



CITY OF HOBART

MINUTES

City Planning Committee Meeting

Open Portion

Monday, 27 August 2018 at 5:00 pm

ORDER OF BUSINESS

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City Planning Committee Meeting (Open Portion) held on Monday, 27 August 2018 at 5:00 pm in the Lady Osborne Room, Town Hall.

COMMITTEE MEMBERS

Briscoe (Chairman)
Ruzicka
Burnet
Denison

ALDERMEN

Lord Mayor Christie
Deputy Lord Mayor Sexton
Zucco
Cocker
Thomas
Reynolds
Harvey

PRESENT: Alderman J R Briscoe
(Chairman), Aldermen E R Ruzicka,
H C Burnet and T M Denison.

APOLOGIES: Nil.

LEAVE OF ABSENCE: Nil.

1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY

No Aldermen were co-opted to the Committee.

2. CONFIRMATION OF MINUTES

BURNET

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 13 August 2018](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe
Ruzicka
Burnet
Denison

NOES

The minutes were signed.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

Recommendation

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager.

No supplementary items were received.

4. 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 conflicts 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.

No interest was indicated.

5. TRANSFER OF AGENDA ITEMS

Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

No items were transferred.

6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

In accordance with the requirements of Part 2 Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager is to arrange the agenda so that the planning authority items are sequential.

In accordance with Part 2 Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee by simple majority may change the order of any of the items listed on the agenda, but in the case of planning items they must still be considered sequentially – in other words they still have to be dealt with as a single group on the agenda.

Where deputations are to be received in respect to planning items, past practice has been to move consideration of these items to the beginning of the meeting.

BURNET

That in accordance with Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee resolve to deal with any items which have deputations by members of the public regarding any planning matter listed on the agenda, to be taken out of sequence in order to deal with deputations at the beginning of the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison

7. COMMITTEE 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 Committee 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 Committee will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Committee 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.

7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

Mr Mark and Ms Merryn O'Brien (Representor) together with Ms Heather Bindoff (Representor) addressed the Committee in relation to item 7.1.1.

Mr Nathan Gray (Applicant) together with Mr Alex Brownlie - Technical Director Planning at GHD, addressed the Committee in relation to item 7.1.1 on behalf of the Applicant.

7.1.1 720 Sandy Bay Road and 718A Sandy Bay Road, Sandy Bay - Demolition and Multiple Dwelling PLN-7-1069 - File Ref: F18/93856

BURNET

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for demolition and multiple dwellings at 720 Sandy Bay Road and 718A Sandy Bay Road, Sandy Bay for the following reasons:

1. The proposal does not meet performance criteria with respect to clause 12.4.2 P3 of the *Hobart Interim Planning Scheme 2015* because to proposal will cause unreasonable loss of amenity by:
 - (i) Reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot;
 - (ii) Overshadowing of the private open space of a dwelling on an adjoining lot;
 - (iii) Overshadowing of an adjoining vacant lot;
 - (iv) Visual impacts caused by the apparent scale, bulk and proportions of the dwellings when viewed from an adjoining lot.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison

COMMITTEE RESOLUTION:

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for demolition and multiple dwellings at 720 Sandy Bay Road and 718A Sandy Bay Road, Sandy Bay for the following reasons:

1. The proposal does not meet performance criteria with respect to clause 12.4.2 P3 of the *Hobart Interim Planning Scheme 2015* because to proposal will cause unreasonable loss of amenity by:
 - (i) Reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot;
 - (ii) Overshadowing of the private open space of a dwelling on an adjoining lot;
 - (iii) Overshadowing of an adjoining vacant lot;
 - (iv) Visual impacts caused by the apparent scale, bulk and proportions of the dwellings when viewed from an adjoining lot.

Delegation: Council

Item 8.1 was then taken.

**7.1.2 100 Pinnacle Road, Mount Wellington and CT 150243/11 Strickland Avenue, South Hobart - Track Extension
PLN-18-364 - File Ref: F18/93899**

BURNET

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 15 August 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison

COMMITTEE RESOLUTION:

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for track extension at 100 Pinnacle Road, Mount Wellington and CT 150243/11 Strickland Avenue, South Hobart for the reasons outlined in the officer's report, attached to item 7.1.2 of the Open City Planning Committee agenda of 27 August 2018 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-18-364 - 100 PINNACLE ROAD MOUNT WELLINGTON & CT 150243/11 STRICKLAND AVENUE SOUTH HOBART TAS 7054 except where modified below.

Reason for condition

To clarify the scope of the permit.

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.

ENG s1

Tracks must be treated to prevent erosion and generation of sediment (e.g. rock armoured) for their full extent within the banks of the creeks or as shown in the submitted plans (whichever is greater).

Reason for condition

To prevent sedimentation of creeks

ENV 9

The recommendations of the Natural Values Assessment by Enviro-Dynamics dated May 2018 must be implemented including:

1. Large habitat trees, including likely root zones, must be avoided as far as reasonably practicable.
2. Large fallen logs and logs with obvious hollows or crevices underneath must be avoided as far as reasonably practicable.
3. Works must progress from the Rivulet Trail towards the Middle Island Fire Trail to reduce the risk of spreading weeds.
4. Materials and equipment must be stored at the Rivulet Trail end of the track to minimise the risk of weed spread.

Reason for condition

To ensure impacts upon vegetation and habitat are minimised.

ENV 12

An approved weed management plan for the eradication of Spanish heath along Middle Island Fire Trail must be implemented.

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

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

Advice: Once the weed management plan has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure remaining moderate priority biodiversity values are retained and improved, and to ensure impacts upon vegetation and habitat are minimised.

ENV 15

An approved construction hygiene protocol to minimise the risk of introduction and spread of weeds must be implemented.

A construction hygiene protocol prepared by a suitably qualified and experienced person must be submitted and approved, prior to the commencement of work.

All work required by this condition must be undertaken in accordance with the approved construction hygiene protocol.

Advice: Once the weed management plan has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure impacts upon vegetation and habitat are minimised.

ENV 2

Sediment and erosion control measures, 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 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: Once the SWMP has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

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

HER 6

The recommendations outlined in section 5.2.1 of report by Gondwana Heritage Solutions titled *Proposed Strickland Falls Connector Track, kunanyi/Mt Wellington, Aboriginal and Historic Heritage Desktop Report* dated March 2017 must be implemented.

Reason for condition

To ensure that any impacts on sites of Aboriginal value are avoided, mitigated or remedied so that no long term loss of Aboriginal cultural heritage values occurs, in accordance with the *Wellington Park Management Plan 2013*.

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 PLANNING

As a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning](#)

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.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied). Detailed instructions can be found [here](#).

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*.

LANDSLIDE RISK

It is recommended that the track design within the Medium Landslide Hazard Area identified in the Landslide Code of the *Hobart Interim Planning Scheme 2015* (debris flow source area) is endorsed by a suitably qualified geotechnical engineer to ensure the works do not increase the likelihood of landslide.

Delegation: Council

7.1.3 412 Elizabeth Street, North Hobart - Demolition and New Public Toilets **PLN-18-234 - File Ref: F18/94860**

BURNET

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Senior Statutory Planner of 21 August 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Briscoe	Ruzicka
Burnet	
Denison	

COMMITTEE RESOLUTION:

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for demolition and new public toilets at 412 Elizabeth Street, North Hobart for the reasons outlined in the officer's report, attached to item 7.1.3 of the Open City Planning Committee agenda of 27 August 2018 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-18-234 - 412 ELIZABETH STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

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, storm water, 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.

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.

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.

Delegation: Council

7.1.4 114 Augusta Road, Lenah Valley - Partial Demolition and Front Fencing
PLN-18-484 - File Ref: F18/93940

BURNET

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Senior Statutory Planner of 20 August 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Briscoe	Ruzicka
Burnet	
Denison	

COMMITTEE RESOLUTION:

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition and front fencing at 114 Augusta Road, Lenah Valley for the reasons outlined in the officer's report, attached to item 7.1.4 of the Open City Planning Committee agenda of 27 August 2018 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-18-484 - 114 AUGUSTA ROAD LENA VALLEY TAS 7008 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

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.

ENV 1

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

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

Reason for condition

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

HER 16

The front fence and gate along the Augusta Road boundary, (specifically the post capitals and the front pedestrian gate) must accord as closely as possible with the drawings and photographs for the original fence as presented in the Council's publication "New Fences for Old Houses".

Prior to the commencement of any site works, revised plans must be submitted and approved showing the front fence in accordance with the above requirement.

Advice:

- *The relevant page showing detailed drawings and photographs of the original fence from Council's publication "New Fences for Old Houses" is attached to this permit.*
- *Once the design drawing has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

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.

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 PLANNING

If a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning](#)

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.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied). Detailed instructions can be found [here](#).

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*.

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](#).

WASTE DISPOSAL

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

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

FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

Delegation: Council

Item 8.2. was then taken.

8. REPORTS

Mr Brian Corr (President) together with Mr Peter Black (Treasurer) of Hobart Not Highrise Inc addressed the Committee in relation to item 8.1.

8.1 Central Hobart Building Height Standards Review Project - Proposed Planning Scheme Amendments File Ref: F18/88963; 17/167

RUZICKA

That the recommendation contained in the report of the Manager Planning Policy & Heritage and the Director City Planning of 16 August 2018, be adopted, as amended by the following:

1. The words *4 week period* be substituted with *6 week period* in clause 1.
2. An additional clause to read as follows:
“B. A plain english synopsis and/or executive summary of the review be developed to provide the public with a simple explanation and that a clear distinction be made between the review and the Council’s ultimate recommended planning scheme amendments in response to it.”

MOTION LOST

VOTING RECORD

AYES	NOES
Briscoe	Burnet
Ruzicka	Denison

COMMITTEE RESOLUTION:

The matter be referred to the Council without recommendation.

Delegation: Council

Item 7.1.2. was then taken.

8.2 Dr Edward Hall Grants 2018 File Ref: F18/93786

RUZICKA

That in light of the forthcoming local government elections and in the interests of good governance, the General Manager be delegated the authority to approve the recommendations of the assessment panel for the 2018 Dr Edward Hall Environmental Grants.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison

COMMITTEE RESOLUTION:

That in light of the forthcoming local government elections and in the interests of good governance, the General Manager be delegated the authority to approve the recommendations of the assessment panel for the 2018 Dr Edward Hall Environmental Grants.

Delegation: Council

8.3 Delegated Decisions Report (Planning)

File Ref: F18/94256

BURNET

That the recommendation contained in the memorandum of the Acting Director City Planning of 22 August 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison

COMMITTEE RESOLUTION:

That the information contained in the memorandum titled 'Delegated Decisions Report (Planning)' of 21 August 2018 be received and noted.

Delegation: Committee

8.4 City Planning - Advertising Report File Ref: F18/94353

BURNET

That the recommendation contained in the memorandum of the Acting Director City Planning of 22 August 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison

COMMITTEE RESOLUTION:

That the information contained in the memorandum titled 'City Planning – Advertising Report' of 22 August 2018 be received and noted.

Delegation: Committee

9. QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

No questions were asked at the meeting.

10. CLOSED PORTION OF THE MEETING

RUZICKA

That the Committee resolve by 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:

- Legal action to be taken by, or involving the Council.

The following items are listed for discussion:-

- | | |
|------------|--|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Council Meeting |
| Item No. 2 | Consideration of supplementary items to the agenda |
| Item No. 3 | Indications of pecuniary and conflicts of interest |
| Item No. 4 | Questions Without Notice |

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison

Delegation: Committee

There being no further business the open portion of the meeting closed at 6:28 pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
10TH DAY OF SEPTEMBER 2018.

CHAIRMAN