

<b>Chairman</b>
Lord Mayor Ald Rob Valentine
<b>Aldermen</b>
Deputy Lord Mayor Ald Eva Ruzicka
Ald Darlene Haigh
Ald Marti Zucco
Ald Jeff Briscoe
Ald Peter Sexton
Ald John Freeman
Ald Ron Christie
Ald Helen Burnet
Ald Philip Cocker
Ald Elise Archer
Ald Bill Harvey

<b>General Manager</b>
N. Heath
<b>Corporate Services</b>
M. Johns - M.C.G.
J. Stafford - C.S.O.
E. Wilmshurst - C.S.O.
A. Roth - C.S.O.
C. White - P.A.L.M.
<b>Media</b>
Mercury
ABC Radio
State Library
<b>Sub Total: 19</b>

Minutes
Ald. Offices
Public/Spare 2
<b>Total Distribution: 23</b>



# MINUTES

## OPEN PORTION OF THE COUNCIL MEETING HELD 12 OCTOBER 2009 AT 5.00 P.M.

**PRESENT:** The Lord Mayor Alderman R.H.F. Valentine (Chairman),  
The Deputy Lord Mayor Alderman E.R. Ruzicka,  
Aldermen D.A. Haigh, M. Zucco, J.R. Briscoe, P.T. Sexton,  
R.G. Christie, H.C. Burnet, P.S. Cocker, E.N. Archer and W.F. Harvey.

The Deputy Lord Mayor left the meeting at 7.56 p.m. and was not present for the noting of item 7 on the closed portion at item 12.

Alderman Sexton left the meeting at 6.28 p.m. and returned at 6.31 p.m.

Alderman Christie left the meeting at 6.37 p.m. after declaring an interest in item 11 and returned at 7.55 p.m.

Alderman Burnet left the meeting at 7.55 p.m. and was not present for the noting of item 7 on the closed portion at item 12.

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:** Alderman J.W. Freeman

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AND MINOR ABOVEGROUND INFRASTRUCTURE –  
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**CITY SERVICES**

- 9. 39 SALAMANCA PLACE (KNOPWOODS RETREAT) AND 21-23  
SALAMANCA PLACE (IRISH MURPHY’S HOBART) – REQUEST FOR  
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- 10. NATIONAL RECYCLING WEEK 2009 – PLANET ARK’S BIG AUSSIE  
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- 11. “SUMMER SUNDAYS” IN NORTH HOBART – TRIAL PEDESTRIAN  
ZONE – CONSULTATION RESULTS – FILE REF: 36-25-10**
- 12. CLOSED PORTION OF THE COUNCIL MEETING**

**MINUTES OPEN PORTION OF THE COUNCIL MEETING 1**  
**12/10/2009**

**1. MINUTES OF THE LAST MEETING OF THE OPEN PORTION OF THE COUNCIL MEETING**

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The Chairman reported that he had perused the minutes of the meeting of the Open Portion of the Council meeting held on Monday 28 September 2009 found them to be a true record and recommended that they be taken as read and signed as a correct record.

DEPUTY LORD MAYOR  
HAIGH

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor	
Deputy Lord Mayor	
Haigh	
Zucco	
Briscoe	
Sexton	
Christie	
Burnet	
Cocker	
Archer	
Harvey	

The minutes were signed.

**2. COMMUNICATION FROM THE CHAIRMAN**

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No communication was received.

**3. NOTIFICATION OF COUNCIL WORKSHOPS**

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In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2005, the following Council workshop has been conducted:

Date: 6 October 2009

Topic: Sharing Local Government Services

**4. PUBLIC QUESTION TIME**

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No questions were received.

## **5. PETITIONS**

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No petitions were received.

## **6. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA**

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In accordance with the requirements of Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2005, the Council, by absolute majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the Local Government Act 1993.

### RECOMMENDATION

That the Council resolve by absolute majority 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 2005.

No supplementary items were received.

## **7. DECLARATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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In accordance with Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2005, the chairman of a meeting is to request Aldermen to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

In addition, in accordance with the Council's resolution of 14 April 2008, Aldermen are requested to indicate any conflicts of interest in accordance with the Aldermanic Code of Conduct adopted by the Council.

Accordingly, Aldermen are requested to advise of pecuniary or conflicts of interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2005.

Alderman Christie indicated an interest in item 11.

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## REPORTS OF COMMITTEES

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<b>DEVELOPMENT AND ENVIRONMENTAL SERVICES</b>
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### 8. COUNCIL ACTING AS PLANNING AUTHORITY

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In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2005, 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.

**8.1 16 WATKINS AVENUE, WEST HOBART – DECK –  
PLN-09-00354-01 – FILE REF: 7641134 & P/16/908**  
Ref. Open DESC Supp. 6.1.3, 5/10/2009  
**Application Expiry Date: 29/10/2009**

That pursuant to Part 2 of the City of Hobart Planning Scheme 1982, the Council refuse the application for a deck at 16 Watkins Avenue, West Hobart on the grounds that:

1. The proposal does not comply with Schedule K (Rescode) of the City of Hobart Planning Scheme 1982, in that the proposal fails to comply with either the acceptable solution or performance criteria in respect to building setback and bulk (Design Element K3.4).
2. The proposal does not comply with Schedule K (Rescode) of the City of Hobart Planning Scheme 1982, in that the proposal fails to comply with either the acceptable solution or performance criteria in respect to residential density (Design Element K3.1).
3. As a consequence of the above two reasons for refusal, the proposal has an unacceptable impact on the adjoining property.

cont.../

MINUTES OPEN PORTION OF THE COUNCIL MEETING 4  
12/10/2009

Item No. 8.1 continued

BURNET  
COCKER

That the recommendation be adopted.

MOTION LOST

VOTING RECORD

AYES	NOES
Lord Mayor	Haigh
Deputy Lord Mayor	Zucco
Burnet	Briscoe
Cocker	Sexton
Harvey	Christie
	Archer

HAIGH  
BRISCOE

That the Council approve the application for the reasons outlined in the Officer's report attached to supplementary item 6.1.3 of the Open Development and Environmental Services Committee agenda of 5 October 2009, and a permit be issued in accordance with the conditions contained in the report.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Haigh	Lord Mayor
Zucco	Deputy Lord Mayor
Briscoe	Burnet
Sexton	Cocker
Christie	Harvey
Archer	

**8.2 PROPOSED PLANNING DIRECTIVE NO.2 – UNDERGROUND  
AND MINOR ABOVEGROUND INFRASTRUCTURE –  
PLANNING SCHEME EXEMPTIONS – FILE REF: 16-11-2**  
Ref. Open DESC Supp. 6.2, 5/10/2009

- That:
1. The Council advise the Tasmanian Planning Commission that it has no objection to the Draft Planning Directive No .2 “Underground and Minor Aboveground Infrastructure”, subject to proposed exemptions not applying to new infrastructure that would result in vegetation clearance exceeding 500m<sup>2</sup> in area.
  2. A copy of the report attached to supplementary item 6.2 of the Open Development and Environmental Services Committee agenda of 5 October 2009, be forwarded to the Commission for information.

HAIGH  
BURNET

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor

Haigh

Zucco

Briscoe

Sexton

Christie

Burnet

Archer

Harvey

NOES

Deputy Lord Mayor

Cocker

CITY SERVICES

**9. 39 SALAMANCA PLACE (KNOPWOODS RETREAT) AND  
21-23 SALAMANCA PLACE (IRISH MURPHY'S HOBART) – REQUEST  
FOR OCCUPATION LICENCE AND ROAD CLOSURES – DECEMBER  
2009 – FILE REFS: 17-12-10; 17-12-13**

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Ref. Open CSC 9, 30/9/2009

- That: 1. In accordance with Section 19 of the Local Government (Highways) Act 1982, the necessary road closures be approved in order to grant Knopwoods Retreat exclusive licence to occupy Salamanca Place between Montpelier Retreat and Kennedy Lane and the adjacent area of Salamanca lawns to Castray Esplanade, as shown on Attachment 3 to item 9 of the Open City Services Committee agenda of 30 September 2009, for the night of Friday 18 December 2009.
- (i) The exclusive licence be conditional on Knopwoods Retreat fencing the area using temporary cyclone wire fencing of at least 1.8m in height with security controlled entry points located in the fence line.
  - (ii) Within the fenced area Knopwoods Retreat be permitted to establish outside serving stations.
  - (iii) Approval be given for Knopwoods Retreat to locate two industrial bins on the eastern side of Montpelier Retreat for storage of solid waste, subject to at least one of the bins being removed by 5.00am on Saturday 19 December 2009.
  - (iv) All other usual conditions be applied to the occupation licence, including responsibility to ensure free pedestrian movement along the footpath, securing all necessary permits and to remove all rubbish from the public highway and other public spaces included in the licensed area, as well as the provision of portable public toilets.
  - (v) A condition be applied that would allow a singer to perform on the night of 18 December 2009 between 6.00pm and 9.00pm with volume control and extension to 10.00pm subject to Tasmania Police approval being given on the night.

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MINUTES OPEN PORTION OF THE COUNCIL MEETING 7  
12/10/2009

Item No. 9 continued

2. In accordance with Section 19 of the Local Government (Highways) Act 1982, the necessary road closures be approved in order to grant Knopwoods Retreat exclusive licence to occupy 2 additional parking spaces in Salamanca Place on 24 December 2009 between 7.00pm and 12 midnight, subject to the same conditions that are to apply on the night of 18 December 2009.
3. The request from Knopwoods Retreat for extension of its occupation licence hours to 1.00am during the Taste Festival period, be declined.
4. In accordance with Section 19 of the Local Government (Highways) Act 1982, the necessary road closures be approved in order to grant Irish Murphys, Hobart exclusive licence to occupy the 5 parking spaces in Salamanca Place in front of the hotel, as shown on Attachment 4 to item 9 of the Open City Services Committee agenda of 30 September 2009, for the nights of Friday 11 December, Friday 18 December, Thursday 24 December and Thursday 31 December, 2009 between 3.00pm and 12 midnight.
  - (i) A condition be applied that would allow music to be played between 4.00pm and 9.00pm on Thursday 24 December 2009, with volume control and extension to 10.00pm subject to Tasmania Police approval on the night.
5. Approval of any further requests for the 2009/2010 festive season which may be received from licensees in the Sullivans Cove area, for an extension to the area of occupation licence be granted, subject to conditions which require fencing to match the Knopwoods Retreat fencing specified in Clause 1(i) above, if an outside serving point for alcoholic drinks is approved.
6. The provision of the extended occupation licences to Knopwoods Retreat and to Irish Murphys Hobart also be subject to such other conditions as the General Manager determines.

CHRISTIE  
ARCHER

That the recommendation be adopted.

Amendment  
HARVEY  
BURNET

That an incident report be provided by Tasmania Police at the conclusion of the event.

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MINUTES OPEN PORTION OF THE COUNCIL MEETING 8  
12/10/2009

Item No. 9 continued

AMENDMENT CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor	
Deputy Lord Mayor	
Haigh	
Zucco	
Briscoe	
Sexton	
Christie	
Burnet	
Cocker	
Archer	
Harvey	

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor	Deputy Lord Mayor
Haigh	
Zucco	
Briscoe	
Sexton	
Christie	
Burnet	
Cocker	
Archer	
Harvey	
Archer	

**10. NATIONAL RECYCLING WEEK 2009 – PLANET ARK’S BIG AUSSIE SWAP PARTY – FILE REF: 44-2-1**

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Ref. Open CSC 11, 30/9/2009

- That: 1. The Council, in conjunction with the Resource Work Cooperative, host a Big Aussie Swap Party on Saturday 14 November 2009 at the recycling area of the McRobies Gully Waste Management Centre.
2. Expenditure for this event be funded from the Solid Waste Management Function of the 2009/2010 Annual Plan, at an approximate cost of \$2,000.

CHRISTIE  
ARCHER

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor	
Deputy Lord Mayor	
Haigh	
Zucco	
Briscoe	
Sexton	
Christie	
Burnet	
Cocker	
Archer	
Harvey	

Alderman Christie declared an interest in item 11 and retired.

**11. “SUMMER SUNDAYS” IN NORTH HOBART – TRIAL PEDESTRIAN ZONE – CONSULTATION RESULTS – FILE REF: 36-25-10**

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Ref. Open CSC 12, 30/9/2009

That the Council not proceed with a trial of “Summer Sundays” in North Hobart, at this point in time.

ARCHER  
DEPUTY LORD MAYOR

That the recommendation be adopted.

MINUTES OPEN PORTION OF THE COUNCIL MEETING 10  
12/10/2009

Item No. 11 continued

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor	Lord Mayor
Haigh	Burnet
Zucco	Cocker
Briscoe	Harvey
Sexton	
Archer	

HAIGH  
ARCHER

That Alderman Zucco be granted a further minute in which to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor	Harvey
Deputy Lord Mayor	
Haigh	
Zucco	
Briscoe	
Sexton	
Burnet	
Cocker	
Archer	

ZUCCO  
DEPUTY LORD MAYOR

That a report be provided in respect to the Hobart City Council working with the North Hobart Residents and Traders to bring forward a proposal that meets the requirements of all parties for a multi-cultural festival to be held in North Hobart.

HARVEY  
COCKER

That Alderman Burnet be granted a further 3 minutes in which to address the meeting.

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MINUTES OPEN PORTION OF THE COUNCIL MEETING 11  
12/10/2009

Item No. 11 continued

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor	Briscoe
Deputy Lord Mayor	
Haigh	
Zucco	
Briscoe	
Sexton	
Burnet	
Cocker	
Archer	
Harvey	

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor	Burnet
Deputy Lord Mayor	Cocker
Haigh	Harvey
Zucco	
Briscoe	
Sexton	
Archer	

## 12. CLOSED PORTION OF THE COUNCIL MEETING

The following items were discussed:-

- Item 1. Minutes of the Last Meeting of the Closed Portion of the Council Meeting
- Item 2. Transfer of Agenda Items
- Item 3. Leave of Absence – File Ref: 13-2-2  
LG(MP)R 15(2)(i)
- Item 4. Consideration of Supplementary Items to the Agenda
- Item 5. Declarations of Pecuniary and Conflicts of Interest
- Item 6. 1 Franklin Wharf – File Ref: 2884671 & P/1-5/505  
LG(MP)R 15 (4)
- Item 7. Local Government Association of Tasmania – File Ref: 12-50-1  
LG(MP)R 15 (2)(j)

DEPUTY LORD MAYOR  
HAIGH

That the items 1-6 be noted.

MOTION CARRIED

### VOTING RECORD

AYES	NOES
Lord Mayor	
Deputy Lord Mayor	
Haigh	
Zucco	
Briscoe	
Sexton	
Christie	
Burnet	
Cocker	
Archer	
Harvey	

HAIGH  
ZUCCO

That item 7 be noted.

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MINUTES OPEN PORTION OF THE COUNCIL MEETING 13  
12/10/2009

Item No. 12 continued

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor	
Haigh	
Zucco	
Briscoe	
Sexton	
Freeman	
Christie	
Cocker	
Archer	
Harvey	

The meeting adjourned at 7.55 p.m.  
The meeting reconvened at 8.04 p.m.  
Item 7 of the closed portion was noted at item 12.  
The meeting closed at 8.04 p.m.

TAKEN AS READ AND SIGNED  
AS A CORRECT RECORD THIS  
26<sup>TH</sup> DAY OF OCTOBER 2009.

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CHAIRMAN