



CITY OF HOBART

MINUTES

Special City Planning Committee Meeting

Open Portion

Monday, 19 December 2016

ORDER OF BUSINESS

APOLOGIES AND LEAVE OF ABSENCE

1. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTERESTERROR! BOOKMA

2. COMMITTEE ACTING AS PLANNING AUTHORITYERROR! BOOKMARK NOT DEFIN

2.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING
SCHEME 1997ERROR! BOOKMARK NOT DEFINED.

2.1.1 25, 39, 41 and 47-51 Salamanca Place, Hobart - Partial
Demolition, Alterations, Extensions and Partial Change of
Use to Visitor Accommodation and Signage**Error! Bookmark not defined.**

2.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING
SCHEME 2015ERROR! BOOKMARK NOT DEFINED.

2.2.1 85-99 Collins Street, 49-51 Murray Street, Hobart - Partial
Demolition, Alterations and Extensions and Partial Change
of Use to Business and Professional Services and Signage**Error! Bookmark no**

2.2.2 456, 458, 462 Macquarie Street, South Hobart - Partial
Demolition, Alterations, Extension and Change of Operating
Hours for Service Industry and Partial Change of Use to
Business and Professional Services and General Retail
Hire **Error! Bookmark not defined.**

2.2.3 367-375, 379 Elizabeth Street, 29, 31 Strahan Street, North
Hobart - Partial Demolition, Alterations and Extensions to
Existing Buildings, New Development for Business and
Professional Services, General Retail and Hire, Multiple
Dwellings, and Community Meeting and Entertainment,
Signage, Change of Operating Hours, Changes to Parking
and Access, and Works in Road Reserve**Error! Bookmark not defined.**

Minutes of the Special City Planning Committee Meeting (Open Portion) held on Monday, 19 December 2016 at 4.00 pm in the Lady Osborne Room, Town Hall.

COMMITTEE MEMBERS

Briscoe (Chairman)
Ruzicka
Burnet
Denison

ALDERMEN

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

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

PRESENT:

Alderman J R Briscoe (Chairman),
Aldermen E R Ruzicka, H C Burnet, T M
Denison, the Lord Mayor Alderman S L
Hickey, Aldermen M Zucco, P T Sexton,
P S Cocker, D C Thomas, A M Reynolds
and W F Harvey.

Alderman Zucco left the meeting at
5.47 pm after declaring an interest in
item 2.2.3, and did not return to the
meeting.

RUZICKA

That the Lord Mayor be co-opted to the Committee.

MOTION CARRIED

VOTING RECORD

	AYES	NOES
BRISCOE		
RUZICKA		
BURNET		
DENISON		

1. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

The following interest was indicated:

1. Alderman Zucco - item 2.2.3.

2. COMMITTEE ACTING AS PLANNING AUTHORITY

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

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

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

BURNET

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

MOTION CARRIED

VOTING RECORD

AYES	NOES
Briscoe	
Ruzicka	
Burnet	
Denison	
Lord Mayor Hickey	

2.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

Ms Caroline Lindus addressed the Committee in relation to item 2.1.1.

Mr Justin McMullen addressed the Committee in relation to item 2.1.1.

Mr Robert Morris-Nunn addressed the Committee in relation to item 2.1.1, on behalf of the applicant.

2.1.1 25, 39, 41 and 47-51 Salamanca Place, Hobart - Partial Demolition, Alterations, Extensions and Partial Change of Use to Visitor Accommodation and Signage PLN-16-1023 - File Ref: F16/138353

BURNET

That the recommendation contained in the report of the Senior Statutory Planner and the Development Appraisal Planner of 14 December 2016, be adopted, with the addition of the following new condition and advice clause:

ENVHE 4

A construction management plan must be implemented throughout the construction works.

A construction management plan must be submitted and approved prior to the issuing of any building permit under the Building Act 2000.

The plan must include, but is not limited to, the following:

1. Identification and disposal of any potentially contaminated waste and asbestos;
2. Proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on site);
3. Proposed hours of construction;
4. Identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
5. Control of dust and emissions during work hours;
6. Proposed screening of the site and vehicular access points during work; and
7. Procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

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

Advice: once the plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

The applicant is encouraged to discuss the scheduling of construction and the maintenance of access to nearby properties with the owners and occupiers of those properties.

Reason for condition

To ensure minimal impact on the amenity of adjoining properties and members of the public during the construction period.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe

Ruzicka

Burnet

Denison

Lord Mayor Hickey

NOES

COMMITTEE RESOLUTION:

That pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for partial demolition, alterations, extensions and partial change of use to visitor accommodation and signage, at three sites at Salamanca Place, being 25 Salamanca Place, 39-41 Salamanca Place, and 47-51 Salamanca Place for the reasons outlined in the officer's report attached to item 2.1.1 of the Special Open City Planning Committee agenda of 19 December 2016, 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-16-1023 - 25, 39-41, 47-51 Salamanca Place Battery Point TAS 7004 - 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 2016/01408-HCC dated 11/10/2016 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, Works Application No. 5147 dated 7/12/2016, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 10

The wall sign to 39-41 Salamanca Place must not exceed 0.5 m in height.

Reason for condition

To clarify the scope of the permit and to ensure compliance with the Signs Schedule of the Sullivans Cove Planning Scheme 1997.

ENG 1

The cost of repair of any damage to the Council infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council.

A photographic record of the Council 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 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 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. Sediment controls must be maintained until all areas of disturbance have been stabilized or re vegetated.

Advice: For further guidance in preparing a Soil and Water Management Plan (SWMP) – in accordance with Fact sheet 3 Derwent Estuary Program go to www.hobartcity.com.au/development/engineering/standards-and-guidelines.

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.

ENVHE 4

A construction management plan must be implemented throughout the construction works.

A construction management plan must be submitted and approved prior to the issuing of any building permit under the Building Act 2000.

The plan must include, but is not limited to, the following:

1. Identification and disposal of any potentially contaminated waste and asbestos;

2. Proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on site);
3. Proposed hours of construction;
4. Identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
5. Control of dust and emissions during work hours;
6. Proposed screening of the site and vehicular access points during work; and
7. Procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

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

Advice: once the plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

The applicant is encouraged to discuss the scheduling of construction and the maintenance of access to nearby properties with the owners and occupiers of those properties.

Reason for condition

To ensure minimal impact on the amenity of adjoining properties and members of the public during the construction period.

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 www.hobartcity.com.au 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

Building permit in accordance with the *Building Act 2000*;

<http://www.hobartcity.com.au/Development/Building>

PLUMBING PERMIT

Plumbing permit under the *Tasmanian Plumbing Regulations 2014*;

<http://www.hobartcity.com.au/Development/Plumbing>

TITLE ADVICE

The applicant is advised that the part the rear of the property at 25 Salamanca Place under certificate of title 41654 vol 1, is subject of a right of way burdening easement. Part of the proposed extension to the rear of 25 Salamanca Place extends over the land the subject of the right of way burdening easement, and is likely to require modification accordingly.

ENVIRONMENTAL HEALTH ADVICE

Noise, dust, odour or other pollutants emitted from any activities associated with this development, including construction works, must not unreasonably cause any disturbance, annoyance or nuisance to owners/occupiers in the vicinity and shall comply with the *Environmental Management and Pollution Control Act 1994* and subsequent regulations.

Reasonable noise attenuation measures should be incorporated in the design and construction of the accommodation units to ensure occupants are not adversely impacted by the emission of noise from existing noise generating uses in the area.

Delegation: Council

2.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

Ms Jane Wilson addressed the Committee in relation to item 2.2.1.

Mr Gerard O'Brien addressed the Committee in relation to item 2.1.1, on behalf of the applicant.

2.2.1 85-99 Collins Street, 49-51 Murray Street, Hobart - Partial Demolition, Alterations and Extensions and Partial Change of Use to Business and Professional Services and Signage PLN-16-839 - File Ref: F16/138351

DENISON

That the recommendation contained in the report of the Manager Development Appraisal and Development Appraisal Planner of 7 December 2016, be adopted, with the following amendments:

1. That condition HER 11 be amended to read as follows:

HER 11

The existing original external window framing and the straight section of the internal first floor balcony closest to the building facade must be retained.

Plans must be submitted and approved prior to the commencement of work on the site. The plans must show the retention of the external window framing and the straight section of the internal first floor balcony closest to the building façade (modified as proposed), to satisfy the above requirement.

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

Advice: Once the plans have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

2. That the following new conditions be included:

HERs1

Interpretation of the internal stairway to be demolished must be installed and maintained within the building.

Plans demonstrating compliance with this condition to the satisfaction of the Council's Director City Planning must be submitted and approved prior to the issuing of any building permit.

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

Advice: Once the plans have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

In recognition of the heritage attributes of the internal stairway to be demolished.

HERs2

The internal stairway to be demolished must be stored on site for potential future reuse.

Reason for condition

In recognition of the heritage attributes of the internal stairway to be demolished.

HER 7

Archival quality annotated photographs and drawings of the internal stairway to be demolished must be recorded prior to commencement of work.

The photographs and drawings must be submitted and approved, prior to the commencement of work. The photographs and drawings must include:

1. Each elevation of the stairway;

2. Architectural design detailing of the stairway;
3. Both electronic and hard copy colour images;
4. Photographs of any detail that may be of historical or architectural interest; and
5. Cross referencing of all photographs to “as existing” plan showing the location and orientation of the camera.

Advice: Once the annotated photographs and drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure recognition of the historic cultural heritage significance of the place.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Briscoe	Ruzicka
Denison	Burnet
Lord Mayor Hickey	

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and extensions and partial change of use to business and professional services, and signage (amended proposal) at 85-89 Collins Street and 49-51 Murray Street, Hobart for the reasons outlined in the officer’s report attached to item 2.2.1 of the Special Open City Planning Committee agenda and a permit containing the following conditions be issued:

GEN

The use and development must be substantially in accordance with the documents and drawings that comprise PLN-16-839 - 85-99 Collins Street and 49-51 Murray Street Hobart TAS 7000 - 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 2016/01111-HCC response dated 19/8/2016 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw6

All stormwater from the proposed development (including roofed areas, ag drains, retaining wall ag drains and impervious surfaces - driveways etc) must be discharged to the Council's infrastructure with sufficient receiving capacity prior to commencement of use.

All costs associated with works required by this condition are to be met by the owner.

Detailed engineering design drawings and calculations of the proposed stormwater drainage and connections to Council infrastructure must be submitted and approved by Council prior to issuing of any permit under the Building Act 2000. The design drawing must be prepared by a suitably qualified person.

Pumped private stormwater system(s) must be designed with a duty and standby pump design, and demonstrate compliance with the Hobart City Council's Guidelines for Property Owners and Developers "Private Stormwater Pumping Stations".

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

Reason for condition

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

ENG 1

The cost of repair of any damage to the Council infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council.

A photographic record of the Council 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 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 infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENV1

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

Advice: For further guidance in preparing a Soil and Water Management Plans (SWMP) – in accordance with Fact sheet 3 Derwent Estuary Program go to: www.hobartcity.com.au/development/engineering/standards-and-guidelines

Reason for condition

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

HER 11

The existing original external window framing and the straight section of the internal first floor balcony closest to the building facade must be retained.

Plans must be submitted and approved prior to the commencement of work on the site. The plans must show the retention of the external window framing and the straight section of the internal first floor balcony closest to the building façade (modified as proposed), to satisfy the above requirement.

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

Advice: Once the plans have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure that development at a heritage place is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

HERs1

Interpretation of the internal stairway to be demolished must be installed and maintained within the building.

Plans demonstrating compliance with this condition to the satisfaction of the Council's Director City Planning must be submitted and approved prior to the issuing of any building permit.

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

Advice: Once the plans have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

In recognition of the heritage attributes of the internal stairway to be demolished.

HERs2

The internal stairway to be demolished must be stored on site for potential future reuse.

Reason for condition

In recognition of the heritage attributes of the internal stairway to be demolished.

HER 7

Archival quality annotated photographs and drawings of the internal stairway to be demolished must be recorded prior to commencement of work.

The photographs and drawings must be submitted and approved, prior to the commencement of work. The photographs and drawings must include:

1. Each elevation of the stairway;
2. Architectural design detailing of the stairway;
3. Both electronic and hard copy colour images;
4. Photographs of any detail that may be of historical or architectural interest; and
5. Cross referencing of all photographs to “as existing” plan showing the location and orientation of the camera.

Advice: Once the annotated photographs and drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure recognition of the historic cultural heritage significance of the place.

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 www.hobartcity.com.au for further information.

CONDITION ENDORSEMENT

If a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition, via the Condition Endorsement Submission on Council's online e-service portal.

Once approved, the Council will respond to you via email that the condition(s) has been endorsed (satisfied). Detailed instructions can be found [at: http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement](http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement)

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

Building permit in accordance with the Building Act 2000;

<http://www.hobartcity.com.au/Development/Building>

PLUMBING PERMIT

Plumbing permit under the Tasmanian Plumbing Regulations 2014;

<http://www.hobartcity.com.au/Development/Plumbing>

OCCUPATION OF THE PUBLIC HIGHWAY

Permit for the occupation of the public highway for construction or special event (e.g. placement of skip bin, crane, scissor lift etc)

http://www.hobartcity.com.au/Transport/Permits/Construction_Activities_Special_Events_in_the_Road_Reservation

TEMPORARY PARKING PERMITS

Temporary parking permits for construction vehicles i.e. residential or meter parking/loading zones.

http://www.hobartcity.com.au/Transport/Permits/Parking_Permits

WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety (OH&S) measures must be employed during the works to minimise direct human exposure to potentially-contaminated

soil, water, dust and vapours.

<http://www.worksafe.tas.gov.au/safety>

NOISE REGULATIONS

The following link provides information with respect to noise nuisances in residential areas.

http://www.hobartcity.com.au/Environment/Environmental_Health/Environmental_Management_and_Pollution_Control

WASTE DISPOSAL - TOP TEN TIPS

http://www.hobartcity.com.au/Environment/Recycling_and_Waste

FEES AND CHARGES

http://www.hobartcity.com.au/Council/Fees_and_Charges

DIAL BEFORE YOU DIG

www.dialbeforeyoudig.com.au

DIGITAL ACCESS

If you do not have access to the Council's electronic web page, please phone the Council (City Planning) on 6238 2715 for assistance.

Delegation: Council

Mrs Margaret Loring addressed the Committee in relation to item 2.2.2.

Mr Andrew Wilson addressed the Committee in relation to item 2.2.2.

**2.2.2 456, 458, 462 Macquarie Street, South Hobart - Partial Demolition, Alterations, Extension and Change of Operating Hours for Service Industry and Partial Change of Use to Business and Professional Services and General Retail Hire
PLN-16-00357-01 - File Ref: F16/138991**

DENISON

That the recommendation contained in the report of the Senior Statutory Planner and the Development Appraisal Planner of 8 December 2016, be adopted, with the addition of a condition that requires appropriate acoustic treatment of the workshop spaces, to the satisfaction of the Director City Planning.

MOTION LOST

VOTING RECORD

AYES

Denison
Lord Mayor Hickey

NOES

Briscoe
Ruzicka
Burnet

BURNET

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, alterations, extension and change of operating hours for service industry and partial change of use to business and professional services, and general retail and hire at 456, 458, 462 Macquarie Street, South Hobart for the following reasons:

1. The proposal is inconsistent with the non-conforming use provisions within clause 9.1, the use standards relating to hours of operation, noise, and external lighting within clause 11.3.1, and the zone purpose statement within clause 11.1.1.
2. The proposal is inconsistent with performance criteria 11.4.2 P3 relating to building set back and bulk.
3. The proposal is inconsistent with performance criteria E 13.7.2 P1 due to its impact upon the characteristics of the South Hobart/Macquarie Street/Cascade Road Heritage Precinct.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe
Ruzicka
Burnet

NOES

Denison
Lord Mayor Hickey

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, alterations, extension and change of operating hours for service industry and partial change of use to business and professional services, and general retail and hire at 456, 458, 462 Macquarie Street, South Hobart for the following reasons:

1. The proposal is inconsistent with the non-conforming use provisions within clause 9.1, the use standards relating to hours of operation, noise, and external lighting within clause 11.3.1, and the zone purpose statement within clause 11.1.1.
2. The proposal is inconsistent with performance criteria 11.4.2 P3 relating to building set back and bulk.
3. The proposal is inconsistent with performance criteria E 13.7.2 P1 due to its impact upon the characteristics of the South Hobart/Macquarie Street/Cascade Road Heritage Precinct.

Delegation: Council

Alderman Zucco declared an interest in item 2.2.3 and retired.

Mr John Kelly addressed the Committee in relation to item 2.2.3, on behalf of the applicant.

**2.2.3 367-375, 379 Elizabeth Street, 29, 31 Strahan Street, North Hobart - Partial Demolition, Alterations and Extensions to Existing Buildings, New Development for Business and Professional Services, General Retail and Hire, Multiple Dwellings, and Community Meeting and Entertainment, Signage, Change of Operating Hours, Changes to Parking and Access, and Works in Road Reserve
PLN-16-768 - File Ref: F16/138355**

RUZICKA

That the recommendation contained in the report of the Senior Statutory Planner and the Development Appraisal Planner of 15 December 2016, be adopted, with the deletion of condition PLN 12.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Briscoe
Ruzicka
Burnet
Denison
Lord Mayor Hickey

COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and extensions to existing buildings, new development for business and professional services, general retail and hire, multiple dwellings, and community meeting and entertainment, signage, change of operating hours, changes to parking and access, and works in the road reserve at 379 Elizabeth Street, 367-375 Elizabeth Street, 29 Strahan Street, 31 Strahan Street, North Hobart, and adjacent Road Reserve for the reasons outlined in the officer's report attached to item 2.2.3 of the Special City Planning Committee agenda of 19 December 2016, 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-16-768 367-375 Elizabeth Street, 379 Elizabeth Street, and 29 Strahan Street, North Hobart TAS 7000 - 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 2016/01002-HCC dated 19/09/2016 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, Works Application No.5067 dated 7 December 2016, as attached to the permit.

Reason for condition

To clarify the scope of the permit

PLN 14

The noise generated by the uses on this site must not cause environmental harm when measured at the boundary of the residential zone.

Reason for the condition

To ensure noise emissions do not cause environmental harm and do not have an unreasonable impact on residential amenity.

PLN 17

Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours must be provided with lighting to an adequate standard.

Prior to the issue of any building consent under the Building Act 2000, a car park lighting plan must be provided, which satisfies all of the following:

- (a) enables easy and efficient use of the area;
- (b) minimises potential for conflicts involving pedestrians, cyclists and vehicles;
- (c) reduces opportunities for crime or anti-social behaviour by supporting passive surveillance and clear sight lines and treating the risk from concealment or entrapment points;
- (d) prevents unreasonable impact on the amenity of adjoining users through light overspill, including protecting the amenity of existing adjacent

- residential use;
- (e) is appropriate to the hours of operation of the use; and
- (f) complies with Australian Standard AS4282- Control of the obtrusive effects of outdoor lighting.

Advice: Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, should be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.

Reason for condition

To ensure that the non-residential use does not unreasonably impact residential amenity.

PLN s1

The uses on the site must not be open to the public outside of the following hours: 9:00 am to 11:30 pm daily.

Reason for condition

To clarify the scope of the permit and in accordance with submitted application documentation.

PLN s2

The glazed front elevation of 'building 2' must be redesigned to show the void (opening) to solid (wall) ratio more consistent with void to solid ratio prevailing in the streetscape at first floor level.

Design drawings must be submitted and approved, prior to the issuing of any permit under the Building Act 2000. The amended drawings must include details of how this increased solidity will be achieved, to satisfy the above requirement. All work required by this condition must be undertaken in accordance with the approved drawing.

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

Reason for condition

To ensure that the development satisfies the North Hobart Specific Area Plan building form standard objective to reinforce characteristic solid to void ratio.

PLN s3

Commercial vehicle movements to and from the site must be within the

following times:

Monday to Saturday: 6 am to 10 pm.

Sunday and Public Holidays: 7 am to 9 pm

Reason for condition:

In the interests of residential amenity.

PLN s4

The height of the 'tower' element of building 1 must be reduced to be no higher than the batten screen on building 3.

Design drawings must be submitted and approved prior to the issuing of any consent under the Building Act 2000. The design drawings must include amended building height to satisfy the above requirement.

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

Advice: Once the amended drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To satisfy the standard for a development to be designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics as required by the Historic Heritage Code.

ENGsw4

The development (including hardstand) must be drained to Council infrastructure. All new stormwater connections required, including those for any third-party stormwater affected by the development, must be constructed, and any existing abandoned connections be abandoned and sealed, by 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:

- a. the location of the proposed connections and all existing connections;
- b. the size and design of the connections such that they are appropriate to safely service the development;
- c. long-sections of any proposed connections clearly showing clearances from any nearby services and street trees, cover, size, material and delineation of public and private infrastructure
- d. ownership of all stormwater pipes. New stormwater pipes must be separate to each Lot and contained entirely within the Lot serviced.

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

Advice: Once the engineering drawing has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement). No additional shared private services will be approved.

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to initiate an application for service connection.

Reason for condition

To ensure the site is drained adequately.

ENGsw6

All stormwater from the proposed development (including roofed areas, g drains, retaining wall g drains and impervious surfaces - driveways etc) must be discharged to the Council's infrastructure with sufficient receiving capacity prior to commencement of use.

All costs associated with works required by this condition are to be met by the owner.

Detailed engineering design drawings of the proposed stormwater drainage and connections to Council infrastructure must be submitted and approved by Council prior to commencement of work. The design drawing must be prepared by a suitably qualified person.

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

Advice: Once the design drawing has been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)

Reason for condition

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

ENG 4

The driveway and car parking area approved by this permit must be constructed to a sealed standard (paved, concrete, bitumen or equivalent Council approved) and surface drained prior to the commencement of use.

Reason for condition:

To ensure safe access is provided for the use.

ENG 14

The vehicular access, circulation roadways, aisles and parking spaces must be constructed in accordance with certified detailed design drawings, prior to the commencement of use. Car parking spaces 25 - 28 are not approved (due to right of way access issues requiring resolution).

The vehicular access, circulation roadways, aisles and parking space detailed design must be submitted and approved by Council, prior to the commencement of work.

The driveway access design must:

- Be prepared and certified by a suitably qualified engineer that the design is in accordance with the Australian Standard AS/NZS2890.1:2004 (and AS/NZS2890.2: 2002 or AS/NZS2890.6:2009 where relevant) , or that the design provides for a safe and efficient access.
- Show dimensions and locations for all car, bicycle and motorcycle parking spaces, aisle widths, circulation roadway widths, vehicular access widths, and other details as necessary to satisfy the above requirement.
- The car parking plan must also show a dedicated commercial vehicle facility for loading, unloading or manoeuvring on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002.
- Show car parking spaces 25 - 28 deleted.

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

Prior to the issuing of any Completion Certificate under the Building Act 2000, documents signed by a suitably qualified engineer, certifying the vehicular access, circulation roadways, aisles and parking spaces have been constructed in accordance with the certified design drawings must be lodged with the Council.

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

Reason for condition

To ensure that the access and parking layout for the development is to accepted standards.

ENG 1

The cost of repair of any damage to the Council infrastructure resulting from

the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council.

A photographic record of the Council 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 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 infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENGR 3

The proposed driveway crossover (existing and new) in the Strahan Street highway reservation must be designed and constructed in general accordance with TSD-R09-v1 and TSD-R14-v1 and the redundant driveway crossovers in the Elizabeth Street highway reservation reinstated to footpath (paved), kerb and channel in accordance with TSD-R11-v1, TSD-R14-v1 and TSD-R15-v15 Type KC, prior to the commencement of the use (see advice).

Design drawing must be submitted and approved prior to the commencement of work. The design drawing for the driveway crossover in Strahan Street must:

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property;
2. Detail if the existing crossover and extension can be constructed in general accordance with TSD-R09-v1 and TSD-R14-v1;
3. Grated wedge, asphalt wedge and the standard open wedge driveway crossover are not permitted. To gain access a concrete plinth to Councils standards may be constructed at the gutter. A drawing of a standard concrete plinth can be obtained from Councils Road Services Engineer. If the concrete plinth is unable to be utilised then the existing slabs maybe able to extended;
4. If the design deviates from the requirements of the TSD then the drawings must demonstrate that a B85 vehicle or B99 depending on use (AS/NZS 2890.1 2004, section 2.6.2) can access the driveway from the road pavement into the property without scraping the cars underside;
5. Detail how the redundant driveway crossovers in the Elizabeth Street highway reservation will be reinstated to footpath (paved to match

- existing) and kerb and channel;
6. Be prepared and certified by a suitable qualified person, to satisfy the above requirement.

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

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

Reason for condition

To ensure that works will comply with the Council's standard requirements.

ENV2

Sediment and erosion control measures sufficient to prevent sediment from leaving the site and in accordance with an approved soil and water management plan (SWMP) must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted and approved, prior to the commencement of work. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008).

http://www.hobartcity.com.au/Development/Engineering_Standards_and_Guidelines.

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

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

Reason for Condition

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

HER 17

The palette of exterior colours and materials must reflect the palette of materials of the State Cinema and Soundy's building complex.

Plans must be submitted and approved prior to the commencement of work. The plans must show the colour finish and exterior cladding of all new

buildings to satisfy the above requirement.

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

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

Reason for condition

To ensure that development at a (select relevant) heritage place/precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance.

SURV 8

The applicant, at no cost to the Council shall have prepared, entered into, and have registered at the Land Titles Office, a deed pursuant to Section 75CA of the Conveyancing and Law of Property Act 1884 for the awning encroachments over Elizabeth Street, prior to the issue of a completion certificate.

Advice: A Section 75CA Conveyancing & Law of Property Act 1884 certificate for the occupation of a Highway requires that the encroachment is a minimum 2.40 metres above the footpath or 4.25 metres above the road carriageway. A 600mm set back from the back of kerb may also be required.

The applicant must prepare and forward the required instrument pursuant to section 75CA Conveyancing & Law of Property Act 1884, including a survey plan of the encroachment (certified by a registered surveyor), the associated \$220 Council application fee and the Land Titles Office registration fee, to the Council for execution and subsequent registration within the Land Titles Office.

Reason for Condition

To ensure that the proposed or existing building encroachment over Elizabeth Street is formalised in accordance with statutory provisions.

SUB s1

A Right of carriageway over the portion of the car park access driveway located within the land comprised in Certificate of Title 147682/1 benefitting Certificate of Title 162909/2 is to be registered on both Titles to the satisfaction of the Council's Director of Infrastructure Services prior to the issue of any certificate of occupancy for the development.

Reason for condition

To ensure that there is no impediment to the provision of access for the development.

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 www.hobartcity.com.au 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 a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition, via the Condition Endorsement Submission on Council's online e-service portal.

Once approved, the Council will respond to you via email that the condition(s) has been endorsed (satisfied). Detailed instructions can be found at http://www.hobartcity.com.au/Development/Planning/How_to_obtain_a_condition_endorsement

BUILDING PERMIT

Building permit in accordance with the Building Act 2000;

<http://www.hobartcity.com.au/Development/Building>

PLUMBING PERMIT

Plumbing permit under the Tasmanian Plumbing Regulations 2014;

<http://www.hobartcity.com.au/Development/Plumbing>

PUBLIC HEALTH AND FOOD BUSINESS REGISTRATION

Approved/endorsed plans for a food business fit out, under the Building Code of Australia National Construction Code Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards;

http://www.hobartcity.com.au/Environment/Public_Health_and_Food/Food

Food business registration in accordance with the Food Act 2003;

http://www.hobartcity.com.au/Environment/Public_Health_and_Food/Food

OCCUPATION OF THE PUBLIC HIGHWAY

Road closure permits for construction or special event.

http://www.hobartcity.com.au/Transport/Permits/Application_Forms_-_Construction_Activities_Special_Events_in_the_Road_Reservation

Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve)

http://www.hobartcity.com.au/Transport/Lighting_Roads_Footpaths_and_Street_Cleaning/Roads_and_Footpaths

TEMPORARY PARKING PERMITS

Temporary parking permits for construction vehicles i.e. residential or meter parking/loading zones.

http://www.hobartcity.com.au/Transport/Permits/Parking_Permits

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By-law

<http://www.hobartcity.com.au/Council/Legislation>

DRIVEWAY SURFACING OVER HIGHWAY RESERVE

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

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.

WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment website at <http://dpiwwe.tas.gov.au/invasive-species/weeds/weed-hygiene/washdown->

guidelines

WORKPLACE HEALTH AND SAFETY

Appropriate occupational health and safety (OH&S) measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours.

<http://www.worksafe.tas.gov.au/safety>

ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994

http://www.hobartcity.com.au/Environment/Environmental_Health/Environmental_Management_and_Pollution_Control

NOISE REGULATIONS

The following link provides information with respect to noise nuisances in residential areas.

http://www.hobartcity.com.au/Environment/Environmental_Health/Environmental_Management_and_Pollution_Control

WASTE DISPOSAL - TOP TEN TIPS

http://www.hobartcity.com.au/Environment/Recycling_and_Waste

FEES AND CHARGES

http://www.hobartcity.com.au/Council/Fees_and_Charges

PART 5 AGREEMENT

The Part 5 Agreement registered on Certificates of Title 162909/2 and 163809/1 means that the portions of the driveway and car park within these titles shown as Lots 1 and 2 on the Plan of Survey annexed to the Part 5 agreement may only be used for the provision of car parking for the land within CT 163809/1 that is the Adjacent lot as defined in the Part 5 agreement (shown as QALT on the annexure plan), unless the prior written consent has been obtained from the Hobart City Council.

Written consent must be obtained from the Hobart City Council prior to the issue of any certificate of occupancy for the development to allow the utilisation for car parking of the portions of the land comprised within Certificates of Title 162909/1 and 163809/1 and defined as Lots 1 and 2 in the Part 5 agreement registered on these titles by other than for the benefit of the Adjacent lot as defined in the Part 5 agreement.

REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Highways By-law

<http://www.hobartcity.com.au/Council/Legislation>

ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings

http://www.hobartcity.com.au/Development/Engineering_Standards_and_Guidelines

CROSS OVER CONSTRUCTION

The construction of the crossover can be undertaken by the Council or by a private contractor, subject to Council approval of the design.

http://www.hobartcity.com.au/Transport/Lighting_Roads_Footpaths_and_Street_Cleaning/Roads_and_Footpaths

STORM WATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT- – standard drawings.

http://www.hobartcity.com.au/Development/Engineering_Standards_and_Guidelines

DIAL BEFORE YOU DIG

www.dialbeforeyoudig.com.au

ELECTRONIC ACCESS

If you do not have access to the Council's electronic web page, please phone the Council (City Planning) on 62382715 for assistance.

Delegation: Council

The meeting was adjourned at 5.18 pm for the purpose of convening the Council meeting.

The meeting was reconvened at 5.21 pm.

There being no further business the meeting closed at 6.01 pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
16TH DAY OF JANUARY 2017.

CHAIRMAN