

# **AGENDA**

# GOVERNANCE COMMITTEE MEETING (OPEN PORTION OF THE MEETING)

# TUESDAY, 1 MARCH 2016 AT 5.00PM

#### THE MISSION

Our mission is to ensure good governance of our capital City.

# THE VALUES

The Council is:

**about people** We value people – our community, our customers and colleagues.

**professional** We take pride in our work.

**enterprising** We look for ways to create value.

**responsive** We're accessible and focused on service.

**inclusive** We respect diversity in people and ideas.

**making a difference** We recognise that everything we do shapes Hobart's future.

# **HOBART 2025 VISION**

In 2025 Hobart will be a city that:

- Offers opportunities for all ages and a city for life
- Is recognised for its natural beauty and quality of environment
- Is well governed at a regional and community level
- Achieves good quality development and urban management
- Is highly accessible through efficient transport options
- Builds strong and healthy communities through diversity, participation and empathy
- Is dynamic, vibrant and culturally expressive

#### GOVERNANCE COMMITTEE AGENDA (OPEN PORTION OF THE MEETING) 01/03/2016

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- 6. DRAFT MODEL CODE OF CONDUCT COMMENT FILE REF: 10-5-2
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MOTION OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015

- 8. STRATEGIES TO ALLEVIATE PEAK TRAFFIC ISSUES FILE REF: 36-1-1
- 9. GOVERNANCE COMMITTEE STATUS REPORT
- 10. QUESTIONS WITHOUT NOTICE FILE REF: 13-1-10
- 11. CLOSED PORTION OF THE GOVERNANCE COMMITTEE MEETING

BUSINESS LISTED ON THE AGENDA IS TO BE CONDUCTED IN THE ORDER IN WHICH IT IS SET OUT UNLESS THE COMMITTEE BY SIMPLE MAJORITY DETERMINES OTHERWISE

- I, Nicholas David Heath, General Manager of the Hobart City Council, hereby certify
- $1. \quad \text{In accordance with Section 65 of the Local Government Act 1993, the reports in this agenda have been prepared by persons who have the qualifications or the} \\$ experience necessary to give such advice, information or recommendations included therein.
- No interests have been notified, pursuant to Section 55(1) of the Local Government Act 1993, other than those that have been advised to the Council.

Deal N.D. HEATH GENERAL MANAGER

# **GOVERNANCE COMMITTEE AGENDA (OPEN)**

**Committee Members** Ruzicka (Chairman)

Deputy Lord Mayor Christie

Cocker

Thomas Reynolds

Aldermen

Lord Mayor Hickey

Zucco Briscoe

Sexton

Burnet Cooper

Denison

Governance Committee (Open Portion of the Meeting) -Tuesday, 1 March 2016 at 5.00pm in the Lady Osborne Room.

PRESENT:

**APOLOGIES:** 

**LEAVE OF ABSENCE:** Alderman D C Thomas.

# CO-OPTION OF COMMITTEE MEMBERS IN THE **EVENT OF A VACANCY**

Where a vacancy may exist from time to time on the Committee, the Local Government Act 1993 provides that the Council Committees may fill such a vacancy.

1. MINUTES OF THE OPEN PORTION OF THE MEETING OF THE **GOVERNANCE COMMITTEE HELD ON TUESDAY, 2 FEBRUARY 2016** 

#### GOVERNANCE COMMITTEE AGENDA (OPEN PORTION OF THE MEETING) 1/3/2016

#### 2. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2015, the Committee, by simple majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the Local Government Act 1993.

#### RECOMMENDATION

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2015.

#### 3. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

In accordance with Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, the chairman of a meeting is to request Aldermen to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

In addition, in accordance with the Council's resolution of 14 April 2008, Aldermen are requested to indicate any conflicts of interest in accordance with the Aldermanic Code of Conduct adopted by the Council on 27 August 2007.

Accordingly, Aldermen are requested to advise of pecuniary or conflicts of interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the committee has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2015.

#### 4. TRANSFER OF AGENDA ITEMS

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

#### GOVERNANCE COMMITTEE AGENDA (OPEN PORTION OF THE MEETING) 1/3/2016

5. STRATEGIC VISION– REVIEW - PRESENTATION – FILE RI	F: 10-5-2
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55x's

Memorandum of the Group Manager Executive and Economic Development of 22 February 2016 and attachment.

DELEGATION: Committee

Ms Marisa Field, UTAS intern will undertake a presentation in relation to the trends influencing the revision of the Hobart 2025 Vision, for the information of Aldermen.



(s:\\_data\city management\strategic planning\vision\2025 strategic vision review memo governance 01032016\_v1.docx)

22 February, 2016

MEMORANDUM: LORD MAYOR

**DEPUTY LORD MAYOR** 

ALDERMEN

# STRATEGIC VISION REVIEW PRESENTATION

## **Background**

The current strategic vision *Hobart 2025: A Strategic Framework* is the guiding visioning document for the City of Hobart. This was formulated in 2006 with a high level of involvement from the community (1000 of whom participated in the stakeholder engagement process). The vision names seven Future Directions, which articulate the community's desire for Hobart to be a city that:

FD1: Offers opportunities for all ages and a city for life

FD 2: Is recognised for its natural beauty and quality of environment

FD 3: Is well governed at a regional and community level

FD 4: Achieves good quality development and urban management

FD 5: Is highly accessible through efficient transport options

FD 6: Builds strong and healthy communities through diversity, participation and empathy

FD 7: Is dynamic, vibrant and culturally expressive

Hobart City Council recently endorsed a new strategic plan in response to an amendment to Local Government Act 1993, which now requires Tasmanian councils to have 10-year, rather than five-year, strategic plans. This plan will be current through 2025, the same year as the current vision lifespan of the current vision.

As it is meant to provide the guiding inspiration for strategic and annual plans within Council, it follows that the vision for the City of Hobart should extend beyond the timeframe of the strategic plan.

#### **University of Tasmania Placement**

The Council arranged with the University of Tasmania for a Master of Environmental Planning student to review the 2006 visioning process, as well trends influencing the city, to gauge a potential timeframe (such as 20, 30, or 40 years from today) for an updated version of the city vision.

Marisa Field, from the University of Tasmania will present her findings (all of which are included in her full report – **Attachment A**). This information has also recently been presented to the Executive Leadership Team.

The full report includes an analysis of the following:

- Demographic trends from 2006 into the future
- External influencing factors at the regional, state, national and global scales
- Interviews with Hobart City Council members of staff
- Similar visions from elsewhere in Australia and the world
- Gaps and opportunities arising from the 2006 process and resulting vision

Marisa will briefly run through some of the above which present the rationale for the six recommendations she makes with regards to the future vision process and content:

**Recommendation 1:** Extend Hobart's vision approximately 20 years, to 2040, retaining the essence of the 2006 vision as well as updating it to reflect gaps and changes in context identified in this report.

**Recommendation 2:** Issue a discussion paper that summarises successes since the development of *Hobart 2025* nine years ago, using it to inform community engagement and integrating it into an updated vision document.

**Recommendation 3:** Draw on the City of Hobart Community Engagement Framework to inform a rigorous monitoring and evaluation process for the vision update.

**Recommendation 4:** Utilise stories, graphics, symbols and relevant vocabulary within the vision document, in order to make it accessible for community members.

**Recommendation 5:** Incorporate a section on historical lineage into a revised vision, and spatially connect vision outcomes to specific locations in the city, creating relevance for community members.

**Recommendation 6:** Directly acknowledge issues of national and global significance, such as climate change and ageing population, outlining how the City of Hobart is placed to address them.

#### Recommendation

- 1. This memorandum and the attached report are for the information of Aldermen.
- 2. The work undertaken by Ms Field will be used as an input by officers in the development of the new vision project.

(Tim Short)

**GROUP MANAGER EXECUTIVE & ECONOMIC DEVELOPMENT** 

Attachment A "An evaluation of trends influencing the revision of Hobart 2025: A strategic framework" – report by Marisa Field.



# **Hobart 2040:**

An evaluation of trends influencing the revision of *Hobart 2025: A strategic* framework

Compiled by:

Marisa Field, BA(Hons)/MEnvPlg University of Tasmania February 2016

# **Executive summary**

Hobart City Council recently endorsed a new strategic plan in response to an amendment to *Local Government Act 1993*, which now requires Tasmanian councils to have 10-year, rather than five-year, strategic plans. This plan will be current through 2025, the same year as the current lifespan of *Hobart 2025: A strategic framework*, the guiding visioning document for the city. *Hobart 2025* resulted from an extensive process of community and stakeholder engagement that saw the participation of over 1000 people.

Since it is meant to provide the guiding inspiration for strategic and annual plans within Council, it follows that the vision for the City of Hobart should extend beyond the timeframe of the strategic plan. Hobart City Council arranged with the University of Tasmania for a Master of Environmental Planning student to review the 2006 visioning process, as well trends influencing the city, to gauge a potential timeframe (such as 20, 30, or 40 years from today) for an updated version of the city vision. This report provides a summary of the research undertaken.

#### The report includes analysis of:

- Demographic trends from 2006 into the future
- External influencing factors at the regional, state, national and global scales
- Interviews with Hobart City Council members of staff
- Similar visions from elsewhere in Australia and the world
- Gaps and opportunities arising from the 2006 process and resulting vision

Based on this analysis, this report makes six key recommendations for vision process and content:

#### **SUMMARY OF RECOMMENDATIONS**

**RECOMMENDATION 1:** Extend Hobart's vision approximately 20 years, to 2040, retaining the essence of the 2006 vision as well as updating it to reflect gaps and changes in context identified in this report.

**RECOMMENDATION 2:** Issue a discussion paper that summarises successes since the development of *Hobart 2025* nine years ago, using it to inform community engagement and integrating it into an updated vision document.

**RECOMMENDATION 3:** Draw on the City of Hobart Community Engagement Framework to inform a rigorous monitoring and evaluation process for the vision update.

**RECOMMENDATION 4:** Utilise stories, graphics, symbols and relevant vocabulary within the vision document, in order to make it accessible for community members.

**RECOMMENDATION 5:** Incorporate a section on historical lineage into a revised vision, and spatially connect vision outcomes to specific locations in the city, creating relevance for community members.

**RECOMMENDATION 6:** Directly acknowledge issues of national and global significance, such as climate change and ageing population, outlining how the City of Hobart is placed to address them.

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# 1. Introduction: Report purpose, aims and methodology

This section describes the background of the *Hobart 2025: A strategic framework* community visioning process. It then discusses the rationale and methodology for this report, concluding with an outline of the analysis contained in the report.

## 1.1 Background

In 2006, the City of Hobart undertook a process of community and stakeholder engagement to frame a 20-year vision for the city: *Hobart 2025: A strategic framework* (hereafter referred to as *Hobart 2025* or 'the vision'). The engagement process involved:

- A **media release** from the Lord Mayor announcing the project
- Individual **interviews** with major stakeholders:
  - CSIRO
  - o Tasmanian Property Council
  - Tasmanian Chamber of Commerce and Industry
  - Hobart Ports Corporation
  - Hobart Airport
  - o Tasmanian Council of Social Services
  - o Australian Antarctic Division
  - o Arts Tasmania
  - o Tasmania Police
  - Sullivans Cove Waterfront Authority
  - University of Tasmania
  - Tasmania Together
  - o Tasmanian Aboriginal Council
- A **questionnaire** for community members and stakeholders to complete:
  - o Postage-paid questionnaire forms included with the *Capital City News*
  - A web-based questionnaire that could be completed and submitted online
- Targeted **letters** to significant or peak organisations in the city inviting them to participate in either of the previous two options, or by written submission
- Nine **community workshops** for the following suburbs, which included sessions on changes impacting Hobart, what people value about Hobart and what could make it better, and visions and steps to make them a reality:

- New Town/Lenah Valley
- West Hobart/Mount Stuart
- Battery Point
- o Tolmans Hill/Mount Nelson
- o North Hobart/Glebe
- South Hobart/Fern Tree/Ridgeway
- Sullivans Cove
- o Sandy Bay/Dynnyrne
- o CBD/Commercial sector
- One workshop with Hobart City Council Aldermen
- **Trialling of the draft** with community members through a special edition of the *Capital City News*
- Workshop with Council staff to formulate strategies for achieving the vision

The process was notable in that there was a high level of engagement, especially given the size of Hobart's population and engagement levels in other processes. **Over 1000 people contributed their thoughts.** 

*Hobart 2025* serves as the guiding document for Hobart City Council's strategic plan. The vision names seven Future Directions, which articulate the community's desire for Hobart to be a city that:

- Offers opportunities for all ages and a city for life
- Is recognised for its natural beauty and quality of environment
- Is well governed at a regional and community level
- Achieves good quality development and urban management
- Is highly accessible through efficient transport options
- Builds strong and healthy communities through diversity, participation and empathy
- Is dynamic, vibrant and culturally expressive

The strategies of all units of Council must work to the strategic plan and so, by default, to the vision.

A recent change to *Local Government Act 1993* stipulates that Council must shift from five-year strategic plans to 10-year strategic plans. The new strategic plan, therefore, will run to 2025, the life of the current vision. As such, *Hobart 2025: A* 

*strategic framework* will be absorbed into the 10-year strategic plan. This means that an updated or revised vision would need to extend beyond 2025 in order to guide longer-term strategic planning, i.e. planning beyond a 10-year timeframe.

The formulation of the new *Capital City Strategic Plan 2015-2025* involved engaging with key stakeholders and community members that took part in the 2006 visioning process. The process identified that they continued to support the vision and its themes (see p. 13 of the strategic plan).

## 1.2 Purpose and scope

The purpose of this report is to provide foundational knowledge for the review of *Hobart 2025*, in order to ensure that it remains relevant to and reflective of community values.

It takes a broad level approach to building context for the past, present and future of the City of Hobart. This report will not create a specific framework for revising or creating a visioning process. It will instead offer information and ideas to potentially guide and support such a process at a future date.

## 1.3 Aims and objectives

This report aims to evaluate the appropriate time period and context for extending a revised and updated *Hobart 2025*. It will do so by providing an holistic view of the demographics and processes shaping the City of Hobart across a 45-year time span, from 2006—when the first vision was created—through 2050—the likely maximum timeframe through which a revised vision would extend to.

#### **Objectives**

- 1. Determine the demographics, context and processes that shaped the Hobart community in 2006, including the creation of *Hobart 2025*;
- 2. Identify gaps in the 2006 visioning process for inclusion in a future process;
- 3. Identify changes to the City of Hobart community profile in the decade to 2015

- that may impact on the scope and content of a revised vision, including external influencing factors;
- 4. Investigate current and future factors—locally, nationally and globally—that may influence demographics, land use and processes, through 2050;
- 5. Identify potential aspirations and requirements of the City of Hobart and community stakeholders and how they might influence the city's vision for the future;
- 6. Describe the role of Hobart, as both a capital and regional city and how it may have changed or might change in the future; and
- 7. Identify community visions, nationally and globally, that could serve as inspiration for an updated vision for the City of Hobart.

# 1.4 Research methodology

The methodology of this report is comprised of three, overlapping steps:

#### 1. Literature review

- a. Documentation related to the 2006 visioning process, including engagement activities, process and evaluation
- b. Hobart City Council plans and strategies that respond to and reflect *Hobart 2025*
- c. Reports that evaluate aspects of the city, or processes and issues that might influence it (e.g. climate change)
- d. Visions and plans from a sample of cities around the globe
- e. Academic literature related to city visioning and sustainability planning

#### 2. Evaluation of ABS and other statistical data sets

- a. Hobart (C) LGA Time Series Profile, which compares data across a range of indicators for the years 2001, 2006 and 2011
- b. Hobart Inner (SA3), which shows 2013 data for some indicators for a geographic area similar to Hobart (C) LGA
- c. Population Projections to 2101
- d. State Government Journey to Work statistics

#### 3. Interviews

a. Dialogue with members of Council staff currently engaged with community members or topic areas that would provide information about how Hobart has changed over time, where it is now and what might influence it in the future

## 1.5 Outline of this report

The remainder of this report comprises two broad areas of analysis. The first five sections provide background information on changes influencing the City of Hobart through the past, present and future. Section 1 outlines the background, structure, and methodology of this report. Section 2 evaluates demographic changes. Section 3 evaluates external trends at the local, national and global scale that could influence demographic and other factors. Section 4 summarises qualitative information on the aforementioned two areas gleaned through interviews with Hobart City Council staff.

The final two sections evaluate the City of Hobart vision itself. Section 5 compares it to a variety of Australian and international visions. Section 6 discusses a partial evaluation of the 2006 process, offering additional ideas based on the research conducted for this report.

# 2. Demographics: Past, present and future

This section evaluates statistical data from four main sources: ABS time series data (for 2001, 2006 and 2011) and 2013 data for the Hobart LGA, ABS population projections for Australia to 2101 and Tasmanian State Government Journey to Work¹ statistics. The purpose is to offer qualitative insight into the quantitative data that describes Hobart's demographic composition over time. These comparisons illustrate what has changed since the 2006 visioning process, as well as what might change in the future.

The first part outlines significant demographic changes between 2006 and the 2011 census. The second offers a brief note on Hobart in 2015, based on the most recently available data from 2013. The third and fourth parts evaluate the influence of changes in surrounding Local Government Areas and Australia in general, discussing how that might affect the City of Hobart. The final part evaluates projections for the future demographics of Hobart beyond 2025, the lifespan of the current vision. This section deals purely with statistical data; qualitative data is dealt with in Sections 3 and 4.

#### 2.1 Hobart in 2006 and 2011

The following analysis offers a surface-level summary of compelling changes since 2006, based on ABS Time Series data.

As of the 2011 census, the population of Hobart LGA increased slightly since 2006, by 1434 people, to a total of 50,276 total persons. The **population is ageing**, especially in the retirement age range (55-74 years of age), although it is worth noting that the teenage population is also increasing. The 55-64 age range grew by over 1000 people, the most of any cohort.

There are also more **people choosing not to have children**, although Tasmania's overall fertility rate is higher (2.12) than all other states except the NT and Hobart's

<sup>&</sup>lt;sup>1</sup> NB: Journey to Work statistics are directly discussed in Section 3.

total fertility rate is only three per cent less than the state average. Levels of **education** are changing, with an interesting increase in the number of university educated adults, both male (45.4% in 2006 to 50% in 2011) and female (51.4% to 56% in the same period).<sup>2</sup>

Table 1: Hobart's ageing population<sup>3</sup>

Age group	2006 census	2011 census	% Change
0-4 years	2,324	2,463	-6.0%
5-14 years	4,841	4,880	-0.8%
15-19 years	3,693	3,202	+15.3%
20-24 years	5,290	5,304	-0.2%
25-34 years	6,844	7,127	+4.1%
35-44 years	6,662	6,633	-0.4%
45-54 years	7,204	7,032	-2.4%
55-64 years	5,338	6,353	+19.0%
65-74 years	2,963	3,510	+18.5%
75-84 years	2,565	2,423	-5.9%
85 years and over	1,119	1,349	+20.6%

There continues to be tension between the rates of increase in **income and** housing prices. Table 2 illustrates that increases in income levels have struggled to keep pace with increases in the cost of housing. The trend continues through 2015: the Real Estate Institute of Tasmania found that home prices increased on average 37 to 38 per cent in suburbs across Hobart, ranging from South Hobart to Lenah Valley. Outright home ownership has decreased, mortgage amounts have increased and the incidence of renting has increased.

<sup>&</sup>lt;sup>2</sup> Although it is important to note that literacy and numeracy, among other educational attainment indicators, still present a challenge in Tasmania overall (see <u>ABS Educational outcomes, experimental estimates, Tasmania, 2006-2013</u>).

<sup>&</sup>lt;sup>3</sup> ABS Hobart LGA 2011 Time Series Profile, Table 01

Table 2: Income in relation to housing cost4

	2006	2011	% Change
Median total personal income (\$/weekly)	525	640	+22.0%
Median total family income (\$/weekly)	1386	1782	+28.6%
Median total household income (\$/weekly)	1041	1256	+20.7%
Median mortgage repayment (\$/monthly)	1127	1700	+50.1%
Median rent (\$/weekly)	180	265	+47.2%

There have been changes in the **multicultural** composition of Hobart. The number of people born elsewhere and who speak a language other than English have increased. There are specific increases in immigrants from China, India and Korea<sup>5</sup>. There are an increasing number of residents who speak English very well, well, not well and not at all—meaning that they speak English as a second language<sup>6</sup>. Some of the changes may not be captured, because they do not appear in the list of the top 36 countries represented (see the section on interview outcomes for further details). An increase in the number of people speaking English as a second language, and which languages they speak as a primary language, will impact how Council undertakes community engagement.

**Religious affiliation** has changed dramatically (change since 2001 is noted to illustrate the strength of the shift). There is an increase in people claiming no affiliation—from approximately 10,000 in 2001 to 13,000 in 2006 to 18,000 in 2011, across all age groups<sup>7</sup>. There are increases in Islam (up to 700, from 265 in 2001) and Buddhism (up to 966, from 671 in 2001). There is a stark decrease in affiliation

<sup>&</sup>lt;sup>4</sup> ABS Hobart LGA 2011 Time Series Profile, Table 02

<sup>&</sup>lt;sup>5</sup> ABS Hobart LGA 2011 Time Series Profile, Table 08

<sup>&</sup>lt;sup>6</sup> ABS Hobart LGA 2011 Time Series Profile, Table 11

<sup>&</sup>lt;sup>7</sup> The total population in 2001 was 47,319, with 48,842 in 2006 and 50,276 in 2011. This means that, as at 2011, 36.6 per cent of Hobart's population claims no religious affiliation.

with Christianity of all denominations (at 23,500, down by 5000 since 2001)<sup>8</sup>. This has far reaching implications for the provision of key cultural services.

# 2.2 Hobart in 2015 and beyond

The ABS projects limited changes to Tasmania and Hobart over the course of the 21st century.

Tasmania's proportion of net overseas migration to Australia, a major driver of the country's overall population growth, is only projected to increase to 0.6 per cent of the total, from its current level of 0.5 per cent. This is modest compared to Victoria and New South Wales, projected at 25.3 per cent and 27.6 per cent respectively. High, medium and low projections from 2021 all determine Hobart would have the majority share of Tasmania's net overseas migration—on average, 67 per cent of the total—ranging from 730 to 1003 migrants annually. The aggregate impact would still affect the provision of city services to new and existing residents.

The ABS states that interstate migration, 'as an unrestricted and unregulated effect on population, is volatile and an unpredictable component in population ... projection'. Tasmania has historically seen fluctuations, with a long term trend of net loss. In projections of large, medium and small interstate migration flows, Tasmania sees either nil or negative flow in all but the largest flow scenario. Hobart has typically had stable or net positive flow over the past decade, with periods of negative flow in 2002 and 2006-2007. The 2012 rate sat at a 900-person loss. Hobart sees negative flow in all but the small flow projection.

Tasmania's overall population, following the ABS medium Series B assumption, is projected to increase slowly before levelling at 569,200 people in 2046. Tasmania, at the last census, had the lowest life expectancy of any Australian state apart from the NT, at 78.3 years for males and 82.5 years for females. It is important to note,

 $<sup>^{8}</sup>$  ABS Hobart LGA 2011 Time Series Profile, Tables 12a, 12b and 12c  $\,$ 

<sup>&</sup>lt;sup>9</sup> The following analysis is based on ABS Population Projections, Australia, 2012 (base) to 2101

however, that this sits only marginally below ACT, with the highest life expectancy, at 81.0 years and 84.8 years respectively.

It is important to note that the State Government's population strategy aims to increase Tasmania's population to 650,000 by the year 2050. Implications are discussed in greater detail in Section 3.

# 3. External influencing factors: State, national and global

This section discusses trends and influences at three scales of governance: state, national and global. The purpose is to contextualise Hobart's vision through evaluating its connections to broader systems and spheres of governance. Drawing these connections aids in considering the efficacy of Hobart's vision where it links to systems, processes and plans that may or may not respond to or support that same vision. It also discusses influences that could result in shifts in the demographic trends outlined in the previous section. It is important to note that following analysis includes several *indicative examples* of the many factors and trends that would need to be explored in a visioning process.

## 3.1 Influencing factors in surrounding LGAs

The **Hobart metropolitan area** is growing. Development that occurs in the Local Government Areas of Tasman, Sorell, Clarence, Glenorchy, Brighton, Kingborough and Huon Valley all have the potential to dramatically affect the City of Hobart, which serves as an important hub for business, culture and government. Suburbs such as Carlton, Primrose Sands and Kettering are experiencing booms in housing prices and their proximity to Hobart makes them desirable for potential commuters.

This presents a significant potential burden on connective infrastructure. The State Government *Journey to Work Data Analysis* provides a range of key insights on this issue. As at 2011, 45,587 people had Hobart as their journey to work destination; Hobart was the point of origin for only 17,050 of these commuters. The Council areas with the most people commuting to Hobart are: Clarence (9,490), Glenorchy (7,159) and Kingborough (6,551). However, it was still relatively common for residents from as far as Brighton (1,565), Sorell (1,528) and Huon Valley (1,066) to commute to the city. Some Hobartians also commute to other council areas for work, predominantly to Glenorchy (2,240) and Clarence (14,53). These numbers underline the importance of considering transport demands, as well as whether additional green transport options (such as the Intercity Cycleway and light rail between Hobart and Glenorchy) might feature as part of a revised visioning discussion.

Hobart International Airport's *Runway Extension — Major Development Plan* was recently approved. Combined with increases in hotel capacity, increased airport capacity would mean a change in the type, frequency and origin of flights, which would have flow-on effects to related infrastructure and services, such as roads.

# 3.2 Tasmanian state strategies and plans

There are two main shifts in state priorities that could potentially have a large impact on the demographics of the City of Hobart and surrounding area.

The first is the State Government *Population Growth Strategy*, which the State Government has named as a top strategic priority. They aim to increase the Tasmanian population to 650,000 by 2050, in order to 'drive economic growth, create jobs and improve the standard of living for all Tasmanians'. They plan to actively pursue and facilitate inward migration from interstate and overseas, focusing on job creation and workforce development in order to attract new residents. If the strategy is successful, it will have far-reaching implications for Hobart as a capital city.

The second is the state strategy for the **tourism** sector. *T21* is a 'joint strategic plan that aims to increase visitation to Tasmania to 1.5 million visitors a year by 2020'. Again, this is a strategy that would have far-reaching impacts for the City of Hobart if it were to be successful. The majority of these visitors would pass through Hobart at some stage in their journey. What would they do? What services and amenities would they require? Pressure will be on Hobart to provide these things.

The State Government has also voiced support for new developments such as the **sharing economy**, specifically in the form of Uber and Airbnb, which have experienced legislative challenges both in Australia and overseas. What would the sharing economy look like in Hobart? How would it impact established services?

## 3.3 National issues and global trends

National shifts and priorities affect Hobart in many cases, either directly or indirectly, through Federal Government policies and initiatives. The recent CSIRO National Outlook report, for example, determined that 50 to 90 per cent of differences in environmental performance and resource use are the result of top-down collective choices. What influence do Federal Government policies and initiatives have on the City of Hobart? What influence does Hobart City Council have on its own local government area? The following are several key areas influencing Hobart, as well as other cities in Australia, and are described in greater detail in Section 5:

- Climate change
- Ageing population
- Agricultural output
- Resource depletion
- Globalisation
- Multicultural Australia
- Interstate tourism
- Shift to the knowledge economy

Many of these areas are outlined in detail in the following two sections.

# 4. Interview outcomes: Stories of change and ideas for the future

This section summarises the outcomes of interviews with nine Hobart City Council staff members. The purpose of the interviews and the following discussion is to capture information that cannot currently be found in online resources, or in existing quantitative data sets (such as ABS reports). Much has changed in Hobart since the 2011 census (and the next census is only a year away), so the demographic, social and other trends noticed by Council staff are key to creating an anecdotal illustration of what the City of Hobart is currently like.

The first part outlines the basis for interview participant selection and who the participants were. The remainder of this section summarises key themes that emerged across the interviews, related broadly to changes in Hobart since 2006, changes in the roles and operations of Hobart City Council and potential changes Hobart might see going into the future. The analysis that follows is subjective and based on thoughts reported by participants, rather than statistics gleaned from formal quantitative data sets. There is however great value in collecting and analysis this subjective data, in that it comes from the on-the-ground experience of Hobart City Council staff carrying out their day-to-day work.

#### 4.1 Participants

The aim of the interviews was to get a broad cross-section of opinions and expertise about how the City of Hobart has evolved since 2006. There was no formal selection process; the overarching goal was to speak with people working in a variety of areas of Council, who also had significant exposure to the community in their roles. The interviews were informal and conversational in nature, focusing on two general topic areas: what had changed in Hobart in the past 10 years, and how Hobart might change in the future. The interviews typically lasted for 60 to 90 minutes. Table 1 lists the participants involved.

Table 1: Interview participants

Name	Title	Division	
George Wilkie	<b>Executive Manger City Design</b>	City Planning	
Katrina Graham	Environmental & Climate Change Projects Officer		
Jane Castle	Cultural Programs Coordinator	Community Development	
Kimbra Parker	Manager Community and Cultural Programs	Community Development	
Michael Daly	Manager Festivals and Events	Community Development	
Kerry Baker	Principle Advisor—Media and Community Relations	Corporate Services	
Sarah Phillips	<b>Executive Officer City Infrastructure</b>	Corporate Services	
Tim Short	Group Manager Executive and Economic Development	Executive and Economic Development	
Jill Hickie	Senior Park Planner	Parks and City Amenity	

# 4.2 Changes in the City of Hobart since 2006

#### Population pressures and demographic changes

A key theme was the **ageing population** of Tasmania and the Hobart area, which a number of participants noted as an important area of change in the past 10 years. In some ways tied to this trend is the proportion of the Tasmanian population **living with disabilities**, at 25 per cent of the total population as at 2012—the highest of any state<sup>10</sup>. Critically, 55 per cent of the population aged 65 years and above has a disability. Although these are state-wide statistics, these two factors have farreaching impacts for the accessibility needs of the city, including not just publicly owned assets and infrastructure, but the composition and design of such key features as housing and support services, especially given that Hobart is a major centre of health care provision.

<sup>&</sup>lt;sup>10</sup> See ABS Disability, Ageing and Carers, Australia: Summary of Findings, 2012

**Retirees, sea changers** and **tree changers**<sup>11</sup> are also moving to Tasmania, and especially to the Hobart metropolitan area, seeking a different pace of life, access to nature and more affordable living. These groups may be accustomed to accessing cultural and other amenities found in urban centres with populations in the millions and thus have commensurate demands and expectations. They also influence housing prices and demand.

There are myriad ways that people interact with the city, which factor more into Council's thinking and decision making than in the past. For example, a person with autism might navigate and experience the city in different ways. Similar variations of experience are increasingly being incorporated into related strategies and actions. This shift in Council's understanding is reflected through trainings held within Council in order to raise employee awareness of the needs of different residents and visitors.

Multicultural Hobart has also changed in the past 10 years. There is a much larger Chinese population, for example, than there was in 2006, which includes many different people with individual needs and goals. Hobart's refugee community includes people from many locations—such as DR Congo, Sudan, Ethiopia, Bhutan and Afghanistan—that did not feature (or did not feature as strongly) during the 2006 process. There are now 32 Sudanese languages represented in Hobart, for example. The needs of these communities are sometimes different than what had previously been planned for. For example, families may be larger and thus require different services. Shifting racial, ethnic, linguistic and religious backgrounds likewise mean that different services would be required. It also means that entire groups of people were not yet present so as to participate in the 2006 process.

There has also been an increase in the **international student** population, especially in students coming from Asian countries. New developments, such as the UTAS student accommodation in Hobart CBD, mean that more student services will be required in different parts of the city than before. An increasing inner city youth population also means demands for cultural services and amenities, such as

<sup>&</sup>lt;sup>11</sup> People who move from fast-paced urban areas to coastal or inland rural areas for lifestyle reasons, such as more space, less stress and lower cost of living.

restaurants and bars, as well as commensurate safety features, such as night time street lighting.

The Aboriginal Strategy 2002 is out of date and has not been revised in the time since the 2006 visioning process. There are challenges in engaging and consulting with the many different individuals and organisations who are active in the **Aboriginal community**, but it is key to formulating an inclusive and widely relevant vision. A future process could provide an opportunity for such collaboration.

Based on the above, it was suggested that the first step in the next visioning exercise could be to **commission a new community profile**. This process would quantitatively capture the aforementioned trends to more accurately inform visioning.

#### Provision of key services

Based on the aforementioned demographic changes, as well as other influencing factors, the **need and demand for services** has changed. There are shifting **health care sector** requirements, for example, as a result of the ageing population. There are also persistent challenges in terms of **educational attainment** in Tasmania more broadly that require the attention of both Council and State Government, especially given that people live, work, and engage in leisure activities across council boundaries. Levels of educational attainment affect a range of other indicators, so Council's role in community education could factor in to visioning. <sup>12</sup>

Council's own priorities have also experienced tensions between the traditional 'roads-rates-and-rubbish' role and enabling cultural changes in the city. Recent initiatives targeting the improvement of **public toilet facilities** are an example of where the City has aimed to resolve foundational issues before moving on to initiatives could be perceived as 'extras'.

<sup>&</sup>lt;sup>12</sup> See the UTAS/State Government Peter Underwood Centre for Educational Attainment publication Education Transforms – Papers and Reflections.

Usage of **Council-owned public spaces** has changed. There has been major growth in areas of passive recreation, such as walking in Council reserves, as opposed to structured or sporting recreation. Hobart is unique in that it has world class recreational opportunities *within* a capital city. The city does an excellent job at leveraging this attribute, but there are also questions of how and to what degree new developments, such as a cable car on Mount Wellington, might affect user enjoyment and integrity of the reserves.

# Major developments

A number of major developments have drastically changed the cultural and spatial landscape of Hobart in some ways. The clearest example is **MONA**, which has put Tasmania and the Hobart/Glenorchy area on the map in terms of the arts scene, not only in Australia but globally. The sudden shift toward Hobart as a cultural capital has profoundly influenced what seems possible and desirable for the city.

Other key developments include the **UTAS** inner city student accommodation and Centre for Performing Arts<sup>13</sup>, the **Macquarie Point** mixed-use redevelopment and the **Myer** development in the CBD. The **Royal Hobart Hospital development** and the **State Government precinct development** will also have an impact on the city. Additional areas include the increasing momentum of Hobart as an **Antarctic gateway**, as well as redevelopment of the waterfront and the Mercury building. The long-term influence of these developments is as yet uncertain.

A number of major **hotel developments** have taken place or are taking place in the inner city. If the number of visitors to the City of Hobart increases in tandem with these developments (especially taking into account the State Government's tourism strategy), an important question exists around the degree to which Hobart can, should and wishes to provide cultural and entertainment options for visitors to the city.

 $<sup>^{13}</sup>$  It is also important to note UTAS's own targets—they aim to double the number of international students by 2025—which will have implications for the provision of services and amenities.

#### Changes in key stakeholders

Entirely **new stakeholder groups** have emerged since 2006. For example, the legislative change resulting in TasWater created an entirely new agency that needs to be consulted. There are sure to be other important players that have come to the scene during that time, which should be identified and included.

Structures of **community groups** have changed. They have changed in focus from geographic area to topical area in many cases. For example, Bushcare groups involve older volunteers in many cases, while the younger demographic focuses their engagement through outdoor sports, such as mountain biking and rock climbing advocacy. Another example is the shift from precinct progress associations to sustainability groups focused in certain communities. People are also more likely to act as individuals or small groups on certain issues, such as community gardens and planting on nature strips. There is also a subtle shift toward some community members wanting to be more self-sufficient and for Council to enable those aims.

# 4.3 Hobart City Council 2015: Changes in institutional context

Development and refinement of community engagement methods

One extremely positive outcome of the 2006 visioning process was the design and implementation of a formal **community engagement policy** that now informs all Council engagement initiatives. A compelling area of investigation, in addition to the individual project evaluations, would be a broad-scale evaluation that gauges the overall changes in the effectiveness and experience of engagement processes in Hobart under the new policy.

There have also been changes in engagement methods with the rise of **internet technology** and **social media**. The recently launched *Your Say Hobart* community engagement website is a prime example of positive change and the range of possibilities available for future projects. The City of Hobart has also begun hosting **Community Engagement Forums** in precincts around the city. The

forums provide a venue for residents, ratepayers and other people to hear the latest Council news and also voice concerns. It is now much easier to contact and access Council in a variety of ways, in addition to letter writing. Still, engaging young people, for example, continues to present a challenge.

Stakeholders of all types are increasingly **savvy about their right to have a say**. This is a fantastic outcome in terms of engagement, but it also presents challenges for Council staff in filtering through and responding to feedback coming through various online and offline channels. There was a perception amongst some staff that stakeholders voice their concerns about visible issues, such as road repairs, but are largely disengaged with issues whose effects are important but less tangible, such as strategic planning. This contrast is a persistent issue, and it remains an important point of continued focus. The 2006 process demonstrated an important exception to this trend, since many people participated, relative to other community engagements. Aiming to achieve the same (or greater) level of engagement in the next process will be a compelling way to wield new engagement methods that have become available since 2006.

Shifts in Council-community relationships

Shifts in **Council-community roles and relationships** were arguably the strongest set of themes to emerge during the interviews. The major question was whether Council should shift more strongly to a **role as a facilitator and funding body** rather than a service provider. It was argued that this would support creativity and innovation amongst community members and other stakeholders, at the same time as reducing Council workload and the time required to go through local government processes of budgeting, reporting and risk management.

Council could also continue to strengthen its role as an information provider, supporting people in navigating sometimes complex systems in order to achieve desired outcomes, such as putting on an event or starting a small business.

Considering ways to **simplify and streamline** the process through providing **guidance and clarity** has become increasingly important. Having the human resources to support these initiatives was seen as critical to their success. There was a

perception that Council is still playing catch-up in the face of these shifting trends in community needs.

**Speaking with honesty** in various public forums about where Council has been a blockage, rather than enabler, for getting things done has been key to building trust within the community in recent years. It is helpful to bear in mind that Council employees themselves are also stakeholders and participants in the life of the city—an important consideration for creating a sense of continuity and cohesion through the process of engagement.

There were also questions of how Council staff and the community can **engage with**City Aldermen at a practical and political level that supports collaboration.

Relationships between Council and **children and families** have changed. Council no longer focuses on service provision, such as day care. There are changing expectations about what Council should provide; ratepayers expect more and at a higher standard of quality. Children are now seen to have voices in community engagement. The city is seen by some residents and visitors to be lacking in opportunities for kids to play. There are also changing expectations about family services across the life course; as the population ages, there are more frequent requests and needs for adult change table facilities, for example.

Council has become increasingly **risk averse**, in line with global trends. Risk management requirements impact how services are provided and to what level. It also impacts people's perceptions of the blurred line between personal responsibility for outcomes and Council's responsibility. It is worth considering and defining these expectations during a visioning process.

Gaps between State Government and local government approaches

There are sometimes **gaps** between State Government initiatives and priorities and those of Hobart City Council and other LGAs. One example given during interviews had to do with approaches to climate change adaptation and mitigation strategies,

where the State Government preferred technological approaches rather than methods of influencing **behavioural and organisational change**.

Another gap was noted between approaches to **tourism development** and **population growth**. A number of participants pointed out that State Government priorities may at times focus more explicitly on regional areas of Tasmania without accounting for how those initiatives might affect Hobart as the capital city.

There is also a perception that local Councils exist at a more **transparent level of governance**: State Government can make decisions in Cabinet, which is effectively a 'closed shop'. Council decisions are more open to public scrutiny and thus require more nuanced approaches in some cases.

# 4.4 Thoughts on the future

Impacts of ecological pressures

There are increasing **ecological pressures**, especially to do with **climate change**. Climate change was previously targeted for mitigation; it is now an issue of adaptation. It was shocking to some that the crisis has reached this point at both local and global scales. Especially critical for Tasmania are the impacts of **extreme weather events**, increased **bushfire** hazard risk and **sea level rise**—all of which would impact the Hobart area.

Pressures on **bushland reserves**, particularly related to bushfire hazard, biodiversity management and pest and feral species control, is mounting. Given that 62 per cent (4,806ha) of the Hobart Local Government area is comprised of native vegetation, of which Hobart City Council owns 62 per cent (2,966ha), management of reserves under these constraints will become an increasingly pressing financial and logistical issue.

That Tasmania is an island helps to mitigate, but not eliminate, some of these issues. It also presents a challenge in the face of **resource depletion**, where increases in fuel costs, for example, could have devastating economic and social impacts.

A positive development since the 2006 process is the **mainstreaming** of these issues. Community members are more knowledgeable of and concerned about the status of Hobart's environment, and ways they can contribute, than perhaps they were previously. Hobart City Council is thought of as dealing well with issues of ecology and climate change. Key in the coming years will be supporting well-connected communities that can adapt and respond themselves—in other words, communities that are **resilient** to change. Navigating public opinion on the degree to which Council is responsible for resilience will be a key challenge going forward.

Ecological pressures especially impact Hobart's **hinterlands**, both land- and seabased. Hobart and Tasmania's desirable environmental characteristics are major selling points for tourists, residents and trading partners, such as China. Impacts of climate change and other environmental issues on seafood and agricultural production, for example, influence the area's image and output in a range of sectors.

In light of ecological pressures, there were questions around what governance, finance, education, health care and other services would look like in the future. What would be **the role of Hobart City Council**? There are many opportunities for creativity and innovation in this space.

# The influence of technology

Technology has changed and will continue to change the way that community engagement will be undertaken, as described earlier in this section. It also broadens possibilities **for data collection, retention and analysis**.

Participants gave a wide range of examples as to **how technology could be utilised** in Hobart in the future. What would Smart City technology look like in Tasmania's capital city? In addition to engaging with the public, it has a critical role in obtaining and generating data about a range of issues. Examples given included GIS for biodiversity surveys, online publication of planning schemes and online application systems for a variety of uses. None of these featured nearly as strongly in 2006 as they do today.

While the possibilities for technology use are wide ranging as well as compelling, there are also challenges to consider. Technology improves ease, but not necessarily quality, of communication. A key feature of resilient cities is that residents are familiar to and care about one another. A number of participants highlighted that neighbours are now less likely to know one another, and that Council often serves as an intermediary in informal disputes that could be handled personally. For a future visioning exercise, it is worth considering what the concept of '**community**' really means to Hobart stakeholders, and how that concept can be fostered and supported by Council.

Hobart as a capital city and hub for Tasmania

More and more, Hobart serves as a **gateway city** and a **hub** for the rest of Tasmania. As one of two cities with a major airport, and as the **state capital**, it is a node for the flow of business and services.

As this report has described, Hobart has an increasingly powerful role as a **cultural centre** for arts, music and other events. It also continues to serve as a gateway for **adventure tourism**, which is growing as new products and services develop. The explosion of mountain biking trails in and near Hobart, as well as elsewhere in Tasmania, serves as one example. Its role as an **Antarctic gateway** also continues to increase.

It is important to note that Hobart residents and stakeholders, not just tourists, engage in these activities—for example, 50 per cent of **Hobart residents** attended a Dark MOFO event, a dramatic increase for Dark MOFO's first year, when the proportion was closer to 16 per cent. Anecdotally, Hobart residents are beginning to identify themselves with the arts and culture vibe that increasingly defines the city, in addition to Tasmania as a wilderness destination.

The **influence of this growth is uncertain**. Several factors affect the efficacy of the tourism and cultural sectors going into the future. As an island state, Tasmania is particularly vulnerable to changes in flight prices and fuel costs. A number of

participants also questioned what the implications might be if or when the 'MONA effect' loses steam. There were fears that Hobart could be a 'one trick town' in that regard. Reconciling hopes and dreams for the future, as well as potential alternative realities, are important points of reflection for the next visioning process.

There were questions of whether Hobart has the critical mass to retool and retrain in line with changes in the requirements of the **labour market**. At the same time, whether Hobart would be able to retain some of its most unique and desirable characteristics, such as friendliness and a relaxed pace of life, seemed problematic in a larger population scenario.

Another theme to surface during interviews related to **potential shifts in governance systems and boundaries**. As the Hobart metropolitan area develops and urban areas blend, whether two or more councils in the Hobart area would amalgamate or collaborate more closely would greatly affect the content and outcomes of a city vision. The State Government has already requested that all Local Government Areas participate in the examination of this topic.

One participant highlighted that it is impossible to think strategically about Hobart's future without factoring in other council areas. It is likewise impossible to achieve outcomes on connective issues, such as sustainable transport and housing demand, without collaborating across local government area boundaries. Melbourne was cited as one example were a review of governance structure resulted in council restructuring.

Changing land use and infrastructure patterns

Major questions of **land use planning and urban design** will be important to consider in the next visioning exercise. As economic drivers and dominant business types fluctuate, the requirements of the built environment will change. It may be that space in the city centre is required for different uses in the future. The Gehl Architects Report, *Hobart 2010 Public Spaces and Public Life: A City with People in Mind*, was undertaken in 2010. The *Inner City Action Plan*, based on this report, continues to transform the city centre. Engineering capacity has improved, so space

can be used better and perhaps differently than in the past (for example, building on steep slopes).

Especially as **issues of ecological sustainability** become more present in the local and national consciousness, ensuring that cities are friendly to human-powered transport and that nodes for essential services are available close to or within residential areas will become increasingly critical. Gaining acceptance of bike lanes and prioritising pedestrians in urban design is slow-moving and often problematic. A key challenge for the future, as with many areas, is to **support buy-in** to these initiatives in practice—they sound nice in theory but largely conflict with other vision statements that promote car use and parking provision.

There are questions as to how **legislation** will keep up with and respond to changing demands, such as increasing **urban density**. Increasing density is an idea that has gained acceptance in recent years—one participant pointed out that the idea of high rises and a denser Hobart would have seemed unthinkable 10 years ago.

Shifts and challenges in community aspirations and outlook

One participant highlighted that a challenge of visioning is to make it consistent with **people's understandings of their own lives and lineages**. We live in a highly individualised society. Hobart's population is ageing—the median age is 38, according to the ABS—family size is smaller, and fewer people are having children. The population is also highly mobile, with many Hobartians moving to mainland Australia to seek work experience and returning to raise a family. These demographic changes affect how people conceive of their future, as well as the sense of stewardship toward the city and the land. The year 2050 is conceivably outside the lifespan of many Hobart residents and stakeholders. Culturally and practically, to think concretely about subsequent generations runs contrary to standard four-year cycles of politics and annual cycles of budgeting. How, then, does a city become relevant, present and visceral for people?

## 5. Comparative analysis: Visions from around the world

This section evaluates visioning documents from a number of cities in Australia and around the world. The purpose is to provide inspiration for a more detailed review of Hobart's vision, through noting particular strengths of each vision. It also situates Hobart's vision within the context of visioning more broadly, especially given its unique position as both a capital and regional city. This section first outlines the basis for comparison with other visions, followed by a review of nine Australian and international visions. The focus is on the strengths and compelling points of difference of each vision. The section concludes with a brief discussion of lessons learned that could be applied to a visioning exercise in Hobart.

#### 5.1 Basis for comparison

Two main criteria were utilised in selecting visions for comparison. The first criterion focused on cities similar to Hobart in terms of their population, topography, or role in governance (such as being a capital or regional city). The second focused on cities known to have inspiring urban policies, or whose visions were themselves inspiring and user-friendly. The selected visions also included those of cities that Hobart has previously been compared to, such as Christchurch, NZ and Portland, USA. One national vision was also selected on the basis of its unique approach to planning. Table 3 outlines the visions reviewed for this report. The subsequent sections describe features of the visions that could inform Hobart's vision review.

Table 3: Visions for comparative analysis

Location	Title	Created	Lifespan	Basis for comparison					
Australian city visions									
Brisbane	Brisbane Vision 2031	2013	18 years	Australian capital city					
Melbourne	Plan Melbourne 2014 (2014-2017, 2017- 2024 and 2025- 2050)	2014	26 years	Australian capital city					
Adelaide	The 30-Year Plan for Greater Adelaide	2010	30 years	Australian capital city					

Fremantle	Freo 2029— Transformational Moves	2013	16 years	Regional city known for progressive planning policies	
Internationa	al visions				
Christchurch, NZ	Central City Recovery Plan 2011 (to 2014, 2022, 2032)	2011	21 years	City with similar mountain backdrop; progressive policies unique to postearthquake reconstruction	
Wellington, NZ	Wellington Towards 2040: Smart Capital	2011	30 years	Capital city of similar size (204K residents) and topography	
Portland, USA	Portland 2030: A vision for the future	2008	22 years	Oregon's largest city, known for unique culture and sustainability practices	
Copenhagen, Denmark	Eco-metropolis: City Vision for Copenhagen 2015	2007	8 years	Internationally highly regarded example of high-level urban sustainability practices	
	Sustania Guide to Copenhagen 2025	2012	13 years	A sustainability think tank's guide to the same city	
Ecuador	Plan Nacional de Buen Vivir 2013- 2017	2013	4 years	An internationally highly regarded example of integrating communitymindedness and sustainability into high-level planning	

#### 5.2 Australian city visions

Hobart's vision is in line with other visions from around Australia. This report specifically looks at four of them: three from other capital cities, and one from a smaller city known for progressive planning policies.

#### **Brisbane:** *Brisbane Vision 2031* (created in 2013)

Brisbane's vision is the most accessible for the reader of all of those reviewed. It is clear, concise and had a compelling design with striking and informative graphics.

## Key features:

- Lists what was achieved since the last vision in clear and quantified bullet points

- Clearly outlines roles of Council using easy-to-read symbols: provider, funder, regulator, partner, facilitator, advocate
- Outlines 'targets' for next vision, with a list of 'aspirations' and points about how the community can contribute, then uses the symbols for Council's role(s) in each target
- Directly incorporates issues of urban design
- Includes links to where council strategies and information can be found and accessed, as well as note in a range of major languages about where to find details and request translation

The Brisbane vision resulted from a similar engagement process and had a similar timeframe to Hobart's: it was first undertaken in 2006 and updated in 2013. The new vision did not rationalise the choice to update, except to say that it aimed to align with and contextualise long-term council planning, and that there have been significant changes in Brisbane since 2006.

A key weakness it does not adequately confront sustainability conflicts between key themes and target areas, such as a 'Clean Green City', focusing on sustainability, and a 'New World City' which aims to insert it into a globalised marketplace. This conflict is a clear example of highlighting sustainability issues but not confronting the tensions that arise when they are juxtaposed against economic development outcomes.

#### <u>Melbourne – *Plan Melbourne 2014*</u> (created in 2014; currently being updated)

Melbourne's vision is the most comprehensive of all of those reviewed. It is exceedingly long (220 pages), but it includes many informational diagrams and maps. That it is intensely spatial in nature makes the vision easy to apply in concrete terms. Rather than offering general direction statements for inspiration, they are framed as quantifiable targets with spatially clear points of application.

#### Key features

 Fully integrated into the land use planning system, with direction statements mapped out spatially relative to their relevant locations within the city

- Split into near- (now to 4 years), medium- (2017 to 2025) and long-term (2025 to 2050) timeframes, making targets clear and integrated and positioning Council to remain accountable for delivering on the vision over time
- Includes the concept of '20-minute neighbourhoods', where at any given point in the city, residents are able to access goods and services within 20 minutes' walking distance
- Includes maps and charts that profile each precinct of the city

*Plan Melbourne* was written in 2014, but it is already being updated for 2016. The quick turnaround was surprising, given its comprehensiveness. A recently-released discussion paper outlines potential areas of change in advance of community engagement. The plan's essence will apparently remain the same, but it named several key areas of rapid change that State Government found powerful enough to instigate a review: a changing economy, demands on infrastructure, growing and ageing population, changing climate and diverse housing demands. As Australia's second largest city, the issues facing Melbourne occur on a different scale than those facing Hobart, which is  $1/20^{\text{th}}$  its size. It does, however, provide a case in point for the implications of city visioning in an era of rapid change.

# Adelaide: The 30-Year Plan for Greater Adelaide (created in 2010; extends to 2040)

The major strength of Adelaide's vision was contextualising it within the broader planning system, and making the case for why a vision is important.

#### Key features

- Outlines role of the plan and clearly lists subsidiary plans
- Outlines key (and confronting) challenges and opportunities facing Adelaide
- Stated goal is to be known as a competitive and efficient planning system
- Chart explaining relationship with key State Government plans and policies
- Clear references located in the margins, making it easy to fact-check
- Full-page, colourful reference to Aboriginal heritage
- Draws clear connection to Adelaide's unique planning history

Adelaide's vision is very comprehensive, with clear links across the planning system, including to a *Spatial Vision for the Future of the City*, developed in 2014. Like Melbourne's, it totals over 200 pages and is written in a small font. It thus reads more like a formal document, making it less accessible.

#### **Fremantle:** *Freo 2029—Transformational Moves* (created in 2013)

Like Brisbane's vision, Fremantle's has a compelling and easy-to-read layout and structure. Its length is similar to that of Hobart's vision (which is 19 pages), but it is presented more like a booklet than a report.

#### Key features

- Plan broken down into 'transformational moves' each associated with different community precincts: goals have specific spatial relationships, as with Melbourne's plan, but in an easier to absorb format
- Timed to coincide with the city's major 100- and 200-year landmark events taking place in 2029
- Three strategic directions inform five transformational moves: the vision is modest in scope and thus perhaps more achievable and relevant for a city of its size
- A full evaluation juxtaposes community ideas with Council responses from the visioning process

A key strength of Fremantle's vision is that it integrated larger-scale planning priorities, such as increasing density and accessibility for tourists, into spatial initiatives, making for a clear and accountable vision.

#### 5.3 International visions

In making international comparison with Hobart's vision, there are many areas where Hobart could adopt visioning elements typically utilised by larger, more globalised cities. While Hobart's population is smaller than all of those cases that follow, its unique stance as a capital city in a highly desirable geographic area with many of its sustainability values intact make it an ideal location for applying some of the following strengths.

## Wellington, New Zealand: Towards 2040: Smart Capital (created in 2011)

While Wellington is 1.8 times the size of Hobart, it still provides a good basis for comparison in its position as a capital city under 1 million people. Wellington's plan has a similar formal style to Melbourne's and Adelaide's. Its categories of goals are similar to Brisbane's, and its layout is more or less similar to Hobart's vision.

#### Key features

- Defines global trends facing the city, then outlines existing strengths of the city in response to those issues
- Provides a clearly thought out rationalisation of each goal, explained why it is important and supporting its relevance

No quantifications are included in the Wellington vision. While some of the content is compelling, the layout is fairly unclear and lends itself to skimming rather than reading.

## **Christchurch, NZ:** *Central City Recovery Plan 2011* (progressive staging: 2014, 2022, 2032)

This plan is unique in that it responds to a major natural disaster that strongly affected the built and social fabric of the City of Christchurch. In reacting to such a traumatic event, it takes on a level of seriousness and accountability beyond what might be expected from standard city visions. It also provides an inspiring example for how a city can be rebuilt in light of knowledge generated in recent decades that better supports social, environmental and economic outcomes.

#### Key features

- Strong historical focus and sense of lineage: it shows maps of development and changes within the city over the decades
- Clearly defines threats to the city in light of the earthquakes and directly confronts them in the text
- Provides a case study of how a city would ideally be built when starting almost from scratch in some areas

- Supports the adaptive reuse of materials in urban construction—not just for earthquake reconstructed but factored into building design
- Outlines the city's assets and how they can positively influence sustainable behaviour, such as flat topography for cycling
- Provides a clear staging overview for how the vision will be achieved over time
- Outlines related incentive structures and programs

What do cities retain and discard given the opportunity to redesign? The earthquakes in Christchurch caused devastation in many ways. The strength in this plan lies in its reframing of these events as a chance to move beyond some of the normal constraints of an established built environment to create a city that meets present and future needs. There are important lessons here for any city experiencing current or projected areas of growth or development.

#### Portland, USA: Portland 2030: A vision for the future (created 2008)

Of all of the visions reviewed, Portland's was the most effective at directly addressing global challenges and how the city is poised to respond. It is strongly worded and gives the impression that local government is a leader in terms of issues that important to and for Portland residents.

#### Key features

- Incorporates city values
- Outlines global challenges and how they will affect the city (such as peak oil, climate change, ageing), describing the changes and discusses how vision confronts these at the same time as improving quality of life
- Directly confronts the tension in defining unifying vision while being inclusive of disparate views (on issues such as car use)
- Gives example story for each action area, describing local residents and their lives in the future
- Incorporates compelling vox pops from process participants
- Connects the future with historical influences, describing how planning shaped the city
- Listed the people involved

- Includes comprehensive glossary of terms
- Photos reflect diversity of place

## <u>Copenhagen, Denmark: Eco-metropolis: City Vision for Copenhagen</u> <u>2015 (created 2007; local government plan)</u>

This report reviewed two visions from Copenhagen: one created by local government, the other created by Sustania, a Copenhagen-based sustainability project of the Danish think tank, Monday Morning. The local government's vision for Copenhagen as an eco-metropolis is one of the most highly regarded (and tangibly successful) in the world. Copenhagen is known as a strong exemplar of sustainability initiatives put into practice.

#### Key features

- Includes facts about what the city has done well
- Utilises one to three quantitative goals per section that focus on issues that cross-cut social, environmental and economic indicators, such as a percentage decrease in cyclist injuries
- Only 20 pages long
- Quantitatively tracks vision against current progress to date

#### **Sustainia Guide to Copenhagen 2025** (created 2012; think tank plan)

Sustainia is 'a global alliance of international partners that work to raise awareness of the desirable societies we could live in if ready and available solutions were implemented at large scale'. <sup>14</sup> Sustainia is supported by DNV GL, Philips, Ikea, GE, Cisco, Tetra Pak, and Microsoft, among other strategic and knowledge partners.

The Sustainia guide is a document that amalgamates the content of existing government plans for Copenhagen into one tourist 'guidebook' for the future city. Its purpose is to provide a comprehensive overview of how existing plans would manifest in real life, as if the plans had already come to fruition. The guidebook style of the graphic design and the aspirational content aim to inspire readers to envision

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<sup>&</sup>lt;sup>14</sup> See: <a href="https://www.mm.dk/projects">https://www.mm.dk/projects</a>

an ecologically sustainable and socially inclusive Copenhagen, created through the successful implementation of real strategies, such as those for climate change and active transport. Some of the plans described in the Sustainia guide, such as elevated cycleways, have already been completed.

#### Key features

- Written as if it were a guide to the city, with sample itineraries featuring imaginary, aspirational features
- Includes example citizen profiles of Copenhageners living in sustainable Copenhagen
- Incorporates a list of clear guiding principles for the city
- Includes visions for particular neighbourhoods, in addition to the city as a whole
- Infographics and text box descriptions of key concepts
- 'Copenhageners are...'
- Includes a list of cities that inspire Copenhagen
- Frames challenges simply as 'bumps on the road' to sustainability
- Proposes mainstreaming sustainability: in the future, there will be no such things as 'green' jobs or economy, because sustainability is wholly integrated
- Frames the academia-state-industry triad in supporting sustainable urban innovations and outcomes
- Section on longer-term future to 2050 a few aspirational ideas

Both of these visions are included for their uniqueness and also to represent one of the few examples of a non-governmental actor engaging with city visioning. The contrast in style (quantitative targets vs. qualitative aspirations) is interesting and complementary, providing an example of different ways to communicate the same ideas. Taken together, they clearly illustrate that Copenhagen takes a rigorous and creative approach to sustainability visioning.

#### **Ecuador:** *Plan Nacional de Buen Vivir* (created 2013; nationwide plan)

Ecuador is innovative by integrating the principle of *sumak kawsay* (in Quechua) or *buen vivir* (in Spanish) into the essence of its planning. (Roughly) translating to 'good living' or 'living well', *buen vivir* is the belief that the individual can only flourish *within* the context of their community. There is a spiritual depth to the

concept that makes it difficult to translate into words that convey the weight of its meaning.

This plan situates Ecuador in relation to global-scale financial and ecological systems. It also locates the country strategically within its region. It strongly defines what it sees as the drawbacks of current systems while articulating pride in Ecuador's own position. Its style is strongly rooted in its Latin American context, but it carries lessons for any visioning process. The plan sits directly under the national constitution, which recognises the rights of nature (the only constitution in the world to do so).

#### Key features

- Utilises forecasting techniques to evaluate potential future scenarios
- Incorporates inspiring and strongly worded quotes from people they admire
- Promotes use of both quantitative and qualitative methods, explaining that passion and reason must coexist for progress to be made (see p. 37 of the summarised English version, included in the reference list)
- Offers a clear pathway for adapting to resource constraints and improving quality of life at the same time
- Clearly defines its values and policies, saying what it means to live a good life and what constitutes good quality of life
- Calls for changes in power relationships, recognising the role of both the state and society at large
- Maintains that the government works as agents for the exercise of citizens' rights, serving as enabler and facilitator
- Clearly distinguishes between policies and goals
- States that 'education is not an end in itself, but an ongoing process in the public interest'
- Names public spaces as a sphere for equality in diversity: places where people from all walks of life come together
- Promotes ethical responsibility
- Provides specific targets for environmental remediation
- Recognises work as a human enterprise, rather than a means of production
- Embedded *National Territorial Strategy* links biophysical zones with the human activities that utilise and take place within them: it maps networks of human

settlements within the country, noting which are specialised and to what degree, then linking them to the supportive potential of the surrounding physical environment

Ecuador's plan, while shorter term (only four years) serves as an example of a vision that provides clear values statements and unifying language around amalgamating approaches to social and environmental issues.

#### **5.4** Visioning lessons from other cities

Reviewing visions from around Australia and the world yielded several important points for reflection in reviewing Hobart's own vision. The following is based on both practical analysis and personal impressions upon reading each vision:

- In general, the longer term the vision, the fewer quantitative goals were included
- Influencing factors that caused cities to change their visions before expiry included: climate change, housing affordability, demographic pressures and urban growth and density issues
- All of the visions generally called for the same thing: cities and countries where human beings and the natural environment can flourish
- The most inspiring visions made effective use of graphics and vocabulary, were strongly worded, directly identified challenges and inconsistencies and utilised quantitative indicators
- The least inspiring visions were either long and technical or short but with aspirational vision statements that seemed to carry less weight in practice
- The most accessible vision structures offered clear references, drew historical connections, pointed to external resources and promoted translation services
- Visions were inconsistent on the prominence of the recognition of indigenous communities and people of diverse backgrounds—again, the more inclusive visions were more inspiring

Reviewing visions from around the world proved highly valuable for analysing Hobart's own vision—and also in demonstrating that the City of Hobart can both inspire and be inspired by cities from across the globe.

## 6. Hobart 2025 process review: Gaps and opportunities

This section identifies gaps and opportunities identified specifically in reviewing the 2006 visioning process. The purpose is to suggest areas that could make a future visioning process more vigorous and effective in terms of community and stakeholder engagement, as well as the content of the plan itself. This section focuses purely on the Hobart vision itself, building on comparisons to other visions from Section 5. The first part of this section summarises the recommendations that resulted from a partial evaluation of the 2006 process. The second part outlines additional gaps and opportunities generated as part of this review.

#### 6.1 Recommendations from 2006 evaluation

A partial evaluation of the 2006 process was undertaken in April 2006. No formal evaluation of the visioning project or its outputs was completed following the conclusion of the process as a whole.

The main strength of the process was identified as the high participation rate through the website and mail-out forms.

Key areas identified as needing improvement were:

- Use of online tools for consultation and engagement
- Managing community expectations of the process
- Engaging the media as a stakeholder
- Lower-than-expected turnout at engagement workshops
- Limited engagement with and of the Aldermen
- Limited opportunities for full-scale evaluation of of community engagement and vision drafting processes.

A major outcome of the visioning process and the partial evaluation was the creation of a specific Community Engagement Policy for the City of Hobart in March 2014, which had not previously existed. This serves as an example of how the visioning process had flow-on effects to the city's community engagement more broadly.

A 2015 community engagement process for the Capital City Strategic Plan 2015-2025 found that the sample of community members who were previously engaged in the visioning process generally believed that the vision was still relevant for Hobart.

#### 6.2 Gaps and opportunities identified through this review

Several key areas were missing from the partial evaluation 2006 process, and an evaluation of the effectiveness of the vision during the past nine years has not as yet been carried out. This review identified a number of gaps that could be addressed in the process of revising the vision.

Critical is the **connection to state and national influences and trends**, as well as the potential impacts of global issues. The vision's Future Direction 2 makes limited mention of climate change, for example, and there is no direct discussion of factors such as an ageing population or interstate migration. Directly confronting challenges that the City of Hobart could potentially face would add rigour to the vision and respond to questions that some residents might have about the uncertainty of the future. This type of language is more integrated into the recently-endorsed **strategic plan**, and a revised vision could reflect these developments. It could also account for any key areas that are missing from the strategic plan by flagging them for longer-term focus.

There is also a connection to **land use planning** that, while mentioned at several points in the vision, could be made more explicit. As a statutory document, there is limited scope for the *Hobart Interim Planning Scheme 2015* to respond directly to the city vision. At the same time, the vision has to work within the context of the planning scheme. How do the vision and the planning scheme link? How might they link in the future? Might the Tasmanian Planning Commission be considered as a major stakeholder in the next engagement process?

It would also be useful to build a full-scale **evaluation** into the visioning process. A survey or interviews investigating participants' experiences of visioning workshops

and would help to make similar processes more effective and support positive experiences amongst stakeholders.

## 7. Key recommendations

Why does the City of Hobart need a vision? Who needs the vision? What for? What would happen if Hobart did not have one? Directly approaching these questions, and offering explanations based on community input, is critical to ensuring a city vision remains relevant at each revision.

Visioning demonstrates to the city, and to other stakeholders, that local government has clearly thought about both potential opportunities for *and* threats to different parts of society. The vision's larger purpose is therefore to, first, demonstrate that local government has comprehensively sought community feedback on what the city is and should be, and second, for local government to repackage that information in a way that is inviting, inclusive, and representative of how local government wants to be perceived by its stakeholders. It is needed to inform the strategic and other city plans—it guides everything that Hobart City Council does. In supporting and participating in the preliminary review of the city vision, it is clear that the City of Hobart and Council staff value what the city is and could be.

The content of this report offers a range of recommendations and points of reflection, from the large to the small scale. All of these factors should be considered in revising *Hobart 2025*. The following are key recommendations, pertaining to both vision process and content. They mainly address the first two objectives of this report—a proposed timeframe for a new vision and identifying gaps from the 2006 process. The remainder of the objectives are most comprehensively addressed in the report itself.

#### **KEY RECOMMENDATIONS**

**RECOMMENDATION 1:** Extend Hobart's vision approximately 20 years, to 2040, retaining the essence of the 2006 vision as well as updating it to reflect gaps and changes in context identified in this report.

The average vision length of the nine reviewed was 18 years, with the majority in the 20- to 30-year range. Extending the vision to 2040 creates a timeframe of approximately 25 years. A vision to 2050 or beyond places the timeframe outside the lifespan of many Hobartians alive today. Given low levels of youth engagement with such processes to date, the increasing incidence of families without children, and the individualised society in which we live, finding engaging ways to communicate and discuss what kind of Hobart will be passed on to future generations is key.

Clearly integrating the vision with the strategic plan, council delivery plans and annual plans will help clarify short-, medium- and long-term staging. This helps in holding Council accountable in delivering on the future directions outlined in the vision. The timeframe also determines tone: what type of document will it be? Is it about maintaining characteristics, is it aspirational, or both? Are goals qualitative, quantitative, or both? A 25-year timeframe would support creating concrete objectives, with enough space for some aspirational language.

**RECOMMENDATION 2:** Issue a discussion paper that summarises successes since the development Hobart 2025 nine years ago, using it to inform community engagement and integrating it into an updated vision document.

This report has shown that Hobart has changed dramatically since the 2006 visioning process. Many of these changes are extremely positive, and Council has in many cases acted as an enabler. The current vision is accounted for through annual reports based on the strategic plan. Compiling key points from annual reports, to demonstrate clear examples of where vision has become a reality, demonstrates to community members that Council takes the vision seriously.

In advance of a 2016 review, issuing a discussion paper to explain why the vision might be revised, would be helpful in confirming for the community that their 2006 participation is

still valued. It could include points for discussion about what could be improved in the content of the vision, as well as the community engagement process. It would also aid in explaining and rationalising potential timeframes for a revised vision.

**RECOMMENDATION 3:** Draw on the City of Hobart Community Engagement Framework to inform a rigorous monitoring and evaluation process for the vision update.

Hobart City Council now has a formal community engagement policy that has monitoring and evaluation integrated into the framework. A new visioning process should incorporate rigorous monitoring and evaluation processes based on this framework. Hobart could offer something unique in this regard. There are very few examples, either from councils or in academic literature, of how lessons from city visioning processes and reviews could help provide information to others looking to engage in similar undertakings. Hobart could position itself to offer helpful information to other cities on the outcomes of community engagement and plans related to visioning at the local government level.

**RECOMMENDATION 4:** Utilise stories, graphics, symbols and relevant vocabulary within the vision document, in order to make it accessible for community members.

Hobart 2025 reads more like a report than an inspiring story. This is helpful in terms of supporting Council operations, but it makes the document less accessible and relatable for community members. There are myriad ways to make a visioning document both practically useful and more or less compelling to read. Section 5 lists several examples.

Using colours, symbols and consistent and non-jargonised vocabulary goes a long way to making a vision easy to understand. All three are necessary so that people of different abilities can access the content. For example, colour-coding may not be effective for those with colour blindness, and symbols don't convert in text-to-voice apps. Incorporating stories or profiles about future people and places in the city engage people's imaginations in picturing a future Hobart.

High-quality graphic design is more likely to inspire than a list of bullet points. Images could

better reflect Hobart's cultural and geographic diversity: photos in the current vision do not demonstrate the city's diverse cultures and ages. Flow charts are a useful method of situating Council within the visioning milieu, helping to clarify its role(s). Brisbane's strategy of employing a different symbol for each Council role is helpful in fostering both understanding and accountability.

**RECOMMENDATION 5:** Incorporate a section on historical lineage into the vision, and spatially connect vision outcomes to specific locations in the city, creating relevance for community members.

There is scope within the vision to draw clear and inspiring connections with Hobart's planning and community history. It could draw inspiration from Fremantle's vision in making prominent connections to Aboriginal heritage. It can also use maps and photos to show how Hobart has grown and changed over time. Creating historical context helps give a sense of how Hobart came to where it is today—and where it might be going.

Drawing spatial connections helps to make visions accessible and hold Council accountable. Link the vision to land use planning. Applying aspects of future directions to their respective parts of the city makes it relevant to specific neighbourhoods and thus feels more personal for stakeholders.

The vision could also consider Hobart's connection to the metropolitan area, especially as many non-residents consider themselves as Hobart stakeholders. What are other councils doing? How can the visions speak with each other and intersect? Carefully considering power dynamics between councils would be key to productive discussions in this space.

**RECOMMENDATION 6:** Directly acknowledge issues of national and global significance, such as climate change and ageing population, outlining how the City of Hobart is placed to address them.

The vision should directly confront the challenges facing the City of Hobart, both as a regional city and a state capital, relating it to the country and the world. It should reflect the strategic challenges outlined in the strategic plan, incorporating issues of global significance, such as climate change and resource depletion. It can also directly confront the tensions and trade-offs in visioning for sustainability and economic prosperity. There is growing awareness that these dilemmas exist, so speaking about them directly demonstrates Council's own awareness of the issues. The vision is a space to muse on dreams and fears for the future, which are beyond the scope of a statutory operational document such as a strategic plan.

Scenario planning or 'backcasting'<sup>15</sup> could aid in determining what large-scale and localised issues might affect Hobart and how. Scenario planning is seeing increasing popularity as part of visioning exercises, and presenting stakeholders with varying scenarios for discussion during workshop sessions can aid in holistic analysis. Such discussions can be empowering and inspirational rather than depressing, and their tone should be inclusive of varying viewpoints.

## 8. Key references and resources consulted

#### Hobart (and region) strategies, plans, reports and policies

**Youth Strategy** 

Positive Ageing Strategy

Affordable Housing Strategy 2010-2012

Children and Families Strategy

**Bushland Management Strategy** 

Cornelian Bay Management Plan

Hobart Rivulet Park Strategic Master Plan

Waste Management Strategy 2010-15

Hobart Climate Change Strategies x 5 2008-2013

Stormwater Strategy 2012-2017

Dog Management Strategy 2014-2018

Integrated Management System Policy

<sup>&</sup>lt;sup>15</sup> In the form of brainstorming potential future end states, then working backwards to the present day to consider how to create or manage city planning and resources to reach (or avoid) each scenario.

**Emergency Management Plan** 

Preparing for an Emergency in Hobart

Unlocking Smart Growth in Australia's Capital Cities report

Townscape Design Guidelines for Macquarie Street/Cascade Road

Gregory Street Local Area Plan Review

Economic Development Strategy 2013-2018

Local Retail Precincts Plan

**Inner City Action Plan** 

Bike Plan

Parking - A Plan for the Future 2013

Sustainable Transport Strategy 2009 -2014

Social Inclusion Strategy

Multicultural Strategy 2014-2019

**Equal Access Strategy** 

Alcohol & Other Drug Strategy

**Public Toilet Strategy** 

Aboriginal Strategy 2002

Public Art Strategy

2013 Cultural Strategy - Creative Hobart

Future Options for the Taste of Tasmania

#### State strategies, plans, reports and policies

Population Growth Strategy

T21 Tasmanian Visitor Economy Strategy 2015-2020

#### **Comparative visions and plans**

**Brisbane Vision 2031** (QLD)

Plan Melbourne 2014 (VIC)

<u>Plan Melbourne Refresh</u> (discussion paper) (VIC)

The 30-Year Plan for Greater Adelaide (SA)

Fremantle 2029 (WA)

Fremantle 2029 Report on Community Ideas (evaluation) (WA)

Central City Recovery Plan 2011 (New Zealand)

Wellington Towards 2040: Smart Capital (New Zealand)

Portland 2030: A vision for the future (USA)

**Eco-metropolis:** City Vision for Copenhagen 2015 (Denmark)

Sustania Guide to Copenhagen 2025 (Denmark)

Copenhagen 2025 Climate Plan (Denmark)

Plan Nacional de Buen Vivir 2013-2017 (Ecuador)

#### **Academic literature**

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Tuiskunen, S, Rytkönen, E & Nenonen, S 2015, 'Urban Vision – A Static Destination or a Dynamic Process?', *Procedia Economics and Finance*, vol. 21, pp. 346-354.

Uyesugi, J & Shipley, R 2005, 'Visioning diversity: Planning Vancouver's multicultural communities', *International Planning Studies*, vol. 10, no. 3-4, pp. 305-322.

#### **ABS** statistics

Hobart (C) Local Government Area: Time Series Profile

**Hobart Inner (SA3): Region Summary** 

Population Projections, Australia, 2012 (base) to 2101

#### Other resources

Journey to Work Data Analysis

Real Estate Institute of Tasmania: Suburb reports

#### GOVERNANCE COMMITTEE AGENDA (OPEN PORTION OF THE MEETING) 1/3/2016

<b>6.</b>	DRAFT MODEL	<b>CODE OF</b>	CONDUCT -	COMMENT -	FILE REF:	13-2-25
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49x's

Report of the General Manager of 16 February 2016 and attachments.

DELEGATION: Council

**TO** : Governance Committee

**FROM** : General Manager

**DATE** : 16 February, 2016

SUBJECT: DRAFT MODEL CODE OF CONDUCT - COMMENT

FILE : 13-2-25 NH:FC (document2)

#### 1. INTRODUCTION

1.1. The purpose of this report is to present to the Council, for comment, the draft Model Code of Conduct.

#### 2. BACKGROUND

- 2.1. The Council at its 12 October 2015 considered an item in relation to the Aldermanic Code of Conduct and resolved inter alia that:
  - 1. The Council note the advice from the Director of Local Government that the model Code of Conduct will come into effect in early 2016 and that accordingly the provision in the Local Government Act 1993, that a Council's Code of Conduct is to be reviewed within twelve months of an election, has been waived;
  - 2. The Council write to the Director of Local Government advising him that the Council will not complete the review of its Code of Conduct until after the introduction of the Model Code of Conduct in March 2016.
  - 3. In relation to the request from the Australian Workers Union and the Australian Services Union that the same policy provisions be extended to apply to Aldermen, the following advice be provided:-
    - (i) The Council endorses the inclusion of a statement in relation to alcohol and other drugs within the Council's Code of Conduct to be prepared following the release of the Model Code.
    - (ii) The statement outline the expectation that Aldermen will behave responsibly in regard to the appropriate use of alcohol and other drugs while on Council duties and the statement also include a provision for self testing.

- 2.2. The Local Government Association of Tasmania (LGAT) has now written to all Tasmanian Councils seeking comment on a draft Model Code of Conduct (*Attachment A*).
  - 2.2.1. The draft Code has been developed by the Local Government Division of the Department of Premier and Cabinet in consultation with the LGAT, the Integrity Commission and current members of the LGAT Standards Panel.
  - 2.2.2. The draft Model Code of Conduct incorporates the prescribed matters under section 28S of the *Local Government Amendment* (*Code of Conduct*) *Act 2015* (*Attachment B*). It also incorporates the matter of 'fair decision making'.
  - 2.2.3. The draft Model Code of Conduct strictly limits the ability of Councils to vary the model Code, in accordance with section 28T of the Amendment Act.
  - 2.2.4. The draft provides that a Council may only vary the model Code by the addition of further Council policies and procedures relating to the relevant standard, which are to be provided in a schedule to the model Code.
    - 2.2.4.1. It should be noted that upon reading Section 28T of the Amendment Act it is unclear as to the process for amending or varying the Model Code. The LGAT have been contacted and clarification has been sought.
- 2.3. Implementation of a new Code of Conduct framework under the Amendment Act also involves amending the Regulations to prescribe a fee for lodging a Code of Conduct complaint.
  - 2.3.1. Section 28V of the Amendment Act provides that a Code of Conduct complaint is to be accompanied by any prescribed fee.
  - 2.3.2. It is proposed to prescribe a fee of 50 fee units (currently \$75.50) for lodging a Code of Conduct complaint in Schedule 3 (Fees) of the Regulations. A Code of Conduct fee of between \$60 and \$80 was conveyed throughout stakeholder consultation of the Local Government Amendment (Code of Conduct) Bill 2015 and the Parliamentary debate on the Bill.
- 2.4. The draft Model Code of Conduct details the expected standard of conduct by Aldermen in the following areas:

**Decision Making** 

Conflict of Interest

Use of Office

Use of Resources

Use of Information

Gifts and Benefits

Relationships with Community, Councillors and Council Employees, and

Representation

- 2.5. A review of the draft Model Code of Conduct and the Council's current Code of Conduct shows that there is a great deal of uniformity between the two Codes.
- 2.6. All the areas detailed above are in the Council's current Code of Conduct. Furthermore, the draft Model Code of Conduct captures many of the expectations also listed in the Council's current Code of Conduct.
- 2.7. Notwithstanding this, the Council may wish to request that some aspects of the Model Code of Conduct are made more explicit.
  - 2.7.1. For example part 7 of the Model Code which refers to relationships with community, councillors and Council employees could be expanded to include a reference to antibullying behaviour.
- 2.8. The Council also has resolved that a statement in relation to alcohol and other drugs be included within the Council's Code of Conduct to be prepared following the release of the Model Code. It is proposed that this will occur following the release of the Model Code.

#### 3. PROPOSAL

- 3.1. The Council determine whether it wishes to provide comment back to the LGAT about the inclusion of a reference to anti-bullying behaviour in part 7 of the Model Code of Conduct.
- 3.2. In accordance with the 12 October 2015 Council decision, the Council consider the matter of a statement in relation to alcohol and other drugs following the release of the Model Code of Conduct.

#### 4. IMPLEMENTATION

4.1. The LGAT will be advised of the Council comments which will be incorporated into a sectoral response to go back to the Local Government Division.

#### 5. STRATEGIC PLANNING IMPLICATIONS

5.1. Goal 5 of the City of Hobart's Capital City Strategic Plan is Governance. This goal provides for good governance and transparent decision-making.

#### 6. FINANCIAL IMPLICATIONS

- 6.1. Funding Source(s)
  - 6.1.1. Not applicable.
- 6.2. Impact on Current Year Operating Result
  - 6.2.1. Not applicable.
- 6.3. Impact on Future Years' Financial Result
  - 6.3.1. Not applicable.
- 6.4. Asset Related Implications
  - 6.4.1. Not applicable.

#### 7. DELEGATION

7.1. This matter is delegated to the Council.

#### 8. CONCLUSION

- 8.1. A draft Code has been developed by the Local Government Division of the Department of Premier and Cabinet in consultation with the LGAT, the Integrity Commission and the current members of the LGAT Standards Panel.
- 8.2. The LGAT is seeking comment from Councils which will form a sectoral response back to the Local Government Division.

#### 9. RECOMMENDATION

That:

- 9.1. The report NH:fc(document2) be received and noted.
- 9.2. The Council determine whether it wishes to provide comment back to the LGAT about the inclusion of a reference to anti-bullying behaviour in part 7 of the Model Code of Conduct.

9.3. In accordance with the 12 October 2015 Council decision, the Council consider the matter of a statement in relation to alcohol and other drugs following the release of the Model Code of Conduct.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

(N. D. Heath)

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**GENERAL MANAGER** 

Attachment A: Draft Model Code of Conduct.

Attachment B: Local Government Amendment (Code of Conduct) Act 2015.

## **TASMANIA**

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# LOCAL GOVERNMENT (MODEL CODE OF CONDUCT) ORDER 2016

STATUTORY RULES 2016, No.

## **CONTENTS**

- 1. Short title
- 2. Commencement
- 3. Interpretation
- 4. Model code of conduct

Schedule 1 – Model Code of Conduct



# LOCAL GOVERNMENT (MODEL CODE OF CONDUCT) ORDER 2016

I make the following order under section 28R(1) of the *Local Government Act 1993*.

Dated 20.

Minister for Planning and Local Government

#### 1. Short title

This order may be cited as the *Local Government (Model Code of Conduct) Order* 2016.

#### 2. Commencement

This order takes effect on the day on which its making is notified in the *Gazette*.

## 3. Interpretation

(1) In this order –

Act means the Local Government Act 1993.

(2) The *Acts Interpretation Act 1931* applies to the interpretation of this order as if this order were by-laws.

## Local Government (Model Code of Conduct) Order 2016 Statutory Rules 2016, No.

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## 4. Model code of conduct

For the purposes of section 28R(1) of the Act, the code of conduct set out in Schedule 1 is the model code of conduct relating to the conduct of councillors.



## Local Government (Model Code of Conduct) Order 2016 Statutory Rules 2016, No.

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## **SCHEDULE 1 – MODEL CODE OF CONDUCT**

Clause 4

#### **PART 1 – DECISION MAKING**

#### 1. Expected standard of conduct

- (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 any personal bias or prejudgement.
- (3) In making decisions, a councillor must give full, 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 other irrelevant matters or circumstances into account when making decisions.

#### PART 2 – CONFLICT OF INTEREST

#### 1. Expected standard of conduct

(1) When carrying out his or her public duty, a councillor must not be unduly influenced, nor be

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- seen to be unduly influenced, by external interests that he or she may have.
- (2) A councillor must openly and honestly put the interests of the community first.
- (3) A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
- (4) 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.
- (5) 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.
- (6) A councillor who has an actual, potential or perceived conflict of interest must follow the following process for managing conflicts of interest:
  - (a) declare the conflict of interest before discussion on the matter begins;
  - (b) act in good faith and exercise reasonable judgement to determine whether the conflict of interest is so material that it requires one or more of the following additional actions:

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- (i) state his or her views on the matter for discussion or decision, but not participate in any Council decision on the relevant matter;
- (ii) refrain from participating in any Council discussion and decision on the relevant matter;
- (iii) remove himself or herself physically from any Council discussion and remain 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.

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## PART 4 – USE OF RESOURCES

# 1. Expected standard of conduct

- (1) A councillor must use Council resources effectively, efficiently and carefully 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 be scrupulous in his or her use of Council property and resources and must not permit the misuse of that property or those resources by any other person or body.
- (4) A councillor must avoid any action or situation which may create the impression that Council property, official services or public facilities are being improperly used for his or her own or any other person's or body's private benefit or gain.

# **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 for him or her to perform his

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- or her role and not for personal reasons or nonofficial purposes.
- (3) 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 must actively avoid situations in which the appearance may be created that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.
- (2) 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.
- (3) A councillor must not solicit gifts or benefits in the carrying out of his or her duties.

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- (4) A councillor must not accept an offer of cash, cash-like gifts (such as gift cards and vouchers) or credit.
- (5) A councillor must not accept a gift or benefit if the giver is involved in a matter which is before the Council, including a matter that
  - (a) has been before the Council in the preceding 12 months; or
  - (b) is currently before the Council; or
  - (c) is expected, or is reasonably likely, to be before the Council in the following 12 months.
- (6) 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), may be accepted.
- (7) If the Council has a gifts register, a councillor who accepts a gift or benefit must record it in the Council's Gifts Register.

# PART 7 – RELATIONSHIPS WITH COMMUNITY, COUNCILLORS AND COUNCIL EMPLOYEES

- (1) A councillor must
  - (a) treat all persons with courtesy, fairness, dignity and respect; and

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- (b) not cause any reasonable person offence or embarrassment.
- (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 direct Council employees, other than by giving appropriate direction to the General Manager of the Council in the performance of the Council's functions by way of Council or Council committee resolution, or by the Mayor or Lord Mayor exercising his or her functions under the Act.
- (4) A councillor must not influence, or attempt to influence, any other member of the staff of the Council or a delegate of the Council, in the exercise of the functions of the member or delegate.
- (5) A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
- (6) A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

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#### **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.

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# PART 9 – VARIATION OF CODE OF CONDUCT

# 1. Variation of code of conduct

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



Printed and numbered in accordance with the *Rules Publication Act* 1953.

Notified in the *Gazette* on 20.

This order is administered in the Department of Premier and Cabinet.

# **EXPLANATORY NOTE**

(This note is not part of the order)

This order sets out the model code of conduct relating to the conduct of councillors.



#### **VIEW SUMMARY**

The legislation that is being viewed is valid for Sessional.

# Local Government Amendment (Code of Conduct) Act 2015 (No. 29 of 2015)

Requested: 3 Feb 2016
Consolidated:Sessional

#### **INFORMATION**

Notes:

Not specified

Links:

Not specified

Table of Amending Instruments:

(click to view Table of Amendments)

Responsible Minister and Department: Not specified

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# Local Government Amendment (Code of Conduct) Act 2015

- 1. Short title
- 2. Commencement
- 3. Principal Act
- 4. Section 3 amended (Interpretation)
- 5. Section 28D amended (Documents relating to agendas)
- 6. Sections 28E, 28F, 28G, 28H and 28I repealed
- 7. Part 3, Division 3A inserted
- 8. Section 72 amended (Annual report)
- 9. Section 72B amended (Annual General Meeting)
- 10. Section 195 amended (Notice of impounding)
- 11. Section 196 amended (Fees, costs and charges)
- 12. Section 197 amended (Sale or destruction of unclaimed animals)
- 13. Section 270 amended (Eligibility for nomination as councillor)
- 14. Section 315 amended (False or misleading statements)
- 15. Section 338A amended (Disclosure of information)
- 16. Section 339E amended (Complaints against non-compliance or offence)
- 17. Section 340A amended (Allowances)
- 18. Section 341 amended (Immunity from liability)
- 19. Section 349A inserted

- 20. Schedule 2A inserted
- 21. Schedule 8A inserted
- 22. Repeal of Act



# Local Government Amendment (Code of Conduct) Act 2015

## An Act to amend the Local Government Act 1993

# [Royal Assent 6 October 2015]

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:

#### 1. Short title

This Act may be cited as the *Local Government Amendment (Code of Conduct) Act 2015*.

#### 2. Commencement

This Act commences on a day to be proclaimed.

# 3. Principal Act

In this Act, the *Local Government Act 1993* is referred to as the Principal Act.

### 4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

(a) by inserting the following definitions after the definition of *closing day*:

code of conduct means the model code of conduct as adopted by a council under section 28T, as amended or substituted from time to time under that section;

code of conduct complaint means a complaint made under section 28V and, where appropriate, includes a part of such a complaint;

- **(b)** by omitting "section 28G;" from the definition of *Code of Conduct Panel* and substituting "section 28K;";
- (c) by inserting the following definition after the definition of *electoral roll*:

Executive Officer means the Executive Officer appointed under section 28M;

(d) by inserting the following definition after the definition of member:

model code of conduct means a model code of conduct made by the Minister under section 28R, as amended or substituted under that section from time to time;

(e) by omitting the definition of Standards Panel.

## 5. Section 28D amended (Documents relating to agendas)

Section 28D of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) "document" and substituting "document, or information,";
- (b) by omitting from subsection (2)(b) "document" and substituting "document, or information,";
- (c) by omitting from subsection (3) "document" and substituting "document, or information,";
- (d) by omitting from subsection (4) "document" twice occurring and substituting "document, or information,";
- (e) by inserting the following subsection after subsection (4):
  - (4A) If the general manager considers that -
    - (a) a document, or information, requested by a councillor contains private and confidential information relating to a person; and
    - (b) that private and confidential information is not relevant to an item on the agenda of a meeting of the council or a council committee –

the general manager may provide the document, or information, after redacting or otherwise removing that private and confidential information.

- **(f)** by omitting from subsection **(5)** "document" first occurring and substituting "document, or information,";
- (g) by omitting from subsection (5)(a) "document;" and substituting "document or information;";
- (h) by inserting the following subsections after subsection (5):
  - (6) The general manager may refuse to provide the councillor with a document, any information or a part of a document or information, if the general manager considers that the document, information or part is not relevant to an item on the agenda of a meeting of the council or a council committee.

- (7) If the general manager under <u>subsection (4A)</u> has provided a document, or information, to a councillor after redacting or otherwise removing any private or confidential information the council may direct the general manager to provide the document, or information, to the councillor without redacting or otherwise removing any information from it.
- (8) If the general manager under <u>subsection (6)</u> has refused to provide a document, any information or a part of a document or information to a councillor, the council may direct the general manager
  - (a) to provide the document, information or part to the councillor without redacting or otherwise removing any information from it, information or part under subsection (4A); or
  - (b) to determine under <u>subsection (4A)</u> whether any information in the document, information or part should be redacted or otherwise removed, and then to provide the document, information or part to the councillor, whether with or without any information being so redacted or removed.
- (9) The general manager is to comply with a direction of the council given under <u>subsection</u> (8).

## 6. Sections 28E, 28F, 28G, 28H and 28I repealed

Sections 28E, 28F, 28G, 28H and 28I of the Principal Act are repealed.

#### 7. Part 3, Division 3A inserted

After section 28J of the Principal Act, the following Division is inserted in Part 3:

Division 3A - Code of conduct, complaints and complaint resolution

Subdivision 1 - Code of Conduct Panel and Executive Officer

#### 28K. Code of Conduct Panel

- (1) The Code of Conduct Panel is established.
- (2) The Minister is to appoint as members of the Code of Conduct Panel as many of the following persons as the Minister considers appropriate:
  - (a) Australian lawyers;
  - (b) persons who have experience in local government but who are not councillors or employees of any council and have not been such councillors or employees within the immediately preceding 2 years.
- (3) Before appointing persons to be members of the Code of Conduct Panel, the Minister may give notice, in any manner he or she considers appropriate, that

persons interested in being members may provide written expressions of interest to the Minister.

- (4) <u>Schedule 2A</u> applies in relation to the members of the Code of Conduct Panel.
- (5) The instrument of appointment of a member of the Code of Conduct Panel may include conditions of appointment that are not inconsistent with Schedule 2A.

#### 28L. Constitution of Code of Conduct Panel

- (1) In the investigation and determination of a code of conduct complaint against a councillor, the Code of Conduct Panel is to be constituted by 3 members selected by the Executive Officer of whom
  - (a) one is to be an Australian lawyer; and
  - **(b)** 2 are to be persons who have experience in local government.
- (2) The chairperson of the Code of Conduct Panel is a person referred to in subsection (1)(b) who is appointed as chairperson by the Executive Officer.

#### 28M. Executive Officer

- (1) The Secretary of the Department, on behalf of the Crown, is to appoint a person as Executive Officer in relation to the Code of Conduct Panel.
- (2) If the Secretary of the Department appoints a State Service officer or a State Service employee as Executive Officer, the following provisions apply:
  - (a) that officer or employee may hold a position or office under the <u>State Service Act 2000</u> in conjunction with the office of Executive Officer;
  - **(b)** the <u>State Service Act 2000</u> does not apply in relation to the office of Executive Officer;
  - (c) that officer or employee is not entitled to receive any remuneration as Executive Officer.
- (3) The Executive Officer is appointed for the term, and on the conditions, specified in his or her instrument of appointment.

#### 28N. Functions of Executive Officer

The Executive Officer has the following functions:

- (a) administrative functions in relation to the Code of Conduct Panel;
- (b) the functions specified in his or her instrument of appointment;
- (c) other functions prescribed by this Act;
- (d) other functions determined by the Minister.

# 28O. Payment of remuneration and allowances to members of Code of Conduct Panel and Executive Officer

(1) In this section -

**State-employed Executive Officer** means an Executive Officer who is also a State Service officer or State Service employee.

- (2) A member of the Code of Conduct Panel is entitled to receive the remuneration and allowances determined by the Minister from time to time.
- (3) The remuneration and allowances payable under <u>subsection (2)</u> to a member of the Code of Conduct Panel in relation to a code of conduct complaint and its investigation and determination are payable by the relevant council.
  - (4) An Executive Officer
    - (a) who is not a State-employed Executive Officer is entitled to receive the remuneration and allowances determined by the Minister from time to time; or
    - **(b)** who is a State-employed Executive Officer is entitled to receive only the allowances determined by the Minister from time to time.
- (5) The remuneration and allowances payable under <u>subsection (4)</u> to an Executive Officer in relation to a code of conduct complaint and its investigation and determination are payable by the relevant council.
- (6) In the case of a State-employed Executive Officer, the remuneration that would be payable to an Executive Officer in relation to a code of conduct complaint were he or she not a State-employed Executive Officer is payable
  - (a) to the government department in or for which the State-employed Executive Officer is employed in his or her capacity as a State Service officer or State Service employee; and
  - **(b)** by the relevant council.

#### 28P. Requesting provision of information

- (1) Each of the following persons may request, in writing, the Code of Conduct Panel or Executive Officer to provide information and documents relating to the performance of its or his or her functions as specified in the request:
  - (a) the Minister;
  - (b) the Secretary of the Department;
  - (c) the Director;
  - (d) the Board.
- (2) The Code of Conduct Panel or Executive Officer is to comply with a request made under <u>subsection</u> (1).

## 28Q. Providing information to Code of Conduct Panel

If a person is required to, or may, provide a document to the Code of Conduct Panel or the chairperson of the Code of Conduct Panel, the person may provide it to either the Panel or the Executive Officer.

# Subdivision 2 - Code of conduct

#### 28R. Model code of conduct

- (1) The Minister, by order, is to make a model code of conduct relating to the conduct of councillors.
- (2) The Minister, by order, may amend or revoke and substitute the model code of conduct.
- (3) The Minister is to make a copy of the model code of conduct available to each council as soon as practicable after the model code of conduct is made, amended or revoked and substituted.

#### 28S. Contents of model code of conduct

- (1) The model code of conduct as made, amended or substituted under section 28R must be consistent with this Act and is to provide for the following matters:
  - (a) what constitutes a conflict of interest for a councillor and the procedure to be followed if a councillor has a conflict of interest;
  - (b) the proper and improper use by a councillor of his or her office with the council;
  - (c) the proper and improper use by a councillor of council resources;
  - (d) the proper and improper use by a councillor of information obtained in his or her office with the council;
  - (e) the right of a councillor to receive gifts and benefits and the procedure to be followed by a councillor when receiving gifts and benefits in the situations specified in the model code of conduct;
  - (f) the appropriate or inappropriate behaviour of a councillor in his or her relationships with the community, other councillors and council employees;
  - (g) the proper and improper manner in which a councillor represents himself or herself as a councillor, and represents the council, to the community;
  - (h) any prescribed matter.
- (2) The model code of conduct may provide for any other matter relating to the conduct of councillors that the Minister considers appropriate and is consistent with this Act.

#### 28T. Code of conduct

- (1) Within 3 months after the day on which an order under <u>section 28R(1)</u> takes effect, each council must adopt the model code of conduct, either with or without any variations permitted under <u>subsection (3)</u>, as its code of conduct relating to the conduct of its councillors.
- (2) Within 3 months after the Minister makes available to councils an amendment to the model code of conduct or a substitute model code of conduct, a council must adopt the amendment, or revoke its code of conduct and adopt the substitute model code of conduct as its code of conduct, either with or without variations permitted under <u>subsection</u> (3).
- (3) In adopting the model code of conduct, an amendment to the model code of conduct or a substitute model code of conduct, a council may vary the model code of conduct, amendment or substitute model code of conduct in any manner that is allowed by the model code of conduct, amendment or substitute model code of conduct, is approved by the Minister or is prescribed.
- (4) A variation of the model code of conduct, an amendment to the model code of conduct or a substitute model code of conduct is to be set out in a schedule to the model code of conduct, the model code of conduct as amended or the substitute model code of conduct.
- (5) Within 14 days after adopting the model code of conduct, an amendment to the model code of conduct or a substitute model code of conduct, a council is to provide a copy of it to the Director.
- (6) The general manager is to make a copy of the council's code of conduct available
  - (a) for public inspection, free of charge, at the public office of the council during ordinary office hours and on its website; and
  - (b) for purchase at a reasonable charge.
- (7) A council is to review its code of conduct within 3 months after each ordinary election.

# 28U. Compliance with code of conduct

In performing the functions and exercising the powers of his or her office with a council, a councillor is to comply with the provisions of the council's code of conduct.

## Subdivision 3 - Complaints against councillors

## 28V. Making code of conduct complaint against councillor

- (1) A person may make a complaint against one councillor in relation to the contravention by the councillor of the relevant council's code of conduct.
- (2) A person may make a complaint against more than one councillor in relation to the contravention by the councillors of the relevant council's code of conduct if

all the councillors complained against behaved on a particular occasion in such a manner as to commit the same alleged contravention of the code of conduct.

- (3) A complaint is to
  - (a) be in writing; and
  - (b) state the name and address of the complainant; and
  - (c) state the name of each councillor against whom the complaint is made; and
  - (d) state the provision of the relevant code of conduct that the councillor has allegedly contravened; and
  - (e) contain details of the behaviour of each councillor that constitutes the alleged contravention; and
  - (f) be lodged with the general manager of the relevant council within 6 months after the councillor or councillors against whom the complaint is made allegedly committed the contravention of the code of conduct; and
  - (g) be accompanied by any prescribed fee.
- (4) If the subject matter of a complaint by its nature consists of a series of separate incidents that, taken together, form the subject matter, the period referred to in <u>subsection (3)(f)</u> runs from the most recent of the incidents mentioned in the complaint.
  - (5) A complaint may not be made by more than 2 complainants jointly.

#### 28W. Withdrawal of or from code of conduct complaint

- (1) All complainants in a code of conduct complaint, jointly, may withdraw the complaint, at any time before the complaint has been determined by the Code of Conduct Panel, by notice in writing provided to the general manager or the Code of Conduct Panel.
- (2) If a code of conduct complaint is made by 2 complainants, one of those complainants may withdraw from the complaint, at any time before the complaint has been determined by the Code of Conduct Panel, by notice in writing provided to the general manager or the Code of Conduct Panel.
- (3) If a notice withdrawing a code of conduct complaint, or withdrawing from a code of conduct complaint, is provided to the general manager after the complaint has been referred to the Code of Conduct Panel, the general manager is to notify the Executive Officer, in writing, of the withdrawal.
- (4) On becoming aware of a notice withdrawing a code of conduct complaint or a notice withdrawing from a code of conduct complaint, the Code of Conduct Panel is to notify the following persons, in writing, of the withdrawal:
  - (a) the general manager, unless the notice was originally provided to him or her under subsection (3);

(b) if the councillor against whom the complaint is made has been notified of the complaint, the councillor.

## 28X. Amendment of code of conduct complaint

- (1) A complainant, in writing provided to the general manager or the Code of Conduct Panel, may amend a code of conduct complaint at any time before the Code of Conduct Panel commences an investigation into the complaint.
- (2) If the Code of Conduct Panel has commenced its investigation into a code of conduct complaint, a complainant may amend the complaint with the consent of the Code of Conduct Panel.
- (3) If a notice amending a code of conduct complaint is provided to the general manager after the complaint has been referred to the Code of Conduct Panel, the general manager is to notify the Executive Officer, in writing, of the amendment.
- (4) On becoming aware of an amendment to a code of conduct complaint, the Code of Conduct Panel is to notify the following persons, in writing, of the amendment:
  - (a) the general manager, unless the complainant provided the amendment to the general manager;
  - (b) if the councillor against whom the complaint is made has been notified of the complaint, the councillor.

# 28Y. Initial assessment of complaint by general manager

- (1) On receiving a code of conduct complaint, a general manager is to assess the complaint to determine whether it meets the requirements of section 28V.
  - (2) <u>Subsection (1)</u> does not apply if the general manager is the complainant.
- (3) If the general manager determines that the code of conduct complaint does not meet the requirements of <u>section 28V</u>, he or she is to return the complaint to the complainant and notify the complainant, in writing
  - (a) that the complaint does not meet the requirements of section 28V for the reasons set out in the notice; and
  - (b) that the complainant may lodge an amended or substituted complaint without payment of a further fee under section 28V(3)(g)
    - (i) within the period specified in <u>section 28V</u> for lodging a code of conduct complaint; or
    - (ii) if the complaint is returned to the complainant after the end of that period or less than 14 days before the end of that period, within 14 days after receiving the returned complaint.

#### 28Z. Referral of code of conduct complaint by general manager

- (1) On receiving a code of conduct complaint and after determining, if required to do so, that the complaint meets the requirements of section 28V, the general manager
  - (a) if the complaint is against less than half of all the councillors of the council, is to refer the complaint to the Code of Conduct Panel by providing it to the Executive Officer; and
  - (b) if the complaint is against one half or more of all the councillors of the council, is to refer the complaint to the Director.
- (2) If a code of conduct complaint is referred to the Director, the Director is to determine whether he or she accepts or refuses to accept the referral and is to notify the general manager of that determination within 28 days after receiving the referral.
- (3) If the Director fails to notify the general manager as required by subsection (2), the Director is taken to have accepted the referral of the code of conduct complaint.
  - (4) If the Director accepts the referral of the code of conduct complaint
    - (a) the complaint is taken to be a complaint made to the Director under section 339E and ceases to be a code of conduct complaint; and
    - (b) the Director is to proceed under that section in relation to the complaint.
- (5) If the Director refuses to accept the referral of the code of conduct complaint, the general manager, as soon as practicable, is to refer the complaint to the Code of Conduct Panel by providing it to the Executive Officer.
- (6) If a code of conduct complaint is referred to the Code of Conduct Panel, the Executive Officer is to
  - (a) keep the original complaint or a copy of it; and
  - (b) in accordance with <u>section 28L</u>, constitute the Code of Conduct Panel to investigate the complaint and appoint the chairperson of the Panel; and
  - (c) provide a copy of the complaint to the chairperson.

# 28ZA. Initial assessment of code of conduct complaint by chairperson of Code of Conduct Panel

- (1) On receiving a code of conduct complaint, the chairperson of the Code of Conduct Panel is to do an initial assessment of the complaint to determine whether to do one or more of the following:
  - (a) dismiss the whole complaint;
  - (b) dismiss part of the complaint;
  - (c) refer the whole complaint to another person or authority;

- (d) refer part of the complaint to another person or authority;
- (e) determine that the whole complaint is to be investigated and determined by the Code of Conduct Panel;
- (f) determine that part of the complaint is to be investigated and determined by the Code of Conduct Panel.
- (2) The initial assessment is to be completed within such period as will enable the chairperson of the Code of Conduct Panel to comply with <u>subsection (3)</u>.
- (3) Within 28 days after receiving the code of conduct complaint, the chairperson of the Code of Conduct Panel
  - (a) is to notify the complainant and the general manager, in writing, of the result of the initial assessment and the reasons for it; and
  - (b) if the chairperson has determined that the whole or part of the complaint is to be investigated and determined by the Code of Conduct Panel, is to
    - (i) notify the councillor against whom the complaint is made, in writing, of the result of the initial assessment and the reasons for it; and
    - (ii) provide a copy of the complaint to that councillor; and
    - (iii) provide a copy of the complaint to the other members of the Code of Conduct Panel.

#### 28ZB. Dismissal of code of conduct complaint on initial assessment

- (1) The chairperson of the Code of Conduct Panel, on an initial assessment, may dismiss the code of conduct complaint, or part of it, if he or she considers that
  - (a) the complaint or part is frivolous or vexatious; or
  - (b) the complaint or part does not substantially relate to a contravention of the code of conduct of the relevant council; or
  - (c) the complainant has made the complaint or part in contravention of
    - (i) a determination of the chairperson made under subsection (2); or
    - (ii) a determination of the Code of Conduct Panel made under section 28ZI(3).
- (2) If the chairperson of the Code of Conduct Panel dismisses the code of conduct complaint or part of it on the basis that it is frivolous or vexatious, the chairperson, in the notice provided under <a href="section 28ZA(3">section 28ZA(3)</a>, may direct the complainant not to make a further complaint in relation to the same matter unless the complainant provides substantive new information in the further complaint.

## 28ZC. Referral of code of conduct complaint on initial assessment

- (1) The chairperson of the Code of Conduct Panel, on an initial assessment, may refer the code of conduct complaint, or part of it, to any person or other authority that the chairperson considers appropriate if the chairperson reasonably considers that
  - (a) the complaint discloses that an offence may have been committed; or
  - **(b)** the complaint would be more appropriately dealt with by that other person or authority.
- (2) The person or other authority to which the code of conduct complaint is referred
  - (a) may accept the referral or refuse to accept the referral; and
  - (b) is to notify the chairperson of the Code of Conduct Panel of that acceptance or refusal within 28 days after receiving the referral.
- (3) If the person or other authority to whom the code of conduct complaint is referred fails to notify the chairperson of the Code of Conduct Panel as required by subsection (2), the person or authority is taken to have accepted the referral of the code of conduct complaint.
- (4) If the person or other authority to whom the code of conduct complaint is referred accepts the referral, the code of conduct complaint ceases to be a code of conduct complaint.
- (5) If the person or other authority to which the code of conduct complaint is referred refuses to accept the referral, the chairperson of the Code of Conduct Panel is to do a further initial assessment under <u>section 28ZA</u> within 21 days after being notified of that refusal.
- (6) On doing a further initial assessment under section 28ZA as required by subsection (5)
  - (a) the chairperson is to comply with <u>section 28ZA</u> as if doing a first initial assessment; and
  - (b) if the chairperson determined on the original initial assessment to investigate a part of the code of conduct complaint and had notified the councillor against whom the complaint was made of that determination, the chairperson is to notify the councillor of the result of the further initial assessment in addition to any other notice the chairperson is required to provide under section 28ZA.

#### 28ZD. Time for investigating and determining code of conduct complaint

(1) The Code of Conduct Panel is to make every endeavour to investigate and determine a code of conduct complaint –

- (a) if the chairperson of the Panel has determined under <u>section 28ZA</u> to investigate and determine the whole complaint, within 90 days after that determination; or
- (b) if the chairperson of the Panel has determined under <u>section 28ZA</u> to investigate and determine part of the complaint but to refer to a person or other authority another part of the complaint, within 120 days after that determination.
- (2) If the Code of Conduct Panel is unable to investigate and determine a code of conduct complaint, or part of a code of conduct complaint, within the period specified in <u>subsection (1)</u>, the Panel is to include the reasons for that in its written determination made in accordance with section 28ZJ.

# 28ZE. Conduct of investigations generally

- (1) In the investigation of a code of conduct complaint, the Code of Conduct Panel
  - (a) is to conduct the investigation with as little formality, and as expeditiously, as is reasonably practicable in the particular circumstances; and
  - (b) is not bound by the rules of evidence and may inform itself on any matter in any manner it considers appropriate; and
  - (c) must observe the rules of natural justice; and
  - (d) may regulate its own procedure.
- (2) In the investigation of a code of conduct complaint, the Code of Conduct Panel may
  - (a) determine what evidence is required to enable it to determine the complaint; and
  - (b) subject to <u>subsection (3)</u>, determine the manner in which it will accept evidence from the complainant, the councillor against whom the complaint is made and any witnesses.
- (3) In an investigation of a code of conduct complaint, the Code of Conduct Panel may accept evidence given orally on oath or affirmation or by written submissions and documents provided in, or annexed to, a statutory declaration.
- (4) At any time during an investigation of a code of conduct complaint, the Code of Conduct Panel, in writing, may request the complainant, the councillor against whom the complaint is made, a witness or the relevant council to provide information and documents, or further information and documents (including information, and documents containing information, of a kind referred to in section 338A), that the Panel considers may be relevant to the determination of the complaint.
- (5) A person who has been requested under <u>subsection (4)</u> to provide information and documents, or further information and documents, is to do so within –

- (a) the period specified in the request; or
- (b) such longer period as the Code of Conduct Panel, before the expiration of the period specified in the request, may allow.
- (6) If a council or a councillor in response to a request under <u>subsection</u> (4) provides to the Code of Conduct Panel information, or a document containing information, of a kind referred to in <u>section 338A</u>, a member of the Code of Conduct Panel must not disclose that information or document to any person except as otherwise allowed by sections 28ZJ and 28ZK.

# 28ZF. Investigation of multiple code of conduct complaints against same councillor or multiple councillors

- (1) If there are a number of code of conduct complaints against the same councillor or different councillors of the same council and the complaints relate to the same contravention of the council's code of conduct, the Code of Conduct Panel may determine to conduct a joint investigation into all the complaints.
- (2) The Code of Conduct Panel may only make a determination to conduct a joint investigation after considering the wishes of all complainants and councillors against whom the complaints are made.
- (3) If the Code of Conduct Panel determines under <u>subsection (1)</u> to conduct a joint investigation and the total number of councillors involved in the investigation is half or more of all the councillors of the relevant council, the Panel is to refer the complaints to the Director.
- (4) If the Code of Conduct Panel refers the code of conduct complaints to the Director, the Director is to determine whether he or she accepts or refuses to accept the referral and is to notify the Panel of that determination within 28 days after receiving the referral.
- (5) If the Director fails to notify the Code of Conduct Panel as required by subsection (4), the Director is taken to have accepted the referral of the code of conduct complaints.
  - (6) If the Director accepts the referral of the code of conduct complaints
    - (a) the complaints are taken to be complaints made to the Director under section 339E and cease to be code of conduct complaints; and
    - **(b)** the Director is to proceed under that section in relation to the complaints.

#### 28ZG. When hearing is to be held

- (1) Except as provided by <u>subsection (2)</u>, the Code of Conduct Panel is to conduct the investigation of a code of conduct complaint by means of a hearing.
- (2) The Code of Conduct Panel may determine that a code of conduct complaint may be investigated without a hearing if it reasonably considers that —

- (a) neither the complainant nor the councillor against whom the complaint is made will be disadvantaged if a hearing is not held and it is appropriate in the circumstances not to hold a hearing; or
- (b) a hearing is unnecessary in the circumstances because the investigation can be adequately conducted by means of written submissions or examination of documentary evidence, or both.
- (3) If the Code of Conduct Panel determines not to hold a hearing, the members of the Panel may participate in a meeting of the Panel by telephone, television conference, written communication or any other means of communication approved by the Panel.
- (4) At any time after the Code of Conduct Panel has determined not to hold a hearing, the Panel may determine to hold a hearing in relation to the code of conduct complaint as a whole or to part of the code of conduct complaint.

# 28ZH. Hearings

- (1) Subject to this Act, the Code of Conduct Panel may regulate the procedure of its hearings.
  - (2) A hearing -
    - (a) is to take the form of an inquiry by the Code of Conduct Panel into the matters raised in the code of conduct complaint that are in dispute; and
    - (b) is not to be adversarial.
- (3) At a hearing, witnesses may be called by the complainant, the councillor against whom the complaint is made and the Code of Conduct Panel.
  - (4) Evidence at a hearing is to be taken by the Code of Conduct Panel
    - (a) on oath or affirmation; and
    - (b) subject to a requirement of the Code of Conduct Panel under <u>subsection (5)</u>, may be given orally or in writing.
- (5) The Code of Conduct Panel may require a person, by written notice, to attend a hearing and give evidence in person or provide documents, or both.
- (6) If the Code of Conduct Panel consents, a complainant or councillor against whom the code of conduct complaint is made may be represented at a hearing by an advocate who is not an Australian lawyer.
  - (7) A hearing is closed to the public.

#### 28ZI. Determination of code of conduct complaint

- (1) After completing its investigation of a code of conduct complaint, the Code of Conduct Panel is to determine the complaint by
  - (a) upholding the complaint; or

- (b) dismissing the complaint; or
- (c) upholding part of the complaint and dismissing the remainder of the complaint.
- (2) If the code of conduct complaint or part of it is upheld, the Code of Conduct Panel may impose one or more of the following sanctions on the councillor against whom the complaint is made:
  - (a) a caution;
  - (b) a reprimand;
  - (c) a requirement to apologise to the complainant or other person affected by the contravention of the code of conduct;
  - (d) a requirement to attend counselling or a training course;
  - (e) a suspension from performing and exercising the functions and powers of his or her office as a councillor for a period not exceeding 3 months.
- (3) If the code of conduct complaint or part of it is dismissed, the Code of Conduct Panel may determine that the complainant may not make a further complaint in relation to the same matter for a period not exceeding 12 months unless the complainant provides substantive new information in the further complaint.

# 28ZJ. Determination report

- (1) The determination of a code of conduct complaint by the Code of Conduct Panel under section 28ZI is to be in writing and is to contain
  - (a) a summary of the complaint; and
  - (b) the determination of the Code of Conduct Panel; and
  - (c) the Code of Conduct Panel's reasons for the determination; and
  - (d) if the code of conduct complaint or part of it is upheld and the Code of Conduct Panel has imposed a sanction on a councillor, that sanction and a reasonable period within which the councillor is to comply with the sanction; and
  - (e) if the code of conduct complaint or part of it is dismissed and the Code of Conduct Panel determines under section 28ZI(3) that the complainant may not make a further complaint in relation to the same matter, a direction to the complainant to that effect; and
  - (f) a statement that a person aggrieved by the determination of the Code of Conduct Panel is entitled, under <u>section 28ZP</u>, to apply to the Magistrates Court (Administrative Appeals Division) for a review of that determination on the ground that the Panel has failed to comply with the rules of natural justice.

(2) The determination of a code of conduct complaint must not contain any information of a kind referred to in <u>section 338A</u> but, if the Code of Conduct Panel considers that any such information is relevant to the report and should be included, it is to include that information in an addendum to the report.

# 28ZK. Notification of determination of code of conduct complaint

(1) In this section –

addendum means an addendum to a determination report referred to in section 28ZJ(2);

determination report means the written determination of a code of conduct complaint by the Code of Conduct Panel as required by section 28ZJ without any addendum.

- (2) Within 28 days after determining a code of conduct complaint, the Code of Conduct Panel is to provide a copy of its determination report to—
  - (a) each complainant; and
  - (b) each councillor against whom the complaint is made; and
  - (c) the general manager of the relevant council; and
  - (d) the Director.
- (3) If the Code of Conduct Panel has produced an addendum, it is to provide a copy of it to
  - (a) if the complainant is a councillor, that complainant; and
  - (b) each councillor against whom the complaint is made; and
  - (c) the general manager of the relevant council; and
  - (d) the Director.
- (4) If the general manager receives a determination report but no addendum, the general manager is to ensure that a copy of the determination report is tabled at the first meeting of the relevant council at which it is practicable to do so and which is open to the public.
- (5) If the general manager receives a determination report and also an addendum, the general manager is to ensure
  - (a) that a copy of the determination report without the addendum is tabled at the first meeting of the relevant council at which it is practicable to do so and which is open to the public; and
  - (b) that a copy of the determination report with the addendum is tabled at the first meeting of the relevant council at which it is practicable to do so and which is closed to the public.

#### 28ZL. Effect of third suspension

(1) In this section -

prescribed period, in relation to a councillor, means -

- (a) the councillor's current term of office; or
- (b) if the councillor is serving the second of 2 consecutive terms of office as a councillor (whether both those terms are with the same council or with different councils), the period consisting of both those terms of office;

third suspension means the third, or a subsequent, suspension of a councillor imposed by the Code of Conduct Panel under section 28ZI (2)(e) in relation to code of conduct complaints (whether in relation to a contravention of the same provision or different provisions of a code of conduct, or of the same or a different code of conduct) during the prescribed period.

- (2) If the Code of Conduct Panel imposes a third suspension on a councillor, the Panel is to notify the Minister of
  - (a) that suspension; and
  - (b) the details of each suspension of the councillor during the prescribed period, including details of the provisions of the code of conduct contravened and a summary of the behaviour constituting each of those contraventions.
- (3) On receipt of a notice provided under <u>subsection</u> (2), the Minister may remove the councillor from office.

# 28ZM. Councillor to comply with sanction imposed for contravention of code of conduct

(1) In this section –

determination report means the written determination of a code of conduct complaint by the Code of Conduct Panel as required by section 28ZJ.

(2) If, when determining a code of conduct complaint, the Code of Conduct Panel imposes a sanction on a councillor that requires the councillor to apologise to a person or to attend counselling or a training course, the councillor must comply with that sanction within the period specified in the determination report.

## Penalty:

Fine not exceeding 50 penalty units.

(3) Within 7 days after a councillor has fully complied with a sanction referred to in <u>subsection (2)</u>, the councillor is to notify the general manager that he or she has done so.

- (4) If a councillor fails to comply with a sanction referred to in <u>subsection (2)</u> within the period specified in the determination report, the relevant general manager is to notify the Director, in writing, of that fact.
- (5) On receipt of a notice provided under <u>subsection (4)</u>, the Director is to deal with the notice as if it were a complaint under <u>section 339E</u>.

## 28ZN. Costs of parties relating to code of conduct complaint

The complainant in a code of conduct complaint and the councillor against whom the complaint is made are to bear their own costs relating to the investigation and determination of the complaint.

## 28ZO. Refund of fee accompanying lodgement of code of conduct complaint

A council must refund to each complainant who has lodged a code of conduct complaint, in equal shares, any fee paid with the lodgement in accordance with section 28V(3)(g) in any of the following circumstances:

- (a) the complaint is referred to the Director by the general manager under section 28Z(1)(b) and is accepted by the Director;
- (b) the whole complaint is referred to a person or other authority by the chairperson of the Code of Conduct Panel on initial assessment under section 28ZA(1)(c) and is accepted by that person or authority;
- (c) the whole complaint is withdrawn at any time before it is referred by the general manager to the Code of Conduct Panel under section 28Z(1);
- (d) the complaint or part of the complaint is upheld on determination by the Code of Conduct Panel;
- (e) all councillors against whom the complaint is made resign or lose the office of councillor before the complaint is dealt with as specified in paragraph (a), (b), (c) or (d), as the case requires.

#### Subdivision 4 - Reviews of Code of Conduct Panel decisions

#### 28ZP. Review of Code of Conduct Panel decision

If a person is aggrieved by the determination of a code of conduct complaint by the Code of Conduct Panel on the ground that the Panel failed to comply with the rules of natural justice —

- (a) the person may apply to the Magistrates Court (Administrative Appeals Division) for a review of that determination on that ground; and
- (b) that determination is a reviewable decision for the purposes of the *Magistrates Court (Administrative Appeals Division) Act 2001*.

#### 8. Section 72 amended (Annual report)

Section 72 of the Principal Act is amended as follows:

- (a) by inserting the following paragraphs after paragraph (b) in subsection (1):
  - (ba) a statement of the number of code of conduct complaints that were upheld either wholly or in part during the preceding financial year;

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- (bb) the total costs met by the council during the preceding financial year in respect of all code of conduct complaints dealt with under <u>Division 3A</u> of <u>Part 3</u> during the preceding financial year;
- (b) by omitting from subsection (2)(a) "2 copies" and substituting "one copy";
- (c) by omitting paragraph (d) from subsection (2) and substituting the following paragraph:
  - (d) advertise in a daily newspaper circulating in the municipal area the availability of the report, together with an invitation to electors to lodge submissions on the report with the council for discussion at its annual general meeting.
- (d) by omitting subsection (3).

# 9. Section 72B amended (Annual General Meeting)

Section 72B of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) "on at least 2 separate occasions";
- (b) by inserting in subsection (3) "at an Annual General Meeting" after "present";
- (c) by omitting from subsection (3)(b) "or other prescribed newspaper".

## 10. Section 195 amended (Notice of impounding)

Section 195(2) of the Principal Act is amended as follows:

- (a) by omitting "give the following details:" and substituting "contain the following information, details and statements:";
- (b) by omitting paragraph (d) and substituting the following paragraphs:
  - (d) a statement that fees, costs and charges may be payable to the council in relation to its impounding, maintenance and treatment;
  - (e) if any fee, cost or charge referred to in <u>paragraph</u> (d) is ascertainable at the time the notice is prepared, the amount of that fee, cost or charge;
  - (f) a statement that the animal may be sold, given away or destroyed if —

- (i) the animal is not claimed within 14 days after its impounding; or
- (ii) any fee, cost or charge referred to in paragraph (d) is not paid within 14 days after the date of the notice:
- (g) the date on or the period during which, and the place at which, the animal may be sold, given away or destroyed if it is not claimed.

# 11. Section 196 amended (Fees, costs and charges)

Section 196 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsection:

(1) The owner of an impounded animal is liable to pay the fees, costs and charges incurred by the council in respect of the impounding, maintenance and treatment of the animal.

# 12. Section 197 amended (Sale or destruction of unclaimed animals)

Section 197 of the Principal Act is amended as follows:

- (a) by omitting paragraph (b) from subsection (1) and substituting the following paragraph:
  - (b) any fee, cost or charge payable by the owner has not been paid within 14 days of the date of the notice given under section 195.
- (b) by omitting subsections (2) and (3).

#### 13. Section 270 amended (Eligibility for nomination as councillor)

Section 270(1) of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

(ab) has his or her principal place of residence in Tasmania; and

# 14. Section 315 amended (False or misleading statements)

Section 315 of the Principal Act is amended by inserting "making a notice of nomination under section 271," after "information,".

# 15. Section 338A amended (Disclosure of information)

Section 338A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) "A councillor" and substituting "Except as required, or allowed, by this Act, another Act or any other law, a councillor";
- **(b)** by omitting from subsection (3) "A member" and substituting "Except as required, or allowed, by this Act, another Act or any other law, a member";

(c) by omitting from subsection (4) "An employee" and substituting "Except as required, or allowed, by this Act, another Act or any other law, an employee".

# 16. Section 339E amended (Complaints against non-compliance or offence)

Section 339E of the Principal Act is amended by inserting after subsection (5) the following subsection:

(6) Without limiting the power of the Director under <u>subsection</u> (5) to determine the procedure for handling complaints or investigating matters, the Director may dismiss a complaint at any time after receiving it if the Director considers that the complaint is frivolous or vexatious.

## 17. Section 340A amended (Allowances)

Section 340A(5) of the Principal Act is amended by inserting "section 28ZI(2)(e) or after "under".

# 18. Section 341 amended (Immunity from liability)

Section 341 of the Principal Act is amended as follows:

- (a) by omitting paragraph (c) from subsection (1) and substituting the following paragraphs:
  - (c) the Executive Officer; or
  - (ca) a member of the Code of Conduct Panel or an audit panel; or
- (b) by omitting from subsection (2) "a Code of Conduct panel,";
- (c) by omitting subsection (3).

#### 19. Section 349A inserted

After section 349 of the Principal Act, the following section is inserted in Division 3:

# 349A. Savings and transitional provisions consequent on <u>Local Government</u> Amendment (Code of Conduct) Act 2015

The savings and transitional provisions set out in Schedule 8A have effect.

## 20. Schedule 2A inserted

After Schedule 2 to the Principal Act, the following Schedule is inserted:

# **SCHEDULE 2A - Membership of Code of Conduct Panel**

Section 28K(4)

#### 1. Interpretation

In this Schedule -

member means a member of the Code of Conduct Panel.

#### 2. Term of office

- (1) A member is to be appointed for a period of not more than 4 years that is specified in the member's instrument of appointment.
- (2) If a member becomes a councillor or employee of a council, that member's appointment is terminated.

## 3. Holding other office

The holder of an office who is required under any Act to devote the whole of his or her time to the duties of that office, is not disqualified from –

- (a) holding that office and also the office of a member; or
- **(b)** accepting any remuneration payable to an appointed member unless the holder's office is the office of a State Service officer or a State Service employee.

#### 4. State Service Act

- (1) A person may hold the office of a member in conjunction with the office of a State Service officer or a State Service employee.
- (2) The <u>State Service Act 2000</u> does not apply to a person referred to in <u>subclause (1)</u> in his or her capacity as a member.

#### 5. Vacation of office

- (1) A member may resign from office by written notice provided to the Minister.
- (2) A member vacates office if he or she =
  - (a) dies; or
  - (b) resigns; or
  - (c) is removed from office under subclause (3).
- (3) The Minister may remove a member from office if
  - (a) the Minister is satisfied that the member is no longer qualified to be a member of the Code of Conduct Panel; or
  - (b) the Minister is satisfied that the member is unable, because of absence, illness or any other reason, to perform adequately or completely the duties of the office of a member; or
  - (c) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or
  - (d) the member has been convicted in Tasmania of any offence punishable by imprisonment for a term of 12 months or longer or

elsewhere of any offence which, if committed in Tasmania, would be punishable by imprisonment for a term of 12 months or longer; or

(e) the Minister is satisfied that the member is no longer a fit and proper person to be a member of the Code of Conduct Panel.

#### 21. Schedule 8A inserted

After Schedule 8 to the Principal Act, the following Schedule is inserted:

# SCHEDULE 8A - Savings and Transitional Provisions Consequent on <u>Local</u> Government Amendment (Code of Conduct) Act 2015

Section 349A

## 1. Interpretation

(1) In this Schedule –

commencement day means the day on which the Local Government Amendment (Code of Conduct) Act 2015 commences;

new Act means this Act as in force on and after the commencement day;

previous Act means this Act as in force immediately before the commencement day;

previous Code of Conduct Panel means a Code of Conduct Panel as defined in the previous Act;

#### previous Regulations means -

- (a) if the <u>Local Government (General) Regulations 2005</u> are in force immediately before the commencement day, those regulations as in force immediately before that day; or
- (b) if the <u>Local Government (General) Regulations 2015</u> are in force immediately before the commencement day, those regulations as in force immediately before that day;

**Standards Panel** means a Standards Panel as defined in the previous Act.

- (2) A reference in this Schedule to regulation 22C of the previous Regulations is a reference to
  - (a) regulation 22C of the <u>Local Government (General) Regulations</u> 2005; or
  - **(b)** the regulation in the <u>Local Government (General) Regulations 2015</u> that substantially corresponds to that regulation 22C –

as appropriate, and a reference to the application of the previous Regulations in relation to that regulation is a reference to the <u>Local Government (General)</u> <u>Regulations 2005</u> or the <u>Local Government (General) Regulations 2015</u>, also as appropriate.

#### 2. Code of conduct

On and after the commencement day until a council adopts the model code of conduct under section 28T, the code of conduct of the council that was in force under the previous Act immediately before the commencement day continues in force and is taken to be the council's code of conduct within the meaning of this Act.

## 3. Complaints under previous Act

- (1) If -
  - (a) before the commencement day, a complaint against a councillor is made under section 28F of the previous Act; but
  - (b) immediately before the commencement day, the mayor or deputy mayor has not, under regulation 22C of the previous Regulations, notified the councillor against whom the complaint is made of the complaint –

the complaint is to be dealt with, investigated and determined as a code of conduct complaint under the new Act.

- (2) If -
  - (a) before the commencement day, a complaint against a councillor is made under section 28F of the previous Act and the mayor or deputy mayor has, under regulation 22C of the previous Regulations, notified the councillor against whom the complaint is made of the complaint; but
  - (b) the 7-day period within which, under regulation 22C of the previous Regulations, the councillor may lodge an election to have the complaint referred to the Local Government Association of Tasmania to be dealt with by a Standards Panel has not expired –

the previous Act and previous Regulations continue to apply in relation to the complaint until the end of that 7-day period.

- (3) If -
  - (a) before the commencement day, a complaint against a councillor is made under section 28F of the previous Act; and
  - (b) the councillor, either before the commencement day or as allowed by <u>subclause (2)</u> and under regulation 22C of the previous Regulations, has lodged an election to have the complaint referred to the Local Government Association of Tasmania to be dealt with by a Standards Panel –

the previous Act and previous Regulations continue to apply in relation to the complaint, its hearing and a determination.

## (4) If -

- (a) before the commencement day, a complaint against a councillor is made under section 28F of the previous Act; and
- (b) the councillor, either before the commencement day or as allowed by <u>subclause (2)</u> and under regulation 22C of the previous Regulations, has not lodged an election to have the complaint referred to the Local Government Association of Tasmania to be dealt with by a Standards Panel; and
- (c) the mayor or deputy mayor has not referred the complaint to a previous Code of Conduct Panel –

the complaint is to be dealt with as a code of conduct complaint under the new Act.

# (5) If -

- (a) before the commencement day, a complaint against a councillor is made under section 28F of the previous Act; and
- (b) the councillor, either before the commencement day or as allowed by <u>subclause (2)</u> and under regulation 22C of the previous Regulations, has not lodged an election to have the complaint referred to the Local Government Association of Tasmania to be dealt with by a Standards Panel; and
- (c) the mayor or deputy mayor has referred the complaint to a previous Code of Conduct Panel –

the previous Act and previous Regulations continue to apply in relation to the complaint, its hearing and determination and in relation to an appeal made under section 28F of the previous Act against the decision of the previous Code of Conduct Panel.

# 4. Continuation of, and termination of membership of, previous Code of Conduct Panel

- (1) At any time on or after the commencement day, a council is to terminate the appointments of the members of its previous Code of Conduct Panel once the council is satisfied that the Panel will not be required, by reason of <u>clause 3</u>, to deal with, hear and determine a complaint made under section 28F of the previous Act.
- (2) On and after the commencement day until the appointment of a member of a previous Code of Conduct Panel that was in force immediately before the commencement day is terminated under <u>subclause (1)</u>, that appointment continues and for that purpose the previous Act applies to that appointment.
- (3) If, on or after the commencement day, a previous Code of Conduct Panel is required, by reason of <u>clause 3</u>, to deal with, hear and determine a complaint made under section 28F of the previous Act and it is necessary to appoint a new member to the Panel, the previous Act continues to apply –

- (a) so as to allow the appointment of the new member to the Code of Conduct Panel; and
- (b) to the appointment of the new member until the appointment is terminated under subclause (1).
- (4) A member of the previous Code of Conduct Panel is not entitled to receive any benefit in respect of the termination of his or her appointment as such a member under subclause (1).

#### 5. Continuation of, and termination of membership of, Standards Panel

- (1) At any time on or after the commencement day, the Local Government Association of Tasmania is to terminate the appointments of the members of its Standards Panel once that Association is satisfied that the Panel will not be required, by reason of clause 3, to deal with, hear and determine
  - (a) a complaint made under section 28F of the previous Act; or
  - **(b)** an appeal against the determination of such a complaint by a previous Code of Conduct Panel.
- (2) On and after the commencement day until the appointment of a member of a Standards Panel that was in force immediately before the commencement day is terminated under <u>subclause (1)</u>, that appointment continues and for that purpose the previous Act applies to that appointment.
- (3) If, on or after the commencement day, the Standards Panel is required, by reason of clause 3, to deal with, hear and determine a complaint under section 28F of the previous Act or an appeal against the determination of such a complaint by a previous Code of Conduct Panel and it is necessary to convene the Standards Panel or appoint new members to the Standards Panel, the previous Act continues to apply
  - (a) so as to allow the convening of the Standards Panel and the appointments of members, or new members, to the Standards Panel; and
  - **(b)** to the appointment of each of those members and new members until the appointment is terminated under <u>subclause</u> (1).
- (4) A member of a Standards Panel is not entitled to receive any benefit in respect of the termination of his or her appointment as such a member under subclause (1).

#### 22. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.

[Second reading presentation speech made in:

House of Assembly on 26 MAY 2015

Legislative Council on 25 JUNE 2015

#### GOVERNANCE COMMITTEE AGENDA (OPEN PORTION OF THE MEETING) 1/3/2016

7.	COUNCIL POLICY MANUAL REVIEW 2015 - FILE REF: 10-40-1
	293x's
	Report of the Acting Director Corporate Services of 23 February 2016 and attachment.

DELEGATION: Council

**TO** : Governance Committee

**FROM** : Acting Director Corporate Services

**DATE** : 23 February, 2016

**SUBJECT: COUNCIL POLICY MANUAL REVIEW 2015** 

FILE 10-40-1 :BD (S:\Corporate Services\Executive Officer Corporate Services\Normal\Committee

Reports\GC - Council Policy Review 2015.doc)

#### 1. INTRODUCTION

1.1. The purpose of this report is to present to the committee the findings from the 2015 review of the Council's Policy Manual.

#### 2. BACKGROUND

- 2.1. The Council's Policy Manual is reviewed annually for relevance, accuracy and currency.
- 2.2. Each policy has been reviewed within its relevant owner Division.
- 2.3. As part of the review the structure of the Policy Manual has been restructured to simplify the document and improve its alignment with organisational operations.
- 2.4. The Council's Executive Leadership Team (ELT) has endorsed the review.

#### 3. PROPOSAL

- 3.1. The structure of the Policy Manual has taken place and it is proposed to align policies with the functional activities of the Council. The proposed structure is as follows:
  - 3.1.1. Community Services and Events;
  - 3.1.2. Corporate Governance;
  - 3.1.3. Environment, Planning and Development;
  - 3.1.4. Parking Control;
  - 3.1.5. Property Management;
  - 3.1.6. Rates and Charges;
  - 3.1.7. Recreation, Parks, Bushland and Reserves;
  - 3.1.8. Roads, Traffic and Walkways.

- 3.2. Each policy has been assigned to the relevant category which is reflected in the amendments shown on the attachments.
  - 3.2.1. In line with the approach of the majority of City Councils in Australia, it is proposed that the Council publish its policies on the website for reference by the community.
- 3.3. All policies are presented to the committee irrespective of whether changes are proposed as good governance practice.
- 3.4. It is proposed that the committee endorse the schedule of Council policies shown in **Attachment A**.

#### 4. IMPLEMENTATION

4.1. Once adopted by the Council, the Policy Manual will be updated and restructured in line with the revised format and published on the City of Hobart website.

#### 5. STRATEGIC PLANNING IMPLICATIONS

- 5.1. The review of the Council's Policy Manual is aligned to the Council's obligations contained within the City of Hobart Strategic Plan 2015-2025, Goal 5 Governance:
  - 5.1 The organisation is relevant to the community and provides good governance and transparent decision making.

#### 6. FINANCIAL IMPLICATIONS

- 6.1. Funding Source(s)
  - 6.1.1. There are no financial implications associated with the annual policy review.
- 6.2. Impact on Current Year Operating Result
  - 6.2.1. There is no impact on the current operating result.
- 6.3. Impact on Future Years' Financial Result
  - 6.3.1. There are no implications on future years' results.
- 6.4. Asset Related Implications
  - 6.4.1. There are no asset related implications.

#### 7. DELEGATION

7.1. This matter is delegated to the Council.

#### 8. CONSULTATION

8.1. Consultation has occurred with Divisional Directors and relevant staff across the organisation.

#### 9. CONCLUSION

- 9.1. Attached is a summary of recommendations in respect to the 2015 review of the Council's Policy Manual (**Attachment A**).
- 9.2. A revised format and structure for the Council policy manual has been proposed for implementation.
- 9.3. It is proposed to publish the Council's Policy Manual on the City of Hobart website.

#### 10. RECOMMENDATION

That:

- 10.1. The report:bd (S:\Corporate Services\Executive Officer Corporate Services\Normal\Committee Reports\GC Council Policy Review 2015.doc) be received and noted.
- 10.2. The Council endorse the recommendations contained within Attachment A in respect to the Council's Policy Review for 2015.
- 10.3. The Council endorse the proposed new structure of the Policy Manual as outlined in the report and detailed on the amended policies.
- 10.4. The Council endorse the display of its Policy Manual on the City of Hobart website.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

(Margaret Johns)

**ACTING DIRECTOR CORPORATE SERVICES** 

Attachment A 2015 Policy Manual Review – Summary of Recommendations.

Policy Title: Consideration of Requests for the Council to

Entertain

Reference: Appendix 1

Review Proposal: Amend

Category: Corporate Governance

Comment: Amendment recommended in order to make the policy

more practical.

Recommendation: That Council Policy titled *Consideration of Requests for* 

the Council to Entertain be amended as outlined in the

Attachment.

Policy Title: Major Developments Assistance/Incentives

Reference: Appendix 2

Review Proposal: **No Change** 

Category: Environment, Planning and Development Control

Comment: This policy is currently set aside.

Recommendation: That no change be made to the Council Policy titled *Major* 

Developments Assistance/Incentives at this time.

Policy Title: Lord Mayor's Charity Concert

Reference: Appendix 3

Review Proposal: Amend

Category: Community Services and Events

Comment: Minor amendment recommended but largely this policy is

recommended to remain, as it may still be relevant and the

concept was discussed earlier this year.

Recommendation: That Council Policy titled Lord Mayor's Charity Concert

be amended as outlined in the Attachment.

Policy Title: Guidelines for Future International Relationships

Reference: Appendix 4

Review Proposal: Amend

Category: Corporate Governance

Comment: Minor change recommended to reflect current practice.

Recommendation: That Council Policy titled *Guidelines for Future* 

International Relationships be amended as outlined in the

Attachment.

Item No. 7

## 2015 Policy Manual Review - Summary of Recommendations

Policy Title **Apportionment of Costs - New Stormwater Schemes** 

Reference: Appendix 5

Review Proposal Amend

Category: Environment, Planning and Development Control

Comment: This policy has had some wording changes for the purposes

of simplification and an amended title for clairty.

Recommendation: That the Council Policy titled *Apportionment of Costs* be

amended as outlined in the Attachment.

Policy Title **Private Works - Charges** 

Reference: Appendix 6

Review Proposal Amend

Category: Corporate Governance

Comment: This policy has had some minor rewording to clarify the

policy objective.

Recommendation: That the Council Policy titled *Private Works - Charges* be

amended as outlined in the Attachment.

Policy Title **Cycleways** 

Reference: Appendix 7

Review Proposal **No change** 

Category: Roads, Traffic and Walkways

Comment: No change required

Recommendation: That the Council Policy titled *Cycleways* remain unchanged.

Policy Title Increasing the Energy Efficiency of Council Assets

Reference: Appendix 8

Review Proposal **No change** 

Category: Property Management

Comment: No change required.

Recommendation: That the Council Policy titled *Increasing the Energy* 

Efficiency of Council Assets remain unchanged.

\_\_\_\_\_

Policy Title Asset Management

Reference: Appendix 9

Review Proposal Amend

Category: Corporate Governance

Comment: Amended to ensure alignment with the *Local Government* 

(Content of Plans and Strategies) Order 2014, the Strategic

Plan and Long Term Financial Management Plan.

The amendments to the policy also makes particular reference to ensuring that asset management and service delivery is sustainable and takes into account community, social, environmental and cultural heritage and other relevant

factors.

Recommendation: That Council Policy titled *Asset Management* be amended as

outlined in the Attachment.

\_\_\_\_\_

Policy Title New Infrastructure - Roads and Stormwater

Reference: Appendix 10

Review Proposal Amend

Category: Environment, Planning and Development Control

Comment: Minor rewording undertaken.

Recommendation: That the Council Policy titled *New Infrastructure - Roads* 

and Stormwater be amended as outlined in the Attachment.

Policy Title Permanent Private Signage on Highway Reservations

Reference: Appendix 11

Review Proposal Amend

Category: Environment, Planning and Development Control

Comment: Minor rewording to reflect that the policy relates to ground-

based signs.

Recommendation: That the Council Policy titled *Permanent Private Signage on* 

Highway Reservations be amended as outlined in the

Attachment.

\_\_\_\_\_

Policy Title Neighbourhood Watch Programme - Signs

Reference: Appendix 12

Review Proposal Rescind

Item No. 7

### 2015 Policy Manual Review - Summary of Recommendations

Category:

Community Services and Events

Council officers involved in the installation of signs have advised that no requests for Neighbourhood Watch signs

have been received for approximately 15 years.

The Safety House organisation has written to Council requesting that all Safety House signage be removed from

public streets. This has been undertaken.

On the basis it is recommended that the policy be rescinded.

Recommendation:

That the Council Policy titled Neighbourhood Watch

Programme - Signs be rescinded.

\_\_\_\_\_

Policy Title Alterations to Gutter Crossings and Footpath

Reinstatement

Reference: Appendix 13

Review Proposal Amend

Category: Environment, Planning and Development Control

Comment: Minor rewording to ensure clarity of the policy and

amendment of officers titles.

Recommendation: That Council Policy titled *Alterations to Gutter Crossings* 

and Footpath Reinstatement be amended as outlined in the

Attachment.

Policy Title Required Safety Fences between Roads and Private

**Property** 

Reference: Appendix 14

Review Proposal Amend

Item No. 7

## 2015 Policy Manual Review - Summary of Recommendations

Category: Roads, Traffic and Walkways

Comment: Minor administrative amendment made to the content of the

policy.

Recommendation: That the Council Policy titled *Required Safety Fences* 

between Roads and Private Property be amended as outlined

in the Attachment.

\_\_\_\_\_

Policy Title Funding Traffic Management Works on Public

**Highways** 

Reference: Appendix 15

Review Proposal Amend

Category: Roads, Traffic and Walkways

Comment: Minor administrative change made to the content of the

policy.

Recommendation: That the Council Policy titled *Funding Traffic Management* 

Works on Public Highways be amended as outlined in the

Attachment.

Policy Title Road Naming

Reference: Appendix 16

Review Proposal Amend

Category: Roads, Traffic and Walkways

Comment: Rewording of the policy to include reference to the

Nomenclature Board Rules for Place Names and a change of

title to more accurately reflect the intent of the policy.

The City Infrastructure Committee at its meeting of 9 December 2015, recommended a review of this policy in due course to give preference to road names which have a historical connection with the area and provide opportunities to better represent the City's cultural diversity. This review will be undertaken seperate to this review.

Recommendation: That the Council Policy titled *Naming* be amended as

outlined in the Attachment.

\_\_\_\_\_

Policy Title Residential Parking Permits - Tenants of Properties

Reference: Appendix 17

Review Proposal Rescind

Category: Parking Control

Comment: It is recommended this policy be rescinded as its intent has

been amalgamated into other residential parking permit policies and also on the basis that a separate policy exclusively for tenants, as compared to other residents of

properties, is no longer required.

Recommendation: That the Council Policy titled *Residential Parking Permits* -

Tenants of Properties be rescinded.

Policy Title Residential Parking Permits in Non-Metered Areas

Reference: Appendix 18

Review Proposal Amend

Category: Parking Control

Item No. 7

2015 Policy Manual Review - Summary of Recommendations

Comment: The policy has been worded to clarify its intent and to

include provisions for tenants of properties as contained in the policy titled *Residential Parking Permits – Tenants of* 

Properties.

Recommendation: That the Council Policy titled *Residential Parking Permits in* 

Non-metered Areas be amended as outlined in the

Attachment.

Policy Title Residential Parking Permits for Residents of the CBD

and Immediate Adjacent Areas

Reference: Appendix 19

Review Proposal Amend

Category: Parking Control

Comment: Rewording to clarify the intent and to include provisions for

tenants of properties.

Recommendation: That the Council Policy titled *Residential Parking Permits* 

for Residents of the CBD and Immediate Adjacent Areas be

amended as outlined in the Attachment.

Policy Title Residential Parking Permits in Metered Areas

Reference: Appendix 20

Review Proposal Amend

Category: Parking Control

Comment: Rewording to clarify the intent and to include provisions for

tenants of properties.

Item No. 7

## 2015 Policy Manual Review - Summary of Recommendations

Recommendation: That Council Policy titled *Residential Parking Permits in* 

Metered Areas be amended as outlined in the Attachment.

Policy Title Cash in Lieu of Parking

Reference: Appendix 20

Review Proposal Rescind

Category: Environment, Planning and Development Control

Comment: This policy has been superseded by statutory provisions

within the Hobart Interim Planning Scheme 2015. A new

policy will be developed in due course.

Recommendation: That the Council Policy titled *Cash in Lieu of Parking* be

rescinded.

Policy Title Climate Change

Reference: Appendix 21

Review Proposal Amend

Category: Environment, Planning and Development Control

Comment: Administrative changes only at present, reflecting

organisational changes. A new policy is currently being

redrafted for Council's consideration.

Recommendation: That the Council Policy titled *Climate Change* be amended

as outlined in the Attachment.

Policy Title **Dog Management** 

Reference: Appendix 22

Review Proposal Amend

Category: Corporate Governance

Comment: Administrative changes only at present, reflecting

organisational changes.

Recommendation: That the Council Policy titled *Dog Management* be

amended as outlined in the Attachment.

Policy Title Conciliation Services

Reference: Appendix 23

Review Proposal Amend

Category: Environment, Planning and Development Control

Comment: Administrative changes only at present, reflecting

organisational changes.

Recommendation: That the Council Policy titled *Conciliation Services* be

amended as outlined in the Attachment.

Policy Title Strategic Property Infrastructure - Conservation

and Enhancement

Reference: Appendix 24

Review Proposal Amend

Category: Environment, Planning and Development Control

Comment: Administrative changes only at present, reflecting

organisational changes.

Recommendation: That the Council Policy titled *Strategic Property* 

Infrastructure - Conservation and Enhancement be

amended as outlined in the Attachment.

Policy Title **Deferral of Planning Applications** 

Reference: Appendix 25

Review Proposal Amend

Category: Environment, Planning and Development Control

Comment: Administrative changes only at present, reflecting

organisational changes.

Recommendation: That Council Policy titled *Deferral of Planning* 

Applications be amended as outlined in the Attachment.

Policy Title **Paving Bonds** 

Reference: Appendix 26

Review Proposal Rescind

Category: Environment, Planning and Development Control

Comment: The requirement for a bond has not been applied

for approximately 5 years. The policy is no longer required

given the existence of alternative means to facilitate

compliance.

Recommendation: That the Council Policy titled *Paving Bonds* be rescinded.

Policy Title Sealed Plans - Objections to Amendments

Reference: Appendix 27

Review Proposal Amend

Category: Environment, Planning and Development Control

Comment: Administrative changes only due to organisational

changes.

Item No. 7

## 2015 Policy Manual Review - Summary of Recommendations

Recommendation: That the Council Policy titled Sealed Plans - Objections to

Amendments be amended as outlined in the Attachment.

Policy Title Waste and Recycling Collection from Private

**Residential Housing Estates** 

Reference: Appendix 28

Review Proposal Amend

Category: Environment, Planning and Development Control

Comment: Administrative changes only due to organisational changes.

Recommendation: That the Council Policy titled *Waste and Recycling* 

Collection from Private Residential Housing Estates be

amended as outlined in the Attachment.

Policy Title Reproduction of Plans

Reference: Appendix 29

Review Proposal Rescind

Category: Environment, Planning and Development Control

Comment: Right to information legislation governs the release of this

information.

Recommendation: That the Council Policy titled *Reproduction of Plans* be

rescinded.

Policy Title Erosion and Sedimentation Control

Reference: Appendix 30

Review Proposal Rescind

Category: Environment, Planning and Development Control

Comment: This policy has been superseded by statutory provisions

within the Hobart Interim Planning Scheme 2015.

Recommendation: That the Council Policy titled *Erosion and Sedimentation* 

Control be rescinded.

Policy Title Planning Appeals

Reference: Appendix 31

Review Proposal Amend

Category: Environment, Planning and Development Control

Comment: Administrative changes only due to organisational changes.

Recommendation: That the Council Policy titled *Planning Appeals* be

amended as outlined in the Attachment.

Policy Title Salamanca Market - Sunday Operation

Reference: Appendix 32

Review Proposal Rescind

Category: Community Services and Events

Comment: This policy has never been applied and has limited scope

for stallholders at Salamanca Market and accordingly it is

recommended for rescission.

Recommendation: That the Council Policy titled *Salamanca Market - Sunday* 

Operation be rescinded.

Policy Title Use of Salamanca Square for Events

Reference: Appendix 33

Review Proposal **No change** 

Category: Community Services and Events

Comment: No change to this policy.

Recommendation: That the Council Policy titled *Use of Salamanca Square for* 

Events remain unchanged.

Policy Title Elizabeth Mall - Commercial Events Featuring

Advertising

Reference: Appendix 34

Review Proposal **No change** 

Category: Roads, Traffic and Walkways

Comment: Recommended to retain this policy at this time. A

comprehensive review at a future point in time will take place in order to take into account the new operational arrangements for the Elizabeth Mall bookings, separate to

the compliance requirements of the Council.

Recommendation: That the Council Policy titled *Elizabeth Mall - Commercial* 

Events Featuring Advertising remain unchanged.

Policy Title **Humanitarian Crisis Assistance** 

Reference: Appendix 35

Review Proposal **No change** 

Category: Community Services and Events

Comment: No change to policy.

Recommendation: That the Council Policy titled *Humanitarian Crisis* 

Assistance remain unchanged.

Policy Title Racial Tolerance

Reference: Appendix 36

Review Proposal **No change** 

Category: Community Services and Events

Comment: No change to policy.

Recommendation: That the Council Policy titled *Racial Tolerance* remain

unchanged.

Policy Title Aldermen – Entitlements and Benefits

Reference: Appendix 37

Review Proposal Amend

Category: Corporate Governance

Comment: Council adopted this policy at its meeting of 9 November

2015. Minor administrative changes are suggested to ensure clarity of the process along with a change of title to

more appropriately reflect the subect of the policy.

Recommendation: That the Council Policy titled *Aldermen – Entitlements and* 

Benefits be amended as outlined in the Attachment.

Policy Title Meetings: Procedures and Guidelines

Reference: Appendix 38

Review Proposal **No change** 

Category: Corporate Governance

Comment: No change recommended at present. A review of this

policy is to be conducted and will be the subject of a

separate report.

Recommendation: That the Council Policy titled *Meetings: Procedures and* 

Guidelines remain unchanged at this time.

Policy Title Grants and Benefits Disclosure

Reference: Appendix 39

Review Proposal **No change** 

Category: Corporate Governance

Item No. 7

## 2015 Policy Manual Review - Summary of Recommendations

Comment: This policy was reviewed in conjunction with the

establishment of the policy in respect to Leases for Not for

Profit Organisations, adopted by the Council on 21

September 2015.

Recommendation: That the Council Policy titled *Grants and Benefits* 

Disclosure remain unchanged.

Policy Title **Disclosure of Complainant's Identity** 

Reference: Appendix 40

Review Proposal Rescind

Category: Corporate Governance

Comment: The provisions of this policy have been incorporated into

the policy titled *Information Privacy*.

Recommendation: That the Council Policy titled *Disclosure of Complainant's* 

*Identity* be rescinded.

Policy Title **Information Privacy** 

Reference: Appendix 41

Review Proposal Amend

Category: Corporate Governance

Comment: Amended to incorporate the policy provisions contained

within the *Disclosure of Complainant's Identity* policy and other minor amendments to clarify the policy and reference

to Right to Information legislation.

Item No. 7

2015 Policy Manual Review - Summary of Recommendations

Recommendation: That the Council Policy titled *Information Privacy* be

amended as outlined in the Attachment.

\_\_\_\_\_

Policy Title Online Information and Data Release

Reference: Appendix 42

Review Proposal **No change** 

Category: Corporate Governance

Comment: No change required.

Recommendation: That the Council Policy titled *Online Information and Data* 

Release remain unchanged.

Policy Title External Bodies Representations and Reporting on

**Activities** 

Reference: Appendix 43

Review Proposal Amend

Category: Corporate Governance

Comment: Change to the title of the policy to more accurately reflect

the intent of the policy along with minor administrative

changes.

Recommendation: That the Council Policy titled *External Bodies* 

Representations and Reporting on Activities be amended as

outlined in the Attachment.

Policy Title **Election Signage** 

Reference: Appendix 44

Review Proposal **No change** 

Category: Corporate Governance

Comment: No change required.

Recommendation: That the Council Policy titled *Election Signage* remain

unchanged.

\_\_\_\_\_

Policy Title **Nuclear Vessels - Visits** 

Reference: Appendix 46

Review Proposal Rescind

Category: Corporate Governance

Comment: It is proposed to rescind this policy on the basis that it is

no longer considered relevant.

Recommendation: That the Council Policy titled *Nuclear Vessels – Visits* be

rescinded.

Policy Title Foreign Affairs and Defence Matters – Council

Involvement

Reference: Appendix 47

Review Proposal Rescind

Category: Corporate Governance

Item No. 7

## 2015 Policy Manual Review - Summary of Recommendations

Comment: This policy was established in 1991 to deal with a specific

matter occurring at that particular time.. The Council considers its position in respect to matters coming before it

on a case-by-case basis.

Recommendation: That the Council Policy titled Foreign Affairs and Defence

*Matters – Council Involvement* be rescinded.

Policy Title Community Engagement

Reference: Appendix 48

Review Proposal **No change** 

Category: Community Services and Events

Comment: No change required.

Recommendation: That the Council Policy titled *Community Engagement* 

remain unchanged.

Policy Title Waterside Pavilion – Council Control

Reference: Appendix 49

Review Proposal Rescind

Category: Property Management

Comment: That the policy be rescinded on the basis that the Council

considers proposals put before it on a case by case basis.

Recommendation: That the Council Policy titled *Waterside Pavilion – Council* 

Control be rescinded.

Policy Title Community Requests for Council to Purchase Land

Reference: Appendix 50

Review Proposal Amend

Category: Environment, Planning and Development Control

Comment: This policy has been amended to incorporate a general

update in respect to current practices and to remove

historical references.

Recommendation: That the Council Policy titled *Community Requests for* 

Council to Purchase Land be amended as outlined in the

Attachment.

Policy Title **Tenancies – Payment of Rent** 

Reference: Appendix 51

Review Proposal **No change** 

Category: Property Management

Comment: It is recommended this policy remain at present and be

reviewed as part of the review into tenancy arrangements.

Recommendation: That the Council Policy titled *Tenancies – Payment of Rent* 

remain unchanged.

Policy Title **Probity Guidelines for the Consideration of** 

**Commercial Property Transactions** 

Reference: Appendix 52

Review Proposal Amend

Category: Property Management

Comment: Amended to change the focus from disposal, to general

commercial transactions involving the Council's property.

Recommendation: That the Council Policy titled *Probity Guidelines for the* 

Consideration of Commercial Property Transactions be

amended as outlined in the Attachment.

Policy Title Leases to Non-Profit Organisations

Reference: Appendix 53

Review Proposal **No change** 

Category: Property Management

Comment: No change required as the policy was adopted by Council

at its meeting of 21 September 2015.

Recommendation: That the Council Policy titled *Leases to Non-Profit* 

Organisations remain unchanged.

Policy Title Use of Town Hall, City Hall and Waterside Pavilion

Reference: Appendix 54

Review Proposal Amend

Category: Property Management

Comment: It is recommended that Clause 2 be deleted on the basis that

there is no impact on CBD retailers.

Item No. 7

#### 2015 Policy Manual Review - Summary of Recommendations

Recommendation: That the Council Policy titled *Use of Town Hall, City Hall* 

and Waterside Pavilion be amended as outlined in the

Attachment.

Policy Title Cash Bonds Required

Reference: Appendix 55

Review Proposal Rescind

Category: Property Management

Comment: This policy is considered to be an operational matter and on

this basis, it is recommened the policy be rescinded.

Recommendation: That the Council Policy titled *Cash Bonds Required* be

rescinded.

\_\_\_\_

Policy Title **Equal Employment Opportunities and Workplace** 

Behaviour

Reference: Appendix 56

Review Proposal **Rescind** 

Category: Corporate Governance

Comment: It is recommended this policy be rescinded on the basis that

the content is covered under the Council's administrative policies in respect to recruitment and within the new draft policies in relation to code of conduct and workplace

behaviour.

Recommendation: That the Council Policy titled *Equal Employment* 

Opportunities and Workplace Behaviour be rescinded.

\_\_\_\_\_

Policy Title Investment of Council Funds

Reference: Appendix 57

Review Proposal Amend

Category: Corporate Governance

Comment: Policy amended by Council at its meeting of 27 April 2015.

One minor change to wording in Section 4 to clarify the

intent of the policy.

Recommendation: That the Council Policy titled *Investment of Council Funds* 

be amended as outlined in the Attachment.

Policy Title **Expenditure - Additional Funding** 

Reference: Appendix 58

Review Proposal **Rescind** 

Category: Corporate Governance

Comment: This is an operational procedure rather than a Council

policy.

Recommendation: That the Council Policy titled *Expenditure - Additional* 

Funding be rescinded.

Policy Title Rate Remissions - Service Rates/Charges

Reference: Appendix 59

Review Proposal **No change** 

Category: Rates and Charges

Comment: No changes required.

Recommendation: That the Council Policy titled *Rate Remissions - Service* 

Rates/Charges remain unchanged.

\_\_\_\_\_

Policy Title **Parking - Voluntary Organisations** 

Reference: Appendix 60

Review Proposal Amend

Category: Parking Control

Comment: Administrative changes have been made to reflect

organisational changes.

Recommendation: That the Council Policy titled *Parking - Voluntary* 

Organisations be amended as outlined in the Attachment.

Policy Title Rates Exemption - Charitable Purposes

Reference: Appendix 61

Review Proposal **No change** 

Category: Rates and Charges

Item No. 7

# 2015 Policy Manual Review - Summary of Recommendations

Comment: This policy was adopted on 27 April 2015 and therefore no

changes are required.

Recommendation: That the Council Policy titled *Rates Exemption* -

Charitable Purposes remain unchanged.

\_\_\_\_\_

Policy Title Parking in Car Parks

Reference: Appendix 62

Review Proposal Amend

Category: Parking Control

Comment: Administrative changes have been made to reflect

organisational changes.

Recommendation: That the Council Policy titled *Parking in Car Parks* be

amended as outlined in the Attachment.

Policy Title Rate Postponements

Reference: Appendix 63

Review Proposal **No change** 

Category: Rates and Charges

Comment: No changes required.

Recommendation: That the Council Policy titled *Rate Postponements* remain

unchanged.

Policy Title Code for Tenders and Contracts

Reference: Appendix 64

Review Proposal **No change** 

Category: Corporate Governance

Comment: Reviewed and amended by Council at its meeting of 24

August 2015 no further changes requried.

Recommendation: That the Council Policy titled *Code for Tenders and* 

Contracts remain unchanged.

Policy Title Rate Remissions

Reference: Appendix 65

Review Proposal **No change** 

Category: Rates and Charges

Comment: No change.

Recommendation: That the Council Policy titled *Rate Remissions* remain

unchanged.

Policy Title Collection and Reporting of Outstanding Sundry

**Debts** 

Reference: Appendix 66

Review Proposal Amend

Category: Corporate Governance

Comment: Minor rewording to clarify the intent of the policy and

update the committee nomenclature.

Recommendation: That Council Policy titled Collection and Reporting of

Outstanding Sundry Debts be amended as outlined in the

Attachment.

Policy Title Collection of Rates Arrears

Reference: Appendix 67

Review Proposal Amend

Category: Rates and Charges

Comment: Change made to reflect change in name of committee.

Recommendation: That the Council Policy titled *Collection of Rates Arrears* 

be amended as outlined in the Attachment.

Policy Title **Procurement Policy** 

Reference: Appendix 68

Review Proposal Amend

Category: Corporate Governance

Comment: Reviewed and amended by Council at its meeting of 24

August 2015. Minor change made to review date only.

Recommendation: That the Council Policy titled *Procurement Policy* be

amended as outlined in the Attachment.

Policy Title Security - Type Acceptable

Reference: Appendix 69

Review Proposal Rescind

Category: Corporate Governance

Comment: This is an operational matter rather than a Council policy.

Recommendation: That the Council Policy titled *Security - Type Acceptable* 

be rescinded.

Policy Title Christmas Pageant Day - Charges

Reference: Appendix 70

Review Proposal Amend

Category: Community Services and Events

Comment: Slight change to wording to clarify the intent of the policy.

Recommendation: That the Council Policy titled *Christmas Pageant Day* -

Charges be amended as outlined in the Attachment.

Policy Title Closure and Reserving of Parking Spaces

GC Agenda 1/3/2016

Item No. 7

# 2015 Policy Manual Review - Summary of Recommendations

Reference: Appendix 71

Review Proposal Amend

Category: Parking Control

Comment: Changes made to reflect organisational changes.

Recommendation: That the Council Policy titled *Closure and Reserving of* 

Parking Spaces be amended as outlined in the Attachment.

Policy Title Outstanding Debts - Collections, Reporting and

**Writing Off** 

Reference: Appendix 72

Review Proposal Amend

Category: Corporate Governance

Comment: Minor changes made.

Recommendation: That the Council Policy titled *Outstanding Debts* -

Collections, Reporting and Writing Off be amended as

outlined in the Attachment.

Policy Title Interest on Overdue Amounts - Contracts and

**Agreements** 

Reference: Appendix 73

Review Proposal Rescind

Category: Corporate Governance

Comment: This policy has been superseded by the Council's decision

of 26 May 2014 to cease the charging of interest on sundry

debts with effect from 15 June 2014.

Recommendation: That the Council Policy titled *Interest on Overdue Amounts* 

- Contracts and Agreements be rescinded.

\_\_\_\_\_

Policy Title **Disposal of Surplus Goods/Equipment** 

Reference: Appendix 74

Review Proposal **No change** 

Category: Corporate Governance

Comment: This policy is currently being finalised and will be in

presented to the Finance Committe as a seperate report in

due course.

Recommendation: That the Council Policy titled *Disposal of Surplus* 

Goods/Equipment remain unchanged at this time.

Policy Title Management Systems

Reference: Appendix 75

Review Proposal Rescind

Category: Corporate Governance

Comment: Since the introduction of this policy technology and

systems have changed. Also the policy refers to selecting

either Conditions of Participation or weighted evaluation

criteria which could be adopted in a procedure. There is also an operational document titled "Guide for Tenders Evaluation Criteria" which covers Management Systems and tools and thefore it is recommended this policy be rescinded.

Recommendation: That the Council Policy titled *Management Systems* be

rescinded.

Policy Title Sale of Plant

Reference: Appendix 76

Review Proposal Amend

Category: Corporate Governance

Comment: Minor amendments for clarity of application.

Recommendation: That the Council Policy titled *Sale of Plant* be amended as

outlined in the Attachment.

Policy Title Memorial Plaques in Parks

Reference: Appendix 77

Review Proposal Amend

Category: Recreation, Parks, Bushland and Reserves

Comment: For completeness, the policy has been amended by the

incorporation of the provisions contained in the policy titled 'Memorial Tree Planting' along with minor

rewording for clarity.

Recommendation: That the Council Policy titled *Memorial Plaques in Parks* 

be amended as outlined in the Attachment.

Policy Title Smoking in Proximity to Playgrounds

Reference: Appendix 78

Review Proposal Rescind

Category: Recreation, Parks, Bushland and Reserves

Comment: This policy is not required as the Public Health Act,

pursuant to Sections 67B & 67C, define that smoking is prohibited anywhere within 10 metres of any play equipment erected at a children's playground in a public

place.

Recommendation: That the Council Policy titled *Smoking in Proximity to* 

*Playgrounds* be rescinded.

Policy Title **Donation of Park Furniture** 

Reference: Appendix 79

Review Proposal Amend

Category: Recreation, Parks, Bushland and Reserves

Comment: Minor amendments for clarity of application

Recommendation: That the Council Policy titled *Donation of Park Furniture* 

be amended as outlined in the Attachment.

Policy Title Naming of Public Facilities, Parks or Reserves

Reference: Appendix 80

Review Proposal Amend

Category: Recreation, Parks, Bushland and Reserves

Comment: Minor rewording for clarity.

Recommendation: That the Council Policy titled *Naming of Public Facilities*,

Parks or Reserves be amended as outlined in the

Attachment.

Policy Title Commercial Activities in City of Hobart Parks and

Reserves

Reference: Appendix 81

Review Proposal **No Change** 

Category: Recreation, Parks, Bushland and Reserves

Comment: No change recommended as part of annual review. To be

reviewed as part of future report on Cornelian Bay Local

Area Park Plan.

Recommendation: That the Council Policy titled *Commercial Activities in City* 

of Hobart Parks and Reserve remains unchanged.

Policy Title Charging of Entry Fees

Reference: Appendix 82

Review Proposal Amend

Recreation, Parks, Bushland and Reserves Category:

Minor amendments for clarity in application. Comment:

Recommendation: That the Council Policy titled *Charging of Entry Fees* be

amended as outlined in the Attachment.

**Camping - Domain Regatta Ground** 

Reference: Appendix 83

Review Proposal Rescind

Policy Title

Category: Recreation, Parks, Bushland and Reserves

Comment: The recommendation is to rescind the policy as it is

> addressed via standard booking conditions and clauses within the Parks, Recreation and Natural Areas By-Law and the Health and Environmental Services By-Law.

Recommendation: That the Council Policy titled *Camping - Domain Regatta* 

Ground be rescinded.

Disposal of Excess Plant (Horticultural) Material Policy Title

Reference: Appendix 84

Review Proposal Amend

Category: Recreation, Parks, Bushland and Reserves

Minor amendments for clarity of application. Comment:

Recommendation: That the Council Policy titled *Disposal of Excess Plant* 

(Horticultural) Material be amended as outlined in the

Attachment.

Policy Title Establishment of Bushfire Hazard Management

**Areas in Bushland Reserves for New Developments** 

on Adjoining Property

Reference: Appendix 85

Review Proposal Amend

Category: Recreation, Parks, Bushland and Reserves

Comment: Minor amendments for clarity of application.

Recommendation: That the Council Policy titled *Establishment of Bushfire* 

Hazard Management Areas in Bushland Reserves for New

Developments on Adjoining Property be amended as

outlined in the Attachment.

\_\_\_\_\_

Policy Title Memorial Tree Planting

Reference: Appendix 86

Review Proposal Rescind

Category: Recreation, Parks, Bushland and Reserves

Comment: The provisions of this policy have been merged into the

policy in relation to 'Memorial Plaques in Parks' which has

been reworded for clarity.

Recommendation: That the Council Policy titled *Memorial Tree Planting* be

rescinded.

Policy Title Mount Wellington Observation Shelter

Reference: Appendix 87

Review Proposal **No Change** 

Category: Recreation, Parks and Reserves

Comment: Approved by Council 21 September 2015.

Recommendation: That the Council Policy titled *Mount Wellington* 

Observation Shelter remain unchanged.

Policy Title Residential Wheelie Bin Collection Service -

**Retrieval and Replacement Service** 

Reference: Appendix 88

Review Proposal New

Category: Environment, Planning and Development

Comment: In 2013 a review of the City's kerbside collection service

was undertaken upon which guidelines were approved by the Council in respect to the eligibility and review process of the Retrieval and Replacement Service service. This decision should be formalised as a new Council policy.

Recommendation: That the Council Policy titled *Residential Wheelie Bin* 

Collection Service - Retrieval and Replacement Service be

endorsed by ELT as a new policy.

Policy Title Circuses with Performing Wild Animals

Reference: Appendix 89

Review Proposal Amend

Category: Recreation, Parks, Bushland and Reserves

Comment: Minor rewording for clarity.

Recommendation: That the Council Policy titled *Circuses with Performing* 

Wild Animals be amended as outlined in the Attachment.

Policy Title Hosting of Major Events at the Doone Kennedy

**Hobart Aquatic Centre** 

Reference: Appendix 90

Review Proposal Amend

Category: Recreation, Parks, Bushland and Reserves

Comment: Minor amendments for clarity of application.

Recommendation: That the Council Policy titled *Hosting of Major Events* be

amended as outlined in the Attachment.

Policy Title Landlord Consent for Advertising/Event

Promotional Signage within Parks, Bushland,

**Reserves and Sporting Facilities** 

Reference: Appendix 91

Review Proposal Amend

Category: Recreation, Parks, Bushland and Reserves

Comment: Amendments recommended to provide clarity in

application, particularly in respect to temporary and permanent signage and distinction between landlord and

planning/building approval.

Recommendation: That the Council Policy titled *Landord Consent for* 

Advertising/Event Promotional Signage withing Parks, Bushland, Reserves and Sporting Facilities be amended as

outlined in the Attachment.

Title: Consideration of Requests for the Council to Entertain

Subject: General – Visiting Delegations Corporate Governance

Policy Number: 5.09.01

Adopted by Council: 24/8/1992

Next Review: November 2015

**1. Objectives:** The purpose of this policy is to provide a framework for the management of requests for delegations to visit the Council.

management of requests for delegations to visit the odd

**2. Background:** From time to time, the Council receives approaches to

entertain delegations visiting the Town Hall.

**3. Policy:** That:

- 1. Each request for a delegation to visit the Town Hall be considered on its merits with the following assistance being offered if considered appropriate:
  - (i) The Lord Mayor's involvement in each case is to be determined by the Lord Mayor and could range from unavailability to a courtesy call, a morning or afternoon tea or other such entertainment as deemed appropriate by the Lord Mayor in consultation with the General Manager.
  - (ii) A standard presentation not exceeding one hour be offered to local government delegations in respect to Hobart City Council and local government matters. This presentation is to be made by appropriate staff.
  - (iii) Costs incurred for any meals and transportation are not to be met by the Council unless specifically authorised by the Council General Manager or unless the Lord Mayor deems it appropriate as part of their civic function.
  - (iv) Should the visiting delegation be from a City that is either a friendship or sister city, or a city that the City of Hobart has visited, then so far as appropriate the level of hosting should be commensurate with the importance of that relationship or the level of hospitality that the City of Hobart has received on its visits.

This may include:

 Transportation within the City environs and or Hobart Airport.

- Cost of external meals.
- Cost of entry fees into local tourist attractions.
- 2. The authority to determine the level of involvement by the Council with overseas delegations not specifically involved with the Council is to be delegated to the Corporate Services Group Manager Executive and Economic Development or his/her representative.
- 4. Legislation, Terminology and References:

Responsible Officer: Director Corporate Service	esGeneral Manager		
History			
Council Policies are reviewed annually with amendments to a Policy listed below			
Date Policy first adopted: 24/8/1992			
Amendments:			
Annual Policy Review (approved by ELT)	14/08/2014		

Title: Major Development Assistance/Incentives

Subject: Property and Parking – Property and Services – Council

General

Policy Number: 7.06.02

Adopted by Council: 27/7/2009

Next Review: November 2015

1. **Objectives:** To assist the Council in determining whether to provide

assistance or incentive to a developer.

**2. Background:** As a result of the Council receiving a number of requests for

financial assistance from developers, the Council at its meeting

on 23 March 2009 requested a policy be developed.

**3. Policy:** That:

1 The Hobart City Council will assess requests from developers for assistance or incentive for major City developments on a case-by-case basis.

2. Council will consider developments that are consistent with the strategic objectives outlined in the *Hobart 2025 Strategic Framework*, specifically:

FD 1 – offers opportunities for all ages and a city for life

1.1.7 Support a viable mix of business activity within the city

FD 4 – achieves good quality development and urban management

4.2.1 Principles and projects will be developed and promoted to ensure sustainable, energy efficient and quality development

FD 7 – is dynamic, vibrant and culturally expressive

7.1.1 Assist city growth through development strategies

7.2.3 Support potential growth industries that are compatible with the city's future direction statements and foster small business growth and viability.

3. Furthermore, in providing assistance to developers, there will be some form of return on investment to either the

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Council directly or the City as a whole. This return on investment does not necessarily have to be monetary.

- 4. For the purpose of this policy:
  - (i) "Assistance" is defined as "the act of assisting; providing aid, help, support"; and
  - (ii) "Incentive" is defined as "something that induces action or motivates greater effort".
- 5. The Council must ultimately satisfy itself that if no assistance or incentive is offered that:
  - (i) The development will not proceed; and
  - (ii) By not proceeding, there will be a negative impact upon the City or part thereof.
- 6. In applying this policy, Council will consider the following criteria in determining whether to provide assistance / incentive to a developer.
  - (i) Direct cost to Council
    - (a) What is the value of payment made or income forgone?
    - (b) What is the direct cost of any services provided but not paid for?
  - (ii) Future direct revenue from the development
    - (a) What will be the likely future income stream from rates and other charges received?
    - (b) Subtract from the income stream, future costs for delivery of services.

### (iii) Future indirect gains to the community

- (a) The Council must satisfy itself that the development will provide long term benefits to the City.
- (b) Can the developer identify stimulation of trade to other Hobart based businesses as a result of the proposal and Council's support?
  - (i) Retail:

Will the proposed development be acting as an anchor to attract trade and prevent leakage to other shopping areas?

(ii) Office:

Will the proposed development demonstrate environmentally sustainable

buildings and space for private tenants?

#### (iii) Tourism:

Will the proposed development create future benefit through increased visitation or an additional attraction in Hobart?

- (c) What impact will the proposal have on neighbouring businesses and the wider City?
- (d) Will the proposed development add to community amenity, value, open space, convenience, community meeting spaces, or other community infrastructure?

# (iv) Whether the development (or an equivalent) would occur anyway

- (a) The developer must present a reasonable case for Council support – this may extend to the Council requiring a business case demonstrating why Council's support is necessary.
- (b) Is the intended tenant a rent setter or rent taker?
- (c) If a rent setter:
  - (i) Will they add value of consequence to the City?
  - (ii) Why would they **not** locate here without an incentive?
- (d) Can another developer provide a similar and viable offer in a setting of comparable merit that would not require Council assistance?

#### (v) Other Criteria

No assistance or incentive is to be provided unless:

- (a) The developer has identified the tenant and the tenant is committed to the project - the Council will not provide support for a speculative development.
- (b) A sound business case should be provided to show the project requires assistance or an incentive and what the quantum of the proposed assistance or incentive would be.
- 7. The types of assistance or incentives that Council might consider include, but are not limited to:

- (i) Rates remissions
- (ii) Waiver or reduction of fees for:
  - (a) hooding parking meters;
  - (b) hoarding costs;
  - (c) dumping of demolition rubble;
  - (d) development and building application costs road closures; and
  - (e) possible joint ventures, purchase or other opportunities.

4. Legislation, Terminology and References:

Assistance is defined as the act of assisting; providing aid, help, support.

*Incentive* is defined as something that induces action or motivates greater effort.

Responsible Officer: Director Corporate Service	es es	
History		
Council Policies are reviewed annually with amendmen	ts to a Policy listed below	
Date Policy first adopted: 27/7/2009		
Amendments:		
Annual Plan Review (approved by ELT)	14/08/2014	

Title: Lord Mayor's Charity Concert

Subject: Property and Parking – Town and City HallsCommunity

Services and Events

Policy Number: 7.10.01

Adopted by Council: 25/3/1985

Next Review: November 2015

1. **Objectives:** The purpose of this policy is to provide the opportunity for the

Lord Mayor or Council committee acting on behalf of the Lord Mayor, to access council facilities for the purpose of conducting

a charity concert or similar event.

**2. Background:** From time to time, the Lord Mayor of the day may elect to

conduct a charity concert or similar event.

**3. Policy:** That upon request to the General Manager, the Lord Mayor or

a Council committee acting on the Lord Mayor's behalf with the Lord Mayor's consent, be granted on one occasion annually, free use of either the Town Hall or City Hall for the purpose of conducting a charity concert or similar event, to raise money

for a Lord Mayor's Charity Fund.

4. Legislation, Terminology and

References:

Responsible Officer: Director Corporate Services General Manager

#### History

Council Policies are reviewed annually with amendments to a Policy listed below

Date Policy first adopted: 25/3/1985

**Amendments:** 

Annual Policy Review (approved by ELT) 14/8/2014

Title: Guidelines for Future International Relationships

Subject: General – Sister Cities Corporate Governance

Policy Number: 5.14.01

Adopted by Council: 16/4/2012

Next Review: November 2015

#### 1. Objectives:

To provide guidance to the Council on the future management of existing sister city relationships and potential international relationships in order to attain cultural, social, economic and educational benefits for the City and its Sister City partners and to pursue strategic international alliances supporting local businesses and institutions in achieving economic, educational and tourism benefits for the City.

#### 2. Background:

This policy was developed as a result of an evaluation of the Council's existing sister city relationships and outlines the criteria against which new proposals should be assessed. The policy was amended to create a second stream of 'Strategic Relationships' which would have a more direct economic focus.

### **3. Policy:** That:

- 1. Council policy for the establishment of new international relationships be based on a three tiered approach of:
  - (i) Information exchange.
  - (ii) Friendship Agreement or Strategic Relationship Agreement, time limited with clearly defined outcomes and review after three to five years.
  - (iii) Sister City relationship following a successful Friendship, Memorandum of Understanding or Strategic Relationship Agreement.
- On receipt of any new request or proposal for an international relationship, or in the event the Council seeks to establish a relationship each request or proposal would be assessed in accordance with the following criteria, in order of priority:
  - (i) clear identification of the specific outcomes sought from the relationship;
  - (ii) relevance of the relationship in terms of achieving Council's major goals as outlined in the Strategic Plan;

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- (iii) the value of the relationship in terms of enhancing economic development, business investment, educational and tourism outcomes for Hobart and Tasmania, including specifically support for local businesses and educational institutions;
- (iv) the value of the relationship in terms of supporting community and cultural linkages;
- (v) willingness and capacity of the business or local community of interest to support the relationship;
- (vi) the potential for mutual learning through exchanges and information sharing to facilitate sustainability and continuous improvement in the development of the Council's economic, social and environmental objectives;
- (vii) the capability of the Council to provide skills and resources to assist in humanitarian and capacity building projects;
- (viii) Council resources (human and financial) required to sustain the relationship to the satisfaction of both parties; and
- (ix) evaluation of any political ramifications through consultation with the Department of Foreign Affairs and local communities.
- 4. Legislation, Terminology and References:

Responsible Officer: Director Community Deve	elopment	
History  Council Policies are reviewed annually with amendment	ents to a Policy listed below	
Date Policy first adopted: 13/3/2001		
Amendments:		
Amended	16/4/2012	
Annual Policy Review (approved by ELT)	14/08/2014	

**Title**: Apportionment of Costs – New Stormwater Schemes

Subject: Drainage and Rivulets – Stormwater Drainage Environment,

Planning and Development Control

Policy Number: 3.03.02

Adopted by Council: 15/2/2005

Next Review: November 2015

Responsible Officer: Director Infrastructure Services

**1. Objectives:** The purpose of this policy is to inform relevant stakeholders of

the apportionment of costs in respect to the implementation of new stormwater schemes to service properties where no

system previously existed.

**2. Background:** Prior to the commencement of the Local Government Act 1962,

the Council permitted the construction of residential dwellings

without the requirement for proper stormwater disposal

The Council now has obligation responsibilities under the

Urban Drainage Act 2013, to provide stormwater systems in its

urban areas.

Following commencement of the Local Government Act 1962,

the Council has a duty to require all building developments to

have appropriate stormwater drainage systems.

Landowners were put to considerable expense to provide

stormwater collection and drainage which was not previously

required. This Policy was prepared to provide a more equitable

situation for the landowner.

3. **Policy:** That where it is required to pipe natural water courses through

private land or implement a stormwater scheme to service properties where previously no stormwater system existed, the Council shall make an appropriate contribution as determined by the Council toward such work and where deemed fair and equitable, charge the remaining cost to the properties that

benefit by the works.

4. Legislation, Terminology and

References:

Local Government Act 1962

**Urban Drainage Act 2013** 

Responsible Officer:	Director City Infrastructon Services	ureDirector Infrastructure
Council Policies are re	<b>History</b> viewed annually with amendments to a Po	licy listed below
Date Policy first adopted:		18/12/1989
Amendments:		
Amended		15/2/2005
Amended to remove reference to Council responsibility for sewerage services since enactment of Water and Sewerage Corporation Act 2012		September 2013
Annual Policy Review (approved	by ELT)	14/8/2014

Title: Private Works – Charges

Subject: Finance - Debt Management Corporate Governance

Policy Number: 4.05.03

Adopted by Council: 25/3/1985

Next Review: November 2015

1. Objectives: To ensure charges for private works charged undertaken by

the Council covers all associated costs incurred.

**2. Background:** The organisation has considerable in-house skills and

resources which can be made available for supply to parties outside the organisation. On occasions that such private works are provided, all associated costs, at a minimum, need to be

recouped.

3. Policy: That in any case where work, for which the Council itself is not

responsible nor has directed to be done, is carried out at the request of another organisation or person, that work shall be charged out at total cost, including overheads to Council, and an appropriate profit margin, with the possible exception of

charities and emergency works.

4. Legislation, Terminology and References:

Responsible Officer: Director City Infrastructure Services

History

Council Policies are reviewed annually with amendments to a Policy listed below

Date Policy first adopted: 25/3/1985

**Amendments:** 

Annual Policy Review 8/9/2014

Details of Policy Amendments are located on the Council Business Centre

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Title: Cycleways

Subject: General - Council Works Roads, Traffic and Walkways

Policy Number: 5.08.01

Adopted by Council: 23/9/1985

Next Review: November 20165

1. **Objectives:** To provide direction and to ensure Council officers consider the

needs of cyclists during design and construction of projects not requiring planning approval and to improve the safety and comfort of cyclists where such improvements are feasible in

terms of engineering and costs.

2. Background: This policy was developed as a result a working group directed

to summarise the Cycleways Study undertaken in 1984.

3. Policy: That where any works are proposed to be carried out by the

Council, the Divisional Director initiating such work shall ensure that such works when investigated or designed, take account

of the needs of cyclists where appropriate.

4. Legislation, **Terminology** 

and

References:

Responsible Officer: Director City Infrastructure-Services			
Counc	History ill Policies are reviewed annually with amenda	ments to a Policy listed below	
Date Policy first adop	ted:	23/9/1985	
Amendments:			
Annual Policy Review (	approved by ELT)	14/8/2014	Formatted Table
Annual Policy Review		?/11/2015	

o:\council policy manual review 2015\city infrastructure\director approved policies\5.08.01cycleways.docx Title: Increasing the Energy Efficiency of Council Assets

Subject: Energy Management Property Management

Policy Number: 5.12.01 return to TABLE OF CONTENTS

Adopted by Council: 26/7/1999

Next Review: November 20165

1. Objectives:

This policy establishes a framework for improving the management of energy at the Hobart City Council to ensure that the Council uses energy in a manner that achieves environmental, social and economic benefits in the long term.

2. Background:

This Policy was developed by the Energy Management Team in response to a decision of the Corporate Management Team.

3. Policy:

That:

- 1. Energy use by the Council will be minimised by achieving the optimum level of energy efficiency for both new and existing assets.
- Estimates of projected energy use are to be calculated prior to the construction or purchase of new Council assets, and prior to the replacement or refurbishment of existing Council assets. An energy audit will be conducted if the projected energy use is greater than 2,500 kilowatt hours per annum.
- 3. The audit will investigate all areas of projected energy use and identify energy saving options. Particular attention will be given to innovative solutions and the use of renewable sources of power. The total cost of conducting the audit will not exceed 20% of the projected annual cost of energy for the asset.
- 4. Electricity connection and supply fees are to be minimised by wiring new assets to the electrical system of existing assets where possible.
- Energy saving options must be cost-effective. This will be determined by comparing the financial benefits of energy saving options with the cost of implementation. This cost/benefit will be calculated over the expected life of the asset.
- 4. Legislation, Terminology and References:

Responsible Officer:	Director City Infrastructure	e Services	
Counc	History il Policies are reviewed annually with amend	lments to a Policy listed below	
Date Policy first adop	ted:	26/7/1999	
Amendments:			
Annual Policy Review (	approved by ELT)	14/8/2014	
Annual Policy Review		?/11/2015	

Title: Asset Management

Subject: Property and Parking - Property and Services - Coundil

General Corporate Governance

Policy Number: 7.06.01

Adopted by Council: 9/6/2009

Next Review: November 2015

#### 1. Objectives:

To broadly outline why asset management is relevant to Council and detail what requirements need to be considered within the Policy to ensure:

- consistency with Council's Strategic Plancorporate responsibility and resources are identified;
- (ii) management of asset infrastructure is undertaken in a structured and coordinated way in support of sustainable service delivery, taking into account community, social, environmental, cultural heritage and other relevant factors;
- (iii) corporate responsibilities are identified and appropriate and adequate resources are allocated to implement the Policy:
- (iii) (iv) risk management is integrated into transparent decision making; considered;
- (iv) financial, social and environmental sustainability is preserved;
- (v) continuous improvement is maintained; and
- (vi) legislative and regulatory requirements are achieved.
- 2. Background: The Policy has been developed to accord with the

requirements of the National Asset Management Assessment

Framework and the Local Government Act 1993.-

#### 3. Policy: That Council:

- As custodians of community infrastructure assets the Council is committed to ensuring that its asset management framework is compliant with legislative requirements and is implemented at the best appropriate practice standards.
- 2. The Council a Acknowledges that the goal of asset management is to achieve the required level of service in the most effective way through the creation, acquisition,

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- maintenance, operation, renewal and disposal of assets to provide for both present and future generations.
- Council wWill ensure that it will provides infrastructure
  assets which tosupport the provision of community
  services which have been established in accordance with
  its Strategic Plan and agreed through consultation
  the community and key stakeholders.
- 4. Recognises change in community expectations and increasing financial demands and ensures decision making is made with the objective of providing services at a sustainable level for the benefit of current and future generations
- Council eEmbraces good qualitystrategic asset
  management planning and recognises that a crossfunctional approach to the management of these assets is
  required through adequate resourcing and integration with
  the corporate, financial and budgetary planning
  processes.
- 6. Will develop and annually update a long-term Strategic Asset Management Plan, reflecting the financial outcomes of asset management strategic planning and expenditure forecasting, which is linked to the long-term Financial Management Plan.
- 75. The Council aAlso acknowledges that assets need to be managed to facilitate sustainable service delivery by ensuring:
  - assets continue to meet the changing service needs of users and the community;
  - (i)(ii) long-term planning for asset renewal and expansion shall consider climate change adaptation and mitigation issues;
  - (ii)(iii) asset management decisions are informed by evaluating the range of service provision alternatives in accordance with whole-of-life costing considerations and best overall value, including community, social, environmental, cultural heritage and other relevant factors;
  - (iii)(iv) the collection and ongoing maintenance of highquality data to support sound and well informed decision making;

- (iv)(v) short-term works programs and long-term expenditure forecasts are established based on capital evaluation processes which include risk management considerations; and
- (v)(vi) the design, construction, maintenance and renewal of assets reflect current standards and regulatory requirements.
- 86. The Council wWill continue to seek innovative and cost effective ways of using technology and improved work practices and processes to ensure all of its assets are managed in an efficient and effective manner.
- 97. In considering any new assets, the Council will fully account for the ongoing costs of operation, maintenance and renewal of that asset over its effective life to ensure that the overall life-cycle cost is optimised.
- 108. Will monitor key performance asset management indicators against target outcomes.
- Council will seek to ensure asset management competencies consistent with best appropriate practice standards for local government are available throughout the organisation.
- Take into account and report on the financial implications of its investment decisions including the expenditure categories of Maintenance, Operational, Renewal, Upgrade and New.
- 12. Will ensure service and asset management skills and competencies of responsible positions within the organisation be achieved and maintained for best appropriate practice standards for local government.
- 4. Legislation, Terminology and References:

National Asset Management Assessment Framework

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Responsible Officer:	Director Infrastructure-City Infrastructure Services	
History		

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Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	10/6/2003	
Amendments:		
Annual Policy Review	9/6/2009	
Annual Policy Review	September 2013	
Annual Policy Review	8/9/2014	

Title: New Infrastructure – Roads and Stormwater

Subject: Environment, Planning and Development Control Property and

Parking - Property and Services - Council General

Policy Number: 7.06.08

Adopted by Council: 14/9/2009

Next Review: November 2015

Objectives: To establish a state-wide standard for public assets in

accordance with State Legislation and minimise the Council's risk and legal exposure, provide environmental constraints and provide for property owner needs and expectations for many

years into the future.

23. Background: This Policy was prepared as a result of a request from the

Institute of Public Works Engineering Australia, Tasmania Division to adopt a new state-wide civil engineering standard for roads, water, sewerage and stormwater together with a

model policy.

**34. Policy:** That:

1. The Council will permit the design and construction of new public highway and stormwater assets within its jurisdiction (works) to a required standard by qualified and competent persons with appropriate insurance, where such works are required to be carried out pursuant to the Land Use Planning and Approvals Act 1993, Local Government (Highways) Act 1982, the Drains Act 1954, the Waterworks Clauses Act 1952, and/or the Local Government (Buildings and Miscellaneous Provisions) Act 1993 and/-or the Urban Drainage Act 2013, at the request of a property owner/developer, or at the request of another utility authority, subject to the following conditions:

### 2. EXCLUSIONS:

The private sector is excluded from performing the following works reserved for the Council's work force:

- (i) The provision of the physical 'live' connections to stormwater mains.
- (ii) The provision of works associated with the fees and charges set annually by the Council.

#### 23. CONDITIONS:

The following are conditions in the application of this policy:

- (i) The property owner/developer's consultants and designers, the Ceouncil's workforce, contractors, or other utility authorities shall comply with the required standards in the performance of the works as stipulated in the publications of the Institute of Public Works Engineering Australia titled Tasmanian Standard Drawings and Tasmanian Subdivision Guidelines 2013-and all the Australian Standards, legislation, By-laws, and other policy requirements relevant to the works.
- (ii) Prior to the works being carried out in the highway reservation and/or in private property, the Council will require security for the works and compliance with the required standard pursuant to Section 86 of the Local Government (Building and Miscellaneous Provisions) Act 1993.
- (iii) Prior to the works being carried out in the highway reservation and/or in private property, property owner/developer's consultants and designers, contractors, or other utility authorities must obtain a public infrastructure construction permit and/or road opening permit (The Permit).
- (iv) The Permit requirements must include public safety and protection measures such as the appointment of the principal's engineer responsible for supervision of the works, notifications to frontages, provision of safe public access, traffic and parking plans, protective barrier installation, signage, lighting, locating services, clearance from other utility services, and public relations communication plans.
- (v) The Permit requirements must include provisions for the Council's protection such as insurance policies where the Council is named as an interested party for public liability, the works itself, third party property, and employee insurance; Council fees and charges and submission of contract documentation identifying the principal, the contractor, the principal's engineer responsible for supervision, and any nominated sub contractors.
- (vi) The Permit requirements must include provisions for Council's asset protection including where applicable that live connections to the Council's infrastructure enly be carried out by the Council's workforce or other approved persons, 12 months maintenance

- period, and the inspection and surveyed recording of newly created public infrastructure.
- (vii) The Permit requirements must include provisions that protect the developer and employees by the application of contractor/employee competency to ensure that properly qualified and competent persons are engaged on work sites.
- (viii) The Permit requirements must include nuisance prevention, and property and environmental protection measures such as work hours, compliance with statutory emissions limits for noise, dust, erosion and sediment, and to co-ordinate with other utility authorities.
- 4. Legislation, Terminology and References:

Land Use Planning and Approvals Act 1993 Local Government (Highways) Act 1982

Drains Act 1954

Waterworks Clauses Act 1952

Local Government (Buildings and Miscellaneous Provisions)
Act 1993

Urban Drainage Act 2013

Responsible Officer: Director City Infrastructure-Services			
History  Council Policies are reviewed annually with amendments to a Policy listed below			
Date Policy first adopted: 26/11/2007			
Amendments:			
Amended as a result of	of the water and sewerage reforms	14/9/2009	
Annual Policy Review	(approved by ELT)	14/8/2014	

### Appendix 11

Title: Permanent Private Signage on Highway Reservations

Subject: Property and Parking - Streets Environment, Planning and

**Development Control** 

Policy Number: 7.09.02 return to TABLE OF CONTENTS

Adopted by Council: 15/3/2005

Next Review: November 2015

1. Objectives: To prevent the placement of permanent private signage at

ground level on the Council's highway reservation and to enable the Council to appropriately manage its highway reservations in terms of cleaning, maintenance and eventual

replacement.

**2. Background:** The Policy was developed as a result of a development

application for a ground base sign in Collins Street outside the

Trafalgar on Collins building.

3. Policy: That requests for the placement of permanent private signage

on the Council's highway reservation not be approved.

4. Legislation, Terminology and References:

Responsible Officer: Director City Infrastructure Services			
History			
Council Policies are reviewed annually with amendments to a Policy listed below			
Date Policy first adopted: 15/3/2005			
Amendments:			
Annual Policy Review (approved by ELT) 14/08/2014			

Details of Policy Amendments are located on the Council Business Centre

o:\council policy manual review 2015\city infrastructure\director approved policies\7.09.02permanent private signage on highway reservations.docx

Title: Neighbourhood Watch Program - Signs

Subject: Property and Parking - StreetsCommunity Services and

**Events** 

Policy Number: 7.09.08

Adopted by Council: 8/7/2002

Next Review: November 2015

1. Objectives: To provide for Council's involvement in relation to

Neighbourhood Watch Programmes.

2. Background: The Policy was developed based on the experience of the

Clarence Municipality.

8. Policy: That:

1. Neighbourhood Watch and Safety House Programmes be supported by the Council where the communities and police support the introduction of the programme.

2. The Council, at its cost, erect and maintain approved signs in locations requested by Neighbourhood Watch and Safety House groups subject to approval by the General Manager or their delegated nominee of specific

sites.

4. Legislation, Terminology and References:

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Responsible Officer: Director City Infrastructure Services			
History  Council Policies are reviewed annually with amendments to a Policy listed below			
Date Policy first adopted: 26/10/1987			
Amendments:			
Annual Policy Review 8/7/2002			
Annual Policy Review (approved by ELT) 14/08/2014			

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### Appendix 13

Title: Alterations to Gutter Crossing and Footpath Reinstatement

Subject: Environment, Planning and Development Control PROPERTY

and Parking - Streets

Policy Number: 7.09.12

Adopted by Council: 14/3/2006

Next Review: November 2015

**1. Objectives:** To provide guidelines to Council officers in relation to

appropriate costs associated with vehicle crossings

adjustments and reinstatement of footpaths.

2. Background:

**3. Policy:** That the following policy guidelines be used in relation to the costs with vehicle crossing adjustments and the reinstatement

of footpaths:

- 1. Where in the opinion of the Group Manager Engineering Services Infrastructure Planning a new vehicular gutter crossing is required to be constructed or an existing one is required to be extended or abolished, i.e. converted to kerb and gutter as a result of a change of use to an existing building or construction of a new building, then a suitable condition be applied to the planning permit ensuring the developer meets the full cost of these changes.
- Where reinstatement of the footpath is part of the work made necessary by the changes identified in Clause 1 above, it be included in the costs that the developer must meet.
- 3. Where it is decided by the Group Manager Engineering Services Infrastructure Planning that the footpath should be reinstated or improved for a greater area than that required in Clauses 1 and 2 for reasons that a complete new surface is in the Council's and the community's interest, then the General Manager be given delegated authority to reach an agreement on cost sharing based on the comparable areas involved, such agreement would also take into account any area of footpath damaged by the builder during building work or write off value of existing assets.
- 4. Where as part of normal Council maintenance or construction work gutter crossings are abolished, then the

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cost of such work is to be borne by the Council.

# 4. Legislation, Terminology and References:

Responsible Officer: Dire	ector City Infrastructure Service	S
	History	
Council Policies	are reviewed annually with amendments to a Polic	y listed below
Date Policy first adopted:		23/5/1994
Amendments:		
Annual Policy Review		14/3/2006
Annual Policy Review (approv	ved by ELT)	14/8/2014

Title: Required Safety Fences between Roads and Private Property

Subject: Property and Parking - Streets Roads, Traffic and Walk ways

Policy Number: 7.09.14

Adopted by Council: 24/7/1995

Next Review: November 2015

1. Objectives: To assist Council officers to consistently assess who is

responsible for the cost of installation, improvements and maintenance to safety fences between roads and private

property.

2. Background: Hobart has generally a hilly terrain which causes many of its

roads to be elevated above the natural ground level resulting in a number of retaining walls supporting roadways and footpaths being spread across Hobart and its suburbs. Historically there has been an inconsistent approach to the maintenance of

these retaining walls and fences.

3. Policy: That where in accordance with Section 36 of the Local

Government (Highways) Act 1982, where the Council requires a pedestrian safety fence to be installed or repaired between the footpath and adjacent private property, the following guidelines shall apply when determining the Council's financial

contribution to the safety fence:

1. Where as a result of the Council carrying out road works, a retaining wall or embankment is created which requires a safety fence to protect the public from falling from the roadway, the Council will install a safety fence at its cost in accordance with the following:

- (i) Where no fence previously existed, the safety fence shall be a post and rail type. In cases where the adjacent property owner requires a more substantial fence the Council's contribution shall not exceed the cost of a post and rail fence provided it complies as a safety fence.
- (ii) Where there was a fence previously, and the fence cannot be retained, the Council will provide a replacement fence of equivalent value to a 1.5 metre high timber paling fence, provided it complies as a safety fence.

- 2. The subsequent maintenance, which may include replacement, shall be the responsibility of the adjacent property owner.
- 3. Where as a result of works on private property, adjacent to a roadway by the owner, a level difference has been created between the roadway and private property that requires a safety fence, the adjacent property owner is responsible for erection of the initial safety fence and all subsequent maintenance on the fence.
- 4. Where there is an existing fence between a made footpath and the adjoining land and the fence needs to be replaced or repaired in the interests of pedestrian safety, then it shall be the responsibility of the land owner to meet the costs of the work after a notice has been issued in accordance with Section 36 of the Local Government (Highways) Act 1982.
- 4. Legislation, Terminology and References:

Section 36 of the Local Government (Highways) Act 1982 s.36

Responsible Officer: Director City Infrastructure-Services

History

Council Policies are reviewed annually with amendments to a Policy listed below

Date Policy first adopted: 24/7/1995

Amendments:

Annual Policy Review (approved by ELT) 14/8/2014

Title: Funding Traffic Management Works on Public Highways

Subject: Roads, Traffic and Walkways PROPERTY and Parking

Streets

Policy Number: 7.09.15

Adopted by Council: 29/5/1995

Next Review: November 2015

1. Objectives:

To provide guidance in respect to funding traffic management works on public highways with a view to ensuring that at the time a development application is submitted, the developer contributes fairly to the upgrade of access to and from the site and even remote from the site, if this can be demonstrated to be required.

2. Background:

This policy was developed as a result of traffic management works for the privately owned Hobart College access off Olinda Grove, Mount Nelson.

3. Policy:

That the following policy apply in relation to funding traffic management works on public highways:

- 1. Private Access onto Public Highways (new development):
  - (i) In the case of proposed new private access onto public highways, funding of traffic management works including; intersection reconstruction, traffic signals, roundabouts, islands, pavement widening, pavement line marking or any other traffic works, as well as traffic management works required remote from the access site, be assessed at the time of the development application for the proposal with a view to the applicant meeting the full costs of works where it can be demonstrated that the applicant's land use would be the sole beneficiary of the works or where the works are made necessary by the new development to protect the public interest.
  - (ii) Where there are existing deficiencies associated with the public highway that the proposed access might remedy, the Council will consider contributing to the required management works.
  - (iii) Where there is benefit in constructing traffic management works for future anticipated traffic needs at the time of the proposed development and where the future demand is not totally attributable to

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the proposed development, the Council will consider contributing to the required traffic management works.

- 2. Private Access onto Public Highways (existing):
  - (i) In the case of existing private access upgrades where the sole beneficiary is the owner or owners of the land in question, the Council will bear no responsibility for traffic management works required for the access upgrade. The Council may provide professional advice and assistance to the owner and offer to construct works at the owner's cost.
  - (ii) Where it can be demonstrated that the general public might also benefit from the proposed access upgrade, the Council may consider contributing to the cost of the upgrade.
- 4. Legislation, Terminology and References:

Responsible Officer:	Director City Infrastructure Service	98
	History	
Counc	il Policies are reviewed annually with amendments to a Po	licy listed below
Date Policy first adopt	ted:	29/5/1995
Amendments:		
Annual Policy Review (	approved by ELT)	14/8/2014

Title: Road Naming

Subject: Property and Parking - Streets Roads, Traffic and Walk ways

Policy Number: 7.09.16

Adopted by Council: 16/12/1996

Next Review: November 2015

1. Objectives: The policy was developed to enable members of the public to

submit suggested new street names.

**2. Background:** This policy was developed following the rescission of the

previous policy and list of suggested street names.

3. Legislation, Terminology and References 'Rules for Place Names in Tasmania', effective 1 March 2013.

**3. Policy:** That:

1. Members of the public be invited to suggest names for new streets in accordance with the Nomenclature Board of Tasmania Rules for Place Names in Tasmania and these suggestions, once approved by the City Infrastructure Services Committee be placed on a periodically maintained consolidated list which includes the relevance and significance of each name.

- 2. The name selected suggested shall be circulated to the relevant statutory authorities and neighbouring municipalities to ascertain if they have any objections to the proposal on the grounds of confusion with other names.
- 32. When the need arises to allot a name to a streetroad, the list in part 1 above is to be referred to the City Infrastructure Services Committee which shall either select a name from the list or an alternative source. (e.g. from developers, sub-dividers or Aldermen).
- 3. The name selected shall be circulated to the relevant statutory authorities and neighbouring municipalities to ascertain if they have any objections to the proposal or the grounds of confusion with other names.
- 54. If reasonable objections are raised during the process outlined in part 3 above, a further name from the list or an alternative source be selected by the City Infrastructure

Services Committee and re-circulated.

45. Upon final approval the appropriate signs be erected.

COUNCIL POLICY 7-09-16 – PERIODICALLY MAINTAINED LIST OF SUGGESTED STREET NAMES AS AT 30 MARCH 199716 OCTOBER 2015.

Name	Date of Council Approval	Relevance/Significance of Name
McQuitty	24 March 1997	In honour of brothers Flight Sergeant William Morrison McQuitty, Flight Sergeant Robert John McQuitty and Flight Sergeant Lieutenant David Henry George McQuitty who all died due to combat during or soon after the Second World War.
Shield	24 March 1997	In honour of Flight Sergeant Vernon Rippon Shield who died in combat during the Second World War.

4. Legislation, Terminology and References:

Responsible Officer: Director City Infrastructure Services		,
	History	
Counc	cil Policies are reviewed annually with amendments to a Polic	y listed below
Date Policy first adopted: 16/12/1996		16/12/1996
Amendments:		
Annual Policy Review	1	8/9/2014

Title: Residential Parking Permits – Tenants of Properties

Subject: Property and Parking - Parking Control - On and Off-Street

Policy Number: 7.04.04

Adopted by Council: 24/10/1994

Next Review: November 2015

1. Objectives: To manage the limited availability of on-street parking in

residential areas.

2. Background: The policy was developed as a result of the Hobart Central

Area Traffic and Parking Study to discourage commuter

parkers from disadvantaging local residents who have no off-

street parking facility.

3. Policy: That owners or tenants of properties with off-street parking

which is rented out to non-tenants or non-owners, be refused

resident parking permits to park on the street.

4. Legislation, Terminology

and

References:

Responsible Officer:

	History		
Council Pe	olicies are reviewed annually with amendments to a Polic	y listed below	
Date Policy first adopted	<del>d:</del>	24/10/1994	
Amendments:			

**Director Infrastructure Services** 

Annual Policy Review (approved by ELT) 14/8/2014

Details of Policy Amendments are located on the Council Business Centre

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**Title**: Residential Parking Permits in Non-Metered Areas

Subject: Property and Parking — Parking Control — On and Off-Street

Policy Number: 7.04.05

Adopted by Council: 9/6/2009

Next Review: November 2015

1. Objectives:

To assist the parking needs of residents who live in non-metered areas within the City, where it is not possible to park their vehicle/s on their own property, to have priority access over the general public to on-street parking in the vicinity of their property, for up to two eligible vehicles. and to improve residential amenity those residents where there is no off-street parking spaces as part of their residence, either owned or leased by them.

2. Background:

The policy was developed as a result of the Hobart Central Area Traffic and Parking Study to discourage commuter parkers from disadvantaging local residents who have no off-street parking facility.

3. -Policy:

That applications for residential parking permits in non-metered areas be considered, subject to the following conditions:

- 1. Applications, on the nominated application form, must be accompanied by relevant documents to verify vehicle ownership and residency.
- A maximum of two (2) permits per household can be issued (household being a house, flat/self-contained residence). The number of permits that can be issued to a household is reduced by one (1) for each off-street parking space at that address.
- 3. To be eligible for residential parking permits, there be more eligible vehicles registered to residents living at the household than there are parking spaces for vehicles on that property for the household. A maximum of two (2) permits per household can be issued (household being a house, flat/self-contained residence). Under exceptional circumstances the number of permits granted to a household may be increased to three (3) or more at the discretion of the Council.
- 3.4. To be eligible for a residential parking permit, a vehicle must be registered and drivable. Caravans, trailers and

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- other non-drivable vehicles are not eligible for permits.
- 5. The number of off-street parking spaces for a householdresidence is to be determined on-site by Council officersemployees. If a resident disagrees with the assessment, then the resident must put the matter in writing to the General Manager.
- 4.6. The number of permits that can be issued to a household is reduced by one (1) for each off-street parking space at that address.
- 5.7. Owners or tenants of properties with off-street parking which is rented out to non-tenants or non-owners will be refused resident parking permits to park on the street.
- 6.8. Where, in the Council officer's opinion, a business is being conducted from the dwelling and the premises fronts a metered street, a resident parking permit will not be issued. Resident parking permits are for use in the immediate vicinity of the permit holder's residence only.
- 9. No permits are to be issued within the designated Central Business District (CBD). A resident parking permit will be cancelled if the holder of the permit uses the permit for commuter parking purposes outside the area for which the permit is issued.
- 7.10.A temporary resident parking permit is available for use by the resident, the resident's nominated visitor, tradesperson etc., at a monthly charge, as determined by the Council.
- 8. The issue of a permit does not guarantee the availability of a space to the permit holder.
- 9. The annual cost of the permit is to be as determined by Council. No refunds or discounts will apply.
- 10. Permits are valid when affixed to the left-hand side of the windscreen or the left side vent window of the vehicle with registration number the same as that shown on the permit.
- 11. Residents must remove permit labels if they dispose of the vehicle.
- 12. A temporary resident parking permit is available for use by the resident, the resident's nominated visitor, tradesperson etc., at a monthly charge, as determined by the Council.

- 11.<del>13.</del> Transferable permits can be issued as follows:
  - (i) in the exceptional circumstance that no single vehicle is consistently used by the resident, and
  - (ii) Approved Bed and Breakfast establishments, where the owner lives in the household and operates the premises, where the number of permits issued would equal not exceed the number of bedrooms less the available off-street spaces.
- 12.14. Applications must be in writing to the Group Manager Engineering Services Infrastructure Planning and must state the reasons for which the permit is required. A maximum of two (2) transferable permits per property will be issued.
- 13.15. Residential parking permits are for use in the immediate vicinity of the permit holder's residence only. Where in the officer's opinion a business is being conducted from the dwelling and the premises front a metered street, then a resident parking permit will not be issued under this Policy.
- 14. A resident parking permit will be cancelled if the holder of the permit uses the permit for commuter parking purposes outside the area for which the permit is issued.
- 15. The issue of a permit does not guarantee the availability of a parking space to the permit holder.
- 16. A permitted vehicle shall not remain parked in a manner to cause inconvenience or obstruction to other residents in a residential parking zone in the same location for seven (7) or more consecutive days without being removed.
- 17. The annual cost of the permit is to be as determined by the Council. No refunds or discounts will apply.
- 18. Permits are valid when affixed to the left-hand side of the windscreen or the left side vent window of the vehicle with the registration number of the vehicle to match that shown on the permit.
- 19. Residents must remove permit labels if they dispose of the vehicle.
- 20.<del>17.</del> A residential parking permit may be cance led by

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the General Manager or his nominee for non-compliance of permit conditions.

18. No permits are to be issued within the designated Central Business District (CBD).

4. Legislation, Terminology and References: CBD is that area bordered by Brisbane, Harrington, Davey and Campbell Streets.

Responsible Officer: Director City Infrastructure-	Services
History	
Council Policies are reviewed annually with amendn	ments to a Policy listed below
Date Policy first adopted:	10/11/1997
Amendments:	
Amended	13/12/1999
Annual Policy Review-	17/12/2007
Annual Policy Review-	9/6/2009
Annual Policy Review (approved by ELT)	14/8/2014

Title: Residential Parking Permits for Residents of the CBD and

Immediate Adjacent Areas

Subject: Property and Parking - Parking Control - On and Off-

StreetParking Control

Policy Number: 7.04.07

Adopted by Council: 22/3/2010

Next Review: November 2015

1. Objectives: To improve residential amenity and to assist the parking needs

of inner city residents who live in, or immediately adjacent to, the Central Business District (CBD) where there is no off-street parking space as part of their residence, either owned or

leased by them.

2. Background: This policy was created as a result of an increasing number of

enquiries and requests from inner city residents for residential

parking permits.

**3. Policy:** That:—

1. Residents of the CBD as shown on the plan labelled Attachment 1 and immediate adjacent areas, who reside in buildings constructed before December 1991 or in buildings that may have been renovated or had a change of use after December 1991 but where parking was not provided on site, be offered the following assistance to park their vehicles:

- 2(i). Applications from the above residents for residential parking permits be considered subject to the following conditions:
  - (a) Applications, on the nominated application form, must be accompanied by relevant documents to verify vehicle ownership and residency.
  - (b) Any permits issued will be for parking only in streets approved by the Manager Traffic Engineering. These streets will be determined by the Manager Traffic Engineering on the basis of the capacity of the street to absorb additional

permit parking without adversely affecting the opportunity for existing residents of that street to find a residential parking space. These streets may not be the closest residential parking areas to the applicant's place of residence.

- (c) The number of permits that can be issued to a household is reduced by one (1) for each off-street parking space at that address.
- (d) A maximum of two (2) permits per household can be issued (household being a house, flat/self contained residence) but only where each vehicle is registered to a separate owner residing at that address.
- (e) The number of on-site off-street parking spaces for a residence is to be determined by the Manager Traffic Engineering. If a resident disagrees with the assessment, then the resident must put the matter in writing to the General Manager.
- (f) Owners or tenants of properties with off-street parking, which is rented out to non-tenants or non-owners, will be refused resident parking permits to park on the street.
- (g) A residential parking permit will be cancelled if the holder of the permit uses the permit in residential parking areas other than those approved.
- (h) The issue of a permit does not guarantee the availability of a space to the permit holder.
- (i) The annual cost of a permit will be as determined by the Council from time to time. No refunds or discounts will apply.
- (j) Permits are valid when affixed to the left hand side of the windscreen or the left side vent window of the vehicle with the registration number of the vehicle to match that shown on the permit. with registration number the same as that shown on the permit.
- (k) Residents must remove permit labels if they dispose of the vehicle or the permit is cancelled.

- (I) Permits will be issued for residential use only; and where the applicant, at the request of a Council officer, is willing to signs a Statutory Declaration that they sleep at that address at least 5 nights a week. if that is requested by Council Staff.
- (m) A permitted vehicle shall not remain parked in a manner to cause inconvenience or obstruction to other residents in a street. It shall not be parked for longer than seven (7) consequtive days without being moved.
- (n) A residential parking permit may be cancelled by the General Manager or his nominee for noncompliance of permit conditions.
- (o) No residential parking permits will be issued to park in the designated CBDCentral Business District except as allowed for in Clauses sections 1(i)(p)16 and 1(i)(q)17 below.
- (p) The above issued residential parking permits will entitle the permit holder to park on a designated parking meter free of charge up until 10.00am on days that the parking meters operate.
- (q) The parking meters to be available for this use will be as determined by the Manager Traffic Engineering but will not include meters in the following streets:
  - (ai) Argyle Street between Macquarie and Bathurst Streets:-
  - (bii) Bathurst Street between Harrington and Argyle Streets;
  - (eiii) Harrington Street between Bathurst and Macquarie Streets;
  - (div) Macquarie Street between Harrington and Argyle Streets;
  - (ev) all streets contained within the above block of streets; and
  - (fvi) Elizabeth Street between Bathurst and Brisbane Streets.

- (r) (xviii) Special meter parking permits may be issued to the above residents for parking on parking meters only as described in Clauses 1(i)(p) and 1(i)(q)16 and 17 above. i.e. such a permit would not include the approval to park in a residential parking zone.
- 32. Residents of the CBD and immediate adjacent areas who reside in buildings constructed or renovated after December 1991 and where parking was provided as part of the development be offered the following assistance to park their vehicles if they can demonstrate that they are unable to park atin-their place of residence.
  - (i)4. Applications from the above residents for a special meter parking permit to park on a designated parking meter only, free of charge up until 10.00 am on days that the parking meters operate, be considered subject to the following conditions:
    - (a) Applications, on the nominated application form, must be accompanied by relevant documents to verify vehicle ownership and residency.
    - (b) The number of special meter parking permits that can be issued to a household is reduced by one (1) for each off-street parking space at that address.
    - (c) A maximum of two (2) special meter parking permits per household can be issued (household being a house, flat/self contained residence) but only where each vehicle is registered to a separate owner residing at that address.
    - (d) The number of on-site off-street parking spaces for a residence is to be determined on site by the Manager Traffic Engineering. If a resident disagrees with the assessment, then the resident must put the matter in writing to the General Manager.
    - (e) Owners or tenants of properties with off-street parking, which is rented out to non-tenants or non-owners will be refused a special meter parking permit to park on the street.

- (f) If a vehicle with a special meter parking permit is parked on a meter that is not an approved meter then there will be no exemption to normal parking requirements on that meter.
- (g) The issue of a special meter parking permit does not guarantee the availability of a space to the permit holder.
- (h) The annual cost of a permit will be as determined by the Council from time to time. No refunds or discounts will apply.
- (i) Special meter parking permits are valid when affixed to the left hand side of the windscreen or the left side vent window of the vehicle with the registration number of the vehicle to match that shown on the permit.registration number the same as that shown on the permit.
- (j) Residents must remove permit labels if they dispose of the vehicle or the permit is cancelled.
- (k) Permits will be issued for residential use only and where the applicant-, at the request of a Council officer, signs a Statutory Declaration that they sleep at that address at least 5 nights a weekis willing to sign a Statutory Declaration—that they sleep at that address at least 5 nights—a week if that is requested by Council Staff.
- (I) A permit may be cancelled by the General Manager or his nominee for non-compliance of permit conditions.
- (m) The parking meters to be available for this use will be as determined by the Manager Traffic Engineering but will not include meters in the following streets:
  - (ai) Argyle Street between Macquarie and Bathurst Streets;
  - (bii) Bathurst Street between Harrington and Argyle Streets;
  - (eiii) Harrington Street between Bathurst and Macquarie Streets;
  - (div) Macquarie Street between Harrington and

o:\council policy manual review 2015\city infrastructure\director approved policies\7.04.07residential parking for residents cbd.docx

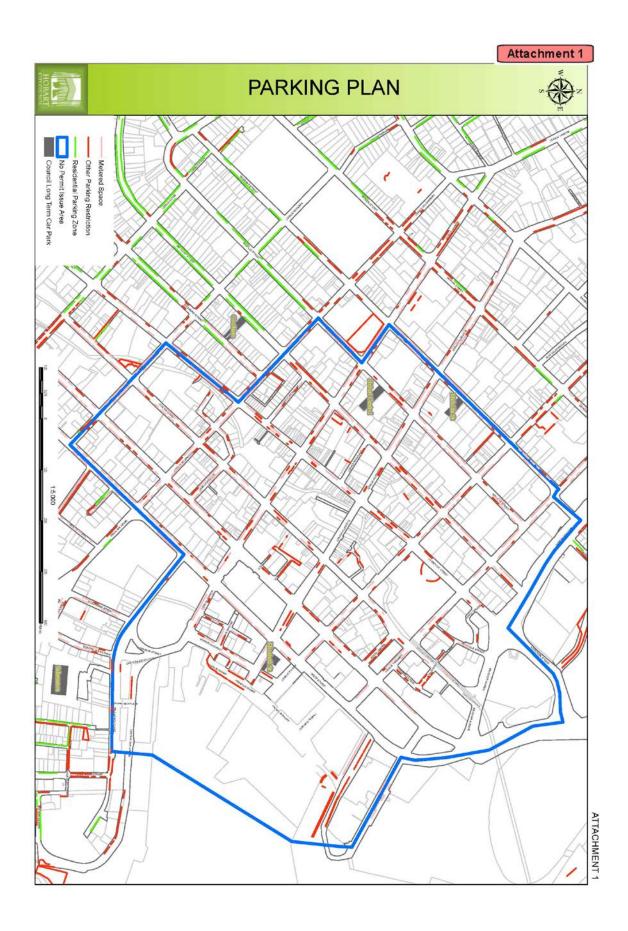
Argyle Streets;

- (ev) all streets contained within the above block of streets; and
- (fvi) Elizabeth Street between Bathurst and Brisbane Streets.
- 3.5. All residents of the CBD and immediate adjacent areas who qualify for any of the above permits be listed for the offer of a parking space atin a Council long-term car park closest to their residence ahead of any other person on the waiting list in lieu of being issued any of the above permits. The fee for such a parking space shall be at the current approved rate as determined by the Council from time to time.
- 4. Legislation, Terminology and References:

CBD is that area bordered by Brisbane, Harrington, Davey and Campbell Streets.

Responsible Officer: Director City Infrastructure Services

	·
History	
Council Policies are reviewed annually with amendments t	o a Policy listed below
Date Policy first adopted:	22/3/2010
Amendments:	
Annual Policy Review (approved by ELT)	14/8/2014



Title: Residential Parking Permits in Metered Areas

Subject: Property and Parking — Parking Control — On and Off-Street

Policy Number: 7.04.03 return to TABLE OF CONTENTS

Adopted by Council: 17/3/1986

Next Review: November 2015

1. Objectives: To improve residential amenity and provide a better balance of

on-street parking supply in residential areas where older houses had little or no off-street parking provided but

commuters were heavily using the adjacent streets to park their

cars.

**2. Background:** The policy was developed as a result of the Hobart Central

Area Traffic and Parking Study to discourage commuter parkers from disadvantaging local residents who have no off-

street parking facility.

**3. Policy:** That applicants for residential permits within metered areas

only be considered from areas outlined on the following list and

subject to the following conditions:

## **CONDITIONS**

1. The vehicle must have a Tasmanian registration in the applicant's name.

- 2. Only one permit is issued for each separately assessed residential property in any area prescribed by the Council (as detailed below) subject to (4).
- Where more than one residential unit is located on a site the number of permits shall not exceed the number of spaces located in the street outside the frontage of the property.
- 4. A permit can be issued only if no off-street parking is available on the property.
- 5. Every permit must be applied for on the proper application form and the required fees paid.
- 6. Owners or tenants of properties with off-street parking which is rented out to non-tenants or non-owners, be refused resident parking permits to park on the street.

7.6. All permits expire on the 30<sup>th</sup> of June each year and a

- new application must be made for the succeeding year. The fee paid is for one year and no allowance or rebate can be made for a shorter period.
- 8.7. The permit ceases to be valid on the change of ownership of the vehicle or change of address of the holder of the permit.
- 9.8. The permit holder is responsible to present the car to the Manager Parking Operations as proof that the permit label has been removed.
- 10.9. A permit for another car for a residential property will not be issued until Condition 98 above has been satisfied.
- 11.40. Every permit will have inscribed on it the vehicle number for which it was issued and it will not be transferred to another vehicle.
- 12.11. Where a permit holder changes vehicles a new application must be made and another label fee is payable.
- 13.12. Every permit must be properly affixed to the windscreen or a front window of the vehicle on the near (left hand) side of the vehicle in such a manner as to be clearly visible from the outside of the vehicle.
- 14.<del>13.</del> The issue of the permit does not guarantee the availability of any parking space to the holder.
- 15.14. The permit is only valid for the area for which it is issued.
- 16.<del>15.</del> Deposits as detailed are required for the issue of permits:
  - (i) In the case of a resident owner or the spouse of a resident owner, no deposit.
  - (ii) In any other case, such fee as may be determined by the Council.
- 17.<del>16.</del> Deposits cannot be refunded unless Condition 98 has been satisfied.
- 18.47. Permits can only be issued for private cars and station wagons but not for commercial vehicles.
- 19.18. The permit may be cancelled by an authorised Council employee for a breach of any of the above conditions.
- 20.<del>19.</del> The permit is issued subject to direction of a Policy or Council employee at any time.

## STREETS WHERE PERMITS MAY BE ISSUED

- Goulburn between Harrington and Barrack;
- Barrack between Liverpool and Goulburn;
- Murray between Melville and Brisbane;
- Campbell between Brisbane and Patrick;
- Brisbane between Campbell and Argyle; and
- Wilmot.

Any street where a separately assessed house remains in use as a residential dwelling within what has now become predominantly commercial.

4. Legislation, Terminology and References: CBD is that area bordered by Brisbane, Harrington, Davey and Campbell Streets.

Responsible Officer:	Director City Infrastructure Services	
History		
Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted: 17/3/1986		
Amendments:		
Annual Policy Review (approved by ELT) 14/8/2014		

Title: Cash in Lieu of Parking

Subject: Finance - Accounts Environment, Planning and Development Formatted: Font: (Default) Arial

Control

Policy Number: 4.01.02

Adopted by Council: 10/12/2012

Next Review: November 2015

1. Objectives: The City of Hobart Planning Scheme 1982, provides a

mechanism for the Council to receive monies in lieu of a proponent being required to provide the determined number of on-site car parking spaces in relation to a development, as

prescribed in Section E.8 of the Scheme.

This policy provides a scope of flexibility in respect to the provision of on-site car parking spaces within developments that retains the Council's ability to provide adequate carparking, or transport infrastructure that alleviates the need for-

parking, in the vicinity of the development.

Background: The City of Hobart Planning Scheme 1982, provides a

mechanism to permit developments unable to provide on-sitecar parking to requirements, to alternatively contribute funds to the Council to meet, or reduce, the need of car parking in the

general vicinity of the development.

3. Policy: That all monies paid to the Council in lieu of the provision of

car parking spaces shall be expended on the provision of transport infrastructure that alleviates the need for parking in the reasonable vicinity of the development which provided the

money.

4. Legislation,

**Terminology** 

and-

References:

City of Hobart Planning Scheme 1982 - Section E.8

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Title: Climate Change

Subject: Environmental Environment, Planning and Development

Control

Policy Number: 5.11.01

Adopted by Council: 25/5/2009

Next Review: November 2015

1. **Objectives:** To allow the Council to promote awareness, undertake early

action, focus on sustainability, share responsibility and to be flexible in addressing climate change and is a holistic driver for climate actions and initiatives in both the corporate and

community sectors.

**2. Background:** This policy was adopted with the Council's Climate Change

Strategies HCC(5) on 25 September 2009 as a replacement for

its Local Action Plan.

**3. Policy:** The Hobart City Council, on the issue of climate change, will:

 Provide effective and strong leadership to the region and to its communities to respond to climate change and build a sustainable region.

- Develop and implement actions and strategies that assist communities to reduce carbon footprints, adapt to climate change impacts and increase their awareness and understanding of climate change and sustainability.
- 3. Complement, collaborate and establish strong partnerships with key stakeholders and other tiers of government that strengthen the Council's responses to climate change.
- 4 Plan for and manage Hobart's adaptation to the impacts of climate change, particularly where these impacts represent a threat to people and property.

4. Legislation, Terminology and References: Cities for Climate Protection Program (CCP<sub>TM</sub>)

Climate Change – a long-term change in the earth's climate, especially a change due to an increase in the average

atmospheric temperature.

Responsible Officer: Director De Planning.

Director Development and Environmental Services City

His

History

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Council Policies are reviewed annually with amendment	ents to a Policy listed below	
Date Policy first adopted:	25/5/2009	
Amendments:		
Annual Policy Review (approved by ELT)	14/8/2014	

Title: Dog Management

Subject: General - Animal Welfare Corporate Governance

Policy Number: 5.13.02

Adopted by Council: 26/5/2008

Next Review: November 2015

1. **Objectives:** This Policy, including the development of a Dog Management

Strategy, represents the requirements of the Dog Control Formatted: Font: Italic

2000, in that it has been reviewed within the 5 year timeframe,

sets out a code of responsible ownership, identifies the

declared areas and a fee structure.

2. Background: The Dog Control Act 2000, requires a council to develop an Formatted: Font: Italia

implement a policy relating to dog management in its municipal

areas. The policy is to include the following:

- a code relating to responsible ownership of dogs;
- the provision of declared areas;
- a fee structure; and
- any other relevant matter.

The Dog Control Act 2000, requires the Council to prepare Formatted: Font: Italic

Dog Management Policy and for the policy to be reviewed at least every five years.

**3. Policy:** That:

1. The Council recognises that it has a significant role in the effective management of dog control.

2. In accordance with the <u>Dog Control Act 2000</u> the Cou Formatted: Font: Italic has developed a Dog Management Strategy 2014-2018 which includes:

- (i) a code relating to responsible ownership of dogs;
- (ii) the provision of declared areas; and
- (iii) a fee structure;
- 3. The guiding principles which underpin this strategy are:
  - The Council recognises the significant contribution a well-trained and cared for dog can contribute to building a strong and healthy community.
  - (ii) Council's role will be consistent with the desires of the community to achieve a compatible relationship

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between dogs, dog owners, neighbours, the local community; to minimise impact on the environment; and to achieve legislative compliance.

- (iii) All dog owners residing and visiting the City abide by the requirements of the *Dog Control Act 200* at Formatted: Font: Italic the Council's Dog Management Policy.
- 4. This Policy will be reviewed at least once every five (5) years in accordance with Section 7(4) of the *Dog Cort* Formatted: Font: Italic *Act 2000*.
- 4. Legislation, Terminology and References:

Dog Control Act 2000

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Responsible Officer: Director Parks and Customer Set	<del>rvices</del> City Planning
<b>History</b> Council Policies are reviewed annually with amendments to a Policies	cy listed below
Date Policy first adopted:	26/5/2008
Amendments:	
Date amended in accordance with 5 year review of Policy and Dog Management Strategy	23/9/2013
Annual Policy Review (approved by ELT)	14/8/2014

Details of Policy Amendments are located on the Council Business Centre

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Title: Conciliation Services

Planning and Development Control Environment, Planning and Subject:

**Development Control** 

Policy Number: 6.01.01

Adopted by Council: 12/9/2011

Next Review: November 2015

1. Objectives: The objective of this policy is to establish processes that will assist to:

- 1. Reduce the level of community conflict related to planning applications.
- 2. Empower the parties in a dispute to take control of their own dispute and attempt to reach a resolution which satisfies the needs and interests of all those involved.
- Permit the parties the opportunity of informing the Council 3. of any agreements they have reached and or clarification of the issues still in dispute, in order for the Council to take these matters into account in determining the planning application or resolving other matters that are in dispute.
- To pursue consistency and fairness in the manner in which the Council deals with and resolves disputes.

2. Background: Previous attempts for either conciliation or mediation between parties experiencing conflict in respect to a planning application has been cumbersome and has not in the past achieved any significant result. The adoption of a policy that allows for the Development and Environmental Services City Planning Committee to request parties in conflict over a planning application to enter into conciliation would overcome the shortfalls of Section 57A of the Land Use Planning and

Approval Act 1993.

3. Policy: Purpose:

> The purpose of this policy is to provide principles, guidelines and operating procedures for the conciliation service provided by the Hobart City Council in relation to the processing of planning applications.

**Definitions:** 

What is Conciliation?

Conciliation is the process in which the parties to a

Policy No. 6.01.01

Page 1 of 8

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dispute with the assistance of a neutral third party (the conciliator) identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement.

- Conciliation aims to provide a fair, consensus building dispute resolution process in which the disputing parties are empowered to:
  - (i) clarify their needs and interests;
  - (ii) acknowledge the needs and interest of other parties;
  - (iii) become aware of the range of potential solutions; and
  - (iv) negotiate in good faith to achieve an agreement which:
    - (a) satisfies their mutual interests; and
    - (b) is fair and reasonable and is capable of implementation within the existing statutory process and the Council's planning schemes.

## C. Application

The policy applies to the following:

- Disputes arising from development applications and related planning development and land management matters.
- 2. The following matters will be considered in determining whether conciliation will be applied:
  - It appears conciliation is the best method for dealing with the issues involved.
  - (ii) The parties are willing to participate in conciliation.
  - (iii) There are a large number of participants, they are willing and are able to appoint representatives to attend conciliation on their behalf and agree on their behalf to any outcomes (a maximum of 5 persons is preferred).
- Conciliation will not be pursued when it is considered that:
  - (i) there are multiple parties involved and they are unable or unwilling to nominate a representative;

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- (ii) one or more of the parties is not willing to participate and negotiate in a genuine effort to reach a negotiated solution;
- (iii) other dispute resolution procedures may be more appropriate;
- (iv) the dispute does not involve Council's business or responsibilities; or
- (v) the nature of the objections are not a reasonable basis for which to conduct conciliation(i.e. "I do not want any more two storey houses in my area" whilst the planning scheme allows two storey houses).

### D. Principles

The following are the principles upon which the conciliation policy at the Hobart City Council is based:

- Conciliation is to be conducted by a recognised and independent conciliator who is impartial to the dispute at hand.
- Conciliation will not be treated as a whole as "confidential" (the conciliator or parties may determine that parts of the conciliation should be confidential) This will allow full disclosure of the matters discussed to be presented to the Council.
- 3. Conciliation is a voluntary process.
- Conciliation is most effective when applied as soon as possible after a dispute and stakeholders are identified.
- 5. Where the conciliation is attended by a representative of a group of people that representative should have "delegation" to agree to a particular outcome without reference to the group as a whole.
- 6. Any agreement reached is a decision made by the parties themselves, and is one which satisfies their own needs and interests. Council will however take into consideration such agreement when considering the application but will still need to assess the application under any legislative requirements or the provisions of the Council's planning schemes.
- 7. The Council is not bound to a certain course of action because of an agreement reached at conciliation.

- 8. Conciliation does not prejudice any future action a party may wish to take.
- Aldermen will not be present at conciliation sessions and the Council's -officers will only be in attendance to provide technical advice.
- 10. Conciliation will not always be the most appropriate method of dispute resolution available.

### E. Implementation

The policy will be implemented through the following process:

- Information of the Council's conciliation service will be provided at the time when the planning application is statutorily notified. The information will include advice that the representor should discuss the planning application with the relevant planning case officer before applying to participate in the conciliation service.
- The representor will apply to the Council to participate in conciliation by completing the "request for conciliation" form (see attached) and lodging it with the Council before the closing date for representations.
- 3. The applicant within 7 days of the close of the representation period can also apply to participate in conciliation by completing the "request for conciliation" form and lodging it with the Council.
- The Director Development and Environmental Service City Planning s-determines whether an application from a representor or a proponent fulfils the terms of the policy.
- 5. The Development and Environmental Services City Planning Committee or the Director Development and Environmental City Planning Services may request that the relevant planning officer explore with the parties to the application (representors and applicant(s)) if they are prepared to enter into conciliation.
- Any conciliation is contingent on the applicant granting, to the Council, an extension of the statutory time, if necessary, in which it is able to deal with the application.

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 Conciliation will then be conducted in accordance with any guidelines adopted by the Council and/or in a manner the Conciliator considers appropriate for the circumstances.

14/8/2014

4. Legislation, Terminology and References:

Responsible Officer: Director Developme Planning	nent and Environmental ServicesCity
Hist	ory
Council Policies are reviewed annually w	ith amendments to a Policy listed below
Date Policy first adopted:	9/3/2010
Amendments:	
Amended	12/9/2011

Details of Policy Amendments are located on the Council Business Centre

Annual Policy Review (approved by ELT)



# Guide to Conciliation Service for disputes relating to planning applications

This guide is for paticipants involved in the Hobart City Council's conciliation program for Development Applications. It is Intended to assist you in understanding of the conciliation process and the requirements for Council's Conciliation Policy.

### What is Conciliation?

Conciliation is a voluntary process, where people in a dispute can come together to find a solution to their dispute with the assistance of an independent and impartial conciliator.

### What are the steps in Conciliation?

If you would like to participate in the Conciliation Program, the following steps are involved:

- Lodge a completed Application of Conciliation.
- The Application for Conciliation will be considered and it will be determined if the matter is one, given the issues identified in the application, that can be dealt with through conciliation.
- If it is considered that conciliation should be undertaken the other parties will be asked if they wish to participate. If all parties agree the matter will proceed. If one party refuses the conciliation will not proceed.
- The parties and the conciliator then conduct the conciliation at a mutually convenient time and place within 21 days of the receipt of the Application for Conciliation. The concilation will result in a signed agreement, a partial agreement or no agreement at all.

# What is required for residents to attend the Conciliation?

Every person attending the conciliation should be prepared to discuss their needs, concerns and interests; are prepared to listen to the needs, concerns and interests of other at the conciliation; and are prepared to negotiate in a genuine effort to reach a negotiated colution.

#### What happens at the Conciliation?

The conciliator will conduct a meeting with the nominated respresentatives and the applicant to disucss their concerns and issues in relation to the development application. The parties will be advised of the venue of the meetings.

The conciliator helps the parties to explore options and assists the parties to reach agreement. The conciliator does not make recommendations or decisions on how the issues should be resolved, and are neutral and independent from Council.

There will be no Aldermen present at the conciliation. Council staff will attend to provided advice and assistance where possible.

# How does the conciliation affect Council's assessment of the Development Application?

Council's Development Appraisal Unit, will continue their DA assessment process while the conciliation process takes place. This can include the assessment by other areas of Council including traffic, stormwater, environment, etc. If an agreement is reached and both parties agree, then this information is generally forwarded to the planning officer for consideration in assessing the DA. Any agreement must still comply with relevant Legislation and planning scheme provisions.

If the matter is called before full Council the outcome of the conciliation will be included in the report to Council. One speaker from each side may also be given the chance to address Council's Development and Environmental Services Committee at its meeting. Please contact Council's Council Support Officer on 6238 2734 for further details.

Hobart Council Centre, 16 Elizabeth Street, GPO Box 503 Hobart Tasmanian 7001 Telephone: (03) 62382 711 TTY (03) 62382 187 Fax (03) 62347 109 AUSDOC DX109 Email: hcc@hobartcity.com.au Internet www.hobartcity.com.au



Request for Conciliation for disputes relating to planning applications

If posting this application please address to:

The General Manager GPO Box 503 Hobart 7001

If you need help lodging your application Phone us on (03) 6238 2715 <u>or</u> Come in and talk to us at our offices at For all disputes concerning planning applications, lodge this notice with the Hobart City Council. See page 2 for lodgement details. Please consider the guidelines below when completing your application. You must lodge must council st Conciliation Policy.

This form gives notice of a dispute this notice before the closing date for submissions. Please consider:

If the objections are a reaonable basis for conciliation - for example, I don't want units in my area (where zoning permit this) is not reasonable (where zoning permit this) is not reasonable from the Hobart City Council.

If the objections can be dealt with the appearance of the concerning planning applications, lodge this notice with the Hobart City Council.

If the objections are a reaonable basis for conciliation - for example, I don't want units in my area (where zoning permit this) is not reasonable from the Hobart City Council. 16 Elizabeth Street, Hobart Development matters For all disputes concerning planning applications, lodge this notice with the Hobart City Council. See page 2 for If the application is grossly inconsistent with Council's policies and would be rejected anyway. If issues are not related to the business of Council - for example, boundary fencing etc. If all parties agree voluntarily to participate. Fees
There are no application fees. However, you must pay for all of your own expenses (such as preparing for or attending concillation sessions.) Part 1 Applicant Details Applicant details CMr CMrs CMs Other Full family name (no initals or Company) Full given names (no initials) (or A.C.N.) Postal Address Facsimile Mobile Email Contact Person Only if a company, com-Part 2 Conciliation Questionnarie You must lodge this notice with Council prior to the closing date for representations. Does the dispute relate to a Please tick ALL appropriate boxes ☐ Inspected the plans displayed at Council or on www.hobartcity.com.au ☐ Discussed the proposal with the nominated Coucil Officer Discussed your concerns with other relevant oficers

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Policy No. 6.01.01

2. Details of the poposed	Hausa Ma
development	House No.
	Street
	Suburb
	Application Number
	Subject
	Closing date for Submissions
	You must lodge this notice by this date where it relates to a development application.
etails of the dispute	
se state your concerns rly and succinctly. If fficient	
e, attach a written ement	
	w 1 - 2 - 1 - 1 - 2
o you have any suggested	
olutions? r suggestions can be very	
ful. We encourage you ut forward practicial and	
tive ideas.	
	F 1
	*-
art 3 Applicant(s) [	Declaration
ur declaration	I/We seek to have the above dispute resolved in accordance with the Hobart City Council's Conciliatio Policy. I/We understand that I/We may be required to attend conciliation sessions conducted by neutral conciliators.
	Signature Date
e personal information that rsonal information are office	Council is collecting from you is personal information for the purposes of undertaking conciliation. The intended receipients of the ers/agents of the Council.
vill be necessary to release t	to people involved in the conciliation application process, personal information such as your name, address and issues of concern.
supply of the information	by you is mandatory. Personal information will be managed in accordance with the Personal Information Protection Act 2004.
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	,,

Title: Strategic Property Infrastructure – Conservation and

Enhancement

Subject: Planning and Development Control - Applications Environment,

Planning and Development Control

Policy Number: 6.01.07

Adopted by Council: 15/2/2005

Next Review: November 2015

Responsible Officer: Director Development and Environmental ServicesCity

**Planning** 

1. **Objectives:** To achieve an overall improvement in streetscape amenity

within the Central Business District (CBD).

2. Background: This was to encourage the upgrading of the exterior of CBD or

other commercial centres' heritage properties to complement

the Council's civic works programmes.

**3. Policy:** That:

 In order to achieve an overall improvement in streetscape amenity, the Council, in conjunction with other key stakeholders, shall facilitate the conservation and enhancement of strategic property infrastructure within the CBD and established suburban commercial centres, including commercial shopfronts and building facades.

- 2. In order to facilitate this objective, the following strategies will be adopted:
  - (i) The Council will, through its Heritage and Conservation function, provide pre-lodgement advice to applicants in relation to proposals which involve conservation works to significant building facades.
  - (ii) The Council will provide heritage and architectural advice in relation to paint colour schemes, façade cleaning and conservation.
  - (iii) The Council will identify strategic target sites within the CBD and suburban commercial areas and will seek to facilitate opportunities for major façade refurbishment projects.
  - (iv) The Council will seek opportunities for appropriate public promotion of its initiatives in

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this area, including the provision of appropriate grants through its Heritage Account or general revenue.

4. Legislation, Terminology and References:  $\ensuremath{\mathsf{CBD}}$  – is the area bordered by Brisbane, Harrington, Davey and Campbell Streets.

Responsible Officer: Director Development and Environmental Services City Planning		
History	,	
Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	8/7/2002	
Amendments:		
Annual Policy Review	15/2/2005	
Annual Policy Review	8/9/2014	

Details of Policy Amendments are located on the Council Business Centre

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Title: Deferral of Planning Applications

Subject: Planning and Development Control Applications Environment,

Planning and Development Control

Policy Number: 6.01.09

Adopted by Council: 15/2/2005

Next Review: November 2015

1. Objectives: To ensure that all planning applications are dealt with

equitably.

2. Background: This policy was developed at the request of the Council to

enable a process to be implemented to ensure extensions of time provided by applicants are sufficient for development applications to be considered by Committee and/or Council.

**3. Policy:** That:

 The Council require all extensions of time requested by applicants to be a minimum of 42 days from the date of expiry of the current statutory period or from receipt by the Council of the amended proposal for planning approval.

 Extensions of time requested for lesser periods will not be agreed to by the Council except where such time would enable consideration by the relevant Council or

Committee meeting.

4. Legislation, Terminology and References:

Responsible Officer: Director Planning	Development and Enviro	nmental Services City
	History	
Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:		10/11/1997
Amendments:		
Annual Policy Review		15/2/2005
Annual Policy Review (approved by	oy ELT)	14/8/2014

Details of Policy Amendments are located on the Council Business Centre

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Title: Paving Bonds

Subject: Planning and Development Control - Bonds and

Guarantees Environment, Planning and Development Cont (Formatted: Font: (Default) Arial

Policy Number: 6.02.05

Adopted by Council: 15/2/2005

Next Review: November 2015

1. Objectives: To ensure completion of driveways and parking areas for

commercial and multi-unit/house developments prior to

occupation.

Background: Occupations could be held up due to failure to complete

driveways to standard, or conversely and on the amenity/safety

side, that if occupations were issued without driveways completed, the amenity and safety of purchasers could arise

with legal and cost implications for the Council.

3. Policy: That:

 Where paving bonds are required to be lodged in respect to approved development applications the method of assessment for such bonds shall be calculated as follows:

(i) \$500 per parking space shown on the approved engineering plans to a maximum of \$25,000.

2. Where the prime purpose of a development application is the construction of a car park, a condition of approval is to be the lodgement of a bond with a value equal to 10% of the estimated cost of paving.

4. Legislation, Terminology and References:

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Responsible Officer: Director Development and Environmental Services		
History		
Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	8/7/2002	
Amendments:		
Annual Policy Review	15/2/2005	
Annual Policy Review (approved by ELT)	14/8/2014	

Details of Policy Amendments are located on the Council Business Centre

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Title: Planning and Development Control – Subdivisions

Subject: Sealed Plans - Objections to Amendments Environments

Planning and Development Control

Policy Number: 6.04.04

Adopted by Council: 25/3/1985

Next Review: November 2015

1. Objectives: To fulfil the Council's obligations under Section 104 of the

Local Government (Building and Miscellaneous Provisions Formatted: Font: Italic

1993.

2. Background: Amendments of sealed survey plans require all interested

parties to the sealed plan to be formally notified of the

amendment to allow objections to be made. Any party with an estate or interest at law affected by the proposed amendment may request to be heard by the Council prior to it making a determination. The Development and Environmental

Services City Planning Committee terms of reference make it the appropriate committee to hear such matters and to make

the final determination.

3. Policy: That where, pursuant to Section 104 of the Local Governm Formatted: Font: Italic

(Building and Miscellaneous Provisions) Act 1993, a proposal to amend a sealed plan is objected to, within 28 days after the giving of the last prescribed notice, the hearing of any persons

who have asked to be heard shall be carried out by the Development and Environmental Services City Planning Committee, in accordance with the provisions of sub-section (2) and that Committee shall act for the Council in all matters

pertaining to making a determination.

4. Legislation, Local Government (Building and Miscellaneous Provisions) Formatted: Font: Italic

10

and

References:

**Terminology** 

1993

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Responsible Officer: Director Development and Environmental Services City Planning		
History		
Council Policies are reviewed annually with am	nendments to a Policy listed below	
Date Policy first adopted:	25/3/1985	
Amendments:		
Annual Policy Review	September 2013	
Annual Policy Review	8/9/2014	

Details of Policy Amendments are located on the Council Business Centre

 $_{\rm o:\council}$  policy manual review 2015\city planning\director approved policies\6.04.04planning and development control – subdivisions sealed plans.docx

Title: Waste and Recycling Collection from Private Residential

**Housing Estates** 

Subject: Planning and Development Control - Multi-Unit-

Housing Environment, Planning and Development Control Formatted: Font: (Default) Arial

Policy Number: 6.05.01

3.

Policy:

Adopted by Council: 17/12/2007

Next Review: November 2015

1. **Objectives:** To enable the Council, when considering a planning application

for multi-dwelling development to give consideration to waste and recycling storage and access and subject to appropriate conditions, to enter private residential housing estates for the

purpose of collecting domestic waste and recycling.

2. Background: This policy was developed at the request of the Policy and

Budget Committee.

The Council introduced mobile garbage bins in 2001 which resulted in a significant policy amendment, requiring that appropriately sited bin storage areas must be incorporated into multi unit housing developments and provisions made for the bins to be serviced by the Council's collection vehicles

bins to be serviced by the Council's collection vehicles.

That the Council garbage and recycling collectors will only enter onto private land for the purpose of collecting waste and recycling from residential and commercial properties subject to the following pre-requisites and conditions:

Where the Director City Infrastructure Services considers

- that the distance to manoeuvre bins to the roadside is unreasonable or the space by the roadside is insufficient or impractical for the number and location of bins to be collected.
- The private access way is to be constructed to a standard deemed satisfactory to the Director City Infrastructure Services in consultation with the service provider for the operation of heavy vehicles.
- ——3. The maximum grade on the private access way is not to exceed 1 in 4.5.
- 4. A suitable turning area for heavy vehicles is to be provided to the satisfaction of the Group Manager

o:\council policy manual review 2015\city planning\director approved policies\6.05.01waste and recycling collection from private residential housing estates.docx

Engineering Services.

- Any centralised storage areas will need to be aesthetically in keeping with the surrounding environment, have adequate ventilation, have suitable storage capacity for the required number of bins and be of a design which can be easily cleaned.
- The City will only collect from designated mobile bins. In situations where a centralised storage area is required for the storage of these bins the following advice needs to be met:
  - The mobile bins must be transported from the storage area and placed for collection by the roadside with a minimum of one metre between each bin.
- Where the development comprises units for the elderly or 7. the disabled or where there are other extenuating circumstances, the Director City Infrastructure Services may exercise their discretion in agreeing to provide a waste and recycling service notwithstanding the fact that all of the requirements of this policy may not have been

Nothing in this policy should be construed as varying in any way the normal rating liability (including its garbage collection component) of the owners of the land.

The owner or owners of the land shall indemnify the City against liability at law for any accidental damage or accidental loss occurring to any property on the said land and arising from the entry of the City's vehicles and employees/contractors to the land for the purpose of garbage and recycling removal.

This indemnity shall include accidental injury (including death) to any person arising from an incident on the land involved. This indemnity is to be in a form satisfactory to the City.

4. Legislation, **Terminology** and References:

Hobart City Council Health and Environmental Services By-law 1 of 2008:

Part 3 Division 3, Storage of bins in waste storage area, Clause 10.1;

> Formatted: Indent: Left: 0 cm, Hanging: 1.06 cm, Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Part 3 Division 4, Waste collection from wheelie bins,

Clauses 11.1 and 11.3; and

Part 3 Division 4, Recycling collection, Clauses 13.1 and

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#### 13.2.

Responsible Officer: Director Development an Planning	nd Environmental Services City	
History  Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	23/9/1985	
Amendments:		
Annual Policy Review	8/7/2002	
Annual Policy Review	15/12/2003	
Annual Policy Review	14/3/2006	
Annual Policy Review	17/12/2007	
Annual Policy Review (approved by ELT)	14/8/2014	

Details of Policy Amendments are located on the Council Business Centre

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## Appendix 30

Title: Reproduction of Plans

Subject: Planning and Development Control - General Environment

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**Planning and Development Control** 

Policy Number: 6.06.01

Adopted by Council: 26/10/1992

Next Review: November 2015

1. Objectives: To provide the Council with a degree of flexibility whilst also-

protecting and acknowledging the Council's legal obligations to the author in making available plans for public inspection and

photocopying.

2. Background: The plans form a valuable library and are therefore a valuable

source of information for person who may wish to undertake

renovations and additions to their house.

3. Policy: That the Council not make available to the public

photocopies of any plans held in the Development and

**Environmental Services Division, unless:** 

1. The person making the request for the photocopies has a signed authority from the author of the plans (or the person owning the copyright in the plan if not

the author) consenting to the Council providing that person with a copy of the plans.

2. The Director Development and Environmental Services, or his/her nominee, directs in their sole and absolute discretion that copies of the plans can be made available and that the person making the application agrees to sign an indemnity indemnifying the Council against any claim that may be made against the Council

by the person owing the copyright in the plans for the Council so reproducing the plans and making the

reproduction available to that person.

4. Legislation, Terminology

and

References:

Copyright Act 1968

Responsible Officer: Director Development and Environmental Services

History

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Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	<del>26/10/1992</del>	
Amendments:		
Annual Policy Review	8/9/2014	

Details of Policy Amendments are located on the Council Business Centre

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## Appendix 31

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Title: Erosion and Sedimentation Control

Subject: Planning and Development Control — GeneralEnvironm

Planning and Development Control

Policy Number: 6.06.03

Adopted by Council: 9/6/2009

Next Review: November 2015

1. Objectives: To develop, implement and enforce a uniform set of soll

conservation, erosion and sedimentation control standards for

development within the Hobart municipal area.

2. Background: In 1994, following community and professional concern about

soil crosion, sedimentation of stormwater and streams and loss of bushland, an Environmental Code of Practice Working Group was formed in acknowledgement of the compelling need for Council to embark on a process of developing policies, strategies and codes of practice for development on the urban/bushland interface and with soil and water management in urban development. The outcome from the Group was the

formulation of this policy.

3. Policy: 1. Policy Goal

To protect the environmental values of creeks, waterways and the Derwent River estuary by minimising-sediment transport and subsequent deposition and

turbidity caused by urban soil erosion.

2. Policy Statement

For the purpose of this policy, development shall have the same meaning as developments subject to assessment and approval of Council as a consent authority under the provisions of the Land Use Planning and Approvals Act 1993, or building and plumbing works under Part 7 of the Building Act 2000.

Where any proposal for development will, or may, involve:

(i) the disturbance of the existing surface of the earthor placement of fill or stockpiling of materials; or

(ii) changes in either the rate or the volume of run-offentering a watercourse, or flowing overland per-Section 31 of the State Policy on Water Quality-Management 1997.

the development shall comply with the provisions of this policy.

In addition, all Council activities are to be carried out in accordance with the principles contained in this policy. Directors of Council Divisions are to be responsible for ensuring that the assessment provisions of this policy are implemented within units of their Divisions.

#### 3. Procedure

#### (i) Review

This policy, and Code of Practice, shall be subject to regular review to ensure it continues to achieve the objectives of the policy and keep pace with development erosion control practice.

In the carrying out of a review, public comments shall be sought. Comments may be made at anytime and shall be included in the review.

## (ii) Policy Development

Council shall maintain appropriate education programs on techniques of soil conservation management for employees.

The Infrastructure Services Division shall, Inconsultation with other Divisions of Council, establish a Manual of Works Practice for Erosion and Sedimentation Control for use by Council employees, contractors and the public.

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### (iii) Implementation

An application for a development required tocomply with this policy may be required to be
accompanied by a concept soil and watermanagement plan of sufficient detail to determine
whether the site can be developed in the mannersuggested, while incorporating adequate erosion orsedimentation control. Prior to a permit being issuedfor building, site works or subdivision engineeringworks, an applicant shall lodge for approval a
detailed soil and water management plan to the
satisfaction of the Council.

All soil and water management plans must be prepared by a suitably qualified or experienced person as approved by the Council's Director Development and Environmental Services and be signed and dated by the designer.

Plans are to be based on the following principles:

- minimise erosion and sediment mobilisation;
- minimise off-site sediment transport; and
- protect environmental values.

Applications for small amounts of earthworks, or clearing of vegetation may include, subject to Council approval, a suitably prepared statement of the measures to be taken to satisfy the above principles instead of a soil and water management plan.

The soil and water management plan shall be assessed by either:

- (a) the Council's Development
  Engineer/Development Engineering Officer
  assessing the application or proposal to
  the work applies; or
- (b) a person appointed by the Council's Director-Development and Environmental Services.

Following the approval of the soil and water-management plan, the requirements of the plan will-be incorporated as a condition of the permit. Depending on the nature and scale of the development, Council may modify the plan or impose additional conditions to control erosion and sedimentation.

The applicant or owner will be responsible for ensuring that the requirements of the soil and water-management plan and conditions are implemented and maintained. Temporary sediment control-structures shall remain until notice in writing is received from the Council that the site is sufficiently stabilised to allow their removal.

Inspection of the works to ensure compliance with this policy shall be undertaken as part of routine inspections by:

(a) Council's Compliance Officers as part of their general duties, or

- (b) Council's Services and Development Inspector in the case of subdivisions or commercial and multi-unit residential developments, or,
- (c) Council's various Project Managers and Field-Supervisors in the case of their respectivecouncil activities, and
- (d) Persons appointed by the Director Development and Environmental Services as required.

4. Failure to Comply

In the event of any breach of this policy or condition of approval in relation to erosion and sedimentation control being made, action shall be taken to stop all works being undertaken on the property in accordance with the relevant legislation.

4. Legislation, Terminology and Land Use Planning and Approvals Act 1993

Part 7 of the Building Act 2000

References:

Section 31 of the State Policy on Water Quality Management

<del>1997</del>

Responsible Officer: Director Development and Environmental Services	
History  Council Policies are reviewed annually with amendn	nents to a Policy listed below
Date Policy first adopted:	27/3/1995
Amendments:	
Annual Policy Review	<del>15/12/2003</del>
Annual Policy Review	<del>15/2/2005</del>
Annual Policy Review	9/6/2009
Annual Policy Review (approved by ELT)	14/8/2014

Details of Policy Amendments are located on the Council Business Centre

Title: Planning Appeals

Subject: Employees - Representing Council Environment, Planning Formatted: Font: (Default) Arial

**Development Control** 

Policy Number: 8.07.03

Adopted by Council: 8/7/2002

Next Review: November 2015

1. Objectives: To provide a position in respect of officer attendance at

planning appeals.

2. Background: This policy was developed following the rescission of previous

policies which provided for representation at all Appeals to essentially delegate responsibility to the General Manager in consultation with the Director Development and Environmental

Services. City Planning.

**3. Policy:** That:

 All Council decisions made in relation to planning matters are to be defended in the event of an appeal to the Resource Management and Planning Appeals Tribunal.

2. The General Manager, in consultation with the Director Development and Environmental Services City Planning, is to determine the most appropriate means of defending the Council's decision.

4. Legislation, Terminology and References:

Responsible Officer: Director Develop Planning	ement and Environmental Services City
His	story
Council Policies are reviewed annually	with amendments to a Policy listed below
Date Policy first adopted:	26/10/1992
Amendments:	
Annual Policy Review	8/7/2002
Annual Policy Review (approved by ELT)	14/8/2014
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Details of Policy Amendments are located on the Council Business Centre

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Title: Salamanca Market – Sunday Operation

Subject: Property and Parking - Salamanca Market

Policy Number: 7.08.02

Adopted by Council: 25/3/1985

Next Review: November 2015

1. Objectives: To provide the Council the opportunity to maximise the visitor

experience upon occasions of large numbers of tourist arrivals

through cruise visitations.

2. Background: The Policy was developed based on a "needs arise basis",

should a market be required to operate whilst a cruise shopwas in port to increase attractions for tourists whilst visiting

Hobart.

3. Policy: The Lord Mayor and the General Manager are authorised to

take the necessary action to hold a market on Sundays when everseas tourist ships are in port during the period the Council-

is operating the Market.

4. Legislation,

**Terminology** 

and-

References:

Responsible Officer: Director Community Development		
History		
Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	<del>25/3/1985</del>	
Amendments:		
Annual Policy Review (approved by ELT)	14/08/2014	

Details of Policy Amendments are located on the Council Business Centre

Title: Use of Salamanca Square for Events

Subject: Property and Parking – Malls and Pedestrian

**Precincts**Community Services and Events

Policy Number: 7.02.01

Adopted by Council: 27/10/2008

Next Review: November 2015

1. **Objectives:** To enable the controlled use of Salamanca Square for events

by not-for-profit organisations or groups providing they have

some entertainment or public interest value.

2. Background: Salamanca Square is a public highway and as such the legal

basis for controlling events is the Council's Highways By-law which would require users to apply for an occupation licence. In addition, Salamanca Square is not a defined mall, so control of events or activities is not as clearly defined as for a mall. As such, a policy is required to capture the type of event that it is

believed the majority of the community would enjoy.

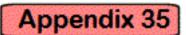
**3. Policy:** That:

A. Salamanca Square, excluding Kennedy Lane and Wooby's Lane, may be used for the following events:

- Entertainment being provided by bands, dance groups and similar not-for-profit organisations or groups;
- 2. Activity by not-for-profit organisations and agencies that is of public interest, community and cultural value and is of an apolitical nature.
- 3. Entertainment or display events, including busking, that are associated with a Council owned or Council supported festival or similar.
- 4. Entertainment or events, including busking, owned and managed by Salamanca Square Inc.
- B. Kennedy Lane and Wooby's Lane from Salamanca Place to Salamanca Square may be used for approved busking activities associated with Salamanca Market.
- 4. Legislation, Terminology and References:

Responsible Officer:	Director Infrastructure Services	
History  Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted: 13/11/2006		13/11/2006
Amendments:		
Amended		27/10/2008
Annual Policy Review (appro	oved by ELT)	14/8/2014
Amended		8/9/2014

Details of Policy Amendments are located on the Council Business Centre





Elizabeth Mall – Commercial Events Featuring Advertising Formatted Table Title:

Subject: Roads, Traffic and Walkways Property and Parking

**Pedestrian Precincts** 

**Policy Number:** 7.02.04

Adopted by Council: 9/2/1010

Next Review: November 2015

Responsible Officer: **Director Parks and Customer Services** 

1. Objectives: This Policy outlines the requirements to allow the use of the

Elizabeth Mall for commercial events.

2. **Background:** The Council has always encouraged the provision of

> entertainment in the Mall on the basis that it is a focal point for shoppers, providing seating for relaxation and an ideal setting

for the conduct of a diverse range of activities.

Policy: 3. That commercial events may be held in the Elizabeth Mall subject to:

> 1. The applicant undertaking to provide free entertainment.

- Only one commercial promotion being approved for any day that the Mall is not required for a Council sponsored activity.
- Events being no longer than two hours duration. 3.
- Events entailing the use of amplifiers not to exceed two hours in duration and approval for such events being conditional upon the applicant's acceptance of any direction given by an authorised employee of the Council in relation to sound levels.
- Promotional or advertising material must not be 5. obstructive, potentially dangerous or offensive and a photograph or sketch of any advertising material to be displayed to be submitted by the applicant prior to the event, where applicable.
- Give aways or food sampling is permitted subject to adherence to the requirements of the Health Regulations.



- 7. Distribution of handbills and advertising material may be permitted in connection with the event subject to the lodgement of a \$100 deposit to cover any cleaning up
- 8. The sale of goods, memberships, subscriptions etc is prohibited during commercial events.
- 4. Legislation, Terminology and References:

Responsible Officer: Director Parks and Customer Services

History		
Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	22/8/1988	
Amendments:		
Annual Policy Review	17/12/2007	
Annual Policy Review	9/2/2010	
Annual Policy Review (approved by ELT)	14/8/2014	

Details of Policy Amendments are located on the **Council Business Centre** 

Title: Humanitarian Crisis Assistance

Subject Category: Community Services and Events Finance - Budget

Policy Number: 4.02.01

Adopted by Council: 13/12/2010

Next Review: November 2015

1. Objectives: The policy aims to provide a guide to the Council when

considering responses to humanitarian crises.

**2. Background:** The Council has historically provided assistance and financial

contributions in response to natural disasters and humanitarian

crises both within Australia and internationally.

The following policy is designed to assist the Council should future natural disaster and humanitarian crisis events warrant a

response from the Council in the future.

**3. Policy:** That:

- 1. The Council may determine to respond to humanitarian crises by making donations to non-government organisations which provide humanitarian assistance in relevant countries.
- 2. It is recognised that the most effective way the Council can support a relief effort is by cash donation.
- 3. The Council will direct donations to non-government organisations which are signatories to the Australian Council for International Development (ACFID) Code of Conduct and/or those which have been declared as an 'Approved Organisation' by the Minister of Foreign Affairs (administered by AusAID).
- 4. For the purpose of this policy, a humanitarian crisis is defined as:

A profound social crisis which is characterised by:

- (i) High numbers of casualties; and/or
- (ii) Large scale internal and external displacement; and/or
- (iii) Widespread hunger and disease.
- 5. A humanitarian crisis may arise from any natural or manmade disaster.
- 6. The Council will consider making donations when:

- (i) An affected country has officially requested assistance from the Australian Government; or
- (ii) An Australian natural disaster has been declared in accordance with relevant legislation.
- 7. The Council will not consider donations in response to humanitarian crises arising from war or conflict without seeking prior advice from the Australian Department of Foreign Affairs and Trade.
- 8. The Council will give preference to:
  - (i) Australian natural disasters;
  - (ii) The Council's Sister Cities;
  - (iii) Countries in Australia's neighbourhood, i.e. the Asia Pacific region; and
  - (iv) Countries with whom Australia has a development partnership, as listed on AusAID's website.
- 9. Assistance to developed countries will only be considered when:
  - (i) A Federal Government Treasury Minister has officially recognised the disaster for Australian tax purposes;
  - (ii) Inhabitants of that country are in distress as a result of the disaster; and
  - (iii) A public fund has been established in order to provide money for relief purposes.
- 10. The amount contributed will be determined by resolution of Council and will take into account:
  - (i) The scale of the crisis;
  - (ii) The capacity of the domestic government and local agencies to respond to the crisis;
  - (iii) The impact of the crisis on the Hobart community; and
  - (iv) Any formal connections the Council may have with the affected location.
- 4. Legislation, Terminology and References:

Responsible Officer: Director Community Developme	ent		
History			
Council Policies are reviewed annually with amendments to a Policy listed below			
Date Policy first adopted: 13/12/2010			
Amendments:			
Annual Policy Review (approved by ELT)	14/8/2014		
Annual Policy Review			

Details of Policy Amendments are located on the Council Business Centre

Title: Racial Tolerance

Subject: General – Political Issues Community Services and Events

Policy Number: 5.03.05

Adopted by Council: 10/2/1997

Next Review: November 2015

1. Objectives: To provide the Council with a position in respect to racial

tolerance.

2. Background: This policy was developed as a result of a motion adopted by

the National General Assembly of Local Government which incorporates, in full, the wording of the recent Parliamentary Statement on Racial Tolerance and lends Local Government

support for the Statement.

**3. Policy:** That:

 The Hobart City Council affirm a strong commitment to racial tolerance (to all residents, students and visitors) and endorse the sentiment expressed in the motion passed by the National Assembly of Local Government in December 1996, i.e.:

"This National General Assembly of Local Government:

- (i) Reaffirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect, regardless of race, colour, creed or origin.
- (ii) Reaffirms its commitment to maintaining an immigration policy wholly non-discriminatory on grounds of race, colour, creed or origin.
- (iii) Reaffirms its commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people, in the context of redressing their profound social and economic disadvantage.
- (iv) Reaffirms its commitment to maintaining Australia as a culturally diverse, tolerant and open society, united by an overriding commitment to our nation, and its democratic institutions and values.
- (v) Denounces racial intolerance in any form as incompatible with the kind of society we are and want

to be.

- 2. Further this National General Assembly calls upon Councils throughout Australia to give practical effect to the above commitments by:
  - (i) actively promoting the benefits of a cohesive, multicultural society.
  - (ii) supporting the Council of Aboriginal Reconciliation's Vision for a united Australia, and local declarations of Reconciliation with our Indigenous peoples.
  - (iii) promoting access and equity in service provision for all members of their communities.
  - (iv) addressing wherever possible the special needs of disadvantaged groups."
- 4. Legislation, Terminology and References:

Responsible Officer: Director Community Dev	relopment	
History  Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	10/2/1997	
Amendments:		
Annual Policy Review (approved by ELT)	14/08/2014	

Details of Policy Amendments are located on the Council Business Centre



Title:	Aldermen – Entitlements and BenefitsAldermanic Development and Support Arrangements
Subject	Aldermen
Policy Number	1.01
Adopted By Council:	9/11/2015
Next Review:	June 2016 (per Council resolution of 10/8/2015)
Responsible Officer:	Director Corporate Services

### **OBJECTIVE**

This policy sets out the benefits and entitlements available to Aldermen in support of their roles as elected representatives of the City of Hobart.

They are summarised below:

- A. Certificates of service
- B. Insurance
- C. Training and Development
- D. International Relationships
- E. Allowances
- F. Sponsorships
- G. Expenses Reimbursement
- H. Claims Processing
- I. Benefits
- J. Disclosure of Expenses and Benefits
- K. Facilities
- L. Loan of Equipment
- M. Reimbursement of Legal Expenses
- N. Use of Vehicle and Chauffeur Lord Mayor
- O. Retirement Function Long Serving Aldermen

#### **BACKGROUND**



This policy provides a consolidated point of reference for the identification of benefits and entitlements for Aldermen.

#### **POLICY**

In the interest of good governance, the Council has resolved to formally endorse its policy in relation to Aldermen's Entitlements and Benefits, on an annual basis, in advance.

Aldermen will also individually attest their compliance with the policy on an annual basis.

### A. CERTIFICATES OF SERVICE

Upon election to the Council the Lord Mayor, Deputy Lord Mayor and each Alderman will be presented with an unframed Certificate of Election signed by the General Manager.

Upon retirement from the Council, each Alderman is to be presented by the Lord Mayor with a framed Certificate of Appreciation under the seal of the Council and the signatures of the Lord Mayor and General Manager.

Upon retirement from the role of Lord Mayor or Deputy Lord Mayor, the General Manager will present a framed Certificate of Appreciation to the retiree on behalf of the Council.

#### **B. INSURANCE**

Aldermen will be covered, on a 24 hour a day basis by insurance taken out by the Council against the risk of death, disablement or accident whilst Aldermen hold office.

The amount of cover is to be reviewed annually as part of the organisation's review of its insurance portfolio.

#### C. TRAINING AND DEVELOPMENT

The City of Hobart is committed to achieving best practice governance by supporting its Aldermen in the development and enhancement of knowledge and skills necessary to support the performance of their roles and functions as elected representatives of the City of Hobart.

In supporting this commitment, this policy provides the framework for the delivery and management of Aldermanic participation in training and development activities, categorised as follows:

- (i) Induction;
- (ii) Conference attendance;
- (iii) Local government sector development activities;



- (iv) Professional development;
- (v) Study and inspection tours, and
- (vi) Local workshops and seminars.

### 1. Induction

Following election, Aldermen shall be supported in their roles through access to a comprehensive induction program to be offered as soon as possible after joining the Council.

Induction programs may be delivered on a group or individual basis, as required and will cover topics including, but not limited to the following:

- (i) legislative and statutory requirements of the role of Aldermen;
- (ii) roles and responsibilities of Aldermen of the City of Hobart including the provisions of the Aldermen's Handbook;
- (iii) Aldermanic Code of Conduct;
- (iv) organisational structure and operational matters;
- (v) the Council's role as the planning authority;
- (vi) community engagement;
- (vii) strategic business planning including annual plans, policy development, legislative and statutory provisions, delegations, strategic plan, financial management plans, budgetary framework and asset management;
- (viii) briefings on specific issues affecting the City of Hobart at the time; and
- (ix) team building.

### 2. Conference Attendance

Representation of the City either as a presenter or delegate at conferences which focus on issues of relevance to Hobart's strategic objectives provides valuable opportunities for attendees to learn of the latest trends, developments and thinking by professionals and leaders within their particular field.

Additionally, conferences provide networking and information sharing opportunities across the organisations represented.

Whilst the attendance of Aldermen at such conferences provides benefit to the individual, this is considered as secondary to the value to the organisation derived from having the Council represented and receiving a report on conference outcomes from an attending Alderman.

The Council may approve the attendance of Aldermen at relevant conferences as representatives of the City, in the capacity as a delegate or conference presenter, subject to budget availability.



Particular conferences where Council representation may be considered appropriate may be brought to the notice of the Council by the General Manager or an individual Alderman.

When such conferences are listed on the relevant committee agenda for consideration of representation, the relevance of the conference to the City's strategic objectives is to be addressed as part of the process.

## 3. Local Government Sector Development Activities

Aldermanic participation in local government sector activities is considered relevant and appropriate in order to benchmark activities against industry standards, maintain knowledge and relativity within the sector and to network and build relationships and capacity within the industry.

Aldermen may attend conferences, seminars, meetings or training events arranged by sector stakeholders such as:

- (i) Local government peak bodies (eg. LGAT, Think South, MAV, ALGA, ALGWA);
- (ii) State, Federal or Local Government authorities;
- (iii) Australian Institute of Company Directors; and
- (iv) The City of Hobart.

Except where clause 6 of this policy is applicable, Aldermanic attendance at these activities is to be approved by the Council.

The Lord Mayor, as the city's civic leader is by virtue of that role a member of the Council of Capital Cities Lord Mayor's. The Lord Mayor also participates on various working parties and special committees operating within the auspices of local government activities. In recognition of the Lord Mayor's specific role as the City's spokesperson and representative, the Lord Mayor's participation in such activities will not be subject to Council approval.

#### 4. Professional Development

Professional development involves the undertaking of training and development activities which increase an Alderman's capacity to perform their role as elected representatives of the community, and to maintain and improve their skills and stay in touch with issues relevant to the Council.

Professional development may be delivered through formal and informal training such as relevant seminars, training courses, peer programs, conferences and formal education avenues.

The Council encourages the participation of Aldermen in professional development activities and accordingly Aldermen will be given the opportunity of attending relevant training programs, activities and conferences which support their individual professional development.

The Lord Mayor in his or her capacity of overseeing the performance of the Aldermen in accordance with s 27 of the Local Government Act 1993, is



responsible for considering and determining applications from Aldermen for professional development.

In respect to applications from the Lord Mayor, the Deputy Lord Mayor is responsible.

As an exception to this arrangement, where international travel is involved as part of an application for professional development, the application will be referred directly to the Council for consideration and determination.

An Alderman proposing a professional development activity is to provide the following information in support of their application to the Lord Mayor, the Deputy Lord Mayor or the Council, whichever is appropriate:

- (i) Full details of the activity, including supporting documentation and costs; and
- (ii) Details of the benefit of the activity to the individual Alderman and its relevance to the Council, including contribution to the achievement of the City's strategic objectives.

Prior to final approval of a professional development application, the General Manager shall confirm the availability of funds from the individual Alderman's professional development allocation.

No arrangements are to be made in relation to participation in professional development activities until the approval has been obtained in writing.

For professional development applications other than those involving international travel, once approved by the Lord Mayor or Deputy Lord Mayor, the General Manager is to inform the Council at the first available ordinary meeting, for noting purposes only, details of the professional development application, as submitted by the attending Alderman.

Aldermanic professional development will be funded through a professional development allocation up to a maximum expenditure of \$5,000 per Alderman per financial year and \$20.000 for each Alderman in a four year Council term.

In accordance with Council's general budget practice, the individual Aldermanic professional development allocation will not be carried forward from one financial year to another.

Notwithstanding the funding arrangements above, in considering individual professional development requirements in any given year, the Lord Mayor, Deputy Lord Mayor or in the case of proposals involving international travel, the Council, may take account of expenditure over the course of an individual Alderman's term of office (having regard to the \$20,000 maximum total allowance available to individuals in a four-year term of office). In circumstances where it is deemed appropriate, expenditure up to a maximum of \$10,000 may be approved.

The total cost to the Council for individual Aldermanic professional development activities will include all expenses such as registration costs,



associated meals, accommodation, travel and travel insurance, where appropriate.

As is the case with all Aldermanic expenses, the General Manager shall maintain appropriate records in respect to Aldermanic professional development activities, for the purpose of capturing details and expenses incurred through professional development.

## 5. Study and Inspection Tours

The Council may resolve to send one or more Aldermen on a study or inspection tour to examine a particular program or activity operating outside of the City, in order to assess its application or suitability for the City of Hobart.

## 6 Local workshops and seminars

Aldermen may attend local workshops and seminars held within Tasmania, which relate to Aldermanic induction or local government sector development activities without approval by the Council in the following circumstances:

- (i) When the duration of the event is less than two days; and
- (ii) Where the total cost of attendance does not exceed \$750.

The General Manager shall approve such attendance.

## 7. General Training and Development Provisions

- 1. Upon return from any activity approved under this policy, the attending Alderman must provide a report in the following format, within thirty days:
  - (i) The name, location and date of the activity, together with a summary of the activity and details of any outcomes which may be considered appropriate for application to the City of Hobart.
  - (ii) The report may be presented verbally or in writing to the relevant Council committee.
- 2. The Council's administration will make all arrangements including payments, for Aldermanic travel.
- 3. In extenuating circumstances, the Lord Mayor may approve an Alderman making their own travel arrangements, in which case expenditure is to be reconciled within thirty days of the Aldermen's return, through the submission of receipts and full details in support of any costs claimed, including the presentation of airline boarding passes.
- 4. Apart from the provisions applying to professional development, there is no specific limit on individual expenditure under this policy, however, in approving Aldermanic participation in all other activities under this policy, the Council will have regard to the available budget.
- 5. Aldermanic travel within Australia is to be economy class, except where flight duration is in excess of two hours, in which case Aldermen may elect to fly business class (or equivalent).



- 6. In respect to overseas travel, Aldermen may elect to fly business class (or equivalent).
- 7. Additional costs associated with a partner accompanying an Alderman undertaking any activity covered under the training and development policy are the responsibility of the individual Alderman and are to be met personally by the Alderman.
- 8. A daily incidentals travel allowance of \$40 shall be provided to Aldermen who travel away from the City on training and development activities. This allowance is not subject to any acquittal or reconciliation process.
- 9. Upon return from any training and development activity approved under this policy, an Alderman is to provide a reconciliation of all expenditure incurred in attending the activity, within 30 days.
- 10. The submission and approval process for travel reconciliations is the same as for the reimbursement of Aldermanic expenses, as provided in section G of the policy.

### D. INTERNATIONAL RELATIONSHIPS

An Alderman may participate in an international relationship delegation once, or more if approved by the Council, in a four year term of office, as part of an official Council approved delegation within that four year term.

As part of any such visit, where appropriate, the Council may advise community representatives, business, State Government and other relevant stakeholders, in order to ascertain their interest in participating in the visit as part of the Council delegation.

In addition to Council delegations, the Council may also approve participation in appropriate delegations conducted by the State Government or other relevant agencies.

The following criteria applies to travel on international delegations:

- (a) The objectives of individual visits should be clearly defined.
- (b) Visits will be timed to coincide with or support:
  - significant events in the life of the City acknowledged by the Council as a City of significance or with which the Council has a formal relationship;
  - (ii) trade missions and delegations;
  - (iii) major cultural events; or
  - (iv) strategic opportunities to build on and reinforce relationships.

In relation to international cities relationships, where the Council may send a delegation to a Sister City or international destination of significance, as resolved by the Council, with the exception of the Lord Mayor's partner, Aldermen's partners



shall meet their own costs of travel and accommodation (excluding ordinary travel insurance costs).

#### E. ALLOWANCES

The Local Government Act 1993 provides that councillors are entitled to prescribed allowances. Mayors and deputy mayors are entitled to additional allowances.

The Local Government (General) Regulations 2015 prescribe those amounts, which are adjusted by the CPI inflationary figure as at 1 November in each year.

Allowances are paid in arrears and Aldermen may elect to receive payments either monthly or fortnightly.

In the interest of transparency and good governance, there is no capacity to debit from Aldermanic allowances.

### F. SPONSORSHIPS

Where the Council resolves to sponsor major events, free tickets are provided to the Council by the organisers as part of the Council's sponsorship package.

Where sponsorship tickets are made available to Aldermen, their value will be advised to Aldermen at the time in order to enable Aldermen to make an informed choice as to whether or not they wish to accept tickets.

Where Aldermen elect to accept free sponsorship tickets, the details of the event and the estimated value will only appear in the Aldermanic Gifts Register, to be recorded by the Manager City Government on behalf of the Alderman concerned. Confirmation of the details entered into the Register will then be provided in writing for the information of the Alderman.

### G. EXPENSES REIMBURSEMENT

This section of the policy covers prescribed expenses in relation to travel, telecommunications and childcare, as provided in the Local Government (General) Regulations 2015.

The Council will reimburse Aldermen for reasonable out-of-pocket expenses incurred in relation to travel, telecommunications and child care, provided that such expenses are incurred whilst they are carrying out the functions of office, pursuant to Section 28 of the Local Government Act 1993.

The following arrangements will apply in respect to the prescribed expenses:

### 1. Local Travel

For the purposes of this policy, travel is defined as modes of transport utilised by Aldermen for local travel which attract costs, such as, fuel, taxi and bus services etc.



Aldermen may claim the cost of travel incurred by means other than private vehicle use such as taxis and other public transport by the lodgement of a reimbursement claim to be accompanied by <u>appropriate tax invoices and</u> receipts/tax invoices indicating proof of payment along with details of the travel undertaken including date, cost, destination and details of the Council activity being undertaken.

Where Aldermen utilise private vehicles, they will be requested to nominate one (only) of the following options in any financial year:

- (i) seek the reimbursement of costs through the submission of kilometre claims, which will be paid at the relevant rate per klm, as set by the State Public Service, (as also applying to City of Hobart employees), subject to the provision of supporting information including travel date, destination, and details of the Council activity undertaken.
- (ii) as an alternative to kilometre claims, Aldermen may nominate to use a fuel card which enables a maximum of 1,500 litres of fuel to be drawn in each year. Under this option there is no requirement for Aldermen to submit travel details.

### Non-Local Travel

Travel for purposes other than local transport will be approved and funded by the Council as part of its policy on Aldermanic training and development activities under section C, or as part of travel associated with international relationships under section D.

### 2 Telecommunications

Aldermen are entitled to claim costs incurred as part of their roles for the use of telecommunications services, including landline connection, mobile phone and internet.

Claims may only be made for Aldermanic costs incurred on a phone, fax or internet service which is available for public contact.

In respect to mobile phone services, Aldermen may make their own arrangements in terms of the selection of a call and data service provider of their own choice and claim reimbursement of costs incurred.

Alternatively, they may elect to use the Council's provider, in which case individual plans are required for individual Aldermen to enable the identification of individual usage for transparency purposes.

An annual expenditure cap of \$2,000 per Alderman per financial year applies for Aldermanic telecommunications expenses.

#### 3 Childcare

Aldermen may claim reimbursement for child care costs associated with Council activities.



Child care claims must be accompanied by either a receipt from a licensed child care provider or, a document with dual signatures of the claiming Alderman and the service provider detailing the following:

- (i) The name, address and phone contact details of the care provider;
- (ii) The date and time of the service, including the hours involved;
- (iii) The hourly rate paid; and
- (iv) Details of the Council event attended by the Alderman.

A maximum hourly rate of \$20 applies for child care, unless otherwise approved by the Lord Mayor.

Council funding of child care relates only to Council meetings and Council attended events.

Aldermen may seek the Lord Mayor's approval of reimbursement for additional child care arrangements in extenuating circumstances.

#### H. CLAIMS PROCESSING

Claims for the reimbursement of expenses incurred, as provided in this policy must be submitted directly to the Manager City Government together with tax invoices\_and receipts/receipts and indicating proof of payment along with the full details of the nature of the expenditure.

The Manager City Government will verify that claims are in accordance with the policy and will subsequently follow the approval/authorisation process by seeking the approval of claims by the Lord Mayor and authorisation for payment from the General Manager.

The Deputy Lord Mayor will approve claims submitted by the Lord Mayor.

In the interest of good governance claims are to be submitted on a monthly basis.

Where, in the opinion of the General Manager, a question arises as to whether a claim for reimbursement of expenses is ineligible under these policy provisions, the General Manager shall refer the matter to the Audit Panel for determination.

Forms for use for claiming reimbursement and reconciling expenditure are located on the Aldermanic Webpage.

<u>Upon submission of the appropriate paperwork to the Manager City Government, claims will be paid within a 30 day period.</u>

### I. BENEFITS

The Council has resolved to make the following benefits available to Aldermen:

## 1. Parking Permits



In order to provide parking for Aldermen in Council controlled areas whilst they are undertaking their duties of office, the following arrangements will apply.

Aldermen must provide the details (including make, model, colour and registration number) of a maximum of two vehicles to the Manager City Government for inclusion in the Council's parking database as Aldermanic vehicles. Aldermen must ensure that these details remain current at all times.

Aldermen will subsequently be provided with one transferrable parking permit (which is issued in each financial year) which must be displayed on the windscreen of their nominated vehicle(s) whilst they are on Council business.

The display of the permit will enable Aldermen to park in the following Council controlled areas only:

- in the space designated for Aldermanic parking on the Town Hall parking deck, without any time limit;
- (ii) in the Council's Argyle Street, Centrepoint, and Hobart Central multistorey car parks, without any time limit; and
- (iii) in on-street metered parking spaces and in the Council's Dunn Place and Salamanca Square voucher car parks, for the maximum time allowable, without the need to pay the required fee\*

\*In respect to clause (iii) above, it should be noted that the permit does not cover overstaying beyond the maximum parking time allowed.

In consideration of the provisions outlined in this policy, where an Alderman believes that an infringement has been issued in error and subject to adherence to the following requirements:

- (i) the Council's records verifying that the vehicle details match the those appearing on the parking database, and
- (ii) the Aldermen's parking permit being appropriately displayed on the vehicle, thereby verifying that the Alderman was on Council business at the time of the infringement,

Aldermen may submit an application to the General Manager to have the infringement withdrawn.

The General Manager will seek the endorsement of the Lord Mayor in determining such applications.

#### 2. Doone Kennedy Hobart Aquatic Centre Access

In line with the Council's commitment to health and wellbeing, Aldermen are permitted access to the Doone Kennedy Hobart Aquatic Centre at no cost.

Aldermen are required to identify to the Manager City Government their preferred membership category or casual entry preference from the Centre's approved schedule of fees and charges, to enable costs associated with Aldermanic usage of the Centre to be accurately identified.



#### 3. Community Activities Participation Allocation

In order to facilitate the participation of Aldermen in community functions and activities which contribute to the advancement of the Council's strategic objectives, funding will be provided for such purposes subject to the following annual cap (per financial year):

The Lord Mayor \$5,000;

The Deputy Lord Mayor \$2,500; and

Aldermen \$1,000

Aldermen may elect to have their partner accompany them to an event, in which case the cost of attendance will also be allocated to their individual cap.

Arrangements for attendance at such functions, including payment, where applicable, are to be made by individual Aldermen.

Where Aldermen attend functions and activities involving a cost, they are requested to submit a reimbursement form to the Manager City Government, including the name and date of the function, the <u>tax invoice outlining the</u> cost of attendance and proof of payment.

#### 4. Funded Business and Topical Issues Events

From time to time the Council receives invitations to business functions which the Lord Mayor and General Manager may deem to be of specific relevance and interest to the City of Hobart. Examples include budget briefings and forums on topical issues.

In such circumstances, all Aldermen will be invited to attend the function which will be paid for by the Council, with the cost being subsequently attributed as an expense to those Aldermen who attend.

#### 5. Aldermanic Credit Card Facility

Corporate Credit cards will be made available to those Aldermen who wish to utilise them.

Aldermen electing to be issued with a credit card are required to adhere to the application process, and terms and conditions of use which are applied by the financial institution engaged by the Council to provide the credit card facility.

Where Aldermen are issued with credit cards, they will be provided with the full documentation issued with the credit card:

(i) The corporate credit card may be utilised to facilitate the purchase of services which are allowed under the policy on entitlements and benefits for Aldermen, such as taxi travel, pre-payment of community activities registration costs, transport and un-funded meals when participating in training and development activities or international relationship delegations and child care costs.



- (ii) Personal purchases are excluded from use.
- (iii) All credit card statements must be reconciled within one month of receipt of statements, and be supported by the details of all expenditure and the provision of tax invoices/<u>and</u>receipts. A form for credit card reconciliations is situated on the Aldermen's Webpage.
- (iv) The approval and authorisation of Aldermanic credit card expenditure is the same as all reconciliations, with the Lord Mayor approving Aldermanic expenses, and the Deputy Lord Mayor approving the Lord Mayor's expenses. The General Manager is responsible for authorising all expenditure.
- (v) The General Manager is to ensure that appropriate expenditure limits are applied to credit cards to accommodate requirements where Aldermen may participate in activities such as international travel as approved by the Council.

#### 6. Aldermanic Assistance Program

In support of the health and wellbeing of Aldermen they are entitled to utilise the services of the Council's contracted counselling service.

The Aldermanic Assistance Program will provide up to three, free (and totally confidential) counselling sessions to assist Aldermen with personal, family or work issues that may be affecting their personal wellbeing.

Further free sessions may be approved in consultation with the Lord Mayor and General Manager.

#### J. DISCLOSURE OF EXPENSES AND BENEFITS

In the interests of transparency and accountability, the Council has resolved to publicly report information pertaining to allowances, entitlements and expenses for individual Aldermen.

Accordingly, information is made available on a monthly basis on the City of Hobart website.

The Manager City Government will provide details of the information to be published on the Website to each individual Alderman two business days prior to publication to enable any queries to be addressed.

#### K. FACILITIES

The Council makes a number of facilities and services available to Aldermen in support of their roles.

### 1. Aldermen's Lounge



The Deputy Lord Mayor is responsible for the administration of the Aldermen's Lounge, in order to ensure that the room is adequately serviced and operational matters are satisfactorily attended to.

The use of the Aldermen's Lounge is confined to Aldermen who may, from time to time, extend an invitation to those persons who are in the Town Hall on Council business or municipal affairs to join them.

In addition to this general usage, individual Aldermen may, if they so desire, host a private function in the Aldermen's Lounge, subject to the following procedures and conditions:

- (i) Aldermen wishing to host such a function shall book the room with the Manager City Government
- (ii) All refreshments provided at functions hosted by individual Aldermen will be funded by the hosting Alderman.
- (iii) Functions are not to be conducted immediately prior, during or directly after a scheduled Council or committee meeting.
- (iv) Aldermen who host functions are to be responsible for admitting any guests arriving outside normal office hours, seeing their guests off-site and securing the premises when they leave.
- (v) No Council employee is to be involved in Town Hall security or in the serving of food or drink during such functions.

#### 2. Office Facilities

As the City's civic leader, the Lord Mayor is provided with a suite of rooms in the Town Hall in which to conduct day-to-day business and host civic functions and activities.

Aldermen are provided with a furnished and equipped office space in the Town Hall for use for Council business at their convenience.

The Aldermen's office area includes a furnished communal space provisioned with standard office equipment. A kitchen facility is also provided.

#### L. LOAN OF EQUIPMENT

As a means of supporting the Aldermen in their roles, the Council will make the following equipment available:

- (i) Mobile phone
- (ii) Tablet (ipad)
- (iii) Notebook computer
- (iv) Printer

Equipment will be replaced in line with the Council's standard replacement schedules.



Retiring Aldermen may make application to the General Manager to purchase equipment which has been issued to them as an Alderman, subject to their agreement to pay the market/valuation price, as determined by the General Manager.

#### M. REIMBURSEMENT OF LEGAL EXPENSES

This section of the policy specifies the circumstances under which Aldermen are entitled to reimbursement of legal expenses in accordance with Clause 1(2)(b) of Schedule 5 of the Local Government Act 1993.

Clause 1(1) of Schedule 5 of the Local Government Act 1993, requires the Council to adopt a policy with respect of payment of expenses incurred by Aldermen in carrying out the duties of office.

Sub-clause (2) entitles an Alderman to be reimbursed for reasonable expenses in accordance with the policy adopted under Sub-clause (1) in relation to any expenses prescribed in the Local Government (General) Regulations 2015, and any other expenses the Council determines appropriate.

Pursuant to Clause 1(2)(b) of Schedule 5 of the Local Government Act 1993, an Alderman will be reimbursed their reasonable legal expenses in the following circumstances:

- (i) Where the Alderman is defending or responding to a claim, action or demand made by a third party against the Alderman;
- (ii) Where the Alderman is acting as a plaintiff in a claim, action or demand against a third party to the extent that the Alderman may obtain initial advice regarding the merits of their claim.

Any reimbursement provided in accordance with this policy is subject to:

- (i) The Alderman acting in accordance with the functions of an Alderman as specified in Section 28 of the Local Government Act 1993;
- (ii) The Alderman acting in good faith; and
- (iii) The quantum of costs sought to be reimbursed being reasonable.

In determining whether an individual Alderman is entitled to reimbursement in accordance with this policy, the General Manager is authorised to approve initial legal consultation and to obtain professional external legal advice that the circumstances of an Alderman's claim satisfy the criteria listed above.

No reimbursement for legal expenses will be provided to an Alderman in relation to any claims, actions or demands made against another Alderman or the Council itself.

For the purposes of this policy, the term "third party" excludes another Alderman, the Council as an organisation and any single or joint authorities that the Council has established pursuant to the provisions of the Local Government Act 1993.



#### Where:

- (i) an Alderman is entitled to reimbursement of legal expenses in accordance with this policy;
- (ii) that Alderman is successful in the proceedings; and
- (iii) in those proceedings that Alderman receives an award of costs and/or damages;

any reimbursement in accordance with this policy is to be discounted by the value of any sum awarded as part of the proceedings.

The Council is to provide final approval of any reimbursement.

#### N. USE OF VEHICLE AND CHAUFFEUR - LORD MAYOR

A Council vehicle and chauffeur will be made available for use by the Lord Mayor and their partner in the following circumstances:

- (i) For civic and ceremonial occasions where the Lord Mayor and their partner are representing the City. The vehicle will be available for pickup and delivery from the Town Hall or the Lord Mayor's principal place of residence, or from their place of employment when time constraints would otherwise preclude their attendance at a civic or ceremonial function.
- (ii) This policy does not preclude the Lord Mayor or their partner being accompanied by other dignitaries or staff or other persons and family members on those occasions when the Lord Mayor and their partner have attended a civic function and family members may be picked up if he or she is between the function location and the home address; and
- (iii) When the Lord Mayor is representing the Council on matters involving the Council (e.g. Think South and LGAT meetings).
- (iv) This policy also applies to any other Alderman and their partner who may be representing the Lord Mayor on civic and ceremonial occasions.

The vehicle will not be available for the following use:

- (i) Attending to normal duties at the Town Hall including Council or Committee meetings or for use in the role as an Alderman, other than on those occasions when the Lord Mayor or their partner has had civic responsibilities to attend to immediately prior to or after Council and Committee meetings; and
- (ii) Personal or family use.

#### O. RETIREMENT FUNCTION - LONGSERVING ALDERMEN



The Lord Mayor is to extend an invitation to arrange a farewell dinner on behalf of the Council, to honour any retiring Alderman who has given three (3) terms of service to the Council

Where the retiring Alderman accepts the Lord Mayor's offer, invitations to this function are to be extended to serving Aldermen and their partners, together with the General Manager, Divisional Directors and their partners.

Any retiring Alderman may invite four other persons to attend the dinner as their personal guests, should they so wish.

The Certificate of Appreciation of their service as an Alderman, Lord Mayor or Deputy Lord Mayor, as appropriate and as provided under clause A of this Policy will be presented at the farewell function, wherever possible.

#### Legislation, Terminology and References

Local Government Act 1993 Local Government (General) Regulations 2015

Responsible Officer:	Director Corporate	e Services
History Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:		26/9/1994
Amendments		
Adopted by Council		14/7/2014

Details of Policy Amendments are located on the Council Business Centre

Title: Meetings: Procedures and Guidelines

Subject: Council and Council Committees Corporate Governance

Policy Number: 2.01

Adopted by Council: 10/12/2012

Next Review: November 2015

#### 1. Objectives:

The objective of this Policy is to provide the framework for the effective conduct of the business of the Council and the governance of Council and Council Committee meetings.

The Policy covers:

- A. Meeting Procedures Council Committees;
- B. <u>Improving Council and Committee Effectiveness</u>;
- C. <u>Special Council Committees Constitution and Procedures;</u>
- D. Guidelines for Sub-Committees;
- E. <u>Membership Development and Environmental Services</u>
  <u>Committee</u>;
- F. Meeting Times;
- G. Communication with Government;
- H. <u>Placement of Correspondence concerning Aldermen on Agendas</u>; and
- I. Public disclosure of Closed Council and Council Committee Meetings.

#### 2. Background:

The business of Council is channelled through a number of committees and special committees which have been established by the Council to assist in ensuring the good governance of the City.

The head of power around the conduct of meetings is contained in the Local Government (Meeting Procedures) Regulations 2005, which are referenced in this policy.

In addition to these references, the content of this policy contains a range of matters of relevance to the conduct of Council and committee meetings, which have been determined by the Council.

#### 3. Policy:

#### A. MEETING PROCEDURES - COUNCIL COMMITTEES

That in accordance with the Local Government (Meeting Procedures) Regulations 2005, the following procedures be adopted in respect to the operation of Council committees:

#### 1. ELECTION OF CHAIRMEN

All Chairmen of Council committees and Special committees be chosen by the full Council.

# 2. EX-OFFICIO MEMBERSHIP TO MAKE OR MAINTAIN A QUORUM

Unless already an appointed member, the Lord Mayor, or in his/her absence, the Deputy Lord Mayor, be an "ex-officio" member of all committees for the purpose of establishing and maintaining a quorum, where the required number of committee members needed to maintain the quorum is deficient.

# 3. ELECTION OF CHAIRMAN IN THE ABSENCE OF AN APPOINTED CHAIRMAN

That the following legal advice in respect to the election of a chairman of a Council committee, where the appointed chairman is absent, be utilised to assist with the process:

- (i) The Local Government (Meeting Procedures) Regulations 2005 (MPR) govern procedures at Council committee meetings (see Section 23 (3) of the Local Government Act 1993 (LGA));
- (ii) Regulation 10 (4) of the Meeting Procedures Regulations provides the mechanism by which a Council committee may elect a replacement chairman, where the committee's appointed chairman is absent from a meeting.

This Regulation further provides that Aldermen

- who are members of a Council committee are to elect one of their members present at a meeting to be the chairman of that meeting.
- (iii) In the event that those committee members present at a meeting are unable to decide upon a replacement chairman, there are two options open to the committee. One option is for the committee to exercise its right to adjourn the meeting. This decision is to be made by a majority of those present.
- (iv) Where a committee member, including the chairman is absent, the committee has a power by virtue of Section 23 (2) of the Local Government Act 1993, to request an Alderman to fill a vacancy for a meeting.
- (v) There is no procedure set out in the LGA or the MPR to determine the manner in which the Council committee is to fill a vacancy for a meeting by the appointment of another Alderman.
- (vi) Regulation 37 of the MPR provides that a Council may determine any other procedures relating to meetings it considers appropriate. In the absence of the Council having a set procedure for the filling of vacancies on Council committees, the Council committee should resolve to fill a vacancy on the committee, and should appoint a specific Alderman to fill that vacancy.
- (vii) Once a vacancy is filled, the substitute committee member will have a single vote per Regulation 26 (2) of the MPR and the committee should then be in a position to elect a chairman without a deadlock in the voting.

Notwithstanding the legal advice quoted above, in the absence of the elected Chairman from a meeting of a committee, the Council has resolved to adhere to the longstanding practice that replacement Chairmen be appointed in recognition of order of precedence of those committee members present at a meeting where the appointed chairman is absent, who have not been appointed as Chairman of a Council committee, and also noting that such

nomination requires ratification at the meeting of the respective committee, in accordance with Regulation 10 (3) of the Local Government (Meeting Procedures) Regulations 2005.

#### 4. CO-OPTION OF COMMITTEE MEMBERS

- (i) Where a (casual) vacancy exists on a Council committee due to the absence of an appointed member(s), co-opting to the committee be undertaken with preference being given to noncommittee members in order of precedence, who may be present at a meeting.
- (ii) The period of the co-opting be applied in the following terms:
  - (a) a co-opted committee member remains a committee member until an appointed member of the committee arrives, or for as long as the co-opted Alderman remains at the meeting, whichever shall first occur, and
  - (b) in the event of the arrival of an appointed committee member, the co-opted member is automatically un-co-opted, unless discussion on a matter has commenced prior to the arrival of that committee member, in which case the co-opted member will remain co-opted until the matter under discussion has been completed.

## 5. MOTIONS – MOVING, SECONDING AND AMENDING

- (i) In accordance with Regulation 16(3) of the Meeting Procedures Regulations 2005, the requirement to second a motion in respect to all council committees be waived.
- (ii) It be acceptable procedure at a committee meeting for the chairman to allow a proposed amendment to be accepted into a motion, with the consent of both the mover of the motion and the proposer of the amendment.

#### 6. PROCEDURAL MOTIONS

In respect to Regulation 20 of the Meeting Procedures Regulations 2005, the chairman of a committee may elect to:

(i) accept the motion and put it forthwith, or

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(ii) reject the motion, with reasons which may include the wish of the chairman to hear further debate, followed by advice to the mover of the procedural motion that the motion may be taken as a foreshadowed motion at the end of debate.

Where the chairman rules as such, the mover of the procedural motion does not lose their right to speak to a motion already before the chair.

#### 7. ADDRESSING COUNCIL

In accordance with Regulation 21(3) of the Meeting Procedures Regulations 2005, the following provisions, as contained in Regulation 21, be adopted in respect to all committee meetings:

- (i) A person is to refer to the chairperson by his or her title.
- (ii) If 2 or more councillors wish to address a meeting of the council, the chairperson is to decide the order in which they are to do so.
- (iii) If a councillor is addressing a meeting of a council, another councillor is not to converse aloud or interrupt the speaker or interject, except to call attention to a point of order or to call attention to the want of a quorum.

#### 8. ACTING AS PLANNING AUTHORITY

Where a committee is acting as a planning authority pursuant to Regulation 25 of the Meeting Procedures Regulations 2005, and an amendment or contrary motion to that recommended is proposed, the supporting reasons are to be identified by the chairman of the committee to enable them to be read back to the committee and recorded accurately in the minutes.

#### VOTING PROCEDURE

In accordance with Regulation 27(2) of the Meeting Procedures Regulations 2005, the following voting procedure be adopted for all council committees:

- (i) The chairman shall take the vote on a motion verbally, first putting it in the affirmative, then in the negative.
- (ii) If no negative vote is forthcoming the chairman will seek the committee's confirmation that the vote is unanimous.
- (iii) Where a dissenting vote may be forthcoming,

- the chairman will call for an indication of the committee's vote on the motion, first in the affirmative, then in the negative.
- (iv) The chairman will then call out the vote, both in the affirmative and in the negative, to enable the vote to be recorded for the minutes.
- (v) The chairman will then declare the motion carried or lost.

#### 10. QUESTIONS WITHOUT NOTICE

In respect to Section 29 of the Local Government (Meeting Procedures) Regulations 2005, the following procedures apply:

- (i) An Alderman may, at a Council committee meeting, ask a question without notice of the chairperson or, through the chairperson, of another Alderman, the General Manager or the General Manager's representative.
- (ii) In putting a question without notice, the proponent must have regard to the provisions of Section 15 of the Local Government (Meeting Procedures) Regulations 2005, as they relate to matters which are to be discussed in the closed portion of a meeting.
- (iii) The chairperson will refuse to accept a question if it does not relate to the Terms of Reference of the Council committee at which it is asked.
- (iv) In putting a question without notice, an Alderman 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.
- (v) The chairperson must not permit any debate of a question without notice or its answer.
- (vi) The chairperson, Alderman, General Manager or General Manager's representative who is asked a question without notice may decline to answer the question if, in the opinion of the intended respondent it is considered inappropriate due to its being unclear, insulting or improper.
- (vii) The chairperson may require an Alderman to

put a question without notice in writing.

- (viii) Where a question without notice is asked at a meeting, both the question and the response will be recorded in the minutes of the meeting.
- (ix) Where a response is not able to be provided in relation to a question without notice, the question will be taken on notice and a written response circulated to all Aldermen, as soon as possible.
  - (a) In respect to such circumstances, the minutes of the meeting at which the question is put will record the question and the fact that it has been taken on notice.
  - (b) Upon the answer to the question being circulated to Aldermen, in accordance with 10(ix) above, both the question and answer be listed on the agenda for the next available ordinary meeting of the committee at which it was asked.
  - (c) As prescribed in Section 29(3) of the Local Government (Meeting Procedures)
    Regulations 2005, the question and answer are to be noted only with no debate or further questions permitted.

#### 11. DEPUTATIONS

The following procedures in respect to deputations to council committees apply:

- (i) Any person who wishes to make a deputation to a committee may be requested to provide a written request to the chairman setting out:
  - (a) The likely members of the delegation.
  - (b) The purpose of the request.
  - (c) The nature of the matter or matters intended to be placed before the committee.
- (ii) The committee chairman is to decide whether or not the deputation is to be received.
- (iii) If the chairman decides that the deputation is to be received, the chairman is to inform the General Manager to note the item on the appropriate agenda.

- (iv) A deputation:
  - (a) is not to exceed 3 persons: and
  - (b) is to be limited in duration to 5 minutes.

#### 12. NOTICES OF MOTION

In accordance with the resolution of the Council dated 14 February 2012 and 8 October 2012, the following procedures apply in respect to the lodgement of Notices of Motions (NoMs), pursuant to Section 16 of the Local Government (Meeting Procedures) Regulations 2005:

- 1. All NoMs be submitted on the agenda of the relevant Council committee, in accordance with the committees' Terms of Reference, unless the Alderman submitting the Motion deems the matter to be urgent and therefore requiring determination prior to the next scheduled ordinary meeting of the relevant committee, in which case the Motion may be submitted directly to the Council where the following process shall apply:
  - (i) The Council, upon considering a NoM deemed urgent by the proponent is firstly to ratify by resolution that such a Motion is urgent, prior to considering the substance of the Motion.
  - (ii) Should the Council determine that the Motion is not urgent, the Motion may not be further debated but be subsequently referred to the next ordinary meeting of the appropriate committee for consideration.
- 2. Whether a Notice of Motion be won or lost at a committee meeting, the Motion will be referred to the Council for consideration where the normal rules of debate shall apply.
- When a Notice of Motion is debated at Council, Aldermen may speak to a motion for no longer than three minutes with no extensions of time being granted.
- 4. Should an Alderman proposing a Notice of Motion not be a member of the committee considering the Notice of Motion, the Alderman

- is to become a supernumerary member of that committee, solely for the purposes of moving and resolving their Motion.
- 5. The General Manager is to provide qualification as to whether the substance of a NoM resides within the jurisdiction of the Hobart City Council.

# B. IMPROVING COUNCIL AND COUNCIL COMMITTEE EFFECTIVENESS

That the following procedures be adopted for the improved functioning of Council and Council Committee meetings:

- 1. Chairmen are to liaise with the relevant Divisional Director prior to each Council committee meeting.
- Motions and amendments moved in Council or Council committee meetings should be clearly stated and in the case of deferrals, the reason for such deferral recorded.
- There needs to be an appropriate level of formality at Council committee meetings taking into account the requirements of the Local Government (Meeting Procedures) Regulations 2005 and this Council Policy.
- 4. Dates, times and duration of Council committee meetings should be adhered to as much as possible.
- 5. The General Manager and Divisional Directors should provide advice when they consider it necessary, express opinion as appropriate but never debate at Council or Council committee meetings.
- 6. Reports to Council and Council committees are to be concise but informative.
- 7. Council committees and Council must make decisions which are not unreasonable nor abrogate statutory duties.
- 8. The Chairman should move without amendment the recommendations of his or her Council committee at the Council meeting, or in the event that he or she does not wish to do so, should invite someone else to move the Council committee's recommendation.
- 9. The format of agendas will as much as is practical place like items together and, based upon the recommendation contained in the accompanying

- report, provide an indication of the delegation of items as being reserved either to the committee or the Council.
- 10. Where written officer advice may be provided to an Alderman in respect to a matter under consideration by a Council committee or the Council, a copy of such advice is to be provided to all Aldermen by memorandum, at the first available opportunity prior to the relevant meeting.

# C. SPECIAL COUNCIL COMMITTEES – CONSTITUTION AND PROCEDURES

The following procedures shall be followed in respect of the appointment of special Council committees:

- Where a proposal is put forward to appoint a special Council committee to deal with a matter that is already covered by the terms of reference of a single Council committee then, unless that proposal has been made by the relevant Council committee, it shall be referred to the Council committee in question for its comment, before a decision on the appointment by Council is made.
- In any case where the proposed special Council committee's function would relate to a matter not coming wholly within any one Council committee's terms of reference, the decision to proceed with the appointment or not may be made forthwith by the Council.
- 3. Where a decision to appoint a special Council committee is made, the Council shall resolve its name, terms of reference, number and details of membership, its convenor for the first meeting and a date by which the special Council committee shall complete its task and be dissolved, unless before that date an extension of time is sought and granted by the Council.
- 4. Where a special Council committee formulates recommendations which, if acted upon, would introduce into the budget additional expenditure demands for development or redevelopment projects, or which would reduce the income expectation from any operation, the report of the special Council committee shall first be directed to the Council committee with responsibility for that section of the budget.

#### D. GUIDELINES FOR SUB-COMMITTEES

That agendas and minutes of all Council constituted subcommittees be distributed to all Aldermen as a matter of course, subject to the following:

- The method of distribution shall generally follow the distribution pattern for Council committees unless there is a particular reason, approved by the Chairman of the Sub-Committee and the General Manager, for special arrangements to be followed.
- 2. Material which, in the opinion of the General Manager, is confidential for commercial, legal or any other valid reason, may not be distributed to Aldermen other than to those persons directly involved in the matter as members of the relevant Sub-Committee.
- 3. All material shall, however, be available to all Aldermen when the matter is an issue before the Council or the relevant Council committee for consideration.
- 4. Copies of agendas and minutes are to be made available for perusal by Aldermen if required, in accordance with the tenor of this policy.

# E. MEMBERSHIP – DEVELOPMENT AND ENVIRONMENTAL SERVICES COMMITTEE

That in the allocation of Council committees, membership of the Development and Environmental Services Committee shall be regarded as being the equivalent of serving on two of the other Council committees.

#### F. MEETING TIMES

That no change of meeting time or day be agreed to by a committee unless all its members are present or their agreement either verbally or in writing is provided to the meeting.

#### G. COMMUNICATION WITH GOVERNMENT

- That: 1. Except where there is specific delegated authority, Council committees shall not communicate directly to representatives of Government, views which have not been endorsed by Council and shall not arrange deputations to Government on any matter without Council authorisation.
  - No recommendation of a Council committee to seek a grant or other financial assistance from a Government or outside body shall be

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acted upon until the recommendation has been approved by the Council.

## H. PLACEMENT OF CORRESPONDENCE CONCERNING ALDERMEN ON AGENDAS

That any letter received concerning an Alderman be directed to the Alderman in question prior to any action being taken by the Administration in placing the matter on any agenda.

# I. PUBLIC DISCLOSURE OF CLOSED COUNCIL AND COUNCIL COMMITTEE MEETINGS

- That: 1. In order for the Council or a Council Committee to release content from a closed meeting, the following process should be followed:
  - (i) Following the completion of an item on the agenda, or the whole of the closed section of the meeting, an Alderman may wish to put a motion that all or part of the item discussed be released to the public.
  - (ii) The Council or Council Committee needs to consider whether it wishes to release content from a closed meeting (whether it be minutes, discussion, decision, reports or documents relating to the closed meeting, as provided under Section 15(9) of the Local Government (Meeting Procedures) Regulations 2005. The content proposed to be released must be specifically articulated and identified in the resolution.
  - (iii) The Council or Council Committee then needs to consider whether there are any privacy or confidentiality issues relevant to the parts of the closed meeting that the Council or Council Committee wish to release to the public. The General Manager will need to provide qualified advice in respect to this issue, and will submit a report providing such advice at the following meeting of the Council or Council Committee.
  - (iv) If there are privacy or confidentiality issues, the Council or Council Committee can decide to not release the content, or alternatively release only a limited part of

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what was originally proposed to be released. An example of this may be where the Council has entered into (or is proposing to enter into) a commercial arrangement with a party. The Council or Council Committee may determine that they believe the details of this commercial arrangement ought to remain confidential, but they may elect to disclose the fact that it has been entered into to the public.

- It is important that the context of any information to be released is considered by the Council or Council Committee before the information is released to the public.
- It will not be possible to release certain information due to the confidential nature of these matters an example of this are discussions in relation to matters being mediated in the Resource Management and Planning Appeal Tribunal.
- Factors that may be relevant in considering privacy or confidentiality issues are:
  - (i) The basis on which information was provided to Council;
  - (ii) Whether the content of the meeting contained commercially sensitive information:
  - (iii) If there is personal information of a third party;
  - (iv) Whether releasing content of the meeting may impact on a party's future dealing with the Council;
  - (v) Whether the release of the information may amount to a waiver of any right of the Council to claim privilege in legal proceedings; and
  - (vi) The reason for closing the meeting. (This list is not exhaustive and is only intended to be a guide for the Council or Council Committee).
- 4. Legislation, Local Government Act 1993
   Terminology and References:
   Local Government (Meeting Procedures) Regulations 2005

Responsible Officer: Director Corporate Services	
History	
Council Policies are reviewed annually with amendments to a Po	licy listed below
Date Policy first adopted:	12/9/2011 (Policies Amalgamated)
Amendments:	
Amendment to Notice of Motion procedure	14/2/2012
Annual Policy Review	15/2/2005
Inclusion of policy in respect to public disclosure of closed council and council committee meetings.	16/4/2012
Amendment to Questions Without Notice procedures.	8/10/2012
Annual Policy Review	10/12/2012
Amendment (approved by ELT)	14/8/2014
Amendment to Notice of Motion procedure	8/9/2014

Details of Policy Amendments are located on the Council Business Centre

Title:	Outside Bodies Grants and Benefits Disclosure
Subject:	Corporate GovernanceGrants and Benefits Disclosure
Policy Number:	4.02.12 return to TABLE OF CONTENTS
Adopted By Council:	21 September 2015
Next Review:	November 2015
Responsible Officer:	Director Corporate Services

#### 1. Objectives:

1. To articulate the Council's interpretation of grants and benefits for the purposes of disclosure within the Annual Report under Section 77 of the *Local Government Act 1993* (S77 LGA).

This Policy only applies to S77 LGA. There may be other legislative requirements to be considered when assessing grants and benefits.

- 2. To address the relevant transactions of the Council that meet the definition of the disclosure.
- 3. To identify the delegations for approval of 'benefits'.
- 4. To identify the methodology of disclosing amounts in aggregate or individually, and the basis for determining the value of the benefits provided.

#### 2. Background:

An internal audit of the grants and benefits approval and reporting processes in accordance with S77 LGA has been undertaken by the Council's internal auditors as part of the 2013/2014 internal audit program.

The findings from the audit have resulted in a recommendation to develop a formal policy in relation to 'grants and benefits' and disclosure requirements in accordance with S77 LGA.

# 3. Definition of Grant and Benefit:

A "grant" is to give a sum of money to a person or organisation for a specified purpose.

A "benefit" is to provide goods and services free of charge or at reduced rates to people or organisations for which they would otherwise be liable to pay.

#### 4. Policy:

This policy interprets the grants and benefits transactions within the Council; identifies the transaction types which meet the definition for disclosure in accordance with S77 LGA; and determines the requirements and process for disclosing grants and benefits within the Council's Annual Report.

# 5. Classifications of Grants and Benefits:

Grants and benefits are provided to organisations which undertake activities and programs that strongly align with the Council's Strategic Framework – Hobart 2025, the City of Hobart Strategic Plan 2014-2019 as well as other relevant City of Hobart strategies.

The Council provides the following classifications of grants and benefits:

#### 1. Reduced fees or charges

A full or partial reduction in fees or charges imposed by the Council pursuant to Section 205 of the *Local Government Act* 1993, which are published in the Council's Annual Fees and Charges Booklet, for the use of recreational, community or other Council owned facilities or services.

#### 2. In-kind assistance

The provision of a Council service, including staff and/or equipment at nil or reduced charge.

#### 3. Reduced rates

A full or partial reduction in rates including:

- (a) Pensioner rate remissions (net of reimbursements provided by the State Government and associated bodies).
- (b) Remissions of rates pursuant to Section 129 of the *Local Government Act 1993.*
- (c) Rate rebates.

#### 4. Charitable Donations and Gifts

A donation or gift is given as cash with no expectation of receiving a benefit.

Ex-Aldermen's entitlements, provided in accordance with the Ex-Aldermen Policy (1.02).

#### 5. Sponsorship/Investment

Any sponsorship/investment provided either as cash or in-kind is

considered a grant. There are three types of sponsorship/investment – Economic, Cultural, and Festivals and Events (including sporting events).

Funds are provided as a grant or benefit for which the Council receives recognition for the contribution and the community receives a benefit from these contributions.

In these circumstances, the Council has a strong interest or may be an active partner in the activity for which the sponsorship/investment is given, and/or the activity is strongly aligned with a Council Strategy, such as the *Economic Development Strategy or the Creative Hobart* Cultural Strategy.

#### 4.1 Economic

Assistance to organisations that endeavour to build a strong economic foundation through increased activity in the City that is aligned with the *Economic Development Strategy* or any transactions entered into under the Major Developments Assistance Incentives Policy (7.06.02) which are captured by S77 LGA.

Such assistance may take the form of reduced fees and charges and/or reduced rates as outlined above.

#### 4.2 Cultural

Assistance to support key cultural institutions in the City of Hobart in the delivery of programs and activities that promote the distinctive character of the city and enhance the city's vibrancy and closely align with the Council's *Creative Hobart* Cultural Strategy.

#### 4.3 Festivals and Events

Assistance to support major and community festival and event (including sporting) programs and activities which present the greatest opportunity to leverage quantifiable economic, visitor, city promotional, cultural and community outcomes that align with the Council's strategic objectives to enhance City vibrancy and build healthy communities.

#### 5. Community Grants

Assistance through the provision of cash grants to support programs and activities in support of community participation and valuing diversity to support a safe, friendly and compassionate society.

#### 6. Environmental and Climate Change Grants

Assistance through the provision of cash grants or rebates to increase environmental awareness and in supporting ratepayers and organisations to minimise the effects of environmental damage and climate change.

#### 7. Heritage and Conservation Grants

Cash grants for small to medium scale works, heritage studies and conservation plans, education projects on heritage listed places to protect the built heritage and history of the City.

#### 8. Interest Free Loans

Interest which would normally have been payable on interest free loans provided to eligible social enterprises who have a social mission under the Council's Interest Free Loans program.

A combination of the above classifications of grants and benefits may be used at any one time.

# 6. Delegations for approval

All grants and benefits are approved in accordance with the Council's Delegations Register (Financial Delegations), Council Committee's Terms of Reference and Council Policy Manual.

# 7. Disclosure of all Grants and Benefits

- Section 72 of the Local Government Act 1993, sets out the mandated requirements for the material to be included in the Annual Report. S77 LGA provides an additional requirement, which is the documenting of individual particulars of each grant or benefit given by the Council being reported in the Annual Report.
- S77 LGA does not require the disclosure of Council decisions of a commercial nature or the disclosure of reduced rents on Council owned properties.
- 3. For the purposes of S77 LGA, the following grants and benefits will be disclosed in the Annual Report:

- (i) Reduced fees and charges;
- (ii) Established monetary value of in-kind assistance;
- (iii) Reduced rates;
- (iv) Charitable donations and gifts;
- (v) Sponsorship/Investment;
- (vi) Community grants;
- (vii) Environmental and Climate Change grants;
- (viii) Heritage and Conservation grants; and
- (ix) Interest free loans.
- 4. All grants and benefits requiring disclosure under S77 LGA will be reported on an individual basis in the Annual Report except for the following classifications:
  - (i) Reduced fees and charges for Council halls, sports fields, and parks up to an individual value of \$500;
  - (ii) Pensioner rate remissions (net expenditure);
  - (iii) Rate rebates up to an individual value of \$600; and
  - (iv) Ex-Aldermen's entitlements.

which will be aggregated for each individual classification, except where approved under the Major Developments Assistance Incentives Policy (7.06.02) and captured by S77 LGA.

8. Financial treatment:

Accounting treatment of grants and benefits will be undertaken in accordance with the *Audit Act 2008*, and associated standards and requirements issued by the Australian Account Standards Board.

All grants and benefits will be captured and recorded in the financial management system and will be recorded as a total benefit. The total benefit will include cash and in-kind assistance.

9. Legislation, Terminology and References: Relevant legislation and Council's procedures that should be referred to when interpreting this policy are:

 Local Government Act 1993, specifically Sections 72, 77, 129 and 205

- 2. Procedures for grants and benefits as contained within the Council's Integrated Management System <a href="http://cbc/Business\_Support/Management\_System">http://cbc/Business\_Support/Management\_System</a>
- 3. Delegations Register
  <a href="http://cbc/Business\_Support/City\_and\_Corporate\_Management\_Documents">http://cbc/Business\_Support/City\_and\_Corporate\_Management\_Documents</a>
- 4. Policy Manual <a href="http://cbc/Business\_Support/City\_and\_Corporate\_Management\_">http://cbc/Business\_Support/City\_and\_Corporate\_Management\_</a>
  Documents

Responsible Officer: Director Corporate Services		
History		
Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:		
Amendments:		
Council Approved Amendment 21/09/2015		21/09/2015

Details of Policy Amendments are located on the Council Business Centre

Title: Disclosure of Complainant's Identity

Subject: General – Information Privacy

Policy Number: 5.01.01

Adopted by Council: 25/3/1985

Next Review: November 2015

1. Objectives: To establish a policy position around the protection of the

identity of a complainant or objector, having regard to the

requirements of the Right to Information Act 2009.

2. Background: The Hobart City Council receives complaints from members of

the public as part of its business.

3. Policy: That subject to satisfying the provisions of the Right to

Information Act 2009, where a complaint or objection is

received by the Council by way of letter or verbally or through an Alderman, the identity of the complainant shall not be disclosed to any outside party, without the consent of the

complainant or objector.

4. Legislation,

**Terminology** 

and-

References:

Right to Information Act 2009

Responsible Officer: Director Corporate Services		
History		
Council Policies are reviewed annually with amendment	nts to a Policy listed below	
Date Policy first adopted:	<del>25/3/1985</del>	
Amendments:		
nual Policy Review (approved by ELT) 14/08/2014		

Details of Policy Amendments are located on the Council Business Centre

Title: General Information Privacy

Subject: Information Privacy Corporate Governance

Policy Number: 5.01.02

Adopted by Council: 12/9/2011

Next Review: November 2015

1. Objectives:

The policy statement sets out the Hobart City Council's approach to managing, handling and protecting the personal information of customers and demonstrates its commitment to protecting the privacy of ratepayers.

2. Background:

The City of Hobart collects and uses personal information about individuals to enable it to carry out its functions under the *Local Government Act 1993*. It also has the responsibility to keep information securely so as to protect the privacy of individuals, in accordance with the *Personal Information Protection Act 2004*, and relevant Federal legislation.

#### 3. Policy: Purpose:

- 1. This policy statement sets out the Hobart City Council's approach to managing, handling and protecting the personal information of customers.
- The Council is committed to upholding the right to privacy
  of all individuals who have business dealings with the
  Council. The Council will take the necessary steps to
  ensure that the personal information that customers share
  with us remains confidential.
- 3. This policy will also serve to regulate and consolidate Council procedures in relation to the handling of personal information.

#### Scope:

- 1. This policy applies to employees and contractors of the Council.
- 2. The policy covers personal information that is collected, retained, stored and used by the Council where it is necessary for one or more of the Council's functions or activities.
- 3. (i) Personal information is defined as:

- Information or an opinion in any recorded format, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion and who is alive or has not been dead for more than 25 years.
- (ii) Examples of personal information held by the Council include; information relating to individual properties and property owners; the names of complainants and objectors; dog registration information; parking infringement information; rates information; and sensitive information such as health details collected on the THAC membership form.

#### **Information Managers:**

- The Council has a number of information coordinators including the Manager Customer Services, Manager Human Resources, Manager Commercial Services and Rates, and the Manager Legal and Governance who oversee the operation of the Privacy Policy in consultation with Council's legal team. Additionally there are trained Right to Information (RTI) officers included in all divisions. These staff will liaise with customers with respect to requests, enquiries and complaints regarding personal information kept by the Council.
- Council will receive customer requests for access to personal information and action these requests; respond to requests in writing; amend personal information; and liaise with the relevant divisions/units in relation to information requests and amendments. Staff will consult with the Council's Legal Team where appropriate.

#### The Collection of Personal Information:

- It is the policy of the Council to collect personal information only if it is necessary for one or more of its functions or activities.
- 2. Certain information is collected in order to comply with laws and regulations.
- Whenever the Council collects personal information, the information and the reasons for its collection will be shared with customers upon request. Requests of this nature are to be forwarded to the Council's Customer Services Manager.
- 4. The Council will only use personal information collected for the purposes for which it was collected and for any other use authorised or required by law, including law

- enforcement and compliance activities.
- 5. At the time that personal information is collected, or upon request, an individual will be provided with a copy of the Council's Privacy Statement. The Privacy Statement is a summary of the Privacy Policy and will be readily available and accessible to the public.
- 6. Sensitive information shall not be collected without express consent and unless the collection is required by law. This detail is included under the reference section.
  - (i) Sensitive information is defined as:

Information or opinion about individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, health information and financial status.

#### Use and Disclosure:

- 1. It is the Council's policy that personal information will not be divulged to third parties outside the Council for their independent use unless the person to which the information relates has authorised the Council to do so, or the disclosure is required or allowed by law. The Council and its employees will not sell, trade or make available personal information to others. Information provided by members of the public will only be shared with other business units within the Hobart City Council, where necessary.
- 2. Where the Council outsources functions that involve the collection, utilisation and/or holding of personal information, contractual measures shall be taken to ensure that the contractors and subcontractors do not act in a way that would amount to a breach of privacy standards. The Council will require that these vendors and service companies maintain the confidentiality of this information and abide by all applicable laws. This Council will not permit third parties to sell or use the information for their own purposes.
- 3. Contracts with third parties will include clear provisions about the purposes for which the contractor is to use the information and other provisions necessary to ensure the contractor does not make unauthorised disclosures. They will also contain provisions about how the contractor is to keep the information secure, and what it must do with the information when it has completed the contracted out

#### activity.

#### **Data Quality:**

The Council will take all reasonable steps to ensure that customers' personal information is accurate, complete and upto-date. The Council will respond to any requests from the public to correct inaccurate information in a timely manner. Such requests must be forwarded to the Council's Customer Services Manager in the first instance.

#### **Data Security:**

- The Council will take steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.
- Employees are responsible for protecting personal information from misuse, loss, corruption or disclosure. Personal information will be handled with care and only used for authorised purposes.
- 3. All employees must maintain public confidentiality and respect the privacy of individuals who have dealings with the Council. Employees must treat all personal information as confidential, and sensitive information as highly confidential. Council employees will not disclose any confidential information, use any information to their personal advantage or permit unauthorised access to information.
- Requests for information from police, government agencies or anyone outside the Council, in regard to customers, should be directed to the Customer Services Manager and these will be referred elsewhere as required.
- Council files are strictly confidential and under no circumstances should a member of the public have access to files. Employees must also be conscious of security within the office environment when members of the public are present. External customers must not be left unattended with Council files.
- 6. It is noted that Council Policy 5.01.01 states:
  (Consider deleting above policy as the intent is captured within this policy and hence can be removed.
- "Where a complaint or objection is received by the Co Formatted: Indent: Left: 0 cm, by way of a letter or verbally or through an Alderman the Hanging: 1 cm identity of the complainant shall not be disclosed outside party, without the consent of the complainant or objector." (Question re representations)
- (i) Disciplinary measures will be taken in the event that employees act in contravention of this policy and fail to-

#### accede to the principles of confidentiality and privacy.

- 7. The Council maintains security standards and procedures to help prevent access to confidential information by anyone not authorised to access such information. Employees are obliged to assist in maintaining security standards and procedures.
  - Examples of the type of security measures that Council has implemented and will continue to support include:
    - (a) Physical security Council has adopted measures to prevent unauthorised entry to premises, systems to detect unauthorised access and secure containers for storing paperbased personal information;
    - (b) Computer and network security Council has adopted measures to protect computer systems and networks for storing, processing and transmitting personal information from unauthorised access, modification and disclosure;
    - (c) Communication security Council has adopted measures to prevent unauthorised intrusion into computer networks; and
    - (d) Personnel security Council has adopted procedural and personnel measures for limiting access to personal information by authorised staff for approved purposes and controls to minimise security risks to the organisation's IT systems.
- 8. Destruction of records containing personal information, including personal records is by secure means. Ordinarily, garbage disposal or recycling of intact documents are not secure means of destruction and should only be used for documents that are already in the public domain.
  - (i) Reasonable steps to destroy paper documents that contain personal information include shredding, pulping or the disintegration of paper. All computers that are removed from use and made available for non-council purposes will have all data removed from the hardware.

#### **Openness:**

The Council has a Privacy Statement, which is a summary of this policy, readily available and accessible to the public. There is a link to the Privacy Statement on the internet and intranet. Hard copies of the Privacy Statement will always be available

at the Customer Service Centre.

#### **Access and Correction:**

Individuals are entitled to access personal information about themselves which is held by the Council. Individuals are entitled to know generally what sort of personal information the Council holds about them, for what purposes, and how it collects, holds, uses and discloses that information.

- Requests for access to such information are to be made in writing and forwarded to the Council's Customer Services Manager for action. Staff must establish the identity of the individual asking for the information.
- If an individual has made a written request for access, the assigned officer will acknowledge the request as soon as possible or at least within 7 days of the request. If granting access is straight forward, it will be appropriate to grant access within 14 days, or if providing access is more complicated, within 30 days.
- 3. The Council will respond to public requests to correct information in a timely manner.
- 4. The Council will provide written reasons when a request for access or correction of personal information is refused.

#### **Anonymity:**

Whenever it is lawful and practicable to do so, customers will be given the option of not identifying themselves when dealing with the Council.

#### Training:

All Council employees will receive training to increase their awareness in relation to the treatment of personal information in the workplace. Staff will be trained in security awareness, practices and procedures.

4. Legislation, Terminology and References:

#### Council Policy 5.01.01

Section 130(3) of the Local Government Act 1993

Hobart City Council Privacy Statement

A Privacy Officer is a position within Council that oversees the operational management and release of information under the Privacy Policy in consultation with Council's legal team.

Personal Information for the purpose of this Policy is defined as:

Information or an opinion in any recorded format, about an

individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion and who is alive or has not been dead for more than 25 years.

#### Sensitive information is defined as:

Information or opinion about individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, health information and financial status.

Types of security measures include, physical security, computer and network security, communication security and personnel security.

Responsible Officer: Director Corporate Serv	rices
History  Council Policies are reviewed annually with amend	dments to a Policy listed below
Date Policy first adopted: 8/4/2002	
Amendments:	
Annual Policy Review	17/12/2007
Annual Policy Review	12/9/2011
Annual Policy Review	8/9/2014

Details of Policy Amendments are located on the Council Business Centre

Title:	Online Information and Data Release
Subject:	General - Information Privacy Corporate Governance
Policy Number:	5.01.03
Adopted By Council:	23 March 2015
Next Review:	November 2016

1. Objectives:	The policy sets out the Hobart City Council's approach to managing the online release of non sensitive information and data to the public.
2. Background:	The City of Hobart holds information and data of potential value to others outside of Council. It is acknowledged that Council data can be used by third parties to develop knowledge and insights beyond the scope and intent of the original data.
	Council supports 'open government' and the intent of the Australian Information Commissioner's 'Principles on Open Public Sector Information' that promotes the online release of non sensitive information and data.
3. Policy:	Purpose:
	This policy sets out Council's approach to the open government principles supporting the release of information and data. Released data will be generic in form to comply with mandated privacy principles and confidentiality requirements.
	Principles:
	<ol> <li>Information held by Council is a valuable community resource. Where there is no legal need to protect the information it can be open to public access. Where appropriate and demand can be demonstrated Council information may be proactively published. The default position is Council supports openness and transparency in the release of information.</li> </ol>
	<ol> <li>Council will consider the releases via online publishing or in other media of routinely sought information where it is reasonable and practical to do so.</li> </ol>
	3. Council's marketing, media and community engagement sections will engage with our community, set strategy and manage publishing ensuring all information releases meet corporate and legislative requirements for data security, the protection of personal information, intellectual property rights

and business confidentiality.

- 4. Council will support the mutual exchange of digital information and data across government sectors through publishing of geographical information and other viable data sets to information portals such as data.gov.au or similar.
- 5. Information and data published online will utilise industry based standards for presentation and format.

# Licensing:

6. Wherever appropriate information published for community benefit will be issued under the Creative Commons 'BY' licensing standard, as recommended in the Intellectual Property Principles for Australian Government Agencies to minimise risk associated with errors or omissions.

### Fees:

- 7. Information and data of wide community benefit would generally be free. Council reserves the right however to charge fees and charges for the provision of information or data that is individually requested, specific in nature or requires Council resources to provide.
- 4. Legislation, Terminology and References:

# Acknowledgements/References:

The following resources are acknowledged in the compilation of this policy:

- The Office of the Australian Information Commissioner (OAIC)
- Ombudsman's Right to Information Act Manual
- Right to Information Act 2009
- Open Government Declaration, Commonwealth of Australia.
- G8 Open Data Charter, June 2013
- NSW Open Data Policy
- Glenorchy City Council; Open Data Policy
- Web Content Accessibility Guidelines

# **Responsible Officer: Director Corporate Services**

# **History**

Council Policies are reviewed annually with amendments to a Policy listed below

**Date Policy first adopted:** 

23/3/2015

### **Amendments**





# **Policy Manual**

Title: External Outside Bodies – Representations and Reporting on

Activities

Subject: General – Outside Bodies Corporate Governance

Policy Number: 5.02.02 return to TABLE OF CONTENT

Adopted by Council: 25/3/1985 (Proxy Representation) and 24/1/2000 (Reporting

on Activities)

Next Review: November 2015

Responsible Officer: Director Corporate Services

**1. Objectives:** The objective of this policy is to ensure proxy representatives

are appointed, where allowable, to those bodies or

organisations on which the Council is represented to ensure

continuity of representation and reporting.

Additionally, the policy establishes the opportunity for annual reporting on activities of bodies and organisations on which the

Council is represented.

2. Background: Where proxy representation is allowed by outside bodies and

organisations on which the Council is represented, it is desirable to have such positions in place in the interests of continuity of representation and the flow of information.

The Council has historically received reports from its appointed

representatives on external bodies and organisations.

**3. Policy:** That:

1. Where the Council has a representative on an outside body, it appoints a proxy to represent the Council on such bodies which have indicated that a proxy would be accepted in the absence of the duly appointed

representative.

2. Reports from representative on outside bodies be made once each year and an item for this purpose be listed

annually on the Strategic Governance Committee agenda.

4. Legislation, Terminology and



# **Policy Manual**

# References:

Responsible Officer: Director Corporate Services

History	,
Council Policies are reviewed annually with an	nendments to a Policy listed below
Date Policies first adopted:	25/3/1985 24/1/2000
Amendments:	
Policy amalgamated with 5.02.03	Council
Annual Policy Review	8/9/2014

Title: Election Signage

Subject: General – Political Issues Corporate Governance

Policy Number: 5.03.01

Adopted by Council: 9/2/2010

Next Review: November 2015

1. Objectives:

To ensure that any form of advertising on Council owned and Council controlled land is prohibited to enable the Council to retain its apolitical status during elections campaigns and to ensure that all candidates are subject to the same level of opportunity to display election signage.

2. Background:

This policy was developed in response to issues arising from past election campaigns to assist in administering the arrangements for electoral advertising.

3. Policy:

- 1. Placement of electoral signage during an election campaign period in the Hobart Municipal Area is subject to the following:
  - (i) the length of display of any sign at one location does not exceed the defined election campaign period;
  - (ii) signs are to be properly supported and maintained;
  - (iii) signs are not to project over footpaths;
  - (iv) signs are to be removed at the conclusion of the election campaign;
  - (v) prior permission for the placement of signs must be obtained by the sign owner from the relevant property owner; and
  - (vi) no sign is to be placed on Council owned or Council controlled property or infrastructure. Any signs that are placed on property owned or controlled by the Council will be removed by Council staff.
- 2. The Hobart City Council does not permit any election advertising signage to be affixed to any Council owned or Council controlled land save and except that election candidates will be permitted to display election signage on registered vehicles on Council controlled highways (including metered spaces) and car parks.
- 3. This policy applies to Federal, State and Local

Government elections and any other elections that may from time to time be conducted.

# 4. Legislation, Terminology and References:

Election Campaign Period -

- For Federal and State elections, from the date on which the election writ is issued until 7 days after the election day; and
- (ii) For Local Government elections, from the date of publication of the Notice of Election until 7 days after the close of poll.

Location – any one property

Electoral Signage – any graphic, pictorial or written display that can be viewed from a public street and that promotes a candidate or political party vying for election in a Federal, State or Local Government election or any other elections that may from time to time be conducted.

Responsible Officer: Director Corporate Services	
History  Council Policies are reviewed annually with amendments to a Policy listed below	
Date Policy first adopted: 13/3/2007	
Amendments:	
Annual Policy Review	17/12/2007
Annual Policy Review	9/2/2010
Annual Policy Review (approved by ELT)	14/08/2014

Title: Nuclear Vessels – Visits

Subject: General - Political Issues

Policy Number: 5.03.02

Adopted by Council: 25/3/1985

Next Review: November 2015

1. Objectives: The purpose of this policy is to state the position of the Hobart

City Council in respect to visits to the Port of Hobart by nuclear

powered vessels.

2. Background: This policy has been established in response to the visitation to

the City by nuclear powered vessels.

3. Policy: That the Council not comment or interfere with the powers of

the Commonwealth Government, the State Government and the Hobart Ports Corporation in relation to any visits by nuclear-powered vessels to the Port of Hobart and that the Council continue to offer to visiting vessels the traditional welcome

customarily extended to friends.

4. Legislation, Terminology

and-

References:

Responsible Officer: Director Corporate Services		
History		
Council Policies are reviewed annually with amendments to a Poli	cy listed below	
Date Policy first adopted:	<del>25/3/1985</del>	
Amendments:		
Annual Policy Review (approved by ELT)	14/08/2014	

Details of Policy Amendments are located on the Council Business Centre

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Title: Foreign Affairs and Defence Matters - Council Involvement

Subject: General - Political Issues

Policy Number: 5.03.04

Adopted by Council: 17/12/2007

Next Review: November 2015

1. Objectives: This policy provides guidance to the Council in respect to

dealing with matters falling within the province of the

Commonwealth Government.

2. Background: This policy was originally adopted in 1991 in response to a

request from the US City of Portland, to write to Presidents

Bush and Gorbachev urging them to make a public commitment towards total nuclear and chemical disarmament.

3. Policy: That the Council not comment on matters relating to Foreign

Affairs and Defence on the basis that such affairs belong within the province of the Commonwealth Government, with the exception of those matters where Australia is a signatory to international agreements or treaties and Council's comment is consistent with the position of the Australian Government.

4. Legislation, Terminology

and-

References:

Responsible Officer: Director Corporate Serv	<del>ices</del>	
History		
Council Policies are reviewed annually with amend	ments to a Policy listed below	
Date Policy first adopted:	<del>29/1/1991</del>	
Amendments:		
Annual Policy Review	<del>17/12/2007</del>	
Annual Policy Review (approved by ELT)	14/08/2014	

Details of Policy Amendments are located on the Council Business Centre

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Title: Community Engagement

Subject: General – Communication Community Services and Events

Policy Number: 5.04.01

Adopted by Council: 10/12/2012

Next Review: November 2015

1. Objectives: To provide a framework that facilitates understanding and

decision making between the Council and the Hobart

community.

2. Background:

This Policy was developed as a result of an employee survey and two independently facilitated employee workshops covering the development of:

- a formal community engagement policy framework;
- definitions for the terms consultation, engagement and participation and incorporation of these into the policy framework; and
- a set of principles and indicators.

# 3. Policy: Policy Purpose and Objectives

Community engagement creates an active and informed dialogue that seeks an understanding of the views and aspirations of the community.

The purpose of this Policy is to provide a framework that facilitates understanding and decision making between the Council and the Hobart community.

The community engagement policy objectives are to:

- Achieve good governance by facilitating open, fair and constructive dialogue.
- Allow for informed decision making and achieve together an improved quality of life in Hobart.
- Achieve active community participation through involvement and inclusiveness.
- Provide the community with a clear understanding of the Council's consultation processes.

# **Policy Statement**

The Hobart City Council recognises the right of the community members to be informed and have input into decisions which affect their lives.

Hobart City Council values effective engagement in developing a positive relationship with its community and recognises that community participation contributes to better decision-making.

Council seeks to take account of the views, needs, issues and aspirations expressed by the community and to balance these with other influences such as budgetary constraints to make informed decisions.

In applying this policy, the Council will demonstrate the values of we're:

- about people.
- professional.
- enterprising.
- responsive.
- inclusive.
- making a difference.

The Hobart City Council has developed the following nine (9) principles to guide the application of this policy:

## Principle 1 - Engagement Culture

Council embraces engagement as a key process in our governance of Hobart. A culture of engagement will continue to be developed at all levels of the organisation.

# Principle 2 – Building Relationships

Council is committed to building effective relationships to improve the outcomes of community engagement.

# Principle 3 - Inclusiveness and Accessibility

Council acknowledges the diversity of its community and will work to diminish barriers that may exist in order to encourage participation in engagement.

# Principle 4 – Participation

Stakeholders are encouraged to participate in the process and to express their views in a respectful and open manner.

# Principle 5 – Communication

The Council will clearly communicate the purpose of the engagement process; the steps involved and will allow sufficient time for effective involvement.

# Principle 6 – Transparency

Council's engagements will be clear and transparent to allow the community access to information and an understanding by the stakeholders of the processes and resources involved.

# Principle 7 – Considering the Results

The results of engagements will be included in the considerations of the Council and in decision making.

### Principle 8 – Feedback

The Council will provide a means for stakeholders to obtain feedback on the engagement.

# Principle 9 – Evaluation and Review

The Council will evaluate and review its engagement framework to ensure it is responsive to the views and aspirations of the community.

# **Application of Manual**

A Community Engagement Manual provides a step by step guide to assist Council officers in the conduct of community engagements. The manual is available on the Council Business Centre under *Business Support, Community Engagement*.

# 4. Legislation, Terminology and References:

The Community Engagement Manual provides a step by step guide to assist Council officers conduct community consultations.

Responsible Officer:	Director Parks and Customer Se	rvices Corporate Services
Council Po	<b>History</b> blicies are reviewed annually with amendments to a Polic	w listed below
	<u> </u>	
Date Policy first adopted: 11/8/2008		11/8/2008
Amendments:		
Annual Policy Review		12/9/2011
Annual Policy Review		10/12/2012
Annual Policy Review (app	proved by ELT)	14/8/2014

Title: Waterside Pavilion - Council Control

Subject: Property and Parking - Property and Services - Coundil

**General** 

Policy Number: 7.06.03

Adopted by Council: 28/8/2006

Next Review: November 2015

1. Objectives: The purpose of this policy is to articulate the Council's position

in respect to the control of the Waterside Pavilion located in-

Mawson Place.

2. Background: As the result of ongoing requests from third parties to lease the

pavilion for commercial purposes, and due to the fact that it is a widely used and popular community facility, this policy was developed to state the Council's position in relation to engoing

control of the facility.

3. Policy: That the Council retain direct control of the Waterside Pavilion,

Mawson Place and not lease the facility to any third party.

4. Legislation, Terminology

and-

**References:** 

Responsible Officer: Director Corporate Services		
History		
Council Policies are reviewed annually with amendments to a Policies	ry listed below	
Date Policy first adopted:	<del>28/8/2006</del>	
Amendments:		
Annual Policy Review (approved by ELT)	14/08/2014	

Details of Policy Amendments are located on the Council Business Centre

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Title: Community Requests for Council to Purchase Land

Property and Parking - Property and Services Subject:

General Environment, Planning and Development Control

**Policy Number:** 7.06.05

Adopted by Council: 28/5/2007

November 2015 Next Review:

1. **Objectives:** This policy was developed to allow for the objective

> consideration of the issues relevant to the Council deciding whether or not to purchase land following a community

request.

It provides a number of criteria for the Council to asses requests from the community to purchase land and to a community requests for the Council to acquire public open-

space in subdivisions.

2. **Background:** The Council is receiving an increasing number of requests

from the community for the Council to purchase land.

This Policy was prepared as a result of a Council decision on 25 September 2006 as part of debate in respect to the Boot-Reserve at 247-257 Churchill Avenue, Sandy Baythese requests and was developed to allow for the objective consideration of the issues relevant to the Council deciding whether or not to purchase land following a community request.

This policy covers the issues that the Council should take into account when receiving a request to purchase land.

That the Council will consider the following issues when 3. Policy:

deciding whether or not to purchase land following a community request:

### STRATEGIC CONSIDERATIONS

Has the property been identified for possible purchase in any of Council's strategies, such as the Draft Council Land Review 2008, or other Council strategic or operational documents?

(ii) What is the demand/need for this acquisition?

(a) What is the proximity of the location of the property to other Council land holdings and recreational and open space infrastructure or

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#### services ?

#### 2. FINANCIAL CONSIDERATIONS

- (i) What is the total acquisition cost for the property?
- (ii) What improvements (and associated costs) are required to upgrade the property to ensure appropriateness and safety for community usage?
- (iii) What are the annual maintenance costs for the property?
- (iv) Does the Council have available funds for the purchase of the land?
- (v) If no to (iv) above, what other sources of funds, if any, exist to enable the purchase of the land, such as Commonwealth and State funding, community or other funds.

#### 3. RISK ASSESSMENT

Are there any identified risks that might pose a danger or expose the Council to potential liability when utilised by the community.

#### 4. ASSESSMENT OF VALUES

(i) Environmental Values

Does the property have any environmental values?, such as:

- (a) biodiversity values including habitat values, native vegetation communities and threatened flora and fauna:
- (a)(b) Catchment values such as improved protection of creek or rivulet corridors and
- (b)(c) landscape values including landscapes of local and regional significance.
- (ii) Heritage Values

Does the property have any environmental values?, such as:

- (a) Cultural heritage values including historic and Aboriginal heritage values.
- (iii) Open Space and Recreational Values
  - (a) Does the property have any recreational attributes that will benefit for the greater Hobart community?
  - (b) Will the property add benefit to the Council's

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- current reserve system by providing additional recreational and open space links or necessary buffers from adjacent developments?
- (c) Is the property generally accessible to the community?
- (d) Is the property's location appropriate for the development of community facilities (e.g. tracks and trails, playground, picnic and barbeque area or other recreational infrastrucutre)?
- (e) Will the expected recreational use of the site meet a current or likely future community demand that is not currently or not likely to be met within the local area?

# (iv) Community Values

- (a) What is the level of community interest in the Council purchasing the property (street, local, suburban, wider community)?
- (b) Is the purchase of this property likely to adversely impact on the amenity of the neighbourhood to an unreasonable degree (eg through the impact of increased vehicle movements, noise, anti-social behaviour)?

### (v) Community Contribution

(a) Is the community prepared to assist the Council in purchasing the land (direct financial contribution, provision of time or resources, separate rate, etc) and, if so, to what level?

#### 5. PLANNING CONSIDERATIONS

- (i) Can the property be protected by existing planning scheme controls or by a public open space contribution through subdivision?
- (ii) Is the loss of this land for development purposes going to diminish the opportunity for improved urban consolidation and development and therefore lead to less sustainable development outcomes by concentrating growth on the suburban fringe?

#### 6. OTHER

Are there any other special attributes that require the property to be in public ownership?

Note: In all instances, the title to any land to which the Council

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makes a financial contribution shall be in the name of the Council.

4. Legislation, Terminology and References:

Responsible Officer: Director Corporate	e Services
Histo Council Policies are reviewed annually wi	
Date Policy first adopted:	9/10/2006
Amendments:	
Amended	28/5/2007
Annual Policy Review (approved by ELT)	14/08/2014

Title: Tenancies – Payment of Rent

Subject: Property and Parking – Property and Services – Council

General

Policy Number: 7.06.06

Adopted by Council: 21/3/1988

Next Review: November 2015

1. Objectives: To detail the way in which all rentals of Council properties,

according to the nature of the particular tenancy, are paid.

**2. Background:** This policy was developed at the request of the then Finance

and Parking Committee to require all rentals to be paid

fortnightly in advance.

**3. Policy:** That the rental periods applicable to tenancies of properties

owned, or occupied, by the Council, be determined in

accordance with the following provisions:

residential tenancies – fortnightly in advance;

2. commercial tenancies - monthly in advance;

3. sporting club tenancies – monthly in advance;

4. agistment tenancies - monthly in advance; and

5. tenancies attracting a nominal rent – yearly in advance.

4. Legislation, Terminology and

References:

Responsible Officer:	<b>Director Corporate Serv</b>	ices
<u> </u>	History	
Counc	il Policies are reviewed annually with amendi	ments to a Policy listed below
Date Policy first adopt	ed:	21/3/1988
Amendments:		
Annual Policy Review (	approved by ELT)	14/08/2014

Title:	Probity Guidelines For The Assessment of Council Owned Property For Potential Development and/or Disposal Consideration of Commercial Property Transactions	
Subject:	Property and Parking - Property and Services - Council General Property Management	
Policy Number:	7.06.09	
Adopted By Council:	27/1/2004 (A) 15/8/2005 (B)	
Next Review:	November 2015	
1. Objectives:	To provide suitable guidelines for assessing all potential developments and/or disposal of Council owned land together with criteria to determine the appropriate method of sale. Also to ensure that in all of Council's real property dealingscommercial property transactions, it adopts the probity principle and reduces the potential for any legal action against the Council in relation to land dealingsthat best practice processes are followed by Council.	
2. Background:	This policy has been developed as an amalgam of two former polices which were developed as a result of a request from the State Government for Council to list a number of Council owned properties on the State Government development site database and as a result of the Council's involvement in a number of expressions of interest to dispose of Council land respectively. Given the subject matter of the two former policies it was considered appropriate that they be combined into a single policy. In addition, the Council has been a party to commercial property transactions relating to major development assistance.	
3. Policy:	A. THE ASSESSMENT OF COUNCIL OWNED PROPERTY FOR POTENTIAL DEVELOPMENT AND/OR DISPOSAL  1. The following criteria be adopted by the Council and its employees, where applicable, when assessing all potential developments on and/or disposal of Council owned land, where such initiatives are submitted to Council from an external party:  (i) Before a decision can be made on whether the proposal is suitable the following criteria are to be evaluated:	

(a) Benefits and costs to Council

Includes financial benefits or costs, ongoing maintenance and management, risk management issues and protection of property.

(b) Public benefit or costs

Is there a benefit to the public or community from the sale?

Is the land 'public land' as defined in Section 178 of the Local Government Act 1993?

- (c) Community interest;
- (d) Value and law of the land;
- (e) Alternative uses;
- (f) Land use controls; and
- (g) Natural and cultural heritage issues.
- (ii) Once the Council has considered each of these issues and determined that a property should be sold or developed, a decision will then need to be made on the method of sale. Criteria should include all those issues considered to determine the sale as well as:
  - (a) Economic conditions (for example, is the market currently competitive?);
  - (b) Number of likely interested purchasers; and
  - (c) Degree of control Council wishes to have over the final development (for example, stratum title hold over portion of property).
- Having regard to the above criteria, the Council can advise the proponent as to the manner in which the proposal shall proceed, namely expression of interest, public sale or exclusive rights.

#### B. PROBITY GUIDELINES

- The Hobart City Council will observe probity best practice when disposing of Council owned real property.
- Council business must be fair, open and demonstrate the highest levels of integrity consistent with the public interest.
- 3. Key Requirements:
  - (i) Fairness and Impartiality

Potential proponents are to be treated equally and must have the same opportunity to access information and advice.

(ii) Use of a Competitive Process

Consistent with Council policy, a competitive process should be used at all times.

(iii) Consistency and Transparency of Process

Proponents are to be evaluated in a systematic manner against explicit predetermined evaluation criteria.

(iv) Security and Confidentiality

The processes adopted for receiving and managing proponent information are to ensure the security and confidentiality of intellectual property and proprietary information.

(v) Identification and Resolution of Conflicts of Interest

Any person involved in the disposal process is to declare and address any actual or perceived conflict of interest prior to undertaking any evaluation.

 Where a decision is made, or is likely to be made, to deal directly with one proponent in the absence of an open and competitive process, the Council must have

a business case prepared that includes:

- (i) Social, economic and environmental costs and benefits of not going to the open market; and
- (ii) Appointment of a probity advisor, in accordance with the criteria listed in Part C of this policy, to ensure in all other respects the decision is consistent with this policy and better practice.

#### 5. Other Requirements

(i) C Case for engaging a Probity AuditorCASE FOR ENGAGING A PROBITY AUDITOR

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- 1.(ii) For particularly large, sensitive or complex transactions, Council has the option of appointing an external probity auditor to provide ongoing advice on probity issues throughout the process.
- 2.(iii) For the purposes of this policy, the phrase 'large, sensitive or complex transactions' may include one or more of the following:
  - (a) transactions of a high value (in excess of \$500,000);
  - (b) the matter is highly complex, unusual or contentious;
  - (c) the integrity of the project may be questioned;
  - (d) there has been a history of controversy or litigation with the property;
  - (e) it is anticipated that a bid may be received from within the Council and there is a need to ensure that appropriate procedures and scrutiny are in place to maintain the integrity of the procurement process;
  - (f) the matter is politically sensitive or vulnerable to controversy;
  - (g) the nature of the market place makes bidder

	grievances more likely;
	<ul> <li>(h) where there is a high probability of conflict of interest, associated with the purchasing process or participants;</li> </ul>
	(i) to demonstrate probity;
	<ul> <li>(j) to seek advice on a potential decision to depart from a competitive process;</li> </ul>
	<ul><li>(k) to save a process that is already tainted (e.g. when things are already going wrong); and</li></ul>
	(I) to protect the intellectual property rights of bidders.
4. Legislation, Terminology and References:	

Responsible Officer:	Director Corporate S	ervices
	History	
Council Policies a	re reviewed annually with amendme	ents to a Policy listed below
Date Policy first adopte	ed:	27/1/2004 (A) 15/8/2005 (B)
Amendments		
Annual Policy Review - Fand 7.06.15 (B) amalgar	` ,	8/9/2014

Details of Policy Amendments are located on the Council Business Centre

Title: Leases to Non-profit Organisations (NFPO)

Subject: Property and Parking - Leasing Property Management

Policy Number: 7.06.13 return to TABLE OF CONTENTS

Adopted by Council: 21/09/2015

Next Review: November 2015

Responsible Officer: Director Corporate Services

### 1. Objectives:

- 1 To ensure that the Council's community assets provide best possible use and value to the Hobart community.
- To demonstrate a clear and fair process for granting a lease for a Not For Profit Organisation (NFPOs) in a Council-owned property.
- 3 To ensure equitable imposition of rates and rental charges for NFPOs leasing Council property.
- 4 To ensure a range of Council-owned community facilities are accessible for NFPOs for leasing through the provision of subsidised rental.
- To ensure that there is recognition for the Council's contribution to the community through its provision and asset management of facilities for community use; granting of leases to NFPOs; and the provision of subsidised rental for eligible NFPOs.
- To demonstrate the benefit for the Council that derives from the provision of subsidised rental to eligible NFPOs leasing Council property.

### 2. Background:

This policy replaces Council Policy 7.06.13 – Leases to Non-Profit Organisations and Council Policy 7.05.04 – Leasing of Sportsgrounds.

There are a number of properties leased by the Council through a range of leasing and licensing arrangements, some of which are leased to Not For Profit Organisations through a subsidised rental lease agreement.

A Not For Profit Organisation (NFPO) can be defined as "an organisation that does not distribute its surplus funds to owners or shareholders".

The Council owns and manages a number of properties / assets for the purpose of promoting community participation in a range of accessible and affordable activities at the local level.

To assist the Council in this endeavour, (and to share this responsibility with the community), many of the properties and the activities that occur within them, are managed by NFPOs.

#### NFPO tenants:

- · provide facilities and/or activities for the community;
- manage the facilities on behalf of the Council;
- · cover operational costs and some maintenance;
- invest in the development of the facility; and in some cases
- directly distribute some of their surplus funds back into the local community.

In return, NFPOs receive subsidised rental.

It is essentially a reciprocal arrangement.

### 3. Policy: That:

1 The Council will clearly demonstrate the application of equity for all lease arrangements with NFPOs for the occupation of property owned by the Council – both for new leases and at the time of renewal of existing leases.

#### Works

- 2 There is an expectation by the Council that the costs of internal, and in some cases, external maintenance are borne by the lessee.
  - Notwithstanding this, the lessee may approach the Council for separate funding assistance to help meet such maintenance and/or other building costs.
- 3 The Council and lessee will work together to identify and implement strategies that would improve environmental sustainability of the asset.

### **Rates and Rental Charges**

4 The minimum level of rates and rental charges to be imposed on eligible NFPOs leasing Council-owned property will be no less than Council Service Rate/s, including the Fire Service Rate where applicable; any service charges applicable to the property, including in some cases proportional charges from TasWater; and a nominal rent of \$50.00 per annum (to offset administrative costs), subject to an assessment process, detailed below.

### Eligibility

Organisations deemed to be eligible to apply for a rental subsidy must satisfy the definition of a Not For Profit Organisation, as stated above, and be applying for a lease in a Council-owned property located in the Hobart

Municipal Area.

### Assessment for Granting a Lease and Providing Subsidised Rental

- 6 The following criteria shall be considered in order for the Council to determine whether it will grant a lease, provide subsidised rental and the level of subsidy. These criteria will apply to NFPOs applying for a new lease and those seeking the renewal of a current lease. The criteria are fully described in the attachment to this policy.
  - (i) Use, or proposed use of the property;
  - (ii) Alignment with the Council Strategic Plan and other relevant Council strategic documents;
  - (iii) Level of community benefit proposed or provided, which could include one or more of the following :
    - Health and wellbeing
    - Lifelong learning
    - · Arts and culture
    - Social inclusion
    - · Heritage and history
    - Economic
    - Environment / environment management
    - · Welfare.
  - (iv) Value of land and buildings;
  - (v) Potential for alternative use:
  - (vi) Viability and capability of the organisation;
  - (vii) Capacity to pay, after all income and expenditure is taken into account;
  - (viii) Capacity to invest in and maintain the asset, or degree of capital investment undertaken;
  - (ix) Type of facility;
  - (x) Capacity to invest in the community, or level of community investment provided, through disbursement of surplus funds to local community groups, organisations or activities;
  - (xi) Length of tenure sought;
  - (xii) For lease renewals only, the level of compliance with existing lease terms and conditions.

#### **Tenure**

7 The following criteria shall be considered in order for the Council to determine reasonable tenure to be granted to

#### NFPOs.

- (i) Value of the organisation to the community;
- (ii) Capacity to pay, including the ability to maintain the asset:
- (iii) Potential, or actual investment in the asset;
- (iv) Historical tenure;
- (v) Potential for alternative use, noting that a number of community assets would be unsuitable for an alternative use;
- (vi) Future Council needs for the asset or the site.
- 8 Leases to NFPOs are generally not to exceed a term of five (5) years, unless otherwise determined by the Council based on consideration of issues raised in the Council report, which could include by way of example, where the lessee has fully funded the construction of a facility; has/is making a substantial investment in the site; and/or is responsible for all operational costs.
- 9 Should a leased community asset become vacant / available, an Expression of Interest process will be advertised, for eligible NFPOs interested in applying for a lease. The criteria outlined in 3.5, 3.6 and 3.7 will be used to assess these Expressions of Interest.

#### **Valuations and Building Condition Assessments**

10 A market valuation will be undertake prior to a new lease application being considered, or at the time an existing lease falls due for renewal, in accordance with s177(2) in the *Local Government Act 1993*. A Building Condition Assessment will also be undertaken at this time.

### Lease Management

11 Leases with accepted practice terms and conditions will apply to all NFPO leases on Council-owned property, however additional terms and conditions may apply, depending on the type of facility, its purpose and use. The development of an Asset Maintenance Plan between the Council and the lessee will be included as a condition of all leases.

All terms and conditions will be clearly outlined in the lease and provide the opportunity for the Council to monitor compliance with lease conditions.

Many of these will essentially be performance criteria, and the lessee will be obliged to provide information annually about:

• community access and utilisation of the leased facility; o:\council policy manual review 2015\corporate services\director approved policies\7.06.13 leases to non-profit organisations.docx

- income and expenditure, including maintenance;
- investment in the asset and the community from surplus funds raised through income generation; and
- · compliance with an Asset Maintenance Plan.

This will provide the opportunity for the lessee to demonstrate the level of benefit to the Council and the wider community that is derived from a rental subsidy.

### Reciprocity

12 The lessee will be required to acknowledge the Council's support in providing a facility for the lessee's use at a reduced rental and for the Council's ongoing maintenance of the asset, where applicable.

In order to recognise the contribution that the Council makes, organisations receiving subsidised rental will be listed in the Council's Annual Report.

The Council will acknowledge the benefit that it, and the Hobart community more generally, receives as a result of these arrangements.

#### General

- 13 A report, which assesses each criteria in 3.5, 3.6 and 3.7, will be referred to the relevant Council Committee as leases fall due for renewal or review; when a new application for a lease of a Council facility is made by a NFPO; and/or when a specific request is made by a NFPO for a reduction in the level of rental imposed on them by the Council.
- 4. Legislation, Terminology and References:

s177 Local Government Act 1993 s78 Fire Service Act 1979

Responsible Officer: Director Corporate Services

History

Council Policies are reviewed annually with amendments to a Policy listed below

Date Policy first adopted: 21/09/2015

Amendments:

Title: Use of Town Hall, City Hall, and Waterside Pavilion

Subject: Property and Parking - Property and Services - Coundil

**General**Property Management

Policy Number: 7.06.14

Adopted by Council: 29/8/2005

Next Review: November 2015

1. **Objectives:** The purpose of this policy is to ensure that through the hire of

Council venues, the Council does not unduly impact on the commercial interests of rateable businesses within the Hobart

municipal area.

2. Background: In the past, Council venues have been hired for the sale of

goods which are available at retail outlets located within the

City.

This policy sets out the parameters around such usage.

3. Policy: That:

- 1. The Town Hall, City Hall and Waterside Pavilion, not be hired to persons, companies or firms where the intended use is the retail selling of goods to the public, subject to the proviso that this prohibition shall not apply where:
  - (i) the goods proposed to be sold are of a specialised nature and are of a kind not normally in competition with retail outlets in the City; or
  - (ii) the principal purpose of the booking is an exhibition or display and the selling of goods is an activity incidental to that main purpose; or
  - (iii) the facility is to be used by a recognisable charitable or community organisation for a fair, bazaar or similar function.
- Exhibitions held at the Waterside Pavilion are to be for display purposes only and any catalogues produced, or promotional activities associated with those exhibitions are not to include any reference to the price (or value) of the pieces on display.

4. Legislation, Terminology and References:

o:\council policy manual review 2015\corporate services\director approved policies\7.06.14 town hall, city hall and waterside pavillion.docx

Responsible Officer: Director Corporate Se	rvices
History	25.50
Council Policies are reviewed annually with am	enaments to a Policy listed below
Date Policy first adopted: 25/3/1985	
Amendments:	
Amended	10/5/2004
Amended	29/8/2005
Annual Policy Review (approved by ELT)	14/8/2014

Title: Cash Bonds Required

Subject: Property and Parking - Council Owned Rental Properties

7.07.01 **Policy Number:** 

9/2/2010 Adopted by Council:

**Next Review:** November 2015

1. Objectives: To provide security for a prospective tenant to ensure the

performance of obligations under a residential tenancy

agreement.

Background:

Policy: That:

> 1. A cash bond amounting to the equivalent of two weeks rental is required from all new tenants of Council owned premises prior to the tenant being permitted to enter intooccupation of the property.

2. In accordance with the Residential Tenancy Act 1997, the bond is to be lodged with the Rental Deposit Authority-

accessed through Service Tasmania.

Legislation, **Terminology** 

and-

References:

Residential Tenancy Act 1997

Responsible Officer: Director Corporate Services		
History  Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	<del>25/3/1985</del>	
Amendments:		
Annual Policy Review	9/2/2010	
Annual Policy Review (approved by ELT)	14/8/2014	

Details of Policy Amendments are located on the Council Business Centre

o:\council policy manual review 2015\corporate services\director approved policies\7.07.01cash bonds required.docx Title: Equal Employment Opportunities and Workplace Behaviour

Subject: Employees - Appointments

Policy Number: 8.01.05

Adopted by Council: 8/7/2002

Next Review: November 2015

### 1. Objectives:

To make it clear and explicit to employees, potential employees and the community generally that the Council meets the requirements of the provisions of the Local Government Act 1993, in relation to equity and discrimination in employment.

### 2. Background:

Section 63(2) of the Local Government Act 1993 (Part 7: Administration, Division 1: General manager and employees) provides that the Council will develop human resource practices and procedures in accordance with the policies of the Council to ensure employees of the Council receive fair and equitable treatment without discrimination.

### 3. Policy:

### That:

- 1. The Hobart City Council is wholly committed to the principle of Equal Employment Opportunities (EEO) and to the elimination of all forms of discrimination and harassment in the workplace.
- 2. The Hobart City Council will demonstrate this commitment in its approach to all employment matters and in its dealings with employees, contractors, clients and members of the public.
- 3. The Hobart City Council will take all reasonable steps to ensure that no employee or agent of the Council engages in discrimination or prohibited conduct.

#### These steps will include:

- (i) Ensuring a visible commitment is made from management towards EEO and appropriate workplace behaviour, evidenced by a written commitment in all appropriate documents such as the Human Resource Unit Plan, Council's Strategic Plan and Annual Report.
- (ii) Maintaining and distributing a written policy, taking into account different needs in terms of access towritten documents.
- (iii) Providing training to increase the awareness of all-

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staff in relation to appropriate workplace behaviour.

- (iv) Providing help for employees who, despite these steps, find themselves subject to discrimination or harassment. This help will be via a Contact Officernetwork and established and effective incident reporting, investigation and remedial procedures.
- (v) Monitoring of the incidences of workplace discrimination and harassment and the effectiveness of these and other measures in removing this behaviour.
- 4. Legislation, Terminology and References:

Section 63 (2) of the Local Government Act 1993 (Part 7: Administration, Division 1: General Manager and employees)

Contact Officer – An employee appointed as such under the Council's Equity & Discrimination policy and procedure

Human Resource Unit Plan

Strategic Plan Annual Report

Responsible Officer: Group Manager Human Resources		
History		
Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	22/2/1993	
Amendments:		
Annual Policy Review	8/7/2002	
Annual Policy Review (approved by ELT)	14/8/2014	

Details of Policy Amendments are located on the Council Business Centre

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Title: Investment of Council Funds

Subject: Finance - Cash Management Corporate Governance

Policy Number: 4.01.03

Adopted by Council: 24/10/2011

Next Review: November 2015

1. Objectives: To maximise the Council's return on its investments, subject to

the satisfaction of the criteria of safety and security, liquidity,

and ethical nature.

2. Background: The permitted methods of investment of Council funds are

defined within the Local Government Act 1993. The below policy outlines the Council processes within legislated

parameters.

### 3. Policy: 1. CRITERIA FOR INVESTMENT

- Safety and Security Security of the ratepayer's capital is the overriding consideration in all investment decisions.
- (ii) Liquidity Investments must be managed to ensure that sufficient funds are available to meet cash requirements as they fall due.
- (iii) Rate of Return Subject to the two preceding considerations, Council will aim to maximise its return.
- (iv) Ethical in Nature Subject to the preceding considerations, in making investment decisions, regard will be taken to an investment being environmentally and socially ethical. Subject to the investment guidelines, preference will be given to investment institutions that do not invest in the fossil fuel industry over those institutions that do invest in the fossil fuel industry.

#### 2. EXPECTED RATE

The performance benchmark is the 90 day Bank Bill Swap Rate (BBSW).

### 3. DELEGATED AUTHORITY

The Director Financial Services is delegated authority to invest according to Section 75 of the Local Government

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Act 1993, from the Council through the General Manager.

#### 4. INVESTMENT GUIDELINES

- (i) Section 75 of the Local Government Act 1993, will be complied with at all times.
- (ii) Investments may be made for any period up to a maximum of one year.
- (iii) Investments can only be made in products where the underlying assets are cash.
- (iv) There is no limit on the amount of funds that can be placed with Tascorp.
- (v) Exposure to Council's transactional banker is limited to \$12,000,000.
- (vi) Subject to item 4(v), exposure to Australia and New Zealand Banking Group, Commonwealth Bank of Australia, National Australia Bank and Westpac Banking Corporation is limited to \$7,000,000.
- (vii) Subject to item 4(vi) exposure to other banking institutions with a Standard and Poors credit rating A1/A- is limited to \$5,000,000.
- (viii) Subject to item 4(vii) exposure to other banking institutions with a Standard and Poors credit rating A2/BBB is limited to \$2,000,000.
- (ix) When determining the level of exposure to a financial institution, the exposure includes all funds held with the institution, including funds not classified as investments.
- (x) Where a banking institution is a subsidiary of another the level of exposure shall be the sum of the exposure to each institution and limited as above.
- (xi) For any fixed term investment, whether new or rollover, quotes must be obtained sought from a minimum of three institutions. Investment decisions must be documented.
- (xii) Any investment outside of the investment guidelines contained within this policy must be referred to the Finance Committee for prior approval.

#### 5. PROVISION OF INFORMATION TO ALDERMEN

(i) Details of all current investments are to be provided to any Alderman upon request.

### **4. Legislation**, Section 75 of the Local Government Act 1993

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Terminology and

**Delegations Register** 

References:

Responsible Officer:	<b>Director Financial Services</b>			
History  Council Policies are reviewed annually with amendments to a Policy listed below				
Date Policy first adopt	ted:	13/11/1995		
Amendments:				
Amendment		13/6/2000		
Amendment		28/7/2008		
Amendment		24/10/2011		
Annual Policy Review		8/9/2014		
Amendment		27/4/2015		

Title: Expenditure – Additional Funding

Subject: Finance – BudgetCorporate Governance

Policy Number: 4.02.10

Adopted by Council: 17/12/2007

Next Review: November 2015

1. Objectives: To adequately inform the Council of the budgetary impact of

any proposed additional expenditure.

2. Background: With all Council budgeted funds allocated annually within the

Annual Plan, the Council is required to be adequately informed of proposals involving additional or unbudgeted expenditure, and where possible be advised of where possible cuts to

existing budgeted expenditure can be identified.

3. Policy: That no additional allocation of funds are to made in any given-

financial year until the Council has considered a report from its

officers setting out, in detail, the funding source.

4. Legislation, Terminology

and-

References:

Responsible Officer: Director Financial Services		
History		
Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	26/9/1994	
Amendments:		
Annual Policy Review	<del>17/12/2007</del>	
Annual Policy Review (approved by ELT)	14/8/2014	

Title: Rate Remissions – Service Rates/Charges

Subject: Finance - Concessions other than Pensioners Rates and

Charges

Policy Number: 4.03.01

Adopted by Council: 14/10/2002

Next Review: November 2015

1. Objectives: To define the conditions upon which a remission of the

Council's stormwater and/or waste management service

charges will be applicable.

2. Background: Not all rateable properties within the Hobart Municipal Area are

able to be provided with stormwater and/or waste management services. The below policy outlines the conditions a remission

of service rate charges may be applied.

**3. Policy:** That:

1. Pursuant to Section 129 of the Local Government Act 1993, a property shall only receive a remission of the stormwater and/or waste management service charge in the event that:

- the property does not receive and is not capable of receiving a standard garbage collection service or a stormwater service from the Council whatsoever; and
- (ii) even if the property were capable of receiving such a service, any request to the Council for such a service would be denied.
- Nothing in this policy affects any remissions the Council may grant as part of setting the General Rate and Service Rates in any one year.
- 3. For the purpose of this policy, the term 'standard garbage collection service' means:
  - (i) in the case of a residential property, 120 litres of solid waste per week; or
  - (ii) in the case of a non-residential property, 240 litres of solid waste per week.
- 4. Legislation, Terminology and

Section 129 of the Local Government Act 1993

#### References:

Responsible Officer: Director Financial Serv	rices
History	
Council Policies are reviewed annually with amer	ndments to a Policy listed below
Date Policy first adopted:	14/10/2002
Amendments:	
Annual Policy Review (approved by ELT)	14/8/2014

Title: Parking – Voluntary Organisations

Subject: Finance - Concessions Other Than Pensioners Parking Control

Policy Number: 4.03.02

Adopted by Council: 25/3/1985

Next Review: November 2015

Responsible Officer: Director Parks and Customer Financial Services

1. Objectives: To define the authority of the Group Manager Parking

Operations in considering parking concessions to Voluntary Organisations and the appeals mechanism available to an

applicant.

**2. Background:** Voluntary organisations rely on donations and public support.

Free parking is provided to assist in transporting frail patients

and/or collecting donations.

**3. Policy:** That:

 Applications for parking meter or off-street parking concessions, other than those covered by Council Policy 7.04.02, from Voluntary Organisations be considered by the Group Manager Parking Operations and that that employee be granted the authority to approve such applications where they are of the opinion that special circumstances exist.

2. Any request for a review by the applicant of the decision of the Group Manager Parking Operations be referred to the Finance and Corporate Services Committee for

individual consideration.

4. Legislation, Highways By-law, No. 3 of 2008

Terminology and

Car Parks and Parking By-law, No 2 of 2008

References: Delegations Register

Responsible Officer: Director Parks and Customer Fi	nancial Services
History	
Council Policies are reviewed annually with amendments to a Po	licy listed below
Date Policy first adopted:	25/3/1985
Amendments:	
Annual Policy Review	8/9/2014

Title: Rate Exemption – Charitable Purposes

Subject: Finance - Concessions other than Pensioners Rates and

Charges

Policy Number: 4.03.03

Adopted by Council: 27/4/2015

Next Review: 27 April 2016

#### 1. Objectives:

The purpose of this policy is to outline the Council's approach to assessing whether land falls within the Charitable

Exemption.

The objective of this policy is to increase community awareness about the circumstances that give rise to an entitlement to the Charitable Exemption. While the entitlement to the Charitable Exemption will always depend on the specific factual circumstances in each case, the Council seeks to explain the exemption and the way that the Council will assess whether or not it will apply.

The entitlement to the Charitable Exemption is ultimately a matter of law and is not subject to the discretion of the Council. Nevertheless, the Council has the practical task of assessing whether or not the exemption will apply. This policy sets out how it intends to do so.

## 2. Background:

This Policy is subject to Council's Rates and Charges Policy dated August 2012.

All land in the Hobart municipality is rateable other than land which is exempt from certain rates (such as a general rate) pursuant to Section 87 of the Local Government Act 1993, including Section 87(1)(d) which states:

land or part of land owned and occupied exclusively for charitable purposes.

For convenience, this exemption will be referred to in this policy as the "Charitable Exemption".

#### SCOPE

This policy is limited to the exemption from rates pursuant to Section 87(1)(d) of the Local Government Act 1993. The exemption will apply to the General Rate imposed by the Council.

The exemption does not apply to the obligation to pay service rates and charges which continues subject to the Council's existing policy on remission of service rates and charges and the Fire Services Act 1979 which permits the exemption of the fire levy in certain circumstances.

### **3. Policy:** That:

- The only way to assess whether or not the exemption will apply in a particular situation is to examine the relevant facts. This policy may be used as a guide but it is not possible to set out blanket rules about the application of the exemption.
- 2. The Charitable Exemption will apply where both requirements are met, that is:
  - (i) the land is owned exclusively for charitable purposes; and
  - (ii) the land is occupied exclusively for charitable purposes.
- Unless both requirements are met, the exemption will not apply. However, it is not essential that the same entity is the owner and the occupier, providing that both the owner and the occupier satisfy the requirement of owning/occupying the property for exclusively charitable purposes.
- 4. The application of the Charitable Exemption hinges on the interpretation of a number of terms which have a technical, legal meaning. They are as follows:
  - (i) "charitable purposes";
  - (ii) "occupied"; and
  - (iii) "exclusively".
- 5. The full meaning of each of those terms is as set out below.

# **Charitable Purposes**

- 6. The technical meaning of the word "charitable" is not the same as the popular meaning of the word.
- 7. The following activities are charitable purposes:
  - (i) the relief of the aged;
  - (ii) the relief of those who are physically weak, disabled or helpless;
  - (iii) the relief of poor people;

- (iv) the advancement of education;
- (v) the advancement of religion; and
- (vi) other purposes beneficial to the community, not falling under any of the preceding heads.
- 8. The activities carried out must be for the benefit of the public, except where they relate to the paragraphs 7(i) to 7(iii), not for the benefit of an individual or particular individuals.
- 9. It is not necessary that an entity is a registered charity in order to be carrying out a charitable purpose; and the registration of an entity as a charity is not conclusive evidence that it is carrying out a charitable purpose.
- 10. Some examples include:
  - (i) provision of childcare services on a not-for-profit basis; and
  - (ii) a school, unless the school:
    - (a) is operated for personal benefit; or
    - requires the adherence to a particular religion, membership of a particular association, organisation or society.

#### **Ownership**

- 11. Evidence that a property is owned or beneficially owned by a charity does not in itself satisfy the qualifying requirement as to ownership necessary to establish the exemption.
- 12. In considering an application for exemption the "purpose" for owning the land must be determined. "Purpose" refers to the end or objective to be achieved by the ownership of the relevant land.
- 13. To satisfy the requirement of "ownership" in Section 87(1)(d) it must be established that the land is owned exclusively for a charitable purpose.

#### **Occupied**

- In most cases, it will be clear who occupies a property; it will be the entity that has physical control of the property.
- 15. The occupation of a property may be less obvious for circumstances such as nursing homes, low-cost housing or a residence associated with another charitable organisation (such as a convent). Those properties may in fact be "occupied" by the charitable organisation, rather than the individual who resides there. The factors that will

be relevant to determining this issue are:

- the location of the residence in relation to the balance of the property;
- (ii) who resides there and what role they carry out within the charitable organisation;
- (iii) whether any of the activities of the charitable organisation are carried out at the residence; and
- (iv) whether the lease or licence give the occupants the right to exclude the charitable organisation from the residence.
- 16. The following are examples which may satisfy the "occupied" requirement:
  - (i) a presbytery (residence for parish priest);
  - (ii) a convent (resident for nuns);
  - (iii) a residence on school grounds used by the vice principal of the school, where the residence was used to a substantial extent for school purposes; and
- 17. The following will not satisfy the Charitable Exemption:
  - (i) low-cost (below market rental) housing, where the tenant has the right to possession of the property and the ability to restrict access to the owner – the housing will be occupied for residential purposes, not charitable purposes, and the purpose of the occupancy is not for the benefit of the public.

## **Exclusively**

- 18. There may be activities of a non-charitable nature carried out at the property. However, in order to fall within the Charitable Exemption, the non-charitable purposes must only be incidental, and not a dual purpose for owning or occupying the land.
- 19. For example:
  - (i) if a charitable organisation carries out a commercial enterprise on a property then it will not be occupied exclusively for a charitable purpose, even if the profits from those activities are used to fund the other activities of the charitable organisation; and
  - (ii) if a school has a farm which it uses to educate its pupils about farming operations, and the produce from the farm was able to be sold for a surplus, the sale of produce would only be incidental to the charitable purpose of education and the property would therefore be exclusively occupied for

charitable purposes.

#### **Application to Council**

20. In order to obtain the Charitable Exemption, an application may be made to Council. Where an application is made to obtain the Charitable Exemption, the following information must be provided in relation to each piece of land, supported by a statutory declaration and copies of any relevant documents:

#### Ownership

- (i) who is the registered owner of the property;
- (ii) whether the beneficial owner of the property is different from the registered owner, and if so, provide details of the beneficial owner, supported by copies of any documents such as a share register or trust deed;
- (iii) if the owner is not an individual:
  - (a) what type of entity is the owner of the land, such as an incorporated association or a company, supported by a copy of a company or business name extract or other similar document; and
  - (b) who is the beneficial owner of any shares in the entity which owns the land, supported by copies of any documents such as a company extract or share register;
- (iv) what are the current objectives and activities of the owner of the land generally, supported by any relevant documents such as a constitution, rules or by-laws, and any documentation certifying a deductible gift recipient status;
- (v) what is the current purpose or purposes of ownership of the property;
- (vi) is that purpose or are those purposes exclusively charitable and if so, provide details;

#### **Occupation**

- (vii) if the occupier of the property is different to the owner of the property, then provide the same details about the occupier as set out in paragraphs 20(i) to 20(iv) above;
  - (i) what is the current purpose or purposes of occupation of the property, addressing the matters listed in paragraph 23 and supported by documents

- such as a lease or licence agreement; and
- (ix) is that purpose or are those purposes exclusively charitable and if so, provide details.
- 21. As part of the assessment by the Council, it may be necessary for a Council officer to carry out an inspection of the property and/or to request further information to support the application.
- 22. Once the Council has acknowledged that the Charitable Exemption applies, the exemption will continue to apply unless there is a change in the ownership or occupation of the property.
- 23. If there is a change to the ownership of the property, the exemption will automatically cease to have effect from the date of the transfer of the property, unless an application is made by the new owner pursuant to this policy and the exemption accepted by the Council.
- 24. If there is a change of occupier of the property, the owner must notify the Council immediately. If the exemption is sought in relation to the new occupier, an application must be made pursuant to this policy.

## **Objection to Rates Notice**

- 25. This policy acknowledges that a person may object to a Rates Notice on the ground that the land specified in the Rates Notice is exempt from the payment of those rates on the basis that the Charitable Exemption applies.
- 26. The General Manager shall expect that any objection made pursuant to Section 123(2) of the Local Government Act 1993, shall be accompanied by sufficient information to meet the requirements of clause 20 of this policy.
- 27. Eligibility for a rebate will be reviewed annually.

#### Remission of rates

28. If the Charitable Exemption does not apply, the land will be rateable and rates will be charged in accordance with Council's Rates and Charges Policy and the Local Government Act 1993. It is possible to apply to the Council for a remission of rates as set out in that Policy, or apply for a grant to be provided by the Council to effectively offset the rates. The information sought in paragraph 20 of this policy, in so far as it is relevant, should be provided in support of the application for a remission.

#### MORE INFORMATION

29. For more information on Council rates and charges please contact the Council's Rates Unit on:

Tel: 6238 2787 Tel: 6238 2183 Tel: 6238 2833

Email: <a href="mailto:rates@hobartcity.com.au">rates@hobartcity.com.au</a>
or visit the Council's website at:

http://www.hobartcity.com.au/Council/Rates

4. Legislation, Terminology and References: Section 87(1)(d) of the Local Government Act 1993 Section 123(2) of the Local Government Act 1993

Fire Services Act 1979

Responsible Officer: Director Financial	Services
Histo	ory
Council Policies are reviewed annually w	ith amendments to a Policy listed below
Date Policy first adopted:	27/4/2015
Amendments:	
Amendments.	

Title: Parking in Car Parks

Subject: Finance – Pensioner Concessions Parking Control

Policy Number: 4.04.03

Adopted by Council: 25/3/1985

Next Review: November 2015

1. Objectives: To define the provision of complimentary parking vouchers to

eligible pensioners.

2. Background: To make parking in Council car parks affordable for pensioners

and to encourage shopping in the City.

**3. Policy:** That:

1. That pensioners who:

- (i) own a motor vehicle;
- (ii) are entitled to a pensioner concession card; or
- (iii) are totally and permanently incapacitated ex-servicemen or women or war widows, who qualify for pensioner rate remissions;

May be granted one free parking voucher for up to four hours free parking on any one day per week (Mon-Fri) in either Argyle Street, Hobart Central or Centrepoint Car Parks, or in Argyle Street Car Park on any one day of a weekend or public holiday

2. The operation of this concession be controlled by the General Group Manager Parking Operations by means of a voucher system; the issue of vouchers being subject to a pensioner's eligibility being authenticated by the production of his/her Pensioner Concession Card and his/her motor vehicle registration papers.

3. Parking vouchers issued to pensioners in accordance with this policy:

- (i) shall be numbered to indicate the week of the year in which they nominally are due to be used; and
- (ii) may be allowed to accumulate prior to use but no more than four (4) vouchers may be used in advance of the week in which they are nominally usable.

- (iii) The General Group Manager Parking Operations may under certain circumstances approve the use of more than four (4) weeks in advance where it is believed to alleviate situations of hardship on the user.
- 4. Legislation, Terminology and References:

Responsible Officer: Director Parks	and Customer Financial Services
Н	listory
Council Policies are reviewed annua	ally with amendments to a Policy listed below
Date Policy first adopted:	25/3/1985
Amendments:	
Amendment	25/11/2013
Annual Policy Review	8/9/2014

Title: Rate Postponements

Subject: Finance – Pensioner Concessions Rates and Charges

Policy Number: 4.04.06

Adopted by Council: 15/6/1999

Next Review: November 2015

**1. Objectives:** To define the application of postponement of Council Rates.

2. Background: Pursuant to Section 125 and 126 of the Local Government Act 1993, the Council is permitted to grant a postponement of the payment of rates for a specified period if satisfied that such

payment would cause hardship.

**3. Policy:** That:

- 1. Ratepayers who qualify for a remission of rates pursuant to the Local Government Act 1993, may be granted on application a postponement of rates payable by them in respect of the property so owned or occupied, subject to the following conditions:
  - (i) The amount to be postponed in any year to be the amount requested by the applicant but not exceeding 50% of the amount payable in that year.
  - (ii) The period of postponement to be for the lifetime of the applicant or, should the property be sold during the applicant's lifetime, until the sale takes place, whereupon the amount will be due and payable.
  - (iii) An interest rate of 5% shall be payable on the amount subject to postponement, and be payable on the same terms as the amount deferred, namely death or sale of the property, and interest be charged on the principle only. (Effective from 1 July 2000).
- 2. The General Manager is authorised to approve applications for rate postponement on Council's behalf.
- 3. Ratepayers who qualify for a remission of rates pursuant to the Local Government Act 1993, on the basis that:
  - (i) They are entitled to possession of the land under a settlement, shall not be granted a postponement unless the application has been submitted by trustees of the land to which the application relates.

- (ii) They are entitled to possession of the land as shareholders of the company that owns the land, shall not be granted a postponement except upon the production of adequate evidence that the company consents to or has no interest in the application.
- (iii) They have contracted to purchase the land for a freehold estate in possession, shall not be granted a postponement except upon production of adequate evidence that the vendor consents to or has no interest in the application.
- (iv) They hold the land under a lease term which is for a period of not less than 99 years, shall not be granted a postponement except upon the production of adequate evidence that the lessor consents to or has no interest in the application.
- (v) They hold that land under a temporary licence granted to them under Section 42 of the Crown Lands Act 1976, shall not be granted a postponement except upon the written consent of the Director of Environment and Land Management to the application being granted.

4. Legislation, Terminology and References: Sections 125 and 126 of the Local Government Act 1993

Section 42 of the Crown Lands Act 1976

Delegations Register

Responsible Officer: Director Financial Services		
History		
Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	27/6/1994	
Amendments:		
Amendment	15/6/1999	
Annual Policy Review (approved by ELT)	14/8/2014	

Title: Code for Tenders and Contracts

Subject: Finance - ProcurementCorporate Governance

Policy Number: 4.07.07

Adopted by Council: 24/08/2015

Next Review: November 2017

1. Objectives: To define the application of the Council's Code for Tenders and

Contracts.

2. Background: A Code for Tendering and Contracts is a legislative

requirement.

**3. Policy:** That:

 The Hobart City Council adopt its own Code for Tenders and Contracts as its standard and approved code of practice in relation to all matters associated with procurement.

 Council may elect to use an alternate Code, provided that the Code which applies is specified in the tender documentation.

4. Legislation, Terminology and

References:

Sections 333A and 333B of the Local Government Act 1993

Part 3 of the Local Government (General) Regulations 2015

Responsible Officer: Director Financial Services	
History	
Council Policies are reviewed annually with amendments to a Po	licy listed below
Date Policy first adopted:	15/12/1997
Amendments:	
Annual Policy Review	8/7/2002
Annual Policy Review	12/9/2011
Annual Policy Review (approved by ELT)	14/8/2014
Council Approved Amendment	24/8/2015

Title: Rate Remissions

Subject: Finance – Pensioner Concessions Rates and Charges

Policy Number: 4.04.07

Adopted by Council: 17/12/2007

Next Review: November 2015

1. **Objectives:** To define the application of the remission of rates to eligible

pensioners, pursuant to the Local Government (Rates and

Charges Remissions) Act 1991.

**2. Background:** Pursuant to the Local Government (Rates and Charges

Remissions) Act 1991, the State Government provides eligible pensioners a remission from Local Government rates. Eligible pensioners subsequently apply for a remission directly with the Council after which the Council subsequently invoices the State Government for the remission amount granted, as

prescribed in the Act.

**3. Policy:** That pensioners eligible for assistance under the Local

Government (Rates and Charges Remissions) Act 1991, be

granted as a rate remission:

1. 40% of the rates payable (excluding that part of the rates applicable to the fire service rate which shall be limited to 30%) up to a maximum level (see point 2). This remission of 30% as advised by State Treasury. This remission includes the annual State Government remission of 30%, including the fire service rate, pursuant to the Local Government (Rates and Charges Remissions) Act 1991.

2. The maximum level shall be the annually advised State Government maximum remission, plus \$10.

4. Legislation, Terminology and

References:

Local Government (Rates and Charges Remissions) Act 1991

Responsible Officer: Director Financial Services	
History  Council Policies are reviewed annually with amendments to	a Policy listed below
Country officies are reviewed armdany with amendments to	a rolley listed below
Date Policy first adopted:	26/7/1993
Amendments:	
Amendment	9/9/2002
Annual Policy Review	15/2/2005
Annual Policy Review	17/12/2007
Annual Policy Review (approved by ELT)	14/8/2014

Title: Collection and Reporting of Outstanding Sundry Debts

Subject: Finance - Debt ManagementCorporate Governance

Policy Number: 4.05.07

Adopted by Council: 25/3/2013

Next Review: November 2015

# **1. Objectives:** The objectives of the Policy are to:

- Minimise the level of outstanding sundry debts;
- Ensure that uncollectable sundry debts are written off in a timely manner; and
- Ensure timely reporting on outstanding sundry debts.

# **2. Background:** The below policy was developed to ensure legislative

compliance and procedural instruction in the collection and

reporting of outstanding sundry debts.

# 3. Policy: 1. Payment Terms

Council's standard payment terms for sundry debts is 30 days from date of invoice, except for the following:

Property rental (7 days from date of invoice).

#### 2. Collection

The Director Financial Services will initiate action for recovery of debt.

Depending on the value of the debt, if payment is not received by the due date of the invoice the debtor may be issued with an account statement and/or-followed by a final notice.

Debts may be referred to a collection agency at the discretion of the Director Financial Services.

The Director Financial Services has the authority to vary the collection process in instances where appropriate.

#### 3. Interest

Interest will not be charged on outstanding sundry debt, except where the General Manager is delegated the authority to charge interest, at his discretion, in line with the following general criteria:

- (i) The quantum of the overdue sundry debt exceeds \$5,000; and
- (ii) The debt exceeds 90 days in age.

Where interest is charged, monthly interest will be charged on overdue amounts at the same rate as the rate that is determined by the Council, from time to time, for the purposes of Section 128(2) of the Local Government Act 1993.

#### 4. Reporting

A report highlighting outstanding sundry debts is to be submitted to the Finance and Corporate Services Committee for consideration on a regular basis.

Debts that have been determined as being uncollectable are to be periodically recommended for write off, in line with delegations.

Details of debts written off by the General Manager are to be submitted to the Finance and Corporate Services

Committee for noting.

#### 5. Delegations

Delegations to write off debts are as follows (all amounts are exclusive of GST):

- The General Manager may write off or vary debts, including interest charges, up to a value of \$5,000 subject to the Finance and Corporate Services Committee being later notified.
- Amounts in excess of \$5,000, and up to \$10,000, are to be written off by the Finance and Corporate Services Committee.
- Amounts in excess of \$10,000 are to be written off by the Council.

Delegations to charge interest on overdue sundry debts are as follows:

- The General Manager, at their discretion, and in line with the following general criteria:
  - (i) The quantum of the overdue sundry debt exceeds \$5,000; and
  - (ii) The debt exceeds 90 days in age.

# 4. Legislation, Terminology

Sections 76 and 128(2) of the Local Government Act 1993 Delegations Register

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# and References:

Responsible Officer: Director Financial Services	S
History	
Council Policies are reviewed annually with amendmen	ts to a Policy listed below
Date Policy first adopted:	13/5/1996
Amendments:	
Amendment	14/7/1997
Annual Policy Review	10/12/2012
Amendment	25/3/2013
Amendment	23/6/2014
Annual Policy Review (approved by ELT)	14/8/2014

Title: Collection of Rates Arrears

Subject: Financial Rates and Charges

Policy Number: 4.05.08

Adopted by Council: 24/08/2015

Next Review: August 2016

1. Objectives: To define Council's position in relation to the collection of rates

arrears including the steps that will be taken prior to selling

land to recover rates debts.-

2. Background: Within the parameters of the Local Government Act 1993, the

below policy outlines the process in relation to the collection of

rates that are in arrears.

3. Policy: That in addition to the mechanisms available under the Local Government Act 1993, for the collection of outstanding rates, the following remedies shall be pursued by the Council in order

to ensure that rates are collected in full:

 Where rates remain unpaid, a summons for arrears will be issued

2. If a ratepayer has made satisfactory arrangements with the Council to clear rates arrears and has adhered to those arrangements, summonsing in accordance with Clause 1 above shall not be required.

- 3. Due to the cost of summonsing, outstanding amounts of less than \$300 shall not be collected through the process outlined in Clause 1 above.
- 4. Notwithstanding Clause 1 above, the Council's ability to serve a notice on tenants of properties, in accordance with Section 135 of the Local Government Act 1993, for rent to be paid to the Council in lieu of rates, be considered as an alternative to Clause 1 above.
- In response to approaches by ratepayers who have difficulty in meeting scheduled payments, suitable arrangement for payments may be considered and entered into.
- 6. Any arrangements arising from Clause 5 above be recorded in the appropriate Council file and monitored, in an effort to achieve the full payment of rates.
- For ratepayers who do not contact the Council, a letter is to be sent advising the ratepayer that any arrears will be summonsed, 14 days from the date of the letter, unless

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- arrears are paid or a satisfactory arrangement entered into, thereby incurring extra costs to them.
- 8. Should the arrears noted in Clause 7 above not be paid and where a satisfactory arrangement for payment has not been entered into, phone contact be made where possible with the ratepayer, reinforcing the message in Clause 7 and the imminent issue of a summons, unless appropriate action is taken.
- For the collection of outstanding rates from particularly challenging ratepayers, every effort be made to implement this policy, however officers be cognisant of the benefits in making personal contact and executing formal arrangements for payments which are satisfactory to the Council.
- 10. Council recognises that the sale of land would have a severe impact on property owners and accordingly this action will only be undertaken when all other methods of rates arrears collection outlined in this policy have been exhausted and recovery action is deemed unlikely.
- 11. For situations where all avenues for the collection of outstanding rates prove to be ineffective and the arrears of rates have become three or more years old, then the Council will consider selling the property to recover those arrears in accordance with Section 137 of the Local Government Act 1993.
- 12. Notwithstanding Clause 11 above, the sale of a property shall not generally occur where the owner is a pensioner and the property in question is their principal place of residence.
- 13. By 31 July each year, where the arrears of rates have been outstanding for 3 years or more, the ratepayer will be advised in writing the following:
  - (a) Council's ability to recover rates via sale of land and requesting contact and payment arrangement;
  - (b) The process outlined in Section 137 of the Local Government Act 1993 for the sale of land for unpaid rates;
  - (c) That any person who has a registered interest in the land, including any registered mortgagee will be notified if arrangements are not made to clear the debt.
- 14. If the ratepayer does not contact or make appropriate arrangements to clear the outstanding debt within 30 days of the letter being sent, Council may commence proceedings to sell the property subject to and by virtue of its powers under Section 137 of the Local Government Act 1993, following the tabling of a report to Council for a

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resolution to initiate sale proceedings.

- 15. If Council resolves to proceed with the sale of land, a Notice in writing will be served on the ratepayer to:
  - (a) notify the owner of the land of Council's intention to sell the land,
  - (b) provide the owner with details of the outstanding amounts and the period for which the rates have been in arrears; and
  - (c) advise the owner of the Council's intention to sell the land if payment of the outstanding amount is not received within 90 days.
- 16. Council will end the Sale of Land process if the amount of the overdue rates and all expenses that Council incurs in attempting to sell the land are paid in full. Otherwise, Council will enforce the sale of land for unpaid rates.
- 17. Records of important conversations between officers and ratepayers relating to the administration of this policy be maintained on the appropriate Council file.
- A list of properties with arrears of rates is to be provided to the Council at the desired frequency of the Finance and Corporate Services Committee.
- 19. The list in Clause 18 above shall be maintained to include all properties where the arrears:
  - As at June 30 are at least \$2,000;
  - · Represent more than one instalment; and
  - Have not arisen through a supplementary rate imposition (e.g. through a new building or development) late in the financial year,

until full clearance of outstanding rates.

4. Legislation, Terminology and References: Sections 135 and 137 of the Local Government Act 1993

Responsible Officer: Director Financial Services		
<b>History</b> Council Policies are reviewed annually with amendments to a Po	licy listed below	
Date Policy first adopted:	9/11/1998	
Amendments:		

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Annual Policy Review	14/3/2006
Amendment	30/4/2012
Annual Policy Review	10/12/2012
Annual Policy Review (approved by ELT)	14/8/2014
Council Approved Amendment	24/8/2015

Title: Procurement Policy

Subject: Finance - Procurement Corporate Governance

Policy Number: 4.07.01

Adopted by Council: 24/08/2015

**Next Review:** November 20175

#### 1. **Objectives:**

Hobart City Council is committed to implementing best practice procurement procedures to achieve maximum sustainable benefit for its community. This policy is the foundation from which detailed procedures will be developed and education provided to ensure the continuous improvement of Council's procurement procedures and honouring of its commitment.

This policy applies to all forms of procurement by the Hobart City Council including acquisition, provision and disposal of materials, services and facilities. The principles in this policy and its implementing procedures must be followed by all

employees.

#### 2. **Background:**

This Policy was developed to ensure that the Council's procurement framework is of sound policy basis for the guidance and control of procurement processes.

#### 3. Policy: Governance and Structure

The Hobart City Council will ensure that its procurement activities meet the legislative and legal framework within which it operates.

Council will establish a procurement management and delegations structure that ensures accountability, transparency and auditability of all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council.

Procedures for implementation of this Policy and related policies are contained in Council's Integrated Management System.

## **Principles**

Council will ensure value for money with a balanced whole-oflife evaluation that includes consideration of financial, social, ethical, risk mitigation, local economic and environmental factors. To deliver on this commitment to procurement in a way that meets operational requirements and achieves the highest

commercial and sustainability outcomes, it is Council's policy to:

- (i) comply with applicable legislation and laws;
- (ii) undertake efficient, effective and sustainable procurement;
- (iii) establish procedures that ensure fair, transparent and effective competition;
- (iv) establish procedures aimed at fostering relationships with our suppliers in a manner that is reasonable, ethical, efficient and open;
- (v) exercise responsible financial management and accountability for actions;
- (vi) establish and maintain a diverse supply chain, with particular focus on supporting the delivery, or potential to deliver, social, economic and/or environmental benefit to the Hobart region;
- (vii) support Australian owned suppliers and/or suppliers who manufacture in Australia, where doing so is appropriate and permissible by law, focusing on those in the Hobart region;
- (viii) consider suppliers and industry groups that develop and/or apply innovative responses in relation to sustainability issues;
- (ix) actively manage our contracts;
- engage our suppliers on strategies for achieving our procurement objectives and assist in building market capacity, and
- (xi) identify and manage the risks associated with procurement.

#### **Tender Threshold**

For the purposes of calculating the requirement to undertake a public tender as defined by the Local Government Act 1993 and the Local Government (General) Regulations 2015, it is Council policy to conduct a public tender where:

- (i) For any procurement that is in the nature of a lump sum contract the value exceeds, or it is reasonably foreseeable that the value will exceed, the prescribed amount; and
- (ii) For any procurement that is in the nature of a periodic supply contract (whether sole provider or panel of providers etc) where the whole of Council aggregate value will exceed, or is reasonably likely to exceed the

prescribed amount over a period of two (2) consecutive years, or over the intended length of the contract, whichever is the greater.

4. Legislation, Terminology and References: Local Government Act 1993

Local Government (General) Regulations 2015

Responsible Officer: Director Financial Serv	vices
History	
Council Policies are reviewed annually with ame	endments to a Policy listed below
Date Policy first adopted:	13/2/2013
Amendments:	
Annual Policy Review (approved by ELT)	14/8/2014
Council Approved Amendment	24/08/2015

Title: Security - Type Applicable

Finance - Bonds and Guarantees Subject:

**Policy Number:** 4.08.01

10/12/2012 Adopted by Council:

Next Review: November 2015

To define the type of security deposit suitable to the Council. 1. Objectives:

2. Background: This policy defines under what parameters a financial

> guarantee will be deemed acceptable to the Council and, where applicable, under what conditions the guarantee will be

held.

3. Policy: That where a bond is required to be lodged with the Council to-

secure the carrying out of work, function, condition or obligation, a guarantee of the payment of such sum to the Council on demand will be accepted from an authorised deposit-taking institution, or cash deposit lodged with the

Council, irrespective of the sum involved.

Interest will not be payable on cash deposits.

Legislation, **Terminology** and-

References:

Responsible Officer: Director Financial Services		
History  Council Policies are reviewed annually with amendments to	a Policy listed below	
Date Policy first adopted:	25/3/1985	
Amendments:		
Annual Policy Review	14/3/2006	
Annual Policy Review	9/6/2009	
Annual Policy Review	10/12/2012	
Annual Policy Review (approved by ELT)	14/8/2014	

Title: Christmas Pageant – Charges

Subject: Property and Parking — Parking Control — On and Off-

**Street**Community Services and Events

Policy Number: 7.04.01 return to TABLE OF CONTENTS

Adopted by Council: 10/12/2012

Next Review: November 2015

1. **Objectives:** The Policy defines the arrangements for on and off-street

parking on when the day of the Christmas Pageant is staged

each year.

2. Background: The Christmas Pageant is a free event conducted by the

Hobart City Council. Parking for people viewing the Pageant is also free for the day to encourage attendance and shopping in

the City following the event.

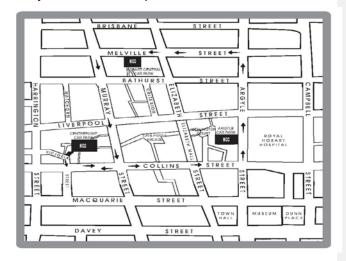
3. Policy: That on the day on which the Council stages the Christmas

Pageant each year, Council car parks and parking meters

within the CBD area will be free of charge.

Definition of CBD:

The CBD is boarded by Brisbane Street, Harrington Street, Davey Street and Campbell Street.



4. Legislation, Terminology and The CBD is that area bordered by Brisbane, Harrington, Davey and Campbell Streets.

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#### References:

Responsible Officer:	Director Parks and Cus	tomer Financial Services	
	History		
Council Policies are reviewed annually with amendments to a Policy listed below			
Date Policy first adopted:		25/3/1985	
Amendments:			
Amendment		13/12/1993	
Annual Policy Review		15/2/2005	
Annual Policy Review		10/12/2012	
Annual Policy Review (approved by ELT)		14/8/2014	

Title: Closure and Reserving of Parking Spaces

Subject: Property and Parking - Parking Control - On and Off-

**Street**Parking Control

Policy Number: 7.04.02

Adopted by Council: 25/3/1985

Next Review: November 2015

**1. Objectives:** To provide guidelines in respect to the management of requests for parking spaces to be closed and/or reserved.

**2. Background:** To allow the closure/reservation of parking spaces to allow

tradespersons and other nominated essential users to secure

parking close to the proximity of a nominated site.

**3. Policy:** That:

- 1. Parking spaces may be closed and/or reserved for the exclusive use of vehicles of an authorised person for such things as:
  - (i) Loading and unloading of material at a construction site.
  - (ii) Parking of service and trades vehicles adjacent to work site where it is evident that because of the requirements of tools, materials and equipment it is essential that the vehicle remain in close proximity to the site.
  - (iii) Removal vans delivering or removing furniture and equipment etc.
  - (iv) Construction, maintenance and survey work by the public authorities.
  - (v) Television outside broadcast vans.
  - (vi) Wedding Cars.
  - (vii) Funeral Cars.
  - (viii) Civic and State ceremonial occasions.
  - (ix) Any other purpose which in the opinion of the Group Manager Parking Operations is sufficient to justify such closure and/or reserving.
- 2. The Group Manager Parking Operations may authorise

the affixing or placing and removal of Notices pursuant to Section 99(1) of the Local Government (Highways) Act 1982, by Council employees where it appears to them to be reasonable to do so. In all other cases the responsibility for affixing or placing and removal of Notices shall rest with the person to whom the permit is issued.

- 3. Such Notices shall not be issued unless the applicant has first paid such fees as prescribed by the Council for the period of the closure together with a deposit as determined for each Notice issued. The Group Manager Parking Operations, at their discretion, may issue Notices at such reasonable time prior to the commencement of the permit as deemed advisable if they are reasonably satisfied that the Notice will not be affixed prior to the commencement of the permit. If it is subsequently established that the Notice was affixed prior to the commencement of the permit, the extra fee for such period shall be deducted from the deposit held.
- 4. The deposit collected shall be refunded in full to the authorised person provided that the Notices is returned to the Customer Services Centre no later than one hour after the expiry of the permit, except that where the permit is issued for a whole day or a whole afternoon the Notice must be returned by 9.30 am on the next working day following the expiry of the permit.
- 5. Where Notices are not returned within the time specified in Clause 4, the Group Manager Parking Operations shall deduct from the deposit the fees which would have applied had the permit not expired.
- 6. Parking spaces adjacent to building sites shall be closed and/or reserved only on the recommendation of the Director Development and Environmental Services City Planning.
- 7. Parking spaces shall be closed and/or reserved free of charge for:
  - (i) Funeral cars;
  - (ii) State and Civic ceremonial occasions; and
  - (iii) Any other purpose where the General Manager is of the opinion that the waiving of charges is proper.
- 8. Where a builder of a major construction requests the removal of parking meters adjacent to the site as an

alternative to closure and/or reserving, or the closure and/or reserving of a parking space controlled by a voucher machine or where the appropriate Divisional Director is of the opinion that the meters ought to be reserved for the duration of all or part of the construction, the approval for the removal of the meters or the closure and reserving or the parking space shall be conditional upon the builder agreeing to pay the Council, in advance, the appropriate sum per meter required to cover the cost of its removal and replacement plus such daily amount as determined by the Council for each meter or reserved parking space for the estimated duration of their removal.

- 9. If at the expiration of the estimated construction period, the building has not reached a stage where the meters can be replaced or reserved space reinstated, a further daily payment for each meter or reserved space shall be required from the builder in respect of the additional estimated construction period.
- 10. If in the opinion of the General Group Manager Parking Operations the meters can be replaced or reserved spaces reinstated earlier than at the expiration of the prepaid period, any excess payment is to be refunded to the builder.
- 11. In cases where a loading zone, bus stop, taxi rank etc. has to be relocated to a new position clear of a building or demolition site and where this entails removal of meters or occupies a space normally controlled by a voucher machine, the builder or contractor shall pay the same amounts as set out in Clause 8 above.
- 4. Legislation, Terminology and References:

Section 99(1) of the Local Government (Highways) Act 1982

Responsible Officer: Director Parks and Customer Services Financial Services and-Group Manager Parking Operations

History

Council Policies are reviewed annually with amendments to a Policy listed below

Date Policy first adopted: 25/3/1985

Amendments:

Annual Policy Review (approved by ELT) 14/8/2014

Title: Outstanding Debts – Collecting, Reporting and Writing Off

Subject: Property and Parking — Parking Control — On and Off-

**Street**Corporate Governance

Policy Number: 7.04.06

Adopted by Council: 9/2/2010

Next Review: November 2015

1. **Objectives:** To minimise the level of outstanding parking enforcement

debts and set a timeframe within which uncollectable debts

may be written off.

**2. Background:** The regular writing off of debts considered uncollectable is

appropriate. The writing off in June each year will enable Council's annual financial statements to be prepared disclosing

only those debts considered collectable.

**3. Policy:** That:

 The intent of this policy is to minimise the level of outstanding parking enforcement debts and set a timeframe within which uncollectable debts may be written off

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- 2. The collection of outstanding debts will commence from the date of the initial infringement and progress through the following stages:
  - (i) Failure to pay parking infringement fine 18 days.
  - (ii) Reminder notice or courtesy reminder notices 18 days 1 month.
  - (iii) Referral of outstanding debts to a Council approved Collection Agency 2 months.
  - (iv) Forwarded to Monetary Penalties Enforcement Service (MPES) within 6 months.
- A report be submitted to the Finance and Corporate-Services Committee as at the end of June each year recommending that all "No Further Action" debts that have aged in excess of two (2) years be written off and include:
  - (i) The quantum (number and value) of the unpaid "No

o:\council policy manual review 2015\financial services\director approved policies\7.04.06outstanding debts - collecting, reporting and writing off.docx

Further Action" infringements; and

- (ii) A brief summary of the actions undertaken to collect the infringements.
- 4. A report be submitted to the Finance and Corporate Services Committee as at the end of December each year detailing the total value of all fines outstanding at that time.
- 4. Legislation, Terminology and References:

Responsible Officer:	Director Parks and Customer Se	rvices Financial Services		
History  Council Policies are reviewed annually with amendments to a Policy listed below				
Date Policy first adopted:		27/6/2005		
Amendments:				
Annual Policy Review.		17/12/2007		
Annual Policy Review.		9/2/2010		
Annual Policy Review (approved by ELT)		14/8/2014		

Title: Interest on Overdue Amounts — Contracts and Agreements Formatted Table

Subject: Finance - Debt ManagementCorporate Governance

Policy Number: 7.06.10

Adopted by Council: 10/12/2012

Next Review: November 2015

1. Objectives: To ensure contracts and agreements allow for the charging of

interest on overdue amounts.

2. Background: Council introduced charging interest on overdue sundry debts

from 1 September 2012.

3. Policy: That all contracts and agreements include the following clause:

If payment is not made by the date specified on any tax invoice issued by the Council pursuant to this agreement then daily interest may be charged on the overdue amount at the same rate as the rate that is determined by the Council, from time to-

time, for the purpose of Section 128(2) of the Local-

Government Act 1993.

4. Legislation,

**Terminology** 

and-

References:

Section 128(2) of the Local Government Act 1993

Responsible Officer: Director Financial Services							
Hist	<del>ory</del>						
Council Policies are reviewed annually with amendments to a Policy listed below							
Date Policy first adopted: 13/2/1995							
Amendments:							
Annual Policy Review	10/12/2012						
Annual Policy Review	8/9/2014						

Details of Policy Amendments are located on the Council Business Centre

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Title: Disposal of Surplus Goods/Equipment

Subject: Finance - BudgetCorporate Governance

Policy Number: 4.02.09

Adopted by Council: 10/12/2012

Next Review: November 2015

**1. Objectives:** To provide guidance in the disposal of goods and equipment

that is surplus to Council requirements.

Items that are used as trade-ins in the replacement of plant

and equipment are not subject to this policy.

**2. Background:** The Council is required to cyclically dispose of a significant

quantum of equipment and goods that become surplus to requirements that retain the potential of significant residual

market value.

In order to ensure appropriate disposal, the following

mechanisms are defined below.

#### **3. Policy:** A. PLANT REVIEW COMMITTEE

- A committee consisting of a Chairman nominated by the General Manager, Director Financial Services and the Chief Information Officer be established for the purpose of:
  - (i) Reviewing and recommending to the General Manager the most appropriate means of disposing of items that are surplus to requirements.
- The Committee be known as the Plant Review Committee.

#### B. DISPOSAL OF SURPLUS GOODS/EQUIPMENT

- Divisional Directors shall be responsible for advising the Chairman of the Plant Review Committee details of equipment, furniture, materials or any other item which has become unserviceable, obsolete or surplus to requirements and which should be disposed of.
- 2. The Plant Review Committee shall have the responsibility to review the details received from Divisional Directors and to make recommendations to the General Manager on the administrative action that should be taken to dispose of such items as are

appropriate in the circumstances.

- (i) In circumstance as may be considered appropriate by the Plant Review Committee, the donation of surplus goods and equipment to recognised charitable organisations may be considered.
- 3. The General Manager is authorised to dispose of surplus items.
- 4. The General Manager is authorised to determine one-off type requests for the donation of an item, which has been deemed to be surplus to Council's requirements in accordance with the provisions of this policy, subject to the details of any such donation being reported upon to the Plant Review Committee.
- For the purposes of this policy, the Director Corporate Services is delegated the authority to act as the General Manager's nominee in order to consider and authorise the disposal of surplus and obsolete items, as outlined in this policy, following a recommendation from the Plant Review Committee (Approved General Manager 12 May 2006).
- 4. Legislation, Terminology and References:

**Delegations Register** 

Responsible Officer: Director Corporate Services							
History							
Council Policies are reviewed annually with amendments to a Poli	cy listed below						
Date Policy first adopted: 8/2/1999							
Amendments:							
Amendment – Additional Clause	10/4/2006						
Annual Policy Review	10/12/2012						
Annual Policy Review	September 2013						
Annual Policy Review	8/9/2014						

Title: Management Systems

Subject: Finance - ProcurementCorporate Governance

Policy Number: 4.07.06

Adopted by Council: 12/9/2011

Next Review: November 2015

1. Objectives: To define the guidelines for the use of the Council's Management System within tender/contract procedures

2. Background: Management Systems provide an auditable accountability of

organisational processes and procedures that provide levels of certainty to both the organisation and its stakeholders, plients

and customers.

3. Policy: That Council adopt the following guidelines for the use of

Management System requirements (Quality, Safety and

Environmental) in its tender/contract procedures:

1. Requirement for third party Management System certification is to be assessed on a contract by contract basis in the following categories:

- (i) Mandatory;
- (ii) Evaluated along with other tender selection criteria;
- (iii) Not relevant to the selection process.
- 2. The assessment of which category is to be used indetermining the selection of a contractor is to take intoaccount the following criteria which will be the subject of adeveloped matrix:
  - (i) The nature of the goods and/or services and whether a certified Management System is expected to addivatue in the delivery of the contract;
  - (ii) The nature of the industry;
  - (iii) The value of the contract;
  - (iv) The complexity of the works covered by the contract;
  - (v) The degree of financial risk;
  - (vi) The degree of physical risk, including potential likelihood of damage or harm to property and/or

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persons and the consequences; and

(v) The environmental aspects and impacts relevant tothe contract.

4. Legislation, Terminology and References:

Responsible Officer: Director Financial Servi	ces	
History  Council Policies are reviewed annually with amend	lments to a Policy listed below	
Date Policy first adopted:	24/11/1997	
Amendments:		
Annual Policy Review	15/12/2003	
Annual Policy Review	9/2/2010	
Annual Policy Review	12/9/2011	
Annual Policy Review (approved by ELT)	14/8/2014	

Details of Policy Amendments are located on the Council Business Centre

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Title: Sale of Plant, Vehicles and Equipment

Subject: Finance Procurement Corporate Governance

Policy Number: 4.07.03

Adopted by Council: 12/9/2011

Next Review: November 2015

1. **Objectives:** To define the process in the disposal of plant, Vehicles and

Equipment as controlled under the Council's Fleet

Management procedures.

2. Background: The Council is required to cyclically dispose of a significant

quantum of plant, Vehicles and Equipment that become surplus to requirements that retain the potential of significant

residual market value.

In order to ensure appropriate disposal, the following

mechanisms are defined below.

**3. Policy:** That:

Council's preferred method of disposal is be by public auction.

- In some specific instances, a trade-in value may be considered.
- 3. Alternatively, when tenders/quotations are called for the replacement of items of plant, Vehicles and Equipment, tenderers/suppliers may be invited to submit prices:
  - (i) for the supply of the item of plant without any tradein.
  - (ii) for the supply of the item of plant less trade-in allowance on the item of plant that is being replaced.
- 4. Simultaneously with the calling of tenders for the supplement to supple the supplement to supple the supplement to supplement

4. Legislation, Terminology and References:

Responsible Officer: Director Infrastructure Services Parks and City Amenity

o:\council policy manual review 2015\parks and city amenity\director approved policies\4.07.03 sale of plant.docx

History								
Council Policies are reviewed annually with amendments to a Policy listed below								
Date Policy first adopted: 25/3/1985								
Amendments:								
Annual Policy Review 14/3/2006								
Annual Policy Review 12/9/2011								
Annual Policy Review (approved by ELT)	14/8/2014							

Title: Memorial Plaques and Tree Plantings in Parks, Bushland and

Reserves

Subject: Recreation, Parks, Bushland and Reserves Property and

Parking - Parks and Recreation Areas

7.05.02 Policy Number:

Adopted by Council: 10/12/2012

Next Review: November 2015

1. **Objectives:** To provide clear guidance to Council officers when receiving

requests in respect to the installation of memorial plaques or the planting of trees as memorials in Council owned parks,

bushland and reserves.

2. **Background:** This policy was developed at the request of the Council to

provide consistency and clear guidance to Council officers.

That: 1. T-the Council allow the installation of plaques in Hanging: 2.06 cm, Tab stops: 1.32 3. Policy: suitable areas, and that due consideration is give cm, Left

the following basis:

4.(a) All costs being met by the applicant.

Formatted: Indent: Left: 2.06 cm, Tab stops: Not at 5 cm

- (b)2. Plaques, if requested, should be only be installed in parks to commemorate historically important national or state events, or people who have made a significant contribution to the social, political and cultural life of Hobart subject to the approval of and are to be approved by the Parks and Customer Services Recreation Committee.
- (c)3. The location selected will be to the satisfaction of the Director Parks and Customer Services City Amenity and will have with due regard to any management or master plans, the values of the park, bushland or reserve and needs of park-users.
- (d)4. The Council towill maintain the memorial plaque in accordance with its standard level of service for the type of infrastructure for a minimum of 10 years.
- (e) 5. The application for a commemorative plaqu Formatted: Indent: Left: 2.06 cm supported by a minimum of three third parties, one of which must be a local community group.

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- (f)6. Council reserves the right to remove the plaque. The applicant shall be consulted, where appropriate, in such circumstances.
- 2. Ratepayers be offered the service of the Council in planting trees as memorials in suitable areas, and that due recognition be given on the following basis:
  - 4.(a) All costs being met by the applicant.

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- (b)2. Related plaques, if requested, should be only be-installed in parks to commemorate historically important national or state events and people and are to be approved by ubject to the approval of the Parks and Customer Services Recreation Committee.

  (Refer to Council Policy No. 7.05.02)
- (c)3. All memorial tree plantings are to be recognised by acknowledgement in an Formatted: Formatte
- (dc)4. The location and tree species selection should be appropriate to the occasion, to be approved by the Director Parks and Customer Services City Amenity.
- (ed)5. Council towill maintain the tree to Formatted: Indent: Left: 2.06 cm best of its ability retaining the right to remove the tree and/or plaque, should its removal be required.
- 4. Legislation, Terminology and References:

Responsible Officer: Director Parks and Customer ServicesCity Amenity									
History									
Council Policies are reviewed annually with amendments to a Policy listed below									
Date Policy first adopted: 10/12/2012									
Amendments:									
Annual Policy Review 8/9/2014									

Details of Policy Amendments are located on the Council Business Centre

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Subject: Property and Parking - Parks and Recreation Areas

Policy Number: 7.05.03

Adopted by Council: 26/3/2008

Next Review: November 2015

1. Objectives: To improve and promote health and wellbeing of playground

users and to reduce cigarette butt litter in the vicinity of

playgrounds.

2. Background: The Policy was originally prepared following a decision by the

Council on 25 February 2008 to ban smoking within 10 metres

of Council playgrounds within its parks.

#### 3. Policy: That:

- 1. The Council City discourage prohibit smoking with in 10 metres of playground facilities by installing appropriate signage.
- 2. The Council City work actively with appropriate community organisations to create public awareness as to the health risks associated with smoking in proximity to children's playgrounds.
- 3. This policy only applies apply to areas located within Council City's parks and reserves and does not extend to private property or road reservations that may fall within the 10 metre zone.
- 4. Legislation,
  Terminology
  and
  References:

Responsible Officer: Director Parks and	Customer ServicesCity Amenity
Histo  Council Policies are reviewed annually with	
Date Policy first adopted:	<del>26/3/2008</del>
Amendments:	

Annual Policy Review (approved by ELT)	14/8/2014	
Annual Policy Review		

Title: Donation of Park Furniture and Equipment for Installation in

City Parks, Bushland and Reserves

Subject: Recreation, Parks, Bushland and Reserves Property and

Parking - Parks and Recreation Areas

Policy Number: 7.05.05

Adopted by Council: 10/12/2012

Next Review: November 2015

1. **Objectives:** To provide clear guidance to Council officers when faced

with considering requests from the community to receive accept

donated park furniture or equipment.

2. Background: Council periodically receives requests to receive accept

donated furniture and/or equipment for installation in parks, bushland and reserves. This policy provides criteria and

guidance in assessing such requests.

3. Policy: That the Council encourage the donation, or the monetary donations for the purchase, of park benches and other furniture (tables, barbeques, drinking fountains etc) in accordance with

the following conditions:

1. The item of furniture is of appropriate quality, standard and design commensurate with the location.

- 2. The location selected will-to be to the satisfaction of the Director Parks and Customer Services City Amenity and will have due regard to any management or master plans, the values of the park and the needs of park users.
- The donation will to cover the full costs of supply and installation of the furniture.
- 4. The Council reserves the right to remove any donated item that has been damaged with- the Council will to replace the damaged item as soon as practical.
- The Council will to maintain the item in accordance with its standard level of service for that type of furniture item for a minimum period of 10 years.
- A small plaque (maximum size 60 mm x 120 mm) may be fixed to the item recognising the donation. Plaques are to be supplied by the donator donor with wording subject to the approval of the Director Parks and Customer Services City Amenity.

o:\council policy manual review 2015\parks and city amenity\director approved policies\7.05.05donation of park furniture.docx

4. Legislation, Terminology and References:

Responsible Officer: Director Parks and Customer Services City Amenity								
History								
Council Policies are reviewed annually with amendments to a Policy listed below								
Date Policy first adopted: 10/12/2012								
Amendments:								
Annual Policy Review (approved by ELT)	14/8/2014							

Title: Naming of Public Facilities, Parks or Reserves

Subject: Recreation, Parks, Bushland and Reserves Property and

Parking - Parks and Recreation Areas

Policy Number: 7.05.06

Adopted by Council: 24/08/2015

Next Review: November 2015

1. **Objectives:** To facilitate community requests in naming Council City of

Hobart public facilities, parks or reserves.

**2. Background:** The policy was introduced to provide clear guidance in

determining requests from the public for the naming of public

facilities, parks or reserves.

**3. Policy:** That at the request of a recognised community organisation, or

the submission of a petition from 50 ratepayers, the Council give consideration to allocating to a particular park, reserve, building or structure, the name of an individual, a community organisation or attribute of cultural (including Aboriginal), heritage, geographical or environmental significance or a

significant event.

In assessing such a request, the Council will-give due consideration to the significance of the contribution made by the individual or organisation to the City, the significance of the

nominated value or/event and the views of relevant

stakeholders including the Nomenclature Board of Tasmania.

Other than in exceptional circumstances, approval for naming should only be given to individuals that have been deceased

for at least 5 years.

The Council may determine names at its discretion, in the absence of a community proposal, utilising the above criteria.

In exceptional circumstances, the naming of a facility, park or

reserve can be reviewed by the Council.

4. Legislation, Terminology and References:

Responsible Officer: Director Parks and City Amenity

History							
Council Policies are reviewed annually with amendm	ents to a Policy listed below						
Date Policy first adopted: 25/3/1985							
Amendments:							
Annual Policy Review (approved by ELT) 14/8/2014							
Council Approved Amendment	24/8/2015						

Title:	Commercial Activities in City of Hobart Parks and Reserves						
Subject:	Property and Parking – Parks and Recreation Areas Recreation, Parks, Bushland and Reserves						
Policy Number:	7.05.07 return to TABLE OF CONTENTS						
Adopted By Council:	15 December 2014						
Next Review:	November 2015						

#### 1. Objectives:

The purpose of this policy is to outline a framework and principles for making decisions about the use of the City of Hobart's parks and reserves for commercial activities.

This policy ensures that public interest remains paramount, while allowing for commercial activities in circumstances that provide community benefit and enhance the City's parks and reserves.

The objectives of this Policy are to:

- 1. Encourage commercial activities in the City's parks and reserves that enhance recreation and visitor experience.
- 2. Establish a system that identifies areas within the City's parks and reserves where:
  - opportunities exist for prescribed commercial activity types
  - specific commercial activities should not operate.
- 3. Apply an equitable process in the assessment, procurement, regulation and charging of commercial operators for the commercial use of parks and reserves.

#### 2. Background:

This Policy provides guidance on the allocation and approval of commercial activities in City of Hobart managed parks and reserves.

For the purposes of this policy, the City of Hobart's parks include parks, bushland reserves, foreshore areas and sporting facilities. The City of Hobart owns or is trustee to many parks and reserves that are used for a range of commercial activities.

This Policy was developed at the request of the Council to guide Council's decision making in response to requests to run commercial activities in parks and reserves.

Opportunities for commercial use of parks and reserves may

arise where the City of Hobart:

- identifies opportunities and seeks expression of interest
- is approached by businesses to operate specific commercial activities (which are to be assessed in accordance with this policy).

## **3. Policy:** That:

Commercial activities operating within City of Hobart Parks and Reserves require approval.

The City of Hobart will facilitate a system to assess, determine and regulate commercial activities that are deemed suitable.

During the development of master plans for parks and reserves the City of Hobart will identify the areas not suitable for commercial activities and also where opportunities may exist for prescribed commercial activity.

Proposals for commercial activities will be assessed against the criteria outlined below and will need to:

- be located within suitable areas (as indentified in master plans/area based plans).
- demonstrate how they contribute to the public's interest via park activation, enhancing visitor experience and compatibility with the area's use and values.

#### 1. Assessment Criteria

Applications for commercial activities operating within the City of Hobart's parks and reserves will be assessed against the following assessment criteria.

**Demonstrated need** – why the proposal needs to be undertaken on public land and particularly the proposed location.

**Compatibility** – how the proposal provides a product/service compatible with:

- the park's facilities and user needs (i.e. as identified in strategic documents like master plans etc).
- community / key stakeholder views (including potential conflict issues with other park users).

**Value** – If the proposal provides additional beneficial infrastructure for the area or income which may offset management costs.

Activation – how the proposal enhances visitor experience or

helps activate the park.

**Impacts** – consideration of impacts on park values (environmental, social, cultural, recreational) and:

- the amenity of the general locality
- established businesses in the vicinity
- the City's ability to sustainably maintain the facility / infrastructure (i.e. avoid overuse)

**Sustainability** – how the proposal incorporates and promotes ethical, environmental and sustainable practices.

#### 2. Consultation

Consideration of community / stakeholder views will form part of the assessment process. Consultation that has taken place as part of the development of master / area based plans may inform the assessment of the proposal. A recommendation will be made on a case by case basis on the extent of community consultation required.

#### 3. Forms of Approval

Landlord approval may be granted to the applicant - subject to an assessment of the proposal's suitability being undertaken in accordance with the above criteria and demonstration that the proposal aligns with the relevant master / area based plan.

The City of Hobart reserves the right to undertake an expression of interest process or similar where it is deemed prudent for probity, management or strategic reasons.

Following landlord approval, the applicant will be responsible for gaining all applicable statutory approvals (e.g. planning permit, place of assembly permit etc.).

Approval to undertake the commercial activity may be given by way of lease, licence or permit depending on the type of application (Table 1).

Table 1. Approval types and level of site security.

Type of per- mission	Usual application	Site sharing	Usual time frame	Applicant security over land	Delegation required
Lease	Semi- permanent/ daily/24 hour use.	Nil	>5 yrs <20 yrs	High security	Council
License	Daily use or seasonal use	Ability to share	Annu al	Medium security	Council
Permit	Daily use to occasional use	Ability to share	Annu al	Low to medium security	General Manager

**Note:** The relevant City of Hobart Director has the discretion to require that any proposal, regardless of size, be assessed in accordance with this policy or referred to Council for its consideration.

## 4. Withdrawal of Approval

Lease, licence, permit conditions will include a revocation clause. In certain circumstances the City of Hobart may hold the right to revoke a licence/permit approval subject to contract conditions.

#### 5. Fees and Charges

The City of Hobart's fees and charges schedule will be applied where proposals fit within the schedule and are deemed appropriate.

If a proposal does not align with the City of Hobart's fees and charges schedule, then a commercial valuation may be undertaken to determine the appropriate charges.

All direct costs arising from the proposal (including its set-up) will be the proponent's sole responsibility.

Any increased park maintenance/operational costs and/or costs associated with reinstatement or repairs resulting from the commercial activity will be charged on a cost recovery basis to the operator.

Appropriate bonds will be applied.

#### 6. Exclusions

This policy does not apply to:

- Wellington Park.
- the following users of the City of Hobart's parks and reserves:
  - non-commercial recreation use by community members;
  - not-for-profit organisations that provide a service to their members and do not receive a financial reward beyond their direct costs to conduct the activity; and
  - primary or secondary school activities conducted as part of the school curriculum.
- filming and photography (refer to fees and charges).

## 4. Legislation, Terminology and References:

#### Legislation

- Local Government Act 1993 (No. 95 of 1993).
- Local Government (Building and Miscellaneous Provisions)

Act 1993 (No. 96 of 1993).

- Land Use Planning and Approvals Act 1993 (No. 70 of 1993).
- Hobart City Council Parks, Recreation and Natural Areas By-Law (By-Law 5 of 2008).

#### **Terminology**

For the purposes of this policy, *City of Hobart parks and reserves* include parks, bushland reserves, foreshore areas, sporting facilities and undeveloped open space.

Commercial activity is activity undertaken as part of a commercial enterprise.

#### Commercial Activity

 Carry out or be involved in commercial and / or business activities on public land.

#### Non Commercial Activities

- 1. Emergency services.
- 2. Passive recreation.
- 3. Informal gatherings.

City of Hobart - refers to the organisation

Council - refers to the Alderman's decision making for the City of Hobart

#### Associated policy/procedures

The areas in parks and reserve deemed not suitable for commercial activities will be identified in Master Plans or Area Based Plans.

#### **Related Policies**

- Hobart City Council Leases to Non-Profit Organisations
- Hobart City Council Leasing of Sportsgrounds
- Hobart City Council Public Filming and Photography
- Hobart City Council Use of Salamanca Square for Events
- Hobart City Council Charging of Entry Fees

Responsible Officer: Director Open Space and Recreation			
History			
Council Policies are reviewed annually with amendments to a Policy listed below			
Date Policy first adopted:	15 December 2014		
Amendments			

Title: Hired Use of Parks and Reserves - Charging of Entry Fees by

Hirer

Subject: Recreation, Parks, Bushland and Reserves Property and

Parking - Parks and Recreation Areas

Policy Number: 7.05.08

Adopted by Council: 17/12/2007

Next Review: November 2015

1. **Objectives:** To provide clear guidelines to Council officers whereby

persons granted the use of an area of a park, recreation area, bush land or reserve by the Council cannot charge entry fees,

unless by exception.

**2. Background:** This Policy was developed as a result of an organisation

charging an entry fee to an event on Council land.

**3. Policy:** That:

1. Where a person or organisation is granted the use of a Council park, or recreation area, bushland or reserve for an activity or function, the person or organisation is to be informed that the charging of a fee to members of the public to gain access to the park or recreation area is not permitted without the prior consent of the Council.

 The approval of the charging of a fee may be exercised by the Parks and Customer ServicesRecreation Committee in accordance with its general delegated power to affix conditions on the use of reserves for special

functions.

3. This policy does not apply to Council organised events.

4. This policy does not apply to the hirers of Council sports grounds which are fully secured.

4. Legislation, Terminology and References: **Delegations Register** 

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Responsible Officer:	Director Parks and Customer S	e <del>rvices</del> City Amenity
Counc	<b>History</b> il Policies are reviewed annually with amendments to a P	plicy listed below
Date Policy first adopted: 22/4/1985		
Amendments:		
Annual Policy Review		14/3/2006
Annual Policy Review		17/12/2007
Annual Policy Review		8/9/2014

Title: Camping – Domain Regatta Ground

Subject: Property and Parking - Parks and Recreation Areas

Policy Number: 7.05.09

Adopted by Council: 12/9/2011

Next Review: November 2015

1. Objectives: To protect Council's infrastructure and provide clear guidelines

for Council officers when considering such requests.

2. Background: This Policy was developed at the request of the then Parks and

Recreation Committee.

3. Policy: That when Council approval is granted for camping on the Domain Regatta Grounds, the following conditions be applied:

1. A bond be lodged with the Council two days prior to the event as security against damage to or loss of Council

property. 2 To satisfy l

- To satisfy health regulations the organisation conderned, at no expense to Council, is to provide additional portable toilets, showers, and any other requirements necessary to cater for expected numbers to the satisfaction of the Senior Environmental Health Officer.
- Tents and/or other appurtenances are to be erected only in areas designated by the Director Parks and Customer Services.
- 4. No food is to be dispensed without prior approval from the Senior Environmental Health Officer.
- Unauthorised vehicles will not be permitted to enter onto the ground.
- 6. At the conclusion of the event the ground is to be left in a clean and tidy condition. The Council will deduct the relevant costs from the bond should any cleaning, repairs or rehabilitation be required.
- 7. All campers will be required to vacate the ground by 9.00 am on the morning of the agreed and approved departure date.
- 4. Legislation, Terminology and

References:			
Responsible Officer:	Director Parks and Custo	omer Services	
Counc	History	ments to a Policy listed below	
Date Policy first adopted: 27/5/1991		<del>27/5/1991</del>	
Amendments:			
Annual Policy Review		12/9/2011	
Annual Policy Review (	approved by ELT)	14/8/2014	

Title: Disposal of Excess Horticultural Plant (Horticultural) Material

Subject: Recreation, Parks, Bushland and Reserves Property and

Parking - Parks and Recreation Areas

Policy Number: 7.05.10

Adopted by Council: 12/9/2011

Next Review: November 2015

1. **Objectives:** To facilitate the management of Council vegetation and

plantings.

2. Background: The policy is to ensure that all excess horticulture material is

disposed in a sustainable and cost effective manner.

**3. Policy:** That:

1. All excess annual horticultural bedding and potted, i.e. (herbaceous) plant material (when removed) with a 12 month life cycle be composted at McRobies Gullythe-Council's Waste Management Centre.

- 2. Excess annual herbaceous bedding plant material that has a life cycle in excess of 12 months, i.e. biennial, be planted out in the City's parks where possible, otherwise as stated in Clause 1 above.
- If requests/orders are received from organisations, institutions (other than Councils) for the purchase of treeshorticultural plant marterial, they be sold at a determined by the Director Parks and Customer Services City Amenity.
- 4. The Director Parks and City AmenityCustomer Services be given is granted the authority to provide, Upon request, suitable plant material may be to any school or charitable institution for the purpose of fundraising, decoration or amenity planting at a fee to be determined by the Director Parks and City Amenity.
  - (i) The value of the plant material to be appropriate Formatted: Indent: Left: 1 cm recorded in the City's Annual Report.
- 4. Legislation, Terminology and References:

o:\council policy manual review 2015\parks and city amenity\director approved policies\7.05.10disposal of excess plant (horticultural ) material.docx

Responsible Officer:	Director Parks and Customer Ser	<del>vices</del> City Amenity
History  Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:		25/11/1991
Amendments:		
Annual Policy Review		12/9/2011
Annual Policy Review (a	approved by ELT)	14/8/2014

Title: Establishment of Bushfire Hazard Management Areas in

Bushland Reserves for New Developments on Adjoining

**Property** 

Subject: Property and Parking - Parks and Recreation Areas

Recreation, Parks, Bushland and Reserves

**Policy Number:** 7.05.11

Adopted by Council: 27/4/2015

**Next Review:** November 2015

#### 1. **Objectives:**

To minimise the extent of new bushfire hazard management areas established in the City's bushland and reserves network

for the benefit of adjoining developments.

To provide criteria to enable assessment of requests to establish Bushfire Hazard Management Areas in the City's bushland and reserves network for the benefit of adjoining

developments.

To provide a consistent approach to the establishment and management of Bushfire Hazard Management Areas in the City's bushland reserves network for the benefit of adjoining

developments.

#### 2. **Background:**

With the release of AS3959:2009 (Australian Standard for Construction of Buildings in Bushfire-Prone Areas) and the incorporation of that standard into the National Construction Code and Planning Directive 5 (Bushfire-Prone Areas Code), there is a statutory obligation to provide and maintain managed areas (Bushfire Hazard Management Areas) around new homes in bushfire prone areas.

In some cases, the dimensions of the required works mean that some pre-existing lots are too small to contain the necessary Bushfire Hazard Management Area wholly within the subject lot. These lots will rely on the establishment of Bushfire Hazard Management Areas on adjoining properties.

As many pre-existing lots adjoin the City of Hobart's bushland reserves network, there is a need for a formal Council policy on

how Bushfire Hazard Management Areas in the City's

bushland reserves network are assessed and managed for the

benefit of adjoining development.

#### 3. Policy: That:

1. Where possible, all Bushfire Hazard Management Areas should be contained within the property being developed,

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- irrespective of the presence of an existing, City maintained bushfire hazard management area within a City reserve adjoining the subject property.
- Where the incorporation of City of Hobart land into a bushfire hazard management plan is requested, each request will be considered on its own merits with regard to:
  - (i) the known natural and cultural values (including recreational and visual amenity values) of the land,
  - (ii) the relevant management plan and/or strategy documents, and
  - (iii) available management resources.
- 3. The inclusion of any City of Hobart land in a bushfire hazard management plan is conditional upon:
  - (i) the bushfire hazard management area being required for the development of a new habitable building, or an extension to an existing habitable building, on a lot that predates Planning Directive 5. Bushfire hazard management areas for new subdivisions and non-habitable buildings (i.e. sheds, garages, gazebos and the like) will not be provided.
  - (ii) the siting of the proposed habitable building shall be such that all practical attempts will be made to minimise the extent of any works on the City's land.
  - (iii) the maximum extent of the bushfire hazard management areas on the City's bushland reserves network will be the minimum necessary to provide a buffer appropriate for a habitable building constructed to BAL-40 under AS3959:2009.
  - (iv) where policy criteria are met, the proposal will be submitted for the General Manager's consideration, if approved this will in turn enable landlord approval and allow the lodgement of a development application.
  - (v) final approval for the establishment of a bushfire hazard management area is then subject to the approval of the development.
  - (vi) the applicant is responsible for gaining all necessary statutory approvals, including all required documentation and associated costs (i.e. planning, legal, environmental and building).
  - (vii) the initial establishment of the bushfire hazard management area on City of Hobart land will be

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- implemented by the City's staff and/or City managed contractors.
- (viii) all costs associated with establishment of the bushfire hazard management area will be borne by the applicant.
- (ix) the initial establishment of the bushfire hazard management area on City of Hobart land will be implemented by the City of Hobart following the issue of a building permit, but before a certificate of occupancy.
- (x) the ongoing management of the bushfire hazard management area on City of Hobart land will be managed and funded by the City of Hobart as part of the annual urban firebreak program.
- (xi) the General Manager has the authority to approve the creation of bushfire hazard management areas on Council land as per approved development applications.
- 4. Only where an applicant can demonstrate there are exceptional circumstances will the City consider a request that does not meet all of the requirements (i-xi above).
- 5. In such cases it is the responsibility of the applicant to provide supporting evidence to substantiate their request which must then be reported to and approved by the Council.

## 4. Legislation, Terminology and References:

#### AS3959:2009

Australian Standard for Construction of Buildings in Bushfire-Prone Areas.

#### **BAL-40**

A Bushfire Attack Level specification, as defined in AS3959:2009 Section 2. The required buffer zone for a BAL-40 house in forested areas ranges from 12m on flat ground to 28m on steep ground (15 to 20 degrees downslope).

#### **Bushfire Hazard Management Plan**

A plan drawn up using AS3959:2009 that describes the architectural and land management requirements for a development to achieve an acceptable level of bushfire risk management. Bushfire Hazard Management Plans are drawn up by practitioners accredited by Tasmania Fire Service in the use of AS3959:2009.

Responsible Officer:	<b>Director Parks and City Amenity</b>	
Counc	<b>History</b> il Policies are reviewed annually with amendments to a Polic	y listed below
Date Policy first adopt	ted:	27/4/2015
Amendments:		

Title: Memorial Tree Planting

Subject: Property and Parking - Parks and Recreation Areas

Policy Number: 7.05.12

Adopted by Council: 9/6/2009

Next Review: November 2015

1. Objectives: The policy provides a framework for the management of

memorial tree planting in the Council's Parks for the guidance

of users and Council officers.

2. Background: Most parks within the Hobart Municipal area are under the care

and management of the Hobart City Council.

3. Policy: That ratepayers be offered the service of the Council in

planting trees as memorials in suitable areas, and that due-

recognition be given on the following basis:

1. All costs being met by the applicant.

2. Plaques, if requested, should only be installed in parks to commemorate historically important national or state

events and people and are to be approved by the Parks

and Customer Services Committee. (Refer to Council Policy No. 7.05.02)

3. All memorial tree plantings are to be recognised by

acknowledgement in an 'Honour Book'.

 The location and tree species selection should be appropriate to the occasion, to be approved by the

**Director Parks and Customer Services.** 

5. Council will maintain the tree to the best of its ability

retaining the right to remove the tree and/or plaque,

should its removal be required.

4. Legislation, Terminology and

References:

Council Policy 7.05.02

Responsible Officer: Director Parks and Customer Services

**History** 

Council Policies are reviewed annually with amendments to a Policy listed below

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Date Policy first adopted:	<del>22/6/1992</del>	
Amendments:		
Annual Policy Review	9/6/2009	
Annual Policy Review (approved by ELT)	14/8/2014	



# **Policy Manual**

Title:	Mount Wellington Observation Shelter – Hire Use Guidelines
Subject:	Property and Parking – Parks and Recreation Areas Recreation, Parks and Reserves
Policy Number:	7.05.13
Adopted By Council:	21 September 2015
Next Review:	November 2015
Responsible Officer:	Director Parks and City Amenity

Objectives:	To provide guidance and parameters on the type of activities permitted in the hire of the Mount Wellington Observation Shelter.	
Background:	The Observation Shelter provides an observation point from the summit of kunanyi / Mount Wellington.	
	It remains a public facility designed for access and use by the general community.	
	The opening hours of the facility for the general public are generally 8.00 am to 4.30 pm (non-daylight saving months) and to 8.00 pm (day saving months), seven days per week.	
	Outside the hours noted above, the facility remains available for hire, within the guidelines detailed below.	
	The hire fee applicable is established in the City's Fees and Charges scheduled and accordingly, reviewed annually.	
Policy:	That: 1. The Mount Wellington Observation Shelter remain a public facility principally for the use of the general public, during daylight hours.	
	<ol> <li>For security purposes the facility to be closed to the general public after dark, with the closures times to vary throughout the year, as deemed necessary by the General Manager, or his delegate.</li> </ol>	
	<ul> <li>(i) During snow/ice events, the shelter remain open as a safety refuge.</li> </ul>	
	<ol> <li>The hire of the facility outside the hours available to the general public may be permitted within the</li> </ol>	

basis.



## **Policy Manual**

following guidelines, at the discretion of the General Manager, or his delegate:(i) Events/functions with a public benefit that promote educational, cultural, artistic, heritage, aboriginal, tourism or economic development

(ii) All events and functions are to be alcohol free.

outcomes be considered on a case by case

- (iii) Bookings be subject to cancellation in the event that extreme weather (fire, snow, ice or wind) results in the closure of Pinnacle Road, at no cost to the Council.
- (iii) All rubbish generated by the hired use of the facility be required to be removed from the summit area by the hirer.
- (iv) Fees and security deposits, as contained in the City's Fees and Charges schedule and all other charges or costs that may be applicable in relation to the hired use of the facility be the responsibility of the hirer.
- (vi) The City's general terms and conditions for the use and hire of its open spaces apply.
- 4. The hire of the facility for private use or purposes not be permitted.

Legislation, Terminology and References:

History		
Council Policies are reviewed annually with amendments to a Policy listed below		
Date Policy first adopted:	21/9/2015	
Amendments		
e.g. Annual Policy Review/Legislative Amendment		



# **Policy Manual**

Title:	Residential Wheelie Bin Collection Service - Retrieval and Replacement Service
Subject:	Environment, Planning and Development
Policy Number:	
Adopted By Council:	11/11/2013
Next Review:	Annual review
Responsible Officer:	Director Parks and City Amenity

Objectives:	This policy provides guidance to the eligibility and review process in relation to the residential waste collection service and the related retrieve and replace service provided to resident who are unable to place their wheelie bins by the kerb for collection.		
Background:	The City provides a retrieve and replace service to residents who are unable to place their wheelie bins by the kerb for collection by the City's Waste Collection Service.		
	In order to collect the bins, the City's employees leave their vehicle and enter private property to collect, empty and return the wheelie bin.		
	In 2013 a review of the City's kerbside collection service was undertaken upon which guidelines were approved by the Council in the eligibility and review process of this service.		
	The Council meeting of 11 November 2013 reaffirmed the delivery of the service as captured by the below policy.		
Policy:	That: 1. For those residents unable to place their residential wheelie bin by the kerb for collection by the City's Waste Collection Service, the City provide a service whereby the bins are retrieved from the private residence, emptied and returned in place.		
	2. A review process be undertaken annually to re-affirm the eligibility of the residents for the service.		
	(i) The verification process not include the requirement for service users to produce medical certification to justify access to the service.		
Legislation, Terminology and			



# **Policy Manual**

References:		
	History	
	eviewed annually with amendments to a Policy listed below	
Date Policy first adopted:	11/11/2013	
Amendments		
e.g. Annual Policy Review/Legisla	ative Amendment	

Details of Policy Amendments are located on the Council Business Centre

Title: Landlord approval to hold Circuses with Performing Wild

Animals on Council land.

Subject: Recreation, Parks, Bushland and Reserves Animal Welfare

Policy Number: 5.13.01

Adopted by Council: 25/1/1999

Next Review: November 2015

1. Objectives: To provide a Council position in respect to the use of Council

owned land for circus organisationses with performing wild animals and direction to officers in granting approval for the

use of council owned land by circus organisations.

**2. Background:** This policy was development as a result of a request to ban

circuses with wild animals from performing on Council owned

property.

**3. Policy:** That requests for the use of Council owned land by circus

organisations only be only approved if the circus conforms to the recommended National Standards governing the care and

treatment of circus animals.

4. Legislation, Terminology

and

References:

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Responsible Officer: Director Parks and Gu	stomer ServicesCity Amenity	
History		
Council Policies are reviewed annually with amo	endments to a Policy listed below	
Date Policy first adopted: 25/1/1999		
Amendments:		
Annual Policy Review (approved by ELT) 14/8/2014		

Details of Policy Amendments are located on the Council Business Centre

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Title: Hosting of Major Events at the Doone Kennedy Hobart Aquatic

Centre

Subject: Recreation, Parks, Bushland and Reserves Property and

Parking - The Doone Kennedy Hobart Aquatic Centre

Policy Number: 7.03.04

Adopted by Council: 12/9/2011/22/7/2002

Next Review: November 2015

1. **Objectives**: To provide the a framework for in considering the viability of

applications from peak sporting bodies or associations, or at those times when the Council is invited to negotiate the opportunity for tothe conduct of a major event at the Doone Kennedy Hobart Aquatic Centre, to ensure the Council receives appropriate media value and/or a positive contribution

to the community.

2. Background: This policy was developed to address the methodology and

financial implications of hosting major events at Doone

Kennedy Hobart Aquatic Centre THAC.

**3. Policy:** That:

- 1. It is recognised that the Doone Kennedy Hobart Aquatic Centre Board has been established by the Council to oversee the operation of the Hobart Aquatic Centre in accordance with its Terms of Reference.
- 2. From time to time, the Centre management may invite, or be invited to enter into negotiations with organisers of events to explore the viability of conducting such events at the Centre.
- 3. Subject to, but not limited to, the provision of either a financial, er-strategic, er-promotional or other benefit to the Hobart Aquatic Centre and/or Council and/or the Hobart community, and having consideration to the level of disruption for likely to members and regular users of the Centre,; the General Manager has been given the authority under the Local Government Act 1993, to accept any recommendation from the Hobart Aquatic Centre Board to discount thea discount be provided on the quantum of fees and charges associated with the use of the Centre for events.
- 4. The General Manager shall ensure that any discount provided in point 3 above is fully and accurately costed, defendable and in accordance with Councils policy??? the

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Terms of Reference of the Doone Kennedy Hobart
Aquatic Centre Board and is appropriately recorded in the
Council's Annual Report..

- 5. The operation of this Policy does not preclude the ability for any event organiser or promoter to apply for financial assistance to conduct an event at the Centre in-accordance with the Council's Grants and Assistance Policy No. 4.02.11, or seek support and assistance from the State Government.
- 6. Use by members and the general public will be catered for on all-those occasions that are not totally incompatible with other permitted uses which require exclusive use of the Centre's facilities.
- 7. During such times the Centre is being utilised for events, a minimum of two (2) lap lanes, where possible, will be made available for the members and general public in the Centre.
- 8. -Should the Centre be unable to provide the lanes the Formatted: Tab stops: Not at 5 cm Centre to advertise this to their members and the public.
- 4. Legislation, Terminology and References:

Doone Kennedy Hobart Aquatic Centre Controlling Authority -

Terms of Reference

Council Delegation - General Manager - Clause A.1(i) "To waive or reduce hire fees for Council's services or facilities"

Responsible Officer:	Director Parks and City Amenity	Customer Services
Course	<b>History</b> il Policies are reviewed annually with amendments to a Polic	av listed helpy
Date Policy first adopt	,	22/7/2002
Amendments:		
Annual Policy Review		12/9/2011
Annual Policy Review (approved by ELT) 14/8/2014		

Details of Policy Amendments are located on the Council Business Centre

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Title: Property and Parking—Landlord Approval consent for permit-

Advertising/Event Promotional Signage within Parks, Bushland, Reserves and Sporting Facilities—Areas

Subject: Recreation, Parks, Bushland and Reserves Recreation, Parks

and Reserves Advertising

Policy Number: 7.05.01

Adopted by Council: 25/3/1985

Next Review: November 2015

1. **Objectives:** To provide clear guidelines when assessing requests, as

landlord, for advertising signage in the Council's City's Parks,

Bushland, Reserves and Sporting Facilities.

2. Background: The policy was introduced to prevent the proliferation of

signage being erected on and within the Council's City's parks,

bushland, reserves and sporting facilities.

Consideration of permanent signage relates to those facilities in parks, bushland or reserves under which a lease is in place and does not apply to short term hirers or licence or permit

holders.

Consideration of temporary signage relates only to the lease

holder or hirer.

3. Policy: That:

Landlord consent to erect signage is to not imply plan Formatted: Indent: Left: 0 cm, or building approval, that be required by a proposal.

**Temporary Signage** 

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- 3. The following criteria shall apply in relation to the provision of landlord approval for the temporary erection of advertising/event promotional signage on Council Council owned or managed parks, gardens, reserves or other recreation and sporting facilities:
  - Landlord a Advertising Approval will-shall only be Formatted: Indent: Left: 1.06 cm granted to the lessee or seasonal user hirer of the facility for the purposes of promoting the event/use for which the space has been hired.
    - (i) The erection of signage not related to the use Formatted: Indent: Left: 2.06 cm, the facility is not permitted.
- 2. Removable banner advertising may be approved by the General Manager who shall, in making a decision give-

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consideration to such things as legality of the article, product or service being advertised, the size, location and workmanship of the advertising material, the effect on the environment of the area, but shall not be influenced by value judgements on the merits or otherwise of the article being advertised.

42. Banners Temporary signage is are to be erected Formatted: Indent: Left: 1.06 cm, sooner than 14 days prior to the commencement the each event and is to be removed within 5 days of after the conclusion of each event, for which permission has been was granted.

#### **Permanent Signage**

- 5. Any banner advertising approved under part 3 aboveshould not be unduly conspicuous from outside an enclosed facility, with the exception of signs designed toadvertise the activities taking place within the facility.
- 6. It should be noted that advertising signage visible from outside the facility will require planning approval from the Council.
- 8. The General Manager may approve signage at facilities advertising 'not for profit' events or functions that are at the same facility being hired as the proposed signage. C.

  The following criteria shall apply in relation to the provision of landlord approval for the erection of permanent advertising/event promotional signage on Council owned or managed parks, bushland, reserves or other recreation and sporting facilities:
  - 1. The lease agreement for the facility will to include Formatted: Indent: Left: 1.06 cm, provision that advertising may not be erected with Tab stops: Not at 5 cm the written consent of the General Manager or the Director Parks and City Amenity or their delegate, or his delegate, with such landlord consent to not to-be unreasonably withheld.
  - Fixed, permanent advertising will-to only be approved by the Council City in circumstances where the advertiser has provided, or agreed to provide, significant capital improvements or other material of benefit to the facility or to the Council.
  - Bearing in mind the potential adverse impact advertising on children and young people in particular, lessees be encouraged to take a responsible approach to advertising in their negotiations with any sponsors from the alcohol and/or gambling industries, as far as is possible given sponsor expectations and commitments in

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#### relation to advertising.

D. For the purposes of this policy, landlord approval with the General Manager or the Director Parks and Amenity, or their delegate.

4. Legislation, Terminology and References:

Responsible Officer:	Director Parks and City Amenity	Customer Services
Counc	<b>History</b> il Policies are reviewed annually with amendments to a Polic	y listed below
Date Policy first adopted: 25/3/1985		
Amendments:		
Council Resolution	28/7/2014	
Annual Policy Review	8/9/2014	

Details of Policy Amendments are located on the Council Business Centre

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### MOTION OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015

### 8. STRATEGIES TO ALLEVIATE PEAK TRAFFIC ISSUES – FILE REF: 36-1-1

ALDERMAN ZUCCO

"That a report is prepared to consider options on how the Hobart City Council may assist in alleviating the morning and evening peak traffic issues for City and the greater Hobart area.

That the Hobart City Council administration canvas in consultation with staff an approach in staggering staff commencement and finishing times for the councils workforce.

The report also consider approaching the State and Federal Government in particular the education department, the private schools association and other large employers in considering working collectively on a 'time management' approach that may elevate some of the morning and evening traffic issues.

#### Rationale:

The City is experiencing morning and evening traffic issues; the solution to the traffic problems require thought and innovative approaches in alleviating some of these peak time issues.

The Council has more than 600 employees and by considering changes to start and finishing times of staff though this approach it may not resolve all the traffic issues though it may provide some minor assistance.

A collective approach with the State and Federal Government in particular the education providers in considering school starting times in areas where schools and colleges are clustered could be further measures in alleviating congestion.

Also working with larger private employers to also consider this approach will go further in changing the traffic patterns.

Changing the driving patterns of say 50/100 cars or more may provide some short term assistance to a problem that requires innovative solutions until such time those other solutions are explored or implemented this may assist in some way.

I have discussed this with a number of people including a leading Hobart traffic expert who provided positive feedback with this approach."

#### Item No. 8 continued

#### The General Manager reports:

"In accordance with Clause 5 of the Notices of Motion procedures, I provide the following qualification as to whether the substance of this Notice of Motion resides within the jurisdiction of the Hobart City Council:

The matter is within the jurisdiction of the City of Hobart, as it relates to alleviating traffic congestion and suggests potential changes to the working hours of some Council staff."

## 9. GOVERNANCE COMMITTEE – STATUS REPORT

5x's

A report indicating the status of current decisions is attached for the information of Aldermen.

DELEGATION: Committee

Recommendation:

That the information be received and noted.

# **GOVERNANCE COMMITTEE – STATUS REPORT**

### **OPEN PORTION OF THE MEETING**

## February 2016

Ref	Meeting	Report / Action	Action Officer	Title	Comments
1	ANNUAL REPORTS FROM REPS ON EXTERNAL BODIES Council, 13/10/2014, item 24.	That the General Manager prepare a report to investigate the possibility of recording meeting attendance of all representatives on external bodies.	Heather Salisbury	Deputy General Manager	(Current Business Arising item) A report will provided to the April 2016 meeting.
2	DISCLOSURE OF CONFIDENTIAL MATTERS Council, 15/12/2014, item 12.	A report be prepared in respect to the inclusion of a standard item in the minutes of Open Council and committee meetings, where resolutions made in the Closed portion of those meetings (including details on voting) on matters that may contain privacy/confidential issues, may be released in redacted format by the General Manager at the appropriate time.	Heather Salisbury	Deputy General Manager	This matter was pending the release of the new Local Government (Meeting Procedures) Regulations 2015 which are now in place. Independent legal advice has now been sought in respect to legislative requirements. A report will be provided to the April 2016 meeting.
3	COUNCIL COMMITTEES – REVIEW Special Joint Meeting, 10/3/2015.	The Council review its approach to deputations and public question time, with a further report to be prepared for consideration.	Heather Salisbury	Deputy General Manager	This matter will be included as part of the consideration of Committee structure at a workshop to be scheduled in the new year.
4	TRIAL MOBILE FOOD VENDOR PROGRAM Council, 15/12/2014, item 32 and Council 9/2/2016, item 14	The trial City of Hobart Mobile Food Vendor Program continue in its current form until 31 July 2016 after which a report be provided to the Council reviewing the Program in detail and making recommendations in relation to specific guidelines, trading zones, permit fees and other relevant details affecting its ongoing viability.	Philip Holliday	Director Community Development	The program has been implemented and a further report will be provided in due course.
5	CITY OF HOBART 10 YEAR STRATEGIC COMMUNITY PLAN AND PLANNING AND REPORTING FRAMEWORK REVIEW Council,9/6/2015, item 22	<ol> <li>The proposed framework for the development of the 10 year Strategic Community Plan; The Four-Year Council Delivery Plan; the Annual Plan and associated documents be endorsed.         <ul> <li>(i) The conversion of the current documents in accordance with the framework be progressed, commencing with a workshop with Aldermen.</li> </ul> </li> <li>A further report be prepared on a proposal to extend the</li> </ol>	Nick Heath	General Manager	A report in relation to this matter will be provided in due course.

Ref	Meeting	Report / Action	Action Officer	Title	Comments
		Community Vision beyond 2025, following completion of the 10 year Strategic Community Plan.			
6	VOLUNTARY AMALGAMATIONS - ADDITIONAL INFORMATION Council: 9/6/2015, item 25, 7/9/2015, item 23, 12/10/2015, item 21	<ol> <li>The Council authorise the Lord Mayor to sign the MoU between the State Government and Cabinet, and the Greater Hobart Council being the Hobart City, Clarence City, Glenorchy City and Kingborough Councils</li> <li>That as a matter of urgency, the Lord Mayor seek an undertaking from the State Government that forthwith upon the information collection exercise being completed by the General Manager, the proposed feasibility modelling for the combinations, as proposed, be fully funded by the State Government.</li> </ol>	Nick Heath	General Manager	The Lord Mayor wrote to the Minister for Local Government on 18 September 2015. A response has not yet been received.
7	CITY OF HOBART COMMUNITY ENGAGEMENT Council, 13/7/2015, item 21	<ol> <li>The Council endorse a review of its Community         Engagement Framework, commencing in the second         quarter of 2015/2016.         (i) A comprehensive range of research and community             engagement activities be undertaken as part of the             review involving the Council and the community.         (ii) Following the review, the Council be provided with a             further report on the outcomes and a draft updated             Community Engagement Framework.</li> </ol> <li>The role of the Council's Traffic Committees be         considered following the conclusion of the engagement         process for the draft Local Retail Precinct Plan.</li> <li>The Council endorse a twelve month trial of the online         community engagement platform EngagementHQ and         Budget Allocator:         <ol> <li>Yoursay.hobartcity.com.au' be secured as the             preferred domain name for the online engagement             platform.</li> <li>Following an evaluation of the trial of the online             community engagement platform of EngagementHQ             and Budget Allocator, the Council be provided with a             report on outcomes.</li> </ol> </li>	Heather Salisbury	Deputy General Manager	Your Say Hobart was launched on 14 September 2015. The final Community Forum was combined with the Annual General Meeting and was conducted on 23 November 2015.  The remaining matters are being progressed.

Ref	Meeting	Report / Action	Action Officer	Title	Comments
8	AUDIO RECORDING, LIVE BROADCASTING AND PUBLISHING OF OPEN COUNCIL MEETINGS Council: 11/5/2015, item 22 10/8/2015, item 18	<ol> <li>The Council proceed with audio live broadcasting recording and publication of its open Council meetings through the City of Hobart website, with installation of equipment and risk mitigation strategies noted being put in place by 30 September 2015.</li> <li>The approach be evaluated after twelve months of operation, including feedback from the Hobart community.</li> <li>Council officers address the implementation of electronic display of minutes at Council proceedings and meetings, at the earliest opportunity.</li> <li>Consultation with the Tasmanian Deaf Society be undertaken regarding 'audio to text' or typewritten transcripts, and if deemed appropriate this service be offered.</li> </ol>	Heather Salisbury	Deputy General Manager	<ol> <li>The equipment has been installed in the Council Chamber with meetings now recorded using this technology.</li> <li>Consultation with the Tasmanian Deaf Society is continuing.</li> <li>The implementation of electronic minutes is being progressed.</li> </ol>
9	WELLINGTON PARK MANAGEMENT TRUST – ALDERMANIC REPRESENTATION Council, 7/9/2015, item 22	<ol> <li>The Council endorse Alderman Ruzicka as the Council's deputy representative for Alderman Thomas on the Trust.</li> <li>Alderman Cooper be appointed as the deputy representative for Alderman Cocker on the Trust.</li> <li>Alderman Cocker's representation on the Trust be extended beyond 31 December 2015.</li> </ol>	Heather Salisbury	Deputy General Manager	Ministerial advice has now been received in confirmation of the appointments.  Completed.
10	COUNCIL AND COMMITTEE MEETINGS AND COUNCIL DINNERS Council, 12/10/2015, item 10	A report be provided that considers that in respect to the following proposals in preparing the Council and Committee meeting schedule for 2016 the General Manager gives consideration to:  a) The Council and committee meeting schedule b) All committee's being reviewed in line with the Strategic Plan c) The delegation and membership of the City Planning Committee being reviewed d) Committee Terms of Reference being reviewed e) The potential for Council's policies to be reviewed which may increase community engagement f) The provision of a meal following all Council meetings being reviewed, with a view to limiting the number of these dinners	Heather Salisbury	Deputy General Manager	<ol> <li>The Council adopted its meeting schedule for 2016 at its meeting of 23 November 2015.</li> <li>Advice was provided to Aldermen in regard to the Christmas function by memorandum.</li> <li>An Aldermanic workshop to discuss the Committee structure and delegation will be scheduled in early 2016.</li> <li>A social enterprise catering services will commence effective 7 March 2016.</li> </ol>

Ref	Meeting	Report / Action	Action Officer	Title	Comments
	Meeting  ALDERMANIC HEALTH AND WELLBEING – ALCOHOL AND OTHER DRUGS POLICY Council, 9/11/2015, item 15	g) The dinner services being sought from social enterprise catering services h) The provision of alcohol in the Alderman's lounge being reviewed  1. In relation to the matter of the Alcohol and Other Drugs Policy (AOD), the Council note the draft AOD Policy and Procedure, marked as Attachment A to item 5 of the Open Governance Committee agenda of 6 October 2015, which is proposed to be introduced for Council employees.  2. In relation to the request from the Australian Workers Union and the Australian Services Union that the same policy provisions be extended to apply to Aldermen, the following advice be provided:  (i) The Council endorse the inclusion of a statement in relation to alcohol and other drugs within the Aldermanic Code of Conduct which is to be prepared following the release of the Government's Model		Title  Deputy General	Letters have been sent to the AWU and ASU in respect to Clause 2.
11		Code.  (ii) The statement outline the expectation that Aldermen will behave responsibly in regard to the appropriate use of alcohol and other drugs while on Council duties and the statement also include the provision for self testing.  (iii) The General Manager advise the unions of the Council's decision.  3. The status quo remain in relation to the provision of alcohol in the Aldermen's Lounge.  4. The Council note and endorse the initiatives outlined in the memorandum of the General Manager of 27 October 2015 as attached to item 6 of the Open Governance Committee agenda of 3 November 2015, in relation to Aldermanic health and wellbeing.	Heather Salisbury	Deputy General Manager	The resolution is now pending the release of the Government's Model Code.

# Item No. 9

Ref	Meeting	Report / Action	Action Officer	Title	Comments
12	PROCEDURAL CHANGES – LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015 Council, 9/11/2015, item 20	<ol> <li>The Council's annual meeting schedule be published once in The Mercury newspaper, and also on the Council's website, from January 2016 onwards.</li> <li>Council's Policy 2.01 – Meetings: Procedures and Guidelines be amended to incorporate the revised regulations as outlined in the report attached to Supplementary item 15 of the Open Governance Committee agenda of 3 November 2015.</li> <li>The General Manager liaise with the Local Government Association of Tasmania in relation to conducting Aldermanic training, for interested Aldermen, in respect to the revised legislation.</li> </ol>	Heather Salisbury	Deputy General Manager	This matter is currently being progressed.
13	USE OF THE COMMON SEAL - COUNCIL DELEGATIONS Council 9/2/2016, item 15	Pursuant to Section 19(5) of the Local Government Act 1993, the Manager Legal and Governance be authorised to attest the execution of contracts, leases, licences, and agreements pursuant to Part 5 of the Land Use Planning and Approvals Act 1993, and other legal agreements.	Heather Salisbury	Deputy General Manager	This resolution has been implemented.  Completed.
14	SHAPING THE CITIES OF HOBART AND GLENORCHY  – DETERMINING THE BENEFITS OF ENHANCED LAND VALUE THROUGH INVESTMENT IN A PUBLIC TRANSIT SYSTEM Council 9/2/2016, supp. item 16	The Council initiate a Public Transit Corridor Urban Utilisation and Economic Benefit project for the current rail corridor, based on the proposal titled 'Shaping the Cities of Hobart and Glenorchy – Determine the Benefits of Enhanced Land Value through Investment in a Public Transit System', subject to the matched support of the Glenorchy City Council.	Nick Heath	General Manager	This matter is currently being progressed.

#### 10. QUESTIONS WITHOUT NOTICE – FILE REF: 13-1-10

Pursuant to Section 29 of the Local Government (Meeting Procedures) Regulations 2015, an Alderman may ask a question without notice of the Chairman, another Alderman or the General Manager or the General Manager's representative in accordance with the following procedures endorsed by the Council on 10 December 2012:

- 1. The chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
- 2. In putting a question without notice, an Alderman must not:
  - (i) offer an argument or opinion; or
  - (ii) draw any inferences or make any imputations except so far as may be necessary to explain the question.
- 3. The chairman must not permit any debate of a question without notice or its answer.
- 4. The chairman, Aldermen, General Manager or General Manager's representative who is asked a question without notice may decline to answer the question, if in the opinion of the intended respondent it is considered inappropriate due to its being unclear, insulting or improper.
- 5. The chairman may require an Alderman to put a question without notice, to be put in writing.
- 6. Where a question without notice is asked at a meeting, both the question and the response will be recorded in the minutes of the meeting.
- 7. Where a response is not able to be provided at the meeting in relation to a question without notice, the question will be taken on notice and
  - (i) the minutes of the meeting at which the question is put will record the question and the fact that it has been taken on notice.
  - (ii) a written response will be provided to all Aldermen, at the appropriate time.
  - (iii) upon the answer to the question being circulated to Aldermen, both the Question and the Answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, whereat it be listed for noting purposes only, with no debate or further questions permitted, as prescribed in Section 29(3) of the Local Government (Meeting Procedures) Regulations 2015.

# 11. CLOSED PORTION OF THE GOVERNANCE COMMITTEE MEETING

The following items were discussed:-

Item No. 1.	Minutes of the Closed Portion of the Governance Committee Meeting
	held on 2 February 2016.
Item No. 2	Consideration of Supplementary Items to the Agenda
Item No. 3.	Indications of Pecuniary and Conflicts of Interest
Item No. 4.	Committee Status Report
Item No. 5	Ouestions Without Notice – File Ref: 13-1-10