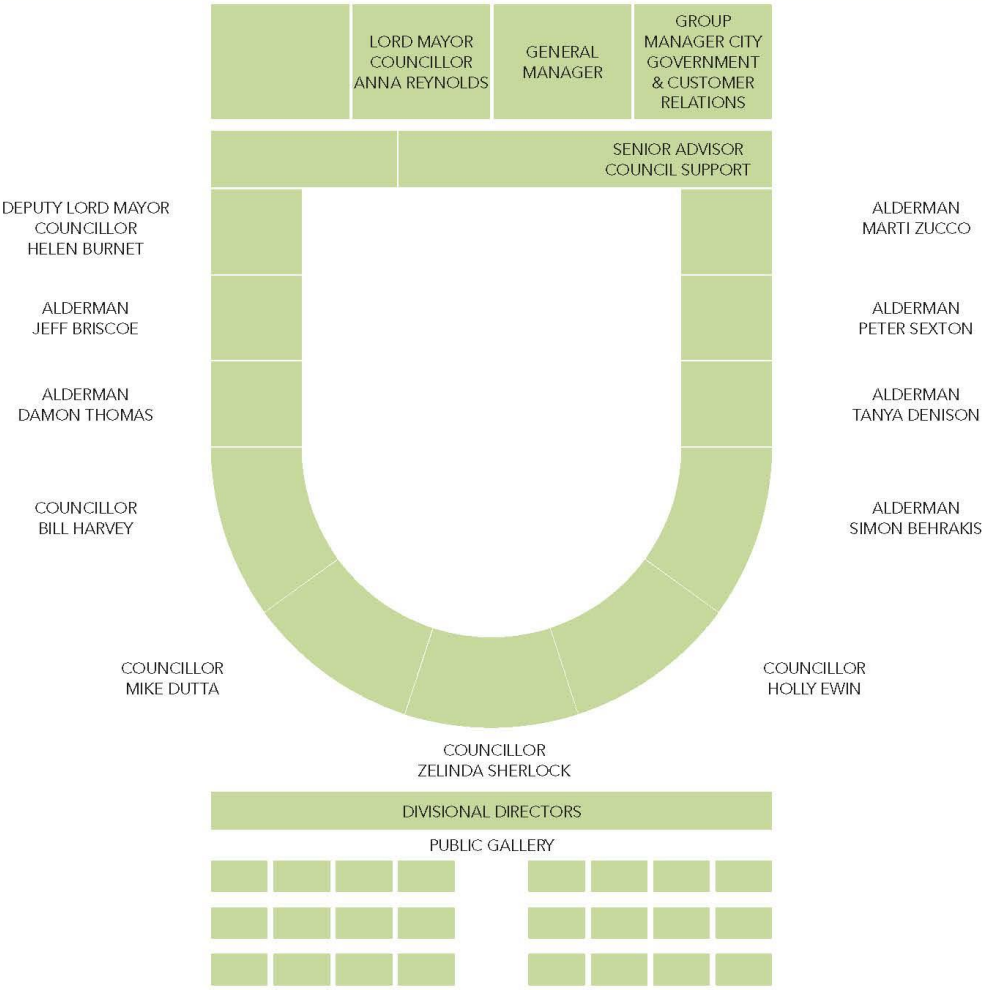




# CITY OF HOBART

AGENDA  
OPEN PORTION OF THE COUNCIL MEETING  
MONDAY, 4 NOVEMBER 2019  
AT 5:00 PM





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## ORDER OF BUSINESS

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**A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE  
COUNCIL CHAMBER, TOWN HALL ON MONDAY, 4 NOVEMBER 2019 AT  
5:00 PM.**

**N D Heath  
General Manager**

**ELECTED MEMBERS:**

Lord Mayor A M Reynolds  
Deputy Lord Mayor H Burnet  
Alderman M Zucco  
Alderman J R Briscoe  
Alderman Dr P T Sexton  
Alderman D C Thomas  
Alderman T M Denison  
Councillor W F Harvey  
Alderman S Behrakis  
Councillor M S C Dutta  
Councillor H A Ewin  
Councillor Z E Sherlock

**APOLOGIES:**

**LEAVE OF ABSENCE: Nil.**

**1. CONFIRMATION OF MINUTES**

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The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 21 October 2019](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

**2. TRANSFER OF AGENDA ITEMS**

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

**3. COMMUNICATION FROM THE CHAIRMAN**

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#### **4. NOTIFICATION OF COUNCIL WORKSHOPS**

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In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the General Manager reports that the following workshop has been conducted since the last ordinary meeting of the Council.

Date: 29 October 2019

Purpose: Tasmanian Aboriginal Cultural Awareness Workshop

#### **5. PUBLIC QUESTION TIME**

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#### **6. PETITIONS**

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#### **7. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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

##### **RECOMMENDATION**

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

#### **8. 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*.

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

## REPORTS OF COMMITTEES

### CITY PLANNING COMMITTEE

#### 9. COUNCIL ACTING AS PLANNING AUTHORITY

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

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

The Council is reminded that in order to comply with Regulation 25(2), the 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.

##### 9.1 7 Swan Street, North Hobart - Alterations (Re-Roofing) PLN-19-482 - File Ref: F19/138153

Ref: Open [CPC 7.1.1](#), 28/10/2019  
Application Expiry Date: 5 November 2019

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for alterations (Re-Roofing) at 7 Swan Street, North Hobart for the reason that the proposal does not detract from the heritage values of the precinct through the use of non-traditional material (Colorbond) and finishes in the re-roofing of a Victorian house, 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-19-482 - 7 SWAN STREET NORTH HOBART TAS 7000 - FINAL PLANNING DOCUMENTS except where modified below.**

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: 5997 dated 27 September 2019, as attached to the permit.**

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*.

#### 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.

#### REUSE OF REMOVED SLATE

You are encouraged to explore recycling any undamaged slate removed for the roof either for onsite use or alternatively on slate roofed buildings within the vicinity.

## **9.2 190 Macquarie Street, Adjacent Road Reserve, Hobart - Demolition and New Building for Four Multiple Dwellings and Works in a Road Reserve PLN-19-3 - File Ref: F19/138516**

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Ref: Open [CPC 7.1.2](#), 28/10/2019

Application Expiry Date: 8 November 2019

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council refuse the application for demolition and new building for four multiple dwellings and works in road reserve at 190 Macquarie Street, Hobart for the following reasons:

1. The proposal does not meet clause E.13.8.2 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because the design and siting of buildings and works will result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.
2. The proposal does not meet clause E.9.7.2 A1 or P1 of the *Hobart Interim Planning Scheme 2015* because development for sensitive use will result in potential to be impacted by environmental harm from use with potential to cause environmental harm, having regard to all of the following:
  - (a) the nature of the use with potential to cause environmental harm; including:
    - (i) operational characteristics;
    - (ii) scale and intensity;
    - (iii) degree of hazard or pollution that may emitted from the activity;
  - (b) the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance;
  - (c) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions.

**9.3 30 McRobies Road (CT 160085/3 and CT 126957/1) South Hobart - Partial Demolition, New Washdown Facility and Associated Works  
PLN-19-200 - File Ref: F19/136855**

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Ref: Open [CPC 7.1.3](#), 28/10/2019  
Application Expiry Date: 8 November 2019

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, new washdown facility and associated works at 30 McRobies Road (CT 166085/3 & CT 166085/5 & CT 126957/1) South Hobart TAS 7004 for the reasons outlined in the officer's report, attached to item 7.1.3 of the Open City Planning Committee agenda of 28 October 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-19-200 30 MCROBIES ROAD SOUTH 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 2019/00583-HCC dated 17th May 2019 as attached to the permit.

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 commencement of use.

Reason for condition

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

ENG sw2.1

A pre-construction CCTV recording of the Council's stormwater main within/adjacent to the proposed development, along with photos of any drainage structures to be connected to or modified, must be submitted to Council prior to the commencement of work.

The post-construction CCTV recording and photos will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with pre-construction CCTV recording then any damage to Council's infrastructure identified in the post-construction CCTV recording 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

A post-construction CCTV recording of the Council's stormwater main within/adjacent to the proposed development, 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 work.

The post-construction CCTV recording and photos will be relied upon to establish the extent of any damage caused to Council's stormwater infrastructure during construction. If the owner/developer fails to provide Council with 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 sw6

The new stormwater connection and drainage infrastructure must be constructed (the new connection to be completed by the Council at the owner's expense), prior to the commencement of use.

Detailed engineering drawings and supporting computations for the proposed new stormwater connection and drainage infrastructure must be submitted and approved prior to commencement of work. The detailed engineering drawings and supporting computations must:

1. Be prepared by a suitably qualified person;
2. Clearly show the location, size, pipe type and class, invert levels, and method of construction of the proposed connection;
3. Include longitudinal section(s)/levels and grades to the point of discharge;
4. Include a trafficable wash-water containment bund across the entrance to the wash bay;
5. Include appropriate scour protection at the end of the asphalt lined swale drain;
6. Provide detail of the power trench where it crosses Council's 1500mm main including levels, depths, clearances, cover etc; and

7. Show 3% CSFCR backfill in the power trench where it crosses Council's 1500mm main.

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

*Advice:*

An [\*application for a new stormwater connection\*](#) is required

*Once the detailed engineering plans and computations have been approved Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

*Consent from the General Manager of the Council in accordance with section 73 Building Act 2016 will be required for any building work over an existing drain or within one metre from the edge of the existing drain measured horizontally. Also consent is required from all parties with the benefit of the easement in accordance with section 74 Building Act 2016 for any works proposed within the easement. In order to obtain consent from the General Manager of the Council, it is required that a request to the General Manager of Council is made for consent. The request should be supported by the written consent of all parties with the benefit of the easement confirming their consent to the proposed works within the easement. If Council grants a permit authorising the proposal under the Land Use Planning and Approvals Act 1993 and Hobart Interim Planning Scheme 2015, works must not commence unless and until the consent is obtained under Building Act 2016 to the proposed works involving or in proximity of existing drains and service easements, and all conditions of such consent are complied with.*

*Clearance between footings or other works must be to the nearest outside edge of the Council stormwater main and clearly shown on the drawings.*

*Where applicable, zone of influence is to be clearly shown on the drawings.*

Reason for condition

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

#### ENG 4

The access driveway and truck turning 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 turning area, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

#### 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 1

Recommendations in the report titled 'Potentially Contaminated Land Code: Environmental Site Assessment (PCLC ESA) Report - 30 McRobies Road, South Hobart, Version R01' (the Report) must be implemented during the excavation works:

1. 'Direct Contact with PCS' and 'Ingestion of PCS' as listed in 'Table 3: Onsite controls and screening during excavation works' of the Appendix A - Contamination Management Plan.
2. The Report does confirm that excavated material is suitable for reuse onsite, however if it is planned to be removed from the investigation area, the EPA Information Bulletin 105 'Classification and Management of Contaminated Soil for Disposal' must be implemented.

Reason for condition

To ensure that the works are carried out with minimal risk to workers and the 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 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.

## SPECIAL CONNECTION PERMIT

You may need a Special Connection Permit (Trade Waste) in accordance with the *Plumbing Regulations 2014* and the Tasmanian Plumbing Code. 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*.

## NEW SERVICE CONNECTION

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

## STORMWATER

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

## STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

The design of structures (including footings) must provide protection for the Council's infrastructure. For information regarding appropriate designs please contact the Council's City Amenity Division.

## STORM WATER / ROADS / ACCESS

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

## NOISE REGULATIONS

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

## FEES AND CHARGES

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

## DIAL BEFORE YOU DIG

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

### **9.4 Significant Trees Amendment - Hobart Interim Planning Scheme 2015 - PSA-19-3 - S39 Consideration of Representations** **File Ref: F19/131876; PSA-19-3**

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Ref: Open [CPC 7.1.4](#), 28/10/2019

That the item be referred to Council without a recommendation.

Attachment A: City Planning Committee Agenda of 28 October 2019 - Item 7.1.4 - Significant Trees Amendment - Hobart Interim Planning Scheme 2015 - PSA-19-3 - S39 Consideration of Representations - Original Report

Attachment B: City Planning Committee Agenda of 28 October 2019 - Item 7.1.4 - Significant Trees Amendment - Hobart Interim Planning Scheme 2015 - PSA-19-3 - S39 Consideration of Representations – Original Supporting Documentation (Under Separate Cover)

Item No. 7.1.4

Agenda (Open Portion)  
City Planning Committee Meeting  
28/10/2019

Page 570

**REPORT TITLE:                   SIGNIFICANT TREES AMENDMENT - HOBART  
INTERIM PLANNING SCHEME 2015 - PSA-19-3 - S39  
CONSIDERATION OF REPRESENTATIONS**

**REPORT PROVIDED BY:** Development Planner  
Acting Director City Planning

**1.     Report Purpose and Community Benefit**

- 1.1.   The purpose of this report is to consider the merits of the representations received in relation to the draft PSA-19-3 Amendment to the *Hobart Interim Planning Scheme 2015* (HIPS 2015). It also considers recommendations to the Tasmanian Planning Commission (TPC) regarding the need for any modifications to the amendment as a result of the representations received.
- 1.2.   The proposal benefits the community by protecting trees that are considered to be of significant value to the residents and visitors of Hobart.

**2.     Report Summary**

- 2.1.   The proposal is to consider 10 representations (9 statutory and 1 non-statutory), made in relation to planning scheme amendment PSA-19-3 – Significant Trees.
- 2.2.   The representations are provided in **Attachment B**.
- 2.3.   The report also considers internal advice received in relation to a tree in the Council road reservation in Lower Jordan Hill Road.
- 2.4.   At its meeting on 5 August 2019, the Council resolved to initiate the PSA-19-3 Amendment to the HIPS 2015 to insert 79 new listings into the Significant Tree List (the Council minutes from this meeting are provided as **Attachment A**).
- 2.5.   The certified amendment was placed on exhibition from 5 September to 3 October 2019. All property owners, occupiers and neighbours of trees that were recommended for listing were notified by letter, including immediate neighbours to trees on Council land. Land owners and occupiers of trees not recommended to be listed were also notified, as were all nominators. This report considers the representations received during the exhibition period.
- 2.6.   Of the representations:
  - 2.6.1.   2 objected to the Council decision not to list a tree;

- 2.6.2. 2 objected to trees being listed (one of which was submitted by the State Government as a landowner, and one of which was the non-statutory representation, submitted by a neighbour);
- 2.6.3. 2 supported trees being listed;
- 2.6.4. 2 were queries;
- 2.6.5. 1 did not have any specific objections but wished to note exemptions in relation to electricity infrastructure;
- 2.6.6. 1 was to clarify the position of the landowner, as they felt the sentiment of their initial submission (as considered in the Council report of 5 August 2019) was not accurately reflected.
- 2.7. Each representation was considered by the Tree Assessment Panel (the panel), which also made the initial recommendations for which trees should be listed as significant.
- 2.8. The panel proposes the Council recommend to the TPC that the following changes be made to the amendment to the Significant Tree List of the HIPS 2015:
  - 2.8.1. Insertion of listing Ref. No. E8 for 1 *Fraxinus velutina* (velvet ash) at 284-290 Elizabeth Street;
  - 2.8.2. Amendment of the listing Ref. No. S29 to include a third *Eucalyptus globulus* (Tasmanian blue gum) at 894 Sandy Bay Road by updating the address from 892 to 892-894 and changing the number of trees from 2 to 3;
  - 2.8.3. Deletion of listing Ref. No. D22 for 8 *Cupressus torulosa* (Bhutan cypress) at 70 Davey Street;
  - 2.8.4. Deletion of listing Ref. No. L36 for 1 *Eucalyptus morrisbyi* (Morrisby's gum) at Lower Jordan Hill Road (nature strip adjacent no. 60).
- 2.9. It is also proposed to recommend to the TPC that the initiated amendment document include a new Amendment PSA-19-3-5 to update the date of the City of Hobart Significant Tree Register, which is included as a Referenced Document under Appendix 1 of the HIPS 2015.
- 2.10. The recommended updated amendment document is provided as **Attachment D**, showing marked revisions.

**3. Recommendation*****That:***

- 1. *Pursuant to Section 39(2) of the former provisions of the Land Use Planning and Approvals Act 1993, the Council endorse this report as the formal statement of its opinion as to the merit of the representations received during the exhibition of the draft PSA-19-3 Amendment.***
- 2. *Pursuant to Section 39(2) of the former provisions of the Land Use Planning and Approvals Act 1993, the Council recommend to the Tasmanian Planning Commission that the PSA-19-3 Amendment to the Hobart Interim Planning Scheme 2015 be finally approved, with the following changes:***
  - (a) *Insertion of listing Ref. No. E8 for 1 Fraxinus velutina (velvet ash) at 284-290 Elizabeth Street;***
  - (b) *Amendment of the listing Ref. No. S29 to include a third Eucalyptus globulus (Tasmanian blue gum) at 894 Sandy Bay Road by updating the address from '892' to '892 and 894' and changing the number of trees from '2' to '3';***
  - (c) *Deletion of listing Ref. No. D22 for 8 Cupressus torulosa (Bhutan cypress) at 70 Davey Street;***
  - (d) *Deletion of listing Ref. No. L36 for 1 Eucalyptus morrisbyi (Morrisby's gum) at Lower Jordan Hill Road (nature strip adjacent no. 60);***
  - (e) *Insertion of a new Amendment PSA-19-3-5 to update Appendix 1 - Referenced and Incorporated Documents of the Hobart Interim Planning Scheme 2015 by omitting the date '14 June 2012' and substituting the date '4 November 2019' in reference to the City of Hobart Significant Tree Register.***

**4. Background**

- 4.1. At its meeting on 5 August 2019, the Council resolved to initiate the PSA-19-3 Amendment to the HIPS 2015 to insert 79 new listings into the Significant Tree List (Council's decision is provided in **Attachment A**).**



- 4.2. This resolution was the result of a public engagement process in 2018 whereby members of the public nominated trees to be included in the Significant Tree List. 194 Nominations were received from 53 nominators, totalling 1478 individual trees and 4 hedges.
- 4.3. Following the nomination process, individual owners and occupiers of land containing a nominated tree were notified. 47 submissions were received, with 11 supporting the nomination, 24 opposing, 3 expressing some concern and 9 not expressing either clear support or opposition. A further submission was received from Council's (then) City Infrastructure Division, in its role as public highway authority, expressing concern over trees being listed in the road reservation.
- 4.4. Each of the nominated trees and hedges were assessed by a Tree Assessment Panel (the panel), consisting of Council's Development Planner, Program Leader Arboriculture and Nursery, Cultural Heritage Officer and Urban Design Officer.
- 4.5. The panel made a recommendation on whether or not each tree should be listed as significant, based on whether they were considered to meet any of the 10 categories of significance under the Significant Tree Assessment Criteria.
- 4.6. 84 nominations were recommended for listing by the panel. At its meeting on 5 August 2019, the Council resolved to remove 6 trees from the amendment process as the inclusion of those trees was objected to by landowners.
- 4.7. The certified amendment was placed on exhibition from 5 September to 3 October 2019. All property owners, occupiers and neighbours of trees that were recommended for listing were notified by letter, including immediate neighbours to trees on Council land. Land owners and occupiers of trees not recommended to be listed were also advised, as were all nominators.
- 4.8. 9 representations were received during the statutory advertising period, and one representation was received a day after the statutory period ended. Copies of the representations are provided in **Attachment B**.

## **5. Proposal and Implementation**

- 5.1. The proposal is to consider 10 representations (9 statutory and 1 non-statutory) made in relation to planning scheme amendment PSA-19-3 – Significant Trees.

- 5.2. It is also proposed that the amendment include reference to updating the date of the Significant Tree Register document, which is listed under Appendix 1 of the HIPS as a referenced document. The Significant Tree Register, updated to incorporate the datasheets of all new listings, and including all changes recommended by this report, is provided as **Attachment E**.

***Representations***

- 5.3. Of the 10 representations (9 statutory and 1 non-statutory):
- 5.3.1. 2 objected to the Council decision not to list a tree, and wished to support the inclusion of the tree in the amendment. Both representations related to the same tree, and were from occupiers of the land;
  - 5.3.2. 2 objected to trees being listed. One of these representations was from the State (Tasmanian Health Service) as landowner, objecting to the listing of trees relating to 2 separate nominations. The other representation was from a neighbouring landowner and was non-statutory as it was received one day outside of the statutory exhibition period;
  - 5.3.3. 2 supported trees being listed. One was from a resident adjacent to council owned street trees and the other was from a neighbour to a privately owned site;
  - 5.3.4. 2 raised queries asking for clarification. One was from a resident adjacent to council owned street trees and the other was from a neighbour to a privately owned site;
  - 5.3.5. 1 did not have any specific objections but wished to note exemptions in relation to electricity infrastructure (received from TasNetworks).
  - 5.3.6. 1 was to clarify the position of the owner, as they felt the sentiment of their initial submission, as reflected in the Council report of 5 August 2019, was not accurately categorised.
- 5.4. Representations are provided in full in **Attachment B**. The datasheets of nominations referred to in the representations are provided as **Attachment C**
- 5.5. A summary of the issues raised in the representations, along with responses from the panel, is detailed as follows:

Summary of Representation	Response
<b>Allison Street median strip – 5 claret ash</b>	
<ul style="list-style-type: none"> <li>• Resident of Allison Street.</li> <li>• Query about the number of trees to be listed.</li> <li>• Request for better quality copies of exhibition documentation to be provided on the website.</li> <li>• Query about what the listing will mean – will Council look after the trees more proactively? One of the trees has grass/plants growing in it.</li> <li>• Have had problems with a tree losing large branches in storms.</li> <li>• Hopefully more attentive care will be given to their upkeep.</li> </ul>	<p>The representor was contacted and advised of the number of trees that were proposed to be listed. The uncertainty was based on the number of trees initially nominated by community members (4) and the number that were recommended by the panel to be listed (5).</p> <p>A higher resolution copy of the report attachments was provided online to improve the read quality.</p> <p>In relation to maintenance of the trees, Council's Program Leader Arboriculture and Nursery provides the following comment:</p> <p><i>'The City of Hobart already undertakes proactive cyclic inspections on street and park trees (including Allison Street). The inspections are undertaken by an experienced and qualified arborist and works are undertaken if the inspection determines that they are required. These proactive inspections resulted in proactive maintenance pruning occurring along the trees within Allison Street in January this year, removal of a tree in decline near the Hill Street end, and replacement planting of a tree as part of this year's Winter planting season. The listing of these trees in the Significant Tree Register recognises their importance to the local community and to the streetscape in general.'</i></p> <p><b>The panel proposes no change to the recommended amendment in response to this representation.</b></p>
<ul style="list-style-type: none"> <li>• Resident of Allison Street.</li> <li>• Heartily support the inclusion of the trees on the list.</li> </ul>	<p>The support of this nomination is noted.</p>

<ul style="list-style-type: none"> <li>• Agree with the two people who nominated the trees. They are of great beauty and commented on by visitors, especially in autumn.</li> <li>• They are useful for shade and their fallen leaves are used as mulch in gardens.</li> <li>• Any minor inconvenience is outweighed by their beauty and benefits.</li> <li>• The trees make the street what it is, and were a factor in choosing to live in the street.</li> </ul>	<p>The panel confirms these trees are considered to meet <b>Category 1:</b> Trees of outstanding aesthetic significance and <b>Category 6:</b> Trees that have local significance.</p> <p><b>The panel proposes no change to the recommended amendment in response to this representation.</b></p>
<b>2 Amanda Crescent – white gum</b>	
<ul style="list-style-type: none"> <li>• Neighbour to the site.</li> <li>• I do not have a reservation with this tree, it is important to voice my support of this tree.</li> <li>• The tree is beautiful and I am so glad it will be on the Significant Tree List.</li> <li>• My mother would also like to express she is very happy with the tree and supports it being on the register.</li> </ul>	<p>The support of this nomination is noted.</p> <p>The panel confirms this tree is considered to meet <b>Category 1:</b> Trees of outstanding aesthetic significance and <b>Category 2:</b> Trees that have local significance.</p> <p><b>The panel proposes no change to the recommended amendment in response to this representation</b></p>
<b>90 Davey Street – 5 English oak and 1 white gum</b> <b>48 Liverpool Street - peppercorn</b>	
<ul style="list-style-type: none"> <li>• Response from Tasmanian Health Service (THS) as owner of Repat Centre and Royal Hobart Hospital.</li> <li>• 90 Davey Street (repat centre) now forms part of the RHH campus, providing outpatient and inpatient services with 90 hospital beds.</li> <li>• The site is problematic due to aging underground infrastructure, including 50 year old asbestos water mains that fail regularly.</li> </ul>	<p>The panel notes the concerns of the representor with regard to the trees at the Repat Centre (90 Davey Street).</p> <p>Advice provided by Council's Program Leader Arboriculture and Nursery indicates that total tree failure is not a common occurrence, and no signs of rootplate instability were noted during the inspection of the subject trees.</p>

<ul style="list-style-type: none"> <li>• In September, the water mains ruptured due to roots intertwined around the pipe moving in heavy winds. This was a major disruption to patients, resulting in the loss of water for most of the day. A large tree (not one that was recommended for listing) had to be removed to allow for repairs.</li> <li>• Several of the trees recommended for listing are in similar proximity to the water main and it is anticipated the same issue is likely to reoccur.</li> <li>• Hospitals cannot function without water and any disruption may impact severely on inpatient health and treatment outcomes.</li> <li>• The trees surrounding the repat are important to the hospital for the patients and the preference is to not remove any unless absolutely necessary. However, it is probable this may be required at very short notice if the water main is disrupted again.</li> <li>• It is the preference of the THS that none of the identified trees on the Repat Centre site are listed.</li> <li>• The peppercorn tree on the RHH site (Campbell Street frontage) doesn't appear to be an issue now. However, the RHH Master Plan proposes the adjacent buildings are to be demolished and redeveloped. The tree will clearly be inside of the demolition and construction zones in the future.</li> </ul>	<p>It is noted that emergency works to significant trees by a public authority may be exempt from requiring a permit where the tree poses an immediate danger to persons or property.</p> <p>In relation to the peppercorn at the Royal Hobart Hospital site, the panel considers that given the peppercorn is already confined to a small wedge of land surrounded by buildings, redevelopment whilst still retaining this tree should be viable. Council's Program Leader Arboriculture and Nursery notes that the tree's root area is expected to be largely contained within the raised bed within which it is currently growing.</p> <p>It is noted that this representation presents a landowner that opposes listings on their land. Council's previous resolution of 5 August 2019 removed any listing that was subject to opposition by the landowner.</p> <p>The panel, however, still considers these trees to meet the assessment criteria for listing. Trees at both sites were considered to meet <b>Category 6</b>: Trees that have local significance, and trees at the Repat site were additionally considered to meet <b>Category 1</b>: Trees of outstanding aesthetic significance and <b>Category 5</b>: Trees that are recognised as a significant component of a natural landscape, historic town, park or garden.</p> <p><b>The panel proposes no change to the recommended amendment in response to this representation</b></p>



**284-290 Elizabeth Street – velvet ash**

- Hobart Baptist Church – owner of the site.
- Clarifies that the submission from December was not intended to directly oppose the listing of the tree.
- The concern that was expressed then, and which is still held, is that the tree will continue to be maintained by Council. Requests confirmation that this will be the case.
- The church is well aware of the significance of the tree and has taken all due care to ensure the tree's health during current building works on site (as required in the building approval).
- Whilst the nomination is not opposed, the church sees no need to make any changes to the decision made by Council to not include the tree on the register.

This tree is one of the 6 that were noted in the Council report of 5 August 2019 as being 'opposed' by the owner. Council subsequently resolved to delete this tree from the amendment process on this basis, along with the other 5 trees listed as having landowner opposition.

Prior to the start of the exhibition period, but after Council made its decision, the Church wrote to clarify that it was not their intent to directly oppose the listing of the tree, but only to raise some concerns relating to its maintenance.

After receipt of this correspondence, all adjoining landowners to the site were notified by mail and invited to make comments relating to this tree during the exhibition period, to provide equal opportunity for comment if Council were to determine the tree should progress through the amendment. No adjoining landowners submitted a representation.

The owner of the site concludes, in this current representation, that '*whilst we did not oppose the nomination, we see no need to make any changes to the decision made by Council; to not include the Velvet Ash in question on the Significant Tree Register*'.

In the panel's opinion, the tree was originally recommended for listing under significance **Category 6**: trees that have local significance, and it is still considered that this tree meets this category. The panel recommends that listing of the tree be pursued.

	<p>Council's Program Leader Arboriculture and Nursery has advised that the future of Council's maintenance of this privately owned tree is unresolved at this point. The owner will be contacted directly regarding this matter.</p> <p><b>The panel proposes the tree be recommended to be listed.</b></p>
<b>6 Quorn Street – cypress hedge</b>	
<ul style="list-style-type: none"> <li>Query about which tree is proposed to be listed.</li> </ul>	<p>This representor owns property adjacent to 6 Quorn Avenue. The representor was advised of the location of the relevant nomination and provided with the datasheet, and responded 'it's a nice hedge' without further comment.</p> <p><b>The panel proposes no change to the recommended amendment in response to this representation.</b></p>
<b>892-894 Sandy Bay Road – blue gum</b>	
<ul style="list-style-type: none"> <li>As a resident of 894 Sandy Bay Road for the last 5 years, I can vouch for the trees' significance and believe they should all be included in the register.</li> <li>It is rare to see trees as big within the suburbs.</li> <li>Their aspect right on the water means they are no danger to powerlines or buildings, and if they were to fall it would only be onto a rocky beach without any infrastructure.</li> <li>They are significant for not only their size but also because they provide habitat for endangered wildlife including white goshawks, white bellied sea eagles and masked owls.</li> </ul>	<p>The tree at 894 Sandy Bay Road was one of the 6 trees opposed by landowners that were removed from the amendment process by the Council resolution of 5 August 2019.</p> <p>This tree was nominated as one of 3 trees on 892 and 894 Sandy Bay Road. All 3 trees were originally considered by the panel to meet the significance criteria under <b>Category 5</b>: Trees that are recognised as a significant component of a natural landscape, historic site, town, park or garden and <b>Category 6</b>: trees that have local significance.</p> <p>In the opinion of the panel, while noting the landowner has not submitted a further representation and therefore still likely opposes the listing, all 3 trees still meet the assessment criteria for listing.</p>

<ul style="list-style-type: none"> <li>Given Council has declared a climate emergency, surely they would seek to preserve large trees within their jurisdiction that act as carbon sinks.</li> </ul>	<p><b>The panel proposes the tree be recommended to be listed.</b></p>
<ul style="list-style-type: none"> <li>I take issue with the decision not to include trees at 892/894 Sandy Bay Road on the Significant Tree Register.</li> <li>Over 9 years as a tenant of the property I have seen no less than 5 endangered species in the trees – swift parrots, 40-spotted pardalotes, sea eagles, grey goshawks and masked owls.</li> <li>As they are <i>E. globulus</i> (state emblem trees) directly on the water, they make a significant contribution to the natural beauty and aesthetics of the area.</li> <li>I strongly object to the decision not to list the trees and sincerely hope Council will reconsider this decision in order to protect the ecological/habitat role they serve for many endangered bird species and their contribution to the natural beauty of the coast.</li> </ul>	<p><b>As above.</b></p>
<p><b>General</b></p>	
<ul style="list-style-type: none"> <li>Response from TasNetworks.</li> <li>No specific objection to the draft amendment.</li> <li>Highlights exemptions under the Electricity Supply Industry Act 1995 relating to work on the construction, installation, modification, maintenance, demolition or replacement of electricity infrastructure, and under the Electricity Supply Industry Regulations 2018 relating to work of minor environmental impact, such as clearing and lopping of vegetation to protect electricity infrastructure and public safety.</li> </ul>	<p>It is noted that there are exemptions that allow for works in relation to electricity infrastructure that could impact significant trees.</p> <p><b>The panel proposes no change to the recommended amendment in response to this representation</b></p>

**70 Davey Street – Bhutan cypress****(non-statutory representation)**

- Object to the inclusion of the trees planted on the boundary between 70 and 72 Davey Street.
- Note there are 7 trees, not 8 as stated. There are a number of stumps between them from trees already cut down since the original planting.
- On viewing regulations for permitted trees in urban areas in other parts of Australia, it appears likely the 8<sup>th</sup> tree and possibly others were removed at the request of Council as an unsuitable tree (refers to ACT guidelines that trees not be planted within 2m + the mature canopy radius of a footpath).
- The trees are less than 20 years old, planted by the current owners who intended them to be part of the garden, although this has remained a carpark of 20 years.
- The only thing significant about the trees is their size. They are native to Bhutan and nothing to do with Australia.
- The expected height of the trees is 45m in their natural habitat which is not appropriate for city blocks as they can grow to 3 times the allowable building height.
- The trees are classified as growing up to a lower estimate of 18m in Australia, which is still higher than the allowable building height.
- In urban areas, the species is restricted in most states due to their size and damaging root systems.

This representation is considered to be non-statutory as it was received a day after the closing date for submissions. Despite this, these trees were reviewed by the panel.

In the Council report of 5 August 2019, the panel considered these trees to meet **Category 6**: trees that have local significance, for the following reason:

*'The trees have a notable presence in the streetscape, which is a high-traffic road through Hobart'.*

Since they were last assessed, the trees have been pruned significantly on the south-western side along the fenceline with the neighbouring property. This has significantly affected their streetscape presence.

The panel therefore considers that the trees no longer meet the threshold for significance under category 6.

**The panel recommends that these trees are deleted from the amendment.**

<ul style="list-style-type: none"> <li>• They are a particular fire hazard due to accumulation of dead leaves, branches and pinecones, there has been one fire already that destroyed the fence. Their proximity to adjacent buildings is a hazard.</li> <li>• They significantly overshadow 155 Hampden Road and 72 Davey Street, resulting in loss of light and heat.</li> <li>• They block views from adjacent buildings.</li> <li>• The roots are entering the sewerage system. It is not recommended to plant this species within 6m of pipes and they are within 1-2m. The pipes have had to be cleared on several occasions.</li> <li>• The species is not recommended for paved areas or road verges due to root damage. They are causing damage to adjacent masonry walls.</li> <li>• The species should be planted at least 10m away from buildings, and they are within 2.5m from the adjacent 3 storey building.</li> <li>• The trees shed and affect the building and surrounds with leaves and pinecones. The sap affects car paint and clothes on nearby washing lines.</li> <li>• I request these trees not be listed as significant, that they be removed, and some more appropriate trees be planted in their place.</li> </ul>	
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5.6. The Tree Assessment Panel recommendations for the listings subject to a representation can be summarised as follows:

5.6.1. **Allison Street median strip – 5 claret ash** – that the trees remain recommended for listing.



- 5.6.2. **2 Amanda Crescent – 1 white gum** – that the tree remains recommended for listing.
- 5.6.3. **90 Davey Street – 5 English oak and 1 white gum** – that the trees remain recommended for listing (noting that the landowner now opposes the listing).
- 5.6.4. **48 Liverpool Street – peppercorn** – that the tree remains recommended for listing (noting that the landowner now opposes the listing).
- 5.6.5. **284-290 Elizabeth Street – velvet ash** – that the tree be recommended for listing, given the owner of the site did not intend for their original submission to be classified as 'opposed', and this classification was the basis of the Council decision to delete the tree from the amendment process.
- 5.6.6. **6 Quorn Street – cypress hedge** – that the hedge remains recommended for listing.
- 5.6.7. **894 Sandy Bay Road – blue gum** – that the tree be recommended for listing, given the support of two land occupiers (noting the property owner opposed the listing and it was previously deleted from the amendment process on this basis).
- 5.6.8. **70 Davey Street – Bhutan cypress** – that the trees be recommended to be deleted from the amendment, given recent heavy pruning has negatively affected their streetscape significance.
- 5.7. In addition to the representations received, some internal advice was received from the Council's Roads and Environmental Engineering unit relating to a Morrisby's gum on Lower Jordan Hill Road.
- 5.8. In the Council report of 5 August 2019, the panel recommended this tree for listing under **Category 7**: trees of a species or variety that is rare or of very localised distribution and **Category 8**: trees that are of horticultural or genetic value, as this tree is listed as an endangered species under the *Threatened Species Protection Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999*.
- 5.9. Advice received, however, indicates that the embankment where the tree is located is unstable, resulting in significant subsidence of the road pavement, including the kerb and gutter. The intended solution to this issue is to replace the existing embankment with a retaining wall, which would require removal of the tree. Options to retain the tree were considered, however it was determined that this was unfeasible without compromising the road's integrity and removing vehicle parking.

- 5.10. In the opinion of the panel, the tree clearly meets the assessment criteria for listing as there is a specific category relating to rare trees. Despite this, however, it is apparent that the retention of the tree is likely untenable given the structural requirements in relation to the stability of the road.
- 5.11. It is noted that regardless of whether the tree is listed in the Significant Tree Code, Council will be required to seek approval from the State Government for removal of the tree given its status as an endangered species. This is perhaps the most appropriate approval process for determining whether the removal of this individual tree is detrimental to the endangered species as a whole.
- 5.12. Given the above, it is recommended that Council support deletion of the Morrisby's Gum on Lower Jordan Hill Road from the amendment process.

***Significant Tree Register***

- 5.13. The Significant Tree Register is a document that contains datasheets of information for all listed trees, including photographs, location maps and reasons for significance. This document sits outside of the HIPS 2015, although is noted in Appendix 1 of the scheme as a Referenced Document.
- 5.14. As this document is formally referenced within the scheme, the date of the relevant version is required to be updated. The relevant version will include all newly inserted trees, and be dated to reflect the Council's decision following this report.
- 5.15. An updated amendment document, showing marked revisions as recommended in this report, is provided in **Attachment D**. The updated Significant Tree Register, taking into account the recommendations of this report, is provided in **Attachment E**.

**6. Strategic Planning and Policy Considerations**

- 6.1. The proposed amendment is consistent with the Capital City Strategic plan 2019-29, in particular with the following outcomes:
- 6.1.1. Hobart keeps a strong sense of identity, even as the city changes.
- 6.1.2. Hobart's cityscape reflects the heritage, cultural and natural environment that make it special.

6.1.3. In City decision-making, we consider how different aspects of Hobart life connect and contribute to sense of place.

6.1.4. The natural environment is part of the city and biodiversity is preserved, secure and flourishing.

6.2. The amendment supports the community aspirations for the future of Hobart as articulated in: *Hobart: A community vision for our island capital*, particularly in relation to the statements in Pillar 1. Sense of Place and Pillar 7. Built Environment.

## 7. Financial Implications

7.1. Funding Source and Impact on Current Year Operating Result

7.1.1. None.

7.2. Impact on Future Years' Financial Result

7.2.1. None.

7.3. Asset Related Implications

7.3.1. None.

## 8. Legal, Risk and Legislative Considerations

8.1. The *Land Use Planning and Approvals Act 1993* (LUPAA) requires that planning scheme amendments must seek to further the objectives of Schedule 1 of the Act and be prepared in accordance with State Policies.

8.2. The objectives of the Act require use and development to occur in a fair, orderly and sustainable manner and for the planning process to facilitate economic development in accordance with the other Schedule 1 objectives.

8.3. It is considered that the proposed amendment meet the objectives of LUPAA, in particular it:

8.3.1. Assists sound strategic planning by supporting the achievement of the relevant Code Purpose, and not prejudicing any STRLUS objectives;

8.3.2. Is consistent with the objective to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;

- 8.3.3. Considers effects on the environment by seeking to protect trees;
- 8.3.4. Secures a pleasant, efficient and safe working, living and recreational environment by safeguarding trees that are of value to the community;
- 8.3.5. Conserves places that are of aesthetic or historical interest
- 8.4. No State Policies are directly relevant to the proposed amendments.
- 8.5. S32(e) of the *former provisions* of LUPAA requires that planning scheme amendments must avoid the potential for land use conflicts in adjacent planning scheme areas. This amendment is not related to a change in the way land is used, but only the protection of valued trees within the Hobart municipal area. It is not expected that the amendment will create any opportunity for conflict between scheme areas.
- 8.6. S32(f) of the *former provisions* of LUPAA requires that planning scheme amendments must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms. The proposed amendments aim to protect the amenity provided by trees that are valued by the community, and therefore they are considered to have a positive environmental and social impact. The amendments are also likely to support a positive economic impact as they protect values that make the region an attractive place to live, invest and visit.
- 8.7. Section 30O of LUPAA requires that an amendment to an interim planning scheme is as far as practicable consistent with the regional land use strategy. It is considered that the amendments are consistent with the strategy in that they value and protect special features in the landscape, which correlates in particular with Strategic Directions *SD6: Increasing Responsiveness to our Natural Environment*, *SD8: Supporting Strong and Healthy Communities* and *SD9: Making the Region Nationally and Internationally Competitive*.

## 9. Environmental Considerations

- 9.1. The proposal to protect additional trees has a positive environmental impact in terms of retaining habitat, providing shade in the city and contributing to carbon sequestration.

## 10. Social and Customer Considerations

- 10.1. The proposal is not considered to have any negative impact on social inclusion.

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**11. Marketing and Media**

11.1. There are no marketing or branding implications of this amendment.

**12. Community and Stakeholder Engagement**

12.1. The community has been consulted relating to this amendment. The Tasmanian Planning Commission may also conduct a public hearing into the representations prior to making a final decision.

**13. Delegation**

13.1. This matter is delegated to the Council.

*As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.*








Sarah Crawford  
**DEVELOPMENT PLANNER**



James McIlhenny  
**ACTING DIRECTOR CITY PLANNING**

Date: 23 October 2019  
File Reference: F19/131876; PSA-19-3

Attachment A: Council Minutes from 5 August 2019 ↓   
Attachment B: Representations ↓   
Attachment C: Datasheets of Trees Subject to a Representation ↓   
Attachment D: Amendment Document Showing Marked Changes ↓   
Attachment E: Significant Tree Register ↓ 

**9.5 26 Lower Jordan Hill Road, West Hobart - Subdivision (One Additional Lot)  
PLN-19-389 - File Ref: F19/138813**

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Ref: Supplementary Open [CPC 12](#), 28/10/2019  
Application Expiry Date: 9 December 2019

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for subdivision (one additional lot) at 26 Lower Jordan Hill Road, West Hobart for the reasons outlined in the officer's report attached to supplementary item 12 of the Open City Planning Committee agenda of 28 October 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-19-389 26 LOWER JORDAN HILL ROAD WEST 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 2019/01126-HCC dated 16/08/2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG 2a

Prior to the sealing of the final plan, 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 2c

Prior to the sealing of the final plan, vehicular barriers must be inspected by a qualified engineer and certification submitted to the Council confirming that the installed vehicular barriers comply with Australian Standard AS/NZS1170.1:2002.

*Advice:*

*Certification may be submitted to the Council via 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, and parking module (parking spaces, aisles and manoeuvring area) must be constructed in accordance with the drawings approved in this planning permit or a Council approved alternative design.

Prior to the sealing of the final plan, 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 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) for the full length of the right of way and surface drained to the Council's stormwater infrastructure prior to the sealing of the final plan.

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 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.



### ENGR 3

Prior to the sealing of the final plan, the proposed driveway crossover to Lower Jordan Hill Road highway reservation must be designed and constructed in general accordance with:

- Urban - TSD-R09-v1 – Urban Roads Driveways and TSD R14-v1 Type KC vehicular crossing
- Footpath - Urban Roads Footpaths TSD-R11-v1
- Or a Council City Amenity Division approved alternate design

Design drawings must be submitted and approved prior to the commencement of work. The design drawing must:

1. Show the cross and long section of the driveway crossover within the highway reservation and onto the property
2. Detail any services or infrastructure (ie light poles, pits, awnings) at or near the proposed driveway crossover
3. Be designed for the expected vehicle loadings.
4. Show swept path templates in accordance with AS/NZS 2890.1 2004(B85 or B99 depending on use, design template)
5. 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
6. Grated wedge, asphalt wedge and the standard open wedge driveway crossover are not permitted. Grated wedges are permitted on highly used bike routes and details of the grate (ie mass) will be required. To gain access a concrete plinth to Councils standards may be constructed at the gutter. A drawing of a standard concrete plinth can be obtained from Councils Road Services Engineer. Note: that the agreement of the Council's is required to adjust footpath levels.
7. 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.*

*Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Road Services Engineer and may require further planning approvals. It is advised to place a note to this effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.*

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

Reason for condition

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

ENG s1

Private sewer, stormwater (including surface drainage and retaining wall drains) and water services/connections are to be entirely separate to each lot and contained entirely within the lots served. Prior to the sealing of the final plan, 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 (entirely contained within their respective lots). The as-built 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 the sealing will not be process 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 Survey 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.

## ENG s2

Prior to the sealing of the final plan the vehicle manoeuvring paths for vehicles entering and exiting the parking module for lot 1 must be demonstrated to be fully contained within the boundaries of the right of way in favour of lot 1.

### Reason for condition

To ensure that vehicles accessing the vehicle parking spaces for lot 1 are contained within the right of way in favour of lot 1.

## 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.

## 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 mains passing through the lots on the final plan, in favour of the Hobart City Council and/or TasWater.
2. Along the south-eastern boundary of the property, over and adjacent to the Providence Rivulet.
3. Over any existing or proposed private right of way in favour of the lots they are required to serve.

*Advice:*

*Council requires a minimum easement width of 3m where it covers two pipes, which must be located so as to extend at least one metre each side of the stormwater main. A wider easement is required along the southern boundary to protect the piped Rivulet and its overland flow path. The easement must be a minimum three metres wide along the entire southern boundary, increasing in width where the piped Rivulet enters the property to extend at least two metres from the northern external edge of the pipe.*

Reason for condition

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

ENG 14

The lots must be adequately drained to Council infrastructure at the owner's expense prior to the sealing of the final plan.

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

1. 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.
2. Include the associated calculations. The main itself must be sized to accommodate at least the 5% AEP flows from a fully-developed catchment.
3. Show 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, depths and locations such that as much as practicable of the lots can be drained via gravity.
5. Show any existing connections. Any redundant connections must be sealed by the Council at the owner's expense prior to sealing of the final plan.
6. Clearly distinguish between public and private infrastructure,
7. Be substantially in accordance with the LGAT Standard Drawings and Tasmanian Subdivision Guidelines 2013.
8. Be checked and certified by a qualified and experienced engineer.

A CCTV recording of the proposed Council's stormwater main within the proposed development, must be submitted to Council after the completion of  
12 months maintenance period. prior to the issue of the Final Certificate.

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 a Permit to Construct Public Infrastructure. A 12 month maintenance period, bond and CCTV will apply.*

*A single connection per Lot is allowed under the Urban Drainage Act. Council notes an existing manhole is located near the proposed manhole on the piped Rivulet. Council requires this to be used if possible.*

*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.*

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 sealing of the Final Plan, 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 and which provides for the following:

1. That Lot 2 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:*

*Please contact the Council's Development Appraisal Unit on 6238 2715 to request the Part 5 Agreement process be started. Once the request to start the process has been made, the Council will have its solicitors prepare the Part 5 Agreement for signing by property owners. Council will then lodge the Agreement with the Lands Titles Office to be placed on the title of the property. The cost of preparing the Part 5 and registration with the Recorder of Titles is to be met by the applicant.*

*Where building approval is also required, it is recommended that the Part 5 Agreement process be started well before submitted documentation for building approval. Failure to start the Part 5 Agreement process prior to submitting for building approval may result in unexpected delays.*

### Reason for condition

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*.

## 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 2 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. Please contact the Council's Development Appraisal Unit on 6238 2715 to instigate the valuation process.*

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.

SUB s1

Prior to sealing of the Final Plan; the Owner of Lot 2 on the plan must covenant with the Hobart City Council to the intent that the burden of this covenant may run with and bind the covenantor's lots and any part thereof, to observe the following stipulation:-

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 alter or restrict the free flow of water over the land within the identified 1% AEP flood extent at 2100.

Reason for condition

To prevent potential flood water impediment.

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 for the occupation of the public highway for construction or special event (e.g. placement of skip bin, crane, scissor lift etc). 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 will require a permit to construct public infrastructure. A 12 month maintenance period and bond equal to 5% of the contract value of the works or \$3000 (whichever is greater) will apply. This bond will be released after the maintenance period, should no maintenance or rectification works on public infrastructure be required. This will be demonstrated by a final inspection by Council, and submission of a recorded CCTV inspection and associated report of any new public stormwater infrastructure, taken no more than one month before the end of the maintenance period. Please contact the Hobart City Council's City Amenity Division to initiate the permit process.

## NEW SERVICE CONNECTION

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

## STORMWATER

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

## WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Infrastructure 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.

## STORMWATER / ROADS / ACCESS

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

## 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 VALUATION

Please contact the Council's Development Appraisal Unit on 6238 2715 to instigate the valuation process.

**10. City Planning Committee - Review of Structure, Delegations and Role**  
**File Ref: F19/125130; 16/117**

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Ref: Open [CPC 8.1](#), 28/10/2019

- That:
1. The Council not proceed with a Planning Authority Committee pursuant to s23 of the *Local Government Act 1993* at this time.
  2. Council officers further investigate delegation options for planning applications in relation to:
    - (i) Officer delegations;
    - (ii) City Planning Committee delegations; and
    - (iii) Council delegations.

**CITY INFRASTRUCTURE COMMITTEE**

**11. 454-462 Churchill Avenue, Sandy Bay - Shared Access**  
**File Ref: F19/133657**

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Ref: Open [CIC 6.1](#), 23/10/2019

- That:
1. The report titled '454-462 Churchill Avenue, Sandy Bay - Shared Access' be received and noted.
  2. The following works be implemented on the shared access servicing 454 to 462 Churchill Avenue, Sandy Bay:
    - (i) Installation of a skid/slip resistant surface on the shared access;
    - (ii) Construction of a small (~16m<sup>2</sup>) area of concrete hardstand within the road reservation opposite the driveways to 454 and 456 Churchill Avenue to provide extra turning/manoeuvring area for vehicles at the top of the shared access;
    - (iii) Removal of steps leading into 456 Churchill Avenue located within the highway reservation;
    - (iv) Installation of traffic markers (flexible bollards) near the driveway entrance to 454 Churchill Avenue to assist drivers when manoeuvring in and out of this driveway; and
    - (v) Installation of a small 200mm high retaining structure at the edge of driveway and minor regrading of the driveway entrance to 454 Churchill Avenue to provide some improvement to the cross fall of the driveway.
  3. Further detailed design to be carried out for construction documentation.
  4. The General Manager be delegated authority to negotiate an occupation licence to allow for a fence and gate at the rear of 462 Churchill Avenue, in a location that does not impact on the turning manoeuvring of vehicles in the road reservation.
  5. The General Manager be delegated authority to negotiate the relocation of the rear driveway of 462 Churchill Avenue, subject to the provision of a suitable area adjacent to the driveway entrance of 462 Churchill Avenue for placement of wheelie bins for 454, 456, and 458 – 460 Churchill Avenue.
  6. The costs associated with the proposal, estimated at \$90,000 be funded from the City's Road Strategy and Projects Budget Function within the 2019-20 Annual Plan.
  7. The owners of 454, 456, 458-460, and 462 Churchill Avenue, Sandy Bay to be notified of Council resolution.

**FINANCE AND GOVERNANCE COMMITTEE**

**12. 2018-19 Financial Statements**

**File Ref: F19/133891**

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Ref: Special Open [FGC 4.1](#), 4/11/2019

A recommendation will be submitted to the meeting.

### 13. CLOSED PORTION OF THE MEETING

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#### RECOMMENDATION

That the Council resolve by absolute majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Leave of Absence
- Legal action involving the Council

The following items are listed for discussion:-

- |              |  |
|--------------|--|
| Item No. 1   | Minutes of the last meeting of the Closed Portion of the Council Meeting   |
| Item No. 2   | Communication from the Chairman  |
| Item No. 3   | Leave of Absence   |
| Item No. 4   | Consideration of supplementary Items to the agenda   |
| Item No. 5   | Indications of pecuniary and conflicts of interest   |
| Item No. 6.1 | 66 Alexander Street, Sandy Bay - Demolition and Two Multiple Dwellings – PLN-19-366 - Appeal<br>LG(MP)R 15(4)(a) |