



CITY OF HOBART

# **AGENDA**

## **Parks and Recreation Committee Meeting**

### **Open Portion**

**Thursday, 9 August 2018**

**at 5:00 pm**

**Lady Osborne Room, Town Hall**

### **SUPPLEMENTARY ITEM**

#### **ORDER OF BUSINESS**

- 10. MOUNT WELLINGTON CABLEWAY COMPANY - REQUEST FOR  
PERMISSION TO UNDERTAKE INVESTIGATIVE SURVEYS..... 3**

**The General Manager reports:**

“That in accordance with the provisions of Part 2 Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*, these supplementary matters are submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”

**10. Mount Wellington Cableway Company - Request for Permission to Undertake Investigative Surveys**  
**File Ref: F18/86378; 18/12**

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Report of the Group Manager Open Space and the Director Parks and City Amenity of 6 August 2018 and attachments.

Delegation: Council

**REPORT TITLE: MOUNT WELLINGTON CABLEWAY COMPANY -  
REQUEST FOR PERMISSION TO UNDERTAKE  
INVESTIGATIVE SURVEYS**

**REPORT PROVIDED BY:** Group Manager Open Space  
Director Parks and City Amenity

**1. Report Purpose and Community Benefit**

- 1.1. This report presents a request from the Mount Wellington Cableway Company (MWCC) to undertake preliminary investigations on the City's land on the southern slopes of McRobies Gully as part of identifying a potential access route to a proposed base station within Wellington Park.

**2. Report Summary**

- 2.1. The MWCC has recently applied to the City to undertake preliminary investigative works on a fire trail alignment on the southern slopes of McRobies Gully.



- 2.2. The purpose of the investigation is to aid the preparation of a Planning Application for an access road to a proposed cable car base station, understood to be located above Main Fire Trail within Wellington Park. The need to investigate this route was brought about by Carlton United Breweries recent decision not to allow cable car infrastructure on its Cascade Estate land holdings.
- 2.3. The investigative works are understood to include non-invasive flora and fauna habitat surveying and observational land survey which may involve the temporary placement of pegs and ribbon.
- 2.4. The proposal is considered to pose minimal impacts on the site and approval subject to conditions is recommended.
- 2.5. It is noted that the proponent has requested that "all information and correspondence supplied is confidential until further notice".

### 3. Recommendation

*That:*

1. *Approval be granted to the Mount Wellington Cableway Company and its nominated representatives to undertake non-invasive preliminary investigative works limited to a land survey and flora and fauna survey within a 50 metre wide corridor following the fire trail on the southern slope of McRobies Gully.*
2. *The permission be appropriately conditioned by the General Manager, as provisionally indicated below, to minimise any environmental impacts to the subject site and ensure the health and safety of workers and the general public:*

#### *Scope of Works*

- (i) *This permission must be carried whilst working on land owned by the City of Hobart and produced upon request by a City of Hobart officer.*
- (ii) *Persons listed herein are joint permission holders and are also authorised to conduct survey on land owned by the City of Hobart as described.*
- (iii) *The Permission Holder is not to directly impede or impact on the use of the land by others, including members of the public and staff or contractors of the City of Hobart, or community Bushcare members involved in bush regeneration activities.*
- (iv) *The Permission Holder must not enter land owned by the City of Hobart on days of Extreme or Catastrophic Fire Danger being declared for the Hobart Region, or on any other day in which the City of Hobart determines is unsafe for park users, for example, when a Severe Weather Warning is issued.*
- (v) *The Permission Holder is not to damage or destroy native vegetation while conducting this survey (note: this includes not taking vegetation for sample/identification purposes).*

*This includes no clearing of vegetation for tracks or sight lines for the purpose of survey. Any damage to native flora must be reported to the City of Hobart immediately.*

- (vi) *Plant and animal species listed under the Environment Protection and Biodiversity Conservation Act 1999 and/or Threatened Species Protection Act (1995) must not be disturbed for the purpose of survey.*

***The collection of plant material from threatened flora listed under these Acts is not permitted.***

- (vii) *Any heritage artefacts located on land owned by the City of Hobart must not be disturbed whilst carrying out any survey activities.***

***Any person who finds an artefact must inform the Aboriginal Heritage Tasmania and the City of Hobart as soon as practicable after the find.***

- (viii) *This Permission does not allow vehicular or machinery access to the land.***

***Management of survey area***

- (ix) *The Permission Holder is responsible for maintaining the survey area, ensuring that it is kept clean and tidy.***
- (x) *At the completion of the survey, all materials associated with the survey are to be removed from site.***

***Notification of works***

- (xi) *The City of Hobart requires seven (7) days notice prior to any commencement of works.***

***Site Supervision***

- (xii) *The Permission Holder and/or contractors performing work under this Permission must meet a City of Hobart site representative on site prior to work, to establish scope of work, responsibilities, communications and review Safe Work Method Statements (SWMS) or any other safe work procedures.***

***Other Approvals***

- (xiii) *The Permission Holder is responsible for obtaining all necessary approvals from relevant Government authorities to undertake works, including those relating to environmental, cultural, flora, fauna and heritage matters.***

***The Permission Holder is liable for any compliance failure.***

***Validity Period***

- (xiv) *This Permission is valid until 30 November 2018.***

***A new Permission will be required for future works. In this event, please contact the City of Hobart.***

- (xv) ***The City of Hobart is to be provided with a summary of the findings of this study by 30 November 2018 or an alternative mutually agreed date.***
- (xvi) ***A new Permission will be required if the nature, scope or location of works changes.***
- (xvii) ***This Permission may be cancelled upon breach of any of the above conditions.***

***Liability for damage***

- (xviii) ***The City of Hobart is to be held indemnified against any and all claims relating to this survey.***

- 3. ***The General Manager be authorised to further amend or include additional conditions to the permission following external legal review.***

**4. Background**

- 4.1. The MWCC has recently applied to the City to undertake preliminary investigative works on a fire trail alignment on the southern slopes of McRobies Gully, as depicted in a map provided by MWCC (**Attachment B** – confidentiality has now been removed).
- 4.2. According to the MWCC, the purpose of the investigation is to gather information to enable the preparation of a Development Application for an access road to the proposed cable car base station.

The base station is understood to be located above Main Fire Trail within Wellington Park. It is further understood that the need to investigate this route was brought about by Carlton United Breweries' decision not to allow cable car infrastructure on its Cascade Estate land holdings.

- 4.3. The MWCC state that the investigations will include non-invasive flora and fauna habitat surveying and observational land survey which may involve the temporary placement of pegs and ribbon. It is further understood that all works will be undertaken on foot without the need for machinery.
- 4.4. The proposal is considered to pose minimal impacts on the site and approval subject to conditions is recommended. If approved by the Council, the conditions will be subject to legal review.
- 4.5. It is noted that the proponent has requested, in its correspondence dated 27 July 2018 (**Attachment A**) that "all information and correspondence supplied is confidential until further notice" however confidentiality has now been removed.

4.6. The MWCC has been advised that should the Council grant permission for the investigative works, the following further stages would be required **prior** to the MWCC being able to lodge a Development Application with the City:

4.6.1. Determination by the Council (as land owner) as to whether it wishes the construction of the road to proceed on its land, at this location.

4.6.2. Granting of landlord consent to lodge a Development Application by the General Manager (pursuant to Section 52 of the *Land Use Planning and Approvals Act, 1993*).

## **5. Proposal and Implementation**

5.1. Subject to approval, permission will be issued covering conditions as provisionally indicated in this report, with the General Manager to finalise the permission following external legal review.

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

6.1. Permission for works in bushland areas are issued to minimise detrimental impacts on natural values.

## **7. Financial Implications**

7.1. Funding Source and Impact on Current Year Operating Result

7.1.1. N/A

7.2. Impact on Future Years' Financial Result

7.2.1. N/A

7.3. Asset Related Implications

7.3.1. N/A

## **8. Legal, Risk and Legislative Considerations**

8.1. Council's Public Spaces By-Law requires a permit for works to be undertaken in bushland areas.

8.2. This permission applies only to Council land outside of Wellington Park. Works associated with the cable car are covered by the Cable Car (Kunanyi/Mount Wellington) Facilitation Act 2017.

## **9. Environmental Considerations**

9.1. The requested investigative works with recommended conditions will have minimal environmental impact.

9.2. The location for the proposed investigation works contains the vegetation community *Eucalyptus tenuiramis* forest and woodland.



Although no specific records exists for this location, this vegetation type is known to be habitat for the threatened orchid *Caladenia sylvicola* (listed endangered under the Tasmanian Threatened Species Protection Act 1995 and Critically Endangered under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999).

- 9.3. To eliminate any impact on this species, the permission will be conditioned to prevent the collection of plant samples.
- 9.4. Should the flora survey find the species present, provisions of these Acts would be triggered should the proponent wish to pursue the development.

## 10. Social and Customer Considerations

- 10.1. The granting of permission to the MWCC will be considered contentious by sectors of the community.

## 11. Community and Stakeholder Engagement

- 11.1. Subject to the resolution of confidentiality issues, the Council may wish to advise the community of its decision.

## 12. Delegation

- 12.1. The matter requires the consideration of the Council.

*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 Mather  
**GROUP MANAGER OPEN SPACE**



Glenn Doyle  
**DIRECTOR PARKS AND CITY  
AMENITY**

Date: 6 August 2018  
File Reference: F18/86378; 18/12

Attachment A: MWCC Request of 27 July 2018 ↴  
Attachment B: MWCC Map of Proposed Survey Corridor ↴



MOUNT WELLINGTON CABLEWAY COMPANY  
Pty Limited

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27<sup>th</sup> July 2018

Nick Heath  
General Manager  
City of Hobart  
Town Hall, 50 Macquarie Street  
Hobart TAS 7000

Dear Mr Heath,

#### CLARIFICATION: PERMISSION TO ACCESS AND INVESTIGATE

Further to our recent meeting on 17/07/2018 and formal correspondence since regarding permission to conduct preliminary investigative works on Council land, I can advise you of the following additional information:

Activity	Titles	Corridor	Equipment	Crew
Land survey	126957/1 80250/1	50 metre wide along attached centre-line	Observational, Temporary pegs and/or ribbons	Leary & Cox Pty. Ltd. <i>Tim Cox</i>
Flora and Fauna survey	126957/1 80250/1	50 metre wide along attached centre-line	Standard flora and fauna study requirement	North Barker Pty. Ltd. <i>Andrew North</i>

Please note that in addition to our previous advice that our civil engineers do not require soil tests or core-samples for this purpose, we have sought clarity from our ecologists at North Barker on your points raised on the 24<sup>th</sup> July and can confirm only "collection of reference plant material" will likely be required for a detailed analysis at this stage. I attach a letter from North Barker covering this clarification of scope and their protocols.

I ask that all information and correspondence supplied is confidential until further notice.

Once again, the purpose of the above works is for the preparation of a Development Application only. If and when a Development Application is prepared and submitted, you will have full and better context to consider the implications of such land use in your deliberations whether to grant Landowner Consent under Section 52a of LUPAA.

Kind regards,

Jude Franks Mount Wellington Cableway Company Pty. Limited.

environmental. economic. cultural. experience.





