



CITY OF HOBART MINUTES

OPEN PORTION
MONDAY, 11 APRIL 2022
AT 5:00 PM
COUNCIL CHAMBER, TOWN HALL

This meeting of the Council was conducted in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.



ORDER OF BUSINESS

PRESENT, APOLOGIES AND LEAVE OF ABSENCE

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SPECIAL REPORT – CHIEF EXECUTIVE OFFICER

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PRESENT:

The Deputy Lord Mayor Councillor H Burnet, Aldermen M Zucco, J R Briscoe, Dr P T Sexton, D C Thomas, Councillor W F Harvey, Alderman S Behrakis and Councillor J Fox.

APOLOGIES:

Councillor W N S Coats

LEAVE OF ABSENCE:

The Lord Mayor Councillor A M Reynolds
Councillor M S C Dutta
Councillor Dr Z E Sherlock

Councillor Fox joined the meeting at 5.03pm.

Alderman Zucco left the meeting at 5.16pm, returning at 5.17pm.

Councillor Harvey left the meeting 5.42pm after declaring an interest in item 12, returning at 5.45pm.

Alderman Zucco left the meeting at 5.45pm after declaring an interest in item 13, returning at 5.48pm.

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 28 March 2022](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

ZUCCO
BRISCOE

That the recommendation be adopted, excluding item 10 which will be dealt with separately.

MOTION CARRIED

VOTING RECORD

| AYES | NOES |
|--------------------------|------|
| Deputy Lord Mayor Burnet | |
| Zucco | |
| Briscoe | |
| Sexton | |
| Thomas | |
| Harvey | |
| Behrakis | |
| Fox | |

The minutes of 28 March 2022 were adopted, excluding item 10, which will be dealt with separately.

2. TRANSFER OF AGENDA ITEMS

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

No items were transferred.

3. COMMUNICATION FROM THE CHAIRMAN

3.1 Passing of Joan Fitz-Nead AM

The Deputy Lord Mayor acknowledged the passing of community member Joan Fitz-Nead AM on 3 April 2022.

Joan made a wonderful contribution to Tasmania, but especially to the community of West Hobart.

Joan was a co-founder of the West Hobart Peace Park Community Group and was instrumental in asking the Council to designate an area in the Forest Road vicinity to establish a park to commemorate the commitment of the local residents to Peace. Peace Park was developed in 1986 during the International Year of Peace.

For the past 30 years, Joan has been a tireless worker in a diverse

range of community organisations, being a representative on a number of boards and management committees.

Joan's community work has included being a Trustee of the Tasmanian Peace Trust, Co-founder of the Peace Park in West Hobart and being instrumental in the declaration of Forest Road, in West Hobart, as a 'Street for Peace'.

In 1995, Joan received a Tasmania Day Medal for Community Service and in the 2003 Australia Day Awards she received the Australia Medal for her contribution to a number of health, social welfare and education services. In 2005, Joan was inducted into the Tasmanian Honour Roll for Women for service to the community.

Joan was a wonderful role model for the community, committing her life to advancing the principles of social justice.

On behalf of the Council, the Deputy extended the City's sincere condolences to Joan's long-term partner, Carol and family at this sad time.

As a mark of respect the meeting observed a minute's silence.

4. NOTIFICATION OF COUNCIL WORKSHOPS

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

5. PUBLIC QUESTION TIME

5.1 Mr Nathan Volf - Elected Member Behaviour

Mr Volf put the following questions which the Deputy Lord Mayor took on notice.

My question is to the elected members.

I am an avid watcher of the council and committee meetings and across the recent months a trend of behaviour in the meetings has been increasing.

These behaviours have been disrespectful and not conducive to positive debate.

I have witnessed disrespectful behaviour towards the Lord Mayor and the Deputy Mayor, who have chaired these meetings, who are talked

over, their rulings disregarded and in general spoken to in a poor and disrespectful manner by in particular, by Aldermen Briscoe and Aldermen Zucco.

This has been raised in a previous question from the public but I have noticed no change/improvement in conduct of senior elected members. This comes across as ignorant of the concerns of the community and detracts from the good work of Council.

My questions are;

What is in place to address this lack of respect and to improve the standards of behaviour in a modern council?

Will the elected members hear my and others concerns over the state of debate and be more respectful and adhere to the standing orders more than they have in previous meetings?

5.2 Ms Louise Elliot - Relocation of the University of Tasmania

Ms Elliot put the following questions which the Deputy Lord Mayor took on notice.

The Central Hobart Precincts Plan Discussion Paper states that a potential future direction is to “support and facilitate the relocation of the University of Tasmania to the CBD”.

The Miriam Webster dictionary defines ‘support’ in several ways, including ‘to argue or vote for’, ‘to promote the cause’ and ‘to keep something going’. And it defines ‘facilitate’ as ‘to make easier; to help bring about’.

My questions are:

- What evidence is the Council relying on to form the view that UTAS’ relocation to the City is in the interests of our city and community, and where can the public access this evidence?
- Does the Council think it is appropriate to state that it will “support and facilitate” UTAS’ move given this very strongly implies that applications that come before the Council must be supported given the Council has already predetermined that it will “support and facilitate” UTAS’ move and voting against applications is not in keeping with this direction?
- What commitments has the Council made to UTAS about their relocation, including those made in the meetings that the Lord Mayor has had with the Vice Chancellor over recent years?

- How does the Council respond to the strong and warranted perception that the Hobart City Council is applying favouritism and not treating UTAS like any individual or organisation?
- Does the Council agree that UTAS is just like any other individual or organisation with no special rights, privileges or influence when it comes to the future direction of our city?
- What actions must another individual or organisation take to achieve the same level of support from the Hobart City Council? For example, if a large tourism, hospitality or retail operator wanted public statements made by the Council that it will “support and facilitate” their intentions, what does that individual or organisation need to do?

6. PETITIONS

No petitions were received.

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

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

No supplementary items were received.

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

The following interest was indicated:

1. Alderman Zucco - item 13
2. Councillor Harvey – item 12

REPORTS OF COMMITTEES

CITY PLANNING COMMITTEE

9. COUNCIL ACTING AS PLANNING AUTHORITY

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

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

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

9.1 720 Sandy Bay Road, Sandy Bay - Alterations (Chimneys) PLN-21-627 - File Ref: F22/23803

Ref: Open [CPC 7.2.1](#), 4/04/2022

Application Expiry Date: 30 April 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for alterations (chimneys) at 720 Sandy Bay Road, Sandy Bay 7005, for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 12.4.2 A3 or P3 of the *Hobart Interim Planning Scheme 2015* because the siting and scale of a development will cause unreasonable loss of amenity by resulting in: a reduction in

sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; and overshadowing of the private open space of a dwelling on an adjoining lot; and visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot.

BEHRAKIS
BRISCOE

That the recommendation be adopted.

MOTION LOST

VOTING RECORD

AYES

Deputy Lord Mayor Burnet
Briscoe

NOES

Zucco
Sexton
Thomas
Harvey
Behrakis
Fox

ZUCCO
SEXTON

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for alterations (chimneys), at 720 Sandy Bay Road, Sandy Bay 7005 for the reasons outlined in the officer's report, marked as item 7.2.1 of the Open City Planning Committee agenda of 4 April 2022, and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-627 - 720 SANDY BAY ROAD SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ADVICE

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

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

BUILDING PERMIT

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

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

NOISE REGULATIONS

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

MOTION CARRIED

VOTING RECORD

AYES

Zucco
Sexton
Thomas
Harvey
Behrakis
Fox

NOES

Deputy Lord Mayor Burnet
Briscoe

COUNCIL RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for alterations (chimneys), at 720 Sandy Bay Road, Sandy Bay 7005 for the reasons outlined in the officer's report, marked as item

7.2.1 of the Open City Planning Committee agenda of 4 April 2022, and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-627 - 720 SANDY BAY ROAD SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ADVICE

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

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

BUILDING PERMIT

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

NOISE REGULATIONS

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

CITY INFRASTRUCTURE COMMITTEE

10. Petitions - Haig Street and Augusta Road, Lenah Valley - Road Safety Concerns

File Ref: F21/118967; R0325

Ref: Open [CIC 6.1](#), 2/03/2022

- That:
1. Mobility improvements be investigated for Augusta Road and Haig Street as part of the overall Local Area Mobility Plan (LAMP) process.
 - (i) Priority be given to the Lenah Valley Local Area Mobility Plan.
 2. The petitioners be advised of the outcomes of officer findings as outlined within this report.
 3. A further report be prepared outlining the Local Area Mobility Plan processes and timeframes.

HARVEY
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Fox

11. Federal Street, North Hobart Footpath Trees

File Ref: F22/5882; 25019-0136-03

Ref: Open [CIC 6.2](#), 2/03/2022

- That:
1. The footpath on Federal Street, between Argyle and Elizabeth Street, be remediated to make it safe for pedestrians.
 2. The future management of trees in the streetscape be considered as part of the North Hobart Precinct Plan project planned for this year.

HARVEY
BEHRAKIS

That the recommendation be adopted.

AMENDMENT

ZUCCO
THOMAS

That Council officers consult with land owners on the southern side of Federal Street adjacent to the trees, in respect of any property damage and report back to Council.

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Fox

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Fox

COUNCIL RESOLUTION:

That: 1. The footpath on Federal Street, between Argyle and Elizabeth Street, be remediated to make it safe for pedestrians.

2. The future management of trees in the streetscape be considered as part of the North Hobart Precinct Plan project planned for this year.
3. Council officers consult with land owners on the southern side of Federal Street adjacent to the trees, in respect of any property damage and report back to Council.

Councillor Harvey declared an interest in item 12 and left the meeting.

**12. TasNetworks Transformer Relocation - Pillinger Street, Dynnryne -
Response to Petition
File Ref: F22/25952; 16/116**

Ref: Open [CIC 6.1](#), 30/03/2022

- That:
1. The petitioners be advised that pursuant to the Electricity Supply Industry Act 1995, the Council's agreement to the proposed work is presumed and there is nothing in all the circumstances that displaces this presumption, and therefore the City of Hobart does not have the power to refuse or stop TasNetworks installing a pole mounted transformer in Pillinger Street, Dynnryne.
 2. A further report be provided detailing the development of a policy that addresses works by TasNetworks and other utilities that may impact on the City's infrastructure and amenity.
 3. A process be established with TasNetworks to map out their future plans for infrastructure upgrades in the City of Hobart to negotiate good visual and community outcomes, particularly in heritage and high bushfire risk areas.
 - (i) A further report be prepared in relation to mitigation projects and the protection of vulnerable assets in high fire-risk areas.

BEHRAKIS
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Behrakis
Fox

Alderman Zucco declared an interest in item 13 and left the meeting.

COMMUNITY, CULTURE AND EVENTS COMMITTEE

13. City of Hobart Grants Program - Update on Review of City Partnership Program

File Ref: F22/20727; 21/48

Ref: Open [CCEC 6.1](#), 31/03/2022

That the Council extend the City Partnerships grant agreements for 12 months to support the events scheduled between 1 July 2022 and 30 June 2023. This includes:

| Event | Organiser |
|---------------------------------|---|
| Festa Italia | Australian Italian Club Inc |
| Estia Greek Festival | Greek Orthodox Church and Benevolent Society of St George |
| The Royal Hobart Regatta | Royal Hobart Regatta |
| The Sandy Bay Regatta | Sandy Bay Regatta Association Inc |
| Hobart Anzac Day Commemorations | RSL Tasmania |
| City of Hobart Eisteddfod | City of Hobart Eisteddfod Society Inc |
| Tasmanian Theatre Awards | The Theatre Council of Tasmania Inc |

SEXTON
HARVEY

That the recommendation be adopted.

AMENDMENT

BRISCOE
THOMAS

That the value of the grant be included in the Council resolution.

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Sexton
Thomas
Harvey
Behrakis
Fox

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Briscoe
Sexton
Thomas
Harvey
Behrakis
Fox

COUNCIL RESOLUTION:

That the Council extend the City Partnerships grant agreements for 12 months to support the events scheduled between 1 July 2022 and 30 June 2023. This includes:

| Event | Organiser | Grant Value |
|----------------------|---|-------------|
| Festa Italia | Australian Italian Club Inc | \$10,818 |
| Estia Greek Festival | Greek Orthodox Church and Benevolent Society of St George | \$10,818 |

| | | |
|---------------------------------|---------------------------------------|----------|
| The Royal Hobart Regatta | Royal Hobart Regatta | \$32,454 |
| The Sandy Bay Regatta | Sandy Bay Regatta Association Inc | \$32,454 |
| Hobart Anzac Day Commemorations | RSL Tasmania | \$32,454 |
| City of Hobart Eisteddfod | City of Hobart Eisteddfod Society Inc | \$10,818 |
| Tasmanian Theatre Awards | The Theatre Council of Tasmania Inc | \$10,818 |

14. Salamanca Market By-Law No. 1 of 2022
File Ref: F22/13428; S33-060-02/38

Ref: Open [CCEC 6.2](#), 31/03/2022

- That: 1. The Council delegate authority to the Chief Executive Officer to give notice of the proposed Salamanca Market By-Law No. 1 of 2022 marked as Attachment A to item 6.2 of the Open Community Culture and Events Committee agenda of 31 March 2022, in order to advertise a further public consultation process, whereby the by-law and associated regulatory impact statement are made available for inspection and comment; and
2. If no submissions are received in response to the public consultation process, the Council authorise the Chief Executive Officer to take the remaining necessary steps to make the by-law.

SEXTON
HARVEY

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Fox

SPECIAL REPORT – CHIEF EXECUTIVE OFFICER

15. Petition Requesting Public Meeting - Save UTas
File Ref: F22/27777; 16/119-0009

BRISCOE
ZUCCO

That the recommendation contained in the Special Report of the Chief Executive Officer, marked as item 15 of the Open Council agenda of 11 April 2022, be adopted.

AMENDMENT

SEXTON
THOMAS

That clause 2 be amended to read:

Noting that the number of signatories to the petition meet the criteria required under s 59(2) of the *Local Government Act 1993*, the Council resolve to hold a public meeting no later than Wednesday 11 May 2022 at approximately 7.00pm at the Town Hall or City Hall.

AMENDMENT CARRIED

VOTING RECORD

| AYES | NOES |
|--------------------------|------|
| Deputy Lord Mayor Burnet | |
| Zucco | |
| Briscoe | |
| Sexton | |
| Thomas | |
| Harvey | |
| Behrakis | |
| Fox | |

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet
Zucco
Briscoe
Sexton
Thomas
Harvey
Behrakis
Fox

COUNCIL RESOLUTION:

That:

1. The Council note the petition submitted by Save UTas Campus Inc and received by the Council on 28 February 2022, which requests the following action by the Council:

“We the undersigned electors of the City of Hobart request that:
 - (i) Hobart City Council shall forthwith suspend all support in relation to the relocation proposal until completion of a comprehensive review of the relocation proposal in a form that enables community comment.
 - (ii) Pursuant to S.59 of the LG Act, the Hobart City Council shall hold a public meeting regarding the relocation proposal.”
2. Noting that the number of signatories to the petition meet the criteria required under s 59(2) of the *Local Government Act 1993*, the Council resolve to hold a public meeting no later than Wednesday 11 May 2022 at approximately 7.00pm at the Town Hall or City Hall.
3. The Chief Executive Officer take all necessary steps to facilitate the public meeting in accordance with the requirements of the *Local Government Act 1993* and also in regard to logistics.
4. In resolving to conduct the public meeting, the Council note its statutory obligations as the local government planning authority.
5. The petitioner, Save UTas Campus Inc be advised of the Council’s decision.

16. CLOSED PORTION OF THE MEETING

That the Council resolve by absolute majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Leave of absence
- Minutes of a Closed portion of a meeting
- Sponsorship request

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 |

ZUCCO
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED BY
ABSOLUTE MAJORITY

VOTING RECORD

| AYES | NOES |
|--------------------------|------|
| Deputy Lord Mayor Burnet | |
| Zucco | |
| Briscoe | |
| Sexton | |
| Thomas | |
| Harvey | |
| Behrakis | |
| Fox | |

The following item was considered in the Closed portion of the meeting however in accordance with clause 6 of the Council resolution, has been published in the minutes of the open portion of the meeting.

17. 2022 Dark Mofo Sponsorship Request

File Ref: F22/20982

Ref: Closed [CCEC 4.1](#), 31/03/2022

That:

1. The Council support the 2022 Dark Mofo request through the following:
 - i. Allocation of \$150,000 (ex GST) for the exclusive naming rights sponsorship of the 2022 Dark Mofo Festival Winter Feast to be held from 15 to 22 June 2022.
 - ii. In-kind funding for equipment for the Winter Feast, to the value of \$182,791 to be allocated as a one-off contribution, noting that Dark Mofo will need to meet all costs of installation and transportation of this equipment.
 - iii. Providing fee waivers for venue hire to the value of \$13,335.
2. The Council light appropriate City of Hobart infrastructure red in addition to lighting the Salamanca Place buildings and the Town Hall building red for Dark Mofo at a total cost of \$6,213.
3. The Council decline the request for in-kind support for parking bay closures, road closures licenses, Place of Assembly licences, civic banner hire and any costs associated with the installation, fabrication and transportation of the Taste of Tasmania equipment, and these costs are to be fully met by Dark Mofo.
4. The Chief Executive Officer be delegated the authority to finalise any licence requirements, including permission sought by Dark Mofo for use of City assets.
5. The total funding provision be recorded in the 'Grants, Assistance and Benefits Provided' section of the City of Hobart's Annual Report.
6. In accordance with regulation 15 (8) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council has considered whether any discussion, decision, report or attachment related to this item can be released to the public, taking into account privacy and confidentiality issues, and resolve the Council resolution be published in the minutes of the open portion of the meeting and a media release be issued accordingly.

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

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
2ND DAY OF MAY 2022.

CHAIRMAN