



CITY OF HOBART

AGENDA

Finance and Governance Committee Meeting

Open Portion

Tuesday, 22 March 2022

**at 4.30 pm
Council Chamber, Town Hall**

THE MISSION

Working together to make Hobart a better place for the community.

THE VALUES

The Council is:

People	We care about people – our community, our customers and colleagues.
Teamwork	We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.
Focus and Direction	We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.
Creativity and Innovation	We embrace new approaches and continuously improve to achieve better outcomes for our community.
Accountability	We are transparent, work to high ethical and professional standards and are accountable for delivering outcomes for our community.

ORDER OF BUSINESS

Business listed on the agenda is to be conducted in the order in which it is set out, unless the committee by simple majority determines otherwise.

APOLOGIES AND LEAVE OF ABSENCE

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Finance and Governance Committee Meeting (Open Portion) held Tuesday, 22 March 2022 at 4.30 pm in the Council Chamber, Town Hall.

This meeting of the Finance and Governance Committee is held in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

COMMITTEE MEMBERS

Alderman M Zucco (Chairman)
Deputy Lord Mayor Councillor H Burnet
Alderman Dr P T Sexton
Alderman D C Thomas
Councillor W Coats

Apologies:

Leave of Absence: Nil.

NON-MEMBERS

Lord Mayor Councillor A M Reynolds
Alderman J R Briscoe
Councillor W Harvey
Alderman S Behrakis
Councillor M Dutta
Councillor J Fox
Councillor Dr Z Sherlock

1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY

2. CONFIRMATION OF MINUTES

The minutes of the Open Portion of the Finance and Governance Committee meeting held on [Tuesday, 22 February 2022](#), are submitted for confirming as an accurate record.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

Recommendation

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer.

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

5. TRANSFER OF AGENDA ITEMS

Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A Committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the Committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

6. REPORTS

6.1 Delegations to Chief Executive Officer File Ref: F22/19354; 17/52-0003

Report of the Manager Legal and Governance of 17 March 2022 and attachment.

Delegation: Council



City of **HOBART**

MEMORANDUM: FINANCE AND GOVERNANCE COMMITTEE

Delegations to Chief Executive Officer

The purpose of this report is to seek the Council's approval of delegations to the Chief Executive Officer and other staff arising as a result of the Organisational Transformation.

There are delegations powers contained in the following pieces of legislation:

Local Government Act 1993 Section 22

Subject to certain limitations, a council, in writing, may delegate with or without conditions to the General Manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than–

- (a) this power of delegation, unless authorized by the council; and
- (b) a range of specific powers listed in this section.

Land Use Planning and Approvals Act 1993 Section 6

A planning authority may, by resolution, delegate any of its functions or powers under this Act other than this power of delegation to a person employed by the authority.

Local Government (Highways) Act 1982 Section 124

The corporation may, by special resolution, delegate to one or more officers of the corporation or to a committee consisting of members of the council the exercise or performance of such of its powers or functions under this Act (except this power of delegation) as are specified in the resolution and may, by resolution, revoke wholly or in part any such delegation.

The usual approach to delegations is that Council would delegate the powers to the CEO who would, in turn, on delegate those appropriate powers to other officers in the organisation. There are however some exceptions to this under the legislation outlined above which need to be delegated by the Council directly to the relevant officers.

To give effect to the current situation in the new structure, the delegations included as **Attachment A** to this report have been updated to reflect the new organisational structure and, as such, require the approval of the Council. In addition, there have been some very minor administrative changes to correct terminology and legislative references.

It is proposed that the Council approve the delegations included in the attachments to the officers described therein.

RECOMMENDATION

That:

1. ***Pursuant to section 22 of the Local Government Act 1993, section 6 of the Land Use Planning and Approvals Act 1993 and section 124 of the Local Government (Highways) Act 1982, the Council approve the delegations included as Attachment A to this report to the:***
 - (i) ***Chief Executive Officer, being the General Manager as appointed by Council pursuant to s61 of the Local Government Act 1993;***
2. ***Pursuant to section 6 of the Land Use Planning and Approvals Act 1993 the Council approve the delegations included as Attachment A to this report to the:***
 - (i) ***Director City Life***
 - (ii) ***Manager Development Appraisal***
 - (iii) ***Manager Bushland, Biodiversity and Waterways***
 - (iv) ***Senior Statutory Planner***
 - (v) ***Senior Development Engineer***
 - (vi) ***Program Leader Stormwater Services***
3. ***Pursuant to section 6 of the Land Use Planning and Approvals Act 1993 and section 124 of the Local Government (Highways) Act 1982, the Council approve the delegations included as Attachment A to this report to the:***
 - (i) ***Director City Futures***
 - (ii) ***Manager Urban Futures***
4. ***Pursuant to section 124 of the Local Government (Highways) Act 1982, the Council approve the delegations included as Attachment A to this report to the:***

- (i) Director City Enablers**
- (ii) Manager City Infrastructure**
- (iii) Program Leader Road Services**



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.



Paul Jackson
**MANAGER LEGAL AND
GOVERNANCE**

Date: 17 March 2022
File Reference: F22/19354; 17/52-0003

Attachment A: Council Delegations ↓ 



City of Hobart

INSTRUMENT OF DELEGATION

Council Delegation

Chief Executive Officer

Certificates of Authority


ACTS INTERPRETATION ACT 1931

- A. Pursuant to Section 23AAB of the Acts Interpretation Act 1931, the Chief Executive Officer, being the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993*, be nominated as the person to sign the instruments of delegation to the Director City Life, Director City Futures, Director City Enablers, Manager Development Appraisal, Manager Urban Futures, Manager Bushland, Biodiversity and Waterways, Manager City Infrastructure, Senior Statutory Planner, Senior Development Engineer, Program Leader Stormwater Services and Program Leader Road Services and to issue the certificates of authority to the Manager Environmental Health, the Senior Environmental Health Officer and the Environmental Health Officers.
- B. Pursuant to Section 23AAB of the Acts Interpretation Act 1931, the Manager Corporate Governance be nominated as the person to sign the instrument of delegation to the Chief Executive Officer on Council's behalf.

Delegations to the Chief Executive Officer

- A. Pursuant to Section 22 of the Local Government Act 1993, the Chief Executive Officer, being the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* be delegated the following powers and functions of Council and the authority to delegate pursuant to Section 64(1)(b) of the *Local Government Act 1993* such of the powers and functions to such employees that the Chief Executive Officer deems appropriate.


1. LOCAL GOVERNMENT ACT 1993

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- (a) Pursuant to Section 27(2)(6), to appoint the Deputy Lord Mayor as Acting Lord Mayor in situations where the Lord Mayor is absent.
 - (b) To write off or vary debts, including interest charges, up to the value of \$5,000 pursuant to Section 76(1) of the *Local Government Act 1993*, where the Chief Executive Officer is satisfied that all reasonable steps to recover the debt have been taken and the cost of further proceedings is unwarranted and subject to the Finance and Governance Committee being later notified.
 - (c) Pursuant to Section 82(6), to make minor adjustments up to \$25,000 to individual items within any estimate referred to in Section 82(2) so long as the total amount of the estimate is not altered.
 - (d) To grant postponement of payment of rates under Section 126 of the *Local Government Act 1993*, subject to:
 - (i) Pensioner postponement being granted in accordance with Council's policy titled *Rates Postponements*; and
 - (ii) Postponement to other ratepayers being for such period as the General Manager approves with interest calculated in accordance with Section 128 (1)(c) of the Act.
 - (e) The authority to grant a remission of all or part of any rates paid or payable by a ratepayer under Section 129 of the *Local Government Act 1993*, up to a limit of \$2,000 per application, pursuant to the Hobart City Council Rates and Charges Policy.
 - (f) The authority to determine future applications for the remission of penalty and interest charges pertaining to Council rates, in the interests of administrative efficiency given the monetary value of these charges.
 - (e) Pursuant to Part 12, Division 5, to exercise the powers and functions of Council in relation to the impounding of animals.
 - (f) Pursuant to Section 336, to approve the use of the Council Arms.
 - (g) To institute, defend, abandon, settle or compromise any proceedings before any tribunal for recovery of debts due to the Council or for breaches of any by-law or statute affecting the Council providing that such abandonment, settlement or compromise shall not involve the expenditure or remission of sums in excess of \$25,000, or such other sum as the Council may from

time to time prescribe, or to protect, recover or secure retribution for damage to or loss of any property of the Council.

- (h) To institute, defend, abandon, settle or compromise any proceedings before any tribunal for recovery of any parking enforcement related debts due to the Council or for breaches of any by-law or Statutes affecting same providing that such abandonment, settlement or compromise shall not involve the expenditure or remission of sums in excess of \$25,000 or to protect, recover or secure retribution for damage to or loss of any property of the Council.
- (i) The power under Section 207 of the *Local Government Act 1993* to remit all or part of any fee or charge paid or payable in respect of any one or all of the fees and charges ordinarily imposed for Council services and facilities with remitted fees to be recorded in the City's Annual Report, in accordance with the Council's policy titled *Grants and Benefits Disclosure*.
- (k) To determine any future requests for the patrol and enforcement of private car parks.
- (l) Pursuant to Section 175 of the *Local Government Act 1993* to:
 - (i) Authorise the leasing of Council properties as tenancies of up to one month's notice to terminate, provided that the leasing of those properties is based on a commercial valuation;
 - (ii) Approve the assignment of sub-letting of existing leases and agreements to assign;
 - (iii) Authorise extinguishment of redundant easements benefitting the Council: and
 - (iv) To issue residential tenancy leases for City-owned dwellings deemed appropriate for tenure up to twelve months, with rental fee based on a valuation..
- (m) The power to determine whether a nuisance exists, as prescribed in Section 200 of the *Local Government Act 1993*.
- (n) To authorise the investment of any money in accordance with section 75 of the *Local Government Act 1993*.
- (o) Pursuant to Section 22(l), to waive or reduce interest applied to sundry debtors, where the interest charge has arisen as a result of an internal administrative error.

- B. Pursuant to Section 22 of the *Local Government Act 1993*, the Chief Executive Officer, being the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993*, be delegated the following powers and functions of Council:
3. To issue Certificates of Authority under the *Food Act 2003* and *Public Health Act 1997*.
 4. To exercise the powers of the Council pursuant to section 31 of the *Strata Titles Act 1998*.
- C. Pursuant to Section 22 of the *Local Government Act 1993* the Chief Executive Officer, being the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993*, be delegated the following powers and functions of Council and the authority to delegate pursuant to Section 64(1)(b) of the *Local Government Act 1993*, such of the powers and functions to such employees that the Chief Executive Officer deems appropriate, under the following Acts:
1. THE LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993
 - (a) Pursuant to Part 3 of the Act, to approve plans of subdivision for:
 - (i) the proposal involves only boundary adjustments and where no additional lots are created;
 - (ii) the proposal results in the creation of not more than one additional lot;
 - (iii) the proposal involves minor alterations to a previously approved plan of subdivision.
 - (b) Pursuant to Section 86, to require security for payments prior to approving a plan of subdivision.
 - (c) Pursuant to Section 89, to exercise the powers of Council in respect of approval of final plans.
 - (d) Pursuant to Section 90, to exercise the powers of Council.
 - (e) Pursuant to Section 103, to approve amendments to Sealed Plans.
 - (f) Pursuant to Section 107, to issue Access Orders.
 - (g) Pursuant to Section 110, to require and approve Adhesion Orders.
 - (h) Pursuant to Section 115, to exercise the powers of Council.
 - (i) Pursuant to Section 246, to grant permission for the erection of advertising hoardings.

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- (j) Pursuant to Section 247, to require the removal of advertising hoardings.


2. URBAN DRAINAGE ACT 2013

- (a) Pursuant to Section 11 of the Act, to exercise the powers of the Council to adopt stormwater systems.
- (b) Pursuant to Section 13 of the Act to exercise the powers of the Council to protect stormwater assets.
- (c) Pursuant to Section 14 of the Act, to exercise the powers of the Council to prevent interference with stormwater systems.
- (d) Pursuant to Section 17 of the Act, to exercise the powers of the Council to undertake construction of public stormwater systems.
- (e) Pursuant to Section 18 of the Act, to exercise the powers of the Council to regulate the discharge of matter into a public stormwater system.
- (f) Pursuant to Section 19 of the Act, to exercise the powers of the Council in regard to stormwater service connections.
- (g) Pursuant to Section 20 of the Act, to exercise the powers of the Council to determine limits on stormwater connection points.
- (h) Pursuant to Section 21 of the Act, to exercise the powers of the Council to require connection to a public stormwater system.
- (i) Pursuant to Section 22 of the Act, to exercise the powers of the Council to require disconnection from a public stormwater system.
- (j) Pursuant to Section 23 of the Act, to exercise the powers of the Council to direct property owners to not direct stormwater onto neighbouring properties.

3. WEED MANAGEMENT ACT 1999

- (a) Pursuant to Section 34(1) of the Act, to appoint such number of inspectors that he deems appropriate to give effect to the Act.

4. STRATA TITLES ACT 1998

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- (a) Pursuant to Section 27, to apply for the cancellation of a strata plan.
 - (b) Exercise the powers pursuant to Section 31 of the Act, to authorise approval of strata plans.
 - (c) Pursuant to Section 37, to approve a proposed staged development scheme in principle.

5. CONVEYANCING AND LAW OF PROPERTY ACT 1884

- (a) Pursuant to Section 75CA, to exercise the powers of Council.

6. ENVIRONNENT MANAGEMENT POLLUTION CONTROL ACT 1994

- (a) Pursuant to Section 20 and 21, to act on behalf of Council.
- (b) Pursuant to Section 50 and 51, to permit or refuse the disposal on the municipal tip of waste or rubbish.

7. ROADS AND JETTIES ACT 1935


- (a) Pursuant to Section 40, to appoint such officers to issue notices advising land owners that the Council is to enter upon their land for the purpose of making, cleansing, or keeping open drains or watercourses adjoining or near to any road which is maintained by the Council.
- (b) Pursuant to Section 44, to appoint officers to issue notices thereunder.

8. BUILDING ACT 2016

Pursuant to Section 3 of the Building Act, 2016 the General Manager be delegated the power to act as both Permit Authority and Authorised Person for the purposes of the Act.


Pursuant to Section 22 of the Local Government Act 1993, the Council delegate to the General Manager, the power to consent to building work over or within a service easement in favour of the City, in accordance with Section 74 of the Building Act 2016.

9. LOCAL GOVERNMENT (HIGHWAYS) ACT 1982



Pursuant to Section 124 of the Local Government (Highways) Act 1982, (the Act) the following powers and functions under that Act be delegated to the General Manager, or such person who may be acting in that capacity:

- (a) To make and open highways in the municipality, and widen or extend a local highway maintainable by the corporation, pursuant to Section 6 of the Act where action is required to amend the Municipal Map to reflect the current actual usage of the land.
- (b) To grant approval of the dedication of land as a highway in a city, pursuant to Section 7 of the Act where action is required to amend the Municipal Map to reflect the current actual usage of the land.
- (c) To approve plans and specifications for proposed roads or other ways for the improvement, widening or alteration of a road or other way already existing on land in building estates, pursuant to Section 10 of the Act.
- (d) To declare that a road or other way within the municipality of Hobart that is not a highway, shall become a highway maintainable by the corporation or a particular kind of highway in the interests of public safety or because of lack of use, pursuant to Section 14 of the Act, where action is required to amend the Municipal Map to reflect the current actual usage of the land.
- (e) To divert or close a local highway in the interests of public safety or because of lack of use, pursuant to Section 14 of the Act, where action is required to amend the Municipal Map to reflect the current actual usage of the land.
- (f) For a purpose in connection of a public function or in order to facilitate work on land adjoining a local highway to:
 - (i) close a local highway or part of a local highway in the municipality pursuant to section 19(1)(a) of the Act;
 - (ii) grant exclusive licences to occupy part of a local highway pursuant to section 19(1)(c) of the Act.
- (g) To act on behalf of the Council in relation to the closure of a highway and the issue of a licence to occupy a highway for the purpose of the sale of goods and for entertainment, pursuant to Section 20 of the Act.


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- (h) To exercise the powers of Council pursuant to Section 34 of the Act to make, cleanse and keep open all drains or local watercourses he considers necessary in and through any adjoining land or near a local highway maintainable by the Council.
 - (i) To issue notices pursuant to Section 35 of the Act requiring repairs or construction works to be carried out in a highway under Council management, to a vehicular crossing over a table drain, gutter or footpath at or opposite the entrance to land adjoining the highway.
 - (j) To issue notices pursuant to Section 36 requiring a fence to be erected between the footpath and adjoining land and to authorise the carrying out of the works pursuant to Section 36(2) of the Act in the event that the notice is not complied with.
 - (k) To exercise the powers of Council pursuant to Section 38 of the Act to remove any indigenous trees growing or standing within 25 metres of the centre of a highway provided that the removal shall, in his opinion, be for ensuring or facilitating the good management of the highway.
 - (l) To exercise the powers of Council pursuant to Section 39 of the Act to require an occupier of land to cut back, trim or remove any vegetation that is in his opinion a danger, obstruction, interference or inconvenience to the use of the highway and to issue any notice that he may deem necessary to ensure compliance and authorise any works that may be necessary to ensure compliance with the notice issued.
 - (m) To exercise the powers of Council pursuant to Section 45 of the Act to authorise the removal and disposal of articles abandoned on a highway.
 - (n) To approve private underground works in Council highway reserves in accordance with Section 46 of the Act.
 - (o) To exercise the powers and functions of the Council contained in Section 52 of the Act relating to projections onto highways.

10. LAND USE PLANNING AND APPROVALS ACT 1993

The Council pursuant to Section 6(3) of the Land Use Planning and Approvals Act 1993, delegate to the Chief Executive Officer, the Chief Executive Officer, being the General Manager as appointed by Council


pursuant to section 61 of the *Local Government Act 1993*, the following functions and powers:

- (a) To instigate proceedings pursuant to Section 64 of the Land Use Planning and Approvals Act 1993 in the case of unapproved works relating to a heritage building or site and to inform the Tasmanian Heritage Council in order that action may also be taken under Section 57 of the Historic Cultural Heritage Act 1995.
- (b) To approve applications for planning permits made under Sections 57 and 58 of the Land Use Planning and Approvals Act 1993, provided that:
 - (i) not more than two statutory objections have been received, or in cases where the applicant and/or owner of the subject property is an elected member or Council officer or his or her spouse or immediate relative, no statutory objections to the application have been received;
 - (ii) the building proposed does not exceed 2000 m2 in floor area or 3 storeys in height;
 - (iii) the Council is not the applicant or where the Council is the applicant and there are no statutory objections;
 - (iv) the application does not involve Council owned land or where the application involves part of a road reservation which is owned or maintained by the Council;
 - (v) the Council is not being requested to make or take a financial contribution to or receive from the applicant/owner (excluding cash in lieu contributions);
 - (vi) the application does not involve development in a Heritage Area or involve a heritage listed building and the Tasmanian Heritage Council has not made an objection;
 - (vii) in the case of applications for subdivision, the proposal results in the creation of not more than three additional lots; or
 - (viii) an elected member has not requested, any time prior to the requisite period of public notification expiring, the




application for a planning permit under Section 57 be referred to the City Planning Committee for consideration.



- (ix) To exercise the powers of the Council, as planning authority, pursuant to Section 54 and 55 of the Land Use Planning and Approvals Act 1993.
- (c) To exercise the powers of the Council, as planning authority, pursuant to Section 56 of the Land Use Planning and Approvals Act 1993, in respect of the minor amendment of planning permits.
- (d) To refuse any application for a change of use or development explicitly prohibited under a planning scheme or interim order, including the power of the Council, as planning authority, pursuant to Section 57 (2) of the Land Use Planning and Approvals Act 1993.
- (e) To extend the period of time during which representations may be received by the Council pursuant to Section 57 (5) of the Land Use Planning and Approvals Act 1993.
- (g) In agreement with the applicant, to extend the period of time in which a permit is to be granted or refused pursuant to Sections 57 (6) (b) and 57 (6A) of the Land Use Planning and Approvals Act 1993.
- (h) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 57(6)(b) and 57(6A) of the Land Use and Approvals Act 1993 to enable the application to be considered at a scheduled meeting of the Council or a special meeting of Council. (Note. Any duly authorised delegate determining applications under the Land Use and Approvals Act 1993 must take into account the matters set out In Section 51 of the Act including consideration of the matters set out in representations. (Approved 17/06/2019)
- (i) In agreement with the applicant, to extend the period of time in which planning approval must be granted, pursuant to Sections 58 (2) and 58 (2A) of the Land Use Planning and Approvals Act 1993.
- (j) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with section 57(6)(b) and 57(6A) of the Land Use Planning and



Approvals Act 1993 to enable the application to be considered at a scheduled meeting of the full Council.

- (a) To determine applications for planning permits under sections 57 and 58 of the *Land Use Planning and Approvals Act 1993* in circumstances where the application has been considered by the Council and the Council has not determined the application due to the vote on a motion being tied.
- (k) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 58(2) and 58 (2A) of the *Land Use Planning and Approvals Act 1993* to allow the application to be considered at a scheduled meeting of the Council.
- (l) To exercise the power of Council as planning authority pursuant to Section 59 (7) of the *Land Use Planning and Approvals Act 1993* to determine applications where no request to make a decision has been lodged with the Tasmanian Civil and Administrative Tribunal.
- (m) To enter into an agreement on behalf of the Council as planning authority at a 'Mediation' held on behalf of the Tasmanian Civil and Administrative Tribunal pursuant to Division 7 of Part 8 of the *Tasmanian Civil and Administrative Tribunal Act 2020*.
- (n) To enter into mediation on behalf of the Council as planning authority in accordance with the Section 57A of the *Land Use Planning and Approvals Act 1993*.
- (o) To enter into mediation on behalf of the Council as planning authority in accordance with the Section 57A of the *Land Use Planning and Approvals Act 1993*.
- (p) To determine whether a planning application for the 'use' and/or 'development' of land is 'Discretionary', by virtue of amendments SP1 (State Coastal Policy), to the Sullivans Cove Planning Scheme 1997.
- (q) To initiate amendments to the Hobart Interim Planning Scheme 2015, Sullivans Cove Planning Scheme 1997 or a Local Provisions Schedule when the Chief Executive Officer or Director City Futures is satisfied that the amendment is for the purpose of:
 - (i) the correction of any error in the planning scheme;

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- (ii) the removal of any anomaly in the planning scheme;
 - (iii) clarifying or simplifying the planning scheme: or
 - (iv) removing any inconsistency between the planning scheme and any Act.
 - (r) To forward a Section 39(2) (of the former provisions of the Land Use Planning and Approvals Act 1993) report or a Section 40K (*Land Use Planning and Approvals Act 1993*) report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following:
 - (i) no representations have been received; and
 - (ii) no issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections.
 - (s) To allow, pursuant to Section 53 (5A), (5B) and (5C) of the Land Use Planning and Approvals Act 1993, an extension to the period during which use and development associated with a planning permit may be substantially commenced. Such delegation to be limited to permits where the strategic intent of the relevant planning scheme provisions have not significantly changed, or have been changed by the introduction of Planning Directive provision only, since the issue of the original permit and no new development has been undertaken on adjoining property which may be affected by the proposal.
 - (t) To exercise the powers of Council, as planning authority, pursuant to Section 48A of the Land Use Planning and Approvals Act 1993 in respect of notices to remove signs.
 - (u) To exercise the powers of the Council, as planning authority, pursuant to Sections 33(5) of the former provisions of the Land Use Planning and Approvals Act 1993 in respect of requests for amendments to the Hobart Interim Planning Scheme 2015 where an owner or occupier has made representation under Section 301.
 - (v) To exercise the powers of the Council, as planning authority, pursuant to section 43(E) (Additional Information), 431 (4A) and (6)



(Extension of time for the S43A Permits), Section 43J (Correction of mistakes in S43A Permits) and Section 43K(2) (Minor amendment of S43A Permits) of the former provisions of the Land Use Planning and Approvals Act 1993.


- (w) To exercise the powers of the Council, as planning authority, pursuant to Section 40U (Additional Information), 42C (2) and (3) (Extension of time for the S40T Permits), Section 42D (Correction of mistakes in S40T Permits) and Section 43 (Minor amendment of S40T Permits) of the Land Use Planning and Approvals Act 1993.
- (x) To exercise the powers of the Council, as planning authority, pursuant to section 60 of the *Land Use Planning and Approvals Act 1993*.

11. LAND TITLES ACT 1980

Pursuant to Section 32(2)(c) of the Lands Titles Act 1980, to make application to the Recorder of Titles for minor boundary alterations of Council property. (Approved Council 22/6/2009)

12. HEAVY VEHICLE NATIONAL LAW (TASMANIA) ACT 2013

- (a) Pursuant to Section 16(b) of the Act, to perform the duties of the Road Manager.
- (b) Pursuant to Section 156 of the Act, to perform the duties of the Council if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent.
- (c) Pursuant to Section 158 of the Act, to perform the duties of the Council if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).
- (d) Pursuant to Section 159 of the Act, to perform the duties of the Council to form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator.
- (e) Pursuant to Section 160 of the Act, to perform the duties of the Council to impose road conditions.
- (f) Pursuant to Section 161 of the Act, to perform the duties of the Council to impose travel conditions.

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- (g) Pursuant to Section 162 of the Act, to perform the duties of the Council to impose vehicle restrictions.
 - (h) Pursuant to Section 167 of the Act, to perform the duties of the Council to expedite the Road Manager's consent for renewal of mass or dimension authority.
 - (i) Pursuant to Section 169 of the Act, to perform the duties of the Council to grant limited consent for trial purposes.
 - (j) Pursuant to Section 170 of the Act, to perform the duties of the Council to renew limited consent for trial purposes.
 - (k) Pursuant to Section 172 of the Act, to perform the duties of the Council to issue a statement explaining adverse decision of the Road Manager.
 - (l) Pursuant to Section 173 of the Act, to perform the duties of the Council to issue an amendment or cancellation on the Regulator's initiative.
 - (m) Pursuant to Section 174 of the Act, to perform the duties of the Council to issue an amendment or cancellation on request of the relevant Road Manager.
 - (n) Pursuant to Section 176 of the Act, to perform the duties of the Council to issue an amendment or cancellation on application by the permit holder.
 - (o) Pursuant to Section 178 of the Act, to perform the duties of the Council to issue an amendment or cancellation on the request of the Road Manager. (Approved Council 8/9/2014).

15. FOOD ACT 2003

The following powers be delegated to the General Manager:

- (a) Section 87 – Registration of food businesses;
- (b) Section 89 – Renewal of registration; and
- (c) Section 91 – Variation of conditions, or suspension or cancellation, of registration of food businesses.

City of Hobart


INSTRUMENT OF DELEGATION


Council Delegation

Director City Life

LAND USE PLANNING AND APPROVALS ACT 1993



- That: A. The Council, pursuant to Section 6(3) of the Land Use Planning and Approvals Act 1993, delegate to the Director City Life, the following functions and powers:
- (i) To approve applications for planning permits made under Sections 57 and 58 of the Land Use Planning and Approvals Act 1993 provided that:
 - (a) not more than two statutory objections have been received, or in cases where the applicant and/or owner of the subject property is an elected member or Council officer or his or her spouse or immediate relative, no statutory objections to the application have been received;
 - (b) the building proposed does not exceed 2000 m2 in floor area or 3 storeys in height;
 - (c) the Council is not the applicant;
 - (d) the application does not involve Council owned land, or where the application involves part of a road reservation which is owned or maintained by the Council;
 - (e) the Council is not being requested to make or take a financial contribution to or receive from the applicant/owner (excluding cash in lieu contributions);
 - (f) the application does not involve development in a Heritage Area or involve a heritage listed building and the Tasmanian Heritage Council has not made an objection;
 - (g) in the case of applications for subdivision, the proposal results in the creation of not more than one additional lot; or

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- (h) an elected member has not requested, any time prior to the requisite period of public notification expiring, the application for a planning permit under Section 57 be referred to the City Planning Committee for consideration.
 - (ii) To exercise the powers of Council, as planning authority, pursuant to Section 54 and 55 of the Land Use Planning and Approvals Act 1993;
 - (iii) To exercise the powers of the Council, as planning authority, pursuant to Section 56 of the Land Use Planning and Approvals Act 1993 in respect of the minor amendment of planning permits;
 - (iv) To refuse any application for a change of use or development explicitly prohibited under a planning scheme or interim order, including the power of the Council, as planning authority, pursuant to Section 57 (2) of the Land Use Planning and Approvals Act 1993;
 - (v) To extend the period of time during which representations may be received by the Council pursuant to Section 57 (5) of the Land Use Planning and Approvals Act 1993;
 - (vi) In agreement with the applicant, to extend the period of time in which a permit is to be granted or refused pursuant to Sections 57 (6) (b) and 57 (6A) of the Land Use Planning and Approvals Act 1993;
 - (vii) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 57(6)(b) and 57(6A) of the Land Use and Approvals Act 1993 to enable the application to be considered at a scheduled meeting of the Council or a special meeting of Council. (Note. Any duly authorised delegate determining applications under the Land Use and Approvals Act 1993 must take into account the matters set out in Section 51 of the Act including consideration of the matters set out in representations. (Approved 17/06/2019)
 - (viii) In agreement with the applicant, to extend the period of time in which planning approval must be granted, pursuant to Sections 58 (2) and 58 (2A) of the Land Use Planning and Approvals Act 1993;
 - (ix) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with section 57(6)(b) and 57(6A) of the Land Use Planning and Approvals Act 1993 to allow the application to be considered at a scheduled meeting of the full Council;

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- (x) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with section 58(2) and 58 (2A) of the Land Use Planning and Approvals Act 1993 to allow the application to be considered at a scheduled meeting of the full Council;
 - (xi) To exercise the power of the Council as planning authority pursuant to Section 59 (7) of the Land Use Planning and Approvals Act 1993 to determine applications where no request to make a decision has been lodged with the Tasmanian Civil and Administrative Tribunal;
 - (xii) To enter into an agreement on behalf of the Council as planning authority at a 'Mediation' held on behalf of the Tasmanian Civil and Administrative Tribunal pursuant to Division 7 of Part 8 of the *Tasmanian Civil and Administrative Tribunal Act 2020*;
 - (xiii) To enter into mediation on behalf of the Council as planning authority in accordance with the Section 57A of the Land Use Planning and Approvals Act 1993;
 - (xiv) To determine whether a planning application for the 'use' and/or 'development' of land is 'Discretionary', by virtue of amendments SP1 (State Coastal Policy), to the Sullivans Cove Planning Scheme 1997;

 - (xvii) To allow, pursuant to Section 53 (5A), (5B) and (5C) of the Land Use Planning and Approvals Act 1993, an extension to the period during which use and development associated with a planning permit may be substantially commenced. Such delegation to be limited to permits where the strategic intent of the relevant planning scheme provisions have not significantly changed, or have been changed by the introduction of Planning Directive provision only, since the issue of the original permit and no new development has been undertaken on adjoining property which may be affected by the proposal.
 - (xviii) To exercise the powers of Council, as planning authority, pursuant to Section 48A of the Land Use Planning and Approvals Act 1993 in respect of notices to remove signs.

 - (xx) To exercise the powers of Council, as planning authority, pursuant to section 43(E) (Additional Information), 431 (4A) and (6) (Extension of time for the S43A Permits), Section 43J (Correction of mistakes in



S43A Permits) and Section 43K(2) (Minor amendment of S43A Permits) of the Land Use Planning and Approvals Act 1993.

- (xxi) To exercise the powers of the Council, as planning authority, pursuant to section 60 of the *Land Use Planning and Approvals Act 1993*.
- (b) To determine applications for planning permits under sections 57 and 58 of the *Land Use Planning and Approvals Act 1993* in circumstances where the application has been considered by the Council and the Council has not determined the application due to the vote on a motion being tied.
- (k) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 58(2) and 58 (2A) of the Land Use Planning and Approvals Act 1993 to allow the application to be considered at a scheduled meeting of the Council.



City of Hobart

INSTRUMENT OF DELEGATION

Council Delegation

Manager Development Appraisal

The Council, pursuant to Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate to the Manager Development Appraisal, the following functions and powers:

- (i) To approve applications for planning permits made under Sections 57 and 58 of the *Land Use Planning and Approvals Act 1993*, provided that:
 - (a) not more than two statutory objections have been received, or in cases where the applicant and/or owner of the subject property is an elected member or Council officer or his or her spouse or immediate relative, no statutory objections to the application have been received;
 - (b) the building proposed does not exceed 2000 m² in floor area or 3 storeys in height;
 - (c) the Council is not the applicant or where the Council is the applicant and there are no statutory objections;
 - (d) the application does not involve Council owned land or where the application involves part of a road reservation which is owned or maintained by the Council;
 - (e) the Council is not being requested to make or take a financial contribution to receive from the applicant/owner (excluding cash in lieu contributions);
 - (f) the application does not involve development in a Heritage Area or involve a heritage listed building and the Tasmanian Heritage Council has not made an objection;
 - (g) in the case of applications for subdivision the proposal results in the creation of not more than one additional lot; or



- (h) An elected member has not requested, any time prior to the requisite period of public notification expiring, the application for a planning permit under Section 57 be referred to the City Planning Committee for consideration.
- (ii) To exercise the powers of the Council, as planning authority, pursuant to Section 54 and 55 of the *Land Use Planning and Approvals Act 1993*;
- (iii) To exercise the powers of the Council, as planning authority, pursuant to Section 56 of the *Land Use Planning and Approvals Act 1993*, in respect of the minor amendment of planning permits;
- (iv) To refuse any application for a change of use or development explicitly prohibited under a planning scheme or interim order, including the power of the Council, as planning authority, pursuant to Section 57(2) of the *Land Use Planning and Approvals Act 1993*;
- (v) To extend the period of time during which representations may be received by the Council, as planning authority, pursuant to Section 57(5) of the *Land Use Planning and Approvals Act 1993*;
- (vi) In agreement with the applicant, to extend the period of time in which a permit is to be granted or refused pursuant to Sections 57(6)(b) and 57(6A) of the *Land Use Planning and Approvals Act 1993*;
- (vii) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 57(6)(b) and 57(6A) of the *Land Use and Approvals Act 1993* to enable the application to be considered at a scheduled meeting of the Council or a special meeting of Council. (Note. Any duly authorised delegate determining applications under the *Land Use and Approvals Act 1993* must take into account the matters set out in Section 51 of the Act including consideration of the matters set out in representations.
- (viii) In agreement with the applicant, to extend the period of time in which planning approval must be granted, pursuant to Sections 58 (2) and 58 (2A) of the *Land Use Planning and Approvals Act 1993*;
- (ix) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 57(6)(b) and 57(6A) of the *Land Use Planning and Approvals Act 1993*, to allow the application to be considered at a scheduled meeting of the full Council;

- (x) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 58(2) and 58 (2A) of the *Land Use Planning and Approvals Act 1993*, to allow the application to be considered at a scheduled meeting of the full Council.
- (xi) To exercise the power of the Council as planning authority pursuant to Section 59(7) of the *Land Use Planning and Approvals Act 1993*, to determine applications where no request to make a decision has been lodged with the Tasmanian Civil and Administrative Tribunal;
- (xii) To enter into an agreement on behalf of the Council, as planning authority, at a Mediation held on behalf of the Tasmanian Civil and Administrative Tribunal pursuant to Division 7 of Part 8 of the *Tasmanian Civil and Administrative Tribunal Act 2020*;
- (xiii) To enter into mediation on behalf of the Council as planning authority in accordance with Section 57A of the *Land Use Planning and Approvals Act 1993*;
- (xiii) To exercise the powers of the Council, as planning authority, pursuant to section 60 of the *Land Use Planning and Approvals Act 1993*.
- (xiv) To determine whether a planning application for the 'use' and/or 'development' of land is 'Discretionary', by virtue of amendments SP1(State Coastal Policy), to the *Sullivans Cove Planning Scheme 1997*.
- (xiv) To allow, pursuant to Sections 53 (5A) (5B) and (5C) of the *Land Use Planning and Approvals Act 1993*, an extension to the period during which use and development associated with a planning permit may be substantially commenced. Such delegation to be limited to permits where the strategic intent of the relevant planning scheme provisions have not significantly changed, or have been changed by the introduction of Planning Directive provision only, since the issue of the original permit and no new development has been undertaken on adjoining property which may be affected by the proposal.
- (xvi) To exercise the powers of Council, as planning authority, pursuant to Section 48A of the *Land Use Planning and Approvals Act 1993*, in respect of notices to remove signs.
- (xvii) To exercise the powers of Council, as planning authority, pursuant to: Section 43E (Additional Information), 431 (4A) and (6) (Extension of time for the S43A Permits), Section 43J (Correction of mistakes in S43A Permits) and



Section 43K(2) (Minor amendment of S43A Permits) of the Land Use Planning and Approvals Act 1993.



City of Hobart

INSTRUMENT OF DELEGATION

Council Delegation

Manager Bushland, Biodiversity and Waterways

That: 1. The Council pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, Manager Bushland, Biodiversity and Waterways the following functions and powers:

To exercise the powers of the Council, as planning authority, pursuant to section 60 of the *Land Use Planning and Approvals Act 1993*.

City of Hobart

INSTRUMENT OF DELEGATION

Council Delegation

Senior Statutory Planner

The Council, pursuant to Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate to the Senior Statutory Planner the following functions and powers:

- (i) To approve applications for planning permits made under Sections 57 and 58 of the *Land Use Planning and Approvals Act 1993*, provided that:
 - (a) not more than two statutory objections have been received, or in cases where the applicant and/or owner of the subject property is an elected member or Council officer or his or her spouse or immediate relative, no statutory objections to the application have been received;
 - (b) the building proposed does not exceed 2000 m2 in floor area or 3 storeys in height;
 - (c) the Council is not the applicant or where the Council is the applicant and there are no statutory objections (Approved Council 07/12/2020).;
 - (d) the application does not involve Council owned land or where the application involves part of a road reservation which is owned or maintained by the Council (Approved Council 07/12/2020).;
 - (e) the Council is not being requested to make or take a financial contribution to receive from the applicant/owner (excluding cash in lieu contributions);
 - (f) the application does not involve development in a Heritage Area or involve a heritage listed building and the Tasmanian Heritage Council has not made an objection;
 - (g) in the case of applications for subdivision the proposal results in the creation of not more than one additional lot; or



- (h) An elected member has not requested, any time prior to the requisite period of public notification expiring, the application for a planning permit under Section 57 be referred to the City Planning Committee for consideration.
- (ii) To exercise the powers of the Council, as planning authority, pursuant to Section 54 and 55 of the *Land Use Planning and Approvals Act 1993*;
- (iii) To exercise the powers of the Council, as planning authority, pursuant to Section 56 of the *Land Use Planning and Approvals Act 1993*, in respect of the minor amendment of planning permits;
- (iv) To refuse any application for a change of use or development explicitly prohibited under a planning scheme or interim order, including the power of the Council, as planning authority, pursuant to Section 57(2) of the *Land Use Planning and Approvals Act 1993*;
- (v) To extend the period of time during which representations may be received by the Council, as planning authority, pursuant to Section 57(5) of the *Land Use Planning and Approvals Act 1993*;
- (vi) In agreement with the applicant, to extend the period of time in which a permit is to be granted or refused pursuant to Sections 57(6)(b) and 57(6A) of the *Land Use Planning and Approvals Act 1993*;
- (vii) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 57(6)(b) and 57(6A) of the *Land Use and Approvals Act 1993* to enable the application to be considered at a scheduled meeting of the Council or a special meeting of Council. (Note. Any duly authorised delegate determining applications under the *Land Use and Approvals Act 1993* must take into account the matters set out in Section 51 of the Act including consideration of the matters set out in representations. (Approved 17/06/2019)
- (viii) In agreement with the applicant, to extend the period of time in which planning approval must be granted, pursuant to Sections 58 (2) and 58 (2A) of the *Land Use Planning and Approvals Act 1993*;
- (ix) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 57(6)(b) and 57(6A) of the *Land Use Planning and Approvals Act 1993*, to allow the application to be considered at a scheduled meeting of the full Council;
- (x) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 58(2) and 58 (2A) of

the *Land Use Planning and Approvals Act 1993*, to allow the application to be considered at a scheduled meeting of the full Council.

- (xi) To exercise the power of the Council as planning authority pursuant to Section 59(7) of the *Land Use Planning and Approvals Act 1993*, to determine applications where no request to make a decision has been lodged with the Tasmanian Civil and Administrative Tribunal;
- (xii) To enter into an agreement on behalf of the Council, as planning authority, at a Mediation held on behalf of the Tasmanian Civil and Administrative Tribunal pursuant to Division 7 of Part 8 of the *Tasmanian Civil and Administrative Tribunal Act 2020*;
- (xiii) To enter into mediation on behalf of the Council as planning authority in accordance with Section 57A of the *Land Use Planning and Approvals Act 1993*;
- (xiv) To determine whether a planning application for the 'use' and/or 'development' of land is 'Discretionary', by virtue of amendments SP1 (State Coastal Policy), to the *Sullivans Cove Planning Scheme 1997*.
- (xv) To allow, pursuant to Sections 53 (5A) (5B) and (5C) of the *Land Use Planning and Approvals Act 1993*, an extension to the period during which use and development associated with a planning permit may be substantially commenced. Such delegation to be limited to permits where the strategic intent of the relevant planning scheme provisions have not significantly changed, or have been changed by the introduction of Planning Directive provision only, since the issue of the original permit and no new development has been undertaken on adjoining property which may be affected by the proposal.
- (a) To exercise the powers of the Council, as planning authority, pursuant to section 60 of the *Land Use Planning and Approvals Act 1993*.
- (xvi) To exercise the powers of Council, as planning authority, pursuant to Section 48A of the *Land Use Planning and Approvals Act 1993*, in respect of notices to remove signs.
- (xvii) To exercise the powers of Council, as planning authority, pursuant to: Section 43E (Additional Information), 431 (4A) and (6) (Extension of time for the S43A Permits), Section 43J (Correction of mistakes in S43A Permits) and Section 43K(2) (Minor amendment of S43A Permits) of the *Land Use Planning and Approvals Act 1993*.





City of Hobart

INSTRUMENT OF DELEGATION

Council Delegation

Senior Development Engineer

That: 1. The Council pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, Senior Development Engineer the following functions and powers:

To exercise the powers of the Council, as planning authority, pursuant to section 60 of the *Land Use Planning and Approvals Act 1993*.



City of Hobart

INSTRUMENT OF DELEGATION

Council Delegation

Program Leader Stormwater Services

That: 1. The Council pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, Program Leader Stormwater Services the following functions and powers:

To exercise the powers of the Council, as planning authority, pursuant to section 60 of the *Land Use Planning and Approvals Act 1993*.

City of Hobart

INSTRUMENT OF DELEGATION

Council Delegation

Director City Futures

A The Council, pursuant to Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate to the Director City Futures, the following functions and powers:



- (xv) To initiate amendments to the Hobart Interim Planning Scheme 2015 and the Sullivans Cove Planning Scheme 1997 when the Chief Executive Officer or Director City Life is satisfied that the amendment is for the purpose of:
 - (i) the correction of any error in the planning scheme;
 - (ii) the removal of any anomaly in the planning scheme;
 - (iii) clarifying or simplifying the planning scheme; or
 - (iv) removing any inconsistency between the planning scheme and any Act.
- (xvi) To forward a Section 39(2) report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following:
 - (i) no representations have been received or all representations received are in support of the amendment without modification; and
 - (ii) no issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections.
- (ixx) To exercise the powers of Council, as planning authority, pursuant to Section 33(5) of the *Land Use Planning and Approvals Act 1993* in respect of requests for amendments to the Hobart Interim Planning Scheme 2015 where an owner or occupier has made representation under Section 301.

B That pursuant to Section 124 of the Local Government (Highways) Act 1982, the following powers and functions under that Act be delegated to the Director City Futures :

1. To approve plans and specifications for proposed roads or other ways for the improvement, widening or alteration of a road or other way already existing on land in building estates, pursuant to Section 10 of the Act.
2. To divert or close a local highway in the interest of public safety or because of lack of use, pursuant to Section 14 of the Act where action is required to amend the Municipal Map to reflect the current actual usage of the land.
3. For a purpose in connection of a public function or in order to facilitate work on land adjoining a local highway to:
 - (i) close a local highway or part of a local highway in the municipality pursuant to section 19(1)(a) of the Act;
 - (ii) grant exclusive licences to occupy part of a local highway pursuant to section 19(1)(c) of the Act.
4. To act on behalf of the Council in relation to the closure of a highway and the issue of a licence to occupy a highway for the purpose of the sale of goods and for entertainment, pursuant to Section 20 of the Act.
5. To close the highway or close it to particular forms of traffic for the purpose of undertaking work in a highway pursuant to Section 25(1) and 25(2) of the Act.
6. To issue notices pursuant to Section 28(1) and to serve orders pursuant to 28(7) of the Act requiring infrastructure to be moved or isolated in relation to carrying out of any highway works.
7. To act on behalf of the Council pursuant to Section 30(1) of the Act in respect of a local highway maintainable by the corporation, to carry out such works and do such other things as considered necessary or desirable for rendering the use of the highway safer or more

convenient or for improving the appearance.

8. To exercise the powers of Council pursuant to Section 30(2) of the Act to provide and maintain in, under, or upon the highway and, if it thinks fit, remove from the highway all or any of the following buildings, structures, works, or other things:
 - (i) buildings, shelters, works, equipment, and devices for the guidance, protection, or convenience of persons using or requiring to use the highway or for the regulation of traffic on the highway, other than traffic signs erected by the Transport Commission;
 - (ii) receptacles for litter, refuse, or other abandoned or unwanted matter;
 - (iii) trees, shrubs, and other plants, and lawns, gardens, and rockeries; and
 - (iv) statues, monuments, fountains, and similar works for public benefit or interest.
9. Following approval from the Transport Commissioner, to exercise the powers of Council pursuant to Section 31(1) of the Act to construct or place obstructions in a local highway for the purpose of preventing or restricting the movement of vehicular traffic.
10. Pursuant to Section 32(2) of the Act to light, or arrange for the lighting of, a local highway within the municipality or a public place in the municipality that is not a local highway.
11. In exercising the powers under Section 32 of the Act on any land to carry out or cause to carry out such works that are considered necessary, in accordance with Section 32(3).
12. To issue notices pursuant to Section 33(1) to the owner of a private way or court to which the public ordinarily has access, requiring him to light it in accordance with the directions contained in the notice.
13. Pursuant to Section 37(3) of the Act the power to determine that an entrance on land adjoining or adjacent to a local highway maintainable by the corporation is so situated:
 - (i) that excessive damage to the surface of the highway results from the driving of vehicles into or out of the entrances; or



(ii) as to create, or be likely to create, a hazard to traffic on the highway.

14. To exercise the powers of Council pursuant to Section 45 of the Act to authorise the removal and disposal of articles abandoned on a highway.
15. To approve private underground works and the erection of hoarding or scaffolding in Council highway reserves in accordance with Section 46 of the Act.
16. To exercise the powers and functions of the Council contained in Section 52 of the Act relating to projections onto highways.
17. To exercise the powers and functions of the Council contained in Section 54 of the Act relating to the placement of street name signs.
18. To lease Council conduits within Council's highway reserves.

City of Hobart

INSTRUMENT OF DELEGATION

Council Delegation

Manager Urban Futures

A The Council, pursuant to Section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegate to the Manager Urban Futures the following functions and powers:

- (i) To approve applications for planning permits made under Sections 57 and 58 of the *Land Use Planning and Approvals Act 1993*, provided that:
 - (a) not more than two statutory objections have been received, or in cases where the applicant and/or owner of the subject property is an Alderman or Council officer or his or her spouse or immediate relative, no statutory objections to the application have been received;
 - (b) the building proposed does not exceed 2000 m2 in floor area or 3 storeys in height;
 - (c) the Council is not the applicant or where the Council is the applicant and there are no statutory objections (Approved Council 07/12/2020).;
 - (d) the application does not involve Council owned land or where the application involves part of a road reservation which is owned or maintained by the Council (Approved Council 07/12/2020).;
 - (e) the Council is not being requested to make or take a financial contribution to receive from the applicant/owner (excluding cash in lieu contributions);
 - (f) the application does not involve development in a Heritage Area or involve a heritage listed building and the Tasmanian Heritage Council has not made an objection;
 - (g) in the case of applications for subdivision the proposal results in the creation of not more than one additional lot; or





- (h) An Alderman has not requested, any time prior to the requisite period of public notification expiring, the application for a planning permit under Section 57 be referred to the City Planning Committee for consideration.
- (ii) To exercise the powers of the Council, as planning authority, pursuant to Section 54 and 55 of the *Land Use Planning and Approvals Act 1993*;
- (iii) To exercise the powers of the Council, as planning authority, pursuant to Section 56 of the *Land Use Planning and Approvals Act 1993*, in respect of the minor amendment of planning permits;
- (iv) To refuse any application for a change of use or development explicitly prohibited under a planning scheme or interim order, including the power of the Council, as planning authority, pursuant to Section 57(2) of the *Land Use Planning and Approvals Act 1993*;
- (v) To extend the period of time during which representations may be received by the Council, as planning authority, pursuant to Section 57(5) of the *Land Use Planning and Approvals Act 1993*;
- (vi) In agreement with the applicant, to extend the period of time in which a permit is to be granted or refused pursuant to Sections 57(6)(b) and 57(6A) of the *Land Use Planning and Approvals Act 1993*;
- (vii) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 57(6)(b) and 57(6A) of the *Land Use and Approvals Act 1993* to enable the application to be considered at a scheduled meeting of the Council or a special meeting of Council. (Note. Any duly authorised delegate determining applications under the *Land Use and Approvals Act 1993* must take into account the matters set out in Section 51 of the Act including consideration of the matters set out in representations. (Approved 17/06/2019)
- (viii) In agreement with the applicant, to extend the period of time in which planning approval must be granted, pursuant to Sections 58 (2) and 58 (2A) of the *Land Use Planning and Approvals Act 1993*;
- (ix) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 57(6)(b) and 57(6A) of the *Land Use Planning and Approvals Act 1993*, to allow the application to be considered at a scheduled meeting of the full Council;
- ix) To determine applications in circumstances where the applicant has refused to grant an extension of time in accordance with Section 58(2) and 58 (2A) of

the *Land Use Planning and Approvals Act 1993*, to allow the application to be considered at a scheduled meeting of the full Council.

- (xi) To exercise the power of the Council as planning authority pursuant to Section 59(7) of the *Land Use Planning and Approvals Act 1993*, to determine applications where no request to make a decision has been lodged with the Resource Management and Planning Appeal Tribunal;
- (xii) To enter into an agreement on behalf of the Council, as planning authority, at a Mediation held on behalf of the Resource Management and Planning Appeal Tribunal pursuant to Section 17 of the *Resource Management and Planning Appeal Tribunal Act 1993*;
- (xiii) To enter into mediation on behalf of the Council as planning authority in accordance with Section 57A of the *Land Use Planning and Approvals Act 1993*;
- (xiv) To determine whether a planning application for the 'use' and/or 'development' of land is 'Discretionary', by virtue of amendments SP1 (State Coastal Policy), to the *Sullivans Cove Planning Scheme 1997*.
- (xv) To allow, pursuant to Sections 53 (5A) (5B) and (5C) of the *Land Use Planning and Approvals Act 1993*, an extension to the period during which use and development associated with a planning permit may be substantially commenced. Such delegation to be limited to permits where the strategic intent of the relevant planning scheme provisions have not significantly changed, or have been changed by the introduction of Planning Directive provision only, since the issue of the original permit and no new development has been undertaken on adjoining property which may be affected by the proposal.
- (xvi) To exercise the powers of Council, as planning authority, pursuant to Section 48A of the *Land Use Planning and Approvals Act 1993*, in respect of notices to remove signs.
- (xvii) To exercise the powers of Council, as planning authority, pursuant to: Section 43E (Additional Information), 431 (4A) and (6) (Extension of time for the S43A Permits), Section 43J (Correction of mistakes in S43A Permits) and Section 43K(2) (Minor amendment of S43A Permits) of the *Land Use Planning and Approvals Act 1993*.

B That pursuant to Section 124 of the Local Government (Highways) Act 1982, (the Act) the following powers and functions under that Act be delegated to the Manager Urban Futures or such person who may be acting in that capacity:

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1. For a purpose in connection of a public function or in order to facilitate work on land adjoining a local highway to:
 - (a) close a local highway or part of a local highway in the municipality pursuant to section 19(1)(a) of the Act;
 - (b) grant exclusive licences to occupy part of a local highway pursuant to section 19(1)(c) of the Act.
 2. To act on behalf of the Council in relation to the closure of a highway and the issue of a licence to occupy a highway for the purpose of the sale of goods and for entertainment, pursuant to Section 20 of the Act.
 3. To close the highway or close it to particular forms of traffic for the purpose of undertaking work in a highway pursuant to Section 25(1) and 25(2) of the Act.
 4. Following approval from the Transport Commissioner, to execute the powers of Council pursuant to Section 31(1) of the Act to construct or place obstructions in a local highway for the purpose of preventing or restricting the movement of vehicular traffic.
 5. To exercise the powers and functions of the Council contained in Section 54 of the Act relating to the placement of street name signs.

City of Hobart

INSTRUMENT OF DELEGATION


Council Delegation


Director City Enablers

Local Government (Highways) Act 1982

That pursuant to Section 124 of the Local Government (Highways) Act 1982, the following powers and functions under that Act be delegated to the Director City Enablers:

1. To make and open highways in the municipality, and widen or extend a local highway maintainable by the corporation, pursuant to Section 6 of the Act where action is required to amend the Municipal Map to reflect the current actual usage of the land.
2. To grant approval of the dedication of land as a highway in a city, pursuant to Section 7 of the Act where action is required to amend the Municipal Map to reflect the current actual usage of the land.
3. To approve plans and specifications for proposed roads or other ways for the improvement, widening or alteration of a road or other way already existing on land in building estates, pursuant to Section 10 of the Act.
4. To take over roads or other ways constructed as part of a plan of subdivision or building estate pursuant to Section 10 of the Act.
5. To declare that a road or other way within the municipality of Hobart, that is not a highway, shall become a highway maintainable by the corporation or a particular kind of highway so maintainable, pursuant to Section 12 of the Act where action is required to amend the Municipal Map to reflect the current actual usage of the land.
6. To divert or close a local highway in the interest of public safety or because of lack of use, pursuant to Section 14 of the Act where action is required to amend the Municipal Map to reflect the current actual usage of the land.
7. For a purpose in connection of a public function or in order to facilitate work on land adjoining a local highway to:

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- (i) close a local highway or part of a local highway in the municipality pursuant to section 19(1)(a) of the Act;
 - (ii) grant exclusive licences to occupy part of a local highway pursuant to section 19(1)(c) of the Act.
 - 8. To exercise the powers of Council pursuant to Section 30(2) of the Act to provide and maintain in, under, or upon the highway and, if it thinks fit, remove from the highway all or any of the following buildings, structures, works, or other things:
 - (i) buildings, shelters, works, equipment, and devices for the guidance, protection, or convenience of persons using or requiring to use the highway or for the regulation of traffic on the highway, other than traffic signs erected by the Transport Commission;
 - (ii) receptacles for litter, refuse, or other abandoned or unwanted matter;
 - (iii) trees, shrubs, and other plants, and lawns, gardens, and rockeries;
 - (iv) statues, monuments, fountains, and similar works for public benefit or interest.
 - 9. Pursuant to Section 32(2) of the Act to light, or arrange for the lighting of, a local highway within the municipality or a public place in the municipality that is not a local highway.
 - 10. In exercising the powers under Section 32 of the Act on any land to carry out or cause to carry out such works that are considered necessary, in accordance with Section 32(3).
 - 11. To issue notices pursuant to Section 33(1) to the owner of a private way or court to which the public ordinarily has access, requiring him to light it in accordance with the directions contained in the notice.
 - 12. To exercise the powers of Council pursuant to Section 34 of the Act to make, cleanse and keep open all drains or local watercourses they consider necessary in and through any adjoining land or near a local highway maintainable by the Council.
 - 13. To issue notices pursuant to Section 35 of the Act requiring repairs or construction works to be carried out in a highway under Council management, to a vehicular crossing over a table drain, gutter or footpath at or opposite the entrance to land adjoining the highway.

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14. To issue notices pursuant to Section 36 requiring a fence to be erected between the footpath and adjoining land and to authorise the carrying out of the works pursuant to Section 36(2) of the Act in the event that the notice is not complied with.
 15. Pursuant to Section 37(3) of the Act the power to determine that an entrance on land adjoining or adjacent to a local highway maintainable by the corporation is so situated:-
 - (i) that excessive damage to the surface of the highway results from the driving of vehicles into or out of the entrances; or
 - (ii) as to create, or be likely to create, a hazard to traffic on the highway.
 16. To exercise the powers of Council pursuant to Section 38 of the Act to remove any indigenous trees growing or standing within 25 metres of the centre of a highway provided that the removal shall, in his opinion, be for ensuring or facilitating the good management of the highway.
 17. To exercise the powers of Council pursuant to Section 39 of the Act to require an occupier of land to cut back, trim or remove any vegetation that is in his opinion a danger, obstruction, interference or inconvenience to the use of the highway and to issue any notice that he may deem necessary to ensure compliance and authorise any works that may be necessary to ensure compliance with the notice issued.
 18. To exercise the powers of Council pursuant to Section 45 of the Act to authorise the removal and disposal of articles abandoned on a highway.
 19. To approve private underground works, and the erection of hoarding or scaffolding, in Council highway reserves in accordance with Section 46 of the Act.
 20. To exercise the powers and functions of the Council contained in Section 52 of the Act relating to projections onto highways.
 21. To lease Council conduits within Council's highway reserves.

City of Hobart

INSTRUMENT OF DELEGATION


Council Delegation


Manager City Infrastructure

Local Government (Highways) Act 1982

That pursuant to Section 124 of the *Local Government (Highways) Act 1982*, the following powers and functions under that Act be delegated to the Manager City Infrastructure:

1. To make and open highways in the municipality, and widen or extend a local highway maintainable by the corporation, pursuant to Section 6 of the Act where action is required to amend the Municipal Map to reflect the current actual usage of the land.
2. To grant approval of the dedication of land as a highway in a city, pursuant to Section 7 of the Act where action is required to amend the Municipal Map to reflect the current actual usage of the land.
3. To approve plans and specifications for proposed roads or other ways for the improvement, widening or alteration of a road or other way already existing on land in building estates, pursuant to Section 10 of the Act.
4. To take over roads or other ways constructed as part of a plan of subdivision or building estate pursuant to Section 10 of the Act.
5. To divert or close a local highway in the interest of public safety or because of lack of use, pursuant to Section 14 of the Act where action is required to amend the Municipal Map to reflect the current actual usage of the land.
6. For a purpose in connection of a public function or in order to facilitate work on land adjoining a local highway to:
 - (i) close a local highway or part of a local highway in the municipality pursuant to section 19(1)(a) of the Act;
 - (ii) grant exclusive licences to occupy part of a local highway pursuant to section 19(1)(c) of the Act.

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7. To exercise the powers of Council pursuant to Section 30(2) of the Act to provide and maintain in, under, or upon the highway and, if it thinks fit, remove from the highway all or any of the following buildings, structures, works, or other things:
 - (i) buildings, shelters, works, equipment, and devices for the guidance, protection, or convenience of persons using or requiring to use the highway or for the regulation of traffic on the highway, other than traffic signs erected by the Transport Commission;
 - (ii) receptacles for litter, refuse, or other abandoned or unwanted matter;
 - (iii) trees, shrubs, and other plants, and lawns, gardens, and rockeries;
 - (iv) statues, monuments, fountains, and similar works for public benefit or interest.
 8. Pursuant to Section 32(2) of the Act to light, or arrange for the lighting of, a local highway within the municipality or a public place in the municipality that is not a local highway.
 9. In exercising the powers under Section 32 of the Act on any land to carry out or cause to carry out such works that are considered necessary, in accordance with Section 32(3).
 10. To issue notices pursuant to Section 33(1) to the owner of a private way or court to which the public ordinarily has access, requiring him to light it in accordance with the directions contained in the notice.
 11. To exercise the powers of Council pursuant to Section 34 of the Act to make, cleanse and keep open all drains or local watercourses they consider necessary in and through any adjoining land or near a local highway maintainable by the Council.
 12. To issue notices pursuant to Section 35 of the Act requiring repairs or construction works to be carried out in a highway under Council management, to a vehicular crossing over a table drain, gutter or footpath at or opposite the entrance to land adjoining the highway.
 13. To issue notices pursuant to Section 36 requiring a fence to be erected between the footpath and adjoining land and to authorise the carrying out of the works pursuant to Section 36(2) of the Act in the event that the notice is not complied with.

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14. Pursuant to Section 37(3) of the Act, the power to determine that an entrance on land adjoining or adjacent to a local highway maintainable by the corporation is so situated:-
 - (i) that excessive damage to the surface of the highway results from the driving of vehicles into or out of the entrances; or
 - (ii) as to create, or be likely to create, a hazard to traffic on the highway.
 15. To exercise the powers of Council pursuant to Section 45 of the Act to authorise the removal and disposal of articles abandoned on a highway.
 16. To approve private underground works, and the erection of hoarding or scaffolding, in Council highway reserves in accordance with Section 46 of the Act.
 17. To exercise the powers and functions of the Council contained in Section 52 of the Act relating to projections onto highways.
 18. The power to lease Council conduits within Council's highway reserves.

City of Hobart

INSTRUMENT OF DELEGATION


Council Delegation

Program Leader Road Services

Local Government (Highways) Act 1982

That pursuant to Section 124 of the *Local Government (Highways) Act 1982*, the following powers and functions under that Act be delegated to the Program Leader Road Services:

1. To approve plans and specifications for proposed roads or other ways for the improvement, widening or alteration of a road or other way already existing on land in building estates, pursuant to Section 10 of the Act.
2. For a purpose in connection of a public function or in order to facilitate work on land adjoining a local highway to:
 - (i) close a local highway or part of a local highway in the municipality pursuant to section 19(1)(a) of the Act;
 - (ii) grant exclusive licences to occupy part of a local highway pursuant to section 19(1)(c) of the Act.
3. To exercise the powers of Council pursuant to Section 30(2) of the Act to provide and maintain in, under, or upon the highway and, if it thinks fit, remove from the highway all or any of the following buildings, structures, works, or other things:
 - (i) buildings, shelters, works, equipment, and devices for the guidance, protection, or convenience of persons using or requiring to use the highway or for the regulation of traffic on the highway, other than traffic signs erected by the Transport Commission;
 - (ii) receptacles for litter, refuse, or other abandoned or unwanted matter;
 - (iii) trees, shrubs, and other plants, and lawns, gardens, and rockeries;
 - (iv) statues, monuments, fountains, and similar works for public benefit or interest.

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4. To issue notices pursuant to Section 33(1) to the owner of a private way or court to which the public ordinarily has access, requiring him to light it in accordance with the directions contained in the notice.
 5. To issue notices pursuant to Section 35 of the Act requiring repairs or construction works to be carried out in a highway under Council management, to a vehicular crossing over a table drain, gutter or footpath at or opposite the entrance to land adjoining the highway.
 6. To issue notices pursuant to Section 36 requiring a fence to be erected between the footpath and adjoining land and to authorise the carrying out of the works pursuant to Section 36(2) of the Act in the event that the notice is not complied with.
 7. Pursuant to Section 37(3) of the Act, the power to determine that an entrance on land adjoining or adjacent to a local highway maintainable by the corporation is so situated:-
 - (i) that excessive damage to the surface of the highway results from the driving of vehicles into or out of the entrances; or
 - (ii) as to create, or be likely to create, a hazard to traffic on the highway.
 8. To exercise the powers of Council pursuant to Section 45 of the Act to authorise the removal and disposal of articles abandoned on a highway.
 9. To approve private underground works, and the erection of hoarding or scaffolding, in Council highway reserves in accordance with Section 46 of the Act.

To exercise the powers and functions of the Council contained in Section 52 of the Act relating to projections onto highways.

6.2 New Policy - Competitive Neutrality
File Ref: F22/21118; 18/17

Memorandum of the Director City Enablers of 10 March 2022 and attachment.

Delegation: Council



City of **HOBART**

MEMORANDUM: FINANCE AND GOVERNANCE COMMITTEE

New Policy - Competitive Neutrality

The purpose of this memorandum is to present to the Council a new policy – Competitive Neutrality.

The policy's purpose is to provide the Council with a framework in which to apply the principles of National Competition Policy (NCP). As a tier of Government the City of Hobart is required to comply with National Competition Policy and to apply the Competition Principles Agreement (CPA). This Agreement has a very simple foundation - that all significant business activities of government should not enjoy a competitive advantage over the private sector simply by virtue of public ownership.

National Competition Policy has been in existence since 1995 when the Australian and all State Governments signed up to the Policy. Since that time the City of Hobart has applied where necessary the NCP and CPA to its significant Business Activities.

A significant business activity is not defined by the NCP but rather the intent is that individual governments are to decide whether any activities they undertake are significant business activities. In the context of City of Hobart operations over this time there have been three activities that the Council has deemed to be significant business activities:

1. On-street and off-street parking
2. The Doone Kennedy Hobart Aquatic Centre
3. The Tasmanian Travel and Information Centre

In making this determination the Council has committed to (and is required under section 84(2) of the *Local Government Act 1993*) reporting the financial performance of these activities separately in annual reports and to add in the true costs of operating these businesses including those costs that a private business would normally need to account for but by virtue of Council ownership these activities don't normally pay. Examples of these costs that are added in are rates and the opportunity cost of capital. In Council's Annual Report these are noted as 'Competitive Neutrality Costs' and are included every year in the bottom line figures for these activities.

Notwithstanding Council's continuing compliance with the requirements of National Competition Policy, elected members would be aware that from time to time Council

activities do come under scrutiny from the private sector. For example, The Doone Kennedy Hobart Aquatic Centre has been the subject of complaints from the private sector in the past as it operates in an industry where there are many private sector operators. It is entirely reasonable for the private sector to seek clarity on how the Council operates its business activities and the complaints process through NCP, which in Tasmania is managed through the Office of the Economic Regulator, is the primary method.

To assist in providing greater transparency and to more appropriately set the context as to how Council will manage the process of complying with National Competition Policy into the future the attached (refer **Attachment A**) policy has been prepared that outlines the framework for Council's approach to NCP. By having the policy it provides greater transparency for Council, the community and regulators as to how Council will operate into the future with regard to its significant business activities.

RECOMMENDATION

That the Council adopt the new policy 'Competitive Neutrality' marked as Attachment A to this memorandum.

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.



Tim Short
DIRECTOR CITY ENABLERS

Date: 10 March 2022
File Reference: F22/21118; 18/17

Attachment A: Draft Competitive Neutrality Policy ↓ 

City of Hobart

Policy

Title: Competitive Neutrality**Category:** Corporate Governance**Date Last Adopted:** N/A

1. Objectives

To detail the process under which the Council will conduct an annual review of its significant business activities ("SBA") to monitor and ensure compliance with the Competitive Neutrality Principles.

2. Background

In 1995 the Tasmanian Government signed three inter-governmental agreements relating to the implementation of the National Competition Policy ("NCP"). One of these agreements was the Competition Principles Agreement ("CPA"). Clause 3(1) of the CPA states that SBAs should not enjoy competitive advantages over their private sector competitors simply by virtue of public ownership.

The provisions of the CPA are applied to local government bodies by the Tasmanian Government. The CPA provides two separate models of competitive neutrality. These are the corporatisation model (clause 3(4)) and the full cost attribution model (clause 3(5)). According to the CPA, these models are to be applied to the extent that it is in the public benefit and on an ongoing-basis, all councils must:

- (a) identify all business activities within their operations;
- (b) identify which of these business activities are SBAs;
- (c) apply full cost attribution to those SBAs, to the extent that it is in the public benefit;
- (d) identify those SBAs which are suitable for corporatisation;
- (e) determine whether the programs and services within the SBAs are community service obligations ("CSO");

- (f) undertake public benefit assessments of the CSO's, including full cost attribution in the pricing of the programs or services;
- (g) corporatise those business activities where a public benefit assessment indicates that the benefits outweigh the costs of doing so.

Under the NCP, competitive neutrality principles only apply to SBAs. However, there is no prescribed definition of a "SBA" and each Local Government body must make its own assessment to determine whether an activity is a business and if that business is a "significant business".

3. Policy

General

The Council will conduct a review of all of its activities on an annual basis to:

- (a) identify all of the Council's SBAs in accordance with the publication titled *"Identification and Management of Significant Business Activities by Local Government in Tasmania to Comply with Competitive Neutrality Principles"* issued by the Tasmanian Department of Treasury and Finance in December 2013;
- (b) identify all of the programs or services within the SBAs;
- (c) assess each of those programs or services for suitability for corporatisation;
- (d) for those programs or services where corporatisation is not appropriate, to develop or update the Full Cost Attribution ("FCA") model for pricing analysis of those programs or services;
- (e) determine whether any of the programs or services, within an SBA, reviewed in the FCA pricing analysis constitute a CSO in accordance with the publication titled *"Community Service Obligation Policy and Guidelines for Local Government in Tasmania"* issued by the Department of Premier and Cabinet in November 2000;
- (f) for those programs or services that are a CSO, decide whether to continue to provide the CSO, and if so, to record the funding of the CSO clearly in the Council's budget and in its annual report;
- (g) for the remaining programs or services (if any) that are not suitable for corporatisation and/or are not a CSO, identify those programs or services that would be in the public benefit to offer at a price less than the fully attributed cost ("Public Benefit Program or Service");

- (h) conduct a public benefit assessment for the Public Benefit Program or Service; and
- (i) apply cost-reflective pricing to those programs or services which are not a CSO and/or a Public Benefit Program or Service when setting the fees and charges.

4. Legislation, Terminology and References

- Competitive Neutrality Principles Agreement 11 April 1995
- *Economic Regulator Act 2009* (Tas)
- *Fees and Charges Policy* (check name and update to reflect this policy once adopted)
- *Identification and Management of Significant Business Activities by Local Government in Tasmania to Comply with Competitive Neutrality Principles*, issued by the Tasmanian Department of Treasury and Finance in December 2013
- *Community Service Obligation Policy and Guidelines for Local Government in Tasmania*, issued by the Department of Premier and Cabinet in November 2000

5. Definitions

Term	Meaning
Competitive Neutrality Costs (CNC)	Costs which would have applied to the activity, had it not been conducted within the umbrella of government.
Corporatisation	Conversion of an SBA into an independent, operating business
Full Cost Attribution (FCA)	<p>The value of all resources consumed by an entity in the provision of that SBA plus Competitive Neutrality Costs.</p> <ul style="list-style-type: none"> • Operating costs • Capital costs • Competitive Neutrality Costs
Program or Services	A program or service offered by the Council to the community that forms part of the operation of an SBA.
Significant Business Activity (SBA)	<p>Indicators of Significant Business Activities include:</p> <ul style="list-style-type: none"> • operation in a competitive market

- market share of the activity
- size of the activity within the organisation,

Responsible Officer:	Director City Enablers
Policy first adopted by the Council:	Not applicable
History	
Amended by Council	Not applicable
Next Review Date:	Not applicable
File Reference:	

6.3 Financial Report as at 31 December 2021
File Ref: F22/12267

Memorandum of the Chief Financial Officer and the Director City
Enablers of 8 March 2022.

Delegation: Council



City of **HOBART**

MEMORANDUM: FINANCE AND GOVERNANCE COMMITTEE

Financial Report as at 31 December 2021

The purpose of this memorandum is to provide the year to December 2021 financial results and to seek approval for changes to the 2021-22 Estimates (budget).

Summary - Underlying Result

As at 31 December 2021, the forecast for the year end underlying result is a surplus of \$1.063M. This is lower than the original budget forecast surplus of \$1.493M, however is an improvement on the September forecast which identified a possible deficit of \$0.754M.

The reason for the improved position compared to the September revised budget is an improved revenue forecast of \$2.804M. This amount is primarily due to increased income from fines and car park usage, partly offset by a decrease in on-street parking fees.

Partially offsetting the improved revenue forecasts, expenditure is forecast to increase by \$0.987M. These expenditure forecasts are a combination of increased labour due to increased parking officers being employed, offset by transfers to contracted services, a corresponding increase in contracted services, a transfer of energy costs budget to materials and services, a downward revision to the finance costs budget to align with the interest rates on the new loans drawn down and a reduction in the energy costs forecast to reflect refunds received relating to prior years.

Detail

		YTD Actual (\$,000)	YTD Budget (\$,000)	Variance Fav/(Unfav) (\$,000)	Variance %	2021-22 Original Budget (\$,000)	2021-22 Revised (Approved) Budget (\$,000)	2021-22 Revised (Pending) Budget (\$,000)	2021-22 Forecast Full Year Result (\$,000)
Expenses									
	Labour	29,827	30,704	877	2.9%	61,741	61,918	752	62,671
	Materials and Services	15,445	15,664	219	1.4%	29,725	29,012	480	29,491
	Finance Costs	829	829	0	0.0%	2,168	2,465	(245)	2,219
	Fire Levy	6,276	6,276	0	0.0%	12,553	12,553		12,553
	Depreciation	15,162	15,162	0	0.0%	27,325	30,325		30,325
	Other Expenses	1,663	1,990	328	16.5%	7,675	7,675		7,675
	Total	69,203	70,627	1,424	2.0%	141,187	143,948	987	144,934
Revenues									
	Rates and Charges	48,643	47,673	970	2.0%	95,266	95,306	20	95,326
	Fire Levy Commission	251	251	(0)	(0.0%)	502	502	0	502
	Fines	3,633	2,625	1,008	38.4%	5,250	5,250	2,149	7,399
	Fees and Charges - Car Parks	6,217	5,417	799	14.8%	10,857	10,857	1,382	12,239
	Fees and Charges - On Street Parking	3,774	4,088	(313)	(7.7%)	8,175	8,175	(675)	7,500
	Other Fees and Charges	7,654	7,228	426	5.9%	13,740	13,870	(278)	13,592
	Operating Grants	1,313	1,210	103	8.5%	3,354	3,697	122	3,820
	Interest	134	65	69	105.3%	130	130	140	270
	Rents	1,191	1,364	(174)	(12.7%)	2,801	2,801	(57)	2,744
	Tas Water Distributions	1,086	1,086	0	0.0%	2,606	2,606	0	2,606
	Total	73,896	71,008	2,887	4.1%	142,680	143,194	2,804	145,997
Underlying Result		4,693	381	1,463	1132.4%	1,493	(754)	1,817	1,063

The reasons for the \$1.817M improvement in the forecast underlying result is reflected in the Income Statement as follows:

Expense Budget Increases		Expense Budget Decreases	
Item	Amount	Item	Amount
Labour - \$873K additional labour budget for increased number of parking officers - \$33K increase in allowances and agency labour	\$0.906M	Labour - \$154K transfer from labour to Materials and Services consulting costs	\$0.154M
Net labour increase	\$0.752M		
Materials and Services - \$154K transfer from labour for consulting costs - \$99K transfer from energy costs for increased contractor costs - \$96K increased cost of goods sold associated with increased revenue forecasts - \$73K cost for amendment of North Hobart parking signs - \$45K Wellington Centre cleaning costs during lift upgrade - \$25K EasyPark campaign - \$18K corporate memberships - \$87K minor increases across many functions	\$0.597M	Materials and Services - \$117K reduction in energy costs due to refunds for overcharging in prior years, transfer of budget to contractor costs partially offset by higher charges for operation of parking meter communication network	\$0.117M
Net materials and services increase	\$0.480M		
		Finance Costs - \$245K reduction due to loan servicing costs being lower than anticipated when loans were drawn down	\$0.245M
Net finance costs decrease			\$0.245M
NET EXPENDITURE INCREASE			\$0.987M

Revenue Budget Increases		Revenue Budget Decreases	
Item	Amount	Item	Amount
Rates and Charges - \$20K increase in penalties and interest as higher than originally budgeted	\$0.02M	Fees and Charges - On Street Parking - \$675K reduction due to reduced number of parking meters in the City	\$0.675M
Fines - \$2,149K increase due to increased parking officer staffing	\$2.149M	Fees and Charges - Other - \$259K reduction in interest free loan grant income due to loans being borrowed at lower rates - \$203K correction for building, plumbing and permit fees and health licences - \$173K transfer of interest free loan grant income to operating grants - \$118K reduction in other fees and charges associated with parking activities - \$45K reduction in Town Hall room hire - \$40K reduction in external services income	\$0.838M
	\$1.382M	Rent - \$100K reduction in Salamanca stall hire resulting from closures, interim market and lower than expected site fees - partly offset by \$43K increase in sublease rental income from Trafalgar car park	\$0.057M
Fees and Charges - Car Parks - \$1,382K due to higher patronage than originally anticipated			
Fees and Charges - Other - \$560K increased income forecast for McRobies Tip and DKHAC	\$0.560M		
Operating Grants - \$173K transfer from other fees and charges for interest free loan grant - partly offset by \$51K reduction in forecasts for learn to swim and the central Hobart precinct plan grants	\$0.122M		
Interest - \$140K increase in interest revenue due to a higher amount of cash in the bank than anticipated	\$0.140M		
NET REVENUE INCREASE			\$2.804m

Capital expenditure

Capital works and Plant and Equipment spend to 31 December 2021 is trending behind budget.

Actual Plant and Equipment year to date expenditure only amounts to 3.2 per cent of the annual budget, however the addition of committed expenditure increases this to 30 per cent.

Capital works expenditure for the half year is 18.6 per cent of the annual budget, and with the inclusion of commitments this increases to 27.2 per cent. While the addition of commitments provides a more accurate reflection of progress on capital works and Plant and Equipment purchases, some commitments may have a long lead time and therefore may not yet be incurred. Year to date spend indicates that the capital works program will struggle to be fully achieved by the end of the financial year.

This report includes requests to re-allocate capital budget funds between projects and recognise capital expenditure associated with capital grant funding, namely:

Capital Budget Increases		Capital Budget Decreases or Grant Funding	
Item	Amount	Item	Amount
TCA Ground Building Design	\$0.05M	Grant Funding	\$0.05M
Elizabeth St Bus Shelter Renewal	\$0.05M	Grant Funding	\$0.05M
NEW mountain bike tracks	\$0.197M	Expensed Project - missing Link Mountain Bike Connection	\$0.197M
From Murray St UPGRADE to New Town retail precinct	\$0.188M	Grant funds from Murray St UPGRADE to New Town retail precinct	\$0.188M
Investigate storm water and flooding constraints	\$0.05M	Darcy to Denison St storm water UPGRADE to investigate storm water and flooding constraints	\$0.05M
Parliament St storm water extension	\$0.03M	Storm water annual RENEWAL allocation to Parliament St storm water extension	\$0.03M
UPGRADE kerb ramps at Bay Rd and Swanston St	\$0.03M	Annual roads NEW disability access to UPGRADE kerb ramps at Bay Rd and Swanston St	\$0.03M
TOTAL	\$0.595M	TOTAL	\$0.595M
NET EXPENDITURE INCREASE			\$0

Borrowings and Cash

Council approved additional borrowings of \$5M as part of the 2021-22 Budget Estimates. Council drew down the \$5M borrowing from Tascorp in August 2021 with repayment over three years. This loan meets the eligibility criteria under the grant funding deed with the State for reimbursement of interest costs on the loan.

Council's cash balance at 31 December 2021 was around \$66M. This balance is expected to decrease to around \$34M at 30 June 2022 based on current forecasts.

Financial Sustainability Indicators

Council has previously adopted financial sustainability measures identified as key to securing long-term financial security. These eight financial sustainability measures are in the table below which shows the achievement of each of the measures against the year to date budget and against the medium to long term benchmark. The first two measures are measures of profitability, the next three are measures of indebtedness and the last three are measures of asset management.

The current forecasts in the table below are consistent with the expected outcomes adopted by Council in the 2021-22 Budget Estimates.

Indicator No:	Description	Target (Original)	Target Met (Original)	December 2021 Forecast	Target Met (Forecast)	Target Benchmark
1	Underlying Result	1,493	x	1,063	x	Breakeven or better
2	Underlying Result ratio	1.05%	x	0.73%	x	2%
3	Net Financial Liabilities	(76,783)	✓	(76,783)	✓	
4	Net Financial Liabilities ratio	-53.81%	✓	-52.59%	✓	-50%
5	Net Interest Expense Cover ratio	1.47%	✓	1.33%	✓	< 7%
6	Asset Sustainability ratio	109.32%	✓	109.3%	✓	1
7	Asset Consumption ratio	53.0%	✓	53.0%	✓	40% to 80%
8	Asset Renewal Funding ratio	92.2%	✓	92.2%	✓	100%

RECOMMENDATION

That the changes to the Council's 2021-22 Estimates as detailed in the following tables be approved.

(i) Operational Budget reallocations and amendments

Budget Increases		Budget Decreases	
Item	Amount	Item	Amount
Labour	\$0.752M	Energy Costs	\$0.117M
Materials and Services	\$0.597M	Finance Costs	\$0.245M
TOTAL	\$1.349M	TOTAL	\$0.362M
NET EXPENDITURE INCREASE		\$0.987M	
Rates and Charges	\$0.02M	Fees and Charges - On Street Parking	\$0.675M
Fines	\$2.149M	Other Fees and Charges	\$0.278M
Fees and Charges - Car Parks	\$1.382M	Rents	\$0.057M
Operating Grants	\$0.122M		
Interest	\$0.140M		
TOTAL	\$3.813M	TOTAL	\$1.010M
NET REVENUE INCREASE		\$2.804M	
CHANGE IN UNDERLYING RESULT		\$1.817M	

(ii) Capital works program re-allocations

Capital Budget Increases		Capital Budget Decreases or Grant Funding	
Item	Amount	Item	Amount
TCA Ground Building Design	\$0.05M	Grant Funding	\$0.05M
Elizabeth St Bus Shelter Renewal	\$0.05M	Grant Funding	\$0.05M
NEW mountain bike tracks	\$0.197M	Expensed Project - missing Link Mountain Bike Connection	\$0.197M
From Murray St UPGRADE to New Town retail precinct	\$0.188M	Grant funds from Murray St UPGRADE to New Town retail precinct	\$0.188M
Investigate storm water and flooding constraints	\$0.05M	Darcy to Denison St storm water UPGRADE to investigate storm water and flooding constraints	\$0.05M
Parliament St storm water extension	\$0.03M	Storm water annual RENEWAL allocation to Parliament St storm water extension	\$0.03M
UPGRADE kerb ramps at Bay Rd and Swanston St	\$0.03M	Annual roads NEW disability access to UPGRADE kerb ramps at Bay Rd and Swanston St	\$0.03M
TOTAL	\$0.595M	TOTAL	\$0.595M
NET EXPENDITURE INCREASE		\$0	

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.



Fiona Dixon
CHIEF FINANCIAL OFFICER



Tim Short
DIRECTOR CITY ENABLERS

Date: 8 March 2022
File Reference: F22/12267

6.4 Procurement - Quotation Exemption Report
File Ref: F21/111735; 18/311

Report of the Manager Rates, Procurement and Finance Operations and the Director City Enablers of 8 March 2022 and attachment.

Delegation: Committee

REPORT TITLE: PROCUREMENT - QUOTATION EXEMPTION REPORT**REPORT PROVIDED BY:** Manager Rates, Procurement and Finance Operations
Director City Enablers**1. Report Purpose and Community Benefit**

- 1.1. The purpose of this report is to provide a listing of exemptions from the requirement to seek 3 written quotations granted for the period 1 July to 31 December 2021 for the information of Elected Members as requested by the Finance and Governance Committee.
- 1.2. Under regulation 28(j) of the *Local Government (General) Regulations 2015* it is a requirement for a council to establish and maintain procedures for reporting by the Chief Executive Officer to the Council in relation to the purchase of goods or services in circumstances where a public tender or quotation process is not used.
- 1.3. The community benefit is providing transparency and delivering best value for money through strategic procurement decision-making.

2. Report Summary

- 2.1. At its meeting on 19 March 2018, the Council resolved in line with legislative requirements that a report of exemptions granted from the requirement to seek 3 written quotes be presented to the Finance and Governance Committee quarterly as at 31 March, 30 June, 30 September and 31 December each year.
- 2.2. A report is attached for the period 1 July to 31 December 2021.
- 2.3. It is proposed that the Committee note the exemption from the requirement to seek 3 written quotes granted for the period 1 July to 31 December 2021.

3. Recommendation

That the Committee note the exemption granted from the requirement to seek 3 written quotations for the period 1 July to 31 December 2021, marked as Attachment A to this report.

4. Background

- 4.1. At its meeting on 19 March 2018, the Council resolved inter alia that:
 - 4.1.1. *A report of exemptions granted from the requirement to seek 3 written quotes be presented to the Finance and Governance Committee as at 31 March, 30 June, 30 September and 31 December each year.*
- 4.2. A report outlining the quotation exemption from the requirement to seek 3 written quotes granted during the period 1 July to 31 December 2021 is attached – **refer Attachment A**. This is an amalgamated report of the last two quarters.
- 4.3. As outlined in the City's Code for Tenders and Contracts (the Code) where a Council Contract does not exist the City will seek a minimum of 3 written quotes for procurements between \$50,000 and \$249,999.
- 4.4. There may be occasions where, for a number of reasons, quotation(s) cannot be obtained / sought from the market or where doing so would have no additional benefit to the City or the market.
- 4.5. Therefore, exemptions from the requirement to seek written quotes can be sought from the Divisional Director but only if an acceptable reason exists as outlined in the Code, as follows:
 - (a) where, in response to a prior notice, invitation to participate or invitation to tender:
 - no tenders were submitted; or
 - no tenders were submitted that conform to the essential requirements in the tender documentation;
 - (b) where the goods, services or works can be supplied only by a particular supplier and no reasonable alternative or substitute goods, services or works exist for the following reasons:
 - the requirement is for works of art;
 - the protection of patents, copyrights or other exclusive rights or proprietary information; or
 - due to an absence of market competition for technical reasons.
 - (c) for additional deliveries of goods, services or works by the original supplier that are intended either as replacement parts, extensions or continuing services for existing equipment, software or installations, where a change of supplier would result in the purchase of goods, services or works that do not meet requirements of interchangeability with existing goods, services or works;
 - (d) for goods purchased on a commodity market;
 - (e) where there is an emergency and insufficient time to seek quotes for goods, services or works required in that emergency;

- (f) for purchases made under exceptionally advantageous conditions that only arise in the very short term, such as from unusual disposals, liquidation, bankruptcy or receivership and not for routine purchases from regular suppliers; or
 - (g) for a joint purchase of goods or services purchased with funds contributed by multiple entities, where Council is one of those entities and does not have express control of the purchasing decision.
- 4.6. For the period 1 July to 31 December there were 8 exemptions granted, where expenditure was between \$50,000 and \$249,999 and therefore 3 written quotations were required to be sought in line with the Code.
- 4.7. Four exemptions were granted on the grounds that the services could only practically be supplied by one particular supplier, two exemptions were granted on the grounds that the services were additional services by the original supplier intended as continuing services where a change of supplier would result in a negative impact for the City and two exemptions were granted on grounds where there was insufficient time to seek quotes for services required.

5. Proposal and Implementation

- 5.1. It is proposed that the Committee note the exemption granted from the requirement to seek 3 written quotes for the period 1 July to 31 December 2021.
- 5.2. As outlined in the Code, quotation exemptions for a value under \$50,000, that is where 1 or 2 written quotations are required to be sought but an exemption from that requirement has been granted by the relevant Divisional Director, have been reported to the Chief Executive Officer.
- 5.3. All approvals for the exemptions from the requirement to Tender are sought and reported through the formal Committee / Council approval processes.

6. Strategic Planning and Policy Considerations

- 6.1. The City's Code for Tenders and Contracts is referenced in this report as it provides a framework for best practice procurement and sets out how the City will meet its legislative obligations in respect to procurement, tendering and contracting.
- 6.2. This report is consistent with strategy 8.5.4 in the City of Hobart Capital City Strategic Plan 2019-29, being to *deliver best value for money through strategic procurement decision-making*.

7. Financial Implications

- 7.1. Funding Source and Impact on Current Year Operating Result

7.1.1. All expenditure noted in the attached listing of quotation exemptions granted was funded from the 2021-22 budget estimates.

7.2. Impact on Future Years' Financial Result

7.2.1. Not applicable.

7.3. Asset Related Implications

7.3.1. Not applicable.

8. Legal, Risk and Legislative Considerations

8.1. Regulation 28 of the *Local Government (General) Regulations 2015* states that the Council's Code for Tenders and Contracts must (j) *establish and maintain procedures for reporting by the general manager to the council in relation to the purchase of goods or services in circumstances where a public tender or quotation process is not used.*

9. Delegation

9.1. This report is provided to the Finance and Governance Committee for information.

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.



Lara MacDonell
**MANAGER RATES, PROCUREMENT
AND FINANCE OPERATIONS**



Tim Short
DIRECTOR CITY ENABLERS

Date: 8 March 2022
File Reference: F21/111735; 18/311

Attachment A: Report - Quotation Exemptions Granted (3 Quotes) 1 July to 31 December 2021 ↓ 

Purchasing Quotation Exemptions Granted: 1 July to 31 December 2021

(Exemptions granted from the requirement to seek 3 written quotations)

Date	Supplier	Description of Goods / Services	Amount (ex GST)	Policy Exemption Clause	Exemption Reason	Purchasing Officer	Approved by
3/08/2021	Neu21 Pty Ltd	Professional services to support the facilitation of the City of Hobart transformation program.	\$150,000	10.1 (b)	<p>The exemption was granted on the grounds that the services could only be supplied by this supplier and no reasonable alternative or substitute existed given the specialised services required by the City to support its Organisational Transformation Program.</p> <p>An extensive engagement process with elected members, staff and key agencies and stakeholders commenced in June 2021 to help inform the preparation of an organisational transformation program that aligned with the City's vision, ensure key focus on areas required to deliver the City's strategic directions and ensure public value. Phase 1 of the City's organisational transformation program was focused on organisational design. The purpose was to:</p> <ul style="list-style-type: none"> • Improve the Council's culture and structure to ensure the City's work meets the growing expectation of the community. • Improve the City's systems and 	Project and Executive Officer - CEO	Chief Executive Officer

Date	Supplier	Description of Goods / Services	Amount (ex GST)	Policy Exemption Clause	Exemption Reason	Purchasing Officer	Approved by
					<p>processes to discover new ways of working.</p> <ul style="list-style-type: none"> • Make the City of Hobart an employer of choice, with the community at the heart of everything we do. <p>The objects of Phase 1 were to consult with staff to understand what is working well and what needs to improve or change and seek ideas about different ways of working and ideas for the future; undertake a detailed examination and structural design and implement changes to culture and organisational structure to deliver a new organisational design that is contemporary, affordable and sustainable, and delivers on the community's vision.</p> <p>Given the collaborative approach to engagement and the specific nature of the City's organisational design program and nature of services required, it was determined that a specialist firm with capability in organisational design, cultural transformation of large scale local government change was required.</p> <p>Consideration of the market was undertaken and it was determined that</p>		

Date	Supplier	Description of Goods / Services	Amount (ex GST)	Policy Exemption Clause	Exemption Reason	Purchasing Officer	Approved by
					Neu21 Pty Ltd was the only provider with the capacity and capability to undertake the specific services required by the City and in the time period required. Careful consideration was given to whether undertaking a procurement process would provide better value for money for the City. However, it was determined that there would be no additional benefit to the City in undertaking a procurement process and that in this instance given the specific nature of the services required by the City that a sole supplier situation existed.		
22/09/2021	Pitt & Sherry	To provide expert advice and assistance to assist in the development of an application regarding the proposed carpark Development at Lefroy Street.	\$137,324	10.1 (c) and 10.1 (e)	While this exemption was granted on emergency grounds, the services were also additional deliveries by the original supplier intended as extensions or continuing services where a change of supplier would result in a negative impact for the City. To expedite and resolve the parking issues within North Hobart.		Director City Amenity
14/10/2021	Eco Works Pty Ltd	Treatment of Mediterranean Daisy on Queens	\$60,000 (\$20,000	10.1 (b) and 10.1 (g)	The exemption was granted on two grounds, being that the services can only be supplied by the particular supplier and	Manager Bushland	Director City Amenity

Date	Supplier	Description of Goods / Services	Amount (ex GST)	Policy Exemption Clause	Exemption Reason	Purchasing Officer	Approved by
		Domain	per year for 3 years)		<p>no reasonable alternative exist and Council does not have express control of the purchasing decision as the funds are contributed by multiple entities.</p> <p>The City of Hobart is collaborating with Clarence City Council and Eco Works on a State Weed Action fund grant for the treatment of Mediterranean Daisy. Eco Works are a partner in the grant to facilitate the implementation and monitoring of best-practice management trails.</p>		
10/11/2021	Pure Living Soil Pty Ltd	Food Organics Garden Organics (FOGO) composting services	\$90,000	10.1 (b)	<p>The exemption was granted on the grounds that the services can be supplied only by a particular supplier and no reasonable alternative or substitute exists. A change of supplier would result in a negative impact for the City of Hobart. Pure Living Soil Pty Ltd is the City's current provider of food organics garden organics composting services. This current contract is due to expire in late 2021 and there are no further extension options. The City is currently working with Glenorchy and Kingsborough councils to enable a joint procurement for FOGO processing services. The new</p>	Cleansing & Solid Waste Policy Coordinator	Acting Director City Amenity

Date	Supplier	Description of Goods / Services	Amount (ex GST)	Policy Exemption Clause	Exemption Reason	Purchasing Officer	Approved by
					contract will be offered for a relatively short time frame (2 years) given the current developments in the organics area in Tasmania, in particular State Government action and possible grant funding of infrastructure projects. Legal advice received by the City is that an approval from the Australian Competition and Consumer Commission is required for the 3 councils to jointly tender for FOGO processing services. Given the complexities and time required to seek ACCC approval to proceed with the joint tender, it is proposed to enter into a month by month short term agreement with Pure Living Soil Pty Ltd to ensure continuity of composting services for the City while the tender process is finalised and a transition to a new provider occurs, should that be the outcome of the tender process.		
17/11/2021	Pitt & Sherry (Operations) Pty Ltd	Annual deflectograph survey and pavement investigation for selected roads	\$120,000	10.1 (b)	<p>The exemption was granted on the ground that the services can only be supplied by this particular supplier and no reasonable alternative exists.</p> <p>Pitt & Sherry are the only business in Tasmania able to provide pavement</p>	Program Leader – Road Assets	Acting Director City Amenity

Date	Supplier	Description of Goods / Services	Amount (ex GST)	Policy Exemption Clause	Exemption Reason	Purchasing Officer	Approved by
					deflectograph surveys. The only other provider who could provide these services is based interstate and while they can provide a similar services, their vehicle is not suitable for surveying the City's roads due to its size.		
18/11/2021	Davidson Executive and Boards Pty Ltd	Recruitment services (permanent)	\$85,000	10.1 (e)	<p>The exemption was granted on emergency grounds where there was insufficient time to seek quotes for services required in that emergency.</p> <p>The CEO released the Organisational Transformation Project Phase 1 Final report on 17 November 2021 outlining a new high level structure for future—fit organization. The final report identified a need to recruit two Director roles as well as the Manager Strategic Communications and Marketing, which is an area where the Council is currently lacking capability and capacity. The recruitment was required to be done expeditiously in order to meet the timeline around the final implementation of the organisation's structure (28 February 2022) and to advertise and interview prior to the end of the year.</p>	Manager People and Capability	Chief Executive Officer

Date	Supplier	Description of Goods / Services	Amount (ex GST)	Policy Exemption Clause	Exemption Reason	Purchasing Officer	Approved by
10/12/2021	Urbis Pty Ltd	Movement data to support the development of the Civic Quarter Masterplan and the North Hobart Precinct Plan.	\$95,780	10.1 (e)	<p>The exemption was granted on emergency grounds where there was insufficient time to seek quotes for services required in that emergency.</p> <p>Only one submission was received in response to an earlier market testing. Given this was recent it is reasonable to suggest the market is limited (capacity or capability) at present.</p> <p>There would be efficiencies achieved through the extended engagement of the nominated contractor, given the extended areas of study are relatively small compared with the original project scope. Continuity of service and methodology will be critical to the projects concerned.</p> <p>There are significant time constraints, given the need to finalise the Central Hobart Precinct Plan by April 2022 and the Civic Quarter Masterplan by February 2022.</p>	Executive Manager City Placemaking	Director City Planning
24/12/2021	Indicium Dynamics	Azure integration development, testing and release for the remaining PM0365 –	\$50,000	10.1(c)	The exemption was granted on the grounds that the services were additional deliveries by the original supplier intended as extensions or continuing services where a change of supplier would result in a negative impact for the City of Hobart.	Chief Information Officer	Director City Innovation

Date	Supplier	Description of Goods / Services	Amount (ex GST)	Policy Exemption Clause	Exemption Reason	Purchasing Officer	Approved by
		NAVision integrations required in this financial year.			The exemption was granted to avoid delays in engaging a new vendor; a new vendor from needing to become familiar with the work already completed on the City's Azure architecture and the way our PM0365 vendor (EPM Partners) operate, thus resulting in significant efficiency for the City.		

6.5 Grants and Benefits Listing as at 31 December 2021
File Ref: F22/16064; 25-2-1

Report of the Manager Rates, Procurement and Finance Operations and the Director City Enablers of 8 March 2022 and attachment.

Delegation: Committee

REPORT TITLE: GRANTS AND BENEFITS LISTING AS AT 31 DECEMBER 2021**REPORT PROVIDED BY:** Manager Rates, Procurement and Finance Operations
Director City Enablers**1. Report Purpose and Community Benefit**

- 1.1. The purpose of this report is to provide a listing of the grants and benefits provided by the Council for the period 1 July to 31 December 2021.

2. Report Summary

- 2.1. A report outlining all grants and benefits provided by Council Committees and Council for the period 1 July to 31 December 2021 is attached.
- 2.2. It is proposed that the Committee note the listing of grants and benefits provided for the period 1 July to 31 December 2021 and that these are required, pursuant to Section 77 of the *Local Government Act 1993* ("the Act"), to be included in the annual report of Council.

3. Recommendation

That the Finance and Governance Committee receive and note the information contained in the report titled 'Grants and Benefits Listing as at 31 December 2021', marked as Attachment A to this report.

4. Background

- 4.1. A report outlining the grants and benefits provided for the period 1 July to 31 December 2021 is provided at **Attachment A**.
- 4.2. Pursuant to Section 77 of the Act, the details of any grant made or benefit provided will be included in the annual report of the Council.
- 4.3. The listing of grants and benefits marked as **Attachment A**, has been prepared in accordance with the Council policy titled *Grants and Benefits Disclosure*.

5. Proposal and Implementation

- 5.1. It is proposed that the Committee note the grants and benefits listing as at 31 December 2021.
- 5.2. It is also proposed that the Committee note that the grants and benefits listed are required to be included in the Annual Report of the Council and will be listed on the City of Hobart's website.

6. Strategic Planning and Policy Considerations

- 6.1. Grants and benefits are provided to organisations which undertake activities and programs that strongly align with the City's Community Vision, the City of Hobart Capital City Strategic Plan 2019-2029 as well as other relevant City of Hobart strategies.
- 6.2. The linkage between the City's grants and benefits provided and the City of Hobart Capital City Strategic Plan 2019-2029 is referenced in **Attachment A**.

7. Financial Implications

- 7.1. Funding Source and Impact on Current Year Operating Result
 - 7.1.1. All grants and benefits provided as at 31 December 2021 were funded from the 2021-22 budget estimates.

8. Legal, Risk and Legislative Considerations

- 8.1. The Council provides grants and benefits within the requirements of Section 77 of the Act as follows:
 - 8.1.1. **Grants and benefits**
 - (1) *A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any person, other than a councillor, for any purpose it considers appropriate.*
 - (1A) *A benefit provided under subsection (1) may include:*
 - (a) *in-kind assistance; and*
 - (b) *fully or partially reduced fees, rates or charges; and*
 - (c) *remission of rates or charges under Part 9 (rates and charges)*
 - (2) *The details of any grant made or benefit provided are to be included in the annual report of the council.*
- 8.2. Section 72 of the Act requires Council to produce an Annual Report with Section 77 of the Act providing an additional requirement where individual particulars of each grant or benefit given by the Council must be recorded in the Annual Report.
- 8.3. Section 207 of the Act provides for the remitting of all or part of any fee or charge paid or payable.
- 8.4. Section 129 of the Act provides for the remitting of rates.

9. Delegation

- 9.1. This report is provided to the Finance and Governance Committee for information.

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.



Lara MacDonell
**MANAGER RATES, PROCUREMENT
AND FINANCE OPERATIONS**



Tim Short
DIRECTOR CITY ENABLERS

Date: 8 March 2022
File Reference: F22/16064; 25-2-1

Attachment A: Grants and Benefits Listing as at 31 December 2021 ↓ 

**Grants, Assistance and Benefits Provided as at 31 December 2021
Section 77 (1)**

Detail	Strategic Plan Reference	GST Inclusive Amount
Reduced Fees or Charges		
Alcohol, Tobacco and other Drugs Council (Tas) Inc. - International Overdose Awareness Day - Waterside Pavilion - Remission of Hire Charges	2.3.1	1,100
Archie's 100 - Fundraising for Royal Hobart Hospital Neonatal and Paediatric Intensive Care Unit - Cornelian Bay Oval - Reduced Fees and Charges	2.3.1	1,215
Hobart Doll Club Inc. - Doll and Fair Show -In-Kind Venue & Event Resource Quick Response Grant - Reduced Fees and Charges	2.3.1	1,100
Pregnancy and Infant Loss Remembrance Day - In Kind Venue & Event Resource Quick Response Grant	2.3.1	800
Sea Shepherd Marine Debris Campaign 14 November 2021 -Cornelian Bay Foreshore and Bushland Tracks - Remission of Hire Charges	2.3.1	125
South Hobart Primary School - Compost for Market Garden - Reduced Fees and Charges	2.3.1	360
Wattle Day Association Inc. - National Wattle Day - In-Kind Venue & Event Resource Quick Response Grant - Reduced Fees and Charges	2.3.1	425
Remission of hire charges for Council halls, sport fields and parks	2.3.1	40
In-kind Assistance		
Indian Cultural Society of Tamanis Inc. - In kind	2.3.1	712
Reduced Rates		
240L Wheelie Bin Rebate	8.5.8	3,840
E Kalis Properties Pty Ltd - Development Assistance - Rates Remission	1.2.5	811,102
Native Vegetation Protection Rebate	8.5.8	388
North Hobart Football Club Rental Rebate	8.5.8	4,061
Stormwater Removal Service Rates Remission	8.5.8	58,614
Sultan Holdings Pty Ltd - Development Assistance - Rates Remission	1.2.5	419,793
Sponsorship / Investment - Economic, Cultural, Festivals and Events		
Archipelago Productions - The Carbon Neutral Adventures of the Indefatigable Enviroteens - Creative Hobart Medium Grant	3.1.5	5,700
Australian Antarctic Festival - Events Partnership	3.1.5	66,000
Beaker Street Ltd. - Events Partnership Grant 2021-22	3.1.5	47,300
Bicycle Network Incorporated - Sponsorship of the National Ride2Work Day Breakfast in Hobart	3.1.5	1,000
Blue Cow Theatre Inc. - Creative Hobart Medium Grant	3.1.5	16,500
Business Events Tasmania - Annual Grant 2021-22	3.1.5	120,291
Cycling South - 2021-22 Contribution	3.1.5	13,200
Festival of Voice Inc. - Events Partnership Grant 2021-22	3.1.5	93,500
Julian Bugden - A Beating Heart	3.1.5	3,400
Rose Ertler - Creative Hobart Small Grant	2.3.1	5,000
Salamanca Arts Centre - Event Grant 2021-22	2.3.1	31,350
Tasmanian Canine Defence League - Funding Contribution	3.1.5	49,989
Tasmanian Ethiopian Association Inc. - Ethiopian New Year Festival 2021 - Quick Response Grant Community 2021-22	3.1.5	1,000
Tasmanian Museum and Art Gallery - Events Partnership	3.1.5	48,400

Detail	Strategic Plan Reference	GST Inclusive Amount
Tasmanian Museum and Art Gallery - Major Cultural Organisation Grant	3.1.5	38,500
Tasmanian Symphony Orchestra Pty Ltd - Major Cultural Organisation Grant	3.1.5	27,500
Terrapin Puppet Theatre Limited - Creative Hobart Medium Grant	3.1.5	16,500
Theatre Royal Management Board - Major Cultural Organisation Grant	3.1.5	38,500
Van Diemen's Band - Event Grant	3.1.5	13,266
Community		
Battery Point Community Association Inc. - Community Grant	2.2.3	650
Brain Injury Association of Tasmania Inc. - Community Quick Response Grant	2.2.3	1,036
Cancer Council Tasmania - Community Grant	2.2.3	3,947
City of Hobart Eisteddfod Society Inc. - Major Sponsorship for Eisteddfod 2021	2.2.3	2,500
Department of Police, Fire and Emergency Management - Contribution to Search and Rescue Unit 2021-22	3.1.5	7,700
Derwent Estuary Program Limited - Member Contribution 2021-22	2.2.3	60,347
Derwent Sailing Squadron Inc. - Annual Grant	2.2.3	3,650
Domain Tennis Centre Hobart - Annual Grant	2.2.3	52,641
Enne World Pty Ltd - Local Business Community Grant	2.2.3	2,310
Families Tasmania Inc. - Community Christmas Carols Grants	2.2.3	16,500
Inscape Tas Incorporated - Community Christmas Carol Grants	2.2.3	15,000
Mosaic Support Services (Tas) Inc. - Media Programs Upgrade Proposal - Community Grant	2.2.3	8,228
Multicultural Council of Tasmania Inc. - Creative and Performing Arts Workshop - Quick Response International Student Support Grant	2.2.3	2,200
Multicultural Council of Tasmania - Community Christmas Carols Grant	2.2.3	27,427
Neighbourhood Watch Tasmania Inc. - Community Quick Response Grant	2.2.3	500
Pets in the Park - Hobart Christmas Parcel Project - Festive Season Charitable Quick Response Grant	2.2.3	6,600
Roman Catholic Church trust Corporation of the Archdiocese of Hobart - Community Christmas Carols Grants	2.2.3	16,500
St John Ambulance Australia - Community Grant	2.2.3	5,300
St. Giles Society Ltd - Community Grant	2.2.3	5,000
State Emergency Service - Southern Regional Volunteer SES Unit - Annual Contribution 2021-22	3.1.5	23,808
The Little Poet Pty Ltd - Local Business Community Grant	2.2.3	5,500
Environmental and Climate Change		
Eat Well Tasmania Incorporated - Urban Sustainability Grant	6.3.4	16,500
Good Life Permaculture - Urban Sustainability Grants	6.3.4	8,250
Kickstart Arts Incorporated - Urban Sustainability Grant	6.3.4	16,385
Sustainable Living Tasmania Inc. - Urban Sustainability Grants	6.3.4	16,474
Heritage and Conservation		
TOTAL		2,265,524

7. COMMITTEE ACTION STATUS REPORT

7.1 Committee Actions - Status Report

A report indicating the status of current decisions is attached for the information of Elected Members.

RECOMMENDATION

That the information be received and noted.

Delegation: Committee

Attachment A: Finance and Governance Committee Status Report
- Open

FINANCE AND GOVERNANCE COMMITTEE - STATUS REPORT
OPEN PORTION OF THE MEETING
March 2022

Ref	Title	Report / Action	Action Officer	Comments
1	SPECIAL REPORT – CEO NORTH HOBART PETITION, DIGITAL SIGNS AND REINVESTMENT Council, 20/9/2021 Item 16	That the Council: 1. Approve the preparation of a Precinct Plan for North Hobart to be developed in consultation with key agencies and stakeholders including North Hobart traders, landowners and residents. 2. Facilitate place-making activities across North Hobart that are community driven; and deliver on feedback received during the period of community consultation. 	CEO	An update to all Your Say North Hobart survey participants, including the provision of the engagement summary report and the key actions arising from the Council's decision (20 September 2021), has been provided. Further:
	NORTH HOBART PARKING OPERATIONAL POLICY CHANGES Council, 23/11/2020 Item 15	5. Explore and implement enhanced mobility options; to encourage visitors into the precinct using alternate modes of transport; including trialling low-cost micro mobility modes.		1. The development of a Precinct Plan for North Hobart will be progressed following the development of the draft Central Hobart Precincts Plan in 2022.
	NOTICE OF MOTION CONDELL PLACE CAR PARK – REDEVELOPMENT Council, 23/9/2019 Item 17	6. Authorise the CEO to undertake all necessary actions to pursue opportunities to increase off street car parking stock within the coming months to accommodate future growth and install dynamic signage to alter motorists to available on street and off street parking.		2. Place-making activities will be developed once the marketing campaign has been established with the North Hobart trader community.
	CONDELL PLACE CAR PARK – DEVELOPMENT OPPORTUNITIES AND EOI REQUEST Council, 23/7/2018 Item 17	7. Engage with North Hobart Traders to design and implement a marketing campaign; as part of Hello Hobart to promote (NoHo) and encourage visitation.		5. Micromobility trial launched December 17 2021 and ongoing. In excess of 180,000 rides to date across the two operators. Throughout the trial, the footpath and road of Elizabeth Street North Hobart have both been off limits to e-scooters, so there has been limited ability for e-scooters to alleviate car use in the precinct. 6. Two new off-street locations being prepared for use as car parks in North Hobart, increasing off-street parking stock from 95 to about 140 spaces.

Ref	Title	Report / Action	Action Officer	Comments
				<p>Planning associated with the extension of the Lefroy Street car park extension is underway.</p> <p>Investigations for the public usage of other sites are being progressed.</p> <p>The digital signs have been procured with officers now working through the DA process, power and communications conduits and integrating with the parking system.</p> <p>7. Campaign under development.</p>
2	<p>2019-20 FEES AND CHARGES – PARKING OPERATIONS</p> <p>Finance and Governance Committee, 13/08/2019 Item 6.3</p> <p>Council, 20/05/2019 Item 27</p>	<p>That.</p> <p>2. The Finance and Governance Committee note the following nine topical areas to be reviewed by officers within the City Innovation Division, and report back to Council:</p> <p>(b) Pensioner voucher parking scheme;</p> <p>(g) Peripheral parking (commuter shuttle service);</p> <p>(h) Commuter parking in inner city areas; and</p> <p>(i) Off-street, off-peak parking demand management solutions to encourage the spread of shopping and trade, including late night trading and night-shift worker safety.</p>	<p>Director City Life and Director City Futures</p>	<p>No changes were applied to the Pensioner Voucher Parking Scheme (Item 2.b) in 2021-22.</p> <p>Item 2 g), h) and i) are part of a broader access parking policy being undertaken by the Manager City Mobility.</p> <p>Further, this matter will be addressed as part of the Central Hobart Precincts Plan.</p>

Ref	Title	Report / Action	Action Officer	Comments
3	REINVESTMENT OF PARKING REVENUE IN THE CBD Council, 7/12/2020 Item 12	<ol style="list-style-type: none"> 1. A report be prepared that a percentage of CBD parking revenue be reinvested in the CBD. <ol style="list-style-type: none"> i) The report be prepared consistent with the Council's decision of 23 November 2020 requesting a report considering North Hobart parking charges being reinvested into amenity upgrades to the area of North Hobart. ii) The Parking Benefit District Policy be developed in line with the General Manager's advice. 2. The report also give consideration for all precinct shopping strips and centres within the City. 	Director City Life	Officers are actioning the decision and a report will be provided to Committee in 2022.
4	PARKING INFRASTRUCTURE Council, 22/02/2021 Item 11	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note the work being undertaken under the Hobart City Deal to improve public transport infrastructure within Greater Hobart, and continue to work with the State Government to expedite the implementation of policies to improve public transport services within the City; 2. Note that the choice to work to improve public transport services and road/parking infrastructure are not mutually exclusive solutions to improving the commute of Hobartians, and that a combination of policies are required; 3. Investigates locations within the municipality which could be utilised as full day park and ride facilities. 	Director City Enablers	Officers are investigating the matter and a report will be provided to Committee in 2022
5	PARKING METERS IN THE CITY Council, 11/10/2021 Item 10	<p>That:</p> <ol style="list-style-type: none"> 1. The Hobart City Council re-evaluate on street parking meters in Salamanca & the central business districts as per any impact that the meters may have either in general or the recent parking fee increases on the relevant business areas and a report be forthcoming. 2. The CEO be provided delegated authority to consult with business owners and traders as per 	Director City Life	Officers are investigating the matter and will report back to the Council.

Ref	Title	Report / Action	Action Officer	Comments
		<p>the current on street parking requirements and implement their needs as per signage and as part of the re-evaluation in accordance with the Council's engagement/communications policy.</p> <p>3. The CEO also investigate the possibility of a "Shop and Save" incentive similar to "Victoria Gardens" whereby shoppers swipe their receipt and receive discounts on parking.</p> <p>4. The CEO also provide a report that evaluates the re-establishment of a "parking fund" similar to previous and prior to changes to the Local Government Act.</p> <p>a. This could be that the entire parking or a percentage being used for Parking & Park and Ride purposes rather than consolidated revenue.</p>		
6	<p>PETITION - REDUCTION TO ON-STREET PARKING FEES</p> <p>Council, 11/10/2021 Item 6.2</p>	<p>The Chief Executive Officer tabled a petition from Mr Edwin Johnstone of Battery Point calling for the Council to drop the maximum on street parking rate from \$5.00 per hour to \$3.00 per hour and that there are no further increases above CPI until a detailed report on the impacts of parking costs are published and consulted on.</p> <p>There were 3,784 signatories to the petition.</p>	Director City Life	A report on this matter is included on this agenda.

Ref	Title	Report / Action	Action Officer	Comments
7	<p>COVID-19 - BUSINESS SUPPORT AND ENGAGEMENT PACKAGE - FINANCIAL UPDATE Council, 28/2/2022 Item 11</p> <p>COVID-19 - BUSINESS SUPPORT AND ENGAGEMENT PACKAGE Special Council, 20/1/2022 Item 2</p>	<p>That</p> <ol style="list-style-type: none"> 1. The Passport to Hobart Campaign be endorsed as an addition to the other business support initiatives. 2. The \$100,000 redirected from the major events sponsorship budget be utilised to deliver these business support initiatives. 3. Council Officers specifically engage with the retailer sector to better understand what support can be offered. 	CEO	Close – Council Officers are actioning the Committee recommendation.
8	<p>LEASE OF SEMAPHORE COTTAGE, PRINCES PARK, BATTERY POINT Council, 28/02/2022 Item 13</p>	<p>That:</p> <ol style="list-style-type: none"> 1. The Council grant a lease of the Semaphore Cottage, Princes Park, Battery Point, to the Collection of Medical Artefacts (Tasmania) for a period of 5 years at a nominal rent in accordance with the Council's Policy: Leases to Non-Profit Organisations. 2. The benefit provided by Council be reported in the Council's Annual Report in accordance with the Council's Policy: Leases to Non-Profit Organisations. 3. The Chief Executive Officer be delegated the authority to negotiate and agree to the final lease terms. 	CEO	A draft lease has been prepared and will be provided to the tenant.

8. RESPONSES TO QUESTIONS WITHOUT NOTICE

Regulation 29(3) *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

The Chief Executive Officer reports:-

"In accordance with the procedures approved in respect to Questions Without Notice, the following responses to questions taken on notice are provided to the Committee for information.

The Committee is reminded that in accordance with Regulation 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairman is not to allow discussion or debate on either the question or the response."

8.1 E-Bike Charging
File Ref: F21/130723

Memorandum of the Manager Smart & Sustainable City of 10 February 2022.

That the information be received and noted.

Delegation: Committee



City of **HOBART**

**MEMORANDUM: LORD MAYOR
DEPUTY LORD MAYOR
ELECTED MEMBERS**

E-BIKE CHARGING

Meeting: Finance and Governance Committee

**Meeting date: 7 December
2021**

Raised by: Councillor Harvey

Question:

Can the Director Community Life advise if the electric-charger on the Town Hall Parking Deck for vehicles is also available for bicycles?

Response:

At present there is no electric vehicle charger on the Town Hall deck. There are several power outlets that are suitable for e-bike charging.

In general EV chargers are not suitable for e-bikes. For instance, the electric vehicle charger in Dunn Place or those in Hobart Central Car Park are not suitable for electric bike charging.

E-bikes are usually charged from a standard domestic power point, or general purpose outlet (GPO). These supply a maximum of 2400 W.

Most e-bikes will not use anything like the full output of a GPO, and generally draw about 100 W while charging. (Hence 24 e-bikes could theoretically be charged at once from a single GPO.)

The Dunn Place charger supplies a maximum of 50,000 W and is specialised for the large energy demands of quickly charging an electric vehicle.

Each e-bike owner must carry a charger with them that can be plugged in, which is designed for charging their specific bike's battery pack. For EVs, a charger is built into the vehicle, designed to accept the fitting on roadside EV chargers.

There is no “standard fitting” that can be used for e-bikes. Hence, the requirement is that users must find an available GPO rather than cycling to a “charging device” that has been installed by the City or by a third party.

There are presently three GPOs available in the Argyle Street Car Park to allow e-bikes to charge. While multiple e-bikes could charge from each one, each GPO is installed within a locked cage designed to secure the bike. Hence in practice, only three e-bikes can charge at once.

A larger cage is soon to be constructed within the car park, which will allow a greater number of e-bikes to be charged at once.

There are multiple other places in the city where publicly accessible GPOs exist, for instance built into the low walls of the recently constructed area of Salamanca, or on the parking deck of the Town Hall. However, there is no way to secure an e-bike in most of these locations.

It may be possible for the City to provide other locations for charging e-bikes in future. This could theoretically be achieved anywhere the City had nearby electrical power.

Securing e-bikes against theft while charging is a difficult issue to solve. The Smart and Sustainable City Unit is considering some options in this space.

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.



Robert Stevenson
**MANAGER SMART & SUSTAINABLE
CITY**



Tim Short
DIRECTOR COMMUNITY LIFE

Date: 10 February 2022
File Reference: F21/130723

9. QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

An Elected Member may ask a question without notice of the Chairman, another Elected Member, the Chief Executive Officer or the Chief Executive Officer's representative, in line with the following procedures:

1. The Chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. In putting a question without notice, an Elected Member must not:
 - (i) offer an argument or opinion; or
 - (ii) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
3. The Chairman must not permit any debate of a question without notice or its answer.
4. The Chairman, Elected Members, Chief Executive Officer or Chief Executive Officer's representative who is asked a question may decline to answer the question, if in the opinion of the respondent it is considered inappropriate due to its being unclear, insulting or improper.
5. The Chairman may require a question to be put in writing.
6. Where a question without notice is asked and answered at a meeting, both the question and the response will be recorded in the minutes of that meeting.
7. Where a response is not able to be provided at the meeting, the question will be taken on notice and
 - (i) the minutes of the meeting at which the question is asked will record the question and the fact that it has been taken on notice.
 - (ii) a written response will be provided to all Elected Members, at the appropriate time.
 - (iii) upon the answer to the question being circulated to Elected Members, both the question and the answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, where it will be listed for noting purposes only.

10. CLOSED PORTION OF THE MEETING

RECOMMENDATION

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

- Minutes of a Closed Committee meeting.
- A contract including details of the terms and conditions of renewal
- Closed Questions Without Notice

The following items are listed for discussion:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Committee Meeting
Item No. 2	Consideration of supplementary items to the agenda
Item No. 3	Indications of pecuniary and conflicts of interest
Item No. 4	Reports
Item No. 4.1	McRobies Gully Landfill Gas Agreement Extension LG(MP)R 15(2)(d)
Item No. 4.2	Contract Extension - Provision of Internal Audit Services LG(MP)R 15(2)(d)
Item No. 4.3	Request to Waive Requirement to Tender - The Mercury Newspaper Advertising LG(MP)R 15(2)(d)
Item No. 5	Committee Action Status Report
Item No. 5.1	Committee Actions - Status Report LG(MP)R 15(2)(b), (c)(i), (f) and (g)
Item No. 6	Questions Without Notice