



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

BUILDING PERMITS AND SWMP'S

Meeting: City Planning Committee

Meeting date: 13 August 2018

Raised by: Former Alderman Ruzicka

Question:

In relation to the issuing of building permits and approval of SWMPs, can the Director please advise what steps can be taken, for example developer defaults, and is there compensation for the impacts on adjoining properties for the time and money spent in addressing any defaulting problems?

Response:

The requirement for a soil and water management plan (SWMP) is ordinarily a planning permit requirement. If a SWMP is not complied with the Council can take compliance action in accordance with the provisions of the *Land Use Planning and Approvals Act 1993*. There are no provisions in the Act which address compensation for adjoining properties. Any action for loss or damage would be a matter for the adjoining property against the relevant responsible party.

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.

Neil Noye
DIRECTOR CITY PLANNING

Date: 29 January 2020

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