



CITY OF HOBART MINUTES

OPEN PORTION
TUESDAY, 25 OCTOBER 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*.



ORDER OF BUSINESS

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PRESENT:

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

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

Nil.

Councillor Harvey joined the meeting at 5.02pm and was not present for items 1 and 2.

Alderman Behrakis left the meeting at 5.52pm, returning at 5.54pm.

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

BURNET
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Behrakis
Dutta
Fox
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

3.1 Farewell to Alderman Dr Peter Sexton

The Lord Mayor provided the following address in recognition of Alderman Dr Peter Sexton service to the Council.

As tonight marks his last Council meeting as an Elected Member, I would like to take the opportunity to honour and farewell Alderman Dr Peter Sexton.

Alderman Sexton was elected to Council on 16 April 1999. Since then he has served as an Elected Member for over 23 years across more than 5 terms on Council including as Deputy Lord Mayor from April to November 2018.

A former Chairman of the Community, Culture and Events Committee, Alderman Sexton also served on eight other Council Committees throughout his years as an elected member. He was also on a number of Special Committees such as the Trustees of the Tasmanian Museum and Art Gallery that tied in wonderfully with his involvement in issues of heritage protection and the arts.

Alderman Sexton was involved in many projects and proposals during his time as an Elected Member. He was one of the Elected Members who worked hard to bring AFL matches to Hobart, and was integral in the opening of the Underground of the Town Hall which was something he'd been wanting to do for more than a decade. He has also been a strong advocate for the residents in Battery Point.

I'm sure we can all agree that the last few years working as a frontline worker in general practice as well as serving as an Elected Member would have been a huge undertaking for Alderman Sexton, and we appreciate the time and effort he was still able to dedicate to his roll.

Although Alderman Sexton will no longer be an Elected Member of the Hobart City Council, I am certain he will continue to serve the community in many other ways.

On behalf of the City and other Elected Members, thank you Alderman Sexton and I wish you all the best for your future endeavours and the additional time you will now have to spend with your family.

4. NOTIFICATION OF COUNCIL WORKSHOPS

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

5. PUBLIC QUESTION TIME

5.1 Public Questions

5.1.1 Elected member allowance - Ms Zelah Dutta-Nielsen

Ms Zelah Dutta-Nielsen asked the following questions of Alderman Briscoe which were taken on notice.

Preamble

Under the provision of section 31 of the *Local Government (Meeting Procedures) Regulations 2015*, my questions are addressed to Alderman Jeff Briscoe.

On 10 October 2022, The Mercury article reported the statement you posted on your 'running mate', Louise Elliot's Facebook page, in which you stated; and I quote, 'That Dutta and Fox (both candidates) continued to be paid elected member allowances during the State elections, the other two did not'.

Could you please provide answers to the following 5 questions:

Question 1

Firstly, where, when and from whom did you get the information that Councillors Dutta and Fox continued to be paid elected member allowances and what was your reason for posting this false information during the election campaign period?

Question 2

Is it true that you failed as an elected member to take all reasonable steps and precautions to verifying the information, which you posted on Facebook and which has the effect of undermining Councillors Dutta and Fox in the public domain?

Question 3

Is it reasonable to assert that you were aware of and mindful of the fact that there is no Council policy that required Councillors Dutta and Fox to forego their Council allowance and that it was not inappropriate for them to receive the allowance during that period?

Question 4

Is it true that once you realised the error in your Facebook post you then decided to remove the comment. But before doing so, you saw and was in possession of the knowledge that many other people had already read your comments and responded to it?

Question 5

Will you unreservedly apologise to Councillor Dutta for causing directly or indirectly any adverse conclusion against him by any person? If not, why not?

5.2 Responses to Public Questions Taken on Notice

That the following responses to public questions taken on notice, be received and noted.

5.2.1 Kelly's Steps

BURNET
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

Meeting date: 26 September 2022
Raised by: Mr Edwin Johnstone
Response Author: Ms Kelly Grigsby (CEO)
Topic: **KELLY'S STEPS**

Question:

Is the Council going to do any general maintenance to the steps including cleaning, is there any long term plans to the maintenance, wear and tear on the steps which are starting to become dangerous?

Response:

As I indicated at the Council meeting, a cleaning crew was deployed to do an immediate cleanse of the area.

The Council does perform daily checks and cleaning of Kelly's Steps and when necessary, a blower and sweeper are used for leaves and general cleaning and if required, a high pressure cleaner for excess dirt and grime.

Kelly's Steps are of sandstone construction so some wearing is to be expected. An inspection has been undertaken with the report indicating that some stairs are showing signs of stress fracturing in the stone indicating the minor chipping on some stair nosing is from fair wear and tear rather than damage and miss use. The inspection reported these are not yet at intervention levels with only one new chip since the previous inspection and it is not considered necessary to undertake any remedial works at this time. It was further reported the stairs are not considered dangerous in their current state.

Regular inspections will continue to monitor the condition of the stair however, there are no plans for any asset replacement works to occur for some time.

6. PETITIONS

6.1 Petition - Pedestrian Infrastructure Mount Nelson - Mr Ryan Posselt

The Chief Executive Officer tabled a petition calling for the Council to:

Install a pedestrian crossing across Nelson Road in the proximity of Mount Nelson Store.

Commence a planned infrastructure program with the aim of building a continuous footpath, separated from the road, along Olinda Grove and Nelson Road between Hobart College and the Mount Nelson Signal Station.

There were 257 signatories to the petition.

BURNET
BEHRAKIS

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

MOTION CARRIED

VOTING RECORD

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

Attachments

A Petition - Mount Nelson Pedestrian Infrastructure ⇒ 

6.2 Petition – Damaging and Messy Trees Franklin Street West Hobart - Mr Paul Ackerley

The Chief Executive Officer tabled a petition calling for the Council to:

Remove the trees and replace with more suitable trees in Franklin Street, West Hobart.

There were 7 signatories to the petition.

BURNET
BEHRAKIS

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

MOTION CARRIED

VOTING RECORD

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

Attachments

A Petition - Trees, Franklin Street - West Hobart ⇨ 

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

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

No supplementary items were received.

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

No interest was indicated.

REPORTS OF COMMITTEES

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY

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

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

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

9.1 50 Macquarie Street, Hobart and Adjacent Road Reserve - Partial Demolition, Alterations and Signage PLN-22-596 - File Ref: F22/103146

Ref: Open [CPC 7.1.1](#), 24/10/2022
Application Expiry Date: 30 November 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and signage at 50 Macquarie Street, Hobart 7000 and adjacent road reservation for the reasons outlined in the officer's report attached to item 7.1.1 of the Open City Planning Committee agenda of 24 October 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 Application Document DA-22-47646 PLN-22-596 - 50 MACQUARIE STREET HOBART TAS 7000 -Final Planning

Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

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*.

BURNET
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

**9.2 1 Queens Walk and Adjacent Road Reserve - Partial Demolition, 150 Multiple Dwellings (85 Existing, 65 New), Carparking, Landscaping including Tree Removal, and Associated Works
PLN-22-146 - File Ref: F22/105890**

Ref: Open [CPC 7.2.1](#), 24/10/2022

Application Expiry Date: 26 October 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, 150 multiple dwellings (85 existing, 65 new), car parking, landscaping including tree removal, and associated works, at 1 Queens Walk and adjacent road reserve, New Town for the reasons outlined in the officer's report attached to item 7.2.1 of the Open City Planning Committee agenda of 24 October 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-22-146 - 1 QUEENS WALK NEW TOWN TAS 7008 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

Advice

The approved use is multiple dwellings for social housing, which will be managed as a collective by one entity. Social housing is housing that is provided for individuals that would otherwise face financial hardship if required to secure housing on the open market, or would be unable to secure such housing. The use of this site is not suitable for a strata scheme to create individual lots for each multiple dwelling. Further planning permission would be required to support the creation of a strata scheme of this nature.

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 2022/00784-HCC dated 03/06/2022 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 17

The external lighting of the vehicle parking area within the Selfs Point Road Road reservation must be baffled to ensure emission of light does not adversely affect the amenity of adjoining residential areas.

Reason for condition

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

PLN s1

The parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, within the 1 Queens Walk site must achieve compliance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.

Reason for condition

To ensure parking and vehicle circulation and pedestrian paths within the site are safe for use at all times.

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).

Existing and proposed stormwater connections were discussed during the assessment process. Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), provide details of stormwater drainage for the whole site. It must be demonstrated that all site stormwater is connected to the public stormwater system.

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.

SW 6

The new stormwater infrastructure must be designed and constructed prior to occupancy or the commencement of the approved use (whichever occurs first).

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings for both the residential development site 1 Queens Walk, and the new car park on public land, must be submitted and approved as a Condition Endorsement. The detailed engineering drawings must be certified by a suitably qualified and experienced civil engineer and must:

1. be substantially in accordance with the Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the City of Hobart's published departures from those Drawings;
2. clearly distinguish between public and private infrastructure;
3. show in both plan and long-section the proposed stormwater mains, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements and inspection openings;
4. include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP event flows as at 2100 (i.e including climate change loading) from a fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP event flows from a fully-developed catchment;

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

Advice:

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

SW 7

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

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted via the City of Hobart's online request form which is available on its website and approved. The detailed engineering drawings must include:

1. evidence that the whole site is drained to the public stormwater system (as discussed during assessment, see notes below*), and the catchment area for each stormwater connection (existing and proposed);
2. the location of the proposed connections and all existing connections;
3. the size and design of the connection such that it is appropriate to safely service the development;
4. long-sections of the proposed connections clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure; and
5. connections which are free-flowing gravity driven.

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings. The approved stormwater connections documents must be included in your plumbing permit application document set and listed in accompanying forms.

Advice:

Under section 20 of the Urban Drainage Act 2013 if more than one stormwater connection is required for a property, the consent of the General Manager must be sought. It is Council's preference to limit the site proper to two (2) connections, the need for a third requires demonstration.

**Note: Submitted plan 21E54-3 C102 Rev H, 104-107 H. Tower B and C appear to drain to ground, Tower D assumed to the known connection point, and Tower A to an outfall (not recorded) towards road but not connected to PSS. Proposed Towers E & F drainage is shown into system.*

SW 8

All stormwater runoff from impervious surfaces within the site must be treated and discharged from the site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010.

Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions or a model using industry accepted proprietary software, such as MUSIC, 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).

A maintenance management schedule (including life cycle costs of components) must also be submitted and the facility must be maintained in accordance with this schedule.

Advice:

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

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater pre-treatment and detention 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 tank showing:

1. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
 2. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
 3. the discharge rates and emptying times; and
 4. 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.*

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

Advice:

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

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), physical controls (as defined by AS/NZS 2890.1:2004) must be installed where and how required by the Australian Standard. 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.

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) of any of the new dwellings, the paths, parking areas and all other

pedestrian and parking infrastructure on both 1 Queens Walk and Council land (including, circulation roadways, parking modules, aisles, spaces and traffic islands) must be constructed in accordance with the plans which form part of this permit, prepared by *Aldanmark* titled *Queens Walk Community Housing* lodged on 19/8/2022 with the City of Hobart.

Any departure from the approved design documentation, and any works which are not detailed, must be:

1. Approved by the Director City Life, via a Condition Endorsement application, and/or
2. Be designed and constructed in accordance with the Australian Standard AS/NZ 2890.1:2004.

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), all parking areas (including circulation roadways, parking modules, aisles, and spaces) approved by this permit must be constructed to a sealed standard (i.e., 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 car parking spaces approved for use on the 1 Queens Walk site by this permit is 97, comprised of 57 new parking spaces in addition to the existing 40 spaces. A further 40 parking spaces are approved in a publicly- accessible car park adjacent to the Selfs Point Road reservation.

Prior to first occupation or commencement of use (whichever occurs first);

1. 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, and

2. Signage in accordance with Australian Standards AS/NZS 1742.11:2016 must be erected at the entrance to private car parking facility to indicate access to the area is for authorised users only.

Reason for condition

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

ENG 5b

The number of bicycle parking spaces approved for use on the 1 Queens Walk site by this permit is Seventy (70).

Reason for condition

To clarify the scope of the permit.

ENG 6

The number of motorcycle parking spaces approved for use on the 1 Queens Walk site by this permit is Six (6).

Prior to first occupation or commencement of use (whichever occurs first);

1. All motorcycle parking spaces must be constructed and 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, and
2. Signage in accordance with Australian Standards AS/NZS1742.11:2016 must be erected at each motorcycle parking space to indicate the parking space is designated for motorcycle use only.

Reason for condition

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

ENG 9

The number of car parking spaces for people with disabilities approved for use on the 1 Queens Walk site by this permit is Six (6).

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 1

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

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

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

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

Reason for condition

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

ENG r3

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

- Footpath - Urban Roads Footpaths TSD-R11-v3.

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

1. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings;

2. Show swept path templates in accordance with AS/NZS 2890.1 2004 (B85 or B99 depending on use, design template);
3. If the design deviates from the requirements of the TSD, then demonstrate that a B85 vehicle or a B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2), can access the driveway from the road pavement into the property without scraping the vehicle's underside;
4. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.
5. Be prepared and certified by a suitable qualified person, to satisfy the above requirements.

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

Advice:

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

Permit to Construct Public Infrastructure will need to be applied at least 14 days before carrying out the works.

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

Reason for condition

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

ENG s1

Detailed design drawings of all bicycle parking provisions 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 of works (e.g., site disturbance) (whichever occurs first).

The detailed design drawings submitted must;

1. be in accordance with AS/NZS 2890.3:2015,

2. be prepared/or certified by a suitably qualified engineer,
3. demonstrate that the design will provide safe and efficient access, and enable safe, easy and efficient use, and
4. show typical civil and structural details, sections, dimensions, and other engineering details as Council deem necessary to satisfy the above requirements.

Prior to first occupation or commencement of use (whichever occurs first), all bicycle parking must be constructed in accordance with the drawings approved by this condition and Condition ENG 5b.

Reason for condition

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

ENV s1

The western, northern and southern facades of Building E/Tower 1 must be designed and constructed to achieve a noise level reduction of Rw 50, and the eastern facade must be designed and constructed to achieve a noise level reduction of Rw 45.

Documentation submitted for building consent must be certified, by a suitably qualified person, as demonstrating compliance with the above requirements.

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 minimise the adverse effects of noise from roads

HER 14

Detailed drawings and documentation must be submitted showing the light weight timber pergola structure proposed for the ground floor western elevations of the existing apartment blocks. Drawings must include details of roof junctions and the fixing points of the pergolas onto the buildings.

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

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

Advice:

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

Reason for condition

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

HER 17c

The external colours, materials and finishes of the approved development must be substantially in accordance with the approved plans. Any substantial change in the colours, materials and finishes requires further approval.

Reason for condition

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

HER 20

Prior to occupancy or the commencement of the use (whichever occurs first), the site must be landscaped in substantial accordance with the submitted Landscaping Plan.

Prior to occupancy or the commencement of the use (whichever occurs first), confirmation from a suitably qualified landscape expert that all landscaping works required by this condition have been implemented, must be submitted.

The vegetation which is planted on the site pursuant to the landscaping plan must be maintained and must not be disturbed. If any vegetation dies or is destroyed, replacement vegetation of a similar size must be planted within 30 days of the death or destruction.

Reason for condition

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

ENVHE 4

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

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

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

1. Details of the proposed demolition and construction methodologies and expected likely timeframes.
2. The proposed days and hours of work and proposed hours of activities likely to generate significant noise emissions (including volume and timing of heavy vehicles entering and leaving the site, rock breaking and concrete pouring).
3. Details of potential environmental impacts associated with the demolition and construction works including noise, vibration, erosion and pollution (air, land and water).
4. Details of proposed measures to avoid or mitigate all identified potential environmental impacts during demolition and construction works including, but not limited to:
 - a. A noise management plan certified by a suitably qualified person as being generally consistent with AS 2436-2010 - *Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites* and the *Interim Construction Noise Guidelines* (New South Wales Department of Environment and Climate Change, July 2009).
 - b. A soil and water management plan including:
 - i. measures to minimise erosion and the discharge of contaminated stormwater off-site;
 - ii. measures to minimise dust emissions from the site;
 - iii. measures to manage the disposal of surface and groundwater from excavations (if relevant); and
 - iv. measures to prevent soil and debris being carried onto the street.
5. Details of proposed responsible persons, public communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

A copy of the approved Demolition and Construction Environmental Management Plan must be kept on site for the duration of the works and be available for inspection.

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 minimise the impact of construction works

OPS 4

The trees on Council land that are to be retained around the perimeter of the development site, as per RETENTION PLAN 01 drawing no. 21387-DA-007, must be protected from damage. No vehicular access, excavation, placement of fill, storage of materials or soil disturbance is to occur within the tree protection zones as defined in AS4970 Protection of trees on development sites. There must be no pruning, lopping or other damage to the street trees including trunks and roots.

Prior to the issue of any approval under the *Building Act 2016*, details of the street tree protection measures to be used must be clearly noted on a tree protection plan, submitted and approved as a condition endorsement. All works must be undertaken in accordance with the approved tree protection plan.

Advice:

Once the plan showing tree protection measures has been approved, the Council 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 building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

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

OPS 5

Before works commence, tree protection measures in accordance with the condition OPS 4 tree protection plan must be installed, to the satisfaction of the City's Arboriculture and Nursery Unit.

Once the tree protection measures are in place, please contact the City's Program Leader Arboriculture and Nursery on 0408 073 326 to arrange a site inspection for sign-off.

Reason for condition

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

OPS s1

Please make contact with the City's Program Leader Parks and Reserves (6238 3711) before construction commences on the new carpark and footpath on the northern side of Queens Walk.

Reason for condition

To maintain the amenity of the City's Parks and Reserves.

ADVICE

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

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

CONDITION ENDORSEMENT

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

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

You may require an occupational licence for use of Hobart City Council highway reservation (e.g. outdoor seating, etc). Click [here](#) for more information.

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

You may require a road closure permit for construction or special event. Click [here](#) for more information.

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

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You will require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Life Division to initiate the permit process).

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.

REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council open space reserve land. Any act that causes, or is likely to cause, damage to Council's land may be in breach of Council's Public Spaces By-law and penalties may apply. A permit is required for works on Council land. The by-law is available [here](#).

WORK PLACE HEALTH AND SAFETY

As stated in the 'Potentially Contaminated Land Code Environmental Site Assessment - July 2022' prepared by EM&C for 1 Queens Walk, New Town, Tasmania:

If soil is to be excavated and removed from the northern side of Queens Walk, during development of the proposed car park, soil should be treated as potentially contaminated with a Controlled Waste, due to low levels of Benzo(a)pyrene being reported in sample SB04. Removal of this material from the site should be completed in accordance with Environment Protection Authority (EPA) "Information Bulletin 105 Classification and Management of Contaminated Soil for Disposal (IB105), 2018.

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 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 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.

BURNET
DUTTA

That the recommendation be adopted.

AMENDMENT

BRISCOE
THOMAS

That the following advice clause be included:

The applicant is encouraged to undertake further engagement with the current residents of the site prior to construction commencing.

AMENDMENT CARRIED

VOTING RECORD

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

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, 150 multiple dwellings (85 existing, 65 new), car parking, landscaping including tree removal, and associated works, at 1 Queens Walk and adjacent road reserve, New Town for the reasons outlined in the officer's report attached to item 7.2.1 of the Open City Planning Committee agenda of 24 October 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-22-146 - 1 QUEENS WALK NEW TOWN TAS 7008 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

Advice

The approved use is multiple dwellings for social housing, which will be managed as a collective by one entity. Social housing is housing that is provided for individuals that would otherwise face financial hardship if required to secure housing on the open market, or would be unable to secure such housing. The use of this site is not suitable for a strata scheme to create individual lots for each multiple dwelling. Further planning permission would be required to support the creation of a strata scheme of this nature.

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 2022/00784-HCC dated 03/06/2022 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 17

The external lighting of the vehicle parking area within the Selfs Point Road Road reservation must be baffled to ensure emission of light does not adversely affect the amenity of adjoining residential areas.

Reason for condition

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

PLN s1

The parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, within the 1 Queens Walk site must achieve compliance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.

Reason for condition

To ensure parking and vehicle circulation and pedestrian paths within the site are safe for use at all times.

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).

Existing and proposed stormwater connections were discussed during the assessment process. Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), provide details of stormwater drainage for the whole site. It must be demonstrated that all site stormwater is connected to the public stormwater system.

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.

SW 6

The new stormwater infrastructure must be designed and constructed prior to occupancy or the commencement of the approved use (whichever occurs first).

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings for both the residential development site 1 Queens Walk, and the new car park on public land, must be submitted and approved as a Condition Endorsement. The detailed engineering drawings must be certified by a suitably qualified and experienced civil engineer and must:

1. be substantially in accordance with the Local Government Association of Tasmania: Tasmanian Municipal Standard Drawings (May 2020), as varied by the City of Hobart's published departures from those Drawings;
2. clearly distinguish between public and private infrastructure;
3. show in both plan and long-section the proposed stormwater mains, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements and inspection openings;
4. include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP event flows as at 2100 (i.e including climate change loading) from a fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP event flows from a fully-developed catchment;

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

Advice:

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

SW 7

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

Prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), detailed engineering drawings must be submitted via the City of Hobart's online request form which is available on its website and approved. The detailed engineering drawings must include:

1. evidence that the whole site is drained to the public stormwater system (as discussed during assessment, see notes below*), and the catchment area for each stormwater connection (existing and proposed);
2. the location of the proposed connections and all existing connections;
3. the size and design of the connection such that it is appropriate to safely service the development;
4. long-sections of the proposed connections clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure; and
5. connections which are free-flowing gravity driven.

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings. The approved stormwater connections documents must be included in your plumbing permit application document set and listed in accompanying forms.

Advice:

Under section 20 of the Urban Drainage Act 2013 if more than one stormwater connection is required for a property, the consent of the General Manager must be sought. It is Council's preference to limit the site proper to two (2) connections, the need for a third requires demonstration.

**Note: Submitted plan 21E54-3 C102 Rev H, 104-107 H. Tower B and C appear to drain to ground, Tower D assumed to the known connection point, and Tower A to an outfall (not recorded) towards road but not connected to PSS. Proposed Towers E & F drainage is shown into system.*

SW 8

All stormwater runoff from impervious surfaces within the site must be

treated and discharged from the site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010.

Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions or a model using industry accepted proprietary software, such as MUSIC, 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).

A maintenance management schedule (including life cycle costs of components) must also be submitted and the facility must be maintained in accordance with this schedule.

Advice:

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

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater pre-treatment and detention 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 tank showing:
 1. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
 2. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
 3. the discharge rates and emptying times; and

4. 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.*

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

Advice:

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

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), physical controls (as defined by AS/NZS 2890.1:2004) must be installed where and how required by the Australian Standard. 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.

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) of any of the new dwellings, the paths, parking areas and all other pedestrian and parking infrastructure on both 1 Queens Walk and Council land (including, circulation roadways, parking modules, aisles, spaces and traffic islands) must be constructed in accordance with the plans which form part of this permit, prepared by *Aldanmark* titled *Queens Walk Community Housing* lodged on 19/8/2022 with the City of Hobart.

Any departure from the approved design documentation, and any works

which are not detailed, must be:

1. Approved by the Director City Life, via a Condition Endorsement application, and/or
2. Be designed and constructed in accordance with the Australian Standard AS/NZ 2890.1:2004.

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), all parking areas (including circulation roadways, parking modules, aisles, and spaces) approved by this permit must be constructed to a sealed standard (i.e., 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 car parking spaces approved for use on the 1 Queens Walk site by this permit is 97, comprised of 57 new parking spaces in addition to the existing 40 spaces. A further 40 parking spaces are approved in a publicly- accessible car park adjacent to the Selfs Point Road reservation.

Prior to first occupation or commencement of use (whichever occurs first);

1. 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, and
2. Signage in accordance with Australian Standards AS/NZS 1742.11:2016 must be erected at the entrance to private car parking facility to indicate access to the area is for authorised users only.

Reason for condition

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

users.

ENG 5b

The number of bicycle parking spaces approved for use on the 1 Queens Walk site by this permit is Seventy (70).

Reason for condition

To clarify the scope of the permit.

ENG 6

The number of motorcycle parking spaces approved for use on the 1 Queens Walk site by this permit is Six (6).

Prior to first occupation or commencement of use (whichever occurs first);

1. All motorcycle parking spaces must be constructed and 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, and
2. Signage in accordance with Australian Standards AS/NZS1742.11:2016 must be erected at each motorcycle parking space to indicate the parking space is designated for motorcycle use only.

Reason for condition

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

ENG 9

The number of car parking spaces for people with disabilities approved for use on the 1 Queens Walk site by this permit is Six (6).

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 1

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

1. Be met by the owner by way of reimbursement (cost of repair and

- reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of the Council.

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

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

Reason for condition

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

ENG r3

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

- Footpath - Urban Roads Footpaths TSD-R11-v3.

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

1. Be designed for the expected vehicle loadings. A structural certificate to note that driveway is suitable for heavy vehicle loadings;
2. Show swept path templates in accordance with AS/NZS 2890.1 2004 (B85 or B99 depending on use, design template);
3. If the design deviates from the requirements of the TSD, then demonstrate that a B85 vehicle or a B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2), can access the driveway from the road pavement into the property without scraping the vehicle's underside;
4. Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004.

5. Be prepared and certified by a suitable qualified person, to satisfy the above requirements.

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

Advice:

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

Permit to Construct Public Infrastructure will need to be applied at least 14 days before carrying out the works.

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

Reason for condition

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

ENG s1

Detailed design drawings of all bicycle parking provisions 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 of works (e.g., site disturbance) (whichever occurs first).

The detailed design drawings submitted must;

1. be in accordance with AS/NZS 2890.3:2015,
2. be prepared/or certified by a suitably qualified engineer,
3. demonstrate that the design will provide safe and efficient access, and enable safe, easy and efficient use, and
4. show typical civil and structural details, sections, dimensions, and other engineering details as Council deem necessary to satisfy the above requirements.

Prior to first occupation or commencement of use (whichever occurs first),

all bicycle parking must be constructed in accordance with the drawings approved by this condition and Condition ENG 5b.

Reason for condition

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

ENV s1

The western, northern and southern facades of Building E/Tower 1 must be designed and constructed to achieve a noise level reduction of Rw 50, and the eastern facade must be designed and constructed to achieve a noise level reduction of Rw 45.

Documentation submitted for building consent must be certified, by a suitably qualified person, as demonstrating compliance with the above requirements.

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 minimise the adverse effects of noise from roads

HER 14

Detailed drawings and documentation must be submitted showing the light weight timber pergola structure proposed for the ground floor western elevations of the existing apartment blocks. Drawings must include details of roof junctions and the fixing points of the pergolas onto the buildings.

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

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

Advice:

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

Reason for condition

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

HER 17c

The external colours, materials and finishes of the approved development must be substantially in accordance with the approved plans. Any substantial change in the colours, materials and finishes requires further approval.

Reason for condition

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

HER 20

Prior to occupancy or the commencement of the use (whichever occurs first), the site must be landscaped in substantial accordance with the submitted Landscaping Plan.

Prior to occupancy or the commencement of the use (whichever occurs first), confirmation from a suitably qualified landscape expert that all landscaping works required by this condition have been implemented, must be submitted.

The vegetation which is planted on the site pursuant to the landscaping plan must be maintained and must not be disturbed. If any vegetation dies or is destroyed, replacement vegetation of a similar size must be planted within 30 days of the death or destruction.

Reason for condition

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

ENVHE 4

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

A Demolition and Construction Environmental Management Plan must be submitted and approved prior to the commencement of works and prior to

the issue of any approval under the *Building Act 2016*.

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

1. Details of the proposed demolition and construction methodologies and expected likely timeframes.
2. The proposed days and hours of work and proposed hours of activities likely to generate significant noise emissions (including volume and timing of heavy vehicles entering and leaving the site, rock breaking and concrete pouring).
3. Details of potential environmental impacts associated with the demolition and construction works including noise, vibration, erosion and pollution (air, land and water).
4. Details of proposed measures to avoid or mitigate all identified potential environmental impacts during demolition and construction works including, but not limited to:
 - a. A noise management plan certified by a suitably qualified person as being generally consistent with AS 2436-2010 - *Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites* and the *Interim Construction Noise Guidelines* (New South Wales Department of Environment and Climate Change, July 2009).
 - b. A soil and water management plan including:
 - i. measures to minimise erosion and the discharge of contaminated stormwater off-site;
 - ii. measures to minimise dust emissions from the site;
 - iii. measures to manage the disposal of surface and groundwater from excavations (if relevant); and
 - iv. measures to prevent soil and debris being carried onto the street.
5. Details of proposed responsible persons, public communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

A copy of the approved Demolition and Construction Environmental Management Plan must be kept on site for the duration of the works and be available for inspection.

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 minimise the impact of construction works

OPS 4

The trees on Council land that are to be retained around the perimeter of the development site, as per RETENTION PLAN 01 drawing no. 21387-DA-007, must be protected from damage. No vehicular access, excavation, placement of fill, storage of materials or soil disturbance is to occur within the tree protection zones as defined in AS4970 Protection of trees on development sites. There must be no pruning, lopping or other damage to the street trees including trunks and roots.

Prior to the issue of any approval under the *Building Act 2016*, details of the street tree protection measures to be used must be clearly noted on a tree protection plan, submitted and approved as a condition endorsement. All works must be undertaken in accordance with the approved tree protection plan.

Advice:

Once the plan showing tree protection measures has been approved, the Council 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 building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Reason for condition

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

OPS 5

Before works commence, tree protection measures in accordance with the condition OPS 4 tree protection plan must be installed, to the satisfaction of the City's Arboriculture and Nursery Unit.

Once the tree protection measures are in place, please contact the City's Program Leader Arboriculture and Nursery on 0408 073 326 to arrange a site inspection for sign-off.

Reason for condition

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

OPS s1

Please make contact with the City's Program Leader Parks and Reserves (6238 3711) before construction commences on the new carpark and footpath on the northern side of Queens Walk.

Reason for condition

To maintain the amenity of the City's Parks and Reserves.

ADVICE

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

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

CONDITION ENDORSEMENT

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

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

You may require an occupational licence for use of Hobart City Council highway reservation (e.g. outdoor seating, etc). Click [here](#) for more information.

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

You may require a road closure permit for construction or special event. Click [here](#) for more information.

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

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You will require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Life Division to initiate the permit process).

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.

REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council open space reserve land. Any act that causes, or is likely to cause, damage to Council's land may be in breach of Council's Public Spaces By-law and penalties may apply. A permit is required for works on Council land. The by-law is available [here](#).

WORK PLACE HEALTH AND SAFETY

As stated in the 'Potentially Contaminated Land Code Environmental Site Assessment - July 2022' prepared by EM&C for 1 Queens Walk, New Town, Tasmania:

If soil is to be excavated and removed from the northern side of Queens Walk, during development of the proposed car park, soil should be treated as potentially contaminated with a Controlled Waste, due to low levels of Benzo(a)pyrene being reported in sample SB04. Removal of this material from the site should be completed in accordance with Environment Protection Authority (EPA) "Information Bulletin 105 Classification and Management of Contaminated Soil for Disposal (IB105), 2018.

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 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 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.

ADVICE

The applicant is encouraged to undertake further engagement with the current residents of the site prior to construction commencing.

9.3 1 Knopwood Street, Battery Point - Revised Plans - PLN-21-719 File Ref: F22/105426

Ref: Open [CPC 7.2.2](#), 24/10/2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for a partial demolition and new building for 26 multiple dwellings and food services at 1 Knopwood Street Battery Point TAS 7004 for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the design and siting of the buildings results in detriment to the historic cultural heritage significance of the precinct as described in Table E13.2.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.4 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the site area per dwelling of the proposal detracts from the pattern of development that is a characteristic of the historic cultural heritage significance of the precinct in the vicinity of the site as described in Table E13.2.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.4 A3 or P3 of the *Hobart Interim Planning Scheme 2015* because the building height is obtrusive in the streetscape and detracts from the pattern of development that is a characteristic of the precinct in the vicinity of the site as described in Table E13.2.
4. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.4 A6 or P6 of the *Hobart Interim Planning Scheme 2015* because the building detracts from the pattern of development that is a characteristic of the precinct in the vicinity of the site as described in Table E13.2.
5. The proposed cafe/wine bar is within the use class Food Services which is prohibited in the use Table at clause 11.2 of the *Hobart Interim Planning Scheme 2015*, because it is not within an existing

building.

BURNET
DUTTA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

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

9.4 31 Swanston Street, New Town - Partial Demolition, Alterations, Extension, and Seven Multiple Dwellings (One Existing, Six New) PLN-22-571 - File Ref: F22/104911

Ref: Open [CPC 7.2.3](#), 24/10/2022
Application Expiry Date: 31 October 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, extension, and seven multiple dwellings (one existing, six new), at 31 Swanston Street, New Town 7008 for the reasons outlined in the officer's report attached to item 7.2.3 of the Open City Planning Committee agenda of 24 October 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-22-571 - 31 Swanston Street New Town TAS 7008 - 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 2022/01418-HCC dated 09/09/22 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 15a

A demolition waste management plan must be implemented throughout demolition. The demolition waste management plan must include provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.

Advice:

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

PLN 19

Cranes or other temporary structures used in the construction of the approved development must not create an obstruction or hazard for the operation of aircraft.

Advice:

Further advice about whether the development will or will not create an obstruction or hazard can be obtained by contacting the Civil Aviation Safety Authority, the Department of Health and Human Services (rhhfmeadmin@ths.tas.gov.au, (03) 6166 8832) and the helipad/helicopter operator (Rotorlift, chiefpilot@rotorlift.com.au, (03) 6248 4117

Please be aware of the possibility of downdraft conditions in the Royal Hobart Hospital Heli Airspace / flightpath area from operating helicopters on any crane lifts when any crane operation is taking place and consider this in Job Safety Analysis / Safe Work Method Statements.

Please consider the use of boom illumination or warning lights when operating in the Royal Hobart Hospital Heli Airspace / flightpath area as

part of Job Safety Analysis / Safe Work Method Statements.

Reason for condition

To ensure that buildings do not interfere with safe aircraft operations in the vicinity of the Royal Hobart Hospital helipad.

PLN 3

The bin storage area must be screened prior to first use. The screening must be:

- to a height of 1.8m;
- solid at least up to a height of 1.2m;
- for that portion between the solid part and the top of the screen, be no more than 25% transparent; and around the entire bin storage area .

The screening must be maintained for the life of the use.

Reason for condition

To ensure that the rubbish bins do not impact on the amenity of the locality, and to ensure compliance with the outdoor storage standards in the *Hobart Interim Planning Scheme 2015*, and in accordance with drawing A102 issue DA, revision H, dated 5/9/22.

PLN s4

Prior to first use, additional access to the private open space for Townhouses 01, 02, 03, 04, and 05 must be provided, and privacy screening along the eastern elevation of the upper floor balcony of Townhouse 06 must be installed.

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

1. Direct access via a door from both lower floor bedrooms to the rear private open space for Townhouses 01, 02, 03, 04, and 05. This may take the form of a sliding glass door.
2. Privacy screening along the eastern elevation of the upper floor balcony of Townhouse 06 to a height of 1.7m above finished floor level with a uniform transparency of no less than 25%

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

Advice:

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

Reason for condition

To clarify the scope of the permit.

ENG sw6

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

Detailed engineering drawings prepared and certified by a suitable qualified and experienced Civil Engineer must be submitted and approved, prior to commencement of work or issue of consent under the Building Act 2016 (whichever occurs first). The drawings must include but not be limited to:

- Detailed design of the proposed pump system and supporting calculations demonstrating the system can drain all 20yr ARI rainfall events, and is in general accordance with Australian Standard AS/NZS 3500.3:2015 Part 3: Stormwater Drainage Systems.
- All stormwater which is practicable to drain to Council infrastructure via gravity (including suspended or charged systems) must do so.
- Any pumped or charged flows must be converted into free-flowing gravity within a suitably sized private transition pit inside the property.
- Pumped system must be designed and located to minimise consequence of failure and nuisance (eg obvious failure, adequate setbacks to allow dispersal of surcharge prior to third-party land and noise minimisation);
- Levels and landscaping plan demonstrating the pump can adequately service all likely development on the Lot; and
- A brief list of maintenance / inspection actions.

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

Advice:

Once the detailed engineered drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain

condition endorsement). The accepted plans and Forms should be included in your plumbing permit application.

Reason for condition

To ensure stormwater is discharged to a suitable Council approved outlet.

SW 7

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

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

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

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

Advice:

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

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

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), stormwater pre-treatment and detention 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 amended supporting calculations of the detention tanks showing:
 1. detention tank sizing such that there is no increase in flows from the developed site up to 5% AEP event and no worsening of flooding;
 2. the layout, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
 3. the discharge rates and emptying times, and any interactions with the pump system; and
 4. 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.

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

Advice:

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

ENG 13

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

An ongoing waste management plan must be submitted and approved as a Condition Endorsement, prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first), or if the development proceeds in stages prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first) for each stage. The ongoing waste management plan must:

1. include details of quantity and type/size of bins;
2. include details for the handling of waste (i.e) placement of bins on collection day within the Council's highway reservation; or
3. provide a suitable alternative method of domestic waste collection.

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

Advice:

Should you have any queries in relation to the preparation of an ongoing waste management plan, please contact Council's Customer Liaison Officer on 6278 0273.

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

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.

Reason for condition

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

ENG 2b

Further detailed designs are required for vehicle barriers in the following locations:

1. Along the edge of the driveway.

This documentation must be submitted and approved as a condition endorsement, prior to the issuing of any approval under the *Building Act 2016*.

The detailed designs must:

1. be prepared and certified by a suitably qualified engineer;
2. be in accordance with the Australian Standard AS/NZS 1170.1:2002, if possible; and
3. show [dimensions, levels, gradients and transitions], and other details as Council deem necessary to satisfy the above requirement.

The vehicle barriers must be installed in accordance with the approved detailed designs prior to first occupation.

Advice:

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

Reason for condition

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

ENG 2c

Prior to the first occupation, a suitably qualified engineer must certify that the vehicle barriers have been installed in accordance design drawings approved by Condition ENG 2b.

Advice:

An example certificate is available on our [website](#).

Reason for condition

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

ENG 3b

The access driveway, circulation roadways, and parking module (parking spaces, aisles and manoeuvring area) design must be submitted and approved as a Condition Endorsement, prior to the issuing of any approval under the *Building Act 2016*, or if the development proceeds in stages prior to the issuing of any approval under the *Building Act 2016* or commencement of works (whichever occurs first) for each stage.

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

1. Be prepared and certified by a suitably qualified engineer,
2. Be generally in accordance with the Australian Standard

AS/NZS2890.1:2004,

3. Where the design deviates from AS/NZS2890.1:2004 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, and
4. Show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement.
5. Show the demolition of the rendered brick fence/walls at the driveway entrance/front property boundary to allow for the provision of the driveway vehicle passing area located at the vehicle entry point to the property from Swanston Street.

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit. It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.

Reason for condition

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

ENG 3c

Prior to the first occupation, a suitably qualified engineer must certify that the access driveway and parking area has been constructed in accordance with design drawings approved by Condition ENG 3b.

Advice:

We strongly encourage you to speak to your engineer before works begin so that you can discuss the number and nature of the inspections they will need to do during the works in order to provide this certification. It may be necessary for a surveyor to also be engaged to ensure that the driveway will be constructed as approved.

An example certificate is available on our [website](#).

Reason for condition

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

ENG 4

The access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the first occupation.

Reason for condition

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

ENG 5

The number of car parking spaces approved to be used on the site is fifteen

(15) as follows:

- One (1) visitor car parking space.
- Fourteen (14) resident car parking spaces.

All visitor parking spaces and uncovered resident 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 and clearly marked as visitor parking or resident parking such that pavement markings are in accordance with AS 1742.11:2016 Manual of uniform traffic control devices, Part 11: Parking Controls, prior to first occupation.

Reason for condition

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

ENG 1

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

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

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

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

Reason for condition

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

ENV 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](#).

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.

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.

ADVICE

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

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

CONDITION ENDORSEMENT

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

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

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

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

BUILDING PERMIT

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

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

PLUMBING PERMIT

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

OCCUPATION OF THE PUBLIC HIGHWAY

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

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.

WORK WITHIN THE HIGHWAY RESERVATION

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

STORMWATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT – standard drawings. Click [here](#) for more information.

COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council land. Any act that causes, or is likely to cause, damage to Council's land may be in breach of Council's Public Spaces By-law and penalties may apply. A permit is required for works on Council land. The by-law is available [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](#).

WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

PROTECTING THE ENVIRONMENT

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to

prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

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.

DIAL BEFORE YOU DIG

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

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

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

**9.5 1 Tew Terrace and 5 Tew Terrace, Sandy Bay - Partial Demolition, Alterations and Extension
PLN-22-402 - File Ref: F22/101522**

Ref: Open [CPC 7.2.4](#), 24/10/2022

Application Expiry Date: 28 November 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a partial demolition, alterations and extension at 1 Tew Terrace and 5 Tew Terrace (adjacent Council Reserve), Sandy Bay TAS 7005 for the reasons outlined in the officer's report attached to item 7.2.4 of the Open City Planning Committee agenda of 24 October 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-22-402 - 1 Tew Terrace and 5 Tew Terrace Sandy Bay TAS 7005 - Final Planning Documents except where modified below.

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, 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).

The window must be installed as a sealed unit capable of excluding minor surface flows as per the correspondence from Mark Drury dated 9/8/22.

Advice:

Council notes the property will back onto bushland, and will receive natural surface flows.

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 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.

OPS s1

The section of block work retaining wall that extends into Bicentennial Park is to be removed as per the DA02 Existing Floor Plan + Proposed Demolition Works drawing, at the applicant's cost, such that no part of the house extends into the reserve.

Reason for condition

To maintain the amenity value of the City of Hobart's parks and reserves.

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*.

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.

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

BURNET
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

9.6 90 Melville Street, Hobart - Demolition and New Building for 55 Multiple Dwellings, Food Services, Business and Professional Services, General Retail and Hire And Associated Works Within The Adjacent Road Reserve - ETA-22-170
File Ref: F22/104873

Ref: Open [CPC 7.2.5](#), 24/10/2022

That the Council approve to grant an extension of time until 18 May 2024 in which to substantially commence planning permit PLN-19-948.

BURNET
THOMAS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

**9.7 27 Lefroy Street, North Hobart - Partial Change of Use to Food Services
(Mobile Food Vendor)
PLN-22-477 - File Ref: F22/105708**

Ref: Open [CPC 7.2.6](#), 24/10/2022

Application Expiry Date: 29 November 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial change of use to food services (mobile food vendor) at 27 Lefroy Street North Hobart TAS 7000 for the reasons outlined in the officer's report attached to item 7.2.6 of the Open City Planning Committee agenda of 24 October 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-22-477 27 Lefroy Street North Hobart TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 17

The lighting of the food van is limited to internal illumination only and the area of customer ordering under the awning. All lighting 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.

PLN 6

The use must not be open to the public outside of the following hours:

Monday to Friday 7.30am to 12.30 pm and 4pm to 7pm and
Saturday, Sunday and Public Holidays 11am to 2pm and 4pm to 9pm

Reason for condition

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

PLN s1

Prior to commencement of the use, documentation from a suitably qualified person (e.g. an acoustic engineer) must be submitted and approved as a condition endorsement, demonstrating that noise emissions from the diesel generator and measured at the boundary of the residential zone will either:

- a) comply with the noise criteria in acceptable solution 21.3.2 A1 of the *Hobart Interim Planning Scheme 2015*; or
- b) comply with performance criterion 21.3.2 P1 of the *Hobart Interim Planning Scheme 2015*.

Any requirements identified in the documentation as being necessary to ensure compliance with 21.3.2 A1 or P1 must be implemented and maintained while the use is in operation.

Advice:

This condition requires additional information to be submitted as a Condition Endorsement. See Advice at the end of this permit for more information.

Reason for condition

To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.

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.

FOOD BUSINESS REGISTRATION

Food business registration in accordance with the *Food Act 2003*. Click [here](#) for more information.

SINGLE USE PLASTICS

The City of Hobart has a 'Single-Use Plastics By-Law' in force, which applies to retailers who provide or sell food to be taken from the retailer's premises in food packaging. Retailers must not provide to a person any food packaging which is wholly or partly comprised of plastic and a single use product. Please click [here](#) for more information.

NOISE REGULATIONS

Noise, dust, odour, light or other pollutants emitted from any activities associated with this development must not unreasonably cause any disturbance, annoyance or nuisance to owners/occupiers in the vicinity and shall comply with the *Environmental Management and Pollution Control Act 1994* and subsequent regulations.

WASTE DISPOSAL

It is recommended that the developer liaise with the Council's City Resilience Unit regarding reducing, reusing and recycling materials associated with use 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](#).

BURNET
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

SPECIAL REPORT – CHIEF EXECUTIVE OFFICER

10. 2021-22 Financial Statements
File Ref: F22/105236; 16/119

BURNET
SHERLOCK

That the recommendation contained in the Special Report of the Chief Executive Officer, marked as item 10 of the Open Council Agenda of 25 October 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That the Council note that in accordance with section 84(4) of the Local Government Act 1993 that the Chief Executive Officer, being the General Manager as appointed by Council pursuant to section 61 of the Local Government Act 1993, tables the certified financial statements for the year ended 30 June 2022 marked as Attachment C to this report.

**11. Council Meeting Arrangements - Immediately Post Election
File Ref: F22/104799**

BURNET
SHERLOCK

That the recommendation contained in the Special Report of the Chief Executive Officer, marked as item 11 of the Open Council Agenda of 25 October 2022, be adopted.

AMENDMENT

ZUCCO
THOMAS

That clause 1 be amended to include an additional sentence that reads:

In the event there is a significant planning matter requiring the attention of the Planning Authority, the Council meeting of 14 November 2022 remain.

AMENDMENT CARRIED

VOTING RECORD

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

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That:

1. The Council approve the cancellation of Council meetings scheduled for 14 and 28 November 2022 and the convening of the first meeting of the new Council on Monday 21 November 2022. In the event there is a significant planning matter requiring the attention of the Planning Authority, the Council meeting of 14 November 2022 remain.
2. The Council endorse the convening of the City's Annual General Meeting on Monday 28 November 2022, commencing at 5.30pm.
3. The Director City Life be provided with the following delegation in order to facilitate the processing of planning permit applications during the period 26 October 2022 until such time as the Council resolves otherwise:
 - (i) To determine all planning permit applications which would otherwise be determined by Committee or Council in circumstances where it would not otherwise be possible to determine the application within the statutory time period required under Sections 57(6), 57(6A), 58(2) or 58(2A) of the Land Use Planning and Approvals Act 1993, and an extension of time cannot be obtained, unless an Elected Member has requested the convening of a special meeting or meetings of the Planning Authority to determine an application and there is sufficient time to arrange a special meeting prior to the expiry of the statutory time period required under those sections.

12. Code of Conduct Determination Report
Louise Elliot v Lord Mayor Councillor Anna Reynolds
File Ref: F22/105771

BURNET
FOX

That the recommendation contained in the Special Report of the Chief Executive Officer, marked as item 12 of the Open Council Agenda of 25 October 2022, be adopted.

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

That the Council receive and note the Code of Conduct Determination Report in respect to a complaint lodged by Ms Louise Elliot against Lord Mayor Reynolds, shown as Attachment A to this report.

13. 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:

- Matter involving legal action in which the Council is a party.
- Matter relating to a commercial arrangement.

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 | PLN-20-651 - 209-213 Harrington Street, Hobart & 215-217 Harrington Street - Demolition, New Building for Food Services, Signage, Subdivision (Lot Consolidation), and Associated Works - Appeal - Mediation
LG(MP)R 15(4)(a) |
| Item No. 7 | Extension of Lease for Temporary Social Housing
LG(MP)R 15(2)(b) |

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED BY
ABSOLUTE MAJORITY

VOTING RECORD

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

There being no further business the Open portion of the meeting closed at 5.58pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
21ST DAY OF NOVEMBER 2022.

CHAIRMAN