



CITY OF HOBART MINUTES

OPEN PORTION
MONDAY, 29 AUGUST 2022
AT 5:00 PM
COUNCIL CHAMBER, TOWN HALL

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



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PRESENT:

The Deputy Lord Mayor Councillor H Burnet, Aldermen M Zucco, J Briscoe, D C Thomas, Councillor W F Harvey, Alderman S Behrakis, Councillors M S C Dutta, Dr Z E Sherlock and W N S Coats.

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

Lord Mayor Councillor A M Reynolds
Alderman Dr P T Sexton
Councillor J Fox

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, 15 August 2022](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

BEHRAKIS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

The minutes were signed.

2. TRANSFER OF AGENDA ITEMS

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

No items were transferred.

3. COMMUNICATION FROM THE CHAIRMAN

No communication was received.

4. NOTIFICATION OF COUNCIL WORKSHOPS

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

Date: 15 August 2022

Purpose: CEO's KPI's

Date: 29 August 2022

Purpose: CEO KPI's

5. PUBLIC QUESTION TIME

5.1 Public Questions

5.1.1 Ms Sophie Underwood - Councils Acting as the Planning Authority

Ms Underwood put the following question and was provided with the corresponding response by the Deputy Lord Mayor.

Question:

In March 2021, the Local Government Association of Tasmania rejected a motion seeking to investigate removing councils as a Planning Authority and have councils replaced by 'independent' expert panels. The Hobart City Council (HCC) voted against the motion. Can you

please explain, via dot points, the HCC's position of remaining as a Planning Authority?

Background to Question - On the 8 December 2020, at an Ordinary Meeting of the Burnie City Council, a motion was passed unanimously that a motion be put to the March 2021 LGAT meeting to investigate an amendment to the Land Use Planning and Approvals Act 1993. The motion read "That Burnie City Council move at the March 2021 LGAT General Meeting that the LGAT investigate an amendment to the Land Use Planning and Approvals Act 1993 to: 1) delete the mandatory requirement for a council to act as a planning authority for purposes of determining an application for a permit to use or develop land within its municipal area; and 2) provide as an alternative, the establishment of an independent development assessment panel to determine a permit application. This motion was voted on at the LGAT General Meeting held in Devonport on the 12 March 2021, with the following result: The motion was lost - 16 for, 39 against and 2 abstained. Note that the LGAT has a weighted voting system – i.e. it is not 1 vote per council.

Response:

Support or otherwise for the Burnie City Council's motion was a policy decision for the Council which officers first presented to the City Planning Committee for consideration at its meeting of 1 March 2022.

The City Planning Committee resolved to recommend to the Council not to support Burnie City Council's motion at the Local Government Association of Tasmania general meeting held on the 12 March 2021. That is, investigating removing Councils as Planning Authorities and having Council replaced by "independent" expert panels.

At its meeting of 9 March 2021 the Council, on a vote, supported the Committees recommendation.

It should be noted the vote at both Committee and Council was split with the reasons to vote one way or the other, being those of each individual elected member and did not form part of the Council's formal position on the matter.

5.1.2 Mr Edwin Johnston - Kelly's Steps and Princes Park Toilets, Battery Point.

Mr Johnstone put the following questions which were taken on notice by the Deputy Lord Mayor.

Questions:

1. The lighting above Kelly's Steps is no longer adequate and lately has been not working at all. Does the council have any plans to upgrade the lighting and undertake more routine cleaning of the steps. Are there any longer term plans for the dangerous wearing of the steps?
2. The Princess Park toilets in Battery Point were due to be reopened in May. What is the expected completion date now of the refurbishment and will the council take any additional measures to minimise any potential damage in the future such as CCTV cameras and more vandal proof fixtures?

6. PETITIONS

6.1 Petition - Slow Traffic through West Hobart, Mount Stuart & Lenah Valley - Mr Ryan Posselt

The Chief Executive Officer table a petition calling for the Council to implement traffic calming devices and speed limit reductions through West Hobart, Mount Stuart and Lenah Valley.

There were 576 signatories to the petition.

BRISCOE
HARVEY

That the petition be received and noted and referred to the appropriate committee.

MOTION CARRIED


VOTING RECORD

AYES

NOES

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

Attachment

- A Petition - Slow Traffic through West Hobart, Mount Stuart & Lenah Valley ⇒ 

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

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

ZUCCO

SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

No interest was indicated.

REPORTS OF COMMITTEES

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Council to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted.

In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Council is reminded that in order to comply with Regulation 25(2), the Chief Executive Officer is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

9.1 325 Elizabeth Street, 321-323A Elizabeth Street and 16A Lefroy Street, North Hobart - Partial Demolition, Alterations, Partial Change of Use to Carpark and Associated Works PLN-22-266 - File Ref: F22/82778

Ref: Open [CPC 7.2.1](#), 22/08/2022
Application Expiry Date: 30 August 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, partial change of use to car park, and associated works at 325 Elizabeth Street and 321-323A Elizabeth Street and 16A Lefroy Street, North Hobart 7000. for the reasons outlined in the officer's report attached to item 7.2.1 of the Open City Planning

Committee agenda of 22 August 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-22-266 325 ELIZABETH STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/00686-HCC dated 18 May 2022 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 17

The lighting within the car park at 321-323A and 325 Elizabeth Street must operate in accordance with Australian Standard AS 4282 - Control of the obtrusive effects of outdoor lighting.

Reason for condition

To ensure that the non-residential use does not unreasonably impact residential amenity.

ENG 12

Prior to commencement of any work on site (including demolition and/or site disturbance), a Construction Waste Management Plan must be submitted and approved as a Condition Endorsement.

The Construction Waste Management Plan must include;

- Provisions for the handling, transport, and disposal, of demolition material, including any contaminated waste and recycling opportunities, and
- Provisions for commercial waste services (e.g., service areas) for the handling, storage, transport and disposal of post-construction solid waste and recycle bins from the development.

The approved Construction Waste Management Plan must be implemented throughout construction, and all work required must be undertaken in accordance with the approved plan.

Advice:

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

It is recommended that the developer liaise with the Council's City Resilience Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill. Further information can also be found on the Council's [website](#).

Reason for condition

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

ENG sw1

Prior to first occupation or commencement of use (whichever occurs first), all stormwater from the proposed development (including but not limited to; roofed areas, ag drains, retaining wall ag drains, and impervious surfaces, such as roadways or paved areas) must be drained to the Council's stormwater infrastructure.

Any private or private shared stormwater system passing through third-party land must have sufficient receiving capacity.

Advice:

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

Reason for condition

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

SW 1

Prior to the issue of any approval under the *Building Act 2016* or the

commencement of work on the site (whichever occurs first), a pre-construction structural condition assessment and visual record (eg video and photos) of the Hobart City Council's stormwater infrastructure within/adjacent to the proposed development (including the mains and open Rivulet) must be submitted to the City of Hobart as a Condition Endorsement.

The condition assessment must include at least:

1. a site plan clearly showing the location of the investigation, with access points and all segments and nodes shown and labelled, with assets found to have a different alignment from that shown on the City of Hobart's plans to be marked on the ground and on the plan;
2. a digital recording of a CCTV inspection and written condition assessment report in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia, in a 'Wincan' compatible format; and
3. photos of any existing drainage structures connected to or modified as part of the development.

The pre-construction condition assessment will be relied upon to establish the extent of any damage caused to Hobart City Council's stormwater infrastructure during construction. If the owner/developer fails to provide the City of Hobart with an adequate pre-construction condition assessment then any damage to the City of Hobart's infrastructure identified in the post-construction condition assessment will be the responsibility of the owner/developer.

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.

SW 2

Prior to occupancy or the commencement of the approved use (whichever occurs first), a post-construction structural condition assessment and visual record (eg video and photos) of the Hobart City Council's stormwater infrastructure within/adjacent to the proposed development (including mains and open Rivulet), must be submitted to the City of Hobart.

The condition assessment must include at least:

1. a site plan clearly showing the location of the investigation, with access points and all segments and nodes shown and labelled, with

- assets found to have a different alignment from that shown on the City of Hobart's plans shall be marked on the ground and on the plan;
2. a digital recording of a CCTV inspection and written condition assessment report in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia, in a 'Wincan' compatible format; and
 3. photos of any existing drainage structures connected to or modified as part of the development.

The pre-construction condition assessment will be relied upon to establish the extent of any damage caused to the Hobart City Council's stormwater infrastructure during construction. If the owner/developer fails to provide the City of Hobart with an adequate pre-construction condition assessment then any damage to the Hobart City Council's infrastructure identified in the post- construction CCTV will be deemed to be the responsibility of the owner/developer.

SW 5

An approved Construction Management Plan must be implemented.

A Construction Management Plan (CMP) must be submitted and approved prior to commencement of works. The CMP must be prepared by suitably qualified and experienced persons and must:

1. detail the proposed construction methodology and timing, including extent of earthworks;
2. identify all potential risks to the Rivulet and the wider environment from construction works including, but not limited to, construction loading, traffic loading, excavation works, footing construction, vibrations, undermining, flood, noise, pollution and environmental harm;
3. include:
 - identification and disposal of any potentially contaminated waste and asbestos;
 - proposed hours of work;
 - identification of potentially noisy construction phases, such as operation of rock- breakers, explosives or pile drivers, and proposed measures to minimise the potential for noise nuisance;
 - a soil and water management plan, generally consistent with the Soil and Water Management Plan by Pitt & Sherry dated 24 May 2022, but providing plans and details, and addressing the timing

of in-stream works and need for flow diversion;

4. specify measures to eliminate or otherwise mitigate to as low as reasonably practicable all identified risks; and
5. include a monitoring regime. SW 9

SW 9

Prior to commencement of the approved use (whichever occurs first), stormwater pre-treatment for stormwater discharges from the development must be installed.

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

1. include detailed design of the proposed treatment train, including final estimations of contaminant removal;
2. include detailed design and supporting calculations of the detention sized such that there is no increase in flows from the developed site up to 5% AEP event showing
 1. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
 2. all assumptions must be clearly stated;
3. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements. The likely lifecycle costs and requirements for any Council assets must be acceptable to the proposed asset owner.

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

Advice:

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

SW 11

Measures to minimise impact on the overland flow path and mitigate flood risk from the critical 1% AEP at 2100 event must be installed prior to occupancy or issue of any completion (whichever occurs first). All works within the flood zone, including the walls, bridge and lowered bed of the Rivulet, must be designed, constructed and maintained to ensure the long-term protection and access to the Rivulet void.

Detailed engineering drawings must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). These must include (but are not limited to):

1. certification from an accredited and qualified structural engineer that all proposed structures within the flood zone are designed to resist inundation, erosion, undermining and likely forces from a flood event (including debris loading such as vehicle impacts) and the long-term base flows of the Rivulet
2. detailed design of works within/over the Rivulet and mitigation measures such as permeable fencing, wall heights and kerb levels in accordance with the Pitt and Sherry Inundation Assessment Rev01 dated 30/6/22.
3. details of management of the flood zone including signage and measures to prevent blockage of the overland flow path (such as bollards and/or restrictions on use of the area);
4. a flood management summary plan from a suitably qualified and experienced expert that outlines the obligations for future property owners to flood and overland flow management, including:
 - a) the flood risk to the site, including depth, extent and hazard ratings for the 1% AEP at 2100 event;
 - b) identification of all measures to maintain and maximise the overland flow path through the site and their maintenance and;
 - c) identification of all measures within/over the flood zone, including the works over/within the Rivulet and the flood mitigation measures, and their required maintenance and inspections.

All work required by this permit must be undertaken and maintained in accordance with the approved documents.

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.

Council notes separate consent under s13 of the Urban Drainage Act and s73 of the Building Act 2016 will be required for the works. This will require appropriate insurances, and ongoing indemnities.

SW 13

All structures within the flood zone, and over or within the Rivulet (including Rivulet wall, bridge, fencing, and kerbing) and flood mitigation measures must be inspected by a suitably qualified and accredited engineer.

Certification from a suitably qualified and accredited engineer that the installation has been constructed in accordance with the approved design must be provided to the City of Hobart prior to commencement of use or completion of these works (whichever occurs first).

SW 14

All structures within the flood zone and within one metre of/ over the Rivulet must be inspected by a registered surveyor.

Certification from a registered surveyor that the void space within the Rivulet (ie wall locations and bridge soffit and rivulet invert level) have not been reduced from those shown on the approved engineering drawings and Inundation Assessment must be provided to the City of Hobart prior to commencement of use or completion of these works (whichever occurs first).

ENG tr1

Prior to first occupation or commencement of use (whichever occurs first) the parking area (including circulation roadways, parking modules, aisles, and spaces, pedestrian pathways, including those used by people with disabilities) approved by this permit must be signed and line marked in accordance with AS/NZS 2890.1:2004, or the design documentation (including reports and plans) which form part of this permit.

Reason for condition

In the interests of user safety and the amenity of the occupiers of the development.

ENG tr2

A Construction Traffic and Parking Management Plan must be submitted and approved as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* (including demolition) or commencement works (e.g., site disturbance) (whichever occurs first).

The Construction Traffic and Parking Management Plan must;

- Be prepared by a suitably qualified person,
- Develop a communications plan to advise the wider community (including but not limited to; users, permit holders, businesses, neighbors etc.) of the traffic and parking impacts during construction, Include start dates and finish dates of various stages of works,
- Include times that rigid vehicles (e.g., MRV) and other traffic associated with the works will be allowed to operate, and
- Nominate a superintendent (or the like) responsible for the implementation of the approved plan, who must also be available as a direct contact to the City of Hobart and/or
- community/public members regarding all relevant operations, any immediate traffic issues, and hazards that may arise.

The approved Construction Traffic and Parking Management Plan must be implemented throughout construction, and all work required must be undertaken in accordance with the approved 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 safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), physical controls (as defined by AS/NZS 2890.1:2004) must be installed where and how required by the Australian Standard, and the design documentation (including reports and plans) which form part of this permit. This includes (vehicular) barriers compliant with the Australian Standard AS/NZS 1170.1:2002, to prevent vehicles running off the edge of a parking (trafficable) area. Physical controls installed must;

1. not limit the parking area approved by this permit, and

2. be in accordance with the Australian Standard AS/NZS 2890.1:2004.

Any departure from the design documentation (including reports and plans) which form part of this permit must be approved by the Director City Life via a condition endorsement application.

Reason for condition

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

ENG 3a

Prior to first occupation or commencement of use (whichever occurs first), the parking area (including circulation roadways, parking modules, aisles, and spaces) must be constructed in accordance with AS/NZS 2890.1:2004, or the design documentation (including reports and plans) which form part of this permit.

Any departure from the design documentation (including reports and plans) which form part of this permit must be approved by the Director City Life via a condition endorsement application.

Reason for condition

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

ENG 4

Prior to first occupation or commencement of use (whichever occurs first), the parking area (including circulation roadways, parking modules, aisles, and spaces) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers, or equivalent Council approved) and surface(s) drained to the Council's stormwater infrastructure.

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

ENG 5

The number of off-street car parking spaces;

- approved for use on site by this permit is Thirty-Six (36), and
- maintained on site by this permit is Thirty-two (32).

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

Reason for condition

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

ENG 5b

Prior to first occupation or commencement of use (whichever occurs first), all bicycle parking must be constructed in accordance with AS/NZS 2890.3:2015, or the design documentation (including reports and plans) approved by this permit.

Reason for condition

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

ENG 6

The number of bicycle parking spaces approved for use on site by this permit is Six (6).

Reason for condition

To clarify the scope of the permit.

ENG 9

Prior to first occupation or commencement of use (whichever occurs first), all car parking spaces for people with disabilities must be constructed and delineated in accordance with AS/NZS 2890.6: 2009.

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

ENG s1

Prior to first occupation or commencement of use (whichever occurs first) the parking area (including, circulation roadways, parking aisles, parking spaces, pedestrian pathways, including those used by people with disabilities) approved by this permit must be adequately lit in accordance with the minimum lighting levels specified in AS/NZS 1158.3.1:2020, or the design documentation (including reports and plans) which form part of this permit.

Reason for condition

To ensure easy and efficient use, promote safety of users, minimize opportunities for crime or antisocial behavior, and prevent unreasonable light overspill impacts.

ENV 12

A weed management plan, prepared by a suitably qualified and experienced person, must be submitted and approved as a Condition Endorsement, prior to the commencement of work. The weed management plan must:

1. Detail the initial treatment of weeds declared under the *Tasmanian Weed Management Act 1999* and any other weeds that should be removed from the site
2. The control methods should be appropriate for this waterway site.
3. A follow-up treatment is also to be specified.

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

Advice:

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

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of waterway and biodiversity values.

ENV 2

Sediment and erosion control measures, sufficient to prevent sediment leaving the site and in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must:

- be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).
- be prepared in accordance with the DPIPWE Works in Wetlands and

Waterways Manual 2003;

- reflect the recommendations of any Contaminated Site Assessment and the Pitt & Sherry Soil and Water Management Plan dated 24/5/22 submitted under this application; and
- be in accordance with the Construction Management Plan required in the above conditions.

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

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. The SWMP required under this condition must include plans clearly detailing and locating all protection measures required for each stage of the works (eg one for excavating and construction within the Rivulet, another for the carpark construction).

Reason for condition

To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

ENVHE 1

Recommendations in the following report must be implemented: Environmental Site Assessment, 321-323A and 325 Elizabeth Street, North Hobart, by Pitt and Sherry dated 17 December 2021, and Stormwater Management Plan, 321-323A Elizabeth Street Car Park, dated 25 March 2022 developed by Pitt and Sherry.

Reason for condition

To ensure that the risk to future occupants of the building remain low and acceptable.

OPS 4

The two *Eucalyptus pulchella* street trees along the Lefroy Street frontage must not be damaged to the satisfaction of the Director City Life. No vehicular access, excavation, placement of fill, storage of materials or soil disturbance is to occur within 4.5 m of the larger eucalypt or within 2.4 m of the smaller eucalypt along Lefroy Street. There must be no pruning, lopping or damage to the street trees including their trunks and roots.

Details of street tree protection measures must be clearly notated on all plans used as part of the contract specifications.

Advice:

Once the specification documents showing adequate tree protection have been approved, City Life will issue a condition endorsement (see general advice on how to obtain condition endorsement). It is recommended that documentation for condition endorsement be submitted well before submitting documentation for other approvals. Failure to address condition endorsement requirements may result in unexpected delays.

Reason for condition

To maintain the amenity value of street trees as per the City of Hobart Street Tree Strategy.

OPS 5

The Council must be compensated for the removal of the three trees from the Lefroy Street carpark in accordance with the following and to the satisfaction of the Director City Life:

1. The planting of three replacement trees on the site, within 12 months of the date of this permit, or a timeframe as otherwise agreed to by the Director City Life; and
2. Cash compensation in lieu of the planting of three further trees at a cost of \$880 per tree (\$2,640 total).

Advice:

Please call Council's Program Leader Arboriculture and Nursery, on 6238 2807, to arrange the details of the three replacement trees and to arrange payment of the cash compensation.

Once the replacement trees and the replacement fee has been arranged, City Life will issue a condition endorsement. It is recommended that documentation for condition endorsement be submitted well before submitting documentation for other approvals. Failure to address condition endorsement requirements may result in unexpected delays.

Reason for condition

Trees that are removed as part of Council projects are required to be replaced at a minimum 2 for 1 basis as per the City of Hobart Tree Removal Policy.

ADVICE

The Applicant is encouraged to have further discussion with all parties who have rights to use the laneway from Elizabeth Street to the new car park, regarding access (provision of keys to the bollards), provision of adequate loading facilities, provision of signage to identify access to businesses and lighting of the laneway.

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.

BUILDING OVER AN EASEMENT

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

NEW SERVICE CONNECTION

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

STORMWATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

The design of structures (including footings) must provide protection for the Council's infrastructure. For information regarding appropriate designs please contact the Council's City Life Division. You may need the General Manager's consent under section 13 of the *Urban Drainage Act 2013* and consent under section 73 or 74 of the *Building Act 2016*.

RIGHT OF WAY

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

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

PRIVATE COVENANTS

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

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

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

WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment [website](#).

NOISE REGULATIONS

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

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

BEHRAKIS
DUTTA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Zucco
Briscoe
Thomas

Harvey
Behrakis
Dutta
Sherlock
Coats

9.2 98 Augusta Road, 100 Augusta Road, Lenah Valley - Partial Demolition and Alterations
PLN-22-236 - File Ref: F22/82734

Ref: Open [CPC 7.2.3](#), 22/08/2022

Application Expiry Date: 31 August 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition and alterations at 98 and 100 Augusta Road, Lenah Valley 7008 for the reasons outlined in the officer's report attached to item 7.2.3 of the Open City Planning Committee agenda of 22 August 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-22-236 - 98 and 100 AUGUSTA ROAD LENA VALLEY TAS 7008 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 10

All illuminated signs must not be flashing or intermittently illuminated. Signs are only permitted to be illuminated during the permitted opening hours of the site, and must be switched off at all other times.

Reason for condition

To clarify the scope of the permit.

PLN 11

The Sky Sign is not approved and must be omitted from the final signage scheme for the site.

Reason for condition

To ensure compliance with the Signs Code of the *Hobart Interim Planning Scheme 2015*.

PLN 14

The noise generated by the use of the site must not cause environmental harm when measured at the site's southern and eastern boundaries.

Reason for the condition

To ensure noise emissions do not cause environmental harm and do not have an unreasonable impact on residential amenity.

PLN 17

All external lighting on the site must operate in accordance with Australian Standard AS 4282 - Control of the obtrusive effects of outdoor lighting.

External lighting (other than security lighting) must only be illuminated during the approved hours of operation (6:00am to 6:00pm Monday to Sunday). External lighting must be turned off at all other times.

Reason for condition

To ensure that the non-residential use does not unreasonably impact residential amenity.

PLN 6

The approved hours of operation are Monday – Sunday 6am – 6pm.

Advice:

The planning scheme defines 'hours of operation' as 'the hours that a business is open to the public or conducting activities related to the business, not including routine activities normally associated with opening and closing for business'.

Reason for condition

To ensure that non-residential use does not unreasonably impact on residential amenity

PLN s2

Commercial deliveries to, and garbage collection from, the premises are prohibited:

before 7:00am and after 6:00pm Monday to Friday, and
before 9:00am and after 6:00pm on weekends and public holidays.

Reason for condition

To avoid unreasonable impact upon the residential amenity through commercial vehicle movements that are unreasonable in their timing, duration or extent, consistent with Clause 11.3.1 P1 and P4 of the Hobart Interim Planning Scheme 2015.

PLN s3

The removal of hard waste (e.g glass and cans, etc) to garbage receptacles located outside the building is prohibited before 7:00am and after 6:00pm Monday to Friday and before 9:00am and after 6:00pm on weekends and public holidays.

Reason for condition

To avoid unreasonable impact upon surrounding residential amenity through noise emissions that are unreasonable in their timing, duration or extent, consistent with Clause 11.3.1 P1 of the Hobart Interim Planning Scheme 2015.

ENG sw1

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

Any private or private shared stormwater system passing through third-party land must have sufficient receiving capacity.

Advice:

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

Reason for condition

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

ENG 3a

The on site car parking spaces layout area must be provided in accordance with the following documentation which forms part of this permit: Associated Projects Drawings A02 version 7 and A04 version 7 dated 6 July 2022 received by the Council on 6 July 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 provided in accordance with Australian Standard AS/NZ 2890.1:2004.

The works required by this condition must be completed prior to commencement of use.

Reason for condition

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

ENG 4

The parking module (car parking spaces, aisles and manoeuvring area) provided must be sealed (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the commencement of use.

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

ENG 5

The number of car parking spaces to be provided on the site is five (5) unless approved otherwise. The on site car parking spaces provided are to be for employee use only.

Prior to commencement of use parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004.

Reason for condition

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

ENG 7

The number of bicycle parking spaces to be provided on the site is six (6) unless approved otherwise. Four (4) of the spaces are for employee use and two (2) spaces are for customer use.

Bicycle parking spaces shall be in accordance with AS 2890.3-2015 and provided prior to commencement of use.

Reason for condition

To ensure suitable bicycle parking facilities are provided.

ENG 1

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

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

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

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

Reason for condition

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

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

Advice:

For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

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

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

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

BUILDING PERMIT

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

This is a Discretionary Planning Permit issued in accordance with section 57

of the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

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

STORMWATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

RIGHT OF WAY

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

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

NOISE REGULATIONS

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

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

BEHRAKIS
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

9.3 369 Huon Road, South Hobart - Partial Demolition, Alterations, and Swimming Pool
PLN-22-124 - File Ref: F22/81807

Ref: Open [CPC 7.2.4](#), 22/08/2022

Application Expiry Date: 7 September 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, and swimming pool at 369 Huon Road South Hobart TAS 7004 for the reasons outlined in the officer's report attached to item 7.2.4 of the Open City Planning Committee agenda of 22 August 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-22-124 369 HUON ROAD SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

The northern end of the pool must be:

1. excavated to a depth of 700mm below existing ground level; and
2. the wall height reduced to no more than 2.87m above existing ground level.

Advice:

The amended plans dated 12/07/2022 are considered to meet this condition.

Reason for condition

To reduce the visual impacts of the bulk and scale of the boundary wall to the eastern neighbour.

PLN s2

The existing deck between the patio and pool structure must be retained, and the wall length of the pool structure must be reduced to no more than 9m.

Advice:

The amended plans dated 12/07/2022 are considered to meet this condition.

Reason for condition

To reduce the visual impacts of the bulk and scale of the boundary wall to the eastern neighbour.

PLN s3

The surface on the eastern neighbour's side of the wall must be finished with the same stone-facing as indicated for the north eastern and north western elevations.

Reason for condition

To reduce the visual impacts of the bulk and scale of the boundary wall to the eastern neighbour.

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

Advice:

For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

ADVICE

The Applicant is encouraged to have further discussions with their neighbour to explore options to minimise the overshadowing impacts on the neighbouring land.

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

NOISE REGULATIONS

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

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's Cleansing and Solid Waste Unit regarding reducing, reusing and recycling materials associated with demolition on the site to minimise solid waste being directed to landfill.

Further information regarding waste disposal can also be found on the Council's [website](#).

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

BEHRAKIS
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Zucco
Briscoe
Thomas
Harvey
Behrakis
Sherlock
Coats

NOES

Deputy Lord Mayor Burnet
Dutta

9.4 7/337 Churchill Avenue, Sandy Bay and Common Land of Parent Title - Change of Use to Visitor Accommodation PLN-22-449 - File Ref: F22/81786

Ref: Open [CPC 7.2.5](#), 22/08/2022

Application Expiry Date: 7 October 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a change of use to visitor accommodation at 7/337 Churchill Avenue, Sandy Bay 7005 and the common land of parent title, for the reasons outlined in the officer's report attached to item 7.2.5 of the Open City Planning Committee agenda of 22 August 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-22-449 - 7 337 CHURCHILL AVENUE 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 potential behavioural issues caused as a result of the visitor accommodation.
3. To specify the maximum permitted occupancy of the visitor accommodation.
4. 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 the above point 4) 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.

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

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 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.

BEHRAKIS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Zucco
Briscoe
Thomas
Harvey
Behrakis
Dutta
Sherlock
Coats

NOES

Deputy Lord Mayor Burnet

**9.5 4 Rupara Avenue, West Hobart - Change of Use to Visitor
Accommodation
PLN-22-161 - File Ref: F22/81794**

Ref: Open [CPC 7.2.6](#), 22/08/2022
Application Expiry Date: 28 September 2022

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

BEHRAKIS
COATS

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a change of use to visitor accommodation, at 4 Rupara Avenue, West Hobart 7000 for the reasons outlined in the officer's report marked as item 7.2.6 of the Open City Planning Committee Agenda of 28 August 2022, and a permit containing conditions be issued.

AMENDMENT

ZUCCO
BRISCOE

That condition PLN 18, para 5 be replaced with the following:

To specify that guests may not park on the driveway, and that parking on the street must be considerate of the needs of permanent residents. In particular, at the booking stage, guest should be discouraged from bringing more than one vehicle due to restricted on-street parking.

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

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

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

| AYES | NOES |
|----------|--------------------------|
| Zucco | Deputy Lord Mayor Burnet |
| Briscoe | Harvey |
| Thomas | Dutta |
| Behrakis | Sherlock |
| Coats | |

COUNCIL RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a change of use to visitor accommodation, at 4 Rupara Avenue, West Hobart 7000 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

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 may not park on the driveway, and that parking on the street must be considerate of the needs of permanent residents. In particular, at the booking stage, guest should be discouraged from bringing more than one vehicle due to restricted on-street parking.
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 6. 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.

NOISE REGULATIONS

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

FEES AND CHARGES

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

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.

You are encouraged to have in place a management plan for the operation of the visitor accommodation. The management plan should include measures to limit, manage and mitigate unreasonable impacts upon the amenity of permanent residents, including addressing issues like noise, waste management, customer behaviour, security, and maximum occupancy.

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.

9.6 100 Pinnacle Road, Mount Wellington - Upgrade to Water Infrastructure (Fern Tree Bower) **PLN-22-138 - File Ref: F22/83944**

Ref: Open [CPC 7](#), 22/08/2022

Application Expiry Date: 6 September 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for upgrade to water infrastructure (Fern Tree Bower), at 100 Pinnacle Road, Fern Tree 7054 for the reasons outlined in the officer's report attached to supplementary item 13 of the Open City Planning Committee agenda of 22 August 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-22-138 - 100 PINNACLE ROAD MOUNT WELLINGTON TAS 7054 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 7948 dated 18 August 2022, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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

Any private or private shared stormwater system passing through third-party land must have sufficient receiving capacity.

Advice:

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

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENV 9

All recommendations in section 4 of the Natural Values Assessment report by ERA Planning & Environment dated 2 November 2021 must be implemented.

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of biodiversity values

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

Advice:

For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and

to comply with relevant State legislation.

HER 12

Any fixings into the external walls of the water system bower infrastructure should be with noncorrosive materials and into the mortar joints rather than the face of the stone or brick units. Penetrations for cables or pipes should also be through mortar joints where possible.

Reason for condition

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

HER 17a

The palette of exterior colours, materials and finishes must reflect the palette of colours, materials and finishes within the place / cultural landscape precinct. The electrical pit service lids must be of a coloured finish similar to the track surface 'Tolosa Gold'.

Reason for condition

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

OPS s1

All recommendations and proposed methodologies in the Arboricultural Assessment by Element Tree Services dated 21 May 2021 must be implemented.

Before works commence, the tree protection zone extents of all swamp gums (*Eucalyptus regnans*) along the section of the Pipeline Track to be trenched, must be marked on the ground e.g. with flagging tape. Trenching must not occur within these zones if at all possible. If it is unavoidable, trenching must be done by a vacuum truck not an excavator.

Within the marked tree protection zone areas there must be no:

- machine excavation including trenching;
- physical damage to the trees; excavation for silt fencing; storage;
- preparation of chemicals including cement products;
- parking of vehicles or machinery;
- placement of fill; or

- temporary or permanent installation of utilities or signs.

Reason for condition

Conservation of areas of significant vegetation or individual trees that have important aesthetic, heritage and environmental values.

OPS s2

A suitably qualified and experienced supervising arborist must be present during the trenching works. If roots are encountered, the trench is to be excavated using a vaccum truck. The arborist must also be present during excavation adjacent to the Fern Tree Bower box. Works must be done in accordance with the arborist's advice.

The supervising arborist must certify in writing that they were present during all relevant works and that the works were undertaken in accordance with the Element Tree Services Arboricultural Assessment. This certification must be submitted to Council within one week of the works being completed.

Reason for condition

Conservation of areas of significant vegetation or individual trees that have important aesthetic, heritage and environmental values.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

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*.

COUNCIL RESERVES

A Public Spaces By-law permit will be required for all Fern Tree Bower upgrade works occurring outside Wellington Park, for example the new cabling and signal box. Information about the permits, and the application form to undertake works in a public space, can be found [here](#).

WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment [website](#).

DIAL BEFORE YOU DIG

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

BEHRAKIS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

10. Significant Tree Nomination - Glenrose Park 110 Pottery Road, Lenah Valley
File Ref: F22/75860

Ref: Open [CPC 8](#), 22/08/2022

- That:
1. The nominated trees adjoining the creek within Glenrose Park at 110 Pottery Road, Lenah Valley not be listed as significant trees in the Significant Tree Register, and the Significant Tree Code of the Hobart Interim Planning Scheme 2015.
 2. The nominee be advised of Council's decision.

BEHRAKIS
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

11. Conversion Practices
File Ref: F22/80587; 13-1-9

Motion

“In line with Council’s role as community representatives and advocates, and following through with action the commitments contained within our Council’s Community Inclusion and Equity Framework, LGBTIQA+ Commitment, Youth Commitment, and our Community Vision document, that Council:

1. Advocates for a prohibition on LGBTIQA+ conversion practices on behalf of our community; and
2. Congratulates the Tasmanian Law Reform Institute for recommending such a prohibition in its report of May 2022, "Sexual Orientation and Gender Identity Conversion Practices", and congratulates the State Government on its commitment to implement the TLRI's recommendations
3. Writes to the State Government expressing our support and calling for the implementation of the Tasmanian Law Reform Institute's recommendations as soon as practicable.”

Rationale:

Conversion practices are any sustained attempt to suppress or change an individual’s sexual orientation if they are same-sex attracted, or their gender identity if they are transgender or gender diverse. The ideology behind these practices is a set of false and misleading claims, often drawing on a mix of discredited psychology, out-dated sociology and some religious doctrine, about the possibility that change is possible and desirable.

Conversion therapy is proven to cause immense harm to members of the LGBTIQ community. Approximately 5% of LGBTIQA+ Tasmanians have been subjected to conversion therapy, which seeks to suppress their sexual and/or gender identities. This impacts their mental health and wellbeing:

- LGBTIQA+ people continue to experience harm through conversion practices and the ideology behind these practices.
- This harm arises from absorbing the ideology that they are broken and should be fixed, as well as the failure of attempts to change them which lead in turn to blame, self-recrimination and despair.
- According to the most recent research (La Trobe University’s 2021

“Writing Themselves In” national LGBTIQ+ youth survey), 5% of young LGBTIQ+ Australians have been through formal conversion practices.

- These young people are up to four times more likely to have PTSD and to have attempted suicide (see accompanying document).
- The same figures apply to the Tasmanian cohort of the “Writing Themselves In” study. • They are also consistent with the results of the Tasmanian Government’s own LGBTIQ+ community survey conducted in 2021.
- More information about the harms inflicted by conversion practices can be found in the attached study, “Healing Spiritual Harms” by La Trobe University The solution Legislation
- The solution to the problem must include legislation that prohibits conversion practices with an appropriate mix of civil and criminal penalties.
- This legislation must not just cover formal health settings, but also informal religious settings where most conversion practices take place.
- It should also include the power to investigate allegations of conversion practices, a redress scheme and a statement affirming LGBTIQ+ people.
- The Victorian model has all these things and has been hailed as the best in the world.
- The Tasmanian Law Reform Institute is currently considering what legislation is best for Tasmania. Education
- Education of faith communities about the damage inflicted by conversion practices and the need for legislation must also be part of an effective solution to the problem. Again, Victoria is the leader in this field.

We have the opportunity- and, under our strategic commitments, the obligation, to advocate for the welfare of our community.

Strategic and Legislative alignment:

City of Hobart Strategic Alignment

Hobart: A community vision for our island capital:

Pillar 2 – Community inclusion, participation and belonging. We are an island capital city that is socially inclusive and coherently connected. Whose people are informed, safe, happy, healthy and resilient.

- 2.2 We celebrate our diversity and include each other in city life.

The Capital City Strategic Plan 2019-2029,

Outcome 2.2 Hobart is a place where diversity is celebrated and everyone can belong, and where people have opportunities to learn about one another and participate in city life.

Strategies

Support people from all backgrounds and life experiences to participate in Hobart life

Provide and support activities and programs that celebrate diversity to reduce social isolation and build social cohesion

Outcome 2.4 Hobart communities are safe and resilient, ensuring people can support one another and flourish in times of hardship.

Strategies

Deliver and support initiatives, activities and programs that build community resilience, wellbeing and safety.

Hobart: A city for all - Community Inclusion and Equity Framework.

The Framework flows directly from the Vision and Strategic Plan, with a focus on Pillar Two. The Framework recognises that we are to take an active leadership role in creating a city for all, and use a variety of activities, tools and methods to build inclusion and equity and reduce discrimination. These include:

Advocacy, drawing on close connections and expertise in community development to support Hobart communities have a voice on issues of importance to them.

Networking and Collaboration, we work collaboratively with a number of sector networking groups to respond to community issues as they arise and build community capacity.

Supporting wellbeing, we work to ensure that our facilities, spaces and programs support healthy movement, prevent disease, minimise harm and increase access to food.

Social inclusion Policy Statement.

In alignment with the Universal Declaration of Human Rights, the Council recognises the fundamental right of every individual to participate socially, culturally, economically, physically, spiritually and politically in society.

The Council acknowledges that each member of the community has their own set of strengths, skills and resources and that the contribution of these is of benefit to the whole community.

The Council recognises that not everyone's experience of our community is the same. We acknowledge the systemic barriers within the built, social and information environment that prevent people from thriving and contributing to society. Barriers include lack of employment opportunities, poverty, low literacy and numeracy, ill health, intimate and family violence, inadequate support services, stigma and discrimination and lack of housing affordability. These are challenges which the Council is committed to addressing through advocacy, partnership and direct action.

Council commits to building social inclusion and actively reducing discrimination on the ground of any attribute listed under section 16 of the Anti-Discrimination Act 1998. The Council commits to social inclusion and compliance with relevant anti-discrimination legislation in all aspects of council operations including strategic planning, service delivery, communications and design and delivery of public spaces.

Tasmanian State Government Strategic Alignment

Whole of Government Framework for Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Tasmanians.

- Priority 1: Enhancing Access and Participation.
- Priority 2: Fostering Inclusion, Respect and Dignity

Local Government Act 1993

20. Functions and powers

In addition to any functions of a council in this or any other Act, a council has the following functions:

to provide for the health, safety and welfare of the community;

to represent and promote the interests of the community;

to provide for the peace, order and good government of the municipal area.

28. Functions of councillors

A councillor, in the capacity of an individual councillor, has the following functions:

to represent the community;

to act in the best interests of the community.

Background:

The Australian Medical Association (Tasmanian branch) has written to all state MPs supporting the TLRI's model and refuting the concerns about the "chilling effect" of legislation, as have 40 Tasmanian doctors who have signed an open letter to MPs.

The TLRI said the focus of its report is the risk of "unqualified, untrained and unlicensed people making pseudoscientific representations and undertaking pseudo-medical conduct on highly vulnerable people in a particularly sensitive area of health practice".

The TLRI statement can be found here: <https://www.utas.edu.au/law-reform/news-and-events/tlri-news/statement-on-conversion-practices-report>

The Catholic Standard article can be found here:

<https://en.calameo.com/read/0026287800547c8eafb29>

The AMA letter is attached at the end of this submission.

Since the TLRI report was released in May and the Premier committed to legislation in June, the Australian Christian Lobby and the Catholic Archdiocese have conducted a campaign against the TLRI report and against legislation.

In its June 12th edition, the Tasmanian Catholic Standard claimed the TLRI recommendations would "force" medical professionals to affirm transgender patients thereby "increasing the likelihood that a patient would pursue irreversible procedures to 'transition' to the opposite sex".

The TLRI responded saying the current Australian standard of care for trans and gender diverse people, which is set by medical professionals and confirmed by the Federal Court, is gender affirming. The TLRI has recommended a conscientious objection for those medical professionals who cannot meet this standard, so there is no question of "force". Furthermore, the TLRI has recommended Tasmania's Chief Civil Psychiatrist, in consultation with professional medical bodies, specify appropriate guidelines for the treatment of trans and gender diverse people so individual practitioners are not left to interpret existing standards.

The TLRI said the focus of its report is the risk of "unqualified, untrained and unlicensed people making pseudoscientific representations and undertaking pseudo-medical conduct on highly vulnerable people in a particularly sensitive area of health practice".

The TLRI statement can be found here: <https://www.utas.edu.au/law-reform/news-and-events/tlri-news/statement-on-conversion-practices-report>

The Catholic Standard article can be found here:

<https://en.calameo.com/read/0026287800547c8eafb29>

This motion has been developed in consultation with Equality Tasmania, and much of the supporting and background information and research has been produced by them. My thanks to Rodney Croome, Lucy Mercer and Charlie Burton for their assistance, and for their tireless work for the betterment of our community.



___ July 2022

Hon. Jeremy Rockliff MP
Premier of Tasmania
Parliament House
HOBART TAS 7000

Email: premier@dpac.tas.gov.au

Dear Premier

Re: The banning of Conversion Therapy

AMA Tasmania strongly supports the introduction of a ban on Conversion Therapy in Tasmania, in line with Federal AMA Policy Statement of 19 November 2021, *LGBTQIA+ Health -2021*, which calls on state and territory governments to ban coercive 'conversion' practices that intend to change, alter or suppress a person's sexual orientation or gender identity.

We call on all Members of Parliament to support implementation of the recommendations of the Tasmanian Law Reform Institute (TLRI) Report of April 2022, *Sexual Orientation and Gender Identity Conversion Practices*, particularly, legislation to ban such practices, as soon as practicable.

The Vice-president of AMA Tasmania and I met with the author of the TLRI Report, Associate Professor, Brendan Gogarty and LGBTQI+ advocate Rodney Croome to discuss the recommendations and to ensure that there would be no barriers to good quality clinical practice or to patients discussing their concerns freely and openly with their medical practitioner. We are confident the model being prosecuted through the report provides adequate protection for sensitive and clinically appropriate conversations to take place between doctor and patient that would not breach the law.

The TLRI Report specifically states:

The Institute is especially concerned to avoid any criminal provision causing a chilling effect on legitimate health practices relating to sexual orientation and gender identity. all jurisdictions provide exceptions or defences for health professionals to offences proscribing conversion practices. (9.3.10)

And further states:

The Institute prefers that the exception be framed by reference to good faith compliance with (reformed) Tasmanian health law, and in particular the provisions of the Mental Health Act. The reforms recommended here allow the health profession to set the appropriate clinical standards for the care and treatment of people who are experiencing health symptoms relating to sexual orientation or gender identity.

The recommended exceptions are specified at 6.4.20:

The Institute recommends that the following exceptions to proscribed assessments or treatment (including purported assessments or treatments) be clearly articulated in any law reform:

Clinical practices which are conducted in good faith and consistent with the provisions of the Mental Health Act and any standing orders or clinical guidelines made under that Act; or Health practices which are expressly authorised, or which a health professional reasonably believes to be expressly authorised under any other Act; or

• *Providing care, assistance or support to a person to:*

○ *Undergo a gender transition;*

Develop mental or emotional resilience, coping skills, or identity exploration and development; or

○ *Explore, develop or express their sexual orientation or gender identity — without trying to change, suppress or eradicate that sexual orientation or gender identity; or •*

Conduct which involves no more than:

○ *The expression of an opinion, idea or belief, or*

○ *Support, acceptance, or understanding of a person.*

The TLRI recommends that the Legislation be administered in an adaptive model under the auspices of the Chief Civil Psychiatrist with the assistance of a panel, of which the AMA would be a member. The particulars of the model will be reviewed annually by this body and amended as needed to best suit the needs of the community and the profession.

Conversion therapies aimed to change, alter or suppress a person's sexual orientation or gender identity are harmful and have no place in clinical practice or in any other environment. Banning conversion therapy does not take away the ability for a patient to discuss their personal concerns or queries about their sexual orientation or gender identity or with their doctor or psychiatrist.

Thank you for your consideration of our correspondence,

Yours sincerely



Dr John Saul
President, AMA Tasmania

Administration Response to Notice of Motion

Discussion

The Council has endorsed A City for All: Community Inclusion and Equity Framework to guide the City's response to issues relating to social inclusion and human rights.

The Council adopted the Social Inclusion Policy on 12 October 2020 that provides a policy position and set of guiding principles for the Council to support social inclusion across the organisation and reduce the risk of discrimination and exclusion.

In recognition of the advocacy and support sought by the LGBTIQ+ community, the City endorsed a new specific LGBTIQ+ Commitment at the Council meeting of 6 September 2021. In the commitment it recognises that despite social progress, in areas such as marriage equality, LGBTIQ+ people continue to experience harassment, discrimination and violence because of their sexuality and/or gender identity.

The City has a strong history of advocating on a broad range of social issues over the past several years including on matters such as marriage equality; gambling reform; asylum seeker settlement; and prohibition of nuclear weapons. This has been in line with Local Government Act 1993, 20 - Functions and powers

(1) In addition to any functions of a council in this or any other Act, a council has the following functions:

to provide for the health, safety and welfare of the community;

to represent and promote the interests of the community;

to provide for the peace, order and good government of the municipal area.

It is considered that the motion advocating for a prohibition on LGBTIQ+ conversion practices on behalf of our community; congratulating the Tasmanian Law Reform Institute for recommending such a prohibition in its report of May 2022, "Sexual Orientation and Gender Identity Conversion Practices"; congratulating the State Government on its commitment to implement the TLRI's recommendations; and writing to the State Government expressing our support and calling for the implementation of the Tasmanian Law Reform Institute's recommendations as soon as practicable is aligned with the City's policies and strategic documents.

It is noted that this action would also be in line with the AMA Tasmania who have stated support of the introduction of a ban on Conversion Therapy in Tasmania, in line with Federal AMA Policy Statement of 19 November 2021, *LGBTQIA+ Health -2021*, which calls on state and territory governments to ban coercive 'conversion' practices that intend to change, alter or suppress a person's sexual orientation or gender identity.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar:

Outcome:

Strategy:

Hobart: A city for all - Community Inclusion and Equity Framework.

To truly become a city for all, we must work towards inclusion and equity for all who live, work or play in Hobart. We recognise systemic exclusion, discrimination and inequity in our city and understand that this demands systemic and structural solutions.

The following guiding principles are particularly relevant:

DIVERSITY AND INCLUSION Diversity in culture, nationality, ethnicity, race, gender, sexuality, ability, age, body, family, recreation, profession, personal strengths, income level, language, education, life experiences and more make up each of us and, together, make up our city. We recognise and embrace the rich complexity diversity brings to our lives - we are all part of creating Hobart's identity. (Pillar 2.2.3)

SOCIAL JUSTICE We recognise and face inequalities, poverty and disadvantage in our communities... We support each other to have our needs met and flourish. We all have opportunities to access and contribute to Hobart life. (Pillars 2.2.7 and 2.2.8) Monitor trends and maintain a broad understanding of the concerns of LGBTIQ+ people and their communities in Hobart, responding to issues as they arise and working toward building a more inclusive city'.

Legislation and Policy

Legislation:

Policy:

City of Hobart Social inclusion Policy adopted 12 October 2020.

In alignment with the Universal Declaration of Human Rights, the Council recognises the fundamental right of every individual to participate socially, culturally, economically, physically, spiritually and politically in society.

The Council acknowledges that each member of the community has their own set of strengths, skills and

resources and that the contribution of these is of benefit to the whole community.

The Council recognises that not everyone's experience of our community is the same. We acknowledge the systemic barriers within the built, social and information environment that prevent people from thriving and contributing to society. Barriers include lack of employment opportunities, poverty, low literacy and numeracy, ill health, intimate and family violence, inadequate support services, stigma and discrimination and lack of housing affordability. These are challenges which the Council is committed to addressing through advocacy, partnership and direct action.

Council commits to building social inclusion and actively reducing discrimination on the ground of any attribute listed under section 16 of the Anti-Discrimination Act 1998. The Council commits to social inclusion and compliance with relevant anti- discrimination legislation in all aspects of council operations including strategic planning, service delivery, communications and design and delivery of public spaces.

Financial Implications

There are no financial implications resulting from this motion.

PROCEDURAL MOTION

ZUCCO
HARVEY

That in the absence of Councillor Fox, the matter be deferred.

PROCEDURAL MOTION
CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That in the absence of Councillor Fox, the matter be deferred.

12. Conflicts of Interest Advisory Panel
File Ref: F22/84419; 13-1-9

Motion

“That Council officers prepare a report into the formation of a Conflict of Interest Advisory function (CoIAF).”

Rationale:

“For many years the council has successfully supported an advisory panel for urban design to help consideration of development proposals and allow for impartial advice on projects. This feedback helps applicants, officers and the planning committee in considering items and overall has been a success.

For conflicts of interest, there is no standing mechanism provided. As it stands other than asking elected members to declare an interest there is no standard method by which applicants, elected members or officers can seek independent advice as to whether a conflict exists.

The intent is for council to have an independent expert(s) appointed to an advisory role and then be available to provide independent feedback and advice on conflicts of interest. The advice may well be provided in confidence.

The intent is to allow for a mechanism for advice to be provided where people might assume a conflict exists. For example, if an elected member believes they may have a conflict of interest they can seek advice.

Increasingly there are very divisive motions and applications before council, many of which due to extensive community links can be seen as potentially a

case of conflict of interest. It helps the credibility of council to have independent advice to guide declarations of conflict of interest.

The act is also very broad in that elected members have to declare a conflict of interest if either themselves or a close associate (close associate being very broadly defined as to include children, parents etc) has a conflict. This is particularly important as we have had the instance of the daughter of a councillor declaring an interest publicly but the father not.

Ultimately, by virtue of there being an independent mechanism for seeking advice on conflicts of interest, members of the community can have better trust that conflicts are being correctly declared and decisions are being correctly made at arms length from the interests of decision makers."

Administration Response to Notice of Motion

Discussion

1. Pecuniary conflicts of interest for elected members are dealt with in Part 5 of the *Local Government Act 1993* and non-pecuniary conflicts are dealt with as part of the Elected Member Code of Conduct.
2. It is a matter for elected members to determine whether a conflict of interest exists, and from time to time it may be necessary for elected members to seek advice in that regard.
3. The establishment of an advisory function for elected members would be possible to assist with the provision of guidance and advice on a complex area of governance, subject to consideration of the governance and financial implications. These would be fully considered as part of a report for the Council's consideration.

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.

8.3 City leadership is accessible and reflects Hobart communities.

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.

8.3.3 Support the elected representatives to undertake their role.

Legislation and Policy

Legislation: *Local Government Act 1993*

Policy: N/A

Financial Implications

1. The only financial implication associated with preparing a report into this matter is the officer time involved in its preparation.
2. Consideration of financial implications arising from the proposal would be considered as part of that report.

COATS
ZUCCO

That the recommendation be adopted.

BEHRAKIS
SHERLOCK

That Councillor Coats be granted an additional two minutes to address the meeting.

MOTION CARRIED

VOTING RECORD

| AYES | NOES |
|--------------------------|------|
| Deputy Lord Mayor Burnet | |
| Zucco | |
| Briscoe | |
| Thomas | |
| Harvey | |
| Behrakis | |
| Dutta | |
| Sherlock | |
| Coats | |

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That Council officers prepare a report into the formation of a Conflict of Interest Advisory function (CoIAF).

13. Hobart to Sydney Interrupt Project
File Ref: F22/84673; 13-1-9

Motion

“That Hobart City Council support the Interrupt Project (incorporating a raft constructed totally of collected plastic waste that will voyage from Hobart to Sydney this year) by:

1. Providing access to relevant plastic recycling material from our waste centre to obtain plastics as required free of charge to complete the vessel.
2. Providing safety equipment to the project such as life jackets, electronic tracking devices or relevant other safety equipment for the voyage, as required, and to the value determined under the discretion of the CEO.
3. Enable a real-time link to the voyage on the Hobart City Council website.
4. Other in kind and publicity support as determined by the CEO.”

Rationale:

The project is described in **Attachment A** (to item 12 of the Open Council Agenda of 29 August 2022). The benefits to the Hobart City Council are many including raising the awareness of plastics in the marine environment and would be complimentary to our policy on reducing plastics waste to landfill

By sponsoring the project the HCC would get major exposure especially in the lead up to the Sydney to Hobart yacht race

Documentaries are being planned to follow the voyage.

I have not quantified the level of financial sponsorship leaving in the hands of

the CEO.

My estimate is that it should not exceed \$10,000 including in kind support.

Administration Response to Notice of Motion

Discussion

1. The Interrupt Project (incorporating a raft constructed totally of collected plastic waste that will voyage from Hobart to Sydney this year) does align with the City's aims to reduce plastic (& other) waste to landfill, and raising awareness of plastic marine pollution.
2. It is noted that the project is at a stage whereby the raft is mostly built, and that the proponent is not seeking access to any waste plastics entering the City's McRobies Gully Waste Management Centre for re-use in the project. Assistance is being sought from the City to purchase safety equipment and resources to support the voyage.
3. The project would appear to be suitable for consideration under the City's Urban Sustainability Grants program that supports community led activities that support climate change awareness, sustainability, resource recovery, and reducing waste. The Urban Sustainability Grants are currently open, closing 26 September 2022, and offer up to \$15,000 in funding for successful applicants. Eligible applicants must be based in Hobart, however external applicants can be auspiced by a business or group operating within Hobart. It is likely that this project will require significant communications and advisory roles, and it is also noted that the proponent details connections with organisations such as Rotary Hobart, GHD Environmental Consultants, Mures, and the Bob Brown Foundation, that could be approached to enable an application to be submitted for the Interrupt Project.
4. Failing a positive outcome from the Urban Sustainability Grant program as outlined in point 3 above, funding could be considered through the City's waste and recycling – circular economy budget function. A funding limit of \$10,000 would apply.
5. The project would need to demonstrate compliance with all requirements of Marine and Safety Tasmania, and any other relevant authority, prior to funding being provided. The project would also need to comply with the requirements of the City in terms of recognition of its contribution through branding and associated promotional activities.

Financial Implications

1. Up to \$15,000 funded through the Urban Sustainability Grant program 2022.
2. If unable to be actioned through an Urban Sustainability Grant, up to a maximum of \$10,000 from the City's waste and recycling – circular economy budget function.

BRISCOE
BEHRAKIS

That the recommendation be adopted.

ZUCCO
SHERLOCK

That Alderman Briscoe be granted an additional one minute to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That Hobart City Council support the Interrupt Project (incorporating a raft constructed totally of collected plastic waste that will voyage from Hobart to Sydney this year) by:

1. Providing access to relevant plastic recycling material from our waste centre to obtain plastics as required free of charge to complete the vessel.
2. Providing safety equipment to the project such as life jackets, electronic tracking devices or relevant other safety equipment for the voyage, as required, and to the value determined under the discretion of the CEO.
3. Enable a real-time link to the voyage on the Hobart City Council website.
4. Other in kind and publicity support as determined by the CEO.

FINANCE AND GOVERNANCE COMMITTEE

**14. 2021-22 Annual Plan - Final Report
Period Ended 30 June 2022
File Ref: F22/78888**

Ref: Open [FGC 6.1](#), 23/08/2022

That the Council endorse the Annual Plan final report for the year ending 30 June 2022, marked as attachment A to item 6.1 of the Open Finance and Governance Committee agenda of 23 August 2022.

ZUCCO
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

15. Revised City of Hobart Code for Tenders and Contracts
File Ref: F22/78746

Ref: Open [FGC 6.2](#), 23/08/2022

- That: 1. The Council adopt the revised City of Hobart Code for Tenders and Contracts marked as Attachment A to item 6.2 of the Open Finance and Governance Committee agenda of 23 August 2022.
2. The Chief Executive Officer be authorised to finalise the City of Hobart Code for Tenders and Contracts and arrange for it to be made available to the public in paper format from the Council's Customer Service Centre and in electronic format from Council's website.

ZUCCO
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

16. Customer Service Complaints and Compliments Report

File Ref: F22/76978

Ref: Open [FGC 6.5](#), 23/08/2022

That in accordance with Section 339F (5) of the *Local Government Act 1993* the Council note the report marked as item 6.5 of the Open Finance and Governance Committee agenda of 23 August 2022, provided in respect of the complaints and compliments received during the 2020-21 financial year.

ZUCCO
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

| AYES | NOES |
|--------------------------|------|
| Deputy Lord Mayor Burnet | |
| Zucco | |
| Briscoe | |
| Thomas | |
| Harvey | |
| Behrakis | |
| Dutta | |
| Sherlock | |
| Coats | |

Supplementary Item 18 was then taken.

17. CLOSED PORTION OF THE MEETING

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

- Minutes of the closed portion of the meeting
- Leave of absence
- Matter relating to commercial contracts
- Relating to personal information

The following items were discussed:-

Item No. 1 Minutes of the last meeting of the Closed Portion of the

- Council Meeting
- Item No. 2 Communication from the Chairman
- Item No. 3 Leave of Absence
- Item No. 4 Consideration of supplementary Items to the agenda
- Item No. 5 Indications of pecuniary and conflicts of interest
- Item No. 6 Risk and Audit Panel Minutes - 17 May 2022 and 15 June 2022
LG(MP)R 15(2)(g)
- Item No. 7 Request to Waive Requirement to Tender - Australia Post
PostBillPay Services
LG(MP)R 15(2)(d)
- Item No. 8 Contract Extension - Provision of GIS Product and Services
LG(MP)R 15(2)(d)
- Item No. 9 Outstanding Rates as at 30 June 2022
LG(MP)R 15(2)(g) and (j)

ZUCCO
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED BY
ABSOLUTE MAJORITY

VOTING RECORD

AYES

NOES

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

SUPPLEMENTARY ITEM

SPECIAL REPORT – CHIEF EXECUTIVE OFFICER

18. End of Term Report 2018-22
File Ref: F22/85660

ZUCCO
SHERLOCK

That the recommendation contained in the Special Report of the Chief Executive Officer, marked as Supplementary item 18 of the Open Council Agenda of 28 August 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That the Council note the End of Term Report for the period 2018-22, marked as Attachment A to Supplementary item 18 of the Open Council Agenda of 29 August 2022.

Item 17 was then taken.

There being no further business the Open portion of the meeting closed at 6.55pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
12TH DAY OF SEPTEMBER 2022.

CHAIRMAN