



CITY OF HOBART

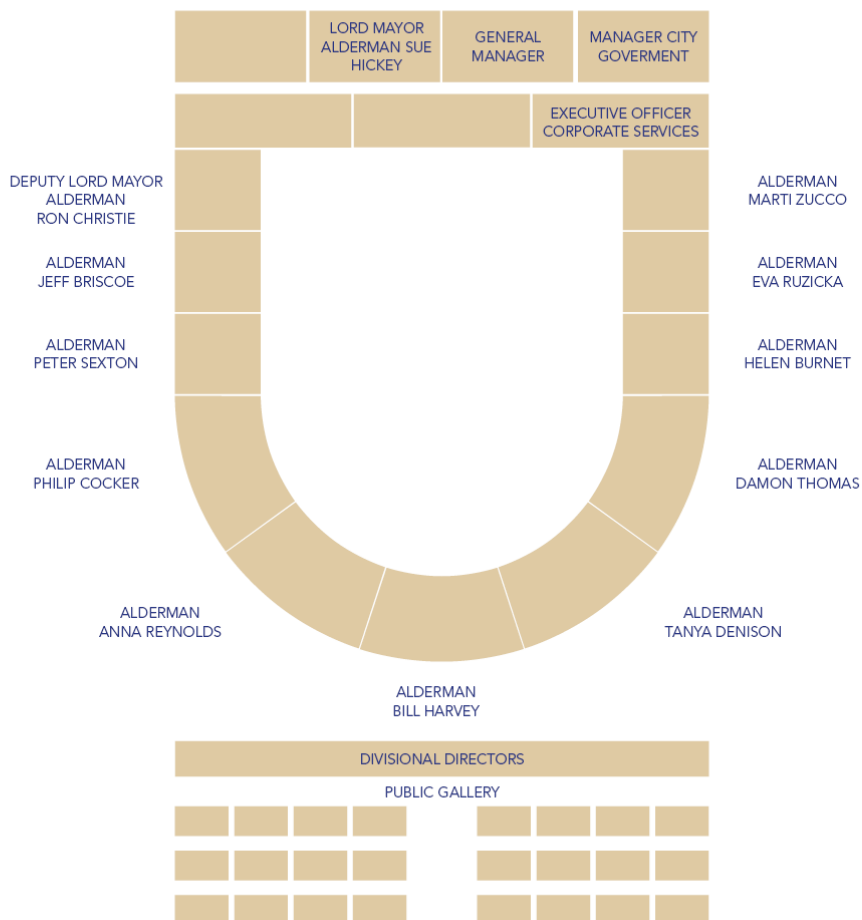
AGENDA

OPEN PORTION OF THE COUNCIL MEETING

MONDAY, 4 DECEMBER 2017

AT 5.00 PM





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**A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE
COUNCIL CHAMBER, TOWN HALL ON MONDAY, 4 DECEMBER 2017 AT
5.00 PM.**

**N D Heath
General Manager**

ALDERMEN:

Lord Mayor S L Hickey
Deputy Lord Mayor R G Christie
Alderman M Zucco
Alderman J R Briscoe
Alderman E R Ruzicka
Alderman P T Sexton
Alderman H C Burnet
Alderman P S Cocker
Alderman D C Thomas
Alderman A M Reynolds
Alderman T M Denison
Alderman W F Harvey

APOLOGIES: Nil.

LEAVE OF ABSENCE: Nil.

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 20 November 2017](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

2. TRANSFER OF AGENDA ITEMS

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

3. COMMUNICATION FROM THE CHAIRMAN

4. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager reports that the following workshops have been conducted since the last ordinary meeting of the Council.

Date: 21/11/2017

Purpose: City of Hobart Art Prize Review

Date: 22/11/2017

Purpose: Findings of the New Town Project Action Team

Date: 23/11/2017

Purpose: Hobart Local Provision Schedule – Tasmanian Planning Scheme

Date: 27/11/2017

Purpose: Hobart Local Provision Schedule – Tasmanian Planning Scheme

5. PUBLIC QUESTION TIME

6. PETITIONS

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

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

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

REPORTS OF COMMITTEES

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY

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

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

The Council is reminded that in order to comply with Regulation 25(2), the General Manager 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 13-17 Castray Esplanade Battery Point - Alterations and Partial Change of Use to Eating Establishment and Unlisted Use (Bar) and Signage PLN-17-692 - File Ref: F17/153234

Ref: Open [CPC 7.1.1](#), 27/11/2017
Application Expiry Date: 9 December 2017
Extension of Time: Not applicable

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for alterations and partial change of use to eating establishment and unlisted use (bar) and signage at 13-17 Castray Esplanade Battery Point for the reasons outlined in the officer's report, attached to item 7.1.1 of the Open City Planning Committee agenda of 27 November 2017, 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-17-692 - 13-17 CASTRAY ESPLANADE BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

HER s1

The proposed flue to the front elevation is not approved. The flue must be enclosed and positioned to better reflect the architectural language, form and colouration of the front facade.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing the flue enclosed and positioned in accordance with the above requirement.

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

Reason for condition

To ensure that development at a Place of Cultural Significance is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance as required under clause 22.4.5 'Discretionary' 'Building or works' in Schedule 1 – Conservation of Cultural Heritage Values of the Sullivans Cove Planning Scheme 1997.

HER s2

The above awning sign (located above the architectural fascia beam) is not approved.

Reason for condition

Because above awning signs are prohibited by clause 25.10 of the *Sullivans Cove Planning Scheme 1997*, and to ensure that signage is located on locations traditionally associated with advertising and that the individual and cumulative impact of signage to the site does not detract from the historic cultural significance of this Place of Cultural Significance as required under clauses 25.11 and 25.13 in Schedule 1 – Conservation of Cultural Heritage Values of the *Sullivans Cove Planning Scheme 1997*.

ENVHE s1

No music must be played at the premises after 12 midnight, except that low volume music may be played at the premises until no later than 1:00 am.

Advice: To help prevent any noise associated with the premises creating an environmental nuisance as defined by the Environmental Management and Pollution Control Act 1994, it is recommended that all external windows and doors be closed no later than 10:00 pm,

and that no loud/heavy music or music with heavy bass be played.

Reason for condition

To clarify the scope of the permit

ENVHE s2

No live amplified music is permitted to be played at the premises by this permit.

Advice: Acoustic live music is permitted, as is music played through a stereo.

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

Building permit in accordance with the *Building Act 2016*. Click [here](#) for more information.

Discretionary Planning Permit issued pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

Plumbing permit in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

ENVIRONMENTAL NUISANCE

Pollutants, including noise, dust and odours emitted as a result of the use or development must not create an environmental nuisance as

defined by the *Environmental Management and Pollution Control Act 1994*. The wood fired oven has potential to cause a smoke nuisance. The applicant needs to make sure any risk of smoke nuisance is mitigated.

FOOD PREMISES

Detailed building plans showing all elevations, materials and specifications for food premises fit out are to be submitted to the Council's Environmental Health Unit via the building surveyor. These plans must comply with the provisions of the Building Code of Australia National Construction Code Tas Part H102 for food premises and have regard to the Food Safety Standards.

FOOD BUSINESS

Application for registration of a food business must be made and subsequent written approval must be obtained from the Council's Environmental Health Unit in accordance with the *Food Act 2003*. The business is to be registered prior to operation.

RUBBISH COLLECTION

Rubbish collection, if done by a private contractor, is not to occur prior to 9:00 am, seven days a week, having regard to the amenity of nearby residents and visitors.

CONTROLLING PATRON BEHAVIOUR

The applicant is strongly encouraged to take all reasonable steps to ensure that patrons leave the bar in a timely and orderly manner, particularly at closing time.

SMOKING AREA

The provision of an outdoor dining area will require compliance with current State Government and/or Hobart City Council tobacco controls.

9.2 1/63 Salamanca Place, Hobart - Outdoor Dining
PLN-17-698 - File Ref: F17/153361

Ref: Open [CPC 7.1.2](#), 27/11/2017

Application Expiry Date: 5 December 2017

Extension of Time: Not applicable

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for outdoor dining at 1/63 Salamanca Place and adjacent road reservation for the reasons outlined in the officer's report, attached to item 7.1.2 of the Open City Planning Committee agenda of 27 November 2017 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-17-698 - 63 SALAMANCA PLACE AND ADJACENT ROAD RESERVE BATTERY POINT TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG 3

Any works associated with existing Council signage and bollards being relocated or removed must be at the developer's cost.

Reason for condition

To ensure that works are undertaken at the developer's cost.

ENG 1

The cost of repair of any damage to the Council's infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by 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.

HER s1

The outdoor dining furniture must be temporary and not permanently affixed to the ground. The outdoor dining furniture must only be in situ while the eating establishment use is open to the public. When the use is closed to the public the furniture must be removed.

Reason for condition

To ensure that the outdoor dining furniture other than that reasonably required to be attached to the public highway remains temporary in both appearance and nature on the basis that the permanent installation of such 'ephemeral' features would fail to be in keeping with the characteristics and the historical and cultural significance of this and neighbouring Heritage Listed sites, in compliance with the objectives of Schedule 1 of the *Sullivans Cove Planning Scheme 1997*.

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.

OCCUPATION OF THE PUBLIC HIGHWAY

Occupational licence for use of Hobart City Council highway reservation (outdoor seating, etc). Click [here](#) for more information.

WORK WITHIN THE HIGHWAY RESERVATION

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

DIAL BEFORE YOU DIG

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

OUTDOOR DINING

The City of Hobart as highway authority only consider requests for the installation of tables, chairs and barriers to facilitate outdoor dining that can be removed from the public footpath when not in use. The General Manager advises any applicant considering the purchase and installation of furniture on the Salamanca Place footpath that until such time that Council considers and resolves it's future direction for the management of the footpath, that any furniture purchased and installed that is not compatible with the future direction may need to be removed at the applicant's cost. When the Council implements changes to the regulation in this area, the applicants must ensure compliance with the new regulations at their own cost.

**9.3 98 Augusta Road Lenah Valley - Change of Use to Food Services, Partial Demolition, Alterations and Signage
PLN-17-480 - File Ref: F17/152755**

Ref: Open [CPC 7.2.3](#), 27/11/2017

Application Expiry Date: 4 January 2018

Extension of Time: Not applicable

Pursuant to the Hobart Interim Planning Scheme 2015, the Council refuse the application for Change of Use to Food Services, Partial Demolition, Alterations and Signage at 98 Augusta Road, Lenah Valley for the following reasons:

1. The proposal does not meet the acceptable solutions or the performance criteria with respect to clause 11.3.1 A1 and P1 of the Hobart Interim Planning Scheme 2015 in that the proposed hours of operation will have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent. It is also noted that the proposal does not meet zone purpose statements 11.1.1.2 and 11.1.1.6 of the Hobart Interim Planning Scheme 2015 in that the proposal is not a compatible non-residential use that primarily serves the local community, nor is it a commercial use which provides services for the needs of residents of a neighbourhood without adversely affecting their amenity, particularly through noise, traffic generation and movement, and the impact of demand for on-street parking.
2. The proposal does not meet the acceptable solutions or the performance criteria with respect to clause 11.3.1 A2 and P2 of the Hobart Interim Planning Scheme 2015 in that noise emissions measured at the boundary of the site will cause environmental harm.
3. The proposal does not meet the acceptable solutions or the performance criteria with respect to clause 11.3.1 A3 and P3 of the Hobart Interim Planning Scheme 2015 in that external lighting will adversely affect existing residential amenity.
4. The proposal does not meet the acceptable solutions or the performance criteria with respect to clause E6.6.1 A1 and P1 of the Hobart Interim Planning Scheme 2015 in that the number of on-site car parking spaces is not sufficient to meet the reasonable needs of users.

10. Response to Petition - Soundy Park, North Hobart - Increased Times for Dog Off-Lead

File Ref: F17/152357; S70-079-01

Ref: Open [CPC 8.1](#), 27/11/2017

- That:
1. The matters raised on the petition requesting more off-lead time in Soundy Park be received and noted.
 2. The use of Soundy Park by dogs be considered as part of the review of the Council's Dog Management Strategy 2014-2018 scheduled to commence in early 2018.
 3. The petitioners be notified of Council's decision.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

That in accordance with Council's policy, the following Notice of Motion which was adopted by the Community, Culture and Events Committee, be considered by the Council.

11. Signal Box Retention

File Ref: F17/145825; 13-1-9

Ref: Open [CCEC 7.1](#), 29/11/2017

A motion will be submitted under separate cover.

CITY INFRASTRUCTURE COMMITTEE

12. 29 Morrison Street, Hobart - Removal of Three Car Parking Spaces
File Ref: F17/146054; 5669918E

Ref: Open [CIC 6.1](#), 22/11/2017

- That:
1. The three car parking spaces located in front of 29 Morrison Street, Hobart remain status quo.
 2. Council officers initiate discussions with the proprietor of the Harbour Lights Café, together with surrounding businesses to investigate the possibility of increasing the current clearway hours to provide a morning clearway prior to 8.30 am in addition to the existing afternoon clearway.
 3. Officers investigate the possibility of altering the existing 15 minute time limit parking sign (Monday to Friday), associated with the three car parking spaces located in front of 29 Morrison Street to incorporate Saturday.

13. McRobies Gully Waste Management Centre - Revised Landfill Rehabilitation Levy
File Ref: F17/50398

Ref: Open [CIC 6.2](#), 22/11/2017

- That:
1. The McRobies Gully Landfill Rehabilitation Levy be reduced from \$50 to \$10 per residential property, and reduced from \$100 to \$20 per commercial property, commencing 1 July 2018.
 2. The Levy be applied for a period ending on 30 June 2027.
 3. The Lord Mayor and the Chairman of the City Infrastructure Committee, Alderman Helen Burnet release a joint media release at the appropriate time.

COMMUNITY, CULTURE AND EVENTS COMMITTEE
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14. Office Space at Youth ARC - Headspace Partnership

File Ref: F17/150813; 15/141-003

Ref: Open [CCEC 6.1](#), 29/11/2017

A recommendation will be submitted under separate cover.

15. City Partnerships

File Ref: F17/134754; 17/213

Ref: Open [CCEC 11](#), 29/11/2017

A recommendation will be submitted under separate cover.

ECONOMIC DEVELOPMENT & COMMUNICATIONS COMMITTEE

16. Yaizu 40 Year Anniversary delegation August 2017

File Ref: F17/109488; 16/198

Ref: Open [EDCC 6.1](#), 23/11/2017

- That
1. The Lord Mayor formally invite the Mayor of Yaizu, Mr Hiromichi Nakano and the Yurikamome Children's Choir to Hobart in 2018.
 2. Council officers work with the City of Yaizu to plan for this visit and to explore the possibility of the Yurikamome Children's Choir performing as part of the 2018 Festival of Voices.
 3. Council officers work with the Department of State Growth, UTAS and industry to explore and develop new economic opportunities arising from the Yaizu – Hobart relationship.
 4. Council officers, in consultation with appropriate Yaizu cultural Council officers and members of Hobart's community, explore possibilities for the inclusion of Yaizu themes and ideas in Hobart's arts and cultural events with the aim of increasing Yaizu's profile in Hobart outside of special or one off events, either via electronic input or in person as opportunities arise.

17. Summary of September Visit to Xi'an

File Ref: F17/142960

Ref: Open [EDCC 6.2](#), 23/11/2017

- That:
1. Council endorse, in principle, the project proposed by Alderman Thomas to generate a robust framework measuring of the value of international relationships, derived from an extensive survey of international cities.
 - (i) A further report be provided to Council to further scope the project and to provide detailed costings.
 2. Council endorse Alderman Thomas' attendance at the Sister Cities Australia AGM and Forum in Mildura, Victoria on 8 December 2017 to promote the project to the network and seek research and resource opportunities.
 - (i) The estimated cost of \$660 be attributed to the Aldermanic Travel in the 2017/18 Annual Plan.

18. Timor-Leste Relationship Update

File Ref: F17/150193

Ref: Open [EDCC 6.3](#), 23/11/2017

- That
1. The Council support a small delegation, with the Committee nominating Alderman Burnet and Alderman Harvey, and two officers, to visit Timor-Leste, and specifically Balibó, to investigate the potential of a relationship and a collaborative waste and recycling project.
 2. This small delegation visit Timor-Leste with Dr Nitin Verma, Honorary Consul to the Democratic Republic of Timor Leste in Tasmania at the end of January 2018.
 3. The General Manager be authorised to select appropriate officers to accompany the delegation.
 4. The costs associated with this visit to be attributed to the Economic Development Function of the 2017/2018 Annual Plan.

GOVERNANCE COMMITTEE

19. Amendments to the Local Government (General) Regulations 2015
File Ref: F17/152866; S16-001-02/18

Ref: Open [GC 6.2](#), 28/11/2017

- That
1. In respect to the provisions around gifts and benefits contained in the proposed changes to the *Local Government (General) Regulations 2015*:
 - (i) The minimum threshold for disclosure for gifts and benefits be set at \$50.00;
 - (ii) The timing of disclosure of gifts or donations be a maximum of 7 days; and
 - (iii) The timing of making the register public be monthly.
 2. In addition to the above, the Council provide feedback to the Local Government Association of Tasmania in relation to the proposed changes to the *Local Government (General) Regulations 2015* in the following terms:
 - (i) The Council supports the increases to electoral advertising limits for an alderman/councillor candidate to \$6,500 and \$10,500 for an alderman and mayor or deputy mayor candidate;
 - (ii) The Council supports the proposed inclusions to the Declaration of Office provided that the term 'professional development' is defined and, in this respect, the Local Government Division of the Department of Premier and Cabinet develop, in consultation with councils and other relevant stakeholders, a model professional development policy that provides clear guidance as to its requirement; and
 - (a) In the interest of good governance, the Declaration of Office process be accompanied by the attestation of compliance with the Good Governance Guide for Local Government in Tasmania.

20. 2017-18 Annual Plan - Progress Report
Period Ended 31 October 2017
File Ref: F17/153912

Ref: Open [GC 6.3](#), 28/11/2017

That the Council endorse the 2017–18 Annual Plan Progress Report: period ended 31 October 2017, marked as Attachment A to Item 6.3 on the Open Governance Committee meeting agenda of 28 November 2017.

21. Council and Committees - Structure and Governance Matters
File Ref: F17/153393

Ref: Open [GC 11](#), 28/11/2017

- That
1. In relation to the Council's Public Question Time Forum, the notice period for lodgement of questions be reduced from seven to two clear days.
 2. Questions also be accepted from the floor during the Forum, subject to being put in writing and where a response cannot be provided, a written response be provided as soon as possible thereafter.
 3. In respect to deputations:
 - (i) the discretion of committee chairmen to consider a deputation to address a meeting, as a supplementary agenda item, without the need to include a report on the agenda for the meeting, be endorsed
 - (ii) a further report be prepared on an appropriate framework to facilitate such a process which ensures good governance and the effective functioning of council committees.
 4. Further consideration of the strategic realignment of its existing committee structure occur after the completion of the Council's visioning project.
 5. In respect to Questions Without Notice, the guidelines, as shown as Attachment C to Supplementary Item 11 of the Open Governance Committee agenda of 28 November 2017, be adopted.

PARKS AND RECREATION COMMITTEE

22. kunanyi / Mount Wellington Gravity Track Development Plan
File Ref: F17/147871

Ref: Open [PRC 6.1](#), 30/11/2017

A recommendation will be submitted under separate cover.

23. Wellesley Park, South Hobart - Lease of Part of the Pavilion
File Ref: F17/151892

Ref: Open [PRC 6.2](#), 30/11/2017

A recommendation will be submitted under separate cover.

24. TCA Ground Concept Plans
File Ref: F17/151946

Ref: Open [PR 6.3](#), 30/11/2017

A recommendation will be submitted under separate cover.

25. Tolmans Hill - Proposed Playground - Consultation Results
File Ref: F17/152209

Ref: Open [PRC 6.4](#), 30/11/2017

A recommendation will be submitted under separate cover.

26. CLOSED PORTION OF THE MEETING

The following items were discussed:-

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| 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 |