or casting vote; and
 - (ii) the proposed resolution is taken as having been lost.
- (c) A resolution put to the vote of a general meeting must be decided on a show of hands unless, before a vote by show of hands is taken or before or immediately after the declaration of the result of the show of hands, a poll is demanded by:
 - (i) the chair of the meeting; or
 - (ii) at least 5 members present and entitled to vote on the relevant resolution; or
 - (iii) members with at least 5% of the votes that may be cast on the resolution on a poll.
- (d) A demand for a poll does not prevent the continuance of a general meeting for the transaction of any business other than the question on which the poll has been demanded.
- (e) Unless a poll is duly demanded, a declaration by the chair of a general meeting that a resolution has on a show of hands been carried or carried unanimously, or carried by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the proceedings of the Corporation, is conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.
- (f) If a poll is duly demanded at a general meeting, it will be taken when and in the manner the chair of the meeting directs, and the result of the poll will be the resolution of the meeting at which the poll was demanded.
- (g) A poll cannot be demanded at a general meeting on the election of a chair of the meeting.
- (h) The demand for a poll may be withdrawn.

6.8 Voting at general meetings

- (a) Subject to this constitution (including rule 6.7(f)) and to any rights or restrictions attached to any shares or class of shares, at a general meeting:
 - (i) on a show of hands, every member present has one vote irrespective of the number of fully paid shares held by the member in respect of which they are entitled to vote; and
 - (ii) on a poll, each member present has one vote for each fully paid share (of any class) held by a member and each person present as proxy, attorney or Representative of a member has one vote for each fully paid share held by the member that that person represents. ~~a proportionate vote at the percentage set out in Schedule 2, irrespective of the number of fully paid shares held by the member in respect of which the~~

~~member is entitled to vote.~~

- (b) Each of the matters listed in Schedule ~~45~~ requires a Special Majority Members Resolution;
- (c) Each of the matters listed in Schedule ~~56~~ requires a resolution of the members passed by:

- (i) at least 75% by number of the members of the Corporation entitled to vote; and

- (ii) any combination of members that hold at least 75% of the votes cast by members of the Corporation entitled to vote on the resolution ~~equity voting proportions specified in Schedule 2;~~

(d) Each of the matters listed in Schedule 6 requires a Government Member Resolution;

~~(d)~~(e) Where a person present at a general meeting represents personally or by proxy, attorney or Representative more than one member the following rules apply to a vote taken on a show of hands:

- (i) the person is entitled to one vote only despite the number of members the person represents; and
 - (ii) the person's vote will be taken as having been cast for all the members the person represents.

~~(e)~~(f) A person entitled to a share as a result of a Transmission Event may vote at a general meeting in respect of that share in the same manner as if that person were the registered holder of the share if, before the meeting, the directors have:

- (i) admitted that person's right to vote at that meeting in respect of the share; or
 - (ii) been satisfied of that person's right to be registered as the holder of, or to transfer, the share under rule 5.4(d),

and any vote tendered by that person must be accepted to the exclusion of the vote of the registered holder of the share.

~~(f)~~(g) Where a member holds any share on which any call due and payable to the Corporation has not been duly paid that member is only entitled to be present at a general meeting but not vote.

~~(g)~~(h) An objection to the qualification of a person to vote at a general meeting:

- (i) must be raised before or immediately after the result of the motion on which the vote objected to is given or tendered; and
 - (ii) must be referred to the chair of the meeting, whose decision is final.

~~(h)~~(i) A vote not disallowed by the chair of a meeting under rule 6.8(g) is valid for all purposes.

6.9 Representation at general meetings

- (a) Subject to this constitution, each member entitled to vote at a meeting of members may vote:
 - (i) in person or, where a member is a body corporate, by its Representative;

- (ii) by proxy; or
 - (iii) by attorney.
- (b) A proxy, attorney or Representative may be a member of the Corporation but does not have to be a member.
- (c) A proxy, attorney or Representative may be appointed for all general meetings, or for any number of general meetings, or for a particular general meeting.
- (d) Unless otherwise provided in the Corporations Act or in the appointment, an appointment of a proxy, attorney or Representative is taken to confer authority:
 - (i) to agree to a meeting being convened by shorter notice than is required by the Corporations Act or by this constitution;
 - (ii) to speak to any proposed resolution on which the proxy, attorney or Representative may vote;
 - (iii) to demand or join in demanding a poll on any resolution on which the proxy, attorney or Representative may vote;
 - (iv) even though the appointment may refer to specific resolutions and may direct the proxy, attorney or Representative how to vote on those resolutions:
 - (A) to vote on any amendment moved to the proposed resolutions and on any motion that the proposed resolutions not be put or any similar motion;
 - (B) to vote on any procedural motion, including any motion to elect the chair, to vacate the chair or to adjourn the meeting; and
 - (C) to act generally at the meeting; and
 - (v) even though the appointment may refer to a specific meeting to be held at a specified time or venue, where the meeting is rescheduled or adjourned to another time or changed to another venue, to attend and vote at the re-scheduled or adjourned meeting or at the new venue.
- (e) The chair of a meeting may require any person purporting to act as a proxy, attorney or Representative to establish to the satisfaction of the chair that the person has been validly appointed as a proxy, attorney or Representative and is the person named in the relevant instrument of appointment, failing which the person may be excluded from attending or voting at the meeting.
- (f) Where a member appoints two proxies or attorneys to vote at the same general meeting and the authority of one is not conditional on the other failing to attend or vote, the following rules apply:
 - (i) where the appointment does not specify the proportion or number of the member's votes each proxy or attorney may exercise, each proxy or attorney may exercise half of the member's votes;
 - (ii) on a show of hands, neither proxy or attorney may vote; and
 - (iii) on a poll, each proxy or attorney may only exercise the voting rights the proxy or attorney represents.
- (g) An instrument appointing a proxy or attorney may direct the manner in which the proxy or attorney is to vote in respect of a particular resolution and, where an instrument so provides,

the proxy or attorney is not entitled to vote on the proposed resolution except as directed in the instrument.

- (h) A proxy or attorney may not vote at a general meeting or adjourned meeting unless the instrument appointing the proxy or attorney, and the original or a certified copy of the power of attorney or other authority (if any) under which the instrument is signed, are received:
 - (i) at the registered office of the Corporation, at the fax number at its registered office or at another place, fax number or electronic address specified for that purpose in the notice convening the meeting; and
 - (ii) by the time specified in the notice of meeting.
- (i) Unless the Corporation has received written notice of the matter by the time and at the place or in the manner set out in rules 6.9(h)(i) and (h)(ii), a vote cast by a proxy or attorney is valid even if, before the proxy or attorney votes:
 - (i) a Transmission Event occurs in relation to the appointer; or
 - (ii) the member revokes the proxy's or attorney's appointment; or
 - (iii) the member revokes the authority under which a third party appointed the proxy or attorney; or
 - (iv) the member transfers the share in respect of which the proxy or attorney was appointed.
- (j) The authority of a proxy or attorney to speak and vote for a member at a general meeting is suspended while the member is present at the meeting.

6.10 Resolutions without meetings

- (a) Subject to rule 6.10(c), the Corporation may pass a resolution without a general meeting being held, if all of the members entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document.
- (b) For the purposes of rule 6.10(a):
 - (i) the document may be sent to members in any manner described in rule 19;
 - (ii) the resolution is passed when the last member signs;
 - (iii) separate copies of a document may be used for signing by members if the wording of the resolution and statement is identical in each copy; and
 - (iv) a signature of a member transmitted to the Corporation by facsimile is sufficient evidence of signature.
- (c) Rule 6.10(a) does not apply to a resolution to remove an auditor.
- (d) Where a document is signed in accordance with rule 6.10(a) the document is to be taken as a minute of the passing of the resolution.

6.11 Electronic technology to conduct meetings

Any meeting of the Corporation may be conducted by telephone, video conference or any other means of communication that gives the members a reasonable opportunity to participate and a member who participates in a meeting as permitted under this rule is taken to be present at the meeting.

7 Constitution

7.1 Process for adopting, modifying and repealing

- (a) Subject to the requirements of the *Water and Sewerage Corporation Act 2012* (Tas), the constitution of the Corporation is adopted on registration if each person specified in the application for the company's registration as a person who consents to become a member agrees in writing to the terms of the constitution before the application is lodged.
- (b) In accordance with the *Water and Sewerage Corporation Act 2012* (Tas), as soon as practicable after incorporation of the Corporation, the members must approve the constitution by resolution passed by at least 75% of the members of the Corporation entitled to vote.
- (c) Subject to rule 7.1(d) and rule 6.8(d), the Corporation may modify or repeal the constitution or a provision of the constitution by a resolution passed by at least 75% of the members of the Corporation entitled to vote.
- (d) Despite anything else in this constitution, this rule 7.1(d), ~~Schedule 2~~ and Schedule 3 can only be modified by a resolution passed by:
 - (i) at least 75% ~~by number~~ of the members of the Corporation entitled to vote; and
 - (ii) at least 75% of the ~~votes cast by members of the Corporation entitled to vote on the resolution~~ equity voting proportions specified in Schedule 2.

7.2 Constitution is a public document

The Corporation is to make available to the public the constitution of the Corporation following its adoption or modification as soon as practicable following its adoption or modification.

7.3 Entrenchment of constitution

- (a) Any special or other resolution of the Corporation that purports to modify or repeal the constitution or a provision of the constitution in breach of clause 7.3(b) does not have any effect.
- (b) The constitution or a provision of the constitution may not be modified or repealed:
 - (i) in a way that would result in the constitution being inconsistent with the provisions of the *Water and Sewerage Corporation Act 2012* (Tas) or any regulations made under it; or
 - (ii) unless the provisions of section 11 of the *Water and Sewerage Corporation Act 2012* have been complied with.

7.4 Subsidiary constitutions

Each of the provisions that are to be included in the Corporation's constitution in accordance with *Water and Sewerage Corporation Act 2012* (Tas) must also be included in the constitution of any subsidiary of the Corporation.

8 Shareholders' Letter of Expectations

8.1 Process for adopting, modifying and repealing

- (a) The members must prepare and approve by Ordinary Majority, a Shareholders' Letter of Expectations in accordance with this constitution and the *Water and Sewerage Corporation*

Act 2012 (Tas).

- (b) As soon as practicable after incorporation of the Corporation, the members must provide the Shareholders' Letter of Expectations_s to the board.
- (c) The Shareholders' Letter of Expectations_s must not be inconsistent with the *Water and Sewerage Corporation Act 2012* (Tas), the regulations or this constitution.
- (d) Subject to rule 8.1(f), tThe members may decide by Ordinary Majority, at any time, or on application of the board to:
 - (i) amend the Shareholders' Letter of Expectations_s; or
 - (ii) revoke the Shareholders' Letter of Expectations_s and substitute another Shareholders' Letter of Expectations_s.

(e) Before or while preparing a Shareholders' Letter of Expectations_s or an amendment to a Shareholders' Letter of Expectations_s, the members of the Corporation are to consult with the board.

(f) Where any amendment or revocation and substitution of the Shareholders' Letter of Expectations involves a change to:

- (i) the process for adoption and amendment of the Corporation's corporate plan (including any mechanism for resolving any dispute regarding the adoption of amendments to the corporate plan); or
- (ii) any expectation that the Corporation will commit to a price freeze or a cap on annual price increases for regulated services for water and sewerage customers; or
- (iii) any expectation that the Corporation will, on a best endeavours basis, commit to deliver an accelerated capital investment program such that it achieves a target of \$1.8 billion in total infrastructure investment over the remainder of its current 10 year investment program (ie until 30 June 2026).

the amendment or revocation and substitution of the Shareholders' Letter of Expectations will require the support of:

- (iv) an Ordinary Majority of Owners' Representatives (excluding the Crown's Owner's Representative); and

(v) the Crown's Owner's Representative.

8.2 Matters to be included in Shareholders' Letter of Expectations_s

- (a) The Shareholders' Letter of Expectations_s must specify, without limitation:
 - (i) the strategic priorities of the Corporation;
 - (ii) the high-level expectations of members for the performance of the business of the Corporation and any subsidiary of the Corporation;
 - (iii) the process for adoption and amendment of the Corporation's corporate plan;
 - (iv) the required content and form for, and time period to be covered by, the corporate plan; and
 - (v) that the chair of directors and ~~Chief Executive Officer~~chief executive officer must provide briefings to members as provided in the Shareholders' Letter of Expectations_s.

8.3 Publication of Shareholders' Letter of Expectations

The Corporation must publish the Shareholders' Letter of Expectations on the Corporation's website as soon as practicable after adoption.

8.4 Crown's role in adopting or amending the Corporate Plan

- (a) Subject to rule 8.4(c) and rule 8.4(d), the process for adopting or amending the corporate plan is set out in part 8.4 of the Shareholder's Letter of Expectations.
- (b) Subject to rule 8.4(c), any changes relating to:
 - (i) the role of the Crown's Owner's Representative in the process to approve, or request amendments to, the corporate plan; or
 - (ii) the Crown's Owner's Representative's role in the mechanism to avoid deadlock in the event that there is any dispute over adopting any amendments to the corporate plan,together "(the Corporate Plan Rights)", or to this rule 8.4(b), requires a Government Member Resolution in accordance with Schedule 6.
- (c) If the Crown does not meet its share subscription obligations in accordance with clause 2.2 of the Share Subscription and Implementation Agreement, then, for so long as the Crown fails to meet those obligations, the Corporate Plan Rights and rule 8.4(b) shall not apply.
- (d) Where the circumstances in rule 8.4(c) apply:
 - (i) there shall be no obligation for the Crown's Owner's Representative to approve the corporate plan, and an Ordinary Majority of the Owners' Representatives may accept or request amendments to the corporate plan; and
 - (ii) there shall be no right for the Owner's Representative for the Crown to take part in the mechanism for resolving any disputes in relation to the adoption of any amendments to the corporate plan. For the avoidance of doubt, in these circumstances the chair and the Chief Owner's Representative shall determine a solution.

9 Owners' Representatives

9.1 Appointment of Owners' Representatives

- (a) Each member of the Corporation must as soon as practicable, after incorporation of the Corporation and at any time there is a vacancy in the position of Owners' Representative for a member, appoint a person as an Owners' Representative for that member for a specified term not exceeding 3 years.
- (b) A person appointed by a ~~Council member~~ as its Owners' Representative under rule 9.1(a), must be an elected member of Council for that member or the General Manager of Council for that ~~Council member~~.
- ~~(b)(c)~~ A person appointed by the Crown as its Owner's Representative under rule 9.1(a), must be the Secretary of Treasury of the Department of Treasury and Finance in Tasmania for the Crown or a delegate of the Secretary.
- ~~(c)(d)~~ Each member must notify the Corporation of the name of the Owner's Representative and if there is a new appointment of a person as an Owner's Representative.
- ~~(d)(e)~~ The number of times a person may be appointed to the role of Owners' Representative is not limited.

9.2 Chief Representatives

- (a) The Owners' Representatives may elect by Ordinary Majority one of the Owners' Representatives as the ~~Chief Owners' Representative~~~~chief of Owners' Representatives~~.
- (b) The Owners' Representatives may elect by Ordinary Majority one of the Owners' Representatives as the ~~Deputy Chief Representative~~~~deputy chief of Owners' Representatives~~.
- (c) The ~~chief~~~~Chief Owners' Representative~~ and ~~Deputy Chief~~~~deputy chief of Owners'~~ Representative are to carry out the duties prescribed in the charter of the Owners' Representatives established under this constitution.
- (d) The Owners' Representatives may remove a ~~Chief Owners' Representative~~~~chief~~ or ~~Deputy Chief~~~~deputy chief of Owners'~~ Representatives by Special Majority.
- (e) The Chief ~~Owners'~~ Representative is to be paid such fees and allowances by the Corporation, as determined from time to time by the members on the recommendation of the Selection Committee, by an Ordinary Majority.
- (f) ¹A person may not serve as a Chief ~~Owners'~~ Representative or Deputy Chief Representative for a period exceeding 3 years unless re-elected by an Ordinary Majority of the Owners' Representatives.
- (g) ²The number of times a person may be appointed as Chief ~~Owners'~~ Representative or Deputy Chief Representative is not limited.

9.3 Appointment of Acting Owners' Representatives

- (a) A member of the Corporation may appoint a person to act as the Owner's Representative for that member:
 - (i) during a vacancy in the position of Owner's Representative for that member, whether or not an appointment has previously been made to the position; or
 - (ii) during any period, or during all periods, when that member's Owner's Representative is absent from duty or is, for any reason, unable to perform all or part of the duties of the position.
- (b) An appointment of an Acting Owner's Representative under rule 9.3(a) may be limited by the member making the appointment to specified rights and obligations for which that appointment is valid.
- (c) Each member must notify the Corporation of the name of the Acting Owner's Representative and if there is a new appointment of a person as an Acting Owner's Representative.

9.4 Function of Owners' Representatives

- (a) The Owners' Representatives are to:
 - (i) consult with other Owners' Representatives and undertake such other functions imposed on Owners' Representatives under this constitution;
 - (ii) agree and present to members and the board a charter of operations and procedures to govern the Owners' Representatives's objects and functions;
 - (iii) make and implement decisions on behalf of members in accordance with the *Water and*

¹ Clause 9.2(f) amendment adopted 28 July 2015

² Clause 9.2(g) amendment adopted 28 July 2015

Sewerage Corporation Act 2012 (Tas), this constitution and the charter agreed under rule 9.4(a)(ii);

- (iv) act as the official liaison between the board and the members of the Corporation;
- (v) monitor the performance of the board against the Shareholders' Letter of Expectation^s and the Corporation's most recent corporate plan;
- (vi) through the Selection Committee and where appropriate the chair of directors, monitor:
 - (A) the appointment of directors including board renewal and continuity;
 - (B) board performance; and
 - (C) board remuneration;
- (vii) approve the charter of operations and procedures developed by the Selection Committee to govern the Selection Committee's objects and functions; and
- (viii) subject to any law or lawful order to the contrary, elect by Ordinary Majority at least one of the Owners' Representatives to attend any committee of the Parliament or state government as required.

9.5 Proceedings of Owners' Representatives

The Owners' Representatives may engage secretariat and executive support to assist it in performing its functions as required by this constitution.

10 Selection -Committee

10.1 Establishment of Selection Committee

- (a) Subject to rule 10.1(h) and 10.1(i), tThe Owners' Representatives must as soon as practicable establish a Selection Committee composed of:
 - (i) 12 persons selected by Ordinary Majority by the Owners' Representatives of the members of the North-western Region;
 - (ii) 12 persons selected by Ordinary Majority by the Owners' Representatives of the members of the Northern Region;
 - (iii) 24 persons selected by Ordinary Majority by the Owners' Representatives of the members of the Southern Region; ~~and~~
 - (iv) the chair of directors_{:-}
 - (v) the Crown's Owner's Representative; and
 - ~~(v)~~(vi) the Chief Owners' Representative, if that person is not one of the persons referred to in rule 10.1(a)(i), rule 10.1(a)(ii) or rule 10.1(a)(iii).
- (b) Only a person who is an Owners' Representative is eligible for appointment to the Selection Committee under rule 10.1(a).
- (c) The current chair of directors must not be present at or take part in any consultations, discussion or decision by the Selection Committee in relation to the appointment of any person to the role of chair of directors, unless the chair of directors is not seeking re-appointment and the other members of the Selection Committee all agree that the chair of directors may be present and take part.

- (d) ³A Selection Committee member may not appoint an acting or alternate member and may not give a proxy to another member of the Selection Committee.
- (e) ⁴The Selection Committee members may elect by Ordinary Majority one of the Selection Committee members to act as the Chair of the Selection Committee.
- (f) ⁵If the Chair of the Selection Committee is absent from a meeting, the Selection Committee members present may elect another Selection Committee member who is present and willing to act to chair the meeting.
- (g) Subject to rule 10.1(h), any change or amendment to rule 10.1(a)(v) or to this rule 10.1(g) requires a Government Member Resolution in accordance with Schedule 6.-
- ~~(f)~~(h) If the Crown does not meet its share subscription obligations in accordance with clause 2.2 of the Share Subscription and Implementation Agreement then, for so long as the Crown fails to meet those obligations, the Crown's Owner's Representative will cease to be a member of the Selection Committee and rule 10.1(a)(v) will cease to apply.

10.2 Term

- (a) Members of the Selection Committee must not be appointed for a term exceeding 3 years.
- (b) The number of times a person may be appointed to the Selection Committee is not limited.
- (c) ⁶A person may not serve as the chair of the Selection Committee for a period exceeding 3 years unless re-elected by an Ordinary Majority of the Selection Committee members.
- (d) ⁷The numbers of times a person can be appointed as chair of the Selection Committee is not limited.

10.3 Function of Selection Committee

- (a) The Selection Committee must agree and present to the Owners' Representatives a charter of operations and procedures to govern the Selection Committee's objects and functions.
- (b) If there is a vacancy or expected vacancy in the position of chair of directors or other director, the Selection Committee is to cause an appropriate recruitment process to be undertaken to fill that vacancy, including if necessary and without limitation, by the use of a professional recruitment consultant to source candidates.
- (c) Any person, including directors of the Corporation, may nominate for consideration by the Selection Committee any one or more persons as candidates for appointment as chair of directors or other director of the Corporation.
- (d) The Selection Committee, after making due enquiry, is by Ordinary Majority to appoint a person who, in the opinion of the Selection Committee, has the experience and skills necessary to assist the Corporation to achieve its principal objectives, to the vacant position of chair of directors or other director of the Corporation.
- (e) The Selection Committee must consult with the Owners' Representatives on:
 - (i) a framework for the remuneration of directors, which must be approved by the Owners' Representatives by Ordinary Majority; and

³ Clause 10.1(d) amendment adopted 13 May 2014

⁴ Clause 10.1 (e) amendment adopted 28 July 2015

⁵ Clause 10.1(f) amendment adopted 28 July 2015

⁶ Clause 10.2(c) amendment adopted 28 July 2015

⁷ Clause 10.2(d) amendment adopted 28 July 2015

- (ii) apply the framework for remuneration to determine the remuneration of each director in accordance with rule 11.5.
- (f) When making appointments to the board, the Selection Committee must consider the need for both renewal and continuity of the members of the board as a whole.
- (g) The board must conduct an annual performance review of the board and provide a report to the Selection Committee.
- (h) The Selection Committee must report to the Owners' Representatives in accordance with its charter when requested with regard to board performance, board appointments and composition required to ensure an appropriate balance of board continuity and renewal.

10.4 Proceedings of Selection Committee

- (a) The Selection Committee must regulate its proceedings, including the calling of, and the conduct of business at its meetings, in accordance with its charter, this constitution and otherwise as it considers appropriate.
- (b) The Selection Committee may permit its members to participate in a particular meeting or all meetings by telephone, video conference or any other means of communication that gives members a reasonable opportunity to participate and a member who participates in a meeting as permitted under this rule is taken to be present at the meeting.
- (c) If the number of members of the Selection Committee that constitutes an Ordinary Majority signs a document containing a statement that they are in favour of a resolution or proposal set out in the document, a resolution or proposal in those terms is taken to have been passed or agreed to at a meeting of the Selection Committee on the day on which the document is signed or, if the members of the Selection Committee do not sign it on the same day, on the day on which the last of the members of the Selection Committee signs the document.
- (d) For the purposes of rule 10.4(c), 2 or more separate documents containing a statement in identical terms, each of which is signed by one or more members of the Selection Committee, is taken to constitute 1 document.

10.5 Remuneration of Selection Committee

The members of the Selection Committee (other than the chair of directors) are to be paid such fees and allowances as the Owners' Representatives collectively determine from time to time, which will be payable by the Corporation.

10.6 Removal of Selection Committee member

The Owners' Representatives for a Region may, by Special Majority, remove any person (other than the chair of directors) from their position on the Selection Committee for that Region.

11 Directors

11.1 Board

- (a) The business of the Corporation is to be managed by the directors, who may exercise all such powers of the Corporation as are not, by the Corporations Act, the *Water and Sewerage Corporation Act 2012* (Tas) or by this Constitution, required to be exercised by the Corporation in general meeting.
- (b) The number of directors is to be not more than 7 directors, comprising:

- (i) the chair of directors; and
 - (ii) a maximum of 6 other directors,
- appointed in accordance with the *Water and Sewerage Corporation Act 2012* (Tas), the Corporations Act and this constitution.
- (c) If at any time a vacancy occurs on the board, the Selection Committee must, as soon as practicable, do all things necessary to appoint a person to fill that vacancy in accordance with the procedures in this constitution.

11.2 Director Independence

- (a) None of the following persons may be appointed a director of the Corporation or any subsidiary of the Corporation:
 - (i) any person who has served as an elected government official at any time within the 3 years preceding the intended date of appointment; or
 - (ii) any person who currently holds office as an elected government official or who is currently an employee of any Council or the Crown.

(b) Rule 11.2(a)(ii) shall not operate to exclude any person who:

- (i) holds a position as a director of a State-Owned Business or
 - (ii) is engaged as an independent contractor to provide services to a board of directors of a State-Owned Business or to a Council
- from being eligible to be appointed a director of the Corporation, or from continuing to act as a director of the Corporation.

11.3 Appointment, reappointment and removal of directors

- (a) The directors of the Corporation must be appointed and removed in accordance with the applicable requirements of the *Water and Sewerage Corporation Act 2012* (Tas), if any, and this constitution.
- (b) Each term of an appointment of a director must not exceed three years.
- (c) A person's appointment to the role of director must be reviewed by the Selection Committee in accordance with rule 10.3 of this constitution prior to the expiration of the term of his or her appointment. That person may be re-appointed as a director for further terms not exceeding three years each.
- (d) A director can be appointed by consecutive terms for a maximum period of 10 continuous years from the date of first appointment. The 10 year period may only be extended by a Special Majority of the Selection Committee. This rule 11.3(d) does not prevent the appointment of a director who has previously served for a period up to 10 continuous years, if that person has not been a director for a period of at least 3 years.
- (e) The Owners' Representatives may by Special Majority remove a person from the role of chair of directors or any other director of the Corporation.

11.4 Vacation of office

In addition to the circumstances in which the office of a director becomes vacant by virtue of the law, the office of a director becomes vacant:

- (a) in the circumstances prescribed by the *Water and Sewerage Corporation Act 2012* (Tas);
- (b) if the director becomes of unsound mind or a person who is, or whose estate is, liable to be dealt with in any way under the law relating to mental health; or
- (c) if the director resigns by notice in writing to the Corporation;
- (d) if the director is absent, without the consent of the other directors, from meetings of the directors held during a period of three (3) months; or
- (e) if the director is directly or indirectly interested in any contract or proposed contract with the Corporation (other than in his or her capacity as a director or employee of the Corporation) and fails to declare the nature of that interest as required by the Corporations Act.

11.5 Remuneration of directors

- (a) Each director is entitled to the remuneration out of the funds of the Corporation as advised by the Selection Committee in accordance with this rule 11.5.
- (b) The Corporation must request that the Selection Committee:
 - (i) determines the amount of remuneration of each director in accordance with the framework for remuneration approved by the Owners' Representatives under this constitution, in terms of:
 - (A) a stated fee; or
 - (B) a fixed sum for attendance at each meeting of directors
 or a combination of both;
 - (ii) reviews the amount of remuneration of each director annually; and
 - (iii) gives the directors and the Owners' Representatives written notice of the amount it determines in accordance with this constitution for each director on an annual basis.
- (c) In addition to remuneration under rule 11.5(a), the directors are entitled to be paid all travelling and other expenses properly incurred by them when engaged on the business of the Corporation, including in attending and returning from:
 - (i) general meetings of the Corporation;
 - (ii) meetings of the directors; or
 - (iii) meetings of committees of the directors.
- (d) If a director renders or is called on to perform extra services or to make any special exertions in connection with the affairs of the Corporation, the Selection Committee may arrange for a special remuneration to be paid to that director, either in addition to or in substitution for that director's remuneration under rule 11.5(a).
- (e) Nothing in this rule 11.5 restricts the remuneration to which a director may be entitled as an officer of the Corporation or of a related body corporate in a capacity other than director, which may be either in addition to or in substitution for that director's remuneration under this rule 11.5.

11.6 Director need not be a member

- (a) A director is not required to hold any shares in the Corporation to qualify for appointment.
- (b) A director is entitled to attend and speak at a general meeting even if he or she is not a

member of the Corporation.

11.7 Interested directors

- (a) A director may:
 - (i) hold any other office or place of profit, other than auditor, in the Corporation or a related body corporate in conjunction with his or her directorship; and
 - (ii) be appointed to that office or place of profit on the terms as to remuneration, tenure of office and otherwise as the directors think fit.
- (b) A director of the Corporation may be a director or other officer of:
 - (i) a related body corporate;
 - (ii) a body corporate promoted by the Corporation;
 - (iii) a body corporate in which the Corporation is interested, as shareholder or otherwise; or
 - (iv) a body corporate as required by law because of that director's position as a director of the Corporation,

or be otherwise interested in any of those bodies corporate. A director is not accountable to the Corporation for any remuneration or other benefits received by the director as a director or officer of that body corporate or from having an interest in that body corporate.
- (c) The directors may exercise the voting rights conferred by shares in any body corporate held or owned by the Corporation as the directors think fit. This includes voting in favour of any resolution appointing an officer of that body corporate (excluding a director or a chairperson), or voting for the payment of remuneration to the directors or other officers of that body corporate. A director may, if permitted by law, vote in favour of the exercise of those voting rights even if he or she is, or may be about to be appointed, a director or other officer of that other body corporate.
- (d) A director is not disqualified merely because of being a director from contracting with the Corporation in any respect including, without limitation:
 - (i) selling any property to, or purchasing any property from, the Corporation; or
 - (ii) being employed by the Corporation or acting in any professional capacity, other than auditor, on behalf of the Corporation.
- (e) No contract made by a director with the Corporation and no contract or arrangement entered into by or on behalf of the Corporation in which any director may be in any way interested is avoided or rendered voidable merely because the director holds office as a director or because of the fiduciary obligations arising out of that office.
- (f) No director contracting with the Corporation or being interested in any arrangement involving the Corporation is liable to account to the Corporation for any profit realised by or under a contract or arrangement of that kind merely because the director holds office as a director or because of the fiduciary obligations arising out of that office.
- (g) Subject to rule 11.7(h), a director who has a material personal interest in a contract or arrangement or proposed contract or arrangement, or other matter being considered at a directors meeting cannot:
 - (i) be present while the matter is being considered at the meeting; or

- (ii) vote on the matter.
- (h) Rule 11.7(g) does not apply if the director is permitted to be present or vote on a matter under the Corporations Act, in which case that director can:
 - (i) be counted in determining whether or not a quorum is present at any meeting of directors considering that contract or arrangement or proposed contract or arrangement;
 - (ii) vote in respect of the contract or arrangement or proposed contract or arrangement or any matter arising out of those things; and
 - (iii) sign or countersign any document relating to that contract or arrangement or proposed contract or arrangement.
- (i) The directors may make regulations requiring the disclosure of interests that a director, and any person deemed by the directors to be related to or associated with the director, may have in any matter concerning the Corporation or a related body corporate. Any regulations made under this rule bind all directors and apply in addition to any obligations imposed on the directors by the Corporations Act to disclose interests to the Corporation.
- (j) If the Corporation is a wholly-owned subsidiary of a body corporate, a director may act in the best interests of the holding Corporation.

11.8 Powers and duties of directors

- (a) Subject to the provisions of the *Water and Sewerage Corporation Act 2012* (Tas) and this constitution, the directors:
 - (i) are responsible for managing the business of the Corporation having regard to the Shareholders' Letter of Expectations; and
 - (ii) may exercise to the exclusion of the Corporation in general meeting all the powers of the Corporation which are not required, by the Corporations Act or this constitution, to be exercised by the Corporation in general meeting.
- (b) Subject to rule 20.4 and without limiting rule 11.8(a), the directors may exercise all the powers of the Corporation to borrow or otherwise raise money, to charge any property or business of the Corporation or all or any of its uncalled capital and to issue debentures or give any other security for a debt, liability or obligation of the Corporation or of any other person.
- (c) The directors may determine how cheques, promissory notes, banker's drafts, bills of exchange or other negotiable instruments or other documents must be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by or on behalf of the Corporation.
- (d) The directors may:
 - (i) appoint or employ any person to be an officer, agent or attorney of the Corporation for the purposes, for the period and on the conditions as they think fit;
 - (ii) resolve to delegate any of their powers to an officer, agent or attorney and the officer, agent or attorney must exercise the powers delegated in accordance with any directions of the directors;
 - (iii) authorise an officer, agent or attorney to delegate all or any of the powers, discretions and duties vested in the officer, agent or attorney; and

- (iv) subject to any contract between the Corporation and the relevant officer, agent or attorney, remove or dismiss any officer, agent or attorney of the Corporation at any time, with or without cause.
- (e) A power of attorney may contain provisions for the protection and convenience of the attorney or persons dealing with the attorney as the directors think fit.

11.9 Proceedings of directors

- (a) The directors may hold meetings for the dispatch of business and adjourn and otherwise regulate their meetings as they think fit.
- (b) Subject to the Corporations Act, the contemporaneous linking together by a form of technology of a number of the directors sufficient to constitute a quorum, constitutes a meeting of the directors and all the provisions in this constitution relating to meetings of the directors apply, so far as they can and with such changes as are necessary, to meetings of the directors held using a form of technology.

11.10 Convening meetings of directors

- (a) Any three directors may, whenever they think fit, request the chair of directors to convene a meeting of the directors.
- (b) A secretary must, on the requisition of any three directors, convene a meeting of the directors.
- (c) The chair of directors may, whenever he or she thinks fit, convene a meeting of the directors.

11.11 Notice of meetings of directors

- (a) Subject to this constitution, reasonable notice of a meeting of directors must be given to each person who is at the time of giving the notice a director, other than a director on leave of absence approved by the directors.
- (b) A notice of a meeting of directors:
 - (i) must specify the time and place of, or form of technology for, the meeting;
 - (ii) need not state the nature of the business to be transacted at the meeting; and
 - (iii) may be given in person or by post, or, subject to the Corporations Act, by a form of technology.
- (c) A director may waive notice of a meeting of directors by notifying the Corporation to that effect in person or by post, or by a form of technology.
- (d) The non-receipt of notice of a meeting of directors by, or a failure to give notice of a meeting of directors to, a director does not invalidate any act, matter or thing done or resolution passed at the meeting if:
 - (i) the non-receipt or failure occurred by accident or error;
 - (ii) before or after the meeting, the director:
 - (A) waives notice of that meeting under rule 11.11(c); or
 - (B) notifies the Corporation of his or her agreement to that act, matter, thing or resolution personally or by post, or by a form of technology; or
 - (iii) the director attended the meeting.

- (e) Attendance by a person at a meeting of directors waives any objection that person may have to a failure to give notice of the meeting.

11.12 Quorum at meetings of directors

- (a) No business may be transacted at a meeting of directors unless there is a quorum of directors at the time the business is dealt with.
- (b) A quorum consists of 4 directors, one of whom must be the chair of directors or if the chair of directors is unavailable the deputy chair.

11.13 Chair of directors

- (a) The chair of directors is appointed for a term not exceeding 3 years.
- (b) The chair of directors may be reappointed in accordance with this constitution on expiry of his or her term of office.
- (c) The chair of directors may only be removed in accordance with the Corporations Act and this constitution.
- (d) The directors may appoint one of the directors as a deputy chair of directors.
- (e) The office of chair of directors will not be treated as an extra service or special exertion performed by the director holding that office.
- (f) The chair of directors must preside as chair at each meeting of directors, if present at the time appointed for the holding of the meeting.
- (g) The directors present at a meeting of directors may elect a person present to chair the meeting if:
 - (i) there is a vacancy in the role of chair of directors; or
 - (ii) the chair of directors is not present within 30 minutes of the time appointed for the meeting.

11.14 Decisions of directors

- (a) A meeting of directors at which a quorum is present is competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the directors under this constitution and in accordance with the *Water and Sewerage Corporation Act 2012* (Tas).
- (b) Questions arising at a meeting of directors are to be decided by a majority of votes cast by the directors present and a decision of that kind is for all purposes a determination of the directors.
- (c) In the case of an equality of votes on a proposed resolution:
 - (i) the chair of the meeting does not have a second or casting vote; and
 - (ii) the proposed resolution is to be taken as having been lost.

11.15 Resolutions without meetings

- (a) The directors may pass a resolution without a directors' meeting being held if all the directors, other than a director on a leave of absence approved by the other directors, entitled to vote on the resolution assent to a document containing a statement that they are in favour of the resolution set out in the document.
- (b) Separate copies of a document may be used if the wording of the resolution and statement is

identical in each copy.

- (c) The resolution is passed when the last director assents.
- (d) A director may signify assent to a document by signing the document or by notifying the Corporation of the director's assent in person or by post, fax, electronic, telephone or other method of written, audio or audio visual communication.
- (e) Where a director signifies assent to a document otherwise than by signing the document, the director must by way of confirmation sign the document at the next meeting of the directors attended by that director, but failure to do so does not invalidate the act, matter, thing or resolution to which the document relates.
- (f) Where a document is assented to in accordance with this rule 11.15, the document is to be taken as a minute of the passing of the resolution.

11.16 Committees of directors

- (a) The directors may resolve to delegate any of their powers to a committee or committees consisting of such number of directors as they think fit.
- (b) A committee to which any powers have been so delegated must exercise the powers delegated in accordance with any directions of the directors.
- (c) The provisions of this constitution applying to meetings and resolutions of directors apply, so far as they can and with the changes as are necessary, to meetings and resolutions of a committee of directors.

11.17 Delegation to individual directors

- (a) The directors may resolve to delegate any of their powers to one director.
- (b) A director to whom any powers have been so delegated must exercise the powers delegated in accordance with any directions of the directors.

11.18 Validity of acts

An act done by a person acting as a director or by a meeting of directors or a committee of directors attended by a person acting as a director is not invalidated by reason only of:

- (a) a defect in the appointment of the person as a director;
- (b) the person being disqualified to be a director or having vacated office; or
- (c) the person not being entitled to vote,

if that circumstance was not known by the person or the directors or committee, as the case may be, when the act was done.

11.19 Limitation on sale or disposal of main undertaking

- (a) The directors must ensure that the Corporation does not dispose of the main undertakings of the Corporation, or permit the disposal of the main undertakings of any of the Corporation's subsidiaries.
- (b) The main undertakings of the Corporation are as specified in the most recent corporate plan of the Corporation.

12 Board Reporting and Communication

12.1 Annual report

- (a) The directors must in each calendar year and no later than 3 months after the end of the financial year to which the annual report relates, provide the members:
 - (i) with an annual report for the Corporation and each of its subsidiaries; and
 - (ii) any other information requested in writing by the members.
- (b) Subject to the *Water and Sewerage Corporation Act 2012* (Tas), on the written request of a member, the Corporation must include in the financial statements any financial information that the members consider appropriate, unless that information is not accurate, or commercial in confidence.
- (c) The Corporation must publish the annual report on the Corporation's website no later than ~~4~~ 5 months after the end of the financial year to which the annual report relates, or as soon as possible after the Annual General Meeting at which the report is adopted, whichever occurs first.

12.2 Other information

- (a) Subject to the *Water and Sewerage Corporation Act 2012* (Tas), on the written request of a member, the Corporation must provide to the members:
 - (i) the business and strategic plans of the Corporation and any subsidiary, as specified in the request;
 - (ii) the financial information specified in the request;
 - (iii) a report on the matters specified in the request; and
 - (iv) any other information relevant to any such plan, financial information or report;unless the information is commercial in confidence.
- (b) If the directors form the opinion that a matter has arisen that may:
 - (i) prevent, or significantly affect, achievement of the objectives of the Corporation or any of its subsidiaries; or
 - (ii) significantly affect the strategies and policies that the Corporation or its subsidiaries are following to achieve those objectives; or
 - (iii) prevent, or significantly affect, achievement of a financial target,the directors will promptly notify the members of their opinion and the reasons for the opinion.

12.3 Commercial in confidence dispute resolution

- (a) If the directors determine certain information requested by a member to be commercial in confidence in accordance with rule 12.1(b) or rule 12.2(a), the Corporation must give the member that made the request notice of that determination.
- (b) Within 7 days of the giving of notice under rule 12.3(a), the member may notify the Corporation that it disputes the determination and provide details specifying the nature of the dispute.
- (c) Within 14 days of the delivery of a dispute notice under rule 12.3(b), the Corporation and the member must meet and use their best endeavours to resolve the dispute to the mutual

satisfaction of both parties as soon as possible.

- (d) If the Corporation and the member are not able to reach a resolution of the dispute within a reasonable period of time (in any event being no more than 14 days after the date of receipt of the notice of the dispute under rule 12.3(b)), then the dispute must be submitted for arbitration to an independent arbiter appointed by the President of the Law Society of Tasmania.
- (e) This rule 12.3 does not apply, or ceases to apply, if compliance with it would be likely to cause the Corporation to breach a law or any other requirement with respect to the Corporation's financial statements or any other information subject to the dispute.

13 Executive –officers

~~13.1 Chief Executive Officer~~Chief executive officer

- (a) The ~~Chief Executive Officer~~chief executive officer of the Corporation is to be appointed by the directors and may be removed by the directors.
- (b) Subject to rule 13.1(d) and 13.1(e), in exercising their functions under rule 13.1(a), the directors shall consult with the Chief Owners' Representative and the Crown's Owner's Representative.
- ~~(a)(c)~~ Subject to rule 13.1(d), any change or amendment to this rule 13.1(b) or this rule 13.1(c) requires a Government Member Resolution in accordance with Schedule 6.
- (d) If the Crown does not meet its share subscription obligations in accordance with clause 2.2 of the Share Subscription and Implementation Agreement then, for so long as the Crown fails to meet those obligations, the rights contained in rule 13.1(b) and rule 13.1(c) shall not apply.
- (e) Where the rights set out in rule 13.1(b) and 13.1(c) do not apply, the directors shall consult with the with the Chief Owner's Representative only in exercising their functions under rule 13.1(a).

13.2 Secretaries

- (a) The directors may appoint a secretary or more than one secretary.
- (b) The directors may appoint one or more assistant secretaries.
- (c) Any director may also be the secretary or a secretary of the Corporation.

13.3 Provisions applicable to all executive officers

- (a) A reference in this rule 13.3 to an executive officer is a reference to a Chief Executive Officer~~chief executive officer~~, secretary or assistant secretary appointed under this rule 13.
- (b) The appointment of an executive officer may be for the period, at the remuneration and on the conditions the directors think fit.
- (c) Subject to any contract between the Corporation and the relevant executive officer, an executive officer of the Corporation may be removed or dismissed by the directors at any time, with or without cause. Such removal or dismissal does not remove that person from office as a director.
- (d) The directors may:
 - (i) confer on an executive officer the powers, discretions and duties as they think fit, and may resolve to delegate any powers, discretions and duties vested in or exercisable by

- the directors;
- (ii) withdraw, suspend or vary any of the powers, discretions and duties conferred on an executive officer; and
- (iii) authorise the executive officer to delegate all or any of the powers, discretions and duties conferred on the executive officer.
- (e) An executive officer is not required to hold any shares to qualify for appointment.
- (f) An act done by a person acting as an executive officer is not invalidated by reason only of:
 - (i) a defect in the person's appointment as an executive officer; or
 - (ii) the person being disqualified to be an executive officer,if that circumstance was not known by the person when the act was done.

14 Seals

14.1 Adoption of common seal

- (a) The directors may determine that the Corporation has a common seal or that the Corporation no longer has a common seal, and may revoke a determination made under this rule 14.1(a).
- (b) Rules 14.2, 14.3, 14.4, 14.5 and 14.6 only apply if the Corporation has a common seal.

14.2 Safe custody of Seal

The directors must provide for the safe custody of the Seal.

14.3 Use of Seal

- (a) The Seal must be used only by the authority of the directors or a committee of the directors authorised by the directors to authorise the use of the Seal.
- (b) The authority to use the Seal may be given before or after the Seal is used.
- (c) Subject to rule 14.6, until the directors otherwise determine, the fixing of the Seal to a document must be witnessed by a director and by another director, a secretary or another person appointed by the directors to witness that document or a class of documents in which that document is included.

14.4 Duplicate seal

- (a) The Corporation may have for use in place of its common seal outside the state or territory where its common seal is kept one or more duplicate seals, each of which must be a facsimile of the common seal of the Corporation with the addition on its face of the words "duplicate seal" and the name of the place where it is to be used.
- (b) A document sealed with a duplicate seal is to be taken as having been sealed with the common seal of the Corporation.

14.5 Share seal or certificate seal

- (a) The Corporation may have for use on certificates for securities of the Corporation in place of its common seal one or more duplicate seals, each of which must be a facsimile of the common seal of the Corporation with the addition on its face of the words "share seal" or "certificate seal".

- (b) A certificate for securities of the Corporation sealed with a share seal or certificate seal is to be taken as having been sealed with the common seal of the Corporation.

14.6 Sealing and signing of certificates

The directors may determine either generally or in a particular case that the seal and the signature of any director, secretary or other person is to be printed on or fixed to any certificates for securities in the Corporation by some mechanical or other means.

15 Distribution of profits

15.1 Dividends

- (a) The directors must determine a ~~distribution dividend~~ policy in conjunction with the Owners' Representatives and in accordance with the *Water and Sewerage Corporation Act 2012* (Tas). ~~The distribution policy must incorporate a dividend policy.~~
- (b) The ~~distribution dividend~~ policy ~~(which incorporates the dividend policy)~~ must, subject to complying with that Act and the law generally, allow for payment of quarterly interim dividends during the financial year in which the profits are made.
- (c) The directors may, from time to time and in a manner consistent with the ~~distribution dividend~~ policy, determine the aggregate amount of dividends to be distributed to members in accordance with the equity proportions for each member set out in Schedule 3 of this constitution, ~~except if rule 15.4 applies, then the aggregate amount of dividends is to be distributed to members in accordance with rule 15.4 (Distribution Prior to 13 November 2013).~~
- (d) Interest is not payable by the Corporation in respect of any dividend.
- (e) A dividend in respect of a share must be paid to the person who is registered as the holder of the share:
 - (i) where the directors have fixed a record date in respect of the dividend, on that date; or
 - (ii) where the directors have not fixed a record date in respect of that dividend, on the date the dividend is paid.
- (f) The directors may deduct from any dividend payable to a member all sums of money presently payable by the member to the Corporation and apply the amount deducted in or towards satisfaction of the money owing.
- (g) Where a person is entitled to a share as a result of a Transmission Event, the directors may, but are not obliged to, retain any dividends payable on that share until that person becomes registered as the holder of the share or transfers it.
- (h) Any dividend, interest or other money payable in cash in respect of shares may be paid by cheque and sent by post:
 - (i) to the address of the holder as shown in the register of members; or
 - (ii) to such other address as the holder in writing directs.

This rule 15.1(h) does not limit the method of payment the directors may adopt.

- (i) A cheque sent under rule 15.1(h) may be made payable to bearer or to the order of the member to whom it is sent or any other person the member directs and is sent at the member's risk.

~~15.2 Guarantee fees~~

- ~~(a) The Corporation must pay guarantee fees in accordance with the *Water and Sewerage Corporation Act 2012* and this constitution.~~
- ~~(b) The aggregate guarantee fee is to be paid to members in amounts calculated in accordance with the equity proportions for each member for distribution entitlements set out in Schedule 3 of this constitution, except if rule 15.4 applies, then the aggregate amount of guarantee fee is to be distributed to members in accordance with rule 15.4 (Distribution Prior to 13 November 2013).~~
- ~~(c) Any guarantee fee may be paid by cheque and sent by post:
 - ~~(i) to the address of the member as shown in the register of members; or~~
 - ~~(ii) to such other address as the member in writing directs.~~This rule 15.2(c) does not adversely affect any other method of payment the directors may adopt.~~
- ~~(d) A cheque sent under rule 15.2(c) may be made payable to bearer or to the order of the member to whom it is sent or any other person the member directs and is sent at the member's risk.~~

~~15.3 Tax equivalents~~

- ~~(a) The Corporation must pay an income tax equivalent in respect of each financial year in accordance with the *Water and Sewerage Corporation Act 2012* and this constitution.~~
- ~~(b) The aggregate income tax equivalent is to be paid to members in amounts calculated in accordance with the equity proportions for each member for distribution entitlements set out in Schedule 3 of this constitution, except if rule 15.4 applies, then the aggregate amount of~~
- ~~(c) income tax equivalent is to be distributed to members in accordance with rule 15.4 (Distribution Prior to 13 November 2013).~~
- ~~(d) Any tax equivalent may be paid by cheque and sent by post:
 - ~~(i) to the address of the member as shown in the register of members; or~~
 - ~~(ii) to such other address as the member in writing directs.~~This rule 15.3(c) does not adversely affect any other method of payment the directors may adopt.~~
- ~~(e) A cheque sent under rule 15.3(c) may be made payable to bearer or to the order of the member to whom it is sent or any other person the member directs and is sent at the member's risk.~~

~~15.4 Distribution Prior to 13 November 2013~~

~~For distributions made prior to 13 November 2013, the allocation of aggregate distributions made under rule 165.1 (Dividends), rule 165.2 (Guarantee Fees) and rule 165.3 (Tax Equivalents), without limiting those rules, must be in accordance with this rule 165.4:~~

- ~~(a) priority distributions are to be made to members:
 - ~~(i) when the total of the Current Distribution and Past Distributions payable to all members in the year is less than the sum of all members' Pro-Rata Maximum Priority Distribution, in the amount of that member's Relative Priority Share of the Current Distribution; or~~~~

- ~~(ii) — when the total of the Current Distribution and Past Distributions payable to all members in the year is greater than or equal to the sum of all members' Pro-Rata Maximum Priority Distribution, in the amount of that member's total Pro-Rata Maximum Priority Distribution less the sum of all Past Priority Distributions received by that member in the relevant year;~~
- ~~(b) — any residual distributions to be made after priority distributions in rule 165.4(a), are to be made to members based on the equity proportions per member for distribution entitlements set out in Schedule 3.~~

~~15.5 Interpretation~~

- ~~(a) — In rule 615.4 (Distribution Prior to 13 November 2013):~~
 - ~~(i) — Current Distribution means the total of any distributions currently payable to the members of the Corporation;~~
 - ~~(ii) — Past Distributions means the total of all distributions previously paid to members in the year;~~
 - ~~(iii) — Past Priority Distributions means the total of all distributions previously paid to members in the year under rule 165.4(a);~~
 - ~~(iv) — Pro-Rata Maximum Priority Distribution means the values set out in column 3 of the table at Schedule 4; and~~
 - ~~(v) — Relative Priority Share means the shares set out in column 4 of the table at Schedule 4.~~

~~15.6~~15.2 Capitalisation of profits

- (a) Subject to any rights or restrictions attached to any shares or class of shares, the directors may capitalise and distribute among such of the members as would be entitled to receive dividends and in the same proportions, as each member would be entitled to receive a dividend, any amount:
 - (i) forming part of the undivided profits of the Corporation;
 - (ii) representing profits arising from an ascertained accretion to capital or from a revaluation of the assets of the Corporation;
 - (iii) arising from the realisation of any assets of the Corporation; or
 - (iv) otherwise available for distribution as a dividend (having provided for expected future capital requirements and operational expenditure).
- (b) The directors may resolve that all or any part of the capitalised amount is to be applied:
 - (i) in paying up in full any unissued shares in the Corporation;
 - (ii) in paying up any amounts unpaid on shares held by the members;
 - (iii) partly as specified in rule 15.62(b)(i) and partly as specified in rule 15.62(b)(ii); or
 - (iv) in any other way permitted by the Corporations Act,

and that application must be accepted by the members entitled to share in the distribution in full satisfaction of their interests in the capitalised amount.
- (c) Rules 15.1(e) and 15.1(g) apply, so far as they can and with any necessary changes, to a capitalisation of an amount under rule 15.26 as if references in those rules to a dividend and to the date a dividend is paid were references to a capitalisation of an amount and to the

date the directors resolve to capitalise the amount under this rule 15.26 respectively.

~~15.7~~15.3 Ancillary powers

- (a) Subject to any applicable requirements of the *Water and Sewerage Corporation Act 2012* (Tas), the directors may do any of the following things to give effect to a resolution for the satisfaction of a dividend in the manner set out in rule 15.1 or by the capitalisation of an amount under rule 15.2:
- (i) settle as they think expedient any difficulty that may arise in making the distribution or capitalisation and, in particular, where shares in the Corporation are or would otherwise be issuable in fractions:
 - (A) determine that fractions are to be disregarded or are to be rounded down to the nearest whole number; or
 - (B) determine that fractions are to be rounded up to the nearest whole number;
 - (ii) fix the value for distribution of any specific assets;
 - (iii) pay cash to any member or issue shares to any member in order to adjust the rights of all parties;
 - (iv) vest any specific assets, cash or shares in a trustee on such trusts for the persons entitled to the dividend or capitalised amount as may seem expedient to the directors; and
 - (v) authorise any person to make, on behalf of all the members entitled to any further shares as a result of the distribution or capitalisation, an agreement with the Corporation or another body corporate providing, as appropriate:
 - (A) for the issue to them of further shares as fully paid; or
 - (B) for the payment by the Corporation on their behalf of the amounts or any part of the amounts remaining unpaid on their existing shares by the application of their respective proportions of the sum resolved to be capitalised,and any agreement made under an authority referred to in this rule (v) is effective and binding on all members concerned.
- (b) If the Corporation distributes to a member shares in the Corporation or another body corporate or a trust, the member appoints the Corporation as his or her agent to do anything needed to give effect to that distribution, including agreeing to become a member of that other body corporate.

~~15.8~~15.4 Reserves

- (a) Subject to this constitution, the directors may set aside out of the profits of the Corporation reserves or provisions for any purpose as they think fit, including for future capital requirements or operational expenditure of the Corporation.
- (b) The directors may appropriate to the profits of the Corporation an amount previously set aside as a reserve or provision.
- (c) The setting aside of an amount as a reserve or provision does not require the directors to keep the amount separate from other assets of the Corporation or prevent the amount being used in the business of the Corporation or being invested as the directors think fit.

15.915.5 Carry forward of profits

Subject to this constitution, the directors may carry forward as much of the profits remaining as they consider ought not to be distributed as dividends or capitalised without transferring those profits to a reserve or provision.

16 Winding -up

16.1 Distribution of surplus

Subject to this constitution and to the rights or restrictions attached to any shares or class of shares:

- (a) if the Corporation is wound up and the property of the Corporation is more than sufficient:
 - (i) to pay all of the debts and liabilities of the Corporation; and
 - (ii) the costs, charges and expenses of the winding up,the excess must be divided among the members in accordance with the equity proportions of shares held by each member at the relevant time set out in Schedule 2 of this constitution, irrespective of the amounts paid or credited as paid on the shares; and
- (b) for the purpose of calculating the excess referred to in rule 16.1(a), any amount unpaid on a share is to be treated as property of the Corporation.

16.2 Division of property

- (a) If the Corporation is wound up, the liquidator may divide among the members the whole or any part of the property of the Corporation in accordance with the equity proportions of shares held by each member at the relevant time set out in Schedule 2 of this constitution. Nothing in this rule 16.2 adversely affects any right to exercise any statutory or other power which would have existed if this rule were omitted.
- (b) Rule ~~15.7~~ 15.3 applies, so far as it can and with necessary changes, to a division by a liquidator under rule 16.2(a) as if references in rule ~~15.7~~ 15.3 to the directors and to a distribution or capitalisation were references to the liquidator and to the division under rule 16.2(a) respectively.

17 Minutes and records

17.1 Minutes

The directors must cause minutes of:

- (a) all proceedings and resolutions of general meetings;
- (b) proceedings and resolutions of meetings of the directors and of committees of the directors;
- (c) resolutions passed by members without a meeting;
- (d) resolutions passed by a director or directors without a meeting; and
- (e) declarations made by a director of a single director Corporation,

to be recorded and entered in books kept for that purpose, within one month after the meeting is held, the resolution is passed or the declaration is made.

17.2 Signing of minutes

- (a) Minutes of a meeting must be signed by the chair of the meeting or the chair of the next

meeting within a reasonable time after the meeting.

- (b) Minutes of the passing of a resolution without a meeting or the making of a declaration must be signed by a director within a reasonable time after the resolution is passed.

17.3 Minutes as evidence

A minute that is recorded and signed in accordance with rules 17.1 and 17.2 is evidence of the proceeding or resolution to which it relates, unless the contrary is proved.

17.4 Inspection of records

- (a) Subject to the Corporations Act, the directors may determine whether and to what extent, and at what time and places and under what conditions, the minute books, accounting records and other documents of the Corporation or any of them will be open to the inspection of members other than directors.
- (b) A member other than a director does not have the right to inspect any books, records or documents of the Corporation except as provided by law or authorised by the directors.

18 Indemnity and insurance

18.1 Persons to whom rules 18.2 and 18.4 apply

Rules 18.2 and 18.4 apply:

- (a) to each person who is or has been a director or executive officer (within the meaning of rule 13.3(a)) of the Corporation;
- (b) to such other officers or former officers of the Corporation or of its related bodies corporate as the directors in each case determine; and
- (c) if the directors so determine, to any auditor or former auditor of the Corporation or of its related bodies corporate.

18.2 Indemnity

The Corporation must indemnify to the extent permitted by law, each person to whom this rule 18.2 applies for all losses or liabilities incurred by the person as an officer or, if the directors so determine, an auditor of the Corporation or of a related body corporate including, but not limited to, a liability for negligence or for legal costs on a full indemnity basis.

18.3 Extent of Indemnity

The indemnity in rule 18.2:

- (a) is a continuing obligation and is enforceable by a person to whom rule 18.2 applies even though that person may have ceased to be an officer or auditor of the Corporation or of a related body corporate;
- (b) applies to losses and liabilities incurred both before and after the date of adoption of that rule; and
- (c) operates only to the extent that the loss or liability is not covered by insurance.

18.4 Insurance

The Corporation may, to the extent permitted by law:

- (a) purchase and maintain insurance; or

- (b) pay or agree to pay a premium for insurance,

for any person to whom this rule 18.4 applies against any liability incurred by the person as an officer or auditor of the Corporation or of a related body corporate including, but not limited to, a liability for negligence or for legal costs.

18.5 Agreement and Access to Corporation Books

The Corporation may enter into an agreement with a person referred to in rule 18.1 (Persons to whom rules 18.2 and 18.4 apply) with respect to the matters covered by this rule 18. An agreement entered into pursuant to this rule may include provisions relating to rights of access to books of the Corporation conferred by the Corporations Act or otherwise by law.

18.6 Savings

Nothing in rule 18.2 or 18.4:

- (a) affects any other right or remedy that a person to whom those rules apply may have in respect of any loss or liability referred to in those rules; or
- (b) limits the capacity of the Corporation to indemnify or provide insurance for any person to whom those rules do not apply.

19 Notices

19.1 Notices by the Corporation to members

- (a) A notice may be given by the Corporation to a member:
 - (i) by serving it personally at, or by sending it by post in a prepaid envelope to, the member's address as shown in the register of members or such other address, or by fax or electronic mail to such fax number or electronic address, as the member has supplied to the Corporation for the giving of notices; or
 - (ii) if the member does not have a registered address and has not supplied another address to the Corporation for the giving of notices, by exhibiting it at the registered office of the Corporation.
- (b) A notice may be given by the Corporation to a person entitled to a share as a result of a Transmission Event by serving it or sending it in the manner authorised by rule 19.1(a)(i) addressed to the name or title of the person, at or to the address, fax number or electronic address supplied to the Corporation for the giving of notices to that person, or if no address, fax number or electronic address has been supplied, at or to the address, fax number or electronic address to which the notice might have been sent if the relevant Transmission Event had not occurred.
- (c) The fact that a person has supplied a fax number or electronic address for the giving of notices does not require the Corporation to give any notice to that person by fax or electronic mail.
- (d) A notice given to a member in accordance with rules 19.1(a) or (b) is, despite the occurrence of a Transmission Event and whether or not the Corporation has notice of that occurrence:
 - (i) duly given in respect of any shares registered in that person's name; and
 - (ii) sufficient service on any person entitled to the shares as a result of the Transmission Event.
- (e) A notice given to a person who is entitled to a share as a result of a Transmission Event is

sufficient service on the member in whose name the share is registered.

- (f) Any person who, because of a transfer of shares, becomes entitled to shares registered in the name of a member is bound by every notice which, before that person's name and address is entered in the register of members in respect of those shares, is given to the member in accordance with this rule 19.1.
- (g) A signature to any notice given by the Corporation to a member under this rule 19.1 may be in writing or a facsimile printed or fixed by some mechanical or other means.
- (h) A certificate signed by a director or secretary of the Corporation to the effect that a notice has been given in accordance with this constitution is conclusive evidence of that fact.

19.2 Notices by the Corporation to directors

Subject to this constitution, a notice may be given by the Corporation to any director either by serving it personally at, or by sending it by post in a prepaid envelope to, the director's usual residential or business address, or such other address, or by fax or electronic mail to such fax number or electronic address, as the director has supplied to the Corporation for the giving of notices.

19.3 Notices by members or directors to the Corporation

Subject to this constitution, a notice may be given by a member or director to the Corporation by serving it on the Corporation at, or by sending it by post in a prepaid envelope to, the registered office of the Corporation or by fax or electronic mail to the principal fax number or electronic address at the registered office of the Corporation.

19.4 Notices to members outside Australia

A notice to be sent to a member outside Australia and its external territories must be sent by airmail or by fax or by electronic mail, or in another way that ensures it will be received quickly.

19.5 Time of service

- (a) Where a notice is sent by post, service of the notice is to be taken to be effected if a prepaid envelope containing the notice is properly addressed and placed in the post and to have been effected:
 - (i) in the case of a notice of a general meeting, on the day after the date of its posting; or
 - (ii) in any other case, at the time at which the letter would be delivered in the ordinary course of post.
- (b) Where a notice is sent by fax, the notice is to be taken to be given on the business day after it is sent.
- (c) Where a notice is sent by electronic mail, service of the notice is taken to be effected if the sender receives a confirmation of delivery and is taken to have been effected on the business day after it is sent.
- (d) Where the Corporation gives a notice under rule 19.1(a)(ii) by exhibiting it at the registered office of the Corporation, service of the notice is to be taken to be effected when the notice was first so exhibited.

19.6 Other communications and documents

Rules 19.1 to 19.5 (inclusive) apply, as far as they can and with necessary changes, to the service of any communication or document.

19.7 Notices in writing

A reference in this constitution to a notice in writing includes a notice given by fax, electronic mail or another form of written communication.

20 General

20.1 Currency

An amount payable to the holder of a share, whether by way of or on account of dividend, return of capital, participation in the property of the Corporation on a winding up or otherwise, may be paid, with the agreement of the holder or pursuant to the terms of issue of the share, in the currency of a country other than Australia and the directors may fix a date up to 30 days before the payment date as the date on which any applicable exchange rate will be determined for that purpose.

20.2 Submission to jurisdiction

Each member submits to the non-exclusive jurisdiction of the Supreme Court of Tasmania, the Federal Court of Australia and the Courts which may hear appeals from those Courts.

20.3 Subsidiaries

- (a) The Corporation may not:
 - (i) form, or participate in the formation of, any company, trust, managed investment scheme, other body corporate, partnership or joint venture; or
 - (ii) acquire any:
 - (A) any shares or other securities in a company;
 - (B) any interest, including any units, in any trust;
 - (C) any interest in any managed investment scheme;
 - (D) any interest in any other body corporate; or
 - (E) any interest in any partnership or joint venture,without the prior approval of the members of the Corporation.
- (a) The Corporation is, to the maximum extent practicable, to ensure that every subsidiary complies with the subsidiary's constitution (if any) and with the requirements of the *Water and Sewerage Corporation Act 2012* (Tas).
- (b) The constitution of a subsidiary is to be substantially consistent with this constitution except to the extent that changes are required to permit a subsidiary to:
 - (i) be a single member company;
 - (ii) have a single director; or
 - (iii) as otherwise necessary for the efficient operation of the subsidiary.

20.4 Limit on borrowings

- (a) In respect of a financial year, the members by special resolution may determine the maximum total amount that may be borrowed by the Corporation and all its subsidiaries during that financial year.

- (b) The secretary of the Corporation must notify all the subsidiaries of the Corporation, in writing, of a maximum total amount determined under rule 20.4(a) if it has been so determined.
- (c) The Corporation must ensure that the total of all amounts borrowed by the Corporation and all its subsidiaries during a financial year does not exceed the maximum total amount determined under rule 20.4(a) in respect of that financial year.
- (d) Except where approved by a special resolution of members and by the Minister in accordance with the *Water and Sewerage Corporation Act 2012* (Tas), the Corporation must not borrow from any person other than the Tasmanian Public Finance Corporation.
- (e) The terms and conditions of any borrowing is to be in accordance with any guidelines issued by the Treasurer.
- (f) For the purpose of rule 20.4(e), borrowing means any borrowing, loan, temporary accommodation, advance or other form of raising funds in relation to which the principle is repayable.

20.5 Prohibition and enforceability

- (a) Any provision of, or the application of any provision of, this constitution which is prohibited in any place is, in that place, ineffective only to the extent of that prohibition.
- (b) Any provision of, or the application of any provision of, this constitution which is void, illegal or unenforceable in any place does not affect the validity, legality or enforceability of that provision in any other place or of the remaining provisions in that or any other place.

SCHEDULE 1 - DICTIONARY

1 Dictionary

In this constitution:

Business Day means a day on which banks are open for business in Hobart excluding Saturdays, Sundays and public holidays in Hobart.

Chief Owners' Representative means the chief of Owners' Representatives appointed under Rule 9.2(a).

Corporation means Tasmanian Water and Sewerage Corporation Pty Ltd (ACN 162 220 653).

Corporations Act means the *Corporations Act 2001* (Cth).

Council means a council within the meaning of the *Local Government Act 1993* (Tas).

Crown means the Crown in Right of Tasmania.

Deputy Chief Representative means the deputy chief of Owners' Representatives appointed under Rule 9.2(b).

General Manager means a person appointed as, and currently holding the position of, general manager under section 61 of the *Local Government Act 1993*.

Government Member Resolution means a resolution in relation to which only the Crown's Owner's Representative is entitled to vote, and which the Crown's Owner's Representative votes in favour of.

Guarantee means a guarantee, indemnity, letter of credit, letter of comfort or other assurance or assumption of responsibility given at any time for a debt or liability of another person or the solvency or financial condition of that person.

Member means the member Councils and the Crown.

~~**Owners' Representatives means the Owners' Representatives appointed under rule 9.**~~

Northern Region has the same meaning as set out in the *Acts Interpretation Act 1931* (Tas).

North-western Region has the same meaning as set out in the *Acts Interpretation Act 1931* (Tas).

Ordinary Majority means a majority representing more than 50% of:

- (a) in relation to the members of the Corporation, all of the members;
- (b) in relation to the Owners' Representatives representing members of the Corporation from a particular Region, all the Owners' Representatives representing members of the Corporation from that Region;
- (c) in relation to the Owners' Representatives of the Corporation, all the Owners' Representatives of the Corporation; and
- (d) in relation to the Selection Committee, all the Selection Committee.

Owners' Representatives means the Owners' Representatives appointed under rule 9.

Region means the Northern Region, North-western Region or Southern Region.

Representative, in relation to a body corporate, means a representative of the body corporate appointed

under section 250D of the Corporations Act or a corresponding previous law.

Seal means any common seal, duplicate seal, share seal or certificate seal of the Corporation.

Selection Committee means the selection committee established under rule ~~10~~11.

Share Subscription and Implementation Agreement means the Share Subscription and Implementation Agreement between the Corporation and the Crown.

Southern Region has the same meaning as set out in the *Acts Interpretation Act 1931* (Tas).

Special Majority Members Resolution means a resolution of the members passed by at least 75% of the votes cast by members entitled to vote on the resolution.

Special Majority means a majority representing at least 75% of:

- (a) in relation to the Owners' Representatives representing members of the Corporation from a particular Region, all the Owners' Representatives representing members of the Corporation from that Region;
- (b) in relation to the Owners' Representatives of the Corporation, all the Owners' Representatives of the Corporation.

State Owned Business means any body or authority, whether incorporated or not, which is established or constituted by or under the Government Business Enterprises Act 1995 (Tas) or other Tasmanian statute, being a body or authority which, or of which the governing authority, wholly or partly comprises a person or persons appointed by the Governor of Tasmania, a minister of the Crown or another government authority, but does not include a government department.

Transmission Event means in respect of a member of the Corporation which is a body corporate (including a Council or the Crown), the winding up or dissolution of the member or the succession by another body corporate to the assets and liabilities of the member.

Treasurer's Instruction means ~~a Treasurer's instruction issued under the Government Business Enterprises Act 1995 (Tas).~~

2 Interpretation

2.1 General

- (a) A member is to be taken to be present at a general meeting if the member is present in person or by proxy, attorney or Representative or by alternative means of simultaneous communication.
- (b) A director is to be taken to be present at a meeting of directors if the director is present in person or by alternative means of simultaneous communication.
- (c) Where a provision of this constitution establishes an office of chair, the chair may be referred to as a chairman or chairwoman, as the case requires.
- (d) A reference in a rule in general terms to a person holding or occupying a particular office or position includes a reference to any person who occupies or performs the duties of that office or position for the time being.
- (e) In this constitution, headings and underlining are for convenience only and do not affect the interpretation of this constitution and, unless the contrary intention appears:
 - (i) words importing the singular include the plural and vice versa;
 - (ii) words importing a gender include every other gender;

- (iii) words used to denote persons generally or importing a natural person include any company, corporation, body corporate, body politic, partnership, joint venture, association, board, group or other body (whether or not the body is incorporated);
- (iv) a reference to a person includes that person's successors and legal personal representatives;
- (v) a reference to any statute, regulation, proclamation, ordinance or by-laws includes all statutes, regulations, proclamations, ordinances or by-laws varying, consolidating or replacing them and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute; and
- (vi) where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

2.2 Application of the Corporations Act

- (a) This constitution is to be interpreted subject to the Corporations Act and the *Water and Sewerage Corporation Act 2012* (Tas).
- (b) Unless the contrary intention appears, an expression in a rule that deals with a matter dealt with by a provision of the Corporations Act, has the same meaning as in that provision.
- (c) Subject to rule 2.2(b) of this Schedule 1, unless the contrary intention appears, an expression in a rule that is defined in section 9 of the Corporations Act has the same meaning as in that section.

2.3 Exercise of powers

- (a) The Corporation may exercise in any manner permitted by the Corporations Act any power which under the Corporations Act a company limited by shares may exercise if authorised by its constitution.
- (b) Where this constitution provides that a person or body may do a particular act or thing and the word "may" is used, the act or thing may be done at the discretion of the person or body.
- (c) Where this constitution confers a power to do a particular act or thing, the power is, unless the contrary intention appears, to be taken as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend or vary that act or thing.
- (d) Where this constitution confers a power to do a particular act or thing with respect to particular matters, the power is, unless the contrary intention appears, to be taken to include a power to do that act or thing with respect to some only of those matters or with respect to a particular class or particular classes of those matters and to make different provision with respect to different matters or different classes of matters.
- (e) Where this constitution confers a power to make appointments to any office or position, the power is, unless the contrary intention appears, to be taken to include a power:
 - (i) to appoint a person to act in the office or position until a substitute person is appointed to the office or position;
 - (ii) subject to any contract between the Corporation and the relevant person, to remove or suspend any person appointed, with or without cause; and
 - (iii) to appoint another person temporarily in the place of any person so removed or

suspended or in place of any sick or absent holder of such office or position.

- (f) Where this constitution confers a power or imposes a duty then, unless the contrary intention appears, the power may be exercised and the duty must be performed from time to time as the occasion requires.
- (g) Where this constitution confers a power or imposes a duty on the holder of an office as such then, unless the contrary intention appears, the power may be exercised and the duty must be performed by the holder for the time being of the office.
- (h) Where this constitution confers power on a person or body to delegate a function or power:
 - (i) the delegation may be concurrent with, or to the exclusion of, the performance or exercise of that function or power by the person or body;
 - (ii) the delegation may be either general or limited in any manner provided in the terms of delegation;
 - (iii) the delegation need not be to a specified person but may be to any person from time to time holding, occupying or performing the duties of, a specified office or position;
 - (iv) the delegation may include the power to delegate;
 - (v) where the performance or exercise of that function or power is dependent upon the opinion, belief or state of mind of that person or body in relation to a matter, that function or power may be performed or exercised by the delegate upon the opinion, belief or state of mind of the delegate in relation to that matter; and
 - (vi) the function or power so delegated, when performed or exercised by the delegate, is to be taken to have been performed or exercised by the person or body.

2.4 Replaceable rules not to apply

The replaceable rules applicable to a proprietary company contained in the Corporations Act from time to time do not apply to the Corporation.

2.5 Best Efforts

Any provision of this constitution which requires a person to use best efforts to procure that something is performed or occurs does not include any liability:

- (a) (payment): to pay any money, or to provide any financial compensation, valuable consideration or any other incentive to or for the benefit of any person; or
- (b) (legal action): to commence any legal action against any person, to procure that that thing is done or happens;

except:

- (c) (fees): for payment of any applicable fee for the lodgement or filing of any relevant application with any governmental agency; or
- (d) (contrary provision): where that provision expressly specifies otherwise.

SCHEDULE 2 – SHARE CAPITAL STRUCTURE ~~EQUITY PROPORTIONS PER-~~ ~~MEMBER FOR VOTING PURPOSES~~

Council	Class of Share	Percentage
Break-O'-Day	"A" ordinary shares	2.10%
Dorset	"B" ordinary shares	1.06%
Flinders	"C" ordinary shares	0.21%
George Town	"D" ordinary shares	1.23%
Launceston	"E" ordinary shares	14.80%
Meander	"F" ordinary shares	3.02%
Northern Midlands	"G" ordinary shares	2.52%
West Tamar	"H" ordinary shares	3.55%
Burnie	"I" ordinary shares	4.12%
Central Coast	"J" ordinary shares	4.73%
Circular Head	"K" ordinary shares	1.58%
Devonport	"L" ordinary shares	5.44%
Kentish	"M" ordinary shares	0.43%
King Island	"N" ordinary shares	0.31%
Latrobe	"O" ordinary shares	1.90%
Waratah Wynyard	"P" ordinary shares	2.81%
West Coast	"Q" ordinary shares	1.80%
Brighton	"R" ordinary shares	2.93%
Central Highlands	"S" ordinary shares	0.50%
Clarence	"T" ordinary shares	10.58%
Derwent Valley	"U" ordinary shares	1.30%
Glamorgan-Spring Bay	"V" ordinary shares	1.99%

Council	Class of Share	Percentage
Glenorchy	"W" ordinary shares	10.41%
Hobart	"X" ordinary shares	10.39%
Huon Valley	"Y" ordinary shares	2.04%
Kingborough	"Z" ordinary shares	5.91%
Sorell	"AA" ordinary shares	1.56%
Southern Midlands	"BB" ordinary shares	0.74%
Tasman	"CC" ordinary shares	0.05%

Table 1.

<u>Council</u>	<u>Class of Share</u>	<u>Number of Shares</u>
<u>Break O'Day</u>	<u>"A" ordinary shares</u>	<u>1,889,811</u>
<u>Dorset</u>	<u>"B" ordinary shares</u>	<u>953,905</u>
<u>Flinders</u>	<u>"C" ordinary shares</u>	<u>188,981</u>
<u>George Town</u>	<u>"D" ordinary shares</u>	<u>1,106,889</u>
<u>Launceston</u>	<u>"E" ordinary shares</u>	<u>13,318,668</u>
<u>Meander</u>	<u>"F" ordinary shares</u>	<u>2,717,728</u>
<u>Northern Midlands</u>	<u>"G" ordinary shares</u>	<u>2,267,773</u>
<u>West Tamar</u>	<u>"H" ordinary shares</u>	<u>3,194,681</u>
<u>Burnie</u>	<u>"I" ordinary shares</u>	<u>3,707,629</u>
<u>Central Coast</u>	<u>"J" ordinary shares</u>	<u>4,256,574</u>
<u>Circular Head</u>	<u>"K" ordinary shares</u>	<u>1,421,858</u>
<u>Devonport</u>	<u>"L" ordinary shares</u>	<u>4,895,510</u>
<u>Kentish</u>	<u>"M" ordinary shares</u>	<u>386,961</u>
<u>King Island</u>	<u>"N" ordinary shares</u>	<u>278,972</u>
<u>Latrobe</u>	<u>"O" ordinary shares</u>	<u>1,709,829</u>
<u>Waratah Wynyard</u>	<u>"P" ordinary shares</u>	<u>2,528,747</u>
<u>West Coast</u>	<u>"Q" ordinary shares</u>	<u>1,619,838</u>
<u>Brighton</u>	<u>"R" ordinary shares</u>	<u>2,636,736</u>

<u>Central Highlands</u>	<u>"S" ordinary shares</u>	<u>449,955</u>
<u>Clarence</u>	<u>"T" ordinary shares</u>	<u>9,521,048</u>
<u>Derwent Valley</u>	<u>"U" ordinary shares</u>	<u>1,169,883</u>
<u>Glamorgan-Spring Bay</u>	<u>"V" ordinary shares</u>	<u>1,790,821</u>
<u>Glenorchy</u>	<u>"W" ordinary shares</u>	<u>9,368,063</u>
<u>Hobart</u>	<u>"X" ordinary shares</u>	<u>9,350,065</u>
<u>Huon Valley</u>	<u>"Y" ordinary shares</u>	<u>1,835,816</u>
<u>Kingborough</u>	<u>"Z" ordinary shares</u>	<u>5,318,468</u>
<u>Sorell</u>	<u>"AA" ordinary shares</u>	<u>1,403,860</u>
<u>Southern Midlands</u>	<u>"BB" ordinary shares</u>	<u>665,933</u>
<u>Tasman</u>	<u>"CC" ordinary shares</u>	<u>44,996</u>
<u>Crown</u>	<u>"DD" ordinary shares</u>	<u>Refer to Table 2.</u>

Table 2

Subject to the Crown meeting its obligations to subscribe for shares in accordance with the Share Subscription and Implementation Agreement, the Crown's shareholding shall progressively increase up to a maximum of 10,000,000 in 2028, on or before the Subscription Dates set out below:

<u>Subscription Date</u>	<u>Number of Shares</u>	<u>Subscription Amount</u>
<u>1 January 2019</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2020</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2021</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2022</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2023</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2024</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2025</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2026</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2027</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
<u>1 January 2028</u>	<u>1,000,000</u>	<u>\$20,000,000</u>
	<u>10,000,000</u>	<u>\$200,000,000</u>

SCHEDULE 3—EQUITY PROPORTIONS PER MEMBER FOR ~~DISTRIBUTION~~ DIVIDEND PURPOSES

Member	Class of Share	Percentage
Break O'Day	"A" ordinary shares	1.94%
Dorset	"B" ordinary shares	0.97%
Flinders	"C" ordinary shares	0.18%
George Town	"D" ordinary shares	1.13%
Launceston	"E" ordinary shares	13.62%
Meander	"F" ordinary shares	2.78%
Northern Midlands	"G" ordinary shares	2.34%
West Tamar	"H" ordinary shares	3.28%
Burnie	"I" ordinary shares	4.14%
Central Coast	"J" ordinary shares	4.77%
Circular Head	"K" ordinary shares	1.58%
Devonport	"L" ordinary shares	5.46%
Kentish	"M" ordinary shares	0.44%
King Island	"N" ordinary shares	0.33%
Latrobe	"O" ordinary shares	1.91%
Waratah Wynyard	"P" ordinary shares	2.81%
West Coast	"Q" ordinary shares	1.81%
Brighton	"R" ordinary shares	3.08%
Central Highlands	"S" ordinary shares	0.51%
Clarence	"T" ordinary shares	11.06%
Derwent Valley	"U" ordinary shares	1.36%
Glamorgan-Spring Bay	"V" ordinary shares	2.07%

Member	Class of Share	Percentage
Glenorchy	"W" ordinary shares	10.86%
Hobart	"X" ordinary shares	10.86%
Huon Valley	"Y" ordinary shares	2.12%
Kingborough	"Z" ordinary shares	6.16%
Sorell	"AA" ordinary shares	1.62%
Southern Midlands	"BB" ordinary shares	0.76%
Tasman	"CC" ordinary shares	0.05%
<u>Crown</u>	<u>"DD" ordinary shares</u>	<u>0.00%</u>

SCHEDULE 4 – PRIORITY DISTRIBUTION PROPORTIONS

Council	Class of Share	Pro-Rata Maximum Priority Distribution to 12/11/13 (135 days)	Relative Priority Share (%)
Break O'Day	"A" ordinary shares	0	0
Dorset	"B" ordinary shares	0	0
Flinders	"C" ordinary shares	8,508	0.09
George Town	"D" ordinary shares	34,028	0.38
Launceston	"E" ordinary shares	813,698	9.07
Meander	"F" ordinary shares	187,521	2.09
Northern Midlands	"G" ordinary shares	0	0
West Tamar	"H" ordinary shares	708,657	7.90
Burnie	"I" ordinary shares	150,534	1.68
Central Coast	"J" ordinary shares	0	0
Circular Head	"K" ordinary shares	382,068	4.26
Devonport	"L" ordinary shares	636,534	7.09
Kentish	"M" ordinary shares	740	0.01
King Island	"N" ordinary shares	30,700	0.34
Latrobe	"O" ordinary shares	287,013	3.20
Waratah Wynyard	"P" ordinary shares	18,864	0.21
West Coast	"Q" ordinary shares	309,205	3.45
Brighton	"R" ordinary shares	395,753	4.41
Central Highlands	"S" ordinary shares	0	0
Clarence	"T" ordinary shares	0	0

Council	Class of Share	Pro-Rata Maximum-Priority Distribution to 12/11/13 (135 days)	Relative Priority Share (%)
Derwent Valley	"U" ordinary shares	0	0
Glamorgan Spring Bay	"V" ordinary shares	0	0
Glenorchy	"W" ordinary shares	3,280,314	36.56
Hobart	"X" ordinary shares	775,233	8.64
Huon Valley	"Y" ordinary shares	322,151	3.59
Kingborough	"Z" ordinary shares	443,835	4.95
Sorell	"AA" ordinary shares	187,151	2.09
Southern Midlands	"BB" ordinary shares	0	0
Tasman	"CC" ordinary shares	0	0
Total Pro-Rata-Maximum Priority Distribution		8,972,507	

SCHEDULE ~~45~~ – SPECIAL MAJORITY MEMBERS RESOLUTION

The matters requiring a Special Majority Members Resolution are:

- (a) (strategic direction) any substantial alteration in the strategic direction of the business or the entry into any new business by the Corporation;
- (b) (sale) any sale, purchase or reconstruction, including by way of any buy-back of shares or capital reduction, by the Corporation which would result in a change in the level of the Corporation's ownership of any equity or shares or any trading business, including the Business;
- (c) (new issues) the issue and terms of issue of any Shares;
- (d) (consultancy fees) any proposal for or any changes to the consultancy fees payable to or other non-Board remuneration arrangements with the chairman;
- (e) (asset disposals) any sale, lease, exchange or other disposition of:
 - (i) all or a material part of the assets of the Corporation unless specified in the budget; or
 - (ii) all or a substantial part of the business.

SCHEDULE ~~56~~ - 75% BY MEMBER, 75% BY EQUITY RESOLUTION

Subject to the matters which require a Government Member Resolution in accordance with Schedule 6, the matters requiring a resolution of the members passed by:

(a) at least 75% ~~by number~~ of the members of the Corporation entitled to vote; and

(b) any combination of members that hold at least 75% of ~~votes cast by members of the Corporation entitled to vote on the resolution~~the equity voting proportions specified in Schedule 2

are:

(~~ca~~) any resolution to amend Schedule 2 or Schedule 3 of this constitution; and

(~~db~~) any resolution as a result of the winding up, liquidation or dissolution of any member of the Corporation.

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SCHEDULE 6 – GOVERNMENT MEMBER RESOLUTIONS

The matters requiring a Government Member Resolution are:

- (a) any amendment or revocation and substitution of the Shareholders' Letter of Expectations which involves a change to the process for adoption and amendment of the Corporation's corporate plan (including any mechanism for resolving any dispute regarding the adoption of amendments to the corporate plan);
- (b) any amendments to:
 - (i) the role of the Crown's Owner's Representative in the process to approve, or request amendments to, the corporate plan; or
 - (ii) the Crown's Owner's Representative's role in the mechanism to avoid deadlock in the event that there is any dispute over adopting any amendments to the corporate plan;
- (c) any amendments to the role of the Crown's Owner's Representative on the Selection Committee;
- (d) any amendments to the right of the Crown's Owner's Representative to be consulted in relation to the appointment of the Chief Executive Officer; and
- (e) any amendments to rule 6.8(d) or to this Schedule 6.

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Appendix 2: Proposed Shareholders' Letter of Expectations

Water and Sewerage Corporation Act 2012

**SHAREHOLDERS' LETTER
OF EXPECTATIONS**

**Tasmanian Water and Sewerage Corporation Pty Ltd
ACN 162 220 653**

Adopted by general meeting 16 May 2013

Amended by general meeting 28 July 2015

Amended by general meeting 27 September 2018

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PART 1 - PRELIMINARY	
1. Commencement and Term	
1.1	This Letter of Expectations is issued by the Shareholders of the Tasmanian Water and Sewerage Corporation Pty Ltd under Section 12 of the <i>Water and Sewerage Corporation Act 2012</i> . This Letter of Expectations commenced on 1 July 2013 and operates until it is replaced in accordance with the procedures outlined in this document and the Corporation's Constitution.
2. Purpose	
2.1	The purpose of this Letter of Expectations is to communicate and give guidance in relation to the Shareholders' high-level performance expectations and strategic priorities to the Board of the Corporation.
3. Interpretation	
3.1	The definitions of the terms are contained in Schedule A to this Letter of Expectations.
3.2	<p>The following rules also apply in interpreting this Letter of Expectations, except where the context makes it clear that a rule is not intended to apply.</p> <p>Terms defined in the <i>Water and Sewerage Corporations Act 2012</i> and <i>Water and Sewerage Industry Act 2008</i> (as amended from time to time) have the same meaning in this Letter of Expectations.</p> <p>Whenever this Letter of Expectations requires the Corporation to make something "available to the public", the Corporation shall:</p> <ul style="list-style-type: none"> • publish the matter on the Corporation's website; and • make a copy of the document available for inspection at each of the Corporation's offices; and • provide a copy on request for a charge that covers the fair and reasonable costs of making the copy available. <p>Whenever this Letter of Expectations requires the Corporation to "develop" something, the Corporation shall be taken to have complied with that obligation if it has already developed the item before this Letter of Expectations commenced.</p> <p>Where this document sets out expectations in relation to the provision of information, the Corporation shall forward such information to the Owners' Representatives, the Mayors (where the Owners' Representatives are not also the Mayors) and the General Managers (unless otherwise specified in this document). These expectations also apply to all subsidiaries of the Corporation.</p>
PART 2 - GENERAL	
4. Guiding Principles	
4.1.	<p>The Corporation shall operate in a manner consistent with the principal objectives under the <i>Water and Sewerage Corporations Act 2012</i>:</p> <ul style="list-style-type: none"> (a) to efficiently provide water and sewerage functions in Tasmania; (b) to encourage water conservation, the demand management of water and the reuse of water on an economic and commercial basis; (c) to be a successful business, and to this end – <ul style="list-style-type: none"> (i) to operate its activities in accordance with good commercial practice; (ii) to deliver sustainable returns to its <u>Owner Council</u> members; and (iii) to deliver water and sewerage services to customers in the most cost efficient manner.

4.2.	In addition to these principal objectives, the Shareholders expect that the Corporation will uphold the original principles of 2008 structural reform by maintaining a capability and governance structure to manage the water resource, water supply and sewerage services in a sustainable manner, taking account of economic and environmental factors including the improvement of drinking water quality across Tasmania.
4.3.	<p>In performing its functions and providing its services, the Corporation shall therefore:</p> <ul style="list-style-type: none"> • have an appropriate and formalised distributions<u>dividends</u> policy that provides for an appropriate balance sheet, profit and loss and cash-flow strength to enable access to debt funding to the level required to support required investment and to fund all business activities on a sustainable basis; • as far as is practical, maintain employment levels in each region equivalent to the proportion of full-time equivalents transferred from each regional Ceorporation to the statewide Ceorporation; • share the 'intellectual capacity' of the Ceorporation across each region wherever practical to do so; • balance the needs of each region over time when developing discretionary long term capital expenditure programs with the aim of sharing economic benefits across the state; • establish and maintain compliance with the ASX Corporate Governance Principles and Recommendations (as amended from time to time) to the extent that they apply to the Corporation's circumstances; • develop clear and unambiguous guidelines which allow the Shareholders to provide advice and guidance to the Board on matters that fall beyond the scope of the Board; • maintain the organisational and managerial capability to deliver a continuous improvement approach to operations and business processes; and • ensure that the Corporation collaborates with the various agencies to take account of state-wide and regional needs and endeavour to identify other opportunities to enhance outcomes for <u>the</u> Councils and the Tasmanian community.
5. Preservation of Employee Benefits	
5.1.	In addition to the general preservation of employment conditions specified in Part 3 of the <i>Water and Sewerage Corporations Act 2012</i> , the Corporation shall recognise as continuous service the length of uninterrupted employment in local government, bulk water authorities, Regional Water Corporations and the Common Service Corporation in determining employee entitlements including any future redundancy calculation.
PART 3 – GOVERNANCE	
6. Shareholders' Letter of Expectations	
6.1.	In issuing this Letter of Expectations, owner councils <u>the Shareholders</u> intend that the Board will abide by its provisions unless to do so would create a risk of breaching the <i>Water and Sewerage Corporation Act 2012</i> , <i>the Corporation Act 2001</i> , the Corporation's Constitution, directors' duties, or any other statutory or regulatory obligation.
6.2.	The Board will advise Owners' Representatives when the provisions of the Shareholder's Letter of Expectations cannot be met.
6.3.	The Corporation shall make this Letter of Expectations available to the public.

6.4.	As required under Section 12(5) of the <i>Water and Sewerage Corporation Act 2012</i> , the Shareholders shall consult with the Board before or while preparing or amending a Shareholders' Letter of Expectations.
6.5.	The method of adopting, amending or repealing the Shareholders' Letter of Expectations is determined in the Constitution.
7. Legislative Compliance	
7.1.	The Shareholders expect the Corporation to comply with all applicable statutory and regulatory obligations and to develop appropriate management systems to ensure reliable and continuous compliance is maintained.
7.2.	The Corporation shall ensure that it has a general compliance and audit scheme in place that focuses on systems and processes and monitors compliance with licence conditions and instruction from relevant industry regulators.
8. Corporate Plan	
8.1.	The preparation and provision of an annual Corporate Plan is required under Section 13 of the <i>Water and Sewerage Corporation Act 2012</i> .
8.2.	<p>The Corporate Plan shall be for a 3<u>5</u> year period and identify and explain the strategic and operational plans of the Corporation.</p> <p>Each Corporate Plan shall include:</p> <ul style="list-style-type: none"> • The main undertakings of the Corporation, • An assessment of the operating environment including a strategic risk assessment and mitigation plan, • An outline of the Corporation's Strategic Plan including objectives, actions and timelines, • Operating and Capital Works budgets for the forecast year and two forward years including: <ul style="list-style-type: none"> ○ forecast growth of connections and demand for water and sewerage services, ○ assumptions regarding revenue and expenses, ○ details of total borrowings and assumed interest rates, ○ assumptions regarding timing and total Owner Councils' dividends<u>distributions to owners, including dividends, income tax equivalents and government guarantee fees,</u> ○ 10 Year Capital Works Program and cost estimate. • Forecast Profit and Loss, Balance Sheet, Cash Flow and Owners' Councils' Distributions<u>dividends</u> statements for a 10 year period. • Key Performance Measures and Targets including: <ul style="list-style-type: none"> • Financial, • Licence Condition Compliance, • Water Quality, • Wastewater Quality, • Customer Service Standards • Safety.
8.3.	<p>The Corporation shall provide a draft of the annual Corporate Plan to the Owners' Representatives at least six weeks prior to the Annual Planning Meeting.</p> <p>The Owners' Representatives will ensure that the annual Corporate Plan is adopted by no later than 31 July each year.</p>

8.4. Process for adopting or amending the Corporate Plan is as follows.

- The Corporation shall issue a draft Corporate Plan to Owner Councils and the Crown by no later than 30 April each year for review.
- Owner Councils and the Crown must provide any suggested amendments to the draft Corporate Plan to the Chairman in writing within 28 days.
- The Board will consider all suggested amendments received from Owner Councils and the Crown as soon as practicable. The Board is not obliged to adopt the requested amendments if to do so would create a risk of breaching directors' duties or other formal regulatory obligations.
- Not less than 21 days prior to the Annual Planning General Meeting, the Corporation shall provide the Board's response to each of the amendments proposed by the Owner Councils and/or the Crown, through:
 - an amended Corporate Plan (if amendments are accepted) or
 - the draft Corporate Plan and letter of explanation (if amendments are rejected),a copy of the draft Corporate Plan to Owners' Representatives for consideration at the Annual Planning General Meeting.
- The Chairman and CEO shall attend the meeting to present and or answer questions.
- At the Annual Planning General Meeting the Owners' Representatives, in general meeting, may adopt or request the Board to reconsider the Corporate Plan.
- The method of approving or requesting amendment to Approval of the Corporate Plan at the Annual Planning General Meeting will require:
 - be by a simple an Ordinary Majority of Owners' Representatives (excluding the Crown's Owner's Representative); and
 - using the 1 share: 1 vote approach an affirmative vote by the Crown's Owner's Representative.
- Requests for amendment will be forwarded to the Chairman by the Chief Representative of the Owners Representatives.
- The Board will consider the requested amendments as soon as reasonably practicable and provide a response by way of an amended draft Corporate Plan or letter of explanation, or both.
- The Board is not obliged to adopt the requested amendments if to do so would create a risk of breaching directors' duties or other formal regulatory obligations.
- Should:
 - the Corporate Plan as presented by the Board not be adopted at the Annual Planning General Meeting, but
 - the Owners' Representatives, through an Ordinary Majority of Owners' Representatives (excluding the Crown's Owner's Representative) and an affirmative vote by the Crown's Owner's Representative agree amendments to the Corporate Plan,the Board (if it has not already done so) shall be obliged to accept and incorporate those amendments into the Corporate Plan unless this would result in directors of the Corporation being in breach of their fiduciary duties, the Corporations Act 2001 (Cth) or constitute unlawful activity, in which case the Corporate Plan as recommended by the Board will be deemed to have been adopted by the Owners' Representatives, and the Chairman shall advise the Owners' Representatives accordingly.
- Should:
 - the Corporate Plan not be adopted at the Annual Planning General Meeting and

	<p><u>no agreed position on amendments to the Corporate Plan can be reached by the Crown's Owner's Representative and an Ordinary Majority of Owners' Representatives (excluding the Crown's Owner's Representative)-the Board not agree to amend the Draft Corporate Plan as requested</u></p> <p>the Chairman shall, <u>within 7 days</u>, -consult with the Chief <u>Owners' Representative and the Crown's Owner's Representative</u> to determine a solution. <u>If this group is unable to reach unanimous agreement as to a solution within a further 7 days, it will be determined by a two thirds majority of the group, unless this would result in directors of the Corporation being in breach of their fiduciary duties, the Corporations Act 2001 (Cth) or constitute unlawful activity, in which case the Corporate Plan as recommended by the Board will be deemed to have been adopted by the Owners' Representatives.</u></p> <ul style="list-style-type: none"> A summary of the approved Corporate Plan will be published on the Corporation's website <u>before the commencement of the period covered by the Corporate Plan within 7 days after the Corporate Plan is adopted.</u>
9. Board Performance	
9.1.	The Shareholders expect the Corporation to annually review and report to the Selection Committee on the performance of the Board and its committees.
9.2.	Each year, the Board Chairman shall discuss with the Board Selection Committee Chair any concerns about the contribution of individual directors and/or the need to change the skills mix of the Board.
10. Shareholder Relationships	
10.1.	The Corporation shall act for the ultimate benefit of the Shareholders. It is the responsibility of the Board to act in the interests of the Corporation and, through it, the Shareholders' interests.
10.2.	The Board shall develop a policy or protocol for continuous disclosure with shareholders, following a no surprises, approach based on that described in ASX Principle 5.
10.3.	<p>The continuous disclosure protocol will address information that:</p> <ul style="list-style-type: none"> may have a material effect on financial Corporate Plan expectations; may influence the owners' <u>Shareholders'</u> decisions; or relates to an issue on which the owners' <u>Shareholders</u> may be required to comment, financial or otherwise.
10.4.	In collaboration with <u>the Councils and the Crown</u> , the Corporation should seek to develop systems to enable effective and timely property and asset data sharing and coordination mechanisms that benefit both entities.
10.5.	<p>The Corporation should collaborate with Councils, <u>the Crown</u> and regional agencies on matters of economic development and regional importance.</p> <p><u>The Corporation, the Crown and the Owner Councils shall work co-operatively in order to progress major investment projects of special or environmental importance to Tasmania and which obligation shall include using all reasonable endeavours to secure Federal Government funding for such projects. Specific projects included in this obligation include (but are not limited to):</u></p> <ul style="list-style-type: none"> <u>the Launceston sewerage/stormwater separate project; and</u> <u>the works at Macquarie Point waste water treatment plant necessary for the development of the Macquarie Point site.</u> <p>In determining appropriate levels of investment required to support economic development the Board will have a view balancing financial risks and benefits to the Corporation against the long term risks and benefits to the Tasmanian community, and the <u>Councils and the Crown.</u></p>

10.6.	The Chairman and the CEO shall make themselves available to meet with the Shareholders as and when requested. <u>The Chairman and the CEO shall meet regularly with the Ministers by mutual agreement.</u>
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11. Customer and Community Engagement	
11.1.	The Corporation shall develop and implement open and transparent processes to engage its customers and the community in its planning processes to ensure, amongst other matters, that the standards of services it provides meet regulatory requirements and the needs and expectations of customers and the requirements of the Industry's regulators.
11.2.	The Corporation shall make: <ul style="list-style-type: none"> • information about the services it provides available to the public; • information about water conservation and the responsible use of water and waste water available to the public; • educational material about the water industry available to schools and communities.
11.3.	While recognising that this may have a cost, the Shareholders expect the Corporation to adopt principles of Corporate Social Responsibility.
12. Economic Development	
12.1.	At its general meeting on 16 May 2013, O wner C ouncils resolved to endorse five principles that the Corporation is to apply when considering matters related to economic development.
12.2.	The five principles that apply to the consideration of economic development matters are: <p>Principle 1: That the Corporation develops strategic customer alliances aimed at growing the businesses of customers and the Corporation and provide regular reports to owners <u>Shareholders</u> on economic development activities.</p> <p>Principle 2: That the Corporation recognises residential development as a key driver of economic growth and that infrastructure decisions be made in accordance with settlement strategies.</p> <p>Principle 3: That the capital program of the Corporation should have regard for regional land use strategies and the priorities and opportunities that they present.</p> <p>Principle 4: That the Corporation seeks to ensure that its pricing and costing regime is transparent and understood by owners <u>Shareholders</u> and customers and that charges reflect the relative cost of the service or solution being provided.</p> <p>Principle 5: That infrastructure solutions proposed for economic development projects be set at a reasonable standard so as to allow their progress without compromising the overall standards of the Corporation's infrastructure system.</p>
PART 4 – PLANNING, SERVICE DELIVERY AND RISK MANAGEMENT	
13. Risk Management Planning	
13.1.	The Corporation shall develop and implement plans, systems and processes to ensure an acceptable level of risk. In developing risk management plans, systems and processes the Corporation shall consider the requirement to balance risk and appropriate opportunities; its obligation to provide continuous services to its customers; its statutory and regulatory obligations and the relevant ASX Principles.
13.2.	The Corporation shall develop and maintain asset management planning that allows it to supply its services sustainably, minimise the overall whole of life costs of any assets as well as minimise any detrimental social, economic or environmental effects of managing its assets.

14. Conserving Water, Recycling Water and Sewage	
14.1.	<p>To demonstrate its commitment to the principal objectives under the <i>Water and Sewerage Corporation Act 2012</i> and sustainable water resource management, the Corporation should maintain, develop and implement programs for:</p> <ul style="list-style-type: none"> • assessing and monitoring water supplies including groundwater; • assessing and monitoring future demands on water supplies; • efficient and effective management of demand for water; • minimising leakage and other losses of water from its network as far as is practicable; and • investigating and implementing treated sewage reuse schemes for beneficial agricultural/horticultural irrigation, energy generation and other non-potable purposes where it is both commercially and environmentally viable.
15. Responding to Drought	
15.1	<p>The Corporation shall:</p> <ul style="list-style-type: none"> • develop, implement and maintain an effective drought response plan for each water supply system operated by the Corporation; and • make its drought response plans available to the public.
15.2	Drought response plans should wherever possible be compatible with Council plans and should promote resource sharing opportunities.
16. Service Standards	
16.1	In complying with customer service standards issued by the Regulator the Shareholders' expect that, the Corporation should, as a minimum, develop water supply, sewerage services and wastewater management plans in conjunction with the relevant Council and State Government agencies and the local community.
17. Stormwater Management Plans	
17.1	The Corporation should participate in any development or review by the Councils of stormwater management plans and the re-use of stormwater where commercially feasible.
18. Trade Waste	
18.1	The Corporation shall develop policies and practices to manage trade waste to manage the associated risks, meet statutory and regulatory obligations and an improved quality of trade waste entering its sewerage systems.
<u>18.2</u>	<u>The Corporation, the Crown and the Owner Councils commit to work collaboratively to identify and implement any improvements (if required) to the Corporation's policies and practices relating to trade waste, including the Corporation's management of trade waste generally.</u>
19. Catchment, Regional and Local Government Planning	
19.1	<p>The principal objectives of the Corporation's participation in such planning are to:</p> <ul style="list-style-type: none"> • promote consistency of any strategy or any scheme with the Corporation's planning and programs for sustainable water management; and • ensure the alignment, integration and consistency of regional infrastructure development objectives.
19.2	The Corporation shall participate in periodic reviews, and provide input into the continuous improvement and implementation of any regional or municipal planning schemes or strategies

	<p>which may affect, or be affected by, the Corporation's area or activities. In particular, this includes:</p> <ul style="list-style-type: none"> • any local planning policy framework; • strategic plans of Councils; • any regional land use strategy development; • any regional infrastructure plans; • any State Water Management Plans initiated under the <i>Water Management Act 2000</i>.
20. Environmental Management	
20.1	The Corporation should seek to work cooperatively with other agencies and stakeholders to protect and improve natural resources and catchment management.
20.2	Following the principal objectives in Section 4 of this Letter, the Corporation shall participate in the development and implementation of any regional <u>or statewide</u> catchment management strategy or catchment sub-strategy that may affect, or be affected by, the Corporation's area or activities.
PART 5 – FINANCIAL CONSIDERATIONS	
21. Distributions–<u>Dividends</u>	
21.1	In accordance with the <i>Water and Sewerage Corporation Act 2012</i> the Board is to determine a Distributions – <u>Dividends</u> Policy for the Corporation in consultation with the <u>Council Owners'</u> Representatives with a view to establishing the target level of total dividends <u>distributions including Dividend</u> .
21.2	Distributions – <u>Dividends</u> will be in accordance with Schedule 3 of the Corporation's Constitution.
21.3	The Distribution – <u>Dividends</u> Policy will include the expectation that distributions – <u>dividends</u> will be paid to shareholders in the year in which the dividends <u>distributions</u> are generated.
21.4	The Corporation should undertake a capital structure review to coincide with preparation of Price and Service Plan submissions.
<u>21.5</u>	<p><u>Where the Board determines that, due to any circumstance or event beyond the Corporation's reasonable control, the Corporation cannot continue to:</u></p> <ul style="list-style-type: none"> • <u>maintain Owner Councils' dividends in line with the Corporate Plan and</u> • <u>deliver an accelerated capital program (as envisaged under Part 29 of this Letter) and</u> • <u>limit annual price increases for regulated water and sewerage services to within the 3.5% cap (as envisaged under Part 27 of this Letter),</u> <p><u>while maintaining the financial sustainability of the Corporation (an 'adverse development'), the Corporation must notify the Chief Owners' Representative and the Crown's Owner's Representative of the adverse development and the Corporation must meet with the Crown's Owner's Representative to consider the impact of maintaining the accelerated infrastructure investment and price caps on the financial sustainability of the business.</u></p> <p><u>Following notice from the Corporation of an adverse development, and consideration of that adverse development by the Crown's Owner's Representative, the Crown may, in its absolute discretion, provide additional funding support or comfort to the Corporation. If the Crown decides not to provide adequate additional support or comfort to the Corporation (as determined by the Board), the Board may determine that the capital program should be amended and/or that price increases in excess of the cap (but within the prevailing price determination at the time) should be applied for regulated water and sewerage services.</u></p> <p><u>For the purposes of this Part, without limitation 'additional financial support or comfort' may include grant funding, a pre-payment of equity, a guarantee or letter of comfort.</u></p>
22. Investment Policy	
22.1	In the event that the Corporation becomes an investor of cash for other than short term liquidity

	<p>purposes, the Board will develop an investment policy which sets out:</p> <ul style="list-style-type: none"> the Board's investment objectives; the responsibility structure for managing investments; the management of risks associated with investments; and the investment management approach of the Board.
PART 6 – REPORTING	
23. Reporting Framework	
23.1	<p>The Board will arrange the following meetings each year, at a minimum,:</p> <ul style="list-style-type: none"> Annual Planning Meeting – to consider and approve the Corporate Plan and any potential changes to the Shareholders' Letter of Expectations Annual Reporting Meeting – to review the annual financial reports; Quarterly Reporting meeting with Owners' Representatives – to occur in each region each quarter unless a region requests fewer meetings or elects to joins with another region.
23.2	Other general meetings can be convened in accordance with the provisions of the Constitution or the protocol agreed between the Board and Owners' Representatives.
23.3	Programs and plans developed by the Corporation in response to these Shareholders' expectations shall specify objectives to be achieved and measures for monitoring performance.
23.4	Performance shall be reported to the Owners' Representatives in a formal quarterly report to be received within 45 days from the end of the September, December and March quarters each financial year.
23.5	Performance reporting for the quarter ended June each year shall be incorporated into the Annual Report and presented at the Annual Reporting Meeting each year.
23.6	<p>The minimum content of the quarterly report is to include:</p> <ul style="list-style-type: none"> financial statements for the period and year to date, results against key performance targets include in the Corporate Plan for the quarter and year to date, commentary on performance and explanations of material variances from budget, revisions to the expected full year forecast financial results, current estimates for dividend distributions to the Owners <u>Councils</u> and explanation for material variances from Corporate Plan, capital expenditure for the quarter and material variance explanations, and any non-compliances with the current Shareholders' Letter of Expectations.
23.7	In accordance with the requirements of the <i>Water and Sewerage Corporation Act 2012</i> , the Corporation shall provide its Annual Report to shareholders by 30 September each year.
23.8	The content of the Corporation's Annual Report will conform to the requirements prescribed in the <i>Water and Sewerage Corporation Act 2012</i> .
23.9	The Corporation's Annual Report will be included for discussion at the Annual Reporting Meeting of owners-the Shareholders and subsequently published on the Corporation's website.
23.10	Disclosures under the 'no surprises', continuous disclosure regime should be provided in the formal quarterly report unless the Board considers that a more timely disclosure is appropriate.
24. Whole-of-Government Reporting	

24.1	The Board should comply with requests from the Treasurer for information relating to the collection of financial information for whole of government reporting and ensure that such information relating to the Corporation and its subsidiaries will be provided by the relevant dates and in the specified formats, where applicable.
<u>24.2</u>	<u>The Chief Owners' Representative, Chairman and CEO will comply with a request to appear at GBE Scrutiny Committee hearings.</u>
<u>24.3</u>	<u>The Corporation will provide such financial and other information to the Department of Treasury and Finance as required to allow the Department of Treasury and Finance to provide advice to the Crown as it does for Government Business Enterprises.</u>
25. Reporting under AEIFRS	
25.1	The Corporation shall report in accordance with the requirements of the <i>Water and Sewerage Corporation Act 2012</i> .
26. Treatment of "Not for Profit" Customer Concessions	
26.1	The Corporation will consult with the Owners Representatives to develop a consistent state-wide Not for Profit rebate / concession policy within the first 12 months of operation with an expectation that the policy will take effect from 1 July 2014.
267. External Funding Assistance	
272.6.1	The Corporation and the Shareholders will work collaboratively with a view to obtaining external funding assistance to facilitate the timely delivery of the Corporation's capital program whilst ensuring that the prices imposed by the Corporation on its customers are affordable.
<u>27. Pricing</u>	
<u>27.1</u>	<u>The Corporation commits to:</u> <ul style="list-style-type: none"> <u>• freeze prices for regulated services for water and sewerage customers from 1 July 2019 to 30 June 2020</u> <u>• subject always to Part 21.5 of this Letter, develop a future price profile for regulated water and sewerage services with annual price increases for target tariffs to be no greater than 3.5% commencing from 1 July 2020 until 30 June 2025 ("Capped Period") (or apply such lower price determination to such price increases as may be made by the Tasmanian Economic Regulator during the Capped Period) and</u> <u>• transition customers who are currently significantly below target tariffs to ensure that those customers reach the target tariffs within the legislated timeframe without facing significant price shocks.</u>
28. Community Service Obligation	
<u>28.1</u>	<u>A Shareholder may request that the Corporation undertakes a water or sewerage infrastructure investment project that is not in the Corporation's long term investment plan or the then current Corporate Plan.</u>
<u>28.2</u>	<u>The Corporation will consider the proposed project and assess whether the project is likely to be prudent and efficient, so that the costs of the project are recoverable from customers under the economic regulatory framework in the <i>Water and Sewerage Industry Act 2008</i>. If the Corporation in good faith, considers that the project:</u> <ul style="list-style-type: none"> <u>• meets this requirement – the project is a "commercial project"; or</u> <u>• does not meet this requirement – the project is an "uncommercial project".</u>
<u>28.3</u>	<u>If the Corporation assesses the project as a commercial project, the Corporation may consider undertaking the project, after taking into account the impact of the project on the Corporation's key financial performance</u>

	<u>measures and any social, environmental or economic benefits of the project.</u>
<u>28.4</u>	<u>If the Corporation considers that the project has merit, the Corporation will consider the commercial project in the context of the Corporation's long term investment plan, discuss options for the timing of the delivery of the project with the Shareholder and consider the project in the context of preparing the Corporate Plan.</u>
<u>28.5</u>	<u>If the Corporation assesses a proposed project as an uncommercial project, it must notify the Shareholder of its decision.</u>
<u>28.6</u>	<u>If the Shareholder wishes to progress an uncommercial project, the Shareholder may offer to fund the project directly or seek third party funding for the project.</u>
<u>28.7</u>	<u>If the parties agree, the Corporation will consider the funded uncommercial project in the context of the Company's long term investment program, discuss options for the timing of the delivery of the project with the Shareholder and consider the project in the context of preparing the Corporate Plan.</u>
<u>28.8</u>	<u>The Corporation is to:</u> <ul style="list-style-type: none"> <u>• include, in its annual report, all non-commercial projects it has undertaken, including the cost to the Corporation of the non-commercial project and the funds contributed by the Shareholder, if applicable; and</u> <u>• publish on its website, details of non-commercial projects it has undertaken.</u>
29.	<u>Infrastructure Investment Program</u>
<u>29.1</u>	<u>The Corporation will jointly develop an accelerated infrastructure investment program with the Crown and the Owner Councils as referred to in paragraph 3.2 of the MOU on a best endeavours basis before 1 January 2019 (or such other date as the Crown makes its first contribution of \$20,000,000 to the Corporation).</u>
<u>29.2</u>	<u>Subject always to Part 21.5, the Corporation will use best endeavours to deliver sufficient investment during the remainder of its current 10 year investment program (i.e. until 30 June 2026) in order to achieve a target of \$1.8 billion of total infrastructure investment.</u>

SCHEDULE A - Definitions

The following definitions apply:

'AEIRFS' means the Australian Equivalents to International Financial Reporting Standards.

'Annual Planning Meeting' means one of the two general meetings to be held each year under the terms of the Constitution, one being the Annual Reporting Meeting to consider the annual accounts as mandated in the Constitution and the other being the general meeting to consider the Corporate Plan amongst other things.

'Annual Reporting Meeting' means one of the two general meetings to be held each year under the terms of the Constitution, one being the Annual Planning Meeting to consider the Corporate Plan as mandated in the Constitution and the other being the general meeting to consider the annual accounts, amongst other things.

'ANCOLD Guidelines' means the Guidelines issues by the Australian National Committee on Large Dams Inc as revised from time to time.

'Board' means the Board of Directors appointed to the Tasmanian Water and Sewerage Corporation Pty Ltd.

'CEO' means the Chief Executive Officer of the Corporation.

'Chairman' means the chairman of the Board.

'Corporation' means Tasmanian Water and Sewerage Corporation Pty Ltd (ACN 162 220 653).

'Council Owners' Representatives' means the representatives nominated by the Owner Councils.

'Councils' refers to the 29 Tasmanian Councils.

'Crown' means the Crown in Right of Tasmania.

'Crown's Owner's Representative' means the person appointed by the Crown as its Owner's Representative.

'Department of Treasury and Finance' means the Department of Treasury and Finance in Tasmania.

'Dividends Policy' means the policy determined in accordance with Part 5 of this Letter.

'MOU' means the memorandum of understanding dated 1 May 2018 between (1) the Crown (2) the Corporation and (3) the Chief Owners' Representative on behalf of the Owners' Representatives.

'Owners' Representatives' mean the representatives appointed by the ~~owner councils~~ Shareholders of the Corporation.

'Owner Councils' means those Shareholders which are member Councils (and not the Crown).

'Owner Councils' dividends' means the dividend payments payable by the Corporation to the Owner Councils in accordance with the Dividends Policy.

'Regulator' means Tasmanian Economic Regulator.

'Shareholders' means the member Councils ~~and the Crown~~ of the ~~Corporation~~ Tasmanian Water and Sewerage Corporation Pty Limited.

'Share Subscription and Implementation Agreement' means the Share Subscription and Implementation Agreement between the Corporation and the Crown.

'Treasurer' means the Treasurer of the Tasmanian Government.

'shall' means if the requirement is not met, the corporation will notify the shareholders of the failure in its routine reporting.

'should' means the corporation will use its discretion in decision making and notify the shareholders of the decision in the normal course of business.

DRAFT

~~PART 7 – SIGNATORIES~~

~~In accordance with the *Water and Sewerage Corporation Act 2012*, we, the undersigned, being formal representatives of the twenty nine Tasmanian Councils, issue this Shareholders' Letter of Expectations to the Tasmanian Water and Sewerage Corporation Pty Ltd.~~

Date of signing	Council
	BRIGHTON COUNCIL
	BREAK O'DAY COUNCIL
	BURNIE CITY COUNCIL
	CENTRAL COAST COUNCIL
	CENTRAL HIGHLANDS COUNCIL
	CIRCULAR HEAD COUNCIL
	CLARENCE CITY COUNCIL
	DERWENT VALLEY COUNCIL
	DEVONPORT CITY COUNCIL
	DORSET COUNCIL
	FLINDERS COUNCIL

Date of signing	Council
	GEORGE TOWN COUNCIL
	GLAMORGAN SPRING BAY COUNCIL
	GLENORCHY CITY COUNCIL
	HOBART CITY COUNCIL
	HUON VALLEY COUNCIL
	KENTISH COUNCIL
	KINGBOROUGH COUNCIL
	KING ISLAND COUNCIL
	LATROBE COUNCIL
	LAUNCESTON CITY COUNCIL
	MEANDER VALLEY COUNCIL
	NORTHERN MIDLANDS COUNCIL
	SORELL COUNCIL

Date of signing	Council
	SOUTHERN MIDLANDS COUNCIL
	TASMAN COUNCIL
	WARATAH WYNYARD COUNCIL
	WEST COAST COUNCIL
	WEST TAMAR COUNCIL

Appendix 3: Proposed Share Subscription and Implementation Agreement

**TASMANIAN WATER & SEWERAGE CORPORATION PTY LTD
(ABN 47 162 220 653)**

and

THE CROWN IN RIGHT OF TASMANIA

**SHARE SUBSCRIPTION AND IMPLEMENTATION
AGREEMENT**

PAGE SEAGER
LAWYERS

Level 2, 179 Murray Street
HOBART TAS 7000

P: (03) 6235 5155
F: (03) 6231 0352

Ref: JJH-LB (180850)

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DETAILS

Date The day of 2018
Parties TasWater and the Crown

TasWater

Name Tasmanian Water and Sewerage Corporation Pty Ltd
ABN 47 162 220 653
Address 163 – 169 Main Road, Moonah, Tasmania 7009
Contact General Manager Legal and Governance
Fax 1300 862 066
Email ailsa.sypkes@taswater.com.au

Crown

Name The Crown in Right of Tasmania
Address 21 Murray Street, Hobart, Tasmania 7000
Contact [#insert#]
Fax [#insert#]
Email [#insert#]

BACKGROUND

- A The parties reached in principle agreement in the MoU to work together to further reform the water and sewerage sector.
- B As part of the reforms referred to in recital A, the parties have agreed that over a ten year period the Crown will subscribe \$200,000,000 for 10% of the total shares on issue in TasWater.
- C Subject to this agreement, TasWater has agreed to issue the Subscription Shares to the Crown, and the Crown has agreed to subscribe for the Subscription Shares and pay the Subscription Amounts to TasWater.
- D The obligations of the parties are subject to satisfaction or waiver of the Conditions.

AGREED TERMS

1 Definitions and interpretation

1.1 Definitions

In this document unless the contrary intention appears:

Board means the board of directors of TasWater.

Business Day means any week day on which banks are generally open for business in Hobart, Australia.

Capped Period means the period from 1 July 2020 until 30 June 2025.

CEO means the Chief Executive Officer of TasWater.

Chair means the Chairperson of the Board.

Chief Owners' Representative means the chief of the Owners' Representatives.

Conditions means the conditions set out in clause 3.1 (Conditions).

Confidential Information means this document and any information notified by the disclosing party to the recipient party as confidential but does not include any information that is in the public domain.

Constitution means the constitution of TasWater as amended from time to time.

Corporate Plan means the Corporate Plan of TasWater pursuant to rule 8.2 of the Constitution and part 8 of the Shareholder's Letter of Expectations.

Corporations Act means the *Corporations Act* 2001 (Cth).

Council means a council within the meaning of the *Local Government Act 1993* (Tas).

Crown has the meaning set out in the Details.

Crown Owner's Representative means the Owner's Representative appointed by the Crown.

Details mean the section of this document headed 'Details'.

GST has the meaning given in the GST Act.

GST Act means the *A New Tax System (Goods and Services Tax) Act* 1999 (Cth) and the related imposition Acts of the Commonwealth.

Insolvency Event means the occurrence of any of the following events in relation to a party:

- (a) a party commits any act which is defined as "an act of bankruptcy" under the *Bankruptcy Act* 1966 (Cth), regardless of whether or not the party is an individual;
- (b) a garnishee notice, or a notice under section 120 of the PPSA, is given to:
 - (i) a debtor of that party; or
 - (ii) any other person that otherwise owes or may owe money at any time to that party, in connection with any money that the party is said to owe;
- (c) in the case of an individual, the party dies, is imprisoned or becomes incapable of managing his or her own affairs;
- (d) an application is made to a court for a provisional or final order declaring a party provisionally or finally bankrupt or insolvent;
- (e) a special resolution is passed to wind up or otherwise dissolve the party;
- (f) a party is, or makes a statement from which it may be reasonably deduced by the other party that a ground or grounds on which the party may be wound up exists as specified in section 461 (or in the case of a part 5.7 body, section 585) of the Corporations Act;
- (g) a party has a controller (as defined in the Corporations Act) appointed, is in liquidation, in provisional liquidation, under administration or wound up or has had a receiver appointed to any part of its property;
- (h) a mortgagee, chargee or other holder of security, by itself or by or through an agent, enters into possession of all or any part of the assets of the party;
- (i) the party applies for, consents to, or acquiesces in the appointment of a trustee or receiver in respect of the party or any of its property;
- (j) the party takes any step to obtain protection or is granted protection from its creditors under any applicable legislation or a meeting is convened or a resolution is passed to appoint an administrator or controller (as defined in the Corporations Act) is appointed in respect of any part of the property of the party;
- (k) the party is or states that it is unable to pay its debts when they fall due;
- (l) except to reconstruct or amalgamate while solvent on terms approved by the other party, the party enters into or resolves to enter into a scheme of arrangement, compromise or reconstruction with its creditors (or any class of them) or with its members (or any class of them) or proposes a reorganisation, re-arrangement, moratorium or other administration of the party's affairs;
- (m) the party is the subject of an event described in section 459(C)(2) of the Corporations Act; or
- (n) anything analogous or having a substantially similar effect to any of the events specified above happens in relation to the party.

Member Councils means the Councils in Tasmania which are shareholders in TasWater.

MoU means the memorandum of understanding between the Crown, TasWater and the Chief Owners Representative on behalf of the Owners' Representatives of TasWater dated 1 May 2018.

Number of Shares means the number of Shares in column 2 of the table set out in clause 2.2 (Subscription Dates, Number of Shares and Subscription Amounts) set opposite each Subscription Date.

Owners' Representatives means the representatives of the shareholders of TasWater appointed pursuant to rule 9.1 of the Constitution.

PPSA means the *Personal Property Securities Act 2009* (Cth).

Selection Committee has the same meaning as set out in the Constitution.

Shareholders' Letter of Expectations means TasWater's Shareholder's Letter of Expectations as amended from time to time.

Shares means fully paid class DD shares in TasWater.

Subscription means application and payment for a Number of Shares by the Crown and the issue of those Shares by TasWater pursuant to this Agreement.

Subscription Amounts means each subscription amount in column 3 of the table set out in clause 2.2 (Subscription Dates, Number of Shares and Subscription Amounts) set opposite each Subscription Date.

Subscription Date means each respective date in column 1 of the table set out in clause 2.2 (Subscription Dates, Number of Shares and Subscription Amounts).

Sunset Date means 31 December 2018.

TasWater has the meaning set out in the Details.

WSCA means the *Water and Sewerage Corporation Act 2012* (Tas).

1.2 Interpretation

- (a) A reference to:
 - (i) one gender includes every other gender;
 - (ii) the singular includes the plural and the plural includes the singular;
 - (iii) a person includes a body corporate or unincorporate;
 - (iv) a party includes the party's executors, administrators, successors and permitted assigns;
 - (v) a statute, regulation or provision of a statute or regulation (**Statutory Provision**) includes:
 - (A) that Statutory Provision as amended or re-enacted from time to time;
 - (B) a statute, regulation or provision enacted in replacement of that Statutory Provision; and
 - (C) another regulation or other statutory instrument made or issued under that Statutory Provision; and
 - (vi) money is to Australian dollars, unless otherwise stated.
- (b) The expression "this document" includes the deed, covenants, agreement, arrangement, understanding or transaction recorded in this document.
- (c) "Including" and similar expressions are not words of limitation.
- (d) A reference to a clause or schedule is a reference to a clause of or a schedule to this document.
- (e) A reference to a document (including, without limitation, a reference to this document) is to that document as amended, novated or replaced.
- (f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

- (g) Headings and any table of contents or index are for convenience only and do not form part of this document or affect its interpretation.
- (h) A provision of this document must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of this document or the inclusion of the provision in this document.
- (i) If an act must be done on a specified day which is not a Business Day, it must be done instead on the next Business Day.
- (j) All references to time are to Australian Eastern Standard time.

2 Shares

2.1 Subscription for Shares

The Crown agrees to subscribe for and TasWater agrees to issue and allot the Shares in accordance with clause 2.2 (Number of shares and subscription amounts) and on the terms and conditions of this document.

2.2 Subscription Dates, Number of Shares and Subscription Amounts

- (a) The Crown agrees to apply for the Number of Shares set out in column 2 and pay the Subscription Amounts set out in column 3 in the table below not more than 6 months prior to the Subscription Dates set out in column 1 in the table below.

Subscription Date	Number of Shares	Subscription Amount
1 January 2019	1,000,000	\$20,000,000
1 January 2020	1,000,000	\$20,000,000
1 January 2021	1,000,000	\$20,000,000
1 January 2022	1,000,000	\$20,000,000
1 January 2023	1,000,000	\$20,000,000
1 January 2024	1,000,000	\$20,000,000
1 January 2025	1,000,000	\$20,000,000
1 January 2026	1,000,000	\$20,000,000
1 January 2027	1,000,000	\$20,000,000
1 January 2028	1,000,000	\$20,000,000
	10,000,000	\$200,000,000

- (b) The Crown may, with the prior written agreement of TasWater, apply for a Number of shares and pay the Subscription Amount up to 6 months (or such other time as agreed) prior to the Subscription Date.
- (c) If the Crown applies for a Number of Shares and pays the Subscription Amount in accordance with clause 2.2(a) or (b), TasWater agrees to issue and allot the Number of Shares set out in column 2 in the table above on the Subscription Dates set out opposite in column 1 in the table above, or within 5 days of any earlier payment of the Subscription Amount under clause 2.2(b).

3 Conditions precedent

3.1 Conditions

This obligations of the parties under this document, other than under this clause 3, is conditional on each of the following being satisfied or waived on or before the Sunset Date:

- (a) **(amendment of WSCA)** the WSCA is amended to authorise the creation, and issue to the Crown, of shares in TasWater and to permit or require the Constitution to be amended in connection with the creation and issue of those shares in a form satisfactory to TasWater

and the Crown;

- (b) **(approval of document and issue of shares)** the shareholders and Board of TasWater approving the entry into this document and the issue of the Subscription Shares in accordance with its Constitution;
- (c) **(amendment to constitution)** the constitution of TasWater being amended so that it is in substantially the same form as set out in Annexure A; and
- (d) **(amendment to shareholders letter of expectation)** the Shareholders Letter of Expectation being amended so that it is in substantially the same form as set out in Annexure B.

3.2 Satisfaction of Conditions

Each party must:

- (a) use its reasonable endeavours (other than waiver) to ensure that the Conditions which are within its powers and control are fulfilled or waived on or before the relevant date;
- (b) promptly give the other party all information reasonably requested by that party in connection with any application required to satisfy a Condition;
- (c) not take any action that would, or would be likely to, prevent or hinder the fulfilment of any Condition;
- (d) keep each other party informed of any circumstances which may result in any of those Conditions not being satisfied in accordance with its terms; and
- (e) promptly advise each other party of the satisfaction of a Condition.

3.3 Introduction of legislation

The Crown agrees to:

- (a) consult with TasWater in relation to amendments to the WSCA and any other relevant legislation to permit the Crown's investment in TasWater in accordance with this document; and
- (b) introduce legislation into the Parliament of Tasmania to amend the WSCA and any other relevant legislation to permit the Crown's investment in TasWater in accordance with this document.

3.4 Passage of legislation

- (a) On the passage of legislation amending the WSCA to permit the Crown's investment in TasWater in accordance with this document, each party must, within 5 Business Days of the amending legislation receiving royal assent, notify the other, if the form of the legislation, as passed, is not satisfactory to it for the purposes of clause 3.1(a).
- (b) In the event that neither party provides notice under clause 3.4(a), the condition in clause 3.1(a) will be deemed to have been satisfied.

3.5 Benefit of Conditions

A Condition may be waived only prior to its end date for fulfilment and only:

- (a) in writing; and
 - (b) where the Condition is expressed to be for the benefit of a particular party, if that party gives notice of waiver of the Condition to the other parties; or
 - (c) otherwise, if the parties agree in writing to waive the Condition,
- but only to the extent set out in the waiver.

3.6 Failure of Condition

- (a) If a Condition is not satisfied or waived under clause 3.3 (Benefit of Conditions) before 5.00pm on the Sunset Date, any party may, if not otherwise in breach of this document, terminate this document by giving notice to all other parties.
- (b) On termination under clause 3.6(a):
 - (i) no party has any obligation or liability to any other party under this document, except in connection with:

- (A) any clause which survives termination of this document; and
 - (B) claims that arose before termination or which survive termination of this document.
- (ii) the Subscriber must return to the Company all documents and other materials in any medium in its possession, power or control which contain information received from or on behalf of the Company.

4 Payment and issue of shares

4.1 Time and place

The subscription for Shares will take place at 3.00pm on the date on which the Crown makes application and payment under clause 2.2(a) or 2.2(b), as applicable, at 163-169 Main Road, Moonah, Tasmania 7009 or any other time and place agreed by TasWater and the Crown.

4.2 Crown's obligations on each Subscription Date

The Crown agrees to:

- (a) deliver to TasWater an application for the relevant Number of Shares, duly completed and executed by the Crown, in the form set out in schedule to this document (Application for Subscription Shares); and
- (b) pay the Subscription Amount to TasWater in immediately available funds, prior to each Subscription Date.

4.3 Company's obligations at Subscription

TasWater agrees to:

- (a) issue the Number of Shares to the Crown on each Subscription; and
- (b) as soon as practicable after each Subscription, register the Crown as the holder of the Subscription Shares.

4.4 Simultaneous actions at each Subscription

In respect of each Subscription:

- (a) the obligations of the parties under this document are interdependent; and
- (b) all actions required to be performed will be taken to have occurred simultaneously on each respective Subscription.

5 Governance

5.1 Corporate Plan

- (a) TasWater and the Crown agree that the adoption of or any changes to TasWater's Corporate Plan will be agreed between the Crown and the Councils in accordance with part 8 of the Shareholders' Letter of Expectations.
- (b) If the Owners' Representatives are unable to agree the necessary votes to approve the adoption of or any changes to TasWater's Corporate Plan, TasWater's Chair must consult with the Chief Owners' Representative and the State Government Owner's Representative to resolve the adoption of the Corporate Plan or any requested amendments to the Corporate Plan. If TasWater's Chair, the Chief Owners' Representative and the State Government Owner's Representative are unable to reach unanimous agreement in relation to any changes to the Corporate Plan within 7 days, the changes will be determined by a two thirds majority of the TasWater's Chair, the Chief Owners' Representative and the Crown's Owner's Representative, unless those changes would result in TasWater's directors being in breach of their fiduciary duties, the *Corporations Act 2001* (Cth) or constitute unlawful activity, in which case the Corporate Plan as approved by the Board shall be deemed to have been adopted by the Owners' Representatives.
- (c) If the Owners' Representatives are able to agree the necessary votes to approve any changes to TasWater's Corporate Plan, and the Board has not previously done so, the Board is bound to accept those changes unless those changes would result in TasWater's directors being in breach of their fiduciary duties, the *Corporations Act 2001* (Cth) or

constitute unlawful activity, in which case the Corporate Plan as approved by the Board shall be deemed to have been adopted by the Owners' Representatives and TasWater's Chair will advise the Owners' Representatives accordingly.

5.2 Appointment of the Board of TasWater

The Crown and TasWater agree that the Crown Owner's Representative will be a member of the Selection Committee in accordance with rule 10.1(a) of the Constitution.

5.3 Chief Executive Officer of TasWater

The Crown and TasWater acknowledge and agree that:

- (a) the CEO is to be appointed by the directors of TasWater and may be removed by the directors;
- (b) the Crown and the Chief Owners' Representative shall be consulted in connection with the appointment of the CEO.

6 Water and Sewerage Pricing

The Crown and TasWater agree that, subject to part 21.5 of the Shareholders' Letter of Expectations, TasWater will:

- (a) not apply the outcome of any regulatory pricing determination to the extent that it is inconsistent with the provisions of this clause and does not have mandatory application;
- (b) apply no increase to its prices for regulated services for water and sewerage customers from 1 July 2019 to 30 June 2020;
- (c) develop and implement a future price profile for regulated water and sewerage services for the Capped Period under which annual price increases for target tariffs are no greater than the lesser of 3.5% and the outcome of any price determination made by the Tasmanian Economic Regulator and applicable during the Capped Period; and
- (d) transition customers who are currently significantly below target tariffs to ensure that those customers reach the target tariffs within the legislated timeframe without facing significant price shocks.

7 Default

7.1 Share Subscription Default

If the Crown fails to meet its obligations under clause 2.1 (Subscription for Shares), including, without limitation, failing to pay any Subscription Amount on the time required to make the payment then:

- (a) subject to paragraph (b), the Crown will, for as long as it fails to meet its obligations under clause 2.1 (Subscription for Shares), lose its rights and entitlements:
 - (i) under clause 5.1 (Corporate Plan) and the Crown will have no right or entitlement in relation to the content of TasWater's Corporate Plan additional to any right or entitlement that it has as a shareholder of any Shares that it holds at the date of the failure to meet its obligations;
 - (ii) under clause 5.2 (Appointment of the Board of TasWater) and the Crown Owner's Representative's seat will be lost; and
 - (iii) under clause 5.3 (Chief Executive Officer of TasWater); and
- (b) the parties acknowledge that the remedies set out in paragraph (a) are contained in the Constitution and, if the equivalent provisions of the Constitution are amended, then the provisions of paragraph (a) will be amended to the same effect, unless the parties expressly agree otherwise, in writing, prior to the amendment to the Constitution.
- (c) For the avoidance of doubt, notwithstanding any reinstatement of the Crown's rights in relation to clause 5.1 (Corporate Plan), clause 5.2 (Appointment of the Board of TasWater) or clause 5.3 (Chief Executive Officer of TasWater), any decisions made by the Selection Committee, the Owners' Representatives or the Board during such time as the Crown does not have those rights shall continue to be valid and to remain in full effect.

7.2 Exclusive Remedy

The remedies and consequences set out in clause 7.1 (Share Subscription Default) are exclusive for any breach by the Crown of clause 2.1, and no action will be had or maintained against the Crown for any other claim, demand or cause of action, including:

- (a) specific performance of its obligations under clause 2.1;
- (b) a claim for payment of the Subscription Amounts; or
- (c) damages.

8 Implementation and good faith

The Crown and TasWater will act in good faith and to use their reasonable endeavours to implement this document.

9 GST

9.1 Payments exclusive of GST

Unless otherwise stated in this document, all amounts payable by one party to another party are exclusive of GST.

9.2 Payment of GST

If GST is imposed or payable on any supply made by a party under this document, the recipient of the supply must pay to the supplier, in addition to the GST exclusive consideration for that supply, an additional amount equal to the GST exclusive consideration multiplied by the prevailing GST rate. The additional amount is payable at the same time and in the same manner as the consideration for the supply.

9.3 Tax invoice

A party's right to payment under clause 9.2 (Payment of GST) is subject to a valid tax invoice being delivered to the party liable to pay for the taxable supply.

9.4 Definitions

Expressions defined in the GST Act have the same meaning when used in this clause 9.

10 Entire agreement

This document, together with the Constitution and the Shareholders' Letter of Expectations (as approved by the Owners' Representatives), constitute the entire agreement between the parties in relation to its subject matter and supersedes all previous agreements, negotiations and understandings between the parties in relation to its subject matter.

11 Termination

11.1 Default

Either party (**Non-Defaulting Party**) may terminate this document by giving the other party (**Defaulting Party**) notice if:

- (a) the Defaulting Party repudiates its obligations under this document; or
- (b) an Insolvency Event occurs in respect of the Defaulting Party.

11.2 Rights not prejudiced

If this document is terminated under clause 11.1 (Default):

- (a) the parties are relieved from future performance of this document, without prejudice to any right of action that has accrued prior to the date of termination; and
- (b) rights to recover damages are not affected by the termination.

12 Disputes

12.1 Notice

If a party has a dispute or complaint against the other, that party (**Notifying Party**) must notify the other party in one of the ways described in clause 13 (Notices). The Notifying Party must ensure that the notice contains specific detail identifying the nature of the dispute or complaint.

12.2 Best endeavours to resolve

Both parties within 21 days of the delivery of a dispute notice will meet and use their best endeavours to resolve the dispute or complaint to the mutual satisfaction of both parties as soon as possible.

12.3 Mediation

If the parties are not able to reach a resolution of the dispute or complaint within a reasonable period of time (in any event being no more than 21 days after the date of receipt of the notice of the complaint or dispute), then the dispute or complaint must be submitted for mediation in accordance with, and subject to, the Resolution Institute Mediation Rules.

13 Notices

13.1 Form

Any notice, consent, approval, waiver and other communications to be given under or in connection with this document must be in writing, signed by the sender and marked for the attention as set out or referred to in the Details or, if the recipient has notified otherwise, then marked for attention in the way last notified.

13.2 Delivery

They must be:

- (a) left at the address set out or referred to in the Details; or
- (b) sent by prepaid post to the address set out or referred to in the Details; or
- (c) sent by fax to the fax number set out or referred to in the Details.

However, if the intended recipient has notified a changed postal address or changed fax number, then the communication must be to that postal address or fax number.

13.3 When effective

They take effect from the time they are received unless a later time is specified in them.

13.4 Receipt – postal

If sent by post, they are taken to be received 6 days after posting (or 10 days after posting if sent to or from a place outside Australia).

13.5 Receipt – fax

If sent by fax, they are taken to be received at the time shown in the transmission report as the time that the whole fax was sent.

13.6 Receipt - general

Despite clauses 13.4 (Receipt - postal) and 13.5 (Receipt - fax) and, if they are received after 5pm in the place of receipt or on a non-Business Day, they are taken to be received at 9am on the next Business Day.

14 General

14.1 Amendments

An amendment or variation to this document is not effective unless it is in writing and signed by the parties.

14.2 Assignment

A party cannot assign or otherwise transfer any of its rights under this document without the prior written consent of each other party.

14.3 Consents

Unless this document expressly provides otherwise, a consent under this document may be given or withheld in the absolute discretion of the party entitled to give the consent and to be effective must be given in writing.

14.4 Counterparts

- (a) This document may be entered into in any number of counterparts.
- (b) A party may execute this document by signing any counterpart.
- (c) All counterparts, taken together, constitute one document.

14.5 Costs

Each party will bear its own costs and disbursements of or incidental to the negotiation, preparation, execution, stamping and registration of this document, and all other matters and agreements referred to in this document.

14.6 Further acts and documents

Each party must promptly do all further acts and execute and deliver all further documents (in a form and content reasonably satisfactory to that party) required by law or reasonably requested by another party to give effect to this document.

14.7 Waivers

The non-exercise of, or delay in exercising, any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the party to be bound by the waiver.

14.8 Severance

- (a) If anything in this document is unenforceable, illegal or void then it is severed and the rest of this document remains in force, unless the severance would change the underlying principal commercial purpose or effect of this document.
- (b) If two or more provisions of this document are inconsistent or contradictory the numerical position of those provisions must not be a determinative factor in any decision, order or ruling that results in the severance of any conflicting provision.

14.9 Exclusion of relationships

The parties acknowledge and agree that this document and the performance of this document does not represent or imply a partnership, agency, fiduciary relationship, joint venture, distribution or any other category of commercial or personal relationship between the parties recognised at law or in equity as giving rise to forms of specific rights and obligations.

15 Governing law and jurisdiction

15.1 Governing law

The laws of Tasmania govern this document.

15.2 Jurisdiction

The parties submit to the non-exclusive jurisdiction of the courts of Tasmania.

SIGNING PAGE

EXECUTED as an Agreement.

EXECUTED by Tasmanian Water & Sewerage Corporation Pty)
Ltd (**ACN 162 220 653**) pursuant to section 127 of the)
Corporations Act 2001 by:

.....
Director Signature

.....
Director Full Name (print)

.....
*Director/*Secretary Signature

.....
*Director/*Secretary Full Name (print)

(* please strike out inapplicable)

EXECUTED for and on behalf of the Crown in Right of)
Tasmania by **[#PS Comment: Crown law to insert)**
appropriate execution clause for the Crown#] in the
presence of:

Witness:

Full Name:

Address:

Occupation:

Schedule 1
Application for Shares

[#insert date#]

To: Tasmanian Water and Sewerage Corporation Pty Ltd (ACN 162 220 653) (**TasWater**)
163 – 169 Main Road, Moonah, Tasmania 7009

Attention: Company Secretary

Dear Directors

Application for shares pursuant to Subscription Agreement dated [#insert date#]

The Crown in the Right of Tasmania (**Subscriber**):

- (a) hereby applies for the issue of [#insert number] class DD shares in the capital of TasWater (**Subscription Shares**);
- (b) agrees to pay \$20,000,000 in accordance with the Subscription Agreement; and
- (c) agrees to be bound by the constitution of TasWater

Capitalised terms which are used but not defined in this Application have the meaning given to them (if any) in the Subscription Agreement.

Yours faithfully

Annexure A

Constitution

[PS comment: to insert Constitution once finalised]

DRAFT

Annexure B

Shareholders' Letter of Expectations

[PS comment: to insert SLE once finalised]

DRAFT

**Appendix 4: Water and Sewerage Legislation (Corporate Governance
and Pricing) Bill 2018**

TASMANIA

**WATER AND SEWERAGE LEGISLATION
(CORPORATE GOVERNANCE AND PRICING)
BILL 2018**

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consultation draft

**WATER AND SEWERAGE LEGISLATION
(CORPORATE GOVERNANCE AND PRICING)
BILL 2018**

(Brought in by the Treasurer, the Honourable Peter Carl Gutwein)

A BILL FOR

An Act to amend the *Water and Sewerage Corporation Act 2012* to enable the Crown to hold shares in, and have certain rights in relation to, the Corporation, and to amend the *Water and Sewerage Industry Act 2008* in relation to pricing, and for related purposes

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Water and Sewerage Legislation (Corporate Governance and Pricing) Act 2018*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

*Water and Sewerage Legislation (Corporate Governance and
Pricing) Act 2018
Act No. of 2018*

s. 3

Part 2 – Water and Sewerage Corporation Act 2012 Amended

**PART 2 – WATER AND SEWERAGE CORPORATION
ACT 2012 AMENDED**

3. Principal Act

In this Part, the *Water and Sewerage Corporation Act 2012** is referred to as the Principal Act.

4. Section 6 amended (Principal objectives of Corporation)

Section 6(1)(c)(ii) of the Principal Act is amended by omitting “its members” and substituting “such of its members as are councils”.

5. Section 7 amended (Status of Corporation)

Section 7(1)(b) of the Principal Act is amended by omitting “council” and substituting “member”.

6. Section 10 amended (Ownership and restrictions on sale and issue of securities)

Section 10 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, or the Crown,” after “councils”;

*No. 51 of 2012

*Water and Sewerage Legislation (Corporate Governance and
Pricing) Act 2018
Act No. of 2018*

Part 2 – Water and Sewerage Corporation Act 2012 Amended

s. 7

- (b) by omitting subsection (2);
- (c) by inserting in subsection (4) “or to the Crown” after “shareholdings”.

7. Section 14 amended (Board of Corporation)

Section 14(3)(b) of the Principal Act is amended by inserting “or of the Crown” after “council”.

8. Section 21 amended (Distribution of dividends)

Section 21 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(a) “members” and substituting “members, who are not the Crown,”;
- (b) by omitting from subsection (2)(d) “members” and substituting “members who are not the Crown”;
- (c) by omitting from subsection (3) “members” and substituting “members who are not the Crown”;
- (d) by inserting the following subsection after subsection (3):
 - (4) The constitution of the Corporation must not provide that the Crown is entitled to any dividends or that dividends may be paid to the Crown.

*Water and Sewerage Legislation (Corporate Governance and
Pricing) Act 2018
Act No. of 2018*

s. 9

Part 2 – Water and Sewerage Corporation Act 2012 Amended

9. Sections 22 and 23 repealed

Sections 22 and 23 of the Principal Act are repealed.

10. Section 42 repealed

Section 42 of the Principal Act is repealed.

consultation draft

**PART 3 – WATER AND SEWERAGE INDUSTRY ACT
2008 AMENDED**

11. Principal Act

In this Part, the *Water and Sewerage Industry Act 2008** is referred to as the Principal Act.

12. Section 65 amended (Price and service plan)

Section 65 of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (6):

(6A) A regulated entity may, without the approval of the Regulator, amend a proposed price, in relation to a service, that is set out, in relation to a year, in the entity's price and service plan, if the price, as so amended, does not exceed the maximum price, in relation to the service, that is specified, in relation to the year, in a price determination in relation to the entity.

- (b) by inserting in subsection (10) “, including such a plan as altered under this section” after “subsection (5)”.

*No. 13 of 2008

*Water and Sewerage Legislation (Corporate Governance and
Pricing) Act 2018
Act No. of 2018*

s. 13

Part 3 – Water and Sewerage Industry Act 2008 Amended

13. Section 66 amended (Price determinations)

Section 66 of the Principal Act is amended as follows:

- (a) by omitting paragraph (a) from subsection (3);
- (b) by omitting from subsection (3)(b) “and minimum” first occurring;
- (c) by omitting from subsection (3)(b) “or maximum rate of increase or decrease or minimum rate of increase or decrease in the maximum and minimum price”;
- (d) by omitting paragraph (c) from subsection (3);
- (e) by omitting from subsection (3)(e) “a price” and substituting “a maximum price”;
- (f) by omitting from subsection (3)(f) “a price” and substituting “a maximum price”;
- (g) by omitting from subsection (3)(g) “and minimum” first occurring;
- (h) by omitting from subsection (3)(g) “or maximum rate of increase or decrease or minimum rate of increase or decrease in the maximum and minimum revenue”;
- (i) by inserting the following subsection after subsection (3):

*Water and Sewerage Legislation (Corporate Governance and
Pricing) Act 2018
Act No. of 2018*

Part 3 – Water and Sewerage Industry Act 2008 Amended

s. 14

-
- (3A) Nothing in this section is to be taken to permit a price determination made under this section to set a price, other than a maximum price, or an amount of revenue other than a maximum amount of revenue.

14. Part 6 repealed

Part 6 of the Principal Act is repealed.

*Water and Sewerage Legislation (Corporate Governance and
Pricing) Act 2018
Act No. of 2018*

s. 15

Part 4 – Concluding Provision

PART 4 – CONCLUDING PROVISION

15. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of the Act commence.

consultation draft

**Appendix 5: Water and Sewerage Corporation Act 2012 – Amended
Clauses**

6. Principal objectives of Corporation

- (1) The principal objectives of the Corporation are as follows:
- (a) to efficiently provide water and sewerage functions in Tasmania;
 - (b) to encourage water conservation, the demand management of water and the re-use of water on an economic and commercial basis;
 - (c) to be a successful business and, to this end –
 - (i) to operate its activities in accordance with good commercial practice; and
 - (ii) to deliver sustainable returns to ~~its members~~such of its members as are councils; and
 - (iii) to deliver water and sewerage services to customers in the most cost-efficient manner.
- (2) Each of the principal objectives of the Corporation is of equal importance.

7. Status of Corporation

- (1) Unless this or any other Act expressly provides otherwise, the Corporation or any subsidiary of the Corporation –
- (a) is not and does not represent the councils or the Crown; and
 - (b) is not exempt from any rate, tax, duty or other impost imposed by or under any law of the State or the Commonwealth merely because a ~~council member~~ or the Corporation has beneficial ownership of shares in it.
- (2) The Crown is not liable for any debt, liability or obligation of the Corporation or any subsidiary of the Corporation.
- (3) A council is not liable for any debt, liability or obligation of the Corporation or any subsidiary of the Corporation unless –
- (a) that council gives a guarantee or indemnity under section 26 in relation to that debt, liability or obligation; or
 - (b) the constitution of the Corporation expressly provides otherwise.

10. Ownership and restrictions on sale and issue of securities

- (1) Only councils, or the Crown, may hold one or more shares or other securities in the Corporation.
- ~~(2) Each member of the Corporation is to at all times hold an equal number of shares, and an equal number of other securities in the Corporation, as each other member of the Corporation.~~
- (3) A member of the Corporation must not dispose of the shares or other securities in the Corporation held by that member.

- (4) The Corporation must not, and must ensure that any subsidiary of the Corporation does not –
- (a) offer shares or other securities in the Corporation or any subsidiary of the Corporation for subscription, or invite any person to subscribe for any such shares or other securities; or
 - (b) grant options over unissued shares or other securities in the Corporation or any subsidiary of the Corporation; or
 - (c) allot or issue shares or other securities in the Corporation or any subsidiary of the Corporation –
- other than to existing members pro rata to their existing shareholdings or to the Crown.
- (5) In this section –
- (a) a reference to securities includes a reference to securities of a kind specified in section 92(3) of the Corporations Act; and
 - (b) a reference to shares includes a reference to shares of a kind specified in section 254A(1) of the Corporations Act.

14. Board of Corporation

- (1) The Board is to ensure that its directors have the experience and skills necessary to enable the Corporation to achieve its principal objectives.
- (2) The appointment of the Board and removal of directors is to be in accordance with the constitution.
- (3) None of the following persons may be appointed as a director of the Corporation or any subsidiary of the Corporation:
- (a) any person who has served as an elected government official at any time within the 3 years preceding the intended date of appointment;
 - (b) any person who holds office as an elected government official or who is currently an employee of any council or the Crown.

21. Distribution of dividends

- (1) The Board or the board of directors of any subsidiary of the Corporation must determine a dividend policy for the Corporation or subsidiary.
- (2) The dividend policy of the Corporation or of any subsidiary of the Corporation is to –
- (a) establish the aggregate amount, and the basis of determining the aggregate amount, of dividends payable to ~~members~~ members, who are not the Crown, in respect of any period; and
 - (b) be determined having due regard to the provisions of the shareholders' letter of expectation; and

- (c) be consistent with good commercial practice; and
 - (d) require adequate provision to be made for expected future capital requirements and operational expenditure before the payment of any dividend to ~~members~~members who are not the Crown.
- (3) In setting out the rights attaching to each class of shares for the purposes of section 11(2)(a), the constitution of the Corporation is to provide for the allocation of the aggregate amount of dividends amongst ~~members~~members who are not the Crown.
- (4) The constitution of the Corporation must not provide that the Crown is entitled to any dividends or that dividends may be paid to the Crown.

~~22.~~ Payment of guarantee fees

- ~~(1) The Corporation or any subsidiary of the Corporation is liable to pay guarantee fees determined pursuant to subsection (2).~~
- ~~(2) If the Corporation or any subsidiary of the Corporation borrows money in accordance with section 18—~~
- ~~(a) Division 1 of Part 11 of the Government Business Enterprises Act 1995 (other than section 78(1)) and, unless the Corporation or subsidiary has received a notice from the Treasurer to the contrary, each GBE Treasurer's Instruction given in relation to any matter the subject of that Division applies by virtue of this Act in relation to the Corporation or subsidiary as if—~~
 - ~~(i) the Corporation or subsidiary were a Government Business Enterprise specified in Schedule 3 to the Government Business Enterprises Act 1995; and~~
 - ~~(ii) each reference to financial accommodation in that Division of the Government Business Enterprises Act 1995 were a reference to money borrowed from the Tasmanian Public Finance Corporation in accordance with section 18; and~~
 - ~~(iii) each reference to the Consolidated Fund in the Government Business Enterprises Act 1995 were a reference to a council; and~~
 - ~~(b) the Corporation or subsidiary is to pay the aggregate guarantee fee, determined by the Treasurer pursuant to the application of paragraph (a), to councils in the amount and in the manner outlined in the constitution.~~

~~23.~~ Payment of tax equivalents

- ~~(1) The Corporation or any subsidiary of the Corporation is liable to pay an aggregate income tax equivalent in respect of each financial year, determined pursuant to the application of this section, to councils in the amount and in the manner outlined in the constitution.~~

- ~~(2) — Despite subsection (1), the Corporation or any subsidiary of the Corporation is not liable to pay an income tax equivalent to the extent to which it is liable to pay income tax under the Commonwealth Tax Act.~~
- ~~(3) — Division 3 of Part 10 of the Government Business Enterprises Act 1995 and, unless the Corporation or any subsidiary of the Corporation has received a notice from the Treasurer to the contrary, each GBE Treasurer's Instruction given in relation to any matter the subject of that Division applies by virtue of this Act to the liabilities and payments that arise under subsection (1) as if—~~
 - ~~(a) — the Corporation or subsidiary were a prescribed Government Business Enterprise as defined in section 67 of the Government Business Enterprises Act 1995; and~~
 - ~~(b) — a reference to section 68 of the Government Business Enterprises Act 1995 were a reference to subsection (1); and~~
 - ~~(c) — each reference to the Consolidated Fund were a reference to a council.~~

~~42.— Staged repeal of Water and Sewerage Corporations Act 2008~~

- ~~(1) — A provision of the Water and Sewerage Corporations Act 2008 is repealed to the extent, and from the day, fixed by proclamation in respect of that provision.~~
- ~~(2) — The Water and Sewerage Corporations Act 2008 is repealed on a day fixed by proclamation, being a day after the last day fixed under subsection (1).~~

To view the current Water and Sewerage Corporation Act 2012 in its entirety, please see:
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-2012-051>

**Appendix 6: Water and Sewerage Industry Act 2008 – Amended
Clauses**

65. Price and service plan

- (1) The Regulator must, by notice given to a regulated entity, require the regulated entity to submit a proposed price and service plan for regulated services to the Regulator for approval by not later than the date specified in the notice.
- (2) A regulated entity must submit a proposed price and service plan to the Regulator by the date specified in the notice given to the regulated entity under subsection (1).
Penalty: Fine not exceeding 1 000 penalty units.
- (3) The proposed price and service plan submitted under subsection (1) must include –
 - (a) proposed regulated services to be provided to customers; and
 - (b) any customer contract; and
 - (c) standards and conditions of service which are in compliance with the customer service code; and
 - (d) proposed prices for each regulated service; and
 - (e) any other matter required under this Act.
- (4) The proposed price and service plan submitted under subsection (1) may include –
 - (a) proposed annual revenue requirements; and
 - (b) projected capital and operational expenses; and
 - (c) supply and demand forecasts; and
 - (d) such other matters as required by the Regulator in guidelines issued under subsection (7).
- (5) The Regulator must approve a proposed price and service plan for a regulated entity if the Regulator is satisfied that the proposed price and service plan fulfils the requirements for a price and service plan as set out in guidelines issued under subsection (7) and any relevant price determination under section 66.
- (6) The Regulator may require amendments to be made to the proposed price and service plan, including amendments to ensure that the price and service plan complies with a price determination, before approving it.
- (6A) A regulated entity may, without the approval of the Regulator, amend a proposed price, in relation to a service, that is set out, in relation to a year, in the entity's price and service plan, if the price, as so amended, does not exceed the maximum price, in relation to the service, that is specified, in relation to the year, in a price determination in relation to the entity.
- (7) The Regulator must issue guidelines to a regulated entity for the preparation of a proposed price and service plan.
- (8) The guidelines referred to in subsection (7) may –
 - (a) specify the requirements for a regulated entity to comply with when submitting a proposed price and service plan to the Regulator for approval; and

- (b) specify the process for the preparation and approval of a proposed price and service plan, including the extent of public consultation and timelines and the subsequent publication of prices for each regulated service.
- (9) A price and service plan approved under subsection (5) is to relate to a regulatory period.
- (10) The Regulator may, by notice in writing given to a regulated entity, direct the regulated entity to publish a price and service plan approved under subsection (5). including such plan as altered under this section.
- (11) A regulated entity must comply with a direction given to it under subsection (10).
Penalty: Fine not exceeding 50 penalty units.
- (12) The Treasurer may, by notice published in the *Gazette*, fix –
 - (a) the duration of the first regulatory period, which period is to commence on the first day after approval by the Regulator of a price and service plan; and
 - (b) the minimum duration of each subsequent regulatory period.
- (13) The Regulator is to declare, by notice published in the *Gazette*, the duration of each subsequent regulatory period, being a period which is not less than a minimum period specified by the Treasurer under this section.
- (14) A declaration made by the Regulator under subsection (13) must be made not less than 2 years before the end of each subsequent regulatory period.

66. Price determinations

- (1) The Regulator is to make price determinations that apply to a regulated entity in respect of a regulated service.
- (2) In making a price determination under subsection (1), the Regulator must –
 - (a) adopt an approach and methodology which the Regulator considers will best meet the objective of this Act; and
 - (b) determine prices, terms and conditions, including developer charges, for water services and sewerage services in accordance with the pricing principles referred to in section 68 or any principles prescribed by regulations under that section; and
 - (c) consider any proposed price and service plan submitted under section 65; and
 - (d) consider any customer contract; and
 - (e) ensure that the price determination takes into account and clearly articulates any trade-offs between costs and service standards; and
 - (ea) not take into account a change in a rate, prescribed in a regulation for the purposes of section 68(1A)(c)(iv), that comes into force at any time –
 - (i) after a regulated entity is required to submit to the Regulator a proposed price and service plan that may be approved by the Regulator after the price determination is made; and

- (ii) before the price determination to which the proposed price and service plan relates is made; and
 - (f) have regard to any matters contained in the regulations.
- (3) Without limiting the generality of subsection (1), a price determination made under this section may provide for one or more of the following:
 - ~~(a) fixing the price or the rate of increase or decrease in the price for a regulated service or other price control formula;~~
 - (b) fixing a maximum ~~and minimum~~ price ~~or maximum rate of increase or decrease or minimum rate of increase or decrease in the maximum and minimum price~~ for a regulated service;
 - ~~(c) fixing an average price for a regulated service specified in the determination or an average rate of increase or decrease in the average price;~~
 - (d) specifying pricing policies or principles that are to be applied in relation to a regulated service;
 - (e) specifying ~~a price~~ a maximum price determined by reference to a general price index, the cost of production, a rate of return on assets employed or any other factor specified in the determination;
 - (f) specifying ~~a price~~ a maximum price determined by reference to quantity, location, period or other factor specified in the determination relevant to the rate or provision of a regulated service;
 - (g) fixing a maximum ~~and minimum~~ revenue ~~or maximum rate of increase or decrease or minimum rate of increase or decrease in the maximum and minimum revenue~~ in relation to a regulated service;
 - (h) specifying a factor or factors to be applied, and the manner in which such a factor is or factors are to be applied, in setting prices, terms and conditions for a regulated service.
- (3A) Nothing in this section is to be taken to permit a price determination made under this section to set a price, other than a maximum price, or an amount of revenue, other than a maximum amount of revenue.
- (4) Before the Regulator makes a price determination under subsection (1), the Regulator is to publish, in daily newspapers published and circulating in Tasmania, a notice of the Regulator's intention to make a price determination.
- (5) The notice under subsection (4) is to include information as to where a copy of the proposed price determination, and the proposed price and service plan on which the proposed price determination is based, can be obtained or viewed.
- (6) The Regulator is to publish the proposed price determination, and the proposed price and service plan on which the proposed price determination is based, on the Regulator's internet website.
- (7) The Regulator is to make a price determination in accordance with section 67.
- (8) The regulations may provide for –

- (a) the conduct of investigations by the Regulator into the price and pricing policies of regulated entities; and
- (b) the appointment of assistants to the Regulator for the purposes of carrying out investigations referred to in paragraph (a); and
- (c) the liability of regulated entities for the costs by the Regulator incurred in undertaking such investigations; and
- (d) any related matter.

~~PART 6 – Transition to New Regulatory Arrangements~~

~~88. Interim price order~~

- ~~(1) The Treasurer may, by notice published in the Gazette and in daily newspapers published and circulating in Tasmania, make an interim order in relation to—
 - ~~(a) the prices, terms and conditions for the provision of a regulated service; and~~
 - ~~(b) the service standards, terms and conditions for the provision of a regulated service.~~~~
- ~~(2) Before an interim order may be made under subsection (1), the Treasurer must obtain advice from the Regulator in relation to the matters contained in the order.~~
- ~~(3) An order made under this section remains in force until the commencement of the first regulatory period fixed under section 65(12).~~
- ~~(4) A regulated entity must comply with an order made under this section.~~

~~Penalty: Fine not exceeding 500 penalty units.~~
- ~~(5) Without limiting the generality of subsection (1), an order made under this section may provide for one or more of the following:
 - ~~(a) fixing the price or the rate of increase or decrease in the price for a regulated service;~~
 - ~~(b) fixing a maximum and minimum price or maximum rate of increase or decrease or minimum rate of increase or decrease in the maximum and minimum price for a regulated service;~~
 - ~~(c) fixing an average price for a regulated service or an average rate of increase or decrease in the average price;~~
 - ~~(d) specifying pricing policies or principles that are to be applied in relation to a regulated service;~~
 - ~~(e) specifying a price determined by reference to a general price index, the cost of production, a rate of return on assets employed or any other specified factor;~~
 - ~~(f) specifying a price determined by reference to quantity, location, period or other specified factor relevant to the rate or provision of a regulated service;~~
 - ~~(g) fixing a maximum and minimum revenue or maximum rate of increase or decrease or minimum rate of increase or decrease in the maximum and minimum revenue in relation to regulated services;~~~~

- ~~(h) specifying a factor or factors to be applied, and the manner in which such a factor is or factors are to be applied, in setting prices, terms and conditions for a regulated service.~~
- ~~(6) An order made under this section may impose functions and confer powers on the Regulator relating to the prices, terms and conditions for the provision of a regulated service specified in such an order.~~
- ~~(7) The Treasurer is to give a copy of an order made under this section to each regulated entity that provides a regulated service to which the order applies.~~
- ~~(8) If there is an inconsistency between this Act and regulations made under this Act and any order made under this section, this Act or the regulations prevail to the extent of the inconsistency.~~

89. Interim licences

- ~~(1) The Minister may grant an interim licence to a person to authorise an activity specified in section 30 on such terms and conditions that the Minister considers appropriate and as are specified in the interim licence.~~
- ~~(2) An interim licence granted to a person under subsection (1) remains in force—
 - ~~(a) for a period not exceeding 2 years from the day on which it is granted; or~~
 - ~~(b) until a licence is granted to that person under section 35(1) in relation to an activity for which that interim licence is granted—~~whichever is the earlier.~~
- ~~(3) The Minister may, by written notice given to a person to which an interim licence is granted under subsection (1), impose such interim licence conditions as the Minister considers appropriate to be complied with by that person.~~
- ~~(4) Before granting an interim licence under subsection (2) or imposing interim licence conditions, the Minister must obtain advice from the Regulator in relation to the granting of the interim licence or imposition of the interim licence conditions.~~

90. Interim exemption from requirement to be licensed

- ~~(1) The Minister may, by order, exempt a person who provides a regulated service specified in the order, other than the Corporation, from the requirement to hold a licence under section 30 or comply with any other provision of this Act until a date specified in the order.~~
- ~~(2) The date specified in an order made under subsection (1) is to be not later than the commencement of the first regulatory period.~~

To view the current Water and Sewerage Industry Act 2008 in its entirety, please see:
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-2008-013>

Briefing for Councils

TasWater and State Government MOU Implementation



Today's presentation

1. The MOU Key Features
2. Necessary changes to the Constitution
3. Necessary changes to the Shareholders' Letter of Expectations
4. Share Subscription and Implementation Agreement
5. Necessary legislative changes
6. Financial outcomes
7. Key risks
8. Special General Meeting to Vote on Proposal
9. Summary

MOU Key Features

Proposed governance arrangements:

- State Government to inject \$200M equity over 10 years
- Receive 1% equity for each \$20M
- State Government will not receive dividends
- State Government Owner's Rep on Board Selection Committee (Head of Treasury, or delegate)
- Board to remain skills-based
- Consultation with State Government Rep and Chief Owners' Rep re: CEO appointment
- State Government and Owner Councils approve Corporate Plan

MOU Key Features

Proposed pricing arrangements:

- FY2018/19 – 4.1% increase
- FY2019/20 – 0% increase
- FY2020/21 to FY2024/25 – capped at 3.5% increase, or Economic Regulator's determination (whichever is lower)
- FY2025/26 onward – no commitment

MOU Key Features

Capital program

- Best endeavours to spend \$1.8B during the current 10 year capex plan

Major projects

- Cameron Bay STP (MONA MOU)
- Macquarie Point STP
- Launceston Combined System

Service extension

MOU Key Features

Distributions to Owner Councils:

- Distributions will remain at \$20M per year to FY2025/26
- Board to determine beyond FY2025/26, but profitability should enable indexation beyond that point
- If circumstances change and distributions are at risk, the Board has a number of levers to ensure distributions are maintained

MOU Summary

Government sought to have MOU reflect election commitments around:

- tariffs
- capital spend
- council dividends

TasWater sought to ensure MOU delivered:

- ongoing sustainability
- role of the economic regulator is maintained
- council rights preserved

Necessary changes to the Constitution

- Establish new class of shares for the State Government
- No dividends for the State Government shareholding
- The State Government will have one representative on the Board Selection Committee
- The State Government representative will be consulted, along with the Chief Representative, on appointment of the CEO
- The State Government will not have the right to appoint a director
- Governance by a skills-based Board will continue

Necessary changes to the Shareholders' Letter of Expectations

- **Corporate Plan approval process:**
 - Draft is endorsed by Board and provided to Owner Councils and State Government. Each party can then propose amendments
 - Board considers amendments, but is not obliged to accept
 - Board provides revised draft Plan (to the extent amendments are accepted) to Shareholders for consideration at General Meeting
 - The Plan is adopted by an Ordinary Majority of Council Owners' Reps and affirmative vote by State Government Owner's Rep¹
 - If a Plan is not adopted, dispute resolution involves consultation between Board Chairman, Chief Owner's Rep and State Govt Rep
 - A two-thirds majority of these parties will prevail if a unanimous decision cannot be reached

Necessary changes to the Shareholders' Letter of Expectations

- **Trade Waste**
 - TasWater, Councils and the State Government will work together to identify further improvements to trade waste
- **Community Service Obligation**
 - A shareholder can request TasWater to undertake a project not included in the current Corporate Plan
 - However shareholder approval is needed for amendment to the Corporate Plan
- **Dividends**
 - If needed for financial sustainability, the Board can amend the capital program or pricing to maintain Owner Councils' dividends¹

Share Subscription and Implementation Agreement

- State Government will inject \$20M of equity each year for 10 years, and receive 1,000,000 “DD” class shares for each \$20M
- Equity injections can occur more frequently than annually, but State Government shareholding will not exceed 10%
- If the State Government fails to meet its equity injection commitments, it will lose its rights relating to:
 - Corporate Plan approval and participation in dispute resolution
 - Board Selection Committee representation
 - CEO appointment consultation
- The State Government’s rights will be restored once it makes good, but any decisions made in the interim remain valid

Necessary legislative changes

- The objective has been to keep legislative changes simple and to a minimum
- Key legislative changes include:
 - Removal of the prohibition on ownership of TasWater by anyone other than a Council to enable State Government shareholding
 - Price determination process updated to clarify that the Tasmanian Economic Regulator can only set maximum prices
 - Removal of the obligation to pay loan guarantee fees and tax equivalents, so distributions are solely in the form of dividends

Necessary legislative changes

- Proposed changes to the Constitution and SLE, and the Share Subscription agreement, are conditional on the legislation passing into law in substantially the same form as in the IM

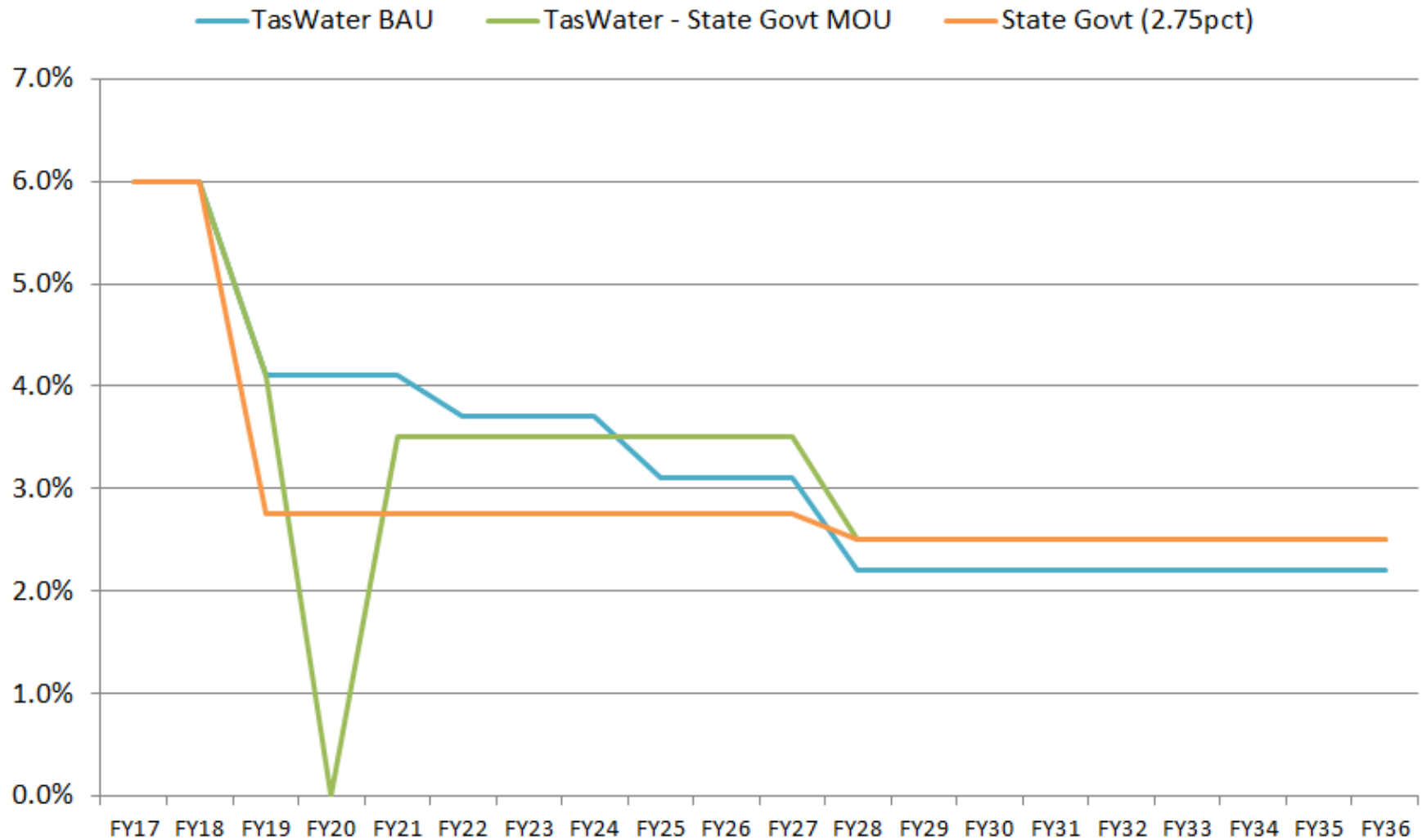
Financial model objectives

- The Board has committed to ensuring the proposed changes maintain TasWater's financial sustainability
- Two scenarios have been modelled:
 1. Business as usual scenario – TasWater's current capital program, forecast price increases and no equity injection from State Govt
 2. MOU scenario – an accelerated capital program, a price freeze (FY19) and cap (3.5% cap through FY27), and \$200M equity injection

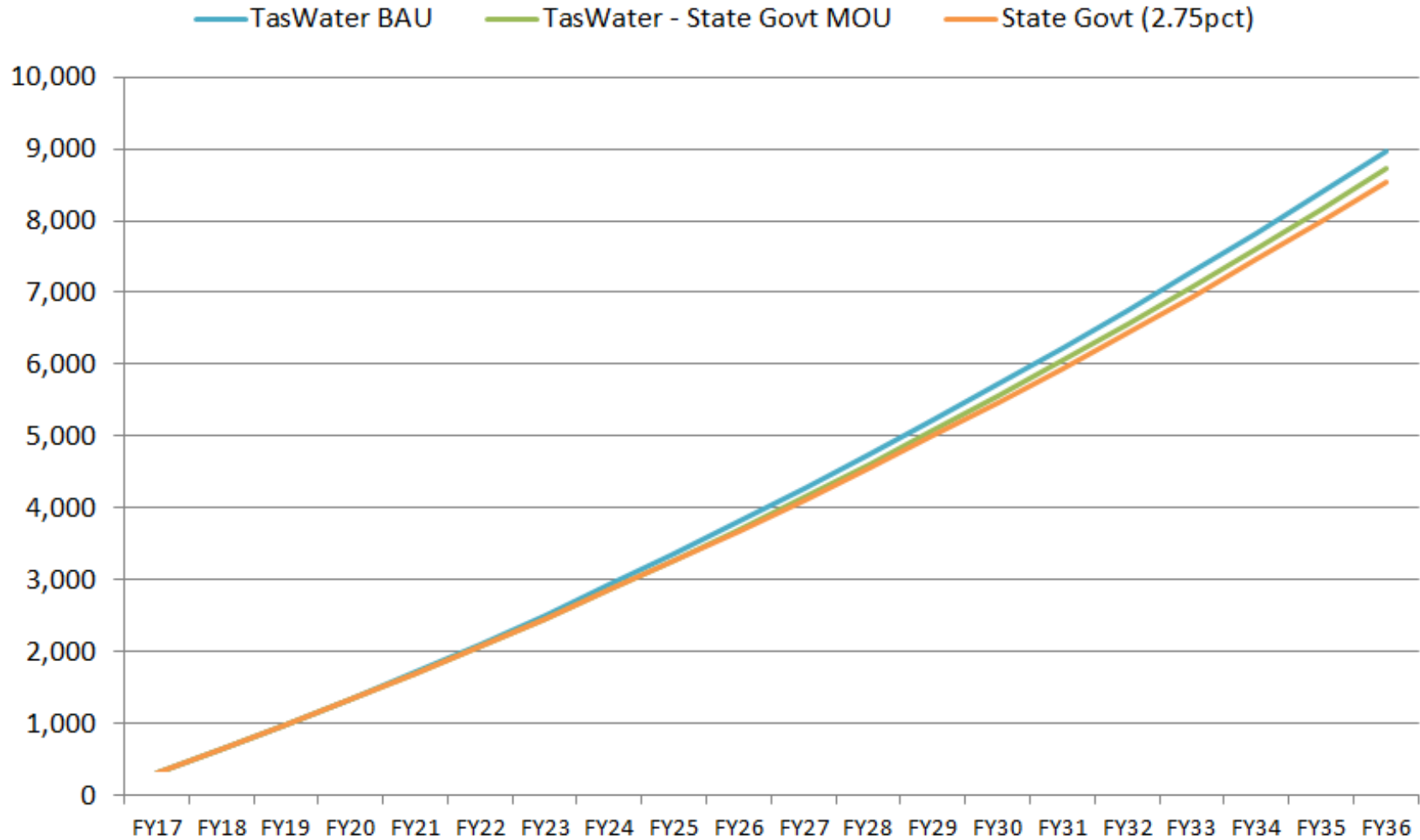
Capital program

- The business as usual scenario is based on TasWater's current \$1.5 billion capital program (FY2016/17 through FY2025/26)
- The MOU scenario includes \$1.7 billion over this period.
- TasWater will make best endeavours to deliver a \$1.8 billion capital program. This may be facilitated by external funding (eg Federal / State Government funding for combined system)
- The financial model does not include any allowance for the following, however we will commit to working with government to find solutions for these:
 - Macquarie Point sewage treatment plant relocation
 - Cameron Bay sewage treatment plant relocation
 - Launceston Combined Sewer System upgrades

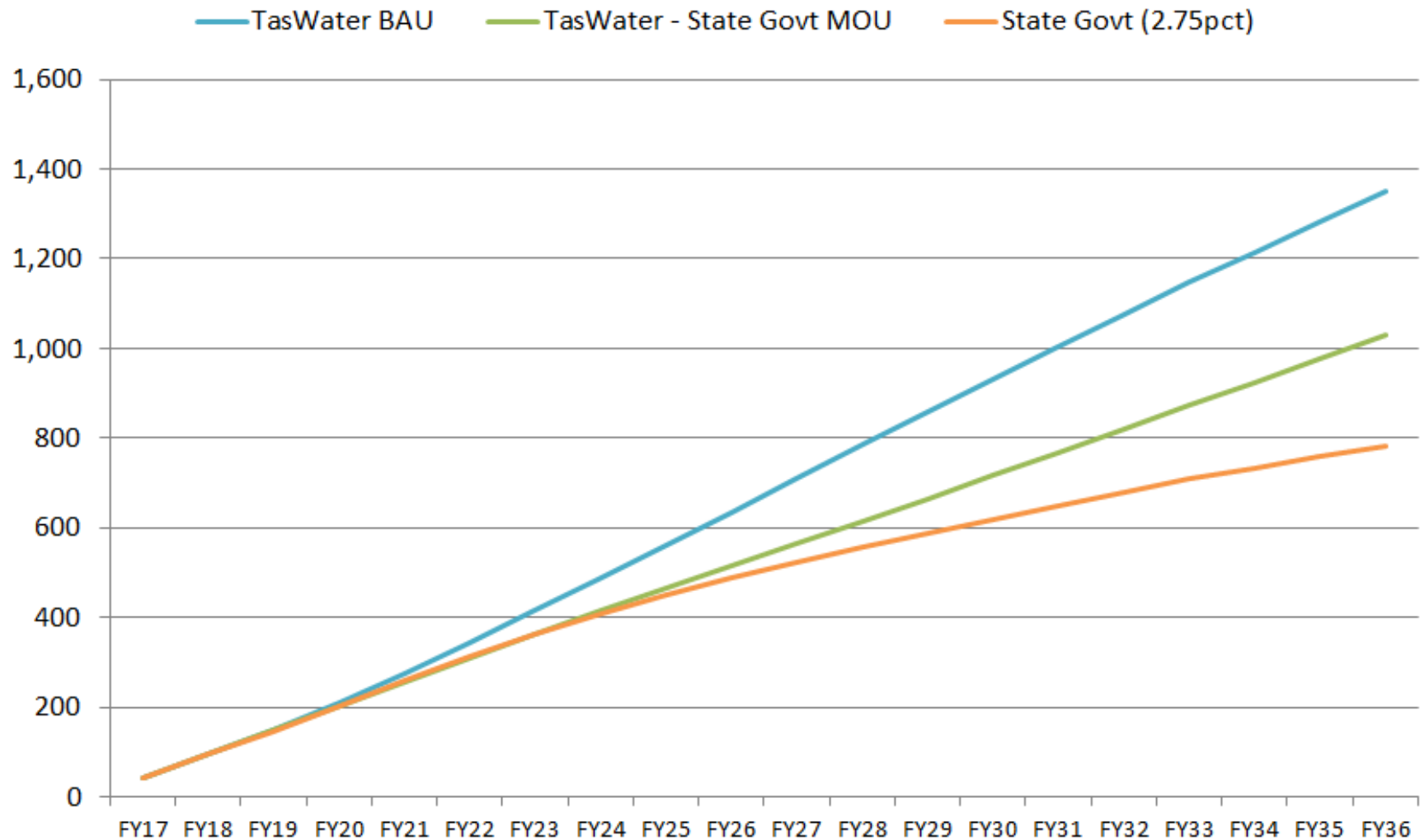
Annual price increase (%)



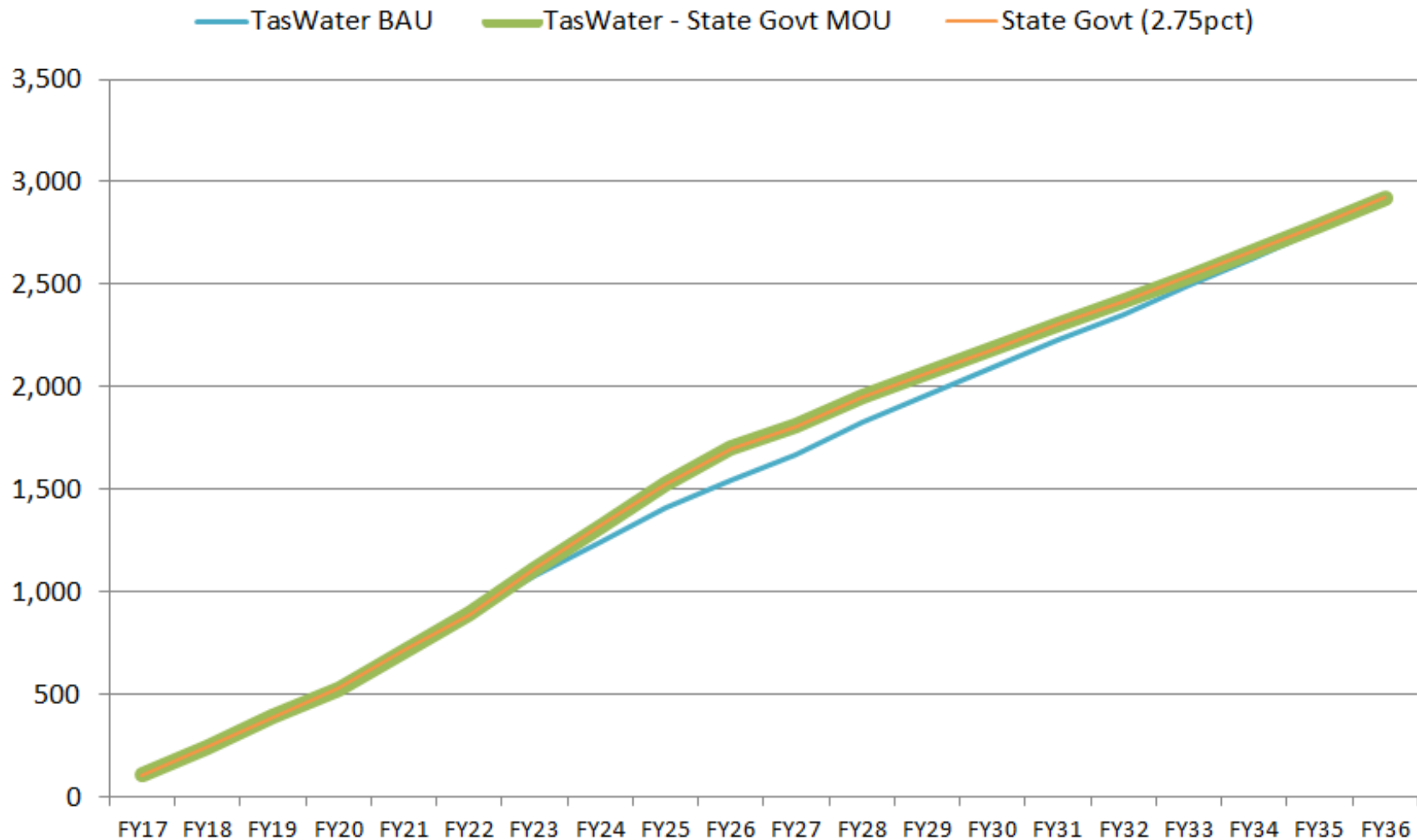
Cumulative revenue (\$million)



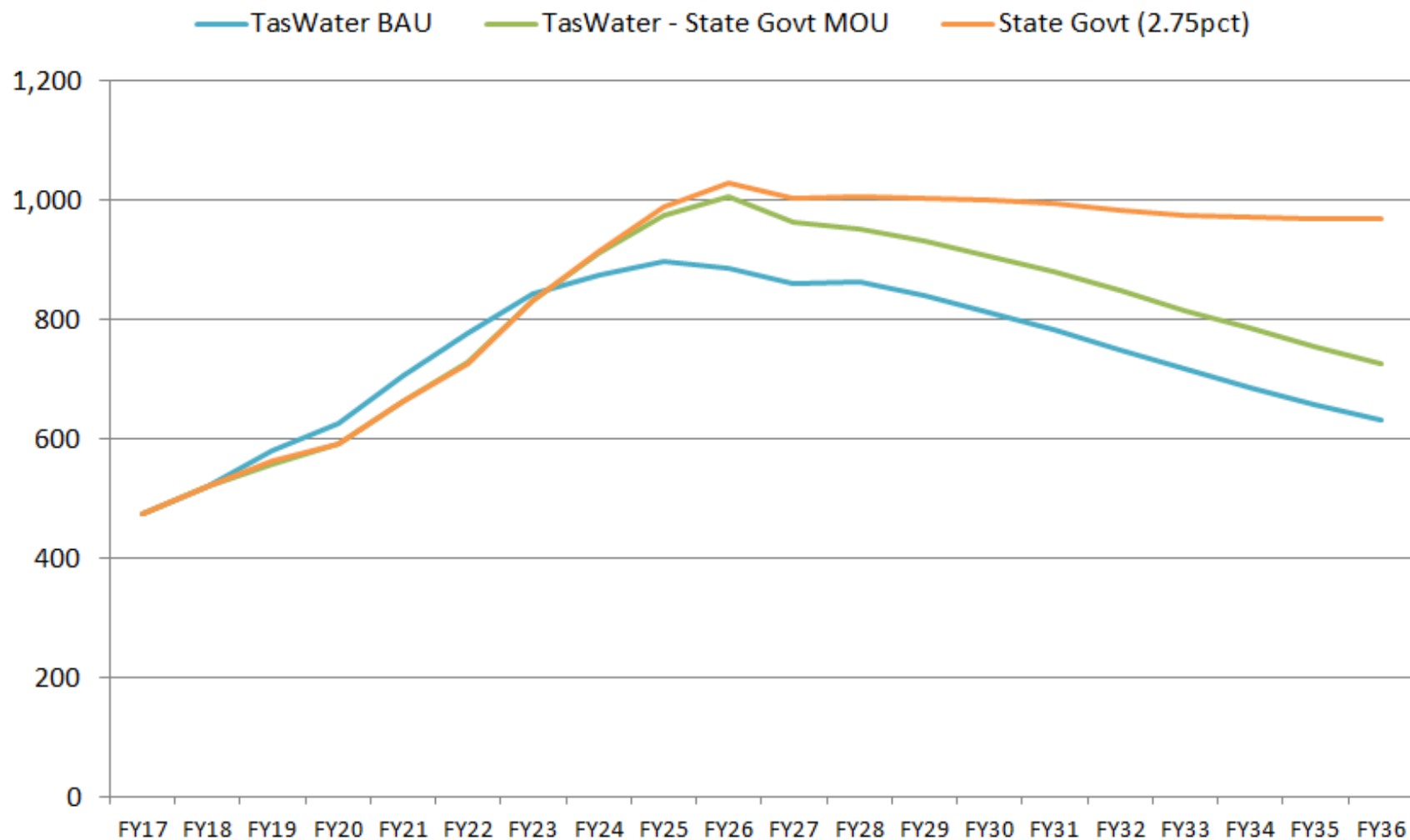
Cumulative net profit before tax(\$million)



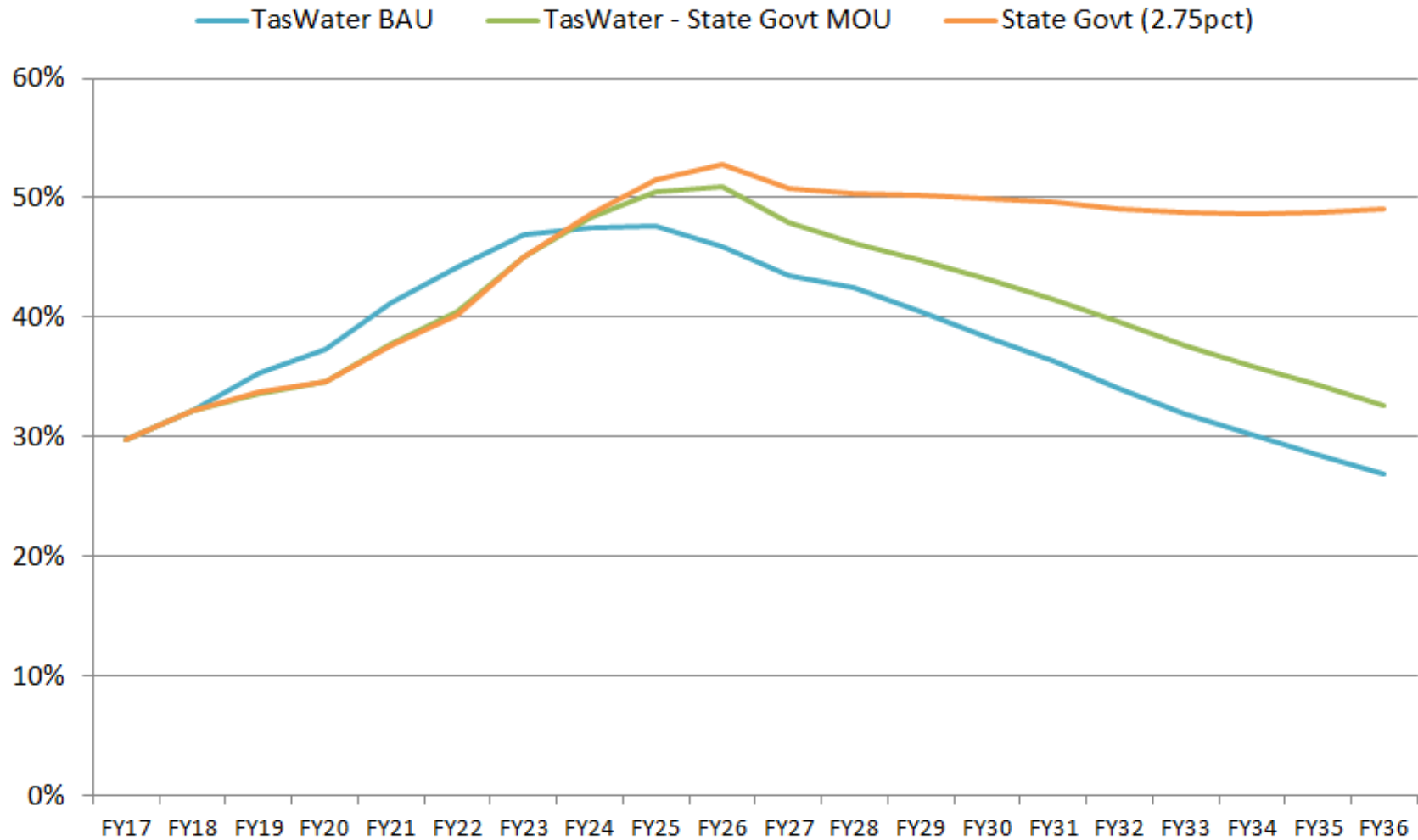
Cumulative capital expenditure (\$millions)



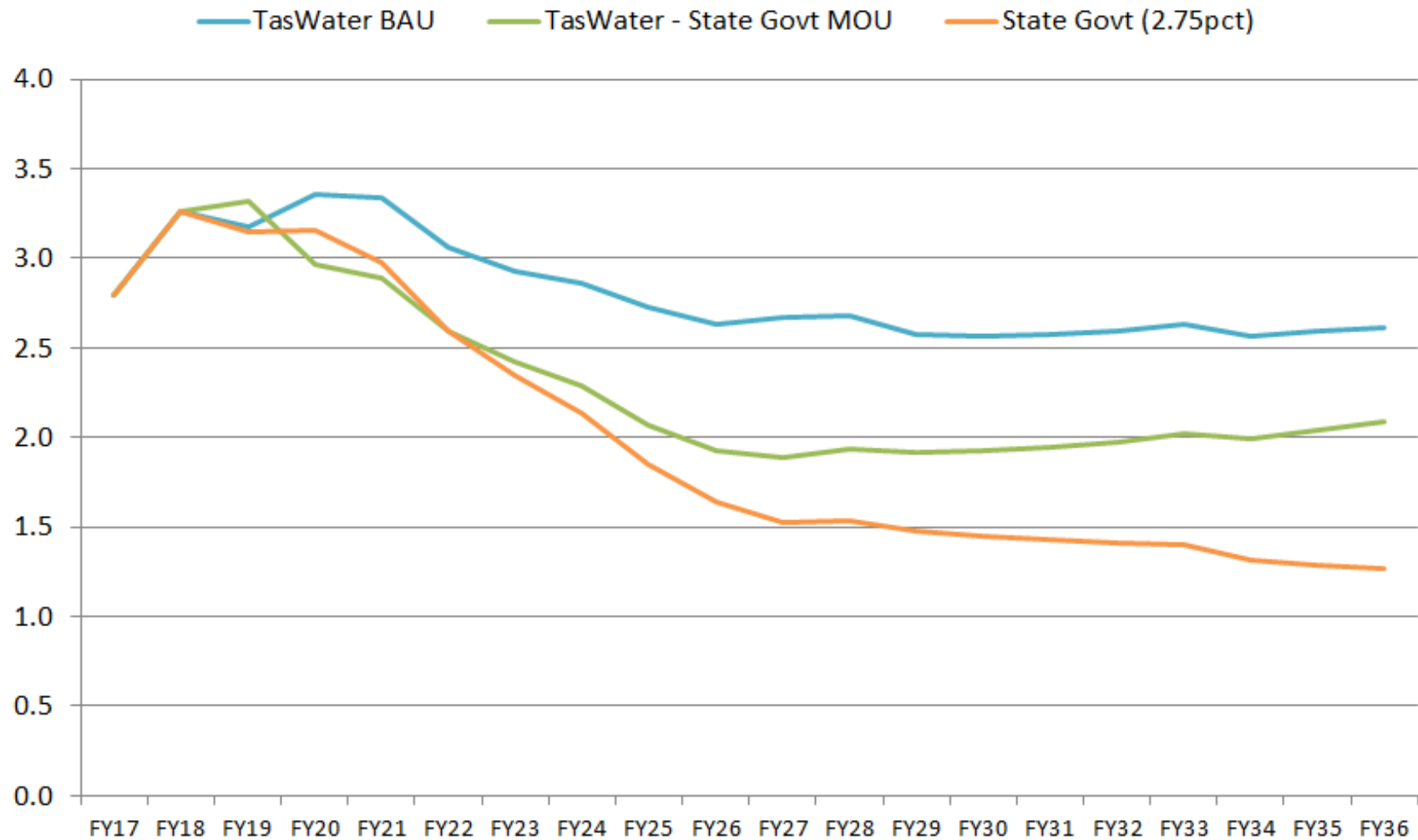
Debt (\$millions)



Gearing (%)



Interest cover ratio (times)



Financial Summary

- Revenue is less under MOU, but actual cash difference is minimal over 20 years
- Debt is higher but manageable
- Interest coverage remains sound
- Dividends virtually guaranteed

Key risks of the proposal

Risk	Control
Interest rates rise faster than expected, or other circumstances arise that threaten the financial sustainability of TasWater due to commitments in the MOU	The Board can slow the capital program, increase prices and/or seek a letter of comfort from the State Government
TasWater is lobbied to undertake a project that is not commercial	The SLE allows for a shareholder to fund uncommercial projects. Any Corporate Plan amendment must be approved by shareholders
The State Government seeks to alter TasWater's governance arrangements to suit their interests	Changes to governance documents require certain thresholds to be met ¹
Sufficient resourcing is not available to deliver the capital program	We are currently improving our capital delivery model to include an external partner that provides flexible resourcing

Councils to vote at Special General Meeting in September 2018

- Council Owners will be provided with a voting paper ahead of the Special General Meeting on 27 September 2018
- Each resolution will have three voting options (yes, no, abstain)
- For each resolution, voting will occur by a poll
- Representatives are asked to attend the meeting with their voting papers completed
- Each resolution requires the highest threshold for approval: 75% by member, 75% by equity

Summary

The TasWater Board unanimously recommends that Owner Councils vote in favour of the proposed resolutions.

The Board considers that it will:

- Entrench Council Ownership and Dividends
- Entrench the role of the Economic Regulator
- Keep household bills lower
- Ensure that TasWater remains financially sound
- Prospects of realising federal funding significantly higher. Without this, receipt of federal funding is considered unlikely.
- Serve the best interests of the Tasmanian Community being secured by Councils, Government and TasWater working collaboratively.

Social Media Acceptable Use

Policy

SEPTEMBER 2018



CENTRAL COAST COUNCIL

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POLICY

The Central Coast Council (the Council) recognises that there are legitimate business reasons for using social media. To enable workplace participants to take advantage of the business value of these sites and to promote an open, trusting and collaborative workplace, the Social Media Acceptable Use Policy (the Policy) allows workplace participants to use social media within the specified guidelines.

PURPOSE

The purpose of the Policy is to ensure the effective service delivery of Council business through the use of social media and provide guidelines to ensure the protection and proper use of the Council's social media services and corporate computing resources. Direct Reports and the General Manager are responsible for workplace participants awareness of and observance to the Policy.

APPLICATION

This Policy applies to all workplace participants, which include:

- Casual, fixed-term and otherwise temporary employees, employees on probation, part-time employees, managers, Councillors, employees working from home as well as full-time employees;
- People providing services to the Council on a contract basis or on secondment from or to another Council, even if they are only working on a temporary basis; and
- Students, graduates and others on work experience or undertaking voluntary work.

SCOPE

Social media (sometimes referred to as social networking or Web 2.0 technologies) are online services and tools used for publishing, sharing and discussing information. They can include forums, blogs, wikis, social networking websites, and any other websites that allow individual users to upload and share content. All forms of social media, including emerging platforms are within the scope of this Policy and must be compliant.

Social media services and tools can involve a combination of technology, telecommunications and social interaction. They can use a variety of different formats, for example text, pictures, video and audio.

Social media can provide unique opportunities for users to communicate and share information, and to build networks locally, nationally, and internationally. Information shared may include (but is not limited to) personal information, opinions, research, commentary, or business information.

Blogs – A blog is a ‘web log’. Many blogs provide commentary or news on a particular subject; others function as more personal online diaries. Usually, viewers can comment, ask questions, share information and subscribe. A typical blog combines text, images, and links.

Forums/boards – An internet forum, or message board, is an online discussion site. Users can post messages and comment on other messages. Other types of social media often incorporate forums, sometimes with their own social conventions and etiquette (or ‘netiquette’).

Micro-blogs – A micro-blog has a similar purpose to a blog, except that entries are smaller - usually limited to a certain number of characters (e.g. 140). A popular example is Twitter™. It allows users to ‘follow’ one another so that they are notified when a new update is posted. Users can connect quickly and through many different tools such as their mobile phone.

Photo sharing sites – A photo sharing site, such as Instagram®, allows users to upload images and is useful for categorising and organising pictures. They allow other users to comment on them, or re-use them with permission.

Social bookmarking – Social bookmarking is used for saving the address of a website or item of content and adding a tag to allow other users to easily find research. It is useful for organising and sharing links, and for keeping track of links recommended by others. Pinterest™ is an example.

Social networking websites – Social networking websites focus on building online communities of people who share interests. Popular examples include Facebook® and LinkedIn®. Users can build their own profile page, join groups, share photos and videos, post messages, and run other applications.

Video sharing sites – A video sharing site allows users to upload video clips to be stored on the server, allowing other users to view them. YouTube™ is a popular example.

Wikis – A wiki is a website using ‘wiki software’ that allows web pages to be created, interlinked, and edited by any user. The most well-known wiki is Wikipedia® – an online encyclopaedia.

INAPPROPRIATE CONTENT

Social media may contain legitimate business and personal content, but it must not include content that is fraudulent, offensive, obscene, pornographic, sexually suggestive, abusive or discriminatory, defamatory, threatening, harassing, bullying, hateful, racist, sexist, that infringes copyright, or is otherwise unlawful. This Policy should be read in conjunction with a number of Council policies, including the Information and Communication Technology Acceptable Use Policy – April 2014, which applies to the broader web and email and also applies to content found within social media.

Inappropriate content must not be accessed by workplace participants while at work, or while using the Council’s resources. Likewise, workplace participants must not post inappropriate material using Council’s resources. Workplace participants are expected to use common sense, and consideration for others, when deciding on content appropriate for the workplace.

PRODUCTIVITY

The Council recognises that workplace participants may have a need (at times) to conduct business within social media while at work or using the Council's resources. The Council allows limited access to social media content. For example, workplace participants are allowed access to social media reasonably within the functions of their role at the Council as agreed by their Direct Report or the General Manager. It is the responsibility of the employee to ensure that personal use of social media is consistent with the Council's Information and Communication Technology Acceptable Use Policy – April 2014.

GUIDELINES

The following are guidelines regarding what workplace participants should and should not do when publishing content in social media. Workplace participants are responsible for content they publish in social media and can be held personally liable for content published. Workplace participants can also be subject to disciplinary action by the Council for publishing inappropriate or classified content. These guidelines only cover a sample of all possible content publishing scenarios and are not a substitute for good judgment. It is important to note that these guidelines apply to all social media publishing, whether personal or Council sponsored.

When accessing social media via the Council website and/or intranet systems, workplace participants must do so in accordance with the Council's Information and Communication Technology Acceptable Use Policy – April 2014, which requires workplace participants to use these resources 'reasonably', in a manner that does not interfere with work, and is not inappropriate or excessively accessed.

1. PERSONAL USE OF SOCIAL MEDIA

The Council recognises that workplace participants may wish to use social media in their personal life outside of work time. This Policy does not intend to discourage nor unduly limit personal expression or online activities. However, workplace participants should recognise the potential for damage to be caused (either directly or indirectly) to the Council in certain circumstances via personal use of social media when they can be identified as a member of Council.

In accordance with the Council's Employee Code of Conduct – November 2012 and Councillors Code of Conduct – June 2016, workplace participants are not to make public Council statements without the consent of the General Manager. Do not disclose information that would otherwise not be disclosed, speculate on policy or possible policy, or indicate possible future decisions of the Council. Workplace participants should comply with this Policy to ensure that risk of damage to the Council is minimised.

Workplace participants are personally responsible for the content they publish in a personal capacity on any form of social media platform. When in doubt, workplace participants should seek guidance from their Direct Report or General Manager on how to comply with their obligations.

2. PERSONAL POSTS

Personal posts are those made via a private social media account in an individual's name, or a name of their choosing. Personal accounts should not identify workplace participants as working for the Council, however it is noted that in the cyber-sphere it can be relatively easy to connect separate pieces of information to largely identify users.

Use of personal posts should follow similar considerations as the use of other Council ICT communication resources such as email; not disclose confidential or highly sensitive information that would otherwise not be disclosed; speculate on policy or possible policy; or indicate possible future decisions of the Council.

Personal social media accounts should not be linked to the Council's email accounts except where authorisation is gained. If workplace members feel that they could be easily identified as affiliated with the Council, it is recommended a disclaimer for the account/post be used such as, "the views expressed on this site/post are my own, and don't necessarily represent those of the Council".

3. AFFILIATION WITH COUNCIL

Where workplace participants can be identified as an employee of the Council or otherwise affiliated with Council, the following obligations apply for all social media content:

- . Include in all postings an identification of the position or affiliation with Council;
- . Express that the stated views are personal (not those of the Council) and do not imply an authorisation to speak on behalf of the Council;
- . Do not disclose information that would otherwise not be disclosed, speculate on policy or possible policy, or indicate possible future decisions of the Council;
- . Ensure that all content published is accurate and not misleading;
- . Maintain the standard of professionalism expected in the position held at Council;
- . Do not publish material that could harm the reputation of the Council (including elected Councillors, elected Mayor, or Council employees), stakeholders or customers.
- . Adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, discrimination, harassment and other applicable laws;
- . Do not use the Council email address or Council logos/identifiers unless authorised to do so;
- . Do not use or disclose any confidential information, or highly confidential information;
- . Do not post material that is, or might be construed as, threatening, harassing, bullying or discriminatory towards another member of the Council, or towards customers, stakeholders or third parties; and

- Do not post images or footage of colleagues, customers or stakeholders without their permission.

4. OFFICIAL POSTS

The Council reserves the right to make official posts on social media sites, as it does in the traditional media, to address queries, discussion and misinformation. Any official posts will identify the information provided as attributable to the Council as an official comment, for example, with use of the Council logo. Official posts will be executed by a fully authorised representative of the Council.

As with any public statements, any official posts must be developed in conjunction with relevant subject matter area(s) and approved by the General Manager. Care should be taken when considering official posts, as social media is an open and dynamic environment that can generally not be controlled - consider the potential implications of any proposed posts, the likely audience, and whether it will assist in delivering positive outcomes for the Council.

If at any time the Council chooses to make official comment via social media this will be managed by the Office of the General Manager in conjunction with the relevant subject matter area(s) and approved by the General Manager. Official posts are also required to follow guidelines of the Council Information and Communication Technology Acceptable Use Policy – April 2014.

5. AUTHORISATION TO REPRESENT THE COUNCIL

Before engaging in social media as a representative of the Council, workplace participants must be formally authorised to comment by the General Manager. Workplace participants may not comment as a representative of the Council unless authorised to do so. If authorised workplace participants engage in advocacy for the Council on social media, they should clearly identify their affiliation or position in the Council.

Authorisation to represent the Council in social media or create a new social media account must follow the guidelines of the Social Media Systems Management Policy – September 2018. Request Forms can be submitted to the Office of the General Manager that updates and maintains the Council's register of official social media accounts.

Personal accounts should not be used to post official Council statements unless authorised by the General Manager to do so. Workplace participants should take due care that the use of social media (as agreed with their Direct Report or the General Manager) does not impinge on performing their work or be used excessively.

MONITORING AND MODERATION

Content posted on the Council's social media platforms is monitored and moderated during business days and hours, except public holidays. The Council will make reasonable efforts to monitor content to ensure social media postings are courteous and non-offensive.

The Council reserves the right to delete or block any comments that are deemed inappropriate. It is the responsibility of the workplace participant to ensure that personal use is consistent with the Council's Social Media Community Guidelines – September 2018. Content including (but not limited to) the following may be deleted:

- . Abusive, hurtful or inappropriate language or statements;
- . That violates privacy;
- . That breaches copyright laws;
- . That is considered spam;
- . That is not suitable to all ages;
- . That is overtly political; and
- . Unsolicited advertising.

MALWARE AND ONLINE CRIME PREVENTION

Social media is commonly used by the online criminal community to deliver malware and carry out schemes designed to damage property or steal classified information. While these guidelines help to reduce risk, they do not cover all possible threats and are not a substitute for good judgment.

Security settings, applications and common sense should be used when using social media. For tips see Appendix 1, Social Media Do's and Don'ts or contact the Council's Corporate Services Group Leader or the General Manager.

RECORDS MANAGEMENT

The Tasmanian Archive and Heritage Office (TAHO) has record keeping requirements for social media posts that relate to business. The Council need only keep social media content considered to be business records under its existing record keeping policies and procedures.

For low risk forms of Council business, the social media information generated generally has limited ongoing value and content can be safely left in the application. These policies and procedures will be reviewed periodically in light of changes to requirements of TAHO. A social media folder is located within the Council's digital records system for storing social media related communications that are not held within the corresponding digital platform.

POLICY BREACHES AND NON-COMPLIANCE

Non-compliance and breaches of this Policy will be dealt with in accordance with the employment agreement, Employees Code of Conduct – November 2012, Code of Conduct of Councillors – June 2016, Human Resource Workforce Behaviour Policy and Guidelines – April 2018 and Information and Communication Technology Acceptable Use Policy – April 2014. Allegations of misconduct will be investigated according to established procedures. Sanctions for non-compliance or violations of this policy may include the following:

1. Temporary or permanent revocation of access to some, or all, computing and networking resources and facilities;
2. Disciplinary action including possible termination of employment or contract; and/or
3. Where inappropriate use constitutes a breach of any law, legal action may be taken in accordance with that law by the Council or concerned third parties.

RELATED POLICIES

This policy should be read in conjunction with existing corporate policies including:

- . Employees Code of Conduct - November 2012
- . Code of Conduct of Councillors – June 2016
- . Information and Communication Technology Acceptable Use Policy – April 2014
- . Human Resource Workforce Behaviour Policy and Guidelines – April 2018
- . Records and Records Management Policy – April 2017
- . Social Media Community Guidelines – September 2018
- . Social Media Systems Management Policy – September 2018.

EVALUATION PROCESS

This Policy is reviewed when any of the following occur:

- . The related information is amended or replaced;
- . Changes to device or access technology which significantly increase the associated risk;
- . Evidence that the Policy no longer meets the needs of Council; or
- . Other circumstances as determined from time to time by the General Manager.

Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.

RESPONSIBILITIES

Policy Owner	General Manager
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CHANGES TO POLICY

This Policy is to remain in force until otherwise determined by the General Manager.

Sandra Ayton
GENERAL MANAGER

ACKNOWLEDGEMENT FORM

I have read and understood the contents and agree to abide by the Central Coast Council Social Media Acceptable Use Policy.

Workplace Participant Name:

Workplace Participant Signature:

Date:

Please return this acknowledgement to the Council Payroll Officer or General Manager.

APPENDIX 1 – SOCIAL MEDIA “DO’S AND DON’TS”

DO	DO NOT
DO make it clear you are speaking for yourself, and not on behalf of the Council or other organisation. Communicate in the first person (I, me) when engaging in personal social media communications.	DO NOT comment on: <ul style="list-style-type: none"> · Council or government business; · Future or current decisions or decision making; or · Council or government policy. DO NOT share confidential information.
DO gain authorisation or approval from the General Manager to represent the Council in your current position on social media.	DO NOT use ethnic slurs, personal insults, obscenity or engage in any conduct that would be considered unacceptable in a workplace. You should also show proper consideration for others privacy and for topics that may be considered objectionable or inflammatory.
DO use a disclaimer. If you publish personal social media communications and it has something to do with the work you do, or subjects associated with the Council, use a disclaimer such as, “ the views expressed on this site/post are my own, and don’t necessarily represent those of the Council ”.	DO NOT conduct classified Council business with a stakeholder, customer or third party through your personal (or other) social media.
DO follow the policies. Make yourself aware of and follow all the Council’s guidelines, as well as laws such as copyright, fair use, and disclosure laws that apply to social media. Ensure you have read and understood any Terms of Use for the social media platform you intend to use.	DO NOT register accounts using the Council’s brand name, or any other unregistered or registered trademarks.
DO ask permission to publish or report on conversations that are meant to be private or internal to the Council. When in doubt, always ask permission from your Direct Report or the General Manager.	DO NOT use Council email addresses or the same passwords for social media that you use to access Council’s computing resources.
DO acknowledge the stakeholder/source if you make a reference (approved in writing) to a stakeholder, customer, or third party.	DO NOT follow links on social media pages posted by individuals or organisations that you do not know.
DO be aware of your association with social media. If you identify yourself as a Council workplace participant on a personal account, ensure your profile and related content is consistent with how you wish to present yourself with colleagues and customers.	DO NOT cite or reference stakeholders, customers or third parties without their written approval.
DO be aware that the Council’s employs technical and regulatory controls to enforce these guidelines.	DO NOT download software posted or recommended by individuals or organisations that you do not know.

Social Media Community Guidelines

PURPOSE

The purpose of the Social Media Community Guidelines (the Guidelines) is to set the ground rules by which the community may participate in online engagement initiatives of the Central Coast Council (the Council). The Guidelines and moderation aim to discourage and manage anti-social, irrelevant, offensive, spam and/or other inappropriate posts.

The Guidelines and moderation are designed to protect all users of the Council's social media and digital platforms. The Guidelines aim not to discourage two-way conversations between the community and the Council, but participation on the Council's social media platforms needs to comply.

STANDARDS

People using any of Council's social media platforms should not post any material that may be considered:

- . Abusive, obscene, indecent or offensive language;
- . Defamatory, abusive, harassing or hateful or capable of damaging the reputation of a person or organisation;
- . As invading anyone's privacy or impersonating anyone;
- . Off-topic, as irrelevant posts lower the value of the debate for everyone;
- . To be spam, repetitive, unauthorised advertising or solicits;
- . As encouraging conduct that may or would constitute a criminal offence or give rise to civil liability, or that otherwise violates any law;
- . To include your or anyone else's personal information;
- . To include inappropriate, vulgar or offensive user names; and
- . Comply with legal obligations including intellectual property rights and copyright law.

MODERATION

- . The Council regularly reviews content on social media platforms;
- . If a post breaches the Guidelines, it will be removed. The Council will not edit posts to remove objectionable content;
- . Posts will not be moderated before they appear. If the Council becomes aware of a published post that breaches the Guidelines, the post will be removed by the moderator;
- . The Council will not contact you directly if you post a comment that is removed by the moderator. Comments posted on the Council's moderation will be removed. The Council will not enter into dialogue about moderation;
- . The Council reserves the right to remove any overtly political posts or URL links to political websites or other social media platforms;
- . Posts in languages other than English will be removed. Content of posts should be accessible to as many people as possible; and
- . Posts that are irrelevant to the subject, overly long (in excess of 1000 words), contains irrelevant or long URL links or appear to contain code will be removed.

PARTICIPATION

- . The Council's social media platforms have been created to engage the community in communication on matters of mutual interest. The Council encourages people to post polite and relevant comments on social media platforms. Please be pleasant and respectful of the opinions and beliefs of others;
- . The Council's social media platforms do not provide a forum for customer service or delivery complaints. Customer service or delivery complaints should be made by contacting the Council in person, by email, telephone or mail;
- . Workplace members of the Council may contribute to the conversations on social media platforms under their own names or use pseudonyms. Their posts, comments or opinions do not represent the official position of the Council and should be considered the product of each individual as member of the public;
- . Representatives of the Council will identify themselves and the information they post is current at the time of publication. The Council's workplace members should be aware of the Council's Social Media Acceptable Use Policy – September 2018;
- . All posts made by members of the public on Council's social media platforms express the views and opinions of the author and not the Council. The Council does not endorse, approve or promote any comments by the public appearing on its social media platforms; and

- . The Council will not be held legally responsible for the comments posted on its social media platforms. With the exception of material posted by third parties, the Council owns or has the rights to the intellectual property of social media posts.

The Guidelines assist the Council to create a welcoming space for intelligent discussion, and participants are encouraged to assist by notifying us of potential problems and helping each other to keep conversations inviting and appropriate. If you spot something problematic on our social media platforms, please report it. If you wish to report a breach of the Guidelines or wish to reproduce an entire post, a picture or a logo please email admin@centralcoast.tas.gov.au.

From time to time, the Council will update the Guidelines. If this document is a printed copy, please download the electronic version available from the Council's website to ensure it is the current issue.

Central Coast Council

List of Development Applications Determined

Application Number	Address	DA Type	Proposed use	Period from: 01 - August 2018 To 31-August 2018		
				Application Date	Decision Date	Day determined
DA2018001	9 Shorehaven Drive TURNERS BEACH,TAS,7315	Permitted	Residential (dwelling alteration)	25/06/2018	1/08/2018	19
DA2018005	5 Explorer Drive TURNERS BEACH,TAS,7315	Discretionary	Residential (outbuilding)	25/06/2018	1/08/2018	27
DA2018009	811 Pine Road RIANA,TAS,7316	Discretionary	Residential (replacement of a required residential use - dwelling)	29/06/2018	15/08/2018	33
DA2018010	91 River Avenue HEYBRIDGE,TAS,7316	Discretionary	Residential (outbuilding)	31/07/2018	29/08/2018	22
DA2018011	14 Mission Hill Road PENGUIN,TAS,7316	Discretionary	Residential (deck and replacement of an ancillary dwelling)	5/07/2018	24/08/2018	36
DA2018014	333 South Road WEST ULVERSTONE,TAS,7315	Discretionary	Residential (dwelling building area and outbuilding)	5/07/2018	15/08/2018	30
DA2018018	65 Walkers Road NORTH MOTTON,TAS,7315	Discretionary	Residential (replacement of required dwelling and conversion of existing dwelling to agricultural shed)	22/06/2018	15/08/2018	22
DA2018019	14 Racecourse Crescent TURNERS BEACH,TAS,7315	Discretionary	Residential (outbuilding)	6/07/2018	24/08/2018	29
DA2018021	16 Lyndale Road PENGUIN,TAS,7316	Discretionary	Resource development (agricultural shed)	13/07/2018	17/08/2018	25
DA2018025	7 Sandhaven Crescent SULPHUR CREEK,TAS,7316	Discretionary	Residential (outbuilding)	19/07/2018	24/08/2018	24
DA2018027	609 Ironcliffe Road PENGUIN,TAS,7316	Discretionary	Residential (outbuilding)	23/07/2018	29/08/2018	22

DA2018032 - 1	141 Albert Road HOWTH,TAS,7316	Subdivision	minor amendment - Subdivision - reconfiguration of property boundaries	26/07/2018	1/08/2018	6
DA2018033	56 Alexandra Road ULVERSTONE,TAS,7315	Discretionary	General retail and hire (shop)	24/07/2018	24/08/2018	18
DA2018034	831 Pine Road RIANA,TAS,7316	Permitted	Residential (outbuilding)	3/08/2018	17/08/2018	4
DA2018035	67 Leith Road LEITH,TAS,7315	Discretionary	Residential (dwelling)	26/07/2018	28/08/2018	25
DA2018041 - 1	4 Crawford Road PENGUIN,TAS,7316	Subdivision	Minor Amendment - Subdivision - 2 Lots	6/08/2018	8/08/2018	1
DA217198	3 Shorehaven Drive Turners Beach,TAS,7315	Discretionary	Residential (dwelling and outbuilding)	30/04/2018	2/08/2018	33
DA217208	902 Forth Road TURNERS BEACH,TAS,7315	Discretionary	Resource development (landfill)	17/04/2018	17/08/2018	30
DA217246	70 Deviation Road PENGUIN,TAS,7316	Discretionary Permit Area <80m2	Residential - outbuilding	15/06/2018	7/08/2018	26

**SCHEDULE OF STATUTORY DETERMINATIONS
MADE UNDER DELEGATION**

Period: 1 August 2018 to 31 August 2018

Building Permits –

• New dwellings	5	\$1,525,000.00
• Outbuildings		\$.00
• Additions/Alterations	1	\$60,000.00
• Other		\$.00
• Units		\$.00

Demolition Permit – 0

Permit of Substantial Compliance – Building – 0

Notifiable Work – Building –

• New dwellings	3	\$1,024,000.00
• Outbuildings	5	\$110,484.00
• Additions/Alterations	2	\$45,000.00
• Other		\$.00

Building Low Risk Work – 0

Certificate of Likely Compliance – Plumbing – 16

No Permit Required – Plumbing – 8

Food Business registrations (renewals) – 23

Food Business registrations – 2

Temporary Food Business registrations – 2

Temporary 12 month Statewide Food Business Registrations – 0

Public Health Risk Activity Premises Registration – 0

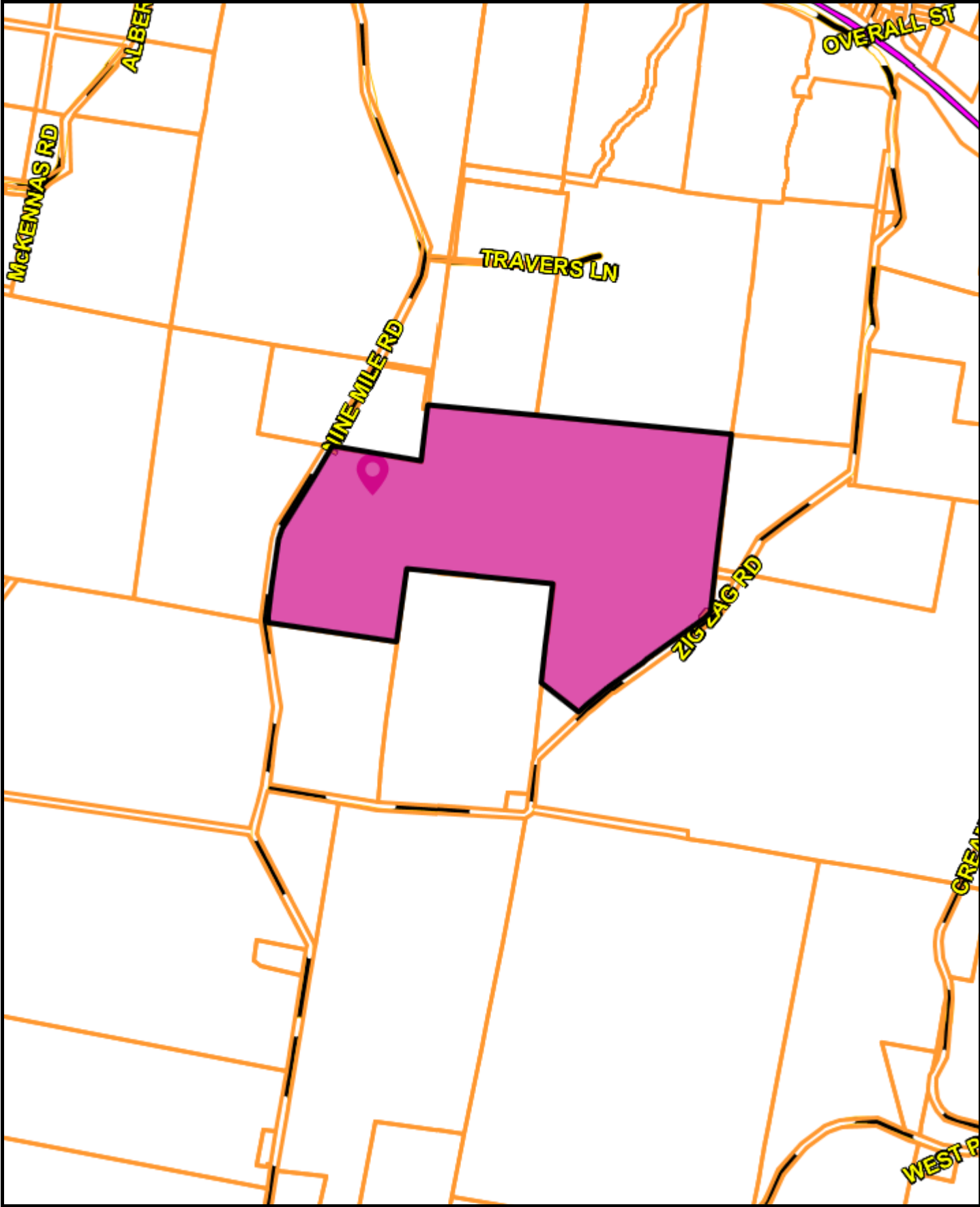
Public Health Risk Activity Operator Licences – 0

Temporary Place of Assembly licences – 0




Cor Vander Vlist
DIRECTOR COMMUNITY SERVICES

Annexure 1




500 m



CENTRAL COAST COUNCIL

Scale = 1 : 13626.900



Central Coast Council
19 King Edward St
Ulverstone
TAS 7315
Telephone: 03 6429 8900
Facsimile: 03 6425 1224
admin@centralcoast.tas.gov.au

22-Aug-2018

Important
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Disclaimer
This map is not a precise survey document
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**279 NINE MILE ROAD,
SULPHUR CREEK
DA2018030**

CENTRAL COAST COUNCIL PO Box 220 19 King Edward Street ULVERSTONE TASMANIA 7315 Ph: (03) 6429 8900 Email: planning@centralcoast.tas.gov.au www: centralcoast.tas.gov.au	 CENTRAL COAST COUNCIL
---	---

Land Use Planning and Approvals Act 1993
Central Coast Interim Planning Scheme 2013
PLANNING PERMIT APPLICATION

Office Use Only

Application No _____
 Date Received _____
 Zone _____
 Fee \$ _____
 Permitted ☐
 Discretionary ☐
 NPR ☐

Use or Development Site:

Site Address

Certificate of Title Reference

Land Area Heritage Listed Property YES ☐ NO ☒

Applicant/s

First Name	<input style="width: 250px;" type="text" value="Stephen Beckwith"/>	Middle Name	<input style="width: 150px;" type="text"/>
Surname or Company name	<input style="width: 250px;" type="text" value="Costa Exchange Pty Ltd"/>	Mobile	<input style="width: 150px;" type="text"/>

Postal Address: Phone No:

Email address:

Owner (Note – if more than one owner, all names must be indicated)

First Name	<input style="width: 250px;" type="text" value="Adam & Trijntje Cornelia"/>	Middle Name	<input style="width: 150px;" type="text"/>
Surname	<input style="width: 250px;" type="text" value="Van Dijke"/>	Phone No	<input style="width: 150px;" type="text"/>

Postal Address:

PERMIT APPLICATION INFORMATION

(If insufficient space, please attach separate documents)

*"USE" is the purpose or manner for which land is utilised.***Proposed Use**

Resource Development - Construction of shed and tanks

Use Class

Office use only

*"Development" is the works required to facilitate the proposed use of the land, including the construction or alteration or demolition of buildings and structures, signs, any change in ground level and the clearing of vegetation.***Proposed Development**

Construction of 2 water tanks (14.09m diameter, 2.27m high) and a pump shed (13m x 7m)

Value of the development – (to include all works on site such as outbuildings, sealed driveways and fencing)\$.....60,000..... **Estimate/** ActualTotal floor area of the development403.....m²**Notification of Landowner****If land is NOT in the applicant's ownership**

I, Stephen Beckwith, declare that the owner/each of the owners of the land has been notified of the intention to make this permit application.

Signature of Applicant

Date 13/007/2018

If the application involves land owned or administered by the CENTRAL COAST COUNCIL

Central Coast Council consents to the making of this permit application.

General Managers Signature _____ Date

If the permit application involves land owned or administered by the CROWN

I, _____ the Minister

responsible for the land, consent to the making of this permit application.

Minister (Signature) _____ Date

Applicants Declaration

I/ we Stephen Beckwith

declare that the information I have given in this permit application to be true and correct to the best of my knowledge.

Signature of Applicant/s



Date 13/07/2018

NB: If the site includes land owned or administered by the Central Coast Council or by a State government agency, the consent in writing (a letter) from the Council or the Minister responsible for Crown land must be provided at the time of making the application - and this application form must be signed by the Council or the Minister responsible.

Office Use Only	
Planning Permit Fee	\$
Public Notice Fee	\$
Permit Amendment / Extension Fee	\$
No Permit Required Assessment Fee	\$
TOTAL	\$
Validity Date	

SEARCH OF TORRENS TITLE

VOLUME 250701	FOLIO 1
EDITION 6	DATE OF ISSUE 19-Jun-2018

SEARCH DATE : 18-Jul-2018

SEARCH TIME : 01.20 PM

DESCRIPTION OF LAND

Parish of ASHWATER, Land District of DEVON
 Lot 1 on Plan 250701
 Derivation : part of 148A-0R-37Ps. Vested in the Closer
 Settlement Board.
 Prior CT 4000/68

SCHEDULE 1

C297719 TRANSFER to ADAM VAN DIJKE and TRIJNTJE CORNELIA VAN
 DIJKE Registered 03-Oct-2001 at 12.01 PM

SCHEDULE 2

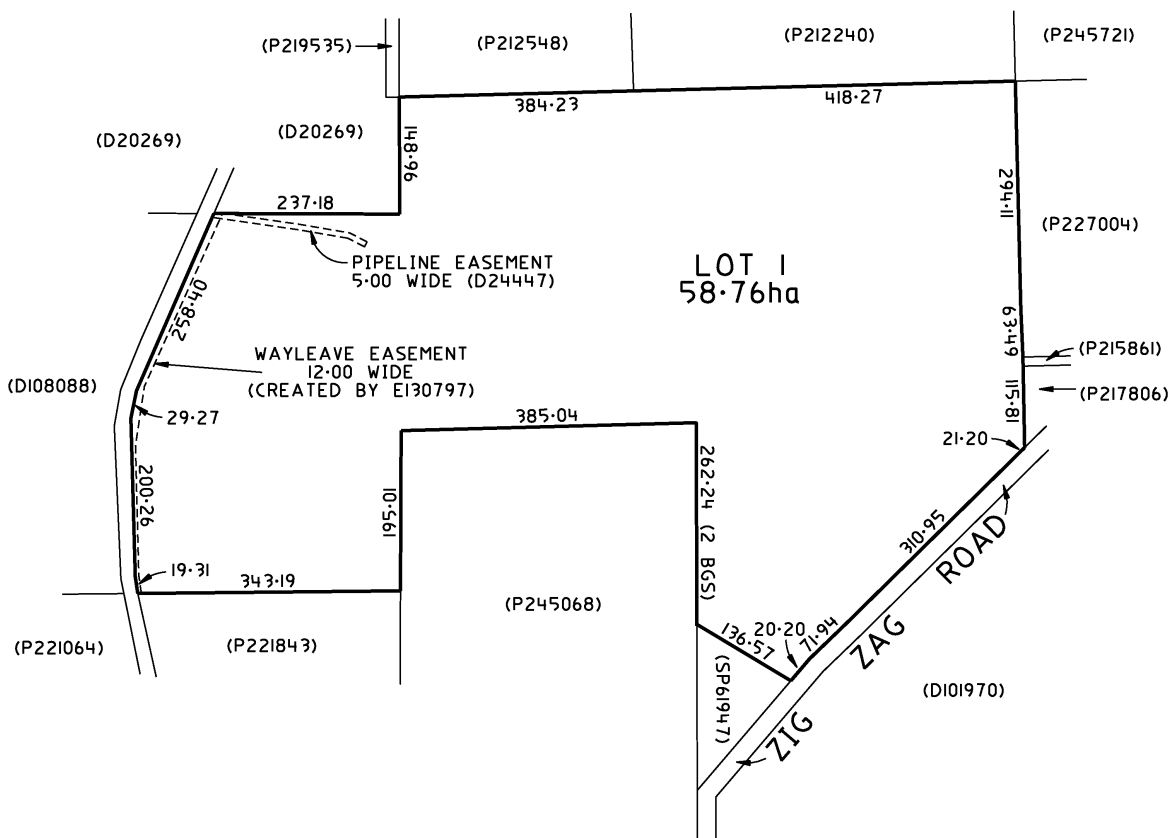
Reservations and conditions in the Crown Grant if any
 A938346 BURDENING EASEMENT: Pipeline and other rights as
 therein mentioned (appurtenant to the land comprised
 in Folio of Register Vol. 4017 Fol. 62) over Pipeline
 Easement 5.00 wide shown on Diagram No. 24447.
 E130797 BURDENING WAYLEAVE EASEMENT with the benefit of a
 restriction as to user of land in favour of Tasmanian
 Networks Pty Ltd over the land marked Wayleave
 Easement 12.00 wide on Plan 250701 Registered
 19-Jun-2018 at noon
 D58764 LEASE to COSTAEXCHANGE LTD of a leasehold estate for
 the term of Three years and Six months commencing
 from 01-Oct-2012 shown as Lot 2 on Plan 164897
 Registered 05-Mar-2013 at 12.01 PM
 Leasehold Title(s) issued: 164897/2
 E54729 EXTENSION and VARIATION of LEASE D58764 - Term
 extended to 30-Jun-2017 Registered 16-Dec-2016 at
 noon
 Leasehold Title(s) issued: 164897/2

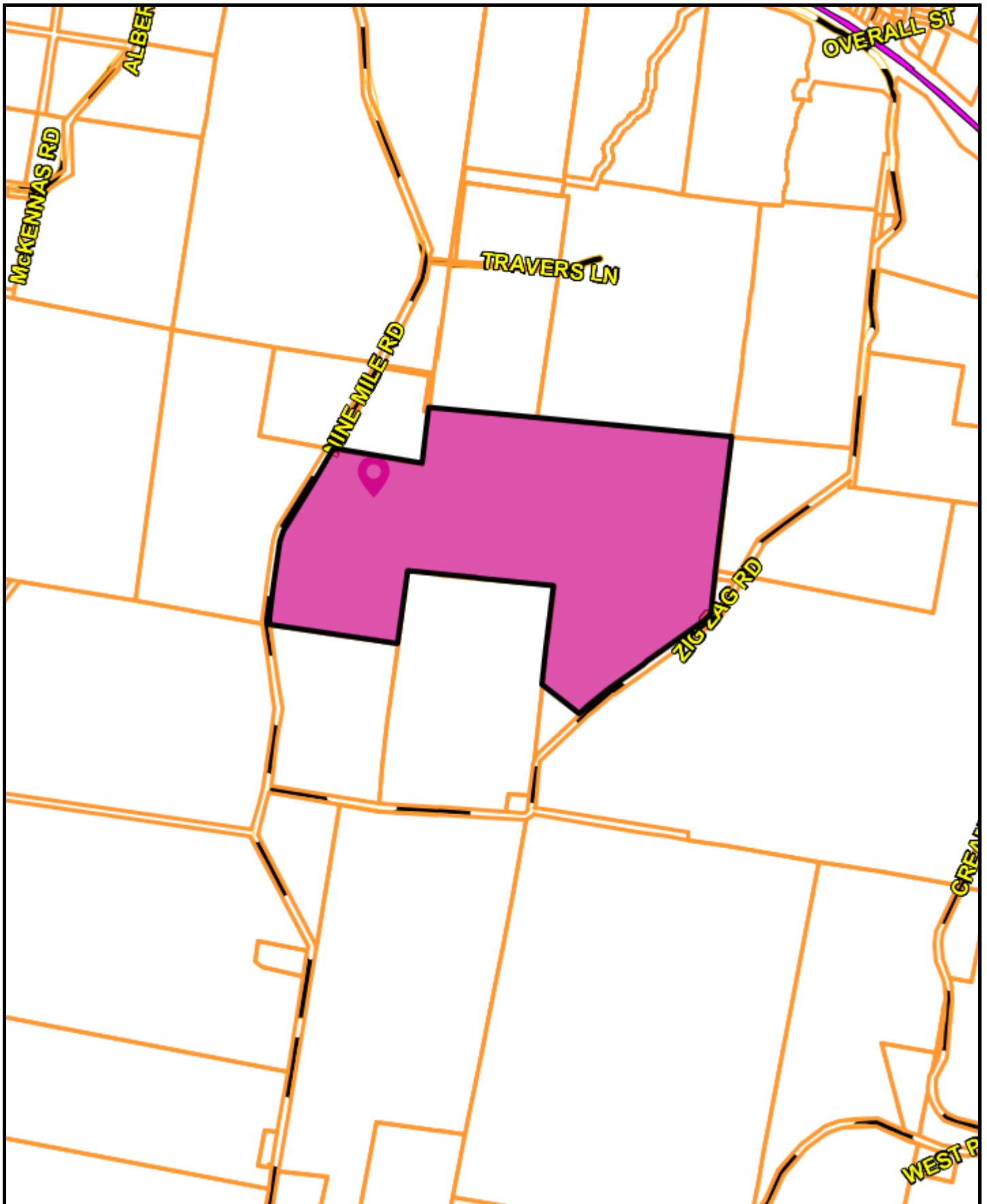
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

OWNER FOLIO REFERENCE FR.4000/68 GRANTEE PART OF 148A-0R-37P VESTED IN THE CLOSER SETTLEMENT BOARD		PLAN OF TITLE LOCATION DEVON - ASHWATER FIRST SURVEY PLAN No. 14/9 L.O. COMPILED BY LTO SCALE 1: 6000 LENGTHS IN METRES		Registered Number P.250701 APPROVED 15 JUNE 2018 <i>Alice Kawa</i> Recorder of Titles
MAPSHEET MUNICIPAL CODE No. 104 (4044-15)	LAST UPI No	LAST PLAN No.	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	

NEW PLAN
 REDRAWN FOR
 OFFICE CONVENIENCE





500 m



CENTRAL COAST
COUNCIL

Scale = 1 :
13626.900



Central Coast Council
19 King Edward St
Ulverstone
TAS 7315
Telephone: 03 6429 8900
Facsimile: 03 6425 1224
admin@centralcoast.tas.gov.au

22-Aug-2018

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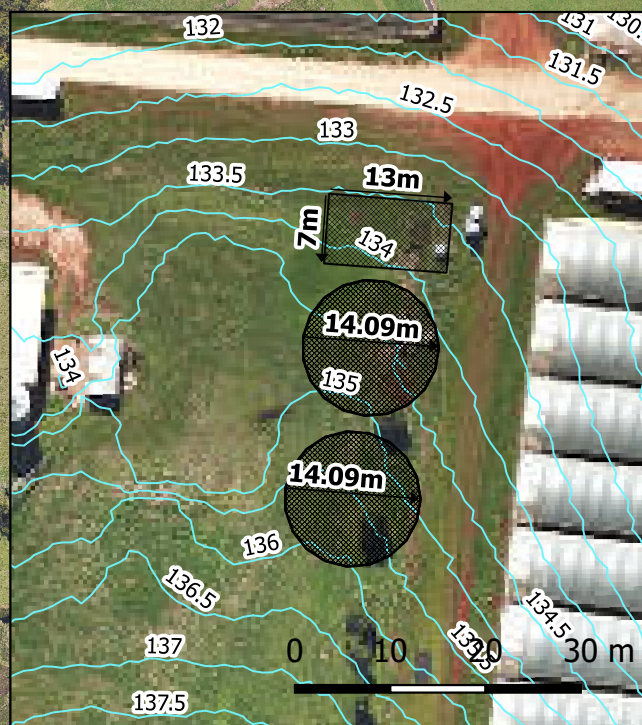
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279 NINE MILE ROAD,
SULPHUR CREEK
DA2018030



- Subject Title (CT 250701/1)
- Cadastre
- Proposed Development Footprint
- 0.5m Contours (from LiDAR)

0 100 200 300 m

Map Name: Site Plan
 Project: Sulphur Creek Shed and Tanks
 Client: Costa Exchange
 Date: 10/07/2018

BaseMap image by LIST Ortho
 Cadastre from LIST
 0.5m Contours from State DEM LiDAR
 (C) State of Tas



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Cover Letter

The General Manager
Central Coast Council
PO Box 220
Ulverston TAS 7315

18th July 2018

Dear Sir/Madam,

279 Nine Mile Road shed and tank Development (CT 250701/1)

Costa Exchange as proponent, propose the construction of a pump shed and two water tanks at 279 Nine Mile Rd (CT 250701/1) to enable expansion of Costa Group's berry growing enterprise within the region. The title is leased by Costa Exchange from landowners A and T.C Van Dijke who endorse the proposed development.

The development footprint comprises of a 13m x 7m pump shed and two 14.09m diameter x 2.27m high tanks.

Details of the pump shed and tanks are provided in Appendix 3. The proposed tanks are 14.09m in diameter x 2.27m high and are constructed of custom orb Zinalume.

The proposed development is considered as "Resource Development", according to the Use Class definitions in Table 8.2 of the *Central Coast Interim Planning Scheme 2013* and is a "No Permit Required" use in the Rural Resource Zone.

However, the development does not satisfy the Acceptable Solutions under the Development Standard 26.4.2 and therefore requires assessment under the Performance Criteria.

The following pages address the relevant requirements under the *Central Coast Interim Planning Scheme 2013*, including the relevant supporting documentation as attached/provided in appendices;

- Maps (including site plan)
- Design drawings
- Certificate of title

Yours Sincerely,



Stephen Beckwith

Regional Manager

Costa Exchange

Email: Stephen.Beckwith@costagroup.com.au, Mbl: 0419334342

Planning Scheme Assessment

The property is located within the Rural Resource Zone of the Central Coast Interim Planning Scheme 2013, (Appendix 1, Figure 1).

Zone

26.0 Rural Resource Zone

26.1 Zone Purpose

26.1.1 Zone Purpose Statements

26.1.1.1- To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries including opportunities for resource processing.

26.1.1.2 - To provide for other use or development that does not constrain or conflict with resource development uses.

26.1.2 Local Area Objectives

- (a) The priority purpose for rural land is primary industry dependent upon access to a naturally occurring resource;
- (b) Air, land and water resources are of importance for current and potential primary industry and other permitted use;
- (c) Air, land and water resources are protected against –
 - (i) permanent loss to a use or development that has no need or reason to locate on land containing such a resource; and
 - (ii) use or development that has potential to exclude or unduly conflict, constraint, or interfere with the practice of primary industry or any other use dependent on access to a naturally occurring resource;
- (d) Primary industry is diverse, dynamic, and innovative; and may occur on a range of lot sizes and at different levels of intensity;
- (e) All agricultural land is a valuable resource to be protected for sustainable agricultural production;
- (f) Rural land may be used and developed for economic, community, and utility activity that cannot reasonably be accommodated on land within a settlement or nature conservation area;
- (g) Rural land may be used and developed for tourism and recreation use dependent upon a rural location or undertaken in association with primary industry
- (h) Residential use and development on rural land is appropriate only if –
 - (i) required by a primary industry or a resource based activity; or
 - (ii) without permanent loss of land significant for primary industry use and without constraint or interference to existing and potential use of land for primary industry purposes.

26.1.6 Desired Future Character Statements

Use or development on rural land –

- (a) may create a dynamic, extensively cultivated, highly modified, and relatively sparsely settled working landscape featuring –
 - (i) expansive areas for agriculture and forestry;
 - (ii) mining and extraction sites;

- (iii) utility and transport sites and extended corridors; and
- (iv) service and support buildings and work areas of substantial size, utilitarian character, and visual prominence that are sited and managed with priority for operational efficiency
- (b) may be interspersed with –
 - (i) small-scale residential settlement nodes;
 - (ii) places of ecological, scientific, cultural, or aesthetic value; and
 - (iii) pockets of remnant native vegetation
- (c) will seek to minimise disturbance to –
 - (i) physical terrain;
 - (ii) natural biodiversity and ecological systems;
 - (iii) scenic attributes; and
 - (iv) rural residential and visitor amenity;
- (d) may involve sites of varying size –
 - (i) in accordance with the type, scale and intensity of primary industry; and
 - (ii) to reduce loss and constraint on use of land important for sustainable commercial production based on naturally occurring resources;
- (e) is significantly influenced in temporal nature, character, scale, frequency, and intensity by external factors, including changes in technology, production techniques, and in economic, management, and marketing systems

26.2 Use Table

“Resource Development is No Permit Required if agricultural use;

- (a) is dependent on the soil as a growth medium; or
- (b) is conducted in a manner which does not alter, disturb or damage the existing soil profile if not dependent on the soil as a growth medium.

The agricultural use on the title is dependant on the soil as a growth medium and therefore the proposal complies with (a) above and is therefore assessed as a **No Permit Required** use.

26.3 Use Standards

26.3.1 Requirement for discretionary non-residential use to locate on rural resource land

Not applicable as No Permit Required Use.

26.3.2 Required residential use

Not Applicable to this proposal.

26.3.3 Residential use

Not Applicable to this proposal.

26.4 Development Standards

26.4.1 Suitability of a site or lot on a plan of subdivision for use or development

Objective

The minimum properties of a site and of each lot on a plan of subdivision are to –

- (a) provide a suitable development area for the intended use;
- (b) provide access from a road; and

(c) make adequate provision for a water supply and for the drainage and disposal of sewage and stormwater	
Acceptable Solutions	Performance Criteria
<p>A1 A site or each lot on a plan of subdivision must –</p> <ul style="list-style-type: none"> (a) unless for agricultural use, have an area of not less than 1 hectare not including any access strip; and (b) if intended for a building, contain a building area – <ul style="list-style-type: none"> (i) of not more than 2000m² or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use; (ii) clear of any applicable setback from a frontage, side or rear boundary; (iii) clear of any applicable setback from a zone boundary; (iv) clear of any registered easement; (v) clear of any registered right of way benefiting other land; (vi) clear of any restriction imposed by a utility; (vii) not including an access strip; (viii) accessible from a frontage or access strip 	<p>P1 A site or each lot on a plan of subdivision must be of sufficient area for the intended use or development without likely constraint or interference for –</p> <ul style="list-style-type: none"> (a) erection of a building if required by the intended use; (b) access to the site; (c) use or development of adjacent land; (d) a utility; and (e) any easement or lawful entitlement for access to other land
<p>Assessment: Proposal is for agricultural use, therefore A1(a) is not applicable. All criteria of A1 (b) met, therefore proposed development meets Acceptable Solutions.</p>	
<p>A2 A site or each lot on a subdivision plan must have a separate access from a road –</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or (c) by a right of way connecting to a road – <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and (ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and (d) with a width of frontage and any access strip or right of way of not less than 6.0m; and (e) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of 	<p>P2</p> <ul style="list-style-type: none"> (a) A site must have a reasonable and secure access from a road provided – <ul style="list-style-type: none"> (i) across a frontage; or (ii) by an access strip connecting to a frontage, if for an internal lot; or (iii) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and (iv) the dimensions of the frontage and any access strip or right of way must be adequate for the type and volume of traffic likely to be generated by – <ul style="list-style-type: none"> a. the intended use; and b. the existing or potential use of any other land which requires use of the access as the means of access for that land; and (v) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide

way to the site or each lot on a proposed subdivision plan.	<p>vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or</p> <p>(b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan.</p>
Assessment: A2 access provisions for the title are met. The title is already utilised for agriculture with existing access points. The development will not involve the construction of additional access points. Acceptable Solutions are met.	
<p>A3</p> <p>Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of connecting to a water supply –</p> <p>(a) provided in accordance with the Water and Sewerage Industry Act 2008; or</p> <p>(b) from a rechargeable drinking water system R31 with a storage capacity of not less than 10,000 litres if–</p> <ul style="list-style-type: none"> (i) there is not a reticulated water supply; and (ii) development is for – <ul style="list-style-type: none"> a. a single dwelling; or b. a use with an equivalent population of not more than 10 people per day 	<p>P3</p> <p>(a) There must be a water supply available for the site or for each lot on a plan of subdivision with an adequate level of reliability, quality, and quantity to service the anticipated use of the site or the intended use of each lot on a plan of subdivision; or</p> <p>(b) it must be unnecessary to require a water supply</p>
Assessment: Proposal is for agricultural use. Acceptable Solutions are met.	
<p>A4</p> <p>Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste –</p> <p>(a) to a sewerage system provided in accordance with the Water and Sewerage Industry Act 2008; or</p> <p>(b) by on-site disposal if –</p> <ul style="list-style-type: none"> (i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and (ii) the development - <ul style="list-style-type: none"> a. is for a single dwelling; or b. provides for an equivalent population of not more than 10 people per day; or (iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2012 On-site domestic-wastewater management clear of any defined building area or access strip 	<p>P4</p> <p>(a) A site or each lot on a plan of subdivision must drain and dispose of sewage and liquid trade waste –</p> <ul style="list-style-type: none"> (i) in accordance with any prescribed emission limits for discharge of waste water; (ii) in accordance with any limit advised by the Tasmanian Environmental Protection Agency; (iii) without likely adverse impact for the health or amenity of the land and adjacent land; (iv) without compromise to water quality objectives for surface or ground water established under the State Policy on Water Quality Management 1997; and (v) with appropriate safeguards to minimise contamination if the use or development has potential to – <ul style="list-style-type: none"> a. indirectly cause the contamination of surface or ground water; or b. involve an activity or process which requires the use, production, conveyance or storage of significant quantities of sewage or liquid

	trade waste that may cause harm to surface or ground water if released through accident, malfunction, or spillage; or (b) It must be unnecessary to require the drainage and disposal of sewage or liquid trade waste
Assessment: Proposal is for agricultural use. Therefore, Acceptable Solutions are met.	
<p>A5 Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater –</p> <p>(a) to a stormwater system provided in accordance with the Urban Drainage Act 2013; or</p> <p>(b) if stormwater cannot be drained to a stormwater system –</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if –</p> <p>a. the site has an area of not less than 5000m²;</p> <p>b. the disposal area is not within any defined building area;</p> <p>c. the disposal area is not within any area required for the disposal of sewage;</p> <p>d. the disposal area is not within any access strip; and</p> <p>e. not more than 50% of the site is impervious surface</p>	<p>P5 (a) A site or each lot on a plan of subdivision must drain and dispose of stormwater –</p> <p>(i) to accommodate the anticipated stormwater -</p> <p>a. currently entering from beyond its boundaries; and</p> <p>b. from the proposed development;</p> <p>(ii) without likelihood for concentration on adjacent land;</p> <p>(iii) without creating an unacceptable level of risk for the safety of life or for use or development on the land and on adjacent land;</p> <p>(iv) to manage the quantity and rate of discharge of stormwater to receiving waters;</p> <p>(v) to manage the quality of stormwater discharged to receiving waters; and</p> <p>(vi) to provide positive drainage away from any sewer pipe, on-site sewage disposal system, or building area; or</p> <p>(b) It must be unnecessary to require the drainage and disposal of stormwater</p>
Assessment: Proposal is for agricultural use. Acceptable Solutions are met.	

26.4.2 Location and configuration of development

<p>Objective</p> <p>The location and configuration of development is to provide a reasonable consistency between sites for setback from a boundary, height of buildings, and location within the landscape</p>	
Acceptable Solutions	Performance Criteria
<p>A1 A building or a utility structure, other than a crop protection structure for an agricultural use, must be setback –</p> <p>(a) not less than 20.0m from the frontage; or</p> <p>(b) if the development is for sensitive use on land that adjoins a road specified in the Table to this Clause, not less than the setback specified from that road;</p> <p>(c) not less than 10.0m from each side boundary; and</p> <p>(d) not less than 10.0m from the rear boundary; or</p>	<p>P1 The setback of a building or utility structure must be –</p> <p>(a) consistent with the streetscape; and</p> <p>(b) required by a constraint imposed by –</p> <p>(i) size and shape of the site;</p> <p>(ii) orientation and topography of land;</p> <p>(iii) arrangements for a water supply and for the drainage and disposal of sewage and stormwater;</p> <p>(iv) arrangements for vehicular or pedestrian access;</p> <p>(v) a utility; or</p>

<p>(e) in accordance with any applicable building area shown on a sealed plan</p>	<p>(vi) any requirement of a conservation or urban design outcome detailed in a provision in this planning scheme; (vii) any lawful and binding requirement – a. by the State or a council or by an entity owned or regulated by the State or a council to acquire or occupy part of the site; or b. an interest protected at law by an easement or other regulation</p>
<p>Assessment: Shed and tanks meet setback requirements of A1. Therefore, meets Acceptable Solutions.</p>	
<p>A2 Building height must be not be more than 8.5m</p>	<p>Building height must - (a) minimise likelihood for overshadowing of a habitable room or a required minimum area of private open space in any adjacent dwelling; (b) minimise apparent scale, bulk, massing and proportion in relation to any adjacent building; (c) be consistent with the streetscape and rural landscape; (d) respond to the effect of the slope and orientation of the site; and (e) take into account the effect and durability of screening other than vegetation to attenuate impact</p>
<p>Assessment: Height of proposed shed is 3.08m (see design drawing Appendix 2). Height of tanks are 2.27m. Therefore, all proposed buildings meet Acceptable Solutions.</p>	
<p>A3.1 A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must – (a) not project above an elevation 15m below the closest ridgeline; (b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland; (c) be below the canopy level of any adjacent forest or woodland vegetation; and (d) clad and roofed with materials with a light reflectance value of less than 40%.</p> <p>A3.2 Wind power turbines and wind power pumps must not exceed 20m in height.</p>	<p>P3.1 The location, height and visual appearance of a building or structure except for wind power turbines or wind power pumps must have regard to – (a) minimising the visual impact on the skyline; (b) minimising height above the adjacent vegetation canopy; (c) minimising visual impact on the shoreline or a marine or aquatic water body, water course, or wetland where possible; and (d) minimising reflection of light from an external surface.</p> <p>P3.2 Wind power turbines or wind power pumps must minimise their impacts on the broader landscape having regard to – (a) the visual impacts of the development; (b) the characteristics of the vicinity of the site; (c) the characteristics of the wind resource; (d) the topography of the site and how that location affords access to wind; and (e) potential impacts on birds.</p>

Assessment: Both proposed shed and tanks comply with A3.1 (a-c).

The shed is to be cladded and roofed with colorbond steel of colour 'Pale Eucalypt'. While the manufacturer does not provide details on the Light Reflectance Value, the colorbond 'Pale Eucalypt' paint, manufactured by Dulux, gives a LRV of 24% and therefore complies with (A3.1d).

The tanks are to be constructed with Custom Orb Zinalume which is an unpainted aluminium/zinc alloy coated steel. The LRV for Zinalume is not available on the manufacturers website, however it has a high Solar Reflective Index of 57%. Solar reflection and light reflection are not directly interchangeable, however the light reflectance value is also likely to be greater than 40% and not meet Acceptable Solutions. However, in considering the proposed tanks under the Performance Criteria, the tanks will be buffered from all aspects (including Nine Mile Road and Zig Zag Road and surrounding dwellings) by existing vegetation and polytunnels.

In conclusion, the shed and tanks are considered acceptable in relation to the location, height and visual appearance in relation to the surrounding area.

26.4.3 Location of development for sensitive uses

Development not for sensitive use, therefore not applicable.

26.4.4 Subdivision

Development not for subdivision, therefore not applicable.

26.4.5 Buildings for Controlled Environment Agriculture

Development not for controlled environment agriculture, therefore not applicable.

Codes

E1. Bushfire Prone Areas Code

Not Applicable

E2. Airport Impact Management Code

Not Applicable

E3. Clearing and Conversion of Vegetation Code

Not Applicable

E4.0 Change in Ground Level Code

Not Applicable

E5.0 Local Heritage Code

Not applicable

E6.0 Hazard Management Code

Not applicable

E7.0 Sign Code

Not applicable

E9.0 Traffic Generating Use and Parking Code

E9.5 Use Standards

E9.5.1 Provision for Parking

Objective	
Provision is to be made for convenient, accessible, and usable vehicle parking to satisfy requirements for use or development without impact for use or development of other land or for the safety and operation of any road	
Acceptable Solutions	Performance Criteria
A1 Provision for parking must be – (a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;	P1.1 (a) It must be unnecessary or unreasonable to require arrangements for the provision of vehicle parking; or (b) Adequate and appropriate provision must be made for vehicle parking to meet - (i) anticipated requirement for the type, scale, and intensity of the use; (ii) likely needs and requirements of site users; and (iii) likely type, number, frequency, and duration of vehicle parking demand
Assessment: Requirements for Resource Development ‘other’; no requirement for vehicle parking (Table E9.1). Meets acceptable solutions.	

E9.5.2 Provision for loading and unloading of vehicles

Objective	
Provision is made for conveniently located and accessible areas for the loading and unloading of goods and materials and for the pick-up and set-down of passengers from vehicles	
Acceptable Solutions	Performance Criteria
A1 There must be provision within a site for - (a) on-site loading area in accordance with the requirement in the Table to this Code; and (b) passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of 1 space for every 50 parking spaces	P1 (a) It must be unnecessary or unreasonable to require arrangements for loading and unloading of vehicles; or (b) Adequate and appropriate provision must be made for the loading and unloading of vehicles to meet– (i) likely volume, type and frequency of vehicles associated with the delivery and collection of goods and passengers; and (ii) likely frequency and duration of requirements for delivery and collection of goods or people
Assessment: Requirements for Resource Development ‘other’; no requirement for vehicle parking (Table E6.1). Meets acceptable solutions.	

E9.6 Development Standards - Use Standards do not require provision of parking, therefore Development Standards do not apply.

E10 Water and Waterways Code

Not Applicable

Part F Specific Area Plans

Not applicable to this subject title.

Summary

Code		Summary	Supporting Documents
E1	Bushfire Prone Areas Code	Not Applicable	
E2	Airport Impact Management Code	Not Applicable	
E3	Clearing and Conversion or Vegetation Code	Not Applicable	
E4	Change in Ground Level Code	Not Applicable	
E5	Local Heritage Code	Not Applicable	
E6	Hazard Management Code	Not Applicable	
E7	Sign Code	Not Applicable	
E8	Telecommunication Code	Not Applicable	
E9	Traffic Generating Use and Parking Code	Acceptable Solution	
E10	Water and Waterways Code	Not Applicable	

Conclusion

The proposal complies with the relevant provisions of the *Central Coast Interim Planning Scheme 2013*

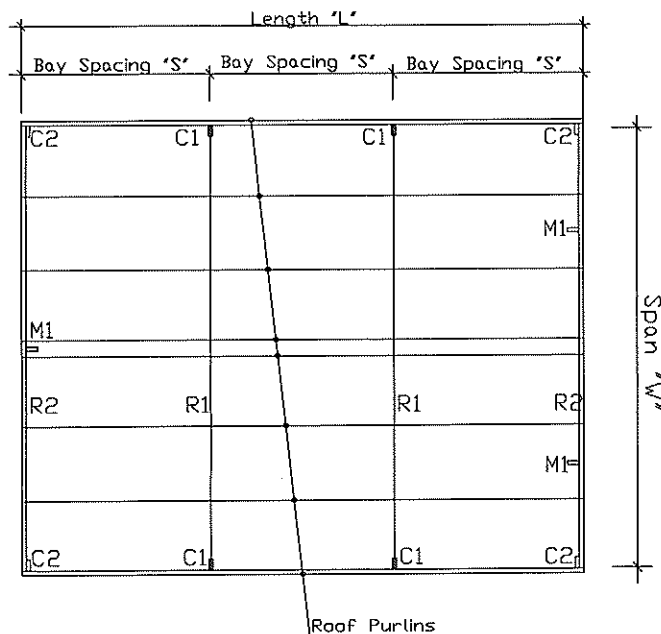
Appendix 1. Maps



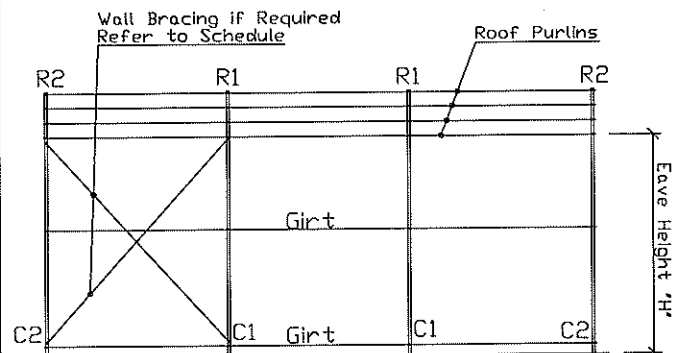
Figure 1. Site plan showing proposed infrastructure and 0.5m contours.

Appendix 2. Pump Shed and Tanks Design Drawings

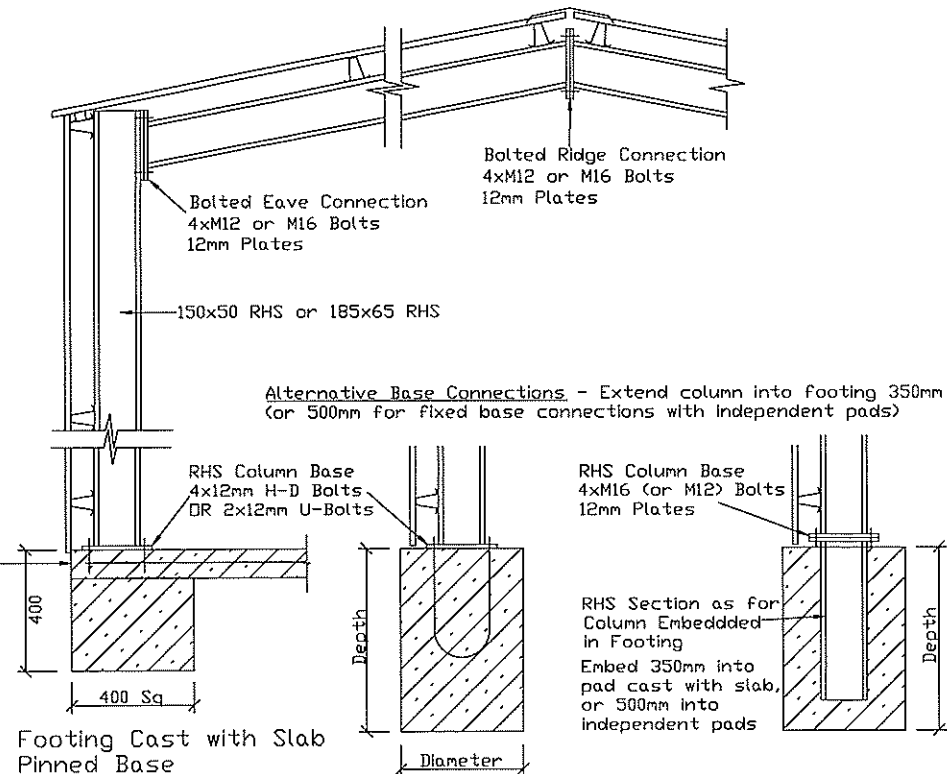
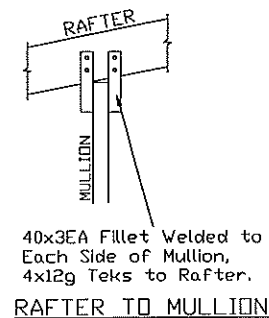
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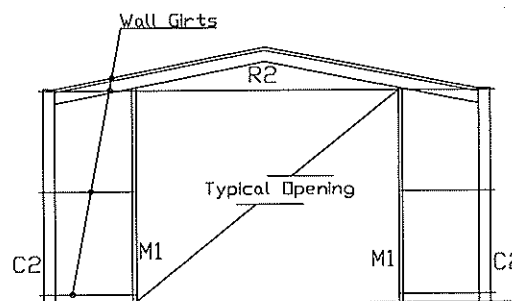
ROOF FRAMING PLAN



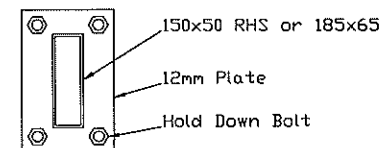
SIDE WALL FRAMING



FRAME SECTION



END WALL FRAMING



RHS BASE

PROJECT TITLE
Eureka Garages
208 Fairbairn Road
LOCATION
Sunshine West

SHEET CONTENT
Framing and Details for
RHS Garages to 12m Span
Bolted Connections

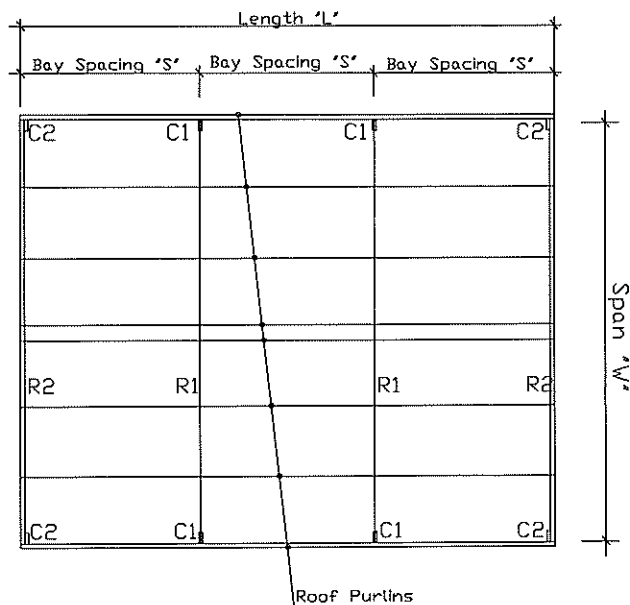
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CP
SCALES
NTS
JOB NO
SG003-04

DRAWN BY
CP
DATE
18/11/14

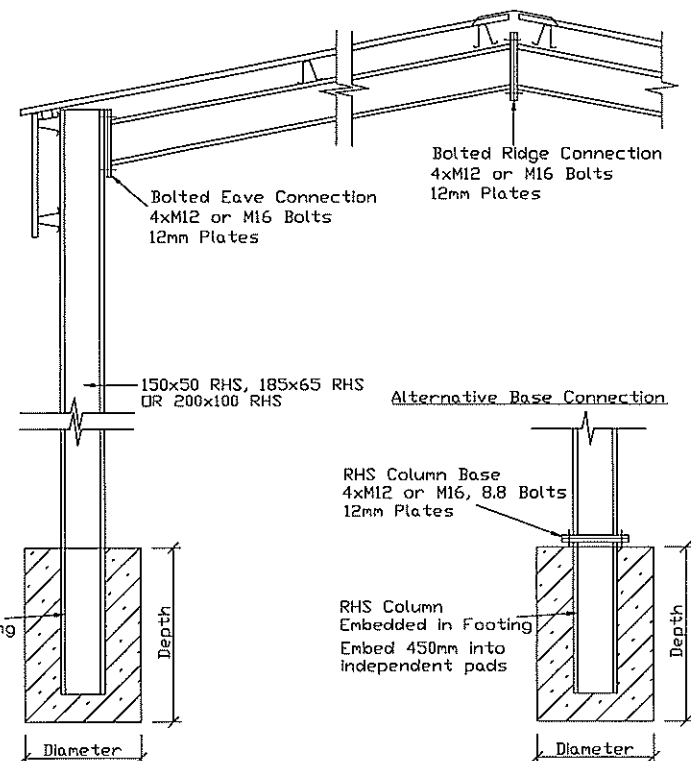
AMENDMENTS

EUREKA
Garages & Sheds www.eurekagarages.com.au

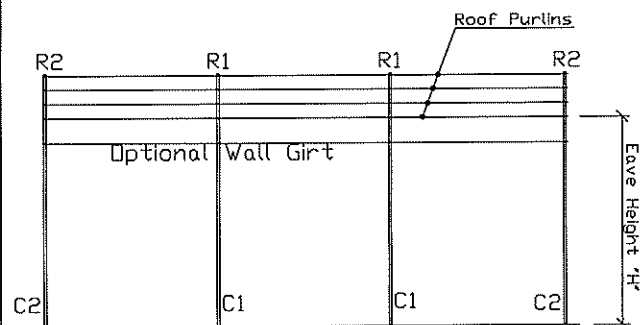
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OF 1



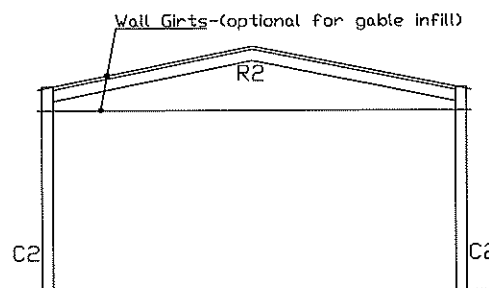
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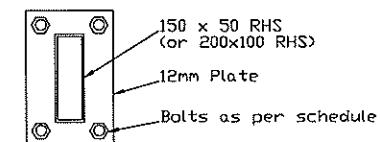
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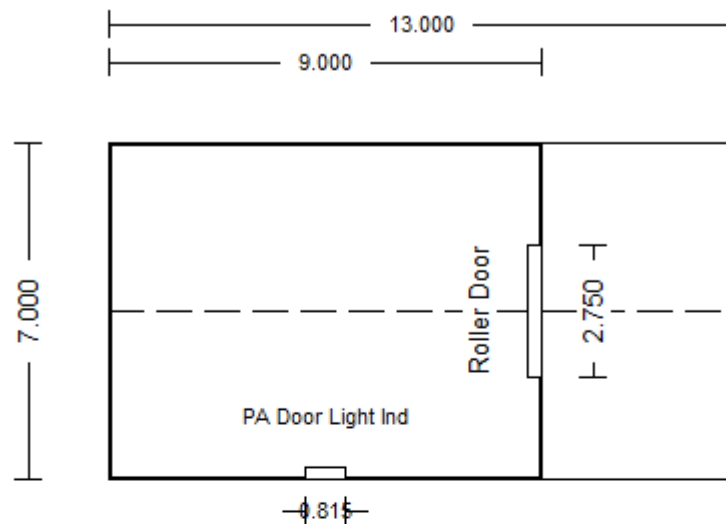


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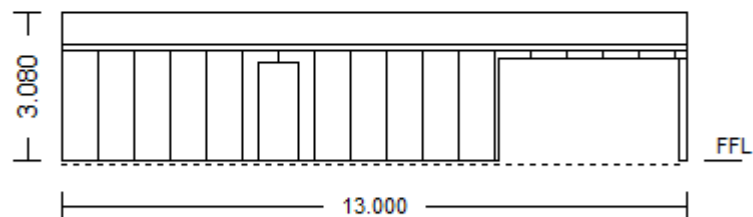


RHS PLATES

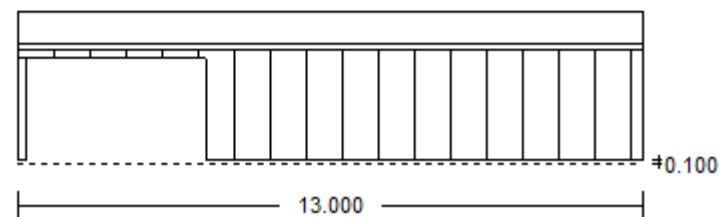
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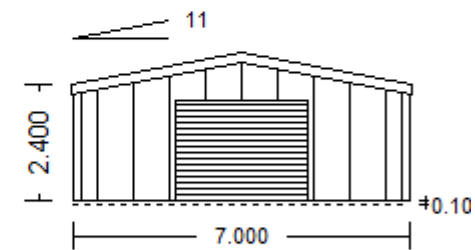
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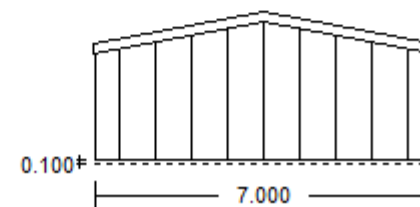
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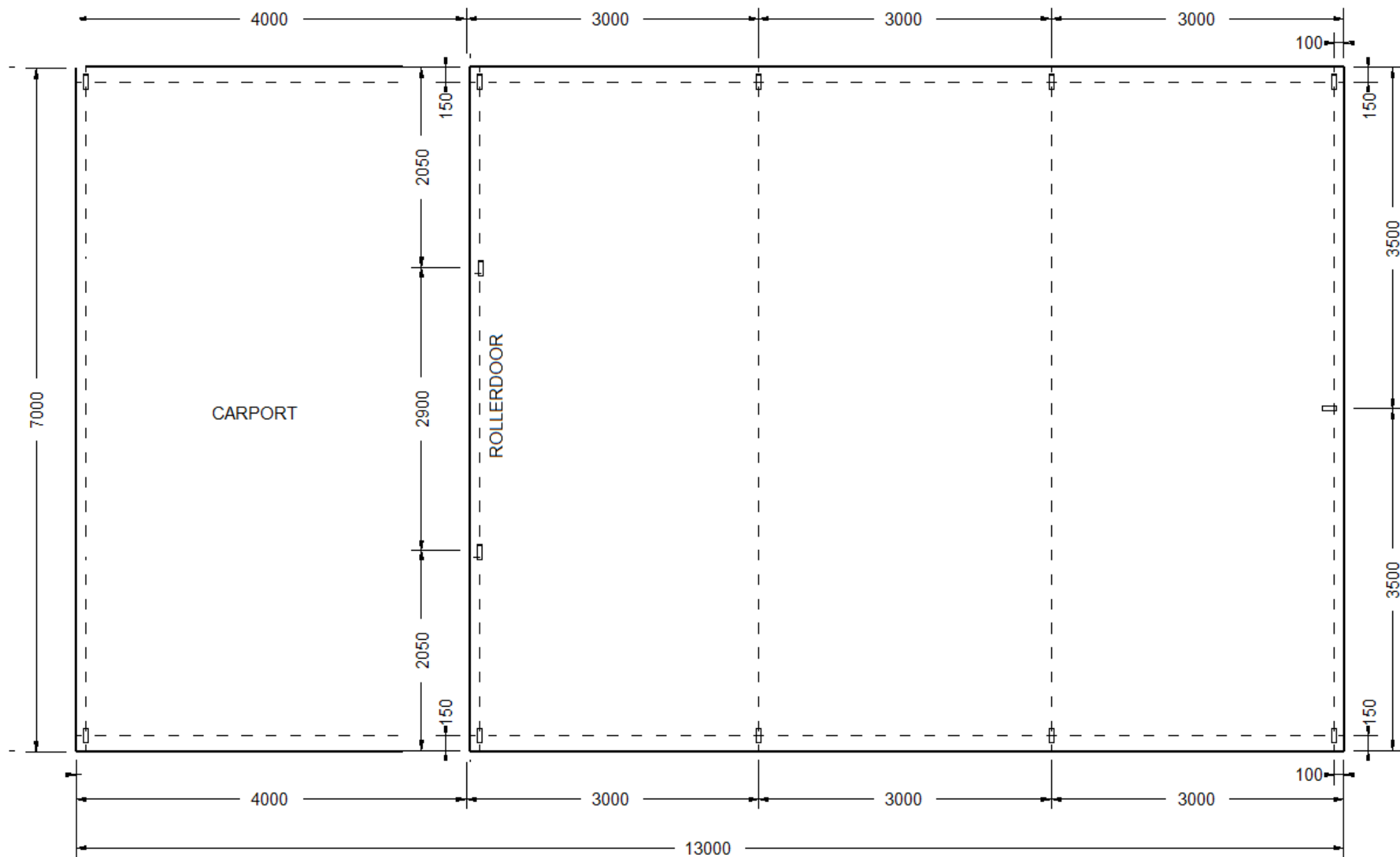
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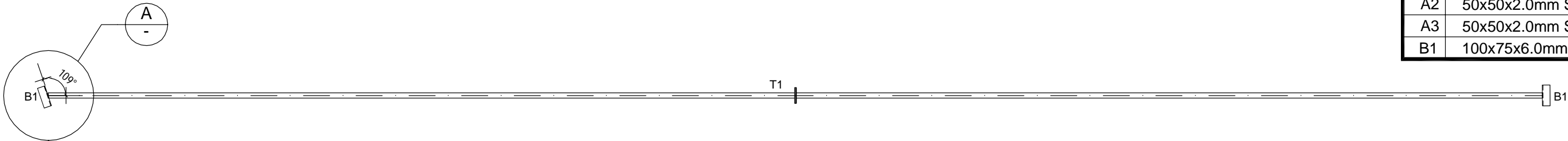
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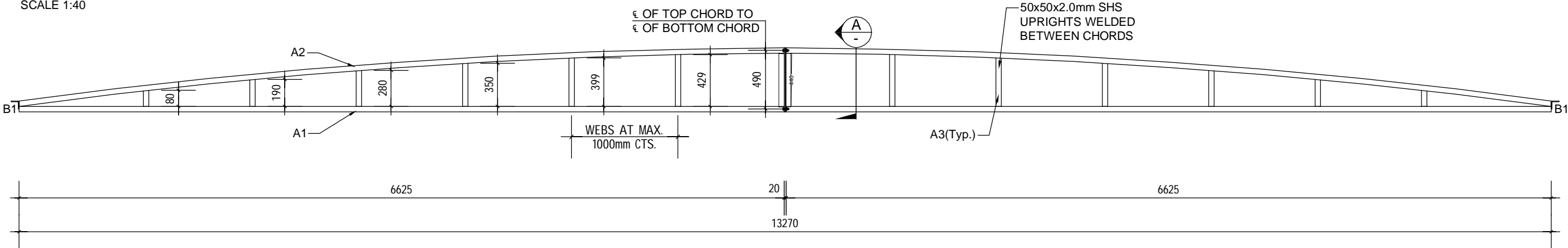
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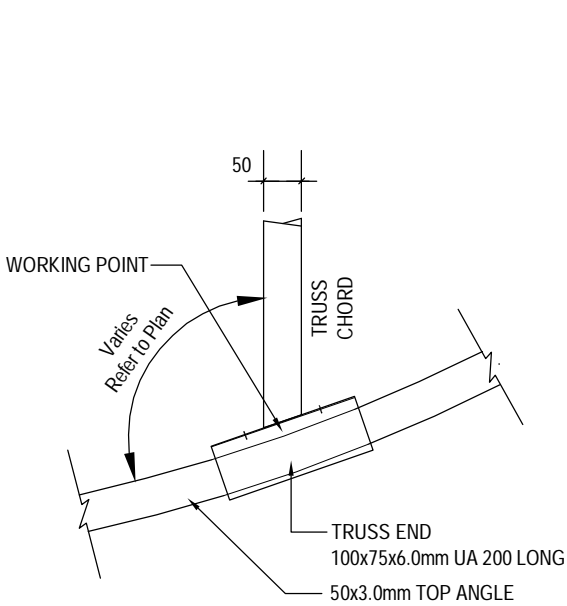
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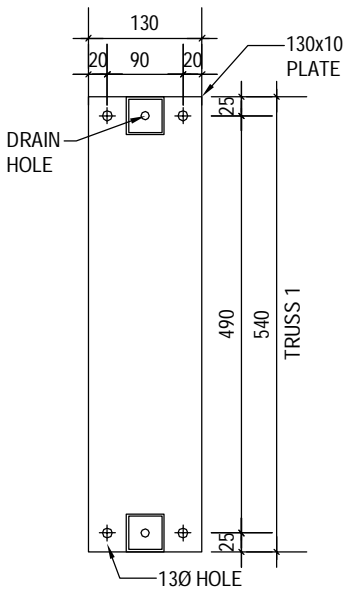
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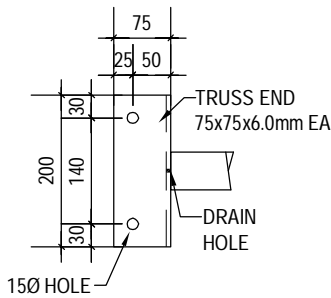
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DETAIL A
SCALE 1:10



SECTION A
SCALE 1:10



TRUSS FOOT
SCALE 1:10

4 x TRUSS 2 HALVES REQUIRED
2 x LEFT HAND, 2 x RIGHT HAND



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Fax: + 61 8 9248 6299

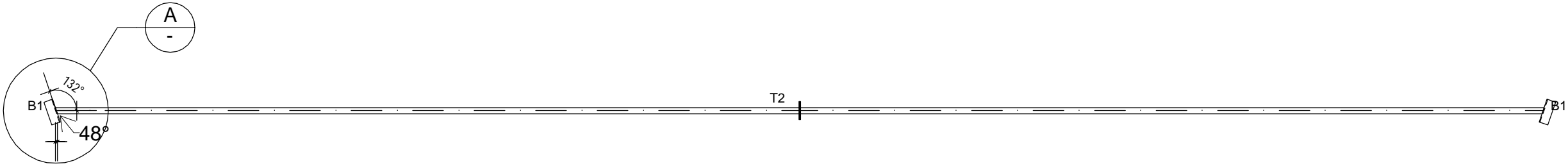
P.O Box 3382
Malaga DC 6945
Western Australia
www.heritagetanks.com.au
brian@heritagetanks.com.au

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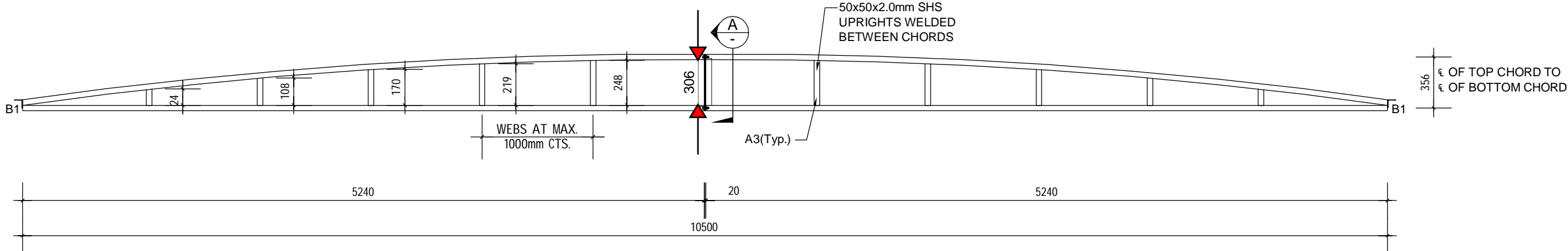
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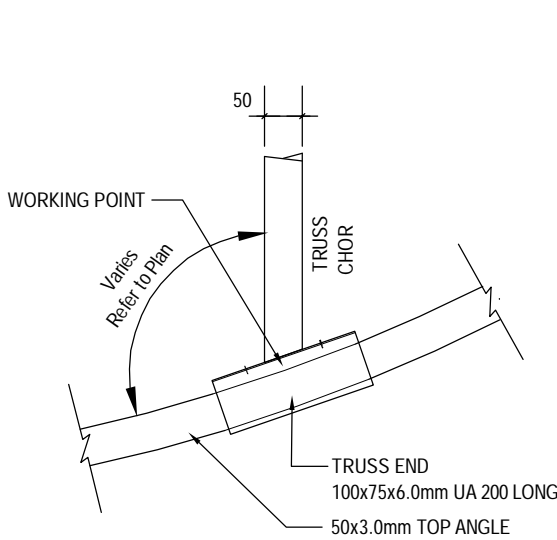
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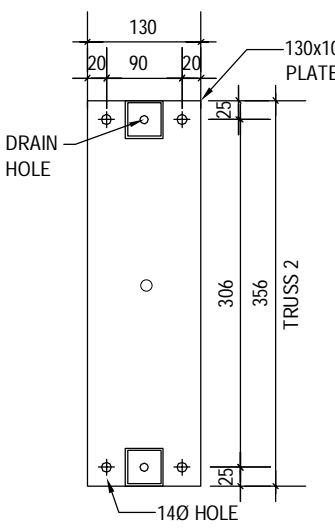
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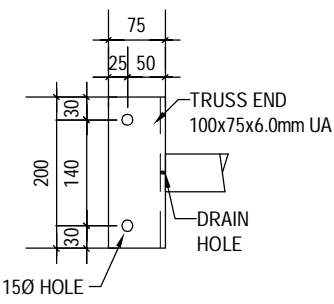
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DETAIL A
SCALE 1:10



SECTION A
SCALE 1:10



TRUSS FOOT
SCALE 1:10

4 x TRUSS 2 HALVES REQUIRED
2 x LEFT HAND, 2 x RIGHT HAND



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Fax: + 61 8 9248 6299

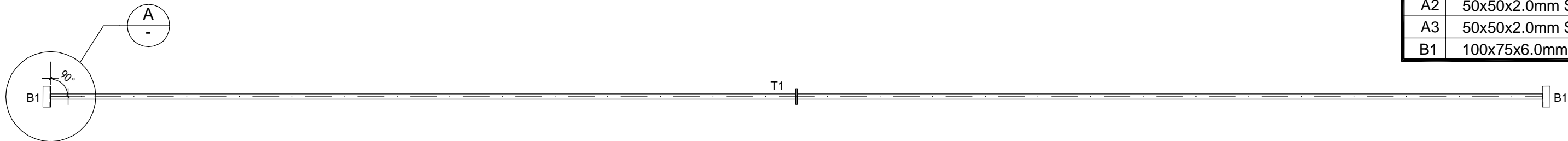
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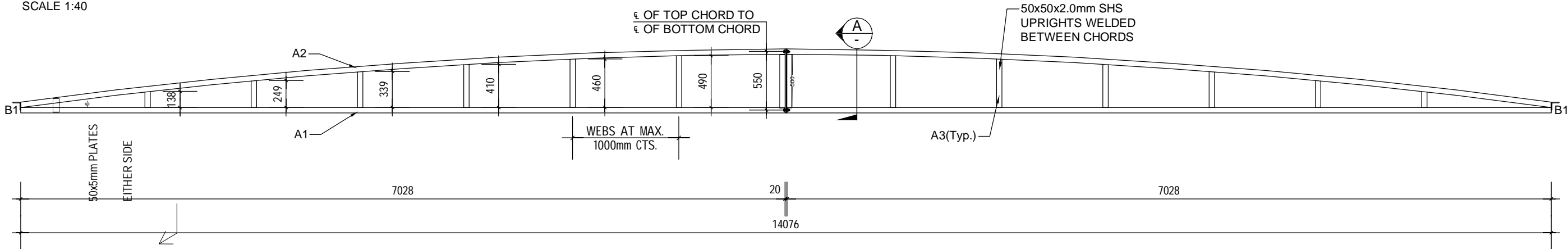
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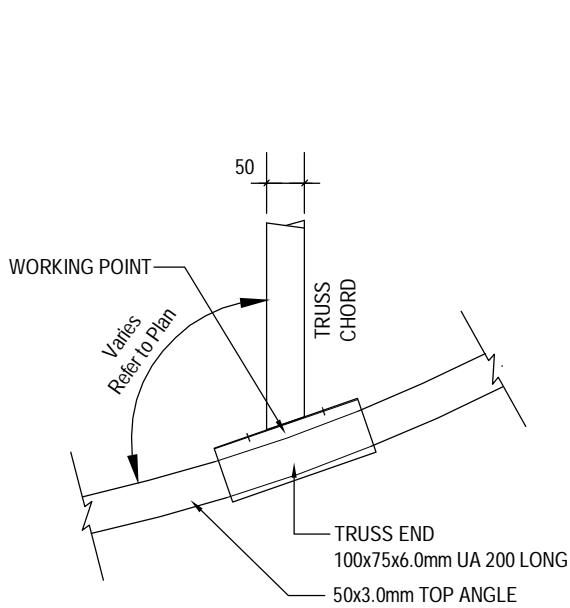
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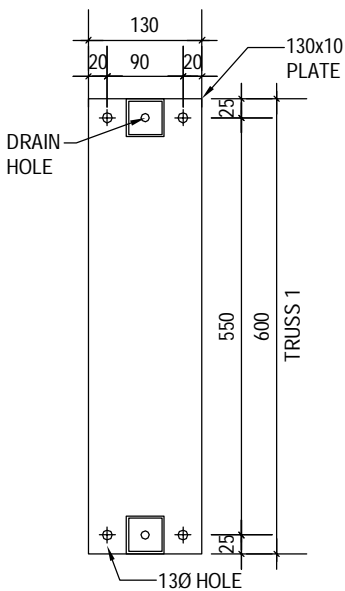
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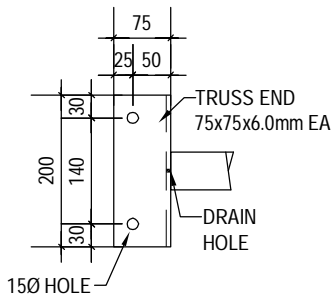
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DETAIL A
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SECTION A
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TRUSS FOOT
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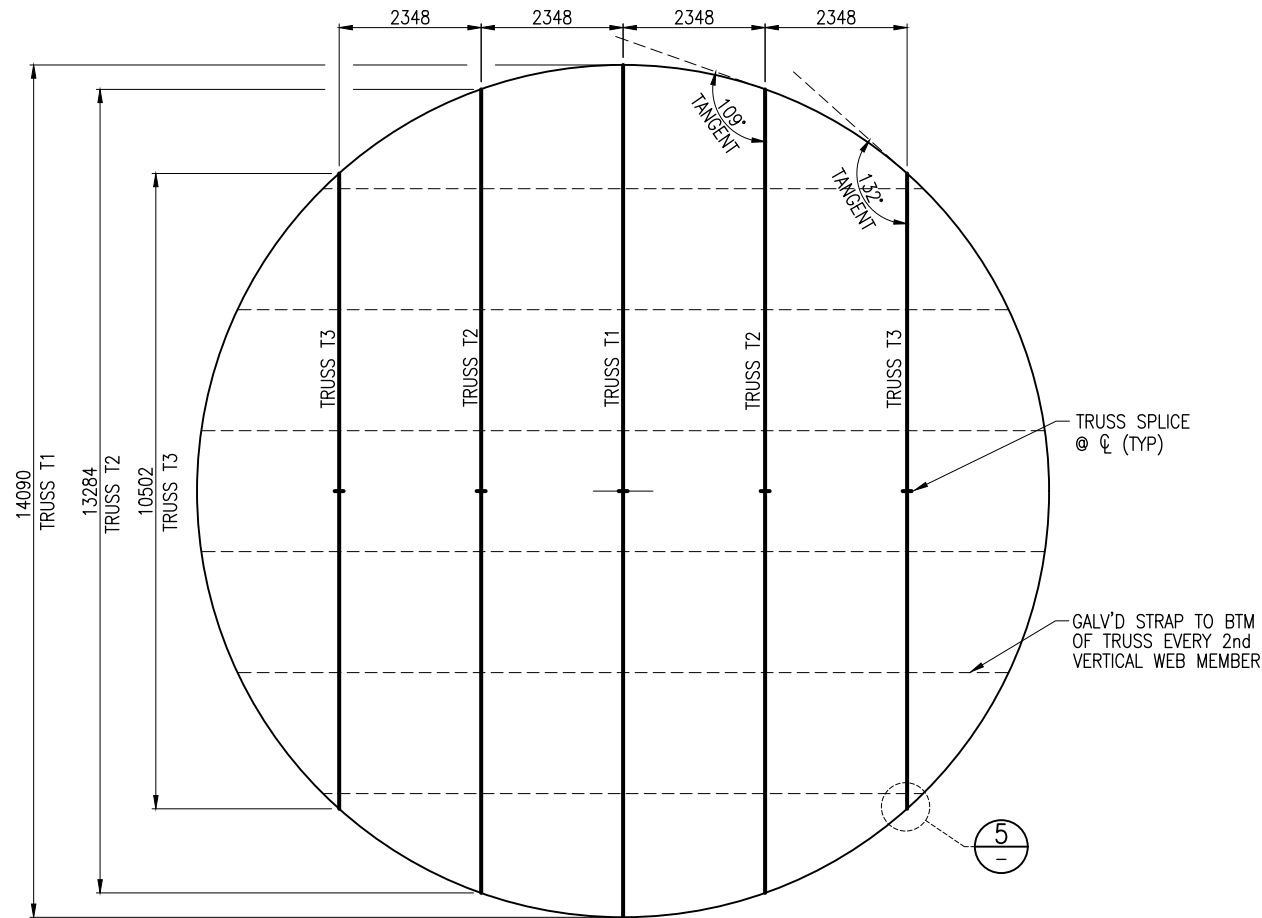
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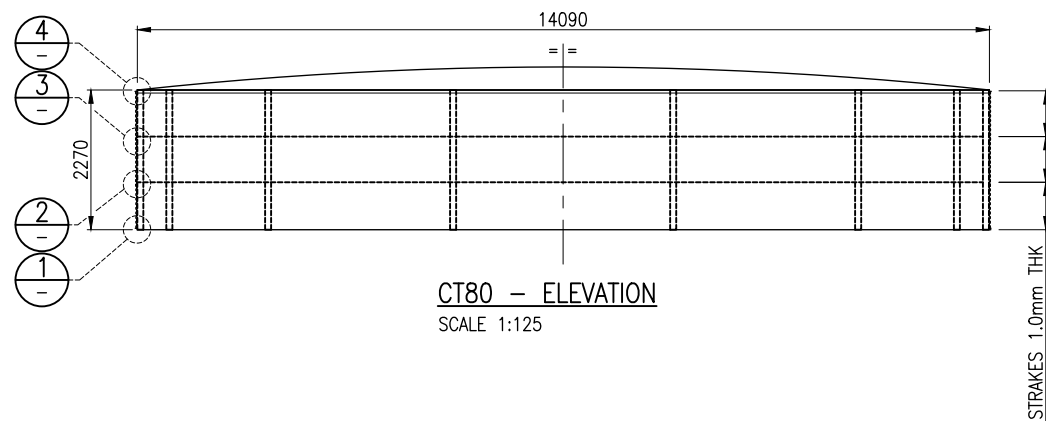
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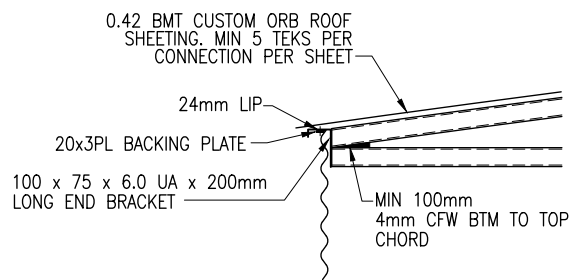
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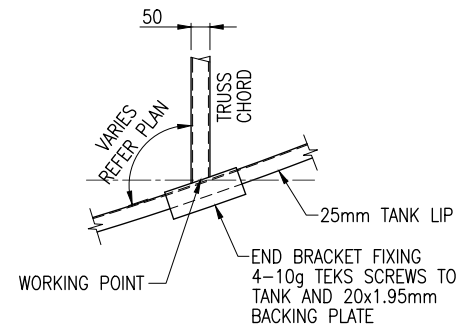
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 REGION A & B
 TERRAIN CATEGORY 2
 IMPORTANCE LEVEL 2

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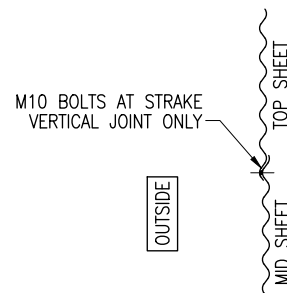
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3. ROOF SHEETING TO BE SIDE LAP FASTENED AT MAX 1.0m C/C
4. ALL BOLTS GRADE M10 (8.8) GALV.
5. MIN FILLET WELD SIZE OF 4mm



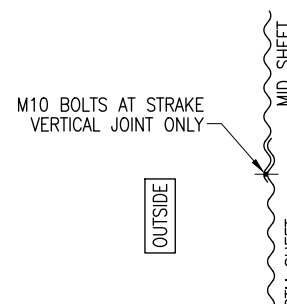
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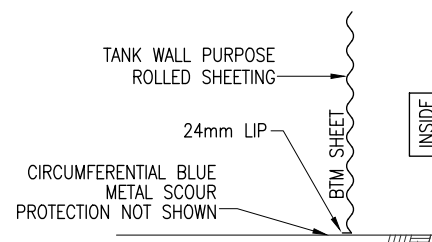
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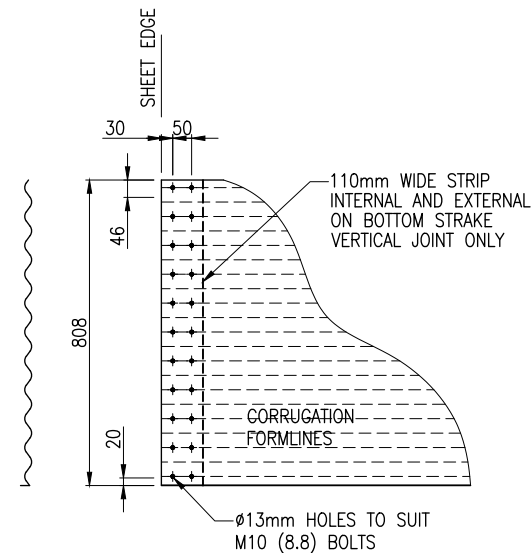
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DETAIL 2
 1:20



DETAIL 1
 1:20



TYPICAL BOLTING ARRANGEMENT
 SCALE 1:20

Innovative Structural Concepts Pty Ltd
ISC Consulting & Engineering
 PO Box 2358 Warwick WA 6024
 Tel: +61 403 463 597
 ABN: 4560 0750 669

Principal CIVIL/STRUCTURAL ENGINEER
 12/02/2017

No.	DATE	REVISION	BY	ENG	APP
C	03.05.18	REVISED END BRACKET	PM	GT	—
B	25.09.17	REVISED STRAP LOCATIONS	AJC	GT	—
A	04.09.17	ISSUED FOR APPROVAL	AJC	GT	—

REVISIONS

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 Tel: +61 403 463 597
 ABN: 4560 0750 669

DRAWN	AJC	CHECKED	GT	APPROVED	GT
DATE	16.09.16	DATE	16.09.16	DATE	16.09.16

HERITAGE TANKS AUSTRALIA PTY LTD

HERITAGE TANKS
 CT RANGE OF TANKS
 CT 80 TANK – THREE RING TANK
 ARRANGEMENT AND DETAILS

A3	SCALE AS SHOWN	DRG No. 16045-CT80-001	REV. C
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Annexure 3

Mary-Ann Edwards

From: Derek Smith <dereksmith.alextech@gmail.com>
Sent: Thursday, 30 August 2018 4:49 PM
To: switch
Subject: to Director of Infrastructure Services re. DA 2018030

I am a resident of Zig Zag Road, close to the site that is currently being considered for development under planning application DA 2018030.

I understand from Mary-Ann Edwards that earth work activity has been authorised by Council prior to the September 10 closing date for representations to be made.

I wish to express my concerns at the use of Zig Zag Road as an access to the earth work trucks that are being used to move earth to the site.

The Central Coast Council has spent a lot of ratepayer money on upgrading the Nine Mile Road access to the Berry Farm. This gives a safer access to Zig Zag Road. Using Zig Zag Road, via Hogarth Road, which has about 30 road signs along the full road length, many of which are black on yellow hazardous signage, is an unnecessary hazard given the safer option of using Nine Mile Road. What is the Council's position on this road safety aspect?

Derek Smith

Mary-Ann Edwards

From: Derek Smith <dereksmith.alextech@gmail.com>
Sent: Friday, 31 August 2018 9:37 AM
To: switch
Subject: attention of Cor Vander Vlist, Director Community Services

Thank you for your letter of August 23 re. planning application DA2018030.

This is the first time the Council has formally advised residents by mail of proposed planning applications and we welcome this initiative.

Re. DA2018030, I have spoken to Mary-Ann Edwards and have been advised that earth works have been authorised, prior to September 10.

I was further advised that, as a discretionary application, the only possible issue concerned reflectivity from the tanks.

This would suggest that the application was going to go ahead anyway. In which case, community consultation on the issue is more of a token gesture than an invitation. That is a concern.

However, the priority issue at the moment has been the earth works. Heavy vehicles carrying the earth have been using Zig Zag Road via Hogarth Road as access to the proposed site.

As you will be aware, Zig Zag Road is a hazardous route, as shown by the number of yellow on black hazard signage used. Currently along the approx. 4km length of Zig Zag Road from Hogarth Road to Nine Mile Road, there is, on average, a sign every 200 metres.

Also, ratepayers, through the Council, together with Federal financial assistance, funded an update of Nine Mile Road, making a safer access to the Costa Nine Mile Berry Farm. The difference between accessing Zig Zag Road via Nine Mile Road and accessing Zig Zag Road via Hogarth Road, is about one kilometre extra. Despite this, heavy vehicles continue to use Zig Zag Road via Hogarth Road, a residential area. I understand that road usage is not a factor in most planning applications, but I would state that road safety should be a concern for all the community.

As one of the reasons Council proceeded with the Nine Mile Road upgrade was to 'address safety concerns' (Advocate 7/3/2015) I would ask that Council take these safety concerns into consideration if future applications are received, and that Council inform Costa of these safety concerns and request that the safer access route via Nine Mile Road be used in future.

Thank you
Derek Smith

Annexure 4



279 Nine Mile Road, Sulphur Creek



Location of water tanks and pump shed – 279 Nine Mile Road, Sulphur Creek



Zig Zag Road entry to 279 Nine Mile Road – development would not be visible from this area of Zig Zag Road, being beyond the trees and poly-tunnels



View of the development site from Zig Zag Road – water tanks and shed would be located near the distant silos that are also within the poly-tunnel cluster of development



View of the development site from Zig Zag Road under a zoom camera lens – water tanks and shed would be located near the distant silos that are also within the poly-tunnel cluster of development



Closer to the access point – view of development site from Zig Zag Road



Approved "Zincalume" water tanks on another Costa Enterprise Pty Ltd site, on the opposite side of Zig Zag Road

Strata, Staged Development and Community Development Scheme Policy

September 2018

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POLICY

This Policy provides direction for the Council in respect of the approval of a Strata Scheme, Staged Development Scheme or Community Development Scheme under the *Strata Titles Act 1998*.

RELEVANT LEGISLATION

This Policy was developed with reference to:

- . *Strata Titles Act 1993*
- . *Land Use Planning and Approvals Act 1993*
- . *Central Coast Interim Planning Scheme 2013*
- . *Building Act 2016*

PURPOSE

Certificates of Approval, issued by the Council, are required for registration of Strata Plans, Amendments to Strata Plans, consolidation of Strata Plans, Staged Development and Community Schemes and the cancellation of Strata Plans.

The purpose of this Policy is to ensure that the Council's requirements for a Strata, Staged Development or a Community Development Scheme are implemented with consistency through the registration of a Plan with the Recorder of Titles under the *Strata Titles Act 1998*.

Land and buildings may be divided, vertically and horizontally, into private lots and common property and must consist of a full quota of lots upon which the development is sited.

Where development involves two or more lots, registration of a Plan has the effect of automatically amalgamating those lots, i.e. there is no need to amalgamate the lots under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Note: – Where an application for the strata of land is reasonably considered by Council to be the division of land by subdivision, as defined under Section 80 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, all documents submitted are to be returned to the applicant, citing Section 31(6) of the *Strata Titles Act 1998*.

DEFINITIONS

Common property means –

- (a) all land and property within a Scheme that is not within the boundaries of a lot;
and

- (b) all other infrastructure administered by the body corporate for the relevant Scheme, excluding land that is designated for future development in an approved Master Plan.

Community development scheme means –

The development and registration of land under an approved Master Plan. The Scheme typically allows for the establishment of community-based developments, such as a retirement village or a residential marina.

Plan means –

- (a) a Strata Plan;
- (b) the master plan for a Staged Development; or
- (c) the master plan for a Community Development Scheme.

Scheme means –

- (a) a Strata Scheme;
- (b) a Staged Development Scheme; or
- (c) a Community Development Scheme.

Strata Scheme means –

The complex of lots and common property (together with the system of administration and management) created through the registration of a Strata Plan.

Staged Development Scheme means –

The Scheme for the development of land by the registration of a series of Strata Plans.

ELEMENTS OF THE POLICY

- 1 Applicability
- 2 Approval of Registration of a Plan for Strata Scheme
- 3 Approval of Registration of a Plan for Staged Development Scheme
- 4 Approval of Registration of a Plan for Community Development Scheme
- 5 Roles and Responsibilities
- 6 Procedures
- 7 Review of Policy

1 *APPLICABILITY*

Application for Certificate of Approval of a Plan would ordinarily be preceded by a development application and the issue of a Planning Permit under the *Land Use Planning and Approvals Act 1993* and the *Central Coast Interim Planning Scheme 2013*, and issue of any associated Building and Plumbing Permits, notifications or certificates for the development of the land.

Following completion of a development, application would be made to the Council for a Certificate of Approval so that a Plan may be registered under the *Strata Titles Act 1998*. Multiple Plans may be registered over a period of time if the development is approved to be a Staged Development Scheme.

2 *APPROVAL OF REGISTRATION OF A PLAN FOR STRATA SCHEME*

A Strata Scheme over multiple dwellings and common land, or exiting buildings, must have a Planning Permit issued for the use and development of the land and be over lawfully constructed buildings with common land.

The Strata Plan must be substantially in accordance with the Planning Permit issued.

A Strata Plan may be issued for:

- (a) new multiple dwellings with common property;
- (a) a new dwelling with an existing building on the site, with no vacant land, but with common property;
- (b) multi-storey development; or
- (c) the separation of “old” buildings, or rooms within existing “old” buildings, where no recent Permits have been issued under the *Land Use Planning and Approvals Act 1993* and the *Central Coast Interim Planning Scheme 2013*. Common property must also be identified.

3 APPROVAL OF REGISTRATION OF A PLAN FOR A STAGED DEVELOPMENT SCHEME

A Staged Development Scheme must have a Planning Permit issued for a Master Plan that describes the use and development of the land and the various stages of development.

The Strata Plan must be substantially in accordance with the Planning Permit issued.

A Staged Development Scheme may comprise the following forms of development:

- (d) new multiple dwellings in stages with common property;
- (e) the construction of new multiple dwellings in stages with common property and the creation of lots that may be vacant until construction begins on such lots; and there may be existing buildings on the site;
- (f) multi-storey staged development with common property (such as common car parks, waste storage areas, landscaping, shared buildings etc); or
- (g) the construction of a new dwelling behind an existing building with vacant land. Common property must be identified.

4 APPROVAL OF REGISTRATION OF A PLAN FOR A COMMUNITY DEVELOPMENT SCHEME

A Community Development Scheme must have a Planning Permit issued for a Master Plan that describes the use and development and any staging of the Scheme.

A Community Development Scheme may comprise the following forms of development:

- (a) the construction of buildings and infrastructure in stages. Stage 1 is to include, at a minimum, the development of all community infrastructure on common land, one building, and may include vacant lots prior to the construction of buildings on such lots;
- (h) Multi-storey Staged Development whereby ground level common property land is completed with approved buildings and infrastructure (such as car parks, recreational facilities, landscaping etc) and each floor level must be absolutely completed prior to registration of a Plan for that stage.

5 ROLES AND RESPONSIBILITIES

The Director Community Services or Land Use Planning Group Leader, or Land Use Planning Officers are responsible for undertaking assessments of applications for the use and development of land and determination that any

proposal is not deemed to be a subdivision of land and is substantially in accordance with any Planning Permit issued.

The Regulatory Services Group Leader or Building Compliance Officer is responsible to ensure buildings are compliant under the Building Act 2016 and Building Regulations 2017.

The Asset & Facilities Group Leader, Engineering Group Leader or Environmental Engineer is responsible for determining that all matters outlined in a Statement of Compliance issued by the Council, in its capacity as the Road Authority and Stormwater Authority, have been satisfied.

6 PROCEDURES

Workflow procedures have been developed for assessment of use and development applications under the Land Use Planning & Approvals Act 1993 and the Central Coast Interim Planning Scheme 2013. Refer to Planning Procedures LUP004 and LUP005.

Workflow procedures have been developed for assessment and determination of application for a Certificate of Approval and registration of a Plan under the Strata Act 1998. Refer to Planning Procedure LUP012.

7 REVIEW OF POLICY

The Strata, Staged Development and Community Development Scheme Policy will be reviewed every three years.

Date of approval:/...../.....

Approved by:

.....

Sandra Ayton
GENERAL MANAGER

Activity: *Certificate of Approval for Strata Plan*

Procedure: *LUP012*

WORK METHOD REQUIREMENTS

- . To ensure that the Council signs-off on Strata Plan development through a transparent process involving the issue of a Certificate of Approval that the Strata Plan is substantially in accordance with a Planning Permit issued under the *Land Use Planning and Approvals Act 1993* and the *Central Coast Interim Planning Scheme 2013* and compliant under the *Building Act 2016 and Building Regulations 2017*.
- . To ensure the Strata Plan and associated documents are properly executed, prior to submission to the Recorder of Titles for registration.

References

Central Coast Council's "Strata Scheme, Staged Development Scheme & Community Development Scheme Policy"
Strata Titles Act 1998

Preamble

The purpose of this procedure is to ensure that the issue of a Certificate of Approval for a Strata Plan is substantially in accordance with the Planning Permit issued.

Ordinarily, an application for a Planning Permit (Procedures LUP004 & LUP005) would precede the submission of a Strata Plan for certification by the Council.

1 General Process upon receipt of a Strata Plan for Approval

- ☐ The Planner is to undertake a preliminary assessment of the application for the Strata of land to initially determine if the proposal can be reasonably considered to be the division of land by subdivision (not Strata) as defined under Section 80 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Where the proposal is deemed to be a subdivision, the planner is to record a file note and send all documents back to the applicant, citing Section 31(6) of the *Strata Titles Act 1998*.

- ☐ Where an application is for a Strata Plan, an invoice is to be produced for the Strata fee and sent to the applicant.
- ☐ Refer electronic copy of the plan to other Departments and request other Departments advise if any works or Certificates are outstanding. Other

Departments are to endorse “referral from” or advise if there are any outstanding matters. Do NOT refer to TasWater.

- ☐ Check Strata Fee has been paid.
- ☐ Refer to the Planning Permit file. Check the proposal is substantially in accordance with the Permit issued (e.g. visitor car parking is located on common land, letter box location, waste bin location, private areas and building footprints are as approved).
- ☐ Notify applicant and/or solicitor if there are any outstanding matters.
- ☐ Where Permit conditions have been completed and the development is in accordance with the relevant procedure outlined in this document, the Land Use Planning Group Leader, Town Planner or Planning Officer is to request the General Manager (or delegated officer) sign the Certificate of Approval and Strata Plan. Do NOT Seal the Plan.
- ☐ The Plan is returned to the applicable legal office or forwarded to the Recorder of Titles, as requested. The Recorder of Titles will, in due course, forward to the Council notification of the registered Strata Plan.
- ☐ The Recorder of Titles notification is received by the Council's Records Officer who registers the document in InfoXpert and forwards to Planning Services, Rates and GIS staff. The process for dealing with the Recorder of Titles notification by the relevant staff is as follows:
 - 1 Planner checks in “Spectrum” the new lots are correctly zoned.
 - 2 Planning Administration checks the zone is correctly noted in “Property”, locates the relevant Development Application file and files the Notification document on the relevant Development Application file.

2 Certificate of Approval for Strata Scheme over completed new multiple dwellings

- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- ☐ Check that all common land and associated infrastructure has been completed, including waste storage area, visitor car parking, roadways and maneuvering area, letterboxes, landscaping and other shared infrastructure.
- ☐ Check that all Final Certificates have been issued, including building and plumbing.
- ☐ Check on site for compliance with Planning Permit conditions (e.g. landscaping, car parking etc).
- ☐ Notify applicant and/or solicitor if there are any outstanding matters.
- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.

3 Certificate of Approval for Staged Development and Community Development Scheme

- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- ☐ Refer to the Development Application file. Check the proposal was approved as a Staged Development and/or Community Development Scheme and is substantially in accordance with the Planning Permit issued (e.g. visitor car parking is on common land, location of community infrastructure and buildings is as approved, lot sizes and locations are as approved). If not approved as a staged development, then the applicant must seek to have the Permit amended to include a staged development schedule.
- ☐ Stage 1 MUST be as approved in Planning Permit, including the completion of all common land (shared roads, visitor car parking and manoeuvring areas, landscaping, letterboxes etc). Common buildings need not necessarily be completed at Stage 1, however the staging schedule must reflect the Planning Permit issued.
- ☐ Stage 1 MUST demonstrate that all proposed lots are fully serviced (other than balance land for Community Development Scheme, i.e. land that is included in the Planning Permit issued but is approved as balance land).
- ☐ Stage 1 MUST include the completion of at least one (1) dwelling on the site and all Final Certificates must be issued.
- ☐ Notify applicant and/or solicitor if there are any outstanding matters.
- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.

4 Certificate of Approval for multiple dwellings with an existing “old” building on site.

- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- ☐ Refer to the Development Application file. Check that the proposal is substantially in accordance with the Permit issued, e.g. visitor car parking is on common land, private areas and building footprints are as approved.
- ☐ The Plan MUST be accompanied by a report and/or Certificate by an accredited Building Surveyor certifying that the existing building on the site is in compliance with all necessary Acts and Regulations.
- ☐ Check that all common land and associated infrastructure has been completed (waste storage area, visitor car parking, roadways and manoeuvring areas, letterboxes, landscaping, shared infrastructure etc).

- ☐ Check that all Final Certificates have been issued.
- ☐ Check on the site for compliance with Planning Permit conditions, e.g. landscaping, car parking etc.
- ☐ Notify applicant and/or solicitor if there are any outstanding matters.
- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.

5 **Certificate of Approval for Strata of “old” existing buildings and rooms in “old” buildings**

- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- ☐ Refer to any relevant Development Application file. Check the proposal is substantially in accordance with the Permit issued (if required).
- ☐ The Plan **MUST** be accompanied by a report and/or Certificate by an accredited Building Surveyor certifying that the existing building(s) on the site are in compliance with all necessary Acts and Regulations. **Note:** If a Building Surveyor’s report requires works to existing “old” buildings to make buildings compliant with current legislation, then a Certificate issued by the Building Surveyor following completion of all works on the site is required.
- ☐ Notify applicant and/or solicitor if there are any outstanding matters.
- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for issue of Certificate of Approval and Notification by Recorder of Titles.

6 **Certificate of Approval for Multi–Storey Staged Development Schemes**

- ☐ Refer to 1 “General Process upon receipt of a Strata Plan for Approval” above for the initial procedure upon lodgment of an application for Strata Plan.
- ☐ Refer to Development Application file. Check the proposal is substantially in accordance with the Permit issued (e.g. common land infrastructure and apartment layouts).
- ☐ Ground level common land and associated infrastructure **MUST** be completed (including waste storage area, visitor car parking, roadways and manoeuvring area, letterboxes, landscaping, communal buildings and shared infrastructure).
- ☐ Each floor level **MUST** be complete with all relevant Certificates issued for that level, including common rooms/areas and infrastructure for that level, before a Certificate of Approval is issued for that stage.
- ☐ Check on the site for compliance with Planning Permit conditions, e.g. landscaping, car parking etc.

- ☐ Notify applicant and/or solicitor if there are any outstanding matters.
- ☐ Refer to 1 "General Process upon receipt of a Strata Plan for Approval" above for issue of Certificate of Approval and Notification by Recorder of Titles.

SCHEDULE OF INFRASTRUCTURE SERVICES DETERMINATIONS

Period: 1 August 2018 to 31 August 2018

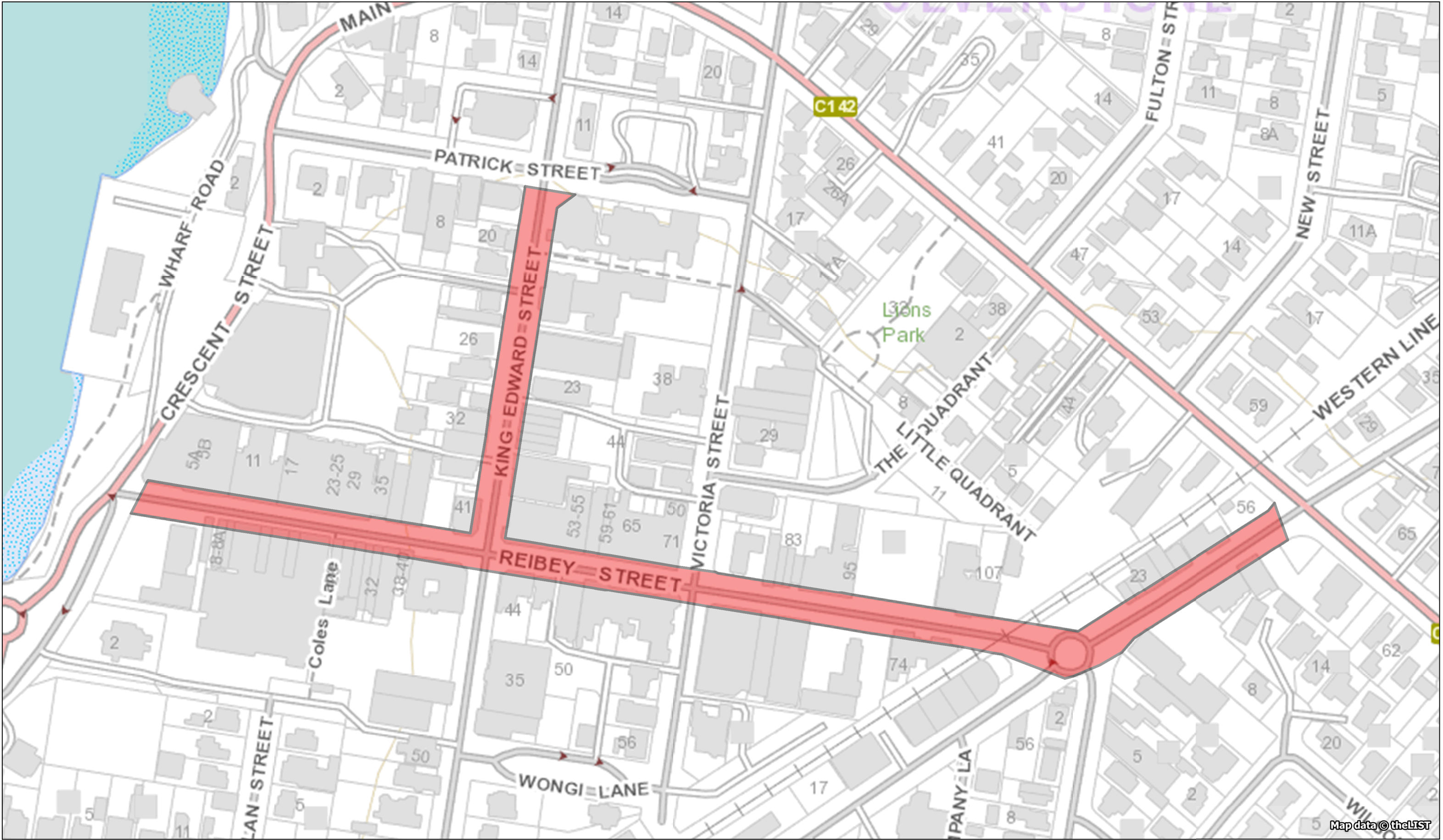
Approval of Roadworks and Services

Developer: S V Heazlewood
Location: 2 Scurrah Street, Ulverstone
No. of Lots: 2
Engineer: Dean Panton (PDA Surveyors)

Developer: L J & B M Thomas
Location: 15 Scurrah Street, Ulverstone
No. of Lots: 3
Engineer: Chris Martin – CSE Tasmania Pty Ltd



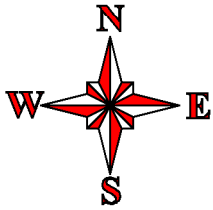
John Kersnovski
DIRECTOR INFRASTRUCTURE SERVICES



Map data © theLIST

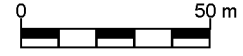
Disclaimer
This map is not a precise survey document
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Important
This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD). For most practical purposes GDA94 coordinates, and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84), are the same.



Contour Interval:
Projection: GDA94
Date: 11/09/2018
Drawn By: GIS

PROPOSED SMOKE FREE PRECINCT

Scale 1: 2,000




SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 1 to 31 August 2018

Contracts

- Contract No. 1/2018-2019
PDA Surveyors
Provision of detailed engineering surveying services
Net Price \$13,000.00 (incl. GST)

Agreements

- Licence of Crown land
831 Wilmot Road, Kindred (PID 3521549) - 1.925ha
Slalom course facilities including ropes, wires and mad-made river features
on the Licensed Area as owned by the Licensee or Approved Sublicensee as
applicable
Licence period 1 August 2017 to 31 July 2027

Sandra Ayton
GENERAL MANAGER

**SCHEDULE OF DOCUMENTS FOR AFFIXING OF
THE COMMON SEAL**

Period: 21 August 2018 – 17 September 2018

Documents for affixing of the common seal

· Nil

Final plans of subdivision sealed under delegation

- Final Plan of Survey
Explorer Drive, Turners Beach – Lot 41
Application No. SUB2007.29
- Part 5 Agreement under s.71 of Land Use Planning and Approvals Act 1993
3 & 4 Midway Lane, Sulphur Creek
Application No. DA217049
- Part 5 Agreement under s.71 of Land Use Planning and Approvals Act 1993
12C Seaside Crescent, Penguin
Application No. DA215116



Sandra Ayton
GENERAL MANAGER