



CITY OF HOBART

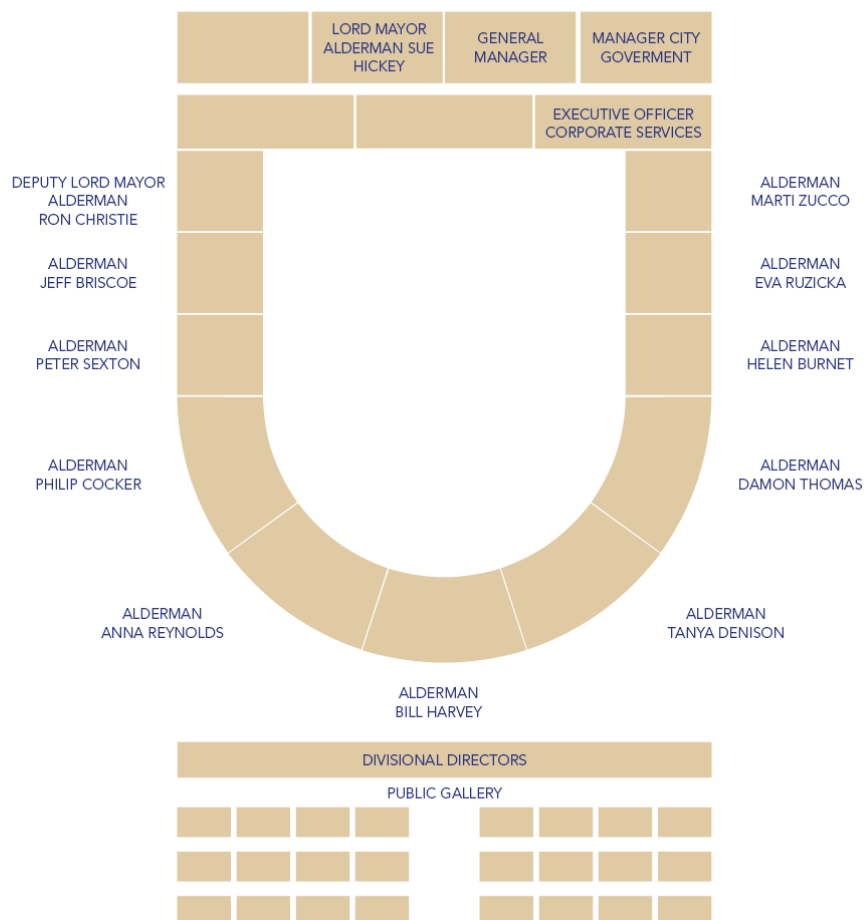
AGENDA

OPEN PORTION OF THE COUNCIL MEETING

MONDAY, 20 MARCH 2017

AT 5.00 PM





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A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL ON MONDAY, 20 MARCH 2017 AT 5.00 PM.

**N D Heath
General Manager**

ALDERMEN:

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

APOLOGIES:

LEAVE OF ABSENCE:

Alderman H C Burnet

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 6 March 2017](#) and the minutes of the Open Portion of the Special Council meeting held on [Tuesday, 14 March 2017](#), finds them to be true records and recommends that they be taken as read and signed as correct records.

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 the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager reports that the following workshops have been conducted since the last ordinary meeting of the Council.

Date: 15 March 2017
Purpose: Taste of Tasmania

5. PUBLIC QUESTION TIME

6. PETITIONS

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

That the Council resolve 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

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

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

REPORTS OF COMMITTEES

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Part 2 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 50 Macquarie Street, Hobart - Alterations (Solar Panels) PLN-17-13 - File Ref: F17/18653

Ref: Open [CPC 7.1.1](#), 14/3/2017
Application Expiry Date: 28 April 2017
Extension of Time: Not applicable

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for alterations (solar panels) at 50 Macquarie Street, Hobart for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 14 March 2017, and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-17-13 - 50 Macquarie Street, Hobart, TAS 7000 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

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 the Council's [website](#) 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.

BUILDING PERMIT

Building permit in accordance with the *Building Act 2016*. Click [here](#) for more information.

9.2 80 Liverpool Street, Hobart - Alterations (New Heat Pump Units) PLN-16-1019 - File Ref: F17/20961

Ref: Open [CPC 7.2.1](#), 14/3/2017
Application Expiry Date: 10 April 2017
Extension of Time: Not applicable

- That: 1. Pursuant to the *Land Use Planning and Approvals Act 1993* and the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for alterations (new heat pump units) at 80 Liverpool Street, Hobart for the following reasons:
- (i) The proposal does not meet the acceptable solution or the performance criterion with respect to clause 22.4.3 of the *Hobart Interim Planning Scheme 2015* because the proposed alterations will have an unacceptable impact on the significant visual characteristics of the heritage listed place.
 - (ii) The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 of the *Hobart Interim Planning Scheme 2015* because the proposed alterations will have an unacceptable impact on the significant visual characteristics of the heritage listed place.
2. Pursuant to the *Land Use Planning and Approvals Act 1993* and section 39(10) of the *Historic Cultural Heritage Act 1995*, the Council must refuse the application for alterations (new heat pump units) at 80 Liverpool Street, Hobart for the following reasons provided by the Tasmanian Heritage Council:

- (i) The proposed alterations will have an unacceptable impact on the significant visual characteristics of the place.
- (ii) The proposed alterations are contrary to the appropriate outcomes for heating and cooling services in section 11 of the Tasmanian Heritage Council's Works Guidelines for Historic Heritage Places (November 2015).

ADVICE

The applicant is encouraged to liaise with the Council's Cultural Heritage Officer (ph: 6238 2715) to find an alternative location for the heat pump units that doesn't have an unacceptable impact on the significant visual characteristics of the heritage listed place.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN
IN ACCORDANCE WITH REGULATION 16(5) OF THE LOCAL GOVERNMENT
(MEETING PROCEDURES) REGULATIONS 2015

10. Illegal Demolition Under Planning Scheme

File Ref: F17/24004; 13-1-10

Ref: Open [CPC 9.1](#), 14/3/2017

Alderman Zucco

Motion

“That an urgent report be prepared to review the proposed new Tasmanian planning scheme as it relates to demolition works - and in particular illegal demolition and the removal of significant and listed trees.

- (i) The report also provide the current status as to what penalties are able to be enforced for illegal demolition works, and what the new legislation will impose.
- (ii) The report also consider a minimum range of penalties as per an example in the rationale below.
- (iii) The report also consider options to lobby the government to impose criminal penalties when illegal demolitions occur that may endanger lives.
- (iv) The report also provide an overview of penalties relating to demolition of heritage listed buildings and other significant heritage sites.”

Rationale:

“The reason for this Notice of Motion is the recent unauthorised demolition of the property at 55 Mt Stuart Road, and specifically to ensure that the new legislation does not allow any developer to undertake demolition works without the required approvals.

The seriousness of what has occurred, involving the failure to disconnect live power, uncontrolled disturbance of asbestos and the failure to make the site safe placed local residents and the general community in a life threatening situation.

The Council should consider imposing a minimum of a 15 year ban on any development of the site and or reinstatement (subject to a heritage evaluation) including monetary fine for such actions.

The Council should review the situation, in particular looking to include criminal penalties for this type of behaviour.”

The General Manager reports:

“In line with the Council’s policy in relation to Notices of Motions, I advise that the matter is considered to be within the jurisdiction of the Hobart City Council as the motion relates to legislative controls around illegal demolition works, which is part of the City’s role as the local planning and environmental authority.”

11. Air BnB Properties - Proposed Research Project
File Ref: F17/24746; 13-1-9

Ref: Open [CPC Supp. 9.2](#), 14/3/2017

Alderman Cocker

Motion

“That a report be prepared:

1. In light of the potential growth of Air BnB and similar accommodation properties in the city of Hobart and as part of the ongoing MOU with UTAS, the Council initiate discussions with the University of Tasmania to undertake a joint research project that will identify housing (home owner) and rental housing demand and prices. The project will inform Council on demand and supply and pricing with a view to understanding the housing market and in particular rental needs and demand. The project would provide annual updates to inform Council policy and be shared with stakeholders.
2. In light of the importance of adequate rental properties in Hobart, the Council investigate the potential for differential rating for Air Bnb properties and look at different compliance regimes being applied around the world.
3. The Council examine ways of encouraging residential development including rezonings, rate differentials, and rate holidays.
4. The HCC examine its current property holdings to explore any potential for utilising them for residential development.
5. The report examine the roles and powers available to body corporates to protect residential uses.
6. Officers consider round table discussions with key stakeholders following the production of any research.”

Rationale:

“Air BnB is a new wonderfully disruptive and empowering organizing tool with many positive benefits. It allows redundant space in homes to be used for economic gain and facilitates opportunities for travellers.

There is however evidence from a number of cities that the evolution of Air BnB has seen the extensive conversion of properties from rental to Air BnB properties forcing people out of traditional residential areas to facilitate short term visitations. This has had a deleterious impact on communities and lower income people and on the diversity of communities. It also accelerates the gap between the rich and poor which is a major economic issue for Australia. The availability of affordable rental accommodation will be a vital piece of the evolution of Hobart as a University Town.

The City of Portland for example makes distinctions in the size and number of rooms being rented in its registration and compliance activities. The Cities of Berlin and Barcelona have implemented a range of measures to control the use of traditional residential and rental properties for short term rental. In New York a city law prohibits residents of multiple-dwelling buildings from renting out their apartments for any period of time less than 30 days unless they are also present in the apartment. San Francisco has imposed a 14% Transient Occupancy Tax on reservations of fewer than 30 nights. The NSW Government has also conducted an extensive enquiry recognising the competing interests in this area.

It also has become an issue for older residents who own apartments, who now find they no longer have permanent neighbours and have a constant movement of people around them. This brings about a level of insecurity and is a significant change from what they have previously experienced and a different expectation of use.”

The General Manager reports:

“In line with the Council’s policy in relation to Notices of Motions, I advise that the motion is considered to be within the jurisdiction of the Hobart City Council as it relates to the City’s role as the local planning authority.”

12. Memorial Plaques on Council’s Outdoor Furniture
File Ref: F16/126012

Ref: Open [PRC 7.1](#), 9/2/2017

Lord Mayor Alderman Hickey

Motion:

“That a report be provided to review Council’s current policy on plaques

secured / affixed to infrastructure.”

Rationale:

“Plaques are important in celebrating the achievements of a community and its members, as well as providing historical context for current and future generations and serving as memorials.

The recommendations would need to be costed in such a way, for example, that a durable seat with a plaque would be cost neutral to the Council and that only the on-going maintenance would be borne by the Council.

There is great social and economic benefit to be realised through public investment in Council infrastructure. The social benefit is that an individual, family or group have a sense of belonging and pride in the place they live, work or visit and a physical asset is a tangible way of commemorating a person or an event. The economic value is realised by Council through a reduction in costs associated with purchasing infrastructure.

For the purposes of this motion, the following definition applies for a plaque:

A flat tablet of metal which includes text and/or images which commemorate an event or a person and/or provide historical or other information relevant to its location. Such a tablet is attached to an object, building or pavement.

This notice of motion is aligned with the Capital City Strategic Plan 2015-2025:

Goal 4 – Strong, Safe and Healthy Communities.

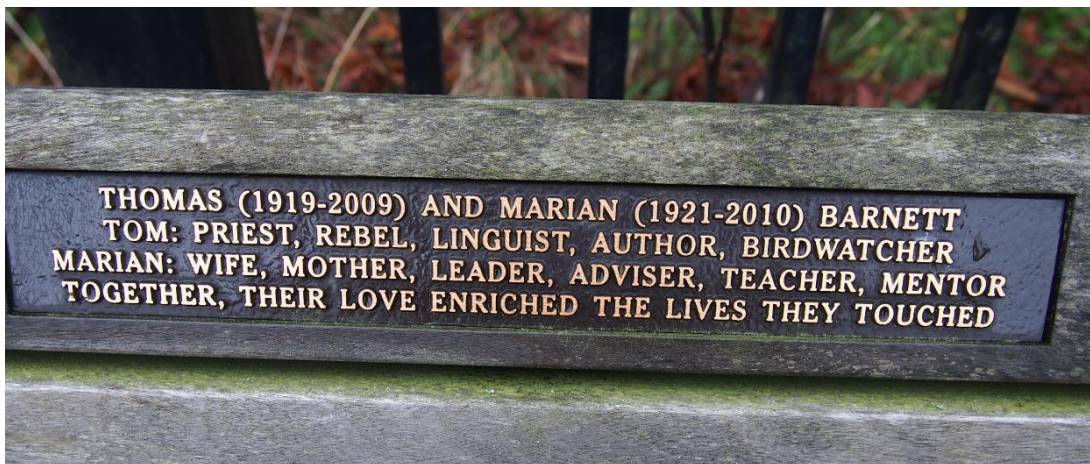
4.1 Community connectedness and participation realises the cultural and social potential of the community.

It is considered that the report would:

1. Consider the community benefit for plaques to be used for commemorations and celebrations throughout the City.
2. Address the application process and the commissioning of a standardised plaque to be used in a variety of ways, including the recognition of loved ones; the celebration of a person, event; a gift to the City which celebrates their connection and love of the City. The plaque would be attached to the backrest of an existing or new seat; park bench; gym equipment; barbecues; planting of trees; picnic furniture; shelters; playgroup equipment, etc.
3. Consider the sensitivity required through the management of memorials in managing the expectations of the next of kin and provide a ‘customer focussed’ notification process should a memorial be damaged, replaced or displaced through redevelopment of an associated site.

4. Explore the opportunity for corporate investment to assist with the provision of the City's recreational infrastructure where a corporation wishes to commemorate its contribution to the Hobart community by donating such infrastructure and having a plaque to recognise the donation.
5. Review local, national and international government policies and identify guidelines to ensure the wording on the plaques is positive and uplifting to effectively commemorate of the individual, event or donation involved. (See images attached).
6. Consider the introduction of the policy detailed above on the basis that the provision of the infrastructure and plaques will be at no cost to the City."

Images below is examples of plaques that have been installed in Vancouver, Canada





The General Manager reports:

"In line with the Council's policy in relation to Notices of Motions, I advise that the motion is considered to be within the jurisdiction of the Hobart City Council as it considers a review of the Council's policy titled *Memorial Plaques and Tree Planting in Parks, Bushland and Reserves*."

COMMUNITY, CULTURE AND EVENTS COMMITTEE

13. Italian Earthquake - Council Assistance

File Ref: F16/143485

Ref: Open [CCEC 6.1](#), 8/3/2017

- That:
1. The \$20,000 donation approved by the Council on 5 September 2016 to support recovery efforts after the Italian earthquake, be provided to the Co.As.It. Amatrice Earthquake Appeal.
 2. The cost be attributed to the allocation for Grants and Assistance Activity in the 2016/2017 Annual Plan.
 3. The donation be recorded in the 'Grants, Assistance and Benefits Provided' section of the City of Hobart's Annual Report in accordance with the Council's policy in respect to the disclosure of grants and benefits.

14. Review of Humanitarian Crisis Assistance Policy

File Ref: F17/19537; 15-10-1

Ref: Open [CCEC 6.2](#), 8/3/2017

- That:
1. The Council continue to consider donations to humanitarian crises on a case-by-case basis in accordance with the Humanitarian Crisis Assistance policy approved by the Council on 13 December 2010.
 2. Any donations continue to be attributed to the Council's Grants and Assistance Activity in the Annual Plan in any given year, taking into account the budgetary capacity to do so.

15. Street Teams Initiative Evaluation

File Ref: F17/20112; 16-50-20

Ref: Open [CCEC 6.3](#), 8/3/2017

- That:
1. The Council note the evaluation of the Street Teams Project and approve the ongoing provision of security services for the taxi rank on Castray Esplanade, to support the delivery of the Street Teams Project in partnership with the Salvation Army and Tasmania Police.
 - (i) The arrangement be ongoing provided that the Street Teams Project retains commitment from the other partner organisations.

2. An annual budget allocation of \$50,000 be included in the Community Development Policy Management - Community Safety Activity area of the Annual Plan.
3. An appropriate joint media opportunity be arranged to promote the findings of the Street Teams evaluation report.

PARKS AND RECREATION COMMITTEE

16. Parks, Recreation and Natural Areas By-Law, By-Law 5 of 2008 - Council Delegation to the General Manager
File Ref: F17/18407

Ref: Open [PRC 6.1](#), 9/3/2017

That the General Manager's Instrument of Council Delegation, pertaining to Part 4 "Permits and Licences" of the Parks, Recreation and Natural Areas By-Law, By-Law 5 of 2008, be amended as shown at Attachment A to item 6.1 of the Open Parks and Recreation Committee agenda of 9 March 2017.

17. CLOSED PORTION OF THE 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 |
| Item No. 4 | Consideration of supplementary Items to the agenda |
| Item No. 5 | Indications of pecuniary and conflicts of interest |
| Item No. 6 | Carols by Candlelight
LG(MP)R 15(2)(g) |
| Item No. 7 | Dorney House, Fort Nelson – Outcoe of Expressions of Interest
LG(MP)R 15(2)(d) |