



CITY OF HOBART

# MINUTES

## OPEN PORTION OF THE COUNCIL MEETING HELD MONDAY 11 APRIL 2016 AT 5.01 PM

**PRESENT:** The Lord Mayor Alderman S L Hickey (Chairman),  
The Deputy Lord Mayor Alderman R G Christie,  
Aldermen J R Briscoe, E R Ruzicka, P T Sexton, H C Burnet,  
P S Cocker, D C Thomas, A M Reynolds, T M Denison and  
W F Harvey.

The Lord Mayor left the meeting at 7.29 pm (refer Closed minutes) and was not present for item 22.

Alderman Briscoe left the meeting at 6.15 pm, returned at 6.23 pm and was not present for items 16 and 17.

Alderman Thomas declared an interest in item 13.3, retired at 5.12 pm and returned at 5.14 pm.

Alderman Denison arrived at the meeting at 5.08 pm and was not present for items 1 to 12.

**APOLOGIES:** Nil.

**LEAVE OF ABSENCE:** Alderman M Zucco.

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<b>CITY PLANNING COMMITTEE</b>
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**22. CLOSED PORTION OF THE COUNCIL MEETING**

**ACKNOWLEDGEMENT OF COUNTRY**

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**1. DECLARATION OF OFFICE – ALDERMAN W.F. (BILL) HARVEY**

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The Lord Mayor requested that Alderman Harvey stand, read and sign his Declaration of Office as an Alderman of the Hobart City Council.

The General Manager signed Alderman Harvey's Declaration of Office.

**2. MOTION ACKNOWLEDGING THE RECEIPT OF ALDERMAN HARVEY'S DECLARATION OF OFFICE**

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DEPUTY LORD MAYOR  
RUZICKA

That Alderman Harvey's Declaration of Office be received and noted by the Council.

MOTION CARRIED

**VOTING RECORD**

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Harvey	

**3. WELCOME TO ALDERMAN HARVEY FROM THE LORD MAYOR**

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The Lord Mayor welcomed Alderman Harvey noting his return to the Council as the result of the resignation of Suzy Cooper and his previous service as an Alderman between 2007 and 2014.

**4. SPECIAL REPORT – GENERAL MANAGER**

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**The General Manager reports:**

“The resignation of former Alderman Cooper has created a vacancy on the following Council committees:

1. Community Culture and Events;
2. City Infrastructure; and
3. Parks and Recreation.

Alderman Harvey has indicated he is happy to take up those vacancies, together with the following appointments to internal and external groups and organisations, which were also vacated on Ms Cooper’s resignation:

1. Hobart Bicycle Advisory Committee;
2. Hobart City Council – Launceston City Council – Joint Working Party;
3. Coming Out Proud – Greater Hobart Community Liaison Committee;
4. Cycling South Inc.; and
5. Tasmanian Polar Network.

**Recommendation:**

**That Alderman Harvey be appointed to the existing vacant positions on those Council Committees and internal and external groups, as listed above.”**

DEPUTY LORD MAYOR  
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Hickey

Deputy Lord Mayor Christie

Briscoe

Ruzicka

Sexton

Burnet

Cocker

Thomas

Reynolds

Harvey

**5. MINUTES OF THE LAST MEETING (OPEN PORTION) OF THE COUNCIL HELD ON MONDAY 21 MARCH 2016**

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The Chairman reported that she had perused the minutes of the Open Portion of the Council meeting held on Monday 21 March 2016 found them to be a true record and recommended that they be taken as read and signed as a correct record.

DEPUTY LORD MAYOR  
RUZICKA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Harvey	

The minutes were signed.

**6. TRANSFER OF AGENDA ITEMS**

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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?

No items were transferred.

**7. COMMUNICATION FROM THE CHAIRMAN**

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No communication was received.

**8. NOTIFICATION OF COUNCIL WORKSHOPS**

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In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2015, the General Manager reports that no Council workshops have been conducted since the last ordinary meeting of the Council.

**9. PUBLIC QUESTION TIME**

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No questions were received.

**10. PETITIONS**

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No petitions were received.

**11. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA**

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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.

No supplementary items were received.

**12. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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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.

The following interest was indicated:

Alderman Thomas indicated an interest in item 13.3.



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**REPORTS OF COMMITTEES**

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<b>CITY PLANNING COMMITTEE</b>
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**13. COUNCIL ACTING AS PLANNING AUTHORITY**

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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.

**13.1 283 DAVEY STREET, SOUTH HOBART - PARTIAL  
DEMOLITION AND NEW FRONT FENCING - PLN-16-00145-01 -  
FILE REF: 7519702 & P/283/437**  
Ref: Open CPC 6.1.1, 4/4/2016  
**Application Expiry Date: 23/3/2016**  
**(Extension of time granted until 4/5/2016)**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition and new front fencing at 283 Davey Street, South Hobart as it is considered to comply with the relevant performance criteria of the scheme, 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-16-00145-01 outlined in Attachment A to this permit except where modified below.

*Reason for condition*

*To clarify the scope of the permit.*

Item No. 13.1 continued**PLANNING**

PLN 8           The front fencing along both boundaries must be reduced in height to be no more than 1.5m above natural ground level and be no less than 30% transparent.

*Reason for condition*

*To maintain the streetscape.*

**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 stabilized 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](http://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 30 days 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.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads,

Item No. 13.1 continued

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.

***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.***

ENG s1      The footings of the proposed front fence must be contained wholly within the property boundary.

***Reason for condition***

***To ensure the protection of the Council's hydraulic and road infrastructure.***

**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](http://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:

- Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve).

Item No. 13.1 continued

[http://www.hobartcity.com.au/Transport/Lighting\\_Roads\\_Footpaths\\_and\\_Street\\_Cleaning/Roads\\_and\\_Footpaths](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 skip bin, crane, scissor lift etc).

[http://www.hobartcity.com.au/Transport/Permits/Construction\\_Activities\\_Special\\_Events\\_in\\_the\\_Road\\_Reservation](http://www.hobartcity.com.au/Transport/Permits/Construction_Activities_Special_Events_in_the_Road_Reservation).

- Temporary parking permits for construction vehicles i.e. residential or meter parking/loading zones.

[http://www.hobartcity.com.au/Transport/Permits/Parking\\_Permits](http://www.hobartcity.com.au/Transport/Permits/Parking_Permits).

A grated drain is located within the Davey Street footpath adjacent to 283 Davey Street boundary. Extreme care must be taken in order to prevent any damage to the drain, please refer to condition ENG1.

Please note that the agreement of the Council's Manager Road & Environmental Engineering is required to adjust footpath levels to suit the design of any proposed development prior to the issue of any building consent, building permit (including demolition) pursuant to the *Building Act 2000* or the commencement of works on site (whichever occurs first).

Pedestrian and vehicle access must be maintained along the footpaths and road(s) on the frontage of the site during construction and until the development is completed.

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

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

Waste disposal -Top ten tips:

[http://www.hobartcity.com.au/Environment/Recycling\\_and\\_Waste](http://www.hobartcity.com.au/Environment/Recycling_and_Waste).

Fees and charges:

[http://www.hobartcity.com.au/Council/Fees\\_and\\_Charges](http://www.hobartcity.com.au/Council/Fees_and_Charges).

Item No. 13.1 continued

Dial before you dig:

[www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au).

If you do not have access to the Council's electronic web page, please phone the Council (City Planning) on 6238 2715 for assistance.

BRISCOE  
BURNET

That the recommendation be adopted.

## MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Hickey

Deputy Lord Mayor Christie

Briscoe

Ruzicka

Sexton

Burnet

Cocker

Thomas

Reynolds

Denison

Harvey

- 13.2 40-44 MONTPELIER RETREAT, ADJACENT ROAD RESERVATION, BATTERY POINT - DEMOLITION AND REDEVELOPMENT FOR 31 DWELLINGS - PLN-15-00971-01 – FILE REF: 5669846 & P/40-44/683**  
Ref: Supp Open CPC 6.1.2, 4/4/2016  
**Application Expiry Date: 14/4/2016**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for demolition and redevelopment for 31 dwellings at 40-44 Montpelier Retreat and adjacent road reservation, Battery Point on the following grounds:

Item No. 13.2 continued

1. The proposed development does not meet performance criterion E13.8.2 P1, because the design and siting of the buildings and works will result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.
2. The proposed development does not meet performance criterion E13.8.2 P2 as the design and siting of buildings and works does not comply with relevant design criteria / conservation policy listed in Table E13.2.
3. The proposed development does not meet performance criterion E13.8.4 P1 as the scale and form of the proposed development will detract from the pattern of development that is a characteristic of the cultural heritage significance of Heritage Precinct BP1 precinct in the vicinity of the site.
4. The proposed development does not meet performance criterion E13.8.4 P3 because the height of the proposed development is obtrusive in the streetscape and detracts from the pattern of development that is a characteristic of the cultural heritage significance of Heritage Precinct BP1 in the vicinity of the site.
5. The proposed development does not meet performance criterion E13.8.4 P6 as the height and form of the proposed building detracts from the pattern of development that is a characteristic of the cultural heritage significance of the Heritage Precinct BP1 in the vicinity of the site.

**ADVICE**

The applicant may wish to consider submitting the portion of the application relating to James Street as a separate application.

BRISCOE  
THOMAS

That the application be deferred at the request of the applicant, to allow them to obtain further legal advice on the proposal, noting that an extension of time has been provided to the Council to extend the application expiry date to 26 May 2016.

Item No. 13.2 continued

## MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

Alderman Thomas declared an interest in item 13.3 and retired.

- 13.3 19-27 CAMPBELL STREET, 29 CAMPBELL STREET, 19 COLLINS STREET, CT.198531/2, ADJACENT ROAD RESERVATIONS, HOBART - PARTIAL DEMOLITION, ALTERATIONS AND EXTENSIONS TO EXISTING BUILDINGS AND NEW DEVELOPMENT FOR EDUCATION CENTRE AND ARTS AND CULTURAL CENTRE, INCLUDING STUDIO THEATRE, RECITAL HALL WITH KIOSK/BAR, SALON, TEACHING AND LEARNING SPACES, ROOF DECKS, ROOF TERRACES AND MINOR ROAD WORKS - PLN-16-00135-01 - FILE REF: 5659170/08 & P/29/388**  
Ref: Supp Open CPC 6.2.1, 4/4/2016  
**Application Expiry Date: 11/4/2016**

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for partial demolition, alterations and extensions to existing buildings and new development for education centre and arts and cultural centre, including studio theatre, recital hall with kiosk/bar, salon, teaching and learning spaces, roof decks, roof terraces and minor road works at 19-27 Campbell Street, 29 Campbell Street, 19 Collins Street, CT.198531/2, adjacent road reservations, Hobart for the reasons outlined in the officer's report attached to supplementary item 6.2.1 of the Open City Planning Committee agenda of 4 April 2016, and a permit containing the following conditions be issued:

Item No. 13.3 continued**GENERAL**

GEN The use and/or development must be substantially in accordance with the documents and drawings that comprise the Planning Application No. PLN-16-00135-01 outlined in attachment A to this permit except where modified below.

***Reason for condition***

***To clarify the scope of the permit.***

**TASWATER**

TW The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2016/00173-HCC dated 07/03/2016 as attached to the permit.

***Reason for condition***

***To clarify the scope of the permit.***

**TASMANIAN HERITAGE COUNCIL**

THC The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, Works Application No. 4964 dated 23 March 2016, as attached to the permit.

***Reason for condition***

***To clarify the scope of the permit.***

**ENVIRONMENTAL**

ENV2 Sediment, erosion and water quality control measures in accordance with an approved soil and water management plan (SWMP) must be installed, prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.



Item No. 13.3 continued

A SWMP must be submitted and approved, prior to the commencement of work. The SWMP must:

- (a) Be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), [http://www.hobartcity.com.au/Development/Engineering\\_Standards\\_and\\_Guidelines](http://www.hobartcity.com.au/Development/Engineering_Standards_and_Guidelines) .
- (b) Be prepared in accordance with any approved Environmental Site Assessment or contaminated site management plan for the site.
- (c) Demonstrate how contaminant transport into groundwater and stormwater infrastructure will be prevented.

All work required by this condition must be undertaken in accordance with the approved SWMP.

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

***Reason for condition***

***To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.***

ENVs1 To demonstrate site suitability, an environmental site assessment (ESA) in accordance with the National Environmental Protection (Assessment of Site Contamination) Measure 1999 as amended 2013 is required. The ESA must be submitted and approved prior to the commencement of work on site associated with this permit.

The ESA must address:

- The extent of contamination; and
- The works undertaken including removal and remediation activities; and
- Remaining risk with regard to future works or activities onsite.

Item No. 13.3 continued

Upon completion of works on site and prior to the commencement of any uses on site a final ESA report is required which must:

- Confirm why the site does not pose a risk to human health or the environment; and
- Identify remaining risks with regard to future works or activities at the site.

All work required by this condition must be undertaken in accordance with the approved ESA and Final ESA.

Advice: Once the ESA and final ESA have been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

***Reason for condition***

***To ensure that the site is left in a condition that does not pose a risk and that it suitable for any future intended use in terms of contamination issues.***

ENVs2 A construction management plan (CMP) for the construction works must be submitted and approved prior to commencement of works.

The construction management plan must include:

- (i) A description of all activities proposed to be undertaken on the site during the works, including an indication of stages of works, where relevant, and also including proposed screening of the site and vehicular access points during work;
- (ii) Proposed hours of construction in accordance with the Environmental Management and Pollution Control (Noise) Regulations 1994 not exceeding 7.00 am to 6.00 pm Monday to Friday, 8.00 am to 6.00 pm Saturday and 10.00 am to 6.00 pm Sunday and public holidays;
- (iii) A Dust Management Plan including an air quality protocol to outline measures to minimise impacts from the works on local air quality particularly regarding dust generated from the work;

Item No. 13.3 continued

- (iv) Identification of potentially noisy works phases, such as operation of rock breakers, explosives or pile drivers if they are to be used, and proposed means to minimise impact on the amenity of neighbouring buildings;
- (v) Identification and disposal of any potentially contaminated waste and asbestos;
- (vi) The CMP is to detail measures for dealing with, recording and managing any breaches of the above.

All work required by this condition must be undertaken in accordance with the approved construction management plan.

Advice: Once the CMP has been approved, Council will issue a condition endorsement (see general advice on how to obtain condition endorsement.

It would be acceptable to incorporate the Soil and Water Management Plan (condition ENV2) and Construction Traffic Management Plan (condition TRFs3) into the Construction Management Plan.

***Reason for condition***

***To ensure minimal impact on the amenity of adjoining properties and members of the public during the construction period.***

ENVs3 The outdoor spaces must not be used for performances, rehearsals, screenings, functions or other organised events between the hours of 10pm and 8am without the prior written consent of the Council.

***Reason for condition***

***To ensure that activities are managed in a way which will not cause environmental nuisance or material or serious environmental harm.***

ENVs4 Noise mitigation measures must be employed to minimise internal noise levels in the wards of the Royal Hobart Hospital (existing and future) from proposed mechanical plant on the site.

Item No. 13.3 continued

A noise modelling report demonstrating that noise levels in the wards will be unlikely to exceed 30dB(A) from the mechanical plant under normal operating conditions must be submitted and approved prior to operation of the mechanical plant (operating the plant so it can be tested is permitted). Details of all required mitigation measures to achieve such levels must be included.

The proposed mechanical plant must be operated so that the noise levels identified in the approved noise modelling report are achieved.

Advice: Once the noise modelling report has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

***Reason for condition***

***To ensure that activities are managed in a way which will not cause environmental nuisance or material or serious environmental harm.***

**TRAFFIC**

TRFs1 The proposed new on street parking spaces must comply with AS2890.5 (On-street parking), prior to the commencement of use or the car parking spaces.

A design of the new on street parking layout must be submitted and approved prior to the commencement of use of the parking spaces. The parking plan must be in accordance with AS2890.5 (On-street parking).

All work required by this condition must be undertaken in accordance with the approved parking plan.

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

***Reason for condition***

***To ensure on-street parking is safe.***

Item No. 13.3 continued

TRFs2            Signage is required to be erected at the intersection of Sun Street and Collins Street advising that the street is suitable only for local access, prior to commencement of use of the building.

A signage plan showing the location and type of signage to be installed must be submitted and approved prior to the commencement of use of the building.

All work required by this condition must be undertaken in accordance with the approved signage plan.

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

***Reason for condition***

***To ensure the safety of traffic in the vicinity.***

TRFs3            A Construction Traffic Management Plan must be submitted and approved prior to the commencement of works.

The Construction Management Plan must:

- (a) Be prepared by a suitably qualified person;
- (b) Outline management of traffic conflicts that may be generated during the work, including but not limited to:
  - (i) Details of traffic routes for heavy vehicles, including any necessary route or timing restrictions;
  - (ii) Measures to be employed to ensure traffic volume, acoustic and amenity impacts are minimized;
  - (iii) Measures to be employed to ensure works-related traffic, parking and loading have as minimal disruption as possible on adjacent uses.

Item No. 13.3 continued

All work required by this condition must be undertaken in accordance with the approved Construction Traffic Management Plan.

Advice: Once the Construction Traffic Management Plan has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

***Reason for condition***

***To ensure that the impact on the road network during construction is assessed and mitigation measures implemented as necessary.***

**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.

***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.***

Item No. 13.3 continued

ENGr1 The proposed excavation adjacent to the highway reservation and proposed earth-retaining structures (i.e. retaining walls) supporting the highway reservation must not compromise the structural integrity of the adjacent Sun Street, Campbell Street and Sackville Street highway reservations.

Detailed design drawings and structural certificates of the retaining walls supporting the Sun Street, Campbell Street and Sackville Street highway reservations must be submitted and approved, prior to the commencement of work.

The detailed design drawing must:

- (a) Be prepared by a suitable qualified and experienced engineer;
- (b) Demonstrate that the proposed excavation adjacent to the highway reservation and proposed earth-retaining structures (i.e. retaining walls) supporting the highway reservation will not undermine the stability of the highway reservation;
- (c) Demonstrate that the proposed excavation adjacent to the highway reservation and proposed earth-retaining structures (i.e. retaining walls) supporting the highway reservation will be designed in accordance with AS4678, with a design life in accordance with table 3.1 typical application major public infrastructure works;
- (d) Take into account any additional surcharge loadings as required by relevant Australian Standards;
- (e) take into account and reference accordingly any geotechnical findings;
- (f) detail any mitigation measures required.

The structural certificates should note that the vehicle crossing and driveway over the footpath is designed for the anticipated regular heavy vehicle loads.

All work required by this condition must be undertaken in accordance with the approved design drawing and structural certificates.

Item No. 13.3 continued

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

***Reason for condition***

***To ensure that the stability and integrity of the Council's highway reservation is not compromised by the development.***

ENGr2 The folding night doors on the Collins Street frontage must not encroach onto the road reservation as per section 52 of the *Local Government (Highways) Act 1982*. The operation of the folding doors must be contained within the property boundary.

***Reason for condition***

***To ensure the development meets statutory requirements and does not present a hazard to pedestrians on the public footpath.***

Part 5 1 Prior to the commencement of work, the owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* with respect to:

1. Building within 1 metre of Council's storm water infrastructure (the Hobart Rivulet). The owner must agree to:
  - (a) not perform any future works to the structure within 1m of the Rivulet, including replacement of footings or additional overhang, without written permission from the Council; and
  - (b) remove any minor structures (such as awnings or signs) over the Rivulet chambers at the owner's cost at the Council's request to provide access to Council's infrastructure.
2. Works within the identified 1% AEP at 2100 flood extent affecting the land. The owner must agree to:
  - (a) Maintain all flood mitigation measures and control systems specified in the Flood Management Report.



Item No. 13.3 continued

3. The excavation and retaining walls adjacent to the Sun Street, Campbell Street and Sackville Street highway reservations. The owner must agree to not undertake any works at any time (including building and excavation) that will have any effect on the integrity of any retaining structure adjacent to Sun Street, Campbell Street and Sackville Street, or the road formations themselves or undermine the structural integrity of the highway reservations of Sun Street, Campbell Street and Sackville Street.

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner. The owner must comply with the Part 5 Agreement which will be placed on the property title.

Note: Further information with respect to the preparation of a Part 5 agreement can be found [http://www.hobartcity.com.au/Development/Planning/Part\\_5\\_agreements](http://www.hobartcity.com.au/Development/Planning/Part_5_agreements).

***Reason for condition***

***To ensure that Council's infrastructure is accessible and protected and that flood risks are mitigated, and to ensure that support for the highway reservation and its infrastructure are retained.***

RDSs1 Sufficient road lighting levels must be maintained for the duration of the works and after completion of the works.

A lighting plan must be submitted demonstrating that road lighting levels will be maintained for the duration of the works and after completion of the works. The plan must:

- (a) Be prepared by a suitably qualified person; and
- (b) Demonstrate compliance with the AS 1158 standards for any permanent or temporary lighting arrangement.

All work required by this condition must be undertaken at the developers cost in accordance with the approved lighting plan

Item No. 13.3 continued

Advice: Once the lighting plan has been approved Council will issue a condition endorsement. (See general advice on how to obtain condition endorsement).

The pole will remain the property of the Council and must be stored at the Council's depot.

***Reason for condition***

***To ensure that works will comply with the Council's standard requirements.***

RDSs2 Prior to the use of the Sun Street and Collins Street footpaths for construction purposes, any grey pavers which will be affected by the construction works must be removed and replaced with a temporary asphalt/concrete seal at the developer's cost. The pavers must not be damaged during removal and must be transported to the Council's store by the developer. The pavers are to be reinstated at the conclusion of works at the developer's cost.

***Reason for condition***

***To protect Council infrastructure.***

ENGsw2 The proposed development must not adversely impact any public infrastructure.

Digital copies of pre and post CCTV videos and associated reports of all Council stormwater infrastructure within two metres of the site must be undertaken and submitted to the Council prior to the commencement of work and after completion of all work prior to the issue of any Certificate of Completion.

The pre and post construction CCTV will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner fails to provide to the Council a pre construction CCTV video of the Council's infrastructure, then any damage to the Council infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.

Item No. 13.3 continued***Reason for condition***

***To ensure that any of the Council infrastructure such as the pipes in Sun Street and Campbell Street and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.***

ENGsw2a Detailed condition assessments, photographic records and associated reports of the Hobart Rivulet from Campbell Street to the eastern side of Sun Street must be undertaken and submitted to the Council prior to the commencement of work and after completion of all work prior to the issue of any Certificate of Completion.

The pre and post condition assessments will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner fails to provide to the Council a pre construction condition assessment of the Council's infrastructure, then any damage to the Council infrastructure identified in the post construction assessment will be deemed to be the responsibility of the owner.

Advice: Council notes a pre works condition assessment has been provided under a previous permit for this development.

***Reason for condition***

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

ENGsw3 The proposed works (including footings and overhangs) must be designed to ensure the protection of and access to, the Hobart Rivulet (including its support structures).

A detailed design certified by a suitably qualified and experienced engineer must be submitted and approved prior to issue of any consent under the *Building Act 2000*.

The detailed design must:

- (a) Demonstrate how the design will ensure the protection of the Hobart Rivulet for the entire life of the building.

Item No. 13.3 continued

- (b) Enable access for maintenance and renewal of the Hobart Rivulet for the entire life of the building.
- (c) Include certification by a suitably qualified engineer that the works will not impose any loads on the Hobart Rivulet and the works will be entirely structurally independent of the Rivulet and of any other structures such as the Hedberg Façade that may currently load on the Rivulet.
- (d) Demonstrate that the proposed awning on the Collins Street frontage is demountable.
- (e) Include appropriate sections detailing the relationship between the works and the Rivulet.

Prior to issue of any Certificate of Completion, a suitably qualified engineer must confirm the installation of all works within two metres of the Rivulet support structures is in accordance with the certified design and complies with this condition. Should any remediation works be required, these must be carried out at the developer's cost.

All work required by this condition must be undertaken in accordance with the approved design.

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

***Reason for condition***

***To ensure the protection of the Council's hydraulic infrastructure.***

ENGsw 4 The Hobart Rivulet walls must be carefully and accurately located onsite.

Prior to construction of the footings, the Rivulet walls and clearance must be inspected and confirmed by the Council's Project and Development Inspector to ensure the minimum separation is achieved.

The Council's Project and Development Inspector must be contacted by telephone on (03) 6238 2967 at least 24 hours prior to the commencement of any works.

Item No. 13.3 continued***Reason for condition******To ensure the protection of the Council's hydraulic infrastructure.***

ENGsw5 The proposed development must not adversely impact the Hobart Rivulet.

A Construction Management (Rivulet Protection) Report (CM(RP)R) must be submitted and approved prior to commencement of works. The report must:

- (a) be prepared by a suitably qualified and experienced engineer;
- (b) detail the proposed construction methodology and identify all potential risks to the Rivulet during construction including but not limited to construction loading, traffic loading, excavation works, footing construction, vibrations, undermining, flood, and environmental harm;
- (c) provide treatment measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks; and
- (d) include a monitoring regime.

The work on site must be undertaken in accordance with the CM(RP)R.

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

***Reason for condition******To ensure the protection of the Council's hydraulic infrastructure.***

ENGsw7 The site must be drained to the Council's infrastructure taking into account the limited receiving capacity of

Council's infrastructure. Any new stormwater connection required must be constructed and existing redundant connections must be sealed by the Council at the owner's expense, prior to issue of a Certificate of Completion.

Item No. 13.3 continued

Detailed design drawings and calculations must be submitted and approved, prior to issue of any consent under the *Building Act 2000*. The detailed design drawings must include:

- (a) The final Lot boundaries, with each Lot serviced separately by Council infrastructure and all private plumbing contained within each Lot;
- (b) the location of the proposed connections and all existing connections;
- (c) the size and design of the connection(s) such that they are appropriate to safely service the development given the limited receiving capacity of Council infrastructure (e.g backflow prevention, temporary stormwater storage, overflows);
- (d) long-sections of the proposed connection(s) clearly showing any nearby services, cover, size, material and delineation of public and private infrastructure; and
- (e) if connecting to the Rivulet, show details such that:
  - (i) intrusion into the chamber and hydraulic disturbance is minimised.
  - (ii) appropriate erosion protection is provided.
  - (iii) any backflow prevention required is privately owned and maintained upstream of the public connection point.

All work required by this condition must be undertaken in accordance with the approved detailed design drawings.

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

Please note that once the condition endorsement has been issued, you will need to contact Council's City

Infrastructure Division to initiate an application for service connection.

Item No. 13.3 continued***Reason for condition******To ensure the site is drained adequately.***

ENGsw10 The owner must lodge with the Council security and provide insurance to ensure the protection of the Council's Infrastructure.

Prior to the issue of any consent pursuant to the *Building Act 2000* or the commencement of works (whichever occurs first), the owner must lodge a cash deposit or bank guarantee from an approved financial institution, for an amount of \$100,000 (one hundred thousand dollars) for the protection from damage of the Hobart Rivulet during construction of the development, such bond to be released once the works are completed should no damage occur.

Advice: The bond can be paid once the building consent is ready to be issued. The building consent will not be issued until the bond has been paid.

Once the certificate of completion for the development has been issued (or the works are completed) and the post completion survey submitted, please contact the Council's Project and Development Inspector by telephone on (03) 6238 2967 to arrange an inspection prior to the release of the Council's infrastructure bond.

The Council's Project and Development Inspector must be contacted at least 24 hours prior to the commencement of any works to locate and inspect public infrastructure within and adjacent to the development site.

***Reason for condition******To ensure the protection of the Council's infrastructure.***

ENGsw11 The building must be constructed with appropriate flood mitigation measures to enable a safe environment for all future users of the building.

A Flood Management Report prepared by a suitably qualified person must be submitted prior to the issue of any consent under the *Building Act 2000*. The report must include:

Item No. 13.3 continued

- (a) Details of any physical mitigation measures, such as flood gates and emergency pumps and long term operational and maintenance requirements for these measures;
- (b) Details of any operational measures, such as alarm systems and emergency management procedures and long term operational and maintenance requirements; and
- (c) Details of any post event remediation procedure.

The Flood Management Report is to be included in a Part 5 Agreement on the title.

Council notes the requirements of the *Work Health and Safety Regulation 2012, Building Act 2000, National Construction Code 2016* relating to the potential for flood waters to enter the Building.

Advice: Any flood mitigation measures including monitoring systems that need to be installed within or above Council infrastructure require written permission from Council pursuant to the *Hydraulic Services By Law 2008*.

***Reason for condition***

***To minimise the impact of flooding on the building and surrounds.***

ENGsw12 The building must be designed by a suitably qualified and accredited engineer such that it is resistant to all likely forces associated with any flooding event as predicted by the Gandy & Roberts Preliminary Flood Report 29 February 2016.

Certification from an accredited and qualified structural engineer that the proposed structure is designed to resist erosion, deterioration, undermining and likely forces from a flood event is to be submitted prior to the issue of any consent under the *Building Act 2000*.



Item No. 13.3 continued

Prior to issue of any Certificate of Completion, a suitably qualified engineer must confirm the installation of the building is in accordance with the certified design and complies with this condition. Should any remediation works be required, these must be carried out at the developer's cost.

***Reason for condition******To ensure that the risks identified in the Preliminary Flood Report are adequately managed.***

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](http://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 [rft-information@hobartcity.com.au](mailto:rft-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](http://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](http://www.hobartcity.com.au/Development/Building).
- Plumbing permit under the *Tasmanian Plumbing Regulations 2014*;  
[www.hobartcity.com.au/Development/Plumbing](http://www.hobartcity.com.au/Development/Plumbing).

Item No. 13.3 continued

- 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](http://www.hobartcity.com.au/Transport/Lighting_Roads_Footpaths_and_Street_Cleaning/Roads_and_Footpaths).
- Application for registration of a food business must be made and subsequent written approval must be obtained from Council's Environmental Health Unit in accordance with the Food Act 2003. The business is to be registered prior to operation.
- Detailed building plans showing all elevations, materials and specifications for food premises fit out are to be submitted to Council's Environmental Health Unit. These plans must comply with the provisions of the *Building Code of Australia National Construction Code Tas Part H102* for food premises and have regard to the Food Safety Standards Australia New Zealand (FSANZ).
- Contaminated soil and water are likely to be 'controlled wastes' under the *Environmental Management and Pollution Control (Waste Management) Regulations 2010*. Any 'controlled waste' must be managed, transported and disposed of in accordance with the Regulations. Advice regarding the regulations should be sought from EPA Division of the Department of Primary Industries, Parks, Water and Environment. Information regarding requirements under the Regulations for the disposal of contaminated soil can be found in the EPA Information Bulletin 105 Classification and Management of Contaminated Soil for Disposal.
- Appropriate work health and safety (WHS) measures should be employed during any earthworks to minimise human exposure to potentially-contaminated soil, water, dust and vapours. Work health safety measures should be implemented to reflect the known level of site contamination onsite as described by the Environmental Site Assessment conducted by Coffey (2009) and any other reporting completed since. Work Safe Tasmania or a suitably experienced and qualified WHS practitioner should be consulted for advice if required.

Item No. 13.3 continued

- There is to be no emission, discharge or spillage of any form of lighting or other related illumination that may unreasonably interfere with, or is likely to unreasonably interfere with, a person's enjoyment of the environment in accordance with the *Environmental Management and Pollution Control Act 1994*.
- Any use or development that handles food to be sold (or given away) to the public should seek advice from Council's Manager Environmental Health to ensure compliance with relevant state and national food safety legislation. Please contact Council's Environmental Health Unit on 6238 2715 to ascertain whether your proposal requires a food business registration.
- It is noted that project specific legislation is proposed to authorise by law the building encroachments onto the public highway. Airspace titles are proposed where the encroaching structure is more than 2.4 metres above the footpath or 4.25 metres above the carriageway. As an alternative to the proposed airspace titles, encroachments where the encroaching structure is more than 2.4 metres above the footpath or 4.25 metres above the carriageway could be authorised in accordance with the provisions of section 75 CA of the *Conveyancing and Law of Property Act 1884*.
- The existing and proposed encroachments of the buildings onto the public highway must be properly authorised by law or the development will be unable to be strata titled as section 5(4) of the *Strata Titles Act 1998* will not be complied with.
- For 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>.
- To ensure compliance with statutory provision, the titles comprising the development site (CT 102526/1, CT 102526/1, CT 53804/1, CT 198531/1 and CT 142953/1) must be adhered prior to the issue of any completion certificate under the *Building Act 2000*.

Item No. 13.3 continued

- To ensure compliance with statutory provisions, public and private rights and interests required to be extinguished as part of the development must be done prior to the issue of any completion certificate under the *Building Act 2000*.
- The statutory highway dedication over lots 2, 3 and 5 (refer to PDA Surveyors Plan R688M 6B dated 29 January 2016) must be closed prior to any construction works on lots 2, 3 and 5. The statutory highway over areas comprised of lots 4, 7, 8 and 10 must be closed prior to the issue of a completion certificate under the *Building Act 2000*. The statutory highway can be closed via special legislation enacted as an act of Parliament or in accordance with the provisions of section 14 of the *Local Government (Highways) Act 1982*.
- The cost of any alterations to the Council's or third-party infrastructure, including the site's service connection points, incurred as a result of the proposed development works must be met by the owner.

BRISCOE  
SEXTON

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Hickey  
Deputy Lord Mayor Christie  
Briscoe  
Ruzicka  
Sexton  
Burnet  
Cocker  
Reynolds  
Denison  
Harvey

NOES

- 13.4 99 SALAMANCA PLACE (ALSO KNOWN AS PRINCES PARK),  
BATTERY POINT - PUBLIC TOILETS -  
PLN-16-00085-01 – FILE REF: 1832167 & P/90/889**  
Ref: Supp Open CPC 6.2.2, 4/4/2016  
**Application Expiry Date: 11/4/2016**

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for public toilets at 99 Salamanca Place (also known as Princes Park), Battery Point for the reasons outlined in the officer's report attached to supplementary item 6.2.2 of the Open City Planning Committee agenda of 4 April 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-16-00085-01 outlined in Attachment A to this permit except where modified below.

*Reason for condition*

*To clarify the scope of the permit.*

#### **TASWATER**

TW The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2016/00188-HCC dated 18 February 2016 as attached to the permit.

*Reason for condition*

*To clarify the scope of the permit.*

#### **TASMANIAN HERITAGE COUNCIL**

THC The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, Works Application No. 4951 dated 21 March 2016, as attached to the permit.

*Reason for condition*

*To clarify the scope of the permit.*

Item No. 13.4 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 stabilized or re-vegetated.

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](http://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.

Item No. 13.4 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.***

ENGsw7

The new stormwater connection must be constructed and existing abandon connections sealed by the Council at the owner's expense, prior to the first occupation.

Detailed design drawings must be submitted and approved, prior to commencement of work. The detailed design drawings must include:

- (a) the location of the proposed connection; and
- (b) the size of the connection appropriate to satisfy the needs of the development.

All work required by this condition must be undertaken in accordance with the approved detailed design drawings.

Advice:

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

Please note that once the condition endorsement has been issued, you will need to contact Council's City Infrastructure Unit to initiate an application for service connection.

***Reason for condition***

***To ensure the site is drained adequately.***

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](http://www.hobartcity.com.au) for further information.

Item No. 13.4 continued

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 [rft-information@hobartcity.com.au](mailto:rft-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](http://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](http://www.hobartcity.com.au/Development/Building).
- Plumbing permit under the Tasmanian Plumbing Regulations 2014:  
[www.hobartcity.com.au/Development/Plumbing](http://www.hobartcity.com.au/Development/Plumbing).
- Permit for the occupation of the public highway for construction or special event (e.g. skip bin, placement of crane, scissor lift etc):  
[http://www.hobartcity.com.au/Transport/Permits/Construction\\_Activities\\_Special\\_Events\\_in\\_the\\_Road\\_Reservation](http://www.hobartcity.com.au/Transport/Permits/Construction_Activities_Special_Events_in_the_Road_Reservation).
- 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](http://www.hobartcity.com.au/Transport/Lighting_Roads_Footpaths_and_Street_Cleaning/Roads_and_Footpaths).

Temporary parking permits for construction vehicles i.e. residential or meter parking/loading zones:  
[http://www.hobartcity.com.au/Transport/Permits/Parking\\_Permits](http://www.hobartcity.com.au/Transport/Permits/Parking_Permits).

BRISCOE  
SEXTON

That the recommendation be adopted.



Item No. 13.4 continued

## MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

**13.5 HOBART INTERIM PLANNING SCHEME 2015 – PLANNING SCHEME AMENDMENT AND S43A PERMIT APPLICATION – STEVENS FARM DRIVE, WEST HOBART – 5/2016 AMENDMENT – FILE REF: 16/18**  
Ref: Supp Open CPC 6.3.1, 4/4/2016

- That: 1. Pursuant to Section 34(1) (b) of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council resolve to initiate the following amendment to the *Hobart Interim Planning Scheme 2015*:
- 1.1 Rezone part of the property at 25 Stevens Farm Drive, West Hobart from Environmental Living to Low Density Residential and Open Space as indicated on the rezoning/subdivision plans provided in Attachment A to supplementary item 6.3.1 of the Open City Planning Committee agenda of 4 April 2016, and also remove the Biodiversity Overlay from the are to be rezoned Low Density Residential.

cont.../

Item No. 13.5 continued

2. Pursuant to Section 35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council certify that the 5/2016 Amendment to the *Hobart Interim Planning Scheme 2015* meets the requirements of Section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993* and authorise the Lord Mayor and the General Manager to sign the Instrument of Certification marked as Attachment C to supplementary item 6.3.1 of the Open City Planning Committee agenda of 4 April 2016.
3. Pursuant to Section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council place the 5/2016 Amendment to the *Hobart Interim Planning Scheme 2015* on public exhibition for a 28 day period following certification.
4. Pursuant to Section 43A of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council grant a permit for subdivision at 25 Stevens Farm Drive, West Hobart and a permit containing the conditions specified in Attachment B to supplementary item 6.3.1 of the Open City Planning Committee agenda of 4 April 2016, be issued.

BRISCOE  
DENISON

That the recommendation be adopted.

## MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	Ruzicka
Deputy Lord Mayor Christie	Reynolds
Briscoe	
Sexton	
Burnet	
Cocker	
Thomas	
Denison	
Harvey	

**14. CLIMATE CHANGE POLICY REVIEW -- FILE REF: 17-50-23**

Ref: Open CPC 7, 4/4/2016

That the Council Policy titled '*Climate Change Adaption*' be amended to reflect the revised version marked as Attachment A to item 7 of the Open City Planning  
cont.../

Item No. 14 continued

Committee agenda of 4 April 2016, and be supported by the documentation: 'Hobart climate change information for decision making' (Climate Information) marked as Attachment B, and the related Climate Information evaluation marked as Attachment C both as attached to item 7 of the Open City Planning Committee agenda of 4 April 2016.

BRISCOE  
THOMAS

That the recommendation be adopted.

Amendment

HARVEY  
BURNET

- That: 1. That a further report be prepared that builds on the City's existing corporate mitigation measures and recommends new climate change mitigation policies, strategies and programs to further reduce both corporate and community emissions and considers potential targets.
2. That given the importance of climate change, the current program be extended to deliver programs for the community such as the Council's successful Home Energy Audit Toolkit, and that the report include estimates of the funding required for other recommended projects.

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Hickey  
Deputy Lord Mayor Christie  
Briscoe  
Ruzicka  
Sexton  
Burnet  
Cocker  
Thomas  
Reynolds  
Denison  
Harvey

Item No. 14 continued

## SUBSTANTIVE MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

<p style="text-align: center;"><b>MOTION OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16(5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015</b></p>
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The motion below has been submitted directly to the Council on the basis that Aldermen Thomas and Reynolds consider 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.

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**15. TRANSFER OF OWNERSHIP AND MANAGEMENT OF MACQUARIE  
AND DAVEY STREETS – FILE REFS: 13-1-9; 36-1-1**

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ALDERMAN THOMAS  
ALDERMAN REYNOLDS      That the Council:

cont.../

Item No. 15 continued

- Notes that the Lord Mayor signed a communique between the Tasmanian Government and the Hobart City Council to discuss transfer of ownership and management of Macquarie and Davey Streets to the Tasmanian Government to allow the State Government to “*urgently implement traffic flow optimisation measures*” and also notes that this occurred without discussing the proposal with Council or seeking the Council’s endorsement of this agreement.
- Request in writing to the Minister for Infrastructure that prior to any further discussions taking place about this proposal, the State Government provide modelling that tests the proposed traffic flow optimisation measures. This modelling should demonstrate the impact of the proposed changes for Macquarie and Davey on congestion and flow, and how the proposed changes will fit in with other transport network and public transport improvement measures.
- Seeks an urgent report from Council officers on the city-wide implications of the proposal by the State Government to take over the management of Davey and Macquarie Streets which provides:
  - An understanding of the potential impact of any increased clearways times or loss of parking on businesses and services along these streets, including whether it may affect the accessibility and profitability of these businesses and services.
  - An assessment of how any decrease in accessibility and profitability may impact on property values and rating income.

cont.../

Item No. 15 continued

- An assessment of the impact of any expanded clearways and loss of parking may have on pedestrian amenity and safety along Davey and Macquarie.
- The report should draw on:
  - Information from similar state / local government arterial road management discussions in other states, where the state road agency has proposed to remove parking and increase clearways, including in King Street, New Town and Victoria St, Richmond, - literature on the impact of increasing traffic flow and clearways on the viability of retail and commercial businesses, including on real estate vacancies and property values, - a survey of a sample of no less than 20% businesses and residences along Davey and Macquarie to understand issues that may arise with any change in clearway times or parking arrangements.

**Rationale for urgency:**

The Summit that took place on 4 March saw a joint communiqué issued where in paragraph 5 it states that, “*signatories supported the agreement reached at the summit between the Tasmanian Government and the Hobart City Council to discuss transfer of ownership and management of Macquarie and Davey Streets to the Tasmanian Government – subject to final endorsement from each party - in order to allow the Tasmanian Government to urgently implement traffic flow optimisation measures.*”

This matter has the potential to ‘get away from the Council’ with an expectation being built that Council supports this change, before due consideration of the full impact that this could have on businesses, residences and street amenity in Hobart.

It is essential that Council gets some broader information on this matter before further discussions take place and before the transfer of the streets is seen as a fait accompli.

Item No. 15 continued**Further rationale:**

A number of inner city Councils around Australia have fought against the community, business and city amenity impact of State Road Authorities trying to take greater control of arterial streets.

These Councils have acknowledged that streets are the important front doors for many community services, businesses and residences. They have noted that creating more freeway-like road conditions, even at limited times, creates poor outcomes for the Council area and its constituents.

These Councils have opposed the proposals in order to protect their community and business assets, while also challenging State Governments to address the more systemic solutions to road congestion, such as the provision of better public transport and peak demand management measures.

Some recent examples of Local Councils that have actively fought against State Government clearway proposals include:

- In 2010 Yarra City and Stonnington Council initiated proceedings in the Supreme Court contesting the lawfulness of VicRoads' decision to extend clearway hours on a number of arterial roads for 100 metres on either side of intersections with traffic lights. The Councils opposed extended clearways because of the negative financial impact on local shopping strips and the encouragement of more through traffic in their neighbourhoods. See <http://www.yarracity.vic.gov.au/News/yarra-news/2010/3/council-takes-clearways-fight-to-court-/>
- Marrickville Council has fought State Government proposals to create more clearways along King Street and Enmore Road, with the support of their business community. The Council has stated that these proposals and new freeways developments add to *“traffic growth and increased parking demand across the local government area - leading to pressures for new or expanded clearways, with consequent amenity and business impacts, particularly along King Street, Newtown”* (Marrickville Council submission, February 2016).
- Much of the debate in Sydney highlights that Parramatta Road was once a thriving, bustling retail street but the prioritisation of the car by having clearways for extended periods has left Parramatta Road with a dead business environment.

cont.../

Item No. 15 continued

- Oxford Street has also seen a sharp rise in retail vacancies that has been blamed on clearways, with recent Council endorsed proposals to remove clearways and slow the speed on this busy arterial road in order to revitalise the business and pedestrian fortunes of the iconic street.

The easiest option for State Governments responding to transport challenges is to look for what they perceive to be ‘quick wins’. In reality there are no easy wins and Hobart City Council needs to ensure its businesses, residents and street amenity are not irrevocably impacted on by a short-sighted quick fix that fails to deal with more long term and sustainable solutions to transport in the Greater Hobart area.

REYNOLDS  
THOMAS

That the motion be considered urgent.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

REYNOLDS  
THOMAS

That the motion be adopted, amended by the words *and cycling* being inserted into Clause 3(iii) following the word *pedestrian*.

COCKER  
RUZICKA

That Alderman Thomas be granted a further two minutes in which to address the Council.

MOTION CARRIED

cont.../



Item No. 15 continuedVOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

## MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

**ECONOMIC DEVELOPMENT AND COMMUNICATIONS COMMITTEE****16. FEES AND CHARGES 2016/2017 - TASMANIAN TRAVEL AND INFORMATION CENTRE – FILE REF: 20-50-12**

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Ref: Open EDCC 7, 24/3/2016

That the schedule of fees and charges for the Tasmanian Travel and Information Centre marked at Attachment A to item 7 of the Open Economic Development and Communications Committee agenda of 24 March 2016, be adopted for the 2016/2017 financial year.

cont.../

Item No. 16 continued

DEPUTY LORD MAYOR  
RUZICKA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

**17. GAPS AND OPPORTUNITIES REPORT SUMMARY –  
FILE REF: 10-6-1**

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Ref: Open EDCC 8, 24/3/2016

That the Council endorse the use of the gaps and opportunities report marked as Attachments A and B to item 8 of the Open Economic Development and Communications Committee agenda of 24 March 2016, as part of the mid-term review of the current Economic Development Strategy (2013-2018).

DEPUTY LORD MAYOR  
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

**18. COLOUR CAPABLE LIGHTING – MAWSON PLACE CARDINAL LIGHTS - FILE REF: 13-56-1**

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Ref: Supp. Open EDCC 12, 24/3/2016

That a sum of \$100,000 be listed for consideration in the 2016/2017 budget under the Asset Management Function for upgrading the Mawson Place cardinal lights to programmable colour capable LED lights.

DEPUTY LORD MAYOR  
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Christie  
Briscoe  
Ruzicka  
Sexton  
Burnet  
Thomas  
Reynolds  
Denison  
Harvey

NOES

Lord Mayor Hickey  
Cocker

<b>GOVERNANCE COMMITTEE</b>
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**19. 2016 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT – FILE REF: 12-1-20**

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Ref. Open GC 5, 4/4/2016

- That:
1. The Council endorse the nomination of national issues of priority for the local government sector consistent with the theme of 'Partners in an Innovative and Prosperous Australia' to the 2016 Australian Local Government Association's National General Assembly.
  2. The following specific matters be nominated for consideration:

cont.../

Item No. 19 continued

- (i) The Council call on the Federal Government to support local government renewal energy projects across Australia, including consideration of the introduction of a feed-in tariff to enable funding of these programs.
  - (ii) The Federal Government be urged to support the relaxation of the current freeze imposed on the Federal Assistance Grants funding.
3. The Council monitor matters arising through the Council of Capital City Lord Mayors' (CCCLM), which may warrant consideration at the 2016 Australian Local Government Association's National General Assembly.

RUZICKA  
BRISCOE

That the recommendation be adopted.

Amendment  
COCKER  
BURNET

That the following matters also being nominated for consideration:

- (iii) That the Federal Government be lobbied to reconsider its position with regard to CSIRO job cuts because of the critical importance of the scientific data needed by councils to accurately inform their climate adaptation strategies, and to inform their communities.
- (iv) The Council support the unanimous resolution of the City of Melbourne, to enact a Federal Independent Commission Against Corruption (ICAC).

AMENDMENT CARRIED

cont.../

Item No. 19 continuedVOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

**20. LOCAL GOVERNMENT ASSOCIATION OF TASMANIA – GENERAL MEETING – IDENTIFICATION OF MOTIONS – FILE REF: 12-50-1**

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Ref. Open GC 6, 4/4/2016

- That: 1. The Council endorse the submission of the following motions to the Local Government Association of Tasmania General Meeting to be held on 20 July 2016.
- (i) The Council supports a motion in relation to statewide consistency on the disclosure of Aldermanic expenses.

cont.../

Item No. 20 continued

- (ii) The Council recommend that the Local Government Association of Tasmania (LGAT) develop resource tools to encourage Tasmanian Councils to consider implementation of live-streaming of Council meetings, as a means of ensuring open and transparent governance.
2. The Council endorse the amendment of the current legislation to support compulsory voting in local government elections within Tasmania.

RUZICKA  
SEXTON

That the recommendation be adopted.

Amendment  
HARVEY  
BURNET

- (iii) That the Federal Government be lobbied to reconsider its position with regard to CSIRO job cuts because of the critical importance of the scientific data needed by councils to accurately inform their climate adaptation strategies, and to inform their communities.

## AMENDMENT CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

## SUBSTANTIVE MOTION CARRIED

Item No. 20 continuedVOTING RECORD

AYES	NOES
Lord Mayor Hickey	
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

## **21. MACQUARIE POINT DEVELOPMENT CORPORATION BOARD NOMINATION – FILE REF: 30-1-68**

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Ref. Open Supp. GC 15, 4/4/2016

The Council accept the offer from the Chair of the Macquarie Point Development Corporation Board to nominate a suitable representative for inclusion on the Macquarie Point Development Corporation Board.

- (i) The General Manager prepare a summary of suitable candidates who have a high degree of accreditation in urban design, for further consideration by the Council.

RUZICKA  
THOMAS

That the recommendation be adopted.

Amendment  
BURNET  
HARVEY

That the following matter also be submitted for consideration:

“In addition to the General Manager’s summary of potential candidates, the General Manager report on the most effective way of ensuring a suitable governance structure to enable briefings to, and from, the Council.”

AMENDMENT CARRIED

Item No. 21 continued

VOTING RECORD

AYES	NOES
Ruzicka	Lord Mayor Hickey
Sexton	Deputy Lord Mayor Christie
Burnet	Briscoe
Cocker	Denison
Thomas	
Reynolds	
Harvey	

Amendment

SEXTON  
DENISON

That the Council undertake a formal expression of interest process to enable the General Manager to provide a list of suitably qualified and experienced candidates.

AMENDMENT CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	Deputy Lord Mayor Christie
Briscoe	Harvey
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	

SUBSTANTIVE MOTION LOST

VOTING RECORD

AYES	NOES
Ruzicka	Lord Mayor Hickey
Sexton	Deputy Lord Mayor Christie
Thomas	Briscoe
Reynolds	Burnet
Harvey	Cocker
	Denison



Item No. 21 continuedDENISON  
COCKER

- That: 1. The Council decline the invitation to nominate a representative to the Board.
2. The Council request an undertaking from the Board to increase the level of reporting to the Council.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Hickey	Ruzicka
Deputy Lord Mayor Christie	Sexton
Briscoe	Thomas
Burnet	Reynolds
Cocker	Harvey
Denison	

**22. 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 Supreme Court Appeal – File Ref: P7703147 & P/179/655  
LG(MP)R 15(4)
- Item No. 7 General Manager's KPI's  
LG(MP)R 15(2)(a)

RUZICKA  
THOMAS

That the recommendation be adopted.

MOTION CARRIED

Item No. 22 continued

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Christie	
Briscoe	
Ruzicka	
Sexton	
Burnet	
Cocker	
Thomas	
Reynolds	
Denison	
Harvey	

The Chairman adjourned the meeting at 7.25 pm to conduct the closed portion of the meeting.

The meeting reconvened at 7.33 pm.

Item 22 was then taken.

There being no further business the meeting closed at 7.34 pm.

TAKEN AS READ AND SIGNED  
AS A CORRECT RECORD THIS  
26<sup>TH</sup> DAY OF APRIL 2016.

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**CHAIRMAN**