



CITY OF HOBART

# **MINUTES**

## **City Planning Committee Meeting**

**Open Portion**

**Monday, 10 December 2018 at 5:08 pm**

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**City Planning Committee Meeting (Open Portion) held on Monday,  
10 December 2018 at 5:08 pm in the Lady Osborne Room, Town Hall.**

**COMMITTEE MEMBERS**

Deputy Lord Mayor Burnet (Chairman)  
Briscoe  
Denison  
Harvey  
Behrakis

**NON-MEMBERS**

Lord Mayor Reynolds  
Zucco  
Sexton  
Thomas  
Dutta  
Ewin  
Sherlock

**PRESENT:** The Deputy Lord Mayor  
Councillor H Burnet, Aldermen J R Briscoe,  
T M Denison, S Behrakis, the Lord Mayor  
Councillor A M Reynolds, Councillor  
M Dutta and Alderman D C Thomas.

The Lord Mayor was co-opted to the  
Committee and retired from the  
meeting at 7:31 pm and was not  
present for items 7.1.1 to 7.1.3, 7.2.2  
to 7.2.3 and 8.1 to 10.

**APOLOGIES:** Nil.

Councillor Dutta was co-opted to the  
meeting for items 7.1.1 to 7.1.3, 7.2.1  
to 7.2.3, 8.1, 8.3 to 10, supplementary  
item 13 and the closed portion of the  
meeting.

**LEAVE OF ABSENCE:**

Councillor W F Harvey.

Councillor Dutta left the meeting at  
7:03 pm and returned at 7:07 pm.

Alderman Thomas arrived at the  
meeting at 7:46 pm and retired from  
the meeting at 7:59 pm.

**BRISCOE**

That permission be granted for the Australian Broadcasting Corporation (ABC) to film supplementary item 12 titled *222 - 228 Elizabeth Street & 234 Elizabeth Street & 236 - 240 Elizabeth Street & 242 - 250 Elizabeth Street & 213 Murray Street & 68 Warwick Street & 72 Warwick Street, Hobart & Adjoining Right Of Way - Partial Demolition, Alterations and Redevelopment For Visitor Accommodation, Multiple Dwellings, General Retail and Hire, Food Services, Hotel Industry, Business and Professional Services, and Subdivision (Boundary Adjustment) (Re-Advertised)* and item 8.2 titled *Central Hobart Building Height Standards Review Project - Proposed Planning Scheme Amendments* however no audio recording is to be undertaken.

**MOTION CARRIED**

**VOTING RECORD**

**AYES**

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis

**NOES**

## 1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY

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BRISCOE

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

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis

## 2. CONFIRMATION OF MINUTES

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DENISON

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 26 November 2018](#) and the Special City Planning Committee meeting held on [Monday, 26 November 2018](#), be confirmed as an accurate record.

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Lord Mayor Reynolds

The minutes were signed.

### **3. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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

DENISON

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the General Manager.

MOTION CARRIED

#### **VOTING RECORD**

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Lord Mayor Reynolds

### **4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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

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.

No interest was indicated.

### **5. TRANSFER OF AGENDA ITEMS**

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Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

No items were transferred.

## 6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

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In accordance with the requirements of Part 2 Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager is to arrange the agenda so that the planning authority items are sequential.

In accordance with Part 2 Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee by simple majority may change the order of any of the items listed on the agenda, but in the case of planning items they must still be considered sequentially – in other words they still have to be dealt with as a single group on the agenda.

Where deputations are to be received in respect to planning items, past practice has been to move consideration of these items to the beginning of the meeting.

### DENISON

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

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Lord Mayor Reynolds

#### NOES

## **7. COMMITTEE 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 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.

Item 7.1.4 was then taken.

### **7.1 APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997**

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#### **7.1.1 9 - 11 Murray Street, Hobart - Change of Operating Hours PLN-18-777 - File Ref: F18/144715**

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BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 29 November 2018, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Briscoe	Deputy Lord Mayor Burnet
Denison	Dutta
Behrakis	

#### **COMMITTEE RESOLUTION:**

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for change of operating hours at 9-11 Murray Street HOBART for the reasons outlined in the officer's report, attached to item 7.1.1 of the Open City Planning Committee agenda of 10 December 2018, 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-18-777 9-11 MURRAY STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 6

The outdoor seating area must not be open to the public outside of the following hours:

- Monday 6pm to 4am
- Tuesday 6pm to 4am
- Wednesday 6pm to 4am
- Friday 6pm to 5am
- Saturday 6pm to 5am
- Sunday 6pm to 5am

Reason for condition

To clarify the scope of the permit.

**Delegation: Council**

#### **7.1.2 50 Macquarie Street Hobart - Alterations (Solar Panels) PLN-18-729 - File Ref: F18/144724**

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BEHRAKIS

That the recommendation contained in the report of the Assistant Planner and the Senior Statutory Planner of 29 November 2018, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Dutta

## COMMITTEE RESOLUTION:

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for alterations (solar panels) at 50 Macquarie Street, Hobart for the reasons outlined in the officer's report, attached to item 7.1.2 of the Open City Planning Committee agenda of 10 December 2018 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-18-729 - 50 MACQUARIE STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

### ADVICE

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

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

### BUILDING PERMIT

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

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

**Delegation: Council**

**7.1.3 57 - 63 Macquarie Street, Hobart - (Alterations (Solar Panels))**  
**PLN-18-730 - File Ref: F18/144722**

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BRISCOE

That the recommendation contained in the report of the Assistant Planner and the Senior Statutory Planner of 29 November 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Dutta

**COMMITTEE RESOLUTION:**

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for alterations (solar panels) at 57-63 Macquarie Street, Hobart for the reasons outlined in the officer's report, attached to item 7.1.3 of the Open City Planning Committee agenda of 10 December 2018 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-18-730 - 57-63 MACQUARIE STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ADVICE

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

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

#### BUILDING PERMIT

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

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

**Delegation: Council**

Item 7.2.2 was then taken.

Ms Sylvia Peterson (Representor) addressed the Committee in relation to item 7.1.4.

**7.1.4 Salamanca Place & 40 Salamanca Place & 30 Salamanca Place & Castray Esplanade & Montpelier Retreat, Battery Point & Morrison Street, Hobart - Roadworks including Tree Removal and Replacement, installation of Public Street Furniture, and Associated Alterations to Infrastructure  
PLN-18-641 - File Ref: F18/144937**

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LORD MAYOR REYNOLDS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 3 December 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Lord Mayor Reynolds

**COMMITTEE RESOLUTION:**

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for roadworks including tree removal and replacement, installation of public street furniture, and associated alterations to infrastructure at Salamanca Place & 40 Salamanca Place & 30 Salamanca Place & Castray Esplanade & Montpelier Retreat, Battery Point & Morrison Street, Hobart for the reasons outlined in the officer's report, attached to item 7.1.4 of the Open City Planning Committee agenda of 10 December 2018, 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-18-641 - SALAMANCA PLACE & 40 SALAMANCA PLACE & 30 SALAMANCA PLACE & CASTRAY ESPLANADE & MONTPELIER RETREAT, BATTERY POINT & MORRISON STREET, HOBART 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 2018/01549-HCC dated 26 September 2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

In the event of any discrepancies between the plans and the artist's impressions, the development must be constructed in accordance with the plans.

Reason for condition

To clarify the scope of the permit.

ENG sw2.1

A pre construction CCTV video of the Council stormwater mains beneath the proposed new pavement, along with photos of any drainage structures to be connected to or modified, must be submitted to Council prior to the commencement of work.

Reason for condition

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

ENG sw2.2

A post construction CCTV video of the Council stormwater mains beneath the new pavement, along with photos of any existing drainage structures connected to or modified as part of the development, must be submitted to Council upon completion of all work.

The post construction CCTV & photos will be relied upon to establish the extent of any damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to Council the pre construction CCTV, then any damage to Council's infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.

Reason for condition

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

ENG sw5

The new stormwater infrastructure must be designed and constructed prior to the commencement of the use.

Engineering plans and computations prepared by a suitably qualified and experienced civil engineer must be submitted to and approved by Council prior to commencement of work. The plans must include:

1. Plan and sectional views of the proposed stormwater infrastructure.
2. Finished surface contours of the proposed new pavement areas ensuring that all low points are adequately drained.
3. Longitudinal section and cross sections of the 1% AEP flow path.
4. Pavement design in accordance with the Austroads Guide to Pavement Technology.
5. Construction management plan that incorporates contingency measures to be implemented in the event of a significant storm occurring during replacement of the 600mm stormwater main.

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

*Advice:*

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

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw6

All stormwater from the proposed development must be discharged to the Council's stormwater 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.

Design drawings of the proposed connections to Council's stormwater infrastructure, prepared by a suitably experienced civil engineer, must be submitted to and approved by Council prior to the commencement of work. The design drawings and calculations must include:

1. Details of the proposed methods of connection.
2. Existing and proposed invert and finished surface levels, structure sizes and specifications etc.
3. A clear delineation between public and private drainage infrastructure where applicable.

All work required by this condition must be undertaken in accordance with the approved design drawings and the current standards and specifications of the City of Hobart.

*Advice:*

- *The applicant is advised to submit detailed design drawings as part of their [Plumbing Permit Application](#). If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to obtain a plumbing permit for the works.*

Reason for condition

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

ENG 3a

The vehicular access and parking module (parking spaces, aisles and manoeuvring area) for the proposed car park off of Castray Esplanade must be designed and constructed generally in accordance with Australian Standard AS/NZS2890.1:2004 and AS/NZS2890.6:2009, or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use. A turning area must be provided to ensure vehicles can exit the car park in a forward direction.

*Advice:*

- *It is advised that the designer consider left hand exit only from the Castray Esplanade car park access.*

Reason for condition

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

ENG 1

The cost of repair of any damage to the Council's 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'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.

ENG s1

Prior to the commencement of works, detail drawings of the proposed works within the highway reservations must be submitted to and approved by the Council's Director City Infrastructure. The detail drawings must include a street lighting design, tree planting details, location of new and existing infrastructure and ownership of infrastructure. All road infrastructure drawings are to be designed by a suitably qualified and experienced person in accordance with the Institute of Public Works Engineering Tasmanian Standard Drawings and Guidelines, the Department of State Growth Specifications, street lighting to AS/NZS 1158 series and all other relevant standards, guidelines and procedures.

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

*Advice:*

- *Once the detail drawings have been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *The street lighting must be provided in accordance with the requirements of TasNetwork and the City.*
- *Speed humps will require the approval of State Growth to be obtained by the developer.*

Reason for condition

To ensure works are undertaken in accordance with Council requirements.

ENG s2

Prior to the issue of a completion certificate, as constructed drawings and specifications for infrastructure within the highway reservations must be submitted to the City to the satisfaction of the Director City Infrastructure which includes detail electrical plans.

Reason for condition

To ensure works are undertaken in accordance with Council requirements.

ENV 1

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

*Advice: For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).*

Reason for condition

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

HER 12

The rocks and stonework that forms the boundary edge of the Parliamentary Gardens must be protected and conserved during the approved construction.

Prior to the issue of any approval under the *Building Act 2016*, documentation must be submitted and approved which details how the rocks and stonework are to be protected during construction process in accordance with the above requirement.

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

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.

## HER 6

The Statement of Archaeological Potential and Archaeological Method Statement produced by Praxis Environment dated August 2018 shall be implemented in full in accordance with the recommendations of the report.

Within the Zones identified as being of medium to high potential, all onsite excavation and disturbance must be conducted and monitored by a suitably qualified archaeologist. All and any recommendations made by the archaeologist engaged in accordance with above must be complied with in full; and all features and/or deposits discovered must be reported to the Council within 2 working days of the discovery; and a copy of the archaeologists advice, assessment and recommendations obtained in accordance with above must be provided to Council within 5 working 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 18

All trees within the boundary of the site, or within 10 metres of the extent of the works except those already approved for removal must be protected throughout excavation and post construction.

A report must be submitted for approval prior to the commencement of work. The report must:

1. Be prepared by a suitable qualified person; and
2. Show all tree protection zones and relevant measures specified under Section 3 Determining the Protection Zones of the Selected Trees, Section 4 Tree Protection Measures and Section 5 Monitoring and Certification of AS4970-2009 Protection of trees on development sites, around (tree details).

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

*Advice:*

- *Once the report has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure that significant trees are not unnecessarily destroyed and are managed in a way that maintains their health and appearance.

## 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 PLANNING

As 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 services e-planning](#)

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.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied). Detailed instructions can be found [here](#).

## CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

## BUILDING PERMIT

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

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

## PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

## WASTE DISPOSAL

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

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

## DIAL BEFORE YOU DIG

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

## **Delegation: Council**

Supplementary item 12 was then taken.

## BRISCOE

That Councillor Dutta be co-opted to the Committee.

MOTION CARRIED

## VOTING RECORD

### AYES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis

### NOES

## 7.2 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

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Mr Graham Vertigan (Representor) addressed the Committee in relation to item 7.2.1.

Mr David Menzies of M2Architecture, Ms Jacqui Blowfield of Ireneinc and Ms Lei Lei (Applicant) addressed the Committee in relation to item 7.2.1.

### 7.2.1 35 Derwentwater Avenue, Sandy Bay - Subdivision (Boundary Adjustment) and Multiple Dwellings PLN-18-103 - File Ref: F18/143098

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BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 20 July 2018, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Dutta
Briscoe	
Denison	
Behrakis	

#### COMMITTEE RESOLUTION:

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for subdivision (boundary adjustment) and multiple dwellings at 35 Derwentwater Avenue, Sandy Bay for the reasons outlined in the officer's report attached to item 7.2.1 of the Open City Planning Committee agenda of 10 December 2018, 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-18-103 - 35 DERWENTWATER AVENUE SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/00290-HCC as amended 25/9/2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

The approved boundary adjustment must be completed prior to the issue of any consent under the *Building Act 2016* for the multiple dwellings also approved by this permit. Confirmation that titles have been issued for lots that are substantially in accordance with the approved boundary adjustment must be provided with any application or notification under the *Building Act 2016* for the multiple dwellings (including for low or medium risk work).

Reason for condition

To ensure that the residential density of the development is consistent with this approval.

ENG sw2.1

The Council's stormwater infrastructure within the subject site must be protected from damage during the construction of the development.

Digital copies of pre-works CCTV video and report of the Council stormwater infrastructure must be undertaken and submitted to Council:

1. Prior to commencement of works on site for any part of main which will not be replaced, and
2. The issue of Certificate of Practical Completion of the new section of main (taken no more than one month earlier).

The pre and post-construction CCTVs 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 pre construction CCTV video of the Council's infrastructure, then any damage to the Council infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.

Reason for condition

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

ENG sw2.2

The Council's stormwater infrastructure within the subject site must be protected from damage during the construction of the development. Digital copies of a post-construction CCTV video and report of the Council stormwater infrastructure must be undertaken and submitted to Council prior to first occupancy of the development.

The pre and post-construction work CCTVs will be relied upon to establish the extent of damage caused to the Council's stormwater infrastructure during construction.

In the event that the owner fails to provide to the Council a pre-construction works CCTV video of the Council's stormwater infrastructure, then any damage to the Council infrastructure identified in the post construction CCTV will be deemed to be the responsibility of the owner.

*Advice: Due to the diameter of the main, a tractor camera will be required to obtain adequately clear footage.*

Reason for condition

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

ENG sw3

The proposed works (including fill, balustrades, retaining walls, footings and deck) must be designed to ensure the long term protection of and access to the Council's stormwater infrastructure and the overland flow path. The main must be diverted clear of the proposed building.

Detailed engineering design must be submitted and approved prior to issue of any consent under the *Building Act 2016* or commencement of works (whichever occurs first).

The detailed design must:

1. Demonstrate how the design will maintain the overland flow path, provide adequate access to the main, impose no additional loads onto the main and that the structure will be fully independent of the main and its trenching.
2. Include cross-sections clearly showing the relationship both vertically and horizontally between Council's stormwater infrastructure and the proposed works (including footings), and stating the minimum setbacks from the works to the nearest external surface of the main.
3. Include a long-section of Council's stormwater main clearly showing proposed cover.
4. Be certified by a suitably qualified engineer.

Prior to issue of first occupancy of the development, a suitably qualified engineer must confirm the installation of the works within five metres of Council's stormwater is in accordance with the approved drawings and complies with this condition. Should any remediation works be required, these must be carried out at the developer's cost.

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

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

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

Reason for condition

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

ENG sw5

The new public stormwater system (piped main and overland flow path) must be constructed prior to issue of any completion certificate, and the redundant section be abandoned and removed, at the owner's cost.

Engineering design drawings must be submitted and approved, prior to commencement of work or issue of any consent under the *Building Act 2016* (whichever occur first). The engineering design drawings must:

1. Be certified by a qualified and experienced engineer.
2. Show in both plan and long-section the proposed stormwater main, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements, headwalls and inspection openings.
3. Show in plan and cross-section a defined overland flow path contained wholly within the drainage easement and with a maximum water level at least 300mm below the proposed floor level of habitable rooms on lot 3.
4. Show any alterations proposed to the headwall and adequate scour/ erosion control.

5. Include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP flows as at 2100 (i.e including climate change loading) from a fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP flows from a fully-developed catchment.
6. Clearly distinguish between public and private infrastructure.
7. Clearly state any maintenance requirements of the overland flow path.
8. Be substantially in accordance with the LGAT drawings.

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

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

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

*Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to obtain a Permit to Construct Public Infrastructure. A maintenance period of 12 months, and maintenance bond of 5% of the value of the works or \$3000 (whichever is greater) will be required.*

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw6

All stormwater from the proposed development (including hardstand runoff) must be discharged to the Council's stormwater infrastructure with sufficient receiving capacity prior to first occupation. All costs associated with works required by this condition are to be met by the owner.

Design drawings and calculations of the proposed stormwater drainage and connections to the Council's stormwater infrastructure must be submitted and approved prior to the commencement of work. The design drawings and calculations must:

1. Be prepared by a suitably qualified person; and
2. Demonstrate no increase in flows to the minor watercourse; and
3. Include sufficient levels and grades to the point of discharge to demonstrate that all stormwater practicable is drained to the approved connections via gravity.

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

*Advice: The applicant is advised to submit detailed design drawings and calculations as part of their [Plumbing Permit Application](#). If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to obtain a plumbing permit for the works.*

Reason for condition

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

ENG sw7

Stormwater pre-treatment and detention for stormwater discharges from the development must be installed prior to first occupation of the development.

A stormwater management report and design must be submitted and approved, prior to commencement of work or issue of any approval under the *Building Act 2016* (whichever occurs first). The stormwater management report and design must:

1. Be prepared by a suitably qualified engineer.
2. Include detailed design of the proposed treatment train, including final estimations of contaminant removal.
3. Include detailed design and supporting calculations of the detention tank, sized such that flows from lot 3 are limited to the receiving capacity of the kerb and gutter. All assumptions must be clearly stated.
4. Provide maximum discharge rates to the minor watercourse for lots 1 and 2, such that there would be no increase in flows from the developed site up to 5% AEP storm events.
5. Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

*Advice: Once the stormwater management report and design has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)*

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

Reason for condition

To avoid the possible pollution of drainage systems and natural watercourses, to comply with relevant State legislation, and to ensure the development's stormwater system takes into account limited receiving capacity of Council's infrastructure.

ENG 2a

Vehicular barriers compliant with the Australian Standard AS1170.1 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

*Advice:*

- *Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.*
- *Designers are advised to consult the [National Construction Code 2016](#) to determine if pedestrian handrails or safety barriers compliant with the NCC2016 are also required.*

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

ENG 2b

A certified vehicle barrier design (including site plan with proposed location(s) of installation), prepared by a suitably qualified Engineer, compliant with Australian Standard AS1170.1, must be submitted to Council prior to the issue of any approval under the *Building Act 2016*, or the commencement of works on site. All works, required by this condition must be undertaken in accordance with certified design.

*Advice:*

- *Once the certification has been accepted, Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

ENG 2c

Prior to first occupation of the development, vehicular barriers must be inspected by a qualified engineer and certification submitted to Council confirming that the installed vehicular barriers comply with the certified design and Australian Standard AS1170.1.

*Advice: Once the certification has been accepted, Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the relevant standards.

ENG 3c

The access driveway(s), circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the Aldanmark design drawings (17E99-250) submitted to the Council on the 8th June 2018.

Prior to first occupation of the development, documentation by a suitably qualified engineer certifying that the access driveway and parking module has been constructed in accordance with the above drawings must be lodged with Council.

*Advice: Certification may be submitted to Council as part of the Building Act 2016 approval process or via condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

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

ENG 9

All car parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers, prior to the first occupation.

Reason for condition

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

ENG 11

Prior to the commencement of the use, the proposed crossover to the Derwentwater Avenue highway reservation must be designed and constructed in general accordance with:

1. Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing; and
2. Footpath - Urban Roads Footpaths TSD-R11-v1.

Reason for condition

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

ENG 1

The cost of repair of any damage to the Council's infrastructure or the minor watercourse 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. Any damage must be immediately reported to 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, watercourse, 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.

ENG 10

The front fencing and gate at Derwentwater Avenue must allow adequate sight distance between user vehicles, cyclists and pedestrians.

Amended drawings must be submitted and approved, prior to the commencement of work. The amended drawing must demonstrate how the fence either side of the driveway/s provides for adequate sight distance between user vehicles, cyclists and pedestrians by one of the following methods:

1. Compliance with Australian/NZ Standard, Parking facilities Part 1: Off- street car parking AS/NZS 2890.1: 2004 Fig 3.3;
2. Increasing the gate width of the driveway(s) to 5m; or
3. Increasing the transparency of fencing for at least 1m on each side of driveway/s so that those sections of fencing are largely transparent; or

4. Setting driveway(s) gates back 1m from front fence line to achieve increased sight lines.

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

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

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

Reason for condition

To ensure the safety of vehicles entering and leaving the development and of pedestrians and traffic in the vicinity.

ENV 2

Sediment and erosion control measures, sufficient to prevent sediment 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 prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

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).*

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

Reason for condition

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

HER 18

The following trees #1, #2, #3, #4, #5, #6, #7, #8, #11, #14, #17 and #18, as shown on the submitted plans (Landscape Plan Drawing No. 102 Revision D, dated 27/09/2018 and Existing + Demolition plan, No. 200, Revision C, dated 18/09/2018) must be protected throughout excavation and post construction.

Prior to the issuing of any approval under the *Building Act 2016*, a report and/or plan must be submitted and approved and it must:

1. Be prepared by a suitable qualified person.
2. Show all tree protection zones and relevant measures specified under Section 3 Determining the Protection Zones of the Selected Trees, Section 4 Tree Protection Measures and Section 5 Monitoring and Certification of AS4970-2009 Protection of trees on development sites, including fencing and appropriate signage around the above numbered trees.
3. Outline all works necessary to ensure the longevity, health and vigour of these trees.

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

Reason for condition

To ensure that development is undertaken in a sympathetic manner which does not cause loss of heritage values.

#### SURV 1

The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.

Reason for condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

#### SURV 2

The final plan and schedule of easements must be submitted and approved in accordance with section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

Reason for condition

To ensure that the subdivision/boundary adjustment is carried out in accordance with the Council's requirements under the provisions of Part 3 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

#### SURV 3

The final plan and schedule of easements must be submitted and approved under section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

The final plan and schedule of easements must provide easements to the satisfaction of the Council:

1. Over any proposed or existing stormwater, water or sewer infrastructure (including mains, branches and headwalls) passing through the lots on the final plan, in favour of the Hobart City Council and/or TasWater (minimum width of 2m, or 3m if they cover two pipes).

2. Over any existing or proposed private rights of way, drainage and/or service easements in favour of the lots they are required to serve.
3. Over any existing or proposed overland flow paths in favour of the Hobart City Council.

*Advice: Drainage easement widths for public stormwater should be in general accordance with those specified in the LGAT/IPWEA Tasmanian Subdivision Guidelines 2013, and extend a minimum of one metre from the outside of the infrastructure.*

Reason for condition

To ensure that there are no impediments to the provision of public and private services and access to the lots and the subdivision/boundary adjustment is carried out in accordance with the Council's requirements under the provisions of Part 3 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

SURV 13

The final plan is to be notated in accordance with the provisions of section 83(7) (b) of the *Local Government (Building & Miscellaneous Provisions) Act 1993* to the effect that the Tasmanian Water and Sewerage Corporation cannot provide a means of gravity reticulated sewerage disposal from lots 2 and 3 below a specified reduced level.

The final plan must be submitted for approval by the Council.

The final plan must be notated to the satisfaction of the Council.

The specified reduced level that may be required is to be provided by the owner's Registered Land Surveyor who must supply the invert level (on State Datum) of the sewer connections constructed to serve Lots 2 and 3.

Reason for condition

To ensure that the limitation in TasWater's ability to provide a means of gravity reticulated sewerage disposal from Lots 2 and 3 is noted on the final plan.

## ENG 14

Services to each lot must be designed and installed to meet the needs of future development, prior to the sealing of the final plan.

Detailed engineering drawings must be submitted and approved prior to commencement of work on the site. The engineering drawings must:

1. Be prepared by a suitable qualified person and experienced engineer.
2. Be generally in accordance with LGAT - IPWEA -Tasmanian Standard Drawings and Subdivision Guidelines 2013.
3. Clearly distinguish between public and private infrastructure.
4. Include indicative long-sections of the proposed connections clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure. Connections must be free-flowing gravity.
5. Show the proposed location, size and design of each lot connection such that the majority of the lot can be adequately and economically drained, bearing in mind the limited receiving capacity of the public infrastructure.
6. Show the the existing private stormwater detention for lot 1 to be relocated such that it is within the revised lot boundary and upstream of the public connection.
7. Show all existing connections for the Lots as to be abandoned at the owner's cost.
8. Any connections to the open watercourse must have adequate scour and erosion control.

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

*Advice: Once the engineering drawings have been approved the Council will issue a condition endorsement. Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to obtain a Permit to Construct Public Infrastructure and an application for new stormwater connection. Please note consent under the Building Act may be required for any private plumbing work.*

Reason for condition

To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.

Part 5 1

Prior to the Council sealing the final plan of survey for the approved boundary adjustment, the owner(s) of the property must enter into an agreement with the Council pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* with respect to the following issues:

- Building over Council's stormwater main. The owner of lot 3 must agree to:
  - Indemnify Council against any costs or claims arising from building over the Council's stormwater main or for damages incurred in the act of performing operation, maintenance, or replacement tasks on the stormwater main;
  - Not perform any future works to any structures within 1m of the main, including replacement of footings without written permission from Council;
  - Dismantle/ replace the structures at the owner's cost at Council's request to allow free access to Council's infrastructure;
- The limited receiving capacity of Council's stormwater system:
  - The owners of lot 1 and lot 3 must agree to the ongoing compliance with the approved stormwater management plan for the detention systems of lot 1 and lot 3;

- The owners of lots 1, 2 and 3 must agree to limit discharges into the piped minor watercourse passing through the site to pre- development flows to the worst case 5% AEP event;
- The overland flow path through the site. The owners of the relevant lots must agree:
  - to maintain all approved flood mitigation measures including maintaining the capacity of the defined overland flow path through the relevant Lots, and,
  - not without the written consent of the Hobart City Council to erect or permit to be erected any building or structure or carry out any landscaping that may change the contours of the land or restrict the free flow of water over the defined overland flow path.
- Multiple dwellings on lot 3:
  - That lot 3 is designated for multiple dwelling use and development only.

All costs for the preparation and registration of the Part 5 Agreement must be met by the owner.

The owner must comply with the Part 5 Agreement which will be placed on the property title.

*Advice: For further information with respect to the preparation of a Part 5 Agreement please contact Council's Development Engineering Staff.*

Reason for condition

To ensure that the development does not increase risk to the property or third-party land and to clarify the intended future use and development of the lot and to ensure compliance with the requirements of Table 10.1 of the *Hobart Interim Planning Scheme 2015* with regard to acceptable lot size.

SUB s1

An amendment to Sealed Plan 134495 under section 103 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* to delete the necessary portions of the Drainage Easement 0.91 wide and the Drainage Easement 3.00 wide and variable width from the sealed plan is to be submitted to Council and approved concurrently with the final plan of survey.

Reason for condition

To ensure that the easements are not brought forward to burden the lots in the subdivision.

SUB s2

Private sewer, stormwater (including surface drainage) and water services/connections must be entirely separate to each lot and contained wholly within the lots served.

The developer must verify compliance of the Separation of Services by supplying the Council with an as-installed Services Plan prior to the sealing of the final plan. The plan must:

1. Clearly indicate the location and details of all relevant services (entirely contained within their respective lots); and
2. Be accompanied by certification from a suitably qualified person that all engineering work required by this permit have been completed.

*Advice: Once the as-installed Services Plan has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)*

*Any final plan submitted for sealing will not be processed unless it is accompanied by documentation by a qualified person that clearly certifies that this condition has been satisfied and that all the work required by this condition has been completed. A "qualified person" must be a Professional Engineer or Professional Surveyor or other persons acceptable to Council.*

Reason for condition

To ensure that each lot is serviced separately.

#### 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 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 services e-planning](#)

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.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied). Detailed instructions can be found [here](#).

#### 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.

## OCCUPATION OF AND WORKS IN THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction (e.g. placement of skip bin, crane, scissor lift etc). Click [here](#) for more information.

You may require a road closure permit for construction. Click [here](#) for more information.

You will require a Permit to Open Up and Temporarily Occupy a Highway for any work in the road reserve. Click [here](#) for more information.

## BUILDING OVER AN EASEMENT

In order to build over the service easement, you will require the written consent of the person on whose behalf the easement was created, in accordance with section 74 of the *Building Act 2016*.

## PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You will require a permit to construct public infrastructure, with a 12 month maintenance period and bond. Please contact the Hobart City Council's City Infrastructure Division to initiate the permit process.

## NEW SERVICE CONNECTION

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

## WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By law. Click [here](#) for more information.

## DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

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.

## ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. Click [here](#) for more information.

## 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. Click [here](#) for more information.

## 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.

## ENGINEERING APPROVAL FEE

Prior to the issue of Council approved drawings or commencement of work on site (whichever occurs first), an engineering fee in accordance with Council's Fees and Charges 2018-2019, must be paid to the Council to meet the cost of processing and approving the engineering aspects of the working drawings and on-site inspections. This fee is additional to building and plumbing fees charged under the Building and Plumbing Regulations.

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

## SUBDIVISION ADVICE

For information regarding standards and guidelines for subdivision works click [here](#). All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.

### Attachments

A Deputation Documentation - Mr Graham Vertigan ⇨

### Delegation: Council

Supplementary item 13 was then taken.

### 7.2.2 12 Montrivale Rise, Dynnyrne - Subdivision (One Additional Lot) PLN-18-408 - File Ref: F18/143828

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#### DENISON

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 28 November 2018, be adopted.

#### MOTION CARRIED

#### VOTING RECORD

##### AYES

Briscoe  
Denison  
Behrakis

##### NOES

Deputy Lord Mayor Burnet  
Dutta

### COMMITTEE RESOLUTION:

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for subdivision (one additional lot) at 12 Montrivale Rise, DYNMYRNE for the reasons outlined in the officer's report, attached to item 7.2.2 of the Open City Planning Committee agenda of 10 December 2018, 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 Application Document PLN-18-408 - 12 MONTRIVALE RISE DYNMYRNE TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01055-HCC dated 02/07/2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw3

A recorded CCTV inspection and associated report of any new public stormwater infrastructure, must be undertaken within 1 month from completion of the 12 month maintenance period. In the event the CCTV or report identifies remedial work is required, such work must be undertaken within 30 days at the owners cost.

*Advice: Upon the expiry of the 12 month maintenance period, please contact the Council to arrange inspection.*

Reason for condition

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

ENG sw4

The proposed lot must be drained to Council infrastructure. Any new stormwater connection(s) required must be constructed, at the owner's expense prior to sealing of the final plan.

Detailed design drawings showing both existing and proposed services must be submitted and approved, prior to commencement of work. The detailed design drawings must include:

1. Show the proposed location of lot connection such that the majority of the lot, including the driveway, can be adequately and economically drained.
2. Long-sections of the proposed connection clearly showing any nearby services, cover, size, material and delineation of public and private infrastructure.
3. The final Lot boundaries, with each Lot serviced separately by Council infrastructure and all private plumbing contained within each Lot.
4. Specify lot connection sizes appropriate for the developable area of each lot.
5. Ensure provision is made for the lots to be developed to their maximum future potential.
6. Be checked and certified by a qualified and experienced engineer.

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

*Advice:*

- *Once the detailed design drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement)*
- *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.*
- *Note that the lots will also require adequate water and sewer service connections to TasWater mains/systems. The Services Plan must clearly show the existing/ proposed water, sewer and stormwater service connections for each lot. Check the TasWater conditions located in the Appendix.*
- *Consideration must be given to the location of stormwater connections: these should be positioned at the most practicable location to adequately and economically drain the majority of the lot including the driveway*

Reason for condition

To ensure the site is drained adequately.

ENG sw5

The new stormwater infrastructure must be constructed prior to the sealing of the final plan.

Engineering design drawings must be submitted and approved, prior to commencement of work. The engineering drawings must:

1. Be certified by a qualified and experienced engineer.
2. Show in both plan and long-section the proposed stormwater mains, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements and inspection openings.
3. Include the associated calculations and catchment area plans. The stormwater system (including defined overland flow paths) must cater for all 1% AEP flows as at 2100 (i.e including climate change loading) from a fully developed catchment. The main itself must be sized to accommodate at least the 5% AEP flows from a fully-developed catchment.
4. Clearly distinguish between public and private infrastructure.
5. Be substantially in accordance with the LGAT drawings.

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

*Advice:*

- *Once the engineered drawings has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to obtain a Permit to Construct Public Infrastructure.*

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG 1

The cost of repair of any damage to the Council's 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'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.

ENG s1

Prior to the sealing of the final plan, private sewer, stormwater and water services/connections must be entirely separate to each lot and contained entirely within the lots served.

The developer must verify compliance of the separation of services by supplying the Council with an as-built services plan, clearly indicating the location and details of all relevant services, prior to the sealing of the final plan.

The services plan must be accompanied by certification from a suitably qualified person that all engineering work required by this permit has been completed.

*Advice: Any final plan submitted for sealing will not be processed unless it is accompanied by documentation by a qualified person that clearly certifies that this condition has been satisfied and that any work required by this condition has been completed. A “qualified person” must be a Professional Engineer or Professional Surveyor or other persons acceptable to Council.*

Reason for condition

To ensure that each lot is serviced separately and that the Developer provides the Council with clear written confirmation that the separation of services is complete.

ENV 8

Prior to sealing the final plan a Part 5 Agreement pursuant to section 71 of the *Land Use Planning and Approvals Act 1993* must be entered into that:

Landslide:

1. Requires the owner(s) of Lot 32 to implement the recommendations in Table 3.3 of Attachment 3 and the good hillside engineering practices specified in Attachment 4 of the Landslide Risk Management Report by William C Cromer Pty Ltd dated 6 September 2018, unless the written consent of the Planning Authority is obtained; and
2. Includes a copy of the Landslide Risk Management Report as an attachment to the Agreement.

Bushfire:

1. Requires the owner(s) of the balance lot to allow the owners (or agents of the owners) of Lot 32 to implement and maintain a bushfire hazard management area on the balance lot in accordance with a certified bushfire hazard management plan for an approved dwelling on Lot 32 to achieve separation distances necessary for BAL-19 in accordance with AS3959 – Construction of buildings in bushfire-prone areas, to a maximum distance of 7m east of the eastern boundary of Lot 32 and 13.5m from the southern boundary of Lot 32, unless the written consent of the Planning Authority is obtained; and

2. Prohibits the placement or construction of fencing, buildings, landscaping or other obstacles that may significantly obstruct the lay of a fire hose in the area designated on the submitted bushfire hazard management plan by Tasman Property Services dated 1 August 2018, unless the written consent of the Planning Authority is obtained; and
3. Includes a simple plan showing the approximate location of the allowable hazard management area zone and area to be kept free of obstructions. The applicant is responsible for preparation of the plan showing the allowable hazard management area zone and area to be kept free of obstructions.

The Agreement must be registered on the Title of Lot 32 at the time of issue. The Planning Authority will have its solicitors prepare the Agreement for signing by the property owner(s). The Planning Authority will then lodge the Agreement with the Lands Titles Office. The cost of preparing the Agreement and registration with the Land Titles Office is to be met by the applicant.

*Advice: Please note that landslide risk management and bushfire risk management requirements of this permit may be addressed by a single Agreement. Please contact the Environmental Development Planner on 6238 2715 to initiate the Part 5 Agreement process.*

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides and bushfire

ENV 9

No clearing or modification of vegetation within the Biodiversity Protection Area specified in the *Hobart Interim Planning Scheme 2015* is approved under this permit.

Reason for condition

To clarify the scope of the permit

## ENV 1

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

*Advice: For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).*

### Reason for condition

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

## ENV s1

The building envelope for the proposed balance lot shown on the proposed Plan of Subdivision by Cromer and Partners is not approved as a building area under this permit and must not be shown on the final plan.

### Reason for condition

To clarify the scope of the permit

## ENV s2

The building area and hazard management area for the balance lot are not approved under this permit.

### Reason for condition

To clarify the scope of the permit.

## SURV 1

The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.

Reason for condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

SURV 2

The final plan and schedule of easements must be submitted and approved in accordance with section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

Reason for condition

To ensure that the subdivision/boundary adjustment is carried out in accordance with the Council's requirements under the provisions of Part 3 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

SURV 3

The final plan and schedule of easements must be submitted and approved under section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

The final plan and schedule of easements must provide easements to the satisfaction of the Council:

1. Over any existing or proposed private rights of way, drainage and/or service easements in favour of the lots they are required to serve.
2. Over any existing, proposed or required private road embankments or private road batters in favour of the lots that require the easements.

Reason for condition

To ensure that there are no impediments to the provision of private services and access to the lots.

ENG 14

All lots shown on the final plan must be provided with adequate water, sewer and stormwater service connections.

Services to each lot must be designed and installed to meet the needs of future development, prior to the sealing of the final plan.

Engineering drawings of all required services must be submitted and approved prior to commencement of work on the site. The drawings must:

1. Be prepared by a suitable qualified person and experienced engineer; and
2. Be generally in accordance with LGAT - IPWEA -Tasmanian Standard Drawings and Subdivision Guidelines 2013.

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

Prior to the sealing of the final plan, a detailed *Services Plan* showing the existing services and accesses to all lots on the site must be submitted to Council.

*Advice:*

- *Once the for-construction engineering drawings have been approved the Council will issue a condition endorsement.*
- *Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to apply for new stormwater connection if required.*

Reason for condition

To ensure that the subdivision of land provides each lot with adequate services to meet the projected needs of future development.

ENG 15

All driveways subject to right of way access for the proposed Lot 32 must be designed and constructed to a sealed standard prior to the sealing of the final plan. This includes the existing driveway at 12 Montrivale Rise that leads up to the driveway to Lot 32. The sealed driveway must extend at least up to the boundary of Lot 32, but the driveway (sealed or unsealed) must also extend into the lot to provide practical access for construction vehicles.

Design drawings must be submitted and approved, prior to commencement of work. The drawings must:

1. Be in accordance with the Australian Standard Parking facilities, Part 1: Off-Street Carparking, AS 2890.1 – 2004;
2. Be prepared and certified by a suitably qualified professional.

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

*Advice: Once the design drawings 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 driveway for the development is constructed to ensure public safety standards.

OPS 1

The owner must pay a cash contribution to the Council for contribution to public open space, prior to sealing of the final plan.

The open space contribution is equal to 5% of the undeveloped value of 'Lot 32' comprised in the final plan, in lieu of the provision of public open space within the subdivision.

*Advice: The value is to be determined by a registered valuer commissioned by the Council at the developer's cost. A Cash in Lieu Valuation Request Form must be completed and returned to the Council to enable the valuation to be undertaken. The form can be downloaded [here](#).*

Reason for condition

Approval of the subdivision will create further demand upon Hobart's Public Open Space System. The funds obtained will be used for future expenditure on the purchase or improvement of land for public open space in Hobart.

## ADVICE

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

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

## CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

#### PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Infrastructure Division to initiate the permit process).

#### NEW SERVICE CONNECTION

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

#### 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](#).

#### SUBDIVISION ADVICE

For information regarding standards and guidelines for subdivision works click [here](#). All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.

#### PUBLIC OPEN SPACE - CASH IN LIEU REQUEST FORM

The form can be downloaded [here](#).

**Delegation: Committee**

**7.2.3 441 Macquarie Street, South Hobart - Alterations and Extension to Exhaust Stack**  
**PLN-18-538 - File Ref: F18/143118**

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BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 28 November 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Dutta

**COMMITTEE RESOLUTION:**

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for alterations and extension to exhaust stack at 441 Macquarie Street, South Hobart for the reasons outlined in the officer's report, attached to item 7.2.3 of the Open City Planning Committee agenda of 10 December 2018, 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-18-538- 441 MACQUARIE STREET SOUTH HOBART TAS 7004 - Final Planning Documents, except where modified below.

Reason for condition

To clarify the scope of the permit.

ADVICE

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

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

#### BUILDING PERMIT

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

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

#### PLANNING

The applicant is encouraged to design and locate the stack's guy-ropes in such a way as to minimise any visual impact they might cause for neighbouring properties, so far as practicable.

**Delegation: Committee**

## 8. REPORTS

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### 8.1 Local Government (Meeting Procedures) Regulations 2015 - Review of Meeting Times File Ref: F18/141707; 13-1-2

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#### PROCEDURAL MOTION

##### BRISCOE

That due to the absence of a member of the City Planning Committee, that the matter be deferred to the next ordinary meeting of the City Planning Committee meeting scheduled for Monday 14 January 2019 for determination.

MOTION CARRIED

#### VOTING RECORD

##### AYES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Dutta

##### NOES

**COMMITTEE RESOLUTION:**

That due to the absence of a member of the City Planning Committee, that the matter be deferred to the next ordinary meeting of the City Planning Committee meeting scheduled for Monday 14 January 2019 for determination.

**Delegation: Committee**

Item 8.3 was then taken.

Mr Brian Corr and Mr Peter Black of Hobart Not Highrise Inc addressed the Committee in relation to item 8.2.

**8.2 Central Hobart Building Height Standards Review Project -  
Proposed Planning Scheme Amendments  
File Ref: F18/137234; 17/167**

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**PROCEDURAL MOTION**

BEHRAKIS

- That: 1. The item be deferred for officers to further investigate ways to activate all areas around the city using height limits in conjunction with the *Housing and Homeless Strategy 2016-2019*; and
2. Further investigations be undertaken by way of an economic strategy to support the numbers recommended.

PROCEDURAL MOTION LOST

**VOTING RECORD**

AYES	NOES
Denison	Deputy Lord Mayor Burnet
Behrakis	Briscoe
	Lord Mayor Reynolds

LORD MAYOR REYNOLDS

That the recommendation contained in the report of the Manager Planning Policy and Heritage and the Director City Planning of 5 December 2018, be adopted, as amended by the words *subject to the following changes to Amendment PSA-18-4-7, for the reason that lesser maximum building height in these areas are more commensurate with the existing building heights and the heritage values and the need for greater pedestrian amenity through access to sunlight and reduced wind velocities:*

- (i) *The maximum height in Height Area 1 being 45m;*
- (ii) *The maximum height in Height Areas 2 and 3 being 24m;*
- (iii) *The maximum height in Height Area 4 being 21m.*
- (iv) *The maximum height in Height Areas 5 and 7 being 15m.*

be inserted after the word 1997 in clause 2.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Denison
Briscoe	Behrakis
Lord Mayor Reynolds	

**COMMITTEE RESOLUTION:**

- That: 1. The outcomes of Building Height Standards Review (L Woolley, 30 June 2018) report (Attachment A to item 8.2 of the Open City Planning Committee agenda of 10 December 2018.) be noted.
2. Pursuant to Section 34(1) (b) of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council resolve to initiate the amendments provided in Attachment B to item 8.2 of the Open City Planning Committee agenda of 10 December 2018, to the Hobart Interim Planning Scheme 2015 and the *Sullivans Cove Planning Scheme 1997* subject to the following changes to Amendment PSA-18-4-7, for the reason that lesser maximum building height in these areas are more commensurate with the existing building heights and the heritage values and the need for greater pedestrian amenity through access to sunlight and reduced wind velocities:
- (i) The maximum height in Height Area 1 being 45m;
  - (ii) The maximum height in Height Areas 2 and 3 being 24m;
  - (iii) The maximum height in Height Area 4 being 21m.
  - (iv) The maximum height in Height Areas 5 and 7 being 15m.
3. Pursuant to Section 35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council certify that the PSA-18-4 Amendment to the *Hobart Interim Planning Scheme 2015* and the PSA-18-1 Amendment to the *Sullivans Cove Planning Scheme 1997* meets the requirements of Section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993* and authorise the General Manager and the Deputy General Manager to sign the Instruments of Certification (Attachment I to item 8.2 of the Open City Planning Committee agenda of 10 December 2018).
4. Pursuant to Section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council place the PSA-18-4 Amendment to the *Hobart Interim Planning Scheme 2015* and the PSA-18-1 Amendment to the *Sullivans Cove Planning Scheme 1997* on public exhibition for a 28 day period following certification.

**Delegation: Council**

Supplementary item 11 was then taken.

**8.3 Monthly Building Statistics - 1 November 2018 - 30 November 2018**  
**File Ref: F18/143882**

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BEHRAKIS

That the recommendation contained in the memorandum of the Director City Planning of 5 December 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Dutta

**COMMITTEE RESOLUTION:**

That the information be received and noted:

The Director City Planning reports:

- A. 1. During the period 1 November 2018 to 30 November 2018, 61 permits were issued to the value of \$28,156,982 which included:
- (i) 26 for Extensions/Alterations to Dwellings to the value of \$4,921,043;
  - (ii) 13 New Dwellings to the value of \$6,284,275; and
  - (iii) 2 Major Projects:
    - a) 34 Davey Street, Hobart - Structural Work for Alterations & Additions (Hotel) - \$14,900,000;
    - b) 10 Stephanie Close, Sandy Bay - House - \$1,900,000;
2. During the period 1 November 2017 to 30 November 2017, 80 permits were issued to the value of \$20,005,503 which included:
- (i) 43 Extensions/Alterations to Dwellings to the value of \$6,009,550
  - (ii) 14 New Dwellings to the value of \$8,602,953; and

(iii) 3 Major Projects:

- a) 8 Wynyard Street - South Hobart - New Buildings and Structures 24 Units - \$5,000,000;
- b) 85-99 Collins Street, Hobart - Alterations, Internal Fit out (Harris Scarfe) - \$1,500,000;
- c) 6-8 Market Place, Hobart - Partial Demolition, Alterations and Additions (Carpark) - \$1,200,000;

- B. 1. In the twelve months ending 30 November 2018, 657 permits were issued to the value of \$521,629,783; and
2. In the twelve months ending 30 November 2017, 725 permits were issued to the value of \$252,139,593.

**Delegation: Council**

**8.4 City Planning - Advertising Report**  
**File Ref: F18/143904**

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DUTTA

That the recommendation contained in the memorandum of the Director City Planning of 5 December 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Dutta

NOES

**COMMITTEE RESOLUTION:**

That the information contained in the memorandum titled 'City Planning – Advertising Report' of 5 December 2018 be received and noted.

**Delegation: Committee**

**8.5 Delegated Decisions Report (Planning)**  
**File Ref: F18/144107**

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BRISCOE

That the recommendation contained in the memorandum of the Director City Planning of 5 December 2018, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Dutta

**COMMITTEE RESOLUTION:**

That the information contained in the memorandum titled 'Delegated Decisions Report (Planning)' of 5 December 2018 be received and noted.

**Delegation: Committee**

**9. QUESTIONS WITHOUT NOTICE**

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Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.  
File Ref: 13-1-10

**9.1 Alderman Behrakis - Proposed Mobile Phone Towers on Calvary Hospital**  
**File Ref: 13-1-10**

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Question: Could the Director please advise as to whether the proposed mobile phone towers to be installed atop of the Calvary Hospital site in Lenah Valley will require a development application to be submitted?

Answer: The Director City Planning advised that the mobile phone towers to be installed on the roof of the Calvary Hospital site in Lenah Valley would not require a development application as it is deemed as a low impact facility.

**9.2 Deputy Lord Mayor Burnet - Applications for Extended Hours of  
Licenced Premises  
File Ref: 13-1-10**

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Question: Due to the recent increase of applications seeking extended trading hours for licenced premises in the vicinity of the CBD, could the Director please advise what if any consultation is being undertaken with licensees, community assistance groups and the Council?

Answer: The Director City Planning advised that he would take the question on notice for the Acting Associate Director Community and Culture Division as it is of his understanding that regular stakeholder meetings are taking place and the Acting Director will be able to provide an update on how anti-social behaviour together with other issues are being addressed, especially in Despard Street.

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**10. CLOSED PORTION OF THE MEETING**

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DUTTA

That the Committee 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:

- Confirmation of the closed minutes;
- Questions without notice in the closed portion.

The following items were discussed:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Consideration of supplementary items to the agenda
Item No. 3	Indications of pecuniary and conflicts of interest
Item No. 4	Questions Without Notice

MOTION CARRIED

VOTING RECORD

AYES  
Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Dutta

NOES

**Delegation: Committee**

## SUPPLEMENTARY ITEMS

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### APPLICATIONS UNDER THE SULLIVANS COVE PLANNING SCHEME 1997

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Mr Stephen Block (Representor) addressed the Committee in relation to supplementary item 11.

Mr Dean Coleman, Managing Director of Solutionswon Group Pty Ltd and Mr Mat Clark of JMG Engineers and Planners addressed the Committee in relation to supplementary item 11 on behalf of the Applicant.

**11. 20 Runnymede Street, Battery Point and Adjacent Road Reserve - Partial Demolition, New Building for Residential Hotel, Restaurant/Cafe, Unlisted Use (Bar) and Shops, Subdivision (One Additional Road Lot), Alterations to Carparking, and Associated Works in the Road Reserve  
File Ref: F18/145488**

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#### DENISON

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for partial demolition, new building for residential hotel, restaurant/cafe, unlisted use (bar) and shops, subdivision (one additional road lot), alterations to carparking, and associated works in the road reserve at 20 Runnymede Street and adjacent road reserve, Battery Point as the proposal subject to conditions will meet the objectives of the scheme and in particular the Urban Form Schedule, 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-18-351 - 20 RUNNYMEDE STREET 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 2018/00962-HCC dated 06/08/2018 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, THC Works Ref: 5626 dated 21 September 2018, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

Prior to the issue of any building approval under the *Building Act* 2016, revised plans to the satisfaction of the Council's Director City Planning must be submitted and approved showing:

1. A setback from Runnymede Street by 3m above the level of the podium;
2. A setback from Princes Park by 1.5m above the level of the podium;
3. Articulation to the blank southern wall facing up Runnymede Street by including a "green" wall in conjunction with additional architectural masonry features defining the building's floor levels and integrating with the existing 1970's hotel structure and 1840's building;
4. A significant shadow line on the Runnymede Street elevation;
5. Removal of the planters, mast details and cairn elements from the building;
6. A reduction of the bulk in the roof canopy design over the outdoor balcony area adjacent to Salamanca Place by reducing the parapet and central column's width/depth by 50% and using lightweight and transparent roofing materials; and
7. External materials and colour palette.

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

*Advice: Once the revised plans have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement). Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To clarify the scope of the permit and to ensure the building's built form and appearance is acceptable to satisfy the Conservation of Cultural Heritage Values and Urban Form Schedules of the *Sullivans Cove Planning Scheme* 1997.

ENG sw1

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

Reason for condition

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

ENG sw4

The development (including hardstand) must be drained to Council infrastructure. The new stormwater connection must be constructed, and any existing redundant connections be abandoned and sealed. The connection works must be done at the owner's expense prior to the first occupation. Detailed engineering drawings must be submitted and approved, prior to commencement of work or issue of consent under the *Building Act 2016* (whichever occurs first). The detailed engineering drawings must include:

1. The location of the proposed connections and all existing connections;
2. All practicable efforts to minimise number of connections for the site
3. The size and design of the connection such that it is appropriate to safely service the development; and
4. Long-section of the proposed connection clearly showing clearances from any nearby services, cover, size, material, boundaries and delineation of public and private infrastructure. Connections must be free-flowing gravity and clear of the building.

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

*Advice:*

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

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

Reason for condition

To ensure the site is drained adequately.

ENG sw7

Stormwater pre-treatment and reuse for stormwater discharges from the development must be installed prior to commencement of use /issue of a Certificate of Completion (whichever occurs first).

A stormwater management report and design must be submitted and approved, prior to commencement of work or issue of consent under the *Building Act 2016* (whichever occurs first). The stormwater management report and design must:

1. Be prepared by a suitably qualified engineer.
2. Include detailed design of the proposed treatment train and reuse, including final estimations of contaminant removal and reuse volumes.
3. Include treatment that achieves the State Stormwater Strategy targets from the development as a whole, and targets hydrocarbons and fine sediment from the basement carpark.
4. Include at minimum 3kL storage for landscape irrigation (or equivalent reuse), and investigation of additional reuse opportunities; and
5. Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; clean out procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

*Advice: Once the stormwater management report and design has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement). Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To perform best practice environmental management and to comply with relevant State legislation.

ENG tr1

Traffic management on-street and on-site (vehicular access, circulation roadways, ramps and parking module (car parking spaces and aisles)) must be installed prior to the commencement of the use.

Traffic management design drawing(s) of the proposed traffic management (including signage and linemarking), must be submitted and approved, prior to any approval under the *Building Act 2016*. The design drawing(s) and management plan must include but not be limited to:

1. On-street parking control signage on Salamanca Place Highway Reservation as shown on JMG drawings J153081PH C03 Rev E and C04 Rev C (or Council City Infrastructure approved alternative).
2. Signage at all Runnymede Street vehicular accesses indicating that bus access is limited to mini-buses (Medium Rigid Vehicles as defined in Australian Standards AS/NZS2890.2:2002).
3. Signage at Salamanca Place loading bay vehicular access indicating that commercial vehicle access is limited to the maximum vehicle size the loading bay is designed for.
4. Signage at Salamanca Place valet parking vehicular access indicating that parking is for valet parking only and that access for customers is from Runnymede Street.

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

*Advice:*

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

- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

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

ENG tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to any approval under the *Building Act 2016* (including demolition). The construction traffic and parking management plan must:

1. Be prepared by a suitably qualified person.
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.
3. Include a start date and finish dates of various stages of works.
4. Include times that trucks and other traffic associated with the works will be allowed to operate.
5. Nominate a superintendant, or the like, to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management plan.

*Advice:*

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

- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *It is noted that if the development is proposed to progress in stages, that a construction traffic and parking management plan may be submitted for just that stage which addresses the traffic and parking issues relevant to that particular stage.*

#### Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

#### ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

#### Advice:

- *The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.*
- *Designers are advised to consult the National Construction Code 2016 to determine if pedestrian handrails or safety barriers compliant with the NCC2016 are also required in the parking module this area may be considered as a path of access to a building.*

#### Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

#### ENG 3a

The vehicular access, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be generally designed and constructed in accordance with Australian Standards AS/NZS 2890.1:2004 (including the requirement for vehicle safety barriers where required).

The pickup / dropoff area at the hotel entrance accessed from Runnymede Street must be designed to comply with Australian Standards AS/NZS 2890.6:2009 Parking Facilities Part 6: Off-street parking for people with disabilities.

*Advice:*

- *It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*
- *Note that jockey parking in the Salamanca Place accessed basement parking area has been approved on the basis that this is for exclusively valet parking.*
- *Note that sight distances slightly lower than those required in the above Australian Standard have been approved in some instances.*

Reason for condition

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

ENG 4

The access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the commencement of use.

Reason for condition

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

ENG 5

The number of car parking spaces approved on the site is forty seven (47), which consists of:

1. Thirty four (34) valet hotel patron parking spaces within the Salamanca Place accessed basement car park.
2. Four (4) commercial tenant parking spaces within the Salamanca Place accessed basement car park.
3. Nine (9) hotel patron parking spaces within the Runnymede Street hotel entrance car parking.

All parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004, prior to commencement of use.

*Advice:*

- *The pickup / drop off area at the hotel entrance has space for an additional 3-4 cars to pickup or drop off guests.*
- *The basement car park has some void space which could be utilised for staff motorcycle or bicycle parking spaces. These additional spaces if included in the ultimate design would be considered to be substantially in accordance with this permit.*

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

ENG 1

The cost of repair of any damage to the Council's 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. Any damage must be immediately reported to 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.

ENG r1

The removal of the retaining wall within the highway reservation and Princess Park must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings and structural certificates of the return of the retaining wall within the Salamanca Place highway reservation must be submitted and approved, prior to any approval under the *Building Act 2016* and must:

1. Be prepared and certified by a suitable qualified person and experienced engineer;
2. Not undermine the stability of the highway reservation or Princess Park
3. Take into account and reference accordingly any Geotechnical findings
4. Detail any mitigation measures required
5. Detail the design and location of the return of the retaining wall
6. The structure certificated and/or drawings should note accordingly the above

All work required by this condition must be undertaken in accordance with the approved select design drawing and structural certificates.

*Advice:*

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

Reason for Condition

To ensure that the stability and integrity of the Council's highway reservation is not compromised by the development.

ENG r3

Prior to the commencement of use:

1. The proposed vehicular access crossover in the Salamanca Place highway reservation must be designed and constructed in general accordance with Commercial Urban- TSD-R09-v1 – Urban Roads Driveways and TSD R16-v1 Type KCR & B1 or Type KCRB & B1 and Footpath - Urban Roads Footpaths TSD-R11-v1.
2. The existing vehicular access crossover in the Runnymede Street highway reservation to be abandoned must be reinstated to match surrounding kerb and channel, and

3. The existing vehicular access crossover in the Runnymede Street highway reservation to be retained must be modified with proposed low kerb (barrier) extension.

Design drawings of the Salamanca Place vehicular access crossover must be submitted and approved prior to any approval under the *Building Act 2016*. The design drawing must:

- (i) Show the cross and long section of the driveway crossover within the highway reservation and onto the property,
- (ii) Detail any existing or new services or infrastructure (ie lights, pits, overhangs, retaining walls) at or near the proposed driveway crossover,
- (iii) Show swept path templates in accordance with AS/NZS 2890.1 2004 (B99 design template for valet parking and maximum size vehicle proposed to use the Loading Bay),
- (iv) Indicate how vehicles using the Loading Bay will be limited to this maximum size,
- (v) Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004, or as approved as part of this permit,
- (vi) 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, and
- (vii) 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 drawings.

*Advice:*

- *The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *It is noted that the Traffic Impact Assessment states the maximum vehicle using the loading bay will be a 'Special garbage truck'. Signage may be required to restrict larger vehicles from accessing the loading bay.*

#### Reason for Condition

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

#### ENG s2

Provide design drawings of the proposed kerb ramps in Salamanca Place and thus the changes to the parking sign(s) prior to the commencement of work. The design drawing must show the cross and long sections of the proposed kerb ramps and how they match into the existing footpath. The kerb ramps must be in generally accordance with TSD-R18-v1.

A parking plan showing existing parking signs and proposed new location of sign(s) to be approved by the City.

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

#### *Advice:*

- *Once the design drawing has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *A permit to open up and temporary occupy a highway will be required for works to occur along with approved plans.*

#### Reason for condition

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

#### ENG s3

Detail design drawings of the footpath levels and surface treatment along the full frontage of the development in Salamanca Place from the kerb to the building line must be submitted prior to the commencement of work.

The design drawing must show dimensions, location and the cross and long sections of the proposed footpath within the highway reservation (matching into the existing kerb and existing and new retaining walls) and within the property boundary up to the building line. The works must be in generally accordance with TSD-R11-v1.

The surface treatment must differentiate between the usable footpath and that solely for the development, meaning that outside the two tenancies that front the footpath a different pavement type with a header course should be used to align with the start of the steps and then match into the retaining wall along the driveway entrance.

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

*Advice:*

- *Once the design drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *A permit to open up and temporary occupy a highway will be required for works to occur along with approved plans.*

Reason for condition

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

ENV 2

An approved Construction Environmental Management Plan, prepared by suitably qualified persons, must be implemented.

A Construction Environmental Management Plan must be submitted and approved prior to the commencement of works and prior to the issue of any approval under the *Building Act 2016*.

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

1. Details of the proposed construction methodology and expected likely timeframes.
2. The proposed days and hours of work and proposed hours of activities likely to generate significant noise emissions (including volume and timing of heavy vehicles entering and leaving the site).
3. Details of potential environmental impacts associated with the development works including noise, vibration, erosion and pollution (air, land and water).

4. Details of proposed measures to avoid or mitigate to acceptable levels all identified potential environmental impacts during development works including, but not limited to:
  - i. A noise and vibration management plan generally consistent with AS 2436-2010 - *Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites and the Interim Construction Noise Guidelines* (NSW Department of Environment and Climate Change, July 2009) including, but not limited to:
    - (a) identification of potentially noisy or vibration-causing construction activities;
    - (b) procedures to ensure that all reasonable and feasible noise and vibration mitigation measures are applied during operation of the construction management plan; and
    - (c) details of monitoring measures and triggers for corrective actions.
  - ii. A soil and water management plan including, but not limited to:
    - (a) measures to minimise erosion and the discharge of contaminated stormwater off-site;
    - (b) measures to minimise dust emissions from the site;
    - (c) measures to manage the disposal of surface and groundwater from excavations; and
    - (d) measures to prevent soil and debris being carried onto the street.
5. Details of proposed responsible persons, public communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

The approved Construction Environmental Management Plan forms part of this permit and must be complied with.

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

#### Reason for Condition

To minimise the potential for environmental impacts from the construction works

## HER 6

All recommendations contained within the Praxis report - Conservation Policy & Heritage Impact Assessment Redevelopment of the front portion of Lenna 20 Runnymede Street HOBART, dated March 2017, must be followed to ensure that any significant heritage fabric on site is retained or documented appropriately.

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 7 days of the discovery; and
5. A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with paragraph (2) above must be provided to Council within 7 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 7

The trees immediately to the east of the site in the adjacent Princes Park must be protected throughout excavation and post construction.

A report must be submitted and approved prior to the commencement of work.

The report must:

1. Be prepared by a suitable qualified person; and
2. Show all tree protection zones and relevant measures specified under Section 3 Determining the Protection Zones of the Selected Trees, Section 4 Tree Protection Measures and Section 5 Monitoring and Certification of AS4970-2009 Protection of trees on development sites, around (tree details).

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

*Advice:*

- *Once the report has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure that significant trees are not unnecessarily destroyed and are managed in a way that maintains their health and appearance.

HER 8

The proposed cairn element, and the planter tubs along the western elevation of the ground floor, are not approved.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing the deletion of these elements in accordance with the above requirement.

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

Reason for condition

To ensure that the proposal does not mimic historic building forms thereby resulting in the loss of historic cultural heritage values.

HER 9

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing, to the satisfaction of the Council's Director City Planning:

1. The inclusion of windows and other modulation of the south facing wall adjacent to Runnymede Street; and
2. Details of proposed finishes and colours of the south facing wall.

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

Reason for condition

To ensure that the proposal does not have an adverse impact upon the aesthetic values of a heritage place, and the streetscape generally.

OPS 1

The title boundary shared between the Council' neighbouring land and the applicant's property must be clearly marked by the owner on the ground before any works commence.

Reason for condition

To protect the values of the Council's neighbouring reserve Princes Park.

OPS s2

The existing boundary fence located between 20 Runnymede Street and Princes Park is to be maintained through demolition, construction and occupation to protect the parks values and vegetation.

If the boundary fence is damaged it is to be replaced at the developers cost to its current form and scale.

*Advice: Princes Park is protected by Council's Public Spaces By-Law 2018 which protects vegetation from damage or removal and the park from encroachment. Penalties apply for breaching the by-law.*

*Reason for condition*

*To protect the values of the Council's neighbouring reserve Princes Park.*

SURV 1

The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.

Reason for Condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

## SURV 2

The final plan and schedule of easements to facilitate the proposed widening of the footpath and dedication of land within the development site adjacent to Salamanca Place as public road must be submitted and approved in accordance with section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. This final plan must also include the balance of the land comprised in Certificates of Title 52051/1 and 206692/1 (excluding the road lot) as a single lot on the final plan.

### Reason for Condition

To ensure that the subdivision is carried out in accordance with the Council's requirements under the provisions of Part 3 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* and that the road is dedicated as public road under section 95 of the Act.

## SURV 5

The proposed road lot to facilitate the widening of the footpath in Salamanca Place is to be transferred in fee simple to the Council at nominal consideration.

Prior to the sealing of the final plan an executed and stamp duty assessed Land Titles Office transfer instrument is to be forwarded to the Council together with a cheque made payable to the Land Titles Office for the associated Land Titles Office registration fees.

### Reason for Condition

To ensure that title to the proposed road lot issues in the Council.

## SUB s1

The titles for the road lot and the lot comprising the balance of the land in Certificates of Title 52051/1 and 206692/1 (excluding the road lot) must have issued prior to the issue of any building consent, building permit (including demolition) and / or plumbing permit pursuant to the *Building Act 2016* (if applicable), or the commencement of works on site (whichever occurs first).

### Reason for condition

To ensure compliance with statutory provisions

## PLN s1

All plant associated with elevators for the proposed new building must be contained within the roof form of the building, with no 'overrun' outside of the roof structure.

Prior to the issue of any approval under the *Building Act 2016* (excluding demolition), plans must be submitted and approved showing that the elevator overrun is contained within the proposed roof form.

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

Reason for condition

To ensure that the built form is consistent with the built form provisions of the *Sullivans Cove Planning Scheme 1997*.

PLN s2

The proposed green wall is to be installed with suitable automated irrigation, prior to the commencement of the use, and is to be retained in working order for the life of the building.

Reason for condition

To ensure that the built form is consistent with the built form provisions of the *Sullivans Cove Planning Scheme 1997*.

ADVICE

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

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

CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

#### BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click here for more information.

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

#### PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click here for more information.

#### PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. Click here for more information.

#### FOOD BUSINESS REGISTRATION

**Error! Hyperlink reference not valid.** Food business registration in accordance with the *Food Act 2003*. Click here for more information.

#### OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction (e.g. placement of skip bin, crane, scissor lift etc). Click here for more information.

You may require an occupational license for structures in the Hobart City Council highway reservation, in accordance with conditions to be established by the Council. [Click here for more information.](#)

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). [Click here for more information.](#)

#### PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Infrastructure Division to initiate the permit process).

#### NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Infrastructure Division to initiate the application process for your new stormwater connection.

#### STORM WATER

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

#### WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By law. [Click here for more information.](#)

#### CBD AND HIGH VOLUME FOOTPATH CLOSURES

Please note that the City of Hobart does not support the extended closure of public footpaths or roads to facilitate construction on adjacent land.

It is the developer's responsibility to ensure that the proposal as designed can be constructed without reliance on such extended closures.

In special cases, where it can be demonstrated that closure of footpaths in the CBD and/or other high volume footpaths can occur for extended periods without unreasonable impact on other businesses or the general public, such closures may only be approved by the full Council.

For more information about this requirement please contact the Council's Traffic Engineering Unit on 6238 2804.

#### REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Highways By law. [Click here for more information.](#)

## ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings.  
[Click here for more information.](#)

## 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. [Click here for more information.](#)

## STORM WATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT – standard drawings. [Click here for more information.](#)

## TITLE ADHESION

An adhesion of your titles is required because a portion of your development is across one or more title boundaries. Contact your solicitor or a registered land surveyor to initiate the process.

## COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council land. Any act that causes, or is likely to cause damage to Council's land may be in breach of the Council's Parks, Recreation and Natural Areas Bylaw and penalties may apply. The by law is available [here](#).

The Manager Parks and Recreation be notified of the commencement date for works two weeks prior to works commencing to allow the monitoring of the impact of the construction works on Princes Park and park users.

## 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.

## 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.](#)

## SUBDIVISION ADVICE

For information regarding standards and guidelines for subdivision works click [here](#).

All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.

## MOTION CARRIED

### VOTING RECORD

#### AYES

Briscoe  
Denison  
Behrakis

#### NOES

Deputy Lord Mayor Burnet  
Lord Mayor Reynolds

## COMMITTEE RESOLUTION:

That: Pursuant to the *Sullivans Cove Planning Scheme 1997*, the Council approve the application for partial demolition, new building for residential hotel, restaurant/cafe, unlisted use (bar) and shops, subdivision (one additional road lot), alterations to carparking, and associated works in the road reserve at 20 Runnymede Street and adjacent road reserve, Battery Point as the proposal subject to conditions will meet the objectives of the scheme and in particular the Urban Form Schedule, 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-18-351 - 20 RUNNYMEDE STREET 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 2018/00962-HCC dated 06/08/2018 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, THC Works Ref: 5626 dated 21 September 2018, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

Prior to the issue of any building approval under the *Building Act* 2016, revised plans to the satisfaction of the Council's Director City Planning must be submitted and approved showing:

1. A setback from Runnymede Street by 3m above the level of the podium;
2. A setback from Princes Park by 1.5m above the level of the podium;
3. Articulation to the blank southern wall facing up Runnymede Street by including a "green" wall in conjunction with additional architectural masonry features defining the building's floor levels and integrating with the existing 1970's hotel structure and 1840's building;
4. A significant shadow line on the Runnymede Street elevation;
5. Removal of the planters, mast details and cairn elements from the building;
6. A reduction of the bulk in the roof canopy design over the outdoor balcony area adjacent to Salamanca Place by reducing the parapet and central column's width/depth by 50% and using lightweight and transparent roofing materials; and
7. External materials and colour palette.

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

*Advice: Once the revised plans have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement). Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To clarify the scope of the permit and to ensure the building's built form and appearance is acceptable to satisfy the Conservation of Cultural Heritage Values and Urban Form Schedules of the *Sullivans Cove Planning Scheme 1997*.

ENG sw1

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

Reason for condition

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

ENG sw4

The development (including hardstand) must be drained to Council infrastructure. The new stormwater connection must be constructed, and any existing redundant connections be abandoned and sealed. The connection works must be done at the owner's expense prior to the first occupation. Detailed engineering drawings must be submitted and approved, prior to commencement of work or issue of consent under the *Building Act 2016* (whichever occurs first). The detailed engineering drawings must include:

1. The location of the proposed connections and all existing connections;
2. All practicable efforts to minimise number of connections for the site
3. The size and design of the connection such that it is appropriate to safely service the development; and
4. Long-section of the proposed connection clearly showing clearances from any nearby services, cover, size, material, boundaries and delineation of public and private infrastructure. Connections must be free-flowing gravity and clear of the building.

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

*Advice:*

- *The applicant is advised to submit detailed design drawings via a Council City Infrastructure Division application for a new stormwater connection. If detailed design to satisfy this condition is submitted via the planning condition endorsement process there may be fees associated with the assessment, and once approved the applicant will still need to submit an application for a new stormwater connection with Council City Infrastructure Division.*
- *Where building / plumbing approval is also required, it is recommended that documentation to satisfy this condition is submitted well before submitting documentation for building/plumbing approval. Failure to address planning condition requirements prior to submitting for building/plumbing approval may result in unexpected delays.*

Reason for condition

To ensure the site is drained adequately.

ENG sw7

Stormwater pre-treatment and reuse for stormwater discharges from the development must be installed prior to commencement of use /issue of a Certificate of Completion (whichever occurs first).

A stormwater management report and design must be submitted and approved, prior to commencement of work or issue of consent under the *Building Act 2016* (whichever occurs first). The stormwater management report and design must:

1. Be prepared by a suitably qualified engineer.
2. Include detailed design of the proposed treatment train and reuse, including final estimations of contaminant removal and reuse volumes.
3. Include treatment that achieves the State Stormwater Strategy targets from the development as a whole, and targets hydrocarbons and fine sediment from the basement carpark.
4. Include at minimum 3kL storage for landscape irrigation (or equivalent reuse), and investigation of additional reuse opportunities; and
5. Include a Stormwater Management Summary Plan that outlines the obligations for future property owners to stormwater management, including a maintenance plan which outlines the operational and maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; clean out procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

*Advice: Once the stormwater management report and design has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement). Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To perform best practice environmental management and to comply with relevant State legislation.

ENG tr1

Traffic management on-street and on-site (vehicular access, circulation roadways, ramps and parking module (car parking spaces and aisles)) must be installed prior to the commencement of the use.

Traffic management design drawing(s) of the proposed traffic management (including signage and linemarking), must be submitted and approved, prior to any approval under the *Building Act 2016*. The design drawing(s) and management plan must include but not be limited to:

1. On-street parking control signage on Salamanca Place Highway Reservation as shown on JMG drawings J153081PH C03 Rev E and C04 Rev C (or Council City Infrastructure approved alternative).
2. Signage at all Runnymede Street vehicular accesses indicating that bus access is limited to mini-buses (Medium Rigid Vehicles as defined in Australian Standards AS/NZS2890.2:2002).
3. Signage at Salamanca Place loading bay vehicular access indicating that commercial vehicle access is limited to the maximum vehicle size the loading bay is designed for.
4. Signage at Salamanca Place valet parking vehicular access indicating that parking is for valet parking only and that access for customers is from Runnymede Street.

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

*Advice:*

- *The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *Once the traffic management design drawings have been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

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

ENG tr2

A construction traffic and parking management plan must be implemented prior to the commencement of work on the site (including demolition).

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to any approval under the *Building Act 2016* (including demolition). The construction traffic and parking management plan must:

1. Be prepared by a suitably qualified person.
2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.
3. Include a start date and finish dates of various stages of works.
4. Include times that trucks and other traffic associated with the works will be allowed to operate.
5. Nominate a superintendant, or the like, to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.

All work required by this condition must be undertaken in accordance with the approved construction traffic and parking management plan.

*Advice:*

- *The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *Once the construction traffic and parking management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *It is noted that if the development is proposed to progress in stages, that a construction traffic and parking management plan may be submitted for just that stage which addresses the traffic and parking issues relevant to that particular stage.*

Reason for condition

To ensure the safety of vehicles entering and leaving the development and the safety and access around the development site for the general public and adjacent businesses.

ENG 2a

Prior to first occupation or commencement of use (whichever occurs first), vehicular barriers compliant with the Australian Standard AS/NZS1170.1:2002 must be installed to prevent vehicles running off the edge of an access driveway or parking module (parking spaces, aisles and manoeuvring area) where the drop from the edge of the trafficable area to a lower level is 600mm or greater, and wheel stops (kerb) must be installed for drops between 150mm and 600mm. Barriers must not limit the width of the driveway access or parking and turning areas approved under the permit.

*Advice:*

- *The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.*
- *Designers are advised to consult the National Construction Code 2016 to determine if pedestrian handrails or safety barriers compliant with the NCC2016 are also required in the parking module this area may be considered as a path of access to a building.*

#### Reason for condition

To ensure the safety of users of the access driveway and parking module and compliance with the standard.

#### ENG 3a

The vehicular access, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be generally designed and constructed in accordance with Australian Standards AS/NZS 2890.1:2004 (including the requirement for vehicle safety barriers where required).

The pickup / dropoff area at the hotel entrance accessed from Runnymede Street must be designed to comply with Australian Standards AS/NZS 2890.6:2009 Parking Facilities Part 6: Off-street parking for people with disabilities.

#### Advice:

- *It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.*
- *Note that jockey parking in the Salamanca Place accessed basement parking area has been approved on the basis that this is for exclusively valet parking.*
- *Note that sight distances slightly lower than those required in the above Australian Standard have been approved in some instances.*

#### Reason for condition

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

#### ENG 4

The access driveway and parking module (car parking spaces, aisles and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure prior to the commencement of use.

Reason for condition

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

ENG 5

The number of car parking spaces approved on the site is forty seven (47), which consists of:

1. Thirty four (34) valet hotel patron parking spaces within the Salamanca Place accessed basement car park.
2. Four (4) commercial tenant parking spaces within the Salamanca Place accessed basement car park.
3. Nine (9) hotel patron parking spaces within the Runnymede Street hotel entrance car parking.

All parking spaces must be delineated by means of white or yellow lines 80mm to 100mm wide, or white or yellow pavement markers in accordance with Australian Standards AS/NZS 2890.1 2004, prior to commencement of use.

*Advice:*

- *The pickup / drop off area at the hotel entrance has space for an additional 3-4 cars to pickup or drop off guests.*
- *The basement car park has some void space which could be utilised for staff motorcycle or bicycle parking spaces. These additional spaces if included in the ultimate design would be considered to be substantially in accordance with this permit.*

Reason for condition

To ensure the provision of parking for the use is safe and efficient.

ENG 1

The cost of repair of any damage to the Council's 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. Any damage must be immediately reported to 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.

#### ENG r1

The removal of the retaining wall within the highway reservation and Princess Park must not undermine the stability and integrity of the highway reservation and its infrastructure.

Detailed design drawings and structural certificates of the return of the retaining wall within the Salamanca Place highway reservation must be submitted and approved, prior to any approval under the *Building Act 2016* and must:

1. Be prepared and certified by a suitable qualified person and experienced engineer;
2. Not undermine the stability of the highway reservation or Princess Park
3. Take into account and reference accordingly any Geotechnical findings
4. Detail any mitigation measures required
5. Detail the design and location of the return of the retaining wall
6. The structure certificated and/or drawings should note accordingly the above

All work required by this condition must be undertaken in accordance with the approved select design drawing and structural certificates.

#### Advice:

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

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

#### Reason for Condition

To ensure that the stability and integrity of the Council's highway reservation is not compromised by the development.

ENG r3

Prior to the commencement of use:

1. The proposed vehicular access crossover in the Salamanca Place highway reservation must be designed and constructed in general accordance with Commercial Urban- TSD-R09-v1 – Urban Roads Driveways and TSD R16-v1 Type KCR & B1 or Type KCRB & B1 and Footpath - Urban Roads Footpaths TSD-R11-v1.
2. The existing vehicular access crossover in the Runnymede Street highway reservation to be abandoned must be reinstated to match surrounding kerb and channel, and
3. The existing vehicular access crossover in the Runnymede Street highway reservation to be retained must be modified with proposed low kerb (barrier) extension.

Design drawings of the Salamanca Place vehicular access crossover must be submitted and approved prior to any approval under the *Building Act 2016*. The design drawing must:

- (i) Show the cross and long section of the driveway crossover within the highway reservation and onto the property,
- (ii) Detail any existing or new services or infrastructure (ie lights, pits, overhangs, retaining walls) at or near the proposed driveway crossover,
- (iii) Show swept path templates in accordance with AS/NZS 2890.1 2004 (B99 design template for valet parking and maximum size vehicle proposed to use the Loading Bay),
- (iv) Indicate how vehicles using the Loading Bay will be limited to this maximum size,
- (v) Show that vehicular and pedestrian sight lines are met as per AS/NZS 2890.1 2004, or as approved as part of this permit,
- (vi) 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, and

- (vii) 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 drawings.

*Advice:*

- *The applicant is required submit detailed design documentation to satisfy this condition via Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.*
- *Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *It is noted that the Traffic Impact Assessment states the maximum vehicle using the loading bay will be a 'Special garbage truck'. Signage may be required to restrict larger vehicles from accessing the loading bay.*

Reason for Condition

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

ENG s2

Provide design drawings of the proposed kerb ramps in Salamanca Place and thus the changes to the parking sign(s) prior to the commencement of work. The design drawing must show the cross and long sections of the proposed kerb ramps and how they match into the existing footpath. The kerb ramps must be in generally accordance with TSD-R18-v1.

A parking plan showing existing parking signs and proposed new location of sign(s) to be approved by the City.

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

*Advice:*

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

- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *A permit to open up and temporary occupy a highway will be required for works to occur along with approved plans.*

Reason for condition

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

ENG s3

Detail design drawings of the footpath levels and surface treatment along the full frontage of the development in Salamanca Place from the kerb to the building line must be submitted prior to the commencement of work.

The design drawing must show dimensions, location and the cross and long sections of the proposed footpath within the highway reservation (matching into the existing kerb and existing and new retaining walls) and within the property boundary up to the building line. The works must be in generally accordance with TSD-R11-v1.

The surface treatment must differentiate between the usable footpath and that solely for the development, meaning that outside the two tenancies that front the footpath a different pavement type with a header course should be used to align with the start of the steps and then match into the retaining wall along the driveway entrance.

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

*Advice:*

- *Once the design drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*
- *A permit to open up and temporary occupy a highway will be required for works to occur along with approved plans.*

Reason for condition

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

ENV 2

An approved Construction Environmental Management Plan, prepared by suitably qualified persons, must be implemented.

A Construction Environmental Management Plan must be submitted and approved prior to the commencement of works and prior to the issue of any approval under the *Building Act 2016*.

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

1. Details of the proposed construction methodology and expected likely timeframes.
2. The proposed days and hours of work and proposed hours of activities likely to generate significant noise emissions (including volume and timing of heavy vehicles entering and leaving the site).
3. Details of potential environmental impacts associated with the development works including noise, vibration, erosion and pollution (air, land and water).
4. Details of proposed measures to avoid or mitigate to acceptable levels all identified potential environmental impacts during development works including, but not limited to:
  - i. A noise and vibration management plan generally consistent with AS 2436-2010 - *Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites and the Interim Construction Noise Guidelines* (NSW Department of Environment and Climate Change, July 2009) including, but not limited to:
    - (a) identification of potentially noisy or vibration-causing construction activities;
    - (b) procedures to ensure that all reasonable and feasible noise and vibration mitigation measures are applied during operation of the construction management plan; and
    - (c) details of monitoring measures and triggers for corrective actions.
  - ii. A soil and water management plan including, but not limited to:
    - (a) measures to minimise erosion and the discharge of contaminated stormwater off-site;

- (b) measures to minimise dust emissions from the site;
  - (c) measures to manage the disposal of surface and groundwater from excavations; and
  - (d) measures to prevent soil and debris being carried onto the street.
5. Details of proposed responsible persons, public communication protocols, compliance, recording and auditing procedures and complaint handling and response procedures.

The approved Construction Environmental Management Plan forms part of this permit and must be complied with.

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

#### Reason for Condition

To minimise the potential for environmental impacts from the construction works

#### HER 6

All recommendations contained within the Praxis report - Conservation Policy & Heritage Impact Assessment Redevelopment of the front portion of Lenna 20 Runnymede Street HOBART, dated March 2017, must be followed to ensure that any significant heritage fabric on site is retained or documented appropriately.

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 7 days of the discovery; and
5. A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with paragraph (2) above must be provided to Council within 7 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 7

The trees immediately to the east of the site in the adjacent Princes Park must be protected throughout excavation and post construction.

A report must be submitted and approved prior to the commencement of work.

The report must:

1. Be prepared by a suitable qualified person; and
2. Show all tree protection zones and relevant measures specified under Section 3 Determining the Protection Zones of the Selected Trees, Section 4 Tree Protection Measures and Section 5 Monitoring and Certification of AS4970-2009 Protection of trees on development sites, around (tree details).

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

*Advice:*

- *Once the report has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.*

Reason for condition

To ensure that significant trees are not unnecessarily destroyed and are managed in a way that maintains their health and appearance.

## HER 8

The proposed cairn element, and the planter tubs along the western elevation of the ground floor, are not approved.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing the deletion of these elements in accordance with the above requirement.

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

### Reason for condition

To ensure that the proposal does not mimic historic building forms thereby resulting in the loss of historic cultural heritage values.

## HER 9

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing, to the satisfaction of the Council's Director City Planning:

1. The inclusion of windows and other modulation of the south facing wall adjacent to Runnymede Street; and
2. Details of proposed finishes and colours of the south facing wall.

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

### Reason for condition

To ensure that the proposal does not have an adverse impact upon the aesthetic values of a heritage place, and the streetscape generally.

## OPS 1

The title boundary shared between the Council's neighbouring land and the applicant's property must be clearly marked by the owner on the ground before any works commence.

### Reason for condition

To protect the values of the Council's neighbouring reserve Princes Park.

## OPS s2

The existing boundary fence located between 20 Runnymede Street and Princes Park is to be maintained through demolition, construction and occupation to protect the parks values and vegetation.

If the boundary fence is damaged it is to be replaced at the developers cost to its current form and scale.

*Advice: Princes Park is protected by Council's Public Spaces By-Law 2018 which protects vegetation from damage or removal and the park from encroachment. Penalties apply for breaching the by-law.*

*Reason for condition*

*To protect the values of the Council's neighbouring reserve Princes Park.*

## SURV 1

The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.

Reason for Condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

## SURV 2

The final plan and schedule of easements to facilitate the proposed widening of the footpath and dedication of land within the development site adjacent to Salamanca Place as public road must be submitted and approved in accordance with section 89 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. This final plan must also include the balance of the land comprised in Certificates of Title 52051/1 and 206692/1 (excluding the road lot) as a single lot on the final plan.

Reason for Condition

To ensure that the subdivision is carried out in accordance with the Council's requirements under the provisions of Part 3 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* and that the road is dedicated as public road under section 95 of the Act.

## SURV 5

The proposed road lot to facilitate the widening of the footpath in Salamanca Place is to be transferred in fee simple to the Council at nominal consideration.

Prior to the sealing of the final plan an executed and stamp duty assessed Land Titles Office transfer instrument is to be forwarded to the Council together with a cheque made payable to the Land Titles Office for the associated Land Titles Office registration fees.

Reason for Condition

To ensure that title to the proposed road lot issues in the Council.

SUB s1

The titles for the road lot and the lot comprising the balance of the land in Certificates of Title 52051/1 and 206692/1 (excluding the road lot) must have issued prior to the issue of any building consent, building permit (including demolition) and / or plumbing permit pursuant to the *Building Act 2016* (if applicable), or the commencement of works on site (whichever occurs first).

Reason for condition

To ensure compliance with statutory provisions

PLN s1

All plant associated with elevators for the proposed new building must be contained within the roof form of the building, with no 'overrun' outside of the roof structure.

Prior to the issue of any approval under the *Building Act 2016* (excluding demolition), plans must be submitted and approved showing that the elevator overrun is contained within the proposed roof form.

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

Reason for condition

To ensure that the built form is consistent with the built form provisions of the *Sullivans Cove Planning Scheme 1997*.

PLN s2

The proposed green wall is to be installed with suitable automated irrigation, prior to the commencement of the use, and is to be retained in working order for the life of the building.

Reason for condition

To ensure that the built form is consistent with the built form provisions of the *Sullivans Cove Planning Scheme 1997*.

## ADVICE

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

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

## CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

## BUILDING PERMIT

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

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

#### PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. [Click here for more information.](#)

#### PUBLIC HEALTH

You may be required to provide approved/endorsed plans for a food business fit out, in accordance with the National Construction Code - Building Code of Australia including Tas Part H102 for food premises which must have regard to the FSANZ Food Safety Standards. [Click here for more information.](#)

#### FOOD BUSINESS REGISTRATION

**Error! Hyperlink reference not valid.** Food business registration in accordance with the *Food Act 2003*. [Click here for more information.](#)

#### OCCUPATION OF THE PUBLIC HIGHWAY

You may require a permit for the occupation of the public highway for construction (e.g. placement of skip bin, crane, scissor lift etc). [Click here for more information.](#)

You may require an occupational license for structures in the Hobart City Council highway reservation, in accordance with conditions to be established by the Council. [Click here for more information.](#)

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). [Click here for more information.](#)

#### PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

You may require a permit to construct public infrastructure, with a 12 month maintenance period and bond (please contact the Hobart City Council's City Infrastructure Division to initiate the permit process).

#### NEW SERVICE CONNECTION

Please contact the Hobart City Council's City Infrastructure Division to initiate the application process for your new stormwater connection.

#### STORM WATER

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

## WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By law. [Click here for more information.](#)

## CBD AND HIGH VOLUME FOOTPATH CLOSURES

Please note that the City of Hobart does not support the extended closure of public footpaths or roads to facilitate construction on adjacent land.

It is the developer's responsibility to ensure that the proposal as designed can be constructed without reliance on such extended closures.

In special cases, where it can be demonstrated that closure of footpaths in the CBD and/or other high volume footpaths can occur for extended periods without unreasonable impact on other businesses or the general public, such closures may only be approved by the full Council.

For more information about this requirement please contact the Council's Traffic Engineering Unit on 6238 2804.

## REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Highways By law. [Click here for more information.](#)

## ACCESS

Designed in accordance with LGAT- IPWEA – Tasmanian standard drawings. [Click here for more information.](#)

## 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. [Click here for more information.](#)

## STORM WATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT – standard drawings. [Click here for more information.](#)

## TITLE ADHESION

An adhesion of your titles is required because a portion of your development is across one or more title boundaries. Contact your solicitor or a registered land surveyor to initiate the process.

## COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council land. Any act that causes, or is likely to cause damage to Council's land may be in breach of the Council's Parks, Recreation and Natural Areas Bylaw and penalties may apply. The by law is available here.

The Manager Parks and Recreation be notified of the commencement date for works two weeks prior to works commencing to allow the monitoring of the impact of the construction works on Princes Park and park users.

## 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.

## 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.](#)

## SUBDIVISION ADVICE

For information regarding standards and guidelines for subdivision works click here.

All conditions imposed by this permit are in accordance with the *Local Government Building & Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*.

**Delegation: Council**

Item 7.2.1 was then taken.

**APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015**

Mr Brian Corr of Hobart Not Highrise Inc, Dr Sue Galligan, Ms Barbara Edwards and Mr James Morrison (Representors) addressed the Committee in relation to supplementary item 12.

Ms Jen Welsh of Irene Inc, Mr Laurie Scanlan of Scanlan Architects and Mr Brad Williams of Praxis addressed the Committee in relation to supplementary item 12 on behalf of the applicant.

- 12. 222 - 228 Elizabeth Street & 234 Elizabeth Street & 236 - 240 Elizabeth Street & 242 - 250 Elizabeth Street & 213 Murray Street & 68 Warwick Street & 72 Warwick Street, Hobart & Adjoining Right Of Way - Partial Demolition, Alterations and Redevelopment For Visitor Accommodation, Multiple Dwellings, General Retail and Hire, Food Services, Hotel Industry, Business and Professional Services, and Subdivision (Boundary Adjustment) (Re-Advertised)  
PLN-17-430 - File Ref: F18/145452**
- 

**BRISCOE**

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 3 December 2018, marked as Attachment F within the Attachments Under Separate Cover of 10 December 2018, be adopted.

**MOTION CARRIED**

**VOTING RECORD**

**AYES**

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Lord Mayor Reynolds

**NOES**

Behrakis

**COMMITTEE RESOLUTION:**

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for partial demolition, alterations and redevelopment for visitor accommodation, multiple dwellings, general retail and hire, food services, hotel industry, business and professional services, and subdivision (boundary adjustment) (re-advertised) at 222 - 228 Elizabeth Street & 234 Elizabeth Street & 236 - 240 Elizabeth Street & 242 - 250 Elizabeth Street & 213 Murray Street & 68 Warwick Street & 72 Warwick Street, Hobart & Adjoining Right of Way for the following reasons:



1. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 22.4.1 A3 and P3(a) of the *Hobart Interim Planning Scheme 2015* because the bulk of the development does not respect the transition between the core area of the Central Business Zone and the adjacent zones, and will have a materially adverse impact on the streetscape and townscape of the surrounding area, because the proposal will visually dominate its surrounding area.
2. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 22.4.1 A3 and P3(b)(i) of the *Hobart Interim Planning Scheme 2015* because any potential benefit in terms of economic activity and civic amenities does not override the proposal's non-compliance with the Amenity Building Envelope.
3. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 22.4.1 A3 and P3(b)(ii) of the *Hobart Interim Planning Scheme 2015* because the proposal does not demonstrate that it will minimise unacceptable wind conditions in Elizabeth Street.
4. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 22.4.1 A5 or P5 of the *Hobart Interim Planning Scheme 2015* because its height unreasonably dominates existing buildings of cultural heritage significance and has a materially adverse impact of the historic cultural heritage significance of the heritage place.
5. The proposal does not meet the acceptable solution or the performance criterion with respect to clause 22.4.3 A3 or P3 of the *Hobart Interim Planning Scheme 2015* because the design of the façade is not sympathetic to the elevational treatment and materials of the existing heritage places and unreasonably detracts from the modest heritage listed places.

6. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.1 A1 or P1(a), (b), (c) and (d) of the *Hobart Interim Planning Scheme 2015* because the proposed demolition will result in the loss of 19th century significant fabric, items and form that contribute to the historic cultural heritage significance of the place and it has not been demonstrated: that there are environmental, social economic or safety reasons of greater value to the community than the historic cultural heritage values of the place; or that there are no prudent and feasible alternatives; or that important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained; or that significant fabric will be documented before demolition.
7. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A1 or P1(a) and (b) of the *Hobart Interim Planning Scheme 2015* because its incompatible design in terms of its height, scale, bulk, form, fenestration, siting, materials, colours and finishes will result in the loss of historic cultural heritage significance of the listed places, and it will also result in the substantial diminution of heritage values through the loss of features, fabric and items that contribute to the significance of the place.
8. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A2 or P2(a), (b), (c) to (d) of the *Hobart Interim Planning Scheme 2015* because it will not be subservient and complementary to the listed place due to its bulk, scale, materials, built form, setback and siting with respect to listed elements.
9. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A3 or P3 of the *Hobart Interim Planning Scheme 2015* because it does not respond to the dominant heritage characteristics of the listed place in its materials, fenestration and built form.
10. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.2 A4 or P4 of the *Hobart Interim Planning Scheme 2015* because extensions to the existing buildings detract from the historic cultural heritage significance of the place as a consequence of their height, scale, bulk, siting and façade treatment.

11. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.7.3 A1 or P1(a) to (c) of the *Hobart Interim Planning Scheme 2015* because it does not provide sufficient curtilage or retain contributory heritage items.
12. The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.10.1 A1 or P1(a), (b), (c), (d) and (e) of the *Hobart Interim Planning Scheme 2015* because it unnecessarily impacts on archaeological resources and does not attempt to preserve significant archaeological evidence in situ.

*Advice: It is recommended that the applicants consult with Aboriginal Heritage Tasmania and the Aboriginal Community with regards to relevant and related findings, conclusions and recommendations of the 'Historic Heritage Management Strategy for 234-250 Elizabeth Street, Hobart' by Praxis Environment (Brad Williams) dated January 2017 and updated January 2018 with a Heritage Impact Assessment dated May 2017.*

#### **Attachments**

- A. Deputation Supporting Information - Dr Sue Galligan ⇒ 
- B. Deputation Supporting Information - Mr James Morrison ⇒ 

**Delegation: Council**

Item 8.2 was then taken.

#### **13. 58 Goulburn Street, Hobart - Change of Use to Residential (Communal Residence) PLN-18-565 - File Ref: F18/145084**

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#### **PROCEDURAL MOTION**

BRISCOE

That the item be deferred for the reasons outlined as follows:

1. The Council seek an urgent opinion specifically directed at determining whether:
  - (a) Given the Council's knowledge of the Planning Tribunal decision with respect to the maintenance of 24/7 security on the site; and
  - (b) Knowing that the applicant is aware of the subsisting condition permitting the use.
  - (c) There being clear evident of the existence of a prior permit, the applicant is required to advertise its intent to have that condition varied under S56(2)(aa) of the *Land Use Planning and Approvals Act 1993*.

2. Whether in the event the said S56 does apply the Council has any jurisdiction to determine the matter.
3. Whether given no new development is proposed and the use has not changed (despite a possible change to terminology) this is a valid Development Application.
4. Given that Council is aware that the Planning Tribunal conditions are not being observed at this time, the Council has a statutory duty to enforce compliance as distinct from entertaining an application where no development is intended and the use has not nor will be varied or changed from that which the Planning Tribunal relates.
5. Such further or other issues the Committee seeks a legal opinion.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Behrakis  
Dutta

NOES

**COMMITTEE RESOLUTION:**

That the item be deferred for the reasons outlined as follows:

1. The Council seek an urgent opinion specifically directed at determining whether:
  - (a) Given the Council's knowledge of the Planning Tribunal decision with respect to the maintenance of 24/7 security on the site; and
  - (b) Knowing that the applicant is aware of the subsisting condition permitting the use.
  - (c) There being clear evident of the existence of a prior permit, the applicant is required to advertise its intent to have that condition varied under S56(2)(aa) of the *Land Use Planning and Approvals Act 1993*.
2. Whether in the event the said S56 does apply the Council has any jurisdiction to determine the matter.
3. Whether given no new development is proposed and the use has not changed (despite a possible change to terminology) this is a valid Development Application.

4. Given that Council is aware that the Planning Tribunal conditions are not being observed at this time, the Council has a statutory duty to enforce compliance as distinct from entertaining an application where no development is intended and the use has not nor will be varied or changed from that which the Planning Tribunal relates.
5. Such further or other issues the Committee seeks a legal opinion.

**Delegation: Committee**

Item 7.1.1 was then taken.

There being no further business the open portion of the meeting closed at 8:09 pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
14<sup>TH</sup> DAY OF JANUARY 2019.

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**CHAIRMAN**