



CITY OF HOBART

MINUTES ATTACHMENTS

COUNCIL MEETING

OPEN PORTION OF THE MEETING

**MONDAY, 27 APRIL 2020
AT 5:00 PM**

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CITY PLANNING

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.

9.1 379 Elizabeth Street, 367-375 Elizabeth Street, 31 Strahan Street, North Hobart
PLN-19-933 - File Ref: F20/40305

Application Expiry Date: 4 June 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for extension to operating hours at 379 Elizabeth Street, 367-375 Elizabeth Street and 31 Strahan Street, North Hobart, for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clauses Hours of Operation D21.3.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because it has not been demonstrated that the noise impact of the late night / early morning operation (to 5am on Friday and Saturday nights, and 3am on all others) of the hotel industry use would not have unreasonable impact on residents in the adjacent inner residential zone.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clauses D21.3.6 Hotel Industries A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the extended operating hours of this hotel industry use would have an unreasonable impact on the amenity and safety of the surrounding use. Evidence has not been provided to the contrary.

Attachment A: PLN-19-933 - 379 Elizabeth Street North Hobart Tas 7000 - Officer Report

Attachment B: PLN-19-933 - 379 Elizabeth Street North Hobart Tas 7000 - Agenda Documents



City of HOBART

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report: Committee
 Council: 27 April 2020
 Expiry Date: 4 June 2020
 Application No: PLN-19-933
 Address: 379 ELIZABETH STREET , NORTH HOBART
 367 - 375 ELIZABETH STREET , NORTH HOBART
 31 STRAHAN STREET , NORTH HOBART
 Applicant: IAN JOHN COOPER
 6 CHARLES STREET
 Proposal: Extension to Operating Hours
 Representations: One
 Performance criteria: Use standards - Operating Hours, Noise, and Hotel Industries

1. Executive Summary

- 1.1 Planning approval is sought for extension to operating hours at 379 Elizabeth Street, 367-375 Elizabeth Street and 31 Strahan Street, North Hobart.
- 1.2 More specifically the proposal includes extending the hours of operation of the existing hotel industry use (karaoke bar) from 10am to midnight (12am), to 10am to 3am on Sunday to Thursday, and 10am to 5am Fridays and Saturdays. The venue accommodates approximately 100 customers.
- 1.3 The proposal relies on performance criteria to satisfy the following standards:
 - 1.3.1 General Business Zone Use Standards - D21.3.1 Hours of Operation P1, D21.3.2 Noise P1, and Hotel Industries D21.3.6 P1
- 1.4 One representation was received during the statutory advertising period (readvertised) between 2 to 17 March 2020.
- 1.5 The proposal is recommended for refusal.
- 1.6 The final decision is delegated to the Council.

2. Site Detail

2.1



Figure 1. 379 Elizabeth Street and its associated titles are in the General Business Zone of the *Hobart Interim Planning Scheme 2015*.

2.2



Figure 2. 379 Elizabeth Street is shown in the blue outline, and the whole site in orange outline. (Geocortex 2019)

2.3



Figure 3. The subject whole site abuts the inner residential zone, and the subject building is within 50 metres of that zone.

3. Proposal

3.1 Planning approval is sought to extend the operating hours at 379 Elizabeth Street, 367-375 Elizabeth Street and 31 Strahan Street, North Hobart.

3.2 More specifically the proposal includes extending the hours of operation of the existing hotel industry use (karaoke bar) from 10am to midnight (12am), as conditioned by planning permit PLN-19-43, to 10am to 3am Sunday to Thursday, and 10am to 5am Fridays and Saturdays. In the additional information letter dated 20 February 2020 it is stated the major use of the site is from about 9:30pm.

The approved use has twelve karaoke lounge rooms that accommodate up to 91 customers in total - 4 rooms of up to 4 people, 5 rooms of up to 6 people, 3 rooms of up to 15 people. The document provided dated 20 February 2020 states maximum capacity is around 100 people, and the business facebook page indicates more than 100. The booking system on the business facebook page provides opportunities to book a room every 15 minutes with variable time frames. The bar at the front of the venue also accommodates waiting customers. The food services component of the use is conditioned by PLN-19-699 to operate between 10am to midnight (12am).

The original hotel industries use proposal (PLN-19-43) and subsequent planning permit, included rear access to the venue via stairs from the lower ground / state cinema car park level for staff entry and for commercial deliveries and waste collection. The subject application document re-states that customers would only enter and exit the venue via the front Elizabeth Street door.

3.3 The subject business is in the 379 Elizabeth Street building and the use also relies on / includes 367-375 Elizabeth Street (the main State Cinema titles) and 31 Strahan Street (the access driveway title). These titles make one site and are associated together by development of the whole State Cinema site.

The lots are:

- CT162909/2 (the 31 Strahan St driveway / carpark title)
- CT163809/1 (the main State cinema buildings title)
- CT46225/1 (the subject 379 Elizabeth Street title)

The state cinema complex is limited to a closing time of 11:30pm.

- 3.4 A note of clarification about the attached documents:
The first letter-style document dated 21 November 2019 with the heading 'Alteration to hours of operation' was submitted at the beginning of the application process. When a recommendation for refusal was flagged with the applicant after the first public notification, they were given the opportunity to provide more information which are in the document bundle after the title documents:
'Alteration to hours of operation, 379 Elizabeth Street, Superstar Karaoke', dated 20 February 2020, 12 pages; and
'Sound assessment report, Alteration to hours of operation, Superstar Karaoke', dated 15 February 2020, 7 pages (sound test records not provided).

4. Background

- 4.1 The subject building is part of the whole State Cinema redevelopment, to include commercial floor space at ground and basement level, and residential apartments above on the site of this building, under PLN-16-768 and PLN-17-818 in the staged development for the site. The later stages of the redevelopment are yet to proceed, and may not.
- 4.2 The original karaoke bar planning approval was PLN-19-43 for 'Signage, Partial Demolition, Alterations and Partial Change of Use to Hotel Industry', dated 20 May 2019. There were two representations for this discretionary proposal objecting to the hours of operation. The proposed hours were 10am and 2am 7 days a week, and the hours approved by the planning permit are 10am to midnight (12am).

The PLN-19-43 planning permit and the associated building permit BLD-19-218 did not include serving of food. An enforcement process was commenced when the on-ground building project included the installation of a full commercial kitchen. Subsequently PLN-19-699 was lodged for 'Partial Change of Use to Food Services' to change the use of a 15 sqm front room of the existing karaoke bar to food services, to operate between 10:00am - 12:00 midnight 7 days / week, with kitchen deliveries between 9:00am - 6:00pm Monday to Friday via an existing loading zone on Federal Street.

PLN-19-43 included conditions about noise generation to not cause environmental harm and to not have an unreasonable impact on residential amenity in the area, and restrictions on commercial vehicle movements including waste collection to and from the car park on the State Cinema site.

- 4.3 The commercial deliveries and staff access via the State Cinema car park for the hotel industry use (karaoke bar) as per PLN-19-43 was determined to have an impact on the complex state cinema parking situation. The various state cinema planning permits include requirements for car park management and development, and time limited on-site commercial deliveries, which need to be controlled under those permits. This proposal for hotel industry extended operating hours would further intensify the use of the whole site, particularly with regard to waste collection.

The subject application states commercial deliveries are via Federal Street, and the karaoke venue does not use commercial vehicle movements after 6.00pm on any day. Therefore D21.3.4 'commercial vehicle movements' (taken to be deliveries) A1 is satisfied.

E6.7.13 Facilities for Commercial Vehicles P1 was assessed as a discretion in the PLN-19-43 planning permit assessment resulting in PLN s1 on that permit:

Commercial vehicle movements including waste collection, to and from the car park on the State Cinema site, must be within the following times:

1. Monday to Saturday: 6am to 10pm.
2. Sunday and Public Holidays: 7am to 9pm.

Reason for condition:

In the interests of residential amenity in the area.

5. Concerns raised by representors

- 5.1 One representation was received during the statutory advertising period (re-advertised) between 2 to 17 March 2020. Two representation were received in the first statutory advertising period with one of those representors providing a representation to both.
- 5.2 The following table outlines the concerns raised in the representation received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

Representor has provided comment on the proposal with reference to the planning scheme standards, including that the proposal is not consistent with the relevant zone purpose statement, local area objectives, and use standard performance criteria.

Concerned about noise made by patrons leaving the venue at 3 or 5am significantly impacting on residential use. Many dwellings in the area are located on small lots, located close to frontages and footpaths. Existing nearby disturbances Friday and Saturday until around 11pm to midnight, reasonable.
Raises known correlation between anti-social behaviour and alcohol consumption, longer hours increases potential. Evident from past and current hotels in Hobart, for example 'Club Surreal' in St Ives Hotel, Battery Point. Other jurisdictions have strict guidelines issued through their planning and licensing systems.
Concerned noise attenuation measures suggested by applicant limited to the immediate vicinity not the broader residential area. Further information submitted undertakes no proper assessment of the character and intensity of activity in the broader area.
Asserts after midnight the area is currently very quiet with only small numbers of patrons left in premises such as the Queens Hotel. Even at 11pm on a Friday and Saturday there are only small numbers of people in the area. Restaurants rarely operate beyond 11pm. Suggests 'creep in hours', beyond existing use rights, is an ongoing issue, also co-location of similar venues. Queries liquor licence hours vs lawful hours of operation.
Concerned extending the hours for the Karaoke Bar will effectively be the thin edge of the wedge for the area. People leaving other venues will be able to use it as a place to keep drinking.
The Local Area Objectives at Clause 21.1.2 clearly state that the Elizabeth Street area of North Hobart within the General Business Zone should be both a day time local shopping area and night time restaurant destination with neither function becoming dominant.
Concerned North Hobart would have similar outcome to current Salamanca Place, Brooke and Morrison Street areas within the Hobart waterfront, where late night venues over time seek to collocate. This would be a disastrous outcome for the North Hobart strip both for surrounding residential areas and existing food services uses which rely upon its character as a key attractor.

No expert assessment of noise generation, information provided does not have regard to the methodology and approach under the relevant guidelines. It is specifically noted that A1 under Clause 21.3.2 requires measures to be in accordance with the Tasmanian Noise Measurement Procedure Manual, which does not appear to be followed by the applicant.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the General Business Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing uses of the specific 379 Elizabeth Street lot is Hotel Industry (karaoke bar) (PLN-19-43) which is a discretionary use in the zone, and Food Services (PLN-19-699) which is a permitted use in the zone. The proposal is to extend the hours of the Hotel Industry component, which represents an intensification of the existing approved use of the site.

Although already approved as a discretionary use in the General Business Zone, the proposal represents an intensification of this use. As such, it is worth considering the standards of Part B 8.10.2 of the *Hobart Interim Planning Scheme 2015*, which directs the consideration of discretionary uses. The clause states:

In determining an application for a permit for a discretionary use the planning authority must ... have regard to:

- (a) the purpose of the applicable zone;*
- (b) any relevant local area objective or desired future character statement for the applicable zone;*
- (c) the purpose of any applicable code; and*
- (d) the purpose of any applicable specific area plan,*

but only insofar as each such purpose, local area objective or desired future character statement is relevant to the particular discretion being

exercised.

- 6.4 The Zone Purpose Statements do not themselves provide a basis for refusal of the development: *9 Sandy Bay Road Pty Ltd v Hobart City Council & Ors* [2017] TASRMPAT 19, at [45], and also, in *R Nicholas v Kingborough Council* [2018] TASRMPAT 1, the Tribunal clarified that the Council could have regard to those matters but remained unfettered by them – at [15].

- 6.5 The Zone Purpose Statements under Part D 21.1.1 for the General Business Zone are:

21.1.1.1 To provide for business, community, food, professional and retail facilities serving a town or group of suburbs.

21.1.1.2 To facilitate residential use above ground floor level.

21.1.1.3 To ensure development is highly accessible by public transport, walking and cycling.

21.1.1.4 To ensure that the design of development is sympathetic to the setting and compatible with the character of each of the business centres in terms of building scale, height and density.

21.1.1.5 To ensure that the proportions, materials, openings and decoration of building facades contribute positively to the streetscape and reinforce the built environment of the area in which the site is situated.

21.1.1.6 To ensure that vehicular access and parking is designed so that the environmental quality of the local area is protected and enhanced.

- 6.6 The Local Area Objectives under Part D 21.1.2(a) for the Zone and particular area are (relevant portion):

To maintain, reinforce and enhance the function, character, appearance and distinctive qualities of each of the identified business centres as follows:

(a) the Elizabeth Street area, North Hobart as a day time local shopping area and night time restaurant destination with neither function becoming dominant; ...

- 6.7 The Desired Future Character Statements for the Elizabeth Street North Hobart General Business Zone area under Part D 21.1.3. Whilst mostly relating to

development, they do include the following initial statement:

Central North Hobart should continue to function as a day-time local shopping area and night-time restaurant destination. These functions should exist equally, with neither becoming predominate.

- 6.8 As an existing discretionary use in the zone, a Hotel Industry use of this type is not entirely consistent with the Scheme's intended night time function of the area. Although there is a food services element to the use it is a minor part of the site and is only for karaoke customers.

The proposal is not consistent with the relevant local area objective, the desired future character statement about area function, and the zone purpose statements, as detailed above, however as noted in section 6.4, these clauses cannot in themselves provide a basis for refusal of the proposed extension of operating hours for this use.

- 6.9 The proposal has been assessed against:

6.9.1 D21.3 General Business Zone Use Standards

- 6.10 The proposal relies on the following performance criteria to comply with the applicable standards:

6.10.1 D21.3.1 Hours of Operation P1

6.10.2 D21.3.2 Noise P1

6.10.3 D21.3.6 Hotel Industries P1

- 6.11 Each performance criterion is assessed below.

- 6.7 D21.3.1 Hours of Operation P1

6.7.1 The acceptable solution at clause D21.3.1 A1 requires hours of operation of a use within 50 m of a residential zone to be within 6.00 am to 10.00 pm Mondays to Saturdays inclusive; 7.00 am to 9.00 pm Sundays and Public Holidays, except for office and administrative tasks.

6.7.2 The site is within 50 metres of (is adjacent to) the inner residential zone (see figure 3 in Section 2.3). The proposal includes extending the hours of operation from 10am to midnight (12am) every day, to:

- 10am to 3am on Sunday, Monday, Tuesday, Wednesday, Thursday;
and
- 10am to 5am Friday and Saturday.

6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 The performance criterion at clause D21.3.1 P1 provides as follows:

Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.

The objective of this standard is:

To ensure that hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.

6.7.5 The proposed extension of operation hours of this hotel industry use itself (Karaoke bar) is unlikely to have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements (deliveries), noise or other emissions from the venue that are unreasonable in their timing, duration or extent.

It is noted that the noise impact of the late night / early morning operation of this venue is likely to have an impact on the adjacent residential use in the Inner Residential Zone; however this assessment must consider whether that would be unreasonable, and whether impacts on residential amenity, including noise or other emissions external to the venue itself, would be attributable to the use.

Customers leaving the venue between midnight (12am) and 3am or 5am, and potentially after these closing times, could impact on residential amenity in the adjacent inner residential zoned area, including noise from private vehicles parked in the vicinity and commercial (taxi / rideshare / uber) movements, and the noise of people interacting. This noise would not be coming from the use itself, rather the customers after they have left the venue. As the representor raises, the applicant has suggested some noise attenuation measure but these are all either within or in close proximity to the venue itself. The applicant has provided commentary about noise from the music within the venue and on customer use of the venue.

There are very few properties in the North Hobart General Business Zone area, a linear strip along Elizabeth Street, that are not within 50 metres of the Inner Residential Zone. The proposed hours of operation would be more suited to a Central Business Zone property, most of which are more than 50 metres from the Inner Residential Zone. The Central Business Zone 'hours of operation' standard D22.3.1 is the same as this D21.3.1 however businesses within 50 metres of the residential zone a far fewer given the shape of the area and adjacent non-residential zones.

The applicant has stated that the use does not have commercial vehicle movements after 6pm on any day. This is taken to mean deliveries and waste disposal. If commercial vehicles are considered to be also taxis / ride share business vehicles, then these would be generating noise up until 3am / 5am.

- 6.8.6 The proposal does not comply with the performance criterion nor the standard objective.

6.8 D21.3.2 Noise P1

- 6.8.1 The acceptable solution at clause D21.3.2 A1 *requires that noise emissions measured at the boundary of a residential zone must not exceed the following:*
- (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;
 - (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;
 - (c) 65dB(A) (LMax) 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.

- 6.8.2 The applicant has provided that the 15 minute average of ambient background sound at 'site 1' (closest point of residential zone), when the music was not playing in the venue, is 42 db(a)(LAeq), which is above the maximum in A1 (b) above.

The proposal is to extend the operating hours of a commercial use which may emit noise exceeding the above, measured at the boundary of a residential zone. The applicant has not provided information regarding the

proposed period of time (between midnight and 3am and 5am) when background noise levels are likely to be lower than earlier in the night when other businesses are operating in the area and there may be more traffic.

- 6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

- 6.8.4 The performance criterion at clause D21.3.2 P1 provides as follows:

Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.

The noise standard objective is:

To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.

- 6.8.5 The above criteria refers to environmental harm. 'Environmental harm' is defined as in the Tasmanian *Environmental Management and Pollution Control Act 1994* (EMPCA) S.5(1): *is any adverse effect on the environment (of whatever degree or duration) ...*. EMPCA S.5 goes on to give the option of "material" and "serious" environmental harm and also environmental nuisance, none of which are incorporated into this standard. This results in a very low threshold, that is, a hard test to meet.

Whilst concern about the noise generated by customers arriving at and leaving the venue between midnight and 3am and 5am, and after closing times, causing environmental harm within the residential zone, the noise generated by the venue itself is assessed by this standard.

Hotel industry noise impacts were considered in *8 Brooke Street Holding Pty Ltd v Hobart City Council and All Urban Planning Pty Ltd* [2019] TASRMPAT 17 but in the context of the *Sullivans Cove Planing Scheme 1997*.

No noise emission measurements have been provided for the proposed extended hours for the use (midnight to 3am and 5am); and could only be approximations. Evidence has not been provided that noise emissions measured at the boundary of the adjacent residential zone would not cause any environmental harm. However given the EMPCA definition, it is unlikely that noise from within the venue would be above the threshold acceptable under the Act.

The original documents submitted by the applicant provided observations about noise from the venue (music or 'participants') measured between 8pm - 11pm over several nights at 3 locations, two of which, locations 1 and 2, were on the boundary with the inner residential zone within 50 metres of the site, to the east towards Strahan street. While the applicant provides sound ranges and averages, and concludes (page 4 of document dated 15 Feb 2020) that 'The Karaoke music could not be heard', no measurement data was provided. The period of proposed extended hours (midnight to 3am and 5am) would have a lower background sound level as most other venues in the area are closed by midnight.

- 6.8.6 The proposal complies with the performance criterion, as further defined under the *Environmental Management and Pollution Control Act 1994*.

6.9 D21.3.6 Hotel Industries P1

- 6.9.1 The acceptable solution at clause D21.3.6 A1 requires hours of operation for a Hotel Industry use to be between 7.00am to 12.00am.
- 6.9.2 The proposal includes increasing the hours of operation from 10am to midnight (12am) every day, to:
- 10am to 3am Sunday to Thursday; and
 - 10am to 5am Fridays and Saturdays.
- 6.9.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criterion at clause D21.3.6 P1 provides as follows:

The operation of Hotel Industry uses must not have an unreasonable impact on the amenity and safety of the surrounding uses, having regard to the following:

- (a) the hours of operation and intensity of the proposed use;*
- (b) the location of the proposed use and the nature of surrounding uses and zones;*
- (c) the impact of the proposed use on the mix of uses in the immediate area;*
- (d) the impacts of lightspill;*
- (e) possible noise impacts and proposed noise attenuation measures;*
- (f) Crime Prevention Through Environmental Design including:*
 - (i) reducing opportunities for crime to occur;*

- (ii) providing safe, well designed buildings;
- (iii) minimising the potential for vandalism and anti-social behaviour;
- (iv) promoting safety on neighbouring public and private land.

A 'Hotel Industry Impact Assessment' must be submitted addressing the following issues if relevant:

- (a) A description of the proposed use, hours of operation and type and duration/frequency of music/entertainment;
- (b) location of music performance areas or speakers, external doors and windows, any other noise sources, and waste storage areas;
- (c) details of entry points, external areas for smokers and a waste management plan;
- (d) the nature and location of surrounding uses, and for non residential uses their hours of operation, and a written description of the site context;
- (e) details of the proposed management of noise in relation to noise sensitive areas within audible range of the premises, including residential uses and accommodation and associated private open space;
- (f) a summary of the consultation with immediate adjoining landowners/occupiers and proposed measures to address any concerns;
- (g) the location of lighting within the boundaries of the site, security lighting outside the licensed premise and any overspill of lighting;
- (h) impacts on traffic and parking;
- (i) Crime Prevention Through Environmental Design (CPTED) Principles including:
 - (i) reducing opportunities for crime to occur;
 - (ii) providing safe, well designed buildings;
 - (iii) minimising the potential for vandalism and anti-social behaviour;
 - (iv) promoting safety on neighbouring public and private land.
- (j) any other measures to be undertaken to ensure minimal amenity impacts from the licensed premises during and after opening hours.

The Hotel Industry standard objective is:

To ensure that impacts on the amenity of surrounding areas resulting from late night operation of hotel industry uses are kept to a minimum.

- 6.9.5 The site is at the northern end of the North Hobart General Business Zone. The inner residential zone abuts the whole State Cinema site to the east and there are dwellings to the north east and west of the site, including on

Strahan Street, Swan Street, Federal Street (including the lot at the rear boundary of the site 84-86 Federal Street), Elphinstone Road, and Commercial Road.

Advice from the Manager Licensing Operations, Liquor and Gaming Branch, Department of Treasury and Finance, on 3 February 2020 in response to case planner requests for existing hotel liquor licences in the North Hobart general business zone:

Republic Bar & Café 299 Elizabeth Street, North Hobart 5am - 2am
Monday - Sunday
The Winston Hotel 381 Elizabeth Street, North Hobart 5am - 2am Monday
- Sunday
Queens Head Hotel 400 Elizabeth Street, North Hobart 5am - 3am
Monday - Saturday, 5am - 2am Sunday
Wagon & Horse Restaurant 327 Argyle Street, North Hobart 5am - 12am
Monday - Sunday

The Council considers that the Queens Head Hotel existing use rights to operate as follows, which are consistent with the closing hours for the existing liquor licence: Monday to Friday – 7am to 3am, Saturday – 7am to 3am, Sunday – 8am to 2am.

Records of hours of operation for The Winston Hotel could not be found in Council's records.

The Republic is in the Urban Mixed Use Zone to the south east of the General Business Zone that the subject site is in, and the Wagon & Horse is in the Inner Residential Zone.

The Council's Senior Advisor Safety and Resilience was consulted from comment on this proposal. The response included concerns that this proposal would increase availability and access to alcohol in a predominately residential area which could be problematic. There is also concern that customers who may be accessing alcohol during these extended hours may already be intoxicated, increasing the risk to themselves and others. There is also the possible effect that this proposal may have on the amenity of the neighbourhood with an increased risk that extending the hours would directly impact on the levels of noise, nuisance and vandalism in this residential area. Further comment and context was provided with regard to the City of Hobart Community Safety Commitment 2019 and the need for the three-month trial in the waterfront precinct currently being implemented in response to the impact of noise from patrons, taxi and ride share vehicles.

A Hotel Industry Impact Assessment has not been submitted, however the applicant provided additional information as noted in section 3.4 of this report and attached, with responses to each relevant D21.3.6 P1 criteria.

Under PLN-19-43, the original hotel industry use planning permit, the rear access steps to the (State Cinema) car park, part of the site, was approved to be used as a staff entrance and for commercial deliveries and waste collection. The subject application states deliveries are all now from a public loading zone, but waste collection details have not been provided. More waste would be generated by the extended operating hours. The entry point for customers is stated as from Elizabeth Street. There are no on site facilities for smokers.

The applicant has provided a basic analysis and opinion of potential noise from the use within the building. No noise levels for the proposed hours of operation were provided. As other commercial uses in the area close around midnight, noise from within the venue may become more audible, and customer movements outside of the venue may generate noise, relatively more audible against lower background noise levels.

It is considered that the operation of this Hotel Industry (Karaoke bar) use would have an unreasonable impact on the amenity and safety of the surrounding uses, particularly those residential uses within the adjacent residential zone.

6.9.6 The proposal does not comply with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for change of operating hours at 379 Elizabeth Street, 367-375 Elizabeth Street and 31 Strahan Street, North Hobart.
- 7.2 One representation was received during the statutory advertising period (readvertised) between 2 to 17 March 2020. The representor raises concerns about the impact of customers leaving the site between midnight and 3am and 5am, on residential amenity nearby, and that such a late night / early morning hotel use is inappropriate in the North Hobart general business zone, including concern about flow on effects of these operating hours for the use, for example other late night venues being approved to co-locate with this one.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to not perform well.

- 7.4 The impact of customers coming and going from this site for this hotel industry (karaoke bar) use between midnight (12am) and 3am (Sunday to Thursday) and 5am (Friday and Saturday) would have an unreasonable impact on the amenity of the residents in the inner residential zone nearby. Noise from within the venue is not the focus of concern but rather customers arriving at and leaving the venue between midnight and 3am and 5am, and after closing times, causing environmental harm within the residential zone, and unreasonable impacts on the amenity and safety of the surrounding uses.

The proposal presents an outcome that is not consistent with the relevant local area objective, the desired future character statement about area function, the zone purpose statements, and particularly the Hotel Industry use standard D21.3.6 performance criteria and objective, as detailed above.

- 7.5 The Council's Senior Advisor Safety and Resilience was consulted about this proposal and has provided comment about the potential negative impacts.

After public notification and assessment by the allocated planner, and recommendation for refusal, the Acting Senior Statutory Planner contacted the applicant to provide an opportunity to provide further information. D21.3.6 P1 requires that a 'Hotel Industry Impact Assessment' must be submitted addressing the issues listed, as relevant. The applicant provided two documents on 21 February 2020:

- Document relating to alteration to hours of operation Hotel industry impact statement guidelines (12 pages dated 20 Feb); and
- Sound Assessment Report (7 pages dated 15 Feb 2020).

Nothing in these documents changes the assessing planners recommendation..

- 7.6 The proposal is recommended for refusal.

8. Conclusion

- 8.1 The proposed extension to operating hours at 379 Elizabeth Street, 367-375 Elizabeth Street and 31 Strahan Street, North Hobart does not satisfy the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for refusal.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for extension to operating hours at 379 Elizabeth Street, 367-375 Elizabeth Street and 31 Strahan Street, North Hobart, for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clauses Hours of Operation D21.3.1 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because it has not been demonstrated that the noise impact of the late night / early morning operation (to 5am on Friday and Saturday nights, and 3am on all others) of the hotel industry use would not have unreasonable impact on residents in the adjacent inner residential zone.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clauses D21.3.6 Hotel Industries A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the extended operating hours of this hotel industry use would have an unreasonable impact on the amenity and safety of the surrounding use. Evidence has not been provided to the contrary.



(Michelle Foale)

Development Appraisal Planner

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.



(Karen Abey)

Manager Development Appraisal

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.

Date of Report: 20 January 2020

Attachment:

Attachment B - CPC Agenda Documents

IAN COOPER DESIGNS

Trade cert Carpentry and Joinery TAFE
Bachelor of Arts Environmental Design TCAE
Graduate Diploma Architecture TSIT

21 Nov 2019

Michelle Foale
Hobart City Council
GPO Box 503
Tasmania 7001

**Alteration to hours of operation
Elizabeth Karaoke**

Dear Michelle

I am applying for an extension of the hours of operation for the Elizabeth Entertainment Karaoke venue located at 379 Elizabeth Street North Hobart.

The hours of operation sought are:-

10am to 3am on Sunday, Monday, Tuesday, Wednesday, Thursday.
10am to 5am Friday and Saturday

The original planning application PLN 19-43 submitted by the client sought opening hours in keeping with a late night entertainment venue, the HCC rejected the requested opening hours apparently due to concerns about sound from the venue disturbing neighbours. A 12 midnight closing time was granted, The client unfortunately overlooked this approval and did not appeal the hours.

Operation of a personal karaoke lounge

It is my opinion the original HCC planning appraisal of the Karaoke venue, did not take into account the unique operation of a personal karaoke venue, and assumed the sound emissions would be much higher than they actually are.

A personal Karaoke lounge is very different to the traditional karaoke performances held in hotels and nightclubs. Whilst hotel Karaoke is usually performed in one room with a stage and a hotel audience who listen to an act, the performance is presented thru a large Public Address System and is at Nightclub or rock band levels up to 106db with audiences who may number in the hundreds.

This application is referring to small scale lounge based personal Karaoke entertainment. I.E, a small group of friends occupy purpose built lounge rooms and perform only within their own group. The sound levels are low as the rooms are small and the sound is only amplified for the group within the room.

Twelve lounge rooms are available and accommodate the following number's: - 4 rooms of up to 4 people, 5 rooms of up to 6 people, 3 rooms of up to 15 people

Each Karaoke lounge room has music streamed from the reception distribution network, the music and performance microphone volumes are limited to set sound levels, each lounge room is partially sound proofed so as not to disturb the karaoke party in adjoining rooms, this sound proofing also limits sound from escaping from the building to the surrounding area.

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T: 0401965257, E: iancooperdesigns@optusnet.com.au

Hobart City Council Interim Planning Scheme 2015

The Karaoke entertainment venue is located in the General Business Zone in North Hobart, two main clauses apply to the sound issues and opening hours of the venue.

1. **Clause 21.3.1 Hours of Operation**, prescribes the hours when the venue can operate, this clause is relevant if an applicant's business boundary is within 50 m of a Residential Zone boundary, (see Figure 1), Clause 21.3.1 describes an Acceptable Solution (A1) and the Performance Solution (PI) possibilities which require the venue to not cause an unreasonable impact on residential amenity, *"through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent."*
2. **Clause 21.3.2 Noise**, describes the sound level of a noise and the hours the noise can be made. Also the methods of measuring noise from a noise source, though the standard cited, re-sound measurement methods, is for motor vehicles, lawnmowers and air-conditioning.

Clause 21.3.1 Hours of Operation

The hours of operation clause is relevant to this application due to the Karaoke Venue property boundary being within 50m of a residential zone.

The closest residential boundary to the karaoke venue is located in Strahan Street approximately 30m from the Karaoke venue rear (East) land boundary. (see Figure 2) The actual Karaoke building is 8m further away. No noises from the venue are heard in the Strahan street residential zone.

The venue is orientated with the main entrance on Elizabeth Street. This location is further than the prescribed 50m as noted in clause 21.3.2 of the HCC Interim planning Scheme 2015.

The Residential Zone boundary in Swan Street at the venues Elizabeth street boundary is over 60m to the south / west. No sound from within the Karaoke venue is heard at this or any other residential boundary.

Patrons of the Karaoke venue enter and exit only thru the Elizabeth street entrance well away from the residential Zones. (See Figure 2). With the majority of patrons moving from North Hobart from in front of the venue, It has been observed that due to the limited parking in the North Hobart strip, most patrons use taxis or share rides home from the venue.

Patrons leaving the venue exit in small groups as their party has finished using one of the Karaoke lounge areas. This is different to most nightclubs and live music venues which often have hundreds of patrons present. The Karaoke venue has a limited number of patrons accommodated and are entertained in separate smaller groups, therefore large numbers of patrons don't leave the venue en-mass, the street noise is considerably less than nightclub or live music venues.

Elizabeth street is a major thoroughfare within the city of Hobart, with traffic travelling along the street at all hours of the day and night, The residential zone in Strahan Street would not be impacted by patrons of the Karaoke venue, travelling on Elizabeth street even though it is closer to the residential zone (being 31m).

Sound from vehicles can also cause disturbance with neighbours. The karaoke venue does not use Commercial vehicle movements after 6.00pm on any day, Noise, or other emissions from within the venue are not emitted outside the venue.

Clause 21.3.2 Noise,

The Elizabeth Karaoke Venue does not emit music or participant sound, as such the Karaoke venue complies with the requirements of Clause 21.3.2 A1 (a), (b), (c).

The venue also complies with the Performance Criteria of Clause 21.3.2 as noise emissions at the residential boundary do not cause environmental harm within the residential zone.

The Acceptable Solution prescribes the levels and methodology of measuring noise, measured at the boundary of the residential Zone.

Measurement times varied from 8pm to 11pm, measurements were conducted over several evenings to obtain sound levels from the Karaoke Venue, (see Figure 2, measurement locations).

1. Location 1 the nearest Residential Zone boundary at the rear of houses bordering Strahan Street. 31m from the karaoke venue boundary, No sound was detected from the venue.
2. Location 2, the actual Karaoke rear boundary, 8m from the closest Karaoke lounge Room, The Karaoke music could not be heard.
3. Location 3, The boundary of the residential Zone in Swan Street approximately 60m from the Karaoke State Cinema Elizabeth Street boundary.

During the measurement periods the background level of the city was measured, often dropping as low as 38db (A),

Conclusion:

In light of the minimal sound emissions from the venue and compliance with the Hobart City Council's Interim Planning scheme 2015 the requested change to the hours of operation are deemed appropriate.



Figure 1 Zone Boundary



Figure 2, Zone Boundary & Sound Measurement Locations

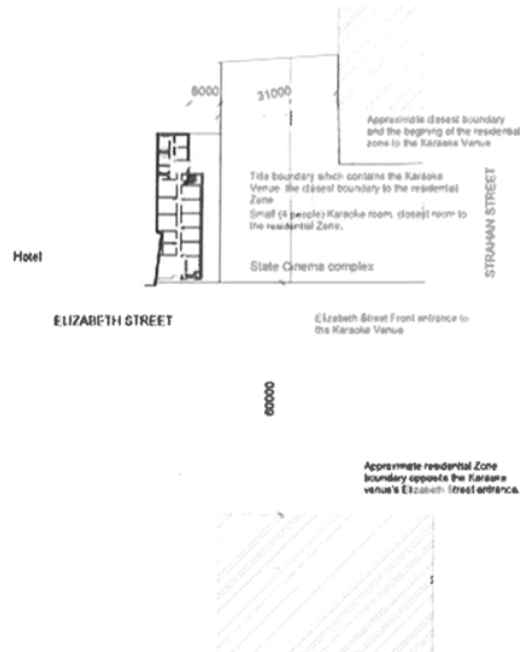


Figure 3 venue plan / residential zone

IAN COOPER DESIGNS

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15 Feb 2020

Michelle Foale
Hobart City Council
GPO Box 503
Tasmania 7001

Sound assessment report
Alteration to hours of operation
Superstar Karaoke

Dear Michelle

The sound report was conducted to investigate the sound emissions from the Karaoke venue at 379 Elizabeth Street in North Hobart

Introduction;

Amplified music is played within the Superstar Karaoke Venue at a low to medium volume. The Karaoke venue building is soundproofed to contain music in each Karaoke lounge room and also prevents sound escaping to the surrounding neighborhood

Hobart City Council Interim Planning Scheme 2015

The Karaoke entertainment venue is located in the General Business Zone in North Hobart, two main clauses apply to the sound issues and opening hours of the venue.

1. **Clause 21.3.1 Hours of Operation**, prescribes the hours when the venue can operate, this clause is relevant if an applicant's business boundary is within 50 m of a Residential Zone boundary, (see Figure 1).
Clause 21.3.1 describes an Acceptable Solution (A1) and the Performance Solution (P1) which require the venue to not cause an unreasonable impact on residential amenity, *"through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent."*
2. **Clause 21.3.2 Noise**, (See table 1) describes the sound level of a noise and states the hours various noise levels are able to be made. Clause 21.3.2 also notes the type of measurement and the methods of measuring noise from a noise source.
The manual cited is produced by the director of Environmental Management, though it should be noted that this document is more closely related to motor vehicles, lawnmowers and air-conditioning, with only a brief mention for, Sport and Entertainment – outdoor concerts part 30.

All measurements were taken using the NOISE MEASUREMENT PROCEDURES MANUAL
Second Edition July 2008, Environment Division Department of Environment, Parks, Heritage and the Arts. ISBN-13: 978-0-9805182-1-4

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21.3.2 Noise**Objective:**

To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.

Acceptable Solutions**A1**

Noise emissions measured at the boundary of a residential zone must not exceed the following:

- (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;
- (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;
- (c) 65dB(A) (L_{Amax}) 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.

Performance Criteria**P1**

Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.

Table 1

21.3.2 Noise

City of Hobart Council Interim Planning Scheme 2015

Clause 21.3.2 Noise,

The Elizabeth Karaoke Venue does not emit music or participant sound, as such the Karaoke venue complies with the requirements of Clause 21.3.2 A1 (a), (b), (c).

The venue also complies with the Performance Criteria of Clause 21.3.2 as noise emissions at the residential boundary do not cause environmental harm within the residential zone.

The Acceptable Solution prescribes the levels and methodology of measuring noise, measured at the boundary of the residential Zone.

Sound level Measurements

All measurements taken in accordance with the guidelines noted in the Noise Measurement Procedures Manual. Second Edition, July 2008, Environment Division Department of Environment, Parks, Heritage and the Arts. ISBN-13: 978-0-9805182-1-4

Sound level meter, Lutron SL-4001 type 2, Microphone wind sock and tripod stand.

Measurement locations

Measurements are required at the closest point of a Residential Zone boundary to the venue, this location is the rear of Strahan Street. Marked location 1, (see Figure 2, measurement locations). Two extra measurement locations were taken to gain extra information about noise from the Karaoke venue.

1. Location 1 This location is 31m from the karaoke venue boundary, No sound was detected from the venue.
2. Location 2, the actual Karaoke rear boundary, 8m from the closest Karaoke lounge Room, The Karaoke music could not be heard.
3. Location 3, The boundary of the residential Zone in Swan Street approximately 60m from the Elizabeth Street, measured at the Karaoke venue and State Cinema bookshop boundary.
4. Location 4, Inside the Karaoke venue, this set of measurements were taken to test the sound proofing installed in the venue.

Measurement Times

Times varied from 8pm to 12 midnight, measurements were conducted over several evenings to obtain sound levels from the Karaoke Venue. (See Sound measurement notes Appendices, 1).

Background sound

The normal noises generated by the city vary throughout the day, during the evening and night city activity is reduced and the background sound levels are generally lower. The Ambient background sound can mask other noise such as music from within a house or in this case the Karaoke venue.

Table 21.3.2 describes the sound level allowed to be emitted from a property, the measurement type and the relevant hours of the emission.

- (b) 5db(A) above the background (LA90) level or 40 db(A) (LAeq), whichever is the lower, between the hours of 7.00pm to 7.00am;

Clause 21.3.2., Thus the sound emitted from the property, in this case the Karaoke Venue, are allowed to be a maximum of 5db(A) above the background sound level, but in no case can the sound be above 40db (A) (LAeq). Clause 21.3.2 also requires all measurements are to be taken over a 15minute time period

Background sound measurements

Measurements of the ambient background sound are required at location 1. (the closest residential zone to the venue).

To obtain a background sound level independent of the Karaoke Venue sound, the measurements were taken early in the week when few people were in the Karaoke

Venue, all music was stopped during the period when background level measurements were taken.

The Karaoke Venue sound level measurement of the background sound ranged from 55 db (A), though this was a loud vehicle of short duration, a range of 46.5db (A) dropping to 38.4db (A), was the normal range in the measurements.

The 15 minute average was 42db (A) (LAeq),
This measurement is above the upper level allowed for **Clause 21.3.2 (b)**. NOTE: NO noise from the Karaoke venue was being made when these measurements were obtained.

Tonality and Impulsiveness

Tonality refers to the frequency of a sound or noise, when referring to music noise the bass or low frequencies are often the hardest sound to control, these are also the frequencies which are a major part of modern music. Bass frequencies can readily travel through structures and the ground.

The Karaoke venue sound system s are set to project an even spread of frequencies, which the singer can sing over, thus bass frequencies are not overly amplified. The sound proofing of the Karaoke venue contains the bass within the building.

The Karaoke venue noise emission produced no sound or tonality that could be heard or measured.

Impulsiveness

The beat of a piece of music has a regular rhythm, Dance music and music played in nightclubs accentuate the beat, which is usually part of the bass frequencies, this impulsiveness is very intrusive when you don't want to hear it. When taking sound measurements, a penalty is applied for noise or music which is impulsive, thus the sound emissions have to be of a lower volume than a non-impulsive sound.

Music, repetitive beats, singing and general noise could not be heard or measured.

The Karaoke venue noise emission produced no sound or impulsive sound that could be heard or measured

Conclusion:

Sound from the Karaoke venue could not be heard or measured.

This means the sound measurements taken with the Karaoke Venue operating is below the normal, ambient, background sound levels in the surrounding area.

Thus the Karaoke Venue noise is below the background level of 40db (A) (LAeq) during the hours of 7.00pm to 7.00am, and complies with the requirements of clause 21.3.2 of the City of Hobart Interim Planning Scheme 2015.



Figure 1 Zone Boundary



Figure 2, Zone Boundary & Sound Measurement Locations

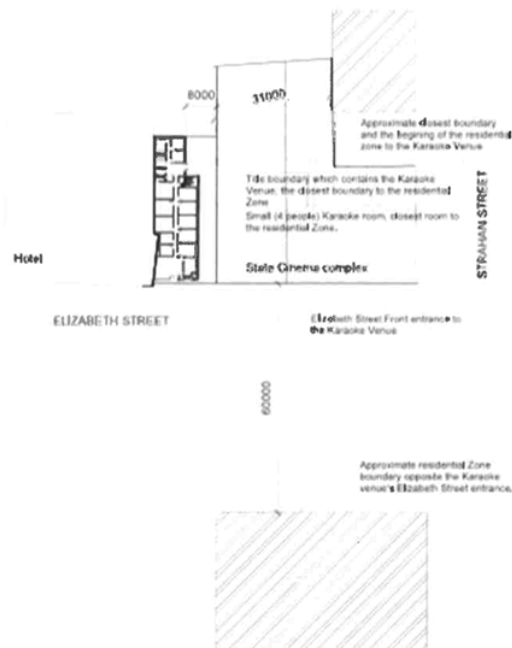


Fig 3 Venue property boundary / residential zone distances

Appendices I sound test records

IAN COOPER DESIGNS

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Graduate Diploma Architecture TSIT

20th Feb 2020

Michelle Foale
Hobart City Council
GPO Box 503
Tasmania 7001

**Alteration to hours of operation
379 Elizabeth Street
Superstar Karaoke**

Dear Michelle

The following document addresses the points required by HCC for an extension of time for a venue under the Hotel industry impact statement guidelines.

Introduction

The Superstar Karaoke Venue at 379 Elizabeth street is Tasmania's first Asian style karaoke venue. This style of karaoke entertainment uses individual Lounge rooms for a small group of friends. The room is booked online on a time-based system usually a minimum of an hour up to several hours.

Patrons in a room select their chosen songs in their room and the music and vision is streamed into the room via a sophisticated computer and sound management system. Lighting effects in each room can be set by patrons in the room.

Food and drinks are available and are served to the room during the booking time. Patrons perform only within their own group.

To provide patrons with the time to enjoy the services of the Superstar Karaoke Venue the current operating hours are restrictive, patrons may dine out or study in the early evening then visit the Karaoke Venue at present the last booking has to be around 11.00pm with completion and exiting the premises by 12.00 midnight. For patrons who wish to be entertained later than this or for a longer time there are little or no alternative venues.

Patrons to the Karaoke venue are predominately International students, though increasing visits to the venue by locals is encouraged by the owners, this provides a positive meeting of peoples from diverse background who may not have other opportunities to do so. (see online including facebook, trip advisor etc for photos and reviews)

To extend the operating hours a 'Hotel Industry Impact Assessment' must be submitted addressing the following issues if relevant:

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(a) A description of the proposed use, hours of operation and type and duration/frequency of music/entertainment;

description of the proposed use; This application is referring to small scale lounge based personal Karaoke entertainment.

The entry foyer lounge area has some electronic games, the karaoke is played in any one of twelve lounge rooms which accommodate the following number of patrons : -
4 rooms of up to 4 people, 5 rooms of up to 6 people, 3 rooms of up to 15 people.
Maximum capacity of the venue is around 100 people.
A single room or any combination of rooms may be in operation at any time. The owner of the Karaoke venue has described the operation of the venue (see the attachment appendix 2).

duration/frequency of music/entertainment; Background music is played continuously in each room at a speaking volume, when the room is in use by patrons the selected music is a little louder and is streamed from the reception counter as the patrons select which songs to sing along too. Sound levels are low as the rooms are small and the Karaoke lounge room sound is only amplified for the group within the room at a low volume so as not to disturb adjoining room patrons.

hours of operation; The current venue can operate up to 12midnight each day. Patrons usually reserve a room for a few hours at a time, with the major use from about 9.30pm,

The hours of operation sought are:-
10am to 3am on Sunday, Monday, Tuesday, Wednesday, Thursday.
10am to 5am Friday and Saturday.

(b) location of music performance areas or speakers, external doors and windows, any other noise sources, and waste storage areas;

music performance areas or speakers; The entire ground floor of the building at 379 Elizabeth street is occupied with the karaoke entertainment, each of the 12 Karaoke Lounge rooms contains a separate sound system, with music streamed from the reception distribution network, the music and performance microphone volumes are limited to set sound levels, each lounge room is partially sound proofed so as not to disturb the karaoke party in adjoining rooms, this sound proofing also limits sound from escaping from the building to the surrounding neighbourhood.

external doors and windows; The venue is orientated with the main entrance on Elizabeth Street. A fire exit for emergency use only is located to the rear of the building, there are no other external doors. Doors to each karaoke room are soundproofed, the fire exit door is soundproof all doors have sound seals but as the internal sound level is low only minor sound is discernable at the Elizabeth street entryway.

Windows from reception are located on Elizabeth street, a window is also located in the corridor to the side rear area of the venue overlooking the State Cinema carpark. Windows do not open and are sealed shut,

waste storage areas; Waste is stored in Hobart City Council bins located in a rear storage area within the Venue. These are already approved by HCC as part of the Kitchen and venue previous approvals.

(c) details of entry points, external areas for smokers and a waste management plan;

details of entry points; The venue is orientated with the only entrance to the venue from Elizabeth Street. A fire exit for emergency only is located to the rear of the building.

external areas for smokers; the venue occupies the whole ground floor area, there is no onsite facilities for smokers,

waste management plan; . The waste management plan has prior approval by HCC as part of the Kitchen and venue previous approvals. No change in the operation of the waste system is proposed, though daily removal of recyclable cans and bottles to the recyclers is possible and would only be between 10am and 4pm.

(d) the nature and location of surrounding uses, and for non-residential uses their hours of operation, and a written description of the site context;



Fig 1 North Hobart Business es in the vicinity of 379 Elizabeth street

the nature and location of surrounding uses; The venue at 379 Elizabeth Street is toward the western end of the North Hobart restaurant strip, located on the Northern side of Elizabeth street between Strahan street and Federal street.

The surrounding businesses are State Cinema complex, with cinemas, retail and offices, also some private accommodation, retail and restaurants continue down Elizabeth street, The Winston Hotel adjoins the Karaoke venue on the North Western side of Elizabeth street, around the Federal street corner is a bottle shop, car repair, food processor, some accommodation in the Winston Hotel. the Italian club and Hellenic Hall and some residences are on the far side of Federal Street.

Immediately across Elizabeth Street from the Karaoke venue is the North Hobart Post Office, the Uniting Church and Park, "Born on Brunswick" restaurant, doctors rooms with some B&B behind and the Queens Head Hotel and accommodation on the lower corner.

The far corner intersection of Elizabeth Street and Elphinstone road are offices and consulting rooms.

Strahan Street is the closest residential zone to the Karaoke venue, the street has a mix of residential and business with a Commonwealth bank, drycleaners entry, printing works, The State Government child service and Transport licence testing complex.

for non-residential uses their hours of operation;

The retail and offices within the North Hobart area typically operate from 9.00am to 6.00pm Mon-Fri and vary on Saturday but usually closed by 6.00pm.

Barry Cooper auto repair in Federal Street opens at 7.30am to 5.30pm Mon-Fri. Similar hours for the food processor

Restaurants in the immediate vicinity to the Karaoke venue, such as "Born on Brunswick" 410 Elizabeth street, closes at 3.00pm. "Dede Indonesian and Thai" at 369 Elizabeth Street operates from 11.30am to 9.30pm weekdays and 5.30 to 9.30pm sat-Sun. As do most restaurants down Elizabeth Street.

The "State Cinema" hours vary but range from 9.30am to 11.00pm through Sundays often close earlier

The "Italian club" has various hours with opening typically 2.30pm, and close at 6.00pm except Thursday 11.30pm Friday 10.30pm, closed Sundays.

The "Hellenic House" conducts private functions from time to time to 12.00 midnight

The "Queens Head Hotel" 400 Elizabeth Street on the corner of Elizabeth and Newdegate Street has a licence to operate from 9.00am to 3.00am. with accommodation above, the hotel often has rock bands playing in the hotel.

The "Winston Hotel" 381 Elizabeth Street opens at 4.00pm to 11.30pm every day, though the hotel has a 2.00am licence, with occasional bands and accommodation above.

description of the site context;

The Karaoke venue site fronts onto Elizabeth Street, zoned General business in the City of Hobart Interim planning Scheme 2015, (see Figure 2) businesses located in the immediate vicinity in Elizabeth street include retail shops, Cinemas, offices, restaurants, hotels with accommodation and several residences.

To the rear of the Karaoke venue are more businesses and two residences also located in the General business Zone.

The Karaoke Venue rear fire exit discharges thru the State Cinema carpark to Strahan Street. Several business and residences are in Strahan street which is Zoned Residential, this residential zone is within 30 m of the Karaoke land boundary.

Directly across Elizabeth Street from the Karaoke Venue is the North Hobart Post office a restaurant, doctors consulting rooms a hotel and the Swan street residential Zone which is approximately 60m from the karaoke venue.

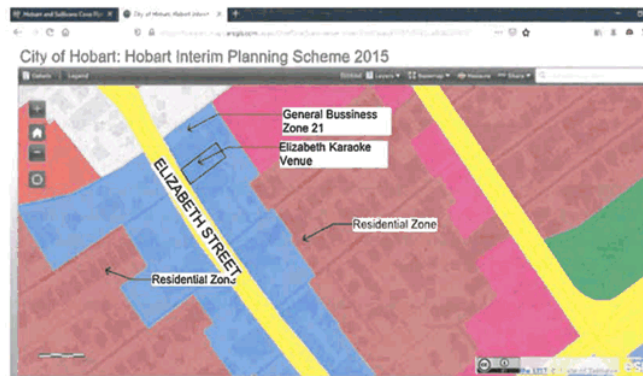


Figure 2 Zoning Plan from City of Hobart Interim Zoning Planning Scheme 2015.

e) details of the proposed management of noise in relation to noise sensitive areas within audible range of the premises, including residential uses and accommodation and associated private open space;

The Karaoke Venue at 379 Elizabeth street is required to comply with the Hobart City Interim Planning scheme 2015. As the Karaoke venue land boundary is within 50m of a

residential Zone. (see Fig 2), the sound emissions must be within the limits detailed in Table 1.

21.3.2 Noise	
Objective: To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions	Performance Criteria
A1	P1
Noise emissions measured at the boundary of a residential zone must not exceed the following: <ul style="list-style-type: none"> (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am; (c) 65dB(A) (LAmx) 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.	Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.

Table 1: City of Hobart Interim Planning Scheme 2015, Clause 21.3.2

The Elizabeth Karaoke Venue satisfies all the requirements of Clause 21.3.2. The venue also complies with the Performance Criteria of Clause 21.3.2 as noise emissions at the residential boundary do not cause environmental harm within the residential zone. (See the Sound report).

details of the proposed management of noise in relation to noise sensitive areas within audible range of the premises,

Whilst the Karaoke Venue satisfies the requirements of noise levels noted in Clause 21.3.2, of the city of Hobart interim planning scheme 2015 some accommodation and residential uses are located within the General Business Zone and are close to the Karaoke venue.

1. The State Cinema at 365 Elizabeth street has three units approximately 10m and 18m away from the Karaoke Venue
2. Four flats are located immediately behind the Karaoke Venue at 86 Federal Street
3. B & B accommodation is located diagonally across Elizabeth Street at 402 Elizabeth Street
4. Queens head hotel at 400 Elizabeth Street, has hotel accommodation above the hotel.
5. the Winston Hotel 381 Elizabeth street has B & B accommodation adjacent to the Karaoke venue.

Residential Accommodation spaces 1 to 4 as listed above are not in physical contact with the Karaoke venue, Sound measurements and consultation with the residents, indicate that noise from the Karaoke venue is not heard in these spaces. This is due in part to the heavy sound proofing of walls ceilings and floor of the karaoke venue and the location of the actual karaoke rooms within the karaoke venue, which attenuate sound from within the karaoke venue passing through the building structure to the exterior.

Location number 5, The Winston Hotel accommodation shares the boundary and a party wall with the Karaoke Venue. The party wall is of sufficient sound proofing quality to restrict any sound transfer.

(f) a summary of the consultation with immediate adjoining landowners/occupiers and proposed measures to address any concerns;

1. Interview with Mr John Kelly owner of the State Cinema 379 Elizabeth Street and landlord of the Karaoke Venue. He responded that the Karaoke venue and patrons had no impact on the State Cinema, sound from the Karaoke venue is not heard. Mr Kelly also lives on the top floor of the State cinema and again does not hear any sound from the Karaoke Venue. He further added that the Karaoke venue provided a place for local and foreign students to socialise and as such was a good addition to Hobarts entertainment mix, especially for Hobarts increasing number of foreign Students who he found to be polite and respectful when in the area.
2. Interview with a resident 2/86 Federal Street, the flat has windows 3m away from the rear of Karaoke Venue. The tenant noted the household had no problems with the Karaoke Venue and could not hear any sound from the venue.
3. A note was texted to the residents on the State Cinema carpark boundary which is the first dwelling in the residential zone and the closest house to the Karaoke venue. 25 Strahan Street. The tenant did not respond

4. No resident was able to be contacted at 23 Strahan Street.
5. Winston Hotel, an interview with the Manager noted they were not impacted by the Karaoke venue music or noise. But commented that the Responsible Service of alcohol (RSA) should be closely monitored especially later in the evening and that Licenced security personnel should be employed for the proposed extended hours of operation.
6. The Winston Hotel accommodation section of the hotel property owner and the live in maintenance manager both stated they do not hear any sound in the Winston accommodation areas from the karaoke Venue.
7. The Queens Head Hotel 400 Elizabeth Street, Mr Scott McCrossen thought the karaoke venue was a good idea for the international students and provided a much-needed entertainment option for these students. The proposal to offer late night food to patrons in the Karaoke Venue was a really good idea.
Scott McCrossin mentioned that the small groups coming and going from the Karaoke venue is not as disruptive as "people pouring out in the 100s at closing time"
He suggested that a condition like that applying to his venue was a good way to ensure sound from the venue was able to be regulated by the authorities.
Point "5 Music noise generated from within the premises is to be kept at a level that does not unduly, disturb residents living in the neighbourhood" (copied from Queens Head out of Hours permit dated 4th December 2020, from the Commissioner for licencing).

(g) the location of lighting within the boundaries of the site, security lighting outside the licensed premise and any overspill of lighting;

the location of lighting within the boundaries of the site,

Rear lighting of the Carpark Fire Exit from the Venue remains as existing with illumination of the exit area provided by some small spotlights housed under the ground floor area.

The Elizabeth Street entrance to the Karaoke Venue has lighting in a window box which also has a TV menu for the venue, the adjacent reception area is brightly lit with the windows to Elizabeth Street fitted with venetian blinds allowing filtered light to the exterior.

The interior of the Karaoke Venue has corridor strip lighting with toilets and service spaces illuminated with down lights, all lighting meets the BCA illumination requirements, each Karaoke Lounge Room has various mood lighting and special effects which can be altered by the patrons as they feel.

security lighting outside the licensed premise and any overspill of lighting; .

The Rear fire Exit from The Karaoke Venue uses the existing State Cinema carpark lighting to provide an exit path to Strahan Street, future upgrade of the State Cinema Carpark has an approved lighting plan and will ensure even lighting to this area.

The Elizabeth Street entrance to the Karaoke Venue has minor lighting and illuminated signage consistent with the North Hobart strip, along with closely spaced bollard style street lighting illuminates the immediate footpath in front of the venue.

Overspill of lighting to adjoining neighbours does not occur to the rear of the Karaoke Venue. The Elizabeth Street entrance has some overspill onto the footpath immediately outside the venue.

(h) impacts on traffic and parking;

Patrons to the Karaoke Venue understand the lack of parking opportunities in the North Hobart strip, therefore anecdotal evidence shows those visiting the venue whilst restaurants etc are in operation mainly arrive by taxi or ride share, as parking becomes available in Elizabeth Street some spaces are utilised by Karaoke venue patrons. Though most patrons still use Uber and Taxis as they may have some alcohol whilst in the venue.

The Karaoke Venue at peak capacity can accommodate about 100 people. The groups often share rides and arrive and depart at staggered times, resulting in minimal traffic impact.

(i) Crime Prevention Through Environmental Design (CPTED) Principles including:

As the Karaoke venue has its entry exit on Elizabeth street patrons leaving the venue are clearly visible, the building design adjoining the Venue gives no opportunity to loiter or be concealed from view.

(i) reducing opportunities for crime to occur;

Staff in the reception area face Elizabeth street and always have the street entrance in view through the glass entry doors from the reception counter. The music to the Karaoke lounges is streamed from the reception thus it is always manned by venue staff .

CCTV is required by the Licencing Commissioner and footage must be kept for 14 days; thus crime prevention measures are actually higher for the Karaoke Venue than that required for surrounding shops and offices.

(ii) providing safe, well designed buildings;

The Karaoke Venue is designed with two exits, smoke detectors and fire alarms, the layout of the venue is straight forward with all rooms opening onto a central corridor which connects directly to the Fire Exit and the Elizabeth Street entrance doors. The building has been approved to comply with the 2019 Building Code of Australia rules and regulations.

(iii) minimising the potential for vandalism and anti-social behaviour;

Opportunities for vandalism are slight as the buildings around the Karaoke Venue are commercial structures designed for use by large numbers of people, as such finishes and surfaces are robust.

The Karaoke Venue is required to have CCTV this has a deterrent on anti-social behaviour, Karaoke Venue staff can review CCTV footage and identify individuals, a ban or exclusion can be made against any offender or passed on to the authorities for further action.

The main entertainment value of the Karaoke Venue is to participate with friends in a relaxed atmosphere, Have a drink and some food. The excess consumption of alcohol is discouraged, and responsible serving of alcohol is required.

(iv) promoting safety on neighbouring public and private land.

Door staff can see adjoining land and can alert authorities to problems in the area. The CCTV at the Karaoke Venue entrance record this area.

(j) any other measures to be undertaken to ensure minimal amenity impacts from the licensed premises during and after opening hours.

The Karaoke Venue could respond to unexpected amenity impacts by

1. Introducing a lock out rule at a certain time, this would prevent entry to the venue, but allow patrons in the venue to remain, though as the hiring of a room is usually a minimum of one hour, it is expected that no new patrons enter an hour before closing anyway.
2. Arranging Taxi or Uber pick up at the conclusion of the Karaoke lounge room booking, this is already practiced as the Karaoke venue is booked on a room by room time-based system, like a gym or cinema visit.
3. The Venue can refuse future bookings from undesirable or troublesome patrons, as a booking is essential to gaining access to a Karaoke lounge Room.
4. The karaoke Venue has a state of the art sophisticated music streaming system installed, the setting of sound levels can be precisely controlled to each Karaoke Lounge room, setting the volume to not cause any emissions to the exterior is possible and can be locked in the computer to prevent unauthorised adjustment.

Appendix 1 Letter from Superstar Karaoke Venue

Karaoke began in Japan in the 1970s, invented by Daisuke Inoue. The karaoke machine consisted of an electronic box programmed with more than ten thousand pieces of music (English, Japanese, Chinese, Thai, Indonesian and Malaysian etc), including backup singers, and remixes of songs, the karaoke machine contains a screen where singers follow along with the lyrics. As a form of interactive entertainment that allows people to sing to recorded music, it is a popular form of entertainment and socializing. Karaoke has been a part of cultural activities and has exploded in popularity and crossed the ocean into pretty much every corner of the world.

At Superstar Karaoke (Hobart's First Karaoke) we also serve the purpose of entertainment in the comfort of a private room with proper sound proofing where people come to see who sings the best or it serves the purpose of entertaining a group of friends who are out to have some fun. And you also get to know if you sing well or you need to spare the world from your singing. Sometimes singing in Karaoke is more about expressing your emotions. When people are under pressure, they will just go order a very high pitch song to scream, unleashing their negative emotions; and when people are disappointed in love, they will choose those love songs for comforting themselves.

Beside we also serve food such as beef noodles, mapo tofu as well as all you can eat buffet starting from 10pm till late, The food range will be extended when our new kitchen is completed, as there isn't any restaurant operate at these hours in Hobart city, it is really a place of one stone two birds.



Furthermore, Superstar Karaoke isn't solely a place for singing for having happy hours. We love to host various events in the karaoke such as birthday party, surprise party, farewell party, classmates gathering, and so on. Imagine having a party in the neighborhoods it will surely cause a lot of unwanted noise. Thus, it is a perfect venue for gathering without disturbing others. In fact, it is a perfect place for launching those kinds of things. Not only because of its excellent environment, but also because of its convenience feature.



Karaoke is simply an all-in-one place for any age love to gather together and enjoy hours of sessions where they can sing, laugh drink and eat all at the same time. It is also an amazing way to get closer to your friends and create strong bonds.

We would also like to invite you to come to our Karaoke to experience how Superstar Karaoke is a great place for a fun night out.



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 162909	FOLIO 2
EDITION 1	DATE OF ISSUE 16-May-2012

SEARCH DATE : 12-Jul-2016
SEARCH TIME : 03.58 PM

DESCRIPTION OF LAND

City of HOBART
Lot 2 on Sealed Plan 162909
Derivation : Part of 4A-0R-15Ps Gtd to J Walton and Part of
0A-1R-29Ps Gtd to G Butler
Prior CT 139476/2

SCHEDULE 1

C202230 TRANSFER to NEWDEGATE NOMINEES PTY. LTD. Registered
09-Mar-2000 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP162909 EASEMENTS in Schedule of Easements
SP162909 FENCING PROVISION in Schedule of Easements
SP139476 FENCING PROVISION in Schedule of Easements
SP139476 SEWERAGE AND/OR DRAINAGE RESTRICTION
D51599 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
29-Mar-2012 at 01.00 PM

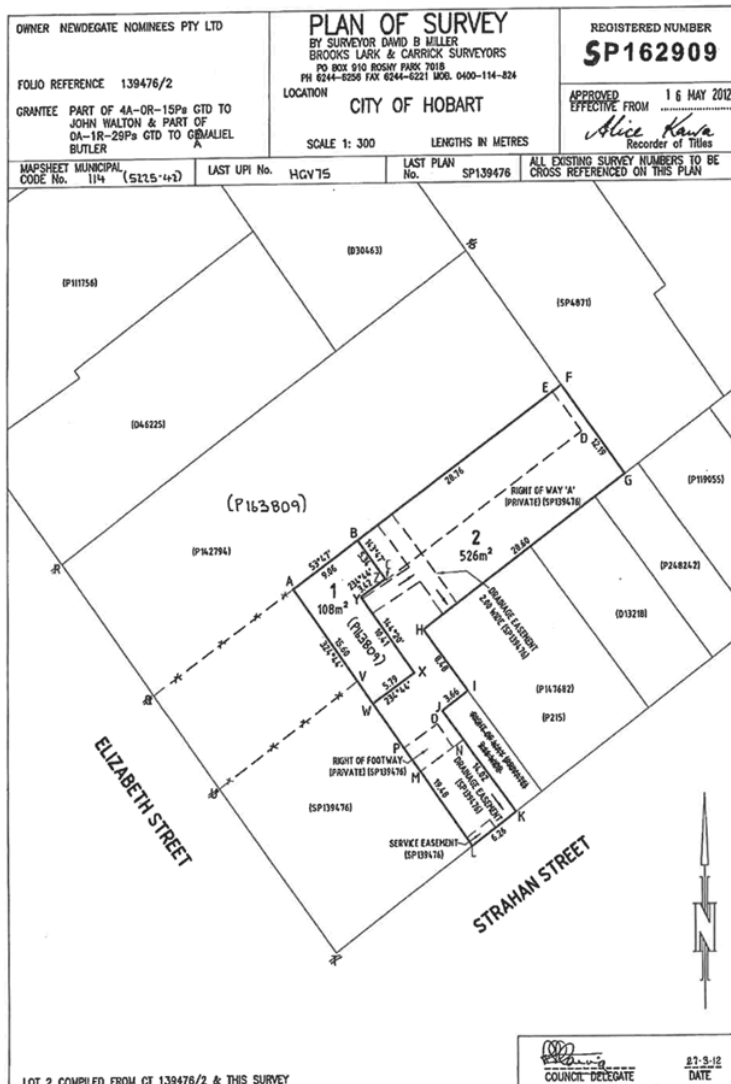
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

the **List**...**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





COUNCIL CERTIFICATE

RECORDED OF TITLES

Issued Pursuant to the Land Titles Act 1980



<h2 style="margin: 0;">COUNCIL APPROVAL</h2> <p style="margin: 5px 0;">[Insert any qualification to the permit under section 83(5), section 109 or section 111 of the Local Government (Building & Miscellaneous Provisions) Act 1993]</p> <p style="margin: 5px 0;">The subdivision shown in this plan is approved</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="font-size: small;">LOT 1 IS EXEMPT FROM THE OPERATION OF PART 3 OF THE LOCAL GOVERNMENT (BUILDING & MISCELLANEOUS PROVISIONS) ACT 1993 UNDER THE PROVISION OF SECTION 115(b).</p> </div>	<p style="font-size: x-small;">Registered Number</p> <div style="border: 1px solid black; padding: 10px; font-size: 2em; font-weight: bold; margin: 0;">SP 162909</div>									
<p>In witness whereof the common seal of the HOBART CITY COUNCIL</p> <p>has been affixed, pursuant to a resolution of the Council of the said municipality</p> <p>passed the <u>21st</u> day of <u>MARCH</u> 2012, in the presence of us</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">Director Development & Environmental Services</td> <td style="width: 20%; text-align: center;"></td> <td style="width: 40%;"></td> </tr> <tr> <td>Manager</td> <td style="text-align: center;"></td> <td></td> </tr> <tr> <td>Surveying Services</td> <td></td> <td style="text-align: right;">Council Reference <u>5662468</u></td> </tr> </table>		Director Development & Environmental Services			Manager			Surveying Services		Council Reference <u>5662468</u>
Director Development & Environmental Services										
Manager										
Surveying Services		Council Reference <u>5662468</u>								
<h3 style="margin: 0;">NOMINATIONS</h3> <p>For the purpose of section 88 of the Local Government (Building & Miscellaneous Provisions) Act 1993 the owner has nominated</p> <table style="width: 100%; border: none; margin-top: 10px;"> <tr> <td style="width: 40%;"><u>MICHAEL BRIANT</u></td> <td style="width: 20%;"></td> <td style="width: 40%;">Solicitor to act for the owner</td> </tr> <tr> <td><u>BROOKS LARK & CARRICK</u></td> <td></td> <td>Surveyor to act for the owner</td> </tr> </table>		<u>MICHAEL BRIANT</u>		Solicitor to act for the owner	<u>BROOKS LARK & CARRICK</u>		Surveyor to act for the owner			
<u>MICHAEL BRIANT</u>		Solicitor to act for the owner								
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<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">OFFICE EXAMINATION:</td> <td style="width: 33%; text-align: center;">Indexed Computed <u>68</u></td> <td style="width: 33%; text-align: right;">Examined <u>15/3/12</u> </td> </tr> </table>		OFFICE EXAMINATION:	Indexed Computed <u>68</u>	Examined <u>15/3/12</u>						
OFFICE EXAMINATION:	Indexed Computed <u>68</u>	Examined <u>15/3/12</u>								



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS	Registered Number
NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP 162909

PAGE 1 OF 3 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

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

Each lot on the plan is subject to:-

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

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

Lot 2 on the Plan is subject to a Right of Drainage over the "Drainage Easement 2.00 Wide" appurtenant to the Hobart City Council and the Tasmanian Water and Sewerage Corporation (Southern Region) Pty Limited and Lot 1 on the Plan and Lot 1 on Sealed Plan No.139476.

Lot 2 on the Plan is subject to a Right of Drainage appurtenant to Lot 1 on Sealed Plan No.139476 over the "Drainage Easement" shown passing through such lot.

SERVICE EASEMENT

Lot 2 is subject to a Service Easement for Aurora Energy Pty Ltd over the "Service Easement" shown on Lot 2 on the Plan.

RIGHT OF CARRIAGEWAY

Lot 2 on the Plan is subject to a Right of Carriageway appurtenant to Lot 1 on Sealed Plan No.139476 over the "Right of Way 'A' (Private) labelled CDEFGHIJKLMNOPWXYZ on the Plan passing through such lot.

RIGHT OF WAY

Lot 2 on the Plan is subject to a Right of Footway appurtenant to Lot 1 on Sealed Plan No.139476 over the "Right of Footway (Private)" on the Plan passing through such lot.

FENCING PROVISION

In respect of each Lot shown on the Plan the Vendor, Newdegate Nominees Pty Ltd shall not be required to fence.

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: NEWDEGATE NOMINEES PTY LTD	PLAN SEALED BY: HOBART CITY COUNCIL
FOLIO REF: 139478/2	DATE: 27 th MARCH 2012
SOLICITOR	5662468
& REFERENCE: MICHAEL BRIANT	REF NO.
 Council Delegate MANAGER SURVEYING SERVICES	

NOTE: The Council Delegate must sign the Certificate for the purposes of identification.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 3 PAGE/S	Registered Number SP 162909
SUBDIVIDER: FOLIO REFERENCE:	

INTERPRETATION

"Service Easement" means

FIRSTLY all the full and free right and liberty for Aurora Energy Pty Ltd and its successors and its and their servants agents and contractors (hereinafter called "Aurora") at all times hereafter:

- (a) TO maintain, lay, erect and install anything used for, or in connection with the generation, transmission or distribution of electricity including powerlines (overhead or underground), substations for converting electricity, substations for transforming or controlling electricity and equipment for metering, monitoring or controlling electricity (hereinafter called "electricity infrastructure") of such materials and type as Aurora may determine above, on or under the land marked "Service Easement" on the plan (hereinafter called the "servient land").
- (b) TO enter into and upon the servient land for the purpose of examining, operating, maintaining, repairing, modifying, adding to or replacing electricity infrastructure without doing unnecessary damage to the said servient land and making good all damage occasioned thereby.
- (c) TO erect fencing, signs, barriers or other protective structures upon the servient land if in the opinion of the Corporation these are necessary for reasons of safety.
- (d) TO cause or permit electrical energy to flow or be transmitted or distributed through the said electricity infrastructure.
- (e) TO enter into and upon the servient land for all or any of the above purposes with or without all necessary plant equipment and machinery and the means of transporting the same and if necessary to cross the remainder of the said land of the registered proprietor/s for the purpose of access and regress to and from the servient land.
- (f) **NOTHING** herein contained shall prevent the registered proprietor/s for themselves and their successors in title from using the servient land **PROVIDED THAT** such use does not derogate from this grant or, in the opinion of Aurora, compromise the safe operation of Aurora's electricity infrastructure located on, above or under the servient land.

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



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 3 OF 3 PAGE/S	Registered Number SP 162909
SUBDIVIDER: FOLIO REFERENCE:	

SECONDLY the benefit of a covenant for Aurora Energy Pty Ltd and its successors with the registered proprietor/s for themselves and their successors in title of the servient land not to erect any buildings or place any structures or objects within the said easement without the prior written consent of Aurora Energy Pty Ltd to the intent that the burden of the covenant may run with and bind the servient land and every part thereof and that the benefit thereof may be annexed to the easement hereinbefore described.

SIGNED by **NEWDEGATE NOMINEES PTY LTD** ACN 090 612 543 the registered proprietor of the land comprised in Certificate of Title Volume 139476 Folio 2 by its sole director **JOHN LEO KELLY** who is so authorized by its constitution in the presence of:

Witness Name: **DONNA MICHELE MATHEWS**
 Witness Address: **242 NIERISNA RD, MARGATE 7054**
 Witness Occupation: **P.A.**
 Witness Signature:

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



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
163809	1
EDITION	DATE OF ISSUE
2	12-Feb-2016

SEARCH DATE : 12-Jul-2016
SEARCH TIME : 03.58 PM

DESCRIPTION OF LAND

City of HOBART
Lot 1 on Plan 163809
Derivation : Part of 4A-OR-15P Gtd to J Walton and Part of
0A-1R-29P and 0A-4R-29P Gtd to G Butler.
Prior CTs 142794/1 and 162909/1

SCHEDULE 1

M550892 TRANSFER to JOHN KELLY NOMINEES PTY LTD Registered
12-Feb-2016 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP162909 FENCING PROVISION in Schedule of Easements
SP139476 FENCING PROVISION in Schedule of Easements
SP139476 SEWERAGE AND/OR DRAINAGE RESTRICTION
SP139476 BENEFITING EASEMENT:(appurtenant to the land marked
UVLT on P.163809) a right of way over the Right of
Way 3.66 wide on Plan 163809
SP139476 BENEFITING EASEMENT:(appurtenant to the land marked
QALT on P.163809) a right of footway over the strip
of land marked Right of Footway on Plan 163809
SP139476 BENEFITING EASEMENT:(appurtenant to the land marked
QALT on P.163809) a right of drainage over the lands
marked Drainage Easement and Drainage Easement 2.00
wide on Plan 163809 (respectively)
SP162909 BENEFITING EASEMENT: (appurtenant to the land marked
ABCYXW on P163809) a right of drainage over the
Drainage Easement 2.00 wide on Plan 163809
SP139476 BENEFITING EASEMENT: (appurtenant to the land marked
QALT on P.163809) a right of carriageway over the
Right of Way 'A' and marked CDEFGHIJKLMNOPWXY on P.
163809
C597776 ADHESION ORDER under Section 110 of the Local
Government (Building and Miscellaneous Provisions)
Act 1993 Registered 21-Dec-2004 at noon
D51599 AGREEMENT pursuant to Section 71 of the Land Use

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Planning and Approvals Act 1993 Registered
29-Mar-2012 at 01.00 PM
D48671 ADHESION ORDER under Section 110 of the Local
Government (Building and Miscellaneous Provisions)
Act 1993 Registered 17-May-2012 at 12.02 PM
E36823 MORTGAGE to Newdegate Nominees Pty Ltd Registered
12-Feb-2016 at 12.01 PM

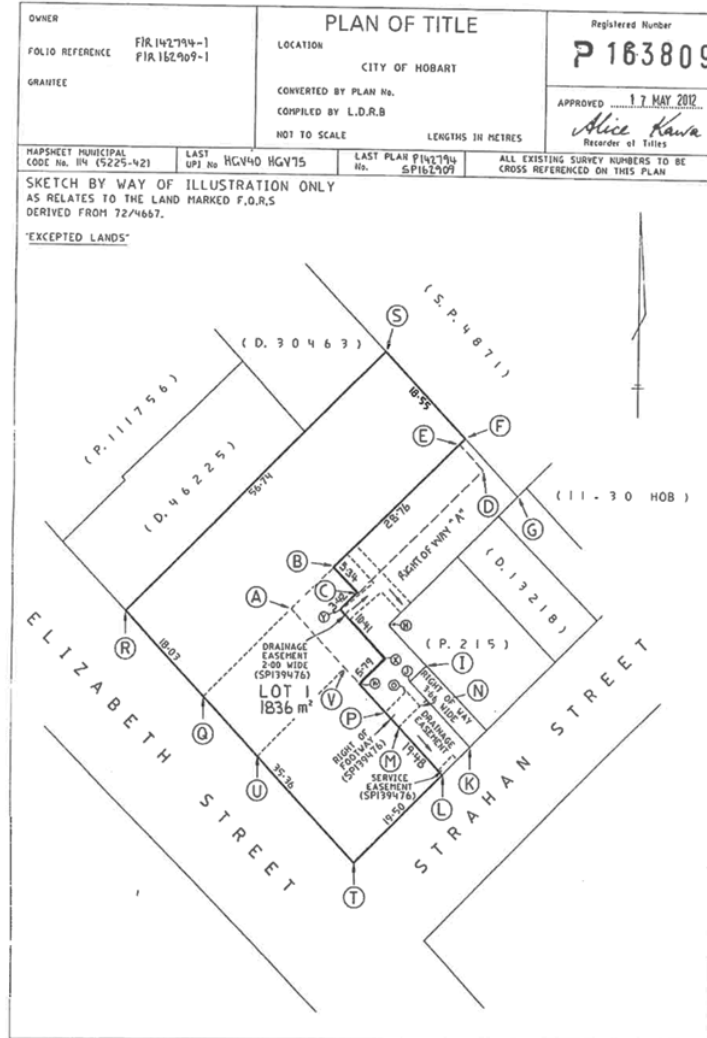
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

the **List****FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 46225	FOLIO 1
EDITION 3	DATE OF ISSUE 20-Aug-2015

SEARCH DATE : 12-Jul-2016
SEARCH TIME : 03.57 PM

DESCRIPTION OF LAND

City of HOBART
Lot 1 on Diagram 46225
Derivation : Whole of 0A-0R-24Ps. Gtd. to C. Gaylor.
Prior CT 4709/98

SCHEDULE 1

M533700 TRANSFER to NEWDEGATE NOMINEES PTY LTD Registered
20-Aug-2015 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

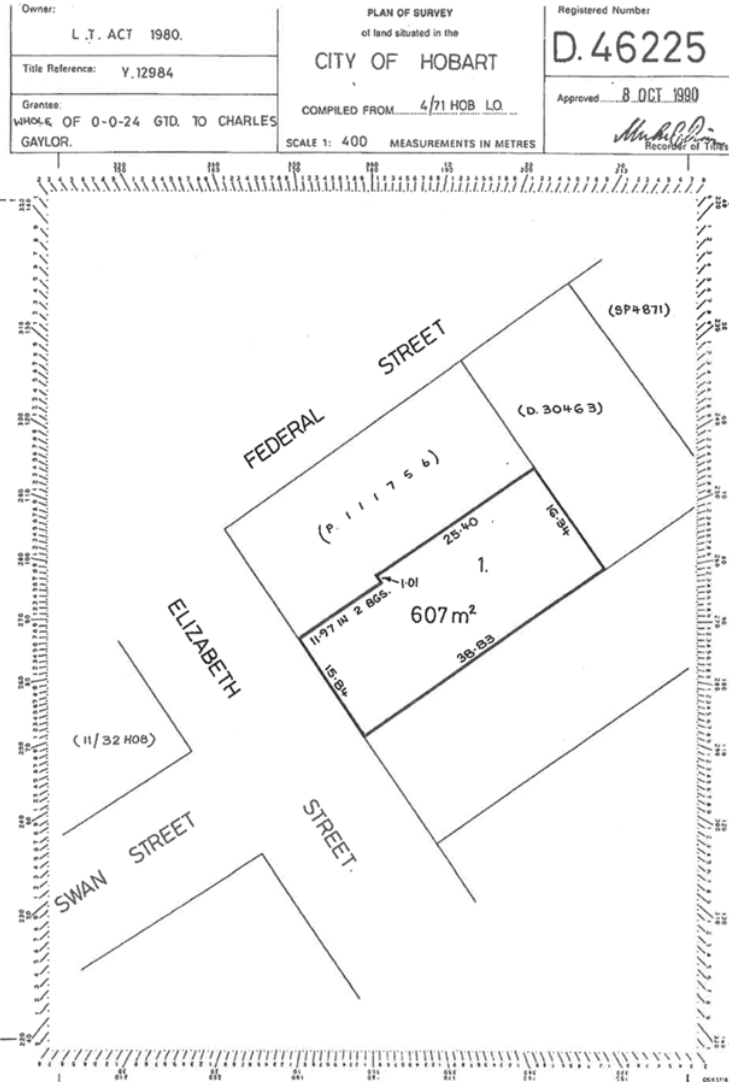
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SPECIAL REPORT – GENERAL MANAGER

10. Financial Report and COVID-19 - City of Hobart Response
File Ref: F20/39351

Memorandum of the General Manager of 22 April 2020 and attachments.

Delegation: Council



City of **HOBART**

MEMORANDUM: COUNCIL

Financial Report and COVID-19 - City of Hobart Response

This report:

- Presents the Council's Financial Report as at 31 December 2019 and seeks approval for a number of budget variations;
- Outlines events and actions taken in response to the Covid-19 pandemic in the period since March 2020 and impact on the Council's financial position;
- Provides early indications of the likely impact of the Covid-19 pandemic on the Council's finances for 2020/21; and
- Makes recommendations for further community support as we move to recovery from the pandemic.

Financial Report as at 31 December 2019

- The Council's Financial Report as at 31 December 2019 is at Attachment A.
- This is the first report produced from our new financial system, NAVision and would ordinarily have been presented to the March Finance and Governance Committee meeting
- As at December 2019, the revised forecast to 30 June 2020 was an underlying result in deficit of \$1.89M, \$2.44M less than the original budget and \$2.3M less than the September forecast.
- The main reasons for this are:
 - Increases to expected asset write-offs of \$1M following a concerted effort to close out a significant backlog of projects undertaken over a number of years
 - Increase in depreciation of \$1.4M due to indexation and revaluations, significantly relating to storm water and rivulets asset classes.
 - An unexpected workers compensation burner adjustment of \$1.1M relating largely to three claims going back as far as 2016/17 in addition to three significant claims in the current financial year.
 - Inclusion of 2018/19 operating carry forwards of \$0.22M
- In response, action was taken to reduce expenditure to offset these increases
 - This report seeks Council approval of revisions to original budget of some \$1.8M, critical to address (in part) the forecast deficit.
 - Further adjustments in expenditure would have been necessary in the remainder of the financial year to fully address the shortfall. The Covid-19 situation however has overtaken this work and the City now requires significantly greater changes in financial arrangements for the balance of 2019/20 and beyond.

Council Response Covid-19 Pandemic

- At its meeting on 23 March 2020, the Council resolved its initial response to the Covid-19 emergency. A copy of the full Council resolution is at Attachment B. As part of that resolution, the following community support initiatives were approved, including to:
 - Provide rental relief for the balance of the financial year for Council's tenants experiencing financial hardship. (This was also subsequently applied to outdoor dining occupation licences)
 - Defer penalties and interest for the fourth instalment of 2019/20 rates until 30 June
 - Amendment to Council's policy on rates postponement, which previously only applied to pensioners, to provide a mechanism for other ratepayers in financial distress to apply for a deferral of rates. It should be noted that the Local Government Act 1993 already provides for any ratepayer to seek a remission of all or part of any rates paid or payable in accordance with the City's Rates and Charges Policy.
 - Initiatives to support local businesses and creative industries utilising funding allocated to this year's Dark MoFo event (\$190K in cash).
- Actions taken since the Council meeting include:
 - **Incident Management**
Declaration of a State of Emergency by the Premier resulted in Council enacting its Emergency Management Plan and the establishment of an Incident Management Team. An Incident Action Plan has been documented and is reviewed and updated weekly. A summary of the Plan objectives and major actions is at Attachment C.
 - **Closures**
A listing of Council service and venue closures is at Attachment D, and include Council Committee meetings, the Doone Kennedy Hobart Aquatic Centre, Salamanca Market, Tasmanian Travel Information Centre, Mathers House, Youth ARC, front of house customer service, playgrounds and sportsground bookings.
 - **Car Parking**
Actions include extended time limits and grace periods applying to metered parking spots, closures and reduced hours of operation for City car parks and free and / or discounted parking for Royal Hobart Hospital, other DHHS, Ambulance Tasmania, SES, Tas Police and Australian Defence Force personnel.
There have also been 129 cancellations of long-term parking leases.
 - **Fees and Charges**
The City has refunded fees and charges (or provided credits) on cancellations. Occupation licences for outdoor dining have been waived for the balance of the financial year and food licensing fees have been waived for six months.

- **Planning Applications**

Six planning applications have been approved by the Director City Planning under delegation. A full list of these decisions is at Attachment E.

- **Staffing Arrangements**

All casual and contract labour has been reviewed and all non-essential arrangements have been ceased. Recruitment has been ceased, other than for critical roles and stand down arrangements are being implemented for the DKHAC.

Redeployment opportunities are being actively pursued where possible and quiet time while facilities are closed is being used to conduct much needed maintenance tasks.

Unfortunately despite lobbying by the sector, Job Keeper provisions are not available to local government employees.

Some 140 employees are working from home with full access to the City's systems and with agreed work plans.

Guidelines and standard operating procedures have been developed to manage the health and safety of employees in the office and in the field including customer visits and inspections, use of vehicles etc.

- **Rates Postponement Policy**

The policy has been amended as resolved by Council.

- **Financial Hardship Policy**

A draft has been prepared in concert with LGAT and other Councils and was reviewed by Council's internal auditors Wise Lord & Ferguson.

The draft is presented at Attachment F for Council consideration.

Principles underpinning the policy include:

- consistent, equitable, flexible and respectful treatment of all ratepayers;
- maintaining Council's ability to provide essential services;
- assisting ratepayers who are suffering serious financial hardship; and
- ensuring that those able to contribute, continue to do so.

- **Rent relief for Council Tenants**

To-date we have received 19 enquiries with 11 receiving full rent relief for the period through to 30 June 2020. The remainder are currently being assessed.

- **e-commerce grant**

This quick response grant has commenced with over 40 retail related small business receiving \$300 each to support them to utilise an on-line trading platform. \$30,000 has been allocated to this program from the \$190,000 Dark Mofo funding.

- **Business and Creative Industries Grants**

Officers are consulting with small business operators and stakeholders as to the most effective use of the remaining Dark Mofo money which will be made available as a business and creative industries grants program before the end of the financial year.

- **Community Grants**

Council will be aware that the February round of the Community Grants program was suspended due to Covid-19 and the fact that applications submitted would have been unable to be implemented as envisaged. Accordingly there is the possibility to offer a Covid-19 focused community grants program in the remainder of this financial year should Council wish to do so utilising a proportion of the unallocated February grants round. A delegation is sought in this report for the General Manager to proceed with such a program at the appropriate time.

- **Hobart Together**

The City has updated its website with specific advice using the "Resilient Hobart" banner, including tailored messaging under the title "Hobart Together" which encourages our community to stay connected, creative and kind.

- **State Government Assistance Package**

Following lobbying at local government sector level, the State Government has increased its assistance package for local government from \$50M to \$150M in interest free loans and has expanded potential uses for the loans. There is no indication that the program will provide grants.

- **Covid-19 Reference Group**

The General Manager has consulted routinely three times per week, and additionally as required, with elected members on the Council established Covid-19 Reference Group. The Group has provided valuable support and advice to the General Manager and are thanked for their input.

Financial Impact of Covid-19 on Council Operations 2019/20 Financial Year

- The financial situation has changed dramatically since the advent of COVID-19 - revenue has been significantly impacted, with parking in particular anticipating a large loss. In summary, anticipated losses of revenue to 30 June 2020 include:

Item	Amount
Parking	\$3.8M - \$4.5M
Doone Kennedy Hobart Aquatic Centre	\$1.495M
Salamanca Market	\$208K
Rents/Occupation Licences	\$441K
Other Fees and Charges	\$254K
TOTAL	\$6.19M - \$6.89M

- Rates
 - As at 22 April 2020, some \$5.5M was outstanding in unpaid rates, of which \$3.9M relates to the fourth instalment, so post the Covid-19 emergency.
 - This is \$1.9M behind the City's income for the same period in 2019.
 - Waiving of penalties and interest on the fourth instalment will mean that some rates payments will be delayed until 30 June 2020, so it is anticipated some further payments will be made by that date.
 - The usual reminder letters which would normally be issued at the end of April, will be replaced with a supportive letter from the General Manager encouraging ratepayers to make payments if they can and providing advice for those who cannot given their financial situation.
 - It is anticipated however that given financial difficulties being faced by many in our community, there will be a significant shortfall in the expected rates income received this financial year.
- In order to manage the issues with cash flow resulting from these significant drops in revenue, the capital works program has been reviewed, operational expenditure significantly reduced and a loan previously approved by Council for 2019/20 of \$20M has been taken up.
- While we believe these actions will provide a sufficient cash flow until 30 June 2020, we will provide further advice on the impact on the Council's overall financial position for 2019/20 at the 25 May Council meeting.

Draft 2020/21 Budget

- Council would be aware that officers had commenced drafting the 2020/21 budget prior to the Covid-19 emergency. This is now being totally redrafted.
- In order to do this, we have commenced with attempting to estimate revenue reductions. Assuming major impact ongoing in the first quarter, but easing in Quarter 2, we estimate as follows:
 - A 40 per cent reduction in parking revenue including on and off street parking fees and charges and fines and long-term leases
 - 25 per cent reduction in rents
 - 50 per cent reduction in the Tas Water dividend
 - 27 per cent reduction in other fees and charges, including DKHAC, TTIC, Taste, Salamanca market, planning, building and compliance, landfill, parks hire fees etc
- The total is estimated at \$17M, and is hopefully the worst case scenario. The final outcome is uncertain to say the least and will be determined by how quickly the City returns to 'normal'.
- In addition, it is anticipated that there will be a reduction in rates income received, due to financial hardship in the community, whether this be resulting from postponements or remissions.
 - Modelling based on this impacting largely on particular property types (accommodation, arts and galleries, bars, cafes, restaurants, shops etc) in the commercial sector together with a more limited impact on residential, indicates a potential rates shortfall in Quarter 1 of \$4.6M.
- Based on this anticipated revenue scenario, officers have now undertaken a high level review of proposed operating expenditure for 2020/21, removing from the draft budget all expenditure regarded as discretionary.
 - Items removed include all travel and accommodation, new positions, other than critical roles, non-mandatory training, special projects and initiatives which can be deferred, as well reductions in events and grants funding.
- The previously approved capital works program has also been reviewed with projects pushed out in time and a focus on the essential asset replacement program.
- Of course, the Council will be presented with the full Estimates proposal in late May when the Council will make the final determination about what items and projects are included or not.
- The purpose of this exercise is to be able to present the Council with a realistic budget in the known circumstances.
- It is clear however that borrowing will be required both to balance the budget in light of revenue reductions and to maintain cash flow until income streams start to pick up (potentially November 2020) when the second rates instalment is due).

- The Council's Long Term Financial Management Plan did provide for borrowings of \$15M in 2020/21.
 - Our initial assessment is that greater borrowings will be required and will be required to be taken up early in the financial year to offset revenue losses and maintain cash flow.
 - Recommendations on the extent of borrowings will be put to Council for consideration as part of the Estimates process and will be subject to Treasury benchmarks and other existing lenders' requirements.
 - In addition to officers' modelling and advice it is intended to seek an independent peer review of the impact of recommended borrowings on the Council's long-term financial sustainability.
- Given the timing of application dates, an application for the State Government's \$150M interest free loans scheme for local government has been submitted in partnership with the other three southern metropolitan Councils.
 - As part of this initial expression of interest, the City of Hobart has nominated infrastructure projects estimated to cost \$24.5M as well as and \$4.6M for rates relief. A full list of submitted projects is at Attachment G.
The submission will obviously be subject to assessment and approval or otherwise by the State Government. The final amounts taken up however will need to be approved by the Council as part of the Estimates consideration.
 - This is in addition to projects nominated in a response to a letter from the Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development received earlier this month requesting a list of land transport infrastructure projects for which construction could commence or be brought forward in the next three to six months. A full list of these projects is at Attachment H.
- As outlined above, Council will consider the full Estimates draft in late May.

Ongoing Community Support Package

- It is envisaged that in addition to maintaining its key services for the City, the Council will also be looking to support its community through the recovery process.
 - In a letter (dated 16 April) to all Mayors and General Managers the Premier and Minister for Local Government dated advised that:
It is vital that all councils agree to measures including rate increase freezes and generous hardship policies. These measures will provide much needed relief to Tasmania's local businesses and rate payers and send a strong message that all levels of government are playing their part to support the community at this unprecedented time.
A full copy of the letter is at Attachment I.
- To this end officers are seeking guidance from the Council in relation to the following proposed community support package of initiatives commencing 1 July 2020. It is intended that officers would then use this as a basis for preparing the draft Estimates for Council consideration:
 - A freeze on the general and service rates, so 0.0 per cent increase for 2020/21. Rates means general rate, fire levy (already frozen by the State Government) and storm water rate.
The Council also has a number of fixed charges for landfill, waste, green waste and FOGO. These are calculated on the basis of cost of the service. In 2020/21 additional costs for recycling are likely to impact the waste levy and Council has an existing decision about cost of FOGO increasing from \$50 to \$60 per service and being combined with the green waste charge.
 - A freeze on other Council fees and charges, so 0.0 per cent increase.
In light of this it is proposed that the Council delegate to the General Manager the authority to set the Council's fees and charges for 2020/21, given they will be the same as for 2019/20.
 - Rates relief support package including waiving penalties and interest, negotiated payment plans, formal postponements and remissions on application and determined on a case by case basis in accordance with the City's Financial Hardship policy.
 - In order to facilitate administration of the rates relief package, it is proposed that the Council provide a delegation to allow the General Manager to approve rates remissions up to a maximum dollar value, and suggesting \$10K. Any rates remission over that limit would be by approval of an absolute majority of the Council in accordance with section 129 of the Local Government Act 1993.
The delegation is appropriate and consistent with section 22 of the Local Government Act 1993 as the council has appropriate policies and procedures in place.
All rate remissions are reported to Council on a six monthly basis and are recorded in the Council's Annual Report.
 - Rent relief support package for the City's tenants with payment plans developed on application and in accordance with the principles of the

Financial Hardship policy. This component will also be informed by the proposed Commercial Tenancy Code legislation expected to be presented to the Tasmanian Parliament at the end of April.

- A one-off Covid 19 community and business grants program utilising funding that would have ordinarily been made available through the various community grants streams of the City.
- Development and enactment of long term social and economic recovery plans, including specifically, the establishment of the business continuity and resilience committee as approved by the Council on 23 March at the appropriate time.

City Government Arrangements

- While social distancing requirements remain in place it is proposed that Council Committees remain in abeyance with the next Council meeting likely to occur on 25 May 2020.

RECOMMENDATION

That:

- 1. That the information be received and noted.***
- 2. The Council note the Financial Report as at 31 December 2019 and approve the changes to the 2019/20 Estimates listed in tables 4,5,7 and 9 of Attachment A, the financial impacts of which are to decrease the underlying result by \$2.3M to a deficit of \$1.89M.***
- 3. The Council note the impact of the Covid-19 pandemic on the Council's financial position in the period since 31 December 2019 and note and endorse actions taken by the General Manager in responding to the Covid-19 emergency.***
- 4. The Council note actions taken in response to the Council resolution of 23 March 2020 as outlined in this report and specifically reaffirm its approach to deal with financial hardship in the community in the period through until 30 June 2020, as resolved at that meeting.***
- 5. The Council authorise the General Manager to offer a Covid-19 focused community grants program at the appropriate time in the remainder of this financial year utilising a proportion of unallocated February 2020 community grants round funding.***
- 6. The council approve the City of Hobart Financial Hardship Assistance Policy as at Attachment F to this report.***

7. *The Council note the submission of an application in partnership with the other three Hobart metropolitan councils to the State Government's \$150m interest free loans scheme for local government. The final amount to be taken up will be the subject of Council consideration as part of the formal Estimates process for 2020/21.*
 - *Advice in relation to borrowings will be based on modelling of the impact on Council's long-term financial sustainability including an independent review of this modelling.*
8. *The Council note the likely impacts on its revenue in 2020/21 as outlined in this report.*
9. *The Council further note that the draft Estimates, including a revised capital works program and operating budget will be presented to Council for consideration in late May reflecting these circumstances.*
10. *The Council approve the following elements of a Community Support package to commence on 1 July 2020 to be used by officers as the basis for preparation of the draft Estimates:*
 - *A zero per cent increase to the general and service rates excluding fixed service charges including waste management, green waste (including FOGO) and landfill rehabilitation, which will be considered on the basis of service cost.*
 - *A policy of zero per cent increase on other Council fees and charges.*
In light of this policy, given they will be the same as for 2019/20, Council delegate, pursuant to section 22 of the Local Government Act, to the General Manager the authority to set the Council's fees and charges for 2020/21.
 - *Rates relief support package including waiving penalties and interest, negotiated payment plans, formal postponements and remissions on application and determined on a case by case basis in accordance with the City's Financial Hardship policy (above)*
 - *To this end, the Council delegate, pursuant to section 22 of the Local Government Act, to the General Manager the power to approve rates remissions up to a limit of \$10,000 with remissions above that limit being approved by absolute majority of the Council, noting that all rate remissions are reported six monthly to the Council and are recorded as a grant / benefit in the Council's Annual Report.*

- *Rent relief support package for the City's tenants with payment plans developed on application and in accordance with the principles of the Financial Hardship policy and future commercial tenancy legislation.*
 - *A one-off Covid-19 community and business grants program utilising the funding that would have ordinarily been made available through the various community grants streams of the City*
 - *Development and enactment of long term social and economic recovery plans, including specifically establishment of the business continuity and resilience committee as approved by the Council on 23 March 2020 at the appropriate time.*
11. *The Council continue to authorise the General Manager to take all further actions necessary to address the Covid-19 pandemic.*
 12. *The Council pursuant to Section 6(3) of the Land Use Planning and Approvals Act 1993, delegate the General Manager and Director City Planning to determine all applications that would otherwise be determined by the City Planning Committee or the full Council unless called in by an Elected Member for the period from 28 April to 25 May inclusive.*
 13. *The Council note that the next scheduled Council meeting will be 25 May 2020 and that Council Committee meetings remain suspended.*

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



N D Heath
GENERAL MANAGER

Date: 22 April 2020
File Reference: F20/39351

Attachment A: City of Hobart Financial Report as at 31 December 2019 ↓ 

Attachment B: Council Resolution of 23 March 2020 ↓ 






Attachment C: Incident Management Plan Objectives and Major Actions ↓ 

Attachment D: Service and Venue Closures ↓ 

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- Attachment E: Planning Applications Determined Under Delegation since 23 March 2020 ↴ 
- Attachment F: Draft Financial Hardship Assistance Policy ↴ 
- Attachment G: City of Hobart Projects Submitted under the Local Government Loans Program ↴ 
- Attachment H: Draft Hobart City Council Local Government Land Transport Infrastructure Projects March 2020 ↴ 
- Attachment I: Premier Gutwein and Minister Shelton letter to Tasmanian Councils - COVID-19 Relief ↴ 



Financial Report

Period Ending 31 December 2019

Financial Year 2019-20

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1. Introduction

The purpose of this report is to provide a high level summary of: -

- Council's financial position as at 31 December 2019,
- the results of operations for the first six months of the 2019-20 financial year,
- the forecast end of year results, and
- progress towards the achievement of Council's financial sustainability outcomes.

The report also seeks to have the 2019-20 estimates (budget) amended to take account of expected differences from budget at 30 June 2020 (permanent variances).

Council's financial direction is enunciated in its Long-Term Financial Management Plan (LTFMP) first adopted by Council in October 2010. At this time, it was also resolved that annual Council budgets would be prepared within the context of the LTFMP.

The primary objective of the LTFMP is to achieve financial sustainability. The eight measures adopted in the LTFMP for the purpose of measuring financial sustainability are set out in this report (refer section 9) along with an indication as to whether targets for each are expected to be achieved in 2019-20.

This report has been produced from our new financial system, NAVision and was a lengthier process than anticipated due to a number of factors:

- data issues that did not present during testing of the financial report prior to GO live have required resolution
- ongoing migration of data into the new format has highlighted some legacy issues requiring resolution
- A number of manual processes needing to be systemised to improve efficiency in producing the report in the future
- Staff building familiarity and confidence with the new system.

This report is for the period to 31 December 2019. Since then the City and the broader community has been severely impacted by the COVID-19 pandemic. Clearly the Covid 19 pandemic will have significant impacts on the Councils financial position post mid-March 2020. These impacts are now being modelled.

2. Operating

As at 31 December 2019 the revised forecast end of year result was an **underlying deficit** of \$1.89M being \$2.44M less than the original budget and \$2.3M less than the September forecast due to the factors listed in tables 4 and 5 below. The history for the year has been: -

• Original budget forecast	\$0.55M surplus
• Inclusion of carry-forwards from 2018-19	\$0.33M surplus
• September revised forecast	\$0.41M surplus
• December revised forecast (this report)	\$1.89M deficit

The main reasons for the changes have been:

September quarter: The decline in the underlying surplus was due to the inclusion of the 2018-19 carry forwards and a reduction in expected interest revenue, partially offset by transfers to the capital budget for costs associated with the Navision Implementation Project.

December quarter: The decline is due to expected increases in asset write offs, depreciation and increased workers compensation premiums. These costs were partially mitigated by significant operational budget savings. Significant reductions in expenditure are proposed in this report in an effort to address these identified headwinds. Further adjustments in expenditure would have been necessary to fully address the shortfall, but the Covid-19 situation has overtaken this work and will require even further changes in financial arrangements.

The Income Statement as outlined in Table 1 shows the financial impact of providing Council's general services to the community. It compares actual expenses (by expense type) and actual revenues (by revenue type) to the end of December (YTD Actual) with what was expected at the same stage (YTD Budget). The difference between the two is the variance, and this is also expressed as a percentage of the YTD budget.

Table 1 also shows the **original** 2019-20 budget, the **revised** 2019-20 budget, and the projected year-end result.

Table 1: Income Statement as at 31 December 2019

		Ref	YTD Actual	YTD Budget (\$,000)	Variance Fav/(Unfav) (\$,000)	Variance %	2019-20 Original Budget (\$,000)	2019-20 Revised (Approved) Budget (\$,000)	Forecast Year-End Result (\$,000)
Expenses									
	Labour	2.1	33,877	35,508	(1,700)	(1.1%)	62,117	62,099	62,965
	Materials and Services	2.2	17,954	17,737	(197)	(1.1%)	33,173	33,120	32,534
	Energy Costs		1,047	1,051	4	0.4%	2,317	2,318	2,318
	Finance Costs	2.3	979	976	(3)	(0.3%)	2,334	1,843	1,672
	Fire Levy		5,694	5,694	(0)	(0.0%)	11,388	11,388	11,388
	Depreciation	2.4	11,023	11,016	(7)	(0.1%)	22,032	22,032	23,440
	Asset Write-offs	2.5	1,353	1,101	(252)	(22.9%)	2,202	2,202	3,252
	Bad Debts		(0)	0	0	125.0%	351	351	351
	Other Expenses	2.6	1,837	1,755	(82)	(4.7%)	4,932	4,942	4,932
	Total		73,743	72,837	(906)	(1.2%)	140,846	140,802	142,852
Revenues									
	Rates and Charges	2.7	43,538	44,073	(535)	(1.2%)	88,394	88,405	88,405
	Fire Levy Commission		228	228	(0)	(0.0%)	455	455	455
	Fines	2.8	3,804	4,265	(461)	(10.6%)	8,530	8,530	8,480
	Fees and Charges - Car Parks	2.9	5,423	5,539	(116)	(2.1%)	11,218	11,070	11,290
	Fees and Charges - On Street Parking	2.10	3,574	3,715	(141)	(3.8%)	7,389	7,430	7,380
	Other Fees and Charges	2.11	7,851	7,494	357	4.8%	15,371	15,389	15,466
	Operating Grants		1,086	1,010	76	7.5%	3,226	3,257	3,257
	Interest	2.12	209	214	(5)	(2.2%)	930	430	385
	Rents		2,330	2,360	(30)	(1.4%)	3,715	3,665	3,665
	Tas Water Distributions		176	176	(0)	(0.0%)	2,172	2,172	2,172
	Total		68,218	69,081	(863)	(1.2%)	141,400	140,811	140,962
Underlying Result			(5,525)	(3,756)	(1,769)	(47.1%)	553	408	(1,890)

Results

For the first six months of the year:

- Expenses \$ 906,000 (1.2%) unfavourable to budget
- Revenues \$ 863,000 (1.2%) unfavourable to budget
- Total \$ 1,769,000 unfavourable to budget

Table 2 provides an explanation of the main variances in expenses for the first six months of the year.

Table 2: Significant Expense Variances Explained

Ref.	Expenses Category	Variance	Explanation
2.1	Labour	\$370K (1.1%) Unfavourable	Includes a \$1.1 million Workers Compensation burner adjustment, \$10K unfavourable variance for wages and salaries and a \$360K unfavourable variance for external labour costs. It is noted that the budgeted increase for the Enterprise Agreement salary increment was delivered after December and is therefore not included in the results.
2.2	Materials & Services	\$197K (1.1%) Unfavourable	Includes favourable variances for: - <ul style="list-style-type: none"> • Credit card fees \$140K mainly due to reduction in parking income greater than anticipated, and • Business Management Contractors \$217K primarily due to reduced cost for Elector polls \$100K and the timing of expected costs in the Future and Engaged Communities Department. Includes unfavourable variances for: - <ul style="list-style-type: none"> • Overhead recovery \$250K being less than anticipated due to the timing of capital works programs undertaken internally, • Insurance \$80K due to increased costs, and • Water and Sewage \$84K due increased costs The remaining variances are attributed to estimated expense accruals and timing variances. Budget adjustment decreases of \$593K are proposed in this report (See Table 4) and are pending Council approval.
2.5	Asset Write-Offs	\$252K (22.9%) Unfavourable	Due to forecasted asset write offs being greater than originally forecast. Budget adjustment increases of \$1050K are proposed in this report (See Table 4) and are pending Council approval.
2.6	Other Expenses	\$82K (4.7%) Unfavourable	Includes \$243K favourable variance for grant payments mainly in Community & Culture programs and Economic Development.

			<p>Includes unfavourable variances for:-</p> <ul style="list-style-type: none"> Heritage grant contributions \$200K for the St George's Church. A budget increase request is included in Table 4 below for Council approval, and Pensioner rates remissions and reimbursements \$125K due to timing. Further claims are scheduled to be lodged with the State Government in early-mid 2020. <p>Budget adjustment decreases of \$10K are proposed in this report (See Table 4) and are pending Council approval.</p>
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Table 3 provides an explanation of the key variances in revenue for the first six months of the year.

Table 3: Significant Revenue Variances Explained

Ref.	Revenue Category	Variance	Explanation
2.7	Rates	\$535K (1.2%) Unfavourable	Mainly due to a collection of rates timing issue and remission approved by Council for Uniting Aged Care.
2.8	Fines	\$461K (10.8%) Unfavourable	Parking Fines lower than expected due to reduced collections. Budget adjustment decreases of \$50K are proposed in this report (see Table 5) and are pending Council approval.
2.9	Fees and Charges – Car parks	\$116K (2.1%) Unfavourable	Due to a combination of changed parking trends and timing variances. Budget adjustment increases of \$220K are proposed in this report (see Table 5) and are pending Council approval.
2.10	Fees and Charges – On Street Parking	\$141K (3.8%) Unfavourable	Parking meter collections less than expected due to reduced demand. Budget adjustment decreases of \$50K are proposed in this report (see Table 5) and are pending Council approval.
2.11	Other Fees and Charges	\$357K (4.8%) Favourable	Includes favourable variances for:- <ul style="list-style-type: none"> Taste of Tasmania \$200K due to a budget timing issue. Budgeted mid-2020. Reimbursements for Recycling \$80K. The reimbursements offset increased costs, and Sale of Goods \$50K for DKHAC. <p>Budget adjustment increases of \$76K are proposed in this report (see Table 5) and are pending Council approval.</p>

Variances for rates and parking were considered to represent "timing differences" only as at 31 December 2020 and were **not** expected to result in a variance from budget at year-end. A final underlying deficit of around \$1.89M was forecast.

However, some variances were considered to represent "permanent differences", which were expected to result in a variance from budget at year-end. Changes to the budget are requested for these known permanent differences in tables 4 and 5 below. These are reflected in the annual forecasts shown in the Income Statement (table 1). These changes result in the forecast underlying result decreasing by \$2.3M (from a surplus of \$0.41M to a deficit of \$1.89M) as at 31 December 2019.

Please note that the annual forecast includes some items which are difficult to reliably estimate during the year. These may result in the end of year actual result being different to forecast. Examples include 'asset write-offs', 'expensed projects', 'expensed plant and equipment' and 'movements in employee leave provisions'.

Operating Budget Changes Requested – Requiring Council Approval

Tables 4 and 5 list budget items which are expected to differ from budget at year-end. Changes to budget are therefore requested.

Table 4: Expenses - Budget Changes Requested – Requiring Council Approval

Ref.	Expenses Category	Increase/ (Decrease)	Explanation
2.1	Labour	\$866K increase	<p>Includes increases for:</p> <ul style="list-style-type: none"> Workers Compensation Insurance \$1.1million due to increased premiums and prior year burning adjustments, Community Life \$8K for temporary assistance to cover a parental leave absence, and City Amenity \$138K for additional wages and salaries in administration positions. <p>Includes decreases for:</p> <ul style="list-style-type: none"> Wage and salaries \$266K for reductions identified across all Divisions in the December cost savings review, City Amenity \$8K transferred to materials and services for Fire and Diversity, and City Innovation \$107K for savings transferred to materials and services for Smart and Sustainable City.
2.2	Materials & Services	\$593K decrease	<p>Includes increases for:</p> <ul style="list-style-type: none"> Risk and Governance \$70K for increased insurance premiums, City Amenity \$8K transferred to wages and salaries for Fire and Diversity, City Cleansing \$24K for additional cleaning costs for Fern Tree Park facilities, Costs associated with the Smart and sustainable City department \$117K. The increase is partially offset with the reduction in wages and salaries for City Innovation shown above. <p>Includes decreases for:</p> <ul style="list-style-type: none"> Bushland and Arboricultural Services costs \$2K transferred to plant and equipment,

			<ul style="list-style-type: none"> Credit card fees \$100K for Parking (offsets the revenue reduction shown in Table 5 below Fines and Fees and Charges On-street parking), Transfer to Expensed projects \$14K for Asset Maintenance, and December cost saving review reductions \$696K identified across all Divisions in items including contractors, consultants, training, travel and conferences.
2.3	Finance Costs	\$271K decrease	Due to the timing of borrowings and variances on forecasted interest rates.
2.4	Depreciation	\$1408K increase	Based on latest forecasts provided from Asset Services.
2.5	Asset Write Off	\$1050K increase	Based on latest forecasts provided from Asset Services.
2.6	Other Expenses	\$10K decrease	<p>Includes an increase for a grants provided from Heritage Fund \$200K for the St George's church restoration. Council resolved the provision of the funding in 2016, however funds have not previously been included in the operational budgets as work had not commenced.</p> <p>Includes decreases for Audit Fees \$ 50K, Fee Waivers \$107K and Grants \$53K identified in the December cost savings review.</p>

Table 5: Revenues - Budget Changes Requested – Requiring Council Approval

Ref.	Revenue Category	Increase/ (Decrease)	Explanation
2.8	Fines	\$50K decrease	Due to a deterioration in parking fines against budgeted performance. Reduction is offset by a materials and service cost reduction which is shown in Table 4 above.
2.9	Fees and Charges – Car Parks	\$220K increase	Expected revenue increases identified in the December savings review for car park usage.
2.10	Fees and Charges – On Street Parking	\$50K decrease	Due to a deterioration in on-street meter collections against budgeted performance. Reduction is offset by a materials and service cost reduction which is shown in Table 4 above.
2.11	Other Fees and Charges	\$76K increase	<p>Includes increases for:</p> <ul style="list-style-type: none"> Private works \$100K to be conducted by Parks and Recreation, Animal licence fees \$9K, and Traffic Strategy projects \$10K. <p>Includes decreases for DKHAC \$50K and Customer Services \$10K due to reduced revenue forecasts.</p>
2.12	Interest	\$45K decrease	Decrease due to lower than expected average cash balances through the year.

3. Property, Plant and Equipment

Council owns a significant amount of plant and equipment. Each year, items of plant and equipment are replaced in accordance with relevant asset management plans. From time to time, Council also purchases parcels of property necessary to meet its strategic objectives.

The tables below show a summary of property, plant and equipment expenditure (net of proceeds obtained from the sale of assets) compared to budget. This includes carry-forward budgets of \$2.46M from 2018-19 approved by Council on Agenda Item 9 of its meeting on 17 June 2019.

As outlined in the introduction due to the move to the new financial system we are unable to update tables 6.1 and 6.2 at this time and the September 2019 data is provided for information.

Table 6.1: Plant and Equipment Expenditure (Net of Sale Proceeds) as at 30 September 2019

Division	Net amount spent (\$,000)	2019-20 Budget (including carry-forwards) (\$,000)	% Spent	Amount unspent (\$,000)
General Manager	1	70	1.4%	69
City Governance	5	88	5.7%	83
City Amenity	965	3,845	25.1%	2,880
Community Life	27	353	7.6%	326
City Planning	8	15	53.3%	7
City Innovation	253	1,399	18.1%	1,146
Doone Kennedy Hobart Aquatic Centre	(2)	103	-1.9%	105
Parking Operations	53	432	12.3%	379
	1,310	6,305	20.8%	4,995

The City Innovation Division budget is mainly comprised of information technology equipment. The City Amenity Division budget is mainly comprised of trucks, heavy plant, light vehicles and minor equipment items. The Community Life Division budget is mainly comprised of requirements for the Christmas decorations, DKHAC and Salamanca Market.

Results

Table 6.1 shows that at the end of September 2019 with 25% of the financial year elapsed, 20.8% of the project budget has been spent.

Table 6.2: Property (Net of Sale Proceeds) as at 30 September 2019

Property	Net amount spent (\$,000)	2019-20 Budget (including carry-forwards) (\$,000)	% Spent	Amount unspent (\$,000)
No property sales	0	0	0.0%	0
	0	0	0.0%	0

Property, Plant and Equipment Budget Changes Requested – Requiring Council Approval

Table 7 lists budget items which are expected to differ from budget at year-end. Changes to budget are therefore requested.

Table 7: Budget Changes requested – requiring Council approval

Description	Adjustment Increase / (Decrease) \$'000	Reason for adjustment
DKHAC equipment	50	Additional equipment funded from Operating Revenue increases
Bushland	2	Additional equipment funded from a reduction in operating expenses
Net Increase / (Decrease) in PPE	52	

4. Projects

Projects include capital expenditure on Council's infrastructure assets in accordance with relevant asset management plans, and include both 'asset renewal' and 'new assets'.

The tables below show a summary of expenditure against budget for projects. Budgets have been increased to reflect the 2018-19 carry forward budgets approved by Council on Agenda Item 9 of its meeting on 17 June 2019. This includes \$1.53M for externally funded capital projects and \$20.96M for internally funded capital projects.

Table 8.1: Project Expenditure as at 31 December 2019 – Summary

Division	Amount Spent (\$,000)	2019-20 Budget (including carry-forwards) (\$,000)	% Spent %	Total Unspent (\$,000)
City Governance	485	1,002	48.3%	518
City Amenity	9,352	30,177	31.0%	20,825
Community Life	635	1,155	54.9%	521
City Planning	143	2,366	6.0%	2,224
City Innovation	710	1,769	40.1%	1,059
Doone Kennedy Hobart Aquatic Centre	526	9,346	5.6%	8,820
Public Infrastructure Fund	5,950	10,694	55.6%	4,744
Parking	93	2,136	4.4%	2,043
Bushland Fund	7	161	4.6%	153
Project Expenditure	17,900	58,807	30.4%	40,908

Results

Table 8.1 shows that with 50% of the financial year elapsed, 30.4% of the project budget has been spent.

Table 8.2: Deferred Projects

Project	(\$,000)
No projects currently deferred	0
	0

Some particular projects/programs which have significant amounts unspent are listed in Table 8.3 below:

Table 8.3: Project Examples – Significant Budgets Remaining

Project	Amount spent (\$,000)	2019-20 Budget (including carry- forwards) (\$,000)	% Spent %	Amount unspent (\$,000)
DKHAC - Asset Management	526	9,346	5.6%	8,820
Buildings	1,224	5,991	20.4%	4,767
New Town Retail Precinct Upgrade	207	1,607	12.9%	1,401
Pinnacle Road Guardrail Renewal	84	1,489	5.6%	1,406
Civil Works Program	2,364	5,595	42.3%	3,231
Overlay Program	277	2,687	10.3%	2,410
Stormwater Program	934	2,592	36.0%	1,658
Sporting Facilities Renewal Program	264	1,893	14.0%	1,629
Footpaths Program	393	1,621	24.2%	1,229
Other - Unspent less than \$1 Million	11,627	25,985	44.7%	14,358
	17,900	58,807	30.4%	40,908

Project Budget Changes Requested – Requiring Council Approval

Table 9 lists budget items which are expected to differ from budget at year-end. Changes to budget are therefore requested.

Table 9: Budget Changes Requested – Requiring Council Approval

Description	Increase / (Decrease) \$'000
Expensed Projects	
Missing Link MTB connection	(14)
Reallocations	
Intercity Cycleway Extension	200
TCA Ground bitumen replacement turning circle	(200)
Swan Street Reserve Refurbishment	55
TCA Ground Southern Gravel Car Park replacement	(55)
Sporting Fences Walls & Edges	(5)
West Hobart Oval 3 x Aluminium Seats	5
Stormwater Minor Works Package	(58)
No. 22 / No. 24 Fisher Avenue - New Stormwater Pit	15
Princes Street - King to Parliament	40
No. 3 Benjafield Terrace - Stormwater Improvements	3
Kemp Street Upgrade - Stormwater Renewal	(60)
Action 19 - Kemp Street Project	60
Asset system implementation 2019/20 (Post Phoenix)	65
Multi-Story Car Parks Emergency Management System Renewal	(45)
Parking Systems Upgrade at HCC Car Parks	(9)
Conversion of parking meters from	(11)
Summerleas Road Footpaths	(25)
Summerleas Road Footpaths	(125)
South Hobart Community Centre	220
DKHAC Refurbishment	(70)
Other - Capital	
Strickland Falls Track	14
Net Increase / (Decrease) in Projects	0

5. Cash

Table 10 shows the composition Council's cash balances which were expected at 30 June 2020

Table 10: Composition of Cash Balance

	As at 30 June 2019 (\$,000)	Expected 30 June 2020 (\$,000)
Contributions in Lieu of Public Open Space *	114	114
Contributions in Lieu of Parking *	135	135
Heritage account	1,549	1,503
Unspent grants	1,532	0
Plant and equipment carry-forwards	2,467	2,467
Bushland fund	182	232
McRobies Gully tip site rehabilitation	3,671	3,649
Queens Domain Facility Upgrades	1,339	1,339
Other project carry-forwards	17,758	16,911
Public Infrastructure Fund	1,750	1,750
Refundable deposits *	1,534	1,534
Future asset renewal reserve	(11,906)	(7,100)
	20,125	22,534

* no change has been assumed

Table 10 demonstrates that the cash balance is not "un-utilised funds". Rather, all of the cash balance is either externally restricted or allocated by Council to particular purposes.

The above table also shows that the future asset renewal reserve (total cash less reserved amounts) continues to be negative in 2019-20. This situation results from Council's expanded capital works program which will exhaust cash balances, and necessitate borrowings. This means that the aggregate of reserved amounts exceeds the available cash balance. Of itself, this is not a concern because the majority of reserved amounts can be utilised for other purposes by Council decision, and not all amounts are required at the same point in time. However, balances and cash flow requirements will need to be closely monitored and further refined to ensure adequate liquidity.

Results

Table 10 shows that Council's cash balance at 30 June 2020 was expected to be around 22.5M, subject to the final capital expenditure outcome.

6. Receivables

As outlined in the introduction due to the move to the new financial system we are unable to update Table 12 and the September 2019 data is provided for information.

Table 11 below shows a summary of amounts owed to Council, including projections for the position at 30 June 2020.

Table 11: Receivables

	As at 30 June 2018 (\$,000)	As at 30 June 2019 (\$,000)	As at 30 September 2019 (\$,000)	Expected 30 June 2020 (\$,000)
Rates	1,245	1,363	1,801	1,300
Parking Fines	8,128	8,279	8,177	8,000
Trade Receivables	1,159	1,527	1,430	1,125
Accrued Interest on investments	76	41	50	75
Other Receivables	1,422	936	1,932	1,500
	12,030	12,146	13,390	12,000

Results

Table 11 shows that parking fines owing to Council account for around 61% of the receivables balance, and the balance of fines owing was forecast to remain consistent. A detailed report of outstanding fines is provided to Finance and Governance Committee twice per year.

Trade receivables are high due to the May 2018 storm recovery claim 1 for \$640K being invoiced and remaining unpaid as at 30 September 2019. The invoice was paid in October 2019.

The level of other receivables is satisfactory.

A detailed report of outstanding rates is provided to the Finance and Governance Committee in August each year, and detailed reports of trade receivables are provided quarterly.

7. Loans

Table 12 below shows the composition of Council's loan portfolio at 31 December 2019.

Table 12: Loan Balances as at 31 December 2019

Lender	Loan Amount (\$,000)	Principal & Interest (P&I) or Interest	Drawdown Date	Term (years)	Maturity Date	Interest Rate (fixed)	Balance (\$,000)
C'wealth Bank	4,800	P&I	30/06/2006	30	30/06/2036	6.41%	3,536
Tascorp	1,750	P&I	30/06/2010	10	30/06/2020	6.48%	109
Tascorp	1,850	P&I	30/06/2011	10	30/06/2021	6.24%	340
Tascorp	5,000	P&I	29/06/2012	10	29/06/2022	4.89%	1,442
Tascorp	2,500	P&I	28/06/2013	10	30/06/2023	5.13%	992
Tascorp	2,375	P&I	30/06/2014	10	30/06/2024	4.56%	1,172
National	10,000	P&I	29/06/2018	15	30/02/2033	4.02%	9,047
Tascorp	20,000	P&I	18/01/2019	15	18/01/2034	3.59%	19,132
							35,770

Results

Table 12 shows that as at 31 December 2019 Council had eight loans totalling \$35.77M, with annual servicing costs totalling \$5.441M (3.85% of revenues). The Commonwealth Bank loan taken out in 2006 was used to purchase land at Porter Hill, and has a thirty year term. The National Australia Bank loan taken out in 2018 and the Tascorp loan taken out in 2019 have been used to fund capital works and both have a fifteen year term. All other loans have terms of ten years.

In all cases, principal and interest is paid half-yearly, and the interest rate is fixed for the term of the loan. The weighted average interest rate of the above loans is 4.14%.

With borrowings totalling \$35.77M, Council's level of indebtedness is low, and annual servicing costs (principal and interest) require only 3.85% of revenues.

The only security Council has offered for the above loans is future revenues - no Council assets have been pledged as security for loans.

8. Loan Guarantees

Council has provided the following loan guarantees for which the principal borrowing amount is shown in table 13 below: -

Table 13: Loan Guarantees Principal Borrowing Amounts

Association	Principal Borrowing Amount (\$'000)
Southern Tasmanian Netball Association	631
Hockey Tasmania	1,500
Buckingham Bowls Club	50
Derwent Sailing Squadron	4,100
TOTAL	6,281

Council's maximum liability is \$6.281M based upon the original commitments provided.

A summary of the loan guarantor repayment arrangements is shown in Table 14 below:

Table 14: Loan Guarantor Repayment Arrangements

Borrower	Lender	Guarantee Amount (\$'000)	Balance at 31 December 2019 (\$'000)	Repayment Arrangements (Per Month)
Southern Tasmanian Netball Association	Westpac	631	170	Re-draw facility on loan being utilised.
Hockey Tasmania	Tasmanian Perpetual Trustees	1,500	1,000	Interest only paid in arrears per quarter.
Buckingham Bowls Club	Bendigo	50	0	Re-draw facility on loan.
Derwent Sailing Squadron	CBA	4,100	4,000	Interest only for 2.5 years
TOTAL		6,281	5,170	

Results

All loans are being serviced within required arrangements. The limit of Council's potential exposure is currently is \$5.17M.

9. Financial Sustainability Indicators

As outlined in Council's LTFMP, eight financial sustainability measures have been adopted for the purpose of measuring Council's financial sustainability.

- Indicators 1-2 are measures of profit performance and the extent to which expenses are covered by revenues.
- Indicators 3-4 are measures of indebtedness and the amount council owes others (loans, employee provisions, creditors) net of financial assets (cash investments and amounts owed to council).
- Indicator 5 measures the proportion of income required to meet net interest costs.
- Indicators 6-8 are measures of asset management.

Council's performance against the eight financial sustainability indicators is shown in Table 15 below.

Table 15: Performance against Financial Sustainability Indicators

Indicator No:	Description	Target (original budget) 2019-20	Sep Qtr Forecast for 2019-20	Dec Qtr Forecast for 2019-20	Target Met	Benchmark	Benchmark Met (forecast)
1	Underlying Surplus	553,000	413,000	(1,890,000)	X	Breakeven or better	X*
2	Underlying Surplus ratio	0.39%	0.3%	-1.3%	X	0 to 2%	X*
3	Net Financial Liabilities	49,262,565	49,124,000	56,300,000	X	\$0 to \$141M	✓
4	Net Financial Liabilities ratio	34.8%	35.0%	40.0%	X	0 to 50%	✓
5	Net Interest Expense Cover ratio	0.93%	1.02%	0.85%	X	7.00%	✓
6	Asset Sustainability ratio *	99.9%	99.9%	93.9%	X	100%	✓
7	Asset Consumption ratio	52.7%	52.7%	56.4%	✓	40% to 80%	✓
8	Asset Renewal Funding ratio	69.6%	100.0%	100.0%	✓	100%	✓

*While it is indicated in Table 15 above that the benchmark for the underlying surplus and underlying surplus ratio is not met, further adjustments in expenditure would have been necessary in the remainder of the 2019-20 financial year to fully address the shortfall to ensure all benchmarks were met.

**assumes that the asset renewal budget will be fully expended

COUNCIL RESOLUTION OF 23 MARCH 2020:

- That: 1. The Council note the actions taken by the General Manager in responding to the COVID-19 emergency and authorise him to take all further actions necessary to continue to address this pandemic.
2. The Council, pursuant to Section 6(3) of the Land Use Planning and Approvals Act 1993, delegate the General Manager and Director City Planning to determine all applications that would otherwise be determined by the City Planning Committee or the full Council unless they are called in by an Elected Member for the period from 24 March to 27 April inclusive.
- (i) Elected members would be kept informed of applications on advertising on a weekly basis to make them aware of matters they may wish to call in.
3. Council provide rental relief in the form of a grant for the balance of the financial year for those of its tenants experiencing financial hardship.
4. The Council defer application of penalties and interest for payment of the fourth instalment of 2019/20 rates until 30 June 2020 in cases of financial hardship, and the situation be reviewed at the appropriate time.
5. Officers implement an amendment to the Council policy on Rates Postponement (which currently only applies to pensioners) to provide a mechanism for other ratepayers in financial distress to apply for relief, subject to appropriate eligibility criteria.
6. Council endorse the initiatives outlined in this report to support local businesses and creative industries utilising funding allocated to this year's Dark Mofo event (\$190K in cash assistance).
7. The Council continue to lobby both the State and Federal Government to advocate for the State Government \$50M assistance package to local government to be provided as grants to assist with provision of essential services and for the delivery of 'funding ready' projects identified as part of the Australian Government Stimulus Package.
8. The Council create a five-member COVID-19 Reference Group, without any decision making powers, to assist the General Manager in day to day consultation on operational actions which may be necessary.
- a) The Reference Group membership comprise:
- The General Manager;
 - Lord Mayor;
 - Deputy Lord Mayor;
 - Alderman Zucco;
 - Alderman Thomas; and
 - Alderman Behrakis.

- b) Meetings of the Reference Group occur as required in line with necessary protocols around the conduct of meetings, at any given time.
- 9. The Council consider a social recovery and long-term plan at the appropriate time.
- 10. Council support the engagement of local service providers in the procurement of goods and services, in line with its Code of Tenders and Contracts.
- 11. The Council agree to the establishment of a City of Hobart Business Continuity and Resilience Committee, at the appropriate time.
 - a) The Committee be responsible for the following:
 - (i) Serving as the business interface to the Council on all matters relating to the economic survival and resurgence of Hobart businesses, as circumstances permit;
 - (ii) To be an early listening post for the needs of business;
 - (iii) To be an early sounding board for possible decisions of the Council which will have an impact on business in our municipal area;
 - (iv) To provide advice and information on Council activities which may or will impact businesses positively or negatively;
 - (v) To provide advice wherever possible and relevant to assist business recovery;
 - (vi) Over time, to provide the Council with positive strategies for business resilience, recovery and adaption.
 - b) Membership be determined by the Committee, but to include representatives of all associations representing business in the City.
 - c) Arrangements around convening and attendance at meetings be further developed.

Incident Management Plan Objectives and Major Actions

- The Incident Action Plan has a series of Objectives and Actions. The Objectives in the Action Plan include:
 - Assisting the Response Management Authority (the Department of Health) with their response to Covid-19;
 - Relaying information to the community;
 - Minimising the risk of transmission in the workplace;
 - Keeping employees informed in the developments of the virus and its impact on the organisation;
 - Business Continuity Planning to address possible employee absences; and
 - Updating People & Capability policies in relation to Covid-19
- To support the above objectives, the following actions been completed:
 - Providing technical assistance to the Department of Health to assist with traffic modifications in response to the pandemic, such as the Castray Esplanade road closure;
 - Preparing for the City's buildings, such as City Hall, to be used as a respiratory clinic if called upon;
 - Increased cleaning of public facilities, such as benches, seats, drinking fountains, parking meters and other street furniture within the CBD;
 - Increased cleaning of the City's worksites;
 - Provision of information on the City's website and social media posts relating to Covid-19 and provision of links to the State Government's websites;
 - Provision of electronic signs on roads at strategic times supporting the State Government messaging;
 - Review of activities involving direct contact with the public including DKHAC, TTIC, Salamanca Market and Customer Services Centre;
 - Review and updating of the City's Business Continuity Plan;
 - Provision of hand sanitisers at various locations across the City's worksites;
 - Modifications to technology and the provision of equipment, such as laptops, to maximise the number of staff to work from home;
 - Review and updating human resources policies to support staff working from home;
 - Review and updating standard operating procedures to support workplace health and safety of staff required to remain at the workplace; and
 - Implementation of technology to maximise meetings to occur remotely and limit the number of face-to-face meetings.
- In line with the City of Hobart's Emergency Management Plan, the Hobart Emergency Management Committee met to review the City's response. The Committee, chaired by the Lord Mayor, reviewed the Action Plan and the City's response and noted that the actions were appropriate.

Changes to Services

Service	Action Taken	Date of action
Committee Meetings - Elected Members	Cancel all Council Committee Meetings	17-Mar-20 & 30-Mar-20
Citizenship Ceremony - 30th March	Cancel Citizenship Ceremony for 30th March and re-assess in June	17-Mar-20
DKHAC	Closure of DKHAC until further notice	17-Mar-20
Enforcement Inspections	Suspend internal inspections until further notice unless the inspection is required for emergency purposes	17-Mar-20
Statutory Inspections (mainly plumbing inspections)	Suspend internal inspections until further notice	17-Mar-20
TTIC Information Hub in the Mall	Approval for Emily Hopwood to close the TTIC information Hub in the Mall when times comes	17-Mar-20
Community Programs - Bushland Unit	Suspend all Bushland Unit community activities	17-Mar-20
Maritime Museum	Advised my museum they have closed	18-Mar-20
Youth Arc	Closure of Youth Arc end of today	18-Mar-20
Mathers House	Closure of Mathers House end of the week (Friday, 20th March)	18-Mar-20
Salamanca Market	Closed indefinitely	18-Mar-20
Winter Training for Seasonal Hirers	City of Hobart is putting restrictions on use of facilities (including meeting room, training rooms, change rooms)	20-Mar-20
Casual Sports Ground Bookings	The City cease taking casual booking for sports grounds and facilities until further notice	20-Mar-20
Sporting groups that have not yet been advised by their governing body to cancel events	Parks and Rec Unit contact all sporting groups who still have bookings and seek their plans for minimising the risk of transmission of COVID-19 in their events.	20-Mar-20
Community Bake Days	Cancel Community Bake Days	20-Mar-20
Oven Bookings	Continue with casual bookings (as long as they are under 100 people)	20-Mar-20
Skills Centre	Close Skills Centre for meetings	20-Mar-20
Park Bookings	Continue with Park Bookings with hygiene advise.	20-Mar-20
Council Gyms	Closure of Council Centre and Clearys Gates gyms as of 12pm today	23-Mar-20
Observation Deck - Mt Wellington	Closed as of today	23-Mar-20

Service	Action Taken	Date of action
Closure of TTIC	Closure of TTIC as of COB Wednesday, 25th March	24-Mar-20
Occupational Licences (outdoor dining only)	Suspend Occupational License Fees until 30 June 2020	24-Mar-20
Closure of Community Halls	Close Community Halls - Megan Cunningham will send out an email to all Hall Custodians	25-Mar-20
Salamanca Toilets	Change the cleaning times for Salamanca Toilets to 10pm (in line with other toilet cleaning around the City). Security Services on Friday and Saturday Nights to be suspended.	25-Mar-20
Public Space Bookings	Stop of all public space bookings.	26-Mar-20
Wellington Park Closure	Closure of Wellington Park until further notice. (State Government Measures to control COVID -19)	27-Mar-20
Elizabeth Street Mall Booth	Closure of the Mall Booth	31-Mar-20
Customer Service Centres	Closure of Customer Service Centres at the Council Centre, Town Hall and Clearys Gates	25-Mar-20
Coverall Security	Town Hall Security contract ceased	25-Mar-20
Argyle Street car park	Free off-street car park in Argyle Street for DHHS nominated staff and \$8/day parking for other DHHS staff	25-Mar-20
Reduced operating hours in car parks	Centrepont opened Monday-Saturday and Hobart Central opened Sundays only	02-Apr-20
Sportsground Bookings	Sporting Clubs billed for January and February use, but future payments waived	02-Apr-20
Grants Program	First round of Grants Program, which closed on 16 March, suspended	26-Mar-20
Playgrounds	Australian Government direction to close playgrounds	30-Mar-20
Skate Parks	Australian Government direction to close skate parks	30-Mar-20
Food Licence payments	Suspended for six months	20-Mar-20

Planning Applications Determined Under Delegation since 23 March 2020

The Director City Planning has determined, in total, 6 planning applications pursuant to section 57 of the Land Use Planning and Approvals Act 1993, under the emergency delegation afforded to him by the Council at its meeting of the 23rd March 2020. The addresses, nature of the applications and the decisions are outlined in the table below.

PLN-19-655	34 Oldham Avenue, New Town	Partial Demolition, Extension and Alterations	Approved
PLN-20-53	15 Degraives Street, South Hobart	Public Art Installation (One Bronze Sculpture)	Approved
PLN-19-700	41 Alexander Street, Sandy Bay	Partial Demolition, Extension, Alterations and Change of Use to Boarding House	Refused
PLN-19-63	10 Selfs Point Road, New Town	Partial Demolition, Alterations and Extensions to Domestic Animal Breeding, Boarding or Training	Approved
PLN-19-923	493 Nelson Road, Mt Nelson	Subdivision (One Lot and Balance)	Approved
PLN-20-154	53 Runnymede Street, Battery Point	Partial Demolition and Alterations	Approved



City of Hobart

Financial Hardship Assistance Policy

Version 1.0

Adopted: XX XXXXX 2020

Document Control

Policy Name	Financial Hardship Assistance Policy
First issued/approved	XX XXXXX 2020
Source of approval/authority	Council
Last reviewed	19 April 2020
Next review date	August 2021 and thereafter every 4 years
Version number	1.0
Responsible Officer	Manager Finance and City Procurement
Department responsible for policy development	City Governance
Strategic Plan reference	Outcomes 2.4 and 8.4
Related policies	<ul style="list-style-type: none"> • Local Government Act 1993, Part 9 – Rates and Charges • City of Hobart Rates and Charges Policy • Council Policy - Collection of Rates Arrears • Council Policy - Rate Postponements • Council Policy - Rate Remissions – Service Rates and Charges • Council Policy - Rates Exemption – Charitable Purposes • Council Policy - Rates Remissions
Publication of policy	City of Hobart website at: https://www.hobartcity.com.au/Council/About-Council/Council-policies

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1 Introduction

1.1 Purpose

The purpose of this policy is to enable Council to provide assistance to community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates.

1.2 Scope

1.2.1 Application and Intent

This policy applies to all ratepayers in the Hobart municipal area experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rates payment obligations to Council. It is not intended to be used to maintain financial positions for those who do not need it and are not genuinely impacted by serious financial hardship.

This policy applies only to Council rates and charges levied in accordance with Part 9 – Rates and Charges of the *Local Government Act 1993*. This policy does not apply to rates or fees collected on behalf of other authorities in accordance with section 88 of the *Local Government Act 1993*, such as fire service contributions collected pursuant to section 79B of the *Fire Service Act 1979*.

1.2.2 Background

This policy was developed and implemented during the 2020 COVID-19 coronavirus pandemic that is spreading across the world. To respond to the disease, governments around the world are shutting down social activities and interaction to prevent transmission, which is causing significant impacts on many economic activities and transactions. As a result, many people have lost jobs, their clients or their business, destroying incomes and spending. Council is determined to assist those most critically impacted by the economic slowdown caused by the pandemic with a robust and fair financial hardship policy.

Despite this, serious financial hardship can occur at any time, so this policy is designed to address a range of circumstances.

1.3 Principles

This policy will be applied in accordance with the following principles:

- (1) Consistent, equitable, flexible and respectful treatment of all ratepayers that is sensitive to their specific circumstances.
- (2) Maintaining Council's ability to provide essential services to our community through appropriately applied rating.
- (3) Assisting ratepayers who are suffering serious financial hardship, so that they may overcome these circumstances and return to financial stability and contributing equitably to local services.
- (4) Ensuring that those able to contribute to local services, continue to do so.
- (5) Minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by sufficient evidence.
- (6) Maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.
- (7) Compliance with relevant legislative requirements.

1.4 City of Hobart Capital City Strategic Plan 2019-2029

This Policy is consistent with the City of Hobart Capital City Strategic Plan 2019-2029, specifically:

Outcome 2.4 Hobart communities are safe and resilient, ensuring people can support one another and flourish in times of hardship.

- Strategy 2.4.2 Support and implement initiatives to build resilience to emergencies, with a focus on those most vulnerable.
- Strategy 2.4.6 Deliver and support initiatives, activities and programs that build community resilience, wellbeing and safety.

Outcome 8.5 Quality services are delivered efficiently, effectively and safely:

- Strategy 8.5.8 Maintain a rating system that supports fairness, capacity to pay and effectiveness.
- Strategy 8.5.9 Monitor and maintain the City's long-term financial sustainability.

1.5 Related Policies and Legislation

This policy relates to and depends on other Council policies, as well as Tasmanian Government legislation, including:

- *Local Government Act 1993*, Part 9 – Rates and Charges¹, particularly:
 - Section 86A – General principles in relation to making or varying rates
 - Sections 125-127 – Postponement of payment
 - Section 128 – Late payments
 - Section 129 – Remission of rates
- *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*²
- City of Hobart Rates and Charges Policy (pursuant to section 86B of the *Local Government Act 1993*).
- Council Policy - Collection of Rates Arrears
- Council Policy - Rate Postponements
- Council Policy - Rate Remissions – Service Rates and Charges
- Council Policy - Rates Exemption – Charitable Purposes
- Council Policy - Rates Remissions

1.6 Policy Review and Update Cycle

This policy is to be reviewed initially in August 2021 and thereafter, every four years.

2 Policy

2.1 Genuine Financial Hardship

According to the Australian Taxation Office (ATO)³, individuals are considered to be in serious hardship when they are unable to provide the following for themselves, their family or other dependants:

- (1) Food;
- (2) Accommodation;
- (3) Clothing;
- (4) Medical treatment;

¹ See: <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095#HP9@HD9@EN>

² See: <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2020-011>

³ See: <https://www.ato.gov.au/General/Financial-difficulties-and-serious-hardship/Individuals-with-serious-hardship/>

- (5) Education;
- (6) Other basic necessities.

A number of factors can contribute to or trigger serious financial hardship, including:

- (1) Loss of employment of the property owner, family member or household primary income earner;
- (2) Serious illness, including physical incapacity, hospitalization, or mental illness of the property owner or family member;
- (3) A natural disaster;
- (4) A public health emergency or declared state of emergency;
- (5) Family tragedy;
- (6) Family breakdown;
- (7) Financial misfortune;
- (8) Other serious or complicating circumstances.

Community wide issues and circumstances, such as the COVID-19 pandemic, may impact financial hardship, but hardship is always assessed at an individual level, and requires review of personal circumstances.

Serious financial hardship involves both low income/cash flow and a low asset base. Personal property portfolios beyond a primary residence or a business's primary operating space may be employed to improve an applicant's cash flow and financial sustainability. Applications for assistance on residential investment properties will generally not be considered.

2.2 How Council can Help

The *Local Government Act 1993* provides Council with three methods of rates relief:

- (1) Postponing rates payments (sections 125-127)
- (2) Remission of late payment penalties or interest (section 129)
- (3) Remission of rates (section 129)

2.2.1 Postponing Rates Payments – Deferral Arrangements

In confirmed cases of financial hardship, Council may offer deferral of individual rates payments within a defined period, in whole or in part, to be paid back at a later date, subject to the conditions in the Council Policy – Rates Postponements.

The terms of rate deferral arrangements will be proportionate to the applicant's demonstrated financial hardship circumstances, so supplying sufficient evidence of these circumstances is important for developing the appropriate terms.

All deferred payments must be repaid as specified in accordance with the deferral arrangement, otherwise regular late payment penalties and/or interest will apply.

Ratepayers who are subject to a deferral arrangement who overcome their financial hardship circumstances are to begin repaying their deferred rates payments as early as they are able.

Note that Council may revoke any postponement of rates payments at any time, in accordance with section 127 of the *Local Government Act 1993*, by giving 60 days' notice in writing to the ratepayer.

2.2.2 Remitting Late Payment Penalties and Interest

For typical circumstances that are not of financial hardship, rates must be paid by the due date and councils may charge a penalty or daily interest or both for each late payment. However, for confirmed cases of financial hardship, Council may waive either the applicable late payment penalties, or the interest accumulated, or both, for a specified period that relates to the period of financial hardship.

A payment arrangement where smaller amounts are paid over a period of time may be negotiated to assist those in financial hardship.

Council will not charge any late payment penalties or interest for late rate payments during the 2020 COVID-19 state of emergency until 30 June 2020.

2.2.3 Remitting Rates

Remission of any rates, late payment penalties or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases and it is preferred that deferral of rate payments are applied for and granted first, before an application for rates remission is considered.

An applicant may apply for remission of rates. The application must demonstrate:

- (1) Financial hardship;
- (2) Exceptional and serious circumstances;
- (3) How the applicant's exceptional financial hardship circumstances make the deferral arrangement under section 2.2.1 unfeasible and unreasonable to fulfil; and
- (4) How enforcing fulfilment of the maximum term deferral arrangement would only deepen the seriousness of applicant's financial hardship and critically impact their ability to provide for the basic living necessities (food, accommodation, clothing, medical treatment) of the applicant and dependents.

In the interests of community fairness and equity, wherever possible and appropriate in determining rates remission applications:

- (1) Deferral arrangements are preferable to rates remission;
- (2) Amounts or proportions of rates to be remitted are to be minimised, for example, below \$1000 or 50%; the remainder subject to payment arrangements;
- (3) Instances of rates remission are to be minimised to no more than one rates remission per applicant.

2.3 Evidence of Financial Hardship

Applicants will need to provide evidence of their circumstances of financial hardship to justify Council's special consideration of their case. The type of evidence required will depend on individual circumstances and may include, for example, one or more of the following:

- An application in writing detailing the reasons why the ratepayer is unable to pay the rates and charges when they fall due and payable;
- Assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment;
- A statutory declaration from someone who is familiar with the applicant's circumstances (e.g. a family doctor for health-related evidence, a bank official, insurance policy manager, Government agency, etc.);
- Commercial lease agreements;
- Statement from company accountant;
- Details of business closure;
- Pending disconnection of essential services, like water, electricity, gas (does not include mobile phone or internet bills);

- Notice of impending legal action;
- Letter from charitable organisation regarding loss of employment or inability to provide for basic necessities;
- Bank notice for example, overdraft call or mortgaged property repossession;
- Employer notice of redundancy or termination of employment;
- Overdue medical bills;
- Letter from doctor verifying the inability to earn an income due to illness or caring for a sick family member;
- Final notice from school regarding payment of mandatory fees;
- Funeral expenses;
- Repossession notice of essential items, like a car or motorcycle;
- Evidence of qualification for government assistance in response to the COVID-19 pandemic crisis;
- Evidence of support being provided to tenants if applicable.

3 Applications

3.1 Applying for Financial Hardship Assistance

Any ratepayer who cannot pay their rates or charges due to genuine financial hardship may apply for assistance at any time; however, ratepayers are encouraged to contact Council to seek assistance as soon as financial hardship is identified.

In order to seek financial hardship assistance, an application form must be completed. The form is available online at: www.hobartcity.com.au/Council/Rates or by calling Council on (03) 6238 2787 or emailing: rates@hobartcity.com.au.

To seek financial hardship assistance from Council, an application must be made in writing, addressed to the General Manager, and submitted as follows:

- Submitted via online form at: www.hobartcity.com.au;
- Emailed to rates@hobartcity.com.au; or
- Mailed to GPO Box 503, Hobart TAS 7001.

Applications must:

- Demonstrate and provide evidence for financial hardship and circumstances (see section 2.3 – Evidence of Financial Hardship);
- Describe the type of assistance sought, being:
 - Postponing rate payments (a deferral arrangement);
 - Postponing or waiving late payment penalties or interest;
 - Remitting rates, late payment penalties or interest, in part or in full;
- Address the requirements of the relevant subsections of section 2.2 – How Council can Help.

3.2 Assessing Applications

Applications for rate postponements must be decided by:

- (1) The Manager Finance and City Procurement and the General Manager.

Applications for remission of penalty and interest charges pertaining to Council rates must be decided by:

- (1) For amounts up to \$500 per application – the Manager Finance and City Procurement.
- (2) For amounts above \$500 per application – the General Manager.

Applications for remission of rates and charges must be decided by:

- (1) For amounts less than \$10,000 per application – the General Manager.
- (2) For amounts above \$10,000 – the Council and requires absolute majority to be approved.

As part of the assessment by Council, it may be necessary for Council Officers to undertake an inspection of the property, particularly if there are multiple tenancies, and / or request further information from the ratepayer to support the application.

The application will be valid for a maximum period of 12 months from the date of approval. The ratepayer will be required to reapply prior to the end of the 12 months to establish whether circumstances have changed.

4 Information and Contacts

For more information on Council rates and charges please contact the City's Rates Unit on:

Tel: 03 – 6238 2787

Email: rates@hobartcity.com.au

Or visit the City's website at: www.hobartcity.com.au/Council/Rates

HOBART CITY COUNCIL

Project Name & Description	Council	Project Type Infrastructure Upgrade/Renewal/ Maintenance Rate Relief	Total Project Cost	Loan amount request	Potential commencement date	Potential completion date
Multistorey Car Parks - Roof Safety Fence	Hobart	Improving existing infrastructure	500,000	500,000	July 2020	June 2021
City Security - Security Operations Centre	Hobart	Improving existing infrastructure	300,000	300,000	July 2020	June 2021
Davies Ave Spine Footpath	Hobart	Improving existing infrastructure	300,000	300,000	July 2020	June 2021
Halls Saddle Visitors Nook	Hobart	Improving existing infrastructure	250,000	250,000	July 2020	June 2021
Connected Precincts Infrastructure (CCTV, Digital Signage, WiFi, Sensors)	Hobart	Improving existing infrastructure	691,092	691,092	July 2020	June 2021
Implementation of SW Strategy - Water Quality Improvement Program	Hobart	Improving existing infrastructure	244,815	244,815	July 2020	June 2021
Hampden Road- Ellerslie to Sandy Bay - Stormwater Improvements	Hobart	Improving existing infrastructure	200,000	200,000	July 2020	June 2021
Dunn Place EV Fast Charge Station	Hobart	Improving existing infrastructure	170,000	170,000	July 2020	June 2021

Bushland Operations Depot - security fencing and gate	Hobart	Improving existing infrastructure	90,000	90,000	July 2020	June 2021
No.3 Ridgeway Road - DN300 Stormwater Construction	Hobart		65,000	65,000		
New Street Trees	Hobart	Improving existing infrastructure	250,000	250,000	July 2020	June 2021
Bushland Fund - Annual Allocation	Hobart	Improving existing infrastructure	203,213	203,213	July 2020	June 2021
Tolimans Hill New Public Convenience	Hobart	Improving existing infrastructure	498,500	498,500	July 2020	June 2021
Domain Summit Facilities	Hobart	Improving existing infrastructure	860,000	860,000	July 2020	June 2021
Roads Renewal:	Hobart	Improving existing infrastructure			July 2020	June 2021
• Giblin Street Road Reconstruction works			2,000,000	2,000,000		
• Brisbane St - Harrington to Barrack - Localised Pavement & Overlay			350,000	350,000		
• Proctors Rd Embankment, Localised Pavement and Guardrail			1,500,000	1,500,000		
• Creek Rd - No.105 to No.20 - Overlay			500,000	500,000		
• Churchill Ave - Derwentwater to Waimea			750,000	750,000		
Pinnacle Road Guard Rail Replacement Stage 2	Hobart	Upgrade, renovate and maintain existing infrastructure	1,650,000	1,650,000	July 2020	June 2021

Intercity cycleway connect to city via Macquarie Point	Hobart	Upgrade, renovate and maintain existing infrastructure	339,184	339,184	July 2020	June 2021
Lenah Valley Rd - Creek Rd - Left Slip Lane	Hobart	Upgrade, renovate and maintain existing infrastructure	279,713	279,713	July 2020	June 2021
Action 14 - Salamanca Pedestrian Works Stage 2 - Morrison Castray Salamanca rationalisation	Hobart	Upgrade, renovate and maintain existing infrastructure	1,997,869	1,997,869	July 2020	June 2021
New Town Retail Precinct Upgrade & Renewal Works Stage 1	Hobart	Upgrade, renovate and maintain existing infrastructure	2,698,667	2,698,667	July 2020	June 2021
Liverpool Street Embankment Construction	Hobart	Upgrade, renovate and maintain existing infrastructure	700,000	700,000	July 2020	June 2021
Regatta Ground Car Park Upgrade	Hobart	Upgrade, renovate and maintain existing infrastructure	700,000	700,000	July 2020	June 2021
Action 14 - Salamanca Pedestrian Works Stage 3 - Salamanca Montpelier Intersection	Hobart	Upgrade, renovate and maintain existing infrastructure	500,000	500,000	July 2020	June 2021
Liverpool Cres Stormwater Upgrade	Hobart	Upgrade, renovate and maintain existing infrastructure	500,000	500,000	July 2020	June 2021
Elizabeth Street Retail Precinct Upgrade (Midtown)	Hobart	Upgrade, renovate and maintain existing infrastructure	2,494,707	2,494,707	July 2020	June 2021
Fire trail upgrades	Hobart	Upgrade, renovate and maintain existing infrastructure	882,831	882,831	July 2020	June 2021

New Town Senior Citizen Carpark	Hobart	Upgrade, renovate and maintain existing infrastructure	300,000	300,000	July 2020	June 2021
Queens Domain City to Gardens Way	Hobart	Upgrade, renovate and maintain existing infrastructure	300,000	300,000	July 2020	June 2021
Hawthorn and Cartwright Fire Trails	Hobart	Upgrade, renovate and maintain existing infrastructure	250,000	250,000	July 2020	June 2021
Clare St Oval Public Convenience Renewal	Hobart	Upgrade, renovate and maintain existing infrastructure	200,000	200,000	July 2020	June 2021
Implementation Of Transport Strategy	Hobart	Upgrade, renovate and maintain existing infrastructure	450,000	450,000	July 2020	June 2021
Action 04 - Collins Street / Hobart Rivulet Linear Park Connection (ICAP)	Hobart	Upgrade, renovate and maintain existing infrastructure	750,000	750,000	July 2020	June 2021
Lower Sandy Bay Playground Toilet Renewal	Hobart	Upgrade, renovate and maintain existing infrastructure	591,663	591,663	July 2020	June 2021
South Hobart Community Centre	Hobart	Upgrade, renovate and maintain existing infrastructure	582,696	582,696	July 2020	June 2021
Huon Road Uphill Widening	Hobart	Upgrade, renovate and maintain existing infrastructure	566,691	566,691	July 2020	June 2021
North Hobart Parking Expansion (Lefroy)	Hobart	Upgrade, renovate and maintain existing infrastructure	547,769	547,769	July 2020	June 2021

		Hobart City Infrastructure Total=	\$26,454,330	
Rates Relief Program	Hobart	Rates Relief	4,600,000	
		Hobart City Rates Relief =	\$4,600,000	
			\$31,054,330	
HOBART CITY COUNCIL TOTAL:				

Hobart City Council - Local Government Land Transport Infrastructure Projects: Potential for Construction to Commence in 3-6 Months

Project name/description	Relevant Council	Total Project Cost	Australian Government contribution	Other contribution	Potential construction start date	Potential construction end date
Intercity cycleway to Macquarie Point: will provide the missing link to connect the Intercity Cycleway with Macquarie Point to allow a fully connected cycleway from Hobart's Northern suburbs to the City centre	Hobart City Council	\$950K	\$950K		March 2020	August 2020
Intercity cycleway to Bridge of Remembrance: will provide a safe and well connected bicycle network from the Intercity Cycleway to the Queens Domain to fully complete the Intercity Cycleway.	Hobart City Council	\$350K	\$350K		July 2020	October 2020
Argyle St and Campbell St Separated Cycle Path: will provide an important link for people travelling between the city centre and waterfront areas, and places north of the city. The project is adjacent to the new Royal Hobart Hospital 'K' block development, the new University of Tasmania Hedberg performing arts development and the existing and upgraded University of Tasmania medical science precinct teaching and research facilities.	Hobart City Council	\$1.02M	\$900K	\$120K	September 2020	December 2020
Big Bend Fire Trail: construction to produce the alternative route off Mt Wellington Summit in case of catastrophic road failure on Pinnacle Road.	Hobart City Council	\$250K	\$250K		March 2020	June 2020

Augusta Rd Upgrade: provides better road seal, reduce noise generated from heavy vehicles travelling on the road	Hobart City Council	\$1.5M	\$1.5M		September 2020	Dec 2020
Pinnacle Road Safety Barrier Construction: to establish ADR standard traffic safety barriers on the Pinnacle Road, Mt Wellington and replace the currently deficient 1930's steel rope and post boundary line	Hobart City Council	\$5.0M	\$2.5m	\$2.5m	July 2020	June 2021
Giblin Street Road Renewal Project: upgrade existing road including new bike lane to improve safe use. With kerb and guttering, new footpath. Streetscape improvement in accordance with Street Tree Strategy.	Hobart City Council	\$2.5M	\$1.5M	\$1.0M	June 2020	May 2021
Construction of an additional slip lane turning left off Lenah Valley Rd into Creek Rd with associated works including new kerb & channel, new asphalt footpath, relocation of TasNetWorks, StateGrowth and Telstra assets accordingly, landscaping works into park, linemarking and other ancillary work	Hobart City Council	\$0.36M	\$0.24M	\$0.12M	June 2020	December 2020
New Town Road retail Precinct Stage 2 and 3 Road Upgrade	Hobart City Council	\$2.0M	\$1M	\$1M	July 2020	June 2021
Creek Rd - No.105 to No.20 – Pavement overlay	Hobart City Council	\$0.5M	\$0.5M		Sept 2020	Dec 2020
Carlton St - Augusta to Forster - Full Reconstruction	Hobart City Council	\$3.0M	\$3.0M		Dec 2020	Dec 2021
Proctors Rd Embankment, Localised Pavement and Guardrail	Hobart City Council	\$1.5M	\$1.5M		Nov 2020	Nov 2021

[illegible]



PREMIER OF TASMANIA

16 April 2020

A letter to all Tasmanian Councils

Dear Mayors and General Managers

Our State, like the rest of the world, has been upended by the impact of the novel coronavirus (COVID-19) pandemic. This pandemic has rapidly covered the globe. It has spread suffering, disrupted billions of lives and endangered the global economy.

It has also impacted and changed the lives of all Tasmanian – school children now learn online, our most vulnerable must stay indoors, parents and caregivers are out of work and our borders have been closed. Throughout this crisis the Government has held to one simple principle – that the health, wellbeing and safety of Tasmanians is our highest priority. We are all facing these unprecedented circumstances together, but together we can rise to these new challenges and help each other.

During this time, we need to ensure Tasmania keeps functioning and where we can we need to keep Tasmanians in business and in jobs. The contribution of Local Government to these efforts will be critical to our success and it has been heartening to see so many councils stepping up to play their part in recent weeks. But we need to do more.

Local Governments, like State and Federal Governments are in a unique position to use their balance sheets to support the economy and the community during this time. Local Governments also have a number of tools to hand that can help with local community economic support and we are now seeing a range of these community care packages being released. We strongly encourage all councils to consider their individual packages and provide support to their community as a matter of urgency. It is vital that all councils agree to measures including rate increase freezes and generous hardship policies. These measures will provide much needed relief to Tasmania's local businesses and rate payers and send a strong message that all levels of government are playing their part to support the community at this unprecedented time.

It is our expectation that councils should endeavour to retain as many employees as possible during this challenging period and that to do this councils will need to adopt different budget and financial positioning strategies than have traditionally been required. Where appropriate, councils should also redirect staff to support their COVID-19 response measures and community relief and recovery initiatives.

To support councils, the Tasmanian Government has extended the \$50 million interest free loan scheme for Local Government to \$150 million. The program provides for loan interest rebates for three years to local government authorities to encourage investment in and employment of more Tasmanians to undertake upgrades, renovations and necessary maintenance to improve existing Local Government infrastructure. To ensure the program is flexible and able to more broadly assist councils, we have expanded the criteria of the program to include all measures taken by councils as a response to, or as a result of, the impacts of COVID-19. Our commitment is to work with each council on an individual basis if necessary to ensure that all councils can access this program.

In addition, we have ensured that councils with payrolls less than \$5 million per annum that have been impacted by coronavirus will pay no payroll taxes for the entire 2019-20 year. The Government has also frozen, waived or capped fees and charges for small businesses, which includes some councils. These measures mean that:

- o Water and electricity bills will be waived for the first quarterly bill received after 1 April this year for small business customers on Tariff 22, 94, 82 or 75, including those small businesses on market contracts that could access those tariffs.
- o Electricity prices will be capped, and water prices will be frozen next financial year.

National Cabinet recently announced the adoption of a Commercial Tenancy Code of Conduct. The State Government is currently considering options for implementing the Code and it will be important that councils are involved in this process. The Department of Justice will reach out to the Local Government Association of Tasmania (LGAT) to engage on this matter further.

The State Government is committed to working collaboratively and supportively with the Local Government sector throughout the COVID-19 pandemic and beyond, and we must make it clear that the State Government's capacity to provide financial support going forward is now very constrained. We do not envisage any additional direct funding support to councils beyond what has already been offered.

We are aware that councils are currently considering their budget processes for 2020-21 and that this presents a challenge in the current fiscal environment. One of the issues that has arisen is the need for certainty around the Australian Government's Federal Financial Assistance Grant allocations for 2020-21. We will assist the sector by advocating to the Australian Government for clarity in relation to this matter.

Finally, thank you for everything you and your councils have done thus far to assist in supporting Tasmania's local communities to adjust and respond to the COVID-19 pandemic. We are all in this together and our shared efforts going forward will stand us in good stead to recover from this extraordinary challenge.

Yours sincerely



Peter Gutwein MP
Premier



Mark Shelton MP
Minister for Local Government

COMMUNITY LIFE

12. Review of Salamanca Market By-Law No. 1 of 2010
File Ref: F20/38476

Memorandum of the Manager Activation Programs and Tourism of 22 April 2020 and attachments.

Delegation: Council



City of HOBART

MEMORANDUM: COUNCIL**Review of Salamanca Market By-Law No. 1 of 2010**

The purpose of this memo is to present the updated draft version of the Salamanca Market By-Law No.1 of 2020 for Council approval, prior to a public consultation process.

The current Salamanca Market By-Law No.1 of 2010 expires 26 May 2020 and the draft of the new by-law has been developed in line with a legislatively-defined review process, which has included engagement with legal firm, Simmons Wolfhagen, and a high level of input from all relevant City officers.

This review provides the opportunity to update the by-law to reflect changing community expectations, changes in the City's objectives, as well as changes in the external environment such as new legislation.

The Council has the power to create by-laws under section 145 of the *Local Government Act 1993* ('the Act'). Furthermore, Section 155 of the Act provides that:

'A by-law, whether later amended or not, expires 10 years after the date on which it takes effect unless it is expressed to expire sooner.'

There is a clearly defined, but involved process for reviewing by-laws which must be closely followed. Strict timeframes apply to a number of the 20 steps involved in this process.

In preparing the draft Salamanca Market By-Law No. 1 of 2020, there has been a focus on eliminating duplication with other legislation and to ensuring consistency with all existing City of Hobart by-laws.

A number of changes are recommended within the updated by-law, including;

- replacing specific permits, such as buskers' permit, with more generic permit clauses to allow for greater control over a broader range of activities
- removing a number of clauses that are already covered by the existing 2017-2022 Salamanca Market Licence Agreement
- removing a number of clauses that are already covered by the existing *Police Offences Act 1935*, *Vehicle and Traffic Act 1999* and *Litter Act 2007*.

With regard to the financial implications of updating the by-law, the most significant cost relates to retaining Simmons Wolfhagen to participate in the review process and draft the by-law, however these costs have been included in the Legal & Governance Unit budget in the current financial year.

For future years, the increase in schedule penalty units from 0.5 point to 1 point for parking a vehicle within the designated market area between 5:30 am to 6 pm will see a small increase in revenue of approximately \$4,000 for the Salamanca Market unit budget.

The next stage in the process is to seek input from external stakeholders on the draft through comprehensive consultation, and the following key stakeholders will be contacted directly and issued a copy of the draft by-law;

- Salamanca Market licensed and casual stallholders
- Salamanca Market Stallholders' Association
- Waterfront Business Association

Once this is undertaken, the by-law will be modified as appropriate and re-presented to the Council, along with any submissions, which will be requested to pass a formal resolution of its intention to make a by-law.

RECOMMENDATION

That the Council approve the draft Salamanca Market By-Law No. 1 of 2020 showing as Attachment A for release for further stakeholder engagement.

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.



Iris Goetzki
**MANAGER ACTIVATION PROGRAMS
AND TOURISM**



Tim Short
DIRECTOR COMMUNITY LIFE

Date: 22 April 2020
File Reference: F20/38476

Attachment A: Draft Salamanca Market By-Law No. 1 of 2020 ↴ 

HOBART CITY COUNCIL

SALAMANCA MARKET BY-LAW

BY-LAW No. 1 of 2020

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HOBART CITY COUNCIL

SALAMANCA MARKET BY-LAW

BY-LAW No. 1 of 2020

PART 1 – PRELIMINARY

1. This by-law is made pursuant to section 145 of the Act for the purpose of managing and controlling conduct in relation to the Salamanca Market.
2. This by-law may be cited as the Salamanca Market By-law.
3. The Salamanca Market By-Law No. 1 of 2010 is repealed.
4. This by-law applies to Salamanca Place in Hobart and the surrounding road reserve, including the footpaths.
5. In this by-law:
 - Act** means the *Local Government Act 1993*;
 - authorised officer** means an employee of the Council authorised by the General Manager for the purposes of this by-law, and any reference to an authorised officer in this by-law includes the Market Supervisor;
 - bicycle** has the same meaning as in the Road Rules;
 - Council** means Hobart City Council;
 - General Manager** means the General Manager of the Council;
 - market area** means that part of Salamanca Place, Hobart which is closed to facilitate the Salamanca Market being held, including the surrounding footpaths and other land under the control of the Council, or any part of it, as specified in a market notice;
 - market day** means the period of time on any day on which Salamanca

Place, or any part of it, is closed to facilitate the Salamanca Market being held;

market notice means a notice published pursuant to section 189(2) of the Act;

Market Supervisor means any person who is authorised by the General Manager to act in that capacity;

meeting means any assembly of people and includes a parade, performance, spectacle, entertainment, exhibition, rally, march, demonstration or other event which causes or is likely to cause people to assemble;

motor vehicle has the same meaning as in the Road Rules;

motorised scooter has the same meaning as in the Road Rules;

municipal area has the same meaning as it does in the Act;

occupy includes:

- (a) to place tables and chairs, umbrellas, signs or barriers to enable the service of food or beverages;
- (b) to fence or divide any part of a market area to exclude members of the public; and
- (c) to erect any temporary structure;

owner means, in relation to a vehicle:

- (a) the person or people who are registered as the owner of a vehicle under the *Vehicle and Traffic Act 1999*, or any corresponding enactment or ordinance of a State or Territory of the Commonwealth; or
- (b) a person who has use of the vehicle under a hiring or a hire-purchase agreement;

at the time at which there was a contravention of this by-law with that vehicle;

permit means:

- (a) a current permit or other written approval (including a booking confirmation provided by electronic means) granted pursuant to

this by-law; or

- (b) any permit, licence or written approval granted pursuant to another by-law or legislation including a by-law or legislation which has been repealed;

providing that:

- (c) if the permit, licence or written approval was issued for a certain time period, that time period has not expired; or
- (d) if the permit, licence or written approval was issued for a certain event, that event has not yet taken place;

person means an individual, corporation or other legal entity (other than the Crown);

Salamanca Market means the market operated in the market area;

scooter has the same meaning as in the Road Rules;

signboard means any board, sign, plaque, or banner which in any way makes an announcement or is an advertisement for any restaurant, shop, place of business, product, wares or any other thing which is not permanently attached to any building or other structure;

stallholder means a person who has entered into a stallholder licence agreement;

stallholder licence agreement means an agreement entered into between the Council and a person for use of a stall site;

stall site means part of the market area which has been designated by the Council or the Market Supervisor as an area to be used for a stall at the Salamanca Market;

vehicle has the same meaning as in the Road Rules;

wares includes any subscription, good, thing, article, or matter, and any food, or article of food, within the meaning of the *Food Act 2003*;

wheeled recreational device has the same meaning as in the Road Rules.

PART 2 – STALLHOLDERS**Stallholder licence agreement**

6. The Council may enter into a stallholder licence agreement for one or more person to use one or more stall sites, on any terms and conditions as determined by the General Manager.

Obligations of stallholders

7. A stallholder must comply with:
- (a) the terms of the stallholder licence agreement entered into with the Council, except where it is inconsistent with a requirement of this by-law; and
 - (b) this by-law,.

Penalty: 2 penalty units

Stallholder licence agreement not transferable without written consent

8. A stallholder must not without the written consent of the General Manager, assign, transfer or deal in any way with any rights or interests or any part of any rights or interests the stallholder may have under a stallholder licence agreement.

Penalty: 10 penalty units

Stallholders to ensure compliance of others

9. A stallholder must take all reasonable steps to ensure that any person who is working with or assisting the stallholder, complies with:
- (a) the terms of the stallholder licence agreement entered into with the Council; and
 - (b) this by-law, except where it is inconsistent with a requirement of the stallholder licence agreement.

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Penalty: 2 penalty units

Obligations of assistants to stallholders

10. Any person who is working with or assisting a stallholder must take all reasonable steps to ensure they comply with:
- (a) the terms of the stallholder licence agreement entered into with the Council; and
 - (b) this by-law, except where it is inconsistent with a requirement of the stallholder licence agreement.

Penalty: 2 penalty units

Waste and refuse

11. A stallholder must not dispose of or leave any dirt, filth, offal or trade waste or any other refuse in any stall site or within the market area, unless it is done within an area which has been designated by the General Manager or Market Supervisor for any of those purposes.

Penalty: 2 penalty units

Cleanliness of stalls

12. A stallholder, during its occupation of a stall site, must maintain that stall site in a clean and sanitary condition.

Penalty: 2 penalty units

PART 3 – PROHIBITIONS***Division 1 – Control of stall sites and other market areas*****Occupation of stall site**

13. A person must not occupy a stall site unless they have entered into a

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stallholder licence agreement in relation to that stall site or have been granted a permit to do so.

Penalty: 2 penalty units

Occupation of market area

14. A person must not occupy any market area, other than a stall site, unless they have been granted a permit to do so.

Penalty: 2 penalty units

Surrender of stall site or market area

15. Any person who is using or occupying a stall site or any market area in breach of this by-law must immediately cease using or occupying the stall site or market area as directed to do so by the Market Supervisor.

Penalty: 5 penalty units

Division 2 – Commercial conduct**Offer wares or services**

16. A person must not offer or expose for sale any wares or offer any services in the market area, whether in exchange for money or otherwise, unless the person has first obtained a permit.

Penalty: 2 penalty units

Setting up stalls

17. A person must not set up, place, keep, maintain or park any stall in the market area to sell wares or to pursue any business, trade or employment unless the person has first obtained a permit.

Penalty: 2 penalty units

Display of items

18. A person must not adhere, display, exhibit, promote a petition or distribute any advertisement, book, card, handbill, notice, pamphlet, paper, picture, placard, sticker or other thing whatsoever in the market area, except:
- (a) on any area specifically designated by the Council or the General Manager for that purpose;
 - (b) in the case of the sale of newspapers, periodicals, and printed matter where the vendor or distributor has first obtained a permit; or
 - (c) if the person has obtained a permit to do so.

Penalty: 2 penalty units

Prohibited item, ware or service in the market area

19. A person must not in the market area display, sell or offer for sale any item, ware or service that may reasonably be considered by an authorised officer to be indecent, obscene or offensive.

Penalty: 2 penalty units

Division 3 – Control of animals

20. This Division does not apply to guide dogs as defined in the *Guide Dogs Guide Dogs and Hearing Dogs Act 1967 (Tas)* or an assistance animal as defined in the *Disability Discrimination Act 1992 (Cth)*.

Control of animals in market areas

21. A person who is the owner or keeper of an animal must not allow the

animal to be in the market area, including on or inside a vehicle, unless the animal is suitably secured in an area which has been designated by the General Manager or Market Supervisor for that type of animal.

Penalty: 2 penalty units

Division 4 – Control of vehicles

Driving in a market area

22. A person must not drive a motor vehicle in the market area between 5.30 am and 6.00 pm on a market day unless:
- (a) the person is a stallholder or a person who is working with or assisting the stallholder; or
 - (b) the person has first obtained a permit;
- and that person is complying with any direction of an authorised officer.

Penalty: 2 penalty units

Parking in a market area

23. A person must not park a motor vehicle in the market area between 5.30 am and 6.00 pm on a market day unless:
- (a) the person is a stallholder or a person who is working with or assisting the stallholder; or
 - (b) the person has first obtained a permit;
- and that person is complying with any direction of an authorised officer.

Penalty: 2 penalty units

Other vehicles

24. A person must not use a wheeled recreational device, bicycle, scooter or motorised scooter in the market area, other than to park them in an area

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which has been designated by the General Manager or Market Supervisor for that purpose.

Penalty: 2 penalty units

Powers of authorised officers

25. An authorised officer may:

- (a) give reasonable directions to the driver, user or the occupants of a motor vehicle in a market area;
- (b) prohibit any motor vehicle from being taken or being allowed to remain on any part of a market area; or
- (c) require any motor vehicle to be removed from any road or place in a market area.

Division 5 – Interacting with others**Noisy activities**

26. A person must not in the market area:

- (a) deliver any address or speak to an assembly of people;
- (b) play any musical instrument or sing;
- (c) use or operate any television, radio, loudspeaker, record player, tape recorder, compact disc player or any other method of amplifying or playing speech and/or music recorded or otherwise; or
- (d) conduct any amusement or entertainment for financial reward; unless the person has first obtained a permit.

Penalty: 2 penalty units

Meetings

27. A person must not conduct, take part or attend a meeting in or on the

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market area unless the General Manager has issued a permit authorising the meeting.

Penalty: 2 penalty units

Tours

28. A person must not, in the market area, act as a guide to organised tours or to individuals to provide assistance or information about matters including architecture, history and cultural matters unless the General Manager has issued a permit to do so.

Penalty: 2 penalty units

Sporting activities

29. A person must not engage in sporting activities in the market area, whether or not the participants have paid any fee for participating, unless authorised to do so by permit.

Penalty: 2 penalty units

Division 6 – Miscellaneous**Power to close Salamanca Market**

30. The General Manager may close the Salamanca Market at any time and for any reason deemed appropriate by the General Manager.

PART 4 – PERMITS**Granting permits**

31. A permit may be granted for any purpose under this by-law by:
- (a) the General Manager; or

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- (b) any electronic method authorised by the General Manager, including via Council's website or an application operated by or on behalf of Council.

- 32. No provision of this by-law is to be construed as preventing the General Manager from referring any application for a permit to the Council.

Applications

- 33. Any application for a permit pursuant to this by-law is to be:
 - (a) in accordance with any form approved by the General Manager;
 - (b) accompanied by the fee specified by the General Manager, if any; and
 - (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type of activity proposed to be undertaken by the applicant and the period in which it is proposed to be carried out;
 - (ii) a scaled drawing showing the location and extent of the proposed activity;
 - (iii) approvals from relevant authorities;
 - (iv) evidence of current public liability insurance or other relevant insurance; and
 - (v) such other information that the General Manager may reasonably require.
- 34. In deciding whether or not to grant a permit pursuant to this by-law, the General Manager may have regard to the following and any other relevant matters:
 - (a) the type of activity proposed;
 - (b) the location of that activity;
 - (c) the impact or risk of the proposed activity to public safety, the environment or amenity; and

- (d) any comments made by any employee of the Council, by a police officer or an employee of the Tasmania Fire Service in relation to the application.

Permits

- 35. A permit granted under this by-law must be in writing and may be granted under such terms and conditions as the General Manager considers appropriate. Those conditions may include:
 - (a) a restriction on the type of activity;
 - (b) a restriction on the period in which the activity may be carried out;
 - (c) the precautions to be observed while the activity is being carried out;
 - (d) the requirement for supervision or control of the activity;
 - (e) the record to be kept or notification to be given in relation to the any activity carried out pursuant to the permit;
 - (f) the payment of a bond to cover any damage to Council property or any cleaning required, or the provision of an indemnity to Council for any other loss or damage; or
 - (g) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.
- 36. The holder of a permit granted pursuant to this by-law must comply with the terms and conditions of the permit.

Penalty (unless otherwise specified): 1 penalty unit

Production of a permit

- 37. A permit holder is to produce the permit immediately when requested to do so by a police officer or an officer of the Council, and the holder of the permit must answer all questions which are reasonably necessary to establish that the person holds a permit in good faith.

Variation of permit conditions

38. The General Manager may vary the conditions of any permit if they considers it is appropriate to do so.
39. If the conditions of any permit are varied pursuant to clause 38, the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the conditions of the permit are varied; and
 - (b) the reason or reasons for the variation of the permit conditions.
40. The conditions of a permit will be varied from the date of service of the notice of the variation.

Cancellation of permits

41. The Council or the General Manager may cancel any permit if satisfied that:
 - (a) a permit holder has breached any of Council's by-laws; or
 - (b) a permit holder has breached a term or condition of the permit.
42. If a permit is cancelled pursuant to clause 41, the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the permit is cancelled; and
 - (b) the reason or reasons for the cancellation.
43. Cancellation of any permit is effective from the date of service of the notice of the cancellation.
44. Nothing in this by-law is to be construed as preventing or prohibiting the Council from cancelling any permit if this is required due to the exercise or intended exercise of any local government functions, powers, rights or duties by the Council.

Notices

45. For the purposes of clauses 39 and 42, a notice may be served in any of the following ways:
- (a) on the holder of the permit personally;
 - (b) by ordinary post to the last known address of the permit holder; or
 - (c) by notice being given in the public notice section of a newspaper circulating in the Hobart City Council municipal area.
46. The date of service of a notice will be:
- (a) if the holder of the permit was served by ordinary post, 3 business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper.

PART 5 – RECOVERY OF COSTS**Expenses incurred**

47. The Council, the General Manager, the Market Supervisor and any authorised officer may rectify a breach of this by-law, including any damage to Council property, without ordering the offending person to undertake the rectification works.
48. Any expense or damages incurred by the Council as a result of the breach of any of the by-laws will be paid by the person committing the breach and is recoverable by the Council as a debt due to it.

PART 6 – INFRINGEMENT NOTICES

49. In this Part:
- specified offence** means an offence against the clause specified in

Column 1 of the Schedule to this by-law.

50. An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that offence is the applicable sum specified in Column 3 adjacent to the offence in the Schedule to this by-law.
51. Different sums may be specified in an infringement notice according to the nature of the offence and whether payment is made within a specified time.
52. An authorised officer may:
 - (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
53. The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
54. In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
55. A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
 - (a) pay the monetary penalty in full to the General Manager;
 - (b) apply to the General Manager for withdrawal of the infringement notice;
 - (c) apply to the General Manager for a variation of payment conditions;or

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- (d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
56. If a person who has been served with an infringement notice fails to take one or more of the actions required by clause 55 within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.
57. If the owner of the vehicle is issued with an infringement notice pursuant to this by-law, and the owner was not in control of the vehicle at the time the offence was committed, a statutory declaration may be provided to the General Manager within 14 days after being served with the infringement notice, pursuant to sections 170(2)(a) and 170(3) of the Act.

PART 7 – ENFORCEMENT**Hindering or resisting authorised officers**

58. A person must not obstruct, hinder, abuse, or resist any authorised officer in the market area in the discharge of that person's duty.

Penalty: 3 penalty units

Directions

59. An authorised officer may give reasonable directions to any person in relation to their use or treatment of, or presence in the market area.
60. A person must not fail to comply with a reasonable direction from an authorised officer given under this by-law.

Penalty: 3 penalty units

Removal from market areas

61. The Market Supervisor or any authorised officer may:
- (a) remove any person from the market area whom the authorised officer reasonably believes has committed or who is committing an offence under this by-law; and
 - (b) remove any thing which the authorised officer reasonably believes is in the market area without a permit or in breach of a permit.

Assistance of police officers

62. A police officer is authorised to:
- (a) assist the Market Supervisor or an authorised officer to carry out any action under clause 61;
 - (b) remove any person from a market area whom the police officer reasonably believes has committed or who is committing an offence under this by-law;
 - (c) remove anything which is in a market area without the approval of the Council; and
 - (d) arrest any person who is in a market area whom the police officer reasonably believes has committed or who is committing an offence under this by-law.

Signage

63. The General Manager or Market Supervisor, or any person acting under their direction, may remove or require the removal of any advertisement or signboard in the market area.

Penalty: 1 penalty unit

Removal and sale of vehicles

64. If an authorised officer reasonably believes that there has been a breach

of clause 23 of this by-law, the authorised officer may:

- (a) remove the vehicle; and
- (b) if following its removal pursuant to clause 64(a) the vehicle has not been collected for a period of 7 days, the vehicle may be sold or destroyed by Council at its discretion.

- 65. If a vehicle is sold pursuant to clause 64(b), Council may retain from the sale proceeds any expenses associated with the sale of the vehicle, including any auctioneer's fees.
- 66. If a vehicle is destroyed pursuant to clause 64(b) or if the sale proceeds are less than the total of the amounts specified in clause 65, the balance must be paid by the owner of the vehicle and are recoverable by the Council as a debt due to it.

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SCHEDULE
INFRINGEMENT NOTICE OFFENCES

1: CLAUSE	2: DESCRIPTION	3: PENALTY (penalty units)
PART 2 – STALLHOLDERS		
7	Obligations of stallholders	1.0
8	Stallholder licence agreement not transferable without written consent	2.0
9	Stallholders to ensure compliance of others	0.5
10	Obligations of assistants to stallholders	0.5
11	Waste and refuse	0.5
12	Cleanliness of stalls	0.5
PART 3 – PROHIBITIONS		
13	Occupation of stall site	0.5
14	Occupation of market area	0.5
15	Surrender of stall site or market area	0.5
16	Offer wares or services	0.5
17	Setting up stalls	0.5
18	Display of items	0.5
19	Prohibited item, ware or service in a market area	0.5
21	Control of animals in market areas	0.5
22	Driving in a market area	0.5
23	Parking in a market area	1.0
24	Other vehicles	0.5

1: CLAUSE	2: DESCRIPTION	3: PENALTY (penalty units)
26	Noisy activities	0.5
27	Meetings	0.5
28	Tours	0.5
29	Sporting activities	0.5
PART 4 – PERMITS		
36	Failure to comply with permit	1.0
PART 7 – ENFORCEMENT		
58	Hindering or resisting authorised officers	0.75
60	Directions by authorised officers	0.75
63	Signage	0.5

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Certified that the provisions of this by-law are in accordance with the law by:

.....
N. J. STREET
Solicitor
Dated
At Hobart

Certified that this by-law is made in accordance with the *Local Government Act*
1993 by:

.....
N.D. HEATH
General Manager
Dated
At Hobart

The common seal of the Hobart City Council was affixed on in the presence of:

.....
H.J. SALISBURY
Deputy General Manager
Dated:

.....
P.A. JACKSON
Manager Legal & Governance