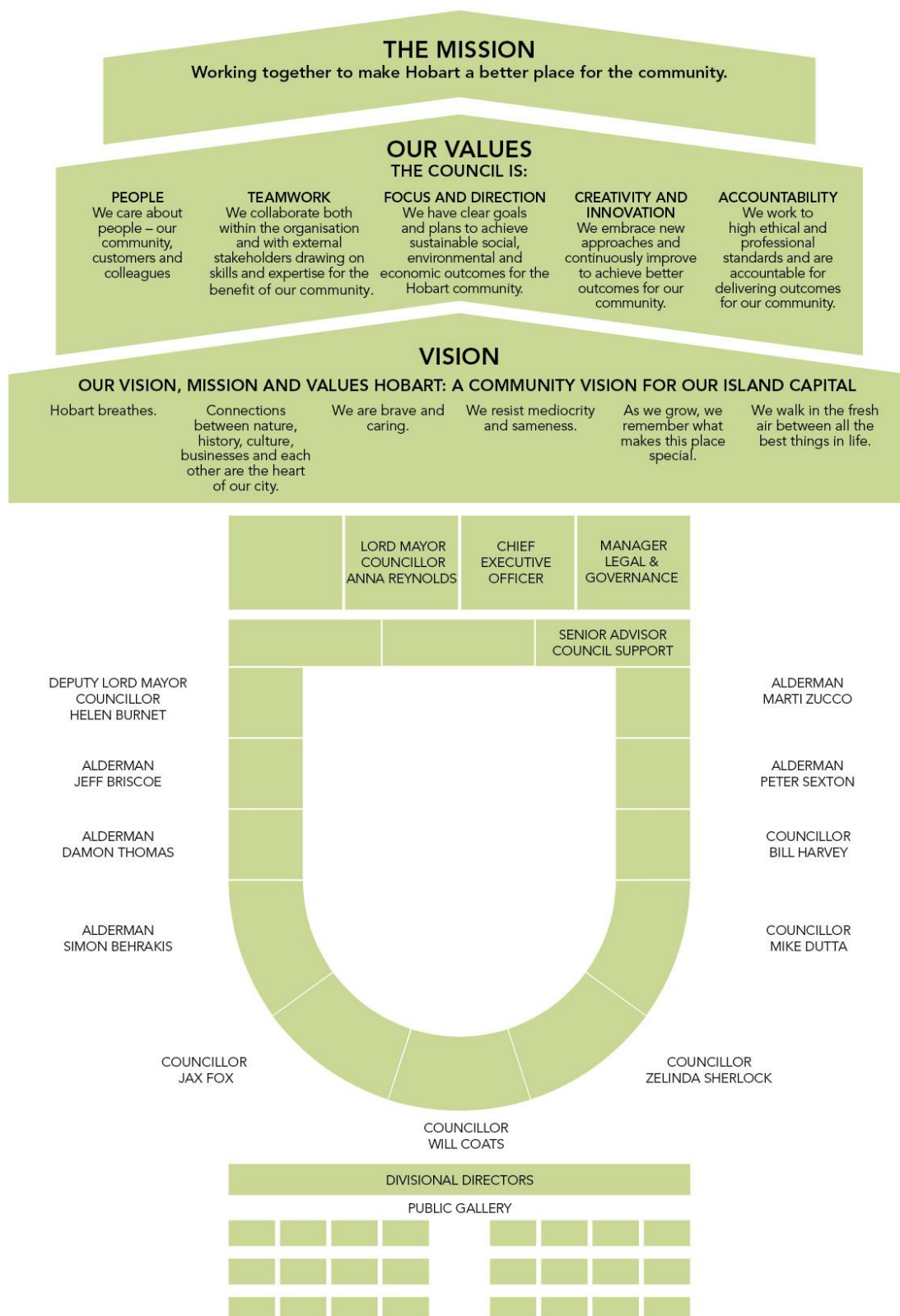




CITY OF HOBART

AGENDA
OPEN PORTION OF THE COUNCIL MEETING
MONDAY, 1 AUGUST 2022
AT 5:00 PM





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A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL ON MONDAY, 1 AUGUST 2022 AT 5:00 PM.

Kelly Grigsby
Chief Executive Officer

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

This meeting of the Council is held in accordance with a Notice issued by the Premier on 31 March 2022 under section 18 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020.

ELECTED 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
Councillor W F Harvey
Alderman S Behrakis
Councillor M S C Dutta
Councillor J Fox
Councillor Dr Z E Sherlock
Councillor W N S Coats

APOLOGIES:

Alderman M Zucco

LEAVE OF ABSENCE:

Councillor J Fox

1. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the Open Portion of the Council meeting held on [Monday, 11 July 2022](#) and the minutes of the Open Portion of the Special Council meeting held on [Monday, 25 July 2022](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

2. TRANSFER OF AGENDA ITEMS

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

3. COMMUNICATION FROM THE CHAIRMAN

4. NOTIFICATION OF COUNCIL WORKSHOPS

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

5. PUBLIC QUESTION TIME

Regulation 31 *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 16/119-001

5.1 Public Questions

6. PETITIONS

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

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

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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 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 1 Ellerslie Road, Battery Point - Alterations PLN-22-322 - File Ref: F22/71001

Ref: Open [CPC 7.2.2](#), 25/07/2022
Application Expiry Date: 22 August 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for alterations at 1 Ellerslie Road, Battery Point 7004, for the reasons outlined in the officer's report attached to item 7.2.2 of the Open City Planning Committee agenda of 25 July 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-22-322 - 1 ELLERSLIE ROAD BATTERY POINT TAS 7004 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

Prior to first occupation or commencement of use (whichever occurs first), 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.

Advice:

Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.

Reason for condition

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

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.

HER 6

All onsite excavation and disturbance must be monitored. Should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

1. All excavation and/or disturbance must stop immediately; and
2. A qualified archaeologist must be engaged to attend the site and provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and

3. All and any recommendations made by the archaeologist engaged in accordance with 2. above must be complied with in full; and
4. All features and/or deposits discovered must be reported to the Council with 3 days of the discovery; and
5. A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with 2. above must be provided to Council within 30 days of receipt of the advice, assessment and recommendations.

Excavation and/or disturbance must not recommence unless and until approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence.

HER 17a

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved to demonstrate that the palette of exterior colours, materials and finishes reflect the palette of colours, materials and finishes within the place.

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

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit. For additional advice regarding appropriate colours, materials and finishes, contact Council's Cultural Heritage Officer by calling 6238 2715.

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

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

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.

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.

STORMWATER

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.

NOISE REGULATIONS

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

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.

9.2 1/2-4 Flinders Lane, Sandy Bay and Common Land of Parent Title - Change of Use to Visitor Accommodation PLN-22-382 - File Ref: F22/71008

Ref: Open [CPC 7.2.3](#), 25/07/2022

Application Expiry Date: 10 September 2022

That the Council refuse the application for a change of use to visitor accommodation at 1/2-4 Flinders Lane, Sandy Bay 7005 pursuant to the *Hobart Interim Planning Scheme 2015* and *Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes*, for the following reason:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 3.1(e) A2 or P2 of *Planning Directive No. 6* because the proposal is part of a strata scheme and the proposal would cause an unreasonable loss of residential amenity to long term residents occupying another lot within the strata scheme.

9.3 8 - 10 Downie Street, South Hobart - Change of Use to Visitor Accommodation PLN-22-329 - File Ref: F22/71493

Ref: Open [CPC 7.2.4](#), 25/07/2022

Application Expiry Date: 2 August 2022

That the Council refuse the application for a change of use to visitor accommodation at 8–10 Downie Street, South Hobart 7004 pursuant to the *Hobart Interim Planning Scheme 2015* and *Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes*, for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 3.1(e) A1 or P1 of *Planning Directive No. 6* because the gross floor area is in excess of 200m², and the proposal is not compatible with the character and use of the area and would cause an unreasonable loss of residential amenity.
2. The proposal does not meet the acceptable solution or the performance

criterion with respect to clause 3.1(e) A2 or P2 of *Planning Directive No. 6* because the proposal is part of a strata scheme and the proposal would cause an unreasonable loss of residential amenity to long term residents occupying another lot within the strata scheme.

3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.6.1 A1 or P1 because the lack of on-site parking will not meet the reasonable needs of users, having regard to the matters listed in (a) to (m) of P1.

**9.4 1/35 Valley Street, West Hobart & Common Land of Parent Title & 37 Valley Street & Lot 0/40 Valley Street, West Hobart - Change of Use to Visitor Accommodation
PLN-22-243 - File Ref: F22/71513**

Ref: Open [CPC 7.2.5](#), 25/07/2022

Application Expiry Date: 26 August 2022

That the Council refuse the application for a change of use to visitor accommodation at 1/35 Valley Street, West Hobart 7000 pursuant to the *Hobart Interim Planning Scheme 2015* and *Planning Directive No. 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes*, for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 3.1(e) A2 or P2 of *Planning Directive No. 6* because the proposal is part of a strata scheme and the proposal would cause an unreasonable loss of residential amenity to long term residents occupying another lot within the strata scheme.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E6.6.1 A1 or P1 because the lack of on-site parking will not meet the reasonable needs of users, having regard to the matters listed in (a) to (m) of P1.

**9.5 1 Knopwood Street, Battery Point and Adjacent Road Reserve -
Demolition and New Building for 26 Multiple Dwellings and Food
Services and works within Council Road Reservation
PLN-21-719 - File Ref: F22/71584**

Ref: Open Supplementary [CPC 13](#), 25/07/2022
Application Expiry Date: 2 August 2022

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for a partial demolition and new building for 26 multiple dwellings and food services at 1 Knopwood Street Battery Point TAS 7004 for the following reasons:

1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the design and siting of the buildings results in detriment to the historic cultural heritage significance of the precinct as described in Table E13.2.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.4 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the site area per dwelling of the proposal detracts from the pattern of development that is a characteristic of the historic cultural heritage significance of the precinct in the vicinity of the site as described in Table E13.2.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.4 A3 or P3 of the *Hobart Interim Planning Scheme 2015* because the building height is obtrusive in the streetscape and detracts from the pattern of development that is a characteristic of the precinct in the vicinity of the site as described in Table E13.2.
4. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.4 A6 or P6 of the *Hobart Interim Planning Scheme 2015* because the building detracts from the pattern of development that is a characteristic of the precinct in the vicinity of the site as described in Table E13.2.
5. The proposed cafe/wine bar is within the use class Food Services which is prohibited in the use Table at clause 11.2 of the *Hobart Interim Planning Scheme 2015*, because it is not within an existing building.

**9.6 25 Salamanca Place, 39 Salamanca Place, 41 Salamanca Place and
Adjacent Road Reserve - Alterations (External Lighting)
PLN-21-530 - File Ref: F22/74279**

Ref: Special Open [CPC 3.1.1](#), 1/08/2022
Application Expiry Date: 2 September 2022

A recommendation will be submitted to the meeting.

10. State Planning Provisions Review - Feedback on Scoping Paper
File Ref: F22/74281

Ref: Special Open [CPC 4.1](#), 1/08/2022

A recommendation will be submitted to the meeting.

FINANCE AND GOVERNANCE COMMITTEE

11. Response to Notice of Motion - Differential Rating Strategy
File Ref: F22/48699

Ref: Open [FGC 6.1](#), 26/07/2022

- That:
1. Council consider differential rating for properties used for short stay visitor accommodation and vacant – residential land during its broader review of the City of Hobart Rating and Valuation Strategy in 2022-23.
 2. In order to both ensure housing stock is retained and to stimulate development, the Council commit to finding incentives through clear rating strategies in order to provide clear incentives to build on vacant residential land, and significantly higher rates for short stay accommodation in residential areas.
 3. A differential rating strategy or other appropriate measures be considered to address long-term unoccupied properties as part of the broader review of the City of Hobart Rating and Valuation Strategy in 2022-23.

12. Petition Seeking Elector Poll - Save UTas Campus Inc
File Ref: F22/66866; 16/119-0009

Ref: Open [FGC 6.2](#), 26/07/2022

- That:
1. The Council note that the petition tabled at the Council meeting of 14 June 2022 submitted by Professor Pam Sharpe contained the signatures of over 1,000 electors from the Hobart municipal area and that it is required to conduct an elector poll in relation to the University of Tasmania's proposed relocation of its campus from Sandy Bay to the central business district of Hobart.
 2. The elector poll be conducted in conjunction with the next ordinary local government election in October 2022.
 3. The Tasmanian Electoral Commission be engaged to undertake the elector poll on the Council's behalf and the Council notes that in accordance with s60D of the *Local Government Act 1993* that an elector poll held in conjunction with an election is to be conducted as determined by the Electoral Commissioner which includes the determination of the question to be asked.

4. The University of Tasmania and Save UTas Campus Inc be requested to provide the “yes case” and “no case” respectively with these to be provided to the Electoral Commissioner.
5. The Tasmanian Electoral Commissioner be asked to consider the inclusion of an “undecided” voting option as part of the Elector Poll.

**13. Legislative Council Select Committee
Inquiry into the provisions of the University of Tasmania Act 1992
File Ref: F22/69324; 15/153-652**

Ref: Open [FGC 6.3](#), 26/07/2022

- That: 1. The Council make a submission to the Legislative Council Select Committee Inquiry into the provisions of the *University of Tasmania Act 1992* as follows:
- (i) In accordance with the Council’s resolution of 27 June 2022 the report marked as Item 6.5 and attachments of Item 6.4 of the Open Finance and Governance Committee agenda of 21 June 2022 form the basis of the submission.
2. The Chief Executive Officer be authorised to finalise the form of a submission on behalf of the City of Hobart.

PARKS AND RECREATION COMMITTEE

14. TCA Ground Indoor Cricket Centre - Lease Renewal
File Ref: F22/55232

Ref: Open [PRC 6.1](#), 14/07/2022

- That:
1. A new lease to the North Hobart Cricket Club for the TCA Ground Indoor Cricket Centre, TCA Ground, Davies Avenue, Hobart be approved for a period of five (5) years with a further option of a second term of five (5) years, subject to no objections being received during the statutory community engagement process required under Sections 178 and 179 of the *Local Government Act 1993*.
 2. The lease be provided to the North Hobart Cricket Club at a commercial rate determined to be at \$14,685 inc GST per annum with provision for a CPI increase each financial year.
 3. Should any objections be received during the community engagement period, a further report will be provided to the Council.
 4. The Chief Executive Officer be authorised to finalise the terms and conditions of the lease.

15. CLOSED PORTION OF THE MEETING

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:

- Confirm the minutes of the closed portion of the meeting
- Leave of Absence
- Legal action involving the Council
- Information of a confidential nature

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. 6.1 | PLN-22-217 - 370 Macquarie Street, South Hobart - Change of Use to Visitor Accommodation - Appeal
LG(MP)R 15(4)(a) |
| Item No. 7 | Horrie Gorringer Stand Lease, North Hobart Oval - North Hobart Football Club
LG(MP)R 15(2)(c)(i) |