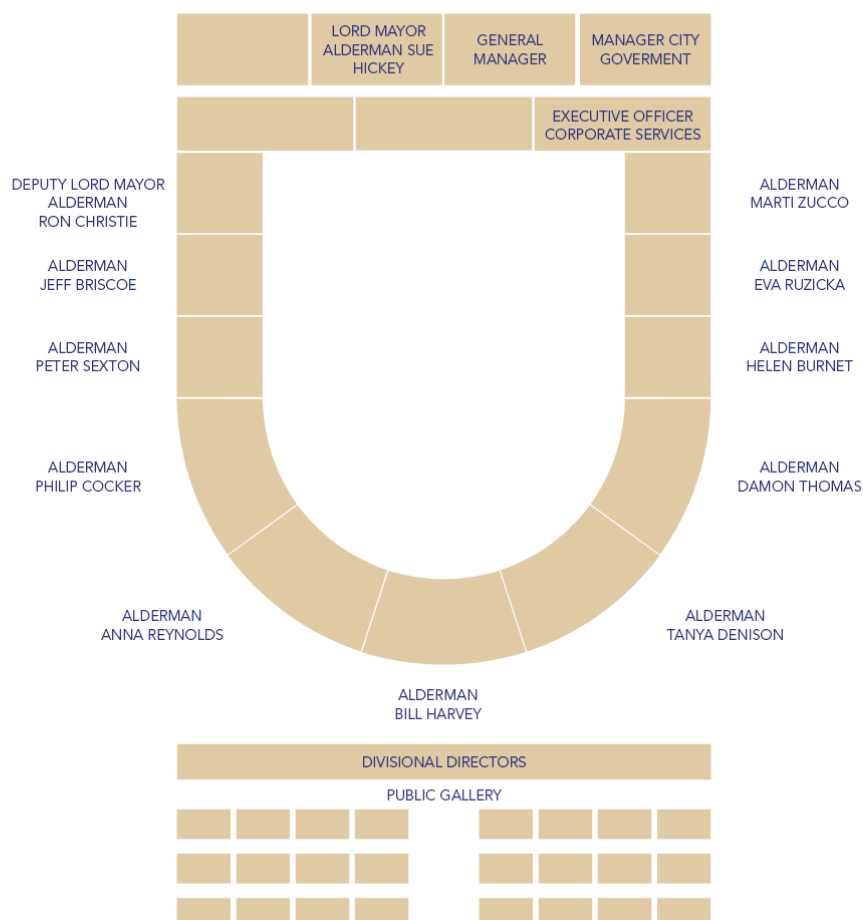




CITY OF HOBART

AGENDA
OPEN PORTION OF THE COUNCIL MEETING
MONDAY, 5 MARCH 2018
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, 5 MARCH 2018 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:

Lord Mayor S L Hickey

1. CONFIRMATION OF MINUTES

The Chairman reports that he has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 19 February 2018](#), and the minutes of the Open Portion of the Special Joint City Infrastructure Committee, City Planning Committee, Community, Culture and Events Committee, Finance and Governance Committee and Parks and Recreation Committees held on Tuesday, [27 February 2018](#), and 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: 27/2/2018
Purpose: Aldermanic Code of Conduct

Date: 27/2/2018
Purpose: Taste of Tasmania

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 32 Davey Street, Hobart - Signage PLN-17-987 - File Ref: F18/15044

Ref: Open [CPC 7.1.1](#), 26/02/2018
Application Expiry Date: 7 April 2018
Extension of Time: Not applicable

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council refuse the application for signage at 32 Davey Street, Hobart for the following reasons:

1. The proposal does not meet the performance criterion with respect to clause 25.11 of the *Sullivans Cove Planning Scheme 1997* because:
 - The sign detracts from the character and heritage value of the listed Place of Cultural Heritage Significance; and
 - The content of the sign represents a modern standardised propriety logo, with no attempt to adapt the colours to suit the specific location and listed Place of Cultural Heritage Significance; and
 - The sign detracts from the original architecture, heritage value and character of the listed Place of Cultural Heritage Significance; and
 - The sign is not located on the listed Place of Cultural Heritage Significance in a position that would traditionally have been used as an advertising area.

2. The proposal does not meet the performance criterion with respect to clause 25.14 of the *Sullivans Cove Planning Scheme 1997* because the sign exceeds the depth (width), and it is not located at a height equivalent to the floor of the first storey of the building.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

10. Civic Heritage Area
File Ref: F18/15064; 13-1-10

Ref: Open [CPC 9.1](#), 26/02/2018

That in accordance with Council's policy, the following Notice of Motion, which was lost at the City Planning Committee meeting of 26 February 2018, be referred to the Council.

Alderman Reynolds

Motion:

"That the Council requests a report on whether:

- Hobart City Council could propose a Particular Purpose Zone (PPZ) or Special Area Plan (SAP) for a '*Civic Heritage Area*' encompassing the Treasury buildings, Franklin Square, the Town Hall, the Bond Store, Old Customs House and Maritime Museum.
- The kind of protections and planning guidance that a '*Civic Heritage Area*' PPZ or SAP could provide to these civic buildings and places under the new State-wide Planning Scheme.
- Whether the Council should also consider nominating the Treasury buildings for listing as a National Heritage Place, and what listing criteria could be used for the buildings. The report also set out the steps that would be required for preparing a nomination in time for the next annual round of inclusions in early 2019."

Rationale:

"A special precinct - the four Treasury Buildings around their large central courtyard have been the focus of recent discussion as a place for a potential Tasmanian Museum and Art Gallery expansion and other civic uses such as a Visitor Centre.

These Treasury buildings 'bookend' a heritage precinct that includes some of the best examples of Georgian architecture in Australia.

This precinct, encompassing the Treasury buildings, Franklin Square, the Town Hall, the Bond Store, Old Customs House and Maritime Museum sits between Davey and Macquarie Streets, are all in public ownership and play (or have the potential to play) an important role in the civic and cultural life of Hobart.."

An opportune time to plan for special areas - The Council is currently in the process of drafting Local Provisions Schedules that will apply to both Hobart and Sullivans Cove.

This is an opportunity for HCC to consider how best to protect heritage values within the municipality.

The Local Historic Heritage Code will not apply to any properties listed on the Tasmanian Heritage Register, which will be the responsibility of the Tasmanian Heritage Council. This means that Council will have no opportunity to consider heritage issues associated with proposed development of buildings like the Treasury buildings.

Given this, it is worth Council understanding the potential of including other provisions to cover the Treasury complex and a broader area in the form of a Particular Purpose Zone – Civic Heritage (PPZ); or Special Area Plan – Civic Heritage Precinct (SAP).

Either option could allow Council to apply a range of development restrictions and considerations in respect of buildings with historic heritage values and civic purposes. The restrictions could apply to development works (e.g. managing impacts on the structure and appearance of the buildings) or use (e.g. encouraging civic uses and preventing incompatible uses).

In order to justify special provisions, Council would need to demonstrate the “unique economic, social or spatial qualities” of the buildings proposed for inclusion, and outline how the generic State Planning Provisions and state heritage act are not enough to protect those values.

Much of the heritage advice that would need to be included to make the case to the Planning Commission for a PPZ or SAP is already available in various reports and conservation plans, and in HCC’s 2016 submissions on the draft State Planning Provisions raising concerns regarding the limited operation of the Local Historic Heritage Code.

A place of National Heritage significance? The criteria for places in the National Heritage List require the place to have “outstanding heritage value to the nation”.

The Treasury building’s status as the only still-functioning government building of its era may be a relevant factor in establishing its value to the nation. Similar buildings currently on the list include the Old Government House and Domain in NSW, and the old and new parliament houses in South Australia.

Given the public interest in the future of these buildings, it is worth the Council investigating whether a nomination for inclusion in the National Heritage List may be appropriate.

The General Manager reports:

“In line with the Council’s policy in relation to Notices of Motion, I advise that the matter is considered to be within the jurisdiction of the Hobart City Council as it relates to the administration of planning schemes.”

The City Planning Committee recommends:

That the Council request a report to investigate:

1. Hobart's standing as an Historic Urban Landscape based on the UNESCO's Historic Urban Landscape Model (HUL), including the suburbs of, but not limited to Battery Point, West Hobart, Glebe and extending to the Boa Vista ridge;
2. The merits of developing a Master Plan in partnership with the State Government that encompasses the Treasury buildings, Franklin Square, the Town Hall, the Bond Store, Old Customs House and the Maritime Museum; and
3. Whether the Council should also consider nominating the Treasury buildings for listing as a National Heritage Place, and what listing criteria could be used for the buildings. The report also set out the steps that would be required for preparing a nomination in time for the next annual round of inclusions in early 2019.

CITY INFRASTRUCTURE COMMITTEE

11. Hobart Heritage Tramway Business Plan - Peer Review
File Ref: F18/993; F17/109782, 36-20-33

Ref: Open [CIC 6.1](#), 21/02/2018

- That:
1. The peer review of the Hobart Tram Restoration and Museum Society Inc's 'Hobart Heritage Tramway' proposal, dated December 2017 and marked as Attachment B to item 6.1 of the Open City Infrastructure Committee agenda of 21 February 2018, be noted.
 2. The Hobart Tram Restoration and Museum Society Inc be encouraged to revise its business plan, incorporating the suggestions and comment made as a result of the peer review and focus on the establishment of a display facility and restoration garage.
 3. The allocation of funds estimated at \$20,000 be approved, to commission a consultant to prepare a concept plan for the proposed depot and display facility located at Regatta Point on the Queen's Domain to house the heritage trams.

12. Hobart Municipal Emergency Management Plan
File Ref: F17/159249; 15-30-1

Ref: Open [CIC 6.2](#), 21/02/2018

- That:
1. The draft City of Hobart Emergency Management Plan Issue 10, marked as Attachment A to item 6.2 of the Open City Infrastructure Committee agenda of 21 February 2018, be endorsed.
 2. The General Manager be authorised to endorse any subsequent minor amendments.

13. Request for Installation of Barrier Screen - Outdoor Dining - Sandy Bay Bakery and Cafe - 166-168 Sandy Bay Road, Sandy Bay
File Ref: F18/8097; R0820

Ref: Open [CIC 6.3](#), 21/02/2018

That in the absence of a recommendation from the City Infrastructure Committee, the matter be referred to the Council for determination.

Attachment A: Item 6.3 - Outdoor Dining - Sandy Bay Bakery and Cafe - 166-168 Sandy Bay Road, Sandy Bay - Original Report - Open City Infrastructure Committee Agenda of 21 February 2018

Item No. 6.3

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**REPORT TITLE: REQUEST FOR INSTALLATION OF BARRIER
SCREEN - OUTDOOR DINING - SANDY BAY BAKERY
AND CAFE - 166-168 SANDY BAY ROAD, SANDY
BAY**

REPORT PROVIDED BY: Director City Infrastructure

1. Report Purpose and Community Benefit

- 1.1. The purpose of this report is to inform the Committee of a request for the Council to fund the installation of a barrier at an outdoor dining area on Sandy Bay Road, and to seek guidance from the Committee about its ongoing expectations for the use of Council funds to construct infrastructure to facilitate outdoor dining.

2. Report Summary

- 2.1. The proprietor of the Sandy Bay Bakery and Café has requested the installation of a barrier fence similar in style to the one installed along Sandy Bay Road at Brew and Zambrero, to contain furniture and patrons and to separate the patrons from opening car doors.
- 2.2. In correspondence, officers have expressed support for the installation of barrier screens and have indicated a series of options that would be acceptable.
- 2.3. The proprietor of the Sandy Bay Bakery and Café has requested that the matter be considered by the Council. The main issue identified by the proprietor is that officers expect that the proprietor fund the installation of the barrier.
- 2.4. In summary, it was the view of officers that the installation of a fence/barrier was necessary at Brew and Zambrero. This was determined during the planning for the Sandy Bay Retail Precinct upgrade, and part of the funding available for landscaping was utilised to modify a proposed landscaping feature to serve the dual purpose of providing landscaping and ensuring patrons do not slip/fall into a moving traffic lane.
- 2.5. It was and remains the view of officers that the installation of a fence/barrier is not necessary at the Sandy Bay Bakery and Café or other outdoor dining areas in the precinct. Additionally, there is no funding available for further landscaping works as part of the project.
- 2.6. The advice provided has been that the City of Hobart will support the installation of barriers if the licence holder wishes to install these, but that the installation will need to be at the licence holders cost. This advice is in keeping with the existing City of Hobart Policy - *Private Works – Charges* as marked as **Attachment A** to this report.

3. Recommendation***That***

- 1. *The installation of a barrier screen along the back of the kerb adjacent to the Sandy Bay Bakery and Café located at 166-168 Sandy Bay Road, Sandy Bay, be supported, subject to appropriate licence conditions to be determined by the General Manager's nominee.***
- 2. *Any barrier screen installed adjacent to the Sandy Bay Bakery and Café be installed at the applicant's cost.***
- 3. *The applicant be advised of the Committee's decision.***

4. Background

- 4.1. It has been the long standing practice of the City not to fund the construction of infrastructure on public highways under its management that is intended for the sole benefit of individual businesses or persons.
- 4.2. There is an existing City of Hobart Policy - *Private Works – Charges*, that forms **Attachment A** to this report, that states:

“That in any case where work, for which the Council itself is not responsible nor has directed to be done, is carried out at the request of another organisation or person, that work shall be charged out at total cost, including overheads to the Council, and an appropriate profit margin, with the possible exception of charities and emergency works”.

- 4.3. In 2017, the City reconstructed and upgraded the footpaths in the Sandy Bay Retail Precinct. As part of these works, businesses with outdoor dining areas were asked to relocate outdoor dining furniture clear of building lines to allow a clear and accessible path of travel for pedestrians.
- 4.4. This relocation of outdoor dining furniture clear of the building line was in line with a previous Council resolution of 12 October 2015, that includes the following:

“That the General Manager be authorised to modify the management of commercial furniture and infrastructure on public footpaths towards a best practice model approach, where such furniture and signage is only permitted if it does not interfere with the safe and equitable movement of pedestrians along that public footpath, specifically:

- (iv) In locations where footpath infrastructure is upgraded or renewed, existing occupation licence areas and signboards be relocated away from the building line following completion of the works.”*

- 4.5. Concerns were raised by some traders and patrons about the planned relocation of outdoor dining furniture clear of the building line. These concerns were documented in a petition and subsequent report. At its meeting held on 4 September 2017, the Council resolved (in part) the following:

"That the General Manager proceed with the implementation of the Council resolution of 12 October 2015, by progressing the relocation of occupation licence areas and signboards away from the building line in the Sandy Bay Shopping Precinct."

- 4.6. As part of the planning work for the Sandy Bay Shopping Precinct works, a risk assessment of outdoor dining patron safety was compiled by officers. The risk assessment forms part of the report considered at the 23 August 2017 City Infrastructure Committee meeting. The risk assessment makes two recommendations, which are:
- (i) Maintain 0.6m clear zone between parking areas and outdoor dining areas to minimise the risk of a manoeuvring vehicle striking patrons of furniture; and
 - (ii) Modify proposed fence feature in section with outdoor dining where no parking is provided, to mitigate risk of patron slipping/falling into travelling lane.
- 4.7. Both these recommendations were implemented.
- 4.8. The proposed fence feature was a part of the street scaping for the Sandy Bay Shopping Precinct works that was modified and relocated to be installed in front of Brew and Zambrero.
- 4.9. Figure 1 below, shows the subject fence installed as a part of the project.



Figure 1 – Streetscaping fence at Brew and Zambrero

- 4.10. Following the implementation of the relocation of commercial furniture clear of the building line on 1 November 2017, a request was received from the proprietor of the Sandy Bay Bakery and Café at 166-168 Sandy Bay Road.
- 4.11. Figure 2 below shows the footpath at the Sandy Bay Bakery and Café.



Figure 2 – Footpath at Sandy Bay Bakery and Café

- 4.12. In Figure 2, taken immediately prior to the relocation of furniture clear of the building line, the approximate location of the new outdoor dining area is indicated by the red box. This area runs from the litter bins to the northern boundary of the premises.
- 4.13. There is on-street parking in front of most of this dining area. The section of dining area that does not have parking in front of it (the space between the parked utility and the litter bin) is not considered likely to have moving vehicles in the traffic lane next to the parking lane driving over it.
- 4.14. In summary, the proprietor of the Sandy Bay Bakery and Café has requested the installation of a barrier fence similar in style to the one installed at Brew and Zambrero to contain furniture and patrons and to separate the patrons from opening car doors.
- 4.15. In correspondence, officers have expressed support for the installation of barrier screens, and have indicated a series of options that would be acceptable. These options ranged from very low cost (the bolting to the surface of removable barrier screens), to high cost (similar to the barrier fence installed in front of Brew and Zambrero).
- 4.16. The proprietor of the Sandy Bay Bakery and Cafe has now requested that the matter be considered by the Council. The main issue identified by the proprietor is that officers expect that the proprietor fund the installation of the barrier.

- 4.17. In summary, it was the view of officers that the installation of a fence/barrier was necessary at Brew and Zambrero. This was determined during the planning for the Sandy Bay Retail Precinct upgrade and part of the funding available for landscaping was utilised to modify a proposed landscaping feature to serve the dual purpose of providing landscaping, and ensuring patrons do not slip/fall into a moving traffic lane.
- 4.18. It was and remains the view of officers that the installation of a fence/barrier is not necessary at the Sandy Bay Bakery and Café or other outdoor dining areas in the precinct. Additionally, there is no funding available for further landscaping works as part of the project.
- 4.19. The advice provided to the proprietor of the Sandy Bay Bakery and Café has been that the City of Hobart will support the installation of barriers if the licence holder wishes to install these, but that the installation will need to be at the licence holders cost. This advice is in keeping with the existing City of Hobart Policy - *Private Works – Charges* as marked as **Attachment A** to this report.

5. Proposal and Implementation

- 5.1. It is proposed that no changes be made to the current practice where physical works required to benefit businesses with outdoor dining areas are to be funded by the benefiting business.

6. Strategic Planning and Policy Considerations

- 6.1. If physical works to benefit businesses remain the financial responsibility of that benefiting business, the existing City of Hobart Policy – *Private Works – Charges* would require no alteration.
- 6.2. If the Committee or the Council were of the view that in some cases it may be appropriate for the City of Hobart to partially or fully fund some such private works, this policy would need to be altered to clarify the intent.

7. Financial Implications

- 7.1. Funding Source and Impact on Current Year Operating Result
 - 7.1.1. The proposed recommendation has no funding implications as any changes would be at the applicant's cost.
 - 7.1.2. In the event that it was determined that a fence similar in standard to that previously installed at Brew and Zambrero be installed at the cost of the City, this is expected to cost in the order of \$10,000.

Item No. 6.3

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8. Delegation

- 8.1. The Manager Traffic Engineering, Manager Roads and Environmental Engineering, and all officers to which those positions report hold delegation under Section 30(1) and 30(2) of the *Local Government (Highways) Act* to approve the installation of fencing/barriers.
- 8.2. In this case, officers have chosen not to exercise this delegation, and the matter has therefore been referred to the Committee for determination.

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



Mark Painter
DIRECTOR CITY INFRASTRUCTURE

Date: 14 February 2018
File Reference: F18/8097; R0820

Attachment A: CoH Policy - Private Works - Charges

City of Hobart

Policy

Title: Private Works – Charges**Category:** Corporate Governance**Date Last Adopted:** 7 March 2016

1. Objectives

To ensure charges for private works undertaken by the Council cover all associated costs incurred.

2. Background

The organisation has considerable in-house skills and resources which can be made available for supply to parties outside the organisation. On occasions that such private works are provided, all associated costs, at a minimum, need to be recouped.

3. Policy

That in any case where work, for which the Council itself is not responsible nor has directed to be done, is carried out at the request of another organisation or person, that work shall be charged out at total cost, including overheads to the Council, and an appropriate profit margin, with the possible exception of charities and emergency works.

4. Legislation, Terminology and References

Responsible Officer:	Director City Infrastructure
Policy first adopted by the Council:	
History	
Amended by Council	7/3/2016
Next Review Date:	March 2017

SPECIAL JOINT MEETING

14. Capital Works Program 2018-19 and 10 Year Plan
File Ref: F18/17118

Ref: Special Joint Open [CIC, CPC, CCEC, FGC, PRC 4.1](#), 27/02/2018

- That:
1. The Council approve the revised 2018/2019 Capital Works Program as shown in Attachment D to item 3.1 of the Special Joint City Infrastructure, City Planning, Community, Culture and Events, Finance and Governance and Parks and Recreation Committees Agenda of 27 February 2018.
 2. The Council, approve in principle for planning purposes, projects in years two and three as shown in Attachment D to item 3.1 of the Special Joint City Infrastructure, City Planning, Community, Culture and Events, Finance and Governance and Parks and Recreation Committees Agenda of 27 February 2018.
 3. The Council note the projects listed in years four to ten as shown in Attachment D to item 3.1 of the Special Joint City Infrastructure, City Planning, Community, Culture and Events, Finance and Governance and Parks and Recreation Committees Agenda of 27 February 2018.
 4. Funding for the Battery Point Walkway be reviewed in the Capital Works Program 2019-20 and each year thereafter.

15. CLOSED PORTION OF THE MEETING

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. 6.1 | 29 Morrison Street, Hobart - PLN-17-614 - Appeal - Mediation
LG(MP)R 15(4)(a) |