



CITY OF HOBART

# **MINUTES**

## **City Planning Committee Meeting**

**Open Portion**

**Monday, 2 November 2020 at 5:00 pm**

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**City Planning Committee Meeting (Open Portion) held on Monday, 2 November 2020 at 5:00 pm.**

**This meeting of the City Planning Committee is held in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.**

**COMMITTEE MEMBERS**

Deputy Lord Mayor Burnet (Chairman)  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**NON-MEMBERS**

Lord Mayor Reynolds  
Zucco  
Sexton  
Thomas  
Ewin  
Sherlock

**PRESENT:** The Deputy Lord Mayor Councillor H Burnet (Chairman), Alderman J R Briscoe, Councillor W F Harvey, Alderman S Behrakis, Councillors M Dutta, W Coats and Z Sherlock.

**APOLOGIES:** Nil.

**LEAVE OF ABSENCE:** Nil.

Alderman Behrakis was not present for items 8.1 to 9, declared an interest in supplementary item 14 and retired from the meeting at 7.27 pm.

Councillor Dutta left the meeting at 5.16 pm, returning at 5.17 pm, left the meeting at 6.46 pm, returning at 6.47 pm.

Councillor Sherlock retired from the meeting at 7.16 pm and was not present for items 7.1.1 to 9.

The Chairman acknowledged the passing of the Council's former Manager Strategic Land Use Planning, Barry Holmes and paid tribute to his contribution to the Council within the field of development appraisal and policy planning over his many years of service. Condolences were expressed to Barry's wife Jan and two daughters.

**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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BEHRAKIS

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 19 October 2020](#) and the Special City Planning Committee meeting held on [Monday, 26 October 2020](#), be confirmed as an accurate record.

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

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*.

BEHRAKIS

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  
Harvey  
Behrakis  
Dutta  
Coats

#### **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.

BEHRAKIS

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  
Harvey  
Behrakis  
Dutta  
Coats

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.

Supplementary item 13 was then taken.

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

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**7.1.1 8 Degraeves Street, South Hobart and Adjacent Road Reserve -  
Partial Demolition and Alterations  
PLN-20-170 - File Ref: F20/112291**

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DUTTA

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 16 October 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for partial demolition and alterations at 8 Degraeves Street South Hobart Tas 7004 for the reasons outlined in the officer's report attached to item 7.1.1. of the Open City Planning agenda of 2 November 2020 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-20-170 8 DEGRAVES STREET SOUTH HOBART TAS 7004 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

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.

## 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.

## OCCUPATION OF THE PUBLIC HIGHWAY

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

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

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

## WORK 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.

## 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: Committee**

### **7.1.2 342 Argyle Street, North Hobart - Extension to Operating Hours PLN-20-610 - File Ref: F20/113488**

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## BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 21 October 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Behrakis	
Dutta	
Coats	

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for extension to operating hours at 342 Argyle Street North Hobart Tas 7000 for the reasons outlined in the officer's report attached item 7.1.2 of the Open City Planning agenda of 2 November 2020 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-20-610 342 ARGYLE STREET NORTH HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 14

The noise and odour generated by the Food Services use must not cause environmental harm when measured at the boundary of the property.

Reason for the condition

To ensure noise emissions do not cause environmental harm and do not have an unreasonable impact on residential amenity.

## PLN 6

The use must not be open to the public outside of the following hours:

- Monday – Sunday 11am - 8pm.

### Reason for condition

To ensure that non-residential use does not unreasonably impact on residential amenity.

### 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.

### PLANNING

To minimise interruption to the surrounding residential amenity, the applicant must ensure that the extraction mechanism is turned off within sixty (60) minutes of the close of business at night.

### PLANNING

Nothing in this permit removes the requirement to comply with previous planning permit PLN-18-901 condition pertaining to signage, TasWater requirements and protection of Council infrastructure.

### 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: Committee**

**7.1.3 38A Nicholas Drive and 24 Gardenia Grove and Nicholas Drive,  
Sandy Bay - Fire Trail and Associated Works  
PLN-20-360 - File Ref: F20/112471**

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BEHRAKIS

That the recommendation contained in the report of the Development Appraisal Planner and the Senior Statutory Planner of 15 October 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for fire trail and associated works at 38A Nicholas Drive, Nicholas Drive and 24 Gardenia Grove, Sandy Bay for the reasons outlined in the officer's report attached to item 7.1.3 of the Open City Planning Committee agenda of 2 November 2020 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-20-360 - NICHOLAS DRIVE & 38 A NICHOLAS DRIVE & 24 GARDENIA GROVE, SANDY BAY 7005 - 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: 3026 dated 23 June 2020, as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw6

All stormwater from the proposed fire trail must be discharged to the Council's stormwater infrastructure or to a Council approved system with sufficient receiving capacity prior to the commencement of use or 30 days of completion of works (whichever occurs first). All costs associated with works required by this condition are to be met by the owner.

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

1. be prepared by a suitably qualified person;
2. show the proposed discharging points and all existing creeks;
3. include long section(s)/levels and grades to the point of discharge; and
4. details of proposed measures to avoid or mitigate erosion and scouring.

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

*Advice:*

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

Reason for condition

To ensure that stormwater from the site will be discharged adequately.



## ENG 1

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

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

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

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

### Reason for condition

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

## ENV 9

Prior to the commencement of works, the edge of the *Eucalyptus globulous* dry forest vegetation community closest to the fire trail must be delineated and marked on site by a suitably qualified person. No works or disturbance (including storage or movement of vehicles) is to occur within the *Eucalyptus globulous* dry forest vegetation community as marked on site.

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values.

ENV 11

The Weed and Hygiene Management Plan, included as Appendix F in the Flora and Fauna Habitat Survey by North Barker Ecosystem Services dated 30 November 2018, must be implemented.

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values

ENV 2

An approved Construction Environmental Management Plan must be implemented.

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

- detail the proposed construction methodology (particularly where works may have environmental impacts);
- identify all potential environmental impacts associated with the works including erosion and sediment transfer, weed spread or introduction and excessive clearing of vegetation; and
- include measures to adequately avoid or mitigate all identified environmental risks, including soil and water management measures, soil stabilisation measures, management of rock and soil (including on- site stockpiling, soil importation or off-site disposal), management of cut vegetation, protection of vegetation to be retained and weed management.

Reason for condition

To minimise the potential for environmental impacts from the construction works

OPS 1

No encroachment is to occur on to adjacent private land. In sections where the private land boundary is very close to the new fire trail alignment, the lot boundary is to be marked on the ground before any works commence.

Reason for condition

To ensure that Council infrastructure is constructed on Council-owned land.

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.

## PART 5 AGREEMENT

It is recommended that the measures recommended in section 14 of the Slope Stability Assessment be implemented.

**Delegation: Council**

Supplementary item 14 was then taken.

## 8. REPORTS

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### 8.1 City Planning - Advertising Report File Ref: F20/115195

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BRISCOE

That the recommendation contained in the memorandum of the Director City Planning of 28 October 2020, be adopted.

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Dutta  
Coats

#### **COMMITTEE RESOLUTION:**

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

**Delegation: Committee**

**8.2 Delegated Decisions Report (Planning)**  
**File Ref: F20/115211**

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BRISCOE

That the recommendation contained in the memorandum of the Director City Planning of 28 October 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Deputy Lord Mayor Burnet  
Briscoe  
Harvey  
Dutta  
Coats

**COMMITTEE RESOLUTION:**

That the information contained in the memorandum *Delegated Decision 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

**9.1 Deputy Lord Mayor Burnet - Development Applications -  
Representations**  
**File Ref: 13-1-10**

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Question: Can the Director advise if there is any way representations submitted by family members of the applicant can be excluded and therefore not considered as part of the representation portfolio for development applications?

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

## **10. CLOSED PORTION OF THE MEETING**

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### COATS

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 Committee 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	
Harvey	
Dutta	
Coats	

**Delegation: Committee**

## SUPPLEMENTARY ITEMS

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### APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

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Mr Brendan Lennard (Representor) Mr Frazer Read, Mr Stefan Giameos and Mr George Giameos (Applicant) addressed the Committee in relation to supplementary item 11.

**11. 45 Elizabeth Street, Hobart and Adjacent Road Reserve - Partial Demolition, Alterations, Extension and Change of Use to General Retail Hire and Five Multiple Dwellings  
PLN-20-524 - File Ref: F20/116130**

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#### BRISCOE

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, extension and change of use to general retail and hire and five multiple dwellings at 45 Elizabeth Street, Hobart. The Council is satisfied that the proposal meets the requirements of the Scheme, specifically clauses E13.7.1 P1 and E17.7.2 P1. 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-20-524 45 ELIZABETH STREET HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

#### TW

**The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2020/01266-HCC dated 18/09/2020 as attached to the permit.**

Reason for condition

To clarify the scope of the permit.

#### ENG 12

**A construction waste management plan must be implemented throughout construction.**

**A construction waste management plan must be submitted and approved, prior to commencement of work on the site. The construction waste management plan must include:**

- **Provisions for commercial waste services for the handling, storage, transport and disposal of post-construction solid waste and recycle bins from the development; and**
- **Provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.**

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

Advice:

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

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

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

Reason for condition

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

### **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 13**

**An ongoing waste management plan for all commercial and domestic waste and recycling must be implemented post construction.**

**A waste management plan must be submitted and approved, prior to first occupation. The waste management plan must:**

- 1. Include provisions for the handling, storage, and disposal of domestic and commercial waste and recycle bins from the development;**
- 2. Specify a maximum bin size of 330L, and a maximum number of 4x bins for residential use; and**
- 3. Specify a maximum bin size of 240L, and a maximum number of 2x bins for commercial use.**

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

Advice:

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

Reason for condition

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

**ENG tr2**

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

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

**The construction traffic and parking management plan must:**

- 1. Be prepared by a suitably qualified person.**
- 2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.**
- 3. Include a start date and finish dates of various stages of works.**
- 4. Include times that trucks and other traffic associated with the works will be allowed to operate.**

5. **Nominate a superintendant, or the like, to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.**

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

Advice:

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 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.

#### **HER 9**

**The demolition of the masonry Kodak House sign is limited to only the inset panel with the embossed Kodak House text. The masonry "frame" must be retained and preserved.**

Reason for condition

To ensure that demolition in whole or part of a heritage place does not result in the unreasonable loss of historic cultural heritage values.

#### **HER 11**

**The external painted 'Kodak' signage on the North West Elevation (Existing) (drawing 20035\_DA09, dated August 2020) and South-East Elevation (Existing) (drawing 20035\_DA07, dated August 2020) must be repainted to the east of the existing sign, as shown on Drawing 20035\_DA07 dated October 2020 and provided to the Council on 30 October 2020. The replacement signs must match the existing sign in font, dimensions and depth. The colour must be approved by the Director City Planning.**

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 12**

**The replacement steel frame supporting the replacement sign must be affixed to the internal wall face of the masonry wall 'mount'.**

**The masonry wall adjacent to the areas of demolition must be made good and conserved using like for like materials and finishes.**

**All fixings of the steel frame must use non-ferrous materials.**

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

**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 13**

**Prior to the removal of the Kodak House sign and masonry panel, the sign and panel must be recorded using archival quality annotated photographs and drawings.**

**The photographs and drawings must be submitted and approved by Council prior to the commencement of demolition.**

Reason for condition

To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage.

**HER 17a**

**The exterior of the building must be painted to match the existing 'Kodak' yellow.**

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

**All work required by this condition must be undertaken in accordance with the approved plans and must be completed prior to occupation.**

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 17b**

**Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved which show details of the proposed openings on the south east and north east elevations including dimensions, location and any balustrading.**

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

#### Reason for Condition

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

#### **SURV 8**

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

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

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

#### Reason for Condition

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

#### **ADVICE**

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

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

#### **CONDITION ENDORSEMENT ENGINEERING**

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

**Value of Building Works Approved by Planning Permit Fee:**

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

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

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

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

**BUILDING PERMIT**

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

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

**PLUMBING PERMIT**

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

**OCCUPATION OF THE PUBLIC HIGHWAY**

You may require 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 an occupational license for use of Hobart City Council highway reservation (e.g. outdoor seating, etc). [Click here for more information.](#)

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

You may require a road closure permit for construction or special event. [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 FOR VEHICLE ACCESS TO ELIZABETH STREET MALL**

You may require a permit for vehicle access to the Elizabeth Street mall. Please contact the Hobart City Council's Customer Services and Parking operations.

### **STORM WATER**

**Advice:** Council notes that the site is subject to the severe overland flooding and all external doors should be outward opening and sealed to be flood proofed to withstand flood depth. Only the top half of the door should be glazed to minimise the internal flood damage.

### **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.](#)

### **CBD AND HIGH VOLUME FOOTPATH CLOSURES**

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

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

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

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

### **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.

MOTION CARRIED

### VOTING RECORD

#### AYES

Briscoe  
Harvey  
Behrakis  
Dutta  
Coats

#### NOES

Deputy Lord Mayor Burnet

## **COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for partial demolition, alterations, extension and change of use to general retail and hire and five multiple dwellings at 45 Elizabeth Street, Hobart. The Council is satisfied that the proposal meets the requirements of the Scheme, specifically clauses E13.7.1 P1 and E17.7.2 P1. 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-20-524 45 ELIZABETH STREET HOBART TAS 7000 - Final Planning Documents except where modified below.**

Reason for condition

To clarify the scope of the permit.

## **TW**

**The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2020/01266-HCC dated 18/09/2020 as attached to the permit.**



Reason for condition

To clarify the scope of the permit.

### **ENG 12**

**A construction waste management plan must be implemented throughout construction.**

**A construction waste management plan must be submitted and approved, prior to commencement of work on the site. The construction waste management plan must include:**

- **Provisions for commercial waste services for the handling, storage, transport and disposal of post-construction solid waste and recycle bins from the development; and**
- **Provisions for the handling, transport and disposal of demolition material, including any contaminated waste and recycling opportunities, to satisfy the above requirement.**

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

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

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

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

Reason for condition

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

### **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 13**

**An ongoing waste management plan for all commercial and domestic waste and recycling must be implemented post construction.**

**A waste management plan must be submitted and approved, prior to first occupation. The waste management plan must:**

- 1. Include provisions for the handling, storage, and disposal of domestic and commercial waste and recycle bins from the development;**
- 2. Specify a maximum bin size of 330L, and a maximum number of 4x bins for residential use; and**
- 3. Specify a maximum bin size of 240L, and a maximum number of 2x bins for commercial use.**

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

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

Reason for condition

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

### **ENG tr2**

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

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

- 1. Be prepared by a suitably qualified person.**
- 2. Develop a communications plan to advise the wider community of the traffic and parking impacts during construction.**
- 3. Include a start date and finish dates of various stages of works.**

4. **Include times that trucks and other traffic associated with the works will be allowed to operate.**
5. **Nominate a superintendant, or the like, to advise the Council of the progress of works in relation to the traffic and parking management with regular meetings during the works.**

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

Advice: 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 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.

#### **HER 9**

**The demolition of the masonry Kodak House sign is limited to only the inset panel with the embossed Kodak House text. The masonry "frame" must be retained and preserved.**

Reason for condition

To ensure that demolition in whole or part of a heritage place does not result in the unreasonable loss of historic cultural heritage values.

#### **HER 11**

**The external painted 'Kodak' signage on the North West Elevation (Existing) (drawing 20035\_DA09, dated August 2020) and South-East Elevation (Existing) (drawing 20035\_DA07, dated August 2020) must be repainted to the east of the existing sign, as shown on Drawing 20035\_DA07 dated October 2020 and provided to the Council on 30 October 2020. The replacement signs must match the existing sign in font, dimensions and depth. The colour must be approved by the Director City Planning.**

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 12**

**The replacement steel frame supporting the replacement sign must be affixed to the internal wall face of the masonry wall 'mount'.**

**The masonry wall adjacent to the areas of demolition must be made good and conserved using like for like materials and finishes.**

**All fixings of the steel frame must use non-ferrous materials.**

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

**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 13**

**Prior to the removal of the Kodak House sign and masonry panel, the sign and panel must be recorded using archival quality annotated photographs and drawings.**

**The photographs and drawings must be submitted and approved by Council prior to the commencement of demolition.**

Reason for condition

To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage.

**HER 17a**

**The exterior of the building must be painted to match the existing 'Kodak' yellow.**

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

**All work required by this condition must be undertaken in accordance with the approved plans and must be completed prior to occupation.**

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 17b**

**Prior to the issue of any approval under the *Building Act 2016*, revised plans must be submitted and approved which show details of the proposed openings on the south east and north east elevations including dimensions, location and any balustrading.**

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

#### Reason for Condition

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

#### **SURV 8**

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

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

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

#### Reason for Condition

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

#### **ADVICE**

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

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

#### **CONDITION ENDORSEMENT ENGINEERING**

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

### **Value of Building Works Approved by Planning Permit Fee:**

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

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

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

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

### **BUILDING PERMIT**

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

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

### **PLUMBING PERMIT**

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

### **OCCUPATION OF THE PUBLIC HIGHWAY**

You may require 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 an occupational license for use of Hobart City Council highway reservation (e.g. outdoor seating, etc). [Click here for more information.](#)

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

You may require a road closure permit for construction or special event. [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 FOR VEHICLE ACCESS TO ELIZABETH STREET MALL**

You may require a permit for vehicle access to the Elizabeth Street mall. Please contact the Hobart City Council's Customer Services and Parking operations.

### **STORM WATER**

**Advice:** Council notes that the site is subject to the severe overland flooding and all external doors should be outward opening and sealed to be flood proofed to withstand flood depth. Only the top half of the door should be glazed to minimise the internal flood damage.

### **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.](#)

### **CBD AND HIGH VOLUME FOOTPATH CLOSURES**

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

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

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

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

### **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**

Mr Brian Corr, Mr Stefan Vogel (Representors), Ms Catherine Williams, Mr Neil Mackintosh and Ms Irene Duckett (Applicant) addressed the Committee in relation to supplementary item 12.

**12 63 Davey Street, Hobart - Demolition, New Building for 30 Multiple Dwellings and 21 Student Accommodation Units including Carparking, and Associated Infrastructure and Access Works - PLN-19-319  
File Ref: F20/116068**

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DUTTA

That the recommendation contained in the memorandum of the Manager Development Appraisal of 30 October 2020, be adopted.

MOTION CARRIED

### VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Behrakis
Briscoe	Coats
Harvey	
Dutta	

## **COMMITTEE RESOLUTION:**

That pursuant to the Hobart Interim Planning Scheme 2015, the Council refuse the application for demolition, new building for 30 multiple dwellings and 21 student accommodation units including car parking, and associated infrastructure and access works at 63 Davey Street and 186 Macquarie Street, HOBART and adjacent road reserve, for the following reasons:

- 1 The proposal does not meet the acceptable solution or the performance criterion with respect to clause Part D 22.4.1 A1 and P1.1(a) of the Hobart Interim Planning Scheme 2015 because the development does not make a positive contribution to the streetscape and townscape, having regard to the height, bulk and design of existing and proposed buildings.
- 2 The proposal does not meet the acceptable solution or the performance criterion with respect to clause E13.8.2 P1 of the Historic Heritage Code of the Hobart Interim Planning Scheme 2015 because the proposal results in detriment to the historic cultural heritage significance of the precinct through its design and siting.
- 3 The proposal does not meet the acceptable solution or the performance criterion with respect to clause 22.4.1 P5 of the Historic Heritage Code of the Hobart Interim Planning Scheme 2015 because the proposed building unreasonably dominates and has a materially adverse impact on adjacent existing buildings of cultural heritage significance through its height.

**Delegation: Council**

Item 7.1.1 was then taken.

Ms Alison Stops and Ms Nada Slicer (Representors) and Mr Travis Little (Applicant) addressed the Committee in relation to supplementary item 13.

**13. 19 Allison Street, West Hobart - Partial Demolition and Alterations**  
**File Ref: F20/116006**

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BEHRAKIS

That the recommendation contained in the memorandum of the Manager Development Appraisal of 30 October 2020, be adopted, as amended by a revised privacy clause to read as follows:

“PRIVACY

The owner is encouraged to use pot plants and other vegetation along the full width of the side of the deck adjacent to 17 Allison Street and along the rear balustrade adjacent to 2 Blackwood Avenue to provide additional privacy.”

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Dutta
Briscoe	
Harvey	
Behrakis	
Coats	

**COMMITTEE RESOLUTION:**

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for partial demolition and alterations at 19 Allison Street, WEST HOBART for the reasons outlined in the officer's report attached to supplementary item 13 of the Open City Planning Committee agenda of 2 November 2020 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-20-550 - 19 ALLISON STREET, WEST HOBART TAS 7000 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN 1

In addition to the screening shown on the plans which form part of this application, screening must be installed prior to the first use of the deck and maintained, as follows:

- (a) on the side of the deck adjacent to 17 Allison Street;
- (b) to a height above deck surface level of 1.7m;
- (c) extending 2m from the point where the deck joins the house; and
- (d) constructed of white aluminium slats.

Reason for condition

To provide reasonable opportunity for privacy for the dwelling at 17 Allison Street.

## PLN 2

The deck must be reduced to a maximum depth (measurement from the house to the front edge) of 4.0m.

Reason for condition

To reduce the visual impacts of 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 Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

## 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](#).

## PRIVACY

The owner is encouraged to use pot plants and other vegetation along the full width of the side of the deck adjacent to 17 Allison Street and along the rear balustrade adjacent to 2 Blackwood Avenue to provide additional privacy.

## Attachments

A Nada Slicer - Deputation Supporting Information - 19 Allison Street ⇒ 

B Alison Stops - Deputation Supporting Information - 19 Allison Street ⇒ 

**Delegation: Committee**

Supplementary item 11 was then taken.

Alderman Behrakis declared an interest in supplementary item 14 and retired from the meeting at 7.27 pm.

**14. 42-44 Burnett Street, North Hobart - New Building for 31 Multiple Dwellings and General Retail and Hire, Subdivision (Lot Consolidation), Alterations to Access, and Associated Works - PLN-20-633**

File Ref: F20115977

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HARVEY

That the recommendation contained in the memorandum of the Director City Planning of 30 October 2020, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	
Briscoe	
Harvey	
Dutta	
Coats	

**COMMITTEE RESOLUTION:**

That a specific delegation be granted by the Council to the City Planning Committee to determine the following application:

- a. The Council, pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the City Planning Committee, the power to determine planning application reference PLN-20-633 for the property at 42-44 Burnett Street, North Hobart.
- b. The Council, pursuant to section 6(3) of the *Land Use Planning and Approvals Act 1993*, delegates to the Director City Planning the power to determine planning application reference PLN-20-633 for the property at 42-44 Burnett Street, North Hobart in circumstances where the application has been considered by the City Planning Committee and the Committee has not determined the application due to the vote on a motion being tied. The application must be determined by following the recommendation of the Council's officers, as specified in the report provided to the Committee.

**Delegation: Council**

Item 8.1 was then taken.

The Chairman adjourned the meeting at 7.16 pm for a comfort break.

The meeting was reconvened at 7.22 pm.

Item 7.1.1 was then taken.

There being no further business the meeting closed at 7.33 pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
16<sup>TH</sup> DAY OF NOVEMBER 2020.

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**CHAIRMAN**