



CITY OF HOBART

# **MINUTES**

## **City Planning Committee Meeting**

**Open Portion**

**Tuesday, 29 January 2019 at 5:04 pm**

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## ORDER OF BUSINESS

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**City Planning Committee Meeting (Open Portion) held on Tuesday, 29 January 2019 at 5:04 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, Councillor W F Harvey, Alderman S Behrakis and Councillor M Dutta.

Alderman Behrakis left the meeting at 6:47 pm and returned at 6:49 pm.

**APOLOGIES:** Nil.

**LEAVE OF ABSENCE:** Nil.

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

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No Elected Members were co-opted to the Committee.

**2. CONFIRMATION OF MINUTES**

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BRISCOE

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 14 January 2019](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Harvey  
Behrakis

NOES

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*.

HARVEY

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	
Harvey	
Behrakis	

### **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*.

Members of the Committee 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.

### BRISCOE

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  
Harvey  
Behrakis

#### 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.

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

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Mr Luke Manhood addressed the Committee in relation to item 7.1.1 on behalf of Ms Penny King (Representor).

Ms Jacqui Blowfield – Senior Statutory Planning of Ireneinc Planning and Mr Ian Roberts (Proponent) addressed the Committee in relation to item 7.1.1.

#### **7.1.1 66 Burnett Street, North Hobart & Adjacent Road Reserve - Demolition and New Building for 57 Multiple Dwellings, 13 Visitor Accommodation Units, Food Services, and Signage (Re-Advertised Amended Proposal) PLN-17-1066 - File Ref: F19/7158**

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HARVEY

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 2 November 2018, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Harvey  
Behrakis

**COMMITTEE RESOLUTION:**

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for demolition and new building for 57 multiple dwellings, 13 visitor accommodation units, food services, and signage at 66 Burnett Street, North Hobart for the reasons outlined in the officer's report, attached to item 7.1.1 of the Open City Planning Committee agenda of 29 January 2019 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-17-1066 66 BURNETT STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/0015-HCC dated 28 August 2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

Apartment 3U21 must be designed to provide internal noise levels that accord a reasonable level of residential amenity for the occupants.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved that demonstrate likely compliance with this condition.

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

Reason for condition

To ensure that buildings for residential use provide reasonable levels of residential amenity

PLN s2

Either:

- a) Lighting must be provided at the pedestrian entry to the development from Elizabeth Street; or,
- b) The pedestrian entry to the development from Elizabeth Street must be redesigned to avoid the creation of a potential entrapment space.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved that demonstrate likely compliance with this condition.

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

Reason for condition

To ensure that building design for non-residential uses provides for the safety of the public.

PLN s3

Prior to construction of the development commencing, a comprehensive landscaping plan with a particular focus on the issue of maintaining privacy with neighbours must be developed for the podium garden and submitted to Council. The landscaping plan must be to the satisfaction of Council's Director City Planning, and all landscaping shown on the approved landscaping plan must be completed prior to the commencement of the approved use. The landscaping must be maintained throughout the life of the development in accordance with the approved landscaping plan.



Reason for condition

To maintain the amenity of adjacent residential properties.

PLN s4

Any mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar must be screened from view from adjacent streets and other public spaces.

Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved showing screens for any mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar.

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

Reason for condition

To ensure that building design contributes positively to the streetscape and the amenity and safety of the public.

ENG sw4

The development (including hardstand) must be drained directly to Council infrastructure on Elizabeth Street with adequate capacity for the 5% AEP event. The Burnett Street connection and associated private pipework must be investigated and, should it not be utilised by any other property than 66 Burnett Street, be abandoned and sealed.

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 any 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. The connection must be located clear of any buildings;
2. The size and design of the connection such that it is appropriate to safely service the development to the worst-case 5% AEP event;
3. Long-sections of the proposed connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure. Connections must be free-flowing gravity;
4. Details of the investigation into the existing potentially shared drainage to Burnett Street;
5. A safe overflow point where the private stormwater (sized to take 1% AEP flows beyond the building line) reduces.

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

*Advice:*

- *Once approved, an [application for a new stormwater connection](#) to Council's City Infrastructure Division will be required for abandonment, upgrade or new connection.*
- *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 sw5

The Council stormwater main crossing Elizabeth Street must convey the 5% AEP flows from its catchment. Should the current main have insufficient capacity, a stormwater main upgrade must be designed and constructed prior to the commencement of the use.

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

1. Be certified by a qualified and experienced engineer;
2. Include the associated calculations and catchment area plans. The main must be sized to accommodate at least the 5% AEP flows from fully- developed catchment;
3. Show in both plan and long-section any required stormwater main upgrade, including but not limited to, connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, and inspection openings. *Note: Council requires pipe upgrade rather than duplication if practicable. Mains must be a minimum class 4 RCP under roads.*
4. Include a construction program and method for any required upgrade of the stormwater main to maintain drainage of the road and third-party land.
5. Be substantially in accordance with the LGAT Standard Drawings and Tasmanian Subdivision Guidelines

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.*
- *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 twelve month maintenance period, bond and CCTVs will apply.*

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw7

Stormwater pre-treatment for the site, and any detention required 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 / issue of any 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, including final estimations of contaminant removal;
3. include detailed design and supporting calculations of any detention tank proposed to limit the 5% AEP flows from the site to the receiving capacity of the public infrastructure crossing Elizabeth Street. All assumptions must be clearly stated.
4. 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)*

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 tr1

Traffic management within the car parking area must be installed prior to the commencement of the use.

Traffic management design drawing(s) of the proposed traffic management within the car park (including signage and linemarking), must be submitted and approved, prior to the issue of any approval under the *Building Act 2016* or the commencement of works on site (whichever occurs first). The design drawing(s) and management plan must show but not limited to, the following information:

1. Road hump to be installed in the driveway 2 metres back from the footpath at the car park entrance/exit to ensure low vehicle speeds when exiting onto Burnett Street;
2. Signage and other warning devices within the car park advising that vehicles travelling up the ramps should give way to vehicles travelling down;
3. Signage to be installed at the driveway entrance/exit informing users access is restricted to left in – left out only (as per Clause 3.2.3 of AS2890.1);
4. Pavement arrows for the control and direction of circulating traffic within the car park and associated access in accordance to Australian/NZS Standard, Parking facilities Part 1: Off-street car parking AS/NZS 2890.1: 2004;
5. All small car parking spaces must be delineated by means of white or yellow pavement lines and suitable signage; and

6. All turning bays must be delineated by means of white or yellow pavement lines and suitable signage.

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

*Advice: 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 the issue of any approval under the *Building Act 2016* or the commencement of works on site (whichever occurs first). The construction traffic and parking management plan must include but not limited to, the following information:

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; and
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: 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.*

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 access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required), 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.

*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.*

Reason for condition

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



### ENG 3b

The bicycle parking design must be submitted and approved, prior to the, issuing of any approval under the *Building Act 2016* (excluding demolition).

The bicycle parking design must:

1. Be prepared and certified by a suitably qualified engineer.
2. Be generally in accordance with the Australian Standard AS/NZS2890.3:2015.
3. Where the design deviates from AS/NZS2890.3:2015 the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use.
4. Show dimensions and other details as Council deem necessary to satisfy the above requirement.

#### *Advice:*

- *Once the 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 safety of users of the access and parking module, and compliance with the relevant Australian Standard.

### ENG 3c

The access driveway, circulation roadways, ramps and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the design drawings approved by Condition ENG tr1 and the approved plans (and+design, Andrew Mckellar Design, drawing no. 20.0717.1.1D and 20.0717.1.2D, submitted 12 December 2018).

Prior to the first occupation, 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 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 first occupation.

#### 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, for use is sixty eight (68), including two (2) parking spaces for people with disabilities.

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 and AS/NZS 2890.6: 2009, prior to first occupation.

Reason for condition

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

ENG 6

The number of bicycle parking spaces approved on the site is a minimum of forty six (46).

The bicycle parking areas must be constructed on the site compliant with the Australian Standards AS/NZS 2890.3:2015 prior to the commencement of the use.

Reason for condition

To ensure safe and efficient parking adequate to provide for the use.

ENG 7

The number of motorbike parking spaces approved on the site is a minimum of twenty seven (27). The motorcycle parking areas must be constructed on the site compliant with the Australian Standards AS/NZS 2890.1:2004 prior to the commencement of the use

Reason for condition

To ensure safe and efficient parking adequate to provide for the use.

ENG 8

The use of the car parking spaces approved by this permit is restricted to residential, domestic and employee parking associated with operations within the site.

A sign, approved by Council, and in accordance with Australian Standards AS/NZS1742.11:2016, must be erected at the entry of the parking access to indicate the parking area is for residents only prior to first occupation.

Reason for condition

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

ENG 9

All car parking spaces for people with disabilities must be delineated to Australian/NZS Standard, Parking facilities Part 6: Off-street parking for people with disabilities AS/NZS 2890.6: 2009, prior to the commencement of the use.

Reason for condition

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

ENG 10

The driveway, access, parking and manoeuvring area design must be signed by a suitably qualified engineer, certifying the driveway, access, parking and manoeuvring areas have been constructed in accordance with the design drawings, must be lodged with the Council prior to the issuing of any Completion or Occupancy Certificate under the *Building Act 2016*.

Reason for condition

To ensure the safety of users of the access / parking / highway reservation / adjacent properties.

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 s1

The use of each tandem/jockey car parking space is restricted to serve the same dwelling and must not be designated for visitor or disabled parking.

Reason for condition

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

ENG s2

All garbage collection associated with the development must occur wholly within the site, therefore, on-street garbage collection by private contractors within the Council's Burnett Street Highway Reservation is prohibited.

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.

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

- a) the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).
- b) the recommendations of any Contamination Management Plan or Environmental Site Assessment required.

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

*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.

ENV s1

Units 1, 2, 3, 4, 16 and 17 on levels 3, 4 and 5 must have:

- concrete panel facades;
- bi-fold doors sufficient to allow complete enclosure of their balconies;
- inoperable windows where practicable;
- casement or awning windows, with good acoustic seals on the entire perimeter that are positively engaged when shut;
- minimum 6/12/6 double glazing with laminated panes for all window and door glazing (excluding balconies); and
- minimum 6mm laminated glazing for all balcony glazing.

Plans submitted for building approval must demonstrate compliance with this condition.

Reason for condition

To ensure that new sensitive use does not conflict with, interfere with or constrain uses with potential to cause environmental harm.

HER 6

The Statement of Archaeological Potential and Archaeological Method Statement produced by Tasarc dated 5th June 2018 must 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 archaeologist's 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 17

The palette of exterior colours and materials must reflect the primary palette of materials and colours within the local streetscape and precinct.

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

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

Reasons for condition

To ensure that development at a heritage precinct is undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance. To assist in reducing the apparent visual bulk of the development.



ENVHE 1

1. The advice and recommendations made in the Environmental Site Assessment (Geo-Environmental Solutions - 66 Burnett Street, North Hobart - dated December 2017 - Amended 11 January 2018), must be implemented prior to commencement of construction of the proposed new development. Reports for subsequent environmental site assessments must be submitted to Council and must be to the satisfaction of Council's Environmental Health Officer.
2. The Contamination Management Plan (Geo-Environmental Solutions - 66 Burnett Street North Hobart - December 2017) must be implemented and if new information becomes available during the subsequent environmental site assessment undertaken prior to construction, that it be updated and implemented accordingly.

Reason for condition

To ensure the subject land is capable of supporting the proposed development and future use in terms of site contamination issues.

ENVHE 4

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

A construction management plan must be submitted and approved prior to the issuing of any building permit under the *Building Act 2016*. The plan must include but is not limited to the following:

1. Identification and disposal of any potentially contaminated waste and asbestos;
2. Proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on site);
3. Proposed hours of construction;

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

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

Reason for condition

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

SURV 8

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

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

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

Reason for condition

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

#### 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.

#### OCCUPATION OF THE PUBLIC HIGHWAY

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.

#### GENERAL EXEMPTION (TEMPORARY) PARKING PERMITS

You may qualify for a General Exemption permit for construction vehicles i.e. residential or meter parking/loading zones. 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).

## 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.

## 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.

## REDUNDANT CROSSOVERS

Redundant crossovers are required to be reinstated under the Hobart City Council's Highways By law in accordance with TSD R14 , TSD 16 and TSD R11 at the developer's cost. Click [here](#) for more information.

## WORK PLACE HEALTH AND SAFETY

Appropriate occupational health and safety measures must be employed during the works to minimise direct human exposure to potentially-contaminated soil, water, dust and vapours. Click [here](#) for more information.

## PROTECTING THE ENVIRONMENT

In accordance with the *Environmental Management and Pollution Control Act 1994*, local government has an obligation to "use its best endeavours to prevent or control acts or omissions which cause or are capable of causing pollution." Click [here](#) for more information.

## LEVEL 1 ACTIVITIES

The activity conducted at the property is an environmentally relevant activity and a Level 1 Activity as defined under s.3 of the *Environmental Management and Pollution Control Act 1994*. For further information on what your responsibilities are, click [here](#).

## NOISE REGULATIONS

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

## FEEES 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.

### **Delegation: Council**

Mr Mark Dunbabin – Director of Dunbabin Investments Pty Ltd and Mr David Page (Representors) addressed the Committee in relation to item 7.1.2.

Ms Jacqui Blowfield – Senior Planner Ireneinc addressed the Committee in relation to item 7.1.2 on behalf of the Applicant.

#### **7.1.2 125 Bathurst Street, Hobart - Partial Demolition, Alterations and Redevelopment for General Retail and Hire, Food Services and 33 Multiple Dwellings - PLN-18-530 File Ref: F19/8886**

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### BRISCOE

That the recommendation contained in the memorandum of the Manager Development Appraisal of 24 January 2019, be adopted as amended by the addition of the following condition to read as follows:

PLN s2

A landscaping plan must be submitted and approved by the Director City Planning prior to the issue of any approval under the *Building Act 2016*.

The landscaping plan must:

1. Show the species and number of the trees, shrubs and plants for all landscaped areas shown on the application's final planning documents;
2. Include mature trees and shrubs to reflect those shown on the photomontages that form part of the application's final planning documents;
3. Show the location and dimensions of all associated garden beds and planters, including dimensioned elevations/sections of all associated planters showing their relationship to apartment and property boundaries.

All landscaping shown on the approved landscaping plan required by this condition must be completed in accordance with the approved landscaping plan prior to occupation of the building.

*Advice:*

*Once the landscaping 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.*

Reason for condition

To clarify the scope of the permit.

MOTION CARRIED

VOTING RECORD

AYES

Briscoe  
Denison  
Harvey  
Behrakis

NOES

Deputy Lord Mayor Burnet

**COMMITTEE RESOLUTION:**

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations and redevelopment for general retail and hire, food services and 33 multiple dwellings at 125 Bathurst 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 29 January 2019 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-18-530 - 125 BATHURST STREET HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2018/01336-HCC dated 22/08/2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN 15

A demolition waste management plan must be implemented throughout demolition.

A demolition waste management plan must be submitted and approved, prior to commencement of work on the site. The demolition waste management plan must include provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.

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

*Advice:*

*Once the demolition waste 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 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 can also be found on the Council's [website](#).*

Reason for condition

To ensure that solid waste management from the site meets the Council's requirements and standards.

PLN s1

Prior to the issue of any approval under the *Building Act 2016* (excluding demolition or excavation), plans must be submitted and approved showing exterior colours and materials to the satisfaction of the Director City Planning.

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

Reason for condition

In the interest of the proposal making a positive contribution to the streetscape and townscape.

PLN s2

A landscaping plan must be submitted and approved by the Director City Planning prior to the issue of any approval under the *Building Act 2016*.

The landscaping plan must:

1. Show the species and number of the trees, shrubs and plants for all landscaped areas shown on the application's final planning documents;
2. Include mature trees and shrubs to reflect those shown on the photomontages that form part of the application's final planning documents;
3. Show the location and dimensions of all associated garden beds and planters, including dimensioned elevations/sections of all associated planters showing their relationship to apartment and property boundaries.

All landscaping shown on the approved landscaping plan required by this condition must be completed in accordance with the approved landscaping plan prior to occupation of the building.

*Advice:*

*Once the landscaping 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.*

Reason for condition

To clarify the scope of the permit.

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.

Reason for condition

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

ENG sw4

Stormwater must be directed to Council infrastructure with sufficient receiving capacity. Any new stormwater connection required must be constructed and existing redundant connections be abandoned and sealed. These works must be done at the owner's expense, prior to the first occupation or issue of any completion (whichever occurs first).

Detailed engineering drawings must be submitted and approved, prior to commencement of work or any 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, including any shared connections;
2. The size and design of a single connection per Lot to Council's piped infrastructure such that it is appropriate to safely service the development;
3. An Indicative long-section of the proposed connection clearly showing clearances from any nearby services, cover, size, material and delineation of public and private infrastructure. Connections must be free-flowing gravity.

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

*Advice:*

- *A single connection for each Lot is required under the Urban Drainage Act 2013. Council has some records of the shared private systems burdening the property.*
- *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 tr1

Traffic management within the access driveway, circulation roadway and parking module (parking spaces and aisles) must be installed prior to the commencement of the use.

Traffic management design drawing(s) of the proposed traffic management within the car park (including signage and linemarking), must be submitted and approved, prior to commencement of the use. The design drawing(s) and management plan must include (but not be limited to):

1. Be prepared by a suitably qualified person.
2. Signage indicating that the car parking area is a private car park.
3. Pedestrian safety bollards for egress to/from lifts and doorways.
4. Delineation of pedestrian pathways along the shared vehicular circulation roadway (including access to both tenancies off of the circulation roadway).
5. Include line marking and signage defining the turning area.
6. Warning devices (both active and static) at the car park exit to alert drivers and pedestrians on Trafalgar Place that a vehicle is exiting the car park.
7. Warning devices on the approaches to the service lift doors on all levels of the car park advising drivers that they may encounter a pedestrian at the lift.

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

*Advice:*

- *Once the traffic management design drawings have been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement and associated fees).*

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 3a

The access driveway, circulation roadways and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (excluding circulation roadway width which should be a minimum 5.2m wide).

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.*
- *The reduced two way circulation roadway width pinch point of 5.2m (with a 4m wide garage door) has been approved on the basis that onsite turning is provided such that any conflict between entering and exiting vehicles is by forward travelling vehicles.*

Reason for condition

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

## ENG 5

The number of parking spaces approved on the site is:

1. Three (3) User Class 1A car parking spaces.
2. A minimum of one (1) bicycle parking space.

Prior to first occupation:

1. All car 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.
2. All bicycle parking spaces must be installed in accordance with AS/NZS 2890.3 2015 (Security Class C).

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.

## 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 6

All onsite excavation and disturbance within the area identified as being of moderate archaeological potential within Fig.23 of the Statement of Archaeological Potential produced by Austral Tasmania, dated 30 July 2018 must be monitored by a suitably qualified archaeologist. 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 provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and
3. All and any recommendations made by the archaeologist engaged in accordance with (2) above must be complied with in full; and
4. All features and/or deposits discovered must be reported to the Council with 3 days of the discovery; and

5. A copy of the archaeologist's advice, assessment and recommendations obtained in accordance with paragraph (2) above must be provided to Council within 10 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.

ENVHE 1

The following must be submitted and approved prior to the issue of any approval under the *Building Act 2016* (excluding demolition):

1. A contamination Environmental Site Assessment report prepared by a suitably qualified and experienced person in accordance with the procedures and practices detailed in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM) as amended 2013 must be provided. The report must conclude:
  1. Whether any site contamination presents a risk to workers involved in redevelopment of the site, or future users of the site, as a result of proposed excavation of the site.
  2. Whether any site contamination presents an environmental risk from excavation conducted during redevelopment of the site.
  3. Whether any specific remediation and/or protection measures are required to ensure proposed excavation does not adversely impact human health or the environment before excavation commences.
2. If the Environmental Site Assessment report concludes that remediation and/or protection measures are necessary to avoid risks to human health or the environment, a proposed remediation and/or management plan must be submitted. Any remediation or management plan involving soil disturbance must include a detailed soil and water management plan to prevent off-site transfer of potentially-contaminated soil or stormwater.
3. A statement based on the results of the Environmental Site Assessment that the excavation as part of the planned works will not adversely impact on human health or the environment is to be provided (subject to implementation of any identified remediation and/or protection measures as required).



The above requirement is in line with recommendations in the report titled 'Qapital Investments Pty Ltd - 125 Bathurst Limited PSI Delivery Report' dated July 2018 and prepared by GHD and reiterated in a letter dated 30 August 2018 written by GHD to Quinten Villanueva. The requirement has been agreed to in the letter dated 10 September provided as further information by GHD.

*Advice: Preferably this information would be provided after demolition and removal of the existing buildings from the site has occurred, but prior to excavation and construction of the new building commencing.*

#### Reason for condition

To ensure compliance with the Potentially Contaminated Land Code of the *Hobart Interim Planning Scheme 2015* and that the risk to future occupants of the building remain low and acceptable.

#### ENVHE 4

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

A construction management plan must be submitted and approved prior to the issuing of any building permit under the *Building Act 2000*. The plan must include but is not limited to the following:

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

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

*Advice: Once the construction 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.*

Reason for condition

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

ADVICE

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

#### OCCUPATION OF THE PUBLIC HIGHWAY

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

#### 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.

#### STRUCTURES CLOSE TO DRAINS OR WITHIN EASEMENTS

Any works within 1m of any private third-party pipes or within service easements will need separate permission under s73 and s74 of the *Building Act 2016*.

#### 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.

## 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](#).

## NOISE REGULATIONS

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

## 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](#).

## 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.

### **Attachment**

A. Attachment B - CPC Agenda Documents

**Delegation: Council**

## DENISON

That supplementary item 11 be now taken.

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Harvey  
Behrakis

**7.1.3 Pirie Street and New Town Road, New Town and Road Reserve -  
Bus Shelter  
PLN-18-802 - File Ref: F19/7554**

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BRISCOE

That the recommendation contained in the report of the Assistant Planner and the Manager Development Appraisal of 17 January 2019, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Harvey  
Behrakis

NOES

**COMMITTEE RESOLUTION:**

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for a bus shelter at Pirie Street and New Town Road, New Town and road reserve for the reasons outlined in the officer's report, attached to item 7.1.3 of the Open City Planning Committee agenda of 29 January 2019 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-18-802 - 185-187 NEW TOWN ROAD NEW TOWN TAS 7008 except where modified below.

Reason for condition

To clarify the scope of the permit.

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 sw3

The proposed bus shelter footings must be designed to ensure the protection of the Council's storm water main.

A detailed design must be submitted and approved prior to construction. The detailed design must:

1. Demonstrate how the design will ensure the protection of the Council's stormwater main. (see advice section of permit)

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

*Advice:*

- *The applicant may 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 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 sw4

The new storm water connection must be constructed, prior to the first occupation.

Detailed engineering drawings must be submitted and approved, prior to commencement of work. The detailed engineering drawings must include:

1. the location of the proposed connection; and
2. the size of the connection appropriate to satisfy the needs of the development.

All work required by this condition must be undertaken in accordance with the approved detailed 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 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or
2. Be repaired and reinstated by the owner to the satisfaction of the Council.

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

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

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.



## ENVHE 2

A contamination Environmental Site Assessment report prepared by a suitably qualified and experienced person in accordance with the procedures and practices detailed in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM) as amended 2013 must be submitted to council prior to commencement of work. The report must conclude:

- Whether any site contamination presents a risk to workers involved in redevelopment of the site, or future users of the site, as a result of proposed excavation of the site.
- Whether any site contamination presents an environmental risk from excavation conducted during redevelopment of the site.
- Whether any specific remediation and/or protection measures are required to ensure proposed excavation does not adversely impact human health or the environment before excavation commences.
- Based on the results of the Environmental Site Assessment that the excavation as part of the planned works will not adversely impact on human health or the environment (subject to implementation of any identified remediation and/or protection measures as required).

If the Environmental Site Assessment report concludes that remediation and/or protection measures are necessary to avoid risks to human health or the environment, a proposed remediation and/or management plan must be submitted prior to commencement of work. Any remediation or management plan involving soil disturbance must include a detailed soil and water management plan to prevent off-site transfer of potentially-contaminated soil or stormwater.

### Reason for condition

To determine the level of site contamination, and to identify any recommended remediation/management practices/safeguards which need to be followed/put in place during any excavations/ground disturbance on, or for use of the site, to provide for a safe living environment.

## 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

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 portal](#).

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*.

#### OCCUPATION OF THE PUBLIC HIGHWAY

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.

#### WORK PLACE HEALTH AND SAFETY

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

**Delegation: Council**

## 8. REPORTS

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### 8.1 Monthly Building Statistics - 1 December 2018 - 31 December 2018 File Ref: F19/6415

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#### BRISCOE

That the recommendation contained in the memorandum of the Director City Planning of 17 January 2019, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Denison	
Harvey	
Behrakis	

#### **COMMITTEE RESOLUTION:**

That the Director City Planning reports:

- A. 1. During the period 1 December 2018 to 31 December 2018, 50 permits were issued to the value of \$16,640,861 which included:
  - (i) 30 for Extensions/Alterations to Dwellings to the value of \$8,597,444;
  - (ii) 6 New Dwellings to the value of \$2,445,895; and
  - (iii) 3 Major Projects:
    - (a) 284-290 Elizabeth Street, Hobart - Apartments, Carpark and Public Assembly - \$6,570,862;

- (b) 2 Cross Street, New Town – Sacred Heart College – Alterations and Additions - \$1,800,000;
  - (c) 96 Bathurst Street, Hobart - UTAS (Mid City Hobart) - Student Accommodation -Alterations -\$1,400,000
2. During the period 1 December 2017 to 31 December 2017, 59 permits were issued to the value of \$17,209,292 which included:
- (i) 25 Extensions/Alterations to Dwellings to the value of \$2,932,284
  - (ii) 12 New Dwellings to the value of \$4,919,330; and
  - (iii) 3 Major Projects:
    - (a) 119-119A New Town Road , New Town - Demolition and New Development for Food Services and 16 Multiple Dwellings - \$4,900,000;
    - (b) 8A Romily Street, South Hobart - New Building (9 Units) - \$2,385,000;
    - (c) 38 Argyle Street, Hobart - Alterations and Additions (Kemp Street) - \$1,480,0008
- B. 1. In the twelve months ending 31 December 2018, 648 permits were issued to the value of \$521,061,352; and
2. In the twelve months ending 31 December 2017, 714 permits were issued to the value of \$256,556,651.

**Delegation: Council**

## **8.2 City Planning - Advertising Report**

**File Ref: F19/7712**

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BEHRAKIS

That the recommendation contained in the memorandum of the Director City Planning of 21 January 2019, be adopted, as amended by the addition of the following clause:

- “2. The proposed development at 2 Churchill Avenue, Sandy Bay (PLN-18-929) be referred to Committee for consideration.”

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Denison	
Harvey	
Behrakis	

**COMMITTEE RESOLUTION:**

- That: 1. The information be received and noted.
2. The proposed development at 2 Churchill Avenue, Sandy Bay (PLN-18-929) be referred to Committee for consideration.

**Delegation: Committee**

**8.3 Delegated Decisions Report (Planning)**  
**File Ref: F19/8224**

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BRISCOE

That the recommendation contained in the report of the Director City Planning of 23 January 2019, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Denison	
Harvey	
Behrakis	

**COMMITTEE RESOLUTION:**

That the information 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 Briscoe - Implementation of the Vision into Statutory Documents** **File Ref: 13-1-10**

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Question: As mentioned during the discussion with the Urban Design Advisory Panel, could the Director please advise of the process of implementing the City of Hobart Vision into current statutory planning documentation?

Answer: The Director City Planning advised that the report seeking Council endorsement of the new planning scheme will include comment on the Hobart Community Vision and how the scheme addresses the Vision.

### **9.2 Alderman Denison - Welfare Institutions** **File Ref: 13-1-10**

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Question: Is the Director able to provide a list of welfare institutions approved by the Council over the last 10 years as defined under the previous *City of Hobart Planning Scheme 1982*?

Answer: The Director City Planning took the question on notice.

### **9.3 Alderman Briscoe - Standards and Controls for Residential Developments in Non-Residential Zones** **File Ref: 13-1-10**

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Question: Could the Director please advise when it is expected that a report will be tabled in relation to the notice of motion in regards to standards and controls for residential developments adopted by the Council on 29 October 2018 for the consideration of the Committee?

Answer: The Director City Planning advised that the report is high priority and is expected to be tabled for the Committees consideration within the next six months.

## 10. CLOSED PORTION OF THE MEETING

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HARVEY

That the Committee resolve by 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 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	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Denison	
Harvey	
Behrakis	

**Delegation: Committee**



## **SUPPLEMENTARY ITEM**

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The members of the Urban Design Advisory Panel, consisting of Mr Peter Curtis (Chairman), Mr George Wilkie – Executive Manager City Design Hobart City Council , Mr Ian James, Mr James Allom representing the Tasmanian Chapter of the Australian Institute of Architects and Ms Susan Small representing the Tasmanian Chapter of the Australian Institute of Landscape Architects addressed the Committee in relation to supplementary item 11.

### **11. Urban Design Advisory Panel Six Monthly Discussion File Ref: F19/9912**

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BRISCOE

That the recommendation contained in the memorandum of the Director City Planning of 29 January 2019, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Denison	
Harvey	
Behrakis	

#### **COMMITTEE RESOLUTION:**

That the information be received and noted.

**Delegation: Committee**

Item 7.1.3 was then taken.

There being no further business the open portion of the meeting closed at 7:00 pm.

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

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**CHAIRMAN**