



CITY OF HOBART

AGENDA

OPEN PORTION OF THE COUNCIL MEETING

MONDAY 7 MARCH 2016

AT 5.00 PM

THE MISSION

Our mission is to ensure good governance of our capital City.

THE VALUES

The Council is:

about people

We value people – our community, our customers and colleagues.

professional

We take pride in our work.

enterprising

We look for ways to create value.

responsive

We're accessible and focused on service.

inclusive

We respect diversity in people and ideas.

making a difference

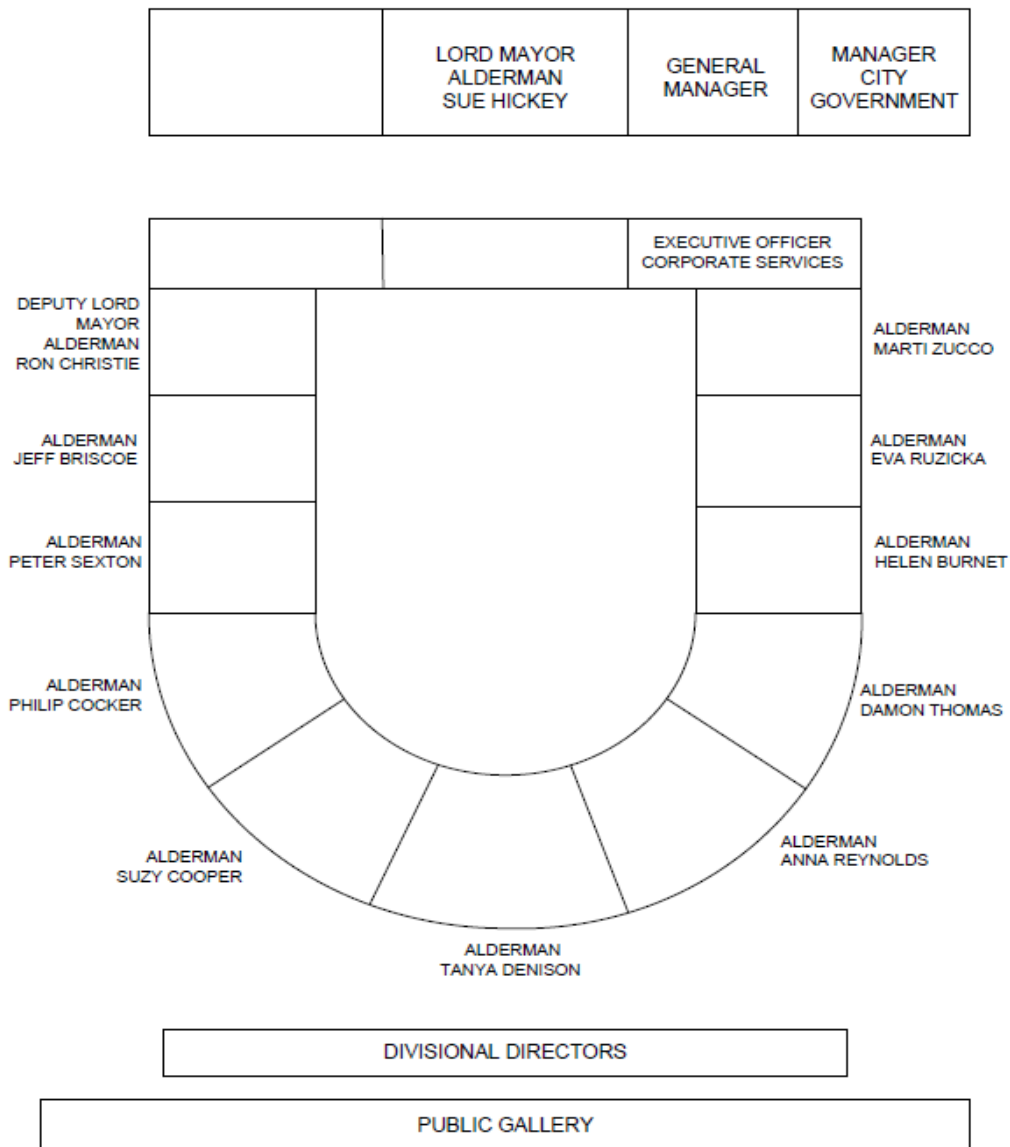
We recognise that everything we do shapes Hobart's future.

HOBART 2025 VISION

In 2025 Hobart will be a city that:

- Offers opportunities for all ages and a city for life
- Is recognised for its natural beauty and quality of environment
- Is well governed at a regional and community level
- Achieves good quality development and urban management
- Is highly accessible through efficient transport options
- Builds strong and healthy communities through diversity, participation and empathy
- Is dynamic, vibrant and culturally expressive

LAYOUT OF THE COUNCIL CHAMBER



PRESENT

APOLOGIES

LEAVE OF ABSENCE

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OPEN COUNCIL AGENDA

Lord Mayor Hickey
Deputy Lord Mayor Christie
Aldermen
Zucco
Briscoe
Ruzicka
Sexton
Burnet
Cocker
Thomas
Cooper
Reynolds
Denison

A meeting (Open Portion) of the Council will be held in the Council Chamber, Town Hall on Monday 7 March 2016, at 5.00 pm.

**N D HEATH
GENERAL MANAGER**

PRESENT:

APOLOGIES:

LEAVE OF ABSENCE: Alderman E R Ruzicka.

ACKNOWLEDGEMENT OF COUNTRY

1. MINUTES OF THE LAST MEETING (OPEN PORTION) OF THE COUNCIL HELD ON MONDAY 22 FEBRUARY 2016

The Chairman reports that she has perused the minutes of the last meeting (Open Portion) of the Council held on 22 February 2016, finds them to be a true record and recommends that they be taken as read and signed as a correct record.

2. TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*?

3. COMMUNICATION FROM THE CHAIRMAN

4. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager reports that the following Council workshops have been conducted since the last ordinary meeting of the Council.

Date: Monday 22 February 2016
Purpose: 2016/2017 Budget Briefing

Date: Thursday 3 March 2016
Purpose: International Relations

Date: Thursday 3 March 2016
Purpose: Taste of Tasmania

5. PUBLIC QUESTION TIME

6. PETITIONS

7. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Part 2 Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council, by absolute majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

RECOMMENDATION

That the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

In accordance with Part 2 Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*, the chairman of a meeting is to request Aldermen to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

In addition, in accordance with the Council's resolution of 14 April 2008, Aldermen are requested to indicate any conflicts of interest in accordance with the Aldermanic Code of Conduct adopted by the Council.

Accordingly, Aldermen are requested to advise of pecuniary or conflicts of interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

REPORTS OF COMMITTEES

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Council to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted.

In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Council is reminded that in order to comply with Regulation 25(2), the General Manager is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

9.1 20 CASTRAY ESPLANADE AND 28 MORRISON STREET AND ADJACENT CASTRAY ESPLANADE ROAD RESERVATION, HOBART - MINOR ROAD WORKS, WORKS AND STREET FURNITURE - PLN-15-01576-01 – FILE REF: 111123 & P/20/396
 Ref: Open CPC 6.3.1, 29/2/2016
Application Expiry Date: 8/3/2016

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for minor road works, works and street furniture at 20 Castray Esplanade and 28 Morrison Street and adjacent Castray Esplanade road reservation, Hobart for the reasons outlined in the officer's report attached to item 6.3.1 of the Open City Planning Committee agenda of 29 February 2016 and a permit containing the following conditions be issued:

GENERAL

GEN The use and/or development must be substantially in accordance with the documents and drawings that comprise the Planning Application No. PLN-15-01576-01 outlined in attachment A to this permit except where modified below.

Reason for condition

To clarify the scope of the permit.

cont.../

Item No. 9.1 continued**ENVIRONMENTAL**

ENV1 Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site. Sediment controls must be maintained until all areas of disturbance have been stabilised or revegetated.

Advice: For further guidance in preparing Soil and Water Management Plans in accordance with Fact Sheet 3 Derwent Estuary Program go to www.hobartcity.com.au development engineering standards and guidelines.

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State Legislation.

ENGINEERING

ENG1 The cost of repair of any damage to the Council's infrastructure resulting from the implementation of this permit, must be met by the owners within three months of the completion of the development.

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

Note: A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strip, including if any, pre existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

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Item No. 9.1 continued***Reason for condition***

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

RDSs1 Detailed design drawings of the proposed works within the highway reservation including the humps for the driveways must be submitted and approved prior to the commencement of works on site.

Advice: Once the detailed design drawings has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure that all works are carried out to Council's standards.

RDSs2 The footpath surfaces used within the highway reservation must be non-slip.

Reason for condition

To ensure that all works are carried out to Council's standards.

TRFs1 No part of the concrete seating and planters on the southern side of the Institute of Marine and Antarctic Studies building (20 Castray Esplanade) is to protrude into the shared footpath and cycleway adjacent to Castray Esplanade.

Reason for condition

To protect pedestrian and cyclist safety and amenity.

cont.../

Item No. 9.1 continued**ADVICE**

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit www.hobartcity.com.au for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

- If a condition endorsement is required by a planning condition above, please forward documentation required to satisfy the condition to rfi-information@hobartcity.com.au, clearly identifying the planning permit number, address and the condition to which the documentation relates.

Once approved, the Council will respond to you via email that the condition/s has been endorsed (satisfied). Detailed instructions can be found at www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement.

- Building permit in accordance with the Building Act 2000; www.hobartcity.com.au/Development/Building.
- Plumbing permit under the Tasmanian Plumbing Regulations 2014; www.hobartcity.com.au/Development/Plumbing.
- Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve) http://www.hobartcity.com.au/Transport/Lighting_Roads_Footpaths_and_Street_Cleaning/Roads_and_Footpaths.
- Permit for the occupation of the public highway for construction or special event (e.g. placement of crane, scissor lift etc)

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Item No. 9.1 continued

http://www.hobartcity.com.au/Transport/Permits/Construction_Activities_Special_Events_in_the_Road_Reservation.

Work within the Highway reservation:

Please note development must be in accordance with the Hobart City Council's Highways By-Law:

<http://www.hobartcity.com.au/Council/Legislation>.

The detail design drawings will need to clearly show and state that the works will match into existing infrastructure such as kerb and channel and adjoining footpaths.

The footpath within the road reservation must drain away from the property boundary.

If services and their associated lids are required to be altered, this must be undertaken by the developer at their cost with the approval of the service provider.

If coloured or textured surface is used within the highway reservation, the Council or other service provider will not match this on any reinstatement required in the future.

Maintenance of the driveways including the humps is the responsibility of the owner of the property to maintain under Hobart City Council's By-Laws, By-Law 3 of 2008.

Tasmanian Standard Drawings can be accessed on the Local Government Association Tasmania website www.lgat.tas.gov.au/webdata/resources/files/LGAT%20Standard%20Drawings%20Release%20Version%20Dec%202013.pdf.

The two "road humps" across the driveway accesses will require separate approval from the Transport Commission, as required by Section 31(4)(a) of the Local Government (Highways) Act 1982.

- 9.2 51 SANDY BAY ROAD, SANDY BAY - DEMOLITION AND
21 MULTIPLE DWELLINGS - PLN-15-01514-01 -
FILE REF: 7659940 & P/51-53/820**
Ref: Special Open CPC 2.1.1, 7/3/2016
Application Expiry Date: 17/2/2016
(Extension of time granted until 11/3/2016)

A recommendation will be submitted to the meeting.

- 9.3 25 COPLEY ROAD AND 22 CUTHBERTSON PLACE, LENA
VALLEY – SUBDIVISION (13 LOTS) – PLN-15-00371-01 -
FILE REF: 7408105 & P/25/471**
Ref: Special Open CPC 2.2.1, 7/3/2016
Application Expiry Date: 14/3/2016

A recommendation will be submitted to the meeting.

**10. PLANNING INSTITUTE OF AUSTRALIA (PIA) CONGRESS - BRISBANE
- MAY 2016 – FILE REF: 13-2-22**

Ref: Open CPC 7, 29/2/2016

- That:
1. Alderman Briscoe be nominated to attend the Planning Institute of Australia Congress to be held in Brisbane from 11-13 May 2016 as a representative of the Council, in accordance with Clause C(2) of the Council's Policy in respect to Aldermanic Training and Development.
 2. The cost of attendance, estimated at \$3,500 per Alderman, be funded from the Aldermanic conference allocation in the City Government Function of the 2015/2016 Annual Plan.
 3. Further Aldermanic nominations be invited.

**MOTION OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION
16(5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES)
REGULATIONS 2015**

The motion below has been submitted directly to the Council on the basis that Alderman Zucco considers the matter to be urgent.

In accordance with the procedures for Notices of Motions, the Council must firstly ratify by resolution that the motion is urgent, before it may consider the substance of the motion.

**11. TASMANIAN COMMUNITY COALITION COUNCIL MEMBERSHIP –
FILE REF: 15-1-1; 13-1-9**

- ALDERMAN ZUCCO That:
1. The Council reconsider its decision of 22 February 2016 in relation to membership of the Tasmanian Community Coalition, ie:

*“That given the strong alignment with
Goal Four of the Council’s Capital City
Strategic Plan 2015-2025 and the
Council’s Social*

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Item No. 11 continued

Inclusion Strategy 2015-2019, the Council become a member of the Tasmanian Community Coalition.”

2. A further report be provided as to whether it is appropriate for the Council to become a member of this organisation, given its role as the local government authority, and the breadth of roles and functions the organisation performs within the community.
3. The report address whether the Council has any legislative jurisdiction in relation to the control of gambling.

Rationale:

The legislative responsibility for gambling in Tasmania is regulated by the State Government not local government. The Council may be veering in policy matters that it has no jurisdiction.

The General Manager reports:

“That 1. In accordance with Clause 5 of the Notices of Motion procedures, I provide the following qualification as to whether the substance of this Notice of Motion resides within the jurisdiction of the Hobart City Council:

The matter is within the jurisdiction of the City of Hobart, as it relates to a decision taken by the Council at its meeting of 22 February 2016.

2. In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, this motion requires an absolute majority in order to overturn or amend a previous decision of the Council.”

JOINT PARKS AND RECREATION AND GOVERNANCE COMMITTEES**12. MEMORANDUM OF UNDERSTANDING WITH THE WELLINGTON
PARK MANAGEMENT TRUST - FILE REF 70-42-15**

Ref: Special Joint Open PRC & GC 2, 7/3/2016

A recommendation will be submitted to the meeting.

CITY INFRASTRUCTURE COMMITTEE**13. WEST HOBART LOCAL AREA TRAFFIC INVESTIGATION -
FILE REF: 36-15-9**

Ref. Open CIC 5, 24/2/2016

- That: 1. The recommendations of the consultant report titled *West Hobart Local Area Traffic Investigation – Final Report*, marked as Attachment A to item 5 of the Open City Infrastructure Committee agenda of 24 February 2016, be supported in-principle and the following actions be undertaken:
- (i) A workshop be convened with stakeholders in relation to the West Hobart pedestrian environment.
 - (ii) The Department of State Growth be requested to establish Statewide warrants for the installation of pedestrian crossings within Tasmania.
 - (iii) The Council write to the Department of State Growth requesting that consideration be given to the installation of an unsupervised children's crossing in Hill Street in the 40km/h zone near Caldew Park.
 - (iv) Median lanes and median islands be installed in Hill Street between Allison Street and Patrick Street and between Hamilton Street and Warwick Street, in 2016/2017 following the development of concept designs and community engagement.

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Item No. 13 continued

- (v) A review be undertaken following the installation of the median islands and pedestrian crossings in Hill Street.
 - (vi) Concept design development and consultation be undertaken with directly affected residents in 2016/2017 to provide more generous pedestrian crossings in Hill Street where refuge islands are already provided.
2. The West Hobart Resident Traffic Committee, Lansdowne Crescent Primary School, The Friends School, Taroona High School, Lawrenny Court, businesses along Hill Street and those people who participated in the consultation conducted by MRCagney, be advised of the Council's decision.

**14. ICAP AP07 – BROOKER AVENUE SHARED BRIDGE -
FILE REF: 30-1-59**

Ref. Open CIC 6, 24/2/2016

- That:
- 1. The Brooker Avenue Shared Bridge be developed, generally in accordance with plans marked as Attachment A to item 6 of the Open City Infrastructure Committee agenda of 24 February 2016, at an estimated value of \$4 million to be funded from an allocation provided in the Public Infrastructure Fund in the 2016/2017 Annual Plan.
 - 2. Landlord consent be given pursuant to Section 52 of the *Land Use Planning and Approvals Act 1993*, for the Brooker Avenue Shared Bridge to be lodged as a planning application.
 - 3. The Council initiate formal negotiations with:
 - (i) The State Government to enable the Council to acquire land for the purposes of future road widening over part of 19 Bathurst Street, in accordance with Attachment B to item 6 of the Open City Infrastructure Committee agenda of 24 February 2016; and
 - (ii) The University of Tasmania for public access rights over the new footpaths and bridge structure proposed to be located on the Domain House Campus site.

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Item No. 14 continued

4. A further report be provided to the City Infrastructure Committee outlining progress on the negotiations with the State Government and the University of Tasmania, prior to finalising any tender for the construction of the bridge.
5. A media release be issued in relation to the matter.

**15. 7A THELMA DRIVE, WEST HOBART – NAMING OF NEW ROAD -
FILE REF: 33-15-2**

Ref. Open CIC 7, 24/2/2016

- That:
1. The new road created by the subdivision at 7A Thelma Drive, West Hobart, marked as Attachment A to item 7 of the Open City Infrastructure Committee agenda of 24 February 2016, be named Hutchinson Place.
 2. The Nomenclature Board of Tasmania and the developer be advised of the Council's decision.

ECONOMIC DEVELOPMENT AND COMMUNICATIONS COMMITTEE
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**16. LITTLE ATHLETICS TASMANIA - REQUEST FOR FINANCIAL
ASSISTANCE – FILE REF: 15/144-004**

Ref: Open EDCC 6, 25/2/2016

The Council provide financial assistance of \$3,000 (exclusive of GST) as part of the City of Hobart's city marketing and promotions strategy regarding international relationships, to be funded from the City Marketing Function of the 2015/2016 Annual Plan.

17. REQUEST FOR ASSISTANCE - PRESENTATION BOOK ABOUT TASMANIA AND FUJIAN PROVINCE (PEOPLE'S REPUBLIC OF CHINA) – FILE REF: 10-6-1

Ref: Open EDCC 7, 25/2/2016

That the Council decline to financially contribute to the publication and wish the proponent well with the endeavour.

18. LIGHTING UP COUNCIL FACILITIES - NATIONAL ROAD SAFETY WEEK 2016 – FILE REF: 14-1-1

Ref: Open EDCC 8, 25/2/2016

- That:
1. The Council approve the request of the Road Safety Advisory Council to illuminate the Hobart Town Hall yellow, at its expense, to coincide with National Road Safety Week 2016 from 1 to 8 May 2016.
 2. The Council further demonstrate its support of the National Road Safety Week 2016 by illuminating the Elizabeth Mall and the Railway Roundabout Fountain yellow, with the fee of \$100 to be funded from the City Marketing Function in the 2015/2016 Annual Plan.
 - (i) The value of the support be recorded in the 2015/2016 City of Hobart Annual Report in accordance with the Council's policy in relation to the disclosure of grants and benefits.

19. HOBART EXCEPTIONAL CUSTOMER SERVICE AWARDS – FILE REF: 14-2-20

Ref: Open EDCC 9, 25/2/2016

- That:
1. The City of Hobart Exceptional Customer Service Awards, in their current format, be deferred for 2016:
 - (i) The Council continue its dialogue with the Hobart Chamber of Commerce in regard to the Chamber's 2016 business awards program, to ensure a customer service component of the program is delivered in 2016;

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Item No. 19 continued

- (ii) A further report be provided to the next Economic Development and Communications Committee meeting regarding the continued discussions with the Hobart Chamber of Commerce about the 2016 awards program, and the outcome of such discussions.
2. The Council endorse the development of a proposal for a general business grants program, to be the subject of a further report to the Council in 2016, and including an overall approach to business assistance.

20. INTERNATIONAL RELATIONS STRATEGY – FILE REF: 14-5-20

Ref: Special Open EDCC 2, 7/3/2016

A recommendation will be submitted to the meeting.

GOVERNANCE COMMITTEE

**21. DRAFT MODEL CODE OF CONDUCT – COMMENT –
FILE REF: 13-2-25**

Ref. Open GC 6, 1/3/2016

That: In respect to the Draft Model Code of Conduct submitted for consideration by the Council, the Local Government Association of Tasmania be advised in the following terms:

- (i) The Council supports the inclusion of a reference to anti-bullying behaviour within Part 7 of the Model Code of Conduct.
- (ii) The Council wishes the specific inclusion of Mayors within Part 8 of the Code in relation to representation.

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Item No. 21 continued

- (iii) The Council considers it appropriate that to Part 8(5) of the Code is amended to provide that by personal views do not unreasonably undermine the Council.
- (iv). The practical application of the process around the conflict of interest provisions at Part 2, 6(i) to (iii) of the Code should be clarified, including the capacity to abstain from voting which in accordance with the *Local Government (Meeting Procedures) Regulations 2015*, is interpreted as a vote in the negative.

22. COUNCIL POLICY MANUAL REVIEW 2015 - FILE REF: 10-40-1

Ref. Open GC 7, 1/3/2016

- That:
1. The Council endorse the summary of recommendations, marked as Attachment A to item 7 of the Open Governance Committee agenda of 1 March 2016, in respect to the Council's Policy Review for 2015.
 2. The Council endorse the proposed new structure of the Policy Manual as outlined in the report and reflected in the amended policies.
 3. The Council endorse the display of its Policy Manual on the City of Hobart website.

23. CLOSED PORTION OF THE COUNCIL MEETING

The following items were discussed:-

- Item No. 1 Minutes of the Last Meeting of the Closed Portion of the Council Meeting
- Item No. 2 Communication from the Chairman
- Item No. 3 Leave of Absence – File Ref: 13-2-2
LG(MP)R 15(2)(h)
- Item No. 4 Consideration of Supplementary Items to the Agenda
- Item No. 5 Indications of Pecuniary and Conflicts of Interest
- Item No. 6 Enforcement Proceedings – File Ref: 7346565/06 & P/9/641
LG(MP)R 15(2)(i)
- Item No. 7 Wellington Park Management Trust – File Ref: 70-42-15
LG(MP)R 15(2)(g)