



CITY OF HOBART MINUTES

OPEN PORTION
MONDAY, 5 JULY 2021
AT 5:00 PM
COUNCIL CHAMBER, TOWN HALL

This meeting of the Council was conducted in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.



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, Councillor W F Harvey, Alderman S Behrakis, Councillors M S C Dutta, J Ewin, Dr Z E Sherlock and W N S Coats.

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

Nil.

Councillor Ewin joined the meeting at 5.16 pm and was not present for items 1 to 8 inclusive.

Alderman Sexton retired from the meeting at 5.49 pm and was not present for the second vote on item 9.1 and items 9.2 to 18 inclusive.

Alderman Behrakis left the meeting at 6.11pm, returning at 6.13 pm.

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Special Meeting of All Council Committees held on [Wednesday, 16 June 2021](#), and the Open Portion of the Council meeting held on [Monday, 21 June 2021](#), 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	
Sherlock	
Coats	

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 Chief Executive Officer reports that the following Council workshops have been conducted since the last ordinary meeting of the Council.

Date: 29 June 2021
Purpose: Capital City Strategic Workshop Update

5. PUBLIC QUESTION TIME

5.1 Mr Brian Corr - Code of Conduct Costs

Mr Brian Corr put the following question which the Lord Mayor took on notice.

My question relates to the above Code of Conduct Panel's findings against Alderman Zucco and the costs incurred, noting that Alderman Zucco was found guilty of 21 breaches of the 'Aldermanic Code of Conduct'.

From submissions made by Alderman Zucco, it is obvious that he got extensive legal advice. I found this advice to be 'lots of words with little substance' and believe its intention was to scare me so I might drop the case. However, as a result, I had to spend 80 to 100 hours working on my submissions, all to protect my good reputation and that of Hobart Not Highrise Inc.

The amount of documentation can only have resulted in the Code of Conduct Panel (3 members + secretariat) also spending many hours working on this complaint.

My question is in 2 parts:

What were the costs of:

- 1. Legal advice before, during, and after, the Panel's decision, given to Alderman Zucco, and, if any, to the City of Hobart?*
- 2. The Code of Conduct Panel?*
- 3. Time spent on the matter by City of Hobart staff?*
- 4. Any other cost(s) not included in 1 to 3?*

What amount was paid by each of the following:

- 1. City of Hobart i.e. ratepayers?*
- 2. Insurance policies or the like?*
- 3. Alderman Zucco himself?*
- 4. Any others not included in 1 to 3?*

5.2 Mr Jarrah Vercoe - Development Assessment Costs

Mr Jarrah Vercoe put the following question which the Lord Mayor took on notice noting it was unlikely that an answer to the question would be provided while the development application was still live.

My question refers specifically to the planning application currently under assessment by the Hobart City Council PLN 19-345 for cable cars over the organ pipes and a massive, commercial complex on the pinnacle of kunanyi / Mt Wellington. Acknowledging that the DA's "economic impact report" contains entire sections that are redacted so cannot actually be assessed, what is the assessment of this DA costing the ratepayers of Hobart and what proportion of that assessment is being paid for by the Mt Wellington Cable Way Company?

6. PETITIONS

6.1 Haig Street - Traffic Calming Measures

The Chief Executive Officer tabled a petition from residents of Haig Street, Lenah Valley calling for the Council to implement traffic calming measures on Haig Street, Lenah Valley to restrict traffic volumes and speed e.g. traffic islands, speed humps, mid-block chicanes, local traffic only signage.

There were 28 signatories to the petition.

BURNET
DUTTA

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
Harvey
Behrakis
Dutta
Sherlock
Coats

Attachment

- A. Petition - Traffic Calming Measures in Haig Street Lenah Valley ⇨



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 Chief Executive Officer 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.

No interest was indicated.

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 Chief Executive Officer 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 79 Collins Street, Hobart and Adjacent Road Reserve - Partial Demolition and New Building for Visitor Accommodation, Hotel Industry, Food Services, and Community Meeting and Entertainment, and Associated Works

PLN-20-911 - File Ref: F21/60432

Ref: Open [CPC 7.2.1](#), 28/06/2021

Application Expiry Date: 6 July 2021

BURNET
DUTTA

That the recommendation contained in the Officer's report, marked as item 7.2.1 to the Open City Planning Committee Agenda of 28 June 2021, be adopted.

MOTION LOST

VOTING RECORD

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

BEHRAKIS
THOMAS

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for the use/development of the land for the purpose of Partial Demolition and New Building for Visitor Accommodation, Hotel Industry, Food Services, and Community Meeting and Entertainment, and Associated Works at 79 Collins Street, Hobart, for the reason that it meets the provisions of the planning scheme including E13.7.1 P1, E13.7.2 P1, E13.7.2 P2, E13.7.2 P3, E13.7.2 P4 and 22.4.1 P5, subject to the following conditions, subject to the following conditions:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-20-911 - 79 COLLINS STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/00203-HCC dated 18/06/2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 15

A demolition waste management plan must be implemented throughout demolition.

A demolition waste management plan must be submitted and approved as a Condition Endorsement, prior to commencement of work on the site. The demolition waste management plan must include provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.

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

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

PLN s1

The palette of exterior colours, materials, and finishes must be provided.

Prior to the issue of any approval under the *Building Act 2016* (excluding for demolition, excavation and works up to the ground floor slab), revised plans, details, montages, and samples where appropriate, must be submitted and approved as a Condition Endorsement to the satisfaction of the Director City Planning showing exterior colours, materials, and finishes in accordance with the above requirement. Particular attention is to be paid to the stencilled concrete panel treatment of the south west elevation.

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

Reason for condition

In the interest of the streetscape and townscape values of the surrounding area.

PLN s2

The public art contribution of \$200,000 must be paid to the Council prior to the issue of any approval under the *Building Act 2016*, excluding for demolition and works up to the ground floor slab.

Advice: To arrange payment please contact the Development Appraisal Planning Unit on 6238 2715.

Reason for condition

In accordance with the stated intent of the applicant and to ensure the proposal provides significant benefits for civic amenities through public art

PLN s4

The rooftop plant and infrastructure must be fully enclosed to reduce its overall visibility.

Prior to the commencement of use, the rooftop plant must be enclosed in a manner which provides overall enclosure to shield the internal plant and infrastructure from view, particularly from more elevated vantage points.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement showing a revised screening approach that achieves overall enclosure to reduce the visual impact of this rooftop element.

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

Reason for condition

To reduce the visual impact of the rooftop plant and infrastructure which is often left as an underdeveloped and conspicuous screen feature on taller buildings.

ENG 12

A construction waste management plan must be implemented throughout construction.

A construction waste management plan must be submitted and approved as a Condition Endorsement, prior to commencement of work on the site. The construction waste management plan must include:

- Provisions for commercial waste services for the handling, storage, transport and disposal of post-construction solid waste and recycle bins from the development; and
- Provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.

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

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

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.

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

The 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 as part of an application for a new stormwater connection, prior to the issuing of any approval under the *Building Act 2016* or commencement of works (which ever occurs first). 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.

Reason for condition

To ensure the site is drained adequately.

ENG 13

An ongoing waste management plan for all commercial and domestic waste and recycling must be implemented post construction.

A waste management plan must be submitted and approved as a Condition Endorsement, prior to commencement of work on the site. A waste management plan must:

1. Include provisions for commercial waste services for the handling, storage, transport and disposal of commercial waste and recycle bins from the development;

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

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

ENG tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved as a Condition Endorsement, prior to commencement work (including demolition). The construction traffic and parking management plan must:

1. Be prepared by a suitably qualified person;
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction;
3. Include a start date and finish dates of various stages of works;
4. Include times that trucks and other traffic associated with the works will be allowed to operate;
5. Nominate a superintendent, or the like, to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works;

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

Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 7

The number of bicycle parking spaces approved is twenty-three (23).

Design drawings must be submitted and approved under Condition Endorsement, prior to the first occupation or commencement of use (whichever occurs first). The drawings must:

1. Show the layout of the approved number of bicycle parking spaces, in accordance with the Australian Standards AS 2890.3:2015, to satisfy the above requirement;

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

Reason for condition

To ensure safe and efficient parking adequate to provided for the use.

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 2

An approved Demolition and Construction Environmental Management Plan, prepared by suitably qualified persons, must be implemented.

A Demolition and Construction Environmental Management Plan must be submitted and approved prior to the commencement of works and prior to the issue of any approval under the *Building Act 2016*.

The plan must include, but is not limited to, the following:

1. Details of the proposed construction methodology and expected likely timeframes.
2. The proposed days and hours of work and proposed hours of activities likely to generate significant noise emissions (including volume and timing of heavy vehicles entering and leaving the site).
3. Details of potential environmental impacts associated with the development works including noise, vibration, erosion and pollution (air, land and water).
4. Details of proposed measures to avoid or mitigate to acceptable levels all identified potential environmental impacts during development works including, but not limited to:
 - a. A noise and vibration management plan generally consistent with *AS 2436-2010 - Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites* and the *Interim Construction Noise Guidelines* (New South Wales Department of Environment and Climate Change, July 2009) including, but not limited to:

- i. identification of potentially noisy or vibration-causing construction activities;
 - ii. procedures to ensure that all reasonable and feasible noise and vibration mitigation measures are applied during operation of the construction management plan; and
 - iii. details of monitoring measures and triggers for corrective actions.
- b. A soil and water management plan including:
- i. measures to minimise erosion and the discharge of contaminated stormwater off-site;
 - ii. measures to minimise dust emissions from the site;
 - iii. measures to manage the disposal of surface and groundwater from excavations; and
 - iv. measures to prevent soil and debris being carried onto the street.

5. Details of proposed responsible persons, public communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

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

Reason for Condition

To minimise the potential for impacts from the construction works

HER 6

All conclusions and recommendations on pages iii and 38-39 of the report '79-81 Collins Street, Hobart Statement of Archaeological Potential, Final report prepared for ERA Planning and Environment,' by Austral Tasmania dated 19 January 2021 must be adhered to. This includes a design review following the completion of detailed engineering drawings, test excavations, and the preparation of an Archaeological Impact Assessment and an Archaeological Method Statement.

All onsite excavation and disturbance must be undertaken and monitored by a suitably qualified archaeologist. Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

1. All excavation and/or disturbance must stop immediately; and
2. A qualified archaeologist must be engaged provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and
3. All and any recommendations made by the archaeologist engaged in accordance with 2. above must be complied with in full; and

4. All features and/or deposits discovered must be reported to the Council with 1 days of the discovery and prior to the conclusion of the excavation, and,
5. A qualified archaeologist must undertake an audit of all bulk archaeological materials such as worked sandstone blocks, 19th century bricks or cobblestones suitable for reuse. These bulk archaeological features shall be retained on site subject to the approval of their removal from the archaeological dig by the Council.
6. A copy of the archaeologist's advice, assessment and
7. Recommendations obtained in accordance with 2, 3 and 5 above must be provided to Council within 60 days of receipt of the advice, assessment, and recommendations and prior to the issue of any approval under the *Building Act 2016* (excluding for demolition) to the satisfaction of Council.

Excavation and/or disturbance must not recommence unless and until approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence.

HER 7

Archival quality annotated photographs and drawings of the building and features to be demolished must be recorded prior to commencement of work.

The photographs and drawings must be submitted and approved as a Condition Endorsement, prior to the commencement of work. The photographs and drawings must include:

1. Each elevation of the building;
2. The interior of the building;
3. Architectural design detailing of the building;
4. Both electronic and hard copy colour images;
5. Photographs of any detail that may be of historical or architectural interest; and
6. Cross referencing of all photographs to "as existing" plan showing the location and orientation of the camera.

Reason for condition

To ensure recognition of the historic cultural heritage significance of the place.

HER 8

Salvage must be undertaken to ensure the protection and/or reuse of the following heritage items.

1. Pressed tin ceilings from ground and 1st floor,
2. Cargo door, and
3. Timber stairs and balustrades.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved as a Condition Endorsement which shows the protection/reuse of the listed heritage items in accordance with the above requirements.

Documentation must be submitted and approved as a Condition Endorsement, prior to the commencement of work.

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

Reason for condition

To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values unless there are exceptional circumstance.

HER 17a

The palette of exterior colours, finishes and materials must reflect the palette of colours, finishes and materials of the existing heritage listed building.

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

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

Reason for condition

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

HER s1

The Collins Street awning must match the the awning at 85-99 Collins Street in both plan and section.

Drawings must be submitted and approved as a Condition Endorsement, prior to the commencement of work. The drawings must include:

- A Collins Street elevation of the building; and
- Architectural design detailing of the awning;

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

Reason for condition

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

HER s2

On-site interpretation and history must be installed prior to first occupation.

Prior to first occupation, an interpretation plan/strategy to inform the on-site interpretation and history must be submitted and approved as Condition Endorsement. The interpretation plan/strategy must be prepared by a suitably qualified person, and must include all artefacts of high interpretative value and/or rare or otherwise significant as determined by the qualified archaeologist engaged in accordance with Condition HER 6. The on-site interpretation and history must incorporate these artefacts, and be located in a publicly accessible space.

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

Reason for condition

To ensure that there is public benefit from archaeological investigations and that the site history is appropriately interpreted.

HER s3

The audit report prepared in accordance with condition HER 6, must be submitted and approved as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* for construction of the development (excluding any approval issued under this Act for demolition associated with the development). The audit report must also demonstrate how the finds described in condition HER 6, sub-clause 5 are to be incorporated into the development in landscaping, vertical or horizontal surfaces, or other designed or decorative features. Revised plans must be submitted and approved as part of the Condition Endorsement showing the recommendations of the audit report in accordance with the above requirement.

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

Reason for condition

To ensure that archaeological evidence is retained, protected and preserved or otherwise appropriately managed.

SURV 8

The applicant, at no cost to the Council, must have prepared, entered into, and have registered at the Land Titles Office, a deed pursuant to Section 75CA of the *Conveyancing and Law of Property Act 1884* for the glass canopy encroachment over Collins Street, prior to the issue of a completion certificate.

Advice: A Section 75CA Conveyancing & Law of Property Act 1884 certificate for the occupation of a Highway requires that the encroachment is a minimum 2.40 metres above the footpath or 4.25 metres above the road carriageway. A 600mm set back from the back of kerb may also be required.

The applicant must prepare and forward the required instrument pursuant to section 75CA Conveyancing & Law of Property Act 1884, including a survey plan of the encroachment (certified by a registered surveyor), the associated \$220 Council application fee and the Land Titles Office registration fee, to the Council for execution and subsequent registration within the Land Titles Office.

Reason for Condition

To ensure that the proposed building encroachment over Collins Street is formalised in accordance with statutory provisions.

SURV 16

The titles comprising the development site (CT 51164/1 and CT 51178/2) are to be adhered in accordance with the provisions of Section 110 of the Local Government (Building and Miscellaneous Provisions) Act 1993, to the satisfaction of the Council prior to the issue of any building consent, building permit (excluding demolition) and / or plumbing permit pursuant to the Building Act 2016 (if applicable), or the commencement of works on site (whichever occurs first).

Advice:

The application for an adhesion order to the Council has a fee of \$230.

Evidence will be required that the owners and mortgagees do not object to the adhesion and the condition is considered completed when a copy of the receipt for the Land Titles Office lodgement slip for the adhesion order has been received by the Council.

Reason for condition

To ensure compliance with statutory provisions

MOTION LOST

VOTING RECORD

AYES

Zucco
Briscoe
Thomas
Behrakis
Coats

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Harvey
Dutta
Ewin
Sherlock

COUNCIL RESOLUTION:

In the absences of a decision from the Council, this application will be determined by the Director City Planning pursuant to a delegation under section 6(3) of the *Land Use Planning and Approvals Act 1993*, as set out below:

To exercise the power of the Council as planning authority pursuant to Section 59 (7) of the *Land Use Planning and Approvals Act 1993* to determine applications where no request to make a decision has been lodged with the Resource Management and Appeal Tribunal.

**9.2 35 Lipscombe Avenue, 37 Lipscombe Avenue and 16 Lauramont Avenue,
Sandy Bay - Two Multiple Dwellings (One Existing, One New)
PLN-21-272 - File Ref: F21/63011**

Ref: Special Open [CPC 3.1.1](#), 5/07/2021

Application Expiry Date: 22 July 2021

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for two multiple dwellings (one existing, one new), at 35 Lipscombe Avenue, 37 Lipscombe Avenue and 16 Lauramont Avenue, Sandy Bay for the reasons outlined in the officer's report 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-21-272 - 35 LIPSCOMBE AVENUE SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/00634-HCC dated 04/05/2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s4

The dining/living room window in the northern elevation of the dwelling must be modified to reduce the potential for overlooking into the adjacent property to the north.

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

1. The dining/living room window in the northern elevation having a sill height of not less than 1.7m above the floor level or the application of fixed obscure glazing (with full details of such) extending to a height of not less than 1.7m above the floor level on this window.

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

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

To reduce the potential for privacy impact upon the adjoining property.

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.

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.

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), detention for stormwater discharges from the development must be installed.

The design must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The design must be prepared by a suitably qualified engineer and must:

1. include detailed design and supporting calculations of the detention tank showing:
 - a) detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
 - b) the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
 - c) the discharge rates and emptying times; and
 - d) all assumptions must be clearly stated;
2. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS 1170.1:2002 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 new access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS 2890.1:2004 (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, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to the first occupation or commencement of use (whichever occurs first), 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 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 or 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 to be used on the site for the proposed second dwelling is one (1).

All parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004, prior to first occupation or commencement of use (whichever occurs first).

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.

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

If any condition requires that further documents are submitted and approved, 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](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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.

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 for the occupation of the public highway for construction or special event (e.g. placement of skip bin, crane, scissor lift etc). Click [here](#) for more information.

RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

PRIVATE COVENANTS

Please be advised that this property is subject to covenants contained within the schedule of easements.

The approved development may require consent and/or a modification to the covenant to ensure it is undertaken lawfully. You must not act on this planning permit until you have obtained any necessary consent or modification to the covenant which is required for the approved development.

If you proceed with the development inconsistent with the terms of the covenant, the parties with the benefit of the covenant may be entitled to make an application in the Courts to restrain a breach. The grant of this planning permit does not constitute a waiver, modification or release of the terms of the covenant nor approval under the terms of the covenant to undertake the proposed development.

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
Thomas
Harvey
Behrakis
Dutta
Ewin
Sherlock
Coats

CITY INFRASTRUCTURE COMMITTEE

**10. Draft Container Refund Scheme Bill 2021 - Release for Public Comment
File Ref: F21/54971; 2016-0192**

Ref: Open [CIC 6.2](#), 23/06/2021

- That:
1. The report on the State Government Container Refund Scheme, be noted.
 2. The Chief Executive Officer be authorised to contribute to the review of the *Draft Container Refund Scheme Bill 2021*, and provide a supportive submission to the Local Government Association of Tasmania.
 3. The Chief Executive Officer be authorised to provide feedback on the Regulation (when developed) to underpin the administration of the Draft Container Refund Scheme Bill 2021.

HARVEY
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

11. Council Delegations - Local Government (Highways) Act 1982 - Officer Delegations
File Ref: F21/56056

Ref: Open [CIC 6.3](#), 23/06/2021

That the Council delegate powers under the *Local Government (Highways) Act 1982* to the roles of Manager Parks and Recreation and Program Leader Arboriculture and Nursery, as marked in Attachment A to item 6.3 of the Open City Infrastructure Committee agenda of 23 June 2021.

- (i) As prescribed in the Act, a two-thirds simple majority vote of the Council is required to grant the delegated powers.

HARVEY
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

12. Stage 3 New Town Retail Precinct Upgrade - LRCI Round 3 Grant Funding Opportunity
File Ref: F21/57435; 2017-0082-02

Ref: Open [CIC 10](#), 23/06/2021

- That: 1. The Council authorise the Chief Executive Officer to nominate the works associated with the Stage 3 New Town retail precinct upgrade for funding under phase 3 of the Australian Governments LRTI Program;
2. The Council allocate for its consideration an amount of \$500,000 from the Capital works budget allocation in the 2022-23 year for Stage 3 New Town retail precinct upgrade project.

HARVEY
BURNET

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COMMUNITY, CULTURE AND EVENTS COMMITTEE

**13. Draft Affordable Housing & Homelessness Commitment
File Ref: F21/55443; 17/237**

Ref: Open [CCEC 6.1](#), 24/06/2021

- That:
1. The Council endorse the draft Affordable Housing & Homelessness Commitment 2021-23 marked as Attachment A to item 6.1 of the Open Community Culture and Events Committee agenda of 24 June 2021 for broad community engagement.
 2. A further report be provided to the Council detailing the outcome of the community engagement and presenting the final document for Council approval.

EWIN
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

ECONOMIC DEVELOPMENT & COMMUNICATIONS COMMITTEE

14. COVID-19 Economic Recovery Plan - July 2021 Update
File Ref: F21/54446; 17/298

Ref: Open [EDCC 6.2](#), 24/06/2021

- That:
1. The COVID-19 Economic Response and Recovery Framework and Action Plan 2020-22 – July update, marked as Attachment A to item 6.2 of the Open Economic Development and Communications Committee of 24 June 2021 be endorsed as the second and final update to COVID-19 economic recovery planning.
 2. The Council note the shift in focus from economic recovery to economic development as of this update.
 3. The updated framework and action plan marked as Attachment A to item 6.2 of the Open Economic Development and Communications Committee of 24 June 2021 be provided to the Economic Recovery Business Consultative Group for information and discussion.
 4. Officers continue to engage with the Economic Recovery Business Consultative Group on the future of Hobart's economy, seeking their input on the new economic development strategy as it is progressed.

THOMAS
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

15. Grants Program - Business Grants Stream 2021-22
File Ref: F21/48772; 20/73

Ref: Open [EDCC 6.3](#), 24/06/2021

- That: 1. The Council endorse the strategic framework of the Business Grant stream 2021-22, marked as Attachment A to item 6.3 of the Open Economic Development and Communications Committee agenda of 24 June 2021 to assist businesses:
- in running projects or programs beyond their business as usual, to create a community benefit,
 - to be audience and/or consumer-focused,
 - to build a new loyal customer base.
2. The Council endorse the first iteration of the new Business Grant stream as the Local Business for a Better Community Grant.
3. The Chief Executive Officer be delegated the authority to develop the Terms and Conditions including guidelines of the Business Grant stream 2021-22 in accordance with the City of Hobart Grants Policy.

THOMAS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

SPECIAL REPORT - LORD MAYOR

16. Elected Member Professional Development Plan - Councillor Dr Zelinda Sherlock
File Ref: F21/60663

BURNET
EWIN

That the recommendation contained in the Special Report of the Lord Mayor, marked as item 16 of the Open Council Agenda of 5 July 2021, be adopted.

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

That the Professional Development Plan for Councillor Dr Zelinda Sherlock, marked as Attachment A to item 16 of the Open Council Agenda of 5 July 2021, be received and noted.

SPECIAL REPORT – CHIEF EXECUTIVE OFFICER

**17. Code of Conduct Determination Report Ms Louise Bloomfield v
Councillor Bill Harvey
File Ref: F21/63258**

BURNET
SHERLOCK

That the recommendation contained in the Special Report of the Chief Executive Officer, marked as item 17 of the Open Council Agenda of 5 July 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That the Council receive and note the Code of Conduct Determination Report in respect to a complaint lodged by Ms Louise Bloomfield against Councillor Bill Harvey, shown as Attachment A to item 17 of the Open Council Agenda of 5 July 2021..

18. 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
- Tenders and their terms and conditions
- 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	Processing of Recyclable Materials - Tender and Establishment of a Joint Authority LG(MP)R 15(2)(d)
Item No. 7	Risk and Audit Panel - Appointment of Chairperson LG(MP)R 15(2)(g)

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED BY
ABSOLUTE MAJORITY

VOTING RECORD

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

There being no further business the Open portion of the meeting closed at 6.28 pm.

TAKEN AS READ AND SIGNED AS A
CORRECT RECORD THIS
26TH DAY OF JULY 2021.

CHAIRMAN