



CITY OF HOBART

MINUTES

OPEN PORTION
MONDAY, 4 NOVEMBER 2019
AT 5:03 PM
COUNCIL CHAMBER, TOWN HALL



ORDER OF BUSINESS

PRESENT, APOLOGIES AND LEAVE OF ABSENCE

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SPECIAL REPORT – GENERAL MANAGER

**14. Planning Application PLN-19-564 - Temporary Housing 136
Wentworth Street, 112 Cascade Road and 106 Cascade Road, South
Hobart.....47**

PRESENT:

The Lord Mayor Councillor A M Reynolds, Deputy Lord Mayor Councillor H Burnet, Aldermen J R Briscoe, Dr P T Sexton, D C Thomas, T M Denison, Councillor W F Harvey, Alderman S Behrakis, Councillors M S C Dutta, H A Ewin and Z R Sherlock.

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

Alderman M Zucco.

The Deputy Lord Mayor Councillor Burnet left the meeting at 5.31pm after declaring an interest in item 9.1, returning at 5.34pm.

Alderman Behrakis left the meeting at 6.05pm, returning at 6.06pm and was not present for item 9.3.

Alderman Sexton left the meeting at 6.22pm, returning at 6.25pm and was not present for item 9.5.

Alderman Denison retired from the meeting at 6.53pm and was not present for items 12 and 13.

Alderman Behrakis retired from the meeting at 6.53pm and was not present for items 12 and 13.

1. CONFIRMATION OF MINUTES

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.

BURNET
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

The minutes were signed.

2. TRANSFER OF AGENDA ITEMS

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*?

No items were transferred.

BURNET
BRISCOE

That item 14 be taken prior to item 10.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

3. COMMUNICATION FROM THE CHAIRMAN

3.1 One Year of Council Achievements

The Lord Mayor provided the following address to the meeting in respect the first 12 months of office:

In November 2018, a new Council was sworn in after the community elected four new members, a new Lord Mayor and Deputy Lord Mayor.

The mix of new and previously elected members, men and women, younger and older, as well as the diversity of perspectives has made this Council very interesting and more reflective of Hobart's population.

The past year has seen many decisions taken by this Council which we can be proud of – we have agreed to policies, approved funding and designs for projects, worked on and signed off on strategies and worked with other levels of government and stakeholders to drive change.

I feel very positive about the future of Hobart and, working in collaboration with you and all areas of Council, we can look forward to many more achievements as we prepare for the next three years of our term.

HIGHLIGHTS

Hobart leads the war on waste

- *In a first by any Australian municipality, the Council resolved to undertake a process to create a new by-law to reduce the use of single-use plastics in Hobart. This by-law will not allow plastic takeaway containers, cutlery and straws to be used for food and drinks packed in the city.*

In taking this step the Council is taking a leadership stance locally on a global problem. This bylaw is currently going through the state approval process but makes Hobart national and international leader in tackling this issue.

- *Another highlight of our city's work to achieve zero waste to landfill by 2030 was Council's decision to provide a food organics and garden organics collection service, starting this year. This service will start this year and is expected to divert up to 3200 tonnes of organic waste from landfill annually and reduce the city's greenhouse gas emissions.*

Advocacy and Action on Homelessness

- *Council moved quickly to respond to growing public concern about homelessness and people sleeping rough in our streets and parks. We acknowledged the crisis and initiated a number of actions, starting with convening an urgent forum. This crisis forum was attended by the Federal and State Minister, a wide range of organisations and was the focus of strong media and public interest. One outcome was the formation of the Greater Hobart Homelessness Alliance which the city convenes. In the few months since it started it has advocated successfully for additional crisis shelter beds, waiving the historic housing debt and is now working to establish a Safe Night Space for rough sleepers in the city.*

The Council's decision to also establish the 'Housing with Dignity' group comprising community members with lived experience of homelessness or severe housing stress is another action demonstrating this Council's commitment to this issue.

Strategic City Planning initiatives

With Hobart growing rapidly, this Council has made several decisions which recognize the need to plan more strategically to ensure we create a livable city the community can be proud of.

Central Hobart Precinct Plan - in another first, the Council agreed to work with the Tasmanian Government to develop a Master Plan to shape future development of central Hobart. The Central Hobart Precinct Plan will examine future population, social, environmental and economic trends, and develop a plan that addresses preferred building design and heights, traffic and movement, infrastructure and public space needs and housing supply opportunities.

Greater Hobart City Deal - the Council joined with Clarence, Glenorchy and Kingborough Councils to sign the \$1.6 billion partnership agreement between the four metropolitan Councils, the Australian and Tasmanian Governments. The Deal will guide infrastructure investment over the next 10 years and it identifies key projects needing government support such as improved public transport, affordable housing and urban renewal of the Northern Suburbs Rail Corridor.

Greater Hobart Act – the Council also became part of a strategic new alliance with the four metropolitan Councils and the State Government, established by an act of parliament. As a result of this new collaboration more regular meetings are taking place between the Mayors of the four Councils to engage on citywide issues such as transport and traffic.

Greening Hobart

To meet our Street Tree target of 40 per cent canopy cover by 2046, the Council agreed to call for the community's help to choose where to plant hundreds of new trees over the next five years. More than 200 community members let Council know where they'd like to see new trees which will provide us with a good guide of where to start greening our streets.

Council has also submitted to the Tasmanian Planning Commission nominations for 741 new trees (representing 40 different species) to our 'Register of Significant Trees'. This means the trees will be recognised in our planning scheme and need a permit to be removed.

City Development Achievements

The Council has approved the development of publicly funded infrastructure and private sector applications. In the last year Council has also overseen the finalization and opening of several important city projects

Pedestrian and cycling infrastructure

- The Bridge of Remembrance was opened this year with the Rose Garden Bridge soon to be open. These two new pedestrian and cycle bridges provide better connections between the city centre and Cenotaph to the Queens Domain's public spaces and sporting facilities and Glebe.*
- Further pedestrian upgrades of Salamanca Place were approved and work has now commenced on infrastructure that will provide a high-quality, safe and people-friendly revamp to this iconic part of Hobart.*
- New pedestrian and bike projects have been approved for Molle Street and Campbell Street. Lobbying of the Federal Government also secured funding for new bike lanes in Ferntree.*
- The Macquarie Street Shopping area in South Hobart is now safer for pedestrians, with new pedestrian lights, wider footpaths and level road crossings. In Hill Street, West Hobart a new raised pedestrian crossing was also opened providing a safer crossing in that neighbourhood.*

Investing in the Mountain

- Council officially opened its \$2 million Great Short Walk restoration project which restored the hundred year old Organ Pipes Track, making it accessible people of all walking abilities. The historic Exhibition Gardens track was also restored and opened.*

- *Ferntree Park works were approved and commenced, helped along as a result of lobbying the Federal Government for additional funds to make the project complete.*
- *With growing numbers on the mountain we are thinking strategically about managing these issues within limited resources. The City worked with the private company to provide a public bus service above the snow day road closures. Council also approved ongoing work to identify and plan for a suitable location for a future Visitor Centre.*

Investing in our local neighborhoods and communities

- *The Council continued its work on rejuvenating our local retail precincts. The Lenah Valley project was opened, and designs and funding were approved for the New Town retail precinct, where work has now started.*
- *Council also approved the precinct design principals established by the Mid-Town Design working group, who have run a series of workshops to identify the aspirations and priorities of the people who live, work, study, shop or operate a business in the precinct.*
- *A new amenities building featuring showers, toilets and dedicated rooms for parents and people with high needs was officially opened in Kemp Street, located at the Argyle Street carpark.*
- *Provided support and grant funding of \$989,679.00 to approximately 126 community groups. This co-investment in community initiatives created community cohesion and economic activity.*

Private development in the City

- *In the last year the Council has approved 85 developments worth an estimated \$133,757,300. These Council approved developments include 187 residential dwellings (30 applications) and 223 hotel rooms (5 applications).*

These Council approved projects account for just 9.6% of all development applications assessed by the City in the last year, with more than 795 planning decisions delegated to officers.

- *UTAS announced its move to the CBD which will be a major driver of city development over the next decade with an estimated \$600 million to be invested by the institution to develop new buildings in the city.*

To ensure it makes a fair contribution to the City's infrastructure and following advocacy by the Council, the University has made a 10-year commitment to pay the equivalent of the general rate on its inner-city properties.

Investing in a Creative Hobart

- *Council continued its commitment to investing in a creative and cultural city by signing off on a three-year funding deal for the Taste of Tasmania and a two-year funding deal for Dark Mofo.*
- *During the year, Council also resolved to consider an increase of \$100,000 to its public art funding in next year's budget deliberations and further investigate the potential of implementing an art levy on large private developments.*

Supporting Issues of Community Interest

There are many issues where the Council has voted to add its voice to community campaigns or join with organisations to advance reform on matters affecting residents. In the last year these have included:

- *Council committed to participating in the Welcoming Cities Network to ensure we are a safe and multicultural place.*
- *Council convened two public meetings at the City Hall in response to community petitions regarding building heights and the cable car proposal.*
- *The Council made decisions to declare a Climate and Biodiversity Emergency, to join the International Cities Appeal for a prohibition on nuclear weapons, to support the campaign to increase the rate of the New Start Alliance and to participate in the National Redress Scheme for people who experienced institutional child sexual abuse.*
- *Council also supported community vigils in response to violent attacks in both New Zealand and Sri Lanka*

New City Strategies

Council was involved in the development and approval of a number of important new strategic documents which will guide the work of staff over coming years and will communicate the city's direction to the community. These include:

- *Connected Hobart to provide a roadmap for the City to use technology and data to better service the community's needs and manage resources, drive economic activity and foster innovation.*

- *Aboriginal Commitment and Action Plan to work with Aboriginal people and promote this history and culture in Hobart.*
- *An expansion of smoke-free areas in Hobart to promote health and well-being in the community.*
- *Developed and adopted the City of Hobart Capital City Strategic Plan 2019-29 to guide all aspects of the City's operations for the next decade with a focus on connectivity, inclusion, environmental leadership, culture and creating a sense of place.*

The Business of Council - fact and figures

- *25 Council Meetings*
- *131 Committee Meetings*
- *12 Elected member workshops and briefings*
- *As a Council, we formulated a balanced budget for 2019/20 to service a population of more than 50,000 residents and almost 1.1 million tourists each year which included a 3.25 per cent rates increase and a \$37 million spend on capital works.*

Lord Mayoral Statistics

- *Had 471 Meetings*
- *Attended or officiated at 196 launches or openings*
- *Hosted 27 Lord Mayoral or Council Receptions*
- *As the Chair-city for 2019, hosted a Council of Capital Lord Mayor's (CCCLM) Meeting in Hobart and has advocated successfully for CCCLM to prioritise its advocacy efforts on the issues of homelessness and climate change for the next few years.*

The Lord Mayor then invited Elected Members to make any comments about the achievements of Council over the past 12 months.

The following Elected Members then addressed the meeting:

Deputy Lord Mayor Councillor Burnet, Alderman Briscoe, Alderman Denison, Councillor Harvey, Alderman Behrakis, Councillor Dutta, Councillor Ewin and Councillor Sherlock.

4. NOTIFICATION OF COUNCIL WORKSHOPS

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

Date: 29 October 2019

Purpose: Tasmanian Aboriginal Cultural Awareness Workshop

5. PUBLIC QUESTION TIME

No questions were received.

6. PETITIONS

No petitions were received.

7. CONSIDERATION OF SUPPLEMENTARY ITEMS

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*.

BURNET
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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 conflicts 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.

The following interest was indicated:

1. Deputy Lord Mayor Councillor Burnet – item 9.1

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.

Deputy Lord Mayor Burnet declared an interest in item 9.1 and left the meeting.

**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.

BRISCOE
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

NOES

**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**

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.

BURNET
SHERLOCK

That the recommendation be adopted.

AMENDMENT

BRISCOE
DUTTA

That clause 1 becomes clause 1(a) and a new clause 1(b) be included which reads as follows:

- 1(b) That the proposal does not meeting the acceptable solution or the performance criteria with respect the clause E13.7.2 P2 (a) to (d) of the *Hobart Interim Planning Scheme 2015* because the proposed development will not be subservient to complementary to the heritage place because of its scale, bulk, built form, sitting with respect to Coreen and the use of dominant materials and colours.

AMENDMENT CARRIED

VOTING RECORD

| AYES | NOES |
|--------------------------|----------|
| Lord Mayor Reynolds | Sexton |
| Deputy Lord Mayor Burnet | Denison |
| Briscoe | Behrakis |
| Thomas | |
| Harvey | |
| Dutta | |
| Ewin | |
| Sherlock | |

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

| AYES | NOES |
|--------------------------|----------|
| Lord Mayor Reynolds | Sexton |
| Deputy Lord Mayor Burnet | Denison |
| Briscoe | Behrakis |
| Thomas | |
| Harvey | |
| Dutta | |
| Ewin | |
| Sherlock | |

COUNCIL RESOLUTION:

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:

- 1a. 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.
- 1b. The proposal does not meeting the acceptable solution or the performance criteria with respect the clause E13.7.2 P2 (a) to (d) of the *Hobart Interim Planning Scheme 2015* because the proposed development will not be subservient to complementary to the heritage place because of its scale, bulk, built form, sitting with respect to Coreen and the use of dominant materials and colours.

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**

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.

BURNET BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Briscoe
Sexton
Thomas
Denison
Harvey
Dutta
Ewin
Sherlock

NOES

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

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

BURNET
EWIN

That the recommendation contained in the Officer's report marked as Attachment A to item 9.4 of the Open Council agenda of 4 November 2019, be adopted.

PROCEDURAL MOTION

BRISCOE
BEHRAKIS

That clause 2 (a) of the Officer recommendation be deferred.

PROCEDURAL MOTION CARRIED

VOTING RECORD

| AYES | NOES |
|---------------------|--------------------------|
| Lord Mayor Reynolds | Deputy Lord Mayor Burnet |
| Briscoe | Denison |
| Sexton | Harvey |
| Thomas | Ewin |
| Behrakis | |
| Dutta | |
| Sherlock | |

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

| AYES | NOES |
|--------------------------|----------|
| Lord Mayor Reynolds | Denison |
| Deputy Lord Mayor Burnet | Behrakis |
| Briscoe | |
| Sexton | |
| Thomas | |
| Harvey | |
| Dutta | |
| Ewin | |
| Sherlock | |

COUNCIL RESOLUTION:

- 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) 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';
 - (b) Deletion of listing Ref. No. D22 for 8 *Cupressus torulosa* (Bhutan cypress) at 70 Davey Street;
 - (c) Deletion of listing Ref. No. L36 for 1 *Eucalyptus morrisbyi* (Morrisby's gum) at Lower Jordan Hill Road (nature strip adjacent no. 60);
 - (d) 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.
 3. The insertion of listing Ref. No. E8 for 1 *Fraxinus velutina* (velvet ash) at 284-290 Elizabeth Street, be deferred for further consideration.

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

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 ag 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](#).

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 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.

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Briscoe
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

Supplementary Item 14 was then taken.

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

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.
 3. Council officers further investigate delegation options for planning applications in relation to:
 - (i) Officer delegations;
 - (ii) City Planning Committee delegations; and
 - (iii) Council delegations.

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

NOES

CITY INFRASTRUCTURE COMMITTEE

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

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 (~16m²) 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.

DENISON
SHERLOCK

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

FINANCE AND GOVERNANCE COMMITTEE

12. 2018-19 Financial Statements
File Ref: F19/133891

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

- That: 1. The Council note that in accordance with section 84(4) of the *Local Government Act 1993* that the General Manager tables the certified financial statements for the year ended 30 June 2019, marked as Attachment A to item 4.1 of the Special Finance and Governance Committee agenda of 4 November 2019.
2. In doing so the Council notes the advice from the Risk and Audit Panel as follows:
- (i) The Risk and Audit Panel has considered the financial statements and is comfortable with the accuracy of the statements themselves. However, the Panel has also considered a range of strategic financial issues which are informed by the statements and has identified opportunities to strengthen Council's key performance ratios.
 - (ii) The Risk and Audit Panel understands that Council intends to review its Long Term Financial Management Plan during the current financial year, and fully supports this being undertaken at an early stage. It also recommends that this Plan be utilised as a base line against which future years' performances are monitored.

SEXTON
EWIN

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Briscoe
Sexton
Thomas
Harvey
Dutta
Ewin
Sherlock

13. CLOSED PORTION OF THE MEETING

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 were discussed:-

- | | |
|--------------|--|
| 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 LG(MP)R 15(4)(a) |

SEXTON
HARVEY

That the recommendation be adopted.

MOTION CARRIED
BY ABSOLUTE MAJORITY

VOTING RECORD

| AYES | NOES |
|--------------------------|------|
| Lord Mayor Reynolds | |
| Deputy Lord Mayor Burnet | |
| Briscoe | |
| Sexton | |
| Thomas | |
| Harvey | |
| Dutta | |
| Ewin | |
| Sherlock | |

SUPPLEMENTARY ITEM

SPECIAL REPORT – GENERAL MANAGER

**14. Planning Application PLN-19-564 - Temporary Housing
136 Wentworth Street, 112 Cascade Road and 106 Cascade Road, South
Hobart
File Ref: F19/142350; PLN-19-564**

That pursuant to Interim Planning Directive No. 3 – Permits for Temporary Housing and the *Hobart Interim Planning Scheme 2015*, the Council approve the application for temporary housing at 136 Wentworth Street, 112 Cascade Road and 106 Cascade Road, South Hobart for the reasons outlined in the officer's report 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-19-564 - 136 WENTWORTH STREET 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 2019/01320-HCC dated 30 September 2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

PLN s1

This permit is valid for a maximum period of twelve (12) months from the date on which an occupancy permit or temporary occupancy permit is issued in accordance with Part 17 of the *Building Act 2016*. At the completion of this period, and not more than 6 months after the date on which the permit lapses, all development associated with this permit must be removed, and the site made good.

Reason for condition

To clarify the scope of the permit in accordance with the application documentation and Planning Directive 3.

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 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 built over, must be submitted to Council prior to the commencement of work or issue of any consent under the Building Act 2016 (whichever occurs first).

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 built over as part of the development, must be submitted to Council prior to issue of any Completion or first occupancy (whichever occurs first).

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 sw3

The proposed works including footings, overhangs, staircase, walls, and fences must be designed to ensure the protection of, function of, and access to the Council's stormwater infrastructure.

A detailed design must be submitted and approved prior to issue of any consent under Building Act or commencement of works (whichever occurs first).

The detailed design must:

- a. Demonstrate how the design will maintain the overland flow path, provide adequate access to the infrastructure, impose no additional loads onto the main and that the structure will be fully independent of the main and its trenching.
- b. Include cross-sections clearly showing the relationship both vertically and horizontally between Council's stormwater infrastructure and the proposed works (including footings), and stating the minimum setbacks from the works to the nearest external surface of the main.
- c. Include the final design vertical clearances over the open drain to allow inflow of water and maintenance.
- d. Detail the measures required to allow overland flow to reach the open drain, including the permeable lower section of the proposed fence. These measures must be cleared and maintained by the proponent for the life of the proposed development.
- e. Be certified by a suitably qualified engineer

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

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

Advice:

The applicant is required submit detailed design documentation to satisfy this condition via the 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 development (including hardstand) must be drained to Council infrastructure. The new stormwater connection must be constructed by the Council 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 (whichever occurs first). The detailed engineering drawings must include:

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

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 Amenity 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 Amenity Division. This will also result in a quote for Council to carry out the works. Private installation will require a inspection by Council's Project and Development Inspector.

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.

A single connection for the site is allowed under the Urban Drainage Act 2013, and the private plumbing must be contained within the site boundaries.

Reason for condition

To ensure the site is drained adequately.

ENG sw5

The new stormwater manhole must be constructed prior to the commencement of the use.

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

1. Be certified by a qualified and experienced civil engineer;
2. Be substantially in accordance with LGAT Drawings (TSD-SW02-v1, TSD-SW03-v1);
3. Be designed to suit the profile of the existing open concrete drain.

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 the Council's planning condition endorsement process (noting there is a fee associated with condition endorsement approval of engineering drawings [see general advice on how to obtain condition endorsement and for fees and charges]). This is a separate process to any building approval under the Building Act 2016.

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

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

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.

This must occur 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, 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](#). The SWMP must reflect all requirements of any Contaminated Site assessments. The SWMP must also demonstrate that overland flow will not be blocked or diverted during construction.

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.

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 Permitted Planning Permit issued in accordance with section 58 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.

NEW SERVICE CONNECTION

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

STRUCTURES CLOSE TO COUNCILS' STORMWATER MAIN

You will need separate permission under s73 of the Building Act 2016 and s13 of the Urban Drainage Act for any works (including cut/fill) within one metre horizontally of the nearest external surface of the stormwater main. Please contact Hobart City Council's City Infrastructure Division to discuss.

WORKS IN PROXIMITY OF EXISTING DRAINS

The proposed temporary housing units are located directly over a 300 Ø stormwater main and open stormwater drain. The General Manager's consent for the proposed building works will be required under section 73 of the *Building Act 2016*.

73. Works involving, or in proximity of, existing drains

(1) A person must not perform any building work over an existing drain or within one metre from the edge of an existing drain measured horizontally, unless the owner of the building obtains written consent from the general manager of the council for the municipal area where the work is performed.

WORK PLACE HEALTH AND SAFETY

Please note that potentially-contaminating activities historically occurred on this site. The site is identified as having been used as a landfill site in the 1960s, and as a brickworks in the late 1800s. Development of the land may uncover undetected and unexpected pockets of residual contamination (such as asbestos or hydrocarbons). It is therefore recommended that appropriate workplace health and safety measures be employed during any earthworks to minimise further the low risk of exposure to any residual contaminants, and that sub-surface conditions are monitored for any unusual materials or evidence of contamination (e.g. soil discolouration or chemical odours) during site works. If unusual materials or potential evidence of contamination are detected during site works, it is recommended that Worksafe Tasmania and/or a suitably experienced and qualified contamination practitioner be consulted for advice. The site may also contain pockets of inert materials that may present aesthetic issues but not pose any health risk.

Appropriate work 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.

ENVIRONMENTAL MANAGEMENT & COMMUNICATIONS PLAN

A lease is required prior to any works commencing on Council land. Please contact Council's Open Space Planning Team on (03) 62 382 488 to initiate this process.

All works within Wellesley Park are to be undertaken in accordance with an Environmental Management and Communications Plan, prepared by the developer to the satisfaction of the Director City Amenity. The plan must cover all works within the reserve, including installation of the containers, construction of the fence, decks and stairs and installation of services connections for example the new private water connection from Wentworth Street. Safety fencing must be specified, with signage attached that provides information on the timing and scale of works, with contact details of the developer for public enquiries.

Advice: a template for the Environmental Management and Communications Plan can be provided by the Open Space Planning Team; call 03 6238 2488.

BURNET
BRISCOE

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Briscoe
Sexton
Thomas
Denison
Harvey
Behrakis
Dutta
Ewin
Sherlock

Item 10 was then taken.

There being no further business the meeting closed at 6.56pm.

TAKEN AS READ AND SIGNED AS A
CORRECT RECORD THIS
18TH DAY OF NOVEMBER 2019.

CHAIRMAN