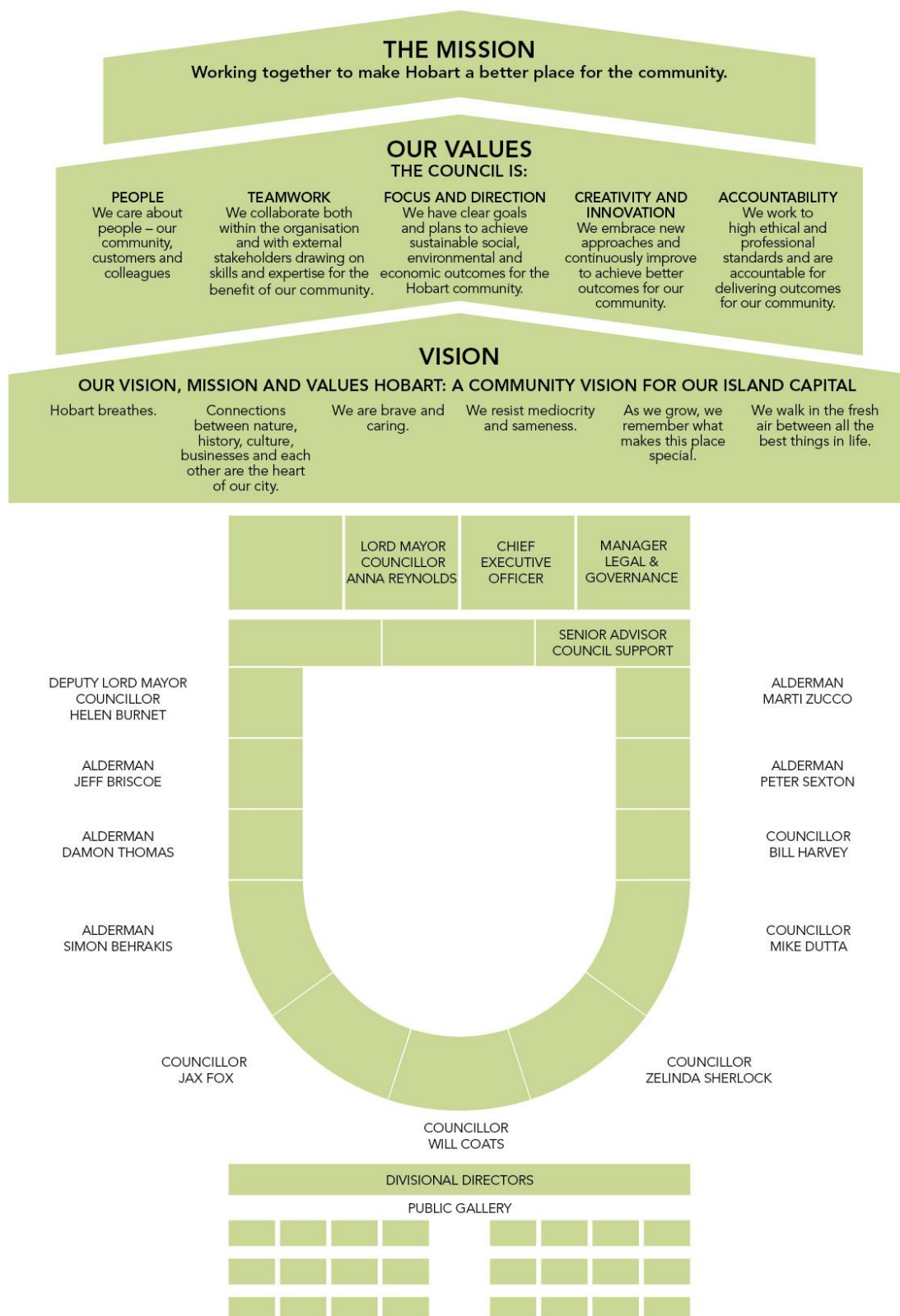




CITY OF HOBART

AGENDA
OPEN PORTION OF THE COUNCIL MEETING
MONDAY, 11 JULY 2022
AT 5:00 PM





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A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL ON MONDAY, 11 JULY 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 C 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:

Alderman Dr P T Sexton
Alderman D C Thomas
Councillor Dr Z E Sherlock

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, 27 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 the following workshops have been conducted since the last ordinary meeting of the Council.

Date: 5 July 2022
Purpose: Caretaker Policy

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

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 2/816 Sandy Bay Road, Sandy Bay and Common Land of Parent Title - Change of Use to Visitor Accommodation PLN-21-569 - File Ref: F22/63404

Ref: Open [CPC 7.2.1](#), 4/07/2022
Application Expiry Date: 27 July 2022

That the City Planning Committee recommends that the Council refuse the application for a change of use to visitor accommodation at 2/816 Sandy Bay Road, Sandy Bay 7005 pursuant to the *Hobart Interim Planning Scheme 2015* and *Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes*, for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 3.1(e) A1 or P1 of *Planning Directive No. 6* because the gross floor area is in excess of 200m², and the proposal is not compatible with the character and use of the area and would cause an unreasonable loss of residential amenity.

**9.2 18 Grosvenor Street, Sandy Bay and Common Land of Parent Title -
Change of Use to Visitor Accommodation
PLN-22-328 - File Ref: F22/63412**

Ref: Open [CPC 7.2.2](#), 4/07/2022
Application Expiry Date: 11 July 2022

In the absence of a decision from the City Planning Committee the item is referred to the Council for determination.

Attachment A: Original Report - CPC 4 July 2022 - Item 7.2.2 - 18
Grosvenor Street



City of HOBART

APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015

Type of Report:	Committee
Council:	11 July 2022
Expiry Date:	11 July 2022
Application No:	PLN-22-328
Address:	18 GROSVENOR STREET , SANDY BAY COMMON LAND OF PARENT TITLE
Applicant:	CHRISTOPHER ROSS LAMOND 126 SANDY BAY ROAD
Proposal:	Change of Use to Visitor Accommodation
Representations:	No representations.
Performance criteria:	Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes - Visitor Accommodation, Parking and Access Code - Number of Car Parking Spaces.

1. Executive Summary

- 1.1 Planning approval is sought for a change of use to visitor accommodation at 18 Grosvenor Street, Sandy Bay and the common land of the parent title for this property.
- 1.2 More specifically the proposal includes a change of use of one of the multiple dwellings on the site to allow it to be used for visitor accommodation. The proposed visitor accommodation use would have a floor area of 77m². A 17m² courtyard would also be available for the use. No on-site car parking would be provided for the proposed use.
- 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 E6.0 Parking and Access Code - E6.6 Use Standards
- 1.4 No representations were received during the statutory advertising period between 6 and 21 June 2021.

- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the Council because it is a category of application that has been called in by an Elected Member.

2. Site Detail

- 2.1 The site is one of four conjoined multiple dwellings on the subject property. The dwellings are contained within a heritage listed building and each have direct pedestrian access to Grosvenor Street which is on the property's eastern boundary. There is a driveway at the southern end of the property which provides access to the southernmost dwelling only. The building is two storey, although the upper level is limited to a single room within the attic space of each dwelling. The site is generally surrounded by established residential use and development, although the Stonemans Garden Centre is nearby and to the north-west. The shopping area along Sandy Bay Road is approximately 130m to the east of the site.



Figure 1: aerial view of site (outlined in blue) and surrounding area.

3. Proposal

- 3.1 Planning approval is sought for a change of use to visitor accommodation at 18 Grosvenor Street, Sandy Bay and the common land of the parent title for this property.
- 3.2 More specifically the proposal includes a change of use of one of the multiple dwellings on the site to allow it to be used for visitor accommodation. The proposed visitor accommodation use would have a floor area of 77m². A 17m² courtyard would also be available for the use. No on-site car parking would be provided for the proposed use.

4. Background

- 4.1 There is no relevant background for this application.

5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period.

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 a multiple dwelling within the planning scheme's residential use class. The proposed use is visitor accommodation. The existing use is a permitted use in the above zone. The proposed use is also a permitted use in the zone.
- 6.4 The proposal has been assessed against:
 - 6.4.1 Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes

6.4.2 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 No. 6 Exemption and Standards for
Visitor Accommodation in Planning Schemes

Visitor Accommodation P2

6.5.2 E6.6 Use Standards

E6.6.1 Number of Car Parking Spaces

6.6 Each relevant performance criterion is assessed below.

6.7 3.1.(e) Visitor Accommodation P2

6.7.1 The acceptable solution A2 at clause 3.1.(e) of the Planning Directive requires visitor accommodation to not be for a lot that is part of a strata scheme where another lot within that scheme is used for a residential use.

6.7.2 The proposal includes visitor accommodation for a lot that is part of a strata scheme where another lot within that scheme is used for a residential use.

6.7.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.7.4 The performance criterion P2 at clause 3.1.(e) provides as follows:

Visitor Accommodation within a strata scheme must not cause an unreasonable loss of residential amenity to long term residents occupying other lots within the strata scheme, having regard to:

- (a) the privacy of residents;*
- (b) any likely increase in noise;*
- (c) the residential function of the strata scheme;*
- (d) the location and layout of the lots;*
- (e) the extent and nature of any other non-residential uses; and*
- (f) any impact on shared access and common property.*

6.7.5 The applicant suggests that the proposed visitor accommodation would

not impact upon adjoining residents because the proposed use would be provided with separate access from Grosvenor Street - i.e. the proposed use would not rely upon a shared access. The application includes a draft Visitor Management Plan which establishes a maximum occupancy for the proposed visitor accommodation (two adults). The draft management plan also outlines expectations for guests staying on the site, including a prohibition upon parties or functions and advice that the manager of the facility will monitor guest behaviour. Given these measures the proposal is considered unlikely to result in a significant increase in noise beyond that associated with the existing residential use of the site. A condition of approval should be that prior to commencement of the proposed visitor accommodation use, the operator must submit to Council a final version of the visitor management plan. The condition should require the plan to be implemented and maintained throughout the operation of visitor accommodation use. The condition should also require a copy of the plan to be provided to the residents within the strata scheme on the property.

6.7.6 It is noted that the location and layout of lots within the strata scheme on the site allows for direct access to the site frontage and that there are only limited common areas on the subject property that may be impacted by the proposal. There are no non-residential use on the property.

6.7.7 The proposal complies with the above performance criterion.

6.8 *E6.6.1 Number of Car Parking Spaces*

6.8.1 The acceptable solution at clause *E6.6.1* requires the number of on-site car parking spaces to be no less than the number specified in Table E6.1.

6.8.2 The proposal includes less than the number of on-site car parking spaces specified in Table E6.1. One on-site car parking spaces is required but no on-site car parking would be provided for the proposed use.

6.8.3 The proposal does not comply with the above acceptable solution and therefore relies upon assessment against the below performance criterion.

6.8.4 The performance criterion 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 may result in reduced car parking demand as visitor accommodation guests are more likely to not have a vehicle compared with permanent residents and are more likely to use alternative means of transport. There is likely to be limited availability of on-street and public parking in the locality due to the proximity of the site to a shopping area and the University of Tasmania's Sandy Bay Campus. However, the site is also close to (i.e. within 400m walking distance) high frequency public transport, which is available along both Sandy Bay Road to the east and Regent Street to the west. The site is also considered to be close enough to the Hobart CBD and other significant areas to ensure that guests use alternative modes of transport such as walking or ride sharing services.
- 6.8.6 It is recognised that there is an existing car parking deficiency on the site, i.e. there is no car parking provided for the existing residential use of the

site. However, the proposal would not exacerbate the existing lack of car parking on the site - i.e. the planning scheme's car parking requirements for the existing use of the site are the same as those for the proposed use.

6.8.7 A financial contribution in lieu of parking towards the cost of parking facilities is not considered appropriate given that there is no parking plan for the area that has been adopted by Council. It is also noted that providing on-site car parking in this situation is likely to have a detrimental impact upon the historic cultural heritage values of the site.

6.8.8 The proposal complies with the above performance criterion.

7. Discussion

- 7.1 Planning approval is sought for a change of use to visitor accommodation at 18 Grosvenor Street, Sandy Bay and the common land of the parent title for this property.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to comply.
- 7.4 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed a change of use to visitor accommodation at 18 Grosvenor Street, Sandy Bay and the common land of the parent title for this property, satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015* and is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a change of use to visitor accommodation at 18 Grosvenor Street, Sandy Bay and the common land of the parent title for this property, 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-22-328 - 18 GROSVENOR STREET SANDY BAY TAS 7005 - Final Planning Documents.

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 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.

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 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.



(Adam Smee)

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: 27 June 2022

Attachment(s):

Attachment B - CPC Agenda Documents

PLN-22-328 - 18 GROSVENOR STREET PLN-22-328 - COMMON LAND OF PARENT TITLE

Application Information

▼ Application Details PLN-22-328 Change of Use to Visitor Accommodation 
 Submitted on: 24/05/2022
 Accepted as Valid on: 24/05/2022
 Target Time Frame: 42 Days.
 Elapsed Time: 9 Days (*Stopped: 4 Days*) = 5 Days Expiry date: 09/07/2022
 Officer: Adam Smee

Have you obtained pre application advice?

☒ Yes

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

no number provided

Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation information button for definition. If you are not the owner of the property you MUST include signed confirmation of awareness 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 amount in 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 accommodation

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

Visitor accommodation

Estimated cost of development *

0.00

Existing floor area (m2)

58.00

Proposed floor area (m2)

58.00

Site area (m2)

58

Carparking on Site

Total parking spaces	Existing parking spaces	N/A
<input type="text" value="0"/>	<input type="text" value="0"/>	<input checked="" type="checkbox"/> 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? *

Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register? ☒ No

To whom it may concern.

I live in this community and am committed to supporting my community in the residential setting as well as our local businesses.

Background

- 18 Grosvenor Street is a one-bedroom property which has a very steep narrow stair case leading up to the attic bedroom which means it is not ideal for families /children or elderly people.
- This property as a rental does not fall into affordable housing category
- It was built in the 1800's and as a result, does not have off street parking as Cars were not a consideration at that time. There is all day parking in close proximity to the property on Regent street, and on some of the surrounding streets.
- Access to 18 Grosvenor street does not impact on privacy of other residents as this property has its own front and rear access with yard. (It is not a shared access)
- The property is one of four residential properties in a block of four conjoined properties (16, 18, 20 and 22)
- There is unlikely to be any increase in noise from this property being Airbnb as opposed to it being rented, in fact there is likely to be a reduction in noise with gaps in bookings.
- This property is minutes walk to bus routes/ bus stops (including skybus)
- The property is central and walking distance to our local businesses on Sandy Bay road shopping, cafes, restaurants and a 10 minute walk to Salamanca for access to all amenities.

It is in my interest that guests staying at this property are respectful to my neighbours and the property itself.

I have attached a draft management plan for this application.



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
58202	18
EDITION	DATE OF ISSUE
8	18-Jan-2016

SEARCH DATE : 03-Oct-2019
SEARCH TIME : 09.55 AM

DESCRIPTION OF LAND

City of HOBART
Lot 18 on Strata Plan 58202 (formerly being STR1865) and a
general unit entitlement operating for all purposes of the
Strata Scheme being a 1 undivided 1/4 interest
Derived from Strata Plan 58202
Derivation : Part of 10A-OR-0Ps. Gtd. to E. Dumaesq
Prior CT 4209/59

SCHEDULE 1

E9846 TRANSFER to STUART CHARLES LAMOND, ELIZABETH ANN
 LAMOND and CHRISTOPHER ROSS LAMOND Registered
 18-Jan-2016 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
The registered proprietor holds the lot and unit entitlement
subject to any interest noted on common property
Folio of the Register volume 58202 folio 0
BENEFITING EASEMENT: a right of way for all purposes over the
Right of Way shown on D27035

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Conveyancing and Law of Property Act 1884

STRATUM PLAN

No. 1865

REGISTERED NUMBER

Sheet 1 of 3 Sheets

City or Town HOBART

58202

Locality SANDY BAY

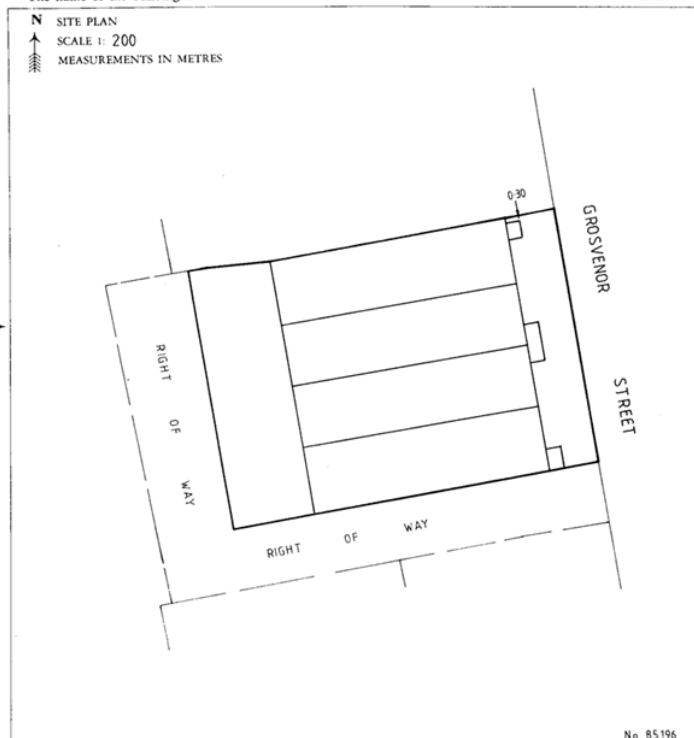
Reference to Title C.T. 3514/65

Site comprises the whole of Lot 1 on Plan Diagram No. 27035 in the

Lands Titles Office

The name of the building is No. 16-22 Grosvenor Street, Hobart.

External
surface
boundaries of
the site and
the location of
the building
in relation
thereto to
be delineated
in this space

REGISTERED this 17th day of OCTOBER 1985, No. 1865

This plan is lodged for registration by

A. R. JACOBS

C/- CROWN LAW.

Recorder of Titles

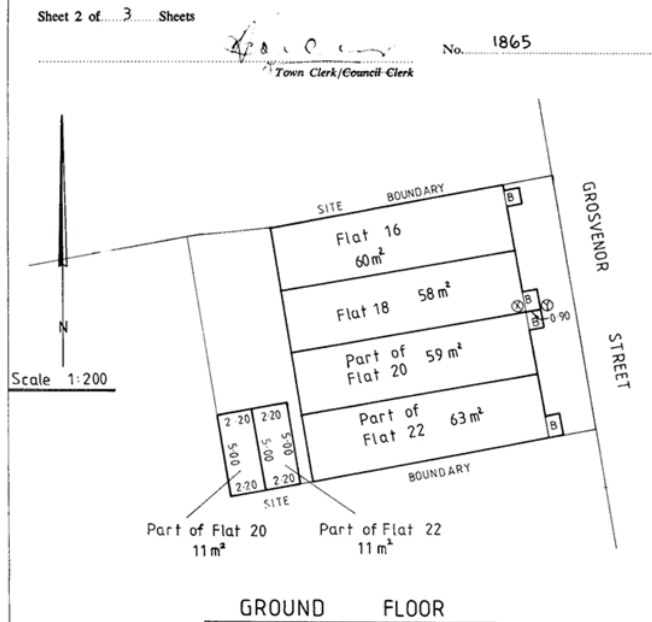
OS-17 714



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



BOUNDARIES OF FLATS ARE SHOWN BY HEAVY UNBROKEN LINES.

BOUNDARIES OF FLAYS ARE THE CENTRES OF FLOORS WALLS AND CEILINGS
UNLESS OTHERWISE DEFINED.PORTION OF FLATS MARKED B ARE BRICK STEPS THE HORIZONTAL BOUNDARIES
OF WHICH ARE THE EXTERNAL FACE OF THE BRICKWORK EXCEPTING THE BOUNDARY
MARK XY WHICH IS DEFINED BY MEASUREMENT AND THE VERTICAL BOUNDARIES
EXTEND FROM THE SURFACE OF THE BRICKWORK TO THE PROLONGATION OF THE
CENTRE OF THE CEILING OF THE REMAINING PORTION OF THE FLATS.OTHER DIMENSIONED PORTIONS OF THE FLATS ARE OPEN CARPARK SPACES THE
HORIZONTAL BOUNDARIES OF WHICH ARE DEFINED BY MEASUREMENT AND THE
VERTICAL BOUNDARIES EXTEND FROM THE SURFACE OF THE SITE TO A HEIGHT OF
3.5 METRES.



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Sheet 3 of 3 Sheets

No. 1865

Town Clerk/Council Clerk

The address for service of notices on the company is:—

16 - 22 GROSVENOR STREET
HOBART, 7000

UNIT ENTITLEMENTS

Flat	Unit Entitlement	FOR OFFICE USE ONLY
16	1	4209 58
18	1	59
20	1	60
22	1	61
TOTAL		4

SURVEYOR'S CERTIFICATE

I, John Brian Medbury
of Cambridge
a surveyor registered under the Land Surveyor's
Act 1909, hereby certify that the building
erected on the site described and delineated on
sheet 1 of this plan is within the external bound-
aries of the title stated on sheet 1.

Dated this 1st day of July 1985

Registered Surveyor

COUNCIL CLERK'S CERTIFICATE

I certify that the subdivision shown in this plan
has been approved by the

Council
Dated this 1st day of July 1985

Town Clerk/Council Clerk

FOR OFFICE USE ONLY

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME	FOLIO
58202	0
EDITION	DATE OF ISSUE
3	22-Aug-2001

SEARCH DATE : 03-Oct-2019

SEARCH TIME : 09.55 AM

DESCRIPTION OF LAND

City of HOBART
The Common Property for Strata Scheme 58202 (formerly being STR1865)
Derivation : Part of 10A-OR-0Ps. Gtd. to E. Dumaresq
Prior CT 3514/65

SCHEDULE 1

STRATA CORPORATION NO 58202, 16-22 GROSVENOR STREET, HOBART.

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
BENEFITING EASEMENT: a right of way for all purposes over the
Right of Way shown on D27035

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

VISITOR MANAGEMENT PLAN

PROPERTY ADDRESS: 18 Grosvenor Street, Sandy Bay

PLANNING PERMIT REF.:

CONDITION NO.:

CURRENT MANAGER'S NAME: Stuart Lamond

CURRENT MANAGER'S NO.: 0419 131 469

It is in the interest of the manager of this property that Guests are 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. It is also in the interest of the manager that guest treat this property with respect and that it is not used for parties or functions.

1. The Manager who actively manages this property.

The Manager who is specified above is the Manager.

The Manager will 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 2 Adults.

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 2.

3. There is no on site parking for this property.

- (a) Free parking can be found on Regent street a few minutes walk from the property.
(b) The property is a three minute walk to Sandy Bay where e-scooters are readily available.
(c) The property is a three minute walk to bus stops which will take you to the city
(d) Uber rides are readily available from the Sandy Bay precinct

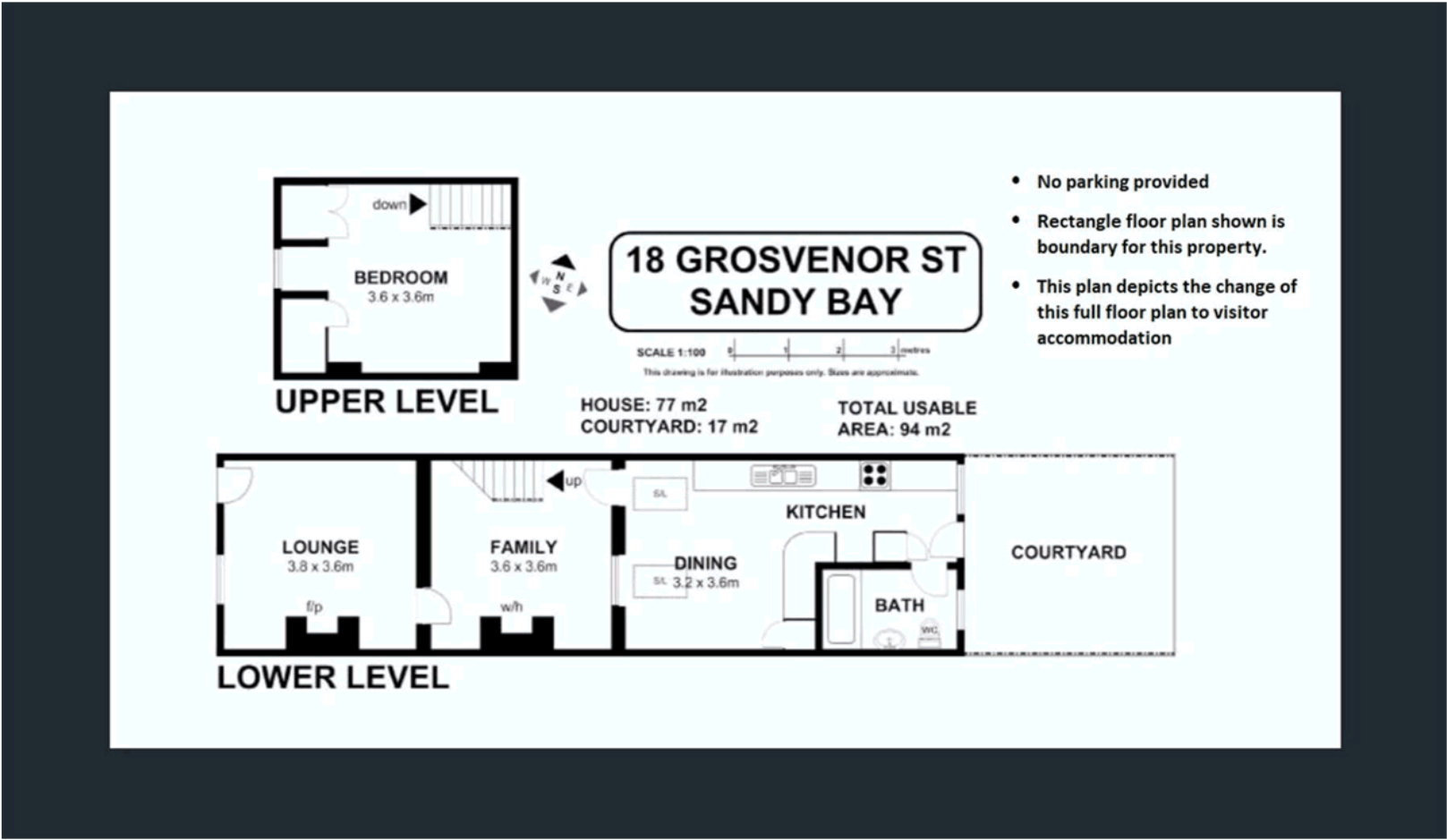
4. The property to be used in a way which is respectful of the residential setting of the property.

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..
- (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.

5. **Waste Management**

The Manager will 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.



10. Submissions Received Public Notification Period for the Certified Amendment for Short Stay Visitor Accommodation
File Ref: F22/40681; PSA-22-1

Ref: Open [CPC 8.1](#), 4/07/2022

- That:
1. Pursuant to section 39 (2) of the former provisions of the *Land Use Planning and Approvals Act 1993*, that Council endorse the report marked as item 8.1 of the Open City Planning Committee agenda of 4 July 2022 as the formal statement of its opinion as to the merit of the representations received during the public exhibition of the certified amendment PSA-22-1.
 2. Pursuant to section 39 (2) of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council recommend to the Tasmanian Planning Commission that PSA-22-1 marked as Attachment A to item 7.1.4 of the Open City Planning Committee agenda of 21 March 2022 to the Hobart Interim Planning Scheme 2015 be approved as certified.

11. Response to Notice of Motion - Assessment of Planning Applications with Heritage and Disability Access Issues
File Ref: F22/44643

Ref: Open [CPC 8.2](#), 4/07/2022

That the Council propose, as part of the review of the State Planning Provisions currently being undertaken by the State Planning Office, that there is some flexibility introduced into the requirements of the development standards in the Local Historic Heritage Code which would allow for equal access to buildings.

CITY INFRASTRUCTURE COMMITTEE

**12. Response to Petition - Pedestrian Crossing - McRobies Road, South Hobart
File Ref: F22/55984; R0659**

Ref: Open [CIC 6.1](#), 29/06/2022

- That:
1. An application be made to the Transport Commission requesting a change to the speed limit on McRobies Road between Cascade Road and Syme Street, Syme Street between Cascade Road and Degraes Street, and Nevin Street in South Hobart from the current default urban speed limit of 50 km/h to 40 km/h.
 2. Further consultation and investigations be undertaken in respect to joining the proposed 40km/hr zone (as outlined in Clause 1) with the previously Council-endorsed proposal for the 40km/hr zone in the South Hobart Shopping Precinct between Excel Lane and the Southern Outlet.
 3. Officers to investigate and upgrade the road signage on McRobies Road on approach to the Hobart Rivulet crossing.
 4. The petitioners be so advised.

COMMUNITY, CULTURE AND EVENTS COMMITTEE

13. Salamanca Market By-Law No.1 of 2022

File Ref: F22/46521; S33-060-02/38

Ref: Open [CCEC 6.1](#), 30/06/2022

That the Council delegate authority to the Chief Executive Officer to take the remaining necessary steps to create the Salamanca Market By-Law No. 1 of 2022 marked as Attachment A to item 6.1 of the Open Community Culture and Events Committee agenda of 30 June 2022.

14. Speaker's Corner - 6 Month Trial

File Ref: F22/56706; 21/27

Ref: Open [CCEC 6.2](#), 30/06/2022

- That:
1. The Council approve the ongoing Speakers' Corner Program for the City of Hobart.
 2. Based on the findings of the Speakers' Corner trial of 26 April 2021 to 31 October 2021 and the observations of the use of the Salamanca Plaza site during the 'Out in the Open' program between February and April 2022, the Chief Executive Officer finalise the Speakers' Corner Terms and Conditions and update the site signage for delivery of the program to commence by August 2022.

15. Request for Financial Delegation for Annual Grants (\$20,000 and Over)

File Ref: F22/56931; 21/48

Ref: Open [CCEC 6.3](#), 30/06/2022

That in light of upcoming Local Government elections and in the interests of good governance at this time that pursuant to Section 22 of the *Local Government Act 1993*, the Council delegate authority to the Chief Executive Officer to approve the recommendations of two assessment panels in September 2022, for the annual grants for Creative Hobart Major Cultural Organisations and Event Partnerships to levels as provided in the 2022-2023 Annual Plan.

ECONOMIC DEVELOPMENT & COMMUNICATIONS COMMITTEE

16. Business Events Tasmania Annual Funding Submission and Funding Agreement

File Ref: F22/41466

Ref: Open [EDCC 6.1](#), 30/06/2022

- That:
1. The Council provide funding of \$114,932 to Business Events Tasmania which has been included in the Economic Development Budget Function of the 2022-23 Annual Plan.
 2. The total funding provision be recorded in the 'Grants, Assistance and Benefits provided' section of the City of Hobart's Annual Report.
 3. The Council endorses the City of Hobart / Business Events Tasmania Funding Agreement 2022 – 2023 marked as Attachment B to item 6.1 of the Open Economic Development and Communications Committee agenda of 30 June 2022.

17. World Cities Summit

File Ref: F22/55553

Ref: Open [EDCC 6.2](#), 30/06/2022

That the Council endorse the attendance of the Chief Executive Officer and the Director Connected City at the World Cities Summit in Singapore from 31 July to 3 August 2022 as detailed in the report marked as item 6.2 of the Open Economic Development and Communications Committee agenda of 30 June 2022.

SPECIAL REPORT – CHIEF EXECUTIVE OFFICER

18. Response to Notice of Motion - 2022 Election Caretaker Provisions
File Ref: F22/62327

Memorandum of the Chief Executive Officer of 6 July 2022 and attachments.

Delegation: Council



City of **HOBART**

MEMORANDUM: COUNCIL

2022 Election Caretaker Provisions

The purpose of this report is to seek approval of the Council for a range of matters in relation to caretaker arrangements in the lead-up to the 2022 local government election.

Caretaker Policy

Council resolved on 27 June 2022 that a report be provided to Council regarding possible Caretaker provisions to be considered for adoption before the 2022 Local Government election.

A draft Policy has been prepared and was the subject of a Council workshop on 5 July 2022. **Attachment A** to this report is a copy of the draft policy which incorporates feedback and comments arising from the Council's workshop.

The draft Policy has been based on the policy recently adopted by Kingborough Council which was recommended by the Minister for Local Government to be considered for adoption by other councils. Some amendments have been made to that Policy to suit the different operating context.

It is recommended that the Council adopt the draft Caretaker Policy included as Attachment A to this report.

2022 Meeting Schedule

As Elected Members would be aware, the Tasmania Electoral Commission has released its 2022 election timetable. Polling closes at 2pm on Tuesday 25 October 2022 and it is anticipated that the results of the election will be known on or around 2 November 2022 with Certificates of Election to follow thereafter.

In order to maintain business as usual as best as possible leading into the close of polls and immediately following certificates of election being issued, the following changes to the Council and Committee meeting schedule is proposed. These are also set-out in **Attachment B** to this report.

Tuesday 25 October

Polls close 2pm
Special Council meeting
Cancel Finance and Governance Committee

Cancelled	Council meeting 31 October City Infrastructure Committee 2 November Community, Culture and Events Committee 3 November Economic Development and Communications Committee 3 November City Planning Committee 7 November
Monday 7 November	Ceremonial Special Council meeting – swearing-in of the new Council
Monday 14 November	Council meeting – determination of committee memberships and representatives on outside bodies
Thursday 17 November	Committees proceed as normal

With the amendments to the meeting schedule proposed it is also recommended that the Director City Life be provided with the following delegation in order to facilitate the processing of planning permit applications during the period 26 October 2022 to 21 November 2022:

- (i) To determine all planning permit applications which would otherwise be determined by Committee or Council in circumstances where it would not otherwise be possible to determine the application within the statutory time period required under Sections 57(6), 57(6A), 58(2) or 58(2A) of the *Land Use Planning and Approvals Act 1993*, and an extension of time cannot be obtained, unless an Elected Member has requested the convening of a special meeting or meetings of the Planning Authority to determine an application and there is sufficient time to arrange a special meeting prior to the expiry of the statutory time period required under those sections.

It should be noted this delegation still provides Elected Members with the power to call-in a development application provided there is sufficient statutory time to do so. Until such time as a planning authority committee has been established, such matters would be submitted directly to a Council meeting.

The above proposed delegation is the same as is normally adopted during the Christmas/New Year period.

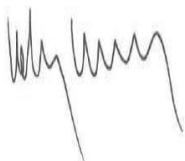
Tas Water Owner's Representative

Councillor Coats is currently the Council's Owner's Representative. The next scheduled meeting of the Tas Water Owners' Representatives is scheduled to occur before 30 November due 2022 to its statutory obligations. In order to ensure that the Council is able to participate and vote at that meeting it is recommended that the Council appoint the Chief Executive Officer and the Manager Legal and Governance as standing proxies in the event that an appointment by the Council has not been able to be made following the election.

RECOMMENDATION***That:***

- 1. *The Council adopt the draft Caretaker Policy included as Attachment A to this report.***
- 2. *The Council adopt the changes to the Council and Committee Meeting Schedule as shown in Attachment B to this report.***
- 3. *The Director City Life be provided with the following delegation in order to facilitate the processing of planning permit applications during the period 26 October 2022 to 21 November 2022:***
 - (i) *To determine all planning permit applications which would otherwise be determined by Committee or Council in circumstances where it would not otherwise be possible to determine the application within the statutory time period required under Sections 57(6), 57(6A), 58(2) or 58(2A) of the Land Use Planning and Approvals Act 1993, and an extension of time cannot be obtained, unless an Elected Member has requested the convening of a special meeting or meetings of the Planning Authority to determine an application and there is sufficient time to arrange a special meeting prior to the expiry of the statutory time period required under those sections.***
- 4. *The Council appoint the Chief Executive Officer and the Manager Legal and Governance as standing proxies for the Council's Tas Water Owner's Representative.***


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.



Kelly Grigsby
CHIEF EXECUTIVE OFFICER

Date: 6 July 2022
File Reference: F22/62327

Attachment A: Caretaker Policy ↓ 

Attachment B: Council and Committee Meeting Schedule 2022 - LG Election
Period ↓ 

City of Hobart

Policy

Title: Election Caretaker Period

Category: Corporate Governance

Date Last Adopted: New Policy

1. Objectives

The purpose of this policy is to ensure that:

- a) Major policy decisions are not made by Council in the lead-up to an election that would prohibitively bind an incoming Council.
- b) Council resources are not used for the advantage of a candidate in a local government general election.
- c) The requirement to act impartially in relation to all candidates standing for election is clearly understood.

2. Background

Council is committed to the application of good governance principles and high standards of integrity.

It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. Council commits to the principle that it will make every endeavour to avoid making major policy decisions that bind an incoming Council.

This policy establishes clear guidelines for the conduct of elected members and staff in the lead up to a local government general election involving the Hobart City Council and adopts a pragmatic approach to ensuring that the ordinary business of Council continues in a responsible, transparent and legally compliant manner in the period leading up to an election.

3. Policy

Scope

This policy applies for the Caretaker Period and does not apply to a local government By-Election.

General

During the Caretaker Period the following provisions shall apply:

Tenure of Chief Executive Officer – Council shall not appoint, dismiss or renew the contract of a Chief Executive Officer. An Acting Chief Executive Officer may be appointed in accordance with Section 61B of the Act, if required.

Planning Instruments – Council will not make of its own motion, amend or repeal a local planning instrument under the *Land Use Planning and Approvals Act 1993* (i.e. a planning scheme, a temporary local planning instrument or a planning scheme policy). For clarity this does not apply to applications made by third parties;

By-Laws – Council will not make a new By-Law.

Policies – Council will not approve or renew any Council policies.

Meetings – During the Caretaker Period, elected members will not submit notices of motion to Council or Council Committees pursuant to regulation 16(5) of the MPR nor will they ask questions without notice in accordance with regulation 29 of the MPR.

Use of Council Equipment and Stationery – Council supplied equipment and Council branded material will not be used by elected members or staff in any manner that supports a Candidate's election campaign. Elected members may continue to use Council equipment and branded material throughout the course of the Caretaker Period to carry out their regular functions as described in Section 28 of the Act. For clarity, elected members are entitled to utilise Council issued contact methods (email address, phone number, physical address) and corporate photographs in their election campaign. This is on the basis that no cost is incurred by the Council in these being available.

Media – Elected members will not use their access to employees or resources, to gain media attention in support of their, or any other Candidate's election campaign. For clarity this means that an elected must

not utilise Council staff or resources in the preparation or delivery of campaign related media.

Council Committees and Groups – an elected member shall not use their membership of a Council committee or appointment as a member of an external group to disseminate information or promote their, or any other Candidate's election campaign. For example, this Policy would prevent the distribution of promotional material by an elected member to members of a group or committee of which that elected member was a member by virtue of them being an elected member.

Nothing in this policy prevents the Lord Mayor, elected members and staff from carrying on the business of the Council during the Caretaker Period.

Council meetings will continue to be held during the Caretaker Period in accordance with the approved meeting schedule and will consider agenda items that relate to the ordinary business of Council other than those matters identified in this policy.

The Chief Executive Officer may still exercise all delegations provided by Council and carry out the functions and powers set out in section 62 of the Act during the Caretaker Period, including the appointment of staff and the awarding of tenders and contracts.

Capital works as approved by Council as part of the annual budget process and subsequently approved by the awarding of a tender, can proceed during the Caretaker Period, regardless of their scale.



Council decisions and commitments made prior to the commencement of the Caretaker Period can continue to be actioned or implemented during the Caretaker Period including the provision of grants and sponsorships.

The Lord Mayor and elected members can continue to accept invitations to attend community functions and may continue to correspond with constituents on matters related to Council business during the Caretaker Period.

The Lord Mayor is the spokesperson for Council in accordance with Section 27 of the Act and will carry out the civic and ceremonial functions of the mayoral office during the Caretaker Period.

Individual elected members may continue to represent the community and facilitate communication between Council and the community and otherwise carry out the functions of office set out in section 28 of the Act for the duration of the Caretaker Period.

Nothing in this policy affects the application of the Council's policy titled "Elected Member Development and Support".



Council employees shall maintain the normal business activities of Council during the Caretaker Period. Employees shall undertake their duties in an appropriate way and take all steps to avoid any real or perceived support for a candidate in order to protect the organisation's ability to impartially serve any incoming Council following an election.

DRAFT

4. Legislation, Terminology and References

Definitions

In this policy:

“By-Election” is an election to replace an elected member after the elected member’s office becomes vacant.

“Candidate” is a person standing for election.

“Council” means the Hobart City Council.

“Caretaker Period” is the period from the Notice of Election published in accordance with section 269 of the Act until seven days after the day on which the polls close for the relevant local government general election.

“Electoral Material” means any advertisement, handbill, pamphlet, notice, flyer, letter or article that is intended or calculated to affect the result of an election.

“Election Campaign” refers to the activities of candidates to win voter support in the period preceding an election and includes activities such as door knocking, bulk emails, production of signs and flyers, telephone canvassing, social media campaigns and advertising.

“The Act” means the *Local Government Act 1993* (Tas).

“Major Policy Decision” refers to the appointment, remuneration or termination of the General Manager, approval of contracts greater than 1% of Council’s net revenue, adoption or renewal of policies, making, amending or repealing of planning schemes and establishment of By-Laws.

“MPR” means the *Local Government (Meeting Procedures) Regulations 2015*.

Legislation

The following legislation is relevant to this policy:

- *Local Government Act 1993*
- *Electoral Act 2004*
- *Land Use Planning and Approvals Act 1993*

Responsible Officer:	Manager Legal and Governance
Policy first adopted by the Council:	XX
History	



Amended by Council	Not applicable
Next Review Date:	XX
File Reference:	

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2022	October		November	
Sunday			30	
Monday			31	CANCEL Council Meeting
Tuesday			1	
Wednesday			2	CANCEL CIC
Thursday			3	CANCEL CCEC/EDCC
Friday			4	
Saturday	1		5	
Sunday	2		6	
Monday	3	CPC	7	CANCEL CPC CEREMONIAL COUNCIL MEETING
Tuesday	4	Workshop/Briefing	8	Workshop/Briefing
Wednesday	5		9	
Thursday	6		10	
Friday	7		11	
Saturday	8		12	
Sunday	9		13	
Monday	10	Council Meeting	14	Council Meeting - COMMITTEE MEMBERSHIPS
Tuesday	11		15	
Wednesday	12		16	
Thursday	13	PRC	17	PRC
Friday	14		18	
Saturday	15		19	
Sunday	16		20	
Monday	17		21	CPC
Tuesday	18	RAP	22	FGC
Wednesday	19		23	
Thursday	20	Show Day	24	
Friday	21		25	
Saturday	22		26	
Sunday	23		27	
Monday	24	CPC	28	Council Meeting
Tuesday	25	CANCEL FGC Polls Close 2pm SPECIAL COUNCIL MEETING	29	
Wednesday	26		30	CIC
Thursday	27			
Friday	28			
Saturday	29			

19. 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
- Legal action involving the Council
- Information of a confidential nature

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. 6.1 | PLN-20-499 - 28-30 Davey Street Hobart - Mediation Appeal
LG(MP)R 15(4)(a) |
| Item No. 7 | Taste of Summer Program Update
LG(MP)R 15(2)(g) |