



# CITY OF HOBART

AGENDA  
OPEN PORTION OF THE COUNCIL MEETING  
MONDAY, 21 JANUARY 2019  
AT 5:00 PM



## THE MISSION

OUR MISSION IS TO ENSURE GOOD GOVERNANCE OF OUR CAPITAL CITY

## OUR 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.

## VISION

OUR VISION, MISSION AND VALUES HOBART: A COMMUNITY VISION FOR OUR ISLAND CAPITAL

Hobart breathes.

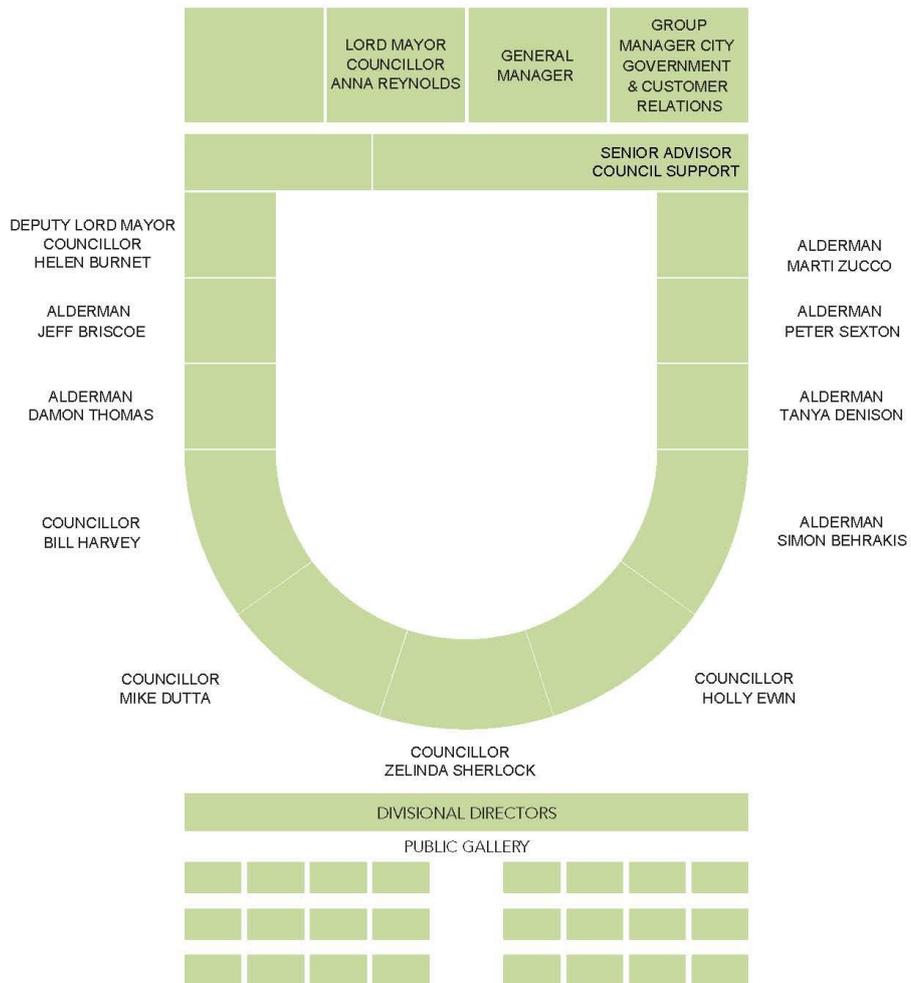
Connections between nature, history, culture, businesses and each other are the heart of our city.

We are brave and caring.

We resist mediocrity and sameness.

As we grow, we remember what makes this place special.

We walk in the fresh air between all the best things in life.



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**A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE  
COUNCIL CHAMBER, TOWN HALL ON MONDAY, 21 JANUARY 2019 AT  
5:00 PM.**

**N D Heath  
General Manager**

**ALDERMEN:**

Lord Mayor A M Reynolds  
Deputy Lord Mayor H Burnet  
Alderman M Zucco  
Alderman J R Briscoe  
Alderman Dr P T Sexton  
Alderman D C Thomas  
Alderman T M Denison  
Councillor W F Harvey  
Alderman S Behrakis  
Councillor M S C Dutta  
Councillor H A Ewin  
Councillor Z E Sherlock

**APOLOGIES:**

**LEAVE OF ABSENCE: Nil.**

**1. CONFIRMATION OF MINUTES**

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The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 17 December 2018](#), and the minutes of the Annual General Meeting held on [Monday, 19 November 2018](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

**2. TRANSFER OF AGENDA ITEMS**

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

**3. COMMUNICATION FROM THE CHAIRMAN**

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#### **4. NOTIFICATION OF COUNCIL WORKSHOPS**

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In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager reports that no Council workshops have been conducted since the last ordinary meeting of the Council.

#### **5. PUBLIC QUESTION TIME**

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#### **6. PETITIONS**

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#### **7. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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Ref: Part 2, Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

##### **RECOMMENDATION**

That the Council 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*.

#### **8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Aldermen are requested to indicate where they may have any pecuniary or conflict of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the committee has resolved to deal with.

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## REPORTS OF COMMITTEES

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CITY PLANNING COMMITTEE
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### 9. COUNCIL ACTING AS PLANNING AUTHORITY

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In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Council to act as a planning authority pursuant to the Land Use Planning and Approvals Act 1993 is to be noted.

In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Council is reminded that in order to comply with Regulation 25(2), the General Manager is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

#### 9.1 34 Davey Street, Hobart - Partial Demolition, Alterations and Extension to Previously Approved Development PLN-18-798 - File Ref: F18/154094

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Ref: Open [CPC 7.1.1](#), 14/01/2019  
Application Expiry Date: 22 January 2019  
Extension of Time: Not applicable

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for Partial Demolition, Alterations and Extension to Previously Approved Development at 34 Davey Street, Hobart for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-18-798 - 34 DAVEY STREET HOBART TAS 7000 - Advertised Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 5766 dated 11 December 2018, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of the Council.

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

HER 17

The exterior colours of the framing and other external elements (excepting glazing) must minimise the prominence of the development approved by this permit.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved by the Council's Director City Planning showing exterior colours in accordance with the above requirement.

All work required by this condition must be undertaken in accordance with the approved plans.

Reason for condition

To ensure that the prominence of the development is minimised.

## ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's website for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

## BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. [Click here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

## PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. [Click here](#) for more information.

## WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. [Click here](#) for more information.

## WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's website.

## FEES AND CHARGES

[Click here](#) for information on the Council's fees and charges.

**9.2 2 Collins Street and Adjacent Road Reserve Hobart - Demolition and New Development for Visitor Accommodation, Function Centre and Associated Facilities**  
**PLN-16-1133 - File Ref: F19/2281**

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Ref: Open [CPC 7.2.1](#), 14/01/2019  
Application Expiry Date: 6 February 2019  
Extension of Time: Not applicable

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council refuse the application for demolition and new development for visitor accommodation, function centre and associated facilities at 2 Collins Street and adjacent road reserve, HOBART for the following reasons:

1. The proposed function centre does not meet the Objectives of Clause 15.2 of the *Sullivans Cove Planning Scheme 1997*, as it:
  - a) Fails to ensure that the building masses and facades appropriately relate to the spaces they form.
  - b) Fails to ensure that the proposed non-residential use is based on the amenity and characteristics of specific sites.
  - c) Fails to ensure that the amenity of or the potential for adjacent residential development will not be diminished.

and is therefore considered to be prohibited under clause 15.3.4 of the *Sullivans Cove Planning Scheme 1997*.

2. The proposal does not meet the performance standards of clause 22.5.5 of the *Sullivans Cove Planning Scheme 1997*, as:
  - a) It will dominate adjacent places of cultural significance when viewed from the street or any other public space, and will be more prominent in the street than the adjacent places of cultural significance contrary to the Cultural Resource Principles (Cultural Heritage and Urban Character) of the *Sullivans Cove Planning Scheme 1997* espoused in clause 7.3.2.
  - b) The area of the facade of the new building will exceed that of the buildings on adjacent places of cultural significance and the visual impact of the apparent disparity of scale is significant and historic precedent does not warrant the scale disparity.
  - c) The proposal fails to complement and contribute to the specific character and appearance of adjacent places of cultural significance and the historic character of the Cove generally.

- d) The location, bulk and appearance of the proposed building will adversely affect the heritage values of adjacent and nearby places of cultural significance, by creating an incongruous backdrop out of scale with the present visual setting.
3. The proposal exceeds the 'deemed to comply' height, alignment, plot ratio, apparent size and building surfaces standards of clause 23.6.1A and 23.7.1 of the *Sullivans Cove Planning Scheme 1997* and in turn fails to meet the objectives of clause 23.2, in that:
    - a) It fails to conserve the traditional urban pattern of the Cove.
    - b) Its bulk and height does not reflect the natural topography of the Sullivans Cove Planning Area, the amphitheatre sloping down to the Cove and the Macquarie Street and Regatta Point Ridges.
    - c) It does not promote a respectful relationship between buildings and to buildings of identified cultural significance within a street.
    - d) The building will be individually prominent in terms of contrast with neighbouring buildings by being significantly higher or having a larger apparent size when viewed in street elevation.
    - e) The building does not facilitate the creation of 'secondary spaces' on lots in the Cove.
  4. The proposal exceeds the maximum 'permitted' height standards and exceeds the standards for apparent size of clause 23.6.1A of the *Sullivans Cove Planning Scheme 1997* and does not meet the corresponding discretionary provisions of clause 23.6.2, as it will be more prominent in the streetscape than adjacent Places of Cultural Significance, by strong contrast of scale, height, colour and tone.
  5. The proposal does not meet the provisions of clause 28.5 and clause 28.6 of the *Sullivans Cove Planning Scheme 1997*, as it involves the demolition of a building which (a) contributes to the urban character of the Activity Area, and (b) is capable of continued beneficial use. The proposed demolition will have a detrimental impact on the character of the Activity Area.

**9.3 58 Goulburn Street - Change of Use to Residential (Communal Residence) - PLN-18-565**  
**File Ref: F19/470**

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Ref: Open [CPC 7.2.2](#), 14/01/2019

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for change of use to residential (communal residence) at 58 Goulburn Street, Hobart for the reasons outlined in the officer report of 5 December 2018 as shown in Attachment A to item 7.2.2 of the Open City Planning Committee agenda of 14 January 2019 and a permit containing the following conditions be issued:  
GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-18-565 - 58 GOULBURN STREET HOBART TAS 7000 except where modified below.

Reason for condition

To clarify the scope of the permit.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Permitted Planning Permit issued in accordance with section 58 of the *Land Use Planning and Approvals Act 1993*.

**9.4 1 - 5 Ryde Street, North Hobart - Partial Demolition and Alterations for Kiosk, and New Building for Coaches and Media Boxes  
PLN-18-738 - File Ref: F19/770**

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Ref: Open [CPC 7.2.3](#), 14/01/2019

Application Expiry Date: 20 February 2019

Extension of Time: Not applicable

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition and alterations for kiosk, and new building for coaches and media boxes at 1-5 Ryde Street NORTH HOBART for the reasons outlined in the officer's report attached to item 7.2.3 of the Open City Planning Committee agenda of 14 January 2019 and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-18-738 - 1-5 RYDE STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01801-HCC dated 19 November 2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s2

The walls of the north elevation of the coaches/media box must be coloured using colours with a light reflectance value not greater than 40 percent prior to the first occupation of the coaches/media box.

Revised plans or details satisfying this requirement must be submitted and approved, prior to the issue of any approval under the *Building Act 2016*.

All work required by this condition must be undertaken in accordance with the approved revised plans.

*Advice:*

*Once the revised plans have been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

*Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure that building design contributes positively to adjoining land in a residential zone

ENG sw2.1

The Council's stormwater infrastructure adjacent to / within the subject site must be protected from damage during the construction of the development.

Digital copies of a pre and post construction work CCTV video and associated report(s) of any Council stormwater main within two metres of the works must be submitted to Council:

1. Prior to issue of any consent under the *Building Act 2016* / the commencement of work, and
2. After completion of all work but prior to the issue of any Certificate of Completion.

The pre and post construction work CCTVs will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner fails to provide to the Council a pre-construction works CCTV video of the Council's infrastructure, then any damage to the Council infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.

*Advice: Due to the diameter of the main, a tractor camera will be required to obtain adequately clear footage.*

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG sw3

The proposed works (including foundations and overhangs) must be designed to ensure the long term protection of and access to the Council's stormwater infrastructure.

A detailed design certified by a suitably qualified engineer must be submitted and approved prior to issue of any consent under *Building Act 2016*. The detailed design must:

1. Demonstrate how the design will ensure the protection of and provide access to the Council's stormwater main.
2. Include certification by a suitably qualified engineer (that the works do not impose any loads on the storm water main and the structure is entirely independent of the main and its trenching).
3. Demonstrate how adequate access to the main is maintained.
4. Demonstrate that no additional loads are imposed on the stormwater main.
5. Demonstrate that the structure is entirely independent of the main and its trenching.
6. Include (but not be limited to) details of cross-sections, minimum separation, adequate cover.

Prior to issue of any Certificate of Completion a suitably qualified engineer must confirm the installation of the works within two metres of Council's stormwater main is in accordance with the approved drawings and complies with this condition. Should any remediation works be required, these must be carried out at the developer's cost.

All work required by this condition must be undertaken in accordance with the approved design.

*Advice: Once the detailed design drawings has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)*

*As the proposal does not demonstrate the developers intention around the public stormwater infrastructure this condition is required if works are to occur over or within 2 metres of the public stormwater infrastructure. Relaxation of this condition can only be granted by the environmental engineering unit.*

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENG sw4

The development must be drained to Council infrastructure. Any new stormwater connection required must be constructed, and existing redundant connections must be sealed at the owner's expense prior to issue of a Certificate of Completion or first occupation whichever comes first.

Detailed design drawings showing both existing and proposed services must be submitted and approved, prior to issue of any consent under the Building Act 2016 / commencement of work. The detailed design drawings must include:

1. The location of the proposed connections and all existing connections;
2. The size and design of the connection(s) such that they are appropriate to safely service the development given the limited receiving capacity of Council infrastructure;

3. Long-sections of the proposed connection(s) clearly showing any nearby services, cover, size, material and delineation of public and private infrastructure;
4. Clearly distinguish between public and private infrastructure; and
5. Be checked and certified by a qualified and experienced engineer.

All work required by this condition must be undertaken in accordance with the approved detailed design drawings.

*Advice: Once the detailed design drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)*

*Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to initiate an application for service connection.*

*Any proposed public stormwater infrastructure will require detailed engineering drawings, which must be checked and certified by a qualified and experienced civil engineer. The construction of public infrastructure will require a Permit to Construct Public Infrastructure.*

Reason for condition

To ensure the site is drained adequately

ENG sw5

The new stormwater infrastructure must be constructed and any existing infrastructure made redundant prior to issue of a completion certificate or first occupation, whichever occurs first.

Engineering design drawings must be submitted and approved, prior to commencement of work. The engineering drawings must:

1. Be certified by a qualified and experienced engineer.
2. Show in both plan and long-section the proposed stormwater mains, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements and inspection openings.

3. Include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP flows as at 2100 (i.e including climate change loading) from a fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP flows from a fully-developed catchment.
4. Clearly distinguish between public and private infrastructure.
5. Be substantially in accordance with the LGAT drawings.

All work required by this condition must be undertaken in accordance with the approved engineered drawings.

*Advice: Once the engineered drawings has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

*Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to obtain a Permit to Construct Public Infrastructure.*

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG 1

The cost of repair of any damage to the Council's infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council.

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG s1

Site survey drawings must be submitted and approved, prior to any consent granted under the *Building Act 2016*. The Survey drawings must:

1. Be certified by a qualified and experienced surveyor.
2. Show a site plan of stormwater mains, including but not limited to, location of main and connections, surface levels, invert levels, material, pipe size, manholes, easements and inspection openings.
3. Clearly distinguish between public and private infrastructure.
4. Show all other infrastructure in the area both private and public, clearly distinguish between public and private.

All work required by this condition must be undertaken prior to the removal of existing infrastructure or approval of new infrastructure.

*Advice: Once the Survey drawings has been accepted the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)*

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure, and ensure the continued operation and service of the current stormwater infrastructure.

ENG s2

The cost of any alterations to the Council's or third-party infrastructure, including the site's service connection points, incurred as a result of the proposed development works must be met by the owner / developer.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

## ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

*Advice: For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).*

### Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

## ENVHE 1

Recommendations in the reports *Preliminary Environmental Site Assessment (PSEA) Report* prepared by EM&C and dated 26 August 2018 and *Construction and Environmental Management Plan* prepared by EM&C and dated 27 November 2018 must be implemented.

### Reason for condition

To ensure that the risk to future occupants of the building remain low and acceptable.

## ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

## CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

## BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

## PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

## SPECIAL CONNECTION PERMIT

You may need a Special Connection Permit (Trade Waste) in accordance with the *Plumbing Regulations 2014* and the Tasmanian Plumbing Code. Click [here](#) for more information.

## PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click [here](#) for more information.

## PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Infrastructure Division to initiate the permit process).

## NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Infrastructure Division to initiate the application process for your [new stormwater connection](#).

## WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

## FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

## DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.

**9.5 3 Erindale Place & 163 Strickland Avenue, South Hobart - Dwelling and Associated Vegetation Clearing  
PLN-18-493 - File Ref: F19/1264**

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Ref: Open [CPC 7.2.4](#), 14/01/2019

Application Expiry Date: 18 January 2019

Extension of Time: Not applicable

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for dwelling and associated vegetation clearing at 3 Erindale Place & 163 Strickland Avenue, South Hobart for the reasons outlined in the officer's report, attached to item 7.2.4 of the Open City Planning Committee agenda of 14 January 2019 and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-18-493 3 ERINDALE PLACE SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s3

The title boundary shared between Council's neighbouring land and the applicant's property shall be clearly marked by the applicant on the ground before any works commence.

Reason for condition

To clarify the scope of the permit.

ENG sw4

The new storm water connection must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to the first occupation.

Detailed engineering drawings must be submitted and approved, prior to commencement of work. The detailed engineering drawings must include:

1. the location of the proposed connection; and

2. the size of the connection appropriate to satisfy the needs of the development.

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings.

*Advice:*

- *The applicant is advised to submit detailed design drawings via a Council City Infrastructure Division [application for a new stormwater connection](#). If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to submit an application for a new stormwater connection with Council City Infrastructure Division.*
- *Where building / plumbing approval is also required, it is recommended that documentation to satisfy this condition is submitted well before submitting documentation for building/plumbing approval. Failure to address planning condition requirements prior to submitting for building/plumbing approval may result in unexpected delays.*

Reason for condition

To ensure the site is drained adequately.

ENG 2b

Prior to the issue of any approval under the *Building Act 2016* or the commencement of works on site (whichever occurs first), a certified vehicle barrier design (including site plan with proposed location(s) of installation) prepared by a suitably qualified engineer, compliant with Australian Standard AS/NZS1170.1:2002, must be submitted to the Council.

*Advice:*

- *If the development's building approval includes the need for a Building Permit from the Council, the applicant is advised to submit detailed design of vehicular barrier as part of the Building Application. If the development's building approval is covered under Notifiable Work the applicant is advised to submit detailed design of vehicular barrier as a condition endorsement of the planning permit condition. Once the certification has been accepted, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

ENG 2c

Prior to the first occupation, vehicular barriers must be inspected by a qualified engineer and certification submitted to the Council confirming that the installed vehicular barriers comply with the certified design and Australian Standard AS/NZS1170.1:2002.

*Advice:*

- *Certification may be submitted to the Council as part of the Building Act 2016 approval process or via condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the relevant standards.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of Council.

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENV 10

No native vegetation may be removed from 3 Erindale Place more than 16m from the southern edge of the dwelling, unless required for the installation of the sewer line.

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values

ENV 15

All construction vehicles and machinery must be effectively cleaned of soil both before entering and before leaving the property.

Soil cleaned from construction vehicles and machinery must not be allowed, either directly or indirectly, to enter waterways or the Council's stormwater system.

*Note: further information on effective measures for washdown can be found [here](#).*

Reason for condition

To minimise the spread of weeds and pathogens.

ENV 2

Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available here.

Particular attention must be given to managing erosion and sedimentation risk when establishing the bushfire hazard management area on the adjacent Council land.

All work required by this condition must be undertaken in accordance with the approved SWMP.

*Advice: Once the SWMP has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

*Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

OPS 2

A Bushfire Hazard Management Area (BHMA) must be established on the Council reserve Strickland Avenue no. 5, as specified in the approved Bushfire Hazard Management Plan, prior to occupancy. All costs associated with the establishment of the BHMA will be borne by the applicant.

Upon establishment of the BHMA to the satisfaction of the Council, the Council will assume responsibility for the ongoing maintenance of the BHMA, as part of the urban firebreaks program.

Reason for condition

To ensure that the approved Bushfire Hazard Management Plan is implemented in a timely manner, and to the satisfaction of the Council, providing for the safety of inhabitants of the proposed dwelling.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

#### BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

#### PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

#### OCCUPATION OF THE PUBLIC HIGHWAY

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

#### NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Infrastructure Division to initiate the application process for your [new stormwater connection](#).

#### STORM WATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Hydraulic Services By law. Click [here](#) for more information.

## WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By law. Click [here](#) for more information.

## FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

## DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.

## PART 5 AGREEMENT

Please note that the owner(s) of this property are subject to a Part 5 Agreement with Hobart City Council (C935042) that requires the owner(s) to:

- Implement the approved Bushfire Management Plan in relation to the land (superseded);
- Refrain from removing any tree on the land which has a circumference of more than 400mm measured one metre above the adjacent ground level unless that tree is within three metres of the outer wall of any building on the land that is approved by the Planning Authority or removal of the tree is necessary for safety reasons as determined and approved in writing by the Planning Authority (trees proposed to be removed on plans approved);
- Ensure no habitable building development occurs below the High Terrace
- Embankment Area on the land (proposal complies); and
- Ensure that any dwelling or fence on the land is constructed in accordance with the guidelines and recommendations of the document *Minimising the Swift Parrot Collision Threat: Guidelines and recommendations for parrot-safe building design*.

With regard to compliance with the swift parrot collision guidelines, it is recommended that the following occurs to avoid breaching the Agreement:

- low-reflectivity glass (<10% visible light reflectivity) is used wherever possible; and
- the clear glass balustrades are treated in accordance with the guidelines (frosted, tinted, patterned etc) or substituted with an alternative balustrade design (e.g. tension wire).

Copies of the Part 5 Agreement are available from The LIST website ([www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)) via the 'Scanned Dealings' section.

#### COUNCIL RESERVES

This permit does not authorise any works (other than for bushfire hazard management or stormwater connection as approved) on the adjoining Council land. Any act that causes, or is likely to cause, damage to Council's land may be in breach of Council's Public Spaces By-law and penalties may apply. The by-law is available [here](#).

**9.6 59 Grosvenor Street & 61 Grosvenor Street & 2 Churchill Avenue, Sandy Bay - Partial Demolition, Alterations and 13 Multiple Dwellings (Two Existing, 11 New)  
PLN-18-760 - File Ref: F19/2780**

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Ref: Open [CPC 13](#), 14/01/2019  
Application Expiry Date: 21 January 2019  
Extension of Time: Not applicable

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and 13 multiple dwellings (two existing, 11 new) at 59 and 61 Grosvenor Street and 2 Churchill Avenue, Sandy Bay for the reasons outlined in the officer's report, attached to supplementary item 13 of the Open City Planning Committee agenda of 14 January 2019 and a permit containing the following conditions be issued:

#### GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-18-760 59 & 61 GROSVENOR STREET AND 2 CHURCHILL AVENUE SANDY BAY TAS 7005 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01934-HCC dated 04/12/2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

The development (including hardstand) must be drained to a piped system. The new private stormwater connection must be constructed, and any existing connections be abandoned and sealed at the owner's expense prior to occupation.

Detailed engineering drawings must be submitted and approved, prior to commencement of work. The detailed engineering drawings must include:

1. The location of the proposed connection and all existing connections to be abandoned;
2. The size and design of the connection such that it is appropriate to safely service the development;
3. Written permission for the works outside 59 and 61 Grosvenor Street; and
4. Certify that the receiving stormwater pipe has sufficient capacity.

All work required by this condition must be undertaken in accordance with the approved engineering drawings.

*Advice: The applicant is advised to submit detailed design drawings as part of the plumbing permit application in this instance as the receiving stormwater pipe which your development is proposing to connect to is actually a private stormwater main owned by University of Tasmania on University of Tasmania land. (The University of Tasmania main connects to Council's stormwater system near Sandy Bay Road and the system upstream of this point has been considered as a shared private stormwater system).*

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

ENG sw7

Stormwater pre- treatment for storm water discharges from the development must be installed prior to commencement of use.

The stormwater pre-treatment system must incorporate a treatment system of a size and design sufficient to achieve the stormwater quality targets in accordance with the State Stormwater Strategy 2010.

The stormwater pre-treatment system must be maintained during the life of the development.

*Advice: Failure to ensure consistency between the stormwater treatment system proposed in the planning application documentation and plumbing permit application documentation may result in delays in the issue of any approval under the Building Act 2016.*

Reason for condition

To avoid the possible pollution of drainage systems and natural watercourses, and to comply with relevant State legislation.

ENG sw8

A 3,400 litre stormwater detention system must be installed to limit stormwater discharges from the development to 14.8 L/s for a 5 minute 5% AEP storm event, prior to first occupation.

A detailed detention design must be submitted and approved by Council, prior to the issuing of any plumbing approval under the *Building Act 2016*. The design must:

1. Be prepared by a suitably qualified engineer,
2. Include design drawings of the detention tank showing the layout, the inlet and outlet (including long section), the overflow mechanism.
3. Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

*Advice:*

- *The applicant is required to submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any plumbing approval under the Building Act 2016.*
- *Once the stormwater management report and design has been approved the Council will issue a condition endorsement.*
- *It is advised that documentation for condition endorsement is lodged well before a Building / Plumbing Permit is required, as failure to address design requirements until Building / Plumbing Permit stage may result in unexpected delays.*

Reason for condition

To ensure that the stormwater runoff quantity is managed to take into account the limited receiving capacity of the downstream Council stormwater infrastructure.

ENG tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to any approval under the *Building Act 2016* (including demolition). The construction traffic and parking management plan must:

1. Be prepared by a suitably qualified person.
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.
3. Include a start date and finish dates of various stages of works.
4. Include times that trucks and other traffic associated with the works will be allowed to operate.
5. Nominate a superintendent, or the like, to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management plan.

*Advice:*

- *Once the construction traffic and parking management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 3a

The access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required) with the exception of the following:

1. The blind aisle end widening for car parking space 01 to be a minimum of 700mm wide, with an aisle width of 6.0m.
2. The maximum aisle gradient within the site to be 6.5%
3. The minimum side clearance for the design envelope for 61 Grosvenor Street car parking space to be 250mm.

*Advice:*

- *It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

### ENG 3c

The access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with Condition ENG 3a.

Prior to the first occupation, documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above drawings must be lodged with Council.

*Advice:*

- *Certification may be submitted to Council as part of the Building Act 2016 approval process or via condition endorsement (see general advice on how to obtain condition endorsement). It is noted that the certification is not to ensure structural integrity but rather to ensure compliance with AS2890.1 (and relaxations associated with Condition ENG 3a).*

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

### ENG 4

The access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the first occupation.

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

### ENG 5

The number of parking spaces approved on the site is:

1. Fourteen (14) User Class 1A car parking spaces
2. A minimum number of Class B (AS2890.3) bicycle parking spaces of six (6) [secure tenant parking]
3. A minimum number of Class C (AS2890.3) bicycle parking spaces of two (2) [visitor parking]

Prior to first occupation:

- All car parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004.
- All bicycle parking spaces must be installed in accordance with AS/NZS 2890.3 2015.
- Install signage (in accordance with AS1742.11 2009 or Council approved equivalent) at the entrance to the main car parking area indicating that the parking area is for residents only;

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of the Council.

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENV 2

Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

All work required by this condition must be undertaken in accordance with the approved SWMP.

*Advice: Once the SWMP has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

*Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

#### ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

#### CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

#### BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

#### PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

#### OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction or special event (e.g. placement of skip bin, crane, scissor lift etc). Click [here](#) for more information.

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

#### PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Infrastructure Division to initiate the permit process).

#### STORM WATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Hydraulic Services By law. Click [here](#) for more information.

## WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By law. Click [here](#) for more information.

## RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

## TITLE ADHESION

An adhesion of your titles is required because a portion of your development is across one or more title boundaries. Contact your solicitor or a registered land surveyor to initiate the process.

## WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment [website](#).

## NOISE REGULATIONS

Click [here](#) for information with respect to noise nuisances in residential areas.

## FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

## DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.

**10. Sullivans Cove Planning Scheme 1997 - Macquarie Point Site  
Development Plan - Proposed Amendments  
File Ref: F17/56953; 32-3-93**

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Ref: Open [CPC 8.1](#), 14/01/2019

- That:
1. Pursuant to section 39G(4) of the *Macquarie Point Development Corporation Act 2012*, Council advise the Board of the Macquarie Point Development Corporation that it supports the proposed request to the Minister for State Growth and the draft amendments to the Sullivans Cove Planning Scheme 1997 as shown in Attachment B of item 8.1 of the Open City Planning Committee agenda of 14 January 2019.
  2. Council recommend to the Board that an additional amendment be included which applies standard A2/P2 in Planning Directive No 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes to visitor accommodation use.
  3. Council delegate to the General Manager the authority to give notice to the Minister under section 39H(4) of the MPDC Act that Council intends to seek representations from the public in relation to the proposed amendments.

**11. City Planning Division - Revised Fees and Charges - 2018/2019 Financial  
Year - Development Compliance  
File Ref: F19/2045; 17/41**

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Ref: Open [CPC 8.3](#), 14/01/2019

That the Council approve the following amended fees for 2018/2019 pursuant to section 205 of the *Local Government Act 1993*:

1. Application for a building certificate – class 1 and 10 buildings - \$800 plus \$200 per hour of assessment per application.
2. Application for a building certificate – class 2 - 9 buildings - \$1200 plus \$200 per hour of assessment per application.

**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

**IN ACCORDANCE WITH REGULATION 16(5) OF THE LOCAL GOVERNMENT  
(MEETING PROCEDURES) REGULATIONS 2015**

That in accordance with Council's policy, the following Notice of Motion which was adopted by the Community, Culture and Events Committee, be considered by the Council.

**12. English Language Classes in Hobart**

**File Ref: F19/175; 13-1-9**

Ref: Open [CCEC 7.1](#), 9/01/2019

Councillor Sherlock

**Motion:**

“That a report be provided to detail the current provision of English language classes in Hobart; to provide examples of services provided in other cities; and to explore the possibilities for increased provision of intensive English language services in Hobart in collaboration with the State Government.”

**Rationale:**

“Language is one of the most important factors in successful settlement in a new country. English language proficiency is vital for participation in education, work, feelings of belonging and for involvement in the broader life of the community. Without adequate language skills, new arrivals can struggle to integrate and contribute to the community. Students quickly fall behind in their studies; adults struggle to find work; and daily tasks such as shopping and accessing services can prove challenging. Intensive English language courses upon arrival ensure that migrants and refugees start off their new life with the best possible chance of success.

Currently, there appears to be insufficient intensive English language class provision in Hobart upon arrival of new migrants, a deficiency and gap that needs to be addressed within the education system, working with representative groups, advocacy agencies and broader English language schools. It has been reported that conversation classes may not be adequate to address the current demand, nor meet the basic requirements of English education, per national standards and common practice.

The City of Hobart have had a long commitment to advocating for the needs of migrants and refugees in Hobart, delivering on a multicultural strategy since 2009. *The Multicultural Strategy 2014 – 2019* guides current action in three priority areas: Perception, Communication and Participation. *The Community Vision for Our Island Capital* includes the following statement:

*Pilar 8.4.1 - "We embrace those who have moved to Tasmania from elsewhere and work together for better economic outcomes. We welcome new people into our culture, quality of life and opportunities for meaningful employment."*

It is noted that whilst service provision to migrants and refugees is not the mandate of Local Government, advocating for the needs of this community is a key role for Local Government and is in accordance with the *City of Hobart's Multicultural Strategy 2014-2019*."

**The General Manager reports:**

"In line with the Council's policy in relation to Notices of Motion, I advise that the matter is considered to be within the jurisdiction of the Hobart City Council as it aligns with the *City of Hobart's Multicultural Strategy 2014-2019*."

**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

**IN ACCORDANCE WITH REGULATION 16(5) OF THE LOCAL GOVERNMENT  
(MEETING PROCEDURES) REGULATIONS 2015**

That in accordance with Council's policy, the following Notice of Motion was adopted by the Finance and Governance Committee, be considered by the Council.

**13. Social Food Service Delivery**  
**File Ref: F19/2637**

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Ref: Open [FGC 7.1](#), 15/01/2019

Alderman Zucco

**Motion:**

"That the council urgently review what actions it can take to address the concern from some traders in North Hobart and other traders regarding the growth of social food delivery services (SFDS) and the fact that SFDS vehicles are occupying parking spaces to the detriment of other customers."

**Rationale:**

"A number of North Hobart shop owners have raised concerns that drivers operating for a number of social food delivery services are using prime parking spaces to wait for customer orders and therefore restricting the ability of shop customers from utilising the available parking bays.

The Council has been proactive in helping to alleviate some of the issues and has implemented the following initiatives:

- A dedicated "food delivery providers" parking zone installed in Burnett Place specifically for the use of social food delivery vehicles.
- The Council has contacted social food delivery providers including Uber Eats to advise them of the parking zone and requested that they direct their registered operators to the location in Burnett Place when operating in the North Hobart area.
- Increased patrols from City of Hobart Parking and Information Officers.
- Negotiated with a private operator to lease land in Lefroy Street to increase parking options for customers.
- Rolling out new integrated parking system in North Hobart (ex. parking meters) early in the new calendar year.

- Worked closely with the North Hobart Traders Association on communicating Council initiatives to traders
- Council Parking and Information Officers being visible and visiting various traders in North Hobart

Despite the good work of the Council, some traders in North Hobart are still complaining about SFDS drivers.

One further initiative may be the State Government implementing a system, similar to Victoria, whereby local regulations require vehicles to be identified as a commercial passenger vehicles. This system, which requires a sticker to be displayed on the passenger side of a vehicle's front windscreen means that the vehicle is easily identifiable as a social food delivery service vehicle. If the sticker is not displayed then local authorities will issue drivers with a fine.

The North Hobart area remains one of Hobart's premier dining locations and the problems which are occurring here are unnecessarily causing issues and it is beholden on the Council and the State Government to explore all options to attempt to rectify the situation."

**The General Manager reports:**

"In line with the Council's policy in relation to Notices of Motion, I advise that the matter is considered to be within the jurisdiction of the Hobart City Council as relates to the provision of on street parking."

**COMMUNITY, CULTURE AND EVENTS COMMITTEE**

**14. City of Hobart Grants Program - Delegation for Approval**  
**File Ref: F18/125072; 18/279**

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Ref: Open [CCEC 6.3](#), 9/01/2019

- That:
1. In the interests of good governance and in order to streamline the current grants process, it is recommended that pursuant to Section 22 of the *Local Government Act*, the Council delegate authority to the General Manager to approve all grants administered under the City of Hobart Grants Program which offer support between \$1,000 and \$20,000.
  2. The current Council Policy, Applications for Grants - City of Hobart Grants Program, be amended to reflect the change.
  3. Following the General Manager's approval of the recommendations, a report and assessment details be provided to Elected Members for their information.

**15. Sandy Bay Senior Citizens Club - Lease**  
**File Ref: F18/151152; 15/153-219**

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Ref: Open [CCEC 6.4](#), 9/01/2019

- That:
1. A lease to the Sandy Bay Senior Citizens Club over the community facility located at 23 Lambert Avenue for a period of five (5) years, with an option for a further five (5) years, be approved, subject to no objections being received during the statutory community engagement process required under Section 178 of the *Local Government Act 1993*.
    - (i) Should any objections be received during the community engagement period, a further report will be provided to the Council.
  2. The leased area be provided at a nominal annual rent (\$50 per annum).
  3. The General Manager be authorised to finalise the terms and conditions of the lease.
  4. In accordance with the Council Policy 'Grants and Benefits Disclosure' the benefit recognised to the Sandy Bay Senior Citizens Club by way of reduced rental as part of the new lease be disclosed in the City's Annual Report.

**16. The Taste of Tasmania Future Delivery Model**  
**File Ref: F19/458; 18/90**

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Ref: Open [CCEC 4.1](#), 9/01/2019

That:

1. Acknowledging the significance and success of the Taste of Tasmania in 2018-19, its economic benefits to the state, noting the concerns and recommendations in the report of the Associate Director of City Economy, Tourism & Events marked as item 4.1 of the Closed Community, Culture and Events Committee 9 January 2019, and recognising the financial burden placed upon Hobart ratepayers to fund the Taste of Tasmania, before making a final decision the Council seek the following further information:
  - 1.1. A statistically valid random survey of the Hobart community (ratepayers and residents) be undertaken with final questions drafted with the company carrying out the survey to ensure no bias.
    - (i) A further report on the content of the survey be provided for consideration at a special meeting of the Community, Culture and Events Committee to be scheduled for 21 January 2019.
  - 1.2. The Council receives the final report on the cost of the 2018-19 event.
  - 1.3. The Council receives the economic and social impact assessment being carried out by SGS Economics and Planning on the 2018-19 event.
2. The information requested in clause 1 be provided to the Council by mid-March 2019, to enable a final decision to be made on the future of the Taste of Tasmania at the 18 March 2019 Council meeting.
3. A delegation, to be determined by the Council, of no less than four elected members including the Lord Mayor and the Chairman of the Finance and Governance Committee, meet with the Premier to discuss the future of the Taste of Tasmania.

**17. The Taste of Tasmania – Community Survey**  
**File Ref: F19/5489**

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Ref: Special Open [CCEC 4.1](#), 21/01/2019

A recommendation will be submitted to the meeting.

**CITY INFRASTRUCTURE COMMITTEE**

**18. Melville Street - Footpath Closure**  
**File Ref: F18/142759; RO/671**

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Ref: Special Open [CIC 4.1](#), 21/01/2019

A recommendation will be submitted to the meeting.

**FINANCE AND GOVERNANCE COMMITTEE**

**19. Federal Election Submission**

**File Ref: F18/142272**

Ref: Open [FGC 6.1](#), 15/01/2019

- That:
1. The Federal Government commit and fund the City Deal.
  2. The Council support the following regional issues in its Federal Election document:
    - Support for Refugees
    - Affordable Housing Debt
    - Improved Sporting Facilities for Female Participants
    - Climate Change
  3. The Council support the following local issues in its Federal Election document:
    - Doone Kennedy Hobart Aquatic Centre
    - Smart Cities
    - Major Visitor Infrastructure Projects for kunyani / Mount Wellington
    - Protecting Key Heritage Assets
  4. A briefing forum be held on the issues in the Federal Election document for the candidates and sitting members for the electorate of Clark.
  5. At the appropriate time a community forum be held in the Town Hall for candidates in the Federal election for the seat of Clark in the House of Representatives.

**20. City of Hobart Mission Statement and Values**

**File Ref: F18/137702**

Ref: Open [FGC 6.4](#), 15/01/2019

That the Council endorse the new Mission Statement 'Working together to make Hobart a better place for the community', together with the attached amended Values to guide organisational culture at the City of Hobart.

Attachment A: Amended City of Hobart Values

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## City of Hobart Values

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### We Value:

- **People**

- We care about people – our community, customers and colleagues

- **Teamwork**

- We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community

- **Focus and Direction**

- We work to have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community

- **Creativity and Innovation**

- We embrace new approaches and continuously improve to achieve better outcomes for our community

- **Accountability**

- We work to high ethical and professional standards and are accountable for delivering outcomes for our community, ~~working to high ethical and professional standards~~

- ~~**Teamwork**~~

- ~~We work collaboratively both within the organisation and with external stakeholders for the benefit of our community~~

- ~~**Creativity and Innovation**~~

- ~~We embrace new approaches and continuously improve to achieve better outcomes for our community~~



**21. Elected Member Model Code of Conduct Review**  
**File Ref: F19/225**

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Ref: Open [FGC 6.5](#), 15/01/2019

That the Council adopt the new Model Code of Conduct, included as Attachment A to Item 21 of the Open Council Agenda of 21 January 2019.

Attachment A: Amended Elected Member Code of Conduct



**CITY OF HOBART**

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**~~ALDERMANIC ELECTED MEMBER~~**

**CODE OF CONDUCT**

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## PREAMBLE

Section 28T of the *Local Government Act 1993* (“the Act”) requires each council to adopt the model code of conduct, with or without variations as permitted by the Act, as its code of conduct relating to the conduct of its AldermenElected Members.

The role of an elected member is defined in Section 28 of the Local Government Act 1993 which provides the functions of individual elected members and elected members collectively.

The *Local Government (Model Code of Conduct) Order 2016* sets out the model Code of Conduct.

The model Code of Conduct was adopted by the City of Hobart, without variation, at its meeting held on ~~9 May~~ 201621 January 2019.

Further, the Council resolved at its meeting held on 12 October 2015 to include the following statement in respect to workplace health and safety:

“It is expected that AldermenElected Members will behave responsibly in regard to appropriate use of alcohol and other drugs while on Council duties.

In support of this, facilities are available in the Aldermen’s Lounge and adjacent to the Lord Mayor’s Courtroom to provide for self-testing.”

N.D. Heath  
**General Manager**

# ACCOMPANYING CONTENT TO THE MODEL CODE OF CONDUCT

## 1. INTRODUCTION

### Purpose of Code of Conduct

This Code of Conduct sets out the standards of behaviour expected of ~~Aldermen~~Elected Members of the City of Hobart, with respect to all aspects of their role.

As leaders in the community, ~~Aldermen~~Elected Members acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each Elected Member~~Alderman~~'s primary goal of acting in the best interests of the community.

~~Aldermen~~Elected Members therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Code of Conduct.

This Code of Conduct incorporates the Model Code of Conduct made by Order of the Minister responsible for local government.

### Application of code of conduct

This Code of Conduct applies to an Elected Member~~Alderman~~ whenever ~~he or she~~they:

- conducts council business, whether at or outside a meeting;
- conducts the business of ~~his or her~~their office (which may be that of Lord Mayor, Deputy Mayor or Elected Member~~Alderman~~); or
- acts as a representative of the Council.

A complaint of failure to comply with the provisions of the Code of Conduct may be made where an Elected Member~~Alderman~~ fails to meet the standard of conduct specified in the Model Code of Conduct.

### Standards of conduct prescribed under the Model Code of Conduct

The model code of conduct provides for the following eight standards of conduct:

#### 1. Decision making

An Elected Member~~Alderman~~ is to bring an open and unprejudiced mind to all matters being considered in the course of ~~his or her~~their duties, so that decisions are made in the best interests of the community.

#### 2. Conflict of interest

An Elected Member~~Alderman~~ effectively manages conflict of interest by ensuring that personal or private interests do not influence, and are not seen to influence, the performance of ~~his or her~~their role and acting in the public interest.

#### 3. Use of office

An Elected Member~~Alderman~~ uses his or her office solely to represent and serve the community, conducting ~~himself or herself~~themselves in a way that maintains the community's trust in the Elected Member~~Alderman~~ and the Council as a whole.

#### 4. Use of resources

An Elected Member~~Alderman~~ uses Council resources and assets strictly

| for the purpose of performing ~~his or her~~ their role.

**5. Use of information**

An ~~Elected Member~~~~Alderman~~ uses information appropriately to assist in performing ~~his or her~~~~their~~ role in the best interests of the community.

**6. Gifts and benefits**

An ~~Elected Member~~~~Alderman~~ adheres to the highest standards of transparency and accountability in relation to the receiving of gifts or benefits, and carries out ~~his or her~~~~their~~ duties without being influenced by personal gifts or benefits.

**7. Relationships with community, ~~Aldermen~~~~Elected Members~~ and council employees**

An ~~Elected Member~~~~Alderman~~ is to be respectful in ~~his or her~~~~their~~ conduct, communication and relationships with members of the community, fellow ~~Aldermen~~~~Elected Members~~ and Council employees, in a way that builds trust and confidence in the Council.

**8. Representation**

An ~~Elected Member~~~~Alderman~~ is to represent ~~himself or herself~~ ~~themselves~~ and the Council appropriately and within the ambit of ~~his or her~~~~their~~ role, and clearly distinguish between ~~his or her~~~~their~~ views as an individual and those of the Council.

**Principles of good governance**

By adopting this Code of Conduct, ~~Aldermen~~~~Elected Members~~ commit to the overarching principles of good governance by being:

*Accountable - Explain, and be answerable for, the consequences of decisions made on behalf of the community.*

*Transparent - Ensure decision making processes can be clearly followed and understood by the community.*

*Law-abiding - Ensure decisions are consistent with relevant legislation or common law, and within the powers of local government.*

*Responsive - Represent and serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.*

*Equitable - Provide all groups with the opportunity to participate in the decision making process and treat all groups equally.*

*Participatory and inclusive - Ensure that anyone affected by or interested in a decision has the opportunity to participate in the process for making that decision.*

*Effective and efficient - Implement decisions and follow processes that make the best use of the available people, resources and time, to ensure the best possible results for the community.*

*Consensus oriented - Take into account the different views and interests in the community, to reach a majority position on what is in the best interests of the whole community, and how it can be achieved.*

## 2. LEGISLATION

The code of conduct framework is legislated under the Local Government Act 1993 (the Act). The Act is available to view via the Tasmanian Legislation Website at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).

### Code of conduct

~~Aldermen~~Elected Members are required to comply with the provisions of the Council's Code of Conduct while performing the functions and exercising the powers of ~~his or her~~their office with the council.

The Code of Conduct incorporates the Model Code of Conduct (made by order of the Minister responsible for local government) and may include permitted variations included as attached schedules to the Model Code of Conduct.

### Making a code of conduct complaint

A person may make a code of conduct complaint against one Elected Member ~~Alderman~~ in relation to the contravention by the Elected Member~~Alderman~~ of the council's code of conduct.

A person may make a complaint against more than one Elected Member ~~Alderman~~ if the complaint relates to the same behaviour and the same code of conduct contravention.

Code of conduct complaints are lodged with the General Manager of the council and must comply with legislative requirements, as outlined below.

A complaint may not be made by more than two complainants jointly.

A code of conduct complaint is to –

- be in writing;
- state the name and address of the complainant;
- state the name of each Elected Member~~Alderman~~ against whom the complaint is made;
- state the provisions of the code of conduct that the Elected Member ~~Alderman~~ has allegedly contravened;
- contain details of the behaviour of each Elected Member~~Alderman~~ that constitutes the alleged contravention;
- be lodged with the General Manager within six months after the Elected Member~~Alderman~~ or ~~Aldermen~~Elected Members against whom the complaint is made allegedly committed the contravention of the code of conduct; and
- be accompanied by the code of conduct complaint lodgement fee.

Once satisfied that the code of conduct complaint meets prescribed requirements, the General Manager forwards the complaint to the Code of Conduct Panel.

### *Code of conduct complaint lodgement fee*

The code of conduct complaint lodgement fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*.

### 3. FURTHER ASSISTANCE

#### Aldermanic dispute resolution

AldermenElected Members commit to developing strong and positive working relationships and working effectively together at all times.

Prior to commencing a formal code of conduct complaint, the AldermenElected Members who are parties to any disagreement should endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to act in the best interests of the community.

A council's internal dispute resolution process should be the first step that is taken when there is a dispute between AldermenElected Members.

An Elected MemberAlderman who is party to any disagreement should request the Lord Mayor or the General Manager to assist the Elected MemberAlderman in resolving the disagreement informally.

If the informal assistance does not resolve the disagreement, the General Manager may, with the consent of the parties involved, choose to appoint an external mediator to assist in the resolution of the disagreement. If an external mediator is appointed, AldermenElected Members who are party to the disagreement must strive to cooperate with the mediator and use their best endeavours to assist the mediator and participate in the mediation arranged.

Where a matter cannot be resolved through internal processes, the next step may be to lodge a formal code of conduct complaint.

AldermenElected Members should only invoke the provisions of the Code of Conduct in good faith, where it is perceived that another Elected Member Alderman has not complied with the provisions or intent of the Code of Conduct.

# 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, elected members.

## 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 the order were by-laws.

## PART 1 - DECISION MAKING

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

## PART 2 - CONFLICT OF INTEREST

1. When carrying out his or her ~~their~~ public duty, an Elected Member ~~Alderman~~ must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she~~they~~ may have.
2. An Elected Member~~Alderman~~ must act openly and honestly in the public interest.
3. An Elected Member ~~Alderman~~ 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~~Elected Member~~ is appointed or nominated by the Council.
4. An Elected Member ~~Alderman~~ must act in good faith and exercise reasonable judgement to determine whether he or she~~they~~ has~~have~~ an actual, potential or perceived conflict of interest.
5. An Elected Member~~Alderman~~ must avoid, and remove himself or herself~~themselves~~ from, positions of conflict of interest as far as reasonably possible.
6. An Elected Member ~~Alderman~~ who has an actual, potential or perceived conflict of interest in a matter before the Council must –
  - (a) declare the conflict of interest before discussion on the matter begins; and

(b) act in good faith and exercise reasonable judgement to determine whether ~~a reasonable person would consider that the conflict of interest requires the Elected Member to the conflict of interest is so material that it requires-~~ ~~removing himself themselves or herself~~ physically from any Council discussion and remaining\_ out of the room until the matter is decided by the Council.

7. This Part does not apply in relation to a pecuniary interest

### PART 3 - USE OF OFFICE

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

### PART 4 - USE OF RESOURCES

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

## PART 5 - USE OF INFORMATION

- ~~1. An Alderman 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.~~
- ~~2.1. An Elected MemberAlderman must only access Council information needed to perform his or her their role and not for personal reasons or non-official purposes.~~
- ~~3. An Alderman must not use Council information for personal reasons or non-official purposes.~~
- ~~4.2. An Elected MemberAlderman 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. An Elected Member Alderman may accept an offer of a gift or benefit if it directly relates to the carrying out of the Elected MemberAlderman's public duties and is appropriate in the circumstances.
2. An Elected Member Alderman must avoid situations in which the appearance may be created that any person or body, through the provision of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the Elected MemberAlderman or the Council.
- ~~3. An Alderman must carefully consider –~~
  - ~~(a) the apparent intent of the giver of the gift or benefit; and~~
  - ~~(b) the relationship the Alderman has with the giver; – and~~
  - ~~(c) whether the giver is seeking to influence his or her decisions or actions, or seeking a favour in return for the gift or – benefit.~~
- ~~4. An Alderman must not solicit gifts or benefits in the carrying out of his or her duties.~~
- ~~5. An Alderman must not accept an offer of cash, cash-like gifts (such as gift cards and vouchers) or credit.~~
- ~~6. An Alderman must not accept a gift or benefit if the giver is involved in a matter which is before the Council.~~
- ~~7. An Alderman may accept an offer of a gift or benefit that is token in nature (valued at less than \$50) or meets the definition of a token gift or benefit (if the Council has a gifts and benefits policy).~~
- ~~8. If the Council has a gifts register, an Alderman who accepts a gift or benefit must record it in the relevant register.~~

## PART 7 - RELATIONSHIPS WITH COMMUNITY, ~~ALDERMEN-~~ ~~ELECTED MEMBERS~~ AND COUNCIL EMPLOYEES

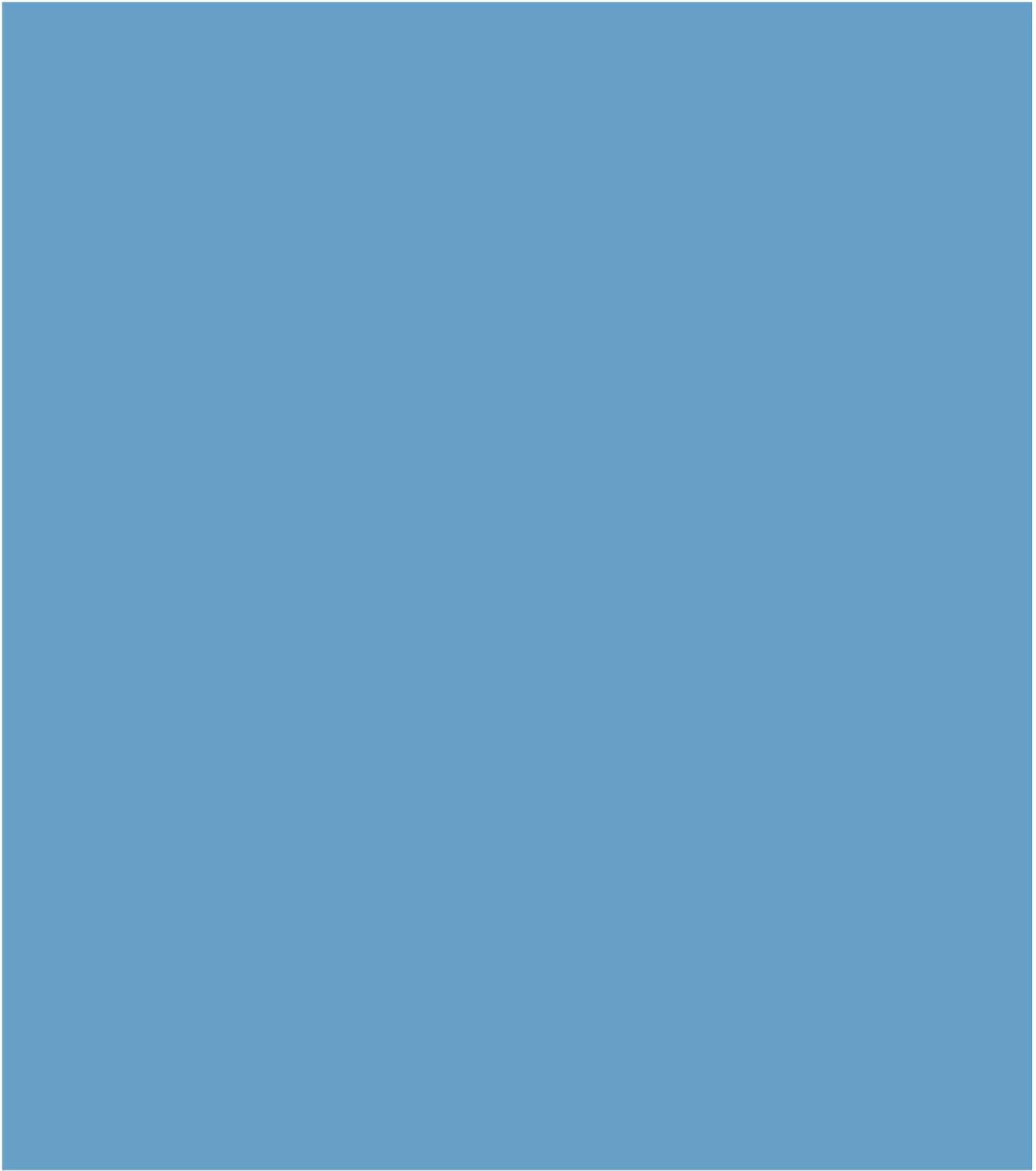
1. An ~~Elected Member~~~~Alderman~~ –
  - (a) must treat all persons with courtesy, fairness, dignity and respect; and
  - (b) must not cause any reasonable person offence or embarrassment; and
  - (c) must not bully or harass any person.
2. An ~~Elected Member~~~~Alderman~~ must listen to, and respect, the views of other ~~Elected Members~~~~Aldermen~~ 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. An Alderman must not influence, or attempt to influence, any Council employee or delegate of the Council, in the exercise of the functions of the employee or delegate.~~
- 4.3 An ~~Elected Member~~~~Alderman~~ must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.
- 5.4 An ~~Elected Member~~~~Alderman~~ must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

## PART 8 - REPRESENTATION

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

## PART 9 - VARIATION OF CODE OF CONDUCT

Any Variation of this Model Code of Conduct is to be in accordance with section 28T of the Act.



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Macquarie Street,  
Hobart,  
Tasmania 7000 Australia  
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f (03) 6238 2186  
e [coh@hobartcity.com.au](mailto:coh@hobartcity.com.au)  
w [hobartcity.com.au](http://hobartcity.com.au)

**22. Live Minute Taking, Recording of Closed Council Meetings and Lady Osborne Room Audio System**

**File Ref: F18/154291; 15/162-005 & 006**

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Ref: Open [FGC 6.6](#), 15/01/2019

- That:
1. The update in relation to capturing and displaying live minutes at Council meetings and the replacement of the audio system in the Lady Osborne Room as detailed in item 6.6 of the Open Finance and Governance Committee agenda of 15 January 2019 be received and noted.
  2. The Council resolve to record the closed portion of Council meetings.

**PARKS AND RECREATION COMMITTEE**

**23. Queens Domain Vegetation Management Policy - Proposed Council Policy**

**File Ref: F18/92947**

Ref: Open [PRC 6.2](#), 10/01/2019

That a new Council Policy, 'Queens Domain Vegetation Management Policy' dated January 2019 and marked as Attachment A to item 6.2 of the Open Parks and Recreation Committee agenda of 10 January 2019, prepared to ensure the aesthetic appeal of the open landscape of Queens Domain whilst conserving nationally significant biodiversity values, be approved.

**24. Queens Domain Summit Plan - Response to Petition on Motori Italia Club's Annual Hill Climb Event**

**File Ref: F18/153049; 2017-0097**

Ref: Open [PRC 6.3](#), 10/01/2019

That: 1. In respect to the Council decision of 20 August 2018 in relation to the endorsement of the *Queens Domain Summit Plan 2018*, the Council overturn part of its decision of 20 August 2018 and rescind the following clause:

'1(i) The proposed changes to the draft plan to accommodate the Club Motori Italia Club's Annual Hillclimb event to the Summit not be approved and motor club events not be approved in the future as the activity is not consistent with the values of the Queens Domain Summit Plan'.

2. The petitioners be advised of the Council decision and wider communication be undertaken accordingly.

**25. Cascade Estate Strategic Land Review: Advice from Carlton United Breweries**

**File Ref: F18/150863; 70-1-19**

Ref: Open [PRC 6.4](#), 10/01/2019

That: 1. The Carlton United Breweries (CUB) correspondence dated 19 December 2018 detailing its position on the draft Cascade Land Review be noted.

2. CUB's invitation to hold further discussions to progress the vision for the Estate be accepted and progressed.

3. The General Manager be authorised to conduct discussions with CUB and report back to the Council by September 2019.

4. The community be advised of CUB's decision and that further discussions are to be held between the City and CUB on the future management of the Cascade Estate.

**SPECIAL REPORT – GENERAL MANAGER**

**26. Risk and Audit Panel Annual Report**  
**File Ref: F18/153834**

---

Report of the Chairman, Risk and Audit Panel of 16 January 2019 and attachments.

Delegation: Council

**REPORT TITLE: RISK AND AUDIT PANEL ANNUAL REPORT****REPORT PROVIDED BY:** Chairman, Risk and Audit Panel**1. Report Purpose and Community Benefit**

- 1.1. The purpose of this report is to provide the Council with an overview of the Risk and Audit Panel's activities during 2018 as required under the Panel's Terms of Reference.

**2. Report Summary**

- 2.1. The Risk and Audit Panel was established by the Council at its meeting held on 15 December 2014, pursuant to Section 85 of the *Local Government Act 1993*.
- 2.2. In accordance with the Terms of Reference, the Panel provides a report annually to the Council providing an overview of activities for the year, the following year's proposed Work Plan and, if appropriate, the reviewed Terms of Reference for endorsement.
- 2.3. The Panel had 6 scheduled and 1 special meetings in 2018 and, in addition to oversight of risk management, internal and external audit and the review and endorsement of the annual budget and financial statements, undertook a number of other projects which resulted from its own deliberations, and issues raised by management or referred to it by third parties.
- 2.4. In general, the Panel is of the opinion that the Council has a reasonable and adequate approach to the identification and management of risk, and puts in place appropriate responses to issues where the risk is identified and considered to be unacceptable.
- 2.5. It is noted, however, that a new Risk and Resilience Register is currently being implemented. Therefore the Panel is yet to see how it is implemented within Council and what impact it will have on both the risk maturity of the organisation and the results from its risk management activities.
- 2.6. As noted in this report, there are some areas which the Panel considers could be strengthened by Council to better manage its risk profile.

**3. Recommendation*****That:***

1. ***The Council note the Risk and Audit Panel's Annual Report for 2018.***
2. ***The Council endorse the Risk and Audit Panel's 2019 draft Work Plan.***

3. ***The Council note that the Risk and Audit Panel has reviewed the Terms of Reference and recommends one change, that being the exclusion of the Lord Mayor and the Chair of the Council's Finance Committee as possible Aldermanic members of the Panel.***

#### 4. Background

- 4.1. The Panel was established by the Council at its meeting held on 15 December 2014, pursuant to Section 85 of the *Local Government Act 1993*.
- 4.2. The Panel is responsible for the effective application of its responsibilities in accordance with sections 85, 85A and 85B of the *Local Government Act 1993*, the *Local Government (Audit Panels) Order 2014* (S.R. 2014, No.34), the application of its Terms of Reference and the *Local Government Act 1993* generally.
- 4.3. *The Local Government (Audit Panels) Order 2014* sets out the compliance requirements for the operations of the Panel.
- 4.4. In accordance with Section 85A of the *Local Government Act 1993*, the Panel is to undertake reviews of performance in relation to:
  - 4.4.1. The Council's financial system, financial governance arrangements and financial management arrangements;
  - 4.4.2. All plans of the Council under Part 7 of the *Local Government Act 1993* (the strategic plan, long-term financial management plan, financial management strategies, long-term asset management plans, asset management policies and strategies, annual plan, annual report);
  - 4.4.3. The policies, systems and controls the Council has in place to safeguard its long-term future; and
  - 4.4.4. Any other matters specified in an order under Section 85B of the *Local Government Act 1993* (*Local Government (Audit Panels) Order 2014*).
- 4.5. The current Terms of Reference (Attachment A) set out the Panel's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.
- 4.6. The Panel consists of an independent Chairman, two independent members and two Aldermanic members:

- Mr David Hudson (Independent Chairman)
  - Alderman Jeff Briscoe (*until October 2018*)
  - Alderman Damon Thomas (*until October 2018*)
  - Alderman Tanya Denison (*from November 2018*)
  - Councillor Mike Dutta (*from November 2018*)
  - Ms Alison Flakemore (Independent Member) (*until December 2018*) and
  - Mr Joss Fenton (Independent Member)
- 4.7. From its Terms of Reference, the following are specified as matters the Panel must consider a review of the Council's performance:
- 4.7.1. Whether the annual financial statements of the Council accurately represent the state of affairs of the Council;
  - 4.7.2. Whether and how the Part 7 Plans (the strategic plan, long-term financial management plan, financial management strategies, long-term asset management plans, asset management policies and strategies, annual plan, annual report) are integrated and the processes and assumptions undertaken to prepare the plans;
  - 4.7.3. The accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position;
  - 4.7.4. Whether the Council is complying with the provisions of the *Local Government Act 1993* and any other relevant legislation; and
  - 4.7.5. Whether the Council has taken any action in relation to previous recommendations provided by the Panel to the Council and, if it has taken action, what that action was and its effectiveness.
- 4.8. During 2018, 6 scheduled plus 1 special meetings of the Panel were held.
- 4.9. The Panel's Work Plan for 2018 is provided at Attachment B.

## **5. Proposal and Implementation**

- 5.1. Risk Management
  - 5.1.1. As is best practice, the Panel has oversight of the continual review of the Council's Strategic Risk and Resilience Register, which now contains 12 key risks which have the potential to impact on the City's strategic objectives, or are high level operational risks. The Executive Leadership Team regularly reviews the Register and the actions being taken to mitigate areas of unacceptable risk. The newly revised Register is also to be considered by the Finance and Governance Committee and the Council.

- 5.1.2. The Panel supports the evolution of the Register to assess the Council's "resilience" (that is, capability to restore "normal" circumstances) as a broader concept than only risk assessment and avoidance.
- 5.1.3. The Panel will continue oversight of the new risk management Register, ensuring its integration into Council's strategic planning and accountability frameworks.
- 5.1.4. The Panel monitors the regular risk review process and progress with treatment plans where risks are identified as "extreme" and "high". The Panel is of the opinion that, in the main, appropriate actions are being taken to address the assessed risks.
- 5.1.5. Two major projects have been under continual review this year, these being the Tasman Highway Bridge Construction and Project Phoenix:
- In relation to the former, the Panel has expressed concerns regarding the adequate determination and consideration of the Council's risks, as compared to those which can be attributed to the contractors. These risks may include reputational, financial, stakeholder management and safety risks.
  - In relation to the latter, it would appear that management of this project has, on the whole, been in line with the planned implementation. Although there have been some unforeseen delays and staffing issues, the Panel has been advised that the project is still expected to be achieved in line with the budget allocation.
- 5.1.6. The Panel will continue to review these projects and will assist the Council to develop its project management expertise and resources to minimise the impact of risks and optimise project outcomes.
- 5.1.7. The Panel is also briefed on any actual or potential breaches of legislative and regulatory requirements.
- 5.1.8. During the year, the Panel also considered:
- Potential implications from the Auditor-General's report into procurement at the Glenorchy City Council;
  - The outcome of the Council's review of its Aldermanic Professional Development Policy;
  - The review of the Gifts, Hospitality and Entertainment, and Other Benefits Employee Policy; and

- The adequacy of the Council's insurance coverage program.

## 5.2. Financial Management

- 5.2.1. The Panel examined the City's Budget Estimates for the 2018/19 financial year with specific focus on consistency with Council's integrated planning documents. The Panel's advice was that, in comparison with the previous year, the Estimates had less negative impact on the achievement of the Long Term Financial Management Plan (LTFMP).
- 5.2.2. The Panel again expressed its concern that there was a high financial risk to the City if there was an unexpected major call on funds (such as the May 2018 floods) or reduction in revenues in future years. The Panel recommended that the LTFMP be used as a planning, and not a forecasting, tool for Council, and that changes to the LTFMP be fully explained annually.
- 5.2.3. The Panel reviewed and endorsed the City's Financial Statements and the Management Representation Letter to the Auditor-General for the year ended 30 June 2018.
- 5.2.4. The Panel monitored the Tasmanian Audit Office external audit of the Financial Statements. The Auditor-General concluded that there were no significant issues identified or outstanding, and issued an unqualified audit opinion.
- 5.2.5. The Panel was also responsible for endorsing the City's Annual Report as correctly representing the 2017/18 audited Financial Statements.
- 5.2.6. As part of the consideration of the 2017/18 Financial Statements and 2018/19 Budget, the Panel further discussed the impact of major unexpected events (such as the May 2018 floods) on the financial viability of the Council. The Panel's recommendation was that there be ongoing budgeted surpluses to cater for such events if they occurred.
- 5.2.7. In relation to the May floods, the Panel requested that the non-provision of a reserve of funds be explained in the Financial Statements, due to the unavailability of definitive data at that time.
- 5.2.8. The Panel supported the General Manager's recommendation that the financial surplus for 2017/18, in excess in the budgeted level, be utilised for the costs associated with the floods.

### 5.3. Internal Audit

- 5.3.1. The Panel oversees the work of the City's Internal Auditors, Wise Lord and Ferguson.
- 5.3.2. Based on the Strategic Risk Register and contemporary issues raised with the Panel, the Panel endorses both a three year and an annual Internal Audit Plan covering the essential examination of critical policies and processes, together with specific reviews of designated areas of perceived risk.
- 5.3.3. During the year, the Panel considered reports from the Internal Auditors in relation to:
- Rates management – no significant issues were noted;
  - The Integrated Parking System (at its testing phase) - the lack of a stakeholder management plan was noted. The arising technical and public relations issues were also discussed later in the project;
  - Termination payments – minor process issues only were identified;
  - Taste of Tasmania 2017/18 – significant non-compliance with vendor reconciliation processes were noted. Actions are to be put in place to address these issues before the 2018/19 event;
  - Aldermanic credit card usage – this report was also provided to other interested regulatory parties; and
  - Emergency responses to the floods in May 2018 – both operational and financial impacts have and will continue to be reviewed
- 5.3.4. The Panel also receives reports from staff on bush fire management, both prior to and following each bush fire season.
- 5.3.5. An ongoing consideration of the Council's risk management maturity is being undertaken, in coordination with Council's review of its risk management strategies and plans.
- 5.3.6. The Panel is of the view that the Council has taken appropriate actions in regard to the outcomes of these projects.
- 5.3.7. The projects intended to be undertaken by the Internal Auditors in the next year are shown later in this report.
- 5.3.8. The Panel is of the view that Wise, Lord and Ferguson have undertaken their duties at an appropriate standard during the past 12 months. The Panel appreciates the advice and support provided by Wise, Lord and Ferguson.

5.3.9. The Panel has noted that there is a need to manage conflicts of interest in relation to the Internal Auditor's various activities undertaken on behalf of Council. In this regard, another organisation, BDO, was engaged to undertake a review of the Council's stakeholder engagement processes as part of the City's Future Vision Project. Council's contract with Wise, Lord and Ferguson has a 3 year term with an option to extend the contract for a further 3 years. The end of the first 3 years occurred during 2018 and the Panel endorsed the extension of the contract for the further 3 years.

5.4. Other projects undertaken by the Panel include:

5.4.1 The timeliness of the preparation and approval of the City's Long Term Strategic Asset Management Plan (SAMP) – this process has been reviewed, however, the Panel has requested further consideration of the integration of the SAMP with annual asset and financial planning processes.

5.4.2 Cyber risk and security – the Panel is provided with regular reports on this matter and is satisfied that the issues are being addressed appropriately.

5.4.3 Taste of Tasmania – the broader risks associated with the hosting of such a major event have been considered. A briefing before the 2018/19 event on significant emergency events has been requested, together with a review of broader risk management to be undertaken after the event.

5.4.4 As required by its Terms of Reference, a self-assessment has been undertaken by the Panel of its activities over the past year. The assessment showed a high level of satisfaction in relation to the Panel's coverage of and capabilities to undertake its responsibilities and functions. A number of areas of concern, however, were noted:

- the range and extent of the Panel's responsibilities and its capabilities to fulfil those responsibilities;
- the consultation which, as required by the Terms of Reference, should be held with the Panel with regard to the annual program and budget for the Panel and associated activities, and any proposed change to those activities and budget;
- the management of the issues and information provided to the Panel to ensure that it is able to provide appropriate time and consideration to the issues raised;

- the integration of planning and reporting activities, in particular related to those activities with specific relevance to the 4 year fixed term of Council;
- the volume, relevance and content of advice provided to the Panel;
- the Council's risk maturity and management skills, especially for large projects and other high to extreme risk Council activities; and
- the "independence" of the advice provided by Council to the Panel which may appear to reduce the actual risk experienced.

5.4.5 These issues will continue to be considered by the Panel in the upcoming year as the Council implements the policies, procedures and education of staff about the management of the risks identified in the new Strategic Risk and Resilience Register.

5.5. The Panel has reviewed its Terms of Reference and is of the opinion that one amendment should be considered by Council. To ensure that there is no actual or perceived conflict of interest, it is recommended that the Lord Mayor and the Chair of Council's Finance and Governance Committee not be eligible to be an Aldermanic member of the Panel.

5.5.1 The recommended change in the Terms of Reference is shown in Attachment A at paragraph 2.2.2 (b). The Council may agree with one or both of these positions being ineligible to sit on the Panel, or reject the recommendation in total.

5.5.2 Following the State Government's review of the *Local Government Act*, it does not appear that the Terms of Reference will require amendment. The legislative requirement for Panel members to manage conflicts of interest is already covered within the Terms of Reference.

5.6 The Chairman continues to be involved in discussions with the Local Government Division of the Department of the Premier and Cabinet, LGAT and the Auditor-General's Office concerning issues raised by panels around the State about their roles, functions and responsibilities. This has resulted in a review of the *Local Government Audit Panels – A Practice Guide* as issued by the Local Government Division. Further support will be provided to council panels over the coming months.

5.7 During 2018, 2 independent members (Hudson and Fenton) undertook professional development by attending the AICD's course on Applied Risk Governance.

5.8 Consideration of issues referred to the Panel:

5.8.1 There were no issues referred to the Panel by individual Aldermen or members of the public during the past year.

5.9 Communications.

5.9.1 The Panel has regular discussions with management of the Council, both at its meetings and at other times as required.

5.9.2 As requested by Aldermen, the Chairman has commenced providing summary written briefings to Aldermen following each meeting, as well as quarterly confidential briefings to Aldermen. Any feedback from Aldermen about the Panel's planned activities, or any other areas of concern, is welcomed.

5.9.3 In accordance with section 5.3 of the Terms of Reference, the Panel has provided advice and recommendations to Council as considered necessary and appropriate.

**6. Priorities for 2019**

6.1 At its meeting on 4 December 2018, the Panel endorsed a draft Work Plan for 2019 which is provided at Attachment C. This includes those projects which are included within the Internal Auditor's planned projects for the first half of 2019. The projects for the second half of the year will be determined by the Panel as part of the implementation of Council's new Strategic Risk and Resilience Register and the priorities from that Register for review or investigation.

6.2 Recent public enquiries and government investigations into a number of industries and specific companies in particular have "raised the bar" in relation to an organisation's risk management, and the linkages between risk management and the organisation's governance, culture, accountabilities, disclosure, organisational learning and change management.

6.3 As with all public institutions, the maintenance of trust is of paramount importance. With this in mind, the Panel will be continuing to review and, if necessary, recommend change to Council's culture, risk awareness, policies and processes. This will require a significant effort throughout the organisation to develop a culture of learning from unexpected events, which in turn requires a framework which includes:

- Planning;
- Performance/outcome measurement;
- Reporting and disclosure;
- Remedial and restorative actions; and
- If needed, changes to make the Council more resilient in the future.

- 6.4 The Panel will continue to review integrated planning processes across the Council's key strategic documents (including the Strategic Plan, Long Term Financial Management Plan, Asset Management Plan and Annual Plan) in 2019. It is understood that the Council and Executive Leadership Team are considering the development of a 4 year Plan (as is undertaken in some other jurisdictions) to more clearly link the 10 year Strategic Plan to annual planning. The Panel will be ensuring that the legislative and best practise requirements for such processes are implemented.
- 6.5 The Panel will also continue to meet its legislative and other requirements, in particular those outlined in these Terms of Reference, to ensure that the governance and administration of the City of Hobart comply with contemporary risk management practices, and protect the longer term viability of the organisation.
- 6.6 In addition to the regular compliance audits in areas such as finance, human relations and purchasing, the Panel is expected to consider reports from the Internal Auditors during 2018/19 on matters such as:
- Planning permits and building approvals;
  - Parking revenue;
  - Cyber IT governance;
  - Incident and response (eg. natural disasters); and
  - Other high priority matters evolving from the new Strategic Risk and Resilience Register.
- 6.7 Special projects where the Panel expects to add value to the work of the Council are proposed to include:
- Ongoing oversight of Project Phoenix;
  - Ongoing oversight of major capital works (Remembrance Bridge);
  - Fire and other natural disaster risks;
  - Death and major injury within the workplace; and
  - Implementation of the new Strategic Risk and Resilience Register, including the development of a strong risk awareness culture across the organisation.

## **7. Strategic Planning and Policy Considerations**

- 7.1. Strategic objective 5.1 from the Capital City Strategic Plan is relevant to this report:

*"The organisation is relevant to the community and provides good governance and transparent decision-making....*

*5.1.5 Integrate the role of the Audit Panel into the Council's governance framework".*

**8. Delegation**

8.1. This is a matter for the Council.

**9. Appreciation**

9.1. I wish to thank my colleagues on the Panel for their support, input and expertise as the Panel considers the significant issues brought before it and the most effective manner for the Panel to undertake its Work Plan. In particular, the advice and support of Ms Flakemore over the past 4 years has been very much appreciated.

9.2. Also, thanks go to the Council management for their provision of advice, information and resources to enable the Panel to undertake its roles and responsibilities.

*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.*



David Hudson  
**CHAIRMAN, RISK AND AUDIT PANEL**

Date: 16 January 2019  
File Reference: F18/153834

Attachment A: Risk and Audit Panel 2018 Work Plan ↴  
Attachment B: Risk and Audit Panel 2019 First Draft Work Plan.pdf ↴  
Attachment C: Draft Terms of Reference - Risk and Audit Panel - Dec 2018 ↴



## Risk and Audit Panel

### 2018 Work Plan and Meeting Schedule

#### Audit Panel Meeting Arrangements

- Venue:** Dame Mabel Miller Room
- Meeting time:** 4pm to 6pm – Panel to convene 15 minutes prior to meeting
- Distribution of Meeting Papers:** Agenda – PDF electronically (Citrix folder)  
Minutes – following meeting and then again with the Agenda – PDF electronically (Citrix folder)

#### Audit Panel Functions

The Panel will contribute to the good governance of the City.

The following are matters that the Panel will consider in its review of the Council's performance incorporating all requirements of the *Local Government Act 1993 (Local Government (Audit Panels) Order 2014)*:

- (a) The oversight of management of risk associated with the Council and its activities and services, including the identification, assessment, management and review of those risks.
- (b) Whether and how the Part 7 Plans (the strategic plan, long-term financial management plan, financial management strategies, long-term asset management plans, asset management policies and strategies, annual plan, annual report) are integrated and the processes and assumptions undertaken to prepare the plans;
- (c) The accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position;
- (d) Whether the annual financial statements of the Council accurately represent the state of affairs of the Council;
- (e) Whether the Council is complying with the provisions of the *Local Government Act 1993* and all other relevant legislation;
- (f) Whether the Council has taken any action in relation to previous recommendations provided by the Panel to the Council and, if it has taken action, what that action was and its effectiveness; and

Any other activities within the Panel's remit which are requested by the Council or as determined by the Panel.

TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2018 MEETING DATES					
		6 MARCH 2018	18 APRIL 2018	5 JUNE 2018	7 AUGUST 2018	23 OCTOBER 2018	4 DECEMBER 2018
<b>1. Panel</b>							
1.1 Review the Panel's operations and activities: - self-assessment; - summary of work performed; - review of terms of reference; - review of internal and external audit services; and - assessment against the requirements of the LGA.	Annually					✓ Annual workshop	Panel Annual Report to Council Dec 2018
1.2 Preparation and adoption of work plan	Annually					✓ Annual workshop	Present to Panel & Council Dec 2018
1.3 Communication: - Report to Council - Panel Annual Report	Quarterly Annually	✓	✓		✓	✓	Panel Annual Report to Council Dec 2018
1.4 Membership: - Appointments and reappointments - Panel Induction of new members	Annually (if required) As required						Recommendations to Council
<b>2. Risk Management</b>							
2.1 Review and provide any comment on the Strategic Risk Register.	Annually				✓		

*Note: Bold items for discussion at each meeting.*

Approved by the Council – 18 December 2017, [Updated 10 April 2018](#)

TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2018 MEETING DATES					
		6 MARCH 2018	18 APRIL 2018	5 JUNE 2018	7 AUGUST 2018	23 OCTOBER 2018	4 DECEMBER 2018
2.2 Monitor strategic risks with a residual rating of "Extreme and High" and the progress of the implementation of respective risk treatment plans.	Quarterly Report on extreme/high risks	✓		✓		✓	✓
2.3 Actively review the Council's risk management processes and their effectiveness in identifying and managing the Council's financial and business risks. <b>Request Council to undertake special reviews or projects on issues of concern:</b> - Business Systems Transformation Project - Capital Works Project – <u>Tasman Highway Bridge project (tbd)</u> - Employee Gifts and Professional Development Policies - Death in the workplace - Fire and Biodiversity Risks - <u>Cyber Risks and Security</u>	As required - ongoing Special Projects						
	GM						
	Quarterly						
	<u>Quarterly Each Meeting</u>	✓		✓	✓	✓	✓
	To be scoped and approved at March meeting	✓					
"	✓						
"	✓		✓				
"	✓			✓	✓		
Receive briefings and reports from the General Manager in relation to new and emerging risks that will/may have an impact on the sustainability of	Each meeting	✓	✓	✓	✓	✓	✓

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Note: Bold items for discussion at each meeting.

Approved by the Council – 18 December 2017, Updated 10 April 2018

TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2018 MEETING DATES					
		6 MARCH 2018	18 APRIL 2018	5 JUNE 2018	7 AUGUST 2018	23 OCTOBER 2018	4 DECEMBER 2018
the Council: Eg. Amalgamations, Electoral cycle, Legislative reform, Natural disaster.							
<b>3. Internal Governance Audit (Oversee the coordination of the Council's governance audit program)</b>							
3.1 Review and approve the three-year strategic internal audit plan for Council consideration.	Every 3 years (next due 1/7/2019)			✓			
3.2 Review and approve the annual internal audit work plan, in accordance with the Council approved three-year strategic internal audit plan.	Annually  IA				✓		
<b>3.3 To receive advice from the internal and external auditors on projects and investigations being planned or undertaken:</b> - Financial Sustainability - Community and Stakeholder Engagement - Planning permits and building approvals - New parking systems - Project management tools - Data migration (Project Phoenix) - Compliance issues	As per Annual Audit Plan  IA, EA and GM  All to be considered as part of IA Work Program	✓	✓		✓		✓

Note: Bold items for discussion at each meeting.  
Approved by the Council – 18 December 2017, [Updated 10 April 2018](#)

TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2018 MEETING DATES					
		6 MARCH 2018	18 APRIL 2018	5 JUNE 2018	7 AUGUST 2018	23 OCTOBER 2018	4 DECEMBER 2018
3.4 Receive reports from Internal Auditors and/or the General Manager on audit findings that have an "Extreme" or "High" risk rating and monitor management's progress on the implementation of these agreed management actions.	Quarterly As per the Internal Audit Work Plan, findings and implementation.	✓		✓		✓	✓
3.5 Annually review the performance of the contracted internal audit service providers, briefing the Council on the outcome of the review.	Annually GM and Panel						Audit Panel Annual Report to Council Dec 2018.
<b>4. External Audit (oversee the external audit programs)</b>							
4.1 Receive the annual Tasmanian Audit Office Client Strategy.	Annually Prior to new financial year  A-G	✓					
4.2 Provide feedback to the Council on the external audit advice provided: - Annual financial statements  - Special Reports	Annually  Following completion of financial year As required					✓	Risk and Audit Panel Annual Report to Council Dec 2018

Note: Bold items for discussion at each meeting.

Approved by the Council – 18 December 2017, [Updated 10 April 2018](#)

TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2018 MEETING DATES					
		6 MARCH 2018	18 APRIL 2018	5 JUNE 2018	7 AUGUST 2018	23 OCTOBER 2018	4 DECEMBER 2018
4.3 Receive and consider reports and monitor management's implementation of external audit recommendations. (High and Extreme risks).	Quarterly	✓		✓		✓	✓
<b>5. Financial Management</b>							
5.1 Review information on the following: - Estimates and judgements including assumptions from a financial statement perspective - Estimates and judgements from a forecast and budget perspective - Accounting Policy choices that will impact the financials - New Accounting Standards that will impact the financials	Bi-Annually		✓		✓		
5.2 Review the Management Representation letter	Annually				✓		
5.3 To review and endorse the financial statements and be satisfied that they are supported by the Management Representation Letter prior to submission to the Tasmanian Audit Office.	Annually				✓		

Note: Bold items for discussion at each meeting.

Approved by the Council – 18 December 2017, [Updated 10 April 2018](#)

TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2018 MEETING DATES					
		6 MARCH 2018	18 APRIL 2018	5 JUNE 2018	7 AUGUST 2018	23 OCTOBER 2018	4 DECEMBER 2018
5.4 To provide advice to the Council on the adoption of the audited financial statements taking into account Tasmanian Audit Office recommendations and adjustments.	Annually					✓	
5.5 To provide advice to the Council that the audited financial statements are correctly reflected in the Annual Report.	Annually					✓	
5.6 To review the Tasmanian Audit Office report to Parliament on local government performance.	As required					✓ Part of the Audit findings report and Audit Report from TAO	
<b>6. Integrated Planning Process</b>							
6.1 Consideration of the Council's integrated planning process – how the: – Strategic Plan; – Long Term Financial Management Plan; – Long Term Asset Management Plan; – Annual Plan; and – Annual Report are integrated, the assumptions underpinning and processes undertaken to prepare those	Annually / ongoing  GM					✓ Annual Workshop	

*Note: Bold items for discussion at each meeting.*

Approved by the Council – 18 December 2017, [Updated 10 April 2018](#)

TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2018 MEETING DATES					
		6 MARCH 2018	18 APRIL 2018	5 JUNE 2018	7 AUGUST 2018	23 OCTOBER 2018	4 DECEMBER 2018
plans.							
6.2 Long Term Financial Sustainability:							
(a) Review annually the Long Term Financial Management Plan.	Annually Part of the budget review process			✓			
(b) To provide advice to the Council in the preparation of the annual budget and proposed rate setting in relation to achieving the objectives of the Long Term Financial Management Plan.	Annually Part of the budget review process			✓			
(c) Monitor Council compliance with the Long Term Financial Management Plan.	Ongoing Include in Annual Report			✓			
6.3 Asset Management:							
Review annually the Long Term Strategic Asset Management Plan for major asset classes and whether it is consistent with the 10 year Strategic Plan and the Long Term Financial Management Plan.	Annually	✓					

*Note: Bold items for discussion at each meeting.*

Approved by the Council – 18 December 2017, [Updated 10 April 2018](#)



## Risk and Audit Panel

### 2019 Work Plan and Meeting Schedule

#### Audit Panel Meeting Arrangements

- Venue:** Dame Mabel Miller Room
- Meeting time:** 4pm to 6pm – Panel to convene 15 minutes prior to meeting
- Distribution of Meeting Papers:** Agenda – PDF electronically (Citrix folder)  
Minutes – following meeting and then again with the Agenda – PDF electronically (Citrix folder)

#### Audit Panel Functions

The Panel will contribute to the good governance of the City.

The following are matters that the Panel will consider in its review of the Council's performance incorporating all requirements of the *Local Government Act 1993 (Local Government (Audit Panels) Order 2014)*:

- (a) The oversight of management of risk associated with the Council and its activities and services, including the identification, assessment, management and review of those risks.
- (b) Whether and how the Part 7 Plans (the strategic plan, long-term financial management plan, financial management strategies, long-term asset management plans, asset management policies and strategies, annual plan, annual report) are integrated and the processes and assumptions undertaken to prepare the plans;
- (c) The accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position;
- (d) Whether the annual financial statements of the Council accurately represent the state of affairs of the Council;
- (e) Whether the Council is complying with the provisions of the *Local Government Act 1993* and all other relevant legislation;
- (f) Whether the Council has taken any action in relation to previous recommendations provided by the Panel to the Council and, if it has taken action, what that action was and its effectiveness; and

Any other activities within the Panel's remit which are requested by the Council or as determined by the Panel.

TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2019 MEETING DATES					
		5 MARCH 2019	16 APRIL 2019	4 JUNE 2019	6 AUGUST 2019	22 OCTOBER 2019	3 DECEMBER 2019
<b>1. Panel</b>							
1.1 Review the Panel's operations and activities: - self-assessment; - summary of work performed; - review of terms of reference; - review of internal and external audit services; and - assessment against the requirements of the LGA.	Annually					✓ Annual workshop	Panel Annual Report to Council Dec 2019
1.2 Preparation and adoption of work plan for following year	Annually					✓ Annual workshop	Present to Panel & Council Dec 2019
1.3 Communication: - Report to Council - Panel Annual Report	Quarterly Annually	✓	✓		✓	✓	Panel Annual Report to Council Dec 2019
1.4 Membership: - Appointments and reappointments - Panel induction of new members	Annually (if required) As required						Recommendations to Council
<b>2. Risk Management</b>							
2.1 Review and provide any comment on the Strategic Risk and Resilience Register.	Annually	✓			✓		

*Note: Bold items for discussion at each meeting.*

Approved by the Council – 18 December 2017. Updated 10 April 2018

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TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2019 MEETING DATES					
		5 MARCH 2019	16 APRIL 2019	4 JUNE 2019	6 AUGUST 2019	22 OCTOBER 2019	3 DECEMBER 2019
2.2 Monitor strategic risks with a residual rating of "Extreme and High" and the progress of the implementation of respective risk treatment plans.	Quarterly Report on extreme/high risks	✓		✓		✓	✓
2.3 Actively review the Council's risk management processes and their effectiveness in identifying and managing the Council's financial and business risks. Request Council to undertake special reviews or projects on issues of concern: <ul style="list-style-type: none"> <li>- Ongoing oversight of Project Phoenix;</li> <li>- Ongoing oversight of major capital works (Remembrance Bridge);</li> <li>- Fire and other natural disaster risks;</li> <li>- Death and major injury within the workplace;</li> <li>- Implementation of the new Strategic Risk Register; and</li> <li>- ANY MORE HERE?????</li> </ul>	As required - ongoing Special Projects  GM  Quarterly Each Meeting  To be scoped and approved at March meeting  " "	✓ ✓ ✓ ✓	✓	✓ ✓	✓	✓	

Note: Bold items for discussion at each meeting.

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TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2019 MEETING DATES					
		5 MARCH 2019	16 APRIL 2019	4 JUNE 2019	6 AUGUST 2019	22 OCTOBER 2019	3 DECEMBER 2019
2.4 Receive briefings and reports from the General Manager in relation to new and emerging risks that will/may have an impact on the sustainability of the Council: Eg. Amalgamations, Electoral cycle, Legislative reform, Natural disaster.	Each meeting	✓	✓	✓	✓	✓	✓
<b>3. Internal Governance Audit (Oversee the coordination of the Council's governance audit program)</b>							
3.1 Review and approve the three-year strategic internal audit plan for Council consideration.	Every 3 years (next due June 2019)			✓			
3.2 Review and approve the annual internal audit work plan, in accordance with the Council approved three-year strategic internal audit plan.	Annually  IA				✓		
3.3 To receive advice from the internal and external auditors on projects and investigations being planned or undertaken: - Planning permits and building approvals; - Parking revenue; - Cyber IT governance; and - Incident and response (eg. natural disasters). - Others to be determined in line with new Strategic Risk and Resilience Register	As per Annual Audit Plan  IA, EA and GM  All to be considered as part of IA Work Program	✓	✓		✓		✓

*Note: Bold items for discussion at each meeting.*

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TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2019 MEETING DATES					
		5 MARCH 2019	16 APRIL 2019	4 JUNE 2019	6 AUGUST 2019	22 OCTOBER 2019	3 DECEMBER 2019
3.4 Receive reports from Internal Auditors and/or the General Manager on audit findings that have an "Extreme" or "High" risk rating and monitor management's progress on the implementation of these agreed management actions.	Quarterly As per the Internal Audit Work Plan, findings and implementation.	✓		✓		✓	✓
3.5 Annually review the performance of the contracted internal audit service providers, briefing the Council on the outcome of the review.	Annually  GM and Panel						Audit Panel Annual Report to Council Dec 2019.
<b>4. External Audit (oversee the external audit programs)</b>							
4.1 Receive the annual Tasmanian Audit Office Client Strategy.	Annually Prior to new financial year  A-G	✓					
4.2 Provide feedback to the Council on the external audit advice provided: - Annual financial statements  - Special Reports	Annually  Following completion of financial year  As required					✓	Risk and Audit Panel Annual Report to Council Dec 2019

*Note: Bold items for discussion at each meeting.*

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TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2019 MEETING DATES					
		5 MARCH 2019	16 APRIL 2019	4 JUNE 2019	6 AUGUST 2019	22 OCTOBER 2019	3 DECEMBER 2019
4.3 Receive and consider reports and monitor management's implementation of external audit recommendations. (High and Extreme risks).	Quarterly	✓		✓		✓	✓
<b>5. Financial Management</b>							
5.1 Review information on the following: - Estimates and judgements including assumptions from a financial statement perspective - Estimates and judgements from a forecast and budget perspective - Accounting Policy choices that will impact the financials - New Accounting Standards that will impact the financials	Bi-Annually		✓		✓		
5.2 Review the Management Representation letter	Annually				✓		
5.3 To review and endorse the financial statements and be satisfied that they are supported by the Management Representation Letter prior to submission to the Tasmanian Audit Office.	Annually				✓		

*Note: Bold items for discussion at each meeting.*

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TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2019 MEETING DATES					
		5 MARCH 2019	16 APRIL 2019	4 JUNE 2019	6 AUGUST 2019	22 OCTOBER 2019	3 DECEMBER 2019
5.4 To provide advice to the Council on the adoption of the audited financial statements taking into account Tasmanian Audit Office recommendations and adjustments.	Annually					✓	
5.5 To provide advice to the Council that the audited financial statements are correctly reflected in the Annual Report.	Annually					✓	
5.6 To review the Tasmanian Audit Office report to Parliament on local government performance.	As required					✓ Part of the Audit findings report and Audit Report from TAO	
<b>6. Integrated Planning Process</b>							
6.1 Consideration of the Council's integrated planning process – how the: – Strategic Plan; – Long Term Financial Management Plan; – Long Term Asset Management Plan; – Annual Plan; and – Annual Report are integrated, the assumptions underpinning and processes undertaken to prepare those plans.	Annually / ongoing  GM					✓ Annual Workshop	

*Note: Bold items for discussion at each meeting.*

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TERMS OF REFERENCE ROLES AND RESPONSIBILITIES	TASK & FREQUENCY	SCHEDULED 2019 MEETING DATES					
		5 MARCH 2019	16 APRIL 2019	4 JUNE 2019	6 AUGUST 2019	22 OCTOBER 2019	3 DECEMBER 2019
6.2 Long Term Financial Sustainability:							
(a) Review annually the Long Term Financial Management Plan.	Annually Part of the budget review process			✓			
(b) To provide advice to the Council in the preparation of the annual budget and proposed rate setting in relation to achieving the objectives of the Long Term Financial Management Plan.	Annually Part of the budget review process			✓			
(c) Monitor Council compliance with the Long Term Financial Management Plan.	Ongoing Include in Annual Report			✓			
6.3 Asset Management:							
Review annually the Long Term Strategic Asset Management Plan for major asset classes and whether it is consistent with the 10 year Strategic Plan and the Long Term Financial Management Plan.	Annually	✓					

*Note: Bold items for discussion at each meeting.*

Approved by the Council – 18 December 2017. Updated 10 April 2018




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## TERMS OF REFERENCE

### **Risk and Audit Panel (Audit Panel)**

The Audit Panel is established under  
Section 85 of the Local Government Act 1993.

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Approved by Council: 21/12/2015

Amended by Council: 18/12/2017

Amended by Council: 21/01/2019

The Council has approved the establishment of the Risk and Audit Panel to, among other things, act as the Audit Panel established pursuant to Section 85 of the *Local Government Act 1993*.

An Audit Panel is responsible for the effective application of its responsibilities in accordance with Sections 85, 85A and 85B of the *Local Government Act 1993* and the *Local Government (Audit Panels) Order 2014* (S.R. 2014, No.34), the applicable Terms of Reference and the *Local Government Act 1993* generally.

The Terms of Reference set out the Panel's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements. The *Local Government (Audit Panels) Order 2014* (S.R. 2014, No.34) sets out the compliance requirements for the operations of an Audit Panel.

#### **1. Objective**

The Panel's objective is to provide assurance and advice to the Council in relation to the assessment, management and review of risk across all Council activities and services in accordance with a contemporary governance and risk management framework.

In accordance with Section 85A of the *Local Government Act 1993*, the Panel is to undertake reviews of performance in relation to:

- (a) The Council's financial system, financial governance arrangements and financial management arrangements;
- (b) All plans of the Council under Part 7 of the *Local Government Act 1993* (the strategic plan, long-term financial management plan, financial management strategies, long-term asset management plans, asset management policies and strategies, annual plan, annual report);
- (c) The policies, systems and controls the Council has in place to safeguard its long-term future; and
- (d) Any other matters specified in an order under Section 85B of the *Local Government Act 1993* (*Local Government (Audit Panels) Order 2014*).



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### 2. Composition and Tenure

#### 2.1 Panel Composition

- (a) The Council is responsible for the appointment of Panel members.
- (b) The Panel is to consist of a membership of five (5), including two (2) Aldermen, two (2) independent members and an independent Chairman.
- (c) Aldermanic members are appointed by the Council.
- (d) An employee of the Council, the General Manager or the Lord Mayor is not entitled to be a member of the Panel.

#### 2.2 Panel Appointment and Tenure

Panel members, taken collectively, will hold a broad range of skills and experience relevant to the operations of the City of Hobart.

##### 2.2.1 *Chairman*

The Chairman shall be an independent person and appointed by the Council for a term of two years with an option for a further two years following agreement between the Chairman and the Council.

##### 2.2.2 *Aldermanic Representation*

- (a) The Aldermanic members will be appointed for a period of two (2) years coinciding with the Council's mid-term review of Council Committee membership.
- (b) To ensure that there is no actual or perceived conflict of interest, the Chair of the Council's Finance Committee shall not be eligible to be an Aldermanic member of the Panel. Clause 5(1)(a) of the Local Government (Audit Panels) Order 2014 precludes the Lord Mayor from being a member of the Panel.

##### 2.2.3 *Independent Members*

- (a) The initial independent members will have staggered terms of office; one independent position for a four-year term, and one for a two-year term following public advertisement. Thereafter appointments will be for four years, unless a shorter period is required to ensure the continuation of staggered appointments.
- (b) Independent members may be re-appointed at the approval of the Council. Independent members can only serve for a maximum period of 8 years.
- (c) The independent members, in aggregate, will possess good business acumen and sound management and communication skills, have the



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knowledge and expertise in audit practices and financial management, experience with governance processes including risk management, have knowledge of and experience in relevant industries and have an understanding of the roles of local government as representatives of the community.

### 2.3 Remuneration

- (a) Independent members of the Panel are entitled to receive remuneration and other allowances fixed for that member, as determined by the Council.
- (b) A review of the remuneration and allowances is to be undertaken during the annual review of the risk and audit activities for recommendation to the Council.
- (c) Approved remuneration to be included in the annual budget cycle of the Council.

### 3. Functions

The Panel will contribute to the good governance of the City.

The following are matters that the Panel will consider in its review of the Council's performance incorporating all requirements of the *Local Government Act 1993 (Local Government (Audit Panels) Order 2014)*:

- (a) The oversight of management of risk associated with the Council and its activities and services, including the identification, assessment, management and review of those risks.
- (b) Whether and how the Part 7 Plans (the strategic plan, long-term financial management plan, financial management strategies, long-term asset management plans, asset management policies and strategies, annual plan, annual report) are integrated and the processes and assumptions undertaken to prepare the plans;
- (c) The accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its longterm financial position;
- (d) Whether the annual financial statements of the Council accurately represent the state of affairs of the Council;
- (e) Whether the Council is complying with the provisions of the *Local Government Act 1993* and all other relevant legislation;
- (f) Whether the Council has taken any action in relation to previous recommendations provided by the Panel to the Council and, if it has taken action, what that action was and its effectiveness; and
- (g) Any other activities within the Panel's remit which are requested by the Council or as determined by the Panel.



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### 4. Roles and Responsibilities

The Panel's roles and responsibilities are defined as follows:

- (a) The Panel holds no executive powers, unless delegated to it by the Council.
- (b) The Panel is directly responsible and accountable to the Council for the exercise of its responsibilities.
- (c) In carrying out its responsibilities, the Panel at all times recognises the primary responsibility for management of the City of Hobart resides with the General Manager.
- (d) The Panel is to develop and endorse annually a meeting work plan of proposed activities in accordance with the responsibilities outlined in these Terms of Reference that will form the basis of an annual self-assessment and report to Council.
- (e) The responsibilities of the Panel may be revised or expanded in consultation with, or as requested by, the Council, from time to time.

The Panel's responsibilities include:

#### 4.1 Risk Management

The roles and responsibilities of the Panel in respect of risk management are to:

- (a) Review and provide any comment on the Strategic Risk Register;
- (b) Actively review the Council's risk management processes and their effectiveness in identifying and managing the Council's financial and business risks;
- (c) Monitor strategic risks with a residual rating of "Extreme" and "High" and the progress of the implementation of respective risk treatment plans;
- (d) Receive reports in relation to changes in risk profile for those risks with a residual risk rating of "Extreme" and "High"; and
- (e) Receive briefings and reports from the General Manager in relation to new and emerging risks that will/may have an impact on the sustainability and risks of the organisation.

#### 4.2 Special Projects and Investigations

From time to time, special projects and investigations will be undertaken. The roles and responsibilities of the Panel in respect of these are:

- (a) To outline the reasons for and specify the scope, objectives and methodology of such special projects and investigations;
- (b) To receive advice from the General Manager or the internal and external auditors on special projects and investigations being planned or undertaken;



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- (c) To receive and review reports on the outcomes and monitor implementation; and
- (d) To provide advice to the Council of any special projects with “Extreme” or “High” risk ratings and/or significant impact on the Council’s financial management.

### 4.3 Internal Governance Audit

The roles and responsibilities of the Panel in respect of the internal governance audit program are to:

- (a) Oversee the coordination of the Council’s governance audit program;
- (b) Review and approve the three-year strategic internal audit plan for Council consideration;
- (c) Review and approve the annual internal audit work plan, in accordance with the Council approved three-year strategic internal audit plan;
- (d) Receive reports on audit findings with changes to risk profiles in relation to risks, rated “Extreme” or “High”;
- (e) Receive reports from the Internal Auditors and/or the General Manager in relation to those audit findings that have an “Extreme” or “High” risk rating;
- (f) Monitor management’s progress of the implementation of agreed management actions arising from internal audit reports for findings that have an “Extreme” or “High” risk rating;
- (g) Annually review the performance of the contracted internal audit service providers;
- (h) Receive and review the conditions and specifications of tender documentation for the supply of internal audit services; and
- (i) Consider the recommendation of preferred tenderer and recommend to the Council the appointment of the preferred tenderer for internal audit services.

### 4.4 External Audit

The roles and responsibilities of the Panel in respect of external audit are to:

- (a) Oversee the external audit programs;
- (b) Receive and endorse the annual Tasmanian Audit Office Client Strategy;
- (c) Provide input and feedback on the financial statements and the management representation letter;
- (d) Provide feedback to the Council on the external audit services provided;
- (e) Receive and consider reports and monitor management’s implementation of external audit recommendations; and



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- (f) Provide advice to the Council on significant issues raised and actions taken.

### 4.5 Financial Management

The roles and responsibilities of the Panel in respect of financial management are:

- (a) To review and endorse the financial statements and be satisfied that they are supported by the Management Representation Letter prior to submission to the Tasmanian Audit Office;
- (b) To provide advice to the Council on the adoption of the audited financial statements taking into account Tasmanian Audit Office recommendations and adjustments;
- (c) To provide advice to the Council that the audited financial statements are correctly reflected in the Annual Report; and
- (d) To review the Tasmanian Audit Office report to Parliament on local government performance.

### 4.6 Integrated Planning Processes

The Panel is to review and monitor how the Part 7 Plans are integrated and the processes and assumptions undertaken to prepare the plans.

Consideration will be given to the Council's integrated planning process, and in particular, how the:

- (a) Strategic Plan;
- (b) Long Term Financial Management Plan;
- (c) Long Term Asset Management Plan;
- (d) Annual Plan; and
- (e) Annual Report

are integrated, and the assumptions underpinning and processes undertaken to prepare those plans.

#### 4.6.1 Long Term Financial Sustainability:

The roles and responsibilities of the Panel in respect of financial sustainability are:

- (a) To review annually the Long Term Financial Management Plan and monitor the Council's compliance with the Plan and whether it is consistent with, and reflects the 10 year Strategic Plan; and
- (b) To provide advice to the Council in preparation of the annual budget and proposed rate setting in relation to achieving the objectives of the Long Term Financial Management Plan.



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### **4.6.2 Asset Management:**

The roles and responsibilities of the Panel in respect of asset management are to:

- (a) Review annually the Long Term Strategic Asset Management Plan, and monitor the Council's compliance with the Plan and whether it is consistent with the 10 year Strategic Plan;
- (b) Ensure that the Asset Management Policy is consistent with and guides the development of the Long Term Strategic Asset Management Plan;
- (c) Ensure that the Asset Management Strategy is consistent with the 10 year Strategic Plan; and
- (d) Review and provide advice to the Council in respect to the Council's Long Term Strategic Asset Management Plan in relation to achieving the objectives of the Long Term Financial Management Plan.

## **5. Communication and Reporting of Activities**

Communication and reporting of Panel activities to the Council are:

### **5.1 Annual Report to Council**

The Panel will, at least once a year, report to the Council on its operation and activities during the year. The report(s) is to include:

- (a) An annual summary of the work performed to discharge its responsibilities from the previous year;
- (b) An overall assessment of the Council's risk, control and compliance framework, including details of any significant emerging risks impacting on the City of Hobart;
- (c) A review of Council's performance as set out in Section 3 of this Terms of Reference; and
- (d) An outline of the results of the annual self-assessment undertaken by the Panel.

### **5.2 Quarterly Report to Council**

The Chairman is to provide a quarterly report verbally to the Council on key issues arising from the Panel.

### **5.3 Advice to Council**

The Panel, as necessary, will provide the following advice to the Council:

- (a) The adequacy of strategic risk management and emerging risks;
- (b) The adequacy of internal audit resources to carry out its responsibilities, including completion of the approved internal audit plan;



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- (c) Actions taken on significant issues identified in audit reports and better practice guidelines;
- (d) The financial sustainability of the Council in reference to the Long Term Financial Management Plan and annual budget outcomes;
- (e) Special projects with “Extreme” or “High” risk rating and/or significant impact on the Council’s financial management;
- (f) Progress of implementation of risk treatment plans developed to mitigate residual strategic risks where they are rated residually “Extreme” or “High”; and
- (g) Report to the Council on any other matter it deems of sufficient importance.

### 5.4 Advice to the Director Local Government

The Director of Local Government is to be advised of the appointment of the Panel members.

## 6. Administrative Arrangements 6.1

### Meetings

Meetings of the Panel are held as closed meetings.

#### 6.1.1 Meeting Schedule

- (a) The Panel is to meet at least six times per year.
- (b) Special meetings of the Panel may be required to be held to discuss any matters on the Work Plan or other special projects as required to meet its Work Plan and meet the requirements of these Terms of Reference.
- (c) The Chairman is required to call a meeting if requested by the Council or a Panel member.

#### 6.1.2 Meeting Work Plan

A forward meeting work plan, including meeting dates, objectives and agenda items, will be developed by the Panel each year.

The Work Plan is to cover the Panel’s responsibilities, in accordance with its Terms of Reference.

The Work Plan is to be presented to the Council for endorsement.

#### 6.1.3 Procedures for Conduct of Meetings

The Panel may regulate its own meeting procedures with the aim of ensuring:

- (a) Free and open discussion is encouraged;



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- (b) Independence, and ensuring ethical standards are applied and maintained;
- (c) Conflicts of interest are avoided or disclosed; and
- (d) Members are reliable and professional in the discharge of their duties;

to enable the Panel to fulfil its statutory roles and responsibilities, its delegations from Council and to ensure that the reputation of the City of Hobart is protected.

### **6.1.4 Attendance at Meetings and Quorums**

- (a) A quorum is constituted by a majority of the total number of members appointed.
- (b) At least one member who is an independent person must be present at the meeting for there to be a quorum present.
- (c) The General Manager and the Director Financial Services are to attend, or to ensure that his/her delegates attend each meeting.
- (d) The Panel may invite or allow any employee to attend one or more of its meetings.
- (e) The Panel may invite or allow any Alderman to attend one or more of its meetings.
- (f) If the Panel determines that the meeting is being held in private, clauses (c), (d) and (e) do not apply.
- (g) All attendances at the Panel meetings will be recorded in the City of Hobart Annual Report.
- (h) The roles and responsibilities associated with the Panel does not allow for the co-opting of members for casual vacancies at meetings.
- (i) Internal and external audit representatives may be invited to attend meetings.

### **6.1.5 Minutes**

A copy of the minutes of each meeting is to be distributed to the Panel and the Council as soon as reasonably practicable following each meeting.

The distribution of the minutes is to include the Auditor-General and the Audit Manager of the contracted internal auditors.



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### **6.1.6 Agenda**

A copy of the agenda for each meeting is to be distributed to the Panel and the Council seven (7) days prior to the meeting, where practicable.

The distribution of the agenda is to include the Auditor-General and the Audit Manager of the contracted internal auditors.

### **6.2 Conflicts of Interest**

All Panel members are to declare any conflicts of interest in accordance with Part 5 of the *Local Government Act 1993*.

### **6.3 Financial Arrangements for the Panel**

#### **6.3.1 Budget**

- (a) The budget for the Panel's activities will be determined on an annual basis as part of the Council's annual budget preparation;
- (b) The Panel will be consulted by management in relation to its budget to ensure that sufficient funds are provided for its normal activities; and
- (c) If necessary, the Panel may request additional funds during a financial year if necessitated by unforeseen special or urgent issues within the Panel's remit.

### **6.4 Induction**

Upon appointment, newly appointed members of the Panel are to receive relevant information and briefings in respect to Panel responsibilities, in particular an overview of the operations of the Council, the Council's policy framework and key plans (Strategic Plan, long-term financial management plan, financial management strategies, long-term asset management plans, asset management policies and strategies, annual plan, annual report).

### **6.5 Professional Development**

The Panel will ensure that its knowledge and experience are maintained and enhanced to ensure that it can effectively undertake its functions, roles and responsibilities as specified in these Terms of Reference.

### **6.6 Self Assessment**

An annual self-assessment process is to be developed including key performance indicators to measure effectiveness.



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### 7. Review of Terms of Reference

The Terms of Reference of the Panel will be reviewed annually as part of the annual review of the Panel's activities against the requirements of the Terms of Reference, or as requested by the Panel or the Council.

Amendments to the Terms of Reference are to be approved by the Council.

## 27. CLOSED PORTION OF THE MEETING

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### RECOMMENDATION

That the Council resolve by absolute majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Leave of Absence
- Commercial information of a confidential nature
- Legal action involving the Council
- Security of Council property and staff
- Disposal of Council property
- Information relating to a contract for services

The following items are listed for discussion:-

- |              |   |
|--------------|---|
| Item No. 1   | Minutes of the last meeting of the Closed Portion of the Council Meeting  |
| Item No. 2   | Communication from the Chairman   |
| Item No. 3   | Leave of Absence  |
| Item No. 4   | Consideration of supplementary Items to the agenda  |
| Item No. 5   | Indications of pecuniary and conflicts of interest  |
| Item No. 6.1 | 1 Shepherd Street & 3 Shepherd Street & 3A Shepherd Street & 1/3A Shepherd Street & 2/3A Shepherd Street, Sandy Bay - Multiple Dwellings - PLN-16-1022 - Appeal - Mediation<br>LG(MP)R 15(4)(a) |
| Item No. 7   | Battery Point Slipyards Masterplan<br>LG(MP)R 15(2)(c)(i) and (f)   |
| Item No. 8   | Risk and Audit Panel Remuneration<br>LG(MP)R 15(2)(d)   |
| Item No. 9   | Town Hall Entry Foyer - Review of Security Arrangements<br>LG(MP)R 15(2)e(ii)   |
| Item No. 10  | Hobart Rivulet Air Rights - Transfer<br>LG(MP)R 15(2)(f)  |
| Item No. 11  | Lot 104 Wilmslow Avenue and 74 Risdon Road, New Town - Update<br>LG(MP)R 15(2)(f)   |