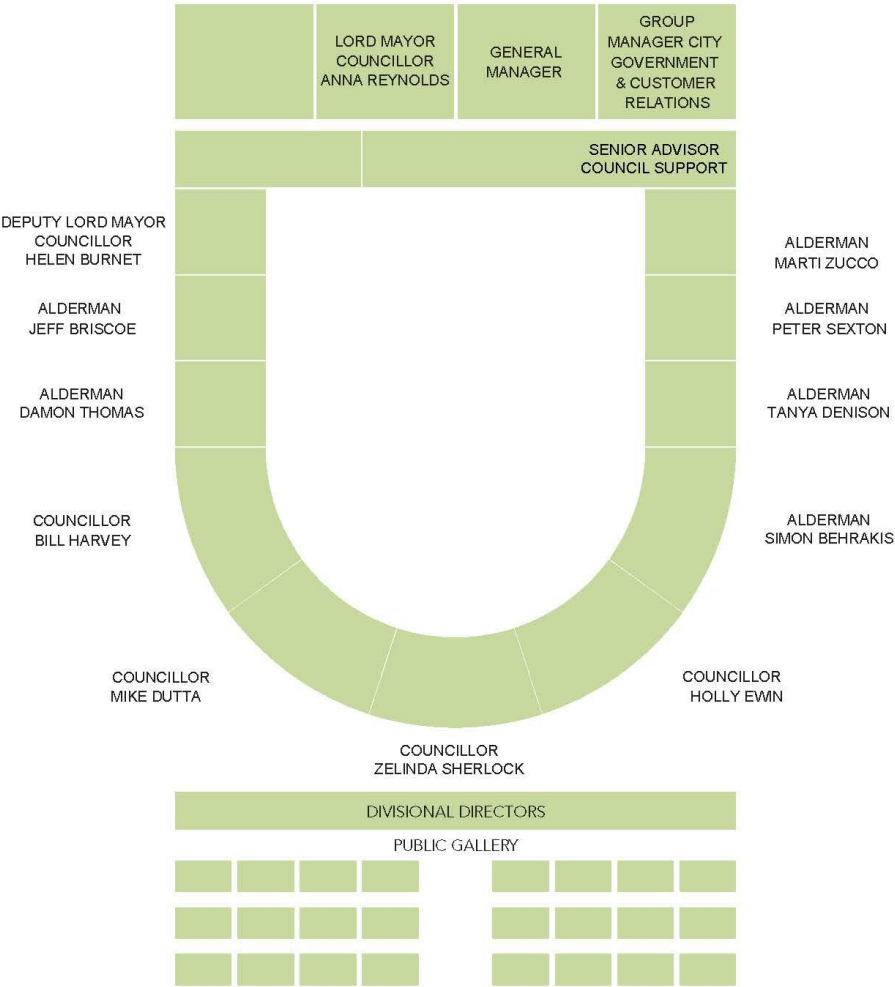




CITY OF HOBART

AGENDA
OPEN PORTION OF THE COUNCIL MEETING
MONDAY, 18 FEBRUARY 2019
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, 18 FEBRUARY 2019 AT
5:00 PM.**

**N D Heath
General Manager**

COUNCIL:

Lord Mayor A M Reynolds
Deputy Lord Mayor H Burnet
Alderman M Zucco
Alderman J R Briscoe
Alderman Dr P T Sexton
Alderman D C Thomas
Alderman T M Denison
Councillor W F Harvey
Alderman S Behrakis
Councillor M S C Dutta
Councillor H A Ewin
Councillor Z E Sherlock

APOLOGIES:

LEAVE OF ABSENCE: Nil.

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, 4 February 2019](#), and the minutes of the meeting of the Open Portion of the Special Meeting of All Council Committees held on [Monday, 4 February 2019](#) finds them to be a true record and recommends that they be taken as read and signed as a correct record.

2. TRANSFER OF AGENDA ITEMS

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

3. COMMUNICATION FROM THE CHAIRMAN

4. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of 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.

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*.

Elected Members 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 Council 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 11 and 9 Stoney Steps Road, South Hobart - Dwelling, Driveway Upgrade and Associated Vegetation Clearance PLN-18-295 - File Ref: F19/13699

Ref: Open [CPC 7.1.1](#), 12/02/2019
Application Expiry Date: 20 February 2019
Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for dwelling, driveway upgrade and associated vegetation clearance at 11 and 9 Stoney Steps Road, South Hobart for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E10.7.1 A1 and E10.7.1 P1(a)(i) and (ii) of the *Hobart Interim Planning Scheme 2015* because:
 - a. The proposed clearance and conversion or disturbance of native vegetation is not designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development; and
 - b. Impacts resulting from bushfire hazard management measures are not minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings.

9.2 19 Lillie Street and Adjoining Right of Way, Glebe - Partial Demolition, Alterations and Extension and Two Multiple Dwellings (One New, One Existing) - PLN-18-573
File Ref: F19/13816

Ref: Open [CPC 7.1.2](#), 12/02/2019
Application Expiry Date: 22 January 2019
Extension of Time: 5 March 2019

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and extension and two multiple dwellings (one new, one existing) at 19 Lillie Street and adjoining right of way, Glebe for the reasons outlined in the officer's report attached to item 7.1.2 of the Open City Planning Committee agenda of 12 February 2019 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-18-573 - 19 LILLIE STREET GLEBE TAS 7000 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

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 2018/01459-HCC dated 10/09/2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 8

The front fence along the front boundary must be no more than 1.2m in height above footpath level and be no less than 30% transparent.

Reason for condition

To provide reasonable opportunity for privacy for dwellings, to maintain the streetscape, and to clarify the scope of the permit.

PLN s4

The gable roof proposed for the rear dwelling is not approved and must be replaced with a skillion roof which rakes up from the north-eastern side to a high point at its southwestern side.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing:

1. An amended roof design for the proposed new dwelling, whereby the gable roof over the living and dining rooms is replaced with a skillion roof that rakes up toward the southwestern side of the dwelling, to a maximum height of 700mm above the remaining roof form.

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

Advice: The roof design submitted as plan 18015_DA14 Revision A and 18015_DA15 Revision A dated 3/1/2019 depict a roof form over the living and dining rooms that would satisfy this condition.

Reason for condition

To ensure compliance with 11.4.2 P3 when considering the visual bulk the proposed works present to adjoining properties.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

Advice: it is noted that under the urban drainage act 2013 Council typically only approve one stormwater connection per property and that stormwater cannot be drained through a second property. It is likely that your stormwater from the new dwelling will be required to discharge through the existing kerb and gutter connection and that the proposed kerb and gutter connection will be permitted for draining the driveway only (which is on a separate title).

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

ENG sw4

Any proposed new storm water connection must be constructed and existing connections proposed to be abandoned sealed by the Council at the owner's expense, prior to the first occupation.

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

1. The location of the proposed connection;
2. The size of the connection appropriate to satisfy the needs of the development; and
3. A long section of the proposed connection if the Council's City Infrastructure Stormwater Engineers deem this necessary.

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

Advice:

The applicant is advised to submit detailed design drawings via the Council City Infrastructure Division [application for a new stormwater connection](#). If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to submit an application for a new stormwater connection with the Council's City Infrastructure Division.

Where building / plumbing approval is also required, it is recommended that documentation to satisfy this condition is submitted well before submitting documentation for building/plumbing approval. Failure to address planning condition requirements prior to submitting for building/plumbing approval may result in unexpected delays.

Reason for condition

To ensure the site is drained adequately.

ENG 4

The access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the commencement of use.

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

ENG 1

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 or as otherwise determined by the Council.

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, buildings, stormwater, footpaths, driveway crossovers and nature strips, 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.

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

Advice: For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).

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.

HER 11

All brickwork, internal early and original joinery such as, but not limited to, architraves, doors, skirting boards, floorboards and picture rails and must be retained as is and in situ.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing the retention of all original and early fabric in accordance with the above requirement.

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

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HER 12

The proposed demolition of walls to form two new door openings on the north east elevation is not approved. A revised proposal is required that reduces the width of both openings with only double doors in the proposed kitchen and sash windows in the proposed living room.

Prior to the issue of any approval under the *Building Act 2016*, documentation must be submitted and approved which details how the above modifications are to be achieved in accordance with the above requirement.

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

Advice:

It is recommended that the applicant discuss the above requirement prior to lodgement of the required documentation to ensure its meets Council's requirement.

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HER 17

The palette of exterior colours and materials must reflect the palette of materials within the local streetscape and precinct.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing exterior colours and materials in accordance with the above requirement.

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

Reason for condition

To ensure that development at a heritage place and in a heritage precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HER s3

The rear deck, windows, doors and privacy screen to the attic room on the first floor as shown on drawings DA10, DA11, DA12, DA13, DA14 and DA15 are not approved.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved, showing either:

- The deck and associated elements removed from the proposal, or skylights to a maximum of three, or
- Two traditional style dormer windows on the rear roof plane.

All works required by this condition must be undertaken in accordance with the approved documentation.

Reason for condition

To ensure that development at a heritage place and in a heritage precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HER s4

Revised plans are to be submitted showing the following:

- Further and greater separation of the new rear extension with a wide box gutter to retain the existing rear eaves line and gutter of the heritage house.
- An increased recess between the external face of the existing brick chimney and the proposed extension to expose all of the rear brick chimney.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing the above.

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

Reason for condition

To ensure development at a heritage place and within a heritage precinct is undertaken in a sympathetic manner that does not cause loss of historic cultural heritage significance.

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

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Infrastructure Division to initiate the application process for your [new stormwater connection](#).

STORM WATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Hydraulic Services By law. Click [here](#) for more information.

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By law. Click [here](#) for more information.

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.

REAR BOUNDARY FENCE

While the Council commends the developer and neighbouring property owners for respectful discussions regarding potential amendments to the submitted design of the rear fence, any amendments to that design that result in the rear fence having a height exceeding 2.1 metres above natural ground level would not be planning exempt under clause 6.4 of the [Hobart Interim Planning Scheme 2015](#), and would create a discretion under the 'setbacks and building envelope' provisions for the Inner Residential Zone not considered as part of the formal assessment of this application (PLN-18-573). Such a design would therefore require the lodgement of a separate planning application and the granting of a subsequent planning permit prior to construction of such a fence occurring. For further advice, please contact the Development Appraisal Planner on 6238 2820.

ONGOING DISCUSSIONS WITH ADJOINING NEIGHBOURS

It is strongly recommended that the applicant continue discussions with adjoining neighbours to achieve a resolution in relation to the rear boundary fence that satisfies all parties.

**9.3 23 Marievile Esplanade, Sandy Bay - Refuelling Facility (Diesel Tank and Fuel Berth) and Associated Works
PLN-18-690 - File Ref: F19/12826**

Ref: Open [CPC 7.1.3](#), 12/02/2019
Application Expiry Date: 7 March 2019
Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a refuelling facility (diesel tank and fuel berth) and associated works at 23 Marievile Esplanade Sandy Bay for the reasons outlined in the officer's report, attached to item 7.1.3 of the Open City Planning Committee agenda of 12 February 2019 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-18-690 - 23 MARIEVILLE ESPLANADE SANDY BAY TAS 7005 - Final Planning Documents.

Reason for condition

To clarify the scope of the permit.

ENV s1

The diesel storage tank must be fixed in place in a manner that can withstand the hydraulic forces associated with coastal inundation and storm surge events based on the advice of a suitably qualified engineer.

Reason for condition

To ensure that buildings and works dependent on a coastal location are appropriately designed and sited to account for risk from inundation.

ENVHE 1

All works associated with the development, including protection measures and remediation, must be performed as specified within the Contamination Management Plan prepared by Geo-Environmental Solutions, dated December 2018.

Reason for condition

To ensure that works involving excavation of potentially contaminated land do not adversely impact on human health or the environment.

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

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

INUNDATION PRONE AREAS

Please note that the site is likely to be subject to future coastal inundation events.

**9.4 1 Westringa Road, 10 Westringa Road, 20 Westringa Road Fern Tree and Adjacent Road Reserve - Subdivision (Boundary Adjustment), Dwelling, Partial Demolition, Alterations, Ancillary Dwelling, and Associated Hydraulic Infrastructure
PLN-18-401 - File Ref: F19/13014**

Ref: Open [CPC 7.1.4](#), 12/02/2019
Application Expiry Date: 25 March 2019
Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for subdivision (boundary adjustment), dwelling, partial demolition, alterations, ancillary dwelling, and associated hydraulic infrastructure at 1 Westringa Road, 10 Westringa Road and 20 Westringa Road Fern Tree and the adjacent road reserve for the reasons outlined in the officer's report, attached to item 7.1.4 of the Open City Planning Committee agenda of 12 February 2019 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-18-401 - 1 WESTRINGA ROAD FERN TREE TAS 7054 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

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 2018/01079-HCC dated 03/09/2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw4

The proposed new lots must be drained to Council infrastructure. Any new stormwater connection(s) required must be constructed, and existing redundant connections must be removed, at the owner's expense prior to issue of a Certificate of Completion or first occupation whichever comes first. Detailed design drawings showing both existing and proposed services along with any associated calculations must be submitted and approved, prior to issue of any approvals under the *Building Act 2016*.

The detailed design drawings must:

1. Be checked and certified by a suitably qualified and experienced engineer;
2. Show the proposed location of each lot connection such that the majority of the lot, including the driveway, can be adequately and economically drained; and
3. Include the size of the connections appropriate to satisfy the needs of the development along with pipe type and class (where appropriate) and a clear delineation between public and private infrastructure.

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).*
- *Before installation the applicant will need to submit an application for a new stormwater connection with Council City Infrastructure Division.*
- *Where building / plumbing approval is also required, it is recommended that documentation to satisfy this condition is submitted well before submitting documentation for building/plumbing approval. Failure to address planning condition requirements prior to submitting for building/plumbing approval may result in unexpected delays.*

Reason for condition

To ensure the site is drained adequately.

ENG sw5

The new stormwater infrastructure within the road reserve must be constructed prior to the connection of any additional lots. Engineering design drawings must be submitted and approved, prior to issue of any approval under the *Building Act 2016*.

The engineering drawings must:

1. Be certified by a qualified and experienced engineer;
2. Show in both plan and longitudinal section the proposed stormwater infrastructure including but not limited to: location, clearances to other services, cover, gradients, sizing, material, pipe class;
3. Include any associated calculations and catchment area plans. The stormwater infrastructure must be sized to accommodate at least the 5% AEP flows from a fully-developed catchment;
4. Clearly distinguish between public and private infrastructure; and
5. Be substantially in accordance with the LGAT Standard Drawings.

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

Advice: Once the engineered 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 obtain a Permit to Construct Public Infrastructure.

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG 3a

The access driveway, circulation roadways, and parking module (parking spaces and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004, or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 1

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 or as otherwise determined by the Council. 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, buildings, stormwater, footpaths, driveway crossovers and nature strips, 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 cost of any alterations to the Council's or third-party infrastructure, including the site's stormwater service connection points, incurred as a result of the proposed development works must be met by the owner.

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.

SURV 1

The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.

Reason for condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

SURV 2

The final plan and schedule of easements must be submitted and approved in accordance with section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

Reason for condition

To ensure that the subdivision/boundary adjustment is carried out in accordance with the Council's requirements under the provisions of Part 3 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

SURV 3

The final plan and schedule of easements must be submitted and approved under section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

The final plan and schedule of easements must provide easements to the satisfaction of the Council over any existing or proposed private drainage easements in favour of the lots they are required to serve.

Reason for condition

To ensure that there are no impediments to the provision of public and private services and access to the lots.

SURV 9

Any lots on the final plan created from the addition of sub minimal lots on the plan of subdivision are to be notated on the final plan.

The final plan must include notations in accordance with section 111 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, in relation to lot 2 to satisfy the above requirement.

Reason for condition

To ensure compliance with statutory provisions.

SURV 15

The final plan is to be notated in accordance with the provisions of section 83 (7) and 83 (5) (b) of the *Local Government (Building & Miscellaneous Provisions) Act 1993* to the effect that the Tasmanian Water and Sewerage Corporation cannot provide a means of gravity reticulated sewerage disposal from the lots on the plan and that the lots have been approved in principle for the installation of an aerobic wastewater treatment system with subsurface irrigation of secondary treated effluent on an amended soil / raised bed.

The final plan must be submitted for approval by Council. The final plan must be notated in accordance with the provisions of sections 83 (7) and 83(5) (b) of the *Local Government (Building & Miscellaneous Provisions) Act 1993*, to the satisfaction of the Council.

Reason for condition

To ensure that TasWater inability to provide a means of gravity reticulated sewerage disposal from the lots is noted on the final plan together with a record of the form of onsite sewerage treatment system that has been approved in principle by the Council.

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

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Infrastructure Division to initiate the permit process).

NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Infrastructure Division to initiate the application process for your [new stormwater connection](#).

STORM WATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Hydraulic Services By law. Click [here](#) for more information.

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By law. Click [here](#) for more information.

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click [here](#) for more information.

CROSS OVER CONSTRUCTION

The construction of the crossover can be undertaken by the Council or by a private contractor, subject to Council approval of the design. Click [here](#) for more information.

STORM WATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT – standard drawings. Click [here](#) for more information.

WORKS INVOLVING, OR IN PROXIMITY OF SERVICE EASEMENTS

As it is proposed to build a dwelling over the Drainage Easement 1.52 m wide on Sealed Plan 6642 the consent of the beneficiaries of the easement will be required in accordance with section 74 of the *Building Act 2016*;

A person must not perform any building work over or within a service easement unless the person obtains written consent to do so from the person on whose behalf the service easement was created.

FUTURE DRAINAGE THROUGH DRAINAGE EASEMENT

In order to facilitate any future drainage that may be required through the drainage easement 1.52 m wide on SP 6642, the applicant should consider installing a pipe with blank caps within the easement that it is proposed to build the ancillary dwelling over.

DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.

10. Tasmanian Planning Scheme - Draft Hobart Local Provisions Schedule - Submission to Tasmanian Planning Commission **File Ref: F19/6057; 32-13-7**

Ref: Open [CPC 8.1](#), 12/02/2019

That the Council:

1. Resolves that it is satisfied that the draft *Hobart Local Provisions Schedule* (marked as Attachments A and B to item 8.1 of the Open City Planning Committee agenda of 12 February 2019) meets the *Local Provisions Schedule* criteria prescribed in Section 34 of the *Land Use Planning and Approvals Act 1993*.

2. Endorses the draft *Hobart Local Provisions Schedule* (marked as Attachments A and B to item 8.1 of the Open City Planning Committee agenda of 12 February 2019) and the *Hobart Local Provisions Schedule Supporting Report* (marked as Attachment E to item 8.1 of the Open City Planning Committee agenda of 12 February 2019) for submission to the Tasmanian Planning Commission under Section 35(1) of the *Land Use Planning and Approvals Act 1993*.
3. Delegate under Section 6 of the *Land Use Planning and Approvals Act 1993*, the following powers and functions to the Director City Planning:
 - (a) Modify the draft *Hobart Local Provisions Schedule* if a notice is received from the Tasmanian Planning Commission under Section 35(5)(b) of the *Land Use Planning and Approvals Act 1993*, or agree to such modifications being undertaken by the Tasmanian Planning Commission under Section 35(5)(c); and
 - (b) Exhibit the draft *Hobart Local Provisions Schedule* in accordance with Section 35C and 35D of the *Land Use Planning and Approvals Act 1993*.
4. Endorse the notification of individual property owners affected by the matters detailed in Section 9.3 of this report about the exhibition of the draft *Hobart Local Provisions Schedule*.

11. Monthly Building Statistics - 1 January - 31 January 2019
File Ref: F19/13011

Ref: Open [CPC 8.2](#), 12/02/2019

That the information be received and noted:

The Director City Planning reports:

- A. 1. During the period 1 January 2019 to 31 January 2019, 45 permits were issued to the value of \$49,887,762 which included:
 - (i) 22 for Extensions/Alterations to Dwellings to the value of \$1,842,977;
 - (ii) 8 New Dwellings to the value of \$3,226,000; and
 - (iii) 4 Major Projects:
 - (a) 34 Argyle Street, Hobart – New Building (Stage 3, Fit-Out) - \$27,000,000;

- (b) 126 Bathurst Street, Hobart – (The Commons) – New Multi Story x 30 Dwellings (Stage 2) - \$9,900,000;
 - (c) 286 Argyle Street, North Hobart – Change of Use to Residential Property X 12 Apartments - \$4,000,000; and
 - (d) 1 Fisher Avenue. Sandy Bay – Commercial Internal Alterations (Year 5 and 6, Fahan School) - \$1,500,000.
 - 2. During the period 1 January 2018 to 31 January 2018, 39 permits were issued to the value of \$82,425,503 which included:
 - (i) 20 Extensions/Alterations to Dwellings to the value of \$1,950,100;
 - (ii) 4 New Dwellings to the value of \$1,768,923; and
 - (iii) 3 Major Projects:
 - (a) 19-27 Campbell Street, Hobart – (New Performing Arts Centre – New Building/Main Stage) - \$73,000,000;
 - (b) 48 Liverpool Street, Hobart – (RHH Service Tunnel) – Alterations and Additions - \$4,000,000; and
 - (c) 5 Dresden Street, Sandy Bay – New Building and Structures - \$1,000,000;
- B.
- 1. In the twelve months ending 31 January 2019, 654 permits were issued to the value of \$488,523,611; and
 - 2. In the twelve months ending 31 January 2018, 711 permits were issued to the value of \$331,603,833.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

**IN ACCORDANCE WITH REGULATION 16(5) OF THE LOCAL GOVERNMENT
(MEETING PROCEDURES) REGULATIONS 2015**

That in accordance with Council's policy, the following Notice of Motion, which was adopted by the Community, Culture and Events Committee of 6 February 2019, be considered by the Council.

12. Food Van Program

File Ref: F19/10685; 13-1-9

Ref: Open [CCEC 7.1](#), 6/02/2019

Alderman Zucco

"Motion:

That the council undertake a review of the Food Van Program and associated relevant regulations including other temporary food service structure to ensure:

- 1) The guidelines and food and hygiene regulations are contemporary and preserve a 'level playing field', especially when permanent food vans are located near established businesses that pay rates and other fees;
- 2) The relevant planning schemes are contemporary and that the use categories in the schemes respect the fact that temporary and permanent food vans may be located close to existing businesses. In particular those businesses seeking to trade in permanent positions.
- 3) That consultation occurs with relevant peak bodies and stakeholders."

In preparing the report, an analysis be included of trends and requirements in other cities that operate food truck programs."

Rationale:

"In recent times, there have been occasions where both temporary and permanent food vans have been approved by the Council either as planning authority or under the Food Van Program which have raised concerns from established businesses.

The Food Van Program is an excellent initiative that encourages activation of our city and also facilitates people moving safely around our city, especially late at night.

Nevertheless, some businesses have raised concerns about permanent food vans and the fact that there is not a level playing field when it comes to complying with environmental health regulations. Food vans are classified differently under these regulations to restaurants and cafes and other eating establishments that have kitchens. For instance, food vans are not required to be plumbed into the sewer, nor are they required to provide toilets and a number of other features that permanent establishments are required to provide. Permanent establishments are also required to pay rates.

The planning schemes also treat food vans as mobile food vans and make these uses permitted even when they are located close to established food premises.”

The General Manager reports:

“In line with the Council’s policy in relation to Notices of Motion, I advise that the matter is considered to be within the jurisdiction of the Hobart City Council as it relates to the current Hobart Food Trucks Program.”

COMMUNITY, CULTURE AND EVENTS COMMITTEE

13. North Melbourne Football Club - Community Partnership Outcome Report

File Ref: F18/154304; 17/18

Ref: Open [CCEC 6.1](#), 6/02/2019

- That:
1. The North Melbourne Football Club Community Engagement Partnership 12 month report for 2018, attached to item 6.1 of the Open Community Culture and Events Committee agenda of 6 February 2019 be received and noted.
 2. The key performance indicators in the Community Engagement Partnership Agreement be aligned with the Tasmanian Community Fund.

14. Housing with Dignity Reference Group

File Ref: F18/146655; 17/239

Ref: Open [CCEC 6.2](#), 6/02/2019

- That:
1. Council approve the establishment of a Housing with Dignity Reference Group comprising of community members with lived experience of homelessness or severe housing stress.
 2. An Elected Member and proxy be nominated to be a member of the reference group.
 3. The draft terms of reference be endorsed as amended, shown in revisions format on the attachment to minutes of this meeting.
 4. The operation of the reference group be reviewed after one year of operation.

15. Development of a Reconciliation Action Plan

File Ref: F18/154298; 17/225

Ref: Open [CCEC 6.3](#), 6/02/2019

- That:
1. The Council endorse the development of a Reconciliation Action Plan which will include an extensive engagement process.
 2. The draft plan be reported back to the Council for approval at the appropriate time.

16. Welcoming Cities Commitment
File Ref: F19/2883; 17/204

Ref: Open [CCEC 6.4](#), 6/02/2019

That given the strong strategic alignment of the Welcoming Cities Initiative with the *City of Hobart's Multicultural Strategy 2014-2019*, that the Council sign the commitment to participate in the Welcoming Cities Network.

17. Community Safety Commitment
File Ref: F19/10410; 17/90

Ref: Open [CCEC 6.5](#), 6/02/2019

- That:
1. The Council endorse the draft *Community Safety Commitment 2019 – 2020*, attached to item 6.5 of the Open Community Culture and Events Committee agenda of 6 February 2019.
 2. The Council endorse community engagement on the draft *Community Safety Commitment 2019 - 2020*.

18. Social Support Food Programs - Fee Waivers
File Ref: F19/10473; 18/279

Ref: Open [CCEC 6.6](#), 6/02/2019

- That:
1. The Council waive the hire fee of \$376 per month for the non-profit community group, King's Diner to use Mathers House. The group provides a free weekly meal with drinks and a take home facility for excess produce.
 2. The Council waive the \$321 monthly fee for the St Vincent de Paul's Dining with Friends program. This program provides a free three course meal once a month, nine months of the year.
 3. This agreement be ongoing with an annual review.
 4. The value of the support be recorded in the 'Grants, Assistance and Benefits Provided' section of the City of Hobart's Annual Report.

FINANCE AND GOVERNANCE COMMITTEE

- 19. Aldermanic Development and Support Policy - Annual Endorsement and Attestation and Policy Amendments**
File Ref: F19/15727

Ref: Open [FGC 6.1](#), 13/02/2019

A recommendation will be provided under separate cover.

- 20. Local Government Legislative Framework Review**
File Ref: F19/9199; 15/153-201

Ref: Open [FGC 6.2](#), 13/02/2019

A recommendation will be provided under separate cover.

- 21. Australian Local Government Association - National General Assembly - Call for Motions**
File Ref: F19/13274

Ref: Open [FGC 6.3](#), 13/02/2019

A recommendation will be provided under separate cover.

- 22. Petition Requesting Public Meeting - Hobart Not Highrise**
File Ref: F19/13660; 15/10-01

Ref: Open [FGC 6.4](#), 13/02/2019

A recommendation will be provided under separate cover.

- 23. Petition Requesting Public Meeting - Residents Opposed to the Cable Car Inc.**
File Ref: F19/9663; 16/119-005 & 16/119-006

Ref: Open [FGC 6.5](#), 13/02/2019

A recommendation will be provided under separate cover.

- 24. Request for Council Reception - The Federation of Ethnic Communities' Council of Australia**
File Ref: F19/8078; 18/17

Ref: Open [FGC 6.6](#), 13/02/2019

A recommendation will be provided under separate cover.

25. Purchasing Card Policy
File Ref: F18/98404

Ref: Open [FGC 6.7](#), 13/02/2019

A recommendation will be provided under separate cover.

26. Financial Report as at 31 December 2018
File Ref: F19/11853; 21-1-1

Ref: Open [FGC 6.8](#), 13/02/2019

A recommendation will be provided under separate cover.

27. Elected Member Code of Conduct Review
File Ref: F19/17004; 18/17

Ref: Special Open [FGC 4.1](#), 18/02/2019

A recommendation will be submitted to the meeting.

PARKS AND RECREATION COMMITTEE

28. Biodiversity Action Plan

File Ref: F18/94939; 16-24-001

Ref: Open [PRC 6.2](#), 7/02/2019

That the Biodiversity Action Plan, dated January 2019 and marked as Attachment A to item 6.2 of the Open Parks and Recreation Committee agenda of 7 February 2019, be endorsed as the City of Hobart's operational handbook in the planning and priority of management actions for its bushland reserves.

29. Queenborough Oval Buildings Concept Plan

File Ref: F19/690

Ref: Open [PRC 6.3](#), 7/02/2019

- That:
1. The Queenborough Oval Building Concept Plan for the redevelopment of the buildings at Queenborough Oval, shown in Attachment A to item 6.3 of the Open Parks and Recreation Committee agenda of 7 February 2019, be endorsed to enable clubs and user groups to pursue external funding opportunities for the proposal.
 2. A further report be provided should external funding for the project be identified.
 3. The user groups involved in the development of the Concept Plan be prompted to annually review the Plan.

30. 4-10 St Johns Avenue, New Town (Bowling Greens and Buildings) - Buckingham Bowls Club - Lease Renewal

File Ref: F18/141165

Ref: Open [PRC 6.5](#), 7/02/2019

- That:
1. In-principle approval be granted for a new ten (10) year lease with a further ten (10) year option to the Buckingham Bowls Club over the bowling greens and buildings at 4-10 St Johns Avenue, New Town, at a nominal annual rental.
 - (i) Should a new lease be approved, the value of the reduced rental to the Club be recorded in the City's Annual Report in accordance with the Council Policy 'Grants and Benefits Disclosure'.

- (ii) The new lease agreement to include a requirement that the lessee's waste disposal plan and where applicable, the use of certified compostable containers and utensils, align with the *City of Hobart Waste Management Strategy 2015-2030*.
- 2. Community engagement be undertaken pursuant to Sections 178 and 179 of the *Local Government Act 1993*.
 - (i) Upon conclusion of the community engagement process;
 - (a) Should no objections be received, the General Manager be authorised to finalise the terms and conditions of the lease; or alternatively
 - (ii) Should objections be received, a further report be provided to the Council on the matter.

31. 4-10 St Johns Avenue, New Town (New Town Oval Clubrooms) - New Town Cricket Club - Lease Renewal
File Ref: F19/365

Ref: Open [PRC 6.6](#), 7/02/2019

- That:
- 1. In-principle approval be granted for a new ten (10) year lease, with an option for a further ten (10) years, to the New Town Cricket Club over the New Town Cricket Club Clubrooms at New Town Oval, 4-10 St Johns Avenue, New Town, at a nominal annual rental.
 - (i) Should a new lease be approved, the value of the reduced rental to the Club be recorded in the City's Annual Report in accordance with the Council Policy 'Grants and Benefits Disclosure'.
 - (ii) The new lease agreement to include a requirement that the lessee's waste disposal plan and where applicable, the use of certified compostable containers and utensils, align with the *City of Hobart Waste Management Strategy 2015-2030*.
 - 2. Community engagement be undertaken pursuant to Sections 178 and 179 of the *Local Government Act 1993*.
 - (i) Upon conclusion of the community engagement process,
 - (a) Should no objections be received, the General Manager be authorised to finalise the terms and conditions of the lease; or alternatively
 - (ii) Should objections be received, a further report be provided to the Council on the matter.

32. Street Tree Valuation Methodology
File Ref: F18/151524

Ref: Open [PRC 6.8](#), 7/02/2019

- That:
1. In line with the City of Hobart Street Tree Strategy, a compensation fee be charged when a public tree is approved for removal that is associated with a private development, at the discretion of the General Manager.
 2. The compensation fee comprise:
 - (i) The amenity value of the tree; and
 - (ii) The replacement fee for a tree that includes the purchase cost of an advanced size and the planting and establishment costs.
 3. The amenity value fee be determined using the City of Hobart Tree Amenity Formula, as indicated in Attachment A to item 6.8 of the Open Parks and Recreation Committee agenda of 7 February 2019.

SPECIAL MEETING OF ALL COUNCIL COMMITTEES
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33. 10 Year Capital Works Program

File Ref: F19/13867

Ref: Special Open [JM 4.1](#), 13/02/2019

A recommendation will be provided under separate cover.

34. CLOSED PORTION OF THE MEETING

RECOMMENDATION

That the Council resolve by absolute majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Leave of Absence
- The sale of land for unpaid rates
- Contracts and tenders for the supply of goods
- Information of Confidential Nature
- Dealings with Council land

The following items are listed for discussion:-

- | | |
|------------|---|
| 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 | Sale of Land for Unpaid Rates
LG(MP)R 15(2)(f), (i) and (j) |
| Item No. 7 | Request to Waive Requirement to Tender
LG(MP)R 15(2)(d) |
| Item No. 8 | Appointment of Independent Member of Risk and Audit Panel
LG(MP)R 15(2)(g) |
| Item No. 9 | Hobart Rivulet Air Rights - Transfer
LG(MP)R 15(2)(f) |