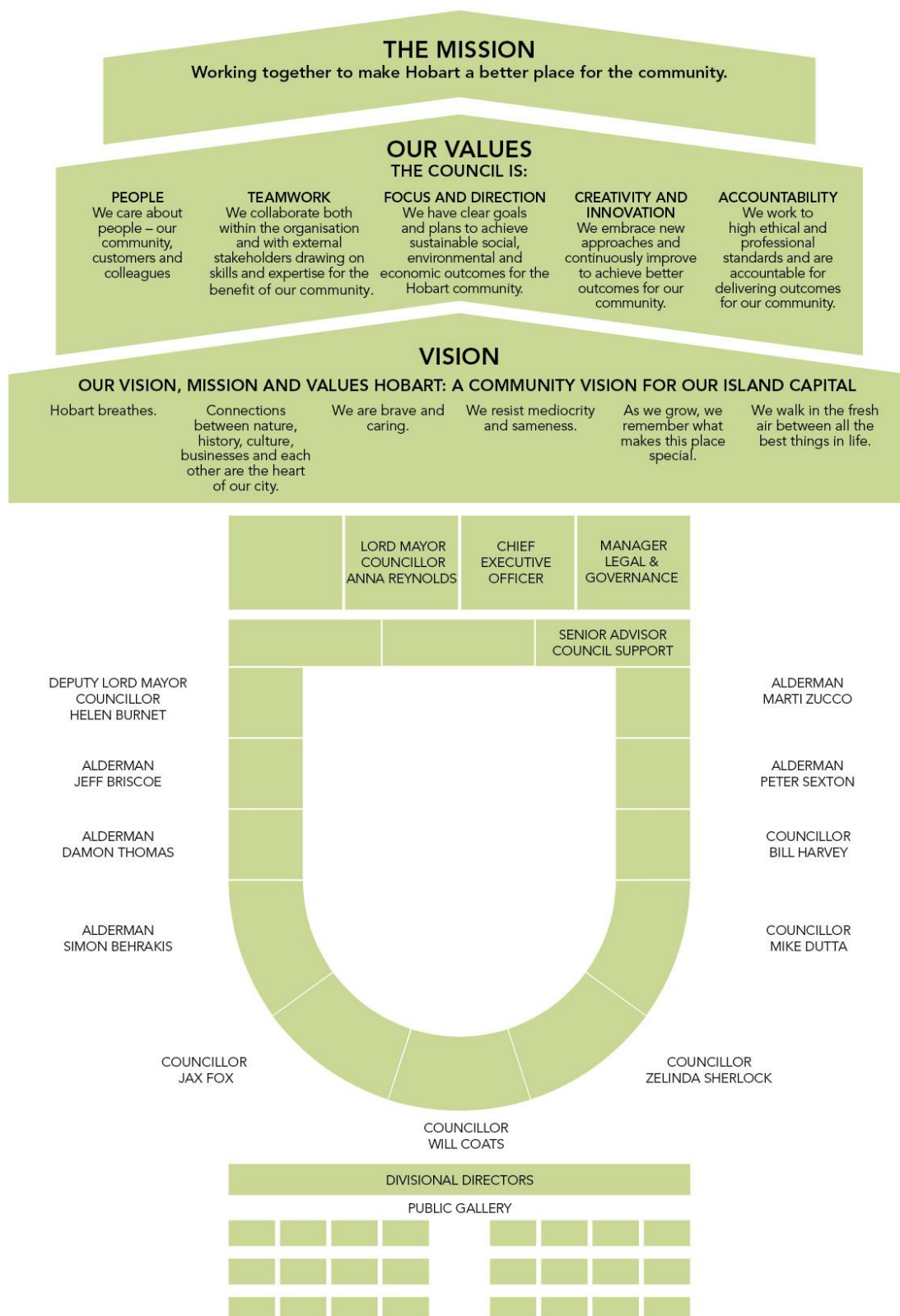




CITY OF HOBART

AGENDA
OPEN PORTION OF THE COUNCIL MEETING
MONDAY, 27 JUNE 2022
AT 5:00 PM





ORDER OF BUSINESS

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A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL ON MONDAY, 27 JUNE 2022 AT 5:00 PM.

Kelly Grigsby
Chief Executive Officer

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

This meeting of the Council is held in accordance with a Notice issued by the Premier on 31 March 2022 under section 18 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020.

ELECTED MEMBERS:

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

APOLOGIES:

LEAVE OF ABSENCE: Nil.

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Tuesday, 14 June 2022](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

2. TRANSFER OF AGENDA ITEMS

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

3. COMMUNICATION FROM THE CHAIRMAN

4. NOTIFICATION OF COUNCIL WORKSHOPS

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

5. PUBLIC QUESTION TIME

Regulation 31 *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 16/119-001

5.1 Public Questions

6. PETITIONS

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

Ref: Part 2, Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

RECOMMENDATION

That the Council resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Elected Members of the Council are requested to indicate where they may have any pecuniary or conflict of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with.

REPORTS OF COMMITTEES

FINANCE AND GOVERNANCE COMMITTEE

9. Budget Estimates 2022-23

File Ref: F22/50232

Ref: Open [FGC 6.1](#), 21/06/2022

- That:
1. The expenses, revenues, capital expenditure, and plant and equipment expenditure detailed in the document 'City of Hobart Budget Estimates 2022-23 Financial Year', marked as Attachment A to item 6.1 of the Open Finance and Governance Committee agenda of 21 June 2022, be approved.
 2. New borrowings of \$1.5 million to be further considered if required for the Doone Kennedy Hobart Aquatic Centre upgrade.
 3. The Council delegate to the Chief Executive Officer the power to enter into loan agreements to source the above borrowings if required on the most favourable terms.
 4. The City of Hobart Rates Resolution 2022-23, marked as Attachment C to item 6.1 of the Open Finance and Governance Committee agenda of 21 June 2022, be adopted as follows:
 - (i) Pursuant to s.90 of the *Local Government Act 1993*, a General Rate of 10.50471 cents in the dollar of Assessed Annual Value (AAV) be made.
 - (ii) Pursuant to s.88A of the *Local Government Act 1993* the Council by absolute majority sets a maximum percentage increase cap on the general rate (as previously made) at 2.6% where that increase has occurred as a result of municipal revaluation undertaken in accordance with s.20 of the Valuation of Land Act 2001.
 - (iii) Pursuant to s.88A(1)(b) and s.107 of the *Local Government Act 1993* the Council by absolute majority declares that the maximum percentage increase cap on the general rate referred to at 4(i) above is varied to 1.6% for all land which is used or predominately used for commercial purposes.
 - (iv) Pursuant to s.88A(2)(b) of the *Local Government Act 1993* the Council by absolute majority fixes the condition that to qualify for the maximum percentage increase cap (as previously made and varied above) the rateable land must not be subject to a supplementary valuation used by the Valuer-General during the period from 1 July 2022 to 30 June 2023.

- (v) Pursuant to s.93A of the *Local Government Act 1993* and the provisions of the Fire Service Act 1979 (as amended) the Council makes the following rates for land within the municipal area:
 - a) A permanent brigade district fire rate of 1.04486 cents in the dollar of AAV subject to a minimum amount of \$44 in respect of all rateable land within the permanent brigade rating district.
 - b) A Fern Tree volunteer brigade district fire rate of 0.28 cents in the dollar of AAV subject to a minimum amount of \$44 in respect of all rateable land within the Fern Tree volunteer brigade rating district.
 - c) A general land fire rate of 0.25 cents in the dollar of AAV subject to a minimum amount of \$44 in respect of all rateable land within the municipal area which is not within the permanent brigade rating district or the Fern Tree volunteer brigade rating district.
- (vi) Pursuant to s.107 of the *Local Government Act 1993* Council declares by absolute majority that the permanent brigade district fire rate is varied within the permanent brigade rating district according to the use or predominant use of land, as follows:
 - a) for land used for commercial purposes, vary the permanent brigade district fire rate to 1.30 cents in the dollar of AAV.
 - b) for land used for industrial purposes, vary the permanent brigade district fire rate to 0.99 cents in the dollar of AAV.
 - c) for land used for primary production purposes, vary the permanent brigade district fire rate to 0.94 cents in the dollar of AAV.
 - d) for land used for public enterprise purposes, vary the permanent brigade district fire rate to 1.46 cents in the dollar of AAV.
 - e) for land used for residential purposes, vary the permanent brigade district fire rate to 0.89 cents in the dollar of AAV.
 - f) for land used for sporting or recreation facilities, vary the permanent brigade district fire rate to 0.54 cents in the dollar of AAV.
 - g) for non-use of the land, vary the permanent brigade district fire rate to 0.82 cents in the dollar of AAV.
- (vii) A Waste Management Service Charge be made and varied according to the use or predominant use of land as follows:

- a) A Service charge of \$260 to apply to residential properties;
and
- b) A Service charge of \$520 to apply to non-residential
properties.
- (viii) A Waste Management Service Charge of \$65 be made for
kerbside food organics garden organics waste collection for all
rateable land within the municipal area to which Council
supplies or makes available a food organics garden organics
waste collection service fortnightly utilising a food organics
garden organics waste collection bin.
- (ix) Pursuant to s.94 of the *Local Government Act 1993*, a Waste
Management Service Charge for food organics garden organics
collection be made in the sum of \$150.00 for all rateable land
within the municipal area to which Council supplies or makes
available a food organics garden organics waste collection
service weekly utilising a food organics garden organics
collection bin
- (x) Pursuant to s.94 of the *Local Government Act 1993*, a service
charge be made for waste management services to offset a levy
payable by the Council to the State Government under the
Waste and Resource Recovery Act 2022 (a Waste Management
Levy Offset Service Charge) and varied according to the use or
predominant use of land as follows:
 - a) A Service charge of \$10 to apply to residential properties; and
 - b) A Service charge of \$20 to apply to non-residential properties.
- 5. The penalty on unpaid rates be 3 per cent of the amount.
- 6. The interest rate on unpaid rates be 8.13 per cent per annum,
charged monthly.
- 7. Unspent 2021-22 capital funding be carried-forward into 2022-23,
with any necessary adjustments to be made in the September 2022
quarter financial report to the Council.
- 8. The 2022-23 Annual Plan, marked as Attachment D to item 6.1 of
the Open Finance and Governance Committee agenda of 21 June
2022 be adopted.
- 9. The Long Term Financial Management plan 2023-32, marked as
Attachment B to item 6.1 of the Open Finance and Governance
Committee agenda of 21 June be adopted.

10. The following delegations be approved:

- (i) Pursuant to Section 22 of the *Local Government Act 1993*, the Council delegate to the Chief Executive Officer, being the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas) the power to expend monies on the Council's behalf identified as Delegation Classification 1 items in the Council's Annual Plan 2022-23; and, the Council authorise the Chief Executive Officer to delegate, pursuant Section 64 of the *Local Government Act 1993*, to such employees of the Council as she considers appropriate, the power to expend monies on the Council's behalf identified as Delegation Classification 1 items in the Council's Annual Plan.
- (ii) Pursuant to Section 22 of the *Local Government Act 1993*, the Council delegate to all the Council Committees the power to expend monies on the Council's behalf identified as Delegation Classification 2 items in the Council's Annual Plan 2022-23.

- 11. The Council note that a mid-year review of the 2022-23 Budget Estimates and Long Term Financial Management Plan 2022-32 will be undertaken.
- 12. The Council note that a review of the mechanism adopted to determine future rate increases will be undertaken during the 2022-23 financial year.
- 13. The Council adopt the amended City of Hobart Rates and Charges policy, marked as Attachment E to item 6.1 of the Open Finance and Governance Committee agenda of 21 June 2022.
- 14. The Chief Executive Officer be authorised to finalise the City of Hobart Rates and Charges Policy and arrange for it to be made available to the public in a paper format from the Council's Customer Service Centre and in an electronic format from Council's website.
- 15. The Council note the observations of the Risk and Audit Panel as detailed in this report.

CITY PLANNING COMMITTEE

10. 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.

10.1. 21 Burnside Avenue, New Town - Change of Use to Visitor Accommodation
PLN-22-249 - File Ref: F22/56705; PLN-22-249

Ref: Open [CPC 7.1.3](#), 20/06/2022
Application Expiry Date: 27 June 2022

That the item be referred to the Council without recommendation.

Attachment A: Original Report - CPC 20 June 2022 - Item 7.1.3 - 21 Burnside Avenue



City of HOBART

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Council:	27 June 2022
Expiry Date:	27 June 2022
Application No:	PLN-22-249
Address:	21 BURNSIDE AVENUE , NEW TOWN
Applicant:	Gurong Cui 21 Burnside Avenue
Proposal:	Change of Use to Visitor Accommodation
Representations:	Three (3)
Performance criteria:	Planning Directive 6; Parking and Access Code

1. Executive Summary

- 1.1 Planning approval is sought for Change of Use to Visitor Accommodation, at 21 Burnside Avenue, New Town.
- 1.2 More specifically the proposal includes:
 - Change of use from permanent, four bedroom, 225m² single residential dwelling to short term visitor accommodation.
 - Two existing car parking spaces within the driveway on the site are allocated to the use.
 - No signage is proposed.
 - No physical works are proposed.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
 - 1.3.1 Planning Directive No. 6 - Exemption and Standards for Visitor Accommodation in Planning Schemes
 - 1.3.2 Parking and Access Code - Number of Parking Spaces
- 1.4 Three (3) representations objecting to the proposal were received within the statutory advertising period between 27 May and 07 June 2022.
- 1.5 The proposal is recommended for approval subject to conditions.

- 1.6 The final decision is delegated to the Council, because the planning application is of a category that has been called in by an Elected Member.

2. Site Detail

Image 1: Aerial view of the subject property and surrounds (Source: Council Geocortex, 2022).

- 2.1 21 Burnside Avenue, New Town is a 611m² residential property occupied by a four bedroom, two storey single dwelling in its front half (Images 1 and 2). The site is set within an established residential area characterised by detached, single dwellings.



Image 2: The front of the site as viewed from Burnside Avenue (Source: Google Street View).

2.2 The site was not entered as part of this assessment.

3. Proposal

3.1 Planning approval is sought for Change of Use to Visitor Accommodation, at 21 Burnside Avenue, New Town..

3.2 More specifically the proposal is for:

- Use of the entire existing, four bedroom, 225m² single dwelling for short term visitor accommodation.
- Two existing car parking spaces within the driveway on the site are allocated to the use.
- No signage is proposed.
- No physical works are proposed.

4. Background

4.1 An application for Partial Demolition, Alterations and Extension to the dwelling was deemed to be No Permit Required Exempt by Council in October 2017. This work was issued a Completion Certificate in February 2021.

5. Concerns raised by representors

- 5.1 Three (3) representations objecting to the proposal were received within the statutory advertising period between 27 May and 07 June 2022.
- 5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

<p>Over the last 5 years rents in Hobart LGA have increased by 27% from \$470.00 per week to \$600.00 per week.</p> <p>Core logic reports the median rents in Hobart are more expensive than Adelaide, Brisbane Perth, and Melbourne, whilst Tasmanians have the lowest median income of any State or Territory in Australia.</p> <p>Greater Hobart is Australia's least affordable capital city relative to income according to the <i>Rental Affordability Index</i> (RAI). The RAI found that tenants in Greater Hobart spend around 34 per cent of their income on rent - placing the median tenant in rental stress.</p> <p>According to the <i>Department of Communities Tasmania</i> the vacancy rate in Hobart in February 2021 was 0.6 percent and is currently 0.3 per cent.</p> <p>Skyrocketing rents and lack of affordable rental properties is likely to have played a role in Hobartians being forced to move further away from their workplaces, extended families and friends and essential services located in the Hobart City Council Municipality. The Australian Bureau of Statistics recently reported that the Hobart City Council municipality lost 971 residents in 2020-21 whilst Clarence gained 533 residents, Brighton gained 486 residents and the Huon Valley gained 281 residents.</p> <p>There are currently 481 investment properties being used as visitor accommodation within the Hobart City Council municipality, including a 9 per cent increase between 1 July 2021 - 31 December 2021. All 481 properties are investment properties because properties that are "used by the owner or occupier as their main place of residence, and only let while the owner or occupier is on vacation or temporarily absent" are not included in the data.</p> <p>In December 2020 the Australian Housing and Urban Research</p>

Institute released a report entitled 'Marginal housing during COVID-19' which analysed the impact of COVID-19 on the private rental market. The report found that the return of an estimated 113 Airbnb properties to the private rental market in the Hobart City Council municipality during COVID-19 had resulted in a nine per cent reduction in rents and concluded "it is clear that relatively small changes in the availability of dwellings can have very significant impacts on rents".

In 2018 the Tasmanian Planning Commission acknowledged that "the conversion of housing stock to short term visitor accommodation is impacting the availability and affordability" of long-term rentals.

The findings from Hobart are not an outlier with the short stay accommodation market around the world increasing rents and reducing rental supply. In the words of Emeritus Professor Peter Phibbs: *There's been a lot of academic research on short term rentals, literally hundreds of studies and those studies have concluded there's a relationship between increases in short term activity and increases in housing rents.*

In summary, short stay accommodation has had a negative impact on the Hobart rental market by reducing supply and increasing prices.

We strongly recommend that the application for the proposed 'change of use to visitor accommodation' of premises at 21 Burnside Avenue, New Town is refused. In our opinion, the application does not comply with clause 3.1(e) of *Planning Directive No. 6 of the Hobart Interim Planning Scheme 2015* (Tas) because the proposal is not compatible with the character and use of the area and it would cause an unreasonable loss of residential amenity.

The property is located in New Town which already has 31 while investment properties being used as visitor accommodation. Many of these properties would, only a few years ago, have housed young professionals, families and students who would have contributed to the vibrancy of their local communities, sending their children to the local primary school, participating in local sporting teams and supporting local businesses.

New Town should remain a suburb which prioritises long-term residents. The proliferation of short-term accommodation diminishes the "retaining of the primary residential function of the area" as set out

in Performance Criteria (d) of clause 3.1(e) of the *Planning Directive No. 6 of the Hobart Interim Planning Scheme 2015* (Tas). Further growth in short-term accommodation within the Hobart City Council municipality will also result in reduced supply and increasing prices.

For all these reasons, we recommend that the application is refused.

Burnside Avenue is a quite residential street. Changing the use of the property to visitor accommodation would have negative impacts to existing amenities as well as taking yet another home out of the available housing stock further exacerbating housing stress in our community.

I wish to object to the proposed partial change of use to visitor accommodation at 21 Burnside Avenue. I do this on the basis that Tasmania, and Hobart more specifically, is undergoing an acute housing crisis particularly for renters. Any loss of rental amenity needs to be avoided and I am of the belief that the council has a duty of care to the people who live here to take active steps to prevent the loss of current residential homes to the short stay market. The time for turning homes into hotels has long past, and the consequences of past decision making are clear: approving the change of use for 21 Burnside Avenue contributes to housing stress and homelessness.

At the root of the problem is that housing is seen to be a form of financial investment, and the council needs to take action to halt the continued financialization of essential needs like shelter. You can do so by rejecting the proposed change of use at 21 Burnside Avenue.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Inner Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Residential (Single Dwelling). The proposed use is Visitor

Accommodation. The existing use is a No Permit Required use in the zone. The proposed use is a Permitted use in the zone.

- 6.4 The proposal has been assessed against:
 - 6.4.1 Part D - 11 Inner Residential Zone
 - 6.4.2 Planning Directive No. 6 - Standards for Visitor Accommodation in Planning Schemes
 - 6.4.3 E6.0 Parking and Access Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
 - 6.5.1 Planning Directive 6:
 - Visitor Accommodation – 3.1(e) P1*
 - 6.5.2 Parking and Access Code:
 - Number of Parking Spaces - E6.6.1 P1*
- 6.6 Each performance criterion is assessed below.
- 6.7 Visitor Accommodation – 3.1(e) P1
 - 6.7.1 The acceptable solution A1(b) at clause 3.1(e) requires visitor accommodation to have a gross floor area of not more than 200m² per lot.
 - 6.7.2 The proposal includes use of the existing dwelling for visitor accommodation which has a gross floor area of 225m².
 - 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
 - 6.7.4 The performance criterion P1 at clause 3.1(e) provides as follows:
 - Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:*
 - (a) the privacy of adjoining properties;*

- (b) any likely increase in noise to adjoining properties;*
- (c) the scale of the use and its compatibility with the surrounding character and uses within the area;*
- (d) retaining the primary residential function of an area;*
- (e) the impact on the safety and efficiency of the local road network; and*
- (f) any impact on the owners and users rights of way.*

- 6.7.5 In terms of the impact on amenity of adjoining properties that this property may have if converted to visitor accommodation, it is noted that as a four bedroom dwelling, the property does have the potential to accommodate larger numbers of people in the order of at least six to eight people based on an assumed occupancy of two people per bedroom. It is also noted that there is a reasonably large deck and outdoor area attached to the rear of the subject dwelling, as well as a relatively open and landscaped backyard providing a high degree of amenity and these outdoor spaces are likely to be well used, particularly during warmer months. Despite this however, the building stands alone from its neighbours and is not physically connected to any other dwellings. Separation distances between neighbouring dwellings are typical of what is an older, established residential area. It is considered that if well managed, as would be expected to be the case, there is no reason that a dwelling such as this should have any greater impact on neighbours if in residential use or as a visitor accommodation use.

In light of the above, it is considered that with an appropriate condition requiring the implementation of a visitor management plan, the proposal will not unreasonably impact on the amenity of adjoining properties. Refer to Attachment C for a draft visitor management plan.

In terms of the impact of this proposal on the character and residential functioning of the area, Council records indicate that in the surrounding streets of Park Street, Bishop Street, Gowrie Street, and Oldham Avenue, as well as in Bishop Street, there have been four permits (two for partial changes) and two exemptions granted for changes of use to visitor accommodation. This represents a low percentage of the number of residential properties in the immediate area. It is not considered that allowing this dwelling to be utilised for visitor accommodation would compromise the primarily residential character or functioning of the area.

The proposal provides more car parking than the scheme requires for this use, but provides the same amount of car parking as required for a residential dwelling of this size. The proposal is not considered to unreasonably impact on the safety and efficiency of the local road

network, and no rights of way will be impinged upon. It is also noted that car parking is a matter to be dealt with/provided for in the visitor management plan.

6.7.6 The proposal complies with the performance criterion.

6.8 Number of Parking Spaces - E6.6.1 P1

6.8.1 The acceptable solution A1 at clause E6.6.1 requires the number of on-site car parking spaces to be provided at a rate no less and no more than that specified for the use in Table E6.1 of the Parking and Access Code. For a single Visitor Accommodation unit, there is a requirement for one on-site car parking space.

6.8.2 The proposal includes the provision of two existing car parking spaces for the proposed visitor accommodation use.

6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.8.4 The performance criterion P1 at clause E6.6.1 provides as follows:

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking*

towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;
(j) any verified prior payment of a financial contribution in lieu of parking for the land;
(k) any relevant parking plan for the area adopted by Council;
(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;
(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Code.

6.8.5 The proposal provides two car parking spaces, which is one more than required, and is discretionary on that basis. The surplus of car parking is considered to be appropriate given the scale of the visitor accommodation proposed. It is noted that two car parking spaces meets the planning scheme car parking requirement for a four bedroom dwelling.

6.8.6 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Change of Use to Visitor Accommodation, at 21 Burnside Avenue, New Town.

7.2 The application was advertised and received three (3) representations. The representations raised concerns including that:

- Visitor accommodation use is not consistent with the character of the street or area.
- Dwellings should not be converted to visitor accommodation, but should be used for long term residential use instead.
- The visitor accommodation use will have a negative impact on existing amenities in Burnside Avenue.

In response it is noted that:

- While sympathetic to the issue of housing availability and affordability, this is not a matter that is dealt with by the planning scheme, and the Council has no ability to refuse an application for visitor accommodation on this basis.
- This proposal is for a single visitor accommodation use in Burnside Avenue, where Council records indicate there are very few previous approvals for visitor accommodation in the immediate area. As such, it is not considered that this proposal will compromise the residential character of the immediate area. More broadly, the suggestion in one representation that the character of New Town as a residential suburb is already being undermined by the existing 31 visitor accommodation uses is hard to support given there are approximately 2,900 dwellings in this suburb ([according to 2016 ABS data](#)). A use that occupies in the order of 1% of the available dwelling stock cannot be said to be undermining the residential character of the suburb. (It should be noted that this is a separate issue to housing availability, where the return of 31 dwellings to the rental market would clearly make a difference to the current vacancy rate, albeit that this is not an issue that is dealt with by the planning scheme.)
- Concerns regarding amenity impacts are considered able to be adequately addressed through the imposition of a condition requiring a visitor accommodation management plan to be implemented for the use of the site. A draft management plan is provided at Attachment C. This plan requires information to be set out providing:
 - That a manager will be appointed, including detailing name and phone number, and that they are contactable 24hrs.
 - What the maximum number of guests to be on site at any one time.
 - What the maximum number of vehicles that can be accommodated on site at any one time, and that guests are requested to use on-site parking.
 - That the property is to be used in a way that is respectful of the surrounding long term residents. This includes keeping noise to a minimum and not having parties.
 - A waste management protocol.
 - That the management plan will be circulated to all neighbouring properties at a minimum.

7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.

7.4 The proposal was not required to be assessed by other Council officers.

7.5 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed Change of Use to Visitor Accommodation, at 21 Burnside Avenue, New Town satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Change of Use to Visitor Accommodation, at 21 Burnside Avenue, New Town 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-22-249 - 21 BURNSIDE AVENUE NEW TOWN TAS 7008 - Advertised Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved as a Condition Endorsement, to the satisfaction of the Council's Director City Life. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:

1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation.
2. To limit, manage, and mitigate behaviour issues caused as a result of the visitor accommodation.
3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities.
4. To specify the maximum permitted occupancy of the visitor accommodation.
5. To specify that guests must utilise the site for the parking of vehicles, that the maximum number of vehicles to be parked on the site (2), and detail where the parking spaces are located and how the spaces are to be accessed. Additionally, at the booking stage, guests should be discouraged from bringing more than two vehicles and the parking of any additional vehicles in nearby streets should also be discouraged.
6. To provide a name and contact phone number of a person who will

respond to any complaints regarding behaviour of guests. If the property is sold the Visitor Accommodation Management Plan (VAMP) must be updated with new contact details.

Once approved, the management plan must be implemented prior to the commencement of the approved use and must be maintained for as long as the visitor accommodation is in operation. The VAMP must be provided to adjacent property owners and occupiers within 14 days of being approved. If the property is sold, the updated VAMP (in accordance with 5. above) must be provided to adjacent property owners and occupiers within 10 business days of settlement.

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 visitor accommodation does not cause an unreasonable loss of residential amenity.

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.

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

If you have a spa or a pool at your property then you are required to test for microbiological quality and chemical parameters on a monthly basis, under the *Public Health Act 1997*. If you have any questions about this then please call our Environmental Health team on 6238 2711.

If you are providing food for consumption on the property, you may require a food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information, or call our Environmental Health team on 6238 2711.

Visitor accommodation is also considered to be a commercial use and also not eligible to residential parking permits. Under the current policy for the issuing of residential parking permits, the proposed change of use to visitor accommodation would not entitle the property to a residential parking permit, or a transferable "bed and breakfast" parking permit.



(Cameron Sherriff)

Development Appraisal Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Ben Ikin)

Senior Statutory Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 8 June 2022

Attachment(s):

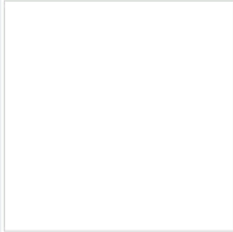
Attachment B - CPC Agenda Documents

Attachment C - Draft Visitor Accommodation Management Plan

Planning #255510

Property

21 BURNSIDE AVENUE NEW TOWN TAS 7008

**People****Applicant ***Gurong Cui
21 Burnside Avenue
NEW TOWN TAS 7008
0418 107 848
petercui26@gmail.com**Owner ***Gurong Cui
21 Burnside Avenue
NEW TOWN TAS 7008
0418 107 848
petercui26@gmail.com**Entered By**GURONG CUI
0418107848
petercui26@gmail.com**Use**

Visitor accomodation

Details

Have you obtained pre application advice?

☒ No

If YES please provide the pre application advice number eg PAE-17-xx

Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition. If you are not the owner of the property you MUST include signed confirmation from the owner that they are aware of this application. *

☒ Yes

Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the number of signs under Other Details below. *

☒ No

If this application is related to an enforcement action please enter Enforcement Number

Details

What is the current approved use of the land / building(s)? *

Residential

Please provide a full description of the proposed use or development (i.e. demolition and new dwelling, swimming pool and garage) *

Change of use to visitor accommodation (AirBNB)

Estimated cost of development *

0.00

Existing floor area (m2)

225.00

Proposed floor area (m2)

Site area (m2)

Carparking on Site

Total parking spaces

2

Existing parking spaces

2

N/A

☒ Other (no selection chosen)

Other Details

Does the application include signage? *

☒ No

How many signs, please enter 0 if there are none involved in this application? *

0

Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

☒ No

Documents

Required Documents

Title (Folio text and Plan and FolioText-60981-103.pdf
Schedule of Easements) *Title (Folio text and Plan and FolioPlan-60981-103.pdf
Schedule of Easements) *

Plans (proposed, existing) * floorplan.jpg



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 60981	FOLIO 103
EDITION 8	DATE OF ISSUE 24-Sep-2018

SEARCH DATE : 26-Apr-2022
SEARCH TIME : 09.36 PM

DESCRIPTION OF LAND

City of HOBART
Lot 103 on Plan 60981 (formerly being P742)
Derivation : Part of 109A-3R-0Ps. Gtd to J. Bell
Prior CT 3141/49

SCHEDULE 1

C720768 TRANSFER to GURONG CUI and JUNYING XU Registered
10-Jul-2006 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
BENEFITING EASEMENT: the full and free right of drainage for the owner or occupier for the time being of the said land within described in or over any other portion of the land comprised in Certificate of Title Volume 215 Folio 198 excepting Lots 75,77,79 and 81 for the benefit of any existing or future buildings with power at any time upon giving previous reasonable notice to enter upon the said land comprised in the said Certificate of Title to make lay repair and maintain any pipes or drains the person or persons entering to make good all damage to the surface occasioned thereby
BURDENING EASEMENT: the full and free right for Co-operative Estates Limited and its successors in title and owners and occupiers for the time being of any other portion of the land comprised in the said Certificate of Title of using all sewers and drains now or hereafter to be made in or over any portion of the said land comprised in the said Certificate of Title for the benefit of any existing or future buildings on any portion of the said land and which sewers and drains traverse the said land within described with power at any time upon giving previous reasonable notice to enter upon the said land within described to make lay repair cleanse and maintain any pipes or



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



drains the person or persons entering to make good
all damage to the surface occasioned thereby
E142195 MORTGAGE to Pepper Finance Corporation Limited
Registered 24-Sep-2018 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

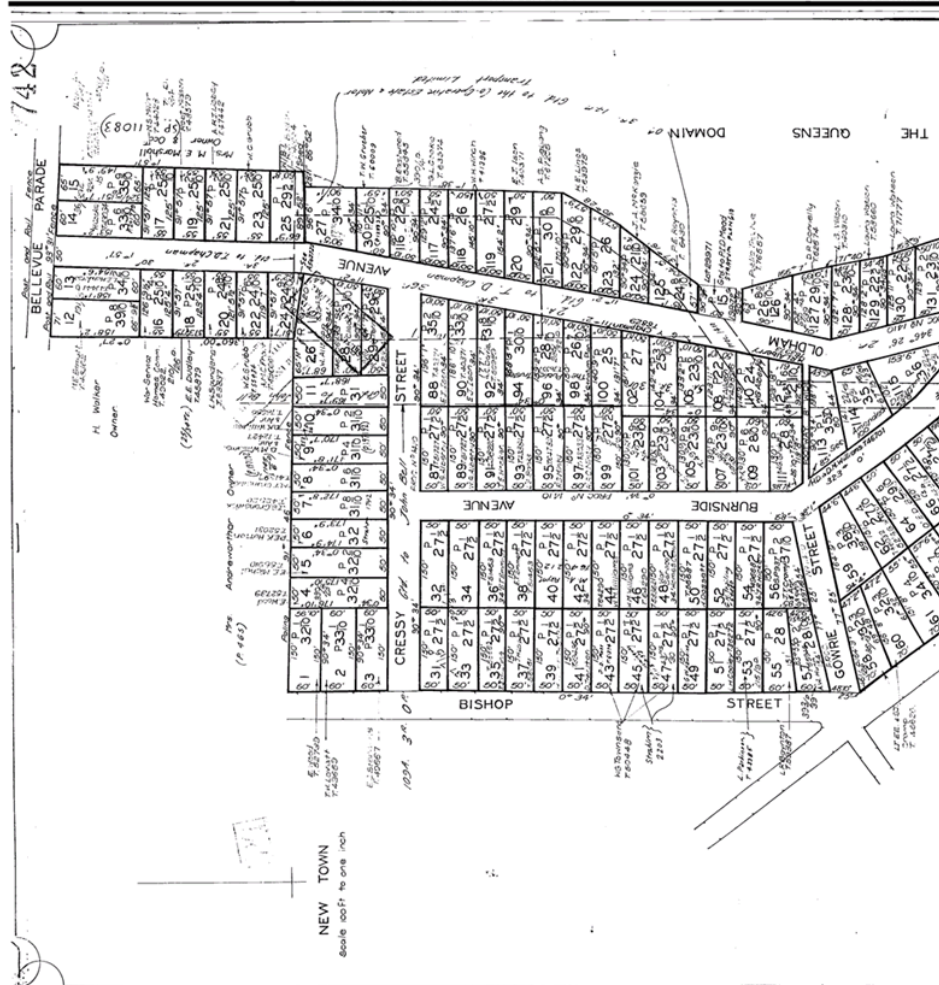
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

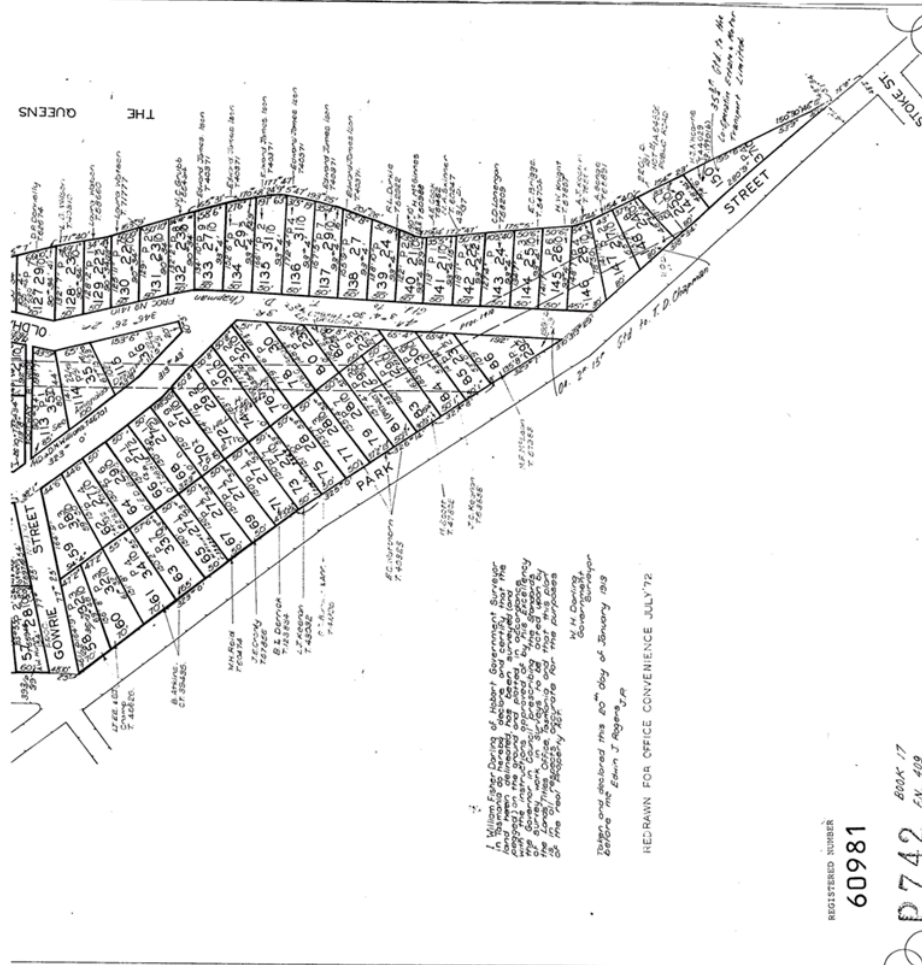


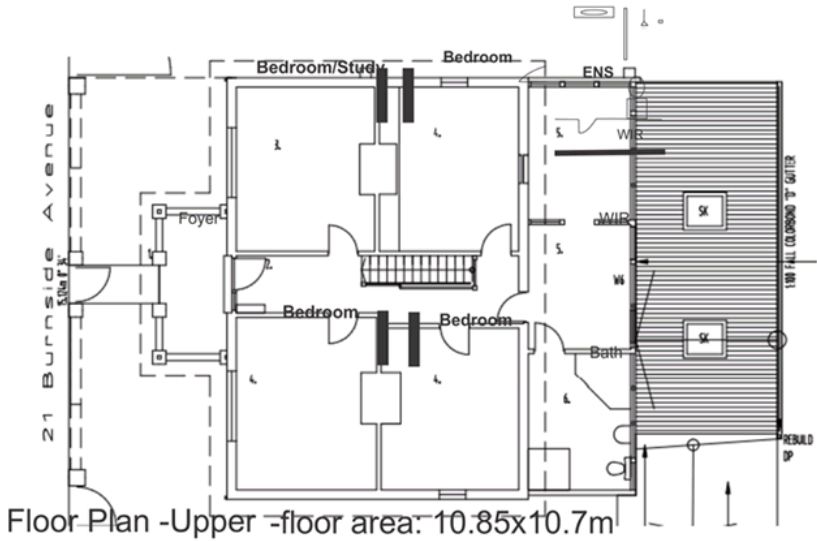


FOLIO PLAN

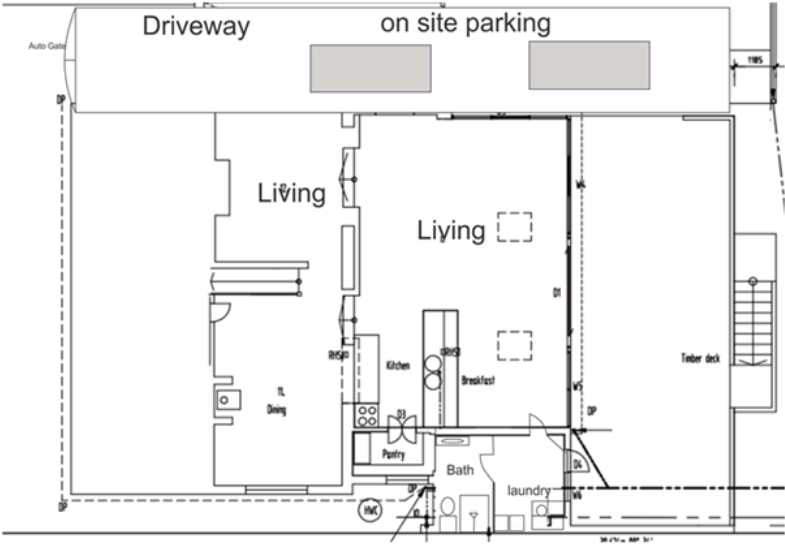
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





Floor Plan -Upper -floor area: 10.85x10.7m



Floor plan: lower level -floor area: 10.85x10.2m

VISITOR MANAGEMENT PLAN

PROPERTY ADDRESS:

PLANNING PERMIT REF.:

CONDITION NO.:

CURRENT MANAGER'S NAME:

CURRENT MANAGER'S NO.:

This visitor management plan sets out the requirements which must be met while the visitor accommodation use operates at this property in order to limit, manage and mitigate unreasonable impacts upon the amenity of surrounding properties.

It is a mandatory requirement that this visitor management plan is complied with and if it is breached then this will constitute a breach of the planning permit, which may give rise to enforcement action by the Hobart City Council.

The operators of the visitor accommodation at the property must comply with the following requirements:

1. Appoint a Manager who will actively manage the property.

The Manager who is specified above is the initial Manager. If the Manager and/or their phone number changes, the new name and/or phone number must be provided within 24 hours to:

- (a) the City Planning Division of the City of Hobart by emailing planning@hobartcity.com.au; and
- (b) each neighbouring property, including those properties which are next to the property, over the road and behind the property.

The Manager must take steps to ensure that all bookings and use of the property comply with this visitor management plan.

2. The maximum number of guests allowed to use the property is [x]

All online booking platforms listing the visitor accommodation and all guest check in notices will state the following:

- (a) The maximum number of guests who are permitted to use the property is [x].
- (b) If you are planning to have more than [x] visitors at the property during your stay, please discuss your plans with us right now.

The guest numbers of all bookings must be monitored by the Manager of the visitor accommodation.

3. **The maximum number of vehicles to be associated with guests is [x] standard vehicles that are all capable of being driven onto the site.**

All online booking platforms listing the visitor accommodation and all guest check in notices will state the following:

- (a) The maximum number of vehicles which may be associated with any booking is [x] standard vehicles that are all capable of being driven onto the site.
- (b) Guests are requested to use on-site parking.

4. **The property must be used in a way which is respectful of the residential setting of the property.**

All online booking platforms listing the visitor accommodation and all guest check in notices will state the following:

- (a) We expect all guests treat our house with respect.
- (b) Guests are advised to be respectful of the residential setting of the visitor accommodation at all times, and to keep noise to a minimum, especially when using any outdoor areas of the property including the property's decks and balconies.
- (c) The property is not to be used for parties or functions.
- (d) The Manager of the visitor accommodation will monitor the behaviour of all guests. If any neighbours make any complaint to the Manager of the visitor accommodation, the Manager of the visitor accommodation will immediately visit the site to address that complaint.
- (e) If the Manager's directions are not complied with then the booking may be terminated immediately and/or your security deposit may be retained.

A security deposit of [x] must be obtained for each booking and must only be returned to guests if there are no complaints from neighbours to the Manager regarding noise or inappropriate behaviour.

5. **An appropriate waste management protocol must be implemented.**

The Manager must ensure that bins, including recycling, are placed for Council collection each week, unless the property has not been used

during that week, and return the bins to the property within 24 hours of Council collection.

6. Circulation of this visitor management plan

This visitor management plan must be provided to each neighbouring property, including those properties which are next to the property, over the road and behind the property prior to the commencement of the visitor accommodation use.

Approved by the Hobart City Council

10.2 3 Bimbadeen Court, West Hobart and Adjacent Road Reserve - Garage and Studio
PLN-21-743 - File Ref: F22/57262

Ref: Open [CPC 7.1.4](#), 20/06/2022

Application Expiry Date: 20 July 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for garage and studio at 3 Bimbadeen Court West Hobart TAS 7000 and adjacent road reserve for the reasons outlined in the officer's report attached to item 7.1.4 of the Open City Planning Committee agenda of 22 June 2022 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-21-743 3 BIMBADEEN COURT WEST HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The height (to the parapet) of the proposed studio must be no greater than 5.75 metres (RL189.950)

Advice:

Amended plans submitted on 31st May 2022 SK05- dated 31/05/2022 are considered to meet this condition.

Reason for condition

To comply with clause 10.4.2 P3 of the *Hobart Interim Planning Scheme 2015*.

ENG sw1

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

Advice:

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

Reason for condition

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

SW 7

Prior to occupancy or the commencement of the use (whichever occurs first), any new stormwater connection must be constructed and existing redundant connection(s) be abandoned and sealed at the owner's expense.

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted and approved. The detailed engineering drawings must include:

1. the location of the proposed connections and all existing connections;
2. the size and design of the connection such that it is appropriate to safely service the development;
3. clearances from any nearby obstacles (eg services, crossovers, trees, poles, walls)
4. long-sections of the proposed connection clearly showing cover, size, grade, material and delineation of public and private infrastructure;
5. connections which are free-flowing gravity driven.
6. be in general accordance with Council's departures from the LGAT Tasmanian Standard Drawings, available from [here](#)

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

Advice:

Upgraded or new connections can be approved separate from the CEP process, via the Application for New Connection form available from [here](#). The approved stormwater connection documents must be included in your plumbing permit application document set and listed in accompanying forms.

A single connection for the property is required under the Urban Drainage Act 2013.

ENG 3a

The access driveway and parking area must be constructed in accordance with the following documentation which forms part of this permit: PLN-21-743 - 3 BIMBADEEN COURT WEST HOBART TAS 7000 - Driveway Plans - Additional Information - AIS-22-713 (received by the Council on the 27th of April 2022).

Any departure from that documentation and any works which are not detailed in the documentation must be either:

- (a) approved by the Director City Life, via a condition endorsement application;
or
- (b) designed and constructed in accordance with Australian Standard AS/NZ 2890.1:2004.

The works required by this condition must be completed prior to first occupation.

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENG r3

Prior to the commencement of use, the proposed driveway crossover on the Bimbadeen Court highway reservation must be designed and constructed in accordance with:

- Urban Roads Driveways and TSD R14-v3 Type KC vehicular crossing;

Design drawings must be submitted and approved as a Condition Endorsement prior to any approval under the *Building Act 2016*. The design drawings must:

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property;
2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover;
3. Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template);
4. If the design deviates from the requirements of the TSD, then demonstrate that a B85 vehicle or a B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2), can access the driveway from the road pavement into the property without scraping the vehicle's underside;
5. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
6. Be prepared and certified by a suitable qualified person, to satisfy the above requirements.

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

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.

Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Program Leader Road Services and may require further planning approvals. It is advised to place a note to this effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.

Reason for condition

To ensure that works will comply with the Council's standard requirements.

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.

PLN 18

The mature trees on the mutual boundary with 5 Bimbadeen Court adjacent to the proposed rear retaining wall must be protected throughout excavation and post construction.

A report must be submitted for approval as a Condition Endorsement prior to the commencement of work. The report must;

1. be prepared by a suitable qualified person; and
2. show all tree protection zones and relevant measures specified under Section 3 Determining the Protection Zones of the Selected Trees, Section 4 Tree Protection Measures and Section 5 Monitoring and Certification of AS 4970-2009 Protection of trees on development sites, around (tree details), or
3. should the trees have to be removed, replacement specimens of a similar height must be included in the required landscape plan and maintained to ensure the ongoing screening of the proposed retaining wall and privacy screen from the deck of 5 Bimbadeen Court.

All work required by this condition must be undertaken in accordance with the approved report or landscape 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.

Reason for condition

To ensure the visual impact of the development complies with clause 10.4.2 P3.

PLN 20

The site must be landscaped to ensure the visual impact of the retaining walls is softened and minimised within six (6) months of completion.

A landscaping plan must be submitted and approved as a Condition Endorsement, prior to the commencement of work. The landscape plan must:

1. show species of trees and shrubs proposed, and locations, and other finishes, and structures, in front of and upon the proposed retaining walls.

All work required by this condition must be undertaken in accordance with the approved landscaping plan. The landscaping must be maintained, and if any vegetation is lost, it must be replaced.

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 compliance with 10.4.2 P1 (iv) of the *Hobart Interim Planning Scheme 2015*.

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.

STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

Any works within one metre of any third-party pipe may require consent under section 73 of the *Building Act 2016*.

WORK WITHIN THE HIGHWAY RESERVATION

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

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

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

EXISTING EASEMENT

The proposal involves construction of a studio / garage against the easement burdening the property shown as Drainage Easement 2.00 Wide on SP 110771. This easement is both a drainage easement and services easement in favour of the property at 51 Summerhill Road.

The private drainage and service rights of the property at 51 Summerhill Road to this easement must not be reduced, restricted or impeded in any way by the proposed development.

You should inform yourself as to your rights and responsibilities in respect to the private drainage and service rights particularly reducing, restricting or impeding the rights 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.

11. Submission on the 30-Year Greater Hobart Plan
File Ref: F22/53943

Ref: Open [CPC 8.1](#), 20/06/2022

That the Council provide feedback to the Greater Hobart Committee on the 30-Year Greater Hobart Plan stating that:

- (i) the Draft Plan provides an important and valuable contribution to planning for the sustainable growth of Greater Hobart while protecting those values important to our community and visitors
- (ii) the development of a Plan providing for better integration of land use and infrastructure planning is supported
- (iii) the revised residential targets of 70:30 infill to greenfield supported by a land release program are supported
- (iv) revised densification areas are supported including a review of the densification area in Sandy Bay where targets may not be achievable due to heritage constraints
- (v) this framework providing for a diversity of housing types and encouraging more medium-density housing is essential
- (vi) the Greater Hobart Plan Implementation Plan must ensure that all measures for providing for affordable, social and community housing including encouraging more “build-to-rent” need to be fully explored
- (vii) it is important that the Implementation Plan fully investigate any impediments to delivering the medium-density housing form of development
- (viii) the Plan and Implementation Plan must facilitate improved mechanisms to fund infrastructure
- (ix) the Plan could be strengthened around alternative transport such as more emphasis on ferries and the City Deal Public Transport targets for trips
- (x) the Community Infrastructure section of the Plan could be expanded
- (xi) developing a resilient community should be included in the policy directions.

12. Compliance and Investigation Policy and Infringement Review Guidelines
File Ref: F22/52965; 18/405

Ref: Open [CPC 8.2](#), 20/06/2022

That: 1. The Council adopt the Compliance and Investigation Procedure Policy marked as Attachment A to item 8.2 of the Open City Planning Committee agenda of 20 June 2022 with an additional clause under section 8 of the policy to read as follows:

8.8 Any person who is not satisfied with Council's response to non-compliant activity may refer the matter for external review to the Tasmanian Ombudsman who is an independent officer responsible for investigating complaints about the administrative actions of local government; and

2. The Council adopt the Infringement Review Guidelines marked as Attachment B to item 8.2 of the Open City Planning Committee agenda of 20 June 2022.

13. Monthly Planning Statistics - 1 May - 31 May 2022
File Ref: F22/53706

Ref: Open [CPC 8.3](#), 20/06/2022

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

During the period 1 May 2022 to 31 May 2022, 89 permits were issued to the value of \$114,540,125 which included:

- (i) 6 new single dwellings to the value of \$2,660,000;
- (ii) 5 multiple dwellings to the value of \$2,230,000;
- (iii) 30 extensions/alterations to dwellings to the value of \$7,615,344;
- (iv) 12 extensions/alterations to commercial properties to the value of \$102,407,480;
- (v) 2 major projects:
 - (a) 80 Brisbane Street, Hobart - Partial Demolition, Alterations, Extension, Change of Use to Educational and Occasional Care, and Associated Works in Road Reserve, \$85,900,000;
 - (b) 1 McVilly Drive, Hobart - Partial Demolition, Extension, Alterations and Associated Works for Partial Change of Use to Light Industry (Whisky Distillery), Eating Establishment, Function Centre, Hotel and Shop, \$15,000,000.

During the period 1 May 2021 to 31 May 2021, 90 permits were issued to the

value of \$14,148,684 which included:

- (i) 13 new single dwellings to the value of \$7,579,759;
- (ii) 6 multiple dwellings to the value of \$110,000;
- (iii) 36 extensions/alterations to dwellings to the value of 5,069,830;
- (iv) 12 extensions/alterations to commercial properties to the value of \$1,032,785;
- (v) Nil major projects:

In the twelve months ending May 2022, 697 permits were issued to the value of \$312,579,764; and

In the twelve months ending May 2021, 832 permits were issued to the value of \$322,156,000.

This report includes permits issued, exempt and no permit required decisions.

14. Monthly Building Statistics - 1 May - 31 May 2022 **File Ref: F22/53699**

Ref: Open [CPC 8.4](#), 20/06/2022

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

During the period 1 May 2022 to 31 May 2022, 40 permits were issued to the value of \$7,883,242 which included:

- (i) 26 for extensions/alterations to dwellings to the value of \$4,511,384;
- (ii) 1 new dwelling to the value of \$160,000;
- (iii) 2 new multiple dwellings to the value of \$570,000; and
- (iv) No major projects:

During the period 1 May 2021 to 31 May 2021, 55 permits were issued to the value of \$19,187,498 which included:

- (i) 32 for extensions/alterations to dwellings to the value of \$4,108,772;
- (ii) 10 new dwellings to the value of \$3,146,228;
- (iii) 0 new multiple dwellings; and
- (iv) 1 major project:
 - (a) 85-99 Collins Street, Hobart - Commercial Internal Alterations - \$8,480,000;

In the twelve months ending May 2022, 565 permits were issued to the value of \$243,570,185; and

In the twelve months ending May 2021, 686 permits were issued to the value of \$202,651,122.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

**15. Motor Bike Parking Reinstatement - Elizabeth Street between Macquarie
and Davey Streets
File Ref: F22/59438; 13-1-9**

Alderman Zucco

Motion

“That the Council consider reinstating motor bike parking in the middle of Elizabeth street between Macquarie and Davey street with a report prepared by the CEO for the appropriate committee and Council to determine the outcome.

That consultation and feedback with relevant stake holders be initiated as part of the report back to Council.”

Rationale:

“For years motorbike parking was provided in this area and removed. Irrespective for the reasons it was removed and some parking provided elsewhere. At a time when parking and traffic is a high priority for both the residential and business sector encouraging more motor bike use should provide some relief to these issues even if it maybe a small percentage.

Revisiting decisions of Council that may assist in elevating some of Hobart’s traffic and parking issues and potentially help elevate some of these issues would be a positive for the city.

Council could also provide incentives to encourage those who own or purchase electric motor bikes such as a free charging station for electric motorbikes as part of a designated program to encourage more use of this transport.

The Motorcycle Riders Association of Australia Hobart branch has highlighted many benefits in providing facilities and encouraging more motor bike use to assist but there seems to be no real action taken in this domain.

It is time that the Council embarked on a program to encourage more motor bike users to ride their motor bikes into the City in particular that they take up so much less space on our roads and parking.

Free parking for motor bikes for a period of time and possible reduced parking fees for motor bikes with appropriate marketing and reinstating a much loved motor bike parking bay should be considered. Also some infrastructure such as storage lockers could also be implemented not only for Motor bike users but also bicycle users. Many years ago I put forward bicycle parking cages for the HCC carparks (part implemented) with shower facilities this could also be reconsidered.

I cannot see how it could be detrimental in reinstating the motor bike parking in this area. There are other Cities around Australia that have car paring in the middle of a street and this area remaining empty where it could be reinstated for a very good use needs to be addressed.

It is time to listen and consider options put forward by the MRAAH.”

Administration Response to Notice of Motion

Discussion

1. The motorcycle parking in Elizabeth Street between Davey Street and Macquarie Street was relocated to newly established areas as part of the bus interchange upgrade program, “The Palace Hotel” construction (now *Movenpick*) and associated safety concerns from bus operators, including Metro Tasmania.
2. Since that time additional bus departure points with higher service frequencies have been established in this part of Elizabeth Street.
3. Future options for public transport infrastructure and other street improvements in this section of Elizabeth Street do not foreshadow the return of motorcycle parking in this location.
4. City of Hobart officers periodically monitor free motorcycle parking areas to ensure sufficient motorcycle parking is available these road users. The last survey, generally undertaken during summer months, as winter has observably less motorcycles parking in the City, was distributed to elected members in December 2021. This indicated significant spare capacity in the free, on street motorcycle parking areas provided around the city.
5. Previous Council decisions have reduced the fees and charges associated with motorcycles in off-street carparks operated by the City of Hobart.
6. City of Hobart officers are always available to discuss motorcycle parking issues with representative bodies and are always looking for additional motorcycle parking opportunities across the City.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 5 – Movement and connectivity

Outcome: 5.1 An accessible and connected city environment helps maintain Hobart's pace of life
5.2 Hobart has effective and environmentally sustainable transport systems

Strategy: 5.1.1 Improve connectivity throughout Hobart's inner city and suburbs.
5.2.3 Develop, upgrade and maintain the City's network of roads, bridges, cycleways, footpaths and walkways.
5.2.4 Identify and implement infrastructure improvements to enhance access and road safety and reduce air and noise pollution.
5.2.5 Prioritise opportunities for safe and integrated active transport.

Legislation and Policy

Legislation: *Local Government (Highways) Act 1982*

Policy: Not applicable.

Financial Implications

1. Should Council resolve to request a report, officer time would be required.

Attachment A: Attachment_Motorbike Parking Reinstatement NOM

From: [damien.codognotto](#)
To: [Lord Mayor - External](#); [Cr Helen Burnet](#); [Ald Marti Zucco](#); [Ald Jeff Briscoe](#); [Ald Peter Sexton](#); [Ald Damon Thomas](#); [Cr Bill Harvey](#); [Ald Simon Behrakis](#); [Cr Mike Dutta](#); [Cr Jax Fox](#); [Cr Zelinda Sherlock](#); [Cr Will Coats](#)
Cc: [Pete Carr](#); [Louisa Carter](#); [MRA TAS 11 SOUTH](#); [MRA TAS 12 NORTH](#)
Subject: MOTORCYCLES IGNORED
Date: Tuesday, 1 February 2022 1:21:21 PM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To Tasmanian MPs and Hobart City Councillors

The State Government and Hobart City Council change laws, install infrastructure and go to great lengths to promote unregistered e-scooters but do nothing to solve Hobart's obvious, and in some places dangerous, road motorcycle & scooter parking problems. The MRAA cannot understand why a mode of transport that is registered and insured, with riders that must be trained and licenced, is ignored by authorities.

Damien Codognotto OAM
Spokesperson
The Motorcycle Riders Association of Australia
Hobart



LETTERS

Make room for motorcycles

THE heart of Tasmania's capital city stopped beating. The pandemic is too much for the CBD. Shopkeepers, hairdressers and eatery managers say Hobart is a ghost town. CPR is attempted but no success yet (Mercury, January 29). The e-scooter experiment can only be part of the solution, if it works. Encouraging walking and bicycling helps and discouraging single occupant cars is good. More buses and ferries are good too but they take time to install.

The MRAA cannot understand why one mode of transport that is registered and insured with riders that must be trained and licenced, is ignored by authorities. Commuter motorcycles and scooters can play a bigger role in getting Hobart's heart beating again. The first problem that needs urgent attention is the lack of motorbike parking. Next allow motorbikes up to 125cc, and the electric equivalent, to be used on a car licence. It has worked for years interstate. Finally, review MAIB premiums to reflect the amount of damage a private vehicle does to the environment, wildlife and infrastructure.

Damien Codognotto
The Motorcycle Riders
Association of Australia



TUESDAY, FEBRUARY 1, 2022
themercury.com.au • SUBSCRIPTIONS 1300 696 397

Commuter motorcycles and scooters can get Hobart's heart beating.

Covid intercom please

From: [damien.codognotto](#)
To: [Lord Mayor - External](#); [Cr Helen Burnet](#); [Ald Marti Zucco](#); [Ald Jeff Briscoe](#); [Ald Peter Sexton](#); [Ald Damon Thomas](#); [Cr Bill Harvey](#); [Ald Simon Behrakis](#); [Cr Mike Dutta](#); [Cr Jax Fox](#); [Cr Zelinda Sherlock](#); [Cr Will Coats](#)
Cc: [Pete Carr](#)
Subject: Fwd: TRAFFIC CONGESTION IN HOBART
Date: Tuesday, 9 February 2021 8:33:21 AM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

THE HOBART CITY COUNCIL

Dear Lord Mayor and Councillors.

Hobart should do more to encourage commuting on motorcycles & scooters. Establish a motorcycle advisory committee similar to the City of Melbourne's motorcycle committee then review of Hobart's inadequate on-street parking and virtually non-existent off-street motorcycle parking.

The machine pictured is not exactly a commuter cycle but readers will get the idea. See attached.

Damien
MRAA



FRIDAY, FEBRUARY 5, 2021
theherald.com.au • SUBSCRIPTIONS 1300 696 397

NEWS 11

Peak-hour gridlock crawl

CAMERON WHITELEY

Perfect storm of rain, crashes and school crowds

HUNDREDS of Hobart commuters were late to work on Thursday morning after a series of crashes, combined with the return of back-to-school traffic and wet road conditions, wrought havoc in peak-hour.

Some travellers reported a doubling of their usual journey time as three separate crashes brought traffic flow to a crawl in some areas. A single-vehicle crash on the Huon Highway at Lower Longley was reported by police at 7.12am, while a crash involving multiple vehicles occurred in the city-bound lanes of the Tasman Bridge just before 8am.

Another crash was reported just before 10am on the Channel Highway at Kingston where a vehicle rolled, but the occupants escaped serious injury.

Tasmanian federal Labor MP Julie Collins slammed what she described as slow progress on congestion-busting projects identified in the Hobart City Deal, which was signed almost two years ago.

This included building a fifth lane on the Southern Outlet, establishing a ferry service on the River Derwent and improving traffic flow on the Tasman Highway from Sorell to the Tasman Bridge.

"With school going back this week, Hobart commuters are facing growing congestion and the cost of the Liberals' infrastructure failures," she said.

RACT chief member experience officer Stacey Pennicott said the way to tackle traffic congestion was to provide better transport links.

Ms Pennicott said the RACT wanted to see timelines on projects like the River Derwent ferry trial, park and ride facilities at Kingston and upgrades to the Southern Outlet.

The federal government said key projects including the new Bridgewater Bridge, upgrades to the Tasman Highway and River Derwent trial ferry service was nearing activation. Assessment of tenders to operate the service is underway and it is expected to be operational this year.

Infrastructure and Transport Minister Michael Ferguson said many projects were being progressed, including the Southern Outlet, South East Traffic Solution and the new Bridgewater Bridge.

Mr Ferguson said a contract for the ferry service was expected to be awarded soon.

cameron.whiteley@news.com.au

TUESDAY, FEBRUARY 9, 2021
SUBSCRIPTIONS 1300 696 397

Only a bike for traffic

LOS ANGELES ripped up rail to cater for cars. Sydney got rid of trams. Melbourne got rid of its ferries when roads were built around the bay. After WWII many cities let public transport decline to promote private cars over all else. Big mistake.

Last Thursday morning I had to be in Hobart by 9am. It rained. I took the car not the bike. The traffic in every direction was insane and maybe 70 per cent of cars carried just the driver. I don't know why Hobart makes the same mistakes of other cities. The solutions to the traffic problem seem obvious. Establish public transport on rails and on the river with park and ride facilities. Encourage two wheel transport both pedal and powered.

It will cost short term but, as Hobart grows, an efficient traffic system will be a good investment. The private car is part of the system but it's overused. Tasmanian governments at local and state levels need to review their transport policies.

Damien Codognotto
 The Motorcycle Riders Association Australia

16. Local Government Election - Caretaker Provisions
File Ref: F22/59445; 13-1-9

Alderman Behrakis

Motion

“A report be provided to Council regarding possible Caretaker provisions to be considered for adoption before the 2022 Local Government election.”

Rationale:

As Local Government elections loom closer it is critical that the organisation of Council is kept separate from and does not fall victim to the politics of election time. It is also important to ensure that major decisions are not made that should be made post-election. This is a position that this Council has supported in the past, endorsing submissions to the *Future of Local Government Review* in support of such provisions being included into the Local Government Act. Whilst this is proper, it is also appropriate that the City of Hobart undertakes to implement such provisions on it' own in the lead up to the 2022 elections.

In its submission to the *Future of Local Government Review* Council stated:

- Restrictions on the activities of Councils during the lead up to local government elections are important to ensure that councils are making decisions that protect council resources and do not inappropriately burden an incoming council.
- Councils which adopt a caretaker policy voluntarily may still decide to ignore it without any real consequences, meaning that the potential for inappropriate decisions being made in the lead up to an election remains.
- Council submits that, at a minimum, the following types of decisions should be prohibited under Act during the election period:
- Relating to the appointment or remuneration of the Chief Executive Officer (but not the appointment or remuneration of an Acting Chief Executive Officer),
- Committing the council to expenditure exceeding one per cent of the council's income from rates and charges in the preceding financial year,
- Allocating resources for use, whether with express or tacit approval, to elected members beyond what is allocated in existing policies,
- Adopting new by-laws or policies
- Which the council considers could be reasonably deferred until the next council is in place
- Which the council considers should not otherwise be made during an election period
- Legislating for these matters will ensure that the position in the lead up to local government elections is consistent across the sector and enforceable.

While it is noted that it would be preferable for such provisions to be legislated, as previously stated, this is not something that would feasibly be expected to occur before the election period begins in 2022. It is therefore prudent that the CEO report back to Council on appropriate wording for Caretaker provisions that Council can voluntarily enter into, and importantly commit to following, in the lead up to this election period.

Administration Response to Notice of Motion

Discussion

1. As noted in the rationale for the motion, the adoption of a caretaker policy would be consistent with the Council's submission into the Future of Local Government Review. It would also be consistent with the draft Governance Framework being considered on this same agenda.
2. The Minister for Local Government recently wrote to the Lord Mayor encouraging the adoption of a policy on caretaker provisions similar to that recently introduced by Kingborough Council.
3. It is considered that the adoption of such a policy in the absence of legislative amendments dealing with same is good governance. A draft policy could be presented to the Council's Finance and Governance Committee meeting in July.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar:	8 – Governance and civic involvement
Outcome:	8.1 Hobart is a city of best practice, ethical governance and transparent decision-making.
Strategy:	8.1.1 Practise integrity, accountability, strong ethics and transparency in the City's governance, policymaking and operations. 8.1.2 Practise and communicate good city governance and decision-making.

Legislation and Policy

Legislation:	Local Government Act 1993
Policy:	Not applicable.

Financial Implications

1. None arise from this motion.

FINANCE AND GOVERNANCE COMMITTEE

17. Governance Framework

File Ref: F22/53819; 15/162-0013

Ref: Open [FGC 6.2](#), 21/06/2022

That the draft Governance Framework marked as Attachment A to item 6.2 of the Open Finance and Governance Committee agenda of 21 June 2022, be adopted.

18. Amendments to Officer Council Delegations

File Ref: F22/52861; s32-013-07

Ref: Open [FGC 6.3](#), 21/06/2022

That the Council approve the amendments to the Council Delegations for the Chief Executive Officer, Director City Life, Director City Futures, Manager Urban Futures, Manager Development Appraisal and the Senior Statutory Planner as shown in Attachment A to item 6.3 of the Open Finance and Governance Committee agenda of 21 June 2022.

19. Response to Notice of Motion - UTAS Move to the City; and Resolutions from Public Meetings in Response to Save UTAS

File Ref: F22/52334 & F22/52335

Ref: Open [FGC 6.4](#), 21/06/2022

Ref: Open [FGC 6.5](#), 21/06/2022

PART A

- That:
1. The Council notes the officer report regarding the UTAS public meeting motions and questions;
 2. That attendees of the meeting be thanked, and that information and responses to questions contained in Item 6.4 and Item 6.5 of the Open Finance and Governance Committee agenda of 21 June 2022, be emailed or mailed to those people who registered for the public meeting;
 3. The relevant institutions and representatives (including UTAS Council Members, and relevant State government representatives) be sent all public meeting motions and the Council's response to the motions from the public meeting for their information and consideration;

4. In response to concerns raised by the public, and the motions from the UTAS public meeting, the following information be collated under a UTAS tab on Council's website:
 - a. the supporting information attachments of Item 6.4 and the report marked as Item 6.5, from the Open Finance and Governance Committee agenda of 21 June 2022;
 - b. a timeline diagram outlining the chronology of dates, meetings, announcements, policies and decisions agreed by Council relating to the UTAS proposals since 2009;
 - c. information to specifically explain the statutory obligations Council has relating to acting as a planning authority, as well as obligations elected members have to consider development applications without apprehended bias, according to the Local Government Act;
 - d. the CEO consider any other communications that might help the public's understanding of the roles of responsibilities of Council in this matter;
5. Council notes that as part of the role as city manager, Council officers engage and discuss plans and city-shaping proposals with all large employers and city stakeholders, including UTAS, in accordance with the City's strategic, social and economic goals, always in accordance with the law;
6. In relation to the City of Hobart and UTAS Governance forum;
 - a. Council notes that the Governance Forum, established by unanimous resolution of the Council in 2019, has not met since September 2021 and not since the release of the Sandy Bay Master Plan;
 - b. the City of Hobart and UTAS Governance forum be disbanded;
7. On the matter of declaring interest in regard to matters relating to UTAS, elected members continue with the standard practice as set out in the *Local Government Act (1993)* as per s48(2) and s54 noting that elected members may voluntarily declare and provide additional information if they wish, as deemed appropriate at any time;
8. Council notes that a parliamentary inquiry into UTAS is being considered. Should the Council make a submission, then the report marked as Item 6.5 and attachments of Item 6.4, of the Open Finance and Governance Committee agenda of 21 June 2022, be considered to form the basis of that submission;
9. The Council write to the University requesting it provide permission for the public release of the relevant notes taken from the City of Hobart and UTAS Governance Forum meetings .

PART B

That subject to qualified advice the Council make public the relevant report, with appropriate redactions if required, prior to the City Deal being agreed to which was put before a special closed meeting of the Finance and Governance Committee in December 2018.

PARKS AND RECREATION COMMITTEE

20. Review of Council Tree Compensation Policy
File Ref: F22/2563

Ref: Open [PRC 6.1](#), 16/06/2022

- That:
1. The City of Hobart Tree Compensation Policy be retained as best practice tool for the incorporation of the value of trees to the City and to the environment.
 2. The City convene regular forums for professional associations such as architects, designers, engineers and urban designers to explain the policy to ensure it is considered early in the design process.
 3. An *i-Tree Eco* fee be calculated, that defines the value of the ecosystem services that a tree provides for any tree that is approved for removal.

21. CLOSED PORTION OF THE MEETING

RECOMMENDATION

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

- Confirm the minutes of the closed portion of the meeting
- Leave of Absence
- Matters relating to Council property
- Confidential information provided to the Council

The following items are listed for discussion:-

- | | |
|-------------|---|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Council Meeting |
| Item No. 2 | Communication from the Chairman |
| Item No. 3 | Leave of Absence |
| Item No. 4 | Consideration of supplementary Items to the agenda |
| Item No. 5 | Indications of pecuniary and conflicts of interest |
| Item No. 6 | Giblin Street Quarry Site - Expressions of Interest to Sell or Lease Land
LG(MP)R 15(2)(f) |
| Item No. 7 | The Brunswick Hotel - Fee Waiver Request
LG(MP)R 15(2)(g) and (j) |
| Item No. 8 | TasWater Corporate Plan - 2023-2027
LG(MP)R 15(2)(g) |
| Item No. 9 | Proposed Access Licence - 1/10 & 2/10 Olinda Grove through Council's Land 12 Olinda Grove
LG(MP)R 15(2)(d) and (f) |
| Item No. 10 | Risk and Audit Panel Minutes - 14 December 2021 and 9 February 2022
LG(MP)R 15(2)(g) |