



CITY OF HOBART MINUTES

OPEN PORTION
MONDAY, 26 JULY 2021
AT 5:04 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

PRESENT, APOLOGIES AND LEAVE OF ABSENCE

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

CITY PLANNING COMMITTEE

9.	COUNCIL ACTING AS PLANNING AUTHORITY	7
9.1	354 Davey Street, 5 Lynton Avenue, 3A Lynton Avenue, South Hobart - Two Multiple Dwellings (One Existing, One New)	8
9.2	646A Sandy Bay Road, Sandy Bay - Partial Demolition, Alterations, and Partial Change of Use to Food Services.....	21
10.	Monthly Planning Statistics - 1 June - 30 June 2021	25
11.	Monthly Building Statistics - 1 June - 30 June 2021	26

FINANCE AND GOVERNANCE COMMITTEE

12.	2021-22 Fees and Charges - Salamanca Market/Tasmania's Own Market - Public and Product Liability Insurance Levy	28
13.	Local Government Code of Conduct Framework - Public Consultation	28
14.	Local Government Association of Tasmania General Meeting Motions	29

PARKS AND RECREATION COMMITTEE

15.	221A Lenah Valley Road, Lenah Valley (Lot 307) - Proposed TasNetworks Easement	31
-----	---	----

SPECIAL REPORT - LORD MAYOR

16. Elected Member Professional Development Plan - Councillor Jax Ewin	32
17. CLOSED PORTION OF THE MEETING.....	33

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 Dutta joined the meeting at 5.06pm.

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 5 July 2021](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

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
Coats

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 no Council workshops have been conducted since the last ordinary meeting of the Council.

5. PUBLIC QUESTION TIME

5.1 Isla MacGregor - Councillor Ewin

Ms Isla MacGregor put the following question to Councillor Ewin which Councillor Ewin took on notice.

Councillor Ewin, my question concerns an event to be held on Council premises on Saturday 28 August 2021, and your comments on Facebook in regard thereto.

The event, titled 'Gender Identity in Law: Impacts on Women, Children and Transgender People – Balancing the Conversation - will take place at the Town Hall and the venue was booked and paid for in accordance with Council's requirements.

On 12 July 2021, you posted the following comment on the Facebook page, Jax Ewin, nipaluna/Hobart City Councillor –

Very unimpressed to see @cityofhobartas platforming exclusive and hateful views of TERFs. Goes against all our community and safety strategies, as well as our Community Vision document. Let's see what if anything can be done about it. Thanks Helen Burnet for being an amazing ally.

The speakers at the forum in question include a transgender person, a federal government senator, an Australian business entrepreneur/journalist, a lawyer, professors of psychology and law, and an associate professor of political philosophy.

First, on what basis do you justify your assertion that the forum will be a platform for 'exclusive and hateful views of TERFs'? What, or who, do you consider a 'TERF' to be? What does the term mean?

Second, how have you determined that the views expressed and the information conveyed at the forum will be 'exclusive' and 'hateful'? Exclusive of whom? Hateful in what way? Noting that one of the speakers is a transgender person, and all are persons working in occupations that require a clear commitment to discretion, ethical conduct and compliance with a plethora of laws and internal regulations. Occupations in which 'hateful' conduct would be anathema to their professional standards.

Accusations of impropriety such as you have made must, in the interests of fairness, be supported by incontrovertible evidence. Can you please provide that evidence - in particular, evidence that the views expressed at the forum will go 'against all (Hobart City Council's) community and safety strategies, as well as (the) Community Vision document'?

Third, you ask 'what can be done about' the forum. Judging by the tenor of responses supporting your position, it seems you wish to have people demand the forum be shut down. Please correct me if this is not your intention. If it is, however, your intent to have Council withdraw the provision of a venue, please advise the grounds for same. We've all heard of 'cancel culture' and the worldwide movement toward outright rejection of ideas with which a group or individual does not agree, often with threats of silencing or other, more dire, consequences.

Is your call to action in respect of this forum based on a legally enforceable issue with the material you assume will be presented, or do you just not agree with it? In which case, should Hobart City Council withdraw the venue because an individual councillor doesn't like what might be said at an event? Should interested members of the public be prevented from hearing a range of views for the same reason?

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 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.

**9.1 354 Davey Street, 5 Lynton Avenue, 3A Lynton Avenue, South Hobart -
Two Multiple Dwellings (One Existing, One New)
PLN-21-13 - File Ref: F21/67755**

Ref: Open [CPC 7.1.1](#), 19/07/2021
Application Expiry Date: 26 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 354 Davey Street, 3A Lynton Avenue, and 5 Lynton Avenue, South Hobart TAS 7004, for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 19 July 2021 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-21-13 - 354 DAVEY STREET SOUTH HOBART TAS 7004 - 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 Amended Submission to Planning Authority Notice, Reference No. TWDA 2021/00077-HCC dated 21/06/2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6509 dated 9 July 2021, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

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.

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.

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 can also be found on the Council's [website](#).

Reason for condition

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

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 (whichever 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.

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 sw6

All stormwater from the proposed development (including hardstand runoff) must be discharged to the Council's stormwater infrastructure with sufficient receiving capacity prior to first occupation. All costs associated with works required by this condition are to be met by the owner.

Design drawings and calculations of the proposed stormwater drainage and connections to the Council's stormwater infrastructure must be submitted and approved prior to the commencement of work. The design drawings and calculations must:

1. prepared by a suitably qualified person; and,
2. include long section(s)/levels and grades to the point of discharge.

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

Advice:

The applicant is advised to submit detailed design drawings and calculations as part of their Plumbing Permit Application. 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 obtain a plumbing permit for the works.

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), a detention system for stormwater discharges from the development must be installed.

A stormwater management report and 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 stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. include detailed design and supporting calculations of the detention tank showing:
 - 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;
 - the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
 - the discharge rates and emptying times; and
 - 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.

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 2b

Prior to the issue of any approval under the *Building Act 2016* or the commencement of works on site (whichever occurs first), a certified vehicle barrier design (including site plan with proposed location(s) of installation) prepared by a suitably qualified engineer, compliant with Australian Standard AS/NZS 1170.1:2002, must be submitted to Council as a Condition Endorsement.

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

ENG 2c

Prior to the first occupation or commencement of use (whichever occurs first), vehicular barriers must be inspected by a qualified engineer and certification submitted to the Council confirming that the installed vehicular barriers comply with the certified design and Australian Standard AS/NZS 1170.1:2002.

Advice:

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

Reason for condition

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

ENG 3a

The access driveway, 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 3b

The access driveway (if required under condition ENG 4) parking module (parking spaces, aisles and manoeuvring area) design must be submitted and approved as a Condition Endorsement, prior to the issuing of any approval under the *Building Act 2016*.

The access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) design must:

1. Be prepared and certified by a suitably qualified engineer,
2. Be generally in accordance with the Australian Standard AS/NZS 2890.1:2004,
3. Where the design deviates from AS/NZS 2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, and,
4. Show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement.

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.

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, passing bay 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 parking module (car parking spaces, aisles and manoeuvring area) and entire passing bay 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).

If more than 40% of strip driveway either side of the passing bay is required to be removed, a fully sealed driveway compliant with current Australian Standards must replace that section.

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 is four (4).

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 Standard AS/NZS 2890.1 2004, prior to commencement of use.

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 8

All recommendations of the Geotechnical Assessment by Doyle Soil Consulting dated March 2021 must be implemented including that footings must be founded on the sandstone bedrock.

Reason for condition

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

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 14

A construction management plan (CMP) must be prepared for the development. The CMP must contain protocols and recommendations for all contractors working operating vehicles, in close proximity to the stone walling along the ROW from Lynton Avenue. The contractors must be briefed on the heritage values of the walling and for the need to protect the structure while undertaking the proposed works.

Prior to the commencement of works (including excavation), all workers and managers must be briefed on the importance of the cultural heritage values of the site as part of a site induction.

Prior to the issue of any approval under the *Building Act 2016*, the CMP must be submitted and approved as a Condition Endorsement in accordance with the above requirements. All works must be undertaken in accordance with the approved CMP.

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 ensure that there is no loss or damage to the heritage values or significant fabric of the site.

HER 17a

Prior to the issue of any approval under the *Building Act 2016*, a full schedule of proposed exterior colours and materials must be submitted to Council's Heritage Unit and approved as a Condition Endorsement.

The exterior colours and materials of the development must be in

accordance with the approved schedule.

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 ensure that development within a heritage place and 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

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.

You may require an occupational license for structures in the Hobart City Council highway reservation, in accordance with conditions to be established by the Council. Click here for more information.

You may require a road closure permit for construction or special event. Click here for more information.

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

BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

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.

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.

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
Coats

**9.2 646A Sandy Bay Road, Sandy Bay - Partial Demolition, Alterations, and Partial Change of Use to Food Services
PLN-21-368 - File Ref: F21/69383**

Ref: Supplementary Open [CPC 13](#), 19/07/2021

Application Expiry Date: 31 August 2021

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and partial change of use to food services at 646A Sandy Bay Road Sandy Bay TAS 7005 for the reasons outlined in the officer's report attached to supplementary item 13 of the Open City Planning Committee agenda of 19 July 2021 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-21-368 - 646A SANDY BAY ROAD 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 2021/00901-HCC dated 9th June 2021 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG 1

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

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

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG s1

Prior to commencement of use, any proposed bollards are to be provided and installed in accordance with Australian Standard AS/NZS 2890.1:2004 and Tasmania Standard Drawings TSD-R31-v3 or TSD-R32-v3 or a Council approved alternative.

Reason for condition

To ensure pedestrian safety and compliance with the standards. The bollards are to be located such that vehicles manoeuvring within the adjacent public car park will be prevented from encroaching into pedestrian ways.

HER 9

The proposed changes to the north/east (entry) and the north/west (coffee servery) as shown on drawings Floor Plan 21.04_DA02, dated 29/04/21 and Elevations 21.04_DA03, dated 29/04/21 are not approved. Revised drawings must be submitted to include the following:

- Hardwood vertical board panelling to match the existing,
- The reuse of the existing metal framed screens (either fixed or hinged)
- The north/east (entry) must have 3 equal vertical divisions above the vertical board panelling
- The north/west (coffee servery) must have 2 equal divisions above the vertical board panelling

- The external colours of the frames and panelling, must be differentiated and reflect the original contrasting colour scheme from the 1960s.

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

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 Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

The drawing submitted on 12 July 2021 and described as: Elevations - Revised, 21.04_DA03, dated 09/07/21, reflects an outcome that would satisfy this condition.

Works to the refurbishment of the sliding door on the north-east elevation should occur prior to the kiosk works.

Reason for condition

To ensure that demolition and new work at a heritage place does not result in the loss of historic cultural heritage values.

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.

COLLECTION OF COMPOSTABLE PRODUCTS

The operator of the kiosk is encouraged to provide a receptacle for the collection of compostable products which have been provided to customers.

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

BURNET
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

10. Monthly Planning Statistics - 1 June - 30 June 2021
File Ref: F21/64749

Ref: Open [CPC 8.1](#), 19/07/2021

That the planning statistical report of the Director City Planning be received and noted:

During the period 1 June 2021 to 30 June 2021, 72 permits were issued to the value of \$24,788,712 which included:

- (i) 5 new single dwellings to the value of \$2,340,000;
- (ii) 72 multiple dwellings to the value of \$15,950,000;
- (iii) 32 extensions/alterations to dwellings to the value of \$3,516,032;
- (iv) 14 extensions/alterations to commercial properties to the value of \$10,363,300;
- (v) 2 major projects:
 - (a) 199 Macquarie Street, Hobart - Partial Demolition, Alterations, Partial Change of Use to Office and Two Multiple Dwellings, New Building for 45 Multiple Dwellings, Signage and Associated Works - \$8,000,000;
 - (b) 98 Argyle Street - Hobart - Demolition and New Building for 20 Multiple Dwellings - \$6,500,000;

During the period 1 June 2020 to 30 June 2020, 61 permits were issued to the value of \$15,312,758 which included:

- (i) 6 new single dwellings to the value of \$1,801,488;
- (ii) 39 multiple dwellings to the value of \$6,777,000;
- (iii) 46 extensions/alterations to dwellings to the value of \$8,471,258;
- (iv) 15 extensions/alterations to commercial properties to the value of \$6,841,500;
- (v) 1 major project:
 - (a) 283-287 Liverpool Street, Hobart - Demolition and New Building for 25 Multiple Dwellings - \$4,950,000

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
Coats

11. Monthly Building Statistics - 1 June - 30 June 2021
File Ref: F21/64782

Ref: Open [CPC 8.2](#), 19/07/2021

That the building statistical report of the Director City Planning be received and noted:

During the period 1 June 2021 to 30 June 2021, 77 permits were issued to the value of \$24,577,711 which included:

- (i) 42 for extensions/alterations to dwellings to the value of \$15,064,851;
- (ii) 7 new dwellings to the value of \$3,278,370;
- (iii) 4 new multiple dwellings to the value of \$2,000,000; and
- (iv) 2 major projects:
 - (a) 66 Burnett Street, North Hobart - Stage 2 - Structural only - \$9,000,000;
 - (b) 1 Burnett Street, North Hobart - New commercial residential building x4 - \$2,000,000;

During the period 1 June 2020 to 30 June 2020, 101 permits were issued to the value of \$28,271,003 which included:

- (i) 47 for extensions/alterations to dwellings to the value of \$6,296,969;
- (ii) 16 new dwellings to the value of \$6,410,832;
- (iii) 0 new multiple dwellings; and
- (iv) 6 major projects:
 - (a) 1 Risdon Road, New Town - Internal Refurbishment, Stage 1 - \$3,292,985
 - (b) 22-26 Elizabeth Street, Hobart - Alterations - \$2,458,400;
 - (c) 96 Bathurst Street, Hobart - Alterations, Level 1 to 6 - \$2,000,000;
 - (d) 200 Collins Street, Hobart - Alterations - \$1,600,000;
 - (e) 34 Davey Street, Hobart - Alterations - \$1,500,000;
 - (f) 5 Dresden Street, Sandy Bay - New Building - \$1,000,000;

In the twelve months ending June 2021, 662 permits were issued to the value of \$198,957,830; and

In the twelve months ending June 2020, 620 permits were issued to the value of \$223,597,790.

BURNET
EWIN

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
Coats

FINANCE AND GOVERNANCE COMMITTEE

12. 2021-22 Fees and Charges - Salamanca Market/Tasmania's Own Market - Public and Product Liability Insurance Levy
File Ref: F21/60651; S33-060-02/38

Ref: Open [FGC 6.1](#), 20/07/2021

That the Public and Product Liability Insurance levy for Salamanca Market/Tasmania's Own Market of \$3.71 (incl. GST) per market day be adopted for the 2021-22 financial year superseding the amount of \$6.73 approved by Council on 24 May 2021.

ZUCCO
THOMAS

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
Coats

13. Local Government Code of Conduct Framework - Public Consultation
File Ref: F21/67041; 15/130

Ref: Open [FGC 6.3](#), 20/07/2021

That the Council make a submission in response to the Discussion Paper – Local Government Code of Conduct Framework to both the Local Government Division and Local Government Association of Tasmania in accordance with the draft positions outlined the report marked as item 6.3 of the Open Finance and Governance Committee agenda of 20 July 2021.

ZUCCO
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
Coats

14. Local Government Association of Tasmania General Meeting Motions
File Ref: F21/65743

Ref: Supplementary Open [FGC 10](#), 20/07/2021

That in accordance with Attachment A to supplementary item 10 of the Open Finance and Governance Committee agenda of 20 July 2021, the Council endorse the motions recommended for support, to be considered at the Local Government Association of Tasmania General Meeting to be held on Thursday 5 August 2021.

ZUCCO
BEHRAKIS

That the recommendation be adopted.

BURNET
BRISCOE

That the motion contained in row two of Attachment A to supplementary item 10 of the Open Finance and Governance Committee agenda of 20 July 2021, which reads as follows, be taken separately:

That LGAT continue to lobby the State Government to implement funding change by-

- a. A 3 year, phased in reinstatement of the equitable distribution of the **heavy motor vehicle road tax distribution** to the percentage of funds collected; and*

- b. A one off additional annual payment allocation of the heavy motor vehicle road tax distribution as compensation for 25 years of no indexation of the funding allocation and to support enhanced road infrastructure development in all local government areas. (Circular Head Council).*

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

The Lord Mayor then put row two of Attachment A to supplementary item 10 of the Open Finance and Governance Committee agenda of 20 July 2021.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

The Lord Mayor then put the recommendation on the agenda.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That in accordance with Attachment A to supplementary item 10 of the Open Finance and Governance Committee agenda of 20 July 2021, the Council endorse the motions recommended for support, to be considered at the Local Government Association of Tasmania General Meeting to be held on Thursday 5 August 2021.

PARKS AND RECREATION COMMITTEE

15. 221A Lenah Valley Road, Lenah Valley (Lot 307) - Proposed TasNetworks Easement
File Ref: F21/60263

Ref: Open [PRC 6.1](#), 8/07/2021

- That:
1. Approval be granted to TasNetworks for an easement over the City's land Lot 307, 221A Lenah Valley Road in accordance with TasNetworks easement folio reference Vol 174693 Folio 307.
 2. Approval be conditional upon TasNetworks consulting with the City prior to undertaking maintenance works.
 3. The Chief Executive Officer be authorised to negotiate the terms and conditions of the easement.
 4. TasNetworks be notified of the Council's resolution with conditional consent.

BRISCOE
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
Coats

SPECIAL REPORT - LORD MAYOR

**16. Elected Member Professional Development Plan - Councillor Jax Ewin
File Ref: F21/68263**

BURNET
ZUCCO

That the recommendation contained in Special Report of the Lord Mayor,
marked as item 16 of the Open Council Agenda of 26 July 2021, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That the Professional Development Plan for Councillor Jax Ewin, as attached to the Open Council Agenda of 26 July 2021, be received and noted.

17. 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:

- Minutes of a Closed Meeting
- Information relating to a lease and disposal of land
- Information relating to personal hardship

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	Grant of Easement Over Council Land - 36 Burnett Street LG(MP)R 15(2)(b) and (f)
Item No. 7	Financial Hardship - Rates Remission Request LG(MP)R 15(2)(j)
Item No. 8	Blinking Billy Point, Lower Sandy Bay - Expiry of Crown Lease LG(MP)R 15(2)(f)

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
Coats

There being no further business the Open portion of the meeting closed at 5.28pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
9TH DAY OF AUGUST 2021.

CHAIRMAN