



CITY OF HOBART

MINUTES

OPEN PORTION
MONDAY, 15 APRIL 2019
AT 5:12 PM
COUNCIL CHAMBER, TOWN HALL



ORDER OF BUSINESS

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PRESENT:

The Lord Mayor Councillor A M Reynolds, the Deputy Lord Mayor Councillor H Burnet, Aldermen M Zucco, J R Briscoe, Dr P T Sexton, D C Thomas, T M Denison, Councillor W F Harvey, Alderman S Behrakis, Councillors M S C Dutta, H Ewin and Z Sherlock.

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

Nil.

Alderman Behrakis declared an interest in item 9.1 and left the meeting at 5.22pm, returning at 5.24pm.

Alderman Sexton left the meeting at 6.17pm, returning at 6.20pm.

Councillor Dutta left the meeting at 6.57pm, returning at 6.59pm

Alderman Zucco left the meeting at 7pm, returning after the comfort break at 7.13pm.

Alderman Thomas left the meeting at 7pm and was not present for items 13 to 24 inclusive.

Councillor Sherlock left the meeting at 7pm, returning after the comfort break at 7.13pm.

Alderman Sexton left the meeting at 7.59 and was not present for items 19 – 24 inclusive.

Councillor Dutta left the meeting at 8.03pm, returning at 8.05pm.

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, 1 April 2019](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

BURNET
DUTTA

That minutes be amended to include the response provided to the question taken on notice during public question time.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

The minutes were signed.

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*?

No items were transferred.

3. COMMUNICATION FROM THE CHAIRMAN

No communication was received.

4. NOTIFICATION OF COUNCIL WORKSHOPS

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

5. PUBLIC QUESTION TIME

5.1 Mr Ben Lohberger - UTAS

Mr Lohberger put the following questions and was provided with the corresponding response by the Lord Mayor.

Question 1:

The University of Tasmania has announced a deal to pay rates for the next 10 years on properties it owns around the Hobart CBD.

- Will this deal be backdated to when UTAS started purchasing properties in the CBD? If not, when will UTAS begin paying rates under this deal?
- Does the deal require UTAS to pay rates that are calculated using the same method as all other properties in Hobart?
- What will happen at the end of the ten-year period when this deal expires?

Question 2:

Immediately after announcing the decision to abandon the Sandy Bay campus and move into Hobart's CBD, UTAS revealed that moving will cost \$30 million more than the cost of renovating the existing campus. Several weeks earlier, the Lord Mayor and Deputy Mayor attended the so-called consultation process run by UTAS.

- During that process, did the University claim that the cost of moving to Hobart would actually be cheaper than the cost of renovating the existing campus?

Response:

It is the Council's understanding that UTAS intends to enter into an arrangement with the Council to make payments equal to or greater than the equivalent of general rates for the property it owns. The Council is not aware of any further detail other than what has been publically released by UTAS to the media.

The Deputy Lord Mayor and I were invited by the Vice Chancellor to view the consultation materials that UTAS was providing to staff – by way of a series of presentation panels. The information was a summary of the choice UTAS needed to make and a balanced presentation on each of the choices. From the information presented there was no claim that relocating the campus to the City centre would be cheaper than redeveloping the Sandy Bay campus.

6. PETITIONS

6.1 Petition - Pura Factory: Augusta Road/Giblin Street

The Acting General Manager tabled a petition from the residents of Lenah Valley concerning heavy vehicle use of the Augusta Road/Giblin Street corridor to access the Pura Factory.

There were 54 signatories to the petition.

BRISCOE
SHERLOCK

That the petition be received and noted and referred to the appropriate committee.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

Attachments

A Petition - Pura Factory: Augusta Road/Giblin Street ⇒ 

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 Acting General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

No supplementary items were received.

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 conflicts 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.

The following interest was indicated:

1. Alderman Behrakis - item 9.1

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 Acting 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.

Alderman Behrakis declared an interest in item 9.1 and left the meeting.

**9.1 55 Mount Stuart Road, Mount Stuart - Adjacent Road Reserve - Four Multiple Dwellings and Works in Road Reserve
PLN-18-716 - File Ref: F19/37227**

Ref: Open [CPC 7.1.1](#), 8/04/2019

Application Expiry Date: 15 April 2019

Extension of Time: Not applicable

That pursuant to the Hobart Interim Planning Scheme 2015, the Council refuse the application for four multiple dwellings and works in road reserve at 55 Mount Stuart Road, Mount Stuart and adjacent road reserve for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 10.4.4 A2 and P2 of the *Hobart Interim Planning Scheme 2015* because the design and siting of the multiple dwellings will cause unreasonable loss of amenity by overshadowing a window of a habitable room (other than a bedroom), of another dwelling on the same site, that faces between 30 degrees west of north and 30 degrees east of north.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 10.4.4 A3 and P3 of the *Hobart Interim Planning Scheme 2015* because the design and siting of the multiple dwellings will cause unreasonable loss of amenity by overshadowing the private open space of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E5.6.4 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the design, layout and location of the Mount Stuart Road access will not provide adequate sight distances to ensure the safe movement of vehicles, having regard to:
 - a. the nature and frequency of the traffic generated by the use;
 - b. the frequency of use of the road network;
 - c. the need for the access;
 - d. any traffic impact assessment; and
 - e. any measures to improve or maintain sight distance.

4. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.7.2 A1 and P1 of the *Hobart Interim Planning Scheme 2015* because the design of vehicle access points will not be safe, efficient and convenient, having regard to all of the following:
 - a. avoidance of conflicts between users including vehicles, cyclists and pedestrians;
 - b. avoidance of unreasonable interference with the flow of traffic on adjoining roads;
 - c. suitability for the type and volume of traffic likely to be generated by the use or development; and
 - d. ease of accessibility and recognition for users.

5. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 10.4.6 A3 and P3 of the *Hobart Interim Planning Scheme 2015* because a shared driveway or parking space (excluding a parking space allocated to that dwelling), will not be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.

BURNET
BRISCOE

That item be deferred in accordance with the applicant's request.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Denison
Harvey
Dutta
Ewin
Sherlock

COUNCIL RESOLUTION:

That item be deferred in accordance with the applicant's request.

**9.2 52 Wellesley Street, South Hobart - Partial Demolition, Alterations, Extension and Carport
PLN-18-919 - File Ref: F19/36621**

Ref: Open [CPC 7.1.2](#), 8/04/2019
Application Expiry Date: 9 April 2019
Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, extension and carport at 52 Wellesley Street, South Hobart for the reasons outlined in the officer's report attached to item 7.1.2 of the Open City Planning Committee agenda of 8 April 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-18-919 - 52 WELLESLEY STREET SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

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).

Any private or private shared stormwater system passing through third-party land must have sufficient receiving capacity.

Reason for condition

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

ENG 3a

The parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 with the following exceptions:

- Maximum gradients and minimum sight distances in accordance with Matt Gilley Design Drawings C01 and C02.

Advice:

- *It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*

Reason for condition

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

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 first occupation/commencement of use (whichever occurs first).

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 5

The number of car parking spaces approved on the site is two (2).

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

ENG 11

Prior to the first occupation/commencement of the use (whichever occurs first), the proposed crossover to the Wellesley Street highway reservation must be designed and constructed in general accordance with LGAT Standard Drawing - Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing, or a Council City Infrastructure Division approved alternate design.

Advice:

- *Local Government Association (LGAT) Tasmanian Standard Drawings (TSD) can be viewed electronically via the [LGAT Website](#).*
- *It is advised that designers consider the detailed design of the crossover, access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*
- *Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Road Services Engineer and may require further planning approvals. It is advised to place a note to this effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.*
- *Please contact Council City Infrastructure Division to discuss approval of alternate designs. Based on a site specific assessment, Council City Infrastructure Division Road Engineer may permit extending non-approved concrete slab crossover, and where non-standard kerb and channel exists a concrete plinth to Council standards may be permitted for construction at the gutter.*
- *You are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work within the highway reservation). Click [here](#) for more information.*

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of 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.

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.

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.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

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.

DIAL BEFORE YOU DIG

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

BURNET
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

9.3 100 Pinnacle Road, Mount Wellington - New and Upgraded Mountain Bike Tracks

PLN-19-2 - File Ref: F19/37525

Ref: Open [CPC 7.1.3](#), 8/04/2019
Application Expiry Date: 10 April 2019
Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for new and upgraded mountain bike track at 100 Pinnacle Road, Mount Wellington for the reasons outlined in the officer's report attached to item 7.1.3 of the Open City Planning Committee agenda of 8 April 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-19-2 - 100 PINNACLE ROAD MOUNT WELLINGTON TAS 7054 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of 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

Tracks must be treated to prevent erosion and generation of sediment (e.g. rock armoured) for their full extent within the banks of the creeks or as shown in the submitted plans (whichever is greater).

Reason for condition

To prevent sedimentation of creeks

ENV 8

All recommended risk mitigation measures in section 3.2 of the Geotechnical Assessment report by William C Cromer dated 28 February 2019 must be implemented and must be maintained for the life of the development.

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides.

ENV 9

All recommendations in section 3.2 of the Natural Values Assessment report by Enviro-dynamics dated 5 February 2019 must be implemented and must be maintained for the life of the development.

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values.

ENV 11

All recommendations and mitigation measures relating to soil and water management, weed management and construction hygiene protocol contained in Sections 3, 4, 5 and 6 of the Construction Environmental Management Plan by City of Hobart dated 21 January 2019 must be implemented and must be maintained for the life of the development.

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values.

ENV 12

An approved weed management plan must be implemented.

A weed management plan prepared by a suitably qualified and experienced person must be submitted and approved, prior to the commencement of work.

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

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

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

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values.

ENV 15

An approved construction hygiene protocol to minimise the risk of introduction and spread of weeds must be implemented.

A construction hygiene protocol prepared by a suitably qualified and experience person must be submitted and approved, prior to commencement of work.

All work required by this conditions must be undertaken in accordance with the approved construction hygiene protocol.

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

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

Reason for condition

To minimise the spread of weeds and pathogens.

ENV 2

An approved soil and water management plan must be implemented.

A soil and water management plan prepared by a suitably qualified and experienced person must be submitted and approved, prior to the commencement of work.

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

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.

OPS s1

All works must be conducted in accordance with the recommendations contained within chapter 9.1.1 of the *Proposed Drops Track and Unnamed Track, Wellington Park, Aboriginal and Historic Heritage Desktop Report, Gondwana Heritage Solutions* dated September 2018, and must be maintained for the life of the development.

Reason for condition

To ensure protection of significant heritage values within Wellington Park.

OPS s2

All works must be conducted in accordance with the conditions of the *Works Permit: Formalisation of the Drops Track and construction of a new bicycle only track between Rivulet Track and the Bracken Lane Fire Trail*, Wellington Park Management Trust, dated 30 November 2018. These conditions must be adhered to for the life of the development.

Reason for condition

To ensure protection of significant values within Wellington Park.

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.

CONDITION ENDORSEMENT PLANNING

If a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#).

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

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied). Detailed instructions can be found [here](#).

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*.

PROTECTING THE ENVIRONMENT

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

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.

BURNET
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

**9.4 5 McDevitt Avenue, Dynnyrne and Adjacent Road Reserve - Dwelling
With Ancillary Dwelling and Works Within Road Reserve
PLN-18-776 - File Ref: F19/36665**

Ref: Open [CPC 7.1.4](#), 8/04/2019
Application Expiry Date: 15 April 2019
Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for dwelling with ancillary dwelling and works within road reserve at 5 McDevitt Avenue, Dynnyrne for the reasons outlined in the officer's report attached to item 7.1.4 of the Open City Planning Committee agenda of 8 April 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-18-776 - 5 MCDEVITT AVENUE DYNNYRNE TAS 7005 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

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).

Reason for condition

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

ENG 2b

Prior to the issue of any approval under the *Building Act 2016* or the commencement of works on site (whichever occurs first), a certified vehicle barrier design (including site plan with proposed location(s) of installation) prepared by a suitably qualified engineer, compliant with Australian Standard *AS/NZS1170.1:2002*, must be submitted to Council.

Advice:

- *If the development's building approval includes the need for a Building Permit from Council, the applicant is advised to submit detailed design of vehicular barrier as part of the Building Application.*
- *If the development's building approval is covered under Notifiable Work the applicant is advised to submit detailed design of vehicular barrier as a condition endorsement of the planning permit condition. Once the certification has been accepted, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

ENG 2c

Prior to the first occupation, vehicular barriers must be inspected by a qualified engineer and certification submitted to the Council confirming that the installed vehicular barriers comply with the certified design and Australian Standard AS/NZS1170.1:2002.

Advice: Certification may be submitted to the Council as part of the Building Act 2016 approval process or via condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the relevant standards.

ENG 3a

The access driveway, and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required), 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.

Advice: It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.

Reason for condition

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

ENG 3c

The access driveway must be constructed in accordance with the design drawings approved by Condition ENG r1.

Prior to the first occupation, documentation by a suitably qualified engineer certifying that the access driveway has been constructed in accordance with the above drawings must be lodged with Council.

Advice: Certification may be submitted to Council as part of the Building Act 2016 approval process or via condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

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

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of 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 r1

The footings, suspended deck and removal of the retaining wall upstand within or supporting the McDevitt Avenue highway reservation must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings, structural certificates and associated geotechnical assessments of the footings, suspended deck and removal of the retaining wall upstand within McDevitt Avenue highway reservation must be submitted and approved, prior to the commencement of work and must:

1. Be prepared and certified by a suitable qualified person and experienced engineer.
2. Not undermine the stability of the highway reservation.
3. Detail the design and location of the footing, in particular the proximity to the retaining wall and its foundations.
4. Include drawings and structure certificate which notes the driveway slab needs to be supported independently of the existing retaining wall and will not transfer additional loads onto the existing retaining wall.

5. Detail the location of the cutting of the retaining wall in relation to the existing construction joints, noting that any vertical sawcut to be a minimum 1.2m from the joint and horizontal sawcut to wall to be 20mm below the underside of the parking deck slab. If a vertical cut is proposed less than 1.2m from a joint then further re-installment details are required to the satisfaction of the Director City Infrastructure.
6. Detail the reinstatement of the cut area of the retaining wall to the satisfaction of the Director City Infrastructure, noting the proposed being the vertical cut is to be sealed with a minimum of 70mm around the exposed reinforcement with minimum 10mm fosroc renderoc HB applied in full width of sawcut in accordance with manufactures specifications and the horizontal cut is to be sealed with 20mm layer polystyrene during pour, remove after curing and fill joint with backing road and 10 deep bostik seal-n-flex.
7. Ensure that any structural certificates and drawings are notated in accordance with the above.

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

Advice:

- *The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

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

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.

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.

CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

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.

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.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

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.

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.

MCDEVITT AVENUE PART 5 AGREEMENT

In accordance with the Part 5 agreement D103577 which is applicable to this Title, the following requirements are made:

- The dwelling should be constructed to Bushfire Rating BAL12.5.
- A 5000L rainwater tank for re-use on site must be installed.

Please note that Part 5 Agreement D103577 with Hobart City Council requires the owner(s) of the property to:

- Implement and maintain the Bushfire Management Plan in relation to the property;

- Comply with the advice and recommendations of the geotechnical assessment report by Geo-Environmental Solutions;
- Implement and maintain the Weed Management Plan in relation to the land; and
- Implement and maintain the Stormwater Management Plan in relation to the land.

Copies of the plans and reports are attached to the Agreement. Copies of Part 5 Agreements can be obtained via the 'Scanned Dealings' section of the [The LIST website](#).

BURNET
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

**9.5 23 Nelson Road, Sandy Bay - Lighting Upgrade
PLN-19-36 - File Ref: F19/37501**

Ref: Open [CPC 7.1.5](#), 8/04/2019
Application Expiry Date: 21 April 2019
Extension of Time: Not applicable

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for lighting upgrade at 23 Nelson Road, Sandy Bay for the reasons outlined in the officer's report attached to item 7.1.5 of the Open City Planning Committee agenda of 8 April 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-19-36 - 23 NELSON ROAD SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

OPS s1

All works within Queenborough Lower Oval must be undertaken in accordance with an Environmental Management and Communications Plan (EMCP).

Prior to the commencement of works, an EMCP must be submitted and approved, to the satisfaction of the Director City Amenity.

All works must be undertaken in accordance with the approved EMCP.

Advice: a template for the Environmental Management and Communications Plan can be provided by the Open Space Planning Team, call 03 6238 2488. This plan must be made specific for the works that will occur within the reserve.

Reason for condition

Installation of the new lighting must be done in a manner that minimises environmental impact, is safe for the reserve-visiting public and minimises inconvenience for the public.

OPS s2

All works must be undertaken in accordance with the recommendations contained within Geotechnical Site Assessment Lower Queenborough Oval Light Poles Sandy Bay, Tasmania September 2018, by Geo-Environmental Solutions.

Reason for condition

To ensure the light poles have stable footings.

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*.

NOISE REGULATIONS

Click [here](#) for information with respect to noise nuisances in residential areas.

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.

BURNET
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

NOES

**9.6 9-11 Murray Street Hobart - Extension to Approved Operating Hours
PLN-19-115 - File Ref: F19/39752**

Ref: Special Open [CPC 2.1.1](#), 15/04/2019

Application Expiry Date: 16 April 2019

Extension of Time: Not applicable

BURNET
BRISCOE

That the item be withdrawn from the agenda.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

**10. Monthly Building Statistics - 1 March 2019 - 31 March 2019
File Ref: F19/37165**

Ref: Open [CPC 8.1](#), 8/04/2019

That the information be received and noted:

The Director City Planning reports:

- A. 1. During the period 1 March 2019 to 31 March 2019, 54 permits were issued to the value of \$13,901,032 which included:
- (i) 31 for Extensions/Alterations to Dwellings to the value of \$3,191,384;
 - (ii) 11 New Dwellings to the value of \$3,569,108; and
 - (iii) 2 Major Projects:

- (a) 2 Churchill Avenue, Sandy Bay - Alterations, Level 3 to 5 and Change of Use (UTAS Commerce Building) - \$2,090,000; and
 - (b) 2 Churchill Avenue, Sandy Bay - (College Road) - New Buildings - Stage 1 Footings Only and Earthworks - \$1,700,000;
2. During the period 1 March 2018 to 31 March 2018, 47 permits were issued to the value of \$204,387,164 which included:
- (i) 29 Extensions/Alterations to Dwellings to the value of \$4,503,403
 - (ii) 6 New Dwellings to the value of \$3,237,940; and
 - (iii) 9 Major Projects:
 - (a) 48 Liverpool Street (RHH K Block Fitout Stage 3), Hobart - Women's and Children's Precinct - \$162,000,000;
 - (b) 80 Elizabeth Street, Hobart - Conversion of Existing 5 Storey Masonry building from office space to 72 Self Contained Suites - \$10,000,000;
 - (c) 85 Creek Road (Rosary Gardens) - Commercial Internal Alterations, New Town - \$7,700,000;
 - (d) 25 Salamanca Place, Hobart - Commercial Alterations (Hotel and Shops) - \$4,977,000;
 - (e) 40 Elizabeth Street (Old ANZ Building), Hobart - New Building Stage 2 - Commercial Internal Alterations - \$4,200,000;
 - (f) 39 - 41 Salamanca Place and 4 Montpelier Retreat, Battery Point - Commercial Internal Alterations - \$4,023,000;
 - (g) 130 Murray Street, Hobart - Alterations and Additions - \$1,800,000;
 - (h) 688 Sandy Bay Road, Sandy Bay - New House - \$1,700,000; and
 - (i) 200 Brooker Avenue (Service Station), North Hobart - Demolition, Alterations and Additions - \$1,600,000

- B. 1. In the twelve months ending 31 March 2019, 646 permits were issued to the value of \$347,735,609; and
2. In the twelve months ending 31 March 2018, 682 permits were issued to the value of \$412,257,751.

BURNET
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

11. Expansion of Smoke-Free Areas
File Ref: F19/1667; 16/237

Ref: Open [CPC 8.2](#), 8/04/2019

- That: 1. Under the provisions of 67B(1)(c) of the *Public Health Act 1997*, the Council resolve to declare the following areas as smoke free on 15 October 2019;
- a. Franklin Square CT 157664/1000 as outlined in Attachment A to item 8.2 of the City Planning Committee agenda of 8 April 2019.
- (i) The proposed 'public convenience' area marked in yellow within Attachment A to item 8.2 of the Open City Planning Committee agenda of 8 April 2019 will not apply and be declared as smoke free.
- b. Soldiers Memorial Oval Community Hub CT 164058/1 as outlined in Attachment B to item 8.2 of the Open City Planning Committee agenda of 8 April 2019.

- c. University Rose Gardens CT 157663/1000 and CT 164058/1 as outlined in Attachment C to item 8.2 of the Open City Planning Committee agenda of 8 April 2019.
2. Under the provisions of 67B(1)(c) of the *Public Health Act 1997*, the Council resolve to declare the central business district as outlined in red and the areas adjacent to the Royal Hobart Hospital site outlined in blue in Attachment D to item 8.2 of the Open City Planning Committee agenda of 8 April 2019 as smoke free on 15 April 2020.
3. The Council allocates sufficient resources for an initial period of 12 months, as required, to effectively implement the new smoke free areas and enforce these and existing smoke free areas to the satisfaction of the General Manager.
4. The Council lobby the State Government and the Local Government Association of Tasmania to increase the smoking distance from doorways from 3m to 5m in support of local businesses.
5. Further investigations be undertaken over the next 12 months to identify additional areas within the Hobart municipality that could be strategically implemented as smoke free.

BURNET
HARVEY

That the recommendation be adopted.

AMENDMENT

DENISON
SHERLOCK

That smoke free areas only operate within the hours of enforcement.

PROCEDURAL MOTION

ZUCCO
THOMAS

That the matter be deferred to enable investigation of best practice incentives to assist people to discontinue smoking.

PROCEDURAL MOTION LOST

VOTING RECORD

AYES

Zucco
Thomas
Behrakis
Dutta
Ewin
Sherlock

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Briscoe
Sexton
Denison
Harvey

AMENDMENT LOST

VOTING RECORD

AYES

Denison
Behrakis
Ewin
Sherlock

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Dutta

AMENDMENT

SHERLOCK
THOMAS

That as part of the implementation process, the Council consult with other organisations, service providers, individuals and other stakeholders in relation to the provision of appropriate educational programs.

AMENDMENT CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

NOES

BEHRAKIS
SEXTON

That the vote in respect to clauses 1 to 5 of the substantive motion be taken separately.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

The Chairman then put clause 1 of the substantive motion.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	Ewin
Briscoe	
Sexton	
Thomas	
Denison	
Harvey	
Behrakis	
Dutta	
Sherlock	

The Chairman then put clause 2 of the substantive motion.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	Behrakis
Briscoe	Ewin
Sexton	
Thomas	
Denison	
Harvey	
Dutta	
Sherlock	

The Chairman then put clause 3 of the substantive motion.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Behrakis
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Denison	
Harvey	
Dutta	
Ewin	
Sherlock	

The Chairman then put clause 4 of the substantive motion.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

The Chairman then put clause 5 of the substantive motion.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Thomas	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

COUNCIL RESOLUTION:

- That: 1. Under the provisions of 67B(1)(c) of the *Public Health Act 1997*, the Council resolve to declare the following areas as smoke free on 15 October 2019;
- a. Franklin Square CT 157664/1000 as outlined in Attachment A to item 8.2 of the City Planning Committee agenda of 8 April 2019.
 - (i) The proposed 'public convenience' area marked in yellow within Attachment A to item 8.2 of the Open City Planning Committee agenda of 8 April 2019 will not apply and be declared as smoke free.
 - b. Soldiers Memorial Oval Community Hub CT 164058/1 as outlined in Attachment B to item 8.2 of the Open City Planning Committee agenda of 8 April 2019.
 - c. University Rose Gardens CT 157663/1000 and CT 164058/1 as outlined in Attachment C to item 8.2 of the Open City Planning Committee agenda of 8 April 2019.
2. Under the provisions of 67B(1)(c) of the *Public Health Act 1997*, the Council resolve to declare the central business district as outlined in red and the areas adjacent to the Royal Hobart Hospital site outlined in blue in Attachment D to item 8.2 of the Open City Planning Committee agenda of 8 April 2019 as smoke free on 15 April 2020.
3. The Council allocates sufficient resources for an initial period of 12 months, as required, to effectively implement the new smoke free areas and enforce these and existing smoke free areas to the satisfaction of the General Manager.
4. The Council lobby the State Government and the Local Government Association of Tasmania to increase the smoking distance from doorways from 3m to 5m in support of local businesses.
5. Further investigations be undertaken over the next 12 months to identify additional areas within the Hobart municipality that could be strategically implemented as smoke free.
6. As part of the implementation process, the Council consult with other organisations, service providers, individuals and other stakeholders in relation to the provision of appropriate educational programs.

12. Proposed Central Hobart Precinct Plan
File Ref: F19/41012

Ref: Special Open [CPC 3.1](#), 15/04/2019

- That:
1. The Council agrees to work with the State Government to prepare a Terms of Reference and detailed work breakdown including a proposed allocation of tasks, funding and in-kind contribution for a Hobart Precinct Plan for the area of the city as outlined in Attachment B to item 3.1 of the Special Open City Planning Committee agenda of 15 April 2019.
 2. That the draft Terms of Reference and work plan developed with the State Government be the subject of a subsequent report for consideration by the Council.
 3. The Council enquire with the Minister for Planning regarding the ability of the outcomes from the Precinct Plan work to be incorporated within the Local Provisions Schedule currently being considered by the Tasmanian Planning Commission including height restrictions.

BURNET
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

BURNET
BEHRAKIS

That item 15 be taken next.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Briscoe	
Sexton	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	

Item 15 was then taken.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

13. Local Government Act - Petitions Polls & Meetings
File Ref: F19/33120; 13-1-9

Ref: Open [FGC 7.1](#), 9/04/2019

Alderman Zucco

Motion:

“That in order to enhance the democratic process a report be prepared to review Part 6 of the *Local Government Act 1993* in relation to petitions, polls and meetings with a view to the Act being amended to place controls around the requirements for councils to hold elector meetings and conduct elector polls, including:

- (i) the threshold for petitions requiring councils to hold an elector meeting or conduct an elector poll
- (ii) the timing of an elector poll
- (iii) the costs to communities for both and
- (iv) the potential for electronic elector polls to be undertaken online,

while addressing anomalies and unintended consequences.”

Rationale:

“In the last 18 months the Council has received three elector petitions requiring the Council to conduct elector meetings. Provided the petitions exceed the threshold in the Act of 1,000 electors or 5% of the electors,

whichever is the lesser, the Council is obliged to hold the elector meeting.

Elector meetings are expensive and the Council does not have the ability to not hold the meetings. In addition, following an elector meeting, the Act allows for a further petition to be lodged within thirty days of the meeting requiring the Council (provided the elector threshold is met) to conduct an elector poll.

An elector poll is expensive (in Hobart's case the cost would be +/- \$140,000 - \$175,000 based on a \$4-5 per Elector x 35,000 electors plus officer time) and the result of the poll is not binding on the Council.

The tight time frames imposed under the Act plus the obligatory requirements for the Council to hold a meeting and conduct an elector poll require review.

In addition, elector polls should not be conducted outside the ordinary council election cycle."

The Acting 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 provisions of the *Local Government Act 1993*."

ZUCCO
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Zucco
Sexton
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Briscoe

COUNCIL RESOLUTION:

That in order to enhance the democratic process a report be prepared to review Part 6 of the *Local Government Act 1993* in relation to petitions, polls and meetings with a view to the Act being amended to place controls around the requirements for councils to hold elector meetings and conduct elector polls, including:

- (i) the threshold for petitions requiring councils to hold an elector meeting or conduct an elector poll
- (ii) the timing of an elector poll
- (iii) the costs to communities for both and
- (iv) the potential for electronic elector polls to be undertaken online, while addressing anomalies and unintended consequences.

14. Local Government Association of Tasmania - Membership
File Ref: F19/32255; 13-1-9

Ref: Open [FGC 7.2](#), 9/04/2019

Aldermen Zucco / Behrakis

Motion:

“That a report be prepared on the strategic value of the City of Hobart maintaining its membership to the Local Government Association of Tasmania (LGAT) and explore opportunities for the formation of a metropolitan councils association.”

Rationale:

“With the recent signing of the Greater Hobart City Deal and the development of the Greater Hobart Act a governance structure will be established to guide and support the three levels of government to work together in collaboration to implement the Greater Hobart City Deal.

Given the opportunities that this governance structure presents for the City of Hobart to work with our neighbouring urban councils (Clarence City, Glenorchy City and Kingborough) along with the Australian and Tasmanian governments, continued membership to the LGAT warrants serious consideration by the Council.”

The Acting 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 Council’s membership of the LGAT.”

BEHRAKIS
ZUCCO

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Zucco
Briscoe
Sexton
Denison
Behrakis
Dutta
Sherlock

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Harvey
Ewin

COUNCIL RESOLUTION:

That a report be prepared on the strategic value of the City of Hobart maintaining its membership to the Local Government Association of Tasmania (LGAT) and explore opportunities for the formation of a metropolitan councils association.

Item 16 was then taken.

15. Joining the ICAN Nuclear Weapons-Free Cities Appeal
File Ref: F19/36723; 13-1-9

Ref: Open [FGC 7.3](#), 9/04/2019

Deputy Lord Mayor Burnet

Motion:

“Given the lack of action by the federal government on signing the UN Treaty on the Prohibition of Nuclear Weapons (2017), and the ongoing concern of Hobart residents about the threat nuclear weapons pose to communities throughout the world, the City of Hobart:

- 1) Endorse and join the [ICAN Cities Appeal](#) for a nuclear weapons-free planet. The UN Prohibition of Nuclear Weapons Treaty is the first treaty to comprehensively outlaw nuclear weapons, setting out a pathway for their total elimination.
- 2) Write to the federal government, leader of the Opposition Party and other parties endorsing the ICAN Cities Appeal
- 3) Ensure that funds administered by the City of Hobart are not invested in companies that produce nuclear weapons.
- 4) Issue a press release announcing that Hobart has joined other cities across the world to call on their governments to sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons.”

Rationale:

“More than seven decades on from the atomic destruction of Hiroshima and Nagasaki, we are still living under the shadow of the bomb. Almost 15,000 nuclear weapons remain in our world, held by nine nations.

Many Hobart citizens are deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world.

The Treaty on the Prohibition of Nuclear Weapons endorsed by the United Nations in 2017 has not yet been signed by Australia.

As a member of Mayors for Peace, the City of Hobart has already committed to working towards a nuclear-free planet. Mayors for Peace has also endorsed a Nuclear Weapons-free Treaty, and supports the actions of the International Campaign for the Abolition of Nuclear Weapons. A letter of endorsement for the Treaty and the ICAN Cities Appeal can be read [here](#).”

The Acting 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 the motion, as proposed, supports the work undertaken by the Mayors for Peace towards a nuclear-free planet. The City of Hobart is a member of the Mayors for Peace.”

BURNET
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Denison
Harvey
Dutta
Ewin
Sherlock

NOES

Behrakis

COUNCIL RESOLUTION:

Given the lack of action by the federal government on signing the UN Treaty on the Prohibition of Nuclear Weapons (2017), and the ongoing concern of Hobart residents about the threat nuclear weapons pose to communities throughout the world, the City of Hobart:

- 1) Endorse and join the [ICAN Cities Appeal](#) for a nuclear weapons-free planet. The UN Prohibition of Nuclear Weapons Treaty is the first treaty to comprehensively outlaw nuclear weapons, setting out a pathway for their total elimination.
- 2) Write to the federal government, leader of the Opposition Party and other parties endorsing the ICAN Cities Appeal.
- 3) Ensure that funds administered by the City of Hobart are not invested in companies that produce nuclear weapons.
- 4) Issue a press release announcing that Hobart has joined other cities across the world to call on their governments to sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons.

Item 13 was then taken.

16. Safe and Welcoming Community **File Ref: F19/36761; 13-1-9**

Ref: Open [FGC 7.4](#), 9/04/2019

Councillor Harvey

Motion:

“That, in line with the *Hobart Community Vision* and *City of Hobart Social Inclusion Policy 2014-2019*; the Council reaffirm its commitment to creating a safe and welcoming City, by supporting strong gun regulation and rejecting any attempt to weaken gun control laws, and in doing so, the Council implement the following actions:

1. Write to the leaders of all political parties (State and Federal) urging them to stand firm against efforts to weaken gun control laws and to reject political donations from the gun lobby; and
2. Write to the Prime Minister and the Tasmanian Premier affirming the Council’s position for strong gun control laws.”

Rationale:

“In light of the recent events in Christchurch, the exposure of One Nation’s attempt to influence and weaken gun control laws in association with, and tactics derived from, the National Rifle Association (NRA) in the USA, and the uncovering and highlighting of large political donations from the gun lobby in Australia to political parties, it is in the public interest and wellbeing of citizens that the Council affirm its commitment to creating a safe and welcoming city and to reject any attempt by any political party at either a state or federal level to weaken gun control laws.

Part two of Hobart’s Vision document strongly articulates that as an island, Tasmania is a socially inclusive community where people feel informed, safe, happy, healthy and resilient. Hobart prides itself on being a safe city where we look out for each other and, given the tragic events in New Zealand, there is an opportunity for the Council to affirm its commitment to creating a safe and welcoming place for all.

The guiding principles of the City’s *Social Inclusion Policy 2014-2019* highlights that recognising diversity in the community is one of our greatest strengths. We ensure that our practices, policies and procedures actively build social inclusion and do not contribute to social exclusion by creating a liveable, safe and people friendly city.

As the capital city council it is beholden on us to take a lead role in ensuring that our community is a safe place for all.”

The Acting 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 is based on the City’s *Hobart Community Vision* and *City of Hobart Social Inclusion Policy 2014-2019*.”

HARVEY
DUTTA

That the recommendation be adopted and ‘local members’ also be written to in respect to clause 1.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Sexton	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

COUNCIL RESOLUTION:

That, in line with the *Hobart Community Vision* and *City of Hobart Social Inclusion Policy 2014-2019*; the Council reaffirm its commitment to creating a safe and welcoming City, by supporting strong gun regulation and rejecting any attempt to weaken gun control laws, and in doing so, the Council implement the following actions:

1. Write to the leaders of all political parties (State and Federal) and local members urging them to stand firm against efforts to weaken gun control laws and to reject political donations from the gun lobby; and
2. Write to the Prime Minister and the Tasmanian Premier affirming the Council's position for strong gun control laws.

17. Sanitary Product Vending Machines in Council Bathrooms

File Ref: F19/32123; 13-1-9

Ref: Open [PRC 7.1](#), 4/04/2019

Councillor Ewin

Motion:

“That the officers produce a report into the provision of sanitary product vending machines in Council maintained bathrooms.

- (i). Report is to include a strategy for a trial, which will be implemented as soon as practicable.”

Rationale:

“Recently the US passed a law requiring all public outlets to provide free sanitary products, including in schools. To my knowledge, no level of government in Australia provides or subsidises any products at all, and GST has only very recently been removed from sanitary products.

The only current free vending machines within Australia are from a charity organisation called Share the Dignity, which distribute period packs through Pinkbox vending machines- however, there is only one located in Hobart (at Colony 47). It is unreasonable to put the onus onto charities to provide vital services that half the population regularly require.

Women’s bodies should not be viewed and treated as abnormal or burdensome. Our City Vision says we are committed to inclusivity, accessibility and diversity. City of Hobart provides other necessities in bathrooms, like soap and toilet paper; sanitary products should be no different.”

The Acting 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 operation of the Council’s public toilet facilities.”

EWIN
SHERLOCK

That the recommendation be adopted.

AMENDMENT

BRISCOE
BURNET

- That
1. Hobart City Council acknowledges the reality of period poverty; that it negatively impacts on the ability of some of our community’s vulnerable and marginalised people to participate in work, study and community life, and in doing so, the Council write to the State and Federal governments to lobby for the provision of menstrual products in all public schools.
 2. The strategies for a trial include consultation with potential partners and stakeholders.
 3. The Council undertake the scheduled reviewed of the Public Toilet Strategy.

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

COUNCIL RESOLUTION:

- That
1. Officers produce a report into the provision of sanitary product vending machines in Council maintained bathrooms.
 - (i). The report include a strategy for a trial, which includes consultation with potential partners and stakeholders, to be implemented as soon as practicable.
 2. The Council undertake the scheduled reviewed of the Public Toilet Strategy.
 3. Hobart City Council acknowledges the reality of period poverty; that it negatively impacts on the ability of some of our

community's vulnerable and marginalised people to participate in work, study and community life, and in doing so, the Council write to the State and Federal governments to lobby for the provision of menstrual products in all public schools.

COMMUNITY, CULTURE AND EVENTS COMMITTEE

18. Draft Public Art Framework File Ref: F18/154300; P18/78

Ref: Open [CCEC 6.1](#), 3/04/2019

That the Council endorse the draft revised Public Art Framework marked as Attachment A.

HARVEY
BURNET

That the recommendation be adopted and the draft Public Art Framework be released for community engagement as per the minutes of the Community Culture and Events Committee minutes of 3 April 2019.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

NOES

COUNCIL RESOLUTION:

That the Council endorse the draft Public Art Framework, marked as Attachment A to item 18 of the open Council Agenda of 15 April 2019, and that it be released for community engagement.

FINANCE AND GOVERNANCE COMMITTEE

**19. Local Government Association of Tasmania General Meeting Motions
and 2019 General Management Committee election
File Ref: F19/34738**

Ref: Open [FGC 6.1](#), 9/04/2019

- That:
1. The Council determine whether it wishes to submit any motions to the Local Government Association of Tasmania's (LGAT) July General Meeting.
 2. The Deputy Lord Mayor be nominated for the position of President of LGAT.
 3. The Lord Mayor be authorised to vote on the Council's behalf for the position of President of the Local Government Association of Tasmania.

ZUCCO
EWIN

That the recommendation be adopted.

AMENDMENT

SHERLOCK
BURNET

That LGAT lobby the State Government to increase the legislated smoke-free areas from three metres to five metres away from an entrance or exit to a building.

AMENDMENT CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

PROCEDURAL MOTION

BEHRAKIS
BRISCOE

That clause 3 of the recommendation be referred back to committee for further consideration.

PROCEDURAL MOTION
CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

COUNCIL RESOLUTION:

- That: 1. The Council submit the following motion to the Local Government Association of Tasmania's (LGAT) July General Meeting:
- (i) That LGAT lobby the State Government to increase the legislated smoke-free areas from three metres to five metres away from an entrance or exit to a building.
2. The Deputy Lord Mayor be nominated for the position of President of LGAT.
3. That clause 3 of the recommendation be referred back to committee for further consideration.

20. Revised City of Hobart Code for Tenders and Contracts
File Ref: F19/35436

Ref: Open [FGC 6.2](#), 9/04/2019

- That: 1. The Council adopt the revised City of Hobart Code for Tenders and Contracts shown in revisions format, marked as Attachment A.
2. The General Manager be authorised to finalise the City of Hobart Code for Tenders and Contracts and arrange for it to be made available to the public in paper format from the Council's Customer Service Centre and in electronic format from Council's website.

ZUCCO
SHERLOCK

That the recommendation be adopted.

PROCEDURAL MOTION

BRISCOE
DUTTA

That the matter be referred back to committee for further consideration.

PROCEDURAL MOTION
CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

COUNCIL RESOLUTION:

That the matter be referred back to committee for further consideration.

21. Southern Tasmanian Councils Authority Membership
File Ref: F19/39198

Ref: Open [FGC 12](#), 9/04/2019

That the Council remain in the Southern Tasmanian Councils Association and a review of the membership be undertaken in 12 months' time.

ZUCCO
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	Briscoe
Harvey	Denison
Dutta	Behrakis
Ewin	
Sherlock	

22. Hobart Rivulet Park at 60 Anglesea Street, South Hobart - TasNetworks Easement
File Ref: F19/32977; 3069222L

Ref: Open [PRC 6.2](#), 4/04/2019

- That:
1. Approval be granted to TasNetworks for an easement over the City's land in Hobart Rivulet Park at 90 Anglesea Street in accordance with TasNetworks easement folio reference 158319/1 & 2.
 2. The General Manager be authorised to negotiate the terms and conditions of the easement.
 3. TasNetworks will be notified of the Council's resolution with conditional consent.

BRISCOE
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

SPECIAL REPORT - LORD MAYOR

23. Elected Member Professional Development Plan - Councillor Harvey
File Ref: F19/41388

That the Professional Development Plan for Councillor Harvey, as attached to the Open Council Agenda of 15 April 2019, be received and noted.

BURNET
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

24. CLOSED PORTION OF THE MEETING

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
- Commercial information of a confidential nature
- Proposal for council to acquire land
- Information of a personal and confidential nature

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	Charitable Rates Exemptions LG(MP)R 15(2)(g)
Item No. 7	Street Re-Numbering Request - Sandy Bay Road LG(MP)R 15(2)(g)
Item No. 8	Proposal - Ropes Course on City Land LG(MP)R 15(2)(c)(i)
Item No. 9	Sandy Bay Bathing Pavilion - Lease and Cafe Proposal LG(MP)R 15(2)(c)(i)
Item No. 10	Lot 104, Wilmslow Avenue & 74 Risdon Road, New Town - Variation to Council Decision LG(MP)R 15(2)(f)

ZUCCO
BURNET

That the recommendation be adopted.

MOTION CARRIED BY ABSOLUTE
MAJORITY

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Briscoe	
Denison	
Harvey	
Behrakis	
Dutta	
Ewin	
Sherlock	

The Chairman adjourned the meeting at 7pm for a comfort break.

The meeting was reconvened at 7.11pm.

There being no further business the meeting closed at 7.44pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
6TH DAY OF MAY 2019.

CHAIRMAN