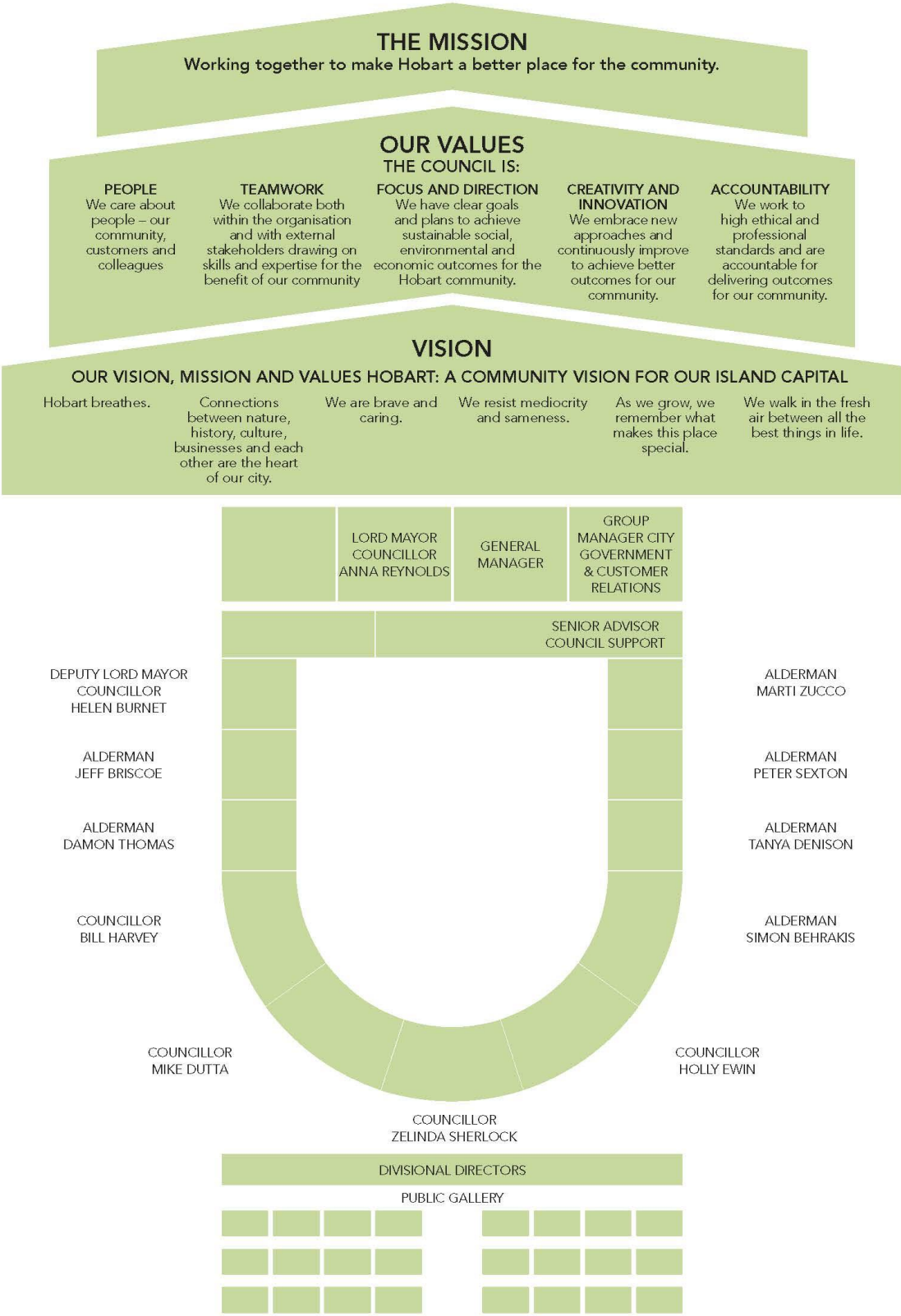




# CITY OF HOBART

AGENDA  
OPEN PORTION OF THE COUNCIL MEETING  
MONDAY, 2 DECEMBER 2019  
AT 5:00 PM





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## **ORDER OF BUSINESS**

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**A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE  
COUNCIL CHAMBER, TOWN HALL ON MONDAY, 2 DECEMBER 2019  
AT 5:00 PM.**

**N D Heath  
General Manager**

**MEMBERS:**

Lord Mayor A M Reynolds  
Deputy Lord Mayor H Burnet  
Alderman M Zucco  
Alderman J R Briscoe  
Alderman Dr P T Sexton  
Alderman D C Thomas  
Alderman T M Denison  
Councillor W F Harvey  
Alderman S Behrakis  
Councillor M Dutta  
Councillor H Ewin  
Councillor Z Sherlock

**APOLOGIES:**

**LEAVE OF ABSENCE:**

Alderman Dr P T Sexton.

**1. CONFIRMATION OF MINUTES**

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The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 18 November 2019](#), 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**

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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**

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#### **4. NOTIFICATION OF COUNCIL WORKSHOPS**

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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: 26 November 2019  
Purpose: LGBTI Inclusion (Working it Out)

#### **5. PUBLIC QUESTION TIME**

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#### **6. PETITIONS**

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#### **7. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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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**

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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 conflict 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.

## 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 46,48-50-52 New Town Road and 7A Clare Street and Adjacent Road Reserve, New Town - Demolition, New Building for Hospital Services, Business and Professional Services, and General Retail and Hire, Signage, and Associated Infrastructure Works - Deferral File Ref: F19/149442**

Ref: Open [CPC 7.1.1](#), 25/11/2019  
Application Expiry Date: 3 December 2019

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for Demolition, New Building for Hospital Services, Business and Professional Services, and General Retail and Hire, Signage, and Associated Infrastructure Works at 46, 48-50, and 52 New Town Road, and 7A Clare Street, New Town for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 15.3.1 P1 of the *Hobart Interim Planning Scheme 2015* because the proposed hours of operation of the 24 hour hospital component of the development 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.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 15.3.1 P4 of the *Hobart Interim Planning Scheme 2015* because the potential timing of commercial vehicle movements could result in unreasonable adverse impact upon residential amenity.

3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 15.4.1 P1 of the *Hobart Interim Planning Scheme 2015* because the proposed building is not consistent with the built form of the surrounding buildings, offers little or no transition between the site and its surrounds, does not contribute positively to the streetscape and will have an unreasonable impact on residential amenity of land in the Inner Residential Zone.
4. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 15.4.1 P2 of the *Hobart Interim Planning Scheme 2015* because the proposed building is not compatible with the built form of the surrounding buildings.
5. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 15.4.2 P2 of the *Hobart Interim Planning Scheme 2015* because it does not prevent unreasonable adverse impacts on residential amenity by overshadowing, overlooking, and visual impact from adjoining Inner Residential Zoned Properties.
6. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 15.4.5 P1 of the *Hobart Interim Planning Scheme 2015* because the extent, location and proposed species for the landscaping of the site is not sufficient to enhance the appearance of the development, or to avoid unreasonable adverse impact on the visual amenity of adjoining land in the Inner Residential Zone.

**9.2 636 Sandy Bay Road, Sandy Bay and 636A & B Sandy Bay Road, Sandy Bay - Demolition and Two Multiple Dwellings**  
**PLN-19-359 - File Ref: F19/149890**

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Ref: Open [CPC 7.1.3](#), 25/11/2019

Application Expiry Date: 2 December 2019

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for demolition and two multiple dwellings at 636 and 636 A + B Sandy Bay Road for the reasons outlined in the officer's report attached to item 7.1.3 of the Open City Planning Committee agenda of 25 November 2019 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-19-359 - 636 AND 636A SANDY BAY ROAD SANDY BAY TAS 7005 - 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 2019/00881-HCC dated 23/08/2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw1

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

Reason for condition

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

ENG sw2.1

A pre-construction CCTV recording of the Council's stormwater main within/adjacent to the proposed development, along with photos of any drainage structures to be connected to or modified, must be submitted to Council prior to the commencement of work.

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

Reason for condition

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

## ENG sw2.2

A post-construction CCTV recording of the Council's stormwater main within/adjacent to the proposed development, along with photos of any existing drainage structures connected to or modified as part of the development, must be submitted to Council upon completion of work.

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

## Reason for condition

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

## ENG sw3

The proposed foundations and overhangs must be designed to ensure the protection and access to the Council's stormwater main.

A detailed design must be submitted and approved prior to construction. The detailed design must:

1. Demonstrate how the design will ensure the protection to the Council's stormwater main.

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

## Advice:

*Detailed design must include indicative plans and cross-sections, clearly indicating the relationship both vertically and horizontally between Council's stormwater infrastructure and the proposed works (including footings and overhangs). These drawings must demonstrate that no loading will be imposed on Council's infrastructure, that the Council stormwater infrastructure will be outside the zone of influence of the footings, and that the structure will be fully independent of the main and its trenching.*

*The applicant is required to submit detailed design documentation to satisfy this condition via the Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*

*Failure to address condition requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENG sw4

The new stormwater connection must be constructed and existing abandoned connections sealed by the Council at the owner's expense, prior to the first occupation.

Detailed engineering drawings must be submitted and approved, prior to commencement of work. The detailed engineering drawings must include:

1. the location of the proposed connection; and
2. the size of the connection appropriate to satisfy the needs of the development.

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

*Advice:*

*Under Urban drainage act 2013 - Part 4 Connections, property owners are only allowed to have a single connection point to a public stormwater system.*

*The applicant is advised to submit detailed design drawings via a Council City Amenity Division [application for a new stormwater connection](#). If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to submit an application for a new stormwater connection with Council City Amenity Division.*

*Where building / plumbing approval is also required, it is recommended that documentation to satisfy this condition is submitted well before submitting documentation for building/plumbing approval. Failure to address planning condition requirements prior to submitting for building/plumbing approval may result in unexpected delays.*

Reason for condition

To ensure the site is drained adequately.

ENG sw7

Stormwater detention for stormwater discharges from the development must be installed prior to commencement of use.

A stormwater management report and design must be submitted and approved, prior to issue of any consent under the Building Act 2016 or construction. The stormwater management report and design must:

1. Be prepared by a suitably qualified engineer
2. Provide details and supporting calculations of the detention tank sized such that there is no increase in flows from the developed site up to 5% AEP storm events and no worsening of existing flooding. All assumptions must be clearly stated.
3. Show layout, of the inlet and outlet including long-section.
4. Details of the overflow mechanism.
5. Clarification of the emptying times and outlet size.
6. Include supporting maintenance plan
7. Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and 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 in accordance with the approved stormwater management report and design.

*Advice: Once the stormwater management report and design has been approved 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 possible pollution of drainage systems and natural watercourses, and to comply with relevant State legislation.

ENG tr1

Traffic management within the access driveway must be installed prior to the commencement of the use.

Traffic management design drawing(s) (including signage and line marking), must be submitted and approved, prior to commencement of the use. The design drawing(s) must include (but not be limited to):

1. Be prepared by a suitably qualified person.
2. Signs each side of the driveway entry/exit (adjacent to, and 2m above the pedestrian path in Sandy Bay Road) with the text 'caution - vehicles exiting' clearly displayed.
3. A road hump located at the car park exit to ensure low vehicle speeds when crossing the pedestrian path and exiting onto Sandy Bay Road;

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

Advice:

- *Once the traffic management design drawings have been approved 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

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



### ENG 3a

The access driveway and parking module must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required), or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

#### Reason for condition

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

### ENG 3b

The access driveway and parking module design must be submitted and approved, prior to the issuing of any approval under the *Building Act 2016*.

The access driveway and parking module 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 & transitions, and other details as Council deem necessary to satisfy the above requirement.

#### Advice:

- *Once the design 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 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 approved by this permit must be constructed to a sealed standard and surface drained to the Council's stormwater infrastructure prior to the commencement of use.

#### Reason for condition

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

#### ENG 5

The number of car parking spaces approved on the site for use is two (2).

All parking spaces must be delineated by means of yellow lines 80mm to 100mm wide in accordance with Australian Standards AS/NZS 2890.6 2009. The shared area between the two parking spaces must be marked with non-slip yellow, 45deg diagonal stripes 150mm-200mm wide, with spaces 200mm-300mm between each stripe.

All line-marking must be completed prior to commencement of use.

#### 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 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.

ENV s1

The finished floor level of the apartments must be 2.5m AHD or higher.

Reason for condition

To ensure that risk from coastal inundation is appropriately managed

ENV s2

Any filling of the site must not raise the existing ground level by more than 0.5m.

Reason for condition

To ensure that landfill does not unreasonably increase the risk from coastal inundation

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 ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

- Up to \$20,000: \$150 per application.
- Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (ie. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

#### 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.

## NEW SERVICE CONNECTION

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

## STORM WATER

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

## STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

The design of structures (including footings) must provide protection for the Council's infrastructure. For information regarding appropriate designs please contact the Council's City Amenity Division.

## RIGHT OF WAY

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

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

## NOISE REGULATIONS

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

## WASTE DISPOSAL

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

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

## FEES AND CHARGES

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

## DIAL BEFORE YOU DIG

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



**9.3 Amendment PSA-19-1 - Hobart Interim Planning Scheme 2015 - Amenity Standards in the Central Business and Commercial Zones**  
**File Ref: F19/136163; PSA-19-1**

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Ref: Open [CPC 7.1.4](#), 25/11/2019

- That:
1. Pursuant to Section 39(2) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council endorse the report marked as item 7.1.4 of the Open City Planning Committee agenda of 25 November 2019, as the formal statement of its opinion as to the merit of the representation received during the exhibition of the draft PSA-19-1 Amendment.
  2. Pursuant to Section 39(2) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council recommend to the Tasmanian Planning Commission that the PSA-19-1 Amendment to the *Hobart Interim Planning Scheme 2015* be finally approved, as modified in Attachment B to item 7.1.4 of the Open City Planning Committee agenda of 25 November 2019.

**9.4 315 Elizabeth Street, North Hobart - Partial Demolition, Alterations, Fencing and Partial Change of Use to Food Services**  
**File Ref: F19/152784; PLN-19-103**

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Ref: Special Open [CPC 2.1.1](#), 2/12/2019

A recommendation will be submitted to the meeting

## 10. Monthly Building Statistics and Graphs

File Ref: F19/149422

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Ref: Open [CPC 8.1](#), 25/11/2019

That the information contained in the report of the Director City Planning be received and noted:

1. During the period 1st October 2019 to 31st October 2019, 45 permits were issued to the value of \$7,160,709 which included:
  - (i) 24 for Extensions/Alterations to Dwellings to the value of \$2,578,700;
  - (ii) 6 New Dwellings to the value of \$2,089,913; and
  - (iii) 0 Major Projects
2. During the period 1 October 2018 to 31 October 2018, 63 permits were issued to the value of \$26,573,560 which included:
  - (i) 39 Extensions/Alterations to Dwellings to the value of \$5,905,250
  - (ii) 11 New Dwellings to the value of \$4,466,810 and
  - (iii) 5 Major Projects:
    - (a) 34 Argyle Street – New Building (Hotel - Stage 2 Structural Works) - \$7,500,000;
    - (b) 191 New Town Road - Commercial Extension (Dan Murphy's) - \$4,400,000;
    - (c) 324 Davey Street, South Hobart - Multiple Dwellings x 2 - \$1,500,000;
    - (d) 1A Brisbane Street, Hobart - Commercial Internal Alterations (DJ Mitsubishi) - \$1,500,000;
    - (e) 410 Sandy Bay Road, Sandy Bay (Wrest Point Hotel Casino) - Commercial Internal Alterations - \$1,200,000
1. In the twelve months ending 31st October 2019, 617 permits were issued to the value of \$298,788,537; and
2. In the twelve months ending 30st October 2018, 661 permits were issued to the value of \$437,085,095.

**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

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

**11. Anti Protest Bill  
File Ref: F19/151807; 13-1-9**

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Councillor Bill Harvey

**Motion:**

“That the City of Hobart as a matter of urgency, writes to all Members of State Parliament strongly urging them to oppose the *Workplaces (Protection from Protestors) Amendment Bill 2019*.”

**Rationale:**

“Fundamentally, a democratic society recognises and respects the rights of the community to express their views through lawful means, including the use of peaceful demonstration or protest through public assembly without intimidation, fear of arrest or fines.

The State Governments is currently attempting to amend legislation that would have a profound impact on this fundamental democratic right and as such the council is duty bound to oppose any such amendment in the interest of the community.

Under the *Local Government Act 1993*, section 28, functions of councillors, it is quite clear that we are duty bound to represent the community.

**28. Functions of councillors**

- (1) A councillor, in the capacity of an individual councillor, has the following functions:
- (a) to represent the community;
  - (b) to act in the best interests of the community;
  - (c) to facilitate communication by the council with the community;
  - (d) to participate in the activities of the council;
  - (e) to undertake duties and responsibilities as authorised by the council.

The council’s highest level strategic document Hobart: A Community Vision For Our Island Capital clearly expresses the importance of encouraging community involvement and freedom of expression.

**PILLAR 8. GOVERNANCE AND CIVIC INVOLVEMENT**

We are a city of ethics and integrity. We govern with transparency and accountability, encouraging and welcoming active civic involvement. We collaborate for the collective good, working together to create a successful Hobart.

## **8.5 WE COMMUNICATE AND ENGAGE**

8.5.1 We empower community members to have their say. Our governance structures demonstrate listening and acting on public suggestions.

8.5.2 Our government knows our people and how to engage, adapting communication styles to suit various stakeholders and generate greater understanding.

8.5.3 Engagement with our communities is proactive and inclusive, so we know about and can participate in decisions and outcomes that affect us.

8.5.4 Our local government is accountable to our communities, acting as an exemplar council in working with and inspiring people from across the city to contribute.

## **8.6 WE ARE INVOLVED IN CIVIC LIFE**

8.6.1 We do not take our democracy for granted.

8.6.2 We participate in decision making and hold our leaders and each other to account.

8.6.3 Our leaders embrace and act on their responsibility to the people.

8.6.4 We maintain open dialogue and recognise each of us as stakeholders and participants in our city life.

8.6.5 We feel ownership of and responsibility for our city, our neighbourhoods and our communities.

There has also been considerable critical commentary in submissions to the Department of Justice. Submission can be read here:

<https://www.justice.tas.gov.au/community-consultation/closed-community-consultations2/workplaces-protection-from-protesters-amendment-bill2019>

The submissions are extremely insightful about the deep-felt threat of the erosion of democracy and civil society proposed by these amendments. It is important that council consider these submissions.

The following Talking Point appeared in the Mercury on 21<sup>st</sup> November 2019 and is an excellent appraisal of the detrimental effects of the proposed amendments.

[https://www.themercury.com.au/news/opinion/talking-point-think-tasmanian-antiprotect-law-wouldnt-affect-you-read-this/news-story/0db28c344ae916cc6c4a32df136f80cd?fbclid=IwAR1CvJzD3e2zyMRZt9VMrwPKJi2blxZTfj\\_HgEVM3MYpU3rzSxMEGjE3K38](https://www.themercury.com.au/news/opinion/talking-point-think-tasmanian-antiprotect-law-wouldnt-affect-you-read-this/news-story/0db28c344ae916cc6c4a32df136f80cd?fbclid=IwAR1CvJzD3e2zyMRZt9VMrwPKJi2blxZTfj_HgEVM3MYpU3rzSxMEGjE3K38)

“Talking Point: Think Tasmanian anti-protest law wouldn’t affect you? Read this

TERESE HENNING explains why the Hodgman Government’s proposed anti-protest laws are deceptive and dangerous

FEARFUL governments breed fearful times. Their apprehension manifests in repressive policies, laws and justifications that depend upon and breed more fear.

The latest manifestation of this is the Tasmanian Government's Workplace (Protection of Lawful Business Activities) Bill 2019. This Bill represents another incursion on Tasmanians' fundamental freedoms, this time under the guise of protecting business.

The core aim of this Bill is to confine citizens' freedom of assembly and right to political protest.

In his second reading speech on the Bill, Guy Barnett MHA made it very clear that its purpose is to limit those rights. But it seeks to do so, without making express provision to that effect, so as to avoid another declaration by the High Court that it infringes our constitutional freedom of political communication and is therefore invalid.

In order to do this, the Bill has removed all mention of its main target — protests and protesters. This, in itself, is troubling. It means that the Bill is deceptive.

The complete removal of the actual political target of the Bill means it now applies to all people and an almost indefinable range of activities.

Any act that affects business activities by way of trespass and obstruction is targeted. It also extends to threats to do those things.

Every interference with business, from the most trivial to the most significant is covered. Further it prescribes an unprecedented range of locations where such trespassers will occur. Nor is it limited to conduct that actually causes economic loss, let alone "significant economic loss," though this is the justification given for it by Mr Barnett in his second reading speech.

Examples of the trivial "trespasses" that this Bill criminalises serve to underscore this point.

You might refuse to leave your boss's office until he agrees to pay shortfalls in your wages. You may have queued for hours at a business only to be told to come back another time. You refuse to do so, not wishing to repeat the experience all over again the next day.

Or let's say you go to a car yard to complain to the retailer about your horrendous experience with the dud he sold you and his refusal to replace or fix it. Your conduct is born of frustration and a desire to save others from the same experience. Note that these things are already illegal, but are rightly considered minor offences. What this Bill will do is make them indictable offences, regardless of the degree to which the conduct actually "impedes" the operation of the business. These are the most serious offences in the criminal calendar.

What's more, this Bill makes it an offence even to threaten to do those things — for example, if you phone the car retailer to tell him that tomorrow you intend to warn potential customers at his premises about his poor business



standards. Clearly, it is not only conduct that has the potential to cause “significant economic loss” that is criminalised.

Human rights principles mandate that where laws encroach on human rights and fundamental freedoms, they must be necessary, accessible and certain. There must be no other, less intrusive way to achieve their purpose. That is clearly not the case with this Bill. It is based on an open deception about its purpose, which is really about pursuing a policy of criminalising political protest.

Trespass and obstruction are already illegal under the Police Offences Act 1935 (Tas) — and were in fact used last month to remove climate change protesters from around Parliament and Salamanca Place.

That shows our laws work as they are intended. Indeed, the second reading speech for the Bill does not point to one instance of a trespass that has occurred in Tasmania of the kind targeted by the Bill, let alone any such conduct that has caused “significant economic loss for workers and businesses.” Yet, according to Mr Barnett the Bill “will provide the country’s highest maximum penalty for the offence of trespassing.”

So, this Bill is not only unnecessary, it is also disproportionate in the response it provides. This casts a shadow over the human rights legitimacy of this Bill. Such problems with our legislation would be less likely to occur if Tasmania had a Human Rights Act. A Human Rights Act could provide for the systematic evaluation of all government legislation in human rights terms.

Without it, our governments are relatively free to erode our rights and freedoms. This Bill walks Tasmania another step away from respect for human rights and individual freedoms.

It may seem an insignificant step. But by such means are our rights and freedoms slowly undermined.

Associate Professor Terese Henning is an expert in human rights, evidence law and criminal process. She works at the University of Tasmania and is director of the Tasmania Law Reform Institute. Her views here do not represent those of the university or the Law Reform Institute.”

In conclusion, the proposed amendments will create an erosion of democracy through intimidation and fear of potentially being arrested and or receiving heavy fines for protesting and should to be opposed. The City of Hobart actively encourages community participation regardless of whether it is critical or not. The Council therefore needs to stand up for its community and inform the elected members of state parliament that it opposes any attempt to diminish civil and democratic rights to protest.”

### **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 functions of Councillors as listed in section 28 of the *Local Government Act 1993*.”

That in accordance with Council's policy, the following Notice of Motion which was adopted by the City Infrastructure Committee at its meeting of 20 November 2019, be considered by the Council.

**12. Montpelier Retreat Footpath Widening**

**File Ref: F19/147046; 13-1-9**

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Ref: Open [CIC 7.1](#), 20/11/2019

Lord Mayor Councillor Anna Reynolds

Motion:

"The City Infrastructure Committee:

- (i) Notes the community concerns that have been expressed about the width of the footpath in Montpelier Retreat.
- (ii) Supports advice that a report proposing a concept plan and likely costs of an improved streetscape for Montpelier Retreat is being prepared.
- (iii) Requests that this be provided to the Council in the first quarter of 2020 and that relevant stakeholders will be engaged in the development of the concept plan."

**Rationale:**

"Montpelier Retreat is a popular pedestrian route and major access point for both locals and tourists. It is used as a thoroughfare to the Salamanca precinct daily and sees a significant volume of foot traffic each Saturday for Salamanca Market. The current width of the footpath on Montpelier Retreat is narrow making access for wheelchairs and prams very difficult and pedestrians need to walk in single file along the route and give way to people walking in the opposite direction.

Widening the footpath would significantly improve the amenity and accessibility of this area and complement the works underway on the Salamanca Place Precinct Upgrade to provide a high-quality, safe and accessible space for everyone."

**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 the matter relates to a function of the Council."

**CITY INFRASTRUCTURE COMMITTEE**

**13. Proposed Implementation of Safety Treatment on Shared Footpath on Davey Street Between Hunter Street and Evans Street**  
**File Ref: F19/144836**

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Ref: Open [CIC 6.1](#), 20/11/2019

- That:
1. Stage 1, as outlined in section 5 of the report marked as item 6.1 of the Open City Infrastructure Committee agenda of 20 November 2019, be endorsed to resolve conflict between pedestrians and cyclists on the footpath along the frontage of the 'Zero Davey' complex on Davey Street between Evans Street and Hunter Street, Hobart.
  2. The Hobart Active Travel Committee and the Hobart Access Advisory Committee be requested to undertake site audits during the trial period, with a further report to be provided should implementation of Stage 1 measures prove not to address site issues.

**COMMUNITY, CULTURE AND EVENTS COMMITTEE**

**14. Proposed 2020 Council and Committee Meeting Schedule**  
**File Ref: F19/140169**

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Ref: Open [CCEC 6.2](#), 6/11/2019; Open [EDCC 6.5](#), 21/11/2019

- That: 1. The Council adopt Option B, marked as Attachment B to item 6.3 of the Open Finance and Governance Committee agenda of 15 October 2019, for a 2020 Council and Council Committee meeting schedule with the Economic Development and Communications Committee to precede the Community Culture and Events Committee.
2. The Economic Development and Communications Committee commence at 5.00pm and the Community Culture and Events Committee commence at 6.00pm.

**Economic Development and Communications Committee**

- That: 1. The Council adopt Option B, marked as Attachment B to item 6.3 of the Open Finance and Governance Committee agenda of 15 October 2019, for a 2020 Council and Council Committee meeting schedule with the Economic Development and Communications Committee to precede the Community Culture and Events Committee.
2. The Economic Development and Communications Committee commence at 4.30pm and the Community Culture and Events Committee commence at 5.30pm.

**ECONOMIC DEVELOPMENT & COMMUNICATIONS COMMITTEE**

**15. International Relations - Review of Current Relationships**

**File Ref: F19/48002**

Ref: Open [EDCC 6.1](#), 21/11/2019

- That: 1. The City of Hobart's international relationships with Yaizu, L'Aquila, Fuzhou and Balibó be maintained.
2. The relationship between Hobart and Xi'an that is due to be renewed in March 2020 be discussed further with Xi'an at a meeting in Hobart in 2020.
3. Emeritus Professor Peter Frappell's international relations measurement system be used to inform the annual appraisal of the City's international relationships in April 2020.

**16. International Relations - Potential New Relationships**

**File Ref: F19/136969**

Ref: Open [EDCC 6.2](#), 21/11/2019

That the Council endorse the shortlisted cities of Incheon (South Korea), Kochi (India), Southampton (UK) and Jiri (Nepal) to be explored further for formal relationships.

- (i) A further report to be provided to the Council on the findings.

**17. SKAL/IIPT Global Peace Park Initiative**

**File Ref: F19/146404; 17/204**

Ref: Open [EDCC 6.4](#), 21/11/2019

- That: 1. The one-off cost of \$4,330 to sponsor two trees for inclusion in the Peace Promenade be attributed to the Tourism Budget Function in the 2019-20 Annual Plan.
2. The \$4,330 be recorded in the 'Grants, Assistance and Benefits provided' section of the City of Hobart's Annual Report.



**18. Sponsorships 2019-20**

**File Ref: F19/139213; F19/18**

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Ref: Closed [EDCC 4.1](#), 21/11/2019

- That: 1. The Council approve the recommended funding for the 2019-20 Sponsorship Program to the value of \$80,000 ex GST, consisting of:
- (i) Hobart International Tennis to the value of \$50,000.
  - (ii) Hobart Hurricanes to the value of \$20,000.
  - (iii) Hobart Run The Bridge to the value of \$10,000.
2. The Council note the projects not recommended for funding 2019-20 Sponsorship Program as detailed in Attachment A to this report, including the North Melbourne Football Club and the Sydney to Hobart Yacht Race.
3. The Council approve a one-off \$5,850 fee-waiver for the hire of the Waterside Pavilion, in support of the Sydney to Hobart Yacht Race's 75<sup>th</sup> anniversary.
4. The total funding provision be recorded in the 'Grants, Assistance and Benefits Provided' section of the City of Hobart's Annual Report.

**19. International Relations - Timor Leste - Balibo Project Update**

**File Ref: F19/152775**

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Ref: Special Open [EDCC 4.1](#), 2/12/2019

A recommendation will be submitted to the meeting.

## 20. CLOSED PORTION OF THE MEETING

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### RECOMMENDATION

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:

- Leave of Absence;
- Information of a commercial nature.
- Minutes of a confidential meeting.

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	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	UTAS - Rates Equivalency Agreement LG(MP)R 15(2)(b)
Item No. 7	Minutes - Risk and Audit Panel LG(MP)R 15(2)(g)