



CITY OF HOBART

AGENDA
OPEN PORTION OF THE COUNCIL MEETING
MONDAY, 19 AUGUST 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.

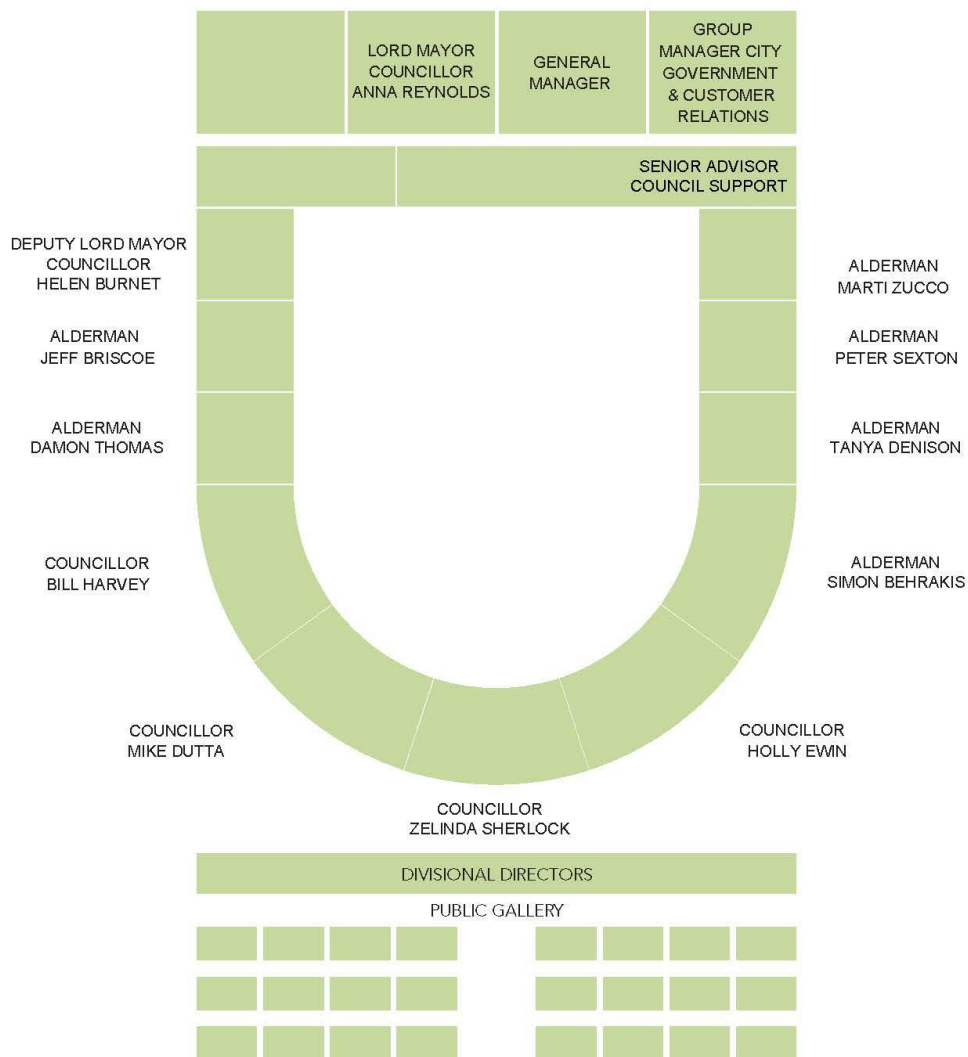
Connections
between nature,
history, culture,
businesses and each
other are the heart
of our city.

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, 19 AUGUST 2019 AT 5:00 PM.

**N D Heath
General Manager**

ELECTED MEMBERS:

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

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 5 August 2019](#), 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

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

4. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager reports that the following workshops have been conducted since the last ordinary meeting of the Council.

Date: 12 August 2019
Purpose: Residential Amenity Provisions in Non-Residential Zones –
Proposed Planning Scheme Amendments

5. PUBLIC QUESTION TIME

6. PETITIONS

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

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

Elected Members 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 Council has resolved to deal with.

REPORTS OF COMMITTEES

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY

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 3 - 4 Montgomery Court, Sandy Bay - New Building for Five Multiple Dwellings PLN-19-72 - File Ref: F19/105096

Ref: Open [CPC 7.1.1](#), 12/08/2019
Application Expiry Date: 19 September 2019
Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a new building for five multiple dwellings at 3-4 Montgomery Court, Sandy Bay for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 12 August 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-19-72 - 3-4 MONTGOMERY COURT 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 2019/00205-HCC dated 1 March 2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

The Developer engages a professional consulting arborist prior to, during and post development to supervise as far as practicable the protection of and correct cutting of roots to Australian standards of the mature trees on 5 Star Street along their boundary.

Reason for condition

To clarify the scope of the permit.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

Reason for condition

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

ENG sw4

The new stormwater connection must be constructed and any existing connections be abandoned and sealed, by the Council at the owner's expense, prior to the first occupation. The new connection must maximize the area of the lot which can drain via gravity and be directed down slope. The new connection must discharge stormwater by gravity and be free-flowing.

Detailed engineering drawings must be submitted and approved, prior to issue of any consent under the *Building Act 2016*. The detailed engineering drawings must include but not limited to:

1. Be prepared and certified by a suitable qualified and experienced engineer;
2. The location of the proposed connection clear from any potential clashes (such as the crossover wing);
3. The size and design of the connection such that it is appropriate to satisfy the needs of the development;
4. Include flow rate at kerb and gutter connection must not exceed 15 l/s.

5. Longitudinal sections of the proposed connection that clearly shows clearance from any nearby services, depth of cover, size material and delineation of public and private infrastructure.
6. Clearly distinguish between public and private stormwater infrastructure

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

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)]]. This is a separate process to any building approval under the Building Act 2016. 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 new service connection.

Any proposed public stormwater infrastructure will required 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.

Maximum permissible discharge from a single kerb and gutter outlet must not exceed 15 l/s.

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 sw6

All stormwater from the proposed development (including hardstand runoff) must be discharged to the Council's stormwater infrastructure with sufficient receiving capacity prior to first occupation. All stormwater which is practicable to drain to the Council's infrastructure via gravity (including suspended or charged systems) must do so. Any pumped or charged flows must be converted to free-flowing gravity within a private transition pit inside the property prior to discharging to the free-flowing gravity connection to the Council's infrastructure. All costs associated with works required by this condition are to be met by the owner.

Design drawings and calculations of the proposed stormwater drainage must be submitted and approved prior to the issue of any consent under the *Building Act 2016*.

The design drawings and calculations must be prepared and certified by a suitable qualified and experience engineer and include but not be limited to:

1. Plan and longitudinal section(s) showing levels, gradients, cover, sizing, material, pipe class, crossing services, connections and inspection openings;
2. Detail design of any proposed pump system which is to be in accordance with Australian Standard AS/NZS 3500.3:2015 Part 3: Stormwater Drainage Systems; and
3. Clearly distinguish between public and private stormwater infrastructure.

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

Advice:

The applicant is required to submit detailed design documentation to satisfy this condition via the 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 building approval under the Building Act 2016.

Where building/plumbing approval is also required, it is recommended that documentation to satisfy this condition is submitted will before submitting documentation for building/plumbing approval. Failure to address planning condition requirements prior to submitting for building/plumbing may result in unexpected delays.

Reason for condition

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

ENG sw7

Stormwater pre- treatment and detention for stormwater discharges from the development must be installed prior to Certificate of Completion or commencement of use, whichever occurs first.

Design drawings and calculations of the proposed stormwater quantity and quality control systems must be submitted and approved, prior to the issue of any consent under the *Building Act 2016*. The design drawings and calculations must:

1. Be prepared and certified by a suitable qualified and experience engineer.
2. In relation to the detention tank, show the layout, the inlet and outlet (including in long-section), the overflow mechanism, emptying times, outlet size.
3. Include Water Sensitive Urban Design and stormwater treatment with detailed design of the proposed treatment train that achieves the stormwater quality targets in accordance with the State Stormwater Strategy 2010.
4. Include detailed design and supporting calculations of the detention tank, sized such that the flow from the developed site up to 5% AEP storm events are limited to 15 l/s at the kerb and gutter discharge point. All assumptions must be clearly stated.
5. Include a supporting stormwater management 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 in accordance with the approved design drawings and calculations.

Advice:

The applicant is required to submit detailed design documentation to satisfy this condition via the 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 building approval under the Building Act 2016.

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

Reason for condition

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

ENG 3c

The access driveway, ramps and parking module (parking spaces, aisles and manoeuvring area must be constructed in accordance with the approved Planning Permit documents and conditions.

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 approved Planning Permit documents and conditions.

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).

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

All 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, prior to first occupation.

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.

ENGR 3

Prior to the commencement of use, the proposed driveway crossover, replacement of footpath and kerb and channel in Montgomery Court highway reservation must be designed and constructed in accordance with:

- Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Vee Channel vehicular crossing;
- Footpath - Urban Roads Footpaths TSD-R11-v1; and
- Kerb and Channel - TSD R14-v1 Type KC (Kerb and Channel).

Design drawings must be submitted and approved prior to issue of any consent under the *Building Act 2016*. The design drawings must:

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property.
2. Show the extent of the footpath and kerb and channel to be replaced.
3. Show the end of the new footpath and kerb and channel matching neatly to the existing footpath and kerb and channel.
4. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover.
5. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

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

Advice:

The applicant is required 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 building approval under the Building Act 2016.

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

Reason for condition

To ensure that works will comply with the Council's standard requirements.

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.

SUB s1

Prior to the issue of any approval under the *Building Act 2016*, or the commencement of works on site, whichever occurs first, the titles comprising the development site (CT 61047/3 and CT 61047/4) must be adhered in accordance with the provisions of section 110 of the *Local Government Building & Miscellaneous Provisions Act 1993*, to the satisfaction of the Council.

Reason for condition

So that the titles are adhered and to ensure compliance with statutory provisions.

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 road closure permit for construction or special event. 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.

GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. Click [here](#) for more information.

BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

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 Amenity 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](#).

STORMWATER

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.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click [here](#) for more information.

CROSS OVER CONSTRUCTION

The construction of the crossover can be undertaken by the Council or by a private contractor, subject to Council approval of the design. Click [here](#) for more information.

STORMWATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT – standard drawings. Click [here](#) for more information.

RESIDENTIAL PARKING PERMITS ELIGIBILITY

It is advised that this development will not be eligible for residential parking permits for on-street parking.

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.

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.

NOISE REGULATIONS

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

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.

DEVELOPMENT PROGRESSION

The developer be strongly encouraged to inform immediate neighbours of the construction program and any variations to it in a timely manner.

9.2 343 Davey Street, 3A Wentworth Street, 2/3 Wentworth Street, 1/3 Wentworth Street, South Hobart - Subdivision (Boundary Adjustment) PLN-18-262 - File Ref: F19/106513

Ref: Open [CPC 7.1.2](#), 12/08/2019
Application Expiry Date: 27 September 2019
Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a subdivision (boundary adjustment) at 343 Davey Street and 3A and 3 Wentworth Street South Hobart, Tas, 7004 for the reason that the proposal is considered to be acceptable with respect to clause 9.3.1 of the *Hobart Interim Planning Scheme 2015* and a permit containing the follow conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise 343 DAVEY STREET AND 3A WENTWORTH STREET SOUTH HOBART TAS 7004 - 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 2018/00732-HCC dated 26/6/2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

All stormwater from the proposed development must be discharged to the Council's stormwater infrastructure prior to sealing of the final plan(s).

Reason for condition

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

ENG sw2.1

A pre CCTV video of the Council stormwater main must be undertaken and submitted to Council prior to the commencement of work.

The post construction CCTV 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 pre construction 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.

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 sw2.2

A post CCTV video of the Council stormwater main must be undertaken and submitted to the Council on completion of all work.

The post construction CCTV 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 pre construction 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.

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 sw4

The new stormwater connection(s) must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to the sealing of the final plan(s).

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 sw5

The new stormwater main must be designed and constructed prior to sealing of the final plan(s).

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

1. Be certified by a qualified and experienced civil engineer;
2. Include a plan and long-section of the proposed stormwater main;
3. Include the associated calculations and catchment area plans. These should include, but not be limited to, connections, flows, velocities, clearances, cover, gradients, sizing, material, pipe class, easements and inspection openings; and
4. Include a construction program and method for the proposed diversion of the stormwater main, to satisfy the above requirement.

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

Advice:

The applicant is required to submit detailed design documentation to satisfy this condition via the 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 building approval under the Building Act 2016.

Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable 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 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 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.

SURV 1

The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.

Reason for Condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

SURV 2

The final plan and schedule of easements must be submitted and approved in accordance with section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

Reason for Condition

To ensure that the subdivision/boundary adjustment is carried out in accordance with the Council's requirements under the provisions of Part 3 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

SURV 3

The final plan and schedule of easements must be submitted and approved under section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

The final plan and schedule of easements must provide easements to the satisfaction of the Council:

1. Over any existing storm water or sewer mains passing through the lots on the final plan, in favour of the Hobart City Council and/or TasWater (minimum width of 2m, or 3m if they cover two pipes).
2. Over any existing or proposed private drainage and/or service easements in favour of the lots they are required to serve.

Reason for Condition

To ensure that there are no impediments to the provision of public and private services to the lots.

SURV 9

Any lots on the final plan created from the addition of sub minimal lots on the plan of subdivision are to be notated on the final plan.

The final plan must include notations in accordance with section 111 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, in relation to the lot resulting from the addition of Lot 3 to the land comprised in CT 128254/1 (343 Davey Street) to satisfy the above requirement.

Reason for condition

To ensure compliance with statutory provisions.

SURV 12

Lot 2 on the final plan is to be notated in accordance with the provisions of section 83(5)(a)(ii) of the *Local Government (Building & Miscellaneous Provisions) Act 1993*, to the effect that the Hobart City Council cannot provide a means of gravity reticulated stormwater disposal or from lot 2 below a specified reduced level.

The lot resulting from the addition of Lot 3 to the land comprised in CT 128254/1 (343 Davey Street) is to be notated in accordance with the provisions of section 83(5)(a)(ii) of the *Local Government (Building & Miscellaneous Provisions) Act 1993*, to the effect that the Hobart City Council cannot provide a means of gravity reticulated stormwater disposal or from the lot below a specified reduced level or alternatively a new stormwater connection is to be provided at the lowest point of the lot.

The final plan must be submitted for approval by the Council. The final plan must be notated to the satisfaction of the Council.

Any specified reduced level that may be required is to be provided by the owner's Registered Land Surveyor who must supply the invert level (on State Datum) of the stormwater connection constructed to serve Lot 2 and the lot resulting from the addition of Lot 3 to the land comprised in CT 128254/1 (343 Davey Street), if a stormwater connection is not provided at the low point of this lot.

Reason for condition

To ensure that the restriction in the Council's ability to provide a means of gravity reticulated stormwater disposal is noted on the final plan.

SURV 13

The final plan is to be notated in accordance with the provisions of section 83(7) (b) of the *Local Government (Building & Miscellaneous Provisions) Act 1993* to the effect that the Tasmanian Water and Sewerage Corporation cannot provide a means of gravity reticulated sewerage disposal from lot 2 below a specified reduced level.

The final plan must be submitted for approval by the Council.

The final plan must be notated to the satisfaction of the Council.

The specified reduced level that may be required is to be provided by the owner's Registered Land Surveyor who must supply the invert level (on State Datum) of the sewer connection constructed to serve Lot 2.

Reason for condition

To ensure that the limitation in TasWater's ability to provide a means of gravity reticulated sewerage disposal from Lot 2 is noted on the final plan.

ENG 16

Prior to the sealing of the final plan(s), private sewer, stormwater (including surface drainage) and water services/connections are to be entirely separate to each lot and contained wholly within the lots served.

Reason for condition

To ensure that each lot is services separately.

ENG 17

Prior to the sealing of the final plan(s), the developer must verify compliance with condition ENG 16 by supplying the Council with an as-installed services plan clearly indicating the location and details of all relevant services (entirely contained within their respective lots or appropriate easements). The as-installed services plan must be accompanied by certification from a suitably qualified person that all engineering work required by this permit has been completed.

Advice: Any final plan submitted for sealing will not be processed unless it is accompanied by documentation by a suitably qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A 'suitably qualified person' must be a Professional Engineer or Professional Surveyor or other persons acceptable to Council.

Reason for condition

To ensure that the Developer provides the Council with clear written confirmation that the separation of services is complete.

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.

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](#).

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.

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.

SUBDIVISION ADVICE

For information regarding standards and guidelines for subdivision works click [here](#).

All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.

9.3 25 Hill Street West Hobart - Alterations, Signage and Change of Use to Service Industry - PLN-17-291 **File Ref: F19/105188**

Ref: Open [CPC 7.1.3](#), 12/08/2019

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for alterations, signage and change of use to service industry at 25 Hill Street, West Hobart for the reason that the current use of the site for the sale and changing of tyres and mechanical repairs closely resembles the mechanical repair component of the long existing use and therefore satisfies clause 9.1.1 of the *Hobart Interim Planning Scheme 2015*, and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 13

Noise emissions measured at the side and rear boundaries must not exceed the following:

1. 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;
2. 5 dB(A) above the background (LA90) level or 40 dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; and
3. 65 dB(A) (LAmix) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

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

Reason for condition

To ensure that non-residential use does not unreasonably impact on residential amenity.

PLN 17

External lighting is to be only turned on within the operating hours with the exception of security lighting that is baffled to ensure it does not cause emission of light into adjoining private land.

Reason for condition

To ensure that the non-residential use does not unreasonably impact residential amenity.

PLN 6

The hours of operation are restricted to:

- 7:30am to 6:00pm Monday to Friday; and
- 9:00am to 12 noon Saturday.

Reason for condition

To ensure that non-residential use does not unreasonably impact on residential amenity.

PLN s1

The shipping container must be removed from the site within 30 days from the date of this planning permit.

Reason for condition

To ensure that non-residential use does not unreasonably impact on residential amenity.

PLN s2

A Tyre Storage Plan must be submitted and approved by the Council's Director City Planning within 30 days from the date of this planning permit.

The Tyre Storage Plan must include:

1. A plan showing where new and used tyres will be stored on the site;
2. Elevational plans and/or details showing how any external tyre storage area will prevent any adverse impact upon residential amenity of neighbouring residential properties;
3. A written statement indicating how any external tyre storage will be managed by the operator of the business to ensure that there is no adverse impact upon residential amenity of neighbouring residential properties.

No external storage of tyres is permitted on the site prior to the approval of the Tyre Storage Plan by the Council's Director City Planning.

Once the Tyre Storage Plan is approved by the Council's Director City Planning, all storage of tyres on the site must occur in accordance with the approved Tyre Storage Plan.

Advice:

It is recommended that the operators of the business have regard to the 'Approved Management Method for the Storage and Reuse of Waste Tyres' issued by the Tasmanian Environment Protection Authority, available via <https://epa.tas.gov.au/Documents/Approved%20Management%20Method%20for%20the%20Storage%20and%20Reuse%20of%20Waste%20Tyres.pdf>

Once the Tyre Storage 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 that non-residential use does not unreasonably impact on residential amenity.

PLN s4

Commercial vehicle movements must only be undertaken between the operating hours of 7:30am to 6:00pm Monday to Friday.

Reason for condition

To ensure that non-residential use does not unreasonably impact on residential amenity.

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

Building permit in accordance with the *Building Act 2016*. Click [here](#) for more information.

PLUMBING PERMIT

Plumbing permit in accordance with the *Tasmanian Plumbing Regulations 2014*. Click [here](#) for more information.

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.

9.4 179 Macquarie Street, 200 Collins Street, Crowthers Lane and Adjacent Road Reserve, Hobart - Demolition and New Building for Hotel with Restaurant and Function Centre and Associated Infrastructure Works PLN-19-104 - File Ref: F19/107026

Ref: Open [CPC 7.1.4](#), 12/08/2019
Application Expiry Date: 23 August 2019
Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for demolition and new building for hotel with restaurant and function centre and associated infrastructure works at 179 Macquarie Street, 200 Collins Street, Crowthers Lane and adjacent road reserve, Hobart for the reasons outlined in the officer's report, attached to item 7.1.4 of the Open City Planning Committee agenda of 12 August 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-19-104 - 179 MACQUARIE STREET 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 2019/00448-HCC dated 11/04/2019 as attached to the permit.

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: 5885 dated 02 July 2019, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s2

The exterior of the building must be finished to a high quality standard, substantially in accordance with that shown on the approved plans, and prior to first use.

Full details of all external materials must be submitted and approved, prior to construction works occurring (excluding construction works for demolition and excavation of the site), in accordance with the above requirement and to the satisfaction of the Council's Directory City Planning.

The documentation must:

1. Detail each external material, its form and finish, as well as detailing its longevity and maintainability, to satisfy the above requirement.
2. The colour of the curtain wall and associated glazing.

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

Advice:

Once the documentation 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 building is finished to a high standard ensuring a positive contribution to the streetscape and townscape.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

Reason for condition

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

ENG sw2.1

A pre CCTV video of the existing Council stormwater main within the subject site (proposed to be retained) must be undertaken and submitted to Council prior to the commencement of work.

The post construction CCTV 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 pre construction 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.

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 sw2.2

Recorded CCTV inspections and associated reports of the new public stormwater infrastructure and any other existing public stormwater infrastructure within two (2) metres of the proposed development must be undertaken and submitted to the Council:

1. Prior to commencement of the maintenance period; and
2. Within 30 days of completion of works.

The CCTV inspection must be taken no more than one month prior to commencement of the maintenance period. A maintenance period of 12 months will apply to the new pipes. The Council will perform a final inspection at the end of the maintenance period. Should any rectification works be required, these must be done at the owner's cost within a time frame specified by the Council, and an additional 12 month maintenance period may be applied.

The post construction CCTV 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 pre-construction CCTV video of the Council's infrastructure, then any damage to the Council's infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.

Advice:

- *The CCTVs may be combined by delaying commencement of the maintenance period.*
- *Please note that CCTV will be required for existing Council stormwater mains within the subject site together with newly constructed public stormwater mains.*
- *A maintenance bond of 5% of the contract value of the proposed new public stormwater works will be required by the Council. Upon the expiry of the maintenance period, please contact the Council's Project and Development Inspector on telephone 6238 2967 to arrange the final inspection prior to the release of the maintenance bond.*

Reason for condition

To ensure that the Lots are serviced by adequate public infrastructure and that any Council infrastructure and connections affected by the works will be repaired at the owner's cost.

ENG sw3

The proposed works (including but not limited to footings, carpark, ramps, overhangs) within two metres of the existing and proposed Council's stormwater infrastructure, must be designed to ensure the long term protection of and access to the Council's stormwater infrastructure.

A detailed engineering design must be submitted and approved prior to issue of any approval under the *Building Act 2016* or commencement of works , whichever occurs first (excluding demolition).

The detailed design must:

1. Demonstrate how the design will maintain the overland flow path, provide adequate access to the main, impose no additional loads onto the main and that the structure will be fully independent of the main and its trenching. Adequate access is defined for this project as a minimum 2.8m vertical clearance within a 3m wide corridor, with no columns or footings within one metre of the outside of the pipe. Reduction in this access requirement is possible for the wall at the boundary with adequate structural bridging.
2. Include cross-sections clearly showing the relationship both vertically and horizontally between Council's stormwater infrastructure and the proposed works (including footings), and stating the minimum setbacks from the works to the nearest external surface of the main.
3. Include a long-section of Council's stormwater main clearly showing proposed cover. If the cover is less than 600mm, engineering details and full calculations to relevant Australian Standards (including construction traffic loading) must be submitted to demonstrate the mains can withstand the likely forces and will be adequately protected. All assumptions must be stated.
4. Be certified by a suitably qualified engineer.

Prior to first occupation under the *Building Act 2016*, confirmation from a suitably qualified engineer must be provided to the Council that the installation of the works within two metres of the Council's stormwater 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 detailed design.

Advice:

- *The applicant is required 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 building approval under the Building Act 2016.*
- *Once the detailed design 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 protection of the Council's hydraulic infrastructure.

ENG sw4

The new stormwater 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 required 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 building approval under the Building Act 2016.*

- *Once the detailed design 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 site is drained adequately.

ENG sw5

The development (including hardstand) must be drained to the Council's stormwater infrastructure with sufficient receiving capacity, in a safe and legal manner through to Collins Street. The upgraded public stormwater system must be constructed prior to first occupation.

Engineering design drawings must be submitted and approved, prior to commencement of work or the issue of any approval under the *Building Act 2016* (whichever occurs first but excluding demolition). The engineering design 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, obstacles (such as other services or structures) and inspection openings.
3. Include adequate protection works where minimum cover cannot be achieved.
4. Include the associated calculations and catchment area plans. The stormwater system (including defined non-blocked 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.
5. Where overland flow paths are proposed to cater for flow in excess of the 5% AEP flows, provide detailed design of any proposed new outlets in the base of existing or proposed walls demonstrating that the outlets have sufficient capacity. All calculations must take into consideration a 50% blockage factor.

6. Identify all existing third-party connections to the mains to be upgraded and reconnected at the owner's cost.
7. Clearly distinguish between public and private infrastructure.
8. Be substantially in accordance with the LGAT Standard Drawings and Tasmanian Subdivision Guidelines.

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

Advice:

- *The applicant is required 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 building approval under the Building Act 2016.*
- *Once the detailed design 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.*
- *Please note that once the condition endorsement has been issued you will need to contact Council's City Amenity Division to obtain a Permit to Construct Public Infrastructure. A maintenance period of 12 months and 5% maintenance bond will apply.*

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw6

A construction management plan (Crowther's Lane heritage walls) must be submitted and approved, detailing the installation of the Council's upgraded stormwater infrastructure in such a way as to ensure that the condition and structural integrity of the existing heritage walls on Crowther's Lane are not compromised.

The construction management plan (Crowther's Lane heritage walls) must be submitted and approved by the Council's Director City Amenity and Director City Planning prior to commencement of work or issue of any approval under the *Building Act 2016* (whichever occurs first but excluding demolition).

The construction management plan (Crowther's Lane heritage walls) must:

1. Be prepared and certified by a suitably experienced structural engineer, with input from a suitably experienced geotechnical engineer.
2. Be in accordance with any recommendations from any heritage protection report and requirements.
3. Include structural and geotechnical investigation of the heritage walls, underlying footings and existing ground conditions in Crowther's Lane.
4. Include an engineering risk analysis which demonstrates the rationale of the selected construction method for undertaking the works. Including how risk mitigation relating to design, construction, surrounding infrastructure and personnel to an acceptable level is achieved.
5. Detail construction methodology for undertaking the works, including any restrictions on machinery and access, staging of the works, critical hold points and safety management for both the general public and contractors.
6. Provide details of any monitoring controls and inspection regime that will be in place for the heritage walls or other associated infrastructure.
7. Include engineering drawings which detail any proposed permanent infrastructure (i.e. underpinning) required for undertaking the works. For any proposed temporary infrastructure (i.e. bracing), provide drawings sufficient for implementation.
8. Include engineering cross-sections detailing the relationship both vertically and horizontally of the main upgrade (including trenching) to the walls and associated infrastructure.
9. Demonstrate the wall is fully independent of the main and its trenching.

Prior to first occupation or the commencement of the maintenance period on public infrastructure (whichever occurs first), confirmation from a suitably qualified engineer must be provided to the Council that the installation of the main in relation to the heritage walls is in accordance with the approved construction management plan (Crowther's Lane heritage walls), 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 construction management plan (Crowther's Lane heritage walls).

Advice:

- *The applicant is required 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 building approval under the Building Act 2016.*
- *Once the construction management plan (Crowther's Lane heritage walls) 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 that stormwater from the site will be discharged to a suitable Council approved outlet.

ENG sw7

Stormwater pre-treatment for stormwater discharges from the development must be installed prior to commencement of use /the issue of any Completion Certificate under the *Building Act 2016* (whichever occurs first).

A stormwater management report and design must be submitted and approved, prior to commencement of work (excluding demolition and excavation). The stormwater management report and design must:

1. Be prepared by a suitably qualified engineer.
2. Include detailed design of the proposed treatment train, including final estimations of contaminant removal.
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 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 building approval under the Building Act 2016.*
- *Once the stormwater management report and design 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 possible pollution of drainage systems and natural watercourses, and to comply with relevant State legislation.

ENG tr1

The Barrack Street access via the right of way is approved for ENTRY ONLY.

The southern Macquarie Street access is approved for ENTRY ONLY.

The northern Macquarie Street access is approved for EXIT ONLY.

Traffic management for the accesses and parking module must be installed prior to the commencement of use.

Traffic management design drawing(s) of the proposed traffic management for the accesses (including signage and linemarking), must be submitted and approved , prior to commencement of use. The traffic management design drawing(s) must include (but not be limited to):

1. 'No Entry' signage must be installed at the northern Macquarie Street access (within the property) generally in accordance with AS1742.2:2009 or AS1742.10:2009.

All work required by this condition must be undertaken in accordance with the approved traffic management design drawing(s).

Advice:

- *The applicant is required 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 building approval under the Building Act 2016.*
- *Once the traffic management design drawing(s) 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

In the interests of user safety and the amenity of the occupiers of the development.

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* for the relevant stage (including demolition and excavation, separate stage related plans may be provided for each stage). 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:

- *The applicant is required 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 building approval under the Building Act 2016.*
- *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 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

Advice:

- *The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.*
- *Designers are advised to consult the National Construction Code 2016 to determine if pedestrian handrails or safety barriers compliant with the NCC2016 are also required in the parking module this area may be considered as a path of access to a building.*

Reason for condition

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

ENG 3a

The 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 following exceptions:

Jockey or tandem car parking is permitted for car parking spaces 23-24 and 33-34 on drawing DA1.01 Issue DA1 provided these car parking spaces are designated for employee (AS2890.1 Class 1) or valet customer parking (AS2890.1 Class 2).

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 a maximum of sixty (60) car parking spaces consisting of:

1. Three (3) accessible car parking spaces (as shown in the Traffic Impact Assessment).
2. Fifty three AS/NZS 2890.1:2004 Class 2 car parking spaces.
3. Four (4) Class 1 (employee) or valet parking Class 2 car parking spaces (spaces 23-24 and 33-34 on drawing DA1.01 Issue DA1).
4. Minimum of six (6) employee bicycle parking spaces.
5. Minimum of fourteen (14) visitor bicycle parking spaces.
6. Minimum of three (3) motorcycle car parking spaces.

All car / motorcycle 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, prior to first occupation.

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.

ENG r3

Prior to the commencement of use, the proposed two (2) (altered or new) driveway crossovers to the Macquarie Street highway reservation must be designed and constructed generally in accordance with the following Tasmanian Standard Drawings (TSD):

1. Urban - TSD-R09-v1 - Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing.
2. Commercial Urban - TSD-R09-v1 - Urban Roads Driveways and TSD R16-v1 Type KCR and B1 or Type KCRB and B1.
3. Footpath - Urban Roads Footpaths TSD-R11-v1.

Design drawings must be submitted and approved by the Council's Director City Infrastructure prior to any approval under the *Building Act 2016* (excluding demolition and excavation). The design drawings must:

1. Detail any services or infrastructure (e.g. light poles, pits, awnings, parking meter boxes, parking meter pavement sensors, public parking spaces) at or near the proposed driveway crossover; including relocation/decommissioning details (including timing of relocation/decommissioning).
2. Show pedestrian sight lines for exiting vehicles in accordance with AS/NZS 2890.1:2004.
3. Show the Northern Macquarie Street access as an exit only access.
4. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

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

Advice:

- *The applicant is required 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 building approval under the Building Act 2016.*
- *Once the approved design drawings 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.*
- *Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Road Services Engineer and may require further planning approvals. It is advised to place a note to this affect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.*

Reason for condition

To ensure that works will comply with the Council's standard requirements.

ENG s1

Staff bicycle parking within the basement level must be constructed to Class 1 or Class 2 security level.

Advice:

- *The Hobart Interim Planning Scheme 2015 defines Class 1 security level as Fully enclosed individual lockers, and Class 2 as Locked compounds with communal access using duplicate keys.*

Reason for condition

To encourage cycling by providing secure, accessible and convenient bicycle parking spaces.

ENG s2

On-street car parking modifications between the two vehicular accesses on Macquarie Street including relocation of parking meter box must be completed prior to first occupation.

Advice:

- *Any changes to the existing on street parking arrangements in Macquarie Street does not form part of the planning approval and will require approval from Council's City Planning Division Manager Traffic Engineering in a process separate to the planning process. All works will be at the developer's expense. Please contact Council's City Planning Division Manager Traffic Engineering with regard to the application process for any changes to the on street parking arrangements in Macquarie Street. Once approval from the Manager Traffic Engineering has been obtained a request to temporarily or permanently remove any sensor will require a written application to be submitted to the Parking Operations Unit:*
<https://www.hobartcity.com.au/City-services/Paring/Integrated-Parking-System/Dial-Before-You-Dig-Parking-Sensors> .

Reason for condition

To ensure that works will comply with the Council's standard requirements.

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.*
- *Note also the requirement to provide a soil and water management plan to satisfy condition ENV s1.*

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.

ENV s1

An approved Demolition and Construction Environmental Management Plan, prepared by suitably qualified persons, must be implemented.

A Demolition and Construction Environmental Management Plan must be submitted and approved prior to the commencement of works and prior to the issue of any approval under the *Building Act 2016*.

The plan must include, but is not limited to, the following:

1. Details of the proposed construction methodology and expected likely time-frames.
2. The proposed days and hours of work and proposed hours of activities likely to generate significant noise emissions (including volume and timing of heavy vehicles entering and leaving the site).
3. Details of potential environmental impacts associated with the development works including noise, vibration, erosion and pollution (air, land and water), and including the identification and disposal of any potentially contaminated waste and asbestos.
4. Details of proposed measures to avoid or mitigate to acceptable levels all identified potential environmental impacts during development works including, but not limited to:
 1. A noise and vibration management plan generally consistent with AS 2436-2010 - *Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites* and the *Interim Construction Noise Guidelines* (New South Wales Department of Environment and Climate Change, July 2009) including, but not limited to:

1. Identification of potentially noisy or vibration-causing activities;
 2. Procedures to ensure that all reasonable and feasible noise and vibration mitigation measures are applied during operation of the construction management plan; and
 3. Details of monitoring measures and triggers for corrective actions.
2. A soil and water management plan including:
1. Measures to minimise erosion and the discharge of contaminated stormwater off-site;
 2. Measures to minimise dust emissions from the site;
 3. Measures to manage the disposal of surface and groundwater from excavations; and
 4. Measures to prevent soil and debris being carried onto the street.
5. Proposed screening of the site and vehicular access points during work.
6. Details of proposed responsible persons, public communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

The approved Demolition and Construction Environmental Management Plan forms part of this permit and must be complied with.

Advice:

- *Once the 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 minimise the potential for environmental impacts from the construction works

HER 6

Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

1. All excavation and/or disturbance must stop immediately; and
2. A qualified archaeologist must be engaged to attend the site and provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and
3. All and any recommendations made by the archaeologist engaged in accordance with (2) above must be complied with in full; and
4. All features and/or deposits discovered must be reported to the Council with one (1) day of the discovery; and
5. A copy of the archaeologists advice, assessment and recommendations obtained in accordance with (2) above must be provided to the Council within 30 days of receipt of the advice, assessment and recommendations.

Excavation and/or disturbance must not recommence unless and until approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence.

HER s1

All documentation, including the construction management plan (Crowther's Lane heritage walls) required in condition ENG sw6, must contain protocols and recommendations for all contractors working in proximity to the stone walls on either side of Crowther's Lane to be familiar with the heritage values of the heritage listed site and for the need to protect the wall at all costs whilst undertaking the proposed works to upgrade infrastructure. Prior to the commencement of works (including demolition and excavation), all workers and managers must be briefed on the importance of the cultural heritage values of the site as part of a site induction. This must be undertaken by a suitably qualified heritage practitioner.

Reason for condition

To ensure that there is no loss or damage to the heritage values or fabric of the site.

ENVHE 1

Recommendations in the report Fragrance Tas-Hobart Pty Ltd, 179 Macquarie Street, Limited Preliminary Site Investigation dated May 2019 written by GHD must be implemented, for the duration of the development.

Reason for condition

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

PLN s1

A Landscaping Plan for the landscaped public space and other areas of planting must be submitted and approved by the Council's Director City Planning prior to the issue of any consent under the *Building Act 2016*, excluding for demolition and excavation. The Landscaping Plan must include:

1. Consideration to the inclusion of some mature trees along the western boundary to delineate the new proposal from the adjacent heritage site.
2. Landscaping should extend, if possible, the full length of the western boundary.

All trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Director City Planning prior to commencement of use.

The trees and landscaping must be maintained, and replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost.

Once all trees shown on the approved Landscaping Plan have been planted in accordance with the approved plan to the satisfaction of the Council's Director City Planning, the Council will issue a statement confirming satisfactory planting of all trees and landscaping.

Reason for condition

To ensure that the development achieves a high standard of public amenity and to ensure appropriate landscaping close to the property boundary.

Part 5 1

Prior to any approval under the *Building Act 2016*, the owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* with respect to:

1. Building over and within 1 metre of the Council's stormwater infrastructure. The owner must agree to:
 1. Provide 24hr emergency access to the Council's stormwater infrastructure.
 2. Indemnify the Council against any costs or claims arising from building over the Council's stormwater main or for damages incurred in the act of performing operation, maintenance, or replacement tasks on the stormwater main.
2. Ongoing compliance with the approved stormwater management plan for the proposed treatment system.

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.

The owner must comply with the Part 5 Agreement which will be placed on the property title.

Advice:

For further information with respect to the preparation of a Part 5 agreement please contact Council Development Engineering Staff.

Reason for condition

To ensure that future owners are aware of their ongoing obligations.

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 PLANNING

If a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#).

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.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied). Detailed instructions can be found [here](#).

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.

URBAN DESIGN ADVISORY PANEL

The following suggestions of Council's Urban Design Advisory Panel should be considered during the preparation of documentation for condition endorsement and/or building consent:

In regard to the principal public open space on the western boundary, more consideration needs to be given to the design of the space and that the landscaping elements, such as the paving and kerbing, separating vehicular and pedestrian activity, could be improved to provide a friendlier and more successful outcome.

The vehicle driveway into the porte cochere should be treated as more of a shared entry/pedestrian space.

The landscaping and green space areas on the upper levels on the Macquarie Street side and on the western boundary side appeared to have no direct access for maintenance. Further design consideration should be given to this.

The colour of the curtain wall and associated glazing needed further deliberation.

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.

CBD AND HIGH VOLUME FOOTPATH CLOSURES

Please note that the City of Hobart does not support the extended closure of public footpaths or roads to facilitate construction on adjacent land.

It is the developer's responsibility to ensure that the proposal as designed can be constructed without reliance on such extended closures.

In special cases, where it can be demonstrated that closure of footpaths in the CBD and/or other high volume footpaths can occur for extended periods without unreasonable impact on other businesses or the general public, such closures may only be approved by the full Council.

For more information about this requirement please contact the Council's Traffic Engineering Unit on 6238 2804.

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.

10. Building Heights - Elector Poll Results File Ref: F19/103821; 17/167

Ref: Open [CPC 8.1](#), 12/08/2019

- That:
1. The report titled *Building Heights – Elector Poll Results* marked as item 8.1 of the Open City Planning Committee agenda of 12 August 2019 be received and noted.
 2. Pursuant to Section 34(1) (b) of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council resolve to initiate the amendments provided in Attachment B to item 8.2 of the Open City Planning Committee agenda of 10 December 2018 to the *Hobart Interim Planning Scheme 2015* and the *Sullivans Cove Planning Scheme 1997*, and indicated on the plan shown as Attachment D to item 8.2 of the Open City Planning Committee Agenda of the 10 December 2018.
 3. Pursuant to Section 35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council certify that the PSA-18-4 Amendment to the *Hobart Interim Planning Scheme 2015* and the PSA-18-1 Amendment to the *Sullivans Cove Planning Scheme 1997* meets the requirements of Section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993* and authorise the General Manager and the Deputy General Manager to sign the Instruments of Certification (Attachment I to item 8.2 of the Open City Planning Committee agenda of 10 December 2018).

4. Pursuant to Section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council place the PSA-18-4 Amendment to the Hobart Interim Planning Scheme 2015 and the PSA-18-1 Amendment to the *Sullivans Cove Planning Scheme 1997* on public exhibition for a 28 day period following certification.
5. The Central Hobart Precincts Plan project factor in the draft height rules and accept any feedback provided by the Tasmanian Planning Commission on the social, economic and environmental implications of these height provisions.

11. Regulation of Social Food Delivery Vehicles
File Ref: F19/99341; 16/243

Ref: Supplementary Open [CPC 12](#), 12/08/2019

- That:
1. The Council not proceed to create a by-law to regulate the carriage of food in social food delivery vehicles.
 2. The Council develop and distribute to relevant persons and companies an information brochure that summarises the food safety obligations of social food delivery vehicle drivers.
 3. The Council write a follow up letter to the State Government seeking a response to the letter sent to the Minister in early July.
 4. A further report be provided in relation to the monitoring of complaints in regards to the carriage of food in social food delivery vehicles in August 2020.

COMMUNITY, CULTURE AND EVENTS COMMITTEE

12. City of Hobart Food Strategy Update

File Ref: F19/72974; 16/243

Ref: Open [CCEC 6.1](#), 7/08/2019

- That:
1. The City of Hobart not pursue the development of a food strategy or framework at this time.
 2. The development of a food strategy or framework be reconsidered as part of budget deliberations for the 2020-21 financial year.
 3. The Council continue to monitor the work of other stakeholders on the issue of food security and associated strategies.

FINANCE AND GOVERNANCE COMMITTEE

13. Battery Point Slipways Masterplan - Conclusion of Consultation
File Ref: F19/104949; 16/213

Ref: Open [FGC 6.1](#), 13/08/2019

- That: 1. The Council adopt the Battery Point Slipways Master Plan marked as Attachment C to item 6.1 of the Open Finance and Governance Committee agenda of 13 August 2019.
2. Implementation be progressed over future years as budget funding is secured within relevant Council program areas.

14. Local Government Association of Tasmania - Amendment of Rules
File Ref: F19/104705

Ref: Open [FGC 6.2](#), 13/08/2019

That the Council not proceed to submit a motion to a Local Government Association of Tasmania General Meeting requesting an amendment to the Association Rules to allow the City of Hobart to be included in the Southern Electoral District.

PARKS AND RECREATION COMMITTEE

15. Review of the Dog Management Strategy

File Ref: F19/103814

Ref: Open [PRC 6.1](#), 8/08/2019

- That: 1. Pursuant to section 24 of the *Dog Control Act 2000*, the Council notes the public submissions received during the public consultation period and provided under separate cover.
2. Pursuant to section 20 of the *Dog Control Act 2000* the Council declare the areas in Attachment B to item 6.1 of the Open Parks and Recreation Committee agenda of 8 August 2019 as modifications to the areas already declared contained in Attachment A to item 6.1 of the Open Parks and Recreation Committee agenda of 8 August 2019.
3. The Council endorse notification of the declared areas in Attachment B to item 6.1 of the Open Parks and Recreation Committee agenda of 8 August 2019, pursuant to section 25 of the *Dog Control Act 2000* by public notice on 24 August 2019 to take effect on 23 September 2019 and to remain in force until 23 June 2023.

16. Bicycle and Pedestrian Bridge Over Brooker Avenue - Proposed Name 'Rose Garden Bridge'

File Ref: F19/51589

Ref: Open [PRC 6.2](#), 8/08/2019

- That: 1. 'Rose Garden Bridge' be submitted as the Council's recommended name for the new bicycle and pedestrian bridge across Brooker Avenue, located between Bathurst Street and the University Rose Gardens on the Queens Domain, to the Nomenclature Board of Tasmania, pursuant to the *Survey Co-ordination Act 1944 (Tasmania)*.
2. The City explore ways to commemorate persons and groups of significance with strong connections to the development of the University Rose Gardens, including Kitty Henry and TT Flynn.

17. Waterworks Reserve - Master Plan Development

File Ref: F19/102429

Ref: Open [PRC 6.3](#), 8/08/2019

- That:
1. The draft Waterworks Reserve Master Plan be reviewed to guide future development and asset replacement in the Waterworks Reserve.
 2. A community engagement process and collation and review of relevant survey and user data be undertaken to determine the values and user experiences of the Waterworks Reserve.
 3. The draft Waterworks Reserve Master Plan be presented back to the Council in 2021 for endorsement to release for public exhibition and feedback.

18. Recreational Vehicle Black Water Dump Point - Proposed Installation

File Ref: F19/99668

Ref: Open [PRC 6.4](#), 8/08/2019

- That:
1. Funding and development of a Recreation Vehicle black water dump point (proposed for installation in Selfs Point Road, in the vicinity of Rugby Park and the 10 Lives Cat Centre) be considered when the Council determines the 2020-21 Capital Works Program and annual budget at an estimated cost of \$51,000 with an estimated annual operational expense of \$6,500 per annum.
 2. Should the project proceed, the contribution to the project by the Campervan and Motorhome Club of Australia (CMCA) (being the supply of the Dump-Ezy 'lid' of the proposed system) be acknowledged in the promotion of the project in the media at the appropriate time.
 3. Should the project proceed, the General Manager be authorised to secure all necessary approvals for the project.

19. Proposal to Lease Crown Land - Ross Rivulet, South Hobart and Rear of Summerhill Road, West Hobart
File Ref: F19/34322

Ref: Closed [PRC 4.2](#), 8/08/2019

- That: 1. Approval be granted for the Council to enter a 30 year lease agreement with Crown Land Services (Department of Primary Industries, Water and Environment) for public and recreational purposes of the following properties:
- a. An approximate area of 945m² of Reserved Road that is un-granted Crown land located between 51A Summerhill Road and Knocklofty Reserve, as shown on Attachment A to item 4.2 of the Closed Parks and Recreation Committee agenda of 8 August 2019.
 - b. An approximate area of 1,000m² of Reserved Road that is un-granted Crown land located between Lot 1, Stevens Farm Drive, West Hobart (folio reference CT 173390/1) owned by the Council as public open space (folio reference CT 171950/1), and the adjacent eastern portion of the Ross Rivulet creek bed vested in the Crown, as shown in Attachment B to item 4.2 of the Closed Parks and Recreation Committee agenda of 8 August 2019.
2. The General Manager to be authorised to negotiate the terms and conditions of the lease agreements.
 3. Transfer of the title to the Council of the Crown land parcels listed in Part 1 of the recommendation be pursued in the longer term.

SPECIAL REPORT - LORD MAYOR

20. Elected Member Professional Development - Alderman Thomas
File Ref: F19/106808

Memorandum of the Lord Mayor of 14 August 2019 and attachment.

Delegation: Council



City of **HOBART**

MEMORANDUM: COUNCIL

**Elected Member Professional Development –
Alderman Thomas**

In accordance with the Elected Member Development and Support Policy, the attached Professional Development Plan for Alderman Thomas is provided for information.

The estimated costs associated with the professional development plan is \$1,400 which will be deducted from Alderman Thomas' individual allocation and attributed to the Elected Member professional development allocation within the Elected Member Allowances and Expenses Function of the Annual Plan 2019-20.

RECOMMENDATION

That the Professional Development Plan for Alderman Thomas, as attached to the Open Council Agenda of 19 August 2019, be received and noted.

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.

Councillor A M Reynolds
LORD MAYOR

Date: 14 August 2019
File Reference: F19/106808

Attachment A: Elected Member Professional Development Plan - Ald Thomas
↓

Professional Development Plan for Elected Member Alderman Thomas for the 12-month period commencing November 2018

Development need:	Targeted Outcome:	Identified activity / training and location: (if known)	Date of activity (if known):	Cost (if known):	Supporting docs attached ✓	Date report provided: (office use)
As chair of the EDCC committee with the Smart City remit the fast moving advancements in AI require an understanding of the nature and pace of technological advances in this field. This conference according to Director Carr is a valuable program of relevant PD	An understanding of the contemporary picture of the field so far as a city government needs to be involved in investigating for possible future implementation. Potentially the ability to meet other local government elected officials with the same broad intent	Digital AI Summit Melbourne	27 August 2019	Flights \$369 Registration \$435 Total = \$804 + incidentals Accommodation not required	✓	
As co-chair of the Housing with Dignity it is imperative to learn about the strategies applied elsewhere to combat the scourge of Homelessness. And to share our local experience. Also to network with other officials who are struggling to find appropriate and much	The ability to evaluate the effectiveness of strategies in place or being considered elsewhere and to share insights with others	Stable One – Winter Night Shelter	28 – 29 th August 2019	Hire Car \$298 Total = \$298 + incidentals Accommodation not required.		

needed relief from this phenomenon						
The forum is an excellent opportunity to hear from experts the current Asian and Pacific economic advances, in technology and infrastructure and to share our intelligence on what lessons our economic and environmental industries may have for our sister cities	To dialogue with other Xian friendship cities and hear and compare their economic and social programs AND to share our environmental advances including sustainability and importantly, single use plastics ban	2019 Euro-Asia Economic Forum Xi'an	9 – 12 September 2019	Cost funded from International Relationships allocation		



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Elected Member

Date: 12/08/2019



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Approved by Lord Mayor Councillor Anna Reynolds

Date: 12/08/2019

Date plan provided to Council for noting: 19 August 2019

SPECIAL REPORT – GENERAL MANAGER

21. Risk and Audit Panel
File Ref: F19/108369

Memorandum of the Chairman, Risk and Audit Panel of 14 August 2019 and attachment.

Delegation: Council



City of **HOBART**

MEMORANDUM: COUNCIL

Risk and Audit Panel

1. Background

The Risk and Audit Panel was established as required by Local Government (Audit Panels) Order and has been operating in its current form since 2014. The Terms of reference which were developed in accordance with the Order are approved by Council, as is the Annual Work Plan.

The Work Plan and Terms of Reference are regularly reviewed by the Panel. A special meeting of the Panel was held on 20 June 2019 to consider some specific changes to the Terms of Reference. Issues had also been raised about the accountability of the Panel and its relationship with the Council. This specifically related to the Panel's accountability to the Council and decisions being relayed to the Council and/or management for consideration and implementation. The role of the Panel as a complaints body had also been queried.

Currently, the Panel communicates with the Council in four ways – an informal summary of the meeting outcomes is distributed to Council members shortly after each meeting; the minutes of the meeting are provided to Council meetings after their formal approval at the following meeting (which could be 2 months later); the quarterly confidential briefing by the Chair to Council members; and the Panel's annual report for each calendar year. It has been queried whether the above processes appropriately recognise the Council as the body to which the Panel reports.

2. Proposed Changes to Terms of Reference

2.1 Panel's Role and Its Accountability to the Council

The RAP's current Terms of Reference, in section 4.3 Internal Governance Audit, state that the Panel is to, inter alia:

“(b) Review and approve the three-year strategic internal audit plan for Council consideration;

(c) Review and approve the annual audit work plan, in accordance with the Council approved three-year strategic internal audit plan;”

The reference to “approve” for these two plans appears to be in conflict with the broader responsibilities of the Panel as specified in the *Local Government Audit Panels – A Practice Guide*

(http://www.dpac.tas.gov.au/divisions/local_government/good_governance_guide), which are to review, suggest variations and/or endorse the plans. It appears that the General Manager and/or Council have accountability for the preparation, approval and implementation of policies and other proposals, including the three-year and annual internal audit plans.

The rest of the Terms of Reference have the general sense of the Panel being a review, recommending and endorsement body – not an approval body. It seems therefore appropriate that the Terms of Reference be amended to ensure that the current conflict in the level of accountability is removed. This does not mean that the Panel’s responsibilities have been reduced.

The Panel is not there to just provide passive assurance to the Council and management. In this regard, it is also recommended that the Terms of Reference be amended in a number of places to reflect that the Panel will “review and assess” issues provided for its consideration. It also should ‘make recommendations’ to Council and management in relation to its determinations.

As the Panel has no authority or delegated power, it should not use the word “approve” in its decisions. However, it also should not merely “note” issues and items it has considered. The RAP minutes will therefore use words such as “endorse” or “recommend” (including changes if necessary) in providing advice to the Council and management.

2.2 Financial Oversight

Section 4.5 (c) currently states that the Panel will ‘provide advice to the Council that the audited financial statements are correctly reflected in the Annual Report’. Given the complexity of the financial statements, this is not practical nor feasible. A level of assurance that any comments and recommendations provided following the Auditor-General’s review of the statements have been addressed by management and have been reflected in the finalised statements to be published should be required of the Panel.

Section 4.6.1 (b) states that the Panel shall ‘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’. Whilst the review of the annual budget is essential, the specifics of expenditure and revenue are policy decisions of the Council – it is the alignment with the Long Term Financial Management Plan which is the Panel’s role.

Similarly, and following discussions within the Panel about its consideration of the integration of the various strategic and financial long and short term plans, the Panel's role in relation to the Strategic Asset Management Plan and the Long Term Financial Management Plan should be clarified. Section 4.6.2 (d) states that the Panel should review the Asset Plan in relation 'to achieving the objectives of the Long Term Financial Management Plan'. The two Plans should align, however one does not necessarily control the achievement of the other.

2.3 Other Matters

Lastly, following the changes to the titles of some elected members of Council and the restructure of the management of the Council, a review of the Terms of Reference has been undertaken to ensure that any position titles noted in the Terms of Reference align with the new arrangements.

The recommended changes to the Terms of Reference, including the Code of Conduct which is based on that supplied with the Guide, are in the attached documents.

3. Complaints

The Panel is not and has not ever promoted itself as a complaints body. However, from its past experience, and the experience of panels of other councils, on occasions, complaints are addressed to the Panel (potentially by elected members, members of the public or Council employees) for consideration.

The issue of complaints management by Council is also covered in the Best Practise Guide. In particular, the recipient of certain types of complaints is outlined, such that they are directed to the body most applicable to the topic of the complaint. It is noted that the Panel is not mentioned as a complaints recipient body in that document. For clarity the Panel proposes to adopt the following process. If a matter is raised by a member of the public or an individual elected member, it will be considered by the Chair of the Panel in consultation with other Panel members and the General Manager and referred to the appropriate body.

The Panel also made the following recommendations to Council:

- i its website clarifies how the organisation deals with complaints;
- ii a link is included on its website to the Local Government Division's document which directs complaints to the relevant body; and
- iii the Panel will not be included as a possible recipient of complaints.

4. Meeting procedures and Reporting to Council

The Panel resolved that

- i future meetings will commence at 3.15pm, with a closed session commencing at 3pm;
- ii future minutes of the Risk and Audit Panel will be a record of decisions made, along with substantiation where it is required. The minutes are to be signed off by the Panel as soon as practicable out of session and included on the next available Council meeting agenda, together with specific matters, for example budget specific recommendations to Council, where the Risk and Audit Panel's recommendations are to be provided for Council's consideration of that matter. This is In addition to the regular meetings with the Chair and the Annual Report.

RECOMMENDATION

That:

1. ***The information be received and noted.***
2. ***Council approve the revised Terms of Reference for the City of Hobart Risk and Audit Panel as attached.***
3. ***Council endorse the process for handling complaints and officers enact recommendations promoting this.***
4. ***Council endorse Reporting via:***
 - (i) ***Minutes to next Council meeting***
 - (ii) ***Recommendations on specific matters***
 - (iii) ***Meetings with Chair quarterly***
 - (iv) ***Annual Report***

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: 14 August 2019
File Reference: F19/108369

Attachment A: Draft Terms of Reference - Risk and Audit Panel - July 2019 ↴



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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.

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.

For the purposes of this document, the terms Alderman, Aldermen and Aldermanic shall refer to the elected members of the Council.

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~~



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~~(e)~~(d) Any matters referred to it by the Council; and

~~(d)~~(e) Any other matters specified in an order under Section 85B of the *Local Government Act 1993* (*Local Government (Audit Panels) Order 2014*).

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~~Elected Members, two (2) independent members and an independent Chairman.
- (c) ~~Aldermanic m~~Elected Members are appointed by the Council.
- (d) An employee or contractor 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 m~~Elected Members Representation

- (a) The ~~Aldermanic m~~Elected Members appointed to the Panel by Council 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 Lord Mayor and the Chair of the Council's Finance and Governance Committee shall not be eligible to be an ~~Aldermanic-Elected m~~Elected mMember 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.



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- (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 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 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;



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- (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.

4. Roles and Responsibilities

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

- (a) The Panel has an advisory role only and 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.
- (f) "The Panel, in all of its functions, will rigorously review and assess all matters brought before it, prior to making a determination and communicating that determination to the Council and/or management as appropriate"
- (g) Any specific recommendations of the Panel will be forwarded to Council as soon as possible after each meeting. "The Panel's decisions in terms of its endorsement or otherwise of recommendations it considers shall be communicated to the Council as soon as practicable after each Panel meeting"
- (h) The Panel's role relates to system issues and process improvement rather than individual complaints.
- (e)(i) The Panel is to consider whether the Council is complying with the provisions of the Act and any other relevant legislation; and
- (j) The Panel is to consider whether the Council has taken any action in relation to previous recommendations provided by the Audit panel to the Council and, if it has so taken action, what that action was and its effectiveness.

The Panel:



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- provides an independent mechanism to review Council processes and decision-making;
- will provide assurance that Council decisions are effective and reasonable;
- provides checks and balances;
- acts as an advisory committee;
- reviews Council performance;
- reviews and provides recommendations; and
- monitors the integrity of Council's activities.

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;
- (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; and
- (d)(e) To consider any matter referred to it by the Council.



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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 provide advice on the three-year strategic internal audit plan for Council consideration;
- (c) Review and approve provide advice on 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
- (f) Provide advice to the Council on significant issues raised and actions taken.



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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 accurately represent the state of affairs of the Council and 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; and
- ~~(c) To provide reasonable assurance advice to the Council that the audited financial statements to be published are correctly reflected in the Annual Report reflect the statements approved by the Auditor-General and any recommendations for changes made by the Auditor-General; and~~
- ~~(d)~~(c) 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 Financial Management Strategy and 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 its alignment with the proposed rate setting in relation to achieving the objectives of



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the Long Term Financial Management Plan, and the explanation of the impacts of changes to both documents.

(b)(c) To review 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.

4.6.2 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-of the alignment of the content and the achievement of the planned outcomes of the Council's Long Term Strategic Asset Management Plan and 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

As requested by The Panel will provide to Council:

(a) its minutes as soon as practicable after each Panel meeting;



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- (b) the determinations and recommendations of the Panel to be formally advised to Council as soon as practicable following each Panel meeting;
- (c) responses to any issues referred to it by the Council; and
- ~~(a)(d)~~ as requested by 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 and following consultation with the General Manager as appropriate, 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;
- (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.



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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;
- (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 City Governance or equivalent](#) 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 Elected MemberAlderman to attend one or more of its meetings](#)
- ~~(f)~~ [to provide advice and support as required.](#)
- ~~(f)(g)~~ If the Panel determines that the meeting is being held in private, clauses (c), (d) and (e) do not apply.



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~~(g)(h)~~ All attendances at the Panel meetings will be recorded in the City of Hobart Annual Report.

~~(h)(i)~~ The roles and responsibilities associated with the Panel does not allow for the co-opting of members for casual vacancies at meetings.

~~(i)(j)~~ 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.

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~~ Code of Conduct

~~All Panel members shall comply with the Code of Conduct as at Attachment A of these Terms of Reference, 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



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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.

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.



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Attachment A: Code of conduct for members of the Risk and Audit Panel

This code of conduct sets out the standards of behaviour expected of the Hobart City Council's Risk and Audit Panel members. The standards support the characteristics of good governance outlined in the *Good Governance Guide for Local Government in Tasmania* (reference below).

As an independent source of scrutiny in the interests of the community, the Panel provides checks and balances on key Council activities and a means of highlighting issues that require strategic attention.

Councillors who are members of the Panel are in a unique position and have an obligation to maintain a Panel perspective in the interests of the community when they discharge their duties as Panel members, ie they must display independence of mind, separate from their role as a councillor.

In performing their role on the Hobart City Council's Risk and Audit Panel, and in acting in the best interests of the community, all members of the Panel commit to the following standards.

1. Effective management of conflicts of interest

Members avoid conflicts of interest that arise between their personal interests and their public duty as a Panel member, as far as reasonably possible. This includes pecuniary and non-pecuniary conflicts of interest (actual, potential or perceived). Where avoidance is not possible, members appropriately manage conflicts of interest. Members are responsible for acting in good faith and exercising reasonable judgment to manage conflicts of interest, including the offer or receipt of gifts and benefits.

Council members may at times deal with conflicts of interest as a consequence of their dual roles as a Panel member and a councillor. This may present as a conflict between the interests of the community (as seen from the Panel's perspective).

All members will regularly provide advice of their actual, potential and perceived conflicts to the panel.

2. Proper use of Council information

Members maintain the confidentiality of any information, documents and communication that the Council or panel has designated as being in confidence. Members only access Council information needed for them to perform their role as a panel member and not for personal interests or reasons.



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3. Proper use of position

Members perform their role in the best interests of the Council and the community. Members operate within the intended scope of the Panel (as outlined in the Panel's Terms of Reference) and adhere to relevant Council policies and procedures.

4. Appropriate interactions

Members act ethically and treat all persons with fairness and respect. Members conduct themselves in a way that positively represents the panel, and is in the best interests of the Council and the community. Members interact appropriately with fellow members, councillors, Council staff and the community, and give full respect and consideration of to all relevant information known to them. Members should not interact directly with Council staff without the prior approval of the Panel and the General Manager.

The Council has policies and procedures to provide additional guidance for members if required.

Further information on the ethical standards covered in this Code of Conduct, and the terminology used, can be found in the *Good Governance Guide for Local Government in Tasmania*: (www.dpac.tas.gov.au/divisions/local_government).

22. CLOSED PORTION OF THE MEETING

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
- Information of a confidential nature
- Contract renewal

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	Proposed Training Agreement LG(MP)R 15(2)(b) and (g)
Item No. 7	Wellington Park Management Trust - Review of Memorandum of Understanding LG(MP)R 15(2)(d)