



CITY OF HOBART MINUTES

OPEN PORTION
TUESDAY, 11 FEBRUARY 2020
AT 5:00 PM
COUNCIL CHAMBER, TOWN HALL



ORDER OF BUSINESS

PRESENT, APOLOGIES AND LEAVE OF ABSENCE

1. CONFIRMATION OF MINUTES.....	3
2. TRANSFER OF AGENDA ITEMS.....	4
3. COMMUNICATION FROM THE CHAIRMAN	4
4. NOTIFICATION OF COUNCIL WORKSHOPS.....	4
5. PUBLIC QUESTION TIME	4
6. PETITIONS	5
7. CONSIDERATION OF SUPPLEMENTARY ITEMS	5
8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST	6
REPORTS OF COMMITTEE.....	6

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY	6
9.1 23 Marievile Esplanade, Sandy Bay - Partial Demolition, Extension and Alterations	6
9.2 71 Nelson Road, Sandy Bay - Partial Demolition and New Fencing	9
9.3 110 Regent Street, Sandy Bay - Partial Demolition, Extension, Alterations, Fencing and Two Multiple Dwellings (One Existing, One New)	12
9.4 235-237 Collins Street, Hobart and Adjacent Road Reserve - Partial Demolition, Alterations and Partial Change of Use to Single Dwelling	23

SPECIAL REPORTS – GENERAL MANAGER

10. Code of Conduct Determination Report	30
11. Committee Vacancies Resignation of Alderman Denison.....	32
12. Alderman Zucco - Service Recognition Function.....	39
13. CLOSED PORTION OF THE MEETING.....	41

PRESENT:

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, Councillor W F Harvey, Alderman S Behrakis, Councillors M S C Dutta, H Ewin and Z E Sherlock.

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

Councillor W N S Coats.

Councillor Ewin arrived at the meeting at 5:06 pm and was not present for items 1 to 6.

Alderman Zucco declared an interest in item 12, left the meeting at 6:14 pm, returning at 6:40 pm.

Councillor Sherlock left the meeting at 6:24 pm, returning at 6:26 pm.

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 [Tuesday, 28 January 2020](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

BURNET
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
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 General Manager reports that the following workshop has been conducted since the last ordinary meeting of the Council:

Date: 4 February 2020

Purpose: Elected Member Forum

5. PUBLIC QUESTION TIME

5.1 Ms Isla MacGregor – Women Speak Tasmania – Code of Conduct Complaints – Councillor Ewin

Ms MacGregor of Women Speak Tasmania put the following question and the Lord Mayor took the question on notice. The Lord Mayor advised that a written response will be provided.

Question:

The Lord Mayor's handbook states:

As the council figurehead it is important that the mayor models and promotes good governance within the council.... that involves taking charge, responsibility, making decisions based on credible information, understanding the interests of the community, exercising good judgement, being fair and respecting others.

In your Mercury article *Social Media Rules worth voting for* you wrote:

It's not easy to maintain good and professional relationships if elected members campaign against each other online, arm their tribe with incorrect and misleading information, and fire up their supporters to attack and insult via comments on Facebook.... and further.... It is up to each elected member to remove any offensive discriminatory, defamatory or vulgar comments.... and further.... if we can lead by example and improve the dialogue ourselves as elected members it would be an important start to a more respectful debate throughout the community.

My question to you is this:

As Councillor Ewin has been subject to two Code of Conduct complaints over repeated breaches of the *Code of Conduct and Social Media Guidelines*, and as the *mayor models and promotes good governance within the council* – surely it would have been a kindness for you to speak with Councillor Ewin, lead by example and mentor other Councillors less experienced on what exercising good judgement, being fair and respecting others means, as to date, without any public statement from you on these matters, would the community be justified in calling into doubt your apparent double standards in exempting your tribe from conduct and policies you claim to promote?

6. PETITIONS

No petitions were received.

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*.

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 Council has resolved to deal with.

1. Alderman Zucco- Item 12.

REPORTS OF COMMITTEE

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 23 Marievile Esplanade, Sandy Bay - Partial Demolition, Extension and Alterations

PLN-19-889 - File Ref: F20/9741

Ref: Open [CPC 7.1.1](#), 3/02/2020
Application Expiry Date: 19 February 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a partial demolition, extension and alterations at 23 Marievile Esplanade Sandy Bay TAS 7005 for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 3 February 2020 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-19-889 - 23 MARIEVILLE ESPLANADE SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENV 1

An approved Construction Environmental Management Plan must be implemented.

Prior to the commencement of works, a Construction Environmental Management Plan prepared by suitably qualified persons must be submitted and approved. The Demolition and Construction Environmental Management Plan must:

- detail the proposed construction methodology (particularly where works may have environmental impacts);
- identify all potential environmental impacts associated with the works, particularly the risk of water pollution; and
- include measures to adequately avoid or mitigate all identified environmental risks.

The approved Construction Environmental Management Plan forms part of this permit and must be complied with.

Advice: Once the CEMP 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 potential for environmental impacts from the construction works

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.

PART 5 AGREEMENT

Please note that the development site is located within a Coastal Inundation Medium Hazard Area under the Inundation Prone Areas Code of the *Hobart Interim Planning Scheme 2015* and may be subject to coastal inundation over its lifetime. It is recommended that consideration be given to this possibility in the detailed design of the development and that flood-resistant design be considered.

BURNET
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

**9.2 71 Nelson Road, Sandy Bay - Partial Demolition and New Fencing
PLN-19-851 - File Ref: F20/10037**

Ref: Open [CPC 7.1.3](#), 3/02/2020
Application Expiry Date: 28 February 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition and new fencing at 71 Nelson Road Sandy Bay Tas 7005 for the reasons outlined in the officer's report attached to item 7.1.3 of the Open City Planning Committee agenda of 3 February 2020 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-19-851 71 NELSON ROAD SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG s1

The proposed sliding gate must open to the full width of the driveway access carriageway.

Reason for condition

To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists.

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*.

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a licence to Occupy and/or Carry Out Works in the Hobart City Council highway reservation. Click [here](#) for more information.

PLANNING

During construction care should be taken to protect the structural root zone of the tree to the south of the access. Careful consideration of the placement of footings must be taken to avoid damage to the root system when installing the fence and electric gate.

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

The applicant is alerted that significant TasNetwork infrastructure is located in the vicinity of the proposed fence. The applicant must complete Dial Before You Dig investigations prior to commencement of works. Click [here](#) for dial before you dig information.

Please note, typically, easement width for underground cables can vary between 4-6 metres in total. Any encroachments into these easement widths would need to be considered on a case by case basis. Any changes required to existing assets/connections or any new electricity connections should be made via TasNetworks' [Connections Portal](#).

BURNET
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

**9.3 110 Regent Street, Sandy Bay - Partial Demolition, Extension, Alterations, Fencing and Two Multiple Dwellings (One Existing, One New)
PLN-19-628 - File Ref: F20/10185**

Ref: Open [CPC 7.1.4](#), 3/02/2020
Application Expiry Date: 12 February 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, extension, alterations, fencing and two multiple dwellings (one existing, one new) at 110 Regent Street, Sandy Bay for the reasons outlined in the officer's report attached to item 7.1.4 of the Open City Planning Committee agenda of 3 February 2020 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-19-628 - 110 REGENT STREET SANDY BAY TAS 7005 - Final 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 TWDA 2019/01471-HCC dated 10/10/2019 as attached to the permit.

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).

Advice: Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.

Reason for condition

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

ENG sw4

Any new stormwater connection must be constructed and existing abandoned connections 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; and
2. the size of the connection appropriate to satisfy the needs of the development.

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

Advice:

The applicant is advised to submit detailed design drawings via a Council City Amenity 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 Council City Amenity 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 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

Advice:

The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.

Designers are advised to consult the National Construction Code 2016 to determine if pedestrian handrails or safety barriers compliant with the NCC2016 are also required in the parking module this area may be considered as a path of access to a building.

Reason for condition

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

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, and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the planning permit.

Prior to the first occupation, documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above 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 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.

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 to be provided on the site, for use is four (4). An additional on site parking space must be incorporated to achieve this total.

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

Reason for condition

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

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.

HER 17a

The palette of exterior materials must reflect those principal exterior materials of the existing building on the site.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved prior to the commencement of work. The plans must:

1. Substitute the originally proposed use of perforated bronze panel cladding with an exterior cladding to satisfy 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 in a heritage precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HER 17b

The use of the colour and material Colorbond 'Monument' on the roof of the original building, new extension and new dwelling is not approved. An alternative colour must be selected and used that is equivalent to the BCA classification for Colorbond in the light to medium solar absorptance range and that is more sympathetic to and better reflects the exterior colours 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 which shows an alternative roof cladding in accordance with the above requirements.

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

Advice:

The applicant is to note that the solar absorptance of the colour 'Monument' is 0.73 and classified as a 'dark' colour under the BCA. The following link outlines these figures and identifies colours that offer a better thermal efficiency and colours within the light to medium range.

www.steel.com.au/products/coated-steel/colorbond-steel/basix-and-bca-classification

Reason for condition

To ensure that development in a heritage precinct is undertaken in a sympathetic manner which 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.

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.

NEW SERVICE CONNECTION

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

STORMWATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Infrastructure 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 Infrastructure 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.

WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

NOISE REGULATIONS

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

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.

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

**9.4 235-237 Collins Street, Hobart and Adjacent Road Reserve - Partial Demolition, Alterations and Partial Change of Use to Single Dwelling
PLN-18-896 - File Ref: F20/9255**

Ref: Open [CPC 7.1.5](#), 3/02/2020

Application Expiry Date: 9 March 2020

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, and partial change of use to single dwelling at 235-237 Collins Street, Hobart for the reasons outlined in the officer's report attached to item 7.1.5 of the Open City Planning Committee agenda of 3 February 2020 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-18-896 - 235-237 COLLINS STREET HOBART TAS 7000 - 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 3a

The access driveway and parking space 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 3b

The access driveway and parking space design must be submitted and approved, prior to the commencement of work or issuing of any approval under the *Building Act 2016* (whichever occurs first).

The access driveway and parking space design, prepared and certified by a suitably qualified engineer, must comprise either:

1. The JMG plans No. J191140CH, Sheets C01-C04 - Rev P2 (dated 11/11/2019); or
2. An alternative design with detailed analysis demonstrating B85 vehicle clearance, general compliance with the Tasmanian Standard Drawings and AS/NZS2890.1:2004; or
3. Where the design deviates from AS/NZS2890.1:2004, certification by a suitably qualified and experienced engineer that the design will provide safe and efficient access, and enable safe, easy and efficient use; or
4. Plans showing the on-site parking space to be removed along with the existing crossover, and reinstatement of the kerb & channel and public footpath.

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.

Once the design 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.

A permit to open up a highway will be required prior to commencement of work within the highway reservation

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 and parking spaces must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to the commencement of use, documentation by a suitably qualified engineer certifying that the access driveway and parking module 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.

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.

WORK WITHIN THE HIGHWAY RESERVATION

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

CBD AND HIGH VOLUME FOOTPATH CLOSURES

Please note that the City of Hobart does not support the extended closure of public footpaths or roads to facilitate construction on adjacent land.

It is the developer's responsibility to ensure that the proposal as designed can be constructed without reliance on such extended closures.

In special cases, where it can be demonstrated that closure of footpaths in the CBD and/or other high volume footpaths can occur for extended periods without unreasonable impact on other businesses or the general public, such closures may only be approved by the full Council.

For more information about this requirement please contact the Council's Traffic Engineering Unit on 6238 2804.

REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Infrastructure 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.

WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

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.

NOISE REGULATIONS

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

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.

BURNET
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

SPECIAL REPORTS – GENERAL MANAGER

10. Code of Conduct Determination Report
File Ref: F20/10761; 15/130-003

BURNET
EWIN

That the recommendation contained in the memorandum of the General Manager of 5 February 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

SHERLOCK
DUTTA

That Councillor Ewin be granted an additional one minute to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

Councillor Ewin made the following apology in response to the findings of the Code of Conduct Panel:

"I, Councillor Ewin, unreservedly apologise for not showing respect to Alderman Briscoe and ex-Alderman Denison and I suppose Alderman Zucco as well, since you pointed out to me that you wanted to be on the complaint but hadn't read the paperwork correctly, as fellow elected representatives, which may have caused you offense or embarrassment"

BURNET
EWIN

That Councillor Ewin's apology as required by the findings of the Code of Conduct Panel be received and noted.

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

- That: 1. The recommendation contained in the report of the General Manager marked as Attachment A to the Open Council minutes of 11 February 2020, be adopted.
2. Councillor Ewin's apology as required by the findings of the Code of Conduct Panel be received and noted.

Attachment

- A. Original Report - Council Agenda of 11 February 2020 - Item 10 - Code of Conduct Determination Report ⇨ 

**11. Committee Vacancies
Resignation of Alderman Denison
File Ref: F20/10948**

BURNET
SHERLOCK

That the recommendation contained in the memorandum of the General Manager of 5 February 2020, be adopted.

PROCEDURAL MOTION

BRISCOE
THOMAS

That the matter be deferred to a subsequent Council meeting pending the attendance of all Elected Members.

PROCEDURAL MOTION LOST

VOTING RECORD

AYES

Zucco
Briscoe
Sexton
Thomas
Behrakis

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Harvey
Dutta
Ewin
Sherlock

SHERLOCK
EWIN

That Councillor Harvey be nominated to fill the vacancy of member of the City Infrastructure Committee.

BURNET
BEHRAKIS

That Councillor Coats be nominated to fill the vacancy of member of the City Infrastructure Committee.

The Lord Mayor resigned from her position on the City Infrastructure Committee and called for further nominations to fill this vacancy.

There were no further nominations therefore the Lord Mayor declared Councillor Harvey and Councillor Coats elected as members of the City Infrastructure Committee.

THOMAS
BRISCOE

That Alderman Behrakis be nominated as Chairman of the City Infrastructure Committee.

The Lord Mayor called for further nominations.

SHERLOCK
BURNET

That Councillor Harvey be nominated as Chairman of the City Infrastructure Committee.

BURNET
BRISCOE

That a secret ballot be conducted to determine the Chairman of the City Infrastructure Committee.

MOTION CARRIED

VOTING RECORD

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

A secret ballot was then conducted and the Lord Mayor declared Councillor Harvey elected as Chairman of the City Infrastructure Committee.

BURNET
HARVEY

That Councillor Dutta be nominated to fill the vacancy of member of the City Planning Committee.

The Lord Mayor called for further nominations.

BEHRAKIS
EWIN

That Councillor Coats be nominated to fill the vacancy of member of the City Planning Committee.

BRISCOE
THOMAS

That the composition of the City Planning Committee be increased from five to six members with Councillor Dutta and Councillor Coats filling these vacancies.

MOTION LOST

VOTING RECORD

AYES

Zucco
Briscoe
Sexton
Thomas
Behrakis

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Harvey
Dutta
Ewin
Sherlock

BURNET
BRISCOE

That a secret ballot be conducted to determine the member of the City Planning Committee.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

A secret ballot was conducted and the Lord Mayor declared Councillor Dutta elected to the City Planning Committee.

Councillor Harvey resigned as Chairman of the Community, Culture and Events Committee.

HARVEY
BURNET

That Councillor Sherlock be nominated as the Chairman of the Community, Culture and Events Committee.

The Lord Mayor called for further nominations. There being no further nominations the Lord Mayor declared Councillor Sherlock elected as the Chairman of the Community, Culture and Events Committee.

Councillor Dutta resigned as member of the Risk and Audit panel.

BURNET
THOMAS

That the Deputy Lord Mayor Councillor Burnet and Councillor Harvey be appointed to the Risk and Audit Panel.

The Lord Mayor called for further nominations. There being no further nominations the Lord Mayor declared the Deputy Lord Mayor and Councillor Harvey elected to the Risk and Audit Panel.

THOMAS
SHERLOCK

That Alderman Thomas be appointed to the Battery Point Foreshore Accessway Working Group.

The Lord Mayor called for further nominations. There being no further nominations the Lord Mayor declared the Alderman Thomas appointed to the Battery Point Foreshore Accessway Working Group.

HARVEY
EWIN

That Councillor Harvey be appointed to the City of Hobart and UTAS Governance Forum (Proxy).

The Lord Mayor called for further nominations. There being no further nominations the Lord Mayor declared the Councillor Harvey appointed to the City of Hobart and UTAS Governance Forum (Proxy).

BEHRAKIS
SHERLOCK

That Alderman Behrakis be appointed to the HCC Access Advisory Committee (Chair).

The Lord Mayor called for further nominations. There being no further nominations the Lord Mayor declared the Alderman Behrakis appointed as Chairman of the HCC Access Advisory Committee.

BURNET
SHERLOCK

That Councillor Coats be appointed to the Tasmanian Water and Sewerage Corporation as Owner's Representative, subject to availability.

The Lord Mayor called for further nominations. There being no further nominations the Lord Mayor declared Councillor Coats appointed to the Tasmanian Water and Sewerage Corporation as Owner's Representative, subject to his availability.

BRISCOE
EWIN

The following two vacancies remain in abeyance for further discussions to be undertaken:

- (i) Superannuation Policy Group; and
- (ii) Wellington Park Management Trust – Deputy to Alderman Thomas (expiring on 31 December 2021).

MOTION CARRIED

VOTING RECORD

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

BURNET
SHERLOCK

- That: 1. The following elected members be appointed to fill the existing vacant positions the following Council Committees:
- (i) City Infrastructure Committee – Councillor Harvey and Councillor Coats;
 - (ii) Chairman City Infrastructure Committee – Councillor Harvey;
 - (iii) City Planning Committee – Councillor Dutta; and
 - (iv) Chairman Community, Culture and Events Committee – Councillor Sherlock.
 - (v) Risk and Audit Panel – Deputy Lord Mayor Councillor Burnet and Councillor Harvey.
2. The following elected members be appointed to fill the existing vacant positions on the internal and external groups as follows:
- (i) Risk and Audit Panel – Deputy Lord Mayor Burnet and Councillor Harvey;
 - (ii) Battery Point Foreshore Accessway Working Group – Alderman Thomas;
 - (iii) City of Hobart and UTAS Governance Forum (Proxy) – Councillor Harvey; and
 - (iv) HCC Access Advisory Committee (Chair) – Alderman Behrakis;
 - (v) Tasmanian Water and Sewerage Corporation – Owner's Representative – Councillor Coats, subject to availability.
3. The following two vacancies remain in abeyance for further discussions to be undertaken;
- (i) Superannuation Policy Group; and
 - (ii) Wellington Park Management Trust – Deputy to Alderman Thomas (expiring on 31 December 2021).

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

- That: 1. The following elected members be appointed to fill the existing vacant positions the following Council Committees:
- (i) City Infrastructure Committee – Councillor Harvey and Councillor Coats;
 - (ii) Chairman City Infrastructure Committee – Councillor Harvey;
 - (iii) City Planning Committee – Councillor Dutta; and
 - (iv) Chairman Community, Culture and Events Committee – Councillor Sherlock.
 - (v) Risk and Audit Panel – Deputy Lord Mayor Councillor Burnet and Councillor Harvey.
2. The following elected members be appointed to fill the existing vacant positions on the internal and external groups as follows:
- (i) Risk and Audit Panel – Deputy Lord Mayor Burnet and Councillor Harvey;
 - (ii) Battery Point Foreshore Accessway Working Group – Alderman Thomas;
 - (iii) City of Hobart and UTAS Governance Forum (Proxy) – Councillor Harvey; and
 - (iv) HCC Access Advisory Committee (Chair) – Alderman Behrakis;
 - (v) Tasmanian Water and Sewerage Corporation – Owner's Representative – Councillor Coats, subject to availability.
3. The following two vacancies remain in abeyance for further discussions to be undertaken;

- (i) Superannuation Policy Group; and
- (ii) Wellington Park Management Trust – Deputy to Alderman Thomas (expiring on 31 December 2021).

Attachment

- A. Original Report - Council Agenda of 11 February 2020 - Item 11 - Committee Vacancies - Resignation of Alderman Denison ⇒ 

Alderman Zucco left the meeting after declaring an interest in item 12.

12. Alderman Zucco - Service Recognition Function
File Ref: F20/14287

BURNET
BRISCOE

That the recommendation contained in the memorandum of the Acting Director City Governance of 6 February 2020 be adopted.

AMENDMENT

DUTTA
SHERLOCK

5. Elected members consider making a voluntary contribution from the elected member allowance towards the cost of the event.

AMENDMENT CARRIED

VOTING RECORD

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

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Harvey
Behrakis
Dutta
Sherlock

NOES

Deputy Lord Mayor Burnet
Ewin

COUNCIL RESOLUTION:

- That: 1. In recognition of Alderman Zucco's service milestone as the longest serving Elected Member in the history of the Hobart City Council, the Council approve a two hour cocktail function for 80 persons in the Court Room, at a cost of \$3328, to be funded from the City Government Function within the 2019/20 Annual Plan.
2. In the event of Alderman Zucco seeking to invite guests over and above the eighty people as approved by the Council, and thereby necessitating the relocation of the function to the Town Hall, all additional costs associated with doing so, such as hall hire fees, catering and invitation costs, including additional administration be funded personally by Alderman Zucco, subject to terms and conditions required by the General Manager to ensure the probity and transparency of arrangements.
3. The General Manager be authorised to facilitate the arrangements, as outlined in clause 3.
4. A policy be prepared for consideration by Council which acknowledges significant service occasions of Elected Members, which are not addressed within current policy provisions.
5. Elected members consider making a voluntary contribution from the elected member allowance towards the cost of the event.

Attachment

- A Original Report - Council Agenda of 11 February 2020 - Item 12 - Alderman Zucco - Service Recognition Function ⇒ 

13. 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;
- Information of a 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	Dark Mofo 2020 LG(MP)R 15(2)(c)(i)

BURNET
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED BY ABSOLUTE MAJORITY

VOTING RECORD

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

There being no further business the meeting closed at 6:43 pm.

TAKEN AS READ AND SIGNED AS A
CORRECT RECORD THIS
24TH DAY OF FEBRUARY 2020.

CHAIRMAN