



CITY OF HOBART

# **MINUTES**

## **City Planning Committee Meeting**

**Open Portion**

**Monday, 11 November 2019 at 5:00pm**

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## ORDER OF BUSINESS

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### APOLOGIES AND LEAVE OF ABSENCE

1.	CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY .....	4
2.	CONFIRMATION OF MINUTES.....	4
3.	CONSIDERATION OF SUPPLEMENTARY ITEMS .....	5
4.	INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST .....	5
5.	TRANSFER OF AGENDA ITEMS.....	5
6.	PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS .....	6
7.	COMMITTEE ACTING AS PLANNING AUTHORITY .....	7
7.1	APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015 .....	7
7.1.1	141 Hampden Road, Hobart - Three Multiple Dwellings (One Existing, Two New) Partial Demolition, Extension, Alterations, Landscaping and Alterations to Car Parkng .....	7
7.1.2	13 - 15 Ridgeway Road, 58-60 Hall Street, 56 Hall Street, Ridgeway - Boundary Adjustment.....	16
7.1.3	1/25A Elphinestone Road, Mount Stuart Common Land of Parent Title - Partial Change of Use to Visitor Accommodation .....	24
7.1.4	Amendment PSA-19-4 - Hobart Interim Planning Scheme 2015 - Food Services and Food and Beverage Production Uses in the Light Industrial Zone.....	28
8	REPORTS .....	29
8.1	City Planning - Advertising Report .....	29
8.2	Delegated Decisions Report (Planning).....	29
9.	QUESTIONS WITHOUT NOTICE .....	30
10.	CLOSED PORTION OF THE MEETING.....	30

**SUPPLEMENTARY ITEMS ..... 31**

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

- 11. 18-44 Napoleon Street (CT39913/3, CT39913/4, CT39913/5) and  
Adjacent Foreshore and Area of the River Derwent, Battery Point -  
Partial Demolition, New Boatshed, Jetty Extension and Reclamation  
Works..... 31
- 12. 1 Marieville Esplanade and Adjacent Road Reserve, Sandy Bay -  
Carpark Upgrade and Associated Stormwater Works ..... 41

**City Planning Committee Meeting (Open Portion) held on Monday,  
11 November 2019 at 5:00 pm in the Lady Osborne Room, Town Hall.**

**COMMITTEE MEMBERS**

Deputy Lord Mayor Burnet (Chairman)  
Briscoe  
Denison  
Harvey  
Behrakis

**NON-MEMBERS**

Lord Mayor Reynolds  
Zucco  
Sexton  
Thomas  
Dutta  
Ewin  
Sherlock

**PRESENT:** The Deputy Lord Mayor  
Councillor H Burnet (Chairman),  
Aldermen J R Briscoe, T M Denison,  
Councillor W F Harvey, Alderman  
S Behrakis and Councillor M Dutta.

**APOLOGIES:** Nil.

**LEAVE OF ABSENCE:** Nil.

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

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No Elected Members were co-opted to the Committee.

**2. CONFIRMATION OF MINUTES**

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BRISCOE

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 28 October 2019](#) and the Special City Planning Committee meeting held on [Monday, 4 November 2019](#), be confirmed as an accurate record.

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Harvey  
Behrakis

NOES

The minutes were signed.

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

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

HARVEY

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

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Denison	
Harvey	
Behrakis	

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

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

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

No interest was indicated.

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

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

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

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

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

No items were transferred.

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

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

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

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

### BRISCOE

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

MOTION CARRIED

### VOTING RECORD

#### AYES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Harvey  
Behrakis

#### NOES

## **7. COMMITTEE ACTING AS PLANNING AUTHORITY**

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

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

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

Item 7.1.2 was then taken.

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

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#### **7.1.1 141 Hampden Road, Hobart - Three Multiple Dwellings (One Existing, Two New) Partial Demolition, Extension, Alterations, Landscaping and Alterations to Car Parking PLN-19-504 - File Ref: F19/143049**

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##### **BRISCOE**

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Senior Statutory Planner of 30 October 2019, be adopted, as amended by the inclusion of the following advice clauses:

##### **“NOISE**

The *Environmental Management and Pollution Control Act 1994* regulates noise. The applicant is encouraged to consider incorporating design measures into the development, particularly in relation to the mechanical vents adjacent to the northeastern side boundary, to minimise the likelihood of creating a noise nuisance under that Act.

##### **ROOFTOP GARDEN**

The applicant is encouraged to plant vegetation on the Servants Wing Roof Terrace ('Rooftop Garden') that is considerate of the proximity of adjacent buildings in relation to its height and propensity to drop leaves onto neighbouring properties.”

MOTION CARRIED

VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Harvey  
Behrakis

NOES

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for three multiple dwellings (one existing, two new), partial demolition, extension, alterations and landscaping at 141 Hampden Road Hobart for the reasons outlined in the officer's report, attached to item 7.1.1 of the Open City Planning Committee agenda of 11 November 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-19-504 - 141 HAMPDEN ROAD 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 2019/01213-HCC dated 5 September 2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.



## THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6012 dated 16 October 2019, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

## PLN 2

Screening with no more than 25% uniform transparency and a minimum height of 2.0m above floor level, must be installed and maintained along the eastern edge of the servants' wing roof terrace prior to the first occupation.

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

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

*Advice: The draft plans 1811-DA20 rev F, 1811-DA24 rev D and 1811-DA28 rev F, which show a 1.0m high steel and textured/translucent glass screen on top of a 1.0m solid planter box, are considered to meet this condition. Alternative designs may be considered at building permit stage, in consultation with the eastern neighbour and Council's Cultural Heritage Officer.*

Reason for condition

To provide reasonable opportunity for privacy for dwellings.

## 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).

*Advice:*

*Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.*

Reason for condition

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

ENG sw8

A stormwater detention system in accordance with Aldanmark drawing 19E99- 97 C1.01 Rev 1 must be installed limit stormwater discharges from the development prior to first occupation. The stormwater detention system must have a minimum capacity of 3,000L and a maximum discharge rate of 5 L/s.

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

Reason for condition

To ensure that the stormwater runoff quantity is managed to take into account the limited receiving capacity of the downstream Council stormwater infrastructure.

ENG 3a

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

1. Jockey parking is permitted as documented on drawing 1811-DA15 Rev C by Circa Morris-Nunn Architects.
2. Manoeuvring area maximum gradient to be 10%.

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 first five metres (5m) of the access driveway approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) prior to commencement of use. The entire access driveway, circulation roadways and parking module (parking spaces, aisles and manoeuvring area) must have the surface drained to the Council's stormwater infrastructure prior to the commencement of use.

#### Reason for condition

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

#### ENG 5

The number of car parking spaces approved on the site is eight (8).

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

*Advice: Heritage condition HER 10 below has refused the two new parking spaces located between the 'main building' and Hampden Road. The three existing spaces located between the servants wing and Hampden Road (on the existing driveway) can remain. The number of approved spaces is therefore five in the rear and three in the front. Reducing the number of spaces between the servants wing and Hampden Road to two is also acceptable.*

#### Reason for condition

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

#### ENG 1

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

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

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

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

Reason for condition

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

ENV 1

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

*Advice:*

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

Reason for condition

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

## HER 10

The two parking areas 6 and 7 as shown on plans 1811-DA 14, 15, 16, 17, revisions E and C dated 4/9/19 and 27/8/19 are not approved. The garden area between the 'main building' and Hampden Road must be retained with a new planted garden area between the house and the fence.

Prior to the issue of any approval under the *Building Act 2016*, revised plans, including landscaping plans must be submitted and approved showing the retention of the garden area in accordance with the above requirement.

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

*Advice: The three existing parking spaces between the servants wing and Hampden Road may remain.*

### Reason for condition

To ensure that development at a heritage place and in a heritage precinct does not result in the loss of historic cultural heritage values.

## HER 11

The southern wall of the garden apartment must not directly abut the servant's wing. This wall must be separated from the servant's wing by the width of the existing verandah. Any connection to the rooftop terrace from the servant's wing must be via a lightweight link or bridge with handrails designed in materials, colours and finishes in accordance with condition HER 17.

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

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

#### Reason for condition

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

#### HER 12

The glazed balustrade on the first floor between the servant's wing and the main house as shown on drawing 1811-DA22 revision C dated 27/8/19 is not approved. The balustrade must be constructed using more muted and less reflective materials, colours and finishes.

Prior to the issue of any approval under the *Building Act 2016*, documentation must be submitted and approved in accordance with the above requirement.

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

#### Reason for condition

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

#### HER 17

The materials and colours shown on the submitted plans and summarised in the Material Board (drawing 1811-DA31 revision A dated 27/8/19) are not approved. The colours, finishes and materials must reflect the palette of colours, finishes and materials within the local streetscape and precinct, adjacent to Melrose and other nearby buildings.

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

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

#### Reason for condition

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

#### 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.

#### WASTE DISPOSAL

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

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

## FEES AND CHARGES

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

## DIAL BEFORE YOU DIG

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

## NOISE

The *Environmental Management and Pollution Control Act 1994* regulates noise. The applicant is encouraged to consider incorporating design measures into the development, particularly in relation to the mechanical vents adjacent to the northeastern side boundary, to minimise the likelihood of creating a noise nuisance under that Act.

## ROOFTOP GARDEN

The applicant is encouraged to plant vegetation on the Servants Wing Roof Terrace ('Rooftop Garden') that is considerate of the proximity of adjacent buildings in relation to its height and propensity to drop leaves onto neighbouring properties.

### **Delegation: Council**

Item 7.1.3 was then taken

Mr David Nixon, Mr Phillip Madson and Mr Peter Kopra (Applicants) addressed the Committee in relation to item 7.1.2

### **7.1.2 13 - 15 Ridgeway Road, 58-60 Hall Street, 56 Hall Street, Ridgeway - Boundary Adjustment PLN-19-512 - File Ref: F19/143690**

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## DENISON

That the boundary adjustment at 13 - 15 Ridgeway Road, 58-60 Hall Street, 56 Hall Street, Ridgeway be approved subject to the following conditions as the proposal is considered to be only a minor change to the relative size, shape and orientation of the existing lots and is therefore a permitted boundary adjustment as provided for by clause 9.3.1 of the *Hobart Interim Planning Scheme 2015*:



## GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-19-512 - 13 - 15 RIDGEWAY ROAD 58 - 60 HALL STREET 56 HALL STREET RIDGEWAY 7054 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

## SURV 1

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

Reason for Condition

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

## SURV 2

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

Reason for Condition

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

## SURV 3

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

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

1. Over any existing watercourses or overland flow paths passing through the lots on the final plan, in favour of the Hobart City Council.
2. Over any existing private drainage and/or service easements in favour of the lots they are required to serve.

Reason for Condition

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

SURV 9

Any lots on the final plan created from the addition of sub minimal lots on the plan of subdivision are to be notated on the final plan.

The final plan must include notations in accordance with section 111 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, in relation to the lots resulting from the addition of Lot 2 to Lot 1 and the addition of Lot 4 to Lot 5 to satisfy the above requirement.

Reason for condition

To ensure compliance with statutory provisions.

SURV 15

The final plan is to be notated in accordance with the provisions of section 83 (7) and 83 (5) (b) of the *Local Government (Building & Miscellaneous Provisions) Act 1993* to the effect that the Tasmanian Water and Sewerage Corporation cannot provide a means of gravity reticulated sewerage disposal from the lots on the final plan & to record the form of onsite sewerage treatment system approved in principle by the Council.

The final plan must be submitted for approval by Council. The final plan must be notated in accordance with the provisions of sections 83 (7) and 83(5) (b) of the *Local Government (Building & Miscellaneous Provisions) Act 1993*, to the satisfaction of the Council.

Reason for condition

To ensure that TasWater's inability to provide a means of gravity reticulated sewerage disposal from the lots is noted on the final plan together with a record of the form of onsite sewerage treatment system that has been approved in principle by the council.

ENG 16

Prior to the sealing of the final plan, private sewer, stormwater (including surface drainage) and water services/connections are to be entirely separate to each lot and contained wholly within the lots served.

Reason for condition

To ensure that each lot is services separately.

#### ADVICE

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

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

#### CONDITION ENDORSEMENT PLANNING

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

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

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

#### CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

#### 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.

#### 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](#).

MOTION CARRIED

#### VOTING RECORD

AYES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Harvey  
Behrakis

NOES

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for boundary adjustments at 13-15 Ridgeway Road, 56 Hall Street and 58-60 Hall Street, Ridgeway subject to the following conditions as the proposal is considered to be only a minor change to the relative size, shape and orientation of the existing lots and is therefore a permitted boundary adjustment as provided for by clause 9.3.1 of the *Hobart Interim Planning Scheme 2015*:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-19-512 - 13 - 15 RIDGEWAY ROAD 58 - 60 HALL STREET 56 HALL STREET RIDGEWAY 7054 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

SURV 1

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

Reason for Condition

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

SURV 2

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

Reason for Condition

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

SURV 3

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

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

1. Over any existing watercourses or overland flow paths passing through the lots on the final plan, in favour of the Hobart City Council.
2. Over any existing private drainage and/or service easements in favour of the lots they are required to serve.

Reason for Condition

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

SURV 9

Any lots on the final plan created from the addition of sub minimal lots on the plan of subdivision are to be notated on the final plan.

The final plan must include notations in accordance with section 111 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, in relation to the lots resulting from the addition of Lot 2 to Lot 1 and the addition of Lot 4 to Lot 5 to satisfy the above requirement.

Reason for condition

To ensure compliance with statutory provisions.

SURV 15

The final plan is to be notated in accordance with the provisions of section 83 (7) and 83 (5) (b) of the *Local Government (Building & Miscellaneous Provisions) Act 1993* to the effect that the Tasmanian Water and Sewerage Corporation cannot provide a means of gravity reticulated sewerage disposal from the lots on the final plan & to record the form of onsite sewerage treatment system approved in principle by the Council.

The final plan must be submitted for approval by Council. The final plan must be notated in accordance with the provisions of sections 83 (7) and 83(5) (b) of the *Local Government (Building & Miscellaneous Provisions) Act 1993*, to the satisfaction of the Council.

Reason for condition

To ensure that TasWater's inability to provide a means of gravity reticulated sewerage disposal from the lots is noted on the final plan together with a record of the form of onsite sewerage treatment system that has been approved in principle by the council.

## ENG 16

Prior to the sealing of the final plan, private sewer, stormwater (including surface drainage) and water services/connections are to be entirely separate to each lot and contained wholly within the lots served.

Reason for condition

To ensure that each lot is services separately.

## ADVICE

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

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

## CONDITION ENDORSEMENT PLANNING

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

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

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

## CONDITION ENDORSEMENT ENGINEERING

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

assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

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

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

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

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

#### 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.](#)

#### 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.](#)

#### **Delegation: Council**

Item 7.1.1 was then taken

#### **7.1.3 1/25A Elphinstone Road, Mount Stuart Common Land of Parent Title - Partial Change of Use to Visitor Accommodation PLN-19-544 - File Ref: F19/143764**

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#### BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Senior Statutory Planner of 30 October



2019, be adopted, as amended by the inclusion of a point 6 to condition PLN 18 and the inclusion of the following advice clause:

“6.The name and the phone number of the person responsible for the management of the operation of the visitor accommodation to provide a 24 hour point of contact for nearby residents in relation to any complaints regarding the impact of the visitor accommodation upon nearby residential amenity.

ADVICE

#### ADVERTISING ASSOCIATED WITH THE VISITOR ACCOMMODATION

It is recommended that all advertising associated with the visitor accommodation use be amended to reflect condition PLN s3 of planning permit PLN-19-544 that restricts on-site parking associated with the visitor accommodation use to one (1) parking space within the garage of the building.”

MOTION CARRIED

#### VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Harvey
Briscoe	
Denison	
Behrakis	

#### **COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial change of use to visitor accommodation at 1/25A Elphinstone Road, Mount Stuart for the reasons outlined in the officer’s report, attached to item 7.1.3 of the Open City Planning Committee agenda of 11 November 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-19-544 - 1/25A ELPHINSTONE ROAD MOUNT STUART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 18

Prior to the commencement of the approved use, a management plan for the operation of the visitor accommodation must be submitted and approved, to the satisfaction of the City of Hobart's Director City Planning. The management plan must include measures to limit, manage and mitigate unreasonable impacts upon the amenity of long term residents. These measures must include, but are not limited to, the following requirements:

1. To limit, manage, and mitigate noise generated as a result of the visitor accommodation;
2. To limit, manage, and mitigate behavioural issues caused as a result of the visitor accommodation;
3. To maintain the security of the building where the visitor accommodation would be located, including managing and/or limiting access to shared areas and facilities;
4. To specify the maximum permitted occupancy of the visitor accommodation;
5. To specify the maximum number of vehicles to be associated with guests and where they must be parked. Guests bringing their own vehicles must utilise the existing garage space or on street parking.
6. The name and the phone number of the person responsible for the management of the operation of the visitor accommodation to provide a 24 hour point of contact for nearby residents in relation to any complaints regarding the impact of the visitor accommodation upon nearby residential amenity.

Once approved by the City of Hobart's Director City Planning, the management plan must be circulated by the property owner, at a minimum, to all owners/occupiers of units 2 and 3/25a Elphinstone Road, Mount Stuart, and to all adjoining properties, including all of the units within 32 Mortimer Avenue, Mount Stuart.

Once approved, the management plan must be implemented prior to the commencement of the approved use. The use must be operated in accordance with the approved management plan for as long as the visitor accommodation use is in operation.

Reason for condition

To ensure that visitor accommodation does not cause an unreasonable loss of residential amenity.

PLN s3

Onsite Car Parking Spaces 1 and 2 are not approved for the use. Only one (1) onsite parking space located within the garage of the dwelling is approved for the Visitor Accommodation use.

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.

VISITOR ACCOMMODATION

More information on visitor accommodation, including when building approval is required, can be found [here](#).

In all cases, check with your insurance company that you have adequate cover.

If you are in a bushfire prone area there may be a need to create/review the Bushfire Management Hazard Plan for your property.

ADVERTISING ASSOCIATED WITH THE VISITOR ACCOMMODATION

It is recommended that all advertising associated with the visitor

accommodation use be amended to reflect condition PLN s3 of planning permit PLN-19-544 that restricts on-site parking associated with the visitor accommodation use to one (1) parking space within the garage of the building.

**Delegation: Council**

**7.1.4 Amendment PSA-19-4 - Hobart Interim Planning Scheme 2015 -  
Food Services and Food and Beverage Production Uses in the  
Light Industrial Zone  
File Ref: F19/138994; PSA-19-4**

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HARVEY

That the recommendation contained in the report of the Development Planner, Manager Planning Policy & Heritage and the Director City Planning of 5 November 2019, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Harvey  
Behrakis

**COMMITTEE RESOLUTION:**

- That:
1. Pursuant to Section 34(1) (a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, The Council resolve to initiate an amendment to the Hobart Interim Planning Scheme 2015 to amend the Light Industrial Zone Use Table by removing the qualification to 'Food services', and inserting 'Resource processing' with the qualification 'If for food and beverage production' in the discretionary section of the table, as detailed in Attachment B to item 7.1.4 of the Open City Planning Committee agenda of 11 November 2019.
  2. Pursuant to Section 35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council certify that the amendment to the Hobart Interim Planning Scheme 2015 PSA-19-4 meets the requirements of Section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993* and authorise the General Manager and the Deputy General Manager to sign the Instrument of Certification, marked as

Attachment C to item 7.1.4 of the Open City Planning Committee agenda of 11 November 2019.

3. Pursuant to Section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, the Council place Amendment PSA-19-4 to the Hobart Interim Planning Scheme 2015 marked as Attachment B to item 7.1.4 of the Open City Planning Committee agenda of 11 November 2019 on public exhibition for a 28 day period following certification.

**Delegation: Council**

Supplementary item 11 was then taken.

## **8. REPORTS**

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### **8.1 City Planning - Advertising Report** **File Ref: F19/143987; 16/117**

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BRISCOE

That the recommendation contained in the report of the Director City Planning of 6 November 2019, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Denison	
Harvey	
Behrakis	

### **COMMITTEE RESOLUTION:**

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

**Delegation: Committee**

### **8.2 Delegated Decisions Report (Planning)** **File Ref: F19/143874**

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BEHRAKIS

That the recommendation contained in the report of the Director City Planning of 6 November 2019, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Denison	
Harvey	
Behrakis	

**COMMITTEE RESOLUTION:**

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

**Delegation: Committee**

**9. QUESTIONS WITHOUT NOTICE**

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

No questions were asked at the meeting.

**10. CLOSED PORTION OF THE MEETING**

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BEHRAKIS

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

- Confirm the minutes of the closed portion of the meeting
- Questions without notice in the closed portion

The following items were discussed:-

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

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Denison	
Harvey	
Behrakis	

**Delegation: Committee**

**SUPPLEMENTARY ITEMS**

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

- 11 18-44 Napoleon Street (CT39913/3, CT39913/4, CT39913/5) and Adjacent Foreshore and Area of the River Derwent, Battery Point - Partial Demolition, New Boatshed, Jetty Extension and Reclamation Works  
PLN-19-237 - File Ref: F19/144556**
- 

BRISCOE

That the recommendation contained in the report of the Development Appraisal Planner and the Acting Senior Statutory Planner of 5 November 2019, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Denison	
Harvey	
Behrakis	

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, new boatshed, jetty extension and

reclamation works at 1844 Napoleon Street Battery Point (CT39913/3, CT39913/4, CT39913/5) and adjacent foreshore and area of the river Derwent for the reasons outlined in the officer's report attached to supplementary item 11 of the Open City Planning Committee agenda of 11 November 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 PLN19237 1844 NAPOLEON ST BATTERY POINT (CT39913/3, CT39913/4, CT39913/5) AND ADJACENT FORESHORE AND AREA OF THE RIVER DERWENT 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 2019/01156HCC dated 15/8/2019 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

#### THC

The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, THC Works Ref: 6001 dated 29th October 2019, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

#### PLN s1

The maximum size of boats built or slipped is 100 tonnes in weight or 30m in length.



Reason for condition

To clarify the scope of this permit in compliance with clause 38.3.1 A1 (a) of the *Hobart Interim Planning Scheme 2015*.

PLN s2

[Hours of operation](#) within the Slipyards, other than within a building, must be between 7.00am and 9.00pm

Reason for condition

To clarify the scope of the permit in compliance with clause 38.3.1 A1 (b) of the *Hobart Interim Planning Scheme 2015*.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, gully drains, retaining wall gully 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).

*Advice:*

*Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.*

Reason for condition

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

ENG 2a

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

*Advice:*

*The Council does not consider a slope greater than 1 in 4 to constitute a lower level as described in AS/NZS 2890.1:2004 Section 2.4.5.3. Slopes greater than 1 in 4 will require a vehicular barrier or wheel stop.*

*Designers are advised to consult the [National Construction Code 2016](#) to determine if pedestrian handrails or safety barriers compliant with the NCC2016 are also required in the parking module this area may be considered as a path of access to a building.*

Reason for condition

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

ENG 2b

Prior to the issue of any approval under the *Building Act 2016* or the commencement of works on site (whichever occurs first), a certified vehicle barrier design (including site plan with proposed location(s) of installation) prepared by a suitably qualified engineer, compliant with Australian Standard AS/NZS1170.1:2002, must be submitted to Council.

*Advice:*

*If the development's building approval includes the need for a Building Permit from Council, the applicant is advised to submit detailed design of vehicular barrier as part of the Building Application.*

*If the development's building approval is covered under Notifiable Work the applicant is advised to submit detailed design of vehicular barrier as a condition endorsement of the planning permit condition. Once the certification has been accepted, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

Reason for condition

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

## ENG 2c

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

### *Advice:*

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

### Reason for condition

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

## ENG 3a

The access driveway and parking module (parking spaces, aisles and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required), or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

### 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) or treated with a durable all weather pavement and surface drained to the Council's stormwater infrastructure prior to the commencement of use.

### Reason for condition

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

#### ENG 5

The number of car parking spaces approved on the site, for use is three (3).

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

Reason for condition

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

#### ENG 8

The use of one (1) car parking space onsite is to be made available for people with a disability in accordance with Australian Standards AS/NZS2890.6:2009.

*Advice: NCC Clause 3.5(d) states accessible car parking spaces need not be designated where there is a total of not more than 5 car parking spaces, so as to restrict the use of the car parking space only for people with a disability.*

Reason for condition

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

#### 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, preexisting 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 siterelated service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENV 2

An approved Construction Environmental Management Plan must be implemented.

Prior to the commencement of works, a Construction Environmental Management Plan, prepared by a suitably qualified person, must be submitted and approved. The Construction Environmental Management Plan must:

- detail the proposed construction methodology and timeframes (particularly where works may have environmental impacts);
- identify potential environmental impacts associated with the works, including pollution, amenity and biodiversity impacts; and
- include measures to adequately avoid or mitigate all identified environmental risks.

Particular attention must be given to the landfill works, reclamation works and jetty extension works.

Issues to be considered and addressed must include, but are not limited to minimising water pollution by measures such as the timing of works for low tide/neap tide periods, use of a sediment fences or curtains, design of the reclaimed area and fill materials, management of runoff, management of potential construction debris, maximising offsite fabrication, management of potential spills from any construction machinery and the minimisation and/or management of sediment resuspension during piling and reclamation.

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

*Advice:*

*Once the CEMP 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 minimise the potential for environmental impacts from the construction works

ENV s1

Prior to the commencement of works and prior to the granting of building consent, the detailed design of the runoff capture and treatment system must be submitted and approved.

The approved design must be implemented and complied with.

*Advice:*

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

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

Reason for condition

To ensure that buildings and works dependent on a coastal location are appropriately designed and sited to account for risk from inundation

HER 6

The recommendations as set out in the 'Statement of Historical Archaeological Potential and Archaeological Impact Assessment', produced by Praxis Environment, dated February 2019 in the form of an 'Archaeological Method

Statement' shall be implemented in full. In addition, should any features or deposits of an archaeological nature be discovered on the site during excavation or disturbance:

- All excavation and/or disturbance must stop immediately; and
- a qualified archaeologist must be engaged to attend the site and provide advice and assessment of the features and/or deposits discovered and make recommendations on further excavation and/or disturbance; and
- All and any recommendations made by the archaeologist engaged in accordance with (2) above must be complied with in full; and
- All features and/or deposits discovered must be reported to the Council with 3 days of the discovery; and
- A copy of the Archaeologists advice, assessment and recommendations obtained in accordance with paragraph (2) above must be provided to Council within 20 days of receipt of the advice, assessment and recommendations.

Excavation and/or disturbance must not recommence unless and until approval is granted from the Council.

Reason for condition

To ensure that work is planned and implemented in a manner that seeks to understand, retain, protect, preserve and manage significant archaeological evidence

ENVHE 2

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

- Whether any site contamination presents a risk to workers involved in redevelopment of the site, or future users of the site, as a result of proposed

excavation of the site.

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

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

#### Reason for condition

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

#### ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, bylaws, 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.

## RIGHT OF WAY

The private right of way must not be reduced, restricted or impeded in any way, and all beneficiaries must have complete and unrestricted access at all times.

You should inform yourself as to your rights and responsibilities in respect to the private right of way particularly reducing, restricting or impeding the right during and after construction.

## FEES AND CHARGES

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

## DIAL BEFORE YOU DIG

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

**Delegation: Council**

## **12 1 Marieville Esplanade and Adjacent Road Reserve, Sandy Bay - Carpark Upgrade and Associated Stormwater Works PLN-19-176 - File Ref: F19/144746**

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### HARVEY

That the recommendation contained in the report of the Assistant Planner and the Acting Senior Statutory Planner of 7 November 2019, be adopted.

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Denison  
Harvey  
Behrakis

## COMMITTEE RESOLUTION:

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for carpark upgrade and associated stormwater works at 1 Marieville Esplanade, Sandy Bay for the reasons outlined in the officer's report attached to supplementary item 12 of the Open City Planning Committee agenda of 11 November 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-19-176 - 1 MARIEVILLE ESPLANADE SANDY BAY TAS 7005 AND ADJACENT ROAD RESERVE - Final Planning Documents except where modified below.

#### Reason for condition

To clarify the scope of the permit.

### ENG sw1

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

#### Reason for condition

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

### ENG 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 sw4

The new stormwater connection/s must be constructed and any existing abandoned connections sealed 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. The detailed engineering drawings must include:

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

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

approved detailed engineering drawings.

*Advice:*

*The applicant is advised to submit detailed design drawings via a Council City 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.*

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

Reason for condition

To ensure the site is drained adequately.

ENG sw5

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

Plans and computations to the satisfaction of Council must be submitted and approved, prior to commencement of work. The plans and computations, drawn to scale with dimensions, must:

- Be certified by a qualified and experienced civil engineer;
- Show the direction of stormwater run-off;
- Include layout plans and longitudinal sections of the proposed stormwater mains; and
- Include longitudinal and cross sections of the proposed open swale.

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 tr1

Traffic management within the parking module and associated road works must be installed prior to the commencement of use.

Traffic management design drawing(s) to the satisfaction of the responsible authority (including signage and line marking plans), must be submitted and approved prior to commencement of works. The design drawing(s) must:

1. Be prepared by a suitably qualified person
2. Include adequate means of delineation between the pedestrian path and the road carriageway
3. Include a linemarking legend & schedule with suitable descriptions of each linetype and the total length of each linetype itemised
4. Include appropriate signage in accordance with *AS 1742.11:2016*

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

*Advice:*

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

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

*to submitting for building approval may result in unexpected delays.*

Reason for condition

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

ENG tr2

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

The construction traffic (including cars, public transport vehicles, service vehicles, pedestrians and cyclists) and parking management plan must be submitted and approved, prior to commencement work. The construction traffic and parking management plan must:

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

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

*Advice:*

*Once the construction traffic and parking management plan has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*

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

Reason for condition

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

#### ENG 3a

The parking area must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 & AS 2890.5-1993, or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

#### Reason for condition

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

#### ENG 3b

The parking area design must be submitted and approved, prior to the commencement of work.

The parking area design must:

1. Be prepared and certified by a suitably qualified engineer,
2. Be generally in accordance with the Australian Standard AS/NZS2890.1:2004 & AS 2890.5-1993,
3. Where the design deviates from AS/NZS2890.1:2004 & AS 2890.5-1993, the designer must demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use, and
4. Show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement.

#### *Advice:*

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

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

Reason for condition

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

ENG 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.

ENG r1

Plans and specifications to the satisfaction of the responsible authority for the



proposed carparking area and new road construction within the Marieville Esplanade highway reservation and adjacent Council land must be submitted and approved prior to the commencement of works.

The plans and specifications must:

1. Be prepared by a suitably experienced civil engineer;
2. Be generally in accordance with LGAT - IPWEA -Tasmanian Standard Drawings and include the following:
  - a. Longitudinal and cross sections of the road, footpath, and kerb and channel;
  - b. A pavement design in accordance with the Austroads Pavement Design Guide, including associated laboratory results of soaked CBR tests on the subgrade; and
  - c. Construction details of the footpath, pavement, and associated kerb and channel in appropriate typical cross-sections.

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

*Advice:*

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

Reason for condition

To ensure the Council's road assets are constructed to an acceptable standard.

ENV 1

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

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

Reason for condition

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

ENV s1

The swale drain must be maintained in good condition, and following any major damage, either re-instated as soon as reasonably practicable or the area revegetated to minimise erosion risk based on the advice of a suitably qualified person.

Reason for condition

To minimise the risk of erosion.

ENV s2

The swale drain must not be sited seaward of the 'actively mobile area' line shown on drawing C-101 Rev. 1 in the document *Hobart City Council Short Beach Reserve, Sandy Bay Shoreline Erosion and Advice* by Flussig Spatial dated 11 November 2018.

Reason for condition

To minimise the risk of erosion.

ENVHE 1

All recommendations in the Site Investigation Report by COVA dated 10 October 2019 (FINAL) and Further Investigations dated 28 October 2019 must be implemented for the duration of the development and the ongoing use of the site.

Reason for condition:

To ensure that the risk to the developments workers as well as future users of the site remains low and acceptable.

ENVHE 2

A Waste Soil Management Plan (as per the COVA Site Investigation Report;

Section 10.2 Recommendations), must be implemented throughout the construction works.

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

1. Segregation and classification of excavated soils,
2. Management of soils/contaminated soils on-site,
3. Human and environmental protective measures,
4. Soil/contaminated soil disposal plan.

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

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

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

Reason for condition

To ensure contaminated soils are disposed of in accordance with the EPA Information Bulletin No. 105 and the Environmental Management and Pollution Control (Waste Management) Regulations 2010 during the construction period.

ENVHE 4

A Construction Management Plan must be implemented throughout the construction works.

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

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

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

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

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

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

Reason for condition

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

OPS s1

At the completion of works, all unsealed and unpaved areas are to be sown with grass. The area/s sown with grass must be fenced off while the grass is establishing, to prevent people walking over them and dogs digging in the soil. The fencing can be removed once the grass has grown to provide an effective ground cover.

Reason for condition

To maintain public health and safety.

ADVICE

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

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

#### CONDITION ENDORSEMENT PLANNING

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

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

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

#### CONDITION ENDORSEMENT ENGINEERING

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

Value of Building Works Approved by Planning Permit Fee:

Up to \$20,000: \$150 per application.

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

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

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

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

#### PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

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

#### NEW SERVICE CONNECTION

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

#### STORM WATER

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

#### 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 Infrastructure Division.

#### WORK WITHIN THE HIGHWAY RESERVATION

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

#### STORM WATER / ROADS / ACCESS

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

## WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment [website](#).

## WORK PLACE HEALTH AND SAFETY

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

## PROTECTING THE ENVIRONMENT

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

## LEVEL 1 ACTIVITIES

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

## NOISE REGULATIONS

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

## WASTE DISPOSAL

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

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

## FEES AND CHARGES

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

DIAL BEFORE YOU DIG

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

**Delegation: Council**

Item 8.1 was then taken.

There being no further business the Open portion of the meeting closed at 5.56pm.

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

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**CHAIRMAN**